I. Introduction

Over the course of many years, the Florida Judicial Branch has striven to meet both ongoing and emergent challenges. The current Long-Range Strategic Plan 2009-2015 recognizes that the mission of the Florida Judicial Branch is to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes. The strategic plan’s Long-Range Issue #1-Strengthening Governance and Independence states that to “fulfill its mission the judicial branch must strengthen its ability to fully function as a coequal and independent branch of government, able to govern itself with coherence and clarity of purpose, to manage and control its internal operations, and to be accountable to the people. . . . The judicial branch must have the capacity to develop and implement effective and responsive policies, to deploy its resources efficiently, and to provide transparency and accountability in the management of resources.”

During the development of the strategic plan, it became apparent that a rejuvenation of the internal governance structure of the court system was necessary in order to be more proactive and nimble in meeting its vision of being accessible, fair, effective, responsive, and accountable. The Governance Study Group believes that its recommendations for improving the governance structure of the court system will enable the judicial branch to better fulfill its mission.

After the supreme court approved the Long-Range Strategic Plan 2009-2015, Administrative Order No. AOSC09-43 was signed on October 19, 2009 by then Chief Justice Peggy Quince appointing a Judicial Branch Governance Study Group, with Justice Ricky Polston as chair and Judge Joseph Farina as vice-chair (see Appendix A for Administrative Orders linked to the governance study).

Other appointed members included:

- The Honorable Jorge Labarga
  Justice, Supreme Court of Florida

District Court of Appeal judges:

- The Honorable Richard B. Orfinger
  Judge, Fifth District Court of Appeal

- Mr. Gerald B. Cope, Jr. (former Judge, Third District Court of Appeal)
  Attorney, Akerman Senterfitt, Miami, Florida

Circuit judges:

- The Honorable Alice Blackwell
  Judge, Ninth Judicial Circuit
The Governance Study Group was charged to undertake an in-depth study of the current governance system of the judicial branch of Florida through:

1. An examination of the structure and functions of the present governance system of the Florida Judicial Branch, and an assessment of its efficacy and efficiency;

2. Recommendations of actions or activities that the Governance Study Group concludes would advance improvement in the governance of the judicial branch; and

3. Recommendations of any changes to the present governance system that the Governance Study Group concludes would improve the effective and efficient management of the Florida Judicial Branch.

For purposes of the study, governance was defined as policy-making, budgeting, rulemaking, leadership, decision-making, planning, and intergovernmental relations. In view of these facts, the Governance Study Group was further authorized to propose recommendations for policy, rule, or statutory changes that are directly related to governance of the judicial branch and that may serve to improve the structure, function, efficacy and efficiency in achieving the vision and mission of the branch. The Strategic Planning Unit of the Office of the State Courts Administrator was assigned as staff to the study. Through grant funding obtained from the State Justice Institute, consulting services from the National Center for State Courts were also retained to assist the group with its work. The National Center for State Courts was selected through a competitive bidding process.
The Governance Study Group worked through teleconference, videoconference, and in-person meetings to develop methodology and work plans to conduct the study. The extensive methodology entailed the following research strategies:

- Interviews by the National Center for State Courts’ consultants regarding the structure, balance, and continuity of governance; committee structure, coordination, and effectiveness; and communication within the judicial branch. More than 40 key individuals in the court system were interviewed, including current and former justices; judges’ conference chairs; all district court of appeals’ chief judges and a sample of circuit chief judges; chairs of court commissions and committees; a sample of appellate and trial court professional staff; selected OSCA managers (one group interview); and representatives from the Florida Bar, Legal Services, a State Attorney and a Public Defender, and others;

- A web-based survey conducted by the National Center for State Courts regarding intra-branch communication sent to a representative sample of approximately 100 additional judges and more than 350 court staff;

- Solicitation of comments sent by Justice Ricky Polston, chair of the Governance Study Group, to representatives/leaders of selected Bar Sections, Bar Rules Committees, the Florida Justice Association, Florida TaxWatch, and statewide business associations (Associated Industries of Florida, Florida Bankers Association, Florida Chamber of Commerce, Florida Council of 100, Florida Justice Reform Institute, Florida Retail Federation) regarding collaboration with court leadership on public policy, rulemaking processes, and legislative/funding issues; and

- Comparative research conducted by the Strategic Planning Unit on 11 selected states to gain information and insight on a variety of approaches to administering and governing state court systems.

The research results were finalized in a report submitted to the Governance Study Group in November, 2010 by Richard Van Duizend, Project Director for the National Center for State Courts (see Appendix B: The National Center for State Courts Executive Summary and Final Report to the Florida Judicial Branch Governance Study Group). The report’s findings and conclusions focused on seven areas: 1) Role and Responsibilities of the Supreme Court and the Role, Responsibilities, Term and Selection of the Chief Justice and Chief Judges; 2) Rulemaking and the Current Committee System; 3) The Authority of the Conferences; 4) Legislative Advocacy on Behalf of the Judicial Branch; 5) Office of the State Courts Administrator; 6) Communication; and 7) Identifying Emergent Policy Issues. The report also contained specific conclusions on these topics for consideration by the Governance Study Group as recommendations for governance improvements in its final report to the supreme court. In a videoconference on October 29, 2010, Richard Van Duizend, Project Director, presented and discussed the report findings with the Governance Study Group; Strategic Planning staff also presented the results of the comparative states research.
Immediately afterwards, Justice Polston assigned members of the study group to subcommittees to make recommendations in response to the consulting report conclusions. The Governance Study Group met in-person on November 30, 2010 to discuss and vote on the recommendations presented by each subcommittee. After dynamic discussion and rigorous revisions to the subcommittee recommendations, the group voted unanimously on most topics and ultimately approved the proposed recommendations.

Clearly, during the entire course of the Governance Study Group’s work, remarkable consensus occurred on the need to modernize the governance structure of the judicial branch, and develop a more unified systems approach to enhance progress, alignment, coherence, and functioning. Given that systems theory and application have consistently shown that structure influences behavior and outcomes, the Governance Study Group members strongly supported a unified systems approach that will more effectively enable the court system to anticipate and deal with current and emergent challenges, and improve functioning at a variety of levels.

Furthermore, the recommendations of the Governance Study Group are rooted in the spirit of continuous improvement set out in its administrative order to make recommendations of actions or activities that would advance improvement in the governance of the judicial branch. In particular, three areas were significantly important to the group members: 1) desire for the judicial branch to be more proactive rather than reactive; 2) consistent and strong leadership; and 3) better communication at all levels throughout the branch. To that end, the study group deemed that reasonable modifications can be made to the system to achieve these results.

The following sections of this report, organized by topics, set out the recommendations of the Governance Study Group for consideration by the supreme court.

II. The Supreme Court and Chief Justice (Rule 2.205)

The Governance Study Group discussed at length the role and responsibilities of the supreme court, as well as the role, responsibilities, term, and selection of the chief justice. The study group often described the need for a modernized administrative governance system with the supreme court acting as an executive board and the chief justice as a chief executive officer. Given that the supreme court sets policy for the branch, and the chief justice is the administrative officer, the study group determined that greater clarity concerning the roles of both entities could further reinforce and strengthen the branch’s governance structure.

Concerning the supreme court, discussion focused on the need for the court to take a more active leadership role in setting policy, programs, and monitoring the progress and impact of them, similar in scope to authority exercised in a board model. The current governance structure often places the supreme court in a reactive rather than proactive role with the chief justice discussing policy and procedure affecting the court system as a matter of courtesy and collegiality. Although supreme court justices do serve as liaisons to supreme court committees, administrative discussions are normally relegated to portions of a standing Wednesday court conference. The
study group’s recommendations focus on heightened leadership involvement and authority for the supreme court in administrative matters, particularly related to establishing policy for the judicial branch, and recommending state budget and compensation priorities.

To further support a stronger governance system marked by highly involved and consistent leadership, the study group spent considerable time and effort discussing the role of the chief justice. The consulting report pointed out that broad and deep concern was expressed about the current practice of rotating the chief justice each two years, with the most senior justice who has not served as chief justice assuming the role. The current practice is generally viewed as inadequate in that a two-year term does not give a chief justice sufficient time to master the complexity and demands of the position, nor allow for enough time to fully flesh out and implement new initiatives. Conversely, new initiatives are sometimes resisted because the next chief justice may have different priorities, or there is lack of interest and support for the implementation. Additionally, the brief term of each chief justice is widely viewed as disruptive for developing relationships and influence with the legislative and executive branches.

The study group members also reviewed comparative information concerning chief justice terms in other states and found that the Florida Judicial Branch is one of five states who rotate the chief justice every two years. The Florida Council of 100, among other external contributors, gave feedback that the two-year rotating term based on seniority, does not allow a chief justice to invest in long-term administrative strategies that ultimately benefit the judicial system and build intergovernmental relationships with other governmental leaders whose actions affect the courts. As a codified member of the Judicial Management Council, the Florida Council of 100 encouraged the court to reassess its current policy and look for other potential term-types for its chief justice, thereby enabling the position to drive long-term positive change.

Furthermore, the study group sought to improve leadership alignment through a longer term and enhanced authority for the chief justice, and in parallel to recommendations enhancing the roles of chief judges. The chief justice should be more effectively interfacing with a leadership team of chief judges in carrying out policy as set forth by the supreme court. A related issue is that the selection of the chief justice, as well as chief judges, should be based upon essential leadership and management skills. Finally, the study group approved proposed rule language to acknowledge the responsibility of the chief justice to exercise reasonable efforts to promote and encourage diversity in the administration of justice.

**Conclusion 1 from consultant’s report:** It is recommended that the supreme court take an active leadership role in setting policy for the judicial branch, establishing programs, and monitoring the implementation and impact of those policies and programs.
Governance Study Group Action: The Governance Study Group adopts that recommendation and suggests the following related revisions. (Revisions shown in italics, underlined)

RULE 2.205. THE SUPREME COURT

(a) Internal Government.

(1) Exercise of Powers and Jurisdiction. The supreme court shall exercise its powers, including establishing policy for the judicial branch, and jurisdiction en banc. Five justices shall constitute a quorum and the concurrence of 4 shall be necessary to a decision. In cases requiring only a panel of 5, if 4 of the 5 justices who consider the case do not concur, it shall be submitted to the other 2 justices.

+ Above revision adopted by the Governance Study Group with a vote of 11 – 0.

Consistent with its authority to establish policy, including recommending state budget and compensation priorities for the judicial branch, no judge, supreme court created committee, commission, taskforce, or similar group, and no conference (Conference of District Court of Appeal Judges, Conference of Circuit Court Judges, Conference of County Court Judges), is permitted to recommend substantive law changes or state budget priorities, including compensation and benefits, to the legislative or executive branches that have not been approved by the supreme court. This is not intended to apply to judges expressing their personal views who affirmatively make it explicitly clear that they are not speaking on behalf of the judicial branch.

+ Above revision adopted by the Governance Study Group with a vote of 10-1.

(Note: The one dissenting vote above was resolved through a proposed rule change to Rule 2.205 (e)(2) regarding the duties of the State Courts Administrator; see page 26 of this report.)

Conclusions from consultant’s report:

Conclusion 3: The Governance Study Group should consider recommending that Rule 2.205(a) be modified to clarify the leadership role of the chief justice, require consideration of administrative and leadership capacity, enhance continuity of leadership for the Florida Judicial Branch.

Conclusion 19: The Governance Study Group should consider recommending that Rule of Judicial Administration 2.205(a)(2)(B) be amended to clarify that one responsibility of the chief justice is to serve as the primary spokesperson of the judicial branch with the public, the other branches of government, and within the court.
Conclusion 20: The Governance Study Group should consider recommending that the chief justice communicate directly with all judges and by e-mail on the state of the judiciary, the state of the budget, priorities, and other matters of statewide interest, and that the chief justice routinely communicate with the chief judges and conference leadership in person, by telephone and videoconference, and via e-mail.

Governance Study Group Action: The Governance Study Group adopts these recommendations and suggests the following related revisions. (Revisions shown in italics, underlined)

RULE 2.205. THE SUPREME COURT

(a) Internal Government.

(2) Chief Justice.

(A) The chief justice shall be chosen by majority vote of the justices for a term commencing on July 1 of even numbered years—of four years commencing on July 1, 2012. The selection of the chief justice should be based on managerial, administrative and leadership abilities, without regard to seniority. A chief justice may serve successive terms. The chief justice may be removed by a vote of five justices. If a vacancy occurs, a successor shall be chosen promptly to serve the balance of the un-expired term.

+ Above revision adopted by the Governance Study Group with a vote of 10-1.

(B) The chief justice shall have the following administrative powers and duties. The chief justice shall: (i be the administrative officer of the judicial branch and shall be responsible for the dispatch of its business and shall direct the implementation of policies and priorities as determined by the supreme court for the operation of the branch. The administrative powers and duties of the chief justice shall include, but not be limited to:

(i) the responsibility to serve as the primary spokesperson for the judicial branch regarding policies and practices that have statewide impact including, but not limited to, the judicial branch’s management, operation, strategic plan, legislative agenda and budget priorities;

(ii) have the power to act on requests for stays during the pendency of proceedings, to order the consolidation of cases, to determine all procedural motions and petitions relating to the time for filing and size of briefs and other papers provided for under the rules of this court, to advance or continue cases, and to rule on other procedural matters relating to any proceeding or process in the court;

(iii) have the power to assign active or retired county, circuit, or appellate judges or justices to judicial service in this state, in accordance with subdivisions (a)(3) and (a)(4) of this rule;
(iv) have the power, upon request of the chief judge of any circuit or district, or sua sponte, in the event of natural disaster, civil disobedience, or other emergency situation requiring the closure of courts or other circumstances inhibiting the ability of litigants to comply with deadlines imposed by rules of procedure applicable in the courts of this state, to enter such order or orders as may be appropriate to suspend, toll, or otherwise grant relief from time deadlines imposed by otherwise applicable statutes and rules of procedure for such period as may be appropriate, including, without limitation, those affecting speedy trial procedures in criminal and juvenile proceedings, all civil process and proceedings, and all appellate time limitations; and

+ Above revisions adopted by the Governance Study Group with a vote of 11 – 0.

(v) the authority to directly inform all judges on a regular basis by any means, including, but not limited to, email on the state of the judiciary, the state of the budget, issues of importance, priorities and other matters of statewide interest. Furthermore, the chief justice shall routinely communicate with the chief judges and leaders of the district courts, circuit and county court conferences by the appropriate means.

(vi) the responsibility to exercise reasonable efforts to promote and encourage diversity in the administration of justice.

(vii) the power to perform such other administrative duties as may be required and which are not otherwise provided for by law or rule.

+ Above revisions adopted by the Governance Study Group with a vote of 11 – 0.

(C) The chief justice shall be notified by all justices of any contemplated absences from the court and the reasons therefore.

(D) If the chief justice dies, retires, or is unable to perform the duties of the office, the justice longest in continuous service shall perform the duties during the period of incapacity or until a successor chief justice is elected.

(E) The chief justice shall meet on a regular basis with the chief judges of the district courts and the chief judges of the circuit courts to discuss and provide feedback for implementation of policies and practices that have statewide impact including, but not limited to, the judicial branch’s management, operation, strategic plan, legislative agenda and budget priorities. Such meetings shall, if practicable, occur at least quarterly and be conducted in-person. At the discretion of the chief justice, any of these meetings may be combined with other judicial branch and leadership meetings.

+ Above revisions adopted by the Governance Study Group with a vote of 10 – 1.
III. The Judicial Management Council (Rule 2.225)

Judicial Management Council (JMC)

Since the creation of the Judicial Council in 1954, this type of advisory body has existed in various forms in the judicial branch’s governance structure. In 1995, the former Judicial Council was replaced with a Judicial Management Council that revised both the role and membership of the earlier body. From 1995-1998, the Judicial Management Council created a strategic planning process that resulted in strategic and operational plans, a communications initiative, and several major study committees. By 2000, the judicial branch became primarily engaged in preparations for fiscal unification through the auspices of Revision 7 to Article V. During this period, the tremendous challenge of restructuring the system, particularly the court committee structure, consumed tremendous resources and leadership attention. Therefore, the Judicial Management Council became inactive as the court system traversed the momentous transition to state funding.

In 2006, the Judicial Management Council was reauthorized and renewed through Administrative Order No. AOSC06-62 signed by then Chief Justice R. Fred Lewis. The council was reconstituted to serve as an effective forum for research and debate on specific matters. Additionally, it was reconstituted, with an extensive membership of both court and external leadership, to provide a formal mechanism for effective two-way communication about the justice system between major citizen constituencies and the courts, to inform the public about the justice system, and to provide a unique and broad perspective on significant court initiatives, including the long-range strategic plan. By 2008, the Judicial Management Council was placed in abeyance due to funding constraints brought about by the emergent fiscal crisis.

Obviously, such an advisory body as the Judicial Management Council has the potential for a meaningful role in the governance structure of the judicial branch. The consulting report for the governance study noted that given the current dormancy of the Judicial Management Council, many of its functions are now performed by major commissions and committees. Also, interviewees for the study speculated that the breadth of its mandate, the size of its membership, and the limited time and resources available to it were all contributing factors to effectively incorporating this body into the branch’s governance structure. The consulting report concludes that the council could be restructured to have more narrow responsibilities with limited membership.

The Governance Study Group agreed that the Judicial Management Council has an appropriate role in the governance structure and adopted recommendations that repeal and revise the Rule of Judicial Administration 2.225, and restructure the Judicial Management Council with smaller membership and a more narrow focus. The primary intent of the recommendation is to create a forward-looking advisory body to deftly assist the chief justice and supreme court in proactively identifying trends, potential crisis situations, and means to address them. The council would become part of a feedback loop buttressed by feedback gathered from the trial and district courts, particularly the chief judges and conferences. Additionally, the council would be charged with identifying and evaluating information to assist in improving the performance and effectiveness of
the judicial branch, including monitoring progress related to the long-range plan, reviewing the various court commissions and committees, and other issues brought to the council by the supreme court.

Conclusions from consultant’s report:

Conclusion 13: The Governance Study Group should consider recommending that Rule of Judicial Administration 2.225 be amended to narrow the responsibilities of the Judicial Management Council and limit its membership to no more than 25.

Conclusion 22: The Governance Study Group should consider recommending that the leadership of the judicial branch seek information to identify emerging issues on an on-going basis and take prompt action to develop an appropriate response when such an issue is found.

Governance Study Group Action: The Governance Study Group adopts these recommendations and suggests the following related revisions. (Additions shown in italics, underlined)

Repeal Rule of Judicial Administration Rule 2.225, Judicial Management Council because of the size and breadth of the previously assigned responsibilities. A newly constituted Judicial Management Council (JMC) is proposed that will be smaller and with more narrow focus.

(Note: Existing rule to be repealed appears below; proposed replacement rule begins on page 15.)

REPEAL: RULE 2.225. JUDICIAL MANAGEMENT COUNCIL

(a) Creation and Responsibilities. There is hereby created the Judicial Management Council of Florida, which shall be charged with the following responsibilities:

(1) The comprehensive study and formulation of recommendations on issues related to the efficient and effective administration of justice that have statewide impact, affect multiple levels of the court system, or affect multiple constituencies in the court and justice community.

(A) Issues that may be examined by the Judicial Management Council include, but are not limited to:

(i) the organization, jurisdiction, and management of the courts;

(ii) the qualifications, selection process, compensation, disciplinary process, and removal process for judicial officers;

(iii) administrative policies and programs of the court system;
(iv) state and local budgets for the courts and related entities, and the balance of funding between state and local government;

(v) available revenues that are currently or may be used to support the courts, including fines, forfeitures, filing fees, add-ons, surcharges, and liens;

(vi) rules of court and rulemaking process;

(vii) legislative issues, including changes in the statutes or the constitution; and

(viii) the policies, procedures, and programs of other entities that are involved in court proceedings, or otherwise affect the work of the courts.

(B) Issues may become part of the Judicial Management Council’s agenda by:

(i) referral from the chief justice;

(ii) referral from the supreme court; or

(iii) identification by the Judicial Management Council on its own initiative based on the recommendations of members; input from judges, the bar, court personnel, or other sources; input from public hearings; referral of issues by the Florida Legislature, either informally or through the passage of legislation; or referral of issues by the governor, cabinet, or executive branch agencies.

(C) The chief justice and the supreme court shall consider referring significant new issues or problems with implications for judicial branch organization, policy, or budgeting to the Judicial Management Council, prior to the creation of any new committees.

(2) The development and recommendation of the long-range strategic plan and quality management and accountability program for the judicial branch, which are required pursuant to article III, section 19, of the Florida Constitution.

(3) The development of recommendations to all Constitutional Revision Commissions.

(4) To review and respond to the work of other commissions, task forces, councils, and committees of the judicial, legislative and executive branches, and The Florida Bar, which may consider matters having policy, funding, or operational implications for the judicial branch and the justice system.

(5) To provide a liaison with private sector entities with an interest in the court system, including the Florida Council of 100.
(b) Schedule of Reports.

(1) The Judicial Management Council shall prepare an annual report on its activities, along with recommendations on substantive legislation and budget resources, which shall be presented to the chief justice and the supreme court on October 1 of each year.

(2) The Judicial Management Council shall prepare a biennial review of the judicial branch’s long-range strategic plan and formulate recommendations for a 2-year operational plan based on such review, which shall be presented to the chief justice on July 1 of each even-numbered year.

(3) The Judicial Management Council may prepare other reports as it deems necessary, which shall be presented to the chief justice or the supreme court upon completion.

(c) Supreme Court Action on Recommendation by the Judicial Management Council. The chief justice or the supreme court may take any or all of the following actions on recommendations made by the Judicial Management Council:

(1) Direct that action be taken to influence or change administrative policy, management practices, rules, or programs that are the subject of the recommendations.

(2) Include the recommendation in the State Courts System’s legislative agenda or budget requests.

(3) Refer the recommendation back to the Judicial Management Council with an indication that:

(A) the Judicial Management Council shall undertake further study;

(B) the supreme court takes no position on the issue and encourages the Judicial Management Council to take whatever further action on the matter the Judicial Management Council deems appropriate; or

(C) the supreme court disapproves of the recommendation and directs either reassessment of the recommendation or no further action by the Judicial Management Council.

(4) Refer the recommendation to other entities, such as the Florida Legislature, the governor, the cabinet, executive branch agencies, or The Florida Bar, as the supreme court deems appropriate.

(d) Membership and Organization. The membership of the Judicial Management Council shall be appointed with the intention of ensuring diversity and representation of groups involved in or affected by the judicial system.
(1) There shall be 21 official members of the Judicial Management Council, to be appointed by the chief justice, which shall include:

(A) one supreme court justice;

(B) two district court of appeal judges, to be nominated by the Florida Conference of District Court of Appeal Judges;

(C) two circuit court judges, one of whom shall be an active chief judge, to be nominated by the Florida Conference of Circuit Judges;

(D) two county court judges, to be nominated by the Conference of County Court Judges;

(E) one state attorney, to be nominated by the Florida Prosecuting Attorneys Association;

(F) one public defender, to be nominated by the Florida Public Defenders Association;

(G) the attorney general or the attorney general’s designee;

(H) one clerk of court, to be nominated by the Florida Association of Court Clerks;

(I) two representatives of The Florida Bar, one of whom shall be a member of the board of governors, to be nominated by the board of governors;

(J) one representative of the governor’s legal office, to be designated by the governor;

(K) one member of the Florida Senate and one member of the House of Representatives;

(L) four public members; and

(M) one member of the Florida Council of 100, to be nominated by the Florida Council of 100.

(2) The legislative members shall serve as ad hoc, voting members, whose absence shall not be considered for purposes of determining whether a quorum is present at meetings.

(3) The chief justice may appoint no more than 8 members at large who shall serve as voting members for a term of 3 years.

(4) The chief justice or the chief justice’s designee shall serve as chair of the Judicial Management Council.
(5) To ensure continuity through the Judicial Management Council’s development of a long range strategic plan for the judicial branch, the original members of the council shall be appointed for a term of 3 years. The members’ terms thereafter shall be on a staggered, multi-year basis, to be designated by future administrative orders of the chief justice.

(6) The Judicial Management Council shall establish a committee structure and procedures that ensure broad-based involvement of and input from interested constituencies. The Judicial Council shall have the authority and resources to improve its inclusiveness through a variety of means, such as:

(A) establishing committees or subcommittees that include persons who are not members of the Council but whose input may be needed on selected issues;

(B) referring matters to existing groups or committees, such as committees of The Florida Bar, for comment and recommendations;

(C) conducting focus groups, workshops, and town hall type meetings;

(D) conducting public hearings; and

(E) conducting surveys.

(7) The Judicial Management Council shall explore and recommend appropriate protocols for information sharing and coordination of work by the various committees that have been created by the court system. When appropriate, the Judicial Management Council shall include such committees in the process of developing the long-range strategic plan.

(e) Staff Support and Funding. The Office of the State Courts Administrator shall provide primary staff support to the Judicial Management Council. Adequate staffing and other resources shall be made available to the Office of the State Courts Administrator to ensure the effective and efficient completion of tasks assigned to the Judicial Management Council. Sufficient resources shall also be provided for meetings of the Judicial Management Council and its committees or subcommittees, and other expenses necessary to the satisfactory completion of its work.

Above revision adopted by the Governance Study Group with a vote of 11 – 0.

Add Rule 2.225, Judicial Management Council, to assist the supreme court in fulfilling its administrative responsibilities in a proactive, not reactive manner, as follows:
RULE 2.225. JUDICIAL MANAGEMENT COUNCIL

(a) Creation and Responsibilities. There is hereby created the Judicial Management Council of Florida, which shall meet at least quarterly, and be charged with the following responsibilities:

(1) identifying potential crisis situations affecting the judicial branch and developing strategy to timely and effectively address them;

(2) identifying and evaluating information that would assist in improving the performance and effectiveness of the judicial branch (for example, information including, but not limited to, internal operations for cash flow and budget performance, and statistical information by court and type of cases for (i) Number of Cases filed, (ii) Aged Inventory of Cases- the number and age of cases pending, (iii) Time to Disposition- the percentage of cases disposed or otherwise resolved within established time frames, and (iv) Clearance Rates- the number of outgoing cases as a percentage of the number of incoming cases;

(3) developing, and monitoring progress relating to, long range planning for the judicial branch;

(4) reviewing the charges of the various court commissions and committees, recommending consolidation or revision of the commissions and committees, and recommending a method for the coordination of the work of those bodies based on the proposed revisions;

(5) addressing issues brought to the council by the supreme court.

(b) Referrals. The chief justice and the supreme court shall consider referring significant new issues or problems with implications for judicial branch policy to the Judicial Management Council, prior to the creation of any new committees.

(c) Supreme Court Action on Recommendation by the Judicial Management Council. The supreme court may take any or all of the following actions on recommendations made by the Judicial Management Council:

(1) Adopt the recommendation of the council in whole or in part, with or without conditions, including but not limited to:

(A) Direct that action be taken to influence or change administrative policy, management practices, rules, or programs that are the subject of the recommendations;

(B) Include the recommendation in the judicial branch’s legislative agenda or budget requests.
(2) Refer specific issues or questions back to the council for further study or alternative recommendations.

(3) Reject the recommendation or decision in whole or in part.

(4) Refer the recommendation to other entities, such as the Florida Legislature, the governor, the cabinet, executive branch agencies, or the Florida Bar, as the supreme court deems appropriate.

(5) Take alternative action.

(d) Membership. The council shall be chaired by the chief justice. Additional voting members shall consist of (initially and as vacancies occur):

1 District Court of Appeal (DCA) judge, President of Conference of District Court of Appeal Judges or designee;

1 District Court of Appeal (DCA) judge selected by the Conference of District Court of Appeal Judges;

1 circuit judge selected by the Trial Court Budget Commission (TCBC);

1 circuit judge, Chair of Conference of Circuit Court Judges or designee;

1 circuit judge selected by the Commission on Trial Court Performance and Accountability (TCP&A);

1 county judge, President of Conference of County Court Judges or designee;

1 county judge, selected by the Conference of County Court Judges;

1 member selected by the Florida Council of 100;

1 lawyer, president of Florida Bar or designee;

1 lawyer, selected by the Florida Bar Board of Governors.

The state courts administrator shall be a non-voting member.

The council may request other non-voting persons to participate on an as-needed temporary basis to gain expertise and experience in certain issues on review. The terms of the membership shall be staggered to achieve an average of three years on the council, as determined by the chief justice.
(e) Staff Support and Funding. The Office of the State Courts Administrator shall provide primary staff support to the Judicial Management Council. Adequate staffing and other resources shall be made available to the Office of the State Courts Administrator to ensure the effective and efficient completion of tasks assigned to the Judicial Management Council. Sufficient resources shall also be provided for meetings of the Judicial Management Council and its committees or subcommittees, and other expenses necessary to the satisfactory completion of its work.

+ Above revision adopted by the Governance Study Group with a vote of 11 – 0.

IV. Chief Judges (Rule 2.215, Rule 2.210)

As noted above in the section on the supreme court and the chief justice, a stronger governance system may be marked by very involved and consistent leadership; in the judicial branch, the chief judges at the district and trial court levels are integral to the concept of a leadership team that carries out policy as set forth by the supreme court. In looking at governance issues in the judicial branch, the Governance Study Group examined the authority, responsibilities, and leadership role of chief judges in the district courts and in the trial courts. Based upon the findings of the consultant’s research and the knowledge and experiences of Governance Study Group members, the Governance Study Group developed a number of proposed changes to the Rules of Judicial Administration governing chief judges. These proposed changes are designed to provide chief judges with clear authority to direct judges to adhere to court policies and administrative plans and to achieve greater administrative consistency.

Additionally, the Governance Study Group proposed several changes to strengthen and enhance leadership at the district and circuit levels, first by extending the term of chief judges from two years to four years, thus providing a longer “learning curve” for leaders as well as providing the opportunity to develop strong working relationships with local justice partners and funding bodies. Another proposed change is in the selection of chief judges, which is to be based upon managerial, administrative and leadership qualities without regard to seniority. Also, the Governance Study Group recommended that at the call of the chief justice, the chief judges of the circuit courts and district courts shall meet on a regular basis and with each other and with the chief justice to discuss and provide feedback for implementation of policies and practices that have statewide impact. These proposals, along with those related to the supreme court and chief justice, are designed to strengthen the judicial branch’s governance through greater clarity of authority, enhanced continuity of leadership, and improved communication and information-sharing. Finally, the study group approved proposed rule language to acknowledge the responsibility of the chief judges at the district and circuit levels to exercise reasonable efforts to promote and encourage diversity in the administration of justice.
Conclusions from consultant’s report:

Conclusion 4: The Governance Study Group should consider recommending that Rules of Judicial Administration 2.210(a)(2) and 2.215(b) be amended to provide authority to chief judges of both the circuit courts and the district courts to direct judges on their court(s) to adhere to court policies and administrative plans.

Conclusion 5: The Governance Study Group should consider recommending that Rule of Judicial Administration 2.210(a)(2) be amended to include a specific set of administrative responsibilities of district courts chief judges similar to those contained in Rule of Judicial Administration 2.215(b), along with a provision empowering the supreme court to remove a district court chief judge similar to that in Rule of Judicial Administration 2.215(c).

Conclusion 6: The Governance Study Group should consider recommending that Rule of Judicial Administration 2.210(a)(2) and 2.215(b) be amended to enhance continuity of leadership in the district courts and the circuit courts.

Conclusion 7: The Governance Study Group should consider recommending that circuit and district courts chief judges meet in person quarterly in addition to regular conference calls.

Governance Study Group Action: The Governance Study Group adopts these recommendations and suggests the following related revisions. (Revisions shown in italics, underlined)

**Rule 2.215. Trial Court Administration**

(a) Purpose. The purpose of this rule is to fix administrative responsibility in the chief judges of the circuit courts and the other judges that the chief judges may designate. When these rules refer to the court, they shall be construed to apply to a judge of the court when the context requires or permits.

(b) Chief Judge.

(1) The chief judge shall be a circuit judge who possesses managerial, administrative ability and leadership abilities, and shall be selected without regard to seniority.

(2) The chief judge shall be the administrative officer of the courts within the circuit and shall, consistent with branch wide policies, direct the formation and implementation of policies and priorities for the operation of all courts and officers within the circuit. The chief judge shall exercise administrative supervision over all judges and court personnel within the judicial circuit. The chief judge shall be responsible to the chief justice of the supreme court. The chief judge may enter and sign administrative orders, except as otherwise provided by this rule. The chief judge shall have the authority to require that all judges of
the court, other court officers, and court personnel comply with all court and judicial branch policies, administrative orders, procedures and administrative plans.

(3) The chief judge shall maintain liaison in all judicial administrative matters with the chief justice of the supreme court, and shall, considering available resources, insure the efficient and proper administration of all courts within that circuit. The chief judge shall develop an administrative plan that shall include an administrative organization capable of effecting the prompt disposition of cases; assignment of judges, other court officers, and executive assistants; all other court personnel; control of dockets; regulation and use of courtrooms; and mandatory periodic review of the status of the inmates of the county jail. The plan shall be compatible with the development of the capabilities of the judges in such a manner that each judge will be qualified to serve in any division, thereby creating a judicial pool from which judges may be assigned to various courts throughout the state. The administrative plan shall include a consideration of the statistical data developed by the case reporting system. Questions concerning the administration or management of the courts of the circuit shall be directed to the chief justice of the supreme court through the state courts administrator.

(4) The chief judge shall assign judges to the courts and divisions, and shall determine the length of each assignment. The chief judge is authorized to order consolidation of cases, and to assign cases to a judge or judges for the preparation of opinions, orders, or judgments. All judges shall inform the chief judge of any contemplated absences that will affect the progress of the court's business. If a judge is temporarily absent, is disqualified in an action, or is unable to perform the duties of the office, the chief judge or the chief judge's designee may assign a proceeding pending before the judge to any other judge or any additional assigned judge of the same court. The chief judge may assign any judge to temporary service for which the judge is qualified in any court in the same circuit. If it appears to the chief judge that the speedy, efficient, and proper administration of justice so requires, the chief judge shall request the chief justice of the supreme court to assign temporarily an additional judge or judges from outside the circuit to duty in the court requiring assistance, and shall advise the chief justice whether or not the approval of the chief judge of the circuit from which the assignment is to be made has been obtained. The assigned judges shall be subject to administrative supervision of the chief judge for all purposes of this rule. When assigning a judge to hear any type of postconviction or collateral relief proceeding brought by a defendant who has been sentenced to death, the chief judge shall assign to such cases a judge qualified to conduct such proceedings under subdivision (b)(10) of this rule. Nothing in this rule shall restrict the constitutional powers of the chief justice of the supreme court to make such assignments as the chief justice shall deem appropriate.

(5) The chief judge may designate a judge in any court or court division of circuit or county courts as “administrative judge” of any court or division to assist with the administrative supervision of the court or division. The designee shall be responsible to the chief judge,
shall have the power and duty to carry out the responsibilities assigned by the chief judge, and shall serve at the pleasure of the chief judge.

(6) The chief judge may require the attendance of prosecutors, public defenders, clerks, bailiffs, and other officers of the courts, and may require from the clerks of the courts, sheriffs, or other officers of the courts periodic reports that the chief judge deems necessary.

(7) The chief judge shall regulate the use of all court facilities, regularly examine the dockets of the courts under the chief judge’s administrative supervision, and require a report on the status of the actions on the dockets. The chief judge may take such action as may be necessary to cause the dockets to be made current. The chief judge shall monitor the status of all pending postconviction or collateral relief proceedings brought by defendants who have been sentenced to death and shall take the necessary actions to assure that such cases proceed without undue delay. On the first day of every January, April, July, and October, the chief judge shall inform the chief justice of the supreme court of the status of all such pending cases.

(8) The chief judge or the chief judge’s designee shall regularly examine the status of every inmate of the county jail.

(9) The chief judge may authorize the clerks of courts to maintain branch county court facilities. When so authorized, clerks of court shall be permitted to retain in such branch court facilities all county court permanent records of pending cases, and may retain and destroy these records in the manner provided by law.

(10) (A) The chief judge shall not assign a judge to preside over a capital case in which the state is seeking the death penalty, or collateral proceedings brought by a death row inmate, until that judge has become qualified to do so by:

(i) presiding a minimum of 6 months in a felony criminal division or in a division that includes felony criminal cases, and

(ii) successfully attending the “Handling Capital Cases” course offered through the Florida College of Advanced Judicial Studies. A judge whose caseload includes felony criminal cases must attend the “Handling Capital Cases” course as soon as practicable, or upon the direction of the chief judge.

(B) The chief justice may waive these requirements in exceptional circumstances at the request of the chief judge.

(C) Following attendance at the “Handling Capital Cases” course, a judge shall remain qualified to preside over a capital case for three calendar years, and may maintain that qualification by attending a “Capital Case Refresher” course during each following three-
year period. A judge who has attended the “Handling Capital Cases” course and who has not taken the “Capital Case Refresher” course within three years must requalify to preside over a capital case by attending the refresher course.

(D) The refresher course shall be at least a 6-hour course and must be approved by the Florida Court Education Council. The course must contain instruction on the following topics: penalty phase, jury selection, and proceedings brought pursuant to Florida Rule of Criminal Procedure 3.851.

(11) *The failure of any judge to comply with an order or directive of the chief judge shall be considered neglect of duty and may be reported by the chief judge to the chief justice of the supreme court. The chief justice may report the neglect of duty by a judge to the Judicial Qualifications Commission or other appropriate person or body, or take such other corrective action as may be appropriate.*

(12) *At the call of the chief justice, the chief judges of the circuit court and district courts of appeal shall meet on a regular basis and with each other and with the chief justice to discuss and provide feedback for implementation of policies and practices that have common operational issues and policies and practices that statewide impact including, but not limited to, the court system’s judicial branch’s management, operation, strategic plan, legislative agenda and budget priorities. Such meetings shall, if practicable, occur at least quarterly and be conducted in-person. At the discretion of the chief justice, any of these meetings may be combined with other judicial branch and leadership meetings.*

(13) *The chief judge shall have the responsibility to exercise reasonable efforts to promote and encourage diversity in the administration of justice.*

(c) Selection. The chief judge shall be chosen by a majority of the active circuit and county court judges within the circuit for a term of 4 years commencing on July 1, 2013, or if there is no majority, by the chief justice, for a term of 4 years. *A chief judge may serve successive terms.* The election for chief judge shall be held no sooner than February 1 of the year during which the chief judge’s term commences beginning July 1. All elections for chief judge shall be conducted as follows:

(1) All ballots shall be secret.

(2) Any circuit or county judge may nominate a candidate for chief judge.

(3) Proxy voting shall not be permitted.

(4) Any judge who will be absent from the election may vote by secret absentee ballot obtained from and returned to the Trial Court Administrator.
A chief judge may be removed as chief judge by the supreme court, acting as the administrative supervisory body of all courts, or by a two-thirds vote of the active judges. A chief judge who is to be temporarily absent shall select an acting chief judge from among the circuit judges. If a chief judge dies, retires, fails to appoint an acting chief judge during an absence, or is unable to perform the duties of the office, the chief justice of the supreme court shall appoint a circuit judge to act as chief judge during the absence or disability, or until a successor chief judge is elected to serve the unexpired term. When the office of chief judge is temporarily vacant pending action within the scope of this paragraph, the duties of court administration shall be performed by the circuit judge having the longest continuous service as a judge or by another circuit judge designated by that judge.

+ Above revision adopted by the Governance Study Group with a vote of 11 – 0.

Rule 2.210 District Courts of Appeal

(a) Internal Government.

(1) Exercise of Powers and Jurisdiction. Three judges shall constitute a panel for and shall consider each case, and the concurrence of a majority of the panel shall be necessary to a decision.

(2) Chief Judge.

(A) The selection of a chief judge should be based on managerial, administrative, and leadership abilities, without regard to seniority.

(B) The chief judge shall be the administrative officer of the court, and shall, consistent with branch wide policies, direct the formation and implementation of policies and priorities for the operation of the court. The chief judge shall exercise administrative supervision over all judges and court personnel. The chief judge shall be responsible to the chief justice of the supreme court. The chief judge may enter and sign administrative orders. The administrative powers and duties of the chief judge include, but are not limited to, the power to order consolidation of cases, and to assign cases to the judges for the preparation of opinions, orders, or judgments. The chief judge shall have the authority to require all judges of the court, court officers and court personnel, to comply with all court and judicial branch policies, administrative orders, procedures and administrative plans.

(C) The chief judge shall maintain liaison in all judicial administrative matters with the chief justice of the supreme court, and shall, considering available resources, insure the efficient and proper administration of the court. The chief judge shall develop an administrative plan that shall include an administrative organization capable of effecting the prompt disposition of cases; assignment of judges, other court officers, court personnel, and the control of
dockets. The administrative plan shall include a consideration of the statistical data
developed by the case reporting system.

(D) All judges shall inform the chief judge of any contemplated absences that will affect the
progress of the court’s business. If a judge is temporarily absent, is disqualified in an action,
or is unable to perform the duties of the office, the chief judge or the chief judge’s designee
may assign a matter pending before the judge to any other judge or any additional assigned
judge of the same court. If it appears to the chief judge that the speedy, efficient, and
proper administration of justice so requires, the chief judge shall request the chief justice of
the supreme court to assign temporarily an additional judge or judges from outside the
court to duty in the court requiring assistance, and shall advise the chief justice whether or
not the approval of the chief judge of the court from which the assignment is to be made has
been obtained. The assigned judges shall be subject to administrative supervision of the
chief judge for all purposes of this rule. Nothing in this rule shall restrict the constitutional
powers of the chief justice of the supreme court to make such assignments as the chief
justice shall deem appropriate.

(E) The chief judge shall regulate the use of all court facilities, regularly examine the dockets
of the courts under the chief judge's administrative supervision, and require a report on the
status of the matters on the docket. The chief judge may take such action as may be
necessary to cause the docket to be made current.

(F) The chief judge shall be chosen by a majority of the active judges of the court for a term
of four years commencing on July 1 of each, 2013 for all even-numbered districts and July 1,
2015 for all odd-numbered year and shall districts. A chief judge may serve for a term of 2
years successive terms. In the event of a vacancy, a successor shall be chosen promptly to
serve the balance of the unexpired term. The selection of a chief judge should be based on
managerial, administrative, and leadership abilities. The chief judge shall be the
administrative officer of the court, responsible for the dispatch of its business, shall have
the power to order consolidation of cases, and shall assign cases to the judges for the
preparation of opinions, orders, or judgments. If the chief judge is unable to discharge
these duties, the judge longest in continuous service or, as between judges with equal
continuous service, the one having the longest unexpired term and able to do so, shall
perform the duties of chief judge pending the chief judge's return to duty. Judges shall
notify the chief judge of any contemplated absence from the court and the reasons
therefore. A chief judge may be removed as chief judge by the supreme court, acting as the
administrative supervisory body of all courts, or by a two-thirds vote of the active judges.

(G) The failure of any judge to comply with an order or directive of the chief judge shall be
considered neglect of duty and may be reported by the chief judge to the chief justice of the
supreme court. The chief justice may report the neglect of duty by a judge to the Judicial
Qualifications Commission or other appropriate person or body, or take such other
corrective action as may be appropriate.
At the call of the chief justice, the chief judges of the circuit court and district courts of appeal shall meet on a regular basis and with each other and with the chief justice to discuss and provide feedback for implementation of policies and practices common operational issues and policies and practices that have statewide impact including, but not limited to, the court system’s judicial branch’s management, operation, strategic plan, legislative agenda and budget priorities. Such meetings shall, if practicable, occur at least quarterly and be conducted in-person. At the discretion of the chief justice, any of these meetings may be combined with other judicial branch and leadership meetings.

The chief judge shall have the responsibility to exercise reasonable efforts to promote and encourage diversity in the administration of justice.

Above revision adopted by the Governance Study Group with a vote of 11 – 0.

V. Amending Rules of Court

Rule 2.140

The supreme court has directed the Florida Bar to appoint standing rules committees to consider rule proposals concerning the procedures in civil, criminal, small claims, traffic, appellate, juvenile, probate, and family matters, and also to consider changes to the rules of evidence and judicial administration. Based on current practices, rules committees may take from 18 months to five years before making their report to the supreme court. In some instances, by the time the rules committee makes its report, the Bar Board of Governors considers the report, and the court issues its Administrative Order, the need for the rule has passed or the problem to be addressed by the rule has changed. Therefore, a more timely process is needed to develop well-considered rules. The Governance Study Group also considered the issue of the size of bar rules committees, noted in the consultant’s report as often being sizable and somewhat unwieldy; the two Governance Study Group members representing the Florida Bar indicated that the Bar itself will address this issue.

Conclusion 9 from consultant’s report: The Governance Study Group should consider recommending that the Rule of Judicial Administration 2.140 be amended to ensure the development of well-considered rules in a timely fashion.

Governance Study Group Action: The Governance Study Group adopts this recommendation and suggests the following related revisions to ensure review of rules of court every other year. (Revisions shown in italics, underlined)

Rule 2.140 Amending Rules of Court

(b) Schedule for Rules Proposals.
(1) Each committee shall report all proposed rule changes on a staggered basis (with the first cycle starting in 2012). Reports shall be made by the Criminal Procedure Rules Committee, the Traffic Court Rules Committee, the Rules of Judicial Administration, the Family Law Rules Committee and the Juvenile Court Rules Committee in 2012; by the Civil Procedure Rules Committee, the Probate Rules Committee, the Small Claims Rules Committee, the Appellate Court Rules Committee and the Code and Rules of Evidence Committee in 2013. Thereafter, the cycle shall repeat.

Above revision adopted by the Governance Study Group with a vote of 10 – 0.

