



COUNTY COURT COURIER



Volume 3, Number 12

June, 1997

Minutes of the Executive Board Meeting Conference of County Court Judges Tallahassee, Florida April 25, 1997

The meeting convened at 8:15 and President Grimes opened the meeting by thanking Conference Manager Earl Collins for his efforts and all the officers and Circuit Representatives for their participation in the Wednesday evening (04/23/97) Legislative Reception. The reception, the conference meetings, and the Radisson Hotel were all good and the Board wants to return to Tallahassee next spring.

President Grimes appointed Judge Buzzy Heinrich as Second DCA Vice President to replace newly-appointed Circuit Judge Peter Ramsberger.

The previous Minutes were approved

as was the Treasurer's Report.

All new County Judges receiving name plaques from our Conference may request the inscription date (investiture or election/appointment), however, the cost of any change after engraving will be paid by the individual judge, not the Board.

Deputy Court Administrator, Peggy Horvath informed the Board that the Judicial Management Council (JMC) has been revived and pursuant to constitutional mandate is developing a long-range plan to 2020 and, in the process, is convening focus groups to define key challenges, strategies, and approaches to meeting these long-range challenges. Justice Harding, beginning Spring, 1998, will be the first Chief Justice to implement the JMC's vision and long-range plan initially through its 2-year operational plan.

Deputy Administrator Horvath noted that public response has been favorable and respectful toward Florida's judges but frustrated with the system. At the same time, judges are now faced with more pro se litigants and more "value issues" such as privacy, genetics, right to die, etc.

Former President Zack, a JMC member, then explained the process involved in the proposed Judicial Evaluation Procedure, a newly-designed JMC six-month pilot program. This generated a lively discussion and raised some important concerns.

A UNISYS management team appeared before the Board to explain

⇒ **Continued Page Three (3)**

Minutes Continued

OFFICERS

President.....	Hubert L. Grimes,	P
Pres.-Elect.....	Eugene Turner,	P
Past President.....	Robert Zack,	P
Secretary.....	Judy Goldman,	P
Treasurer.....	Leonard Feiner,	P
Courier Editor.....	Rad Smith,	A

VICE PRESIDENT (DCA)

First.....	Peter K. Sieg,	A
Second.....	Pete Ramsberger,	A
Third.....	Larry Schwartz,	P
Fourth.....	Ron Rothschild,	P
Fifth.....	Steve Carter,	P

DIRECTORS

1st Circuit.....	Tom P. Maney,	A
2nd Circuit.....	Jill Walker,	A
3rd Circuit.....	Bill Slaughter,	P
4th Circuit.....	Richard Townsend,	A
5th Circuit.....	Donna F. Miller,	A
6th Circuit.....	Steve Rushing,	A
7th Circuit.....	Thomas Bevis,	P
8th Circuit.....	Buck Curtin,	P
9th Circuit.....	Margaret Waller,	P
10th Circuit.....	Michael Hunter,	A
11th Circuit.....	Shelley Kravitz,	P
12th Circuit.....	Barbara Briggs,	A
13th Circuit.....	Walter Heinrich,	P
14th Circuit.....	Robert Brown,	P
15th Circuit.....	Cory J. Ciklin,	A
16th Circuit.....	Ruth Becker,	A
17th Circuit.....	Joel Lazarus,	P
18th Circuit.....	Phillip Fougerousse,	P
19th Circuit.....	Stu Hershey,	A
20th Circuit.....	Keith Carey,	P

COMMITTEE CHAIRS

Conference.....	Earl Collins,	P
Sentencing.....	Olin Shinholser,	P
Criminal Rules....	Buck Curtin,	P
Traffic Rules.....	Peyton B. Hyslop,	P
Adm. Mgm.....	A.B. Majeed	P
Legislative.....	Peter Blanc	P
Civil Rules.....	Ronn Legendre	P

OTHERS PRESENT

Alfred Washington, Tom Skidmore, Tom Lynch, Tom Freeman, Jeff Colbath, Karl Grube, Woody Hatcher, Terry Lewis.

