

Judicial Certification Statistics for Criteria Proposed by the Commission on District Court of Appeal Performance and Accountability, September 2005

Prepared by the Office of the State Courts Administrator

The Commission on District Court Performance and Accountability (Commission) has recommended a set of criteria to be applied by the Supreme Court to determine the need to increase or decrease the number of judges in a district. There are a number of factors that are included in the review process. Some are quantifiable, others are more subjective. The factors should be examined together as no one factor is a determinant for the need for a judge. Also, the factors must be examined over time. The trends for caseload, workload, and case processing impact should be examined to note whether there is a sustained increase or decrease or whether there may be a short term aberration based on a change in the law or some other special circumstance. If the trends indicate a sustained increase then there is a need to determine whether there is a sufficient increase to warrant the addition of another judge. Comparative analysis between the five districts can also help in this review.

Following is a compilation of information relating to the criteria recommended by the Commission regarding the caseload, workload, and case processing factors for the district courts.

I. Caseload Criteria

The first series of charts relate to the caseload and describe the filings that are coming to the respective districts. The data shows that from FY 2000-01 to FY 2004-05 there has been an increase in filings in the first, second, fourth, and fifth districts. Over that same period, the third district has experienced a decline in the number of case filings.

Figure 1. Statewide Filing Trends

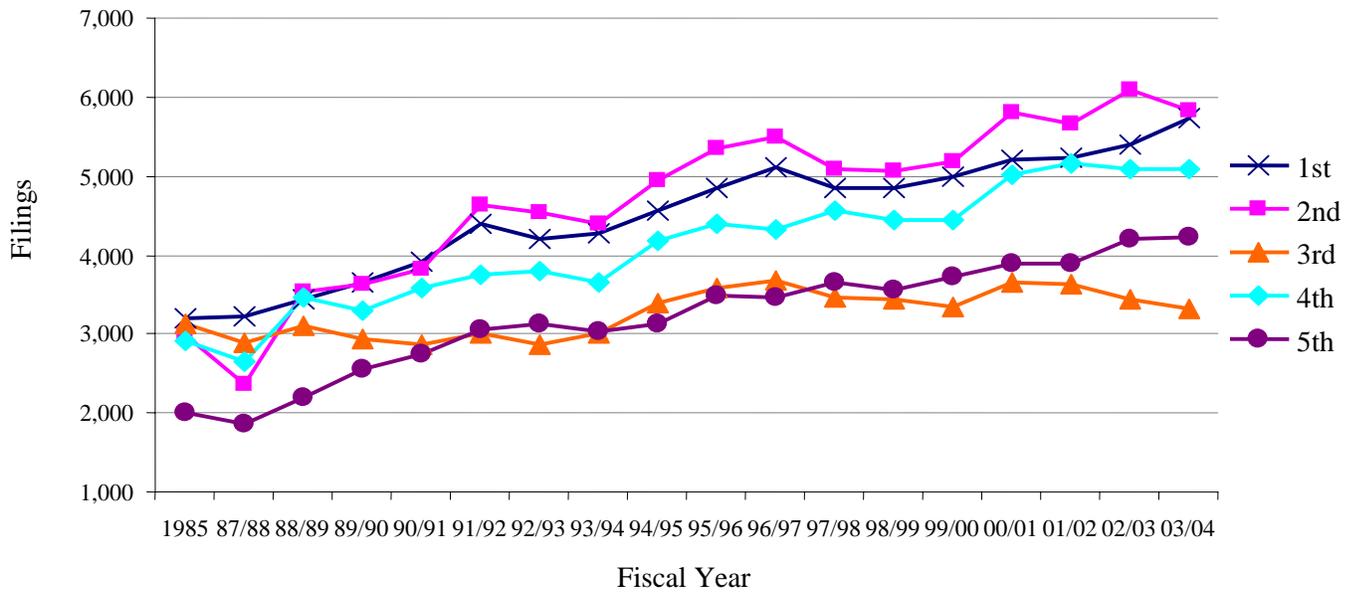


Figure 2. Case Filings and Percent Change ¹

DCA	2000-01	2001-02	2002-03	2003-04	2004-05	Projected 2005-06	Projected 2006-07	% Change FY 00/01 – 04/05
1	5,195	5,229	5,394	5,725	5,968	6,185	6,276	14.88%
2	5,809	5,536	6,020	5,826	6,082	6,180	5,985	4.70%
3	3,665	3,623	3,428	3,326	3,181	3,188	3,187	-13.21%
4	5,021	5,145	5,077	5,058	5,051	5,008	4,988	0.60%
5	3,900	3,906	4,195	4,222	4,285	4,446	4,574	9.87%
Total	23,590	23,439	24,114	24,157	24,567	25,007	25,010	4.14%

¹ Projected filings for fiscal years 2005-06 and 2006-07 are based on historical data from July 1994 through August 2005.

