

## **AGENDA**

### **11:30am Meeting Convenes**

**Item I. Opening Remarks**

The Honorable Paul Alessandroni, Chair

**Item II. Housekeeping**

- A. Minutes of 02/01/2013 meeting
- B. Approval of minutes

**Item III. Case Event Definitions**

- A. Submission to TCP&A
- B. Submission to Florida Supreme Court

**Item IV. Judicial Workload Model (Case Weight) Review**

**Item V. Performance Measures Required by Fl. R. Jud. Adm. 2.225(s)(a)**

- A. Judicial Management Council Performance Workgroup
- B. Case Age Simulation Update

**Item VI. 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
- D. FY2012-2015 Foreclosure Initiative
- E. Uniform Data Reporting – Court Interpreters Data Collection

**Item VII. Next Meeting**

- A. Possible dates
- B. Possible location for an in-person meeting

### **01:00pm Meeting Adjourns**

Dial-in Number: 888-808-6959

Conference Code: 2936384285

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

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

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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 02/01/2013 Meeting:**

**Minutes  
Court Statistics & Workload Committee Meeting  
February 1, 2013  
Wyndham Hotel  
Tampa, FL**

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

#### **9:00 am Meeting convened**

10 of 16 members in attendance:

The Honorable Paul Alessandroni, The Honorable G. Keith Cary, The Honorable David H. Foxman, The Honorable Ilona M. Holmes, The Honorable Shelley J. Kravitz, The Honorable Ellen S. Masters, The Honorable Barbara T. Scott, Mr. Philip G. Schlissel, Ms. Kathleen R. Pugh, & Mr. Fred Buhl

Members absent:

The Honorable J. Preston Silvernail, The Honorable Sharon Robertson, Mr. Grant Slayden, Mr. David Trammell, Ms. Holly Elomina, & Ms. Diane Kirigin

Staff in attendance:

Greg Youchock, P.J. Stockdale, Shelley Kaus, & Miriam Jugger

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

#### **Item II. Approval of Previous Meeting Minutes**

- A. Members voted (unanimously) to approve the minutes of 10/19/2012 meeting.

### **Item III. Status Reports**

- A. Update to Statutory and Rule Changes to Stalking Violence Reporting
  - 1. Staff updated members on the status of this potential change to reporting, which is currently still pending response from the supreme court.
  
- B. Trial Court Integrated Management Solution (TIMS) Project Report
  - 1. Staff informed the members that the TIMS project report was submitted to the supreme court in December of 2012. A copy of the report was emailed to committee members in January of 2013.
  - 2. The Integrated Trial Court Adjudicatory System (ITCAS) project, which is a smaller version of the Court Data Management Framework developed by the CSWC for the TIMS project, was discussed.
  
- C. Judicial Data Management Services
  - 1. The Judicial Data Management Services (JDMS) component of the ITCAS project, which focuses on data and analysis services for court managers, was discussed.
  - 2. Staff informed the members that the scope of ITCAS and JDMS are still being developed. Staff will keep the members informed of which project duties become the CSWC's responsibility.

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

- A. Approval of definitions and guidelines
  - 1. Staff presented the latest version of the working definitions developed by the committee. Staff also provided the responses received during the comment period from May through June, 2012.
  - 2. Members suggested changing the term "Reopened Closed" to "Reclosed".
  - 3. Members voted (unanimously) to adopt the definitions amended with the "Reclosed" terminology change.
  
- B. Incorporating Definitions and Guidelines into SRS Manual
  - 1. Staff explained that the new definitions are compatible with the SRS Manual, except for the SRS category of Juvenile Dependency.
  - 2. Staff recommended exempting Juvenile Dependency cases from the new reopen definitions until the time the Office of the State Courts Administrator (OSCA) is ready to bring capturing cases status into production.
  - 3. Members expressed dissatisfaction with the current Juvenile Dependency reporting process and a desire to improve this area of reporting.
  - 4. A workgroup to examine the current Juvenile Dependency reporting process and evaluate the implication of various changes was suggested.

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5. Members voted (unanimously) to incorporate the necessary language changes to the SRS manual once the Reopen definitions are officially implemented (with the new “Reclosed” terminology change).
6. Members voted (unanimously) to open dialogue with the clerks of court and the Florida Court Clerks and Comptrollers for coordination of implementation with a recommended 18-month timeline for implementation.
7. Members voted (unanimously) to exclude Juvenile Dependency from reopen changes for the time being.
8. Members voted (unanimously) to create a workgroup charged with improving Juvenile Dependency reporting, with Judge Masters as chair, and to appoint staff and experts to the workgroup.

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

A. Background

1. Staff briefed the members on the history of the weighted case model. Links to the full reports and studies were provided in the meeting materials.

B. Strategy and Options

1. Staff presented several options for the FY 2012-2013 review, and discussed the results and implications of the last review that was completed in FY 2006-2007.

C. Staff Recommendations & Committee vote

1. Members voted (unanimously) to recalculate the event proportions. (Option #1)
2. Members voted (unanimously) to develop an adjustment modifier based on actual need compared to predicted need for large circuits for misdemeanor and criminal traffic. (Option #4a)

**Item VI. Performance Measures Required by Judicial Management Council**

A. Background

1. Staff provided an introduction to the charge of the Judicial Management Council from the revised Fl. R. Jud. Adm. 2.225(a)(2).
2. The four measures required to be collected were outlined and discussed.

B. Methodology for Computing Measures

1. Staff provided the national standards corresponding to the JMC measures, which are from the *CourTools* evaluation product of the National Center for State Courts (NCSC).

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2. Staff advised that OSCA has the means to compute measures (i) number of cases and (iv) clearance rates, but that they do not currently have the means to calculate (ii) aged inventory of cases and (iii) time to disposition.
3. Staff discussed that the reopen definitions and case status guidelines approved in this meeting provide a reporting framework consistent with the NCSC standards for capturing the status of a case. Staff advised that all of the JMC measures include the reporting of cases in a reopen state as part of their calculus.
4. Members voted (unanimously) to adopt the methodology outlined in the SRS Manual for computing measure (i) number of cases filed, and the methodology outlined in the NCSC *CourtTools* measures 2, 3 and 4 for computing JMC measures (ii), (iii) and (iv) respectively.

