



December 2015

Report No. 15-13

# A Review of Florida Circuit Courts

## *at a glance*

Florida's 20 circuit courts use various nationally-recognized practices to facilitate efficient case management, including technology such as e-filing. The courts' transition to a technology-driven environment has encountered challenges.

The 67 clerks of court each maintain the court's official records in a case maintenance system (CMS). The circuit courts are developing software systems that import data from these CMSs, display it uniformly within the circuit, and add functions such as the ability to search, notate, and sign records, and monitor cases and caseloads. The Office of the State Courts Administrator (OSCA) is building a statewide system to import data from these local systems and the clerks' centralized case information system for the courts' use in monitoring and improving case management and court performance.

Nationwide, there is no standard formula for determining the appropriate number of court staff; Florida's Trial Court Budget Commission uses a variety of methods to determine staffing levels. While a need for additional case managers and staff attorneys has been identified, the commission may wish to refine its approach to staffing need projections.

Judicial and court staff training is designed to meet statutory and professional standards and occurs almost exclusively in-state through structured conferences. Like other states, Florida may wish to increase its distance education opportunities.

## Scope

[Chapter 2015-232](#), *Laws of Florida*, directs OPPAGA to conduct a review of the state courts system at the circuit level, including staffing; an evaluation of the efficiency and effectiveness of court administration; an assessment of the court's case processing and recommendations to improve efficiency; and to examine the use of training and travel funds for judges and staff.<sup>1</sup>

## Background

Article V of the *Florida Constitution* establishes the state courts system.<sup>2</sup> The system is composed of the Supreme Court, district courts of appeal, and circuit and county courts. The Supreme Court and the district courts of appeal have primarily appellate jurisdiction; circuit and county courts conduct hearings and trials and dispose of other cases.

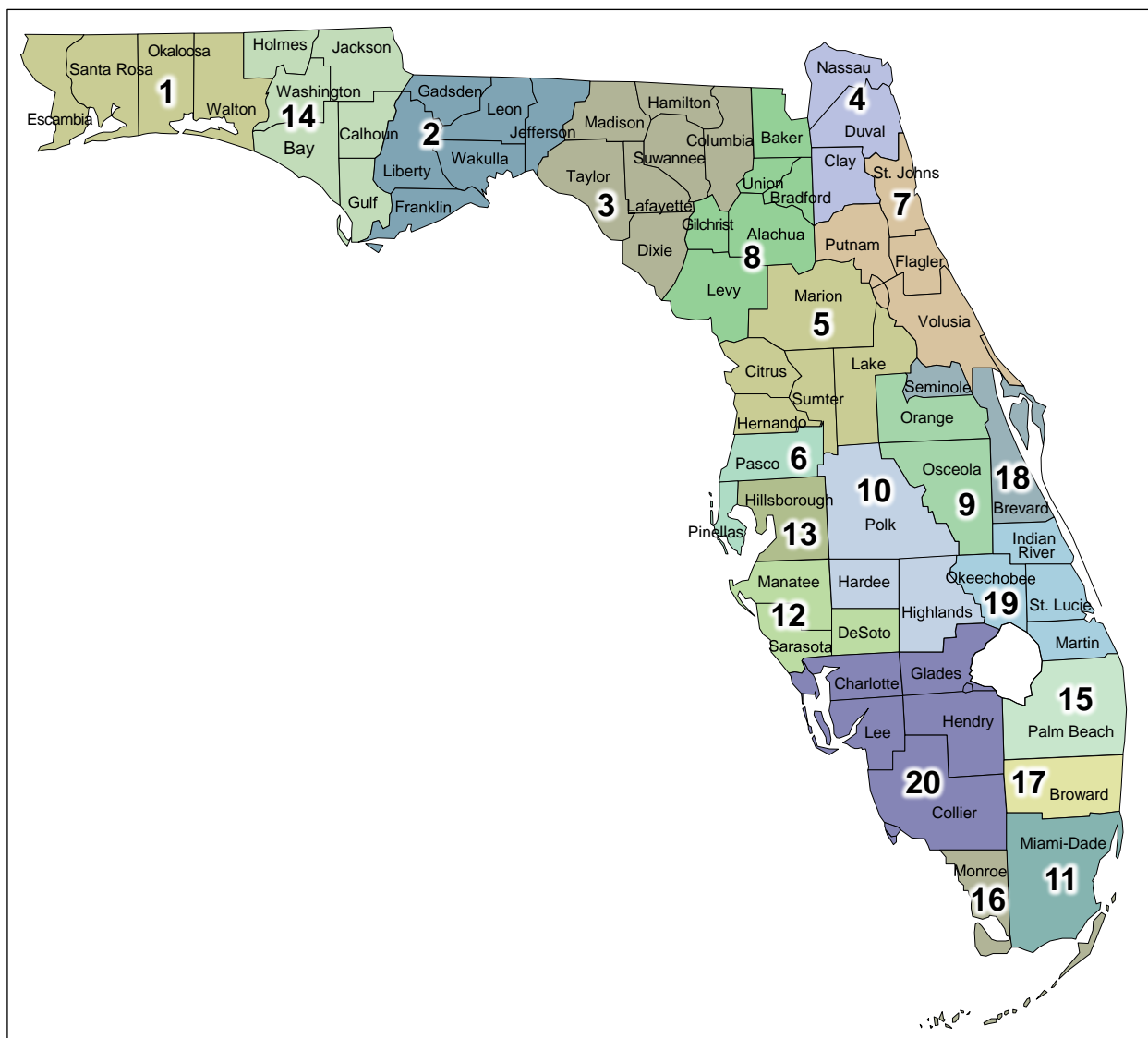
This review addresses the 20 circuit courts, which consist of one or more counties. (See Exhibit 1.) Circuit courts have general trial jurisdiction over matters not assigned by statute to the county courts. Circuit courts also hear appeals from county court cases. The jurisdiction of circuit courts includes, in part, civil disputes involving more than \$15,000, cases relating to juveniles, criminal prosecutions for all felonies, family law, probate, and tax disputes.

<sup>1</sup> See proviso language pertaining to funds in Specific Appropriations 2667 and 2668. This proviso also directs OPPAGA to assess the structure, function, and effectiveness of the Judicial Qualifications Commission, which we address in [OPPAGA Report No. 15-12](#).

<sup>2</sup> [Article V](#), *Florida Constitution*.

## Exhibit 1

### Florida is Divided Into 20 Judicial Circuits



Source: OPPAGA analysis.

Reflecting these responsibilities, the legal work of the circuit courts is grouped into four main categories, or divisions: family, civil, criminal, and probate. As shown in Exhibit 2, there were over 770,800 filings in Florida circuit courts during Fiscal Year 2013-14.<sup>3</sup> The highest percentage of cases, 36.5%, was filed in family court, which includes domestic relations, juvenile delinquency, juvenile dependency, and termination of parental rights.

<sup>3</sup> Filings are the commencement of judicial proceedings by entering a charging document, complaint, or petition into the official record of a court.

## Exhibit 2

### There Were Over 770,800 Filings in Florida Circuit Courts in Fiscal Year 2013-14

Case Type	Total Filings	Percentage of All Filings
Family	281,168	36.5%
Civil	198,858	25.8%
Criminal	176,768	22.9%
Probate	114,046	14.8%
<b>Total</b>	<b>770,840</b>	<b>100%</b>

Source: *Florida's Trial Courts Statistical Reference Guide*. Fiscal Year 2013-14, Office of the State Courts Administrator.

Each circuit is headed by a circuit judge who is selected by a majority of the circuit and county court judges to serve a two-year term as chief judge.<sup>4</sup> The chief judge is responsible for court administration, including setting circuit policy consistent with judicial branch policy, assigning judges to divisions, assigning cases to divisions, and regulating the use of all court facilities. Chief judges also serve as liaisons to the county commissions.

Chief judges delegate many duties to their court administrators. Every circuit has a court administrator who is selected and removed by the chief judge subject to concurrence by a majority vote of the circuit and county judges of the circuit.<sup>5</sup> In most (14) circuits, the chief judge delegates to the court administrator, supervision of all court employees except the judges and the general counsel, if there is one. In the other circuits, chief judges also oversee other lawyers such as magistrates, hearing officers, and staff attorneys.<sup>6,7</sup>

Court administrators have many responsibilities. They manage operations such as courtroom scheduling, facilities management, case flow, statistical analysis, inter-branch and intergovernmental relations, technology planning, jury oversight, public information, and emergency planning. They also oversee court business operations, including personnel, planning and budgeting, finance and accounting, purchasing, property, and records. Court administrators also manage court reporting, court interpreters, expert witnesses, staff attorneys, magistrates and hearing officers, mediation, and case management.

The county clerks of court maintain all official court-related documents. In addition to their other duties, these 67 elected constitutional officers keep court dockets and records of court proceedings, orders, and final judgments.<sup>8,9</sup>

<sup>4</sup> [Article V](#), s. 2(d), *Florida Constitution*; see also Rule 2.215(c), *Florida Rules of Judicial Administration*. A chief judge may serve up to a total of four terms, or eight years.

<sup>5</sup> Rule 2.215(d), *Florida Rules of Judicial Administration*.

<sup>6</sup> In Circuit 10, the organization chart shows the chief judge supervising all staff.

<sup>7</sup> Every judge selects, hires, and supervises his or her own judicial assistant.

<sup>8</sup> [Chapter 28](#), *F.S.*

To review circuit court administration and case management practices we conducted site visits to 8 judicial circuits and phone interviews with the remaining 12 circuits.<sup>10</sup> We spoke with and received information from chief judges and court staff, including court administrators, case managers, staff attorneys, and technology staff. We also surveyed the circuit judges and received responses from 469, an 80% response rate.

## Court and Case Administration

### *Florida circuits use many nationally recognized practices for court administration*

National literature identifies several practices for allocating judicial time and workload efficiently and effectively. These include using judges and court staff in ways that optimize judicial time and facilitate efficient case management and using technology to deliver court services. Florida circuits are using many of these practices.<sup>11</sup>

Florida circuits use practices to optimize judicial time and facilitate efficient case management. For example, chief judges in 17 of the 20 circuits designate administrative judges to lead divisions or oversee the circuit work within one of the circuit's counties. These administrative judges assume responsibility for ensuring that cases within their assigned area are resolved efficiently.<sup>12</sup>

<sup>9</sup> The clerks may also serve as clerk and accountant to the board of county commissioners, county auditor, and as an agent of the Florida Department of Revenue. Clerks also collect money for certain services, such as filing fees, fines, and child support payments.

<sup>10</sup> We conducted site visits to circuits 2, 3, 4, 8, 11, 12, 18, and 20.

<sup>11</sup> Additional practices discussed in national literature for increasing efficiency and effectiveness will be discussed in later sections of the report, including adopting and adhering to case time standards, using proactive case management to move cases, and assisting self-represented litigants.

<sup>12</sup> Three circuits do not use administrative judges: Circuit 3 (with 7 circuit judges who cover 7 counties), Circuit 14 (with 11 circuit judges who cover 6 counties), and Circuit 16 (with 4 circuit judges who cover 3 courthouses in the Florida Keys and Monroe County). Due to these small numbers, the chief judge performs this function.

Also, chief judges in 19 circuits assign judges to work in more than one division.<sup>13</sup> Assigning judges across divisions facilitates workload management and is particularly useful in smaller circuits. Circuits also use retired judges to help with backlogs or lengthy trials and county judges in cases of absence, conflict of interest, or scheduling problems as another way to provide backup for circuit judges.

All twenty Florida circuits use magistrates, hearing officers, and mediators to assist the circuit judges. Under the supervision of a judge, magistrates and hearing officers perform quasi-judicial functions such as hearing cases and providing recommended orders for judicial review. Final orders are signed by the judge. Mediators are neutral parties that help litigants resolve their own cases through agreements signed by the judge.

Florida circuits use technology to deliver court services. Two mandated court services, court reporting and court interpreting, have been changed through the use of technology. For the past 10 years, Florida has used digital court reporting, which allows one reporter to monitor recording units in multiple courtrooms instead of having one stenographer in each courtroom. Circuits rely on this technology, although stenographers are still used in some cases, such as those involving the death penalty. In 2009, the 8<sup>th</sup> Circuit developed in-house, free software called OpenCourt that is currently being used by 9 circuits to digitally record court proceedings.<sup>14</sup> Sharing of this software is a promising practice that may be advantageous to other circuits.

Another mandated court service that benefits from technology is interpreting, which provides speech and written interpretive services to defendants who are hearing-impaired or need help understanding court proceedings conducted in English. Several circuits reported a shortage of interpreters.

Remote interpreting through a video link allows courts to use the services of an interpreter in another location. Six circuits are conducting a remote interpreter pilot project in which they share interpreters.<sup>15</sup> For example, the 9<sup>th</sup> Circuit (Orange and Osceola counties) may have local interpreters who can remotely serve Key West, in the 16<sup>th</sup> Circuit, saving time and travel expenses. Depending on the results of the pilot, this approach could be a promising practice that shares limited interpreting resources and reduces costs.

### ***Court transition to a technology-driven environment has encountered challenges***

In Florida, the legislative mandate to electronically file court records accelerated the court and clerks' transition to an electronic environment, which has the potential to improve the efficiency of daily court and clerk operations and to provide the data needed to assess court performance. The county clerks manage court documents through electronic case maintenance systems, but these systems vary across the 67 counties and do not provide all of the functionality needed to conduct judicial activities. To address these limitations, courts have purchased or developed software known as Court Application Processing Systems (CAPS) or judicial viewers, that are in various stages of development and implementation across the state. In addition, the Office of the State Courts Administrator (OSCA) is building a statewide data management system of clerk, court, and other data designed to allow the state and circuits to uniformly access court activity and case information for process improvement and court operations management.

