



THE CIRCUIT TIMES

NEWSLETTER OF THE 20TH JUDICIAL CIRCUIT

SUMMER 2014

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Circuit Judge Mark Steinbeck to Retire



Circuit Judge Mark Steinbeck will step down from the bench December 31, 2014. It is expected that his Circuit Judge position will be filled by Governor Scott through appointment.

Judge Steinbeck earned his B.A. degree in history from Mercer University in 1970 where he is an Athletic Hall of Fame member for baseball. He was commissioned out of ROTC as an Army officer and entered active duty in 1971. While on Army active duty, Judge received his Juris Doctor, with honors, from the Walter F. George School of Law at Mercer University. Judge Steinbeck served on active duty as an Army Judge Advocate General's ("JAG") Corps officer from 1976 until his Army retirement in 1991.

Prior to his appointment, Judge Steinbeck was also in private practice as a civil trial attorney and as an Assistant United States Attorney in the Middle District of Florida. He was appointed to Circuit Judge by Governor Jeb Bush in 2006.

Judge Steinbeck has presided over felony criminal and juvenile delinquency dockets. Currently, he presides over a felony criminal docket and as the Administrative Judge for the Criminal Division in Fort Myers, Florida. Judge Steinbeck takes pride in having been part of the Criminal Division in Fort Myers during the development and implementation of the Differentiated Case Management System. The system has been highly successful in ensuring the effective and efficient processing of felony criminal cases, while at the same time protecting the due process rights of defendants.

Judge Steinbeck is married to Circuit Judge Margaret O. Steinbeck.

"Although I'm retiring from active service on the bench, I'm not retiring from professional service to our community," said Judge Steinbeck. "Suffice to say, I expect to be an active member of the legal community for some years to come. I feel grateful to have had such an interesting and varied legal career and I'm looking forward to this next phase."

Judge James Sloan Appointed as Circuit Judge

Governor Rick Scott has appointed Hendry County Judge James Sloan to the Twentieth Judicial Circuit Court. Judge Sloan has served as the Hendry County Court Judge since 1992. He handles juvenile cases and domestic violence cases, in addition to county court. Judge Sloan is also the Administrative Judge. Before becoming a judge, he worked at a law firm in Alamonte Springs until moving to Labelle in 1983. He then practiced with Elver & Sloan in Labelle from 1983 to 1992. Judge Sloan is married and has three children.



In 1977, Judge Sloan received his bachelor's degree in political science from the University of South Florida, Tampa and his law degree from Stetson College of Law in 1981. He fills the vacancy created by the resignation of Judge Sherra Winesett.

"I would like to thank all of you for the expressions of congratulations. Moreover, thank you for the words of encouragement and prayers during this entire appointment process. I am excited to begin this new phase of my career."

DCA Judges in Lee County for Law Week



From Left to Right: Judge Darryl Casanueva, Judge Morris Silberman, and Judge Craig Villanti.



Second DCA Judges and a group of students



To close law week in Lee County, three judges from the Second District Court of Appeals visited the 20th Judicial Circuit to preside over oral arguments on May 2nd.

Prior to the oral arguments, Judge Darryl Casanueva, Judge Morris Silberman and Judge Craig Villanti met with students to answer questions and explain how the appellate court works. The judges described how the DCA differs from Circuit Court and what the students can expect from oral arguments. The High School students then observed attorneys from three local cases appear before the panel to discuss issues in their cases.

Law week is put on every year by the Lee County Bar Association and is chaired by The Honorable John Carlin.

Judge Steinbeck Honored at TCBC Meeting



Judge Meg Steinbeck and current TCBC Chair Judge Mark Mahon of the 4th Judicial Circuit.

Judge Margaret Steinbeck was honored on June 20, 2014, in Tampa, during her last meeting as Chair of the Trial Court Budget Commission. Judge Steinbeck has been chair since July 2012 and has been on the TCBC since 2007.