County Court Courier Conference of County Court Judges of Florida

Room 209, Old Court House,
324 S. Ft. Harrison Avenue
Clearwater, FL 34616
(813) 464-3261

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The President's Message

by Judge Hubert L. Grimes

In keeping with the central theme of the conference - Education, Fairness and Leadership, this column will be dedicated to the issue of leadership. Leadership is best defined as a series of traits, or abilities that influence, inspire, direct, encourage, mobilize or motivate others to pursue a common purpose. A good leader not only leads but also seeks to pull out the best in those to whom he/she has been entrusted to lead.

The role of a trial judge is multifarious. As elected or appointed judicial officers, we are viewed by our electors as one of many community leaders. As sitting jurists, not only do we resolve issues between litigants, our rulings carry enforcement authority. We are viewed by the citizenry as learned and wise, both as a result of our formal education and the positions we occupy. Citizens with pending cases look to us as problem solvers, arbiters, enforcers of justice and dispensers of mercy. In short, we are historically depicted as leaders within our communities, whether we accept the mantle or not.

As our state and nation continue to wrestle with the issues of crime, and the ever increasing litigation caseloads, judges are often being viewed as part of the problem; both by the media and the public. Irrespective of whether these perceptions are true, many of us seem to be unaware or unconcerned that the communities in which we serve are crying out for us to view our role as not being merely limited to the courtroom.

Of course, for some, the immediate response to this clarion call will be "the Code prohibits me from being involved in my community" or "my title as an elected constitutional officer should not be compromised by anyone telling me

that I need to do anything other than judging". For those persons, my reply simply put is "chill".

Each person on the planet, including judges, has a purpose in this life. I am a

firm believer that service is the price we pay for the space we occupy. Many, if not most, of our judges are currently involved in service outside our courtrooms. For those that are not, I encourage you to get involved in some aspect of our community. Mentor a child or a teen before he or she winds up on a court docket. Coach little league, speak at an elementary or middle school, do a courthouse tour for youth or elders, serve as a teen court judge, or officiate a soft ball game, etc., etc., etc. Find a service organization in the community consist-

ent with your calling in life and contribute your time and talents.

Not only will such service improve

the life of someone you touch; you will be amazed at the psychological benefit that you will personally receive. Further, you will be able to add to the collective respect for judges and the judiciary.

Write to me when time permits between your activities and court. I am interested in highlighting the variety of services which our judicial leaders are providing. Who knows, our examples may inspire, encourage or motivate others to do likewise. After all, isn't that what leadership is all about?

DHSMV Appoints Judicial Liaison

by Karl B. Grube

Do some of the decisions of the Department of Highway Safety and Motor Vehicle amaze, astound, or perplex you? When you've tried to figure things out and even the clerk and your local DHSMV rep. can't help; who do you turn to? You can turn to Chris Franzetti, that's who.

Christine Franzetti, Operation & Management Consultant Manager DUI Programs Section

Christine Franzetti was appointed in January as our judicial liaison to the DHSMV. Sandra Lambert, Director of the Division of Driver Licenses, described the appointment as an effort to provide a knowledgeable Tallahassee based employee who would be available to the judiciary.

Chris is well known to many of our County Judges as having worked with them on DUI Programs Review Board Site visits throughout the State. Her background includes a Master's degree in Education and Counseling, being a certified DUI evaluator, and a Senior Court Program Specialist with the State Courts Administrator's office. She currently occupies the position of Operations and Management Consultant Manager in the DUI Programs Section of the Bureau of Driver Education and DUI Programs.

Her DHSMV responsibilities include evaluating and monitoring DUI program compliance, providing training to certified DUI program staff and providing technical assistance to local DUI programs and their clients. Chris says that she is looking forward to a productive working relationship with Florida's County Court Judges. If you need her assistance, she can be reached at (904) 487-1227.



from Page One

changes in management aimed solely at addressing complaints. Through the establishment of a grievance unit, UNISYS expects to be in full compliance with the 30-day deadline for claims by the end of May. They attributed the many problems and factors of failure to a short start-up period, insufficient time for training, and a backlog of 40,000 claims. The Board offered numerous comments about the profound negative impact UNISYS has had on many of us, including being dropped by some of our physicians.

