I. Welcome and Introductions Judge Diana Moreland, Chair

Judge Moreland called the meeting to order at 12:00 p.m.

II. Approval of the October 12, 2018 Minutes (Decision Needed)

Judge Moreland asked if there was a motion to approve the October 12, 2017, meeting minutes. Judge Smiley moved to approve the minutes. The motion was seconded by Judge Stone and the minutes were approved unanimously without modification.

III. Mediation Fees/Civil Indigent Status –Summary of Outreach and Recommendations (Decision Needed)

During the previous meeting, TCP&A recommended that OSCA staff to work with the Alternative Dispute Resolution (ADR) Rules and Policy Committee on their recently recommended changes to the collection of family mediation fees by trial court ADR programs due to parties may not always disclose all income and/or assets on financial affidavits. The Committee sought recommendations to address this issue. The Chief Justice asked this Commission to review whether it still stands by provisions noted in our 2008 report. Staff has since conducted an analysis of the 2008 standards and best practices that pertain to the mediation fee collection process. Staff held two conference calls; one on November 8, 2017 and another on December 13, 2017, with ADR Directors from around the state. Staff summarized of the actions addressed on the calls for the members. During the call, the participants offered general comments and focused their discussion on the six recommendations which have a below-50 percent policy adoption rate. It was also mentioned that there is variation between circuits on several practices, including what the clerks will allow to be included in the court file, whether financial affidavits are used to determine the mediation fee, and how circuits enforce and monitor collected fees.
Six best practice recommendations with low implementation rates fell into three general categories: collections monitoring, payment in advance of services, and equity at final disposition.

**Collections Monitoring**

1. The trial court administrator should work with the clerk of court to develop a procedure for tracking mediation service fees from assessment to collection. (46% have implemented)

2. The trial court administrators should coordinate with the clerks of court so that collections by statutory source can be reviewed on a monthly basis in the same manner as the quarterly report required under section 44.108, Florida Statutes. (34% have implemented)

3. The ADR director should reconcile the monthly or quarterly report with cases mediated during the month or quarter to determine if the clerk is collecting and remitting fees correctly. (15% have implemented)

**Payment in Advance of Services**

4. At the discretion of the ADR director, no subsequent mediation session should be scheduled or conducted until all prior assessed mediation fees are paid in full. (44% have implemented)

5. If a party fails to pay the assessed mediation fee, non-payment should be reported to the court by the trial court administrator or designee, and the court shall issue an Order to Show Cause within ten days. (22% have implemented)

**Equity at Final Disposition**

6. The court should review mediation service fees paid by the parties at the final hearing and should reapportion the fees as equitable. (16% have implemented)

The members discussed leveraging the use of existing technology, for examples push notifications would be a benefit in the fee collection process. Judge Moreland suggested that a workgroup be formed consisting of members from TCP&A and ADR in which suggestions can be made on additional policy issues that could be examined. A motion was approve staff to write a memo, on behalf of TCP&A, to the ABA Rules and Policy Committee on our findings and analysis. Also footnoting that technology cannot be ignored in improving this process. Judge Bailey moved to accept that motion and Judge Hulslander seconded. The motion was unanimously approved.

**IV. Status Update on the Shared Remote Interpreting Governance Committee**

Shared Remote Interpreting Governance Committee, created an Operations Subcommittee, chaired by Tom Genung of the 19th Judicial Circuit. The subcommittee has been meeting frequently with the focus on developing a better understanding of how circuits use VRI with the anticipation of using it in the future as they proceed with the
implementation of Phase II of VRI services which will include the launch of on-demand services, and implementation of multi-point functionality.

Virtual Remote Interpreting Participation by Circuits

The members reviewed the results of a surveys of the 10 circuits that will be participating in shared remote interpreting services. Some of the participating circuits will be provider circuits, receiver circuits or both. All of the participating circuits, one has the capability to participate only as a provider (5th Circuit), three circuits only as receivers (3rd, 8th, and 14th Circuits), and six circuits have the capability to both provide and receive services. All circuits that have the capability to provide services have at least one interpreter FTE.

