

>> ALL RISE.  
THE SUPREME COURT OF FLORIDA  
IS NOW IN SESSION.  
DRAW NEAR.  
YOUR PETITION SHALL BE HEARD.  
GOD SAVE THESE UNITED STATES,  
THE GREAT STATE OF FLORIDA AND  
THIS HONORABLE COURT.

>> WELCOME TO THE FLORIDA  
SUPREME COURT.  
THE FIRST CASE ON OUR DOCKET  
FOR THE DAY ARE RULES CHANGES  
RELATED TO THE JUDICIAL  
ADMINISTRATION AND FLORIDA  
FAMILY LAW CASES.  
YOU MAY PROCEED.

>> THANK YOU, GOOD MORNING.  
MAY IT PLEASE THE COURT, SCOTT  
BERNSTEIN ON BEHALF OF THE  
SUPREME COURT STEERING  
COMMITTEE ON FAMILIES AND  
CHILDREN IN THE COURTS AND  
WITH ME IS NICKY ANN CLARKE.  
I WANT TO START OUT THIS  
MORNING BY THANKING THE FAMILY  
LAW SECTION, THE FAMILY LAW  
RULES COMMITTEE AND THE RULES  
OF JUDICIAL ADMINISTRATION  
COMMITTEE FOR THEIR HARD WORK  
ON THESE RULES AS WELL.  
AS YOU WELL KNOW, WORKING ON  
RULES CAN BE COMPLICATED AND  
TEDIOUS AND THESE ARE RULES,  
ISSUES THAT I CARE VERY DEEPLY  
ABOUT AND I JUST REALLY  
APPRECIATE THE TIME AND THE  
EFFORT THAT THEY PUT INTO  
THESE ISSUES.

>> WE SHARE YOUR APPRECIATION  
TO NOT ONLY THEM, TO YOU AS  
WELL, AND TO EVERYONE ON THE  
COMMITTEES.

>> THANK YOU.  
THERE WERE TWO COMMENTS FILED,  
NOT BY THE RULES OF JUDICIAL  
ADMINISTRATION COMMITTEE, BY  
BUT THE FAMILY LAW SECTION AND  
FAMILY LAW RULES AND WE FOUND  
SEVERAL OF THEIR POINTS TO BE  
VERY WELLTAKEN, SO IN THE

RESPONSE WE FILED ACCEPTED A LOT OF THEIR SUGGESTIONS. ONE OF THE THINGS THAT WAS SUGGESTED WAS THAT WE HAVE A CONSISTENT DEFINITION OF FAMILY CASES THROUGHOUT ALL OF THE PROPOSED RULE CHANGES. I THINK THAT'S A GREAT IDEA AND OUR COMMITTEE ENDORSED THAT.

SO OUR REPLY INCORPORATED A LOT OF THOSE KINDS OF CHANGES.  
>> BEFORE AS YOU GET INTO THIS, I THINK WHAT MIGHT BE IMPORTANT FOR THE COURT IS I WENT BACK AND I LOOKED AT THE 2006 TO 2008 REPORT. THIS IS REALLY BEEN GOING ON

>> A LONG TIME.

>> A LONG TIME, LIKE SIX YEARS.

AND THE IMPEDIMENT IF YOU COULD JUST BRIEFLY JUST GIVE THE BACKGROUND OF WHAT THE CONCERN WAS AND WHAT LED TO THESE RULES.

>> SURE.

FOR 20 SOME ODD YEARS, 22 YEARS, I THINK, THIS COURT HAS TALKED ABOUT IMPLEMENTING A FAMILY COURT THAT WAS A WELLINTEGRATED COURT THAT SERVED THE NEEDS OF ALL FAMILIES AND CHILDREN IN THE COURTS.

AND BEGINNING WITH THE 2001 OPINION THEY VERY SPECIFICALLY YOU TALKED ABOUT ESTABLISHMENTS WITH CASE THINGS LIKE CASE MANAGEMENT AND THE UNIQUE BEST PRACTICES WHICH SHOULD BE IN EVERY MODEL FAMILY COURT.

AS THE STEERING COMMITTEE STARTED TO IMPLEMENT THIS, SOME OF THE IMPEDIMENTS WERE THINGS LIKE SOME JUDGES FELT YOU DIDN'T HAVE THE AUTHORITY IF YOU WERE ASSIGNED TO THE

FAMILY DIVISION TO LOOK AT A  
DEPENDENCY FILE OR A DOMESTIC  
VIOLENCE FILE.

AND SOME JUDGES FELT THE RULES  
ALREADY ALLOWED IT.

SO, FOR EXAMPLE, WE PROPOSED A  
RULE THAT SAID JUDGES CAN IN  
FACT LOOK AT THE FILES.

THE ARGUMENT WAS MADE THAT,  
WELL, THAT'S BEEN THE RULE ALL  
ALONG.

WELL, THAT MAY BE TRUE, BUT  
NOT EVERYBODY KNEW IT.

SO WE FELT IT WAS APPROPRIATE

WE SURVEYED JUDGES ALL OVER  
THE STATE AND SEVERAL OF THEM  
SAID IF THERE'S NO SPECIFIC  
RULE SAYING WE CAN LOOK AT  
THESE FILES, THEN WE FEEL WE  
CAN'T LOOK AT THE FILES.

SO WE HAVE A RULE THAT  
SPECIFICALLY SAYS YOU CAN DO  
IT.

AND FOR THOSE JUDGES WHO  
ALREADY FELT YOU HAD THE  
AUTHORITY TO DO IT, NOW  
THERE'S A UNIFORM RULE.

>> AS FAR AS THE PLACEMENT, I  
KNOW THERE WAS SOME ISSUE AS  
TO WHETHER THESE SHOULD BE IN  
THE FAMILY LAW RULES OR THE  
RULES OF JUDICIAL  
ADMINISTRATION BECAUSE MOST OF  
THIS RELATES TO THE WHAT  
JUDGES CAN AND CAN'T OR  
SHOULD BE DOING.

