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Amendment to Family Law Rules of Procedure

CHIEF JUSTICE: GOOD MORNING, EVERYONE. YOU DON'T LOOK LIKE GATOR FANS!

MARSHAL: LADIES AND GENTLEMEN, THE FLORIDA SUPREME COURT. PLEASE BE SEATED.

CHIEF JUSTICE: GOOD MORNING, EVERYONE, AND BY THAT REMARK, I MEANT THAT YOU WERE ALL SMILING. WHICH WE APPRECIATE. WE UNDERSTAND THAT YOU ALL HAVE WORKED OUT THE TIME ARRANGEMENTS AS FAR AS TIME DISTRIBUTIONS. I WILL ONLY ASK THAT WE WILL TRY TO REMIND YOU, USING OUR LIGHT SYSTEM ON THE PODIUM, AND SIMPLY THAT YOU TRY TO DO YOUR BEST, BECAUSE WE DO HAVE OTHER CASES ON THE DOCKET THIS MORNING, SO WE ARE GOING TO TRY TO STICK BY THE TIME, AS MUCH AS WE CAN. ALL RIGHT. WE APPRECIATE THE HELP OF ALL OF YOU, AND SO THE AMENDMENT TO THE FLORIDA FAMILY LAW RULES OF PROCEDURE. YOU MAY PROCEED, JUDGE.

MAY IT PLEASE THE COURT. FOR THE RECORD, MY NAME IS RAY McNEAL. I AM A CIRCUIT JUDGE IN THE FIFTH CIRCUIT, AND I HAVE THE PLEASURE OF SERVING AS THE CHAIR OF THE 2000-2002 FAMILY COURT STEERING COMMITTEE. THE FAMILY COURT STEERING COMMITTEE HAS PROPOSED AMENDMENTS TO RULE THE RULE FOR ENJOINING DOMESTIC GUIDANCE. I CANNOT STRESS ENOUGH THE NEED FOR IMMEDIATE GUIDANCE. THESE NEEDS ARE WITH REFERENCE TO THE COURTS, THE SAFETY OF ADULTS AND CHILDREN AND THE INTEGRITY OF THE JUDICIAL SYSTEM. WITH THE ASSISTANCE OF DR. GREG FIRESTONE, WHO IS A CERTIFIED MEDIATOR AND THE PAST PRESIDENT OF THE FLORIDA CHAPTER OF THE ASSOCIATION OF FAMILY AND CONCILIATION COURTS, MEDIATED OUR DISAGREEMENTS OVER THE ADOPTION OF THIS RULE. WE BELIEVE THAT IT WAS IMPORTANT FOR US TO RESOLVE THIS PROBLEM OR THESE ISSUES FOR THE JUDICIAL BRANCH, AS PROBLEM SOLVERS AND NOT AS ADVERSARIES. WE HAVE AN AGREEMENT THAT APPROVES ADOPTION OF THE AMENDMENTS AS PRESENTED TO THE COURT, AND NARROWS THE AREA OF OUR CONCERNS. THE CURRENT DISAGREEMENT, AND IT IS NOT TRULY A DISAGREEMENT. IT IS MORE AN AREA OF CONCERN AND AN AREA WHERE WE NEED ADDITIONAL GUIDANCE, INVOLVES THE APPROPRIATE ROLE OF COURT STAFF, WHO ASSIST THE JUDGE TO PROCESS DOMESTIC VIOLENCE CASES.

LET ME ASK YOU THIS, IS THE PROCEDURE THAT YOU ARE PROPOSING, IS THAT NOW IN PLACE IN ANY CIRCUIT?

THE PROCEDURE THAT WE HAVE PROPOSED IS ACTUALLY MODELED ON A PROGRAM THAT EXISTS IN THE EIGHTH CIRCUIT. WE PROPOSE AND KNOW IT IS NOT BINDING ON THE COURT. HOWEVER, WE HAVE WORKED VERY HARD ON THIS AGREEMENT AND TRY TO NARROW THE ISSUES FOR YOUR CONSIDERATION.

BEFORE WE GET TO THE OTHER PROPOSALS ABOUT TRAINING, I WOULD LIKE YOU TO ADDRESS OR SEE IF YOU ARE GOING TO ADDRESS TWO POINTS, AND THOSE POINTS ARE WHETHER, BY REQUIRING THE COURT TO MAKE A FINDING THAT DOMESTIC VIOLENCE OCCURRED OR WHETHER IMMINENT DANGER OF DOMESTIC VIOLENCE EXISTS, AND IN REQUIRING THAT THE COURT SHALL RULE ON THE, WHAT ARE CONSIDERED, SOME OF THEM ARE, QUOTE, ANCILLARY ISSUES, COULD YOU ADDRESS WHETHER THAT IS A CHANGE, IS THAT ADD ODDS WITH THE SUBSTANTIVE STATUTE? OR, IF YOU ARE NOT, IF SOMEONE ELSE IS GOING TO ADDRESS THAT, BUT I AM JUST CONCERNED ABOUT THAT ASPECT, WHICH REALLY ISN'T COVERED BY THE AGREEMENT.

OKAY. WELL, LET ME SAY I THINK I CAN ANSWER THAT QUESTION BEST, BY SAYING THAT RIGHT NOW, FLORIDA STATUTES AND OUR CURRENT RULE 12.610, REQUIRE A FULL HEARING, FLORIDA STATUTE 74 1.35 REQUIRES A FULL HEARING WITHIN 15 DAYS FROM WHEN THE PETITION IS FILED. 12.610 REFERS TO A FULL EVIDENTIARY HEARING. FLORIDA STATUTE 741.30-6, DEFINES THE ISSUES THAT THE COURT IS SUPPOSED TO CONSIDER AT THIS HEARING, BECAUSE THE SAFETY OF THE PETITIONER AND THE CHILDREN CANNOT BE ADDRESSED BY SIMPLY SKIPPING AN INJUNCTION TO -- BY SIMPLY ENTERING AN INJUNCTION TO PROHIBIT VIOLENCE. STATUTE 461.29-0-2 ADDRESSES THE INTENT OF THE ROLE OF THE JUDICIARY IN THIS PROCESS.

YOUR INTENT IS TO EFFECTUATE THE STATUTE. YOU DON'T THINK YOU ARE AT ODDS WITH WHAT THE STATUTE REQUIRES.

NO, MA'AM. WE ARE 100 PERCENT IN COMPLIANCE WITH THE STATUTE SET BY THE LEGISLATURE.

I FEEL LIKE JUDGE DEKKER WAS SAYING THERE IS SOME INCONSISTENCY. I SEE SHE IS HERE, SO MAYBE SHE CAN ADDRESS.

I DON'T THINK SO.

GOING BACK TO YOUR AGREEMENT ARRIVED AT, THIS IS WHAT YOU ARE SAYING WAS ARRIVED AT YESTERDAY OR OVER THE WEEKEND?

WELL, JUDGE STARNES AND I BEGAN THIS PROCESS OVER A PERIOD OF A WEEK OR MAYBE MORE THAN A WEEK, BUT THE FINAL LANGUAGE THAT WE INCLUDED IN THE AGREEMENT WAS NOT ARRIVED AT UNTIL YESTERDAY.

OKAY. SO, REALLY THE PEOPLE THAT WERE INVOLVED IN IT, THAT HAS NOT BEEN PUBLISHED OR WE DON'T HAVE COMMENTS GENERALLY CONCERNING THAT.

WE DON'T HAVE COMMENTS FROM THE GENERAL PUBLIC, BUT ALL OF THE PARTICIPANTS IN THIS PROCESS WERE CONSULTED, AND IT IS MY UNDERSTANDING --

THE TASK FORCE AGREES TO IT?