Supreme Court Internal Procedures for Handling Cases

In order to promote communication between the supreme court and entities authorized to propose rule changes, in court conference on April 28, 2010, the supreme court made a substantive determination authorizing prefiling communication between rules committees or support staff to those committees and court staff that assist the court in processing proposed amendments. Accordingly, the justices of the court and their staff are not ethically prohibited from these informal communications and will not be subject to disqualification upon the filing of proposed amendments with the court; this process is in effect until a petition is filed and a case number assigned.

Conclusion 10 from consultant’s report: The Governance Study Group should consider recommending that the Rules of Judicial Administration be amended to enable the supreme court to consider new and amended rules of procedure and rules of judicial administration as administrative policy proposals rather than legal cases.

Governance Study Group Action: No additional work needs to be done on this issue by the Governance Study Group.

VI. Office of the State Courts Administrator (OSCA)

Additional Responsibility - Rule 2.205

The amendment proposed above to Rule 2.205(a)(1) states that it is consistent with the supreme court’s authority to establish policy, including recommending state budget and compensation priorities for the judicial branch, and further specifies that no judge, supreme court created committee, commission, taskforce, or similar group, and no conference (Conference of District Court of Appeal Judges, Conference of Circuit Court Judges, Conference of County Court Judges) is permitted to recommend substantive law changes or state budget priorities, including compensation and benefits, to the legislative or executive branches that have not been approved by the supreme court. This is not intended to apply to judges expressing their personal views who affirmatively make it explicitly clear that they are not speaking on behalf of the judicial branch.
In their discussion of that proposal, members of the Governance Study Group expressed concern that there is currently no way in which judges or judicial conferences are routinely or consistently informed of substantive law changes or state budget priorities that have been approved by the supreme court. A specific mechanism is needed to inform and explain to judges what the court’s policies are.

Governance Study Group Action: The Governance Study Group recommends the proposed rule change below. (Revision in italics, underlined)

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Rule 2.205 THE SUPREME COURT

(e) State Courts Administrator.

(2) Duties. The state courts administrator shall supervise the administrative office of the Florida courts, which shall be maintained at such place as directed by the supreme court; shall employ such other personnel as the court deems necessary to aid in the administration of the state courts system; shall represent the state courts system before the legislature and other bodies with respect to matters affecting the state courts system and functions related to and serving the system; shall supervise the preparation and submission to the supreme court, for review and approval, of a tentative budget request for the state courts system and shall appear before the legislature in accordance with the court’s directions in support of the final budget request on behalf of the system; shall inform the judiciary of the state courts system’s final budget request and any proposed substantive law changes approved by the supreme court; shall assist in the preparation of educational and training materials for the state courts system and related personnel, and shall coordinate or assist in the conduct of educational and training sessions for such personnel; shall assist all courts in the development of improvements in the system, and submit to the chief justice and the court appropriate recommendations to improve the state courts system; and shall collect and compile uniform financial and other statistical data or information reflective of the cost, workloads, business, and other functions related to the state courts system. The state courts administrator is the custodian of all records in the administrator’s office.

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Implementation and Impact of Court Policies and Initiatives

The OSCA Workgroup Subcommittee of the Governance Study Group recommended that OSCA be directed “to report regularly on the extent of implementation and impact of policies established by the Court.” The subcommittee also agreed that OSCA’s review of whether a policy or initiative established by the court should continue, be modified, or ended might infringe on the responsibility and privilege of the supreme court to make and revise policies and the means of implementing such policies. Consequently, the Governance Study Group recommended that language be added to clarify OSCA’s role in providing support and information to the supreme court, not providing a direct recommendation for the extension, termination or revision of policies.
Conclusion 2 from consultant’s report: The Governance Study Group should consider recommending that the supreme court direct OSCA to report regularly on the extent of implementation and impact of policies and initiatives established by the court and review periodically whether a policy or initiative should continue, be modified, or ended.

Governance Study Group Action: The Governance Study Group recommends that the supreme court direct OSCA to report regularly on the extent of implementation and impact of policies established by the court and provide data so that the supreme court can review periodically whether a policy or the method of implementing such policy should continue, be modified, or be ended.

+ Above recommendation adopted by the Governance Study Group with a vote of 11 – 0.

Orientation and Specialized Education for Chief Judges

The Governance Study Group members strongly supported the goal of ensuring that incoming chief judges have adequate training for their increased responsibilities, as well as ongoing training as needed for the changing conditions faced by the branch. OSCA has an existing training program for incoming chief judges at the trial court level. Expanding this training to district court incoming chief judges and expanding the training to include continuing education for chief judges at all levels is warranted.

Conclusion 8 from consultant’s report: The Governance Study Group should consider recommending that OSCA review the orientation offered to incoming circuit chief judges, offer an orientation for incoming district court chief judges, and provide continuing education courses on the special knowledge and skills required to serve effectively as a circuit court or district court chief judge.

Governance Study Group Action: The Governance Study Group recommends that OSCA, in coordination with the district court and circuit court conference leadership, provide specialized orientation and continuing education programs for incoming district court and circuit court chief judges.

+ Above recommendation adopted by the Governance Study Group with a vote of 11 – 0.

Central Coordinating Body

There is general agreement among Governance Study Group members that there is a need for coordination of the work of various court commissions and ad hoc committees, with some of the strongest support for active coordination coming from the representatives of the Florida Bar who serve on the Governance Study Group and from past chairs of court commissions and ad hoc committees. OSCA staff has provided this coordination in the past and, where there have been conflicts between commissions and committees regarding their responsibilities, OSCA staff have generally been successful mediating among the chairs of the bodies to resolve the conflict.
However, commissions and committees have not had any real performance management system in place to ensure that each is working on those issues that are most pressing for the branch and to ensure that each is working on only those issues that are assigned to it.

Some Governance Study Group members suggested that OSCA continue in its role as the coordinator among court commissions and committees. Since OSCA staffs each commission and committee, Governance Study Group proponents of this approach reasoned that OSCA had the “big picture” view of the work of the various court commissions and committees, as well as the working relationships with the chairs of each body. OSCA staff, however, cautioned that their role as support to the commissions and committees was not a coordination role and cautioned that the coordination among commission and committee chairs should be done by judges rather than by staff. Study group members recognized that OSCA staff are already overworked at current levels. Further, it is not realistic to ask OSCA staff to recommend consolidation or revision of the supreme court’s directions to the various commissions or committees since OSCA’s role is to support the work done by those entities rather than to evaluate and manage the commissions and committees.

As a result, the Governance Study Group recommends that the Judicial Management Council (as envisioned in this report) be given the responsibility to hear reports from OSCA staff about the work of the commissions and committees. The Judicial Management Council should be asked to review the work of the various commissions and committees, make recommendations for the consolidation and revision of those entities, and propose a method by which those entities can coordinate their work to avoid overlapping responsibilities and recommendations.

**Conclusion 12 from consultant’s report:** The Governance Study Group should consider recommending that one or more central coordinating bodies be established to coordinate the work of the commissions and ad hoc committees and to monitor whether they are completing their charges in a timely manner.

**Governance Study Group Action:** The Governance Study Group recommends that OSCA, in its role as staff to the various court commissions and committees, should continue to coordinate and assist the commissions and committees of the branch. OSCA should provide reports about the work of the commissions and committees to the chief justice, to the supreme court and to the Judicial Management Council. In its charge to identify trends and challenges for the branch in the future, the Judicial Management Council should review the charge of the various court commissions and committees, recommend consolidation or revision of the commissions and committees, and recommend a method for the coordination of the work of those bodies in light of the proposed revisions.

**Capacity to Coordinate and Staff Commissions and Committees**

The Governance Study Group agreed that the strengthening of OSCA’s capacity to provide coordination services for the branch’s commissions and committees could occur from the addition of personnel, as well as from the restructuring of the personnel within OSCA. Further, the central coordinating committee could also relieve OSCA of some of its function to oversee the commission
and committee work and reduce duplication of effort. However, OSCA should not be responsible for working on reporting standards and measurements or for working on the technology applicable to this issue.

**Conclusion 18 from consultant’s report:** The Governance Study Group should consider recommending that OSCA strengthen its capacity to provide committee coordination services and to support the efforts of the Technology Commission and the Trial Court Performance and Accountability Commission to establish data standards, reporting, and functional requirements for all records maintenance systems serving the Judicial branch.

**Governance Study Group Action:** The Governance Study Group recommends that OSCA strengthen its capacity to provide Commission and Committee coordination and staffing services through the addition of personnel as budgets allow, as well as through the restructuring of personnel within OSCA.

+ Above recommendation adopted by the Governance Study Group with a vote of 11 – 0.

**VII. Chartering of Conferences (Rule 2.220, Florida Statute 26.55)**

Although the county, circuit, and district court of appeal judicial conferences have played significant roles in the judicial branch, the consulting report pointed out to the Governance Study Group that the role of the conferences within the governance structure is somewhat unclear. Obviously, the conferences have direct links to and from branch leadership and line judges, and can certainly provide insight on policies and initiatives. However, the roles and responsibilities are not currently well defined and the consulting report concludes that the Governance Study Group should consider recommending the re-chartering of the Conference of Circuit Court Judges and the Conference of County Court Judges, and the chartering of the Conference of District Court of Appeal Judges. The Governance Study Group agreed with this conclusion and noted this would entail amending Rule 2.220, and seeking the repeal of Florida Statute 26.55. The Governance Study Group also recommended that conference leadership be engaged in drafting any proposed rule that, in addition to uniformly chartering the conferences, also better defines the relationship between the conferences, the supreme court, and bar committees which often have overlapping and duplicative responsibilities.

**Conclusion 15 from consultant’s report:** The Governance Study Group should consider recommending the rechartering of the Conference of Circuit Court Judges and the Conference of County Court Judges and the chartering of the Conference of District Court of Appeal Judges through new or revised provisions of the Rules of Judicial Administration.

**Governance Study Group Action:** The Governance Study Group recommends rechartering of the Conference of Circuit Court Judges and the Conference of County Court Judges and the chartering of the Conference of District Court of Appeal Judges through new or revised provisions of the Rules of Judicial Administration.
This will entail amending rule 2.220 and seeking the repeal of Fla. Stat. 26.55.

Above recommendations adopted by the Governance Study Group with a vote of 11 – 0.

VIII. Standing Legislative Committee

Legislative advocacy on behalf of the judicial branch is a work in progress. There is a greater need for coordination among the various constituencies comprising the branch to allow for better and more consistent communication of the needs of the branch with the Florida Legislature and the governor’s office. The judicial branch must coordinate its legislative efforts and “speak with one voice.” The evolution of legislative advocacy has included formation of the Trial Court Budget Commission and District Court of Appeal Budget Commission, the Supreme Court Budget Oversight Committee, the Unified Committee on Judicial Compensation, and the DCA Legislative Committee. However, in the opinion of the Governance Study Group, much work remains to be done.

The Governance Study Group recommends that a Standing Legislative Committee be formed to act, along with the chief justice and the state courts administrator, as the branch’s liaison with the legislative and executive branches so that the other branches of government receive a clear and consistent message from the courts. The various constituencies of the branch should have input into developing legislative and budgetary priorities, but once developed, they should convey those priorities as part of a unitary message on behalf of the entire branch.

Conclusion 16 from the consultant’s report: The Governance Study Group should consider recommending concentrating responsibility for legislative advocacy on behalf of the judicial branch.

Governance Study Group Action: The Governance Study Group recommends that a Standing Legislative Committee be formed to act, along with the chief justice and the state court administrator, as the branch’s liaison with the legislative and executive branches. The model may be similar to that which was adopted by the Conference of District Court of Appeal Judges. The various constituencies of the branch should have input into developing legislative and budgetary priorities, and should convey that message as part of a unitary message. The standing committee should, along with the chief justice and state court administrator advocate on all salary and benefit issues, including judicial salaries and benefits.

Above recommendations adopted by the Governance Study Group with a vote of 11 – 0.
IX. District Court of Appeal Budget Commission (Rule 2.235)

The District Court of Appeal (DCA) Budget Commission consists of the chief judge of each DCA plus one additional judge from each DCA, who is usually the chief judge elect. Functioning as the court administrator with responsibility for budget, personnel, and security, the marshal of each DCA is a non-voting member of the Commission. The DCA Budget Commission is appointed by the chief justice effective July 1 of each odd-numbered year, and members are appointed for two-year terms. The chief justice selects the chair and vice-chair of the commission; Rule 2.235 of the Rules of Judicial Administration governs the DCA Budget Commission.

The Governance Study Group considered several ideas to enhance communication and the continuity of budgetary expertise on the DCA Budget Commission. While recognizing the importance of input from the chairs of the Commission on DCA Performance and Accountability and the Appellate Court Technology Committee of the Florida Courts Technology Commission, and the President of the DCA Judges Conference, Governance Study Group members also acknowledged the need to maintain balance in the DCA Budget Commission voting relationships. Therefore, the Governance Study Group recommends the addition of the chairs of the DCA commission, committee, and conference listed above be added to the DCA Budget Commission as non-voting ex-officio members. Further, if DCA chief judges' terms are increased to four years as proposed elsewhere in this report, in appointing the second member of the DCA Budget Commission, the DCAs should give priority to a judge who is interested in budgets and the budgeting process and is willing to serve beyond a single term. Finally, once a DCA has selected its chief judge elect, the chief judge elect should begin attending DCA Budget Commission meetings as an observer in order to learn the process.

‡ Above recommendations adopted by the Governance Study Group with a vote of 11 – 0.

Conclusion 17 from consultant’s report: The Governance Study Group should consider recommending expansion of the voting membership of the District Courts of Appeal Budget Commission.

Governance Study Group Action: The Governance Study Group hereby proposes the following additional rule language changes (underlined, italicized) to accomplish the following:

- Add the Chairs of the Performance and Accountability Commission, the Appellate Court Technology Committee, and the President of the District Court of Appeal Judges Conference as ex officio non-voting members, and amend Rule 2.235 to do so.

- If the DCA Chief Judges' Terms are increased to four years, revise the Rule 2.235(e) appointment provision so as to accommodate the four-year terms.
Rule 2.235 DISTRICT COURT OF APPEAL BUDGET COMMISSION

(e) Membership and Organization. The District Court of Appeal Budget Commission will be composed of 10 voting members appointed by the chief justice who will represent the interests of the district courts generally rather than the individual interests of a particular district.

(1) The membership shall include the chief judge of each district court of appeal, who shall serve for his or her term as chief judge. The membership shall also include one additional judge from each district court of appeal, appointed by the chief justice, with advice from each chief judge. The marshal of each district court of appeal shall serve as a nonvoting member. Ex officio nonvoting members shall also include the chairs of the District Court of Appeal Performance and Accountability Commission and the Appellate Court Technology Committee, and the President of the District Court of Appeal Judges Conference.

(2) The chief justice will appoint 1 member to serve as chair and 1 member to serve as vice chair, each for a one four-year term, or until the member's term on the commission expires.

(3) The commission may establish subcommittees as necessary to satisfactorily carry out its responsibilities. Subcommittees may make recommendations only to the commission as a whole. The chair of the commission may appoint a non-commission member to serve on a subcommittee.

(4) Effective July 1, 2013, the commission shall be reconstituted with staggered terms for voting members, as follows: (A) The chief judge of each district will be appointed for his or her term as chief judge. (B) The additional judge from each odd-numbered district will be appointed for a four-year term. (C) The additional judge from each even-numbered district will be appointed for a two-year term, and thereafter to four-year terms. (D) Each nonvoting member will serve so long as he or she continues to hold the office which entitles him or her to membership on the commission.

X. Enhanced Communication

The National Center for State Court’s consulting report noted that the leaders of the circuit and district courts readily share their views and concerns with the chief justice, supreme court, and the Office of the State Courts Administrator. Conversely, the research indicated that rank and file judges and staff are more hesitant to communicate directly with these entities, and to be assured that the communications are not only welcomed, but also appreciated. Predictably, these groups were also more likely to agree they can convey their ideas and concerns to the chief judge of their respective court.

Given that open communication is requisite for effective systems, the Governance Study Group supported the consultant’s conclusion that a simple mechanism should be developed for judges...
and staff to communicate ideas to the chief justice, supreme court, and the Office of the State Courts Administrator. However, the study group members also recognized that most issues are of a local nature and appropriately handled at that level rather than communicating the issue to the chief justice, supreme court, or the Office of the State Courts Administrator.

Above recommendation adopted by the Governance Study Group with a vote of 11 – 0.

Conclusion 21 from consultant’s report: The Governance Study Group should consider recommending that the chief justice, supreme court and OSCA should establish an enhanced internal communication by developing a simple mechanism for judges and staff to communicate ideas and concerns directly and making clear that communications are not only welcome but appreciated.

Governance Study Group Action: The Governance Study Group recommends that the chief justice, supreme court and OSCA enhance internal communication by developing a simple mechanism for judges and staff to communicate ideas and concerns directly and making clear that communications are not only welcome but appreciated. However, it is important that line judges and staff understand that most issues are of a local nature and should be dealt with at the local level by the appropriate chief judge, trial court administrator or marshal. On those occasions when communication with branch leadership or staff in Tallahassee is appropriate, there should be a designated person or office to contact.

XI. Consultant’s Conclusions Supported by Current Practices

In its deliberations concerning the consulting report, the Governance Study Group noted that certain conclusions are already supported by current practices. Specifically, Conclusion #11 encourages the study group to recommend that commissions be established by the full supreme court to address long term problems, and ad hoc committees be established to address specific problems. These measures have been standard procedure for quite some time and need no further attention.

Additionally, Conclusion #14 of the consulting report advances the notion that as resources permit, all commissions, committees, and ad hoc committees should be permitted to meet in-person. Although, it has been an ongoing policy to make every effort to conserve resources by utilizing such options as teleconferencing, videoconferencing, and other electronic meeting options, recent policy supports in-person meetings to the degree feasible. The study group fully recognized the value of commission, committee, and ad hoc committee members meeting in-person as opposed to teleconferences and videoconferences but determined no further action is required given current policy.

Conclusions from consultant’s report:
Conclusion 11: The Governance Study Group should consider recommending that the commissions be established by the full supreme court to address long term problems and that ad hoc committees be established by the full supreme court to address specific problems.

Conclusion 14: The Governance Study Group should consider recommending that as resources permit, commissions and ad hoc committees be permitted to meet in-person as needed to complete their charges in a timely manner.

Governance Study Group Action: No further action is needed as both conclusions above are consistent with current policy and practice.

XII. Conclusion

The Governance Study Group, appointed by Administrative Order No. AOSC09-43, undertook an extensive and in-depth study of the current governance system of the judicial branch, and thoroughly examined the structure and functions of the present governance system of the Florida Judicial Branch, and assessed its efficacy and efficiency. As directed, the scope of the study includes policy-making, budgeting, rulemaking, leadership, decision-making, planning, and intergovernmental relations.

As further outlined and authorized in the administrative order, the study group developed recommendations of actions, activities, or changes to advance effective and efficient improvement in the governance structure. To that end, the Governance Study Group presents this report and the recommendations as its final product and conclusions.

The consultant’s report describes the current environment within the branch as a “propitious moment” in that there is widespread support for a more unified systems approach to enhance progress, alignment, coherence, and functioning. The Governance Study Group concurs and respectfully submits this report to the supreme court, and asks the court to accept the report, and approve and implement the recommendations. It is believed these recommendations, based on vigorous research and feedback, will result in more efficient justice on behalf of the people of Florida.
Appendix A: Administrative Orders
Supreme Court of Florida

No. AOSC09-43

IN RE: JUDICIAL BRANCH GOVERNANCE STUDY

ADMINISTRATIVE ORDER

The Long-Range Strategic Plan for the Florida Judicial Branch (2009-2015) adopted by this Court identifies five broad issues that must be addressed for the judicial branch to advance its mission and vision. The first of the five issues is entitled, “Strengthening Governance and Independence.” In describing this issue, the plan notes that the judicial branch of Florida has historically maintained a diffuse governance and administrative structure, with reliance on multiple committees for policy development, and on district and circuit chief judges, supported by marshals and court administrators, as the primary administrators of policy implementation. In light of the cumulative effects of a constitutional amendment shifting greater responsibility for funding of the courts from the local to the state level, the growing complexity of issues coming before the courts, and an accompanying need to develop and implement responsive, coherent, and timely court policies, the long-range plan concludes that a need exists to examine the
present governance system of the branch and further strengthen its capacity to support the effective and efficient management of the courts.

The long-range strategic plan also provides several goals and strategies associated with each strategic issue. These goals and strategies describe courses of action necessary to address the respective issues. The first goal of the plan, Goal 1.1, provides that “[t]he judicial branch will be governed in an effective and efficient manner.” The first of three strategies associated with Goal 1.1 is to “[r]eform and strengthen the governance and policy development structures of the judicial branch.” It is therefore appropriate and timely for the judicial branch to undertake a study of its present governance structure.

The Judicial Branch Governance Study Group is hereby established and directed to undertake an in-depth study of the current governance system of the judicial branch of Florida. For purposes of this study, governance is defined as the system of exercising authority to provide direction and to undertake, coordinate, and regulate activities to achieve the vision and mission of the branch. Judicial branch governance encompasses policy-making, budgeting, rulemaking, leadership, decision-making, planning, and intergovernmental relations.

The Judicial Branch Governance Study Group shall submit a final report and recommendations to the Court no later than December 31, 2010. The Study Group
shall submit its reports to the Chief Justice through the State Courts Administrator.

The report should include:

1. An examination of the structure and functions of the present governance system of the Florida Judicial Branch, and an assessment of its efficacy and efficiency;

2. Recommendations of actions or activities that the Study Group concludes would advance improvement in the governance of the judicial branch; and

3. Recommendations of any changes to the present governance system that the Study Group concludes would improve the effective and efficient management of the Florida judicial branch.

The Study Group is authorized to propose recommendations for policy, rule, or statutory changes that are directly related to governance of the judicial branch and that may serve to improve the structure, function, efficacy and efficiency in achieving the vision and mission of the branch.

The following persons are appointed to the Judicial Branch Governance Study Group for terms that expire on December 31, 2010:

Two Supreme Court justices:

The Honorable Jorge Labarga
The Honorable Ricky L. Polston
Two district court of appeal judges:

The Honorable Gerald B. Cope, Jr., Third District Court of Appeal
The Honorable Richard B. Orfinger, Fifth District Court of Appeal

Three circuit court judges:

The Honorable Alice Blackwell, Ninth Judicial Circuit
The Honorable Brian J. Davis, Fourth Judicial Circuit
The Honorable Joseph P. Farina, Eleventh Judicial Circuit

Two county court judges:

The Honorable Peter Marshall, Volusia County
The Honorable Debra Roberts, Pasco County

One representative of The Florida Bar:

Mr. John G. White, III, West Palm Beach

Justice Ricky Polston shall serve as Chair and Judge Joseph Farina shall
serve as Vice Chair of the Study Group. The Office of the State Courts
Administrator shall provide the necessary staff support to enable the Study Group
to carry out its duties.

As a result of the decline in state financial resources, the Florida State
Courts System has sustained significant reductions in operating funds and staff
positions over the past few years. During these demanding fiscal times, there is
still a need for the important work of the Judicial Branch Governance Study Group
to proceed. The Study Group is therefore directed to make every effort to
maximize the use of available resources by: utilizing grant funding, when
available, in support of the Study Group’s work; using discretion in the
establishment of subcommittees that require operating funds and staff support;
limiting the number of in-person meetings; and utilizing such options as telephone
conference calls, videoconferencing, and other electronic meeting options as
appropriate.

DONE AND ORDERED at Tallahassee, Florida, on October 19, 2009.

______________________________
Chief Justice Peggy A. Quince

ATTEST:

____________________________
Thomas D. Hall
Clerk, Supreme Court
Supreme Court of Florida

No. AOSC10-18

IN RE: JUDICIAL BRANCH GOVERNANCE STUDY

ADMINISTRATIVE ORDER

The Long-Range Strategic Plan for the Florida Judicial Branch (2009-2015) adopted by this Court identifies five broad issues that must be addressed for the judicial branch to advance its mission and vision. The first of the five issues is entitled, “Strengthening Governance and Independence.” The Judicial Branch Governance Study Group was established in 2009 and directed to undertake an in-depth study of the current governance system of the judicial branch of Florida.

The Chief Justice has determined that it would be beneficial to expand the membership of the Study Group to include additional representation from The
Florida Bar. Accordingly, the following individual is hereby appointed to the Study Group for a term that expires on December 31, 2010:

Mr. Alan Bookman, Pensacola

DONE AND ORDERED at Tallahassee, Florida, on May 4, 2010.

______________________________
Chief Justice Peggy A. Quince

ATTEST:

______________________________
Administrator, Florida Court System
The Long-Range Strategic Plan for the Florida Judicial Branch (2009-2015) adopted by this Court identifies five broad issues that must be addressed for the judicial branch to advance its mission and vision. The first of the five issues is entitled, “Strengthening Governance and Independence.” In Re: Judicial Branch Governance Study, No. AOSC09-43 (Fla. Oct. 19, 2009), established the Judicial Branch Governance Study Group and charged it with undertaking an in-depth study of the current governance system of the judicial branch of Florida. The membership of the Study Group was supplemented in In Re: Judicial Branch Governance Study, No. AOSC10-18 (Fla. May 4, 2010).

The above-referenced administrative orders appointed members for terms that will expire on December 31, 2010, and directed the Judicial Branch Governance Study Group to submit a final report and recommendations to the
Court no later than December 31, 2010. In order to allow the Study Group sufficient time to complete its assigned tasks, I hereby extend the timelines established in AOSC09-43 and AOSC10-18.

The Study Group shall complete and submit its final report and recommendations to the Chief Justice no later than January 31, 2011. The Study Group shall submit its written report to the Chief Justice through the State Courts Administrator. Additionally, representatives of the Study Group, as designated by the Chairman, shall orally present the report and recommendations to the Court no later than February 28, 2011. The members’ terms are hereby extended through March 31, 2011.

DONE AND ORDERED at Tallahassee, Florida, on December 9, 2010.
Appendix B: The National Center for State Courts Executive Summary and Final Report to the Florida Judicial Branch Governance Study Group
FINAL REPORT TO
THE FLORIDA JUDICIAL BRANCH
GOVERNANCE STUDY GROUP

Executive Summary
November, 2010

Richard Van Duizend, Project Director
Lee Suskin, Of Counsel
Daniel J. Hall, Vice President

Court Consulting Services
707 Seventeenth Street, Suite 2900
Denver, Colorado 80202
This document has been prepared under an agreement between the National Center for State Courts and the Office of the State Courts Administrator of Florida supported through Grant No. SJ1-09-T-131 from the State Justice Institute. The points of view and opinions offered in this report are those of the project consultant and do not necessarily represent the official policies or position of the Office of the State Courts Administrator, the State Justice Institute, or the National Center for State Courts.
ACKNOWLEDGMENTS

The authors wish to thank the dozens of Florida jurists, clerks, attorneys, court administrators, and court staff for their time, courtesy, and willingness to respond to our questions with candor, insight, imagination, and good humor. We wish to express our great appreciation, as well, to the staff of the Strategic Planning Unit of the Office of the State Courts Administrator for the guidance, assistance, understanding and logistical support.
A. INTRODUCTION

The first issue identified by the Long-Range Strategic Plan for the Florida Judicial Branch (2009-2015) is “Strengthening Governance and Independence.” The Plan suggests that a re-examination of the current governance structure of the Judicial Branch is timely in light of the shift from county to state funding of the courts resulting from passage of Revision 7 and the need to develop and implement responsive, coherent, and timely court policies to respond to the complex social and economic problems facing the state and court system. Accordingly, the Court established a Judicial Branch Governance Study Group to:

[U]ndertake an in-depth study of the current governance system of the judicial branch of Florida. For purposes of this study, governance is defined as the system of exercising authority to provide direction and to undertake, coordinate, and regulate activities to achieve the vision and mission of the branch. Judicial branch governance encompasses policy-making, budgeting, rulemaking, leadership, decision-making, planning, and intergovernmental relations.

The goal is to recommend changes to strengthen the governance structure, process, and practice to assure that “[t]he judicial branch will be governed in an effective and efficient manner.”

To assist the Study Group, the Strategic Planning Unit (SPU) of the Office of the State Courts Administrator (OSCA) contracted with the National Center for State Courts (NCSC). Pursuant to the contract, NCSC:

- Conducted in-person and telephonic interviews with over 40 justices, chief judges, trial and appellate judges, court administrators, clerks, and attorneys throughout the state regarding the structure, balance, and continuity of governance; committee structure, coordination, and

effectiveness; and communication within the judicial branch.
- Surveyed through a web-based questionnaire, approximately 100 additional judges and more than 350 court staff regarding intra-branch communication. The list of those surveyed was provided to NCSC by the SPU as a representative sample.
- Suggested possible states that the SPU might examine for its comparative research on state judicial governance.
- Reviewed responses to inquiries sent out by the Chair of the Study Group along with other pertinent material.

The in-person interviews were conducted during two trips to Florida. A group interview was conducted with the managers of the OSCA. Telephone interviews were conducted during July and August, 2010. The telephone interviews averaged 30 minutes in length.

Interviewees included all members of the Supreme Court, the Chief Judges of each District Court of Appeal; Chief Judges of seven Circuit Courts; two former Justices; additional District, Circuit, and County Judges; three Circuit Administrators; four Clerks; a District Courts of Appeal Marshal; representatives of the Bar and Legal Services; a State Attorney and Public Defender; and others. The trial court level interviewees were located in a total of 13 Circuits in all sections of the state. Pursuant to NCSC’s standard Human Subjects Protection Policies, all interviewees were advised that neither this report nor any other material produced by NCSC for this contract would contain any statements for attribution nor the names of those interviewed. Responses to the Chair’s inquiries were received from nine members of the Florida Bar, the Real Estate, Property, and Trusts Section of the Florida Bar, the Florida Council of 100, the Florida Justice Reform Institute, and the Florida Retail Federation.

B. COMPARATIVE RESEARCH ON SELECTED STATE COURT SYSTEMS

In order to gain an understanding of various perspectives on the administration and governance of state court systems, the SPU of Florida’s OSCA conducted comparative

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1 Judicial Branch Governance Study Administrative Order, Florida Supreme Court, No. AOSC09-43 (October 19, 2009).
2 Id.
research on 11 states--Alabama; Arizona; California; Minnesota; Missouri; Nevada; New Jersey; New York; Utah; Vermont; and Virginia.

This broad sweep of states documented an array of approaches to state judicial branch governance; based upon the review of findings and the assessments of court system professionals from the states examined, four states were identified as having governance structures and processes that appear to be particularly effective--Arizona, California, Minnesota, and Utah. The commonalities shared by those states are as follows:

- Chief justice terms ranging in length from four to 12 years.
- A range of mechanisms in place to ensure continuity of policies, administration regardless of changes in leadership (Chief Justice).
- Administratively unified court systems with centralized policy and planning functions, while allowing for local input.
- Highly functional Judicial Councils with policy-making authority.
- Effective strategic planning processes.
- Well-defined leadership roles (lines of authority).

C. FINDINGS AND CONCLUSIONS

The initial question in each of the interviews asked: “How would you describe the effectiveness of how the Florida courts are governed today?” The most common answer was that governance has been acceptable but that changes are needed going forward. For example, one respondent commented that:

The current structure was sufficient for 20 years after the 1972 revision of Article V, but the tremendous growth of the Florida court system and the responsibilities and services that have been added, a stronger governance system is needed. This is even more true with the passage of Revision 7. Budget cuts require management. Delegation to staff is not sufficient.

The NCSC project team’s findings and conclusions, based on the interviews, communication survey results, and responses from the bar and business community,³ are organized around seven topics:

- The Role and Responsibilities of the Supreme Court and the Role, Responsibilities, Term and Selection of the Chief Justice and Chief Judges.
- Rule-making and the Current Committee System.
- The Authorization of Conferences.
- Legislative Advocacy on Behalf of the Judicial Branch.
- The Office of the State Courts Administrator.
- Communication.
- Identifying Emergent Policy Issues.

1. Role and Responsibilities of the Supreme Court and the Role, Responsibilities, Term and Selection of the Chief Justice and Chief Judges

a. Role and Responsibilities of the Supreme Court: The Supreme Court has the authority to adopt rules of practice, procedure, and administrative supervision of all Florida Courts.⁴ Under this rulemaking authority, the Supreme Court plays a role in approving policies and initiatives affecting the entire Florida court system. It also reviews the Judicial Branch’s budget submission.

The Chief Justice serves as the chief administrative officer for the court system. The line between the Chief Justice’s responsibilities and the involvement of the Supreme Court in overseeing and managing the court system, short of administrative rule promulgation, is not defined. The practice has been for the Chief Justice to discuss policies and procedures affecting the entire court system with the other members of the Court as a matter of courtesy and collegiality, but this is not required and the extent of consultation may vary depending on who is serving as Chief Justice.

Members of the Court serve as liaisons to various committees and report back periodically to their colleagues during the administrative portion of the Wednesday Court conference.

³ For ease of reference, attribution of comments to interviewees includes relevant comments provided by respondents to the inquiries sent by Chair of the Study Group.

However, there is relatively little information available to the Court on the extent and impact of implementation of policies and initiatives established under Administrative Orders and Rules. Indeed, there is little monitoring of implementation efforts. This is partially a result of custom and largely due to the absence of comprehensive, reliable statewide data.

In establishing new policies and initiatives, the tendency appears to be for the rules to be quite detailed and prescriptive, requiring that all Circuits follow a particular model. This one-size-fits-all approach creates tension with the Circuits, especially given Florida’s tradition of allowing Circuits and Districts significant autonomy in the way they operate. For example, interviewees remarked:

♦ Tallahassee should set the general parameters and measures rather than issuing detailed edicts.

♦ Consistency statewide is good, but there has to be room for local variation – flexibility to enable accommodation of different circumstances (e.g., multi-county vs. single county Circuits). There should be consistency on principles and more flexibility on nuts and bolts.

At the same time, there was recognition that with the advent of state funding, there is a need for the Supreme Court to “step up and be in charge.”

Conclusion 1: The Study Group should consider recommending that the Supreme Court take an active leadership role in setting policy for the Judicial Branch, establishing initiatives, and monitoring the implementation and impact of those policies and initiatives.

Except in areas such as information technology or in which fundamental rights are at issue where uniformity is required, it may be more effective for the Court to establish the key program objectives and measures, charging the Circuits (and Districts) to establish a program that meets those objectives. In either instance the Court should require submission of regular reports on the extent to which each District and Circuit is meeting the objectives. This not only is more in keeping with Florida tradition, but acknowledges the significant differences in demographics and resources among the Circuits and Districts.

Conclusion 2: The Study Group should consider recommending that the Supreme Court direct OSCA to report regularly on the extent of implementation and impact of policies and initiatives established by the Court and review periodically whether a policy or initiative should continue, be modified, or ended.

While regular receipt and discussion of reports will necessarily result in the Court having to devote more time to administrative matters during conferences, such reports will ensure that the Court as a whole is informed, promote continuity and consistency, encourage implementation across the state, and highlight unanticipated problems as well as the benefits achieved. These reports provide an information basis for determining whether a policy or program should be continued, and if so, what changes may be needed.

b. Role, Selection, and Term of the Chief Justice:

Overall Role, Selection, and Term: Article V, Section 2(b) of the Florida Constitution assigns administrative responsibility for the Florida court system to the Chief Justice. Rule of Judicial Administration 2.205 (a)(2)(B)(v) authorizes the Chief Justice to “perform such... administrative duties as may be required and which are not otherwise provided for by law or rule.” The rule provides that the Chief Justice “shall be chosen by majority vote of the justices” for a two-year term. There are no restrictions in the number of terms nor are any qualifications for selection stated. The current practice is to rotate the Chief Justiceship each two years, with the most senior justice who has not yet served as Chief Justice elected in turn.

The interviews conducted by the NCSC project team revealed broad and deep concern with this rotation practice across the state. Three weaknesses of the current practice were cited:

1. Leading a court system is a complex job. Mastering the details and developing the necessary leadership/management skills takes

time. By the time a Chief justice has climbed the learning curve, her/his two-year term is nearly complete and the learning process must start over.

2. It is natural for each new Chief Justice to want to address an issue of particular importance to him or her. The two-year term provides little time to design and fully implement new initiatives across the state, and not enough time to follow-up, assess the impact, and refine the program or policy to accommodate differing circumstances so as to maximize effectiveness and minimize costs. Moreover, the next Chief Justice is likely to have a different priority, so attention shifts to a new initiative. Circuits not interested in a particular program know they can simply wait out the term. Trial judges and Circuit Administrators complained of being whip-sawed by the constantly changing “flavor-of-the-term” and commented that while each Chief Justice’s initiative addressed an important issue, it did not necessarily focus on the key needs of the court system as a whole.

3. Most importantly, the quick turnover of Chief Justices impedes the development of relationships with Legislative and Executive Branch leaders and staff that are essential, post Revision 7, to securing funding for the court system.

Although not universal, the prevailing view is for strengthened leadership at the top of Florida’s Judicial Branch. “The Supreme Court should serve as the Board of Directors of the Branch and the Chief Justice should serve as Chair of the Board.” That is, the Supreme Court should decide policy as a whole; the Chief Justice should implement policy, make the daily decisions consistent with the policy, and serve as the primary spokesperson for the Judicial Branch. As one interviewee observed:

Collegiality is important for the Supreme Court, but the Chief Justice is too important for the Branch to rotate.

Twenty-six states in addition to Florida are primarily state funded. Of these states, only five shift the Chief Justice position as frequently as does Florida.

The terms suggested by those interviewees who suggested a specific term ranged from renewable terms of three to six years, with the majority proposing at least a four-year term.

**Conclusion 3:** The Study Group should consider recommending that Rule 2.205(a)(2) be modified to clarify the leadership role of the Chief Justice, require consideration of administrative and leadership capacity, enhance continuity of leadership for the Florida Judicial Branch.

Rule of Judicial Administration 2.210(a)(2) regarding selection of Chief Judges of the District Courts of Appeal contains what may be useful language that could be added to Rule of Judicial Administration 2.205 (a)(2) – “selection … should be based on managerial, administrative, and leadership abilities.”

As part of the enhanced leadership role, the Chief Justice should meet regularly with the Chief Judges of the Circuits, the Chief Judges of the Districts (e.g., quarterly) and the leadership of the Conferences (e.g. semi-annually). At least one of these meetings can be a combined Judicial Branch leadership meeting that includes the Chairs of the Trial Court and District Courts of Appeal Budget and Performance and Accountability Commissions and the Technology Commission. To the greatest extent possible, these should be in-person meetings to facilitate development of personal working relationships and greater trust and understanding. In addition to discussing budget matters, these meetings should address initiatives, policies, data, and other operational issues. There also should be opportunities to discuss trends in filings, motions and discovery practices, interpreter needs, etc. to identify possible statewide or regional problems as early as possible and potential responses.

With regard to the length of term, there are several alternatives. The most straight-forward is a four-year term, renewable one time. A second option would be to retain the two-year term but make explicit in the Rule that a Chief Justice may be re-elected three times for a total tenure of eight consecutive years. Both alternatives would reduce the learning curve weakness, especially if the incoming Chief Justice were selected at least one budget cycle in advance and allowed to...
The Florida Judicial Branch Governance Study Group Executive Summary

participate in the key meetings and briefings. They also would limit the “flavor-of-the-term” tendency. In addition, each provides a balance between continuity and limiting the length of time that a weak or overly-controlling Chief Justice could serve. An added safeguard would be to include a provision similar to that in Rule of Judicial Administration 2.210(a)(2) permitting the Court to remove a Chief Justice by a vote of five members. This change could be made effective July 1, 2016, so that all current members of the Court now in line to become Chief Justice will have an opportunity to serve. If the four-year term alternative is selected, this timing would also provide stable judicial leadership during Gubernatorial transitions.

A few interviewees also mentioned creation of a California-style Judicial Council with the authority to determine policy for the Judicial Branch. While there is little question that California and the three other states with Judicial Councils cited by the SPU have strongly governed court systems, there are other well-administered court systems that do not have such councils (e.g., AL, AK, NJ). The NCSC project team believes that strengthening the Supreme Court’s and Chief Justice’s leadership role should be tested first. If this is not sufficiently effective, then the necessary constitutional or statutory changes required to shift governance authority to a Judicial Council dominated by judges from the District Courts of Appeal and the Circuit Courts can be considered.

c. Responsibilities, Authority, and Term of Chief Judges:

Authority and Term: Rules of Judicial Administration 2.210(a)(2) and 2.215(b) and (c) define the responsibilities, selection, and term of office of Chief Judges of District Courts of Appeal and Circuit Courts. All Chief Judges are selected by the members of their respective courts for two-year terms. Each rule provides that administrative abilities be considered in the selection. The rule for DCA Chief Judges provides only that the Chief Judge is the “administrative officer of the court.” The rule for Circuit Chief Judges is more detailed, providing, inter alia, that Circuit Chief Judges are to:

* Exercise supervision over all courts within the Circuit.
* Develop an administrative plan for efficient and proper administration that is compatible with developing judges’ capacity to sit anywhere.
* Maintain liaison in all judicial administrative matters with the Chief Justice.

Although the Rule assigns Circuit Chief Judges these responsibilities, several Chief Judges commented that the authority to carry out these responsibilities is not clear:

The authority of a Chief Judge over the line judges is not well-defined. If a trial judge runs his/her courtroom with different orders than the rest of the court, or ignores security, or holds court from 10:00 a.m.-7:00 p.m. without regard to staff overtime, there is nothing explicit in the rules that gives the Chief Judge the authority to bring that judge into line.

Interviewees also noted the added work and financial burdens imposed on the courts and clerk’s offices by inconsistent judicial practices and the lack of authority to require a judge to take judicial education courses to improve case management or to qualify to hear death penalty cases.

Conclusion 4: The Study Group should consider recommending that Rules of Judicial Administration 2.210(a)(2) and 2.215(b) be amended to provide authority to Chief Judges of both the Circuit Courts and District Courts of Appeal to direct judges on their court(s) to adhere to court policies and administrative plans.

In addition, consistent with the strengthened role of the Chief Justice and in order to achieve greater administrative consistency among the Districts:

Conclusion 5: The Study Group should consider recommending Rule of Judicial Administration 2.210(a)(2) be mended to include a specific set of administrative responsibilities of District Courts of Appeal Chief Judges similar to those contained in Rule of Judicial Administration 2.215(b), along with a provision empowering the Supreme Court to remove a District Court of
Appeal Chief Judge similar to that in Rule of Judicial Administration 2.215(c).

Several, though not all, Circuit and District Chief Judges also commented on the learning curve required for their position. Circuit Chief Judges noted, as well, the need to build strong working relationships with local justice system partners and funding bodies in order to manage their Circuits effectively.

**Conclusion 6:** The Study Group should consider recommending that Rule of Judicial Administration 2.210(a)(2) and 2.215(b) be amended to enhance continuity of leadership in the District Courts of Appeals and the Circuit Courts.

One approach, consistent with that proposed above, would be to provide for four-year terms for District and Circuit Chief Judges effective for even-numbered Districts and Circuits in 2014, and for odd-numbered Districts and Circuits in 2016.

**Consultation:** As suggested above, periodic face-to-face meetings among the leadership of the trial courts and among the leadership of the District Courts of Appeal are important to build cohesion and consistency, as well as to address common operational problems.

**Conclusion 7:** The Study Group should consider recommending that Circuit and District Court of Appeal Chief Judges meet in-person quarterly in addition to regular conference calls.

These meetings need not be stand-alone sessions. To reduce costs, they could be scheduled in conjunction with educational conferences, bar meetings, and other events that judges may be attending.

**Specialized Continuing Education:** Several interviewees commented on the need for placing greater attention during the initial orientation of new Chief Judges on their responsibilities related to serving as a communication channel between the Chief Justice and the judges in the Circuit or District, as well as more intensive specialized continuing education programs on such topics as: effective leadership and management, effective supervision and personnel management, effective communication, the budget process, and change management.

**Conclusion 8:** The Study Group should consider recommending that OSCA review the orientation offered to incoming Circuit Chief Judges, offer an orientation for incoming District Courts of Appeal Chief Judges, and provide continuing education courses on the special knowledge and skills required to serve effectively as a Circuit Court or District Court of Appeal Chief Judge.

2. **Rule-making and the Current Committee System**

**Rules Committees and their Membership:** Many interviewees remarked that the rules committees are too large and are “laborious and slow” – particularly the Criminal Procedure Rules Committee. Rules committees often take 18 months to five years before making their report to the Supreme Court. In some instances, by the time the Rules Committee makes its report, the time the Bar Board of Governors considers the report, and the Court issues its Administrative Order, the need for the Rule has passed or the problem the proposed rule is intended to address has changed. For matters that require a more rapid response, Rule of Judicial Administration 2.140(d) authorizes the Supreme Court to create an *ad hoc* representative committee to address a particular matter that requires urgent action.

**Conclusion 9:** The Study Group should consider recommending that the Rule of Judicial Administration 2.140 be amended to ensure the development of well-considered rules in a timely fashion.

Among the possible changes could be:

- Limiting the size of Bar rules committees.
- Establishing the function of the standing rules committees to be the conduct of regular comprehensive reviews of the rules in their area on a three-year cycle to ensure consistency and clarity and to alert the Court of the need for substantive changes in particular rules to promote fair, effective, and efficient legal process.
- Permitting longer terms for standing rules committee chairs to facilitate continuity.
- Authorizing appointment of an *ad hoc* rules committee to address a specific issue(s)
referred by the Court within a set timeframe set by the Court without the need to deem the situation as an “emergency.”

♦ Permitting the appointment of Clerks, subject matter experts, and members of the public to serve on ad hoc rules committees.

The Process for Adopting Rules: Reports from the Bar Rules Committees are submitted to the Supreme Court where they are treated as a case in controversy and are scheduled for oral argument. This process means that Justices cannot discuss the proposal with members of the rules committee, other members of the Bar, the public, or even trial and appellate court judges, clerks and their own administrators to learn of the possible impact of the proposed change. Most other Supreme Courts treat their rule promulgation responsibility as an administrative matter, inviting written comments, holding informal hearings, and engaging in discussions with proponents and opponents rather than oral arguments.