For ongoing, unresolved claims, contact Grievance Unit Supervisor Sue Schmitt at (904) 216-3749. For provider problems, contact Barbara Doran in the Project Director's Office, at (904) 216-3780, or Ron Veazy at (904) 216-3243.

Judge Collins announced the Fall Executive Board Meeting will be held October 29-31, at the Ocala Hilton, and the Winter Conference will be at the Radisson - Ivanhoe in Orlando. For our Summer Conference in Naples, there will be one scheduled social event on Thursday evening.

Don Lamonica addressed the Board and said he hopes to see us convene in Tallahassee every spring and that he received great feedback from our Legislative Reception, specifically including the special awards presented. Many special guests attended and the 22nd Floor was a wonderful and convenient location for our guests.

He described this legislative session as one of transition to Republican leadership and identified the Constitutional Revision Commission as one of the most substantial undertakings in the coming months.

At the time of our meeting, he antic-

ipated a possible pay-raise of approximately 2.7% by January, 1998, and indicated we would know within the coming week.

During Criminal Rules Chair Buck Curtin's report, the Board supported a proposed change to FRCrP 3.131 (k) and to FRCrP 901.09 (1) (2) to substitute "judicial officer" or "judge" in place of the word "magistrate". The Board also supported adding language to Traffic Court Rule 6.290 deferring adjudication and sentencing for 30 days when it appears a Defendant may have driving record or hold a driver's license from a foreign jurisdiction.

Proposed changes to FRCrP 3.190 (i) will be printed elsewhere in this *Courier* and revisited at the Summer Board Meeting.

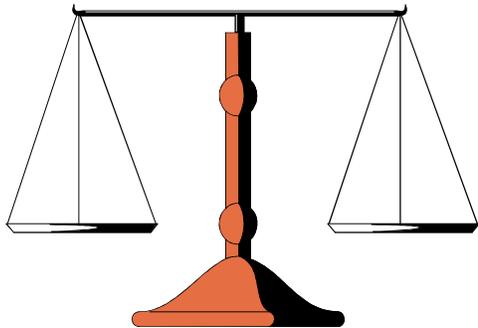
Judges Lewis and Holmes are presently working on the Judge Harvey Ford Awards.

Under new business, President-Elect Gene Turner nominated President Grimes for another year as President. The Board accepted this nomination, and further nominated

Judge Goldman as Secretary and Judge Feiner as Treasurer. Nominations are now open and should be submitted to Judge Goldman who will forward them to Judge Grimes.

The Board also nominated Judges Freeman and Goldstein to remain JQC Reps. The need to appoint alternates for the JQC was tabled to the Summer Conference.

The Board approved Judge Blanc's motion on behalf of the Traffic Adjudication Sub-committee that our Conference endorsed a state-wide Hearing Officer Training Program to be funded by the FCEC.



Conference Committee Report

by Judge R. Earl Collins, Chair

The Conference Committee met at 3:00 p.m. on Wednesday, April 23, 1997, at the Radisson Hotel Tallahassee and was well attended.

The Committee made the following recommendations which were approved at the Board Meeting on Friday:

1. Fall Planning Meeting to be held October 29-31, 1997 in Ocala.
2. Winter Educational Conference to be held January 21-24, 1998, in Orlando.
3. That we schedule another Legislative Appreciation Reception and Workshop next Spring in Tallahassee.



Mark Your Calendars!

Summer Conference
July 9-12, 1997
Naples

Fall Workshop
October 29-31, 1997
Ocala

**Winter Educational
Conference**
January 21-24, 1998
Orlando

COURIER DEADLINE
August 1, 1997



From The Editor

by Judge
Radford W. Smith

Liar, Liar - Fact or Fiction

Psychologists tell us one of the elements of humor involves the unusual or unexpected. We don't usually expect to find pie in our face or a penguin sitting at the neighborhood bar.

