



THE CIRCUIT TIMES

NEWSLETTER OF THE 20TH JUDICIAL CIRCUIT

WINTER 2018-19

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Changing of the guards in Collier County

Written by: Kerri Hixson

There is a changing of the guards coming to Collier County as three esteemed members of the Collier bench retire.

Judge Frederick Hardt was appointed to the Circuit bench in 2003 where he spent two years in Hendry before transferring to Collier County where he spent the majority of his career. Judge Hardt has been designated as a Senior Judge, effective January 1, 2019 and also plans on working both with private judging and as an arbitrator. While he is ready to move on to new career opportunities he will miss the friends and relationships he has made here in the Courthouse.

County Judge Jim McGarity was elected to the county bench in November, 2012 after a successful career at the Public Defender's Office and as a Magistrate. As a retired army Lieutenant Colonel, he remains committed and engaged with Veterans affairs and other philanthropic organizations. In retire-

ment, he is off to circumnavigate the world with his wife. While he will miss the pulse and activity of the Court, he is content to cap his second career off here with his retirement.

Judge Michael Carr was elected to the county bench in 2007 after a successful career as both an Assistant State Attorney and criminal defense attorney. After his retirement, he plans to return to work with his wife in her law practice because he "likes getting up in the morning and having purpose." We wish all three Judges happiness in their retirement and thank them for their service to our Circuit.

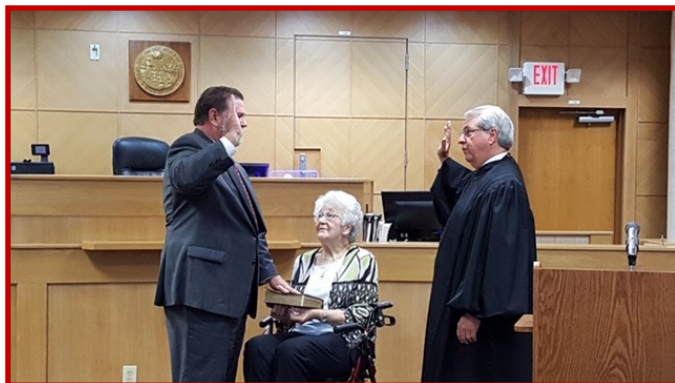
And with retirements, come Investitures. This year, we welcome Collier County Judge Blake Adams, Circuit Judge John McGowan, and Collier County Judge Tamara Lynne Nicola to Naples.



L to R: Judge Hardt, Judge Carr, and Judge McGarity.



Judge Darrell Hill sworn in



In October 2018, former Governor Rick Scott named Darrell R. Hill to the Hendry County Court. He was officially sworn in by Judge James Sloan in December. Hill was previously an attorney with Darrell R. Hill and a magistrate for the 20th Judicial Circuit. He received his bachelor's degree from the University of Florida and his law degree from Samford University. Hill fills the vacancy created by the elevation of Judge Scott Cupp.

First woman State Attorney in 20th Circuit sworn in



State Attorney Amira Fox sworn in by U.S. District Judge Sheri Chappell.



Judges before the ceremony.

A room of nearly 1,000 people stood to honor incoming State Attorney Amira Fox on Friday as she became the first female state attorney for the 20th judicial circuit of Florida.

"I will seek justice every day and will make you a state attorney that you can be truly, truly proud of," Fox said after she was sworn in.

Multiple Southwest Florida officials and dignitaries attended the inauguration, including nearly 30 of 50 circuit judges, county sheriffs, police chiefs and city council members from across the five counties represented in the circuit: Charlotte, Collier, Glades, Hendry and Lee.

Fox said she was overwhelmed by the showing of support from the community. She was sworn in by U.S. District Judge Sheri Chappell.

One of her first orders of business will be establishing a circuit-wide narcotics task force to crack down on the sale of opioids in Southwest Florida, she said. The first meeting is set for next week and will involve law enforcement from all five counties.

She said mental health will also be a priority among the State Attorney's Office and law enforcement and she'll work to secure more funding for mental health resources.

Fox said she was excited to serve as the first woman in the role.