**Conclusion 10:** The Study Group should consider recommending that the Rules of Judicial Administration be amended to enable the Supreme Court to consider new and amended rules of procedure and rules of judicial administration as administrative policy proposals rather than legal cases.⁷

Committee Permanence: Most non-rules committees are created by the Chief Justice for a two-year duration at the beginning of his or her term. The Chief Justice appoints the members, gives them their charge, and directs that they report back at the conclusion of their two-year working cycle. While the next Chief Justice normally re-creates the committee and re-appoints most of its members, interviewees reported that there is a sense that the impermanence of the committees impedes their ability to focus on long-term problems. The Chief Justice rarely receives progress reports from the committees, but does receive final reports. However, by then, it is often too late to do anything if the committee did not complete its tasks pursuant to its initial charge.

Some committees need to address long-term problems and should be made permanent. Other committees are created to address short term problems and should be provided with a specific charge and a timeline for reporting back. One approach is to distinguish the two by designating them as long term “Commissions” and short term “Ad Hoc Committees.” The appointment of an ad hoc committee should not be limited only to “emergencies,” but should be permitted whenever there is an issue requiring examination.

**Conclusion 11:** The Study Group should consider recommending that the Commissions be established by the full Supreme Court to address long term problems and that Ad Hoc Committees be established by the full Supreme Court to address specific problems.

Commissions and ad hoc Committees should be established by the full Supreme Court, not those of the incoming Chief Justice. Each should be provided with a specific charter and deadline as well as a sunset date. To the greatest extent possible, the charters of commissions should be tied to the Judicial Branch Long-Range Plan. The full Court should determine which Commissions and Committees are needed and what they should be charged with reporting back on by when. Members of the Commissions should be appointed by the full Court to four-year staggered terms.

Coordination and Monitoring of Committees: Counting all of the councils, commissions, steering committees, study groups and boards, Florida has 23 advisory committees and has an additional 13 rules committees. Interviewees indicated that OSCA is stretched thin in attempting to staff so many committees. More important, it is difficult to coordinate the work of this many committees. There is a perception that the committees work too independently of each other and that they do not take into consideration what the other committees are doing.

There is a need for central coordination and oversight of the work of the committees. One or more subject matter bodies could track the work of the various Commissions and Committees.

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⁶ Rules of Judicial Administration 2.140 (b)(4)-(6).
⁷ Subsequent to the interviews upon which this conclusion is based, the Supreme Court re-examined its rule-making practices and modified its policy restricting informal communications.
working on similar matters, ensure that they are aware of each others’ work and then synthesize each of their reports into a single recommendation to the Supreme Court. As one example of such a coordination and oversight body, the newly established Technology Commission has been given the responsibility of overseeing and managing technology related work of other committees. This central coordination body or bodies could also monitor whether each of the Commissions and Committees are on track to complete their charges in accordance with the timelines established by the Supreme Court.

**Conclusion 12:** The Study Group should consider recommending that one or more central coordinating bodies be established to coordinate the work of the Commissions and ad hoc Committees and to monitor whether they are completing their charges in a timely manner.

The Judicial Management Council: Rule of Judicial Administration 2.225 establishes a broadly-based Judicial Management Council (JMC) as an advisory body to the Supreme Court with a wide-ranging set of responsibilities. After three iterations, the JMC is currently dormant with many of its functions now being performed effectively by other entities such as the Trial Court and District Courts of Appeals Performance and Accountability Commissions, the Long-Range Planning Committee, and the Judicial Branch Governance Study Group itself.

Several interviewees speculated about the causes of the JMC’s ineffectiveness. The most salient of these was that it was never able to achieve a focus and establish a role in the Branch’s governance system. The breadth of its mandate, the size of its membership (29 including eight at large members), and the limited time and staff resources available to support its work were all contributing factors. The urgency of the financial crisis made continuation of the JMC, in its current form, unaffordable.

This does not mean that a body such as the JMC has no role to play. Some of its functions – to examine cross-cutting issues of statewide application and to obtain information regarding the concerns of various stakeholder groups -- are being performed through various mechanisms in other states. The consideration of potential changes to Article V as part of Florida’s periodic constitutional revision process appears to be another function that a scaled-back JMC may be uniquely situated to play.

**Conclusion 13:** The Study Group should consider recommending that Rule of Judicial Administration 2.225 be amended to narrow the responsibilities of Judicial Management Council and limit its membership to no more than 25.

**Committee Effectiveness:** For budgetary reasons, Florida’s committees are not able to meet in person as often as they had in the past, if at all. Many interviewees stated that committees are not as effective when they do not meet in person, that committees cannot do their work solely by conference call, and that committee members are not attending meetings because they know that the meeting is a “waste of time.”

**Conclusion 14:** The Study Group should consider recommending that as resources permit, Commissions and ad hoc Committees be permitted to meet in-person as needed to complete their charge in a timely manner.

3. Authorization of the Conferences

With the limitation on travel and the greater importance of the relationship between the Judicial Branch and the Legislature as a result of state funding, the role of the three court conferences in Judicial Branch governance (beyond providing continuing judicial education) has become unclear. Because they provide a direct link to and from the Branch leadership and line judges, regular communication between the Chief Justice and the County Court, Circuit Court, and District Court of Appeal Judges Conferences can provide insight on the implications and impact of Supreme Court policies and initiatives and an early indicator of emergency issues and problems. They also can help broaden the membership of court committees by suggesting names of

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9 E.g., the Alabama Judicial System Study Commission and the informal advisory councils of stakeholder groups established by the Arizona Supreme Court.

10 Rule of Judicial Administration 2.225(a)(3).
interested judges who may not be well known in Tallahassee.

One way of clarifying both the role and responsibilities of the Conferences and demonstrating that they are Judicial Branch entities would be to have all three conferences, rather than just the County Court Judges Conference, established by a rule that sets forth specific functions and roles. The new rule-based charter can also help to specify the relationship between Conference committees and Supreme Court committees.

**Conclusion 15:** The Study Group should consider recommending the rechartering of the Circuit Court Judges Conference and the County Court Judges Conference and the chartering of the District Court of Appeal Judges Conference through new or revised provisions of the Rules of Judicial Administration.

4. Legislative Advocacy on Behalf of the Judicial Branch

Revision 7 completely changed the level of coordination required for working with the Florida Legislature. The inherent tensions within the Judicial Branch and between the Judicial and Legislative Branches have been exacerbated by the current fiscal crisis. The Judicial Branch has taken a series of steps since Revision 7 has gone into effect to coordinate its legislative efforts and “speak with one voice.” This evolution has included formation of the Trial Court Budget Commission and District Courts of Appeal Budget Commission, the Supreme Court Budget Committee, the Unified Committee on Judicial Compensation, and the Legislative Committee of the Conference of DCA Judges.

The interviewees presented a mix of views. Some favored further consolidation, voicing concern about the multiplicity of judicial groups and agendas. They suggested concentrating the responsibility for legislative advocacy in the Chief Justice and State Courts Administrator, or a Standing Legislative Committee of judges. The Standing Legislative Committee together with the Chief Justice and State Courts Administrator would be the only judges authorized to speak for Judicial Branch with legislators and legislative staff, though they could call on judicial bodies or individual judges when needed. On the other hand, many viewed the current arrangement as a vast improvement over past practice, though a few viewed the current consolidation as a failure and favored letting Circuits lobby on their own.

**Conclusion 16:** The Study Group should consider recommending concentrating responsibility for Legislative advocacy on behalf of the Judicial Branch.

Almost everyone praised the work of the Trial Court Budget Commission (TCBC), though some were concerned about the strong control exercised by the TCBC’s Executive Committee. Several drew a contrast between the tough decision-making performed by the TCBC and the more *laissez-faire* approach of the District Courts of Appeal Budget Commission (DCABC). One proposed remedy was for the “additional judge from each district court of appeal” appointed to the DCABC\(^\text{11}\) should be a “budget judge” with an interest in getting into the details of the budget and a willingness to serve more than one term, and to add the Chairs of the DCA Performance and Accountability Commission, the DCA Technology Committee, and the DCA Judges Conference as voting members of the DCABC. A number also expressed concern over the annual change in the DCABC Chair, given the complexity of the budgeting process and the value of building Legislative Relationships.

**Conclusion 17:** The Study Group should consider recommending expansion of the voting membership of the District Courts of Appeal Budget Commission.

One objective of a strengthened Judicial Branch legislative advocacy team, in addition to securing adequate funding through both the Trust Fund and General Revenue, would be to reach an understanding with the Legislature that proposals related to individual courts not endorsed formally by the Judicial Branch are inconsistent with the principles of effective public governance. Another is to gain greater flexibility in the court system’s use of appropriated funds. A further aspect of greater budgetary flexibility could be establishment of a small “innovation fund” from which individual Circuits or Districts could draw, with OSCA approval, to test new approaches to

\(^{11}\) Rule of Judicial Administration 2.235(e)(1).
increase quality, effectiveness, access, and/or efficiency.

5. The Office of the State Courts Administrator

Within the Judicial Branch, the Office of the State Courts Administrator (OSCA) and State Courts Administrator Lisa Goodner were nearly uniformly praised by interviewees for their work with the Legislature and their efforts to support court committees. However, embedded within the praise were four suggestions of ways in which OSCA could improve its contribution to effective Judicial Branch Governance.

- Adding staff with trial court experience.
- Enhanced coordination of Branch committees.
- More intensive monitoring of Supreme Court policies and initiatives.
- More active development by OSCA staff of IT policies and standards.

Of these four, the last may be the most important. While the view expressed by those judges who were interviewed may not be shared by all members of the bench, the absence of comprehensive, accurate, consistent, statewide data regarding court caseloads, the timeliness with which those cases are heard and disposed, filing trends, and other key management information severely limits the ability of the Judicial Branch to manage its operations and identify and respond to changing circumstances. Moreover, with court information technology under local control, Circuit Chief Judges have been left largely on their own to conduct last minute reviews of new records management systems purchased by Clerks to see whether the system will meet the Court’s document and data needs. The E-Portal will begin the effort to implement electronic systems that will be able to share needed data and prepare management reports. However, not all cases will be e-filed and new records management systems will continue to be purchased or developed. By taking the lead in defining reasonable data standards, uniform management reports, and required system functions that apply to all information systems serving the courts OSCA, with the oversight and guidance of the Technology Commission and Trial Court Performance and Accountability Commission could greatly enhance the availability of the accurate, consistent, statewide data needed to govern and manage Florida’s courts and reduce the burdens on Circuit Chief Judges. Representatives of the Florida Association of Court Clerks and Comptrollers should be directly involved in this effort.

**Conclusion 18:** The Study Group should consider recommending that OSCA strengthen its capacity to provide committee coordination services and to support the efforts of the Technology Commission and the Trial Court Performance and Accountability Commission to establish data standards, reporting, and functional requirements for all records maintenance systems serving the Judicial Branch.

6. Communication

Effective communication is an essential component of a well-functioning organization. All members of the organization must share a common vision so that they can work in a coordinated way on the same page to achieve that vision. People look to the leader of their organization for an articulation of a clear vision and a long range plan identifying the priority strategies to achieve that the organization will work to accomplish in order to reach that vision, and information about the progress being made, problems encountered, and methods for dealing with those problems.

The survey on the state of Judicial Branch communication in Florida revealed significant dissatisfaction with the level and nature of intra-branch communication. Of the 32 judges who responded, over 40 percent disagreed or strongly disagreed with the following statements:

*I currently receive all the information I need about:*
- The budget for my District or Circuit
- The budget for my Court
- The performance of my District or Circuit
- The performance of my Court

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12 Some local stakeholders appeared to know little about OSCA’s responsibilities and the level of effort required to perform those responsibilities both at the state and at the court levels.
Over 30 percent disagreed or strongly disagreed that they currently receive all the information needed about “the performance of the Judicial Branch,” and “the policies governing the Circuit, District or Court.” About a quarter of the respondents disagreed or strongly disagreed that they received all the needed information about:

- The recommendations of Commissions and Committees
- The services available from OSCA
- The budget of the Judicial Branch
- Rules under consideration

The 124 Judicial Branch staff responding to the survey indicated far greater satisfaction. On only one question did more than a third disagree or strongly disagree with a statement (re: information received about recommendations of Judicial Branch Commissions or Committees). The disagreement level was under 20 percent for four of the statements and less than 25 percent on four others. More than 70 percent agreed or strongly agreed that they received all the information they need on:

- The policies governing their District or Circuit
- The policies governing their court or office
- The budget for their court or office
- The performance of their court or office

Some caution should be exercised in considering these results. The sample employed was not a random sample of Florida judges and court staff but only a sample selected to be as representative as possible. In addition, only about 25 percent of the judges surveyed and about one third of the staff surveyed responded, which could have included those most disaffected. Also, some of the dissatisfaction may be more attributable to the impact of the fiscal crisis on salaries and court budgets than on communication. Nevertheless, the level of dissatisfaction among the judges is striking.

Direct Communication From the Chief Justice, Supreme Court and OSCA to Judges, Clerks and Court Staff: Concomitant with a strengthened leadership role of the Chief Justice is the need for greater consultation and communication. It is the Chief Justice’s responsibility to effectively convey the vision and the goals of the Long-Range Plan of the Judicial Branch so that the judges and staff of the Branch will strive to achieve that vision and its goals as they go about their work. Yet, as one interviewee stated: “Few judges know about the structure of the branch, much less the mission and vision of the Branch.”

**Conclusion 19:** The Study Group should consider recommending that Rule of Judicial Administration 2.205(a)(2)(B) be amended to clarify that one responsibility of the Chief Justice is to serve as the primary spokesperson of the Judicial Branch with the public, the other branches of government, and within the court.

It was surprising to the NCSC project team that there is no direct communication between the Chief Justice and the state’s judiciary. Communication related to goals, strategies, policies, budget, and performance from the Chief Justice and the Supreme Court to the trial and appellate judges is channeled through the Chief Judges of the Circuits and Districts. There is no clear direction to the Chief Judges to pass on some or all of the information. The degree to which the Chief Judges pass on information is totally dependent on the Chief Judge and varies across the state. The interviews and Communication Survey revealed that most judges and staff would welcome greater direct communication from the Chief Justice via e-mail, newsletters, in-person meetings, and tele- or videoconferences. Communication directly with justice system partners including Clerks of Court and the private and public bar as well as leaders of the other governmental branches and levels and the public generally is also essential.13

**Conclusion 20:** The Study Group should consider recommending that the Chief Justice communicate directly with all judges and by e-mail on the state of the judiciary, the state of the budget, priorities, and other matters of statewide interest, and that the Chief Justice routinely communicate with the Chief Judges and Conference leadership in person, by telephone and videoconference, and via e-mail.

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13 These communications should supplement, not supplant, regular contact between the Chief Justice and Chief Judges.
Communication To the Chief Justice, Supreme Court and OSCA from Judges and Court Staff: The interviews conducted by the NCSC project team demonstrated that the leaders of the Circuit and District Courts have no problem with sharing their views and concerns with the Chief Justice, members of the Supreme Court, and OSCA leadership. However, there appears to be greater hesitancy among the rank and file judges and staff. About 47 percent of the judges responding to the communication survey agreed or strongly agreed that they are “able to convey ideas and concerns about the budget policies, performance, or rules to the Supreme Court;” almost 31 percent disagreed or strongly disagreed. Almost 44 percent agreed or strongly agreed that they were able to share their ideas and concerns with the Chief Justice; 37.5 percent disagreed or strongly disagreed. Just under 70 percent felt they could convey their ideas and concerns to the Chief Judge of their Court, and more than 62 percent responded that they are comfortable communicating with OSCA, although only half stated that they could send ideas or concerns to Judicial Branch commissions and committees.

Court staff were far less sure about communicating with the Supreme Court (18 percent agreed or strongly agreed with the statement; 41 percent disagreed or strongly disagreed). For OSCA, 47 percent were comfortable in sharing their thoughts. But, 85 percent responded that they are able to convey ideas and concerns to the Chief Judge of their court or their supervisor.

When judges and staff do offer a suggestion or concern, only a few responded that it was disregarded.

**Conclusion 21:** The Study Group should consider recommending that the Chief Justice, Supreme Court and OSCA establish enhanced internal communication by developing a simple mechanism for judges and staff to communicate ideas and concerns directly and making clear that communications are not only welcome but appreciated.

7. Identifying Emergent Policy Issues

Several interviewees commented on difficulty the Judicial Branch has had in identifying and addressing potential administrative problems sufficiently in advance to prevent them from becoming organizational crises. As one put it: “The governance of the system is reactive; issues like the explosion of foreclosure cases are not anticipated.” There are at least three sources of information that can help the Judicial Branch anticipate potential systemic issues that are hovering on the horizon.

**Reviews of Background Reports:** The “environmental scan” periodically produced by the Virginia Administrative Office of the Courts, NCSC’s annual *Future Trends in the State Courts* report, and forecasts published by state and local planning agencies, the Council of 100, other business groups, and the state’s universities may also publish trends reports from time to time and can provide indications of what the Florida courts should look for and what questions to ask.

**Analysis of Quantitative Data:** States judicial systems that collect comprehensive statewide court management information can analyze filing, disposition, fee, and other data on a regular basis to identify trends and apparent anomalies that may signal an emerging issue. While Florida does not yet have such comprehensive data, regular review of the reports received from at least some bellweather counties can be useful in identifying or confirming new administrative issues facing the Judicial Branch.

**Use of Qualitative Information:** In meetings with Chief Judges, the Conferences, the Bar, and other groups, the Chief Justice and other members of the Supreme Court should always ask: What is changing in your jurisdiction? What trends are you seeing? and more specific questions about issues identified in the background reports and data analysis. These questions serve two purposes. The first, obviously, is to learn directly of emerging issues from those first affected. The second is to encourage the judicial leadership at all levels of the Florida court system to be alert to changing patterns of filings, request for interpreters, changes in state and local agency policies, etc., and to report these changes promptly.

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Once a possible emergent problem is identified, the Supreme Court can ask one of the existing Commissions or ad hoc committees or appoint a new ad hoc committee to examine the issue and recommend a response within a prescribed time period.

**Conclusion 22:** The Study Group should consider recommending that the leadership of the Judicial Branch seek information to identify emerging issues on an on-going basis and take prompt action to develop an appropriate response when such an issue is found.

**D. CLOSING**

The Study Group’s efforts come at a propitious moment. There is great interest in improving the governance of the Judicial Branch. Almost all interviewees were eager to talk about governance and vocal about their concerns and possible improvements. Although views were not unanimous, the bulk of the interviewees favored a stronger leadership model and the survey demonstrated substantial dissatisfaction with the quantity and quality of intra-branch communication. Thus, the Study Group enjoys the luxury of being able to concentrate on what changes are likely to be most beneficial, rather than having to give considerable attention to making the case for change.
This document has been prepared under an agreement between the National Center for State Courts and the Office of the State Courts Administrator of Florida supported through Grant No. SJI-09-T-131 from the State Justice Institute. The points of view and opinions offered in this report are those of the project consultant and do not necessarily represent the official policies or position of the Office of the State Courts Administrator, the State Justice Institute, or the National Center for State Courts.

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A. INTRODUCTION

The first issue identified by the Long-Range Strategic Plan for the Florida Judicial Branch (2009-2015) is “Strengthening Governance and Independence.” The Plan suggests that a re-examination of the current governance structure of the Judicial Branch is timely in light of the shift from county to state funding of the courts resulting from passage of Revision 7 and the need to develop and implement responsive, coherent, and timely court policies to respond to the complex social and economic problems facing the state and court system.\(^1\) Accordingly, the Court established a Judicial Branch Governance Study Group to:

> [U]ndertake an in-depth study of the current governance system of the judicial branch of Florida. For purposes of this study, governance is defined as the system of exercising authority to provide direction and to undertake, coordinate, and regulate activities to achieve the vision and mission of the branch. Judicial branch governance encompasses policy-making, budgeting, rulemaking, leadership, decision-making, planning, and intergovernmental relations.\(^2\)

The goal is to recommend changes to strengthen the governance structure, process, and practice to assure that “[t]he judicial branch will be governed in an effective and efficient manner.”

To assist the Study Group, the Strategic Planning Unit (SPU) of the Office of the State Courts Administrator (OSCA) contracted with the National Center for State Courts (NCSC). Pursuant to the contract, NCSC:

- Conducted in-person and telephonic interviews with over 40 justices, chief judges, trial and appellate judges, court administrators, clerks, and attorneys throughout the state regarding the structure, balance, and

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\(^1\) Judicial Branch Governance Study Administrative Order, Florida Supreme Court, No. AOSC09-43 (October 19, 2009).

\(^2\) Id.
continuity of governance; committee structure, coordination, and effectiveness; and communication within the judicial branch.³

- Surveyed, through a web-based questionnaire, approximately 100 additional judges and more than 350 court staff regarding intra-branch communication. The list of those surveyed was provided to NCSC by the SPU as a representative sample.⁴

- Suggested possible states that the SPU might examine for its comparative research on state judicial governance.⁵

- Reviewed responses to inquiries sent out by the Chair of the Study Group along with other pertinent material.

The in-person interviews were conducted during two trips to Florida: the first to Tallahassee in June, 2010; the second to central and southern Florida in July, 2010. Each interview lasted at least one hour. A group interview was conducted with the managers of the OSCA. Telephone interviews were conducted during July and August, 2010. The telephone interviews averaged 30 minutes in length.

Interviewees included all members of the Supreme Court, the Chief Judges of each District Court of Appeal; Chief Judges of seven Circuit Courts; two former Justices; additional District, Circuit, and County Judges; three Circuit Administrators; four Clerks; a District Courts of Appeal Marshal; representatives of the Bar and Legal Services; a State Attorney and Public Defender; and others. The trial court level interviewees were located in a total of 13 Circuits in all sections of the state. Pursuant to NCSC’s standard Human Subjects Protection Policies, all interviewees were advised that neither this report nor any other material produced by NCSC for this contract would contain any statements for attribution nor the names of those interviewed. Responses to the Chair’s inquiries were received from nine members of the Florida Bar, the Real Estate, Property, and Trusts Section of the Florida Bar, the

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³ The Interview Protocols are attached as Appendix A.
⁴ The results of the survey are attached in Appendix B.
⁵ The results of the SPU data collection effort are attached as Appendix C.
Florida Council of 100, the Florida Justice Reform Institute, and the Florida Retail Federation.6

This report presents an analysis of the information collected and the conclusions of the NCSC project team.

B. COMPARATIVE RESEARCH ON SELECTED STATE COURT SYSTEMS

The Strategic Planning Unit (SPU) of the OSCA conducted comparative research on selected states in order to gain information and insight on a variety of approaches to administering and governing state court systems. The states included in this research were:

- Alabama
- Arizona
- California
- Minnesota
- Missouri
- Nevada
- New Jersey
- New York
- Utah
- Vermont
- Virginia

This broad sweep of states documented a range of methods by which state judicial branch governance is accomplished. Based on our review of the research findings, the SPU identified four states having governance structures and processes that it concluded were particularly effective, based upon objective review as well as comments and assessments of court system professionals from the various states. Those states are Arizona, California, Minnesota, and Utah. The broad commonalities among those states are as follows:

- Chief justice terms ranging from four to 12 years.
- Various mechanisms in place to ensure continuity of policies, administration regardless of changes in leadership (Chief Justice).
- Administratively unified court systems with centralized policy and planning functions, while allowing for local input.
- Highly functional Judicial Councils with policy-making authority.

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6 A summary of the responses from these stakeholders is contained in Appendix D.
Effective strategic planning processes.
Well-defined leadership roles (lines of authority).

State-specific comments prepared by the SPU follow.

Arizona

- The Chief Justice of the Arizona Supreme Court, head of the judicial branch, serves a five-year term and is selected by fellow justices of the Supreme Court; the Vice-Chief Justice (next chief justice) also serves a simultaneous five-year term prior to becoming Chief Justice, ensuring exposure to and familiarity with the administrative responsibilities of the chief. (Note: the term of office for Arizona justices is six years.)

- In terms of funding, Arizona’s court system is not budgetarily unified; in 2009, only 22% of the expenditures for the court system were appropriated by the state legislature. The balance of revenues came from fines, sanctions, and forfeitures; surcharges; fees; and other revenues. The Administrative Office of the Courts prepares the state-appropriated budget request for the judicial branch, which is then reviewed by the Chief Justice and the Vice Chief Justice prior to review and appropriation by the state legislature.

- The Arizona Court system develops a five-year strategic agenda with input from the Administrative Director and the Arizona Judicial Council, the State Bar of Arizona, and court leadership, staff, and citizens. The strategic agenda is adopted by the Arizona Judicial Council.

- Decision-making is accomplished with wide participation from all parts of the court system though regular meetings of chief judges, administrative staff, and Supreme Court staff.

- Rule proposals and changes are generally initiated by the Administrative Office of the Courts, the Arizona Judicial Council, or the Bar. Bar sections/committees consider all pending rule changes. Petitions for rule changes and comments on proposed changes may be filed on paper or electronically.

- The Arizona Judicial Council, chaired by the Chief Justice, is the highest level of policy making for court administration. The Council reports to the Supreme Court, and makes final decisions in some instances and recommendations in others. The Arizona Judicial Council develops and adopts the five-year strategic agenda for the court system, reviews and makes recommendations to the Supreme Court regarding administrative code proposals, and may initiate rule proposals or amendments.
• Prior to the creation of the Arizona Judicial Council, the Supreme Court utilized Administrative Orders to implement system wide policies; this was considered to be relatively ineffective and a poor process for policy implementation. Modeled after the state of Utah’s Judicial Council, the Arizona Judicial Council process was put into place by the Arizona Code of Judicial Administration; this has institutionalized the Arizona Judicial Council and fostered broad acceptance of the Council and its role. As a result, the council is considered to be highly effective and very influential in the state court system.

California:

• The California State Courts System is a completely unified system buttressed by three significant events. The first was the Trial Court Funding Act of 1997 which provided courts with their first stable, secure, and highly accountable statewide funding system and freed courts from day-to-day financial uncertainty and allowed the courts to focus their resources and attention on improving access and service to the public. The second major unifying event was the trial court unification which began in 1998 and is now effective in all 58 counties; this gave California a one-tier trial court system that has produced efficiencies far exceeding early expectations. A third major unification event was the Trial Court Facilities Act of 2002 which transferred ownership and management of all trial court facilities from individual counties to the state.

• Leadership and lines of authority are clearly defined in the California Judicial Branch. The Chief Justice is appointed by the governor for a term of 12 years, and is the head of the branch set out by the state Constitution. The state Constitution further vests the judicial power of California in the Supreme Court, Courts of Appeal, and superior courts. The Constitution also provides for the formation and functions of the Judicial Council, the policymaking body for administration of the state courts.

• By an amendment to the state Constitution in 1926, the citizens of California established the Judicial Council. The 27-member body is responsible for improving the statewide administration of justice in the California courts, the largest court system in the nation.

Under the leadership of the Chief Justice, the work of the Judicial Council is supported by its staff agency, the Administrative Office of the Courts (AOC). The leader of the AOC, the Administrative Director of the Courts, is appointed by the Chief Justice and serves as the Secretary to the council. The council carries out this mission primarily through the work of its advisory committees and task forces who make recommendations to the council; these entities are primarily staffed by the AOC.
In accordance with the California Constitution, the Judicial Council:

- Establishes policy direction and sets priorities for the continual improvement of the court system.
- Promulgates rules of court administration, practice, and procedure.
- Sponsors and takes positions on legislation that affects the California judicial system.
- Allocates the judicial branch budget.
- Responds to legislative mandates.

- Strategic and operational planning are very institutionalized, and are directed by the Judicial Council and serve as statewide direction for all levels of the system. The Long-Range Strategic Plan for the California judicial branch, Justice in Focus: The Strategic Plan for California’s Judicial Branch, 2006–2012, contains a detailed action plan for the council’s advisory committees and its staff agency, the AOC. Developed under the direction of the Judicial Council, and informed by a wide variety of stakeholders, the plan provides a vision and direction for California’s courts. The plan establishes mechanisms for the responsible management and the fair administration of justice across the state while encouraging local management and discretion in court operations. The branch-wide operational plan is developed by the council in collaboration with justice system partners every three years (current plan covers fiscal years 2008–2011). The trial courts submit their community-focused strategic and operational plans on the branch’s trial count planning website.

- The Chief Justice and the Administrative Director represent the judicial branch to the legislature on behalf of the Judicial Council. This work is also supported by the AOC’s Office of Governmental Affairs whose mission is to promote and maintain effective relations with the legislative, (Assembly or Senate) and executive (Governor) branches of government and to present the Judicial Council’s recommendations on legislative matters affecting the courts pursuant to constitutional mandate. (Cal. Const., art. VI, sect. 6).

- The current arrangements of authority and governance within the California Judicial Branch have long been regarded as highly functional and afforded a great deal of continuity for the court system; many features of the governance and policy models have been replicated in other state courts systems. General acceptance and widespread support exist for the leadership roles and strategic direction of the Judicial Council, the Chief Justice, and the AOC. However, in recent times, the ongoing budget crisis and difficult decisions linked to declining resources have sparked some dissonance among a group of judges who are concerned about centralized Judicial Council budget decisions, particularly concerning court closures and technology expenditures. The state legislature has responded to calls for increased oversight of the AOC through a variety of actions.
Minnesota

- After the branch became fiscally unified, the Chief Justice of the Minnesota Judicial Branch decided to appoint a Transformation Work Group to study its governance structure to make improvements in its overall functioning, particularly concerning policy, decision-making, and budget. The Transformation Work Group, chaired by a regional court administrator, conducted a governance study and recommended that a Judicial Council be instituted. In response, the Chief Justice issued an administrative order establishing the Minnesota Judicial Council in 2005. The Council has policy authority for the Branch strategic plan; budget priorities and requests to the executive and legislative branches; collective bargaining; human resources; technology; programs (jury, Guardian ad Litem, interpreter, expedited child support); education and organization development; finance; children's justice initiative; and core services such as court performance and accountability. The Judicial Council is chaired by the Chief Justice and the State Courts Administrator serves as a non-voting member.

- The Judicial Council’s decision-making concerning administrative matters is predicated on statewide values, needs, priorities, and goals in concert with the fair allocation of resources and includes:
  
  - Deliberating in many voices, but governing in one.
  - Communicating openly and regularly with all stakeholders.
  - Measuring achievement of statewide goals and policies.
  - Focusing on strategies designed to meet future needs.
  - Involving judges and administrators in implementation of policies.
  - Recognizing the needs of judicial districts to adopt local policies not inconsistent with Judicial Council policies.

- Leadership and lines of authority are clearly delineated in the Minnesota Judicial Branch. The Chief Justice is the administrative head of the branch and is appointed by the governor for a term of six years. The Chief Justice exercises general supervisory powers over the courts of the state and has the authority to designate judges to assist in the performance of such duties. Along with the other justices, the Chief Justice sits as the final arbiter of appeals. Likewise, the Supreme Court is responsible for the regulation of the practice of law and for judicial and lawyer discipline. Additionally, as the highest court in Minnesota, it promulgates rules of practice and procedure for the legal system in the state. Each justice is a liaison to a number of Supreme Court boards and other state policy commissions that are charged with responsibilities ranging from day-to-day administration to strategic planning. In conjunction with the Judicial Council, the Chief Justice has policy-making authority which replaced the former system of conferences of chief judges and intercourt committees. Additionally, court appointed committees under the jurisdiction of the Judicial Council are primarily staffed by the State Courts Administrator’s Office. The State Courts Administrator is managed by the Judicial Council and receives an annual review.
from this body with input from judges throughout the system. The Chief Justice chairs the Judicial Council and in conjunction with this body, formulates and establishes the administrative policies for the operation of the judicial branch. Administrative policies promulgated and decisions made by the Judicial Council are binding on all judicial branch judges and employees.

- The Supreme Court is the rule-making body for all of the state's courts. Although local courts enact some rules of practice, these rules must not be in conflict with those established by the Supreme Court. The Supreme Court establishes rule making committees and appoints members of the Bar to the committees. The Judicial Council is not involved.

- The strategic planning process is linked to legislative budget requests and guided by the Judicial Council. The strategic plan’s goals and priorities are also operationalized at the local levels. Concerning recent planning efforts, in July 2007 the Judicial Council formed the Strategic Planning Workgroup to review the FY07-09 Strategic Plan and to recommend changes for the FY10-11 Plan. The Workgroup made a special effort to reach out to all Judicial Branch judges and employees in the development of the new plan. The Judicial Council, in recognition of current fiscal constraints facing the Judicial Branch and of the initiatives and projects already underway, determined that the new plan’s goals and priorities should address very specific areas.

- The State Courts Administrator’s Office provides principal representation to the legislature on behalf of the judicial branch. The Chief Justice may be involved at intervals. The primary responsibility for representation rests with the Inter-Governmental Liaison.

- The adjustment of the court system to the Judicial Council model is generally regarded as successful and has resulted in consistency and coherency throughout the branch. Tension has existed around policy implementation but implementation committees staffed by cross-functional committees have been designed to alleviate these issues. At this juncture, no significant problems have arisen.

Utah

- The Utah Judicial Council is the head of the judicial branch and the principal authority for the administration of the judiciary. The Supreme Court Chief Justice is the chief administrative officer for the courts and implements the rules adopted by the Judicial Council. The Chief Justice is selected by fellow justices to serve a four-year term, and the chief may serve successive terms. (Note: the term of office for Supreme Court justices is ten years.) The Judicial Council establishes the agenda for the court system. When a change in the Chief Justice occurs, it is seamless in terms of continuity of leadership.
The Chief Justice of the Supreme Court is the presiding officer of the Council; Administrative Office (AOC) serves as secretariat to the Council. Members include: one member elected by the justices of the Supreme Court; one member elected by the judges of the Court of Appeals; five members elected by the judges of the district courts; two members elected by the judges of the juvenile courts; three members elected by the justice court judges; and a member of the Board of Commissioners of the Utah State Bar.

The Utah Judicial Council directs the activities of all Utah state courts. The Judicial Council is responsible for adopting uniform rules for the administration of all courts in the state, setting standards for judicial performance, court facilities, support services, and judicial and non-judicial personnel.

Most rules originate with the Judicial Council. The Policy and Planning Committee of the Judicial Council proposes system-wide rules to be considered and adopted by the Judicial Council. There are very few local rules. Boards of Judges for each level of court, established by the Judicial Council, may adopt administrative rules for their level of court in accordance with the guidelines of the Council, subject to ratification by the Council.

Only operational issues at the local level are addressed through local rules or policies. The Management Committee and the Policy and Planning Committee of the Judicial Council coordinate system-wide policy development, subject to review and approval by the Judicial Council.

The court system budget process begins with input from the regional court administrators who prepare budget requests and submit them to the appropriate Board(s) of Judges. The Boards debate and discuss issues, then submit their requests to the State Courts Administrator and to the Judicial Council. The State Court Administrator and the Boards of Judges present their recommendations to the Council. The Council then prepares the court system budget request (one line item in the budget) and sends it to the Legislature (for voting) and to the Executive Branch (for information). The courts may carry forward funds from one year to the next, and the Council can shift funds from one part of the budget to another without legislative approval.

The Judicial Council conducts strategic planning through the three management committees, as well as through ten of the 13 standing committees. The Council asks each committee to submit both short-term and long-term strategic plans for their topic area; the plans are submitted to the Council, which then reviews, amends, and adopts the plans.

The Liaison Committee of the Judicial Council drafts legislation on behalf of the Council, and takes a position on all proposed legislation relating to the judicial
branch (supports, opposes, or takes no position). Generally, the Chief Justice and the State Courts Administrator testify to the legislature on behalf of court issues, and the State Courts Administrator typically makes public statements based on the Council's positions.

- The Judicial Council sets policy with the assistance of the Administrative Office of the Court (AOC), which identifies issues for the Council. The AOC also drafts policies on behalf of the Policy and Planning Committee, as well as being responsible for administration of the court system; all functions are managed through the AOC (including judges, staff, buildings, security, bailiffs, interpreters, etc.). The AOC has responsibility for allocating and managing resources, and the AOC represents the judicial branch to other branches and agencies.

- The Judicial Council model has very few critics within the court system; it has extensive authority to govern within the court system and uses the expertise and experience of trial and appellate judges serving on the Judicial Council. The various Boards of Judges elect members to serve on the Council. They are responsible for making decisions based upon a systemic perspective, and are not allowed to advocate for their level of court. The Council makes all decisions regarding courts and consequently decisions are "owned" by the decision makers. The focus remains on the needs of the entire system rather than focusing on just one level of court or one region of the state.

- All functions of the court system fall under the jurisdiction of the Judicial Council. The State Courts Administrator appoints the Regional Court Executives/Administrators, who in turn appoint the Clerks of the Court. There are no associations within the court system with competing priorities or perspectives. The court system has the ability to self-govern, and the Judicial Council has the ability to handle budget problems and priorities as needed. The Judicial Council model was adopted 30 years ago and has worked very well in Utah.

C. FINDINGS AND CONCLUSIONS

The initial question in each of the interviews asked was: “How would you describe the effectiveness of how the Florida courts are governed today?” The responses ranged from “the court system is being managed well given the circumstances” to “the current governance is deeply flawed.” The most common answer was that governance has been acceptable but that changes are needed going forward. For example, one respondent commented that:

The current structure was sufficient for 20 years after the 1972 revision of Article V, but the tremendous growth of the Florida court system and the responsibilities and services that have been added, a stronger
governance system is needed. This is even more true with the passage of Revision 7. Budget cuts require management. Delegation to staff is not sufficient.

Another observed that:

Governance is stronger but still extremely weak. The move to state funding has pitted the system against itself because of the shortage of funds. Therefore, the Branch needs strong leadership from the top.

The NCSC project team’s findings and conclusions, based on the interviews, communication survey results, and responses from the bar and business community, are organized around seven topics:

- The Role and Responsibilities of the Supreme Court and the Role, Responsibilities, Term and Selection of the Chief Justice and Chief Judges
- Rule-making and the Current Committee System
- The Authorization of Conferences
- Legislative Advocacy on Behalf of the Judicial Branch
- The Office of the State Courts Administrator
- Communication
- Identifying Emergent Policy Issues

The findings are presented in narrative form; the conclusions in highlighted paragraphs.

1. **Role and Responsibilities of the Supreme Court and the Role, Responsibilities, Term and Selection of the Chief Justice and Chief Judges**

   **a. Role and Responsibilities of the Supreme Court:** The Supreme Court has the authority to adopt rules of practice, procedure, and administrative supervision of all Florida Courts. Under this rulemaking authority, the Supreme Court plays a role in approving policies and initiatives affecting the entire Florida court system. It also reviews the Judicial Branch’s budget submission. The Chief Justice serves as the chief administrative officer for the court system. The line between the Chief Justice’s responsibilities and the involvement of the Supreme Court in overseeing and managing the court system, short of administrative rule promulgation, is not defined. The practice has been for the Chief Justice to discuss policies and procedure affecting the entire

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7 For ease of reference, attribution of comments to interviewees includes relevant comments provided by respondents to the inquiries sent by Chair of the Study Group.
court system with the other members of the Court as a matter of courtesy and collegiality, but this is not required and the extent of consultation may vary depending on who is serving as Chief Justice.

Members of the Court serve as liaisons to various committees and report back periodically to their colleagues during the administrative portion of the Wednesday Court conference. However, there is relatively little information available to the Court on the extent and impact of implementation of policies and initiatives established under Administrative Orders and Rules. Indeed, there is little monitoring of implementation efforts. This is partially a result of custom and largely due to the absence of comprehensive, reliable statewide data.

As is discussed below in Section C.2., the process for developing administrative rules and orders is quite formal. In addition to the length of time required to issue a rule and the prohibition against informal discussions with those who may be affected, the tendency appears to be for the rules establishing new initiatives to be quite detailed and prescriptive, requiring that all Circuits follow a particular model. This one-size-fits-all approach creates tension with the Circuits, especially given Florida’s tradition of allowing Circuits and Districts significant autonomy in the way they operate. For example, interviewees remarked:

Tallahassee should set the general parameters and measures rather than issuing detailed edicts.

One-size-fits-all orders like those concerning mortgage mediation do not work well. The Supreme Court should set the goals and let the Circuits decide how best to implement.

Consistency statewide is good, but there has to be room for local variation – flexibility to enable accommodation of different circumstances (e.g., multi-county vs. single county Circuits). There should be consistency on principles and more flexibility on nuts and bolts.

At the same time, there was recognition that with the advent of state funding, there is a need for the Supreme Court to “step up and be in charge.”

**Conclusion 1:** The Study Group should consider recommending that the Supreme Court take an active leadership role in setting policy for
the Judicial Branch, establishing initiatives, and monitoring the implementation and impact of those policies and initiatives.

Except in areas such as information technology or in which fundamental rights are at issue where uniformity is required, it may be more effective for the Court to establish the key program objectives and measures, charging the Circuits (and Districts) to establish a program that meets those objectives. In either instance the Court should require submission of regular reports on the extent to which each District and Circuit is meeting the objectives. This not only is more in keeping with Florida tradition, but acknowledges the significant differences in demographics and resources among the Circuits and Districts.

**Conclusion 2:** The Study Group should consider recommending that the Supreme Court direct OSCA to report regularly on the extent of implementation and impact of policies and initiatives established by the Court and review periodically whether a policy or initiative should continue, be modified, or ended.

While regular receipt and discussion of reports will necessarily result in the Court having to devote more time to administrative matters during conferences, such reports will ensure that the Court as a whole is informed, promote continuity and consistency, encourage implementation across the state, and highlight unanticipated problems as well as the benefits achieved. These reports provide an information basis for determining whether a policy or program should be continued, and if so, what changes may be needed.

**b. Role, Selection, and Term of the Chief Justice:** *Overall Role, Selection, and Term:* Article V, Section 2(b) of the Florida Constitution assigns administrative responsibility for the Florida court system to the Chief Justice. In addition to the authority to temporarily assign justices and judges, suspend time limits in periods of emergency, Rule of Judicial Administration 2.205(a)(2)(B)(v) authorizes the Chief Justice to “perform such other administrative duties as may be required and which are not otherwise provided for by law or rule.” The rule provides that the Chief Justice “shall be
chosen by majority vote of the justices” for a two-year term.9 There are no restrictions in the number of terms nor are any qualifications for selection stated. The current practice is to rotate the Chief Justiceship each two years, with the most senior justice who has not yet served as Chief Justice elected in turn.

The interviews conducted by the NCSC project team revealed broad and deep concern with this rotation practice across the state. Three weaknesses of the current practice were cited:

1. Leading a court system is a complex job. Mastering the details and developing the necessary leadership/management skills takes time. By the time a Chief justice has climbed the learning curve, her/his two-year term is nearly complete and the learning process must start over.

2. It is natural for each new Chief Justice to want to leave a mark – address an issue of particular importance to him or her. The two-year term provides little time to design and fully implement new initiatives across the state, and not enough time to follow-up, assess the impact, and refine the program or policy to accommodate differing circumstances to maximize effectiveness and minimize costs. Moreover, the next Chief Justice is likely to have a different priority, so attention shifts to a new initiative. Circuits not interested in a particular program know they can simply wait out the term. Trial judges and Circuit Administrators complained of being whipsawed by the constantly changing “flavor-of-the-term” and commented that while each Chief Justice’s initiative addressed an important issue, it did not necessarily focus on the key needs of the court system as a whole.

3. Most importantly, the quick turnover of Chief Justices impedes the development of relationships with Legislative and Executive Branch leaders and staff that are essential, post Revision 7, to securing funding for the court system. While there was consistent praise for the skill and efforts of the State Courts Administrator, staff relationships alone are seen as insufficient.

Though not universal, the prevailing view is for strengthened leadership at the top of Florida’s Judicial Branch. “The Supreme Court should serve as the Board of Directors of the Branch and the Chief Justice should serve as Chair of the Board.” That is, the Supreme Court should decide policy as a whole; the Chief Justice should

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implement policy, make the daily decisions consistent with the policy, and serve as the primary spokesperson for the Judicial Branch. As one interviewee observed:

Chief Justice rotation is a potential weakness that has added to the ineffectiveness of relations with the Legislature. Collegiality is important for the Supreme Court, but the Chief Justiceship is too important for the Branch to rotate.

Twenty-six states in addition to Florida are primarily state funded. Of these states, only four rotate the Chief Justiceship every two years (MO, NV, NM, OK). West Virginia rotates its Chief Justice annually.10 None of these states is close to Florida in terms of its size and diversity.11 The remainder afford their Chief Justices terms of:

12 years CA, DE
10 years HI
8 years CT, IA, NC
7 years ME
6 years AL, MN, OR, VT
5 years NH, ND
4 years KY, SD, UT
3 years AK
until retirement CO, KS, MA, NJ, NY, RI.12

Those interviewees who suggested a specific term ranged from renewable terms of three to six years, with the majority proposing at least a four-year term.

Conclusion 3: The Study Group should consider recommending that Rule 2.205(a)(2) be modified to clarify the leadership role of the Chief Justice, require consideration of administrative and leadership capacity, enhance continuity of leadership for the Florida Judicial Branch.

Rule of Judicial Administration 2.210(a)(2) regarding selection of Chief Judges of the District Courts of Appeal contains what may be useful language that could be added to Rule of Judicial Administration 2.205 (a)(2) – “selection ...should be based on managerial, administrative, and leadership abilities.”

10 Bureau of Justice Statistics, State Court Organization: 2004 (http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1204);
11 OSCA SPU Survey.
12 AJS, supra, note 2.
As part of the enhanced leadership role, the Chief Justice should meet regularly with the Chief Judges of the Circuits, the Chief Judges of the Districts (e.g., quarterly) and the leadership of the Conferences (e.g., semi-annually). At least one of these meetings can be a combined Judicial Branch leadership meeting that includes the Chairs of the Trial Court and District Courts of Appeal Budget and Performance and Accountability Commissions and the Technology Commission. To the greatest extent possible, these should be in-person meetings to facilitate development of personal working relationships and greater trust and understanding. In addition to discussing budget matters, these meetings should address initiatives, policies, data, and other operational issues. There also should be opportunities to discuss trends in filings, motions and discovery practices, interpreter needs, etc. to identify possible statewide or regional problems as early as possible and potential responses.

