I. Welcome and Introduction, Judge Diana L. Moreland, Chair

Judge Moreland called the meeting to order at 9:00. She introduced Judge Baumann. She also acknowledged the judges that serve as committee chairs on workgroups for the commission.

II. Approval of the May 5, 2014 Minutes

Judge Johnson moved to approve the minutes. The motion was seconded by Judge Hulslander and the minutes were approved unanimously without modification.

III. Supreme Court – Directive on the Judicial Management Council’s Report and Recommendations

Judge Moreland gave an overview of the letter she received from Justice Labarga that asks the TCP&A to redirect its focus to address Recommendation1 in the Judicial Management Council (JMC) Performance Workgroup report. This recommendation supplements the first charge of AOSC14-40 which requires the commission to develop recommendations on a performance management framework for the trial courts with an emphasis on articulating long-term objectives for better quantifying performance to identify potential problems and take corrective action in the effective use of court resources; propose a plan for the development of benchmarks and goals for performance measures identified in the Trial Court Integrated Management Solution report; and collaborate with the Judicial Management Council's Performance Workgroup on the prioritization of performance data needs to enhance the court system's ability to better evaluate branch outputs and outcomes. The JMC’s Recommendation 1 states that “…the Supreme Court charge the Commission on Trial Court Performance and Accountability to propose clerk collection and reporting requirements that address: the collection of...
specific data elements, transmission of that data in a prescribed format, and directs those transmissions to occur in a timely manner to enhance performance reporting.” The Court notes that “the assessment and recommendations should build upon and be consistent with other work in this area, in particular the 2010 Trial Court Integrated Management Solutions Project. It should also include a draft of the proposed vehicle to require the reporting requirements (new court rule of procedure, amended court rule of procedure, administrative order, or similar authoritative mechanism).”

The Court asked that the commission complete an initial review and submit recommendations by June 30, 2015. Additionally, the commission is asked to submit the final assessment and recommendations by October 1, 2015. Patty Harris provided some additional information on the work of Performance Management Workgroup regarding this issue. She explained that concerns of the workgroup fell into two main areas. The members recognized that there are 17 data elements that are needed to satisfy current rules and statutes. Additionally, the CSWC is considering some additional data elements which are noted in the meeting materials. Judge Hulslander provided comments on the work of the Performance Management Workgroup and offered that the workgroup is determining what a performance management framework looks like in the future.

The members reviewed the recommendations by the CSWC, which included a set of thirteen proposed actions. Judge Hulslander made a motion to accept the recommendations by the CSWC, as drafted.

Judge Masters suggested, in future identification of the next set of entities and elements to be implemented, the proposal not specify or be limited to ten elements. Judge Roby seconded the modification to the CSWC proposal. The members approved.

Judge Terrell offered an amended motion to approve the CSWC recommendations and also accept the four options as noted below. Judge Roby seconded the amended motion. The members approved. Those options are:

1. Approve submission of the CSWC report and the Performance Management Workgroup comments to the Supreme Court on June 30, 2015.

2. Additionally, in consideration of the October 1, 2015 deadline, direct TCP&A staff to develop a draft administrative order to compel reporting of the seventeen data elements.

3. Direct CSWC staff to develop a data collection plan in accordance with the recommendations of the CSWC. Specifically, include detailed instructions to the clerks regarding an implementation schedule, transmission format, transmission frequency (daily, at a minimum), and quality/correction mechanisms.

4. Direct the TCP&A Performance Management Workgroup to submit by July 1, 2016 recommendations on analysis/reporting needs for the seventeen data elements. For instance, specify new descriptive measures that may be computed such as Number of Complex Civil Litigation Cases, Number of Active versus Inactive Cases, and Number of Reopened Active versus Reopen Inactive Cases.
Specify how these reports should be used/disseminated through the organization to achieve data quality and operational management needs.

Staff will prepare a letter to the supreme court, on behalf of Judge Moreland as chair of the TCP&A, listing the preliminary proposals by June 30, 2015. Staff will also draft an administrative order to the clerks and develop the data collection plan that may include a phased in implementation approach based on the eighteen month data collection proposal. Upon completion, the commission will review and approve at a later meeting in order to meet the October 1 final deadline.

IV. Status Updates

A. Joint Workgroup on Dependency and TPR Appeals Review

Victor McKay provided an update in the Joint Workgroup on Dependency and TPR Appeals Review. He informed the members that the workgroup’s initial meeting was in September of 2014. Since then, the workgroup has met several times, including an in-person meeting on February 9, 2015. Members reviewed data, discussed court reporting manager survey responses, and identified issues to address. They also determined that representation from the Department of Children and Families (DCF) and the Statewide Guardian ad Litem office (GAL) would provide some beneficial perspectives to the group. Since then, two members have been added from DCF and GAL. The workgroup also established sub-groups that would help identify draft best practices. These sub-groups focused on the areas of court reporter, district clerks, court administration, and judges. The group met via conference call on May 19 and reviewed proposed recommendations. Staff is in the process of drafting a report. Once the draft is complete, the group will outreach the recommendations to the stakeholders, including the circuits, the districts, DCF, GAL, and the Office of Criminal Conflict and Civil Regional Counsel. Once this is complete, the workgroup will review the comments received and revise the final report. It is anticipated that the report will be submitted to DCAP&A and TCP&A at the end of November/beginning of December.

B. Joint Workgroup on Shared Remote Interpreting

Maggie Evans provided an update on the Joint Workgroup on Shared Remote Interpreting. The group is following the remote interpreting pilot project in the 7th, 9th, 14th, 15th, and 16th Circuits to study the processes associated with implementing a regional model of shared remote interpreting (interpreting services are provided by one circuit to another circuit through video and a web-based application).

