

**THE ELEVENTH JUDICIAL CIRCUIT  
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 09-2  
(Court Administration)**

**ADMINISTRATIVE ORDER  
NO. 09-47**

**IN RE: REAFFIRMING THE  
IMPLEMENTATION OF THE MERGED  
SENIORITY LIST FOR THE  
ELEVENTH JUDICIAL CIRCUIT OF  
FLORIDA**

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**WHEREAS**, via memorandum to all judges, dated March 16, 2000 ("Memorandum"), former Chief Judge Joseph P. Farina announced the implementation of the Circuit's Rotation & Seniority Committee Report, which included the procedure for the establishment and continuation of the Merged Seniority List, attached hereto as Attachment "A", and

**WHEREAS**, in accordance with such procedure, the Circuit and County Judges' Seniority Lists were to be merged by stacking them, with the Circuit List being first and County List second as of January 1, 2001, post the preceding judicial election; and

**WHEREAS**, after the January 1, 2001 effective date of the Merged Seniority List, any Judge (Circuit or County) appointed or elected to office would be added to the bottom of the Merged Seniority List by order of appointment or election;

**NOW, THEREFORE**, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.215, of the Rules of Judicial Administration, it is hereby **ORDERED**:

1. The procedure for the establishment and continuation of the Merged Seniority List as implemented on January 1, 2001, is reaffirmed and remains in full force and effect.
2. The Merged Seniority List will be used for all decisions regarding the seniority status of judges in the Eleventh Judicial Circuit.
3. The present procedure for effectuating Circuit and County Court judicial rotations remains the same. In making assignments pursuant to such Circuit and County Court judicial rotations, the undersigned retains discretion to consider the Merged Seniority List, geographical proximity of a judge's

residence and assignment location, the public interest, the effective administration of justice and other pertinent factors within the Rules of Judicial Administration.

This Order shall take effect immediately and shall remain in full force and effect until further order of the Court.

**DONE AND ORDERED** in Chambers at Miami-Dade, Florida, this \_\_\_\_\_ day of October, 2009.

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**JOEL H. BROWN, CHIEF JUDGE**  
**ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**

# Memorandum

Attachment "A"

To: All Judges  
From: Joseph P. Farina, Chief Judge  
Date: March 16, 2000  
Subject: Rotation & Seniority

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After a thorough review of all options presented, and discussion with many of you, I am announcing the implementation of our Circuit's Rotation & Seniority Committee's Report, effective January 1, 2000. A copy of the Report is attached.

Throughout the process of creating this Rotation & Seniority Plan, I have sought out your comments regarding the Committee's proposal. The Committee, made up of a cross-section of 19 judges from every Division of our Circuit, labored for months to determine what is in the best interest of all judges. While I considered alternative proposals, such as the "pod plan", I am aware that we do agree on one thing - no plan is able to accomplish everything for everyone.

As the Committee Report notes, there is a consensus that most judges do not want a true rotation system by which every judge rotates through each of the court divisions. What is desired is that the civil divisions of the court become more accessible and that branch court assignments become more available. The Report addresses these major concerns and provides a well-considered change from the status quo.

The Committee will reconvene on May 1, 2001, to review the Plan's operation and to consider any suggested changes. It is important to implement the Committee's Plan in good faith with the understanding that we will work together to modify it as needed. To this end, I seek your continuing input and ideas.

In making assignments pursuant to the Plan, I will retain discretion to consider the geographical proximity of a judge's residence and assignment location, the public interest, the effective administration of justice and other pertinent factors within the Rules of Judicial Administration.

Please join me in thanking our colleagues who served on the Committee for undertaking this important issue and for their valuable time in creating this Report.

JP/CP

Enclosure: as stated

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Eleventh Judicial Circuit

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# · ROTATION & SENIORITY COMMITTEE R E P O R T

## † OBJECTIVE

The Committee of 11 Circuit Judges from Civil, Family, Criminal and 8 County Judges from Civil and Criminal met on three occasions plus several sub-committee meetings. In addition, several Judges (non members of the Committee) attended and there was open, frank, candid discussions of the alleged problems with rotation, suggested solutions and opposition to any changes.

It was quickly apparent that most Judges did not want a true rotation system, mandatory or voluntary, where every Judge rotates throughout each of the five Circuit Divisions.

