



The Circuit Times

Volume II, Issue I

Summer 2006

Points of Interest:

- New Judges
- Circuit snapshots
- Family Court
- Memorial: Bill Hayes
- New Chief Justice
- Court Interpreters
- Trends in the 20th

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20th Circuit Welcomes New Judges

On August 18 in a ceremony held in the historic Lee County Courthouse, Florida Supreme Court Chief Justice Fred R. Lewis swore in Judge Michael T. McHugh as a Circuit Judge in the 20th Judicial Circuit. Judge McHugh and Judge Mark Steinbeck became the twenty-fourth and twenty-fifth circuit judges in the 20th Judicial Circuit when they were appointed by Governor Jeb Bush to fill two circuit



Chief Justice Fred R. Lewis administering the oath of office to Judge Michael T. McHugh
Judge McHugh's mother, Mrs. Connie McCormack holds the bible.

positions and three county court positions one each in Charlotte, Lee and Collier Counties to be filled by election during the Spring 2006 regular session of the legislature. One circuit court race is already decided. Well-known attorney Joe Fuller is running

court positions created by the legislature in the December, 2005 special session.

Some other recent additions to the judiciary in the Circuit include Judge Edward J. Volz appointed by the Governor to fill the vacancy created by the retirement of Judge Ted Brousseau and Judges Robert L. Crown and Christine Greider who were appointed to the Collier County Court bench. Judge Volz appointment created a vacancy on the Lee County Court bench which has been filled by the appointment of



Hon. Robert L. Crown

Josephine Gagliardi.

The 20th Circuit is experiencing the greatest growth in the judiciary in the history of the Circuit. In addition to two circuit judges and two County Court Judges for Collier County authorized by the legislature during the December 2005 special session, the legislature authorized an additional six circuit

unopposed for one of the seats. There are fifteen candidates vying for the remaining five circuit seats. There are four candidates in the Lee County Court race and three each in the Charlotte and Collier County Court races. Two other circuit court races will be decided by election this year as well. The vacancy created by the retirement of Judge Thompson and one sitting circuit judge has drawn opposition. The successful candidates will take the bench in January 2007.



Hon. Christine Greider



Snapshots from around the Circuit



Hon. Mark A. Steinbeck



Florida Supreme Court Chief Justice Fred R. Lewis with Lee County Judge Maria Gonzalez

In addition to the investiture of Judge Michael T. McHugh on August 18, on August 25 two training sessions for judges and court staff were held at the Hilton Garden Inn. The morning was devoted to New Probate and Guardianship Laws conducted by Judge Mel Grossman, Administrative Probate Judge for the 17th Circuit and General Counsel Alexandra Rieman. The afternoon was devoted to Mentor Training conducted by Judge Lisa Davidson of the 18th Circuit and Director of Florida's Judicial Mentor Program.



Judge Lisa Davidson, Director of Florida's Judicial Mentor Program



Probate & Guardianship—2006 Update
Judge Mel Grossman and General Counsel Alexandra Rieman of the 17th Circuit



Judges Recognized for Service



Judges Hugh Hayes, Cary, Carlin, Duryea rear; Judges Turner, Brodie & Winesett center; Judge Steinbeck in foreground.

In a ceremony on August 14, Chief Judge Hugh Hayes presented Judge R. Thomas Corbin and Judge James R. Adams with plaques in recognition of seven years of dedicated service as Administrative Judge and Administrative County Judge for Lee County. Judges Corbin and Adams were appointed to the Administrative Judge positions by then Chief Judge William L. Blackwell.

On July 1, after seven years of service, Judges Corbin and Adams passed on their responsibilities as Administrative Judges in Lee County to Judge G. Keith Cary and County Judge Radford R. Sturgis.



