



Washington, D.C.
Virginia
Florida
Arizona
New York
holtzmanvogel.com

July 23, 2025

The Honorable Carlos G. Muñiz
Chief Justice, Florida Supreme Court
500 South Duval Street
Tallahassee, Florida 32301

RE: Response to Chief Judge Allman's June 27, 2025 Letter

Dear Chief Justice Muñiz:

This is a response to the letter Chief Judge Allman sent you on June 27, 2025. It should go without saying: the Leon County Clerk's Office takes its duties and responsibilities seriously. Leon County residents put significant faith and trust into the office, and the leaders and employees of the office work every day to meet and exceed that faith and trust. As this response details, there's been no "failure" "to comply with an order or directive of the chief judge" under Florida Rule of General Practice and Judicial Administration 2.215(i). As with any entity, however, mistakes are sometimes made. Where mistakes are made, steps are taken to ensure that they aren't likely to recur.

That's what's happening now in the Leon County Clerk's Office. The office took seriously the concerns raised in Chief Judge Allman's letter. As this response details, those concerns have been reviewed, addressed, and resolved, and new trainings and procedures are in place to ensure that such issues aren't likely to recur.

Two points also bear mentioning. First, the chief judge's letter never states that Clerk Marshall is choosing *not* to follow a provision of Florida law. The letter simply provides the chief judge's perspective on *how* Clerk Marshall goes about doing her ministerial tasks under Florida law.

Second, Chief Judge Allman's letter lacks context. The Leon County Clerk's Office is facing funding, staffing, and administrative struggles—struggles that are hitting the office acutely and uniquely. So, in addition to responding to Chief Judge Allman's concerns, this letter provides that much needed context.

The Clerk's Office in Context

Clerk's offices across the state are facing funding, staffing, and administrative issues. Those issues are uniquely affecting the Leon County Clerk's Office. The office is forced to do more with less.



As you may be aware, since 2023, there's been a surge in civil case filings. In fact, in early 2023, there was a 232 percent increase in civil case filings in Florida. The Leon County Clerk's Office is dealing with this significant increase, on top of its other duties for other case types. To put numbers on it, the office processes over 3,500 transactions a day, and between July 2024 to June 2025, the office docketed 49,271 cases (criminal and civil) and reopened 12,668 cases (criminal and civil).

The kinds of cases Leon County receives aren't like cases other counties receive. The Leon County Clerk's Office gets a number of high-profile cases concerning state government, state agencies, constitutional issues, and issues related to two of the state's premier universities. One such agency is the Florida Department of Corrections. Between July 2024 through July 2025, inmates filed over 450 writs of mandamus against the department and related agencies. While court fees are assessed in these cases, little, if any, are collected, due to a majority of filers being incarcerated.

It also bears noting that Leon County has a poverty rate (17.6 percent) that's higher than the national average (11.1 percent) and state average (12.3 percent). This leads to a high demand for services. Between June 2024 and July 2025, the office received at least 1,321 applications to waive fees, due to indigency, in civil cases. So, even where fees and fines are assessed, fees and fines aren't always collected.

Even when clerk's offices across Florida collect fees and fines, they don't retain the full amount. During the 2023-2024 fiscal year, for example, clerks collected over \$850 million in fines and fees, but over 40 percent—over \$380 million—was distributed away from clerk's offices and toward other areas and entities, like the state's general revenue and state trust funds.

In Leon County, some clerk services receive no additional funding or reimbursement at all. When it comes to injunctions for protection, Baker Act cases, and Substance Abuse Act cases—in addition to cases where courts approve indigent applications—the Leon County Clerk's Office expended over \$350,000 in services during the 2022-2023 fiscal year, without additional funding or reimbursement.

Staffing and training are an issue for the Leon County Clerk's Office, as well. The office competes with other governmental entities, along with quick-service restaurants and e-commerce giants like Amazon, for quality employees. Given high turnover rates since COVID, the office tries to entice potential employees with higher salaries, and tries to make up staffing deficiencies with overtime pay and bringing on temporary hands.

Given the importance of the job, however, training takes about two years. And even after quality recruits are thoroughly trained, competitors poach employees—offering them better salaries and benefits. When quality employees stay, the office must then confront contribution



matching under the Florida Retirement System. Since 2020, compounding, increasing contributions cost clerk's offices over \$80 million.

