

Executive Summary

Each of the last two years the courts of Florida have disposed of more than 4.5 million cases, ranging from simple traffic citations to serious criminal cases and complex civil disputes with multiple parties. The management of such large caseloads and the administration of the resources and personnel necessary to manage the court system is a tremendous undertaking. Declining fiscal and staff resources also add to the daunting workload and challenges of the court system. And yet, the Florida Judicial Branch continues to make progressive strides in the high priorities defined in its long-range strategic plan.

The Long-Range Strategic Plan for the Florida Judicial Branch 2009-2015 sets out five major long-range issues as well as related goals and strategies to articulate a comprehensive plan of action to guide the judicial branch in advancing its mission and vision. The plan charts the course for the judicial branch including the supreme court, five district courts of appeal, 20 circuit courts, 67 county courts, and the Office of the State Courts Administrator.

The five long-range issues are:

1. Strengthening Governance and Independence
2. Improving the Administration of Justice
3. Supporting Competence and Quality
4. Enhancing Court Access and Services
5. Enhancing Public Trust and Confidence

The current Progress Report – January 2012 is a mid-cycle description and summary of the milestones and achievements toward meeting existing challenges and the strategic goals of the judicial branch.

Issue 1 – Strengthening Governance and Independence

Leading and Governing the Judicial Branch

The Florida Supreme Court is the highest court in Florida, and its chief justice is the chief administrative officer of the entire State Courts System. Currently, the Florida Supreme Court has a total staff of 97, including the seven justices, and utilizes only two percent (2%) of the entire State Court System's budget. Each justice has a small staff consisting of a judicial assistant and three staff attorneys. In addition to the justices and their staffs, the supreme court also oversees the following functions that contribute to the court's work as a court, or to the State Courts System and its diverse services: Central Staff, the Law Library, Marshal's Office, Office of the Clerk, Office of the Inspector General, Office of Public Information, and the Office of the State Courts Administrator (OSCA). (Note: OSCA is not included in the staffing or budget figures shown above.)

The OSCA was created to serve the supreme court and chief justice in carrying out responsibilities as the chief administrative officer of the judicial branch. Functions include a broad scope of budgetary, intergovernmental, fiscal, statistical, technological, educational, and legal responsibilities relating to the operations of the state courts. Additionally, the OSCA provides professional and administrative support to a broad range of councils, commissions, committees, and work groups appointed by the supreme court. The OSCA budget represents only five percent (5%) of the total State Courts System budget, with 171.5 FTE positions or four percent (4%) of the total of State Courts System employees. The Florida Judicial Branch has shown it is an innovator in the deployment of human and financial resources to manage workload in cost-effective and productive ways. The branch operates on less than one percent of the overall state budget, a much lower percentage of the overall state budget compared to similar states with diverse populations and large workloads.

To further strengthen and modernize the judicial branch's governance structure, the chief justice appointed a Judicial Branch Governance Study Group in 2009. The Governance Study Group performed extensive research and on January 31, 2011, presented its final recommendations to the supreme court which emphasized: 1) desire for the judicial branch to be more proactive rather than reactive; 2) consistent and strong leadership; 3) better communication at all levels throughout the branch. The recommendations of the Governance Study Group are currently under review and consideration by the supreme court.

Upholding Independence and Promoting Collaboration

The Florida Judicial Branch maintains open and transparent communication with both the executive and legislative branches on issues affecting the justice system. Florida's courts continuously operate from the premise that a legislative enactment is presumed to be constitutional. The courts clearly understand the duty to defer to the legislature in the realm of policy making. Florida's commitment to appropriate checks and balances among the branches ensures the proper role of the courts as the co-equal third branch of government.

There are numerous illustrations of collaboration between the judicial branch, executive branch agencies, and other governmental entities concerning budget, technology, education, court operations, children and families, and more. Several examples are:

- The Florida Judicial Branch is recognized by the National Center for State Courts as a flagship model of emergency preparedness and inter-governmental cooperation to ensure that crises are dealt with in a way that protects the health and safety of everyone in court facilities and keeps the courts open to ensure justice for all people.
- In 2011, the legislature authorized the judicial branch and the clerks of court to work together to determine suitable, less volatile revenue streams for the court system's and the clerks' trust funds. The clerks and courts have completed their work on the project and a report has been issued that provides recommendations about steps the legislature can take to stabilize court and clerk funding.

- Initiatives such as e-filing, the Trial Court Integrated Management System, the Florida Dependency Court Information System, the Drug Court Initiative, and others all require close cooperation with judicial partners and stakeholders to create effective solutions.