L to R: Judge James R. Adams; Chief Judge Hugh D. Hayes; Judge R. Thomas Corbin

Family Court Conference Attendees Discover Tools to Effect a Paradigm Shift

Offering over 40 pertinent workshops and institutes and three plenary programs, the 2006 Family Court Conference, held August 3-4 in Orlando, educated and inspired the more-than-600 attendees. Conferees represented a rich conjunction of justice system partners, among them judges, court personnel, clerks, domestic violence advocates, child advocates, parenting coordinators, guardians ad litem, law enforcement officers, and employees of a range of state agencies (e.g., DCF, DJJ, DOE, DOH, DOR). Justice Barbara J. Pariente provided the opening and closing remarks for the two-day conference.

Though the new Chief Justice, R. Fred Lewis, was not able to attend the conference, he sent a thank you letter to participants, which Justice Pariente read from in her welcome. In it, he implored everyone to remember that "Our dedication and determination to enhance our capacity to serve Florida's families and children must be unwavering. We must build on the past and share our visions of justice for the future." The chief applauded each of the 20 Florida circuits for implementing family court elements and said he looked forward to "continu[ing] the momentum this approach has been building since its inception in Florida 15 years ago."

Beginning in July 2004, when Justice Pariente began her term as chief, she stressed the need to invest in the front end of child welfare to prevent children from ultimately graduating from the juvenile justice system into the adult prison population. Now, two years later, with the theme of "Tools to Move Forward" as a backdrop, she re-accented her commitment to social justice and enkindled participants with her passion. She urged those in attendance to choose workshops or institutes that were unfamiliar to them so they could discover new ideas and best practices. As she emphasized, "There is no ownership of these ideas, so you can take them back with you." She challenged everyone to continue the progress already made in the area of family courts, "not because the Supreme Court says to do that, but

because we owe it to the children and families that we work with."

The hour-long workshops and in-depth institutes that Justice Pariente



"If we do not collaborate, if we do not see the world from each other's perspective, then we cannot move forward. We need to change the culture of our family court because the children, our children, deserve nothing less."

-Justice Barbara J. Pariente

alluded to gave conference participants a wide and varied range of program choices. Among the topics covered were "Making Drug Courts Greater Than the Sum of Their Parts," "The Adolescent Brain and High Risk Behaviors," "Family Violence—Intersection of Domestic Violence, Dependency, and Delinquency," "Creating a Culture of Change," and "Family Courts and Drug Courts after the 2006 Legislative Session."

Opening plenary speaker William R. Byars, retired judge and present-day director of the South Carolina Department of Juvenile Justice, discussed the concept of and the need for a "paradigm shift"—a theme that was echoed throughout the two days. When dealing with cases that involve children, he urged listeners, "Operate on a child's time frame, not on the adult's," for, as he reminded everyone, "A year is an infinity of time

for a child." Byars proclaimed to listeners that they did not create the system of juvenile justice, so they have no need to defend it; rather, their obligation is to change it to make it better. And, to make it better, they need to prompt a paradigm shift "by viewing the system through a child's eyes."

Michael Nerney, former director of the Training Institute of Narcotic and Drug Research, Inc., and currently a substance abuse prevention and education consultant, gave the afternoon plenary address. Nerney, an expert in the areas of psychopharmacology and adolescent chemical dependency, focused on the effect of drugs and alcohol on fetuses and on children; pre- and post-natal exposure to drugs and alcohol, he warned, "changes brains in substantial, measurable, structural ways." He also discussed issues like "procurement," which happens when adults tell their children to "get my cigarettes out of the car," or "get me a beer out of the fridge." Nerney said that these kinds of demands on a child lead to broader, long-term problems: for instance, children 13 and under who are made to procure alcohol for their parents have a 47% chance of developing a lifetime dependency on alcohol themselves.