C. Collection Plan for Missing Data

1. Staff advised that three (3) pieces of data are necessary to compute these statistics:
  - i. Date of status change
  - ii. Type of status change
  - iii. Reclosure dateA fourth piece is optional but recommend:
  - iv. Reason for inactivity
2. Members and staff discussed methods for collecting data and the timeline for doing so.
3. Members voted (unanimously) to: 1) adopt the recommendation that OSCA opens a dialogue with various clerks of court and the Florida Court Clerks and Comptrollers, and 2) establish a practical plan for the collection of necessary data that minimizes both disruption and cost (i.e., see what fields can be added or repurposed), with a recommended timeline of 18 months.
4. Members voted (unanimously) to adopt the recommendation to include all 4 discussed data elements in this round of requested modifications.
5. Members voted (unanimously) to: 1) adopt the recommendation that OSCA should continue to monitor the ITCAS project and its components for opportunities to develop these and other performance measures from these systems, and 2) recommend 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.
6. Members voted (unanimously) to adopt the recommendation that 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.

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**Item VII. Next Meeting**

1. Staff presented possible dates for the next meeting, which will be a phone conference. The time and duration of the phone conference was discussed.
2. Staff will email members to determine their availability for the next meeting date.

**2:17pm Meeting adjourned**

**Decision Needed:**

1. Adopt the meeting minutes from 2/1/2013.

### **Item III. Case Event Framework (formally Reopen/Reclosed Definitions)**

#### **III.A. Submission to TCP&A**

Judge Alessandroni presented the Case Event definitions to the TCP&A at their May 24, 2013 meeting where the CSWC's recommendations were very well received. The TCP&A voted unanimously to recommend to the supreme court to adopt these definitions for use in trial court activity reporting. The TCP&A agenda item is provided as Attachment 01.

Staff has incorporated the terminology changes approved by the CSWC into the definitions of fundamental case events such as reopen/reclosed, active/inactive, etc. Since these definitions encompass case activity across all phases of the case, staff has begun using the term case event framework to describe the events and statuses defined in this document. The term case event is also more consistent with terminology used in the Trial Court Data Model.

The adoption of these definitions has generated a considerable amount of interest within the court system. For example, the definitions were adopted by the Trial Court Budget Commission for use in their FY2013-14 Foreclosure Initiative. As these definitions relate to a broad swath of court activity, it was felt that they should be introduced along with some discussion of how they will be incorporated into the larger context of court operations and reporting. Thus, the newly renamed, case event definitions were presented to the TCP&A and to others as follows.

The case event definitions and status categories establish a much needed framework for case event tracking in the trial courts. This framework is essential

- to implement the Case-Event elements of the Trial Court Data Model
- to provide accurate case inventory and case aging reporting
- to support improved tracking and measurement of post-judgment judicial workload and
- to establish a more rigorous foundation from which to address the other issues discussed above.

Much of this framework represents conceptual refinements to case events, such as what it means for a case to be initiated or in open status, and will not require changes to existing reporting. The adoption of this framework does not require that any changes be made to existing reporting systems. By design, this framework is backwards compatible with existing uses of these terms throughout the state, which obviates the need for immediate, disruptive change. Therefore, it is not recommended that the court system attempt to retrofit these definitions to enforce immediate across the board changes to existing reporting systems.

Instead, it is recommended that the trial court system focus on incorporating this framework into currently in work, such as the FY2012-2015 Foreclosure Backlog Reduction Plan, and future

data management projects. This would ensure uniformity among different data projects over time and would allow the improvements resulting from specific projects to propagate outward to other efforts. Changes are more obviously justified when tied to a concrete project and targeted changes will minimize both the cost and disruption associated with the requisite change. As this framework is incorporated into future data management projects, it is believed that most of the issues discussed in the previous section will be resolved as a consequence.

Currently, staff is also evaluating the necessary changes to each area of the SRS manual to incorporate the revised definitions. The changes to the manual, at this point, will be largely administrative in nature involving changes to make the language in the SRS manual reflective of that used in the definitions. It is expected that some clerks of court, such as those who are currently reporting every post-judgment motion as a reopen, may have to modify their reporting process to report only one overlapping post-judgment motion. As recommended above, the implementation of these changes should be evaluated on a case-by-case basis.

### **III.B. Submission to Florida Supreme Court**

CSWC and TCP&A staff are currently working on an OSCA Transmittal Letter and TCP&A Chair cover letter for submission of the Case Event Definitions to the supreme court.

#### **Decision Needed:**

1. None, For Information Only

**Item III. Attachment One**

**Commission on Trial Court Performance and Accountability – Agenda Item**

**Agenda Item VII.A.: Report from Court Statistics and Workload Committee -  
Recommendations for Case Event Definitions**

**Issue:**

The adoption of unambiguous definitions for common, yet critical, case events, such as case filing or disposition, is essential for meaningful data collection and effective court activity management. However, as with most organizations, the terms and definitions most important to the courts in this area grew up organically through an ad hoc melding of legal and practical uses of the terms. For many events such as filing or disposition, the definitions are well defined and are used more or less consistently across the state although disposition has a few grey areas. Other events such as reopen are not so clear. It is in these areas, that a large amount of variability is added to case activity statistics and a significant amount of judicial workload is lost to our accounting.

**Background:**

In 2010, the CSWC undertook a project to establish clear definitions for post-judgment events, commonly called reopens, in the context of Summary Reporting System (SRS) reporting. The SRS Manual has mandated the reporting of reopened cases in its monthly summary reports. However, the manual did not define the term with any clarity. Also, the SRS Manual did not address the act of reclosing a case following a reopen or provide a mechanism for reporting those events.

A national search revealed that there was little consistency in reopen and other case event definitions with various states in the nation using various criteria. The National Center for State Courts (NCSC) had published a recommended definition for reopens as part of their Court Statistics Project and this was used as a starting point.

Throughout 2010 and 2011, the evolution of the reopen definition project was shaped by a dynamic environment actively struggling with the meaning of reopens and related definitions. To start, the inability of clerks of court or the court system to identify post-judgment activity in the life of a case had created considerable difficulties in case activity reporting. In particular, the lack of this data significantly reduced the usefulness of data reported for the FY2010-2011 Foreclosure and Economic Recovery Initiative and the legislatively mandated 2010 Divisional Case Count Report.

There was also a long term issue involving the tracking of open cases on judges' case inventory reports. Clerks of court have tracked and reported post-judgment events using various criteria as is consistent with procedures in their own jurisdictions. Cases in receipt of a final judgment are frequently left open in a clerk's case maintenance system pending additional work that may be required by the clerk. This situation has led to inconsistent reporting of post-judgment case counts to the state and ineffectual case inventory reporting to judges and local managers.

As work progressed, it became apparent to the CSWC that an effective definition of reopen also required unambiguous definitions for other case events, specifically case initiation and case disposition. While these terms were reasonably well defined, there were certain differences to how these terms are used in the field. The CSWC believed that these terms should be consistent both with existing case law and current reporting practices and with the newly revised reopen definitions.

