



The Long-Range Strategic Plan for the Florida Judicial Branch

2009-2015

The Florida Supreme Court Task Force on Judicial Branch Planning



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Mission and Vision Statements

Mission

To protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

Vision

Justice in Florida will be accessible, fair, effective, responsive, and accountable.

- To be **accessible**, the Florida justice system will be convenient, understandable, timely, and affordable to everyone.
- To be **fair**, it will respect the dignity of every person, regardless of race, class, gender or other characteristic, apply the law appropriately to the circumstances of individual cases, and include judges and court staff that reflect the community's diversity.
- To be **effective**, it will uphold the law and apply rules and procedures consistently and in a timely manner, resolve cases with finality, and provide enforceable decisions.
- To be **responsive**, it will anticipate and respond to the needs of all members of society, and provide a variety of dispute resolution methods.
- To be **accountable**, the Florida justice system will use public resources efficiently and in a way that the public can understand.

Purpose and Scope

The purpose of this long-range strategic plan is to articulate a comprehensive plan of action to guide the judicial branch of Florida as it seeks to advance its mission and vision over the next six years. The plan is organized around five broad issue areas and includes specific goals and strategies associated with each issue. Such strategic planning is required by Rule of Judicial Administration 2.225.

The strategic plan is intended to assist the Supreme Court of Florida and the chief justice of Florida in leading the State Courts System as well as the judicial branch. In addition to exercising direct control over the administration of the State Courts System, the supreme court and the chief justice provide leadership and direction within the broader justice system. The supreme court makes rules governing the courts and the legal profession, oversees the regulation of lawyers and the admission of new lawyers into the practice of law, imposes judicial discipline based upon recommendations by the Judicial Qualifications Commission, and provides critical oversight over other aspects of the justice system. Therefore, within this plan some goals and strategies are explicitly directed to the State Courts System, and others are addressed more broadly to the overall justice system.

Components of the Long-Range Strategic Plan

The long-range strategic plan is composed of mission and vision statements, five strategic issues, 16 goals, and 71 strategies. The mission and vision statements were articulated in the first long-range strategic plan, *Taking Bearings, Setting Course: the Long-Range Strategic Plan for the Florida Judicial Branch*, issued in 1998. The mission and vision are unchanged in this plan. The long-range issues are high priority strategic areas presenting significant challenges that must be addressed over the long term in order to move toward fulfilling the vision and mission. Goals are aspirational statements of a desired future state that can realistically be achieved with respect to the issue area. Strategies are more specific statements of intent, describing in general terms courses of action that can be undertaken to advance the associated goal.

Planning Process

This long-range strategic plan was developed by the Task Force on Judicial Branch Planning through a deliberately constructed process designed to gather broad input by multiple methods. That data was then subjected to analysis by focus groups composed of knowledgeable individuals who together represent a wide range of perspectives and expertise. The recommendations of the focus groups were then provided to the task force and used in developing the plan. Finally, the draft plan was circulated to individuals who participated in the focus groups to confirm that it was consistent with their analyses. This methodology, documented in detail in Appendix A, can be summarized as follows:

1. Public outreach:

- A public opinion telephone survey of 2,054 Florida residents was conducted in January 2008.
- Online and paper surveys of 8,768 jurors, court users, attorneys, judicial officers and court staff, were conducted in the summer of 2008.
- In the fall of 2008, nine public forums were held in communities across the state; approximately 200 individuals attended, with 87 people providing statements. Task force members chaired and served on panels at the public forums.
- In January 2009, a meeting of representatives of justice system partner organizations was held in Tallahassee. Twenty-seven representatives were in attendance.

2. Analysis of data:

- The data collected through the public outreach efforts were consolidated into a single summary document. The summary organizes and presents the salient results of each component of the outreach process in an accessible format. The summary is presented in Appendix B.

3. Focus groups:

- In February and March 2009, the task force convened four focus groups in Tallahassee composed of approximately 20 participants, including representatives from among the judiciary, court staff, and key constituencies. The four focus groups developed guidance for the task force on, respectively, Issues 1 through 4. Each focus group also provided guidance on Issue 5. Participants in the focus groups are identified in Appendix C.

4. Final development and vetting:

- In April and May 2009, the task force reviewed the input provided through the outreach process and the guidance generated by the focus groups, and deliberated on the issues, goals, and strategies to be included in the long-range strategic plan. A draft of the final plan was circulated in May to all participants of the focus groups with a request for comments. In June 2009, the task force further revised and then finalized the plan. The plan was approved during Court Conference on July 1, 2009.

Common Terms

Some terms that appear in this document are commonly used but may be subject to different interpretations. To facilitate clarity these terms are defined for purposes of this document as follows:

State Courts refers to the courts created by Article V of the Constitution of the State of Florida, specifically the supreme court, district courts of appeal, circuit courts, and county courts.

State Courts System refers solely to the officers, employees, and divisions of the supreme court, district courts of appeal, circuit courts, and county courts. The State Courts System does not include entities such as circuit clerks of court, state attorneys, public defenders, or The Florida Bar.

Judicial Branch refers to the state courts and the framework of court rules, regulatory oversight, and leadership of the legal profession provided within the domain of the Florida Supreme Court and the Chief Justice. The judicial branch includes the circuit clerks of court when performing court-related functions.

Justice System or Justice System Partners refers to the network of entities that routinely work in conjunction with the state courts. Justice system partners include The Florida Bar and providers of legal services, law enforcement agencies, governmental and private service agencies such as the Department of Children and Families, the Florida's Office of Guardian ad Litem, treatment providers, and community-based agencies.

Court Employees refers to non-judge personnel of the State Courts System as well as personnel in county-funded positions managed by court administration.

Judges refers to judges of the county, circuit, and district courts of appeal as well as the justices of the supreme court. Magistrates, hearing officers, and special masters are not judges.

Court Personnel refers to court employees as well as other personnel who are not court employees but who work in or provide services to the courts such as bailiffs, clerk staff, contracted court reporters, and contracted foreign language interpreters.

Court Administrators refers to the non-judge executive management of the state courts, including marshals of the appellate courts, trial court administrators, and the Office of the State Courts Administrator.