The words "The answer is yes" were projected on an overhead throughout the presentation of second-day plenary speaker John McNeil, the vice president of the Pacific Institute in Seattle, Washington, whose goal is to teach clients how to "harness the power of your mind to achieve bottom-line results in yourself and your organization." Evoking the "paradigm shift" concept, McNeil implored listeners to "change your default drive—your natural, habitual operating system"—in their quest to improve the justice system for children and families. To do that, he instructed participants to envision the new picture they want to see and take the steps necessary to make that picture a reality. In order to effect a paradigm shift, people need to focus on and talk about the answers, not the problems, he asserted; they also need to be willing to take in new

(Continued on page 5)

In Memory of Bill Hayes



William "Bill" Hayes

William "Bill" Hayes passed away on April 6. Bill served the judiciary and citizens of the 20th Judicial Circuit for nearly 24 years as Deputy Court Administrator for Charlotte, Hendry and Glades Counties. The most fitting memorial to Bill is the words of the people who knew him best, the employees and judges in Charlotte County. What follows are their thoughts and remembrances of Bill:

"Bill was not only my supervisor, he was my very dear friend. I will miss his vibrant smile, warm presence and kind heart. But most of all I will miss the way he would joke with all of us when we did not agree with him – he would say "you're so fired!" – you can only imagine the faces of the new people! – It was priceless."

Denise Mause, Administrative Assistant II

"One of the traits I always admired about Bill was his "open door" policy. The door was always open, no matter the time of day. Bill would listen, whether the problem was work or personal, or you just stopped to say "hi".

"When Hurricane Charley came to town in 2004, about 1 PM the day after a car pulled into my driveway and a man wearing a white shirt and dress pants got out. My husband called to me that there was a salesman coming to the door. When I got there I saw that it was Bill. I couldn't believe my eyes. He came with water, toilet paper and paper towels. Bill inquired if we were OK. He went to everyone that day just to see that they were OK. I don't know of any other boss that would do that."

"Bill never asked for thanks. He always had a smile on his face and he was truly loved by everyone in Charlotte County Court Administration. He will be missed dearly."

Joanne James
Charlotte County Probation Officer

"When I moved to Florida I thought I was retiring - but it wasn't to be! When Bill hired me to work with Court Administration, little did I know that I was going to become part of a "Family".

"Three years ago I was diagnosed with breast cancer. When I told Bill, he said not to worry. We'll fight this with you. And he did, along with everyone else in this office. He and Leigh have been extremely good to my husband and to me, I feel like a lot of other people – I'm a better person for having known Bill."

"I have a ton of good memories – too many to list. But I will always treasure my PINK EAGLES HAT that Bill gave me. He'll be missed."

Joann Ross, Secretary III

"Bill Hayes was my mentor and a friend. He always had time to listen and comfort, no matter how he felt himself. Bill came to work, sick, hurting and tired, but in he came. I use that as a gauge for myself. If I don't feel well, I'll think, "Bill came in no matter what" so I'll come in too. He inspired loyalty and in turn, gave loyalty back. He truly loved Charlotte County, and we loved him.

When my husband died in 1998, Bill called me every day for months to be sure I was ok. He'd laugh when I told him I was going to tell other people how wonderful he was, and said I'd ruin his image.

Above all else, Bill loved his family. I'm proud we had the opportunity to work with a man like Bill. He made us a family in the true sense of the word, and we'll carry on in his memory and make him proud of Charlotte County."

Judy Heck, Probation Officer

"Bill Hayes definitely falls under the category of one of the most generous person to walk this earth. Anytime I needed to talk or confide in him, he was always there. And when I was only supposed to take fifteen minutes for a staff meeting, he always laughed when I took forty-five minutes more of his time. He never rushed me out. My own family cherished him and my dad considered him to be his brother. He was kindhearted and truly loved by his staff and family. It is with sadness that I write this, but I do rejoice because I know that I will see him again someday".

Andrea, Williams, Program Specialist II

"Bill followed the KJH principle, "Keep the Judges Happy". Bill always kept his focus on keeping things running smoothly and efficiently".

Hon. Frank Porter, Administrative Judge



The Gavel is Passed to R. Fred Lewis

R. Fred Lewis, appointed to the Florida Supreme Court by Governor Lawton Chiles in 1998, became the 52nd Chief Justice of the Court on Friday, June 30, 2006. Dignitaries, friends, and members of the judicial community were present to witness the Passing of the Gavel ceremony (the Florida chief justice serves a two-year term) in the Florida Supreme Court courtroom. Out-going Chief Justice Barbara J. Pariente passed the ceremonial gavel to Chief Justice Lewis.



