

# **State Courts System Office of Inspector General**

## Status Report of Corrective Actions Taken

OPPAGA Report Number 15-13: "A Review of Florida Circuit Courts"  
Published December 2015

### **Issue 1: Transition to a technology-driven environment**

#### **SCS Response on 12/1/2015:**

The Office of State Courts Administrator (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 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, OSCA acknowledges 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 userfriendly. 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.

OSCA 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.

**Status on 9/22/2016:**

The OPPAGA report noted the courts' progress using technology to enhance the delivery of services, such as through electronic filing, digital court reporting, and shared remote interpreting. However, the report also found that the court system has encountered challenges in its efforts to transition to a technology-driven environment, including, for example, differences in case maintenance systems of the clerks of court and differences in implementation status and functionality of the Court Application Processing Systems (CAPS) for case management and processing.

Maximizing the use of technology to enhance case management and adjudication and to measure performance across the state remains a top priority of the court system. Following are some activities that further that priority and complement the OPPAGA report:

- The TCBC has recommended that the court system, as part of the Fiscal Year 2017-18 LBR:
  - Refine and resubmit the funding request for comprehensive trial court technology, addressing further implementation and enhancement of CAPS for case management and processing; refreshment and maintenance of court reporting equipment to support due process; and establishment of a minimum level of technology in courts around the state to better serve court users. In particular, OPPAGA noted the Legislature may wish to consider technology staff when it reviews court staffing needs. In an effort to provide a consistent level of technology support around the state, the proposed LBR includes an additional 70.0 technology positions.
  - Submit a comprehensive funding request in support of court interpreting, including expanded deployment, as well as refreshment and maintenance, of remote interpreting equipment.
- OSCA is reviewing CAPS implementation data and working with the circuits to gain a better understanding of the status of implementation and

level of functionality under CAPS, to help pinpoint where additional needs exist.

**OIG comment:** The Office of State Courts Administrator is taking appropriate action in response to the issue identified in the report.

## **Issue 2: Enhancement of performance data**

### **SCS Response on 12/1/2015:**

OSCA shares the concerns about current limitations in performance measurement reporting for the trial courts. However, we are 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, 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.

### **Status on 9/22/2016:**

The OPPGA report found that statewide use of performance data is limited. It noted, however, that the Judicial Data Management Services (JDMS) initiative being coordinated by OSCA will contribute to data collection and aggregation and performance measurement.

- The Supreme Court on April 27, 2016, issued Administrative Order No. AOSC16-15, In Re: Uniform Case Reporting Requirements, which requires clerks of court to report critical case activity data in a transactional format and establishes basic infrastructure elements for this reporting to ensure data quality and timeliness.
- OSCA submitted for the Supreme Court's consideration a Fiscal Year 2017-18 LBR that supports next steps in the continued development of JDMS by funding installation of regional data management servers to capture and exchange essential court activity data between various court jurisdictions.

**OIG comment:** The Office of State Courts Administrator is taking appropriate action in response to the issue identified in the report.

### **Issue 3: Staffing need projections**

#### **SCS Response on 12/1/2015:**

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.

The OSCA is 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.

**Status on 9/22/2016:**

The OPPAGA report encouraged the Trial Court Budget Commission (TCBC) to develop more refined approaches for identifying staffing needs for case managers and staff attorneys in the trial courts. The report suggested focusing on the types of cases in which these resources are used rather than relying solely on more general staff-to-filing or staff-to-judge ratios.

- The TCBC received a briefing on the report at its meeting on January 8, 2016, and directed its Funding Methodology Committee (FMC) to review the report's findings and explore revisions to trial court funding methodologies.
- The FMC members discussed OPPAGA's recommendations, specifically methodologies related to case manager and staff attorney resources, and concluded the recommendations related to legislative budget request (LBR) methodologies, rather than methodologies used in determining allocation of new and current resources.
- In its work on the Fiscal Year 2017-18 LBR, the FMC developed methodologies for case managers and staff attorneys that considered the specific divisions of court in which these resources are deployed and that identified net need using targeted ratios for each particular division. This approach allows for more directed identification of need.
- The TCBC subsequently adopted the FMC's LBR recommendations for case managers and staff attorneys based on these refined methodologies. If approved by the Supreme Court, requests based on these new methodologies will be included in the court system's LBR due on October 14, 2016.

**OIG comment:** The Office of State Courts Administrator is taking appropriate action in response to the issue identified in the report.

**Issue 4: Judicial and staff training****SCS Response on 12/1/2015:**

The 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.

**Status on 9/22/2016:**

The OPPAGA report encouraged the Office of the State Courts Administrator (OSCA) to continue integrating on-line technology into its training and education activities on behalf of the court system.

- Already pursuing this goal before the report was released, the court system had submitted a Fiscal Year 2016-17 LBR to establish an education technologist position within OSCA. The Legislature funded that request in the new General Appropriations Act, and OSCA is working on filling the new position.
- The purpose of the education technologist position is to build and enhance electronic and distance learning capacity so that educational content is delivered in an efficient and cost-effective manner. The education technologist will be responsible for developing instructional web and media-based interactive learning solutions. This position will help OSCA accelerate the development of distance learning programs and will allow OSCA to more nimbly respond to the specialized training needs increasingly prevalent in the trial and appellate courts.

**OIG comment:** The Office of State Courts Administrator is taking appropriate action in response to the issue identified in the report.