Issue 1 – Strengthening Governance and Independence

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

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

Leading and Governing the Judicial Branch

Court System Embraces Progressive Governance Improvements

Effective governance is the foundation of a highly functioning system. Ultimately, the application of good governance serves to realize organizational and societal goals. To further strengthen and modernize the judicial branch's governance structure, the chief justice appointed a Judicial Branch Governance Study Group in 2009. The Florida Judicial Branch is one of a few state court systems to undertake such a progressive internal assessment. The Study Group was charged with: 1) performing an in-depth examination of the structure and functions of the present governance system; 2) completing an assessment of the current governance system's efficacy and efficiency; 3) making recommendations of actions or activities that would advance improvement in the governance of the judicial branch; and 4) making recommendations of any changes to the present governance system that would improve effective and efficient management.

The Governance Study Group performed extensive research, outreach, and review with a focus on policy-making, budgeting, rulemaking, leadership, decision-making, planning, and intergovernmental relations. For comparison, the governance structures of eleven other states were also studied. On January 31, 2011, the Judicial Branch Governance Study Group presented its final recommendations to the supreme court to enhance progress, alignment, coherence, and functioning. If adopted, the recommendations enable the system to be more nimble in achieving its vision of being accessible, fair, effective, responsive, and accountable. The recommendations also support a unified systems

The Study Group's recommendations focused on nine major governance issues:

- 1.The Supreme Court and Chief Justice
- 2. The Judicial Management Council
- 3.Chief Judges
- 4. Amending Rules of Court
- 5.Office of the State Courts Administrator
- 6. Chartering of the Conferences
- 7. Standing Legislative Committee
- 8. District Court of Appeals Budget Commission
- 9. Enhanced Communication

approach so the court system can anticipate and deal with current and emergent challenges, and improve functioning at a variety of levels.

Three areas were significantly 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.

The Florida Supreme Court: Providing Adjudicatory and Administrative Leadership

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 7 justices. Considering the wide scope of responsibilities, both adjudicatory and administrative, the Florida Supreme Court operates effectively with nominal staffing. The court utilizes 2% of the entire State Court System's budget. Each justice has a small staff consisting of a judicial assistant and three staff attorneys. The 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 provides analysis of issues raised in original proceedings and certain
 motions; assists with attorney discipline, bar admission, standard jury instructions, and
 rule amendment cases; and performs other duties as determined by the chief justice or
 the court as a whole.
- Law Library provides legal research assistance to the supreme court justices and their staff and provides a computerized cataloging system which is accessible to the public via the court's website.
- Marshal's Office custodian of the Supreme Court Building, its furnishings, and grounds; responsible for the court's security, overall operational budget, purchasing, and contracting.
- Office of the Clerk receives all documents and other papers filed with the court, and is also responsible for maintaining all case files and tracking the progress of all cases through the supreme court.
- Office of Inspector General initiates, conducts, and coordinates investigations
 designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement,
 misconduct and other abuses in the State Courts System; advises in the development of
 performance measures, standards, and procedures for the evaluation of programs;
 reviews actions taken to improve program performance and meet program standards;
 performs audits, investigations, and management reviews relating to programs and
 operations; recommends corrective actions; reviews the progress made in implementing
 corrective action; and related duties.

- Office of Public Information coordinates court communications with news media and the public at large; assists all the justices in their public communications and public activities as required; supervises the court's website; coordinates the broadcast of court arguments; and coordinates public events as required by the chief justice.
- Office of the State Courts Administrator (in-depth information is provided in the following section)

Office of the State Courts Administrator: Providing Essential and Pivotal Court Support

The Office of the State Courts Administrator (OSCA) was created to serve the supreme court and chief justice in carrying out responsibilities as the chief administrative officer of the judicial branch. OSCA's purpose is to provide professional court management and administration of the state's judicial system – in support of the adjudicatory functions necessary for the operation of the judicial branch, which includes the Supreme Court of Florida (7 justices), the five district courts of appeal (61 judges), the 20 circuit courts (599 judges), and the 67 county courts (322 judges). Functions include a broad scope of budgetary, intergovernmental, fiscal, statistical, technological, educational, programmatic, and legal responsibilities relating to the operations of the state courts.

However, the OSCA budget only represents 5% of the total State Courts System budget, a remarkably low percentage for an executive and administrative support function for the entire third branch of government. OSCA currently has 171.5 FTE positions or 4% of the total of State Courts System employees. The OSCA provides statewide administrative and policy support for over 4,000 State Courts System employees including the various levels of the judiciary.

The State Courts Administrator's extensive responsibilities set out in rule include:

- Supervise the administrative office of the Florida courts
- Employ personnel necessary to aid in the administration of the State Courts System
- Represent the State Courts System before the legislature and other governmental bodies
- Supervise the preparation and submission of a proposed budget
- Appear before the legislature in support of the budget
- Assist in the preparation of education and training materials
- Assist in the conduct of educational and training sessions
- Assist in the development and make recommendations to improve the State Courts System
- Collect and compile uniform financial and statistical data or information

State level administrative staff contribute to a cohesive justice system that functions together collectively in the best interests of all. Through the development and implementation of statewide standards, policies, and guidelines, the OSCA helps ensure a consistent and uniform

court system. Through centralized staff support of administrative activities, the OSCA helps improve efficiencies and avoid duplication of effort.

Additionally, the OSCA provides professional and administrative support to a broad range of councils, commissions, steering committees, and work group/task forces appointed by the supreme court. These groups are the mechanism established by the supreme court for developing consensus on appropriate judicial branch policies affecting the administration of justice. Given the complexity of judicial branch issues, the numbers of these groups and their support needs continue to increase. These events have had considerable impact on OSCA and its limited resources.