Still, the Leon County Clerk's Office is being proactive. It's focusing more on training, recruiting, and forward-looking solutions, like further incorporating A.I. technology into routine tasks. While other counties are using this technology for civil cases, the Leon County Clerk's Office is looking to use it in both civil and criminal cases. This is in an effort to reduce clerical mistakes and improve administrative efficiencies.

To sum: the Leon County Clerk's Office is working under funding, staffing, and administrative stress. To be sure, some stresses affect all clerk's offices throughout the State. But Leon County's location and demographics magnify these issues. It also shows that, in spite of these issues, the office is relentlessly working to fulfill its duties and responsibilities. None of this excuses the concerns raised in Chief Judge Allman's letter. It, instead, provides context to those concerns and highlights progress made by the office in the face of these issues.

Responding to Chief Judge Allman's Letter

Below are detailed responses to the concerns raised in Chief Judge Allman's letter. Again, these concerns have been reviewed, addressed, and resolved by the clerk's office.

(1) The first matter raised in Chief Judge Allman's letter concerns an incorrect docket entry in *State v. Alford*. The office reviewed the matter and found that the error stemmed from a distracted deputy clerk. At the April 21, 2025 case management conference, courtroom video revealed that the deputy clerk was simultaneously approached by two court staff members—one handing over a document, and the other asking a question—while counsel was informing the judge of the case's transfer to drug court. This distraction resulted in a mistaken docket entry and issuance of a capias.

The Leon County Clerk's Office took steps to ensure that this kind of incident won't happen in the future: clerks have been directed to confirm instructions directly with the presiding judge before entering those instructions.

If you would like to review the courtroom video in this case—or any courtroom videos related to the concerns raised in Chief Judge Allman's letter—the office is happy to provide it.

(2) The next matter raised in the letter deals with an alleged failure to docket a warrant in *State v. Watson*. The office again reviewed the matter and found that the judge signed the warrant on February 5, 2025, and that the warrant was received in the clerk's office on February 7, 2025. A review of the docket shows the warrant was processed the same day it was received and was immediately available to the court and parties. In addition to the warrant being docketed into the case, the docket further shows that the correct corresponding docket codes were entered to conspicuously indicate “RE-OPEN VOP WARRANT” and “NO BOND ALLOWED,” on



February 7, 2025. In summary, the clerk docketed the warrant in accordance with time standards, the warrant was available to the court and parties, and the subsequent decision to provide a bond was not due to any omission by the clerk's office.

(3) The third concern raised involved a failure to seal a filing in a high-profile criminal case. The office reviewed the matter and took punitive and proactive action. In January 2025, when this matter occurred, the office formally reprimanded the offending employee. Office employees were further reminded of the seriousness of the error and the importance of quality control.

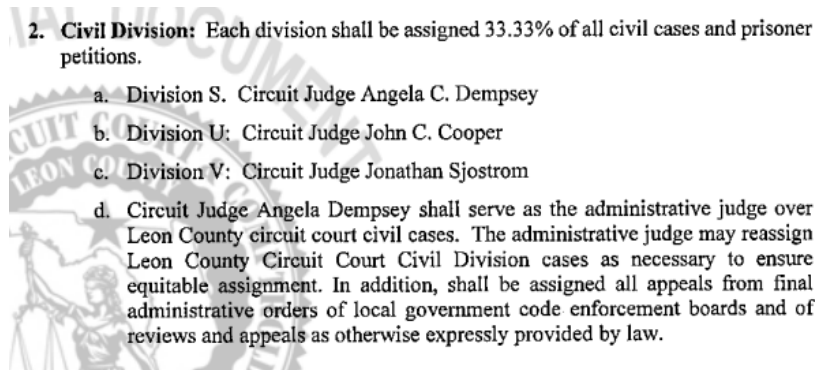
To ensure that a similar incident doesn't occur, the office now (1) requires supervisors to review potentially confidential material in high-profile cases before filing and (2) reminds employees to inquire whether notices of confidentiality are needed.