THE FLORIDA COALITION AGAINST DOMESTIC VIOLENCE OPPOSES IT, AND ROBIN THOMPSON, THEIR ATTORNEY, IS HERE TO ADDRESS THAT WITH YOU. AS FAR AS ALL OF THE JUDGES, WE ARE ALL IN AGREEMENT. THE ONLY POSSIBLE AREA OF DISAGREEMENT IS FROM THE SIXTH CIRCUIT, AND THE SIXTH CIRCUIT'S POSITION AND THEIR COMMENT WAS A LITTLE DIFFERENT THAN EVERYONE ELSE'S. THE SIXTH CIRCUIT DOESN'T NECESSARILY OPPOSE WHAT WE HAVE PROPOSED TO YOU AS AN AGREEMENT, BUT THEY HAVE A COUPLE OF ISSUES LIKE WHETHER OR NOT THE JUDGE SHOULD BE ABLE TO SEND PEOPLE TO MEDIATION, IF THEY BOTH HAVE ATTORNEYS, AND THERE WAS ONE OTHER, WHETHER OR NOT THE RULE SHOULD APPLY TO SUPPLEMENTAL PETITIONS. WE HAVE ANSWERS FOR THAT AND WE CAN ADDRESS THOSE, BUT ALL IN ALL, EVERYBODY WHO HAS FILED COMMENTS AND PARTICIPATED IN THIS PROCESS, IS IN AGREEMENT, EXCEPT FOR THE COALITION.

LET ME SEE IF I UNDERSTAND WHAT YOU ARE ACTUALLY PROPOSING HERE, AND THAT IS THAT, WHEN YOU APPEAR AT THE HEARING, THE JUDGE WILL MAKE A DETERMINATION ON WHETHER TO ISSUE AN INJUNCTION AND DETERMINE THE SEVEN FACTORS?

YES, MA'AM.

AND THEN WHAT, THOSE FACTORS WILL BE DETERMINED AT THE SAME TIME, CORRECT?

YES, MA'AM.

AND SO WHAT, THEN, IS LEFT FOR MEDIATION?

THE DETAILS OF THAT. IT COULD BE THE AMOUNT OF CHILD SUPPORT. PICK UP AND DROP OFF POINT.

SO THE ACTUAL CHILD SUPPORT, THE JUDGE WOULD JUST BE MAKING A DECISION THAT ONE OR THE OTHER PARTY HAS TO PAY CHILD SUPPORT.

RIGHT.

BUT NOT THE AMOUNT.

NOT THE AMOUNT. ULTIMATELY THAT -- ULTIMATELY, THAT IS A JUDICIAL DECISION, BUT IT COULD BE REFERRED BACK TO MEDIATOR TO DECIDE.

ARE YOU FAMILIAR WITH WHAT IS DONE IN THE ELEVENTH CIRCUIT?

I THINK THAT I AM FAMILIAR WITH IT. WHEN I WENT DOWN --

IT SEEMS LIKE WHAT THEY HAVE BEEN DOING FOR SEVERAL YEARS, AND, AGAIN, I SEE JUDGE LEBONN IS HERE. MAYBE THEY COULD COMMENT FOR US.

IT IS MY UNDERSTANDING OF WHAT THEY ARE DOING, FROM MY SIGHT VISIT TO THE ELEVENTH AND TALKING TO THE ADMINISTRATIVE JUDGE AND OTHER PEOPLE, IS THAT NOTHING THEY ARE DOING IN THE ELEVENTH WOULD VIOLATE THE PROPOSED RULE.

LET ME ASK ABOUT YOUR USE OF THE WORD. THAT IS FOR THE MEDIATOR TO DECIDE. I MEAN, IS THAT, REALLY, YOU JUST SAID THAT THE AMOUNT WOULD, THEN, BE REFERRED TO THE MEDIATOR, TO DECIDE, BUT THAT IS NOT REALLY WHAT MEDIATORS NORMALLY DO. THEY MAKE RECOMMENDATIONS TO THE PARTIES, TO SEE IF THEY CAN AGREE. NOW, IS THIS SOME DIFFERENT CONCEPT THAT YOU ARE DEALING WITH?

NO, SIR, YOU ARE RIGHT, THE DISPUTE IS BETWEEN THE PARTIES, AND CALCULATING IT IS A PROCESS OF MATH. IF THERE IS ANY DISPUTE BETWEEN THE PARTIES, THAT COULD BE MEDIATED, BUT THAT IS TO THE COURT TO DETERMINE AND MAKE PRELIMINARY CALCULATION, FOR THE COURT.

THERE IS NOTHING THAT IS GOING TO TAKE THE ACTUAL DECISION AWAY FROM THE JUDGE.

NO, SIR. WE THINK THAT IS IMPORTANT.

HOW DOES THIS SQUARE WITH THE IDEA THAT THE OTHER RULE THAT SAYS THE GENERAL MASTERS CANNOT, YOU KNOW, ACT IN DOMESTIC VIOLENCE CASES. I MEAN, I GUESS WE GO FROM A MODEL, WHICH SORT OF SAYS IDEALLY, THAT BECAUSE DOMESTIC, VICTIMS OF DOMESTIC VIOLENCE NEED MORE PROTECTION, THAT WE WANT TO MAKE SURE THE JUDGE IS INVOLVED IN ALL ASPECTS OF THIS, AND I UNDERSTAND THAT THAT IS WHERE THE DOMESTIC VIOLENCE COALITION IS CONCERNED, WHEREAS AS I AM UNDERSTANDING, SOME OF THE CIRCUITS WERE DEVELOPING FACILITATING METHODS, SO THAT THESE VOLUMES OF THESE PETITIONS COULD BE EFFICIENTLY HANDLE. IS THAT WHAT WE ARE TRYING TO BALANCE, THE NEED FOR THE PROTECTION OF THE VICTIM AGAINST THE NEED FOR THE JUDICIARY TO ACT IN A PROMPT AND TIMELY MANNER, WHICH, ALSO, SERVES THE VICTIMS AS WELL? I MEAN, ARE THOSE --

I HIM GOING TO DO THE BEST I CAN, TO TRY TO FOCUS ON THE ISSUES RAISED IN YOUR QUESTION. WE BELIEVE THAT THE FULL PARTICIPATION OF THE JUDGE IS NECESSARY TO THE INTEGRITY OF THE PROCESS. THE COALITION WOULD PREFER THAT EVERYTHING GO BEFORE THE JUDGE AND

THAT NOTHING BE REFERRED OUT FOR MEDIATION, FOR FACILLITATION, FOR ANY OTHER TYPE OF RESOLUTION. THE ROLE OF THE JUDGE IS ESSENTIAL. AND SO THE, NOTHING THAT WE HAVE PROPOSED VIOLATES THE RULE AGAINST SENDING DOMESTIC VIOLENCE CASES TO GENERAL MASS WE -- MASTERS. WE TOTALLY SUPPORT THAT. AND EVEN THAT RULE EMPHASIZES THE ROLE OF THE JUDICIAL DECISION IN THIS CASE. DOES THAT ANSWER?

I GUESS IT DOES. THESE ARE, THERE ARE CASES WHERE THERE IS, ALREADY, OR THERE IS MAYBE HAS BEEN FILED A DISSOLUTION OF MARRIAGE CASES. IS THE PROCEDURE THE SAME EXACT PROCEDURE, IF THE DISSOLUTION OF MARRIAGE CASE HAS ALREADY BEEN FILED, OR IN THOSE CASES, DOES THE DOMESTIC VIOLENCE, IS THERE ANY PROCEDURE THAT YOU PROPOSE THAT, REALLY, DEALS WITH THAT CIRCUMSTANCE?