Several meetings have occurred, including an in-person meeting on February 17, 2015. The workgroup has identified issues to address and are currently revising draft recommendations.

A six month data collection effort that involved court interpreters and court staff entering information on a web-based form on each proceeding involving a court interpreter concluded on January 31, 2015. Nineteen circuits participated in this data collection effort. The results have been used to update the Uniform Data Reporting. The data also
provides detail on the interpreter, the level of qualification, and the actual time involved in interpreting. Currently, the data is being analyzed and will be presented to the workgroup at a future meeting.

C. Judicial Workload Study

Gregory Youchock provided an update on the Judicial Workload Study. In January 2015, a forty member Judicial Needs Assessment Committee (executive committee) was convened, comprised of one county and one circuit judge for each circuit. At that meeting, the judges approved the methodology that the NCSC will use to evaluate judicial workload. Judge Alessandroni has also agreed to chair the executive committee and is serving as the lead judicial officer.

A timeline of major events associated with the Judicial Workload Study has been developed as follows:

- May 2015 - Chief Justice Labarga issues letter to all trial court chief judges re: study.
- July/August 2015 - Attend county and circuit judges’ conferences to orient judges. Judge Alessandroni and NCSC staff will make presentations.
- August 2015 - NCSC will develop web-based/video training for the circuits re: time study; Training hyperlinks will be emailed to all time study participants.
- September 2015 - Conduct a one month web-based judicial time study of all trial court judges. Senior judges, magistrates and hearing officers may be included in the time study.
- Fall 2015 - Administer a web-based Sufficiency of Time survey for all trial court judges. Also, conduct site visits to a sample of small, medium, large and extra-large circuits, meeting with the chief judge, administrative judges and trial court administrators.
- Winter 2016 - Convene a group of approximately 120 judges by court division to assess the proposed revised weights.
- January/February 2016 - Reconvene the Judicial Needs Assessment Committee to review and approve of the final proposed case weights.
- Late spring 2016 - A final report documenting the entire Judicial Workload Study by the NCSC is due to the Supreme Court.

Mr. Youchock added that at the meeting in February, some of the judges asked that consideration be given to supplemental resource judicial officers such as senior judges, magistrates, and child support hearing officers. Staff reached out to the NCSC to get a proposal and they are moving forward with it. This was done to have a stronger workload model and there are case weights already established with those supplemental officers. Mr. Youchock added that a common question is how vacation time is being accounted for during the period of the study. He noted that because of the sample size of the study, the weights will still be valid.
D. Performance Management Workgroup

Patty Harris provided an update on the Performance Management Workgroup. The goal of the workgroup, as directed in AOSC14-40, is to assist in developing recommendations to the Supreme Court on a performance management framework for the trial courts by looking at long-term objectives for better quantifying performance while identifying potential problems and taking corrective actions in the effective use of court resources. The workgroup, chaired by Judge Hulslander, consists of seven members. Since the most recent TCP&A meeting, the workgroup has met on several occasions. An in-person meeting was held in February 2015. During that meeting, the members provided feedback on the Supreme Court referral letter regarding the Judicial Management Council’s Performance Workgroup report and determined a vision of what a performance management system would look like in the future. The members also discussed adding a liaison from the Florida Courts Technology Commission (FCTC) because several issues in performance management revolve around technology. Judge Munyon, who serves as chair of the FCTC, nominated Judge Reynolds from the Second Circuit to serve as Liaison. The next conference call is scheduled for June 19, 2015. The group also discussed a survey sent to the circuits providing feedback on circuit-based performance management.

V. Letter from Judge Mahon on Due Process Workgroup

Judge Moreland noted that the TCP&A received a letter from Judge Mahon, Chair of the Trial Court Budget Committee (TCBC). In his letter, he expressed some concerns with the reduction in filings compared to increases in due process costs. In addition, the FY 2014-15 due process reserve was depleted and the TCBC has taken steps to replenish those costs. With those concerns in mind, the TCBC would like to convene a joint workgroup with the TCP&A to review issues associated with due process costs. Judge Moreland has responded to this request, by nominating Barbara Dawicke, Holly Elolina, Judge Terrell, and herself to serve on the workgroup.

VI. Activity: The Innovation Perspective in a Performance Management Framework.

The members participated in an activity focused on the Innovation Perspective of the Performance Management Framework. The activity was divided into two parts. The first part separated the members into two groups in a Family Feud style format that tested their knowledge of the High Court Performance Court Framework. The second part of the activity required the groups to develop a strategy for obtaining agreement on the use of performance results, through a responsive approach or an adaptive approach. The groups provided the following lists:

Responsive Group:

1. Key player buy in.
2. Keep it simple.
3. Keep your eyes on the goal.
4. Communicate Results.
5. Keep Tyrants out.
6. Knowledge of the user roles.
7. Consensus through flexibility.
8. Case management is not the king.

Adaptive Group:

1. Assume a finite fund of common information.
2. Select on division and one metric.
3. Assemble a collaborative team to analyze and provide feedback on the metric
4. The group should not be hierarchical.
5. Develop common goals for the division
6. Reoccurring sharing of information targeted at the relevant group.
7. Provide an opportunity for regular feedback and review

Going forward, staff will prepare a letter to the Supreme Court for Judge Moreland on behalf of TCP&A, listing the preliminary proposals by June 30, 2015. Staff will also draft an administrative order as a possible vehicle for compelling the clerks to adhere to the proposed data collection plan and finalize the data collection plan for review by the commission and submission to the court by October 1.

There being no other business, Judge Moreland adjourned the meeting at 2:12 p.m.