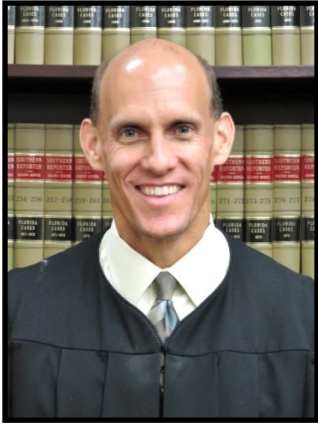
"There have been very few female state attorneys in the state of Florida and now I'm the first one here, so it feels really good," said Fox, who served as assistance state attorney before she was elected to her new post in November. "It was a long road to get here and I'm so grateful to all the citizens who have shown their trust in me and I will not let them down."

She'll still try cases, noting that she is one of the attorneys on the case for the man accused of killing Fort Myers police Officer Adam Jobbers-Miller and on the Zombicon shooting in 2015.

"I've got two active cases right now, so I'm going to be a very busy lady," she said.

Written by: Brooke Baitinger, Fort Myers News-Press
www.news-press.com

Judge Michael McHugh elected to another term as Chief Judge



Chief Judge Michael T. McHugh will serve another term as Chief Judge for the 20th Judicial Circuit. His two year term will begin on July 1, 2019.

Judge McHugh was first elected as Chief Judge in 2015. Judge McHugh has been a Circuit Court Judge since 2006 when he was appointed to the bench by former Governor Jeb Bush. He started his legal career as an Assistant State Attorney in Fort Myers where he worked from 1992 to 1995. After leaving the State Attorney's Office, Judge McHugh served as managing attorney for Allstate's Staff Counsel Offices in Fort Myers and Tampa. He received his B.A. in Accounting and his Law Degree from the University of Florida.

Judge McHugh is currently assigned to the Civil Division in Lee County. He has previously served in the Felony, Juvenile and Family Law Divisions. Judge McHugh has served as the Administrative Judge in both the Family Law Division and Civil Division.

Lee County Court Security Improvements

Lee County BOCC approves some \$232,000 for physical security enhancements to the 1st floor lobby of the Justice Center Annex. The security checkpoint currently located at the Main Street entrance will be moved to the MLK, Jr. Blvd. entrance with the installation of new access control, video surveillance and security screening equipment. The Main Street entrance will be converted to an Employee (Only) Entrance with new access control and surveillance equipment being installed there as well. The work is tentatively scheduled to begin in February. "The project is designed to improve the overall security of the building by reducing the likelihood that unauthorized persons will be able to bypass the security screening process," said Director Jeff Torain.

New Magistrates welcomed



Recently, Attorney Robert Ostrov was sworn in to work as a Part-time General Magistrate in the Twentieth Circuit. Mr. Ostrov fills the position vacated by Darrell Hill who was appointed as a Hendry County Judge.

As a Magistrate, Mr. Ostrov will primarily be hearing family law matters when referred by the judge in both Hendry and Glades counties.

Mr. Ostrov has served as an Administrative Law Judge for both the New York City Department of Finance and the New York City Housing Authority. Presently, Ostrov is an arbitrator for both the American Arbitrator Association and the FINRA. While also managing his own civil litigation and law firm.

He graduated from Tulane University, Columbia University School of International Affairs, and received his law degree from Fordham University School of Law.



In January, we welcomed Attorney Bernard King to work as a Magistrate in Lee County after Carolyn Swift was elevated to the Circuit bench. He is assigned to Circuit Civil matters in Lee County, concentrating on family law matters.

Previously, Mr. King practiced at Rubinstein, Holz, & King P.A. in Fort Myers exclusively in the area of marital and family law. Mr. King is a member of the American Bar Association, Lee County Bar and the Association of Family Law Professionals.

He graduated from the University of Florida and received his juris doctorate in law from Georgia State University.

Celebrating retirements...



In October 2018 we said goodbye to longtime Judicial Assistant Maria Sotomayor. Maria was a JA for a total of 14 years. She worked for 11 years with Judge Frank Porter (pictured left) and three years with Judge Isaac Anderson.