At this time, it also became necessary to establish a finer distinction in the terminology of reopen and reclosure to ensure the definitions would be robust enough to encompass the wide variety of post-judgment actions possible. For example, the term reopen, as it is commonly used, can refer to the act itself (a motion or pleading that brings a case back before the court), a consequence of that act (a fee), the impact of the act on case activity and judicial workload (a reopened case) or a subsequent post-judgment motion or pleading filed after a case has already been brought back before the court. As these are all valid aspects of post-judgment activity, any definitions developed would have to support these uses of the term.

The FY2010-2011 Foreclosure and Economic Recovery Initiative also brought up the issue of workload reporting involving cases that were open before the court but for which the court could not take action to resolve because of related matters such as a bankruptcy stay or an appeal. These considerations evolved into a consideration of case status to determine whether a case was active or inactive for case management purposes. Such considerations apply to post-judgment activity as well. In the instance of family modifications or juvenile dependency, such status issues can significantly impact judicial workload.

Additionally, case inventory and aging reports such as open case or pending reports and statistics such as age of active pending cases and time to disposition, require a clear definition of active and inactive status in order to produce useful results. Open but inactive cases clutter a judges inventory reports diverting limited judicial time into reviewing cases for which the judge can take no action. If periods of legitimate inactivity are not included in the calculations,

statistics calculated may so over estimate the actual age of cases as to be useless for case management. Even clearance rates are influenced by the presence of inactive cases in the calculus. The 2012 revision to Fl. R. Jud. Adm. 2.225 brings the issues of case status and case closure to greater prominence.

Concurrently, the Trial Court Integrated Management Solutions (TIMS) project was advancing a comprehensive data model to track trial court activity. The uniqueness of the data reported and tracked within the model required clear and unambiguous definitions for all relevant case events such as case initiation (filing), case disposition and reopen. Additionally, some of the performance measures being considered as part of the TIMS project required a clear definition of case closure and of case status such as active or inactive.

Legislatively, there has been little guidance as to how post-judgment activity is identified. In August of 2011, the clerks of court through their association began work on amendments to ch. 28.241(1)(b) and 34.041(2) F.S. that, while not specifically defining when a case was reopened, did provide direction on when a “reopen” fee could be assessed. These amendments were passed during the 2012 Legislative Session and, while providing the clerks of court with some guidance on charging post-judgment fees, further complicated reporting for the court system.

In response to this complex environment, the CSWC, in late 2011, opted to consolidate all of the identified issues into a single project and develop a single case event definitional framework consisting of definitions and statuses that would enable meaningful and accurate case reporting and court activity tracking that was consistent with known legal, statutory and statistical uses of the terms.

In March 2012, the CSWC adopted a draft set of case event definitions and status categories. These definitions and categories were provided to all clerks of court and to circuit court administration for review and comment. Suggestions and comments from this outreach were received by June 2012 and were incorporated into the proposed framework. A final set of recommended case event definitions and status categories was adopted by the CSWC in February 2013.

## **Conclusion:**

The case event definitions and status categories presented in Attachment One, establish a much needed framework for case event tracking in the trial courts. This framework is essential

- to implement the Case-Event elements of the Trial Court Data Model
- to provide accurate case inventory and case aging reporting
- to support the tracking and measurement of post-judgment judicial workload and
- to establish a more rigorous foundation from which to address the other issues discussed above.

These definitions and statuses touch many aspects of trial court activity and reporting and will enable a number of significant improvements to said reporting. However, much of this framework represents conceptual refinements to case events, such as what it means for a case to be initiated or in open status, and will not require changes to existing reporting. Those definitions involving active and inactive status and reopened case closure, on the other hand, will require some reporting changes within clerks case maintenance systems. The exact changes required, though, will depend on the specific project involved.

By design, this framework is backwards compatible with existing uses of these terms throughout the state which obviates the need for immediate, disruptive change. It is intended to lay the foundation for a comprehensive trial court data management philosophy. Therefore, it is not recommended that the court system attempt to retrofit these definitions to enforce immediate across the board changes to existing reporting systems.

Instead, it is recommended that the trial court system focus on incorporating this framework into current work, such as the FY2012-2015 Foreclosure Backlog Reduction Plan, and future data management projects. This would ensure uniformity among different data projects over time and would allow the improvements resulting from specific projects to propagate outward to other efforts. This will also allow clerks of court and other data providers to implement system changes in support of a specific data collection project as necessary. Changes are more obviously justified when tied to a concrete project and targeted changes will minimize both the cost and disruption associated with the requisite change. As this framework is incorporated into future data management projects, it is believed that most of the issues discussed in the previous section will be resolved as a consequence.

**Decisions Needed:**

1. Accept the recommended Case Event Definitional Framework as proposed by the Court Statistics and Workload Committee
2. Recommend to the supreme court that they adopt the Case Event Definitional Framework for use in the trial courts.

## Case Event Framework<sup>1</sup>

- **Filing event**: A filing event occurs when an action is brought before the court as the result of a petition, pleading, complaint or any other recordable<sup>2</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.
- **Open case**: A case that has one or more issues outstanding that require active resolution by the court.
- **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.
- **Closed case**: A case that has had all issues raised by and subsequent to the filing event resolved and no further action of the court is required.
- **Reopen event**: A reopen event occurs when a motion, pleading or other recordable action occurs 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 case is reclosed.
- **Reopened case**: A case that has one or more post-judgment actions outstanding that require active resolution by the court.
- **Reclosure event**: A reclosure event occurs when 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.
- **Reclosed case**: A reopened case that has had all post-judgment actions resolved and no further action of the court is required.

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<sup>1</sup> Version 1.0.3 2013/05/04

<sup>2</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.

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 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).
- **Reclosed** - A case that has had one or more post-judgment actions will be considered reclosed, or re-disposed, (that is, in a reclosed 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 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 reclosed 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 reclosed.

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 reclosed 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 reclosed.

**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 reclosed 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.

## **Item IV. Judicial Workload Model (Case Weight) Review**

### **Introduction**

Case weights are influenced by legislative mandates, court rules, court initiative, technology, evolving case precedent, case complexity, and the availability of supporting resources. In addition, data accuracy and availability can also affect the accuracy of case weights. Although Florida's court system has not received additional judgeships since 2006, the case weights that form the cornerstone of the Judicial Weighted Workload Model must be reviewed and updated regularly to ensure the continued applicability of the model. Based upon experience in working with the workload model since 2000 and making efficient use of staff resources, the CSWC at its February 1, 2013 meeting directed OSCA staff to: 1) recalculate event proportions used to generate case weights for all case types; and 2) develop an adjustment modifier for the County Criminal and Misdemeanor Traffic division. This strategy will make certain that the workload model remains an accurate and viable mechanism for determining the need for additional trial court judges.

