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November 15, 2006

The Honorable R. Fred Lewis  
Chief Justice, Supreme Court of Florida  
500 South Duval Street  
Tallahassee, Florida 32399-1925

Dear Chief Justice,

The District Court of Appeal Workload and Jurisdiction Assessment Committee has concluded its assignment pursuant to Administrative Order No. AOSC06-5 and submits the attached report for consideration by the Court.

While the time constraints of the committee's assignment were challenging, the members made every effort to ensure that the review and deliberations required pursuant to Rule of Judicial Administration 2.241 were accomplished. It has been a great privilege for me to work with and learn from the committee members.

I would be happy to appear before the Court to answer any questions that the Court may have.

Sincerely,

  
Philip J. Padovano

PJP/jhs

Enclosure

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**District Court of Appeal  
Workload AND Jurisdiction  
Assessment Committee**

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**Report and Recommendations**

**November 2006**

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## **I. The Assessment Committee**

### **A. Membership**

The District Court of Appeal Workload and Jurisdiction Assessment Committee (the Committee) was created by Administrative Order, No AOSC06-5, entered by Chief Justice Barbara J. Pariente on February 28, 2006. The Committee consists of fifteen members.<sup>1</sup> As required by Rule 2.241, Florida Rules of Judicial Administration (previously rule 2.036), the membership includes one appellate judge from each appellate district, one

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<sup>1</sup> The following individuals were appointed to the Committee for a term to expire on December 31, 2006: First District: The Honorable Philip J. Padovano, Judge, First District Court Of Appeal (Chair), Tallahassee; The Honorable Brian J. Davis, Judge, Fourth Judicial Circuit, Fernandina Beach; and Mr. Louis K. Rosenbloum, Attorney at Law, Pensacola. Second District: The Honorable Charles T. Canady, Judge, Second District Court of Appeal, Lakeland; The Honorable Donald E. Pellecchia, Judge, Twentieth Judicial Circuit, Punta Gorda; and Mr. Henry Gyden, Attorney at Law, Tampa. Third District: The Honorable Richard Suarez, Judge, Third District Court of Appeal, Miami; The Honorable Sandra F. Taylor, Judge, Sixteenth Judicial Circuit, Key West; and Mr. Ramon Abadin, Attorney at Law, Miami. Fourth District: The Honorable Larry A. Klein, Judge, Fourth District Court of Appeal, West Palm Beach; The Honorable Gary L. Sweet, Judge, Nineteenth Judicial Circuit, Ft. Pierce; and The Honorable Carey Haughwout, Public Defender, Fifteenth Judicial Circuit, West Palm Beach. Fifth District: The Honorable Richard B. Orfinger, Judge, Fifth District Court of Appeal, Daytona Beach; The Honorable Sandra Edwards-Stephens, Judge, Fifth Judicial Circuit, Ocala; and Ms. Kellie Anne Nielan, Office of the Attorney General, Daytona Beach. The Honorable Martha C. Warner, Chair of the Commission on District Court of Appeal Performance and Accountability, and The Honorable Chris W. Altenbernd, Chair of the Committee on District Court of Appeal Workload and Jurisdiction, were designated as non-voting advisors.

circuit judge from within each of the districts and one lawyer from within each of the appellate districts.

### **B. The Charge**

The charge of the Committee was to conduct a review in accordance with the criteria, factors, and certification process outlined in rule 2.241. This rule established uniform criteria for determining the necessity for increasing, decreasing, or redefining appellate districts in accordance with the Florida constitution. See In re: Report of the Committee on District Court of Appeal Workload and Jurisdiction – Rule of Judicial Administration 2.036, 921 So.2d 615 (Fla. 2006).<sup>2</sup> The assessment process is also designed to provide a “good governance” process by which the branch can ensure that the “district courts, as the courts of last resort in the vast majority of appeals, continue to dispense justice in a timely and efficient manner that meets the needs of the people.” In re: Report of the Committee at 616.

The order creating the Committee provides that the initial review should be commenced immediately and be submitted to the chief justice by

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<sup>2</sup> Rule 2.036 was subsequently renumbered to rule 2.241, pursuant to In re: Amendments to the Florida Rules of Judicial Administration–Reorganization of the Rules, --- So.2d ----, (Fla. 2006), 31 FLW S607.

November 15, 2006, a significantly compressed timeframe in relation to the schedule outlined in the rule.

### **C. Meetings**

The Committee held its first meeting in Tampa at the Second District Court of Appeal, Stetson Tampa Law Center, on April 27, 2006. During the first meeting, the Committee directed its attention to the assessment criteria, the scope of review and a process, strategy, work plan and timetable for performing the assessment. Following the first meeting, the Chair designated three work teams (outreach, assessment, and report writing) to facilitate the progress of the work necessary. The Committee also reviewed data and workload statistics, which are included as Appendix A.

The Committee held its second meeting in Boca Raton June 22, 2006. At this meeting the Committee reviewed the survey instruments and discussed outreach efforts.

The third Committee meeting, on September 7, 2006, was noticed and conducted as a public hearing. The Committee heard testimony from four individuals and also began initial discussion of the survey results.

The Committee held its fourth meeting on October 6, 2006, at which time it discussed the performance of the district courts based on the criteria

established by the rule and approved the findings and recommendations to be included in the report to the Court.

The Committee held a final meeting via conference call on October 24, 2006, at which time it finalized the recommendations and provided input to the writing committee regarding the draft report. The final report was approved via e-mail.

The minutes of the committee's meetings are attached as Appendix B.

## **II. Review and Research**

The Committee began its deliberations by reviewing the charge to the Committee, the Court's opinion creating Rule of Judicial Administration 2.241, the report and recommendations of the Committee on District Court of Appeal Workload and Jurisdiction (hereinafter "Rule Committee"), as well as the work of the Commission on District Court of Appeal Performance and Accountability (hereinafter DCAP&A). The Committee also reviewed current statistics and trend analysis relating to district court workload and performance.

### **A. Assessment Survey**

From July 15 to August 15, 2006 the Committee conducted a survey of district court judges, all other judges, attorneys, litigants (including

inmates in the custody of the Florida Department of Corrections), and the general public. The survey instruments were designed to provide individuals an opportunity to address the criteria specified in the rule. The instruments were also tailored for each target audience. (For example, the public survey instrument did not include a question regarding a district's utilization of resources or case management techniques.) Most questions required the respondent to indicate his or her level of agreement with a statement, although judges and attorneys were provided an opportunity to comment on each of the five criteria. All respondents were required to complete a separate survey for each district for which they wanted their responses considered. The survey questions are attached as Appendix C.

Additionally, the Committee prepared a document that provided descriptive information relating to the jurisdiction, governance and management, composition, performance, and operation of the district courts of appeal. This document was available on the website along with the survey link. Within the web-based survey instrument itself, there were links to relevant statistics relating to the question posed. Individuals responding to the survey elected whether or not to review the descriptive information and statistics provided. The descriptive document is attached as Appendix D.

There are multiple limitations to the survey design and implementation. Due to time constraints, the optimum process for capturing valid random samples was not feasible. In fact, with the exception of the first and second district court judges and the inmates, the responses received were not significant enough to constitute a valid sample of the population targeted. A summary of the survey results is attached as Appendix E.

### **B. Public Hearing**

The public hearing was noticed with the surveys at [www.flcourts.org](http://www.flcourts.org) and in The Florida Bar News. Information on the public hearing opportunity was also forwarded to individual legislators, Florida Bar section chairs and other interested persons. At the hearing, the Committee heard from four individuals: Ms Valeria Hendricks of Davis & Harmon; Ms. Susan Fox, President of the Appellate Practice Section of The Florida Bar; Florida Representative Dudley Goodlett of Naples; and former Solicitor General Tom Warner, speaking personally as a former member of the Judicial Management Council and as Chair of the Public Advocacy Committee of the Appellate Practice Section of The Florida Bar. Because there were few requests to address the Committee, the Chair permitted the members to ask questions and engage in discussions with each speaker. The information

provided through the public hearing format was most helpful to the Committee.

The Committee speculated about and discussed the significance of the low response rates to both the survey and public hearing. The lack of response could simply reflect the lack of awareness among the general public as to the existence or jurisdiction of the district courts of appeal; it could suggest a lack of discontent with the present structure among those who use the district courts of appeal; or it might indicate a cynical assumption that the assessment would not be a meaningful exercise. Additionally, the high incidence of “no opinion” responses to the survey questions suggests either a lack of information or a general satisfaction among the respondents with the district courts.

### **III. Evaluation of the District Courts**

Rule 2.241 requires the Committee to evaluate each district court of appeal using the following criteria: *effectiveness, efficiency, accessibility, professionalism, and conduciveness to public trust and confidence*. The criteria and the accompanying factors provided in the rule were designed to be indicia that, viewed in their totality, will allow an objective observer to determine whether the district courts of appeal are fulfilling the mission: independent review of lower court decisions, correction of harmful errors,

and the development of consistency and clarity in the law. See In Re: Report of the Committee at 622.

As noted by the Rule Committee, “[j]ustice is an inherently qualitative concept and these criteria therefore do not lend themselves to easy quantification. Some of the factors can be evaluated by use of statistics and other quantitative methodologies; others will require the application of qualitative research methods designed to elicit the experiences and perspectives of stakeholders in the system” (See Committee on District Court of Appeal Workload and Jurisdiction, *Report and Recommendations* 2-3 (2005) (hereinafter *Workload and Jurisdiction Committee Report*)).

The abbreviated timeframe provided for the Committee to conduct its work necessarily limited the outreach and assessment phases. Although the Committee had the benefit of the data developed by the Rule Committee, the Committee’s assessment process was not as extensive as that of anticipated future reviews. It is important to note that much of the descriptive information generated for this Committee should be viewed only as baselines or guideposts for future assessments as well as the branch’s ongoing quality management and accountability efforts. The Committee emphasizes the ongoing necessity for the district courts to be vigilant in

monitoring emerging concerns and be proactive in developing strategies to ensure that the courts are responsive to the needs of the people.

The Committee made its best effort to outreach this assessment with stakeholders and the public,<sup>3</sup> and it was careful to objectively review and consider all of the data available, including the survey responses. While the information collected is admittedly limited, the members were appointed to the Committee to exercise their collective judgment to make informed decisions on the weight due to any of the data or other inputs. In the end, each member had to determine the weight of the information available and to use his or her judgment in evaluating the districts according to the criteria established by the rule.

#### **A. Effectiveness**

Utilizing the workload and performance data available, the survey results, and their collective judgment, the Committee considered the

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<sup>3</sup> Judge Padovano met with the Appellate Practice Section at a retreat in May 2006; the Committee held a public hearing, conducted a detailed survey of stakeholders, users, and the public, based on the rule criteria; placed several prominent notices in The Florida Bar News; prepared various descriptive documents; prepared informational brochures for circuit judges; posted information on [www.flcourts.org](http://www.flcourts.org), with links from district and circuit courts; sent e-mails to trial judges, Bar section chairs, voluntary Bar organizations, administrative and workers' compensation judges, public defenders, state attorneys, legislators; and drafted letters to the editors for members of The Florida Bar Board of Governors.

effectiveness of each district, including the extent to which: each court expedites appropriate cases; each court's workload permits its judges to prepare written opinions when warranted; each court functions in a collegial manner; each court's workload permits its judges to develop, clarify, and maintain consistency in the law within the district, including consistency between written opinions and per curiam decisions without written opinions; each court's workload permits its judges to harmonize decisions of their court with those of other district courts or to certify conflict when appropriate; each court's workload permits its judges to have adequate time to review all decisions rendered by the court; each court is capable of accommodating changes in statutes or case law impacting workload or court operations; and each court's workload permits its judges to serve on management committees for that court and the judicial system.

The Committee notes the per-judge filing and judicial workload trends in the second and fourth districts, specifically recognizing that the Court has again certified the need for one additional judge in the second district and one additional judge in the fourth district.<sup>4</sup>

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<sup>4</sup> In Re: Certification of Need for Additional Judges, 918 So.2d 283 at 290 (Fla. 2005). These judgeships were not authorized by the 2006 Legislature. These districts have requested that the Court certify the need for them to the 2007 Legislature.

Although both the second and the fourth districts are generally keeping pace with their respective caseloads, as reflected in the clearance rate and timeliness statistics,<sup>5</sup> the impact of the high workload would presumably have some negative impact on their ability to provide the timely and meaningful appellate review that the people of Florida deserve. Committee member Charles Canady acknowledged as much when he reported that, in his opinion, the number of per curiam affirmances is related to the heavy workload in the second district. There are some cases that may merit a written opinion, but an opinion is not written because the panel desires to address other cases in its pending caseload.<sup>6</sup>

### **B. Efficiency**

Utilizing the available workload and performance data, the survey results, and the collective judgment of members, the Committee considered the effectiveness of each district, including the extent to which: each court stays current with its caseload, as indicated by measurements such as the clearance rate; each court adjudicates a high percentage of its cases within

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<sup>5</sup> The clearance rate is a calculation of the number of cases disposed divided by the number of cases filed in the same year. The trends in the second and fourth districts' clearance rates mirror other districts, which were about 98 percent for FY 2005-06. Similarly, the percentage of cases disposed within 180 days of oral argument or conference is 93.8 percent and 96.5 percent, respectively, for FY 2005-06.

<sup>6</sup> The second district has tried to issue more citation opinions and has found that this practice has decreased the number of motions for rehearing.

the time standards set forth in the Rule of Judicial Administration 2.250 and has adequate procedures to assure efficient, timely disposition of its cases; and each court utilizes its resources, case management techniques, and other technologies to improve the efficient adjudication of cases, research of legal issues, and preparation and distribution of decisions.

The Committee spent considerable time discussing the per-judge caseload and relative per-judge weighted caseload<sup>7</sup> disparity among the district courts. The total filings 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, while during that same period, the third district has experienced a decline in the number of case filings. Filings per judge for FY 2006-07 are projected to exceed 400 in all districts except the third district, which is projected at 290 filings per judge.<sup>8</sup> As reflected in the chart below, the filings decline in the third district over the past seven years has resulted

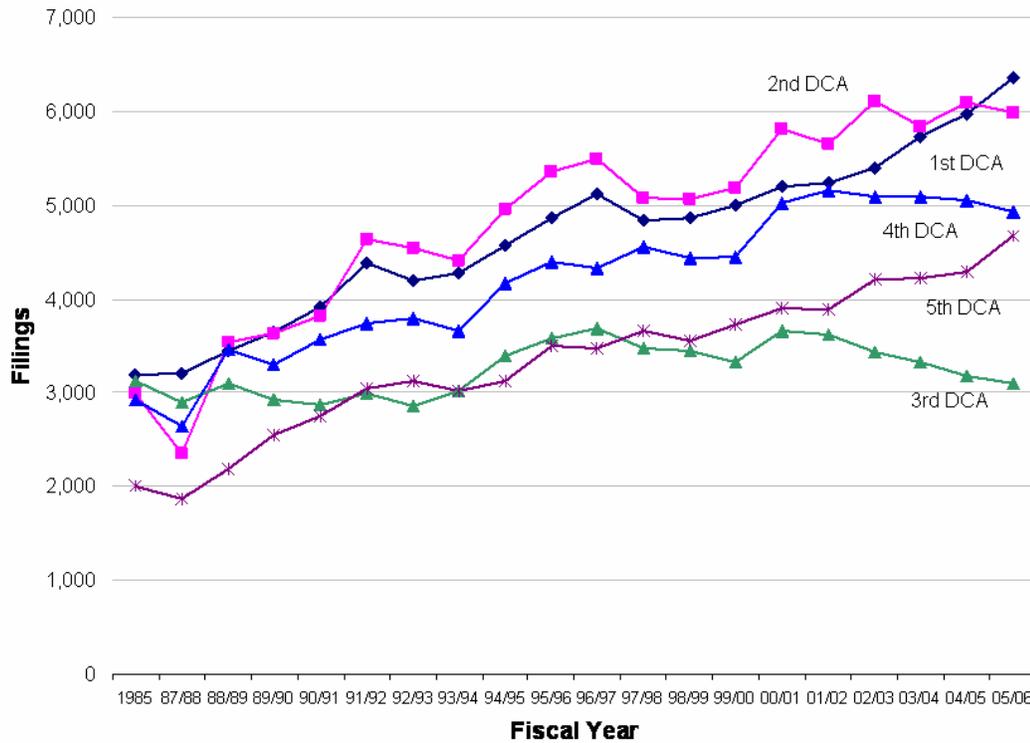
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<sup>7</sup> Weighted caseload provides a measure of the workload per judge in relation to the types of cases disposed. Weighted caseload is based on the state average relative weights of cases disposed on the merits, established in September 2005. Dispositions on the merits for petitions include authored opinions, citation opinions, orders by judge, per curiam denied and per curiam opinions. Dispositions on the merits for notices of appeal include authored opinions, citations, per curiam affirmed and per curiam opinions. See *In re: Report of the Commission on District Court of Appeal Performance and Accountability—Rule of Judicial Administration 2.035*, 933 So.2d 1136, (Fla. 2006).

<sup>8</sup> Projected filings are based on historical data from July 1994 through August 2006.

in the third district having total filings similar to what it had in 1988-89 when the district's tenth and eleventh judges were authorized.<sup>9</sup>

### District Courts of Appeal – Total Filings



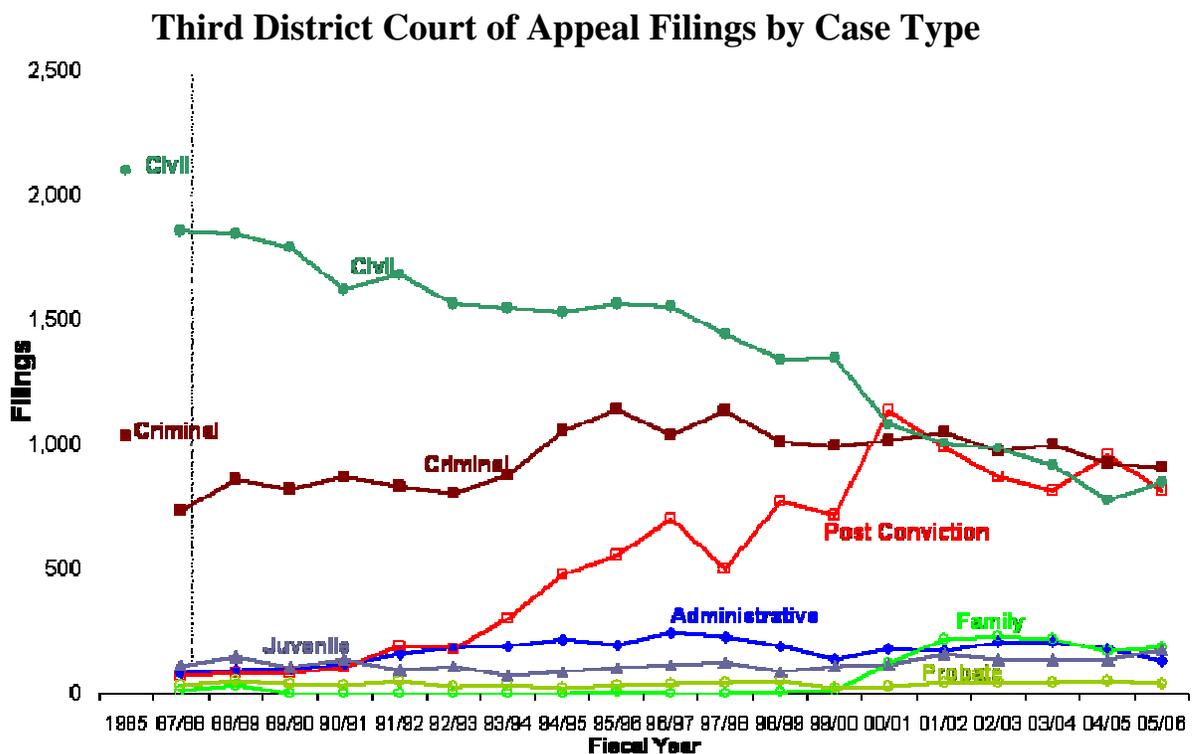
Relative weighted caseload per judge, which is based on the relative weights for cases disposed on the merits, shows a similar picture. The Court has previously determined that weighted caseload is a

more accurate representation of judicial workload in that it addresses differences in the amount of judicial time that must be spent on each type of case. Relative case weights are useful

<sup>9</sup> The 1988 Legislature authorized the third district's tenth judge. (Chapter 88-167, Laws of Florida.) The 1989 Legislature authorized the third district's eleventh judge. (Chapter 89-290, Laws of Florida.)

in many ways. First they demonstrate how a court’s judicial workload has increased or decreased over time. Second, they allow a comparative assessment of the distribution of judicial workload between districts. [emphasis added]

In re: Certification of Need for Additional Judges, 918 So.2d 283 at 288 (Fla. 2005). Though there has been some variance, the weighted caseload per judge data shows an increase in workload for the first, second, fourth and fifth districts and a decrease for the third district. Since the third district’s tenth judge was authorized in 1988, its civil filings have declined and post-conviction filings have increased. While this is consistent with that of other districts’ case mix trends, it is especially meaningful for the third district because total filings have remained fairly constant.



However, had the legislature funded the additional judges certified by the Court, the disparity in per judge workload would still be considerable, as demonstrated by the following table.

1st	283	283	291	291
3rd	226	226	205	205
5th	284	284	294	294

As noted by the Rule Committee, workload continues to be highly influenced by changes in court processes, such as the use of staff attorneys and deployment of information technologies that increase judicial efficiency. Within the limited time available, the Committee was unable to determine whether the disparity in workload among the districts is evidence of system wide inefficiency, in terms of the deployment of resources, or whether the disparity represents an acceptable degree of variation that is appropriate due to the fact that the third district operates without the central staff contingent enjoyed by the other districts.

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<sup>10</sup> Weighted dispositions are calculated per Rule 2.240, Florida Rules of Judicial Administration.

### **C. Access to Appellate Review**

Utilizing the available workload and performance data, the survey results, and the collective judgment of members, the Committee considered the effectiveness of each district, including the extent to which: litigants, including self-represented litigants, have meaningful access to a district court for mandatory and discretionary review of cases, consistent with due process; litigants are afforded efficient access to the court for the filing of pleadings and for oral argument when appropriate; and orders and opinions of a court are available in a timely and efficient manner.

Of the values embraced in the vision statement of the Florida court system, the first listed is access. The right of access is guaranteed not only to those represented by attorneys, but to all within the jurisdiction of the state courts. As the decisions of the district courts of appeal represent the final appellate review for most cases, it is especially critical that access to this process be meaningful. Pro se filings appear in approximately sixty percent of cases; filings by inmates in state custody constitute a majority of these.

In order for self-represented litigants to have meaningful access to the district courts, information on how to file a petition or an appeal must be reasonably available and self-explanatory. The district court clerks provide

this information via the Internet and written and oral communication. The DCAP&A has begun working with the district court chief judges and appellate clerks to ensure that the appropriate procedural information is uniformly provided in a meaningful way to pro se litigants.

Inmates' access to the appellate courts is facilitated by the Department of Corrections' paralegal program. Additionally, the DCAP&A is working with the Department of Corrections on ways to facilitate inmate access to word processors for purposes of preparing typed pleadings. If successful, this program would greatly enhance the district courts' ability to process the pleadings filed by self-represented inmates.

The nature of the appellate court process minimizes the necessity for a physical proximity to population centers. Most litigants rely on mail to effectuate the filing of non-emergency documents, and the expected transition to electronic filing will further mitigate the need to file documents in person.

Each district court has identifiable practices that determine whether to provide an opportunity for oral argument in any given case. The third district's practices are the most liberal; 22 percent of all dispositions in the third district are subsequent to oral argument. The next highest is the second district with oral argument cases representing 7.8 percent of all dispositions.

While oral argument generally requires the parties or their attorneys to physically present with the panel, the location is not necessarily a district court facility. The first, second, third and fifth districts schedule oral argument in all the circuits in the district at least annually, and the use of emerging technologies will further improve litigant and public access to the appellate process, through electronic dockets, video oral argument calendars, live broadcasts of oral argument, and the electronic distribution of opinions.

#### **D. Professionalism**

Utilizing the available workload and performance data, the survey results, and the collective judgment of members, the Committee considered the effectiveness of each district, including the extent to which: each court's workload permits its judges to have adequate time and resources to participate in continuing judicial education opportunities and to stay abreast of the law in order to maintain a qualified judiciary; each court is capable of recruiting and retaining qualified staff attorneys, clerk's office staff, and other support staff; and each court's staff has adequate time to participate in continuing education and specialized training opportunities.

There were no notable indications that any of the district courts are suffering from a lack of professionalism. Issues relating to district court workload are addressed under the effectiveness criteria section of this report.

The limited assessment time frame and limitations on the survey responses prevented the Committee from fully investigating issues relating to recruitment and retention of staff and whether judges and staff have adequate time to participate in education and training opportunities.

### **E. Public Trust and Confidence**

Utilizing the available workload and performance data, the survey results, and the collective judgment of members, the Committee considered the effectiveness of each district, including the extent to which: each court's workload permits its judges to have adequate time to conduct outreach to attorneys and the general public within the district; each court provides adequate access to oral arguments and other public proceedings for the general public within its district; each court's geographic territory fosters public trust and confidence; each court's demographic composition fosters public trust and confidence; and each court attracts an adequate, diverse group of well-qualified applicants for judicial vacancies within its district, including applicants from all circuits within the district.

The most noteworthy challenge to the public's trust and confidence in Florida's district courts of appeal stems from the practice of issuing per curiam affirmed (PCA) opinions. While there are longstanding reasons for this practice, including the fact that it supports the district courts'

effectiveness in clarifying the law and efficiency in disposing of cases, it is clear that the use of PCAs remains of great concern to attorneys, litigants, and the public.<sup>11</sup> The Committee discussed the likelihood that an experienced appellate attorney would have a basis to know why the panel disposed of a case without issuance of an opinion, and that the attorney would convey this understanding to the client so that the client does not have the mistaken impression that the panel chose to ignore a valid argument. The Committee recognizes that self-represented individuals are probably less likely to appreciate the reasons for a PCA decision, as demonstrated in the inmate survey responses.<sup>12</sup> Without some explanation, self-represented litigants may be more likely to lack confidence in the court and in the appellate system. Further, without an explanation as to why an appeal was lost, a self-represented litigant may be more likely to continue to file non-meritorious or legally insufficient arguments.

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<sup>11</sup> See Final Report and Recommendations, Committee on Per Curiam Affirmed Decisions, Judicial Management Council (May 2000), at [http://www.flcourts.org/gen\\_public/pubs/bin/pca-report.pdf](http://www.flcourts.org/gen_public/pubs/bin/pca-report.pdf).

<sup>12</sup> Sixty-six percent of inmates believe that judges and staff are highly skilled and able to perform their duties well, 52 percent reported that they understood the decision; yet only 39 percent believe that their decision was fair and based on the law. The consistency of inmate comments relating to PCA practices was most notable. It is clear that the PCA practice, which inmates attributed to a range of causes (including hubris, rubber-stamping, and excessive workload) is hugely unpopular with incarcerated litigants.

The Committee also notes that the survey responses and comments indicated some limited concern about the lack of a physical district court presence in proximity to the circuit venue, most notably in southwest Florida. It would appear that there are three justifications for these concerns: 1) the inconvenience for appellate attorneys in terms of filing and oral argument; 2) the travel costs billed to the attorney's client; and 3) the relatively limited number of applicants for judicial vacancies from the geographically remote areas of the larger districts.

As to the first two, the Committee notes the limited number of cases that actually have oral argument and suggests that the jurisdiction of the district courts should not be changed based on the convenience of a few attorneys or litigants. Additionally, a majority of district court cases are criminal appeals, for which the attorney general and the public appellate defenders already have offices located in close proximity to the respective district courts.

The Committee found the argument for increased applicant participation from the full geographic venue of the district to be the best of the three and observes that the geographic/demographic issues, expressed mostly in terms of Florida's southwest coast, also apply to Jacksonville, Pensacola, and Orlando. While there is no constitutional or even traditional

requirement of geographic representation on the district courts of appeal, and no expectation that a governor would make geography a determinative factor in the appointment of appellate judgeships, the Committee believes that public trust and confidence could be enhanced by a more geographically distributed applicant pool.

#### **IV. Findings and Recommendations**

The Committee considered a number of proposals and suggestions, some relating to the structure and jurisdiction of the appellate court system and others pertaining to methods of handling cases. Some of the recommendations that follow are phrased in the negative, but that is consistent with the charge and the general provisions of rule 2.241. The Committee was to recommend an increase, decrease, or realignment of the appellate districts only if that course of action proved to be necessary and then only if the benefits of taking the action would outweigh the potential disruption. Every proposal or suggestion that was considered by the committee was measured against this standard.

### **A. Number of Appellate Districts**

The Committee concludes that there is no compelling need to create another appellate district. Accordingly, the Committee recommends that the Court should not certify the need for an additional district court of appeal.

The Court is obligated to certify a need to make a change to the structure of the district courts when circumstances reach the level of necessity that compels a change. As noted in the Rule Committee's report, "[i]n making a determination whether there is a necessity to redefine the appellate districts, the review committee should address two questions. First, do any adverse conditions exist that prevent the district courts from fulfilling their constitutional mission in some degree? And second, if such adverse conditions are present, can they be addressed or mitigated by less disruptive means or can they be addressed only by an increase, decrease or redefinition of the appellate districts?" See *Workload and Jurisdiction Committee Report* at 11.

The population of Florida has grown faster in some areas than others, but these changes are not directly related to increases in caseloads. All of the district courts of appeal are disposing of cases in a timely manner. Although the caseload of each district court of appeal in Florida is above the national average, the judges in all of the courts appear to have adequate time to

review the records and briefs, to hear oral argument, and to prepare written opinions when appropriate.

Rule 2.241 also recognizes the Court's discretion to recommend a change to the structure of the district courts when improvements are needed. Based on its review of the criteria and related factors, the Committee has determined that it would not be advisable to change the structure of the district courts.

The Committee's reasoning is that there is simply no evidence of adverse conditions that would warrant such a disruption to the appellate system and there is no indication of a larger public or user demand for such a change.

### **B. Alignment of Appellate Districts**

Considering the evidence in light of the criteria established by the rule, the Committee concludes that there is no compelling need to reorganize the territorial jurisdiction of the existing appellate districts. Therefore, the Committee recommends that the Court should not certify the need to realign any judicial circuit to a different appellate district.

The Committee spent a significant amount of time addressing the judicial workload disparity among the districts, focusing specifically on the fact that the third district's per-judge disposition weights are well below the

presumptive workload established by the Court in rule 2.240. Two proposals were made to balance the workload of the third district with those of the other district courts: (1) to shift one of the judicial positions, and associated resources, on the third district to the second district, and (2) to realign the twentieth circuit from the second district to the third district. Both of these proposals were ultimately rejected.

The Committee acknowledges that a disparity in judicial workload may reflect negatively on Florida's intermediate appellate system. As noted in the efficiency criteria review above, the Committee did not have sufficient time to examine the operations of the third district or otherwise determine if this disparity actually constitutes a barrier to operational inefficiencies. In the absence of any evidence that the third district's operations are inefficient, the Committee finds no basis for "correcting" the per-judge workload disparity. The Committee, considering the lack of evidence that this workload disparity is causing ineffectiveness or inefficiency, finds that any recommendation designed to "correct" this judicial workload disparity would be presumptuous.

Although the per-judge workload calculations pursuant to rule 2.240 can be used as a tool for comparing workload among the districts, the rule does not contemplate any response other than a certification of need to the

Legislature. Therefore, the Committee finds that the need for additional judges in the Second and Fourth districts is properly addressed through the certification process established in rule 2.240, as adopted by the Court, and that the relative judicial workload analysis was not designed as a mechanism for shifting judicial positions from one district to another.

For the reasons outlined above, the Committee determined that realignment the twentieth circuit with the third district court of appeal or the shifting of an appellate judge from the third district to one of the other districts, while possibly mitigating the per-judge workload disparity, would be an overly disruptive solution to a problem not proven to exist.

### **C. Branch Courthouses**

The Committee concludes that there is no compelling need to add new branch courthouses within any of the appellate districts. Whether it would be advisable to construct a new branch courthouse is a matter that should be considered in a particular case within the appellate district at issue and with full regard for the opinions of the district's judges and the associated fiscal costs. At this time, however, the Committee has no basis to recommend the use of any additional branch courthouses.

The prospect of adding new branch courthouses arose in a discussion about the second district, which spans a large geographic area. On the

surface, it may appear to be feasible to open a branch of the second district in the southwest part of the state, where population growth has expanded. However, the Committee notes that growth in population in that area of the state has not resulted in a proportionate increase in the second district's caseload.

Adding a new branch courthouse in southwest Florida may make the practice of law more convenient for local lawyers and it might attract a more geographically diverse pool of applicants for judicial vacancies in the second district, but these factors do not justify the need for a new branch courthouse. Appellate lawyers are not required to appear in court frequently, as are their colleagues in the trial bar. Much of the work that is done by an appellate lawyer is submitted to the court in writing and it need not be done in the city where the court maintains its headquarters. There would be a benefit in attracting candidates from distant parts of the second district but it would not, in the view of the Committee, outweigh the additional costs and management burdens of maintaining court facilities in multiple locations within the district.

Additionally, the Committee is concerned that a decision to add a new branch court in the second district might not be a wise precedent. The same arguments could be made in any appellate district that serves more than one

population center. If a branch of the second district is added in southwest Florida to accommodate the needs of lawyers and litigants in that area of the state, then it could also be justifiable to add a new branch of the first district in Jacksonville, Pensacola, or Gainesville. The closest of any of these cities is at least a two-hour drive from the headquarters in Tallahassee. The concern of the committee is that a recommendation of a new branch court in any district might cause a chain reaction that would result in numerous other branches in other districts, leading to decentralizing the appellate court system.

#### **D. Number of Appellate Judges**

The Committee supports the addition of one new appellate judge on the second district and one new appellate judge on the fourth district, as certified by the Court in 2005. The addition of these new judges will not equalize the per judge workload among the district courts, but, in the view of the Committee, it is the least that must be done. All of the appellate judges in Florida are working with caseloads above the national averages and that would not change even if the additional judgeships were certified by the Court and authorized by the Legislature.

### **E. Chambers Dispersion.**

The Committee spent a considerable amount of time discussing the prospect of allowing appellate judges to work primarily where they live and to travel to the court for oral argument and other events requiring their presence. While this concept, referred to as “chambers dispersion,” may hold some promise, particularly in the age of technology, it may also present problems that are not yet fully understood. These include logistical challenges for the clerks’ offices in transporting files, and disruption to the court’s rotation and panel assignment practices. For these reasons, the Committee recommends further study of the advisability and feasibility of chambers dispersion.

New federal appellate judges are generally allowed to work in district courthouses or in federal buildings located in or near their hometowns. While this model could be replicated on the state level it is not yet clear whether the benefits would outweigh the costs.

Allowing appellate judges to work primarily where they live might improve the geographic diversity of the applicant pool for judicial positions, particularly in those districts that serve large geographic areas. For example, the first district does not attract a proportionate number of applicants from the Jacksonville or Pensacola areas compared to Tallahassee because many

of the lawyers and judges in those areas may find it undesirable to relocate. It is likely that a greater number of attorneys and judges from areas such as Jacksonville, Pensacola, Gainesville and Panama City would apply for positions on the first district if they had the opportunity to primarily work from offices located closer to their homes.

However, the state system is unlike the federal system in that it operates with multiple funding sources. It is a comparatively simple matter to house a new federal judge and his or her entire staff in a local federal courthouse or in a local federal building. The funding source for the office space and the necessary security is the same. In contrast, a state appellate judge could not be housed in a county courthouse or judicial center without the permission of the county commission. If space were not available or if the county were unwilling to make such an arrangement, the state would have to rent office space in some other location and provide security specifically for that location.

The Committee is also concerned that allowing appellate judges to work where they live might cause some problems in state budgeting. For example, when it becomes necessary to expand an existing district court building or to build a new courthouse in an appellate district, the Legislature can estimate the per judge cost of providing the needed office space. But, it

would be more difficult to forecast the needs of the judiciary under a scenario where the legislature is obligated to pay for office space for judges to work in other cities. When an opening arises on an appellate court it may or may not be filled by a judge who will work at the headquarters of the court and, as a consequence, it might be difficult to predict how many offices the state is required to maintain in the headquarters of the court.

