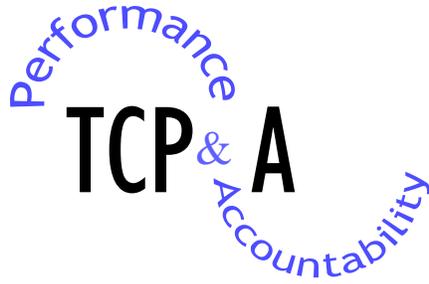


Diana Moreland
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Ellen Sly Masters
William Roby
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June 15, 2016

The Honorable Jorge Labarga
Chief Justice, Supreme Court of Florida
Supreme Court Building
500 South Duval Street
Tallahassee, Florida 32399

Dear Chief Justice Labarga:

In AOSC14-40, the Commission on Trial Court Performance and Accountability (TCP&A) was directed 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.” Additionally, the TCP&A shall “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.”

To address this directive, I convened a Performance Management Workgroup to assist in developing recommendations to the Court on a trial court performance management framework. The goal of the Performance Management Workgroup was to develop recommendations regarding long-term objectives for quantifying performance and enhancing the trial court system’s ability to better evaluate branch outputs and outcomes.

Based on a year-long of review of performance management literature conducted by the Workgroup and with input from the circuits, the TCP&A has prepared the enclosed report to the Supreme Court on the development of a trial court performance framework. The report provides

Chief Justice Labarga

June 15, 2016

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recommendations for the foundation of a performance management framework which includes the goal, scope, and principles. The report notes how these principles will help ensure courts are guided by the notion of due process and gauge whether administrative practices are working as desired. Also, the report provides long-term objectives for establishing a performance management framework, including identifying better management practices for improving the statewide collection and use of performance measurement

On behalf of the Commission, thank you for the opportunity to present this information to the Court. If you should have any questions or if we may be of further assistance, please do not hesitate to contact me.

Sincerely,

Diana L. Moreland

DLM/ml

cc: Justices

Ms. PK Jameson, State Courts Administrator

Judge Victor L. Hulslander, Chair of Workgroup

Recommendations on a Performance Management Framework for Florida's Trial Courts

Phase One Foundations for a Performance Management Framework

JUNE 15, 2016

Greg Youchock, Chief of Court Services
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PREPARED BY THE OFFICE OF THE STATE COURTS ADMINISTRATOR
Tallahassee, Florida

Commission on Trial Court Performance and Accountability
Recommendations on a Performance Management Framework for Florida's Trial Courts

Commission on Trial Court Performance and Accountability

The Honorable Diana L. Moreland, Chair
Circuit Judge, Twelfth Judicial Circuit

The Honorable Paul Alessandroni
County Judge, Charlotte County

Ms. Gay Inskeep
Court Administrator, Sixth Judicial Circuit

The Honorable Herbert J. Baumann, Jr.
Circuit Judge, Thirteenth Judicial Circuit

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Ms. Barbara Dawicke
Court Administrator, Fifteenth Judicial Circuit

The Honorable Shelley Kravitz
County Judge, Dade County

Ms. Holly Elomina
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The Honorable Ellen Sly Masters
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The Honorable Ronald W. Flury
County Judge, Leon County

The Honorable William Roby
Circuit Judge, Nineteenth Judicial Circuit

The Honorable Victor L. Hulslander
Circuit Judge, Eighth Judicial Circuit

The Honorable Terry D. Terrell
Senior Judge, First Judicial Circuit

The Honorable Jorge Labarga, Liaison
Chief Justice, Florida Supreme Court

Performance Management Workgroup

The Honorable Victor L. Hulslander, Chair
Circuit Judge, Eighth Judicial Circuit

The Honorable Herbert J. Baumann, Jr.
Circuit Judge, Thirteenth Judicial Circuit

The Honorable George S. Reynolds, III
Circuit Judge, Second Judicial Circuit

Mr. Mike Bridenback
Court Administrator, Thirteenth Judicial Circuit

Ms. Michelle Spangenberg
Director of Case Management, Fifteenth
Judicial Circuit

The Honorable Cynthia Cox
Circuit Judge, Nineteenth Judicial Circuit

The Honorable William F. Stone
Circuit Judge, First Judicial Circuit

The Honorable John F. Lakin
Circuit Judge, Twelfth Judicial Circuit

Mr. Nick Sudzina
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Executive Summary

The Florida judicial branch is committed to improving court performance through the establishment of a comprehensive management and accountability program. Since 1998, the Supreme Court has maintained operation of the Commission on Trial Court Performance and Accountability (TCP&A) for the purpose of proposing policies and procedures on matters related to development of comprehensive performance measurement, resource management, and accountability programs for the trial courts.

In 2014, the Supreme Court charged the TCP&A, as provided in Administrative Order [AOSC14-40](#), with developing “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.” Additionally, the TCP&A shall “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.”

In response, the TCP&A established a Performance Management Workgroup (Workgroup) to assist in developing recommendations. Based on the National Center for State Courts’ (NCSC) High Performance Court Framework (HPCF) for using data collected under a statewide court data model and a year-long review of national literature and with input by the Florida judicial circuits, the Workgroup offers the following recommendations to establish a foundation for a performance management framework:

- I. Establishment of a Trial Court Performance Management Framework to improve service delivery in trial court services and programs, as funded by the state.
 - A. Goal and Scope
 1. The Workgroup recommends that the goal of the Trial Court Performance Management Framework is to improve the capacity of the trial court system to measure performance and apply results for procedural refinements and communication with a variety of stakeholders.
 2. The Workgroup recommends that the scope of the Trial Court Performance Management Framework shall include the following components: the

development of performance indicators and measures¹ at both the state and local level, from various perspective groups (e.g., court user, internal operating, and social value) and the identification of management practices and resource needs for conducting re-engineering processes, such as technological access to data, dashboards, operational resources, or educational resources.

II. Principles of the Trial Court Performance Management Framework.

A. Essential Element Principles

1. The Workgroup recommends the Framework be used to identify new performance indicators and measures for those court system functions that are “essential” or necessary to effectuate the mission of the trial courts, as provided for under F.S. 29.004, and establish administrative performance criteria for the manner in which the branch manages the following resources and functions:
 - a. Judges, judicial assistants, law clerks, and resource materials.
 - b. Juror compensation and expenses.
 - c. Reasonable court reporting and transcription services necessary to meet constitutional requirements.
 - d. Court foreign language and sign-language interpreters and translators essential to comply with constitutional requirements.
 - e. Expert witnesses who are appointed by the court pursuant to an express grant of statutory authority.
 - f. General magistrates, special magistrates, and hearing officers.
 - g. Court administration.
 - h. Case management.²

¹ The members discussed two terms used when referring to performance: indicators and measures. Indicators describe the health of the system and measures are the statistics that may suggest action. Some measures involve effectiveness (degree to which the process output conforms to requirements), efficiency (resources and process steps used to resolve a case), quality (meeting the customers' expectations), and timeliness (meeting timeframes meaningfully).