WE HAVEN'T DIRECTLY ADDRESSED THAT, BUT THE PETITION TO RESOLVE THE DOMESTIC VIOLENCE SHOULD BE HANDLED THE SAME WAY,, WHETHER OR NOT THERE IS A PETITION FOR DISSOLUTION OF MARRIAGE OR NOT, BECAUSE THE STATUTE TELLS US THAT PEOPLE HAVE A RIGHT TO HAVE A DECISION FROM A JUDGE ON THIS ISSUE, WHETHER OR NOT ANY OTHER PROCEEDING IS PENDING. I AM PAST MY FIRST TIME. IF IT IS OKAY, THEN I WILL LET ROBIN THOMPSON, WHO IS THE ATTORNEY FOR THE FLORIDA COALITION AGAINST DOMESTIC VIOLENCE, HAVE HER TIME, AND I RESERVED SOME TIME FOR REBUTTAL.

CHIEF JUSTICE: ALL RIGHT. MS. THOMPSON.

GOOD MORNING. MAY IT PLEASE THE COURT. MY NAME IS ROBIN THOMPSON. I AM HERE REPRESENTING THE COALITION FOR DOMESTIC VIOLENCE, REPRESENTING 38 LOCAL VIOLENCE CENTERS. I AM HERE TO OPPOSE RULES 12.610 OF THE FAMILY RULES OF PROCEDURE. AS THEY WERE ORIGINALLY PROPOSED BEFORE THE AMENDMENT, REGARDING THE PETITION THAT WAS FILED YESTERDAY. IT IS OUR POSITION THAT THE COMMENTARY LANGUAGE THAT WAS PROPOSED IN THIS AGREEMENT IS SUBSTANTIVE, AND IF THE COURT IS INCLINED TO ADOPT IT, WE WOULD REQUEST THAT THERE BE ADDITIONAL TIME FOR PUBLIC COMMENT. WE BELIEVE STRONGLY THAT THE COURT NEEDS TO ADOPT THE PROPOSED AMENDMENTS RIGHT AWAY IN THIS EMERGENCY PROCESS, BECAUSE PRACTICES THAT TAKE PLACE AROUND FLORIDA NOW AND THAT CONTINUE TO COMPROMISE THE SAFETY OF DOMESTIC VIOLENCE VICTIMS ON FLORIDA'S FAMILIES MUST STOP.

WHAT IS IT, EXACTLY, THAT CONCERNS YOU, ABOUT THE COMMENTARY?

THE COMMENTARY, IN PARTICULAR, WE THINK, IS PROBLEMATIC, BECAUSE WHAT ESSENTIALLY IT WOULD DO IS OPEN THE DOOR TO ALLOW THE SAME PRACTICES THAT THIS RULE WAS ORIGINALLY INTENDED TO ADDRESS, TO TAKE PLACE. FOR EXAMPLE, YOU MENTIONED THE ELEVENTH CIRCUIT, AND FROM WHAT I UNDERSTAND OF THE ELEVENTH CIRCUIT, THIS PROPOSED AGREEMENT WOULDN'T BE NECESSARY TO ALLOW THAT CIRCUIT TO CONTINUE ON WITH WHAT IT IS DOING, AND THAT THE RULE, AS ORIGINALLY PROPOSED, WOULD, ALSO, YOU KNOW, ACCOMMODATE THEIR SITUATION DOWN THERE.

WELL, IS IT, BUT IN THAT, IN THE ELEVENTH, I GUESS WHAT I AM TRYING TO GET TO IS WHAT IT WOULD BE, THE ACTUAL SITUATION, IN THE COURTROOM, THAT YOU WOULD BE CONCERNED ABOUT, BECAUSE AS I SEE, THIS STILL SAYS JUDGE HAS FULL, IS FULLY PARTICIPATES, BUT THAT THESE ANCILLARY ISSUES CAN BE RESOLVED, AND THE CASE MANAGEMENT MAY HAVE A ROLE IN MAKING SURE THAT THESE CASES ARE, YOU KNOW, PROMPTLY DISPOSED OF.

OUR BIG CONCERN WITH THE ISSUE IS THAT CASE MANAGEMENT IS REALLY A NEW CONCEPT TO WHAT WE ARE TALKING ABOUT HERE. IT HAS NOT BEEN ADDRESSED IN THE ORIGINAL RULE, AND WITHOUT IT BEING STRICTLY DEFINED HERE, IT COULD BE A VERY WIDE OPEN PROCESS. IN PARTICULAR, IN WHAT WAS HAPPENING BEFORE, AND WHAT I THINK WOULD STILL HAPPEN, UNDER THIS, QUOTE, CASE MANAGEMENT PROCESS, IN ALLOWING A COURT STAFF PERSON TO

IDENTIFY, CLARIFY AND PROPOSE ORDERS TO THE COURT, WE BELIEVE THE COURT STAFF WOULD STILL BE ABLE TO ASSIST PARTIES IN NEGOTIATING TERMS. THEY COULD AS HAPPENED BEFORE, COULD STILL END UP SPEAKING TO THE PARTIES OUTSIDE THE PRESENCE OF THE COURT INDIVIDUAL. TALK TO THE VICTIMS ABOUT -- TALKING TO THE PETITIONER ABOUT THE DEMEANOR.

IN THE COMMENTS, ARE THERE ANY STATISTICS OR ANYTHING THAT SHOWS, FROM A MORE SCIENTIFIC BASIS, THAT ONE PROCESS OR PROCEDURE IS LEADING TO THE QUESTIONS OR CONCERNS THAT YOU HAVE? I READ THE COMMENTS FROM THE CIRCUIT JUDGES, AND HAVING PRESIDED OVER THOUSANDS OF THESE THINGS, MYSELF, I TEND TO AGREE WITH A LOT OF THEIR CONCERNS AND QUESTIONS, AND I HAVE DEALT WITH THE FAVOR HOUSE IN MY AREA AND DISCUSSED A LOT OF THESE ISSUES, AND IN A LOT OF THESE THINGS, WE TEND TO MAKE THE POSTER CHILD DOMESTIC VIOLENCE CASE RULE WHAT IS NOT THE NORM OF WHAT WE SEE, DAY IN AND DAY OUT. AND IF WE APPLY THE STANDARDS TO THE TRULY VICTIMIZED FEMALE WHO IS IN REAL RISK OF HARM, TO EVERY DOMESTIC VIOLENCE CASE THAT COMES BEFORE THE TRIAL JUDGE, WE WOULD DO NOTHING BUT DOMESTIC VIOLENCE CASES. AND SO REQUEST -- AND SO WHAT I AM ASKING IS I UNDERSTAND THE ANECDOTAL CONCERNS AND QUESTIONS, BUT HAS THERE BEEN ANY STATISTICS, REPORTS OR STUDIES DONE, THAT THE PROCESS AS USED IN THE OTHER CIRCUITS THAT DO NOT CONFORM WITH THE PROCEDURE ORIGINALLY RECOMMENDED BEFORE THIS AMENDMENT, ARE LEADING TO THE QUESTIONS AND CONCERNS THAT YOU HAVE?

IN TERMS OF SPECIFIC STUDIES ABOUT OUR CIRCUITS IN FLORIDA, WHAT HAPPENS, RIES I HADVISM, VICTIM SAFETY, I DON'T THINK ANYTHING -- RICIDIVISM, VICTIM SAFETY, I DON'T THINK ANYTHING HAS BEEN DONE WITH REGARD TO THAT STUDY. I CAN TELL YOU WHAT HAPPENS AS COMES BEFORE A COURT. THAT IS IF A JUDGE IS TELLING A BATTERER THIS IS WHAT YOU MUST DO. THIS IS WHAT I HAVE DECIDED. STAY AWAY FROM THE VICTIM. DO THIS, DO THAT. THAT IS MORE IMPACTFUL, IF YOU WILL, ON THAT BATTERER'S BEHAVIOR LATER, THAN IF A COURT STAFF PERSON HAS GONE BACK AND FORTH.

