



COUNTY COURT COURIER



Volume 3, Number 9

October, 1996

THE MINUTES OF THE SUMMER EXECUTIVE BOARD MEETING WILL BE DISTRIBUTED AT THE FALL EXECUTIVE BOARD MEETING.

Message from the President

by Judge Hugh Grimes

As the first installment of the president's corner, I find it fitting to share excerpts of my swearing in message given at the Annual Business Meeting in Key Largo on July 25th.

A great portion of the credit for the success which the conference has achieved in the last two years is directly attributable to the leadership of outgoing president, Bob Zack. He has done a wonderful job and I pray I will be able to

continue with similar and even greater success while building on the foundation he has left. His wife, Carol, has been a tremendous "help mate" and supporter for Bob and deserves a warm applause for her patience and support during his tenure as Conference President.

I wish to point out the three hallmarks of my anticipated tenure as President — **Education, Fairness and Leadership**. As a Conference, we exist primarily as a vehicle for educating both our membership and those persons and entities who assist us in performing the jobs for which we have been elected back home. We will continue to pursue high quality educational programs for the Conference and work to expand our offerings where appropriate, both within the existing structure and through programs offered by the state court system.

In carrying out our jobs back home and in operating this conference, we must always be concerned that persons appearing before us not only be treated fairly, but that they can leave our courtrooms with the perception that they were treated fairly whether they win or lose. We must continue to emphasize the highest ideals of fairness and professionalism in accordance with the oaths we took as judges.

⇒ **Continues Page 2**

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

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

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2nd Circuit..... Jill Walker,
3rd Circuit..... Bill Slaughter,
4th Circuit..... Richard Townsend,
5th Circuit..... Donna F. Miller,
6th Circuit..... Steve Rushing,
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8th Circuit..... Buck Curtin,
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10th Circuit..... Michael Hunter,
11th Circuit..... Shelley Kravitz,
12th Circuit..... Barbara Briggs,
13th Circuit..... Walter Heinrich,
14th Circuit..... Robert Brown,
15th Circuit..... Corry J. Ciklin,
16th Circuit..... Ruth Becker,
17th Circuit..... Joel Lazarus,
18th Circuit..... Phillip Fougereouse,
19th Circuit..... Stu Hershey,
20th Circuit..... Keith Carey,

**C o u n t y
C o u r t**

Room 209, Old Court House,
324 S. Ft. Harrison Avenue
Clearwater, FL 34616

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President's Message Continued from Page 1

In providing leadership, we must never forget the canon that instructs us of our responsibility to improve the administration of justice. Unfortunately, too many of us see our jobs of judging as only moving cases along. However, each of us have talents that far exceed judging — whether it be teaching a youngster or colleague or putting a new idea together which will steer people away from crime and into becoming productive members of society. Leadership provides ideas as to how we can make our communities better than they were when we arrived on the bench. We have a duty to create programs and promote ideas which will enhance the administration of justice and serve our communities to the best of our abilities.

My leg of this relay is to encourage, motivate, and co-

*Together we can make a
difference through fairness,
education and leadership.*

ordinate the overall efforts. The success of this leg of the race is dependent on both you and I working together for the mutual goals of the conference.

Each of us as judges have worked hard and have been fortunate to occupy our respective positions. It took hard work plus something more. None of us should ever forget that even as there are many of you who could perform this job as Conference President, there are many persons who have the intelligence to do the job of a County Judge and would jump at the opportunity. Therefore, we should never take the attitude of arrogance or cynicism concerning the challenge of our jobs or the system of which we are a part.

I truly believe that our challenge is to recognize our task and the public we serve and not become cynical towards the people or the process. Be encouraged so that you may encourage, be strong that you may survive, be at peace that peace may always be with you, stay healthy that your tenure may be long and prosperous. Together we can make a difference through fairness, education and leadership.



Conference Committee Report

by Judge R. Earl Collins, Chair

The Conference Committee met at 11:00 a.m. on Wednesday, July 24, 1996, at the Ocean Reef Club, Key Largo, FL. Approximately 17 persons were in attendance and the following discussions and recommendations transpired.

- (1) The following meetings have been scheduled and approved:

Fall Workshop - Oct. 30 - Nov. 1, 1996,
Sarasota Hyatt, Sarasota, FL.

**Winter Educational Conference -
Jan. 15-18, 1997,** Marriott Sawgrass,
Ponte Vedra Beach, FL.

Summer Conference - July 9-12, 1997,
Registry Resort, Naples, FL.

- (2) Proposed Spring Workshop at Radisson Hotel, Tallahassee, FL., April 23-25, 1997. This proposal was later approved and a cocktail reception has been scheduled on April 23rd for the House, Senate, Supreme Court, and other guests. More details later.
- (3) The Conference Committee has been divided into committees, such as: Bulletin Board, Security, Summer Banquet/Entertainment, Children's Program, Exhibitors, etc.
- (4) Recommendation to eliminate the Winter banquet later approved at the Executive Board Meeting.
- (5) Recommended that coffee/drink breaks display notices that morning and afternoon drink breaks are for **REGISTERED JUDGES ONLY**. No spouses! No children!



