

Addendum to Meeting Packet

Full Correspondence during the Reopen Definitions Comment Period May-June 2012

From: Pringle, Courtney
To: P.J. Stockdale

Good afternoon PJ,

This correspondence has been forwarded to me for review and comment. Before I respond entirely, I do have one question that could change my comments/response, so I wanted to pose this first:

Is it now the intent of the Supreme Court or CSWC to measure court statistics/judicial workload to include closures of re-opens? In other words, closures of re-opens have not been a required reporting function by the Clerk through SRS in the past, but with the definitions and further details attached, will the closure of a re-open now be under the "do report" section of the SRS manual?

If so, I do have comments/questions that I would share back with you. If not, and the attached is just to further clarify re-opens for purposes of tracking post-judgment moving pleadings for action, then my comments would be reduced.

Thank you!
Courtney Pringle

Courtney Pringle
Family Case Management
Court Administration, 7th Judicial Circuit

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Tampa, FL
February 01, 2013**

From: P.J. Stockdale
To: Pringle, Courtney

Courtney,

Thanks for your response. You were so helpful during the foreclosure project that I hoped you would chime in here.

At the moment, there is not intent to change SRS reporting although I would imagine that, ultimately, the CSWC will want to include it. I just don't know when or how as yet.

Right now, we are just trying to get some more clarity. The supreme court has charged the CSWC with developing uniform data definitions and this is part of that work. I would be very interested in your expanded comments. These definitions and guidelines won't help us if they ignore practical realities. This is the kind of feedback we are looking for.

**Thanks
PJ**

**PJ Stockdale
Senior Court Statistics Consultant
OSCA - Court Services**

From: Pringle, Courtney
To: P.J. Stockdale

Hi P.J.,

I would respectfully comment with the following:

I would suggest that there will be a general concern from Judges throughout Florida because of the ambiguity of current (different) procedures by clerks reporting and interpretations of reporting "post judgment proceedings".

If you consider that reopens occur on moving pleadings on closed cases, then you understand that historically, because the clerks of courts have not been required to report closures of reopens (pursuant to SRS requirements) then there will be likely a tremendous amount of clean up in order to get case statuses to reflect correctly. Then, for clerks of courts to identify (programmatically or otherwise) that a closure on a reopen should occur only after the date of the

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last judicial decision/order resolving all overlapping court proceedings (as described in the attached) will likely result in inaccuracy based on the cumbersomeness of the process.

The reason I questioned the intent is because I am not aware of any authority that dictates descriptions of how reopened cases should be measured other than the SRS manual and up until now, there was no requirement to report closures of re-opened cases through the SRS. More specifically, the SRS Manual directs: “**DO NOT** report cases which were previously reported as disposed that are resubmitted to the court (see Number of Reopened Cases)” (See Filings: Circuit Civil and Circuit Family Court Proceedings).

Having said all that, if the intent is *not* to measure (or report) cases unresolved through SRS where a reopen has occurred but has not been re-closed, then I would suggest the following:

Change the terminology of “re-open” within the SRS manual to “Resubmitted” or something similar. By labeling an action “re-open”, clerks (in my opinion) around the state translate this literally into programming language or manual procedures for reporting cases.

So, to explain further, many times I hear Judges speak about their caseloads being so inflated because they are describing cases reflecting as “open” when in fact the issues that initiated the case had been resolved. But some moving pleading (either by way of Motion, which is more of a miniscule moving pleading, or by Supplemental Petition, which is more of a lengthy litigation process), filed post judgment.

I hope this in some way helps and does not further confuse the issue. I do believe that by further clarifying the definition of re-open at the very least will prove to be very useful. I apologize for the run-on. J

Courtney

Courtney Pringle
Family Case Management
Court Administration, 7th Judicial Circuit

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From: P.J. Stockdale
To: Pringle, Courtney

Hi Courtney,

Thanks for your comments. You certainly do see why we are moving slowly with this. Our first goal will be to develop a clear and meaningful set of definitions. Once that is done, we can begin to consider what kind of data collection environment will allow us to use them effectively. Inevitably, some cleanup is always required. However, the mantra these days is automation so I would imagine that we will be looking at ways to address these issues through automation rather than people power.