### **Discussion**

OSCA staff has completed the preliminary recalculations of event proportions for all case types. Staff recalculated each event proportion based on the most recent three years of Summary Reporting System (SRS) statistics (fiscal years 2009-10, 2010-11, and 2011-12). To account for year to year variation in the event proportions, a weighted average was used. From the recalculated event proportions, each case weight was recomputed.

OSCA staff has also developed an adjustment modifier based on actual need compared to predicted need for County Criminal and Misdemeanor Traffic case type in large circuits. Currently, staff is working to identify where in the process the time savings are, and to determine how applicable the adjustment modifier is across all circuits.

The preliminary results of both of these reviews are currently being validated, prior to any conclusions being reached regarding change in judicial need. The final results of both these reviews will be presented for a committee vote at the next CSWC meeting.

### **Decision Needed:**

1. None: For information only

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

### **V.A. Judicial Management Council Performance Workgroup**

#### **Introduction**

Based on discussions from the inaugural Judicial Management Council (JMC) meeting in January and to help better address the charges set out in rule, the JMC formed three workgroups to explore specific challenges facing the branch: Education and Outreach, Access, and Performance. The Performance Workgroup will evaluate court performance issues, including the requisite performance measures. Andrew Johns of the OSCA's Strategic Planning unit has been designated as lead staff. PJ Stockdale, lead staff to CSWC, and Patty Harris, lead staff to TCP&A, have been assigned as subject matter experts (SMEs) to this workgroup.

#### **Discussion**

The JMC held a meeting on May 17, 2013 in Tampa. During this meeting, the Performance Workgroup received an overview of available data and measures and the current state of key performance initiatives such as the Trial Court Integrated Management Solution (TIMS) and the Integrated Trial Court Adjudication System Project (ITCAS). Continuing its work, the Workgroup will begin to review existing data/performance reports and consider how the trends and fluctuations may impact the branch over the long-term.

Staff will continue to monitor the JMC's Performance Workgroup and keep the CSWC apprised. Although not yet addressed, it is expected that this workgroup will be very interested in the results of the CSWC's case aging project.

### **V.B. Case Age Simulation Update**

#### **Introduction**

On February 1, 2012, the CSWC voted unanimously to 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.

#### **Discussion**

OSCA staff has begun work on evaluating the usefulness of the case age measures as directed by the committee and is currently conducting the series of simulations as directed. Staff has identified five possible ways clerks of court could report data to the OSCA. The accuracy of the

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data is being weighed against clerk effort and the overhead associated with providing data of this nature.

The results of the simulation are anticipated to be presented at the next CSWC meeting.

**Decision Needed:**

1. None: For information only

## **Item VI. Status Reports**

### **VI.A. Update to Statutory and Rule Changes to Stalking Violence Reporting**

On July 12, 2012 the supreme court issued opinion SC12-1205 in response to chapter 2012-153, section 3, Laws of Florida. Just like chapter 2012-153, section 3, LOF, SC12-1205 did not contain any details as to how the clerks of circuit court should or if they will report data from the petitions for injunctions against stalking. The court's opinion SC12-1205 amends references throughout the Family Law Rules of Procedure from "*injunctions for domestic, repeat, dating and sexual violence*" to now read "*injunctions for protection against domestic, repeat, dating, sexual violence and stalking*."

Currently, the Family Law Rules Committee has filed a supplemental petition to amend the language in form 12.900(h) and Family Law Cover Sheet 12.928 to add the Stalking Injunction for data collection. The petition is currently pending court review and decision.

Additionally, in May 2013 the court issued opinion SC13-305 to amend the current Domestic Violence injunction petitions and add Stalking to those petitions. Opinion SC13-305 amends the Family Law forms and orders to add Stalking.

### **VI.B. TIMS Project Report (Final)**

As we have reported, the supreme court has approved the recommendations from the TIMS report including 1) a set of case flow diagrams to identify critical decision points within various case types, 2) a set of performance measures, largely focused on case aging statistics, for court operations management, and 3) the Trial Court Data Model (TCDM) for the capture and organization of court activity data.

Preparations are being made to incorporate the data model into current development and reporting projects. The advancement and adoption of the Case Event Framework discussed in Item III is an important first step in implementing this model consistently across projects. Data collection projects that are underway and those that are already established will be evaluated, as time and staffing permits and as approved by the appropriate committee, to determine if they would benefit from re-implementation under the TCDM.

This will be the final summary concerning the TIMS project. In November 2012, the supreme court adopted a revised data management model, called the Integrated Trial Court Adjudication System (ITCAS), that incorporates many of the elements developed during the TIMS project into a simpler framework. The ITCAS project includes a state-level data management component referred to as Judicial Data Management Services (JDMS). It is within the context of a JDMS system that the Trial Court Data Model, case activity reporting and other data management capabilities will be expressed.

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

There have been no final decisions on the implementation of the JDMS project at this time. A proposal for this project has been submitted to the OSCA outlining several options for implementation. The availability of funding and manpower is a significant factor in the advancement of this project. OSCA staff are currently working on a Legislative Budget Request for development of JDMS as an enterprise data management solution.

As a recap, the Judicial Data Management Services project was advanced as a component of the Integrated Trial Court Adjudication System (ITCAS) project and implements a state-level trial court data repository focusing on data management and analysis services for court managers. Please see the CSWC ITCAS Issue Summary dated November 19, 2012 for a more detailed discussion.

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.

Data collection effort and associated web-based reporting services for the FY2013-14 Foreclosure Initiative will be based on the proposed JDMS enterprise design. OSCA staff believes that the foreclosure initiative would serve as an excellent proof of concept for JDMS development with the added benefit that we could readily expand the design from foreclosure only to all case types to satisfy the requirements of Rule 2.225.

## **VI.D. FY2012-2015 Foreclosure Initiative**

The Trial Court Budget Commission (TCBC) has developed a plan, called the Foreclosure Backlog Reduction Plan (FY2013-14 Foreclosure Initiative), to reduce the number of backlogged foreclosure cases in the court system. Funding of \$5.3 million has been allocated to the courts by the Legislature for this project out of the state's National Mortgage Settlement funds. Further, an additional amount of \$9.7 million has been allocated to the clerks of court to "...enhance their levels of service to assist and support the courts in expediting the processing of backlogged foreclosure cases."