The concept of chambers dispersion deserves serious consideration and it may become more feasible as technology advances. However, the court system should not commit itself to such a course until the potential problems have been fully identified and considered and it is certain that the advantages outweigh the disadvantages. For that reason, the Committee recommends that the idea of allowing judges to maintain chambers in the cities where they reside receive further study.

#### **F. Court Technology**

The district courts of appeal should continue to make the best possible use of available technologies. Video oral arguments make the appellate process less expensive and might thereby improve access to the courts in some cases. Electronic filing of pleadings and deployment of case and document management systems can be expected to contribute to the efficiency and effectiveness of all of the district courts.

### **G. Associate Judges and Senior Judges**

The district courts of appeal should continue to make use of associate judges and senior appellate judges when appropriate. The committee recognizes that the practice of inviting circuit judges to serve as associate judges on the appellate court is one that varies, in both practice and success, from one district to another. However, this option is one that is available and it should be at least considered in each of the district courts.

### **H. Other Recommendations**

The surveys revealed that public trust and confidence in the appellate court system is negatively affected to some degree by the use of per curiam affirmances. Some litigants and lawyers believe that per curiam affirmances are sometimes issued because the courts are too busy, because the courts do not wish to explain their decisions, or because the courts wish to foreclose discretionary review in the Supreme Court. While no evidence was found by the Committee to support any of these possibilities, the very fact that these perceptions are held should be a matter of concern to the courts. The Committee takes no position on the use of per curiam affirmances, but does not overlook the many comments that were made about the issue in the surveys.

S u p r e m e C o u r t o f F l o r i d a

## District Court of Appeal Workload and Jurisdiction Assessment Committee

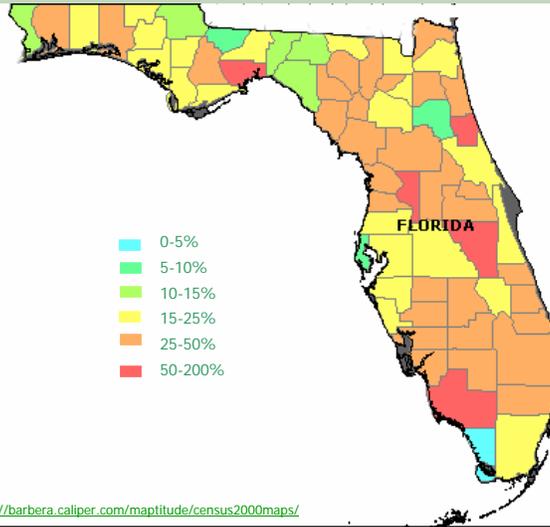
Stetson Law School

April 27, 2006

## Common Key Indicators

- ∞ Population
- ∞ Number of Attorneys
- ∞ Non weighted filings
- ∞ Number of trial judges
- ∞ Trial court filing rates

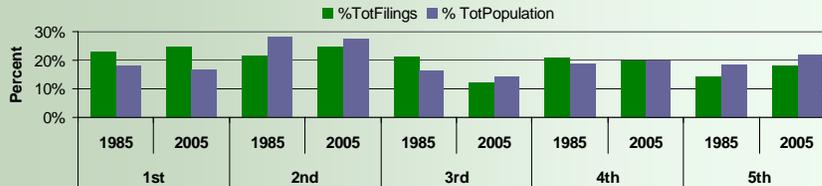
# % Change in Population 1990-2000



# Filings to Population

Population increases do not directly correlate to increased filings.

DCA Filing & Population Data as a Percent of Total



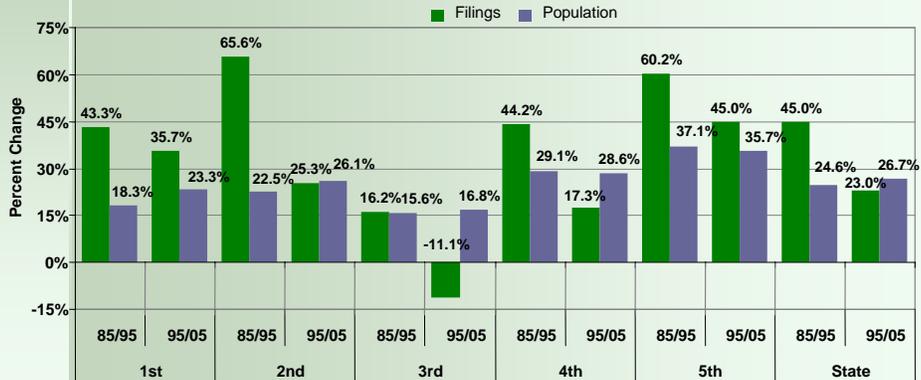
Filings per 100,000 population

	1st	2nd	3rd	4th	5th	State
1985	157	95	159	135	93	124
1995	190 (+33)	128 (+33)	159 (0)	151 (+16)	108 (+15)	144 (+20)
2005	209 (+19)	127 (-1)	121 (-38)	138 (-13)	116 (+8)	140 (-4)

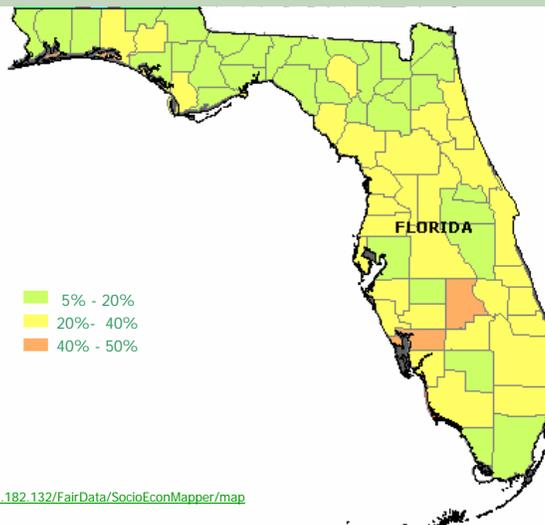
# Population, continued

Over time, we can see that increases in the filing rates are slowing in relationship to the corresponding population rates.

**Growth Rates: Slowing DCA Filings vs. Steady FL Population**



# 65+ Population (as a percent of 18+) - 1999



<http://216.55.182.132/FairData/SocioEconMapper/map>

## Number of Attorneys and DCA Filings

∞ 1985 - % of attorneys and district filings demonstrated inconsistencies.

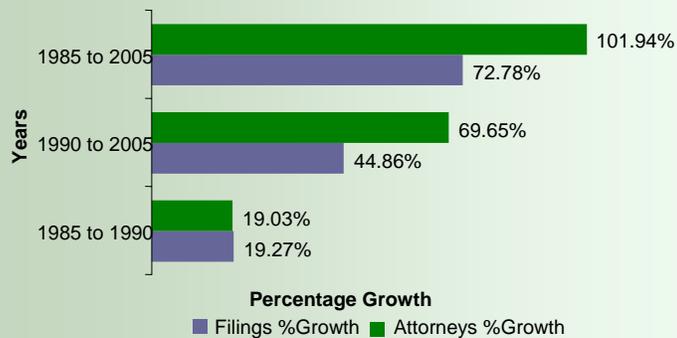
Source: Commission to Study the Need for Increased Appellate Districts and for Redefining Judicial Circuits

∞ Florida Bar Board Certification

- Criminal Appellate
  - 6 prior to 1991; 59 in 2004
- Appellate Practice
  - 53 in 1994; 153 in 2004

## Number of Attorneys and DCA Filings

∞ Attorneys admitted to practice in Florida growing at a higher rate than district filings.



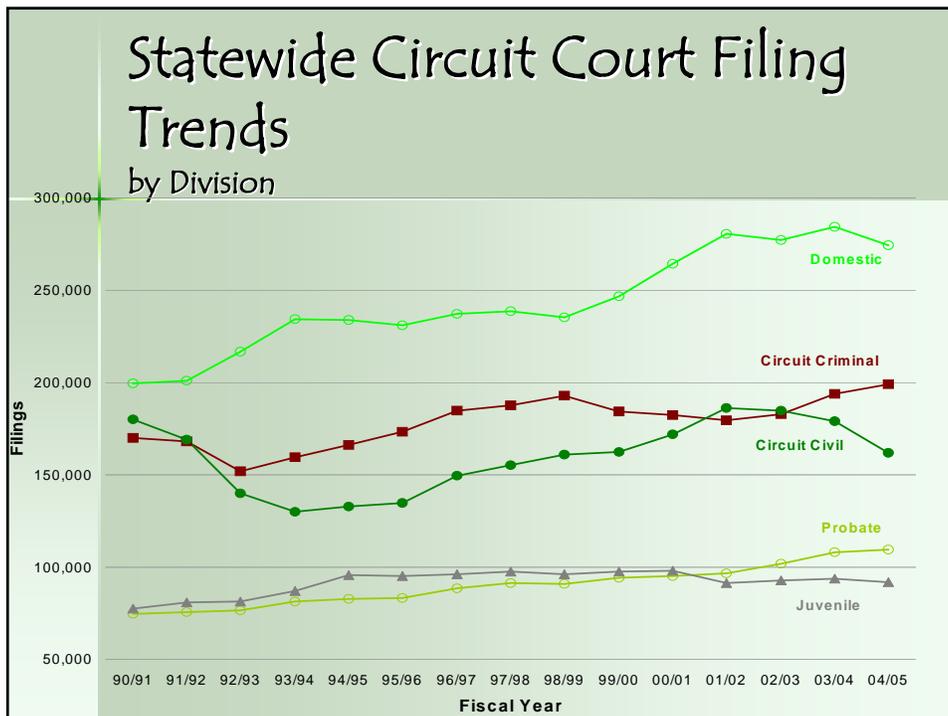
## Court Size -- The Next Myth

- ⌘ Everyone thought that there was a size
- ⌘ Where an increase in judges resulted in reduced performance
- ⌘ Requiring a new court

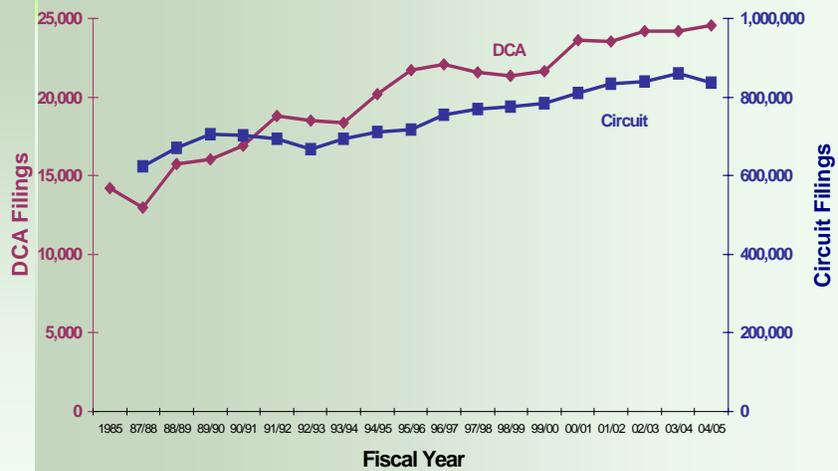
## Court Size -- The Next Myth

- ⌘ But—
- ⌘ It is mostly fear of change
- ⌘ 2 or 3 more judges more than we have now is the common answer
- ⌘ Judges seem most comfortable with a court the size of the one they joined

## Events and Trends Influencing DCA Filing Workload

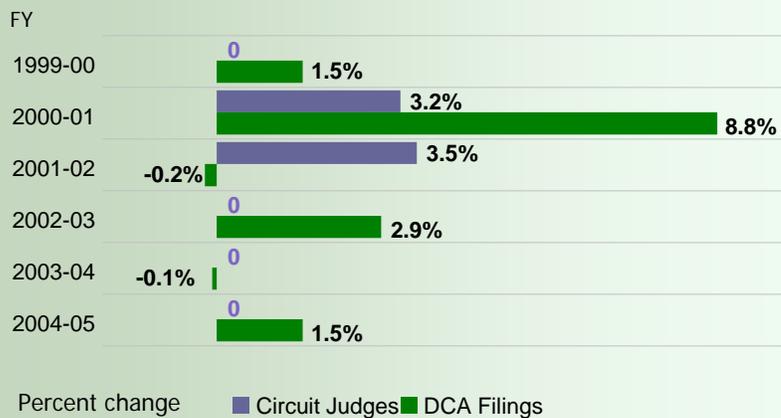


## Comparing DCA and Circuit Filing Trends



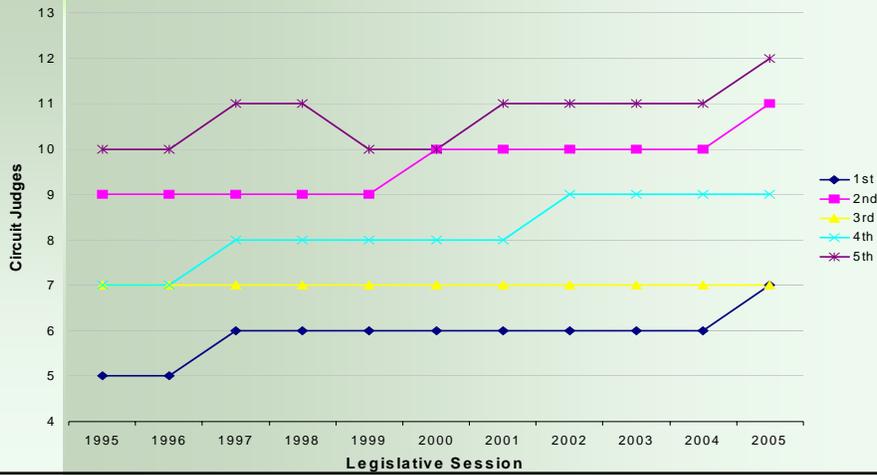
## Circuit Judges to DCA Filings

What happens to DCA filings when the number of circuit judges increases? A: No direct relationship

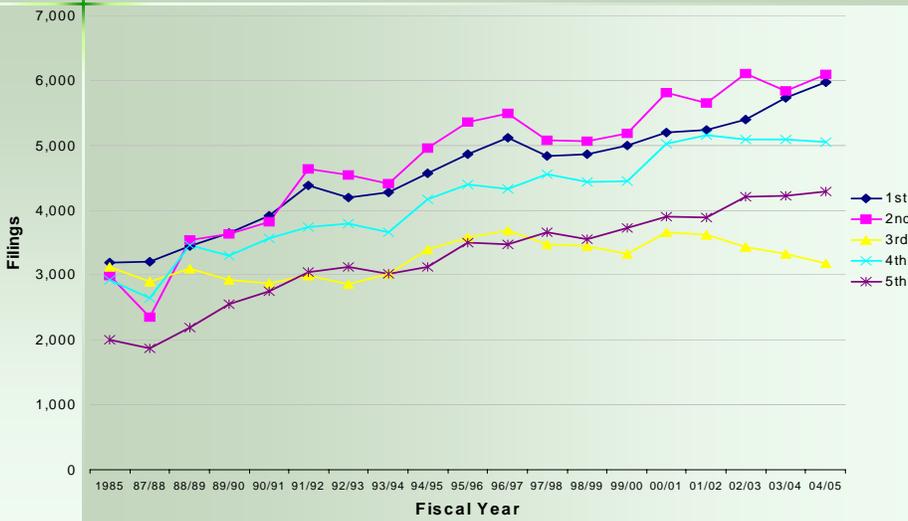


# Circuit Judges to DCA Judges

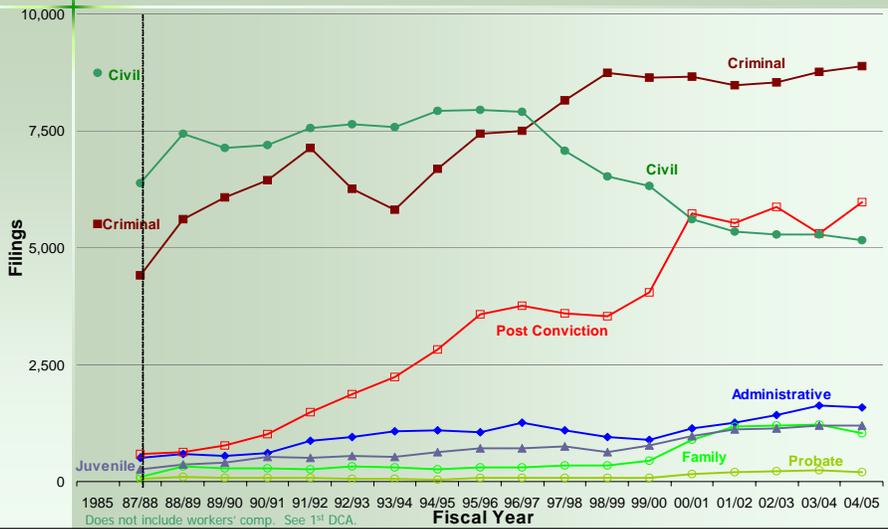
Trends in number of circuit judges per DCA judge



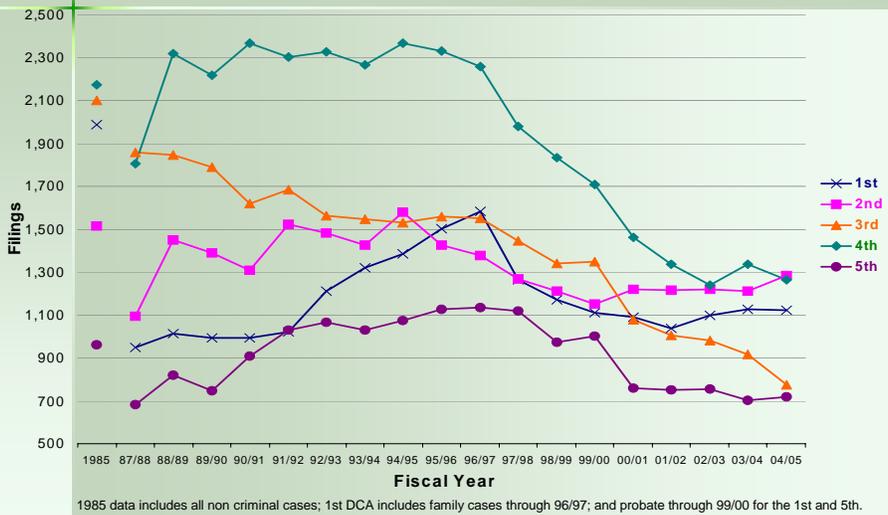
# Statewide DCA Filing Trends



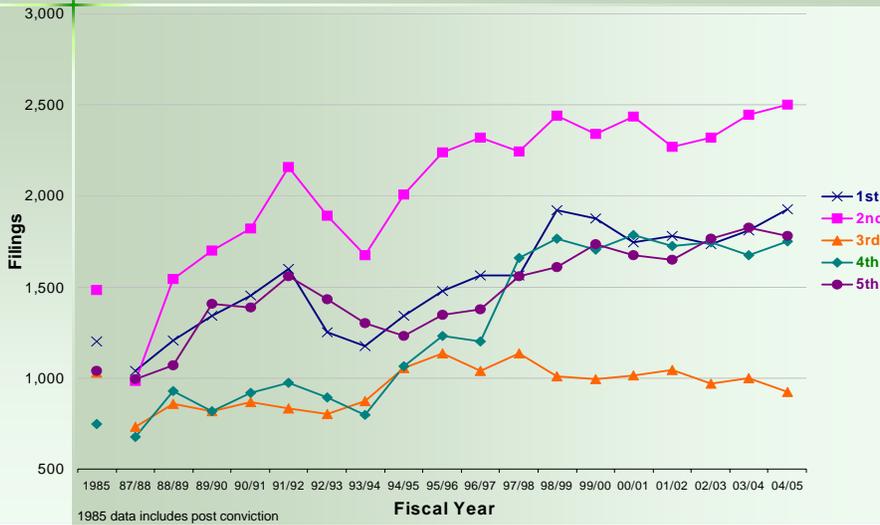
# Statewide DCA Filing Trends by Case Type



# Civil Filing Trends - DCA

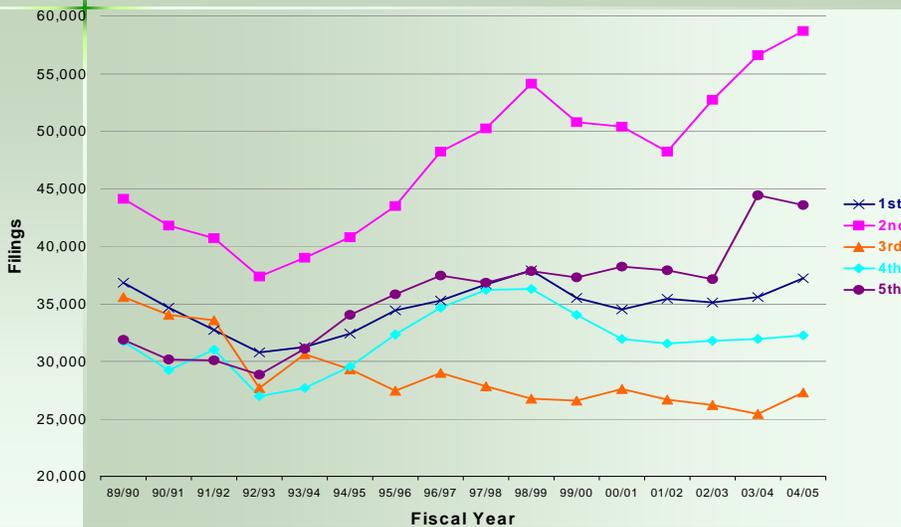


# Criminal Filing Trends - DCA

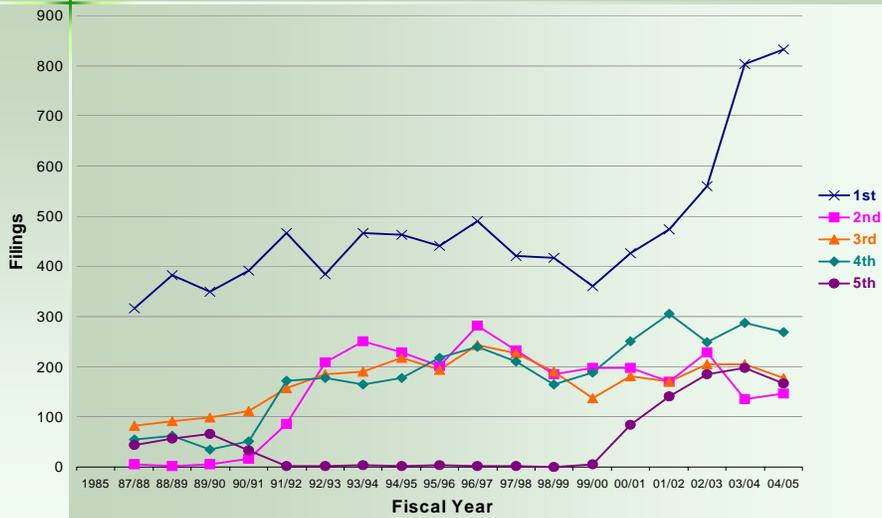


# Criminal Filing Trends

## Circuit Criminal Filings

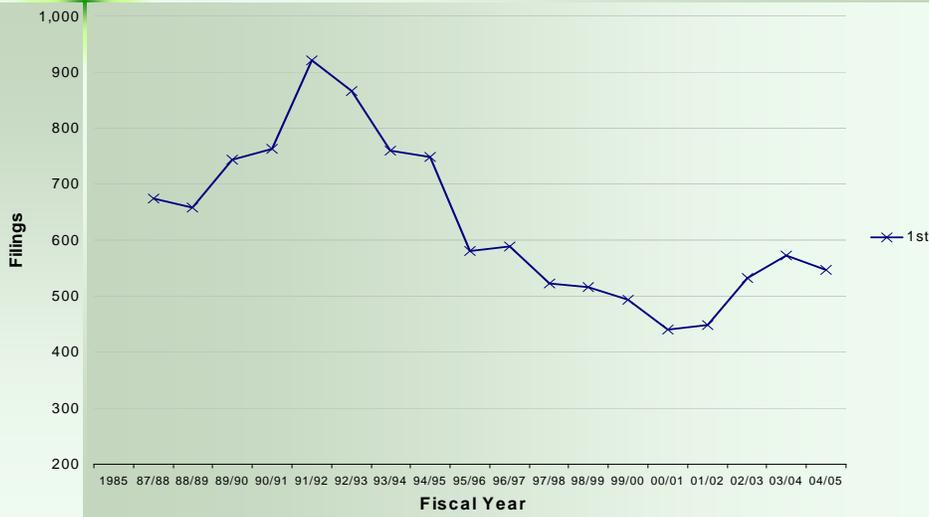


## Administrative Filing Trends - DCA



## Workers' Comp Filing Trends - DCA

Chapter 440, F.S.



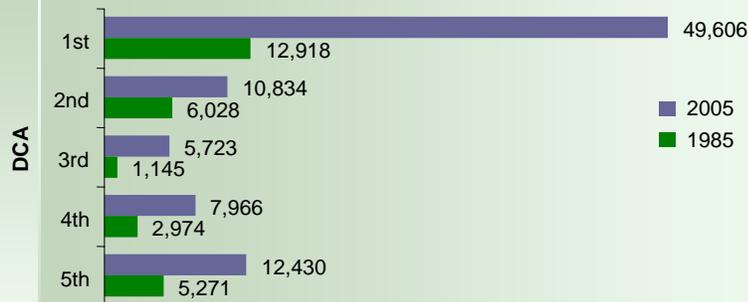
# Average Percent of Sentence Served

February 1996 – February 2006

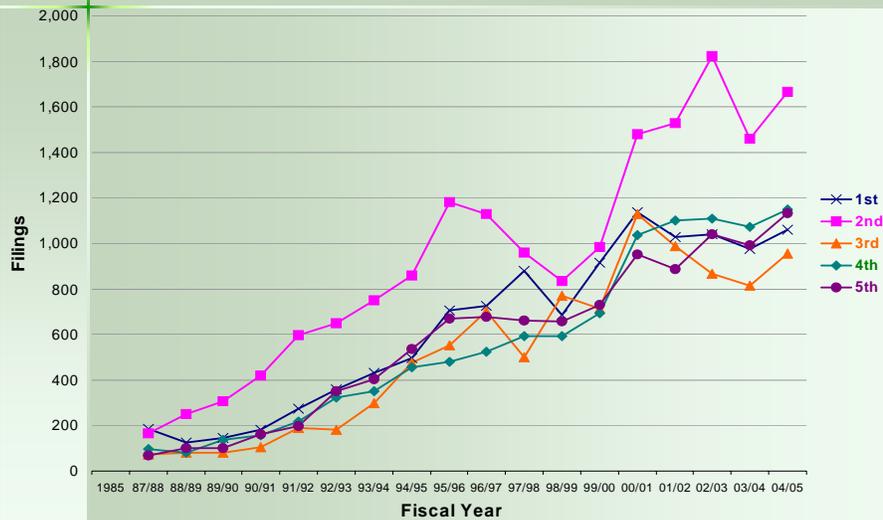


# Criminal Filing Trends, continued

Department of Corrections Population by DCA



## Post Conviction Filing Trends - DCA

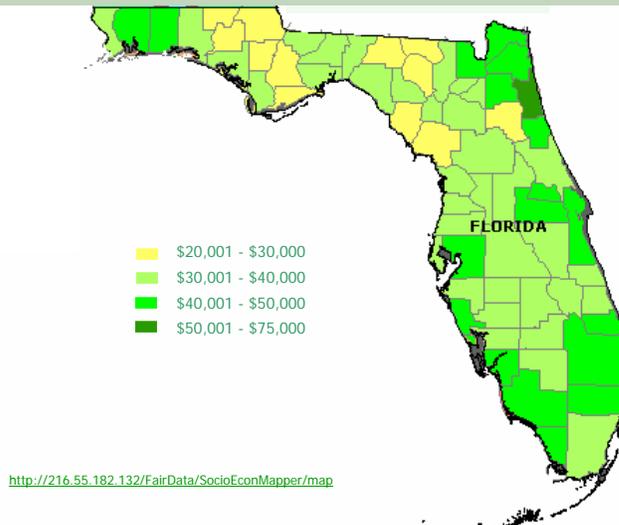


## Criminal Filing Trends, continued

### ∞ Legislative Initiatives

- **1983** Sentencing Guidelines
- **1988** Felony Habitual Offender & Violent Offender
- **1994** Safe Streets (Truth in Sentencing)
- **1995** Crime Control Act/Violent Career Criminal Act
- **1997** Prisoner Litigation Reform
- **1998** Criminal Punishment Code
- **1999** 10-20-Life and 3 Strikes Felony Offender

## Median Household Income - 1999



## A New Mission Oriented Approach

- Previous studies looked to measure or project a court's caseload by key indicators
  - Tendency to over generalize
  - Is the factor really an indicator of a court's caseload? If yes,
    - To what extent?
    - And under what circumstances?

## The Weighted Average

- ⌘ If a typical criminal appeal is 100,
- ⌘ What is a probate appeal??
- ⌘ This is a rough method,
- ⌘ But it feels reasonably accurate

## A New Approach to the Rule

- ⌘ A General Physical every 8 years
- ⌘ No smoking gun

## The Supreme Court opts to the Least Restrictive Means

- ⌘ Committee comment becomes mandate within rule
- ⌘ The “Necessary” v. “Need” debate

## Subfactor Development

- ⌘ Committee intentionally left room for flexibility
- ⌘ This committee’s job to try to find best ways to measure the subfactors
- ⌘ We thought you would have more time.

# Measuring DCA Performance

Current Statistics and Trend  
Analysis

## Mission

of the

## Florida Judicial Branch

The mission of the judicial branch is to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

## Mission of the District Courts of Appeal

The purpose of Florida's District Courts of Appeal is to provide the opportunity for thoughtful review of decisions of lower tribunals by multi-judge panels. District Courts of Appeal correct harmful errors and ensure that decisions are consistent with our rights and liberties. This process contributes to the development, clarity and consistency of the law.

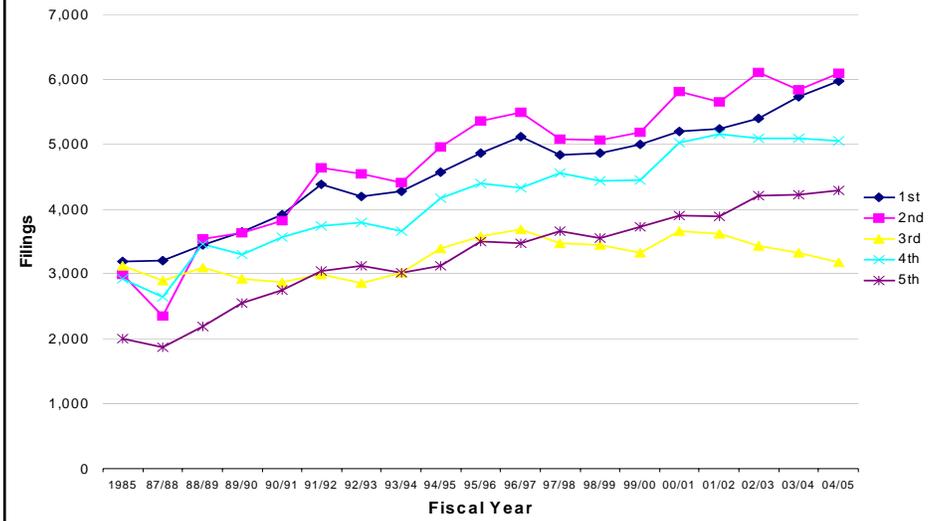
### Mission of the District Courts of Appeal, continued

#### Commentary

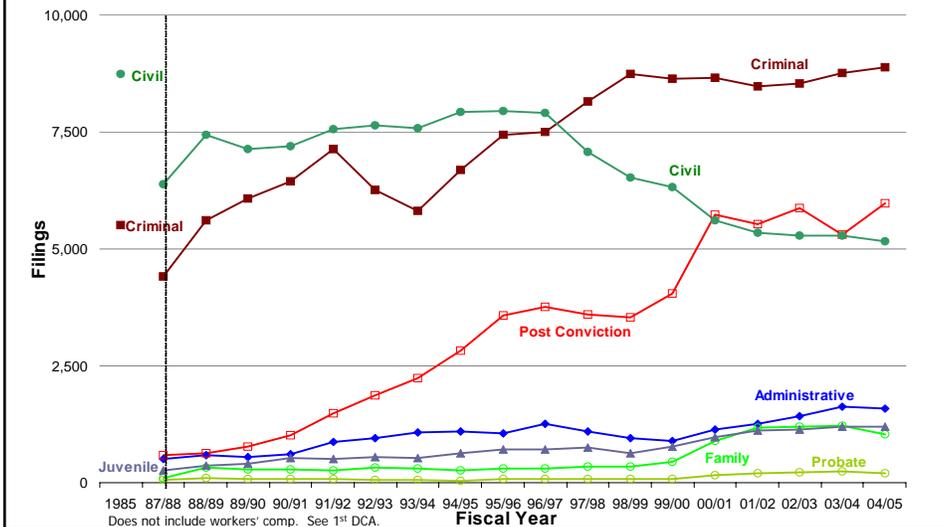
Under the Florida Constitution, citizens whose rights and liberties have been determined by trial courts and state agencies have a guaranteed right of appellate review. The District Courts of Appeal were created to conduct this appellate review, by a panel of at least three judges, which in most cases is final.

Following review of a case, the court's decision may be accompanied by an opinion that discusses the legal issues and the court's analysis of the case. The courts' opinions provide the public, other courts and the legal community with a body of law, thereby enhancing understanding of the courts' work and providing a level of stability and predictability that allows Florida's citizens to conduct their business and personal affairs in accordance with the law of our state.

