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NEXT CASE IS THE AMENDMENT TO THE FLORIDA RULES OF JUDICIAL ADMINISTRATION. ALL RIGHT. COUNSEL, I UNDERSTAND WE HAVE FOUR SPEAKERS. ON ONE SIDE AND MR. SILVERMAN ON THE OTHER. MR. CREIDLER, YOU MAY PROCEED.

MAY IT PLEASE THE COURT. MY NAME IS FRANK KREIDLER, I HAVE WORKED FOR 28 YEARS IN THE JUVENILE COURT. I HAVE WORKED IN PALM BEACH COUNTY FOR 28 YEARS, GENERALLY REPRESENTING BAD PARENTS, AND IN THOSE SITUATIONS I HAVE PROBABLY TRIED ABOUT 50 OF THESE TERMINATION OF PARENTAL RIGHTS CASES, PROBABLY MORE THAN 50% AND THAT IS THE BACKGROUND THAT I BRING HERE TODAY. THE OTHER PEOPLE THAT ARE SPEAKING ON THE SIDE OF THE PROPOSAL ARE JUDGE CARNEY, FROM THE DEPARTMENT OF CHILDREN AND FAMILIES AND MR. WOOD LINK FROM THE GOVERN -- MR. WOODRING FROM THE GOVERNOR'S OFFICE AND I THANK THEM FOR THEIR HELP.

ESPECIALLY IN THE FOURTH DISTRICT I HAVE SEEN SOME VERY, VERY TIME-SENSITIVE ADOPTION CASES. WHERE ARE WE JUST, IF WE ARE GOING -- WHY ARE WE JUST, IF WE ARE GOING TO BE LOOKING AT THESE TIME IS OF THE ESSENCE CASES, THE CHILD, SHOULDN'T THE CATEGORY BE BROADENED JUST BEYOND THOSE THAT ARE IN FOSTER CARE TO DEAL WITH CASES LIKE ADOPTION CASES THAT ARE LIKE THE BABY EMILY CASE WAS ONE THAT WENT ON FOR THE TRIAL JUDGE FOR A LONG TIME. ISN'T THAT -- SHOULDN'T THOSE -- IS THAT NOT A PROBLEM? THOSE CASES NOT A PROBLEM?

IT SEEMS TO ME THAT THEY SHOULD BE EXPEDITED, TOO.

THIS IS NOT EXACTLY A RULE OF EXPEDITE. RIGHT? WE, NOW, HAVE A STATUTE THAT SAYS THAT THESE MATTERS MUST BE RESOLVED WITHIN A 12-MONTH PERIOD OF TIME, AND INSTEAD OF VERY, VERY STRICT GUIDELINES. YOUR PROPOSED RULE DEALS WITH PUTTING, IF THERE IS A SCHEDULING CONFLICT BETWEEN IF YOU HAVE TO BE A CIVIL JURY TRIAL AT THE SAME TIME AS THE TERMINATION, THAT THE TERMINATION WOULD TAKE PRIORITY?

THAT'S CORRECT.

IF YOU HAD TO BE -- IT WOULD TAKE PRIORITY OVER A JUVENILE DELINQUENCY TRIAL, AS WELL?

THAT'S CORRECT.

HAVE YOU HAD, PERSONALLY HAD, IN THE CASES, HAVE YOU HAD PROBLEMS WHERE YOU HAVE BEEN CALLED INTO CIVIL JURY TRIALS OVER HAVING THIS -- HAVING THE TERMINATION CASE TRIED?

YES, YOUR HONOR. THE FACTUAL SITUATION THAT BROUGHT THIS TO MY MIND WAS, THERE WAS A TERMINATION OF PARENTAL RIGHTS CASE, SIX ATTORNEYS. THERE WAS TWO DADS, A MOM, A GRANDPARENT THAT WAS THE CUSTODIAN, WHERE THE ALLEGED ABUSE OCCURRED, AN ATTORNEY FOR THE GUARDIAN AD LITEM AND AN ATTORNEY FOR THE STATE. THESE CASES USUALLY LAST LONGER THAN THEY ARE SCHEDULE FOR. THE CASE WENT THREE DAYS, AND JUDGEAL BREATH, IN PALM BEACH -- AND JUDGE ALBREATH, IN PALM BEACH COUNTY, WAS SCHEDULING AND GOING THROUGH AND TRYING TO SET A DATE, AND ONE ATTORNEY SAYS I HAVE A PERSONAL INJURY CASE IN FRONT OF JUDGE KROLL AND I CAN'T BE THERE, AND AS THE JUDGE GOES TO THE NEXT STAGE, AN ATTORNEY SAID I HAVE A RECKLESS DRIVING CASE AND I HAVE TO BE OVER IN FRONT OF JUDGE BAILEY, AND I CAN'T BE HERE ON THAT DATE, AND WE GO TO THE NEXT DATE, AND SOMEBODY SAYS I HAVE A CONTRACT DISPUTE OVER WITH SOME OTHER JUDGE, AND I CAN'T BE HERE ON THAT DATE, SO WHAT ULTIMATELY HAPPENED, THE

RESCHEDULING OCCURRED FOUR OR FIVE MONTHS LATER, FOR THE REMAINDER OF THE TRIAL, AND I HAVE HAD THAT PROBLEM, TO SOME EXTENT, MYSELF, BUT WHEN THAT FACTUAL SITUATION OCCURRED, I SAID THERE HAS TO BE A WAY TO RESOLVE THESE CALENDAR CONFLICTS TO MOVE THESE CHILDREN'S CASES, THESE TERMINATION OF PARENTAL RIGHTS CASES AHEAD, AND THAT WAS THE PARTICULAR SITUATION, AND IT, AS SAID IN MY PROPOSAL, IT HAPPENS VERY FREQUENTLY. SO --

JUSTICE PARIENTE'S QUESTION, TO SOME EXTENT, I THINK, GOES TO THIS COURT, HOPEFULLY IN THE PAST BUT CERTAINLY RECENTLY, HAS BEEN TRYING TO EMPHASIZE AND, IN FACT, HAS POINTED OUT SOME SERIOUS PROBLEMS WITH NEGLECT IN THE COURT SYSTEM, WITH REFERENCE TO GIVING PRIORITY TO CASES INVOLVING CHILDREN. JUVENILE DEPENDENCY, JUVENILE DELINQUENCY, CERTAINLY THIS ISSUE OF, YOU KNOW, TRADITIONALLY WE HAVE TALKED ABOUT FAMILY COURT AND CUSTODY ISSUES AND THOSE KINDS OF THINGS. BUT I UNDERSTOOD HER QUESTION TO BE, TO YOU, BECAUSE OF THIS RENEWED CONCERN, SHOULDN'T, IF WE ARE GOING TO PROPOSE A RULE LIKE THIS, SHOULD NOT IT BE BROADER THAN JUST TERMINATION OF RIGHTS ISSUE, AND THAT IS THAT THERE ARE MANY OTHER SITUATIONS WHERE WE ARE TALKING ABOUT THE CRITICAL ISSUE OF RESOLVING THE STATUS OF THE TRIAL, THAT PROBABLY SHOULD, ALSO, BE INCLUDED IN A BROADER CATEGORY. DO YOU UNDERSTAND WHAT I AM ASKING? AS OPPOSED TO JUST ZEROING IN AND SAYING THAT, REALLY, IT IS VERY NARROW CLASS OF CASES OF PARENTAL RIGHTS THAT, SHOULDN'T THIS BE A BROADER ONE, AND COULDN'T WE WORK ON A RULE THAT, REALLY, TRIES TO CAPTURE THIS, IS WHERE THE IMPORTANT STATUS OF A TRIAL IS TIME SENSITIVE, CRITICAL? OBVIOUSLY TERMINATION OF PARENTAL RIGHTS FALLS INTO THAT CATEGORY, WITHOUT ANY QUESTION, BUT SHOULDN'T, IF WE ARE GOING TO ADDRESS THIS, SHOULDN'T WE ADDRESS IT IN A BROADER WAY, RATHER THAN IN THIS NARROW WAY HERE?