Long-Range Issue #1 – Strengthening Governance and Independence

The mission of the Florida judicial branch is to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes. The Constitution of the State of Florida creates the judicial branch along with the legislative and executive branches, and vests the judicial power exclusively in its courts. The American form of government operates at its best when the three branches are in balance, independent and coequal, each able to fully perform its constitutional functions and each respectful of the important roles of the others. *To fulfill its mission, the judicial branch must strengthen its ability to fully function as a coequal and independent branch of government, to govern itself with coherence and clarity of purpose, to manage and control its internal operations, and to be accountable to the people.*

The vision of the judicial branch is that the courts be accessible, fair, effective, responsive, and accountable. To achieve this vision in an era of increasing workloads and limited resources, the branch must govern itself effectively and efficiently. *The judicial branch must have the capacity to develop and implement effective and responsive policies, to deploy its resources efficiently, and to provide transparency and accountability in the management of resources.*

Historically, Florida's judicial branch has had a diffused governance and administrative structure. Numerous commissions, committees, and task forces, some permanent and others ad hoc, have been created to address discrete subject matters or operational areas. These entities frequently have overlapping or redundant jurisdiction, and often do not coordinate with one another. At times they may have competing interests or perspectives, and may ultimately advance conflicting visions within a given policy area. Constitutionally, the chief justice is vested as the chief administrative officer of the branch and serves a two-year term. The manner, selection, and term of service of the chief justice and chief judges for the various circuits and district courts of appeal are established by court rule. However, selection criteria for chief judges vary based on local policy. While some of these courts utilize a rotation system based on seniority, many elect chief judges based on other criteria and they may serve multiple terms. A more permanent and streamlined framework for decision-making and setting policy would benefit the branch as well as court system users and provide for greater consistency and continuity of administration.

While this structure may have been adequate to meet the needs of the judicial branch in the past, the cumulative effects of constitutional amendments, growing complexity of legal and social issues, and increasing fiscal constraints have heightened the need to re-examine this approach to branch governance. Most significantly, in 2004 a funding structure that relied on counties to support many elements of the trial courts was replaced by constitutional amendment with a structure that places greater funding responsibility on the legislature for most operating costs, leaving specified costs with the counties. This change has shifted much of the responsibility for budgeting and accountability for operating resources from the local to the state level.

Long-Range Issue #1 – Strengthening Governance and Independence

The important roles of the chief justice and the supreme court in leading the judicial branch further require that the branch has the capacity to develop and implement policies in a responsive, coherent, and timely manner. Changes in the task environment of the courts, including significant shifts in caseloads, the emergence of various threats to continuance of operations, and unexpected decreases in the availability of resources may require the judicial branch to adopt new or different operating policies. It is important that these policies be developed in a thoughtful, deliberative context, that consultation take place as necessary with the legislative and executive branches, that the judicial branch is able to speak with a clear and consistent voice, and that implementation proceed in a manner that is most beneficial to the people of Florida.

Goal 1.1: The judicial branch will be governed in an effective and efficient manner.

Strategies:

- 1.1(a) Reform and strengthen the governance and policy development structures of the judicial branch.
- 1.1(b) Implement a governance structure with the capacity to consult with affected constituencies and stakeholders and to produce policies that are responsive, coherent, and timely.
- 1.1(c) Effectuate a governance structure that can implement policies in an efficient and effective manner.

Goal 1.2: The judicial branch will interact effectively with all parts of government on issues related to the justice system.

Strategies:

- 1.2(a) Strengthen the capacity to regularly communicate with the legislative and executive branches on issues affecting the justice system.
- 1.2(b) Create institutional mechanisms to consult and coordinate activities with justice system partners on issues affecting the justice system.

Long-Range Issue #2 – Improving the Administration of Justice

The state courts of Florida annually dispose of more than 3.5 million cases, ranging from simple traffic citations to serious criminal cases and complex civil disputes with multiple parties. These cases are disposed through a range of dispute resolution processes, including diversion, mediation, plea, and adjudication by trial. The resources needed to process cases vary depending on the type of case and the manner of disposition. Increasingly, many litigants choose to represent themselves without counsel, which can pose challenges to the court. In addition, the Constitution of the State of Florida provides for a right of appeal of all final judgments as well as some non-final orders.

The management of such large caseloads and the administration of the resources and personnel necessary to manage the different types of cases is a complex undertaking. This task is increasingly challenged by growing caseloads and decreasing resources. To meet these challenges the courts must constantly find ways to improve the processes used to accomplish their constitutional mission. *The judicial branch must remain committed to ongoing improvement in the administration of justice, including effective case processing policies and the efficient management of resources.*

Florida's courts are charged with making critical decisions within many spheres of activity. Justice system partners, as well as individual litigants, the general public, and society at large rely on the courts to provide consistent, fair, clear, and timely decisions in cases. In serving the public, well functioning courts use their resources efficiently and effectively, and value and conserve the resources of litigants and justice system partners. The ability of courts to provide justice and to protect the time and resources of litigants and system partners can be severely tested when dockets are full and judicial time is stretched thin. *In an era of limited resources it is critical that the Florida judicial system develop and implement operating policies that utilize public resources, including the resources of justice system partners, effectively, efficiently, and in an accountable manner.*

As with other large information-based organizations, the courts require timely access to reliable information in order to function well. In the court context the primary information system is a case management system. While substantial progress has been made, case management systems are available only in some divisions in some counties, and are not generally available statewide. Further, in Florida, the clerks of circuit court operate only case maintenance systems, which do not offer case management functions.

Long-Range Issue #2 – Improving the Administration of Justice

Under current law, the Florida Supreme Court and the respective circuit court chief judges have only limited ability to encourage inter-circuit and statewide integration of case maintenance with case management systems. Case maintenance systems do not organize case information in formats necessary for case management, and case information is not provided to judges and court management in a timely and accurate manner. As its name suggests, the statutorily mandated Summary Reporting System, originally developed in the 1970s, provides only limited summary data, and is inadequate for contemporary case management needs. The State Courts System must implement a statewide information technology system adequate to support effective case management as well as management of court caseloads and workloads.

The goal of providing a functionally compatible information technology system statewide is problematic due to the present diffused funding and management structure for court technology. Several strategies could be pursued to achieve this goal. Greater equity and uniformity could be achieved through policies that institute effective standards for the deployment of court technology, or in the alternative, the funding structure could be reorganized to consolidate more technology expenditure and management at the state level.