The Foreclosure Plan includes three case aging measures as performance indicators for this project including clearance rates, age of active pending caseload and time to disposition. These are exactly the measures for which the CSWC adopted a calculation methodology at our Feb. 1<sup>st</sup> meeting. An administrative order will be issued, AOSC13-?? IN RE: FINAL REPORT AND RECOMMENDATIONS OF THE FORECLOSURE INITIATIVE WORKGROUP, to direct circuits and county clerks to implement the recommendations of the Foreclosure Initiative Workgroup. The order also directs the OSCA to develop a data collection plan to assist judges, case managers and other court managers in administering this program. The FY2013-14

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Foreclosure Initiative Data Collection Plan has been issued and may be found on the OSCA web site at [http://www.flcourts.org/gen\\_public/funding/MortgageForeclosureCases.shtml](http://www.flcourts.org/gen_public/funding/MortgageForeclosureCases.shtml). A copy of the workgroup's report may also be found at the same location.

Consistent with the CSWC's work to date, the data collection mechanism for the Foreclosure Plan will be built upon the Trial Court Data Model and will incorporate the case event framework approved by the CSWC. Requisite performance indicators will use the computational methodology adopted by the CSWC on Feb 1, 2013.

## **VI.E Uniform Data Reporting - Court Interpreters Data Collection**

In Supreme Court Administrative Order AOSC11-45 IN RE: COURT INTERPRETING SERVICES IN FLORIDA'S TRIAL COURTS, the supreme court adopted a set of recommendations on standards of operation and best practices. In recognition of the existing operating environment, the supreme court limited this set of recommendations to those that "... have no significant fiscal impact and can be accomplished within existing resources..." The court further directed the Office of the State Courts Administrator (OSCA), time and resources permitting, with assisting the trial courts in implementing the approved standards and best practices "...including: establishing performance goals, developing or revising data collection systems to monitor performance, providing educational opportunities and resource materials, and providing other technical assistance as needed." A full copy of AOSC11-45 is attached.

Recommendation VIII of AOSC11-45 directs TCP&A and CSWC with the following:

1. Court interpreting statistics collected in the Uniform Data Reporting (UDR) system should be modified to capture the number of court interpreting hours (in quarter hour segments), by proceeding type and language, in addition to the number of events.
2. Court interpreting statistics collected in the Uniform Data Reporting System should be modified in order to be consistent with amendments to s. 29.004, Florida Statutes.

In addition to the changes specified in item VIII.1, OSCA, TCP&A and CSWC staff met in May 2013 to begin work on Recommendation VIII. On May 31, staff began a survey of all OSCA units and Trial Court Administrators to help identify possible changes that may be necessary to the UDR system for court interpreting reporting as per VIII.2. Although not specifically directed to do so, staff is also taking the opportunity to evaluate other UDR reporting elements for possible modifications.

### **Decision Needed:**

1. None: For information only

**VI. Attachment One**

AOSC11-45 IN RE: COURT INTERPRETING SERVICES IN FLORIDA'S TRIAL COURTS

# Supreme Court of Florida

AOSC11-45  
*Corrected*

IN RE: COURT INTERPRETING SERVICES IN FLORIDA'S TRIAL  
COURTS

## ADMINISTRATIVE ORDER

The purpose of the Commission on Trial Court Performance and Accountability is to propose policies and procedures on matters related to the efficient and effective resource management, performance measurement, and accountability of Florida's trial courts. In In Re: Commission on Trial Court Performance and Accountability, No. AOSC10-48 (Fla. Aug. 20, 2010), the Commission was directed to make recommendations on the effective and efficient management of due process services with a focus on developing operational standards and best practices for providing court interpreting services.

To address this directive, the Commission formed a court interpreting workgroup that included judges, trial court administrators, and court interpreters representative of the various programs across the state. In January 2011, after an extensive interactive review process with the trial courts, the Commission submitted a report to the Supreme Court entitled *Recommendations for the*

*Provision of Court Interpreting Services in Florida's Trial Courts* (the Report).

The Report focuses on general recommendations, standards of operation, and best practices for court interpreting services. "General recommendations" pertain to issues that fall within the purview of another supreme court appointed committee and are offered for their review and subsequent action, if appropriate. "Standards of operation" are intended to be mandatory practices that must be implemented. "Best practices" are suggested practices intended to improve operations but, due to local conditions beyond the court's control, are not required.

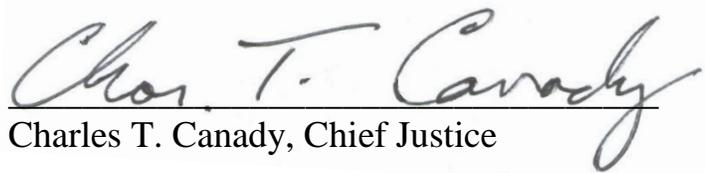
The attached general recommendations, standards of operation, and best practices, which have no significant fiscal impact and can be accomplished within existing resources, are hereby adopted as a means to ensure the effective, efficient, timely, and uniform provision of court interpreting services in Florida's trial courts.

The Office of the State Courts Administrator (OSCA) is charged, time and resources permitting, with assisting the trial courts in implementing the approved standards and best practices including: establishing performance goals, developing or revising data collection systems to monitor performance, providing educational opportunities and resource materials, and providing other technical assistance as needed.

In regards to the policies within the Report that are not approved at this time, the Trial Court Budget Commission is charged with monitoring court interpreting budgets to ensure that, to the extent possible given the fiscal environment, the trial courts are provided the opportunity to seek the necessary and appropriate level of resources for purposes of implementing those policies in the future, as funding becomes available. Accordingly, the Trial Court Budget Commission is charged with conducting a feasibility study to assess the viability of remote interpreting technology for improving efficiencies as well as reducing anticipated operational costs associated with expanding the provision of court interpreting to all court proceedings and court-managed activities.

The attached general recommendations, standards of operation, and best practices are incorporated herein by reference. These approved policies shall be effective upon the signing of this order.

DONE AND ORDERED at Tallahassee, Florida, on January 30, 2012.

  
Charles T. Canady, Chief Justice

ATTEST:

  
Thomas D. Hall, Clerk of Court



## Approved Court Interpreting General Recommendations, Standards Of Operation And Best Practices

Updated: January 30, 2012

### *General Recommendations*

#### *II.B. To the Court Interpreter Certification Board*

1. All related training standards and procedures for the provision of orientations by providers other than the Office of the State Courts Administrator should be established by the Court Interpreter Certification Board.

