

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.
- Goal 5.2: The public will better understand the purpose and role of the judicial branch.
- Goal 5.3: The courts will be fair, impartial, and free from bias, political pressures, and special interests.

Utilizing Resources Competently in Challenging Economic Environment

Insufficient Resources Undermine the Functioning of the Court System

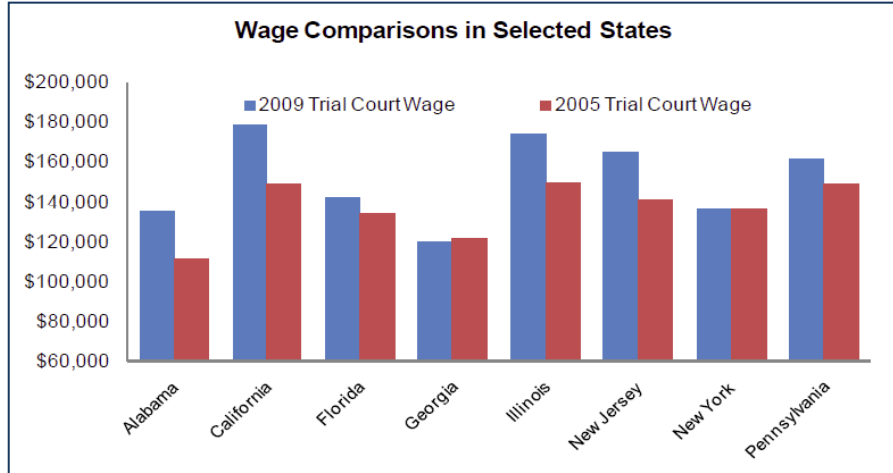
In 1998, a major court reform, referred to as Revision 7 to Article V, was approved as an amendment to the Florida Constitution by Florida voters. Revision 7 requires a fundamental uniform funding system through state appropriation for both the appellate and trial courts of Florida. Revision 7 was designed to relieve local governments of the increasing costs of subsidizing the trial courts and to ensure equity in court funding for each county—thereby providing all Floridians with access to the same essential trial court services, regardless of where in the state they reside. However, along with Revision 7 came a massive expansion of functions, duties, and responsibilities for the court system.

In 2009, the legislature increased foreclosure filing fees and directed them into a trust fund to pay for most of the court system's expenses. 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. Though this decrease in foreclosure filings is considered to be temporary, recurrent cash flow problems hinder court efficiency and would significantly disrupt day-to-day court operations if funds were not available to meet payroll and billing obligations. Keeping the courts open is critical to everyone in the state. Accordingly, 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.

Despite some fluctuations in Florida's population estimates, the state is still on track to become the third most populous state in 2015. Most Floridians will interact with a court in some direct way during their lifetime. Increasingly, citizens and businesses turn to the courts resulting in more filings and heavy workloads throughout the system. Previous cuts in court funding and positions (many were valuable support positions), and inadequate resources leave the courts struggling to dispense justice.

Study Finds Comparatively Low Compensation for Florida Trial Judges

A recent study (January, 2011) sponsored by the Florida Chamber Foundation and performed by the Washington Economics Group, Inc. examined trial court judicial salaries in the state of Florida by developing a 50-state quantitative model. The sophisticated model analyzed the



Source: Florida Chamber Foundation, A Comprehensive Analysis of Judicial Compensation, Recruitment, and Retention Practices in the State of Florida, January 2011.

salaries of Florida’s trial judges compared with other states. The study concluded that the annual wages of Florida’s trial judges are lower by nearly \$16,000 than the 50-state model would predict. The following comparison states were selected in order to provide context for Florida trial judge wage levels: Alabama, California, Georgia,

Illinois, New Jersey, New York, and Pennsylvania. These comparable states were selected based upon the states’ size, geography, and judicial systems.