Issue 2 – Improving the Administration of Justice

Demonstrating Efficiency in Florida’s Court System

Supreme Court - The jurisdiction of the supreme court is set out in the Constitution with some degree of flexibility by which the Legislature may add or take away certain categories of cases. Operating within this jurisdiction has produced a fairly steady workload. The number of cases filed in Florida’s Supreme Court has averaged nearly 2,500 for each of the last five years. The workload of a court can perhaps best be assessed in terms of the number of cases that are pending at the court.

- From 2005 to 2010, there has been more than a 20% decline in the number of pending supreme court cases and more than a 20% decrease in the average age of pending supreme court cases.

Resources needed to process appeal cases vary depending on the type of case; however, the supreme court continues to address those challenges associated with rendering timely decisions.

- In 2010, over 80 percent of supreme court cases were disposed within 180 days and over 90 percent of cases were disposed within 365 days.

Clearance rates are the ratio between the number of cases filed and the number of cases decided in a given period. A rate under 100 percent means that not all cases were disposed during the year they were filed and a rate over 100 percent means that some cases carried forward from prior years were decided.

- In death penalty cases specifically, the supreme court’s clearance rate has improved from 72% in 2005 to 141% in 2010, and has remained over 100% from 2006 through 2010.

District Courts of Appeal - The bulk of trial court decisions that are appealed are never heard by the supreme court. Rather, they are reviewed by three-judge panels of the district courts of appeal. The ability of courts to provide justice and to protect the time and resources of litigants and justice system partners can be severely tested when dockets are full and judicial time is stretched thin.

- In fiscal year 2010-11, total district court of appeal case filings were 26,053, and total case filings per judge were just over 427.

Despite increases in total case filings and total case filings per judge, the timeliness of cases disposed remained relatively constant.

- Florida's five district courts of appeal continue to dispose of nearly all appeals and petitions within 180 days of oral argument, and for fiscal year 2010-11 recorded an overall clearance rate of 100.2%.

The Commission on District Court of Appeal Performance and Accountability, working with the District Court of Appeal clerks and Office of the State Courts Administrator staff, established a mechanism for generating reports that disclose the standard amount of time spent on a particular stage of a case. These reports enable DCA judges and personnel to see how efficiently they are processing dependency and termination of parental rights cases. In order to minimize the harmful effects on children involved in dependency and termination of parental rights cases, the DCAs strive to resolve these cases as quickly as possible.

- In fiscal year 2007-08 the number of all cases resolved within 195 days, from final judgment of the trial court to disposition by the appellate court, was 44 percent. In the second quarter of fiscal year 2010-11, that number rose to nearly 68 percent.

Trial Courts – Florida continues to suffer from the economic decline being experienced throughout the nation. The judicial branch has been grappling with the effects of these economic forces on its daily operations. Since fiscal year 2007-08, Florida's courts have faced reduced budgets, diminished resources, staff layoffs, salary reductions, hiring freezes, and travel restrictions. Additionally, mortgage foreclosures cases have also strained Florida's judicial system, reaching their peak in fiscal year 2008-09 when there were 34,000 mortgage foreclosure filings per month, resulting in a backlog now estimated at over 300,000 cases. With the exception of foreclosure cases, the trial courts have kept pace with filings and successfully managed the judicial workload while minimizing case backlog and court delay.

- Filings have been at or above four million for the last four years and dispositions for that same period have steadily climbed.
- The clearance rate for county and circuit courts for 2009-10 was nearly 110 percent, the first time the clearance rate has been above 100 percent in the last ten years.

Accountability to Florida's Citizens

The need for additional judgeships remains high due to an absence of funding for previously certified judgeships and overall increases in caseloads. While Florida's courts continue to focus on fiscal accountability and resource optimization, institutional capacity of the courts will continue to be tested.

- Based on 2009 comparative data from the National Center for State Courts published in 2011, Florida ranked 4th in the total number of incoming non-traffic cases per judge, and 1st among states with large populations.
- Nationally, the median number of annual incoming non-traffic cases per judge in general jurisdiction courts is 1,791, while in Florida it is 2,986.

Additional efforts are being made by Florida's courts to further address accountability and resource management.

- The Commission on Trial Court Performance and Accountability has been responsible for proposing policies and procedures on issues connected with the efficient and effective operation of Florida's trial courts.
- Alternative dispute resolution standards were approved by the supreme court in May 2009.
- In January 2010, court reporting services standards of operation and best practices were approved by the supreme court.
- The supreme court adopted changes to the standard civil jury instructions in March 2010 which include plain language modifications and other changes that will create a more effective and meaningful jury experience.

Harnessing the Power of Court Technology Tools

Technology continues to play a pivotal role in the judicial branch and several technology initiatives will further enhance court capabilities.

