



THE CIRCUIT TIMES

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Twentieth Celebrates the Investiture of Judge H. Andrew Swett

On May 11, 2012 County Judge H. Andrew Swett took his oath of office in an investiture ceremony held at the Lee County Justice Center Tower. Judge Swett was appointed to the bench on August 31, 2011 by Governor Rick Scott.



In attendance were active and retired members of the judiciary, public officials, friends and family. The oath of office was administered to Judge Swett by

Circuit Judge G. Keith

Cary (above left, Chief Judge Rosman looks on) who was the first judge before whom then Assistant State Attorney Swett practiced.



Judge H. Andrew Swett

Judge Swett joined the Office of the State Attorney in 1990 and remained there until 1995. He left that office to practice privately with, and later became a partner in, the firm Knott Consoer Ebelini Hart and Swett P.A.

Judge Swett was appointed to fill the county bench vacancy created when Judge John Duryea was appointed to the circuit bench.

Volunteers Helping to Keep The Courts Running Smoothly

Volunteers for the Twentieth Judicial Circuit were recognized recently at two court events held in their honor. The annual Mediation/Arbitration Appreciation Dinner took place on March 29, 2012. Over 100 mediators and juvenile arbitrators were in attendance as well as judges, court staff and Advisory Board Members. The dinner is held to say "thank you" and acknowledge the years of service provided by the many mediators and arbitrators whose work alleviates congestion on the court dockets of juvenile and small claims cases. In all, 28 awards were handed out. Through their dedication and countless hours of service, the courts are able to operate more effectively and efficiently. This year almost 2800 cases circuit-wide were resolved through mediation and arbitration.



Chief Judge Jay B. Rosman presents award plaque to Hendry County Juvenile Arbitrator Janet Falk, Lee County Administrative Judge James Adams and ADR Director Bruce Waddell look on.

Each year the dinner is hosted by the not-for-profit Arbitration/Mediation Advisory Board, Inc., which support volunteer related programs. Contributions that make the dinner possible include: some judges, a number of local mediators and a several generous local law firms. Judge

Another Fiscal Year Draws To A Close, New Year Looks Promising

by Lisa Kiesel, Chief Deputy Court Administrator



June 30 will close another state fiscal year fraught with challenges. It hasn't been easy, but it by no means has been the most difficult year we've faced.

We started fiscal year 2011-2012 in a good financial posture. A commitment from the Executive and Legislative Branches allowed the courts statewide to secure over \$100 million in loans to supplement

our State Courts Revenue Trust Fund. The amounts of the loans were based on revenue projections. Unfortunately, the actual revenues fell short of those projections by approximately \$14 million. With no time left to secure additional loans and no other options, the courts were forced to endure another round of budget holdbacks to ensure payroll could be met through June 30. As we have done since the first round of budget holdbacks in September 2007, we met that challenge with stoic determination.

Fiscal year 2012-2013 should prove to be a financially stable year for the courts. We are optimistic that it will be "smooth sailing" the entire year.

You probably don't hear it enough, so THANK YOU to all the 20th Circuit Judges, Judicial Assistants and Court Administration staff for your dedication and patience as we work through these difficult times.

Collier County Welcomes New Administrative Services Manager

Collier County welcomed a new Administrative Services Manager on March 2, 2012. Mr. John Carter replaces Mark Middlebrook who had been in the position for 17 years. Though new to the position, Mr. Carter is not new to Court Administration; he had been employed as a case manager in the civil division, working alongside judges helping to keep cases moving efficiently through to disposition.

A graduate of Florida State University, he obtained his law degree from the University of Dayton School of Law. He has over 20 years experience practicing law, almost 15 of which, were in service to the State of Florida as an Assistant State Attorney and for the Department of Children and Families. Additionally, he

was legal counsel to the Clerk of Circuit Court in Collier County. He was in private practice until beginning in Court Administration in November 2009. His law degree along with his many years of experience within the court system make Carter an asset to the management team.

Judge Lundy Stokes The Fire At LCBA Barbeque

Judge Jack Lundy is a man of many trades: he is judge, rancher, and... master of the BBQ? Long praised for his BBQ ribs, Lundy has stoked the fires of many a barbeque to create succulent ribs, beef and chicken at the Lee County Bar Association Annual BBQ.