I UNDERSTAND JUDGE PARIENTE'S QUESTION ABOUT THE ADOPTION AND DELINQUENCY AND OTHER BROADER AREAS THAT YOU ARE TALKING ABOUT. AND THE ADOPTION, I REALLY CAN'T SPEAK TO THAT, AND I DON'T KNOW IF THEY NEED HELP THERE OR NOT. IN THE DELINQUENCY CASES, THOSE CASES SAIL RIGHT THROUGH THE SYSTEM. THERE IS NO PROBLEM OR BOTTLENECK THERE. IF YOU WANT TO TALK ABOUT EXPANDING THIS RULE, AND AS THE JUDICIAL RULES COMMITTEE SAYS, WELL, LET'S STUDY THIS TO DEATH --

I AM NOT TALKING ABOUT STUDYING IT TO DEATH. I AM TALKING ABOUT THE MERITS OF BEING MORE INCLUSIVE, WHILE WE ARE FOCUSING ON THIS, RATHER THAN JUST HAVING THIS SINGLE, NARROW CATEGORY? INDEED YOU MAY HAVE MANY, MANY CASES WHERE THE CRITICAL TIME ELEMENT IS EVEN MORE APPARENT IN ANOTHER SETTING THAN IT IS JUST IN THE TERMINATION OF, YOU KNOW, YOU MAY HAVE A SITUATION IN THE TERMINATION, WHERE EVERYTHING, REALLY, IS BEING TAKEN CARE OF, AS A MATTER OF FACT. SO I AM NOT TALKING ABOUT STUDYING SOMETHING TO DEATH. I AM TALKING ABOUT BROADER LANGUAGE THAT WOULD INCLUDE TERMINATION CASES, BUT WOULD, ALSO, INCLUDE OTHER TIME TIME-SENSITIVE OR THE COURT CAN IDENTIFY WHEN THESE ARGUMENTS ARE BEING MADE AND CAN SAY, NO, WE ARE NOT GOING TO CONTINUE THIS, BECAUSE ONE OF THE LAWYERS HAS A PERSONAL INJURY OR WHATEVER, WHERE THE CASE NEEDS TO BE TON DONE AND THE SUPREME COURT -- TO BE DONE AND THE SUPREME COURT HAS TOLD THUS TAKES PRIORITY WITH REGARD TO LAWYER'S TIME OR JUDGE'S TIME.

I THINK THIS WHOLE RULE IS BEFORE THE COURT RIGHT NOW. IF YOU WANT TO BROADEN THE LANGUAGE, AS YOU STATED, TO INCLUDE OTHER TYPES OF CASES INVOLVING CHILDREN, AND COME OUT WITH A RULE BROADER THAN I SUGGESTED. THAT WOULD BE GREAT. BUT THE PROBLEM I HAVE IS, IF WE GO TO BROADENING THE RULE AND WE DECIDE TO COME BACK HERE THREE OR FOUR TIMES WHILE WE FINE TUNE IT AND ULTIMATELY PASS A RULE THREE OR FOUR YEARS FROM NOW, WE END UP, THE DPR CASES, WHERE THERE IS A TRUE BOTTLENECK IN THE SYSTEM AND NOT MOVING THOSE THROUGH, AND I KNOW PEOPLE OBJECTED THAT I WAS TOO SPECIFIC. I WAS TRYING TO POINT OUT EXACTLY WHERE THE PROBLEM IS, AS I SEE IT, AS A

PRACTITIONER OUT IN THE FIELD.

YOU NEED TO BE CONCERNED THAT THE OTHER PEOPLE NEED TO SPEAK AS WELL.

PARDON ME, SIR?

YOU NEED TO BE CONCERNED THAT OTHER PEOPLE NEED TO SPEAK, AS WELL, ON A LIMITED TIME.

OKAY. THANK YOU, SIR. SO MY CONCERN IS THAT THIS NEEDS TO -- THIS RULE NEEDS TO BE PASSED, OR SOME MODIFICATION OF IT. CHILDREN SPEND, WHILE THEY ARE IN FOSTER CARE, YEARS. THEY CAN HAVE TEN OR TWENTY OR THIRTY PLACEMENTS. THAT IS TEN OR TWENTY OR THIRTY SCHOOLS THEY GO TO, AND THEY ARE THE MOST VULNERABLE CHILDREN, AND THEY NEED TO HAVE A FAMILY, AND IN ENACTING THIS RULE CHANGE, IT WOULD DO THAT AND EXPEDITE THE CASES IN THE SYSTEM.

THANK YOU.

THANK YOU VERY MUCH.

MAY IT PLEASE THE COURT. I AM HERE THIS MORNING IN MANY CAPACITIES. I AM A FORMER JUVENILE DEPENDENCY COURT JUDGE, WHO I SERVED IN THE 17th JUDICIAL CIRCUIT FOR, 10 AND-A-HALF YEARS, HANDLING TERMINATION OF PARENTAL RIGHTS CASES. I ELECTED TO SR. JUDGE STATUS ONE YEAR AGO TODAY IN ACCEPTING THE POSITION FROM GOVERNOR JEB BUSH AS A SECRETARY IN THE DEPARTMENT OF CHILDREN AND FAMILIES H THAT IS WHY I AM NOT CURRENTLY ON YOUR CONSENT TO SERVE LIST. I AM ALSO ON THE JUVENILE COURT COMMITTEE, THE STEERING COMMITTEE AND THE CONSTITUTIONAL COMMITTEE ON THE LEGAL NEEDS OF CHILDREN COMMITTEE. I AM HERE TO SUPPORT THIS RULE. HOWEVER, I MUST INDICATE THAT I AM MORE IN FAVOR OF SUPPORTING, AS WELL AS THE DEPENDENCY COURT IMPROVEMENT PROGRAM IS SUPPORTING THE UNCONTESTED TERMINATION OF PARENTAL RIGHTS. BASED ON THE QUESTION THAT WAS REQUESTED SPECIFICALLY BY JUSTICE PARIENTE AND JUSTICE ANSTEAD, I DO HAVE STATISTICS FOR YOU ON THE AGENCY ADOPTIONS. THESE ARE CASES WHERE THE PRIVATE ADOPTION AGENCIES OR INTERIMMEDIATEIARIES HAVE COME IN WITH CASES INVOLVING INFANTS USUALLY. IT SHOWS THAT RIGHT NOW, WITHIN OUR MOST RECENT DATA, IS FROM JULY 1 OF 1998 TO JUNE 30 OF 1999. IT SHOWS THAT STATEWIDE, FROM THE FILING OF THE TERMINATION OF PARENTAL RIGHTS, IN AN UNCONTESTED CASE, IT IS 7.2 MONTHS FOR THE TERMINATION TO BE FINALIZEED. THAT IS STARTLING, WHEN YOU THINK THAT THERE IS NO DON'T VERSE TOY BE LITIGATED, AND IT STILL TAKES 7.2 MONTHS. AS THIS COURT IS VERY WELL AWARE, THE ADOPTION FAMILY ACT WAS PASSED TO REQUIRE FEDERALLY TO FOCUS ON THE FAMILY CONCERN AS PARAMOUNT AND ALSO TO EXPEDITE THE CASES THROUGH FOSTER CARE FOR AN ONE-YEAR PERIOD OF TIME.

QUITE FRANKLY MY CONCERN ABOUT THAT IS WE HAVE A LOT OF THINGS THAT THE LEGISLATURE HAS SAID ARE PRIORITIES THE COURT, WHICH ARE PRIORITIES, NO DOUBT ABOUT IT. THE ELDERLY CASES, CAPITAL CASES, AND I AM REALLY CONCERNED ABOUT THIS TYPE OF RULE AS TO WHETHER WE ARE TRYING TO ATTACK THAT PROBLEM WITH THE WRONG INSTRUMENT. I MEAN, THE FACT THAT YOU HAVE A RULE THAT ADDRESSES CONFLICTS IS REALLY NOT ADDRESSING THE PROBLEM OF THE FACT THAT YOU ARE TAKING TOO LONG IN THE CIRCUIT COURT TO GET THESE MATTERS ADDRESSED. IS IT? I MEAN, YOUR EXPERIENCE. TELL ME YOUR EXPERIENCE ABOUT THAT.