AND I THERE IS AND MAYBE  
SO BASICALLY JUST GOING  
BACK, THE IMPEDIMENTS AND WHAT  
WAS IDENTIFIED IS WHAT THIS IS  
A RESPONSE TO, BUT AS FAR AS  
THEIR IDEA THAT MAYBE THESE  
SHOULD BE BETTER PLACED IN THE  
RULES OF JUDICIAL  
ADMINISTRATION, IS THAT  
WHAT'S YOUR THOUGHT ABOUT  
THAT?

>> SURE.

I THOUGHT ABOUT THAT A GREAT  
DEAL.

WHEN THE COMMITTEE WAS  
DEBATING THESE ISSUES, WE  
FOUND THE PLACE WE THOUGHT WAS  
MOST LOGICAL.

ALL OF THE SPECIFIC RULE SETS  
HAVE A PREAMBLE RULE, IF YOU  
WILL, THESE RULES SHALL APPLY  
TO SO FORTH AND SO ON.

AND THE ONLY RULE SET THAT  
SPECIFICALLY TALKS ABOUT CASE  
MANAGEMENT WAS IN THE FAMILY  
LAW RULES.

SO SINCE THESE ARE PRIMARILY  
CASE MANAGEMENT RULES, IT  
SEEMED LOGICAL TO THE STEERING  
COMMITTEE THAT THEY GO HERE.

I CAN TELL YOU THAT AT NO TIME  
DID THE STEERING COMMITTEE  
EVER DEBATE THEY SHOULD BE  
HERE AND NOT THERE.

IF THIS COURT FEELS THAT  
THEY'RE MORE APPROPRIATE IN  
THE RULES OF ADMINISTRATION  
RATHER THAN FAMILY LAW RULES,  
IT'S FINE WITH US.

WE'RE NOT WE DON'T THINK  
THAT'S THE ISSUE AND THIS  
COURT IN ITS WISDOM WILL PUT  
THEM WHERE YOU FEEL BEST.

>> THE RULE 2.545 THAT'S  
PROPOSED BY THE FAMILY LAW  
RULES COMMITTEE

[ AUDIO DIFFICULTY ]

>> THAT SEEMED LIKE A GOOD  
IDEA AND I DIDN'T SEE THAT IN  
RESPONSE OR IN ANY OF THE  
RULES YOU PROPOSED.

DO YOU KNOW WHAT I'M REFERRING  
TO?

>> I DO KNOW WHAT YOU'RE  
REFERRING TO.

FIRST OF ALL, JUST TO SHOW YOU  
THE OVERLAP BETWEEN THESE RULE  
SETS, EVEN THOUGH THE RULES  
COMMITTEE SAYS THEY SHOULD BE  
IN THE RULES OF JUDICIAL  
ADMINISTRATION, THE WHOLE  
CONCEPT OF A CASE MANAGEMENT  
CONFERENCE COMES OUT OF THE  
FAMILY LAW RULES, SO THEY

REALLY DO GO TOGETHER HERE.  
THE IDEA OF HAVING A CASE  
MANAGEMENT CONFERENCE, THAT'S  
SOMETHING THAT I DO NATURALLY  
WHENEVER I PRESIDE OVER AN  
UNIFIED FAMILY COURT CASE.  
THE PROBLEM THAT I HAD WITH  
MANDATING A CASE MANAGEMENT  
CONFERENCE IS IN SOME  
CIRCUITS, LIKE MINE, THERE'S  
AN ADMINISTRATIVE ORDER THAT  
SAYS THE CASES WILL  
AUTOMATICALLY BE TRANSFERRED  
TO ONE DIVISION OR ANOTHER AND  
IF THEY'RE AUTOMATICALLY  
TRANSFERRED, THERE'S NO REASON  
TO HAVE A CONFERENCE TO DECIDE  
WHETHER THEY'RE TO BE  
TRANSFERRED.

>> THAT'S WHAT WE HAVE ALL THE  
JUDGES SHOW UP FOR.

>> CORRECT, AND HAVING ALL THE  
LITIGANTS SHOW UP AND FOR  
MOST OF THESE FAMILIES THAT  
ARE IN COURT IT'S ANOTHER DAY  
OFF WORK AND INCONVENIENCE TO  
THEM.

>> OKAY.

I DIDN'T REALLY GET THAT THAT  
SO THAT RULE WAS SORT OF  
LIKE AS A PRECURSOR TO  
DECIDING WHETHER YOU'RE GOING  
TO HAVE ONE JUDGE.

>> CORRECT.

>> AND AS YOU SAID, IN MOST  
JURISDICTIONS NOW, ONE JUDGE  
IS ONE JUDGE IS BEING  
ASSIGNED.

>> A LOT OF JURISDICTIONS,  
YES.

AND THAT'S WHY IN OUR RULES WE  
SAID THE JUDGES MAY CONFER,  
BECAUSE IF THERE ARE  
LOGISTICAL HURDLES THAT  
PREVENT ONE FAMILY/ONE JUDGE,  
BUT IT MAY NOT BE NECESSARY IN  
EVERY CASE.

ONE OF THE DIFFICULTIES OF  
WRITING THESE RULES IS BECAUSE  
PRACTICES DO VARY FROM CIRCUIT

TO CIRCUIT, BUT PRIMARILY  
BECAUSE OF GEOGRAPHICAL  
DIFFERENCES AMONG THE CIRCUIT.  
I KNOW IN MY CIRCUIT IT'S ONE  
COUNTY.

IT'S EASY TO OR EASIER, I  
SHOULD SAY, TO DO THINGS  
TOGETHER.

BUT IF YOU'VE GOT A CIRCUIT  
WITH MULTIPLE COUNTIES AND ONE  
JUDGE IS PRESIDING OVER HERE  
AND ANOTHER JUDGE IS PRESIDING  
OVER THERE, I UNDERSTAND THAT  
THERE ARE LOGISTICAL HURDLES.  
THAT'S WHY, FOR EXAMPLE, WE  
WROTE THE RULE TO SAY THAT WE  
FELT THE CASES SHOULD BE HEARD  
BY ONE JUDGE UNLESS  
IMPRACTICAL.

