



# THE CIRCUIT TIMES

NEWSLETTER OF THE 20TH JUDICIAL CIRCUIT

FALL / WINTER 2015

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## Hendry County Judge Welcomed to the Bench



On the afternoon of August 21st, 2015 the 20th Circuit welcomed Scott H. Cupp as the newest member of our judiciary. Before family, friends, colleges, and the community, Judge Cupp was sworn in as Hendry County's seventh County Judge. Only six others have held the position since 1928. Judge James Sloan was Hendry County's Judge for 23 years until 2014 when Governor Rick Scott appointed him to the Circuit Court bench. Judge Cupp was then appointed by Scott to fill the vacancy.

The ceremony was held in LaBelle's High School Auditorium and featured speeches by the 20th Judicial Circuit's State Attorney Stephen Russell, Judge Cupp's daughter, Kaitlin Cupp, and 15th Judicial Circuit Judge Joseph Marx.

As a native of Pittsburgh, Judge Cupp is an avid Steelers football fan, but ironically also worked in the steel mill prior to his law career. He received his law degree from the Western New England University School of Law and then worked for the 20<sup>th</sup> Circuit's State Attorney's Office Felony Division where he met State Attorney Steve Russell. But in 2006, he decided to leave the area to return to West Palm in order to be closer to his three children.

"While I was disappointed in losing Scott's leadership and experience, I certainly couldn't argue with his decision. You only have to

look at his children here today. I am sure they are as proud of their dad as he is of them all the time," said State Attorney Russell.

While in West Palm Beach, Judge Cupp was chief of the crimes against children and sex crimes unit. It was his time at the SAO when he became good friends with Judge Marx. Judge Cupp was actually Marx's boss at the time.

"Scott taught me it's not about what was easy, what is expedient, but rather what is right," said Judge Marx. "I know deep in my heart that is the type of judge Scott will be. He will be passionate, he will follow the law, protect his community and will also be compassionate. This community is lucky to have Scott Cupp."

Judge Marx then swore Judge Cupp in before Cupp made his own remarks about his family and future career.

"I am truly honored, humbled and blessed to be your new Hendry County judge. I promise to work hard every day at becoming the best judge I can be," said Judge Cupp.



*Chief Judge Michael T. McHugh presided over the joint session of the County and Circuit Court.*

## Two Circuit Judges to Retire in 2016



*Circuit Judge R. Thomas Corbin*

In 2016, the 20th Circuit will say goodbye to two longtime Judges in the 20th Judicial Circuit. On March 31, Judge R. Thomas Corbin and Judge Cynthia Pivacek will retire from the Office of Circuit Court Judge.

Judge Corbin is based in Lee County and has been assigned to the Family Division, which is 20% of the family cases and domestic violence civil cases. He began work as a judge in January of 1994 and has worked in Charlotte, Hendry and Lee Counties. Judge Corbin also served as the Lee

County Administrative Judge and Deputy Chief Judge of the Circuit for seven years. Prior to taking the bench, Judge Corbin worked in private practice handling civil and criminal jury trials as well as commercial litigation. He graduated from Fort Myers High School in 1967, the University of North Carolina in 1971, and the University Of Florida College Of Law in March 1974.

Upon his retirement Judge Corbin plans on spending time with his wife, taking trips with her and playing with their grandchildren.

Judge Pivacek is based in Collier County and currently presides over civil cases for the Circuit Courts. She has been a Circuit judge for 18 years, but prior to that she worked as a Collier County Judge. She also worked as an Assistant State Attorney in both in 8th and 20th Circuits before becoming a judge. Pivacek received her B.A. from the University of Florida in 1976 and her J.D. from the University of Florida School of Law in 1978.

In her resignation letter to the Governor she said, "I will always reflect upon my tenure with gratitude for

the confidence and support of my peers and the community. I look forward to this new phase of my life and the opportunities ahead. I am grateful for the experience and the ability to have served in these important positions as I continue to work and serve in the community."

Her plans after retirement include charity work and spending time with her triplets who are quickly growing up and starting middle school.



*Circuit Judge Cynthia Pivacek*

## Lee County Magistrate Sworn In



On November 2, 2015, Fort Myers Attorney Kimberly Bocelli was sworn in by Chief Judge Michael McHugh to work as a Magistrate in Lee County hearing general civil litigation matters, guardianship matters,

and Baker Act hearings.