JUSTICE, IT IS A TOOL THAT CAN BE UTILIZED TO HELP TO EXPEDITE. MY EXPERIENCE IS, IN FACT, THAT THIS CONFLICT IS REAL. IT DOES EXIST. MY LAST YEAR ON THE BENCH, I HAD A VERY HIGHLY, HOTLY CONTESTED TERMINATION OF PARENTAL RIGHTS CASES, INVOLVING A NUMBER OF MEDICAL EXPERTS, PSYCHOLOGICAL EXPERTS, WITNESSES FROM OUT OF STATE. I HAD A

SPECIAL PUBLIC DEFENDNER BROWARD COUNTY. WE HAVE CONTRACT ATTORNEYS THAT HANDLE THESE CASES ON BEHALF OF THE PARENTS. HE, ALSO, WAS A SPECIAL PUBLIC DEFENDNER CRIMINAL CASES. I HAD A COUNTY COURT JUDGE WHO IS TRY AGO DUI CASE WHO HAD 20 DUI CASES AVAILABLE ON THAT DATE FOR TRIAL. AND HE REFUSED TO LET THIS LAWYER BE RELEASED TO COME AND TRY THIS TERMINATION OF PARENTAL RIGHTS CASE, BECAUSE HE SAID IT IS A CIVIL NONJURY MATTER. I AM A CRIMINAL DIVISION JUDGE. I HAVE PRIORITY, NOTWITHSTANDING THAT I HAVE OTHER CASES THAT I COULD TRY INSTEAD. WE TRIED THAT CASE ON THE WEEKEND.

BUT THE 7.2 MONTHS THAT YOU ARE TALKING ABOUT --

THAT IS FOR UNCONTESTED ADOPTIONS.

YOU ARE NOT SUGGESTING THAT THAT PROBLEM, THAT IF WE PASS THIS RULE TODAY, THAT THE LENGTH OF TIME THAT IT WOULD TAKE, THEY BE, TO FINALIZE AN ADOPTION, WOULD SOMEHOW DROP TO A SHORTER TIME.

I AM SAYING THAT YOU ARE REMOVE AGO BARRIER THAT NOW CURRENTLY EXIST THAT IS A FACTOR THAT IS INTO CONSIDERATION IN THESE CASES.

BUT DOES THAT APPLY TO THE UNCONTESTED SITUATION?

YES, IT DOES. THAT IS WHY WE ARE IN SUPPORT OF THE PROPOSAL OF THE JUVENILE RULES COMMITTEE.

HAVE YOU DONE AN ANALYSIS TOO WHY IT TAKES 7.2 MONTHS?

THE DEPENDENCY COURT IMPROVEMENT PROGRAM IS WORKING ON THAT, WHICH IS WHY MS. BATTLE IS PRESENT IN COURT TODAY, AND WE HAVE A MEETING ON SUNDAY IN AMELIA ISLAND.

IS THE SCHEDULING OF THE COURT, IF IT IS UNCONTESTED, IS --

MY EXPERIENCE, HAVING HANDLED KNOWS BROWARD COUNTY, IT WAS THE SCHEDULING OF THE COURT. THAT WAS THE PRIMARY PROBLEM. CURRENTLY, INSOFAR AS THE FILING OF THE PETITIONS FOR TERMINATION OF PARENTAL RIGHTS WITHIN THE DEPARTMENT, WE ARE TIMELY FILING THE PETITIONS WITHIN KEEPING CHAPTER 39 AND THE ADOPTION AND SAFE FAMILIES ACT. THE MAIN PROBLEM IS HAVING THOSE HEARINGS SCHEDULED. RIGHT NOW THE AVERAGE LENGTH OF STAY FOR A CHILD IN FOSTER CARE, WITH A GOAL OF ADOPTION, IN DADE COUNTY, IN THE ELEVENTH CIRCUIT, IS 55 MONTHS. THE AVERAGE LENGTH OF STAY IN BROWARD COUNTY IS 36 MONTHS. FORTY MONTHS IN THE FIFTEENTH CIRCUIT. IN THE SIXTH CIRCUIT, 35 MONTHS. AGAIN, THIS IS A TOOL. THAT IS WHY WE ARE NOT SAYING THIS IS THE PANACEA. IT IS NOT.

YOU ARE ADVOCATING.

WE ARE ADVOCATING AT THIS TIME --

ADVOCATING A SORT OF FULL-FRONT CHARGE ABOUT ALL OF THESE ISSUES, RIGHT?

THAT'S CORRECT.

IF YOU AGREE THAT THERE IS STILL A SERIOUS ISSUE OUT THERE ABOUT THE ALLOCATION OF JUDICIAL RESOURCES TO THESE CASES, SO THAT THEY CAN BE HEARD IN A TIMELY WAY --

YES, JUSTICE ANSTEAD, AND I BELIEVE THIS IS A NECESSARY TOOL.

THIS IS JUST ONE LITTLE TINY TOOL, BUT THAT IF YOU DON'T WORK IT ALL IN HERE, WE WILL

NEVER GET TO INCREASE THESE THINGS. IS THAT --

THAT'S CORRECT, JUSTICE. UNDER THE DEPENDENCY COURT IMPROVEMENT PROGRAM, IT FULLY SUPPORTS ALL OF THE JUDGES THAT HAVE SERVED THERE, WHO HAVE SUPPORTED THIS AS WELL.

THANK YOU.

ARE THOSE STATISTICS CURRENTLY FOR THIS YEAR? HAVE THEY TAKEN INTO ACCOUNT THE STATUTORY CHANGES, AND THEY ARE STILL TAKING FOUR OR FIVE YEARS?

THESE STATISTICS ARE AS OF DECEMBER OF 1999. I REQUESTED THAT THEY BE RUN YESTERDAY BY THE DEPARTMENT, TO GIVE YOU THIS INFORMATION TODAY. I CAN TELL YOU THAT, BECAUSE OF THE KAYLA McKEAN ACT, AS WELL AS THE FULL IMPLEMENTATION OF ADOPTION AND SAFE FAMILIES ACT, WE HAVE SEEN A 30% INCREASE SINCE JUNE, OF THIS YEAR, IN OUR FILEINGS OVERALL. NORMALLY WE HAVE A 4% INCREASE. THAT HAS BEEN CONSISTENT. WE ARE NOW, IN THE LAST SIX MONTHS, A 30% INCREASE IN THE JUVENILE DEPENDENCY COURT CASES, SO THIS IS A CRITICAL ISSUE THAT WILL BE FACING THE COURTS, AS ALL OF THOSE CASES BEGIN TO MOVE THROUGH THE SYSTEM. THANK YOU VERY MUCH.

THANK YOU. MS. BOHR.

MAY IT PLEASE THE COURT. SARAH BOHR ON BEHALF OF THE YUF NILE COURT RULES COMMITTEE. THE JUVENILE COURT RULES COMMITTEE ASKS THAT THE PROPOSAL FILED BY MR. KREIDLER BE ADOPTED. WE DID MAKE A MODIFICATION TO OUR PROPOSAL AT OUR LAST MEETING. WE ARE ASKING THAT PRIORITY BE GIVEN TO CONTEST THE PARENTAL RIGHTS CASES OTHER THAN CAPITAL CASES.

LET ME ASK YOU THIS, AND CERTAINLY WE ALL AGREE CAPITAL CASES SHOULD GET PRIORITY, BUT IF A LAWYER IS GOING TO ACCEPT APPOINTMENT FOR A TERMINATION CASE, SHOULDN'T THAT BE GIVEN PRIORITY? IN OTHER WORDS SHOULDN'T WE SOLVE THAT PROBLEM? A LAWYER, REALLY, IF THEY ARE HANDLE AGO CAPITAL CASE, WHICH COULD TAKE WEEKS OR, YOU KNOW, WEEKS AND WEEKS TO TRY, THAT IF THEY ARE ONE LAWYER AND MR. KREIDLER'S SCENE YARROW WHERE THERE -- SCENARIO THAT THERE ARE FOUR LAWYERS AND THAT WOULD GET A PRIOR TO THAT IT COULDN'T GET TRIED UNTIL THE CAPITAL CASE WAS FINISHED AND THAT THE JURY IS SUPPORTING THAT? WOULDN'T THAT TAKE THE INTENT OF THIS RULE AND KIND OF PUT IT ON ITS HEAD? IF ONE LAWYER OUT OF SEVERAL COULD, REALLY, CAUSE A TERMINATION CASE TO BE DELAYED BECAUSE THEY ARE GOING TO BE INVOLVED IN A CAPITAL CASE?

WE BELIEVE THAT, OBVIOUSLY, THOSE CASES SHOULD HAVE PRIORITY IN THE SYSTEM. THAT IS OUR CONCERN.

THIS IS ABOUT PRIORITY, BUT IT IS, ALSO, ABOUT LAWYERS MAKING DECISIONS ABOUT WHAT KINDS OF CASES THEY ARE GOING TO BE HANDLING, AND YOU KNOW, MR. KREIDLER SPECIALIZES AND HE IS DOING THESE TERMINATION CASES IN BROWARD COUNTY. THEY HAVE CONTRACT ATTORNEYS. SO SOMETIMES FOR A JUDGE TO TAKE AND APPOINT ONE ATTORNEY THAT MIGHT BE AN ATTORNEY THAT IS HANDLE AGO CAPITAL CASE, THAT WOULDN'T, YOU KNOW, DOES THAT HE ENHAPPEN? DO WE HAVE THAT -- DOES THAT EVEN HAPPEN? DO WE HAVE THAT AS A SCENARIO THAT WE NEED TO EVEN WORRY ABOUT?

