

# County Court Courier

Conference of County Court Judges of Florida Volume 8, Number 1, Winter 2003

## Keys Judge Breaks Chains by Example

By Judge Peggy Gehl

When sitting as a circuit court judge in a criminal division, Judge Becker-Painter presides over adult Drug Court in the Marathon Courthouse. She has developed a physical fitness and exercise plan as part of her mandatory conditions of probation in order to help break the chains of addiction.

"There is a philosophy that I live, and I believe fits well for others – developing physical well-being rounds out other types of treatment for sound mental health," Judge Becker-Painter said. "I try to get the participants to begin thinking along the lines of physical well-being as part of their entire health-recovery picture."

Judge Becker-Painter orders the defendants to exercise three times a week for 30 to 60 minutes, depending upon their physical abilities.

### Running for Rehabilitation

Once a month Judge Becker-Painter runs with the participants across the old Seven Mile Bridge as far as Pidgeon Key, approximately four miles. She runs well ahead of most others who are only required to make the trip – whether by walking, running, cycling, or skateboarding. Most of them walk. The probationers wear her logo t-shirt: "JUDGE BECKER'S CHAIN BREAKERS," which signifies they are breaking the cycle of addiction. The shirt was designed in a contest held by the participants.

"There is a party atmosphere and an economy which caters to drugs and alcohol consumption in the Keys," Judge Becker-Painter said. "The exercise gives them some kind of activity to get away from the bars, and hopefully to release some endorphins, a natural way to feel good. Endorphins, unlike some other brain chemicals, are not suppressed by chronic drug abuse."



Monroe County Judge Ruth Becker-Painter, a seasoned, long-distance runner the past 28 years, has incorporated her passion for the sport into creative sentencing in Drug Court.

*The added element of physical exercise has been a success for some in Judge Becker-Painter's Drug Court who have gone on to participate in several local races.*

A veteran runner of eight marathons, including the Boston, New York, Marine Corps, and Walt Disney World marathons, Judge Becker-Painter also has won two gold medals and a silver in the Law Enforcement Olympics Half-Marathon.

Her idea to incorporate exercise into conditions of probation really took root when Judge Becker-Painter married her husband, Jim Painter, six years ago. Her husband is a Cooper Institute-trained personal trainer responsible for the Monroe County Sheriff's Department's fitness testing. He has competed with the judge in the Law Enforcement Olympics, where he has won the gold medal twice in an eight-event, 11-hour ordeal known as the "Toughest Cop Alive." Painter is also the holder of numerous track records in his home

state of Illinois. He is also an accomplished computer tech for MSO.

The added element of physical exercise has been a success for some in Judge Becker-Painter's Drug Court who have gone on to participate in several local races. One of her incentives is to help those who maintain their sobriety to shoot for the annual Seven Mile Bridge Run in April of each year.

A county judge for 12 years, Judge Becker-Painter is a graduate of Smith College where she was an honors major in microbiology. She graduated from Temple University School of Law and began her legal career with Florida Rural Legal Services, representing migrant farm workers in Palm Beach and St. Lucie counties. She joined the public defender's office in Key West where she served as chief assistant before her election to the bench.

Judge Becker-Painter also represents the 20th Judicial Circuit on the Board of Directors of the Conference of County Court Judges.

## Letter from the President

# Behind the Numbers Is a Story of Many Unique Individuals

By Judge Beth Bloom



A man died in my courtroom today. Not a defendant, not a case number, not a victim – no legal label assigned – just a man who came to court. If he had entered a plea and was sentenced that day, no one in the room would have cared about who he was. Yet, when his heart stopped and he could not be revived, suddenly everyone wanted to know more about him. It made me pause and think about what we do in our courtrooms everyday.

So often we, as judges, are forced to consider numbers—statistics—the ever-present responsibility to move cases through the system. How many of us stop to think about the effect our decisions have on the people before us?

In criminal court, there are so many pre-prescribed sentences—first minimums, credit for time served, a withhold and court costs—often times imposed without any peripheral vision. A man was ordered before me on a violation of probation. He had failed to complete his community service hours and his monies were not paid. Growing impatient, I quickly reminded him that jail was on his horizon. He began to cry and proceeded to give me a phone number for his son's school and told me there would be no one to pick up or care for his three year old. He was a widowed father with no family and was trying to make ends meet. He was working sixty hours

a week and trying to comply with the Court's probation conditions. Would taking him in to custody teach him a lesson? Would the effect on him and his child be much worse? What would you have done?

Another man was to be sentenced on his second DUI. His attorney was spending a considerable amount of time negotiating with the prosecutor. The defendant's family was at his side. The state recommended a sentence that did not include time in our in-jail treatment program. It was obvious that this man needed immediate treatment—his family members pleaded for it. Would you have accepted the agreed-to and recommended sentence? Wouldn't it move things along? If our job is to ministerially apply a set or pre-ordained rules with no accommodation for special circumstances, do we really need bright, insightful, well-trained judges?