Since its inception, the functions and responsibilities of OSCA have grown exponentially with minimal increases in staffing. The State Courts Administrator and Deputy State Courts Administrator provide executive leadership with a large span of control and oversight. Functions include:

- Administrative and Budget Services
- Community and Intergovernmental Relations
- Court Education
- Court Improvement
- Court Services
- Dispute Resolution Center
- Finance and Accounting
- General Counsel
- General Services
- Information Systems Services
- Personnel
- Publications
- Strategic Planning

The Office of the State Courts Administrator has been nationally recognized for innovation and managerial excellence in providing effective governance for the judicial branch. OSCA demonstrates leadership in helping the court system to speak with one voice. The mission of the branch is advanced through OSCA's strong commitment to transparency and accountability, open communication, and constructive institutional relationships.

National awards to OSCA staff or initiatives supported by the OSCA:

- National Center for State Courts Distinguished Service Award
- National Association for Court Management Award of Merit
- Justice Management Institute Award for Excellence
- National Association of Drug Court Professionals Partnership Award
- International Institute for Conflict Prevention and Resolution Special Award for Excellence in Dispute Resolution
- American Bar Association National Conference of Special Court Judges: Education Award
- Justice Served: Selected as one of the nation's top 10 court web sites
- Reporting Excellence Award: Improved Statistical Reporting of Appellate Caseloads Consistent with the State Court Guide to Statistical Reporting

Upholding Independence and Promoting Collaboration

Preserving Separation of Powers: A Fair and Impartial Judiciary

The Florida Judicial Branch maintains open and transparent communication with both the executive and legislative branches on issues affecting the justice system. This commitment to appropriate checks and balances among the branches ensures the proper role of the courts as the co-equal third branch of government in protecting rights and upholding the Constitution. When looking only at discretionary cases that state supreme courts accept, Florida ranks 3rd lowest among 44 courts with available data drawn from the National Center on State Courts. In 2010, out of 983 discretionary review cases filed in the supreme court, only 86 cases were granted review, less than nine percent. Additionally, Florida's courts continuously operate from the premise that a legislative enactment is presumed to be constitutional. Florida's appellate courts begin each constitutional challenge to legislative action by attempting to resolve the question on a non-constitutional basis. The courts clearly understand the duty to defer to the legislature in the realm of policy making. However, if a statute directly conflicts with a provision of the Florida Constitution, the courts are required to uphold the Constitution.

Florida Courts a National Model in Emergency Preparedness

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. For example, a publication entitled *Pandemic Staffing Guide* specifies both staffing and administrative actions to be taken in the event of a pandemic event. The Florida Court Emergency Management Group (CEMG) recommends, develops, distributes, and implements policy directives from the Court as may be needed to deal with changes to normal operations of the State Courts necessitated by natural or manmade disasters. The CEMG remains active monitoring storm systems and tracking other disasters that may necessitate action by the court system. The State Court Administrator and the Marshal of the Supreme Court currently co-chair the Court Emergency Management Group. In addition, several Continuity of Operations Plan (COOP) templates are posted on the OSCA website for use in local court jurisdictions.

Broad collaboration with other governmental entities concerning emergency preparedness has long been established, and is ongoing through communication and simulations. This ensures that emergency assessments and responses to threats are accomplished through support and cooperation of agencies in the executive branch, and with local agencies and constitutional officers. The key to successful planning is the continued establishment of means to foster coordination of resources, and the establishment of communications links that will support immediate responses to threats and emergencies.

Courts and Clerks Work Together to Address Justice Funding Crisis

Recurrent cash flow problems hinder court efficiency and can potentially disrupt day-to-day court operations. Judicial branch leaders and lawmakers agree that the funding crisis must be resolved. All concur that the court budget cannot continue to be balanced on the back of the foreclosure crisis and that a more diversified and resilient funding stream formula is necessary. Toward that end, 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.

Promoting Collaboration

Examples of broad collaboration with executive branch agencies and other governmental entities concerning budget, technology, education, court operations, children and families, and more, are detailed throughout this report. 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.

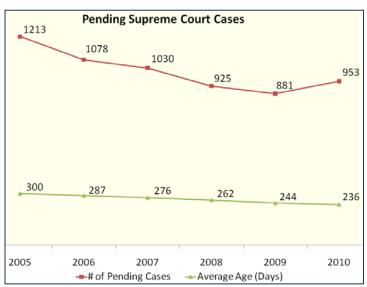
Issue 2 - Improving the Administration of Justice

- Goal 2.1: Cases will be processed effectively, efficiently, and in a timely manner.
- Goal 2.2: The State Courts System will utilize public resources effectively, efficiently, and in an accountable manner.
- Goal 2.3: The State Courts will have a statewide information technology system adequate to support effective and efficient case management and management of caseloads and court resources.
- 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.

Demonstrating Efficiency in Florida's Court System

Average Age of Supreme Court Cases Continues Downward Trend

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. Pending caseloads are typically examined in relation to the age of pending cases. A large pending caseload with increasing



Source: Florida Supreme Court

ages of cases indicates an emerging backlog; a large pending caseload with steady or decreasing aging indicates the court is busy and efficiently addressing the increased volume. The chart presents the numbers of pending cases and the average age in days at the supreme court calculated December 31st of each year. There is more than a 20% decline in the number of pending cases and more than a 20% decrease in the average age of pending cases from 2005 to 2010.