I AM NOT AWARE OF THAT HAPPENING, BUT THE COMMITTEE FELT THAT, IF WE WERE GOING TO BE AMENDING THE RULE, THAT WE SHOULD WORRY ABOUT CAPITAL CASES BEING GIVEN PRIORITY OVER TERMINATION CASES. WE BELIEVE THAT, BECAUSE OF THE FUNDAMENT RIGHTS INVOLVED IN JUVENILE TERMINATION OF PARENTAL RIGHTS CASES HAD, THAT IT IS APPROPRIATE TO AMEND THE RULE JUST TO HAVE THAT PRIORITY, TO THESE KINDS OF, AND NOT NECESSARILY DEAL WITH ALL OF -- KINDS OF CASES, AND NOT NECESSARILY DEAL WITH ALL OF THE OTHER

KINDS OF CASES THAT WE WERE DISCUSSING EARLIER.

IN THE JUVENILE DEPENDENCY, IT IF AN ATTORNEY HAD TO BE A JUVENILE DELINQUENCY MATTER THAT BODILY AFFECTED THE CHILD, THE DEPENDENCY CASE WOULD TAKE PRIORITY OVER THE JUVENILE DELINQUENCY. ANOTHER TERMINATION OF PARENTAL RIGHTS CASE, NOT ALL JUVENILE DEPENDENCY CASES. ONLY THE DPR CASES WOULD HAVE PRIORITY. THAT IS THE POSITION OF THE COMMITTEE, AND OUR COMMITTEE, BY THE WAY, IS COMPOSED OF ATTORNEYS WHO PRACTICE BOTH DELINQUENCY AND DEPENDENCY WORK.

DO I UNDERSTAND YOU CORRECTLY THAT YOU SAY YOU DON'T ADVOCATE GIVING PRIORITY, THOUGH, TO OTHER CHILDREN'S ISSUES THAT ARE TIME SENSITIVE OVER CIVIL CASES OR DUI CASES OR THESE OTHER CASES?

I CAN'T SPEAK TO THAT. THIS -- OUR COMMITTEE WAS ASKED TO COMMENT ON MR. KREIDLER'S PETITION, WHICH WE SUPPORT. WE WERE NEVER ASKED TO ADDRESS AND I DON'T FEEL AT LIBERTY TO SPEAK ON BEHALF THE COMMITTEE FOR OTHER CHILDREN'S MATTERS WHICH WERE NEVER ADDRESSED, AND I AM HERE AS CHAIRMAN OF THAT COMMITTEE.

SO THAT COMMITTEE DIDN'T ADDRESS THAT.

NO. WE NEVER DISCUSSED THAT. WE ONLY DISCUSSED THAT, IN OUR VIEW, DPR CASES SHOULD RECEIVE PRIORITY. THEY INVOLVE FUNDAMENTAL RIGHTS AND SPECIFICALLY OTHER MATTERS, TERMINATION CASES ARE BELOW RECKLESS DRIVING CASES. THEY ARE BELOW THE CONTRACT DISPUTES AND THEY ARE BELOW OTHER KINDS OF CASES, AND THESE CASES INVOLVE FUNDAMENTAL RIGHTS. THIS COURT HAS RECOGNIZED FUND A.M. RIGHTS. THE RIGHT TO RAISE CHILDREN. THE RIGHT TO PRESERVE THE FAMILY. THIS COURT HAS RECOGNIZED THAT, IN THE CASE OF THE INTEREST OF DB, WHEN THE COURT FOUND THAT PARENTS ARE ENTITLED TO COUNSEL IN THESE CASES, AND BECAUSE OF THE UNIQUE NATURE OF TERMINATION OF PARENTAL RIGHTS CASES, THEY SHOULD BE TREATED DIFFERENTLY FROM OTHER KINDS OF CASES. THE COMMITTEE, ALSO, FEELS THAT IT IS IMPORTANT TO STRESS THE FACT THAT THESE KINDS OF CASES AFFECT CHILDREN, AND CHILDREN'S SENSE OF TIME IS VERY DIFFERENT THAN AN ADULT'S SENSE OF TIME. AS YOU POINTED OUT IN OUR REPLY BRIEF, THE NATIONAL COUNSEL OF JUVENILE COURT AND FAMILY JUDGES, THE SENSITIVE NEED OF THE COURT TO BE INVOLVED IN MANAGING AND TAKING PACE TO TAKE STEPS TO ELIMINATE UNNECESSARY DELAY, AND THIS COURT WOULD ASSISTIES IN THAT -- ASSIST IN THAT AND CERTAINLY NOT DIRECTION BUT USED AS A TOOL TO SEE THAT THESE CASES ARE QUICKLY MOVED THROUGH THE SYSTEM, MORE SO THAN THEY CURRENTLY ARE.

IS THIS COMMITTEE CURRENTLY WORKING ON ANY PROPOSALS THAT WOULD DO WHAT THE NATIONAL CONFERENCE IS SUGGESTING, WHICH IS TO ENSURE THAT THESE CASES GET MOVED THROUGH, SO THAT THE STATUTORY INTENT IS FULFILLED? IS THAT PART OF ANY PROPOSED RULES THAT YOUR COMMITTEE IS WORKING ON?

AT THIS TIME, THERE IS NOTHING IN PARTICULAR. THE STATUTE WAS RECENTLY CHANGED, AS YOU KNOW, TO REQUIRE THESE CASES TO MOVE QUICKER THROUGH THE SYSTEM, AND WE ARE JUST NOW GETTING SOME OF THE STATISTICS THAT WE NEED TO SEE WHETHER THE IMPACT OF A NEW STATUTE AND WHETHER IT MOVING THE CASE.

WE NEED TO HEAR FROM MR. WOODRING, ALSO.

FINALLY WE BELIEVE THAT THE PROMULGATION OF THIS RULE IS TOTALLY CONSISTENT WITH THE APPELLATE RULE, ROYAL 9.416, WHICH DOES PROVIDE THAT THE -- RULE 9.416, WHICH DOES PROVIDE THAT THE APPEAL SHOULD BE GIVEN PRIORITY. IN THE CASE OF GLS VERSUS DEPARTMENT, TERMINATION CASES NEED TO MOVE QUICKLY THROUGH THE SYSTEM AND NOT JUST AT THE APPELLATE LEVEL BUT AT THE TRIAL LEVEL AS WELL, SO ON BEHALF OF THE

JUVENILE COURT RULES COMMITTEE, WE DO ASK THAT YOU DON'T THE PROPOSAL FILED BY MR. KREIDLER. THANK YOU.

THANK YOU. MR. WOODRING.

MAY IT PLEASE THE COURT. MY NAME IS DANIEL WOODRING, AND I AM HERE, TODAY, REPRESENTING THE GOVERNOR IN THIS MATTER. THERE IS NOT A LOT THAT I HAVE TO SAY. IT HAS BEEN WELL COVERED BY THOSE THAT HAVE GONE BEFORE. I WOULD LIKE TO STRESS THAT THE GOVERNOR DOES BELIEVE THAT CASES INVOLVING CHILDREN ARE CRITICAL AND IMPORTANT, AND AS JUSTICE ANSTEAD POINTED OUT, ALL OF THE CASES ARE IMPORTANT. HOWEVER, IF FOR PURPOSES OF THIS RULE, AS HAS BEEN POINTED OUT BY THE OTHERS, WE ARE NOT DEALING WITH THE PROBLEM WITH THE EXTREMELY LONG TIME. IN MANY CASES WE ARE DEALING WITH A SMALL TOOL AND A SMALL ISSUE RELATING TO THIS TIMING. PARTICULARLY IN TERMINATION OF PARENTAL RIGHTS CASES, WHILE CASES INVOLVING CHILDREN ARE ALL IMPORTANT, THESE CASES ARE, I WOULD HAVE TO SAY, EVEN MORE IMPORTANT, BECAUSE, WHILE A CUSTODY BATTLE IS GOING TO MATTER VERY MUCH TO THE CHILDREN, WE ARE TALKING, HERE, ABOUT PERM NEBT CHANGES. -- PERMANENT CHANGES. WE ARE NOT TALKING ABOUT CUSTODY AMONG PARENTS. WE ARE TALKING ABOUT REMOVING PARENTAL RIGHTS, AND A DECISION IN THAT MATTER EITHER NEEDS TO BE MADE TO KEEP THE CHILDREN WITH THE PARENTS OR TO REMOVE THE CHILDREN FROM THE PATIENTS IN A -- FROM THE PARENTS IN AN EXPEDITIOUS MATTER, SO A HIGHER PRIORITY GIVEN TO PARENTAL RIGHTS CASES RATHER THAN TO THE ORDINARY CIVIL AND CRIMINAL CASES THAT ARE THERE, WE DO SUPPORT MR. KREIDLER.

