

POPULATION ISSUES

Aging Population

Florida faces the challenges of both a growing state and an aging state. Florida's population is on track to break 20 million during 2016, becoming the third most populous state sometime before then – surpassing New York. By 2030, over 24 percent of Florida's population will be over the age of 65. The aging population is a function of the Baby Boom cohort, falling fertility rates, and rising life expectancy. For the future aging population, it is not just the residents of Florida who are aging in place, but it is also the people who have yet to move to Florida. Services and infrastructure will need to continue to expand to support senior concerns into the future which may include dementia, depression, poverty, and physical disabilities.

Data collected by the Florida Office of Economic and Demographic Research from April 1, 2010 to April 1, 2013 show population trends in Florida shifting. The top seven (7) counties (Duval, Pinellas, Hillsborough, Seminole, Orange, Broward, and Miami-Dade) make up 51.9 percent of Florida's total population. Counties gaining the most population are Miami-Dade, Orange, Hillsborough, Broward and Palm Beach. However, counties growing the fastest with the highest percent of population change are Sumter (12.5), Osceola (7.3), St. Johns (6.1), Suwanee (5.6), and Orange (5.0). Pinellas is ranked as the densest county and Liberty the least dense county in Florida. Additionally, thirty-three of the 67 counties have a population of less than 100,000.

Relevance to Courts

These factors will pose unique challenges to the state and the courts. Based on this aging population, Florida's courts may face additional probate and guardianship cases, more identity theft and fraud, increased incidents of elder abuse, and traffic accidents. Additional challenges for Florida's courts may include ADA compliance and accommodations for age related disabilities and limitations, including mental health problems. Internal to the court, identifying recruitment problems and developing succession plans may be necessary as experienced judges and court staff retire and competition for skilled positions increases

Links/References

- [Projected Future Growth of the Older Population, U.S. Administration on Aging](#)
- [Aging Population, U.S. Census Bureau](#)
- [Quick Facts, U.S. Census Bureau](#)
- [Florida's Economic Future & the Impact of Aging, Florida Office of Economic and Demographic Research](#)
- [Population and Demographic Data, Florida Office of Economic and Demographic Research](#)
- [The State of Aging and Health in America, U.S. Center for Disease Control](#)

Ethnic and Economic Diversity

According to the Florida Office of Economic and Demographic Research, the percentage of Floridians of Hispanic origin is forecast to increase to nearly 28 percent by 2030. Florida's minority percentage of the

population (including Hispanics) is 42.1 percent and the nation as a whole is at 36.3 percent. In 2012, 19.4 percent of Florida's population was foreign born and in 27.3 percent of all Florida households a language other than English is spoken at home.

Florida's average annual wage has typically been below the U.S. average. The preliminary data for the 2012 calendar year showed that Florida's average wage further declined to 87.7 percent of the U.S. average wage. Although Florida's average wage actually increased over the prior year, the U.S. average wage increased more. The latest report for the 2013 calendar year shows that Florida was ranked 13th in the U.S. with personal income growth of 2.9 percent. This was higher than the national average of 2.6 percent.

Relevance to Courts

The increase in ethnic and economic diversity is likely to raise issues in access to and fairness of the justice system. Courts will continue to face rising demands for qualified interpreter services, translated forms, and culturally competent judges and staff. Recruitment of multilingual individuals and those with multicultural backgrounds will increase in significance. Similarly, changes in diversity will also be reflected in the make-up of juries. Courts may also experience an increase in workload related to immigrant issues such as equal protection, immigrant worker matters, use of public resources, and noncitizen parents of U.S. citizen children. In addition, courts may also see an increase in conflicts related to immigrants, including hate crimes. Finally, increased diversity will cause the need for dispute-resolution methods that accommodate economic and cultural differences.

The income gap between the richest and poorest members of society also continues to increase. This trend contributes to further polarizing of the general public through politics, race, ethnicity, lifestyle, and class. Increased tension over shifting social norms and values can be expected to impact the courts.

Links/References

- [Population and Demographics, Florida Office of Economic and Demographic Research](#)
- [Florida Quick Facts, U.S. Census Bureau](#)
- [Gender and Racial Fairness Resource Guide, National Center for State Courts](#)

Multigenerational Workplace

There are currently four generations in today's workforce – Veterans, Boomers (born between 1946 and 1964), Generation X (born between the early 1960s and the early 1980s), and Millennials (born between the early 1980s and the early 2000s), each with different perspectives and traits. For Boomers, entry into retirement is only now beginning to occur, and is anticipated to continue from 2011 to 2029. The slower than expected exit of Boomers from the workforce and the entrance of Millennials presents an opportunity to access unique knowledge, skills, and abilities of all four working generations. Millennials are a smaller group than the Boomers, but are larger than Generation X.

Relevance to Courts

As a new generation of energized and technology-friendly workers enter and rise in the courts, rapid changes and innovative improvements can be expected in court administration. A multigenerational workforce will impact all facets of court operation from recruitment and retention, to education

methodologies, to court processes, to a cooperative work climate. There are several strategies courts may elect to use to adapt to and effectively manage a multigenerational workforce; these include: 1) embrace flexibility; 2) foster collaboration; 3) provide technology; 4) develop talent; and 5) establish methods of evaluation.

Links/References

- [How to Effectively Manage a Multigenerational Workforce in Federal Government, Deloitte](#)
- [Young Lawyers Division, American Bar Association](#)
- [Recruitment & Retention of Multigenerational Court Staff, National Center for State Courts](#)

POLITICAL ISSUES

Judicial Selection

Throughout America's history, there has been protracted debate over the best method of selecting judges. The dilemma has been how to select judges by means consistent with the nation's democratic values, and at the same time insulate the bench from political and special interest influence. The American Bar Association favors merit selection and a subsequent retention election where judges remain in office unless they are voted out for cause or are required to retire. Some or all trial judges are selected through either partisan or non-partisan elections in 31 states, according to the National Center for State Courts. Appellate courts in 22 states conduct selection through partisan or non-partisan elections. In recent years, judicial election campaigns have become more and more like those for other government offices, with the level of funds raised in campaigns increasing steadily.