Judicial Assistants Liaison Committee

Report

by Judge Judy



The Committee meeting focused on J.A. educational opportunities and the great need for reimbursement in many counties. Upon Committee motion, the Executive Board adopted a formal position supporting all J.A.'s receiving reimbursement for educational conferences to the extent possible; and, at the very least, that reimbursement be provided for substantial representation from all counties. Conference President Grimes will relay our position to all Chief Judges.

JAAF President Linda Maina addressed the Committee regarding increasing sick pay and annual leave time consistent with State Attorney offices throughout the State. An update will be provided at the Fall Board Meeting.



**BYLAWS OF THE CONFERENCE OF COUNTY
COURT JUDGES OF FLORIDA**
(EFFECTIVE JULY 27, 1996)

ARTICLE I NAME

This organization shall be known as: "Conference of County Court Judges of Florida".

ARTICLE II PURPOSE

The purpose of this organization shall be:

SECTION 1. To conduct conferences and institutes to provide continuing judicial education and to conduct forums in which the County Court Judges of Florida may meet to discuss mutual problems and solutions.

SECTION 2. To develop programs for the improvement of the administration of justice in the State of Florida and to study/improve legislation in the field of the administration of justice in the State of Florida.

SECTION 3. To acquire and disseminate information to all County Court Judges for the improvement of their courts, practice and procedure.

SECTION 4. To provide a unified voice for the County Court Judges of Florida in their dealings with the Legislature, Executive Branch, Supreme Court, State agencies and the citizenry of Florida.

ARTICLE III MEMBERSHIP

SECTION 1. Members shall be the duly commissioned County Court Judges of the State of Florida.

SECTION 2. Voting members shall be those County Court Judges of the State of Florida whose dues have been paid or waived as well as those judges who have retired in good standing, who are not currently practicing law, and who still maintain an active role in the Conference of County Court Judges. Good standing means that a judge has not been removed from office.

SECTION 3. Associate members shall be those former County Court Judges who have retired in good standing, who are not currently practicing law, and who no longer maintain an active role in the conference. Annual dues for associate members shall be waived. Associate members shall not be voting members.

SECTION 4. Dues for voting members shall be determined by a majority vote of the Board of Directors.

ARTICLE IV OFFICERS

SECTION 1. The officers of this Conference shall be a President, President-elect, Immediate Past-President, Secretary, Treasurer, Editor, one Vice President from each of the Appellate Districts, and the Circuit Representatives.

SECTION 2. The President shall preside at meetings, appoint committees, and be the Executive Officer for the Conference and the Board of Directors, and shall carry out the duties usually associated with the office of President. The President shall be one of four conference delegates to the American Bar Association and shall have the responsibility for attending the annual American Bar Association Convention on behalf of this conference.

SECTION 3. The President-elect shall be considered First Vice President of the conference, and shall perform such duties as usual to that office. He or she shall preside in the absence of the President, and upon resignation of the President, shall automatically become President and shall serve the uncompleted term of his or her predecessor and, if having been elected to the office of President-elect in accordance with that portion of the Bylaws covering elections, shall be installed as President for one full year term at the annual meeting, unless he or she shall decline such office.

SECTION 4. The immediate Past-President shall serve as a member of the Board of Directors and Executive Committee and shall assume such duties as assigned to him or her by the President and shall act in an advisory capacity to the President, Executive Committee, and the Board of Directors.

SECTION 5. The Secretary shall keep the minutes of the conference and Board meetings and shall be responsible for providing those minutes on a timely basis to the Editor for publication to the general membership. The Secretary shall carry out all other duties usual to that office and shall be responsible for the safekeeping of these Bylaws to assure that they are compiled in final form after all amendments, and are made readily available to the membership upon proper demand.

SECTION 6. The Treasurer shall bill for and collect dues, keep the funds of the Conference and pay its bills and expenses, and shall carry out all other duties as are usual to this office and as are assigned by the President. The Treasurer shall prepare a financial report for the Conference twice per year. One report shall be presented at the Annual Business Meeting. Copies of both financial reports shall be made available to the general membership upon proper demand. It shall be the responsibility of the Treasurer to assure compliance with any and all tax and reporting requirements. Further, the Treasurer, shall be responsible for preparing a proposed budget for the ensuing fiscal year. The proposed budget shall be presented to the members of the Board at least seven (7) days prior to the next regularly scheduled Board meeting after the Treasurer assumes office and shall be voted upon by the Board at that meeting.

SECTION 7. The Editor shall be responsible for the preparation and distribution of the Conference newsletter which shall be published at regular intervals throughout the year. The Editor shall be responsible for the publication and distribution of Conference and Board minutes and other reports of general interest on a timely basis. The Editor shall serve as chair of the Editorial Committee.