(4) The next matter was over access to records. Access to records is a balancing act: the office must maintain the confidentiality of designated information, while also maintaining the public's (and the media's) right to access records. The office must balance these competing objectives with accuracy and efficiency. As such, each record that needs redactions is manually reviewed by the office's staff. This ensures that various confidential and personal identifying information are not improperly released. Such records are often voluminous, complex, and may require several hours or days to review and make available to the public. Since April 2025, employees have received additional training on handling confidential and sensitive documents, and managers now review confidential and sensitive documents before filing. Additionally, the office has implemented cross-training initiatives with existing staff and recruited additional employees to assist with redactions. Such proactive measures are intended to greatly reduce the likelihood of future backlogs.

(5) The fifth concern in the letter is related to complying with judicial assignment orders. The Leon County Clerk's Office has consistently followed the Second Judicial Circuit's administrative orders in both the civil circuit and family divisions. Below is a detailed explanation of how case assignments are made in accordance with the court's governing administrative orders.



Circuit Civil. The office follows all administrative orders issued by the court for case assignments. According to Second Circuit Administrative Order 2024-04:



The office uses the Benchmark Case Maintenance System, which is also used by twelve other counties in Florida. At the court's request, the office configured the system to manage case counters for each case type within circuit civil. There are seventy-two circuit civil case types, including automobile negligence, foreclosure of homestead property, and mandamus, among others. Each new case type is assigned at a rate of 0.333 per judge in circuit civil to help ensure equal distribution across divisions.

Reopened cases are similarly assigned at 33.33 percent, unless a case was previously heard by a judge currently assigned to circuit civil, in which case the reopened case is reassigned to that judge. Moreover, if a plaintiff files multiple cases within the same case type, the judge assigned to the first case is also assigned the subsequent cases. This practice is most common in mandamus cases, where inmates challenge the Florida Department of Corrections.

Further, as authorized by the administrative order, the court may issue judicial memoranda directing the clerk's office to reassign cases from one division to another. The office follows such instructions accordingly.

These case assignment protocols have been in place since June 3, 2013, when the Benchmark Case Maintenance System was first implemented.

Family Division. As with circuit civil, the clerk's office adheres to the court's administrative orders for case assignment in the family division. Under Second Circuit Administrative Order 2024-04:

3. Family Division:

- a. Division G¹: Dependency: Circuit Judge Barbara K. Hobbs
- b. Division H: Delinquency: Circuit Judge Joshua Hawkes
- c. Division I: Family: Circuit Judge Robert R. Wheeler shall be assigned 40% of all family cases.
- d. Division J: Family: Circuit Judge Anthony Miller shall be assigned 40% of all family cases.
- e. Division K: Family: Circuit Judge Joshua Hawkes shall be assigned 20% of all family cases.

Using the Benchmark Case Maintenance System, and at the court's request, the clerk's office established case counters for each of the fifty-three family law/domestic relations case types, including dissolution of marriage, child support, and paternity. Under the administrative order, initial assignment percentages were set at 40 percent, 40 percent, and 20 percent, respectively.

Reopened cases follow the same percentage assignments, unless the case was previously heard by a judge currently assigned to the family division. In those instances, the reopened case is reassigned to the original judge. Similarly, if a plaintiff files multiple cases within the same type, the judge who handled the first case is assigned the subsequent cases.

As authorized in the administrative order, the court may issue judicial memoranda directing the reassignment of cases. The clerk's office has received such instructions from the court's family law case managers and has transferred cases accordingly.

On October 29, 2024, the court issued the Second Amendment to Administrative Order 2024-04, which updated the assignment rates as follows:

Paragraph IV.A.3. and Paragraph IV.B. are amended as follows:

A. CIRCUIT JUDGE ASSIGNMENTS

3. Family Division:

- c. Division I: Family: Circuit Judge Robert R. Wheeler shall be assigned 50% of all family cases.
- d. Division J: Family: Circuit Judge Anthony Miller shall be assigned 50% of all family cases.
- e. Circuit Judge Joshua Hawkes shall be assigned all protective injunction cases.

In accordance with the administrative order, all family law case types are now assigned at a uniform rate of 50 percent, except for reopened cases where the previously presiding judge is



still assigned to the family division. The policy of assigning subsequent filings by the same plaintiff to the original judge remains unchanged.

As of June 30, 2025, a total of 976 domestic relations cases were assigned between the two family division judges. Judge Miller received 481 cases (49.28 percent), and Judge Wheeler received 495 cases (50.72 percent), a difference of just 1.44 percent.