I AGREE WHOLEHEARTEDLY, BUT I GUESS MY QUESTION BECOMES IS THAT ASSUMES THE DEFINITION OF THE BATTERER. AND YOU KNOW, WE HAVE GOT THE CASES WHERE IT IS MUTUAL COMBAT OR THERE IS NOT REALLY DOMESTIC VIOLENCE IN THE SERIOUS SENSE, BUT IT IS A VERY TENSE SITUATION IN THE HOME AND THE ACCESS THROUGH THE DOMESTIC VIOLENCE PROCESS IS MUCH QUICKER THAN GETTING A TEMPORARY HEARING BEFORE THE CIRCUIT JUDGE, AND PRO SE LITIGANTS OR ATTORNEYS SAYING THIS IS THE QUICKEST WAY TO GET HIM OR HER OUT OF THE HOUSE OR GAIN LEVERAGE IN THE PROCEEDING, ALL OF THESE THICKS THAT WE DEAL WITH IN REALITY -- THING THAT IS WE DEAL WITH IN REALITY BEFORE, DAY AND NIGHT, AND NOT THE ONES WE -- DAY IN AND DAY IN AND OUT, AND NOT REALLY THE ONES WE FOCUS ON, WHICH IS THE, PREDOMINANTLY THE FEMALE WHO IS BEING BATTERED. THE PROBLEM THAT WE HAVE ON THE CIRCUIT LEVEL IS FILTERING OUT AND GETTING TO THOSE YOU WERE MOST CONCERNED ABOUT AND THAT I, AS A CIRCUIT JUDGE, I WAS MOST CONCERNED ABOUT.

THE MARSHAL IS REMINDING US OF OUR TIME, SO THANK YOU VERY MUCH. WE APPRECIATE THOSE CONCERNS AND WILL TAKE THOSE INTO CONSIDERATION. THANK YOU. WHO IS NEXT?

MY NAME IS HUGH STARNES. I AM A CIRCUIT JUDGE IN THE TWENTIETH CIRCUIT. I AM ADMINISTRATIVE FAMILY LAW JUDGE FOR OUR CIRCUIT. I WOULD LIKE TO PICK UP ON JUSTICE BELL'S INQUIRY, BECAUSE I THINK THAT DOES FOCUS ON WHAT WE ARE DEALING WITH. THERE ARE MORE THAN TWO BUT AT LEAST TWO TYPES OF CASES THAT YOU SEE AS A DOMESTIC VIOLENCE JUDGE. THERE ARE MANY CASES THAT ARE SITUATIONAL, THE BREAK UP OF A RELATIONSHIP, SOME MINOR ALTERCATION, PUSHING OR SHOVING, SOMETHING THAT HAS NO HISTORY BEHIND IT AND YET THERE IS ENOUGH ENOUGH THERE THAT A CAUTIOUS JUDGE IS GOING TO ENTER AN INJUNCTION. THEN YOU HAVE THE SERIOUS, LIFE-THREATENING, BODILY-INJURY THREATENING DOMESTIC VIOLENCE CASES. PART OF WHY WE ARE HERE IS THERE NEEDS

TO BE A PROCESS FOR SOMEBODY TO SEPARATE THOSE OUT, SO THE JUDGE CAN HEAR FULLY, WITHOUT ANY OTHER INTERVENTION, THOSE MOST SERIOUS CASES AND HAVE THE TIME AND EMOTIONAL RESERVE TO DO IT.

WHO IS, WHO ARE YOU PROPOSING, BECAUSE I UNDERSTAND THAT AND THAT IS A VALID CONCERN, FROM WHAT I HAVE HEARD FROM CIRCUIT JUDGES AROUND THE STATE, BUT THAT IS THE MOST IMPORTANT DECISION, THEN, WHICH VICTIMS ARE TRULY AT-RISK AND WHICH VICTIMS ARE NOT AT-RISK. WHAT IS THIS RULE SAYING ABOUT WHO WOULD MAKE, WHO WOULD MAKE THAT ULTIMATE INITIAL DECISION?

INITIALLY IN THE RULE, AND THIS IS THE REASON FOR OUR AGREEMENT IN OUR COMMENT, THERE IS NOT MUCH GUIDANCE FOR THAT. THERE IS NOT MUCH THAT WOULD GIVE THE CONFINES OF CASE MANAGEMENT, AND WHAT JUDGE McNEAL AND I HAVE HAMMERED OUT OVER ABOUT SIX HOURS OF MEDIATION, WITH DR. FIRESTONE, IS A PROPOSAL THAT WOULD BOTH A LITTLE BETTER DEFINE WHAT IS APPROPRIATE CASE MANAGEMENT AND I THINK WE HAVE AGREED THAT CASE MANAGEMENT IS APPROPRIATE FOR THESE TYPE OF CASES. THAT THE CASE MANAGER SHOULD EDUCATE THE PARTIES SEPARATELY, ABOUT THE PROCESS, INQUIRE AS TO THEIR BASIC BASIC CHINGS POSITIONS -- BASIC POSITIONS. MOST SIGNIFICANTLY DOES THE PETITIONER WANT A PETITION AND DOES THE RESPONDENT CONSENT TO THAT.

THE THING THAT IS KIND OF GNAWING ATME IS THAT YOU ALL REPRESENT, PROBABLY, THE MOST EXPERIENCED PEOPLE IN THIS AREA THAT I HAVE COME IN CONTACT WITH. HAVE A TREMENDOUS AMOUNT OF KNOWLEDGE AND CARRYING ABOUT IT, AND YET IT TAKES YOU SIX HOURS OF MEDIATION, TO REACH SOME KIND OF AN AGREEMENT UPON A PROCEDURE, AND I JUST WANT TO KNOW IF WE ARE REALLY READY, HERE, TO, THEN, MAKE THAT KIND OF STATEWIDE MANDATE. IT JUST CAUSES ME SOME CONCERN. WE ARRIVE AT THIS PROCESS, THAT WE ARE MEDIATING, ESSENTIALLY, ABOUT MEDIATION. AND HELP ME WITH THAT.

ACTUALLY, JUDGE McNEAL AND I ARE PRETTY PROUD OF WHAT WE DID, BECAUSE WE GOT TOGETHER AS TWO PROFESSIONALS THAT WERE HEADED FOR DEBATE, AND WE BOTH DIDN'T THINK IT NEEDED TO BE LIKE THAT, AND I AM SURE JUDGE McNEAL WILL CONFIRM THAT --

WHAT WAS THE CENTRAL FOCUS OF THIS SIX HOURS THAT YOU ALL WERE DEBATING ABOUT?

GETTING DOWN TO THE FINE LINE OF WHEN, WHAT THE DIVIDING LINE IS BETWEEN APPROPRIATE CASE MANAGEMENT BY A COURT STAFF, TO FIND OUT THE POSITIONS OF THE PARTIES AND BE ABLE TO PRESENT IT TO THE JUDGE, AND HOW FAR THAT CAN GO, WITHOUT IT BECOMING TRUE NEGOTIATION OR SOMETHING THAT MIGHT COMPROMISE THE POSITION OF THE VICTIM, PARTICULARLY, BECAUSE OF THE SPECTOR OF DOMESTIC VIOLENCE, AND THAT IS SOMETHING THAT NOBODY HAS BEEN ABLE TO COME UP WITH A BRIGHT DEFINITION. MS. THOMPSON IS CORRECT. CASE MANAGEMENT IN FLORIDA AND IN THE NATION IS RELATIVELY NEW, AND SO WE ARE DOING SOME THING THAT IS HAVEN'T BEEN DONE IN THE PAST, AND WE BELIEVE WE HAVE COME UP WITH THE FRAMEWORK, TO ALLOW THIS PROCESS TO BREATHE, SO TO SPEAK, AND TO HAVE A FURTHER PROCESS BY THE COMMITTEE WE RECOMMEND, TO DRAW FURTHER LINES THAT WILL GIVE COMFORT TO THE DOMESTIC VIOLENCE ORGANIZATION THAT MS. THOMPSON REPRESENTS, THAT THIS IS AN APPROPRIATE PROCEDURE. I DO NEED TO THROW IN QUICKLY, JUSTICE BELL'S QUESTION ABOUT STATISTICS. WE HAVE NONE, BUT EACH OF THE CIRCUITS THAT HAVE DONE THIS HAVE TAKEN EXIT SURVEYS ANONYMOUSLY, FROM ALL PARTIES, AND AMAZINGLY ENOUGH, FOR NOTHING THAT -- FOR ANYTHING AS EMOTIONAL AND DIFFICULT AS A DOMESTIC VIOLENCE PROCEDURE, SOMETHING LIKE 95-TO-98 PERCENT OF ALL PARTICIPANTS IN THEIR ANONYMOUS SURVEYS, SAID THAT THEY THOUGHT IT WAS A FAIR PROCEDURE AND THEY WERE, AND THEY LIKED IT.