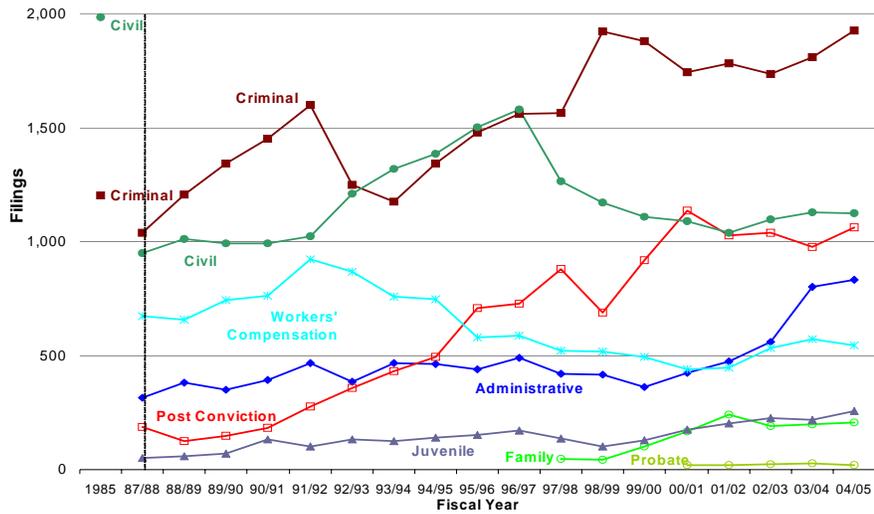
# Statewide DCA Filing Trends



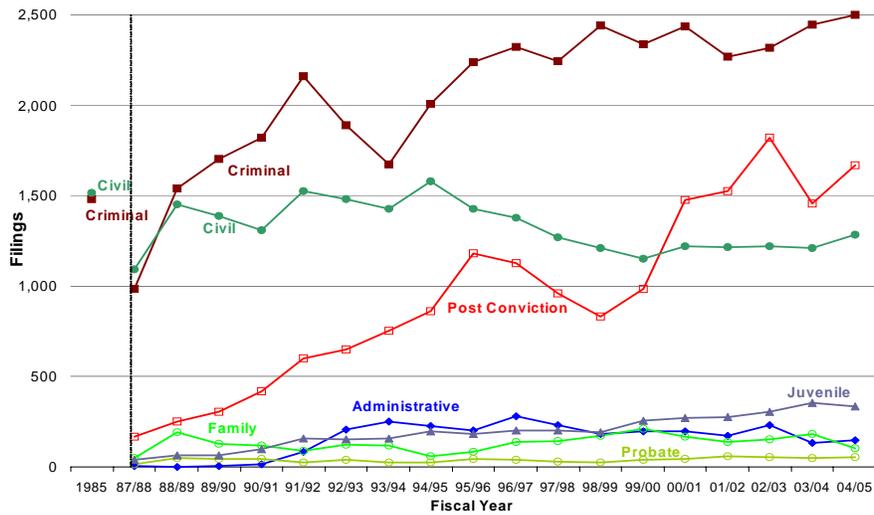
# Statewide DCA Filing Trends by Case Type



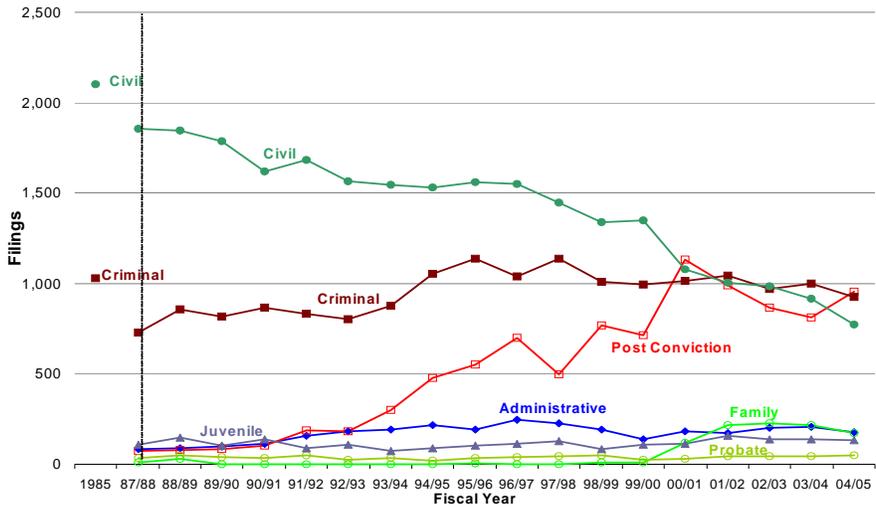
# 1st DCA Filing Trends



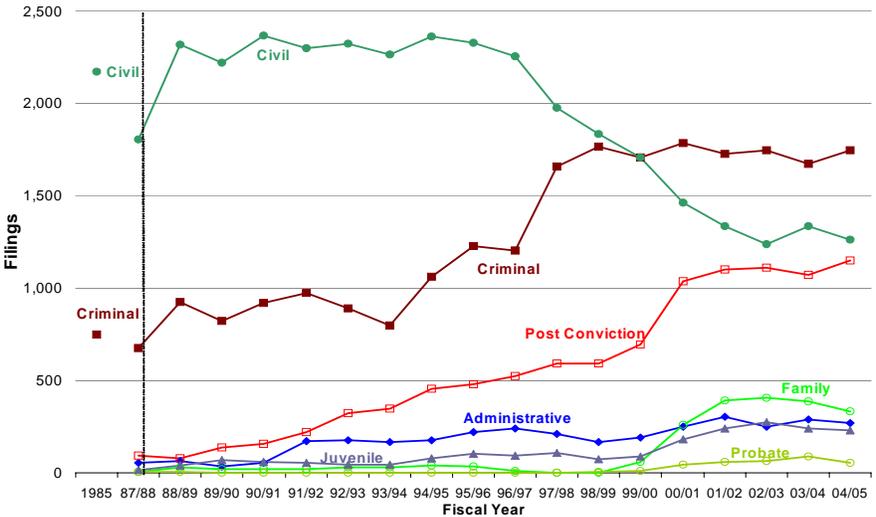
# 2nd DCA Filing Trends



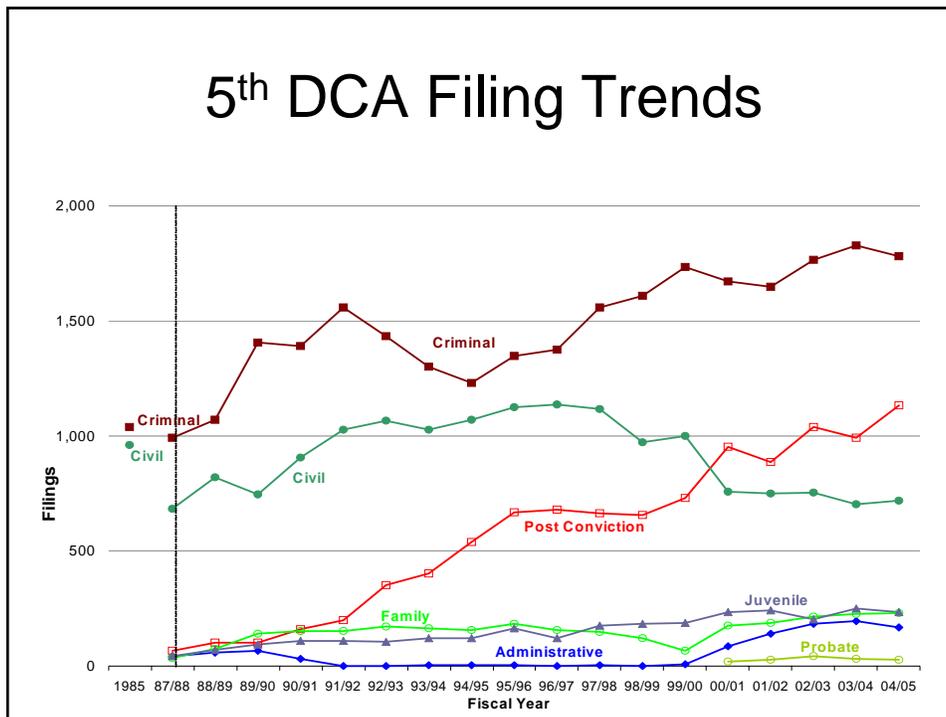
## 3<sup>rd</sup> DCA Filing Trends



## 4<sup>th</sup> DCA Filing Trends



## 5<sup>th</sup> DCA Filing Trends

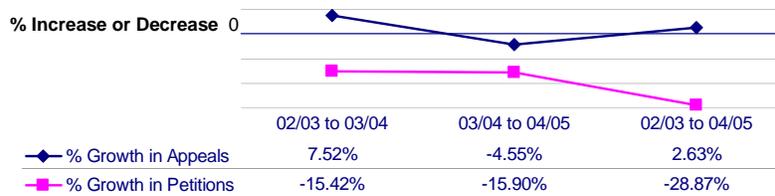


## Administrative Filing Trends

- Appeals of Agency Action, Ch. 120 creates a de facto preference for the 1<sup>st</sup> DCA but not exclusive jurisdiction.
  - Appeal to agency headquarters or where party resides
- Chapter 440, Workers' Compensation, exclusive to 1<sup>st</sup> DCA
- Sections 440.271 and 350.128 (appeals of PSC orders)
- Unemployment Comp cases moved from 2<sup>nd</sup> DCA to 1<sup>st</sup> DCA in 2003
- Legislation regarding attorneys' fees in agency actions, 2001
- Other statutes that create jurisdiction in the 1<sup>st</sup> DCA or in the 2<sup>nd</sup> Circuit
- Appeals of Child Support Enforcement through Dept. of Revenue

# Workers' Comp Filings

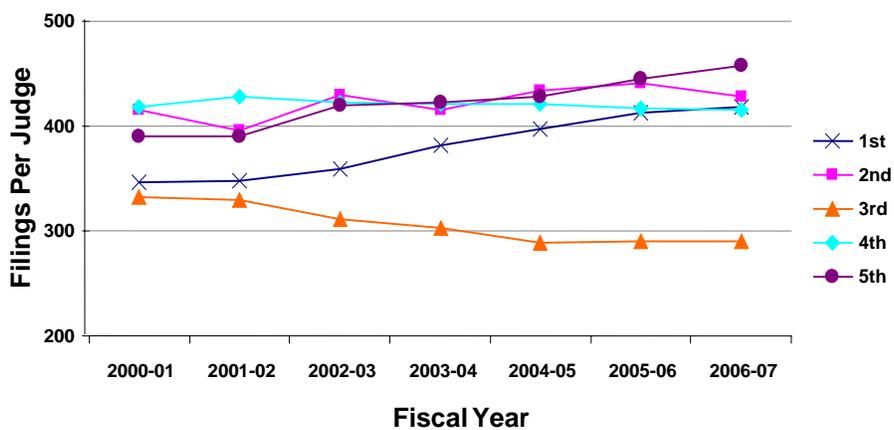
	Fiscal Year		
	02/03	03/04	04/05
Workers' Comp Petitions (OJCC)*	150,801	127,548	107,268
State Mediations Held (as a % of petitions)	29,253 (19%)	34,613 (27%)	26,410 (24%)
1 <sup>st</sup> DCA Workers' Comp. Appeals	532	572	546
% Appeals to Workers' Comp Petitions	0.35%	0.45%	0.51%



## Conclusions as to Filings

- Filings up slightly in 1<sup>st</sup>, 2<sup>d</sup>
- Filings flat in 4<sup>th</sup>, 5<sup>th</sup>
- Filings down in 3<sup>d</sup>
- Case Composition has changed
  - Postconviction
  - Criminal
  - Administrative

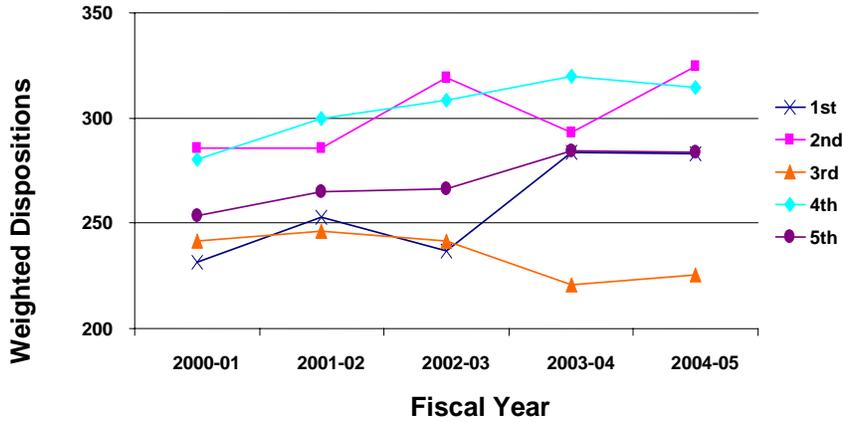
## Case Filings per Judge



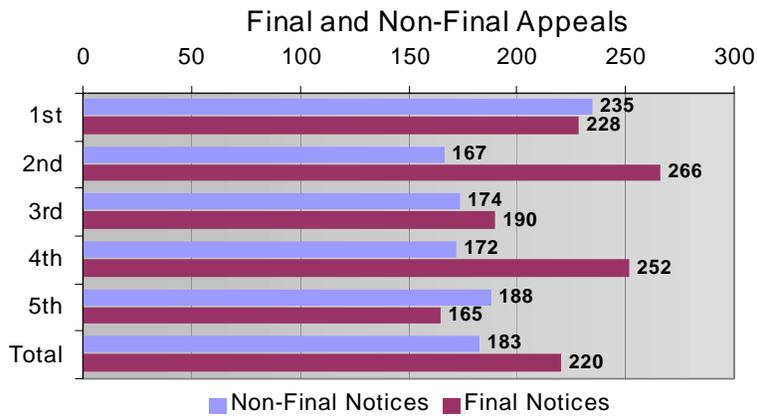
## Weighted Caseload per Judge

FY	1st	2nd	3rd	4th	5th
2000-01	231	286	242	280	253
2001-02	253	286	246	300	265
2002-03	237	319	241	308	267
2003-04	284	293	221	320	284
2004-05	283	325	226	314	284

## Weighted Caseload per Judge

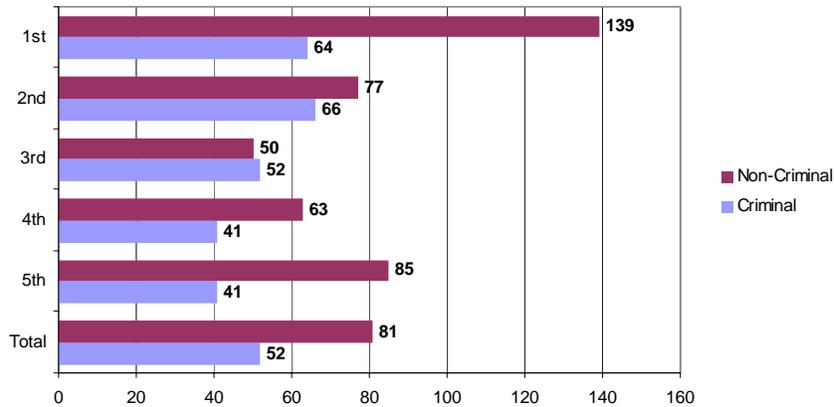


## Case Processing: Appeals Median # of Days from Filing to Disposition All Appeals Disposed, 2003



## Case Processing: Petitions

Median Number of Days from Filing to Disposition, 2003\*  
Criminal Petitions –vs– Non-Criminal Petitions



## 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%
<b>Total</b>	<b>96.9%</b>	<b>100.4%</b>	<b>99.3%</b>	<b>99.9%</b>	<b>101.9%</b>

## % of Cases Disposed Within 180 Days of Oral Argument

### Criminal Appeals and Petitions

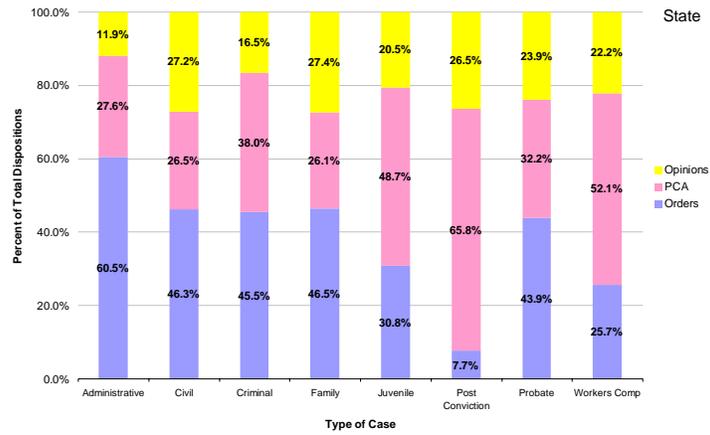
DCA	2000-01	2001-02	2002-03	2003-04	2004-05
1	98.9%	99.3%	99.6%	98.8%	94.2%
2	97.1%	99.3%	99.4%	97.6%	97.6%
3	98.1%	99.2%	99.5%	98.3%	98.6%
4	98.1%	98.3%	98.7%	98.9%	99.1%
5	97.0%	98.5%	98.7%	97.6%	97.0%
<b>Total</b>	<b>98.0%</b>	<b>99.0%</b>	<b>99.2%</b>	<b>98.2%</b>	<b>97.7%</b>

## % of Cases Disposed Within 180 Days of Oral Argument

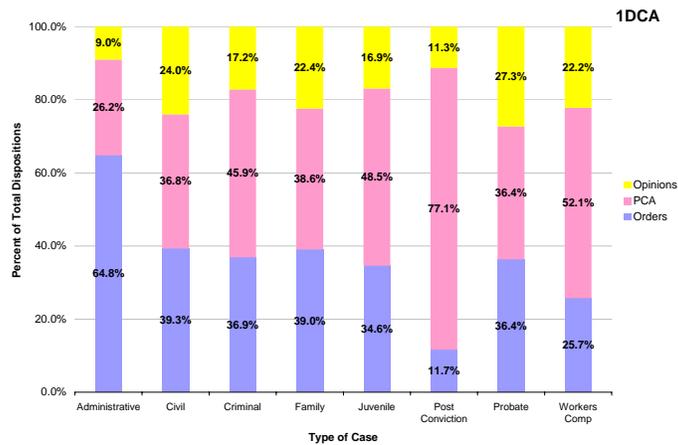
### Non-Criminal Appeals and Petitions

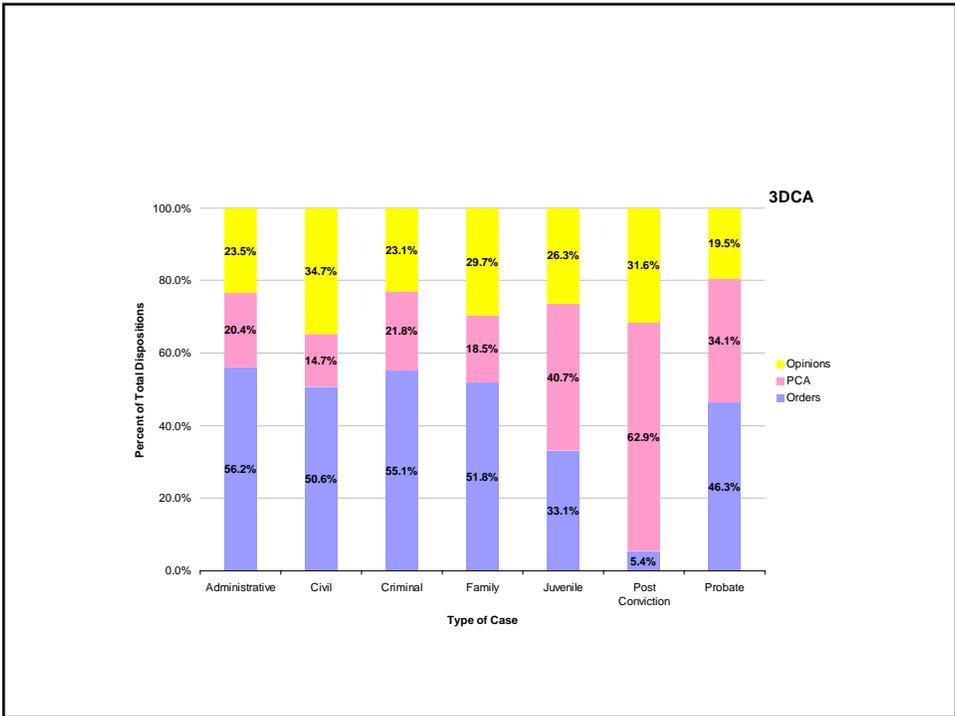
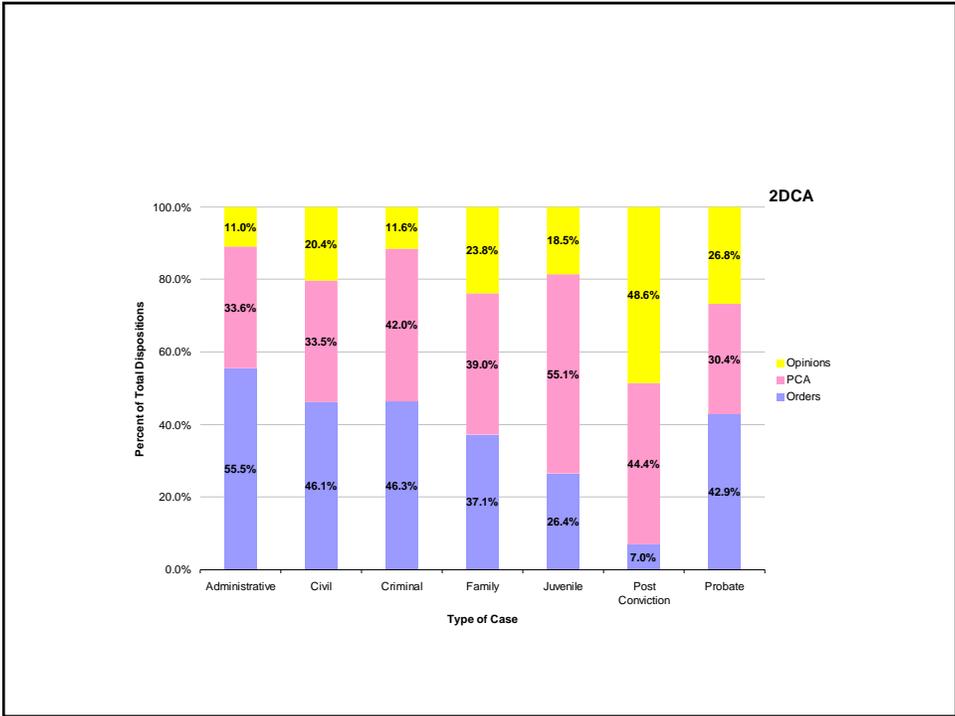
DCA	2000-01	2001-02	2002-03	2003-04	2004-05
1	98.4%	99.0%	99.4%	98.1%	97.2%
2	97.4%	98.3%	98.2%	93.1%	94.1%
3	95.9%	97.6%	98.2%	96.2%	95.4%
4	94.5%	97.3%	97.4%	95.5%	94.3%
5	90.9%	94.6%	96.2%	91.2%	88.7%
<b>Total</b>	<b>95.9%</b>	<b>97.6%</b>	<b>98.0%</b>	<b>95.1%</b>	<b>94.4%</b>

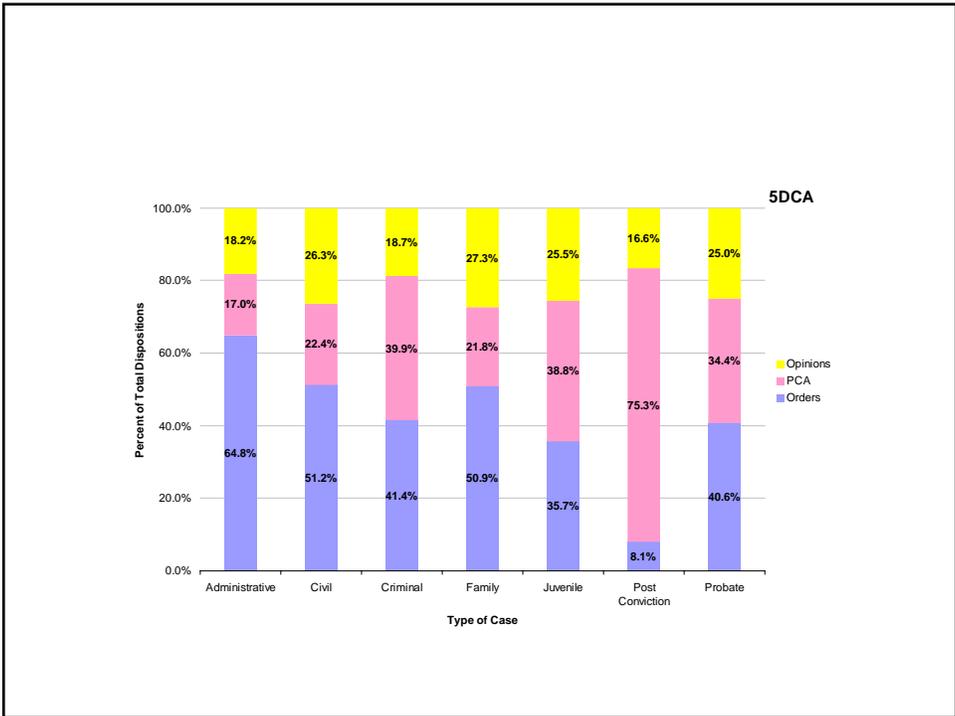
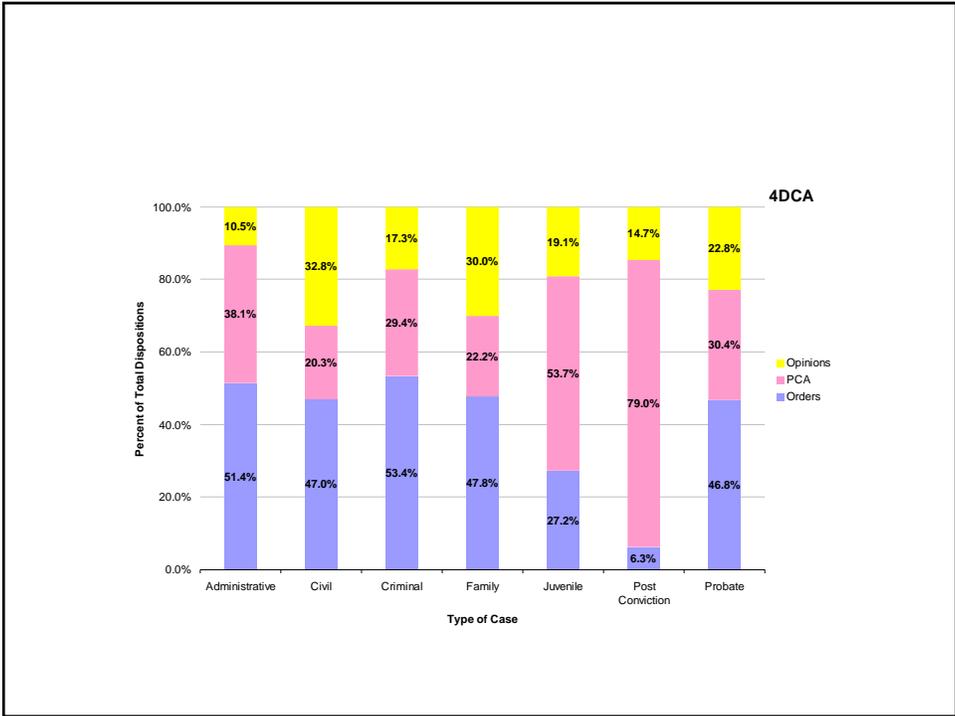
# Manner of Disposition - Statewide



# Manner of Disposition







**Committee on District Court of Appeal Workload and Jurisdiction Assessment  
Committee, April 27, 2006, Tampa**

**Minutes**

Members present:

Judge Philip Padovano, Chair

Mr. Ramon Abadin

Judge Charles Canady

Judge Brian Davis

Judge Sandra Edwards-Stephens

Mr. Henry Gyden

Ms. Carey Haughwout

Judge Larry Klein

Ms. Kellie Nielan

Judge Richard Orfinger

Judge Donald Pellecchia

Mr. Louis Rosenbloum

Judge Richard Suarez

Judge Gary Sweet

Judge Sandra Taylor

Others present: Judge Chris Altenbernd; Judge Martha Warner; Peggy Horvath, Consultant; and Blan Teagle, Jo Suhr, Greg Youchock, Arlene Johnson, and Steve Henley from the Office of the State Courts Administrator.

**Welcome and Opening Remarks.**

Judge Philip J. Padovano opened the meeting by welcoming the members and providing an opportunity for introductions. Judge Padovano reviewed the committee's charge from Chief Justice Barbara Pariente and the accelerated timeline for completing the review of the district courts of appeal. He explained that the supreme court is required by the constitution to have a court rule that sets out criteria to guide a determination whether there is a necessity to increase, decrease, or redefine appellate districts. He established that the committee's review process and recommendations would have no predisposed outcome, adding that Chief Justice Pariente had carefully selected each of the members in order to ensure that the process of reviewing the district courts was balanced and objective.

**I. Review of the charge to the Committee and Supreme Court Opinion NO.SC06-01 and rule 2.036, Florida Rules of Judicial Administration**

Judge Padovano continued by reviewing the purpose of the assessment contemplated by rule 2.036, Rules of Judicial Administration; the membership of and charge to the assessment committee; the process to be followed in determining whether there was a need to change the jurisdiction of the district courts of appeal; and the

purpose of the criteria in terms of focusing on the extent to which the district courts are fulfilling their mission and measuring court functionality and outcomes. He noted the high level of engagement and outreach that will be required to accomplish this task successfully. Judge Padovano highlighted the requirement that any proposed jurisdictional change be balanced against the potential disruption that would likely result from such change. This means that less disruptive adjustments would need to be considered; he specifically noted that the creation of a branch location is not considered a change in the district. Disruptive adjustments include changing the number of districts or the number of circuits within a district. The process described in the rule requires the assessment committee to make a determination regarding the effectiveness and efficiency of the district courts. Whether a court has a high caseload or too few or too many judges may be irrelevant. Also, the Committee is not precluded from making recommendations that do not involve a change in jurisdiction.

## **II. Review of the Report of the Committee on DCA Workload and Jurisdiction.**

Judge Padovano introduced Judge Altenbernd, who was chair of the Committee on District Court of Appeal Workload and Jurisdiction created by the supreme court to develop what is now Rule 2.036. Judge Altenbernd provided the committee with background information regarding the committee. He noted that there is no member of the committee that developed the rule on the assessment committee. He felt that this further legitimizes the process.

Judge Altenbernd noted that his committee was tasked with developing the rule criteria for evaluating the need to change the district courts' jurisdiction – not to implement the rule. He also discussed two areas of the rule where the Court deviated from the committee's recommendations: He referred to the rule's language directing the use of least disruptive means to remedy any deficiencies in the district courts. The committee had included this concept in a committee note which was to accompany the rule. The supreme court changed "will" to "shall" and moved the language to fall within the body of the rule, indicating a clear intent that the least disruptive means be considered before a recommendation to alter the district courts is made. He also pointed out the rule's distinction between "need" and "necessity" in terms of when a jurisdictional change would be suggested or be required. If the assessment committee finds a "necessity," then there is something that must be recommended; but if there is something that would be useful, then there is necessity and a corresponding discretionary decision for the assessment committee and the supreme court.

He reviewed the factors that the rule committee considered in the development of the assessment criteria, including population and other demographics, growth in the number of attorneys, court size, non-weighted filings, number of trial judge and trial filings, post-conviction filing trends, the impact of legislative criminal initiatives, and relative case weights. He also addressed collegiality – explaining that that there appears to be no "right" number for determining the size that a court should be; the key is case management resources. Judges seem to be comfortable with the size of the court they are on.

Judge Warner pointed the members to the ABA Judges' Journal article in the materials. The article relates to collegiality and court size, concluding that the key factors of court performance are not related to court size but to case management, leadership, and resources. Judge Altenbernd noted the court size factor should not be completely discarded, as there are processes that become more complex as a court's size increases, but size cannot be found to be determinative of a court's ability to operate collegially.

Judge Altenbernd noted that his committee had intentionally left room for flexibility. The rule does not have a smoking gun, it is the assessment committee's job to try to find the best ways to objectively measure the criteria sub factors. He stated that he thought the outreach component was very important. Finally, he noted the compressed schedule, stating that the rule committee had contemplated that the assessment committee would have more time to complete their work. He concluded by acknowledging the political pressure the flows from this type of effort.

Judge Stevens inquired about the impact of legislation that changes district court filings. Judge Altenbernd explained that outside the criminal arena they didn't look at it much at all; he noted the new "offers of judgment rule" results in a number of civil appeals. Judge Warner noted that the branch does file judicial impact statements with legislation, she opined that if only the courts could predict when the legislature was going to pass legislation with constitutional issues then the courts could better predict case filings. Judge Altenbernd added that what this did demonstrate was the need to ensure capacity within the system to handle those spikes as they occur.

Judge Padovano thanked Judge Altenbernd for his presentation and observed that Judge Altenbernd's committee came to a different conclusion than the members may have originally anticipated. He reiterated that he doesn't believe that the Court meant to indicate that they are against a structural change if the committee determines that is what is required and makes such a recommendation. As far as he is concerned everything is on the table to see where the evidence leads.

### **III. Current statistics and trend analysis relating to DCA court workload and performance.**

Judge Martha Warner, chair of the District Court of Appeal Performance and Accountability Committee, explained that what Florida is doing with the criteria for reviewing the district courts is unique; other states create their courts ad hoc as to size and jurisdiction. She explained that it is typically all within the power of the state legislature; Florida is unique in that the Florida constitution provides a role for the judicial branch to make recommendations to the legislature regarding growth. What the people gave to the court system is important to judicial independence. The assessment committee's efforts in this instance will be critical to supporting the independence of the judiciary in terms of how our branch is managed.

Judge Warner introduced the committee to the mission of the district courts of appeal and commentary. She also presented trend data on statewide DCA filing; weighted caseloads; case processing case processing times in median days from filing to disposition; clearance rates; dispositions within 180 days of oral argument; and manner of disposition. She noted that updated information on these performance measures will be made available to the assessment committee members as they continue their work.

In discussing the filing trends, she noted that impact of mediation on civil filings, the cost of litigating workers' compensation on those filings, and the possible effect of filing fees – especially on pro se civil litigants. She discussed the impact of decreasing civil filings and increasing criminal and post-conviction filings on the work of the district courts. She explained the Commission on District Court of Appeal Performance and Accountability's work to codify changes in the case type trends into meaningful workload measures that are captured as relative weighted caseload. The distinctions in the types of cases filed are also reflected in the district courts' ability to maximize resources such as law clerks to assist with the cases.

Judge Warner explained that courts are trying to be responsive in making themselves more efficient and effective. The district courts have a very good case management system; additional information that this system can provide performance data to match up to the criteria in the rule.

Peggy Horvath talked about post-conviction filing trends and the post-conviction projects underway to correct inefficiencies at the trial and appellate court level. This collaborative phenomenon is in part a product of the court system working to be more accountable. She also mentioned Florida's national recognition for its work on appellate court performance measurement..

Judge Padovano thanked Judge Warner for providing the background that the members needed.

The Committee took a brief lunch break.

Following the lunch break, Judge Padovano directed the committee's attention to the criteria to be considered in assessing how the district courts are performing their mission. He addressed each of the criteria and sub-criteria, offering suggestions and discussion regarding areas of review in evaluating them.

Judge Padovano inquired as to whether the members had questions about the process and the criteria that they'd like to discuss. He apologized for the necessary "orientation" mode of this first meeting.

Mr. Rosenbloum brought up the subject of the geographical distribution in the first district and second district, explaining the travel factors for the appellate lawyers and their clients. Judge Padovano acknowledged the apparent public trust and confidence concerns with the geography of the districts.

Judge Warner reminded the members that there are five criteria; each needs to be evaluated. If the committee finds a factor that indicates a problem with one of the criteria, how the committee puts the criteria together and considers how they appear collectively will be important to determining a solution – which could be a jurisdictional change or something else.

Ms. Haughwout asked how the committee was going to measure the criteria. Judge Padovano noted that this would be complex and that the committee would need to determine what was relevant and how to measure it. Peggy Horvath's presentation will address this; however, the committee would not just do what the staff suggests.

Judge Brian Davis asked about the public meeting, specifically mentioning his concerns regarding the criminal and post-conviction filings being driven disproportionately by people of color; this relates to public trust and confidence in the long-term. Judge Padovano agreed that it does have an impact on public trust and confidence. He stated that the public hearing will be scheduled at the committee's June meeting.

Judge Padovano invited Peggy Horvath to explain her recommendations regarding the process and timetable the assessment should follow. Ms. Horvath reminded that "jurisdiction" review in this context is not limited to geographic jurisdiction, but could include subject matter jurisdiction. She also emphasized the importance of: ensuring that the engagement and outreach efforts provide as much factual information about the district courts as possible; keeping the assessment focused into the jurisdictional issues; and achieving balance in terms of the need to correct a problem versus the impact on the system. The assessment is an evaluation of each district court in terms of how it is meeting the mission of the district courts.

Ms. Horvath described 5 phases of the assessment process. The present meeting represents the organizational phase. For the next steps, she recommended a descriptive phase and engagement phase to be performed concurrently. The purpose of the descriptive phase is to gather data and performance indicators on the work of the district courts and, where possible, anticipate questions so that relevant and helpful information can be provided in advance. She emphasized that the engagement phase is very important, especially since it will be truncated due to the compressed time frame for the committee's work. This was designed to be an 18 month process; if the committee had that much time it could do a great deal of outreach, including a public hearing in each district. This should be built in the assessment to be completed eight years from now. This committee, however, will need to determine what must be done with the survey and public hearing options available in order to make it meaningful but keep it practical.

The assessment phase represents when the committee will actually sift and weigh the information gathered; trying to understand what it says about each court and the system as a whole. Finally, there is the report and recommendations phase. She pointed out that if the committee gets to this phase and determines that a jurisdiction change is

indicated, than she feels that they will run out of time in terms of meeting the deadline. The reason for this is that finding an apparent need to change jurisdiction will trigger the committee to take the next step to do the impact analysis in order to balance the indicated change against the disruption caused by the change.

Judge Warner, Judge Davis and Judge Canady discussed the value of having information on other states and how Florida compares. Ms. Horvath added that Florida's cost per case numbers compare very favorably to other states. Ms. Haughwout observed that she understood that it may not be comforting to people who have concerns about the performance of the district courts to know that Florida performs better than other states. Ms. Horvath noted that the same thing goes for cost-per-case; just because it is "cheap" doesn't help much if it is "broken."