THANK YOU.

MAY IT PLEASE THE COURT. PAUL REGENSDORF, APPEARING TODAY FOR THE RULES COMMITTEE. I CHAIRED THE SUBCOMMITTEE THAT FIRST DRAFTED THE RULE. THE POSITION OF THE COMMITTEE NEEDS TO BE FAIRLY CLEARLY STATED. THE COMMITTEE RECOGNIZES THE LAW WITH RESPECT TO GIVING IMPORTANCE TO THESE TICHES CASES. THE COMMITTEE -- TO THESE TYPES OF CASES. THE COMMITTEE, ALSO, RECOGNIZES THAT ARE THERE ARE OTHER TYPES OF CASES WITHIN THE LAW THAT,ING LEGISLATIVE LAW, CASE LAW, RULE LAW GIVES IMPORTANCE OR PRIORITY TO A VARIETY OF DIFFERENT TYPES OF CASES. AND THE COMMITTEE TAKES NO POSITION ON THAT. IT RECOGNIZES THE LAW AND RECOGNIZES THE LAW ON DPR CASES. IT, ALSO, MEANING THE COMMITTEE, TAKES NO POSITION ON THE RELATIVE IMPORTANCE OF THOSE PRIORITIES, BUT THAT IS WHERE ITS CONCERN PRINCIPLY LIES. WHAT THE COMMITTEE DOES FEEL, AND THE REASON IT DID NOT APPROVE MR. KREIDLER'S PROPOSAL, IT DOES NOT FEEL THAT THIS RULE IS THE APPROPRIATE PLACE OR THE APPROPRIATE WAY TO RECOGNIZE THAT SOME PRIORITY OR IMPORTANT TYPE OF CASE HAS THE MOST IMPORTANT TYPE OF PRIORITY. IF WE HAD TO CHOOSE, AND IT IS NOT REALLY OUR CHOICE -- WE ARE A PROCEDURAL COMMITTEE. WE ARE ARGUING NOT THE MERITS OF DPR CASES, THEIR IMPORTANCE. WE ARE TRYING TO CREATE A SET OF RULES THAT ALLOWS A PROPER APPLICATION OF JUSTICE ACROSS THE BOARD. WE FEEL, AS A COMMITTEE, THAT THE STATE, FEDERAL DOCUMENT THAT STARTED THIS ALL OUT AND OUR RULE VESTS THE ULTIMATE DECISION OF WHAT CASE SHOULD BE TRIED IN THE TRIAL JUDGE. USING THAT TRIAL JUDGE'S DISCRETION HAVING BEEN TRAINED TO EVALUATE THAT, HAVING BEEN AND PRIZED OF THE RELATIVE PRIORITIES OF ALL OF THE CASES THAT ARE BEFORE IT, THAT WOULD BE OUR --

WHAT WOULD YOU DO IN A SITUATION RAISED BY THE SECRETARY, WHERE ONE OF THE PARTIES - - WHERE ANOTHER TRIAL JUDGE DETERMINED THE CASE IN THAT COURT HAS PRIORITY?

WHENEVER YOU ARE DEALING WITH JUDICIAL DISCRETION YOU ARE NOT DEALING WITH PERFECTION. THE RULE DOES PROVIDE FOR COMMUNICATION BETWEEN THE JUDGES OF THE CONFLICTING DOCKETS THAT THE LAWYERS ARE ON. IT DOES NOT EXPRESSLY PROVIDE FOR A RESOLUTION OF THAT CONFLICT BY THE CHIEF JUDGE OF THE CIRCUIT, AND THAT IS, PERHAPS, A

POSSIBILITY FOR THAT, IN MY OPINION, RELATIVE UNLIKELY EVENT THAT THAT WOULD HAPPEN.

YOU SAID THE UNLIKELY EVENT THAT THAT WOULD HAPPEN, I MEAN, I ALWAYS HATE TO SAY, GOING BACK TO MY TIME, BECAUSE IT IS SO LONG AGO, BUT IT HAPPENS REGULARLY THAT SOME JUDGE IN ANOTHER COURT SAYS NO! I WON'T LET YOU OFF MY CASE. I DON'T CARE WHETHER YOU ARE TRYING A CASE IN JUDGE KIERNY'S COURT OR WHATEVER. YOU BE HERE ON MONDAY MORNING AT 8:30, AND WE ARE GOING TO START THE TRIAL OF THIS CASE. I THINK WE WOULD BE IGNORING THE OBVIOUS TO SAY THAT THAT DOESN'T GO ON IN OUR STATE COURTS HERE. MY QUESTION TO YOU IS THAT GRANTED AS EVERYBODY HAS SAID, THIS IS REALLY A TINY PIECE OF A MUCH BROADER ISSUE HERE, THIS RULE, IN FACT, DOES SET PRIORITIES, DOES IT NOT? RIGHT NOW IT HAS SOME GUIDANCE FOR JUDGES ABOUT HOW TO PRIORITIZE, WHEN THIS CONFLICT SITUATION COMES UP. RIGHT?

IT GIVES JUDGES GUIDANCE WHEN A LAWYER HAS A CONFLICT WITH TWO COURTS. YES, SIR.

THAT IS ALL, REALLY, THAT IT IS, BUT IT DOES HAVE PRIORITIES. RIGHT?

IT DOES, INDEED. THAT'S CORRECT.

NOW, AND, GRANTED, THAT THIS IS REALLY SORT OF A NARROW ISSUE HERE, AS FAR AS TAKING THIS VERY NARROW CLASS OF CASES, WHEN THE RULE PROBABLY WAS INTENDED TO BE BROADER, YOU KNOW, ABOUT --

IT WAS.

-- BUT HOW COULD THE COMMITTEE OBJECT, IN TERMS OF IF WE ARE GOING TO HAVE SOMETHING THAT PRIOR TOOIZ -- PRIOR TOOIZ, HOW COULD THE COMMITTEE -- PRIORITIZES, HOW COULD THIS COMMITTEE OBTO SOMETHING BEING PUT UP AT THE TOP OF THE LIST OF PRIORITIES AS OPPOSED TO THE DUI CASE OR THE CIVIL CASE OR THE SMALL CLAIMS CASE OR WHATEVER, AND DOES THE COMMITTEE, REALLY, OPPOSE THAT, AS OPPOSED TO SAYING, WELL, IF WE ARE GOING TO DO SOMETHING WITH THIS, WE OUGHT TO THINK IT OUT AND BROADEN IT OR WHATEVER.

NUMBER ONE, THE COMMITTEE DOES NOT THINK THAT THIS IS NOT THE MOST IMPORTANT. WHAT THE COMMITTEE SAYS IS THAT THE WAY TO DETERMINE IS THERE REALLY A MOST IMPORTANT CASE IN THE ENTIRE SYSTEM OF STATE COURT JUSTICE? IS THERE, AND IS IT DPR CASES? MAYBE IT IS, BUT IT IS NOT OUR COMMITTEE'S JOB TO DO. THAT THE ESTABLISH PRESIDENT OF THE FINAL PRIORITY SHOULD BE BY SOME GROUP BROADER OR GIVEN A SPECIFIC MANDATE. NUMBER ONE, THE WAY TO ESTABLISH --

LET ME STOP YOU THERE. WHO DRAFTS THIS RULE?

ORIGINALLY THE JOINT FEDERAL CONFERENCE, AND THEN WE ADOPTED THE ESSENTIAL FINDINGS OF IT AS A BROAD SET OF GUIDELINES.

SO YOUR COMMITTEE DOES THIS RULE, RIGHT? WHATEVER THIS RULE IS GOING TO SAY IS GOING TO HAVE A LOT OF INPUT BY YOUR COMMITTEE.

YES.

IF IT HAS FIVE CATEGORIES, IT IS GOING TO HAVE TO MAKE A DECISION AS TO WHAT IS CATEGORY FOUR AND WHAT IS CATEGORY FIVE.