AND I KNOW THAT THAT COMMENT  
THAT THAT PHRASE "UNLESS  
IMPRACTICAL" GOT A LOT OF  
DISCUSSION.

AND THEY'RE NOT WRONG.  
THAT PHRASE WAS NOT DEFINED.  
THAT WAS INTENTIONAL ON OUR  
PART.

WE DEBATED LOTS OF DIFFERENT  
NO ONES, ADJECTIVES AND  
ADVERBS AND THAT'S THE ONE  
THAT WE FELT WAS LEAST  
OFFENSIVE, I GUESS WOULD BE  
THE BEST WAY OF DESCRIBING IT.  
BUT WE WANTED TO MAKE IT CLEAR  
THAT ONE FAMILY/ONE JUDGE IS  
THE DEFAULT POSITION, IF I CAN  
USE A COMPUTER ANALOGY, THAT  
YOU START WITH A CONCEPT THAT  
YOU SHOULD DO THIS AND THEN IF  
YOU CAN'T DO IT, LET'S SEE WHY  
YOU CAN'T, RATHER THAN SAY YOU  
HAVE A CHOICE TO DO EITHER/OR.  
AND THAT'S WHY THE RULE WAS  
WRITTEN THIS WAY.

YOU SHALL HEAR IT BEFORE ONE  
JUDGE UNLESS IT'S IMPRACTICAL.

>> WELL, THEY SAID THEY LIKED  
THE IDEA OF IT, BUT THEY  
THOUGHT YOU SHOULD TAKE OUT  
"UNLESS IMPRACTICAL" AND

YOU'RE SAYING WITH REPRESENTING THE COMMITTEE AND SURVEYING THE JUDGES, YOU NEED TO HAVE THAT OUT FOR THE PLACES WHERE IT ISN'T PRACTICAL.

>> RIGHT.

WELL, ACTUALLY, THE FAMILY LAW SECTION WANTED TO TAKE OUT THE WORDS "UNLESS IMPRACTICAL." THE FAMILY LAW RULES COMMITTEE USED THE SAME LANGUAGE, IF IT'S PRACTICAL.

>> IF I CAN INTERJECT FOR A SECOND, WERE IMPRACTICAL, THAT AREA CONCERNS ME, BECAUSE WE DO HAVE A LOT OF CIRCUITS IN OUR STATES THAT HAVE COURTHOUSES IN VARIOUS COUNTIES.

>> ABSOLUTELY.

>> AND SOME OF THE CIRCUITS, ESPECIALLY UP HERE IN THE PANHANDLE AREA, THE DISTANCES ARE GREAT BETWEEN COUNTIES. AND IT WOULD RENDER IT IMPRACTICAL.

SO WHAT IS YOUR SOLUTION IN THOSE CASES?

SUPPOSE YOU HAVE A FAMILY LAW CASE IN ONE OF THESE COUNTIES WHERE YOU HAVE A FAMILY COURT JUDGE IN ONE COUNTY AND A JUVENILE JUDGE IN ANOTHER COUNTY?

HOW DO YOU HANDLE THAT?

>> WELL, IT TAKES A LOT OF COORDINATION BETWEEN THE JUDGES.

THE JUDGES HAVE TO TALK TO EACH OTHER ABOUT PROCEDURAL MATTERS.

YOU HAVE TO TRY, IF POSSIBLE, TO CONSOLIDATE ISSUES SO THAT THERE ARE NOT INCONSISTENT RULINGS.

THE HARD PART, FOR EXAMPLE, IF IN A DELINQUENCY CASE A CHILD IS RELEASED TO ONE PARENT BUT IN THE FAMILY COURT THE OTHER

PARENT HAS BEEN GIVEN MAJORITY  
TIMESHARING, THE JUDGES HAVE  
TO WORK TOGETHER.

THERE ARE LOGISTICAL HURDLES.  
IT TAKES MORE TIME.

THAT'S WHY THE SUPREME COURT  
HAS SAID CASE MANAGEMENT IS SO  
IMPORTANT.

HAVING CASE MANAGERS HELPS A  
LOT.

I'M VERY LUCKY IN MIAMI THAT  
WE HAVE THE RESOURCES TO DO  
THAT.

NOT EVERY CIRCUIT HAS THAT.  
AND YOU'RE GOING TO HAVE TO BE  
CREATIVE.

I UNDERSTAND IT'S A HURDLE,  
BUT THAT'S ALSO WHY WE FELT IT  
WAS APPROPRIATE NOT TO JUST  
SIMPLY MANDATE ONE FAMILY/ONE  
JUDGE, BECAUSE WE RECOGNIZE  
THAT THERE ARE HURDLES.

ON THE OTHER HAND, WE DIDN'T  
WANT TO LEAVE IT AS, WELL, DO  
WHATEVER YOU WANT, BECAUSE,  
WELL, THIS COURT WROTE AN  
OPINION IN 2001.

IT'S BEEN LONG ENOUGH.  
AND THERE STILL ISN'T ENOUGH  
MOVEMENT.

THERE'S BEEN A LOT, BUT NOT  
ENOUGH.

SO WE THOUGHT MAKING ONE  
FAMILY/ONE JUDGE THE DEFAULT  
POSITION, BUT STILL LEAVING AN  
OUT WAS THE BEST WAY TO GO.

ALL RIGHT?

THANK YOU VERY MUCH.

IF IT'S ALL RIGHT, I'LL TAKE  
FIVE MINUTES FOR REBUTTAL  
AFTER I'VE HAD YOU EVER HAD  
FROM THESE COLLEAGUES.

>> THANK YOU.

>> THANK YOU.

>> GOOD MORNING.

I'M JOHN MORGAN, CHAIR OF THE  
RULES OF JUDICIAL  
ADMINISTRATION COMMITTEE, AND  
WE'RE IN KIND OF AN AWKWARD  
POSITION OF NOT REALLY HAVING



MUCH OF A DOG IN THIS FIGHT,  
EVEN THOUGH THE RULES MAY WIND  
UP IN THE RULES OF JUDICIAL  
ADMINISTRATION.

