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12/05/2008 at 11:29 AM, BOB INZER, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2008-15

IN RE: CIRCUIT JUDGE AND COUNTY JUDGE ASSIGNMENTS, SECOND JUDICIAL CIRCUIT

WHEREAS, Administrative Order 2007-04, In Re: Circuit Judge and County Judge Assignments, Second Judicial Circuit, as amended, currently sets forth the assignments for the judges of the Second Judicial Circuit; and

WHEREAS, Rule 2.215(b)(4), Florida Rules of Judicial Administration, provides that the Chief Judge shall assign judges to the courts and divisions and shall determine the length of each assignment, it is therefore

ORDERED that the following are the judicial assignments for the Second Judicial Circuit which shall take effect on January 6, 2009, and shall remain in effect through June 30, 2009, unless modified by subsequent order.

I. LEON COUNTY.

A. Circuit Court Criminal Division.

Circuit Judges Angela C. Dempsey, Charles A. Francis, James C. Hankinson, Terry P. Lewis, and Mark E. Walker shall be assigned to the Criminal Division and assigned all felony cases as follows:

1. **Circuit Judge Terry P. Lewis, Division A.**

   Division A shall be assigned one-third of all Criminal Division cases not assigned to Divisions D and E.

2. **Circuit Judge Mark E. Walker, Division B.**

   Division B shall be assigned one-third of all Criminal Division cases not assigned to Divisions D and E.

3. **Circuit Judge Angela C. Dempsey, Division C.**

   Division C shall be assigned one-third of all Criminal Division cases not assigned to Divisions D and E.

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4. **Circuit Judge James C. Hankinson, Division D.**

Division D shall be assigned all felony intake cases and such violation of probation and other proceedings as may be determined by the Administrative Judge of the Criminal Division. Circuit Judge James C. Hankinson shall be assigned the primary responsibility for Division D, but all circuit judges assigned to the Criminal Division are designated as backup to Judge Hankinson when he is absent to handle his Franklin County assignment on a rotation or other basis as may be determined by the Administrative Judge of the Criminal Division. Circuit Judge Hankinson shall be assigned all Statewide Prosecution proceedings and all motions for extraordinary and unusual fee determinations.

5. **Special Jury Trial Backup Assignment.**

Circuit Judge James C. Hankinson shall be assigned as primary backup for Criminal Division jury selections and trials to the extent allowed by his Franklin County assignment. Appropriate coverage of his Franklin County assignment will be his first priority.

6. **Chief Judge Charles A. Francis, Misdemeanor Appeals.**

All misdemeanor appeals from county court shall be assigned to Chief Judge Charles A. Francis.

7. **Special Assignments, Division E.**

a. County Judges James O. Shelfer and Ronald W. Flury shall be assigned all felony drug intervention cases.

b. All felony worthless check cases shall be assigned equally to each of the five Leon County judges.

c. Circuit Judge Jonathan Sjostrom shall be assigned all felony mental health cases.

B. Circuit Court Civil Division.

Circuit Judges John C. Cooper, P. Kevin Davey, Charles A. Francis and Frank E. Sheffield, shall be assigned to the Civil Division and assigned all civil cases, prisoner civil petitions, and civil appeals from County Court, excluding probate and family law division cases, as follows:

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1. **Circuit Judge John C. Cooper.**

   29.17% of all civil cases and 29.17% of all prisoner petitions, including all pending and previously scheduled hearing and trial dates, and times associated therewith.

2. **Circuit Judge P. Kevin Davey.**

   29.16% of all civil cases and 29.16% of all prisoner petitions, including all pending and previously scheduled hearing and trial dates, and times associated therewith.

3. **Chief Judge Charles A. Francis.**

   12.5% of all civil cases and 12.5% of all prisoner petitions, including all pending and previously scheduled hearing and trial dates, and times associated therewith.

4. **Circuit Judge Frank E. Sheffield.**

   29.17% of all civil cases and 29.17% of all prisoner petitions by assuming the civil case load previously assigned to Circuit Judge William L. Gary, including all pending and previously scheduled hearing and trial dates, and times associated therewith.

C. Family Division.

Circuit Judges Nikki Ann Clark, Charles W. Dodson, Janet E. Ferris, and Jonathan Sjostrom, shall be assigned to the Family Division and assigned all family law cases. The Family Division shall include the following category of cases: dissolution of marriage, division and distribution of property arising out of dissolution of marriage, annulment, support unconnected to dissolution of marriage, paternity, child support, URESA/UIFSA, custodial care of and access to children, adoption, name change, declaratory judgment actions related to pre-marital, marital and post-marital agreements, civil domestic violence and repeat violence injunctions, juvenile dependency and delinquency, and termination of parental rights. These cases, together with all pending and previously scheduled hearings, trial dates and times associated therewith, shall be assigned as follows:

1. **Circuit Judge Nikki Ann Clark.**

   All Unified Family Court Section cases as defined and identified pursuant to Administrative Order No. 2006-3; all juvenile dependency cases; twenty-five percent (25%) or an equal rotation of domestic violence and repeat violence cases; and an equal rotation as Family Division duty judge.