The relative ratio of caseload to judges in FY 2004-05 ranges from 289.2 cases in the third district to 434.4 cases in the second district. The second, fourth, and fifth districts have filings per judge in excess of 400 cases.

Figure 3. Case Filings per Judge

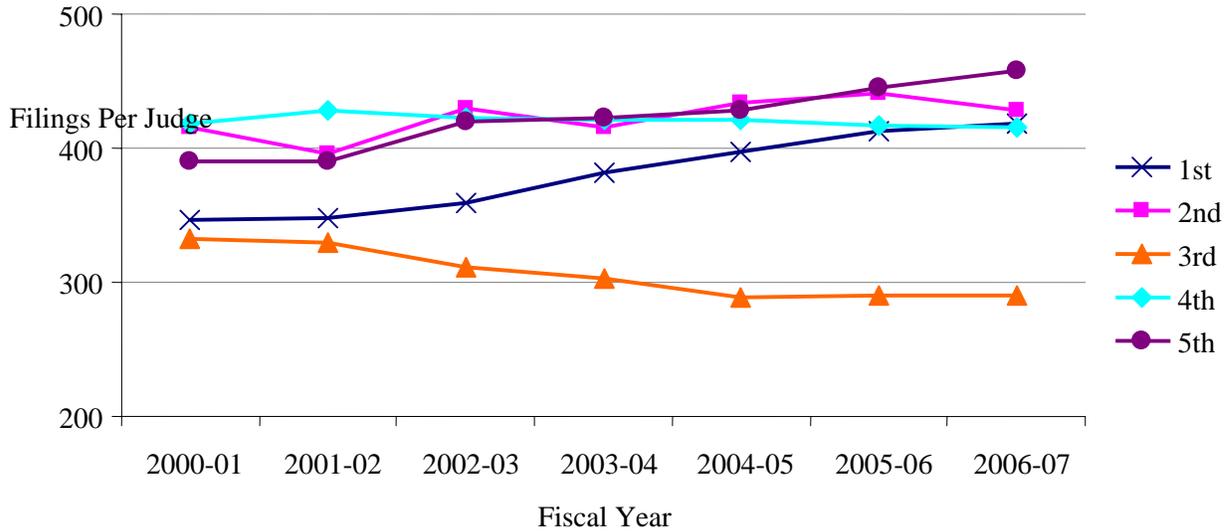


Figure 4. Case Filings per Judge Percent Change ²

DCA	2000-01	2001-02	2002-03	2003-04	2004-05	Projected 2005-06	Projected 2006-07	% Change FY 00/01 to FY 04/05
1	346.4	348.5	359.6	381.7	397.9	412.3	418.4	14.86%
2	414.9	395.6	430.0	416.1	434.4	441.4	427.5	4.72%
3	332.9	329.3	311.6	302.4	289.2	289.8	289.7	-13.13%
4	418.3	428.8	423.1	421.5	420.9	417.3	415.7	0.62%
5	390.1	390.5	419.5	422.2	428.5	444.6	457.4	9.84%
Total	380.4	378.0	388.9	389.6	396.2	403.3	403.4	4.15%

² Projected filings for fiscal years 2005-06 and 2006-07 are based on historical data from July 1994 through August 2005.

