

Commission on Trial Court Performance and Accountability
Meeting
Conference Call
November 9, 2012

Minutes

Members in attendance:

Judge Terry D. Terrell, Judge Paul Alessandrone, Mike Bridenback, Judge Brian Davis, Holly Elomina, Judge Ronald W. Flury, Judge Victor L. Hulslander, Gay Inskip, Judge Leandra Johnson, Judge Ellen Sly Masters, and Judge Diana Moreland.

Members absent:

Judge Kathleen Kroll, Judge Elizabeth Metzger, and Justice Jorge Labarga (Liaison)

Staff in attendance:

Patty Harris, Maggie Geraci, Greg Youchock, and Victor McKay

Judge Terrell called the meeting to order at 1:00 p.m. The roll was taken and a quorum was present.

I. Welcome and Introductory Remarks, Judge Terry D. Terrell, Chair

Judge Terrell thanked the members for participating on the conference call. He opened the meeting by briefly discussing the agenda items and remarking on the diligent work by staff to resolve the TIMS report.

II. Approval of the November 9, 2012 Minutes

Judge Terrell asked for a motion to approve the minutes from the October 4, 2012 meeting, however, noting one proposed correction to the minutes. Specifically, on page two, he indicated the term “judicial layer” should be referenced as “judicial overlay.” Judge Hulslander offered a motion to approve the minutes, as amended. Judge Johnson seconded the motion. The motion was approved by unanimous vote.

III. Draft December 1, 2012 Report on Trial Court Integrated Management Solution (TIMS) Project

Patty Harris referenced a link provided in the materials to the TIMS December 1, 2012 draft report. She indicated due to the large size of the document staff temporarily posted the draft report to a website for easier access. Ms. Harris mentioned the intent of this report is to resolve the first charge of the TCP&A’s administrative order related to the TIMS project. Ms. Harris indicated the body of the report is 17 pages. The remainder of the report (183 pages) is appendices to reference the work completed under the phase one divisional workgroups and through the latter phases with Court Statistics Workload Committee and the Florida Courts Technology Commission (FCTC). Mr. Harris further indicated efforts continue by staff to edit and refine the report including adding the executive summary and also, to ensure ADA compliance.

Ms. Harris noted the recent actions taken by staff in response to the submission of the TIMS progress report, as drafted during June 2012. She reminded the members that,

upon receiving the progress report in June 2012, Lisa Goodner suggested submitting a December 1st report presenting the court data model as a standalone issue. This suggestion was made in recognition of several implementation issues currently under evaluation as they hinge on the availability of new funding. After meeting with consultants of the National Center for State Courts, a proposed strategy was suggested which narrows the focus of the December 1st report and thus, allows the project to be segmented into smaller pieces. In doing so, it was hoped that these smaller, segmented pieces may be brought back together in an implementation scheme in the future. Based on this strategy, the December 1st report is centered on answering the first charge of TCP&A's administrative order No. 10-48. Ms. Harris further stated that although the recommendations have been narrowed, references have been included on the latter phases as shown under appendices L-N. In particular, these appendices note the court data management framework and the integrated trial court adjudicatory system, for consideration of implementation.

Ms. Harris discussed the specific administrative order charges as outlined on page six of the draft report. She then introduced the recommendations outlined on page 17, noting these recommendations mirror the charges as outlined on page six. Specifically, the first recommendation relates to the acceptance of the case process diagrams developed through phase one as the information needed to be tracked by judges, case managers and other court staff to move cases through the system. The second recommendation addresses the second charge of TCP&A of which is to identify the performance monitoring information. As such, this recommendation relates to the acceptance of the performance measure matrix in appendix K. The third recommendation relates to the approval of the court data model which provides the uniform data elements and definitions necessary to achieve statewide data collection in support of the case processing and performance measures as identified under recommendations one and two.