E-filing is transitioning courts to electronic documents. In e-filing, parties to a case use an official web portal to electronically file court

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<sup>13</sup> Circuit 4 (Clay, Duval, and Nassau counties) has 55 judges, and they are not assigned across divisions.

<sup>14</sup> The 9 circuits that use OpenCourt are circuits 2, 3, 6, 7, 8, 10, 14, 18, and 19.

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<sup>15</sup> Virtual remote interpreting pilot participants include Circuit 3 (Columbia and Suwannee counties), Circuit 7 (Flagler, Putnam, and Volusia counties), Circuit 9 (Orange and Osceola counties), Circuit 14 (Bay County), Circuit 15 (Palm Beach County), and Circuit 16 (Monroe County).

documents.<sup>16</sup> The transition to electronic filing began in 2009 when the Legislature directed the clerks of court to implement an e-filing process with direction from the Supreme Court. E-filing was phased in over the next few years, with the portal opening in 2011 and the court gradually requiring that attorneys in each division use it. Now all divisions use the portal, and the types of users have expanded to include judges, mediators, mental health providers, process servers, law enforcement, and self-represented litigants. As of August 2015, over 94,500 users had filed more than 45 million submissions through the portal.

As each document is filed in the portal, it is also electronically delivered to the other parties in the case. The filed document goes to the receiving clerk's office to be docketed and entered into the clerk's case maintenance system. E-filing provides several benefits to users, including the ability to submit documents from any location at any time of day and reduced costs for paper, printing, transport, and storage. For the clerks and court, electronically filed records increase processing speed and accuracy and provide similar savings in printing and storage costs.

The Florida Courts E-Filing Authority, comprised of eight county clerks and the Clerk of the Supreme Court, continues to refine and improve e-filing by adding users and addressing technical issues. For example, it addressed the lack of standardization in civil case types from county to county and made upgrades to make filing easier for users.

Clerks manage court-related data through case maintenance systems. Accurate and reliable case data is critical to the court's ability to track, process, and manage cases and caseloads. The 67 elected county clerks are responsible for maintaining the records of the court. However, the proliferation of electronic documents and the implementation of varying systems to transfer and manage these records

have made the sharing of information between the clerks and the courts an ongoing challenge.

As records became electronic, county clerks of court developed or acquired electronic case maintenance systems (CMSs). These systems help clerks perform their ministerial duties for the courts, the state (such as collecting court-ordered child support, fines, and fees), and their counties (such as recording deeds and serving as clerk and accountant to the county commission).

The CMSs maintain all official court documents and records, including filings, dispositions, assigned judges, motions, and parties to a case and are used to generate judges' court dockets. When court documents are filed electronically, the actual record or image resides within the clerk's CMS. When paper records are presented to the clerk, the clerk scans them so that they too become electronic and are stored in the CMS.

Clerks use CMSs to report data on filings and dispositions to OSCA and to provide electronic documents and reports to judges and other staff for their case work. Judges in some counties use periodic reports provided by their clerk to monitor their caseloads, whereas judges in other counties voiced concern about the accuracy of the case data, including improperly assigned cases, backlogs in document scanning, and varying definitions between clerks and courts on how re-opened cases should be designated in the system.

Data from the clerks' CMSs are sent to the clerks' Comprehensive Case Information System (CCIS), a secure, single point of search for statewide court case information. Additionally, information that may be accessed through CCIS includes official records, and information used by multiple entities, such as traffic citations. Users of CCIS include OSCA, state and local law enforcement, and state agencies. The clerks are currently implementing a major system upgrade to CCIS, which is scheduled for completion in the spring of 2016. According to the Florida Association of Court Clerks and Comptrollers,

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<sup>16</sup> [Florida Courts E-Filing Portal](#).



this upgrade will provide real-time updates, add data elements, and improve data quality.

Each clerk designed or purchased a CMS prior to the implementation of e-filing, and although each clerk needed to collect and provide the same types of court information, there was no statewide approach for purchasing the equipment or standardized technical criteria the systems were required to meet.<sup>17</sup> There are now 14 different kinds of CMS software in use across the 67 counties, some developed in-house and the majority purchased from vendors.

Each CMS may store, code, and present case data in different ways. The lack of standardization among the systems can be a problem for judges and court staff in multi-county circuits who must use data and records from multiple CMSs. Since the courts are dependent on the clerks for access to these official electronic case records, the circuits may have inconsistent access to the data they need for case management and other purposes.

Further, CMSs were designed so that each document can be viewed and labeled, functions clerks need to fulfill their obligation to record and archive each court record, but they do not have all the functions that the court needs to manage cases and judicial workloads. For example, judges generally cannot view multiple case records at a time, and cannot search the files, make notes in documents, use filed documents to create orders, or use electronic signatures to complete orders at the bench. Some judges have limited ability to use links, search, or annotate electronic documents because of the way in which clerks store files that are submitted through the portal.<sup>18</sup>

Judicial viewers are being implemented across circuits with varying levels of functionality. In response to the need for consistent access to case data and additional functionality to manage cases and judicial workload, the circuits purchased or developed the Court Application Processing Systems (CAPS), also referred to as judicial viewers. CAPS is a software application that extracts data from the different clerks' CMSs and displays it electronically in a uniform fashion. In a multi-county circuit, such as the 8<sup>th</sup> Circuit, a judicial viewer accesses electronic files and case data from CMSs in six counties and displays information in a standardized format.<sup>19</sup> Viewers also provide additional functionality for the courts, allowing them to create, revise, annotate, or search documents, as well as generate reports on topics such as the age of a case or the last action taken, instead of relying on periodic case printouts from clerks.

The national housing crisis accelerated CAPS development. In response to the mounting number of foreclosure cases, the Legislature allocated a portion of National Mortgage Foreclosure Settlement funds to the court for staff and CAPS technology to identify and track backlogged cases. Using these funds, 10 circuits purchased CAPS software and associated technical support from a vendor and 10 used software developed in-house to monitor foreclosure cases in the civil division.<sup>20</sup> While this approach allowed circuits to choose an approach appropriate to their technical capabilities and facilitated the advancement of the software, it resulted in eight different viewers (six developed in-house and two developed by vendors).

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these document functions; at the time of our review, a date for completion had not been set.

<sup>17</sup> According to officials from the Florida Association of Court Clerks and Comptrollers, clerks have drafted functional requirements for new and revised case maintenance systems.

<sup>18</sup> When court documents were paper records, the court authorized the clerks to scan them to create an electronic image. This imaging format does not work well with electronic documents submitted through e-filing because it does not retain links and other features included in the submitted files. The clerks are researching ways to change the format to retain

<sup>19</sup> The first judicial viewer was developed in the multi-county Circuit 12 by the court administrator and the Manatee clerk of court collaborating with Mentis, a vendor who supplied the court other software, with the understanding that the product would be made available to other circuits as freeware. The vendor honored the agreement but went on to enhance the product and sell the improved version to other circuits.

<sup>20</sup> Some circuits have used or modified in-house viewers developed by Circuits 8 and 13.

To provide standardization, the court developed minimum functional CAPS' standards, including the requirement that every viewer must be certified as meeting the standards every two years. The standards continue to be upgraded to reflect the evolution of the viewers to meet circuit needs. The first generation of viewers gave judges the capability to view and search documents electronically. Later standards required more features. For example, the 2014 CAPS re-certification requirements include

- electronic signatures with a date, time stamp, and case number, making it possible to e-file court orders from the bench;
- the ability to populate case management forms with existing data to save data entry time and reduce the potential for error;
- performance reporting, including data on timeliness; and
- improved court calendaring.

Some viewers already have these features, but in only 9 circuits are all counties' viewers fully certified as having met the new standards. The judges in our survey who used viewers reported some specific benefits. For example, 76% of respondents who used viewers reported that they were able to obtain data reports about their cases. However, almost half of responding judges said they had experienced some problems using the viewers; the most common issues identified were that documents were slow to load to the viewer and the software was not user-friendly.

As of November 2015, not all judges had access to a CAPS viewer. In our survey, 63% of respondents reported using a viewer. OSCA reports that 223 additional software licenses are needed to cover all judges and 86 more to include all magistrates and hearing officers.<sup>21</sup> Judges without viewers are not able to create, revise, annotate, or search electronic court records; pull up multiple records at once on the bench; or generate their own reports for monitoring cases.

Technology provides promising practices that some circuits are using and others may wish to consider. For example, the 12<sup>th</sup> Circuit is using an electronic calendaring function to set blocks of court time and allow litigants to book them online; this practice allows the judicial assistants to focus more time on performing other functions for judges.

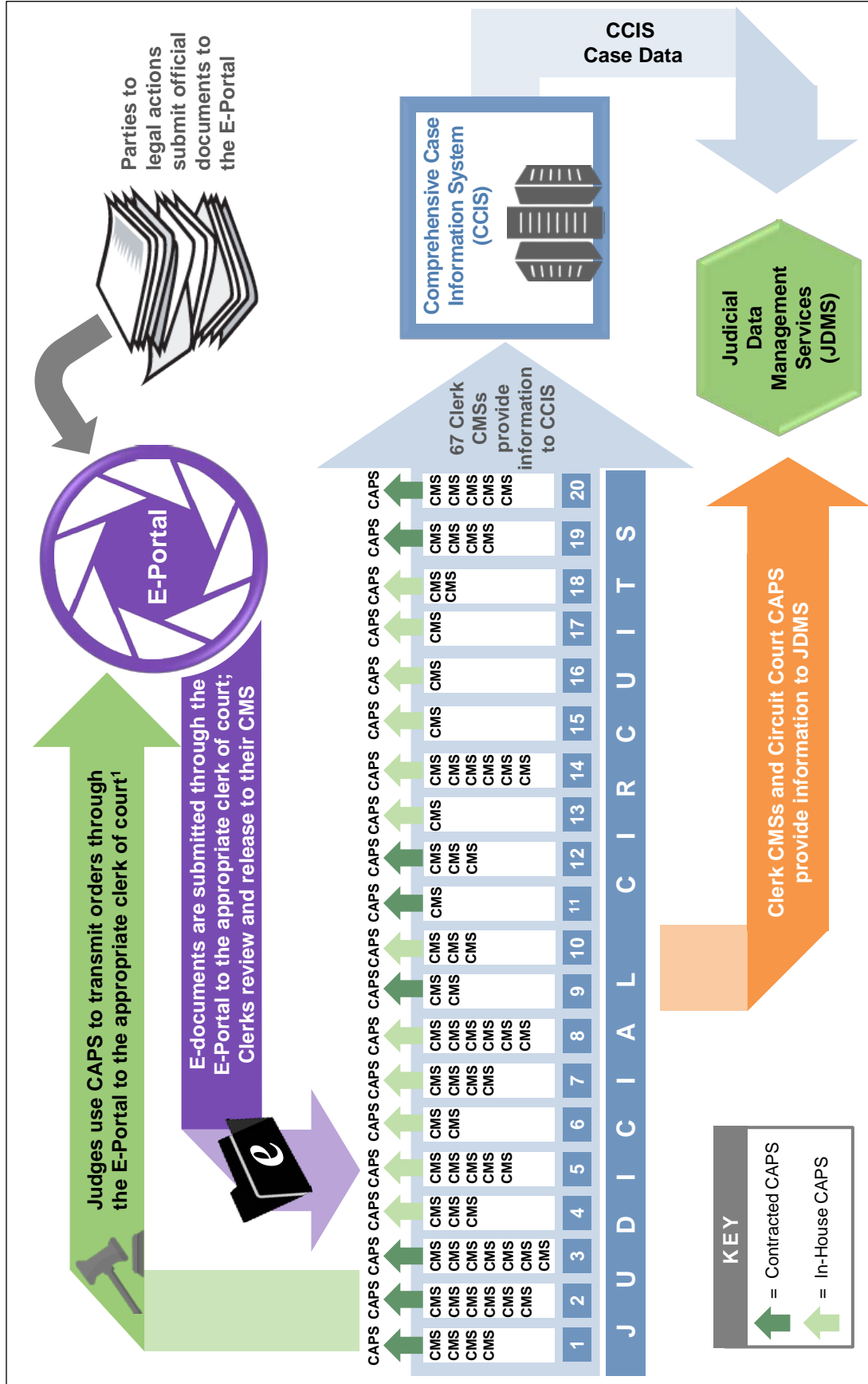
Also, some circuits have purchased portable technology, such as laptops or tablets, that allows judges to use one piece of equipment as they move from their desk to the bench to home, thereby reducing the need to pay for and maintain multiple computers. In addition, some circuits use this portable technology or other remote access to allow judges to work at other locations, such as juvenile detention facilities for hearings, or to work from home after regular hours. Remote access can be useful when judges are taking their turn as duty judge to respond to requests from law enforcement during nights and weekends. With remote access that provides e-signatures, a judge can receive a warrant request at home, draft, sign, and return it to the officer without the officer driving to the judge.<sup>22</sup>

Since CAPS are limited to accessing circuit-level information, OSCA is building a statewide judicial data management system. OSCA is in the process of developing a statewide data management system to further enable circuits and the state to attain consistent access to court information they believe is necessary to improve case processing and court performance. The Judicial Data Management Services (JDMS) project will create a database of case-specific information by importing data from the clerks' CCIS, CMSs, as well as other relevant data sources. JDMS is designed to incorporate data from the judicial viewers and information that is not included in the clerk's data, such as the use of court reporters, interpreters, and experts. OSCA staff reported that when implemented, JDMS will include a correction feedback feature to help address any discrepancies or inaccuracies in the imported data.