"Liar, Liar" opened several weeks ago and enjoyed greater box office success than its producers had dreamed. It is still showing at movie theaters around the country.

Why? Maybe it's because of Jim Carey's rubber face or acting skills or little Justin Cooper's winning personality. Then maybe it's because we Americans find it outrageously unlikely for a lawyer to be unable to lie even for a day. Gene Shallit of NBC's Critic's Corner, said in his review of this movie "that a lawyer who cannot lie, is like a fish out of water." Is that really true? Is an honest lawyer really such a rare creature?

All of us Florida lawyers have at least once raised our right hands and said "I do solemnly swear...."

"I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law...."

"I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged... So help me God."

Not so long ago I attended a C.L.E. presentation on discovery techniques. It was amazing. The seminar was presented by a practicing trial lawyer on a Florida law school campus. The clear purpose of this lawyer's teaching was not to throw light upon the existing law

relating to discovery but to show his tried and true methods and devices of trickery and subterfuge in order to mislead opposing counsel and the court. Have we completely blocked the Oath of Admission from our conscious minds?

Lurking around every shadowy corner of litigation practice we encounter the chilling specter of a code of practice based upon our oath long dead. Hearings on motions to suppress or protective orders are, with few exceptions, haunted by that grizzly ghost. In fact it seems that our professional and ethical shortcomings are seen in clearest focus in the context of discovery abuses.

At our last Educational Conference an analysis of civil discovery abuses allocates their causes thusly:

THE CAUSES OF CIVIL DISCOVERY ABUSES....

LAWYERS, 20% TO 25%

ETHICALLY,

*EDUCATIONALLY AND EXPERIEN-
TIALLY CHALLENGED*

JUDGES, 50% TO 75%

LOSE CONTROL A/K/A

PERMIT ABUSES

LAW SCHOOLS

OVER POPULATION UNDER

*ETHICALLY ORIENTED TEACHING
CURRICULUM*

The picture is bleak. But some of the faithful see hope for a little light on this dreary cold scene. Supreme Court Justices, County Court Judges, the Florida Bar's active leaders, struggling practitioners, all are talking about causes and solutions.

If the analysis of causes quoted above has merit we, the trial judges, have a major role to play in the process of raising the professional and ethical standards of our legal system.

Granted, fiercely disallowing abuses won't transform a multitude of offenders into paragons of ultimate honesty but it may be a push in the right direction. Maybe, just maybe, we will live to see the day when, in the eyes of the people, an honest lawyer is no longer an outrageously funny anomaly.

Conference Hosts Legisla- tive Reception

by Judge Peter D. Blanc

On April 23, 1997, on the 22nd floor of the Capitol our Conference hosted a reception honoring our legislators. We were privileged to have in attendance a majority of our Supreme Court Justices, including Chief Justice Kogan. Also in attendance were Attorney General Butterworth, Dexter Douglas, the governor's General Counsel, and a distinguished array of senators and representatives from across the state. The reception served as an opportunity to reaffirm old friendships and to establish new ones as members of the judiciary and members of the legislature enjoyed informal discussions in a relaxed setting.

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establish new ones.*

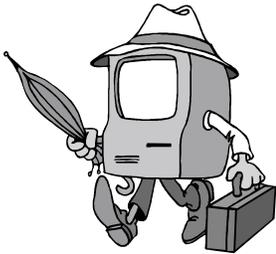
The reception also provided an opportunity to present awards to outstanding members of the three branches of government. Chief Justice Kogan was recognized for his leadership on behalf of the judiciary. Dexter Douglas was honored as outstanding executive for his tireless efforts in conjunction with the Article V Task Force. Senator Fred Dudley was recognized as an outstanding member of the legislature and for his diligence in conjunction with the Article V Task Force and the Senate Judiciary Committee. Additionally, Judge Woody Hatcher was recognized for his long-standing leadership and innovation within our Conference.

Special thanks to Don Lamonica and his staff for all the hard work that made this event a success.