IN YOUR CIRCUIT, IS THE, I WAS LISTENING TO THE DEBATE THAT OCCURRED AT THE FAMILY

COURT STEERING COMMITTEE, I GUESS IT WAS LAST YEAR, BUT IN YOUR CIRCUIT, DO YOU HAVE THE SUPPORT OF YOUR DOMESTIC VIOLENCE --

THE DOMESTIC VIOLENCE ADVOCATES WROTE, WHEN A RULE WAS BEING PROPOSED, A LETTER SUPPORTING OUR PROCESS, AND THE FOUR ADVOCATES THAT ARE IN COURT EVERYDAY SAID THAT THEY BELIEVE IT IS SAFE. IT IS APPROPRIATE, AND IT IS GOOD CASE MANAGEMENT.

BUT YOUR CHIEF JUDGE SENT A LETTER, A COMMENT IN, DIDN'T HE, WHICH BASICALLY SAYS THAT, AS I UNDERSTAND IT, THE FACILLITATION PROCESS THAT A LOT OF COURTS USE, SEEM TO BE WORKING, AND THAT THE LITIGANTS SEEM TO LIKE THAT. SO IS THAT NOW NOT?

NO. THAT IS EXACTLY OUR POINT, THAT --

SO YOU THINK THAT THIS COMMENT THAT IS ADDED TO, WILL GO BACK TO THAT KIND OF PROCESS.

WILL ENSURE THAT THAT IS APPROPRIATE. THE REASON FOR THE COMMENT IS THAT, IN THE STEERING COMMITTEE DEBATE, SEVERAL JUDGES OBSERVE, WELL, HUGH, BASED ON WHAT YOU ARE SAYING, WE DON'T THINK YOUR PROCESS WOULD BE IN VIOLATION OF THIS RULE, AND NO ONE ELSE ON THE COMMITTEE OBJECTED TO THAT. THAT WAS THE BASIS FOR JUDGE McNEIL AND I -- JUDGE McNEIL AND I STARTING OUR DISCUSSION, AND THE COMMENT IS INTENDED TO CONFIRM THAT.

SO YOU AGREE WITH MS. THOMPSON THAT THE TYPES OF THINGS THAT I GUESS SOME, AND THIS IS ALWAYS, ONE OR TWO PROBLEMS CREATE THE WHOLE, YOU KNOW, THE EMERGENCY, DOING THINGS LIKE OBSERVING THE Demeanor OF THE LITIGANTS AND REPORTING THAT, WHAT WERE THE ABUSES, AND YOU ARE SAYING YOU DIDN'T DO THAT IN YOUR CIRCUIT.

I HAVE THREE-TENTHS OF A SECOND LEFT, AND IT IS IMPOSSIBLE. WE DISPUTE MOST OF. THAT THE REASON WE ARE HERE IS TO GET AWAY FROM THAT, TO DRAW GUIDELINES THAT WILL ENSURE EVERYBODY SHOULD HAVE COMFORT THAT IT CAN BE DONE SAFELY AND APPROPRIATELY.

AS I UNDERSTAND IT, THE BIGGEST CONCERN WAS THAT THE COURT PERSONNEL WERE KIND OF STANDING IN THE PLACE OF MEDIATORS AND GETTING INVOLVED IN ATTORNEY-TYPE CONDUCT, THAT WAS MORE APPROPRIATE FOR A MEDIATOR?

I THINK THE ONLY THING I CAN PUT IT IS THAT IS SOME PEOPLE'S CONCERN. WE ARE TRYING TO ASSURE THAT THAT WOULD NOT BE DONE.

CHIEF JUSTICE: YOU ALL ARE TRYING TO IMPROVE THE QUALITY OF THIS PROCESS THAT HAS TO GO ON AND IS GOING ON --

THAT'S CORRECT.

-- IN VARIOUS PARTS OF THE STATE NOW, WITHOUT ANY REAL FORM TO IT AND MORE OR LESS SORT OF A HAPHAZARD WAY, DEPENDING ON WHERE YOU ARE AND WHO IS CONDUCTING THE HEARINGS AND CONTROLLING, SO YOU ARE TRYING TO GIVE SOME SHAPE TO THIS, THAT EVERYBODY CAN SEE, AND THEN IT IS GOING TO BE AN EVOLUTIONARY PROCESS, IF I UNDERSTAND IT HERE.

THAT IS A VERY GOOD ANALYSIS.

OKAY. ALL RIGHT. THANK YOU. YOUR LIGHT HAS GONE ON, TOO. GOOD MORNING.

GOOD MORNING. THANK YOU. MY NAME IS BECKY TITUS, AND I AM A CIRCUIT JUDGE IN THE TWELFTH CIRCUIT. OUR CHIEF JUDGE, JUDGE BENNETT, JUST HAD BACK SURGERY AND WAS UNABLE TO BE HERE AND ASKED ME TO COME AND DEFEND OUR PROGRAM, I THINK. IT REALLY DOESN'T TAKE TOO MUCH TO STAND UP HERE AND ARGUE IN FAVOR OF WHAT THE TWELFTH CIRCUIT HAS DONE. WE STARTED OUR PROGRAM IN JULY OF 2000, BECAUSE THE JUDGES SPECIFICALLY HAD CONCERNS ABOUT THROWING THESE CASES AUTOMATICALLY INTO THE EMOTIONAL BATTLEGROUNDS OF THE COURTROOM. WE FOUND THAT THAT WAS A VERY STRESSFUL SITUATION FOR THESE PEOPLE, AND THERE SEEMED TO BE NO PROCESS WHEREBY WE COULD SIT FOLKS DOWN IN A SAFE AND SECURE, SEPARATE SETTING, AWAY FROM EACH OTHER, AND FIND OUT, REALLY, WHERE WERE ANY REAL DIFFERENCES HERE, OR WERE THERE MATTERS THAT WERE LAID OUT IN THE PETITION UPON WHICH THE PARTIES COULD AGREE. IT WOULD NOT NEED TO COME INTO COURT AND ARGUE.

DOES THIS ADDITION TO THE COMMENTARY THAT HAS BEEN WORKED OUT COVER THE CONCERNS THAT YOU HAVE, ABOUT HAVING THE COURT PERSONNEL --

RIGHT.

-- DO THIS?