With regard to the length of term, there are several alternatives. The most straight-forward is a four-year term, renewable one time. A second option would be to retain the two-year term but make explicit in the Rule that a Chief Justice may be re-elected three times for a total tenure of eight consecutive years. Both alternatives would reduce the learning curve weakness, especially if the incoming Chief Justice were selected at least one budget cycle in advance and allowed to participate in the key meetings and briefings. They also would limit the “flavor-of-the-term” tendency. In addition, each provides a balance between continuity and limiting the length of time that a weak or overly-controlling Chief Justice could serve. An added safeguard would be to include a provision similar to that in Rule of Judicial Administration 2.210(a)(2) permitting the Court to remove a Chief Justice by a vote of five members.

This change could be made effective July 1, 2016, so that all current members of the Court now in line to become Chief Justice will have an opportunity to serve. If the four-year term alternative is selected, this timing would also provide stable judicial leadership during Gubernatorial transitions.
Other approaches suggested were creation of a Supreme Court Executive Committee consisting of the current Chief Justice, the immediate past Chief Justice, and the incoming Chief Justice. This is analogous to the governance structure employed by many judicial associations. It would achieve greater continuity and lessen the learning curve, but would not encourage selections based upon administrative interest and capability. Another alternative would be designation of a “Legislative Justice” who could be the primary and continuing point of contact with the Legislature. While this approach would not require changes in the rules and practice concerning the selection and term of the Chief Justice, most of the interviewees who addressed this possibility saw it as “helpful, but not sufficient.”

A few interviewees also mentioned creation of a California-style Judicial Council with the authority to determine policy for the Judicial Branch.\(^{13}\) While there is little question that California and the three other states with Judicial Councils cited by the SPU have strongly governed court systems, there are other well-administered court systems that do not have such councils (e.g., AL, AK, NJ). As reflected in the conclusions in sections C.1 and C.2, the NCSC project team believes that strengthening the Supreme Court’s and Chief Justice’s leadership role should be tested first. If this is not sufficiently effective, then the necessary constitutional or statutory changes required to shift governance authority to a Judicial Council dominated by judges from the District Courts of Appeal and the Circuit Courts can be considered.

c. Responsibilities, Authority, and Term of Chief Judges: Authority and Term: Rules of Judicial Administration 2.210(a)(2) and 2.215(b) and (c) define the responsibilities, selection, and term of office of Chief Judges of District Courts of Appeal and Circuit Courts. All Chief Judges are selected by the members of their respective courts for two-year terms. Each rule provides that administrative abilities be considered in the selection. The rule for DCA Chief Judges simply provides that the Chief Judge is the “administrative officer of the court.” The rule for Circuit Chief Judges is more detailed, providing, \textit{inter alia}, that Circuit Chief Judges are to:

\(^{13}\) See Section B. \textit{supra}.
- Exercise supervision over all courts within the Circuit.
- Develop an administrative plan for efficient and proper administration that is compatible with developing judges’ capacity to sit anywhere.
- Maintain liaison in all judicial administrative matters with the Chief Justice.

Although the Rule assigns Circuit Chief Judges these responsibilities, several Chief Judges commented that the authority to carry out these responsibilities is not clear:

The authority of a Chief Judge over the line judges is not well-defined. If a trial judge runs his/her courtroom with different orders than the rest of the court, or ignores security, or holds court from 10:00-7:00 without regard to staff overtime, there is nothing explicit in the rules that gives the Chief Judge the authority to bring that judge into line . . . . A committee of Chief Judges should formulate a new administrative rule spelling out the authority of Chief Judges beyond persuasion and less than referral to the Judicial Qualifications Commission that a Chief Judge has to promote the effective, consistent, and efficient operation of the court.

Interviewees also noted the added work and financial burdens imposed on the courts and clerk’s offices by inconsistent judicial practices and the lack of authority to require a judge to take judicial education courses to improve case management or to qualify to hear death penalty cases.

**Conclusion 4: The Study Group should consider recommending that Rules of Judicial Administration 2.210(a)(2) and 2.215(b) be amended to provide authority to Chief Judges of both the Circuit Courts and District Courts of Appeal to direct judges on their court(s) to adhere to court policies and administrative plans.**

In addition, consistent with the strengthened role of the Chief Justice and in order to achieve greater administrative consistency among the Districts:

**Conclusion 5: The Study Group should consider recommending that Rule of Judicial Administration 2.210(a)(2) be amended to include a specific set of administrative responsibilities of District Courts of Appeal Chief Judges similar to those contained in Rule of Judicial Administration 2.215(b), along with a provision empowering the Supreme Court to remove a District Court of Appeal Chief Judge similar to that in Rule of Judicial Administration 2.215(c).**
Several, though not all, Circuit and District Chief Judges also commented on the learning curve required for their position. Circuit Chief Judges noted, as well, the need to build strong working relationships with local justice system partners and funding bodies in order to manage their Circuits effectively. For example:

As soon as the DCA Chief Judge gains sufficient understanding of the budget, she/he is a lame duck.

A longer term at the Circuit level provides greater continuity with the County Commission, especially in larger Circuits.

In addition, there were comments regarding lack of continuity at the DCA level as a result of all the Chief Judges changing at one time.

**Conclusion 6: The Study Group should consider recommending that Rule of Judicial Administration 2.210(a)(2) and 2.215(b) be amended to enhance continuity of leadership in the District Courts of Appeals and the Circuit Courts.**

One approach, consistent with that proposed above, would be to provide for four-year terms for District and Circuit Chief Judges effective for even-numbered Districts and Circuits in 2014, and for odd-numbered Districts and Circuits in 2016.

**Consultation:** As suggested above, periodic face-to-face meetings among the leadership of the trial courts and among the leadership of the District Courts of Appeal are important to build cohesion and consistency, as well as to address common operational problems.

The Chief Judges need to work as a group. They need more than a half hour conference call to make decisions.

**Conclusion 7: The Study Group should consider recommending that Circuit and District Courts of Appeal Chief Judges meet in-person quarterly in addition to regular conference calls.**

These meetings need not be stand-alone sessions. To reduce costs, they could be scheduled in conjunction with educational conferences, bar meetings, and other events that judges may be attending.
Specialized Continuing Education: Several interviewees commented on the need for placing greater attention during the initial orientation of new Chief Judges on their responsibilities related to serving as a communication channel between the Chief Justice and the judges in the Circuit or District, as well as more intensive specialized continuing education programs on such topics as:

- Effective leadership and management
- Effective supervision and personnel management
- Effective communication
- The Florida budget process
- Change management

**Conclusion 8:** The Study Group should consider recommending that OSCA review the orientation offered to incoming Circuit Chief Judges, offer an orientation for incoming District Courts of Appeal Chief Judges, and provide continuing education courses on the special knowledge and skills required to serve effectively as a Circuit Court or District Court of Appeal Chief Judge.

2. Rule-making and the Current Committee System

Rules Committees and their Membership: Title V, section 2(a) of the Florida Constitution empowers the Supreme Court to “adopt rules for the practice and procedure in all courts including ... the administrative supervision of all courts....” The Supreme Court, pursuant to Rule of Judicial Administration 2.140(a)(3), has directed the Florida Bar to appoint standing rules committees to consider rule proposals concerning the procedures in civil, criminal, small claims, traffic, appellate, juvenile, probate, and family matters, and also to consider proposed changes to the rules of evidence and judicial administration. The rules committees are to include attorneys and judges with relevant subject matter experience who serve staggered three-year terms. No limit on the number of members is specified.

Many interviewees remarked that the rules committees are too large and are “laborious and slow” – particularly the Criminal Procedure Rules Committee. Rules

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14 Some matters of judicial administration are considered directly by the Court and not subject to review by the rules committee.

15 Rule of Judicial Administration 2.140(4).
committees often take 18 months to five years before making their report to the Supreme Court. In some instances, by the time the Rules Committee makes its report, the time the Bar Board of Governors considers the report, and the Court issues its Administrative Order, the need for the Rule has passed or the problem the proposed rule is intended to address has changed. For matters that require a more rapid response. Rule of Judicial Administration 2.140(d) authorizes the Supreme Court to create an *ad hoc* representative committee to address a particular matter that requires urgent action.

**Conclusion 9:** The Study Group should consider recommending that the Rule of Judicial Administration 2.140 be amended to ensure the development of well-considered rules in a timely fashion.

Among the possible changes could be:

- Limiting the size of Bar rules committees.
- Establishing the function of the standing rules committees to be the conduct of regular comprehensive reviews of the rules in their area on a three-year cycle to ensure consistency and clarity and to alert the Court of the need for substantive changes in particular rules to promote fair, effective, and efficient legal process.
- Permitting longer terms for standing rules committee chairs to facilitate continuity.
- Authorizing appointment of an *ad hoc* rules committee to address a specific issue(s) referred by the Court within a set timeframe set by the Court without the need to deem the situation as an “emergency.”
- Permitting the appointment of Clerks, subject matter experts, and members of the public to serve on *ad hoc* rules committees.

**The Process for Adopting Rules:** Reports from the Bar Rules Committees are submitted to the Supreme Court where they are treated as a case in controversy and are scheduled for oral argument. Because Justices may not engage in *ex parte* communications concerning cases before them, they are barred from discussing rules proposals with the rules committees’ members outside of the courtroom to learn their reasons for the proposed rule, to ask questions about the impact of the rule, or to

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16 Rules of Judicial Administration 2.140 (b)(4)-(6).
suggest possible amendments to the proposed rule. This process also means that Justices cannot discuss the proposal with other members of the Bar, the public, or even trial and appellate court judges, clerks and their own administrators to learn of the feasibility and impact of the proposed change.

The formality of the Florida Supreme Court’s rule consideration is unusual. Most other Supreme Courts treat their rule promulgation responsibility as an administrative matter, inviting written comments, holding informal hearings, and engaging in discussions with proponents and opponents rather than oral arguments.

**Conclusion 10: The Study Group should consider recommending that the Rules of Judicial Administration be amended to enable the Supreme Court to consider new and amended rules of procedure and rules of judicial administration as administrative policy proposals rather than legal cases.**

**Committee Permanence:** Most non-rules committees are created by the Chief Justice for a two-year duration at the beginning of his or her term. The Chief Justice appoints the members, gives them their charge, and directs that they report back at the conclusion of their two-year working cycle. While the next Chief Justice normally recreates the committee and re-appoints most of its members, interviewees reported that there is a sense that the impermanence of the committees impedes their ability to focus on long-term problems.

The Chief Justice rarely receives progress reports from the committees, but does receive final reports. However, by then, it is too late to do anything if the committee did not complete its tasks pursuant to its initial charge.

Some committees need to address long-term problems and should be made permanent. Other committees are created to address short term problems and should be provided with a specific charge and a timeline for reporting back. One approach is to distinguish the two by designating them as long term “Commissions” and short term “Ad

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17 Subsequent to the interviews upon which this conclusion is based, the Supreme Court re-examined its rule-making practices and modified its policy restricting informal communications.
Ad Hoc Committees.” The appointment of an ad hoc committee should not be limited only to “emergencies,” but should be permitted whenever there is an issue requiring examination.

**Conclusion 11:** The Study Group should consider recommending that the Commissions be established by the full Supreme Court to address long term problems and that Ad Hoc Committees be established by the full Supreme Court to address specific problems.

Commissions and Ad Hoc Committees should be established by the full Supreme Court, not those of the incoming Chief Justice. Each should be provided with a specific charter and deadline as well as a sunset date. To the greatest extent possible, the charters of commissions should be tied to the Judicial Branch Long-Range Plan. The full Court should determine which Commissions and Committees are needed and what they should be charged with reporting back on and by when. Members of the Commissions should be appointed by the full Court to four-year staggered terms.

**Coordination and Monitoring of Committees:** Counting all of the councils, commissions, steering committees, study groups and boards, Florida has 23 advisory committees and has an additional 13 rules committees. Interviewees indicated that OSCA is stretched thin in attempting to staff so many committees. More important, it is difficult to coordinate the work of this many committees. There is a perception that the committees work too independently of each other and that they do not take into consideration what the other committees are doing. Committee subject matter overlaps, creating tension among the committees. As stated in the Long Range Strategic Plan for the Florida Judicial Branch, 2009-2015:

Numerous commissions, committees, and task forces, some permanent and others ad hoc, have been created to address discrete subject matters or operational areas. These entities frequently have overlapping or redundant jurisdiction, and often do not coordinate with one another. At times they may have competing interest or perspectives, and may ultimately advance conflicting visions within a given policy area.

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18 The SPU’s Comparative Research shows California with at least 29 committees and task forces; Minnesota with 25 standing and advisory committees, and Utah with 14 standing and ad hoc committees and task forces.
There is a need for central coordination and oversight of the work of the committees. One or more subject matter bodies could track the work of the various Commissions and Committees working on similar matters, ensure that they are aware of each others’ work and then synthesize each of their reports into a single recommendation to the Supreme Court. As one example of such a coordination and oversight body, the newly established Technology Commission has been given the responsibility of overseeing and managing technology related work of other committees.

Interviewees also commented on the need to monitor the work of the committees. As one interviewee observed, “We have all these committees and they are charged with all sorts of things. No one follows up on whether the committees complete their charge in a timely matter.” This central coordination body or bodies could also monitor whether each of the Commissions and Committees are on track to complete their charges in accordance with the timelines established by the Supreme Court.

**Conclusion 12: The Study Group should consider recommending that one or more central coordinating bodies be established to coordinate the work of the Commissions and ad hoc Committees and to monitor whether they are completing their charges in a timely manner.**

**Technology:** Several interviewees discussed the importance of Florida establishing a long term strategy for developing and implementing a coordinated plan for the use of technology throughout the Circuit and District Courts. This past July, the Supreme Court established the Florida Courts Technology Commission and charged it with the responsibility for overseeing, managing, and directing the development and use of technology within the Judicial Branch under the direction of the Supreme Court. The Commission is charged with directing and establishing priorities for the work of all technology committees in the Judicial Branch and with reviewing and approving recommendations made by any court committee with respect to technology matters or technology policy.
The creation of the Technology Commission is in line with all comments heard by the NCSC project team and should help the Florida Judicial Branch to achieve its state goal of having “an adequate statewide information technology system adequate to support effective and efficient case management and management of caseloads and court resources.”

*The Judicial Management Council:* Rule of Judicial Administration 2.225 establishes a broadly-based Judicial Management Council (JMC) as an advisory body to the Supreme Court with a set of responsibilities ranging from conducting studies and proffering recommendations “on issues related to the efficient and effective administration of justice that have statewide impact ...,,”19 to development of a “long-range strategic plan and quality management and accountability program for the judicial branch,”20 to reviewing the work of other committees and serving as a liaison with key private sector stakeholders in the justice system.21 After three iterations, the JMC is currently dormant with many of its functions now being performed effectively by other entities such as the Trial Court and District Courts of Appeals Performance and Accountability Commissions, the Long-Range Planning Committee, and the Judicial Branch Governance Study Group itself.

Several interviewees speculated about the causes of the JMC’s ineffectiveness. The most salient of these was that it was never able to achieve a focus and establish a role in the Branch’s governance system. The breadth of its mandate, the size of its membership (29 including 8 at large members),22 and the limited time and staff resources available to support its work were all contributing factors. The urgency of the financial crisis made continuation of the JMC, in its current form, unaffordable.

This does not mean that a body such as the JMC has no role to play. Some of its functions are being performed through various mechanisms in other states. For example, Alabama’s Judicial System Study Commission was revived three years ago

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19 Rule of Judicial Administration 2.225(a)(1).
20 Rule of Judicial Administration 2.225(a)(2).
21 Rule of Judicial Administration 2.225(a)(4) and (5).
22 Rule of Judicial Administration 2.225(d)(1) and (3).
after a period of inactivity and has proven helpful in conducting a thorough examination of an array of issues at the behest of the Chief Justice. Its role is limited to that contemplated in Rule of Judicial Administration 2.225(a)(1). The Arizona Supreme Court has utilized informal advisory councils of various stakeholder groups from time to time to provide information about state’s court system and to surface community concerns about its performance. This is similar to the role contemplated in Rule of Judicial Administration 2.225(a)(5). The consideration of potential changes to Article V as part of Florida’s periodic constitutional revision process contemplated in Rule of Judicial Administration 2.225(a)(3) appears to be another function that a scaled-back JMC may be uniquely situated to play.

**Conclusion 13:** The Study Group should consider recommending that Rule of Judicial Administration 2.225 be amended to narrow the responsibilities of the Judicial Management Council and limit its membership to no more than 25.

*Committee Effectiveness:* For budgetary reasons, Florida’s committees have been told that funds are not available to enable them to meet in person as often as they had in the past, if at all. The committees have been directed to meet by conference call. Many interviewees stated that committees are not as effective when they do not meet in person, that committees cannot do their work solely by conference call, and that committee members are not attending meetings because they know that the meeting is a “waste of time.”

**Conclusion 14:** The Study Group should consider recommending that as resources permit, Commissions and ad hoc Committees be permitted to meet in-person as needed to complete their charge in a timely manner.

### 3. The Authorization of the Conferences

With the limitation on travel and the greater importance of the relationship between the Judicial Branch and the Legislature as a result of state funding, the role of the three court conferences in Judicial Branch governance (beyond providing continuing

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judicial education) has become unclear. Because they provide a direct link to and from the Branch leadership and line judges, the Conference can play important roles. Like the meetings between the Chief Justice and Chief Judges suggested above, regular communication between the Chief Justice and the County Court, Circuit Court, and District Court of Appeal Judges Conferences can provide insight on the implications and impact of Supreme Court policies and initiatives and an early indicator of emergent issues and problems. They also can help broaden the membership of court committees by suggesting names of interested judges who may not be well known in Tallahassee.

One way of clarifying both the role and responsibilities of the Conferences and demonstrating that they are Judicial Branch entities would be to have all three conferences, rather than just the County Court Judges Conference, established by a rule that sets forth specific functions and roles. The new rule-based charter can also help to specify the relationship between Conference committees and Supreme Court committees (e.g., the Circuit Court Judges Conference Judicial Administration Committee and the Judicial Administrative Rules Committee. This will require seeking legislation to rescind Title V Florida Statutes Annotated §26.55 and substituting a rule, as well as revising Rule of Judicial Administration 2.220 and promulgating a parallel rule regarding the District Court of Appeal Judges Conference.

Conclusion 15: The Study Group should consider recommending the rechartering of the Circuit Court Judges Conference and the County Court Judges Conference and the chartering of the District Court of Appeal Judges Conference through new or revised provisions of the Rules of Judicial Administration.

The question of whether the charter should include lobbying on judicial salary and pensions is discussed in section 4 below.

4. Legislative Advocacy on Behalf of the Judicial Branch

Revision 7 completely changed the level of coordination required for working with the Florida Legislature. The inherent tensions within the Judicial Branch and between the Judicial and Legislative Branches have been exacerbated by the current fiscal crisis.
The Judicial Branch has taken a series of steps since Revision 7 has gone into effect to coordinate its legislative efforts and “speak with one voice.” This evolution has included formation of the Trial Court Budget Commission and District Courts of Appeal Budget Commission, the Supreme Court Budget Committee, the Unified Committee on Judicial Compensation, and the Legislative Committee of the Conference of DCA Judges.

The short-term, limited nature of NCSC’s involvement in this study would make it presumptuous to prescribe a formula for success in dealing with the Florida Legislature. However, the number of judges and Judicial Branch entities actively engaged during a Legislature seems far greater than in the other states examined by the OSCA SPU.²⁴ This complicates coordination efforts and creates opportunities for confusion among legislators not fully familiar with the structure of the Judicial Branch.

The interviewees presented a mix of views. Some favored further consolidation, voicing concern about the multiplicity of judicial groups and agendas. They suggested concentrating the responsibility for legislative advocacy in the Chief Justice and State Courts Administrator, or more intriguingly, a Standing Legislative Committee of judges. The Standing Legislative Committee together with the Chief Justice and State Courts Administrator would be only judges authorized to speak for Judicial Branch with legislators and legislative staff, although they could call on judicial bodies or individual judges when needed. On the other hand, many viewed the current arrangement as a vast improvement over past practice, although a few viewed the current consolidation as a failure and favored letting Circuits lobby on their own.

**Conclusion 16: The Study Group should consider recommending concentrating responsibility for Legislative advocacy on behalf of the Judicial Branch.**

Almost everyone praised the work of the Trial Court Budget Commission (TCBC), although some were concerned about the strong control exercised by the TCBC’s Executive Committee. Several drew a contrast between the tough decision-making

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²⁴ See Appendix B.
performed by the TCBC and the more *laissez-faire* approach of the District Courts of Appeal Budget Commission (DCABC). One proposed remedy was for the “additional judge from each district court of appeal” appointed to the DCABC\(^{25}\) to be a “budget judge” with an interest in getting into the details of the budget and a willingness to serve more than one term, and to add the Chairs of the DCA Performance and Accountability Commission, the DCA Technology Committee, and the DCA Judges Conference as voting members of the DCABC. A number also expressed concern over the annual change in the DCABC Chair, given the complexity of the budgeting process and the value of building Legislative relationships.

**Conclusion 17: The Study Group should consider recommending expansion of the voting membership of the District Courts of Appeal Budget Commission.**

One objective of a strengthened Judicial Branch legislative advocacy team, in addition to securing adequate funding through both the Trust Fund and General Revenue, would be to reach an understanding with the Legislature that proposals related to individual courts not endorsed formally by the Judicial Branch are inconsistent with the principles of effective public governance. Another is to gain greater flexibility in the court system’s use of appropriated funds. Several interviewees suggested that Circuits should be able to determine, for example, whether a magistrate, case manager, or law clerk would be most effective in speeding caseflow, rather than having this determined formulaically. Another aspect of greater budgetary flexibility could be establishment of a small “innovation fund” from which individual Circuits or Districts could draw, with OSCA approval, to test new approaches to increase quality, effectiveness, access, and/or efficiency. Such a fund would be in keeping with Florida’s tradition of local innovation.

5. **The Office of the State Courts Administrator**

Within the Judicial Branch, the Office of the State Courts Administrator (OSCA) and State Courts Administrator Lisa Goodner were nearly uniformly praised by

\(^{25}\) Rule of Judicial Administration 2.235(e)(1).
interviewees for their work with the Legislature and their efforts to support court committees.\textsuperscript{26} However, embedded within the praise were four suggestions of ways in which OSCA could improve its contribution to effective Judicial Branch Governance.

a. \textit{Broader staff experience}: Some interviewees view OSCA staff as too insular – non-court professionals from Tallahassee with too little trial court knowledge and experience. They suggested more hiring from and staff exchanges with Circuit Administrator staff.

b. \textit{Enhanced coordination of Branch committees}: Inter-committee coordination and communication is not seen to be as effective as it needs to be. Three reasons were cited in addition to the proliferation of committees: constrained staffing; a siloed internal OSCA structure that limits staff communication; and physical separation of staff between the Capitol area and the Annex. Whether any of these, some combination, or another factor are the cause, providing the informational connections among committees is a critically important staff function. Overlapping membership among related committees (e.g., all those whose work may touch on technology) is simply not feasible.

c. \textit{More intensive monitoring of Supreme Court policies and initiatives}: As indicated earlier, there were a number of concerns expressed about insufficient monitoring of court policies and initiatives. This is due in large part to the absence of data.\textsuperscript{27}

d. \textit{More active development by OSCA staff of IT policies and standards}. Several interviewees commented that while the current OSCA IT staff is informed about the technical aspects of IT, they are too “passive” in supporting development of statewide court IT policies and standards.

Of these four, the last may be the most important. While the view expressed by those judges who were interviewed may not be shared by all members of the bench, the absence of comprehensive, accurate, consistent, statewide data regarding court caseloads, the timeliness with which those cases are heard and disposed, filing trends,}

\textsuperscript{26} Some local stakeholders appeared to know little about OSCA’s responsibilities and the level of effort required to perform those responsibilities both at the state and at the court levels.

\textsuperscript{27} See paragraph C.1.B. \textit{supra}. 

\textit{National Center for State Courts, November 2010}
and other key management information severely limits the ability of the Judicial Branch to manage its operations and identify and respond to changing circumstances. Moreover, with court information technology under local control, Circuit Chief Judges have been left largely on their own to conduct last minute reviews of new records management systems purchased by Clerks to see whether the system will meet the Court’s document and data needs. The E-Portal will begin the effort to implement electronic systems that will be able to share needed data and prepare management reports. However, not all cases will be e-filed and new records management systems will continue to be purchased or developed. By taking the lead in defining reasonable data standards, uniform management reports, and required system functions that apply to all information systems serving the courts, OSCA, with the oversight and guidance of the Technology Commission and Trial Court Performance and Accountability Commission, could greatly enhance the availability of the accurate, consistent, statewide data needed to govern and manage Florida’s courts and reduce the burdens on Circuit Chief Judges. Representatives of the Florida Association of Court Clerks and Comptrollers should be directly involved in this effort. Clerk control of data systems relied on by the Judicial Branch is likely to continue for the foreseeable future. The recent progress in designing the E-Portal suggests that developing a less rancorous working relationship on an issue of such mutual importance will be productive.

**Conclusion 18: The Study Group should consider recommending that OSCA strengthen its capacity to provide committee coordination services and to support the efforts of the Technology Commission and the Trial Court Performance and Accountability Commission to establish data standards, reporting, and functional requirements for all records maintenance systems serving the Judicial Branch.**

6. Communication

Effective communication is an essential component of a well-functioning organization. All members of the organization must share a common vision so that they can work in a coordinated way on the same page to achieve that vision. People look to the leader of their organization for an articulation of a clear vision and a long range plan identifying the priority strategies to achieve that the organization will work to accomplish
in order to reach that vision, and information about the progress being made, problems encountered, and methods for dealing with those problems. As stated by one interviewee, “Communication is helpful to understand where we’re going and how we get there together.”

The survey on the state of Judicial Branch communication in Florida revealed significant dissatisfaction with the level and nature of intra-branch communication. Of the 32 judges who responded, over 40 percent disagreed or strongly disagreed with the following statements:

**I currently receive all the information I need about:**
- The budget for my District or Circuit
- The budget for my Court
- The performance of my District or Circuit
- The performance of my Court

Over 30 percent disagreed or strongly disagreed that they currently receive all the information needed about:

- The performance of the Judicial Branch
- The policies governing the Circuit, District or Court

About a quarter of the respondents disagreed or strongly disagreed that they received all the needed information about:

- The recommendations of Judicial Branch Commissions and Committees
- The services available from OSCA
- The budget of the Judicial Branch
- Rules under consideration

On the positive side, 60 percent and over agreed or agreed strongly that they currently received all the information they need about:

- The budget of the Judicial Branch
- Policies governing the Judicial Branch and their court
- The performance of the Judicial Branch
- The services available from OSCA

Over half responded that they agreed or agreed strongly that they received all the information needed regarding:

- The policies governing their District or Circuit

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28 See the full survey results are reported in Appendix B.
The performance of their Court
Meetings of Judicial Branch commissions and committees
Rules under consideration

**Table 1**

**Judicial Responses Regarding Receipt of Sufficient Information**

1. The Judicial Branch Budget                 56.7%       25.7%
2. Judicial Branch Policies                  59.8%       20.6%
3. Judicial Branch Performance              47.4%       26.8%
4. Rules under Consideration                51.6%       24.8%
5. My District's or Circuit's Budget        64.9%       22.7%
6. My Court's or Office's Budget            74.2%       19.6%
7. My District's or Circuit's Performance   58.7%       23.7%
8. My Court's or Office's Performance       72%         16%
9. My District's or Circuit's Policies      70.1%       14.4%
10. My Court's or Office's Policies         77.3%       11.3%

The 124 Judicial Branch staff responding to the survey indicated far greater satisfaction. On only one question did more than a third disagree or strongly disagree with a statement (re: information received about recommendations of Judicial Branch Commissions or Committees). The disagreement level was under 20 percent for four of the statements and less than 25 percent on four others. More than 70 percent agreed or strongly agreed that they received all the information they need on:

- The policies governing their District or Circuit
- The policies governing their court or office
- The budget for their court or office
- The performance of their court or office
Table 2
Judicial Branch Staff Responses Regarding Receipt of Sufficient Information

<table>
<thead>
<tr>
<th>I currently receive all the information that I need about:</th>
<th>Agree or Strongly Agree</th>
<th>Disagree or Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The Judicial Branch Budget</td>
<td>56.7%</td>
<td>25.7%</td>
</tr>
<tr>
<td>2. Judicial Branch Policies</td>
<td>59.8%</td>
<td>20.6%</td>
</tr>
<tr>
<td>3. Judicial Branch Performance</td>
<td>47.4%</td>
<td>26.8%</td>
</tr>
<tr>
<td>4. Rules under Consideration</td>
<td>51.6%</td>
<td>24.8%</td>
</tr>
<tr>
<td>5. My District’s or Circuit’s Budget</td>
<td>64.9%</td>
<td>22.7%</td>
</tr>
<tr>
<td>6. My Court’s or Office’s Budget</td>
<td>74.2%</td>
<td>19.6%</td>
</tr>
<tr>
<td>7. My District’s or Circuit’s Performance</td>
<td>58.7%</td>
<td>23.7%</td>
</tr>
<tr>
<td>8. My Court’s or Office’s Performance</td>
<td>72%</td>
<td>16%</td>
</tr>
<tr>
<td>9. My District’s or Circuit’s Policies</td>
<td>70.1%</td>
<td>14.4%</td>
</tr>
<tr>
<td>10. My Court’s or Office’s Policies</td>
<td>77.3%</td>
<td>11.3%</td>
</tr>
</tbody>
</table>

Some caution should be exercised in considering these results. The sample employed was not a random sample of Florida judges and court staff but only a sample selected to be as representative as possible. In addition, only about 25 percent of the judges surveyed and about one third of the staff surveyed responded, which could have included the most disaffected judges. Also, some of the dissatisfaction may be more attributable to the impact of the fiscal crisis on judges’ salaries and court budgets than on communication. Nevertheless, the level of dissatisfaction among the judges is striking.

Direct Communication From the Chief Justice, Supreme Court and OSCA to Judges, Clerks and Court Staff: Because as noted by one innovative judicial leader, “leadership is not something done to others but rather something done with others,” concomitant with a strengthened leadership role of the Chief Justice is the need for greater consultation and communication. It is the Chief Justice’s responsibility to effectively

29 Judge Kevin Burke, 4th Judicial District of Minnesota, (Seminar, 2009).
convey the vision and the goals of the Long-Range Plan of the Judicial Branch so that the judges and staff of the Branch will strive to achieve that vision and its goals as they go about their work. Yet, as one interviewee stated: “Few judges know about the structure of the branch, much less the mission and vision of the Branch.”

**Conclusion 19: The Study Group should consider recommending that Rule of Judicial Administration 2.205(a)(2)(B) be amended to clarify that one responsibility of the Chief Justice is to serve as the primary spokesperson of the Judicial Branch with the public, the other branches of government, and within the court.**

It was surprising to the NCSC project team that there is not an easy to access e-mail list of Florida judges and no direct communication between the Chief Justice and the state’s judiciary. Communication related to goals, strategies, policies, budget, and performance from the Chief Justice and the Supreme Court to the trial and appellate judges is channeled through the Chief Judges of the Circuits and Districts. There is no clear direction to the Chief Judges to pass on some or all of the information. The degree to which the Chief Judges pass on information is totally dependent on the Chief Judge and varies across the state. The interviews and Communication Survey revealed that most judges and staff would welcome greater direct communication from the Chief Justice via e-mail, newsletters, in-person meetings, and tele- or videoconferences. Communication directly with justice system partners including Clerks of Court and the private and public bar as well as leaders of the other governmental branches and levels and the public generally is also essential.

These communications should supplement, not supplant, regular contact between the Chief Justice and Chief Judges. Indeed as discussed in Section C.1.b., many interviewees noted the importance of routine direct communication in person or by telephone between the Chief Justice and the Chief Judges of the Circuits, the Chief Judges of the Districts, and the leadership of the Conferences to discuss budget matters, initiatives, policies and other operational matters.
**Conclusion 20:** The Study Group should consider recommending that the Chief Justice communicate directly with all judges by e-mail on the state of the judiciary, the state of the budget, priorities, and other matters of statewide interest, and that the Chief Justice routinely communicate with the Chief Judges and Conference leadership in person, by telephone and videoconference, and via e-mail.

Communication To the Chief Justice, Supreme Court and OSCA from Judges and Court Staff: The interviews conducted by the NCSC project team demonstrated that the leaders of the Circuit and District Courts have no problem with sharing their views and concerns with the Chief Justice, members of the Supreme Court, and OSCA leadership. However, there appears to be greater hesitancy among the rank and file judges and staff. About 47 percent of the judges responding to the communication survey agreed or strongly agreed that they are “able to convey ideas and concerns about the budget policies, performance, or rules to the Supreme Court;” almost 31 percent disagreed or strongly disagreed. Almost 44 percent agreed or strongly agreed that they were able to share their ideas and concerns with the Chief Justice; 37.5 percent disagreed or strongly disagreed. Just under 70 percent felt they could convey their ideas and concerns to the Chief Judge of their Court, and more than 62 percent responded that they are comfortable communicating with OSCA. Only half stated that they could send ideas or concerns to Judicial Branch commissions and committees.

**Table 3**

<table>
<thead>
<tr>
<th>I currently am able to Convey my ideas and concerns to:</th>
<th>Agree or Strongly Agree</th>
<th>Disagree or Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The Supreme Court</td>
<td>46.9%</td>
<td>30.3%</td>
</tr>
<tr>
<td>2. The Chief Justice</td>
<td>43.8%</td>
<td>37.5%</td>
</tr>
<tr>
<td>3. The Chief Judge of my Court</td>
<td>68.8%</td>
<td>18.8%</td>
</tr>
<tr>
<td>4. OSCA</td>
<td>62.5%</td>
<td>21.9%</td>
</tr>
<tr>
<td>5. The appropriate Commission/Committee</td>
<td>60%</td>
<td>21.9%</td>
</tr>
<tr>
<td>6. My colleagues</td>
<td>75%</td>
<td>9.4%</td>
</tr>
</tbody>
</table>
Court staff were far less sure about communicating with the Supreme Court (18 percent agreed or strongly agreed with the statement; 41 percent disagreed or strongly disagreed. For communication to the Chief Justice, the percentages were 16 percent and 40 percent respectively. For OSCA, 47 percent were comfortable in sharing their thoughts. But, 85 percent responded that they are able to convey ideas and concerns to the Chief Judge of their court or their supervisor.

Table 4
Judicial Branch Staff Responses Regarding Ability to Convey Ideas and Concerns

<table>
<thead>
<tr>
<th>I currently am able to Convey my ideas and concerns to:</th>
<th>Agree or Strongly Agree</th>
<th>Disagree or Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The Supreme Court</td>
<td>18.3%</td>
<td>40.8%</td>
</tr>
<tr>
<td>2. The Chief Justice</td>
<td>16.2%</td>
<td>39.8%</td>
</tr>
<tr>
<td>3. The Chief Judge of my Court or my Supervisor</td>
<td>85%</td>
<td>5.4%</td>
</tr>
<tr>
<td>4. OSCA</td>
<td>47.4%</td>
<td>24.8%</td>
</tr>
<tr>
<td>5. The appropriate Commission/Committee</td>
<td>31.2%</td>
<td>35.5%</td>
</tr>
<tr>
<td>6. My colleagues</td>
<td>89.3%</td>
<td>1.1%</td>
</tr>
</tbody>
</table>

When judges and staff do offer a suggestion or concern, only a few responded that it was disregarded. Around 40 percent of the judges indicated that they received a prompt response and that their suggestion was considered. About 60 percent of the staff responded positively. A large proportion of both groups checked the “neither agree nor disagree” box.

Conclusion 21: The Study Group should consider recommending that the Chief Justice, Supreme Court and OSCA should establish an enhanced internal communication by developing a simple mechanism for judges and staff to communicate ideas and concerns directly and making clear that communications are not only welcome but appreciated.
7. **Identifying Emergent Policy Issues**

Several interviewees commented on difficulty the Judicial Branch has had in identifying and addressing potential administrative problems sufficiently in advance to prevent them from becoming organizational crises. As one put it: “The governance of the system is reactive; issues like the explosion of foreclosure cases are not anticipated.” There are at least three sources of information that can help the Judicial Branch anticipate potential systemic issues that are hovering on the horizon.

*Reviews of Background Reports:* The Virginia Administrative Office of the Courts periodically conducts an “environmental scan” to identify and assess the economic, technological, demographic, cultural, and political trends that may affect the commonwealth’s courts in the near future.[30] Similarly, NCSC publishes an annual report on *Future Trends in the State Courts*[31] documenting issues that court systems around the country are facing or will soon face and how they are being addressed. State and local planning agencies, the Council of 100 and other business groups, and the state’s universities may also publish trends reports from time to time. While none of these reports can predict exactly what will happen in the Florida court system, they can provide indications of what to look for and what questions to ask.

*Analysis of Quantitative Data:* State judicial systems that collect comprehensive statewide court management information can analyze filing, disposition, fee, and other data on a regular basis to identify trends and apparent anomalies that may signal an emerging issue. As noted earlier in this report, Florida does not yet have such data. Nonetheless, regular review of the reports received from at least some bellweather counties can be useful in identifying or confirming new administrative issues facing the Judicial Branch.

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Use of Qualitative Information: Sections C.1, C.4, and C.6 discuss the need for greater direct, two-way communication between the Supreme Court and the trial courts and District Courts of Appeal. In meetings with Chief Judges, the Conferences, the Bar, and other groups, the Chief Justice and other members of the Supreme Court should always ask: What is changing in your jurisdiction? What trends are you seeing? and, more specific questions about issues identified in the background reports and data analysis. These questions serve two purposes. The first, obviously, is to learn directly of emerging issues from those first affected. The second is to encourage the judicial leadership at all levels of the Florida court system to be alert to changing patterns of filings, request for interpreters, changes in state and local agency policies, etc., and to report these changes promptly.

Once a possible emergent problem is identified, the Supreme Court can ask one of the existing Commissions or ad hoc committees or appoint a new ad hoc committee to examine the issue and recommend a response within a prescribed time period.

**Conclusion 22:** The Study Group should consider recommending that the leadership of the Judicial Branch seek information to identify emerging issues on an on-going basis and take prompt action to develop an appropriate response when such an issue is found.
D. CLOSING

The Study Group’s efforts come at a propitious moment. There is great interest in improving the governance of the Judicial Branch. Almost all interviewees were eager to talk about governance and vocal about their concerns and possible improvements. Although views were not unanimous, the bulk of the interviewees favored a stronger leadership model and the survey demonstrated substantial dissatisfaction with the quantity and quality of intra-branch communication. Thus, the Study Group enjoys the luxury of being able to concentrate on what changes are likely to be most beneficial, rather than having to give considerable attention to making the case for change.
APPENDIX A

Interview Protocols
INTERVIEW PROTOCOL FOR JUSTICES AND OSCA LEADERSHIP

As you know, the Court has appointed a Governance Study Group to conduct an in-depth study of the current governance system of Florida’s Judicial Branch. The National Center for State Courts has been asked to assist in examining how to improve such aspects of governance as:

- administrative decision-making
- communication within the Judicial Branch
- the balance between state-level and circuit/district level authority
- anticipating as well as responding to issues
- implementing policies
- continuity of policies and relationships

NCSC is a non-profit organization dedicated to improving the administration of justice. We are headquartered in Williamsburg, VA and have offices and staff throughout the country.

This is not a “gotcha” study. We will be taking notes and preparing summaries of each interview for the Governance Study Group, but no statements in our report will be attributed to any interviewee.

1. EFFECTIVENESS AND BALANCE

1.1 How would you describe the effectiveness of how the Florida courts are governed today?

1.2 What kinds of policies can the Supreme Court/OSCA establish? What policies are left to the Districts? Circuits? Individual courts?

1.3 Is the balance appropriate? If not, how can it be improved?

1.4 How would you describe the current decision-making process? Is the balance between the need to build a consensus and the need for speed appropriate?

1.5 Does current governance system assist or impede the ability of judges to hear and decide cases in a fair and timely manner?

1.6 When a new policy, procedure, or program is announced, what is the implementation process? Is this process effective?

1.7 How does the current governance process affect interaction with the Legislature? With the Executive Branch? With justice system partners?
2. COMMUNICATION

2.1 How does the Court/OSCA inform the Courts about new policies, priorities, initiatives, etc.?

2.2 How does the Court/OSCA obtain input before establishing a new policy, priority, or program?

2.3 To what extent are suggestions considered?

2.4 How are judges and staff able to alert the Court/OSCA to their concerns?

2.5 How frequently do you communicate with your colleagues in the Circuits/Districts regarding administrative matters?

3. COMMITTEES

3.1 Do you serve on/staff any Judicial Branch committees or commissions?

3.2 How well does that (do those) groups work?

3.3 Are the committee’s/commission’s tasks clear?

3.4 What is the process for considering committee/commission recommendations?

3.5 What happens when there is overlap between the work of a committee and the work of another committee/commission?

3.6 How are judges/staff assigned to committees?

4. CONTINUITY

4.1 The term of Florida’s Chief Judges/Justices is short compared to those in many other states. Is that a good thing? What benefits and problems do you see?

4.2 Is continuity of direction, emphasis, or policy ever an issue? How might that be addressed while maintaining the positive aspects of Florida’s system?

5. CONCLUDING QUESTIONS

5.1 If you could change three things about the way the Florida court system is governed, what would they be?

5.2 What should we have asked about that we did not touch on?

Thank you for your time and candor.
INTERVIEW PROTOCOL FOR DISTRICT/CIRCUIT JUDGES AND STAFF

The Florida Supreme Court and OSCA are undertaking an in-depth study of the current governance system of Florida’s Judicial Branch. The National Center for State Courts has been asked to assist in examining how to improve such aspects of governance as:

- administrative decision-making
- communication within the Judicial Branch
- the balance between state-level and circuit/district level authority
- anticipating as well as responding to issues
- implementing policies
- continuity of policies and relationships

NCSC is a non-profit organization dedicated to improving the administration of justice. We are headquartered in Williamsburg, VA and have offices and staff throughout the country.

This is not a “gotcha” study. We will be taking notes and preparing summaries of each interview for the Governance Study Group chaired by Justice Polston, but no statements in our report will be attributed to any interviewee.

1. EFFECTIVENESS AND BALANCE

1.1 How would you describe the effectiveness of how the Florida courts are governed today?

1.2 What is your role in governing the Florida courts both at the court level and at the state level?

1.3 What kinds of policies can you establish for your court? What is controlled from Tallahassee?

1.4 Is the balance appropriate? If not, how can it be improved?

1.5 Does current governance system assist or impede the ability of judges to hear and decide cases in a fair and timely manner?

1.6 When a new policy, procedure, or program is announced, what is the implementation process? Is this process effective?

2. COMMUNICATION

2.5 A. How do you find out about policies the Supreme Court is considering?
2.6 A. Are you able to provide input or ask questions? If so, how?
   B. To what extent are your suggestions considered?

2.7 A. Do you receive enough information about what is going on with the Judicial Branch from Tallahassee?
   B. Do you receive some information that is not necessary?
   C. Is there some information you would like to receive?

2.8 How would you like to receive information?

2.9 Are you able to alert Tallahassee of your concerns? How?

2.10 How frequently do you communicate with your colleagues in other Circuits/Districts regarding administrative matters?

3. COMMITTEES

3.5 Do you serve on any Judicial Branch committees or commissions?

3.6 How well does that (do those) groups work?

3.7 Are the committee’s/commission’s tasks clear?

3.8 What happens to the recommendations?

3.9 What happens when there is overlap between the work of your committee and the work of another committee/commission?

3.7 How are judges/staff assigned to committees?

4. CONTINUITY

4.2 The term of Florida’s Chief Judges/Justices is short compared to those in many other states. Is that a good thing? What benefits and problems do you see?

4.2 Is continuity of direction, emphasis, or policy ever an issue? How might that be addressed while maintaining the positive aspects of Florida’s system?

5. CONCLUDING QUESTIONS

5.1 If you could change three things about the way the Florida court system is governed, what would they be?

5.3 What should we have asked about that we did not touch on?

Thank you for your time and candor.
INTERVIEW PROTOCOL - STAKEHOLDERS

The Florida Supreme Court and OSCA are undertaking an in-depth study of the current governance system of Florida’s Judicial Branch. The National Center for State Courts has been asked to assist in examining how to improve such aspects of governance as:

- administrative decision-making
- communication within the Judicial Branch
- the balance between state-level and circuit/district level authority
- anticipating as well as responding to issues
- implementing policies
- continuity of policies and relationships

NCSC is a non-profit organization dedicated to improving the administration of justice. We are headquartered in Williamsburg, VA and have offices and staff throughout the country.

This is not a “gotcha” study. We will be taking notes and preparing summaries of each interview for the Governance Study Group chaired by Justice Polston, but no statements in our report will be attributed to any interviewee.

1. EFFECTIVENESS AND BALANCE

1.1 How would you describe the effectiveness of how the Florida courts are governed today?

1.3 How have you been involved with the governance of the Florida court system?

1.3 What decisions are made in Tallahassee and what decisions can be made at the District or Circuit level?

1.5 Is the balance appropriate? If not, how can it be improved?

1.6 A. Are there opportunities for input regarding the impact of new Judicial Branch policies, priorities, and initiatives from outside the Branch?

B. Are outside comments and concerns considered?

1.6 How does the current governance process affect interaction with the Legislature? With the Executive Branch? With justice system partners?
1.7 How would you describe the current decision-making process? Is the balance between the need to build a consensus and the need for speed appropriate?