Technology Committee Report

by Judge Scott J. Silverman, Chair



The Technology Committee recently met at the Spring Business meeting in Tallahassee, Florida. It was

pleased to announce that the Microsoft Corporation had recently declared the Conference web site "outstanding." The site has been visited over one thousand times. It is located at <http://www.fl.judges.com>.

New additions are being made to the web site. Circuit Judge and Former County Judge David Demers granted the Conference permission to post his 1997 Criminal Law Update. The entire outline is downloadable from the Conference Home Page in formats for either Word for Windows or WordPerfect. The Technology Committee encourages judges to submit any writings or outlines for publication on the web.

Not only does our Conference web site post the latest in Conference information, it also serves as an archive for older information. By visiting the site, both current and past committee assignments and editions of *The Courier* may be viewed at your leisure. Much more is available. We invite you to browse.

Sometime in the near future, the web site will be revamped to allow for faster downloading and interaction among Conference members. This includes the use of Adobe's *pdf* format for published writings and outlines, including *The Courier*. This format, which is likely to be adopted by the Federal Courts and the Florida Supreme Court for use in electronic filing, allows for true WYSIWYG (what you see is what you get) viewing, printing, and interaction.

Our Summer Conference is promising. Gateway 2000, Lexis-Nexis, and Corel have committed to appearing at our educational meeting this July. Each will be given ten minutes to address the entire Conference. In addition, they will have their own booths and allow

"hands-on" demonstrations of their current technologies. Gateway is expected to show us its current laptop computer technology; Lexis-Nexis will demonstrate its legal research capabilities and Internet companion; and finally, Corel will present the latest version of WordPerfect — the Legal Edition.

The Technology Committee seeks input from all Conference members as to their preferences in forthcoming Conferences and on the future of its Internet web site.



Sentencing Committee Report

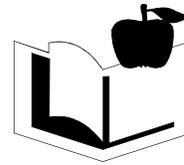
by Olin W. Shin -

The sentencing committee considered the appointment of the public defender and use of indigency examiners. Reaction to the 1996 statutory change has been mixed around the state. Some circuits have either not implemented it or are merely in the process of beginning. The committee chair has a survey of what is currently going on around the state.

The committee discussed the domestic violence statute and required 1



year probation for offenders convicted of domestic violence - assault to receive one year probation. One committee member was concerned about the fairness of said statute. Suggestion was made that it is up to the legislature to determine minimum/maximum penalty ranges for crimes.



Education Committee Report

by Judge Terry P. Lewis, Chair

The Committee firmed up the education agenda for the summer conference, which will include plenary sessions on legislative update, domestic violence, writing to avoid reversal, civil and criminal law updates.

Tracked courses will include:

- sentencing (cost and fines, oddities, fairness),
- DUI (including changes in traffic rules),
- civil potpourri (including mediation in small claims, small claims update, pro se litigants, insurance issues) and
- fact finding and decision making.

A more detailed agenda and course descriptions will be mailed with the registration packet later.

The bench book is coming along. Deadlines for the various contributors is June 1st. The Committee hopes to have several rough draft copies available at the conference and may recruit other judges to give independent reviews of the materials. The finished copy should be available by the fall meeting.

Tentative topics for the winter 1998 conference include:

- criminal and civil law updates,
- evidence,
- potpourri (including parole evidence, statue of frauds, child competency, dead man statute),
- criminal law track (including probation/restitution, public defender liens/assessment of indigency fee, voir dire),
- professionalism (sleaze prevention and control),
- ethics (remaining impartial in the tough cases).



Criminal Rules Committee Report



by Judge Aymer L. "Buck" Curtin, Chair

The Criminal Rules Committee met on April 24, 1997 and eight (8) members were present.

A proposed amendment to Fla.R.Crim.P. 3.131 (k) Summons on Misdemeanor Charge was presented to the committee by the chair. As discussed in a prior report this issue was addressed at the request of Judge W. Michael Miller of Orange County. After discussion and changes being made the proposed amended rule was passed. It reads as follows:

(k) Summons on Misdemeanor Charge.