Justice Pariente talked about the “incredible journey” of being chief. She

education.” “The cornerstone of the next two years,” he declared, “will be justice teaching and...a permanent, statewide structure for reaching every school in Florida.”

Reflecting on his predecessors, Chief Justice Lewis avowed, “I cannot replace them; I can’t fill their shoes, but they’re at least by my side as we work together.” Reaching out to the entire court community, he emphasized, “I do believe in the concept of the team, of us. There is no ‘me’ or ‘I’ in this court system; it will thrive and survive only by the collective ‘us,’ the collective ‘we,’ not by ‘I’ or ‘me.’”



Article by Phillip M. Pollock and Beth Schwartz
Photography by Tricia Knox, OSCA

Chief Justice Lewis was born in Beckley, West Virginia, in 1947 and came to Florida in 1965. He received his undergraduate degree from Florida Southern College in Lakeland, where he graduated cum laude, and then attended the University of Miami School of Law, graduating cum laude in 1972. He was a member of the *University of Miami Law Review*. Upon graduation from law school, Chief Justice Lewis attended and graduated from the United States Army A.G. School. He graduated as its top student, receiving the Order of World Wars Superior Achievement Honor. Upon discharge from the military, Lewis entered private practice in Miami, specializing in civil trial and appellate litigation. On January 1, 1999, he left practice upon his appointment to the Florida Supreme Court.

reminded everyone that the importance of the role was not about any one person but about the importance of the office itself. “I look forward to Chief Justice Lewis’ vision of justice in the next two years,” she concluded.

Chief Justice Lewis is popularly referred to as the “education justice,” and his interest and activity in the Justice Teaching Institute and public education will be evident in the next two years. He proclaimed that he would promote “the most comprehensive approach [necessary] to support civic

In her opening remarks, Chief



Family Court Conference cont.

information and listen to those who don’t share their opinions.

In the final session, Justice Pariente left the podium to circulate among the twenty Florida Circuit Roundtables in the ballroom, handing the microphone off to circuit representatives who gave a synopsis of their successful circuit initiatives as well as of their goals for the coming year. In her closing, she declared, “If

we do not collaborate, if we do not see the world from each other’s perspective, then we cannot move forward. We need to change the culture of our family court because the children, *our* children, deserve nothing less.” She commended those in attendance for their continued commitment and hard work, and, waving a small card that had two dimes taped over its surface (a memento

given to everyone during Judge Byars’ opening plenary), she urged participants to “Take your ‘paradigms’ [i.e., “pair of dimes”] back to your courts to realize the changes you want to see.”



Article by Beth Schwartz and Phillip Pollock, OSCA

Interview: Rebeca Lade, Supervising Court Interpreter

By Eric Fishbeck



Rebeca Lade, Supervising Court Interpreter

Rebeca Lade is the Supervising Court Interpreter for the 20th Judicial Circuit. Interpreter Services has recently raised its level of service by starting initiatives with the goal of enhancing the quality of interpretations and translations for all court users within the 20th Judicial Circuit. Rebeca agreed to answer some questions and clarify the role of interpreters in the courts:

Rebeca, is it true that anyone who is at least bilingual can be a court interpreter?

A bilingual individual is not necessarily qualified to interpret in court. Court interpreting requires additional knowledge and skills. For example, one must possess an educated, native-like mastery of both the English language and the second language, and retain knowledge of legal terminology from multiple countries through specialized training.

Can't court interpreters simply paraphrase or summarize what is said?

A court interpreter is an officer of the court who must comply with a code of professional responsibility. The ethical responsibilities forbid summary interpretations, and require complete and accurate interpretations without altering, omitting, or adding anything to what is stated without explanation. Further ethical obligations include: protecting confidential communications, restricting public comments, and avoiding conflicts of interest.

Can Court interpreters, as officers of the court, provide legal advice to non-English speakers?

A court interpreter may never provide legal advice or provide legal explanations. For this reason, interpreters limit their communications with non-English speakers providing testimony to interpreting the communications of others.

Does acting, as a "language conduit" require homework?

