



**COURT STATISTICS AND WORKLOAD COMMITTEE  
TAMPA FL  
FEBRUARY 1, 2013**

## AGENDA

### 09:00am Meeting Convenes

#### Item I. Opening Remarks

The Honorable Paul Alessandroni, Chair

#### Item II. Housekeeping

- A. Minutes of 10/19/2012 meeting
- B. Approval of minutes

#### Item III. Status Reports (For information only)

- A. Update to Statutory and Rule Changes to Stalking Violence Reporting
- B. TIMS Project Report
- C. Judicial Data Management Services

#### Item IV. Reopen/Reopen Closed Definitions

- A. Approval of definitions and guidelines
- B. Incorporating definitions and guidelines into SRS

### 12:00pm-01:00pm Lunch

#### Item V. Judicial Workload Model (Case Weight) Review

- A. Discussion
- B. Staff Recommendations
- C. Approval of Review Plan

#### Item VI. Performance Measures Required by Judicial Management Council (AOSC11-1347)

- A. Discussion
- B. Staff Recommendations
- C. Approval of JMC Measures Plan

#### Item VII. Next Meeting

- A. Possible Dates
  - 1. May – Thu 5/16, Fri 5/17, Thu 5/23, Fri 5/24
  - 2. Jun –Fri 6/21

### 03:00pm Meeting Adjourns

**COMMISSION ON TRIAL COURT  
PERFORMANCE & ACCOUNTABILITY**  
Court Statistics and Workload Committee

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PERFORMANCE & ACCOUNTABILITY  
Court Statistics and Workload Committee**

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PERFORMANCE & ACCOUNTABILITY**  
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**Item I. Opening Remarks**

**I.A. Opening Remarks**

The Honorable Paul Alessandroni, Chair

## **Item II. Committee Housekeeping**

### **II.A. Minutes from 10/19/2012 Meeting:**

#### **The Honorable Paul Alessandroni, Chair**

##### **11:35pm Meeting convened**

11 of 16 members were present.

The Honorable G. Keith Cary, The Honorable Ilona M. Holmes, The Honorable J. Preston Silvernail, The Honorable Sharon Robertson, and Ms. Kathleen Pugh not attending.

#### **Item I. Opening Remarks and Introductions**

- A. Welcome to new members and continuing members by The Honorable Paul Alessandroni, Chair
- B. Brief history of CSWC

#### **Item II. Housekeeping**

- A. Minutes of 3/2/2012 in-person meeting were adopted unanimously.
- B. Committee charge (AOSC12-25) was presented.
- C. Previous term's committee procedures discussed, and committee approved the continuation of these procedures for the FY2012-14 term.

#### **Item III. TIMS Project Update**

- A. Project Summary and Review
  - Staff provided a brief history to the new members of the TIMS project and CSWC's role in the project.
  - A link to the draft of the progress report was provided to the members.
- B. Current Status
  - Rather than implementing TIMS as originally planned, a smaller scale project called the Integrated Trial Court Adjudication System (ITCAS) has been approved as a replacement. The ITCAS implements a variation of the Adjudicatory Subsystem as defined in the Court Data Management Framework.
  - ITCAS incorporates a state-level Judicial Data Management Services (JDMS) component that will implement the TIMS Core Subsystem insofar as possible. While the "core" functionality will not be

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available in every circuit as originally proposed, the JDMS will provide some of that functionality to the circuits.

C. What's Next

- The court will continue to work on ITCAS. While the Florida Courts Technology Commission (FCTC) will assume the lead role in developing this system for use by the judiciary, the CSWC will be primarily responsible for the development of the JDMS component.
- Staff advised members that the specific details of the ITCAS project were still being formulated and will be provided to the members as they become available.

**Item IV. Projects for the Current Term**

A. Statutory Changes to Parental Notice of Abortion Reporting

- Staff presented the expanded reporting requirements for the Parental Notice of Abortion Act pursuant to ch. 2011-227, Laws of Florida and Supreme Court opinion SC11-1567 {Amendments to the Florida Rules of Juvenile Procedure}.
- A proposed reporting form including the specific reasons for granting waivers of Parental Notice of Abortion, and the reasons why the Judge could not rule on the original petition within the specified time frame was presented to the committee.
- The proposed reporting form was adopted unanimously.

B. Statutory and Rule Changes to Stalking Violence Reporting

- Staff briefed committee members on the 2012 Stalking Injunction legislation pursuant to ch. 2012-153, section 3, Laws of Florida (LOF), which created section 784.0485(1), Florida Statutes. The Supreme Court opinion in response to LOF 2012-153 (SC12-1205) did not include a requirement for reporting these injunctions.
- However, the OSCA's Office of Court Improvement in consultation with the Family Law Rules Committee indicated that the intent of both the legislation and the rule change was to initiate the collection of data on these petitions. The fact that neither the statute nor the rule contained a reporting requirement was considered an oversight on their part. The Family Law Rules Committee proposed a supplemental petition to SC12-1205, which may further amend the Family Law Rules of Procedure to include the category of stalking as an element of the Family Law Cover Sheet, Form 12.928.
- Staff will continue to monitor this matter to see if the Supreme Court does adopt the recommended rule change proposed by the Family Law

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Rules Committee. If so, the CSWC will need to amend the Family SRS data collection form accordingly.

C. Case Weight Review

- Staff advised that they are currently working on several practical options for the case weight review and will present them to the CSWC at the next meeting.

D. Reopen/Reopen Closure Definitions

- Staff updated members on the results of the comment period of the previously-adopted working definitions of Reopen and Reopen Closure.
- Final definitions will be presented for discussion and final adoption at the next meeting.

E. Performance Measures Required by Judicial Management Council (AOSC11-1347)

- The Judicial Management Council has been directed to collect four statistical measures by court and type of cases: (i) number of cases filed, (ii) aged inventory of cases — the number and age of cases pending, (iii) time to disposition — the percentage of cases disposed or otherwise resolved within established time frames, and (iv) clearance rates — the number of outgoing cases as a percentage of the number of incoming cases.
- Measures (i) number of cases and (iv) clearance rate are readily available given the trial court data we currently collect via the Summary Reporting System. Measures (ii) aged inventory of cases and (iii) time to disposition are more problematic.
- Staff will evaluate this rule and current reporting practices and develop recommendations on collecting the data necessary to calculate these measures as directed.

**Item V. Next Meeting**

- A. An in-person meeting was announced for January or February of 2013. Staff requested member availability via email by Friday, October 26, 2012.
- B. The possible locations of this proposed meeting were also discussed.

**12:52 pm Meeting adjourned**

**Decision Needed:**

1. Adopt the meeting minutes from 10/19/2012.

**II.B. Travel Reimbursement**

Travel reimbursement forms are included in your meeting materials. Please fax or mail a completed reimbursement form with all reimbursable receipts to

OSCA – Court Services  
ATTN: Jessica Miller  
500 S. Duval Street  
Tallahassee, FL 32399-1900  
Ph. 850-487-0749  
Fax: 850-414-1342

We have secured a block of rooms to assist members in booking at the state rate at the Wyndham hotel. Please mention “*Florida State Courts*” when booking. If you wish to stay somewhere else, **please keep in mind there is a \$150 maximum limit**. If you choose a more expensive hotel, you will only be reimbursed for the first \$150.00 of the room cost. Please book your rooms as soon as possible to guarantee the listed rate, and email Miriam Juggger ([juggerm@flcourts.org](mailto:juggerm@flcourts.org)) if you encounter any difficulties.

Parking is complimentary for members staying overnight at the Wyndham and for those just attending the meeting.

**II.C Lunch**

The Wyndham has an on-site restaurant and a complimentary airport shuttle. (It is also complimentary to anywhere within three miles of the property—International Plaza is approximately a half mile away.) Attached to this email is a list of restaurants close to the Wyndham for your convenience.

**Decision Needed:**

1. None, Items II.B and II.C for information only



**TRAVEL PERFORMED BY COMMON CARRIER OR STATE VEHICLE**

THIS SECTION REQUIRED TO BE COMPLETED ONLY WHEN COMMON CARRIER IS BILLED DIRECTLY TO THE STATE AGENCY

Date	Ticket Number or State Vehicle Number	From	To	Amount	Name of Common Carrier or State Agency Owning Vehicle

**STATE OF FLORIDA PURCHASING CARD CHARGES**

THIS SECTION REQUIRED TO BE COMPLETED ONLY WHEN TRAVEL RELATED EXPENSES ARE PAID BY USING THE STATE OF FLORIDA PURCHASING CARD

Date	Merchant/Vendor	Description of Item Acquired	Amount of Charge
<b>TOTAL</b>			\$ -

THIS SECTION REQUIRED TO BE COMPLETED ONLY WHEN NON-REIMBURSABLE ITEMS WERE PURCHASED USING THE STATE OF FLORIDA PURCHASING CARD

Date	Merchant/Vendor	Description of Item Acquired	Amount of Charge
<b>Total (This amount must appear on the line "Less Non-Reimbursable Items Included on Purchasing Card" on the reverse side of this form.)</b>			\$ -

**GENERAL INSTRUCTIONS**

Class A travel -- Continuous travel of 24 hours or more away from official headquarters.

Class B travel -- Continuous travel of less than 24 hours which involves overnight absence from official headquarters.

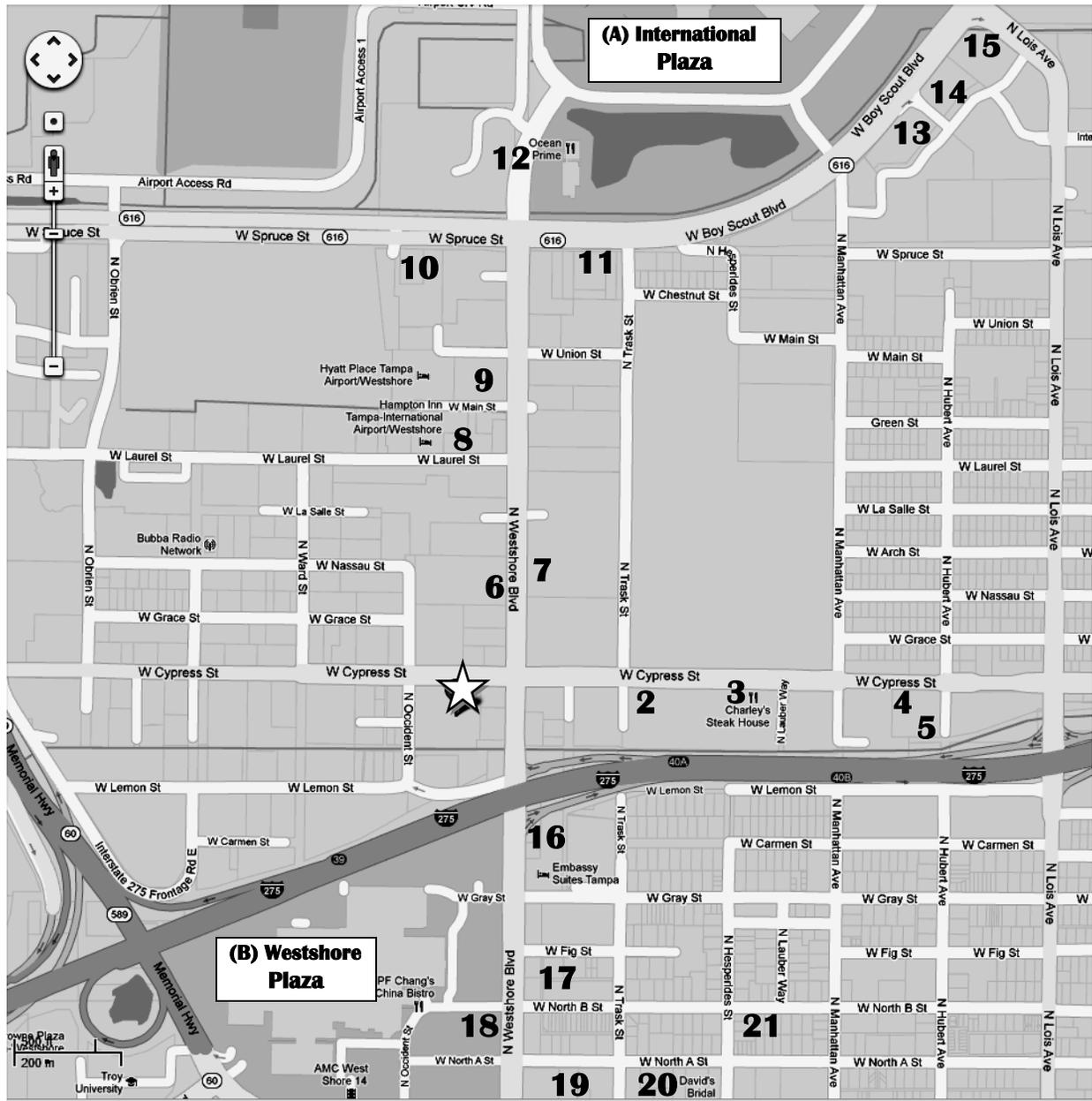
Class C travel -- Travel for short or day trips where the traveler is not away from his official headquarters overnight.