The major problem area was Civil (Both Circuit and County) and the Impression that, due to the downward average age of Judges, once someone got to Civil, there would be no movement out for decades, if not generations. There was also a desire to preserve the status quo for those who had traveled through the divisions to finally get to Civil.

## † ROTATION - CIRCUIT

The next eight (8)<sup>1</sup> positions which open in General Jurisdiction (Civil) shall be designated as "Rotation Divisions"; i.e., the person in such division shall serve therein for a three (3) year period. After that time, the next most senior person who wishes to serve in General Jurisdiction will take over

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<sup>1</sup>The original suggestion was "Ten (10) openings". This engendered a great deal of disputation and eventually led to a compromise of the present "eight".

that "Rotation Division". The person leaving will return to the division from which that person came, or any other open division. The person leaving will not lose any seniority by such move.

When the ninth position opens in General Jurisdiction, this will be considered a "permanent division" which will be filled by the most senior person desiring it, notwithstanding the division in which that person is presently serving, including a "Rotation Division". All subsequent openings in General Jurisdiction will thereafter be considered "permanent divisions" and will continue to be filled on a seniority basis.

Every Judge presently assigned to a permanent position in General Jurisdiction will not be moved from General Jurisdiction except by their choice. The three year commitment will have a minimal impact on attorneys, litigants and existing cases. When the ninth or "permanent division" opens, if the most senior judge is presently in a "Rotation Division", that division will simply change its designation to "permanent" and the ninth division will become "Rotation Division".

Another or concomitant suggestion to alleviate stress in the Criminal Division was to make three of the present four back-up divisions be considered rotating for two (2) years only, to create a break from daily calendars. The fourth back-up should be permanently assigned to the Administrative Judge to allow time for handling administrative matters.

It was the Committee's feeling that while the above is neither a cure nor a panacea, it would allow greater flexibility to more people.

#### † ROTATION - COUNTY

*Civil Downtown:* No Judge (Civil Downtown) at the time of implementation would be affected. The next three open seats shall become "rotation divisions" to be filled by seniority. The period of rotation shall be for no more than four (4) years, at which time the person in the "rotation division" would return to the division that person left, unless there is an opening in another division for which that person has the requisite seniority and desire.

⚡ RICHARD E. GERSTEIN CRIMINAL

There are eleven divisions (including DUI, Jail Calendar, Bond Hearings and Arthur Hearings). Two of these eleven shall be "rotation divisions" with the same rights as outlined for Civil Downtown.

⚡ BRANCH COURT

Unless there is no demand by another Judge, a Judge shall not sit in a particular branch court for more than four (4) years.

⚡ DOMESTIC VIOLENCE

(No recommendation was made for this Court)

⚡ SWITCHING - DIVISIONS

Any temporary or voluntary switch of divisions or Intra-division shall be for no less than ninety (90) days and no more than six (6) months. No such switch shall be permitted without prior approval of the affected Administrative Judge.

⚡ SENIORITY

The Circuit and County Judges' Seniority List would be merged by stacking them. The Circuit list would be first and the County second as of January 1, 2001 (post election). Once this merger is implemented any Judge (Circuit or County) appointed or elected to office would be added to the bottom

of the merged Seniority list by order of appointment or election.<sup>2</sup>

Any County Court Judge later appointed or elected to the Circuit Court would retain the status held on the seniority list before the appointment or election.

It was suggested that a separate list be kept by the A.O. for internal use only and not as the "official" seniority list.

### ⚡ COMMITTEE APPOINTEES

The Committee which was Chaired by Judges Richard Yale Feder and Catherine Pooler, consisted of Judges Leo Adderly, Cecilia Altonaga, Mercedes Bach, Joel Brown, Gisela Cardone, Kevin Emas, Ronald Friedman, Leonard Glick, Sandy Karlan, Lawrence King, Shelly Kravitz, Victoria Platzer, Jose Rodriguez, Rosa Rodriguez, Robert Scola, Bernard Shapiro & Sidney Shapiro.

They, and each of them, have the thanks of all of us for tackling a sticky problem that needed attention.

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<sup>2</sup>If more than one are appointed or elected at any one time, the order of seniority would be determined by traditional ways and not by title or office.