AS I UNDERSTAND THE BASIC DIFFERENCE, ONCE IT ALL GOT DOWN, I THINK WHAT HAPPENED WAS IS THAT JUDGE INCREASE NATURALLY, WHEN HE FILED HIS -- JUDGE McNEAL, WHEN HE FILED HIS RESPONSE TO OUR COMMENTS, NEAR THE END OF HIS BRIEF HE TALKS ABOUT CASE MANAGEMENT, AND A PROCESS WHERE WE COULD HAVE CASE MANAGERS, NOT MEDIATORS, BUT CASE MANAGERS GO IN SIT DOWN AND FIND OUT WHAT DOES THE PETITIONER WANT. OBVIOUSLY HE OR SHE WANTS AN INJUNCTION. WHAT DO YOU WANT TO DO WITH THE CHILDREN? WELL, THEY HAVE ALREADY MADE THOSE DECISIONS BECAUSE THEY HAVE HAD TO PLACE THOSE PETITIONS ON THE DECISION THEY FILED WITH THE COURT, AND WHAT WE WERE FINDING IS THEY SAID THIS IS WHAT THE PETITIONER SAYS I WOULD LIKE TO HAVE HAPPEN AND THIS IS WHAT I WOULD LIKE TO HAVE HAPPEN WITH THE KIDS, AND THE FACILITATOR OR CASE MANAGER, IF YOU WILL, WOULD GO BACK TO THE OTHER SIDE AND SEE IF THERE WAS DISAGREEMENT.

SO THIS WAS, IT SOUNDS TO ME, LIKE THIS WOULD STILL ELIMINATE THAT SECOND STEP IN THE PROPOSED RULE, WHICH YOU WOULD HAVE, IN -- INSTEAD HAVE HAD THE CASE MANAGERS GO THROUGH THIS UP FRONT, AND BY THE TIME YOU GET TO THE HEARING, THE JUDGE WOULD ALREADY HAVE THE INFORMATION NECESSARY TO RULE ON THOSE ISSUES?

YES, AND THAT IS WHAT WE FIND BASICALLY OCCURRED. MOST OF THOSE PEOPLE DON'T HAVE THE ISSUES THAT WOULD THEN BE TRIED BY THE JUDGE. MOST OF THE ISSUES WERE REALLY NOT DISPUTED. I MEAN, WE HAVE A 96 PERCENT OF OUR PETITIONS LIKE THIS PROCESS. IN OUR ORIGINAL COMMENTS TO THE COURT, WE SENT YOU SELECTED PETITIONER COMMENTS. THEY ARE MORE COMFORTABLE, SEPARATE, AND IN A SECURE SETTING THAN THEY CERTAINLY WOULD BE IN A COURTROOM, WHICH IS A VERY STRESSFUL AND EMOTIONAL TIME FOR THEM. AS LONG AS WE CAN CONTINUE A PROCESS THAT ALLOWS SOMEBODY TO SIT THESE FOLKS DOWN SEPARATELY, BEFORE COURT BEGINS, FIND OUT IF THERE ARE AREAS OF DISAGREEMENT, SO THAT THE JUDGE CAN BE APPRISED THAT THOSE ARE THE LIMITED AREAS WHERE WE NEED TO HAVE A TRIAL, AND THAT IN THOSE AREAS WHERE THEY HAVE REACHED AN AGREEMENT AND DON'T WANT A TRIAL, THEN THE PARTIES COULD SIMPLY HAVE THOSE PROVISIONS PRESENTED TO THE COURT FOR THE COURT'S APPROVAL.

CHIEF JUSTICE: THANK YOU VERY MUCH.

THANK YOU.

> GOOD MORNING. MAY IT PLEASE THE COURT. I KATHLEEN DEKKER, CIRCUIT JUDGE. MY

EXPERIENCE GOES BACK TO 1981. I HAVE TAUGHT AROUND THE STATE AND WRITTEN A 240-PAGE PRACTICE MANUAL FOR THE JUDGES, JUDGES WHO ALONE HAVE TO MAKE THESE REAL-LIFE DECISIONS IN REAL-LIFE CASES. MANY DIFFERENT PARTIES AND VIEWPOINTS. I DID THAT AT A TIME WHEN IT WAS ESPECIALLY CONTROVERSIAL. IT WAS OFTEN DIFFICULT TO EFFECTIVELY TEACH NEW APPROACH TOES ADDRESSING AN OLD PROBLEM, AND EVEN NOW SOME JUDGES TELL ME THEY FINALLY REMEMBER THAT THEY WERE DEKKERIZED. FOR THE LAST THREE AND-A-HALF YEARS, 100 PERCENT OF MY ASSIGNMENT HAS BEEN IN THE FAMILY DIVISION, INCLUDING A LOAD OF DOMESTIC AND REPEAT VIOLENCE CASES FILED IN LEON COUNTY AND WITH MY EXPERIENCE ON THE SUBJECT, I WANT TO MAKE TWO MAJOR POINTS. TO CASE MANAGE THESE CASES AND USING ONLY CERTIFIED MEDIATORS TO EASE THE LOAD IS A SERIOUS FUNDING ISSUE. THE JUDICIARY IS FIGHTING TO MAINTAIN OUR EXISTING SERVICE LEVEL UNDER ARTICLE V FUNDING CHANGES. PART OF THIS FIGHT IS JUSTIFYING THE WEISS USE OF OUR LIMITED RESOURCES, AND THIS -- JUSTIFYING OUR WISE USE OF OUR LIMITED RESOURCES, AND THIS AMENDMENT TO THE RULE IS ORIGINALLY CONCEIVED AND, I THINK, SPELLED OUT IN THE COMMENTARY, CAUSED ME MY GRAVE CONCERN, AND THAT IS WHY I CAME FORWARD. IT MEANS EITHER JUDGES DO IT ALL IN DOMESTIC VIOLENCE CASES OR IF THEY ARE ABLE TO REFER PARTS OF A CASE, THEN TO DO SO, THEY WOULD ONLY DO IT TO CERTIFY MEDIATORS. MY UNDERSTANDING OF THE, IF YOU WILL, THE MEDIATION BETWEEN JUDGE McNEAL AND JUDGE STARNES, EASED THAT, BECAUSE IT CHANGED THE COMMENTARY, BUT THE COMMENTARY GAVE LIFE TO THE PROPOSED RULE CHANGE.

SO ARE YOU OKAY, NOW, WITH THIS CHANGE?

I AM OKAY, YES, BECAUSE I BELIEVE THAT IT OKAYS WHAT I AM DOING. I AM NOT GOING TO SPEAK FOR ALL OF THE OTHER CIRCUITS. I CAN'T DO THAT.

WHAT ABOUT THE PART THAT YOU SAID THAT YOU SOMETIMES, IF THE PARTIES AGREE, AND AS I UNDERSTAND IT, THE PARTIES AGREE, THERE IS, THIS IS NOT THAT SITUATION ANYWAY. BUT WHERE THEY DON'T WANT TO PUT IN THE FINDING OF DOMESTIC, THE DOMESTIC VIOLENCE.

I THINK IT WAS VERY HELPFUL WHEN I RECEIVED THE PACKET JANUARY 31. I READ THAT, AND WHEN I GOT THE LETTERS FROM WHAT WAS SUPPOSEDLY HAPPENING IN OTHER JURISDICTIONS, I DID HAVE SOME CONCERN WITH THAT. APPARENTLY WHAT I UNDERSTOOD FROM THOSE LETTERS, WAS THAT JUDGES WHO WERE HAVING, SAY, THE RESPONDENT WOULD AGREE TO THE INJUNCTION BUT THEY DIDN'T WANT TO ADMIT THE ALLEGATIONS. I CALL THE CIVIL NO-CONTEST PLEA. OKAY. AND WHAT APPARENTLY SOME JUDGES ARE DOING, WAS THEN CROSSING OUT THE FINDING OF DOMESTIC VIOLENCE. I TREAT IT LIKE A NO CONTEST PLEA IN A CRIMINAL CASE. I STILL MAKE THE FINDING, BUT IT IS NOT A SPECIFIC FACTUAL FINDING, AND THAT WAS ONE CONCERN I HAD. WAS I, UNDER THE PROPOSED RULE, GOING TO BE REQUIRED TO SAY SO-AND-SO HIT THREE TIMES. SO-AND-SO DID THIS. AND I FIND THAT VERY TROUBLING, BECAUSE I FOUND IT TO BE A MORE PEACEFUL CONCLUSION, IF A RESPONDENT CAN AGREE, WITHOUT HAVING TO ADMIT WHAT THEY DID. THERE WAS NO PURPOSE TO THAT. AND IF THAT IS WHAT THE PETITIONER, THE PETITIONER WANTS THE INJUNCTION, WANTED THE INJUNCTION AND IT WAS AGREED TO, THEN WE DON'T NEED TO DISCUSS THE BITTER DETAILS.

