

County Court Courier

Conference of County Court Judges of Florida Volume 9, Number 2, Fall 2004

Brevard Judge A.B. Majeed Is New Conference President

By Judge Peggy Gehl

The Conference of County Court Judges welcomes Brevard County Judge A.B. Majeed as its President for the 2004-05 term, and Manatee County Judge K. Doug Henderson as its President-Elect.

Nicknamed “Mr. Patriotism” for delivering stirring patriotic speeches about the abundant opportunities America provides, Judge Majeed has declared the primary goal of his term to be increased visibility of all county judges within their communities. He opened his first Conference Board meeting by encouraging all judges to read in schools to increase our judicial public image.

Judge Majeed was elected to the bench as the first minority elected to countywide office in Brevard County, and began his judicial assignment in 1993. He has truly lived the American dream and come a long way from his humble beginnings in British Guyana, South America. His ancestors arrived in British Guyana from India as indentured servants, enduring a treacherous crossing over the “kalapani,” or black water, with the promise of a short journey and money to bring home to their families. Born Alli Bakash Majeed in 1947, A.B. was raised with four brothers and two sisters. His parents, neither of whom could read or write, farmed rice paddies in an area so remote it was known as Cinderella, having been left out of everything.

At a young age, Judge Majeed recognized his determination to improve his economic and social position — noting that persons better dressed working in offices were better off than his parents who toiled in heat, mud and sharp blades of razor grass. Political struggle against colonialism and racial division in his country racked his youth, but one miracle which brightened young A.B.’s life was the opening



Judge A.B. Majeed is sworn in as new Conference President by Brevard County Circuit Judge Clarence Johnson.

of a high school in his village. Judge Majeed readily reels off the talented students who comprised the high school’s first class — those fortunate to leave Guyana to become successful doctors and businesspersons. In that intensely political environment, in a rigorous school, as the son of a father who served as his village’s unofficial ombudsman, Judge Majeed began forming a passion for law and justice.

But the cost was great. His parents worked the fields while he and an older brother attended school. Two of his brothers were denied an equivalent education because the cost was too great before the local high school was built.

“For the first child to make it,” he said, “the other children would suffer the consequences.”

His high school diploma provided the means to an education which catapulted him to Howard University where he earned the honor of a Phi Beta Kappa key, and thereafter to Catholic University Law School in Washington, D.C.

Judge Majeed began his legal career in Philadelphia where his personal style earned him distinction as a savvy urban lawyer, one who developed a reputation as a smooth talker upon arriving in Brevard

in 1988 to work as a felony prosecutor. He was plucked out of the Orlando Public Defender’s office by State Attorney Norm Wolfinger.

Our new president enjoys a reputation as a dynamic public speaker. He has spoken for dozens of community, religious and educational groups in his own county, and enjoys each opportunity as a technique to promote his passionate patriotism, democracy, and Constitutional law.

Judge Majeed is also a popular and dynamic educator, having been a member of the faculty at The National Judicial College since 2001, and presenting many times to our own educational conferences the past 10 years.

A.B. epitomizes the American Dream in every aspect of his professional and personal life. Becoming the leader of the Conference of County Court Judges creates another opportunity for him to enhance the image of the judiciary for all of us.

Editor’s Note: Some biographical information on Judge Majeed has been excerpted from an article in Florida Today By James Dean, and The National Judicial College’s periodical “Case In Point.”

Letter from the President

We Have an Obligation to Give Back to Our Communities

By Judge A.B. Majeed



It is with great pride that I embark on the responsibility you have conferred on me as your president of your Conference of County Court Judges. I am grateful for this opportunity. I commit all my diligence, all my intellect, and all my industry towards promoting the welfare of each and every county judge. I believe that as county judges we are a group of the most-dedicated, hardworking professionals, who put our shoulders to the wheel, day after day, to protect and perpetuate the rule of law.

I thank each and every one of you for your help, support, and encouragement because without your help, I cannot succeed. With your help, I cannot fail.

Our Spring and Fall committee and board

meetings were sacrificed as a result of our new Article V budget. We will only have the opportunity to meet twice each year — our Winter Education Conference and our Summer Education Conference. It is therefore of vital importance that our Circuit Representatives and District Vice-Presidents work very closely with me.

Education is the bedrock of our existence. We are very fortunate to have a superbly hard-working education committee, which plans and delivers a quality program, conference after conference. The time has come for each judge to make a contribution to the planning of the education program. I am requesting that each circuit representative contact each county judge and obtain a suggestion for one education topic in the area of criminal law, civil law, and general subject matter.

