



**Workgroup on Performance Management  
Conference Call  
June 19, 2015  
12:00 p.m. – 1:30 p.m. EDT**

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**Conference Call-In Number: 1-888-670-3525; Participant Code: 4952473921#**

**AGENDA**

**12:00 p.m. Meeting Convenes**

- I. Welcome and Opening Remarks, Judge Victor Hulslander, Chair
- II. Revised Membership List
- III. April 17<sup>th</sup> Meeting Summary
- IV. Proposal by the TCP&A on the Supreme Court Directive
- V. Plans for Next Meeting – In-Person August 28<sup>th</sup>

**1:30 p.m. Meeting Adjourned**

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**Commission on Trial Court Performance and Accountability**  
**Performance Management Workgroup**  
**April 17, 2015 Meeting at the Marriot Courtyard in Orlando, FL**  
**Meeting Summary**

## **I. Welcome and Opening Remarks**

Judge Hulslander opened the meeting at 9:02 a.m. and asked for members to introduce themselves.

## **II. March 27<sup>th</sup> Meeting Summary**

Workgroup staff reached out to ISS staff in regards to having a possible liaison member between this group and FCTC. The names suggested include Tom Genung (TCA of the 19<sup>th</sup>), Judge Reynolds (2<sup>nd</sup> Circuit Judge), and Judge Gagliardi (County Judge in 20<sup>th</sup> Circuit). Judge Munyon, as chair of the FCTC, will be consulted. The group discussed the possible members and agreed that any of the three would be a good addition to the group.

Judge Hulslander asked how the group would like to approach decisions, formally with a vote, or by consensus. The group responded that consensus, as a workgroup, would be acceptable until the final product is voted on.

## **III. Referral Letter from the Supreme Court in the JMC Performance Workgroup Report and Recommendation**

As requested by the Supreme Court, TCP&A has been asked to propose clerk collection and reporting requirements that address the collection of specific data elements and transmission of that data in a prescribed format to enhance performance reporting. Preliminary recommendations which include a draft of a proposed vehicle to require the reporting requirements are due by June 30 and final recommendations by October 1. Judge Moreland, chair of the TCP&A, has referred the issue to the workgroup anticipating a response prior to the June 5 TCP&A meeting, considering this request has several directives in common with the workgroup goals.

It was discussed that the workgroup would provide suggestions to the CSWC as the appropriate committee to identify data elements. The workgroup noted the work of the foreclosure initiative and the new proposal to expand that work to all divisions with more data elements and improved data quality controls. Ideally, performance measures would be identified first, along with benchmarks. However, given the current organizational needs and data infrastructure challenges, the workgroup has been asked to review the data elements proposed.

The group looked at the current and proposed data elements, page 21 of the materials, as part of CSWC data collection plan. The first 10 data elements are collected for the foreclosure initiative. The proposal is to expand this collection to all case types and also, expand to an additional 7 elements, to provide larger picture of information. The clerks are currently able to collect these data elements, but the courts have not asked them to submit that information

in a specific format. If clerks do indeed capture that data, it will be the court system's job to organize and present the data.

The workgroup members discussed the flow of the data from the clerks to the courts. As within the foreclosure initiative, the state-level data is collected frequently, most oftentimes, nightly. The data flows from the local CMS to CCIS in only about 40 counties. In the other 27 counties, the information is submitted directly from the clerks. The referral directs for how the data is transmitted. Therefore, a more detailed description of the data sources and data collection process will need to be established.

The members discussed overall concerns with data coming from multiple sources. The members noted many circuits expressed concerns with comparing apples to apples, so the quality of the data is vital, especially if circuits are going to be compared. Data quality is very big issue. It is imperative that we receive the data in the way prescribed. Some commonality may need to be imposed by rule or order on the clerk on a recurrent basis that's the same across the state. The workgroup fears the problem is not that the clerks aren't submitting the data, but the data submitted is filled with inaccuracies. There is not enough staff at both OSCA and in the circuits to review and clean the data. Also, cleaning data once it is received (on the back-end) is not ideal. The clerks, as the originators and keepers of the data, should be responsible for some kind of internal audit within a certain timeframe, ensuring accuracy.

Given the circumstances of the referral, the workgroup generally agreed the current proposal (expansion of foreclosure initiative to all case types, and adding the additional elements beyond the 10 currently gathered) will be helpful in reaching the JMC's goals to allow the court to report the three CourTools (Time to Disposition, Age of Active Pending Caseload, and Clearance Rates). However, the members feel it is important to note that these three measures do not tell the whole story or address case management issues. The measures provide a macro view of the courts, not a micro view. Several additional data elements may should be considered in the future, such as number of hearings, monetary assessments (not monetary collections), information on specialty courts as a status, as well as pro se parties. Other data elements such as to obtain information on status on incomplete service and the charges may should be included also. The members discussed the need for strong commitment by the court system to ensure quality, accurate data quality as part of the proposal.