We will be hearing so much about Revision 7 in the coming months. Our Trial Court

Budget Commission has been meeting and working so hard for the past two years, sifting through reports and culling information in order to arrive at a budget that will appropriately pay for our court system. As we work to educate the public and our legislative leaders on the importance of full-funding, we will, undoubtedly, look to numbers—the 2.8 million new cases (civil and criminal) filed each year, the \$292 million needed to operate the court system, etc. Our dockets are staggering. On a typical day, county judges will hear more than 100 cases. Yet our job entails so much more than closing cases. Behind each number is a story of so many unique individuals that rely upon our decisions.

The objective of this discussion is to make us all stop and reflect on the fact that we're not just dealing with numbers but with lives. A life was lost in my courtroom today. His name was Paul Bryant.



Conference President Beth Bloom with legislative leadership at the Winter Education Conference where House Speaker Johnnie Byrd (left) and Senate President Jim King (right) gave the judges a legislative update.

# Community Service: A Partnership that Works

By Judge Judith Hawkins, Leon County



**M**ichelle is busy washing and folding laundry at the Leon County Juvenile Detention Center. She started her shift at 7:00 p.m. and will finish at 11:00 p.m. She is not an employee or a volunteer. She has been sentenced by a judge in Leon County to complete 50 hours of community service as a condition of probation for driving while her license was suspended.

Like thousands of other residents, Michelle has been sentenced to serve community service as an alternative to a jail sentence. This viable option holds value for all participants. The not-for-profit agencies utilized receive a free workforce to help them serve their needs and the participants avoid a jail sentence. Many defendants (clients) enjoy the work so much that they continue to work long after their sentence has been completed.

Each year approximately 2,187 clients perform 84,301 hours at a cost savings to the country of \$434,150,15. Cost savings are computed at the minimum wage. In many instances, the skills that the client possesses are much more defined than those for a minimum wage task.

It is the coordinator's responsibility to match particular skills so that the com-

munity receives the highest dollar value for work rendered. The coordinator also looks at the hours the client is able to work and compares it with the hours of operation of the agency. The type of offense that the client is charged with is also considered so that they are not placed with agencies with a population that they may have victimized previously. An agency's desire not to accept clients with certain offenses must also be considered. Any not-for-profit agency can be considered for referral as long as they have a designated staff to supervise the work performed.

Denise Pimenthal, Assistant Superintendent of the Juvenile Detention Center, says that workers like Michelle are invaluable to her center. "I utilize the community service volunteers to work in the office, filing paperwork and answering the phone. We were able to cancel a local linen contract, which cost \$27,000 for the year, because we utilized community service workers to do the laundry. They also serve food, wash dishes, clean the kitchen and clean our building and grounds. The cost for the state over the past several years I would estimate to be over \$100,000. This program is very successful and has been vital in saving the State of Florida needed dollars. "The careful screening to determine who would be appropriate is also appreciated," says Pimenthal, "and is critical because we are a secure detention center, and have to make sure that the center's security is not compromised."

Karen Hagen, the Executive Director of the American Red Cross, Capital Area Chapter, agrees. "Making the right match enables everyone to have a win-win experience. Community service workers have provided mass care to disaster victims and emergency workers. They have participated in workshops and training, displays and events and supported our intake program. Some have even continued on with us and become instructors in Health and Safety Services. We care about these folks and they return the sentiments as evidenced by those who have become ongoing volunteers in our programs."

At the Shelter for the Homeless, clients wash clothes, prepare meals and clean the facility. The shelter's hours for operation are primarily overnight when the homeless return to the shelter for meals and a place to sleep. Clients that work this shift receive double the hours and supplement the meager overnight paid staff at the shelter. Mel Eby, Executive Director, says that "over the past five years, we have been provided with over 1,000 different workers who have served an incredible 50,000 hours assisting our staff." He further states that they could not accomplish their goals based strictly on their annual budget. Eby says that "the Shelter's board and staff are pleased that this program keeps many offenders from a jail sentence, which means significant savings of the taxpayer's dollars for the community."

Ira Reynolds, Assistant Supervisor of the Dade Street Community Center is thankful for the assistance provided to his agency. The homework center, seasonal carnivals, recreational activities, clerical and custodial tasks are just a few of the areas where workers helped the agency meet their needs, Reynolds says. "The services we've received have made an impact on our program. The manpower alone counts for more than 6,000 hours. We have reviewed the cost factor and estimate that this program has saved the city of Tallahassee more than \$37,000 in staff hours."

One local judge took a different approach when sentencing a juvenile to do community service. The Judge ordered a client to make better grades in lieu of 50 hours of service. This innovative sentence gave the client the following option; with a report card as proof, good grades were recognized by awarding an A = 5 hours, B = 4 hours, C = 2 hours. If the client made a 4.0 average at the end of the semester, all remaining hours would be waived.

This creative sentencing and others like it allow the defendants to learn from their experience with the criminal justice system make changes.

