I. Welcome and Introductions

Judge Moreland called the meeting to order at 12:15 p.m. and welcomed the members and participants on the call.

II. Approval of November 15, 2018 Minutes (Decision Needed)

Judge Masters moved to approve the minutes. Judge Moseley seconded the motion. The minutes were approved without modification.

III. Review of the Charged for the 2018-2020 Term

Lindsay reviewed AOSC18-19 and the charges with the members as well as any potential action items that may stem from them. During the 2018-20 term, TCP&A is expected to perform the following tasks:

1. In support of Goal 1.2 (Ensure the fair and timely resolution of all cases through effective case management) and Goal 1.3 (Utilize caseload and other workload information to manage resources and promote accountability), continue the development of recommendations on the Trial Court Performance Management Framework. Specifically, the Commission shall establish a data quality workgroup to a) improve overall confidence in data and, if time permits, b) consider whether the starting point of time standards should begin once judicial action commences as opposed to indictment, information, petition, or complaint filing date, and c) consider if there should be new time standards for how long litigants have to wait for a hearing, a trial, or a ruling.

2. In support of Goal 4.3 (Create a compatible technology infrastructure to improve case management and meet the needs of the judicial branch and the court users), the Commission shall continue the implementation of Uniform Case Reporting based on the schedule approved by the Court.

3. In support of Goal 2.5 (Reduce communication and language barriers to facilitate participation in court proceedings), the Commission shall continue to provide
governance support to the circuits in the implementation and use of virtual remote interpreting to facilitate language access.

4. In support of Goal 1.5 (Encourage the use of consistent practices, procedures, and forms statewide), the Commission shall continue to provide support to the Due Process Workgroup, a joint workgroup of the Trial Court Budget Commission and the Commission that is charged with identifying factors affecting the cost of providing court reporting, court interpreting, and expert witness services and developing comprehensive fiscal and operational recommendations to optimize due process services.

5. In support of Goal 1.3 (Utilize caseload and other workload information to manage resources and promote accountability), the Commission shall review secondary factors impacting judicial certification to determine if there are areas of inconsistency between the case weights and current judicial assignments. The Commission shall review rules 2.240(b)(1)(B) and 2.240(c), Florida Rules of Judicial Administration, to determine if there is a need to recommend any suggested modifications.

6. In support of Goal 3.3 (Communicate effectively with all branches and levels of government of justice system issues), the Commission shall continue to assist the judicial branch as it responds to performance and accountability-related statutory requirements and requests by the Florida Legislature and the Office of the Governor.

IV. Data Quality Workgroup

The Data Quality Workgroup (Workgroup) stems from a report submitted to the court in October 2018 by the Performance Management Workgroup (PMW) term titled, *Recommendations to Improve Performance Management in Florida’s Trial Courts*. Recommendation One of their report established the Workgroup with addressing the accuracy of data used by the court. In the interim the PMW recommended the Workgroup temporarily postpone the establishment of baseline data and benchmarks for measuring Time to Disposition, Clearance Rates, and Age of Active Pending Caseload. The Court modified Charge One of the recommendation to include that the Workgroup begin their data improvement efforts with the data elements identified in the Uniform Case Reporting project. The court also added that low confidence in the data be qualified to apply on as necessary to those publications that use data from the clerk case management system.

Following this directive, Judge Moreland created the workgroup and appointed Judge Bailey to chair the group. Currently, the workgroup is in the process of appointing the other members that will ensure good representation from around the state, including members from the Clerk of Court perspective. The Workgroup is planning to have its first meeting in February.

Member Comments

The members discussed the report and recommendations, commending the Workgroup on their consideration of the issues. Judge Masters added that one are the workgroup should look at the area in software used by the counties might play into inaccuracies in data collected by the court. Judge Moreland added that there is not issue off the table for the Workgroup. She also added that Judge Bailey is embracing the idea that the
Workgroup is be looking at the outliers from the intra-circuit challenges, but those outside the circuits as well.