Implementation of On-Demand Services

The Governance Committee determined

- On-demand services should initially be offered Monday through Friday between the hours of 8:00 a.m. to 12:00 p.m. EST to ensure adequate staff is available to absorb anticipated need. Once participants are comfortable with the level of coverage, on-demand services will be made available for the full day, Monday through Friday, 8:00 a.m. to 5:00 p.m. EST. Pre-scheduled events will continue to take place at any time of the day.
- The Necessity to perform frequent reevaluations of the staffing model and suggested weekly conference calls launch phase.

Memorandums of Understanding and Business Model Documents

A memorandum of understanding (MOU) will be:

- Executed between the Governance Committee and each participating circuit.
- Each will have information that relates to the overall operations of shared remote interpreting as well as the expectations of each party.
- Established annually for each fiscal year.
- Tailored to meet each circuit’s specific needs.

Staff will be finalizing an MOU for each participating circuit and distributing them for signature in the coming months.

Other Considerations

Technical issues emerged that will need to be resolved before Phase II is fully implemented. A smaller group of technical experts has begun holding calls to address each of these issues internally and with our vendors. In addition, the technical standards are being finalized for inclusion in the Business Model and in educational materials.

Execution of MOU’s and Launch of On-Demand Services

March 1, 2018, has been identified as a potential go-live date for on-demand remote interpreting services depending on the many factors noted above. Staff of the
Governance Committee is committed to implementing these services as soon as practicable.

**Launch of Multi-Point Functionality**

In addition to the point-to-point capabilities offered by the current technical configuration of equipment in most participating circuits, several circuits will be implementing multi-point functionality which will allow participants in three locations (e.g. courtroom, interpreter office, jail) to participate in the same live session. In June, the TCBC authorized funding to complete this phase of functionality and transition to a cloud-based platform. OSCA staff is working with an outside vendor on this additional configuration needed to implement multi-point functionality for both audio and video connectivity. Once completed, staff will be working to encumber the current-year allocation of $86,091 with a vendor who will provide services in the current year and possibly into FY 2019-20.

**V. Legislative Report on the Uniform Trial Court Caseload Reporting System Plan**

An advisory panel was convened to respond to proviso language outlined in the current General Appropriations Act that required the OSCA to work with the Florida Clerks of Court Operations Corporation (CCOC) and the FCCC to develop common definitions for all clerks and courts to use to ensure uniformity in reporting. OSCA was directed to prepare a report by December 1, 2017, on the implementation of a statewide reporting system.

The OSCA provided a draft plan the Gartner Group consulting firm to perform evaluation and analysis as well as ensuring the plan was comprehensive and feasible. The Supreme Court approved the basic plan and submitted it to the legislature on December 1, 2017. Judge Stone added that some of the information that in the proviso language is consistent with what the Performance Management Workgroup is doing.

**VI. Status Update on the Uniform Case Reporting Transition Plan and the Performance Management Workgroup**

The Uniform Case Reporting Project’s implementation schedule was revised by the court on June 28, 2017. This revision will allow the counties additional time to prepare for transitioning to UCR reporting. The OSCA will work with clerks in 20 group increments to complete the UCR transition for Circuit Civil by June 2018. The members reviewed the UCR Data Collections Specification document that is meant to assist the clerks in preparing for the transition. Brevard and Hillsborough, confirmed a data exchange with OSCA and achieved successful connection to the OSCA’s production web service. This means that they have successfully completed Phase 1, data quality exchange, which allows for the successful transmission of an initial upload of all open cases and beginning the submission of case activity event records to the OSCA data exchange service in near real time. The next round of 20 clerks have been notified of their transmission date, which will begin the week of January 15, 2018. The members also discussed data quality control issues and the manner of which they are being addressed. They also acknowledged that the integrity of the data central piece to making good policy. It is also critical to have judges engaged on this issue as well. Now that the UCR is being implemented, the Performance Management Workgroup (PMW) can begin to address
benchmark goals on the idea that the definitions that are being used will help with the measures of time to disposition, clearance rate, age of active pending cases, etc. The PMW has experienced some delays in the process of gathering existing data. PMW will resume meeting in the next few months and work on gathering some additional information on quality control steps that need to be in place and add that to the list of preliminary issues.

VII. **Other Business**

The Expert Witness Report is being worked on for implementation and a report will be given at the next meeting, which will be in-person in Orlando on April 20, 2018.

There being no further business, the meeting was adjourned at 1:09 p.m.