#### *V.H. To the Trial Court Budget Commission*

The TCBC should review the feasibility of:

1. Establishing a rate differential that would provide a higher rate of pay for those contract spoken language interpreters who have achieved state certification.
2. Establishing a rate differential that would provide a higher rate of pay for those contract sign language interpreters who have achieved national certification.
3. Establishing pay increases for court employee interpreters which would provide newly hired certified interpreters a higher base rate and existing employees, who are certified or become certified, a fair and equitable pay increase.
4. Seeking legislation to provide statutory authority to circuits wishing to use existing funds to pay for training and certification expenses for employee interpreters.

#### *VI.C. To the Florida Court Education Council*

1. Presentations to judges pertaining to court interpreting services should be included periodically at judicial conferences.
2. Presentations regarding the need for and use of court interpreters should be included in some appropriate way at the Florida Judicial College.

#### *VI.C. To the Court Interpreter Certification Board, Advisory Committee*

1. The Office of the State Courts Administrator should develop a bench card and a chapter on the topic of the need for and use of court interpreters for inclusion in a judicial bench book.

#### *VIII. To the Commission on Trial Court Performance and Accountability, Court Statistics and Workload Committee*

1. Court interpreting statistics collected in the Uniform Data Reporting System should be modified to capture the number of court interpreting hours (in quarter hour segments), by proceeding type and language, in addition to the number of events.
2. Court interpreting statistics collected in the Uniform Data Reporting System should be modified in order to be consistent with amendments to s. 29.004, Florida Statutes.

## Approved Court Interpreting General Recommendations, Standards Of Operation And Best Practices

Updated: January 30, 2012

### *IX. To the Trial Court Budget Commission*

1. Funding allocations should take the total need for funding into consideration in order to bring uniformity and equity to the level of services provided across the trial courts.
2. The court interpreting funding formula should be modified as follows:
  - The formula should result in the total number of dollars required to provide court interpreting services with certified interpreters;
  - The formula should be based on a standardized statewide cost for court interpreting services (including document translations), by language type, and applied to projected court interpreting hours and pages from the Uniform Data Reporting System;
  - The formula should incorporate a modifier for non-direct service functions (i.e., supervision, coordination, scheduling); and
  - The formula should incorporate a modifier for multiple counties and/or multiple courthouses.

### *IX. To the Office of the State Courts Administrator*

1. Explore the use of Justice Assistance Grant funds, provided by the office of Justice Programs, as an additional resource for funding language services in the courts.

## ***Standards of Operation***

I.C.1. Circuits shall establish criteria to determine the appropriate qualifications of an interpreter when assigning proceedings, in accordance with court rules and guidelines.

I.C.3. Whenever possible, an interpreter certified by the Registry of Interpreters for the Deaf /National Association of the Deaf shall be appointed to provide interpreting services to court participants who are deaf, hard of hearing, late-deafened, or deaf blind. If, after diligent search, a certified interpreter is not available, an interpreter who is otherwise qualified may be appointed if the judge or hearing officer presiding over the proceeding finds that good cause exists for the appointment of an interpreter who is not certified, such as the prevention of burdensome delay, the request or consent of the participant, or other unusual circumstance; and the proposed interpreter is competent to interpret in the proceedings and agrees to do so.

I.D.1. When there is limited availability of spoken language interpreters, cases requiring interpreters shall be prioritized according to rule 2.560, Florida Rules of Judicial Administration, and based on when an interpreter is requested, the time sensitive nature of the matter, and whether a fundamental interest is at stake.

I.E.1. Each circuit shall establish an assignment system for contract court interpreters with certified interpreters given priority for assignments.

III.A.1. The Office of the State Courts Administrator-maintained online statewide registry of spoken language interpreters shall reflect the official status of each interpreter listed, pursuant to court rule or Court Interpreter Certification Board operating procedures.

## Approved Court Interpreting General Recommendations, Standards Of Operation And Best Practices

Updated: January 30, 2012

III.A.2. An overview as to what inclusion on the statewide registry of spoken language interpreters entails shall be posted online by the Office of the State Courts Administrator, clearly indicating the requirement differences for the various listings.

III.A.3. A link to the Registry of Interpreters for the Deaf shall be maintained on the Office of the State Courts Administrator's website, to provide access to a database of nationally certified sign language interpreters.

III.B.2. Circuits shall explore the prospect of shared training, observation, and mentoring programs across circuit lines.

III.B.3. The Office of the State Courts Administrator shall maintain and update a directory of all court interpreting services coordinators for each circuit. The directory shall be uploaded to the Florida Courts' intranet site.

III.B.4. The Office of the State Courts Administrator shall maintain a statewide electronic listserv for court ADA coordinators, to facilitate the sharing of information about sign language interpreter services.

III.B.5. The Office of the State Courts Administrator shall create and maintain a statewide electronic listserv to facilitate communication and information sharing for all court interpreting services coordinators.

IV.A.2. Circuits shall identify existing technology that is currently operating in courtrooms to determine the feasibility of establishing remote interpreting capability.

V.A.1. Each circuit shall determine a court interpreter staffing model based on the most efficient use of resources.

V.B.1. Recruitment procedures and practices for court interpreting positions shall be in compliance with the Florida State Courts Personnel Regulations and section 25.382(4), Florida Statutes.

V.B.2. Pursuant to Section 1.04, Florida State Courts System Personnel Regulations Manual, regarding Recruitment/Applications, job vacancy notices specifying the knowledge, skill, and ability requirements for each vacant court interpreting position shall be posted and distributed to all appropriate court offices. Job vacancies open to the general public shall be advertised by employers using appropriate advertising sources to reach a diverse group of qualified applicants in the available labor market.

V.C.1. Applicants selected for a position in the court interpreter series of positions (e.g., supervising court interpreter, assistant supervising court interpreter, and court interpreter) shall meet the Education and Training Guidelines and Competencies outlined in the class specification for the position.

V.C.2. Court interpreter employees shall possess the knowledge, skills and abilities necessary to perform the duties assigned to the position as outlined in their position description. Employees shall agree to abide by the Code of Professional Conduct as promulgated in Part III of the Florida Rules for Certification and Regulation of Court Interpreters.

## Approved Court Interpreting General Recommendations, Standards Of Operation And Best Practices

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V.C.3. Applicants who are selected as employee interpreters and are not certified shall obtain such status within one year of being employed in a court interpreting position. Interpreters currently employed with the court shall obtain such status within one year upon notification by the court. The one year requirement may be modified, on a case-by-case basis, if necessary, when extenuating circumstances exist.

V.C.4. Certified interpreters shall be given priority in hiring decisions for employee interpreter positions.