² As provided for under F.S. 29.004: “Case management includes initial review and evaluation of cases, including assignment of cases to court divisions or dockets, case monitoring, tracking, coordination, scheduling of judicial events; service referral, coordination, monitoring, and tracking for treatment-

- i. Court-ordered mediation and arbitration.³
- j. Basic legal materials reasonably accessible to the public other than a public law library.

2. The Workgroup recommends that accountability measures for functions that effectuate public policy or respond to legitimate public expectations (e.g., local problem-solving courts) should also be addressed, as part of the development of a performance management framework.

B. Administrative Principles

1. The Workgroup recommends that the Florida Trial Court Management Framework shall operate based on the following administrative principles, as offered by the National Center for State Courts: 1) Every case receives individual attention, 2) Individual attention is proportional to need, 3) Decisions demonstrate procedural justice, and 4) Judges control the legal process.
2. The Workgroup recommends that the Florida Trial Court Management Framework shall be flexible and evolving to allow for continuous review of court data and possible performance measurement expansion to all relevant court system areas.

III. Long-Term Objectives of the Florida Trial Court Performance Management Framework

- A. As a general recommendation to the Florida Court Technology Commission, the Workgroup recommends that automated access to case and resource

based drug court programs under s. 397.334. Case management may not include issues associated with the application of therapeutic jurisprudence principles by the courts. Case management also may not include case intake and records management conducted by the clerk of court.”

³ As provided for under F.S. 29.004, court-ordered mediation and arbitration is “[l]imited to trial court referral of a pending judicial case to a mediator or a court-related mediation program, or to an arbitrator or a court-related arbitration program, for the limited purpose of encouraging and assisting the litigants in partially or completely settling the case prior to adjudication on the merits by the court. This does not include citizen dispute settlement centers under s. 44.201 and community arbitration programs under s. 985.16.”

Commission on Trial Court Performance and Accountability
Recommendations on a Performance Management Framework for Florida's Trial Courts

management data continue to be deployed in all circuits as a means to generate performance metrics and reports for all trial court judges and relevant court managers. This will allow courts to be better positioned to review performance measures and take appropriate action.

- B. As a general recommendation to the Florida Court Education Council, the Workgroup recommends that, in collaboration with the Commission on Trial Court Performance and Accountability, an education curriculum be developed to educate judges and court managers on the value of performance management. This education will help courts perform process improvement analyses from a case management and resource management perspective, and better understand the system-level processes of the courts, including its strategic direction. As performance measures are implemented, additional education on those measures should also be developed.
- C. As a general recommendation to the Commission on Trial Court Performance and Accountability, the Workgroup recommends five additional performance management issues to address in the upcoming 2016-2018 term of the Florida Supreme Court Chief Justice. They are noted below in priority order. However, determination of when to move forward and if these items fit within a two year term hinges entirely on whether the court system has confidence in data quality.
1. Establish baseline data and benchmarks for measuring Time to Disposition, Clearance Rate, and Age of Active Pending Caseload, upon collection of accurate data.
 2. Develop a process for correcting court data problems and errors.
 3. Prioritize the essential element principles, enumerated in section II.A.1., by areas of importance and begin to develop the administrative performance criteria for those principles in priority order.
 4. Review trial court time standards, as delineated under Florida Rule of Judicial Administration 2.250, in order to determine if the standards provide accurate measurement for possible revision, as a means to identify further performance indicators.
 5. Only after Items 1 through 4 above have been achieved, identify new performance indicators and measures/dashboards for integrating

performance measures into existing operational policies and procedures.

It is never more apparent that technological systems have critical, far-reaching implications to the future performance and accountability needs of the court system. As the Florida judicial branch continues to refine its technological infrastructure, the TCP&A is mindful of the long-term impact these systems will have.

Recently, the Florida judicial branch released its Long-Range Strategic Plan for 2016-2021 that emphasizes five, new long-range issues of critical importance to the judiciary. These are: 1) Deliver Justice Effectively, Efficiently, and Fairly, 2) Enhance Access to Justice and Court Services, 3) Improve Understanding of the Judicial Process, 4) Modernize the Administration of Justice and Operation of Court Facilities, and 5) Maintain a Professional, Ethical, and Skilled Judiciary and Workforce.

To reach these long-range goals, the plan makes it clear that courts must improve case processing measures as well as access to court data, creating a compatible technology infrastructure to meet the needs of the judicial branch and court users for ensuring the fair and timely resolution of all cases through effective case management. Also, the courts must actively utilize caseload and other workload information to manage resources and promote accountability. Such actions will assist the judicial branch in assessing its environment and responding appropriately to ensure resources are available and targeted in areas in need of improvement. To secure the success of these goals, the plan acknowledges the need to institute improved management practices by providing timely education and training to judges and court employees to ensure high-level performance.

With the advent of technological initiatives such as electronic filing (e-filing)⁴, Court Application Processing Systems (CAPS), and the Judicial Data Management System, judges and court managers have begun the hard work of harnessing better, modernized technology to benefit court users and businesses that come into contact with the courts. However, transitioning Florida's courts from paper-based case files to information management will continue to require serious efforts to examine process-reengineering opportunities. Courts must carefully plan for the migration from document to content management.

The TCP&A remains committed to continued work on the implementation of the Trial Court Performance Management Framework for the reasons stated above. If approved, the TCP&A believes the Framework can provide many benefits to assist in strengthening the institutional

⁴ The efforts to transition to a fully electronic court system have been supported by the Florida Legislature as provided under section 28.22205, Florida Statutes.

position of the courts. On behalf of the TCP&A, the members express their thanks to the Florida Supreme Court for the opportunity to submit these recommendations.

Introduction

In February 2015, Judge Diana Moreland, Chair of the Commission on Trial Court Performance and Accountability (TCP&A), created a Performance Management Workgroup (Workgroup) to assist in developing recommendations to the Supreme Court on a trial court performance management framework. The goal of the Performance Management Workgroup is to develop recommendations, in response to Charge One of Supreme Court Administrative Order [AOSC14-40](#), regarding long-term objectives for quantifying performance and enhancing the trial court system's ability to better evaluate branch outputs and outcomes.

As way of background, the [Trial Court Integrated Management Solution \(TIMS\) project report](#), submitted by the TCP&A to the Supreme Court in December 2012, provides recommendations on performance measures and a conceptual court data model that may be used to collect standardized, uniform data on court case management activity in the trial courts. The TIMS report references the National Center for State Courts' (NCSC) High Performance Court Framework (HPCF) for using data collected under a statewide court data model. This framework offers a nationally recognized model state courts can use to achieve high performance.