# Winter Conference 2003



Judges Jane Fishman (Broward), David Silverman (Brevard) and Mark Yerman (Citrus)



Sherrill Coleman, new Columbia County Judge Tom Coleman and Judge Carroll Kelly (Miami-Dade)



Broward County Judge Marty Dishowitz, Frieda Nichols and Santa Rosa County Judge Colie Nichols



Broward County Judges Marty Dishowitz and Peggy Gehl



Collier County Judge Larry Martin, Broward Judges Jerry Pollock, and Gary Cowart, Jeanne Pollock, and Brevard County Judge A. B. Majeed



Popular karaoke Judges Mary Jane Henderson (Volusia) and Fred Seraphin (Miami -Dade)

# Ritz Carlton • Amelia Island



Judges Mark King Leban (Miami-Dade) and Jane Fishman (Broward)



Judges sing *Lucy in the Sky* at karaoke night



Broward County Judge Peggy Gehl with former Conference President Bernie Jaffe (Miami-Dade)



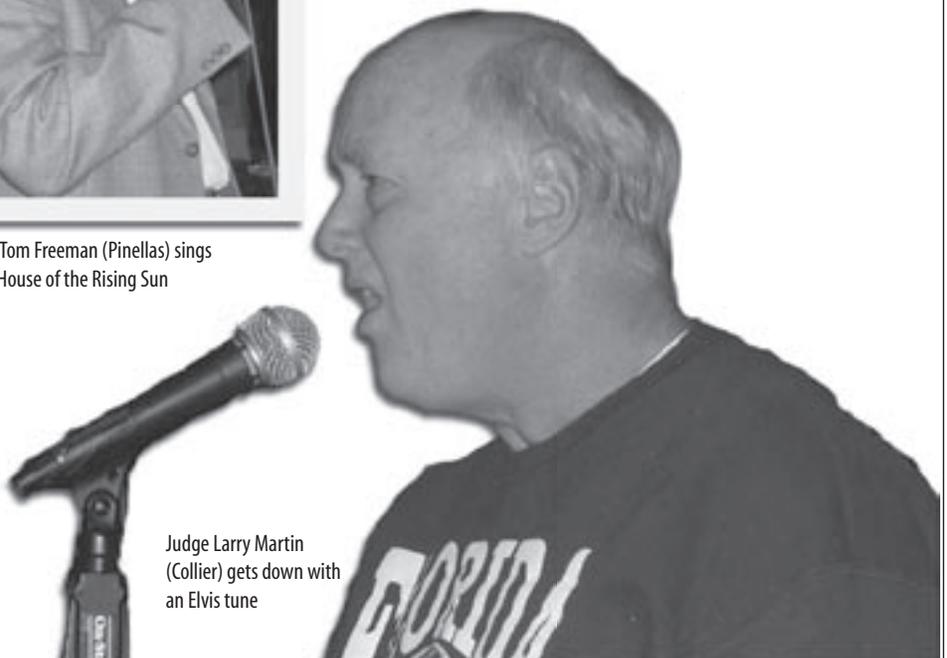
Judges Mark Yerman (Citrus) and Krista Marx (Palm Beach)



Judge Doug Henderson (Manatee) sings a country music favorite



Judge Tom Freeman (Pinellas) sings House of the Rising Sun



Judge Larry Martin (Collier) gets down with an Elvis tune

# Conference Welcomes New Judges

## Judge Rhonda Babb

The Conference welcomes Judge Rhonda Babb, our first judge from Trinidad, appointed to the bench in Brevard County by Governor Jeb Bush to fill the seat left vacant by the retirement of Judge Peter Haddad.

Judge Babb immigrated to New York at age 13 with her family from Trinidad in 1971. Three years later, her father passed away. Her mother encouraged her at that difficult time to "never give up."

After graduating from Samuel J. Tilden High School in Brooklyn, she earned degrees in medieval Spanish literature and African studies from Wellesley College in Massachusetts. That coursework led to graduate school and an academic scholarship to the University of Madrid. She aspired to attend law school, and worked her way through Brooklyn Law School, clerking for a Wall Street law firm by day and attending classes at night.

For the past six years at Central Florida Legal Services, Judge Babb specialized in civil litigation against schools on behalf of the disabled. She patrolled schools to provide extra services for those with special needs with no money to pay for special services.

Babb is a member of the Florida Bar Association, National Bar Association and the Brevard County Association for Women Lawyers. She is married to James Roberts, Jr. They have three children, son Jaime, 10; daughter Sadiya, 16; and stepdaughter Charisse, 18.

Welcome, Judge Babb!

## Judge Israel Reyes

The Conference welcomes newly-appointed Miami-Dade County Judge Israel "Izzy" Reyes.

Judge Reyes received his Associate in Arts degree in Criminal Justice from Miami-Dade Community College, his Bachelor of Science

Degree in Criminal Justice from Florida International University, and his Juris Doctorate from the Shepard Broad Law Center at Nova Southeastern University. He currently serves as an Adjunct Professor of Law at Nova Southeastern University teaching a workshop on Civil Forfeiture (litigation).

Judge Reyes served as an Assistant State Attorney for the 11<sup>th</sup> Judicial Circuit assigned to the Racketeering/Organized Crime Prosecution Unit where he specialized in civil forfeitures concentrating on illegal drug money laundering cases. He supervised the Civil Forfeiture Unit and co-chaired the Police Prosecutor Coordinating Committee's Battery on a LEO Sub-committee. In addition, he was selected as a Special Designated Assistant Statewide Prosecutor on a case-by-case basis litigating multi-judicial circuit money-laundering prosecutions, sworn as a Criminal Investigator, and served as the Police Legal Advisor to the Criminal Investigations Division.