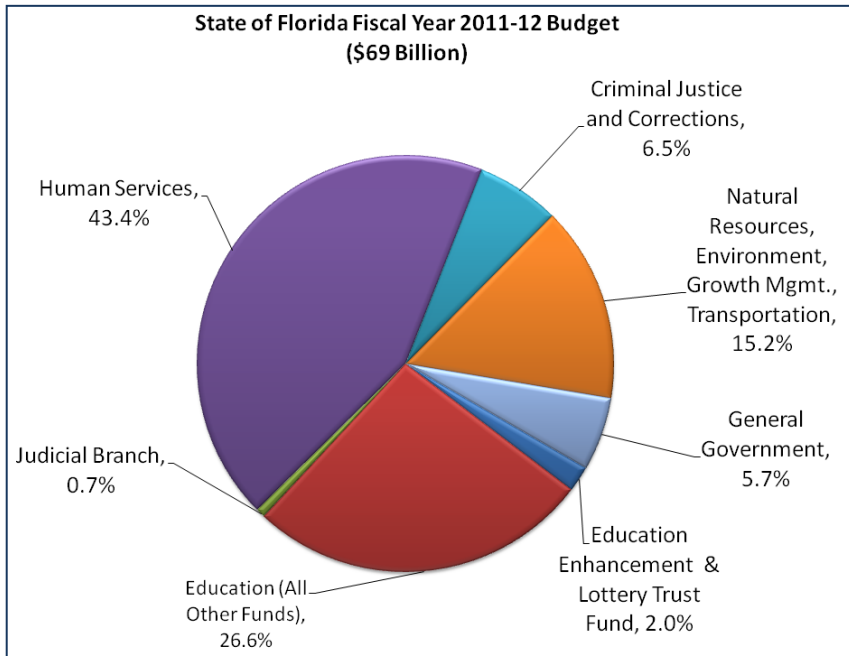
Need for New Judges Remains Unfunded: Courts Still Operating at 2007 Staffing Levels

Since 1999, the supreme court has used a weighted caseload system to evaluate the need for new trial court judgeships. The weighted caseload system analyzes Florida’s trial court caseload statistics according to complexity. Cases that are typically complex, such as capital murder cases, receive a higher weight, while cases that are generally less complex, such as civil traffic cases, receive a lower weight. These weights are then applied to case filing statistics to determine the need for additional judgeships. The need for additional judgeships remains high for two reasons: an absence of funding for previously certified judgeships and overall increases in caseloads. If judicial workload continues to exceed capacity and the judicial need deficit is not addressed, likely consequences may be case processing delays, less time devoted to individual cases, and potentially diminished access to the courts. 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.

Trial Court Judicial Certifications			
Year	Requested	Certified	Authorized
2006	67	64	20
2007	39	35	0
2008	90	61	0
2009	113	68	0
2010	94	90	0
2011	95	80	0

Source: Office of the State Courts Administrator, Florida State Courts Annual Report 2010-2011.

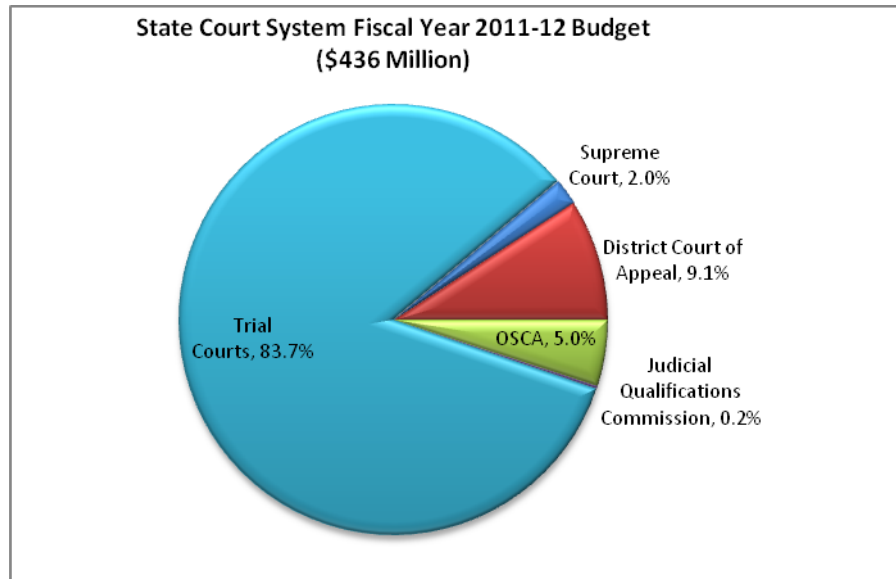
Judicial Branch Uses Limited Funding Prudently to Maximize Services



Source: Office of the State Courts Administrator.

The Florida Judicial Branch utilizes its resources effectively even though it is not adequately funded. Floridians get good value for the money spent on their State Courts System. The total dollar amount (\$436 million) allocated for the Florida Judicial Branch is a mere 0.7% of the overall state budget (over \$69 billion); this is a much lower percentage of the overall state budget compared to similar states with diverse populations and large workloads.

The majority of resources are spent at the trial court level (almost 84% of the entire budget). Besides its role as the court of last resort, the supreme court, in conjunction with the Office of the State Courts Administrator provide leadership and administrative support for the branch. And yet, they only comprise a total of 7% of the total State Courts System’s budget.