Maria with all of the Lee County Judicial Assistants!



Bill is pictured here with his wife at his retirement party.



Written by Doug Jaye

On November 1, 2018, long-tenured Probation Supervisor, Bill Shuga, retired from the Administrative Office of the Courts (AOC). Mr. Shuga began his employment on November 3, 1983. He started his career with AOC as a misdemeanor Probation Officer and then was promoted to Senior Probation Officer, supervising felony reduction cases. He was then promoted to Clerical Supervisor, Enforcement Officer and finally Probation Supervisor.

Over the years, Mr. Shuga's vast knowledge was always evident as he continually solved difficult cases. He continually remembered the history of the department and reasons why we implemented certain policies over the

years. This knowledge is irreplaceable and extremely valuable.

When I spoke about Mr. Shuga at his retirement party the words of respect, dedication, commitment, honesty, and trustworthiness were used to describe his character and work ethic. We celebrated his retirement and provided him with a gift card, a shirt, and held a party in his honor.

People like Mr. Shuga do not come around very often, his shoes will be difficult to fill, and he will be sorely missed.

Celebrating retirements...



Gloria Smith started her employment with Lee County Probation on April 6, 2006. Mrs. Smith previously worked for Sears for 38 years. Gloria held the position of NCIC/FCIC operator for the Probation Department over 12 years. She loved providing direct support to our eight Lee County Judges. Gloria did not look at her position as a job, but viewed it as a mission and she enjoyed each day that she worked here. Gloria will be enjoying her retirement with her husband Jim which she has been married to for 57 years.

Written by Doug Jaye



Joan Smith joined the Administrative Office of the Courts back on July 28th, 2003, and has been a valuable member of the finance and accounting team since that very day as the Senior Account Specialist. She is pictured above with Finance and Accounting Manager Lisa Nicole Harder.

New calendar system to replace JACS and JASS

On January 16th, the Administrative Office of the Courts signed a contract with Mentis Technologies to build a new calendaring system for the 20th Circuit. This calendar will be fully integrated into the aiSmartbench Judicial Viewer and will replace our current JASS and JACS calendaring systems. The JACS program is no longer supported and this prompted the need for a new Calendaring System.

Utilizing this new system will enable Judicial Staff to have “one stop shopping” and never have to leave aiSmartbench for calendaring, using it in chambers, and on the bench. Scheduled times can be private or public depending on user preference eliminating the need for multiple calendars. The Judge’s calendar can be viewed on line and allow for scheduling by attorneys as it presently happens in JACS. Access to the calendar will be possible from any device (iPhone / Android / PC / Mac) and the system will be configurable to allow for displaying dockets in a variety of ways and customized looks on the internet. Calendar entries may be modified individually or in bulk, including re-assigning judge, changing location, re-scheduling hearings. New calendar events may be created individually, deleted in bulk or as recurring events using pattern-based scheduling on a daily or weekly basis. Court-wide events (court-holidays, in-service, conference, etc.) may be scheduled as calendar events; standard court hours may be defined.

Programming the new system has begun and we should have something to look at by May, hopefully finalizing the programmed application around October. This new system will have all the features and functionality we have with our two systems.

Written by Craig McLean

Suffering in silence no more

DRUGS. ALCOHOL. MENTAL HEALTH. BAKER ACT. JAIL. RECOVERY. RELAPSE. REPEAT.

Written by: Circuit Judge Lauren Brodie

Originally posted in The Florida Bar News



In our profession, these are topics we hear about every day and may have seen to some extent with our clients or colleagues.

As a judge for over 25 years, I have seen the effects of many of these issues on those who have appeared before me in every division, but most prominently in

the family, juvenile, and criminal divisions where I have presided for almost 20 years. Still, nothing could prepare me for how to react when those same issues emerged in my own family. Immediately, feelings of embarrassment, guilt, anxiety, shame, and fear washed over me. As a parent, I was unprepared for the myriad challenges those diseases would present to me and to my children. For the past 17 years, I have been navigating the systems much like any other parent, while trying to stay under the radar, avoid publicity, and maintain my public persona.