SECTION 8. County Court Judges of each appellate district who are voting members of the Conference shall elect respectively a Vice President at the annual meeting, and this Vice President shall be the leader for his or her district. The Vice President shall report to the conference on any areas of interest or specific concerns within his or her own district. Each district Vice-President shall cooperate in striving to make the Conference a unified, effective organization, fairly representing the interests and needs of all members throughout the State of Florida. District Vice Presidents shall serve as members of the Editorial Committee.

SECTION 9. County Court Judges of each judicial circuit who are voting members of the Conference shall elect, respectively, a Circuit Representative during a caucus to be held during the annual meeting. It is the duty of the Circuit Representative to schedule circuit-wide meetings with members between annual meetings, to keep minutes of the circuit-wide meetings, and to report the results and recommendations of the circuit-wide meetings to the Conference at the annual meeting. Each Circuit Representative shall cooperate in striving to make the Conference a unified, effective organization fairly representing the interests and needs of all members throughout the State of Florida.

Circuit Representatives shall be responsible for ordering and presenting newly elected/appointed judges within their circuit a desk name plate on behalf of the Conference. Circuit Representatives shall be responsible for timely notification to the Conference Award and Merit Committee of the investiture and retirement of Conference members. Circuit Representatives shall also be responsible for notifying the Conference Award and Merit Committee of times of bereavement, sympathy, congratulations and similar dates of note on behalf of the Conference members within their circuit so that the Conference Award and Merit Committee may take timely and appropriate action.

It shall be the responsibility of Circuit Representatives from time to time to distribute and retrieve conference surveys or other documents of conference interest and to encourage each Conference member within his or her circuit to actively participate in such surveys or inquires.

ARTICLE V BOARD OF DIRECTORS

SECTION 1. There shall be a Board of Directors comprised of the officers of this Conference and all Past Presidents who are members of the Conference who have not attended senior judge status.

SECTION 2. Subject to the limitations contained in these Bylaws, the business affairs of this conference shall be controlled by the Board of Directors. In addition to responsibility for conference management as described in Article XII, the Board of Directors shall be responsible for:

- (A) Establishing the objectives and priorities at the annual meeting that shall be pursued during the ensuing year by the Conference.
- (B) Nominations for new officers at large of the Conference of County Court Judges of Florida.
- (C) Selection of the site and time of the annual meeting and any other major meetings.
- (D) Recommendations to the Executive Committee regarding the respective needs of the various circuits.
- (E) Establishing the position of the Conference on matters of public policy subject to review by the Conference at its annual meeting.

ARTICLE VI EXECUTIVE COMMITTEE

SECTION 1. There shall be an Executive Committee comprised of the current President, President-elect, Treasurer, Secretary, Immediate Past-President, Editor, and District Vice-Presidents.

SECTION 2. The Executive Committee shall have the authority to act for the Board of Directors in the periods between Board meetings.

ARTICLE VII REPRESENTATION OF CONFERENCE ON OTHER BODIES

SECTION 1. As provided in Article V, Section 12, Fla. Const. (1976), and any future amendment thereto, the Conference shall select the number of representatives to the Judicial Qualifications Commission specified in that provision. The representatives shall serve the term provided for by the Constitution or general law and any vacancy shall be filled in the matter set forth in Article VIII of these bylaws.

SECTION 2. As provided in Rule 2.125, Rules of Judicial Administration, and any future amendment thereto, the Conference shall select the number of representatives to the Florida Judicial

Management Council specified in that provision. The representatives shall serve the term provided for by Rule 2.125 and any vacancy shall be filled in the manner set forth in Article VIII of these bylaws.

SECTION 3. As provided in the rule on the Committee on Standards of Conduct Governing Judges, and any future amendment thereto, the Conference shall select the number of representatives to the Committee specified in that provision. Those representatives shall serve the term specified by the committee rule. Any vacancy shall be filled in the manner set forth in Article VIII of these bylaws. Since there is no specified term for representatives to the Committee on Standards of Conduct Governing Judges the current representatives shall be eligible to serve one year from the effective date of these bylaws.

SECTION 4. The Conference shall recommend delegates to the ABA to be appointed by the Chief Justice for the purpose of representation at ABA meetings. These recommendations shall be made on an annual basis. The President shall be one of those delegates and the President shall recommend three other delegates to the Chief Justice.

SECTION 5. In the event that a Joint Committee of the Conference of Circuit and County Judges is established the Conference shall select the number of representatives to the Committee agreed to by the two Conferences. The representatives shall consist of individuals who are voting members of the Florida Conference of County Court Judges and who hold the offices agreed to by the two Conferences.

SECTION 6. There are various other bodies to which the Chief Justice appoints county judges and considers the recommendation of the Conference. The President shall recommend appointment to these bodies when appropriate.