When a complaint is filed charging the commission of a misdemeanor only and the magistrate Judicial Officer deems that process should issue as a result, or when an indictment or information on which the defendant is to be tried charging the commission of a misdemeanor only, and the person named in it is not in custody or at large on bail for the offense charged, the magistrate or judge shall direct the clerk to issue a summons instead of a capias unless the magistrate or judge has reasonable grounds to believe that the person will not appear in response to a summons, poses a threat to the community, or whereabouts are not readily ascertainable, in which event an arrest warrant or a capias shall be issued with the amount of bail endorsed on it. The summons shall state substantially the nature of the offense and shall command the person against whom the complaint was made to appear before the judge issuing the summons or the judge having jurisdiction of the offense at a time and place stated in it.

Adoption of the proposed rule change would necessitate a change in Florida Statutes 901.09(1) and (2). Proposed changes in the statute had been prepared by the chair and after discus-

sion were passed. The amended statute reads as follows:

901.09. When summons shall be issued:

(1) When the complaint is for an offense that the magistrate judge is empowered to try summarily, he shall issue a summons instead of a warrant, unless he reasonably believes that the person against whom the complaint was made will not appear upon a summons, poses a threat to the community, or whereabouts are not readily ascertainable in which event he shall issue a warrant.

(2) When the complaint is for a misdemeanor that the magistrate judge is not empowered to try summarily, he shall issue a summons instead of a warrant if he reasonably believes that the person against whom the complaint was made will ap-



pear upon a summons, does not pose a threat to the community or whereabouts are readily ascertainable.

Judge Jeffrey Swartz, Dade County, had drafted and forwarded proposed changes in F.S. 316.656 and F. Rules of Traffic Court 6.290 based on discussion at the Winter Conference Criminal Rules meeting. After discussion and modification the following proposed statute and rule changes were adopted.

Proposed Amendment to Rule 6.290 Rules of Traffic Court

(1) The prior provisions are to be redesignated Subsection (1).

(2) The provisions of Subsection (1), above, notwithstanding, the court may defer adjudication and sentencing for a period of not more than 30 days if it appears that reasonable cause exists that the defendant had a driving record or driver license in a foreign jurisdiction, to determine information relevant to the sentencing provision of

Section 316.193 F.S.

Proposed Subsection (2) to Section 316.656 F.S.

(1) The prior provision are to be redesignated Subsection (1).

(2) The provision of Subsection (1), above, notwithstanding, the court may defer adjudication and sentencing for a period of no more than 30 days if it appears that reasonable cause exists that the defendant had a driving record or driver license in a foregoing jurisdiction, to determine information relevant to the sentencing provision of Section 316.193 F.S.

Subsequent to the meeting, Judge Karl C. Grube notified the chair of Harbaugh v. Cochran, 688 So.2d 1021 (Fla.3rd DCA, 1997) which seems to support the conference position as to the aforementioned changes to Rules 6.290 and Section 316.656 F.S. In the interest of brevity and in order to save trees, readers are advised to read the prior two issues of the Courier for discussion as to why these changes were proposed April 25, 1997 for consideration and were approved. These proposed changes will be submitted to the appropriate committees of the Florida Bar and Legislature for their consideration.

The last matter discussed was an amendment proposed by Judge James R. Adams, Lee County. The text of his letter is as follows:

Presently under Rule 3.190 (i) which deals with the suppression of confessions or admissions illegally obtained, there are three subparagraphs which are the grounds for the motion, the time for its filing, and the hearing. The provision which deals with suppression of evidence obtained in an unlawful search under Rule 3.190 (h) has additional subparagraphs and/or language relating to the contents of the motion and which is to occur at the hearing. Although it has been some thirty years since the Miranda decision, I think you would agree that the circumstances under which an involuntary or unlawful statement can be obtained have dramatically expanded from the

Continued From Page Six (6)

dark room coercive environment. Ac-

cordingly, I am suggesting that Rule 3.190 (i) be amended to read as follows:

Motion to Suppress a Confession or Admission Illegally Obtained

(1) **Grounds.** On motion of the defendant or on its own motion, the court shall suppress any confession or admission obtained illegally from the defendant.