#### **IV. Presentation on JDMS**

Information was presented on the proposed Judicial Data Management System (JDMS). The JDMS is a project to obtain state level data, which would allow for calculating performance measures. The Foreclosure Initiative was a proof of concept for JDMS, as both the courts and the clerks received funding to work on automation of the crisis. The JDMS, as an offspring of the foreclosure initiative, provides for the extraction of local data through either local clerk systems or CCIS, to the OSCA. A proposal is currently before the Legislature for funding JDMS. The funding would provide for 4 FTE in OSCA to program and run the system. The model provides some internal mechanisms to address the quality issues of the data. Data quality is very labor intensive and to address it fully would require a statewide endeavor.

Eventually data would be pulled from the e-filing portal. Additionally, FDCIS, the dependency case management system would also be integrated as well.

## **V. Review Responses from Circuit Survey**

The workgroup members reviewed the general themes of the survey responses. The survey was based upon the suggestions of the workgroup and was sent to chief judges and TCAs of the twenty circuits. Not all circuits responded but the majority did and there were also some individual responses. The responses were provided in the meeting materials. Three circuits stated they do not have judicial viewers, nor access to data. Circuits 12, 13, 15, and 20 seem to be using performance measures. The resource-strained circuits have a difficult time obtaining the data while the urban circuits can obtain the data and use it. Additionally, many circuits report not having the man power necessary to analyze the data, thus causing “analysis paralysis.” The circuits that are using local measures are using those consistent with CourTools. The data is looked at regularly to make sure the caseloads are manageable. Circuits do look at time standards that are established in rule; however, no circuit had any form of benchmarks. The 20<sup>th</sup> Circuit did mention using some kind of budgetary-type benchmark. Some circuits were posting the results online locally via their intranet. No circuits posted the results to the internet. The responses validate the findings of the JMC Performance Workgroup. It was noted across the board that the data transmitted by the clerks was oftentimes correct, but CCIS displays the data inaccurately. The circuits expressed concerns with lack of access to data, data quality and lack of resources. The circuits suggested that in the beginning only start with a simple few measures.

## **VI. “Free Thinking Zone” Envisioning an Optimal System**

The workgroup participated in an activity where each member assumed a persona – either a court user (customer perspective) or a legitimizing authority (social value perspective). The members were divided into their two respective groups to discuss and determine the top five things they’d like to see in a court system that would tell them the court is doing its job well. After the discussion, the groups presented their lists.

Court User Group:

1. Prompt access to courts via electronic or virtual means.
2. More resources such as case managers, judges, public defenders, pro se coordinators, social services, and treatment.
3. Time frames/standards for completion of cases.
4. Electronic support – pro se, scheduler, explanations, calendars, dockets, and reports.
5. Defined accountability through procedures, consistency, rules, reports, sanctions, oversight, and feedback.

Legitimizing Authority Group:

1. Technology funding infusion to offset resource need.
2. More operational resources.
3. Accountability mechanism to track Return on Investment and funds spent on resources.
4. Create administration process for civil infractions that have no impact on public safety.
5. Recruit good judges by financial incentives.

Over time, it is anticipated that as more technology is employed in the court system, many of these items on the list will be included. In the future, the workgroup foresees an automated system that will provide the full range of case management and performance functionality, but that requires the funding, technology, and accountability to get us there. There continues to be some judges who are opposed to the automation of the court system. There is the problem that the technology is not universally available, plus there is no accountability or someone to check behind the judges. The barrier to availability is not the technology. The technology is not coming in ten years, it is here now. The barrier is the collection and maintenance of the data. The difficulty is getting the funders to recognize that.

## **VII. Next Steps - Performance Management Issues to Address**

The workgroup will provide recommendations for a performance measure framework and guiding principles for such a framework. The scope of the project will be clarified. Then, the group will determine the performance measures, both local and statewide, that are desired by the court system.

Several recommendations will be outreached to other commissions and committees, such as Florida Courts Technology Commission and the Florida Court Education Council. A starting point will be looking at the NCSC Courtools.

Next week, comments will be provided from the workgroup to the CSWC on Supreme Court referral letter. The next meeting of the workgroup will be a conference call on June 19 with a possible in-person meeting on July or August.

Meeting adjourned at 2:44 p.m.