Breakfast --- when travel begins before 6 a.m. and extends beyond 8 a.m.

Lunch ----- when travel begins before 12 Noon and extends beyond 2 p.m.

Dinner ----- when travel begins before 6 p.m. and extends beyond 8 p.m. or when travel occurs during night-time hours due to special assignment.

NOTE: No allowance shall be made for meals when travel is confined to the city or town of official headquarters or immediate vicinity except assignments of official business outside the traveler's regular place of employment if travel expenses are approved and such special approval is noted on the travel voucher. Rate of Per Diem and Meals shall be those prescribed by Section 112.061, Florida Statutes. Non-reimbursable items may not be charged on the State of Florida Purchasing Card. Inadvertent non-reimbursable charges are to be deducted from the travel reimbursement claimed on the reverse side of this form on the line "Less Non-reimbursable Items Included on Purchasing Card" and the above "Non-reimbursable Items" section of "State of Florida Purchasing Card Charges" section above must be completed. Per diem shall be completed at one-fourth of authorized rate for each quarter or fraction thereof. Travel over a period of 24 hours or more will be calculated on the basis of 6-hour cycles, beginning at midnight; less than 24-hours travel will be calculated on the basis of 6-hour cycles, beginning at the hour of departure from official headquarters. Hour of departure and hour of return should be shown for all travel. When claiming per diem, the meal allowance columns should not be used. Claims for actual lodging at single occupancy rate plus meal allowances should be put in the "Per Diem or Actual Lodging Expenses" column and include the appropriate meal allowances in the "Meals for Class A & B Travel" column. Claims for meals allowance involving travel that did not require the traveler to be away from headquarters overnight should be included in the "Class C Meals" column. Vicinity travel must appear in the separate column. When travel is by common carrier and billed directly to the traveler, the amount and description should be included in the "Other Expenses" column. A copy of the ticket or invoice should be attached to this form. If travel is by common carrier and billed directly to the State agency, then the "Travel Performed by Common Carrier or State Vehicle" section above should be completed. If travel is by common carrier and the carrier is paid by the use of the State of Florida Purchasing Card, then the "State of Florida Purchasing Card Charges" section above should be completed. The name of the common carrier should be inserted in the "Map Mileage Claimed" column in these instances. Justification must be provided for use of a noncontract airline (or one offering equal or lesser rates than the contract airline) or rental car (or one having lower net rate) when contract carriers are available. Additionally, justification must be provided for use of a rental car larger than a Class "B" car. If travel is performed by the use of a State-owned vehicle, the word "State" should be inserted in the "Map Mileage Claimed" column on the reverse side of this form, and the above section designated as "Travel Performed by Common Carrier or State Vehicle" should be completed. If lodging is paid by the use of the State of Florida Purchasing Card, the words "Purchasing Card" should be inserted in the "Per Diem or Actual Lodging Expenses" column on the reverse side of this form, and the above section designated as "State of Florida Purchasing Card Charges" should be completed. Incidental travel expenses which may be reimbursed include: (a) reasonable taxi fare; (b) ferry fares and bridge, road, and tunnel tolls; (c) storage and parking fees; (d) telephone and telegraph expenses; (e) convention or conference registration fee. If meals are included in the registration fee, per diem should be reduced accordingly. Receipts should be obtained when required. The official Department of Transportation map should be used in computing mileage from point of origin to destination whenever possible. When any State employee is stationed in any city or town for over 30 continuous work days, such city or town shall be deemed to be his official headquarters and he shall not be allowed per diem or subsistence after the period of 30 continuous work days has elapsed, unless extended by the approval of the agency head. If travel is to a conference or convention, the "Statement of Benefits to the State" section must be completed or a copy of the Authorization to Incur Travel Expense, Form DFS-AA-13, must be attached. Additionally, a copy of a agenda and and registration receipt must be attached. Any fraudulent claim for mileage, per diem or other travel expense is subject to prosecution as a misdemeanor.



## Restaurants near the Wyndham Tampa Westshore Hotel

(indicated by the  on the map)

-  **Blue Water Grill** (Located inside the Wyndham hotel. Open daily from 6:30 am - 11:00 pm.)
- 2. ItaliAsia (Italian & Asian)
- 3. Charley's Steak House
- 4. Checker's Drive-in
- 5. Chicago Street Grill (BBQ)
- 6. Hurricane Grill & Wings
- 7. Tony's Restaurant (diner/take-out)
- 8. La Bamba Spanish Restaurant
- 9. Ruth's Chris Steak House
- 10. IHOP
- 11. Boizao Steakhouse (Brazilian steakhouse)
- 12. Ocean Prime (seafood, steaks, cocktails)
- 13. Roy's Restaurant (Hawaiian fusion)
- 14. Fleming's Prime Steakhouse & Wine Bar
- 15. Lee Roy Selmon's (sports bar)
- 16. Waffle House
- 17. Chipotle Mexican Grill
- 18. Seasons 52
- 19. Taco Bell
- 20. Burger King
- 21. McDonald's

(A) International Plaza (restaurants listed on pg. 2)

(B) Westshore Plaza (restaurants listed on pg. 2)

**(A) Restaurants in International Plaza:**

- The Capital Grille (steaks, seafood)
- Ocean Prime (seafood, steaks, cocktails)
- Pelagia Trattoria (modern Italian)
- The Cheesecake Factory
- Bar Louie (flatbreads, salads, appetizers )
- Blue Martini (martini bar)
- Brio Tuscan Grille (Italian)
- California Pizza Kitchen
- Gallery Eclectic Bistro (“New American”)
- Zen Bistro Grill + Sushi (Pan Asian)
- The Pub (British)
- Champps Restaurant & Bar (sports bar)
- Earl of Sandwich (hot subs)
- TooJay’s Original Gourmet Deli

Food Court:

- Charley’s Grilled Subs
- Chick-fil-a
- Great Wraps (wraps, gyros)
- Juice Kaboose (juice bar)
- Sbarro Italian Eatery
- Lotus Express (Chinese)
- Suki Hana (Japanese)
- Starbucks
- Subway
- Yogurbella (frozen yogurt)
- Haagen-Dazs
- Gelateria del Duomo (Italian gelato)
- Godiva Chocolatier

**(B) Restaurants in Westshore Plaza:**

- Palm Restaurant (Italian, steaks, seafood)
- Park Avenue Café
- PF Chang’s China Bistro
- Seasons 52
- Maggiano’s Little Italy
- Mitchell’s Fish Market
- Just Dogs Gourmet
- Pinkberry (frozen yogurt)
- Starbucks

Food Court:

- Evos (wraps, salads, smoothies)
- Great Wraps (wraps, gyros)
- Chik-fil-a
- Sbarro Italian Eatery
- Bourbon St. Café (Cajun)
- Little Tokyo
- Max Orient (Asian)

## **Item III. Status Updates**

### **III.A. Stalking Violence Reporting**

The 2012 Stalking Injunction legislation pursuant to ch. 2012-153, section 3, Laws of Florida (LOF), created section 784.0485(1), Florida Statutes. This new section 784.0485(1) created “a cause of action for an injunction for protection against stalking or cyber-stalking.” This legislation went into effect October 1, 2012. Specifically, the petitions for injunction for protection against stalking went into effect, not the data collection or reporting of these petitions for judicial workload.

On July 12, 2012 the Supreme Court issued opinion SC12-1205 {Amendments to the Florida Family Law Rules of Procedure} in response to LOF 2012-153. The Supreme Court opinion SC12-1205 does not include a requirement for reporting these injunctions.

On October 24, 2012, the Family Law Rules Committee filed a supplemental petition to amend the Family Law Rules of Procedure Form 12.900(H) and the Family Law Cover Sheet Form 12.928 by adding Stalking Injunction as a new case type. It is currently pending response from the Supreme Court.

In the past, the CSWC has interpreted the case types identified on the cover sheets to direct the courts to collect specific case information. Thus, if the Supreme Court adopts the recommended rule change to Form 12.828, Family Law Cover Sheet, it will be necessary to amend the Family SRS data collection form accordingly. As directed by Fl. R. Jud. Adm. 2.245, the OSCA will propose revised forms and possible interim reporting measures for this data. The OSCA would also inform the Clerks of Court via e-mail and technical memorandum.

### **III.B. Trial Court Integrated Management Solution (TIMS) Project Report**

The Trial Court Integrated management Solution (TIMS) project report was submitted to the supreme court in December 2012. As we discussed during our October meeting, the scope of the final report was pared down to cover only those issues in direct response to the charges of the supreme court.

1. Identify the information, by case type, that needs to be accessed and tracked by judges, case managers, and other court staff in order to move cases efficiently and effectively through the trial court process;
2. Identify the key caseload and workload information needed at the circuit and statewide reporting levels essential for performance monitoring and resource management; and
3. Establish uniform data definitions, guidelines, and standards for data collection and reporting necessary to produce consistent, automated trial court case management statewide.

The CSWC's response to the charges above was to develop an enterprise Court Data Model that captures the information required by charges one and two and incorporates uniform definitions as required by charge three. The TIMS project team also evaluated the data collection framework that would facilitate reporting and produce consistent case management data. This information was presented in the Court Data Management Framework.

As discussed on our last meeting, the Court Data Management Framework was deemed too expansive for implementation at this time. A smaller version, the Integrated Trial Court Management System project, was subsequently adopted to provide many of the capabilities envisioned by the Court Data Management Framework. (see [CSWC ITCAS Summary](#))

### **III.C. Judicial Data Management Services**

The Integrated Trial Court Adjudicatory System (ITCAS) project defines a court case management system optimized to assist judges and case managers in the electronic processing and maintenance of cases and to assist administrative judges, committees and court managers in the effective management of court operations and resources. The Judicial Viewer component focuses on case management services for judges. The Judicial Data Management Services (JDMS) component focuses on data and analysis services for court managers.

JDMS presents an opportunity for the court, as an organization, to initiate a data management strategy specifically designed to support 1) an enhanced adjudication process, 2) a more efficient use of court resources and 3) a more effective justification of court activity through the use, collection and management of essential data across a broad swath of court activity.

The development of an organizational data management system is a daunting task. Discussions are still ongoing with senior court management to determine a practical scope for the project that is achievable given our current resources and operating environment.

#### **Decision Needed:**

1. None, For Information Only

## **Item IV. Reopen/Reopen Closed Definitions**

### **IV.A. Approval of Definitions and Guidelines**

#### **Introduction**

During the FY 2010-12 term, the CSWC developed working definitions of a reopen and reopen closure event and clarified the difference between the status of a case and the type of activity pending in the case. In May of 2012, these definitions and guidelines were provided for comments and suggestions to Chief Judges, Trial Court Administrators, and Clerks of Court to ensure the definitions are comprehensive and meaningful to all levels of the court system. These definitions and guidelines will ultimately be incorporated into the Summary Reporting System and other trial court data collection systems as appropriate.

The refined definitions are provided in Attachment 01. The feedback received during the comment period is provided as Attachment 02.