You make a good point about the cumbersomeness of the process to determine the period in which a *case* is in a reopen status. On the other hand, if each reopen *event* is properly reported as open and closed, it is straightforward to compute the *case* reopen period.

This is a good example of what I mean by automation and data collection environment, I know that determining when the reopen event is closed can be challenging, but the resolution of every post judgment motion/pleading is supposed to be a docketable event (and yes, there are always exceptions). In the long run, the challenge may be to determine how best to use the docket system to update the event reporting. I believe the TIMS system does something like that.

Not that I'm suggesting clerks will have to do it this way. This exercise is about exploring the issues and possible options.

I wasn't clear what you meant by this paragraph

“Change the terminology of “re-open” within the SRS manual to “Resubmitted” or something similar. By labeling an action “re-open”, clerks (in my opinion) around the state translate this literally into programming language or manual procedures for reporting cases.”

Do you mean that using the term re-open as we use it for reporting is being interpreted as a legal definition? Or just the rather loose meaning of re-open in the SRS is not adequate for meaningful case tracking?

Thanks again for your comments.
PJ

PJ Stockdale
Senior Court Statistics Consultant
OSCA - Court Services

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From: Pringle, Courtney
To: P.J. Stockdale

Hi P.J.,

Sorry for the delay in responding. I think that the loose meaning of re-open can make it difficult for case tracking. By further defining it, and with the intent of capturing closures of re-opens, the accuracy/understanding should certainly be meaningful.

My comment regarding the term “re-open” is just one of those outward thoughts and I so often say that the term “re-open” (with its literal meaning) confuses people, staff and judges alike. The term would be so much more understandable (interpretive) both in procedure and reporting if it was labeled something else. All of this said, this would matter/make most sense if there was never an intent to “close or re-close” a “re-open”. But that appears to be changing.

Have a great day!
Courtney

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From: Janice Bunting
To: P.J. Stockdale

PJ – It has been a long time since we communicated so I do hope you are doing well. Still muggy in Lee County and the political climate is a bit interesting too!!! Our Clerk is retiring this year so we know change will be on the horizon in 2013.

I am in receipt of your May 17, 2012 report on the Revised Definitions for Reopen /Reopen Closed Cases. This is an excellent recap and so your work effort is greatly appreciated. Other legislative changes made it impossible for me to read until now.

One area we are grappling with in the Criminal realm, mainly in County Criminal cases, is the timeframe we keep a case in a Reopen Status if the Judiciary (or the filer/defendant/attorney) do not pursue a Hearing for the purposes of addressing the Motion. A couple of examples are as follows:

Most can be Pro Se motions – defendants asking for Time Served on related or other charges to offset their fines/fees owed– many times the court does not provide an order or response and the filer does not obtain a hearing date, etc. Other similar motions are to reduce jail time or amend sentences – however the sentence has already been fulfilled (basically no judicial response and their jail time is now complete). Another example is Motions for Seal/Expunge – the party never requests the Hearing Date therefore the motion is never granted and no subsequent Order is issued.

These are just a few examples. Kevin, our Court Specialist, has reviewed a few of the Rules (3.192 and 3.80) and found some timeframes for certain other situations, however using the two examples noted above, we have no guidelines to follow. Do you encourage us to work locally with our Chief Judge (or Administrative Judges) to set some guidelines around the re-close options or by chance do you have some information already available on this topic which we could apply further to a Clerk initiated re-close action. As an example, do you recommend we send judicial officers a listing of their current “reopen” cases (non VOP, appeals, post conviction) that are over 60 days – and if they receive the report, can they just advise the Clerk to close them, or do they need to file a response of Denied – or possibly hand noted “denied” on the listing.

I welcome any and all feedback you are willing to share. Have a great weekend.

Janice A. Bunting
Division Manager
Criminal and Traffic Courts
Lee County Clerk of Circuit Court

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From: P.J. Stockdale
To: Janice Bunting

Janice,

Good to hear from you to.

Thanks for the kind words on our definitions. We've had many positive responses so I think we're on the right track. The issues you bring up are somewhat different but ones I've run into many times in the past few years.

