

**Florida Supreme Court
Commission on District Court of Appeal Performance and Accountability Meeting
January 15, 2016**

Minutes

Members in attendance:

Judge Anthony Black, Judge Vance Salter, Mary Cay Blanks, Jo Haynes, Judge Jay P. Cohen, Judge Ross L. Bilbrey and Justice Peggy Quince (liaison)

Absent: Judge Martha C. Warner

Staff in attendance:

Maggie Evans, Arlene Johnson, and Victor McKay

I. Welcome and Introductions.

Judge Salter called the meeting to order at 10:00 am.

II. Approval of May 27, 2015 Minutes.

Judge Black motioned to approve the minutes and Mary Cay Blanks seconded the motion. The motion carried.

III. Update on Judicial Relative Case Weights Report

The case weights and the disposition were approved at the April 29, 2015 Supreme Court conference. The members discussed the proposed petition to amend Rule 2.240. The proposed rule would remove the specific threshold number (280) and adjust the threshold, as needed, through a review process every four years. The threshold will be recorded via the approval letter from the Chief Justice and published online. Judge Cohen moved to approve the motion and Judge Black seconded. The motion carried.

IV. Review of Draft Recommendation of the Joint Workgroup on Dependency/ TPR Appeals.

DCAP&A and TCP&A convened a joint workgroup (workgroup) to study the delay in receipt of documents related to dependency and termination of parental rights appeal cases. This issue has been monitored by the DCAP&A since 2011. The workgroup was convened in 2014 to study time frames associated with the receipt of documents which includes notice of appeal to record, record to initial brief, initial brief to answer brief, and answer brief to reply brief. The workgroup started with seven members and added two additional members. Membership consisted of circuit judges, a district court judge, a county clerk representative, an appellate clerks, circuit court reporting managers, a trial court administrator, the appellate director of the statewide guardian ad litem program, a representative of the regional counsel's office, and statewide director of appeals for the department of children and families.

The report begins on page 48 of the meeting materials. In the report, the workgroup identified 35 recommendations to alleviate delay in these cases. The report is broken down into sections that include appellate clerks and trial court clerks, trial court administration, judges and the commissions. Although often overlooked in practice, the workgroup reiterated several rules and court procedures to address these issues. They also determined that stakeholders, as well as court officials, could help with delays by making small efforts. The report was outreached to all the stakeholders.

Judge Salter mentioned to the group that he was impressed with the courts' ability over time to show a decline in the time expended to process these types of cases. Ms. Lewis also informed the members the report will be presented to TCP&A at their meeting next week. Ms. Haynes suggested adding a chart that would cross-reference the recommendations that apply to attorneys. Ms. Haynes motioned to approve the recommendations with the addition of a chart to cross-reference those that affect attorneys. Judge Cohen second the motion. The motion carried.

V. Update on the Appellate Court Technology Committee

Judge Salter provided an update on the Appellate Court Technology Committee (ACTC). In regards to E-FACTS, voting and tasking functions will happen after July 1. Another issue discussed is the availability of e-filing records to the public. The current system does not have, for instance, redaction software, etc.

Judge Salter asked the members to let him know if there are any software requests that would allow the case process to be more efficient. The members also discussed that the next assessment will be when all district courts are connected to the portal.

VI. Status update on the Current Term.

Ms. Lewis reviewed the charges with the members for the current term according to Administrative Order 14-41.

- Charge One - Directs the district courts review workload trends, specifically relative case weights. The commission reviewed the weights and submitted the findings to the Court. The court approved the weights.
- Charges Two and Three - Directs the Commission to monitor and review performance indicators. In particular dependency cases, while collaborating with TCP&A. In addition to providing the Court with recommendations, the dependency process was monitored. The Commission has not reviewed the performance indicators for this term, but the workgroup did review median days as part of their study. Some members expressed interest in a chart that shows the median days.
- Charge Four - Directs the Commission to collaborate with ACTC on the development data variables, data definitions, and reporting procedures associated with the new case management system. Judge Salter provided the members with an update of the work the ACTC has been doing. Arlene Johnson has been working with staff of the ACTC to obtain the current data fields for the case management system to determine what performance indicators can be calculated from the collected data.

- Charge Five - Judge Salter sits on the DCABC and has been providing input as necessary.
- Charge Six – Directs the Commission to propose judicial branch responses to any statutory requirements and requests by the legislature and the Office of the Governor related to district court performance and accountability. At this time, there have been no requests from the legislature

The Commission will submit an end of term report to the Court. As an example, a 2012-2014 report was provided to the members.

VII. Discussion on Ideas for the Next Term

A copy of the Model Time Standards for State Appellate Courts and CourTools for measuring appellate court performance was included in the materials for review. The members were informed that TCP&A created a workgroup to develop a performance management framework for the trial courts. Their purpose was to create a system for performance management. The members discussed if now was a good time for the district courts to do the same. The use of appellate judicial assistants (AJA) was also discussed. In the federal system, there is a move to replace AJAs with lawyers. Overall staffing, with the changes in technology, may warrant this type of change. Judge Salter will discuss with the chair of DCABC about a possible joint work study with the input from the district court clerks. If DCABC wants to do the work study, it will be included in the charge for the next term. Ms. Johnson added that she can request data from ISS to measure all the appropriate time standards if the information is not on C-web. The members agreed time standards (180 days) should be revisited. The Commission also agreed to develop reports to give a statewide perspective from data already available. Also discussed was the possibility of studying dispositions on appeals from delinquency cases. That information can be separated into categories.

There being no other business, Judge Salter adjourned the meeting at 12:12 pm.