SECTION 7. Only voting members shall be eligible to hold all of the aforementioned positions. Any member service a fixed term on any of the aforementioned bodies as of the effective date of these bylaws shall complete that term. All representatives who hold elected positions on any of the aforementioned bodies shall be eligible to serve only two full terms in that representative position unless adherence to this restriction would be inconsistent with any provision of law. In that case the provision of law would be controlling.

ARTICLE VIII CONFERENCE ELECTIONS AND APPOINTMENTS

SECTION 1.

(A) Notice of vacancies in office subject to election at the upcoming annual meeting shall be published in the minutes of the preceding Spring Board meeting. Only voting members of the Conference may nominate candidates or hold office.

(B) The Board of Directors shall act as a nominating committee and, with the exception of the offices of Circuit Representative and District Vice President, shall nominate at least one candidate for each office during the Spring Board meeting. The Board of Directors shall also nominate the appropriate number of representatives to the Judicial Qualifications Commission, to the Judicial Management Council, and to the Committee on Standards of Conduct Governing Judges. The Board may also designate a nominating subcommittee to solicit and receive nominations for each office subject to election. The subcommittee shall forward all such nominations to the Board of Directors to be announced at the Spring Board meeting and published in the minutes thereof. Nominations of the Board need not be seconded.

(C) From the close of the Spring Board meeting until the general session of the annual meeting any voting conference member may nominate any other voting conference member for office. All such nominations must be made and seconded in writing and submitted to the Conference President and

(D) At the general sessions of the annual meeting all existing nominations shall be announced. Immediately thereafter, nominations from the floor may be made. Nominations from the floor must also be seconded.

(E) Elections for District Vice President and Circuit Representatives shall be conducted by the respective groups immediately after the general election or, if possible, while votes from the general election are being tabulated. Proxy voting shall be permitted to the extent permitted by Article VIII, Section 4.

SECTION 2. The election of officers and representatives to the Judicial Qualifications Commission, Judicial Management Council, and Committee on Standards of Conduct Governing Judges shall be held at a general session of the annual meeting. The Board of Directors shall be responsible for the conduct of the elections. There is no quorum requirement for elections during the general session.

In each officer election, the person receiving a majority of the votes cast shall be declared the winner. In the event there is no clear majority, a runoff election shall be scheduled immediately between the two candidates receiving the highest number of votes.

SECTION 3. After the election and at the conclusion of the annual meeting of the conference all elected officers and members of the Board of Directors shall assume office, except the President-elect shall become President by virtue of having been elected President-elect and having served in such a capacity immediately precedent to the annual meeting.

SECTION 4. Proxy voting shall be allowed at the annual meetings for all Conference elections. However, no Conference member may exercise more than two (2) other Conference members' votes by proxy. All proxies must be in writing and signed by the person making the proxy who must be otherwise eligible to vote. All written authorizations must be delivered by the member authorized to exercise the proxy to the presiding officer at the respective election covered by said proxy.

SECTION 5.

(A) Vacancies in 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.

(B) 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.

(C) 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.

(D) Should the office of Immediate Past-President become vacant, the vacancy shall be assumed by the member who most recently has served as Immediate Past-President, and if there are none, this office

shall remain vacant until such time as there is an Immediate Past-President.

(E) Should a vacancy occur in the office of County Court Representative to the Judicial Qualifications Committee, County Court Representative to the Judicial Management Council, or County Court Representative to the Committee on Standards of Conduct Governing Judges, then said vacancy shall be filled by appointment of the President as soon as is practical. However, if the annual meeting of the conference is scheduled to occur within thirty (30) days of said vacancy, then the vacancy may be filled by nomination and election at the annual meeting consistent with these bylaws.

SECTION 6. The terms of office for all officers shall be for one (1) year.

SECTION 7. At the end of the annual meeting the President shall automatically be succeeded by the President-elect. However, upon motion made by the President-elect and approved by a majority vote of the members present at the annual meeting the President and President-elect may serve a second consecutive term. The motion must be made prior to the conclusion of the Spring Board meeting. This motion shall be voted upon at the general session of the annual meeting prior to the nominations and elections for office of President-elect. In no event may a President or President-elect serve more than two consecutive terms in each such office. If the motion is not made or if the motion is made and defeated, then the President-elect shall succeed the President and there shall be an election for the office of President-elect in conformity with these bylaws.

SECTION 8. A President-elect appointed in accordance with Section 5(B) or 5(C) of this Article shall serve until the next annual meeting at which time the term of office shall expire, and he or she shall not automatically become President at the next annual meeting unless duly elected to the presidency by the Conference. In that event the office of the President will be subject to nomination and general election in the same manner as the other elections of officers covered by these Bylaws.

ARTICLE IX PARLIAMENTARY PROCEDURES

SECTION 1. The Rules of Parliamentary Procedures set forth in Roberts Rules of Order, as such rules may be revised from time to time, shall govern the proceedings of this conference, subject to such special rules as may be adopted by this conference.