#### **Discussion**

The overwhelming majority of the feedback received was positive, with an air of caution as to the potential impact of these definitions on case maintenance systems. Several clerks believed that significant system changes would be required in order to report case status information. Staff advised that though it is not the intention to do so at that time [May 2012], ultimately the CSWC would likely include these definitions in the SRS reporting requirements. Staff assured the counties that the CSWC is sensitive to the issue of clerk system changes, and will work together with all interested parties before implementing a new data collection requirement. It should be noted that neither the performance measure requirements of SC11-1347, nor the data collection requirements of the Judicial Data Management Services project, were known to this committee at the time of this comment period.

Staff has evaluated these definitions for inclusion in the SRS and has determined that they are consistent with current SRS reporting instructions, with the exception of reporting for Juvenile Dependency dispositions. (See section IV.B.) Additionally, these definitions are deemed essential to the successful computation and use of three of the four performance measures required by the Judicial Management Council. (See Item VI.)

#### **Decision Needed:**

1. Approve the Reopen/Reopen Closed definitions and associated status reporting guidelines provided in Attachment 01 for use in court activity reporting.

## **IV.B. Incorporating Definitions and Guidelines into SRS Manual**

### **Discussion**

These definitions are compatible with the current SRS reporting instructions, with the exception of Juvenile Dependency dispositions reporting. Minor language changes within the SRS Manual would be required to achieve consistency across all court divisions.

Currently, Juvenile Dependency cases involving multiple children are reported as closed for SRS purposes on the date that all issues for the first child are resolved. This differs from all other case type reporting where a case is reported disposed when the last matter is resolved.

The counting method for Dependency was implemented in the early days of SRS as a work-around for cases in which the resolution of *all* matters involving multiple children could be delayed for just one child. This circumstance could leave a case open, possibly for years, with the court unable to take action. From an SRS perspective, this open case represented workload not captured and judge need not assessed. This circumstance also left many essentially inactive cases on judges' pending reports. Counting the disposition after the first child was resolved allowed the court to capture some of that workload in a timely manner and clear some of these reports.

Under the new definitions, the Dependency case would not be closed until all matters involving all children are disposed. However, should the case stall pending resolution of some issue, the case will, appropriately, be placed in an inactive status obviating the need for the work-around described above.

However, under the new definitions, the total number of Dependency dispositions would be expected to drop significantly. While this drop would be accounted for in the tracking of inactive cases, proper accounting will require all clerks to implement full status tracking in the Dependency division. Until this implementation occurs, the court would be faced with a drop in Dependency dispositions with no means to explain the change. Consequently, it is recommended that the existing rules for reporting Dependency dispositions not be changed until a reasonable case status reporting mechanism can be developed and deployed in all counties. Since Juvenile Dependency cases are currently reported to the SRS in a unique manner, their exemption from the new definitions is not expected to impact judicial certification or budget formulations.

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The SRS manual currently instructs in each court division *do not report the disposition of reopened cases*. The implementation of the reopen and reopen closed definitions will require the clerks to begin capturing the closure of reopen cases. It will take some time to implement reporting changes required to capture the reopen and reopen closed events for SRS reporting.

Staff feels that a discussion with the clerks and Florida Court Clerks and Comptrollers (FCCC) regarding changes to the SRS manual and training on how to report the changes is needed to move forward on implementation. Staff recommends that a minimum of 18 months be allotted for planning, training and local system changes for the clerks. This timeframe is consistent with the timeframe proposed for the related JMC Performance Measures. (See Item VI.)

**Decision Needed:**

1. Adopt proposed recommendations for incorporation of the reopen and reopen closed definitions into the SRS Manual.

## Attachment 01

### IV.A Reopen/Reopen Closed Definitions

- **Filing event**: A filing is an action brought before the court as the result of a petition, pleading, complaint or any other recordable<sup>1</sup> action sufficient to begin a case. This definition would include an arrest or summons or other action charging an individual with a crime, as well as the filing of any other document or action recorded with the court authorized to initiate a case. The initiation of a case by whatever means is referred to as a filing event.
- **Disposition event**: A disposition event has occurred when a case is closed for court activity as a result of judicial decision, order or other recordable action that provides resolution, by the court, on the issues raised by and subsequent to the filing event.
- **Reopen event**: A reopen event occurs when a motion, pleading or other recordable action on a case that requires additional court activity after a disposition event has closed the case for court activity. Note that a reopen event involves at least one action and that additional post-judgment actions may occur before the reopen event is closed.
- **Reopened case**: A case that has one or more post-judgment actions outstanding that require active resolution by the court.
- **Reopen closure event**: A reopened case is considered closed for court action on the date the last (or only) post-judgment action has been resolved by judicial decision, order or other recordable action, thereby completing court proceedings on the issues raised by and since the reopen event occurred

With the addition of these definitions, there are six statuses in which a case can be placed as the case moves from initiation to resolution:

- **Active** - A case is considered in an active status when the court is engaged in activity directly related to the resolution of the specific matters and issues associated with the case.
- **Inactive** - A case is considered in an inactive status when court activity on that case is suspended pending resolution of an issue external to the court or that does not directly involve the court in resolving that issue; for example, awaiting the results of an appeal or

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<sup>1</sup> Recordable, in this guideline, means those happenings relating to court activity that would appear on a court docket or otherwise require the making of an historical record by the clerk of courts in their official capacity.

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the disposition of a related case. A case placed in an inactive status is not closed and does not need to be reopened when the case returns to active status, regardless of the length of time involved.

- **Closed** - A case is considered to be closed, or disposed, (that is, in a closed status) for court activity on the date of the judicial decision, order or other recordable action that provides resolution to the last (or all) of the matters brought before the court as a consequence of the filing event that initiated the case. The court, then, has no further action to take on the case.
- **Reopened Active** - A case will be considered to be in a reopened status (either active or inactive), from the date that the first post-judgment motion/pleading is filed or other action occurs that reopens a case for court activity (i.e. the reopen event) until the date of the last judicial decision/order resolving all overlapping court proceedings (i.e. the reopen closure event). Each period in which a case is reported as in a reopened status may involve one or more overlapping post-judgment actions. A case is considered to be in a reopened active status when one or more post-judgment actions are pending and the court is actively engaged in their resolution.
- **Reopened Inactive** - A case is considered to be in a reopened inactive status if the activity on all outstanding post-judgment actions is held in abeyance pending resolution of some issue external to the court or that does not directly involve the court in resolving that issue. In this circumstance, the court is not actively working to resolve the matter(s).
- **Reopened Closed** - A case that has had one or more post-judgment actions will be considered closed, or disposed, (that is, in a reopened closed status) for court activity on the date of the judicial decision, order or other recordable action that provides resolution to the last (or all) of the matters brought before the court since the reopen event occurred. The court, then, has no further action to take on the case.

### **Additional Guidelines**

For consistency in reporting, an event or status change is said to occur as of the date the order is signed, the clerk document date/time stamp or the electronic date/time stamp associated with the action as appropriate.

Recordable, in this guideline, means those happenings relating to court activity that would appear on a court docket or otherwise require the making of an historical record by the clerk of courts in their official capacity.

The definition of the closure events (disposition and reopen) denote that the court has no further action to take on a case. This definition of closure does not indicate the clerk of courts has

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completed all of their required activity with regards to the case, only that the court has rendered judgment on the matters of the case and will take no further action on the case (excluding planned review or scheduled future action).

From the point of disposition, subsequent filings or other recordable actions will indicate that the case has been reopened. From an SRS reporting standpoint, a case reopen event represents a block of time in which one or more overlapping post-judgment actions, such as motions, petitions, or reviews, are being actively addressed by the court. When the last post-judgment action in that block is resolved, the reopen event is closed. SRS statistics will count those reopen blocks from reopen event to reopen closed event and not the individual post-judgment actions that make up the block.

Thus, a reopen event moves a previously closed case into a reopened active status. This starts a reopen block for counting purposes. A subsequent, overlapping post-judgment action for a case already in reopened active status would not change the case's status. It simply becomes another matter to be resolved by the court for this reopen block. It is possible that activity on the case may stop due to circumstances out of the court's control. In this instance, the case remains reopened but the status would change to reopened inactive. Subsequent activity on the matters by the court would change the status back to reopened active, where it would remain until closed.

A case with only one pending post-judgment action (i.e. the case is either in reopened active status or reopened inactive status) will move the case into a reopened closed status once all matters relating to that post-judgment action are resolved. A case with two or more pending post-judgment actions will stay in either reopened active status or reopened inactive status, as appropriate, until all the post-judgment actions submitted during that reopened block are resolved. At that point, the case is again closed and the case status is set to reopened closed.

### **Example**

A motion to reopen a case is filed on June 15. The case is placed in a reopened active status. On June 20, a second motion for modification is filed. On June 23, the first motion is disposed. The case remains in a reopened active status because the second motion has not been resolved. On July 3, the second motion is resolved and the case is placed in a reopened closed status. If another motion is filed subsequent to July 3, say on July 15, the case would then be returned to reopened active status, pending resolution of that filing.

## **Attachment 02**

### **IV.A Responses Received during the Reopen Definitions Comment Period May-June 2012**

Courtney Pringle of the 7<sup>th</sup> Judicial Circuit:

I would suggest that there will be a general concern from Judges throughout Florida because of the ambiguity of current (different) procedure by clerks reporting and interpretations of reporting “post judgment proceedings”.

If you consider that reopens occur on moving pleading on closed cases, then you understand that historically, because the clerks of courts have not been required to report closures of reopens (pursuant to SRS requirements) then there will be likely a tremendous amount of clean up in order to get cases statuses to reflect correctly. Then, for clerks of courts to identify (programmatically or otherwise) that a closure on a reopen should occur only after the date of the last judicial decision/order resolving all overlapping court proceedings (as described I the attached) will likely result in inaccuracy based on the cumbersomeness of the process.

The reason I questioned the intent is because I am not aware of any authority that dictates descriptions of how reopened cases should be measured other than the SRS manual and up until now, there was no requirement to report closures of re-opened cases through the SRS. More specifically, the SRS Manual directs: “DO NOT report cases which were previously reported as disposed that are resubmitted to the courts (See Number of Reopened Cases)” (See Filings: Circuit Civil and Circuit Family Court Proceedings).

Having said all that, if the intent is not to measure (or report) cases unresolved through SRS where a reopen has occurred but has not been re-closed, then I would suggest the following:

Change the terminology of “re-open” within the SRS manual to “Resubmitted” or something similar. By labeling an action “re-open”, clerks (in my opinion) around the state translate this literally into programming language or manual procedures for reporting cases.

So, to explain further, many times I hear Judges speak about their caseloads being so inflamed because they are describing cases reflecting as “open” when in fact the issues

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that initiated the cases had been resolved. But some moving pleading (either by way of Motion, which is more of a miniscule moving pleading, or by Supplemental Petition, which is more of a lengthy litigation process), filed post judgment.

I hope this in some way helps and does not further confuse the issue. I do believe that by further clarifying the definition of re-open at the very least will prove to be very useful.

(The following response was a received after clarification on the terminology change was requested.)

I think that the loose meaning of re-open can make it difficult for case tracking. By further defining it, and with the intent of capturing closures of re-opens, the accuracy/understanding should certainly be meaningful.

My comment regarding the term “re-open” is just one of those outward thoughts and I so often say that the term “re-open” (with its literal meaning) confuses people, staff and judges alike. The term would be so much more understandable (interpretive) both in procedure and reporting if it was labeled something else. All of this said, this would matter/make most sense if there was never an intent to “close or re-close” a “re-open”. But that appears to be changing.

Janice Bunting of Lee County Clerk’s Office:

One Area we are grappling with in the Criminal Realm, mainly in County Criminal cases, is the timeframe we keep a case in a Reopen Status if the Judiciary (or the filer/defendant/attorney) do not pursue a Hearing for the purposes of addressing the Motion. A couple of examples are as follows:

Most can be Pro Se motions – defendants asking for Time Served on related or other charges to offset their fines/fees owed – many times the court does not provide an order or response and the filer does not obtain a hearing date, etc. Other similar motions are to reduce jail time or amend sentences – however the sentence has already been fulfilled (basically no judicial response and their jail time is now complete). Another example is Motions for Seal/Expunge – the party never requests the Hearing Date therefore the motion is never granted and no subsequent Order is issued.