By explicitly linking values, court culture, and measurement, the HPCF offers a more complete understanding of court administrative performance and seeks to advance concepts aimed at creating a new generation of courts that consistently use measurement data to improve performance. In March 2013, the Supreme Court reviewed the TIMS report, accepted the recommendations, and directed the TCP&A, as provided under [AOSC14-40](#), to develop recommendations on a performance management framework for the trial courts. Such a framework will allow the trial courts to conduct reengineering processes designed to improve efficient, effective, and responsive performance in support of the administration of justice.

The Performance Management Workgroup, consisting of seven members and chaired by Judge Victor L. Hulslander, Circuit Judge, Eighth Judicial Circuit, began meeting in February, 2015. The Workgroup discussed current efforts of performance measurement in the state courts, from both a global and historical context. Additionally, the group discussed adding a liaison from the Florida Courts Technology Commission (FCTC) to the membership, as several performance management issues revolve around technology.

Given the rate of technological change, members envisioned what the judicial branch is going to look like in 10 years, then worked backwards to determine what type of system is needed today to achieve that vision. The Workgroup viewed a presentation on the Judicial Data Management Services, a new data collection/management system that will be populated by different data sources such as clerk case maintenance systems and Court Application Processing Systems (CAPS)⁵. Also, the group participated in multiple exercises on performance measures that address adaptability, productivity, effectiveness, and efficiency.

The Workgroup conducted significant research to gain a better understanding of the performance management landscape. This information was used to develop recommendations contained later in this report. Following below is background performance measurement information from a national, state, and local perspective, as reviewed by the Workgroup. Additionally, highlights on the challenges and successes by courts in using performance measures are provided, along with details pertaining to the Workgroup's discussions.

Performance Measurement in the U.S. and International Courts

In the U.S., given the fragmented nature of state politics, court performance measurement has not been part of a concerted effort across states. Rather, it has been a project undertaken according to the priorities of state and local leadership. Well-resourced states appear to be leading the effort in performance management, likely due to advancements in information technology systems to collect and maintain court data. To revitalize state court performance systems, states such as Massachusetts have initiated comprehensive efforts to utilize performance measures related to case flow management. These measures include clearance rate, time to disposition, age of pending cases, and trial date certainty. Massachusetts has taken an additional step of establishing statewide measurement goals and publishing their results.

Fundamental challenges exist for effective court management. For instance, collecting and using necessary data in the decision-making process are two major challenges. Data collection and subsequent computation of performance indicators and measures is referred to as "performance measurement." The use of data and computed measures in decision-making is referred to as "performance management." Many courts do not have both practices in place, as they lack the necessary infrastructure to collect data. Further, often court staff lack the formal education and practical experience necessary to use the data collected.

⁵ CAPS, also referred to as judicial viewers, is defined as a computer application designed for in-court and in-chambers use by trial judges or their staff to access and use electronic case files and other data sources in the course of managing cases, scheduling and conducting hearings, adjudicating disputed issues, and recording and reporting judicial activity.

Managing and leading complex public institutions, like courts, is a very challenging endeavor. Many state courts struggle to obtain necessary resources to analyze data and provide staff training to apply data results towards process improvement. Other issues, such as data quality, appear to hinder many courts in using data results. Some states have attempted to use different strategies for obtaining high quality data. New Jersey and Minnesota, for instance, have developed high data quality levels. This quality is based on managers actively using data to manage their courts, with court staff and judicial officers having a keen understanding of that use and for applying appropriate data quality controls.⁶

One major component of the HPCF is the use of a balanced scorecard. The balanced scorecard is a tool used to entail the idea of “balance” unifying traditional case processing measures like time-to-disposition with measures of access and procedural fairness.⁷ Therefore, courts can apply results of performance measurement into closely interrelated areas such as: effectiveness, procedural satisfaction, efficiency, and productivity. Two Italian courts initiated local studies that focus on and demonstrate the applicability of the NCSC’s balanced scorecard. As a result of those local studies, the Italian courts determined it necessary to expand the usefulness of the scorecard, through the addition of technology related performance measures. Since performance management hinges on the ability of technology systems to provide access to data and generate useful caseload and performance reports, the scorecard includes questions such as, “How well is your case management system working for you?” The questions are distributed to judges and court managers via an ad hoc survey. This allows internal participants to measure the use of technology and how well it is performing to meet the needs of judges and court managers.⁸

Other states’ use of performance measures notes that Massachusetts has always been careful not to identify individual judges in the performance measurement process. The state of Colorado, however, utilizes judicial performance surveys for the purpose of providing voters with fair, responsible and constructive evaluations of judges and justices seeking retention. In Colorado, survey results are posted online for the general public. In 2014, Colorado authorities recommended 142 of 146 judicial officers be retained in office. Of the remaining four, local

⁶ *Judicial Accountability in the US State Courts: Measuring Court Performance*, by Richard Y. Schauffler, 2007.

⁷ National Center for State Courts, *Achieving High Performance: A Framework for Courts*. April, 2010.

⁸ *Evaluating Court Performance: Findings from Two Italian Courts*, by Luigi Lepore, Concetta Metallo, and Rocco Agrifoglio, 2012.

commissions recommended three judges not be retained, while another local commission offered “no opinion” on one judge. These judicial performance surveys focus on professional behavioral issues and ability to demonstrate appropriate legal understanding and knowledge. Additionally, they focus on administrative performance, including whether the judge demonstrates preparation for all hearings and trials, uses court time efficiently, issues findings of fact, conclusions of law, and orders without unnecessary delay, effectively manages cases, takes responsibility for more than his or her own caseload and is willing to assist other judges; and understands and complies with the directives of the Colorado Supreme Court.^{9 10}

Performance Measurement in the Florida State Courts System

Florida's courts have long recognized a need to make organizational structures and processes effective and efficient. The evolution of performance measurement tools that can be applied by courts continues, with a focus on outcome measurement that provides practical information for courts to improve their operations and practices.

