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July 29, 2010

The Honorable Ricky Polston
Justice
Supreme Court of Florida
500 South Duval Street
Tallahassee, Florida 32399-1925



RE: Judicial Branch Governance Study Group

Dear Justice Polston:

The Florida Council of 100 has had a vital, ongoing interest in improving Florida's judicial system, fervently believing that Florida needs a best-in-class judicial system if we want our economy to function at best-in-class levels. We greatly appreciate your reaching out to us in your letter of June 21, 2010, seeking our input regarding the work of the Judicial Branch Governance Study Group.

To that end, we have assembled the enclosed white paper and, based on this initial research, recommend that the state sponsor a 3-5 year, long-term study regarding the governance structure of Florida's judicial system from an economic development perspective. Such a study must be research-based and data-driven, be conducted by experts both inside and outside of the legal profession, benchmark Florida's judicial policies and practices against the best practices of other states (*e.g.*, Delaware's historic business courts as described in the white paper), and result in a detailed, comprehensive plan that addresses both substantive and funding issues.

It is clear that, to be successful, this initiative must be visionary in scope and embrace transformational change to spur organizational productivity and efficiency. For example, two key areas that must be addressed are technology and the nature of the Chief Justice position.

- In its recent order making the Florida Courts Technology Commission permanent, the Supreme Court emphasized the need for Florida's judicial branch to "transition to a system that relies on digital information." Our research affirms this position, indicating that systemic technological changes are both vital and necessary if the courts system is to achieve optimal levels of access, coordination, and performance. Simply put, the criticality of this effort cannot be overstated.
- Few states have as short of a term for the Chief Justice position as Florida – two years, rotated based on seniority. It appears that the longer terms in other states enable their chief judges to invest in

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long-term administrative strategies that ultimately benefit their judicial systems and build intergovernmental relationships with other governmental leaders whose actions affect the courts. Thus, it is important for Florida to reassess its current policy and look at other potential term-types for its Chief Justice, which might better empower the position to drive long-term positive change (*e.g.*, an unlimited number of terms of at least 4 years, up to age 70, with no rotation).

As you are aware, the Council of 100 is a codified member of the Judicial Management Council and has a longstanding relationship with Florida's judicial branch. The business community's partnership with the courts system is just as important as its roles of counselor and advocate to the executive and legislative leaders.

As always, the Council of 100 pledges its continued support for efforts to improve Florida's judicial system and create a high quality of life for all Floridians. Please do not hesitate to contact the Council if we can be of further assistance.

Respectfully submitted,

Susan N. Story
Chair

Steven T. Halverson
Vice Chair

Enclosure

cc: Chief Justice Charles T. Canady
Justice Barbara J. Pariente
Justice R. Fred Lewis
Justice Peggy A. Quince
Justice Jorge Labarga
Justice James E.C. Perry
Richard Van Duizend, National Center for State Courts

Florida State Courts System

Governance Overview

July 2010



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Introduction

Formed in 1961, the Florida Council of 100 is a private, nonprofit, nonpartisan organization of business leaders, which exists to promote the economic growth of Florida and improve the economic well-being and quality of life of its citizenry. The Council was the first of its kind in the United States, and works with the Governor and the state agencies, the Chief Justice, the Legislature, as well as with private organizations, to achieve quality of life improvements for the citizens of Florida.

The Florida Council of 100 has had a vital, ongoing interest in improving Florida's judicial system, addressing topics such as criminal justice reform in 1995 and 1997 and civil justice reform, including significant but not sufficient tort reform, in 2003 and 2006. We have always fervently held that Florida needs a best-in-class judicial system if we want our economy to function at best-in-class levels.

In fact, this longstanding relationship with Florida's judicial system is codified in Florida's Rules of Judicial Administration.¹ Rule 2.225 requires that the Judicial Management Council (JMC) include a member of the Florida Council of 100, nominated by the Florida Council of 100.² The JMC is charged with:

- The comprehensive study and formulation of recommendations on issues related to the efficient and effective administration of justice that have statewide impact, affect multiple levels of the court system, or affect multiple constituencies in the court and justice community.³
- The development and recommendation of the long-range strategic plan and quality management and accountability program for the judicial branch.
- The development of recommendations to all Constitutional Revision Commissions.
- The review of and response to the work of other commissions, task forces, councils, and committees of the judicial, legislative and executive branches, and The Florida Bar, which may consider matters having policy, funding, or operational implications for the judicial branch and the justice system.
- The provision of a liaison with private sector entities with an interest in the court system, including the Florida Council of 100.