ABSOLUTELY.

AND WHAT IS CATEGORY ONE, RIGHT?



ABSOLUTELY.

THAT IS WHAT YOUR COMMITTEE DOES.

I THINK, CONCEIVABLY THAT IS WITHIN THE SCOPE OF THE COMMITTEE'S JOB, BUT TO DO THAT IN AN EMERGENCY RULE PROPOSAL, WHERE YOU ARE NOT SAYING WHAT ARE ALL OF THE PRIORITIES THAT FLORIDA LAW RECOGNIZES, AND NOW LET'S RANK THEM --

TELL ME WHAT HARM THE ADOPTION OF THIS RULE IS GOING TO DO OUT THERE.

WELL, IF DPR IS THE MOST IMPORTANT -- IF -- IF TPR IS, IN FACT, THE MOST IMPORTANT CASE, THEN IT DOES NO HARM, AND IT DOES A SMALL PART OF PROVING GOOD, BUT THERE ARE MANY OTHER TYPES OF CASES THAT HAVE BEEN IGNORED OR NOT TREATED BY THIS, AND I DON'T THINK, AND, AGAIN, I HATE TO BRING IN THE REAL REASON OUR COMMITTEE IS HERE. OUR COMMITTEE IS A PROCEDURAL RULE COMMITTEE. THIS IS NOT A GOOD PROCEDURE FOR THE PEOPLE OF FLORIDA TO DECIDE WHAT IS THE MOST IMPORTANT TYPE OF RULE.

LET ME ASK YOU, ALONG THAT LINE --

YES, SIR.

SINCE YOU ARE A PROCEDURAL COMMITTEE, HAS YOUR COMMITTEE CONSIDERED AN INTRA CIRCUIT CONFLICT RULE, TO PUT ANY TYPE OF RESPONSIBILITY ON THE CHIEF JUDGE? HAS BEEN THAT BEEN CONSIDERED AND REJECTED OR CONSIDERED --

CONFLICT OF LAWYER SCHEDULING THAT WE ARE TALKING ABOUT RIGHT HERE?

RIGHT. SO THERE IS A PROCEDURE, WITHIN THE CIRCUIT, TO RESOLVE THE TYPE OF CONFLICT THAT THE SECRETARY --

I DON'T BELIEVE SO. I THINK WHAT WAS DONE WAS, IN THIS RULE WE TOOK THE GENERAL SCOPE OF HOW CONFLICTS ARE RESOLVED IN STATE-FEDERAL, WHICH IS STATE COURT JUDGE A TALKS TO FEDERAL JUDGE B AND THEY TRY TO RESOLVE IT, AND WE TRY TO KEEP IT AT THAT LEVEL OF GENERAL PROCEDURES AND SAID THE TWO JUDGES SHOULD RESOLVE IT. WE HAVE NOT, AND I THINK IT SHOULD HAVE VERY DEFINITE MERIT, THAT IF A COUNTY JUDGE REFUSES TO LET SOMEONE GO TO A CIRCUIT COURT CASE, SHOULD RESOLVE THAT, BUT IT SHOULD GO TO ACHIEVE JUDGE FOR RESOLUTION, THE TWO CHIEF JUDGES OF THOSE CIRCUITS, IF IT IS TWO DIFFERENT CIRCUITS, THAT POSSIBILITY, BUT WE DID NOT EXPRESSLY CONSIDER THE CHIEF JUDGE. THE CONCERN, AGAIN, IS THAT THIS RULE IS A LAWYER CONFLICT RULE. THIS RULE DOES NOT -- IS NOT INTENDED TO APPLY AND DOES NOT APPLY TO WHAT IS THE MOST IMPORTANT TYPE OF CASE. IF I AM A LAWYER --

IT DOES, YOU SEE, GIVE SOME GUIDANCE, AND IT ACTUALLY OPERATES THIS WAY NOW. ALL RIGHT. IF WE HAVE A JUDGE, FOR INSTANCE, THAT HAS A CATEGORY FIVE OR, UNDER THIS RULE CASE, AND THEN WE HAVE A JUDGE OVER HERE THAT HAS A CATEGORY ONE CASE, PRESUMABLY, IF THOSE TWO JUDGES NOW ARE GOING TO FOLLOW THE GUIDANCE OF THAT RULE, THE CATEGORY FIVE JUDGE WILL DEFER TO THE CATEGORY ONE JUDGE, AND THEY WON'T HAVE TO TALK ABOUT IT --

HE OR SHE SHOULD. THAT'S CORRECT.

THEY HAVE GUIDANCE, AND TO UNDERSTAND THERE IS SOME POLICY, YOU KNOW, BEHIND THAT, SO IT TAKES AWAY THE NEED FOR HAVING ANY OF THAT, AND SO IF A DUI CASE IS IN CATEGORY FIVE AND THE TERMINATION OF PARENTAL RIGHTS CASE IS IN CATEGORY ONE, WE DON'T NEED ALL OF THAT RIGHT? ISN'T THAT REALLY THE PURPOSE OF THE RULE, IS SO THAT WE DON'T NEED

TO HAVE JUDGES FIGHTING ABOUT WHETHER THE CASES IN THEIR COURTROOM ARE GOING TO GO FORWARD AND THE CASES OVER THERE, THEY DON'T CARE ABOUT? IT IS TO GIVE THEM GUIDANCE AND NOT HAVE TO FIGHT ABOUT THAT. ISN'T IT?

IF TPR IS DETERMINED BY THE APPROPRIATE BODY TO BE THE MOST IMPORTANT ONE, AND THE JUDGES FOLLOW THE GUIDELINES THAT WE NOW HAVE AS PROOF --

THE BODY -- WHAT OTHER BODY --

I THINK THE COURT OF THE LEGISLATE -- THE COURT OR THE LEGISLATURE SHOULD BE SETTING APPROPRIATE GUIDELINES ON THE RELATIVE PRIORITY OF THE THING, BUT WHAT I WANTED TO GET BACK TO, IF TPR OR ADOPTION OR ELDER RIGHTS OR DOMESTIC ABUSE CASES ARE THE MOST IMPORTANT OR AN IMPORTANT THING, THOSE AREN'T ADDRESSED IN THIS RECALL, BECAUSE THIS RULE ONLY ALLOWS GUIDANCE WHEN A LAWYER IS SCHEDULED TO BE IN TWO PLACES. IF I AM A LAWYER WAITING TO GET MY TPR CASE TRIED IN FRONT OF JUDGE X, AND JUDGE X HAS OTHER CASES OF OTHER TYPES SCHEDULED AT THE SAME TIME, THIS RULE DOESN'T APPLY.

YOU SAY THE RULE DOESN'T APPLY.

YES, SIR.

BUT IT HAS TO MAKE A CHOICE, FOR THE COURT AND THE LAWYER, TAKING INTO CONSIDERATION WHAT THESE CATEGORIES ARE. SO I AM HAVING DIFFICULTY UNDERSTANDING YOU SAYING THAT IT DOESN'T SPEAK TO THAT, BECAUSE IN ESSENCE WHAT IT SAYS IS THAT ATTORNEY X, WE ARE GOING TO MAKE THE DECISION FOR YOU. YOU KNOW, YOU HAVE A DUI CASE OVER THERE. AND GRANTED THAT IS OBVIOUSLY IMPORTANT TO YOUR CLIENT AND TO THE COURT OVER THERE, BUT YOU, ALSO, HAVE THIS CASE OVER HERE, AND THE SUPREME COURT, BY THE ADOPTION OF THIS RULE, HAS SAID CASE OVER HERE IS IN A HIGHER CATEGORY, AND SO IN TERMS OF WHETHER YOU HAVE TO BE OVER THERE OR YOU ARE GOING TO BE OVER HERE, IT DOES INVOLVE THAT, DOES IT NOT?

I AM NOT BEING CLEAR. LET ME TRY AGAIN. WHAT I AM TRYING TO SAY IS THAT, IF I AM A LAWYER AND I HAVE A TPR CASE, IT IS THE ONLY CASE THAT HE I HAVE. I HAVE NO CALENDAR CONFLICT AT ALL. I AM ON A DOCKET IN FRONT OF JUDGE X TODAY, BUT JUDGE X HAS OTHER CASES OF ANOTHER SORT, JUDGE X DOES NOT LOOK TO THIS RULE TO DECIDE WHAT CASE TO HEAR, BECAUSE JUDGE X DOESN'T HAVE A CALENDAR CONFLICT QUESTION. IT IS MY CALENDAR CONFLICT, AS A LAWYER, THAT THIS RULE ADDRESSES. THAT IS ALL.