Emerging technologies hold out great promise for improving access to the courts through electronic filing, electronic access to non-confidential records, and electronic scheduling and appearances. In recent years, the supreme court has directed a series of court committees to take steps toward implementing these technologies statewide. A series of comprehensive rules modifications are in progress to address issues of confidentiality and privacy of sensitive information. The judicial branch should continue to expand electronic filing, online access to court records, and deployment of technologies to increase both the efficiency of the judicial system and the accessibility of court information to the public.

Finally, the clerks of court perform critically important functions in support of the judiciary. Under the Constitution of the State of Florida each of the 67 counties has an independent, elected clerk of court whose duties are defined by general law. One consequence of this structure has been divergent practices across the state in the performance of some clerk functions, and in circuits that include several counties divergent practices can occur within the circuit. In order for the judicial branch to function as a coherent state system and to provide uniform access to the courts across the state, the judicial branch must develop an institutional capacity to coordinate and integrate the functions of the clerks of court with those of the state courts, and to assist the Florida Legislature in developing and implementing effective policies that implicate the role of clerks of court.

Long-Range Issue #2 – Improving the Administration of Justice

Goal 2.1: Cases will be processed effectively, efficiently, and in a timely manner.

Strategies:

- 2.1(a) Develop and implement case management practices to resolve cases in a timely and effective manner.
- 2.1(b) Continue to explore and implement effective alternative dispute resolution processes.
- 2.1(c) Develop the capacity of the State Courts System to timely monitor key caseload and workload information at the circuit, appellate, and statewide levels.

Goal 2.2: The State Courts System will utilize public resources effectively, efficiently, and in an accountable manner.

Strategies:

- 2.2(a) Enhance the capacity of the State Courts System to manage court resources and services in a cost-effective and accountable manner.
- 2.2(b) Continue to develop and institutionalize performance and accountability management systems that implement best practices in resource management.
- 2.2(c) Improve the institutional capacity of the courts to coordinate activities and services that optimize the resources and effectiveness of justice system partners.
- 2.2(d) Assess and modify, when necessary, services provided by Florida courts and functions performed by clerks of court to improve efficiency and effectiveness.
- 2.2(e) Augment the capacity of the judicial branch to enforce orders and judgments, including collections of fees and fines, compliance with terms of probation, and adherence to injunctions.

Goal 2.3: The State Courts System will have an adequate statewide information technology system adequate to support effective and efficient case management and management of caseloads and court resources.

Strategies:

- 2.3(a) Develop and implement standards that effectuate the equitable statewide deployment of functionally compatible information technology infrastructure within the judicial branch, or;
- 2.3(b) Pursue restructuring of information technology funding to enhance statewide equity and functional compatibility.
- 2.3(c) Enact policies that coordinate the deployment of compatible information technology infrastructure within the judicial branch.
- 2.3(d) Institute policies to build a comprehensive uniform statewide case management information system that integrates the case maintenance systems of the clerks of the circuit courts.
- 2.3(e) Expand and integrate information technology systems statewide that support best practices within the courts, including resources management and performance measurement systems.
- 2.3(f) Implement uniform statewide State Courts System communication technologies, including electronic filing, electronic access to court records, electronic scheduling, and electronic appearance of attorneys and parties.
- 2.3(g) Continue to improve data sharing and data integration with justice system partners.

Goal 2.4: The roles and responsibilities of the state courts and the circuit clerks of court when performing court-related functions will be clearly defined.

Strategies:

- 2.4(a) Improve the capacity to review services performed by circuit clerks of court when performing court-related functions.
- 2.4(b) Enhance the institutional capacity of the courts to coordinate activities and services with the clerks of court at all levels.

Long-Range Issue #3—Supporting Competence and Quality

The delivery of justice is affected by the competence and quality of judicial officers, administrators, and court staff. Law and court procedures are increasingly complex, and those within the judicial system face difficult legal and ethical issues as well as heightened societal expectations. Consequently, advanced levels of training and development are critical to enable those who work within the system to effectively perform the challenging work of the courts and meet demands placed on them. The Florida State Courts System is committed to having a workforce that is highly qualified and dedicated to service.

Ongoing professional development, education, and training, with appropriate emphasis on effective resource management policies and practices and ethical behavior, are essential to ensure a competent and high quality work force to adequately address court operations, improve interactions with the public, and enhance perceptions of procedural fairness. Court system users reasonably expect the courts to employ effective management techniques, continuous operational improvement, innovative technologies, and superior service levels. *The State Courts System should continue to foster working environments and organizational cultures marked by high achievement and work satisfaction while successfully meeting these challenges.*

Educational methodologies for judges and others in the State Courts System workforce are continually advancing. In a resource-competitive environment, the State Courts System must pursue innovative ways and means to provide the optimum professional development, education, and training opportunities. The State Courts System should critically assess the core competencies for its workforce positions so that training and development content and approaches are meaningfully aligned in a consistent and cohesive statewide system.

Organizational research suggests that effective human resources management policies and practices make significant and measurably positive contributions to organizational performance and satisfying work environments. However, organizational systems must adapt unique policies and practices most suitable to their circumstances. The State Courts System is dedicated to pursuing progressive and appropriate human resources policies and practices that will attract and retain excellent employees at all levels.

Professionalism is closely linked to ethical behavior and practices. While a code of conduct is in place for judges, the development and implementation of statewide standards of conduct for non-judge State Courts System employees will ensure professionalism and high standards of conduct, integrity, and accountability. This will, in turn, increase public trust and confidence.

Goal 3.1: Judges and court employees will have the knowledge, skills, and abilities to serve and perform at the highest professional levels.

Strategies:

- 3.1(a) Improve and expand training and educational opportunities and offerings, adding self-learning resources and electronic/online tools for judges and court employees.
- 3.1(b) Foster professional development and growth through programs such as succession planning, mentoring, coaching, job shadowing, on the job learning, and introduction to management and leadership.
- 3.1(c) Collaborate with local, state, and national providers to enhance and expand training and development opportunities.
- 3.1(d) Provide training on the use of existing and evolving technologies.
- 3.1(e) Develop and provide programs to strengthen the management and leadership skills of judges, executive management, and supervisory court employees.

Goal 3.2: All court employees will be of good character and adhere to high standards of professionalism and ethics at all times.