At my first board meeting in July, I introduced a very special program to you entitled "For the Love of our Children." October 13 was set aside

for county judges throughout the state of Florida to read to students in our local schools. I am proud of all the county judges who took advantage of this excellent opportunity to increase our community image while educating the public.

As county judges we pride ourselves as being the "Peoples Judge" presiding over the "Peoples Court." I implore each county judge to join hands with me. Let us go forth in full force and give back to our neighbors' children in our neighborhood schools.

I am confident that the success of "FOR THE LOVE OF OUR CHILDREN" reading program will result in an outpouring of very positive public perception.

The hurricanes have ravaged our state and will have a direct impact on county courts. For all of you who have suffered this season, my heart goes out to you. May God be with you and your families during this difficult time.

—A.B.

This December's DUI Adjudication Lab Very Suite

The County Conference's Annual DUI Adjudication Lab will be held November 29 — December 23, 2004 at the newly renovated and refurbished Radisson Resort at the Port in Cape Canaveral. The Conference has negotiated a contract that provides each participant with a luxurious two-room suite — each with its own private executive whirlpool. All suites have a spacious bedroom, with one or two king size beds and a living room with a pull-out queen size sofa bed. Each suite includes a mini kitchen with a microwave, refrigerator, dishes, silverware, and a coffeemaker.

The DUI Adjudication Lab, led by Dean Peter Evans, has been a fixed asset of the Conference for many years. This intensive week-long educational



event features an intensive hands-on interactive educational program designed to address every

aspect of DUI and related traffic offenses including the art of judging and sentencing.

Mark your calendars now for this important educational event. Just think of the flowing waterfalls, winding paths, secluded fish ponds, tropical flowers, banana and palm trees, and the now-famous iridescent green Radisson parrots that have adopted the Radisson Resort at the Port as their home. This year's program will also feature a very special "Welcome to Brevard County Party" hosted by Conference President A.B. Majeed.

The Office of the State Courts Administrator ("OSCA") will mail invitations to all county court judges in November.

Conference Welcomes New County Judges



Judge Laura Johnson
Palm Beach County

The Conference is pleased to welcome new Palm Beach County Judge Laura Johnson, an 18-year veteran prosecutor with the 15th Judicial Circuit's State Attorney's Office. Prior to her election to the bench, she served the office as Chief of the Domestic Violence Unit where she supervised a staff of 45. She was also responsible for supervising the DOVE unit, a specialty unit for guiding domestic-violence victims through the criminal justice system by linking them to community services. She also served as Felony Division Chief where she was responsible for the prosecution of first-degree murders, sexual batteries, and habitual felony offenders.

Our new judge was the proud recipient of the 2002 Distinguished Faculty Award, presented by the Florida Prosecuting Attorney's Association. She was an active trainer for police departments and medical professionals in the domestic violence arena.

Judge Johnson dedicated much of her time to community activities such as SafetyNet at Homesafe, a project for victims of domestic violence to receive physical and psychological evaluations. She served as an active member of both the Palm Beach County Domestic Violence Council and Probation Community Service Advisory Board.

During the past year, Judge Johnson has been active in educating the public about our court system. She has participated in the Palm Beach County's "Day at the Courthouse" which educates classes of girls from alternate high schools in the workings of the court system. The girls tour the courthouse, enjoy the wisdom of guest speakers,

and participate in mock trials. Judge Johnson sometimes presides over the mock trials as well as acts the role of counsel.

Judge Johnson obtained her law degree in 1983 from Florida State University School of Law. She is married to Palm Beach County attorney William Johnson. The couple have three children — Robert, Julianne and Caroline.

Welcome, Judge Johnson!



Judge Darrin P. Gayles
Miami-Dade County

The Conference of County Court Judges welcomes newly-appointed Miami-Dade County Judge Darrin P. Gayles.

A 1990 graduate of Howard University in Washington, D.C. where he earned a degree in Political Science, Judge Gayles obtained his Juris Doctor degree at George Washington University in 1993. He began his legal career in the 11th Circuit's State Attorney's Office as the assistant chief for mental health in the county court division. He was promoted to Division Chief for Juvenile before prosecuting felonies from 1995-97.

Judge Gayles' interest in prosecution led him to a position in the U.S. Department of Justice Immigration and Naturalization Service in Miami where he represented the INS in hundreds of political asylum, removal/deportation, and adjustment of status issues.

His appointment took him from his successful promotion as an Assistant U.S. Attorney for the Southern District of Florida where he had been assigned to narcotics in the Criminal Division, prosecuting complex drug trafficking and money-laundering cases.