1.8 When a new policy, procedure, or program is announced, is it implemented effectively? If not, what do you see as the impediments to implementation?

2. CONTINUITY

2.1 The term of Florida’s Chief Judges/Justices is short compared to those in many other states. Is that a good thing? What benefits and problems do you see?

2.2 Is continuity of direction, emphasis, or policy ever an issue? How might that be addressed while maintaining the positive aspects of Florida’s system?

3. CONCLUDING QUESTIONS

3.1 If you could change three things about the way the Florida court system is governed, what would they be?

3.2 What should we have asked about that we did not touch on?

Thank you for your time and candor.
APPENDIX B

Communication Survey Results
## FLORIDA JUDICIAL BRANCH COMMUNICATION SURVEY

### TOTAL RESULTS

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1. I currently **RECEIVE** all the information I need about:

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<td>c. The budget for my Court or Office</td>
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2. I currently am able to CONVEY my ideas and concerns about the budget, policies, performance, services, or rules to:

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3. When I do offer a suggestion or concern:

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### 4. I currently receive information regarding important governance issues from:

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### 5. I would prefer to receive information regarding important governance issues via:

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### FLORIDA JUDICIAL BRANCH COMMUNICATION SURVEY

#### JUDICIAL RESULTS

1. I currently **RECEIVE** all the information I need about:

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<tr>
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OSCA and the Fla.S. Ct. are highly ineffective in fighting for and protecting the state judicial budget. They refuse to be willing to take on the legislature on a constitutional basis to secure and protect adequate court funding and to protect the pay of trial and appellate judges from continually being cut where other states have protections in place, similar to federal protection regarding judicial compensation. Our "Chief Judge" system is a mere popularity contest which rewards mediocrity and punishes innovation.

The current TCBC structure is not working. The Judges should have input to choose who lobbies the Legislature. And separating judicial pay from trial court budget funding creates a conflict of interest and should be eliminated.
2. I currently am able to CONVEY my ideas and concerns about the budget, policies, performance, services, or rules to:

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Comments

I am the Chief Judge so c. does not apply.

Meetings are fewer than we once had and that has adversely impacted us

OSCA and the TCBC do not want a divergence of opinion and in fact, highly discourage dissent and new ideas in dealing with the state budget and in fighting for the independence of the judiciary when it comes to standing up to the Florida Legislature.

OSCA is a self serving, self congratulatory organization which suffers from an inside the beltway (Tallahassee that is) inbred arrogance that is impenetrable. The Supreme Court’s usage of "committees" to address everything rather than making a command decision affords OSCA the ability to perpetuate levels of mediocrity previously unknown to civilized society.
3. When I do offer a suggestion or concern:

<table>
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</table>

Comments

All judges are equal, except some are more equal than others.

4. I currently receive information regarding important governance issues from:

<table>
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<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree or Disagree</th>
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<td>f. Conversations with someone directly involved in the decision</td>
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Comments

g word of mouth sounds like an uncontrolled gossip network

There have been fewer opportunities for in-person meetings in recent years with budget constraints limiting all variety of meetings.
Comments

I receive information but am not encouraged to come forward with any new ideas.

Most communication, particularly concerning legislative issues, is propagandistic, self congratulatory even the face of abject failure and tortuously confusing.

TCBC controls everything. Their executive committee meets in private and no details are released. Issues are presented for a up or down vote at meetings, very little discussion. Process is not open.

**What are three ways that communication within the Branch could be improved?**

Open ended responses were reviewed and grouped base on common themed response. The following are common responses of from judicial officer, below each theme is a list of the actual responses of the participants.

1. **Regular contact via meeting, conference, e-mails call etc**

Meet more often than present

Regular (monthly/ quarterly) information updates

regular, in-person meetings

Regularly scheduled conference calls/video conferences
Restore conference, commission, committee, task force and other meetings

regular but abbreviated updates on committee or commission work

regular, in-person, local leadership feedback on local issues

More frequent in-person meetings

recurring instruction on how to improve use of electronic communication systems, e-mail, live video conferences, etc.

Regular "updates" from judicial conference chairs to judges

Video conferences

more conferences

Live meeting with circuit conference rep

Local one on one meetings with one of the S. Ct Justices from one's district

2. Emails

All judges should be kept advised of all significant issues by current correspondence via e-mail or otherwise.

e-mail

e-mail updates

emails from people in leadership positions

More informative emails

Reports by the various committees or commissions to be furnished by e-mail to the Chief Judge for dissemination to the judges within the various circuits

updates via email

We could create a subject line legend for email

I prefer all correspondence by email.

3. Judicial involvement

Judges do not even know what questions to ask.

All judges should be kept advised of where they may look at all times to receive more detailed information.

More information sent to each judge
Chief Judges need to be included in decision making

4. Open Communication

Foster & reinforce a culture within the Branch that supports trust and open communication

More communication from the TCBC

Share the responsibility for good communication throughout the Branch

Actively solicit feedback from staff throughout the Branch

5. Other

Circuits need to be advised early of priority issues

Don’t do it by surveys

Elect the Supreme Court

I don’t know

I have no suggestions

No suggestions

Overall think communication is good.

A wholesale housecleaning of the TCBC

Elect the Appellate Courts

I don’t know

in person

No suggestions

video conferences for subject matter assignments

Weekly telephone conference

I don’t know

Internet streams to observe when time permits even if after hours

JAC needs to take a more active role

Legislators and others should consult with judges and others who will actually carry out the policy before they enact such law/rule/policy.
Let no one serve on the appellate courts that have not been trial judges for at least five years

more notes

No suggestions

reduction of adversary role, Supreme Court vs. rules committees
Comments

Circuit Level staff receive very little information until after the fact. Policy and funding Formula's are developed at the state level with little or no understanding of Circuit level operations and procedures.

Generally speaking we are well informed in the Trial Courts.

Our trial court administrator has been on track with providing court personnel with the information noted above.

I believe the majority of the budget and policy information concerning the Trial Courts is shared with the Trial Court Administrators and their Chief Judges and the same for the District Courts of Appeal ... but very little is shared between the two different Court levels. At times it creates a very competitive environment between the Court levels as to understanding each other’s funding needs because of the limited amount of information shared.

### FLORIDA JUDICIAL BRANCH COMMUNICATION SURVEY

#### STAFF RESULTS

<table>
<thead>
<tr>
<th>1. I currently RECEIVE all the information I need about:</th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree or Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
<th>Not Applicable\Don’t Know</th>
<th>Total</th>
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<td>f. The policies governing my Court or Office</td>
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<td>h. The performance of my District or Circuit</td>
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<td>i. The performance of my Court or Office</td>
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<td>l. Rules under consideration</td>
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<td>45.4%</td>
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</tbody>
</table>
I know this info is out there, but it is not centrally, easily accessible. Communication has gotten a lot better over the years. The Full Court Press is good as is our local circuit court publication. There is very little sharing of info from committees. I especially feel the knowledge from subject matter committees for the division a judge presently sits in is lacking, and the sharing of circuit to circuit ideas, knowledge of best practices.

It seems the OSCA makes an assumption that all Circuit level staff are informed of everything. The OSCA then expects staff to respond without knowledge of what is expected. The excessive usage of acronyms leaves staff wondering what is being talked about. There seems to be a misconception that tech staff is included in the decision process at the local level. Tech staff in some Circuits has little if any knowledge of legal issues as they relate to ongoing projects and the tech staff have nowhere to turn to for that information. Tech staff that are included on work groups and committees have a great advantage over those that are not included. It is also assumed that there is adequate staff to keep up with OSCA projects and continue to support tech issues at the local level. The bottom line is the OSCA needs to quit assuming everyone they communicate with is knowledgeable about the subject they are talking about. It is my feeling that the situation has become worse since there are no longer face to face meetings about projects.

Most staff members are too busy to make communications of this type a priority. In some cases distribution of this type of information can cause an increase in work load because of questions, answer research, and follow-up. There is no formal flow chart for information distribution, it's very random.

OSCA does a very good job of generally providing information. The branch as a whole needs to improve the delivery of information and the type of performance information that is provided to the courts. Because of the separation of the clerks & the trial courts, good performance information is dependent on the county clerk -- the proverbial tail wagging the dog.

There is a lot of work to provide budget information regarding due process, but understanding the final outcome of our allocation is not always clear. Often due process refresh only occurs at the end of the fiscal year, which makes planning difficult as there are times refresh needs to occur in a different timeframe.

Would like to meet more with OSCA staff on policy issues, budget and pay and communication. There is no set manner in which this communication takes place. We receive almost all info by email. There should be a regular forum for information exchange among the circuits and OSCA staff.
2. I currently am able to CONVEY my ideas and concerns about the budget, policies, performance, services, or rules to:

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree or Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
<th>Not Applicable\Don't Know</th>
<th>Total</th>
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</thead>
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<td>a. The Supreme Court</td>
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<tr>
<td>b. The Chief Justice</td>
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<td>22</td>
<td>28</td>
<td>13</td>
<td>2</td>
<td>13</td>
<td>93</td>
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<tr>
<td>c. The Chief Judge of my court or my supervisor</td>
<td>3</td>
<td>2</td>
<td>9</td>
<td>33</td>
<td>46</td>
<td>0</td>
<td>93</td>
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<tr>
<td>e. The appropriate Commission or Committee</td>
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<td>22</td>
<td>23</td>
<td>22</td>
<td>7</td>
<td>8</td>
<td>93</td>
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<tr>
<td>f. My colleagues</td>
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</tbody>
</table>

Comments

There is no formal process for our input. Chain of command would prevent such communications.

With no face to face meetings there is little if any knowledge transfer.

3. When I do offer a suggestion or concern:

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree or Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
<th>Not Applicable\Don't Know</th>
<th>Total</th>
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<td>6.5%</td>
<td>100.0%</td>
</tr>
<tr>
<td>b. It is considered</td>
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<td>19.4%</td>
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</tr>
<tr>
<td>c. It is usually acted upon</td>
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<td>8</td>
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<td>8.6%</td>
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<tr>
<td>d. I don’t know what happens to it</td>
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<td>8.6%</td>
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<td>100.0%</td>
</tr>
</tbody>
</table>

Comments

Better communication and more openness would be refreshing.

only at local level

OSCA and other circuits are very good about providing timely responses

There is no formal process for this type of input. Over worked staff would be unable to respond or act on any such suggestion.

Varies depending on to whom I offer a suggestion.
4. I currently receive information regarding important governance issues from:

<table>
<thead>
<tr>
<th>Method</th>
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<th>Disagree</th>
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<th>Agree</th>
<th>Strongly Agree</th>
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<td>e. In-person meetings</td>
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<td>f. Conversations</td>
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<td>16</td>
<td>54</td>
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<td>2</td>
<td>91</td>
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</table>

Comments

None

5. I would prefer to receive information regarding important governance issues via:

<table>
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<tr>
<th>Method</th>
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<td>e. In-person meetings</td>
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<tr>
<td>f. Conversations</td>
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<tr>
<td>g. Word-of-mouth</td>
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<td>25</td>
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</table>

Comments

Make the information meaningful by presenting it as though it were being presented to individual citizens. Learn to speak to the lay person in their terms.
This really depends on the issue.

When cuts are pending the staff are left hanging with no information about possible cuts for months.

**What are three ways that communication within the Branch could be improved?**

Open ended responses were reviewed and grouped based on common themed response. The following are common responses of from court staff, below each theme is a list of the actual responses of the participants.

1. **Open communication**
   - better dissemination of TCBC decisions
   - Communicate before decisions are made and after communication
   - Direct communication by Supreme Court to Judiciary
   - Improve how the information is distributed from the top to the bottom
   - Inform court employees of results of TCBC meetings
   - Make agency communications a priority
   - More information from OSCA to circuits
   - More input from circuits into work of OSCA (relevance)
   - More written communication, i.e., manuals, etc.
   - Need much better communication of statewide judiciary guidelines for implementation of new legislation.
   - open forum, perhaps resembling a blog?
   - the same info. provided to all directors
   - Timely dissemination of important relevant issues
   - communicate prior to rather than after the decision process
   - Content of communication should be transparent and support the branch published strategic plan
   - Confidential information remaining confidential
   - Consolidated communications, same subject matter.
More widespread dissemination of judicial branch issues to members of the public, press, legislature, etc.

shorter-bulleted information

Communicate critical issue by phone/video conf.

communicate in a way that there can be feedback and meaningful discussion

contact info distributed - who does what

Create a listing so staff in similar functional areas can better communicate with each other for collaboration. Examples: technology, case management, drug court, domestic violence, juvenile etc.

More dollars for communications & education

Interdepartmental communication

More direct conference type settings for back and forth dialogue

Staff should feel comfortable sharing thoughts and concerns with supervisors and other staff.

2. Regular contact via meetings, conference calls, etc.

More frequent updates

Priorities for each Court level updated annually and presented to each Court.

Regular Email Updates

regular meetings w/ supervisors

Regular updates posted on website

The way is done currently, works well.

timely correspondence

Video Conferencing via personal computers

Weekly e-mails to managers on budget issues etc.

Weekly updates to websites

Written communications should be distributed in as quickly as possible before word of mouth gets a foothold.

Better use of Video Conferencing to keep managers more informed and current on major Court
issues.

daily information during legislative session

Monthly news summaries to staff

monthly or bi-monthly conference via web

More video conferences on idea matters

Weekly updates

Regular meetings for various court programs/divisions

Send updates on legislative issues to all court employees rather than just TCA, that way it is conveyed to all.

Weekly update on budget issues during secession

More year-round info on what's happening

Regular Updates

3. E-mail

Email blast when website is updated with important news

Emails from OSCA and/or Chief Justice

more emails on how to plan/ what to expect.

memos from the chief justice re: state of the court

More e-mail communications

more frequent emails

More frequent emails regarding pertinent changes

issue a memo/email when changes are made

more updates via email

Communication through email blasts to all applicable departments.

more memoranda

improve e-mail
Information posted on OSCA’s website followed by e-mail alerting us to new posting

Information should be sent out via email to the chief judge/TCA and then forwarded to line judges.

More broadcast e-mail

Email out minutes of TCBC meetings.

Include the Branch in all e-mails that can be of concern to them.

TCBC minutes electronically distributed timely

4. Involvement of staff

Advising all employees of all items of interest

allow input from circuit level

Balance policy with reality – particularly in the trial courts

General Counsel should be included in any and all correspondence to the Trial Court administrator and chief judge

Include all staff that are expected to participate to be included from the first discussion to the final outcome.

increase communication and encourage participation by all staff

Involving more employees in planning

involving staff and managers

Orientation to organization structure, interdepartmental relationships for new employees

OSCA needs to better inform the circuits

 Supervisors should be encouraged to share with staff.

The employees need to know more about things that will affect them before they happen

Training on new issues and rules for all applicable departments

Asking for suggestions

Encourage chief judges to communicate with court personnel about pending changes or allow TCA to do so

More input from the trial courts should be requested regarding issues that directly impact this
court prior to decisions or policy being implemented

staff updates on present and future projects before they happen

5. Better use of court website, training, forms, forums, and technology

better use of the intranet

Central source for acquiring info

Centralized on-line communication page to post information in logical categories or groups

Increased frequency of updates to OSCA web site

Policies could be readily available on the intranet

Utilize OSCA's intranet for communication between circuits

Make information public on websites and known to users so they can go and read when they want

Single Intranet Website listing updates and activities

Website

on line submission of suggestions/comments

open forum w/ circuit chief

clearinghouse/one location for information

Provide a forum for feedback

Encourage employees to LOOK at website

closed forum, the proverbial "suggestion box"

Minutes of TCBC promptly being posted on website

Enhancements to Court websites as to forms and training needs.

6. In person and teleconference meetings

Hold periodic live meetings between TCA's and chiefs at OSCA

In-person meetings

More face-to-face: one-on-one meetings with each Circuit to become better acquainted with circumstances and nuisances unique to a particular Circuit. Meetings and conferences are to
generic and not a-specific about a Circuit.

Have more face to face meetings with key players even if the meeting is conducted on a regional level.

Hold live specialty meetings between managers/supervisors and OSCA staff that specialize in the subject area.

In-Person meetings

Teleconference/videoconference with OSCA in order to clarify issues

Video conference

videos from the chief justice/osca re: state of the branch

Phone calls

Better use of technology/videos for dispersing info

7. Publications/Newsletter

Branch newsletter for non senior managers

Continue to send out newsletters during the legislative sessions about pending legislation

more in-depth newsletters

Have a quarterly newsletter

publication of all policies in a central place

monthly news letter

More funding to assist with the creation and dissemination of high quality newsletters and other communiqués.

More newsletters on current issues

sharing of publications

update personnel regulations manual

8. Information Sharing

More info in layman's terms on key votes, meetings, etc.
More education regarding the function/operation of the branch to all employees and the public.

Develop a dictionary of terms and acronyms that are used when communicating with staff.

the same info provided to all staff & directors via HR

annual training on budget and policy changes with staff from other circuits

pictorial directory within circuit

Information lines

information sharing

simple way to access information

9. Judicial involvement

More judicial assistant input for systems

Policy-makers need a better understanding of the realities at the trial court level (especially of small circuits)

Our Chief judge gets information out quickly

Need much better defined Division level presiding judge/case management division structure at the circuit/county levels to build bottom-up and top-down governance structure, accountability

meetings with section judges

10. Timely Communication

Critical need for improved timeliness and detail in court performance measures reporting by circuit and statewide for benchmarking and identification of problem areas

Timely communication allowing for input

Minutes from other committees/councils promptly being placed on website

Getting information on time.

11. Other

A mechanism to report complaints

access to budget entries
allow "registration" to receive info via email from committees, entities, etc.

Allow subscription to categories of information - remove reliance/filter by any individual

Better use of the PIO's as a group.

Direct meetings

Updates specific to certain court functions may be better identified

Avoid deciding everything in TCBC executive committee

Be brief

Identify the proper person/office where we can voice our concerns.

Make it a formal, anonymous process if necessary

More common sense

Overview of budget and fiscal systems for new employees

Structure committees communication pages to reflect goals/charges, meetings, agendas, outcomes, and final reports for review

TCBC needs to listen to participants and be responsive

Don't always give committee assignments to the same individuals

eliminate the "star chamber" feel/reality of TCBC

Less involvement in circuit procedures.

Publicly acknowledge the suggestion was heard and considered.

the OSCA have a communications/information position

Who's who - where to go for information / answers re procedures, operations
APPENDIX C

State Court System Profiles
APPENDIX C

State Court System Profiles
State Court Systems Profiles

Compiled by:

The Office of the State Courts Administrator
Strategic Planning Unit
August 25th, 2010
## Alabama

<table>
<thead>
<tr>
<th>Section</th>
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<tbody>
<tr>
<td>I. State Overview and Demographics</td>
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<tr>
<td>II. State Court System</td>
<td>2</td>
</tr>
<tr>
<td>III. Governance</td>
<td>3</td>
</tr>
<tr>
<td>Image - Alabama Judicial Branch</td>
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## Arizona

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<td>II. State Court System</td>
<td>12</td>
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<tr>
<td>III. Governance</td>
<td>14</td>
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<td>Image - Arizona Judicial Council and Standing Committees</td>
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## California

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<td>II. State Court System</td>
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<td>III. Governance</td>
<td>24</td>
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<td>Image - California Judicial Branch</td>
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## Minnesota

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<td>II. State Court System</td>
<td>40</td>
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<tr>
<td>III. Governance</td>
<td>42</td>
</tr>
<tr>
<td>Image - Minnesota Judicial Branch Administrative Structure</td>
<td>53</td>
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</tbody>
</table>

## Missouri

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<td>II. State Court System</td>
<td>55</td>
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<tr>
<td>III. Governance</td>
<td>56</td>
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## Nevada

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<td>II. State Court System</td>
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<td>III. Governance</td>
<td>65</td>
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## New Jersey

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<td>70</td>
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<tr>
<td>II. State Court System</td>
<td>71</td>
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<tr>
<td>III. Governance</td>
<td>72</td>
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</table>

## New York

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<td>II. State Court System</td>
<td>79</td>
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<tr>
<td>III. Governance</td>
<td>80</td>
</tr>
<tr>
<td>Image - New York Court Structure</td>
<td>85</td>
</tr>
<tr>
<td>Image - New York Administrative Structure</td>
<td>86</td>
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</tbody>
</table>

## Utah

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<td>II. State Court System</td>
<td>88</td>
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<tr>
<td>III. Governance</td>
<td>90</td>
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<tr>
<td>State</td>
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</tr>
<tr>
<td>Vermont</td>
<td>I. State Overview and Demographics</td>
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<tr>
<td></td>
<td>III. Governance</td>
</tr>
<tr>
<td>Virginia</td>
<td>I. State Overview and Demographics</td>
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<tr>
<td></td>
<td>III. Governance</td>
</tr>
</tbody>
</table>
I. State Overview and Demographics

Percent Population Growth Estimate – 2000-2009: 5.90%

Race (as of 2008):

- White (including Hispanic/Latino Origin): 71.00%
- White not Hispanic/Latino: 68.40%
- Black or African-American: 26.40%
- Hispanic/Latino origin*: 2.90%
- American Indian and Alaska Native: 0.50%
- Asian: 1.00%
- Native Hawaiian or Other Pacific Islander: **Z%
- Multi-racial: 1.10%
- Other: %

*Hispanics may be of any race, so also are included in applicable race categories
**Z indicates less than ½ of 1%

Age (as of 2008):

- Persons under 5 years old: 6.70%
- Persons under 18 years old: 24.10%
- Persons aged 65 years and older: 13.80%

Cultural Diversity (as of 2000):

- Foreign born: 2.00%
- Language other than English spoken at home: 3.90%

Population Dispersion (as of 2000):

- Average number of persons per household: 2.49
- Average number of persons per square mile: 87.6

Number of Urban Centers/Areas in State

(Population of 100,000 or greater as of 2008)

4

Sources:
The U.S. Census at http://quickfacts.census.gov
II. State Court System

Jurisdictional Structure and Number of Officers

Trial Courts:

<table>
<thead>
<tr>
<th>Court Type</th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td>41 circuits</td>
<td>144</td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Courts</td>
<td>67 counties</td>
<td>103</td>
</tr>
<tr>
<td>Probate Courts</td>
<td>68</td>
<td>68</td>
</tr>
<tr>
<td>Municipal Courts</td>
<td>263</td>
<td>272</td>
</tr>
<tr>
<td>Quasi-judicial Officers</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Some municipalities have their own courts, while other municipal courts are part of the state court system.

Intermediate Appellate Courts:

<table>
<thead>
<tr>
<th>Court Type</th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court of Civil Appeals</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Court of Criminal Appeals</td>
<td>1</td>
<td>5</td>
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</tbody>
</table>

Court of Last Resort

<table>
<thead>
<tr>
<th>Court Type</th>
<th>Number of Courts</th>
<th>Number of Justices</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>1</td>
<td>9</td>
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</table>

Selection Authority for:

<table>
<thead>
<tr>
<th>Court Type</th>
<th>Unexpired Term</th>
<th>Full Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td>GU</td>
<td>PE</td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>GU</td>
<td>PE</td>
</tr>
<tr>
<td>Court of Civil Appeals</td>
<td>GU</td>
<td>PE</td>
</tr>
<tr>
<td>Court of Criminal Appeals</td>
<td>GU</td>
<td>PE</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>GU</td>
<td>PE</td>
</tr>
</tbody>
</table>

GU = Gubernatorial appointment
PE = Partisan election
Terms of Office:
(years)

Trial Court Judges

Intermediate Appellate Court Judges
  Court of Civil Appeals
  Court of Criminal Appeals

Supreme Court Justices

Selection Authority for:
(Presiding/Chief/Administrative Judges/Justices)

Trial Court Judges
Intermediate Appellate Court Judges
  Court of Civil Appeals
  Court of Criminal Appeals
Supreme Court Justices

CS = Court selection
S = Seniority
PE = Partisan election

Terms of Office:
(Presiding/Chief/Justices)

Trial Court Judges
Intermediate Appellate Court Judges
  Court of Civil Appeals
  Court of Criminal Appeals
Supreme Court Justices

Sources:
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Index.html
The Bureau of Justice Statistics, U.S. Department of Justice.
Administrative Office of the Courts, State of Alabama

III. Governance

Number of Supreme Court Justices: 9

Head of the Judicial Branch:
  Supreme Court Chief Justice X
  Supreme Court
  Other:

### Authority establishing head of judicial branch:

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Constitution</td>
<td>X</td>
</tr>
<tr>
<td>Statute</td>
<td></td>
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<tr>
<td>Other:</td>
<td></td>
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</tbody>
</table>

### Rulemaking Authority:

#### Court Administration:

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Appellate</td>
<td>C</td>
</tr>
<tr>
<td>Trial</td>
<td>C</td>
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</table>

#### Procedure:

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<tbody>
<tr>
<td>Appellate</td>
<td>C</td>
</tr>
<tr>
<td>Civil/Criminal</td>
<td>L/C</td>
</tr>
<tr>
<td>Evidence</td>
<td>L/C</td>
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</tbody>
</table>

#### Discipline:

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<tbody>
<tr>
<td>Judicial</td>
<td>L/C</td>
</tr>
<tr>
<td>Attorney</td>
<td>C</td>
</tr>
<tr>
<td>Trial Court Costs and Fees</td>
<td>L/C</td>
</tr>
</tbody>
</table>

*L = Legislature
*C = Constitution

### Rulemaking Process – Participants:

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Supreme Court</td>
<td>X</td>
</tr>
<tr>
<td>Legislature</td>
<td></td>
</tr>
<tr>
<td>Local Courts</td>
<td></td>
</tr>
<tr>
<td>Court-appointed Committees</td>
<td>X</td>
</tr>
<tr>
<td>Bar-appointed Committees</td>
<td>X</td>
</tr>
<tr>
<td>Other:</td>
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</table>

Local courts are not allowed to make rules.

### Policy Development – Process/Participants:

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<thead>
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<tbody>
<tr>
<td>Supreme Court (centralized) &amp; AOC</td>
<td>X</td>
</tr>
<tr>
<td>Local Courts (decentralized)</td>
<td></td>
</tr>
<tr>
<td>Court-appointed Committees/Councils</td>
<td>X</td>
</tr>
<tr>
<td>Other:</td>
<td></td>
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</tbody>
</table>
Alabama

Funding/budget Authority - Percent of budget from:

<table>
<thead>
<tr>
<th>Source</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td>State</td>
<td>75%</td>
</tr>
<tr>
<td>Local/Federal</td>
<td>4%</td>
</tr>
<tr>
<td>Fees and costs</td>
<td>21%</td>
</tr>
<tr>
<td>Other</td>
<td>%</td>
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</tbody>
</table>

These numbers are for AOC and trial courts. Appellate courts have separate budgets and financial management systems.

Fiscal authority - Development/Allocation of Budget:

<table>
<thead>
<tr>
<th>Source</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief/Administrative Justice</td>
<td></td>
</tr>
<tr>
<td>Supreme Court</td>
<td></td>
</tr>
<tr>
<td>State-level Budgetary Commission</td>
<td></td>
</tr>
<tr>
<td>Chief Judges of Individual Courts</td>
<td></td>
</tr>
<tr>
<td>Other</td>
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</table>

The AOC director and other directors have input into trial court budget recommendations; sometimes the Chief Justice. Budget recommendations from trial courts and appellate courts are submitted to the Governor; the Governor develops recommended budget and submits to Legislature.

Planning for the Court System:

The Chief Justice is in charge of planning for the court system; planning participants include the Chief Justice, the Administrative Director of the Courts (AOC), AOC Division Directors, and various AOC Committees. The AOC does planning for the AOC and the state trial courts, with input from the Judicial Study Commission and the circuit and district courts. The appellate courts (appeals courts, Supreme Court) are autonomous.

- Operational planning is conducted by AOC/Division Directors
- Long-range or strategic planning is conducted by the Judicial Study Commission
- Ad hoc or situational planning is conducted by various Unified Judicial System committees, i.e., judges and clerks Education committees

Court system planning types:

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<thead>
<tr>
<th>Planning Type</th>
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<td>Operational</td>
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<tr>
<td>Long-range or strategic</td>
<td>X</td>
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<tr>
<td>Ad hoc or situational</td>
<td>X</td>
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<tr>
<td>Other</td>
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</tbody>
</table>
Alabama

Timeframe of most recent plan (begin and end dates):

<table>
<thead>
<tr>
<th>Plan Effective Dates</th>
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<tbody>
<tr>
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<td>Long-range or strategic</td>
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<tr>
<td>Ad hoc or situational</td>
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<tr>
<td>Other:</td>
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</table>

Funding and governance of information technology in the judicial branch:

IT is a line item in the (trial) court budget; it is a pay-as-you go process based on available funds. No funding source earmarked for technology per se. There has been a big push for to go paperless, e.g., e-filing, e-citations, videoconferencing and video arraignments. There is an interagency technology committee including judges, court staff, representatives from other state agencies, who conduct planning for IT; they do what they can with what they have; budget cuts have made it difficult to undertake new projects. General Fund appropriations are made by the Legislature to the AOC; various state and federal grants, and user fees may also be used.

Leadership of the judicial branch (lines of authority, clarity, shared understanding of leadership roles):

The Chief Justice is the head of the Judicial Branch (Code of Alabama, Section 12-2-30); the Administrative Director of courts is appointed by the Chief Justice (Code of Alabama, Section 12-5-10). AOC Division Directors and Presiding Circuit Judges also part of branch leadership.

Judicial branch Decision-making (centralization versus decentralization of authority, decision-making):

A great deal of input is sought from trial courts, judges, etc. - it is a major component of decision making. Everyone wants more staff, judges; we can’t meet all their needs. See III. I. Leadership above.

Entity(ies) that represent the judicial branch to the legislature:

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<tbody>
<tr>
<td>Supreme Court</td>
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<tr>
<td>Chief Justice</td>
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<tr>
<td>State Court Administrator</td>
</tr>
<tr>
<td>Judges</td>
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<tr>
<td>Other:</td>
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</tbody>
</table>

The Chief Justice makes a State of the Judiciary Address to a joint session of the legislature at the beginning of the regular Legislative session and appears before the House General Fund Committee. The Chief Justice’s Chief of Staff and others in the AOC are registered lobbyists to ensure that the court’s positions on various bills are known.
Is the entity(ies) involved in other political activities?

Yes
No

If yes, what are they?

The Administrative Director of the Courts serves as a liaison with the executive and legislative branches of state government. (Code of Alabama, 12-5-10)

Coordinating council or committee for the judicial branch:

No
Yes X

Committee Name: Judicial Study Commission

Role:

This commission shall continuously study the judicial system of the state, the courts of the state, the administration of justice in Alabama, criminal rehabilitation, criminal punishment methods and procedures and all matters relating directly or indirectly to the administration of justice in Alabama and make recommendations pertaining thereto.

Structure and Membership:

The Chief Justice of the Supreme Court chairs the commission; members include:

- Six members of the House of Representatives;
- Six members of the Senate;
- Members of the judicial conference; and,
- The Lieutenant Governor, Speaker of the House of Representatives, legal advisor to the Governor, and a member of the staff of the Attorney General.

Other committees:

- Legislative Steering Committee
- Technology Committee
- Numerous other committees appointed by the AOC

Effectiveness of council in fulfilling or performing its role:

The Judicial Study Commission is a great vehicle to develop long range goals and to study the effectiveness of the courts and determine where gaps in services exist or the need for new, innovative strategies must be employed. The Judicial Study Commission is as good as their membership and their commitment to these goals; they are creative and dedicated to the task. It has been beneficial also in helping acquaint legislators with the work of the judiciary; that has helped with budgets in the past few years.
Role of the Administrative Office of the Court (Select all that apply)

Prepare/assist in preparation of budget for:

- Trial Courts & AOC  
  X

Describe: Budget reviewed by Chief Justice and submitted to Legislature

Judicial Branch

Personnel/HR functions for:

- Trial Courts & AOC  
  X

Describe:

Judicial Branch

Planning Functions for:

- Trial Courts & AOC  
  X

Describe:

Judicial Branch

Staffing Court Committees:

- Yes  
  X

- No

If yes, which court committees?

- Legislative Steering Committee
- Technology Committee
- Numerous other committees appointed by the AOC

The AOC's role in governance of the judicial branch:

- Assisting the Chief Justice of the Supreme Court with his duties as the chief administrative officer of the trial courts of the state;
- Coordinate and conduct studies and projects related to the improvement of the administration of justice and trial courts;
- Trial court administration;
- Evaluate practices and procedures of the courts and make recommendations concerning the number of judges and other personnel required for the efficient administration of justice; and,
- Make recommendations for the improvement of the operations of the Unified Justice System.
Level of satisfaction with current arrangements of authority within the judicial branch:

The level of satisfaction with the lines of authority is good. Our current Chief Justice is a former trial court judge so she has a great deal of credibility among the judges and they trust her. She is outstanding in her dedication to the trial courts and budgets and understands their needs at a local level. Overall, the court system is happy with the AOC and our administration of the third branch of government, though there are times when not everyone is pleased with what we do; difficult economic times foster some resentment and dissatisfaction in general. At the request of the Chief Justice, in 2007 the AOC developed and conducted a satisfaction survey for trial court officials, employees, users of the system, and the general public on various aspects of the court. Overall, the survey yielded very favorable comments and few critical remarks.

Sources:
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Index.html
The Bureau of Justice Statistics, U.S. Department of Justice
Administrative Office of the Courts, State of Alabama
Alabama Unified Judicial System Structure
updated February 12, 2008

SUPREME COURT OF ALABAMA
9 judges sit in panels of 3 or en banc

HIGH COURT
APPELLATE JURISDICTION:
All civil appeals exceeding $50,000; appeals from Supreme Court; and petitions for certiorari from the Courts of Civil and Criminal Appeals.

COURT OF CIVIL APPEALS
9 judges sit in panels

APPELLATE JURISDICTION:
Civil appeals not exceeding $50,000; worker's compensation, domestic relations, and certain civil appeals delinquent from Supreme Court. All appeals from administrative agencies (excluding the Public Service Commission).

COURT OF CRIMINAL APPEALS
9 judges sit en banc

APPELLATE JURISDICTION:
All criminal appeals, post convolts writs, and remanded writs for Criminal Trial Courts.

CIRCUIT COURT (Trial Court) (41 counties)
114 judges

GENERAL JURISDICTION:
All felonies, exclusive jurisdiction in civil actions exceeding $10,000; domestic relation cases; concurrent jurisdiction with District Court; juvenile cases; concurrent jurisdiction with district court in civil cases between $3,000 and $10,000.

DISTRICT COURT (46 counties)
199 judges

LIMITED JURISDICTION:
Small cases and Small Claims; concurrent jurisdiction with Circuit Court in juvenile and civil matters between $3,000 and $10,000. Limited jurisdiction in civil matters not exceeding $3,000.

MUNICIPAL COURT (23 counties)
279 judges

LIMITED JURISDICTION:
Violations of municipal ordinance where Municipal Court is retained, otherwise these cases are filed in District Court.

* Under the administrative authority of the Chief Justice.
** Appeals from courts of limited jurisdiction go to Circuit Court for trial (de novo on new trial).

* The Administrative Office of Courts
I. State Overview and Demographics

Total Population Estimate – 2009: 6,595,778


Race (as of 2008):

- White (including Hispanic/Latino Origin) 86.50%
- White not Hispanic/Latino 58.40%
- Black or African-American 4.20%
- Hispanic/Latino origin * 30.10%
- American Indian and Alaska Native 4.90%
- Asian 2.50%
- Native Hawaiian or Other Pacific Islander 0.20%
- Multi-racial 1.80%
- Other %

*Hispanics may be of any race, so also are included in applicable race categories

Age (as of 2008):

- Persons under 5 years old 7.90%
- Persons under 18 years old 26.30%
- Persons aged 65 years and older 13.30%

Cultural Diversity (as of 2000):

- Foreign born 12.80%
- Language other than English spoken at home 25.90%

Population Dispersion (as of 2000):

- Average number of persons per household 2.64
- Average number of persons per square mile 45.2

Number of Urban Centers/Areas in State 9

(Population of 100,000 or greater as of 2008)

Sources:
The U.S. Census at http://quickfacts.census.gov
II. State Court System

Jurisdictional Structure and Number of Officers

Trial Courts:

<table>
<thead>
<tr>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Jurisdiction</strong></td>
<td></td>
</tr>
<tr>
<td>Superior Court</td>
<td>15 counties</td>
</tr>
<tr>
<td>Tax Court-Admin Agency Appeals</td>
<td>1</td>
</tr>
<tr>
<td><strong>Limited Jurisdiction</strong></td>
<td></td>
</tr>
<tr>
<td>Justice of the Peace Court</td>
<td>87 precincts</td>
</tr>
<tr>
<td>Municipal Court</td>
<td>cities/towns</td>
</tr>
<tr>
<td><strong>Quasi-judicial Officers</strong></td>
<td></td>
</tr>
</tbody>
</table>

In addition to the judicial positions above, there are also 97 full-time and part-time judges pro tempore, commissioners, and hearing officers in the Superior Court.

Intermediate Appellate Courts:

<table>
<thead>
<tr>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Jurisdiction</strong></td>
<td></td>
</tr>
<tr>
<td>2 divisions</td>
<td>22</td>
</tr>
<tr>
<td><strong>Limited Jurisdiction</strong></td>
<td></td>
</tr>
<tr>
<td>Supreme Court</td>
<td></td>
</tr>
</tbody>
</table>

Court of Last Resort

<table>
<thead>
<tr>
<th>Number of Courts</th>
<th>Number of Justices</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>1</td>
</tr>
</tbody>
</table>

Selection Authority for:

<table>
<thead>
<tr>
<th></th>
<th>Unexpired Term</th>
<th>Full Term</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Trial Court Judges</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Superior Court</td>
<td>GN or VA</td>
<td>GN or NP</td>
</tr>
<tr>
<td>Justice of the Peace</td>
<td>CO</td>
<td>PE</td>
</tr>
<tr>
<td>Municipal</td>
<td>CC</td>
<td>CC</td>
</tr>
</tbody>
</table>
Arizona

Intermediate Appellate Court Judges  GN  GN
Supreme Court Justices  GN  GN

NP = Non-partisan election
GN = Gubernatorial appointment from judicial nominating commission
VA = Varies
CO = County board/commission appointment
CC = City or town council/commission appointment
PE = Partisan election

Terms of Office:

Trial Court Judges
  Superior Court  4
  Justice of the Peace  4
  Municipal  VA
  Intermediate Appellate Court Judges  6
  Supreme Court Justices  6

VA = Varies

Selection Authority for:
(Presiding/Chief/Administrative Judges/Justices)

Trial Court Judges
  Superior Court  SC
  Justice of the Peace  CS
  Municipal  CS
  Intermediate Appellate Court Judges  CS
  Supreme Court Justices  CS

CS = Court selection
SC = Supreme court appointments

Terms of Office:
(Presiding/Chief/Justices)

Trial Court Judges
  Superior Court  5
  Justice of the Peace  2
  Municipal  LD
Intermediate Appellate Court Judges: 1
Supreme Court Justices: 5

LD = Locally determined

Sources:
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Index.html
The Bureau of Justice Statistics, U.S. Department of Justice
Administrative Office of the Courts, State of Arizona

III. Governance

Number of Supreme Court Justices: 5

Head of the Judicial Branch:

Supreme Court Chief Justice: X
Supreme Court: Other:

Authority establishing head of judicial branch:

Constitution: X
Statute: Other:

Rulemaking Authority:

Court Administration:

Appellate: L/C
Trial: L/C

Procedure:

Appellate: C
Civil/Criminal: C
Evidence: C

Discipline:

Judicial: C
Attorney: C
Trial Court Costs and Fees: L/C

L = Legislature
C = Constitution
Rulemaking Process – Participants:

- Supreme Court
- Legislature
- Local Courts
- Court-appointed Committees
- Bar-appointed Committees
- Other:

According to Rule 28 (Rules of the Arizona Supreme Court):

Any person, association or public agency interested in the adoption, amendment, or repeal of a court rule may file a petition to adopt, amend, or repeal a rule. However, the Supreme Court may also propose the adoption, repeal, or amendment of a rule. Usually, rule proposals/changes are initiated by the AOC, the Arizona Judicial Council, or the Bar. Bar sections/committees consider all pending rule changes. Public notice and opportunity for comment are provided to members of the legal profession and the public on pending rule changes. Petitions for rule changes and comments on proposed changes may be filed on paper or electronically.

Policy Development – Process/Participants:

- Supreme Court (centralized)
- Local Courts (decentralized)
- Court-appointed Committees/Councils
- Other:

The Arizona Constitution states, "The supreme court shall have administrative supervision over all the courts of the state." The Supreme Court adopts policies and procedures to guide municipal, justice of the peace, superior court and appellate courts throughout Arizona in conducting their administrative functions in a fair, efficient and fiscally responsible way. Any person may initiate a proposal to adopt a new administrative code section or to amend or repeal an existing code section by submitting the proposal to the Administrative Director, who distributes and circulates the proposal for comment. After comments are received, the Administrative Director prepares a summary of comments and makes a recommendation regarding adoption, which is then placed on the agenda for the Arizona Judicial Council. The Arizona Judicial Council recommends whether to recommend adoption of administrative code proposals; the chief justice may adopt, amend, or repeal code sections by administrative order.

Funding/budget Authority - Percent of budget from:

<table>
<thead>
<tr>
<th>Source</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td></td>
</tr>
<tr>
<td>Local</td>
<td></td>
</tr>
<tr>
<td>Fees</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>
Arizona’s court system is not a unified state-funded system. Of the $740.7 million expended by the court system in 2009, only $163.37 million was appropriated by the state legislature. The balance of revenues came from fines, sanctions, and forfeitures; surcharges; fees; and other revenues. In addition to the courts and the AOC, the court system also provides adult and juvenile probation services and operates juvenile detention centers.

Fiscal authority - Development/Allocation of Budget:

- Chief/Administrative Justice
- Supreme Court
- State-level Budgetary Commission
- Chief Judges of Individual Courts
- Other:

Only the state appropriated portion of the budget request is developed/reviewed by the court; funds are appropriated by the legislature. More than 100 jurisdictions (state, counties, and municipalities) are involved in court system expenditures.

Planning for the Court System:

The Arizona Court system develops a 5-year strategic agenda with input from the Administrative Director and the Arizona Judicial Council (AJC), the State Bar of Arizona, and court leadership, staff, and citizens. The strategic agenda is adopted by the Arizona Judicial Council. The Justice 2020 document includes five broad goals:

1. Strengthening the administration of justice;
2. Maintaining a professional workforce and improving operational efficiencies;
3. Improving communications;
4. Protecting children, families, and communities; and
5. Improving the legal profession.

Court system planning types:

- Operational
- Long-range or strategic
- Ad hoc or situational
- Other:

Timeframe of most recent plan (begin and end dates):

<table>
<thead>
<tr>
<th>Plan Effective Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational</td>
</tr>
<tr>
<td>Long-range or strategic</td>
</tr>
<tr>
<td>Ad hoc or situational</td>
</tr>
<tr>
<td>Other:</td>
</tr>
</tbody>
</table>

Funding and governance of information technology in the judicial branch:
Leadership of the judicial branch (lines of authority, clarity, shared understanding of leadership roles):

The Chief Justice serves a five-year term; the Vice-Chief Justice (next Chief Justice) also serves 5 year term. The Strategic Agenda adopted by the AJC sets the court system agenda for the next five years. This provides continuity and stability to the court system.

Judicial branch Decision-making (centralization versus decentralization of authority, decision-making):

Decision-making is accomplished with wide input from the court system - participation, not decision by fiat. All parts of the court system meet and discuss their issues regularly. This includes chief judges, administrative staff, SC staff.

Entity(ies) that represent the judicial branch to the legislature:

| Supreme Court |  
| Chief Justice | X  
| State Court Administrator/AOC | X  
| Judges |  
| Other: |  

Is the entity(ies) involved in other political activities?

| Yes | X  
| No |  

If yes, what are they?

AOC liaisons with executive branch agencies.

Coordinating council or committee for the judicial branch:

| No |  
| Yes | X  

Committee Name: Arizona Judicial Council

Structure and Membership:

Chaired by the Chief Justice of the Supreme Court; members include the two chief judges of the court of appeals, the presiding superior court judges of Maricopa and Pima counties, the president of the State bar or designee, the administrative director, two superior court presiding judges from non-metropolitan counties, two justices of the peace, a municipal court judge, a clerk of the superior court, a court administrator, the chairs of the Limited Jurisdiction Courts Committee and the Committee on Superior Court, nine public members, and two AJC staff members. Please see the attached diagram of the Arizona Judicial Council and its Standing Committees.
Role:

The Arizona Judicial Council was created to assist the Supreme Court and the Chief Justice in the development and implementation of policies and procedures for the administration of all courts, uniformity in court operations and coordination of court services that will improve the administration of justice in the state of Arizona. The AJC meets four times a year, and the public is noticed and invited to the meetings.

Jurisdiction:

The AJC is the highest level of policy making for court administration; chaired by the Chief Justice, the AJC reports to the Supreme Court and makes final decisions in some instances and recommendations in others. The AJC develops and adopts the five-year strategic agenda for the Arizona court system, and reviews and makes recommendations to the Supreme Court regarding administrative code proposals (adoption, amendment, or repeal). Further, the AJC may initiate rule proposals or amendments and undertake special projects at the request of the court. Every part of the court system has the ability to comment on issues decided by the Council. The Standing Committees of the AJC address a wide variety of issues in a number of arenas, including technology, judicial education and training, superior courts and limited jurisdiction courts, and minorities.

Note:

Prior to the creation of the AJC, the Supreme Court utilized Administrative Orders to implement system wide policies, but this proved to be relatively ineffective and a poor process for policy implementation. The AJC was modeled after the state of Utah’s Judicial Council, and the Arizona Code of Judicial Administration put the AJC process into place.