These are just a few examples. Kevin, our Court Specialist, has reviewed a few of the Rules (3.192 and 3.80) and found some timeframes for certain other situations, however using the two examples noted above, we have no guidelines to follow. Do you encourage

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us to work locally with our Chief Judge (or Administrative Judges) to set up some guidelines around the re-closure options or by change do you have some information already available on this topic which we could apply further to a Clerk initiated re-closure action. As an example, do you recommend we send judicial officers a listing of their current “reopen” cases (non VOP, appeals, post conviction) that are over 60 days – and if they receive the report, can they just advise the Clerk to close them, or do they need to file a response of Denied – or possibly hand noted “denied” on the listing.

Deb Ivankow of Orange County Clerk’s Office:

Thank you for your work in reviewing the reporting of reopened cases and the associated events. We understand the need for consistency across the state and welcome the clarification of existing reporting requirements. After review of the document, we are concerned that the direction appears to be significantly changing current definition and reporting expectations. This includes a revised case status based on active/inactive court engagement, and the inclusion of a reopened “status” in addition to , or in place of, the current reopen “events” reporting. In addition to the potential significant up-front costs to develop and test changes in our Case Maintenance System (CMS), these changes would increase ongoing costs or audit and compliance processes. The current reporting environment is complex, and while these individual changes appear straightforward on their surface they will substantially increase the complexity of an already challenging system. As an example, our current CMS has 36 code types requiring mapping to support various reporting requirements. For case events/docket entries alone, there are over 4000 individual case event types with each having 16 mapping options.

While you indicated that the definitions will not impact current SRS reporting requirements, it does not alleviate our concern on the future cost and complexity of these changes. Later in the document you indicate that “no additional status reporting beyond the basic active and inactive as outlined above is planned.” This suggests to us that changes may be required necessitating documentation and reporting of a new status. Much of the current Pending Caseload reporting is based on a 12 month look-back to determine activity on a case – this proposal to change Pending Case definition to a status based on current court engagement would represent a major change.

We agree that “the case management and reporting environment in Florida is complex and dynamic and there are legislative and fiscal issues.” With reopening a significant component of budgeting and CCOC requirements, and CCIS reporting a critical part of maintaining case information for statewide use, multiple definitions of reopen events or

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statuses will further complicate reporting and interpretation of key case information and statistics.

Therefore, while we are pleased to see clarification of reopen and reclose event definition, we cannot support the cost and complexity that would come with the addition of reopen-relate and active/inactive statuses to current requirements, or the even more complex potential for “amplifying reason codes”.

We thank you for your continued efforts and look forward to working together to clarify and align reporting definitions.

Rick Butterfield of Polk County Clerk’s Office:

I guess my first question is is it your intention that clerks should start keeping track of whether a case is active or inactive Or is this just information clarifying what the court considers the status of the case and will keep track of in case management?

If the answer to that questions is yes we want the clerks to track the status, we’ll have a lot more questions. You should assume it would be a lot more work for us and will need more clarifications.

Examples, right now when a suggestion of bankruptcy is filed (which is, I assume, one of those things outside the courts’ active work on the case) it is reported as closed and reopened later for further action. Would it now stay open but be inactive? Would a foreclosure order close the case as it does now, or would the case stay open but inactive until the sale is held?

Patricia Richardson from Pasco County Clerk’s Office:

First off I would like to say that the clarification your committee provided is excellent and very much needed. I do have some concern with the “Inactive status” on cases where an appeal has been filed. When a judgment is being appealed to a higher court such as circuit from county or from circuit to district, the case is already closed for the lower court and we would not reopen the lower court case on the filing of an appeal. The new appeal case is opened for SRS purposes in the appropriate court. Once the determination is handed down to the lower court is is the responsibility of the parties on the case to file a motion or pleading to re-start the case, is it not? I know that when a Circuit case is

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appealed to the District or Supreme Court we do not report that case on our SRS or Pending Case Load report we closed our case. This stems from a question and answer with Ms. Jugger of OSCA during the SRS revision effective 1/2010. The SRS Circuit Civil instructions states “do not report appeals from the circuit court to the DCA or the Supreme Court.”

Dawn Wyant from the 10<sup>th</sup> Judicial Circuit:

Based on the 4<sup>th</sup> bullet point on page #2, Juvenile dependency cases will now be first closed when ALL the actions against ALL parties have been resolved? I just want to make sure I am understanding this correctly. Before we closed on the first disposition and it was reopened for every action after. Example: (2) fathers (1) mother and (5) children, if the mother pleas, enters into a case plan, and subsequently the children were considered dependent we would close however there were still pending actions against the other (2) fathers and the case would be closed out based on the first disposition on the mother and reopened (every court hearing) for every action pending on the fathers.

If I am reading this correctly the reopen number in juvenile dependency would drop tremendously and the cases will remain open longer.

Michelle Spangenberg of the 15<sup>th</sup> Judicial Circuit:

Thank you for the opportunity to review the revised definitions for reopened and reopened closed cases. We are hopeful that the definitions will provide consistency in the clerks reporting of these cases. Additionally, we are hopeful that the clerk will no longer reopen cases based upon the filing of a letter.

Gay Inskeep of the 6<sup>th</sup> Judicial Circuit:

As long as we are reading this correctly and the entry of a summary judgment in a foreclosure case will remove the case from a judge's pending list, we don't have any comments or suggestions.

## **Item V. Judicial Weighted Workload Model Review**

### **V.A. Background**

The past six years has been difficult for the addition of new judges. The court system has not received any additional judgeships since 2006 and the economic environment is not conducive to receiving all that many more in the foreseeable future. In this difficult climate, we come to the second five year review of the judicial case weights that form the cornerstone of the Judicial Weighted Workload Model hereinafter referred to as the Model.

A workload model, such as the Supreme Court's Judicial Weighted Workload Model, has five essential components that capture different aspects of workload within the courts and allows the results of the model to be applied to different jurisdictions. The five components are: (1) unambiguous case types that categorize the court activities into distinct, countable groups; (2) case weights that reflect the complexity of case activity by assigning different time values to each case type; (3) case filings that estimate the expected number of cases of a given type to enter the court system each year; (4) work year, which identifies the total time available to handle case related work each year and (5) adjustment modifiers that capture jurisdiction specific characteristics not represented in the other model components.

A complete discussion of the Model would take us very far afield. Members are referred to the [2007 Judicial Resource Study Final Report](#), Commission on Trial Court Performance and Accountability, June 2007 and the [Florida Delphi-based Weighted Caseload Project Final Report](#), National Center for State Courts, January 2000 for a full discussion. The following is an excerpt from the 2007 Judicial Resource Study Final Report.

The workload model, as used within the court system, computes resource need by first calculating the expected workload facing a circuit from a given case type. This workload, expressed in minutes, is calculated as the product of the anticipated filings times the weight for that case type. Workload need is then converted to a full time equivalent (FTE) employment measure which represents the number of FTE's required to process the expected case load. Net need is then determined by subtracting the actual number of FTE's currently assigned from the expected value.

Need is computed by court level (circuit or county) and by circuit. For a given circuit, expected FTE's are summed for all case types. The actual number of judges assigned at that level is then subtracted from this total to determine net judicial need. Figure Four provides an example of this calculation.

The workload model also allows for the use of modifiers to provide an additional mechanism for refining judicial need calculations. The modifier can capture some fundamental characteristic that is unique to a specific circuit or case type that can have a significant impact on need but cannot be represented fully by one of the four model

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components. For example, the judicial workload model currently uses a jury trial modifier to take in to account the differences in trial rates between circuits. Since trial activity accounts for a significant amount of judicial time, the modifier, which is calculated in terms of FTE, is used to adjust, up or down, a circuit’s overall need. (JRS Study p17-18)

**Figure Four: Sample Need Calculation - Circuit Court – Urban**

Case Type	Filings	x Weight (minutes)	= Workload (minutes)	÷ Year (minutes)	= FTE
<b>Probate Division Workload Calculation</b>					
<i>Probate and Mental Health</i>	9,338	x 31	= 289,478	÷ 77,400	= 3.7
<i>Guardianship and Trust</i>	744	x 62	= 46,128	÷ 77,400	= 0.6
<i>Anticipated Need (divisional)</i>	10,082		335,606		4.3
<b>Total Circuit Judicial Need Calculation</b>					
<i>FTE Need</i>	<b>Probate Division Anticipated</b>	<b>+ Other Divisions Anticipated</b>	<b>= Total Circuit</b>	<b>- Assigned Circuit Judges</b>	<b>= Circuit Net Need</b>
	4.3	+ 43.4	= 47.7	- 45	= 2.7

For purposes of the Judicial Weighted Workload Model, case weights are defined as

*“the average time required for a judge to handle a typical case in a reasonable amount of time.”<sup>1</sup>*

Each year, as part of the Annual Certification of Judicial Need process, Court Services anticipates the judicial need in each circuit for the five court divisions. These estimates are presented to Chief Judges and Trial Court Administrators as part of their Judicial Needs Application. The requests for additional judgeships are not based solely on the estimated need produced by the Model, Other factors such as the availability of general magistrates and hearing officers, courtroom space and anticipated staffing changes are also considered.

<sup>1</sup> Florida Delphi-based Weighted Caseload Project Final Report, National Center for State Courts, January 2000

## **V.B. Strategy and Options**

### **V.B.1 Summary:**

There are essentially two strategies for reviewing the case weights and other model components. The first is to conduct the review over all case types and components. The second is to target the review on specific case types or model components. Both strategies have their pros and cons. The first is very labor intensive and expensive. The 2007 study took over eighteen months and involved up to fifteen OSCA staff, court administration staff and all judges at a cost of over \$90,000 dollars. On the other hand, it was a comprehensive review and greatly improved the efficacy of judicial need estimates over the 2000 case weights.

The second strategy is less comprehensive but takes advantage of the fact that most of the case weights and model components developed in 2007 are still valid and relevant i.e. producing meaningful estimates. We learned this lesson during the 2007 study. Approximately two thirds of the case weights developed in 2000 did not change as a result of the 2007 study. The OSCA did incorporate several methodological changes to the workload model such as a statistical adjustment for new judgeships, that did reduce the final weights from their 2000 values. The judge focus groups which followed the actual case weight survey reduced the values in most case types further. Below are listed five options for completing the 2012-2013 Judicial Weighted Workload Model review:

### **V.B.2 Options**

#### 1. Recalculate Event Proportions

By design, the individual case weights used to determine judicial workload can be decomposed into a set of smaller events that contribute to the “average” case weight in varying proportions. For example, a judge may spend 697 minutes per trial in the serious crimes against person case type but only 12% of all serious crimes against person cases involve a jury trial. Thus, over all cases, a judge is expected to spend about as much time on pre-trial motions as they will spend on jury trials (approx 85 minutes) even though the judge will spend 697 minutes on a trial in those cases where a trial does occur.

**Figure Ten: Serious Crimes Against Persons Case Weight Calculations**

Case Type	Event	Event Time	x Proportion of Occurrence	= Contribution to Case Weight
Serious Crimes Against Persons	Preliminary Proceedings, Arraignments, Pleas	25	x 100%	= 25
	Pretrial Hearings, Motions and Case Conferences	86	x 100%	= 86
	Jury Trial	697	x 12%	= 85
	Bench Trial	71	x 0.3%	= 0
	Disposition	20	x 100%	= 20
	Post Judgment Activity	62	x 66%	= 41
	Case Related Administration	18	x 100%	= 18
Final Case Weight				275

Totals may not be exact due to rounding (2007 JRS p28).

The proportion of events changes over time in response to the evolution of case precedent, availability of supporting resources, court initiatives and legislative mandates. Proportion of events for each case type can be recalculated using current Summary Reporting System (SRS) statistics and case weights recomputed based on these revised proportions. Because the SRS statistics themselves vary over time, each recomputed case weight should then be compared to the current case weight to determine if the change is statistically significant. This extra step will guard against natural fluxuations in court activity and ensure the continued validity of the case weights to judicial certification

## 2. Time Study

A time study is the simplest and most empirical method available to the court system. A time study would involve a valid sample of judges working in each case type and require those judges to keep detailed time records of their event activity over a period of at least one month. The case weights computed from this study are a reasonable representation of the time required to dispose of cases. On the other hand, a time study does not account for organizational factors such as a growing (or shrinking) case backlog or the availability of supplemental resources such as magistrates or senior judges that, within certain jurisdictions, may significantly affect net need. A time study is also the most costly and intrusive of the study methods. This method requires a significant amount of training to ensure the judges maintain accurate and reliable time sheets..