Figure 5. Statewide DCA Filing Trends by Case Type

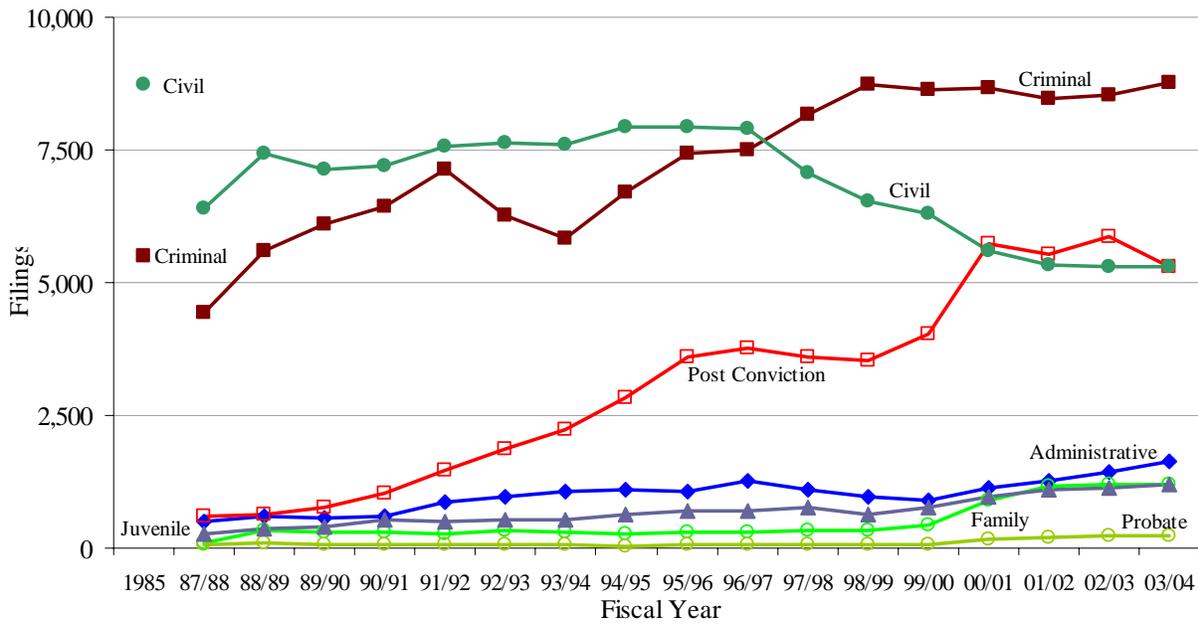
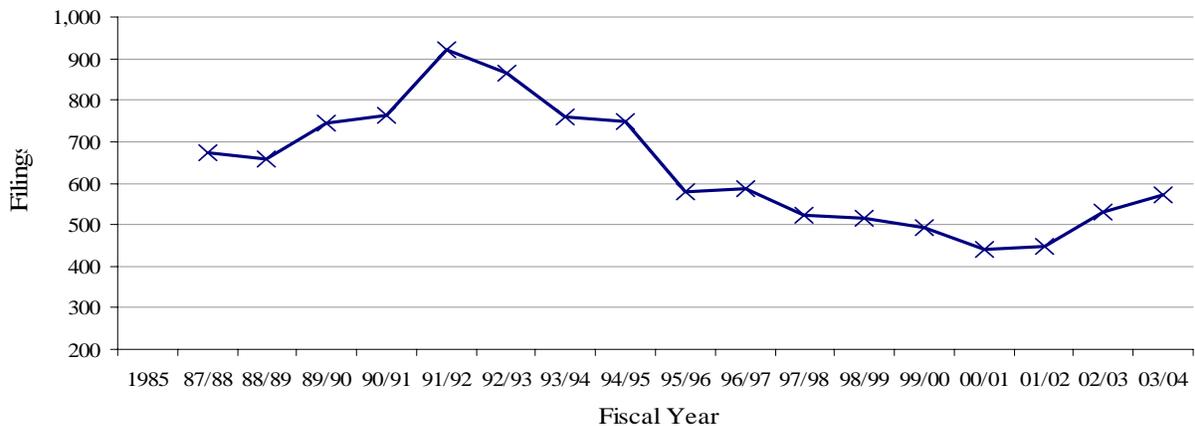