Whenever possible, interpreters prepare for each trial or hearing by familiarizing themselves with the case in order to anticipate the specific vocabulary that will likely be used. In addition to learning the subject matter of the case, interpreters also attempt to briefly speak to the party or witness, in the presence of the attorney, to determine the source language, dialect, idioms, and colloquialisms that the witness may use while testifying. A court interpreter seeks to assess the witness's level of education and accent, which will be helpful in reproducing testimony later in English. This is especially important in lengthy, complex cases.

That seems like a great deal of work, is it tiring?

It is fatiguing to interpret for long periods of time. Often an interpreter will need a break or the assistance of a second interpreter. Trials require a minimum of two interpreters that must alternate every 20-30 minutes. Interpreters are obliged to inform the court when the accuracy of an interpretation could suffer due to fatigue.

It must be challenging to stay abreast of the linguistic evolution of multiple languages?

Of course, language is an ever-changing thing. For example, in American English the word "groovy" enjoys little usage, while the phrase "That's off the chain" has never been used more. Interpreter Services has a collection of resources for such research purposes, but it remains important that each interpreter keep up with the cultural and societal changes that are occurring in languages.

If an interpreter does a poor job, could the rights of a non-English speaking person be at risk?

In order to protect the due process rights of all court users, and ensure that interpretations are impartial and accurate, Interpreter Services must provide trained, objective third party interpreters. Simply allowing a person who is bilingual to interpret is insufficient. Likewise, appointing a bilingual attorney will not solve the language problem in the courtroom, because, it is a conflict for an attorney to both represent a client and interpret.

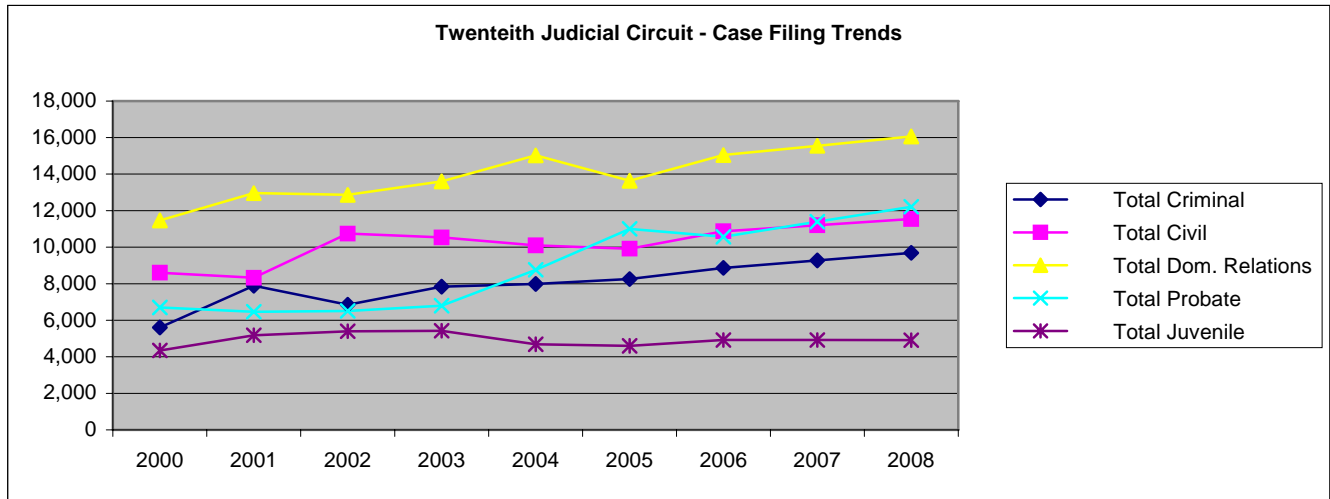
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Trends in the 20th