The members discussed, at length, the types of performance indicators that would be useful in measuring the districts according to the criteria. Members indicated an interest in: manner of disposition; oral argument requested or waived; oral argument requests granted; dispositions by circuit; dispositions by aggregate and by category; dispositions by weighted cases and practices of holding oral argument in the circuits. Mr. Rosenbloum inquired about the demographic information that could be gathered. Judge Warner suggested that the committee may want to look at affirmance/reversal data. Judge Davis inquired about surveying the prisoner population and the possibility of using the prison paralegals to assist. Judge Sweet asked about methods for surveying the general public. Judge Warner talked about effectiveness and how that can be measured and questioned the value of indicators such as en banc, affirmance/reversal, conflict/certified questions; and concurrence/dissent. Judge Davis is interested in the history of certified conflict.

The members discussed a wide variety of outreach strategies. Ms. Horvath mentioned circuit judges' business meeting and the Bar's appellate section retreat. Judge Padovano mentioned that some members might want to also attend. Judge Davis suggested outreach to the criminal section. Judge Taylor mentioned dependency summit as an outreach opportunity. Ms. Haughwout asked about whether every group would be asked questions about each criteria. Ms. Horvath indicated that would be the goal, although the public survey will be a challenge, as the general public lacks information about district court operations.

Ms. Horvath concluded her remarks by emphasizing the importance of remembering the purpose of the assessment; given whatever your opinion is about how the districts perform against the criteria - will a jurisdiction change matter? How?

Judge Padovano concluded the meeting by indicating that he anticipated asking the members to serve on subcommittees in order to expedite the work to be done. He thanked them for their willingness to serve.

The meeting was adjourned.

**Committee on District Court of Appeal Workload and Jurisdiction Assessment  
Committee, June 22, 2006, Boca Raton, Florida**

**Minutes**

Members present:

Judge Philip Padovano, Chair  
Mr. Ramon Abadin  
Judge Charles Canady  
Judge Sandra Edwards-Stephens  
Mr. Henry Gyden  
Ms. Carey Haughwout  
Judge Larry Klein  
Ms. Kellie Nielan  
Judge Richard Orfinger  
Judge Donald Pellicchia  
Mr. Louis Rosenbloum  
Judge Richard Suarez  
Judge Gary Sweet  
Judge Sandra Taylor

Others present: Justice Raoul G. Cantero, Peggy Horvath, consultant; and Barbara French, Jo Suhr, Greg Youchock, Arlene Johnson, and Steve Henley from the Office of the State Courts Administrator.

Not present: Judge Brian Davis

Judge Philip J. Padovano opened the meeting by welcoming the members and providing an opportunity for introduction of guests. Judge Padovano reviewed the work agenda for the meeting.

The minutes from the April 27, 2006 meeting in Tampa were approved without objection

Judge Padovano called upon Mr. Rosenbloum to report on the work of the outreach team that worked on the descriptive document and the survey language. Mr. Rosenbloum reviewed the various survey instruments with the members. The members discussed the purpose of the descriptive information in terms of whether it would be useful to the survey respondents. Following an extended discussion, the consensus of the members was that the survey should not prompt respondents to read the descriptive information prior to responding to the questions. The survey instrument is not a test of whether respondents can interpret the data; the members want to know what the respondents think. Links to relevant data will be provided with the survey instrument in the event respondents wish to review it prior to answering a question.

The members discussed logistical issues regarding the prisoner litigant survey. There was a strong consensus that prisoners, as a driving force behind increased appellate workload, would need an opportunity to respond.

Further discussions revolved around ways to reach out to pro se litigants, the general public, members of the bar, and other stakeholder groups regarding the survey and public hearing opportunities.

The members agreed to set the public hearing meeting for September 7 in Orlando; and the following meeting for October 6 in Tampa.

Judge Canaday reminded staff of his request that the committee be able to see the district court filings by circuit and county of origin. Staff agreed that this would be easily accommodated.

Judge Padovano concluded the meeting by indicating that he anticipated asking the members to serve on work teams in order to expedite the work to be accomplished.

The meeting was adjourned.

**Committee on District Court of Appeal Workload and Jurisdiction Assessment Committee,  
September 7, 2006, Orlando, Florida**

**Minutes**

**Members present:**

Philip Padovano, Chair  
Judge Charles Canady  
Judge Brian Davis  
Judge Sandra Edwards-Stephens  
Mr. Henry Gyden  
Judge Larry Klein  
Ms. Kellie Anne Nielan  
Judge Richard Orfinger  
Judge Donald Pellecchia  
Mr. Louis Rosenbloum  
Judge Richard Suarez  
Judge Gary Sweet

**Not present:** Mr. Ramon Abadin; Ms. Carey Haughwout; and Judge Sandra Taylor

**Others present:** Blan Teagle, Barbara French, Jo Suhr, Greg Youchock, Arlene Johnson, and Steve Henley from the Office of the State Courts Administrator. Individuals who provided public testimony were also present at various times during the meeting: Valeria Hendricks, Susan Fox, State Senator Dudley Goodlett, Mr. Tom Warner, and Judge Martha Warner.

Judge Padovano called the meeting to order and made opening remarks. The minutes from the June 22, 2006 meeting were approved as drafted.

For the benefit of guests, Judge Padovano gave a brief explanation of the Committee's duties, which include a public hearing. He explained the rule criteria the Committee must follow in making recommendations to the Supreme Court. He gave a summary of the committee's time table, noting that the recommendations are due in November.

Judge Padovano noted that there were very few requests to participate in the public hearing and as a result, speakers' comment would not be time limited or restricted. Speakers were invited to comment on any area that they believed would provide information the Committee's work.

The first speaker, Ms. Valaria Hendricks, began by expressing frustration with the survey instruments. She reported that the data provided with the survey was not clear and questioned whether the data was leading to the respondent on how to answer the question. Also, she noted that some of the questions cannot be answered by practitioners. Ms. Hendricks noted that she had spoken with Judge Padovano prior to the meeting and as a result had a better understanding of the survey's intent and limitations.

Judge Padovano thanked her for her comments and explained the committee's objective regarding attorney surveys and the attendant data. For example, asking opinions of attorneys about issues such as timeliness; the statistics show one thing, but the Committee was also

interested in what attorneys think. The “open book test” issue was something the Committee had discussed during the survey development phase.

Judge Pellecchia asked a question about the sources of referrals in her practice. She replied that she gets referrals from all over the state.

Judge Davis posed a question regarding human factors used in decision making and the difficulty in measuring personal opinions. Ms Hendricks noted that many lawyers do not answer surveys in terms of the larger picture or the whole, but rather from their own personal experience. She suggested that getting more participation, including using the Bar and appellate practice section to get more specific details, and perhaps a workshop.

Ms. Susan Fox, president of the appellate practice section of The Florida Bar, a section currently with between 1,600 and 1,700 members. She reported that the appellate section of is very interested in the activities of the Committee and that the consensus is that there is no need for additional district courts or a re-alignment of the districts. She acknowledged that some members in southwest Florida feel they are geographically disadvantaged and noted the inconvenience of traveling to the Tampa or Lakeland facility. She suggested that there are other ways to alleviate this such as e-filing, video arguments, and branch court facilities. Ms. Fox continued by noting that the section was hesitant to recommend that workers’ compensation appeals should be distributed among the districts. She returned to the issue of creating another district, pointing out that the cost would be substantial and that the cost of additional support and services of new courts should be considered. She pointed out that she does not support or encourage the notion that the district courts represent local law. She stated that “we should keep it broad-based.”

She also observed that the statewide weighted average 280 cases per judge but that when broken down by district, there is a big disparity.

Judge Orfinger asked her opinion about the per-judge workload disparity between the districts and how that squared with the section’s recommendation that the Committee not consider jurisdiction realignment. He asked if the Committee were to recommend moving the twentieth circuit into the third district, what is the up or downside of such a move from a resource efficiency stand point? He noted that it wouldn’t help the geographic problem, as Miami is nearly as far away.

Ms. Fox said she could place this question on the next section meeting agenda. Her personal feeling was that the appellate lawyers in Miami would love it and the appellate lawyers in Tampa would hate it.

Judge Padovano emphasized that the Committee is discussing all options and it appreciates and values Ms. Fox’s opinion. The Committee intends to leave no stone unturned.

Judge Orfinger concurred that this discussion should not be interpreted as a signal of intent. He noted that there are a myriad of issues to consider before doing so.

In response to an inquiry about her personal view about how the Committee ought to address the significant disparity in the number of cases per district court judge, Ms. Fox observed that in the short term the judges that are not as busy can help out in some of the busier courts. In the longer

term, she thinks that the third district could be downsized due to retirement and judges added in the second district, possibly adding a courthouse in southwest Florida area.

Judge Orfinger inquired about whether she meant a geographic re-alignment and not a re-deployment of judicial services? Ms. Fox replied the appellate section is in favor of leveling judge's case loads. However, the section is opposed to changing the counties in each district or creating a new district court. Judges could also be added to the second district. The first district has shown that 15 judges is a manageable lot. She noted that the judges manage to sit *en banc* when needed, and make decisions.

Judge Orfinger observed that the Committee is looking at efficiency, timeliness, and quality indicators. The Committee does not have control over the number of appeals that get filed, so all we have the ability to do is equitably apportion the work. Certain parts of the state are growing and others are not growing.

A Committee member asked whether the section had any concerns about modifying appellate jurisdiction by either reducing or changing same? Ms. Fox said she was not aware of any interest in changing jurisdiction or realigning the districts.

Judge Edwards-Stephens asked if the section had considered options relating to changing appellate jurisdiction. Ms. Fox said the section did acknowledge the premise of some dysfunction. The Committee and Ms. Fox continued with further discussion regarding workload disparities among the district courts and the perception that the workload in the second district left them unable to write opinions in many cases. She thinks this situation calls for more resources, not realignment.

Judge Padovano and Ms. Fox discussed workers' compensation cases. She noted that the section's hesitancy to take a position was mostly because there are so few lawyers in the section who file those types of cases. Her personal opinion is that they need to be distributed and that she would love to see other district courts weigh in on these issues. She observed that it would be healthy for the court system to spread these out. Ms. Fox noted that the problem of having differing options coming out of the first district is that there is not a route to resolve the conflicts, short of *en banc*. She indicated that some of the close cases were certified yet the Supreme Court did not agree to hear them. Ms. Fox noted that not getting those questions answered is very frustrating.

A Committee member inquired as to the whether the reported geographical concerns from southwest Florida were more related to the inconvenience of participating in oral argument, difficulty of filing documents, or difficulty in getting applicants to apply when vacancies occur. Ms. Fox answered that the comments received from the section related to inconvenience issues, which she thought could be solved by e-filing or video oral argument. Although, her perception is that the judges on the second district are eager to have oral argument in the community. The issue of lawyers and judges being disinclined to apply for vacancies is a little different. The section does favor locating judges in southwest Florida at a branch courthouse. Judge Padovano thanked her for her comments and participation.

Judge Padovano noted that the president-elect of the Seminole County Bar Association was present but had not requested time to speak. He welcomed her and thanked her for her interest. Judge Padovano asked if there were any others who wished to speak.

An unidentified audience member asked Judge Orfinger about moving the twentieth circuit to the third district in order to create workload parity, specifically if such a move would cost more money? Judge Orfinger replied that there were many issues not considered and that his comments were simply about case numbers. He did think that from a court perspective there would not be a high cost. There would probably be some initial cost of realigning the appellate offices of the attorney general and appellate defender.

Ms. Hendricks asked about whether the judges in the third district feel their caseload is manageable enough that they can take on any additional caseload? A second and equally important question is will the legislature fund what needs to be done. Finally, she stated that she was on the judicial nominating commission for a number of years and found that there was a problem getting qualified applicants from the twentieth circuit. She would think that this would be the same if the circuit went to Miami. She asked, if the twentieth moved to the third district, would there be a need for a second court in Tampa? She also asked how the Committee might be able help the fourth district.

Judges Orfinger and Padovano reminded everyone that all discussion of any option was purely a suggestion and not final. Judge Pellecchia noted the difficulty of traveling east to west and back. This issue has been around for about 15 years. He noted that the Committee is required to come up with a least disruptive solution. He also does not believe that the caseload issue is the sole issue the Committee has been asked to review.

The Committee discussed the possibility of judges and staff having to commute in the event of a realignment of district courts. They also agreed that the issue of per-judge caseload is not the only thing to focus on. The Committee has to look at all factors, although they can not diminish the importance of the per-judge caseload. Such a move would reduce the caseload in the second district, but would that help overall? Another option would be to move a judge from the third to second or the fourth district, although it does not help the numbers nearly as much as realignment. The Committee discussed the impact of caseload on the ability to write opinions as necessary. They appeared to agree that the increased burden of the caseload is quite noticeable. In the past, there was more time to focus on writing opinions. Now there is just not sufficient time to do so.

The Committee broke for lunch.

The Committee reconvened after lunch. Judge Padovano welcomed state senator, Dudley Goodlett. Judge Padovano gave him an update of the morning's comments and the survey results. Senator Goodlett applauded the committee for their actions. He discussed the important separation of powers issues that led to the Committee's creation. He noted that he was not familiar with the data, but in his capacity as a lawyer in the twentieth circuit, he strongly recommended that the Committee seek input from The Florida Bar before moving circuits among the districts.

Judge Padovano asked him if he had some thought on what is the best solution to the problem he identified in the twentieth circuit? Senator Goodlett said that he did not have a solution to offer. He noted that the demographics along with the certified judicial need and the number of new circuit judges is an indication of the increasing workload and need that spills over to the second

district. His sense is that the judiciary is best situated to evaluate its workload. He noted that the workload standards had been adjusted over time and he did not quarrel with those results. Judge Canady noted that the workload in the third district is lower than the second and fourth districts. Could some of twentieth circuit's issues be alleviated by an annex of the twentieth into the third district? If the Committee is going to recommend making it easier for the litigants to participate and also balance the workload, that would be something to consider. He asked the Committee to please listen to the practitioners in the twentieth circuit. This is a large area and Senator Goodlett stated his belief that the lawyers are very happy being in the second district.

Senator Goodlett noted that most of the prior discussion he has been privy to related to creating additional districts, not moving circuits among districts. Of course, those options also have implications for the Supreme Courts' composition. He noted that there is a strong desire not to split the 20<sup>th</sup> circuit.

Judge Pellecchia noted that the loss of Senator Goodlett's services in the legislature will be a great loss for the judiciary.

Judge Padovano welcomed Mr. Tom Warner and thanked him for attending. Mr. Warner stated that he would be speaking both from his personal experience on Judicial Management Council and as the Chair of the Public Advocacy Committee of the Appellate Practice Section of The Florida Bar. Mr. Warner stated that the issues involved present two questions. First, is there something about the quality of justice in the appellate system that should be addressed by changes in the DCAs? The short answer is 'no.'" If there are, they would not be solved by adjusting court jurisdiction. The second question is, are there any problems in the quality of service? Maybe. But the problems would not be solved by creating more DCAs. The quality of service would not be served by creating more DCAs, although the question of realignment is not a closed book from that perspective.

Mr. Warner noted that having been in the legislature, he is aware that there is a political element to this discussion. From his previous experience on the JMC, (which looked at a sixth and seventh DCA) they reviewed many of the same issues the Committee is currently considering. Mr. Warner noted that there are other parts of the state that could raise geographic issues. In the end, the benefits would not out-weigh the costs. There was no evidence of a quality of justice issues that would be solved by such a change.

He noted that population growth has changed the way things are set up now. If the Committee thought that the population growth warranted a sixth district, then why not a seventh district? If the Committee did not review today, then the State Courts system would probably be doing it eventually, thereby making even more disruptions to the system. There is also the negative effect on the Supreme Court geographic requirements, caseload for conflicts, and more uncertainty in the law.

From the perspective of the Public Advocacy Committee, the consensus was that Florida does not need more DCAs. But there are concerns in southwest Florida, in that there are no judges from the Ft. Myers area on the second district. There are ways to address the quality of service issues in southwest Florida. There are also ways to fix this problem such as video conferencing and branch court houses. The idea that judges have to live in a particular place is another issue that could be re-examined.

In response to a question as to whether PCAs are a big problem, Mr. Warner said that he did not think they are a big problem from the practice of law standpoint. Although he noted they can be a problem. He noted that there is a good reason for PCAs in lots of cases. He observed that PCAs probably serve the system better than not having PCAs. Politically, when he was in the legislature, they were constantly getting requests to introduce a bill to get rid of them. While there are certainly cases where it causes a problem, Mr. Warner stated that he did not know what the answer is.

The Committee's discussion turned to the survey results.

The Committee's discussion returned to possible options for addressing the service issues in the twentieth circuit. Mr. Rosenbloum asked if the Committee were to advocate for another branch in southwest Florida, would that increase the likelihood other districts requesting one as well?

Tom Warner offered his observations of the events that led to the creation of districts in their current locations. He noted that the legislature does not really see the type of expenditure as substantial in terms of the overall budget. He reminded the Committee that even law firms have realized that physical locations are less and less important.

Senator Goodlett noted that it is the role of the judiciary to make these kind of recommendations to the legislature. The legislature should look to the courts for their recommendation as to where the courts need to be based on workloads, etc. and not make it a parochial political issue. History suggests that has not worked, as evidenced by the first district branch courthouse funded for Jacksonville.

In response to a Committee member's question about the possibility of a video location in the twentieth circuit and whether that would negate the geographic discontent, Senator Goodlett said that he believed they would embrace these changes. Finding a way to provide better service is what needs to occur. He restated that the members of the bar in the twentieth circuit feel a strong affinity with the second district and that a survey would likely indicate they want progress but no change.

Judge Padovano noted that there is a presumption that many qualified attorneys or judges do not apply for openings on the first or second districts because they would be required to move. Disbursed chambers are a solution that is available in the federal court system, which pays for both trial and appellate court facilities.

A Committee member posed the following questions. Should the Legislature seek to provide space in local courthouses for judges? Would that be a big problem? Would the local governments agree?

Senator Goodlett observed that Article V provides that the courthouses are still a local funding issue. If there was a local branch or chambers option, there would likely be greater interest in applying to serve on a district court.

Judge Canady noted that technology can solve some of the problems the Committee has been discussing. But the branch courthouse or dispersed chambers are the only ways to address the concern of geographical representation in Jacksonville, Pensacola, or Ft. Myers can have their

office and not be uprooted from the community. One thing the Committee has to decide is how important are branch courthouses or dispersed chambers to this discussion?

Judge Pellecchia observed that there is a strong message about physical presence or location of branch courthouses. However, he noted that the Committee is constrained by the data and a limited time frame for reporting to the Supreme Court.

Judge Martha Warner noted that even a branch courthouse, would not ensure that a Governor would appoint a local applicant. The political appointment process is an important issue.

Judge Padovano said that he thought it would be important for the Committee to emphasize that judges should not be viewed as “representing” a community.

The Committee discussed other issues with Judge Warner relating to: access by the litigants and lawyers; attorney fees and costs related to travel; whether the state should fund dispersed chambers within counties; the fact that some attorneys do not like the videoconferencing because they want to be eye-to-eye with the judges; logistics of scheduling oral arguments in other locations. The following questions were posed, is the commute not part of the consideration for attorneys who decide to build an appellate practice? Is it reasonable for the state to put in video conferencing equipment or build a branch for the convenience of lawyers? With current technology, there are really only four of five days a month that an appellate judge needs to be in the courthouse.

Mr. Rosenbloum noted that if the Committee considers a branch in Ft. Myers, then it would have to consider a branch in Pensacola, because they have a higher rate of appeals.

The Committee revisited the low survey responses. They concluded that the next Committee can get a better pool with a little more planning, and more time to direct specific questions to the Bar sections. Judge Padovano wondered if the Committee could infer indifference of content with the present system from the low response rate. Mr. Rosenbloum noted that he feels more obligation to respond to the Bar’s judge poll, which is a paper survey.

Judge Padovano suggested that the writing sub-committee will get together at least on the phone to come up with a summary of the suggestions and recommendations to submit to Committee.

The Committee agreed that there is at least a consensus that a sixth DCA is not necessary.

Judge Warner noted that the rule states that the Committee must write a report and make recommendations to the Supreme Court. She read directly from the rule. It is not clear that the report must evaluate every district by each of the criteria. She noted the Supreme Court’s time frame for making its certification to the legislature.

The Committee discussed the need for addressing some of the main criteria as directed by the administrative order, using the outline given and providing at least a summary of the findings for each of the criteria and answers each point on the outline specifically.

Judge Padovano noted that if there is any recommendation to be made, it seemed like it would probably be based on a more subjective criteria like public trust and confidence.

Jo Suhr suggested that it might be good to split the work in terms of describing it in a brief but meaningful way, the factors for each of the five criteria, and then have the report drafting team develop the recommendations.

Jo Suhr promised to summarize the survey results and data.

The meeting was adjourned.

**Committee on District Court of Appeal Workload and Jurisdiction Assessment  
Committee, October 6, 2006, Tampa, Florida**

**Minutes**

**Members present:**

Philip Padovano, Chair  
Judge Charles Canady  
Judge Brian Davis  
Judge Sandra Edwards-Stephens  
Mr. Henry Gyden  
Ms. Carey Haughwout  
Ms. Kellie Anne Nielan  
Judge Richard Orfinger  
Judge Donald Pellicchia  
Mr. Louis Rosenbloum  
Judge Richard Suarez  
Judge Sandra Taylor

**Not present:** Mr. Ramon Abadin; Judge Larry Klein; Judge Gary Sweet

**Others present:** Blan Teagle, Barbara French, Jo Suhr, Greg Youchock, and Steve Henley from the Office of the State Courts Administrator.

Judge Padovano thanked the members for attending. He reminded them that the goal of the meeting was to determine what it is that the Committee was going to recommend to the Supreme Court. He noted that the report might be as much about what the Committee is not recommending as what it is recommending. He pointed out the need for the Committee to explain its deliberations so that readers will understand the rationale behind the Committee's recommendations.

**Review of Survey Methodology and Data Results.** Jo Suhr reviewed the summary of the raw survey data that had been provided at the previous meeting. She explained the approach of the summary document (attached) and inquired as to whether the committee was interested in further analysis or description of the data. She noted that volunteer summaries could reflect the opinion of the people who were truly engaged and interested in the district courts, generally; or it could reflect the opinion of those with specific interests. There is no way to tell, although the high number of "no opinion" and "neutral" responses might also indicate something, it is just impossible to tell for sure. In the end, the response rates for all categories, with the exception of the first and second district court of appeal judges and DOC inmates, are not statistically valid and cannot be used to reflect the population. Ms. Suhr responded to inquiries about the methodology for generating the comment chart. She explained how the judge and attorney comments were assigned a code and aggregated in the chart on page 17 of the summary and also how the inmates' margin notes were similarly categorized, as reflected on page 19. She also explained about the nature of the comments reflected in the operational efficiencies.

**Recommendations for Next Assessment Committee.** The members discussed ways that the next assessment committee could address the need for an appropriate sample size. Ms. Suhr ventured a guess that the responses for the first and second districts were higher than the others because the respondents thought those were the courts that were “in play” in terms of potential for redefining jurisdiction. Judges and attorneys from the third, fourth and fifth districts may have thought that the effort of the committee was not about their districts. Again, there is really no way to tell. The members agreed that workshops would have been helpful and that the public hearing was, in fact, very helpful.

Ms. Suhr then reviewed the specific data collected and described how it relates to the factors for each of the criteria in rule 2.036, Florida Rule of Judicial Administration.

The committee discussed the data, the surveys and how the members were expected to use it. In response to an inquiry about how the members should incorporate the subjective or anecdotal information they have, Judge Padovano noted that, while the information collected would be more or less useful, the members were appointed to the Committee to exercise their collective judgment. They are to be more than just a group of bookkeepers. The Committee needs to be careful to look at the data and be sure that they avoid inaccurate extrapolations, but agreed that the surveys do not provide a basis for drawing any conclusions. There are areas, such as workers’ compensation cases, where the data may not be valid but the members have informed opinions based on experience and expertise.

Ms. Suhr noted that in some ways it could seem like the Committee is being asked to prove a negative. For example, since the response rates are low, does that mean that the surveys are evidence of no need for restructuring or realigning the districts? Judge Davis noted that of course, the Committee can’t say that. Is the low response rate reflective of apathy? Clearly there is no clamor for change being reflected here. If you give someone an opportunity to object and they don’t, then you really don’t need to know their reasons. Even with the noise regarding the geographic and demographic concerns from the twentieth circuit, yet when the participants are polled, there is not a strong response reflected in the survey results. The Committee’s findings are going to have to be based on expert knowledge, public testimony, anecdotal reports, and other factors that the members as a group can come up with. The most important thing the Committee can do is to express the need for a way that statistically reliable and valid information can be generated in the future.

Members agreed that the public hearing was very helpful and informative. The members agreed that a series of targeted workshops where more in-depth information can be collected - at least more than could be gathered by either a voluntary survey or coerced survey. Perhaps an effort to separately target those who use the appellate courts and those who just do trial work. There was some discussion of the need to expend more effort on generating feedback in workshops or one-on-one, or working to get on the judicial conference agendas or individual circuit judges’ meetings, rather than expanding

the survey efforts. The members agreed to include such recommendations in the report to the Court.

The members discussed the difficulty in getting high participation in the trial court Judicial Resource Study (JRS), which is related to validating the need for additional judges. The JRS costs thousands of dollars and hundreds of work hours.

The members agreed that the surveys, workshops, data should inform the members, but should not drive the assessment by the members. The point of having the assessment committee members is that they are the ones actually doing the assessment. Members' opinions are important; that is why they are on the Committee. To the extent that their opinions can be informed by surveys, workshops, data, members can individually determine how the information will inform their assessment. But members also have the information that was generated from their own experience and from talking to others. Even if the survey opinions are valid, members need to decide what relative weight to give to opinion data. It is still information that informs the committee members' individual assessment.

Ms. Suhr observed that some of the information this Committee was unable to get, such as recruitment/retention information on law clerks and other staff, and applicants for judicial vacancies, this is the sort of data that should be collected and maintained during the time frame between now and the next assessment.

Judge Padovano suggested that the report to the Court summarize the information related to the criteria that the Committee collected, rather than try to quantify each factor.

**Review of Specific Suggestions Received to Date.** The Committee proceeded to address the specific jurisdiction suggestions that had been identified to date.

Optimum Size: The committee specifically noted that the case for optimum size of a court could not be supported, as evidenced by the collegiality study of the DCA P&A. There is no research to support an attempt to limit the number of judges on a court by creating additional district court. The Committee specifically discussed the Supreme Court's findings in re rule 2.035 regarding the factors that impact workload.

Creation of Additional Districts: The members agreed that it may also be good to note that during the assessment process, no one presented a case for creating another district. Whatever problems that have been suggested, it seems clear that the solution is not another district. There is a lack of evidence that appellate review process in Florida would be improved by adding another district court. There is certainly evidence that it would require changes to the makeup of the supreme court, or a change in the law, and mathematically that it would create more opportunities for conflict. After discussion, the members agreed that there was no demonstrated reason in the data, surveys, or public hearing to suggest a need for creating an additional district court of appeal. The Committee also agreed to be clear as to the costs associated with any disruption specifically considered and rejected.

Physical Presence in Certain Communities: The Committee discussed the reported concern of some in southwest Florida community that area's demographics warrant the physical presence of an appellate court, or at least circumstances that would encourage judicial applicants from the southwest Florida area. Although there was no groundswell of support for a change in jurisdiction that was evident in the surveys or the public hearing, the concerns have clearly been vocalized in local newspapers and by the Florida legislature. The members agreed that they would not recommend the creation of another district court, but acknowledged that they didn't have common reasons, including how much weight should be given to the survey results and lack of response.

The Committee discussed the disruption that would be caused by realigning districts, public defender offices, the attorney general's offices and the effect on the supreme court. There should be some clear benefit to the people of Florida for causing such a disruption.

Realignment of Circuit(s): The discussion turned to the twentieth circuit and the suggestion that the significant judicial workload disparities could be corrected by moving the twentieth circuit into the third district, or by making the most efficient use of judicial power and moving a judge from the third to the second district. If smoothing out the workload among the districts were to be the objective, this move would accommodate this nicely. Of course, this doesn't resolve the geographic concerns of appellate lawyers in southwest Florida, and any number of other factors to consider, including the apparent strong desire of southwest Florida's legal community to stay within the second district.

The Committee specifically noted that if a judgeship were to be moved from the third district, which action would need to be matched with providing a comparable number of central staff support, which is how the other courts are able to manage the workload they have. If there were to be a vacant judge position moved to the second, perhaps they could leave the law clerk positions behind to provide central staff support.

The Committee discussed whether or not the judicial workload disparities really demonstrated an underutilization of judicial resources or systemic inefficiencies. Just because some courts are overworked can't justify saying that the third is under worked. Without the central staff, judges in the third do a lot more of the motion practice and post-conviction work. Florida appellate courts, including the third, still perform at a much higher level than courts in comparable states.

Judge Pellecchia discussed the potential positive effects that should be realized with the implementation of some of the post-conviction efforts underway. Even if the relief materializes, this will affect law clerk effort the most.

Judge Suarez noted that the judges on the third district would certainly not want to force a circuit to be aligned with their court. Also, the workflow practices on the third are historically just different than on other courts, including motion practices and oral argument. Judge Canady, noted that the import of this is that the people in the third district are getting more judicial effort on their cases than in other districts. Is this fair? Is this a misallocation of resource issue, assuming that the legislature doesn't resolve the disparity by providing additional judges for the second and fourth?

The members discussed whether the rule contemplated the assessment committee making a recommendation to realign the need for judges, including whether the Court already knew about these issues and whether the Committee should make this type of recommendation.

The pros and cons – moving the 20<sup>th</sup> con is that it is disruptive and the local community doesn't want it. The Court has these same numbers and is keenly aware of this workload disparity, but the Court has established a process by rule. It seems to be the job of the committee to make a recommendation because they asked for the Committee's best judgment pursuant to the rule. The Committee might give them alternative – something to help them address the misallocation of judicial resources. Judge Canady noted that if the people in the twentieth circuit were polled to find out how many people cared about the realignment of their circuit, you would find not many. Dealing with the political considerations seems to be the purview of the legislature. They will hear from their constituents and take this into consideration if such a recommendation were to be made by the Court.

Judge Pellechia reminded the members that the twelfth circuit has the same issues in the twentieth. Judge Padovano noted that if the Court makes a recommendation about realignment to the legislature, the legislature can determine the nature of the realignment. There was further discussion as to whether the legislature was limited by the specific recommendation of the Court.

There was some discussion of giving deference to rule 2.035 regarding the shifting of a judge from the third. Judge Taylor noted that the Committee could just lay out the problem and lay out the options. If there is a way to solve the problem, we should at least recommend how it could be addressed.

Judge Padovano inquired about how such a recommendation would be justified? Judge Canady replied that he thought it could be justified under the effectiveness criteria in particular the portions about workload and preparing opinions. He noted that there is also the issue of per curiam affirmed opinions. Honestly, the second would have fewer if the workload was not so great, and it would improve consistency in the law and the better review of the opinions issued. Of course, all of these factors are subjective, and that is not to say that the judges on the second are not doing those things, but the questions is could they do them better if there was a better allocation of resources in the system. Judges who have been on the second district for any period of time, recognize the increasing caseload and do not feel that they can give every case the attention that they'd like. Given the number of judge hours and the number of cases and divide them up, the judges in the third district have more time.

Judge Davis inquired if moving a judge out of the third would not be impacting the third's operations and ability to handle the cases in a manner that has been their practice? Judge Canady talked about the time it takes to manage the work of central staff. Granted, staff can help reduce the need for more judges and staff plays an important role, but he

believes the Committee should focus on the work of judges, as it is the judges who need to be deciding the cases.

Mr. Youchock noted that any recommendation that the Committee makes could impact the Court's certification of need for additional judges. Ms. Haughwout voiced a concern about just accepting that the third's caseload is too low; is it that the second and fourth districts are too high?

There was a discussion of the numbers-driven weighted caseload system that the Court has adopted as a reasonable workload at the district court level. The Court, in adopting the recent amendments to rule 2.035, has indicated that it relies heavily on the relative case weights. The districts seem to be willing to work within these weights in terms of the number of judges they request. Judge Canady noted that there are also public relations and political considerations that are made with these requests. In his view, it is the primary role of the Committee to look at the alignment and configuration of the districts and not primarily the number of district court judges. There is a whole other process and rule that looks at that. However, he is concerned that something be done regarding the misallocation, in one of these processes.

The Committee took a short break for lunch.

**Workers' Compensation.** Judge Padovano opened the discussion by addressing the workers' compensation cases. He observed that, while the first district may not be a great oracle of wisdom on workers' compensation, spreading it out among the districts will probably not resolve any issues. An argument has been made that at least that would create an opportunity for conflicts that could then be resolved by the supreme court, but the constitution designed the district courts to be court of final jurisdiction for the most part. The Committee should not be engaged in creating opportunities for conflict among the districts. Workers' compensation is about 12 – 14% of the workload in the first, to spread it out, no court would be able to develop expertise.

**Chambers Dispersal.** About chambers dispersal, Judge Padovano indicated that he was originally favor of the idea, although he has some concerns about it now. Transporting files is a logistical issue. It works for the federal courts, but they have so many fewer cases. Additionally, the legislature can't anticipate funding for judicial appointees that may request office space funding at any given time.

The opportunity to have local office space would certainly encourage applicants from southwest Florida, Jacksonville, or Pensacola. He would be reluctant to see the Court get committed to this – and have judges scattered all over Florida – only to subsequently determine that there are serious disadvantages.

After some discussion, the Committee agreed to recommend that this issue be studied by another committee for the supreme court's consideration. The main reason for this is that the geographical issue is contemplated in the rule and that this would most likely open up the judicial applicant pools, although it could not impact the decision of the governor.

Additionally, the Committee agreed that a lot of the logistical issues will be eliminated by technology and that having an office in Tampa or Lakeland is not really necessary to doing the job of an appellate judge. Likewise, such an arrangement would also impact the applicant pool for supreme court vacancies.

After some additional discussion and various proposed motions (and agreeing that the e-mails from Judge Klein and Sweet could stand for a vote against making any change) the Committee members agreed that there was a need, but not a necessity, to address the disparity of judicial resources. The Committee voted on a compound recommendation to realigning the twentieth circuit to the third district or in the alternative to, upon the next vacancy in the third district, shift a judgeship to the second district and to increase staff support in the third district. The compound motion passed by a vote of 7 to 5. The members voted on each proposal separately and realigning the twentieth to the third failed and shifting a judicial position from the third passed.

Ms. Haughwout inquired about the district courts' authority to create branch offices. After some discussion, it was noted that the district courts have the authority under 35.05, Florida Statutes, to create a branch within the district, but the practical reality is that the legislature must fund it pursuant to a judicial branch legislative budget request.

Judge Pellecchia made a comment about the nature of the geographic issues in each circuit and noted that his recommendation would be that each district be able to make its own recommendation to the Court about branch offices or dispersed chamber arrangements. Mr. Rosenbloum observed that if someone really wanted to serve on a district court, there is a point where they may need to accept the fact that the location of the courthouse may require them to move. The members discussed the idea that the first district may have a better case for dispersed or branch courthouses. Judge Taylor noted that there are no judges from the Keys on the third district.

The members concurred that there should not be a geographical quota or changes made to ensure that there are judges selected from any particular location. The discussed state and federal examples of dispersed chamber arrangement. Florida does not reimburse for travel from a judge's home to the court. Judge Orfinger noted that branch courthouse and chambers dispersion are two different issues. He pointed out that appellate courts are not like the post office. Community presence is just not part of the function of appellate courts; ninety percent of what judges do is on paper. If the Committee recommends branch courthouses for the purpose of creating community presence, then the legislative process would essentially determine the location of such facilities. There are also many logistical issues with operating branch courthouses. Chambers dispersion may present collegiality issues, although in the fifth, where some judges are only in the building several times a week, the other judges just wait until they are on site to have discussions about a case.

