

**IN THE COURTS OF THE
FIRST JUDICIAL CIRCUIT OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO. 2012-58
(vacates Administrative Order No. 2006-12.1)

IN RE: JUDICIAL ASSIGNMENTS

JUDICIAL ABSENCE/DISQUALIFICATION/RECUSAL

WHEREAS, the Chief Judge, as provided in *Florida Rules of Judicial Administration* 2.215(b)(4), is responsible to establish judicial assignments and reassignments and may delegate certain of those responsibilities to others, and

WHEREAS, in certain circumstances, judges are disqualified from presiding over a case, or it becomes necessary for a judge to recuse from presiding over a case, and

WHEREAS, from time to time all judges in one county in the circuit may disqualify or it may not be appropriate for any judge in that county to preside over a particular case, and

WHEREAS, on occasion the judges in this circuit may be temporarily absent or unable to perform their duties, and it is necessary to call upon a senior judge or an active judge to preside over the absent judge's calendar, and

WHEREAS, efficient case management and docket management is facilitated when a judge who has time available on that judge's jury trial calendar can be assigned to assist with another judge's jury trial calendar, and

WHEREAS, it is necessary to implement a process for the equitable and efficient assignment or reassignment of cases or division responsibilities, it is, therefore

ORDERED that:

1. The undersigned, as Chief Judge delegates to the Clerks of Court in the four counties of the First Judicial Circuit the responsibility to randomly and equitably assign cases among the judges within that clerk's county according to the circuit and county courts' division structures as established by local administrative directives and to reassign cases as outlined herein.

It is further **ORDERED** that as to disqualifications/recusals within a county:

2. Within each county a case in which a judge has been disqualified/recused shall be randomly reassigned within the pool of judges presiding at the same level (circuit or county) and in the same type of division. The case types or divisions shall be categorized and identified by each Clerk as follows: County Civil, County Criminal, Circuit Civil, Circuit Criminal, Probate/Guardianship, Juvenile (to include delinquency and dependency), and Family Law (to include Domestic Violence). Should the pool of judges presiding over those types of cases or divisions be exhausted due to multiple recusals/disqualifications, the case shall then be randomly reassigned to a judge at the same level (circuit to circuit, or county to county) but presiding in any other division type. Should the pool of all judges at one level within a county be exhausted, the case should then be reassigned to a judge sitting at another level in that county who has been properly designated to perform the duties required (circuit to county, or county to circuit).

For example, upon disqualification/recusal of the originally assigned judge, a felony criminal case shall first be randomly reassigned to a circuit judge presiding in a criminal division. If no circuit judges presiding in a criminal division remain, the case shall be reassigned to a circuit judge presiding in any other type of division (i.e. civil). If no circuit judge is able to undertake the case, then the case should be randomly reassigned to a county court judge duly designated to perform circuit court duties. Cases should not be considered for reassignment to a judge in another county until no qualified judge, either circuit or county, remains in the originating county.

In randomly reassigning cases received from another county, the Clerks shall proceed as outlined in this paragraph by assigning the incoming case to a judge in the receiving county presiding at the same level and in the same type of division. (Note: The exception to a random assignment is in an Okaloosa County case as directed in Paragraph 4 below.)

It is further **ORDERED** that when all judges in the county in which the case is filed disqualify/recuse:

