

Florida Supreme Court
Commission on District Court of Appeal Performance and Accountability Videoconference
October 28, 2010
1:15 pm to 2:15 pm

Minutes

Members in attendance:

Judge William Van Nortwick, Judge Jay P. Cohen, Judge Vance Salter, Judge Martha Warner, Ty Berdeaux, Mary Cay Blanks, and Tom Hall

Members absent:

Judge Chris Altenbernd and Justice Ricky Polston (Liaison)

Staff in attendance:

Sharon Buckingham, Maggie Geraci, Arlene Johnson, Greg Youchock, and Denise Overstreet

Judge Van Nortwick called the meeting to order at 1:15 pm.

I. Approval of April 26, 2010 Videoconference Minutes

The minutes were approved unanimously without modification.

II. Review of New Charges in AOSC10-47

Judge Van Nortwick presented the new charges in AOSC10-47, noting there were continuing matters from the previous terms of the Commission. He noted the deadlines for the charges. With regard to Charge Two, he stated that a meeting would be held to review dependency/TPR data in the early part of 2011. Judge Van Nortwick also stated that the Commission would be working with the Appellate Court Technology Committee during phase two of the Florida Appellate Courts Technology Solution (FACTS) project.

Tom Hall asked whether it would be prudent to monitor delinquency cases, as the time frames are similar to dependency. He mentioned a recent delinquency case before the Supreme Court, and that the Court felt the processing time was too long. He stated that the Commission has never monitored delinquency cases and that they occupy a significantly larger portion of appellate dockets. These cases are marked as expedited, but nothing is done to move the cases along. He asked whether this is something the Commission wants to review. Judge Warner confirmed that delinquency has never been monitored and noted that dependency/TPR is monitored because of federal requirements, which necessitated increasing the speed at which these cases move through the court. Judge Van Nortwick stated that there are a number of cases that could be expedited, such as guardianship/Baker Act and dissolution cases that involve child custody. Judge Warner noted that if they start reviewing all of these case types, it may take emphasis away from those cases with a higher priority for expediting. She questioned if there is a tremendous issue with it. In her court, they look at cases where individuals are in prison for two or three years, in order to avoid delay. Tom Hall noted that by statute there are many cases that have statutory timeframes, but conceded that reviewing delinquency would open the door to many others. Sharon Buckingham offered that such a review could go with Charge One, in developing a process for the DCAP&A to periodically review performance indicators and report to the Supreme Court

on the efficiency, effectiveness, and timeliness of case processing. Judge Van Nortwick stated that he would have staff determine whether delinquency is tracked separately. Tom Hall offered that delinquency is coded separately; however, custody issues are not.

Judge Warner stated that a scorecard needs to be developed, in order to use the performance measures in some meaningful way. Judge Van Nortwick stated that data is being considered, but the question is whether there is some sort of objective criteria for reviewing the data, such as a standard for clearance rates or other standards in which to evaluate efficiency, effectiveness, and timeliness. Judge Warner suggested that perhaps every court could get a report card each year and the Commission could develop standards for grades, thus exhibiting where each court stands. Judge Cohen noted that he was concerned that if you go down that road, it is easy to go from rating a court to rating individual judges. Judge Van Nortwick stated that there is a need to provide information to the districts where there are issues and suggestions on how to address those issues. Judge Warner agreed, stating that if there is not some exposure, things may not change as there are not any consequences for under-performing courts. Judge Warner suggested publishing standards and a process by which to check whether the standards are being met. She further suggested establishing acceptable parameters in terms of timeliness, providing timelines for each class of cases, similar to what the Commission reviews for dependency/TPR.

Ms. Buckingham noted that the Supreme Court had expressed renewed interest in performance monitoring, such as performance dashboards. She noted that the Court is interested in doing more of an institutionalized process of performance monitoring, hence their direction to the DCAP&A in the first charge. Mr. Hall noted that this does come up every year with certification of judges for the trial courts, but has not come up in the DCA level because they are not asking for new judges. Ms. Buckingham suggested that instead of report cards, the district courts could use dashboards. Judge Warner stated that the Commission generally avoids standards because of concern that the legislature would require the courts to meet certain standards. She suggested that maybe now is the time to look at performance standards for internal purposes, but not for the legislature. Judge Van Nortwick stated that the charge is vague. Ms. Buckingham responded that her understanding is that the Supreme Court wanted to provide flexibility to the Commission to determine the type of performance review process that would be best. Judge Warner noted that the NCSC has been working on some information that may be beneficial. Judge Van Nortwick stated the Commission will take up this charge in the second half of the term.

III. Overview of Florida Appellate Courts Technology Solution (FACTS) Project

Tom Hall presented an overview of the FACTS Project and pointed out that the system will be on a SharePoint 2010 platform. He stated that current data elements will be moved to the new system and there is no question that they will be able to capture information that the existing case management system captures. However, he offered that the Commission needs to determine if there are other data elements, not currently collected, that need to be collected for performance monitoring. Mary Cay Blanks asked if FACTS will automate the processing of death penalty cases and mediations. Denise Overstreet confirmed that it would. Judge Warner asked about Anders Brief data. Mr. Hall confirmed that this data would also be collected. Judge Warner stated that in the old system, codes could be personalized. Ms. Overstreet confirmed that this would continue in the new system. Judge Van Nortwick asked if there were subcategories for types of cases. Mr. Hall noted that those kinds of things could be easily captured, more so than in the current system. Ms. Overstreet offered that keywords could also be used to associate with certain cases. Mr. Hall stated that he is working with Justice Polston, who has been asked to review automation needs for the standard order process. They anticipate identifying orders with individual data codes.

Ms. Overstreet stated that the platform allows for performance reports, charts, and graphs to be created, and may be configured to limit who is able to view this data. The system also has the ability to create a monthly or annual snapshot. She noted that there are all sorts of possibilities with this technology. Mr. Hall agreed, stating that the platform is very configurable to meet individual court's needs. Ms. Overstreet mentioned, however, that the underlying data should be standardized. Ms. Buckingham suggested that if the Commission wants to recommend new data codes, then standardized definitions for the codes would also need to be recommended. Ms. Overstreet confirmed that standardized definitions would be necessary. Judge Van Nortwick asked if lawyers will enter case data when they file appeals. Mr. Hall responded that the e-portal does anticipate lawyers entering that kind of information, but noted that the platform was easily adaptable and changeable.

Ms. Blanks noted that having the ability to track certain kinds of cases at certain times is important. The ability to identify certain cases and the ability to understand why those numbers are changing in certain years would be helpful, instead of making assumptions. Mr. Hall stated that for the most part it is just a matter of identifying what things to monitor. Judge Warner noted that there is also a need to identify issues on the backend of a case. Mr. Hall responded that it is easy to identify that kind of information. He noted that many people within the Commission are part of the FACTS case management team. Ms. Overstreet stated that phase two of the FACTS project, which involves the automation of case management, is scheduled to begin in the spring of 2011.

IV. Update: Supreme Court Request for Further Information on Case Weight Recommendations

Judge Van Nortwick provided an update regarding the Supreme Court's request for further information on the case weight recommendations. He noted that the Court reviewed the Commission's response and declined to approve the modifier for the Third DCA.

V. Schedule Next Meeting

Judge Van Nortwick stated that his goal is to have a meeting early in the new year when there is sufficient dependency/TPR data to review. Staff will circulate possible dates for the next meeting.

There being no other business, Judge Van Nortwick adjourned the meeting at 1:59 pm.