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**Item IV.: Proposal by the TCP&A on the Supreme Court Directive**

**Background**

On April 1, 2015, Judge Moreland, as chair of the TCP&A, received a letter from Chief Justice Labarga. See Appendix A. The letter referred to the Judicial Management Council's Performance Workgroup report and recommendations and directed the commission to specifically address JMC Performance Workgroup Recommendation 1. As noted in the letter, this directive supplements existing Charge One of AOSC14-40, which requires the commission to develop recommendations on a performance management framework for the trial courts with an emphasis on articulating long-term objectives for better quantifying performance to identify potential problems and take corrective action in the effective use of court resources; propose a plan for the development of benchmarks and goals for performance measures identified in the Trial Court Integrated Management Solution report; and collaborate with the Judicial Management Council's Performance Workgroup on the prioritization of performance data needs to enhance the court system's ability to better evaluate branch outputs and outcomes.

The JMC's Recommendation 1 states that "...the Supreme Court charge the Commission on Trial Court Performance and Accountability to propose clerk collection and reporting requirements that address: the collection of specific data elements, transmission of that data in a prescribed format, and directs those transmissions to occur in a timely manner to enhance performance reporting." The Court notes that "the assessment and recommendations should build upon and be consistent with other work in this area, in particular the 2010 Trial Court Integrated Management Solutions Project. It should also include a draft of the proposed vehicle to require the reporting requirements (new court rule of procedure, amended court rule of procedure, administrative order, or similar authoritative mechanism)."

The Court asked that the commission complete an initial review and submit recommendations by June 30, 2015. Additionally, the commission is asked to submit the final assessment and recommendations by October 1, 2015. Upon receipt of the letter, Judge Moreland referred the issue to the TCP&A Performance Management Workgroup and the Court Statistics and Workgroup Committee (CSWC) for consideration in developing a data plan that satisfies the Court referral. These committees developed their responses, attached as Appendix B.

Overall, the committees' response offers several recommendations that would ultimately spearhead the implementation of the Judicial Data Management Services (JDMS) component of the Integrated Trial Court Adjudicatory System. In 2011, a business plan was developed by the Office of the State Courts Administrator (OSCA) in support of developing JDMS. The JDMS provides several enhancement capabilities to current reporting systems such as Summary Reporting System (SRS), in place for over 30 years, to provide summary-level information on

filings and dispositions. Its development was based on an older data management philosophy that advocated collecting just the data necessary to answer a specific question or produce specific reports. This approach was preferable as data had to be entered manually by a person. With the advancements made in automation of various court processes, the current data collection approach is based on a new data management philosophy that advocates development of a system that captures data as a natural consequence of business operations. Under this approach, manual data entry is limited since data is captured automatically at various points in a workflow within information systems. Thus, staff is able to focus on developing a complete underlying data infrastructure similar to concepts of “big data”. Such an infrastructure for the court system will allow the following long-term benefits:

- Establish a foundation of activity data. This will give the court system the best chance to possess data it needs, when it is needed.
- Provide the court system with opportunities of meaningful management analysis. For instance, the JMC will be able to review fluctuations in caseload and be more responsive to emerging issues.
- Consolidate case level data for integration by other court data sources, such as UDR (Uniform Data Reporting) and local case scheduling systems. There are a variety of data sources in existence based on the modular development of information systems. Future integration of the information gathered through UDR, E-filing and internal calendaring systems will achieve a broader scale of uniform data to satisfy operations management analysis purposes, a major functional area of the TIMS project.

In anticipation of the data collecting recommendations, the TCP&A considered the following implementation issues:

- 1) Vehicle to Compel Reporting. The Supreme Court directed the TCP&A to provide a draft of the proposed vehicle to compel the clerks to meet the reporting requirements. Due to the lengthy process of rule amending, the CSWC is recommending an administrative order process similar to that used in the FY 2013-15 Foreclosure Initiative. The administrative order will direct the clerks to transmit certain data elements based on specifications outlined in the OSCA’s data collection plan. The data collection plan will specify an implementation schedule to include transmission format, transmission frequencies and quality/correction mechanisms.
- 2) Specifications for Collection of Data. Ancillary to the vehicle through which to compel reporting, the third recommendation of CSWC addresses on-going administration of the data collection plan once it is developed by OSCA. Implementing a new data collection system often requires some flexibility. Approval of this recommendation will enable the OSCA to update or amend the data collection plan as necessary. For example, the OSCA could change the length of one of the data elements from 30 characters to 50 characters or add a new reason for status change code. However, major changes, such as adding new data elements would require approval by the TCP&A and the Supreme Court.

