

RECEIVED, 11/13/2013 13:28:42, John A. Tomasino, Clerk, Supreme Court

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE CODE  
OF JUDICIAL CONDUCT; THE  
FLORIDA RULES FOR CERTIFIED  
AND COURT-APPOINTED  
MEDIATORS; THE FLORIDA RULES  
OF CIVIL PROCEDURE; THE  
FLORIDA RULES OF JUDICIAL  
ADMINISTRATION; THE FLORIDA  
RULES OF JUVENILE PROCEDURE;  
AND THE FLORIDA FAMILY LAW  
RULES OF PROCEDURE —SENIOR  
JUDGES AS MEDIATORS

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CASE NO. SC13-1732

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**COMMENTS OF  
THE CONFERENCE OF COUNTY COURT JUDGES OF FLORIDA  
IN OPPOSITION TO PROPOSED AMENDMENTS**

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**COMMENTS OF**  
**THE CONFERENCE OF COUNTY COURT JUDGES OF FLORIDA**  
**IN OPPOSITION TO PROPOSED AMENDMENTS**

The Conference of County Court Judges of Florida [hereinafter “the County Conference”] opposes the changes contained in SC13-1732 in their entirety and respectfully requests that they not be adopted.

**THE MEMBERSHIP IS OPPOSED**

In response to the Court’s invitation for comments on proposed amendments to prohibit senior judges from serving as mediators, the President of the County Conference formed an *ad hoc* committee to canvass the County Conference’s entire membership on what each member thought about the proposed rule changes. The committee was directed to collect and consider all of the comments made by all members of the County Conference while making a special effort to solicit input from those members of the County Conference who presently serve as Senior Judges. In conducting this canvass, the County Conference’s twenty Circuit Representatives were utilized and directed to canvass the county judges in their respective circuits for comments on the proposed rule changes and to notify the *ad hoc* committee as to whether the judges in their circuits oppose the rule change, do not oppose the rule change or have no opinion on the rule change. The results of this canvass are that a substantial majority of the County Court judges are opposed to the proposed changes. This is true when the results are considered on a circuit

by circuit basis which allows small and large population circuits to have equal voice. This also appears true when considered on the basis of absolute numbers alone.

### **THE LEADERSHIP IS OPPOSED**

The Executive Committee of the County Conference has met to consider the canvass results and to decide on what comments to present to the Court. According to the Bylaws of the County Conference, the Executive Committee is comprised of all of the County Conference's elected officers and elected five District Vice-Presidents. The Executive Committee also includes the Conference Manager and Legislative Chair who are appointed by the County Conference's President. The Executive Committee carefully considered the canvass results and decided to affirm those results by unanimously voting to oppose the Court's proposed amendments. The Executive Committee also unanimously voted to make the below stated endorsements.

The members and leaders of the County Conference have given many reasons why they oppose the proposed amendments. Some primary reasons include, but are not limited to, the following:

- No knowledge of any incidents of conflict or misconduct involving senior judges also serving as mediators so no problem exists that needs a fix;

- Current ethical regulations are sufficient and the proposed prohibition could limit use of senior judges, especially in smaller Circuits; and
- County Judges often depend on the services of senior judges in times of forced absence and illness and a diminution of their ranks would adversely affect the continuity of service to citizens.

### **THE COUNTY CONFERENCE AGREES WITH OTHERS OPPOSED**

The County Conference endorses the Comments of the Circuit Chief Judges of Florida in opposition to Proposed Amendments.

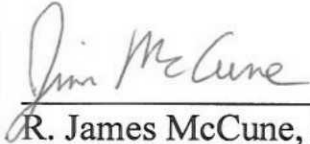
The County Conference endorses the Comments of the Conference of Circuit Court Judges of Florida, Inc. in opposition to Proposed Amendments.

The County Conference endorses the Judicial Ethics Advisory Committee's Comments in Response to Proposed Amendments on their stated reasons one through four. The County Conference does not think any "solution" is needed at this time and therefore does not endorse the stated fifth reason which can be construed as proposing an amendment to Canon 5F(2) of the Code of Judicial Conduct.

### **CONCLUSION**

For all of the forgoing reasons set forth above, the County Conference asks the Court to not adopt the changes contained in SC13-1732.

Respectfully submitted on this 13<sup>th</sup> day of November, 2013.



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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing "Comments of the Conference of County Court Judges of Florida in Opposition to Proposed Amendments" was furnished by electronic mail on November 13<sup>th</sup>, 2013, to the following:

[1] The Honorable Olin W. Shinholser, Chair, Conference of Circuit Judges of Florida, [oshinholser@jud10.flcourts.org](mailto:oshinholser@jud10.flcourts.org);

[2] The Honorable J. Thomas McGrady, Chief Judge, Sixth Judicial Circuit and Chair, Judicial Administration Committee of the Conference of Circuit Judges of Florida, [enew@jud6.org](mailto:enew@jud6.org);

[3] The Honorable Stevan Northcutt, Chair, Conference of District Court of Appeal Judges of Florida, [northcus@flcourts.org](mailto:northcus@flcourts.org);

[4] The Honorable William D. Palmer, Chair, Supreme Court Alternative Dispute Resolution Rules and Policy Committee, [palmerw@flcourts.org](mailto:palmerw@flcourts.org);

[5] The Honorable Margaret Steinbeck, Chair, Trial Court Budget Commission, [msteinbeck@ca.cjis20.org](mailto:msteinbeck@ca.cjis20.org);

[6] The Honorable Roberto Arias, Chair, Judicial Ethics Advisory Committee, [rarias@coj.net](mailto:rarias@coj.net);

[7] The Honorable Jon B. Morgan, Chair, Rules of Judicial Administration Committee, [ctjujm2@ocnjcc.org](mailto:ctjujm2@ocnjcc.org);

[8] Whitney M. Untiedt, Chair, Juvenile Court Rules Committee, [untiedtw@pdo8.org](mailto:untiedtw@pdo8.org);

[9] The Honorable Thomas H. Bateman, III (retired), Chair, Civil Procedure Rules Committee, [tbateman@lawfla.com](mailto:tbateman@lawfla.com);

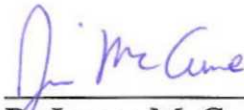
[10] Mary L. Miller Wagstaff, Chair, Family Law Rules Committee, [marylou@wagstafflawoffice.com](mailto:marylou@wagstafflawoffice.com);

[11] The Honorable David L. Tobin, Senior Judge, [osomodevilla@jud11.flcourts.org](mailto:osomodevilla@jud11.flcourts.org);

[12] The Honorable John C. Lenderman, Senior Judge, [judgejcl@hotmail.com](mailto:judgejcl@hotmail.com);

[13] John F. Harkness, Jr., Exec. Dir., The Florida Bar, [jharkness@flabar.org](mailto:jharkness@flabar.org); and

[14] Peter M. Dunbar, for the Conference of Circuit Court Judges of Florida, Inc., [pete@penningtonlaw.com](mailto:pete@penningtonlaw.com).



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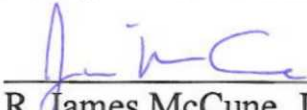
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### **CERTIFICATE OF COMPLIANCE**

I HEREBY CERTIFY that this Comment complies with the font requirements of Fla.R.App.P. 9.100 and is printed in Times New Roman 14-point font.



R. James McCune, Jr.