Florida Supreme Court
Commission on District Court of Appeal Performance and Accountability Meeting
September 29, 2016

Minutes

Members in attendance:
Judge Vance Salter, Judge Anthony Black (via telephone), Judge Ross L. Bilbrey, Judge Melanie May and Justice Peggy Quince (liaison)

Others in attendance: Judge Stevan Northcutt and Judge Jim Edwards (for Judge Jay P. Cohen),

Absent: Mary Cay Blanks, and Judge Jay P. Cohen

Staff in attendance:
Maggie Evans, Arlene Johnson, Greg Youchock and Victor McKay

I. Welcome and Introductions.
Judge Salter called the meeting to order at 10:00 am.

II. Approval of January 15, 2016 Minutes.
Judge Bilbrey motioned to approve the minutes and Judge Edwards seconded the motion. The motion carried.

III. History and Orientation of the Commission on District Court of Appeals Performance and Accountability
Judge Salter informed the members the Committee on District Court of Appeal Performance and Accountability (DCAP&A) was established within the Judicial Management Council in 1997. The purpose was to oversee the district court component of a judicial branch initiative to enhance performance of Florida’s courts. Additionally, it looked to improve the ability of the courts to be accountable. In July 2002, the Supreme Court established the DCAP&A whose purpose was to propose policies and procedures on matters related to efficient and effective resource management, performance measurement, and accountability of Florida’s district courts. Included in the meeting materials is a chronological order of reports completed by the DCAP&A starting in 1999. Judge Salter also informed the members that last term’s DCAP&A looked at the disposition standards from 2004-2006. The cases disposed standard was 315 per judge for certification compared. That number has changed to 280. Judge Salter further discussed some of the interactions that this Commission may have with court commissions and court staff. When discussing the protocols, Ms. Lewis added that the definitions and the roles of the protocols are the most applicable to this commission.
IV. **Review of AOSC16-32 Charges**

The members were reminded that this commission’s charges come from the goals and strategies of the long range plan. The charges for the new term are as follows:

- **Charge one** - Monitor and review the current appellate court time standards, including rule-based and model time standards, and develop policies and procedures to improve meeting those time standards. If necessary, the Commission may recommend revisions to Florida Rule of Judicial Administration 2.250.

- **Charge Two** - Develop performance indicators for efficient, effective, and timely processing of post-conviction cases, as part of monitoring and reviewing statewide performance indicators.

- **Charge Three** - Collaborate with the Appellate Court Technology Committee to identify and develop performance indicators for an online dashboard, which will convey appellate court performance.

- **Charge Four** - collaborate with the appellate clerks of court to assess staffing models for appellate clerks.

- **Charge Five** - continue working with the District Court of Appeal Budget Commission to provide input on those issues pertaining to operations and performance, as necessary.

- **Charge Six** – Continue to assist the judicial branch as it responds to any performance and accountability-related statutory requirements and requests by the Florida Legislature and the Office of the Governor.

Ms. Lewis added that the goal of the DCAP&A is to develop performance indicators. She informed the members that Commission has reviewed post-conviction data, but no benchmark has been developed.

The members envisioned what an appellate dashboard would look like. Noting, it should be something that would be put on a website for the public to view and easy for the public to understand. It should also be a good indicator of the volume of cases. Some examples include a section that shows the amount of cases in versus cases out, as well as time to disposition. A dashboard, in the simplest form, should be year to date cases filed and cases disposed. To the public, this may be the easiest to understand. Rule 2.250 could be added to show that the courts are meeting deadlines. This will give the public the ability to show progress on a year by year basis. It should show the public something that is not immediately obvious to them. Ms. Lewis reminded the members that the charge only ask for the court to identify and develop performance indicators for the dashboard. It will also be good for the dashboard to show how Florida compares to other states. The difficulty in this is the rate of which they report data to their individual dashboards. The members also mention the possibility of looking at what other courts are doing in the area of dashboards.
Lonn Weissblum discussed how the job of clerks have changed. Much of the work is now paperless. This means the skill set is different compared to ten years ago. He also discussed the number of employees needed to staff a clerk’s office and the disparities across district courts. Judge May added that her district uses central staff to determine if a case is timely. She is willing to share a flowchart that shows this process. Ms. Lewis added that staff will work on getting data for non-rule categories (post-conviction, habeas, etc.). The members discussed having a uniform system for how cases are categorized and possibly having a separate rule for post convictions cases.

V. Status Updates


Judge Salter informed the members that the petition to amend rule 2.240(b)(2)(B) was approved. The new weighting factor in the rule is a variable to be set by TCP&A on a four year cycle. The weighted disposition changed from 280 to 315.

b. Recommendations of the Joint Workgroup on Dependency/TPR Appeals

The workgroup was convened in 2014 to study time frames associated with the receipt of documents which includes notice of appeal to record, record to initial brief, initial brief to answer brief, and answer brief to reply brief. The workgroup started with seven members and added two additional members. Membership consisted of circuit judges, a district court judge, a county clerk representative, an appellate clerk, circuit court reporting managers, a trial court administrator, the appellate director of the statewide guardian ad litem program, a representative of the regional counsel's office, and statewide director of appeals for the department of children and families. The members discussed the best way to get lawyers to comply with TPR timetables. Mr. Weissblum added that they have a similar situation with his court. He said after speaking with the General Counsel in the 15th Judicial Circuit, he will be giving a CLE directed at the trial attorneys who handle TPR cases because they don’t apply with the rules. He added that he want to instruct them how to keep those cases flowing smoothly before they reach the district courts. The members discussed putting this presentation on the court’s website. She also added that the report has not gone before the court.

c. Update on OPPAGA Study of District Court of Appeals Jurisdiction and Boundaries.

The legislature directed OPPAGA to examine DCA Jurisdictional boundaries. The review was conducted to determine if the current boundaries fairly and effectively distribute the workload. OPPAGA was also directed to identify options to re-arrange boundaries to improve cost to the courts system. The members discussed if there was anything additional that this Commission needed to do regarding the OPPAGA study. Justice Quince added this issue is something the court has been looking at for a while. During their visit, OPPAGA mentioned if there was an impact of the districts of sharing categories of cases. It was concluded that some categories could be shared while others could not. Also asked was the amount of days judges spend at the courthouse with the advent of technology. OSCA met with OPPGA as well. Mr. Youchock added that OPPAGA also wanted to know if they could re-create the relative weights used to
determine the number of judges as well as who makes the decision on how judges are assigned to panels. Once the report is issued, there will be a period for comments by the judges.

VI. Other Business

Work on getting the clerk’s working group formed. OSCA will begin planning a video conference for early 2017. There being no other business, Judge Salter adjourned the meeting at 2:00 pm.