Figure 6. Workers' Compensation Filings, First District

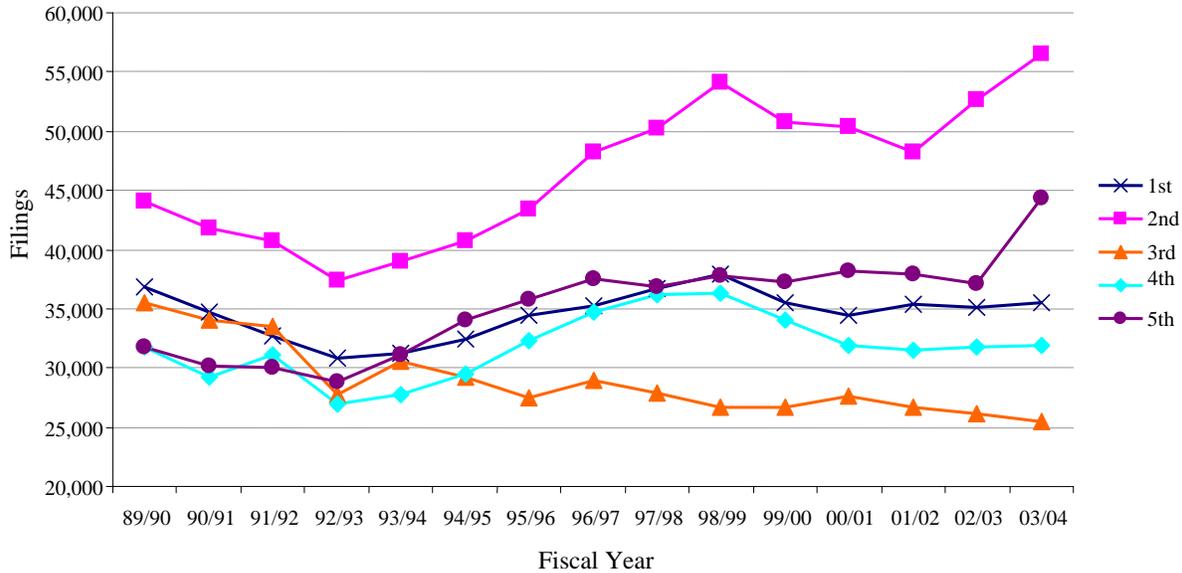


The case mix in the district courts of appeal has been changing over the years. The most significant changes are the downward trend in civil case filings, and the increase in criminal and post-conviction filings. The first district's caseload is also influenced by the filing trend in workers' compensation cases.

The increasing trends in case filings in the district courts are influenced predominantly by criminal cases and post conviction filings. This can be correlated to the circuit criminal filing trend within each district. The trial court circuit criminal filings reflect an increasing trend for the first, second, fourth and

fifth districts, with the greatest rate of increase in the second and fifth districts. The circuit criminal filings in the third district are declining.

Figure 7. Trial Court Circuit Criminal Filing Trends by DCA



The number of post-conviction filings in the districts correlates to the number of individuals committed to the Department of Corrections. Figure 8 represents the number of prisoner admissions by district. This is an indication of distribution of post-conviction filings for the district courts.

Figure 8. Prison Admissions by DCA

DCA	FY 03/04	Percent of Total
1	7,479	23.48%
2	9,338	29.31%
3	2,357	7.40%
4	5,292	16.61%
5	7,391	23.20%
Total	31,857	100.00%

Given the criminal filing trends in the trial courts, it appears that there will be a corresponding increase or decrease in criminal case filings in the district courts. The data for circuit criminal filings indicate that the filings for the second, fourth, and fifth districts will continue to increase; filings in the third district will likely decrease. Filings in the first district will continue to increase, although their

total caseload is also influenced by filing trends for administrative and workers' compensation cases.

II. Workload Criteria

The second major factor for determining the need to increase or decrease judges is workload. The workload criteria recommended by the Commission is based on establishing relative weights for cases disposed on the merits. Sixteen categories of cases were established and relative weights were defined based on the ratings of a statistical representative sample of judges from each of the districts. Fifteen categories of cases were rated by all of the districts; the first district rated workers' compensation cases. (See also the Commission on District Court of Appeal Performance and Accountability's September 2005 report, which provides additional detail as to how the average weights were established.)

The relative weights for the case categories were established by the participating judges based on the relative judge workload required in handling the cases in each group. Judges in the third district identified somewhat higher weights for several cases than the judges in the other districts. The notable higher weights were in the "Petitions-Certiorari" and "NOA – Criminal Post Conviction (Summary)" categories. This is presumed to reflect the staffing variance, as the third district does not employ central staff. The judges in the third district therefore spend additional time on certain types of cases compared to judges in other districts. The Commission's September 2005 report recognizes the impact of this staffing variance and that applying a common state weight to all districts does not accommodate such differences.