V.D.1. A two-day orientation workshop for court interpreters shall be offered by the Office of the State Courts Administrator's Court Interpreter Certification and Regulation Program to all interested spoken and sign language interpreters.

V.D.2. Pursuant to rule 14.390 of the Code of Professional Conduct, spoken language interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training, continuing education, and interaction with colleagues and specialists in related fields.

V.D.4. If funding becomes available, the Office of the State Courts Administrator shall organize statewide educational conferences for all court interpreters. Topics shall include:

- Role of the interpreter in the courtroom;
- Ethics;
- Techniques for improving interpreter skills;
- Specialized vocabulary training;
- Common difficulties and problems; and
- Courtroom dynamics – roles of court participants.

V.F.1. A program or plan to observe employee and contract interpreters shall be established in each circuit to monitor the performance of the interpreters. Court interpreters shall be observed while performing their duties to ensure they are properly and adequately carrying out the responsibilities of their position pursuant to their position description or contract requirements and the Code of Professional Conduct.

V.G.1. When a problem is identified in interpreter performance, the supervisor shall meet with the interpreter to discuss the problem and develop a plan of action to correct the problem.

V.G.2. Pursuant to the Personnel Regulations Manual, Section 2.04(4), an employee interpreter shall be placed on a Performance Improvement Plan at the discretion of the supervisor, if he/she is not performing his/her duties and responsibilities satisfactorily. This Performance Improvement Plan shall specify the duties and responsibilities where the employee interpreter is deficient and corrective actions to be taken.

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Updated: January 30, 2012

V.G.3. Pursuant to Section 2 of the Personnel Regulations Manual, Performance Planning and Review System, the employee interpreter's duties and responsibilities and mutual performance expectations shall be discussed with the employee interpreter at the start of employment in the position. On-going direction and training shall be made available to the employee during the review period, as well. A position description shall also be prepared.

V.H.1. Contract court interpreters shall be paid rates not to exceed those delineated below. Rates exceeding the maximum may be paid in extenuating circumstances as approved by the Chief Judge of the circuit.

Certified Spoken Language Interpreters (per the Florida Rules for Certification and Regulation of Court Interpreters):

- Spanish \$60 per hour (2 hour minimum with ¼ hour increments thereafter)
- Haitian Creole \$90 per hour (2 hour minimum with ¼ hour increments thereafter)
- Other Spoken Languages \$120 per hour (2 hour minimum with ¼ hour increments thereafter)
- Written Translations \$60 per page (8.5" by 11" page)

Certified American Sign Language interpreters and all other types of interpreters for persons with hearing loss (per the Registry of Interpreters for the Deaf/National Association of the Deaf):

- Specialist Certificate: Legal \$100 per hour
- Other Certifications \$75 per hour

Non-Certified Interpreters

- Spanish \$45 per hour (2 hour minimum with ¼ hour increments thereafter)
- Haitian Creole \$75 per hour (2 hour minimum with ¼ hour increments thereafter)
- Other Spoken Languages \$90 per hour (2 hour minimum with ¼ hour increments thereafter)
- American Sign Language and all other types of interpreters for persons with hearing loss \$70 per hour (2 hour minimum with ¼ hour increments thereafter)
- Written Translations \$35 per page (8.5" by 11" page)

V.H.2. The Office of the State Courts Administrator shall develop standardized language that can be used as a template for circuit court interpreter contracts.

VI.A.1. A court interpreter shall be sworn in at the beginning of a proceeding or set of proceedings.

## Approved Court Interpreting General Recommendations, Standards Of Operation And Best Practices

Updated: January 30, 2012

VI.B.1. Consecutive interpretation shall be used during witness testimony or when there is questioning of the defendant. Simultaneous interpretation shall be used at all other times.

VI.C.1. The Office of the State Courts Administrator shall prepare brochures and pamphlets to be distributed to court users advising them of the availability of and requirements for using a court interpreter.

VI.C.2. Circuits shall develop a court interpreter page to be included on their website explaining the basic services provided by the court interpreter program and shall provide contact information.

VI.C.3. Circuits shall publish information on their websites to inform court participants with disabilities about the rights afforded by the Americans with Disabilities Act, the federal regulations, and the process for requesting a qualified interpreter or other accommodation.

VI.C.4. All educational materials developed for the circuits by the Office of the State Courts Administrator's Court Interpreter Certification and Regulation Program and by the Court Interpreter Certification Board shall include information on how to request an interpreter, what the role of the interpreter is, and what the interpreter is not allowed to do.

VI.D.1. The judge shall ensure that all parties are informed an interpreter is being used in the proceeding and ensure that all parties are conscious of the interpreter.

VI.D.2. The judge shall monitor the proceeding and ensure that the interpretation process is flowing smoothly.

VI.D.3. The judge shall instruct the participants to adjust their volume, rate of speech, and refrain from extraneous comments or whispering, allowing for the interpreter to fully hear all that is being said.

VI.D.4. The judge shall give the appropriate jury instructions regarding the use of a court interpreter. Jurors shall be instructed that the interpreter is neutral, impartial, does not represent the interest of any party, and is only there to assist in communication.

VI.D.5. All parties, including jurors, shall be instructed that if they speak and understand the language being interpreted and perceive a discrepancy as to the interpretation, it should be brought to the attention of the judge.

VI.D.6. When an interpreter is used for a juror who is deaf or hard of hearing, the presiding judge has the discretion to administer an oath of non-involvement, including language stating that the interpreter will not interfere with the deliberations of the jury or reveal the confidences of the jury.

VI.D.7. All court personnel shall work toward making the best use of the court interpreter's time and availability by ensuring that those cases involving an interpreter are called and brought to the court's attention as soon as possible.

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**Updated: January 30, 2012**

VI.D.8. Court interpreters shall advise the court or presiding officer any time during a proceeding whenever they believe they are or may be in violation of any part of the Code of Professional Conduct, including if they discover that they cannot communicate effectively with the person using the service.

VI.E.1. Every spoken language court interpreter shall abide by the Code of Professional Conduct pursuant to Part III of the Florida Rules for Certification and Regulation of Court Interpreters.

VI.E.2. Every sign language court interpreter shall abide by the National Association of the Deaf-Registry of Interpreters for the Deaf Code of Professional Conduct.

VII.1. Sound recordings shall not be transcribed or translated live in court.

VIII.1. The Office of the State Courts Administrator shall sponsor periodic trainings for all individuals involved in the collection and reporting of Uniform Data Reporting System statistics.

VIII.2. All circuits shall require attendance at trainings sponsored by the Office of State Courts Administrator for individuals involved in the collection and reporting of Uniform Data Reporting System statistics.