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2. **Circuit Judge Charles W. Dodson.**

   Fifty percent (50%) of all Family Division cases, excepting dependency and juvenile cases, and domestic violence cases; twenty-five percent (25%) or an equal rotation of domestic violence and repeat violence cases; and an equal rotation as Family Division duty judge, by assuming the family caseload previously assigned to Circuit Judge John E. Crusoe, including all previously scheduled hearing and trial dates and times associated therewith.

3. **Circuit Judge Jonathan Sjostrom.**

   Fifty percent (50%) of all Family Division cases, excepting dependency and juvenile cases, and domestic violence cases; twenty-five percent (25%) or an equal rotation of domestic violence and repeat violence cases; and an equal rotation as Family Division duty judge.

4. **Circuit Judge Janet E. Ferris.**

   All juvenile delinquency cases; excepting dependency, and domestic violence cases; twenty-five percent (25%) or an equal rotation of domestic violence and repeat violence cases; all juvenile drug intervention cases; backup judge for dependency trials; and an equal rotation as Family Division duty judge.

5. **Special Assignments.**

   All Simplified Dissolution of Marriage cases are assigned equally to each of the five Leon County Judges.

6. **Family Division Assignment of the General Magistrate.**

   Administrative General Magistrate Thomas W. Lager shall be assigned to assist Circuit Judges Charles W. Dodson and Jonathan Sjostrom.

7. Administrative Order 2004-01, In Re: Unified Family Court and Administrative Order 2004-08, In Re: Appointment of Thomas W. Lager as General Master of the Second Judicial Circuit of Florida, shall remain in full force and effect excepting any provision concerning the assignment of cases to judges and general magistrates which may be inconsistent with this order. Administrative Order 2006-3, In Re: Establishment of Unified Family Court Section, shall remain in full force and effect except paragraph 7, which is specifically superseded by this order.

D. Probate Division.

1. Circuit Judge L. Ralph Smith, Jr. shall be assigned to the Probate Division and assigned all probate cases.

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2. County Judge Augustus D. Aikens, Jr. is hereby assigned all Baker Act and Marchman Act proceedings in the Probate Division and is hereby assigned as primary backup to the Probate Division.

E. Leon County Court Criminal Division.

County Judges Augustus D. Aikens, Jr., Nina Ashenafi Richardson, Ronald W. Flury, Judith Hawkins, and James O. Shelfer shall be assigned to the County Court Criminal Division which shall include all pending and previously scheduled hearing and trial dates and times associated therewith, as follows:

1. **County Judge Augustus D. Aikens, Jr.**

   Twenty percent (20%) of all criminal cases.

2. **County Judge Nina Ashenafi Richardson.**

   Twenty percent (20%) of all criminal cases.

3. **County Judge Ronald W. Flury.**

   Twenty percent (20%) of all criminal cases and one hundred percent (100%) of all misdemeanor mental health court cases.

4. **County Judge Judith Hawkins.**

   Twenty percent (20%) of all criminal cases and one hundred percent (100%) of all misdemeanor drug court intake and cases.

5. **County Judge James O. Shelfer.**

   Twenty percent (20%) of all criminal cases and back-up to County Judge Ronald W. Flury for misdemeanor mental health court cases.

F. Leon County First Appearances.

All First Appearances, except otherwise assigned weekend and holiday duty, shall be assigned on a rotating basis as determined and assigned by the Administrative Judge of the Leon County Court.

G. Leon County Court Civil Division.

County Judges Augustus D. Aikens, Jr., Nina Ashenafi Richardson, Ronald W. Flury, Judith Hawkins, and James O. Shelfer shall be assigned to the County Court Civil Division which shall include all pending and previously scheduled hearing and trial dates and times associated therewith, as follows:

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1. **County Judge Augustus D. Aikens, Jr.**

   Twenty percent (20%) of all civil cases.

2. **County Judge Nina Ashenafi Richardson.**

   Twenty percent (20%) of all civil cases.

3. **County Judge Ronald W. Flury.**

   Twenty percent (20%) of all civil cases.

4. **County Judge Judith Hawkins.**

   Twenty percent (20%) of all civil cases.

5. **County Judge James O. Shelfer.**

   Twenty percent (20%) of all civil cases.