Bocelli was born and raised in Fort Myers and attended the University of Florida for both her undergrad and law school. After graduating, she practiced at Roetzel & Andress in the commercial litigation department until leaving to become a magistrate. She has been awarded Florida Super Lawyers Rising Star every year since 2010.

"My ultimate goal is to become a judge, and this will provide a great deal of experience toward that goal," says Bocelli on becoming a Magistrate.

Bocelli wanted to become a lawyer after watching episodes of *Matlock* on summer break in middle school. Her interest at a young age led her to participate in Lee County's Mock Trial and Teen Court Programs in high school.

In her free time Bocelli enjoys running, and just completed the New York City Marathon on November 1<sup>st</sup>. She's also a member of the Fort Myers Track Club and member of the Rotary Club of Fort Myers-Downtown. She's married with one child.

## A Special Recognition by the Collier Inns of Court



*(L to R): Judge Hugh Hayes, Judge Daniel Monaco, Inns of Court President Ed Larsen, Judge Christine Greider, and Debbie Mrvavic.*



*(L to R): Inns of Court President Ed Larsen, Debbie Mrvavic, and Judge Christine Greider*

On December 8, 2015, the Thomas S. Biggs Chapter of the American Inns of Court of Collier County recognized Collier County Case Manager Supervisor Deborah Mrvavic as well as Senior Judge Daniel R. Monaco for their exemplary service in the administration of the residential foreclosure docket in Collier County. The Inns of Court is a national organization of attorneys and judges committed to a shared national purpose of improving professionalism, ethics, civility and excellence within the legal profession.

“During one of the most significant economic recessions in the last 100 years, which affected tens of thousands of residents in the 20<sup>th</sup> Judicial Circuit, Judge Monaco and Ms. Mrvavic faithfully performed their duties impartially, and with the highest degree of professionalism and civility,” said Collier Inns of Court President Ed Larson.

Judges Hugh Hayes and Christine Greider participated in recognizing Ms. Mrvavic and Judge Monaco’s contributions. We are proud that the Inns of Court would recognize Ms. Mrvavic and Judge Monaco’s hard work and dedication. The families of Ms. Mrvavic and Judge Monaco were present for the dinner presentation.

Judge Monaco retired from the Circuit Court bench at the end of 2008, but has continued to serve as a Senior Judge. Judge Monaco received his BA from Russell Sage University and his JD from the University of Miami, School of Law. Since 1967, he practiced law in Naples and was a member of the firm of Monaco, Cardillo and Keith until his election to the Twentieth Judicial Circuit.

Debbie Mrvavic serves as Civil/Family Division Director in Collier. She is a graduate of Plymouth State University in New Hampshire and has been with the 20th for over 14 years. She has implemented Collier’s Self Help center which allows self represented litigants in family cases access to forms and procedures. Ms. Mrvavic served on the original committee for developing and implementing the first Civil Case Management program in the 20th Circuit.

### Please Congratulate...

Barry Williams, Keith McGovern, and Melissa Whittington for obtaining the Certified Pretrial Services Professional Certification through the National Association of Pretrial Services Committees on Education and Training. Mr. Williams, Mr. McGovern, and Ms. Whittington qualified in experience and education and passed an examination on both general legal issues and issues specific to pretrial investigation and release. This demonstrated a basic understanding of the pretrial movement and the history upon which it is based. The Certification Program is designed to advance the overall knowledge level of practitioners in the pretrial field, and help ensure that they are aware of the most current information and best practices. Further, it promotes the capabilities of pretrial professionals—both within the program and to the public in general—by demonstrating their adherence to the NAPSA Code of Ethics, and enhancing their public image thereby aiding in the recruitment and formation of new and talented staff.

## New Circuit Court Interpreter Supervisor



Karola Rangel has joined the Administrative Office of the Court as Supervising Court Interpreter. With a decade of experience in the language services industry, Karola was always adept at languages. She is fluent in three languages: Spanish, French and English.

Born in San Juan, Puerto Rico to Peruvian parents, she attended the University of Virginia, where she majored in French Language and Literature. Upon her return to San Juan, she was introduced to the court interpreting world and moved to Miami months later to pursue Certificates in Translation and Legal Translation and Interpreting programs at Florida International University.

She has been mentored by well-known and respected individuals in the field. In Miami, she gained experience in handling administrative and interpreting duties at various organizational levels. Karola has been a Certified Spanish Court Interpreter in the State of Florida since 2009 and worked as a vendor and staff interpreter for Eleventh Judicial Circuit until she came to the 20<sup>th</sup> Circuit.