SECTION 2. Within thirty (30) days of assumption of office, the President shall appoint a Parliamentarian for the upcoming year. The Parliamentarian shall, at the request of any member, interpret the Rules of Parliamentary Procedures as they relate to the proceedings of the conference, subject to such special rules as may be adopted by the Board of Directors.

ARTICLE X IMPEACHMENT

Any officer of the Conference or member of the Board of Directors may be removed from the office for misfeasance or nonfeasance in office, or for any act or failure to act in any capacity which may reflect adversely upon this Conference. A majority vote of the Board of Directors shall constitute the petition for removal, but a two-thirds (2/3) affirmative vote of the members present and voting at the annual meeting or any other special meeting called by the President with at least thirty (30) days notice to the general membership shall be required for impeachment. No vote may be taken unless such person has been notified in writing of the impeachment proposal. Such person shall be given an opportunity to address the members of the Board of Directors, as well as the general membership, before a final vote on the impeachment proposal is taken. Any vacancy created by such removal shall be filled in the same manner as other vacancies.

ARTICLE XI COMMITTEES

SECTION 1. Standing committees shall be created for the investigation, study or implementation of matters relating to the general purposes, business and interest of the Conference of a continuous and recurring character. The Board of Directors shall determine the scope of responsibility and the duties of each standing committee. There shall be the following standing committees:

- | | |
|--|---|
| Administration and Management Committee | Judicial Assistants Committee |
| Awards and Merit Committee | Legislative Committee |
| Civil Rules Committee | Professional Relations Committee |
| Conference Committee | Senior Judges Committee |
| Criminal Rules Committee | Sentencing Committee |
| Editorial Committee | Small Claims Committee |
| Education Committee | Traffic Rules Committee |

SECTION 2.

(A) Although all conference members are encouraged to attend standing committee meetings, membership shall be determined by Presidential appointment to existing vacancies. However, in no event shall standing committee membership be reduced by eliminating a member whose current term has not expired other than pursuant to Section 9 of this article.

(B) Unless otherwise defined herein, standing committee members shall serve one (1) year terms. The President shall be responsible for appointing standing committee members upon the creation of any vacancies during his or her term. The President shall also select the chair and vice-chair from the committee members. The chair and vice-chair shall each serve one (1) year terms. The vice-chair shall automatically replace the chair of any committee upon the creation of a vacancy in mid-term. However, the vice-chair shall not automatically succeed the chair at the beginning of the next term. Committee membership shall reflect proper geographical, ethnic, racial, and gender balance. There is no prohibition against reappointment of committee chairs, vice-chairs, or members.

SECTION 3. The district Vice Presidents and the Editor shall make up the Editorial Committee for the Conference newsletter. It shall be the responsibility of the District Vice Presidents to provide articles for publication in the conference newsletter. The President in conjunction with the Editor shall determine the frequency with which the District Vice Presidents shall provide such articles. The articles can be written by the District Vice President or by someone in his or her district. However, the ultimate responsibility for providing the articles for publication rests with the District Vice President.

SECTION 4. Membership on the Joint County and Circuit Court Committee shall be made annually by appointment of the President subject to the approval of the Board of Directors, and whenever possible shall be consistent with the circuit court membership on that committee.

SECTION 5. Membership on the Education Committee shall include all conference members who currently serve as Dean, Associate Dean, or Chairperson of the College of Advanced Judicial Studies, the Florida Judicial College, and the Traffic School.

SECTION 6. In an effort to assure equal representation from all jurisdictions, the Legislative Committee shall consist of the twenty (20) Circuit Representatives or their designee for that year, three (3) members at large appointed by the President, all Past-Presidents, the President, and President-elect.

SECTION 7. In addition to standing committees, the President shall have authority to create committees to investigate, study, and implement matters relating to specific purposes, business and interests of the Association of an immediate or non-recurring character. The term of such committee shall

end at the next annual conference of the Association following its creation unless continued by action of the successor President.

SECTION 8. Appointment of chairpersons and members of the committees described in Article X, Section 3, shall be made annually by the President, who is authorized also to appoint successors, in the event of death, resignation, or disqualification.

SECTION 9. If any member of any regular or standing committee over the course of one year does not actively participate in the committee, the chair, after notice to and discussion with the member, may recommend to the President of the conference that the member be replaced and the President may then replace that member.

SECTION 10. Each committee shall meet during the annual meeting of the conference and during any other regularly scheduled general conference meetings. Other meetings of each committee shall be held upon call of its chairperson or upon call of the conference president.

SECTION 11. The President and President-elect shall be ex officio members of all committees.

ARTICLE XII CONFERENCE MANAGEMENT

SECTION 1. The Treasurer shall have the authority to authorize payment of conference expenses in the amount of \$150.00 or less. The President shall have the authority to authorize conference expenses in the amount of \$500.00 or less. For amounts greater than \$500.00 the President must authorize payment along with the President-elect, Secretary, Treasurer, or Editor. The Treasurer, upon receiving proper written authorization shall pay those bills authorized in accordance with this Section and shall pay those bills incurred as a result of standing policy or authorization of the Board of Directors.