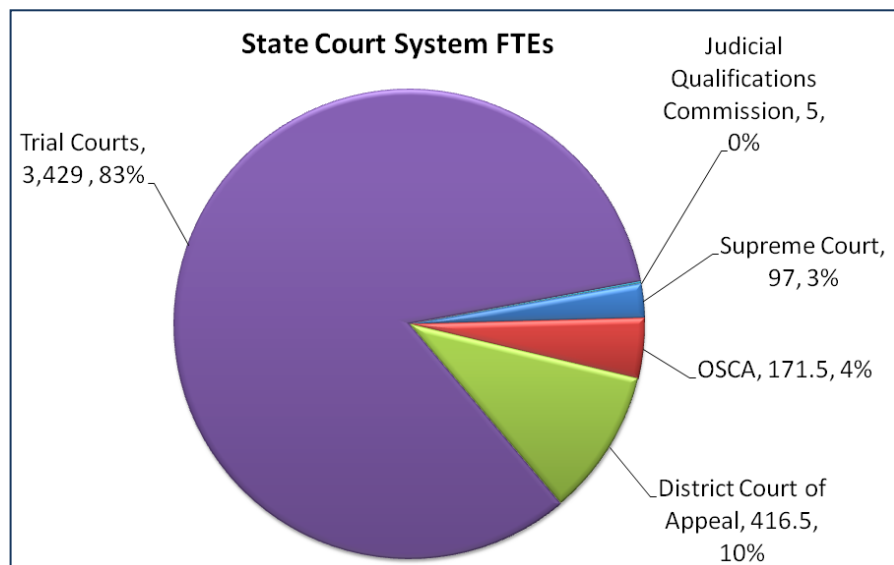


Source: Office of the State Courts Administrator.

Good Stewards of State Resources: Innovation, a Hallmark of Florida’s Court System

Florida’s State Courts System is recognized as among the nation’s best for innovations, groundbreaking achievements and overall excellence by the National Center for State Courts, the American Bar Association, and others. Florida continues to promote: openness of court proceedings and records; access to justice for litigants without attorneys; innovations to reduce time spent on jury duty; efficiency and timeliness in processing a large volume of cases; and innovations such as drug courts that save money—and lives!

The State Courts System has a total of 4,119 positions. At 3,429 positions, the bulk of employees are in the trial courts (circuit and county). To help cope with staffing shortages and increasing demands, utilizing professionals such as judicial assistants, staff attorneys, court administrators, magistrates, hearing officers, mediators, and case managers, the court system has shown it is an innovator in the deployment of human resources to manage workload in cost-effective and productive ways. Unfortunately, these critical support positions are the types of positions that are cut when budget reductions are made.



Source: Office of the State Courts Administrator.

Taking Action to Deepen Public Trust and Confidence

Reducing/Eliminating Wrongful Convictions to Preserve Public Trust and Ensure Justice

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. In the last few years, at least 11 convictions in Florida have been reversed as a result of DNA evidence. Wrongful conviction of the innocent not only impacts those convicted and their families; it also allows the person who actually committed the crime to go unpunished and to be free to commit additional crimes. Furthermore, a wrongful conviction places the victim of the crime in a position of having to endure continued participation in the criminal justice system. In addition, wrongful convictions negatively impact public trust and confidence in the justice system.

Through the work of the Florida Innocence Commission, the supreme court aims to avoid the wrongful or erroneous conviction of the innocent, increase the conviction of the guilty-and, ultimately, to positively impact public trust and confidence in Florida's criminal justice system.

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 and preserve public trust and confidence in the criminal justice system. The Commission has held six meetings throughout the state and considered: treatises and articles by experts; task force and bar association

reports and recommendations; statutes from Florida and other jurisdictions; court rules from Florida and other jurisdictions; case law; jury instructions from Florida and other jurisdictions; and law enforcement protocol.

The Commission is currently conducting its examination and bringing together prosecutors, defense attorneys, judges, law enforcement, legislative representatives, and victim advocates, to work together as a collegial body to identify the common causes of wrongful convictions, and to recommend procedures to decrease the possibility of these convictions in the future. 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, have adopted standards related to eyewitness identification. The standards are designed to promote improved eyewitness identification efforts and procedures, while at the same time allowing law enforcement agency heads flexibility in crafting policies that best meet the needs of the agencies and the expectations of the state attorney's offices that prosecute the cases. The standards were revised June 15, 2011 to take into account comments and input received since they were first issued on March 1, 2011. A final report and recommendations will be presented to the supreme court in 2012.