The TCBC is responsible for developing and overseeing the administration of the trial courts' budget in a manner which ensures equity and fairness in state funding among the 20 judicial circuits. "You get to work with all of these people on a mission that everyone agrees on," said Judge Steinbeck. "Working with other judges,

trial court administrators, the legislature and the governor's office has been a rewarding experience." Judge Steinbeck served as chair of the TCBC during the establishment of the Foreclosure Backlog Initiative. The plan was implemented in an effort to reduce the backlog of pending foreclosure cases throughout Florida. She cites the foreclosure initiative as one of the Commission's biggest accomplishments during her tenure, along with the proposed court employee pay parity plan. The plan provides \$8.1 million in reoccurring dollars in order to attract and retain skilled workers. It still has to be approved by the Supreme Court and the Legislative Budget Commission.

But, she has had to

overcome some difficulties too. Judge Steinbeck says dealing with budget cuts and cuts to personnel has been one of the biggest challenges. Even so, Steinbeck says serving on the TCBC has been one of the most rewarding experiences of her career. "The issues are important because without these resources we can't have a functioning court system to serve the people of Florida," said Steinbeck.

Currently, the TCBC is working to identify the issues most important for Fiscal Year 2015-2014 to recommend to the Supreme Court and the legislature. Judge Steinbeck will continue to serve on the Commission Executive Committee and as a voting member.

New Magistrate Welcomed in Hendry and Glades Counties

Hendry and Glades Counties have welcomed Darrell Hill as a part-time Magistrate. As a magistrate, Mr. Hill will primarily be hearing Family Law matters when referred by the judge. Between the two counties there are approximately 630 new family law cases filed each year. In addition, Hill will also be serving as a Child Support Enforcement Hearing Officer and as a Civil Traffic Infraction Hearing Officer on an as needed basis.

Hill has deep roots in the community having moved to Lee County in 1972. He graduated from the University of Florida and received



his Juris Doctor from Cumberland School of Law of Samford University. The 51-year-old has practiced law in Lehigh Acres since 1995 and manages the Law Office of Darrell R. Hill, P.A. where he specializes in Criminal Law, Estate Planning, and Probate & Estate Administration, among others.

In his spare time, Hill enjoys raising cattle and horses.

"I feel honored and privileged to serve as a magistrate in Hendry and Glades Counties," says Hill

Civil Traffic Infraction Hearing Officer Sworn In

Chief Judge Jay B. Rosman gives oath to Mary Jacobs



Long time attorney Mary Jacobs has been sworn in by Chief Judge Jay B. Rosman as the newest Civil Traffic Infraction Hearing Officer. Originally from the Midwest, Jacobs moved to Fort Myers in 1982. She then started her career in law as an Assistant State Attorney for the State Attorney's Office in Fort Myers. Jacobs prosecuted everything from misdemeanor cases to first degree homicide cases where the death penalty was in play. After seven and a half years, she left the SAO and went to work for Department of Children and Families. For 17 years, she was a senior attorney at DCF where she advocated for children's rights. She then went to work for the Agency for Health Care Administration as a Hearing Officer and Assistant General Counsel until she retired in August 2012.

After a 30 year professional career, Jacobs decided to take her full retirement at age 55 and headed overseas to Portugal and Iceland. But then an opportunity to get back into law came around. "I felt this was the right time in my life to get back into the field of law with a new challenge," Jacobs said. "I'm ready to jump back in and be busy again."



Lee County Celebrates Pretrial and Probation Week



During the week of July 13th through the 19th, 2014, Lee County's Criminal Division recognized the work that pretrial and probation supervision professionals do for our public safety. These dedicated public servants have the opportunity to change lives and influence positive changes for the individuals under supervision.

Pretrial services programs have the unique responsibility to interview, investigate and supervise individuals involved in the criminal justice system prior to adjudication. These officers maintain positive, dedicated attitudes day-to-day with individuals facing criminal charges. An estimated 300 jurisdictions including the federal system have some kind of pretrial services program.



In Lee County, there are about 2,800 active probationers on Lee County Probation. The average success rate is approximately 63%. Success rate is defined as satisfactorily complying with all conditions set forth by the court. During fiscal year 2012 – 2013, there were approximately 2,967 placed on Pretrial Supervision. The average success rate is approximately 81%.

Collier County Begins Pretrial Supervision

Today in America, there are over five million adults on community supervision and most of these individuals are monitored by probation and parole officers. Monitoring may take the form of home contacts, drug testing, making sure the probationer attends counseling sessions and helping probationers to find suitable housing and employment. Many officers also supervise probationers using electronic monitoring equipment which requires expert knowledge of newer technologies while reducing costs to the tax payers.