WE DID REVIEW THE STEERING  
COMMITTEE'S PROPOSED RULE SOME  
TIME BACK, AND WE FOUND NO  
PROBLEM WITH THE PROPOSED  
RULE.

WE MADE SOME SUGGESTIONS FOR  
MINOR CHANGES THAT WERE MADE,  
AND WE APPROVED THAT RULE IN  
CONCEPT.

SUBSEQUENTLY WE RECEIVED THE  
COMMENTS FROM THE FAMILY LAW  
RULES COMMITTEE SUGGESTING  
SOME ADDITIONS, SPECIFICALLY  
THE KEY ONE I THINK IS 2.545  
EXCUSE ME, 5B, THE RULE  
RELATING TO CONSOLIDATION OF  
FAMILY LAW CASES OR THE CASE  
MANAGEMENT CONFERENCES.

AND AS A COMMITTEE, WE TAKE NO  
POSITION.

WE DEFER TO THE VARIOUS FAMILY  
LAW COMMITTEES AS TO THE  
WISDOM OF THE RULES AND WE  
DEFER TO THE COURT AS TO WHERE  
THEY SHOULD BE PLACED.

NOW, WE GENERALLY PREFER TO  
KEEP RULES OF GENERAL  
APPLICATION IN THE RULES OF  
JUDICIAL ADMINISTRATION AND  
REFER BACK TO SPECIFIC RULE  
SETS FOR RULES OR DETAILS OF  
RULES THAT APPLY TO ONE  
PARTICULAR AREA, BUT AS A  
COMMITTEE WE HAD NO PROBLEMS  
WITH THE SUBSTANCE OF WHAT WAS  
BEING SUGGESTED BY EITHER  
COMMITTEE.

SO THAT'S BASICALLY WHAT WE  
HAVE.

>> THANK YOU.

>> THANK YOU.

>> MAY IT PLEASE THE COURT,  
I'M MARY LOU MILLER WAGSTAFF  
AND I SERVE AS CHAIR OF THE  
FLORIDA BAR FAMILY RULES  
COMMITTEE.

I ALMOST FEEL LIKE THIS IS A  
REAL ESTATE CASE, LOCATION,  
LOCATION, LOCATION.

WITH REGARD TO THAT, IT'S THE  
POSITION OF OUR COMMITTEE THAT  
THE TITLE OF RULES OF JUDICIAL  
ADMINISTRATION 2.545 REALLY  
SAYS IT ALL.

THAT TITLE IS CASE MANAGEMENT.  
THE ADOPTION OF THE RULES OF  
JUDICIAL ADMINISTRATION WITH  
THE ADDITIONS TO THEM HAVE NOW  
MADE IT SO ALL OF US WHETHER  
WE PRACTICE CRIMINAL LAW,  
FAMILY LAW, JUVENILE LAW, WE  
TURN FIRST TO THE RULES OF  
JUDICIAL ADMINISTRATION TO SEE  
HOW OUR CASE IS TO BE MANAGED.  
OUR CONCERN IS THAT IF WE HAVE  
SAY A CRIMINAL ATTORNEY  
HANDLING A JUVENILE  
DELINQUENCY CASE WHO HAS TO GO  
TO THE FAMILY LAW RULES  
COMMITTEE TO FIND OUT HOW TO  
COORDINATE THAT CASE WITH AN  
EXISTING FAMILY LAW CASE, WE  
HAVE CREATED A SITUATION WHERE  
THEY HAVE TO CHECK ON MULTIPLE  
RULE SETS AND IT WAS MY  
UNDERSTANDING AS WE ALL BECOME  
MORE SPECIALIZED WITH WHAT WE  
DO AND WITH THE RULES OF  
JUDICIAL ADMINISTRATION,  
HAVING THE CONTROL OVER ALL OF  
OUR VARIOUS RULE SETS, THAT IT  
MADE MORE SENSE TO OUR  
COMMITTEE THAT FOR THE REASONS  
OF REDUCING THE CHANGE THAT  
ATTORNEYS AND JUDGES HAVE TO  
GO THROUGH AND WE'RE SORT OF  
LIKE EPISCOPALIANS.

WE REJECT CHANGE AT ANY PRICE.  
>> THERE WAS A PROCEDURE IN  
MIAMI THAT WORKS WELL FOR THEM  
AND WAS VERY EFFICIENT AND  
THERE MAY BE OTHER CIRCUITS  
THAT HAVE SIMILAR OR DIFFERENT  
PROVISIONS THAT ARE VERY  
EFFICIENT FOR THEM AS WELL.  
>> RIGHT.

>> SO WHY SHOULDN'T WE JUST LEAVE IT TO THE INDIVIDUAL CIRCUITS TO DEAL WITH HOW THEY PROCESS THOSE CASES BEST RATHER THAN HAVING SOME STATEWIDE APPLICATION HERE?

>> I DON'T THINK THAT WE'RE TRYING TO TAKE AWAY THE LOCAL ISSUES, SUCH AS THE SEPARATE COURTHOUSES.

THAT HAPPENS TO BE ONE IN OUR CIRCUIT.

WE ARE PROPOSING SOMETHING THAT IS COMPARABLE TO THE UCCJEA AND WE BELIEVE THAT SINCE THAT CONFERENCE HAS MANAGED TO WORK BETWEEN JUDGES OF DIFFERENT STATES WHEN THEY'RE DEALING WITH SIMILAR CASES, WE'RE NOT SURE WHY IT CAN'T WORK IN THE FLORIDA COURTS.

FOR EXAMPLE, WE'RE NOT PROPOSING THAT JUDGES HAVE TO TRAVEL BACK AND FORTH, BUT THERE'S ALWAYS BEEN A QUESTION WITH THESE CASES THAT ARE RELATED DO JUDGES HAVE THE ABILITY TO TALK WITH EACH OTHER.

WE THINK IF WE PUT IT UNDER THE CASE MANAGEMENT, WE CLARIFY THEY DO HAVE THE ABILITY TO TALK TO EACH OTHER, THE ABILITY TO READ EACH OTHER'S FILES AND THEY CAN COMMUNICATE WITH EACH OTHER. BUT THE BIG ISSUE HAS BEEN DO THE PARTIES HAVE A CHANCE TO GET IN ON THAT.