## 3. General Survey

In their 2007 study, the JRS workgroup opted to revise case weights using a survey methodology. All judges in the court system participated and completed a survey concerning the time they spent on specific events within a case for the divisions in which they worked. The survey was staff intensive and required the development of a web based survey form. The

survey itself was less intrusive than the time study option in that it required approximately forty minutes to complete and needed to be completed only once. However, to ensure a meaningful result, all judges had to participate. To control the tendency toward time inflation common to surveys of this type, the general survey was focused on the events that comprise a case weight rather than the weights themselves. This resulted in a much more complicated survey that required a significant amount of training of participants to ensure that it was completed properly. Additional inflation control measures required a considerable amount of sophisticated statistical analysis which further added to the overall cost and difficulty of the survey.

#### 4. Focus on Specific Model Components

This model review could focus on specific case weights or other model elements which appear to be producing estimates that do not agree with the experience of Chief Judges and Trial Court Administrators. The annual Judicial Needs Application provided to Chief Judges and Trial Court Administrators provides an excellent, and ongoing, opportunity for evaluating the output of the Model. Option 5 discussed below could provide additional indications of problematic areas.

At this time, based on feedback from Chief Judges and Trial Court Administrators during the certification process, only one of the twenty six case types appears to require review, the weight for the Misdemeanor and Criminal Traffic case type. Other elements of the model are still considered reasonable.

With respect to the Misdemeanor and Criminal Traffic case type, court administration in several large circuits has noted that the estimates for their circuits are consistently higher than is reasonable. Discussions with court administration in small to medium circuits indicate that judicial need estimates for those circuits are reasonable. The 2007 Judicial Resource Study suggested that this weight be watched carefully and the CSWC identified this case weight as an issue for its 2010-2012 term. Since the issue with this case weight appears specific to large circuits, corrections to this case weight within the Model may only need to be developed as an adjustment modifier rather than as a change to the statewide case weight.

With a focus on specific case types, the CSWC may wish to consider the following possible actions:

- a. Develop an adjustment modifier based on actual need compared to predicted need for large circuits.
- b. Conduct a Delphi study with Trial Court Administrators and County Criminal Administrative Judges to develop an adjustment modifier for large circuits.
- c. Conduct a statewide time study or survey to recalibrate county criminal case weight.

5. Survey all judges to identify other case weights that may merit additional work

At the CSWCs March 2012 meeting, it was suggested that the OSCA survey the circuits to determine if there were any case types that might be candidates for review. A survey of this type would be moderately intrusive requiring the judiciary to complete a short survey. Of course, this option would not be relevant if the CSWC chose to review all case types rather than focus on just a few specific case types. It should be noted that staff responsible for the Judicial Weighted Workload Model and the Annual Certification of Additional Judgeships estimation process do not believe that any case types other than the Misdemeanor and Criminal Traffic case weight require review at this time.

**V.B.3 Resource Considerations**

As with any significant project, resource constraints in terms of manpower and money, are of crucial concern. Both resources are in short supply at this time. The CSWC has several essential projects facing its members and staff in the 2012-2014 term. First there are the performance measures mandated by Fl. R. Jud. Adm. 2.225(a)(2). In a related vein, the anticipated Judicial Data Management Services project will likely dominate the CSWCs remaining time. Several smaller issues including modifications to the Summary Reporting System (SRS) resulting from changes to the stalking statute and to the Uniform Data Reporting System (UDR) resulting from AOSC11-45, *IN RE: COURT INTERPRETING SERVICES IN FLORIDA'S TRIAL COURTS*, will also absorb much needed time and manpower. As it did for the 2010-2012 term, the CSWC may need to prioritize the projects it undertakes this term based on the expected return on its investment of resources. Additionally, the CSWC may need to adjust the scope of the projects it does undertake to ensure each project receives the attention it deserves.

**V.C. Staff Recommendation**

Based upon our experiences during the JRS study and in working with the weighted workload model since 2000, staff believes that a targeted strategy represents the most reasonable update approach. A targeted strategy will maintain the validity of the case weight methodology, make efficient use of available resources and impose a minimal burden on the judiciary. Therefore, staff recommends that the CSWC pursue options (1) Recalculate Event Proportions for all case types and (4)(a) Develop and Adjustment Modifier for the Misdemeanor and Criminal Traffic case weight. Option (4)(b) can be held as a fallback should additional work be necessary on the case weight. Option (4)(c) is not considered a viable alternative as the county criminal issue appears to be specific to large circuits.

Also, staff does not believe that model components (1) unambiguous case types; (3) case filings that estimate the expected number of cases, and (4) work year do not require updating or review at this time

**Decision Needed:**

1. Adopt the recommended strategy for this five year Judicial Weighted Workload Model review or
2. Select an alternative strategy for this five year review.

## **Item V. Performance Measures Required by Judicial Management Council (Fl. R. Jud. Adm. 2.225(a)(2))**

### **V.A. Background**

In Supreme Court Order SC11-1347 IN RE: Implementation Of Judicial Branch Governance Study Group Recommendations — Amendments To The Florida Rules Of Judicial Administration, the Supreme Court revised Fl. R. Jud. Adm. 2.225(a)(2) to charge the Judicial Management Council with

“identifying and evaluating information that would assist in improving the performance and effectiveness of the judicial branch (for example, information including, but not limited to, internal operations for cash flow and budget performance, and statistical information by court and type of cases for (i) number of cases filed, (ii) aged inventory of cases — the number and age of cases pending, (iii) time to disposition — the percentage of cases disposed or otherwise resolved within established time frames, and (iv) clearance rates — the number of outgoing cases as a percentage of the number of incoming cases);”

Although there are nationally recognized standards for computing these measures, historically, the method selected for computing these measures had more to do with the availability of data than the usefulness of the result. The measures (i) number of cases and (iv) clearance rate are readily available given the trial court data we currently collect via the Summary Reporting System. Measures (ii) aged inventory of cases and (iii) time to disposition are more problematic. The JMC requirement gives the courts an opportunity to establish a meaningful computation method for these measures and the authority to collect that data. To assist in the discussion, the method to calculate each measure is briefly presented below.

### **V.B. Methodology for Computing Measures**

There are national standards corresponding to the JMC measures. These standards have been incorporated into the National Center for State Courts (NCSC) *CourTools* evaluation product, which are included in Attachments 01 through 03 to this section. The methodology presented in these standards is clear, precise and practical.

Of course, the methodology for computing measure (i) Number of cases filed is defined in the Summary Reporting System (SRS) Manual (Jan 2002).

## **Measures**

**(i) Number of cases filed:**

This measure is reported to the OSCA by clerks of court for a variety of case types within the six major divisions of court: Circuit Criminal, Family, Circuit Civil, Probate, County Criminal and County Civil. These statistics are currently used for a wide variety of purposes, including the certification of judicial need and resource allocation (budget) calculations.

**(ii) Aged inventory of cases – number and age of cases pending:**

“For each case type being analyzed, the court should produce a report that calculates the time, in days from filing of the case until the date established for the reporting period being examined. . . . To use this measure accurately, a court must be able to identify and count cases that have been *Placed on Inactive Status*. These are cases that have ceased movement toward a disposition as the result of events beyond the court’s control (e.g. a defendant who absconds, the initiation of bankruptcy proceedings etc.).” (National Center for State Courts, *Courtools* Measure 4, Age of Active Pending Caseload)

**(iii) Time to disposition – the percentage of cases disposed or otherwise resolved within established time frames:**

“This measure . . . is a fundamental management tool that assesses the length of time it takes a court to process cases. It compares a court’s performance with local, state or national guidelines for timely case processing. . . . the measure takes into account periods of inactivity beyond the court control (e.g. absconded defendants, cases suspended pending decision on an appeal) and provides a framework for meaningful measurement across all cases.” (National Center for State Courts, *Courtools* Measure 3, Time to Disposition)

**(iv) Clearance rates – the number of outgoing cases as a percentage of the number of incoming cases.**

This measure presents the balance of incoming cases to cases disposed over a given time period. A value below 100 indicates a growing backlog of cases since the number of cases coming into the court system exceeds the cases disposed. Similarly, a value above 100 indicates a reduction in backlog of cases. (National Center for State Courts, *Courtools* Measure 4, Clearance Rates) Technically, clearance rates should also be computed with the counts of active and inactive cases factored in. However, unlike the case aging reports, clearance rates retain much of their usefulness even without these factors included.

## **Considerations**

Measures (ii), (iii) and (iv) require the reporting of case status (active or inactive) in order to be most useful. Our own experience with case aging reports indicates that they are of limited use if they are cluttered with cases that are inactive but still open. The true impact of including inactive periods in case age calculations is unknown. Anecdotally, including inactive periods significantly skews case age upwards which renders the use of case time standards problematic for management purposes.

The definitions and guidelines presented as Item IV, Reopen/Reopen Closed Definitions, of these materials provide a reporting framework consistent with the NCSC standard for capturing the status of a case. Additionally, the tracking of case status arises naturally out of the implementation of the Court Data Model currently awaiting adoption by the supreme court.

All of the JMC measures include the reporting of cases in a reopen state as part of their calculus. Reopened cases represent, as of now, a body of untracked court activity. Until implementation of these measures, there was no requirement to report the closing of a reopen event. Consequently, although we know when a case is reopened, we do not know when it closes. Thus, pending reports are also cluttered with reopen cases that are actually closed and the case aging calculations suffer from the same inflation that afflicts the open cases with inactive intervals. Of course, filing counts and clearance rates can be computed without reopen case data, but they are considered more accurate and representative if the statistics include reopens.

Adoption of these measures and, more specifically, the collection of the underlying data to support them, offers the court an opportunity to incorporate previously untracked workload into its judicial need calculations and to provide the court with useful versions of a few of the essential tools for case management.

The OSCA currently captures all but three pieces of data necessary to compute these statistics. We do not capture 1) date of status change, 2) type of status change, and 3) reopen closure date. A fourth datum, 4) reason for status change, has been put forward as essential for evaluating case aging data and providing context to court activity but is, as far as the methodology is concerned, not strictly required.

## **Recommendations**

Staff recommends that the CSWC accept the methodology outlined in the SRS Manual for computing measure (i) Number of cases filed and adopt the methodology outlined in the NCSC *CourtTools* measures 2, 3 and 4 for computing JMC measures (ii), (iii) and (iv) respectively.

## **Decision Needed:**

1. Adopt the proposed methodology for calculating the four JMC performance measures.

## **V.C. Collection Plan for Missing Data**

### **Discussion**

As mentioned above, the OSCA currently captures all but three pieces of data necessary to compute these statistics. We do not capture 1) date of status change, 2) type of status change, and 3) reopen closure date. While the OSCA is committed to collecting the data necessary to evaluate court operations, it is sensitive to the potential impact of additional data collection on the clerks of court and court administration staff that will ultimately be responsible for collecting and reporting that data.

The fourth datum, reason for status change, may not be strictly required to compute case age measures. It does, however, provide essential information about the context of a status change, the party requesting the change, extenuating circumstances and so on. Consequently, the data element would be an important factor in other process improvement efforts. Additionally, the data element is part of the Court Data Model. Since it is expected that this model will be phased in over a few years, we should take every opportunity to incorporate elements of the model into existing systems.

As part of the Trial Court Integrated Management Solution (TIMS) project, staff conducted a survey of clerk case maintenance systems with an eye to determining what capabilities these systems might have. While not specifically considering the JMC measures, the review does provide some general observations that may be helpful. With regard to the JMC data, the team found a mixed collection of capabilities. Those clerks of court with newer systems often had the capability to track the status of a case, although few were using this capability. Older systems often did not have this capability directly; however, these clerks often had other mechanisms for tracking case status.

**Commission on Trial Court  
Performance & Accountability  
Court Statistics & Workload Committee  
Tampa, FL  
February 1, 2013**

The Comprehensive Case Information System (CCIS) data collection tool, developed by the Florida Court Clerks and Comptrollers (FCCC), into which most counties submit case data, does not have a field defined for the capture of case status.