Strategies:

- 3.2(a) Develop, adopt, and implement statewide standards of professional and ethical conduct for non-judge court employees.
- 3.2(b) Emphasize professionalism and ethical behavior in training and educational programs and materials.
- 3.2(c) Support effective procedures for responding to complaints of unethical or unprofessional behavior.

Long-Range Issue #3—Supporting Competence and Quality

Goal 3.3: The State Courts System will attract, hire, and retain highly qualified and competent employees.

Strategies:

- 3.3(a) Improve, expand, and modernize recruitment methods and practices, including the use of new technologies and networks, to attract competent and qualified candidates.
- 3.3(b) Increase diversity so that the State Courts System better reflects the demographics of individual communities and aids in enhancing effective interactions with people of different cultures.
- 3.3(c) Provide monetary and non-monetary incentives, rewards, and recognition for excellent service and performance.
- 3.3(d) Provide career paths and advancement opportunities for non-judge court employees.
- 3.3(e) Create a motivating, satisfying, and purposeful work environment and organizational culture that values and engages judges and court employees.
- 3.3(f) Advocate for competitive pay and benefits that are comparable to market rates.
- 3.3(g) Provide judges and court employees with the information, resources, tools, and technology needed to do their work well.

Goal 3.4: The judicial branch will attract, retain, and support highly qualified judicial candidates.

Strategies:

- 3.4(a) Ensure that the most challenging judicial assignments have adequate resources and support.
- 3.4(b) Create a motivating, satisfying, and purposeful work environment and organizational culture for judges.
- 3.4(c) Advocate for competitive pay and benefits.

- 3.4(d) Provide judges with the information, resources, tools, and technology needed to do their work well.
- 3.4(e) Support the appropriate consideration of diversity in the selection of judges.

Long-Range Issue #4—Enhancing Court Access and Services

Public access to the courts is a cornerstone of our justice system. Article I, section 21 of the Constitution of the State of Florida requires that “the courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.” Inherent in this mandate is the precept that our courts are neutral bodies that will interpret the law fairly, and will ensure equal treatment of all parties.

There are obstacles that litigants face, however, in seeking access to the courts. The cost of litigation, communication and language barriers, lack of information, complexity, cultural and attitudinal biases, and physical obstructions can be substantial impediments to accessing the courts. In addition, the experiences of court users can affect their perceptions of the courts’ fairness and impartiality. Numerous studies have shown that the perceived fairness of court outcomes influences the public’s evaluations of the courts, but is secondary to perceived procedural fairness. Litigants tend to comply with court decisions they understand and which are made through processes they accept as fair. *Florida’s judicial branch is committed to improving access to courts, and to providing the highest quality of services to everyone who enters a courthouse.*

To ensure meaningful access to courts, the judicial branch must actively identify and attempt to ameliorate barriers that exist. Procedural barriers include laws, rules, processes and forms that are overly complex or difficult for court users to understand. Obstacles of this kind are particularly difficult for the increasing number of pro se litigants in Florida’s courts; they may come to the courts for many reasons, but often have a minimal understanding of the law, little information about court procedures and rules, and limited access to assistance. Programs to assist self-represented litigants have suffered cuts in staffing and budgets in recent years, further impairing the ability of individuals to navigate through a judicial process without counsel. Economic, physical, and language obstacles may also act as barriers to limit access to the courts and court services.

Non-English speakers and those not fluent in English generally have significant difficulty understanding the court system and may not be able to fully participate in the court process. Our system of jurisprudence may be unfamiliar to citizens from other nations, and may present a level of complexity that is intimidating and frustrating. Florida’s need for interpretation and translation services is great and is likely to continue growing, given the ever-increasing diversity of Florida’s population. Communication barriers are not, however, limited to language; they also include barriers experienced by persons with developmental disabilities, mental illnesses, dementia, and visual and hearing disabilities. For such individuals, auxiliary aids and services may be required to enable their effective participation in court processes.

Finally, Florida’s population of individuals over the age of 65 is substantial and continues to grow at a faster pace than the general populace. Elders may experience difficulty in accessing the courts for a variety of reasons, including procedural, cost, physical, and communication barriers.

As reflected in the Code of Judicial Conduct, judges are to perform judicial duties without manifesting bias or prejudice based on race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status. The judicial branch must continue its vigilance in correcting any bias inherent in court processes and any conduct evidencing bias by attorneys, court personnel, judges, or litigants. *By continuing its active commitment to equal access, fairness, and justice, Florida’s judicial branch will ensure that all people will be treated with dignity when they appear in court.*

Goal 4.1: Provide meaningful access to Florida’s courts for all people.

Strategies:

- 4.1(a) Advocate for improved accessibility and modernization of court facilities.
- 4.1(b) Utilize scheduling practices whenever possible that provide maximum court access to parties in terms of convenient hours and locations.
- 4.1(c) Ameliorate the impact of economic barriers to accessing Florida’s courts.
- 4.1(d) Minimize the effects of physical barriers to Florida’s courts.
- 4.1(e) Reduce the effect of communication and language barriers to Florida’s courts.
- 4.1(f) Collaborate with justice system partners, professional associations, and community organizations to enhance access to the justice system.
- 4.1(g) Educate judges and court staff about barriers faced by court users trying to access the courts and how those barriers may be addressed or minimized.

Long-Range Issue #4—Enhancing Court Access and Services

Goal 4.2: Florida’s courts will provide the highest quality of services to court users.

Strategies:

- 4.2(a) Improve and expand services, assistance, and information provided to self-represented parties.
- 4.2(b) Ensure that court information, resources, and services are made available and understandable to everyone.
- 4.2(c) Provide consistent levels of core services, information, resources, and assistance in all courts throughout Florida, to include conflict resolution, court reporting, and interpreter/translator services.
- 4.2(d) Collaborate with justice system partners to ensure delivery of appropriate services to court users.
- 4.2(e) Supply court users with current information on available community and justice partner programs and services.
- 4.2(f) Expand the use of existing and emerging technologies to enhance access to information and services.
- 4.2(g) Emphasize the use of standardized, simplified rules and practices for all case types.

Goal 4.3: Florida’s courts will treat all people fairly and with respect.