As Supervising Court Interpreter she will oversee the day-to-day operation of interpreters, provide feedback, maintain lists, and coordinate interpreter requests. She says this position is another step in her career and feels her passion for interpreting will make her a good leader.

“I understand what it is like to do the field work and I also understand that it is important to use and keep using your interpreting skills,” said Rangel.

## Lee County Courthouse Celebrates 100 Years

On Tuesday, December 1<sup>st</sup>, 2015, Lee County Commissioners invited the community to celebrate the 100<sup>th</sup> anniversary of the Old Lee County Courthouse. Chairman Frank Mann kicked off the ceremony followed by remarks by the other Commissioners. Clerk of Court Linda Doggett also collected 25 local items which were placed in a time capsule and sealed in the Clerk’s vault in the buildings basement. It joins a millennium time capsule and a 1989 time capsule. Following the presentations and a reception, Commissioner Mann read a resolution at the start of the Board of County Commission meeting recognizing the anniversary.



## Making a Difference for Pretrial Services

We would like to recognize Amy Kinsey on her leadership and initiative in undertaking the complete re-write of Pretrial Services accreditation standards for the state of Florida.

Kinsey was tasked with ensuring that all standards were updated in accordance with Florida State Statutes and Florida Rules of Procedure. She also ensured that the standards were reasonable and attainable for all agencies across the state of Florida. The updated standards were approved unanimously by the Florida Corrections Accreditation Commission .

Kinsey is currently the Deputy Criminal Division Director over Pretrial Services in Lee County. She joined the Administrative Office of the Courts in 2005.

## Florida Supreme Court Recommends New Judge

The Florida Supreme Court has asked the Legislature to approve one new Lee County judge and 23 other judgeships throughout Florida for 2016. Due in large part to the recession, the court states the judicial branch has had no increase in trial court judges since 2007, despite a documented need.

The Supreme Court decide how many new judges are needed based on a weighted caseload system. The Court uses a mathematical methodology which compares the current caseload handled by judges and the amount of cases coming in.

“The loss of civil traffic infraction hearing officers in county court, coupled with added workload associated with new legislation, continues to increase county judge workload,” the justices wrote in the opinion.

According to the most recent annual data, there is a three percent increase in county civil division filings driven by small-claims filings, which experienced an increase of more than 16 percent. In many circuits, county court judges are also assisting with circuit court workload.

“Their contribution in circuit court may be further evidence that the case weights for circuit court are outdated,” the opinion states.

The opinion discusses concerns by chief judges about the continuing accuracy of the current case weights used by the Court to evaluate judicial workload. The consensus is that the weights must be updated to portray a complete picture of case complexity confronting trial court judges. It has been eight years since case weights were last adjusted.

“We share the chief judges’ concerns that the time has come to reevaluate the current case weights and before this year’s certification analysis began we directed our staff to conduct a comprehensive Judicial Workload Study, which commenced in January 2015 and is expected to conclude in late spring 2016,” the opinion stated.

The Judicial Needs Assessment Committee is being chaired by Charlotte County Judge Paul Alessandroni. Its purpose is to update all of the trial court case weights and will include an assessment of all the contributions of all quasi-judicial officers such as senior judges, magistrates, child support enforcement hearing officers, and civil traffic infraction hearing officers.

The Supreme Court did not certify a need for any new district court judges. The justices say they will evaluate again after the workload study is completed by the Office of the State Courts Administrator.

While the legislature has not funded any new judge certifications in recent years, the opinion does state that justices appreciate the legislative appropriation to address the backlog of foreclosure cases throughout the state.

“The monies provided for senior judges, magistrates, case management, and technology made a significant difference in the court system’s ability to reduce the overall backlog of pending foreclosure cases. We are pleased to note that statewide, foreclosure filings are now below their prerecession level,” the justices stated.

## New Computer Security Program Offered to the 20<sup>th</sup> Judicial Circuit

Each day, here in the 20<sup>th</sup>, we get over 30,000 emails into our system. Well over 90% of it is spam or malicious and are rejected which is in keeping with national statistics. We utilize state of the art detection systems and even though these are the most accurate in the business, some malicious emails can still make it through. How do they get our email addresses you ask? There are numerous ways.