ALL YOU ARE SAYING IS THAT IT IS NOT BROAD ENOUGH. IT IS ONLY, AS JUSTICE ANSTEAD SAID EARLIER, A TINY TOOL TO DEAL WITH SOMETHING WHICH I DON'T THINK MOST PEOPLE WOULD BE A CORRECT SITUATION, THAT IS IF SOMEONE IN COUNTY COURT HAS A DUI CASE, AND THAT JUDGE SAYS I HAVE PRIORITY BECAUSE IT IS A JURY TRIAL. I MEAN, WE HAVE MADE A VALUE JUDGMENT, AND IT IS BY THIS RULE, THE JURY TRIAL IS MORE IMPORTANT THAN NONJURY TRIALS.

THAT'S CORRECT.

THERE FOR THERE ARE VERY SIGNIFICANT CASES IN THE SYSTEM THAT GET TRIED NONJURY THAT ARE SHOVED TO THE BOTTOM AMONG CONFLICTS, SO WE ARE NOT TALKING ABOUT ALL OF THE OTHER THINGS THAT WE, THIS COURT OR THE RULES COMMITTEE COULD BE DOING, BUT JUST THIS PROBLEM THAT IS THAT NONJURY TRIALS RIGHT NOW ARE GIVEN LESS PRIORITY TO JURY TRIALS, AND UNDER THIS RULE.

OF COURSE IT MUST BE RECOGNIZED THAT A JUDGE APPROPRIATELY CAN LOOK AT THE NATURE OF A NONJURY TRIAL. THE NUMBER OF WITNESSES, PRIORITIES GIVEN THAT NONJURY TRIAL, AND

CAN PUT THAT AHEAD OF A JURY TRIAL. THESE ARE GUIDELINES ONLY. SO THE SCOPE OF THE RULE IS A SET OF DEADLINES. IT NOT A CHISELED IN STONE SET OF YOU HAVE GOT TO GO NUMB ONE BEFORE NUMBER TWO. ANOTHER TWO JUDGES CAN AGREE THAT IT IS NOT THIS RULE WHICH GOVERNS.

IT DOESN'T REALLY SAY THAT, AND, AGAIN, THE RULE ONLY COVERS THE LAWYER CONFLICT. A SMALL TOOL, PERHAPS, BUT WHAT WE ARE REALLY TALKING ABOUT HERE, IS IF TPR CASES OR ADOPTION OR ELDERLY CASES OR WHATEVER ARE THE MOST IMPORTANT OR CATEGORY ONE IMPORTANCE GREATER THAN CATEGORY TWO PRIORITY GREATER THAN CATEGORY THREE IMPORTANCE PRIORITY. THAT IS WHAT I AM REALLY HERE ARGUING FOR. AS A RULE-MAKING PROCESS, IT IS A REAL BAD WAY TO MAKE RULES, IN GENERAL, TO PICK OUT AN AD HOC ISSUE AND THROW IT INTO A GENERAL RULE AND GIVE IT SUPREME PRIORITY IN A NARROW ISSUE OF POTENTIAL LAWYER CONFLICT CASES. WE, AS A COMMITTEE, SAID THAT IS NOT THE WAY TO DO IT, FOR A WHOLE VARIETY OF REASONS, AND IT IS NOT A REAL POPULAR POSITION, I TAKE, COMING INTO THIS COURT, LINING UP AGAINST THESE FINE PEOPLE WHO ARE ADVOCATES FOR THEIR CAUSE, BUT IF WE ASKED THESE PEOPLE TO STEP OUT AND BRING IN ELDERLY ISSUES ARGUMENTS, YOU WOULD STAND UP HERE, TOO, AND I WOULD MAKE EXACTLY THE SAME ARGUMENT AND SAY, YES, IT IS IMPORTANT, LET'S LOOK AT IT NOT IN AN EMERGENCY RULE TO ADDRESS LAWYER CONFLICTS TO ADDRESS A SPECIFIC PRIORITY. LET'S NOT DO THIS THAT WAY. LET'S LOOK AT SOME SYSTEM, WHERE, IF WE THINK IT IS IMPORTANT, IF WE WANT TO GET AWAY FROM JUDICIAL DISCRETION I DON'T DEFEND THE DUI COUNTY COURT JUDGE. THE JUDICIAL SYSTEM DIDN'T WORK IN THAT CASE. I WOULD AGREE WITH THAT, BUT THAT IS VESTED. THAT IS THE WAY THE SYSTEM GENERALLY WORKS IS A PERFECT NO. OUR COMMITTEE OPTED BETTER FOR THAN THAN FOR SOME COURT OR LEGISLATIVE COMMITTEE SAYING IN EVERY SINGLE CASE OF CATEGORY A, FILL IN THE BLANK, TPR, ELDER RIGHTS OR WHATEVER, WE THINK, SITTING HERE IN THE ABSTRACT, THAT EVERY SINGLE TPR CASE IS MORE IMPORTANT THAN ANY OTHER SINGLE TYPE OF PRIORITY CASE THAT COULD EVER COME UP.

WELL, THEN, WHAT DO YOU SUGGEST THAT WE DO? IF WE AGREE THAT THESE TERMINATION OF PARENTAL RIGHTS CASES ARE IMPORTANT AND SHOULD HAVE SOME KIND OF PRIORITY, WHERE DO YOU SUGGEST THAT WE HAVE THIS KIND OF RULE OR WHAT COMMITTEE SHOULD IT BE GIVEN, TO MAKE THAT DETERMINATION?

OBVIOUSLY IF YOU AGREE THAT THEY HAVE THE MOST PRIORITY IN THE SYSTEM, UNDER ALL CIRCUMSTANCES, WITHOUT THE EXERCISE OF JUDICIAL DISCRETION THEN YOU CAN DON'T THE JUVENILE RULES AMENDMENT AND PUT THOSE INTO THIS RULE. I STILL DON'T LIKE THE PROCESS, BUT YOU HAVE MADE A VALUE JUDGMENT, AND THAT IS FINE. I DO THINK THAT, IF THERE IS GOING TO BE A GLOBAL EVALUATION OF ALL OF THE CONFLICTS THAT ARE RECOGNIZED BY FEDERAL, STATE, AND CASE LAW AND STATUTES, I THINK THAT, PROBABLY, EITHER A SPECIAL COMMISSION OR THE RULES OF JUDICIAL ADMINISTRATION, BRINGING INTO IT ADVOCATES FOR JUVENILE RIGHTS, SO THAT WE NOT ONLY ARE ADDRESSING TPR CASES BUT ADOPTION CASES AND OTHER CASES INVOLVING CHILDREN. THE FOURTH DISTRICT HAS EXPEDITED, IN SOME WAY, CHILDREN'S RIGHTS CASES FOR YEARS. DIDN'T PUT THEM NUMBER ONE. DIDN'T THROW OUT EVERY OTHER DOCKET IN THE WORLD AND MAKE IT THE NEXT CASE ARGUED, BUT IT GAVE IT PRIORITY. INTERESTINGLY ENOUGH, THE GOVERNOR'S POSITION, THE SECRETARY'S POSITION IN THIS CASE SAID THEY SHOULD BE GIVEN APPROPRIATE PRIORITY, TPR HE, AND WE HAVE NO PROBLEM WITH IT BEING GIVEN APPROPRIATE PRIORITY. WHO IS GOING TO DECIDE THAT? THE TRIAL JUDGE WITH YEARS OF DISCRETION DECIDING THAT. IS THAT GOING TO BE PERFECT? JUSTICE ANSTEAD, NO IT IS NOT, BUT I FELT, THE COMMITTEE FELT THAT IF IT COMES DOWN THAT SQUABBLE, THAT SAD FIGHT WHERE THE JUDGE SAYS I AM GOING TO BRING THIS GUY IN FOR A DUI CASE AND NOT TRY THE TPR MATTER, WE FELT BETTER ABOUT JUDGES ON THE GROUND, LOOKING AT ALL OF THE FACTORS IN TERMS OF THAT DISPUTE, IN THE LAWYER CONFLICT, WITHOUT GIVING ANY GROUP THE ABILITY TO SAY THIS IS THE MOST IMPORTANT IN ANY CIRCUMSTANCE, NO MATTER WHAT THE FACTS ARE, BECAUSE WE ARE NOT GOING TO LOOK AT