Judge Jack Lundy sits outside the Glades County Courthouse where he presides over circuit and county cases.

It was in 1986 when Judge Lundy was a practicing attorney with the law firm of Henderson Franklin, that he was first asked to be the "grill master" at the LCBA barbeque honoring the judges of the Second District Court of Appeals. Another attorney had been doing it when Jack Lundy took over the grill. His reign ended when Jack Lundy became Judge Jack Lundy in 1997.

Three years ago Judge Lundy was brought out of retirement to judge (the first year) and then cook at a LCBA outing to honor retiring judges Rad Sturgis and Thomas Reese. Again, this year on March 31st Judge Lundy marinated and slow cooked ribs, beef and chicken at a barbeque in honor of soon-to-be retiring judges James Seals (Lee) and Franklin Baker (Collier).

According to Judge Lundy creating his masterpieces takes a lot of time; it took 2 and 1/2 hours just to cut the ribs. He was up at 4am to start the fire which he tended to all day long. He seasoned the meat with his special home-made dry rubs before placing them over the fire to cook. The slabs of beef slow cooked for almost 10 hours!

Despite the brilliant reviews Judge Lundy plans to hang up his barbeque apron and return to being a judge and a rancher...where the work isn't as hard!

Pretrial Services Continues To Maintain High Professional Standards

by Amy Kinsey, Administrative Services Supervisor

Lee County Pretrial Services Department's Accreditation was reassessed by the Florida Corrections Accreditation Commission (FCAC) on May 9-10, 2012. The department was initially assessed in 2009, and, as per that accreditation, reassessment occurs every three years. Accreditation signifies that the department is abiding by "best practices" and upholding the highest standards of professionalism.

The assessment was completed by Ms. Tammy Matthews from the Okaloosa Department of Corrections and Ms. Shirley Olson from Volusia County Pretrial Services. Lee County Pretrial Services has proven continued compliance with all accreditation requirements over the past three years and a recommendation for re-accreditation was made by both assessors to the commission in June. A panel consisting of commissioners from the FACA and Commission for Florida Law Enforcement Accreditation (CFA) will review the assessment summary and recommendations and question management on any policies and procedures to verify full compliance and grant re-accreditation status.

This independent verification demonstrates to stakeholders and the public that the department's mission remains the guiding force behind its practices and policies. The assessors were able to see upon completion of the review, practice did meet policy. Directives were scrutinized to ensure compliance with standards, documentation was reviewed to ensure time-sensitive proofs have been maintained each year and staff observations and interviews were conducted. Also, the assessors received work product such as First Appearance packets, court presentation, supervision orientation and case files. The assessors were most impressed with how knowledgeable each staff member was not only in his/her respective unit but with the entire department overall, how professional each was while interacting with both defendants and the assessors themselves.

The department's success is a result of the staff's inspiration to succeed and grow.

"Without continual growth and progress, such words as improvement, achievement, and success have no meaning."

- Benjamin Franklin

Collier Judge Recognized For Dedication To Helping Children

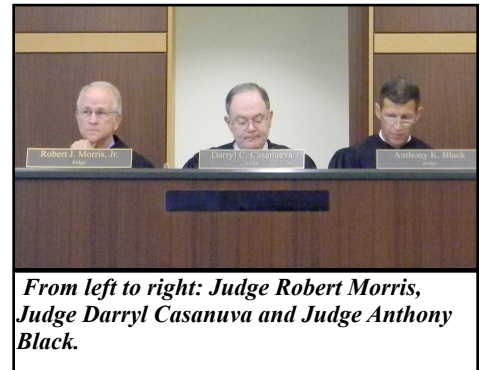
On March 15, 2012 Judge Lauren Brodie was recognized for her efforts to reduce juvenile substance abuse through education and prevention. Hazelden, a Naples-based substance abuse treatment facility, bestowed upon Judge Brodie its Community Service Award for her dedication and commitment to children and families in Collier County.



2nd DCA Closes Law Week With Oral Arguments

The Twentieth Judicial Circuit, Lee County, and area high school students were fortunate to have three judges from the 2nd DCA (District Court of Appeals) hear oral arguments seated in a Lee County courtroom on May 4, 2012.

