

DA 5-31-96 047

DALE ROSS
CHIEF JUDGE

SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA



BROWARD COUNTY COURTHOUSE
GEORGE W. TEDDER, SR. DRIVE
201 S.E. 6TH STREET
FORT LAUDERDALE, FLORIDA 33301

FILED
SID J. WHITE
MAY 6 1996

CLERK, SUPREME COURT
May 1, 1996
By _____
Clerk Deputy Clerk

The Supreme Court
Sid J. White, Clerk
Supreme Court Building
500 Duval Street
Tallahassee, FL 32399-1927

87678

Re: Proposed Rule Change

I would like to offer some comments concerning the proposed change to Rule 2.050(c) of Judicial Administration, limiting the term(s) that a Chief Judge may serve.

As the Court knows, I am a multiple term Chief Judge. Currently, I am serving my third term as Chief Judge. Broward County has a recent history of multiple term Chief Judges. My predecessor, Miette Burnstein, also served three (3) terms. Statewide, Dade, Hillsboro, the 14th Circuit and the Second (2nd) Circuit, have had a history of repeat terms (three or more). It would appear that multiple terms is really not a statewide problem, if considered a problem at all. I understand that a couple of Circuits (i.e., 12th Circuit) have local customs/protocol limiting the term(s) of their Chief Judge. I feel very strongly that each individual circuit should have the right of self-determination. What may work in one area of the state, may not be right for another area.

Prior to changing the rule, I believe we should clearly identify the problem with the current rule. After identifying the problem, it should be fully discussed and debated by each conference (County and Circuit). Thereafter, an attempt should be made to correct the problem.

I have heard rumored, that the problem might be politics. Some fear the current method is too political in nature. I do not agree. I would suggest, that as long as Chief Judges are elected, there will be some degree of politics involved. Here in Broward County, we elect our Chief Judge through secret ballot. This removes any issue of politics, favoritism, retribution, etc. I notice that the proposed rule change provides for a secret ballot requirement/remedy.

I would point out, that the suggested rule change was not initiated by the Courts, but came from the Florida Bar. To my knowledge, neither Conference has requested or endorsed a rule change. The only expression of support from the judiciary is the limited participation in a confidential survey sponsored and conducted by the Florida Bar in 1994. I am not exactly sure what the response rate was to the survey, but for those who did respond, only fifty (52%) two percent favored a change. This is not exactly a ground swell. Depending on the exact response rate, this fifty two (52%) percentile may actually represent a minority of the judges statewide.

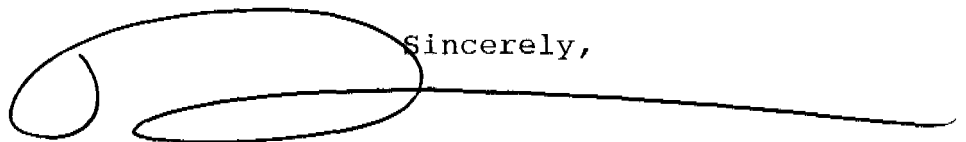
Procedurally, the super majority vote held nine (9) months prior to February's election, would result in a sitting Chief Judge becoming a lame duck Chief Judge for fourteen (14) months. This surely would inhibit his/her ability to run the circuit.

The position of Chief Judge (particularly in large Circuits) has changed radically in the past few years. It wasn't many years ago, that most circuits did not have a professional Court Administrator. Today, due to increasing demands, and the complexity of running a circuit/court system, every circuit has a full time professional Court Administrator. These same demands, have also changed the complexion of the Office of Chief Judge. A Chief Judge can no longer simply be the ceremonial head of the Court. Chief Judges should be judges, who have proven leadership and managerial skills.

Lastly, it is my strong belief, that each Circuit should be free to elect whomever they desire as their Chief Judge. This vote should be by a majority vote. Majority rule has served this country well for Two (200) Hundred years.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long horizontal stroke that extends to the right.

DALE ROSS

DR/npw