

**Commission on Trial Court Performance and Accountability and  
Performance Management Workgroup Joint Meeting  
Tampa, Florida  
January 22, 2016**

**Minutes**

**Members in attendance:**

Judge Diana Moreland, Judge Terry D. Terrell, Judge Paul Alessandroni, Judge Ronald W. Flury, Judge Victor L. Hulslander, Barbara Dawicke, Holly Elomina, Gay Inskeep, Judge Ellen Sly Masters, Judge Shelley Kravitz, Judge Herbert Baumann Jr., Judge Leandra Johnson, Judge John F. Lakin, Michelle Spangenberg, Judge William F. Stone, Nick Sudzina, Judge Cynthia Cox, and Judge William Roby

**Guests in attendance:**

Judge Kathleen J. Kroll and Tom Genung.

**Members absent:**

Justice Jorge Labarga (Liaison)

**Staff in attendance:**

Greg Youchock, Patty Harris, Maggie Evans, P.J. Stockdale, Victor McKay, Kris Slayden, Blan Teagle, Lindsay Hafford, Arlene Johnson and Andrew Johns.

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**I. Welcome and Introduction, Judge Diana Moreland, Chair**

Judge Moreland called the meeting to order at 8:40 a.m. She explained the joint meeting was meant to learn the work of the Performance Management Workgroup and to provide any guidance that may be needed. She also informed the members that the final report is not due to the Court until June 30, 2016.

**II. Approval of the September 17, 2015 Minutes**

Judge Moreland asked the members if they reviewed the minutes and if there was a motion to approve. Judge Roby moved to approve the minutes. The motion was seconded by Judge Alessandroni and the minutes were approved unanimously without modification.

**III. Status Updates**

**A. Supreme Court - Directive on the Judicial Management Council's Report and Recommendations**

Judge Moreland reminded the members that an outcome of the September 17, 2015 meeting was the approval and advancement of the proposal on Uniform Case Reporting to the Supreme Court. The Commission on Trial Court Performance and Accountability (TCP&A) was asked by the Court to develop a proposal to address Recommendation One of the Judicial Management Council (JMC) Performance Workgroup Report. Specifically, the JMC asked for the TCP&A to recommend clerk collection and reporting requirements that will improve performance reporting.

To help address Recommendation One, TCP&A, with support of the Court Statistics and Workload Committee (CSWC) and the Performance Management Workgroup (PMW), recommended the implementing the Uniform Case Reporting (UCR) Project. The UCR Project aims to expand the preliminary twelve informational data elements of the Foreclosure Initiative. In addition, five additional elements were added to satisfy existing statutory and rule data reporting requirements. TCP&A developed two items in implementing the UCR project, including a draft administrative order that would require the clerks to report data. Also, a detailed data collection specification for the gradual implementation of the timetable was developed. In reference to a completion timeline, circuit civil division is expected no later than June 2017, the family division no later than July 2018, the probate and county civil divisions no later than June 2019, and finally, the criminal divisions by June 2020. The plan was vetted through the JMC by Justice Polston because of implication that the clerks may need to update of their systems.

Gregory Youchock gave an update on the December 2<sup>nd</sup> conference call between the Office of the State Courts Administrator (OSCA) staff and members of the Florida Court Clerk and Comptroller (FCCC). The FCCC would like to provide the requested data through CCIS. The FCCC followed up with a letter reiterating their position. The OSCA is working on a response to that letter. There is an effort to begin implementation for the circuit civil division in ten counties. As of now, Palm Beach County and Brevard County have joined the implementation effort. He also reminded the members that OSCA was provided with four FTE to help with JDMS.

## **B. A Review of Florida Circuit Courts by Office of Program Policy Analysis and Government Accountability**

Judge Moreland noted that the Office of Program Policy Analysis and Government Accountability (OPPAGA) report was submitted to the Florida Legislature on December 1, 2015. Overall, the report was favorable to the courts. OPPAGA noted that Florida's circuit courts use a variety of nationally recognized practices for efficient case management although the transition to a technology-driven environment has encountered challenges. The circuit courts are developing software systems that import data from case management systems, display it uniformly within the circuit, as well as add functions such as the ability to search, notate, sign records, and monitor caseloads. The report also mentioned that OSCA is building a statewide system to import data from local systems for the use of monitoring and improving case management and court performance. It was noted that there is a need for better performance data. However, OPPAGA also recognized the work that court commissions and committees are doing in the development of performance management policies. Finally, OPPAGA suggested that Florida's judicial and court staff should increase its distance education opportunities.

## **C. Judicial Workload Study**

Mr. Youchock provided an update on Judicial Workload Study. The Judicial Needs Assessment Committee is completing the time study and updating the case weights for determining judicial need. In early December 2015, sites visits were conducted by the NCSC in two small, two medium, two large and one extra-large circuit to ensure a variety of perspective. In February 2016, 84 subject matter expert judges plan to meet to review the preliminary case weights developed via the time study. It will be determined if the time that has been allocated to those

weights are reasonable. Following that process, there will be the Judicial Needs Assessment Committee meeting on March 4, 2016, to review and approve the final case weights. The weights, if approved, will be included in the final report by the NCSC to the Supreme Court of Florida in April or May of 2016. If the Supreme Court accepts the case weights, the weights will be used in the certification opinion which is typically issued in late fall.