For example, about \$1.5 million dollars have been saved in Collier

County since the Sheriff's Office implemented their own Pretrial Supervision Program in August of 2013. Criminal Division Director Debbie Offutt says CCSO started the program because it saves money and their employees truly believe in the program. There are four Pretrial officers assigned to about 50 to 60 participants.

There have been 727 defendants eligible for the pretrial services program between August and April, with 222 court ordered into the program. With a majority of those defendants considered low or low/moderate risk. During first appear-

ance, as an alternative to bond, the judge can order a person be monitored by things like a GPS or an in-home Breathalyzer. Both are monitored by CCSO. For instance, if a defendant involved in a domestic violence case violates the terms of their restriction it will go straight to 911. This leads to a quicker response time by law enforcement. During the nine month review period, 173 defendants were removed from the program. Offutt says she's heard testimony from defendants who claim PTS has been a lifesaver and also helped them maintain sobriety.

Judge Gagliardi Delivers Welcome Speech

Judge Josephine Gagliardi enthusiastically volunteered to present to pretrial staff statewide. The training provided on June 24, 2014 at the Association of Pretrial Professionals (APPF) conference, in conjunction with the Florida Police Accreditation Coalition, was extremely rewarding and beneficial. The attendees felt invited to speak and ask questions and reiterated how Judge Gagliardi's presentation will assist them in understanding what the judiciary is looking for, why certain actions are taken, and how to better assist the court with vital information regarding release



considerations. The training also helped attendees understand various rules and laws that impact the pretrial process.

Additionally, Judge Gagliardi was very gracious in providing a welcome speech to the Florida Corrections Accreditation Commissioners and attendees. Judge Gagliardi represented all judges and AOC of the 20th Judicial Circuit in a very favorable light promoting the integrity of the court and strengthening our criminal justice partnerships with both corrections and law enforcement.

Solution Needed to Solve Justice Center Overcrowding



Over the past two and a half years, Judges, Court Administration and other stakeholders at the Charlotte County Justice Center have been working together to come up with ideas facility space planning. In April 2014, consultant Dan A. Wiley released a report saying, in part, "... additional planning is needed to identify long range space needs and to extend the capacity of the courthouse complex for another 20 to 25 years."

The yearlong study says that the courthouse is at capacity with the exception of some short term surplus in the offices of the Clerk of Courts.

The offices of the State's Attorney are so overcrowded a former file room was transformed into a small office for six people. All eight courtrooms and chambers are also occupied. The only space originally designed for expansion is where County Archives are currently housed. Rows of nearly 620,000 county and court records are currently being stored there with the plan to move the files that cannot be electronically filed or destroyed to a new location.

By 2032, Wiley's report concludes the population in Charlotte County will grow by

17 percent thus increasing filings and the need for additional judges and staff. "There is not enough space in the existing facility to accommodate the scale of projected growth," Wiley said. He goes on to say total caseload filings are expected to grow 43%, judicial system staff will grow by 58% and space needs are projected to rise 40% by 2032.

The hope was to have the proposed penny sales tax help fund the expansion of the Justice Center. But, on July 15th, Charlotte County Commissioners decided to take the Justice Center off the list of items that would be funded by the sales tax. However, commissioners did support the project. They agreed to decide later how to fund the expansion, while ultimately keeping the project on schedule.

AiSmartBench Update

Judicial Viewer coming soon to a courtroom near you. For several months now, Judges in Hendry and Glades counties have been using Mentis AiSmartBench Judicial Viewers. This circuit-wide system integrates the case information with the clerk's case management system for the particular county and displays it electronically on the monitor in front of the judge. The Hendry/Glades judges were the first to go live in the circuit and continue to provide valuable feedback on issues with the application that needs modifications to run more smoothly. So when can we expect to see AiSmartBench in other counties?

Lee County is next in the circuit to receive the electronic viewing system. Our technology department, Lee Clerk, and Mentis are working on integration issues to ensure that the application is "court" ready before training the pilot judges. Judge Joseph Fuller, Judge Elizabeth Adams, Judge Mark Steinbeck, and Judge Josephine

Gagliardi will be the next group of judges to be trained. We hope to have it up and running in Lee County in early to mid September. Charlotte County has sent data to Mentis' headquarters in Denver for processing and early application interface issues with the Clerk's Case Management System (Pioneer) have been resolved. Data conversion should be completed the end of August barring any unforeseen circumstances. We anticipate Charlotte County's pilot judges to go live late September 2014.