<sup>21</sup> Since viewers were initially provided to the civil divisions, in some circuits viewers are still not available in other divisions. The 10 circuits that designed in-house software were able to provide it to all judges in their circuit.

<sup>22</sup> Sections [901.02\(3\)\(a\)](#) and [933.07\(3\)\(a\)](#), F.S.

**Exhibit 3**  
**Court Records Are Used in Many Data Systems**



<sup>1</sup> Not all Court Application Processing Systems (CAPS) have this capability yet.

Source: OPPAGA analysis of court and clerk information.



OSCA staff reported that having a court-operated system will allow them to access or provide court-related data at any time at both the circuit and the state level. This would allow the courts to identify potential problems and take corrective actions; to evaluate case efficiency and performance; and make data-driven management and policy decisions. Whereas CMSs generally provide data for a point in time, OSCA staff plan to use JDMS to build a historical database to facilitate comparisons and analysis over time.

According to the JDMS Project Plan, the project currently is consolidating existing data sources and expanding the technology the court developed to track and manage foreclosure cases to include all case types.<sup>23</sup> That technology enabled the court to measure the age of pending cases, time to disposition, and clearance rate; and analyze data by case, judge, and circuit.<sup>24</sup>

### ***Statewide use of performance data is limited***

National literature encourages courts to assess their performance to improve operations and identify and address emerging issues. The efficiency of case management is generally measured by three key metrics: clearance rates, age of pending caseloads, and time to case disposition. While the Office of the State Courts Administrator measures clearance rates, it does not have the statewide case-by-case data needed to measure the age of pending caseloads and time to case disposition, except for foreclosure cases. Some circuits have begun using this kind of data to manage their court processes but many circuits do not yet have that data management capability.

Performance measures assess efficiency and support data-driven management and policy decisions. Court performance measures assess efficiency, effectiveness, and productivity. Performance data provides empirical information to court staff, justice system partners,

policymakers, and the public and allows judges and court administrators to identify and implement best-practices.

The National Center for State Courts developed CourTools, a model set of performance measures to assist courts in evaluating their core functions. CourTools measure several aspects of court administration; however, implementing all these metrics requires considerable resources and statewide data. Most states limit their focus to those measures pertaining to efficient case management.

OSCA tracks statewide filings, dispositions, and clearance rate information. Three CourTools metrics for measuring the efficiency of case management are clearance rates, time to disposition, and age of pending caseload. OSCA tracks case filings and dispositions and uses them to determine clearance rates.<sup>25</sup> However, on a statewide basis, the courts system generally does not yet have the capacity to measure time to disposition and age of pending caseload, which require case-specific information, across divisions and circuits.

Clearance rates measure whether the court is keeping up with its incoming caseload. This rate is calculated as the number of outgoing cases as a percentage of the number of incoming cases. Courts aspire to dispose of as many cases as they take in and thereby achieve a clearance rate of 100% or higher. Otherwise, a potential backlog is being created and an accumulation of unresolved cases may lead to delay. Clearance rates can be compared within and among courts for all case types, from month to month or from year to year, although annual rates should be compared over a period of five or more years to identify trends.

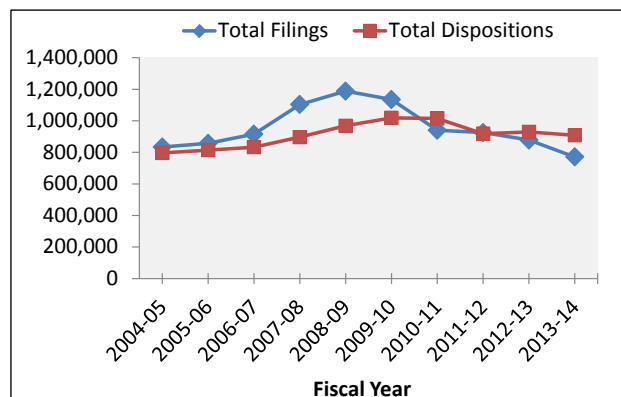
As shown in Exhibit 4, the statewide clearance rate for Fiscal Year 2013-14 (the most recent data) shows the courts disposing of slightly more cases than were filed.

<sup>23</sup> In Fiscal Year 2015-16, the Legislature appropriated OSCA \$341,000 in recurring funds for four full-time staff for data management development and support and \$140,000 in non-recurring funds for contracted services. OSCA is not requesting additional funding for the JDMS project in its Fiscal Year 2016-17 Legislative Budget Request.

<sup>24</sup> OSCA's [JDMS Project Plan](#) and timeline is available on its [website](#).

<sup>25</sup> OSCA reports annually on these statistics, as well as type of disposition (i.e., plea, disposed before hearing, jury trial) in its *Florida's Trial Courts Statistical Reference Guide*, published in February of each year on its website.

#### Exhibit 4 Circuit Courts Disposed Slightly More Cases Than Were Filed<sup>1</sup>



<sup>1</sup> Data prior to 2010 does not include termination of parental rights cases.

Source: Florida Trial Courts Statistical Reference Guide 2013-14.

Over the past 10 years, the statewide clearance rate has varied by the type of case. While the annual clearance rates have remained relatively stable for criminal, family, and probate cases, rates for civil cases have varied, from a low of 54% during the start of the mortgage foreclosure crisis in Fiscal Year 2007-08 to a high of 172% for Fiscal Year 2013-14.

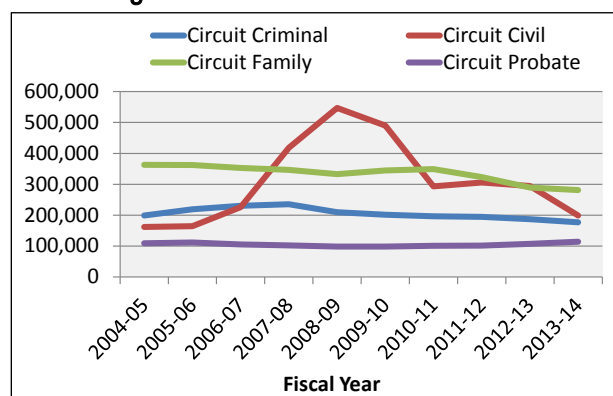
Clearance rates are important, but they do not provide a complete picture. It is possible to have a good clearance rate but in fact be processing the easier cases while harder cases linger. Additionally, clearance rates do not indicate the age of specific cases, thus circuits with similar clearance rates may vary greatly in terms of the time it takes to move a case from filing to final disposition. This may have significant impact, in both fiscal and social costs, such as defendants awaiting trial in local jails or families resolving child custody cases. That is why monitoring timeliness is a best practice.

One way that clearance rates can improve is if the number of filings decreases. Over the past 10 years, the overall number of circuit court filings has declined by 7.5%, from 833,730 in Fiscal Year 2004-05 to 770,840 in Fiscal Year 2013-14.<sup>26</sup> However, this trend has varied by the type of case and the circuit. Exhibit 5

<sup>26</sup> Data prior to 2010 does not include termination of parental rights cases.

presents court filings by division over the past 10 years. During this period, statewide family and criminal filings decreased by 22.6% and 11.2% respectively. However, probate filings increased by 4.1% and civil filings increased by 22.7%, reaching a historic high of 547,194 in Fiscal Year 2008-09 at the height of Florida's foreclosure crisis.

#### Exhibit 5 Filings Varied by Division and Are Generally Decreasing<sup>1</sup>



<sup>1</sup> Data prior to 2010 does not include termination of parental rights cases.

Source: Florida Trial Courts Statistical Reference Guide 2013-14.

Filings by circuit have varied as well. For example, from Fiscal Year 2004-05 to Fiscal Year 2013-14, total circuit court filings in the 13<sup>th</sup> Judicial Circuit (Hillsborough County) decreased by 16%, whereas in only one circuit, the 16<sup>th</sup> Circuit (Monroe County), did total case filings increase. The 16<sup>th</sup> Circuit is the smallest in the state with only four circuit judges.

Although the total number of filings has decreased over the last four years, other issues also affect workload. For example, some activities that are not counted as court filings may require a significant amount of court staff time, including reopened cases, post-conviction motions for relief, and probation revocation hearings. Judges also reported that some types of cases take longer due to revisions to the law that require additional judicial processes such as hearings, review of additional motions, and legal research.<sup>27</sup>

<sup>27</sup> In 2015, OSCA contracted with the National Center for State Courts, which is in the process of conducting a judicial time study that should provide additional information on case processing times.

OSCA currently cannot track statewide timeliness measures. CourTools recommends two measures for assessing the timeliness of case management: age of active caseload and time to disposition. The first, age of active caseload, measures how long individual cases have been in the court system at any given time. While this is a measure that chief judges in many circuits said they actively monitor, OSCA reports that it does not have the statewide capability to accurately track this case-level data, except in foreclosure cases.

The second timeliness metric, time to disposition, assesses whether the length of time from when a case is filed to when it is resolved meets established timeframes.<sup>28</sup> Clerks provide OSCA with reports of aggregated numbers of cases by circuit and division that exceed time standards. However, without case-specific data, the reports do not provide sufficient information to allow for in-depth data analysis.

If implemented as designed, JDMS could help OSCA use empirical evidence to identify circuits and divisions that are operating efficiently in terms of time to disposition. This information could be used to identify best practices in case processing. The Florida Supreme Court's Commission on Trial Court Performance and Accountability has established a work group to address several aspects of performance measurement. For the JDMS data to be effective in improving court management, performance, and accountability, this work group should continue to develop a plan to integrate performance measures into policies and management practices.

## Staffing

Florida's circuit courts are largely funded by the state, with some funding provided by the counties. States use a variety of methods to

determine court staffing needs, but standard staffing ratios do not exist. The courts have a mix of state- and county-funded staff that performs functions related to trial court operations and case processing. The Trial Court Budget Commission (TCBC), is charged by the Supreme Court to make budget and funding recommendations. The TCBC uses staffing models to identify needs for some state-funded positions. To more accurately identify the magnitude of staffing needs, the TCBC may need to consider revising its staffing models for some state-funded positions.

The state is responsible for funding most of the staff of the court system. Section 29.004, *Florida Statutes*, sets 14 elements of the state courts system that are funded from state revenues.<sup>29</sup> These elements include several functions that are provided through staff, including judges and their judicial assistants, magistrates, hearing officers, mediators, court administrators, staff attorneys, case managers, court reporters, and court interpreters. In some cases, circuits use contracted staff for various functions, such as court reporting and court interpreting, in lieu of full-time employees.

Florida statutes define state and local funding responsibilities for the courts.<sup>30</sup> Counties are required to fund the cost of communications services, existing radio systems, existing multiagency criminal justice information systems, and costs associated with the construction or lease, maintenance, utilities, and security for circuit and county court buildings. Counties also pay for the staff and expenses associated with local requirements, which refers to staff and expenses associated with specialized

<sup>28</sup> The Florida Supreme Court has adopted time to disposition standards that mirror those of the National Center for State Courts and National Bar Association. For example, civil non-jury cases should be disposed within 12 months from filing, and civil cases with a jury should be disposed within 18 months.

<sup>29</sup> These elements are judges; juror compensation and expense; court reporting and transcription services; construction or lease of facilities and related costs for the district courts of appeal and the Supreme Court; court interpreters and translators; expert witnesses appointed by the court pursuant to an express grant of statutory authority; judicial assistants, staff attorneys, and resource materials; general and special magistrates and hearing officers; court administration; case management; some mediation and arbitration; basic publicly accessible legal materials; the Judicial Qualifications Commission; and offices of the appellate clerks and marshals and appellate law libraries.

<sup>30</sup> Section 29.008, *F.S.*

local court programs, and any resources required as a result of special factors or circumstances within the county. Legal aid programs and alternative sanctions coordinators are both designated by law as local requirements.<sup>31</sup> There is also a provision in law that allows counties to enter into agreements with chief judges to fund personnel positions to assist in the operation of the circuit.<sup>32</sup> This provision does not require that these agreements be based on specialized local requirements, but it does provide that the Office of the State Courts Administrator cannot count positions funded through this section against any formula or similar process used to determine the personnel needs of a judicial circuit.

OSCA reported 3,541 personnel positions within the trial courts as of October 2015. OSCA reports that there were 3,541 state-funded full-time equivalent (FTE) positions in the circuit and county courts as of October 2015, including 921 judicial positions. (See Appendix A for a complete list of position totals by circuit.)

Florida statutes set the number of circuit court judges at 599 and the number of county court judges at 322.<sup>33</sup> It is the practice in Florida for each judge to have one judicial assistant position who is typically responsible for maintaining the judge's calendar and for scheduling hearings, motions, and conferences. Judges and judicial assistants account for 52% of the state-funded positions.

The court assigns the remaining 1,699 positions to one of six groupings: court administration, magistrates and hearing officers, mediation, staff attorneys, case management and due process.<sup>34</sup> (See Exhibit 6.)

<sup>31</sup> For example, Pinellas County provides an alternative sanctions coordinator in Circuit 6 to attend court proceedings in order to make requested alternative sanctions recommendations, provide information to families in unusual or difficult delinquency cases, and connect juveniles found incompetent to proceed on misdemeanor cases to appropriate services.

<sup>32</sup> Section [29.0081](#), *F.S.*

<sup>33</sup> Sections [26.031](#) and [34.022](#), *F.S.*

<sup>34</sup> Staff attorneys are often called law clerks in the Legislative Budget Requests and other official documents.