Strategies:

- 4.3(a) Ensure that all State Courts System employees understand the importance of providing procedural as well as substantive justice to all parties.
- 4.3(b) Emphasize the importance and relevance of interacting effectively with people of different cultures in performing duties and responsibilities in serving Florida’s diverse population.
- 4.3(c) Enhance training programs for judges on issues of fairness.
- 4.3(d) Augment training for court employees on issues of fairness and diversity.

Public trust and confidence in the judicial branch is at the core of maintaining a peaceful and democratic society. The judicial branch must consistently strive to maintain and improve the public's trust and confidence by: fulfilling its mission of protecting rights and liberties, upholding and interpreting the law, and providing for the peaceful resolution of disputes; and by achieving its vision of being accessible, fair, effective, responsive, and accountable to all Floridians. *Regardless of the economic and political challenges, the branch must remain steadfast in its commitment to maintain and consistently build the public's trust and confidence.*

Survey respondents in 2008 reported higher levels of trust and confidence in Florida's courts than did respondents to a survey in 1996. Nevertheless, confusion still exists among the public about the role, purposes, and function of courts, and a compelling need remains to better educate and inform the public about the role and accomplishments of the branch, according to recent survey findings. Effective public education about the courts helps to better inform the public and positively shape public perception and understanding of the judicial branch. These ongoing efforts are vitally important to enhancing public trust and confidence. Public perception of the judicial branch is also influenced by political pressures, high profile cases, the print and broadcast news media, and the entertainment industry that may unduly distort opinions or expectations concerning the courts.

To fulfill its mission and achieve its vision, the judicial branch must perform its duties with impartiality, integrity, and honesty. Additionally, the courts' performance must be perceived to be fair and free from systemic bias, particularly concerning race. In a recent public survey of court users, African-Americans reported the lowest levels of confidence in the judicial branch. The judicial branch must continue to work diligently to eliminate biases and to reduce any perception of bias as it guarantees procedural and outcome fairness and objectivity.

Finally, the State Courts System can enhance public trust and confidence by maintaining the highest standards of accountability for its use of public resources, adhering to statutory and constitutional mandates, and continuing to improve its overall performance. *The State Courts System should inform the public, demonstrate transparency, and ultimately maintain and build the public's trust and confidence by regularly and accurately reporting on its use of resources and its accomplishments.*

Long-Range Issue #5—Enhancing Public Trust and Confidence

Goal 5.1: The State Courts System will be accountable to the public for its use of public resources and overall performance.

Strategies:

- 5.1(a) Monitor and evaluate court performance.
- 5.1(b) Communicate and inform the public and the executive and legislative branches of government about the State Courts System performance and use of public resources.
- 5.1(c) Inform the public and policy makers about judicial branch accomplishments.
- 5.1(d) Solicit regular feedback and institutionalize lines of communication with the public, court users of all types, community organizations, and justice system partners to improve judicial branch performance.

Goal 5.2: The public will better understand the purpose and role of the judicial branch.

Strategies:

- 5.2(a) Educate and inform the public about the judicial branch as well as constitutional and legal principles.
- 5.2(b) Collaborate with the legal community and justice system partners to educate the public about the court system.
- 5.2(c) Enhance and expand outreach to all levels of educational institutions and community organizations to improve understanding of, and involvement with, the justice system.
- 5.2(d) Promote and improve relations with the media to ensure the accuracy and adequacy of public understanding and perception of the judicial branch.

Goal 5.3: The courts will be fair, impartial, and free from bias, political pressures, and special interests.

Strategies:

- 5.3(a) Protect and preserve the ability of judges to decide legal matters according to the constitution, the law, and legal precedent without fear of reprisal.
- 5.3(b) Improve communication between the judicial branch and the community.
- 5.3(c) Work to prevent bias, and the appearance of bias, in all parts of the judicial branch.

The Task Force on Judicial Branch Planning conducted an extensive outreach in 2008 to the general public, court users, attorneys, judges, and court personnel for purposes of gathering information to assist in developing the long-range strategic plan. Nearly 11,000 people in Florida participated in the outreach and survey efforts. The outreach included the following activities:

Public Opinion Telephone Survey

A survey of randomly-selected adult residents of Florida was conducted in January and February 2008. The purpose of the telephone interviews was to examine the public's experiences with and attitudes about Florida's courts. The survey was originally developed in the fall of 2007, building on Florida's public opinion telephone survey conducted in 1996 and other public opinion surveys used in a variety of state and trial courts across the United States. The survey questions were further refined and reduced in number with the selected vendor prior to administering in 2008. OpinionWorks, an external survey research firm located in Maryland, conducted all of the telephone interviews in either English or Spanish. The interviews averaged ten minutes in length. A total of 2,054 people completed the telephone interviews. There is a high level of confidence that the survey results accurately reflect the views of Florida's residents due to the sampling methodology and the large sample size.

Surveys of Jurors, Court Users, Attorneys, Judicial Officers, and Court Personnel

Between May and August 2008, surveys were conducted of jurors, court users, attorneys, judicial officers, and court staff across Florida. The purpose of these surveys was to gather the opinions and understand the experiences of people who use and work in the courts. These surveys also were developed in the fall of 2007 along with the public opinion telephone survey. All of the surveys included the same questions where feasible for comparison purposes. However, these surveys included additional questions about court users' opinions and experiences while at court. The survey questions were further refined and reduced in number prior to survey administration in 2008.

A total of 8,768 people completed these online and paper surveys. The Strategic Planning Unit, working in collaboration with chief judges, court administrators, clerks of court, justice system partners, and the leadership of The Florida Bar, administered the surveys to these targeted groups over a 3-4 month period. The large sample size and the diversity of respondents yielded results that are useful and provide great insights into the views and experiences of court users, judicial officers, and court staff throughout Florida.

Public Forums

Nine public forums – town hall meetings – were held in communities across Florida in October and November 2008. The purpose of the public forums was to hear the views and concerns of local citizens, community organizations, and others who have an interest or stake in Florida's courts. The public forums were held in convenient, community-oriented locations such as public libraries and community colleges. They also were held in diverse communities and locations, which were selected to provide a wide representation of population, demographics, and court presence. The nine communities were: (1) Pensacola; (2) Live Oak; (3) Jacksonville; (4) Sanford; (5) Orlando; (6) St. Petersburg; (7) Ft. Myers; (8) Port St. Lucie; and (9) Miami. Approximately 200 people attended the public forums, including citizens, community leaders, advocacy groups, treatment providers, universities/colleges, private and public attorneys, state legislators, city and county commissioners, and justice system partners. To increase attendance, the meetings were held late in the afternoon and went into the evening hours. The 87 people who spoke provided over 20 hours of testimony on a wide range of issues.