An attacker might harvest email addresses from accounts such as Facebook or social media, figure out the naming convention for an organization, public records or through seemingly innocent web sites we may visit, which in return, receive a special deal by giving out information. Once they get a legitimate address, websites sell and resell the information. Also, the latest security reports indicate that malicious websites increased 600% last year and the threats are getting even more sophisticated. Even our

cell phones and the applications we download can be dangerous. Knowing which websites to stay away from requires that we be very cautious and knowledgeable about where and how we navigate on the web, click on attachments in emails, or download apps on our phones. It's a scary world out there, but by following a few simple rules it is easy to stay out of trouble.

As a way to help you safely navigate your way in today's climate, your technology department has contracted with an organization called SANS to help educate us on safe computing. The SANS organization is the leader in computer and network security and offers the security awareness program called "Securing the Human." This training program is comprised of over 20 short videos ranging from 1-5 minutes and covers everything from using

email safely to securing our home networks and computers. It is helpful not only for daily work here, but also covers topics such as "Protecting your Kids Online" and the importance of securing your home Wi-Fi network. You can look at them in your spare time here at work, log on at home and share them with other members of your family. The information is very clear and understandable

Training will begin early in 2016. You will receive an email with all the details that will allow you to log into the program and begin your journey to becoming a Cyber Security Expert.



## Grant Provides Funds for Updated Security Scanners

Signs are posted outside each of the Lee County Justice Centers two entrances: "No Weapons Allowed." Still, hundreds of items that are not allowed in the courthouse continue to be confiscated each month by Court Security. This is due to the diligence by officers and also the x-ray inspection systems at each entrance. Recently, the scanners at each entrance were updated to reflect up-to-date technology with faster software, a high-end processor, and a high resolution color monitor.

"Modern Technology allows officers to more effectively and efficiently do their jobs," said Court Security Sergeant Kevin Snyder.

The machines are able to detect metal, non-metal metallic objects, and explosives. Such items like knives, pepper spray, nail files, cork-screws, and laser pointers are most commonly confiscated. Court security screens nearly 50,000

people a month. The last data from October 2015 shows 232 items were confiscated.

Court Security plans to update all of the machines as time and budgeting permits. The scanners are recommended by the United States Marshalls Service Court Security Division.



## Goodwill's Job-Link Bus Helping Veterans



Since November, Goodwill Industries Job-Link bus has been parking outside of the Lee County Justice Center on Thursday mornings during Veterans Court. The mobile unit is equipped with 12 computers where instructors can help veterans with a variety of things. They will be providing services such as: Interviewing skills, resume creation, banking and budgeting, housing and rental assistance, income tax preparation, GED and adult education, access to online job opportunities, utility payment assistance, emergency food assistance, and parenting classes. With the bus right outside, this allows defendants leaving court to be able to easily access the services and ultimately better their lives.

This service is currently just for Veterans Court when it is in session, but the hope is to expand services to Mental Health Court and Drug Court in 2016.

## Counties Celebrate National Adoption Day

On November 18th, the number of children in Florida waiting to be adopted dropped from 3,008 to 3,001 when seven children were adopted to five loving families in Charlotte County. One of those children was 5-year-old Elijah Mullins. He was put into foster care after his mother lost custody and there was no where safe for him to live. That was until three years ago when Maria and Sidney Mullins took him in.

“We love him just like our other children and we are really hoping to make a family with him,” said Maria Mullins.

The Mullins made their family official during the National Adoption Day event in front of Circuit Judge Robert Branning. They along with five other families, dressed in their Sunday best, filled the courtroom with their smiles and cheers. One family even adopted a trio of three siblings.

“We hope that days like today encourage families to consider becoming foster parents and work toward the permanency goals,” said Judge Branning.

November is National Adoption Month and during the week before Thanksgiving each year thousands of foster children are adopted to their forever families throughout the nation. First launched in 2000, National Adoption Day has since spread to almost 400 cities in all fifty states, the District of Columbia, Guam and Puerto Rico. The day was created to bring awareness to the 100,000 children in foster care waiting to be adopted. Thanks to the Children’s Network of Florida, 1,312 kids have been adopted since 2004.

“You have willingly stepped into roles as parents

for some very special children. I want to thank all the adoptive parents here today for being shining examples of what is best for our community,” said Judge Branning. “To the children I want to say this, you are the hope and dream of every parent here.”

Collier County celebrated their Adoption Day on November 20th in front of Circuit Judge Christine Greider with the adoptions of nine children. On November 21st, Circuit Judge Lee Schreiber finalized 13 adoptions in Lee County. The judges are there to place a legal status on a relationship that has been in the works for months to sometimes years.

