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BOB INZER, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO.: 2003-01

IN RE:

TRIAL COURT STAFF ATTORNEYS.
_____/

WHEREAS, the Second Judicial Circuit now has 5 Trial Court Staff Attorneys for the 25 Circuit and County Judges in the Circuit; and,

WHEREAS, the Second Judicial Circuit is the venue for more high-profile Civil Actions involving State Government, including constitutional challenges and elections matters, than any other Circuit due to the location of the headquarters of the Legislative and Executive Branches in this Circuit; and,

WHEREAS, the Trial Court Staff Attorneys in the Second Judicial Circuit provide direct professional legal support for the Judges of this Circuit in all divisions; and

WHEREAS, a detailed and written policy regarding the duties and expectations of the Trial Court Staff Attorneys will promote the most efficient use of this judicial resource to assist judges with the administration of justice;

IT IS THEREFORE

ORDERED that:

1. CLASSIFICATION

The Senior Trial Court Staff Attorney and four Trial Court Staff Attorneys are permanent, career-track employees of the Chief Judge. They serve at the pleasure of the Chief Judge but are not classified as personal staff of the Chief Judge.

2. SUPERVISION

The Senior Staff Attorney and Staff Attorneys are supervised by the Chief Judge of the Second Judicial Circuit. The Senior Staff Attorney has certain organizational authority over the Staff Attorneys, as discussed herein. The Staff Attorneys are professional peers with no supervisory authority over each other.

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3. DUTIES

A. All Staff Attorneys (primary duties):

i. review, analyze, and summarize active case files as needed;
ii. conduct legal research using paper and electronic sources to determine the applicable current law;
iii. draft legal opinion memoranda as necessary;
iv. assist judges with immediate research and legal analysis on matters arising during trial or a hearing; and
v. draft suggested orders which incorporate the research and analysis of the case files

B. Senior Trial Court Staff Attorney (secondary duties):

i. coordinate workload priority and distribution among the staff attorneys;
ii. supervise law-student interns assigned to the Circuit by law schools and acts as the liaison between the court and the law school. If a sufficient number of interns are assigned in a particular semester, the other staff attorneys also supervise and review work done by the interns.
iii. other assignments by the Chief Judge which promote efficient court procedures.

4. LIMITATION OF DUTIES

A. Clerical Work. The staff attorneys do not have secretarial staff, and must rely on the assigning judge's Judicial Assistant for clerical assistance. The staff attorneys shall not be assigned to retrieve files from the Clerk's Office, process orders for distribution to the parties, set a judge's calendar, monitor case files after the file is returned to the judge from the staff attorney, or any other task which does not require an attorney's training and skill.

B. Public contact. While the staff attorneys are public employees, providing legal opinions to the judges in this circuit is the substance of their work. The attorneys are prohibited from dispensing legal advice to the public and calls requesting such assistance should be referred to Tallahassee Legal Aid Foundation, North Florida Legal Services, Tallahassee Bar Referral Service, or to the Public Defender's Office. For security reasons, the staff attorneys' names and phone numbers must not be provided to inmate callers or family members of inmates. Status calls regarding files should be referred to the Clerk of Court.

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5. ASSIGNMENTS

A. Source. The staff attorneys receive assignments from requests made by the Circuit and County Judges within the circuit. If the volume of assignments creates a conflict between assignments, assignments made by Circuit Judges take priority. Conflicts in assignments which cannot be resolved by the Senior Staff Attorney shall be resolved by the Chief Judge.

B. Divisions. Assignments are divided among the staff attorneys by topic or division, as coordinated by the Senior Trial Court Staff Attorney. Divisions are currently Criminal, Civil, and Family. Civil matters include lawsuits filed by prison inmates, and Criminal matters include post-conviction motions. The divisions do not preclude assignment of any matter to any staff attorney and the staff attorneys must be capable of handling all types of assignments, particularly constitutional challenges, as needed.

C. Records and Distribution. The Senior Staff Attorney is responsible for maintaining an efficient distribution of the workload, to provide the highest quality work in the shortest response time. The Staff Attorneys are responsible for keeping records of their assignments and alerting the Senior Trial Court Staff Attorney if redistribution of work appears necessary in order to timely or efficiently complete assignments. The Staff Attorneys shall not redistribute work among themselves without the approval of the Senior Staff Attorney.

D. Reporting. A monthly report to the Chief Judge of the work product of the Staff Attorneys shall be prepared by the Senior Trial Court Staff Attorney. The staff attorneys shall maintain records of their assignments, dates received, dispositions, dates returned, etc. for compilation into the monthly report and the Staff Attorneys shall provide this information to the Senior Staff Attorney as requested.

5. ATTENDANCE AND LEAVE

A. Office Hours and Location. Unless leave is taken, the staff attorneys shall be accessible for consultation with the judges in person, telephonically, or electronically during regular office hours during the work week. Regular office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Flexibility in schedules on a temporary basis is available with advance notice and the approval of the Senior Staff Attorney. The Leon County Courthouse is the regular office location. Work may be taken off premises for completion occasionally with the approval of the Chief Judge if adequate communications equipment is available. Flexibility and off-premises work shall not interfere with the distribution of work among the Staff Attorneys. The staff attorneys shall inform the Senior Staff Attorney and Court Administrator's receptionist if work in a location other than the Leon County Courthouse is anticipated.

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B. Compensatory Time. The attorneys are exempt from overtime payment under the Fair Labor Standards Act, but are eligible for compensatory time on an hour-for-hour basis for hours worked in excess of 40 hours in a work week

C. Records. The staff attorneys are required to keep a record of their own attendance and leave. Until time sheets are no longer required for professional staff, time sheets for the Staff Attorneys are approved and signed by the Senior Staff Attorney and the Senior Staff Attorney's time sheet is approved and signed by the Chief Judge. Sick leave and annual leave are accrued and used as provided in Section 4 of the Personnel Regulations Manual and may not be used prior to the time earned.

4. PERFORMANCE ASSESSMENT

A. Evaluations. The staff attorneys may be evaluated in written form at any time by any judge. A copy of such written evaluations shall be provided to the Chief Judge for placement in the staff attorney's personnel file or other appropriate action.

B. Duties. Staff attorneys shall not be evaluated on performance of duties which have not been defined and explained as part of the requirements of their positions.

C. Commendations. Commendations may be issued by letter, memorandum, or on the Special Recognition/Accomplishment form approved by the Office of the State Court's Administrator and placed in the attorney's personnel file.

D. Performance Improvement. Needs for performance improvement may be informally addressed to the individual staff attorney, or the Performance Improvement Plan form approved by the Office of the State Courts Administrator may be used.

DONE and **ORDERED** this 31st day of February, 2003.

WILLIAM L. GARY
Chief Judge

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