And last, Collier County has sent a small amount of data to headquarters to ensure that there are no application compatibility issues with the Clerk's Case Management System (Showcase) when the data conversion takes place. The Collier Showcase/AiSmartBench interface combination will be the first in the state to be deployed and this data integration validation process is expected to begin in August.



Drug Court and Mental Health Symposium

On May 5th, the Lee County Drug Court and Mental Health Court Judges participated in a symposium at FGCU. Some of the topics discussed were the relationship between addiction, mental health and criminal behavior, the benefits of drug court and mental health court, and why addiction treatment can be more successful than incarceration. The goal was to have people walk away with the knowledge that addiction is a disease, which requires treatment.

Judge Leigh Frizzell Hayes, Judge Josephine Gagliardi and Judge Andrew Swett participated.

They were joined by Michael Evans, CEO of Park Royal Hospital, Kevin Lewis, President and CEO of Salus Care, and Attorney Steven H. Wetter. It was moderated by Brenda Illiff, the Executive Director of Hazelden in Naples. They are pictured on the right.

Addiction is defined as the condition of being abnormally dependent on some habit, such as the compulsive dependency on narcotic drugs. It is because of these addictions that many people who would not normally break the law end up in the legal system. In addition, more than 40 percent of adults with addiction also suffer from a co-occurring mental illness, further increasing the potential for criminal behavior.



A Memorable "Take Your Kids to Work Day"

The Take Our Daughters and Sons to Work Foundation celebrated its 21st anniversary of its take-your-child-to-work program on Thursday, April 24. For 15 kindergarten through high school students, the holiday meant heading to work with mom or dad to spend a day at the Lee County Justice Center.



But instead of a day hanging out in the office, the Criminal Division planned a full schedule of activities to show what it's like to work in the justice system. Staff within the division organized a day of events for the group of kids which included observing first appearance to seeing the inside of the jail. Students began the day with introductions by Criminal Division Director Liza Maldonado and then headed to first appearance with Judge Maria Gonzales. They learned what it is like to be an attorney and what happens to people after they are arrested. After that, they

headed to Court Security to check out the behind-the-scenes view in the control room. Another activity included observing Drug Court with Judge Josephine Gagliardi, where some of the defendants shared stories of their personal struggles and taught the students about the dangers of drugs and alcohol. The Students capped off the day with a presentation by Lieutenant Todd Falde and a tour of the Juvenile Justice Center.



Criminal Division Director Liza Maldonado with students

"For over the past twenty years, this program has yielded positive outcomes whereby children learn first-hand the value of an education and the importance of developing goals at a young age that can be attained in the near future," said Deputy Criminal Division Director Amy Kinsey.



Are You Ready for a Hurricane?

1. Be Prepared BEFORE the Emergency

- Develop a family disaster plan (see www.ready.gov)
- Develop a disaster supply kit (see www.ready.gov)
- Keep your contact information with Human Resources up-to-date
- Keep your information in your division's phone tree up-to-date
- Know your floor monitor.
- Be familiar with the Emergency Evacuation Plan for the court facility in which you work.

2. Stay Safe and Informed DURING the Emergency

- Find a safe place—and stay there
- Stay informed using:
 1. The 20th Judicial Circuit web site (www.ca.cjis20.org)
 2. The 20th Judicial Circuit Emergency Hotline 239.335.2299
 3. Local Radio and television stations.
 4. A NOAA weather radio
 5. Be ready to receive and forward information via the phone tree.

3. Recover and Restore AFTER the Emergency

- Seek assistance for medical and other personal needs if necessary.
- Stay informed using the available means listed above.
- Follow instructions as provided.

4. Recover and Restore Court Operations AFTER the Emergency

- Complete step 3 and insure the safety of your family and property.
- Stay informed using the available means listed above.
- Follow instructions as provided.
- Report to your regular work location or alternate relocation site as directed.