Judge Pellecchia made a motion that the Committee recommend that the Court allow each district to make its own determination as to the advisability creating of branches in its district. There was some discussion about the history behind the first district's branch in

Jacksonville. Ms. Haughwout asked about how branch needs would be prioritized. Would the costs of a branch facility take precedence over other critical needs? Branch courthouses may present some benefit, but who makes these political and practical decisions in light of other priorities? Mr. Henley explained the general process by which a district's request for resources is funneled through the District Court of Appeal Budget Commission to the supreme court.

Judge Orfinger asked how many members of the public actually ever go to a district court. Lawyers know where to go and one day soon people will be able to file from home. Judge Pellecchia amended his motion to provide for a branch in the twentieth or twelfth circuit in order to increase public trust and confidence and lead to greater applicant diversity on the second district. The motion failed by committee vote of 2 to 11.

Judge Orfinger made a motion to address geographic applicant diversity by recommending that the Court undertake a meaningful study of the positive and negative issues involved with the state funding office space so that judges could work in their home districts. Ms. Haughwout inquired about expanding the motion to include a study of branch courthouses, Judge Orfinger declined to amend his motion. After further discussion, including security and budget needs and the space limitations of most county courthouses, the members approved the motion by a vote of 10 to 3.

Judge Edwards-Stephens inquired of the disposition of the workers' compensation cases. Judge Padovano asked the members to indicate if they agreed that this should be a recommendation. The response was negative. The members agreed that their reasons may be diverse, but the report should reflect the members' discussions as to why it failed; primarily that it would not have a significant impact in improving the criteria and the reasons discussed earlier.

The committee agreed to note encouraging work-in-progress addressing post-conviction issues. If successful this work would potentially result in a decrease in post-conviction work for the districts.

Judge Orfinger suggested looking at reducing interlocutory appeals. Judge Padovano agreed that intuitively it would decrease these appeals. The committee agreed to recommend that the court be very circumspect in amending the rules of appellate procedure in a way that would expand the opportunity for these types of cases.

Mr. Rosenbloum inquired about practices of districts using visiting judges to help with workload. The members discussed the various courts' practices of using substitute judges, including the second's associate judge suite. Judge Canady reported that the associate judge system is not a perfect arrangement and although it has helped some, the addition of a judge would be preferable. The Committee discussed whether to recommend that this practice be considered as a good way if addressing workload. However, because the practice is not widespread and the merits are undetermined at this point, the members agreed to not make this recommendation.

**PCAs.** The Committee then moved on to a discussion of the PCA practices of the courts. The members agreed that the issue needs to be acknowledged. There was a clear message that there is a public perception problem. Ms. Haughwout emphasized that this practice does raise questions about how the courts communicate to the lawyers as to what the law is, and also what issues to raise in their briefs. The inmate surveys indicated that they are very frustrated and confused by this practice. If it is tied into workload, then that is what the Committee needs to talk about.

Judge Padovano noted that the district courts have to do more than render a decision; they are supposed to develop a body of law. If judges write unnecessary opinions, then that potentially makes the state of the law more confusing and will clutter up the law books with cases lacking precedential value. Judges and lawyers just have different perceptions. Appellate judges are looking diligently for cases with issues that they can write about. Judge Padovano said that if there is an issue there, appellate judges will take the time to write an opinion, regardless of the workload.

Judge Canady reported that the second district judges have tried to issue more per curiam opinions or citation opinions and have found that this practice decreases the number of motions for rehearing. He thinks the number of PCAs is related to workload in the second district. There are some cases that would be served by an opinion, in terms of explaining or the body of law and would benefit by having an opinion written, but that are not written because of the workload stacking up.

Judge Edwards-Stephens observed the confusion for the trial court by the citation opinions and even dissenting opinions such that she would predict even more from lawyers and parties citing unpublished opinions. Judge Orfinger reminded the members that several years ago the Supreme Court appointed a PCA Committee that filed a report; he recommended reading it. He also noted that the perception is not reflected in the numbers of cases with written opinions. The primary role of the district courts is error correction; if the trial court is presumed correct and the parties got an explanation from the trial judge, there is no need to explain again why they failed to prove the trial judge incorrect. As far as writing more law, it is already hard to enough to keep up with what is already being written.

Judge Padovano noted that Florida judges publish more opinions than any state, including California, which issues a lot of unpublished opinions. Mr. Rosenbloum noted that most appellate practitioners accept the fact that they are not entitled to an opinion and that he is not in favor of doing anything about them. Judge Davis inquired about the pro se litigant trends, and of course the post-conviction cases. Isn't this an indication that the public trust and confidence issue will become greater? After further discussion, the committee agreed that PCAs are an ongoing problem that is reaffirmed by the information received by the Committee. It negatively affects public trust and confidence. The members agreed that the Committee's report needed to acknowledge the problem and identify it as a concern, but that it is an issue that the Committee can't solve. It appears that something

needs to be done about the controversy in terms of public trust and confidence, the resolution of which is beyond the scope of this Committee's charge.

**Concluding Comments.** Mr. Gyden made an additional comment about the importance of the report not indicating that the judges in the third district are under worked, but that in the absence of additional judges, the Committee sees the need to shift judicial effort.

Judge Edwards-Stephens proposed that the report support the use of senior judges or circuits judges as may be appropriate. The Committee agreed.

Ms. Haughwout noted that the report should certainly support the technology available that might help to assist with the geographical issues. Judge Padovano agreed that the report could reference technology opportunities without specifically recommending any specific technology, as the Committee did not study the advantages of any technology.

The Committee adjourned.

**Committee on District Court of Appeal Workload and Jurisdiction Assessment  
Committee, October 24, 2006, Conference Call**

**Minutes**

**Members present:**

Philip Padovano, Chair  
Mr. Ramon Abadin  
Judge Charles Canady  
Judge Brian Davis  
Judge Sandra Edwards-Stephens  
Mr. Henry Gyden  
Ms. Carey Haughwout  
Judge Larry Klein  
Ms. Kellie Anne Nielan  
Judge Richard Orfinger  
Mr. Louis Rosenbloum  
Judge Richard Suarez  
Judge Gary Sweet  
Judge Sandra Taylor

**Others present:** Blan Teagle, Barbara French, Jo Suhr, Greg Youchock, and Steve Henley from the Office of the State Courts Administrator.

Judge Padovano thanked the members for making the time to participate in the call. After approving several technical amendments, the Committee approved the minutes from the September 7 and October 6 meetings.

The Committee discussed Judge Cope's letter. Judge Padovano noted that he did not agree with Judge Cope's jurisdictional argument. He also noted that he did not want the Committee to negatively impact the certification of need requests from the second and fourth districts by making a recommendation in that realm. Ms. Carey Haughwout suggested that the Committee should be recommending additional judges for all districts rather than considering shifting current judgeships from one district to another.

Judge Canady noted that the Committee has a responsibility to adhere to the charge and the current rule that identifies how judges are certified by the Supreme Court to the Legislature. He noted that better judicial balance could be achieved by redistributing judgeships across districts and, as importantly, that judicial workload in the second or fourth district could be address via the possible transfer of a judgeship from the third district. Mr. Gyden observed that the third district operates differently than the others in that they have fewer staff attorneys and many more cases have oral argument. He noted that the Committee may be overstepping its authority by even considering moving a judge from the third district to the second or fourth districts. He was also concerned about the Legislature's reaction to such a proposal.

Judge Klein noted that the third district has a lot less central staff than the other districts. Judge Orfinger noted that the third district's workload may be where it should be and that the other courts have workloads higher than they should. However, he also noted that the Committee is obligated to review whether resources (including judicial positions) are equitably and efficiently allocated. He observed that the case weighting system used by the Supreme Court to evaluate judicial workload at the district court level is the measure of per judge workload that the Supreme Court has adopted. Judge Orfinger also stated that he disagrees with Judge Cope's jurisdictional argument and he strongly supports the request by the second and fourth districts for additional judgeships. He noted that if a judgeship were to be transferred out of the third district that additional central staff should be allocated in its stead. Judge Suarez noted that the third district is an efficient court. He also observed that the other districts could become more efficient by providing new judgeships to the second and fourth districts.

Judge Taylor noted that the Committee should recommend that, where appropriate, the playing field be leveled by ensuring that all districts have the proper judicial and staffing compliment in place. She stated that as a chief judge of a judicial circuit, she has personal experience of dealing with the proposal of eliminating a judgeship and the need to clearly communicate the repercussions of such proposals to the Supreme Court. Judge Klein suggested that only the judgeships requested by the districts should be endorsed by the Committee and they should not recommend adding two judgeships each to the second and fourth districts. Judge Warner noted that the district court requests for new judgeships are made using the workload facing the individual district and do not include a larger review of the state need. Judge Suarez stated that the Committee should support the process used by the Supreme Court for requesting new judgeships from the Legislature.

Judge Suarez made a motion that the Committee rescind its vote taken on October 6, 2006 whereby one judgeship from the third district be shifted to either the second and fourth district and that the third district be provided additional central staff support. The motion was seconded and approved on a 12 to 2 vote. The Committee also agreed to support the requests of the second and fourth districts for new judgeships. There was no other action taken by the Committee. Judge Padovano then adjourned the meeting.

## District Court of Appeal Judge Opinion Survey

*The Supreme Court of Florida charged the District Court of Appeal Workload and Jurisdiction Assessment Committee with developing recommendations on the need to increase, decrease, or redefine the appellate districts. As specified in [Rule 2.036, Rules of Judicial Administration](#), the Committee's recommendation will be based on five criteria (Effectiveness, Efficiency, Access to Appellate Review, Professionalism, and Public Trust and Confidence). The purpose of this survey is to obtain input pertaining to these five criteria. Your responses should be directed to the court as a whole and **not** to any individual judge on the court.*

*A booklet containing descriptive information (entitled Florida's District Courts of Appeal, A Descriptive Review) was provided to you on June 1X, 2006. The booklet is also available at [www.flcourts.org/dca\\_assessment](http://www.flcourts.org/dca_assessment). Additionally, hyperlinks to excerpts of the booklet are provided throughout the survey. **If you would like to provide input for multiple districts, please complete a separate survey for each.***

### Preliminary Information

The Committee is charged with developing recommendations for the supreme court on uniform criteria as a primary basis for a determination of the need to increase, decrease, or redefine the appellate districts. The survey information does not contain the identification of the respondent. However, in order to group responses, we need answers to the following two questions.

1. How many years have you served as a district court of appeal judge?

Less Than 3 Years	3 to 10 Years	Over 10 Years
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Your responses are relevant to which district court of appeal?

First	Second	Third	Fourth	Fifth
<input type="checkbox"/>				

## Criteria I. Effectiveness

The effective administration of justice requires deliberate attention to the core processes of the judicial branch. In order to be effective, the district courts of appeal should:

- ✓ expedite appropriate cases;
- ✓ prepare written opinions when warranted;
- ✓ function in a collegial manner;
- ✓ develop, clarify, and maintain consistency in the law within the district, including consistency between written opinions and per curiam affirmances without written opinions;
- ✓ harmonize decisions of the court with those of other districts or certify conflict to the supreme court when appropriate;
- ✓ review all decisions rendered by your court;
- ✓ accommodate changes in statutes or case law; and
- ✓ serve on management committees for that court and the judicial system.

Considering the information provided above, please respond to the following questions.

1. The First District Court of Appeal expedites appropriate cases.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

2. The First District Court of Appeal workload permits adequate time for judges to prepare written opinions when warranted.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

3. The First District Court of Appeal functions in a collegial manner.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

4. The First District Court of Appeal workload permits adequate time for judges to develop, clarify, and maintain consistency in the law within the district (including consistency between written opinions and PCAs).

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

5. First District Court of Appeal judges harmonize decisions of the court to those of other district courts in Florida.

Strongly Disagree   Disagree   Neutral   Agree   Strongly Agree   No Opinion  
              

6. When appropriate, the First District Court of Appeal judges certify conflict in decisions to the Supreme Court of Florida.

Strongly Disagree   Disagree   Neutral   Agree   Strongly Agree   No Opinion  
              

7. First District Court of Appeal judges have adequate time to review all decisions rendered by the court.

Strongly Disagree   Disagree   Neutral   Agree   Strongly Agree   No Opinion  
              

8. The First District Court of Appeal has sufficient resources available to accommodate changes in statutes or case law that impact judicial workload.

Strongly Disagree   Disagree   Neutral   Agree   Strongly Agree   No Opinion  
              

9. The First District Court of Appeal has sufficient resources available to accommodate changes in statutes or case law that impact court operations.

Strongly Disagree   Disagree   Neutral   Agree   Strongly Agree   No Opinion  
              

10. The First District Court of Appeal workload permits adequate time for judges to serve on management committees for the court and the judicial system.

Strongly Disagree   Disagree   Neutral   Agree   Strongly Agree   No Opinion

11. Would the effectiveness of the First District Court of Appeal improve by a change in jurisdiction?

		I Don't
Yes	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If yes, please select all that apply.

- Create additional district
- Merge the district into another district
- Redistribute workers' compensation cases
- Move circuits into district
- Move circuits out of district

12. Would the effectiveness of the First District Court of Appeal improve by administrative changes?

		I Don't
Yes	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If yes, please select all that apply.

- Deploy new technology
- Increase ratios of support staff per judge
- Create branch locations in the district
- Create subject matter divisions in the district
- Create geographic divisions within the district
- Add judges

13. What other steps can be taken to improve the **effectiveness** of the First District Court of Appeal?

## Criteria II. Efficiency

The quality, timeliness, and efficiency of decision making by the judiciary is essential. In order to be efficient the district courts of appeal should:

- ✓ stay current with caseload;
- ✓ adjudicate a high percentage of its cases within the time standards set forth in the Rules of Judicial Administration and have adequate procedures to ensure efficient, timely disposition of its cases; and
- ✓ utilize its resources, case management techniques, and other technologies to improve the efficient adjudication of cases, research of legal issues, and preparation and distribution of decisions.

Considering the information provided above, please respond to the following questions.

1. The First District Court of Appeal stays current with its caseload, as indicated by measurements such as the clearance rate.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

2. The First District Court of Appeal adjudicates a high percentage of its cases within the time standards set forth in the Rules of Judicial Administration.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

3. The First District Court of Appeal utilizes its resources, case management techniques, and other technologies to improve the efficient adjudication of cases.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

4. The First District Court of Appeal utilizes its resources, case management techniques, and other technologies to improve the efficient research of legal issues.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

5. The First District Court of Appeal utilizes its resources, case management techniques, and other technologies to improve the efficient preparation and distribution of decisions.

Strongly Disagree    Disagree    Neutral    Agree    Strongly Agree    No Opinion  
                                                           

6. Would the efficiency of the First District Court of Appeal improve by a change in jurisdiction?

Yes            No            I Don't Know  
                       

If yes, please select all that apply.

- Create additional district
- Merge the district into another district
- Redistribute workers' compensation cases
- Move circuits into district
- Move circuits out of district

7. Would the efficiency of the First District Court of Appeal improve by administrative changes?

Yes            No            I Don't Know  
                       

If yes, please select all that apply.

- Deploy new technology
- Increase ratios of support staff per judge
- Create branch locations in the district
- Create subject matter divisions in the district
- Create geographic divisions within the district
- Add judges

8. What other steps can be taken to improve **efficiency** in the First District Court of Appeal?

### Criteria III. Access to Appellate Review

Justice requires the ability to petition for redress of injuries, and the right to equal access to the legal system. Barriers to meaningful access to the legal system can result in unequal treatment that can give rise to injustice. In order to provide access to appellate review:

- ✓ litigants, including self-represented litigants, should have meaningful access to the court for mandatory and discretionary review of cases, consistent with due process;
- ✓ litigants should be afforded efficient access to the court for the filing of pleadings and for oral argument when appropriate; and
- ✓ orders and opinions should be available in a timely and efficient manner.

Considering the information provided above, please respond to the following questions.

1. Litigants at the First District Court of Appeal (including self-represented litigants) have meaningful access to mandatory and discretionary review of cases, consistent with due process.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

2. Litigants at the First District Court of Appeal have access to the court for the filing of pleadings.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

3. Litigants at the First District Court of Appeal have access to the court for oral argument when appropriate.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

4. Orders and opinions at the First District Court of Appeal are available to litigants in a timely and efficient manner.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

5. Would access to appellate review for the First District Court of Appeal improve by a change in jurisdiction?

		I Don't
Yes	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If yes, please select all that apply.

- Create additional district
- Merge the district into another district
- Redistribute workers' compensation cases
- Move circuits into district
- Move circuits out of district

6. Would access to appellate review for the First District Court of Appeal improve by administrative changes?

		I Don't
Yes	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If yes, please select all that apply.

- Deploy new technology
- Increase ratios of support staff per judge
- Create branch locations in the district
- Create subject matter divisions in the district
- Create geographic divisions within the district
- Add judges

7. What other steps can be taken to improve **access** to appellate review in the First District Court of Appeal?

## Criteria IV. Professionalism

Justice depends on the quality and competence of those who work within the court system. Floridians deserve a court system staffed with highly competent, skilled judges and administrators. In order to provide professionalism the district courts of appeal should:

- ✓ have adequate time and resources to participate in continuing judicial education opportunities and to stay abreast of the law in order to maintain a qualified judiciary;
- ✓ recruit and retain qualified staff attorneys, clerk's office staff, and other support staff; and
- ✓ have adequate time to participate in continuing education and specialized training opportunities.

Considering the information provided above, please respond to the following questions.

1. The First District Court of Appeal workload permits time and resources for judges to participate in continuing judicial education opportunities and to stay abreast of the law.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

2. The First District Court of Appeal recruits and retains qualified staff attorneys.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

3. The First District Court of Appeal recruits and retains qualified clerk's office staff and other support staff (excluding staff attorneys).

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

4. The First District Court of Appeal staff (excluding judges) has adequate time to participate in continuing education and specialized training.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

5. Would professionalism in the First District Court of Appeal improve by a change in jurisdiction?

		I Don't
Yes	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If yes, please select all that apply.

- Create additional district
- Merge the district into another district
- Redistribute workers' compensation cases
- Move circuits into district
- Move circuits out of district

6. Would professionalism in the First District Court of Appeal improve by administrative changes?

		I Don't
Yes	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If yes, please select all that apply.

- Deploy new technology
- Increase ratios of support staff per judge
- Create branch locations in the district
- Create subject matter divisions in the district
- Create geographic divisions within the district
- Add judges

7. What other steps can be taken to improve **professionalism** in the First District Court of Appeal?

## Criteria V. Public Trust and Confidence

The independence and legal authority of the courts is a grant by the people. The erosion of public trust and confidence in the court undermines judicial independence, diminishes the effectiveness of court actions, and reduces the ability of the courts to fulfill their function. In order to engender public trust and confidence the district courts of appeal should:

- ✓ have adequate time to conduct outreach to attorneys and the public within the district;
- ✓ provide adequate access to oral arguments and other public proceedings for the public within the district;
- ✓ foster public trust and confidence with its geographic territory;
- ✓ foster public trust and confidence with its demographic composition; and
- ✓ attract an adequate, diverse group of well-qualified applicants for judicial vacancies within its district, including applicants from all circuits within the district.

Considering the information provided above, please respond to the following questions.

1. The First District Court of Appeal workload permits time for judges to conduct outreach to attorneys and public within the district.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

2. The First District Court of Appeal provides adequate access to oral arguments and other public proceedings for the public within the district.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

3. The geographic territory of the First District Court of Appeal fosters public trust and confidence.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

4. The demographic composition of judges in the First District Court of Appeal fosters public trust and confidence.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

5. The First District Court of Appeal attracts an adequate, diverse group of well-qualified applicants for judicial vacancies, including applicants from all circuits within the district.

Strongly Disagree    Disagree    Neutral    Agree    Strongly Agree    No Opinion  
                                                                                                   

6. Would public trust and confidence for the First District Court of Appeal improve by a change in jurisdiction?

Yes                    No                    Don't Know  
                                       

If yes, please select all that apply.

- Create additional district
- Merge the district into another district
- Redistribute workers' compensation cases
- Move circuits into district
- Move circuits out of district

7. Would public trust and confidence for the First District Court of Appeal improve by administrative changes?

Yes                    No                    I Don't Know  
                                       

If yes, please select all that apply.

- Deploy new technology
- Increase ratios of support staff per judge
- Create branch locations in the district
- Create subject matter divisions in the district
- Create geographic divisions within the district
- Add judges

8. What other steps can be taken to improve **public trust and confidence** in the First District Court of Appeal?

## General

1. Was the descriptive information provided in the booklet entitled Florida's District Court of Appeal, A Descriptive Review useful?

		Didn't
Yes	No	Use
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Below is the mission of the district courts of appeal and commentary. What change(s) do you believe is essential to ensure that the district courts of appeal uphold their mission?

# Trial Court Judges, Administrative Law Judges, Workers' Compensation Judges, and Attorneys Opinion Survey

*The Supreme Court of Florida charged the District Court of Appeal Workload and Jurisdiction Assessment Committee with developing recommendations on the need to increase, decrease, or redefine the appellate districts. As specified in Rule 2.036, Rules of Judicial Administration, the Committee's recommendation will be based on five criteria (Effectiveness, Efficiency, Access to Appellate Review, Professionalism, and Public Trust and Confidence). The purpose of this survey is to obtain input pertaining to these five criteria. Your responses should be directed to the court as a whole and **not** to any individual judge on the court.*

*A booklet containing descriptive information for each district court (entitled Florida's District Courts of Appeal, A Descriptive Review) is available at [www.flcourts.org/dca\\_assessment](http://www.flcourts.org/dca_assessment). Additionally, hyperlinks to excerpts of the booklet are provided throughout the survey. **If you would like to provide input for multiple districts, please complete a separate survey for each district.***

## Preliminary Information

The Commission is charged with developing recommendations for the supreme court on uniform criteria as a primary basis for a determination of the need to increase, decrease, or redefine the appellate districts. However, because the information we are collecting does not contain the identification of the respondent, we need to ask:

1. Your responses are relevant to which district court of appeal?

First      Second      Third      Fourth      Fifth  
                       

2. What is your profession?

Private      Public      Trial      Workers'      Administrative      Senior  
Attorney      Attorney      Judge      Compensation      Law Judge      Judge  
                  Judge           

3. How many years have you been a member of The Florida Bar?

Less Than      3 to 10      Over  
3 Years      Years      10 Years

## Criteria I. Effectiveness

The effective administration of justice requires deliberate attention to the core processes of the judicial branch. In order to be effective, the district courts of appeal should:

- ✓ expedite appropriate cases;
- ✓ prepare written opinions when warranted;
- ✓ function in a collegial manner;
- ✓ develop, clarify, and maintain consistency in the law within the district, including consistency between written opinions and per curiam affirmances without written opinions;
- ✓ harmonize decisions of the court with those of other districts or certify conflict to the supreme court when appropriate;
- ✓ review all decisions rendered by your court;
- ✓ accommodate changes in statutes or case law; and
- ✓ serve on management committees for that court and the judicial system.

Considering the information provided above, please respond to the following questions.

1. The district court of appeal expedites appropriate cases.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

2. The district court of appeal workload permits adequate time for judges to prepare written opinions when warranted.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

3. The district court of appeal functions in a collegial manner.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

4. The district court of appeal workload permits adequate time for judges to develop, clarify, and maintain consistency in the law within the district (including consistency between written opinions and PCAs).

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

5. The district court of appeal judges harmonizes decisions of the court to those of other district courts in Florida.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

6. When appropriate, the district courts of appeal judges certify conflict in decisions to the Supreme Court of Florida.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

7. The district court of appeal judges have adequate time to review all decisions rendered by the court.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

8. The district court of appeal has sufficient resources available to accommodate changes in statutes or case law that impact judicial workload.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

9. The district court of appeal has sufficient resources available to accommodate changes in statutes or case law that impact court operations.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

10. The district court of appeal workload permits adequate time for judges to serve on management committees for the court and the judicial system.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

11. Would the effectiveness of the district court of appeal improve by a change in jurisdiction?

		I Don't
Yes	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If yes, please select all that apply.

- Create additional district
- Merge the district into another district
- Redistribute workers' compensation cases
- Move circuits into district
- Move circuits out of district

12. Would the effectiveness of the district court of appeal improve by administrative changes?

		I Don't
Yes	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If yes, please select all that apply.

- Deploy of new technology
- Increase ratios of support staff per judge
- Create branch locations in the district
- Create subject matter divisions in the district
- Create geographic divisions within the district
- Add of judges

13. What other steps can be taken to improve the **effectiveness** of the district court of appeal?

## Criteria II. Efficiency

The quality, timeliness, and efficiency of decision making by the judiciary is essential. In order to be efficient the district courts of appeal should:

- ✓ stay current with caseload;
- ✓ adjudicate a high percentage of its cases within the time standards set forth in the Rules of Judicial Administration and have adequate procedures to ensure efficient, timely disposition of its cases; and
- ✓ utilize its resources, case management techniques, and other technologies to improve the efficient adjudication of cases, research of legal issues, and preparation and distribution of decisions.

Considering the information provided above, please respond to the following questions.

1. The district court of appeal stays current with its caseload, as indicated by measurements such as the clearance rate.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

2. The district court of appeal adjudicates a high percentage of its cases within the time standards set forth in the Rules of Judicial Administration.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

3. The district court of appeal utilizes its resources, case management techniques, and other technologies to improve the efficient adjudication of cases.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

4. The district court of appeal utilizes its resources, case management techniques, and other technologies to improve the efficient research of legal issues.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

5. The district court of appeal utilizes its resources, case management techniques, and other technologies to improve the efficient preparation and distribution of decisions.

Strongly Disagree   Disagree   Neutral   Agree   Strongly Agree   No Opinion  
              

6. Would the efficiency of the district court of appeal improve by a change in jurisdiction?

Yes   No   I Don't Know  
     

If yes, please select all that apply.

- Create additional district
- Merge the district into another district
- Redistribute workers' compensation cases
- Move circuits into district
- Move circuits out of district

7. Would the efficiency of the district court of appeal improve by administrative changes?

Yes   No   I Don't Know  
     

If yes, please select all that apply.

- Deploy of new technology
- Increase ratios of support staff per judge
- Create branch locations in the district
- Create subject matter divisions in the district
- Create geographic divisions within the district
- Add judges

8. What other steps can be taken to improve **efficiency** in the district court of appeal?

### Criteria III. Access to Appellate Review

Justice requires the ability to petition for redress of injuries, and the right to equal access to the legal system. Barriers to meaningful access to the legal system can result in unequal treatment that can give rise to injustice. In order to provide access to appellate review:

- ✓ litigants, including self-represented litigants, should have meaningful access to the court for mandatory and discretionary review of cases, consistent with due process;
- ✓ litigants should be afforded efficient access to the court for the filing of pleadings and for oral argument when appropriate; and
- ✓ orders and opinions should be available in a timely and efficient manner.

Considering the information provided above, please respond to the following questions.

1. Litigants at the district court of appeal (including self-represented litigants) have meaningful access to mandatory and discretionary review of cases, consistent with due process.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

2. Litigants at the district court of appeal have access to the court for the filing of pleadings.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

3. Litigants at the district court of appeal have access to the court for oral argument when appropriate.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

4. Orders and opinions at the district court of appeal are available to litigants in a timely and efficient manner.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

5. Would access to appellate review for the district court of appeal improve by a change in jurisdiction?

		I Don't
Yes	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If yes, please select all that apply.

- Create additional district
- Merge the district into another district
- Redistribute workers' compensation cases
- Move circuits into district
- Move circuits out of district

6. Would access to appellate review for the district court of appeal improve by administrative changes?

		I Don't
Yes	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If yes, please select all that apply.

- Deploy of new technology
- Increase ratios of support staff per judge
- Create branch locations in the district
- Create subject matter divisions in the district
- Create geographic divisions within the district
- Add judges

7. What other steps can be taken to improve **access** to appellate review in the district court of appeal?

## Criteria IV. Professionalism

Justice depends on the quality and competence of those who work within the court system. Floridians deserve a court system staffed with highly competent, skilled judges and administrators. In order to provide professionalism the district courts of appeal should:

- ✓ have adequate time and resources to participate in continuing judicial education opportunities and to stay abreast of the law in order to maintain a qualified judiciary;
- ✓ recruit and retain qualified staff attorneys, clerk's office staff, and other support staff; and
- ✓ have adequate time to participate in continuing education and specialized training opportunities.

Considering the information provided above, please respond to the following questions.

1. The district court of appeal workload permits time and resources for judges to participate in continuing judicial education opportunities and to stay abreast of the law.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

2. The district court of appeal recruits and retains qualified staff attorneys.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

3. The district court of appeal recruits and retains qualified clerk's office staff and other support staff (excluding staff attorneys).

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

4. The district court of appeal staff (excluding judges) has adequate time to participate in continuing education and specialized training.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

5. Would professionalism in the district court of appeal improve by a change in jurisdiction?

		I Don't
Yes	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If yes, please select all that apply.

- Create additional district
- Merge the district into another district
- Redistribute workers' compensation cases
- Move circuits into district
- Move circuits out of district

6. Would professionalism in the district court of appeal improve by administrative changes?

		I Don't
Yes	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If yes, please select all that apply.

- Deploy of new technology
- Increase ratios of support staff per judge
- Create branch locations in the district
- Create subject matter divisions in the district
- Create geographic divisions within the district
- Add judges

7. What other steps can be taken to improve **professionalism** in the district court of appeal?

## Criteria V. Public Trust and Confidence

The independence and legal authority of the courts is a grant by the people. The erosion of public trust and confidence in the court undermines judicial independence, diminishes the effectiveness of court actions, and reduces the ability of the courts to fulfill their function. In order to engender public trust and confidence the district courts of appeal should:

- ✓ have adequate time to conduct outreach to attorneys and the public within the district;
- ✓ provide adequate access to oral arguments and other public proceedings for the public within the district;
- ✓ foster public trust and confidence with its geographic territory;
- ✓ foster public trust and confidence with its demographic composition; and
- ✓ attract an adequate, diverse group of well-qualified applicants for judicial vacancies within its district, including applicants from all circuits within the district.

Considering the information provided above, please respond to the following questions.

1. The district court of appeal workload permits time for judges to conduct outreach to attorneys and public within the district.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

2. The district court of appeal provides adequate access to oral arguments and other public proceedings for the public within the district.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

3. The geographic territory of the district court of appeal fosters public trust and confidence.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

4. The demographic composition of judges in the district court of appeal fosters public trust and confidence.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
<input type="checkbox"/>					

5. The district court of appeal attracts an adequate, diverse group of well-qualified applicants for judicial vacancies, including applicants from all circuits within the district.

Strongly Disagree    Disagree    Neutral    Agree    Strongly Agree    No Opinion  
                                                                                                   

6. Would public trust and confidence for the district court of appeal improve by a change in jurisdiction?

Yes                    No                    I Don't Know  
                                       

If yes, please select all that apply.

- Create additional district
- Merge the district into another district
- Redistribute workers' compensation cases
- Move circuits into district
- Move circuits out of district

7. Would public trust and confidence for the district court of appeal improve by administrative changes?

Yes                    No                    I Don't Know  
                                       

If yes, please select all that apply.

- Deploy of new technology
- Increase ratios of support staff per judge
- Create branch locations in the district
- Create subject matter divisions in the district
- Create geographic divisions within the district
- Add judges

8. What other steps can be taken to improve **public trust and confidence** in the district court of appeal?

## General

1. Was the descriptive information provided in the booklet entitled Florida's District Court of Appeal, A Descriptive Review useful?

		Didn't
Yes	No	Use
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Below is the mission of the district courts of appeal and commentary. What change(s) do you believe is essential to ensure that the district courts of appeal uphold their mission?

### **Mission**

The mission of the judicial branch is to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

The purpose of Florida's district courts of appeal is to provide the opportunity for thoughtful review of decisions of lower tribunals by multi-judge panels. District courts of appeal correct harmful errors and ensure that decisions are consistent with our rights and liberties. This process contributes to the development, clarity and consistency of the law.

### **Commentary**

Under the Florida constitution, citizens whose rights and liberties have been determined by trial courts and state agencies have a guaranteed right of appellate review. The district courts of appeal were created to conduct this appellate review, by a panel of at least three judges, which in most cases is final.

Following review of a case, the court's decision may be accompanied by an opinion that discusses the legal issues and the court's analysis of the case. The courts' opinions provide the public, other courts and the legal community with a body of law, thereby enhancing understanding of the courts' work and providing a level of stability and predictability that allows Florida's citizens to conduct their business and personal affairs in accordance with the law of our state.

## Litigant Opinion Survey

*The Supreme Court of Florida charged the District Court of Appeal Workload and Jurisdiction Assessment Committee with developing recommendations on the need to increase, decrease, or redefine the appellate districts. As specified in [Rule 2.036, Rules of Judicial Administration](#), the Committee's recommendation will be based on five criteria (Effectiveness, Efficiency, Access to Appellate Review, Professionalism, and Public Trust and Confidence). The purpose of this survey is to obtain input pertaining to these five criteria.*

*To assist you in this endeavor, a pamphlet describing Florida's district courts of appeal is available at [www.flcourts.org/dca\\_assessment](http://www.flcourts.org/dca_assessment). If you would like to provide input for multiple districts, please complete a separate survey for each.*

1. In what county in Florida do you reside?
2. Have you used the Florida courts website ([www.flcourts.org](http://www.flcourts.org)) to access information about the district court of appeal?  
  
Yes    No  
      
  
If yes, was the information current and useful?  
  
Yes    Somewhat    No
3. Have you had experience with a district court of appeal within the last three years?  
  
Yes    No
4. Your responses are relevant to which district court of appeal?  
  
First    Second    Third    Fourth    Fifth

5. What type of case did you file? *[select all that apply]*
- Administrative (for example, unemployment compensation and petition to review non-final agency action)
  - Criminal – Post Conviction (for example, 3.800, 3.850, 3.853)
  - Criminal – All Other (for example, judgment and sentence, petition regarding ineffective assistance of counsel, petition for belated appeal)
  - Civil (for example, civil prisoner litigation, certiorari, mandamus)
  - Family (for example, adoption)
  - Juvenile Delinquency
  - Juvenile Dependency (includes termination of parental rights)
  - Probate/Guardianship
  - Workers' Compensation
6. Were you represented by an attorney?
- Yes    No
- 
7. Do you believe the fee to file an appeal at the district court of appeal is reasonable?
- Yes    Somewhat    No    Don't Know
- 
8. Was your case handled in a timely manner by the district court of appeal?
- Yes    Somewhat    No    Don't Know
- 
9. Did you understand the decision of the district court of appeal judges that handled your case?
- Yes    Somewhat    No    Not Applicable
- 
10. Do you believe decisions made by district court of appeal judges are fair and based on the law?
- Yes    Somewhat    No    Don't Know
-

11. Do you know where to find written documentation of district court of appeal decisions and other court documents?

Yes    Somewhat    No  
             

12. Do you have reasonable access to the district court of appeal building?

Yes    Somewhat    No    Don't  
Know  
                    

13. Do you have reasonable access to view district court of appeal court files (exhibits, documents, etc.)?

Yes    Somewhat    No    Don't  
Know  
                    

14. Do you believe the district court of appeal promote access to oral argument?

Yes    Somewhat    No    Don't  
Know  
                    

15. Do you believe district court of appeal judges and court staff treat people with respect?

Yes    Somewhat    No    Don't  
Know  
                    

16. Do you believe district court of appeal judges and court staff are highly skilled and able to perform their duties well?

Yes    Somewhat    No    Don't  
Know  
                    

17. Do you believe court staff at the district court of appeal are helpful (i.e., answer questions, provide necessary information, etc.)?

Yes    Somewhat    No    Don't  
Know

18. Did the pamphlet describing Florida's district courts of appeal assist you in this survey?

Yes	Somewhat	No	Didn't Use
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Litigant Opinion Survey for the Department of Corrections

*The Supreme Court of Florida charged the District Court of Appeal Workload and Jurisdiction Assessment Committee with developing recommendations on the need to increase, decrease, or redefine the appellate districts. As specified in Rule 2.036, Rules of Judicial Administration, the Committee's recommendation will be based on five criteria (Effectiveness, Efficiency, Access to Appellate Review, Professionalism, and Public Trust and Confidence). The purpose of this survey is to obtain input pertaining to these five criteria.*

*To assist you in this endeavor, a pamphlet describing Florida's district courts of appeal is enclosed. If you would like to provide input for multiple districts, please complete a separate survey for each.*

1. When was your latest experience with a district court of appeal?

Less than 3 Years Ago	3 to 5 Years Ago	Over 5 Years Ago
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Your responses are relevant to which district court of appeal?

