

COURTSIDE

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ADMINISTRATOR'S OFFICE

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GOVERNOR APPOINTS LARRY G. TURNER TO CIRCUIT BENCH



Larry G. Turner, Circuit Judge

Photo: courtesy of John Moran, Gainesville Sun

Larry G. Turner was appointed on February 24, 1997 by the Governor as Eighth Judicial Circuit Judge. Judge Turner was born in Marianna, Florida and attended the University of Florida College of Law from 1966-1970. Upon graduation, he began teaching in an elementary school in Panama City, then taught at an all-black junior high school in Marianna. He soon returned to Gainesville and began working with a prominent young attorney,

Selig Goldin. He then moved to the State Attorney's office and learned criminal law, sometimes trying three or four felony cases in a single month. After leaving the State Attorney's Office, Judge Turner gained national attention for defending and acquitting several leaders of the antiwar organization Vietnam Veterans Against the War.

Even while traveling nationwide litigating cases, he never closed down his Gainesville law practice. He did eventually return to Gainesville continuing to take a leading role in his profession, such as serving in the early '90's as president of the Florida Criminal Defense Lawyers Association, and continuing to involve himself in high profile cases.

Judge Turner was sworn in on Thursday, March 13. His investiture is scheduled for May 16 in courtroom 4a at 4pm. All Bar members are invited.

JUDGE STAN R. MORRIS RECEIVES THE SELIG I. GOLDIN MEMORIAL AWARD



Criminal Circuit Judge,
Stan R. Morris

In January, Circuit Judge Stan R. Morris was awarded the Selig I. Gordon Award. The award, the highest honor awarded by the Florida Bar Criminal Law Section, is named for a legendary Gainesville defense attorney and civil litigant who died of cancer in 1980 in his early 40's. According to the *Gainesville Sun*, upon learning that he was to be the next recipient of the award, Judge Morris said, "Quite frankly, I'm shocked. I'm humbled by it. It's a very prestigious honor. I called Tony back (Anthony Musto, chairman of the Criminal Law Section of the Florida Bar) to make sure

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CIRCUIT JUDGE JAMES L. TOMLINSON

DIES AT 66



The Honorable James L. Tomlinson, Circuit Judge in the Eighth Judicial Circuit, passed away on January 16, 1997 at the age of 66. Judge Tomlinson, who retired from the U.S. Army Reserve as a lieutenant colonel, was born in Avon Park and graduated from the University of Florida College of Law in 1962. He was part of two law partnerships in Gainesville and another in Starke before he became a county court judge in 1985. He was appointed circuit judge in 1989. His survivors include his wife, Diane, four children and seven grandchildren.

Obiter Dictum

Judge Turner's investiture will be held on May 16 at 4:00 pm in the Alachua County Courthouse in Courtroom 4a. A reception will follow immediately in the Downtown Plaza.

The Court Administrator's Office welcomes the following new employees: **Adelita DiGloria**, Staff Assistant for Harvey Baxter, **LeAnna Salmons**, GAL Case Coordinator, **Cristina Lee**, Jail Population Manager, **Eric Rissman**, Indigency Examiner, and **Valerie Varan**, Program Manager for "Project Pay-back" in Family Court.

The Florida State Courts System has announced new dates for computer training for judges. **Training for WordPerfect 6.1 and Premise** will be held in the Supreme Court Building in Tallahassee. For more information contact **Alison York** in the Court Administrator's Office at (352) 374-3648.

Congratulations to county court mediators **Elmo Beville, June Conley, Bill Evans, Pearse Hayes, and Fred Rummage** for mediating their first cases in February.

Advanced Judicial College will be held May 18 - 23.

The next **Conference of County Court Judges** meeting will be held in Naples at the Registry Hotel from June 8-12.

"Dealing with the Judge's Office," a seminar presented by judicial assistants and staff of the Eighth Judicial Circuit, will be held on May 6. The seminar will address proper procedure and common questions/problems faced by attorneys and their secretaries when they deal with the judge and judicial assistant. For more information, contact **Pat Sands** at (352) 374-3644.