Relevance to Courts

Regardless of the form of judicial selection employed, Florida must take steps to ensure the impartial and unique role of judges as decision makers is not compromised. The judicial branch should be insulated from political agendas and undue influence of the legislative branch, executive branch, or by individuals or interest groups. The growing cost of judicial election campaigns may expose judicial candidates to greater pressure from special interests. While regulating election campaigns is difficult, courts may wish to focus on areas such as judicial election structure, campaign conduct, voter awareness, and campaign finance.

Links/References

- [Judicial Selection and Retention Resource Guide, National Center for State Courts](#)
- [American Judicature Society](#)

Judicial Impartiality

The impartiality of each individual judge safeguards every person's right to have their case decided solely on the basis of the law, the evidence and facts, without any improper influence. A well-functioning, efficient and impartial judiciary is an essential requirement for a fair, consistent and neutral administration of justice. Judicial impartiality is often challenged by groups on one side of a single issue to pressure the judiciary to conform to particular policies or points of view. When controversial decisions are handed down, negative public reaction can lead to accusations that individual judges are "activists" who should be removed from the bench. General attacks on the judiciary are increasingly taking the form of financial cutbacks or restrictions on judicial discretion or court jurisdiction.

Relevance to Courts

Political battles over court appointments and judicial elections focused on single issues are likely to increase, especially given the moral and value judgments inherent in controversial issues. More state legislatures may call for changes to judicial codes of conduct and disciplinary processes. There will be continued pressure for state courts to improve communication with the public and other branches of

government and to demonstrate their accountability to the public and the other branches. To effectively address judicial impartiality issues, many states have built constituencies among business leaders and bar associations that can speak out in defense of the courts, as well as lobby on behalf of the courts when legislation is introduced that has the potential to harm judicial impartiality.

Links/References

- [Standing Committee on Judicial Independence, American Bar Association](#)
- [Judicial Independence Resource Guide, National Center for State Courts](#)

Criminal Justice Reform (Smart Justice)

With 5 percent of the world's population, the U.S. has 25 percent of its prisoners. Thirty-six states and the District of Columbia have incarceration rates higher than that of Cuba, which is the nation with the second highest incarceration rate in the world after the U.S. Many of these are nonviolent offenders imprisoned because of sentencing laws that led the prison population to triple since 1980.

The number of inmate admissions to Florida state prisons increased for the first time since fiscal year 2007-08, rising from 32,279 in fiscal year 2011-12 to 33,295 in fiscal year 2012-13, a 3.1 percent increase. On June 30, 2013, 523.8 of every 100,000 Floridians were incarcerated compared to 539.9 in 2009. The top five categories of primary offenses for which inmates are incarcerated are: drugs (16.9 percent), burglary (16.4 percent), murder/manslaughter (14.0 percent), robbery (13.2 percent), and violent personal offenses such as carjacking and aggravated assault (11.8 percent). Those admitted to prison today for a crime committed on or after October 1, 1995, will serve a minimum of 85 percent of their sentences.

Increasingly, courts are relying on fees, fines and other charges to close budget gaps and assist with system functioning. As a result, increases in court costs are causing financial hardships for citizens, which in some cases lead to imprisonment for failure to pay court debt. Research in Florida by The Brennan Center for Justice has raised concerns over the practice of locking up poor offenders, not because they willfully refuse to pay, but because they can't pay; leading to a court-debt-prison cycle that creates additional barriers, and harsh penalties, for the poor who pass through the system. Furthermore, most states, including Florida, charge an "administrative fee" for the use of a public defender; in Florida's case, when an application is made to determine indigent status.

Relevance to Courts

These trends have resulted in rising costs related to the construction, maintenance, and operation of state-funded prisons and locally funded jails, despite increasing evidence that large-scale incarceration may not be the most effective means of achieving public safety. As states face the high costs of incarceration, legislators may seek a "smart-on-crime" approach. This approach will see the review of harsh sentencing laws of the 1980s; emphasis on the use of probation and treatment for first-time, minor offenders; utilization of problem solving courts; and increased emphasis on reentry programs. Courts are likely to continue to face conflicting sentencing demands as criminal justice reform approaches are considered. Additionally, Florida's system for imposing and collecting fees involves multiple players at various levels of government. According to the Brennan Center for Justice, the

Legislature, the court system, the clerks, the Florida Department of Corrections, and county commissions all have a role to play in moving toward reform.

Links/References

- [Reducing Mass Incarceration, Brennan Center for Justice](#)
- [National Corrections Reporting Program, U.S. Bureau of Justice Statistics](#)
- [Prison Policy Initiative](#)
- [Inmate Admissions, Florida Department of Corrections](#)
- [Sentencing Resource Guide, National Center for State Courts](#)
- [The Brennan Center for Justice – The Hidden Costs of Florida’s Criminal Justice Fees](#)
- [As Court Fees Rise, The Poor are Paying the Price – National Public Radio](#)
- [Chapter 27.52, Florida Statutes](#)
- [Court Costs – Chapter 938, Florida Statutes](#)

Performance Measures (Accountability)

As data analysis techniques and technologies mature, the pressure for government agencies to meaningfully measure and communicate performance outcomes intensifies. Data management, accountability, transparency, and cost effectiveness are growing themes in the government sector. Courts have long recognized a need to be more efficient and to make administrative structures and processes more effective. This awareness, combined with budget pressures, is leading courts to define and implement performance measures. Performance measures provide a structured means for courts to communicate their message to partners in government and the public.

Relevance to Courts

The evolution of performance-measurement tools that can be applied by courts has continued, focusing on outcome measurement that provides practical information for courts to improve their operations. The data requirements of performance measurement will provoke a change in management-information systems in courts, since older management systems are very limited in their ability to capture performance indicators and provide useful management reports. As more courts define and implement performance measurement, baseline data will develop that allows courts to develop empirically based performance standards in multiple areas of court performance. Courts will also need to point to specific performance and accountability measures as they compete for scarce public resources and funding. By improving agency performance and providing insight into underperforming programs, performance metrics have potential to create cost efficiencies.