Judge Reyes worked as an associate in the personal injury law firm of Needle Gallagher & Areces, P.A. litigating wrongful death, medical malpractice negligence cases and other civil negligence cases. He served as president of the Police and Media Consulting Group, conducting consulting and training in the areas of law enforcement procedure, media relations and public records issues.

Judge Reyes is an active public speaker on law enforcement and media issues. He has published numerous articles including: "Florida Toughens Laws, Programs to Combat Image as Laundering Hub," Money Laundering Alert, Volume 12, p.8, May 2001; "Florida's New and Improved Money Laundering Statutes." Seminar course book – Oceana Publications 14<sup>th</sup> Conference on Money Laundering, Cyber crime, and International Financial Crimes, pp. 513-518, February, 2001; and "Florida's Anti-Money Laundering Statutes," The Florida Bar Journal, vol. LXXIII, p.66-70, July/August, 1999.

Judge Reyes has been appointed to the Criminal Division.

Welcome, Judge Reyes!

## Judge Philip J. Yacucci, Jr.

The Conference welcomes new St. Lucie County Judge Philip J. Yacucci, elected to the bench on September 10<sup>th</sup> in a contested race

against Judge Alberta Widman.

Judge Yacucci graduated from Florida State University School of Law in 1980. Upon graduation, he was hired as an assistant state attorney in the major crimes division in St. Lucie County. In 1989, he was elected Public Defender for the 19<sup>th</sup> Judicial Circuit, serving in that post until 1993. In that year he entered private practice. He took part in more than 100 jury trials including numerous capital felonies, is a certified death penalty trial attorney, and a certified family and court mediator.

Judge Yacucci has lived in St. Lucie County for twenty-two years. He has two children Kathlynn, 19 and P.J., 14.

Welcome, Judge Yacucci!

## Judge Tom Coleman

The Conference welcomes new Columbia County Judge Tom Coleman, elected to the bench on September 10<sup>th</sup> in a contested race against Judge Jimmy Hunt.

Judge Coleman received his B.A. in Economics with Honors from the University of Florida in 1974, and graduated from its School of Law in 1977. Upon graduation, Judge Coleman was hired as an assistant state attorney in the Third Judicial Circuit where he served as a prosecutor the past 25 years.

Judge Coleman's career as an assistant state attorney is extensive. He served as Chief Assistant State Attorney for Columbia County at the time he resigned to run for judicial office. The previous 7 years, he served as Chief of the Special Prosecution Unit in charge of all homicide, complex crimes and child sex offenses. Judge Coleman has written three sections of the Florida Prosecutor's Manual, served as speaker for the Florida Bar Speaker's Bureau, is past chairman of the Third Circuit Unlicensed Practice of Law Committee, and since 1984, has lectured to law enforcement officers and attorneys



statewide, emphasizing search and seizure issues. In 1996, he received the Distinguished Faculty Award from the Florida Prosecuting Attorney's Association.

Judge Coleman was twice elected President of the Columbia County Law Enforcement Association, and, 25 years ago, was a founding member of the local chapter of Ducks Unlimited. He currently serves as a board member and is a Distinguished Past President of the Kiwanis Club of Lake City. He is also a third degree black belt who has enjoyed teaching karate the past 15 years at the Lake City Recreation Department.

Judge Coleman and his wife Sherrill have one son, Christopher, 25. The Judge is a native of Chipley and his parents, C.C. and Deliah Coleman, still reside in his hometown.

Welcome, Judge Coleman!

### Judge Michelle Peden

The Conference welcomes new Hillsborough County Judge Michelle Peden, appointed to the bench by Governor Jeb Bush.

Judge Peden is a graduate of Plant High School, Vanderbilt University and the University of Florida College of Law.

For the past four years she has defended clients in white-collar criminal and civil cases. She gained significant attention as a former state prosecutor who won a murder conviction in 1998 against notorious rapist and killer Lawrence Singleton.

Judge Peden replaces former County Judge Denise Pomponio who was appointed to the circuit bench.

Welcome, Judge Peden!

### Judge Colby Peel

The Conference welcomes newly-appointed Washington County Judge Colby Peel.

Judge Peel is a life-long resident of Washington County where he attended public schools and graduated from Chipley High School in 1990. He completed his Associate of Arts degree at Chipola Junior College in Marianna and graduated cum laude from Florida State University. In



**JUDGE COLBY PEEL**  
Washington County

1997, he received his Juris Doctorate from the Florida State University College of Law. During law school, he was selected to serve on the staff of both of the school's law journals, and was selected as the College of Law's top student in trial practice, receiving the Book Award.

Since law school, Judge Peel has practiced law primarily in Washington, Jackson and Holmes Counties. He was employed with the Green Law firm in Marianna and became a part-time Assistant Public Defender for Herman D. Laramore. In 1999, Judge Peel opened his own law office in Chipley where he practiced in the areas of Real Estate, Family Law, Contracts, Personal Injury, Probate, Small Claims, Municipal and County Government Law, Banking and Education.

Welcome, Judge Peel!

### Judge Richard J. Suarez

The Conference welcomes newly-appointed Miami-Dade County Judge Richard J. Suarez.