Again, the court may direct the reassignment of cases through judicial memoranda, and the office follows these directives. The case assignment procedures described above have remained in place since the Benchmark Case Maintenance System was implemented on June 3, 2013. The Leon County Clerk's Office remains fully committed to complying with all judicial assignment orders. It's also committed to continued dialogue—with all stakeholders—to improve transparency and ensure the highest standard of service.

(6) The next concern in Chief Judge Allman's letter pertained to docketing delays and errors. These concerns stem from surges in case filings and staffing shortages.

Since June 2025, however, the office has hired new employees and is training them on docket management. Indeed, employees are trained to enter appropriate disposition codes and ensure all daily documents are processed with no backlogs.

The office is now current on all pending pleadings. It's now within standard-filing measures tracked by the Florida Clerks of Court Operations Corporation. For civil cases, the office docketed filings within three business days.

As for the Jimmy Ryce case mentioned in the letter, the office assisted the state attorney's office with the filing issues on June 3, 2025. The case was subsequently *emailed* rather than *submitted through the court's e-filing portal*. The office supervisor nevertheless saw the email and processed the case on June 6, 2025. A related warrant filed at 11:27 AM on June 11 was processed within an hour. Since this matter, office employees are given updated procedures on how to identify and process a Jimmy Ryce case in the e-filing portal.

(7) The seventh concern was about arrest warrants. When it comes to arrest warrants, it matters when orders are entered. If an order is entered in open court, it's processed immediately. Delays, however, may occur if orders are electronically filed late in the day or after business hours. To now expedite processing, the office encourages judicial assistants to email orders to, and communicate with, the clerk's office.

(8) The next concern related to docketing competency evaluation orders. This issue stemmed from staff turnover and new hires' unfamiliarity with mental-health docketing code distinctions.



The office has conducted extensive training to rectify this issue. The training made a difference. On July 14, 2025, the court’s mental health coordinator shared that she “has not had any problems” with the clerk’s office on this issue “for a couple of months.”

(9) The letter then raised an issue with orders for transport. Processing orders for transport depends on the court. In county court, for example, transport orders are emailed to the office by judicial assistants. Other courts handle those orders differently.

Even so, since November 2024, the clerk’s office has implemented a quality-assurance process and improved internal communication—between office staff and court staff—to verify and document all transport-related orders.

(10) The next concern was over processing of release orders. Delays in processing stem from inconsistent jail requirements and unclear judicial orders.

To avoid future confusion, the office retrained employees on scanning and priority protocols, and the office now better coordinates with jails to ensure that a standardized collection of documents is sent to the clerk’s office.

(11) Another concern in the letter related to payment of conflict counsel. This issue was linked to a backlog in entering judgments and sentences. The reason for this backlog was due to staff turnover and sometimes incomplete information provided to the clerk’s office. In reviewing this situation, the clerk’s office brought in an automation company specializing in streamlining governmental processes using A.I. to build a new judgment-and-sentence-completion process.

That said, the backlog has been cleared, judgments and sentences are processed in accordance with time standards, and managers are assigned and instructed to monitor and to ensure daily processing of these payments.

(12) The last concern was over processing of probation orders. The reasons for these delays are checking the wrong, or not checking the right, boxes on a probation document.

To remedy this, office employees have been retrained, and regular quality-assurance measures are being conducted for these documents.

* * *

In conclusion, please be assured that the Leon County Clerk’s Office takes these matters seriously and is working diligently to uphold the highest standards of accuracy, efficiency, and service to the public. Where concerns have been raised, remedies have been implemented, and improvements will continue. The Leon County Clerk’s Office will continue to comply with all “order[s]” and “directive[s] of the chief judge,” Fla. R. Gen. Prac. & Admin. 2.215(i), and work to

H'

fulfill its duties and responsibilities to Leon County residents. Indeed, we intend to do so, based on recent constructive dialogue between the chief judge and clerk on July 18 and 22, 2025.

Sincerely,

A handwritten signature in black ink that reads "Mohammad Jazil". The signature is written in a cursive, flowing style.

Mohammad O. Jazil
Holtzman Vogel Baran Torchinsky & Josefiak PLLC
119 South Monroe Street, Suite 500
Tallahassee, Florida 32301
mjazil@holtzmanvogel.com
(850) 270-5938

Counsel for Leon County Clerk of Court Gwen Marshall