First	Second	Third	Fourth	Fifth
<input type="checkbox"/>				

3. What type of case did you file? *[select all that apply]*

- Administrative (for example, unemployment compensation and petition to review non-final agency action)
- Criminal – Post Conviction (for example, 3.800, 3.850, 3.853)
- Criminal – All Other (for example, judgment and sentence, petition regarding ineffective assistance of counsel, petition for belated appeal)
- Civil (for example, civil prisoner litigation, certiorari, mandamus)
- Family (for example, adoption)
- Juvenile Delinquency
- Juvenile Dependency (includes termination of parental rights)
- Probate/Guardianship
- Workers' Compensation

4. Were you represented by an attorney?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

5. Was your case handled in a timely manner by the district court of appeal?

Yes	Somewhat	No	Don't Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Did you understand the decision of the district court of appeal judges that handled your case?

Yes	Somewhat	No	Not Applicable
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. Do you believe decisions made by district court of appeal judges are fair and based on the law?

Yes	Somewhat	No	Don't Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. Do you know where to find written documentation of district court of appeal decisions and other court documents?

Yes	Somewhat	No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. Do you believe district court of appeal judges and court staff treat people with respect?

Yes	Somewhat	No	Don't Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. Do you believe district court of appeal judges and court staff are highly skilled and able to perform their duties well?

Yes	Somewhat	No	Don't Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. Do you believe court staff at the district court of appeal are helpful (i.e., answer questions, provide necessary information, etc.)?

Yes	Somewhat	No	Don't Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. Did the pamphlet describing Florida's district courts of appeal assist you in this survey?

Yes	Somewhat	No	Didn't Use
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Public Opinion Survey

*The Supreme Court of Florida charged the District Court of Appeal Workload and Jurisdiction Assessment Committee with developing recommendations on the need to increase, decrease, or redefine the appellate districts. As specified in [Rule 2.036, Rules of Judicial Administration](#), the Committee's recommendation will be based on five criteria (Effectiveness, Efficiency, Access to Appellate Review, Professionalism, and Public Trust and Confidence). The purpose of this survey is to obtain input pertaining to these five criteria.*

*To assist you in this endeavor, a pamphlet describing Florida's district courts of appeal is available at [www.flcourts.org/dca\\_assessment](http://www.flcourts.org/dca_assessment).*

1. In what county in Florida do you reside?
  
2. Have you used the Florida courts website ([www.flcourts.org](http://www.flcourts.org)) to access information about the district court of appeal?  
  
Yes    No  
      
  
If yes, was the information current and useful?  
  
Yes    Somewhat    No
  
3. Have you had experience with a district court of appeal within the last three years?  
  
Yes    No
  
4. Do you believe the fee to file an appeal at the district court of appeal is reasonable?  
  
Yes    Somewhat    No    Don't Know
  
5. Do you believe appeals to the district court of appeals are handled in a timely manner?  
  
Yes    Somewhat    No    Don't Know

6. Do you believe district court of appeals promote access to oral argument?

			Don't
Yes	Somewhat	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. Do you know where to find written documentation of district court of appeal decisions?

Yes	Somewhat	No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. Do you understand the decisions made by the district court of appeal judges?

			Not
Yes	Somewhat	No	Applicable
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. Do you believe decisions made by district court of appeal judges are fair and based on the law?

			Don't
Yes	Somewhat	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. Do you believe district court of appeal judges and court staff treat people with respect?

			Don't
Yes	Somewhat	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. Do you believe district court of appeal judges and court staff are highly skilled and able to perform their duties well?

			Don't
Yes	Somewhat	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. Do you believe court staff at the district court of appeal are helpful (i.e., answer questions, provide necessary information, etc.)?

			Don't
Yes	Somewhat	No	Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13. Do you believe district court of appeal judges promote public trust and confidence?

Yes	Somewhat	No	Don't Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. Did the pamphlet describing Florida's district courts of appeal assist you in this survey?

Yes	Somewhat	No	Didn't Use
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# **Florida District Courts of Appeal A Descriptive Review**

**November 8, 2006 \***

Prepared by the Office of the State Courts Administrator on behalf of the  
Supreme Court of Florida District Court of Appeal Workload and Jurisdiction  
Assessment Committee

\* Note: This document initially contained information and statistics through fiscal year 2004/2005, which was the most current data available at the beginning of the assessment process. This version was updated with statistics through fiscal year 2005/2006 prior to filing with the Supreme Court.

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# Jurisdiction of Florida Appellate Courts

## Organization

The highest court in Florida is the Supreme Court of Florida, which is composed of seven justices. At least five justices must participate in every case and at least four must agree for a decision to be reached. The court's official headquarters is in Tallahassee.

## Jurisdiction

The jurisdiction of the supreme court is set out in the constitution with some degree of flexibility by which the legislature may add or take away certain categories of cases. The court must review final orders imposing death sentences, district court decisions declaring a state statute or provision of the state constitution invalid, bond validations, and certain orders of the Public Service Commission on utility rates and services.

In addition to these forms of mandatory review authority, if discretionary review is sought by a party, the court at its discretion may review any decision of a district court of appeal that expressly declares valid a state statute, construes a provision of the state or federal constitution, affects a class of constitutional or state officers, or directly conflicts with a decision of another district court or of the supreme court on the same question of law.

The supreme court may review certain categories of judgments, decisions, and questions of law certified to it by the district courts of appeal and federal appellate courts.

The supreme court has original jurisdiction under the constitution to issue the extraordinary writs of prohibition, mandamus, quo warranto, and habeas corpus and to issue all other writs necessary to the complete exercise of its jurisdiction.

The supreme court also renders advisory opinions to the governor, upon request, on questions relating to the governor's constitutional duties and powers.

As the state's highest tribunal, the supreme court possesses distinctive powers that are essential to the exercise of the state's judicial power but that are not, strictly speaking, decision-making powers in contested cases. The court promulgates rules governing the practice and procedure in all Florida courts, subject to the power of the legislature to repeal any rule by a two-thirds vote of its membership, and the court has the authority to repeal (if five justices concur) any rule adopted by the Judicial Qualifications Commission.

The court has exclusive authority to regulate the admission and discipline of lawyers in Florida. To assist in the performance of those regulatory powers, the court has adopted a Code of Professional Conduct, established the Florida Board of Bar Examiners to administer the admissions process, and created The Florida Bar to superintend bar governance. By rule, the supreme court oversees the certification of senior judges and by statute, the supreme court manages the process of mediator certification.

The court has been assigned the responsibility to discipline and remove judicial officers. The court has adopted a Code of Judicial Conduct, and upon the recommendation of the Judicial Qualifications Commission, it may discipline or remove any justice or judge who is found to have violated code standards.

## District Courts of Appeal

### Organization

The bulk of trial court decisions that are appealed are never heard by the supreme court. Rather, they are reviewed by three-judge panels of the district courts of appeal. Florida did not have district courts of appeal until 1957.

Until that time, all appeals were heard solely by the supreme court. As Florida grew rapidly in the twentieth century, however, the supreme court's docket became badly congested. Justice Elwyn Thomas with help from other members of the court perceived the problem and successfully lobbied for the creation of the district-court system to provide intermediate appellate courts.

### Jurisdiction

The district courts of appeal hear appeals from final judgments of the trial courts and can review certain non-final orders. By general law, the First District Court of Appeal reviews the final actions taken by state agencies in carrying out the duties of the executive branch of government. The First District Court of Appeal also reviews final orders in workers' compensation cases.

Finally, the district courts have been granted constitutional authority to review petitions for the extraordinary writs of certiorari, prohibition, mandamus, quo warranto, and habeas corpus, as well as all other writs necessary to the complete exercise of their jurisdiction.

As a general rule, decisions of the district courts of appeal represent the final appellate review of litigated cases. A person who is displeased with a district court's express decision may ask for review in the Supreme Court of Florida and then in the United States Supreme Court, but neither tribunal is required to accept the case for further review. Most requests for the exercise of discretionary jurisdiction are denied.

### Organization

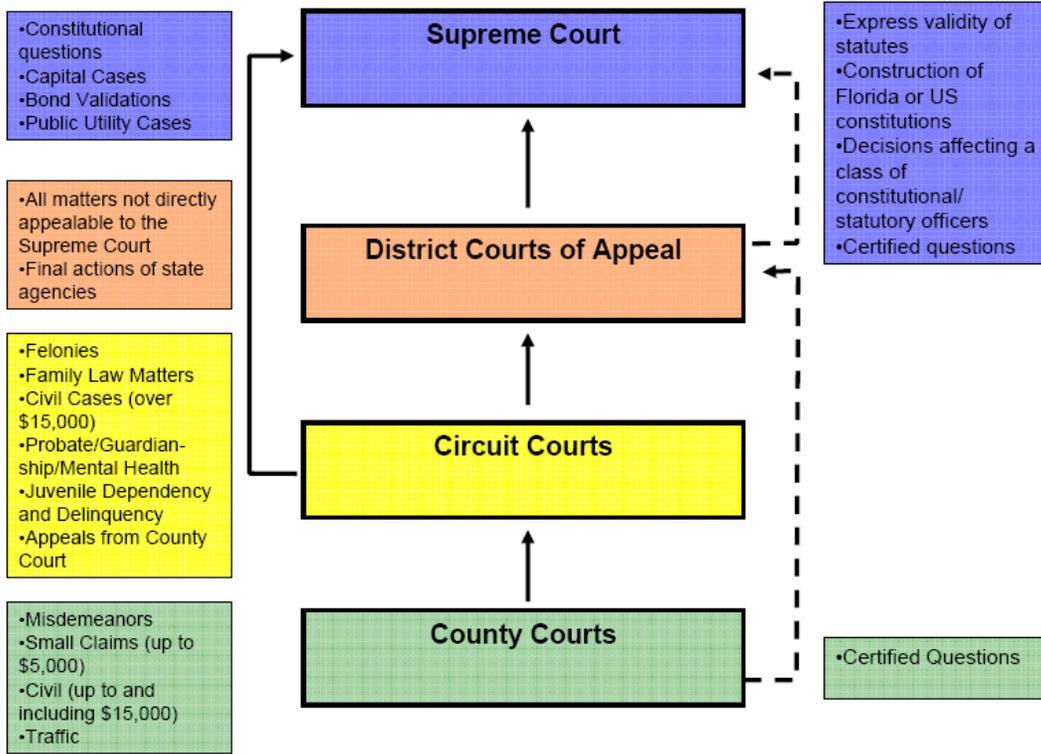
The Florida constitution provides that a circuit court shall be established to serve each judicial circuit established by the legislature, of which there are twenty. Within each circuit, there may be any number of judges, depending upon the population and caseload of the particular area.

### Jurisdiction

Circuit courts have general trial jurisdiction over matters not assigned by statute to the county courts and also hear appeals from county court cases. Thus, circuit courts are simultaneously the highest trial courts and the lowest appellate courts in Florida's judicial system.

The trial jurisdiction of circuit courts includes, among other matters, original jurisdiction over civil disputes involving more than \$15,000; controversies involving the estates of decedents, minors, and persons adjudicated as incapacitated; cases relating to juveniles; criminal prosecutions for all felonies; tax disputes; actions to determine the title and boundaries of real property; suits for declaratory judgments that is, to determine the legal rights or responsibilities of parties under the terms of written instruments, laws, or regulations before a dispute arises and leads to litigation; and requests for injunctions to prevent persons or entities from acting in a manner that is asserted to be unlawful.

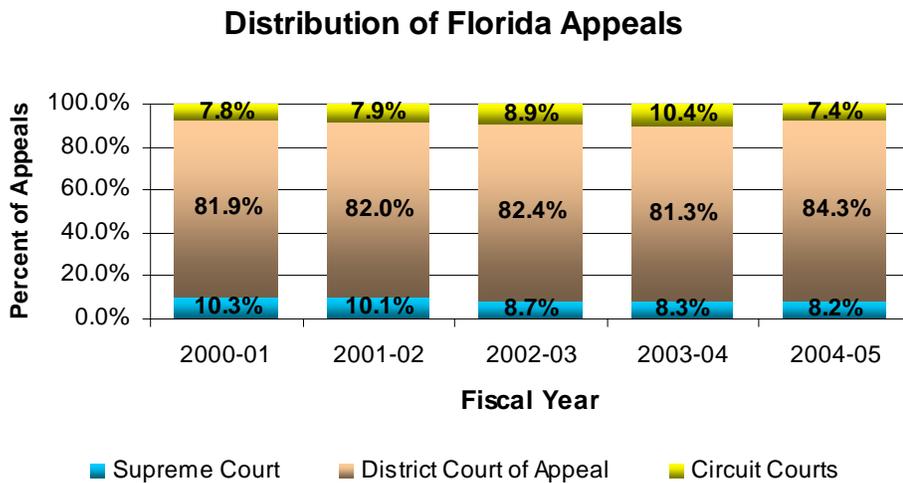
Lastly, circuit courts are also granted the power to issue the extraordinary writs of certiorari, prohibition, mandamus, quo warranto, and habeas corpus, and all other writs necessary to the complete exercise of their jurisdiction.



Nationally, 25 states have a similar court structure as Florida: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Utah, Washington, and Wisconsin.

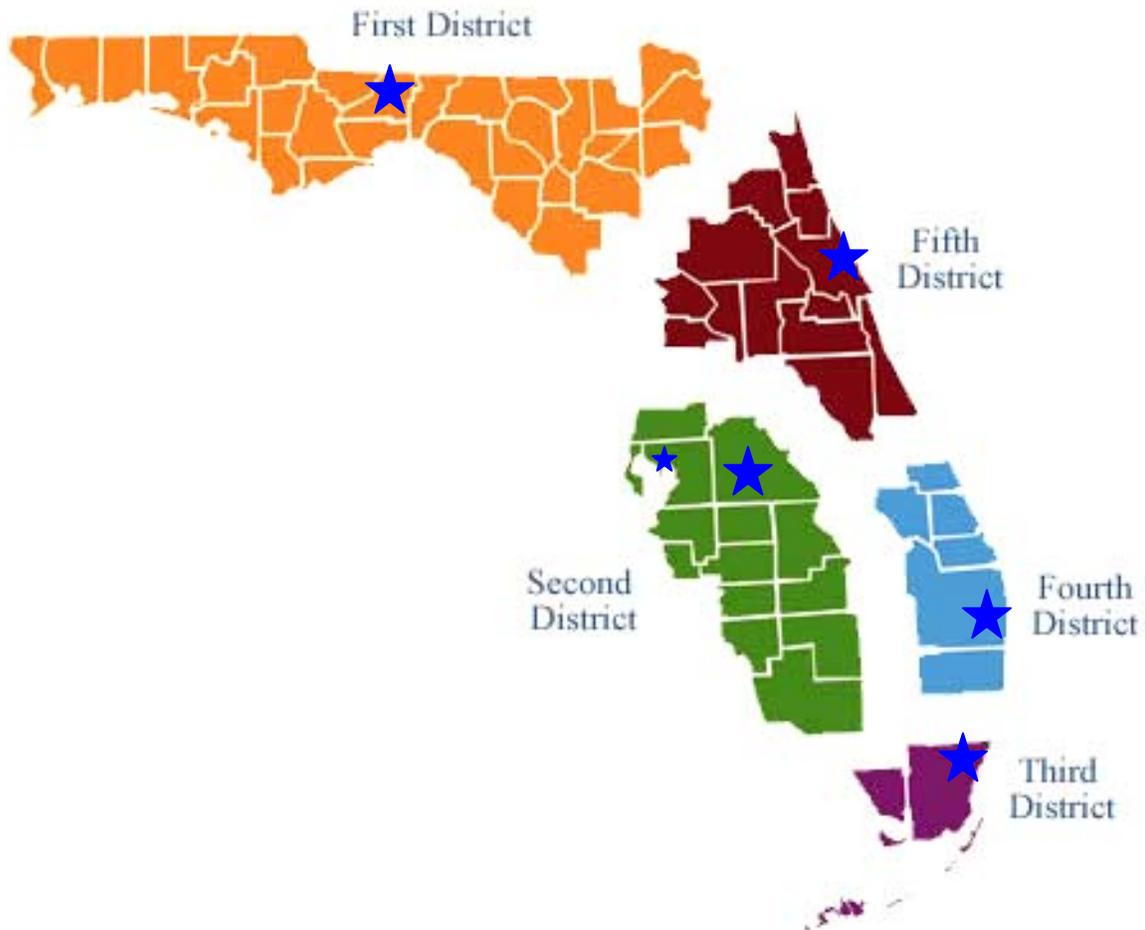
### Distribution of Appellate Workload in Florida

An indication of the overall distribution of appellate workload is depicted in the following chart; the chart represents the number of appellate filings by jurisdiction of the Florida court system.



The Florida constitution provides that the legislature shall divide the state into appellate court districts and that there shall be a district court of appeal serving each district. There are five such districts that are headquartered in Tallahassee, Lakeland, Miami, West Palm Beach, and Daytona Beach. The second district is the only district with a branch courthouse and it is located in Tampa.

Cases handled by the district courts are limited to those that arise under the geographic and subject matter jurisdiction of a court. The geographic jurisdiction of each district court of appeal is defined by general law and includes from two to six judicial circuits. With the exception of the first district, each court hears cases only from within its geographic jurisdiction and each has identical subject matter jurisdiction. The first district has subject matter jurisdiction for cases in its geographic jurisdiction, plus concurrent statewide jurisdiction in certain administrative cases and exclusive statewide jurisdiction for workers' compensation cases.



Below is a chart that shows the number of intermediate appellate court districts and filings in Florida and other comparable states that are similar in size and court structure as Florida.

### Filings in Selected Intermediate Appellate Courts

State	# of Courts	2000	2001	2002	2003	2004
Florida	5	22,884	20,484	20,602	24,142	24,089
California	6	25,038	23,382	22,379	22,043	22,824
Illinois	5	8,856	9,266	8,676	8,633	8,355
New York	4	13,188	11,866	12,108	11,984	12,343
Ohio	1	10,394	10,760	10,745	11,202	10,995
Texas	14	12,343	11,700	11,984	10,559	10,443

Source: National Center for State Courts, Supplement to Examining the Work of State Courts, 2001 to 2005.

The following chart displays the different case types heard by each selected intermediate appellate court. An intermediate appellate court can have both mandatory and discretionary jurisdiction, therefore case types are shown separately for both jurisdictional categories.

**Case Types for Selected Intermediate Appellate Courts**

Case Types	Florida	California	Illinois	New York	Ohio	Texas
<b>Mandatory Jurisdiction</b>						
Civil	✓	✓	✓	✓	✓	✓
All Criminal				✓	✓	
Noncapital Criminal Only	✓	✓	✓			✓
Administrative Agency	✓	✓	✓	✓	✓	✓
Juvenile	✓	✓	✓	✓	✓	✓
Original Proceeding	✓		✓	✓	✓	✓
Interlocutory Decision Cases	✓		✓	✓	✓	✓
<b>Discretionary Jurisdiction</b>						
Civil	✓		✓	✓		
All Criminal				✓		
Noncapital Criminal Only	✓					
Administrative Agency		✓				
Juvenile	✓			✓		
Original Proceeding	✓	✓		✓		
Interlocutory Decision Cases	✓	✓	✓	✓		

Source: National Center for State Courts, Supplement to Examining the Work of State Courts, 2004

**Selection and Terms of District Court Judges**

Article VIII, section 5, of the Florida constitution requires that a district court judge be “an elector of the state and reside in the territorial jurisdiction of the court.” The district court judge must be a member of The Florida Bar and have been a member for the preceding 10 years. The district court judge cannot serve after reaching 70 years of age except on temporary assignment or to complete a term, one-half of which has been served prior to turning 70.

District court judges must meet the same eligibility requirements for appointment to office, and they are subject to the same procedures and conditions for discipline and removal from office, as justices of the supreme court. Like supreme court justices, district court judges also serve terms of six years and will be eligible for successive terms under a merit retention vote of the electors in their districts.

**Governance and Management of the District Courts of Appeal**

**Role of the Chief Judge**

In each district court, a chief judge, who is selected by the district court judges within the district, is responsible for the administrative duties of the court. Rule 2.040, Florida Rules of Judicial Administration, provide that the chief judge shall be the administrative officer of the court, responsible for the dispatch of the court’s business and the assignment and consolidation of cases.

## **Authority for Procedural Matters**

Some of the district courts of appeal have established Rules of Internal Operation. Those rules are published on the websites of the individual courts. Those rules do not supplant the Rules of Judicial Administration, but are designed to disclose established practices within the court and aid the public to understand the structure and functioning of the court.

## **Commission on District Court Performance and Accountability**

In 1998 the judicial branch embarked on an initiative to support ongoing enhancement of the performance of Florida's courts and improvement in the ability of the courts to be accountable to the people. This work responds to mandates that emanate from Article III, section 19, of the Florida constitution; Chapter 216, Florida Statutes; and the branch's long-range strategic plan. The Commission on District Court of Appeal Performance and Accountability performs the following responsibilities:

- Develop, coordinate, report and make recommendations to the supreme court on a comprehensive performance measurement, improvement and accountability system for the district courts of appeal.
- Review district court of appeal case management information and data reporting requirements and coordinate the development of uniform reporting procedures and data definitions. This includes the information required in support of annual certification of need for additional district court judges and to comply with statutory performance and accountability reporting requirements.
- Conduct analyses and make recommendations regarding district courts of appeal workload and resource measurement systems. This includes judicial workload and the certification of need for additional district court of appeal judges, and workload formulas for law clerks and other court support resources.
- Collaborate with the District Courts of Appeal Budget Commission and the Office of the State Courts Administrator in the development of a budgeting framework that allows for expression of the fiscal resources needed to effectively administer the district courts and to incorporate the performance and accountability measurement requirements.
- Respond to constitutional and statutory requirements and requests by the legislature and the Office of the Governor related to appellate court performance and accountability.

## **District Court of Appeal Budget Commission**

In 2001, the supreme court adopted Rule 2.054, Florida Rules of Judicial Administration, which established a District Court of Appeal Budget Commission to develop and oversee the administration of the district court budgets in a manner that ensures equity and fairness in state funding among the 5 districts.

The commission performs the following responsibilities:

- Seeks input from interested constituencies, including chief judges, marshals, clerks of district courts and members of other judicial commissions and committees in order to identify funding needs and to establish budgeting and funding policies including allocation formulas and/or criteria associated with accountability mechanisms.

- Makes recommendations to the supreme court on district court budget requests, allocation formulas, budget reductions, legislative pay plan issues for district court personnel, and statutory and rule changes related to the district court budget.
- Advocates for the district court component of the judicial branch budget request.
- Monitors expenditure trends and revenue collections to identify unanticipated budget problems and to ensure efficient use of resources.

### **Florida Courts Technology Commission**

Florida's courts have made great advances in the use of technology to improve and enhance the efficiency, effectiveness and timeliness of those processes critical to the management of information technologies. Originally established in 1995 as the Court Technology User's Committee, the purpose of the Florida Courts Technology Commission is to advise the chief justice of the supreme court on matters relating to the use of technology in the judicial branch. The commission is charged with:

- Recommending policy governing the use of technology resources in the State Courts System.
- Formulating priorities for appellate and trial court technology budgets and present those recommendations to the District Court of Appeal Budget Commission and the Trial Court Budget Commission.
- Reviewing and approving any modification to the technical and functional standards developed by the Appellate Technology Committee and the Trial Court Technology Committee, and ensuring that the technology utilized at all levels of the State Courts System is capable of being fully integrated.
- Evaluating strategic/operational technology plans submitted by the judicial circuits, as well as any technology plans developed by the Appellate Court Technology Committee.
- Performing such other assignments related to the use of technology in the judicial branch as may be directed by the chief justice of the supreme court.

### **Florida Court Education Council**

Continuing judicial education is mandatory in Florida, by court rule. To help judges satisfy this educational requirement, the Florida Court Education Council currently presents a variety of educational programs for new judges, experienced judges, and some court staff, such as court administrators and appellate law clerks. About 900 hours of instruction are offered each year through live presentations and distance learning formats. This education helps judges and staff to enhance their legal knowledge, administrative skills and ethical standards, with the resulting public benefit of competent and fair administration of justice.

Membership on the Florida Court Education Council is determined by the chief justice and has been set forth in various administrative orders over the years. Currently, the appellate courts are represented by The Honorable Robert Gross (at-large member) and The Honorable Juan Ramirez (Appellate Associate Dean of the Florida College of Advanced Judicial Studies).

## Judicial Qualifications Commission

The Judicial Qualifications Commission (JQC) is an independent agency created by the Florida constitution solely to investigate alleged misconduct by Florida state judges. It is not a part of the Supreme Court of Florida or the state courts and operates under rules it establishes for itself. The JQC has no authority over federal judges or judges in other states. Complaints against state judges must be filed with the JQC, not with the supreme court or any other state court or judge. Neither the supreme court nor its chief justice has any authority to investigate alleged misconduct by state judges or to investigate the JQC.

The JQC is divided into two panels, an "investigative panel" that acts much like a prosecutor, and a "hearing panel" that acts much like a panel of judges reviewing the case. Judges accused of misconduct often are represented by a private attorney.

The hearing panel of JQC will review the case against the state judge and hear competing arguments from both sides. The amount of time involved in conducting hearings varies greatly from case to case. Some judges agree or "stipulate" to some form of discipline, which means there will be no further proceedings and the case will go on to the supreme court for final determination. However, the supreme court can reject these stipulations and has done so on some occasions in the past. If a judge contests the charges, more time and more hearings usually are involved. The JQC hearing panel schedules its own hearings. These hearings are not broadcast but are open to the public. They can be held anywhere in the state, usually near where the judge lives.

Once the JQC panel has concluded its hearings, it files its findings and recommendation for any discipline with the supreme court. If the state judge has stipulated to discipline, the stipulation also will be filed with the court. The supreme court then must decide whether to schedule oral argument. Briefs can be filed with the court before it decides the case. If oral argument is scheduled, it is announced in advance in the [Court's Press Summaries](#), which are available on the supreme court's website.

# Composition of the District Courts of Appeal

## Vision of the Florida Judicial Branch

Justice in Florida will be accessible, fair, effective, responsive, and accountable.

## Mission

The mission of the judicial branch is to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

The purpose of Florida’s district courts of appeal is to provide the opportunity for thoughtful review of decisions of lower tribunals by multi-judge panels. District courts of appeal correct harmful errors and ensure that decisions are consistent with our rights and liberties. This process contributes to the development, clarity and consistency of the law.

### Commentary

Under the Florida constitution, citizens whose rights and liberties have been determined by trial courts and state agencies have a guaranteed right of appellate review. The district courts of appeal were created to conduct this appellate review, by a panel of at least three judges, which in most cases is final.

Following review of a case, the court’s decision may be accompanied by an opinion that discusses the legal issues and the court’s analysis of the case. The courts’ opinions provide the public, other courts and the legal community with a body of law, thereby enhancing understanding of the courts’ work and providing a level of stability and predictability that allows Florida’s citizens to conduct their business and personal affairs in accordance with the law of our state.

## Number of Districts

Section 35.01, Florida Statutes provides for 5 district courts of appeal divided into 5 intermediate appellate districts of contiguous circuits. Each district is composed of two to six judicial circuits.

## Florida Districts and Respective Judicial Circuits

District	Judicial Circuits
1st	1st, 2nd, 3rd, 4th, 8th, 14th
2nd	6th, 10th, 12th, 13th, 20th
3rd	11th, 16th
4th	15th, 17th, 19th
5th	5th, 7th, 9th, 18th

## Judges and Court Staff

**Judges.** Article V, section 4(a), of the Florida constitution states that each district court of appeal shall consist of at least three judges to consider each case and the concurrence of two shall be necessary to a decision. Section 35.12, Florida Statutes, provides for a chief judge of each district court of appeal to be selected by members of the court. Each chief judge serves a term of two years.

**Clerk.** Article V, section 4(c) of the Florida constitution mandates the existence of a clerk of court in each district court of appeal. This position is also mandated by section 35.21, Florida Statutes. The primary role of the clerk of court is the court records and caseload management activity, and other responsibilities of the clerk innumerable in section 35.22, Florida Statutes. The clerk of each district court of appeal advises the chief judge and the court on policies to improve the effective, efficient, and timely processing of cases.

**Marshal.** Article V, section 4(c), of the Florida constitution, as well as section 35.26, Florida Statutes, directs that each district court of appeal appoint a marshal. The activities of judicial administration and security are central to the role of the marshal. Both of these activities are essential to the effective functioning of the court. The marshals are conservators of peace for the building(s) in which the district court sits. They may apprehend any person, without warrant, who is disturbing the peace. They also manage their court's respective operational budgets, order and distribute equipment and supplies used by judges and court staff, and perform other administrative tasks. This includes general administrative support to the district courts, including the development and implementation of administrative and personnel policies and procedures.

### Number of Judges and Court Staff (October 2006)

District	Judges	Judicial Assistants	Law Clerks/ Central Staff <sup>1</sup>	Clerk's Office	Administration	All Other Staff <sup>2</sup>	Total
1st	15	16	43	17	5	11	107
2nd	14	17	38	16	7	9	101
3rd	11	13	25	14	4	8	75
4th	12	12	33	16	3	10	86
5th	10	10	27	10	3	11	71
<b>Total</b>	<b>62</b>	<b>68</b>	<b>166</b>	<b>73</b>	<b>22</b>	<b>49</b>	<b>440</b>

<sup>1</sup> Each judge is assigned two personal law clerks. The remaining are central staff attorneys.

<sup>2</sup> All Other Staff include clerical support, library, security, information systems, and custodial staff.

### Number of Personal Law Clerks and Central Staff Attorneys Per Judge

District	Personal Law Clerks	Central Staff Attorneys	Judges	Law Clerks/ Central Staff Per Judge
1st	30	13	15	2.9
2nd	28	10	14	2.7
3rd	22	3	11	2.3
4th	24	9	12	2.8
5th	20	7	10	2.7
<b>Total</b>	<b>124</b>	<b>42</b>	<b>62</b>	<b>2.7</b>

## Budget

The major cost factors in the district courts of appeal, beyond fixed capital outlay, are salaries for judges, personal staff including law clerks, other support staff including the office of the clerk and the marshal, and the costs of maintaining a safe, accessible, and functional court facility and infrastructure.

### Relative Cost Per Case in Selected Intermediate Appellate Courts

State	Year	Total Filings	Number of Judges	Filings per Judge	Budget	Cost per Case
Florida	FY 00-01	23,577	62	<b>380</b>	\$43,081,193	<b>\$1,827</b>
	FY 01-02	23,649	62	<b>381</b>	\$37,636,426	<b>\$1,591</b>
	FY 02-03	24,114	62	<b>389</b>	\$36,148,195	<b>\$1,499</b>
	FY 03-04	24,157	62	<b>390</b>	\$36,032,320	<b>\$1,492</b>
	FY 04-05	24,567	62	<b>396</b>	\$38,100,442	<b>\$1,551</b>
California	FY 00-01	24,943	105	<b>238</b>	\$151,042,000	<b>\$6,055</b>
	FY 01-02	24,296	105	<b>231</b>	\$153,625,000	<b>\$6,323</b>
	FY 02-03	24,497	105	<b>233</b>	\$160,298,000	<b>\$6,544</b>
	FY 03-04	24,296	105	<b>231</b>	\$160,659,000	<b>\$6,613</b>
	FY 04-05	23,754	105	<b>226</b>	\$166,167,000	<b>\$6,995</b>
Illinois	FY 00-01	9,086	52	<b>175</b>	\$25,868,900	<b>\$2,847</b>
	FY 01-02	8,850	52	<b>170</b>	\$27,205,500	<b>\$3,074</b>
	FY 02-03	8,491	53	<b>160</b>	\$28,333,400	<b>\$3,337</b>
	FY 03-04	8,345	53	<b>157</b>	\$29,070,500	<b>\$3,484</b>
	FY 04-05	8,123	54	<b>150</b>	\$29,666,700	<b>\$3,652</b>
New York	FY 00-01	11,263	55	<b>205</b>	\$48,100,000	<b>\$4,271</b>
	FY 01-02	10,192	57	<b>179</b>	\$50,500,000	<b>\$4,955</b>
	FY 02-03	10,019	58	<b>173</b>	\$51,900,000	<b>\$5,180</b>
	FY 03-04	9,921	58	<b>171</b>	\$53,000,000	<b>\$5,342</b>
	FY 04-05	10,075	58	<b>174</b>	\$55,700,000	<b>\$5,529</b>
Ohio	FY 00-01	10,394	66	<b>157</b>	\$23,436,488	<b>\$2,255</b>
	FY 01-02	10,480	68	<b>154</b>	\$23,864,679	<b>\$2,277</b>
	FY 02-03	10,404	68	<b>153</b>	\$24,913,859	<b>\$2,395</b>
	FY 03-04	10,915	68	<b>161</b>	\$25,707,904	<b>\$2,355</b>
	FY 04-05	10,713	68	<b>158</b>	\$27,085,497	<b>\$2,528</b>
Texas	FY 00-01	12,340	80	<b>154</b>	\$24,201,032	<b>\$1,961</b>
	FY 01-02	11,583	80	<b>145</b>	\$21,001,131	<b>\$1,813</b>
	FY 02-03	11,998	80	<b>150</b>	\$25,095,197	<b>\$2,092</b>
	FY 03-04	12,346	80	<b>154</b>	\$25,096,274	<b>\$2,033</b>
	FY 04-05	12,115	80	<b>151</b>	\$24,932,607	<b>\$2,058</b>

Note: Data reported in calendar years for New York, Ohio and Texas.

Florida budget includes non-recurring allocations.

Ohio budget excludes operations costs funded by counties.

### Continuing Education

Rule 2.150, Florida Rules of Judicial Administration provides that all judges and justices must complete a minimum of 30 credit hours of approved judicial education programs every three years. Two hours must be in the area of judicial ethics. In addition to the 30-hour requirement, every new appellate court judge or justice must, within 2 years following selection to that level of court, complete an approved appellate-judge program.

### Description of the Bench

The composition of the bench as it relates to the total number of appellate judges, gender, ethnicity, as well as the average number of years serving on the appellate bench is provided.

### Composition and Average Number of Years Serving on Appellate Bench

District	Number of Judges	Gender and Ethnicity						Average Number of Years
		WM	WF	BM	BF	HM	HF	
1st	15	13	1	1	0	0	0	11.7
2nd	14	10	2	1	0	1	0	7.3
3rd	11	6	2	0	1	2	0	8.3
4th	12	7	3	1	1	0	0	14
5th	10	7	2	1	0	0	0	8.2
<b>Total</b>	<b>62</b>	<b>43</b>	<b>10</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>9.9</b>

Note: WM = White Male                      BF = Black Female  
 WF = White Female                      HM = Hispanic Male  
 BM = Black Male                          HF = Hispanic Female

### Geographic Representation of Current District Court Judges

Information regarding the geographic representation of current district court judges is shown in the following district court maps. These maps depict where (county) each judge resided at during the time of his or her appointment.



## **Applicants for District Court Vacancies**

Applicants for a vacancy on the district courts of appeal must be qualified voters and residents of Florida who have been admitted to the practice of law in Florida for the preceding ten years. Each applicant submits a lengthy application to a Judicial Nominating Commission and is interviewed individually by the commission; the commission then submits the list of 3 to 6 nominees to the governor. After a judge is selected and has been on the court for one year, he or she must face merit retention vote in the next general election. A successful merit retention vote results in a six-year term. Merit selection and retention is used for the state's appellate-level courts, whereas trial court judges are chosen by direct vote of the people. Merit selection was approved by the voters in 1972 and became effective January 1, 1973. Merit retention was approved by votes in 1976 and became effective in 1976 upon adoption.

Information regarding applicants for district court vacancies during the period of January, 2001 to July, 2006 is shown in the following district court maps. These maps depict where (county) each applicant resided at as well as information about their gender and ethnicity.

