

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

ORDER ESTABLISHING DUTY JUDGE ASSIGNMENT PROCEDURES
FOR LEE COUNTY

Pursuant to the authority prescribed by Fla. R. Jud. Admin. 2.215 (formerly Fla. R. Jud. Admin. 2.050), it is hereby ordered that the attached rules and procedures shall henceforth govern the method by which duty judge assignments are made in Lee County, Florida.

DONE AND ORDERED in chambers in Fort Myers, Lee County, Florida, this 14TH day of August, 2007.



G. Keith Cary
Chief Judge

FILED
CLERK OF COURT
2007 AUG 16 AM 9:42
BY _____ D.C.

History. – Order Establishing Duty Judge Assignment Procedures for Lee County (November 30, 2005).

I certify this document to be a true and correct copy of the original as file in my office,
Charlie Green, Clerk Circuit Court, Lee County, Florida
Dated: 8-16-07

By 
Deputy Clerk

DUTY JUDGE ASSIGNMENTS
For
LEE COUNTY, FLORIDA

Duty Week:

Each Duty Week shall commence on Tuesday and end on the following Monday.

Holiday Duty Assignments:

Divide the judges into two lists (as equally as possible – currently there are 24 judges). The judges placed on each list have comparable judicial service based on date of hire and are numbered consecutively (see attached). The two lists are designated as “list 1 and list 2”.

Each judge remains on his/her initially designated list throughout the judge’s judicial career. Upon a judge’s retirement, death or other termination (the replaced judge), every judge on the replaced judge’s designated holiday list less senior to the replaced judge moves up by one number on that list and the replaced judge’s replacement is then assigned the next (last) number on the replaced judge’s list. The next new judge would be assigned to list 2, the next to list 1, the next to list 2 and so on in that rotating order.

The judges on list 1 cover the holiday duty weeks during odd number years and the judges on list 2 cover the holiday duty weeks during even years. Duty weeks containing a major holiday (major holiday duty week) are assigned to the judges on a list in descending numerical order, starting with any new judge on the list either replacing a judge or filling a newly created judgeship and moving up the list skipping any judge who has already served a major holiday duty week prior to a complete cycle through all judges. The judges assigned the major holiday duty weeks in any year choose amongst themselves, based on their date of hire seniority, the major holiday duty week each will serve that year. Major holidays are defined as Thanksgiving Day, Christmas Day and New Year’s Day. The judges serving duty on major holiday duty weeks are given credit for 2005. No judge shall be assigned a major holiday duty week twice before all judges have served a major holiday duty week.

The remaining holiday duty weeks for both even and odd years are covered by the remaining judges on the corresponding list. The judges from that list choose which of the remaining holidays (non-major holidays not previously assigned as per the preceding paragraph) based on seniority. Seniority is determined by the judges’ date of hire.

In the event there are more holiday duty weeks than judges for a particular year, the less senior judges on the applicable list shall serve the holidays not assigned under the preceding rules. In the event there are more judges for a particular year than holiday duty weeks, the remaining holidays are covered by the less senior judges on the applicable list.

Non-Holiday Duty Assignments:

A non-holiday duty list shall be maintained, assigning letters alphabetically and consecutively to judges, initially assigning letters A through X, with letter A assigned to the most senior judge, B to the next most senior judge and so on down the list in order of hire (see attached). Upon a judge's retirement, death or other termination, that judge's replacement is assigned that judge's letter on the non-holiday duty list whereas new judges will be assigned the next unassigned letter of the alphabet. After holiday weeks have been assigned, non-holiday duty weeks shall be assigned to judges on the non-holiday list except that in making assignments of non-holiday duty weeks, judges already assigned a holiday duty week for the year shall be passed over on the first rotation through the non-holiday list, and if they have been assigned two holiday duty weeks for the year shall be passed over on the second rotation through the non-holiday list. The assignment for 2006 shall be made in the reverse order of the alphabet, assigning the first non-holiday duty week to Judge S, the next to Judge R, and so on, and in the following year and all subsequent years shall begin where it left off in the preceding year, rotating through the list in the same reverse order and giving credit under the above rule for holiday duty weeks to the judges receiving holiday duty week assignments in that year.

Special Rules:

In the event the assignment of a non-holiday week results in a judge receiving two consecutive duty weeks (i.e., a holiday and non-holiday duty week), the non-holiday week shall be switched with the non-holiday week assigned to the judge determined by dividing the total number of judges by 2 ($19/2 = 9.5$), rounding down (9) and counting that many judges ahead, but if such switch results in the judge getting a duty week in the following year then by counting that many judges back, and in the event such switch also results in the assignment to either of the switched judges having two consecutive weeks, then by switching with the next judge on the list which does not have such result.

In 2007 and 2008, and in any other two consecutive years, where there are only 2 major holiday duty weeks commencing in one year and 4 major holiday duty weeks commencing in the next year, the three judges who would have received a major holiday duty week assignment in 2007 if 3 major holiday duty weeks had commenced in that year shall serve the two major holiday duty weeks commencing in 2007 and the first duty week commencing in 2008 as if it had commenced in 2007.