Appendix A—Outreach Activities

Justice System Partners Meeting

In January 2009, 27 leaders representing a variety of justice system and partner agencies participated in a day-long, facilitated meeting to explore common issues related to the justice system. Participants included leadership representatives among law enforcement, corrections, juvenile justice, defense attorneys, prosecutors, civil practitioners, legal services, clerks of court, business leaders, and county government. The focus of the meeting was discussion of the most significant trends and challenges facing the courts and participants' organizations in the next 3 to 5 years and identifying the highest priority issues facing the participants' organizations. A member of the Task Force on Judicial Branch Planning facilitated this meeting.

This section provides a summary of the data and information gathered from all of the outreach and survey efforts. It includes findings and themes of each outreach activity and a comparison of the 2008 survey results across the five survey groups (general public, juror, court user, attorneys, judges/court staff) where possible. When interpreting the data/information, it is important to remember the following points:

- Answers were scored on a five-point scale, with “one” being the least positive response and “five” being the most positive;
- The higher the mean score, the more positive the overall responses were to that question; and
- The midpoint of the rating scale is 3.00. An average rating of above 3.00 reflects more positive views and an average rating of below 3.00 reflects more negative views.

Public Opinion Telephone Survey

Following are several key findings from the public opinion survey. It should be noted that additional findings are provided from the public opinion survey later in this report, comparing results to the other four groups surveyed.

Sources of Information about the Courts

- About a quarter of those surveyed have sought information about the courts. They were most likely to visit a court's website or go to the courthouse in-person for information. A much smaller number called the Court, asked an attorney, visited a library or bookstore, or conferred with family or friends.
- Those who had not sought court-related information indicated that if they needed to get such information, they too would go to a court's website or go to the courthouse in-person for information.
- A majority of respondents found the information they obtained as “extremely or very useful.” Most useful was the information they received from a court's website or from a person at the courthouse.

Other Surveys: Jurors, Court Users, Attorneys, Judicial Officers, and Staff

The five highest and five lowest rated questions of each of the four survey groups are presented below. Also included are the average ratings of the four survey groups on other key survey questions such as confidence level, satisfaction level, overall opinion of Florida’s courts, and overall court performance. A brief summary of the open-ended questions is provided at the end of this section including: (1) barriers to taking matters to court; (2) challenges facing Florida’s courts; and (3) suggestions for improving Florida’s courts. Finally, results of the public opinion telephone survey in the aforementioned areas also are shown in this section.

Performance of the Courts – Highest and Lowest Rated Areas

- Highest rated performance areas: participants in the public survey gave the highest ratings on court performance to the following areas: (1) providing translation/interpretation for those involved in court matters that have difficulty with English; (2) ensuring that facilities are accessible and adequate; and (3) ensuring that juries are representative of the local community. On average, they rated these areas slightly better than the midpoint of the rating scale, indicating that courts do these things “less than well, but slightly better than acceptable.”
- Lowest rated performance areas: public survey participants rated Florida’s courts the lowest in the following areas: (1) educating the public about the courts and the services they provide; (2) concluding cases in a timely manner; and (3) informing the public of the courts’ accomplishments. Generally, they rated these areas below the midpoint of the rating scale. The ratings reflect slightly “less than acceptable” performance in these areas.
- On eleven of the twelve performance measures, people with court experience gave lower ratings to the courts than those without court experience.

Highest Rated Performance Areas

- Jurors gave the highest ratings to the following aspects of court performance: respectful treatment by court staff and judicial officers; receiving clear jury instructions; judicial officers treating all parties equally; and understanding the jury system after receiving the explanation in the jury room. Jurors on average rated the courts higher in these areas than the other survey groups. On average, jurors “agreed/strongly agreed” with statements in these areas.
- Court users’ rated the following aspects of court performance as highest or most positive: the usefulness of information on courts’ websites; judicial officers seeming knowledgeable about law and procedures; understanding what is ordered by judicial officers; and judicial officers explaining their rulings to all parties. Overall, court users “agreed somewhat” with these statements.

Appendix B—Data Analysis

- Attorneys gave their highest ratings to: the respectful treatment of court users by court staff; the usefulness of information on courts’ websites; judicial officers providing attorneys with an adequate opportunity to present their cases and represent their clients’ views; judicial officers being knowledgeable about law and procedures; and overall level satisfaction level of the court in which they appear most frequently. Attorneys generally “agreed/agreed somewhat” with statements pertaining to these areas.
- Judicial officers and court staff rated the following the highest: judicial officers are knowledgeable about law and procedures; the respectful treatment of court users by court staff; judicial officers applying the court’s procedures fairly; the fair rulings of judicial officers; and judicial officers treating all parties equally. Judicial officers and court staff provided the second highest ratings on average in these areas. Judicial officers and court staff on average “agreed” with these statements.
- Consistency in Opinions: There is considerable overlap in the most highly rated survey questions among these groups. Specifically, there are several questions that are ranked among the top five most highly rated questions for two or more of the survey groups. For example, (1) the respectful treatment of court users by court staff is rated among the most positive survey responses for jurors, attorneys, and judicial officers/court; and (2) judicial officers being knowledgeable about the law and procedures is among the most positive survey responses for court users, attorneys, and judicial officers/court staff.

Lowest Rated Performance Areas

- Jurors gave the lowest, least positive ratings to: maintaining business hours that are convenient for working people; the reasonableness of the time it takes to either be dismissed or selected for jury service; concluding cases in a timely manner; assisting self-represented litigants; and educating the public about the courts and services they provide. On average, jurors rated each of these areas slightly better than “acceptable” and “agree somewhat.”
- Court users gave the lowest ratings to: concluding cases in a timely manner; assisting self-represented litigants; educating the public about the courts and services they provide; maintaining business hours that are convenient for working people; informing the public about the accomplishments of courts; and their overall opinion of Florida’s courts. Court users on average rated these areas below the midpoint of the rating scale. They rated them as slightly less than “acceptable.”
- Attorneys gave the lowest ratings to: educating the public about the courts and the services they provide; informing the public of courts’ accomplishments; maintaining business hours that are convenient for working people; concluding cases in a timely manner; and making it easier to do business with the courts over the Internet or from remote locations. Attorneys on average rated these areas below the midpoint of the rating scale; they rated them as less than “acceptable” but better than “fair.”
- Judicial officers and court staff rated the following aspects of court performance as the lowest: educating the public about the courts and the services they provide; informing the public about the accomplishments of courts; providing assistance and services to court users (e.g., child care, self-help centers, forms in plain English and multiple languages, etc.); making it easier to do business with the courts over the Internet or from remote locations; and maintaining business hours that are convenient for working people. Judicial officers and court staff on average rated these areas as “acceptable.”