But suffering in silence is draining. I want — no, I need — to share what I have learned through my experiences so that I may help others facing these same struggles. I believe we have to talk about drug abuse and mental health more openly to rid ourselves and our loved ones of the stigma of fault and shame that are often associated with these diseases. These diseases are chronic and progressive, much like heart disease or diabetes.

Through my journey, I have learned that although there is often a genetic predisposition to such diseases, I did not cause these diseases in my family, and I cannot control or cure them. As you can imagine, I have tried everything I could to help my children, and

I have exhausted myself and my resources in the process. I have located treatment centers for my children when they were young and as they have grown, I have attended and participated in countless therapy sessions at their rehab facilities, and I have spent an infinite number of hours worrying about them.

However, none of what I have done has changed the natural trajectory of their problems. I sometimes wonder if my assistance (or my interference) has delayed the natural course of events, or at least delayed them from “hitting their bottom.”

Quote I have learned that when a person struggles with substance abuse, there are only three ways out: incarceration, death, or recovery. And fortunately, I have not experienced my children’s death — yet.

I have had to learn the true meaning of the Serenity Prayer.

“G-d, grant me the Serenity to accept the things I cannot change, “Courage to change the things I can; and “Wisdom to know the difference.”

What I now know through many years of heartache is that I have to accept my children for who they are and not who or what I wanted them to be. I have to accept their choices and behaviors regardless of how immature or irresponsible they may be, and I have to accept my children as they are, one currently in recovery from the disease of addiction and the other struggling with both chemical dependency and mental health.

The dual diagnosis is much more difficult to address since so many people present with many overlapping symptoms and often self-medicate. Because it takes many months to stabilize a person’s chemical imbalance, from my experience, the person so afflicted may choose street drugs with which they are much more familiar, forgoing the trial and error process of pharmacological medications.

Continued...

The second part of the Serenity Prayer about courage speaks to me. I can only change myself — my behavior, my outlook, and my reactions to my children's choices. I have no control over them and have had no control over them or their lifestyle choices for a very long time.

And the last part — the wisdom to know the difference — has made me realize that I have to give my children the dignity and respect to experience the consequences of their choices. And, that's hard because I always believed that my job as a parent was to protect, prevent, and insulate my children from the bad and ugly parts of this world.

In this lengthy chapter of my journey, I have had to discover healthy ways to cope. That has been extremely difficult. Where could I go to seek help? With whom could I discuss these issues? What would you and my colleagues think of me as a parent and judge if you knew about my personal struggles?

As a result of The Florida Bar's recent emphasis on wellness, and now that I realize I am not alone struggling with these issues, I want to share some of my coping strategies with those of you who might be in need. The single most helpful tool for me has been Al-Anon. Al-Anon is a mutual support program for people whose lives have been affected by someone else's drinking or drugging. It is a fellowship of relatives and friends of alcoholics/addicts who share their experience, strength and hope to help solve their common problems. I was apprehensive about going to a meeting with a group of total strangers and even more concerned about sharing intimate details of my life with them. What has helped me the most is the confidentiality and anonymity of the program. In Al-Anon, what you hear and who you see are not to be revealed or discussed outside of the meeting rooms. That gave me a powerful sense of safety and security as I found comfort and solace by sharing my woes with other people going through similar challenges. There are over 30 weekly meetings in Collier County. Meetings in other counties can easily be located by going online. Most of my coping skills — such as what to

say to my children, how to say things to my children, how to set clear and specific boundaries and how to take care of myself — have come from attending these meetings which are free of charge.

My husband and I recently began attending a 12-week course called Family to Family sponsored by NAMI — National Alliance on Mental Illness. In this course, we are learning about mental illness, meeting other families who are also grappling with these challenges and trying to come up with ways to live a happy life, regardless of whether or not our loved one with mental illness gets healthy. Not every NAMI chapter offers this program so you might have to travel to another county as my husband and I are doing.

And finally, there are now very knowledgeable mental health therapists who understand addiction issues and who can genuinely help you cope with your personal strife. It may take interviewing one or two of them to find the right person, but they are out there and are equipped to help you make a positive difference in your life. You may be able to find good referrals from your local chemical dependency/mental health facility.