The weighted caseload data applied to cases disposed of on the merits is designed to reflect the actual workload of district court judges. It also accounts for the variations in workload for different categories of cases, as the weight for each district varies with the proportionate number of criminal, civil, family and probate cases. For example, the first district has a unique case mix with a higher proportion of administrative and workers' compensation cases. The application of relative case weights by case category takes into consideration the variations in case mix between the courts. It provides a measure of the workload per judge in relation to the types of cases. See Appendix A for the dispositions on the merits by case group for each district.

Figure 9. Relative Case Weights and Method of Calculation of Relative Weighted Judicial Workload

Delphi Case Group	Relative Weight*	
NOA – Civil Final	204	
NOA – Workers’ Compensation	190	
NOA – Administrative (Other)	152	
NOA – Civil Non Final	140	
NOA – Juvenile (TPR)	128	
Petitions – Certiorari	115	
NOA – Criminal State Appeals	105	
NOA – Criminal Judgment and Sentence	100	← mid ranked case type
NOA – Juvenile	99	
NOA – Criminal Post Conviction Non Summary	70	
NOA – Civil Prisoner Litigation	67	
Petitions – All Other	66	
NOA – Criminal Habeas Corpus and Other	66	
NOA – Criminal Post Conviction Summary	55	
NOA – Administrative (Unemployment Compensation)	51	
NOA – Criminal Anders	45	

The first district handles a number of more complex administrative cases. At this time it has not been possible to separate the administrative cases in the first district that are comparable to those filed in other districts from those that are exclusive to the first district. Therefore, while the first district’s weight for administrative cases was 250, the state average weight of 152 was applied to the administrative filings in the first district. Once this distinction is established, a portion of the administrative cases in the first district will be weighted higher to reflect their relative complexity and the weighted caseload per judge in the first district will increase.

Though there has been some variance, the weighted caseload per judge data shows an increase in workload from 2000 to 2005 for the first, second, fourth and fifth districts and a decrease for the third district. (The rate of increase is not the same as case filings, it is a reflection of case mix.) The second and the fourth

districts have the highest weighed caseload per judge and the first and fifth districts have relatively similar weighted caseloads per judge.

Figure 10. Weighted Caseload per Judge Trends

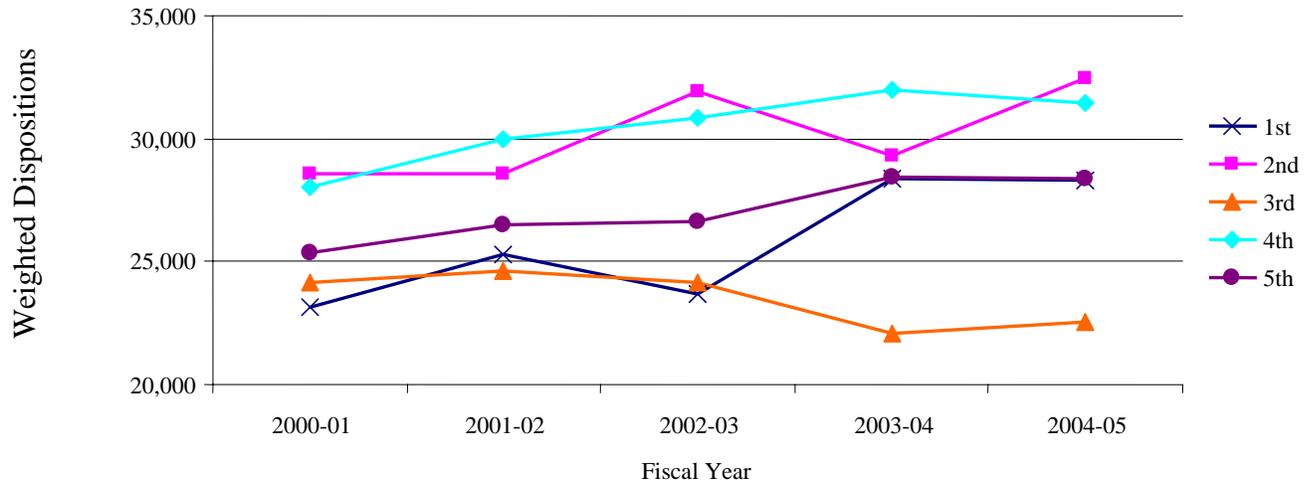


Figure 11. Weighted Caseload per Judge Trends ³

FY	1st	2nd	3rd	4th	5th
2000-01	23,135	28,566	24,178	28,003	25,343
2001-02	25,267	28,571	24,621	29,986	26,484
2002-03	23,702	31,923	24,149	30,848	26,654
2003-04	28,365	29,317	22,050	32,005	28,409
2004-05	28,317	32,456	22,553	31,424	28,387