I do encourage you to talk with your local court administration and set up a way of closing these cases. We don't have any specific guidelines for handling these types of circumstances. It has always been our policy that the circuit set local policy in these matters as it is the local clerks, judges and administrators who have primary responsibility.

That being said, I think you've made some great suggestions. All cases must be disposed by judicial order but, if the chief or administrative judge agrees, there is no reason why that direction can't be as simple as an annotation and an initial on a listing. Maybe a checkbox "granted" and "denied". Most of the judges I've spoken to would welcome that sort of thing.

Sorry I don't have anything specific for you. I'd be happy to work with you and your court administration to help come up with a manageable plan for addressing these situations. Something that works for everyone.

PJ

**PJ Stockdale
Senior Court Statistics Consultant
OSCA - Court Services**

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From: Ivankow, Deb
To: P.J. Stockdale

Thank you for your work in reviewing the reporting of reopened cases and the associated events. We understand the need for consistency across the state and welcome the clarification of existing reporting requirements. After review of the document, we are concerned that the direction appears to be significantly changing current definition and reporting expectations. This includes a revised case status based on active/inactive court engagement, and the inclusion of a reopened “status” in addition to , or in place of, the current reopen “events” reporting. In addition to the potential significant up-front costs to develop and test changes in our Case Maintenance System (CMS), these changes would increase ongoing costs or audit and compliance processes. The current reporting environment is complex, and while these individual changes appear straightforward on their surface they will substantially increase the complexity of an already challenging system. As an example, our current CMS has 36 code types requiring mapping to support various reporting requirements. For case events/docket entries alone, there are over 4000 individual case event types with each having 16 mapping options.

While you indicated that the definitions will not impact current SRS reporting requirements, it does not alleviate our concern on the future cost and complexity of these changes. Later in the document you indicate that “no additional status reporting beyond the basic active and inactive as outlined above is planned.” This suggests to us that changes may be required necessitating documentation and reporting of a new status. Much of the current Pending Caseload reporting is based on a 12 month look-back to determine activity on a case – this proposal to change Pending Case definition to a status based on current court engagement would represent a major change.

We agree that “the case management and reporting environment in Florida is complex and dynamic and there are legislative and fiscal issues.” With reopening a significant component of budgeting and CCOC requirements, and CCIS reporting a critical part of maintaining case information for statewide use, multiple definitions of reopen events or statuses will further complicate reporting and interpretation of key case information and statistics.

Therefore, while we are pleased to see clarification of reopen and reclose event definition, we cannot support the cost and complexity that would come with the addition of reopen-related and active/inactive statuses to current requirements, or the even more complex potential for “amplifying reason codes”.

We thank you for your continued efforts and look forward to working together to clarify and align reporting definitions.

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From: P.J. Stockdale
To: Ivankow, Deb

Deb,

Thank you for your response to our query. The CSWC is very sensitive to the issue of clerk CMS system changes. Getting a clearer picture as to how significant a change these definitions might entail is one aspect of this request for comment. I'm also very interested in exploring some of the capabilities and options that may already exist that we can use when evaluating these revised definitions.

For example, you mention that your pending caseload report is based on a 12 month look-back. I'm curious, does this give you the ability to determine when reopen events are closed? Otherwise most cases with any kind of reopen event would show up on the pending report, wouldn't they? How is that accomplished? Did you have to add specific code to perform this look-back or is this capability part of the CMS design?

Thank you again for your comments. Please feel free to email me if you have additional questions, thoughts or concerns.

PJ

**PJ Stockdale
Senior Court Statistics Consultant
OSCA - Court Services**

From: Ivankow, Deb
To: P.J. Stockdale

PJ,

Thanks for your quick response. We appreciate the CSWC's sensitivity to the cost of SRS reporting compliance.

The application design that supports SRS reporting is managed by our CMS supplier. Our focus is on maintaining the options/settings and supporting business processing for compliance. To put the magnitude of making changes in perspective, we have not yet been able to implement the supplier provided changes to support the 2010 SRS changes for Complex Case reporting. We developed workarounds and invested in custom programming to meet the requirements and short

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time frame, but now find this has limited our ability to utilize other application features and increased our cost to implement new CMS releases.