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HON. CHESTER B. CHANCE
HON. NATH C. DOUGHTIE
HON. MAURICE V. GIUNTA
HON. MARTHA A. LOTT
HON. STAN R. MORRIS
HON. ELZIE S. SANDERS
HON. FREDERICK D. SMITH
HON. LARRY G. TURNER

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HON. JEANNE D. CRENSHAW
HON. AYMER "BUCK" CURTIN
HON. JOHNNY R. HOBBS
HON. PHYLLIS D. KOTTEY
HON. YSLETA McDONALD
HON. EDWARD PHILMAN
HON. DAVID L. REIMAN
HON. PETER K. SIEG
HON. JOSEPH E. SMITH
HON. JOSEPH M. WILLIAMS

NEW INDIGENCY EXAMINER POSITION WILL HELP CUT COSTS

It has been reported that many criminal defendants who are not "indigent" are receiving free representation by public defenders. According to a 1995 survey by the *Miami Herald*, a lawyer, a doctor, a stockbroker, and an owner of a 37 foot yacht were among the many criminal defendants whose defense has been publicly funded. The *Herald* survey also reported that many defendants who had received free criminal defense owned luxury cars, and over a thousand criminal defendants had household annual incomes that exceeded \$50,000.

In response to this dilemma, last year, the state of Florida authorized a new position to minimize expenses for public defense. As of January 1, 1997, any accused person requesting representation by a public defender, must qualify financially for that representation.

In the Eighth Judicial Circuit, the indigency examiner position is part of Court Cost Containment, which also handles cases assigned to special public defenders and submission of paperwork for payment of fees. The circuitwide duties and responsibilities of the indigency examiner are to investigate and assess claims of indigence to determine eligibility for representation by public defenders or other special Court appointed counsel in accordance with section 27.52, Florida Statutes, and other applicable Court rules and law. The indigency examiners will assist the Court by providing background information to the Court on the new definition of indigency, and establish procedures for implementation of the requirements of section 27.52, FS. An application fee of \$40.00 is collected and placed into the Indigent Criminal Defense Trust Fund, and when making budget requests each year, the Public Defender may request that the money in this fund be directed into their budget.

STATE COURTS SYSTEM BUDGET

(excerpt from "Five Myths...About Florida's Judicial Branch" published by the Office of the State Courts Administrator)

One commonly held myth is that "the operating budgets for the judicial branch are fat." According to the Office of the State Courts Administrator this is not so. In fact, the judicial branch's current budget of \$194 million is less than one-half of one percent of the entire \$39.8 billion state budget - just enough to run Florida's Dept. of Children and Families for about 16 days.

Here are the facts. When asked in past years to cut budgets, the courts have, insofar as possible, made a good-faith effort to identify appropriations that might be reduced. But, given the makeup of the courts' budget and the necessities of the judiciary's constitutional mandates, reductions in court resources during the 1990's have left very few areas where further reductions are possible.

Eighty percent of the judicial branch's general revenue budget is devoted to the salaries and benefits of constitutional officers and their personal or direct support staff (e.g. one judicial assistant each, and trial and appellate law clerk). An additional 3.5 % is committed to costs such as juror and witness payments, juror meals and lodging, temporary assignments of senior judges, and statewide grand jury expenses, all of which are directly related to the handling of individual cases. This leaves a balance of only 16% of approximately \$31.5 million to pay for all of Florida's other judicial branch expenses in the entire state for a whole year; enough to run Florida's Dept. of Children and Families for about two or three days.

This \$31.5 million also includes the remainder of the state's expenditures for court personnel resources, which are found in the offices of the clerks and marshals of the appellate courts, the Supreme Court Office of the State Courts Administrator, and the offices of the 20 trial court administrators, all of which are lean. Furthermore, the state's expenditures of its trial courts cover less than half of those courts' costs. The rest is funded by counties.