WHAT WE HAVE PROPOSED IS THEY WOULD HAVE A CONFERENCE. ALL THE PARTIES WOULD HAVE THE ABILITY TO PARTICIPATE. AGAIN, WE'RE NOT CONTEMPLATING THAT, FOR EXAMPLE, SOMEBODY HAS TO DRIVE BETWEEN CLEARWATER AND DADE CITY. IT CAN BE DONE BY PHONE.

>> I THINK THE PROBLEM IS

AND I THINK WHAT YOU'RE POINTING TO MAYBE A GOOD IDEA. THE WAY I THINK THAT JUDGE BERNSTEIN WAS READING THIS AND MAYBE THE WAY I WAS READING IT IS THAT THIS WAS THE CONFERENCE THAT WOULD PROCEED WHETHER THE CASES WOULD BE CONSOLIDATED OR JUST COORDINATED.

>> CORRECT.

>> BUT YOU'RE CONTEMPLATING THAT IF THE DECISION IS MADE BY THE JUDGE BECAUSE OF THE PRACTICE THAT IT'S NOT PRACTICAL FOR IT TO BE BEFORE ONE JUDGE THAT RATHER THAN HAVE, HEY, JUDGE SO AND SO, I'M DOING THIS, THAT THEY WOULD DO IT IN A MORE FORMAL WAY.

>> EXACTLY.

OKAY.

WITH THE PARTIES AND

>> CLEAR ABOUT THAT'S THE INTENT.

>> YES.

>> IT'S ONLY IF THE CASE IS DETERMINED NOT TO BE PRACTICAL TO GO BEFORE ONE JUDGE WOULD THIS THEN BE THE PROCEDURE.

>> THAT'S CORRECT.

FOR EXAMPLE, IN MY CIRCUIT, IF WE TRY TO CONSOLIDATE THESE CASES IN FRONT OF A JUVENILE JUDGE, OUR JUVENILE COURT SYSTEM DOESN'T HAVE THE ABILITY TO DO CHILD SUPPORT.

SO WE WOULD HAVE OUR CONFERENCE OF JUDGES, WE WOULD SAY THESE ISSUES SAY IN FRONT OF THE JUVENILE JUDGE.

THE CHILD SUPPORT CAN STILL BE IN FRONT OF IN OUR INSTANCE THE GENERAL MAGISTRATE.

>> IN THAT SITUATION BECAUSE OF CHILD SUPPORT, THAT'S TRUE ABOUT EVERY PLACE BECAUSE THAT'S THE DEPARTMENT OF REVENUE.

>> EVERY PLACE.  
>> BUT DO YOU REALLY NEED TO HAVE THE JUVENILE JUDGE PARTICIPATING IN THE CHILD SUPPORT HEARING?  
>> ACTUALLY, YES.  
CHILD SUPPORT IS A FACTOR OF SUPPORTING YOUR CHILD.  
IT'S IN OUR CASE PLANS.  
>> BUT HOW IS IT DONE NOW IF THAT HAPPENS?  
HOW DO YOU DO THAT IN YOUR CIRCUIT?  
>> ACTUALLY IN OUR CIRCUIT IT'S INTERESTING ENTIRELY AND WE END UP WITH CONFLICTING COURT ORDERS AT TIMES.  
>> SO YOUR IDEA IS TO MAKE SURE THAT WHERE IT CAN'T BE CONSOLIDATED, THAT IT BE COORDINATED IN A MORE FORMAL WAY.  
>> ABSOLUTELY.  
ABSOLUTELY.  
WE'VE GOT A BIT OF CHAOS IN OUR CIRCUIT WHERE PARENTS OF DEPENDENT CHILDREN DO HAVE AN OBLIGATION OF SUPPORT AS PART OF THEIR CASE PLAN.  
IT'S NOT A REASON FOR TAKING CHILDREN AWAY, BUT WE HAVE THE ISSUE OF CHILD SUPPORT OUT THERE THAT NEEDS TO BE DETERMINED AND WE THINK THAT SHOULD BE SOME COMMUNICATION BETWEEN THE JUDGES ON IT.  
>> I JUST HAVE BECAUSE YOU'RE OUT OF YOUR TIME.  
>> YES.  
>> YOU MENTIONED SOMETHING THAT HAS BEEN NEAR AND DEAR TO THE STEERING COMMITTEE'S HEART, WHICH IS THAT WE'VE GOT WE HAVE ONE TYPE OF A CASE THAT INVOLVES A FAMILY.  
>> RIGHT.  
>> AND WHETHER THAT FAMILY THEY HAVE MAY HAVE TO TRAVEL TO DIFFERENT COURTHOUSES TO HAVE THEIR PROBLEM RESOLVED OR

IF IT'S BEFORE DIFFERENT  
JUDGES COME AT DIFFERENT  
TIMES.

BUT THEN YOU ALSO HAVE  
ATTORNEYS, JUVENILE ATTORNEYS  
ARE LOOKING TO THE RULES OF  
THE JUVENILE RULES.

>> RIGHT.

>> FAMILY LAW ATTORNEYS, THE  
FAMILY LAW RULES.

HAS THE FAMILY LAW RULES  
COMMITTEE EVER CONSIDERED THE  
PROJECT THAT WE KIND OF HAD  
HOPE MIGHT BE UNDERTAKEN,  
WHICH IS THAT YOU WOULD HAVE  
FOR THOSE CASES THAT ARE  
RELATED, ACTUALLY YOU'D HAVE  
THEIR OWN, LITTLE SUBSET SO  
THAT EVERYONE CAN LOOK IN ONE  
PLACE?

>> WELL, AGAIN, OUR CONCERN IS

>> LIKE THE RULES OF UNIFIED  
FAMILY COURT.

>> AND THAT WOULD BE AN  
ENTIRELY SEPARATE SET OF RULES  
THEN.

>> RIGHT.

>> SO WE'D ADD EVEN MORE TO  
THAT BIG BOOK WE USE.