If a new judge commences service after duty judge assignments have been made for a calendar year:

a. If the new judge is replacing a judge who has retired, died, or otherwise terminated service (a replacement judge), the new replacement judge shall serve all of the remaining duty week assignments of the replaced judge during that calendar year.

b. For that calendar year, the Lee County Administrative Judge shall have the discretion to equitably make duty judge assignments to a new judge to cover emergency situations or for any other reason; provided a new judge shall not be required to serve a

greater number of duty weeks than the maximum number of duty weeks assigned during that calendar year to any other judge.

Application:

Beginning in 2006, the three major holiday duty weeks (the duty weeks within which New Year's Day, Christmas Day, and Thanksgiving Day fall) are assigned to the 3 most junior judges (by date of hire) on List 2. The most senior of the three judges selects a major holiday duty week first, the second most senior judge selects a major holiday duty week and then the junior judge of the three shall serve the remaining major holiday duty week. The non-major holiday duty weeks in 2006 are assigned to the remaining judges on List 2 recognizing that seniority will determine the order of judges selecting non-major holiday duty weeks. For example, the most senior judge not assigned a major holiday duty week shall have the first selection of a non-major holiday duty week, continuing in the same manner until a holiday duty week has been assigned to each judge. In the event there are more holiday duty weeks than judges, the unassigned holiday duty weeks shall be assigned to the least senior judges with those judges selecting in their order of seniority. In the event the number of judges exceeds the number of holiday weeks, the non-major holiday weeks shall be assigned in the same manner except that the selection shall begin with the most senior judge on the applicable list so that judge and every judge less senior on the list will have a holiday duty week. For example, if there are 12 judges on a list and a total of 10 holiday duty weeks for a given year, then after the 3 major holiday duty weeks have been assigned, the remaining 7 holiday duty weeks would be assigned to the 7 most junior judges not already assigned a major holiday duty week with those 7 judges selecting the non-major holiday duty week each will serve in accordance with their date of hire seniority.

Non-holiday duty weeks are then assigned to the judges on the non-holiday list, assigning the first such week in the year to Judge S, the next to Judge R, and so on skipping over any judge already assigned a holiday duty week for that year on the first rotation, and if assigned a second holiday duty week skipping over that judge on the second rotation through the non-holiday list except that if a judge ends up with 2 consecutive weeks, his non-holiday week is switched with the non-holiday week of another judge determined in the manner stated under Special Rules. In year 2007, the holiday assignments would be made only to the judges on List 1 in the same manner (giving credit to judges for major holiday duty weeks served in 2005), and non-holiday assignments would be made to the judges on the non-holiday list picking up where the assignments left off in 2006 in the manner stated above. In year 2008, the holiday assignments would be made only to the judges on List 2, picking up where the assignments left off in 2006 with the exception of the assignment rules above for new or replacement judges.

The above duty week schedule for all major holiday duty weeks, non-major holiday duty weeks and non-holiday duty weeks shall continue for all future years based upon alternating between the two identified lists for holiday duty week assignments and assigning non-holiday duty weeks using the non-holiday duty week list.

HOLIDAY DUTY JUDGE LIST

List 1 – Odd Years Lee County Judges

1. Starnes, Hugh
2. Sturgis, Radford
3. Rosman, Jay
4. Gerald, Lynn
5. Carlin, John
6. Adams, James
7. Winesett, Sherra
8. Steinbeck, Margaret
9. Gonzalez, Maria
10. Steinbeck, Mark
11. Gagliardi, Josephine
12. Fuller, Joseph

List 2 – Even Years Lee County Judges

1. McIver, William
2. Reese, Thomas
3. Seals, James
4. Cary, G. Keith
5. Dommerich, John
6. Volz, Edward
7. Corbin, R. Thomas
8. Hayes, Leigh
9. Duryea, John
10. McHugh, Michael
11. Simpson, Joseph
12. Paluck, Tara

NON-HOLIDAY DUTY JUDGE LIST

	<u>Lee County Judges</u>	<u>Hire Date</u>
A.	McIver, William	1977 January
B.	Starnes, Hugh	1978 June
C.	Reese, Thomas	1979 October
D.	Sturgis, Radford	1981 September
E.	Seals, James	1985 January
F.	Rosman, Jay	1986 December
G.	Cary, G. Keith	1989 January
H.	Gerald, Lynn	1989 September
I.	Dommerich, John	1989 November
J.	Carlin, John	1991 January
K.	Volz, Edward	1991 January
L.	Adams, James	1993 January
M.	Corbin, R. Thomas	1994 January
N.	Winesett, Sherra	1995 November
O.	Hayes, Leigh	1997 January
P.	Steinbeck, Margaret	1998 December
Q.	Duryea, John	2003 September
R.	Gonzalez, Maria	2004 May
S.	Steinbeck, Mark	2006 April
T.	McHugh, Michael	2006 May
U.	Gagliardi, Josephine	2006 September

V. Simpson, Joseph 2007 January
W. Fuller, Joseph 2007 January
X. Paluck, Tara 2007 January