In 1998, the Supreme Court established the Commission on Trial Court Performance and Accountability (TCP&A) for the purpose of proposing policies and procedures on matters related to development of comprehensive performance measurement, resource management, and accountability programs for the trial courts. The establishment of the TCP&A responds to mandates that emanate from section 19, Article III, Constitution of the State of Florida and Chapter 216, Florida Statutes. These laws establish the legislature's appropriation process and state budgeting procedures. Further, in conjunction with each agency's legislative budget request, section 216.013 provides:

“State agencies and the judicial branch shall develop long-range program plans to achieve state goals using an interagency planning process that includes the development of integrated agency program service outcomes. The plans shall be

⁹ Colorado Office of Judicial Performance Evaluation (<http://www.coloradojudicialperformance.gov>)

¹⁰ In Florida, the TCP&A Performance Management Workgroup discussed whether individual judge performance should be integrated into the courts' assessments along with divisional and circuit-level performance. The members noted the existence of the Judicial Qualifications Commission to provide recommendations to the Supreme Court on ethical issues pursuant to Codes of Judicial Conduct. Regarding administrative performance, the entire system should be analyzed. In order to do this, the group must identify the parties responsible for the system. From there, the group must identify measures applicable to each of the stakeholder parties. Regarding any use of measures, if information is provided that is useful in making organizational decisions, then there should be no objections to performance measures.

policy based, priority driven, accountable, and developed through careful examination and justification of all agency and judicial branch programs.”

Such a provision confers an obligation to the judicial branch to identify the mission, goals, objectives, trends and conditions relevant to the programs that will be used to implement state policy, including information regarding performance measurement such as, how data is collected and the methodology used to measure performance.

In 1998, the Florida judicial branch committed itself to respond to these constitutional mandates by creating the Judicial Management Council Committee on Trial Court Performance and Accountability. This committee completed its first long-range strategic plan in 1999 directing the development of a comprehensive performance and accountability program for Florida's trial courts.¹¹

Over the years, the TCP&A has been involved in comprehensively reviewing trial court services and programs, identifying legitimate expectations that are common to all divisions of court, and providing a policy foundation for the 2004 implementation of Revision 7 to Article V of the Florida Constitution. The TCP&A developed performance measures that, today, are reviewed annually for submission to the Legislature as part of the Long-Range Program Plan.¹² A brief look at the evolution of these and various other performance measures used in the Florida court system is provided below.

Long Range Program Plan Measures

Between 1994 and 2005, the Florida Legislature was very active in monitoring performance measures and results of state agencies, including the judicial branch. The 1994 Government Performance & Accountability Act (GPA Act) was established to create a performance-based program budgeting (PB²) process to link funding to agency products or services and results. The GPA Act required the Governor to submit performance-based program budgets for executive agencies to the Legislature.

¹¹ Committee on Trial Court Performance and Accountability, *Report to the Judicial Management Council*, 1999.

¹² Long Range Program Plan (LRPP) is developed on an annual basis as part of the planning, budgeting, and accountability process for state agencies, including the judicial branch. Performance measures and standards are included as approved by the Legislature in the 2006 General Appropriations Act (GAA). The LRPP is a goal-based plan with a five-year planning horizon.

In 2000, the Legislature and Governor enacted changes to the PB² system to strengthen its impact on government efficiency creating a Legislative Budget Commission responsible for reviewing agency requests using zero-based budgeting principles. These changes required agencies, including the judicial branch, to undertake core process mapping to better align their budgets and long-range program plans, maintain a comprehensive set of performance measures, submit budget amendments, and conduct in-depth reviews of agency budgets.

Based on the difficulties in implementing PB² and its related zero-based budgeting principles, in 2006, the Legislature passed Chapter 2006-122, Laws of Florida, which created §216.1827, Florida Statutes, separating the approval of performance measures and standards from the legislative appropriations process. From 2006 forward, agencies now provide information on their legislatively approved performance measures and standards in their long-range program plans. Measures for the trial courts include clearance rate, number of disposed cases, and number of due process events.

The success of the PB² was hindered significantly because many state agencies lack the necessary technology tools for accessing relevant data and directly linking products and services to their budget. Also, many state agencies struggled with understanding the applicability of the process. The Office of Program Policy and Government Accountability (OPPAGA) conducted several reviews of PB². They noted that the Legislature could make PB² more useful for policy and budget decisions if it improved the presentation of PB² information in the budget, required agencies to identify how requests for budget changes would affect performance on PB² measures, and required agencies to develop unit cost measures.

The OPPAGA recommended the Legislature encourage agencies to develop higher-level performance measures to improve usefulness of PB² information for policy and budgeting decisions. The ultimate legislative vision is to use performance information towards developing ways of encouraging and rewarding good results within state agencies, and for discouraging poor ones.¹³

Judicial Net Need for Certification of Additional Judgeships

One measure used by both the Florida district and trial courts for requesting judicial resources is the net judicial need. Annual requests from the Florida Supreme Court to the Legislature for additional trial court judges have been supported by this measure since 2000. The Florida

¹³ Office of Program Policy Analysis and Government Accountability, *Recent Initiatives Strengthen Florida's Performance-Based Budgeting System*, Report No. 00-15, November 2000.

Supreme Court determines net judicial need based on a judicial weighted workload model that calculates number of cases filed and the amount of time spent on different case types.

Periodically, a comprehensive judicial workload assessment is conducted to reexamine activity both inside and outside the courtroom for providing accurate, verifiable data for the annual certification of need for additional judgeships. Assessing the number of people, appropriate resources, and caseload measures is critical for updating the judicial weighted workload model ensuring that courts and related agencies are able to deliver quality service to the public effectively and without delay. These assessments forecast the judicial impact of legislation and will continue to play a critical role in communicating with the Legislature.¹⁴

Foreclosure Initiative Performance Measures

The trial courts have adopted the use of three performance measures for evaluating foreclosure cases including clearance rates, age of active pending caseload, and time to disposition.¹⁵ At the height of the mortgage foreclosure crisis, foreclosure filings in Florida state courts reached over 400,000 cases in one year, compared to an average of about 70,000 case filings per year before the crisis.

With new cases being filed faster than the Florida courts could resolve them, a significant backlog developed. The judicial branch developed a plan, called the Foreclosure Backlog Reduction Plan (Foreclosure Plan), to reduce the number of backlogged foreclosure cases in the court system. Funding of \$5.3 million was allocated to the courts by the Legislature for this project out of the state's National Mortgage Settlement funds. Further, an additional amount of \$9.7 million was allocated to the clerks of court to "...enhance their levels of service to assist and support the courts in expediting the processing of backlogged foreclosure cases."

The data collection mechanism for the Foreclosure Plan was built using the Court Data Model. In 2013, the Supreme Court directed the Clerks of the Circuit Court to implement new data reporting requirements to support the computation of the performance measures used in the initiative. As a result of the additional operational resources provided by the Legislature and

¹⁴ Florida Judicial Branch Long-Range Program Plan, Fiscal Years 2016-2017 through 2020-2021. <http://floridafiscalportal.state.fl.us/Document.aspx?ID=13570&DocType=PDF>

¹⁵ Time to Disposition - This statistic measures the length of time between filing and disposition and is presented as a percentage of cases that have been resolved within established time frames. 2. Age of Pending Cases - This statistic measures the age of the active cases that are pending before the court. 3. Clearance Rate - This statistic measures the ratio of dispositions to new case filings and assesses whether the court is keeping pace with its incoming caseload.

the use of the performance measures, altogether, the courts disposed of 378,446 foreclosure cases during the two-year stretch of the initiative, FY 2013-14 and FY 2014-15.