#### **D. Joint Workgroup on Due Process**

Judge Moreland informed the members she received a letter from Judge Mahon, chair of the TCBC, stating that as due process costs are escalating, there was a need for a joint workgroup from TCBC and TCP&A to investigate due process issues. Judge Roundtree and Judge Moreland are co-chairs of the workgroup, which consists of four TCP&A members and four TCBC members. The workgroup held its first meeting on November 5, 2015 and reviewed due process costs in the areas of expert witness, court reporting and court interpreting. At this initial meeting, the group determined that expert witness would be the priority issue. In FY 2014-15, there was a 16% increase in expert witness expenditures from the previous year. Moving forward, the joint workgroup will be looking at different circuit practices and will determine uniform standards and best practices. They will also be looking at rate differentials for experts as well as the UDR data that signifies the workload of the circuits, in order to validate those numbers. The workgroup will focus on keeping the level of due process protections in place, while determining effective practices.

### **IV. Review of Draft Recommendations**

#### **A. Joint Workgroup on Dependency and TPR Appeals**

Judge Kroll, chair of the Joint Workgroup on Dependency and TPR Appeals, informed the members that together the DCAP&A and TCP&A convened a joint workgroup to study the receipt of documents related to dependency and termination of parental rights appeal cases. Issues of delay in dependency/TPR was being monitored by the DCAP&A since 2011. This joint 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. Workgroup 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 the statewide director of appeals for the department of children and families. The workgroup reviewed data, drafted and disseminated a court reporting manager survey, as well as identified issues to address. Additionally, the workgroup requested the court reporting circuit profiles be updated to ensure recent data could be evaluated. From these efforts, the workgroup developed several recommendations to address the issue of delay in document receipt. The DCAP&A met January 15, 2016 and approved the report. DCAP&A also suggested that a summary be added to the report that cross-references recommendations that may impact attorneys.

Judge Roby motioned to approve the report and Judge Alessandroni seconded the motion. The motion was approved.

## **B. Joint Workgroup on Shared Remote Interpreting**

Tom Genung, chair of Shared Remote Interpreting Workgroup, presented recommendations on shared remote interpreting. The workgroup, which includes members from the TCP&A, the TCBC, and the Court Interpreter Certification Board, was convened in 2014 to make recommendations on the business processes for sharing remote interpreting resources, based on the results of a regional remote interpreting pilot. In December 2015 the workgroup approved a report that listed several business model recommendation on using Video Remote Interpreting (VRI) across circuits. VRI allows for interpreters to use both simultaneous and consecutive interpreting as if the interpreter were doing the interpreting in the courtroom. The six proposed recommendations which include specific, discrete-level business guidelines for implementation purposes, suggests:

- establishing a statewide pool of qualified interpreter resources;
- proposing statewide education and training provisions;
- ensuring that all remote interpreters participating track their events by entering data, for each remote interpreting event, into a local reporting system;
- requiring all certified staff interpreters take an oath administered by a presiding judge at the initial start of employment; and
- establishing a governance committee to oversee shared remote interpreting operations and policies and monitor funding needs of the circuits in consideration of making recommendations to the TCBC.

In October 2015, the draft recommendations were sent to the circuits for feedback. Nine circuits responded favoring the idea of establishing the pool. However, they expressed concern over adequate funding to support the VRI pool model. Currently, several circuits have requested VRI technology funding as part of the *FY 2016-2017 Comprehensive Technology Strategic Plan*. It is proposed that implementation of statewide remote interpreting equipment will occur over a three-year period, between FY 2017-18 through FY 2019-20. This request, totaling \$7,183,750 (non-recurring) and \$1,126,455 (recurring) is currently pending before the Florida Legislature.

Judge Roby motioned to approve the recommendations. Judge Terrell seconded the motion. The motion was approved.

## **V. Preliminary Recommendations of the Performance Management Workgroup**

Patty Harris presented the draft preliminary recommendations of the Performance Management Workgroup in order to obtain guidance on the priorities of the commission as the end of term approaches. The commission may determine that this workgroup or a similarly-styled workgroup continue into the new term to consider topics such as time standards, specific subject matter, new projects, and data quality.

## **VI. Group Activity on the Use of Performance Indicators/Measures Within Four Perspectives**

Members participated in a group activity, based on the JDMS model, dividing up into three groups. Members were provided a list of performance measures and each group determined the top ten measures to communicate to their level of audience: statewide perspective (TCP&A,

JMC, SCA, etc.), circuit level (chief judges, TCAs, etc.), and local level (judges, court managers, etc.).

Group 1 – Local Level - Judge Alessandrone presented the local level measures:

- Number of cases disposed
- Time to disposition
- Clearance rate
- Age of pending caseload
- Trial date certainty
- Average daily jail population
- Number of cases filed annually
- Recidivism rate especially for specialty courts and county funded courts
- Number of post-conviction relief motions
- How to obtain – court generated internally, through judicial viewer or software program to generate this information on an ad hoc basis.

Group 2 – Circuit Level - Judge Cox presented the circuit level measures:

- Number of filings
- Clearance rate
- Age of pending caseload
- Time to disposition
- Jail population
- Recidivism
- Number of cases dispose
- Number of competency doctors appointed
- Average time of filing to disposition in TPR
- Number of interpreter events and senior judge days

Group 3 – State Level

- Total number of cases filed
- Time to disposition
- Every calculation that the Legislature might want

Judge Moreland noted that the final report of the Performance Management Workgroup and the End-of-Term report will need to be approved by the commission prior to the end of the June. A conference call will be scheduled in order to do so, so please be on the lookout for the email scheduling the meeting.

There being no other business, the meeting adjourned at 2:15 p.m.