SECTION 2. Such business that comes before the Conference may be adopted if approved by a majority of the members of the Board of Directors at a properly scheduled Board meeting after a quorum is established. A quorum is established by having present a majority of the members of the Board of Directors after having given reasonable notice to all members. Proxy voting is not permitted for establishing a quorum or for voting on conference business. Members may be present by telephone for both purposes of a quorum and voting. Any member of the Board of Directors serving as a Board member in more than one capacity may not exercise more than one vote on any single issue.

SECTION 3. Pursuant to Article VI, Section 2, the Executive Committee in the periods between Board meetings may also have authority to approve conference business upon a majority vote with the same authority as the Board of Directors. The Executive Committee cannot vote on conference business unless quorum is established. Executive Committee quorum is established by having present a majority of voting members after having given reasonable notice to all members. Proxy voting is not permitted for establishing quorum or for voting on conference business. Members may be present by telephone for both purposes of quorum and voting.

SECTION 4. The fiscal year for the Conference shall be from July 1 through June 30 of the following year.

ARTICLE XIII ANNUAL MEETING

SECTION 1. The annual meeting of the Conference shall be a Summer Conference and shall be held in the month of June or July as selected by the Board of Directors after recommendation from the Conference Committee.

SECTION 2. Nothing contained in these Bylaws shall be construed to prevent the calling of special meetings of the Conference by the President and/or Executive Committee or the calling of committee meetings by the President and/or Executive Committee or the respective chairpersons of committees.

ARTICLE XIV ADOPTION OR AMENDMENT OF BYLAWS

SECTION 1. These Bylaws must be adopted by two-thirds (2/3) vote of those members in attendance at the annual meeting held during the calendar year 1993. These bylaws shall be effective immediately upon approval as described herein. The provisions of these bylaws specifying time requirements for nominations and second terms shall be waived only for the 1993 annual elections since the nominating period described herein shall have expired prior to the approval of these bylaws.

SECTION 2. These Bylaws shall be amended only by a two-thirds (2/3) vote of those members in attendance at a meeting called pursuant to Section 3 of this Article.

SECTION 3. Adoption of these Bylaws or amendment of these Bylaws may be made only after notice to the general membership in writing no less than thirty (30) days prior to the time of the annual meeting or special meeting of the Conference. Proof of posting of notice thirty (30) days prior to such meeting shall satisfy this requirement.



**Civil Rules
Committee Report**

by Judge Ronn Legendre, Chair

The committee discussed the proposed increase in the jurisdictional amount for Small Claims Court from \$2,500 to \$5,000. The Florida Supreme Court has heard oral argument on this issue and will issue an opinion. The Florida Bar Board of Governors voted for the increase without considering any committee reports. The Florida Bar Small Claims Committee had opposed the increases.

The committee heard a report from the June meeting of the Fla. Bar Civil Rules Committee as follows:

- a. *A rule change was discussed to determine whether a Motion For Protective Order is an automatic stay.*
- b. *The new rule regarding service of process by mail.*
- c. *Changes in replevin forms.*
- d. *New Eviction Summons. The supreme court requested Spanish and Creole translations.*
- e. *Drafting a form for final judgment of replevin.*
- f. *Discussion of lawyers advising a witness not to answer at deposition.*

The committee was reminded to use final judgment forms that permit post judgment interest on pre-judgment interest.

The committee discussed awarding a contract interest rate on final judgments instead of the Comptroller's rate. The committee also discussed the amounts of attorney's fees awarded by judges around the state in evictions and condo lien foreclosures.



**Sentencing
Committee Report**

by Olin W. Shinholser,

The sentencing committee met on July 24, 1996. The committee discussed various new laws pertinent to sentencing including the new statutes on battery, DUI and public defender appoint-



ment. Committee members have been asked to bring with them to the fall board meeting copies of any administrative orders, documents or other items that will be utilized in their respective circuits for implementation of the new public defender appointment/assessment statute. All members of the conference are requested to submit to the sentencing chair copies of any information pertinent to the implementation of the new statute. The committee will then disseminate the information to members of the conference.

The committee noted that the DUI impoundment statute has been declared unconstitutional by the Second District Court of Appeal.



Criminal Rules Committee Report

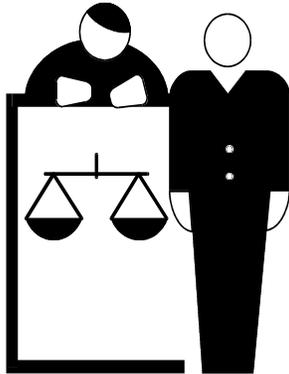
by Judge Aymer L. "Buck" Curtin, Chair

The Criminal Rules Committee met on Thursday, July 24, 1996 with eight (8) members in attendance.