I hope this column helps you if you're facing these same issues. If you're fortunate enough not to face these issues, then hopefully you will save this and share it with a family member or friend if the situation presents itself. Together, we must understand that these illnesses are diseases. We must work to help ourselves stay sane and healthy while our loved ones are going through these difficult times. If I can be of help to any of you personally, please feel free to contact me at 239-514-1885 or at serenitynaples2018@gmail.com.

Charlotte Behavioral Health Care set to receive Marchman Acts in locked facility

Families with a loved one suffering from addiction now have a more effective path getting help for that person. Charlotte Behavioral Health Care recently became licensed to receive individuals for involuntary commitment under the Marchman Act at its locked Crisis Stabilization Unit.

The Florida Marchman Act allows for involuntary commitment of individuals who have lost the power of self-control over their substance abuse, do not appreciate their own need for help and cannot make rational decisions regarding their care as a result of their substance abuse, and who have become a danger to themselves or others. They can be committed by court order, law enforcement, or a doctor or healthcare professional.

Previously, CBHC had been receiving Marchman Acts at its unlocked recovery center, but the committed individuals could walk out whenever they wanted.

"Approximately half of those brought to the recovery center were signing out as soon as law enforcement left, which represented a risk to that person and a risk to the community," said CBHC Chief Executive Officer Vickie Scanlon. When the courts first brought the issue to CBHC's attention about two years ago, Scanlon said CBHC did not have the funds or capacity to apply for the necessary licenses. It was a frustrating situation for families whose loved ones refused the help they needed.

"Basically families are in a very frustrating position, because they many times are watching their loved ones in a substance abuse crisis, but the person is not yet realizing or recognizing they have a substance abuse problem," Scanlon said. "In Charlotte County and many other counties, because we didn't have an involuntary process, it meant people really had to engage in substance abuse treatment."

Now, the Crisis Stabilization Unit is licensed through both the Agency for Health Care Administration and the Department of Children and Families to house both Baker Acts and Marchman Acts. The current capacity for the unit is 28 people.

Scanlon said last year, the courts initiated less than 30 Marchman Acts, but she believes that number will start to go up now that there's a designated locked facility.

"We do think there will be more," she said. "I think it's a substantial need. The first part of treating any crisis is stabilization. It is only the first step of the recovery process, but it's a key step, and it's also a step that keeps the individuals in our community safer."

In lieu of a locked facility, the Charlotte County Jail has functioned as a Marchman Act facility. Lt. Tabbatha Carter said individuals brought in under the Marchman Act are kept in cells with cameras, separate from other inmates, and they are checked every 15 minutes.

Anyone unconscious from drug use or with a blood alcohol count of 0.3 or higher is transported to the hospital, she said.

At CBHC, individuals brought in for the Marchman Act will receive treatment services during their stabilization period, which the jail is not equipped for. The initial stay for the Marchman Act is up to 72 hours. After that, CBHC can petition the courts for additional treatment, whether that be a longer stabilization period or outpatient therapy.

"Our goal for after the stabilization is we'll be linking individuals to follow up with therapy or 12-step programs, but it may take several hospitalizations for the person (to realize the problem)," Scanlon said. Individuals seeking treatment voluntarily can still call CBHC or contact the Charlotte County Sheriff's Office, who will collect any substances and give a free ride to CBHC for detoxification under the Addiction Recovery Initiative.

For families who believe a loved one needs treatment, they can call law enforcement if the person is demonstrably impaired. However, if they do not have easy access to the individual, they may instead petition the court for the person's commitment.

Written by: Anne Easker, Charlotte Sun
www.yoursun.com

2018 Mass Adoption Ceremonies

Charlotte County - Wednesday, November 7th

Collier County - Friday, November 16th

Lee County - Saturday, November 17th

Judge Mary Evans presided over a ceremony in Charlotte County where 16 children were adopted.



In Collier County, 11 adoptions were finalized in front of Judge Christine Greider.



44

CHILDREN WERE
ADOPTED!



Judge Geoff Gentile presided over the adoptions of 17 children in Lee County.