## Exhibit 6 State-Funded Staff in the Trial Courts Perform a Variety of Functions

State-Funded Staff	Full-Time Equivalent Circuit Positions Statewide
<b>Court Administration</b> manages the court operations and business processes of each circuit, including fiscal, human resources, and technology.	299.5
<b>Magistrates and Hearing Officers</b> are quasi-judicial officers who hold hearings and recommend orders to supervising judges.	252.75
<b>Mediators</b> assist the court by working with litigants to resolve disputes without judicial intervention.	127.5
<b>Staff Attorneys</b> , also called law clerks, provide legal support to the judges through legal research, assistance in drafting orders, and assisting with complex cases.	204.5
<b>Case Managers</b> assist the court in some cases by scheduling, monitoring, and coordinating cases between judicial appearances.	354.5 <sup>1</sup>
<b>Due Process</b> positions include court reporters and interpreters who perform tasks associated with ensuring the constitutional rights of defendants.	460.25
<b>Total</b>	<b>1,699</b>

<sup>1</sup> These positions include 14 case managers assigned to post-adjudicatory drug courts.

Source: OPPAGA analysis of data provided by the Office of the State Courts Administrator.

As provided by law, counties fund positions within the circuit courts to meet their statutory obligations, local requirements, and any agreements established between the county and the circuit court. For example, Pinellas County in the 6<sup>th</sup> Circuit funds 40 positions; these include constitutionally and statutorily required support for technology, guardianship monitoring, and alternative sanctions, as well as local options. The local options include four staff attorney positions who serve the same judges as the state-funded attorneys, and one case manager who works with three state-funded case managers in the drug court. Pasco County, also in the 6<sup>th</sup> Circuit, funds 12 positions. The total number of county-funded staff in 14 circuits for which information was available ranged from 3 in the 3<sup>rd</sup> Circuit (six small counties around Lake City) to 78 in the 13<sup>th</sup> Circuit (Hillsborough County).

States use a variety of methods to determine court staffing levels. There are three basic methods that states use for determining staffing need. The first method is a ratio model, in which the number of staff needed for a position is based on a ratio in relation to the number of judicial positions. For example, using one judicial assistant for every judge is a ratio model. The second method is to base the need for staffing on some measure of the size of the court, such as population served or the number of case filings. In Florida, circuits are grouped into four categories (small, medium, large and extra large) based on the number of case filings. The third method is a caseload or weighted caseload model, in which staffing need is determined by multiplying the number of cases of a given type (i.e., criminal or civil) by the average time each case is expected to take (based on a time study) to calculate how many staff are needed to complete the work. Caseload models can include performance measures to determine the effect of staff increases or decreases on case processing times.

States tend to use unique approaches to determine court staffing levels, partly because the structures of the state court systems vary widely, in the levels and divisions of court, the extent of state centralization, and the functions performed by court staff. For example, Ohio has a non-unified court system in which the lower courts, which are primarily locally funded, have a large degree of independence; Utah has a centralized system but a population so small that it has only one court of appeal. Staffing structures also vary. For example, some states assign the supervision of offenders on probation to an office within the courts, making the probation officers of those states court staff. As a result, we did not find staffing standards or ratios from other jurisdictions that could be applied in Florida.

A number of factors contribute to circuit staffing levels. Florida's 1,699 state-funded staff are allocated among the circuits based on a variety of methods. The result is that the number of staff in each circuit is not always similar to other circuits of similar size. While local factors, such as the number of counties in

the circuit or the number of courthouse locations may contribute to this, much of the variation is reflected in the difference within specific categories of staff.

For example, the 4<sup>th</sup> Circuit (Duval, Clay, and Nassau counties) has 55 judges and the 15<sup>th</sup> Circuit (Palm Beach County) has 54 judges, but the 15<sup>th</sup> circuit has 122 staff positions, 47% more staff than the 83 state-funded positions in the 4<sup>th</sup> circuit. However, this difference is mostly explained by the fact that the 15<sup>th</sup> Circuit employs 36.75 staff as court reporters and interpreters, whereas the 4<sup>th</sup> Circuit employs a single court reporter and uses state funds to contract for court reporter and interpreter services.

Florida's process for identifying staffing needs mixes size-based models, ratio models, and caseload models with historic staffing levels. The TCBC also uses additional information from circuits to establish need priorities. The TCBC is comprised of 14 trial court judges and 7 trial court administrators, representing all 20 circuits, and is charged with making budgeting and funding recommendations to the Supreme Court.

For each of the state-funded positions, the TCBC has established a staffing formula that is used in considering staff allocations or requests. These formulas are just one component of the TCBC process for developing recommendations for the annual Legislative Budget Request. The TCBC also considers requests that are presented by various circuits and committees within the court system. For example, for its Fiscal Year 2015-16 budget request, the TCBC considered a technology budget request that originated from the Trial Court Technology Funding Strategies Workgroup and a request to adjust the rate of pay for senior judges from the Conference of Circuit Court Judges. The TCBC also considered a request for additional court reporters from a single circuit, but this request was deferred to its Funding Methodology Committee since the TCBC had historically reviewed these kinds of issues on a statewide rather than an individual circuit basis. The TCBC decides which requests to recommend for inclusion in the court's Legislative Budget



Request and adopts a priority ranking for the issues that are submitted. As a result of this process, the TCBC may choose not to recommend requesting more staff, recognizing that with limited resources available, other issues may have higher priority.

In addition to the staffing needs formula, for developing the budget request, the TCBC also uses an allocation methodology for each position that sets out the method for distributing any new positions that may be provided by the Legislature. For some positions, this allocation methodology starts with the premise that existing FTE are generally maintained; in other words, the TCBC does not routinely shift positions from one circuit to another, but seeks to maintain stability within each circuit. In times of budget reduction, such as those that occurred in Fiscal Years 2008-09 and 2009-10, circuits determine which individual staff to cut. As a result, circuit staffing levels in each category of staff were affected differently by the cuts, often dependent on which positions were vacant. For example, of the 249 positions that were cut over those two fiscal years, circuits lost 87.75 case managers, 72 court administration staff, and 31.5 staff attorneys, as well as smaller numbers of magistrates, court reporters and interpreters, and drug court staff.

In our survey of circuit judges, the lack of sufficient staff was most commonly identified (53%) as an impediment to efficient and effective court operations. The lack of case managers and staff attorneys were the two positions the responding judges mentioned most frequently and were the highest-rated positions in terms of importance to judicial efficiency. We reviewed job responsibilities, the court's budget requests, and the legislative allocation history for case managers and staff attorneys over the past 10 years.

The case manager staffing standard is not directly relevant to the work that case managers do for the courts. Case managers help ensure parties are ready for court appearances or trials and help keep cases moving, thus allowing judges to function more efficiently by eliminating delays and

continuances. Case managers are used in every type of court division: civil, criminal, family, and probate, as well as problem solving courts such as drug court, though their assignments vary across circuits.

Case managers help judges move the cases through the various stages of the judicial process to a timely disposition and support the administration of justice for individuals and businesses. Case managers

- assist at the beginning of a case by answering questions (without giving legal advice) or reviewing the initial filing to ensure it is complete;
- screen cases to identify those that may be expeditiously resolved and those that require more judicial attention;
- monitor cases to ensure that the parties obtain required documents or perform required tasks, such as participating in court-ordered treatment;
- track case progress to ensure that it meets applicable time standards;
- coordinate with others, for example to ensure service of process has been completed or to address issues across cases; and
- schedule court dates when required activities or documents have been completed, thereby keeping the case moving.

The majority of circuits use case managers for cases in which one or both of the parties are not represented by attorneys, also referred to as pro se litigants. This is particularly prevalent in the family court division. Courts have only recently begun to track the number of pro se cases, so there is not reliable statewide or national data on their prevalence; the 4<sup>th</sup> Circuit (Duval, Nassau, and Clay counties) reported over 21,000 pro se litigants during the first 10 months of 2015. National literature reflects state efforts to address the particular needs of pro se litigants for assistance.

The courts have included additional case managers in the Legislative Budget Request in four of the past seven years. The basis for this request has been a ratio of one case manager to every 5,500 cases filed, with a minimum of

eight case managers per circuit.<sup>35</sup> This ratio was established for the Fiscal Year 2007-08 budget request, when requests for additional case managers in the circuits led the courts to amend the case manager need from a ratio of one case manager for every 6,760 cases filed, to one for every 5,500 cases filed.

During Fiscal Year 2007-08, the state had 370 case manager positions. Budget cuts in the following two years resulted in the loss of case manager positions down to 275 positions in Fiscal Years 2009-10 through 2011-12. As a result of subsequent changes, including 38 new positions added in Fiscal Year 2015-16, the state now has 340 case managers.<sup>36</sup> Documents

<sup>35</sup> Filings do not include traffic cases.

<sup>36</sup> In Fiscal Year 2015-16, the Legislature transferred 14 case manager positions in the post-adjudicatory drug courts from part-time (OPS) to full-time equivalent (FTE) status, bringing the total number of state-funded case manager positions to 354.5.

provided by OSCA show that, based on current projected case filing data, the state would need a total of 392 case managers using the 1:5,500 ratio and thus the Fiscal Year 2016-17 Legislative Budget Request has asked for 52.5 more case manager FTEs.

This ratio model gives the TCBC an equitable basis on which to distribute case manager positions among the 20 circuits. However, our circuit interviews found that the one case manager to 5,500 cases was not a meaningful number for evaluating the need for case managers. Case managers are not assigned to 5,500 cases. Rather, the case managers were usually assigned to divisions, such as a family court, where they help litigants unrepresented by attorneys, or to specialty courts where they monitor the participants' compliance with obligations like drug testing and family counseling between court appearances. The need for case managers appears to be more dependent upon how they are used in each circuit.

## Exhibit 7

### Based on the Filings Standard, the Need for Additional Case Managers is Highest in the Larger Circuits

Circuit		Number of Projected Filings	Case Manager FTE Needed Based on 1:5,500	Number of Case Manager FTEs <sup>1</sup>	Projected Need
Small	16 <sup>th</sup> Circuit	9,572	8	8	0
	3 <sup>rd</sup> Circuit	18,172	8	7	1
	14 <sup>th</sup> Circuit	36,605	8	8	0
	8 <sup>th</sup> Circuit	41,036	8	7	1
	2 <sup>nd</sup> Circuit	39,684	8	6	2
Medium	19 <sup>th</sup> Circuit	54,866	10	9	1
	12 <sup>th</sup> Circuit	64,922	12	12	0
	1 <sup>st</sup> Circuit	69,198	13	13	0
	10 <sup>th</sup> Circuit	80,057	15	12.5	2.5
	7 <sup>th</sup> Circuit	91,063	17	17.5	0
	5 <sup>th</sup> Circuit	84,214	15	12	3
	18 <sup>th</sup> Circuit	93,876	17	14.5	2.5
Large	20 <sup>th</sup> Circuit	108,111	20	18	2
	15 <sup>th</sup> Circuit	143,383	26	22	4
	4 <sup>th</sup> Circuit	145,054	26	22	4
	13 <sup>th</sup> Circuit	160,579	29	23	6
	9 <sup>th</sup> Circuit	151,299	28	21	7
	6 <sup>th</sup> Circuit	145,174	26	24	2
Extra	17 <sup>th</sup> Circuit	226,935	41	34	7
Large	11 <sup>th</sup> Circuit	311,998	57	50	7

<sup>1</sup> In Fiscal Year 2015-16, the Legislature also transferred 14 case manager positions in the post-adjudicatory drug courts from part-time (OPS) to full-time equivalent (FTE) status, bringing the total number of state-funded case manager positions to 354.

Source: OPPAGA analysis of data from the Office of the State Courts Administrator.

In our survey of circuit judges, 74% of respondents that worked with case managers rated case managers as very important to their own efficiency. Chief judges and court administrators in interviews commonly reported the need for more case managers. The TCBC recommended additional case managers as a high priority for the Fiscal Year 2016-17 budget request, asking for 52.5 additional case managers. However, the total number of filings per circuit does not sufficiently represent a defined need for case managers. In some circuits, adding additional case managers may be useful for improving the efficient disposition of cases, and could lead to more timely case closure. In circuits with drug treatment courts, veterans' courts, and mental health courts, case managers may have more of an effect on participant outcomes than on case timeliness, as they guide participants through treatment steps and frequent court appearances. Thus, the TCBC could consider revisiting the case manager staffing formula to develop a more refined approach taking into account the specific types of cases and types of courts where the case managers would be best used.

Although a need for staff attorneys has been identified, this need has not consistently emerged as a top priority for limited resources. Staff attorneys assist judges with legal research, drafting orders, and handling complex cases. While they can be used in all divisions,—civil, criminal, family, probate, and problem solving courts—they are predominantly used in criminal divisions and for complex cases. In the criminal division, they assist judges with research and drafting motions and orders, particularly in cases where the state is seeking the death penalty. Judges also assign staff attorneys to respond to post-conviction motions for relief submitted by prisoners. These motions are requests to vacate, set aside, or correct sentences and represent a significant workload. For example, in the 6<sup>th</sup> Circuit (Pasco and Pinellas counties) receives about 1,700 of these motions a year.

Staff attorneys also assist judges with county-to-circuit appeals. When county court litigants appeal their cases, they generally rise to the circuit courts. Staff attorneys review the

notices that are filed and make sure they are ready to move forward; generally, pro se litigants need more assistance. The attorney then researches the case and may assist the judge in drafting orders or other documents.

Staff attorneys are sometimes available to judges on a 1:1 basis, but more typically are shared by several judges. Part of this staffing decision is related to the size of the post-conviction workload, but there are other considerations as well. For example, some attorneys work in multiple counties, such as in the 19<sup>th</sup> Circuit where one staff attorney serves four judges in three courthouses that are several hours apart from each other.