For a copy of the publication, contact Allen Brown, (904) 531-3334

Current General Revenue Appropriations FY 1996-1997

\$155,816,599 (80.3%)	Judges' and direct support staff salaries
\$21,213,506 (10.9%)	Salaries of court personnel
\$6,842,065 (3.5%)	Case related costs
\$5,586,516 (2.9%)	Libraries for appellate courts and expenses
\$3,833,236 (2.0%)	Expenses, grant aid, additional compensation and libraries for trial courts
\$871,099 (0.4%)	Other administered funds and operating expenses

JAIL POPULATION MANAGEMENT

by Patrick Callahan
Senior Deputy Court Administrator

In October of 1995, based upon the Florida Rules of Judicial Administration (Rule 2.050), Chief Judge Robert P. Cates convened a "blue ribbon" panel of judges, criminal justice professionals and informed citizens to intensively study the growth in the number of inmates confined at the Alachua County Detention Center. The "Jail Population Review Committee" was divided by professional specialty into four subcommittees including Law Enforcement, Policy Analysis and Development, Case Management Efficiency, and Jail Alternatives. At the conclusion of over seven months of study and deliberation, a final report was issued to the Alachua County Board of County Commissioners in April of 1996. Central to the recommendations was a common theme that analysis of the confinement trends must be accomplished and individual analysis of each inmate would result in a more efficient use of this expensive resource.

In January of 1997, the Board of County Commissioners approved the funding of a Jail Population Manager position, assigned to the Court Administrator's Office of the Eighth Judicial Circuit in Alachua County. After an exhaustive search, Ms. Christina Lee was selected in March of 1997 to serve Alachua County as the Jail Population Manager. Ms. Lee's responsibilities will focus upon regular analysis of each Alachua County inmate confined for misdemeanor and felony charges based upon review criteria approved by the Chief Judge. She will also review arrest and sentencing trends and patterns of judicial decisions at first appearance hearings, inmates held for other jurisdictions, and expeditious management of paper flow affecting inmate release. Finally, it will be the responsibility of Ms. Lee to make regular reports to the Chief Judge about the jail population, particularly when the facility approaches functional capacity.

1997

FLORIDA LEGISLATIVE SESSION



Chief Judge Robert P. Cates has lobbied for the following legislative changes:

Senate Bill 722 (House Companion Bill 1319): this bill proposes to reallocate traffic citation revenue from the state to the counties.

Senate Bill 130: This bill proposes to establish a maximum fee for traffic citation court costs, thereby creating a potential new revenue source for the local counties

General appropriation of nonrecurring funds for courthouse improvements in small counties - \$3 million dollars.

PROJECT PAYBACK SCHEDULED TO BEGIN IN MAY

Just ten percent of restitution is ever collected and repaid to victims of juvenile crime. The dilemma is that juveniles often have no means to earn the money needed to make restitution to their victims. Many times they lack direction as well as basic jobs skills needed to acquire a job. In response to this ongoing problem, Juvenile Justice Alternative Sanctions, a division of Family Court, has developed a dem-

onstration project, "Project Payback," to help juvenile delinquents pay these unobtainable funds to their victims.

The Eighth Judicial Circuit has been awarded \$22,680 to fund the project. The funding was awarded by the **Edward Byrne Memorial State and Local Assistance Program**. This funding will provide for a project coordinator and a

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JUDGE KOTEY FORMALLY INVESTED

On Friday, February 21, 1997, Phyllis D. Kotey took the oath of office as the Eighth Judicial Circuit's first black female county court judge. About 300 people were in attendance, filling the courtroom, as well as two others equipped with video equipment.

The oath of office was administered by Judge Stephan Mickle, a former Eighth Circuit Judge who has since been appointed to the 1st District Court of Appeals.

Judge Kotey, a mother of three, is married to Paul Kotey, a University of Florida professor of linguistics and African languages.

FAMILY COURT PLANNING INITIATIVE DEVELOPS STRATEGIC PLAN



Alachua County Dep. Clerk of Court Nancy Moses, Alachua County Court Judge Ysleta McDonald, Rep. Bob Casey, Court Administrator Ted McFetridge and Gilchrist County Attorney Sheree Lancaster at the Family Court Planning Initiative Conference held at Poe Springs Park.