Welcome, Judge Gayles!

Conference and County Court Judges of Florida

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Summer Conference 2004



Judge Janis Simpson (rt) (Orange), and husband, Rev. Bruce Simpson.



Judge Steve DeLuca (rt) (Broward), and sons, Jason and Kyle.



Judge Mary Robinson (center) (Broward), and daughters, Reyna and Allana.



Judge Bob Diaz (Broward), and daughter Gabriela, and wife, Dian.



(from L to R): Bill Johnson, husband of Judge Laura Johnson, and Palm Beach County Judges Laura Johnson, Krista Marx and Joe Marx.

Naples, Florida



Judge Peter Estrada (Highlands), and wife Linda, and daughter Mary Elizabeth.



Judges Chuck Burton (center) (Palm Beach) and Pat Caddell (Pinellas), and Janet Olin, Leon County Asst. Supervisor of Elections, instruct on canvassing board activities.



Judge Joel Boles (Santa Rosa) and wife, Becca.



Judge Joel Lazarus (Broward), Jeanne Dishowitz, Judge Marty Dishowitz (Broward), and Sharon Lazarus.



Judge Jane Fishman (rt) (Broward), and husband, Lew Fishman.



Judge Lisa Trachman (Broward), Lauren Gehl, daughter of Broward County Judge Peggy Gehl, Judge Jay Spechler (Broward), and Judge Patti Christensen (St. Johns).

Letter from the Editor

Conference Loses Five Judges in Primary Election

By Judge Peggy Gehl



As the trend increases for incumbent judges to draw opposition statewide, our Conference lost five of its judges in the August 31 election. The unofficial results, as reported by the various county supervisors' websites on September

1 reveal that our Conference suffered casualties in Hernando, Miami-Dade, Monroe, Orange and Pinellas Counties.

In Hernando County, Judge **Peyton Hyslop** lost to contender **Donald Scaglione** by a margin of 55 percent to 45 percent. In Miami-Dade County, Judge **Jeffrey Swartz** lost to his contender **Ada Pozo Revilla** by a margin of 48 percent to 52 percent. Also in Miami-Dade, the Conference welcomes new Judge **Judy Rubenstein**, who defeated **Valerie Manno** by a margin of 59 percent to 41 percent.

In Monroe County, Judge **Susan Vernon** was defeated in a squeaker by only 83 votes in favor of her opponent, **Peary Fowler**. There was a recount, but the results did not affect the outcome. Peary is married to a former circuit judge who was defeated. In Pinellas, Judge **Sonny Im**, who was recently appointed, was defeated with 46 percent of the vote by **John D. Carballo** with 54 percent. Also in Pinellas County, **Kathy Hessinger** soundly defeated **Robert Bo Michael** by a margin of 65 percent to 35 percent.

In Orange County, Judge **Jim Glatt** was defeated in a close one by **Mike Murphy**, 47 percent to 53 percent. Also, in Orange, Judge **Deb Blechman** enjoyed a resounding victory to retain

her seat by defeating **Thomas Farrell**, 62 percent to 38 percent.

Our own **Robert Brown** of Holmes County in the 14th Circuit is retiring as of January 6, 2005. A three-way contest for his vacant seat resulted in a run-off between **Owen Powell**, who took 48 percent of the vote and **Tim Wells**, who scored 29 percent of the vote. Also in the 14th Circuit, Washington, County Judge **Colby Peel** enjoyed a victory by 58 percent to 42 percent over **Kerry "Curry" Adkison**.

Although no incumbents in Broward County drew opposition, two seats vacated by retiring Judges **Bill Herring** and **Jerry Pollack** became hotly contested. Broward General Master **Eric Beller** soundly defeated **Robin Moselle** by a margin of 60 percent to 40 percent. And, vying for Judge Herring's seat, **Gisele Pollack** enjoyed a 58 percent victory over opponent **Ellen Feld**, who scored just 42 percent.

In Brevard County, newly-appointed Judge **Rhonda Babb** will enjoy her next six years as a County Court Judge by defeating her opponent, **Benjamin Garagozlo**, 59 percent to 41 percent. And, in Alachua County, a run-off will be necessary between contestants **Walter Green**, who drew 38 percent of the vote and **Emory Springfield**, who carried nearly the same at 35 percent. Also in Alachua, contestant **Tom Jaworski** defeated **Bruce Smith** by a margin of 52 percent to 48 percent.