What to Listen For

Hurricane Watch – an announcement that hurricane conditions (sustained winds of 74 mph or higher) are possible within the specified area in association with a tropical, subtropical, or post-tropical cyclone. Because hurricane preparedness activities become difficult once winds reach tropical storm force, the hurricane watch is issued 48 hours in advance of the anticipated onset of tropical-storm-force winds.

Tropical Storm Watch – an announcement that tropical storm conditions (sustained winds of 39 to 73 mph) are possible within the specified area within 48 hours in association with a tropical, subtropical, or post-tropical cyclone.

Hurricane Warning – an announcement that hurricane conditions (sustained winds of 74 mph or higher) are expected somewhere within the specified area in association with a tropical, subtropical, or post-tropical cyclone. Because hurricane preparedness activities become difficult once winds reach tropical storm force, the hurricane warning is issued 36 hours in advance of the anticipated onset of tropical-storm-force winds. The warning can remain in effect when dangerously high water or a combination of dangerously high water and waves continue, even though winds may be less than hurricane force.

Tropical Storm Warning – an announcement that tropical storm conditions (sustained winds of 39 to 73 mph) are expected somewhere within the specified area within 36 hours in association with a tropical, subtropical, or post-tropical cyclone.

Extreme Wind Warning – extreme sustained winds of a major hurricane (115 mph or greater), usually associated with the eyewall, are expected to begin within an hour. Take immediate shelter in the interior portion of a well-built structure.

Ready

Prepare. Plan. Stay Informed.

Mediation and Arbitration Appreciation Dinner



On April 3rd, The Arbitration and Mediation Advisory Board hosted its 23rd Annual Appreciation Dinner. The dinner is put on each year to thank the volunteers who devote countless hours to Mediation and Juvenile Arbitration throughout the 20th Judicial Circuit.

Bruce J. Waddell hosted the event with speeches by both Chief Judge Jay B. Rosman (*left*) and the Honorable James Adams.



Those who received awards for their years of service were:

- Stephen McIntosh – 10 years (Mediator)
- Frances Shipman – 10 Years (Mediator)
- Nelson Glueck – 15 Years (Juvenile Arbitrator)
- Stan Lipp – 15 Years (Mediator)



Criminal Division Supervisor Obtains Certification

Administrative Services Supervisor Ervin Gill recently attained the Certified Court Manager achievement through the National Center for State Courts (NCSC). The objective of the Court Management Program is to educate court managers in the core competencies of court administration and aid them in being effective, dynamic leaders. Participants must be accepted into the program and successfully complete several certifications to gain this achievement.

Gill has been with the Administrative Office of the Courts for 26 years. His primary responsibilities are supervision and oversight of felony case management and drug court, development with technical capabilities, training, policies and accreditation. He now serves as the Accreditation Manager for the department. Please join me in congratulating him on this achievement.



Court Security Officers Receive Awards

Court Security Officers from the Lee County Court Security Department recently completed the Florida Department of Agriculture and Consumer Services FDACS 28 hour Firearms School and were issued Florida "G" Licenses. The pre-requisite for this training is that all CSO's must have current and valid FDACS Security Officer "D" License. The "G" License Firearms Training School included: 24 hours of classroom instruction conducted at the Lee County Justice Center Complex and four hours of range qualification with the use of department Glock 19's. The standard "G" license weapons qualification course for pistol normally consists of several courses of fire from strong-side supported standing, hip shooting, two-hand high point, multiple targets, smooth draw and smooth draw from cover.

The officers could qualify as Expert, Sharpshooter or Marksman. Ten CSO's qualified as "Expert" with a proficiency score of 95% or more. All other officers qualified in the other two categories. To qualify at the "Expert" level, a superior score must be obtained on the FDACS approved weapons qualification course. The minimum profi-

ciency score is 70% derived from a total score of 240. All CSO's that qualified will receive a certificate and award bar, which they will wear on their uniforms.

Through an intra-local agreement, the majority of the firearms qualification training was conducted at the Lee County Port Authority Training & Conference Center, Fort Myers. The first firearms qualification training session was conducted at the Major Terry Branscome Training Center, Punta Gorda through the cooperation of the Charlotte County Sheriff's Office.



Looking Ahead....

Judges Retirement Gathering for Judge
Winesett, Judge Volz and Judge Steinbeck

October 31st at 3 p.m.



Judge Sloan Investiture

September 12th at 3 p.m.

Circuit Times Newsletter

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