“I hope you will cherish today, as I know I will,” said Judge Branning.

Following the ceremonies there were receptions which included food, face painting, balloon animals and gifts for the children.



## 3rd Annual Eddie Swords Awards



*Lt. Jim Kirk, CSO Michael Berger, and Director Jeff Torain*



*CSO Berger expresses his thanks to family, friends and coworkers*

Court Security Officer (CSO) Michael Berger is the 2015 recipient of the Hubert “Eddie” Swords Commitment to Excellence Award which is given annually by the Lee County Court Security Department. This Award is a peer to peer recognition award, which is given in memory of Court Security Officer Hubert “Eddie” Swords who passed away in November 2012. Eddie embodied excellence in service to others, which is a fundamental part of the Department’s ethos.

A native of Illinois, CSO Berger served over twenty years with the Central City (Illinois) Police Department and most of which was as Chief of Police. CSO Berger served in the “US Navy as a helicopter pilot and is a graduate of South-

ern Illinois University. CSO Berger and his wife Lisa have three grown children. CSO Berger is a part-time member of the Lee County Court Security team and has served the department since 2013.

The award is made using a "peer to peer" nomination process with the final selection made by the award nominating committee. Winners are judged on collaboration, commitment and leadership. The Eddie Swords Commitment to Excellence Award was created to recognize and reward court security employees who exemplify a consistent commitment to excellence.

## AOC Staff Volunteer at Edison Ford Holiday Nights

Employees of the Administrative Office of the Courts volunteered at the Edison & Ford Winter Estates Holiday Nights event on December 8th, 2015. The volunteers worked side by side with other volunteers to help with taking tickets at the front gate and showing patrons where to go. People who visited the Holiday Nights were also greeted by Mr. Thomas Edison and his wife, Mina. For 40 years, Edison Ford has decorated the estates with thousands of lights, decorations and Christmas trees with a theme pertaining to Florida or Edison during the holiday season.



*Finance and Accounting Manager Lisa Harder, Chief Information Officer Craig McLean, and Public Information Officer Sara Miles*



*Edison & Ford Winter Estates volunteers portraying Thomas Edison and his wife, Mina Edison.*



## Students Tackle Theft Case in Mock Trial



It was up to a jury of Fort Myers Middle Academy seventh graders to decide whether a “teen” was guilty of petit theft from Sears Department Store inside Edison Mall in Fort Myers. This was part of Judge Leigh Hayes annual mock trial where 160 students watch and take part in the educational event. Students were selected to assist as judge, clerk, jury, and the attorneys.

The premise of the trial was Assistant State Attorney Clark Cary, who was portraying a high school student, stole an iPhone from the electronics department. He walked to the area that displays the phones, took one and put it in his pocket. Cary then walked out of the store without attempting to pay for the phone. While he was walking out of the store, he was approached by a Sears Loss Prevention Officer, who identified himself as an LPO and informed Cary that he watched him remove the phone and put it in his pocket. The defendant was then escorted to an office where he was placed under arrest. When deputies arrived, Cary eventually admitted to stealing the phone and said he was sorry, but he “really wanted it.” While testifying on the stand he continually contradicted his story about whether he took it or not and then eventually confessed to everyone saying he did it because he was bored. During closing statements, the Public Defender tried to convince the jury to find him not guilty because he gave the phone back and



there was no surveillance video.

The jury ended up finding Cary guilty. Although, when the students were polled from the audience half of them said he was guilty and half said he was not guilty. Judge Hayes sentenced him to 30 days in jail with one day credit time served and one year of community service.

When the mock trial was over, the students had the chance to ask Judge Hayes, ASA Cary, ASA Jennifer Forsyth and Public Defender Nicole Devito questions about their jobs, the courthouse and the law. Students were also given a tour inside one of the holding cells.

### Circuit Times Newsletter

*Chief Judge  
Michael T. McHugh*

*Trial Court Administrator  
Scott Wilsker*

*Deputy Court Administrator  
Jim Sullivan*

*Editor  
Sara Miles*

*Photos  
Sara Miles  
Kimberly Bocelli  
Sgt. Sam Matos*

*Contributors  
Craig McLean  
Liza Maldonado  
Amy Kinsey  
Judge Christine Greider  
Dave Toumey*

***For more information about the Twentieth Judicial Circuit visit our website at [www.ca.cjis220.org](http://www.ca.cjis220.org)***



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