Family Court has made significant strides in offering expanded and more equitable services to all counties in the circuit. The result of the Family Court Planning Initiative, funded through a grant from the State Justice Institute, is a major contributor to improving access to the court and initiating new services. The grant provided for a series of workshops that brought leaders in the community and interested partners together to assist the court with a new mission and strategic plan. In August, ninety three people from six counties met to discuss the existing family court system and the changes they would like to see in the next five years. The session was facilitated by a consultant from the Center for Public Policy in Denver, Colorado. The outcome of this large group effort was to establish a smaller strategic planning group of twenty five people representative of diverse geographic and interest groups. They agreed to meet for day long sessions in September, October, December, and January with the same consultant. The synergistic effect has already provided collaborations and new approaches to provision of services. Most of all, working relationships have improved tremendously between the court and key agencies within the circuit. An executive summary of the plan will be available in 1997.

GUARDIAN AD LITEM

A MESSAGE FROM MAG MCGAULEY

The first quarter of 1997 has been an extremely busy one in the Guardian ad Litem offices. Our new staff is in place and doing a wonderful job! As of March 1st, we were appointed on 410 cases involving 757 children in the Eighth Judicial Circuit. These cases include dependency, family law, delinquency and criminal cases. This quarter we trained 56 new Guardians in Alachua, Levy and Gilchrist counties.

The Eighth Judicial Circuit Bar Association sponsored a St. Patrick's Day luncheon to benefit the Guardian Foundation, Inc., our non-profit fund-raising organization. It was very well attended, with special entertainment by Adriane Isenberg, our Family Law Coordinator, and DeeJay Hellrung, a member of the Foundation. We thank the Bar so much for their support and for a very enjoyable luncheon.

In April, we planned our annual volunteer recognition ceremony. This is the time of the year when our wonderful volunteers can take some credit for the great job they do representing children. The event was held on April 24th at 5pm at the Alachua County Courthouse.



Mag McGauley, Director of Guardian ad Litem

ADMINISTRATIVE ORDERS

4.010(a) Organization and Procedures of the Criminal Divisions of the Circuit Court.

4.0021 Procedures for Appointment of Special Public Defenders in County Court Cases.

All Administrative Orders are available on the Eighth Judicial Circuit's webpage at: <http://www.co.alachua.fl.us/~ctadmin>. They can also be purchased on diskette for \$10.00.

Contact Doris Morgan, Law Librarian at (352) 374-3659

FAMILY MEDIATION

Robin Davis, Director of the Family Mediation Program, was appointed by Chief Justice Kogan to the Supreme Court Committee on Mediation and Arbitration Training. The Committee is a standing committee of the Florida Supreme Court charged with the responsibilities of developing and recommending standards and procedures for mediation and arbitration training, studying the mentorship process and recommending modifications as needed, reviewing requests for individuals seeking waivers of the qualifications for certification, and studying continuing mediator education and other requirements which may be deemed necessary and proper for certification renewal.

Continued from page 3

staff assistant for 6 months with interim support being provided by Family Courts and The Department of Juvenile Justice. "Project Payback" is scheduled to begin May 1, 1997.

Please contact **Wayne Thomas** at the Alachua County Courthouse, (352) 374-3694, for more information regarding this project.



Attention *Windows95* users! To change your desktop wallpaper and screen saver, simply right click your mouse on any clear area of your screen which contains your icons (the desktop) and select "properties." Select from the different patterns available.

For those judges and judicial assistants interested in learning how to "surf the net" as well as download files and software, the Court Administrator's Office will hold a lunchtime training session to teach the basics of using a browser (Netscape Navigator). Contact **Alison York** at (352) 374-3648 for more information.



The Alachua County Board of Commissioners and the Alachua County Planning Committee are proud to announce the dedication of Squirrel Ridge Park, the first park in the state of Florida dedicated to victims and survivors of crime. The dedication was held on April 17, 1997, in honor of National Victim's Rights Week which runs April 13-19.

Squirrel Ridge Park is located on South West Williston Road, west of SR 441/13th St.

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it wasn't a mistake." There was, however, no mistake. Mr. Musto said it was "inevitable" that Morris, 49, would receive the award.

Judge Morris' name will now join Senior Judge Benjamin M. Tench's on the plaque that resides at the University of Florida's College of Law, Selig's alma mater. The award will be presented to Judge Morris during the Florida Bar's annual meeting in June at Disney World.