Other Local Performance Measures of the Florida Judicial Circuits

In April 2015, the Workgroup distributed a survey to all judicial circuits to assess the circuits' ability to use performance measures and identify challenges in reviewing data. Currently, Circuits 12, 13, 15, and 20 have instituted the use of performance measures. These circuits use measures consistent with *CourTools*¹⁶ and other resource management measures as recommended by the Commission on Trial Court Performance and Accountability. These measures are reviewed regularly by chief judges, administrative judges, and trial court administrators to ensure caseloads and workloads are manageable.

While some circuits have experienced varied success towards using performance measures, smaller, rural circuits cite to a continued lack of technological resources and access to data. The majority of these circuits report not having the requisite technology tools or manpower necessary to analyze data meaningfully, especially for process improvement purposes, thus causing "information paralysis."¹⁷ Further, circuits report reviewing time standards which are established in rule. Some circuits post results locally via their intranet, for internal use. However, no circuits publish results to the internet for external use.

Data standardization issues across counties continue to impede judicial circuits' ability to calculate performance measures. When analyzing case load the Workgroup noted that circuits continue to experience difficulty in determining the number of cases disposed over a given amount of time and the judicial effort spent on each case. Also, when judges are assigned to different divisions, there is often limited information on previously assigned cases and the amount of cases pending. Overall, the circuits expressed concerns with the lack of data access, data quality, and a lack of court technology and managerial resources.

¹⁶ *CourTools* provide guidelines on choosing indicators, determining data needed to be gathered, and for presenting results in a coherent manner. There are 10 *CourTools* measures: access and fairness, clearance rate, time to disposition, age of active pending caseload, trial date certainty, reliability and integrity of case files, collection of monetary penalties, effective use of jurors, court employee satisfaction, and cost per case.

¹⁷ Information Paralysis is an [anti-pattern](#), the state of having limited manpower resources necessary to assist in analyzing information thus, leading to a situation so that a decision or action is never taken, in effect paralyzing the information.

Current Efforts Supporting the Improvement of Florida's Capacity to Collect Court Data for Case Management and Resource Management Needs

The essential data the court system needs to manage operations and respond to external pressures continues to evolve. The data standardization and accessibility requirements of performance measurement continue to provoke changes in existing management information systems in courts, since older management systems are very limited in their ability to capture performance indicators and provide useful management reports.

Recently, the Florida State Courts System embarked on a number of projects to enhance the ability of judges and case managers to electronically process and manage cases. These projects aim to assist chief and administrative judges and court managers in the effective management of court operations and resources. Such projects include: 1) the Court Application Process System (CAPS) viewer¹⁸, which focuses on case management services for judges; and 2) the Judicial Data Management Services, which focuses on operational management services for court managers.

In the last two fiscal years, with a portion of Florida's share of the national mortgage settlement funds, funding was used to purchase judicial viewers for the judges handling these cases. While initially used to expedite the processing of foreclosure cases, the Florida Courts Technology Commission is developing an implementation strategy to employ judicial viewers in all Florida counties across multiple divisions.¹⁹

Further, funding provided to the OSCA during the Foreclosure Initiative was used to develop and test concepts of the Judicial Data Management Services (JDMS) system. The initial tests of JDMS served as a proof of concept providing for the extraction of local data through either local clerk systems or CCIS, to the OSCA. The model provided judges with information regarding foreclosure cases. It also provided internal mechanisms designed to address data

¹⁸ In 2012, to support efforts to enhance access to court data, the branch focused on implementing Court Application Process System (CAPS) viewers, previously the "judicial viewer," as a means to increase courtroom efficiency by eliminating paper-based interaction between court and clerk personnel. A CAPS viewer is a web-based application that enables judges and court staff to work on cases from any location and across multiple devices. It provides rapid and reliable access to case information; provides access to and use of case files and other data in the course of managing cases, scheduling and conducting hearings, adjudicating disputes, and recording and reporting judicial activity; and it allows judges to prepare, electronically sign, file, and serve orders.

¹⁹ Florida State Courts, 2012-2013, Annual Report.

quality issues. One of the long-term goals of the JDMS system is to support the capture of state-level data used to calculate performance measures. It is anticipated that eventually data will be extracted directly from the e-filing portal. Additionally, the Florida Dependency Case Information System (FDCIS), the dependency case management system, may be integrated into JDMS as well.

Recommendations of the Judicial Management Council's Performance Workgroup

To establish a comprehensive court data management structure for Florida's court system, in April 2015, the Florida Supreme Court approved the Judicial Management Council's²⁰ Performance Workgroup report and recommendations regarding migrating from a summary reporting system to a detailed reporting system.

While summary data reporting has served the court system well over the last 40 years, the need for more detailed information on the branch's performance necessitates the shift to detailed reporting. It is hoped that detailed performance reporting will contribute significantly to the quality of justice in Florida by specifically improving adjudicatory outcomes through improved case management, increasing operational efficiency through the efficient use of resources (e.g., court reporters and court interpreters), and supporting organizational priorities through legislative resource and budgetary requests.

The Supreme Court approved the following recommendations of the Judicial Management Council:

1. The Commission on Trial Court Performance and Accountability (TCP&A) should propose clerk collection and reporting requirements that address: the collection of specific data elements, transmission of that data in a prescribed format, and direction of those transmissions to occur in a timely manner to enhance performance reporting.
2. The OSCA should refocus audit efforts to address disposition data.
3. The overall judicial system should support efforts to:
 - a. Conduct a revised trial court judicial time study and capture an accurate workload model.
 - b. Sustain foreclosure reporting requirements with future expansion to other case types.

²⁰ On February 9, 2012, in In re: Implementation of Judicial Branch Governance Study Group Recommendations – Amendments to the Florida Rules of Judicial Administration, Case No. SC11-1374, the Supreme Court recreated the Judicial Management Council as a focused advisory body to assist the chief justice and the Court, as specified in rule 2.225, Florida Rules of Judicial Administration.

- c. Explore tools for the visual display of data.
- d. Support the Judicial Data Management Services legislative budget request.