Judge Suarez received his Bachelor and Master's Degrees from the University of Miami, and his Juris Doctorate cum laude from the University of Miami College of Law. At UM law school he was a member of Phi Kappa Phi, national scholastic honor fraternity, listed in the top academic ten percent of his graduating class, and Phi Kappa Lambda, the national scholastic honor fraternity.

Prior to his appointment, Judge Suarez was a partner in the law firm of Corlett, Killian, Ober, Hardeman, McIntosh and Levi, P.A. as well as a partner in the firm of Hardeman and Suarez, P.A. His specialized areas of practice included civil, defense litigation, multi-district litigation, medical malpractice, personal injury, commercial litigation and contract law.

He is a member of the American Bar Association, The Florida Bar, and a member of the Standing Committee on Ethics and The Florida Bar Standing Committee for the Unlicensed Practice of Law for South Florida. He is also a member of the Dade County Defense Bar Association.

Judge Suarez has served as a faculty member in the Humanities Department of Miami-Dade Community College and the Music Department at Florida International University. He has also served as a member of the Board of Directors of the Ronald MacDonald House of South Florida, and the Board of Directors of WLRN Public Television Station.

Welcome, Judge Suarez!

## Conference and County Court Judges of Florida

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| President Elect | C. Jeffery Arnold    |
| Past President  | Eugene Turner        |
| Secretary       | Krista Marx          |
| Treasurer       | William R. Slaughter |
| Editor          | Peggy Gehl           |

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| First  | Buck Curtin          |
| Second | K. Doug Henderson    |
| Third  | Mark King Leban      |
| Fourth | Debra Moses Stephens |
| Fifth  | A.B. Majeed          |

### DIRECTORS

|                          |                      |
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| 3 <sup>rd</sup> Circuit  | William R. Slaughter |
| 4 <sup>th</sup> Circuit  | Charles G. Cofer     |
| 5 <sup>th</sup> Circuit  | Mark Yerman          |
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| 7 <sup>th</sup> Circuit  | Patti Christensen    |
| 8 <sup>th</sup> Circuit  | James P. Nilon       |
| 9 <sup>th</sup> Circuit  | James Glatt, Jr.     |
| 10 <sup>th</sup> Circuit | Mary Catherine Green |
| 11 <sup>th</sup> Circuit | Carroll Kelly        |
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| 13 <sup>th</sup> Circuit | James Dominguez      |
| 14 <sup>th</sup> Circuit | Robert E. Brown      |
| 15 <sup>th</sup> Circuit | Charles E. Burton    |
| 16 <sup>th</sup> Circuit | Ruth Becker-Painter  |
| 17 <sup>th</sup> Circuit | Joel Lazarus         |
| 18 <sup>th</sup> Circuit | David E. Silverman   |
| 19 <sup>th</sup> Circuit | Stewart R. Hershey   |
| 20 <sup>th</sup> Circuit | Edward Volz, Jr.     |

### COMMITTEE CHAIRS

|                                |                    |
|--------------------------------|--------------------|
| Admin. & Mgt.                  | James V. Dominguez |
| Awards & Merit                 | Mary Rudd-Robinson |
| Civil Rules                    | Ronald Legendre    |
| Conference                     | Cory Ciklin        |
| Criminal Rules                 | Olin Shinholser    |
| Editorial                      | Peggy Gehl         |
| Education                      | Mark King Leban    |
| Judicial Assistants            | Lawrence D. Martin |
| Legislative                    | Shelley J. Kravitz |
| Legislative Changes (Subcomm.) | Timothy Harley     |
| Professional Relations         | Sheldon Schwartz   |
| Senior Judges                  | William Seaver     |
| Sentencing                     | Buck Curtin        |
| Small Claims                   | Phyllis Kotey      |
| Traffic Rules                  | Peyton Hyslop      |

### PRESIDENT'S COMMITTEES

|                                     |                      |
|-------------------------------------|----------------------|
| Committee of 34                     | Thomas D. Skidmore   |
| Article V                           | Eugene Turner        |
| Single Tier/Concurrent Jurisdiction | George Roark III     |
| Court Technology                    | Anne Kaylor          |
| PECT                                | Carroll J. Kelly     |
| Family & Juvenile Law               | Bonnie Rippingjille  |
| Community Service                   | Mary Catherine Green |
| DUI Adjudication Lab Faculty        | Peter Evans          |

### County Court Courier

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# Administrative and Management Committee Recommends Amendments to Conference of County Court Judges By-Laws

Editor's Note: *The following changes to the Conference bylaws were approved at the winter business meeting in Amelia Island. If any Judge has additional changes they wish to propose, those changes must be submitted to the Committee by the Spring 2003 Board meeting. Questions or clarifications should be directed to the committee chair, Judge Jimmy Dominguez at (813) 272-5228.*

Article VIII, Subsection 5(a) currently reads:

Vacancies in the office occurring after the annual meeting other than the office of President, President – elect and immediate Past-President shall be filled by appointment by the President until the next annual meeting. However, when a vacancy occurs in the Office of Circuit representative, the circuit having that vacancy shall have fifteen (15) days within which to replace their own representative. If the Circuit representative is not replaced by the circuit within fifteen (15) days then the responsibility to appoint that representative reverts to the President.