The SRS reporting capabilities have been years in development, so analysis of potential changes is not a simple task. It requires our CMS application supplier's analysts, along with our management team to evaluate the impact of design options on day to day operations, compliance and auditing. OBTS and TCATS/DHSMV also come into the mix, as well as CCIS integration and CCOC reporting that share some of these definitions. We have a major project underway to move to a new CMS release which contains over 50 changes to SRS/CCIS/OTBS/TCATS integration.

I'd like to be able to provide more specifics, but am afraid that high level answers would be doing us both a disservice. Given the complexities, it might be good to have a conversation so please feel free to give me a call. Thanks again for giving the opportunity to respond so there is full visibility of the implications of changes being considered.

Deb

Deb Ivankow, CPM
Office of Lydia Gardner
Orange County Clerk of Courts

From: P.J. Stockdale
To: Ivankow, Deb

Deb,

Thanks for the additional info. I will be putting a package together for the CSWCs next meeting in the fall and I will be sure to include your comments. The context for all this is that the court system is working on its own data management strategy. That will be a multi-year project and is still in the planning/design stages. While clearer definitions are an important part of that project conceptually, it is difficult to know where the actual work on reopen definitions will fall in the overall scheme of things. So it may be some time before we come back to it.

**Thanks again for your help. I hope I can contact you again if I have further questions.
PJ**

**PJ Stockdale
Senior Court Statistics Consultant
OSCA - Court Services**

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From: Butterfield, Rick
To: P.J. Stockdale

PJ,

I am sure you are going to get questions regarding the “amplification” section.

I guess my first question is is it your intention that clerks should start keeping track of whether a case is active or inactive Or is this just information clarifying what the court considers the status of the case and will keep track of in case management?

If the answer to that questions is yes we want the clerks to track the status, we’ll have a lot more questions. You should assume it would be a lot more work for us and will need more clarifications.

Examples, right now when a suggestion of bankruptcy is filed (which is, I assume, one of those things outside the court’s active work on the case) it is reported as closed and reopened later for further action. Would it now stay open but be inactive? Would a foreclosure order close the case as it does now, or would the case stay open but inactive until the sale is held?

From: P.J. Stockdale
To: Butterfield, Rick

Rick,

Good question. No, we don’t intend that the clerks should start tracking status at this time. We are trying to establish a solid foundation to interpret these events and how they affect judicial workload. So, yes, this is just information clarifying what the court considers the status of a case. We are interested in making these definitions as comprehensive as possible so we want every ones input. Of course, the clerks who are members of the Court Statistics and Workload Committee (CSWC) had quite a bit of say already but we wanted a broader perspective to see if there are situations that these definitions and guidelines might not cover.

Your examples were interesting though since those are some of the situations that motivated this work originally. Under these guidelines, if the suggestion of bankruptcy was filed before the court rendered final judgment, the court would interpret the case to still be open but in an inactive status until the bankruptcy was discharged then the case would be placed back in to active status. The case need not be closed and reopened. This interpretation actually brings Florida in line with national standards such as those presented by the National Center for State Courts.

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In the second example, the court would consider the case disposed as of the date of the final/summary judgment. The expanded status would then allow us to know that the clerk's office still had activity on the case post disposition. The next submitted motion after final judgment, if any, would be considered a reopen event.

As I said, this is how the court would interpret these events under these guidelines. To give you a little historical perspective, in 2010, the CSWC was charged by supreme court order with developing uniform data definitions for case and workload data. Of course, we already have a lot of those definitions in SRS. We are still in the formulating stages of this project but clarifying the reopen and reopen closing definitions is one step that the committee is taking to answer that charge.

Hope this helps. Please feel free to contact me if you have additional questions.

PJ

**PJ Stockdale
Senior Court Statistics Consultant
OSCA - Court Services**

From: Butterfield, Rick
To: P.J. Stockdale

PJ,

Thanks for the reply.

I know you guys are aware that making changes to the way we keep information will be pretty significant for us both in terms of getting our staff up to speed on how to capture the new information correctly and as a cost issue. I trust you will give us plenty of lead time to get this worked out.