Mike Bridenback inquired about the process used to develop the performance measures. Ms. Harris indicated the list of measures was first compiled based on a literature review. They were then vetted through the workgroups to ensure each of the measures would be useful in monitoring performance. She further explained, through this review process, some of the measures were deleted and some measures were added. Mr. Bridenback discussed two proposed measures: integrity of case files and the cost per case. He noted the integrity of the case files is a clerk function as the ability of the court to measure this function is limited. He indicated the *CourTools* are based on the assumption that the court has total control over its records. In Florida, the integrity of the case files is based on the resources of the clerk's office. He also stated that the cost per case does not have a benchmark to compare to. He stated that the allocation of funding is variable and therefore would challenge the integrity the measure, as oftentimes, external factors dictate how resources are allocated. Ms. Harris indicated that some of the issues Mr. Bridenback raised were discussed by the workgroups. Overall, the workgroups had noted similar concerns with the limited availability of data in which to accurately calculate these measures. Also, with the advent of e-filing, the workgroups had noted potential changes in how the integrity of case files measure would be calculated in the future. Until such time that these measures could be better evaluated in consideration of technological advancements and determining data sources, the workgroups recommended categorizing these measures as "proposed." Ms. Harris further stated that the calculation of "proposed" measures is not currently supported under the current version of the court

data model. However, the court data model supports the addition of new data fields that would allow for the calculation of these “proposed” measures, as deemed necessary in the future.

A. Discussion on Preliminary Feedback Received from Circuits on Performance Measures

Ms. Harris noted a few preliminary comments received thus far via the outreach on the performance measures. She noted staff is still waiting on the remainder of the comments as the deadline for comments draws nearer. Those comments that have been received indicate a trending concern with codifying the performance measures absent a formal process to validate and the use these measures in the organization. Ms. Harris indicated staff is developing a plan to institute these measures in the future and determine how the measures will be used to support the needs of the judges and court managers. However, she indicated carrying out this plan may take some time as there may be a need for TCP&A sponsored outreach workshops to further vet these measures. The members discussed a potential conflict between the recommendations and the matrix due to the “proposed” category measures. They discussed the idea of possibly excluding these from the matrix. Ms. Harris stated the “proposed” measures were included for future reference purposes. Judge Moreland added that during the phase one process, workgroup members outlined mandated, essential and aspirational measures for purposes of recognizing not just the mandated measures, but also the measures that may be potentially necessary in the future. She indicated the essential and the mandated measures may be as far as we should go for the December 1 report. Judge Davis and Mr. Bridenback both remarked on the value in separating out the “proposed” measures so that it is clear we are not asking to codify these measures at this time.

Judge Terrell stated it is critical to understand the timeliness measures are a matter of rule or statutory requirement. He suggested possibly footnoting those performance measures so that it is understood these are subject to some form of trial and error. Also, he reminded the members the purpose of identifying measures within this project is to begin collecting the data needed to support the calculation of those measures in a uniform way. Judge Terrell indicated he agrees with the concerns mentioned by the members regarding validity testing of the measures.

Ms. Harris indicated staff could provide additional options for consideration. For example, one of the options could be to recommend language similar to the draft but with an added caveat indicating further work is necessary on the performance measures. Ms. Inskeep suggested holding off on making decisions until all the comments are received from the circuits. Maggie Geraci indicated staff will provide the remainder of the feedback once they are received. Judge Hulslander asked for clarification regarding what happens on December 1 and what happens thereafter. Judge Terrell advised staff will send the final feedback from the circuits to the members once all the feedback is received. From that point, we will ask the members to finalize the recommendations. Once that is done, the recommendations will be submitted to the supreme court via Lisa Goodner. If the data model is approved by the supreme court, it will be presented to the FCTC for implementation.

Judge Terrell remarked on the phenomenal work completed thus far to advance the future needs of the court. He also stated that doing some kind of validity testing may be worthwhile to ensure the effectiveness of a performance measurement process.

V. Other Business

Judge Terrell directed staff to poll the members to schedule a follow up meeting before December 1st to discuss both the final outreach comments and new recommendation options. Judge Masters offered a motion to adjourn. It was seconded by Judge Hulslander. There being no other business Judge Terrell adjourned the meeting at 1:55 p.m.