



United States District Court
Middle District of Florida
801 North Florida Avenue, Suite 14-A
Tampa, Florida 33602

Thomas P. Barber
United States District Judge

6160
(813) 301-6150

March 25, 2022

Florida Supreme Court
Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

***Re: In Re: Report and Recommendations of the Workgroup on
Improved Resolution of Civil Cases, Case No. SC22-122***

Dear Honorable Justices of the Florida Supreme Court,

This is in response to the invitation for public comment, recently published in the Florida Bar News, regarding the Report and Recommendations of the Workgroup on Improved Resolution of Civil Cases ("the Report"). I offer no opinion on the wisdom of any of the proposals contained in the Report. However, if the suggested changes to Florida's existing system are to be made, I respectfully suggest that such changes must also include appropriate administrative staff to support Florida's trial court judges in carrying out their new -- and significantly more labor-intensive -- case management responsibilities. Without appropriate support staff, the improvements to civil case management envisioned by the Report will not achieve the level of success anticipated or may fail altogether.

Many of the changes discussed in the Report would create a case management system similar to what has existed in the federal system for nearly 30 years. At present, however, Florida state court judges do not have the administrative support staff necessary to effectively implement that kind of case management system. In the federal system, District Judges in most parts of the country can share their civil case management responsibilities with highly competent and experienced Magistrate Judges. In the Middle District of Florida, there are presently 17 Magistrate Judges supporting 15 active District Judges. A similar system does not exist in the Florida state courts. Moreover, most District Judges in the federal system have three law clerks, and most Magistrate Judges have two law clerks, who are available to assist with case management responsibilities. In addition to all these resources, most District Judges in the federal system are assigned a Courtroom Deputy Clerk who handles case management on a full time basis.

Received, Clerk, Supreme Court

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In contrast, each judge in the Florida state court system has just one person, a Judicial Assistant, who directly supports the judge's work and could potentially assist with case management duties. While most Florida state courts employ judicial staff attorneys (the rough equivalent of federal law clerks) to support judges, those courts presently employ vastly too few staff attorneys to adequately accomplish the tasks at hand as things stand now. During the time I served as a County and Circuit Judge in the Thirteenth Circuit (2004-2019), four or five judges shared the services of just one staff attorney.

Finally, I want to point out a possible -- but important -- unintended consequence of the changes recommended in the Report. If judges serving in civil divisions are required to undertake significantly increased case management responsibilities without appropriate support staff, it is unlikely most judges will want to serve in civil divisions. At present, the civil divisions in many Florida courts are staffed by some of the most experienced and seasoned judges. If those judges are required to undertake significantly increased case management responsibilities without additional support staff, it is very possible many of them will elect to serve in other subject matter divisions and leave the important work of civil case management to their more junior, and less experienced, colleagues.

Thank you for considering my thoughts on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'T.P. Barber', written in a cursive style.

Thomas P. Barber