In response to these recommendations, the Commission on Trial Court Performance and Accountability proposed to expand the work of the Foreclosure Initiative to all court divisions with specific data elements and improved data quality controls. In April 2016, the Supreme Court issued AOSC16-15 In Re: Uniform Case Reporting Requirements to expand the Foreclosure Initiative data collection to all case types and provide for the addition of ten more data elements to create a more comprehensive set of performance data. This effort will be helpful in reaching the JMC's goals to allow the courts to report time to disposition, age of active pending caseload, and clearance rates, across all case types, as provided for under Florida Rule of Judicial Administration 2.225.

Envisioning an Optimal Performance Management System for the Trial Courts

The State Courts System continues to define and implement enhanced performance measures to further improve data management, accountability, transparency, and cost effectiveness. By improving branch performance, providing insight into underperforming programs, and highlighting best practices, performance metrics have the potential to enhance effectiveness. Further, performance measures provide a structured means for courts to communicate their message to partners in government and the public-at-large.

In the future, the Workgroup foresees an automated system that provides the full range of case management and performance functionality, but acknowledges that such a system will require adequate funding, technology, and accountability to achieve optimal results. Another hurdle is the absence of standardized data collection, maintenance, and reporting available and displayed in a meaningful way for judicial use. Moreover, changes to management practices and additional resources may prove necessary to integrate these measures into court policies and procedures.

From a performance management perspective, the Workgroup participated in a number of activities designed to apply the concepts of the National Center for State Court's High Performance Court Framework (HPCF) to Florida's court system. Specifically, the HPCF includes four court perspectives: 1) customer, 2) social value, 3) internal operating, and 4) innovation. Each perspective focuses on a distinctive aspect of performance a court is expected to achieve.

These perspectives were reviewed by the Workgroup and incorporated into group activities during two business meetings. For each of these activities, each member assumed a persona – either a court user (customer perspective), legitimizing authority (social value perspective), or

an internal court staff member (internal operating perspective). The members (from their assigned persona) discussed and determined the top five things they would like to see in a court system that would tell them the court is performing well. The members focused on identifying performance measures that demonstrate court efficiency (how well resources are being used to achieve a goal) and productivity (how much work is done in a certain amount of time).

Court User Perspective

The court user perspective focuses on the individual that is directly receiving services from the court. Courts are accountable for providing satisfactory services to these court users in an effective and procedurally fair manner. From the court user perspective members discussed why it is important to provide court users with access to courts via specialized in-person services, electronic services or virtual means. For instance, to allow court users greater participation in the court process, courts aim to reduce barriers to its services.

Barriers can be geographic, economic, and procedural. Individuals may have language challenges, trouble affording court fees, or lack knowledge about court proceedings. Therefore, it is critical to ensure barriers are eliminated where possible. For instance, self-represented litigants should have equal electronic access to court processes through schedulers, calendars, dockets, and reports.

For such provisions to be successful, additional resources may be needed to ensure prompt court services to court users (e.g., more technology, case managers, judges, public defenders, self-represented litigant coordinators, social services, and treatment coordinators). More often than not, court users do not know the details of how cases flow through the system, therefore, time frames and standards for the completion of cases should be informative, clear, and understandable to each user. Provisions may also need to be defined for the court user and consistently conveyed through reports, oversight, and feedback.

Internal Operating and Innovation Perspectives

To provide court users with procedurally fair and effective case resolution, courts must treat caseload in a deliberative and controlled manner. The internal operating and innovation perspectives focus on the character of the internal business environment and how courts respond to address operational changes and improvements. Effectiveness is about doing the right things. Efficiency is about doing the right things right. From an effective standpoint, courts apply consistent treatment to court users to eliminate excessive waiting time.

Courts where processes and events occur without active judicial control are unlikely to be able to assert that cases receive the amount of individual attention warranted. The rate at which

cases are disposed and the number of continuances granted, are key components of both effectiveness and efficiency. One way to achieve pre-determined goals is to implement tools that allow judicial scrutiny of individual cases with regular active case management conferences, procedures for optimal setting of mediation services, and guidelines to determine the best time to set cases for trial. These types of approaches promote measurement and the application of results thereby allowing process improvements. New systems such as CAPS and JDMS should be designed to assemble captured case and resource management data in a manner that allows judges and court managers to apply performance measurement results. This allows judges and court managers to communicate internally to implement new processes that may be applied to improve court operations.

Legitimizing Authority (Social Value) Perspective

The legitimizing authority group perspective acknowledges court performance is also pertinent to members of the public as well as the executive and legislative branches of government. This is important to courts for achieving public trust and confidence and adequate funding. For these values to be strengthened, the courts must be able to fulfill their obligation as a public institution to be accountable to citizens. This includes providing information as to how well the courts are functioning. Legitimizing authorities are always concerned about spending taxpayer funds wisely. From a legitimizing group perspective, the members discussed the ever-increasing interest to ensure operational court resources are being used to meet the needs of the court users. This may include tracking the return on technology funding as an offset to other resource needs.

In summary, communication is essential to effective and productive court operations. Over time, it is anticipated that as more technology is deployed in the court system, additional measures and reporting tools can be included. This will allow judges and court managers to review internally, to communicate measured outcomes and take action for operational improvement. Further, such results can be communicated externally for strengthening the institutional position of the courts.

Recommendations of the Performance Management Workgroup

Based on a review of the performance management literature and Florida judicial circuit survey results, the Workgroup offers the following recommendations.

- I. Establishment of a Trial Court Performance Management Framework to improve service delivery in trial court services and programs, as funded by the state.**

A. Goal and Scope

- 1. The Workgroup recommends that the goal of the Trial Court Performance Management Framework is to improve the capacity of the trial court system to measure performance and apply results for procedural refinements and communication with a variety of stakeholders.**
- 2. The Workgroup recommends that the scope of the Trial Court Performance Management Framework shall include the following components: the development of performance indicators and measures²¹ at both the state and local level, from various perspective groups (e.g., court user, internal operating, and social value) and the identification of management practices and resource needs for conducting re-engineering processes, such as technological access to data, dashboards, operational resources, or educational resources.**

In identifying new reporting tools, the Workgroup discussed two key points of a performance management system: service improvement and policy making.²² When implementing a new system or framework this dichotomy is essential to note because systems can be misinterpreted as a policy executed for political reasons (e.g., reduction of crime/incarceration rates) rather than one that measures court performance. Thus, it is important to define systems used in support of performance measurement, in conjunction with management practices, for proper implementation of a performance management framework. Thus, these recommendations support the use of the performance management framework for improvement of service delivery.

II. Principles of the Trial Court Performance Management Framework

²¹ The members discussed two terms used when referring to performance: indicators and measures. Indicators describe the health of the system and measures are the statistics that may suggest action. Some measures involve effectiveness (degree to which the process output conforms to requirements), efficiency (resources and process steps used to resolve a case), quality (meeting the customers' expectations), and timeliness (meeting timeframes meaningfully).

