

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER, MARTIN, OKEECHOBEE, AND  
ST. LUCIE COUNTIES, FLORIDA

ADMINISTRATIVE ORDER 98-11

**RE: Policy and Process for Assigning Senior Judges**

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration, it is,

**ORDERED** that the following Policies and Procedures shall govern the assignment of Senior Judges in this circuit.

**A. Policies:**

1. Senior judges should be used only after consideration of possibilities for reassignment of active members of the judiciary at both the circuit and the county levels.

2. Senior judge days will be allocated only for the following purposes, as approved by the Supreme Court.

a) speedy trial rule problem and for coverage of criminal dockets that would otherwise be disruptive of criminal calendars;

b) long duration criminal (*more than 5 trial days*) or civil (*more than 10 trial days*) trials that would otherwise be disruptive of trial calendars;

c) cases requiring a nonresident judge and no active judges are available in adjacent circuits;

d) short term emergencies due to illness or other unforeseen circumstances;

e) planned medical absences, for which coverage cannot be provided in advance;

f) parental or other family leave, for which coverage cannot be provided in advance;

g) incapacity of a judge;

h) vacancies due to retirement, death, or appointment;

I) during the suspension of a judge pending completion of criminal or Judicial Qualifications Commissions investigations;

j) to preside over a previously heard case;

3. Coverage for judges on vacation, attending educational meetings or conferences and voluntarily assisting with the work of other courts are of the lowest priority.

4. The assignment of senior judges to cases, particularly those of a complex nature, which may remain in the system for a lengthy period of time and for which it is difficult to estimate the total number of hearing or trial days that may ultimately be required is discouraged.

5. Senior judge days will be monitored on a quarterly basis. If more than one-fourth of the total days allocated are used in any one quarter, the Chief Judge may decline to approve additional days during that quarter unless days remain from a previous quarter.

**B. Process for Assigning Senior Judges:**

1. A presiding judge shall make all requests for the use of a senior judge to the Chief Judge. The request shall be in writing and shall include the reason for the need of senior judge time, including the date the matter is scheduled to commence.

2. When the Chief Judge approves the request, the Office of the Courts Administrator will contact the presiding judge to confirm the details of the case or cases and then shall contact a senior judge willing to accept the assignment. The Office of the Courts Administrator shall then prepare the appropriate order and forward it to the Chief Judge for his/her signature.

3. In cases where the assignment is to cover a trial or trials, once the senior judge has accepted the assignment, the presiding judge shall be responsible for entering an order setting the matter for trial and making sure that there is an available courtroom, jurors, and bailiffs for the senior judge. The presiding judge shall continue to be assigned to the case and shall be responsible for all pre-trial matters.

9 **DONE AND ORDERED** in quadruplicate at Vero Beach, Indian River County, Florida, this day of November, 1998.

  
PAUL B. KANAREK  
Chief Judge