H. Leon County Collections Court.

All five Leon County Judges shall be equally assigned all Leon County collections cases.

II. <u>GADSDEN COUNTY</u>.

A. Circuit Judge Kathleen F. Dekker shall be assigned all circuit criminal cases, juvenile delinquency, and criminal appeals from County Court, by assuming the family caseload previously assigned to Circuit Judge Thomas Bateman III, including all previously scheduled hearing and trial dates and times associated therewith.

B. Circuit Judge George S. Reynolds, III, shall be assigned all circuit civil cases, family cases, probate cases and juvenile dependency cases, and civil appeals from County Court.

C. County Judge Stewart Parsons shall be assigned all county court cases and shall be primary backup to assist with juvenile delinquency cases.

D. Administrative General Magistrate Thomas W. Lager shall be assigned to assist Circuit Judge George S. Reynolds, III, with the juvenile dependency cases, but only to the extent authorized by law and court rules.

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III. WAKULLA COUNTY.

A. Circuit Judge N. Sanders Sauls shall be assigned all circuit criminal, civil, family, including juvenile delinquency and dependency cases, and probate cases, and all appeals from County Court.

B. County Judge Jill C. Walker is hereby assigned all county court cases and shall be primary backup to handle dependency and delinquency cases.

IV. JEFFERSON COUNTY.

A. Circuit Judge L. Ralph Smith, Jr. shall be assigned all circuit criminal, civil, juvenile delinquency and dependency cases and probate cases, and all appeals from County Court.

B. County Judge Robert R. Plaines is hereby assigned all county court cases.

V. FRANKLIN COUNTY.

A. Circuit Judge James C. Hankinson shall be assigned all circuit criminal, civil, including family, juvenile delinquency and dependency cases and probate cases, and all appeals from County Court.

B. County Judge Van Russell is hereby assigned all county court cases.

VI. LIBERTY COUNTY.

A. Circuit Judge George S. Reynolds, III, shall be assigned all circuit civil cases, family cases, probate cases and juvenile dependency cases, and civil appeals from County Court.

B. Circuit Judge L. Ralph Smith, Jr. shall be assigned all circuit criminal cases, juvenile delinquency cases and criminal appeals from County Court.

C. County Judge Kenneth L. Hosford is hereby assigned all county court cases.

VII. MISCELLANEOUS ASSIGNMENTS.

A. Administrative Judges.

The following judges are appointed and shall serve as Administrative Judges in the following divisions:

1. Leon County - Circuit Court.

a. Circuit Judge James C. Hankinson - Criminal Division.

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b. Circuit Judge P. Kevin Davey - Civil Division.

c. Circuit Judge Nikki Ann Clark - Family Division.

2. Leon County Court.

a. County Judge Augustus D. Aikens, Jr. is appointed and shall serve as Administrative Judge for the County Court.

b. This order shall not supercede other orders assigning county judges on a temporary basis or any order assigning a county judge as a temporary backup to a circuit judge.

3. Gadsden, Jefferson, Liberty, Franklin, and Wakulla Counties.

a. Chief Judge Charles A. Francis shall retain all administrative judge responsibilities for Gadsden, Jefferson, Liberty, Franklin, and Wakulla Counties, except as to the Family Division cases.

b. Circuit Judge George S. Reynolds, III, is hereby designated Administrative Judge in Gadsden County and Liberty County for the purpose of coordinating Family Division case matters in those counties.

c. Circuit Judge James C. Hankinson is hereby designated Administrative Judge in Franklin County for the purpose of coordinating Family Division case matters in that county.

d. Circuit Judge L. Ralph Smith, Jr. is hereby designated Administrative Judge in Jefferson County for the purpose of coordinating Family Division case matters in that county.

e. Circuit Judge N. Sanders Sauls is hereby designated Administrative Judge in Wakulla County for the purpose of coordinating Family Division case matters in that county.

4. Duties of Administrative Judges.

Those judges designated administrative judges hereunder are expressly given the authority, consistent with this order and other applicable administrative orders, to assist with the administrative supervision of the designated court or division and to provide for duty coverage within the assigned division or court. No administrative judge is delegated the authority to enter any administrative order as that authority is reserved to the Chief Judge.

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B. Weekend and Holiday Duty.

The Trial Court Administrator shall prepare a rotation list designating a particular circuit or county judge to serve as the duty judge on holidays and weekends. The duty judge shall handle all first appearance proceedings in Leon, Franklin, Gadsden, Liberty, Jefferson, and Wakulla Counties. The duty judge shall also handle any arrest warrants, search warrants, petitions for injunctions, emergency hearings or other emergency matters brought to the duty judge's attention. For the purposes of this order, the weekend shall commence at 5:00 p.m. on Friday and terminate at 8:00 a.m. on Monday. Holiday duty other than those falling during weekend duty, shall commence at 5:00 p.m. the day before the holiday and terminate at 8:00 a.m. the day after the holiday. The duty judge shall be available by telephone to address emergency calls at all times during their rotations, and shall be responsible for providing telephone numbers (including cell phone) to the Trial Court Administrator so that the duty judge may be reached at all times during the duty rotation.