²² *Performance Management Systems: The Importance of Defining Their Purpose*, By Charlie Bennett, Ph.D. and Herb Hill, circa 2002.

One of the goals of a performance management framework is to draw a clear connection between the principles of the institution and measures of performance. The Workgroup discussed the judicial branch's responsibility to administer accountability mechanisms in a way that does not diminish judicial independence or responsibilities to fairness and justice. For instance, the need to move a case through the system quickly should not diminish procedural due process. Principles can be powerful in shaping administrative practices in consideration of court users and due process needs. For this reason, principles are a critical first element in determining a performance management framework.

According to the National Center for State Courts, there are three types of principles that courts can consider when reengineering or making far-reaching changes, such as "restructuring delivery systems, redesigning business processes, expanding the use of technology, and reorganizing court structure."²³ Those principles include Governance Principles, Essential Elements Principles, and Administration Principles. The branch has conducted significant work establishing Governance Principles through publications such as the Long-Range Strategic Plan. This six-year plan was recently updated by the Judicial Management Council for 2016-2021.²⁴

A. Essential Element Principles

- 1. The Workgroup recommends the Framework be used to identify new performance indicators and measures for those court system functions that are "essential" or necessary to effectuate the mission of the trial courts, as provided for under F.S. 29.004, state courts system. Thus, The Workgroup recommends establishing administrative performance criteria for:**
 - a. Judges, judicial assistants, law clerks, and resource materials.**
 - b. Juror compensation and expenses.**
 - c. Reasonable court reporting and transcription services necessary to meet constitutional requirements.**

²³ Thomas M. Clarke, "Reengineering: The Importance of Establishing Principles," *Future Trends in State Courts* (2010): 30.

²⁴ The Long-Range Strategic Plan for the Florida Judicial Branch: 2016 - 2021.
<http://www.flcourts.org/administration-funding/strategic-planning/>

- d. Court foreign language and sign-language interpreters and translators essential to comply with constitutional requirements.**
 - e. Expert witnesses who are appointed by the court pursuant to an express grant of statutory authority.**
 - f. General magistrates, special magistrates, and hearing officers.**
 - g. Court administration.**
 - h. Case management.²⁵**
 - i. Court-ordered mediation and arbitration.²⁶**
 - j. Basic legal materials reasonably accessible to the public other than a public law library.**
- 2. The Workgroup recommends that accountability measures for functions that effectuate public policy or respond to legitimate public expectations (e.g., local problem-solving courts) should also be addressed, as part of the development of a performance management framework.**

Essential elements principles define those functions that must be performed by the courts to carry out their constitutionally mandated mission. These principles offer a normative approach to what functions must be performed by courts at what minimally acceptable level of quality. The Workgroup members agreed to divide those elements into two areas: first, functions of the court that are necessary to effectuate the constitutional mission of the trial courts, and second,

²⁵ As provided for under F.S. 29.004: "Case management includes initial review and evaluation of cases, including assignment of cases to court divisions or dockets, case monitoring, tracking, coordination, scheduling of judicial events; service referral, coordination, monitoring, and tracking for treatment-based drug court programs under s. 397.334. Case management may not include issues associated with the application of therapeutic jurisprudence principles by the courts. Case management also may not include case intake and records management conducted by the clerk of court."

²⁶ As provided for under F.S. 29.004, court-ordered mediation and arbitration is "[l]imited to trial court referral of a pending judicial case to a mediator or a court-related mediation program, or to an arbitrator or a court-related arbitration program, for the limited purpose of encouraging and assisting the litigants in partially or completely settling the case prior to adjudication on the merits by the court. This does not include citizen dispute settlement centers under s. 44.201 and community arbitration programs under s. 985.16.

integrated court activities, such as problem-solving courts and programs to assist self-represented litigants, which are established based on the need to respond to public expectation. Prioritizing the use of the framework for essential elements of the judiciary will ensure that the trial courts focus in on improving those functions funded by the state, as provided for under s. 29.004, while also acknowledging other functions, such as those that may be funded locally or through federal assistance grants, are also important and should be considered as part of a performance management framework.

B. Administrative Principles

- 1. The Workgroup recommends that the Florida Trial Court Management Framework shall operate based on the following administrative principles, as offered by the National Center for State Courts: 1) Every case receives individual attention, 2) Individual attention is proportional to need, 3) Decisions demonstrate procedural justice, and 4) Judges control the legal process.**
- 2. The Workgroup recommends that the Florida Trial Court Management Framework shall be flexible and evolving to allow for continuous review of court data and possible performance measurement expansion to all relevant court system areas.**

Administrative principles are the “general beliefs judges and court managers have about how the administrative process should work to fulfill their responsibility to ensure legal decisions are made in a manner that satisfies customer expectations.”²⁷ The Workgroup recommends these principles as guidelines for managerial/administrative decisions associated with a performance management framework.

As the framework is implemented, qualitative processes are recommended as the first principle to study. The TCP&A acknowledges its responsibility to establish targets or benchmarks that could be reviewed periodically by judges and court managers to ensure the system, as a whole, is supporting the needs of court users. The group discussed the importance of establishing goals and benchmarks without indicating that efficiency is the sole purpose of performance measurement. Otherwise, the framework could be misconstrued or misinterpreted. Thus,

²⁷ Brian Ostrom and Roger Hanson, Achieving High Performance: A Framework for Courts, (National Center for State Courts, April, 2010)

administrative principles, as offered by the National Center for State Courts, are aimed at ensuring courts remain focused on qualitative aspects of the court system, as opposed to time standards only.

At this early juncture in the performance measurement process, court management systems remain fragmented, hindering the court system's capacity to collect appropriate and accurate data to report on all performance measures. Further, the courts do not collect disposition data, which is a critical element for calculating many measures. Additionally, for the three performance measures currently targeted (time to disposition, clearance rate, and age of active pending caseload), no baseline data has been collected to determine what the benchmarks should be. Baseline data is essential for determining appropriate goals/benchmarks.

Eventually, as technology progresses and systems like JDMS come to fruition, courts will have the ability to access many data points. As the circuits noted, initially performance measures should focus on those critical measures that provide pertinent information to indicate effective case management. As the Framework is implemented and accurate data becomes available, the performance measures identified in the TIMS Report will be prioritized and calculated. It is important to note that other court system areas should not be ignored, otherwise the system runs the risk of performance decline in those areas. Thus, when conducting reengineering evaluations, flexibility should be allowed to provide the ability to change and add measurements as necessary.