Links/References

- [CourTools, National Center for State Courts](#)
- [Performance Measurement Knowledge Area, National Center for State Courts](#)
- [Performance Measurement Resource Guide, National Center for State Courts](#)
- [Performance.gov, U.S. government](#)

ECONOMIC ISSUES

Bankruptcy and Foreclosure Cases

Beginning in 2007, the United States began to experience a serious recession marked by broad economic distress. Among the most visible, consequential effects of the “Great Recession” were dramatic increases in the number of filings of bankruptcy and foreclosure cases both nationally and in Florida. Bankruptcies reached their peak in 2010, while foreclosure cases peaked in 2008-09; in 2014, filings of both types of cases remain higher than the pre-2007 levels. In three of the last four fiscal years, the court system disposed of significantly more foreclosure cases than were filed in those years. Although the number of foreclosure cases filed per year has dropped considerably from the 2008-09 high of over 403,000 cases, recovery from foreclosures remains a daunting task. As of February 2014, according to the Office of Economic and Demographic Research, Florida was the state with the greatest number of foreclosure filings, it had the highest foreclosure rate, and 9 of the top 10 highest metropolitan foreclosure rates in the U.S. were in Florida. As of March 31, 2014, the Office of the State Courts Administrator estimates the total number of pending foreclosure cases to be 218,055.

Relevance to Courts

Forecasts from Florida’s Revenue Estimating Conference project that the number of foreclosure filings will not return to “normal” levels until fiscal year 2016-17. Courts may need to continue to request additional legislative funding to address the foreclosure backlog and process the increased number of filings for several more years. Such additional funding could be used to continue to support more active judicial or quasi-judicial case management and adjudication, including expanded use of general magistrates, and additional case management resources. Further, several training and education opportunities were developed and offered in 2013 to jurists and court personnel involved in the foreclosure process to ensure that judges, general magistrates, case managers, and support staff have the information and skills they need to fulfill their duties efficiently with regard to the mortgage foreclosure initiative. These training and education initiatives may need to be sustained, as predictions indicate that the foreclosure backlog will continue for several more years.

Links/References

- [Florida: An Overview of Foreclosures, The Office of Economic and Demographic Research](#)
- [Full Court Press, Office of the State Courts Administrator website](#)

State Budgeting – Florida’s State Courts System

In June 2014, Governor Rick Scott signed a \$77 billion state budget, the largest Florida state budget in history, and also the largest budget ever for the State Courts System. For fiscal year 2014 – 2015, the court system received \$501 million—a 13.1 percent increase over the 2013-2014 appropriation of \$443.9 million. Even with this increase, Florida’s courts system still accounts for less than 1 percent of the state’s total budget. As the recession gripped the United States, the courts system experienced significant cuts in court budgets and staff positions. When the courts system does not have sufficient and stable funding for staff, buildings, technology, or other resources, there is a risk of delays in

processing cases. These cases are important to individuals' lives and to the livelihood of businesses. Lack of facility funding may contribute to increased security risk or health and safety issues associated with aging courthouses. If funding for courts remains strained, there is a real risk that opportunities will be lost to maximize the taxpayers' investment through modernized and enhanced court operations.

Relevance to Courts

Florida's courts typically generate about \$1 billion a year, which is more than what is needed to support court operations. However, a significant portion is diverted from court operations and spent on non-court programs and services. To avoid/minimize funding cuts, a dedicated funding source was put into place, with revenue from court filing fees flowing into the State Courts Revenue Trust Fund (SCRTF). However, volatility in the SCRTF has subjected the judicial branch budget to some fiscal instability as incoming filing fee revenue has fallen short of the authorized appropriations. The shortfalls in the trust fund revenues have caused fiscal stress at the end of the 2012-13 and 2013-14 fiscal years. Actual revenues realized were \$98,415,234 (2012-13) and \$70,509,916 (2013-14), below the annual projection for each year of \$102,300,000 (2012-13) and \$86,000,000 (2013-14). The SCRTF is used to cover only employee costs, which increase year by year. Members of the Budget Management Committee, a subcommittee of the Trial Court Budget Commission, will work with OSCA staff during fiscal year 2014-15 to develop recommendations to address the trust fund's volatility; options to be considered will be to stabilize the trust fund, to diversify its sources of funding, or to eliminate the trust fund altogether. A legislative review of the current distribution of filing fees to determine whether additional filing fee revenue currently distributed to the State's general revenue and other sources should be shifted to support court operations may assist in addressing the problem. Insufficient or volatile funding for the court system may jeopardize timely resolutions to disputes and impede effective access to justice.

Links/References

- [Final Appropriation 2014-2015, State of Florida budget](#)
- [Full Court Press, Florida State Courts System](#)
- [State Courts Revenue Trust Fund](#)
- [State Courts Revenue Trust Fund – Florida Office of the State Courts Administrator](#)

Employment

The U.S. economy is currently embroiled in the economic downturn which followed the financial crisis of 2007-08, with unemployment still above historic trends while household incomes have stagnated. As of May 2014, the unemployment rate was 6.3 percent, while the government's broader unemployment rate, which includes part-time underemployed individuals, was 13.1 percent (Bureau of Labor Statistics). In Florida, population growth is the state's primary engine of economic growth, fueling both employment and income growth. Population growth is expected to continue its recovery, showing increasing rates of growth over the next few years. The reported unemployment rate has dropped from 9.5 percent in December 2011 to 6.3 percent in March 2014 -- a change of 3.2 percentage points. It appears that improving job prospects are encouraging people to rejoin the labor force. However, the job market will take a long time to recover -- about 310,400 jobs have been lost since the 2007 peak in the percentage of people in the workforce. Rehiring, while necessary, will not be enough. Also,

Florida's average annual wage has typically been below the U.S. average; the preliminary data for the 2012 calendar year showed that it further declined to 87.7 percent of the U.S. average.

Relevance to Courts

Although Florida's economic picture is slowly improving, financial stress continues for individuals and businesses in the state. Funding for courts and other public services seems unlikely to keep pace with the public's need and demand for services. Thus, there may be an increased need for community and neighborhood mediation and other sources of alternative dispute resolution to decrease the pressures on the official justice system. Additionally, because unemployment and underemployment are recognized as significant family stressors, family courts may continue to handle high levels of court filings related to family stress, such as divorce, domestic violence, and dependency cases.

Links/References

- [An Environmental Scan for State Courts, National Center for State Courts](#)
- [Florida Economic Overview, Florida Office of Economic and Demographic Research](#)

SOCIAL ISSUES

Problem-Solving Courts

From the opening of the first drug court in Miami-Dade County in 1989, drug courts spread rapidly, based upon reports of success in reducing recidivism and the infusion of federal dollars. Recent research reports cite significant evidence that drug courts and driving under the influence (DUI) courts – types of problem solving courts - are more effective than traditional adversarial approaches in reducing recidivism as well as in reducing drug and alcohol abuse. Based upon the success of those courts and the need to effectively address a number of pressing societal issues, a wide variety of other specialized courts have come into existence, including those identified as community, veterans, mental health, domestic violence, truancy, child support, homelessness, prostitution, reentry, teen and gambling courts.