>> BUT WITH THOSE FORMS MAKE  
IT PRETTY BIG.

>> NO, YOUR HONOR.

WE HAVE NOT.

WE CAN CERTAINLY PUT THAT ON  
OUR AGENDA WHICH WE'RE  
FORMULATING FOR OUR NEXT  
MEETING FOR CONSIDERATION.

>> THANK YOU.

>> THANK YOU, YOUR HONOR.

>> GOOD MORNING.

REUBEN DOUPE HERE ON BEHALF OF  
THE FAMILY LAW SECTION AND THE  
BAR.

YOU'LL HAVE TO FORGIVE MY  
COMMENTS IN THE SECTIONS  
COMMENTS WERE MORE NARROW AND  
MORE FOCUSED, NOT ON THE BIG  
PICTURES AND THE BIG ISSUES IN  
THE CASE, BUT ON THE LANGUAGE

BEING USED.

BECAUSE WE DIDN'T HAVE ACCESS TO ALL THE INFORMATION THAT THE STEERING COMMITTEE HAD IN DRAFTING THEIR RULES.

SO WE JUST FOCUSED MORE NARROWLY OF DOES THIS LANGUAGE USED IN THIS IN THESE PROPOSED RULES MAKE SENSE.

>> WHEN YOU SAY THAT, I'M SORRY TO HEAR THAT BECAUSE UP UNTIL AT LEAST RECENTLY A MEMBER OF THE FAMILY LAW SECTION OR USUALLY THE CHAIR IS A MEMBER OF THE STEERING COMMITTEES PRECISELY SO BECAUSE WE VALUE THE FAMILY SECTION'S INPUT SO THAT YOU CAN HAVE INPUT ON AN ONGOING BASIS.

I REALIZE AND I KNOW WE HAD THE PAST CHAIR FROM LAST YEAR WAS ON FOR HAS BEEN ON.

>> MISSTPORTS CERTAINLY WAS AWARE OF THOSE ISSUES. BUT WHEN I DRAFTED THE COMMENT, UNFORTUNATELY, I DIDN'T HAVE ACCESS TO ALL THAT INFORMATION.

I'M MERELY STRESSING THAT POINT.

THE ISSUE WE HAVE I'LL FOCUS PRIMARILY ON THE IMPRACTICAL ASPECT IN THE 12.03.

MY CONCERN AND THE SECTION'S CONCERN IS IT'S NOT MANDATORY ENOUGH AND THE USE OF THE TERM IMPRACTICAL BEING AN OPEN TO INTERPRETATION TERM WILL ALLOW FOR A LOT OF ARGUMENTS THAT WEREN'T THE INTENT OF THE RULE AND ALLOW

>> WELL, IT'S NICE TO HEAR THE FAMILY LAW SECTION, WHO TEN YEARS AGO HAD A DIFFERENT VIEW, EMBRACING

>> ABSOLUTELY.

THE SECTION ABSOLUTELY EMBRACES THE CONCEPT OF FAMILY

COURT, THE ONE FAMILY/ONE  
JUDGE MODEL.

OUR PREFERENCE I THINK IN  
MY COMMENT I SAID WE SHOULD  
TAKE OUT THE UNLESS PERIOD OR  
SPELL OUT THE EXCEPTION  
CERTAINLY, GIVING FURTHER  
THOUGHT TO THAT POINT.

THERE ARE GOING TO BE TIMES  
WHEN VENUES ARE DIFFERENT, THE  
RELATED CASES ARE IN DIFFERENT  
VENUES, AND THEN YOU CAN'T  
JUST CONSOLIDATE THOSE WITHOUT  
A MOTION FOR CHANGE OF VENUE.

>> IF THEY'RE IN DIFFERENT  
CIRCUITS.

>> THEY COULD BE DIFFERENT  
CIRCUITS.

IT COULD BE DIFFERENT STATES,  
A CUSTODY ACTION IN INDIANA  
AND FLORIDA.

VENUE REASONS SHOULD BE  
SPECIFICALLY LISTED.

THE ONLY OTHER TIME IN MY MIND  
I WAS ABLE TO DETERMINE THAT  
UNIFIED COURTS WOULD NOT BE  
APPROPRIATE IS WHEN ONE OR  
BOTH JUDGES ARE RECUSED OFF OF  
VARIOUS CASES FOR VARIOUS  
REASONS.

THAT'S THE ONLY OTHER THING I  
COULD THINK OF.

SO I THINK LANGUAGE THAT  
UNLESS VENUE OR JURISDICTION  
UNLESS PROHIBITED BY VENUE  
OR JURISDICTIONAL ISSUES OR BY  
OTHER RULES WOULD BE A  
PROHIBITION SHOULD BE THE TWO  
I MEAN, THOSE ARE BROAD  
CATEGORIES.

I GUESS THERE'S CERTAINLY MORE  
THINGS THAN I COULD HAVE  
THOUGHT OF.

>> THE DEPARTMENT OF REVENUE  
CASES ARE A PARTICULAR  
PROBLEM.

>> AGREED.

>> IN NAPLE ITSELF HOW DO YOU  
DEAL WITH THOSE CASES?

>> THEY HAVE SEPARATE HEARING



OFFICERS AND ATTORNEYS.

>> THOSE COULD NOT BE  
CONSOLIDATED.

>> NOT EASILY.

>> WELL, I DON'T DO YOU DO  
THAT DOWN IN NAPLES?

>> NO.

WE DO NOT CONSOLIDATE.

IN NAPLES WE DON'T CONSOLIDATE  
ANY OF THE CASES, DOMESTIC  
VIOLENCE ARE HEARD BY A  
DIFFERENT JUDGE AND IT'S NOT  
THE ROUTINE TO CONSOLIDATE.

>> SO WOULD THIS GIVE THEM  
WIGGLE ROOM TO CONTINUE TO DO  
THAT?

>> POSSIBLY.

MY CONCERN IS NOT THAT I  
BELIEVE THE JUDGES WANT TO  
CONSOLIDATE.