The increased use of video technology was again discussed. The Court Technology User Committee has been studying/developing technology and will address policy issues that need to be established in order to implement the available technologies. The Judicial Management Council is also addressing emergency technologies in long range planning for the Courts.

Judge Venzer, Dade County and Judge White, Escambia County, have agreed to draft two different proposals dealing with Juvenile Criminal Traffic offenses. One proposal will deal with consolidating criminal traffic offenses involving juveniles with any of the misdemeanor/felony offenses arising out of the same transaction. The second proposal will be more comprehensive. Any judge having an interest in assisting with this effort is encouraged to contact Judge Venzer and Judge White. The proposals will be considered at the Board Meeting in Sarasota in October.

There being no further business the meeting was adjourned.



Education Committee Report

by Judge Terry P. Lewis, Chair

The Education Committee meeting was well attended on July 23rd in Key Largo, Florida. The Committee approved a tentative schedule for Winter 1997 Conference Education Program. There will be plenary sessions Wednesday afternoon on Civil Law Update, Americans With Disability Act, and Criminal Law Update. Thursday's program will contain three tracks for most of the day, including a criminal track of criminal law review, probation, civil courses on jury trial issues, discovery violations, consumer issues and domestic relations, and a course on professionalism. Friday's session will be plenary with a course on proactive community relations for Judges.

Our Subcommittee on materials continues its work on a uniform bench book for county judges. Progress is slow, but steady, as would be expected on this project. If you would like to contribute with this project, please get in touch with Judge Beth Bloom of Dade County.



Traffic Court Rules Committee Report

by Judge Brian P. Kay, Chair

The traffic court rules committee met on July 24, 1996. A discussion occurred concerning various new statutes as well as proposed rule changes. No formal action was taken nor were any recommendations made to the board.



"BUILDING BRIDGES TO THE FUTURE" FLORIDA CHAPTER NBA 1996-1997

by V. Lynn Whitfield, President

BRIDGE BUILDER

An old man traveling a lone highway,
Came one evening cold and gray,
To a River deep and dark and wide,
Because there was no bridge at the other side
The old man crossed in the twilight dim,
The sullen stream was really no trial for him;
And when he reached the other side,
He built a bridge to span the tide.

"Old man," said one man standing near,
"You waste your time building here,
You'll never come this way again,
Why build this bridge out here, my Friend?"

The builder lifted his old gray head,
And to the cynic he thoughtfully said,
"On the path I safely trod today,
There follows a youth who must come this way,
This sullen stream which was no trial for me,
To that care-free youth a pitfall may be,
While I'll never pass this way again
I build this bridge for him, my friend."

FLORIDA CHAPTER NATIONAL BAR ASSOCIATION

MARITAL DISCORD AND ITS EFFECT ON THE PRESUMPTION OF INNOCENCE

Submitted by: Karl Grube



The following dialogue is reported to have occurred when a Washington State Patrol Trooper pulled over a car near Marysville.

DRIVER: What's the problem, officer?
 TROOPER: Do you know how fast you were going, sir?
 DRIVER: 55 MPH (The speed limit)
 TROOPER: I clocked you at 68 MPH.
 DRIVER: You couldn't have. I've been going 55 MPH for the last several miles. I know because I was watching the speedometer.

Whereupon, the DRIVER'S WIFE pipes up:

WIFE: That's not true. You know very well you've been speeding for miles.
 TROOPER: And sir, you're not wearing your seat belt.
 DRIVER: I was wearing it when I was driving. I just unfastened it to get my driver's license out of my pocket.
 WIFE: That's not true. You know very well you haven't had that seat belt on since we left home.
 TROOPER: Ma'am, does he always lie like that?
 WIFE: Oh, no sir! Just when he's been drinking excessively.

Trial Court Selection Committee Report

by Judge G. J. Roark, III, Chair

The Trial Court Selection Committee met on July 24 at the summer conference. After a review of the history of the committee and the current status of the issues the committee was created to address, its members unanimously decided to recommend placement on an inactive status pending further activity. This committee was created as an advisory body, and its existence is not mandated by the bylaws.

The chair wants to thank all of those who spent time researching single member district litigation and single tier court systems, and who worked tirelessly on the issues of merit selection and retention. Hopefully this work will have some impact on these issues in the future.



Administration and Management Long Range Planning Committee Report

by Judge Peter D. Blanc, Chair

The Long Range Strategic Planning Committee met for a two hour session on July 23, 1996. The goals for the meeting were three-fold. First, the committee finalized a Draft Vision Statement for the Conference. Second, the committee attempted to clearly and specifically identify strategic issues impacting our Conference. Those issues were then divided into internal and external categories. Internal issues relate to our Conference's ability to provide services to its members while external issues focus on our Conference's relationship with other stakeholders. Finally, the committee attempted to identify the objectives of the Conference in relation to each of the strategic issues.