The staffing formula for staff attorneys uses the ratio model and proposes one staff attorney for every two circuit judges. As of October 2015, the state had 204.5 staff attorney positions, 95 positions less than the 299.5 that would be required to meet the need identified by the formula. Exhibit 8 shows the current number of judges and staff attorneys in each circuit, as well as the current attorney to circuit judge ratio.

**Exhibit 8**  
**Ratio of Staff Attorneys to Judges Varies Across the Circuits**

Circuit		Number of Staff Attorneys	Number of Circuit Judges	Current Ratio
Small	16 <sup>th</sup> Circuit	1	4	1:4
	3 <sup>rd</sup> Circuit	3	7	1:2.3
	14 <sup>th</sup> Circuit	6	11	1:1.8
	8 <sup>th</sup> Circuit	6	13	1:2.2
	2 <sup>nd</sup> Circuit	8	16	1:2
Medium	19 <sup>th</sup> Circuit	5	19	1:3.8
	12 <sup>th</sup> Circuit	7	21	1:3
	1 <sup>st</sup> Circuit	9	24	1:2.7
	10 <sup>th</sup> Circuit	10	28	1:2.8
	7 <sup>th</sup> Circuit	8.5	27	1:3.2
	5 <sup>th</sup> Circuit	10	31	1:3.1
	18 <sup>th</sup> Circuit	9	26	1:2.9
Large	20 <sup>th</sup> Circuit	10	31	1:3.1
	15 <sup>th</sup> Circuit	11.5	35	1:2.3
	4 <sup>th</sup> Circuit	13.5	35	1:2.6
	13 <sup>th</sup> Circuit	16	45	1:2.8
	9 <sup>th</sup> Circuit	14	43	1:3.1
	6 <sup>th</sup> Circuit	15	45	1:3
Extra	17 <sup>th</sup> Circuit	17	58	1:3.4
Large	11 <sup>th</sup> Circuit	25	80	1:3.2

Source: OPPAGA analysis of data from the Office of the State Courts Administrator.

Prior to 2005, the court used a ratio of one staff attorney for every three circuit judges. The TCBC increased this ratio to one staff attorney for every two circuit judges in Fiscal Year 2005-06 and as a result, requested 95 new staff attorneys in the Legislative Budget Request. The Legislature provided 59 new staff attorney positions over the next two years, including 21 positions associated with increases in the number of circuit judges. Budget cuts in subsequent years resulted in the loss of 31.5 staff attorney positions. The courts have been at the staffing level of 204.5 staff attorneys statewide since Fiscal Year 2012-13.

The one staff attorney to two circuit judge ratio was not used as the basis for the Legislative Budget Request for additional staff attorneys in Fiscal Years 2014-15 and 2015-16. Instead, the TCBC cited special workload considerations related to death penalty cases for Fiscal Year 2014-15 and 2015-16.

In our survey of judges, 76% of respondents that worked with staff attorneys rated staff attorneys as very important to their own efficiency. In interviews, some chief judges and court administrators said additional staff attorneys were needed to assist with workload due to the volume of post-conviction motions from inmates; death penalty cases; complex civil cases, particularly related to tobacco and asbestos litigation; and new rules regarding the qualification of expert witnesses.

Our review suggests that the circuit courts may have a need for additional staff attorneys, but the magnitude of that need is not clearly defined with data. The numbers of death penalty cases, complex civil cases, and post-conviction motions are more relevant measures of need than the ratio of attorneys to judges. A ratio of one staff attorney for two judges may not be sufficient for criminal court judges but for other divisions, a lower ratio may be sufficient. Seventeen percent of the judges responding to our survey said that staff attorneys are either not used or not important in their current assignment. Therefore, the TCBC could consider continuing to focus the staff attorney staffing formula on

methods that directly measure the work of the staff attorneys.

County-funded technology staff may not be sufficient to manage the increased technology workload within the courts. As the courts have gone paperless and the courtrooms require more technology, including not only computers in offices and at the bench but also due process items such as digital court recorders and access to remote interpreting, the workload of information technology staff has increased.

The state provides a chief technology officer in each circuit, but any additional staff has been funded by each county. As a result, the court must rely on county commission appropriations for its technology operations. Further, a position funded by one county cannot respond to needs for technical assistance in another county in a multi-county circuit.

The level of technology support from the counties varies widely. For example, Pinellas County funds 12 technology staff for the 6<sup>th</sup> Circuit, whereas the 4<sup>th</sup> Circuit has two county technology staff positions, one full-time and one temporary. Some circuits have programmers to respond to court technology needs, while others focus more on keeping equipment running smoothly.

Technology staff performs many functions, both general and court-specific. They conduct general functions, including responding to daily computer and software questions and problems as a help desk; installing new hardware and software or software updates; maintaining and supporting the server infrastructure and the network. They also perform court-specific functions, such as assisting users with digital recording equipment and fixing it when it is broken; and assisting with integrating technology, such as linkage with clerk data systems. Some of these duties require travel to courthouses in neighboring counties or in different locations in the city, adding a travel time component to the work.

The role of technology has expanded since the county funding responsibilities were defined in 2004. Because technology has become integral to the operation of the court, the Legislature may wish to consider technology staff when it reviews court staffing needs.

## Judicial and Staff Training

***Judicial and staff training is designed to meet statutory and professional standards and occurs almost exclusively in-state***

The Florida Court Education Council (the council) and OSCA provide training for judges and court personnel. Judges are required to receive 30 hours of continuing judicial education every three years and new judges have additional training requirements. Training for judges and staff is provided through in-person conferences and online materials.

The council and OSCA develop training for judges and court staff. Training is provided to judges and court staff on legal issues, administrative skills, and ethical standards to help judges meet their continuing judicial education requirements.<sup>37</sup> Most states have mandatory training requirements for judges.<sup>38</sup> In Florida, court rules specify that circuit judges must satisfy continuing education requirements by completing a minimum of 30 hours of approved judicial training every three years, including 4 hours of ethics training.<sup>39, 40</sup>

<sup>37</sup> Training described in this section generally applies to the county, circuit, and appellate levels.

<sup>38</sup> States have varying judicial training requirements. For example, judges in Minnesota, North Dakota, and Oregon must complete 45 hours of training every three years, which exceeds Florida's required 30 hours every three years. Other states require hours over a different number of years. For instance, Wisconsin requires 180 hours over six years, Ohio requires 40 hours every two years, and Missouri requires 15 hours every year. Finally, at least two states, Virginia and Connecticut, require judges to attend annual conferences to meet continuing education requirements.

<sup>39</sup> In addition to requirements in the *Florida Statutes* and the *Florida Rules of Judicial Administration*, the Florida Supreme Court issues an administrative order every two years that governs training for the period.

In addition, newly elected or appointed judges are required to complete a two-week orientation and training program.

To help provide these programs, the Supreme Court established the Florida Court Education Council in 1978 to oversee educational programs for Florida judges and certain court support personnel.<sup>41</sup> The council administers training through the Court Education Trust Fund.<sup>42</sup> Funded through a \$3.50 fee on initial civil court filings, the trust fund balance was \$1.2 million as of June 30, 2015.<sup>43</sup> The council is currently composed of 20 members, appointed by the Chief Justice of the Supreme Court, and includes appellate, circuit, and county judges and a magistrate and a trial court administrator.

OSCA's Court Education Section provides staffing for the council.<sup>44</sup> The staff helps manage the trust fund and is responsible for budgeting, record keeping, and processing travel reimbursements and other budgetary items. Staff also assists in planning and developing training and works with other entities to help judges meet their educational requirements.<sup>45</sup>

<sup>40</sup> Rule [2.320](#), *Florida Rules of Judicial Administration*, also outlines continuing education requirements for all Florida county and appellate judges and Florida Supreme Court justices.

<sup>41</sup> The council and OSCA also work with other entities to provide training opportunities for court personnel; most court personnel do not have statewide mandatory continuing education requirements.

<sup>42</sup> According to s. [25.384\(2\)\(a\)](#), *F.S.*, the Supreme Court, through its Florida Court Educational Council, shall adopt a comprehensive plan for the operation of the trust fund and the expenditure of the moneys deposited in the trust fund. The plan shall provide for travel, per diem, tuition, educational materials, and other related costs incurred for educational programs, in- and out-of-state, which will be of benefit to the judiciary of the state.

<sup>43</sup> According to s. [25.384\(3\)](#), *F.S.*, the trust fund shall be funded with moneys generated from fees assessed pursuant to ss. [28.241\(1\)](#), *F.S.* and [28.2401\(3\)](#), *F.S.*

<sup>44</sup> The Courts Education Section has 17 FTEs in Fiscal Year 2015-16.

<sup>45</sup> These entities include judicial conferences, such as the Florida Conference of Circuit Court Judges, Inc., judicial circuits, and other associations for judicial and court personnel.



Judicial training for circuit judges is primarily provided through in-state education programs. The council and OSCA work with other entities to provide training to new and current circuit court judges through three conferences. The education programs range from 3 to 4.5 days and take place in locations across the state.

- **Florida Judicial College.** Also known as New Judges College, newly elected or appointed judges are required to attend this orientation training soon after they take office.<sup>46</sup> Through a two-phase process, the program aims to ensure that new judges have the necessary skills and knowledge for their new role. The first phase is a week-long comprehensive orientation that covers the fundamentals of being a judge, including trial skills through a mock trial and other classes. The second phase covers division-specific courses over one week of training for new judges and three days of training for judges who are switching divisions, such as moving from criminal to civil.<sup>47</sup> The college also offers general courses relevant to all judges such as ethics, contempt of court, and evidence. Training that new judges receive from the Florida Judicial College program does not count towards the 30 hours of required continuing education, but training that division switching judges receive does count towards continuing education requirements.

In Fiscal Year 2014-15, the first phase of the Florida Judicial College had 144 participants, and the second phase had 219 participants.<sup>48</sup> In our survey of circuit

judges, 94% of respondents rated the Florida Judicial College as Florida Court Education Trust Fund good or excellent training.

In addition to the college, new judges are assigned a mentor judge within 48 hours of selection by appointment or election. The mentorships last for one year and require an initial meeting within the first week and observations in the court room.

- **Annual Circuit Court Judges Conference.** This conference is one of several programs where judges can earn continuing education credits.<sup>49</sup> The conference is organized by the Florida Conference of Circuit Court Judges, Inc., which is a membership organization of active and retired Florida circuit judges.<sup>50, 51</sup> The organization works with the council and OSCA staff to develop approved courses for the annual training. Typically, judges who attend the conference take courses related to their assigned division, such as courses about juvenile or criminal law. Additionally, the conference typically includes courses to help judges meet the four hours of required ethics training. This conference is usually 2.5 days long and in Fiscal Year 2014-15, had 559 participants.<sup>52</sup> Eighty-eight percent of circuit judges responding to our survey reported that the Circuit Court Judges Conference was good or excellent. Circuit judges we interviewed

<sup>46</sup> Since the Florida Judicial College occurs only once per year in two phases, in January and March, judges appointed by the Governor during the year to fill vacant judge positions may wait up to 12 months before they attend the orientation program. If a new judge is appointed several months before the Florida Judicial College programs, the new judge is assigned a mentor, has access to online materials, and can observe other judges in court to receive the necessary training for his or her new role.

<sup>47</sup> Judges who switch divisions may attend the second phase of the Florida Judicial College, which usually is held in March.

<sup>48</sup> Of the participants in the Florida Judicial College, 140 received travel reimbursements from the Florida Court Education Trust Fund for Phase I and 171 received reimbursement for Phase II.

<sup>49</sup> According to OSCA staff, judges can usually earn about 15 continuing education hours each year at the conference, so attending the conference two out of three years is sufficient to meet the continuing education requirement.

<sup>50</sup> Per Rules [2.220](#) and [2.320](#), *Florida Rules of Judicial Administration*, the purpose of the Florida Conference of Circuit Judges, Inc. is to improve Florida's judicial system and to assist judges in more effectively and efficiently meeting their constitutional and statutory duties and responsibilities. To accomplish this purpose, the conference has 12 standing committees, including a Judicial Education Committee which is responsible for educational presentations at the annual Circuit Court Judges Conference.

<sup>51</sup> Section [26.55](#), *F.S.* establishes the Conference of Circuit Judges of Florida.

<sup>52</sup> Of the 559 participants in the Annual Circuit Court Judges Conference, 460 received travel reimbursements from the Florida Court Education Trust Fund.

reported that the conference is the main source of training to earn continuing judicial education credits and, they saw it as an opportunity to meet and discuss topics with other judges and stay up-to-date on emerging legal trends.

- **Florida College of Advanced Judicial Studies.** Circuit judges can also receive continuing education credit from the Advanced Judicial Studies Program. The program occurs once per year and is four and one half days of in-depth training. Each year, the curriculum usually includes 20 or more courses, each varying in length. The program covers advanced topics and changes to Florida law, such as capital cases, jury selection, gangs, and new laws in Florida for expert witness testimony.<sup>53</sup> Judges can register for one or more courses on a first-come, first-served basis. However, each course has a defined capacity, which ranges from 16 to 40 judges, and limits the number of judges who can participate.

In Fiscal Year 2014-15, the Florida College of Advanced Judicial Studies had 281 participants.<sup>54</sup> In our survey of circuit judges, 93% of respondents reported that Advanced Judicial Studies was good or excellent training. However, they also reported that it is difficult to get into the program due to space restrictions.

In addition to the Annual Circuit Court Judges Conference and the Florida College on Advanced Judicial Studies, judges can earn continuing education credit from other state-sponsored, in-person, specialized trainings. (See Exhibit 9 for a list of in-state trainings in Fiscal Year 2014-15.) Some circuits get approval from OSCA to offer local training that allows judges to earn continuing judicial education

credit.<sup>55</sup> Examples of approved trainings include a course on cultural competence, a poverty simulation, diversity training, and a course on ethics and fairness.