To date, most research indicates that drug courts and DUI courts produce considerable positive outcomes such as reducing substance abuse, recidivism, crime, and victimization more than conventional adversarial approaches. These courts have saved executive branch costs for prisons and public services for participants at both the state and local levels. In 2009, the Office of Program Policy Analysis and Government Accountability (OPPAGA) released a study on adult post-adjudicatory drug courts in Florida which showed that individuals who successfully completed post-adjudicatory drug courts were 80% less likely to go to prison than the comparison group. The study also reported to the Legislature that drug courts could save Florida more money by targeting nonviolent, prison-bound offenders. The Florida Legislature appropriated Edward J. Byrne Justice Assistance Grant stimulus funds to expand adult post-adjudicatory drug courts. As of February 27, 2013, this program has diverted 2,134 nonviolent offenders from prison resulting in more than \$8.7 million in prison costs avoided by the state of Florida.*

The intensive use of judicial, treatment, and community resources leads these courts to have higher per-case costs than those cases handled through traditional adjudication. However, the long-term approaches used by drug courts and DUI courts produce greater individual and societal benefits when compared to traditional, adversarial adjudication methods. Although little evidence currently exists as to the effectiveness and benefits of other, newer types of problem-solving courts, the National Center for State Courts reports that additional problem solving courts of all types are being implemented regularly throughout the U.S.

*The daily cost of the Adult Post-Adjudicatory Drug Court Expansion Program is averaging \$20.00 per person as of February 27, 2013. The Florida Department of Corrections reports that the daily cost of housing nonviolent offenders in prison for FY 11-12 is \$49.24 per person.

Relevance to Courts

It is important to evaluate problem solving courts in order to obtain reliable data with which to establish their cost-effectiveness. Although the adoption of problem solving courts has been rapid and widespread, the current absence of performance data regarding the cost-effectiveness of the newer problem solving courts (not drug courts or DUI courts) may ultimately serve to diminish enthusiasm and budgetary support for those efforts. Jurisdictions that have established problem solving courts may

need to explore evaluating those courts using well-designed methods and approaches in order to provide a sound basis for their continuation. In the future, courts may need to redefine their areas of responsibility as court purposes and services adapt to serve its citizens changing needs.

Links/References

- [“Do DWI Courts Work?” David Wallace, National Center for State Courts](#)
- Current Drug Court Chart, Office of the State Courts Administrator, Tallahassee, FL
- [2009 Office of Program Policy Analysis & Government Accountability \(OPPAGA\)](#)

Crime Trends

Crime in the United States as well as in the state of Florida has decreased significantly since 2007, continuing a downward trend extant for the last 20 years. As documented and reported by the FBI at the national level and the Florida Department of Law Enforcement (FDLE) at the state level, index crimes – both violent crimes and property crimes – show consistent, significant drops in the number of crimes committed and the resulting crime rates (number of crimes per 100,000 population). Arrests of juveniles for the same index crimes – violent crimes and property crimes – parallel the decreases shown for offenses committed by adults. Various publications suggested that the confluence of several factors have contributed to the reductions in crime. Policing has improved greatly in recent decades, especially in big cities, with police forces using computers to analyze the incidence of crime. The epidemics of crack cocaine and heroin appear to have burnt out. The biggest factor may be simply that security measures have improved. Some crimes now look very risky—and that matters because, as every survey of criminals shows, the main deterrent to crime is the fear of being caught. The U.S. incarceration rate is among the highest in the world, and since the 1990s, the increased number of police on the beat and the adoption of pro-active policing have become widespread. Young people commit most of the crime and the U.S. population has gotten progressively older. There are now many more social programs for youth which help keep young people occupied and focused on positive goals. The government’s stepped-up aid programs -- such as unemployment, food stamps and rent controlled housing -- means recipients are less likely to turn to financial or stress-motivated crime.

Relevance to Courts

The societal trends and various governmental efforts and programs described above seem likely to continue absent some type of cataclysmic events or changes. Therefore, it seems most likely that the incidence of crime may well have stabilized and will remain fairly constant for the foreseeable future, as it is difficult to anticipate a significant further decline in crime with a rising population and numbers at an already historic low. The demand for criminal adjudication by the courts may stabilize along with a stable incidence of crime. Courts will continue to provide adjudication and due process for criminal cases as needed and required by the Constitution. However, courts may have the opportunity to consider and plan for reallocation of resources to help meet demands or needs for services in civil and family court cases if they find there are available resources to do so.

Links/References

- [Florida crime totals, Florida Statistical Analysis Center: Florida Department of Law Enforcement](#)

- [Crime in the United States, FBI Uniform Crime Reports, \(prepared by the National Archive of Criminal Justice Data\)](#)
- [The Curious Case of the Fall in Crime, The Economist](#)
- [Crime Rates are Down, but Why?, Diane Diamond, The Huffington Post](#)

Anti-Government Movements and Anti-Government Sentiment

In the United States, anti-government groups run the gamut from radical anti-government groups and militias to a variety of activist organizations and sovereign citizen movements. In 2012, the Southern Poverty Law Center tracked a total of 1,360 radical militias and anti-government groups in the United States. Sentiment is centered on a belief that individual liberties are in jeopardy due to unconstitutional actions taken by elected government officials, appointed bureaucrats, and some special interest groups outside of government, to illegally accumulate power. After declining from 1996 to 2008, the number of extremist groups has increased. Factors leading to the increase in these groups include growth in the use of social media, the rise of globalism, and increasing ethnic diversity in the United States. The sovereign citizens movement has been growing at a fast pace since the late 2000s; sovereign citizens believe that they get to decide which laws to obey and which to ignore, and do not believe they should have to pay taxes. Generally, the weapon of choice for sovereign citizens is filings; they clog up the courts with massive, indecipherable filings of pseudo-legal forms over minor issues such as having to pay a dog licensing fee. However, they have been known to lash out in acts of violence against government officials.