The following suggested change to Article VIII, Subsection 5(a) was approved by unanimous vote:

If any vacancies in any office occur after the annual meeting the President or acting President shall notify the members of the Board of Directors of such vacancy and the vacancy shall be filled by appointment of the Board of Directors at the next quarterly Board of Directors meeting, however, that appointment shall take place no sooner than 30 days after said vacancy. The appointment for a vacancy in the Judicial Qualifications Commission shall be exempt from this thirty (30) day provision. When a vacancy occurs in the office of the Circuit Representative, the circuit having the vacancy shall have fifteen (15) days within which to replace their own representative. If the Circuit Representative is not replaced by the circuit within fifteen (15) days then the responsibility to appoint that representative reverts to the President.

Article VIII, Subsection 5(b) currently reads:

Should the office of President-elect become vacant except as provided in Section 5(c) of this Article, said office shall be filled by a member appointed by the Executive Committee at a special meeting. The meeting shall be called and the vacancy filled within thirty (30) days of the vacancy. If the annual meeting occurs within thirty (30) days of said vacancy then, the vacancy may be filled at the annual meeting by general election.



Members of the Administrative and Management Committee formalize bylaw changes at the fall committee meeting in Sarasota. From L-R: Judge Sonny Palomino (Hillsborough); Judge Ruth Becker-Painter (Monroe); and the committee chair, Judge Jimmy Dominguez (Hillsborough).

The suggested amendment to Article VIII, Subsection 5(b) that the entire Article should be repealed was approved unanimously.

Article VIII, Subsection 5(c) currently reads:

Should the office of President and President-elect become vacant at the same time, then the office of President shall be assumed by the Secretary and the office of President-elect and the office of Secretary shall be filled by members appointed by the Executive Committee at a special meeting as outlined in Section 5(b) of this Article. If the annual meeting occurs within thirty (30) days of said vacancy then the vacancy may be filled at the annual meeting by general election. Should there be a need for a special meeting of the Executive Committee it shall be presided over by the Immediate Past-President, or in his or her absence or inability, by the Treasurer.

The amendments suggested with regard to Article VIII, Subsection 5(c) were approved unanimously, however, the former Article VIII, Subsection 5(c) will now be Article VIII Subsection 5 (b) as the former Subsection 5(b) would be repealed:

Should the office of President and President-elect become vacant at the same time, then

the office of President shall be assumed by the Secretary, as acting president, and the office of President or President-elect and vacancy created by the filing of such existing vacancy, shall be filled by members elected by the Board of Directors at a special meeting called by the acting President which shall occur no later than thirty (30) days after such vacancies occur. If the annual meeting occurs within thirty (30) days of said vacancies then the vacancy shall be filled at the annual meeting of the Board of Directors it shall be presided over by the acting President or in his or her absence or inability, by the Immediate Past-President.

Article VIII, Section 6 currently reads:

The terms of office for all officers shall be one (1) year.

The following suggested change was approved unanimously:

The terms of office for President and President-elect shall be for one (1) year.

Article VIII, Section 7 will be repealed.

Article VIII, Section 8 currently refers to previously changed sections, therefore the reference to 5(c) will be deleted.

# Racing on the Highways

The Racing on the Highways statute, F.S. 316.191, a second degree misdemeanor, has been amended effective October 1, 2002. For a first conviction under this statute, the Court must order a fine of not less than \$250 nor more than \$500, and the Department of Motor Vehicles shall revoke the driving privileges for one (1) year.

Additionally, the Court MAY now enter an order of impoundment or immobilization as a condition of incarceration or probation.

The pertinent changes to the statute affecting the impoundment or immobilization are as follows:

“Whenever a law enforcement officer determines that a person was engaged in a drag race or race, . . . , the officer may immediately arrest and take such person into custody. The court may enter an order of impoundment or immobilization as a condition of incarceration or probation. Within 7 business days after the date the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the vehicle.”

## Resolution of the Board of Directors of the Conference of County Court Judges

Whereas, Judge L. Thomas McAnnally died on October 13, 2002, from injuries sustained in a tragic accident; and

Whereas, Judge McAnnally served with distinction as County Court Judge in Clay County, Florida, since his appointment by the Honorable Bob Graham in 1986; and

Whereas, Judge McAnnally has been described by friends and colleagues as a “dedicated judge,” a “people’s judge,” a “bright judge,” a “fair judge,” a “professional judge,” an “accessible judge,” and an “irreplaceable judge.” and

Whereas, Judge McAnnally was a credit to his community, his church, and his family; and

Whereas, Judge McAnnally was active in the Conference of County Court Judges and made substantial contributions to his committee work and participation in the educational conferences,

BE IT HEREBY RESOLVED by the Board of Directors of the Conference of County Court Judges that an appropriate memento be presented to Virginia Bruce McAnnally recognizing Judge McAnnally’s contributions to Clay County, the State of Florida, and the Conference of County Court Judges.