Regional or local education offers a cost effective alternative to statewide conferences. While statewide conferences provide the opportunity for judges and court personnel to interact directly with faculty and with each other in the conference environment, regional events provide opportunities to bring instructors to a specific area of the state where judges and court personnel can attend the training without incurring travel expenses. For example, California increased its use of regional education in light of budget reductions in judicial education.

The courts make limited use of opportunities for out-of-state judicial training. In Fiscal Year 2014-15, funds for out-of-state travel came from the Florida Court Education Trust Fund monies that were not spent on programs held earlier in the fiscal year.<sup>56, 57</sup> The council has developed a priority system to allocate these funds to individuals who are directly involved in providing judicial education to others in Florida. To be considered for out-of-state travel, judges must apply to OSCA for funding and fall within one of six priority categories.<sup>58</sup> The first priority level includes deans and associate deans of the Florida Judicial College; Florida College of Advanced Judicial Studies; DUI Adjudication Lab; and chairs of the

<sup>53</sup> Judges appointed to preside over capital cases are required to take the capital case course and, with the approval of their chief judge, are given priority in their enrollment in this course.

<sup>54</sup> Of the 281 participants in the Florida College of Advanced Judicial Studies, 192 received travel reimbursements from the Florida Court Education Trust Fund.

<sup>55</sup> For a circuit course to be approved for continuing judicial education credit, the circuit must submit an application to OSCA that includes a description of specific learning objectives, recognizable and competent faculty, a detailed and timed agenda, and an evaluation instrument.

<sup>56</sup> According to s. [26.52](#), *F.S.*, each circuit judge shall be reimbursed for travel expenses as provided in s. [112.061](#), *F.S.*

<sup>57</sup> Judges can also receive funds to travel both in-state and out-of-state from OSCA's Office of Court Improvement. This office receives grant funding from several sources, including the federal government. In Fiscal Year 2014-15, the Office of Court Improvement provided funds for three judges and five staff to travel out-of-state. Additionally, six judges and seven court staff traveled out-of-state using post-adjudicatory drug court general revenue funds.

<sup>58</sup> Magistrates or court administrators may also qualify in one of OSCA's priority categories for out-of-state travel.

education committees of each judicial conference. The second priority category includes judges who have taught at judicial conferences at least two times during the past three years. The remaining categories include certain other representatives of the Florida Judicial College, the Florida College of Advanced Judicial Studies, and the Education Committee of each judicial conference; judicial conference education committee members, and members of the Florida Court Education Council.<sup>59</sup> In Fiscal Year 2014-15, nine judges who met these criteria attended an out-of-state training. OSCA expended a total of \$24,410 from the Florida Court Education Trust Fund for tuition and travel expenses for these nine judges to attend training provided by The National Judicial College.<sup>60</sup>

There are some state-funded training opportunities for court staff. Court staff in Florida may attend the Florida Court Personnel Institute. The institute provides training organized around skills relevant to all types of court personnel. The core curriculum covers topics such as ethics and professional conduct, interpersonal skills, writing skills, communication, and the court workplace. Some courses are targeted for specific personnel, for example, substantive legal knowledge for appellate law clerks. The number of attendees has ranged from 80 to approximately 120 employees, with 99 employees attending in Fiscal Year 2014-15. Trial court administrators in each circuit are responsible for determining which employees can attend the institute.

Court staff may also access training through the Florida Court Personnel Foundation. The foundation is a grant system administered by the Florida Court Education Council to which

various court-related entities may apply for funding to provide training programs. Entities that may apply include circuits, District Courts of Appeal, OSCA, and other groups such as the Judicial Assistants Association of Florida.<sup>61</sup> Scheduled programs under this system may be provided at the circuit, regional, or state level. In Fiscal Year 2014-15, 144 court employees received travel reimbursements from the Florida Court Personnel Foundation for training.

OSCA provides some distance education opportunities and materials for judges and court personnel; other states have increased distance education opportunities due to budget constraints. OSCA provides several distance education opportunities for judges and staff through the Florida State Courts System Intranet. Many of these trainings are specific to substantive areas. For example, the Virtual Domestic Violence Court offers courses on issues judges and court personnel may face when working with domestic violence cases. Judges are able to earn continuing judicial education hours from the Virtual Domestic Violence Court.

OSCA also provides other distance education specific to family court judges. Newly appointed judges to the family division must take a course on family fundamentals within 60 days of their assignment. Judges who cannot attend the Florida Judicial College for family court can meet this requirement by taking OSCA's online course, Fundamentals for Family Court Judges. This program, offered through Florida State University, is an interactive course that teaches judges about challenges and issues in family court. In Fiscal Year 2014-15, five judges registered for the online course; at the time of our review, nine judges had registered for Fiscal Year 2015-16.

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<sup>59</sup> Judges who meet one of the priority categories, but have received funds to go to a nationally provided training course from the Florida Court Education Trust Fund in the previous year, fall to the bottom of the priority list.

<sup>60</sup> The National Judicial College provides judicial education to judges nationwide. The topics of the trainings that judges from Florida attended were logic and opinion writing, evidence in a courtroom setting, and advanced evidence.

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<sup>61</sup> In order to receive a grant from the Florida Court Personnel Foundation, applicants must complete an application form that a subcommittee reviews to award funding based on a set of criteria including total program cost and cost per participant.

In addition to training on specific topics, judges can access archived and recorded webinars from the National Judicial College and other entities. These webinars cover a wide array of topics, including contempt and judicial ethics and effective use of courtroom interpreters. Some of the online trainings allow judges to receive continuing education hours. For example, a self-study DVD option, the *Senior Judge as Mediator*, provided 2.5 hours of continuing judicial education.

Court personnel also have access to online training resources. For instance, the introduction to the state court system module is available to all judicial branch staff. This interactive module informs court staff about the structure and functions of state courts and the judicial branch. Additionally, OSCA provides webinars for court staff. For example, in July 2014, 95 court staff participated in a webinar titled Social Media Issues for Florida Court Personnel.

OSCA also has a resource library for court publications that contains online publications including benchguides, resource guides, statistical publications, and case law summaries. The benchguides provide detailed guidance for judges serving in various judicial divisions. Judges are not able to earn continuing judicial education hours from reading publications.

Finally, other states offer online and distance education programs for both judges and court personnel. California restructured its training program to include more online education in response to budget cuts. During the transition, California maintained its in-person training for new judges but shifted some of the training for experienced judges from in-person to online. California's distance education program includes webinars with video components, recorded training films, broadcasts, publications, and blended learning.<sup>62</sup>

Missouri also established a judicial distance education system. It has conducted e-learning since 2001 using both instructor-led live e-classrooms and self-paced videos. Through its online training system, Missouri provided almost 200 webinars to approximately 2,000 judges and court staff in 2014. In 2015, Missouri webcast its in-person judicial college, allowing approximately 30 judges who were unable to attend due to budget constraints to earn continuing education hours.

OSCA should continue to integrate online education as part of its overall training; for example, offering similar sessions such as those available for Family Court judges, for other divisions. OSCA could also consider incorporating components of online learning models from other states, such as blended learning, to develop an in-house, online learning infrastructure. This would require staff with technical expertise as well as resources such as webinar services and audio visual equipment.

### ***Funding for judicial and court personnel training is provided through the Florida Court Education Trust Fund***

The Florida Court Education Council administers the Florida Court Education Trust Fund, which is the primary funding source for judicial and staff training. Funding from the trust fund is limited by statute and Florida Court Education Council travel policies. In Fiscal Year 2014-15, the council expended \$1.3 million for in-state training costs.

Florida statutes and travel policies set by the council determine the parameters for fund use. The council sets limitations on the use of the Florida Court Education Trust Fund based on s.112.061, *Florida Statutes*, and council travel policies to help ensure that the fund is used responsibly. These limitations include a maximum of \$135 per night for lodging costs (including taxes and other fees); meals up to \$36 per day; and other restrictions on airfare, rental cars, and parking. Additionally, s. 25.384(4), *Florida Statutes*, requires the council to submit a report each year to the President of the Senate and the Speaker of the

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<sup>62</sup> Blended learning combines an online and in-person component for one training course. These courses provide trainees with information online prior to the in-person event and are intended to shorten the in-person event by providing information beforehand.

House of Representatives detailing the use of the Florida Court Education Trust Fund.

The Florida Court Education Trust Fund expended \$1.3 million for in-state training costs in Fiscal Year 2014-15. In Fiscal Year 2014-15, the most trust fund dollars were spent on the Circuit Court Judges Conference (\$286,076) which also had the most reimbursed participants (460). Additionally, funds were spent on faculty planning and training to

prepare instructors for the training programs for circuit judges and court personnel. The Florida Judicial College spent \$8,022 for 28 instructors, Advanced Judicial Studies spent \$5,155 for 21 instructors, and the Florida Court Personnel Institute spent \$10,768 for 24 instructors. Exhibit 9 provides a list of Florida Court Education Trust Fund expenditures for in-state training provided to judges and staff from the county, circuit, and appellate levels in Fiscal Year 2014-15.

## Exhibit 9

### In-State Activities and Expenditures From the Florida Court Education Trust Fund in Fiscal Year 2014-15

Program	Duration	Location	Participants Reimbursed <sup>1</sup>	Total Cost
Circuit Court Judges Conference	07/21/14 – 07/23/14	Rosen Shingle Creek Resort	460	\$286,076
Florida Judicial College, Phase I (judges only)	01/04/15 – 01/09/15	Lake Buena Vista South	140	157,650
Florida Judicial College, Phase II <sup>2</sup>	03/15/15 – 03/20/15 04/08/15 – 04/10/15	Lake Buena Vista South	171	163,577
Florida Judicial College Faculty Planning	09/18/14 – 09/19/14	Florida Hotel and Conference Center	28	8,022
College of Advanced Judicial Studies <sup>3</sup>	06/08/15 – 06/12/15	Omni Orlando at Champions Gate	192	89,806
Advanced Judicial Studies Faculty Planning	09/18/14 – 09/19/14	Florida Hotel and Conference Center, Orlando	21	5,155
Florida Court Personnel Institute	02/05/15 – 02/06/15	Florida Hotel and Conference Center, Orlando	99	37,438
Florida Court Personnel Faculty Training	11/18/14 – 11/19/14	Lido Beach Resort	24	10,768
Florida Court Personnel Foundation Education Programs	07/01/14 – 06/30/15	Various statewide locations	144	89,068
County Judges Education Conference	07/08/14 – 07/10/14	Ponte Vedra Beach	262	176,003
Trial Court Administrators Education Program	07/21/14 – 07/23/14	Rosen Shingle Creek Resort	41	13,073
Appellate Judges Education Conference	09/07/14 – 09/10/14	Jupiter Beach	75	54,017
Appellate Clerks and Marshals Education Program	09/07/14 – 09/10/14	Jupiter Beach	21	11,151
Appellate Law Clerks Faculty Training	02/15	Lido Beach Resort/Florida Hotel and Conference Center, Orlando	32	17,376
DUI Adjudication Lab	11/17/14 – 11/21/14	Lido Beach Resort	40	35,486
Florida Judicial College, Phase I and II: General Magistrates and Child Support Hearing Officers Program	01/04/14 – 01/09/14 03/15/15 – 03/20/15	Lake Buena Vista South	18	23,622
Faculty Training Specialty Course	11/14 02/15	Lido Beach Resort/Florida Hotel and Conference Center, Orlando	39	17,358
Chief Judges and Trial Court Administrators Program	06/15	Omni Orlando at ChampionsGate	14	6,660
Florida Partners in Crisis	07/14	Renaissance Orlando at Seaworld	10	1,990
Florida Partners in Crisis	05/15	Renaissance Orlando at Seaworld	50	9,950
Florida Association of Family and Conciliation Courts Conference	10/14	Holiday Inn, Tampa Westshore	63	45,244
<b>Total</b>				<b>\$1,259,516<sup>4</sup></b>

<sup>1</sup> Reimbursed participants include faculty, staff, and participants. Some participants may have attended, but did not incur travel expenses.

<sup>2</sup> Florida Judicial College Phase II includes the New Trial Judges College, Fundamentals for Division Switchers, and New Appellate Judges College.

<sup>3</sup> The College of Advanced Judicial Studies participants may also include general magistrates and child support hearing officers.

<sup>4</sup> Total includes \$26 related to the Florida Judicial College Mentor Program and may not include some certified forward payments.

Source: OPPAGA analysis of OSCA's 2014-2015 Annual Report on Activities Sponsored through the Court Education Trust Fund.



## Agency Response ———

In accordance with the provisions of s. 11.51(2), *Florida Statutes*, we submitted a draft of our report to the Office of the State Courts Administrator for their review and response. Their response has been reproduced in Appendix B.

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OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021), by FAX (850/487-9213), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475). Cover photo by Mark Foley.

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Justin Painter, James Clark, Cate Cantral, Michelle Ciabotti, and Sara Benvenisty  
R. Philip Twogood, Coordinator

## Appendix A

### State-Funded Circuit Court Staff

State-funded court staff are assigned to elements, or funding groups, within the circuits. Some circuits contract for court reporters, interpreters, magistrates, hearing officers, and mediation. Using state funds to contract for these services may reduce the number of staff employed within the element in the circuit. Exhibit A-1 presents Fiscal Year 2015-16 staffing by circuit and by element. Exhibits A-2 through A-7 describe the number of specific types of staff in each circuit relative to circuit size.