³ Weighted caseload is based on the state average relative weights of cases disposed on the merits, established in September 2005. Dispositions on the merits for petitions include authored opinions, citations, orders by judge, per curium denied and per curium opinions. Dispositions on the merits for notices include authored opinions, citations, per curium affirmed, and per curium opinions.

The variations in case mix and relative workload can be seen by grouping the fifteen case categories into three general ranges; those with workload weights ranging from 140 to 204; those with workload weights ranging from 99 to 128 and those with workload ranging from 45 to 70. The distribution of cases within these three ranges identifies the variances in case mix and demonstrates the impact of relative workload as compared to case filings. For example, in Figure 2 case filings per judge in the fifth district exceeds the fourth district, however, the

weighted caseload per judge in the fifth district is less than the fourth district. This difference is attributed to the variation in case mix. One explanation of this is the proportionately higher number of *Anders* cases filed in the fifth district. (*Anders* cases have been assigned a relatively low weight of 45.)

Figure 12. Distribution of Cases Disposed on Merits by Relative Weight, FY 04-05

DCA	Most Labor Intensive		Medium		Least Labor Intensive	
	Number	Percent	Number	Percent	Number	Percent
1	1,012	23%	855	20%	2,498	57%
2	730	14%	1,405	28%	2,911	58%
3	546	20%	458	18%	1,603	61%
4	733	19%	1,146	29%	2,029	52%
5	407	12%	784	23%	2,213	65%

III. Case Processing Criteria

A third factor to be considered in determining the need to increase or decrease a judge is the impact of caseload and workload on case processing. The case processing criteria can be examined by reviewing trends in clearance rates, pending cases, and timeliness. Each of these can be impacted by short term anomalies such as litigation caused by a change in the law. Therefore, multiple years should be examined.

Clearance Rate. The clearance rate is the ratio of the number of cases disposed to the number of cases filed. If the percentage exceeds 100% the court may be working through a backlog, deciding a single issue that results in the disposition of multiple cases, or it may be caused by a reduction in the number of cases being filed with the court. Clearance rates less than 100% may reflect a workload problem and that the judges are unable to keep up with incoming cases. If the clearance rate continues to be less than 100% over several years then a backlog of cases is created. In the past five years, the second district has demonstrated only one clearance rate over 100%.

Figure 13. Clearance Rate Trends

DCA	2000-01	2001-02	2002-03	2003-04	2004-05
1	95.2%	104.2%	92.9%	103.0%	102.2%
2	97.7%	98.2%	103.9%	97.3%	99.4%
3	97.6%	101.0%	101.6%	95.2%	105.5%
4	94.8%	98.5%	100.7%	102.1%	102.4%
5	99.9%	100.3%	97.5%	100.3%	101.7%
Total	96.9%	100.4%	99.3%	99.9%	101.9%

Pending Cases. If filings increase, then the court must either adjust its case processing procedures, and/or add resources. If the status quo is maintained, the number of pending cases will increase. The number of pending cases per judge provides information relative to the workload and possible backlog of cases.

Figure 14. Pending Cases Trends

DCA	2000-01	2001-02	2002-03	2003-04	2004-05
1	3,637	3,218	3,317	3,638	3,401
2	4,389	4,031	3,969	3,958	4,008
3	2,975	1,820	1,774	1,940	1,967
4	3,161	2,969	3,294	3,162	3,247
5	1,717	1,652	1,814	1,973	1,997
Total	15,879	13,690	14,168	14,671	14,619

Timeliness. Rule 2.085(2), Florida Rules of Judicial Administration, provides that a decision should be rendered within 180 days of either oral argument or the submission of the case to the court panel for a decision without oral argument. If the workload is increasing and the judges are unable to keep pace, then the timeliness of case processing may be impacted.