Effectiveness of council in fulfilling or performing its role:

Highly effective, very influential. The Code of Judicial Administration has institutionalized the AJC and fostered broad acceptance the Council and its role.

Role of the Administrative Office of the Court (Select all that apply)

Prepare/assist in preparation of budget for:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Courts</td>
<td></td>
</tr>
<tr>
<td>Describe:</td>
<td></td>
</tr>
<tr>
<td>Judicial Branch</td>
<td>X</td>
</tr>
</tbody>
</table>

Chief justice and vice chief justice review the budget.

Personnel/HR functions for:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Courts</td>
<td></td>
</tr>
<tr>
<td>Describe:</td>
<td></td>
</tr>
<tr>
<td>Judicial Branch</td>
<td>X</td>
</tr>
</tbody>
</table>
Arizona

Planning Functions for:

Trial Courts
Describe:
Judicial Branch

Staffing Court Committees:
Yes
No

If yes, which court committees?

Arizona Judicial Council

The AOC's role in governance of the judicial branch:

To assist the Chief Justice's administrative supervision of the court system, the AJC, & committees. We staff committees and carry out the policies of the court.

Level of satisfaction with current arrangements of authority within the judicial branch:

Very good - always some who are not pleased, but the institutionalization of the AJC has gone a long way towards avoiding potential conflicts.

Sources:
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Index.html
The Bureau of Justice Statistics, U.S. Department of Justice
Administrative Office of the Courts, State of Arizona
Arizona Judicial Council and Standing Committees

- Committee on the Impact of Domestic Violence and the Courts (CIDVC)
- Commission on Technology (COT)
- Committee on Superior Court (COSC)
- Commission on Judicial Education & Training (COJET)
- Committee on Victims in the Court (CDVC)
- Committee on Limited Jurisdiction Courts (LJC)
- Commission on Minorities (COM)
- Court Automation Coordinating Committee
- Probation Automation Coordinating Committee
- Technical Advisory Committee
- Committee on Probation
- Committee on Juvenile Courts
- Judicial Staff Education Committee (JSEC)
- Judicial College of Arizona (JCA)
- Committee on Probation Education (COPE)
I. State Overview and Demographics

Total Population Estimate – 2009: 36,961,664


Race (as of 2008):

- White (including Hispanic/Latino Origin) 76.6%
- White not Hispanic/Latino 42.3%
- Black or African-American 6.7%
- Hispanic/Latino origin * 36.6%
- American Indian and Alaska Native 1.2%
- Asian 12.5%
- Native Hawaiian or Other Pacific Islander 0.4%
- Multi-racial 2.6%
- Other %

*Hispanics may be of any race, so also are included in applicable race categories

Age (as of 2008):

- Persons under 5 years old 7.4%
- Persons under 18 years old 25.5%
- Persons aged 65 years and older 11.2%

Cultural Diversity (as of 2000):

- Foreign born 26.2%
- Language other than English spoken at home 39.5%

Population Dispersion (as of 2000):

- Average number of persons per household 2.87
- Average number of persons per square mile 217.2

Number of Urban Centers/Areas in State

(Population of 100,000 or greater as of 2008)

63

Sources:
The U.S. Census at http://quickfacts.census.gov
II. State Court System

Jurisdictional Structure and Number of Officers

Trial Courts:

<table>
<thead>
<tr>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td>58</td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td>0</td>
</tr>
<tr>
<td>Quasi-judicial Officers</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Intermediate Appellate Courts:

<table>
<thead>
<tr>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td>6 districts</td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td>58</td>
</tr>
<tr>
<td>Supreme Court</td>
<td>1</td>
</tr>
</tbody>
</table>

Trial Courts

- The number of judges and justices is a point-in-time, as of June 30, 2010. This number refers to positions that are authorized in statute but does not include pro-tem judges and retired judges that are used to backfill judicial work in the branch, nor does it take into account judicial vacancies.

- The number of judges and quasi-judicial officers in the Superior Courts changes every year by 16 due to the conversion of Subordinate Judicial Officer positions to judgeships. Though official numbers to conclude the 2009-10 fiscal year ending June 30, 2010 will not be released until spring, 2011, the conversion of 16 Subordinate Judicial Officers to judgeships is shown in a column that has been added showing 16 more authorized judgeships and 16 fewer Subordinate Judicial Officers for June 30, 2010.

Appellate Courts

Each of the 58 Superior Courts performs appellate functions for limited jurisdictional matters. For example, rulings on infractions and limited jurisdiction civil cases may be appealed within the Superior Court where the ruling originally occurred.

Selection Authority for:

<table>
<thead>
<tr>
<th>Unexpired Term</th>
<th>Full Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td>GU</td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>GU</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>GU</td>
</tr>
</tbody>
</table>

*GU = Gubernatorial appointment*
California

Terms of Office:
(years)

<table>
<thead>
<tr>
<th>Office</th>
<th>Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td>6</td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>12</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>12</td>
</tr>
</tbody>
</table>

Selection Authority for:
(Presiding/Chief/Administrative Judges/Justices)

- Presiding Judges in the Superior Courts are selected by judges of the Superior Court per California Rule of Court 10.602: [http://www.courtinfo.ca.gov/rules/index.cfm?title=ten&linkid=rule10_602](http://www.courtinfo.ca.gov/rules/index.cfm?title=ten&linkid=rule10_602)

- The selection of Presiding Justices and Administrative Presiding Justices in the Appellate courts depends in some instances on whether the appellate court has one division or more:
  - Presiding Justice is a separate office that is established by the Constitution (See Cal. Const., art VI, sec. 3.). Under article VI, sec. 16(d)(1), that appointment is made by the Governor
  - In courts with only one division, the Presiding Justice is a separate office that is established by the Constitution. (See Cal. Const., art VI, sec. 3; sec. 16(d)(1).)
  - In courts with more than one division, Administrative Presiding Justices in the Courts of Appeal are selected by the Chief Justice per California Rule of Court 10.1004(a)(1).
  - If a Court of Appeal only has one division, the Presiding Justice is also the APJ. (CRC 10.1004(a)(3).

Terms of Office:
(Presiding/Chief/Justices)

<table>
<thead>
<tr>
<th>Office</th>
<th>See notes below</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td></td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td></td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td></td>
</tr>
</tbody>
</table>
• In the trial courts, the term of office for presiding judges is not less than one year for courts with 2 judges and not less than 2 years for courts with 3 or more judges per California Rule of Court: http://www.courtinfo.ca.gov/rules/index.cfm?title=ten&linkid=rule10_602

• In the appellate courts the term of Presiding Justice and Administrative Presiding Justice depend on whether the court has more than one division:
  o APJs designated by the Chief (i.e., in courts with more than one division) serve in that role for a period of time to be determined by the Chief Justice in his designation order. (CRC 10.1004(a)(1).)
  o In courts with only one division, because the Presiding Justice is also the APJ, and because Presiding Justice is its own separate office, the Presiding Justice holds the role of APJ until s/he vacates the position (e.g., through retirement).

• In the Supreme Court, the term of office of the Chief Justice is the same as his or her term of office: 12 years.

Sources:

III. Governance

Number of Supreme Court Justices: _____________ 7

Head of the Judicial Branch:

  Supreme Court Chief Justice _____________ X
  Supreme Court _____________
  Other: _____________

Authority establishing head of judicial branch:

  Constitution _____________ X
  Statute _____________
  Other: _____________

Rulemaking Authority:

  Court Administration:
    Appellate _____________ L
    Trial _____________ L
Procedure:

Appellate

Civil/Criminal

Evidence

Discipline:

Judicial

Attorney

Trial Court Costs and Fees

L = Legislature
C = Constitution

Rulemaking Process – Participants:

Supreme Court

Legislature

Local Courts

Court-appointed Committees/Councils

Bar-appointed Committees

Other:

The Judicial Council is authorized by the California Constitution to adopt rules for court administration, practice, and procedure that are not inconsistent with statute. (Cal. Const., art. VI, § 6.) Rules, forms, and standards of judicial administration are circulated for comment twice a year, for adoption effective January 1 and July 1. The Judicial Council of the California Judicial Branch surveys judicial business and trends, and adopts rules of Court administration, practice, and procedure, to improve and promote a high quality and consistent California justice system. The Council’s Rules and Projects Committee has the following functions and makes regular reports to the full council on its actions.

- Establishing and maintaining a rule-making process that is understandable and accessible to the legal-judicial community and the public.

  - Establishes and publishes procedures for the proposal and adoption of rules of court and jury instructions that ensure that relevant input from the public is solicited and considered.

  - Provides guidelines for the style and format of rules, forms, and standards.

  - Reviews proposed rules, standards, and forms and circulates those proposals for public comment in accordance with its procedures and guidelines.
California

• Assisting the council in making informed decisions about rules of court administration, practice, and procedure.
  o Determines whether any proposal for new or amended rules, standards, or forms has complied with its procedures and its guidelines on style and format. If the proposal does comply, the Rules and Projects Committee makes a recommendation to the Executive and Planning Committee about whether the proposal should be on the consent or the discussion agenda and how much time should be allocated for discussion.
  o Recommends to the council whether the proposal should be approved and, when appropriate, identifies issues for discussion. If the Rules and Projects Committee recommends against approval, it states the reasons for its recommendation.
  o The Administrative Director is responsible for ensuring that items submitted to the Rules and Projects Committee for circulation for comment and the council’s agenda comply with the Rules and Projects Committee’s procedures and its guidelines on format and style.

• For those advisory committees and task forces over which it has been assigned oversight by the Chief Justice, ensuring that the activities of each are consistent with the council’s goals and policies. To achieve these outcomes, the Rules and Projects Committee:
  o Communicates the council’s annual charge to each (see infra., I. C.1).
  o Reviews an annual agenda for each to determine whether the annual agenda is consistent with its charge and with the priorities established by the council.

Sources:
http://www.courtinfo.ca.gov/rules/
Judicial Council Governance Policies, June 2008, Judicial Council of California

Policy Development – Process/Participants:

| Supreme Court (centralized) | ______________ |
| Local Courts (decentralized) | _____________ |
| Court-appointed Committees/Councils | ___________ X |
| Other: | _____________ |

The Judicial Council whose role is set out in the California Constitution establishes judicial branch policy for the improvement of an independent, impartial and accessible justice system that meets public needs and enhances public trust and confidence in the courts. It develops policy in consultation with the people of California, court leadership, judicial officers, Judicial Council advisory bodies, employees in the judicial branch, the State Bar, advocacy groups, the Legislature, the Governor, and other government entities and justice system partners.

The principal focus of the Judicial Council is to establish policies that emphasize long-term strategic leadership and that align with judicial branch goals. Council policymaking is focused on the beneficiaries of the policy, the results to be achieved, the cost to be incurred, and the corresponding judicial branch goals. To enable the council to make well-informed strategic decisions, all policy proposals submitted for council consideration by internal committees, advisory bodies, the Administrative Director, and staff should address the following:
California

- Beneficiaries of the policy;
- Results to be achieved;
- Costs to be incurred;
- Each corresponding judicial branch goal, objective, and anticipated outcome;
- Previous council action on the issue or policy;
- Comments from interested parties;
- Analysis of the benefits and risks of the proposals; and
- Analysis of the strengths and weaknesses of alternative options and an explanation of their implications.

Sources:
Judicial Council Governance Policies, June 2008, Judicial Council of California

Funding/budget Authority - Percent of budget from:

<table>
<thead>
<tr>
<th>Source</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>100%</td>
</tr>
<tr>
<td>Local</td>
<td>%</td>
</tr>
<tr>
<td>Fees</td>
<td>%</td>
</tr>
<tr>
<td>Other</td>
<td>%</td>
</tr>
</tbody>
</table>

The Lockyer-Isenberg Trial Court Funding Act of 1997 consolidated court funding at the state level and also required the state to fund all future growth in court operation costs. The legislation became operative on January 1, 1998, and made the declaration that the judiciary of California is a separate and independent branch of government, recognized by the Constitution and statutes of California as such.

Concerning court facilities, a majority of court facilities, were transferred from county to state stewardship under the responsibility of the Judicial Council. The Administrative Office of the Court’s Office of Court Construction and Management (OCCM) is responsible for enhancing the administration of justice by providing responsible and efficient professional management of California’s court facilities; promoting excellence in the built environment with the aim of facilitating equal access to justice; and providing leadership in the design and management of judicial architecture.

Sources:
http://www.courtinfo.ca.gov/reference/4_30tcf.htm

Fiscal authority - Development/Allocation of Budget:

- Chief/Administrative Justice
- Supreme Court
- State-level Budgetary Commission
- Chief Judges of Individual Courts
- Other:
The Legislature, in the annual budget act, appropriates funding for the Supreme Court, the Courts of Appeal, the Judicial Council/AOC, the Judicial Branch Facility Program, and the Habeas Corpus Resource Center. Each year in the Budget Act, the Legislature has specified that the Judicial Council has authority to allocate or reallocate funds as appropriate for these entities. Rule 10.101(c)(2) of the California Rules of Court authorizes the Judicial Council to delegate authority to the Chief Justice and the Administrative Director of the Courts to allocate funding appropriated to the Supreme Court, the Courts of Appeal, the Judicial Council/AOC, and the Habeas Corpus Resource Center. While funding appropriated for trial court operations, if unspent at the end of the fiscal year, may be carried over from one year to the next, funding appropriated from the General Fund for the rest of the branch for support operations must be expended or encumbered by June 30 of each fiscal year, or these monies revert to the General Fund or and would have to be re-appropriated by the Legislature if the funding is still required.

Sources:
http://www.courtinfo.ca.gov/jc/documents/reports/JCReporton08-09BranchExpenditures.pdf

Planning for the Court System:

Participants in the system-wide planning process:

Stakeholder participation in planning input on branch-wide issues, needs, and priorities is obtained on an ongoing basis from the following stakeholders and justice system partners:

- The public via surveys and focus groups such as the Judicial Council’s Trust and Confidence in the California Courts Assessment, phases I and II (2005 and 2006);
- The trial courts via their community-focused strategic and operational plans posted on the branch’s password-protected Serranus Trial Court Planning Web site;
- Leadership of the appellate courts and trial courts through surveys for comment on draft plans;
- The Judicial Council’s advisory committees and task forces via their annual work plans, which link projects undertaken to branch-wide strategic goals and objectives;
- The State Bar of California via direct participation in Judicial Council–sponsored branch-wide planning activities;
- Administrative Office of the Courts via direct participation in Judicial Council–sponsored branch-wide planning activities; and
- Other justice system experts who contribute data on emerging state and national trends in justice practice and administration.

Management and control of the planning process:

The Judicial Council and the Executive and Planning Committee
### Court system planning types:

<table>
<thead>
<tr>
<th>Type</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational</td>
<td>X</td>
</tr>
<tr>
<td>Long-range or strategic</td>
<td>X</td>
</tr>
<tr>
<td>Ad hoc or situational</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
</tbody>
</table>

### Timeframe of most recent plan (begin and end dates):

<table>
<thead>
<tr>
<th>Planning Type</th>
<th>Plan Effective Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational</td>
<td>2008-2011</td>
</tr>
<tr>
<td>Long-range or strategic</td>
<td>2006-2012</td>
</tr>
<tr>
<td>Ad hoc or situational</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
</tbody>
</table>

### Implementation and Accountability:

California’s justice system partners collaborate in implementing—and accounting for progress toward achieving—branch-wide strategic and operational plan goals and objectives as follows:

- **The trial courts** each submit an annual progress report (APR) of planning on the branch’s password-protected Serranus Trial Court Planning Web site. The APR provides an implementation update, as well as a priority status report, for each local and branch-wide goal and objective.

- **Judicial Council advisory committees and task forces** report annually on the implementation status of projects and priorities included in their annual agendas. Implementation reports are reviewed by the council’s Executive and Planning Committee or Rules and Projects Committee.

- **The State Bar of California** conducts its own strategic planning and implementation efforts, the priorities of which complement the strategic goals and objectives established for the judicial branch by the Judicial Council.

- **The Judicial Council and Administrative Office of the Courts** oversee and implement many projects that support the goals and objectives of the branch-wide strategic and operational plans. Implementation status is tracked and reported as follows:
  - **Judicial Council of California’s annual report.** The annual report summarizes the achievements of the California judicial branch as well as key trends in court workload and budget allocations for the fiscal year.
  - **Periodic reports by the Administrative Director to the Judicial Council.** Several times annually, the Administrative Director of the Courts updates the council on major branch-wide strategic accomplishments. These reports are a regular feature of the council’s issues and business meetings.
California

- AOC annual implementation report to the Judicial Council. This report is generated from the AOC Projects Database and delivered for the council’s review at its annual planning meeting. The AOC Projects Database tracks multiple AOC projects. AOC staff record major project milestones in the database; these milestones denote progress made toward implementing the specific objectives and desired outcomes articulated in the branch-wide strategic and operational plans.

Sources:

Funding and governance of information technology in the judicial branch:

Information technology is state funded through the legislative budget process; governance of information technology is overseen by the Judicial Council. The Council developed a Tactical Plan for Court Technology as a major priority in the Strategic Plan aimed to leverage statewide technology resources to provide technology infrastructure throughout the state in a manner that supports innovation, maintains flexibility, and is cost-effective.

The Administrative Office of the Courts (AOC), Information Services Division (ISD) assists the courts in achieving the Judicial Council’s technology objectives. The division is directly responsible for the development, acquisition, implementation, and support of information systems in the appellate courts and the AOC. With the implementation of state trial court funding, the scope of the division’s responsibility has broadened to include planning and coordination of technology developments in the trial courts.

The ISD has implemented a program to develop and support the information technology infrastructure for the California courts, including the 58 superior courts, the Courts of Appeal, and the Supreme Court. These include the following programs: Enterprise Architecture; the California Courts Technology Center—Shared Services; Telecommunications Services; and Data Integration and the Integration Services Backbone. These programs are vital to the implementation, with business partners, of the California Court Case Management System, the Phoenix Financial and Human Resources System, and the Computer-Aided Facilities Management System.

The California Court Case Management System (CCMS) is a statewide technology initiative that brings the courts together to use one system for all case categories and to create a system that can be configured to meet the unique needs of each court, while providing statewide standardization to share data among the courts as well as with local and state justice partners. CCMS is being managed by the Administrative Office of the Courts Southern Regional Office in Burbank with the participation of the AOC Information Services Division in San Francisco.

Sources:

Leadership of the judicial branch (lines of authority, clarity, shared understanding of leadership roles):

Leadership and lines of authority are clearly defined in the California Judicial Branch. The Chief Justice is the head of the branch set out by the state Constitution. The state Constitution further vests the judicial power of California in the Supreme Court, Courts of Appeal, and superior courts. The Constitution also provides for the formation and functions of the Judicial Council, the policymaking body for administration of the state courts.

In general, leadership is fairly centralized but as in most systems, challenges exist concerning centralized (statewide) versus local autonomy which can often present “gray areas.” The California Judicial Branch model based on a strong Judicial Council has worked well and has been emulated by other state courts systems. In recent times, the budget crisis that is common to most states has generated some tension, especially related to the
allocation of funds for long-term development of branch infrastructure and court closures occurring once per month in Fiscal Year 2009-2010.

The court system has also benefitted from an evolution throughout its history that emphasized systems thinking and unity as well as statewide funding and branch-wide planning. Additionally, the leadership skills of Chief Justice Ron George and his predecessor, Chief Justice Malcolm Lucas added depth and vision to the branch as both displayed deep commitment to continuity of policy rather than personal agendas. Chief Justice George served on the Judicial Council prior to becoming chief justice and clearly understood the importance of a coherent statewide system prior to his appointment as chief justice. Additionally, the leadership skills of Bill Vickrey, the Administrative Director of the Courts, in tandem with Chief Justice George, have benefitted the system.

The California court system—the largest in the nation, with more than 2,000 judicial officers, 19,000 court employees, and more than 9 million cases—serves over 37 million people. The following sets out leadership authority for the courts as well as branch administration and policy.

The Courts:

Supreme Court

The Supreme Court of California is the state’s highest court. Its decisions are binding on all other California courts.

Courts of Appeal

Established by a constitutional amendment in 1904, the Courts of Appeal are California’s intermediate courts of review. California has six appellate districts.

Superior Courts

Prior to June 1998, California’s trial courts consisted of superior and municipal courts, each with its own jurisdiction and with its number of judges fixed by the Legislature. On June 2, 1998, California voters approved a constitutional amendment permitting the judges in each county to unify their superior and municipal courts into a single superior court with jurisdiction over all case types.

Branch Administration and Policy:

Court System Agencies

The Constitution also provides for agencies concerned with judicial administration: Judicial Council, Commission on Judicial Appointments, Commission on Judicial Performance, and Habeas Corpus Resource Center. Additionally, the State Bar of California and the Commission on Judicial Nominees are part of the administrative structure. Duties of these entities are described below.

- **Judicial Council**: Chaired by the Chief Justice, the Judicial Council is the governing body of the California courts. The California Constitution directs the Judicial Council to provide policy guidelines to the courts, make recommendations annually to the Governor and Legislature, and adopt and revise California Rules of Court in the areas of court administration, practice, and procedure. The council performs its constitutional and other functions with the support of its staff agency, the Administrative Office of the Courts.
• **Commission on Judicial Appointments**: The Governor’s appointees to the Supreme Court and the Courts of Appeal must be confirmed by the Commission on Judicial Appointments. The commission has three members: the Chief Justice, the Attorney General, and the senior presiding justice of the Court of Appeal of the affected appellate district or—when a Supreme Court appointee is being considered—the state’s senior presiding justice of the Courts of Appeal. The commission convenes after the Governor nominates or appoints a person to fill a vacancy on either the Supreme Court or a Court of Appeal. The commission holds one or more public hearings to review the appointee’s qualifications and may confirm or veto the appointment. No appellate appointment is final until the commission has filed its approval with the Secretary of State.

• **Commission on Judicial Performance**: The California Constitution provides for a Commission on Judicial Performance, which deals with the censure, removal, retirement, or private admonishment of judges and commissioners for either misconduct or inability to perform their duties on account of permanent disability. The commission has authority to conduct proceedings against any California judge after it investigates cases of willful misconduct in office, persistent failure or inability to perform the duties of office, habitual in temperance, conduct prejudicial to the administration of justice that may be detrimental to the judicial office itself, or a disability of a permanent character that seriously interferes with performance of duties.

• **Habeas Corpus Resource Center**: The Habeas Corpus Resource Center handles state and federal habeas corpus proceedings in capital cases and provides training and resources for private attorneys who take these cases.

**Sources:**
- Court staff;
- [http://www.courtinfo.ca.gov/courtadmin/otheragencies.htm](http://www.courtinfo.ca.gov/courtadmin/otheragencies.htm)

**Judicial branch Decision-making (centralization versus decentralization of authority, decision-making):**

Decision-making is essentially centralized with appropriate levels of local autonomy. Administrative authority is vested in the Chief Justice as head of the California Judicial Branch. In conjunction with the Judicial Council and chaired by the Chief Justice, the Council makes decisions for the branch concerning policy and administrative issues. The Administrative Office of the Courts also plays a key role in decision-making concerning administrative matters.

**Sources:**
- [http://www.courtinfo.ca.gov/courtadmin/otheragencies.htm](http://www.courtinfo.ca.gov/courtadmin/otheragencies.htm)

**Entity(ies) that represent the judicial branch to the legislature:**

- Supreme Court
- Chief Justice
- State Court Administrator
- Judges
- Other:

- X
The Chief Justice and the Administrative Director represent the judicial branch to the legislature on behalf of the Judicial Council. This work is also supported by the AOC’s Office of Governmental Affairs whose mission is to promote and maintain effective relations with the legislative, (Assembly or Senate) and executive (Governor) branches of government and to present the Judicial Council’s recommendations on legislative matters affecting the courts pursuant to constitutional mandate. (Cal. Const., art. VI, sect. 6).

Sources:
http://www.courtinfo.ca.gov/courtadmin/aoc/oga.htm

Is the entity(ies) involved in other political activities?

Yes X
No

If yes, what are they?

The Chief Justice and Administrative Director participate in other activities when appropriate. Also, in addition to assisting the Policy Coordination and Liaison Committee (PCLC) with its role in taking positions on legislation, the Office of Governmental Affairs engages in many projects and activities. These activities include advocating before and providing assistance to the Legislature and Governor, coordinating outreach programs, producing publications on legislative matters, and advocating for the Judicial Branch budget.

Sources:
http://www.courtinfo.ca.gov/courtadmin/aoc/oga.htm

Coordinating council or committee for the judicial branch:

No

Yes X

Committee Name: Judicial Council

Members of the council are selected by a nominating procedure intended to attract applicants from across the legal system and to result in a membership that is diverse in experience, gender, background, and geography. The Chief Justice makes appointments based on applications received and recommendations made by the Judicial Council’s Executive and Planning Committee.

The 21 voting members of the Judicial Council consist of the Chief Justice, 14 judges appointed by the Chief Justice, 4 attorney members appointed by the State Bar Board of Governors, and 1 member from each house of the Legislature.

The council also has at least 7 advisory members who include court executives or administrators, the president of the California Judges Association and chair of the statewide Trial Court Presiding Judges Advisory Committee. Staggered terms, with one-third of the council’s membership changing each year, ensure continuity while creating opportunities for new participation and input.
Role:

The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts (AOC) serves as the council’s staff agency.

Jurisdiction:

On November 2, 1926, California voters approved a constitutional amendment establishing the Judicial Council as the policymaker for the third co-equal branch of state government and granted the new body responsibility for overseeing the state-wide administration of justice. This amendment has played a crucial role in maintaining the strength and independence of the judiciary in California.

The mandated responsibilities of the Judicial Council are:

- Establishing direction and setting priorities for the continual improvement of the court system;
- Promulgating rules of court administration, practice, and procedure;
- Sponsoring and taking positions on legislation that affects the California judicial system;
- Allocating the California judicial branch budget; and
- Responding to mandates from the Legislature.

Sources:
http://www.courtinfo.ca.gov/jc/about.htm

Effectiveness of council in fulfilling or performing its role:

The Judicial Council has a long and venerable history in the California Judicial Branch and is viewed as very effective in its governance role. Through guidance and leadership from the Council, the branch has increased its coherence, unity, and performance. The body is responsible for improving the statewide administration of justice in the California courts and under the leadership of the Chief Justice and in accordance with the California Constitution; the Judicial Council has done an excellent job of achieving its purpose of:

- Establishing direction and setting priorities for the continual improvement of the court system;
- Promulgating rules of court administration, practice, and procedure;
- Sponsoring and taking positions on legislation that affects the California judicial system;
- Allocating the judicial branch budget; and
- Responding to legislative mandates.

Sources:
Court staff;
http://www.courtinfo.ca.gov/jc/about.htm

Role of the Administrative Office of the Court (Select all that apply)

Prepare/assist in preparation of budget for:

- Trial Courts X
- Describe:
- Judicial Branch X
The Chief Justice and the Administrative Director, on behalf of the Judicial Council and with regard to the budgets of the Supreme Court, the Courts of Appeal, the trial courts, the Judicial Council, the Habeas Corpus Resource Center, and the Administrative Office of the Courts, may: (1) make technical changes to the proposed budget, and (2) participate in budget negotiations with the legislative and executive branches consistent with the goals and priorities of the council. The Chief Justice and the Administrative Director, on behalf of the Judicial Council, also may allocate funding appropriated in the State Budget to the Supreme Court, the Courts of Appeal, the Judicial Council, the Habeas Corpus Resource Center, and the Administrative Office of the Courts.

**Personnel/HR functions for:**

- Trial Courts: X
- Describe:
  - Judicial Branch: X

The Human Resources Division of the Administrative Office of the Courts provides a range of human resources services for the judicial branch, as well as support to the trial courts, in the areas of recruitment, classification, and compensation; pay and benefits administration; labor and employee relations; integrated disability management; personnel policy development; and human resources information systems.

**Planning Functions for:**

- Trial Courts: X
- Describe:
  - Judicial Branch: X

The Executive Office Programs Division performs a variety of logistical, analytical, and management services for the Judicial Council, the AOC, and the courts related to planning. This division coordinates the long-range planning efforts and for the judicial branch as well as the annual progress report (APR) for the trial courts. The APR provides an implementation update, as well as a priority status report, for each local and branch-wide goal and objective.

**Staffing Court Committees:**

- Yes: X
- No
  - If yes, which court committees?

**Advisory Committees:**

- Access and Fairness
- Administrative Presiding Justices
- Appellate Indigent Defense Oversight
- Appellate
- Civil and Small Claims
- Civil Jury Instructions
- Criminal Jury Instructions
- CJER Governing Committee
Sources:
Court Staff:
http://www.courtin.ca.gov/jc/

The AOC’s role in governance of the judicial branch:

The AOC has a primary leadership role in the governance of the judicial branch and provides administrative assistance and support to the Chief Justice and the Judicial Council in a variety of roles. The Administrative Director, under the supervision of the Chief Justice, employs, organizes, and directs a staff agency, known as the Administrative Office of the Courts.

The Administrative Office of the Courts assists the Judicial Council in carrying out its duties under the Constitution and laws of the State of California. The Administrative Director may use any reasonable interpretation of Judicial Council policies to achieve the council’s goals, consistent with the limitations from the Council and the Chief Justice. Recent structural changes in the state judicial branch have dramatically increased the AOC’s roles and responsibilities. Today the agency is organized into nine divisions in San Francisco, two divisions in Sacramento, and three regional offices, with a staff of more than 800 serving the courts.

Together, the Chief Justice and the Administrative Director, on behalf of the Judicial Council and with regard to the budgets of the Supreme Court, the Courts of Appeal, the trial courts, the Judicial Council, the Habeas Corpus Resource Center, and the Administrative Office of the Courts, may: (1) make technical changes to the proposed budget, and (2) participate in budget negotiations with the legislative and executive branches consistent with the goals and priorities of the council. The Chief Justice and the Administrative Director, on behalf of the Judicial Council, also may allocate funding appropriated in the State Budget to the Supreme Court, the Courts of Appeal, the Judicial Council, the Habeas Corpus Resource Center, and the AOC.
Level of satisfaction with current arrangements of authority within the judicial branch:

The current arrangements of authority and governance within the branch are quite successful and have afforded a great deal of continuity for the court system. General acceptance and widespread support exist for the leadership roles and strategic direction of the Judicial Council, the Chief Justice, and the Administrative Office of the Courts.

However, the ongoing budget crisis and difficult decisions linked to it have generated some dissonance among a group of the judiciary concerned primarily with local autonomy; a group known as The Alliance of California Judges was formed on September 11, 2009 with a stated mission of:

Recognizing that as judges we are responsible to the public we have sworn to serve, we are committed to the following principles:

- To insure that our courts remain open and accessible
- To insure accountable local management of the California courts
- To guarantee financial responsibility
- To minimize statewide bureaucracy
- To insure a strong preference for local flexibility in the conduct of court affairs

These tensions, both healthy and unhealthy, are common during difficult financial times. Nonetheless, the branch continues to move forward to continually improve the system and establish continuity and coherence. The governance structure and current arrangements of authority are widely supported and respected throughout the judicial branch.

Sources:
Court Staff, http://allianceofcaliforniajudges.com/html/about_us.html

Court sources and interviewees:
Dianne M. Bolotte, Assistant Director, Executive Office Programs
Ken Kann, AOC Division Director
Dag MacLeod, Manager for the Office of Court Research
Ronald Overholt, AOC Chief Deputy Director
Chris Patton, AOC Regional Administrative Director
Nancy Spero, Senior Attorney with the Secretariat
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Structure/Index.html
I. State Overview and Demographics

**Total Population Estimate – 2009:** 5,266,214

**Percent Population Growth Estimate – 2000-2009:** 7.0%

**Race (as of 2008):**

<table>
<thead>
<tr>
<th>Race</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>White (including Hispanic/Latino Origin)</td>
<td>89.0%</td>
</tr>
<tr>
<td>White not Hispanic/Latino</td>
<td>85.4%</td>
</tr>
<tr>
<td>Black or African-American</td>
<td>4.6%</td>
</tr>
<tr>
<td>Hispanic/Latino origin *</td>
<td>4.1%</td>
</tr>
<tr>
<td>American Indian and Alaska Native</td>
<td>1.2%</td>
</tr>
<tr>
<td>Asian</td>
<td>3.5%</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>0.1%</td>
</tr>
<tr>
<td>Multi-racial</td>
<td>1.5%</td>
</tr>
<tr>
<td>Other</td>
<td>%</td>
</tr>
</tbody>
</table>

*Hispanics may be of any race, so also are included in applicable race categories*

**Age (as of 2008):**

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Persons under 5 years old</td>
<td>6.9%</td>
</tr>
<tr>
<td>Persons under 18 years old</td>
<td>24.0%</td>
</tr>
<tr>
<td>Persons aged 65 years and older</td>
<td>12.5%</td>
</tr>
</tbody>
</table>

**Cultural Diversity (as of 2000):**

<table>
<thead>
<tr>
<th>Diversity</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreign born</td>
<td>5.3%</td>
</tr>
<tr>
<td>Language other than English spoken at home</td>
<td>8.5%</td>
</tr>
</tbody>
</table>

**Population Dispersion (as of 2000):**

<table>
<thead>
<tr>
<th>Dispersion</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average number of persons per household</td>
<td>2.5</td>
</tr>
<tr>
<td>Average number of persons per square mile</td>
<td>61.8</td>
</tr>
</tbody>
</table>

**Number of Urban Centers/Areas in State**

3 (Population of 100,000 or greater as of 2008)

**Sources:**
The U.S. Census at [http://quickfacts.census.gov](http://quickfacts.census.gov)
II. State Court System

Jurisdictional Structure and Number of Officers

Trial Courts:

<table>
<thead>
<tr>
<th>Type of Jurisdiction</th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td>10 districts</td>
<td>289</td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quasi-judicial Officers</td>
<td></td>
<td>14</td>
</tr>
</tbody>
</table>

Trial Court Jurisdiction:

- Civil Actions
- Criminal Cases
- Family
- Juvenile
- Probate
- Violations of city ordinances
- Appeals from:
  - Conciliation Court (Civil disputes up to $7,500)

Intermediate Appellate Courts:

<table>
<thead>
<tr>
<th>Type of Jurisdiction</th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td>1</td>
<td>19</td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supreme Court</td>
<td>1</td>
<td>7</td>
</tr>
</tbody>
</table>

Court of Appeals Jurisdiction:

- Trial court decisions, except first-degree murder convictions
- Decisions of Commissioner of Economic Security
- Administrative agency decisions, except Tax Court & Workers’ Compensation Court
- Original Actions:
  - Writs of mandamus or prohibition, which order a trial judge or public official to perform a specified act, such as permitting media coverage of a hearing

Supreme Court Jurisdiction:

- Court of Appeals decisions
- Trial court decisions if Supreme Court chooses to bypass the Court of Appeals
- Tax Court decisions
- Workers’ Compensation Court of Appeals
• Original Actions:
  • Review of all first-degree murder convictions
  • Writs of Prohibition** Writs of Habeas Corpus*** Writs of Mandamus****
  • Legislative election disputes

Sources:
About the Courts: http://www.mncourts.gov/?page=162

Selection Authority for:

<table>
<thead>
<tr>
<th></th>
<th>Unexpired Term</th>
<th>Full Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td>GN</td>
<td>NP</td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>GU</td>
<td>NP</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>GU</td>
<td>NP</td>
</tr>
</tbody>
</table>

NP = Non-partisan election
GU = Gubernatorial appointment
GN = Gubernatorial appointment from judicial nominating commission

Terms of Office:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td>6</td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>6</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>6</td>
</tr>
</tbody>
</table>

Selection Authority for:
(Presiding/Chief/Administrative Judges/Justices)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td>CS</td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>GU</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>GU</td>
</tr>
</tbody>
</table>

CS = Court selection
GU = Gubernatorial appointment

Terms of Office:
(Presiding/Chief/Justices)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td>2</td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>3</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>6</td>
</tr>
</tbody>
</table>

Court staff notes the following concerning terms of office for chief judges/justices: It is important to note that the term as chief judge/chief justice is not coterminous with the term of the seat. This is most important when it comes to the chief justice designation.
• The trial court chief judge is chosen by judges of the district for 2 year term and is eligible to serve 2 consecutive 2 year terms.
• The Court of Appeal chief judge is appointed by the Governor for a three-year term and may be re-appointed indefinitely.
• The Chief Justice is appointed by the Governor and serves as Chief Justice indefinitely. The term of the judicial seat is 6 years.

Sources:
Court Staff;
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Index.html
The Bureau of Justice Statistics, U.S. Department of Justice

III. Governance

Number of Supreme Court Justices: ____________ 7

Head of the Judicial Branch:

Supreme Court Chief Justice ____________ X
Supreme Court ____________
Other: ____________

Authority establishing head of judicial branch:

Constitution ____________
Statute ____________ X
Other: ____________

Rulemaking Authority:

Court Administration:

Appellate ____________ C
Trial ____________ C

Procedure:

Appellate ____________ C
Civil/Criminal ____________ L/C
Evidence ____________ L
Discipline:

- Judicial: L/C
- Attorney: L/C
- Trial Court Costs and Fees: L

$L = Legislature$
$C = Constitution$

Court staff notes that attorney discipline is an inherent power of the courts and that trial court costs and fees are set in state statute.

**Rulemaking Process – Participants:**

- Supreme Court: X
- Legislature
- Local Courts
- Court-appointed Committees: X
- Bar-appointed Committees
- Other:

The Supreme Court is the rule-making body for all of the state's courts. Although local courts enact some rules of practice, these rules must not be in conflict with those established by the Supreme Court. The Supreme Court establishes rule making committees and appoint members of the Bar to the committees. The Judicial Council is not involved.

Minnesota's Supreme Court has ruled that under the separation of powers provision of the state constitution (Minn. Con. Art. VI, § 1), the Supreme Court has inherent authority to adopt rules of procedure and the legislature has no power to modify or enact statutes that govern court rules of procedure already in place (State v. Johnson, 514 N. W. 2d 551 (1994)(addressing a criminal procedure statute).

**Sources:**

**Policy Development – Process/Participants:**

- Supreme Court (centralized)
- Local Courts (decentralized)
- Court-appointed Committees/Councils: X
- Other:
The Judicial Council is the policy making authority of the Minnesota Judicial Branch, and in conjunction with the Chief Justice, directs the work of policy committees. The purpose of the Judicial Council is to exercise administrative policy-making authority for the judicial branch. The Council has authority for the Branch strategic plan; budget priorities and requests to the executive and legislative branches; collective bargaining; human resources; technology; programs (jury, Guardian ad Litem, interpreter, expedited child support); education and organization development; finance; children’s justice initiative; and core services, court performance, accountability.

The Judicial Council model was the result of recommendations made through a study done by the Transformation Workgroup (appointed by the Chief Justice) that was created in 2004 to examine the administrative structure and process, and make recommendations for a leadership and management structure that would best support a unified system. After extensive outreach and research, the Transformation Workgroup recommended a council model and a new administrative decision-making structure. Through administrative order, the Judicial Council was established in 2005 as the administrative policy-making authority along with the Chief Justice. The existing Conference of Chief Judges and the Inter-court Committee were terminated, and most of the court committees were placed under the jurisdiction of the Judicial Council.

The Minnesota Judicial Council membership is set out as:

Voting members:
- Chief Justice, who serves as Chair of the Council
- Associate Justice, appointed by the Chief Justice
- Chief Judge of the Court of Appeals
- Chief Judges of the judicial districts
- Minnesota District Judges Association President
- Five at-large judges appointed by the Chief Justice, three of whom must be district court judges

Non-voting members:
- State Courts Administrator
- Three Judicial District Administrators chosen by the Judicial District Administrators (non-voting member)
- One Court Administrator chosen by the Court Administrators (non-voting member)
- One at-large appointment from within the judicial branch, appointed by the Chief Justice

Sources:
Court staff; Minnesota Judicial Branch, http://www.mncourts.gov/?page=1264

Funding/budget Authority - Percent of budget from:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>State</td>
<td>100%</td>
</tr>
<tr>
<td>Local</td>
<td>%</td>
</tr>
<tr>
<td>Fees</td>
<td>%</td>
</tr>
<tr>
<td>Other:</td>
<td>%</td>
</tr>
</tbody>
</table>
Funding for the Minnesota Judicial Branch is 100% funded by general revenue state funds. The Judicial Branch 2010 Annual Budget was as follows:

- District Courts- $250,116,000
- Supreme Court/State Court Administration- $43,476,000
- Court of Appeals- $10,285,000
- Total- $303,877,000

The courts are financed by the state general fund, as well as by fees charged to users. The fees users pay are credited either to the state or county general fund; they are not dedicated to the courts. The list below shows major court cost areas and indicates which are paid by the state and which by the counties. As of July 1, 2005, the state assumed responsibility for financing most costs of the judicial branch. Certain facility costs remain the responsibility of the counties (§ 484.77).

**Funding**

**State Responsibility:**

- Supreme court operations
- Court of appeals operations
- State court administrator’s office
- State law library Office of the public defender
- Salaries and benefits for district judges, referees, judicial officers, court reporters, law clerks
- District administrators staff
- Court administrators and employees
- Sheriff fees
- Minnesota court information system (computers)
- Legal services grants
- Court interpreters
- Guardian Ad Litem programs
- Medical examinations
- Jury fees and expenses
- Transcripts
- In forma pauperis costs
- Witness fees and expenses

**County Responsibility:**

- Capital outlays
- Facility costs and operating expenses

**Sources:**
**Fiscal authority - Development/Allocation of Budget:**

- Chief/Administrative Justice
- Supreme Court
- State-level Budgetary Commission
- Chief Judges of Individual Courts
- Other: X

The Judicial Council sets budget priorities and submits the budget to the executive/legislative branches, and distributes the budget among the levels of court/districts.

**Sources:**
Court staff

**Planning for the Court System:**

**Participants in the system-wide planning process:**

The Strategic Planning Work Group facilitates the planning process and performs outreach to judges and court employees. A draft plan is presented to each district, the SC, and court of appeal.

**Management and control of the planning process:**

The Judicial Council appoints an ad hoc Strategic Planning Committee.

**Court system planning types:**

- Operational
- Long-range or strategic X
- Ad hoc or situational
- Other:

**Timeframe of most recent plan (begin and end dates):**

<table>
<thead>
<tr>
<th>Planning Type</th>
<th>Plan Effective Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational</td>
<td></td>
</tr>
<tr>
<td>Long-range or strategic</td>
<td>2010-2011</td>
</tr>
<tr>
<td>Ad hoc or situational</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
</tbody>
</table>

The strategic planning process is linked to legislative budget requests and guided by the Judicial Council. The strategic plan’s goals and priorities are also operationalized at the local levels.
Concerning recent planning efforts, in July 2007 the Judicial Council formed the Strategic Planning Workgroup to review the FY07-09 Strategic Plan and to recommend changes for the FY10-11 Plan. The Workgroup made a special effort to reach out to all Judicial Branch judges and employees in the development of the new plan. The Workgroup surveyed judges and court employees, presented information on the draft plan at a bench meeting in each judicial district and met with the Supreme Court and the Court of Appeals. In addition, Workgroup representatives met with the Judicial District Administrators and Directors (JAD), the Executive Committee of the Minnesota Association for Court Management (MACM), the Executive Board of the Minnesota District Judges Association (MDJA), and State Court Administration managers and supervisors.

The Judicial Council, in recognition of current fiscal constraints facing the Judicial Branch and of the initiatives and projects already underway, determined that the new plan’s goals and priorities should address only three areas:

1. Initiatives aimed at the development and maintenance of adequate personnel, financial and service infrastructure in order to ensure the provision of, and access to justice;

2. Affordable initiatives that are already under way and will not be completed at the end of the current plan; and

3. Initiatives that will reduce or contain current expenditures or provide additional cost effectiveness and efficiency critical to the efficient operation of the Judicial Branch.

Sources:
Court staff; Priorities & Strategies for Minnesota’s Judicial Branch

**Funding and governance of information technology in the judicial branch:**

The Judicial Council sets the funding and governs the information technology for the judicial branch. A Technology Investment Plan exists and is folded into the overall strategic plan.

The Information Technology Division (ITD) of the State Courts Administrator’s Office provides technical support and infrastructure necessary for the Court to do business. Services include development of applications, procurement and management of purchased software, network services such as e-mail and file sharing, web development and hosting, integrations with the Courts’ business partners and installation and maintenance of personal computers with standard business software. Through a statewide Service Desk, ITD provides customers with a single point-of-contact for application and technical problems and for requests regarding the entire technical infrastructure.

Sources:
Court staff; [http://www.mncourts.gov/?page=1315](http://www.mncourts.gov/?page=1315)

**Leadership of the judicial branch (lines of authority, clarity, shared understanding of leadership roles):**

The Minnesota Judicial Branch has clearly defined leadership roles. The Chief Justice is the head of the judicial branch and this authority is established by the Constitution. The Chief Justice exercises general supervisory powers over the courts of the state and has the authority to designate judges to assist in the performance of such duties. Along with the other justices, the Chief Justice sits as the final arbitrator of appeals. Likewise, the Supreme Court is responsible for the regulation of the practice of law and for judicial and lawyer discipline. Additionally, as the highest court in Minnesota, it promulgates rules of practice and procedure for the legal system in the state. Each justice is a liaison to a number of Supreme Court boards and other state policy commissions that are charged with responsibilities ranging from day-to-day administration to strategic planning.
The Chief Justice chairs the Judicial Council and in conjunction with this body, formulates and establishes the administrative policies for the operation of the judicial branch. Administrative policies promulgated and decisions made by the Judicial Council are binding on all judicial branch judges and employees.