V. **Online Dispute Resolution Workgroup**

The Online Dispute Resolution (ODR) Workgroup submitted a report to the court titled *Online Dispute Resolution in Florida’s Trial Courts*, This was a joint workgroup of the Commission on Trial Court Performance and Accountability and the Committee on Alternative Dispute Resolution Rules and Policy. The court approved the report on October 31, 2018 that consisted of the following recommendations:

1) Authorize a pilot to study the application of ODR in Florida’s trial court small claims cases;

2) Communicate to the trial court chief judges and clerks of court the scope and intent of the ODR pilot and emphasize the need for continued compliance with existing court rules and statutes governing court-connected mediation; and

3) Direct a legal analysis of ODR as a method of dispute resolution for court-connected cases.

In addition to the recommendation, the court added that it wanted the workgroup to oversee the establishment of one or more pilot projects to study the application of ODR for a variety of case types not limited to, small claims, family, and civil traffic, Measure and report the findings of the pilot and provide a progress report to the court by June 30, 2019. The ODR workgroup, with Judge Stone appointed chair, held an in-person meeting on January 3rd and a conference call on January 9th. The ODR discussed the scope and parameters of the pilot, which case types to test, and the circuits that are interested in participating in the pilot.

VI. **Updates of Interest**

A. **Court Statistics and Workload Committee**

In September of 2018, judge Moreland re-established the Court Statistics and Workload Committee for the 2018-20 term. The workgroup is chaired by Judge Alessandroni. CSWC does not have any specific charges for this term. They are focused on implementing the Uniform Case Reporting (UCR) project. On December, they held their first meeting if the term where the provided updates to the UCR project. There are other areas of interest that CSWC me be asked to provide guidance on issued related to Risk Protection Orders, CAPS functional Standards and referrals from the Data Quality Workgroup.

B. **Shared Remote Interpreting Governance Committee**

Shared Remote Interpreting Governance Committee was established to oversee the management and administration of shared remote interpreting services in the
trial courts. When the committee was established, it identified the distinct phases toward implementing VRI.

**Phase I** - “point-to-point” pre-scheduled service (e.g., the certified interpreter obtains a list of courtrooms needing VRI services and manually dials in from his/her desktop at the time the interpreting service is needed).

**Phase II** - The idea is to build on this capability to allow “multi-point” conferences for remote first appearances

**Phase III** - For calls to be placed on-demand from the courtroom

Full implementation of all three phases will allow judges the ability to call certified Spanish, Haitian-Creole, and ASL interpreters on demand, directly from the courtroom. Since the model requires circuits to share interpreters via a statewide pool, the Governance Committee will continue to assist in the management and operation of the pool as more courtrooms come online. In the interim, we have experienced a few technical challenges but are actively working through them and are continuing on the path of implementing Phases II and III. In the interim, circuits are continuing to use the VRI technology for pre-scheduled events and are continuing to install new equipment in courtrooms.

**C. Criminal Punishment Code Digital Scoresheet**

The Criminal Court Steering Committee (Committee) asked TCP&A (Commission) to recommend, if necessary, proposed changes to the Criminal Punishment Code scoresheet. The link that staff sent out gives a summary of the change. It appears that the content of the content of the scoresheet does not change, only the filing process. After some discussion on this issue, Judge Johnson motion to add some language that says, “We understand that this replaces on the physical delivery of the item, not any rules, procedures or protections provided by statute or rule”. Judge Masters seconded the motion. The motion was approved. Staff will to add the additional language in a letter, pre. The members believe this statement will lessen any confusion that may happen when methods are digitized and agree that digitization of this process will lead to a more accurate scoresheet being filed.

**D. Recommendations from the Judicial Management Council’s Work Group on County Court Jurisdiction**

Lindsay advised the members that the Work Group completed work and advanced their report, consisting of 12 recommendations to the Judicial Management Council (Council). The Council concurred with the recommendations and forwarded them to the court for consideration on December 12, 2018. The approved recommendations begin on page 19 of the meeting materials. The underlined portion at the end of the recommendations reflects the court action on the recommendation. The court recognized that the recommendations a, as part of charge 3, can be perused without legislative action. The member also discussed SB 328, which changed the jurisdiction limit from $25,000 to $50,000 for
insurance cases. Staff will continue to update the commission as the bill progress through the legislature.

VII. Other Business

Judge Moreland thank the members for their participation on the call and mentioned that staff would be in touch soon concerning possible dates for the next TCP&A meeting.

There being no further business before the Commission, the meeting was adjourned at 1:11 p.m.