DO YOU, IN, HOW DO YOU, IN THE SECOND CIRCUIT, DIVINE OR DIVIDE THE CASES WHERE THERE IS AN IMMINENT THREAT TO THE SAFETY OF THE VICTIM?

I DON'T DIVIDE THEM. THIS IS THE WAY I LOOK AT IT. PETITIONERS COME BEFORE THE COURT IN A CIVIL PROCEEDING. THEY ARE ADULTS AND THEY ARE COMPETENT. NO ONE HAS RULED THEM INCOMPETENT, AND WHEN THEY COME BEFORE THE COURT, IF THEIR CASE IS SETTLED, THIS IS WHAT OUR CLERK, CASE MANAGER, NONCERTIFIED MEDIATOR DOES IN OPEN COURT, WITH BAILIFFS PRESENT ON THE RECORDER, TAPE RECORDING, PETITIONERS ARE ON THE LEFT, RESPONDENTS ARE ON THE RIGHT. THERE IS SORT OF SAFETY IN NUMBERS, I THINK, AS FAR AS

EMOTIONAL SAFETY. REFUGE HOUSE, WHICH IS OUR LOCAL SHELTER, AND ALSO WE HAVE, AND I DON'T KNOW IF THIS IS IN EVERY CIRCUIT, BUT WE HAVE LEGAL SERVICES REPRESENTATIVES THERE, WHO REPRESENT PETITIONERS NOT RESPONDENTS. OFTEN RESPONDENTS ARE THERE WITHOUT LAWYERS AT ALL, BUT THE BOTTOM LINE IS WHAT I HAVE TRAINED THE CLERKS TO DO BECAUSE I USED TO DO IT MYSELF, AND I FIND MYSELF VERY FRUSTRATED DOING WHAT I FELT WAS MUNDANE PAPERWORK. I WAS A SCRIVENER. I WAS TRAINED TO DECIDE DIFFICULT CASES, SO WHAT WOULD HAPPEN IS PETITIONER, DO YOU STILL WANT YOUR INJUNCTION? YES. MR. RESPONDENT, TYPICALLY, DO YOU OBJECT? NO. I DON'T OBJECT. THE INJUNCTION IS OKAY. I JUST WANT TO SEE MY KIDS. OKAY. PETITIONER, WHAT DO YOU RECOMMEND? WELL, EVERY OTHER FRIDAY AT FIVE O'CLOCK. HE WILL GO FINE. OH, WELL, MAYBE SIX O'CLOCK IS BETTER. SO YOU ARE SITTING THERE WRITING ALL THIS DOWN AND THEN THEY CHANGE THEIR MIND AND THEN YOU CROSS OUT WHAT YOU JUST WROTE AND YOU REWRITE IT. AFTER A YEAR OF THAT, I COULDN'T TAKE IT ANY LONGER, SO I TRAINED A CLERK TO DO THAT. THE BOTTOM LINE IS, AND THIS IS JUST MY INSTRUCTION TO MY CLERKS F THERE IS ANY DISAGREEMENT ABOUT ANYTHING, IT DOESN'T MATTER HOW MINOR IT IS, IT IS SET, THEN, FOR A HEARING, AND I SET IT ASIDE FOR AN HOUR, AND WE WILL SETTLE EVERYTHING ELSE, AND THEN I DO THAT. NOW, THAT MAY BE VERY DIFRENT FROM WHAT OTHER JURISDICTIONS DO, AS FAR AS CASE MANAGEMENT, BUT TO ME THE CONTESTED CASE, NO MATTER HOW MINOR THE CONTEST, THEN I INJECT MYSELF PERSONALLY, TO DECIDE THE CASE, AND I FOUND THAT ONLY UNDER THAT MANAGEMENT METHOD, COULD I GIVE THOSE CASES THE LENGTH AND TIME AND ATTENTION THAT THEY NEEDED, AND I THOUGHT THEY DESERVE.

CAN YOU GIVE US, GIVE THEM A BRIEF IDEA. I THINK I KNOW, OF THE NUMBER OF CASES THAT MAY BE ON YOUR DOCKET, HOW MANY GET DOWN TO THE POINT TO WHERE YOU NEED CONTESTED HEARINGS?

OH, GOSH. WELL, LET'S SEE. PROBABLY ABOUT FOUR A WEEK.

OUT OF HOW MANY FILINGS?

EIGHT TO TWENTY THAT I HAVE IN MY DIVISION ALONE, PER WEEK.

SO OUT OF 18-TO-20, YOU MAY NEED HEARINGS ON FOUR THROUGH THIS PROCESS.

RIGHT. RIGHT. BUT IT CAN VARY, BECAUSE I USED TO DO FIVE AN HOUR, THEN I FIND ALL FIVE WOULD, QUOTE, SETTLE, AND THEN I MIGHT HAVE FIVE HEARINGS AND 50 PEOPLE IN THE HALL AND IF YOU WERE GOING TO DO THEM THAT DAY, YOU WERE GOING TO BE THERE UNTIL SEVEN OR EIGHT O'CLOCK AT NIGHT, AND BY THE TIME YOU GOT TO THE LAST CASE, YOU WANT TO TALK ABOUT STRESS, IT WAS VERY HIGH, AND I WANT TO MAKE ONE COMMENT HERE. I AM A DEDICATED ATTORNEY IN THE FAMILY DIVISION. I HAVE ALWAYS FOUGHT FOR THE FAMILY DIVISION. AFTER A YEAR IN THE DIVISION, I WANTED AND SERIOUSLY CONSIDERED A TRANSFER OUT OF THE DIVISION, AND IT WAS DUE TO HAVING TO DEAL WITH THE DOMESTIC VIOLENCE CASES THE WAY WE WERE HANDLING THEM, AND UNTIL, AND I WENT FROM WHEN I CREATED MY LITTLE SYSTEM, I WENT FROM AN ATTITUDE OF I WANT OUT OF HERE, TO I LOVE IT. AND WHAT IS DISTURBING TO ME IS THAT, IF YOU HAVE A JUDGE WHO FEELS ABOUT THIS SUBJECT THE WAY I DO, WHAT ABOUT THE OTHER JUDGES WHO DON'T CARE? HOW WILL WE EVER RECRUIT AND KEEP JUDGES WHO WANT TO SERVE IN THE FAMILY DIVISION? SO I MR. CHIEF JUSTICE

UNLESS THEY GET SOME RELIEF THROUGH THESE OTHER PROCEDURES.

EXACTLY. WE NEED CASE MANAGEMENT TECHNIQUES THAT WE CAN USE.

CHIEF JUSTICE: ALL RIGHT. THE MARSHAL, AGAIN, HAS HELPED US.

THANK YOU.

CHIEF JUSTICE: THANK YOU VERY MUCH.

GOOD MORNING. I AM HERE AT THE REQUEST OF OUR CHIEF JUDGE. I AM SANDRA TAYLOR OF THE 15th JUDICIAL CIRCUIT. I AM HERE ON BEHALF OF THE CHIEF JUDGE AND IN MARATHON KEY, REPRESENTING ALL OF THE COURTS AND THE JUDGES IN THE CIRCUIT. WE ARE HERE IN SUPPORT OF THE PROPOSED AMENDMENT, AS PRESENTED BY THE AGREEMENT BETWEEN JUDGE STARNES AND JUDGE McNEAL. WE BELIEVE THAT WE ARE A DEDICATED GROUP OF JUDGES WHO HAVE BEEN WELL TRAINED AND KNOW THE LAW AND UNDERSTAND WHAT IT MEANS, AND THAT WE KNOW AND INTERPRET THE LAW. THE PROCEDURE THAT WE USE IN THE SIXTEENTH CIRCUIT, HAS NOT PLACED ANY VICTIM OF DOMESTIC VIOLENCE IN A POTENTIAL, FOR POTENTIAL HARM.