I think I read somewhere that for us to capture the data correctly, there would need to be a document triggering the status change. Using those same examples, a suggestion of bankruptcy would be filed (as now) to put the case in inactive status, but something else would have to trigger the case moving back to active status. That is the only way it would work successfully from our end. If we had to rely on our "managing" the cases it would be really problematic.

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From: P.J. Stockdale
To: Butterfield, Rick

Hi Rick,

The CSWC is definitely mindful of these issues. Still, we can't talk about the best way to implement something until we have a clear definition of what that something is. Once we get all the feedback, we'll know what it makes sense to implement. Then, I would imagine, we'll start phasing it in in some rational way.

You are correct in that there will need to be some triggering event to change the status of a case back to active status. In the more integrated data system the court has been working on (the TIMS project) this could be the final judgment of the bankruptcy case. It might be something simple like a form along the lines of civil cover sheet or maybe the scheduling of the follow-on hearing or court conference. Once we have a clear definition, we can begin to work out what those triggers will be.

PJ

**PJ Stockdale
Senior Court Statistics Consultant
OSCA - Court Services**

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From: Richardson, Pat
To: P.J. Stockdale

Dear PJ Stockdale,

First off I would like to say that the clarification your committee provided is excellent and very much needed. I do have some concern with the "Inactive status" on cases where an appeal has been filed. When a judgment is being appealed to a higher court such as circuit from county or from circuit to district, the case is already closed for the lower court and we would not reopen the lower court case on the filing of an appeal. The new appeal case is opened for SRS purposes in the appropriate court. Once the determination is handed down to the lower court it is the responsibility of the parties on the case to file a motion or pleading to re-start the case, is it not? I know that when a Circuit case is appealed to the District or Supreme Court we do not report that case on our SRS or Pending Case Load report we closed our case. This stems from a question and answer conversation with Ms. Jugger of OSCA during the SRS revision effective 1/2010. The SRS Circuit Civil instructions states "do not report appeals from the circuit court to the DCA or the Supreme Court."

Patricia Richardson, CSM
Senior Court Technical Specialist
Office of Paula S. O'Neil
Clerk and Comptroller

From: P.J. Stockdale
To: Richardson, Pat

Hi Pat,

Thanks for the encouragement. I think I can help with your appeal concerns. The situation is intended to cover the circumstance where an active case has a ruling on a particular motion appealed. Since the final judgment on the case has not been rendered, the case is not disposed. However, the court cannot take action to move the case forward until the appeal is resolved. Thus, we would classify the case as "open" but "inactive – awaiting appeal". I suppose we could say something like "inactive – awaiting appeal of motion" to make it even more clear. One of the benefits of reporting case status is that we can be both as general or as specific as it makes sense to be.

Once a case has received the final ruling, the status of the case is "closed" An appeal of the final ruling will not change the status as you noted above. Consequently, there is nothing to

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report on that specific case until a motion or petition subsequent to the appeal ruling would then reopen the case. Then, the guidelines on reporting reopen and reopen closed events would apply.

Hope this helps. Please feel free to email me with more of your comments.

PJ

**PJ Stockdale
Senior Court Statistics Consultant
OSCA - Court Services**

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From: Wyant, Dawn
To: P.J. Stockdale

Based on the 4th bullet point on page #2, Juvenile dependency cases will now be first closed when ALL the actions against ALL parties have been resolved? I just want to make sure I am understanding this correctly. Before we closed on the first disposition and it was reopened for every action after. Example: (2) fathers (1) mother and (5) children, if the mother pleas, enters into a case plan, and subsequently the children were considered dependent we would close however there were still pending actions against the other (2) fathers and the case would be closed out based on the first disposition on the mother and reopened (every court hearing) for every action pending on the fathers.

If I am reading this correctly the reopen number in juvenile dependency would drop tremendously and the cases will remain open longer.

Dawn

From: P.J. Stockdale
To: Wyant, Dawn

Dawn,

Hmmmm, that is an excellent point. We are definitely going to have to look at this scenario more closely. Of course, one of the reasons the CSWC wanted to send this out to the circuits is to see if there was some impact on SRS reporting that we hadn't initially considered. You have done that for us.

Thanks

PJ

**PJ Stockdale
Senior Court Statistics Consultant
OSCA - Court Services**

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From: Michelle Spangenberg
To: P.J. Stockdale

Good afternoon P.J.