**Sources:**
Court staff; State of Minnesota In Supreme Court Administrative Order ADM-04-8003; http://www.mncourts.gov/Documents/0/Public/Court Information Office/Informational%20Brochures/QF_Supreme_Court.pdf

**Judicial branch Decision-making (centralization versus decentralization of authority, decision-making):**

Decision-making power regarding the regulation of the practice of law, judicial/lawyer discipline, and promulgation of the rules of practice and procedure for the legal system in the state rests with the Supreme Court.

The Judicial Council’s decision-making concerning administrative matters is predicated on statewide values, needs, priorities, and goals in concert with the fair allocation of resources and includes:

- Deliberating in many voices, but governing in one;
- Communicating openly and regularly with all stakeholders;
- Measuring achievement of statewide goals and policies;
- Focusing on strategies designed to meet future needs;
- Involving judges and administrators in implementation of policies; and
- Recognizing the needs of judicial districts to adopt local policies not inconsistent with Judicial Council policies.

**Sources:**
Court staff; Minnesota Judicial Branch 2005 Annual Report

**Entity(ies) that represent the judicial branch to the legislature:**

<table>
<thead>
<tr>
<th>Entity</th>
<th>Representation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td></td>
</tr>
<tr>
<td>Chief Justice</td>
<td>X</td>
</tr>
<tr>
<td>State Court Administrator</td>
<td>X</td>
</tr>
<tr>
<td>Judges</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

The State Courts Administrator’s Office provides principal representation to the legislature on behalf of the judicial branch. The Chief Justice may be involved at intervals. The primary responsibility for representation rests with the Inter-Governmental Liaison.

**Sources:**
Court staff
**Minnesota**

**Is the entity(ies) involved in other political activities?**

Yes [ ]

No [X]

If yes, what are they?

-on an appropriate basis

The State Courts Administrator’s Office facilitates appropriate inter-governmental activities. Through the Code of Judicial Conduct, both judges and judicial candidates are prohibited from improper partisan political activities. Restrictions also apply to court staff set out in the Court Employee Code of Ethics.

**Sources:**
Court staff; [http://www.bjs.state.mn.us/Code%20Committee%20Final%20Rpt.pdf](http://www.bjs.state.mn.us/Code%20Committee%20Final%20Rpt.pdf)

**Coordinating council or committee for the judicial branch:**

No [ ]

Yes [X]

Committee Name: Judicial Council

**Structure and Membership:**

The Judicial Council was established by administrative order to govern the judicial branch through the establishment and monitoring of administrative policies. The Council includes 25 members, fourteen by virtue of their office:

- Chief justice, chair
- Chief judge, court of appeals
- Chief judges of ten judicial districts
- Minnesota District Judges Association president
- State court administrator (nonvoting member)

Eleven members are appointed to three-year terms:

- One associate justice, appointed by the chief justice
- Five at-large judges appointed by the chief justice, three of whom must be district court judges
- One at-large appointment from within the judicial branch, by the chief justice (nonvoting member)
- Three district administrators chosen by the district administrators (nonvoting members)
- One court administrator chosen by the court administrators (nonvoting member)

**Role:**

The purpose of the Council is to govern the judicial branch through the establishment and monitoring of administrative policies designed to achieve an accessible, fair, and timely system of justice statewide and to ensure that the judicial branch functions as an independent and accountable branch of government.
Jurisdiction:

The Judicial Council is the administrative policy-making authority for the Minnesota Judicial Branch and exercises authority for the following:

- Development and implementation of the branch strategic plan
- Budget priorities, budget request, and submission of the judicial branch budget request to the executive and legislative branches
- Collective bargaining
- Human resources
- Technology
- Education and organizational development
- Finance, including budget distribution among levels of court and among districts
- Programs, including jury, guardian ad litem, interpreter, expedited child support, and Children’s Justice Initiative
- Core services, court performance and accountability

Sources:

Effectiveness of council in fulfilling or performing its role:

The Judicial Council has been very effective in fulfilling its role, and the membership has been dedicated to systems thinking and overall benefits for the branch in terms of resources.

Sources:
Court Staff

Role of the Administrative Office of the Court (Select all that apply)

Prepare/assist in preparation of budget for:

- Trial Courts
  - X
- Describe:
  - Judicial Branch
  - X

The State Courts Administrator’s Office assists the Judicial Council and its standing Finance Committee in preparing the budget priorities, budget request, and submission of the judicial branch budget request to the executive and legislative branches.

Personnel/HR functions for:

- Trial Courts
  - X
- Describe:
  - Judicial Branch
  - X
The State Courts Administrator’s Office assists the Judicial Council and its standing committee on Human Resources/Education and Organization Development Committee (HR/EOD) concerning personnel and human resources functions. Additionally, each district has a human resources manager with responsibility for daily operations.

Planning Functions for:

- Trial Courts: X
- Describe:
- Judicial Branch: X

The State Courts Administrator’s Office assists the Judicial Council and its ad hoc Planning Committee in developing the branch strategic plan.

Staffing Court Committees:

- Yes: X
- No

If yes, which court committees?

The State Courts Administrator’s Office assists the Judicial Council through staffing its standing and/or ad hoc committees.

Sources:
Court staff; [http://www.mncourts.gov/?page=1261](http://www.mncourts.gov/?page=1261)

The State Courts Administrator’s Office assists in staffing the Judicial Council’s has four standing committees:

1. Finance Committee
2. Court Operations Policy and Strategy Committee (COPS)
3. Human Resources/Education and Organization Development Committee (HR/EOD)
4. District Implementation Committee

Additionally, the State Courts Administrator’s Office assists in staffing Council ad hoc committees as needed, and three statewide committees that report to the Judicial Council:

1. Drug Court Initiative (DCI)
2. Public Trust and Confidence Committee
3. Racial Fairness Committee

The SCAO also staffs court Rules Committees and numerous SCA Advisory groups and teams. The advisory groups/teams are:

- SCA Advisory Workgroups/Committees- Standing
- Children’s Justice Initiative (CJI) Advisory Committee
- Court Operations Advisory Workgroup (COAW)
- Criminal Benchbook Committee
- Data Quality Steering Committee
- Diversity/Cultural Competence Education Committee
- Financial Management Workgroup (FMG)
Minnesota

- Gender Fairness Implementation Committee
- Judicial District Administrators and SCAO Directors Group (JAD)
- Judicial Weighted Caseload Workgroup (WCL)
- Juvenile Benchbook Committee
- Legislative Advisory Workgroup (LAW)
- Staff Weighted Caseload Workgroup
- State Court/Tribal Court Forum
- State Safety Workgroup
- Competencies
- Statewide Business Needs
- Technology Investment Plan

SCA Operational Teams:

- CJI Lead Judges
- Court Administrators Team (CAT)
- Court Collections Workgroup
- Data Quality Workgroup
- District Communications Liaisons
- District Interpreter Liaisons (DIL)
- Diversity Collaboration Group
- Drug Court Liaison Workgroup
- EOD Operations Committee
- GAL Managers
- Human Resources Diversity Operational Workgroup
- Human Resources Management Team
- Jury Management Resources Team (JMRT)
- Labor Management Committee
- MN Judicial Analytical Databases (MNJAD) Team
- State Accounting Workgroup

Sources:
Court staff; http://www.mncourts.gov/?page=1261

The AOC’s role in governance of the judicial branch:

The State Courts Administrator’s Office is in charge of administrative functions, information systems, and research and planning for the judicial system. The Office was created by statute (§§ 480.13-480.15; 15A.083, subd. 4), and the State Courts Administrator is appointed and evaluated by the Judicial Council. The duties also include assisting the Chief Justice in assigning district judges around the state and supervising the following:

- Information System
  - Minnesota Court Information System (MNCIS)

- Administrative Services
  - Budget
  - Personnel
  - Continuing education for court personnel
Minnesota

- Research and Planning
  - Statistical research
  - Policy planning
  - Legal research

- Child Support Magistrate System

Sources:
Court staff; http://www.house.leg.state.mn.us/hrd/pubs/judiciary.pdf

Level of satisfaction with current arrangements of authority within the judicial branch:

The level of satisfaction with current arrangements of authority within the judicial branch is very high.

Sources:
Court staff; Janet Marshall, Inter-Governmental Liaison, State Courts Administrator’s Office

Sources:
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Index.html
The Bureau of Justice Statistics, U.S. Department of Justice

Image - Minnesota Judicial Branch Administrative Structure
I. State Overview and Demographics

Total Population Estimate – 2009: 5,987,580

Percent Population Growth Estimate – 2000-2009: 7.0%

Race (as of 2008):

- White (including Hispanic/Latino Origin) 84.9%
- White not Hispanic/Latino 81.8%
- Black or African-American 11.5%
- Hispanic/Latino origin * 3.4%
- American Indian and Alaska Native .5%
- Asian 1.5%
- Native Hawaiian or Other Pacific Islander .1%
- Multi-racial 1.5%
- Other %

*Hispanics may be of any race, so also are included in applicable race categories

Age (as of 2008):

- Persons under 5 years old 6.7%
- Persons under 18 years old 23.9%
- Persons aged 65 years and older 13.7%

Cultural Diversity (as of 2000):

- Foreign born 2.7%
- Language other than English spoken at home 5.1%

Population Dispersion (as of 2000):

- Average number of persons per household 2.48
- Average number of persons per square mile 81.2

Number of Urban Centers/Areas in State

(Population of 100,000 or greater as of 2008) 4

Sources:
The U.S. Census at http://quickfacts.census.gov
II. State Court System

Jurisdictional Structure and Number of Officers

**Trial Courts:**

<table>
<thead>
<tr>
<th></th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td>45</td>
<td>141</td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td>45</td>
<td>193</td>
</tr>
<tr>
<td>Quasi-judicial Officers</td>
<td></td>
<td>32</td>
</tr>
<tr>
<td>Municipal Courts</td>
<td>625</td>
<td>405</td>
</tr>
</tbody>
</table>

**Intermediate Appellate Courts:**

<table>
<thead>
<tr>
<th></th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td>3</td>
<td>32</td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supreme Court</td>
<td></td>
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</tbody>
</table>

**Court of Last Resort**

<table>
<thead>
<tr>
<th></th>
<th>Number of Courts</th>
<th>Number of Justices</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>1</td>
<td>7</td>
</tr>
</tbody>
</table>

**Selection Authority for:**

<table>
<thead>
<tr>
<th></th>
<th>Unexpired Term</th>
<th>Full Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td>GU &amp; GN</td>
<td>PE &amp; GN</td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>GU</td>
<td>GU</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>GU</td>
<td>GU</td>
</tr>
</tbody>
</table>

*GN=Gubernatorial appt. from judicial nominating commission  
GU=Gubernatorial appt.  
PE=Partisan election*

**Terms of Office:**

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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td>6</td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>12</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>12</td>
</tr>
</tbody>
</table>
Selection Authority for:
(Presiding/Chief/Administrative Judges/Justices)

Trial Court Judges
Intermediate Appellate Court Judges
Supreme Court Justice

CS = Court Selection
GU = Gubernatorial Appointment

Terms of Office:
(Presiding/Chief/Justices)

Presiding judges at each level are selected by en banc vote of the court. By tradition the supreme courts elects the chief justice based on seniority, similar to Florida.

III. Governance

Number of Supreme Court Justices: 7

Head of the Judicial Branch:

Supreme Court Chief Justice X
Supreme Court
Other:

Authority establishing head of judicial branch:

Constitution X
Statute
Other:
**Rulemaking Authority:**

Court Administration:
- Appellate  \( \text{C} \)
- Trial  \( \text{C} \)

Procedure:
- Appellate  \( \text{C} \)
- Civil/Criminal  \( \text{C} \)
- Evidence  \( \text{L} \)

Discipline:
- Judicial  \( \text{C} \)
- Attorney  \( \text{C} \)
- Trial Court Costs and Fees

**L = Legislature**

**C = Constitution**

**Rulemaking Process – Participants:**

- Supreme Court  \( X \)
- Legislature
- Local Courts
- Court-appointed Committees  \( \text{Advisory} \)
- Bar-appointed Committees  \( \text{Ad hoc} \)
- Other:

**Policy Development – Process/Participants:**

- Supreme Court (centralized)  \( X \)
- Local Courts (decentralized)
- Court-appointed Committees/Councils  \( X \)
- Other:

Policy-making is not conducted in a uniform manner. Typically the supreme court appoints committees on an ad hoc basis in response to requests from judges or the bar.
Funding/budget Authority - Percent of budget from:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>80%</td>
</tr>
<tr>
<td>Local</td>
<td>20%</td>
</tr>
<tr>
<td>Fees</td>
<td>%</td>
</tr>
<tr>
<td>Other:</td>
<td>%</td>
</tr>
</tbody>
</table>

All personnel except municipal court personnel are in state funded positions. Local government is responsible for facilities and limited security (buildings, not courtrooms). Municipal courts are entirely local.

Fiscal authority - Development/Allocation of Budget:

<p>| | |</p>
<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief/Administrative Justice</td>
<td></td>
</tr>
<tr>
<td>Supreme Court</td>
<td>X</td>
</tr>
<tr>
<td>State-level Budgetary Commission</td>
<td>X</td>
</tr>
<tr>
<td>Chief Judges of Individual Courts</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

Missouri develops its trial court budget through a Circuit Court Budget Commission. The appellate court budgets are developed by the SCA in consultation with the chief judges of the appellate courts.

Planning for the Court System:

Participants in the system-wide planning process:

Missouri does not have a formalized planning process and conducts limited ad hoc planning.

Management and control of the planning process:

Supreme Court
Court system planning types:

Operational
Long-range or strategic
Ad hoc or situational Other:

Timeframe of most recent plan (begin and end dates):

Plan Effective Dates
Operational n/a
Long-range or strategic
Ad hoc or situational
Other:

Funding and governance of information technology in the judicial branch:

Missouri has developed a statewide case management system under the auspices of the Missouri Court Automation Commission. Funding is derived from a $7 court automation fee. This fee generates approximately $6-million annually. State funding provides for standardized applications software, hard-drive towers, networks, servers, memory. Local courts must provide monitors and printers as part of facilities furnishing.

Leadership of the judicial branch (lines of authority, clarity, shared understanding of leadership roles):

Leadership is provided by the supreme court justices acting collectively. The judicial conferences provide input on legislative priorities.

Judicial branch Decision-making (centralization versus decentralization of authority, decision-making):

Decision making is centralized within the supreme court and the AOC.

Entity(ies) that represent the judicial branch to the legislature:

Supreme Court Chief Justice State Court Administrator Judges conferences Other:

Political activities of other entity:

Yes No If yes, what are they?
Coordinating council or committee for the judicial branch:

No

Yes X

Committee Name:

The Judicial Conference Council coordinates judicial branch positions on legislation but not on budgets. The separate conferences are represented on a 10-member executive committee of the council. This body meets once per year and is staffed by the general counsel to the supreme court.

Effectiveness of council in fulfilling or performing its role:

The Judicial Conference Council is considered to be effective within its limited role.

Role of the Administrative Office of the Court (Select all that apply)

Prepare/assist in preparation of budget for:

Trial Courts X

Describe:

Judicial Branch X

Personnel/HR functions for:

Trial Courts X

Describe:

Judicial Branch X

Personnel policies and administration is centralized within the AOC. Recruitment, hiring and firing are conducted within the circuits and the appellate courts.

Planning Functions for:

Trial Courts X

Describe:

Judicial Branch X

Planning is ad hoc.

Staffing Court Committees:

Yes X

No

If yes, which court committees?

The AOC staffs committees dealing with: trial court budgeting, automation, judicial education, juvenile and family.
The AOC’s role in governance of the judicial branch:

The AOC plays a strong role in the governance of the branch primarily through its advisory capacity with the supreme court and court committees.

Level of satisfaction with current arrangements of authority within the judicial branch:

Both judicial leadership and rank and file appear to be generally satisfied with the governance structure of the branch.

Sources:
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Index.html
The Bureau of Justice Statistics, U.S. Department of Justice
Administrative Office of the Courts, State of Missouri
I. State Overview and Demographics

Total Population Estimate – 2009: 2,643,085

Percent Population Growth Estimate – 2000-2009: 32.30%

Race (as of 2008):

- White (including Hispanic/Latino Origin) 80.90%
- White not Hispanic/Latino 57.10%
- Black or African-American 8.10%
- Hispanic/Latino origin * 25.70%
- American Indian and Alaska Native 1.50%
- Asian 6.20%
- Native Hawaiian or Other Pacific Islander 0.50%
- Multi-racial 2.80%
- Other %

*Hispanics may be of any race, so also are included in applicable race categories

Age (as of 2008):

- Persons under 5 years old 7.70%
- Persons under 18 years old 25.70%
- Persons aged 65 years and older 11.40%

Cultural Diversity (as of 2000):

- Foreign born 15.80%
- Language other than English spoken at home 23.10%

Population Dispersion (as of 2000):

- Average number of persons per household 2.62
- Average number of persons per square mile 18.2

Number of Urban Centers/Areas in State 4

(Population of 100,000 or greater as of 2008)

Sources:
The U.S. Census at http://quickfacts.census.gov
Nevada

II. State Court System

Jurisdictional Structure and Number of Officers

Trial Courts:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td>9 districts</td>
<td>64</td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td></td>
<td>65 justices of the peace*</td>
</tr>
<tr>
<td>Justice Court</td>
<td>48 towns</td>
<td>17</td>
</tr>
<tr>
<td>Municipal Court</td>
<td>cities/towns</td>
<td>30*</td>
</tr>
</tbody>
</table>

10 justices of the peace also serve as municipal court judges

Intermediate Appellate Courts:

The Nevada court system has no intermediate appellate courts.

Court of Last Resort

<table>
<thead>
<tr>
<th>Number of Courts</th>
<th>Number of Justices</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>1</td>
</tr>
</tbody>
</table>

Many cases are decided by three-justice panels; one meets in Carson City, one meets in Las Vegas. Panel membership rotates every 12 months.

Selection Authority for:

Unexpired Term | Full Term
---|---
Trial Court Judges
District Court | GU | NP
Justice Court | CO | NP
Municipal Court | CC | NP
Intermediate Appellate Court Judges | N/A | N/A
Supreme Court Justices | GU | NP

NP = Non-partisan election  
GN = Gubernatorial appointment from judicial nominating commission  
CO = County board/commission appointment  
CC = City or town council/commission appointment  
GU = Gubernatorial appointment
Nevada

Terms of Office:

Trial Court Judges
- District Court: 6
- Justice Court: 6
- Municipal Court: VA
- Intermediate Appellate Court Judges: N/A
- Supreme Court Justices: 6

VA = Varies

Selection Authority for:
(Presiding/Chief/Administrative Judges/Justices)

Trial Court Judges
- District Court: VA
- Justice Court: CS
- Municipal Court: VA

Supreme Court Justices: Rotation

VA = Varies

CS = Court selection

Terms of Office:
(Presiding/Chief/Justices)

Trial Court Judges
- District Court: VA
- Justice Court: 1
- Municipal Court: VA
- Intermediate Appellate Court Judges: N/A
- Supreme Court Justices: 2

VA = Varies

Sources:
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Index.html
The Bureau of Justice Statistics, U.S. Department of Justice
Administrative Office of the Courts, State of Nevada
III. Governance

Number of Supreme Court Justices: 7

Head of the Judicial Branch:

Supreme Court Chief Justice X
Supreme Court Other:

Authority establishing head of judicial branch:

Constitution X
Statute Other:

Rulemaking Authority:

Court Administration:

Appellate C
Trial C

Procedure:

Appellate C
Civil/Criminal L/C
Evidence C

Discipline:

Judicial L
Attorney L

Trial Court Costs and Fees L/C

L = Legislature
C = Constitution

Rulemaking Process – Participants:

Supreme Court
Legislature
Local Courts
Court-appointed Committees
Bar-appointed Committees
Other:
The Supreme Court has the authority to adopt, amend, or repeal administrative rules. Any judge, including supreme court justices and judges of the Nevada court system, the director of the administrative office of the courts, or the board of governors of the state bar of Nevada may file a petition to adopt, amend, or repeal an administrative rule. Anyone may file a petition to create or amend a rule, including organizational entities, such as the Article 6 Commission chaired by the Chief Justice, or other organizations dedicated to improvement of the judicial system.

**Policy Development – Process/Participants:**

- Supreme Court (centralized)
- Local Courts (decentralized)
- Court-appointed Committees/Councils
- Other:

The Nevada court system is not unified. The Supreme Court addresses issues brought to its attention by the AOC and other Court Department Heads, as well as its own Commissions and Committees. Policies for the Supreme Court and the District Courts are implemented through administrative orders issued by the Supreme Court. Limited jurisdiction courts typically develop their own policies. In some cases, however, a Supreme Court Commission or Committee may recommend policies to these courts.

**Funding/budget Authority - Percent of budget from:**

Fiscal Years 2010 and 2011 combined

<table>
<thead>
<tr>
<th>Source</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>46.60%</td>
</tr>
<tr>
<td>Local</td>
<td>%</td>
</tr>
<tr>
<td>Fees</td>
<td>%</td>
</tr>
<tr>
<td>Other: Administrative assessments (and small amount from Federal grants)</td>
<td>53.40%</td>
</tr>
</tbody>
</table>

Courts are funded primarily by administrative assessments which are fines for misdemeanors that are assessed in amounts ranging from $25 - $115; the funds are split between the AOC (51%) and the Executive Branch (49%).

**Fiscal authority - Development/Allocation of Budget:**

- Chief/Administrative Justice
- Supreme Court
- State-level Budgetary Commission
- Chief Judges of Individual Courts
- Other:

The Nevada Supreme Court is responsible for planning, preparing, and implementing the budget. The state legislature reviews and approves the Court’s budget; the court system is specifically exempt from the State Budget Act. The Governor has no authority over the Judicial Branch budget. The AOC and the Supreme Court Justices are heavily involved during the budget session of the legislature.
Nevada

Planning for the Court System:

There is a limited system wide planning process for the state court system via the Judicial Council for the State of Nevada (JCSN) and various Court Commissions and Committees.

Funding and governance of information technology in the judicial branch:

The Information Technology Division, through the AOC, is funded primarily through administrative assessments pursuant to state statute, although some funding is available through counties. Other funding sources include user charges and multi-party filing fees. The AOC and the IT Steering Committee are responsible for governance.

Leadership of the judicial branch (lines of authority, clarity, shared understanding of leadership roles):

Article 6 of the Nevada state constitution identifies the Chief Justice of the Supreme court as the head of the court system. There are clear lines of authority from the Chief Justice to the chief judges of the district courts; however, the constitution does not specify how such authority is to be implemented. The Nevada Revised Statutes, local codes and rules govern process and appointment for judges of the courts of limited jurisdiction (Justice of the Peace, Municipal Court Judges).

Judicial branch Decision-making (centralization versus decentralization of authority, decision-making):

Entity(ies) that represent the judicial branch to the legislature:

<table>
<thead>
<tr>
<th>Entity(ies) that represent the judicial branch to the legislature:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>X</td>
</tr>
<tr>
<td>Chief Justice</td>
<td></td>
</tr>
<tr>
<td>State Court Administrator</td>
<td>X</td>
</tr>
<tr>
<td>Judges</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
</tbody>
</table>

The Court and the state courts administrator review potential legislation affecting the court; legal changes, constitutional proposals, etc.

Is the entity(ies) involved in other political activities?

Yes

No X

If yes, what are they?

Coordinating council or committee for the judicial branch:

No

Yes X

Committee Name: Judicial Council of the State of Nevada (JCSN)
Structure and Membership:

The Judicial Council comprises 16 judges from across the state at every level, with the Supreme Court Chief Justice as ex-officio chairperson. There are five Regional Councils where members meet independently; together these councils form the Judicial Council of the State of Nevada.

The five Regional Judicial Councils are:

- Sierra Region (First, Third, Ninth Judicial Districts)
- Washoe Region (Second Judicial District)
- North Central Region (Fourth and Sixth Judicial Districts)
- South Central Region (Fifth and Seventh Judicial Districts)
- Clark Region (Eighth Judicial District)

The Regional Council meetings are open to all judges in the region and every judge has a vote on regional matters.

Role:

The Judicial Council is an administrative arm of the judiciary, developing policies for the improvement of the court system and making recommendations to be considered by the Nevada Supreme Court.

Jurisdiction:

The Judicial Council recommends legislation or court rules to the Nevada Supreme Court and reviews legislation proposals from the Nevada Judges Association and the Nevada District Judges Association.

Council committees include:

- Legislation and rules
- Judicial education
- Technology
- Court administration
- Court interpreters
- Standardized protection order forms committee

Effectiveness of council in fulfilling or performing its role:

On a scale of 1-10, about a 7. The authority of the JCSN is subject to the Supreme Court’s direction.

Role of the Administrative Office of the Court (Select all that apply)

Prepare/assist in preparation of budget for:

- Trial Courts __________________________
- Judicial Branch __________________________

AOC prepares the Judicial Branch budget for state funding. The budget is reviewed by the Supreme Court and submitted to the Executive Branch for informational purposes only.
Nevada

Personnel/HR functions for:

- Trial Courts [X]
- Supreme Court [X]

Planning Functions for:

- Trial Courts
- Judicial Branch

Staffing Court Committees:

- Yes
- No

The AOC's role in governance of the judicial branch:

- 80% administration, which includes commissions and committees, specialty courts, judicial services, standardization of forms, special projects, and information technology.
- 20% implementation of new legislation, tied to duties established during legislative session; examples are judicial education and senior judges' program.

Level of satisfaction with current arrangements of authority within the judicial branch:

Judges are content with the authority structure. Their voice is heard via JCSN, regional councils, collaboration, and "open door policy" of communication supported by the Supreme Court Justices.

Sources:
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Index.html
The Bureau of Justice Statistics, U.S. Department of Justice
Administrative Office of the Courts, State of Nevada
I. State Overview and Demographics

Total Population Estimate – 2009: 8,707,739

Percent Population Growth Estimate – 2000-2009: 3.5%

Race (as of 2008):

- White (including Hispanic/Latino Origin) 76%
- White not Hispanic/Latino 61.7%
- Black or African-American 14.5%
- Hispanic/Latino origin * 16.3%
- American Indian and Alaska Native .3%
- Asian 7.7%
- Native Hawaiian or Other Pacific Islander .1%
- Multi-racial 1.4%
- Other %

*Hispanics may be of any race, so also are included in applicable race categories

Age (as of 2008):

- Persons under 5 years old 6.4%
- Persons under 18 years old 23.6%
- Persons aged 65 years and older 13.3%

Cultural Diversity (as of 2000):

- Foreign born 17.5%
- Language other than English spoken at home 25.5%

Population Dispersion (as of 2000):

- Average number of persons per household 2.68
- Average number of persons per square mile 1134.5

Number of Urban Centers/Areas in State 20

(Population of 100,000 or greater as of 2008)

Sources:
The U.S. Census at http://quickfacts.census.gov
II. State Court System

Jurisdictional Structure and Number of Officers

Trial Courts:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td>15</td>
<td>441</td>
</tr>
<tr>
<td>1 (Tax)</td>
<td></td>
<td>12</td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td>526 (Muni)</td>
<td>526</td>
</tr>
</tbody>
</table>

Quasi-judicial Officers

The New Jersey court of general jurisdiction is the Superior Court, comprised of 15 Vicinages and a statewide Tax Court of limited jurisdiction. Superior Courts are organized into four standard divisions -- general equity, criminal, family and civil -- as well as an appellate division described below. Traffic/parking, misdemeanors, ordinance and game and fish matters are handled in Municipal Courts.

Intermediate Appellate Courts:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td>1</td>
<td>33</td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

New Jersey has a single statewide Appellate Division comprised of 33 Superior Court judges, dispersed in Parts housed in 8 locations around the state. Each Part has 4 or 5 judges. There is an additional limited jurisdiction appeals Part for Megan’s Law cases.

Court of Last Resort

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Number of Courts</th>
<th>Number of Justices</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>1</td>
<td>7</td>
</tr>
</tbody>
</table>

Selection Authority for:

<table>
<thead>
<tr>
<th>Authority</th>
<th>Unexpired Term</th>
<th>Full Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td>Superior: GL</td>
<td>Superior: GL</td>
</tr>
<tr>
<td></td>
<td>Municipal: MA</td>
<td>Municipal: MA</td>
</tr>
<tr>
<td></td>
<td>or MM</td>
<td>or MM</td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>GL</td>
<td>Chief Justice</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>GL</td>
<td>GL</td>
</tr>
</tbody>
</table>

*GL=Gubernatorial appt/consent of Legis. MA=Mayoral appt. MU=Municipal appt.*
Supreme Court justices, the chief justice and Superior Court judges, including appellate and tax court judges, are nominated by the governor and confirmed by the senate for an initial 7-year term. After 7 years they are eligible to be re-nominated and reconfirmed. Upon second appointment they achieve tenure and can remain on the bench until age 70.

Judges of the Appellate Division are selected by the chief justice from among the population of Superior Court judges.

Municipal Court judges are selected pursuant to a process established by the municipal governing body for 3-year terms.

Terms of Office:

<table>
<thead>
<tr>
<th>Trial Court Judges</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>AP</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>7</td>
</tr>
</tbody>
</table>

Selection Authority for:
(Presiding/Chief/Administrative Judges/Justices)

<table>
<thead>
<tr>
<th>Trial Court Judges</th>
<th>SCJ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>SCJ</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>GL</td>
</tr>
</tbody>
</table>

AP = At the pleasure of
SCJ = Chief Justice appoints
GL = Gubernatorial Appointment/consent of Legislature

The chief justice is nominated by the governor and confirmed by the senate.

Presiding (known as “Appointment”) judges of the 15 vicinages, each Appellate Division Part and the Tax Court are selected by the chief justice from among the population of Superior Court judges.

Terms of Office:
(Presiding/Chief/Justices)

<table>
<thead>
<tr>
<th>Trial Court Judges</th>
<th>AP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>AP</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>DU</td>
</tr>
</tbody>
</table>

AP = At the pleasure of
DU = Duration of service

III. Governance

Number of Supreme Court Justices: 7
### New Jersey

**Head of the Judicial Branch:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court Chief Justice</td>
<td>X</td>
</tr>
<tr>
<td>Supreme Court</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
</tbody>
</table>

**Authority establishing head of judicial branch:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitution</td>
<td>X</td>
</tr>
<tr>
<td>Statute</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
</tbody>
</table>

**Rulemaking Authority:**

**Court Administration:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Appellate</td>
<td>C</td>
</tr>
<tr>
<td>Trial</td>
<td>C</td>
</tr>
</tbody>
</table>

**Procedure:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Appellate</td>
<td>C</td>
</tr>
<tr>
<td>Civil/Criminal</td>
<td>C</td>
</tr>
<tr>
<td>Evidence</td>
<td>C/L</td>
</tr>
</tbody>
</table>

**Discipline:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Judicial</td>
<td>C</td>
</tr>
<tr>
<td>Attorney</td>
<td>C</td>
</tr>
</tbody>
</table>

**Trial Court Costs and Fees**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>L = Legislature</td>
<td></td>
</tr>
<tr>
<td>C = Constitution</td>
<td></td>
</tr>
</tbody>
</table>

**Rulemaking Process – Participants:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>X</td>
</tr>
<tr>
<td>Legislature</td>
<td></td>
</tr>
<tr>
<td>Local Courts</td>
<td></td>
</tr>
<tr>
<td>Court-appointed Committees</td>
<td>X</td>
</tr>
<tr>
<td>Bar-appointed Committees</td>
<td>X</td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
</tbody>
</table>
Rulemaking is conducted under the auspices of the Supreme Court by court-appointed committees, except for rules of evidence which are developed by bar-appointed committees.

**Policy Development – Process/Participants:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court (centralized)</td>
<td>X</td>
</tr>
<tr>
<td>Local Courts (decentralized)</td>
<td></td>
</tr>
<tr>
<td>Court-appointed Committees/Councils</td>
<td>advisory</td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
</tbody>
</table>

Policy development is conducted under the auspices of the supreme court, with significant involvement of two committees: the Administrative Council, comprising court administrators in the vicinages, and the Council of Division managers, comprising managers of each of the court subject-matter divisions.

**Funding/budget Authority - Percent of budget from:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>80%</td>
</tr>
<tr>
<td>Local</td>
<td>8%</td>
</tr>
<tr>
<td>Fees</td>
<td>%</td>
</tr>
<tr>
<td>Other:</td>
<td>Federal 12%</td>
</tr>
</tbody>
</table>

**Fiscal authority - Development/Allocation of Budget:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief/Administrative Justice</td>
<td>X</td>
</tr>
<tr>
<td>Supreme Court</td>
<td></td>
</tr>
<tr>
<td>State-level Budgetary Commission</td>
<td>X (JudicialCouncil subcommittee)</td>
</tr>
<tr>
<td>Chief Judges of Individual Courts</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
</tbody>
</table>

**Planning for the Court System:**

**Participants in the system-wide planning process:**

The New Jersey Judiciary Strategic Planning Committee produced a strategic plan in 1998. The committee included judges and court administrators as well as substantial representation from justice system constituent organizations and the bar.

**Management and control of the planning process:**

There has not been a formal planning process since the 1998 plan was completed. The Judicial Council oversees limited ad hoc planning carried out primarily on a divisional or issue-specific basis.
New Jersey

Court system planning types:

Operational
Long-range or strategic
Divisional, issue
Ad hoc or situational
Other:

Timeframe of most recent plan (begin and end dates):

Plan Effective Dates
Operational 1998 – no end
Long-range or strategic date
Ad hoc or situational ongoing
Other:

Funding and governance of information technology in the judicial branch:

Governance of technology for the Superior Courts and Supreme Court is conducted through the AOC with funding provided from general revenue appropriations.

Technology in the municipal courts is provided primarily via a statewide Automated Traffic System funded through a fee on traffic cases. This system is governed through the AOC.

Leadership of the judicial branch (lines of authority, clarity, shared understanding of leadership roles):

Leadership is accomplished through the chief justice in close relation to the Judicial Council and the AOC. The chief justice sits as chair of the Judicial Council.

Judicial branch Decision-making (centralization versus decentralization of authority, decision-making):

The chief justice has broad executive authority, generally exercised through delegation to the assignment (presiding) judges of the 15 vicinages and Appellate Division Parts. The chief justice has the authority to assign Superior Court judges to any court within the state, including the Appellate Division and the tax Court.

Entity(ies) that represent the judicial branch to the legislature:

Supreme Court
Chief Justice
State Court Administrator X
Judges
Other:

The administrative director represents the branch before the legislature with the assistance of a legislative liaison.
**Political activities of other entity:**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>If yes, what are they?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**Coordinating council or committee for the judicial branch:**

<table>
<thead>
<tr>
<th>No</th>
<th>Yes</th>
<th>Committee Name: Judicial Council</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

The Judicial Council includes the chief justice, the Administrative Director of the Court (SCA), the presiding judges of the fifteen vicinages and the appellate division, and representatives of the four divisional conferences.

**Effectiveness of council in fulfilling or performing its role:**

Within its limited role the Judicial Council appears to function well. It has been instrumental in bringing relative parity to courts throughout the state in the fifteen years since unification.

**Role of the Administrative Office of the Court (Select all that apply)**

Prepare/assist in preparation of budget for:

- Trial Courts  
- Describe:  
- Judicial Branch  

The AOC develops budgets for the trial courts in consultation with presiding judges and local administrators.

**Personnel/HR functions for:**

- Trial Courts  
- Describe:  
- Judicial Branch  

The AOC provides HR functions except local recruiting and hiring, which is performed by local administrators.

**Planning Functions for:**

- Trial Courts  
- Describe:  
- Judicial Branch  

The AOC plays a strong role in divisional and ad hoc planning efforts.
New Jersey

Staffing Court Committees:

Yes  X
No  

If yes, which court committees?
The AOC staffs essentially all court committees.

The AOC's role in governance of the judicial branch:
The AOC appears to play a fairly strong role in branch governance, largely in an advisory capacity to the chief justice and the presiding judges of the various courts, as well as through the Judicial Council and other court committees.

Level of satisfaction with current arrangements of authority within the judicial branch:

Satisfaction with current arrangements appears to be fairly high.

Sources:
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Index.html
The Bureau of Justice Statistics, U.S. Department of Justice
Administrative Office of the Courts, State of New Jersey
## New York

### I. State Overview and Demographics

| Total Population Estimate – 2009: | 19,541,453 |
| Percent Population Growth Estimate – 2000-2009: | 3.0% |

**Race (as of 2008):**

<table>
<thead>
<tr>
<th>Race</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>White (including Hispanic/Latino Origin)</td>
<td>73.4%</td>
</tr>
<tr>
<td>White not Hispanic/Latino</td>
<td>59.9%</td>
</tr>
<tr>
<td>Black or African-American</td>
<td>17.2%</td>
</tr>
<tr>
<td>Hispanic/Latino origin *</td>
<td>16.8%</td>
</tr>
<tr>
<td>American Indian and Alaska Native</td>
<td>0.6%</td>
</tr>
<tr>
<td>Asian</td>
<td>7.1%</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>0.1%</td>
</tr>
<tr>
<td>Multi-racial</td>
<td>1.6%</td>
</tr>
<tr>
<td>Other</td>
<td>%</td>
</tr>
</tbody>
</table>

*Hispanics may be of any race, so also are included in applicable race categories*

**Age (as of 2008):**

<table>
<thead>
<tr>
<th>Age</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Persons under 5 years old</td>
<td>6.3%</td>
</tr>
<tr>
<td>Persons under 18 years old</td>
<td>22.6%</td>
</tr>
<tr>
<td>Persons aged 65 years and older</td>
<td>13.4%</td>
</tr>
</tbody>
</table>

**Cultural Diversity (as of 2000):**

<table>
<thead>
<tr>
<th>Diversity</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreign born</td>
<td>20.4%</td>
</tr>
<tr>
<td>Language other than English spoken at home</td>
<td>28.0%</td>
</tr>
</tbody>
</table>

**Population Dispersion (as of 2000):**

<table>
<thead>
<tr>
<th>Dispersion</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average number of persons per household</td>
<td>2.61</td>
</tr>
<tr>
<td>Average number of persons per square mile</td>
<td>401.9</td>
</tr>
</tbody>
</table>

**Number of Urban Centers/Areas in State**

(Population of 100,000 or greater as of 2008)

5

**Sources:**

The U.S. Census at [http://quickfacts.census.gov](http://quickfacts.census.gov)
II. State Court System

Jurisdictional Structure and Number of Officers

Trial Courts:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td>69</td>
<td>385</td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Quasi-judicial Officers</td>
<td>*</td>
<td>*</td>
</tr>
</tbody>
</table>

* The New York State Unified Court System is not amenable to summary description. See attached chart.

Intermediate Appellate Courts:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td>4</td>
<td>56</td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td>2</td>
<td>14</td>
</tr>
<tr>
<td>Supreme Court</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Court of Last Resort:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Number of Courts</th>
<th>Number of Justices</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>1</td>
<td>7</td>
</tr>
</tbody>
</table>

Selection Authority for:

<table>
<thead>
<tr>
<th>Authority</th>
<th>Unexpired Term</th>
<th>Full Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td>GL, MU</td>
<td>GL, MU</td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

GL = Gubernatorial appt/approval of Leg.  MU = Municipal appt.

Terms of Office:

<table>
<thead>
<tr>
<th>Authority</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td>14</td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>14</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>DU</td>
</tr>
</tbody>
</table>

DU = Duration of service
### Selection Authority for:
(Presiding/Chief/Administrative Judges/Justices)

<table>
<thead>
<tr>
<th>Position</th>
<th>Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td></td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>GU</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>GU</td>
</tr>
</tbody>
</table>

#### Terms of Office:
(Presiding/Chief/ Justices)

<table>
<thead>
<tr>
<th>Position</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td>Not specified</td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>DU</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>14</td>
</tr>
</tbody>
</table>

*DU = Duration of service  
GU = Gubernatorial Appointment*

### III. Governance

**Number of Supreme Court Justices:**

7

**Head of the Judicial Branch:**

<table>
<thead>
<tr>
<th>Position</th>
<th>Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court Chief Justice</td>
<td>X</td>
</tr>
<tr>
<td>Supreme Court</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td>X</td>
</tr>
</tbody>
</table>

The Chief Administrative Judge, in consultation with the Chief Justice, plays a strong role in governing the branch.

**Authority establishing head of judicial branch:**

<table>
<thead>
<tr>
<th>Authority</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitution</td>
<td>C</td>
</tr>
<tr>
<td>Statute</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
</tbody>
</table>

**Rulemaking Authority:**

**Court Administration:**

<table>
<thead>
<tr>
<th>Type</th>
<th>Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appellate</td>
<td>C</td>
</tr>
<tr>
<td>Trial</td>
<td>C</td>
</tr>
</tbody>
</table>

**Procedure:**

<table>
<thead>
<tr>
<th>Type</th>
<th>Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appellate</td>
<td>L</td>
</tr>
<tr>
<td>Civil/Criminal</td>
<td>L</td>
</tr>
<tr>
<td>Evidence</td>
<td>L</td>
</tr>
</tbody>
</table>
New York

Discipline:
- Judicial
- Attorney
- Trial Court Costs and Fees

L = Legislature
C = Constitution

Rulemaking Process – Participants:
- Supreme Court
- Legislature
- Local Courts
- Court-appointed Committees
- Bar-appointed Committees

*Rulemaking is conducted through an Administrative Board composed of the presiding officers of the four appellate divisions and the chief justice. This body considers rules proposals generated by committees appointed by the Chief Administrative Judge.

Policy Development – Process/Participants:
- Supreme Court (centralized)
- Local Courts (decentralized)
- Court-appointed Committees/Councils
- Other:

Funding/budget Authority - Percent of budget from:
- State
- Local
- Fees
- Other:

Fiscal authority - Development/Allocation of Budget:
- Chief/Administrative Justice
- Supreme Court
- State-level Budgetary Commission
- Chief Judges of Individual Courts
- Other:
Planning for the Court System: Participants in the system-wide planning process

The New York Unified Court System does not currently conduct a formal long-term planning process. Some operational and ad hoc planning is conducted under the direction of the Chief Administrative Judge and the administrative judges of the appellate and trial courts.

Management and control of the planning process:

Court system planning types:

<table>
<thead>
<tr>
<th>Type</th>
<th>Operational</th>
<th>Long-range or strategic</th>
<th>Ad hoc or situational</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>n/a</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Timeframe of most recent plan (begin and end dates):

<table>
<thead>
<tr>
<th>Type</th>
<th>Plan Effective Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational</td>
<td></td>
</tr>
<tr>
<td>Long-range or strategic</td>
<td>n/a</td>
</tr>
<tr>
<td>Ad hoc or situational</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

Funding and governance of information technology in the judicial branch:

Governance of technology is carried out under the direction of the Chief Administrative Judge, supported by general revenue. There is no dedicated fee source.

Leadership of the judicial branch (lines of authority, clarity, shared understanding of leadership roles):

The chief judge (justice) provides overall leadership within the branch; however considerable operational authority is delegated to the Chief Administrative Judge and to the administrative judges of the appellate and trial courts.

Judicial branch Decision-making (centralization versus decentralization of authority, decision-making):

Decision making is highly centralized under the Chief Administrative Judge and the administrative judges, who are selected by the Chief Administrative Judge.

Entity(ies) that represent the judicial branch to the legislature:

<table>
<thead>
<tr>
<th>Entity</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td></td>
</tr>
<tr>
<td>Chief Justice</td>
<td></td>
</tr>
<tr>
<td>State Court Administrator &amp; Chief Administrative Judge</td>
<td>X</td>
</tr>
<tr>
<td>Judges</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>
Political activities of other entity:

Yes
No  X
If yes, what are they?

Coordinating council or committee for the judicial branch:

No
Yes  X
Committee Name:

Effectiveness of council in fulfilling or performing its role:

N/A

Role of the Administrative Office of the Court (Select all that apply)

Prepare/assist in preparation of budget for:

Trial Courts  X
Describe:
Judicial Branch  X

Individual courts submit budgets to the AOC/Chief Administrative Judge, who compiles a unified budget for submission to the legislature. There is no budget committee.

Personnel/HR functions for:

Trial Courts  X
Describe:
Judicial Branch  X

Planning Functions for:

Trial Courts
Describe:
Judicial Branch  Ad hoc

Staffing Court Committees:

Yes  X
No
If yes, which court committees?
The AOC's role in governance of the judicial branch:

The AOC, under the direction of the Chief Administrative Judge, plays a very strong role in the governance of the NYUCS.

Level of satisfaction with current arrangements of authority within the judicial branch:

The level of satisfaction is said to be difficult to gauge.

Sources:
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Index.html
The Bureau of Justice Statistics, U.S. Department of Justice
Administrative Office of the Courts, State of New York
New York

Image - New York Administrative Structure

*DCAJ - Deputy Chief Administrative Judge*
I. State Overview and Demographics

Total Population Estimate – 2009: 2,784,572


Race (as of 2008):

- White (including Hispanic/Latino Origin) 92.90%
- White not Hispanic/Latino 81.70%
- Black or African-American 1.30%
- Hispanic/Latino origin * 12.00%
- American Indian and Alaska Native 1.40%
- Asian 2.00%
- Native Hawaiian or Other Pacific Islander 0.80%
- Multi-racial 1.70%
- Other %

*Hispanics may be of any race, so also are included in applicable race categories

Age (as of 2008):

- Persons under 5 years old 9.80%
- Persons under 18 years old 31.00%
- Persons aged 65 years and older 9.00%

Cultural Diversity (as of 2000):

- Foreign born 7.10%
- Language other than English spoken at home 12.50%

Population Dispersion (as of 2000):

- Average number of persons per household 3.13
- Average number of persons per square mile 27.2

Number of Urban Centers/Areas in State

(Population of 100,000 or greater as of 2008) 4

Sources:
The U.S. Census at http://quickfacts.census.gov
II. State Court System

Jurisdictional Structure and Number of Officers

Trial Courts:

<table>
<thead>
<tr>
<th></th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Courts</td>
<td>39</td>
<td>71 judges</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9.5 domestic</td>
</tr>
<tr>
<td></td>
<td></td>
<td>court commissioners</td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Juvenile Courts</td>
<td>24</td>
<td>28 judges</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.5 domestic</td>
</tr>
<tr>
<td></td>
<td></td>
<td>court commissioners</td>
</tr>
<tr>
<td>Justice Court</td>
<td>136</td>
<td>108</td>
</tr>
</tbody>
</table>

Justice Courts are locally funded and operated.