Most of the systems reviewed during TIMS did have the capability to capture reopen close dates, although almost all clerks of court did not specifically capture that data. The reason for not doing so was most simply stated as: “There is no requirement to capture it.” The CCIS data set does have fields for the capture of reopen and reopen close events.

### **Additional Considerations**

Timeliness is a relevant consideration in this discussion. The original supreme court order, SC11-1347, went into effect February 9, 2012. The Judicial Management Council established by that order held its first meeting January 18, 2013. The JMC did not provide any guidance as to when they will want to consider these measures as part of their charge.

On the other hand, our experience with the reporting changes mandated by SC08-1141, IN RE: Amendments to the Florida Rules of Civil Procedure – Management of Cases Involving Complex Litigation, demonstrated that sudden changes to reporting requirements can be extremely disruptive and costly to clerk of court operations. This was also a concern offered by clerks during the comment period for the Reopen/Reopen Closed definitions. Although the original order provided clerks with a compliance period of six months, the OSCA found that the majority of counties were able to comply within eight to ten months, with all clerks reporting within sixteen months. While most of the clerks of court were able to meet the short timeline established, the effort to comply was extremely disruptive to clerk operations.

The Integrated Trial Court Adjudication System (ITCAS) project with its Judicial Viewer and Judicial Data Management Services components may also have an impact on data collection methodologies. Although the scope of the project, in particular the JDMS piece, is still under intense discussion, the development of a state-level data repository that incorporates CCIS and local data from a Judicial Viewer could open important new opportunities for data collection that might reduce the reporting burden on the clerks of court.

There is also a question as to whether the OSCA should compute case age measures using the available data until the new data becomes available. There is a lot of anecdotal evidence to indicate that these measures as computed now, would not be accurate enough to be useful, would create more confusion or would paint a skewed picture of cases languishing in the courts. However, although this interpretation fits our current intuition of the situation, there is little hard

evidence one way or the other. By contrast, we have found the computation of clearance rates without the inclusion of inactive/active cases to be a useful tool for evaluating court activity.

**Recommendations:**

1. Staff recommends that the OSCA open a dialog with various clerks of court, including our members on the CSWC, and the Florida Court Clerks and Comptrollers to establish a practical plan for the collection of necessary data that minimizes both disruption and cost. Based on our experience, staff believes an implementation period of eighteen months to be reasonable for a project of this type. With time for planning, we could set a target date of October 2014 to coincide with the start of many county fiscal years. This should allow both the OSCA and the clerks of court sufficient time to modify their systems as needed. This time frame is consistent with the proposed timeframe for implementing requirements for changes to SRS reopen closure reporting.
2. Because of their overall value to the evaluation of court operations, staff recommends that all four data elements be included in this round of modifications. It will be easier and less costly to incorporate one extra change that is closely related to the data already being modified than to attempt to make the change at a later date.
3. The OSCA should continue to monitor the ITCAS project and its components for opportunities to develop these and other performance measures from these systems. Additionally, the OSCA should request changes as necessary to the appropriate development teams of these projects that would facilitate the collection of data necessary for these measures.
4. As it is not possible to obtain sufficient real-world data to evaluate the usefulness of the case age measures without case status data, staff recommends that the OSCA conduct a series of simulations to ascertain the conditions and constraints under which case age measures may be used and interpreted given the current limitations of the data.

**Decision Needed:**

1. Adopt the recommendations one through four of Section C concerning the collection of JMC performance measure data.

**Item VI Performance Measures Required by JMC**

**Attachment 01**

***CourTools: Clearance Rates*  
Measure 2**

### Clearance Rates

Measure **2**

**Definition:** The number of outgoing cases as a percentage of the number of incoming cases.

**Purpose:** Clearance rate measures whether the court is keeping up with its incoming caseload. If cases are not disposed in a timely manner, a backlog of cases awaiting disposition will grow. This measure is a single number that can be compared within the court for any and all case types, from month to month and year to year, or between one court and another. Knowledge of clearance rates by case type can help a court pinpoint emerging problems and indicate where improvements may be made. Courts should aspire to clear (i.e., dispose of) at least as many cases as have been filed/reopened/reactivated in a period by having a clearance rate of 100 percent or higher.

**Method:** Computing a clearance rate requires a count of incoming cases and outgoing cases during a given time period (e.g., year, quarter, or month).

#### Step 1

Incoming cases are summed using three kinds of cases: *New Filings*, *Reopened cases*, and *Reactivated cases*. If *Reopened* and *Reactivated* cases cannot be counted, just use *New Filings*.

<b>Sum incoming cases</b>	<b>New Filings</b>	<b>812</b>
	<b>Reopened Cases</b>	<b>+ 162</b>
	<b>Reactivated Cases</b>	<b>+ 109</b>
	<b>Total Incoming Cases</b>	<b>= 1,083</b>

#### Step 2

Outgoing cases are summed by using three kinds of dispositions: *Entry of Judgment*, *Reopened Dispositions*, and *Placed on Inactive Status*. If *Reopened Dispositions* and *Placed on Inactive Status* cases cannot be counted, just use *Entry of Judgment* cases.

<b>Sum outgoing cases</b>	<b>Entry of Judgment</b>	<b>684</b>
	<b>Reopened Disposition</b>	<b>+ 137</b>
	<b>Placed on Inactive Status</b>	<b>+ 92</b>
	<b>Total Outgoing Cases</b>	<b>= 913</b>

#### Step 3

The clearance rate is calculated by dividing the result of Step 2 by the result of Step 1.

<b>Calculate clearance rate</b>	<b>913 ÷ 1,083 = 84%</b>
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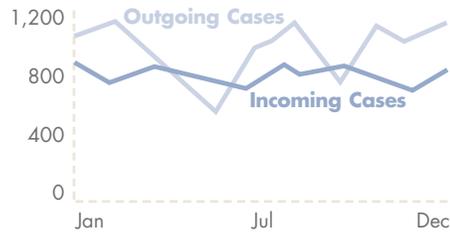




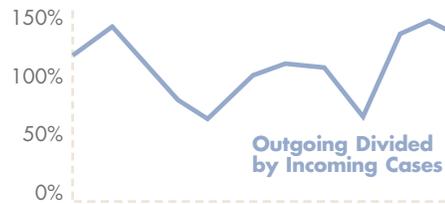
## Analysis and Interpretation

### The process...

**Plot incoming and outgoing cases over time**



**Calculate a clearance rate**



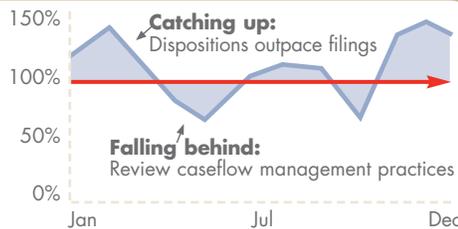
	Outgoing	Incoming	Clearance Rate
<b>Apr</b>	855	843	= 101%
<b>May</b>	734	825	= 89%
<b>June</b>	635	774	= 82%
<b>July</b>	1,016	965	= 105%

partial data shown

**Set a clearance rate goal**



**Monitor, analyze, take action**

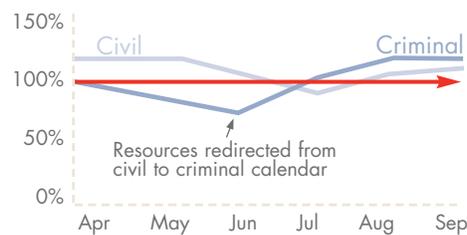


### Clearance Rates

Measure **2**

This chart shows clearance rates for two case types (Civil and Criminal) for six months. The Civil clearance rate was above the target level of 100 percent at the beginning of this period. However, the Criminal clearance rate was falling significantly below the target level. The court implemented new caseload management practices and redirected resources from the Civil calendar to the Criminal calendar to improve Criminal case processing. The chart shows that the Criminal clearance rate improved. By the end of the six-month period, the clearance rates for the two case types were in balance. Clearance rate data allow the court to see whether its caseload management changes had the desired effect.

#### Monthly Clearance Rates for managing criminal and civil caseloads



Further analysis shows how clearance rates can be compared on an annual basis to assess the impact of new policies. For example, highlighting districts that reach a clearance rate target allows court managers to assess the effectiveness of caseload management practices across court divisions, court locations, or courtroom by courtroom.

#### Annual Clearance Rates for assessing comparative performance

	Criminal Cases	Above 100%	Civil Cases	Above 100%
District 1	87%		103%	X
District 2	105%	X	92%	
District 3	93%		102%	X
District 4	90%		101%	X
District 5	107%	X	83%	

Three years of data provides a more representative picture of clearance rate trends by smoothing yearly fluctuations.

#### 3-Year Clearance Rates for analyzing trends

	2002	2003	2004	3-Year Average
District 3	105%	114%	99%	106%
District 2	106%	100%	101%	102%
District 1	100%	99%	97%	99%
District 4	99%	98%	95%	97%
District 5	96%	90%	89%	91%



## Terms You Need to Know

**Entry of Judgment:** A count of cases for which an original entry of judgment—the court’s final determination of the rights and obligations of the parties to a case—has been filed. For cases involving multiple parties/issues, the manner of disposition should not be reported until all parties/issues have been resolved.

**New Filing:** A count of cases that have been filed with the court for the first time.

**Placed on Inactive Status:** A count of cases whose status has been administratively changed to inactive because the court will take no further action in the case until an event restores the case to the court's active pending caseload.

**Reactivated:** A count of cases that had previously been placed in an inactive pending status, but for which further court proceedings and activities can now be resumed so that the case can proceed to disposition.

**Reopened:** A count of cases in which judgments have previously been entered but which have been restored to the court's pending caseload due to the filing of a request to modify or enforce the existing judgments. When a Reopened Case is disposed of, report the disposition as a Reopened Disposition.

**Reopened Disposition:** A count of cases that were disposed of by a modification to, and/or enforcement of, the original judgment of the court. For cases involving multiple parties/issues, the manner of disposition should not be reported until all parties/issues have been resolved.

For a full discussion of these definitions, see the *State Court Guide to Statistical Reporting*, available at: [www.ncsconline.org/d\\_research/statistical\\_reporting](http://www.ncsconline.org/d_research/statistical_reporting).



# CourTools

Developed by the NCSC Court  
Performance Community of Practice.

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**Item VI Performance Measures Required by JMC**

**Attachment 02**

***CourTools: Time to Disposition*  
Measure 3**

### Time to Disposition

### Measure 3

**Definition:** The percentage of cases disposed or otherwise resolved within established time frames.

**Purpose:** This measure, used in conjunction with *Measure 2 Clearance Rates* and *Measure 4 Age of Active Pending Caseload*, is a fundamental management tool that assesses the length of time it takes a court to process cases. It compares a court's performance with local, state, or national guidelines for timely case processing. When the underlying data conform to the *State Court Guide to Statistical Reporting*, the measure takes into account periods of inactivity beyond the court control (e.g., absconded defendants, cases suspended pending decision on an appeal) and provides a framework for meaningful measurement across all case types.

The case processing time standards published by the American Bar Association (ABA) and those published by the Conference of State Court Administrators (COSCA) provide a starting point for determining guidelines. Many states and individual courts have adopted their own guidelines, and certain case types (e.g., juvenile) have been the focus of more detailed guidelines by a variety of organizations. Courts should take note of existing guidelines and rules of court in their jurisdiction when developing their own guidelines for each case type.

#### COSCA Case Processing Standards

##### Civil

- Non-Jury Trial – 100% within 12 months
- Jury Trial – 100% within 18 months

##### Criminal

- Felony – 100% within 180 days
- Misdemeanor – 100% within 90 days

##### Juvenile

- Detention and Shelter Hearings – 100% 24 hours
- Adjudicatory or Transfer Hearings
  - Concerning a juvenile in a detention or shelter facility – 100% within 15 days
  - Concerning a juvenile not in a detention or shelter facility – 100% within 30 days

##### Domestic

- Uncontested – 100% within 3 months
- Contested – 100% within 6 months

#### ABA Case Processing Standards

##### Civil

- 90% within 12 months
- 98% within 18 months
- 100% within 24 months

##### Criminal

- Felony
  - 90% within 120 days
  - 98% within 180 days
  - 100% within 1 year
- Misdemeanor
  - 90% within 30 days
  - 100% within 90 days

##### Juvenile

- Detention and Shelter Hearings – 100% 24 hours
- Adjudicatory or Transfer Hearings
  - Concerning a juvenile in a detention or shelter facility – 100% within 15 days
  - Concerning a juvenile not in a detention or shelter facility – 100% within 30 days

##### Domestic

- 90% within 3 months
- 98% within 6 months
- 100% within 1 year

Source: National Center for State Courts Web site, [www.ncsconline.org/WC/Publications/KIS\\_CasManCPTSPub.pdf](http://www.ncsconline.org/WC/Publications/KIS_CasManCPTSPub.pdf).



