

Commission on Trial Court Performance and Accountability
Meeting
Conference Call
October 4, 2012

Minutes

Members in attendance:

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

Members absent:

Judge Brian Davis, Justice Jorge Labarga (Liaison)

Staff in attendance:

Patty Harris, Maggie Geraci, Greg Youchock, Victor McKay, Lisa Bell, and P.J. Stockdale

Judge Terrell called the meeting to order at 12:01 p.m. The roll was taken and a quorum was present.

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

Judge Terrell welcomed new and continuing members. Judge Terrell discussed TCP&A's role in supporting the overall administration of justice noting the on-going focus of the commission has been, and continues to be, to articulate and identify best practices for court processes. He acknowledged obtaining best practice goals is fiscally challenging, if not impossible. As such, the commission remains cognizant of the time it may take to achieve higher standards. With that said, he remarked on the progress made thus far. In particular, he commented on the dynamic and innovative solutions currently being implemented in various circuits due to the development of cutting-edge computer management systems. He noted current efforts to implement "judicial overlay" systems will further aide in meeting the trial court's case management automation needs especially as it relates to e-Filing. He also discussed the partnering with Florida Courts Technology Commission (FCTC) to assist in establishing uniform standards and guidelines, noting these joint committee efforts will lead to designing more evolvable systems that support both operations and performance management and evaluation needs.

II. Approval of the November 18, 2011 Minutes

Judge Metzger offered a motion to approve the minutes from the November 18, 2011 meeting. Holly Elomina seconded the motion. The motion was approved by unanimous vote.

III. Review of TCP&A's New Charges Under AOSC12-25

Patty Harris discussed the new charges of the commission under the new two year term of Chief Justice Polston noting each of the five charges listed in Administrative Order SC12-25. She indicated the first charge is related to the TIMS project of which the TCP&A has been asked to continue work with a new deadline of December 1, 2012. Ms. Harris stated that the third charge is related to the continuing development of standards

and best practices for the elements of the court system, with a focus on the expert witness element. She indicated an expert witness workgroup will be established during the second half of the two-year term once the initiatives on the TIMS project are complete.

Ms. Harris stated the remaining charges are the same. They relate to the Court Statistics and Workload Committee (CSWC) and their charge to address policy issues necessary to maintain the integrity of state level reporting systems. In addition, one charge relates to TCP&A's role in providing ongoing technical assistance to the trial courts in the implementation of supreme court approved policies.

Ms. Harris noted that typically when there is a new chief justice, several court commissions receive new charges that are different from charges given by the previous chief justice. However, Chief Justice Polston indicated interest in focusing commission efforts towards resolving existing initiatives.

IV. Status Updates

A. Status Report on Trial Court Integrated Management Solution (TIMS) Project http://www.flcourts.org/gen_public/court-services/TIMSPROGRESSREPORT.html

Judge Terrell spoke of the TIMS project. He stated that we are ahead of where he thought we would be. He also commended staff for keeping the project on point. Patty Harris gave a report on TIMS draft status report. She stated it was approved by the commission and submitted to Lisa Goodner in June of this year. She indicated staff met with Ms. Goodner on the status of the project. During these meetings it was discussed that the National Center for State Court's contract would most likely be extended as their work to assess the needs of the court continues. Ms. Harris noted a briefing meeting was held with both Tom Clarke and Jim Harris, consultants from the NCSC. She informed the commission of the feedback they gave on the report. Of particular note, she stated they recognized the framework included both short term and long term goals. While they spoke favorably of the outcomes outlined in the report, they mentioned a few concerns regarding implementing such a large-scale undertaking without losing momentum over the course of several years. The NCSC consultants also mentioned concerns in bridging the gap between sound theoretical-based proposals versus real world issues. For instance, they discussed the current technology market is supportive of more non-modular type solutions. The NCSC suggested breaking the project up into five year smaller scale projects. Ms. Harris stated that Ms. Goodner recommended meeting with FCTC to discuss the NCSC's recommendations in consideration of the new technical and functional standards they are developing for TIMS. Since it appears many issues remain to be resolved as it relates to implementation, she recommended submitting a final report to the supreme court on December 1, 2012 that presents the court data model as a standalone issue. A question was asked if the intention was to implement the recommendations statewide. Judge Terrell answered that he believes there is going to be a state standard so TIMS is able to function appropriately. Ms. Harris mentioned the FCTC is developing new state level standards with the vendors that would be supportive of a future TIMS system. Ms. Harris also mentioned that Brian Murphy of Mentis recently provided a demonstration of Smartbench in Tallahassee and this meeting resulted in preliminary discussions regarding the state level reporting component of TIMS.

