Minutes

Members in attendance:
Judge Vance Salter, Judge Anthony Black, Judge Ross L. Bilbrey, Judge Melanie May, Lonn Weissblum, and, Judge James A. Edwards

Absent: Charles R. Crawford and Justice Peggy Quince (liaison)

Staff in attendance:
Patty Harris, Victor McKay, Lindsay Hafford, Arlene Johnson, Lemonteh Horne, and Heather Malloy

I. Welcome and Introductions

Judge Salter called the meeting to order at 1:30 p.m.

II. Membership Changes (AOSC17-95)

Administrative Order SC 17-95 has been issued to appoint Marshal Charles R. Crawford to the Commission.

III. Approval of June 14, 2017 Minutes

Judge Bilbrey moved to approve the minutes and Judge Edwards seconded the motion. The minutes were modified to show Judge Edwards as being present. The minutes were approved.

IV. Discuss Efforts by the Clerks Regarding Appellate Clerks Staffing Model

Lonn Weissblum gave an update on the work that is being done with the clerks staffing model and the steps that are being done toward standardizing work being done by clerk staff. The goal of this task is to look back to the 2008 levels of staffing to see if the current models are appropriate for staffing the clerk offices. The Clerks have been meeting over the past several months in advance of having a report back to the commission prior to the next scheduled meeting. The methodology used in 2008 split the functions of the Clerk’s office into three stages of an appellate case and assigned workload allocations into ten core functions. The clerks are re-examining those core functions under what clerks are currently doing. Some issues that stand out: The efficiencies of an electronic office, personnel issues pertaining to salaries for deputy clerks, and difficulties in recruiting and retention. Redaction and confidentiality of documents filed are not affecting the increasing levels of oversite with the clerks. Lonn also mentioned that there is no reliable redactions system that looks through documents
and determine what information need to redacted. In reference to confidentiality, there is not enough staff to go through the documents. If this is done with the current staff levels, it will slow the system down considerably. There is a functions in IDCA to restrict the documents when it is viewed from someone from the outside. In the draft report, they will address the ten core functions to see if some need to be changed, removed or revised. Confidentiality and redaction may be addressed as a separate issue within the report. The draft report should be completed by March 2018.

V. **Review Data Associated with Current Appellate Court Time Standards, including Rule-Based and Model Time Standards**

Charge One of AOSC 1632, looks appellate court time standards, including rule-based and model time standards, and develop policies and procedures to improve meeting those time standards. The model time standards provide reasonably achievable time to disposition for both intermediate appellate courts and courts of last resort. They are intended to provide a sufficient challenge for the courts to aspire to in improving their time to disposition yet should also be viewed as reasonable by the courts themselves. They are currently expected to be at least partially achievable by about one-third of the state appellate courts and represent a challenge that all appellate courts should strive to attain. Part of the discussion looked at the current timeframes and compared them to the national standards. Federal courts have identified three major timeframes. They include, Case Types, Starting Event and Ending event. Also discussed were some data charts that depict both the Florida and national time standards found on page 29 of the meeting materials. Judge Salter pointed out that Rule 2.250 does not speak to the life cycle of a case and does not take in to account the time period from oral argument to the disposition of the case. Also discussed was should the rule mention take this timeframe into account. There may be a need to possibly look at additional data that consists of longer trends of time. It appears that the district courts are within those timeframes compared to national standards. The challenge to changing the 180-day rule incentive is this is a one size fits all. The experience is that the different types of cases have different workload implications. Also, this does not take into account motions for re-hearing as well as the time that go on between the disposition and the mandate. Other members concurred that there is no reason to change the rule.

VI. **Discuss Performance Indicators for an Online Dashboard**

Several issues concerning the creation of an appellate dashboard for the public to view were discussed. Currently, there is no information posted online regarding appellate courts caseload or performance (aside from the annual caseload statistics by the Florida Supreme Court). The dashboard should be a good indicator of the volume of cases as well as be easy for the public to view and understand. The simplest form of a dashboard should be year-to-date cases filed and disposed. Judge Salter discussed the materials found on Page 38-39 of the meeting materials that include a sample of categories that would be included on and online dashboard. This includes the information the US Courts of Appeal issue. Instead of using a dashboard, they direct you to a website that has case statistics. Page 40 of the materials shows the details of their data. The dashboard, consistent with the re-design of the five DCA websites, should have summary data that is easy to maintain. The members agreed that Filling to OA Conference and OA
Conference to Disposition should not be listed as categories on the dashboard because these types of cases run on a different time track.

VII. Discuss Performance Indicators for Postconviction Cases

The members discussed whether the post-conviction data is affected by the filing of frivolous pro se motions. Staff provided some partial information in relation to the frequency of which Bar and Spencer orders are filed. On page 112 of the meeting materials, there is some additional information that Lonn was able to gather from the five DCA Clerks pertaining to how they track the use of these orders. There appears to be some ambiguity on how they are counted. They should be some discussion on instituting a uniform way to track these orders to see how often they are utilized and if they are effective. Judge May add that the perspective of post-conviction orders are different with Department of Corrections personnel compared to the judiciary that results into nothing being done to deter the way these orders are frequently filed. One idea discusses was coming up with specific codes in IDCA to use with the intent of tracking frivolous filings. This Commission will determine what, if anything should be changed and should a parameter for a time standard be set. Judge Salter added that consolidating the best practices and urging each DCA to adhere to them is the best this Commission is going to be able to do. Judge May is going to talk to her Director of Central Staff about ideas of efficiency and share an excel spreadsheet on with the members.

VIII. Other Business

The next DCAP&A meeting will be an in-person meeting possibly in March or April. During this meeting, we will wrap-up the charges of this term and provide suggestions on any new projects during the next term of the chief justice. Judge Salter thanked the members for their participation.

With no further business, the meeting was adjourned at 3:32 p.m.