**Figure 15. Percent of Cases Disposed Within 180 Days of Oral Argument
Criminal Appeals and Petitions**

DCA	2000-01	2001-02	2002-03	2003-04	2004-05
1	98.9%	99.3%	99.6%	98.8%	94.2%
2	97.1%	99.3%	99.4%	97.6%	97.6%
3	98.1%	99.2%	99.5%	98.3%	98.6%
4	98.1%	98.3%	98.7%	98.9%	99.1%
5	97.0%	98.5%	98.7%	97.6%	97.0%
Total	98.0%	99.0%	99.2%	98.2%	97.7%

**Figure 16. Percent of Cases Disposed Within 180 Days of Oral Argument
Non-Criminal Appeals and Petitions**

DCA	2000-01	2001-02	2002-03	2003-04	2004-05
1	98.4%	99.0%	99.4%	98.1%	97.2%
2	97.4%	98.3%	98.2%	93.1%	94.1%
3	95.9%	97.6%	98.2%	96.2%	95.4%
4	94.5%	97.3%	97.4%	95.5%	94.3%
5	90.9%	94.6%	96.2%	91.2%	88.7%
Total	95.9%	97.6%	98.0%	95.1%	94.4%

Other Criteria. The Commission has recommended that other criteria be considered in determining the need to increase or decrease the number of district court judges. These criteria track national appellate court standards and guideposts. They recognize the importance of time for judges to maintain professionalism, through education, and public trust and confidence, through participation in Bar and community activities. These are factors that can be addressed by individual districts in determining the impact of judicial workload.

IV. Implications of Certification Requests.

In the current certification cycle, the second and fifth districts have each requested one additional judge and the fourth district has requested two additional judges. Following are charts that show the impact on case filings per judge and weighted case dispositions per judge if one additional judge were added to the second, fourth and fifth districts and also if two additional judges were added to the fourth district.

Figure 17. Projected Filings per Judge

DCA	2000-01	2001-02	2002-03	2003-04	2004-05	2006-07 Projected Filings with	
						+1 judge	+2 judges
1	346.4	348.5	359.6	381.7	397.9	418.4	418.4
2	414.9	395.6	430.0	416.1	434.4	399.0	399.0
3	332.9	329.3	311.6	302.4	289.2	289.7	289.7
4	418.3	428.8	423.1	421.5	420.9	383.7	356.3
5	390.1	390.5	419.5	422.2	428.5	415.8	415.8
Total	380.4	378.0	388.9	389.6	396.2	384.8	378.9

Figure 18. Weighted Dispositions per Judge

DCA	2000-01	2001-02	2002-03	2003-04	2004-05	2004-05 Disposed on the Merits with	
						+1 judge	+2 judges
1	23,135	25,267	23,702	28,365	28,317	28,317	28,317
2	28,566	28,571	31,923	29,317	32,456	30,293	30,293
3	24,178	24,621	24,149	22,050	22,553	22,553	22,553
4	28,003	29,986	30,848	32,005	31,424	29,007	26,935
5	25,343	26,484	26,654	28,409	28,387	25,807	25,807

APPENDIX A: Dispositions on the Merits by DCA

Disposition on the merits for petitions include authored opinions, citations, orders by judge, per curium denied, and per curium opinions. Dispositions on the merits for notices include authored opinions, citations, per curium affirmed, and per curium opinions.

First District Court of Appeal

Case Type Grouping	2000-01	2001-02	2002-03	2003-04	2004-05
NOA - Civil Final	415	387	372	405	393
NOA - Workers Compensation	318	252	250	380	419
NOA - Administrative (Other)	95	145	120	131	136
NOA - Civil Non-Final	70	63	69	83	64
NOA - Juvenile (TPR)	2	39	59	53	26
Petitions - Certiorari	237	250	269	320	272
NOA - Criminal State Appeals	1	15	18	22	23
NOA - Judgment and Sentence	13	339	400	461	452
NOA - Juvenile	91	104	102	133	82
NOA - Post Conviction Non-Sum	39	63	55	122	111
NOA - Civil Prisoner Litigation	111	109	69	117	109
Petitions - All Other	468	521	527	630	786
NOA - Habeas Corp and Other	621	304	97	108	99
NOA - Post Conviction Summary	795	1,097	879	819	803
NOA - Admin (Unemp. Comp)	32	31	56	78	134
NOA - Criminal Anders	275	305	287	441	456
Total	3,583	4,024	3,629	4,303	4,365