- 3) Reliability of Data Collected. To ensure reliability in the data collected, the CSWC recommends that the OSCA include systemic data quality design elements in the Uniform Case Reporting (UCR) Project data collection plan. For instance, by directing the clerks to report data on a daily basis, this increased frequency of data transmission will allow a more accurate and reliable data set because the OSCA will receive the data nearest as possible to when data is first created. Also, they recommend that the OSCA implement specific auditing processes to validate the data collected in this proposal (adding audits on reopens). However, they note that other quality control mechanisms should be explored to seek additional opportunities that may result in enhancement or uniformity of local quality control practices.
- 4) Analysis/Reporting of Seventeen Data Elements. While the collection of these data elements will provide for the computation of the following three CourTools: Time to Disposition, Age of Active Case Pending Caseload and Clearance Rates, the CSWC recommends that additional study be conducted to further specify what uses of this data are anticipated, what other measures are to be computed and what actions may be taken once this data is analyzed.
- 5) Process for Adding New Data Elements and Performance Measures Over Time. Lastly, while the seventeen data elements represent a starting point to comprehensive case activity data collection at the state-level, flexibility should be written in any proposal to allow more data elements to be added over time. The CSWC recommends that the TCP&A Performance Management Workgroup review, perhaps on a 2 year cycle, the elements of the Trial Court Data Model to identify new data elements to be added to JDMS. Further, the CSWC recommends that the Workgroup consider and identify measures for the data elements targeted. These new data collection and reporting requirements should be considered by CSWC as part of future enhancement projects.

### **Proposal by the TCP&A on the Supreme Court Directive**

In consideration of these issues, at the June 5, 2015 meeting, the TCP&A voted to approve the following actions:

- 1) Submit the CSWC report and the Performance Management Workgroup comments to the Supreme Court on July 1, 2015.
- 2) In consideration of the October 1, 2015 deadline:
  - a. Direct TCP&A staff to develop a draft administrative order to compel reporting of the seventeen data elements.
  - b. Direct CSWC staff to develop a data collection plan in accordance with the recommendations of the CSWC. Specifically, include detailed instructions to the clerks regarding an implementation schedule, transmission format, transmission frequency (daily, at a minimum), and quality/correction mechanisms.

- 3) Direct the TCP&A Performance Management Workgroup to submit by July 1, 2016 recommendations on analysis/reporting needs for the seventeen data elements. For instance, specify new descriptive measures that may be computed such as Number of Complex Civil Litigation Cases, Number of Active versus Inactive Cases, and Number of Reopened Active versus Reopen Inactive Cases. Specify how these reports should be used/disseminated through the organization to achieve data quality and operational management needs.

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**Item V.: Next Steps – Plans for In-Person Meeting August 28th**

To address the charges of the workgroup moving forward, staff have identified eight next steps that the workgroup may wish to make recommendations on:

1. Clarify the Scope and Determine Goals
2. Determine Principles for Performance Management
3. Identify performance measures (at state and circuit level)
4. Identify additional data elements to capture
5. Determine process and tools for reviewing measures
6. Determine process for correcting data problems and errors
7. Determine education needs of judges and court managers in performance management
8. Identify changes to existing court rules and statutes

During the August 28<sup>th</sup> meeting, the workgroup will discuss these areas in more detail. For instance, initial feedback received from the circuits has revealed there is some confusion as to what a case management process is and what a performance measure is and how it pertains to resource management. Also, circuits asked what the stated goals are for using performance measures. These are issues members have discussed in past meetings. At the April 17 meeting, the group participated in a “free thinking zone” exercise that resulted in the identification of long-term objectives from a social value perspective. More work will be done in this area at the August 28<sup>th</sup> meeting to provide long-term objectives from an internal operating perspective. Based on this feedback, the group can formally consider short and long term goals in using a framework. These goals may be used to provide the needed clarity to judges and court staff on the purpose of the framework and how it will be used to serve various areas within the system.

Also, at the local level, there appears to be polarization in the use of performance measures across the circuits. Some circuits report not using performance measures as they have limited access to data. Circuits using local performance measures report using measures consistent with CourTools for identifying and moving older cases up in priority, ensuring courts keep up with incoming filings, and ensuring caseload is fairly distributed among judges.

Overall, the group should consider what the local courts want to measure and how those measures will be used in consideration of immediate and long-term needs. The group may wish to review the CourTools measures as a starting point. General support of these national measures exists, as noted by the 2010 state courts survey. Short term needs may include providing information to the Supreme Court as they need to know how the court system is doing. Longer-term goals can be more encompassing, looking at resource and case management needs of the local courts.