Relevance to Courts

Anti-government sentiment may be expressed by disgruntled and angry individuals who threaten to commit or actually commit acts of violence in courthouses. Often these threats or actions are retaliation for case-related incidents involving a past or present case before the court and may include shootings, bombings, arson attacks, and other assaults and incidents of violence. These incidents may include attempts to escape, attempts to harm judicial officials, and efforts to disrupt or delay court proceedings. According to the Center for Judicial and Executive Security, the number of violent incidents in state courthouses has gone up every decade since 1970. Because courthouses represent the ideals of democracy in American society, increasingly they have become targets for anti-government extremist groups as well as individuals angry about court processes and outcomes. Judges, court administrators, courthouse/county facility managers, and law enforcement officials must identify and minimize the risks involved in courthouse operations through developing and implementing a comprehensive and cohesive set of security policies and procedures. Additionally, state and local decision-makers must obtain or provide funding support for the equipment and staffing needed to provide adequate courthouse and courtroom security.

Links/References

- [Intelligence Report, Southern Poverty Law Center](#)
- [Courthouse Security Incidents Trending Upward: The Challenges Facing State Courts Today: Courthouse Facilities, National Center for State Courts](#)
- [Court-Targeted Acts of Violence, Center for Judicial and Executive Security](#)

Family Unit

The two-parent nuclear family has become far less prevalent as the U.S. marriage rate decreases and the rates of divorce have increased. Single parent homes are increasingly common as married couples divorce and unmarried couples have children. Blended or “step” families are formed when divorced individuals remarry new partners and bring two families together to form new families. More women are likely to pursue higher education and launch a career before having children, so they have children later in life and often have fewer children as well. Cohabitation has evolved from a fringe phenomenon to a mainstream trend; the Census Bureau estimated that over 7.5 million heterosexual individuals were cohabitating in 2010. Since the U.S. Supreme Court struck down the law barring federal recognition of same-sex marriage in 2013, same-sex marriage is legally recognized in 19 states and the District of Columbia, as well as by the federal government. Family diversity is on the rise as the number of interracial and cross-cultural marriages continues to increase. The number of multi-generational households/families has climbed due to economic conditions – the job losses and home foreclosures of recent years – as well as the influx of immigrants from Asian and Latin American countries, where multi-generational family households are more common. As of 2008, a record 49 million Americans, or 16.1 percent of the total U.S. population, lived in a family household that contained at least two adult generations.

Relevance to Courts

The increasing diversity of family structures and relationships poses a challenge to courts which must navigate such complexity using family laws that were written based upon different, simpler family configurations. Courts will be confronted with the need to apply existing laws and procedures to develop resolutions to new, perhaps unforeseen family law problems and issues. Additionally, more judicial education will need to be developed and provided as courts and judges find themselves dealing with changing family dynamics and definitions. Justice stakeholders will continue to face increased complexity of probate, guardianship, and family court cases as these new issues are brought before the court.

Links/References

- [Population Bulletin, American Families, Population Reference Bureau](#)
- [2013 Census Bureau report on Family Groups, U.S. Census Bureau](#)
- [The Return of the Multi-Generational Family Household, Pew Research Center](#)

Religion

Religion in the United States is characterized by a diversity of religious beliefs and practices. According to the Pew Foundation, a majority of Americans report that religion plays a “very important” role in their lives, a proportion unique among wealthy nations. Since 1879, the U.S. Supreme Court has repeatedly cited Thomas Jefferson’s metaphor of a “wall of separation between church and state.” However, the Court has not always interpreted the constitutional principle as absolute, and the proper extent of separation between government and religion in the U.S. remains an ongoing subject of debate. The complex, fluid relationship between government and religion involves a variety of issues, including religion in public schools, displays of religious symbols on public property, conflicts concerning the free

exercise of religion, and government funding of faith-based organizations. Religious liberty has not prohibited states or the federal government from regulating certain behaviors; i.e. prostitution, gambling, alcohol and certain drugs, and polygamy and polyandry. However, the U.S. Supreme Court has ruled that a right to privacy or a due process right does prevent the government from prohibiting adult access to birth control, pornography, and from outlawing early trimester abortions.

Relevance to Courts

Several recent U.S. Supreme Court decisions have implications regarding religious liberty rights and the states' authority to regulate marriage. The Hobby Lobby's successful challenge to the contraception requirement of the affordable care act in June 2014 and the 2013 U.S. Supreme Court decision in *U.S. v. Windsor*, striking down Section 3 of the Defense of Marriage Act barring federal recognition of state-sanctioned same-sex marriage, reflect the magnitude and scope of court decisions involving religious freedom and governmental practices. It is clear through application of the incorporation doctrine that freedom of religion is an issue for state and local governments as well as the federal government.

Links/References

- [Pew Research Center's Religion & Public Life Project | Promoting a deeper understanding of issues at the intersection of religion and public affairs, The Pew Foundation](#)
- [13-354 Burwell v. Hobby Lobby Stores, Inc. \(06/30/2014\), United States Supreme Court Opinion](#)
- [Purposes of the First Amendment, The Review of Politics, Vol. 49, No. 3 \(Summer, 1987\), pp. 340-367](#)

TECHNOLOGICAL ISSUES

Demand for Automation, Self-Service, and eServices

Consumers are increasingly using self-service technologies for banking, retail, and travel; demanding a wide range of self-service options and delivery methods including the internet, mobile devices, Automated Teller Machines (ATMs), self-checkout, and kiosks making self-service a part of our everyday lives. New technologies are replacing more traditional channels as consumers are seeking out “anywhere, anytime” convenience - 7 days a week, 24 hours a day. Self-service technology provides convenience, privacy, speed, and ease of use. Eighty-five percent of consumers say they are more likely to do business with a store that offers self-service; and the younger the consumer, the more likely they are to use self-service technologies.

Relevance to Courts

Incorporating technology as part of the court’s business strategy leads to online services that changes court business from in-person contact to online, self-service transactions that keep users at home and out of the courthouse. These services are expanding into eFiling and eDiscovery for attorneys, automated self-help forms, and online payment of court fines, fees, and child support for court users. Additionally, website access to court dockets and case filings and streaming courtroom videos are available to the public. Most states maintain a web presence that provide a multitude of benefits to users.