#### Exhibit A-1

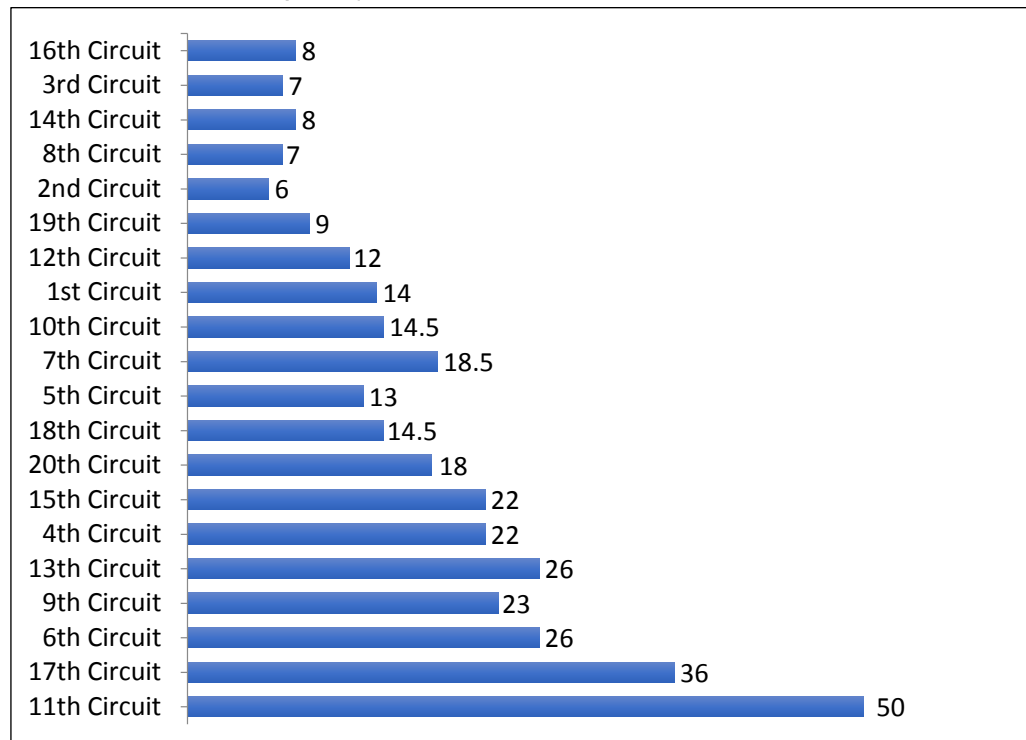
##### Staff by Circuit and Element

Circuit		Case Management	Court Administration	Court Interpreting	Court Reporting	Hearing Officers	Law Clerks	Magistrate	Mediators	Circuit Total
Small	16 <sup>th</sup> Circuit	8	5	2	5	0	1	0	3	24
	3 <sup>rd</sup> Circuit	7	8	0	6	1.5	3	1	3	29.5
	14 <sup>th</sup> Circuit	8	6	0	7	2.5	6	3	4	36.5
	8 <sup>th</sup> Circuit	7	8	1	16	4	6	3	4	49
	2 <sup>nd</sup> Circuit	6	9.5	0	15	2.5	8	4	4.5	49.5
Medium	19 <sup>th</sup> Circuit	9	8	2	13	2	5	6	5	50
	12 <sup>th</sup> Circuit	12	12	0	18	5	7	7	5	66
	1 <sup>st</sup> Circuit	14	12	0	22	4.5	9	6.5	3	71
	10 <sup>th</sup> Circuit	14.5	13	6	14	3.75	10	7	6	74.25
	7 <sup>th</sup> Circuit	18.5	11	3	14	2	8.5	7.5	3	67.5
	5 <sup>th</sup> Circuit	13	14	5	16	4.5	10	10	5	77.5
Large	18 <sup>th</sup> Circuit	14.5	12.25	1	12	4	9	7	6.5	66.25
	20 <sup>th</sup> Circuit	18	12	7	15	2.25	10	10	6	80.25
	15 <sup>th</sup> Circuit	22	25	13	23.75	4	11.5	13	9.5	121.75
	4 <sup>th</sup> Circuit	22	19	0	1	5.5	13.5	13	9	83
	13 <sup>th</sup> Circuit	26	21	10	14	5	16	14	11	117
	9 <sup>th</sup> Circuit	23	20	10	45	7	14	10	9.5	138.5
Extra Large	6 <sup>th</sup> Circuit	26	23.75	1	39	6	15	14.25	7.5	133.5 <sup>1</sup>
	17 <sup>th</sup> Circuit	36	22	15.5	31	4	17	17.5	12	155
Grand Total	11 <sup>th</sup> Circuit	50	38	52	4	7	25	22	11	209
		354.5	299.5	128.5	330.75	77	204.5	175.75	127.5	1,699

<sup>1</sup> The 6<sup>th</sup> circuit has one state-funded staff member assigned to the expert witness element, which is counted with the other due process elements, court reporting, and court interpreting in Exhibit A-7.

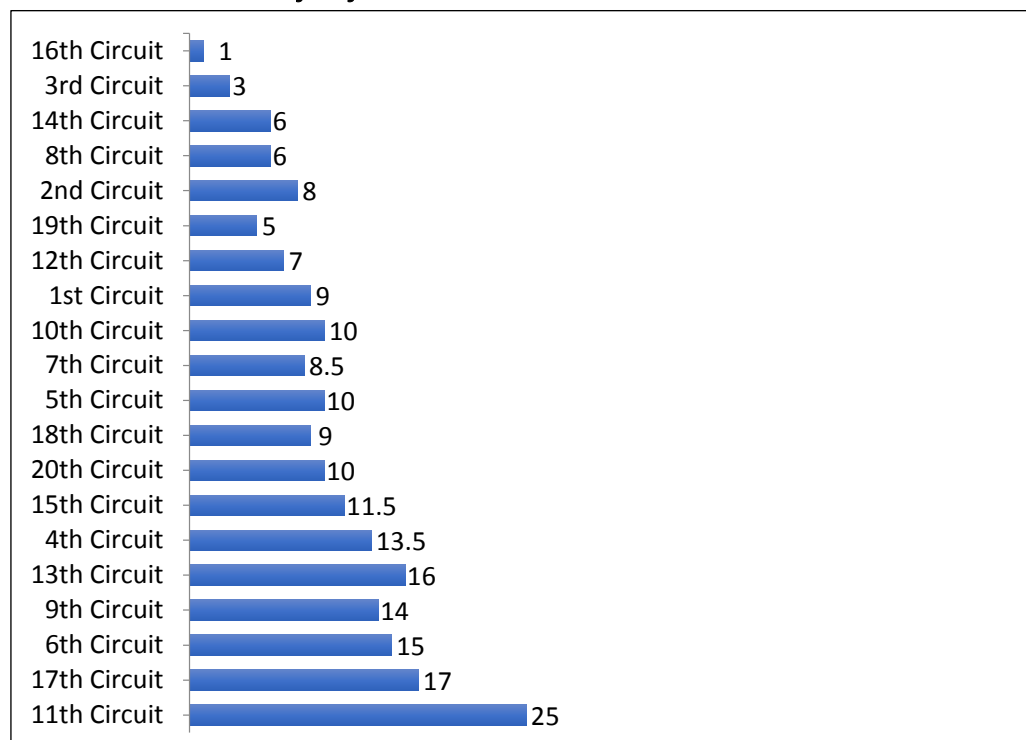
Source: Office of the State Courts Administrator, October 2015.

**Exhibit A-2**  
**Number of Case Managers by Circuit**

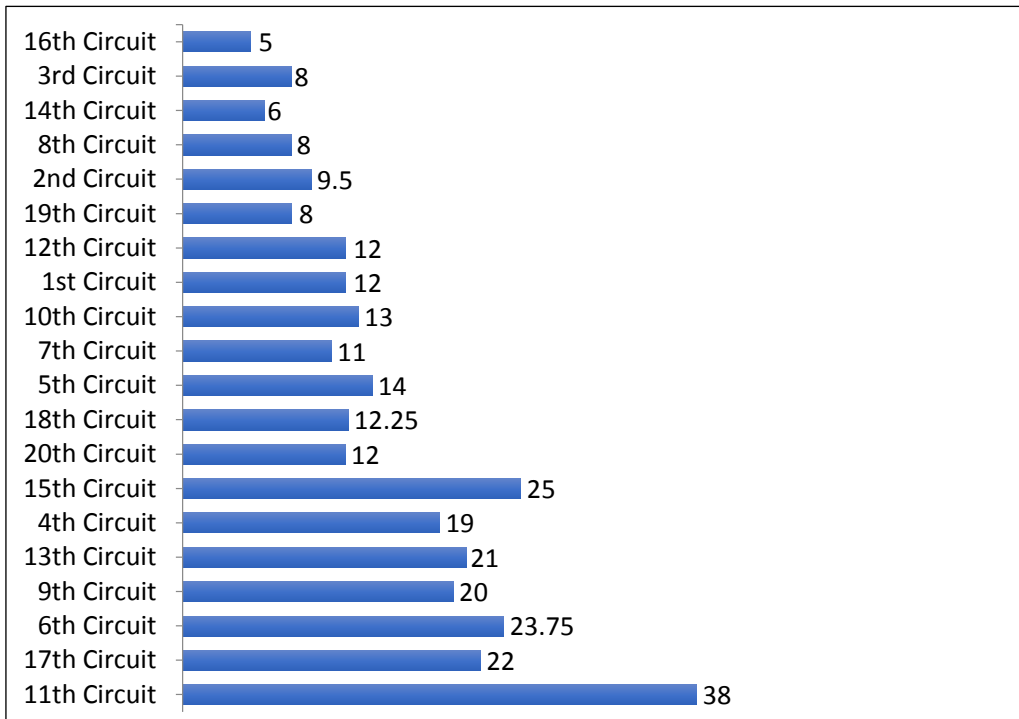


Source: Office of the State Courts Administrator, October 2015.

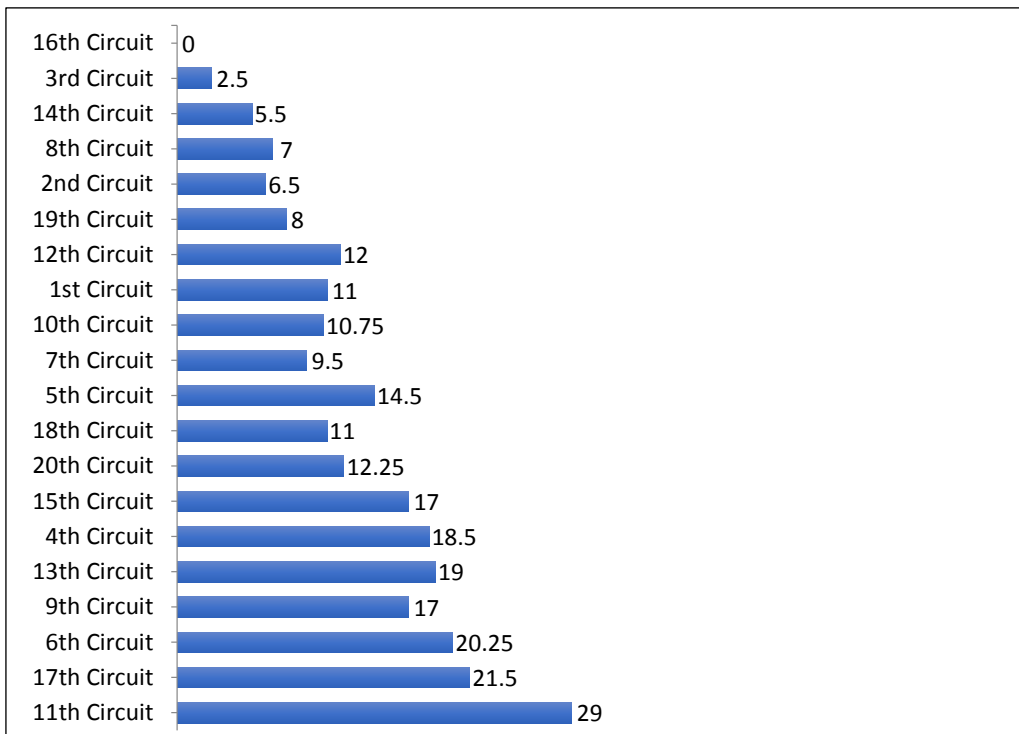
**Exhibit A-3**  
**Number of Staff Attorneys by Circuit**



Source: Office of the State Courts Administrator, October 2015.