**Method:** This measure should be reviewed on a regular (e.g., monthly, quarterly, annual) basis. If reviewed regularly, the court can observe trends as they develop, then aggregate the data for annual reporting.

For each case type, the first task is to compile a list of all cases that were disposed or otherwise resolved during the reporting period. For the purpose of this measure, "disposed or otherwise resolved" is defined as having had an *Entry of Judgment*. If the data for the measure are not available in automated form, and data collection requires manual review of case files, then the measure will likely need to be taken on an annual basis. Sampling is an option in courts where case volumes are high.

### Sampling

This measure should be calculated for all cases disposed or otherwise resolved during the reporting period. However, sampling will be necessary in courts where case volumes are high if a complete report cannot be produced by the case management system. In most instances, a sample of 300 cases will be sufficient. To obtain a random sample requires: a list of all cases in the population, a unique identification number for each case, and a method for selecting cases. A straightforward method is systematic sampling where only the first case is randomly selected and then every *n*th case from a list is selected for the sample, i.e., if the total number of civil cases in a court was 3,000 and the sample size was to be 300 cases, select every tenth case ( $3000/300=10$ ).

## Which Cases Are Included?

There are two kinds of cases for which the time to disposition can be computed. The first are typical cases that move through the system without interruption. When these cases are disposed or otherwise resolved by *Entry of Judgment* during the reporting period, they should be counted. The filing dates for these cases will vary, but what qualifies them for inclusion is the fact that the disposition dates all fall within the reporting period (e.g., the calendar year).

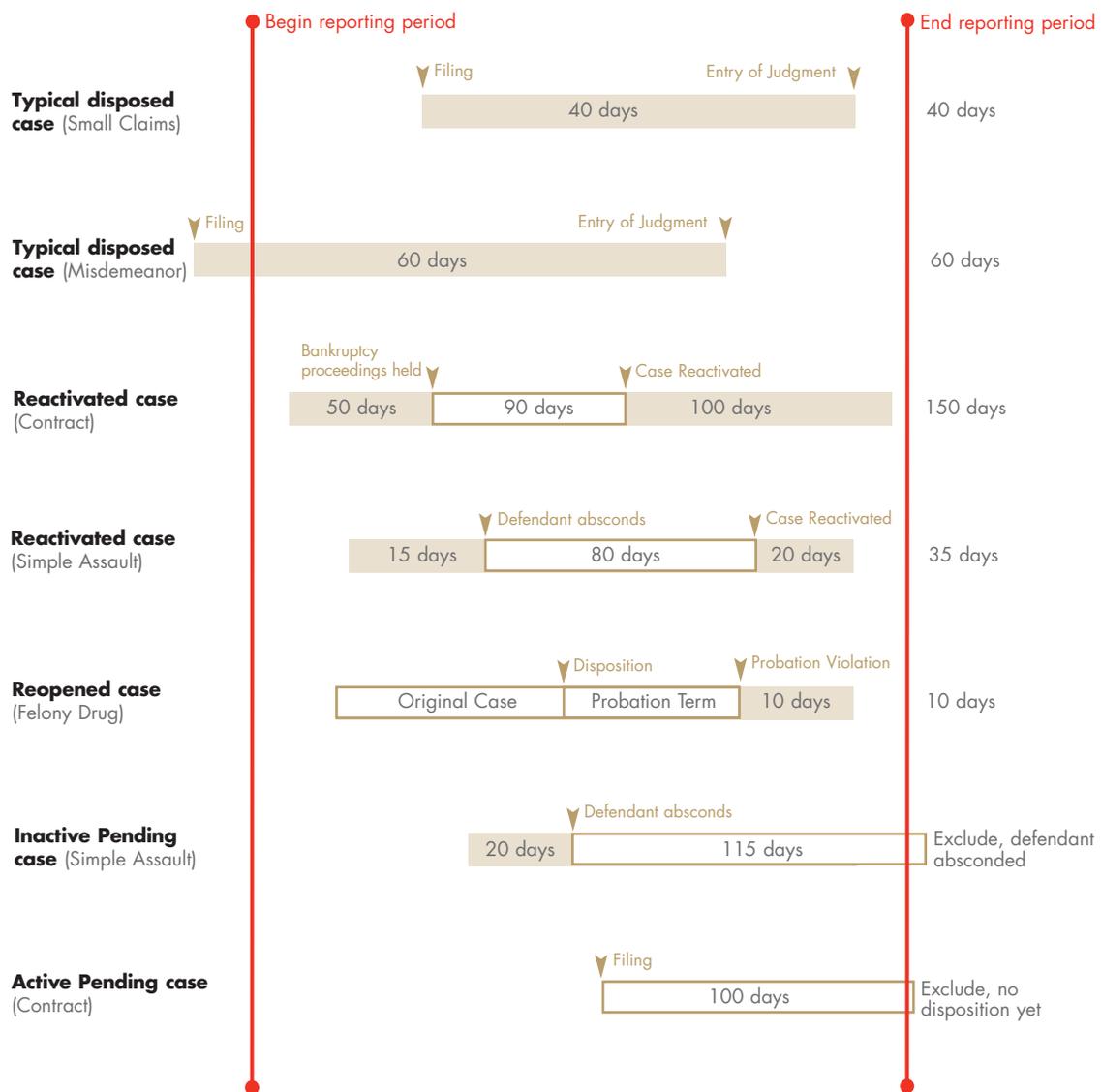
The second kind are cases that had their progress interrupted and underwent a period of inactivity, but were *Reopened* or *Reactivated* by the court and disposed of during the reporting period. An example of this is a contract case that is *Placed on Inactive Status* pending the outcome of bankruptcy proceedings. Following those proceedings, the contract case resumes and is disposed. Another example is a criminal case in which the defendant absconds after the case was filed. The case is *Placed on Inactive Status* during this time, but when the defendant is apprehended and returned to court, the case resumes and is disposed.

Cases in which judgment was previously entered but which have been *Reopened* due to a request to modify or enforce existing judgments are also included. For example, the court might grant a motion to consider newly discovered evidence, and thus reopen a case. In juvenile cases, a case might be reopened due to violation of probation, or due to failure of parents to comply with a court order. When these *Reopened* cases are disposed during the reporting period, they should be included in this measure. In all these examples, the time that is counted starts when the case is reopened, not with the date of the original filing.



Cases that are in an official period of inactivity at the end of the reporting period should *not* be included in this measure. As this type of case is considered to be among the court's *Inactive Pending* cases at the end of the reporting period (i.e., they are not moving toward disposition for a known and legitimate reason and the court is aware of this), they should be excluded from the analysis. *Active Pending* cases are excluded from analysis, since no disposition has been reached.

### Time Calculation Examples





# Time to Disposition

# Measure 3

## Analysis and Interpretation

Division	Percentage of Cases Disposed				Number of Days	
	180 days		365 days		Mean	Median
	Current	Goal	Current	Goal		
Criminal	70%	98%	97%	100%	170	121
Civil	82%	na	95%	90%	151	93
Domestic	90%	98%	92%	100%	158	105

This table summarizes time to disposition in one court across three case types. The court is almost meeting its 365-day standard in criminal cases, exceeding its 365-day standard in civil cases, and lagging behind in domestic cases. The court should examine criminal caseload management in the first 180 days, the period in which the court is furthest from its goal.



This court has adopted the ABA standard for felony cases. The court was steadily improving, and nearly met this goal in June, but in the months following, time to disposition increased. The court needs to examine what happened in July and October to determine the source of the periodic drops in performance.

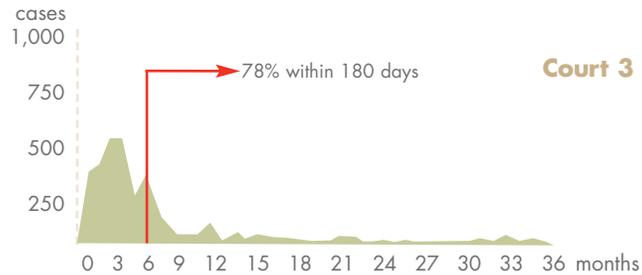
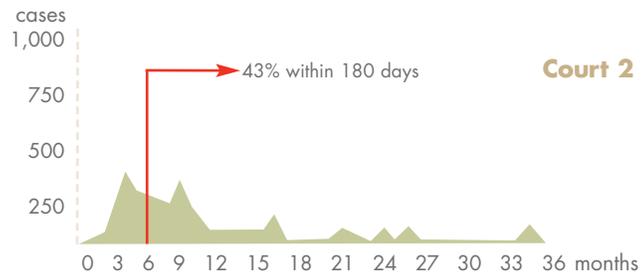
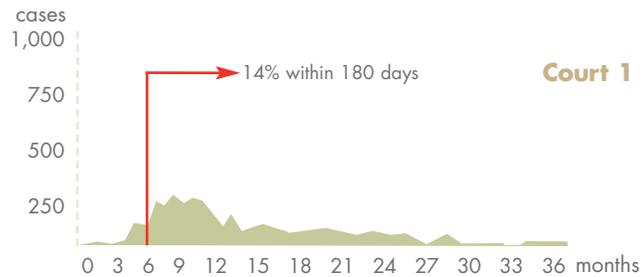


Increases in the criminal caseload caused the court to shift judicial officers from civil to criminal cases and initiate caseflow management improvements in June. Time to disposition for criminal cases did improve, but not without an increase in time to disposition for civil cases.

The graphics here show one way to display time to disposition data for felony cases in four courts. The data show that the vast majority of cases are resolved within six months in the two faster courts, compared to about eighteen months in the two slower courts. The profile of felony case time to disposition in different courts may vary due to the seriousness of the case mix, charging and pleading practices, and the manner of disposition. Of course, differences in time to disposition will also result from variation in court case management practices. Documenting differences in case processing time among courts is the first step in analyzing the reasons for those differences.

For all types of cases, time to disposition is a basic court management tool. Compiling data on the timing of key case events, consistent definition of terms, and distinguishing between active and inactive cases are basic ingredients to understanding and improving caseload management.

### Percent of Felony Cases Disposed Within 36 Months...





## Terms You Need to Know

**Active Pending:** A count of cases that, at the end of the reporting period, are awaiting disposition.

**Entry of Judgment:** A count of cases for which an original entry of judgment—the court’s final determination of the rights and obligations of the parties to a case—has been filed. For cases involving multiple parties/issues, the manner of disposition should not be reported until all parties/issues have been resolved.

**Mean:** The average value of a set of numbers, equal to the sum of all values divided by the number of values.

**Median:** The middle value in a distribution of numbers. Half of the values will be above this point, half will be below.

**Percentile:** A percentile is a score below which a given percentage of the cases falls. Thus, if cases aged 120 days represent the 90th percentile of a court’s pending caseload, it means that 90% of those cases are aged 120 days or less. Spreadsheet and statistical software can calculate percentile ranking of data.

**Placed on Inactive Status:** A count of cases whose status has been administratively changed to inactive because the court will take no further action in the case until an event restores the case to the court’s active pending caseload.

**Random Sample:** A sample chosen that minimizes bias in the selection process. A random sample of case files is typically generated by a computer or selected from a random number table. Systematic samples require a randomly selected starting point, then the taking of every  $n$ th case, i.e., if the total number of civil cases in a court was 3,000 and the sample size was to be 300 cases, select every tenth case ( $3,000 \div 300 = 10$ ).

**Reactivated:** A count of cases that had previously been placed in an Inactive Pending status, but for which further court proceedings and activities can now be resumed so that the case can proceed to disposition.