- The court system's Trial Court Integrated Management Solution (TIMS), promises to be a comprehensive solution to address the need for statewide access to information. TIMS will provide business requirements and an implementation plan for automating case processing—which will include case intake, document management, case management/tracking, case scheduling, court proceedings, resource management, and performance measurement. In late 2010 and early 2011, site visits were completed to explore local system capabilities, a detailed project plan was developed, workgroups were established by case type, and foundational work on the Probate case type commenced.
- Florida's appellate courts also continue working to develop software applications that will enable the seamless integration of e-filing with other automated court processes like case and workflow management. In May 2010, the Appellate Courts Technology

Committee voted to approve two pilot projects designed to facilitate this migration, and both have been making considerable progress.

- The Judicial Inquiry System (JIS) now performs an automated query on defendants the night before they appear on the docket to provide a complete criminal history. The capability is currently available in three counties with expansion to additional counties planned.
- Through a web-based application, the Florida Dependency Court Information System (FDCIS) will provide judges and court personnel with access to dependency-relevant data from various information systems within several executive branch agencies and is in test use in several locations throughout the state.
- The court system has proceeded deliberately to facilitate the electronic delivery of court records and supporting documents from lawyers and litigants to the clerks of court. Now, after years in development, an e-filing statewide portal that will achieve these goals is ready for expanded use. In January 2011, the portal went “live,” and over the next few years, statewide e-filing will grow incrementally. With e-filing: the public and the legal community will have easy and convenient access to the courts; clerks won’t have to spend time scanning, processing, copying, and searching for paper documents; and judges and court employees will be able to retrieve case-related documents more readily.

Issue 3 – Supporting Competence and Quality

Florida’s Court System Creates, Supports, and Delivers Educational Programs

Meeting the demands of justice in the twenty-first century requires that judicial officers and court staff have the knowledge, skills, and abilities to administer the justice system fairly, effectively, and in ways that foster trust and confidence. In order to ensure well-designed educational offerings and well-trained faculty and presenters, the Florida Court Education Council and the Court Education section conducted a total of six planning meetings and five faculty training and enrichment programs during fiscal years 2009-10 and 2010-11.

- Also during fiscal years 2009-10 and 2010-11, more than two dozen judicial educational events were held and more than 1,000 new and experienced trial court and appellate judges participated.
- Despite the fact that one statewide conference and several regional training events were cancelled due to the budget crisis in 2010-11, there were more than 50 educational events during fiscal years 2009-2010 and 2010-2011 for court staff and justice partner organizations with over 5,000 participants.

OSCA receives and administers federal grant funds in the areas of court improvement/dependency, juvenile delinquency and drug courts, and domestic violence, as well as some funding from several foundations. This non-state, supplemental funding affords access to national training and development opportunities that would not otherwise be available.

- During fiscal years 2009-2010 and 2010-2011, 214 judges and court staff were able to attend training events with nationally known experts.

Numerous distance learning events and methodologies were developed and utilized in fiscal years 2009-10 and 2010-11 to support the education and training of court personnel and to supplement live, in-person training for judges and judicial officers.

- During fiscal years 2009-10 and 2010-11, a total of 47 distance learning events were held for judges and court staff reaching an estimated 3,000 participants.

Publications are among the most utilized of the judiciary's self-learning resources. These resources allow judges and court staff to access and use these stores of information at the time they are needed.

- During fiscal years 2009-10 and 2010-11, a total of nine bench guides were developed or revised on various topics.
- Other self learning resources developed and made available online from 2009-2011 include: the Court Education section online library, with a compendium of various publications and resources; interactive, web-based educational programs; and the online Introduction to the Florida Courts System.

Issue 4 – Enhancing Court Access and Services

Public Access to the Courts is a Cornerstone of Our Justice System

Litigants may face a variety of obstacles in seeking access to the courts, including procedural barriers, the cost of litigation, physical obstacles, language and communication barriers, and cultural and attitudinal biases. The judicial branch has worked to identify and ameliorate the various barriers that exist preventing meaningful access to the courts. These actions include providing assistance and information to self-represented litigants, promoting architectural and electronic access for people with disabilities, and working to increase the pool of qualified court interpreters.

- OSCA's Office of Court Improvement (OCI) has developed, updated, and distributed a series of videos, publications, and other materials to be used by individuals involved in family law cases; including a guide to help young children prepare meaningfully for dependency court and a video explaining dependency court for older children. In

addition, OCI developed an online platform to allow participants in the domestic violence injunction process to complete pertinent forms online.

