

**Commission on Trial Court Performance and Accountability
Tampa, FL
December 9, 2013**

Minutes

Members in attendance:

Judge Terry D. Terrell, Judge Victor L. Hulslander, Judge Kathleen Kroll, Judge Paul Alessandrone, Judge Leandra Johnson, Judge Ellen Sly Masters, Judge Elizabeth A. Metzger, Judge Diana Moreland, Gay Inskeep, Mike Bridenback and Holly Elomina.

Members absent:

Judge Brian Davis, Judge Ronald W. Flury, and Justice Jorge Labarga (Liaison).

Special Guests:

Judge Robert Morris (JMC) and Brian Ostrom (NCSC).

Staff in attendance:

Patty Harris, Maggie Geraci, Greg Youchock, Victor McKay, Dorothy Wilson and Blan Teagle.

I. Welcome and Introduction of Guests

Judge Terrell called the meeting to order at 10:00. He acknowledged that a quorum was present.

II. Appointment of Vice Chair to TCP&A

Judge Terrell congratulated Judge Moreland on being appointed as Vice Chair of TCP&A.

III. Approval of the November 27, 2012 Minutes

Mike Bridenback moved to approve the minutes. The motion was seconded by Judge Johnson and the minutes were approved unanimously without modification.

IV. Discussion Regarding the Role of the Judicial Management Council's Performance Workgroup

Judge Morris gave a presentation on the work of the JMC Performance Workgroup. He discussed the issues facing the courts in lacking appropriate data. He noted that in researching the filings in various divisions, there is a slight, gradual downward trend since 2000. He anticipates gathering more information and discussing the data with this commission and others to provide a complete picture of the workload, as a means to help the Court prepare for discussions regarding future project needs. He asked the commission members to contact him to provide any insight they may have regarding the workload trends.

V. FY 2013-14 Foreclosure Initiative

Greg Youchock gave an update on what has transpired from the recommendations of the Foreclosure Initiative Report. Overall, the recommendations include more active case management with expanded use of general magistrates and case managers. Additionally, the initiative includes the use of judicial viewers and automated online access to case

files. In response to the recommendations of the Foreclosure Initiative report, the Supreme Court issued AOSC13-27 which directs the OSCA to develop and provide an educational program for circuit representatives working on the Foreclosure Backlog Reduction Plan exempting magistrates assigned to residential mortgage foreclosure cases from the Florida Judicial College (FJC) educational requirements. Additionally, the Court issued AOSC13-28, which directs clerks of court to identify foreclosure cases by Summary Reporting System (SRS) categories and collect the data necessary to report the performance indicators. The status of pending foreclosure cases (i.e., active v. inactive) were also to be identified and reported to the OSCA. Additionally, AOSC13-28 required each circuit to establish a case management plan to optimize existing and additional resources. The plans should identify older cases and bring them to timely resolution, expedite the resolution of uncontested cases, and implement docket control policies.

As part of the foreclosure initiative, the OSCA received limited funding to develop a data management system to collect foreclosure case information and to develop a website to report foreclosure indicators and case inventory detail to the circuits. Both are in development.

VI. Development of a Performance Management Framework for the Trial Courts

Patty Harris presented on developing a performance management framework. In March 2013, the Supreme Court reviewed the Trial Court Integrated Management Solution (TIMS) report, accepting the recommendations of the report and directing the TCP&A to move forward in further vetting the performance measures enumerated in the report and establishing a performance management framework for using the performance data collected under the Court Data Model. The TIMS report had made reference to the National Center for State Courts' (NCSC) High Performance Court Framework (HPCF), as suggested by Mike Bridenback during the outreach of the performance measures. The Framework offers a model state courts can use to achieve high performance. The HPCF seeks to advance the understanding of court administrative performance by explicitly linking values, court culture, and measurement. In doing so, it advances concepts that are aimed at creating a new generation of courts that is consistently using measurement data to improve performance.

At the May 24, 2013 TCP&A meeting, staff presented a power point presentation on the overview of the NCSC's *Framework for High Performance Courts*. The presentation included an introductory review of the main concepts offered within the NCSC's report. Ms. Harris discussed how the presentation was developed in response to the approval of the TIMS report. Three main objectives were outlined for the presentation. These included: 1) reviewing the key themes of the HPCF's main concepts, 2) understanding the practical application of the HPCF for judges and administrators, and 3) laying a foundation for a performance management process within Florida's trial courts.

Following the presentation, the commission discussed the feasibility and implications of implementing the HPCF as developed by NCSC, although noting that many of the principles espoused in the report were already being done by the state courts system. The commission discussed the focus of due process and justice as an overarching concern in developing a performance framework. The commission members were asked to review the materials and consider where the commission should go from this point and if there is

interest in adopting the suggestions in the HPCF. It was suggested that staff obtain further information on the application of the HPCF and performance monitoring in other states.