In 2005, less than 20 percent of states offered eFiling services. Currently, 60 percent of states offer eFiling in trial courts and 44 percent of states offer eFiling in appellate courts. Florida provides eFiling services at all levels of courts for most divisions, including filing for pro se litigants. In July 2013, Florida’s eFiling portal received approximately 45,000 filings a month. As of July 2014, the eFiling portal averages 53,000 per weekday, or about 1.1 million filings per month involving 1.7 million documents. Additionally, 4.5 million filings have taken advantage of the portal’s automatic e-service system, saving participating lawyers hundreds of thousands of dollars in copying and postage costs.

As Internet applications become more highly developed and users more sophisticated, courts of the future could combine their internet services with their case-management systems to provide a dynamic court experience to users that includes video conferencing for meetings and hearings, web-based case access that includes case notification subscriptions, online document assembly for self-represented litigants and virtual case management to include documents and videos for court personnel.

Links/References

- [The Florida Bar](#)
- [An Environmental Scan for State Courts, National Center for State Courts](#)
- [E-everything: The Future of court business and management](#)
- [Data Trends](#)
- [The Self-Service Revolution is Real](#)

Mobile Computing Environment / Devices

Worldwide combined shipments of personal computers, tablets, and mobile phone are projected to reach 2.5 billion units in 2014, a 7.6 percent increase from 2013, with mobile phones expected to lead in sales. These mobile devices allow users to connect to the internet using Wi-Fi or mobile telecommunications technology where computers and fixed internet access are not available. According to 2012 U.S. Census Bureau statistics, 45 percent of individuals 25 and older use smartphones and 37 percent used them to connect to the internet.

Mobile applications (apps) are internet applications that run on mobile devices designed to help users connect to internet services more commonly accessed on desktop or notebook computers, or make internet use easier on a portable device. Mobile apps are used for a variety of reasons including online shopping, banking, making reservations, and paying bills. A recent study found that 86 percent of the time consumers spend on their mobile devices each day is spent interacting with apps, while just 14 percent of their time is spent using the mobile web.

Relevance to Courts

Mobile devices can be used to access court websites, complete online web applications, watch court-related videos and conduct case-related research. In many instances, courts rely on their website to provide information and services to the public but are not designed with the mobile device in mind. As the use of mobile devices continues to grow, so too will the public's expectations for immediate access to court information and services. For courts, creating a mobile presence to meet the demands of the public means one of three options: 1) redirecting your website for mobile users to a mobile version of your site; 2) building a mobile website; or 3) building a mobile app.

The use of mobile apps for court business is a new, but growing concept. Several states, as well as clerk's offices, are embracing this technology to provide convenience to court users and customers. These apps provide a variety of services including accessing court dockets, searching court records, paying court costs, electronic check in attorneys/parties, and jury service information. The Nevada Supreme Court was the first state appellate court to launch a mobile app that provides access to a variety of supreme court case documents, oral argument calendars, recordings, decisions, court rules, and self-help resources.

Links/References

- [Computer and Internet Use, U.S. Census Bureau](#)
- [Gartner Says Worldwide PC, Tablet and Mobile Phone Shipments to Grow, Gartner.com](#)
- [Courts with Mobile Applications, National Center for State Courts](#)
- [Supreme Court of Nevada Mobile App](#)

Identity Theft

Identity theft is one of the fastest growing crimes in the United States. Identity theft is the criminal use of an individual's personal identifying information without permission to commit fraud or other crimes to establish credit, make purchases, apply for loans or seek employment. An estimated 16.6 million people, representing seven percent of all persons age 16 or older in the United States, experienced at

least one incident of identity theft in 2012. During the same year financial losses totaled approximately \$24.7 billion dollars; \$10 billion over property crime losses as measured in the National Crime Victimization Survey. Victims commonly discovered the occurrence of identity theft from their financial institutions. Two out of three victims could not ascertain how the offender obtained their information, and nine out of 10 were unaware of the offender's identity. Numbers reported to the Federal Trade Commission rank Florida first in the nation for state complaint rates. From January 1 through December 31, 2013, Florida received 37,720 identity theft complaints and 157,383 fraud and other complaints.

Relevance to Courts

Every state has a law regarding identity theft or impersonation. Twenty-nine states have specific restitution provisions for identity theft and five states have forfeiture provisions for identity theft crimes. Impacts to court systems include jurisdictional issues, prosecuting the criminals, and restoring the credit of the victims. With multiple agencies such as the FBI, Secret Service, Department of Treasury, IRS, state attorneys general, and many other local and state police and regulatory agencies investigating cases, the potential impact to courts is very broad.

Additionally, the increased use of online services provided by courts creates a risk for data breaches. Because records contain sensitive information, as keepers of court records, information systems must be protected to prevent personal data security breaches. In 2014, the Florida Legislature passed the Florida Information Protection Act that requires governmental agencies (and companies) to take reasonable measures to protect and secure data containing personal information in electronic form and requires notice to individuals of data security breaches under certain circumstances.

Links/References

- [U.S. Bureau of Justice Statistics](#)
- [Identity Theft Statutes, Nation Conference of State Legislatures](#)
- [An Environmental Scan for State Courts, National Center for State Courts](#)
- [Federal Trade Commission](#) and [Consumer Sentinel Network Data Book](#)
- [Identity Theft, Florida Office of the Attorney General](#)

Privacy and Public Access to Information

The advancement of technology has raised complex issues regarding privacy, document certification, standards, and systems interoperability, as both state and federal judiciaries have adopted the internet as a means to display documents and provide direct, rapid, and easy access to official court information. In 2004, The Florida Supreme Court imposed a limited moratorium on online access to electronic court records to address concerns about sensitive and confidential information contained in these records. The moratorium was lifted in March 2014, allowing judicial circuits and county clerks' offices to provide electronic access to court records via the internet.

Relevance to Courts

Protecting an individual's right to privacy while providing public access to court records is an ongoing challenge for courts and public agencies. The internet provides the court system with easy access to online services and public court record information. Placing court records online creates the risk of

providing sensitive information (social security numbers, dates of birth, names of minor children, financial records) to a large audience for misuse and can lead to fraudulent acts, identity theft, employment and credit problems, and the destruction of reputations. While steps have been taken to ensure privacy in online electronic records, courts and public agencies should closely examine what information belongs in a public record and how to protect sensitive data. Some courts have questioned their responsibility regarding personal information and their obligation to ensure the disseminated information has integrity. Data harvesting by companies which gather information for re-use and requests for bulk data have led many states to establish new rules governing such identifiers in these instances. Courts are also responsible for ensuring protection of confidential information from data breaches caused by hackers who unlawfully gain access to court database systems and servers.