- In response to a 2010 Florida Supreme Court rule amendment, each court has reviewed and updated ADA notice language that is included on notices of hearing, jury summonses, and other forms. In addition, courts have posted on their website and in each courthouse the procedures for requesting an accommodation and grievance procedures for informally resolving complaints.
- Florida's courts also increasingly provide access to court information and services through their websites and other electronic means, which must be accessible to individuals with disabilities. Florida courts have been using Section 508 Standards, developed by the US Access Board, to ensure compliance with the ADA. OSCA staff offer live training as well as distance learning opportunities on ADA/508 standards for electronic information and making complex documents accessible.
- Meaningful access to the courts should be available for all people, regardless of their ability to communicate effectively in the English language. Through the OSCA, the Court Interpreter Certification Board is responsible for certifying, regulating, and disciplining court-appointed foreign language court interpreters, as well as suspending and revoking certification. As of August 2011, a total of 155 court interpreters have been certified. Given the limited number of court interpreters, the substantial need for court interpreting services, the fiscal limitations of the court system's budget, two judicial circuits have explored remote interpreting services as an alternative to traditional face-to-face court interpretation with great success.

Florida's Courts Are Committed to Providing Consistent Levels of High Quality, Appropriate Services to Court Users

Despite on-going fiscal restraints, the State Court System continues its efforts to address the needs of court users through various initiatives and programs designed to provide information, assistance, resources, and services to litigants.

Mediation and other alternative dispute resolution methods open communication and facilitate problem-solving between parties, conserving judicial time and court resources. The OSCA's Dispute Resolution Center (DRC) certifies mediators and mediation training programs.

- Currently, there are court-based mediation programs serving each of the twenty judicial circuits in the state and over 6,200 private certified mediators in Florida.
- The DRC conducted a statewide conference in August 2011 with approximately 850 attendees.

- DRC staff conducted continuing mediator education programs on mediator ethics, domestic violence and cultural diversity in fiscal years 2009-10 and 2010-11 for over 130 certified mediators.

Some of the most difficult and private family matters – including separation and divorce, child support, child neglect, delinquency, dependency, family violence, substance abuse, and mental illness - often end up being addressed in the courts. Reconstituted by Chief Justice Canady in 2010 and chaired by Justice Pariente, the Steering Committee on Families and Children in the Court (FCC) is addressing issues related to Unified Family Courts (UFC) implementation, as well as addressing rule and statutory issues, identifying and defining elements necessary for effective family court case management, and liaising with the multi-disciplinary Dependency Court Improvement Panel. Supported by and working in conjunction with OSCA's Office of Court Improvement (OCI) staff, the Steering Committee has played an important role in the development of various resources and opportunities for family court improvement.

- OCI, in both fiscal years 2009-10 and 2010-11, conducted five regional judicial forums throughout the state on issues in dependency court.
- In January 2011, the Dependency Court Improvement Panel sponsored a three day conference, bringing together court-based and community-based individuals and organizations committed to implementing a model dependency court in their circuits.

First implemented in Miami-Dade County in 1989, drug courts have since expanded throughout Florida as well as across the United States and other countries.

- Based on available data, drug court treatment and services are estimated to cost approximately \$30 less per day per person than incarceration in a Florida prison, an annual savings of nearly \$11,000 per individual. Thus, the diversion of non-violent felony offenders from prison to successful treatment and diversion programs offers the potential to save millions of dollars each year.
- Supported by federal stimulus funding appropriated to the court system by the legislature in 2009, Florida has undertaken the expansion of adult post-adjudicatory drug court programs in eight counties across the state.

Since 2006, the court system has recognized that the arrest and incarceration of those with serious mental illnesses has wasted critical tax dollars and put recovery out of reach for countless Floridians. In 2010, Chief Justice Canady issued an administrative order creating the Task Force on Substance Abuse and Mental Health Issues. The Task Force was directed to: 1) continue to promote the recommendations contained in the *Transforming Florida's Mental Health System* 2007 report; 2) propose a strategy to address unresolved matters from the reports on the Task Force of Treatment-Based Drug Courts; 3) provide guidance to the OSCA as it resolves implementation issues related to the drug court expansion project; and 4) consider

how Florida's courts may more effectively serve veterans with mental illnesses and substance abuse issues who become involved in the criminal justice system.

Florida's Courts Work to Ensure That All People will be Treated Fairly and with Dignity When They Appear in Court

Today's judicial system is confronted by rapid and profound social, economic, demographic, and technological changes. The court system faces tremendous obstacles in light of these sweeping new challenges and pressures as it strives to meet its mandate to provide justice. Justice requires that the court system be open and accessible to all; respect the dignity of every person; and, respond to the needs of all members of society.

