

participation of official court reporters in those courts. Also, the office of clerk of the circuit court had significantly enhanced the duties in the court system. In prior times the county courts and county judges courts were more or less self-contained in both judicial functions and in administration. The office was fee financed with the county judge not only collecting fees for services performed by him, but he also had the non-judicial duty of issuing various licenses, including marriage, hunting and fishing, and drivers licenses, and collecting the fees for them. The county judge kept the records and accounted for the fees, paid the expenses of his office, including his salary, and paid over to the county the excess of the fees above the disbursements authorized by law. The judge selected his personnel and negotiated the compensation and other conditions of employment.

The municipal courts were authorized by the Constitution but were usually created in the municipal charters or by special act of the Legislature. Their jurisdiction was limited to minor infractions of the law, including traffic offenses. The maximum punishment was 60 days in jail or \$500 or both. The judge was appointed by the governing body of the municipality and served at its pleasure.

The amendments effective in 1973 abolished the municipal courts and their jurisdiction was vested in the county courts. A period of transition was provided to facilitate the changes. However, the City of Tallahassee accelerated the change

directly through the Supreme Court and cast a great hardship on county court and its support personnel, especially the clerk of courts. I shan't dwell on this development and its attendant difficulties, but this precipitous, callous and unexpected action was much resented by myself and other state court personnel in Leon County.

The Article V amendments also provided for the retention of all geographical circuits and incumbent judges and specified that there would be an additional circuit judge in circuits in which there had been, immediately prior to the effective date of the amendments, a felony court of record and other courts of record, a separate juvenile court and certain county judges. In the Second Circuit there were four additional circuit judges, as confirmed and specified in Chapter 72-402, Laws of Florida (1972). The new judges who took office in January, 1973, were John A. Rudd, James C. Gwynn, James E. Joanos and Kenneth E. Cooksey. Judge Cooksey had been county judge in Jefferson County and Judge Gwynn had been a county judge in Leon County. As above noted, Judge Joanos had been the felony court judge. Judge Rudd had served as a Tallahassee municipal judge for many years and had also held office as City Commissioner and Mayor of Tallahassee. He had also served as a prosecutor in the Leon County courts.

Another feature of the new structure was the office of Chief Judge in each circuit. This officer was a circuit judge elected by the other trial judges. The office of "presiding judge" had been created in 1971 by Chapter 71-214, Laws of Florida (1971). This office had been given supervision over all trial courts in the circuit except municipal courts and was responsible to the Chief Justice of the Supreme Court for supplying information requested.

With the advent of the 1973 restructure there was established a system of supervision and responsible administration. The Supreme Court and the Chief Justice had general supervision of the entire state court system. A State Court Administrator was authorized, together with a full staff to effectively establish a command post for these administrative duties. On the circuit level the "Chief Judge" had been awarded very broad powers of supervision of not only the trial judges, but in a significant measure, the personnel from the sheriff's and clerk's offices and other areas to whom were given duties supportive or auxilliary of the trial courts. The creation of divisions and assignment of judges to divisions and counties was the Chief Judge's responsibility. A Court Administrator for each circuit was authorized and that officer was in fact the chief of staff and executive assistant to the Chief Judge. Dozier Allen was selected by me for this position and he accepted. He had been employed by the Florida Department of Law Enforcement and at one time had been a deputy sheriff and bailiff in the circuit court. We had been good friends and I felt that we could work together. The duties of a chief judge were defined in very general terms. The whole new structure was full of questions.

I have always been grateful that the Chief Justice during this transition period was The Honorable B. K. Roberts. He recognized the uncertainties which prevailed. He called the chief judges together and explained that he was aware that many of us

had not approved all of the changes and that he, himself, would have written it differently, but that the amendments were in effect and it was our duty to do our best to make the system work. He further explained that he recognized that each circuit was different and that in multi-county circuits each county was unique. He announced that he was going to accord a wide discretion to the chief judges to establish rules and pursue policies that would achieve in their respective circuits objectives of the changes with the least friction. He stated that the offices of the Chief Justice and the State Court Administrator would always be available for inquiry and discussion. In substance, he said that if we had questions and called the Chief Justice, an answer would be given and it would be something like this: "It seems logical that 'so-and-so' should be done. Do this until we tell you differently." And so it was on the "shake-down cruise" in late 1972 and 1973.

Taking the tack Chief Justice Roberts and Chief Justices who succeeded him had taken on a state-wide basis, I launched on a similar course in the Second Circuit. Dozier and I established contact with each clerk, sheriff, the probation office, and other offices and agencies involved. It was made known that we could be reached to discuss any problem or question. We adopted the same policy of trying to reach a common sense solution, or at least a strong "gut reaction"

to each inquiry, and give an answer with the admonition that this would apply "until we tell you differently."

We had conferences in each county with personnel of offices and agencies involved. Many of the problems or conflicts were resolved merely by discussing them. Others required but little adjustment. More serious questions were thoroughly discussed, with constructive observations being made by the persons concerned. Compromise and accommodation were employed to achieve harmony. Not all problems were readily resolved, but many were and others we learned to live with and hoped to outlive.

I soon recognized that the office of Chief Judge had its most usefulness in being a message center, where questions could be asked and answers given, even if tentative. Trouble spots could be recognized and dealt with. We also learned that personality differences and individual concerns were elements to be taken into account.

In time there were developed policies which were crystalized into rules and procedures. In the Second Circuit there was a spirit of cooperation among the judges, the clerks, sheriffs, and other involved agencies and offices. I tried not to be dogmatic, especially about minor matters, but to have flexibility to meet unexpected and unforeseen situations. When an unexpected circumstance arose, such as an

illness of a judge, there was full cooperation to make adjustments to take up the slack.