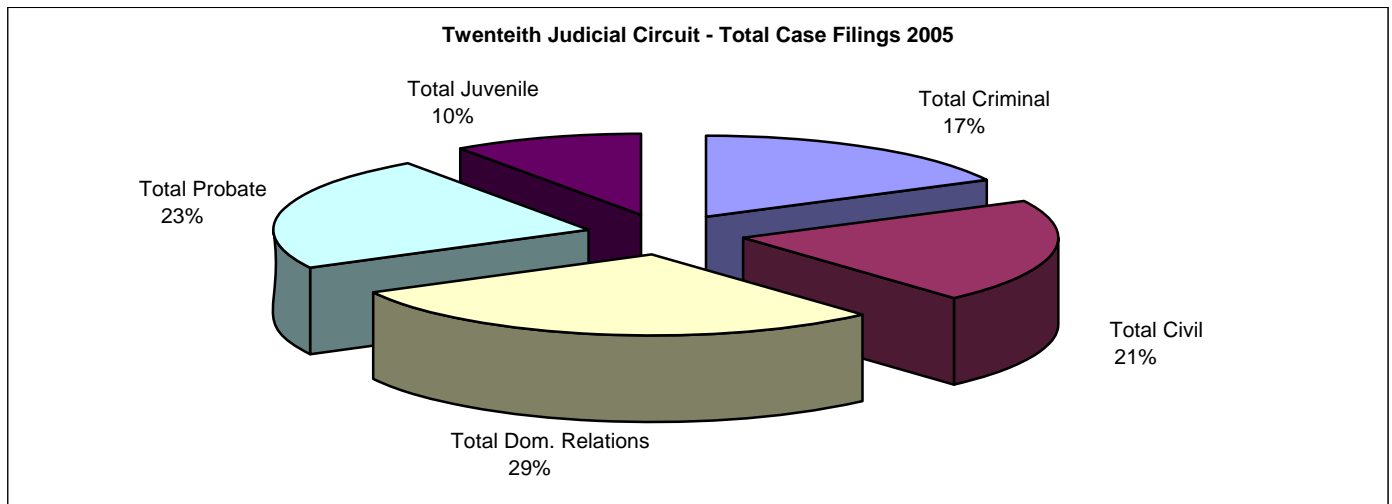
By Eric Fishbeck

The 20th Judicial Circuit is geographically the largest circuit among the state's 20 judicial circuits encompassing 5,450 square miles of Southwest Florida including five counties and more than 1 million residents. The average population growth within the five counties has exceeded 3% over each of the last five years. This growth in population has resulted in one of the fastest growing circuit case filing levels in the state, registering a 6.8% increase in 2005 and a 19.9% increase over the past four years. Over this same time period, county court filing levels have increased at a rate of 14% per year.

This significant increase in case filings has come at a time when the 20th Judicial Circuit is operating at only 72% of its



required judicial capacity (23 actual judges compared to 32.6 certified judicial need), as compared to the current statewide average capacity of 92%. However, the employees of this circuit have responded to this challenge with innovation, by creating the first Family Law Division within the state, and industriousness, by increasing total dispositions per judge by 8.7% over the past four years. To fulfill its Constitutional mandate of resolving cases in a fair, impartial and timely manner, it is absolutely essential for the Twentieth Judicial Circuit to continue its recent success in improving both efficiency and effectiveness in order to meet the growing needs of the vibrant community it serves.



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Interview cont.

What can users of Interpreter Services do to best help protect the rights of non-English speakers?

Context, as in all of language, is the key. Many times the users of Interpreter Services fail to realize that being multilingual does not provide you with a heightened ability to divine meaning. Interpreters always need to know as much about a case as can be legally permitted. Without knowing all the relevant facets of a matter, proper preparation cannot be accomplished, and the quality of the interpretation may suffer. A good example is a complex trial where state-of-the-art terminology is employed. Any information about a non-English speaking person's origins, the subject-matter that could arise, and the ultimate purpose of the proceedings all help an interpreter understand the context, and provide the highest quality of interpretation. However, sometimes an interpreter simply needs a proper introduction.

Finally, all your readers should know that Interpreter Services provides resources, such as videotapes, books, and journals, to anyone in the Administrative Office of the Courts that wishes to learn more about how to best create an environment where non-English speakers have equal access to justice.



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