

State of the Judiciary  
Chief Justice Vassar B. Carlton, Florida Supreme Court  
Message to the Florida Bar  
1973

On behalf of the Supreme Court of Florida it is my privilege to present the state of our judiciary. We can report that Article V appears to be on its way to success. The transition of the court system is progressing smoothly and our judicial business is being conducted with dispatch. Let us look briefly at some of the areas in which we have made progress.

First, the Supreme Court has endeavored to ease the burden of change by issuing a series of transition rules. We have required an audit of all cases transferred from the old court system to the new so that no case would be lost through administrative inadvertence. We have created a case disposition reporting system to speed up dispositions and to record for management purposes the business of the courts. Substantial revision of our procedural rules has been achieved, including those rules relating to summary claims, probate and guardianship, juveniles and civil and criminal matters. Soon we shall embark upon a revision of our traffic court procedures and appellate rules and such other rules as may be contemplated in the language of revised Article V.

It is with great pride in my colleagues that I can report that notwithstanding their additional administrative duties they have succeeded in dispatching a record number of cases thus far this term. This is particularly noteworthy because to date our workload is much heavier than it was at this time last year.

Second, progress has been made in the area of court administration. We are pledged to the concept that Article V calls for judicial management. It is our duty to promote efficiency to reduce costs to the litigants and to reduce the time spent in litigation as well as to improve the quality of justice.

Our procedural rules have been amended to make the chief judge of each judicial circuit the chief legal officer charged with providing speedy and efficient administration of justice within his circuit. The chief judge is to maintain a liaison function in all judicial administrative matters with the chief justice of the Supreme Court, who is now the chief administrative officer of the judicial system. In developing a philosophy of administration under revised Article V, we have taken the view that the key element is responsibility at the local level. We pledge to you a philosophy of decentralized administration except in those areas where statewide guidance is required. James Ueberhorst, our state courts administrator, has been assigned the task of assisting the chief judges. We have also asked him to undertake a uniform record survey of our courts and to make a thorough examination of docketing practices. Arthur Core, director of the Judicial Council, and William Falck, my executive assistant, have been invited to join with the state courts administrator in studies of our assignment practices, our case disposition reporting system and in other projects designed to improve the justice system.

Third, we have begun a purge, with the assistance of the chief judges and the state attorneys, of

all cases filed prior to 1972 which are no longer active. The chief judges will hereafter be requested to set up a schedule for automatically reviewing their pending cases on a quarterly basis. By bringing our dockets up to current status we can focus on speedier disposition of litigation. To assist by setting an example, the Supreme Court is now working out procedures to keep its docket current.

Fourth, we have sought greater cooperation with all elements in the judicial system, including state attorneys, public defenders, clerks and court reporters. Recently the chief judges were asked to coordinate trial schedules with our prosecutors and public defenders. We have begun to look upon the judicial system not as a system of courts, but as an interrelated system bringing together all elements affecting the judicial branch.

Fifth, the greatest progress has been made by the county and circuit courts. They have successfully absorbed the 585,000 cases pending throughout the various courts on the eve of transition. On January 1, 226,000 cases were absorbed by the new circuit courts; 360,000 cases were taken on by the county courts.

Now let me speak with you regarding the recent session of the legislature.

### ***State Accept Costs***

We very strongly believe that Article V mandated that the state accept the costs of the judicial system. The people of our state anticipated that this would be the result of adopting the revision. At the beginning of the session we asked that in accord with popular understanding and our conception of the philosophy underlying the revision of Article V, the legislature fully fund the judicial system and its supporting personnel. In its wisdom the legislature deferred for another year state acceptance of this obligation. However, we can report that the state appears to be moving in this direction with implementation targeted for fiscal 1974-75. The Florida Bar can make a major contribution by advocating that this step be taken. We ask your wholehearted participation in securing the full funding of the judicial system from next year's legislature.

The recent session also gave consideration to revising the structure of our court reporter operations. This topic is of major concern to us because of the necessity to provide for prompt reporting of criminal and juvenile cases. Unfortunately, the legislature limited its actions to a continuation of Transition Rule 12, our court reporter rule. We also ask that you assist us with this problem during next year's legislative session.

We are pleased to report that the legislature did accept our recommendation for additional judgeships. An additional circuit judge was authorized by law for both the Tenth and Nineteenth Circuits. Three additional county judges were authorized for Dade County and one additional county judge was authorized for each of the following counties: Palm Beach, Hillsborough, St. Johns, Marion, Osceola, Leon, Escambia, Alachua, Martin, St. Lucie and Collier.

### ***Confidence of the Public***

Let us now look to the future. Our nationwide position of leadership in judicial reform can be

continued and sustained only through the cooperation of the judicial branch and all members of The Florida Bar. By rules we can continue to streamline administration. We can continue to seek to reduce the time and costs required by litigation. However, all of this will come tonight unless we can join in a cooperative effort to restore the confidence of the public in our system of laws. Each of us must contribute to this task a renewed sense of honesty and integrity. Each of us must pledge to restore to our profession a sense of personal honor and sacred trust. No work we can do can be more important.

Let me take this opportunity to salute the chief judges who are now retiring from that office and those who have been re-elected. They have seen us through our most troubled time of transition. We hope that they will continue to share their experiences with those who are elected to succeed them.

It is a privilege to be permitted to serve as chief justice. This is so particularly because of my high regard for my colleagues. I respect them as men of ability and integrity. On occasion we differ in our judicial judgments; however, we have a most congenial multi-judge court which functions effectively in a spirit of mutual respect and cooperative independence. I trust we shall merit the public confidence with a judicial system characterized by diligence, professional competence and devotion to the administration of justice.