Brian Ostrom, from the National Center for State Courts, provided his perspective on the HPCF and summary of the use of HPCF throughout the United States. He stated that it was important to build up the court as an organization and be systematic at problem solving. Mr. Ostrom introduced the High Performance Court Self-Assessment and the Court Culture Assessment. He stated self-assessment can be done within any court to help judges, court administration and staff give their impressions about how the court is performing. He further stated the Court Culture Assessment provides an understanding of the cultural differences and various perspectives for issues such as case management, court leadership and judge/staff relations.

Ms. Harris noted that a pending charge before TCP&A is to develop a framework for use in the trial courts. She suggested the possibility of appointing a workgroup to review the HPCF and develop recommendations for benchmarks and goals.

Mr. Bridenback made a motion to create a workgroup to determine benchmarks and goals for the performance measures identified in the TIMS report. Judge Kroll seconded the motion. The motion carried without objection.

VII. Status Update on Trial Court Integrated Management Solutions Project

Ms. Harris provided a status update on the Trial Court Integrated Management Solution noting that TIMS has served as a foundation for several court initiatives such as Integrated Trial Court Adjudication System (ITCAS), which includes judicial viewers and Judicial Management Services (JDMS). The viewers are part of the Mortgage Foreclosure Initiative to review and collect case information as a means to address the foreclosure case backlog. Additionally, the TCP&A is working towards developing a performance management framework and a process to evaluate, refine and ensure the validity of the measures proposed in the TIMS report.

VIII. Report from the Court Statistics and Workload Committee

Judge Alessandrini presented the report from Court Statistics and Workload Committee (CSWC). He noted the case event framework, previously referred to as case event definitions, was approved by the committee and forwarded to the Supreme Court. In reference to the Integrated Trial Court Adjudication System (ITCAS), the Judicial Data Management Services (JDMS), and the performance measures required by Fl. R. Jud. Adm. 2.225(a)(2), Judge Alessandrini stated that the foreclosure initiative was incorporating these systems in a number of areas.

IX. Establishment of Joint Workgroup on Shared Remote Interpreting

Victor McKay presented on the establishment of a joint workgroup on shared remote interpreting, stating that a pilot project is underway with the 7th, 9th, 14th, 15th and 16th Circuits to study remote interpreting technology as a means to increase both the efficiency and effectiveness of the providing court interpreter services. The pilot will test a regional model designed to expand interpreter services across circuit lines with the use of a call manager that will be housed at the OSCA. The established joint workgroup includes cross-over membership from the Due Process Technology Workgroup, the Court Interpreter Certification Board, and the TCP&A, with Judge Flury as the commission's representative. Overall the workgroup is charged with developing recommendation on the business processes for the regional model of sharing remote interpreting resources. Ms. Harris stated that Tom Genung has agreed to chair the workgroup. If the pilot is

successful, then a business case would be developed to deploy a statewide strategy. Judge Masters motioned to approve the membership and adopt the action plan. Judge Johnson seconded the motion. The motion carried.

X. Status Update on the Development of Standards of Operation and Best Practices for the Provision of Expert Witness Services

Maggie Geraci gave an update on the expert witness workgroup. She reminded the commission members that in 2012, AOSC12-25 directed TCP&A to continue to develop standards and best practices for the major elements of the trial courts. The group has met twice via conference call and once at an in-person workshop held in Tampa on October 28, developing a list of issues to address, assigning issues to the members to address and drafting preliminary recommendations. Those issues include the assignment of services, management practices, judicial appointment/monitoring, education, funding/payment, data collection/performance monitoring, and suggested statutory/rule revisions. The workgroup anticipates submitting the report to the commission by April 2014.

XI. Discussion on Changes to Rules 2.240 and 2.241, Florida Rules of Judicial Administration

Greg Youchock gave a presentation on the revision of Florida Rules of Judicial administration 2.240 and 2.241. Rule 2.241 requires an 8 year review cycle be done to evaluate the appellate districts. The Supreme Court issued opinion SC13-1703 on November 14, 2013 adopting a rule change that eliminated the 8 year review cycle. In addition, rule 2.240 was amended to include the trial courts in a circuit review. An annual review, as part of the judicial needs application, will be required by each chief judge, both at the appellate and trial court level. The amendments also include a formal feedback loop where a chief judge, may ask the court to study the issue via the judicial needs application.

XII. Other Business

Judge Terrell thanked the members for their participation. There being no other business, the meeting was adjourned at 2:16 p.m.