I BELIEVE FROM THE BENCH THEY  
WANT TO HAVE UNIFIED MEASURES  
BECAUSE WHEN WE DO HAVE CASES  
THAT HAVE MULTIPLE JUDGES  
THEY'RE ALWAYS ASKING, WELL,  
WHAT HAPPENED IN THIS OTHER  
CASE.

MY CONCERN IS THE LAWYERS.

I'M A LAWYER.

AND I'M GOING TO COME IN AND  
IF I DON'T THINK CONSOLIDATION  
IS IN MY CLIENT'S BEST  
EFFORTS, I'M GOING TO COME UP  
WITH AN ARGUMENT WHY IT'S  
IMPRACTICAL AND WHY THE COURT  
SHOULD DEEM IT IMPRACTICAL.  
THAT'S WHY THE USE OF THAT  
TERM CONCERNS ME RATHER THAN  
SPELLING OUT SPECIFIC REASONS  
WHY THE COURT SHOULDN'T UNIFY  
THE ACTIONS.

THE SECOND PROPOSED RULE,  
NOBODY'S TALKED ABOUT IT HERE  
TODAY, THAT I THINK WARRANTS A  
LITTLE BIT OF DISCUSSION IS  
THE FILING OF COPIES OF  
ORDERS.

THE RULE AS WRITTEN SEEMS A  
BIT CUMBERSOME.

IT BASICALLY SAYS ALL ORDERS

IN ANY RELATED CASES SHALL BE FILED IN THE OPPOSING ACTIONS, IN THE OPPOSING COURT FILES. THE EXAMPLE I GAVE IS A MOTION TO COMPEL DISCOVERY DOCUMENTS ARE MANDATORY DISCLOSURE IN A DIVORCE ACTION.

THOSE KIND OF ORDERS DON'T NEED TO BE FILED IN A DOMESTIC VIOLENCE COURT FILE.

IT'S JUST GOING TO TAKE UP SPACE.

CERTAINLY ANY ORDERS ENTERED BY THE COURT COULD BE TAKEN BY JUDICIAL NOTICE OF THE OTHER COURT.

I DON'T BELIEVE WE NEED TO HAVE THOSE ORDERS IN EVERY CASE.

IT'S GOING TO BE A LOT OF WORK AND A LOT OF EFFORT.

THE WAY THAT RULE WAS WRITTEN I THINK IT SAID THE COURT SHALL MAKE SURE IT'S FILING.

>> WON'T IT BE NICE WHEN WE HAVE E FILING REALLY WORKING? IT'S NOT PAPER GOING INTO TEN FILES, JUST CLICK, GO INTO >> RIGHT.

BUT THEN HOW DO WE MAKE SURE IT'S CALLED THE RIGHT THING SO WHEN THE DOMESTIC VIOLENCE JUDGE SEES AN ORDER THEY DON'T KNOW

>> HAVE THE CLERK COOPERATE.  
>> YEAH.

I THINK THE COURT FOR ITS TIME.

>> THANK YOU.

>> DID YOU EVER THINK YOU'D REACH THE DAY WHERE THE FAMILY LAW SECTION WAS SAYING YOU DIDN'T GO FAR ENOUGH?

>> I LOVE IT.

I LOVE IT.

WHAT CAN I SAY?

>> DO YOU HAVE ANY JUDGES THAT ARE PUSHING BACK ON THIS? THAT'S THE WIGGLE ROOM I'M CONCERNED ABOUT.

SOME JUDGES ARE I'M NOT GOING TO DO IT UNLESS YOU SHALL I SAY.

>> I UNDERSTAND.

I'D LOVE IT IF YOU COULD COME UP WITH A BETTER TERM.

WE COULDN'T.

>> I DON'T KNOW.

BUT I KNOW THAT SOME JUST SAY I'M NOT GOING TO DO IT UNLESS THEY MAKE ME DO IT.

>> WE'RE NOT GETTING NEARLY AS MUCH OPPOSITION TO THIS AS WE DID 20 YEARS AGO OR 10 YEARS AGO.

I'VE HEARD ALL KINDS OF STORIES OUT THERE.

BUT

>> WELL, THEY DON'T COME UP TO YOU AND SAY IT.

THEY DON'T ANNOUNCE IT.

>> THERE REALLY THE STANDING COMMITTEE HAS DONE SURVEYS ALL OVER THE STATE.

>> OKAY.

>> AND THERE ARE INDIVIDUAL OBJECTIONS TO UNIFIED TO PIECES OF UNIFIED FAMILY COURT.

BUT THE CONCEPTS, THE GUIDING PRINCIPLES OF UNIFIED FAMILY COURT, ARE PRETTY UNIVERSALLY ACKNOWLEDGED.

>> BUT HE'S SAYING IN NAPLES THEY'RE NOT DOING IT.

>> WELL, THERE ARE IMPEDIMENTS IN NAPLES.

LIKE WHEN I HEAR SOMEONE SAY, WELL, YOU CAN'T DO CHILD SUPPORT IN JUVENILE.

SURE, YOU CAN.

IT JUST TAKES SOME RETHINKING.

YOU KNOW, WHEN YOU'RE CONFRONTED WITH SOMETHING AND THE ANSWER IS BUT WE'VE NEVER DONE IT THAT WAY, THAT'S A MINDSET IMPEDIMENT.

I DON'T KNOW THAT IT'S A REAL PHYSICAL IMPEDIMENT.

>> SO WHAT DO YOU ENVISION BY

IMPRACTICAL?

SO MAYBE AT LEAST IN THE  
OPINION WE CAN BE MORE  
SPECIFIC EVEN IF WE KEEP THAT.  
JUSTICE LABARGA MENTIONED THE  
GEOGRAPHICAL

>> I THINK THAT'S THE BEST  
ONE.

I THINK THAT'S THE MOST  
THAT'S THE MOST COGENT  
EXAMPLE.