In Charlotte County, our own Judge **Wayne Woodard** retained his seat by defeating challenger **Carolyn Garber** by a 61 percent to 39 percent margin. In Citrus County, good news for our highly-respected Judge **Mark Yerman**, who soundly defeated his opponent, **Bo Samargya** by a landslide margin of 82 percent to 18 percent.

In Escambia County, two of our incumbent

judges were victorious in their races—Judge **David Ackerman** defeated **Donald Smith** by 71 percent to 29 percent; and, Judge **Patricia Kinsey** defeated **Clint Couch** by 56 percent to 44 percent.

Four races in Hillsborough County resulted in three incumbents retaining their seats and a run-off for the fourth seat. Judge **Charlotte Anderson** defeated **Kim Vance** by 64 percent to 36 percent; Judge **Art McNeil** defeated **Chris Debock** by 57 percent to 43 percent; and, Judge **Paul Huey** defeated **Victor Veschio** by 73 percent to 27 percent. In an open seat, a run-off will be held between contestants **Liz Rice**, who drew 49 percent of the vote and her opponent **Henry Gill**, who took in 26 percent of the vote.

In Lake County, our own Judge **Donna F. Miller** defeated **James Baxley** by a margin of 60 percent to 40 percent. In Santa Rosa County, there will be a run-off between contestants for an open seat between **Robert Hilliard** (44 percent) and **Ken Brooks** (22 percent).

Two years ago, our own County Judge **Preston DeVilbiss** of Sarasota County relinquished his County Court position to run for a circuit seat. He was not successful at that endeavor but interestingly, he has qualified for a county seat this round and will face opponent **Phyllis Galen** (42 percent) in a run-off. He has an uphill battle, taking in only 30 percent of the vote. Good luck, Preston!

And finally, there will be a run-off in Volusia County between contestants for an open seat. **Shirley Green**, who scored 38 percent of the vote will oppose **Brian Toung**, who managed 32 percent of the vote, in the November election.

Congratulations to the winners and good luck to the contenders in the November election!

Winter Educational Conference

The Winter Educational Conference will be held January 11-13, 2005, at the Ritz-Carlton in Amelia Island. The following programs will be featured:

- Legislative Update
- Judicial Writing/Certifying Questions of Great Importance
- Improper Closing Arguments
- First Appearance Hearings, Pretrial Release and Bonds
- Fines, Court Costs and Conversion of Fines/Court Costs to Community Service
- Game Violations (Fish and Wildlife)
- Bench Trial Techniques (Civil Track)
- Criminal Evidence Update (Criminal Track)
- Small Claims Summit (Civil Track)
- Ethics
- DUI, Drug Courts, and Recognizing Resources in the Treatment of Addiction

Civil Rules Committee

By Judge Jerry Pollock

The Civil Rules Committee met during the July summer educational conference in Naples to discuss several significant actions taken by The Florida Bar Civil Procedure Rules Committee:

1. The Florida Bar Civil Procedure Rules Committee passed the amendment to FRCP 1.510(c) providing that **PRIOR TO A HEARING ON A MOTION FOR SUMMARY JUDGMENT, BOTH PARTIES IDENTIFY THE DOCUMENTS THAT WILL BE RELIED UPON AT THE HEARING.** Our Committee discussed how this amendment will be problematic when pro se litigants fail to file such a document.
2. The amendment to FRCP 1.442, which requires that an objection to a proposal for settlement be made within 30 days from receipt or objections are waived, was passed in concept by the The Florida Bar Committee by a 21-20 vote. Our committee favors such an amendment.
3. The Florida Bar Committee tabled discussions of the proposed amendment requiring that the basis for an award of attorneys fees be pled in both the initial pleading and by motion. Our committee is in favor of such a requirement.
4. Our Committee opposes changes in the Rules to provide penalties for failure to attend calendar calls and the resulting failure to attend trial.
5. Our Committee discussed problems in conducting telephonic hearings. Specifically, the Committee seeks ideas on procedures when a party files a request to appear by telephone at the last minute.
6. Discussions requiring that the Certificate of Service form in FRCP 1.080(f) appear on orders or judgments was tabled at this time.

Community Service Committee Report

By Judge Pauline Drayton-Harris, Chair

Suggestions to increase committee activity was discussed at length. Suggestions included:

1. An award to recognize the circuit or a specific judge who has used the vehicle of community service as a creative sentencing technique when court costs are converted to community service hours.
2. A special award to be given to the judge whose referral to a community service agency has led to a new job or made a life-altering experience to the individual.
3. A special award to a judge who has contributed to the community by personally rendering some form of community service.