(2) **Contents of Motion.** Every motion to suppress a confession or admission shall clearly state the reasons for suppression and a general statement of the facts on which the motion is based.

(3) **Time for Filing.** The motion to suppress shall be made prior to trial unless opportunity therefore did not exist or the defendant was not aware of the grounds for the motion, but the court in its discretion may entertain the motion or an appropriate objection at the trial.

(4) **Hearing.** Before hearing evidence, the court shall determine if the motion is legally sufficient. If it is not, the motion shall be denied. If the court hears the motion on its merits, the defendant shall present evidence supporting the defendant's position, and the state may offer rebuttal evidence.

I see no legitimate reason for the difference in the requirements set forth under the provision relating to the suppression of evidence in an unlawful search under Rule 3.190 (h) and that of a confession or admission illegally obtained Rule 3.190 (i). The proposed amendment would allow for the diligent trial judge to review the motion beforehand and that the testimony at the hearing would be somewhat similar to the facts as alleged in the motion.

Paragraph (2) **Contents of Motion** is entirely new and paragraph (4) **Hearing** substantially rewritten. The Committee decided to publish Judge Adams proposal and invite comments and address this matter at the summer conference. Anyone wishing to comment on the proposal please contact your circuit representative or myself.

There being no other business the meeting was adjourned.

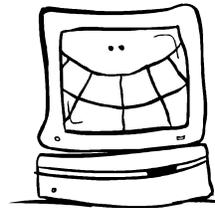
Microsoft Features County Judges' Internet Site

by Judge Scott J. Silverman

The Microsoft Corporation recently declared the Florida Conference of County Court Judges' Internet site "outstanding."

The Microsoft's Justice and Public Safety Division featured the Florida judges web site for two weeks on the site patrol section of its justice page, located at

<http://www.Microsoft.com/industry/justice/>.



The conference Internet site is the creation of Dade County Judge Scott J. Silverman and Polk County Judge Anne Kaylor. It is located at <http://www.fl.judges.com>. The site is a vehicle for providing information about the conference's work to its members, as well as the people of Florida.



**YOU KNOW YOU
MIGHT BE A
REDNECK
JUDGE IF...**

**GETTING TO YOUR BRANCH
COURT
ENTAILS BEING
CAREFUL NOT TO STEP IN COW
PIES.**



J.Q.C. Report

by Judge Harvey Goldstein

Pursuant to the newly enacted constitutional amendment, the JQC has divided itself into two separate panels.

Judge Tom Freeman (Clearwater) and Circuit Judge Frank Kaney (Orlando) will serve on the hearing or trial panel with two attorneys, Michael Nachwalter (Miami) and Dale Sanders (Ft. Lauderdale) and with two lay persons, Bonnie Booth of Jacksonville and Patricia Heffner of Kissimmee.

I will serve on the investigative panel along with two appellate judges, Gil Goshorn (Daytona) and Richard Frank (Tampa), one Circuit Judge, Miette Burnstein (Ft. Lauderdale), two lawyers, Rut Liles (Jacksonville) and Evett Simmons (Port St. Lucie) and three lay persons, Regina Sofer (Tallahassee), Stanley Tate (Miami) and John Robert Middlemas (Panama City).

The JQC is in the process of drafting and proposing new rules of procedure for approval by the Florida Supreme Court.

Tom Freeman has led efforts to ensure the new rules require at least a vote of four members of the hearing panel before a recommendation of removal can be made to the Florida Supreme Court. I suspect the new rules will be published in the *Florida Bar News* for public comment before the Supreme court acts on their adoption.

All judges need to be careful and avoid any improper or abusive use of their contempt powers. Several members of the JQC have expressed great concern about this matter and have initiated JQC investigations. Not only could a judge violate the Code of Judicial Conduct, but parties may be injured by improper use of the contempt powers, thereby compounding the problem.



We're Coming to You!