Collier active shooter training

The Administrative Office of the Courts (AOC) continuously works in conjunction with the Collier County Sheriff's Department and Facilities Management to offer ongoing safety training on critical topics such as the eventuality of an active shooter entering the Courthouse. In September of 2018 the AOC offered the latest installment of Active Shooter Training. This two-hour class was made available to all AOC employees and was designed to educate staff on basic self-preservation techniques in the event of the appearance of an active shooter.

The training agenda included a format set forth by the Department of Homeland Security which includes the three options a victim has in an active shooter situation: RUN, HIDE or FIGHT. The Run option includes the utilization of a predetermined escape route; a willingness to leave belongings behind and help others escape if possi-

ble without attempting to move wounded. Hands must be kept visible and 911 is to be called once the victim feels safe. The Hide option calls for the victim to conceal themselves out of the shooter's view. Lock/block entry to the hiding place and silence cell phones. The Fight option is a last resort and should only be used if victim is in imminent danger. The victim must use as much force as possible to incapacitate the shooter by any means available.

The Administrative Office of the Courts will continue to partner with qualified entities in order to provide evacuation and safety training for its employees. This vital safety information must be repeated and the steps must be practiced so that employees react in a controlled and deliberate manner in the event of an emergency.

Written by : Jeff Nichols

Please congratulate...

Congratulations to CJIS Project Manager Dawn Scroggins for being recognized by the Center of Public Management (CPM). She received three awards as a member of the State Board:

Certificate of Appreciation for your dedicated service, participation, and contributions to the FSCPM Board ; Certificate of Appreciation for contributing to the success of the 2018 FSCPM Symposium; and Awarded For Your Inspirational Leadership Coin.



Criminal Justice Class Presentation

In October 2018, Florida SouthWestern State College welcomed Lee County Judge James Adams, Lee County Criminal Division staff, and attorneys to speak to a criminal justice class made up of mostly freshmen and sophomore students. The group discussed process from case inception to case closure, trial process, discovery, treatment courts and post-adjudication/probation.



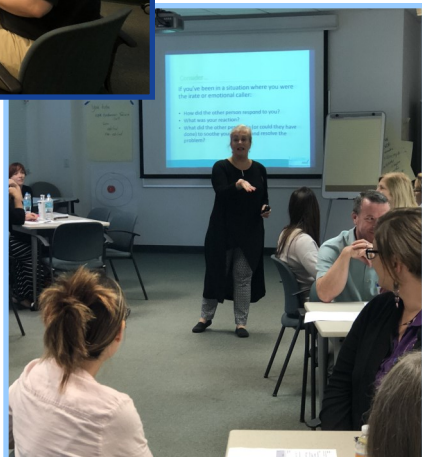
Pictured- Amy Kinsey, Jennifer Justham (SAO's office, Ryan Doyle (private bar), Judge James Adams & Probation Officer Alonzo Last-er.

Human Resources holds training



In October 2018, The Administrative Office of the Courts' Human Resources department hosted a training titled "Customer Service Training for Court Team Members."

The guest speaker was Dr. Lori Roth, President of Learning and Reflective Growth and a CCD Adjunct, State College of Florida.





Goldilocks was put on trial January 28th and 31st with the help of second graders from County Oaks Elementary School in Hendry County. She was tried for Criminal Mischief and Burglary. The students acted as certain parts of the court (bailiff, attorney's, clerks, and jury).

The mock trial is put on each year by Circuit Judge James Sloan with the help of Hendry Glades Bar Association, the Public Defender's Office, State Attorney's Office, Clerk's Office, Court Administration Office, and Hendry County Sheriff's Office.

Judge helps Eagle Scout & community



Lee County Judge Josephine Gagliardi, along with others, performed community service for a boy who was going for his Eagle Scout rank on Saturday, January 26, 2019 at Vilas Elementary School.

Coming up...

Investiture of Circuit Judge Carolyn Swift

Investiture of Collier County Judge Blake Adams

Investiture of Circuit Judge James McGowan

Investiture of Collier County Judge Tamara Lynne Nicola

Investiture of Hendry County Judge Darrell Hill



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