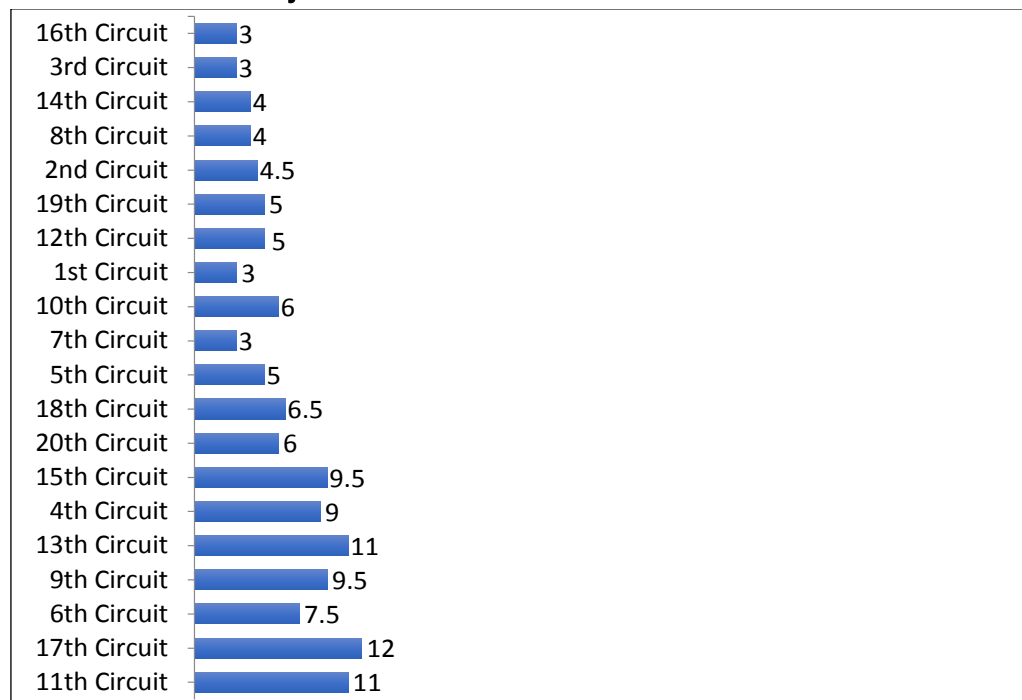
**Exhibit A-4****Number of Court Administration Staff by Circuit**

Source: Office of the State Courts Administrator, October 2015.

**Exhibit A-5****Number of Quasi-Judicial (Magistrates and Hearing Officers) Staff by Circuit**

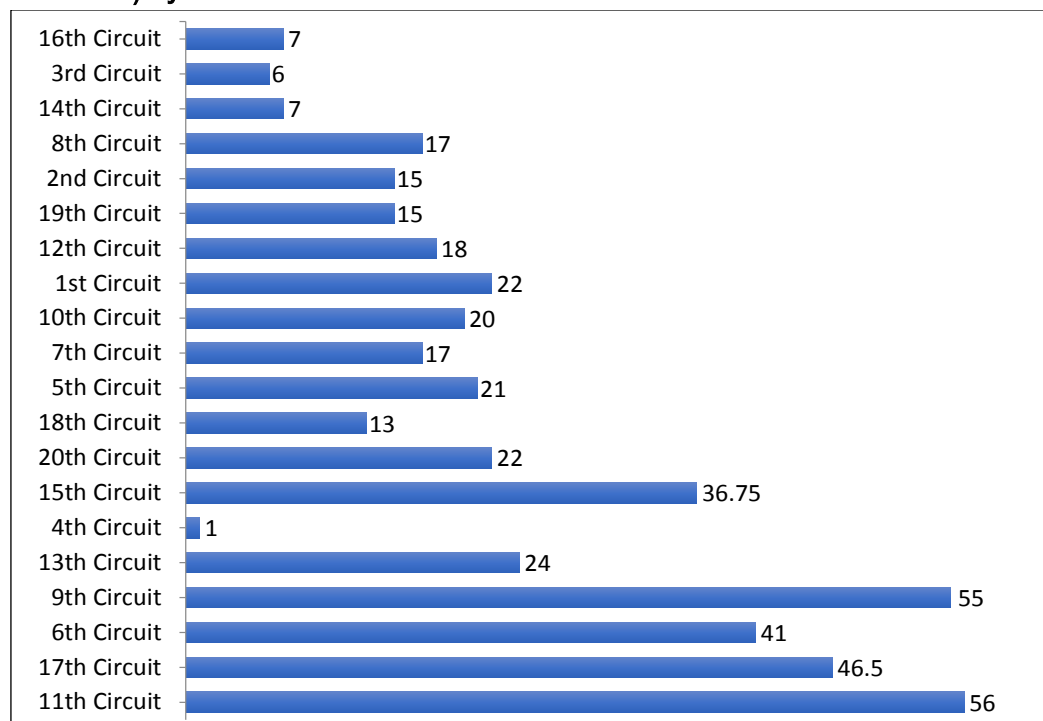
Source: Office of the State Courts Administrator, October 2015.

# **Exhibit A-6** **Number of Mediators by Circuit**



Source: Office of the State Courts Administrator, October 2015.

# **Exhibit A-7** **Number of Due Process Staff (Court Reporters, Court Interpreters, and Expert Witnesses) by Circuit<sup>1</sup>**



<sup>1</sup> Many circuits use a mix of employees and contracts to provide court reporting and court interpreting services. Circuit 4 provides the services almost exclusively through contracts. Circuit 6 is the only circuit that has an expert witness as a court staff member.

Source: Office of the State Courts Administrator, October 2015.



## Appendix B

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Jorge Labarga  
Chief Justice



Patricia (PK) Jameson  
State Courts Administrator

### Office of the State Courts Administrator

Phone: (850) 922-5081 Fax: (850) 488-0156  
e-mail: [osca@flcourts.org](mailto:osca@flcourts.org)

December 1, 2015

R. Philip Twogood, Ph.D.  
Coordinator  
Office of Program Policy Analysis and Government Accountability  
The Florida Legislature  
111 West Madison Street, Room 312  
Tallahassee, Florida 32399-1475

Dear Dr. Twogood:

Thank you for the opportunity to respond to *A Review of Florida Circuit Courts* as prepared by the Office of Program Policy Analysis and Government Accountability (OPPAGA). On behalf of the State Courts System, I commend staff of OPPAGA on the thoroughness and breadth of its review, especially considering the short timeframe. The Office of the State Courts Administrator (OSCA) generally concurs with the findings and observations in the report and will work, under direction from leadership of the judicial branch and its judicial circuits, to implement enhancements consistent with the report. The report identifies several issues that are also of great concern to the judiciary and are reflected in the courts' legislative budget request.

In conducting a review of this scope, inevitably there are some important distinctions that may not be clear. For example, while the report focuses on the operations of the circuit courts and the perspectives of circuit court judges, in accordance with the legislative proviso, I note that county court is an indispensable part of each of the 20 judicial circuits. Therefore, many of the activities related to court administration, technology, resource allocation, performance measurement, and judicial and staff training addressed in the report also support the efficient and effective operations of county courts.

I offer the following comments to complement the findings and observations.

#### ***Transition to a Technology-Driven Environment***

OSCA appreciates the report's recognition of the expanding and now integral role of technology in the efficient management and adjudication of cases, particularly since county funding responsibilities for "communications services" were defined more than 10 years ago during the implementation of Revision 7 to Article V of the state constitution. Among the challenges the judicial circuits have faced in transitioning to a technology-driven environment are insufficient funding for staffing and equipment. While a challenge on a statewide basis, this is of critical concern in circuits containing smaller counties with limited revenue. To further exacerbate the problem, circuits must integrate different case maintenance systems of the independent clerks of court. Nevertheless, working cooperatively with the counties and the

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clerks, the courts system has made tremendous strides – from case filing to case management. Further success in this area depends upon having sufficient funding to fully implement and maintain case management systems, refresh and maintain court reporting and court interpreting equipment, and ensure a minimum level of technology services across the state. Facilitating efficient adjudication of cases for courts system users is the basis for the judicial branch’s fiscal year 2016-17 legislative budget request for comprehensive trial court technology. For example, the report notes that county-funded technology staff may not be sufficient to manage the increased court technology workload. As well, county-funded technology staff can only be used in the county that funds them, further challenging a circuit to service smaller counties in its jurisdiction. Among other things, the budget request includes state funding for additional staff for circuit-level technology planning and support.

With respect to the Court Application Processing System (CAPS), in particular, I acknowledge the report’s finding that some judges express frustration with the pace at which documents load or the degree to which this case management and processing technology is user-friendly. This feedback is very helpful and, hopefully, is attributable in part to the comparative newness of this technology, the natural learning curve for a new technology, and the paradigm shift associated with the filing, review, production, and exchange of court documents electronically. The Supreme Court’s Florida Courts Technology Commission uses this kind of feedback in its regular review and updating of the functional requirements governing CAPS.

I also would like to use this opportunity to emphasize important distinctions between CAPS and the Judicial Data Management Services (JDMS) project discussed in the report. Both are critical components in an integrated technology vision for the trial courts; however, they serve different purposes. CAPS allows judges and court staff to electronically view and respond to documents filed with the local clerk of court and thereby manage specific cases within the circuit. JDMS, by comparison, is a state-level system that will receive data from CAPS, clerks, and other sources, and allow for reporting on and analysis of court-activity data statewide, including key performance measures of interest to policymakers, the courts system, and the public.

#### ***Enhancement of Performance Data***

OSCA shares the concerns about current limitations in performance measurement reporting for the trial courts. However, I am pleased that the recent initiative to reduce the backlog of foreclosure cases is “proof of concept” of the courts system’s plan to develop and deploy enhanced performance-measurement capabilities. With multi-year funding from the Legislature, including a portion of Florida’s share of the National Mortgage Settlement, the trial courts employed additional senior judges, magistrates, and case managers to process foreclosure cases. The circuit courts thereby disposed of more than 378,000 cases, reducing the pending caseload from 329,000 to 83,000 and also reducing the percentage of foreclosure cases that are more than two years old from 42% to 26% of all cases.

Critical to the success of the foreclosure backlog reduction initiative was the development of a web-based “dashboard” as a prototype performance measurement system to provide judges,

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quasi-judicial officers, and court staff with timely and accurate information on age of pending cases, time to disposition, and clearance rates for foreclosure cases. Continued implementation of CAPS and development of JDMS will make this kind of robust performance measurement possible for all case types.

### ***Staffing Need Projections***

The report offers constructive advice to enhance methodologies underlying legislative budget requests, as well as allocation of appropriations, in support of trial court staffing needs. OSCA recognizes that, in particular, the ratio of one case manager to every 5,500 cases filed is not a staffing ratio. Rather, the Trial Court Budget Commission (TCBC) uses this methodology as more of a threshold for determining resource needs and, importantly, allocating resources equitably among the circuits. The technology initiatives discussed in the report and in this response letter will enhance the ability of the courts system to gather case-specific information, including the level of involvement of staff such as case managers in different case types, which in turn can assist in the effort to develop more targeted staff funding methodologies such as ones using weighted caseloads.

Some of the existing differences in staffing ratios among similarly sized circuits may be due to decisions individual circuits made about how to implement budget reductions in fiscal year 2008-09. Reduction amounts were identified proportionally based on the total budget for each circuit; however, each circuit had flexibility to decide which budget elements were reduced. In addition, it is important to emphasize, as the report recognizes, that circuits use different staffing models (i.e., full-time equivalent positions versus contractual arrangements) and different service delivery models that can account for differences in staffing. The TCBC also employs detailed methodologies to equitably request and allocate the substantial contractual services funds that are part of the trial court budget.

I am confident the TCBC will welcome the suggestion to explore methodologies for case managers, staff attorneys, and other staffing resources that consider differences in case types handled or that measure the work of the particular staff. The TCBC's commitment to identification of alternative methodologies for identifying resource needs is reflected in the case-specific methodologies that it employed for recommending positions in past legislative budget requests to assist with foreclosure and death penalty cases. The TCBC also has refined methodologies to address unique circuit needs – such as creating floors in some elements for smaller circuits.

The judicial branch's fiscal year 2016-17 legislative budget request reflects the emphasis on equitable identification and allocation of both staffing and contractual resource needs for the trial courts, as well as achievement of the efficiencies in case management and processing cited in the report. In addition to the comprehensive technology request discussed previously, the budget request includes funding for 52.5 additional case managers (using currently available but unfunded full-time equivalent positions) and additional due process contractual funding to support the provision of court interpreting services.

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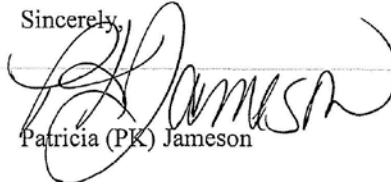
### ***Judicial and Staff Training***

OSCA agrees that it should continue to integrate online education as part of its overall education and training curriculum and program design. We also note that reasons for increasing online and distance learning opportunities are not limited to possible cost savings during times of budget constraints, but also are related to application of sound adult education principles. More and more, blended learning, which combines the best attributes of traditional classroom instruction with emerging technology and online learning tools, is proving to be extremely effective in both acquisition of learning and transfer of learning from the classroom to practical application in the workplace. Face-to-face educational opportunities – long and well-established through the Florida judicial colleges and conference education programs – while still preferred for best accomplishing many learning goals and objectives, can and should be supplemented and complemented with online and blended solutions to enhance retention and transfer of learning. Classroom education, combined with distance and electronic learning, broadens access, offers opportunities for individualized, differentiated instruction on demand, and personalizes learning. Utilizing a variety of distance learning approaches before and after class – for example, to convey information or pose thought provoking questions in advance or as follow-up – can often allow for better use of faculty and participant time when in the traditional classroom environment.

Not only are there efficiencies, but also, as noted by OPPAGA, at least in the longer term, there are potential cost savings. This recognition has led to the judicial branch's current legislative budget request in which the Court Education Unit of OSCA is requesting general revenue funding for a full-time education technologist to build and enhance electronic and distance learning capacity so that educational content is fully integrated and delivered in an efficient and cost-effective manner both in the classroom and by other means. We note, as other states have also noted, that there are a number of factors in achieving cost savings with distance education and blended learning and that, while these cost savings may come, they will not always be evident initially. Moreover, this transition to online and blended learning requires initial investments in technology, new staff, and training of current staff to develop expertise and a new skill set.

On behalf of the State Courts System, thank you for OPPAGA's commitment to exploring the important issues affecting circuit court operations. The courts system welcomes the opportunity to work with the Legislature to continue to enhance those operations. Please do not hesitate to contact me if you require additional information.

Sincerely,



Patricia (PK) Jameson

PKJ:ewm  
cc: Chief Justice Jorge Labarga