- Consistency in Opinions: a number of the lowest, least positively rated areas are the same for the four groups. For example, all four groups rated as lowest: (1) maintaining business hours that are convenient for working people; and, (2) educating the public about the courts and the services they provide.

Confidence, Satisfaction, Overall Performance, and Overall Opinion

This section presents comparisons across the five survey groups on confidence, satisfaction, overall performance, and overall opinion of Florida’s courts. Findings and observations are as follows.

- Confidence Level: jurors had the highest confidence level in the courts by far. Specifically, jurors were somewhat more confident after having a recent experience with the court whereas the experiences of courts users and attorneys had no effect on confidence levels – no better or worse. Respondents to the public opinion survey indicated they were “somewhat confident” in Florida’s courts. However, the net effect on confidence levels for members of the public who had experience with the courts was negative. Specifically, a few members of the public gained confidence in the court system as a result of their experiences. A larger proportion of the public who had court experience, however, lost confidence following their experiences. Other findings from the various surveys include:
 - Jurors, by far, feel the most confident about the court system after their experiences, while defendants and parties to lawsuits are left feeling much less confident about the system.
 - Among the general public, older individuals express greater confidence in the court system than do younger people, as do individuals born outside of the United States when compared to those who are native-born.
 - By far, the largest factor affecting confidence in the courts is perceived case outcome. Those who reported a favorable case outcome had a positive net effect on confidence levels, whereas those that reported an unfavorable case outcome reported a significantly lowered level of confidence.
- Satisfaction Level: court users were neither satisfied nor dissatisfied based on their recent experiences at court. Attorneys were slightly more satisfied with the courts in which they appeared more frequently. Judges and court staff thought that the recent experiences of court users would have only a slight, positive effect on satisfaction levels.
- Overall Performance: jurors, judges, and court staff gave Florida’s courts the highest average rating on overall performance. Jurors rated the overall performance of Florida’s courts as nearly good and judges and court staff rated it slightly better than “acceptable.” Court users and attorneys rated overall performance as “acceptable.”

Appendix B—Data Analysis

- Overall Opinion: by far, jurors had the highest opinion of Florida’s courts. They gave Florida’s courts a nearly “good” rating. Attorneys rated Florida’s courts as “acceptable.” Court users rated Florida’s courts slightly less than “acceptable” (but better than “fair”). Participants in the public opinion survey had a “less than good/slightly better than fair” overall opinion of Florida’s courts. Additional findings include:
 - Members of the public who have been involved in a court matter in the last five years expressed less favorable opinions of the courts than residents at large.
 - Court users who were involved with a circuit family matter, as opposed to those involved in other types of court cases, had the most negative opinion of the courts.
 - As noted above, perceived case outcome is a very important indicator. Nearly 75 percent of court users who reported an unfavorable case outcome also expressed a negative opinion of the Florida court system.

Barriers to Taking Matters to Court

The most frequently mentioned reasons why people might not take matters to court were as follows:

- Costs associated with going to court, the complexity of the court system, and a lack of trust in the court system were mentioned most frequently as barriers to taking matters to court for all five survey groups.
- The time it takes to resolve cases/legal matters and the time required away from home and work also were mentioned as barriers.
- The most frequently mentioned barriers by all five survey groups were similar. In short, there is considerable agreement across all survey groups on why people might not take matters to court.
- Those with a matter in county court – whether criminal or civil – were much more likely to mention cost as an issue than those with other types of court cases.

Challenges Facing Florida’s Courts

The most frequently mentioned challenges facing Florida’s courts are summarized below.

- Inadequate funding and burgeoning workloads were mentioned most frequently by all survey participants. Participants noted the adverse effects of budget cuts, increasing workloads, and inadequate staffing levels on the courts.
- Specifically, they noted the inability to move cases expeditiously, the negative effect on ensuring due process, the inability to serve the public at high levels, the inability to provide needed assistance and services such as pro se and treatment services, and the lack of funding for court programs.

Suggestions for Improving Florida’s Courts

Survey participants provided many suggestions for improving Florida’s courts. The most frequently mentioned suggestions are summarized below:

- Sufficiently fund the court system. The funding provided to Florida’s court system is woefully inadequate given the needs and expectations of court users and the public as well as the internal needs of judicial officers and staff. More funding is needed to provide the highest quality of services to the citizens of Florida.
- Improve and expand court services and programs. Many services and programs need to be improved and expanded throughout the Florida court system. For example, the courts should make internal changes to achieve greater efficiencies and more pro se, diversion, alternatives, and treatment services and programs are needed.
- Improve and simplify family matters/proceedings. Many improvements are needed in family matters to better serve court users. Processes and proceedings needs to be simplified, family matters need to be resolved expeditiously, the number of hearings should be reduced, families need more assistance, and a greater understanding of family dynamics is needed.
- Inform and educate the public about the courts. The Florida court system should do more to inform and educate the public about the courts.
- Improve access to the courts. Florida’s courts should be more accessible, understandable, and user-friendly. For example, enhancing access electronically (e.g., electronic filing, electronic case conferencing), improving physical access to all courthouses, ensuring compliance with the American’s with Disabilities Act (ADA), and expanding court hours are needed.