The proposed vision statement which will be presented to the Board of Directors as part of the comprehensive Long Range Strategic Plan is as follows:

THE CONFERENCE WILL EXIST FOR AND SERVE THE FLORIDA JUDICIARY, CREATING A UNIFIED ORGANIZATION WHICH FAIRLY AND EFFECTIVELY REPRESENTS THE INTEREST AND NEEDS OF ALL JUDGES IN THIS STATE, WITH THE GOAL OF ENHANCING AND IMPROVING THE EFFECTIVENESS OF THE FLORIDA JUDICIAL SYSTEM.

The Conference identified three primary internal strategic issues. They are:

1. The involvement of Conference members.
2. The diversity of Conference membership.
3. The expectations of Conference members.

A variety of objectives which are encompassed by these strategic issues were identified and will be incorporated into the final draft of the Long Range Plan.

Three primary external strategic issues were also identified. The external strategic issues are:

1. Effective input into the statewide Judicial Management Council's Long Range Strategic Plan.
2. Our Conference's relationship with others (i.e. other conferences, the Bar, the Public, the Supreme Court, the Legislature).
3. Professionalism and public perception.

Again a variety of objectives encompassing these strategic issues were identified and will be encompassed in a Long Range Strategic Plan.

The next step for the committee is to specifically identify all objectives necessary to properly address these strategic issues and to then identify the specific tasks that should be undertaken in order to reach each of the objectives. If kept on track, the Long Range Plan should be ready for presentation to the Board of Directors at the Winter Conference and to the general membership immediately thereafter. Anyone with comments, constructive criticism, or suggestions related to the Long Range Strategic Plan may contact Palm Beach County Judge Peter D. Blanc at the Palm Beach County Courthouse, 205 N. Dixie Highway, West Palm Beach, FL 33401, or any other member of the committee. Work continues.





Summer Conference of
County Court Judges Hit
Key Largo!

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People Say The Darndest Things In Court

*by Karl Grube, County Judge
Pinellas County, Florida*



In the course of teaching at the National Judicial College during the past 14 years, I have had the pleasure of meeting hundreds of judges from many jurisdictions, both foreign and domestic. Several of these judges have been kind enough to supply me with excerpts of courtroom dialogue that they had the foresight to preserve. I am pleased to present the two which follow. In offering these excerpts it is not my intention to offend anyone or diminish the seriousness of any court proceedings. None of the incidents portrayed occurred within the jurisdiction of the State of Florida.

Defendant's Motion for Substitute Counsel

- DEFENDANT** *Judge, I want you to appoint me another lawyer.*
- THE COURT** *And why is that?*
- DEFENDANT** *Because the P.D. isn't interested in my case.*
- THE COURT** *(to public defender) Do you have any comments on defendant's motion?*
- PUBLIC DEFENDER** *I'm sorry your honor, I wasn't listening.*

The Wrong Voir Dire Question

- COUNSEL** *Can you participate in a case in which the ultimate result might be death by lethal injection?*
- JUROR** *They do that up in Huntsville, don't they? Yeah, I guess I could do it if it was on a weekend.*
- COUNSEL** *And (next juror) you, sir?*
- JUROR** *Yes, but, I think it's too quick.*
- COUNSEL** *And you, sir?*
- JUROR** *It should be left up to the victims' families rather than the courts.*
- COUNSEL** *You know that my client is charged with robbing a Seven-Eleven, tying up two employees and shooting them both in the head as he fled. Now if the state offers you evidence to prove these facts, would you—*
- JUROR** *He's gone!!!!*

Mark Your Calendars

Fall Workshop

Oct. 30 - Nov. 1, 1996,
Sarasota Hyatt, Sarasota, FL.

Winter Educational Conference

Jan. 15-18, 1997, Marriott Sawgrass,
Ponte Vedra Beach, FL.

Summer Conference

July 9-12, 1997,
Registry Resort, Naples, FL.

COURIER DEADLINE

NOVEMBER 15TH

Claims Committee Report

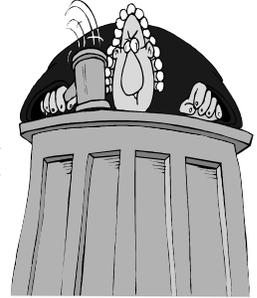
by Judge Tom B. Freeman,

The meeting was held on Tuesday, July 23, 1996 at the County Judge's Conference in Key Largo at the Ocean Reef Resort.

The Committee discussed the recent efforts to change the jurisdictional limits in Small Claims litigation. The general feeling of the members is that they are not in favor of an increase to the jurisdictional limit.

The Committee also discussed the supplemental procedures involved in collection procedures and the fact that they are becoming increasingly time consuming.

Should you have any matters to be considered before the Committee please contact me at my office. 



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

**YOUR BAILIFF PUTS
YOU ON THE BENCH
AND THEN TELLS THE AUDIENCE-
"NOW YA'LL SET A
SPELL AND LISTEN
UP REAL GOOD!"**

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