

Chief's Column – February 2020  
The Honorable Donald A. Myers, Jr.  
Chief Judge  
Ninth Judicial Circuit Court

### A Story Of Told: A Call to Action

Let me share a story with you. It's a story that has been told and retold for many years –

Nearly 15 years ago, and consistently, year after year since, the Florida Supreme Court has certified a need for additional judges in the Ninth Judicial Circuit. Many of those certification opinions recommended the addition of multiple judges to the bench. This year is no different.

Article V of the Florida Constitution requires the Supreme Court to certify to the Legislature its findings and recommendations for the need to increase the number of judges in circuits throughout the state. The certification is based primarily upon a verified objective weighted caseload methodology, as well as subjective analysis of a number of secondary factors identified by and perhaps unique to each circuit. Importantly, the certification looks back at not just the past year, but the average of the last three years' data.

In their certification for 2020-21, the Florida Supreme Court recommends the Ninth receive **three additional judgeships** – two circuit judges and one county judge. This decision comes on the heels of last year's recommendation for two additional circuit seats, only one of which received funding in the 2019 legislative session.

Nearly 15 years of documented need for judges. In the last two years, five judicial seats. Three seats in this year alone. A clear acknowledgement of the longstanding, current and dire need in our local courts.

Chronically insufficient resources have forced the Circuit into a never-ending cycle of borrowing from one division to stretch resources to another. When insufficient resources created a critical backlog in family court in 2018, we shuttered our business court and moved judges to the family law divisions. Fortunately, the legislature allocated funds for a new judgeship in 2019 and the Ninth Circuit was able to reopen the complex business court last October. Regretfully though, we were only able to reopen one business court division.

The first of its kind in the state, the Ninth Circuit business court was a robust division. There were two judges presiding over hundreds of complex and lengthy cases when we were forced to close the doors. And, while the judicial resources were shifted to help with the timely resolution of cases in family court, the business court caseload was transferred to general civil where it bogged down the docket and delayed hearings and trials. Even with the reopening of one business court division, a significant part of that caseload remains in general civil.

This alone has had a tremendous impact on the operation of the courts. And, I know it has equally impacted many of your practices. The availability of hearing time has decreased and it may take 60 to 90 days or even longer to schedule a hearing. Trial settings have been stretched

out by several months. We didn't just shift judicial resources *from* the civil divisions, we also shifted strain and stress *to* civil divisions – and the burden of this combination has stalled the timely resolution of cases.

And, all of this was before we had to borrow from civil again.

Limited judicial resources and the rapidly growing caseload in probate/guardianship threatens to adversely impact some of the most vulnerable among us. Faced again with the dilemma of how to best allocate our resources, on January 1, 2020 we were compelled to close our civil trial division and reassign that judge from civil to guardianship knowing that the elderly, disabled and children in our community could not bear the burden.

Shifting judicial resources from division to division is not a long-term solution. Not for the courts. Not for attorneys and legal professionals. Not for the court user. Every time the Circuit is forced to reassign judges and place them in another division of the court, I ask myself how we can better address this foundational dilemma of inadequate resources. And, while the Circuit continues to do more with less, becoming more efficient and more cost effective, there is a breaking point. As I seek to answer that question, I return to the same answer time and again – more resources are necessary.

Today, we are a step closer to the solution to our current judicial need. The Florida Supreme Court's certification of three new judgeships is the first step. The next step is funding by the legislature. And, again, we are asking for your help in communicating this message to Tallahassee to ensure adequate funding for the judiciary, here in the Ninth Circuit and throughout the State of Florida.

Thank you for listening to the oft-told story again. Unfortunately though, the bell has tolled the message of a need for judges for so many years now that many have stopped hearing it ring any longer. The need has not been satisfied, and I fear the message simply blends into the background noise, not discernable.

However, last year your voice was heard loud and clear. You made a difference, and I look forward to joining together with you again this year to communicate the need that will make a difference to you and to your clients in this ongoing legislative session.