Unanimously adopted by the Board of Directors of the Conference of County Court Judges this 16 day of January, 2003

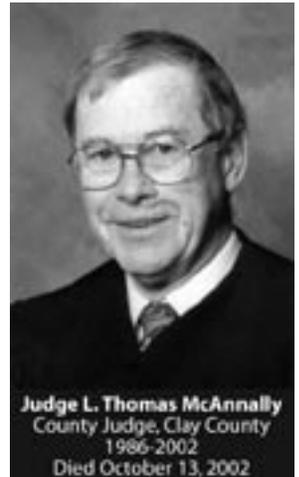
Beth Bloom, President  
Krista Marx, Secretary

# Judge McAnnally Dies of Injuries

Reprinted from the *Florida Times-Union*

We regret to report that Clay County Judge Tom McAnnally, known for his accessibility and fairness, died of injuries from a tractor accident on his Green Cove Springs property in October at age 63.

Judge McAnnally was clearing land with his nephew when one of their tractors became stuck. Judge McAnnally was fatally injured when the tractor he was operating rolled over on him as he tried to free the second machine. Judge McAnnally was taken to Shands Jacksonville hospital where he died of severe internal injuries.



A County Judge since 1986, Judge McAnnally was an affable and well-respected judge. “He’d answer the phone any time of day,” his nephew said. “He’d always talk with people whenever they called.”

Born in Portsmouth, Virginia, Judge McAnnally moved to Green Cove Springs, where he graduated from Clay County High School, received a bachelor’s degree in business, and worked as a certified public accountant before attending law school at the University of Florida.

Judge McAnnally began practicing law in 1971 and served as a judge for Green Cove Springs in 1972 and 1973.

Circuit Judge William A. Wilkes practiced law with Judge McAnnally through the 1970s. He said Judge McAnnally was well suited to his job. “He had a personality that fit a county judge,” Wilkes said. “He enjoyed helping people. He was extremely bright. Everyone left the table feeling they had gotten a fair shake.”

The Judge is survived by his wife of 32 years, Virginia (Bruce) McAnnally of Green Cove Springs; his son, Tim McAnnally, of St. Augustine; and a daughter and three grandchildren.



(L-R) Judge Jeffrey J. Colbath, Immediate Past President, Conference of County Court Judges, Tod Aronovitz, President of The Florida Bar, and County Judge Jeffrey Swartz, Chair of JEAC

County Judge Cory Ciklin (L) and Circuit Judge Jeffrey J. Colbath

## Working Together

At the Summer Conference of County Court Judges, the conference hosted Florida Bar President, Tod Aronovitz and Rob Lubitz, State Court Administrator. Here is a good example of the Bar working with the Judiciary. The leaders of the conference are supportive of the Dignity in Law program.

**Florida Bar Small Claims Rules Committee**

Judge Sharon Zeller, Chair

Judge Zeller reported proposed new rules in small claims. One new proposal would extend the time for setting pretrial conferences from 35 days after action commences to 50 days to give parties time to receive their notices.

The second new proposal would require a corporation to designate in writing a representative for small claims actions. This would prevent those without authority to make decisions or settle disputes from wasting the court's pretrial hearing time.

Judge Zeller also serves as the new President of the Stephen R. Booher Inn of Court in Broward. The Inns of Court meet regularly to focus on improving lawyers' sensitivity to issues involving professionalism, ethics, civility, and excellence in the practice of law. This not only serves as an important mentoring tool for new law student members but a solid reminder to seasoned lawyers and judges on dignity in law. Other county judges who donate valuable time and service to the Inn are Broward County judges Robert Diaz, Robert Lee, Peggy Gehl, Jane Fishman, Jerry Pollack, Linda Pratt, Ginger Lerner-Wren and Kathleen Ireland.

**Civil Committee**

By Judge Jerry Pollack

The Civil Committee met at the Sarasota Ritz for its fall meeting. Judge Grube reported on The Florida Bar Civil Rules Committee by reporting that it is the largest Florida Bar committee and has taken many of its new ideas from the Small Claims Rules. Suggested changes to the rules passed The Florida Bar committee, including:

- A form for a Satisfaction Judgment
- Limiting the number of Requests for Admission (Rule 1.370)
- Approving in concept certifications that an attempt to resolve was/will be made prior to hearing on Motions to Compel Discovery
- Researching a Final Judgment form protecting the privacy of a party's social security information
- Adding the Small Claims Fact Information Sheet form for non-individuals into the Civil Rules
- Modifying summonses to contain defendant's name throughout the form

The Committee opposes the repeal or amendment to Rule 1.420(e) Failure to Prosecute.

The Committee discussed an amendment to Rule 2.085, Time Standards to Trial, regarding actions pursuant to Florida Statute 627; adding an Offer of Judgment

rule into Small Claims Rules; and the advantages/disadvantages of excluding PIP cases from Small Claims Rules and thus proceeding under the Civil Rules regardless of the disputed amount.

**Sentencing Committee**

By Judge Aymer "Buck" Curtin

The Sentencing Committee met on October 8th at the Sarasota Ritz and discussed imposition of costs of incarceration, among many other issues. Costs imposed pursuant to Florida Statute 960.293(2) (incarceration and corrections costs) continue to be the subject of conflicting views. Judges are encouraged to review the statute and case law, and to contact either Judge Curtin or Judge Lazarus of Broward County to review orders currently in use.