**First District**



**Second District**



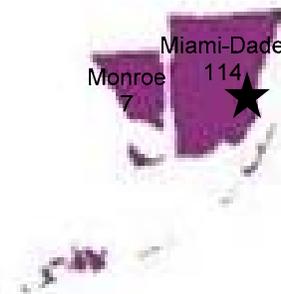
Data Not Available  
 for Second District

**Total Vacancies: 6**

White Male:  
 White Female:  
 Black Male:  
 Black Female:  
 Hispanic Male:  
 Hispanic Female:  
**Total Applicants:**

**Other Locations**

**Third District**



**Total Vacancies: 6**

White Male: 59  
 White Female: 21  
 Black Male: 4  
 Black Female: 5  
 Hispanic Male: 18  
 Hispanic Female: 16  
**Total Applicants: 123**

**Other Locations**

Broward: 1  
 Palm Beach: 1

**Fourth District**



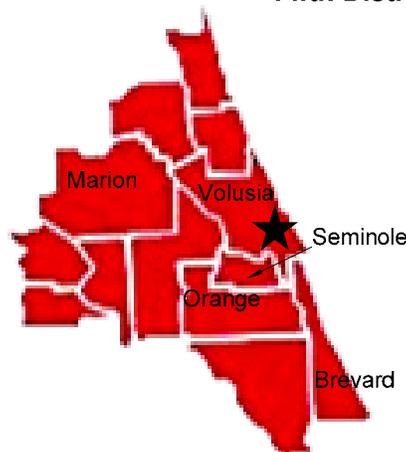
**Total Vacancies: 1**

White Male: 7  
 White Female: 5  
 Black Male: 9  
 Black Female: 5  
 Hispanic Male: 18  
 Hispanic Female: 17  
**Total Applicants: 13**

**Other Locations**

Miami-Dade: 1

**Fifth District**



Data Not Available  
 for Fifth District

**Total Vacancies: 4**

White Male:  
 White Female:  
 Black Male:  
 Black Female:  
 Hispanic Male:  
 Hispanic Female:  
**Total Applicants:**

**Other Locations**

## District Courts of Appeal Performance Indicators

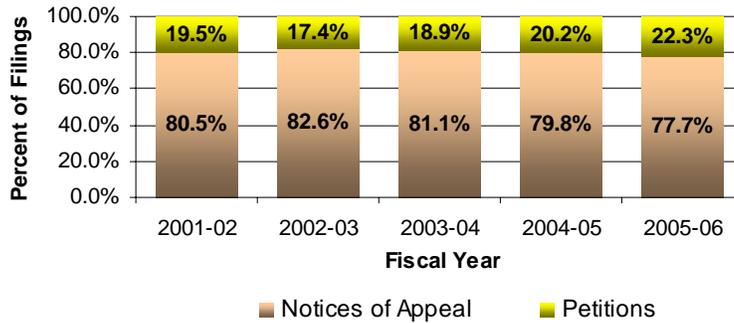
### Composition of Cases

The common term applied to filing cases in the appellate courts is “appeal.” However, there are two distinct types of cases filed in the district courts of appeal: notices of appeal and petitions. Notices of appeal are filed where a litigant who is dissatisfied with a trial court judgment asks a district court of appeal to review the decision in his or her case. Petitions are written requests to the court for legal action, which begins a court case, but as such are not a type of appellate review.

### Type of Filings - Notices of Appeal versus Petitions

District	Type of Case	2001-02	2002-03	2003-04	2004-05	2005-06
1st	Notices of Appeal	4,218	4,464	4,615	4,689	4,879
	Petitions	1,052	930	1,110	1,279	1,476
	<b>Total</b>	<b>5,270</b>	<b>5,394</b>	<b>5,725</b>	<b>5,968</b>	<b>6,355</b>
2nd	Notices of Appeal	4,579	5,016	4,782	4,888	4,607
	Petitions	1,159	1,004	1,044	1,194	1,382
	<b>Total</b>	<b>5,738</b>	<b>6,020</b>	<b>5,826</b>	<b>6,082</b>	<b>5,989</b>
3rd	Notices of Appeal	2,905	2,767	2,666	2,514	2,404
	Petitions	722	661	660	667	693
	<b>Total</b>	<b>3,627</b>	<b>3,428</b>	<b>3,326</b>	<b>3,181</b>	<b>3,097</b>
4th	Notices of Appeal	4,110	4,143	3,999	3,980	3,763
	Petitions	972	934	1,059	1,071	1,162
	<b>Total</b>	<b>5,082</b>	<b>5,077</b>	<b>5,058</b>	<b>5,051</b>	<b>4,925</b>
5th	Notices of Appeal	3,223	3,522	3,532	3,523	3,796
	Petitions	709	673	690	762	873
	<b>Total</b>	<b>3,932</b>	<b>4,195</b>	<b>4,222</b>	<b>4,285</b>	<b>4,669</b>
<b>Total</b>	<b>Notices of Appeal</b>	<b>19,035</b>	<b>19,912</b>	<b>19,594</b>	<b>19,594</b>	<b>19,449</b>
	<b>Petitions</b>	<b>4,614</b>	<b>4,202</b>	<b>4,563</b>	<b>4,973</b>	<b>5,586</b>
	<b>Total</b>	<b>23,649</b>	<b>24,114</b>	<b>24,157</b>	<b>24,567</b>	<b>25,035</b>

### Notice of Appeal versus Petition Filings

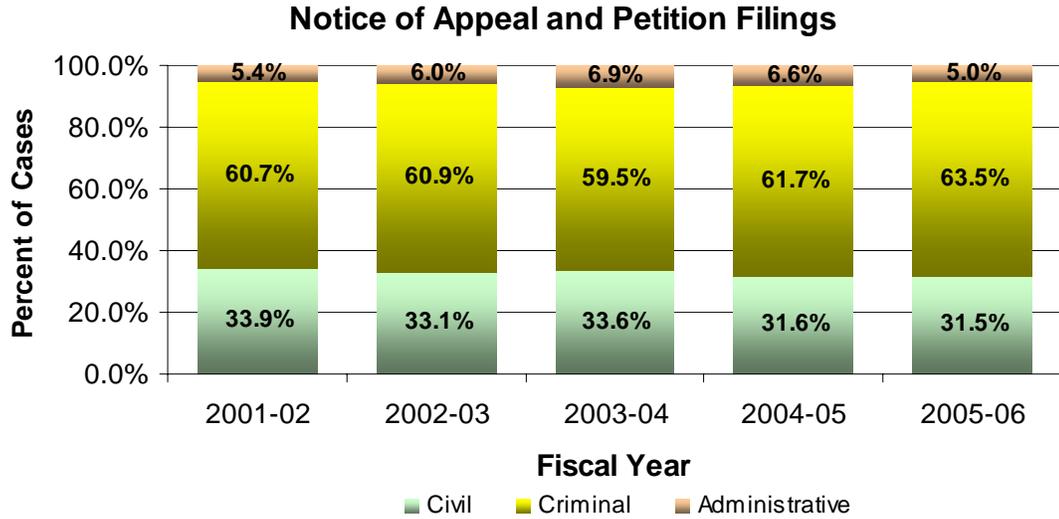


### Distribution of Case Types

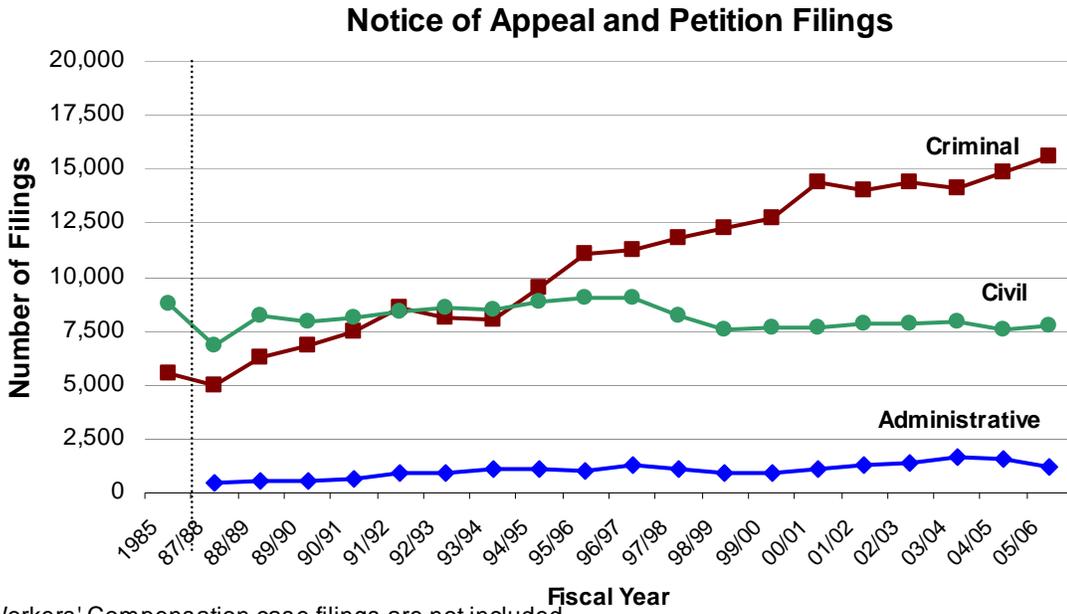
#### Type of Filings - Notices of Appeal and Petitions

District	Type of Case	2001-02	2002-03	2003-04	2004-05	2005-06
1st	Civil	1,513	1,527	1,570	1,606	1,875
	Criminal	2,835	2,777	2,782	2,983	3,363
	Administrative	474	557	802	832	677
	Workers' Compensation	448	533	571	547	440
	<b>Total</b>	<b>5,270</b>	<b>5,394</b>	<b>5,725</b>	<b>5,968</b>	<b>6,355</b>
2nd	Civil	1,713	1,688	1,794	1,770	1,764
	Criminal	3,855	4,105	3,897	4,166	4,129
	Administrative	170	227	135	146	96
	<b>Total</b>	<b>5,738</b>	<b>6,020</b>	<b>5,826</b>	<b>6,082</b>	<b>5,989</b>
3rd	Civil	1,421	1,389	1,315	1,128	1,246
	Criminal	2,036	1,836	1,807	1,875	1,719
	Administrative	170	203	204	178	132
	<b>Total</b>	<b>3,627</b>	<b>3,428</b>	<b>3,326</b>	<b>3,181</b>	<b>3,097</b>
4th	Civil	1,993	1,986	2,047	1,885	1,589
	Criminal	2,784	2,847	2,724	2,896	3,152
	Administrative	305	244	287	270	184
	<b>Total</b>	<b>5,082</b>	<b>5,077</b>	<b>5,058</b>	<b>5,051</b>	<b>4,925</b>
5th	Civil	1,223	1,216	1,210	1,206	1,272
	Criminal	2,569	2,794	2,815	2,912	3,248
	Administrative	140	185	197	167	149
	<b>Total</b>	<b>3,932</b>	<b>4,195</b>	<b>4,222</b>	<b>4,285</b>	<b>4,669</b>
<b>Total</b>	<b>Civil</b>	<b>7,863</b>	<b>7,806</b>	<b>7,936</b>	<b>7,595</b>	<b>7,746</b>
	<b>Criminal</b>	<b>14,079</b>	<b>14,359</b>	<b>14,025</b>	<b>14,832</b>	<b>15,611</b>
	<b>Administrative</b>	<b>1,259</b>	<b>1,416</b>	<b>1,625</b>	<b>1,593</b>	<b>1,238</b>
	<b>Workers' Compensation</b>	<b>448</b>	<b>533</b>	<b>571</b>	<b>547</b>	<b>440</b>
	<b>Total</b>	<b>23,649</b>	<b>24,114</b>	<b>24,157</b>	<b>24,567</b>	<b>25,035</b>

Note: Civil includes family, probate, and juvenile.  
Criminal includes post conviction.



Workers' Compensation case filings are not included in percentages.  
 Civil includes family, probate, and juvenile.  
 Criminal includes post conviction.



Workers' Compensation case filings are not included.  
 Civil includes family, probate, and juvenile.  
 Criminal includes post conviction.

## Volume of Cases

Appellate courts in Florida continue to receive more appeals proportional to the population than do the intermediate appeals courts of comparable state courts systems.

### Cases Filed Per 100,000 Population

Calendar Year	Statistic	Florida	California	Illinois	New York	Ohio	Texas
2000	Total Filings	22,884	25,038	8,856	13,188	10,394	12,343
	Cases Per 100,000 Population	143	74	71	69	92	59
2001	Total Filings	20,484	23,382	9,266	11,866	10,760	11,700
	Cases Per 100,000 Population	125	68	74	62	95	55
2002	Total Filings	20,602	22,379	8,676	12,108	10,745	11,984
	Cases Per 100,000 Population	123	64	69	63	94	55
2003	Total Filings	24,142	22,043	8,633	11,984	11,202	10,559
	Cases Per 100,000 Population	142	62	68	62	98	48
2004	Total Filings	24,089	22,824	8,355	12,343	10,995	10,443
	Cases Per 100,000 Population	139	63	66	64	96	47

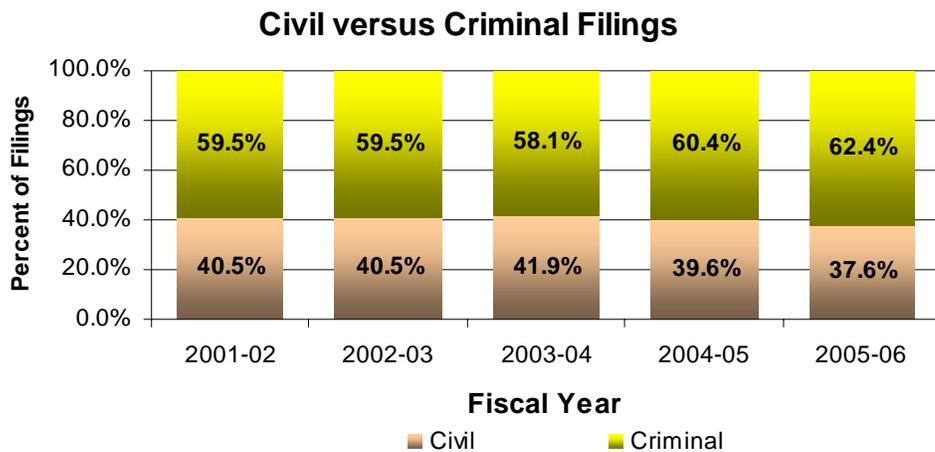
Source: National Center for State Courts, Examining the Work of State Courts, 2001-2005.

## Filing Trends

### Type of Filings - Civil versus Criminal

District	Type of Case	2001-02	2002-03	2003-04	2004-05	2005-06
1st	Civil	2,435	2,617	2,943	2,985	2,992
	Criminal	2,835	2,777	2,782	2,983	3,363
	Percent Criminal	53.8%	51.5%	48.6%	50.0%	52.9%
2nd	Civil	1,883	1,915	1,929	1,916	1,860
	Criminal	3,855	4,105	3,897	4,166	4,129
	Percent Criminal	67.2%	68.2%	66.9%	68.5%	68.9%
3rd	Civil	1,591	1,592	1,519	1,306	1,378
	Criminal	2,036	1,836	1,807	1,875	1,719
	Percent Criminal	56.1%	53.6%	54.3%	58.9%	55.5%
4th	Civil	2,298	2,230	2,334	2,155	1,773
	Criminal	2,784	2,847	2,724	2,896	3,152
	Percent Criminal	54.8%	56.1%	53.9%	57.3%	64.0%
5th	Civil	1,363	1,401	1,407	1,373	1,421
	Criminal	2,569	2,794	2,815	2,912	3,248
	Percent Criminal	65.3%	66.6%	66.7%	68.0%	69.6%
<b>Total</b>	<b>Civil</b>	<b>9,570</b>	<b>9,755</b>	<b>10,132</b>	<b>9,735</b>	<b>9,424</b>
	<b>Criminal</b>	<b>14,079</b>	<b>14,359</b>	<b>14,025</b>	<b>14,832</b>	<b>15,611</b>
	<b>Percent Criminal</b>	<b>59.5%</b>	<b>59.5%</b>	<b>58.1%</b>	<b>60.4%</b>	<b>62.4%</b>

Note: Civil includes administrative, family, probate, juvenile, and workers' compensation. Criminal includes post conviction.



Civil includes administrative, family, probate, juvenile, and workers' compensation. Criminal includes post conviction.

## Attorney Representation

### Distribution of Florida Attorneys and DCA Case Filings

District	Attorneys (as of May 2006)	Case Filings (FY 2005-06)	Attorney to Filing Ratio
1st	9,004	6,355	1.4
2nd	13,304	5,989	2.2
3rd	12,700	3,097	4.1
4th	14,409	4,925	2.9
5th	8,872	4,669	1.9
<b>Total</b>	<b>58,289</b>	<b>25,035</b>	<b>2.3</b>

## Pro Se Cases

### Pro Se Case Filings (Fiscal Year 2005-06)

Pro se case filings include post conviction, civil prisoner litigation, and non-prisoner litigation.

District	Total Filings	Pro Se Filings	Percent of Total Filings
1st	6,355	4,178	65.7%
2nd	5,989	3,407	56.9%
3rd	3,097	1,540	49.7%
4th	4,925	2,749	55.8%
5th	4,669	2,511	53.8%
<b>Total</b>	<b>25,035</b>	<b>14,385</b>	<b>57.5%</b>

## What Factors Influence District Courts of Appeal Case Filings?

Analysis of caseloads and trend data over the past forty years has shown that many commonly held beliefs about factors that contribute to appellate court caseloads, such as correlations to populations, number of attorneys, and trial court caseloads are overstated. It has been determined that changes in law, such as those contributing to post-conviction appeals, and changes in trial court practice, such as increased reliance on mediation and other private forums are more attributing factors that affect appellate caseloads.

Factor	Correlate with Case Filings? <sup>1</sup>	
	Yes	No
Changes in appellate court civil jurisdiction	✓	
Changes in criminal sentencing statutes and time served	✓	
Changes in statutes	✓	
Growth in prison population	✓	
Mediation in civil, administrative, and workers compensation cases	✓	
Shift in jurisdiction from judicial to administrative review	✓	
Growth in Population		✓
Number of Attorneys		✓
Number of Circuit Court Judges		✓
Trend in Circuit Court Filings		✓

<sup>1</sup> Findings based on a study conducted by the Committee on District Court of Appeal Workload and Jurisdiction, October 2005.

The judicial processing of cases is the core activity of the district courts of appeal. There is no process map for the judicial processing of appellate cases. The processing of an appellate case proceeds through a number of steps, or case events. The critical case events are:

- Filing of the petition or notice of appeal;
- Perfection of the case (the record, all briefs, and other necessary legal documents have been filed and/or the period of time for filing such documents has expired);
- Case is assigned to a panel of judges;
- Research and case preparation;
- Oral argument is heard, or court conference on cases for which no oral argument is held;
- Deliberation and drafting of opinions or order;
- Disposition of the case by opinion or disposition order;
- Mandate issues (motions for rehearing have been disposed or the period of time for filing has expired).

**Dispositions with Oral Argument (Fiscal Year 2005-06)**

District	Total Dispositions	Total Oral Arguments	Percent of Total Dispositions
1st	6,204	298	4.8%
2nd	6,229	500	8.0%
3rd	2,970	648	21.8%
4th	5,121	390	7.6%
5th	4,461	290	6.5%
<b>Total</b>	<b>24,985</b>	<b>2,126</b>	<b>8.5%</b>

**Timeliness**

There is a strong relationship between the level of support staff – central staff attorneys, law clerks, and clerk of court staff – and the ability of a district court to process and release opinions in a timely manner. The district courts also rely on the creative use of technology to enhance case processing efficiencies.

### Median Number of Days from Filing to Disposition

District	Type of Case		2001-02	2002-03	2003-04	2004-05	2005-06
1st	Notices of Appeal	Criminal	240	203	237	205	185
		Civil	249	255	250	238	225
	Petitions	Criminal	66	69	64	66	72
		Civil	128	126	133	98	105
2nd	Notices of Appeal	Criminal	242	246	254	247	238
		Civil	290	294	266	275	271
	Petitions	Criminal	53	66	58	67	54
		Civil	94	96	82	61	48
3rd	Notices of Appeal	Criminal	136	138	133	124	161
		Civil	211	219	238	239	253
	Petitions	Criminal	45	50	54	45	50
		Civil	46	43	50	55	65
4th	Notices of Appeal	Criminal	224	234	204	205	173
		Civil	217	245	260	258	293
	Petitions	Criminal	44	52	42	47	48
		Civil	49	61	58	50	50
5th	Notices of Appeal	Criminal	151	141	141	131	138
		Civil	213	201	224	196	211
	Petitions	Criminal	35	41	41	44	48
		Civil	58	81	73	76	73
<b>Total</b>	<b>Notices of Appeal</b>	<b>Criminal</b>	<b>197</b>	<b>187</b>	<b>201</b>	<b>187</b>	<b>182</b>
		<b>Civil</b>	<b>240</b>	<b>246</b>	<b>248</b>	<b>248</b>	<b>250</b>
	<b>Petitions</b>	<b>Criminal</b>	<b>49</b>	<b>55</b>	<b>51</b>	<b>60</b>	<b>55</b>
		<b>Civil</b>	<b>66</b>	<b>80</b>	<b>77</b>	<b>100</b>	<b>74</b>

Note: Civil includes administrative, family, probate, juvenile, and workers' compensation.  
Criminal includes post conviction.

### Percent of Cases Disposed within 180 days of Oral Argument or Conference

Rule 2.085, Florida Rules of Judicial Administration provides for disposition time standards as a presumptively reasonable time period for completion of cases in the appellate courts of this state. It states that a decision should be rendered in a case within 180 days of the oral argument or the submission of the case to the court panel for a decision without oral argument (conference).

District	Notices of Appeal and Petitions	2001-02	2002-03	2003-04	2004-05	2005-06
1st	Criminal	99.3%	99.6%	98.8%	94.0%	96.3%
	Civil	99.0%	99.4%	98.1%	97.2%	98.2%
2nd	Criminal	99.3%	99.4%	97.6%	97.6%	97.7%
	Civil	98.3%	98.2%	93.1%	94.1%	93.8%
3rd	Criminal	99.2%	99.5%	98.3%	98.6%	98.0%
	Civil	97.6%	98.2%	96.2%	95.4%	95.4%
4th	Criminal	98.3%	98.7%	98.9%	99.1%	98.7%
	Civil	97.3%	97.4%	95.5%	94.3%	96.5%
5th	Criminal	98.5%	98.7%	97.6%	97.0%	98.7%
	Civil	94.6%	96.2%	91.2%	88.7%	91.5%
<b>Total</b>	<b>Criminal</b>	<b>99.0%</b>	<b>99.2%</b>	<b>98.2%</b>	<b>97.7%</b>	<b>98.2%</b>
	<b>Civil</b>	<b>97.6%</b>	<b>98.0%</b>	<b>95.1%</b>	<b>94.4%</b>	<b>95.4%</b>

Note: Civil includes administrative, family, probate, juvenile, and workers' compensation. Criminal includes post conviction.

### Clearance Rates

Clearance rate is a useful measure of the responsiveness of a court to the demand for services. The rate is a calculation of the number of cases disposed by the number of cases filed in the same year.

District	2001-02	2002-03	2003-04	2004-05	2005-06
1st	105.0%	92.9%	103.0%	102.2%	97.6%
2nd	101.7%	103.9%	97.3%	99.4%	104.0%
3rd	101.2%	101.6%	95.2%	105.5%	95.9%
4th	97.3%	100.7%	102.1%	102.4%	104.0%
5th	100.9%	97.5%	100.3%	101.7%	95.5%
<b>Total</b>	<b>101.3%</b>	<b>99.3%</b>	<b>99.9%</b>	<b>101.9%</b>	<b>99.8%</b>

## Pending Cases

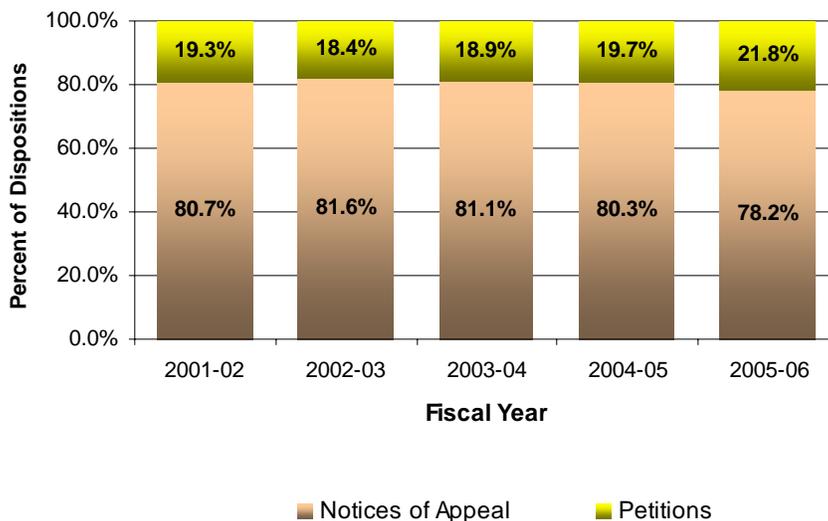
Pending cases is the combination of the number of open cases at the beginning of the fiscal year and the number of new case filings during the fiscal year.

District	2001-02	2002-03	2003-04	2004-05	2005-06
1st	3,218	3,317	3,638	3,401	3,584
2nd	4,031	3,969	3,958	4,008	3,926
3rd	1,820	1,774	1,940	1,967	1,927
4th	2,969	3,294	3,162	3,247	3,021
5th	1,652	1,814	1,973	1,997	2,105
<b>Total</b>	<b>13,690</b>	<b>14,168</b>	<b>14,671</b>	<b>14,620</b>	<b>14,562</b>

**Type of Dispositions - Notices of Appeal versus Petitions**

District	Type of Case	2001-02	2002-03	2003-04	2004-05	2005-06
1st	Notices of Appeal	4,446	4,037	4,773	4,835	4,799
	Petitions	1,046	975	1,126	1,264	1,405
	<b>Total</b>	<b>5,492</b>	<b>5,012</b>	<b>5,899</b>	<b>6,099</b>	<b>6,204</b>
2nd	Notices of Appeal	4,496	5,181	4,632	4,841	4,883
	Petitions	1,137	1,074	1,036	1,207	1,346
	<b>Total</b>	<b>5,633</b>	<b>6,255</b>	<b>5,668</b>	<b>6,048</b>	<b>6,229</b>
3rd	Notices of Appeal	2,945	2,813	2,518	2,707	2,305
	Petitions	720	669	649	650	665
	<b>Total</b>	<b>3,665</b>	<b>3,482</b>	<b>3,167</b>	<b>3,357</b>	<b>2,970</b>
4th	Notices of Appeal	4,032	4,120	4,103	4,140	3,939
	Petitions	976	994	1,059	1,032	1,182
	<b>Total</b>	<b>5,008</b>	<b>5,114</b>	<b>5,162</b>	<b>5,172</b>	<b>5,121</b>
5th	Notices of Appeal	3,238	3,404	3,554	3,591	3,615
	Petitions	704	685	682	766	846
	<b>Total</b>	<b>3,942</b>	<b>4,089</b>	<b>4,236</b>	<b>4,357</b>	<b>4,461</b>
<b>Total</b>	<b>Notices of Appeal</b>	<b>19,157</b>	<b>19,555</b>	<b>19,580</b>	<b>20,114</b>	<b>19,541</b>
	<b>Petitions</b>	<b>4,583</b>	<b>4,397</b>	<b>4,552</b>	<b>4,919</b>	<b>5,444</b>
	<b>Total</b>	<b>23,740</b>	<b>23,952</b>	<b>24,132</b>	<b>25,033</b>	<b>24,985</b>

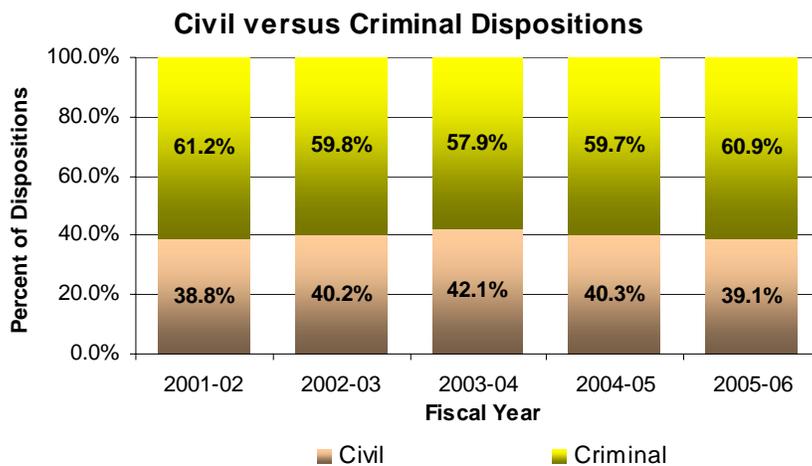
**Notice of Appeal versus Petition Dispositions**



**Type of Dispositions - Civil versus Criminal**

District	Type of Case	2001-02	2002-03	2003-04	2004-05	2005-06
1st	Civil	2,353	2,412	2,971	3,037	3,094
	Criminal	3,139	2,600	2,928	3,062	3,110
	<b>Total</b>	<b>5,492</b>	<b>5,012</b>	<b>5,899</b>	<b>6,099</b>	<b>6,204</b>
2nd	Civil	1,804	2,044	1,972	1,960	1,933
	Criminal	3,829	4,211	3,696	4,088	4,296
	<b>Total</b>	<b>5,633</b>	<b>6,255</b>	<b>5,668</b>	<b>6,048</b>	<b>6,229</b>
3rd	Civil	1,528	1,582	1,451	1,464	1,320
	Criminal	2,137	1,900	1,716	1,893	1,650
	<b>Total</b>	<b>3,665</b>	<b>3,482</b>	<b>3,167</b>	<b>3,357</b>	<b>2,970</b>
4th	Civil	2,177	2,222	2,332	2,226	2,034
	Criminal	2,831	2,892	2,830	2,946	3,087
	<b>Total</b>	<b>5,008</b>	<b>5,114</b>	<b>5,162</b>	<b>5,172</b>	<b>5,121</b>
5th	Civil	1,350	1,380	1,426	1,407	1,386
	Criminal	2,592	2,709	2,810	2,950	3,075
	<b>Total</b>	<b>3,942</b>	<b>4,089</b>	<b>4,236</b>	<b>4,357</b>	<b>4,461</b>
<b>Total</b>	<b>Civil</b>	<b>9,212</b>	<b>9,640</b>	<b>10,152</b>	<b>10,094</b>	<b>9,767</b>
	<b>Criminal</b>	<b>14,528</b>	<b>14,312</b>	<b>13,980</b>	<b>14,939</b>	<b>15,218</b>
	<b>Total</b>	<b>23,740</b>	<b>23,952</b>	<b>24,132</b>	<b>25,033</b>	<b>24,985</b>

Note: Civil includes administrative, family, probate, juvenile, and workers' compensation. Criminal includes post conviction.

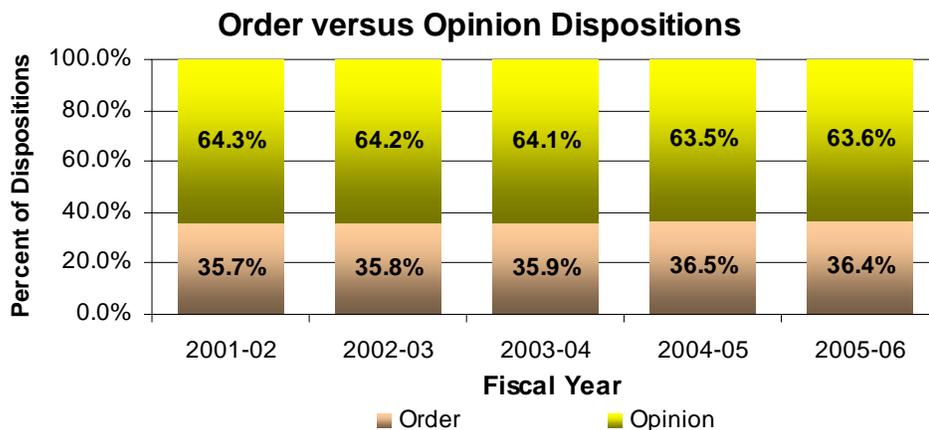


Civil includes administrative, family, probate, juvenile, and workers' compensation. Criminal includes post conviction.

**Type of Dispositions- Order versus Opinion**

District	Type of Disposition	2001-02	2002-03	2003-04	2004-05	2005-06
1st	Order	1,658	1,569	1,916	2,134	2,144
	Opinion	3,834	3,443	3,983	3,965	4,060
	<b>Total</b>	<b>5,492</b>	<b>5,012</b>	<b>5,899</b>	<b>6,099</b>	<b>6,204</b>
2nd	Order	1,982	2,147	1,957	2,028	2,163
	Opinion	3,651	4,108	3,711	4,020	4,066
	<b>Total</b>	<b>5,633</b>	<b>6,255</b>	<b>5,668</b>	<b>6,048</b>	<b>6,229</b>
3rd	Order	1,362	1,332	1,262	1,301	1,131
	Opinion	2,303	2,150	1,905	2,056	1,839
	<b>Total</b>	<b>3,665</b>	<b>3,482</b>	<b>3,167</b>	<b>3,357</b>	<b>2,970</b>
4th	Order	2,021	2,089	2,092	2,090	2,038
	Opinion	2,987	3,025	3,070	3,082	3,083
	<b>Total</b>	<b>5,008</b>	<b>5,114</b>	<b>5,162</b>	<b>5,172</b>	<b>5,121</b>
5th	Order	1,463	1,436	1,447	1,591	1,622
	Opinion	2,479	2,653	2,789	2,766	2,839
	<b>Total</b>	<b>3,942</b>	<b>4,089</b>	<b>4,236</b>	<b>4,357</b>	<b>4,461</b>
<b>Total</b>	<b>Order</b>	<b>8,486</b>	<b>8,573</b>	<b>8,674</b>	<b>9,144</b>	<b>9,098</b>
	<b>Opinion</b>	<b>15,254</b>	<b>15,379</b>	<b>15,458</b>	<b>15,889</b>	<b>15,887</b>
	<b>Total</b>	<b>23,740</b>	<b>23,952</b>	<b>24,132</b>	<b>25,033</b>	<b>24,985</b>

Note: Order includes order by judge and order by clerk.  
 Opinion includes authored opinion, citation, per curiam denied, per curiam affirmed, and per curiam opinion.

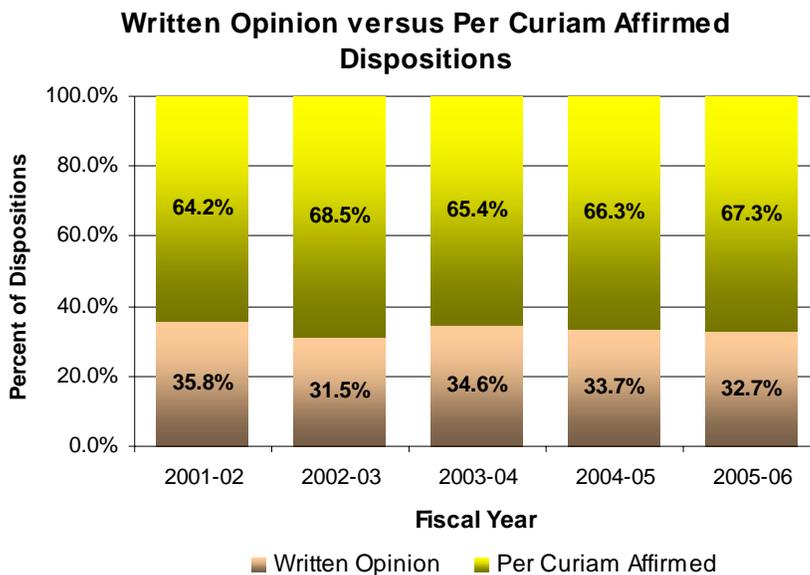


Order includes order by judge and order by clerk.  
 Opinion includes authored opinion, citation, per curiam denied, per curiam affirmed, and per curiam opinion.