Hope this email finds you well! Thank you for the opportunity to review the revised definitions for reopened and reopened closed cases. We are hopeful that the definitions will provide consistency in the clerks reporting of these cases. Additionally, we are hopeful that the clerk will no longer reopen cases based upon the filing of a letter.

If you require any further information, please feel free to contact me.

Thank you,
Michelle

Michelle Spangenberg
Director of Case Management
Fifteenth Judicial Circuit

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From: Gay Inskeep
To: P.J. Stockdale

PJ,

As long as we are reading this correctly and the entry of a summary judgment in a foreclosure case will remove the case from a judge's pending list, we don't have any comments or suggestions.

Thank you,
Gay Inskeep

From: P.J. Stockdale
To: Gay Inskeep

Thanks Gay,

You are reading it correctly. Please keep in mind that we aren't directing the clerks to change their reporting at this time. We're still in the comment stage. We do encourage everyone to follow these guidelines wherever possible.

PJ

**PJ Stockdale
Senior Court Statistics Consultant
OSCA - Court Services**

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From: Carol Sullivan
To: P.J. Stockdale

Good morning PJ,

I have read OSCA's new 5-17-12 Memorandum about Reopen/Closed Cases . . . and it has caused me to again question our practice of reopening/closing our "Drug Court Cases" at each review hearing (often multiple times within a month). In April of 2010, Jim Brown had confirmed that we were reporting correctly in reopening/closing cases "each" time there was a review hearing and referred me to Technical Memo 08-02 (see excerpt below) - - my new thought today, however, is that "our" Drug Court may not meet the definition of a true Diversionary program (where case is dismissed upon successful completion of Drug Court), because our defendants have been adjudicated and accepted/sentenced into Drug Court Probation, so I would like to ask again if our practice of reopening/closing case for "each" reviewing hearing here is indeed correct? One of our Asst Public Defenders, in fact, made the analogy of regular probation with our Drug Court here, and it is her opinion that, as with our regular VOPs, our Drug court cases should only be reopened/closed "once" at the beginning and conclusion of the Drug court proceedings.

Please advise and thanks so much!

From: P.J. Stockdale
To: Carol Sullivan

Carol,

That is an excellent question.

I believe that you are reporting correctly under current (and future) guidelines. Historically, we consider an diversion as a special type of temporary disposition. It is temporary only from a recordkeeping standpoint because we know that, at some point in the future, the reported outcome of the case will change. Looking at diversions this way allows us to capture the additional workload resulting from the regular judicial reviews. Each review is a distinct, non-overlapping post judgment event. The judgment in the case is the decision to conduct periodic reviews.

This view is also consistent with our interpretation of other "review"

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scenarios such as occur in guardianship, mental health and some family cases. Ideally, we might track these cases with a status of "closed - drug court diversion" or "closed - ongoing judicial review" or something like that. However, the reporting would be the same.

Hope this helps to reassure you. Please let me know if you have more questions.

PJ

**PJ Stockdale
Senior Court Statistics Consultant
OSCA - Court Services**

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From: Sonia Niles
To: P.J. Stockdale

Good afternoon P.J. Stockdale

We have a question re-guarding the Revised Definitions for Reopened and Reopened Closed Case Fees. We would like to verify with you that even though we are not charging before the 90 days per motion, do we still re-open and re-close as we have in the past if a motion has been filed at anytime after a case has been disposed (for example 20 days). Please let me know.

Thank you.

Sonia Niles
Deputy Clerk
Monroe County Clerk's Office

From: P.J. Stockdale
To: Sonia Niles

Sonia,

Yes, you should re-open a case for any post judgment event filed at any time after a case has been disposed. It is my understanding that amendments to ss. 28.241 F.S. and 34.041 F.S. only establish a time frame for collecting the reopen fee.

PJ

**PJ Stockdale
Senior Court Statistics Consultant
OSCA - Court Services**

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From: Gypsy Bailey
To: P.J. Stockdale

Good afternoon!

I received the OSCA Memo dated 05/17/12 re the above topic, and appreciate being asked to share comments. Leon County's are noted below.