Additionally, it was recommended that stories or articles related to community service ideas be submit-

ted to the Community Service Committee as a project for next year.

Probation's data on community service continues to be reported at a slow pace. However, the data received shows an increased pattern of community service and the success rate for completion of community service hours is well over 70 percent in some cases.

This data will be provided to Lisa Goodner and other officials to highlight the impact of community service in our state. To date, there are several circuits who have not supplied the requested information. At our Board meeting, Circuit Reps were advised of the missing data and the need to collect and report it as soon as possible. The data received from the circuits will be compiled for the Winter Educational Conference presentation in Amelia Island, January, 2005. Circuits not providing the requested data will be listed as "NO REPORT" received.

Any judges who wish to serve on the community service committee should contact the committee's new chair, Polk County Judge Mary Catherine Green at 863-534-4667 or email: judgemcg@msn.com.

Small Claims Rule Committee Meeting

By Pauline M. Drayton-Harris, Chair

The meeting of the Small Claims Rule Committee began promptly at 4:30 p.m. An attendance roster was circulated and all members present were given the opportunity to sign.

The minutes from the prior meeting in West Palm Beach were approved without objection by all members present with no correction to the minutes as written.

Judge Pauline M. Drayton-Harris provided the members with an overview of the Florida Bar Small Claims Rule Committee meeting recently held in Boca Raton, Florida.

Old Business:

The Committee briefly discussed the topics to be discussed in the Small Claims Summit as part of the conference to be held in the Winter of 2005.

The collection of the survey on resources available to Small Claims litigants was discussed. Several circuits have responded and the results are being compiled for completion and distribution.

New Business:

The committee discussed reconciling the rules and the form for consistency.

Replevin forms were discussed briefly but the committee expressed no major concerns with what is currently being done in this area.

The venue question was discussed in detail and of the judges present no substantial problems were noted, however, there was some discussion on a change of the rule. However, the majority of the committee agreed not to propose a rule change from what is currently being utilized in the rule.

The Committee also agreed to support the recommendation for a Satisfaction of Judgment for Small Claims which is substantially identical to the form used for Civil Judgments.

The meeting was adjourned without any submissions for any new or proposed rules.

The next meeting of the Small Claims Committee will be in January, 2005 at the Conference of County Court Judges Winter Conference.

Florida Conference of County Court Judges

Upcoming Conference Schedule

2004

DUI ADJUDICATION LAB

**November 29 – December 3, 2004
Radisson Resort at the Port
Cape Canaveral, FL**

WINTER, 2005

**January 11 – 13, 2005
Ritz-Carlton Amelia Island
4750 Amelia Island Parkway
Amelia Island, FL 32034**

SUMMER, 2005

**July 20 – 22, 2005
Ocean Reef Club
31 Ocean Reef Drive
Key Largo, FL 33037**

SUMMER, 2006

**July 5 – 7, 2006
JW Marriott Grand Lakes
4040 Central Florida Parkway
Orlando, FL 32837**

Ocean Reef Club Set for Next Summer

The spectacular Ocean Reef Club located in Key Largo will serve as next summer's venue for the Conference's Educational Program and Annual Summer Business Meeting.

On July 19 through 21, 2005, the Conference will travel to this very private 2,000-acre country club community located on the northern tip of Key Largo. Ocean Reef has been the choice of discriminating travelers from around the world – and known for its Caribbean flair, unparalleled yachting and diving waters, exceptional club service and a wide array of activities. Ocean Reef's unique location at the edge of the Gulf Stream, beside North America's only living reef and close to the Everglades, makes this place a wonder of the world.

Special events will include a presidential welcoming reception at a beautiful private home within the Ocean Reef Club and a primer course tailor-made for judicial spouses, Judicial Spouses 101, scheduled for the morning of July 20th. The 90-minute presentation will answer questions such as "Can I organize a petition drive?"; "My best friend is running for office. Can I go to a fundraiser?"; "I want to give to a presidential campaign. Can I?"; "What type of judicial responsibility falls on me?"; and "Do I have restrictions on the clubs I can belong to?"



Updated Criminal Scoresheet Manual Available Online

The 2004 Criminal Punishment Code Scoresheet Preparation Manual may be downloaded in Adobe Acrobat from the Florida Department of Corrections website at:

http://www.dc.state.fl.us/pub/sen_cpm/index.html

ARTICLES WANTED

The Courier welcomes your articles, news, letters to the editor, and photos. Send submissions to the editor, Judge Peggy Gehl, 201 S.E. 6 Street, Ft. Lauderdale, Florida 33301, by January 31, 2005.



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