As has happened in the past, the judges visited during Law Week to preside over oral arguments with local attorneys. Also, just as in the past, high school students were invited to observe the cases being argued and to hear first hand what appellate judges do. Judges Robert Morris (left), Darryl Casanueva (ctr) and Anthony Black (rt) arrived at 8:30AM to



address the students and answer questions. The judges explained the workings of the appellate court and encouraged them to pursue some type of career in criminal justice, noting that becoming a judge or lawyer are not the only professions available.



Making a Perfect Court Record? It Can Be Done

Electronic Court Reporting Manager, Brenda Giessman, provided some helpful tips for making the perfect record, in the Spring 2010 Circuit Times. It's a timely message in that increasingly Judges, staff and attorneys look to the ECR record for what exactly was said at a court event. Below is a reprint of the article "*Tips for Making the Perfect Record*".

Here in the 20th Judicial Circuit we use a combination of stenographic court reporters and a digital electronic system to record due process proceedings. Electronic Court Reporting (ECR) has three offices in our five-county circuit that monitor 25-54 rooms per day, logging around 20,000 hours of proceedings each year. Digital Court Reporters monitor from one to four rooms each, depending on the type of proceeding, from one of our three control rooms. Because the reporters are not seated in the courtrooms there may be a delay in letting the Court know when there are issues with a recording, so Electronic Court Reporting would like to offer these tips for making the perfect record and kindly ask for assistance in making this happen.

- Each time a case is called before the Court the full name and case number should be stated.
- Everyone must speak clearly and one at a time *into* a microphone; speakers who walk around are not heard clearly on the recording.
- Attendees not involved in the case before the Court but sitting near a microphone should remain quiet so their conversations are not recorded over the judge, attorney, witness or defendant.
- When conversing near a microphone about matters unrelated to the case before the court, the mute button should be used to avoid the conversation being recorded into the record.
- Each speaker must state his/her name each time he/she speaks; otherwise reporters and transcribers do not know to whom the voice belongs.
- Names should be spelled so the record is correct when transcribed.
- The defendant should be reminded to speak up so his or her answers are recorded clearly.
- Interpreters should speak into the microphone only when translating the defendant's responses;
- otherwise the judge and counsel cannot be heard over the interpreter.
- To prevent gaps in the record, when white noise is used during sidebar conferences, participants should speak in a normal tone of voice and not a whisper, so the conversation may be heard over the white noise.

Some actions may seem innocuous but actually cause interferences in a recording (and are deafening to a

digital court reporter). When these things do occur, they are the only thing that can be heard resulting in either a partial record or no record. They are:

- Tapping or drumming fingers on the tables;
- Coughing or sneezing at the microphone;
- Passing papers over a microphone, including the sidebar microphone;
- People chatting near the microphone when they are not involved in the case at the bench;
- Cell doors being closed; bailiffs should be reminded to close the door gently if possible.

The best and most accurate record possible can be made when we all work together. Your digital court reporters thank you for helping them achieve this goal.

cont. from pg. 1 Volunteers

James Adams is the judicial liaison to the Board. This is the 21st year the dinner has been held in this format under Alternative Dispute Resolution Director (ADR), Bruce Waddell.

*Volunteers don't just do the work-
they make it work.* Carol Pettit

Also, on April 5, 2012 an appreciation luncheon was held to recognize the Information Desk Volunteers who man the various information desks throughout the Lee County Justice Center Complex. The volunteers were honored for their dedication and service to the courts. It is their willingness to give back that helps the public, litigants and attorneys navigate more easily through the complex. Volunteers also provide information on local government agencies located within the Fort Myers downtown area. Currently, there are 25-30 volunteers, depending on the time of year. During FY 2010-2011, Court Information Desk Volunteers tallied over 3900 hours at the Lee County Justice Center.

The luncheon was attended by agency representatives appreciative of the work provided by these volunteers. These include: Trial Court Administrator, Richard Callanan; Lee County Commissioner, Ray Judah; Assistant State Attorney, Kelly Worcester; Chief Assistant Public Defender, Kathleen Fitzgeorge; Lee County Clerk of Court, Chief Operating Officer, Linda Doggett; Operations Division Manager for the Court, Jim Sullivan and Operation Manager, Dolly Ballard. Court Administration implemented the Court Volunteer Program on June 1, 2009 to coincide with with opening of the Justice Center "Tower".

by Roseann Brown



Circuit Times Newsletter

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