>> IF YOU TAKE THE WAY IT  
WORKS IN THE 6TH CIRCUIT,  
WHERE YOU HAD COURTHOUSES,  
JUVENILE AND FAMILY, AND I  
KNOW JUDGE CLARKE'S HERE, WHO  
WORKED IN THE 2nd CIRCUIT, THE  
IDEA THAT THE FAMILY MIGHT  
IF THERE IS TWO DIFFERENT  
JUDGES MIGHT HAVE TO BE IN  
LEON FOR ONE CASE AND OUT  
THERE, IT'S BETTER FOR THE  
FAMILY IF IT'S IN ONE PLACE.

>> THERE'S NO QUESTION ABOUT  
IT.

EVEN IN MY CIRCUIT, OUR  
JUVENILE COURTHOUSE IS 10, 15  
MINUTES AWAY FROM OUR FAMILY  
COURTHOUSE AND A LOT OF THESE  
FAMILIES RELY ON PUBLIC  
TRANSPORTATION.

AND IT'S NOT EASY TO GET BACK  
AND FORTH.

SO IT'S CERTAINLY BETTER IF  
YOU CAN PUT THEM IN ONE PLACE.

>> FAMILIES IMPACTED BY THIS  
MORE WOULD BE THE ONE WAY  
BELOW THE POVERTY LEVEL WHO IF  
YOU MISS ONE DAY'S WORK, YOU  
LOSE YOUR JOB.

SO IT HAS A DISPARATE IMPACT  
AND A REAL IMPACT IN TERMS OF  
THEIR TIME GOING FROM THIS  
PLACE TO THIS PLACE TO THIS  
PLACE AND TAKE TIME OFF THIS  
CASE.

AND THEN THEY'LL LOSE THEIR  
JOB.

AND THEN WHAT DO YOU HAVE?

>> THAT'S CORRECT.

THAT'S CORRECT.

AND WE NOTE THAT'S BAD FOR THEM AND IT'S BAD FOR THE CHILDREN.

>> RIGHT.

>> THERE'S NO QUESTION ABOUT IT.

SO DO YOU HAVE A FURTHER WAY MAYBE THAT WE WOULD DEFINE WHAT IMPRACTICAL IS, NOT NECESSARILY IN THE RULE, BUT AT LEAST IN THE OPINION ADOPTING THAT

>> WELL, OUR FEAR WHEN WE PROPOSED THIS RULE WAS IF WE DEFINE THE WORD "IMPRACTICAL" WITH A LIST, THEN WE WOULD INEVITABLY LEAVE THINGS OUT, WHICH IS WHY WE LEFT IT UP TO THE DISCRETION

>> WELL, YOU KNOW AFTER THIS MANY YEARS, WE'VE TALKED ABOUT THE GEOGRAPHY, WHICH AGAIN IF IT'S BETWEEN DIFFERENT CIRCUITS OBVIOUSLY IT CAN'T YOU KNOW, I MEAN I DON'T SAY OBVIOUSLY.

I MEAN, IT COULD BE A CHANGE. BUT PRACTICALLY THAT'S MUCH HARDER.

I ALWAYS THINK THIS IS INTERESTING BECAUSE IN CIVIL CASES, AS YOU KNOW AS A CIVIL LITIGATOR, RELATED CASES ARE ALWAYS CONSOLIDATED.

SO WHAT ELSE OTHER THAN POSSIBLY GEOGRAPHY MAKES IT IMPRACTICAL?

>> I'M NOT AWARE OF ANY OTHER IMPEDIMENT THAT CAN'T BE BROACHED WITH APPROPRIATE RESOURCES.

>> OKAY.

>> SO I WOULD HAVE TO SAY THE OTHER IMPEDIMENT WOULD BE A RESOURCE ISSUE, WHICH HAS TO BE ACKNOWLEDGED.

>> YOU MEAN NOT HAVING THE CASE MANAGER.

>> HAVING THE ABILITY TO DO  
CASE MANAGEMENT.

I DON'T KNOW THAT YOU'D NEED A  
BODY.

MAYBE THAT'S TECHNOLOGY.

>> BUT REALLY HAVING TWO  
JUDGES DOING TWO RELATED CASES  
SEPARATELY AND HAVING TO ASK  
THE LITIGANT, SO WHAT WENT ON  
IN THAT CASE, IS EXACTLY THE  
PROBLEM.

>> CORRECT.

CORRECT.

I MEAN, WHAT UNDERLIES ALL OF  
THE UNIFIED FAMILY COURT  
CONCEPT IS THAT OUR COURT  
SYSTEMS HAVE BEEN DESIGNED FOR  
THE CONVENIENCE OF US, NOT THE  
COURT USERS.

>> WELL, THE LOSS OF CASE  
MANAGERS OR ESPECIALLY THE  
SMALLEST CIRCUITS

>> IT'S BEEN HORRIBLE.

IT'S BEEN HORRIBLE.

AND MY HOPE IS THAT TECHNOLOGY  
CAN TAKE OVER FOR SOME OF  
THAT, LIKE, FOR EXAMPLE, VIDEO  
CONFERENCING OR SKYPE OR  
SOMETHING LIKE THAT, WHICH CAN  
ALLOW SOMEBODY TO BE ALMOST IN  
TWO PLACES AT ONCE.

THOSE THINGS CAN HELP.

I DON'T FORESEE THIS AS BEING  
THE ULTIMATE SOLUTION TO FIX  
EVERY PROBLEM, BUT THIS RULE  
IS A HUGE STEP FORWARD.

AND I THINK THIS IS BETTER  
THAN HAVING NOTHING AT ALL.  
YOU KNOW, I REMEMBER WHEN I  
WAS BEFORE THIS COURT TO ARGUE  
THE ISSUE OF RELATED CASES,  
AND IT DIDN'T CAPTURE EVERY  
CASE, BUT IT GOT MOST.

THAT'S EXACTLY WHAT HAPPENED.  
IT'S A HUGE STEP IN THE RIGHT  
DIRECTION.

I DON'T THINK THAT THIS  
LANGUAGE IS PERFECT BY ANY  
MEANS, BUT IT'S A HUGE STEP IN  
THE RIGHT DIRECTION.

ALL RIGHT.  
THANK YOU VERY MUCH.  
>> THANK YOU ALL FOR YOUR  
WORK.