B. Implementation of TCP&A's Recommendations for the Provision of Court Interpreting Services in Florida's Trial Courts
http://www.flcourts.org/gen_public/court-services/bin/2010TCPACourtInterpretingReport.pdf

Patty Harris discussed how the commission developed the standards and best practices for court interpreting. The supreme court approved those recommendations that did not have a fiscal impact and directed the Trial Court Budget Commission (TCBC) to determine whether to seek funding this legislative session for the remaining recommendations that would have a fiscal impact, including the expansion of the provision of services to all case types. The TCBC decided to file a place holder in the legislative budget request for the expansion of interpreting services. However, the supreme court declined to file the placeholder this year, instead focusing on the possibility of remote technology.

Lisa Bell provided information on the National Language Access Summit she attended, along with Lisa Goodner and several members of the Court Interpreting Certification Board. She stated that they learned that Florida is far ahead of the curve compared to other states when it comes to language access. Judge Terrell asked if the Department of Justice (DOJ) has approached Florida regarding court interpreting. Ms. Bell responded that there has been no contact by DOJ. Judge Alessandroni asked for an update on the Conference of Chief Justices/Conference of State Court Administrators (CCJ/COSCA) concern with the proposed ABA Language Access Standards. Ms. Bell responded that CCJ/COSCA worked with the ABA on revising the proposed standards and those revised standards were approved at the ABA meeting in February. Judge Alessandroni asked if members could be provided with a copy of those standards. Staff affirmed that they would forward the standards to the members.

V. Other Business

The next meeting is scheduled, via telephone conference, on November 9th.

Judge Hulslander raised a question regarding the approval process of the TIMS recommendations presented at the previous TCP&A meeting in which there was no quorum. Judge Terrell responded stating the commission approved the status report via a computer based voting process, in which members were provided a copy of the proposed recommendations for approval via email. Also, a more verbatim style of note taking was used for developing the November 18, 2011 meeting minutes. These meeting minutes were provided to the absent members via email to allow them a comprehensive understanding of the November 18, 2011 meeting discussions. Judge Terrell mentioned that over the years, due to budgetary constraints resulting from the economic downturn, and difficulties in coordinating schedules, the commission developed this system of computer based voting. Although, voting via email is not ideal, it has worked well to maximize the use of commission members' time.

Judge Hulslander recalled a TCP&A recommendation for a calendar clearance measurement and asked if this measure was approved. Ms Harris responded indicating the calendar clearance rate measure was recommended through an ad hoc project, known as the civil disputes project. This project was spurred by the Legislature via proviso

language of the General Appropriations Act in which the Legislature directed the state courts system to develop recommendations on ways in which to improve civil disputes in a timelier manner. She stated that a performance measure workgroup was established to assist in developing these recommendations which included a calendar clearance rate for submission to the Legislature. However, the Legislature did not take action on any of the recommendations. Ms. Harris stated that she would provide a copy of the report to Judge Hulslander.

Judge Terrell thanked everyone for serving on this commission. Judge Johnson offered a motion to adjourn. It was seconded by Judge Kroll. There being no other business Judge Terrell adjourned the meeting at 12:53 p.m.