3. When all Escambia County judges (circuit and county) have recused or have been disqualified in a particular case, the case shall be reassigned, but not transferred, to a judge in Okaloosa County. The Clerk of the Court for Escambia County shall contact the Clerk of the Court for Okaloosa County who shall randomly reassign the case to a judge in Okaloosa County pursuant to the procedure outlined in Paragraph 2 above. The Escambia Clerk of Court shall notify the Administrative Assistant to the Chief Judge of the Okaloosa judge assigned.
4. When all Okaloosa County judges (circuit and county) have recused or have been disqualified from a case, the case shall be reassigned, but not transferred, to a judge in Escambia County. The Clerk of the Court for Okaloosa County shall contact the Administrative Assistant to the Chief Judge, as the Chief Judge's designee, for reassignment of the Okaloosa case to an Escambia judge pursuant to the list maintained by the Administrative Assistant to the Chief Judge. The Administrative Assistant to the Chief Judge shall maintain a list that reflects an alphabetical rotation by case type of all Escambia Judges, both Circuit and County, according to the categories of case types as outlined in Paragraph 2. above. Upon entry of this order, an alphabetical listing of the judges in Escambia County will be recreated to include all judges in each of the categories of law outlined in Paragraph 2 above and assignments will begin at "A."
5. Cases shall be reassigned at the discretion of the Chief Judge when all judges from Escambia County or Okaloosa County have been disqualified or recused.
6. When all Santa Rosa County judges (circuit and county) have recused or have been disqualified from a case, the case shall be reassigned, but not transferred, to a judge in Walton County. The Clerk of the Court for Santa Rosa County shall contact the Clerk of the Court for Walton County who shall randomly reassign the case to a judge in Walton County pursuant to the procedure outlined in Paragraph 2. above. The Santa Rosa Clerk of Court shall notify the Administrative Assistant to the Chief Judge of the Walton judge assigned.
7. When all Walton County judges (circuit and county) have recused or have been disqualified from a case, the case shall be reassigned, but not transferred, to a judge in Santa Rosa County. The Clerk of the Court for Walton County shall contact the Clerk of the Court for Santa Rosa County who shall randomly reassign the case to a judge in Santa Rosa County pursuant to the procedure outlined in Paragraph 2. above. The Walton Clerk of Court shall notify the Administrative Assistant to the Chief Judge of the Santa Rosa judge assigned.

8. Cases shall be reassigned at the discretion of the Chief Judge when all judges from Santa Rosa County or Walton County have been disqualified or recused.
9. In randomly reassigning cases received from another county, the Clerks shall proceed as outlined in Paragraph 2 above by assigning the incoming case to a judge in the receiving county presiding at the same level and in the same type of division. (Note: The exception to a random assignment is in an Okaloosa County case as directed in Paragraph 4 above.)
10. In any case reassigned to another county pursuant to this section of this administrative order, the judge who, absent a timely, legally sufficient motion filed by a party, first voluntarily disqualified or recused in the sending county shall be responsible for traveling to and covering the docket of the judge assigned in the receiving county during any hearing or trial lasting a half day or longer in the reassigned case scheduled at any time after the effective date of this administrative order.

It is further **ORDERED** that as to any temporary absences of an assigned judge:

11. The undersigned further delegates responsibility to the Administrative Assistant to the Chief Judge to coordinate the assignment of a senior judge or an available active circuit or county judge to preside in matters in which the services of a senior or active judge are required due to the unavailability of the regularly assigned judge. The Administrative Assistant to the Chief Judge shall have this authority and responsibility in all four counties comprising the First Judicial Circuit.
12. No senior judge may volunteer service under any circumstance without prior consent of and assignment by the Chief Judge or the Administrative Assistant to the Chief Judge. All senior judges [whether certified senior judges or those judges who have left active judicial service by any means permitted by law] are authorized to volunteer service **only** through assignment and coordination by the Chief Judge or the Administrative Assistant to the Chief Judge. This procedure will aid in maintaining reporting requirements for volunteer service, payroll requirements for senior judges and, will ensure a judge's eligibility for judicial immunity.

It is further **ORDERED** that as to management of jury trials:

13. In the interest of maximizing efficient docket management, the judges in the First Circuit are authorized to cover jury trials for one another within their judicial facility without further order or assignment by the undersigned when any judge

has more cases to try than that trial week's jury trial schedule will allow and when another judge, upon resolution of scheduled jury trials (whether civil or criminal) in that judge's own division, becomes available to assist.

It is further **ORDERED** that:

14. Nothing in this order shall be construed as an order to change venue from the county in which the case was originally filed.

It is further **ORDERED** that:

15. This Administrative order shall take effect January 1, 2013.

DONE AND ORDERED in Pensacola, Escambia County, Florida this 27th day of December, 2012.

/S/ TERRY D. TERRELL

TERRY D. TERRELL
CHIEF JUDGE

Copies furnished to:
All Judges, First Judicial Circuit
All Clerks, First Judicial Circuit
Robin Wright, Trial Court Administrator
For posting at www.FirstJudicialCircuit.org