The merits of the new structure became apparent. First, it did substitute a hodge-podge of courts into a simplified two-tier trial court system. The circuit court had always been the prestigious trial tribunal with felony and the more involved civil and equity cases being considered there. The jurisdiction of the other specialty courts, originally created to relieve congestion in the circuit court, were drawn into the circuit orbit. The county court was also elevated to a status of being a true court in every facet, rather than being part court and a part administrative and ministerial office. Its probate jurisdiction, which had largely involved mere clerical handling, did often include complex legal problems in contested issues in will contests and other estate litigation, as well as emotionally charged guardianship issues. This was transferred to the circuit court. The county court retained its jurisdiction over misdemeanors and in a short time its civil jurisdiction was expanded to include most so-called "small claims" which could be processed in a much simpler and less expensive manner than the more complex civil cases. Legislative concern and action soon made both tiers of trial courts state courts with the salaries of the judges paid by the state exclusively. Also secretaries were provided for judges of both courts

and certain expenses were reimbursable by the state. Secretaries were designated by the Department of Administration as "Judicial Assistants" and that is perhaps a more accurate description, as their duties are much more than clerical.

Perhaps the office most affected by the 1973 changes was the Clerk of the Circuit Court, particularly in Leon County. This officer really became the Clerk of Courts, though the title remained the same. Arrangements had to be made to take over the records and provide clerical personnel for the restructured county courts, the absorption of juvenile jurisdiction into the circuit court, and the jurisdiction of the municipal courts into the county court. In the counties other than Leon, this had not been too difficult, as only the municipal courts were absorbed and they had very light caseloads. However, in Leon, the changes posed monumental adjustments. A juvenile division was created in the circuit court and judges assigned to it. The former juvenile court facilities and personnel had to be integrated into the system with clerical duties in the Clerk of the Circuit Court. It has already been noted the colossal difficulties the municipal court abolition in Tallahassee caused, and it was the Clerk who bore the brunt of these burdens.

In the years that followed there occurred several changes in circuit judge personnel. In early 1974 Judge McCord was appointed to the First District Court of Appeal. The

vacancy was filled by the executive appointment of The Honorable Donald O. Hartwell. Judge Hartwell had been a successful and highly respected trial lawyer and the appointment was well received. Also in 1974 there occurred two deaths in the circuit judiciary. Judges Walker and Gwynn passed away. Both had been stricken with disabling illnesses, but in each instance the death was rather sudden. Judge Walker was the senior judge in the entire state having served nearly 34 years. Judge Gwynn was regarded as being the best informed person on probate law in the state. Both of these judges were outstanding jurists and their passing greatly mourned. Victor Cawthon was appointed to Judge Walker's position and George L. Harper was named to the Judge Gwynn vacancy. Judge Cawthon is the son of the late W. S. Cawthon, who was State Superintendent of Public Instruction for many years, and he had been engaged in the law practice for a number of years. Judge Harper had been the county judge of Wakulla County for several years and had served frequently in the Leon Circuit Court in the Probate Division during Judge Gwynn's illness.

In early 1976 the venerable and greatly beloved and respected Judge Taylor retired after more than 30 years of distinguished service. Judge Taylor, prior to becoming judge in 1945, had been a prominent trial lawyer in Quincy. He had succeeded Honorable E. C. Love, also of Quincy, who

upon his retirement had served 30 years. In the interim between Judge Taylor's retirement and the appointment of Charles E. Miner of Tallahassee, as his successor, I took over the Circuit Court duties in Gadsden County. The caseload was heavy enough to require judicial attention several days a week. There was an applicant from Quincy for the appointment and when Judge Miner was named to the vacancy, there arose the circumstance that Gadsden County was without a resident circuit judge for the first time since 1892. I am a native of Quincy and had grown up there and was regarded in some degree as a resident, as my mother lived there and I had many relatives and friends I had known all my life. Though there was not antipathy to Judge Miner or any other of the circuit judges in the Second Circuit, I decided, after consulting with the Gadsden County lawyers and conferring with the other judges, that I would continue my assignment to Gadsden County and also would retain limited assignment to Leon and Franklin Counties.

In 1980 Judge Joanos was appointed to the First District Court of Appeal. The Governor did not fill the circuit judge vacancy by executive appointment, but rather left the vacancy to be filled by election in the non-partisan judicial election in 1980. A contest developed and J. Lewis Hall, Jr., was elected in November, 1980. However, his term of office did not officially begin until January, 1981.

This shortage of a judge had created a great hardship in the circuit and we were all anxious to get a warm body installed to which some of the piled up work could be assigned. The Governor was importuned by me and by others to make an executive appointment of Judge Hall so that we would not have to wait the two months before his term would begin. The Governor did respond and Judge Hall qualified and took up his duties in November.

The personnel of the circuit bench remained unchanged until January, 1985. In 1984 Judge Rudd and myself announced that we would not seek another term and that we were resigning, to take effect December 31, 1984. Both of our current terms were expiring in January, 1985.

Also in 1984, after several earlier attempts had failed, the Legislature enacted legislation to award the Second Circuit an additional circuit judge. The Supreme Court in both 1983 and 1984 had certified the need for such additional judge, but in 1983 the Legislature had failed to act.

With the two retiring judges and the new judgeship authorized, there were three judges to be elected in the non-partisan judicial election in 1984. There was a contested race for all three positions, with William Gary elected to succeed me, Leon County Judge Charles D. McClure won Judge Rudd's seat, and P. Kevin Davey was elected to the new post. All of these took office January 8, 1985.