**Dispositions by Opinion - Written Opinion and Per Curiam Affirmed**

District	Type of Opinion	2001-02	2002-03	2003-04	2004-05	2005-06
1st	Written Opinion	1,220	897	1,098	1,048	1,089
	Per Curiam Affirmed	2,614	2,546	2,885	2,917	2,971
2nd	Written Opinion	974	973	1,286	1,408	1,333
	Per Curiam Affirmed	2,677	3,135	2,425	2,612	2,733
3rd	Written Opinion	1,066	939	834	871	857
	Per Curiam Affirmed	1,237	1,211	1,071	1,185	982
4th	Written Opinion	1,230	1,062	1,140	1,117	1,022
	Per Curiam Affirmed	1,757	1,963	1,930	1,965	2,061
5th	Written Opinion	966	971	995	906	898
	Per Curiam Affirmed	1,513	1,682	1,794	1,860	1,941
<b>Total</b>	<b>Written Opinion</b>	<b>5,456</b>	<b>4,842</b>	<b>5,353</b>	<b>5,350</b>	<b>5,199</b>
	<b>Per Curiam Affirmed</b>	<b>9,798</b>	<b>10,537</b>	<b>10,105</b>	<b>10,539</b>	<b>10,688</b>

Note: Written Opinion includes authored opinion, citation, and per curiam opinion.  
 Per Curiam Affirmed includes per curiam denied and per curiam affirmed.



Written Opinion includes authored opinion, citation, and per curiam opinion.  
 Per Curiam Affirmed includes per curiam denied and per curiam affirmed.

**Type of Dispositions - Percent of Total Disposed**

District	Type of Disposition	2001-02	2002-03	2003-04	2004-05	2005-06
1st	Affirmed	49.2%	46.7%	45.7%	45.2%	45.1%
	Reversed	5.0%	5.6%	5.8%	5.0%	4.2%
	Dismissed	29.9%	30.8%	33.1%	33.7%	33.2%
	All Other Dispositions	15.9%	16.9%	15.4%	16.1%	17.5%
2nd	Affirmed	52.8%	54.0%	53.3%	54.8%	54.6%
	Reversed	6.9%	6.1%	6.4%	6.2%	5.3%
	Dismissed	19.9%	23.6%	23.4%	20.9%	20.8%
	All Other Dispositions	20.5%	16.3%	16.8%	18.1%	19.3%
3rd	Affirmed	50.2%	47.9%	47.3%	50.3%	47.1%
	Reversed	7.1%	9.2%	8.0%	6.3%	8.0%
	Dismissed	20.4%	21.7%	22.6%	22.3%	21.8%
	All Other Dispositions	22.3%	21.2%	22.1%	21.0%	23.1%
4th	Affirmed	44.9%	46.6%	45.7%	47.6%	48.6%
	Reversed	8.1%	7.3%	9.3%	8.0%	7.0%
	Dismissed	30.9%	31.4%	30.2%	30.1%	28.9%
	All Other Dispositions	16.1%	14.7%	14.8%	14.3%	15.5%
5th	Affirmed	52.9%	56.1%	56.7%	54.8%	54.4%
	Reversed	6.0%	3.6%	5.0%	4.9%	4.3%
	Dismissed	23.1%	23.5%	22.1%	23.5%	24.4%
	All Other Dispositions	18.0%	16.8%	16.2%	16.8%	16.9%
<b>Total</b>	<b>Affirmed</b>	<b>49.9%</b>	<b>50.3%</b>	<b>49.6%</b>	<b>50.4%</b>	<b>50.1%</b>
	<b>Reversed</b>	<b>6.6%</b>	<b>6.3%</b>	<b>6.8%</b>	<b>6.1%</b>	<b>5.5%</b>
	<b>Dismissed</b>	<b>25.2%</b>	<b>26.5%</b>	<b>26.9%</b>	<b>26.6%</b>	<b>26.3%</b>
	<b>All Other Dispositions</b>	<b>18.4%</b>	<b>16.9%</b>	<b>16.6%</b>	<b>17.0%</b>	<b>18.1%</b>

Note: All Other Dispositions includes affirmed as modified, affirmed in part/reversed in part, denied, granted, granted in part/denied in part and transferred.

Percentages may not be exact due to rounding.

## District Court of Appeal Operations and Practices

A high quality records management and case management infrastructure is necessary to support the effective and efficient movement of cases through the district courts of appeal. This activity is primarily performed by the clerks of the district courts and their staff. Other court personnel, including judges and their staff and the court marshal and staff, are also responsible for elements of the court records and caseload management activity. The chief judge of the court has responsibilities for the effective functioning of the court, including caseload management.

The clerks of the district courts of appeal are the custodian of official records for their respective court, including all pleadings and documents filed. The clerk maintains custody of court records; distributes documents to judges and court staff; issues official orders, opinions and mandates; publishes court opinions; maintains the docket of the court; provides information and responds to inquiries from litigants; collects filing fees and copy fees; returns original papers, files, and exhibits to the lower tribunal; and transfers documents to the state archives. The clerk prepares court calendars for assignment of cases to panels of judges.

In addition, the clerk prepares appellate court records for cases appealed to the Supreme Court of Florida; provides statistical reports and information to judges, attorneys, lower tribunals, litigants and others; and provides destruction of closed court files according to established policies and statutes. In addition, some clerk's offices assume additional responsibilities. The First District Court of Appeal provides written and oral instruction and training seminars for lower tribunal clerks' offices and other staff who process appeals. Some clerk's offices maintain the court website, and provides court information, such as opinions and court calendars, through the website. At other courts other personnel maintain the website.

In 1999, the supreme court accepted a number of recommendations made by the Committee on District Court of Appeal Performance and Accountability. Central to these recommendations was the adoption of a Uniform Case Classification and Reporting System. The clerks of the district courts of appeal participated collaboratively in the development of the classification scheme and the implementation of the system.

Individual district courts have embarked on internal court improvement projects in part as a result of this initiative. The Fourth District Court of Appeal conducted two quality management studies, funded by grants from the State Justice Institute, to analyze the processing of criminal post conviction appeals and original writs. It has also used the quality management process to study the efficient use of central staff attorneys. A number of time saving recommendations from the committee have been implemented successfully.

The district courts have implemented an automated case management system which has increased efficiencies in a number of areas. Case management information, calendars and case assignments can be monitored by the clerk of court, the chief judge, and by individual judges. Standardized orders can be generated, reducing order preparation workload and delay.

The five district court clerks and the clerk of the Supreme Court of Florida meet periodically to exchange ideas and information, and to strive for uniformity among the clerks' offices in matters such as case classification, handling of fees, and belated appeals. All the district court clerks have participated in the

National Conference of Appellate Court Clerks to network and exchange ideas for the purpose of achieving the best operating procedures.

Each court conducts an analysis of its workload needs. Each district court of appeal is an independent governmental entity, and is free to organize itself internally. Consequently, the distribution of work within the internal units of each district court varies.

**Service Aspects Addressing Access of the District Courts**

Service Aspects	1st	2nd	District 3rd	4th	5th
Can case filings be submitted to the court in electronic form?	No	No	Yes, per Administrative Order	Yes, per Administrative Order	Yes, Volunteer Basis
Is docket information, court schedules, and other case management information available via the internet?	Yes	Yes	Yes	Yes	Yes
Is oral argument broadcast live?	Yes	No	Yes	No	Yes
Is oral argument electronically available?	Yes	No	Yes	Yes, upon request (no downloads)	Yes, upon request (no downloads)
Is oral argument conducted in all the circuits in the district? If so, what is the frequency?	Yes*	Yes, Annual	Yes, Annual	No	Yes, Annual
Is oral argument conducted by video?	Yes	No	Yes	No	No
Are opinions available electronically?	Yes	Yes	Yes	Yes	Yes
Are judges required to live in the area where the court is located?	Yes, within territorial jurisdiction	Yes, within territorial jurisdiction	Yes, within territorial jurisdiction	Yes, within territorial jurisdiction	Yes, within territorial jurisdiction
What is the assignment practice for the 2 <sup>nd</sup> which has two locations?	Assignments of cases to panels are undertaken randomly with few exceptions. Judges are randomly assigned to panels in Lakeland and Tampa without consideration to the location of the judge's office.				

\* Annually in three circuits and when a sufficient number of oral argument cases available in remaining circuits.

## Summary of Survey Methodology and Results

### Survey Methodology

The purpose of the survey was to obtain input relating to each of the five criteria (effectiveness, efficiency, access to appellate review, professionalism, and public trust and confidence) in rule 2.036, Fla.R.Jud.Admin for each district court of appeal. The survey was opened as a web-administered instrument on July 16 and closed on August 15, 2006 for the district court of appeal judges, senior judges, workers' compensation judges, administrative law judges, trial court judges, public attorneys, private attorneys, and public. Additionally, a hard copy of the survey was provided to inmates in the custody of the Florida Department of Corrections.

There are multiple limitations to the study. Due to time constraints, the optimum process for capturing valid random samples was not feasible. The samples obtained from the web-administered instrument are referred to as "accidental" samples. An advantage of accidental sampling is that it is easy to deploy, but that advantage is greatly offset by the likely presence of bias in the results, as accidental samples do not normally represent the complete population. They normally represent only the population available and willing to respond to the survey.

Additionally, the response rate for other judges and attorneys was significantly low. There are approximately 900 trial court judges, 32 workers' compensation judges, 36 administrative law judges, and over 60,000 attorneys in Florida. The responses received are not significant enough to constitute a valid sample.

Three approaches are taken to address the information captured about the five criteria. The first approach is a statistical analysis of the perception data collected from the district court of appeal judge, other judge, and attorney surveys. A weighted five-point *Likert* scale includes: strongly disagree (value = 1), disagree (value = 2), neutral (value = 3), agree (value = 4), and strongly agree (value = 5). "No opinion" responses were not weighted. The weighted *Likert* scale gives an overall indication of the respondents' perceptions of the district courts for each criterion. Where the *Likert* scale is not appropriate, (litigants, the public, and DOC inmates) the results are summarized by question.

The second approach is a descriptive analysis of the results for each question. It includes the sorting and classifying of responses provided by judges and attorneys. This approach identifies specific responses relating to whether the respondents believed that a jurisdiction or administrative change would improve a court's

performance on a certain criterion. Where there was majority agreement as to the change(s) suggested, that is also included.

The third approach is a content analysis of the additional survey comments in response to the open-ended fields provided to judges and attorneys in the survey instrument.

## Survey Results

The following summarizes the survey results for district court of appeal judges, all other judges, attorneys, litigants, DOC inmates, and the public.

### DCA Judges' Survey

Each of the 62 district court of appeal judges were invited to participate. Twenty-seven of the 62 district court of appeal judges responded to some part of the survey. The table below provides the specific distribution of responses:

District	# of Judges	# Responses	Response Rate
1 <sup>st</sup>	15	9	60%
2 <sup>nd</sup>	14	8	57%
3 <sup>rd</sup>	11	3	27%
4 <sup>th</sup>	12	3	25%
5 <sup>th</sup>	10	4	40%
<b>Total</b>	<b>62</b>	<b>27</b>	<b>44%</b>

The first approach that measures the extent that district court of appeal judges perceive the effectiveness, efficiency, access to appellate review, professionalism, and public trust and confidence in their district is provided below. The results of the weighted five-point *Likert* scale are reflected for each district.

Criteria	District (n)				
	First (9)	Second (8)	Third (3)*	Fourth (3)*	Fifth (4)*
effectiveness	3.8	3.7			
efficiency	4.3	4.1			
access	4.4	4.3			
professionalism	3.9	3.9			
public trust and confidence	3.5	3.6			

Weighted *Likert* Scale: Strongly Disagree=1; Disagree=2; Neutral=3; Agree=4; Strongly Agree=5.

\* response rate not statistically valid

The number of responses from the first and second districts was high enough to technically constitute a valid sample. The validity of the samples is “accidental,” based on the number of district court of appeal judges available to complete the survey. A flaw of “accidental” samples is that those responding may not truly represent the perception of all district court judges. Additionally, because each

judge was answering a survey specific to his or her court, the responses cannot reliably be aggregated. The following descriptions relate to the district court of appeal judges' responses:

**First District Court of Appeal (n=9)**

8	<ul style="list-style-type: none"> <li>• judges have adequate time to review all decisions rendered by the court;</li> <li>• judges harmonize decisions of the court to those of other district courts in Florida;</li> <li>• the court expedites appropriate cases; and</li> <li>• the workload permits adequate time for judges to prepare written opinions when warranted</li> </ul>
7	<ul style="list-style-type: none"> <li>• the workload permits adequate time for judges to serve on management committees for the court and the judicial system; and</li> <li>• judges certify conflict in decisions to the supreme court</li> </ul>
6	the workload permits adequate time for judges to develop, clarify, and maintain consistency in the law within the district (including consistency between written opinions and PCAs)
5	<ul style="list-style-type: none"> <li>• the court functions in a collegial manner; and</li> <li>• the court has sufficient resources available to accommodate changes in statutes or case law that impact judicial workload</li> </ul>
4	<ul style="list-style-type: none"> <li>• the effectiveness of the court would be improved by administrative change (4 = new technology; 4 = staff ratios); and</li> <li>• the court has sufficient resources available to accommodate changes in statutes or case law that impact court operations</li> </ul>
1	the effectiveness of the court would be improved by a change in jurisdiction
9	<ul style="list-style-type: none"> <li>• the court adjudicates a high percentage of its cases within the time standards set forth in the Rules of Judicial Administration;</li> <li>• the court utilizes its resources, case management techniques, and other technologies to improve the efficient adjudication of cases; and</li> <li>• the court utilizes its resources, case management techniques, and other technologies to improve the efficient research of legal issues</li> </ul>

8	<ul style="list-style-type: none"> <li>the court stays current with its caseload, as indicated by measurements such as the clearance rate; and</li> <li>the court utilizes its resources, case management techniques, and other technologies to improve the efficient preparation and distribution of decisions</li> </ul>
4	the efficiency of the court would improve by administrative changes (4= new technology; 4= staff ratios)
1	the efficiency of the court would improve by a change in jurisdiction
9	<ul style="list-style-type: none"> <li>litigants have meaningful access to mandatory and discretionary review of cases, consistent with due process; and</li> <li>litigants have access to the court for the filing of pleadings</li> </ul>
7	<ul style="list-style-type: none"> <li>litigants have access to the court for oral arguments when appropriate; and</li> <li>orders and opinions are available to litigants in a timely and efficient manner</li> </ul>
3	access to appellate review would improve by administrative changes (1= increase ratios of support staff per judge, 1= create branch locations in the district, and 3= new technology)
0	access to appellate review would improve by a change in jurisdiction
7	staff (excluding judges) has adequate time to participate in continuing education and specialized training
6	<ul style="list-style-type: none"> <li>the workload permits time and resources for judges to participate in continuing judicial education opportunities and to stay abreast of the law; and</li> <li>the court recruits and retains qualified clerk's office staff and other support (excluding staff attorneys)</li> </ul>
5	the court recruits and retains qualified staff attorneys
0	<ul style="list-style-type: none"> <li>professionalism in the court would improve by a change in jurisdiction; and</li> <li>professionalism in the court would improve by administrative changes</li> </ul>

7	<ul style="list-style-type: none"> <li>• the workload permits time for judges to conduct outreach to attorneys and public within the district; and</li> <li>• the court provides adequate access to oral arguments and other public proceedings for the public within the district</li> </ul>
4	the demographic composition of judges in the district fosters public trust and confidence
3	<ul style="list-style-type: none"> <li>• the geographic territory of the district fosters public trust and confidence; and</li> <li>• the district attracts an adequate, diverse group of well-qualified applicants for judicial vacancies, including applicants from all circuits within the district</li> </ul>
2	public trust and confidence for the court would be improved by administrative changes (2= create branches)
0	public trust and confidence for the court would be improved by a change in jurisdiction

**Second District Court of Appeal (n=8)**

8	judges certify conflict in decisions to the supreme court
7	<ul style="list-style-type: none"> <li>the court expedites appropriate cases; and</li> <li>the court functions in a collegial manner</li> </ul>
5	<ul style="list-style-type: none"> <li>judges harmonize decisions of the court to those of other district courts in Florida;</li> <li>the workload permits adequate time for judges to prepare written opinions when warranted;</li> <li>the workload permits adequate time for judges to develop, clarify, and maintain consistency in the law within the district (including consistency between written opinions and PCAs); and</li> <li>the effectiveness of the court would be improved by administrative changes; (1) deploy new technology, (1) create branch locations; (3) increase ratio of support staff, (5) add judges.</li> </ul>
4	<ul style="list-style-type: none"> <li>the court has sufficient resources available to accommodate changes in statutes or case law that impact court operations; and</li> <li>judges have adequate time to review all decisions rendered by the court</li> </ul>
3	<ul style="list-style-type: none"> <li>the workload permits adequate time for judges to serve on management committees for the court and the judicial system; and</li> <li>the court has sufficient resources available to accommodate changes in statutes or case law that impact judicial workload</li> </ul>
1	the effectiveness of the court would be improved by a change in jurisdiction (move circuit out of district)
8	<ul style="list-style-type: none"> <li>the court adjudicates a high percentage of its cases within the time standards set forth in the Rules of Judicial Administration;</li> <li>the court utilizes its resources, case management techniques, and other technologies to improve the efficient adjudication of cases; and</li> <li>the court utilizes its resources, case management techniques, and other technologies to improve the efficient preparation and distribution of decisions</li> </ul> <p>the court stays current with its caseload, as indicated by measurements such as the clearance rate</p>
4	the court utilizes its resources, case management techniques, and other technologies to improve the efficient research of legal issues

3	the efficiency of the district court of appeal would improve by administrative changes (3= staff ratio and add judges, 2= new technology)
0	the efficiency of the district court of appeal would improve by a change in jurisdiction
8	<ul style="list-style-type: none"> <li>litigants have access to the court for the filing of pleadings;</li> <li>litigants have access to the court for oral arguments when appropriate; and</li> <li>orders and opinions are available to litigants in a timely and efficient manner</li> </ul>
7	litigants have meaningful access to mandatory and discretionary review of cases, consistent with due process
3	access to appellate review would improve by administrative changes (2= new technology)
0	access to appellate review would improve by a change in jurisdiction
8	<ul style="list-style-type: none"> <li>the court recruits and retains qualified clerk's office staff and other support (excluding staff attorneys);</li> <li>the court recruits and retains qualified staff attorneys; and</li> <li>staff (excluding judges) has adequate time to participate in continuing education and specialized training</li> </ul>
6	the workload permits time and resources for judges to participate in continuing judicial education opportunities and to stay abreast of the law
0	<ul style="list-style-type: none"> <li>professionalism in the court would improve by a change in jurisdiction; and</li> <li>professionalism in the court would improve by administrative changes</li> </ul>
8	the court provides adequate access to oral arguments and other public proceedings for the public within the district
6	the demographic composition of judges in the district court of appeal fosters public trust and confidence
5	workload permits time for judges to conduct outreach to attorneys and public with the district

2	<ul style="list-style-type: none"> <li>• the geographic territory of the district court of appeals fosters public trust and confidence; and</li> <li>• the court attracts an adequate, diverse group of well-qualified applicants for judicial vacancies, including applicants from all circuits within the district</li> </ul>
1	public trust and confidence for the court would be improved by a change in jurisdiction (1= create new district)
0	public trust and confidence for the court would be improved by administrative changes

### **Third, Fourth and Fifth Districts**

As noted above, the number of responses for the third, fourth, and fifth districts was not enough to allow valid conclusions about the criteria. The descriptions below summarize the responses from the third, fourth, and fifth districts.

**Effectiveness:** The judges responded in agreement or neutral with all questions regarding their courts’ effectiveness, with the exception of:

- one judge in the fourth district and 1 judge in the fifth district disagreed that their court had sufficient resources available to accommodate changes in statutes or case law that impact judicial workload or changes that impact court operations.

**Efficiency:** The judges responded in agreement with all questions regarding their courts’ efficiency.

**Access to Appellate Review:** The judges responded in agreement with all questions regarding their courts’ access to appellate review.

**Professionalism:** The judges responded in agreement or neutral with all questions regarding their courts’ professionalism, with the exception of:

- one judge in the third district disagreed that the court recruits and retains qualified staff attorneys.

**Public Trust and Confidence:** The judges responded in agreement or neutral with all questions regarding public trust and confidence.

**Jurisdiction Changes:**

- one judge in the third district (move circuits into district) and 1 judge in the fourth district (create additional district) responded that effectiveness, efficiency, and access would improve with a change in jurisdiction; and
- one judge in the third district (move circuits into district) responded that professionalism and public trust and confidence would improve with a change in jurisdiction.

**Administrative Changes:** The following chart shows the number of judges responding that a criterion would be improved by administrative changes:

Criteria	District		
	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>
effectiveness	1 (n=2)	3 (n=3)	3 (n=4)
efficiency	1 (n=2)	3 (n=3)	2 (n=3)
access	1 (n=1)	2 (n=3)	3 (n=4)
professionalism	1 (n=1)	1 (n=3)	2 (n=4)
public trust & confidence	1 (n=1)	1 (n=2)	0 (n=4)

## All Other Judges' Survey

Outreach efforts to encourage participation included: providing a brochure to all judges attending the circuit judges' business meeting in June 2006; requesting that circuit chief judges and trial court administrators forward an e-mail on the survey to each judge on their court; and requesting that the Department of Administrative Hearings (DOAH) forward the e-mail notice to their judges. The table below shows the number of other judges who responded to the survey. No senior judges responded. Additionally, as indicated earlier, the number of responses received is not significant enough to constitute a valid sample of other judges.

District	# of Respondents
1 <sup>st</sup>	26
2 <sup>nd</sup>	16
3 <sup>rd</sup>	9
4 <sup>th</sup>	2
5 <sup>th</sup>	6
<b>Total</b>	<b>59</b>

The first approach that measures the extent that the judges perceived the effectiveness, efficiency, access to appellate review, professionalism, and public trust and confidence in the districts is provided below. The results of the weighted five-point *Likert* scale are reflected for each district.

Criteria	District (n)				
	First (26)	Second (16)	Third (9)	Fourth (2)	Fifth (6)
effectiveness	3.4	3.7	3.9	3.1	3.4
efficiency	3.7	3.8	3.8	3.4	3.6
access	3.9	3.8	4.0	4.4	4.1
professionalism	3.9	3.8	4.1	4.0	3.6
public trust and confidence	3.5	3.2	3.5	3.0	4.0

Weighted *Likert* Scale: Strongly Disagree=1; Disagree=2; Neutral=3; Agree=4; Strongly Agree=5.

**Jurisdiction Changes:** The following chart shows the percentage of trial, workers’ compensation and administrative law judges responding that a criterion would be improved by a change in jurisdiction:

Would improve with jurisdiction change:	District (# of respondents)				
	1 <sup>st</sup> (26)	2 <sup>nd</sup> (15)	3 <sup>rd</sup> (9)	4 <sup>th</sup> (2)	5 <sup>th</sup> (6)
effectiveness	31%	40%	11%	0%	17%
efficiency	27%	27%	11%	0%	17%
access	20%	27%	11%	0%	17%
professionalism	12%	27%	11%	0%	17%
public trust & confidence	15%	33%	11%	0%	17%

Respondents who indicated that a criterion would be improved by a change in jurisdiction were provided with an opportunity to select specific change(s) in jurisdiction that would apply to their response.

In the first district, the most consistent selection related to the redistribution of workers’ compensation cases. Seven of the 8 respondents indicated that this would improve effectiveness; 6 of 6 indicated that this would improve efficiency; 5 of 5 indicated that it would improve access; 3 of 3 indicated it would improve professionalism; and 4 of 4 indicated it would improve public trust and confidence.

In the second district, the most consistent selection related to the creation of an additional district. All of the 7 respondents who agreed that effectiveness would be improved by a change in jurisdiction suggested creating an additional district; 4 of 4 indicated that it would improve professionalism; and 6 of 6 indicated that it would improve efficiency, access, and public trust and confidence.

**Administrative Changes:** The following chart shows the percentage of trial, workers’ compensation, and administrative judges responding that a criterion would be improved by administrative changes:

Would improve with jurisdiction change:	District, (n)				
	1 <sup>st</sup> (26)	2 <sup>nd</sup> (15)	3 <sup>rd</sup> (9)	4 <sup>th</sup> (2)	5 <sup>th</sup> (6)
effectiveness	40%	47%	11%	0	33%
efficiency	40%	40%	11%	0	33%

access	35%	40%	13%	0	33%
professionalism	12%	15%	11%	0	33%
public trust & confidence	24%	40%	0	50%	33%

Respondents who indicated that a criterion would be improved by a change in administration were provided with an opportunity to indicate specific change(s) that would apply to their response.

In the first district, the most consistent selection related to creating subject matter divisions within the district. Eight of the 11 respondents who agreed that effectiveness would be improved by administrative changes suggested creating subject matter divisions within the district; and 7 of 12 indicated it would improve efficiency.

In the second district, the most consistent selection related to adding judges. Six of the 7 respondents who agreed that effectiveness would be improved by administrative changes suggested adding judges; 5 of 6 indicated that it would improve efficiency; 2 of 3 indicated that it would improve professionalism; and 3 of 5 indicated that it would improve public trust and confidence.

Also in the second district, 3 of 6 respondents indicated that deploying new technology would improve efficiency; 4 of 6 indicated that it would improve access; and 3 of 5 indicated that it would improve public trust and confidence.

## Attorney Survey

A broad outreach effort to encourage attorney participation in the survey included: notices in the July 15 and August 1, 2006 editions of the Bar News; e-mails to the chairs of all bar sections and the public defender, prosecuting attorney and other voluntary bar associations with a request to forward the notice to their memberships; notice and link on the [www.flcourts.org](http://www.flcourts.org) web page, all five district court web pages, and the [www.flabar.org](http://www.flabar.org) web page.

There were a total of 203 attorney responses. Eighty percent reported that they had been a member of the bar for more than 10 years. Additionally, as indicated earlier, the number of responses received is not significant enough to constitute a valid sample of attorneys.

District	# of Respondents
1 <sup>st</sup>	44
2 <sup>nd</sup>	61
3 <sup>rd</sup>	32
4 <sup>th</sup>	35
5 <sup>th</sup>	31
<b>Total</b>	<b>203</b>

The first approach that measures the extent that attorney respondents perceived the effectiveness, efficiency, access to appellate review, professionalism, and public trust and confidence in the districts are provided below. The results of the weighted five-point *Likert* scale are reflected for each district.

Criteria	District, (n)				
	First (44)	Second (61)	Third (32)	Fourth (35)	Fifth (31)
effectiveness	3.1	3.5	3.7	3.1	3.1
efficiency	3.4	3.6	3.9	3.1	3.2
access	3.6	3.7	4.2	3.5	3.7
professionalism	3.6	3.7	3.9	3.4	3.1
public trust and confidence	3.0	3.2	3.7	3.3	3.2

Weighted *Likert* Scale: Strongly Disagree=1; Disagree=2; Neutral=3; Agree=4; Strongly Agree=5.

**Jurisdiction Changes:** The following chart shows the percentage of attorneys responding that a criterion would be improved by a change jurisdiction:

Would improve with jurisdiction change:	District (# of respondents)				
	First (44)	Second (61)	Third (32)	Fourth (35)	Fifth (31)
effectiveness	47%	56%	16%	26%	26%
efficiency	52%	47%	14%	26%	26%
access	41%	47%	10%	17%	27%
professionalism	26%	19%	10%	11%	10%
public trust & confidence	45%	32%	16%	24%	29%

Attorneys who indicated that a criterion would be improved by a change in jurisdiction were provided with an opportunity to indicate specific change(s) in jurisdiction that would apply to their response.

In the first district, the most consistent selection related to the redistribution of workers' compensation cases. Nineteen of the 24 respondents indicated that this would improve effectiveness; 19 of 23 indicated that this would improve efficiency; 16 of 18 indicated that it would improve access; 11 of 12 indicated it would improve professionalism; and 15 of 20 indicated it would improve public trust and confidence.

Also in the first district, creating another district was selected by 10 of 18 respondents for improving access; 6 of 12 for improving professionalism; and 10 of 20 for improving public trust and confidence. Ten of 20 respondents indicated that moving circuits out of the district would improve public trust and confidence.

In the second district, the most consistent selection related to the creation of an additional district. Thirty of the 36 respondents who agreed that effectiveness would be improved by a change in jurisdiction suggested creating an additional district; 27 of 31 indicated that it would improve efficiency; 27 of 30 indicated that it would improve access; 10 of 11 indicated it would improve professionalism; and 19 of 21 indicated that it would improve public trust and confidence.

In the fourth district, the most consistent selection related to creating an additional district. Nine of the 11 respondents who agreed that effectiveness would be improved by a change in jurisdiction suggested creating an additional district; 7

of 9 indicated that it would improve efficiency; 5 of 6 indicated that it would improve access; 2 of 4 that it would improve professionalism; and 7 of 7 that it would improve public trust and confidence.

And in the fifth district, the most consistent response related to the creating of an additional district. Eight of 9 who agreed that effectiveness would be improved by a change in jurisdiction suggested creating an additional district; 9 of 9 indicated that it would improve efficiency; 8 of 9 indicated that it would improve access; 3 of 4 indicated that it would improve professionalism; and 9 of 10 that it would improve public trust and confidence.

**Administrative Changes:** The following chart shows the percentage of attorneys responding that a criterion would be improved by administrative changes:

Would improve with jurisdiction change:	District (# of respondents)				
	First (44)	Second (61)	Third (32)	Fourth (35)	Fifth (31)
effectiveness	55%	46%	48%	57%	55%
efficiency	46%	45%	40%	49%	55%
access	38%	46%	28%	39%	38%
professionalism	28%	25%	23%	32%	24%
public trust & confidence	40%	32%	30%	39%	33%

Attorneys who indicated that a criterion would be improved by a change in administration were provided with an opportunity to indicate specific change(s) in that would apply to their response. There were no readily apparent patterns in the responses regarding administrative changes that would improve a criterion in any of the districts, with the exception of adding judges, which was strongly supported as a change that would improve effectiveness, efficiency, access, professionalism, and public trust and confidence.

## Summary of Additional Comments from Judges and Attorneys

All judge and attorney respondents had an opportunity to provide open-ended comments at the end of each criteria-related section of the survey. One-hundred forty one respondents took advantage of this opportunity. The distribution of the respondents' comments is represented in the table below:

Response	District n (% of respondents for district)					
	First	Second	Third	Fourth	Fifth	Total
PCA/Unpublished Opinions	13 (34%)	14 (35%)	7 (32%)	6 (32%)	7 (32%)	47 (33%)
Redistrict	9 (24%)	10 (25%)	5 (23%)	1 (5%)	3 (14%)	28 (20%)
Geographic/Demographic						
More Branches	0	5 (13%)	0	1 (5%)	1 (5%)	7 (5%)
No Change in Branches	0	2 (5%)	0	0	0	3 (1%)
Distribute Workers' Comp.	3 (8%)	0	0	0	0	3 (2%)
Other Caseload Change	2 (5%)	1 (3%)	0	0	0	3 (2%)
Selection of Judges	9 (24%)	5 (13%)	4 (18%)	2 (11%)	5 (23%)	25 (18%)
Operations/Efficiencies	7 (18%)	17 (43%)	9 (41%)	10 (53%)	12 (55%)	55 (39%)
More Judges/Money	5 (13%)	9 (23%)	4 (18%)	5 (26%)	5 (23%)	28 (20%)
Law/Case Related/Rules	17 (45%)	5 (13%)	6 (27%)	3 (16%)	5 (23%)	36 (26%)
Other	11 (29%)	7 (18%)	7 (32%)	7 (37%)	7 (32%)	39 (28%)
Number of Respondents to Open Ended Questions	38	40	22	19	22	141
Number Responding to Survey	79	85	44	40	41	289

## Litigant and Public Survey.

A broad outreach effort to encourage litigant and public participation in the survey included: notices in the July 15 and August 1, 2006 editions of the Bar News; e-mails to the chairs of all bar sections and the public defender, prosecuting attorney and other voluntary bar associations with a request to provide information about the survey to clients and others who may be interested; a notice and link on the [www.flcourts.org](http://www.flcourts.org) web page, all five district court web pages, the [www.flabar.org](http://www.flabar.org) web page; trial court and clerk web pages; and newspaper letters to the editor, which were submitted by various members of The Florida Bar Board of Governors.

District	Litigants	
	# of Respondents	%
1 <sup>st</sup>	20	21%
2 <sup>nd</sup>	28	30%
3 <sup>rd</sup>	13	14%
4 <sup>th</sup>	18	19%
5 <sup>th</sup>	15	16%
<b>Total</b>	<b>94</b>	<b>100%</b>

The litigants' responses are summarized in the chart below:

Question	Responses
1. have used the <a href="http://www.flcourts.org">www.flcourts.org</a> website to access information about the district courts and found the information useful	89% 67% yes
2. type of cases filed	
administrative	3%
criminal – post conviction	20%
criminal – all others	20%
civil	35%
family	19%
delinquency	1%
dependency	2%
probate/guardianship	0
workers' compensation	3%
3. represented by an attorney in their latest case	61% yes
4. filing fee is reasonable	60% yes or somewhat
4. case was handled in a timely manner	52% yes or somewhat

5. understood the court's decision	54% yes or somewhat 37% no 10% not applicable
6. decision was fair and based on the law	49% yes or somewhat
7. knew where to find court-related documents	90% yes or somewhat
8. had reasonable access to the court building	68% yes or somewhat
9. had reasonable access to view court files	66% yes or somewhat
10. the courts promote access to oral argument	59% yes or somewhat
11. judges and court staff treat people with respect	68% yes or somewhat
12. judges and staff are highly skilled and able to perform their duties well	67% yes or somewhat
10. court staff were helpful	79% yes or somewhat

Interestingly, the total number of non-litigant responses was almost exactly the same as the number of litigant responses.

District	Public (non-litigant)	
	# of Respondents	%
1 <sup>st</sup>	13	14%
2 <sup>nd</sup>	30	32%
3 <sup>rd</sup>	18	19%
4 <sup>th</sup>	16	17%
5 <sup>th</sup>	6	6%
Unk.	12	13%
<b>Total</b>	<b>95</b>	<b>100%</b>

The public's responses are summarized in the chart below:

Question	Responses
1. have used the <a href="http://www.flcourts.org">www.flcourts.org</a> website to access information about the district courts and found the information useful	52% 45% yes
2. filing fee is reasonable	37% yes or somewhat
3. case was handled in a timely manner	43% yes or somewhat
4. the courts promote access to oral argument	39% yes or somewhat
5. know where to find written documentation of decisions	69% yes or somewhat
6. understands the decisions made	68% yes or somewhat
7. decisions are fair and based on the law	68% yes or somewhat

8. judges and court staff treat people with respect	65% yes or somewhat
9. judges and staff are highly skilled and able to perform their duties well	69% yes or somewhat
10. court staff were helpful	64% yes or somewhat
11. judges promote public trust and confidence	58% yes or somewhat

## DOC Inmate Survey

1,343 litigants in the custody of the Department of Corrections in August 2006 responded to a written survey. Their responses are summarized below.

Question	Responses
1. last experience with district court of appeal	
less than 3 years ago	77%
3 to 5 years ago	12%
over 5 years ago	10%
2. type of cases filed	
criminal – post conviction	68%
criminal – all others	54%
civil	26%
3. represented by an attorney in their latest case	37% yes
4. case was handled in a timely manner	64% yes or somewhat <sup>1</sup>
5. understood the court’s decision	52% yes or somewhat 37% no 11% not applicable
6. decision was fair and based on the law	39% yes or somewhat <sup>2</sup>
7. knew where to find court-related documents	85% yes or somewhat
8. judges and court staff treat people with respect	52% yes or somewhat
9. judges and staff are highly skilled and able to perform their duties well	66% yes or somewhat
10. court staff were helpful	55% yes or somewhat

<sup>1</sup> ranged from 3<sup>rd</sup> district at 53% and the 4<sup>th</sup> district at 71%

<sup>2</sup> ranged from 3<sup>rd</sup> and 5<sup>th</sup> districts at 31% and the 2<sup>nd</sup> district at 44%

While there were no open-ended questions on the survey, many inmates took the opportunity to make comments in the margins. Many of the comments were case specific complaints or comments on a variety of issues related to fairness, processes, court operations, or the law. The consistency of the comments relating to per curiam affirmed (PCA) practices and their status as pro se litigants was most notable. Of the 34 comments relating to the question about whether they understood the court’s decision, 76% referenced PCA decisions. It is clear from the variety of comments offered that the PCA practice is hugely unpopular with incarcerated litigants. The respondents attributed the PCA practice to a range of causes, including hubris, rubber-stamping, and excessive workload.