Second District Court of Appeal

Case Type Grouping	2000-01	2001-02	2002-03	2003-04	2004-05
NOA - Civil Final	575	503	539	524	571
NOA - Administrative (Other)	103	30	32	38	35
NOA - Civil Non-Final	83	102	100	98	124
NOA - Juvenile (TPR)	0	61	59	82	80
Petitions - Certiorari	230	249	286	264	250
NOA - Criminal State Appeals	4	47	79	65	91
NOA - Judgment and Sentence	11	399	796	723	795
NOA - Juvenile	210	150	174	128	189
NOA - Post Conviction Non-Sum	45	90	147	170	171
NOA - Civil Prisoner Litigation	4	13	35	33	4
Petitions - All Other	764	868	791	759	932
NOA - Habeas Corp and Other	985	358	87	24	26
NOA - Post Conviction Summary	1,257	1,322	1,437	1,091	1,282
NOA - Admin (Unemp. Comp)	3	56	56	66	29
NOA - Criminal Anders	410	417	446	494	467
Total	4,684	4,665	5,064	4,559	5,046

Third District Court of Appeal

Case Type Grouping	2000-01	2001-02	2002-03	2003-04	2004-05
NOA - Civil Final	497	447	498	427	450
NOA - Administrative (Other)	34	24	21	35	30
NOA - Civil Non-Final	114	120	95	86	66
NOA - Juvenile (TPR)	1	12	13	24	13
Petitions - Certiorari	203	191	174	184	164
NOA - Criminal State Appeals	1	38	42	44	17
NOA - Judgment and Sentence	14	153	220	205	191
NOA - Juvenile	65	65	65	69	73
NOA - Post Conviction Non-Sum	20	53	48	57	43
NOA - Civil Prisoner Litigation	0	2	0	0	1
Petitions - All Other	404	508	477	454	469
NOA - Habeas Corp and Other	386	221	105	57	92
NOA - Post Conviction Summary	957	936	809	671	844
NOA - Admin (Unemp. Comp)	38	39	55	73	66
NOA - Criminal Anders	87	101	88	79	88
Total	2,821	2,910	2,710	2,465	2,607

Fourth District Court of Appeal

Case Type Grouping	2000-01	2001-02	2002-03	2003-04	2004-05
NOA - Civil Final	595	520	537	616	553
NOA - Administrative (Other)	25	23	31	34	30
NOA - Civil Non-Final	158	181	143	100	150
NOA - Juvenile (TPR)	21	21	81	51	32
Petitions - Certiorari	266	290	246	284	220
NOA - Criminal State Appeals	3	34	51	86	58
NOA - Judgment and Sentence	20	412	647	606	689
NOA - Juvenile	63	116	135	139	147
NOA - Post Conviction Non-Sum	41	57	59	76	65
NOA - Civil Prisoner Litigation	2	18	14	14	9
Petitions - All Other	568	661	655	675	731
NOA - Habeas Corp and Other	872	379	92	79	45
NOA - Post Conviction Summary	762	924	926	937	987
NOA - Admin (Unemp Comp)	49	30	33	91	81
NOA - Criminal Anders	99	143	152	99	111
Total	3,544	3,809	3,802	3,887	3,908

Fifth District Court of Appeal

Case Type Grouping	2000-01	2001-02	2002-03	2003-04	2004-05
NOA - Civil Final	393	324	295	368	312
NOA - Administrative (Other)	1	29	24	45	19
NOA - Civil Non-Final	73	83	74	77	76
NOA - Juvenile (TPR)	11	34	41	28	30
Petitions - Certiorari	140	177	176	139	171
NOA - Criminal State Appeals	1	41	40	39	34
NOA - Judgment and Sentence	11	297	383	377	434
NOA - Juvenile	107	125	122	111	115
NOA - Post Conviction Non-Sum	53	59	56	82	89
NOA - Civil Prisoner Litigation	1	6	14	10	7
Petitions - All Other	396	499	468	507	560
NOA - Habeas Corp and Other	557	184	61	64	76
NOA - Post Conviction Summary	813	721	857	844	930
NOA - Admin (Unemp. Comp)	1	14	29	37	36
NOA - Criminal Anders	492	481	531	592	515
Total	3,050	3,074	3,171	3,320	3,404