Established in 2004 by then-Chief Justice Barbara Pariente, the Standing Committee on Fairness and Diversity was created for the purpose of advancing the State Courts System's efforts to eliminate from court operations inappropriate bias based on race, gender, ethnicity, age, disability, or socioeconomic status. During fiscal years 2009-10 and 2010-11, the Standing Committee completed a number of tasks outlined in the administrative orders including a survey distributed throughout the court system to identify court projects and activities that educate the public about the court system and foster court community relationships.

- The committee has liaised with several law schools to develop linkages and collaborations between the diversity work of law schools and the Standing Committee, and has been actively involved in making presentations and disseminating materials at various law schools, and law student organizations, and Bar groups.
- Another committee initiative has been to collaborate with the Florida Court Education Council (FCEC) to identify and recommend resources for implementing permanent fairness and diversity training for judges and court staff at the state and local level.
- The committee estimates that by the end of fiscal 2009-10, approximately 90 percent of judges, general magistrates, and hearing officers and 66 percent of court staff had attended a day-long diversity training program.

Issue 5 – Enhancing Public Trust and Confidence

Utilizing Resources Competently in Challenging Economic Environment

The Florida Judicial Branch utilizes its resources effectively even though it is not adequately funded. The total dollar amount (\$436 million) allocated for the Florida Judicial Branch for fiscal year 2011-12 is a mere 0.7% of the overall state budget (over \$69 billion), with most resources being spent at the trial court level (almost 84% of the entire budget). The State Courts System has a total of 4,119 positions; at 3,429 positions, the majority of employees work in the trial courts (circuit and county).

In 1998, a major court reform, referred to as Revision 7 to Article V, was approved as an amendment to the Florida Constitution. Revision 7 requires a fundamental uniform funding system through state appropriation for both the appellate and trial courts of Florida. Based on the current legislative funding framework, 66% of the State Courts Revenue Trust Fund revenue continues to come from mortgage foreclosure filings. These filings have fallen from a high of over 30,000/month (in 2008/09) to under 9,000/month (beginning in October 2010), causing dire cash flow problems. The legislature authorized the judicial branch and the clerks of court to work together to determine suitable, less volatile revenue streams for the court system's and the clerks' trust funds. The clerks and courts have completed their work on the project and a report was issued November 2011 that provides recommendations about steps the legislature can take to stabilize court and clerk funding.

Since 1999, the supreme court has used a weighted caseload system to evaluate the need for new trial court judgeships. The need for additional judgeships remains high for two reasons: an absence of funding for previously certified judgeships and overall increases in caseloads. In February 2011, the Florida Supreme Court certified the need for 26 additional circuit judges and 54 additional county court judges. However, the Florida Legislature did not approve funding for any new judgeships.

Taking Action to Deepen Public Trust and Confidence

DNA testing has confirmed that despite the safeguards built into our criminal justice system, there still exists the possibility that individuals can be convicted of crimes they did not commit. The Florida Innocence Commission, established in 2010, is charged with conducting a comprehensive study of the causes of wrongful conviction and of measures to prevent such convictions. To help address the issue of wrongful conviction, the Florida Department of Law Enforcement, Florida Police Chiefs Association, and Florida Sheriffs Association, in collaboration with the Florida Prosecuting Attorneys Association, adopted standards related to eyewitness identification. A final report and recommendations will be presented to the supreme court in 2012.

The annual Justice Teaching Institute, first offered in 1997, offers 20-25 secondary school teachers from across Florida a chance to explore the inner workings of the judicial branch. The Institute is hosted by the supreme court, subsidized by The Florida Bar Foundation, and coordinated by the Florida Law Related Education Association. In addition to the various supreme-court based education and outreach programs, every circuit and appellate court in Florida continuously spearheads a host of projects and activities that educate the public about the court system and energize court-community relationships.

In an order dated February 3, 1976, the Florida Supreme Court formally recognized the Committee on Standards of Conduct Governing Judges currently known as the Judicial Ethics Advisory Committee (JEAC). The committee issues advisory opinions addressing judicial questions about each of the canons in the Code of Judicial Conduct. In fiscal year 2009-10, JEAC issued 28 opinions, and in fiscal year 2010-11, it issued 25 opinions. The JEAC is also actively involved in Judicial Campaign Conduct Forums. These 90-minute forums provide instruction to judicial candidates about the requirements of Canon 7 of the Code of Judicial Conduct, which governs political conduct by judges and judicial candidates. In May

2010, the Judicial Ethics Advisory Committee (JEAC) presented campaign conduct forums in all 20 circuits and several forums are planned for Spring 2012.