State Courts System Sponsors Widespread Outreach Efforts

In addition to the various supreme-court based education and outreach programs for visitors of all ages, 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. These enterprises include courthouse tours, citizen guides, Justice Teaching and other school outreach efforts, teen courts, Law Day activities, meet your judge programs, speaker's bureaus, public opinion surveys, and media outreach efforts. The Florida courts website is also a key vehicle to help educate the public on its mission to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes. The site provides a wealth of information on the court's history, statistics, reports, current initiatives, and forms. The website registers over a million hits per year.

Justice Teaching Institute: Deepening the Knowledge Base of Teachers

First offered in 1997, when former Chief Justice Gerald Kogan conceived it as part of the Florida Supreme Court's Sesquicentennial Celebration, the annual Justice Teaching Institute offers 20-25 secondary school teachers from across Florida a chance to explore, over a five-day stretch, the inner workings of the judicial branch. The Institute is sponsored and hosted by the supreme court, subsidized by The Florida Bar Foundation, and coordinated by the Florida Law Related Education Association. It is an intense, interactive program for which teachers must undergo an exacting selection process to be chosen.

After successfully completing the Institute, teachers receive certificates recognizing them as Fellows of the Justice Teaching Institute. The climax of the program is the teachers' own mock oral argument on the very case for which the justices are themselves preparing. After they return to their schools, the teachers develop a courts unit for classroom use and/or facilitate training programs for other teachers at their school, thereby creating opportunities for a great many students to develop an understanding of and an appreciation for the role and functions of the judicial branch.

The selected candidates participate in a variety of subjects and experiences including:

- Mock oral arguments
- Overview of the State Courts System
- Technology and the Courts
- Alternative dispute resolution
- Law-related lessons
- History of the Supreme Court of Florida
- Visits to the trial and appellate courts
- Case studies
- Issues confronting the state courts

Workshops to Promote a Deeper Understanding of Justice System Issues

The court system recognizes that the public still gets most of its information about the court system from more traditional news sources. The Annual Reporters Workshop format provides journalists with a useful introduction to covering justice system issues. The supreme court hosts the Annual Reporters Workshop, in which journalists who are either new to Florida or new to the legal/courts "beat" participate in a two-day workshop introducing them to the basics in legal reporting. Presented by The Florida Bar Media and Communications Law Committee and subsidized by The Florida Bar Foundation, the workshops are open to newspaper, radio news, TV news, and Internet news services reporters who have been nominated by their editors. The program includes sessions by justices, judges, lawyers, and veteran journalists.

Court Publications Detail Strategic Accomplishments and Enhance Communication

To educate and inform the public about the judicial branch and to improve communication between the judicial branch and the community, the OSCA's Publications Unit, under the direction of the supreme court, produces the Florida State Courts Annual Report each fall. The Annual Report is accessible on the State Courts System website. In addition, each spring, summer, and winter, the Court Publications Unit produces the Full Court Press, the official newsletter of the State Courts System of Florida, whose aim is to present information and promote communication for all employees of the State Courts System, justice system partners, and the extended public. These publications are also published on the State Courts System website.

Judicial Ethics Advisory Committee: Sustaining public trust and confidence in Judicial Conduct

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 court authorized the committee to render written advisory opinions concerning the propriety of contemplated judicial and non-judicial conduct and subsequently authorized the committee to recommend changes in the Code of Judicial Conduct. The committee issues advisory opinions addressing judicial questions about each of the canons in the Code of Judicial Conduct, and is actively involved in Judicial Campaign Conduct Forums. In fiscal year 2009-10, JEAC issued 28 opinions, and in fiscal year 2010-11, it issued 25 opinions.

Judicial Campaign Conduct Forums Stress Importance of Integrity and Professionalism

Judicial Campaign Conduct Forums, typically held in the spring of election years, are offered in every circuit in which there is a contested judicial election. 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. Forum attendees learn about the importance of integrity and professionalism among candidates for judicial office, the impact of campaign conduct on public trust and confidence in the judicial system, and the consequences of any breaches of the code. Coordinated by the supreme court, the trial court chief judges, the Judicial Ethics Advisory Committee, and the Florida Bar Board of Governors, the forums are also open to campaign managers, campaign staff, local political party chairs, the presidents of local bar associations, print and broadcast media, and the public. All judicial circuits had contested judicial elections in 2010. In May 2010, the Judicial Ethics Advisory Committee (JEAC) presented campaign conduct forums in all 20 circuits. Also, *An Aid to Understanding Canon 7* was substantially revised in 2009-2010. Several judicial conduct forums are planned for Spring 2012.