

JAMES BIRKHOOLD, THE SECOND DISTRICT'S CLERK

Appellate Practice Section

Chairs: Kristin A. Norse - Kynes, Markman & Felman, P.A.; and Ezequiel Lugo - Butler Pappas Weihmuller Katz Craig LLP



In addition to establishing the district courts of appeal, Article V, Section 4 of the Florida Constitution establishes the constitutional office of the Clerk of Court. The Florida Constitution states only that the clerk shall “hold office during the pleasure of the court and perform such duties as the court directs.” Florida Rule of Judicial

Administration 2.210 lists the district court clerks’ duties: to maintain records of proceedings, to collect filing fees, to issue mandates and furnish copies of orders and opinions to attorneys of record, and to maintain and transmit documents and records on appeal as is necessary. Each district court designates additional duties as it sees fit.

In the Second District Court of Appeal, these tasks (and more) fall upon the shoulders of James



The most important thing to fulfill my obligations here is to be *here*.

Birkhold. Before joining the court, Birkhold spent the early part of his legal career as a VISTA volunteer, a staff attorney with the Prison Project, and an assistant public defender. Thereafter, he engaged in private practice for 12 years in the fields of domestic relations and criminal defense. According to Birkhold, he joined the court in 1995 after Judge John

Continued on page 21

BUELL & ELLIGETT, P.A.



Plaintiffs’ Personal
Injury
Wrongful Death

Tried by Board Certified
Trial and Appellate Lawyers

For more information on our experience, see www.belawtampa.com
Referral fees paid per Florida Bar rules.

3003 W. Azele Street, Suite 100 Tampa, FL 33609 (813)874-2600



Continued from page 20

Blue (now retired) “coaxed” him into filling a temporary staff attorney position in the court’s Central Staff. That assignment quickly became permanent, leading to Birkhold becoming the director of Central Staff the following year. After three years of service, the judges of the Second District appointed Birkhold as clerk.

Birkhold’s office is responsible for each filing from the time it arrives at the court until the last portion of the record is returned and the district court file is destroyed pursuant to rule. *See* Fla. R. Jud. Admin. 2.430. The gravity of this responsibility is apparent upon consideration of the 6,548 new filings the Second District received in 2011 alone. Every filing requires the clerk’s office to manage intake and setup, often requiring Birkhold’s personal review to determine questions of classification, jurisdiction, or timeliness. Thereafter, the clerk’s office maintains the docket, accepts filings, issues orders (some originating from the clerk’s office, some from the judges or central staff), and manages records. And in the Second District, the clerk must also coordinate the assignment of cases among the fourteen judges and two courtroom locations.

Birkhold has delegated a substantial amount of his administrative duties to his dependable deputy clerks so that he may personally focus on what he thinks is his most critical responsibility: responding to inquiries, from both outside the court and within. “The most important thing to fulfill my obligations here is to be *here*,” he says.

Birkhold recognizes that the detailed process through which his office manages a case “is not something that practitioners, or judges, or the staff attorneys in the suites here, know a great deal about or need to know.” This humble desire to manage his duties efficiently, behind the scenes, allows the judges of the Second District Court of

Appeal and those appearing before them to proficiently accomplish their own undertakings.



Author:
Jared M. Krukar,
Butler Pappas
Weihmuller Katz
Craig LLP

**HILLSBOROUGH COUNTY
BAR ASSOCIATION PRESENTS**



THURSDAY, FEBRUARY 28, 2013

Reception at 5:30 p.m.

Follies at 7:00 p.m.

Chester H. Ferguson Law Center

Cost: \$30 members; \$35 non-members

Register at www.hillsbar.com

or call (813) 221-7777.