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Will Golden-Collum Memorial Federal Building stay underused?

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Unlike its state counterpart directly across Northwest Second Street, the federal courthouse in Ocala is seeing little foot traffic these days.

It has no full-time magistrate judge.

Its one senior district judge recently reduced his caseload by half.

All three of its courtrooms, including a \$1.75 million new one on the ground level, sit empty for the most part, save for the rare hearing or trial.

Some in the local legal community have privately expressed concerns about the future of the federal judicial stamp in Ocala.

They point to troubling signs, such as the frequent reassignment of Ocala-based criminal and civil cases to judges who sit elsewhere within the 350-mile-wide Middle District.

In September, Gary R. Jones — the one full-time federal magistrate judge in Ocala who handled initial appearance hearings, change of pleas and preliminary proceedings for the past 10 years — left to assume the same position in the Gainesville division of Florida's Northern District.

Meantime, Senior U.S. District Judge William Terrell Hodges, who in recent years has experienced some health issues, has relinquished half his caseload.

As a retired judge and Gainesville resident, Hodges, who assumed senior status in Ocala in 1999, often works from his chambers in the Gainesville federal courthouse, and he remains the sole judicial officer to maintain a semi-regular presence in Ocala's Golden-Collum Memorial Federal Building.

When the need arises, federal judges from other divisions will come to Ocala to preside over hearings.

But it's becoming more common for cases to be reassigned directly to their courtrooms, requiring attorneys based in Ocala to make the trip elsewhere — whether that's Jacksonville, Orlando, Tampa or Fort Myers, the four other locations in the expansive Middle District.

With its main clerk's office headquartered in Orlando, the Middle District covers a massive geographical area that stretches from the Georgia border to south of Naples.

It encompasses 35 of Florida's 67 counties, accounting for more than half of Florida's population.



Doug Engle/Staff photographer

The Golden-Collum Memorial Federal Building is seen Friday morning. A vote will take place Oct. 26 to determine whether or not to leave the federal building open or move the federal judges to Orlando.

Questions posed about any inconvenience as a result of these reassignments to the local federal prosecutors and assistant federal public defender in Ocala were referred to supervising offices.

"We are definitely going to make this work in any way we can," said Donna Lee Elm, the Tampa-based appointed federal defender. "This is right now very much a temporary situation. Right now, we are managing just fine. We are taking extra steps to make sure our clients are being taken care of."

Yet the current void in the local federal judiciary is having some impact on the local economy. Federal criminal defendants are housed in the Marion County Jail at a rate of \$65 per day. With the reassignment of federal criminal cases out of Ocala comes the necessity to transfer inmates to other county jails.

In February, there were 34 federal inmates housed in the Marion County Jail; this month, to date, there are only nine. The steady decrease is reflected in revenue.

Last fiscal year, which ran October 2008 to September 2009, the amount of revenue the county pulled in from the federal government to house federal inmates amounted to \$289,261, an average of about \$24,105 a month. This fiscal year, from October 2009 to July 2010, the last month for which figures were available, Marion County has generated revenue of only \$180,757, or, over a 10-month period, an average of \$18,075 per month.

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This all comes at a time when recent moves have been made to beef up the federal court presence in Marion County.

Early this year, the U.S. Attorney's Office in Ocala moved into a renovated, 8,000-square-foot space on the second level of the Bank of America building by the downtown square. According to Amy Filjones, spokeswoman for the main U.S. Attorney's Office in Tampa, the relocation occurred to prepare for additional staff at some point.

"That's why we have that much space," she said of the new offices. Since 2007, there have been two full-time federal prosecutors stationed in Ocala. Prior to that, criminal indictments here were being handled by the other divisions, like Jacksonville or Orlando.

Some question what impact there may be now that a new U.S. attorney is at the helm of the Middle District. Robert E. O'Neill, who was sworn into office a couple weeks ago, is no stranger to the Ocala federal courthouse: He prosecuted the criminal tax fraud case against actor Wesley Snipes two years ago.

In a phone interview, O'Neill, who was previously the chief of the criminal division in the Tampa section, said he plans to conduct a general assessment of the district over a 30-day period, adding he doesn't yet know whether the federal prosecutor's office in Ocala may indeed gain additional staff.

"That would depend on the resources. We do have limited resources. The long-term prognosis is that we will have a budget cut in 2012," he said.

He added that he recognizes the need for a separate federal prosecution unit in Ocala.

"Having been in the office as criminal chief, it seems that ... it would be hard to eliminate one [of the district's federal prosecutors' offices]," he said.

In April, a new courtroom was unveiled at the federal courthouse in the area that once housed the Social Security office. These days, the spacious, blue-carpeted

courtroom, which includes a judge's chambers and jury assembly area, sees little use.

Funding for that space was approved in 2003, after then-Chief U.S. District Judge Patricia C. Fawsett, who is based in Orlando and is now a senior judge, made the request to the 11th Circuit Court of Appeals, which has jurisdiction over the federal courts in Florida, Georgia and Alabama.

It was intended as a courtroom for a full-time magistrate judge to substitute for the small, 1,200-square-foot courtroom currently on the second floor. That, too, sits dark on most days.

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Much of the uncertainty over the state of Ocala's federal judicial imprint hinges on how likely it is the vacancy created by Jones' departure will be filled.

An annual conference attended by district judges is scheduled to convene next week in Palm Coast. Funding requests for vacant positions will be discussed. U.S. District Judge Anne C. Conway, the current chief judge of the Middle District, said she would have a better idea of the funding outlook following that conference.

Still, were the funds to be approved to bring a new full-time magistrate judge to Ocala, the process to name an appointment would take at least a year.

Conway, who assumed the chief judgeship from Fawsett in 2008, pointed out in a recent phone interview that Ocala is the least active of the five divisions that make up the Middle District. The busiest locations are Orlando — where Conway is seated — and Tampa, she said.

"There's always a chance of that happening," she said, when asked whether the Ocala division could be ordered closed. "I couldn't say it would never happen, but there's so many factors that have to be taken into consideration."

Only congressional authority could allow for such a closure, but some wonder whether the intention within the Middle District exists.

"Realistically, why keep paying money to keep this courthouse going and staff it here when you see less and less business, and when judges are going to have to travel from Orlando to here?" asked Jack Maro, a criminal defense attorney who represents both state and federal defendants in Ocala.

Conway said it didn't strike her as particularly problematic that cases from Ocala are being reassigned to other judges.

"A lot of the cases in Ocala are the types that are fairly portable," she said, identifying those as "the cases that don't have parties and witnesses where you have to be in close proximity to the courthouse."

But attorneys like Maro may offer a different perspective.

The lawyer estimates that he has turned down about a half-dozen defendants in the last six months because they would not be able to afford his fees now that the reassignment of cases would require him to travel such great distances within the Middle District.

"I've cut back because I'm not interested in driving to Jacksonville," said Maro, who has practiced law here for 38 years. "I can't justify charging a client thousands of dollars of driving time, where it's going to exceed the cost of the case."

He points out that the reshuffling of cases could also have a detrimental effect on the number of cases being filed in Marion County in federal court.

"You're overloading that [other divisions'] docket, but you're also in some way affecting the filing decision based on accessibility of court and of prosecutors and law enforcement," he said.

The Middle District's Clerk of the Court, Sheryl L. Loesch, said that regardless of the lack of a full-time federal judge in Ocala, the building remains an "open, functioning courthouse."

"My staff is there. I've assured them they're going to stay there," she said. "Ocala is a viable division of this court."

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