VIII. EMERGENCY MATTERS.

A. Cross-Assignments.

All circuit judges and county judges in Leon, Gadsden, Jefferson, Liberty, Franklin and Wakulla Counties are hereby cross-assigned to preside over any emergency within their individual counties or assignments in the circuit or county court.

B. Emergency Hearings.

The following procedures shall apply when requests to schedule emergency hearings are made in the circuit criminal, civil, family or probate divisions and county courts of the Second Judicial Circuit:

1. For the purpose of this order, emergency circuit criminal, civil, family or probate and county court matters shall be defined as non-routine matters which, by their nature, require the immediate action by a judge to prevent physical harm, irreparable property damage or a hardship of such a critical nature that the swift intervention of the court is deemed necessary.

2. A request for an emergency hearing shall be presented in writing **to the judge assigned** to the case.

3. In the event the judge assigned to the case is unavailable, and a duty judge has not been designated to address such emergency request, the request for an emergency hearing shall be brought to the Chief Judge or the Chief Judge pro tem, to determine whether an emergency hearing is needed. For the purpose of this order, the unavailability of the judge shall mean that the judge is physically not present in the courthouse in which the emergency must be heard and will remain so for such a period that necessity requires the matter to be submitted to the Chief Judge.

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4. If the Chief Judge determines that there is an emergency that requires the immediate attention of a judge, the Office of Court Administration shall be notified and a judge shall be identified to handle the emergency.

5. Only the judge identified to handle the emergency shall be permitted to resolve the emergency. If the judge assigned to the emergency is unable to rule on the emergency matter due to a conflict, the Office of Court Administration shall again be contacted and another judge shall be identified to resolve the emergency.

IX. BACK-UP AND SUPPLEMENTAL ASSIGNMENTS.

A. Circuit Judges.

Each circuit judge of the Second Judicial Circuit is assigned to supplement and aid the county court in the county to which the circuit judge is assigned. Each circuit judge is also authorized to supplement and aid any other circuit or county judge in the circuit when the circuit judge or county judge is unavailable or otherwise request assistance, or is assigned by the Chief Judge.

B. County Judges.

Each county judge of the Second Judicial Circuit is temporarily assigned in their respective counties to supplement and aid the circuit court. However, county judges shall not be assigned to handle contested family law cases, or child support and/or enforcement cases, in their respective counties, except in an emergency or when expressly assigned by the Chief Judge. Each county judge of the Second Judicial Circuit is authorized to supplement and aid any other circuit or county judge in the circuit when the circuit judge or county judge is unavailable or otherwise requests assistance, or is assigned by the Chief Judge.

C. Simplified Dissolution of Marriage Cases.

1. County judges in each of the counties of the Second Judicial Circuit shall have jurisdiction over all simplified dissolution of marriage cases.

2. For the purposes of public convenience and administrative efficiency, simplified dissolution of marriage cases may be filed in the Circuit Civil Division of the clerk's office in each of the counties of the Second Judicial Circuit, and shall be processed accordingly.

D. Jury Qualification.

1. All five Leon County Judges shall be assigned to qualify the Leon County jurors on a rotating basis as determined and assigned by the Administrative Judge of the Leon County Court.

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2. The circuit judges assigned to Gadsden, Franklin, Jefferson, Liberty and Wakulla Counties shall be responsible for qualifying the jury venire during their respective trial weeks.

X. SCHEDULING OF COURTROOMS AND HEARING ROOMS.

Courtroom and hearing room assignment and scheduling in Leon County shall be made by the Office of Court Administration under the supervision of the Chief Judge.

XI. EFFECTIVE DATE AND PREVIOUS ASSIGNMENT ORDERS.

This order shall be effective January 6, 2009, whereupon Administrative Order 2007-04, as amended, shall be superseded and terminated, and this order shall remain in effect through June 30, 2009, unless modified by subsequent order.

DONE and ORDERED in Chambers in Tallahassee, Leon County, Florida, this 4th day of December, 2008.

Charles A. Francis

CHARLES A. FRANCIS
Chief Judge

cc: All Circuit and County Judges, Second Judicial Circuit
All Clerks of Court, Second Judicial Circuit
All Sheriffs, Second Judicial Circuit
Public Defender, Second Judicial Circuit
State Attorney, Second Judicial Circuit

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