Further, the Workgroup notes that each component of the State Courts System needs to work together. For instance, family law judges are concerned whether the judicial time study will capture family law changes since the Summary Reporting System categories were created decades ago. In establishing these principles, the Workgroup emphasizes this is but one part of performance management of a court system. If the approach remains flexible, case types needing more attention, can be studied comprehensively. Accordingly, the time study results can be used in conjunction with the framework measures, allowing the system to examine what needs to occur and why. Thus, flexibility should be embraced both for the measures and how they are applied to the general system.

III. Long-Term Objectives of the Florida Trial Court Performance Management Framework

- A. As a general recommendation to the Florida Court Technology Commission, the Workgroup recommends that automated access to case and resource management data continue to be deployed in all circuits as a means to generate performance

metrics and reports for all trial court judges and relevant court managers. This will allow courts to be better positioned to review performance measures and take appropriate action.

- B. As a general recommendation to the Florida Court Education Council, the Workgroup recommends that, in collaboration with the Commission on Trial Court Performance and Accountability, an education curriculum be developed to educate judges and court managers on the value of performance management. This education will help courts perform process improvement analyses from a case management and resource management perspective, and better understand the system-level processes of the courts, including its strategic direction. As performance measures are implemented, additional education on those measures should also be developed.

It is imperative that judges and court managers have access to workload and performance data and generate performance reports themselves. **Such practices are critical to performance management framework success.** Therefore, case and resource management systems need to be constructed to allow judges and court managers to generate their own reports rather than having them ask and wait for a report to be provided by a third party. The change to e-filing of cases and use of information by system users makes it essential for judges to have the necessary tools to work effectively and to manage the operations of the courts.

To complement access to performance data, the Workgroup recommends professional management training and education of court administrators and judges, related specifically to performance management. For example, the members discussed how the current court culture remains a concern with attitudes and expectations related to two general issues identified: 1) cases which are not disposed timely and 2) effective communication. This remains a significant issue for all state courts throughout the United States. The members discussed the possible benefits of providing training on new technology tools and case management principles at the Florida Judicial College. The areas of case management or general docket/calendar management are within the control of individual judges. Frequently, judges delegate case management functions to their staff. This delegation can create variance in how cases are managed. Policies that create case management homogeneity across the state should be considered as part of the trial court performance measurement system. As these policies are developed through the TCP&A, they can be incorporated into the new education curriculum to help judges and staff enhance their administrative skills with the resulting public benefit of competent and fair administration of justice.

C. As a general recommendation to the Commission on Trial Court Performance and Accountability, The Workgroup recommends five additional performance management issues to address in the upcoming 2016-2018 term of the Florida Supreme Court Chief Justice. They are noted below in priority order. However, determination of when to move forward and if these items fit within a two year term hinges entirely on whether the court system has confidence in data quality.

1. Establish baseline data and benchmarks for measuring Time to Disposition, Clearance Rate, and Age of Active Pending Caseload, upon collection of accurate data. Benchmarks for the three targeted measures (time to disposition, clearance rate, and age of active pending caseload) need to be established in the immediate future. In developing the benchmarks, current rules and time standards should be reviewed. It is estimated that at least two years of data would allow a baseline to be established.
2. Develop process for correcting court data problems and errors. With court data supplied by multiple sources, ensuring data quality is vital, especially for circuit comparison. It is imperative to receive the data as prescribed by the Supreme Court. Data verification by the recipient (i.e., courts) is not ideal. The clerks of court, as originators and keepers of the data, bear considerable responsibility for ensuring data accuracy. Also, courts may need to pursue better processes for correcting data received during implementation of a performance management framework. In the Fifteenth Circuit, a command button is established within their judicial viewer to report clerk reporting errors. When the command button is clicked, an email is automatically populated listing the case number. The user enters specific information regarding the error. Then, this information is provided to the local clerk via a spreadsheet. Once the clerk corrects the error, the information is reported back to Circuit Court Administration. This procedure has been in place for a number of years, and has been found to work well. This may be a solution that can be adopted statewide. Such ideas should be explored for developing uniform data error correction processes for the courts.
3. Prioritize the essential element principles, enumerated in section II.A.1.,

by areas of importance and begin to develop the administrative performance criteria for those principles in priority order. Essential elements principles define those functions that must be performed by the courts to carry out their constitutionally mandated mission. These principles offer a normative approach to what functions must be performed by courts at what minimally acceptable level of quality. Prioritizing the essential elements of the judiciary will ensure that the trial courts focus in on improving those functions funded by the state, as provided for under s. 29.004, while also acknowledging other functions, are also important and should be considered as part of a performance management framework.

4. Review trial court time standards, as delineated under Florida Rule of Judicial Administration 2.250, in order to determine if the standards provide accurate measurement for possible revision, as a means to identify further performance indicators. Florida Rule of Judicial Administration 2.250, which became effective in November, 2009, provides time standards for the completion of cases in the trial and appellate courts. The rule recognizes that there are cases that, because of their complexity, present problems that cause reasonable delays. However, most cases should be completed within the noted time periods. Members discussed the efforts of the Foreclosure Initiative and how many of those cases did not meet the time standards. Also, newer time standards were developed by the National Center for State Courts in 2011. The Workgroup recommends review of the existing Florida trial court time standards in light of the newer national time standards and the implications these have on the on-going development and enhancement of court technological systems.
5. Only after Items 1 through 4 above have been achieved, identify new performance indicators and measures/dashboards for integrating performance measures into existing operational policies and procedures. Members discussed a variety of issues pertaining to the need for better reporting tools for judges and court managers. As noted previously, service delivery improvement should be the primary focus of the trial court performance management framework. The Workgroup recommends that the TCP&A establish a workgroup to study the usability of court technological systems from a service delivery

improvement perspective and identify additional performance measures to be generated from each system, upon obtaining accurate data and completing the process for correcting court data problems and errors. The three measures of clearance rate, age of active pending caseload, and time to disposition, do not tell the whole court performance story nor do they address case management performance issues. The measures provide a macro, not a micro court view. Therefore, several future performance measures may be considered at both the state and local level, from various perspective groups (e.g., court user, internal operating, and social value). Such measures should be considered for codification into existing court rules and policies.

Overall, with improved access to court data, courts may begin to review possible outliers and make determinations on whether administrative process changes or resource level changes should be considered. Thus, the framework will allow for the identification of areas in need of improvement and provide mechanisms to address problems, from an innovation perspective, supported by empirical evidence. By establishing a framework of performance measurement, the court system will be positioned to pursue additional necessary resources based on performance data. New policies and practices and policies may need to be implemented for better resource utilization. Ultimately, a performance management framework should have both benchmarks and flexibility, one that incorporates a review process that allows resources to be deployed to increase productivity and effectiveness.

The TCP&A expresses its thanks the members of the Supreme Court for the opportunity to submit these recommendations. The Commission also thanks the staff of each judicial circuit for their time and assistance in studying the issues surrounding performance management.