THE FACTS. WE ARE NOT GOING TO CONSIDER DISCRETION. WE ARE NOT GOING TO CONSIDER WHAT OTHER FACTORS THERE MAY BE. WE ARE GOING TO SIMPLY SAY THAT CASE X, ADOPTION, FILL IN THE BLANK, DOMESTIC ABUSE, INJUNCTIONS, WHATEVER, WE ARE GOING TO SAY THAT THAT IS THE MOST IMPORTANT AND YOU GO FIRST. WE DON'T LIKE THAT AS A MEANS OF ESTABLISHING A SYSTEM TO ADMINISTER JUSTICE. THAT IS OUR COMMITTEE'S VIEW. THE SEVEN OF YOU TELL WAS TO DO, IF YOU TELL US THAT WE ARE GOING TO PUT 2.052 AND SAY THAT TPR CASES ARE NUMBER ONE, THAT IS FINE. JUSTICE QUINCE, IF YOU ASK ME HOW IT SHOULD BEST BE ADOPTED, I DON'T KNOW THAT WE SHOULD LOOK AT ALL OF THE PRIORITIES THAT EXIST AND TRY TO RANK THEM IN THE ABSTRACT. I CERTAINLY WOULD NOT BE IN FAVOR OF TRYING TO GIVE AN ABSOLUTE LISTING AND RANKING THAT A NUMBER 13 PRIORITY ALWAYS BEATS A NUMBER 17 PRIORITY. I SUPPOSE WE COULD COME UP WITH A GROUPING OF CATEGORIES OF CONFLICT. OR PRIORITIES. THESE TYPES OF CASES ARE CATEGORY ONE PRIORITY. THEY GENERALLY WOULD PREVAIL OVER CATEGORY TWO PRIORITY CASES THAN THOSE OVER CATEGORY THREE PRIORITY. THAT COULD BE DONE AFTER YOU GLOBALLY LOOKED AT THE LAW TO SEE WHAT CASES ARE OUT THERE.

WHAT IS DONE NOW?

THIS RULE IS NOT ADDRESSING --

THIS RULE DOESN'T RANK CIVIL CASES DIFFERENT THAN CRIMINAL CASES?

I AM TALKING ABOUT THE SPECIFIC TYPES OF PRIORITIES WITHIN CIVIL OR WITHIN CRIMINAL.

IT ALREADY HAS A SET OF VALUES IN IT?

NO QUESTION.

WHERE DOES IT RANK CRIMINAL RELATIVE TO CIVIL?

CRIMINAL IS GENERALLY PREFERRED OVER CIVIL.

SO THE COMMITTEE HAS CHOSEN VALUES IN DOING THAT.

BUT WHAT I AM SAYING, IN TERMS OF THE GUIDELINE --

HOW DID IT MANAGE TO DO THAT?

THE WAY WE DID THAT IS WE LOOKED AT THE FEDERAL AND STATE SET OF GUIDELINES.

YOU LOOKED AT SOME OTHER SET OF GUIDELINES?

YES, SIR.

YOU MADE A VALUE CHOICE, IN RECOMMENDING THAT TO THE COURT, DID YOU NOT?

WE DID, AND THE VALUE CHOICE THAT WE MADE WAS THAT, RATHER THAN GOING THROUGH A REEVALUATION OF ALL OF THE BROAD CATEGORIES, CIVIL, CRIMINAL, JURY, NONJURY, WE WOULD TAKE THE FEDERAL AND STATE SET OF GUIDELINES AND DON'T THOSE SETS OF PRIORITIES, EVEN THOUGH YOU COULD QUARREL WITH THE GENERAL PRIORITIES, AND THE REASON WE DID THAT, WHEN COURTS ARE RESOLVING CONFLICTS AND LAWYERS LOOK TO THE GENERAL RULES TO RESOLVE THE CONFLICTS, WHETHER STATE-FEDERAL OR STATE-STATE, THE SAME BROAD GENERAL SETS OF CONFLICT RESOLUTION PRINCIPLES ARE APPLIED.

SO YOU ARE SAYING THE COMMITTEE DIDN'T MAKE A VALUE JUDGMENT. IT DIDN'T DECIDE -- IT WOULD RECOMMEND THAT THE CRIMINAL BE GIVEN CONSIDERATION OVER CIVIL.

WE MADE THE VALUE JUDGMENT THAT THE RATIONALE DECISIONS MADE BY THE FEDERAL-STATE CONFERENCE WERE PRETTY GOOD. FOR EXAMPLE, ONE OF THEM WAS THAT, I THINK, THE FEDERAL-STATE RULE SAID THAT THE CASE FIRST NOTICE FOR TRIAL SO MUCH AS TWO SIMPLE CIVIL CASES. NO PRIORITIES INVOLVED. JUST TWO CIVIL CASES, AND THE LAWYER IS INVOLVED IN BOTH OF THEM. THE STATE-FEDERAL SAID THAT THE CASE FIRST NOTICED FOR TRIAL WOULD HAVE PRIORITY. I THINK, IF OUR COMMITTEE HAD HAD TO MAKE A CHOICE, WE WOULD HAVE SAID THAT THE CASE FIRST FILED. LET'S GET THE OLDEST CASE OUT OF THERE AND NOT THE ONE FIRST NOTICE PD FOR TRIAL, BUT WE SAID WE WOULD OPT IN FAVOR OF UNIFORMITY, SO THAT THE SYSTEM, THAT THE JUDGES WOULD BE ABLE TO AND -- TO APPLY THE SAME SETS OF RULES, BUT GOING THROUGH THE 50 OR 10 SETS OF LAWS -- OR 100 SETS OF LAWS THAT WOULD GIVE BROAD PRIORITY CATEGORIES, ABSOLUTELY GIVE NO PRIORITY TO DOING THAT. WHEN MR. KREIDLER'S PETITION WAS FILED, RAISE AGO VERY IMPORTANT QUESTION, WE, AGAIN, SAID THAT IT WAS NOT A BAD IDEA, NOT THAT WE DON'T LIKE TPR CASES, NOT THAT THEY SHOULDN'T BE NUMBER FOUR RATHER THAN NUMBER ONE, BUT THAT IT IS NOT THE PLACE TO PUT IT AND NOT THE WAY TO DO IT, AND MR. KREIDLER AND ALL OF THESE OTHER FINE PEOPLE ARE SAYING THIS IS THE MOST IMPORTANT CASE IN THE STATE OF FLORIDA. IF IT IS, THEN IT SHOULDN'T BE RECOGNIZED WITH A LITTLE TOOL IN THIS RULE. WE SHOULD WRITE A RULE THAT ESTABLISHES PRIORITIES. IT SHOULD SAY THE COURTS IN THE STATE OF FLORIDA SHOULD RECOGNIZE THE FOLLOWING RANKING OF PRIORITIES IN ALL CASES, NOT JUST WHEN THERE IS A LAWYER CONFLICT. THAT IS A VERY SMALL CIRCUMSTANCE. CASE NUMBER ONE PRIORITY, TPR CASE. CASE NUMBER TWO DOMESTIC ABUSE INJUNCTION. CASE NUMBER THREE, ELDER STATUTE, WHATEVER IT IS. IF THAT IS WHAT SHOULD BE DONE, THAT IS THE WAY TO DO IT AND NOT TO DO HERE, AND IT SOUNDS LIKE I AM ARGUING AGAINST APPLE PIE, BUT IF THE STATE OF WASHINGTON WANTED TO PASS A LAW SAYING THAT ALL RESTAURANTS SHALL SERVE APPLE PIE, I WOULD HAVE TO COME IN HERE, IF I WERE AGAINST IT AND SAY APPLE PIE MAY BE THE BEST PIE IN THE WORLD, BUT LET'S LET THE JUDGE WHO IS GOING TO CONSUME THAT EXERCISE IT. MAYBE THE JUDGE, THE CONSUMER WANTS CHERRY PIE. AND IN THIS CASE, I, THE COMMITTEE, EXCUSE ME, THE COMMITTEE FELT THAT THE RESOLUTION, ALBEIT IMPERFECT, BECAUSE WE ARE DEALING WITH HUMAN BEINGS, TO RESOLVE THE CONFLICT THAT MR. KREIDLER HAS WITH A GAY OVER HERE TRY AGO DUI CASE IS BETTER RESOLVED BY THE JUDICIAL DISCRETION OF THE JUDGES INVOLVED. THANK YOU.

THANK YOU. THANKS TO ALL OF YOU FOR ASSISTING US IN THE RESOLUTION OF THIS MATTER.