Intermediate Appellate Courts:

<table>
<thead>
<tr>
<th></th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court of Appeals</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Supreme Court</td>
<td>1</td>
<td>5</td>
</tr>
</tbody>
</table>

Selection Authority for:

<table>
<thead>
<tr>
<th></th>
<th>Unexpired Term</th>
<th>Full Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District</td>
<td></td>
<td>GNL</td>
</tr>
<tr>
<td>Justice</td>
<td></td>
<td>MM</td>
</tr>
<tr>
<td>Juvenile</td>
<td></td>
<td>GNL</td>
</tr>
</tbody>
</table>

* There are no unexpired terms/ each judge begins a new term.

Intermediate Appellate Court Judges

<table>
<thead>
<tr>
<th></th>
<th>GNL</th>
<th>GNL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court of Appeals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>GNL</td>
<td>GNL</td>
</tr>
</tbody>
</table>

GNL = Gubernatorial appointment after merit selection process; governor only considers names submitted; consent of legislature
MM = Mayoral or county manager appointment based on merit selection process; consent of governing body
GU = Gubernatorial appointment
PE = Partisan election
Terms of Office: 
(years)

Trial Court Judges
  District  6
  Justice  6
  Juvenile  6

Intermediate Appellate Court Judges
  Court of Appeals  6
  Supreme Court Justices  10

Selection Authority for:
(Presiding/Chief/Administrative Judges/Justices)

Trial Court Judges
  District  CS
  Justice  Not applicable
  Juvenile  CS

Intermediate Appellate Court Judges
  Court of Appeals  CS
  Supreme Court Justices  CS

CS = Court selection

Terms of Office:
(Presiding/Chief/Justices)

Trial Court Judges
  District  2
  Justice  Not applicable
  Juvenile  2

Intermediate Appellate Court Judges
  Court of Appeals  2
  Supreme Court Justices*  4

*Chief justices can succeed themselves.

Sources:
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Index.html
The Bureau of Justice Statistics, U.S. Department of Justice.
Administrative Office of the Courts, State of Utah
III. Governance

Number of Supreme Court Justices: 5

Head of the Judicial Branch:
- Supreme Court Chief Justice
- Supreme Court
- Other: Utah Judicial Council

SC Chief Justice is the chief administrative officer for the courts and implements the rules adopted by the Judicial Council. The Judicial Council is the principal authority for the administration of the judiciary.

Authority establishing head of judicial branch:
- Constitution: X
- Statute
- Other:

Rulemaking Authority:

<table>
<thead>
<tr>
<th>Court Administration:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Appellate:</td>
<td>C</td>
</tr>
<tr>
<td>Trial:</td>
<td>C</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Procedure:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Appellate:</td>
<td>L/C</td>
</tr>
<tr>
<td>Civil/Criminal:</td>
<td>L/C</td>
</tr>
<tr>
<td>Evidence:</td>
<td>C</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Discipline:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Judicial:</td>
<td>L/C</td>
</tr>
<tr>
<td>Attorney:</td>
<td>C</td>
</tr>
<tr>
<td>Trial Court Costs and Fees</td>
<td>L</td>
</tr>
</tbody>
</table>

$L =$ Legislature  
$C =$ Constitution
Rulemaking Process – Participants:

Supreme Court
Legislature
Local Courts
Court-appointed Committees
Bar-appointed Committees
Other:

Most rules originate with the Judicial Council. The Policy and Planning Committee of the Judicial Council proposes system-wide rules to be considered and adopted by the Judicial Council. There are very few local rules. Boards of Judges for each level of court, established by the Judicial Council, may adopt administrative rules for their level of court in accordance with the guidelines of the Council, subject to ratification by the Council. Boards of judges may also propose rules of procedure and evidence to advisory committees and coordinate the adoption of local supplemental rules. The Supreme Court adopts rules of civil and criminal procedure and rules of evidence for use in the state courts. The Supreme court considers advisory committee proposals for rule changes, petitions concerning rules or procedures governing the practice of law, and the court may in its discretion initiate rule changes.

Policy Development – Process/Participants:

Supreme Court (centralized) & AOC
Local Courts (decentralized)
Court-appointed Committees/Councils
Other:

The Council is the principal authority for the administration of the judiciary. The council is committed to developing uniform policies to achieve the following objectives:

- An open, fair, efficient, and independent system for the advancement of justice;
- Attracting and retaining qualified judges;
- Improving continuing education for judges and staff;
- Identifying and solving the priority problems facing the judiciary; and
- Assuring that the judiciary keeps pace with legal, social, political, demographic, and technical developments.

Only operational issues at the local level are addressed through local rules or policies. The Management Committee and the Policy and Planning Committee of the Judicial Council coordinate system-wide policy development, subject to review and approval by the Judicial Council.
**Utah**

**Funding/budget Authority - Percent of budget from:**

<table>
<thead>
<tr>
<th>Source</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>State General Fund</td>
<td>83.38%</td>
</tr>
<tr>
<td>Other state funds/credits</td>
<td>16.49%</td>
</tr>
<tr>
<td>Federal funds</td>
<td>0.13%</td>
</tr>
<tr>
<td>Other:</td>
<td>%</td>
</tr>
</tbody>
</table>

State General Fund: $107,778,700  
Other state funds/credits: $21,317,700  
Federal funds: $166,700  
Total: $129,263,100

Note: these figures do not include the local justice courts, as they are locally funded and operated.

**Fiscal authority - Development/Allocation of Budget:**

- Chief/Administrative Justice
- Supreme Court
- State-level Budgetary Commission
- Chief Judges of Individual Courts
- Other:

The AOC prepares the budget, which is reviewed and approved by the Judicial Council. The budget is submitted to the Executive and Legislative branches; however, the Legislature considers and votes on the budget submitted by the court system. The budget process begins with input from the regional court administrators (officials appointed by the State Courts Administrator); the regional court administrators prepare budget requests and submit them to the appropriate Board(s) of Judges; one request for each Board/type of court.

The Boards debate and discuss issues, then submit their requests to the State Courts Administrator and the Judicial Council. The State Courts Administrator looks at the requests from a systemic perspective and prepares recommendations for the Judicial Council. At a two-day meeting of the Council, the State Court Administrator and the Boards of Judges present their recommendations to the Council. The Council then prepares the court system budget request (one line item in the budget) and sends it to the Legislature (for voting) and to the Executive Branch (for information). The courts may carry forward funds from one year to the next; the Council prepares a budget plan with funds appropriated for the current year as well as carry-over funds from the previous year's budget. The Council can shift funds from one part of the budget to another without legislative approval.

**Planning for the Court System:**

**Participants in the system-wide planning process:**

AOC doesn't prepare a system-wide strategic plan for the court system. The Judicial Council conducts strategic planning through the three management committees, as well as through 10 of the 13 standing committees. The Council asks each committee to submit both short-term and long-term strategic plans for their topic area; the plans are submitted to the Council, which then reviews, amends, and adopts the plans. The Policy and Planning committee of the Judicial Council recommends to the Council new and amended rules for the Code of Judicial Administration and the Human Resources Policies and Procedures Manual. The committee also recommends to
the Council periodic and long term planning efforts as necessary for the efficient management of justice. The committee researches and makes recommendations regarding any matter referred by the Council.

Management and control of the planning process:

The Judicial Council

Court system planning types:

- Short- and long-term strategic planning X
- Long-range or strategic
- Ad hoc or situational
- Other:

Timeframe of most recent plan (begin and end dates):

Plan Effective Dates

- Operational
- Long-range or strategic
- Ad hoc or situational
- Other:

Funding and governance of information technology in the judicial branch:

The data processing policy governing courts of record (the Supreme Court, the Court of Appeals, the district courts, and the juvenile courts) as well as courts not of record (justice courts) is established under the direction of the Judicial Council through its Technology Committee. The AOC prepares procedures and protocols for approval by the Technology Committee. The technology Committee will establish plans and priorities for data processing developmental efforts on a periodic basis.

Leadership of the judicial branch (lines of authority, clarity, shared understanding of leadership roles):

See description below of the Utah Judicial Council. The Boards of Judges provide a mechanism for supervising the implementation of Council policy.

Judicial branch Decision-making (centralization versus decentralization of authority, decision-making):

See description below of Utah Judicial Council.
Entity(ies) that represent the judicial branch to the legislature:

- Supreme Court
- Chief Justice
- State Court Administrator
- Judges
- Other:

The Liaison Committee of the Judicial Council drafts legislation on behalf of the Council, and takes a position on all proposed legislation relating to the judicial branch (supports, opposes, or takes no position). Generally, the Chief Justice and the State Courts Administrator testify to the legislature on behalf of court issues, and the State Courts Administrator typically makes public statements based on the Council’s positions. The AOC interacts with the legislature, the governor’s office, and agencies and organizations.

Is the entity(ies) involved in other political activities?

- Yes
- No

If yes, what are they?

Coordinating council or committee for the judicial branch:

- No
- Yes

Committee Name: Utah Judicial Council

Structure and Membership:

The Chief Justice of the Supreme Court is the presiding officer of the Council; Administrative Office serves as secretariat to the Council. Members include: one member elected by the justices of the Supreme Court; one member elected by the judges of the Court of Appeals; five members elected by the judges of the district courts; two members elected by the judges of the juvenile courts; three members elected by the justice court judges; and, a member of the Board of Commissioners of the Utah State Bar. The judges and the state bar representative serve three year terms.

The council has the following executive committees:

- The Management Committee;
- The Policy and Planning Committee; and,
- The Liaison Committee.
The council has established the following standing committees:

- Technology Committee;
- Uniform Fine/Bail Schedule Committee;
- Ethics Advisory Committee;
- Justice Court Standards Committee;
- Judicial Branch Education Committee;
- Court Facility Planning Committee;
- Committee on Children and Family Law;
- Committee on Judicial Outreach;
- Committee on Resources for Self-represented Parties;
- Court Interpreter Committee; and,
- Guardian ad Litem Oversight Committee.

The council may also form ad hoc committees or task forces to consider topical issues.

**Role:**

The Utah Judicial Council directs the activities of all Utah state courts. The Judicial Council is responsible for adopting uniform rules for the administration of all courts in the state, setting standards for judicial performance, court facilities, support services, and judicial and non-judicial personnel. The Judicial Council holds monthly meetings, which are open to the public.

**Jurisdiction:**

The Judicial Council is the principal authority for the administration of the judiciary. The Council or its designee is the sole authority for establishing and representing the official position of the judiciary on issues within the jurisdiction of the Council. The Council has the responsibility to seek the advice and recommendations of the Boards of Judges on such issues and to delegate to a board, Council committee, or Court Administrator the authority to make an official public statement. The Judicial Council ratifies rule proposals submitted by Boards of Judges.

**Effectiveness of council in fulfilling or performing its role:**

Very effective. The combination of centralized control and wide participation from all levels of courts enables the council to effectively govern the court system.

**Role of the Administrative Office of the Court (Select all that apply)**

Prepare/assist in preparation of budget for:

- Trial Courts ✔
- Describe: Makes recommendations
- Judicial Branch ✔

The AOC prepares the budget, which is reviewed and approved by the Judicial Council. The budget is submitted to the Executive and Legislative branches. Note: Justice courts are locally funded and operated.
Personnel/HR functions for:

Trial Courts & AOC

Describe: Trial courts - how court executives/administrators operationalize policies set by the Judicial Council

Judicial Branch


Planning Functions for:

Trial Courts & AOC

Describe:

Judicial Branch

Refer to Management and control of the planning process above.

Staffing Court Committees:

Yes

No

If yes, which court committees?

See list of Judicial Council committees above; the AOC serves as the secretariat for all committees.

The AOC’s role in governance of the judicial branch:

The Judicial Council sets policy with the assistance of the AOC, which identifies issues for the Council. The AOC also drafts policies on behalf of the Policy & Planning Committee, as well as being responsible for administration of the court system. The Utah state court system is entirely state-funded, so all functions are managed through the AOC (including judges, staff, buildings, security, bailiffs, interpreters, etc.). The AOC has lots of responsibility for allocating and managing resources, and the AOC represents the judicial branch to other branches and agencies.

Level of satisfaction with current arrangements of authority within the judicial branch:

Very satisfied. The Judicial Council model has very few critics within the court system; it has extensive authority to govern within the court system and uses the expertise and experience of trial and appellate judges serving on the Judicial Council. The various Boards of Judges elect members to serve on the Council. They are responsible for making decisions based upon a systemic perspective, and are not allowed to advocate for their level of court. The Council makes all decisions regarding courts and consequently decisions are “owned” by the decision makers. The Council members meet once a month with the Boards to communicate the reasons for decisions. Likewise, the State Courts Administrator meets monthly with the regional court executives/administrators to communicate in the same way. The focus remains on the needs of the entire system rather than focusing on just one level of court or one region of the state.
General Comments:

All functions of the court system fall under the jurisdiction of the Judicial Council. The State Courts Administrator appoints the Regional Court Executives/Administrators, who in turn appoint the Clerks of the Court. There are no associations within the court system with competing priorities or perspectives. The court system has the ability to self-govern, and the Judicial Council has the ability to handle budget problems and priorities as needed. The Judicial Council establishes the agenda for the court system, so when a change in the Chief Justice occurs, it is seamless in terms of continuity of leadership. The Judicial Council model was adopted 30 years ago and has worked very well in Utah.

Sources:
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Index.html
The Bureau of Justice Statistics, U.S. Department of Justice
Administrative Office of the Courts, State of Utah
I. State Overview and Demographics

Total Population Estimate – 2009: 621,760

Percent Population Growth Estimate – 2000-2009: 2.1%

Race (as of 2008):

<table>
<thead>
<tr>
<th>Race</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>White (including Hispanic/Latino Origin)</td>
<td>96.2%</td>
</tr>
<tr>
<td>White not Hispanic/Latino</td>
<td>94.9%</td>
</tr>
<tr>
<td>Black or African-American</td>
<td>1.0%</td>
</tr>
<tr>
<td>Hispanic/Latino origin*</td>
<td>1.5%</td>
</tr>
<tr>
<td>American Indian and Alaska Native</td>
<td>.4%</td>
</tr>
<tr>
<td>Asian</td>
<td>1.2%</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>0%</td>
</tr>
<tr>
<td>Multi-racial</td>
<td>1.2%</td>
</tr>
<tr>
<td>Other</td>
<td>%</td>
</tr>
</tbody>
</table>

*Hispanics may be of any race, so also are included in applicable race categories

Age (as of 2008):

<table>
<thead>
<tr>
<th>Age Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Persons under 5 years old</td>
<td>5.2%</td>
</tr>
<tr>
<td>Persons under 18 years old</td>
<td>20.3%</td>
</tr>
<tr>
<td>Persons aged 65 years and older</td>
<td>14.5%</td>
</tr>
</tbody>
</table>

Cultural Diversity (as of 2000):

<table>
<thead>
<tr>
<th>Cultural Diversity</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreign born</td>
<td>3.8%</td>
</tr>
<tr>
<td>Language other than English spoken at home</td>
<td>5.0%</td>
</tr>
</tbody>
</table>

Population Dispersion (as of 2000):

<table>
<thead>
<tr>
<th>Dispersion Category</th>
<th>Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average number of persons per household</td>
<td>2.44</td>
</tr>
<tr>
<td>Average number of persons per square mile</td>
<td>65.8</td>
</tr>
</tbody>
</table>

Number of Urban Centers/Areas in State

(Population of 100,000 or greater as of 2008)

<table>
<thead>
<tr>
<th>Urban Centers/Area</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

Sources:
The U.S. Census at [http://quickfacts.census.gov](http://quickfacts.census.gov)
II. State Court System

Jurisdictional Structure and Number of Officers

Trial Courts:

<table>
<thead>
<tr>
<th>Type of Jurisdiction</th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td>14 each</td>
<td>31 total</td>
</tr>
<tr>
<td>(superior, district, family)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td></td>
<td>14</td>
</tr>
<tr>
<td>(traffic, enviro)</td>
<td>16</td>
<td>28</td>
</tr>
<tr>
<td>(probate)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quasi-judicial Officers</td>
<td>16</td>
<td>35</td>
</tr>
<tr>
<td>(assistant, traffic, child support)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In 2010 the Vermont Legislature court system adopted a major restructuring plan for the Vermont court system based on a plan developed by the Commission on Judicial Operation. The existing structure, reflected here, is described by the Commission as “duplicative, overly expensive and inefficient.” The new structure, to become effective in 2011, will consolidate trial court jurisdiction into a single Superior Court with four divisions: Civil, Criminal, Family and Probate. The role of quasi-judicial officers, particularly non-lawyer assistant judges, will be consolidated.

Intermediate Appellate Courts:

<table>
<thead>
<tr>
<th>Type of Jurisdiction</th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Supreme Court</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Court of Last Resort

<table>
<thead>
<tr>
<th>Type of Court</th>
<th>Number of Courts</th>
<th>Number of Justices</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>1</td>
<td>5</td>
</tr>
</tbody>
</table>

Selection Authority for:

<table>
<thead>
<tr>
<th>Type of Judge</th>
<th>Unexpired Term</th>
<th>Full Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td>GNL</td>
<td>LA</td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>GNL</td>
<td>LA</td>
</tr>
</tbody>
</table>

*GNL = Gubernatorial appointment from judicial nominating commission with legislative consent*

*LA = Legislative appointment*
Terms of Office:

**Trial Court Judge**  \hspace{1cm} 4

**Intermediate Appellate Court Judge** \hspace{1cm} n/a

**Supreme Court Justices** \hspace{1cm} 6

**Selection Authority for:**

*(Presiding/Chief/Administrative Judges/Justices)*

**Trial Court Judges – one presiding judge for all trial courts** \hspace{1cm} SC

**Intermediate Appellate Court Judges** \hspace{1cm} n/a

**Supreme Court Justices** \hspace{1cm} GNL

\textit{GNL = Gubernatorial appt. from judicial nominating commission w/legislative consent}

\textit{SC = Court of last resort appoints}

**Terms of Office:**

*(Presiding/Chief/Justices)*

**Trial Court Judges** \hspace{1cm} 4

**Intermediate Appellate Court Judges** \hspace{1cm} n/a

**Supreme Court Justices** \hspace{1cm} 6

The chief justice is designated by the governor from among the five justices. The chief justice appoints one trial court judge to serve as administrative judge of the trial courts statewide.

**III. Governance**

**Number of Supreme Court Justices:** \hspace{1cm} 5

**Head of the Judicial Branch:**

Supreme Court Chief Justice \hspace{1cm} X

Supreme Court

Other:

**Authority establishing head of judicial branch:**

Constitution \hspace{1cm} X

Statute

Other:
## Vermont

### Rulemaking Authority:

<table>
<thead>
<tr>
<th>Court Administration:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appellate C</td>
</tr>
<tr>
<td>Trial C</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Procedure:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appellate C</td>
</tr>
<tr>
<td>Civil/Criminal C</td>
</tr>
<tr>
<td>Evidence C</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Discipline:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judicial C</td>
</tr>
<tr>
<td>Attorney C</td>
</tr>
<tr>
<td>Trial Court Costs and Fees L</td>
</tr>
</tbody>
</table>

### Rulemaking Process – Participants:

<table>
<thead>
<tr>
<th>Supreme Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislature</td>
</tr>
<tr>
<td>Local Courts</td>
</tr>
<tr>
<td>Court-appointed Committees X advisory</td>
</tr>
<tr>
<td>Bar-appointed Committees</td>
</tr>
<tr>
<td>Other: Occasional Ad Hoc committees</td>
</tr>
</tbody>
</table>

### Policy Development – Process/Participants:

| Supreme Court (centralized) X |
| Local Courts (decentralized) |
| Court-appointed Committees/Councils X |
| Other: SCA/Admin judge |

Policy making in Vermont appears to be a relatively streamlined process carried out through small advisory committees of 5-8 people created by the chief justice and/or the administrative judge and SCA.
Funding/budget Authority - Percent of budget from:

2009

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>88%</td>
</tr>
<tr>
<td>Local</td>
<td>12%</td>
</tr>
<tr>
<td>Fees</td>
<td>%</td>
</tr>
<tr>
<td>Other:</td>
<td>%</td>
</tr>
</tbody>
</table>

2011

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>94%</td>
</tr>
<tr>
<td>Local</td>
<td>6%</td>
</tr>
<tr>
<td>Fees</td>
<td>%</td>
</tr>
<tr>
<td>Other:</td>
<td>%</td>
</tr>
</tbody>
</table>

The 2010 restructuring of the Vermont courts will move most operational costs to the state along with fee revenues. Effective in 2011 the 14 counties will be responsible for only facilities upkeep, utilities and maintenance.

Fiscal authority - Development/Allocation of Budget:

Chief/Administrative Justice: X
Supreme Court
State-level Budgetary Commission
Chief Judges of Individual Courts: advisory
Other:

The state court budget is developed within the AOC under the oversight of the chief justice and the administrative judge of the trial courts.

Planning for the Court System:

Participants in the system-wide planning process:

Vermont does not have a formalized planning process. The recently concluded Commission on Judicial Operation carried out a de facto strategic planning initiative that resulted in a comprehensive restructuring of court jurisdiction as well as consolidation of governance and funding of trial court operations.

Management and control of the planning process:

See above.
Court system planning types:

- Operational
- Long-range or strategic
- Ad hoc or situational X
- Other:

Timeframe of most recent plan (begin and end dates):

<table>
<thead>
<tr>
<th>Plan Effective Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational</td>
</tr>
<tr>
<td>Long-range or strategic</td>
</tr>
<tr>
<td>Ad hoc or situational</td>
</tr>
<tr>
<td>Other:</td>
</tr>
</tbody>
</table>

The recommendations of the Commission on Judicial Operation were proposed in 2009, adopted by the legislature in 2010 and effective in 2011. There is no end date.

Funding and governance of information technology in the judicial branch:

All court technology is funding by the state from revenue ($1.5-million) received from a $12.50 fee on state criminal and traffic cases. Governance is carried out through the AOC.

Leadership of the judicial branch (lines of authority, clarity, shared understanding of leadership roles):

Leadership is consolidated within the office of the chief justice in consultation with the associate justices, the administrative judge of the trial courts, and a series of standing committees organized by division and subject matter (education, jury, access, etc.). Traditionally each associate justice takes responsibility for an issues area. Divisions are represented by committees of superior court judges.

Judicial branch Decision-making (centralization versus decentralization of authority, decision-making):

Decision-making is highly centralized, consolidated within the office of the chief justice and to a significant degree delegated to the administrative judge of the trial courts and the SCA.

Entity(ies) that represent the judicial branch to the legislature:

- Supreme Court
- Chief Justice
- State Court Administrator X
- Judges X
- Other:
Political activities of other entity:

Yes
No  X
If yes, what are they?

Coordinating council or committee for the judicial branch:

No  X
Yes
Committee Name:

Effectiveness of council in fulfilling or performing its role:

n/a

Role of the Administrative Office of the Court (Select all that apply)

Prepare/assist in preparation of budget for:

Trial Courts  x
Describe:
Judicial Branch  x

Personnel/HR functions for:

Trial Courts  x
Describe:
Judicial Branch  x

Planning Functions for:

Trial Courts  x
Describe: As described above, the Commission on Judicial Operations served the main planning function, supported by the AOC.

Judicial Branch
Staffing Court Committees:

- Yes
- No

If yes, which court committees?

- Family Division Oversight Committee
- Criminal Division Oversight Committee
- Civil Division Oversight Committee
- Judicial Education Committee
- Justice for Children Initiative
- Fairness and Equal Access to Justice Committee
- Judicial Ethics Committee
- Model Jury Instruction
- Electronic Filing and Video or Audio Proceedings

The AOC’s role in governance of the judicial branch:

The AOC has a strong role in both policy development and direct management of the Vermont state courts.

Level of satisfaction with current arrangements of authority within the judicial branch:

The existing, pre-reform management structure was viewed as inefficient and ineffective because significant authority was dispersed among the various trial courts and judicial officers. The new structure is not yet in place.

Sources:
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Index.html
The Bureau of Justice Statistics, U.S. Department of Justice
Administrative Office of the Courts, State of Vermont
I. State Overview and Demographics


Percent Population Growth Estimate – 2000-2009: 11.4%

Race (as of 2008):

- White (including Hispanic/Latino Origin) 73.0%
- White not Hispanic/Latino 67.0%
- Black or African-American 19.9%
- Hispanic/Latino origin * 6.8%
- American Indian and Alaska Native 0.4%
- Asian 4.9%
- Native Hawaiian or Other Pacific Islander 0.1%
- Multi-racial 1.7%
- Other %

*Hispanics may be of any race, so also are included in applicable race categories

Age (as of 2008):

- Persons under 5 years old 6.7%
- Persons under 18 years old 23.5%
- Persons aged 65 years and older 12.1%

Cultural Diversity (as of 2000):

- Foreign born 8.1%
- Language other than English spoken at home 11.1%

Population Dispersion (as of 2000):

- Average number of persons per household 2.54
- Average number of persons per square mile 178.8

Number of Urban Centers/Areas in State

(Population of 100,000 or greater as of 2008)

- 9

Sources:
The U.S. Census at http://quickfacts.census.gov
II. State Court System

Jurisdictional Structure and Number of Officers

**Trial Courts:**

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td>31 circuits 120 courts</td>
<td>157</td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td>32 districts 191 courts</td>
<td>244</td>
</tr>
<tr>
<td>Quasi-judicial Officers</td>
<td>8 regions</td>
<td>436</td>
</tr>
</tbody>
</table>

**Intermediate Appellate Courts:**

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Number of Courts</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Jurisdiction</td>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td>Limited Jurisdiction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supreme Court</td>
<td>1</td>
<td>7</td>
</tr>
</tbody>
</table>

**Selection Authority for:**

<table>
<thead>
<tr>
<th>Authority for</th>
<th>Unexpired Term</th>
<th>Full Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td>GU</td>
<td>LA</td>
</tr>
<tr>
<td></td>
<td>CS</td>
<td>LA</td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>GU</td>
<td>GU</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>GU</td>
<td>GU</td>
</tr>
</tbody>
</table>

*GU = Gubernatorial appointment  
LA = Legislative appointment  
CS = Court selection*

**Terms of Office:**

**(years)**

<table>
<thead>
<tr>
<th>Term of Office</th>
<th>Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Judges</td>
<td></td>
</tr>
<tr>
<td>Circuit</td>
<td>8</td>
</tr>
<tr>
<td>District</td>
<td>6</td>
</tr>
<tr>
<td>Intermediate Appellate Court Judges</td>
<td>4</td>
</tr>
<tr>
<td>Supreme Court Justices</td>
<td>4</td>
</tr>
</tbody>
</table>
Selection Authority for:
(Presiding/Chief/Administrative Judges/Justices)

Trial Court Judges
- Circuit CS
- District CS
Intermediate Appellate Court Judges CS
Supreme Court Justices CS
CS = Court Selection

Terms of Office:
(Presiding/Chief/ Justices)

Trial Court Judges 2
Intermediate Appellate Court Judges 4
Supreme Court Justices 4

Sources:
Court staff;
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Index.html
The Bureau of Justice Statistics, U.S. Department of Justice

III. Governance

Number of Supreme Court Justices: 7

Head of the Judicial Branch:

Supreme Court Chief Justice X
Supreme Court
Other:

Authority establishing head of judicial branch:

Constitution X
Statute
Other:
Rulemaking Authority:

Court Administration:

Appellate L/C
Trial L/C

Procedure:

Appellate L/C
Civil/Criminal L/C
Evidence L/C

Discipline:

Judicial L
Attorney L
Trial Court Costs and Fees L

L = Legislature
C = Constitution

Rulemaking Process – Participants:

Supreme Court X
Legislature
Local Courts
Court-appointed Committees X
Bar-appointed Committees
Other X

Uniformity of rules is regarded as a vital element for the development of a sound judicial system in the Virginia Judicial Branch. The Constitution of Virginia authorizes the Supreme Court of Virginia to promulgate rules governing the practice and procedures to be used in the courts of the Commonwealth. The rule-making process runs efficiently and involves many committees/sources who submit their recommendations to the Judicial Council, chaired by the Chief Justice. The Judicial Council receives and studies all suggestions for rule changes from the bench, bar and citizens, and makes recommendations on Rules of Court to the Supreme Court of Virginia.

Sources:
Court staff; http://www.courts.state.va.us/courts/cib.pdf
Policy Development – Process/Participants:

- Supreme Court (centralized)   X
- Local Courts (decentralized)
- Court-appointed Committees/Councils   X
- Other:

The formulation of administrative policy for the courts in Virginia, while being ultimately within the authority of the Chief Justice as the administrative head of the system, is vested on a routine basis in the Judicial Council and various committees and commissions. The Judicial Council is charged with the responsibility of making a continuous study of the organization, rules, and methods of procedure and practice of the judicial system of the Commonwealth. It is responsible for examining the work accomplished and results produced by the system and its individual offices and courts. The Council also studies the need for additional judges in the circuit courts. A report of the proceedings and recommendations of the Council is made to the General Assembly and to the Supreme Court on an annual basis.

The Chief Justice of the Supreme Court is presiding officer for the Council whose membership includes one Court of Appeals judge, six circuit court judges, one general district court judge, one juvenile and domestic relations district court judge, two attorneys qualified to practice in the Supreme Court of Virginia, and the Chairmen of the Committees for Courts of Justice in the Virginia Senate and House of Delegates.

The Committee on District Courts (CDC) was created to assist the Chief Justice in recommending new judgeships and certifying the need to fill district court vacancies, and authorizing the number of clerks, magistrates and personnel in each district, establishing guidelines and policies for court system personnel, and fixing salary classification schedules for district court personnel and magistrates. Membership of this committee includes the Majority Leader of the Senate, the Speaker of the House, the Chairmen of the Committees for Courts of Justice in the Senate and House of Delegates, two members of each of the Courts of Justice Committees appointed by the respective Chairman, one circuit court judge, two general district court judges, and two juvenile and domestic relations district court judges.

The Judicial Conference of Virginia was organized to discuss and consider means and methods of improving the administration of justice in the Commonwealth. Active members include the Chief Justice and justices of the Supreme Court, all judges of the Court of Appeals and the circuit courts, and all retired justices and judges of such courts. The Chief Justice serves as President of the Conference.

The Judicial Conference of Virginia for District Courts is similar to the Judicial Conference of Virginia in its mission and responsibilities. Membership includes the Chief Justice, who serves as its President, and all active judges of the general district and juvenile and domestic relations district courts.

In addition to involvement from the aforementioned entities, the Chief Justice periodically appoints special committees to study specific policy topics and make recommendations to the Judicial Council. The Judicial Council then makes its policy recommendations to the Supreme Court.

Sources:
Court staff; [http://www.courts.state.va.us/courts/cib.pdf](http://www.courts.state.va.us/courts/cib.pdf)
**Funding/budget Authority - Percent of budget from:**

<table>
<thead>
<tr>
<th>Source</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td></td>
</tr>
<tr>
<td>Local</td>
<td></td>
</tr>
<tr>
<td>Fees</td>
<td></td>
</tr>
<tr>
<td>Other: *</td>
<td></td>
</tr>
</tbody>
</table>

* The Virginia Judicial Branch is funded through a combination of local and state funding. The Circuit Clerks are constitutionally elected officers in Virginia. The Compensation Board of the Executive Branch provides the human resources support and funding coordination for the clerks and their deputy clerks.

Circuit judges, district judges, and clerk office staff are fully state funded and their human resources function is provided by the Office of the Executive Secretary (the administrative office for the court system).

Sources:

**Fiscal authority - Development/Allocation of Budget:**

<table>
<thead>
<tr>
<th>Source</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Chief/Administrative Justice</td>
<td></td>
</tr>
<tr>
<td>Supreme Court:</td>
<td>X</td>
</tr>
<tr>
<td>State-level Budgetary Commission</td>
<td></td>
</tr>
<tr>
<td>Chief Judges of Individual Courts</td>
<td>X</td>
</tr>
<tr>
<td>Other:</td>
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</tbody>
</table>

The Virginia General Assembly sets the overall budget for the Virginia Judicial Branch. The Office of the Executive Secretary assists the Supreme Court in developing budget allocations. Local budgets are under the control of the chief judge.

The Department of Fiscal Services in the Office of the Executive Secretary is the court system’s financial management center for the Supreme Court of Virginia, the Court of Appeals of Virginia, the circuit court judges, the general district and juvenile and domestic relations district courts, and the magistrates. The Department performs the following key functions:

- **Budget/Grants**
  - Develop and prepare the judicial system’s Biennium Budget which includes the baseline budget and all budget amendments

- **Accounting/Payroll**
  - Prepare semi-monthly payrolls for the judicial system including salary and wage employees and substitute and retired/recalled judges

- **Accounts Payable**
  - Audit and process for payments all vendor payment requests, travel reimbursement requests and other types of requests
• Purchasing
  o Issue purchase orders for supplies, equipment, court forms, etc., for the judicial system

Sources:
Court staff; http://www.courts.state.va.us/courtadmin/aoc/fiscal/home.html

Planning for the Court System:

Participants in the system-wide planning process:

Extensive outreach, including futures commission, judges, clerks and magistrates, focus groups including community leaders.

Management and control of the planning process:

Office of the Executive Secretary, Department of Planning

Court system planning types:

<table>
<thead>
<tr>
<th>Planning Type</th>
<th>1-2 year intervals</th>
<th>2009-2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Long-range or strategic</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Ad hoc or situational</td>
<td></td>
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<tr>
<td>Other</td>
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Timeframe of most recent plan (begin and end dates):

Comprehensive strategic and operational planning largely evolved following the 1989 Commission on the Future of Virginia’s Judicial System. The strategic plan includes seven visions that represent the core functions of the judicial branch as well as objectives to achieve them. The planning process had operated on a two-year cycle but shifted in 2005 to a longer term of 5 years. Implementation and monitoring of the Strategic Plan is ongoing and the list of operational tasks for the Judicial Branch is updated in one to two year intervals. Monitoring primarily focuses on the work of the Office of the Executive Secretary.

In addition to extensive outreach, the Judicial Branch conducts ongoing futures research including environmental scanning, the identification and analysis of trends, and the solicitation of expert opinions through focus groups. Additionally, the Supreme Court periodically conducts citizen surveys to assess perceptions of the courts; the Executive Secretary of the Supreme Court also solicits feedback from individuals involved in the judicial process, including judges, clerks, and attorneys.
At the local levels, a few courts have strategic plans that link to the branch strategic plan, but their participation is not mandatory.

Sources:
Court staff; http://www.courts.state.va.us/courtadmin/aoc/judpln/reports/2009_strat_plan.pdf

Funding and governance of information technology in the judicial branch:

The Virginia Judicial Branch is primarily a unified technology system. However, 20% of trial courts operate on different systems. The push for a more computerized court system escalated sharply in 2005 when the Chief Justice of the Virginia Supreme Court appointed Karl R. Hade as executive secretary. Clerks of Court who are constitutionally elected officials receive frequent training concerning the centralized system and data input requirements about twice per year, and maintain close communication and cooperation regarding these systems. Any application including automation or technology improvements that would require an interface with the case management system, or the financial management system operated and maintained by the Executive Secretary of the Supreme Court for the purpose of providing electronic information to state agencies, the circuit court clerk, or the court’s designated application service provider, is required to certify that such automation or technology improvements will comply with the security and data standards of the systems operated and maintained by the Executive Secretary of the Supreme Court.

The majority of funding for technology is through the legislative process as a line item in the General Assembly budget. District and circuit courts are funded, in part, through the establishment of a Technology Trust fund based on filing fees. The clerk of each circuit court assesses a $5 fee, known as the "Technology Trust Fund Fee," in each civil action that is deposited by the State Treasurer into this trust fund.

The Office of the Executive Secretary’s Department of Judicial Information Technology (DJIT) provides technology services to Virginia’s Judiciary through its seven divisions:

1. Administrative Services
   Provide administrative/clerical support to other DJIT divisions

2. Application Development
   Develop, deploy, and maintain applications such as the case management system, financial management system, video conferencing, and the e-magistrate system

3. Field Services
   Provide installation, relocation and support services for computers and related equipment

4. Network
   Develop, maintain and support multiple local area networks and the judicial network

5. Network Applications
   Develop, maintain and support network based applications and services such as the Records Management System, Case Imaging System, Judicial Internet, Judicial Intranet, and Human Resource applications

6. Operations
   Operate the mainframe processors, manage the tape library system, and serve as the Help Desk for all hardware and telecommunications problem reports

7. Systems and Database Administration
   Maintain and support the mainframe processors along with related systems level software, files and databases
Leadership of the judicial branch (lines of authority, clarity, shared understanding of leadership roles):

The lines of authority and shared understanding of leadership roles are quite clear in the Virginia Judicial Branch. Centralized authority exists with the Chief Justice as the administrative head of Virginia’s judicial system assisted by the Executive Secretary. The Judicial Council continually studies the organization, rules, and methods of procedure and practice of the judicial system and its individual offices and courts, and makes a report of its proceedings and recommendations to the General Assembly and the Supreme Court on an annual basis. The Committee on Districts Courts also assists the Chief Justice in the administrative supervision of Virginia’s district courts.

Additionally, the Judicial Conference of Virginia recommends means and methods to improve the administration of justice. The Judicial Conference of Virginia for District Courts is similar to the Judicial Conference of Virginia in its mission and responsibilities. The Chief Justice is also a member of these bodies.

Judicial branch Decision-making (centralization versus decentralization of authority, decision-making):

Decision-making in the Virginia Judicial Branch is based on centralized authority with an appropriate level of local autonomy dependent on the issue/topic. Primary administrative authority rests with the Chief Justice in conjunction with an advisory Judicial Council which also provides recommendations to the Supreme Court regarding court rules of practice.

Entity(ies) that represent the judicial branch to the legislature:

- Supreme Court
- Chief Justice: X
- State Court Administrator: X
- Judges
- Other:

The Chief Justice and the Office of the Executive Secretary’s Department of Legislative and Public Relations are primarily the representatives to the legislature. The Department of Legislative and Public Relations manages legislative matters, and handles media and public relations for Virginia’s Judicial System. The Department provides staff support for the development of legislative proposals recommended by the Judicial Conferences of Virginia, and represents Virginia’s Judicial System on legislative matters before the General Assembly. The Department presents information to legislators about the impact of bills on Virginia’s Judicial System, and prepares and disseminates to the court system an annual summary of court-related legislation.
The Department is also responsible for responding to inquiries from the press and the general public, including requests for records and information. Additional responsibilities include managing the content of Virginia’s Judicial System website, and reviewing and updating court informational pamphlets.

Sources:
Court staff; http://www.courts.state.va.us/courtadmin/aoc/lpr/home.html

Political activities of other entity:

<table>
<thead>
<tr>
<th>Yes</th>
<th>minimal</th>
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<tbody>
<tr>
<td>No</td>
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</table>

If yes, what are they?

The Office of the Executive Secretary provides representation on an appropriate basis to the executive and legislative branches. There is minimal engagement in other political activities as there are strict canons concerning political activity of judges. For example, Canon 5 states that a judge shall refrain from political activity inappropriate to the judicial office and shall not:

- act as a leader or hold any office in a political organization;
- make speeches for a political organization or candidate or publicly endorse or oppose a candidate for public office; or
- solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other political functions.

A judge shall resign his office when he becomes a candidate either in a party primary or in a general election for a public office, except that he may continue to hold his judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if he is otherwise permitted by law to do so. A judge shall not engage in any other political activity except in behalf of measures to improve the law, the legal system, or the administration of justice.

Sources:
Court staff; http://www.courts.state.va.us/agencies/jirc/canons 112398.html

Coordinating council or committee for the judicial branch:

<table>
<thead>
<tr>
<th>No</th>
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<tbody>
<tr>
<td>Yes</td>
<td>X</td>
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</tbody>
</table>

Committee Name: Judicial Council

Structure and membership:

The Chief Justice is the presiding officer and the membership includes: one Court of Appeals judge; six circuit court judges; one general district court judge; one juvenile and domestic relations district court judge; two attorneys; two chairmen of legislative committees; and the Executive Secretary, Office of the Executive Secretary. Council members are appointed by the Chief Justice and serve for four years or at the pleasure of the Chief Justice.

(Virginia Code § 17.1-700)
Role:
The Judicial Council is charged with the responsibility of making a continuous study of the organization, rules, and methods of procedures and practice of the judicial system. It is also responsible for examining the work accomplished and results produced by the system and its individual offices and courts. A report of the proceedings and recommendations of the Council is made to the General Assembly and to the Supreme Court on an annual basis. (Virginia Code § 17.1-703)

Jurisdiction:
The Judicial Council is an advisory body to the Supreme Court and is one of four primary policy entities. The other entities are: the Committee on District Courts, the Judicial Conference of Virginia, and the Judicial Conference of Virginia for District Courts.

Sources:
Court staff; http://www.courts.state.va.us/courtadmin/judpolicies/home.html

Effectiveness of council in fulfilling or performing its role:
The Judicial Council has historically added a great deal of value to the overall functioning of the Virginia Judicial Branch. With an extensive committee structure and membership, the Council provides insight and support to the Supreme Court through its recommendations and advice.

Sources:
Court staff

Role of the Administrative Office of the Court (Select all that apply)

Prepare/assist in preparation of budget for:

| Trial Courts |
| Describe: |
| Judicial Branch |

The Office of the Executive Secretary develops and prepares the judicial system’s Biennium Budget which includes the baseline budget and all budget amendments.

Personnel/HR functions for:

| Trial Courts |
| Describe: |
| Judicial Branch |

The Human Resources Department provides centralized human resource management services for approximately 2,800 employees. The Department’s primary activities are to develop recommendations concerning human resource administration and to administer the personnel management system. It is responsible for attracting and retaining qualified employees using HR management flexibilities, pay practices and benefits. In addition, this department supports the training and development of employee skills to meet current and future needs of the organization.
Planning Functions for:

Trial Courts
Describe:
Judicial Branch

The Department of Judicial Planning develops and maintains effective planning capabilities within Virginia’s Judicial System. Working with judicial policy-making bodies (such as the Judicial Council of Virginia and the Committee on District Courts), the Department assists the Chief Justice and Supreme Court of Virginia in identifying present and future needs, and developing and implementing innovative programs and solutions that address those needs. The Department is structurally divided between planning function staff and staff dedicated to specific programmatic or special projects.

Describe:

The Office of the Executive Secretary (OES) provides administrative assistance to the courts of the Commonwealth and to Virginia’s magistrates through its eleven departments. The departments within the OES include the Assistant Executive Secretary and Counsel, the Court Improvement Program, Educational Services, Fiscal Services, the Historical Commission, Human Resources, Judicial Information Technology, Judicial Planning, Judicial Services, Legal Research and Legislative and Public Relations.

This includes the training and education of all judicial branch employees, as well as legal research assistance for judges. This office also provides payroll, purchasing, accounts payable, human resources, planning, and grant services to the courts. It supplies all information technology, including Internet, e-mail, case management, and video technology, along with technical support to the courts and magistrate offices in the Commonwealth.

Furthermore, the OES serves as the State Courts Administrator and administers the Virginia court system at the direction of the Chief Justice of the Supreme Court of Virginia. It also:

- Provides the Chief Justice with current information on all issues and operations.
- Serves as Secretariat and provide staff support for the Judicial Council of Virginia, the Committee on District Courts and all Judicial Conferences.
- Maintains liaison with all agencies of state government, the general public, and the Bar.
- Directs analysis, investigations, and evaluations to respond to requests from, and to develop and to make recommendations to, the General Assembly.
- Specifies objectives and develop broad content for the courts’ and magistrate systems’ regular educational programs.
- Provides direction in the preparation of the Comprehensive Judicial Plan and its implementation.
- Provides direction and final approval on project development within the OES and review and monitor the project management system.
- Provides financial management direction, particularly in the areas of securing grant funding and in preparation, evaluation and defense of budget submissions.

Sources:
Court staff; [http://www.courts.state.va.us/courts/cib.pdf](http://www.courts.state.va.us/courts/cib.pdf); [http://www.courts.state.va.us/courtadmin/aoc/oes/home.html](http://www.courts.state.va.us/courtadmin/aoc/oes/home.html)
Staffing Court Committees:

Yes  X
No

If yes, which court committees?

The Office of the Executive Secretary supports the following entities with support:

- Judicial Council of Virginia
- Committees of the Judicial Council of Virginia
- Committees of the Judicial Conference of Virginia
- Committee on District Courts
- Advisory Committees of the Committee on District Courts
- Committees of the Judicial Conference of Virginia for District Courts
- Advisory Committee on Domestic Violence Issues in Virginia’s Courts
- Advisory Committee on Services for Non-English Speakers in Virginia’s Courts
- Commission on Mental Health Law Reform

The AOC’s role in governance of the judicial branch:

The Office of the Executive Secretary provides assistance and support to the Chief Justice and Supreme Court. The Office of the Executive Secretary also serves as Secretariat and provides staff support for the Judicial Council of Virginia, the Committee on District Courts, and all Judicial Conferences. It is highly respected for its integral role in the governance structure of the branch.

Sources:
Court staff

Level of satisfaction with current arrangements of authority within the judicial branch:

A high level of satisfaction exists with the current arrangements of authority within the judicial branch. There is general acceptance of the governance structure and is remarkably noncontroversial. Also, great strides and improvements have been made, particularly through the role of the Office of the Executive Secretary.

Sources:
Court Staff: Dr. Cyril Miller, Department of Judicial Planning, Office of the Executive Secretary
The National Center for State Courts at www.ncsconline.org/D_Research/Ct_Struct/Index.html
The Bureau of Justice Statistics, U.S. Department of Justice