***Best Practices***

I.A.1. The need for interpreter services should be determined as soon as possible, preferably by whoever makes initial contact with the party. In criminal cases, there should be an identifier in any automated system utilized in a circuit for intake staff at the jail to indicate that the defendant requires a spoken or sign language interpreter, or the public defender's office should request an interpreter as soon as a court appearance is scheduled.

I.A.2. Each circuit should establish and document a procedure for requesting a court interpreter.

I.C.1. Circuits should require designated court interpreting services coordinators to give certified interpreters priority for assignments.

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I.D.1. When there is limited availability of spoken language interpreters, cases requiring interpreters should be prioritized as follows:

- (1) First appearances, detention hearings and reviews, shelter hearings, and final injunction hearings;
- (2) Felony trials;
- (3) Other felony matters;
- (4) Misdemeanor cases;
- (5) Delinquency cases;
- (6) Dependency cases, except shelter hearings;
- (7) Civil commitment hearings;
- (8) Civil traffic cases;
- (9) Diversion programs operated by the courts; and
- (10) Other civil cases.

I.E.1. Each circuit should take steps to ensure that any assignment system for contract court interpreters is as fair and balanced as possible.

II.A.1. The Office of the State Courts Administrator's Court Interpreter Certification and Regulation Program should sponsor orientation workshops, written exam administrations, and oral exam testing at a minimum of three venues per fiscal year, subject to Chief Justice approval and unit workload permitting.

II.A.2. The Office of the State Courts Administrator's Court Interpreter Certification and Regulation Program should sponsor back-to-back workshops and written exams when warranted by demand (i.e., registration well exceeds class capacity and workshop expenses for a second orientation/written exam can be covered by the participant registration fees) subject to Chief Justice approval and provided that registration is completed by the slated registration deadline and instructor/proctor and meeting space availability permitting.

II.A.3. When warranted by demand, additional proctors or additional days should be added by the Court Interpreter Certification and Regulation Program to the oral exam testing schedule in order to accommodate the maximum number of prospective oral exam candidates. As with the other major training/testing components of the program, expansion of the test cycle should be contingent upon receiving approval from the Chief Justice and securing additional proctor staff.

II.A.4. Court Interpreter Certification and Regulation Program venues should be approved by the Court Interpreter Certification Board or Board Chair and should take into account non-English speaking population statistics for the particular jurisdiction, as well as surrounding areas.

II.A.5. At the discretion of the Court Interpreter Certification and Regulation Program, additional trainings should be scheduled in areas of the state where recruitment is critical and orientation workshops/written exams/oral exams are not typically held.

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II.B.1. Court Interpreter orientations should be tagged onto local court interpreter education programs provided that the approved course guidelines of the program are equal or greater to those of the Office of the State Courts Administrator-sponsored workshops.

IV.A.3. Court interpreters who are providing remote interpreting should be given proper advance notice of the need for interpreter services and an enclosed, quiet environment or noise-controlled courtroom in order to listen and view clearly and interpret adequately.

IV.A.5. Circuits should develop and document procedures for the appropriate use of remote interpreting.

IV.B.1. Circuits should explore the possibility of expanding the use of remote interpreting technology in order to promote intra-state interaction and the sharing of interpreter resources.

IV.B.2. Circuits should maintain close communication with those circuits that currently operate remote interpreting technology in order to avoid duplication of effort and to share the pool of qualified interpreters.

IV.C.2. If the use of telephonic interpreting services is necessary, only “court certified” interpreters should be used, if available.

V.B.1. Circuits should contact local colleges and universities that offer foreign language or translation and interpretation programs to advertise position vacancies.

V.B.2. Circuits should partner with local colleges and universities to participate in internship programs for court interpreters.

V.B.3. Circuits should attend local job and career fairs to provide information regarding the court interpreter program and available job opportunities.

V.B.5. Circuits should post notices of vacancies on websites and bulletin boards of relevant national and state interpreting/translation groups.

V.B.6. Circuits should request the Office of the State Courts Administrator to disseminate job vacancy announcements through broadcast e-mails to interpreter program participants.

V.B.7. Circuits should seek to recruit employee interpreters from other fields of interpretation that are not legally oriented.

V.B.8. The Office of the State Courts Administrator should develop a recruitment brochure and other materials that can be accessed electronically by the circuits to aid in recruitment efforts.

V.B.9. The Office of the State Courts Administrator’s Court Interpreter Certification and Regulation Program should give special recognition to newly certified spoken language court interpreters by disseminating a list periodically via electronic communication to pertinent trial court personnel.

V.D.3. Employee interpreters should be encouraged to join professional associations so they may receive pertinent information and support.

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V.D.6. An in-house plan should be developed in each circuit to provide on-the-job training to employee interpreters.

V.E.1. Circuits should provide mentoring programs for employee interpreters.

V.E.2. Circuits should encourage participation in voluntary mentoring programs in collaboration with professional interpreter associations.

V.F.1. A review of digital court recordings, when available, should be utilized to monitor court interpreter performance in cases where a problem was reported or identified and direct observation was not performed during the time in question.

V.G.1. If the performance problem is not related to the employee interpreter's knowledge, skills, or abilities necessary to perform the duties assigned to their position as outlined in their position description, the supervisor should refer the employee interpreter to the court's Employee Assistance Program, if appropriate.

V.H.1. All circuit court interpreter contracts should contain standardized language developed by the Office of the State Courts Administrator for the procurement of court interpreting services.

VI.A.1. Before a proceeding, the judge should require the interpreter to take an oath swearing that he or she will make a true interpretation of the questions asked and the answers given and that the interpreter will make a true translation into English of any writing which he or she is required by his or her duties to decipher or translate.

VI.C.2. The Office of the State Courts Administrator should develop signage, in multiple languages, that may be posted by circuits outside of courtrooms providing instructions for those in need of court interpreting services.

VI.D.1. At the beginning of a proceeding where court interpreting services are necessary, the presiding judge, magistrate, or hearing officer, should allow the interpreter to converse briefly with the person who will use the service to be certain that they can effectively communicate with each other.

VII.1. Audio/Video recordings should first be transcribed from source language to source language, and then translated from source language to target language.

VII.3. Translated forms should not be used in lieu of the use of an interpreter.

**Item VII. Next Meeting**

**VII.A. Possible Dates**

1. October 9, 10, 11, 21, 30, or 31

**VII.B. Location**

**Decision Needed:**

1. Please email availability to Shelley Kaus at [kauss@flcourts.org](mailto:kauss@flcourts.org) no later than July 31st, 2013.