**Reopened:** A count of cases in which judgments have previously been entered but which have been restored to the court’s pending caseload due to the filing of a request to modify or enforce the existing judgment.

**Reopened Disposition:** A count of cases that were disposed of by a modification to and/or enforcement of the original judgment of the court.

**Time Standards:** An acknowledged measure of comparison, measured as the time (in days) it takes to process a case, from filing to disposition. A time standard is expressed in terms of the percentage of cases that should be resolved within a certain time frame (e.g., 98% within 180 days).



**Item VI Performance Measures Required by JMC**

**Attachment 03**

***CourTools: Age of Active Pending Caseload*  
Measure 4**

### Age of Active Pending Caseload

Measure **4**

**Definition:** The age of the active cases that are pending before the court, measured as the number of days from filing until the time of measurement.

**Purpose:** Cases filed but not yet disposed make up the court's pending caseload. Having a complete and accurate inventory of active pending cases as well as tracking their number and age is important because this pool of cases potentially requires court action. Examining the age of pending cases makes clear, for example, the number and type of cases drawing near or about to surpass the court's case processing time standards. Once the age spectrum of cases is determined, the court can focus attention on what is required to ensure cases are brought to completion within reasonable timeframes.

**Method:** For each case type being analyzed, the court should produce a report that calculates the time, in days, from filing of the case until the date established for the reporting period being examined (e.g., last day of the month, last day of the year). A report, similar to the one below, can be used to display the age of pending cases in time periods relevant to the court. Success in achieving a particular case processing time goal is easily monitored by referring to the Cumulative Percent column. In the example below, 85 percent of the General Civil cases are being disposed in 540 days or less, close to meeting the court's goal of resolving 90 percent within this timeframe.

#### Age of Active Pending Caseloads

General Civil				Felony			
Age (days)	Number of Cases	Percent	Cumulative Percent	Age (days)	Number of Cases	Percent	Cumulative Percent
0-90	344	18%	18%	0-60	438	21%	21%
91-180	410	21%	39%	61-120	559	26%	47%
181-270	245	13%	52%	121-180	785	37%	84%
271-365	267	14%	66%	181-240	82	4%	88%
366-450	189	10%	76%	241-300	92	4%	92%
451-540	168	9%	85%	301-365	123	6%	98%
541-630	90	5%	90%	over 365	32	2%	100%
631-730	124	6%	96%				
over 730	76	4%	100%				
<b>Total</b>	<b>1,913</b>			<b>Total</b>	<b>2,111</b>		

Approaches the court's goal of resolving 90% of cases within 18 months.

This measure should be used in conjunction with *Measure 2 Clearance Rates* and *Measure 3 Time to Disposition* to get an accurate picture of how a court is managing its caseload. For example, a court may have a high clearance rate, and score well on Measure 2, yet still be building up an inventory of older cases (evaluated by using Measure 4). This measure differs from *Measure 3 Time to Disposition* in that the cases being analyzed here have not reached a disposition in the court.



To use this measure accurately, a court must be able to identify and count cases that have been *Placed on Inactive Status*. These are cases that have ceased movement toward a disposition as the result of events beyond the court's control (e.g., a defendant who absconds, the initiation of bankruptcy proceedings, etc.). The ability of a court to track its pending cases will also allow the court to return an *Inactive* case to *Active* status if the case has been *Reactivated*. At the time of measurement, the court should remove *Inactive* cases from the pending inventory because these cases are not directly comparable to *Active* cases and will exaggerate the age of the pending caseload.

This measure should be taken on a regular (e.g., monthly, quarterly, or annual) basis. The measure can be used to report age of the pending caseload for any case type. (Primary case types are defined in the *State Court Guide to Statistical Reporting*.)

## Sampling

This measure should be calculated for all cases in the Active Pending inventory. However, sampling will be necessary in courts where case volumes are high if a complete report cannot be produced by the case management system. In most instances, a sample of 300 cases will be sufficient. To obtain a random sample requires: a list of all cases in the population, a unique identification number for each case, and a method for selecting cases. A straightforward method is systematic sampling where only the first case is randomly selected and then every *n*th case from a list is selected for the sample, i.e., if the total number of civil cases in a court was 3,000 and the sample size was to be 300 cases, select every tenth case ( $3000/300=10$ ).

## Which Cases Are Included?

Only *Active Pending* cases are included in this measure, and other cases should be excluded. Rules for counting, as defined in the *State Court Guide to Statistical Reporting*, are summarized below and illustrated in the figure.

The most straightforward cases to count are those that are moving through the system without interruption and are active and pending at the time of measurement.

A second category are cases that had their progress interrupted and underwent a period of inactivity but were *Reactivated* by the court prior to the time of measurement. An example of this is a contract case that is *Placed on Inactive Status* pending the outcome of bankruptcy proceedings. Following those proceedings, the contract case resumes, and is counted as a *Reactivated* case (not as a new filing). Another example is a criminal case in which the case is filed and the defendant absconds for a period of time. The case is *Placed on Inactive Status* during this time, but when the defendant is apprehended and returned to court, and case is *Reactivated*.



Following those proceedings, the contract case resumes, and is counted as a *Reactivated* case (not as a new filing). Another example is a criminal case in which the case is filed and the defendant absconds for a period of time. The case is *Placed on Inactive Status* during this time, but when the defendant is apprehended and returned to court, the case is *Reactivated*.

A third category are cases in which judgment was previously entered, but which have been *Reopened* due to a request to modify or enforce existing judgments. These cases have been restored to the court's *Active Pending* caseload. For example, the court might grant a motion to consider newly discovered evidence, and thus reopen a case.

A fourth category are cases that should not be included in this measure. These are cases that are in an official period of inactivity at the date of report. As these cases are considered to be among the court's *Inactive Pending* cases (i.e., they are not moving toward disposition for a known and legitimate reason and the court is aware of this) they should be excluded from the analysis.

### Time Calculation Examples

**Active Pending case**  
(Automobile Tort)



**Reactivated case**  
(Contract)



**Reactivated case**  
(Simple Assault)



**Reopened case**  
(Felony Drug)



**Inactive Pending case**  
(Simple Assault)





# Age of Active Pending Caseload

Measure **4**

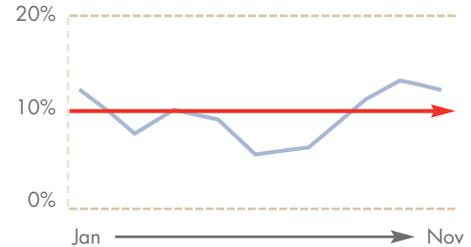
## Analysis and Interpretation

The data collected for this measure allow the court to look at cases that are exceeding its time standards. *Measure 3 Time to Disposition* asks, "What percentage of our cases are being processed within our time standards?" *Measure 4* asks, "What percentage of our cases exceed our time standards?" A court may be handling its current caseload, but at the same time have old cases that are lingering on. The top graph indicates that this court is managing its caseload effectively, and at the 180-day mark, the court is close to its goal of having no more than 10 percent of its active cases pending beyond 180 days.

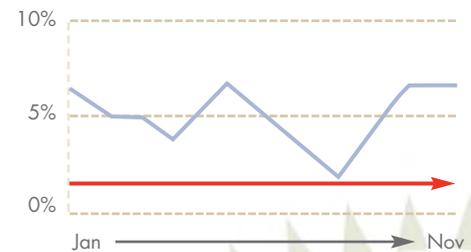
The bottom graph indicates, however, that the court is having a harder time meeting its standard at the 365-day mark. The red line indicates the goal is to have no more than 2 percent of its active caseload pending at 365 days from time of filing. The court is unable to meet this standard.

Identifying specific cases and analyzing their status (e.g., by location, by judge, by type of proceeding) will allow the court to know whether the active pending cases are being appropriately managed. In this example, the court has extracted descriptive information on cases pending beyond 365 days to begin its case-level analysis.

**Percent of Cases Pending Beyond 180 days**



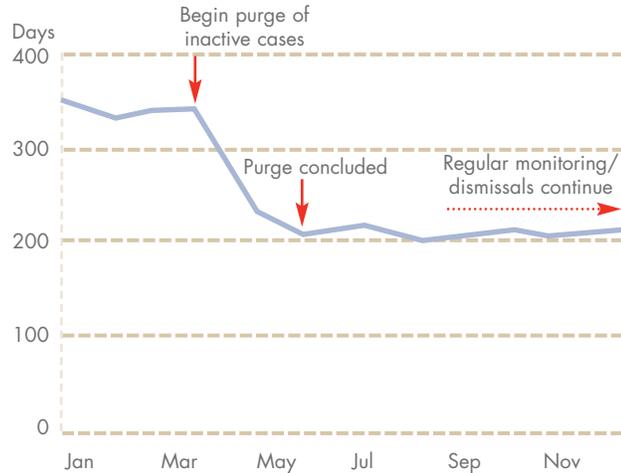
**Percent of Cases Pending Beyond 365 days**



**Focusing on the cases that exceed 365 days...**

Case Numbers	Case Type	Age-Days	Next Action	Location	Judge
SC-F-136	Murder	536	Jury Trial	Scott	Jones
SC-F-468	Drug-Sale	382	Motion Hearing	Colton	Smith
SC-F-771	Fraud	439	Bench Trial	Jersey	Kearn

### Median Age of Pending Civil Cases



Analysis of the age of the *Active Pending* caseload over time can be used to determine whether caseload management practices are having their intended effects. This figure shows how a court's decision to undertake an intensive program to identify and dispose of stagnant civil cases has caused a noticeable drop in the median age of its pending civil caseload. These stagnant cases appeared to be active cases, but examination of the files and communication with parties revealed the cases had either settled out of court or were no longer being pursued.

### Who Sets Time Standards?

The Conference of State Court Administrators (COSCA) and the American Bar Association (ABA) have offered specific time standards for case processing. The question of whether these standards are attainable is an empirical one that remains largely unanswered. Time standards are expressed as the percentage of cases that should be resolved within a certain elapsed period. For example, the ABA offers the following standards:

#### Civil cases

90% within 12 months  
 98% within 18 months  
 100% within 24 months

#### Domestic cases

90% within 3 months  
 98% within 6 months  
 100% within 12 months

#### Felony cases

90% within 120 days  
 98% within 180 days  
 100% within 1 year

#### Juvenile cases

Detention & shelter: 100% within 24 hours  
 Adjudicatory or transfer (Detention or shelter): 100% within 15 days  
 Adjudicatory or transfer (Not in Detention or shelter): 100% within 30 days

Source: National Center for State Courts Web site, [www.ncsconline.org/WC/Publications/KIS\\_CasManCPTSPub.pdf](http://www.ncsconline.org/WC/Publications/KIS_CasManCPTSPub.pdf).



## Terms You Need to Know

**Active Pending:** A count of cases that, at the end of the reporting period, are awaiting disposition.

**Inactive Pending:** A count of cases that, at the end of the reporting period, have been administratively classified as inactive. Such circumstances may be defined by statewide court administrative rule or order.

**Percentile:** A percentile is a score below which a given percentage of the cases falls. Thus, if cases aged 120 days are in the 90th percentile of a court's pending caseload, it means that 90% of those cases are aged 120 days or less. Spreadsheet and statistical software can calculate percentile ranking of data. The percentiles a court selects should be chosen based on its own state or local time standards or those suggested by the Conference of State Court Administrators (COSCA) or the American Bar Association (ABA).

**Placed on Inactive Status:** A count of cases whose status has been administratively changed to inactive because the court will take no further action in the case until an event restores the case to the court's *Active Pending* caseload.

**Random Sample:** A sample chosen that minimizes bias in the selection process. A random sample of case files is typically generated by a computer or selected from a random number table. Systematic samples require a randomly selected starting point, then the taking of every  $n$ th case, i.e., if the total number of civil cases in a court was 3,000 and the sample size was to be 300 cases, select every tenth case ( $3,000 \div 300 = 10$ ).

**Reactivated:** A count of cases that had previously been placed in an inactive pending status, but for which further court proceedings and activities can now be resumed so that the case can proceed to disposition.

**Reopened:** A count of cases in which judgments have previously been entered but which have been restored to the court's pending caseload due to the filing of a request to modify or enforce the existing judgments.



# CourTools

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