I hope that CCOC has been involved in this comment-soliciting process, since Clerks must report on performance to CCOC, and one of those areas of performance concerns reopens. CCOC certainly would have an interest if any changes result in capturing/counting Clerk work differently.

Please let me know if you have any questions.

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1. 3rd bullet page 2: Good example, but there are issues w/ multiple reopen motions, i.e., 5 pending reopen motions, judge enters order, order isn't clear, clerk staff doesn't know whether to close all 5 or not, we close all 5 and then are told that was wrong because several motions are unresolved, etc. Clerk is ministerial and orders aren't always clear. Further, the judiciary may stamp orders or otherwise direct that orders close all pending motions, but then case managers or other judicial staff tell us to reopen certain motions.

2. 4th bullet page 2:

- a. Seems that closed and disposed meanings are being mixed, but they mean slightly different things. A case can be in closed status but not fully disposed, i.e., GA case is closed each year after the annual review is submitted, but it is not disposed.
- b. The word "recordable" may be confusing to clerk staff as they may think recordable as in Official Records.

3. All 4 bullets page 3: OSCA is now introducing new terms – “active status” (open), “inactive status” (could be open or closed), “reopened active”, and “reopened inactive” (again, could be opened or closed). Given that Clerks did a report to the legislature about a year ago on open/closed and reopened/closed, why the change now? Opened and closed, and reopened and closed, seem sufficient – why the new terminology, which will likely result in substantial hours and expense for reprogramming of Clerk CMS applications? And the new language doesn't seem to clarify issues.....

4. 2nd bullet page 3:

- a. Issues with the appeals example: The typical scenario is, a final judgment closes the case and a notice of appeal does not reopen it. Could there be a motion filed in the lower tribunal after the appeal is ongoing? Sure, but the motions that a lower tribunal will hear while an appeal is ongoing is very circumscribed. If there is such a motion, we would reopen the case until the judge ruled on that motion, and then close it again.

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Tampa, FL  
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b. A better appeals example: Open CC case, judge grants a motion in limine re evidence. Party files a notice of appeal of this order, and the county court grants a stay. Then our CC case could remain open for a protracted time period, until the mandate from the circuit court is issued, releasing the case back to county court jurisdiction for the court to proceed to a final judgment that would close and dispose of the case.

c. Another good example would be: On a DV case, when the petition is filed, the judge enters a temporary injunction pending final hearing. At the final hearing, the judge extends the temporary injunction until further order of the court. Sometimes those cases are scheduled for a final hearing 6 months out, 2 years out, and at times are not scheduled for any future court date. Because there is no final order, those cases remain open pending court action to close.

5. Last paragraph page 3:

a. Examples of the rapid "reopen, close, reopen, close":

i. Orders when no motions are filed. If an order is received on a closed case, we reopen and close on the same date based on the order that requires action. Quadros in DR cases are an example.

ii. Any time a DP case goes for a hearing after it has initially been closed, it must be reopened and closed after the hearing, any hearing, not just judicial review, per SRS rules.

iii. Any time a DP case goes to juvenile drug court, it has to be reopened and closed for that hearing. If there is a VOP pending in that case, there may be more than 1 disposition record in reopen status. The VOP status is not closed on these drug court review hearings; it is closed when the VOP is disposed.

b. "In many instances the clerk of court will hold this case open on their case maintenance system..." This short sale example may be confusing to Clerks. When the court enters a final judgment, the case will be closed even if clerk staff has work to do on it (clerk work, not court work).

6. Last page, 2<sup>nd</sup> paragraph: The language regarding "closed with follow on clerk action": Given that SRS is for capturing judicial work load, and CCOC performance reporting is for capturing Clerk work, is OSCA trying to capture Clerk work here? This can create confusion between two "reports" and there is a potential that new reporting will create additional work and expense for Clerks to have this happen in their CMS applications.

7. Last page re reopen fees: OSCA's reopen rules and clerks assessing reopen fees have nothing to do with each other, and challenges to the fee have made that clear. Does this even need to be mentioned? Perhaps, if the fee is mentioned, there should be cautionary notes that distinguish between workload measures for the judiciary/OSCA and Clerk fees.

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