Public Forums

The issues discussed at the nine public forums included a wide range of matters such as the value of drug, mental health, and other specialty courts; concerns over fairness and accountability in guardianship cases; the need for more assistance and services for self-represented litigants; equal access and services for persons with disabilities; the implementation of technology in the courts; and the need for more public information and education. The most frequently mentioned concerns were as follows:

- Increasing need for alternatives and specialized courts. Many people mentioned the increasing need for alternatives and diversions such as partnering with other agencies, decriminalization of certain offenses, collaborative law, mediation, pre-trial programs, and broad-based approaches to reduce incarceration rates. They also mentioned the need for more specialized courts including drug courts, teen courts, mental health courts, etc. (n=32)
- Inadequate court funding. Many attendees spoke to the adverse impact of the budget cuts and overall lack of funding on the Florida court system. The insufficient funding, staff reductions/turnover, low salaries, and increasing workloads are having an enormous adverse effect on the courts’ abilities to move and resolve cases in a timely manner. A stable and dedicated funding stream is needed for the judicial branch. (n=24)

Appendix B—Data Analysis

- Guardianship/Probate Issues. Attendees discussed several problems related to the processing and outcomes of guardianship and probate cases. Major issues raised included unscrupulous attorneys/guardians, incompetent judges, potential for fraud, cumbersome processes, and the need for increased regulation and oversight. (n=19)
- Efficiencies and Other Needed Improvements. Attendees discussed numerous efficiencies and improvements needed throughout Florida’s courts. They included: (1) increasing the use of law clerks; (2) streamlining and simplifying court processes; (3) upgrading judicial facilities; (4) better coordination and partnering with system partners; (5) sharing information with other criminal justice system partners (e.g., law enforcement); (6) eliminating depositions in 3rd degree felonies; and (7) increased responsiveness. (n=17)

Justice System Partners Meeting

This section summarizes the issues discussed at the justice system partners meeting, including the significant trends and conditions affecting partner organizations and the courts over the next 3 to 5 years.

Trends and Conditions

The issues, trends, and conditions identified and discussed by participants at this meeting are listed below; the relative placement of items on this list does not signify priority, prevalence, or importance of the items listed.

- Increasing workloads/dockets. Larger dockets increase the need for information, more time is spent waiting (e.g., law enforcement officers), and scheduling is complicated and requires more coordination (e.g., of witnesses). The volume of cases also affects the quality of judging. Other parts of the system also are overloaded with work (e.g., public defenders, state attorneys).
- The need for more and better education of internal players as well as the public/community about the court system. Judicial officers need continued judicial education. Additionally, smaller circuits are not able to specialize; they need knowledge and expertise in all areas. Finally, more information sharing and public education are needed with the public and community about the justice system as well as court users about community resources.
- The need for more collaboration, cooperation, and communication among partner organizations across Florida. Albeit challenging, it is important to develop statewide strategic partnerships throughout the state. Additionally, (1) interagency interaction and information sharing are complicated by technological limitations; (2) many local coordinating counsels are inactive and/or ineffective and some task force efforts are defunct (e.g., the Task Force on Treatment-Based Drugs); and (3) there is a high need for more statewide coordination.
- Legal representation issues. It is important to unbundle services, avoid cases opting for private judging, and provide pro bono services. A two tiered system is/may be evolving – one for people with lawyers and one for people without lawyers.
- Sentencing issues. Matters mentioned here included incarcerating the mentally ill and drug-addicted; mandatory sentencing will have the effect of fewer pleas and more trials; sentencing is/may be influenced by costs.
- Corrections issues. There are many correctional issues that need to be addressed such as sex offender restrictions, civil commitments, enforcement of probation violators, electronic monitoring, and in-court probation personnel to name a few.

- Justice system funding and resources. The respective state/county responsibilities for funding the courts/other programs are still unsettled and in conflict. Additionally, there are revenue restrictions on the counties. There continue to be new crimes and sanctions without additional resources. Finally, access to justice is impeded by an increased reliance on fees.
- The need to critically review, improve, and, if appropriate, expand programs and services. Justice system organizations need to reduce/eliminate duplication. The essential services of organizations should be determined. Additionally, improved and expanded services are needed in many areas (e.g., for pro se litigants especially in family, evictions, foreclosures).
- Diversion and alternative programs. The efficacy of diversion and alternative programs should be evaluated.
- Policy making. Legislative term limits result in a loss of institutional knowledge about the justice system and a lack of long-term thinking. Additionally, more system feedback is desirable/should be provided when making policy and/or passing legislation. More objective research is needed into policy outcomes and impact statements are needed for new legislation.
- Technology. Technology governance and legacy systems are archaic. Additionally, technology funding is inadequate leading to inefficiencies and fractured systems. More electronic filing and uses of other technology are on the rise.

Appendix C—Focus Groups Participants

The Honorable Jennifer Bailey
Ms. Lisa Bell
The Honorable Robert Bennett
Ms. Dee Beranek
The Honorable Alice Blackwell-White
Ms. Chris Blakeslee
Ms. Laura Boeckman
Mr. Mike Bridenback
Ms. Sharon Buckingham
Ms. Sharon Caserta
Dr. Maureen Conner
Mr. Jesse Diner
Ms. Karen Doering
Ms. Dana Dowling
The Honorable Joseph P. Farina
The Honorable Janet E. Ferris
Dr. Gregory Firestone
Mr. Tom Genung
Mr. Gerard Glynn
Ms. Elisabeth H. Goodner
Mr. Tom Hall
The Honorable Major Harding
Mr. Jack Harkness
Ms. Debbie Howells
Mr. Steve Howells
Ms. Charlotte Jerrett
Ms. Brenda Johnson
The Honorable Robert Jones
The Honorable T. Michael Jones
Mr. James Kracht

The Honorable Judith Kreeger
The Honorable Kathleen Kroll
Mr. Dale Landry
Ms. Susan Leseman
Ms. Muslima Lewis
Ms. Cheryl Little
Ms. Carolina Lombardi
Mr. Tom Long
The Honorable Bernie McCabe
Mr. Ted McFetridge
Mr. Seth Miller
Mr. Barnaby Min
Ms. Sandy Neidert
Mr. Chris Noel
The Honorable Steven Northcutt
The Honorable Philip Padovano
Ms. Rose Patterson
The Honorable Nancy Perez
The Honorable Belvin Perry
Mr. Gary Phillips
Ms. Sharon Press
Ms. Marlene Quintana
The Honorable Debra Roberts
Ms. Laura Rush
Mr. William Simonitsch
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The updating and printing of the Long-Range Plan was funded in-part through grants awarded by the Florida Bar Foundation and the State Justice Institute.

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