The imposition of mandatory versus discretionary costs continues as a very confusing issue. The Education Committee intends to address this issue at the 2003 Summer Educational Conference.

Judge Eriksson asked the Committee to review the impoundment statute. The Committee decided to take no action at this time.

Without getting involved in substantive issues, the Committee would request the Florida Legislature to revisit Driving While License Suspended/Revoked for nonpayment of traffic fines. These cases constitute the majority of all the criminal traffic cases. The Committee feels an alternative is needed to assist those suspended for failure to pay fines in getting their driving privileges reinstated thus avoiding a possible 5-year suspension as an habitual traffic offender.

The Committee also discussed "when does a person need a driver's license to drive a two or three-wheeled motor vehicle with an engine less than 50cc?" The Committee determined that based upon the latest directive from the Department of Motor Vehicles, anyone who operates a moped, scooter and any other two or three-wheeled motor vehicle on the streets or highways of the State must be at least 16 years old and hold at least a regular Operator's license or a Motorcycle Only license. The only exception appears to be if one is at least 16 years old, you are permitted to ride a bicycle with an electric helper-motor that is not capable of exceeding 20 mph.

**Single Tier/Concurrent Jurisdiction Committee**

By Judge G.T. Roark III

The committee met in Sarasota to discuss the various forms of Single Tier systems and Concurrent Jurisdiction, focusing on advantages and disadvantages of each to

taxpayers and judges alike. Assignments for the winter conference included a fiscal analysis from the Vice Chair and gathering of information from other members for future report. The Committee takes no position at this time but is still gathering information for future use.



**COURIER NEWS**

**Civil County Court Jury Instructions**

Dade County Judge Wendell Graham has been appointed as co-chair of a Florida Standard Jury Instructions Committee subcommittee to consider proposed Civil County Court Instructions.

Judge Graham requests thoughts, comments, and suggestions on areas for which our judges feel instructions would be appropriate. He asks our judges to submit instructions they use, particularly in respect to PIP cases.

You may contact Judge Graham by e-mail at:

**wgraham@jud11.flcourts.org**

By mail at his chambers:

**3100 Ponce de Leon Blvd.**

**Coral Gables, FL 33134,**

or telephone him at **(305) 569-2518.**

**Judge Speaks to Teens**

Judge Christina Pereyra-Shuminer spoke at Palmetto Senior High School for Red Ribbon Week. Red Ribbon Week focuses attention on drug and alcohol awareness. Judge Pereyra -Shuminer spoke to the Senior Class about the impact drugs and alcohol have on domestic violence cases, traffic cases, civil cases, and the financial impact on the lives of those who abuse alcohol and their families.

# Florida Supreme Court Justice Raoul G. Cantero, III Visits the Conference of County Court Judges



Judge Amy Williams (Pinellas), Justice Cantero, Judges Fred Seraphin (Miami-Dade), and Bonnie Rippingille (Miami-Dade).

Justice Raoul G. Cantero, III was appointed to the Court on July 10, 2002, by Governor Jeb Bush. Before his appointment, he was a shareholder and head of the Appellate Division of the law firm of Adorno & Yoss in Miami. He specialized in civil and criminal appeals at all levels, and also has extensive experience in commercial litigation. He has been Board-certified in appellate practice since 1995.

Justice Cantero addressed members of our Conference at a luncheon at our Winter Education Conference in Amelia Island.

Justice Cantero holds a Bachelor of Arts degree summa cum laude in English and Business from Florida State University, and a law degree cum laude from Harvard Law School. He has written and lectured on various topics, including Florida appellate procedure, federal appellate jurisdiction, expert witnesses, jury voir dire, and federal civil procedure.



Justice Raoul G. Cantero, III



Florida Supreme Court Justice Raoul Cantero (L) visits with Conference President Judge Beth Bloom (Miami-Dade).



Justice Cantero greets retired Florida Supreme Court Justice Ben Overton at the outside luncheon at Amelia Island.

## Upcoming 2003 Events

### SPRING MEETINGS

**April 14-15, 2003**  
**Celebration Hotel**  
**700 Bloom Street**  
**Celebration, Florida 34747**

### SUMMER CONFERENCE

**July 23-25, 2003**  
**Marco Island Marriott**  
**400 South Collier Boulevard**  
**Marco Island, Florida 34145**

### FALL MEETINGS

**October 22-24, 2003**  
**The Ritz-Carlton, Naples**  
**280 Vanderbilt Beach Road**  
**Naples, Florida 34108**

## County Court Civil Bench Book

If you have any checklists for civil subjects, please forward a copy to:

**The Honorable Carolyn B. Freeman**  
**County Judge**  
**425 North Orange Avenue #430**  
**Orlando, FL 32801**

**E-mail: [ctjucf1@ocnjcc.org](mailto:ctjucf1@ocnjcc.org)**

### ARTICLE DEADLINE FOR NEXT COURIER

**The Next deadline for the County Court Courier is March 31, 2003**



## Watching the Space Shuttle Columbia launch

Judges attending the Winter Education Conference at Amelia Island watch the Space Shuttle launch on January 16th. The Conference sends condolences to the families of the Columbia crew.



### County Court Courier

201 SE 6th Street, Room #335  
Ft. Lauderdale, FL 33301

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