Other areas of concern regarding data include information on jurors and witnesses, access to a court reporter's electronic records, responsibility for correcting inaccuracies in court records, vital statistics records, expungement of criminal records, and remedies and liability for rules violations.

Links/References

- [Future Trends in Public Access, National Center for State Courts](#)
- [An Environmental Scan for State Courts, National Center for State Courts](#)
- [Supreme Court lifts moratorium on online access to court records, The Florida Bar](#)

Social Media

In the always-connected information age of the twenty-first century, managing court communications requires an extensive knowledge and practical understanding of a wide variety of media, communications principles, judicial canons, and emerging technologies. A type of media that is still relatively new but rapidly evolving is social media. Merriam-Webster defines social media as forms of electronic communication (such as Web sites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (as videos). Twitter, Facebook, YouTube and others are tools courts can use to disseminate important information and enhance the public's understanding of the courts. In May 2014, of the top 50 most visited websites, seven were social media sites: Facebook #3; YouTube #4; Twitter #20; Pinterest #23; LinkedIn #25; Instagram #40; and Tumblr #50.

Relevance to Courts

Social media presents both opportunities and ramifications for courts. Seizing on the opportunity to meet the needs of the public and promote transparency, the institutional use of social media by state courts is gaining acceptance. As of February 2014, the high court and/or administrative office of the court in 23 states use either Facebook, Twitter, YouTube or Flickr. In trial courts, 28 states use some form of social media, with Facebook and Twitter the most common. Internally, courts are assessing their communication plans and policies to determine how best to manage its use.

Ramifications of social media currently impacts juries, judicial ethics and policy issues. Currently, eleven states (including Florida) have addressed social media in some way through judicial ethics advisory opinions. Nineteen states (including Florida) and the Federal courts have addressed the use of

electronic devices and/or social media by jurors during trials by updating standard jury instructions. A 2013 nation-wide survey of judges and court staff highlights the need for education and a continuous dialog regarding new media and technologies to assess the impact of social media on the administration of justice.

Links/References

- [Social Media and the Courts, National Center for State Courts](#)
- [Conference of Court Public Information Officers , New Media Report](#)

LEGAL ISSUES

Alternative Legal Service Delivery Models

The internet presents tools and opportunities for providing online legal services to consumers. Online, non-lawyer legal service sites such as Legal Zoom or Rocket Lawyer assist individuals with online document preparation and assembly for a nominal fee, changing consumer options from the traditional law firm attorney-client model to a more self-service approach. Online legal information can be found everywhere including government departments, non-profit organizations, private companies, educational institutions, individuals, and law firm web sites adding to the Do-it-Yourself approach. eLawyering, the practice of doing legal work over the internet, has been around for only a decade but is growing rapidly. Alternative legal services may provide access to legal services at a reasonable cost to consumers who otherwise could not afford a lawyer.

Relevance to Courts

Courts across the country have seen an increase in self-represented litigants over the last ten years. Research indicates that the largest number of self-represented litigants appear in family cases, but numbers have also increased significantly in probate and civil cases. This increase has placed a burden on judges, court staff, and court processes and is expected to continue. Courts across the country are re-evaluating their delivery methods for pro se litigants and developing various forms of assistance to ensure documents and pleadings are legally sufficient and procedural requirements are met.

With the rise of the unbundling of legal services, consumers are realizing they may not need a lawyer to do business with the courts. States are amending court rules to allow for unbundled or limited-scope legal assistance. Over 30 states have either explored or changed court rules to allow for unbundled legal services. In addition, those states that have rules for unbundling legal services are starting to monitor the implementation of these rules.

Links/References

- [The Future of Big Law, Fordham University](#)
- [Some Call it eLawyering, American Bar Association](#)
- [An Environmental Scan for State Courts, National Center for State Courts](#)
- Vision 2016 Presentation, The Florida Bar Annual Conference

Self-Represented Litigants / Pro Se Litigation / Access to Justice

Pro se filings and self-representation continues to rise with litigants representing themselves for a variety of reasons in different types of cases. Pro se litigation is common in family law, small-claims, landlord-tenant, and domestic violence cases. There are a number of contributing factors for the increase: inability to afford a lawyer; simplicity of the court case; mistrust in lawyers; an “I can do it myself” attitude. The needs of the self-represented have been well documented for several decades and reports document that not all self-represented litigants are the same; each have diverse personal and case-related needs.

Access to justice for indigent litigants continues to challenge the court system today. Studies show as much as 80 percent of the legal needs of Florida’s poor go unfulfilled and The Florida Bar Foundation is projecting cuts of 76 percent of its legal aid grants by the year 2015-16. Additionally, current estimates project one legal aid attorney for every 10,700 Floridians living in poverty.

Relevance to Courts

Courts across the country are re-evaluating their delivery methods for pro se litigants by making courts more user-friendly in several ways: simplifying court forms by removing legalese; offering court-sponsored legal advice; developing court-based self-help centers; collaborating with libraries and legal services; providing one-on-one assistance; and developing guides, handbooks, and instructions on how to proceed pro se. Thirty-eight state courts are developing an easy-to-use, do-it-yourself web-based application that walks users through form building and document assembly for filing. Additionally, courts and self-help centers are providing online “How-To” videos to further assist court users and using social media to publicize available resources. Providing assistance can benefit the courts by increasing access for all litigants, improving effectiveness and efficiency of court services, and enhancing public trust and confidence in the court system.

Links/References

- [The Supreme Court Commission on Trial Court Performance and Accountability, Ensuring Access to Justice: Serving Florida's Self-Represented Litigants \(2008\)](#)
- [Online Document Assembly, National Center for State Courts](#)
- [SC14-1165 Petition Regarding Bar Membership Fees, Florida Supreme Court](#)
- [Kent College of Law, Center for Access to Justice and Technology \(A2J\)](#)
- [The Pro Se Phenomenon, Drew Swank, Esq.](#)

Civics Education

In the early 1960s, U.S. Supreme Court Justice William Brennan and members of the legal profession met to discuss the public’s perception and understanding of the American justice system. As a result, civic education programs formed in bar associations, law schools, and courts that created a nationwide involvement of the legal profession in the improvement of civic education that continues to exist today.

