

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.

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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.

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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.