IT HASN'T HARMED THE QUALITY.

WE HAVE NOT FELT FOR A MOMENT. WE HAVE THE SUPPORT OF THE DOMESTIC VIOLENCE ASSISTANCE, THE SHERIFFS DEPARTMENT, THE STATE ATTORNEYS OFFICE, HE HAVERY ONE IN OUR CIRCUIT SUPPORTS THE METHODOLOGY THAT WE USE TO RESOLVE THE DOMESTIC VIOLENCE.

HAVE YOU USED WHAT HAS BEEN DESCRIBED, CASE MANAGERS?

EXACTLY. THEY OBTAIN THE INFORMATION FOR US, MAKE SURE THE FINANCIAL AFFIDAVITS ARE COMPLETED, CALCULATE THE CHILD SUPPORT GUIDELINES, BASED UPON FINANCIAL AFFIDAVITS. THEY HAVE ALL OF THIS INFORMATION THAT THEY HAVE REQUIRED FROM THE PETITIONER AND RESPONDENT AND PRESENTED TO US AND PRESENT TO US THE AREAS IN WHICH THE PARTIES AGREE.

YOU MENTION THAT YOU HAVE YOUR UNIFIED FAMILY COURT. DO YOU HAVE A METHOD, THEN, TO KNOW WHEN THIS PETITION IS FILED, WHETHER THERE IS A PENDING DISSOLUTION OF MARRIAGE CASE?

YES. IT IS NOTED BY THE CLERK'S OFFICE, FOR US, TO BEGIN WITH, AND OF COURSE IN PART OF OUR FEELINGS ABOUT THIS IS THAT EVERY CIRCUIT IS DIFFERENT, AND ONE RULE FOR THE ENTIRE STATE ISN'T GOING TO BE APPROPRIATE FOR EVERY CIRCUIT. WE ARE VERY SMALL. I CAN TELL YOU THE NAMES OF THE SAME PERSON WHO I SAW IN DEPENDENCY COURT THE DAY BEFORE. WHO IS IN DOMESTIC VIOLENCE COURT THAT DAY AND IS FILING THEIR DIVORCE A WEEK LATER, BECAUSE THEY ARE MINE.

YOU HAVE GOT VERY GOOD COMMUNICATION BETWEEN THE JUDGES AND THE STAFF.

THEY ARE MINE. THANK YOU.

CHIEF JUSTICE: THANK YOU VERY MUCH. JUDGE. ALWAYS TOUGH TO BE ON THE TAIL END.

MAY IT PLEASE THE COURT. IT HAS BEEN EIGHT YEARS SINCE I STOOD HERE IN ANOTHER CAPACITY. I AM JUDGE MARK LEBANN FROM MIAMI. I WOULD RATIFY THE WONDERFUL AGREEMENT THAT WAS ARRIVED AT UNANIMOUSLY. IN DADE COUNTY WE HAVE A VOLUMINOUS CASELOAD. I PERSONALLY HERE THOUSANDS, WHETHER THEY BE DOMESTIC OR REPEAT. I CAN TELL YOU THAT, IF WE ARE REQUIRED TO USE A CERTIFIED MEDIATOR IN LIEU OF OUR CASE MANAGEMENT SYSTEM, WHICH WORKS WE THINK, PERFECTLY AND CONSISTENTLY WITH THE SAFETY OF THE PETITIONERS, WE WILL BE CRUSHED. WELL BE BIFURCATING THIS PROCEDURE, WHICH WOULD PROBABLY REQUIRE COMING BACK BEFORE US TO RATIFY AND REINFORCE THE TERMS OF THE MEDIATED SETTLEMENT, IF YOU WILL. WE ARE, ALSO, WORRIED VERY MUCH, ABOUT THE ARTICLE V FUNDING ISSUES.

SO AM I UNDERSTANDING WHAT YOU AND JUDGE, THE JUDGES HAVE SAID, WHO HAVE HANDS-ON EXPERIENCE, THAT THIS RULE, AS IT IS NOW PROPOSED, WITH THE COMMENT, IS GOING TO GIVE THE CIRCUITS SUFFICIENT FLEXIBILITY THAT THEY ARE GOING TO BE ABLE TO CONTINUE WITH PROCEDURES THAT WORK? YOU ARE SATISFIED WITH THAT?

ABSOLUTELY. I CAN AGREE WITH THAT 100 PERCENT. THANK YOU.

CHIEF JUSTICE: THANK YOU VERY MUCH. FOR JUST A COUPLE OF MINUTES, WE ARE REALLY RUNNING A LITTLE LATE, BUT IF YOU WOULD PUT A CAP ON THIS FOR US.

OKAY. THEN LET ME MAKE JUST TWO POINTS, THEN, AND TRY TO SAVE YOUR TIME. I AM PRODUCT TO BE A JUDGE AND SERVE THE CITIZENS OF THE STATE OF FLORIDA, AND IT IS A PRIVILEGE TO HAVE THEM COME BEFORE ME TO RESOLVE THEIR DISPUTES, AND I DO NOT BELIEVE THAT THEY GET SUPERIOR JUSTICE BY HAVING THEIR CASES DECIDED BY COURT STAFF AND NOT BY A JUDGE. WE NEED TO LOOK AT WHAT WAS HAPPENING WHEN WE STARTED THIS PROCESS AND WHAT THE CIRCUITS SAY THAT THEY ARE DOING NOW, AND THAT IS THE REASON FOR THE AGREEMENT. WHAT THE CIRCUITS ARE DOING NOW FALSE LARGELY UNDER AN AREA OF CASE MANAGEMENT. THEY BELIEVE THAT, UNLESS THERE WAS SOME STATEMENT IN THE COMMENTARY THAT CASE MANAGEMENT IS APPROPRIATE, THEN THEY WOULD BE WORRIED ABOUT WHETHER THEY WERE VIOLATING THE RULE, AND BY ACKNOWLEDGING THAT COURTS HAVE THE RIGHT TO MANAGE THEIR DOCKETS, TO SCREEN PARTIES, TO REFER TO SERVICES, TO DETERMINE ISSUES, TO PRESENT INFORMATION TO THE JUDGE AS TO WHAT ISSUES ARE SETTLED AND WHAT ISSUES ARE CONTESTED, BY ACKNOWLEDGING THAT, WE HAVE AGREED THAT THE RULE SHOULD BE ADOPTED, AND I WOULD URGE YOU TO ADOPT THE RULE AS PRESENTED TO YOU.

CHIEF JUSTICE: LET ME, ON BEHALF OF THE COURT, THANK ALL OF YOU, AND HERE I MEAN ADVOCATES AS WELL. WE NEED ALL KINDS OF PERSPECTIVES, AND MOST OF YOU HAVE BEEN WORKING ON THESE ISSUES FOR MANY, MANY YEARS, AND THIS IS ONE OF THE REASONS I BELIEVE THAT WE CAN CLAIM THAT FLORIDA HAS THE FINEST JUDICIARY AND SYSTEM, ESPECIALLY FOR DOMESTIC VIOLENCE. WE HAVE BEEN ONE OF THE FIRST STATES TO REACT. WE HAVE MANY PASSIONATE JUDGES AND ADVOCATES ON THIS, BUT WE NEED THESE DIFFERENT PERSPECTIVES, IN ORDER TO MAKE THE RIGHT DECISIONS ABOUT THESE PROCEDURES, SO WE THANK YOU FOR LABORING IN THE VINEYARDS, ALL RIGHT, AND THANK YOU AND GOOD MORNING.