A 2011 national survey of adults conducted by The Annenberg Public Policy Center revealed only one-third of Americans could name all three branches of government and just under half of Americans (47 percent) knew that a 5-4 decision by the Supreme Court carries the same legal weight as a 9-0 ruling. Only 59 percent of the Florida adults surveyed by The Florida Bar in 2005 could correctly name the three branches of government. Questions about the meaning of the terms “separation of powers” and “checks and balances” also yielded low percentages of correct answers — 46 percent and 61 percent respectively.

In 2010, the Florida Legislature passed the Sandra Day O’Connor Civics Education Act requiring all Florida public schools to teach civics as part of their curriculum. Civics education is mandated in less than 10 states across the nation.

Relevance to Courts

Educating the public about how the courts work and providing opportunities for students and teachers to learn the role of the courts is essential to develop an informed citizenry. Many state courts offer a variety of educational programs and outreach opportunities to assist schools in meeting their civic education requirements. Florida engages the public in many ways by providing a variety of programs at all levels of the court system in many jurisdictions. Such programs include mock trials, mock oral arguments, law day activities, courthouse tours, the Justice Teaching Initiative, and annual teacher training institutes.

To increase public trust and confidence, courts may need to expand their educational outreach efforts to the public. Courts may seek to broker new educational partnerships with civic organizations and media outlets and explore additional experiential learning opportunities to promote an educated citizenry which understands the principles of a strong and impartial judiciary. Civics education plays an important role in educating the public about judges and judicial elections.

Links/References

- [The Annenberg Public Policy Center](#)
- [The Center for Civic Education](#)
- [Bar Pushes for More Civics Education, The Florida Bar](#)
- [Civics Education Resource Guide, National Center for State Courts](#)

Capital Punishment / Death Penalty

The number of states sentencing offenders to death is declining; Connecticut, Maryland and New Mexico have abolished capital punishment and several states have imposed death penalty moratoriums while they study possible inequities within their system. In 2006, the American Bar Association studied Florida's death penalty and identified areas of concern that included ineffective defense counsel, prosecutorial issues, juror confusion, clemency, wrongful conviction, fiscal implications of the death penalty, and the propriety of alternatives to capital punishment.

In 2010, the Florida Supreme Court created The Innocence Commission to conduct a comprehensive study of the causes of wrongful convictions and of measures to prevent such convictions. The final report released in 2012 included recommendations to the Supreme Court regarding eyewitness misidentification, false confessions, informant testimony, scientific evidence (including DNA testing), and professional responsibility. Florida leads the country in exonerations with 24 since 1976.

Florida is one of 32 states that authorizes the use of the capital punishment. In 2013, three states, including Florida, accounted for nearly three-quarters of executions. Since the death penalty was reinstated in 1976, Florida has executed 88 inmates. Florida's death row population as of July 2014 is 395, (390 males and five females). In fiscal year 2011-12, the estimated cost to house an inmate on Florida's death row was \$18,000, compared to \$14,000 for an adult male housed in the general population. In 2011, the average length of time on death row in Florida was 12.7 years.

Relevance to Courts

Capital cases absorb judicial resources at both the trial and appellate levels. From January 2009 through December 2012, Florida trial courts disposed of 1,044 capital murder cases. During that time, 1,734 cases were filed. Direct appeals (initial, resentencing, or retrial) to the Florida Supreme Court during the same time period averaged 17 filings annually. In 2010, The Florida Supreme Court estimated that death-penalty cases accounted for 12 percent of the caseload (including post-conviction) but nearly 50 percent of the Court's time. According to the Florida Department of Corrections, capital murder ranks number four on the list of top ten primary offenses. As of June 30, 2013, 6,900 inmates were serving time for the offense. The cost of capital cases, before trial and after sentencing can be excessive. The State of Florida spends \$51 million annually to enforce and carry-out the death penalty.

Links/References

- [Evaluating Fairness and Accuracy in State Death Penalty Systems: The Florida Death Penalty Assessment Report, American Bar Association](#)
- Florida Department of Corrections website: [QuickFacts](#) and [Frequently Asked Questions](#)
- [Bureau of Justice Statistics](#)
- [Florida Capital Resource Center](#)
- [Commission on Capital Cases](#)
- [Capital Punishment: An Examination Of Current Issues And Trends And How These Developments May Impact The Death Penalty In Florida](#)
- [Take a hard look at the death penalty, The Florida Bar](#)
- [Miami Dade police to record entirety of suspect interviews, The Miami Herald](#)

Law Revisions / Workload

Assessing the number of people, appropriate resources, and measures of caseloads is critical for ensuring that courts and related agencies are able to deliver quality service to the public effectively and without delay. At both the federal and state levels, recent court-sponsored efforts in long-range planning have led to a renewed interest in the relationship between legislation and court workload. Legislative proposals typically affect court workload in one of three ways: operationally, substantively, or through judicial interpretation. Societal changes can affect the legal landscape, influence legislation, and impact associated judicial workload in dramatic and rapid ways. Issues with potential to significantly impact Florida's court system may include same-sex marriage, medical marijuana, immigration, end-of-life issues, gambling, voting rights, and tort reform.

Relevance to Courts

Many legal issues have the potential to impact the court system in various ways. While some may not impact the courts in terms of workload and cost, the integrity of the court system may be impacted. Judges deciding voting rights issues find themselves working in a highly partisan environment, where accusations about judges' ethics and their partisan affiliations are front and center in the media. How judges and justices respond to controversial issues may cause personal scrutiny when decisions are handed down and may impact the trust and confidence of the court system.

Changes to laws and regulations regarding medical marijuana and immigrant issues could impact workloads. The impact of Florida's medical marijuana law is unknown, however, lawsuits have been

filed in both state and federal courts ranging from implementation and administration of laws to copyright infringement. Courts may also see an increase in conflicts related to immigrants as immigration laws regarding a variety of issues (e.g. education, law enforcement, health, human trafficking) are passed.

In the future, judicial assessments of proposed legislation will take on increased significance. These assessments will not only be used to forecast the judicial impact of selected legislation but will continue to play a critical role in communicating with the Legislature.

Links/References

- [Immigration Laws, National Center for State Legislatures](#)
- [Marijuana Law, National Conference of State Legislatures](#)
- [Death with Dignity](#)
- [Medical Malpractice Reform: The Role of Alternative Dispute Resolution, U.S. National Library of Medicine, National Institute of Health](#)
- [An Environmental Scan for State Courts, National Center for State Courts](#)