To: Enrollees in the State of Florida Employees'
Group Health Self Insurance Plan

From: Unisys Customer Service Team

Subject: Florida Conference of County Judges
Outreach Program

Dates: July 9-11, 1997

Time: 9:00 a.m. - 5:00 p.m.
No appointments. First come, first served.

Place: Naples, FL

Questions? (904) 216-3689

UNISYS

"CALL FOR NOMINATIONS"

Judge Harvey Ford, Jr. Leadership Award

In Spring 1995, the Florida Conference of County Court Judges created its highest award in honor of a past president and stalwart judge, Harvey Ford, Jr. Judge Ford succumbed following a lengthy illness in January 1995.

Harvey, as he was affectionately known to his colleagues and friends was appointed to the County Bench in 1977. He was elected by his colleagues to serve as President of the Conference of County Judges in 1983. Harvey was very active in his local community as well. A brief summary of his service includes:

- Member, District X Human Rights Advocacy Committee (HRAC) appointed by Governor Bob Graham (1982-88)
- Charter Member, Inter-Faith Council of Hollywood (since 1973)
- Vice President, Florida State Association of B'nai B'rith (Past Council President and Past Unit President)
- Past Judge Advocate, Department of Florida Jewish War Veterans (1984-86)
- Co-Chairman, Committee on Quality Education of Broward County (1967-69)

- Member, Charter Review Board, City of Hollywood (1968)
- Member, Civil Service Review Board, City of Hollywood (1972-73)
- Board of Director, Legal Aid of Broward County, appointed by County Commission (1973-75)
- Past President, Men's Club of Temple Sinai, Hollywood (1957-59)
- Board Member and General Counsel, Hollywood Playhouse (1967-71)
- Treasurer, Municipal Judge Association of Broward County (1976-77)
- Member, Interim Legislative Study Committee on Waste disposal appointed by Governor Farris Bryant (1962-63)

The twofold purpose of the Harvey Ford Award is to perpetuate the memory of Harvey while also recognizing those persons who have gone above and beyond the call to duty of their office and have made a profound contribution to their local community as well as the Conference.

HARVEY FORD LEADERSHIP AWARD

Nomination Criteria

Please provide a narrative statement (two page maximum) as to why you feel the nominee should receive the Harvey Ford Leadership Award. Include the following:

1. Nominated by
2. Name of Nominee
 - a. Nominee's address (city, state, zip), phone number
 - b. Position
 - c. Years of Judicial Service
 - d. Law School attended (years attended)
 - e. Bar Admissions
 - f. Conference involvement (past and present)
 - g. Community Activities
 - h. Why you nominated this person/special leadership qualities

Send to:

Judge Ilona M. Holmes, County Court Judge, North Regional Courthouse,
1600 W. Hillsboro Boulevard, Deerfield Beach, Florida 33442.

Terry Lewis Writes A Murder Mystery

by Judge Radford W. Smith

Our own Terry Lewis, Leon County Judge and Chairman of our Conference Education Committee, has written a murder mystery about an alcoholic Tallahassee lawyer on a downward slide. It's entitled *Conflict of Interest* published by Pineapple Press and is or soon will be available through Barnes & Noble, Waldenbooks and other book sellers. I got my copy from Haslam's Book Store here in St. Petersburg.

Terry's book is drawing favorable reviews, such as this one from Publishers Weekly: "Writing in prose that is both straightforward and resonant,

Lewis, a native Floridian and Tallahassee trial judge, clearly knows his legal and geographic territory. Better, he knows how to render a world filled with both evil and compassion. This well-crafted drama rings with authenticity all the way to its heart stopping conclusion." WOW!

According to a review in the Tallahassee Democrat: "Some in the legal profession aren't

quite sure what to make of a judge turned novelist." Well, we're not quite sure what to make of Terry Lewis either but we are sure grateful he's a part of our Conference. Way to go, Terry!



The *Courier* Editor has been in a temporary location for the past few years, however, effective July 1st we will be moving back to our old location at:

324 S. Ft. Harrison Ave.
Clearwater, FL 34616
Phone (813) 464-3545 or (813) 464-3261
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