In that spirit, the purpose of this document is to provide an overview of Florida's State Courts System as framed by Supreme Court Order No. AOSC09-43 (see Appendix A) and as requested by the Supreme Court's Judicial Branch Governance Study Group (see Appendix B). For purposes of this study group, governance is defined in Supreme Court Order No. AOSC09-43 as the "system of exercising authority to provide direction and to undertake, coordinate, and regulate activities to achieve the vision and mission of

¹ Rule 2.225. "Judicial Management Council," *Florida Rules of Judicial Administration, 2010 Edition*.

² The Judicial Management Council was suspended in 2008 due to lack of funding. The members of the 21-member Council include one supreme court justice; two district court of appeal judges; two circuit court judges; two county court judges; one state attorney; one public defender; the Attorney General; one clerk of court; two representatives of The Florida Bar; one representative of the Governor's legal office; one member of the Florida Senate and one member of the House of Representatives; four public members; and one member of the Florida Council of 100, to be nominated by the Florida Council of 100.

³ Issues that may be examined by the JMC include the organization, jurisdiction, and management of the courts; the qualifications, selection process, compensation, disciplinary process, and removal process for judicial officers; administrative policies and programs of the court system; state and local budgets for the courts and related entities, and the balance of funding between state and local government; available revenues that are currently or may be used to support the courts, including fines, forfeitures, filing fees, add-ons, surcharges, and liens; rules of court and rulemaking process; legislative issues, including changes in the statutes or the constitution; and the policies, procedures, and programs of other entities that are involved in court proceedings, or otherwise affect the work of the courts.

the branch. Judicial branch governance encompasses policy-making, budgeting, rulemaking, leadership, decision-making, planning, and intergovernmental relations.”

Description of Judicial System Governance Structure

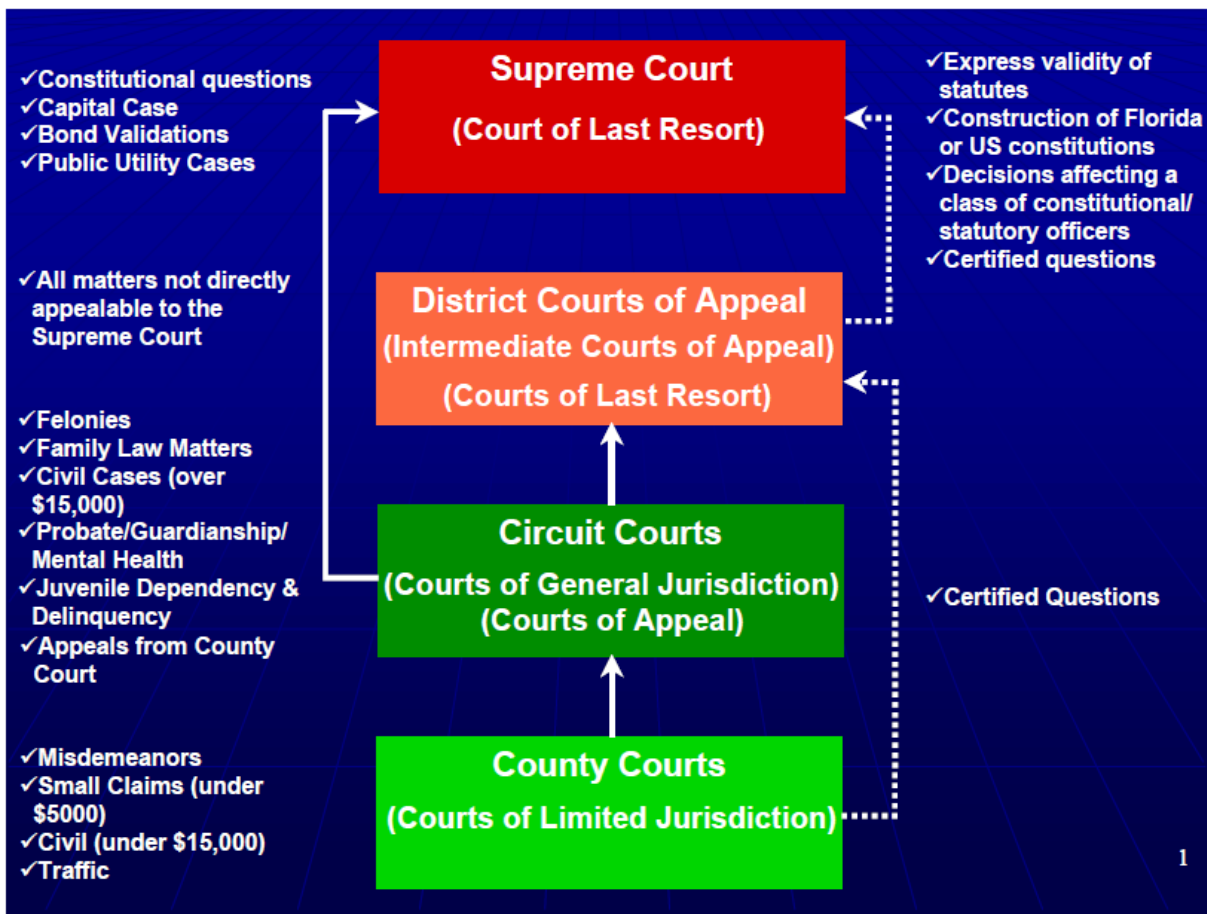
The Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) notes that:

Article V of the Florida Constitution establishes the judicial branch of state government, including trial and appellate 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. The constitution also delineates the trial courts system's key participants, including judges, state attorneys, public defenders, and clerks of court. These elected independent officials interact as part of a complex interdependent system...

Florida's courts were not always organized in this manner. Prior to 1972, Florida's courts were a mixture of municipal courts, county courts, justices of the peace and other court venues with varying jurisdictions and funding sources. In 1972, voters revised the constitution to reorganize the trial courts into a unified courts system funded by the counties, the state, and court users. These changes simplified the organization of the judiciary by reducing the number of courts to four levels: Supreme Court, district courts of appeal, circuit courts and county courts. These constitutional changes created Florida's two-tier trial court system, requiring a circuit court in each judicial circuit and a county court in each county with at least one resident judge within the county. The changes also created Florida's current uniform system of courts that follow rules of procedure that are applicable statewide.⁴

⁴ OPPAGA, *Little Duplication in Court-Related Services; Clerk/Court Cooperation Should Be Improved*, January 2010.

Thus, the State Courts System is now composed of the following entities.⁵



Supreme Court

Florida's highest state appellate court has seven justices and statewide jurisdiction.⁶ Justices are appointed by the Governor and afterwards are elected to a six-year term by a statewide merit retention vote.⁷ The Florida Constitution requires that, at all times, at least one justice must have been a resident of each of the five District Courts of Appeal at the time of appointment to the court. Thus, at-large seats are determined completely by the composition of the Supreme Court when a vacancy is filled.⁸

⁵ Florida Supreme Court, Public Information, Florida State's Court System, *Diagram of the State Courts*, http://www.floridasupremecourt.org/pub_info/system2.shtml.

⁶ OPPAGA, *Government Program Summaries, State Courts System*, May 4, 2010.

⁷ OPPAGA, *Government Program Summaries, State Courts System, Supreme Court*, May 4, 2010.

⁸ Mary Agnes Thursby as revised by Jo Dowling & the Office of Public Information, *Succession of Justices of Supreme Court Of Florida*, August 11, 2009.

The Chief Justice is the administrator of the State Courts System.⁹ While the 1885 Constitution provided for the Chief Justice to be designated by lot, in 1972 Article V of the 1968 Constitution was revised to provide for the election of the Chief Justice by the majority of the members of the Supreme Court.¹⁰ Currently, the Chief Justice position rotates every 2 years based on seniority.

In terms of its responsibilities, the Supreme Court:¹¹

- Performs mandatory reviews of final orders of lower courts that have imposed the death penalty; district court decisions declaring a state statute or provision of the state constitution invalid; bond validations; and actions of statewide agencies relating to public utilities.
- Reviews, at its discretion, certain decisions of District Courts of Appeal and matters of law certified to it by DCA and federal appellate courts.
- Issues, at its discretion, advisory opinions to the Attorney General and the Governor relating to constitutional duties and powers.
- Regulates admission of lawyers to The Florida Bar and the discipline of judges and lawyers.
- Adopts rules for the practice and procedure and administrative supervision of all courts, including establishing policies for trial court administration, case management, and time standards for case processing.

District Courts of Appeal¹²

The District Courts of Appeals hear appeals of cases from the county and district courts and have jurisdiction over all workers' compensation cases. There are five geographic districts (two to six judicial circuits per district) which are served by 62 judges.

An appellate judge serves for 6 years and must be retained by a merit retention vote in his or her district. Vacancies are filled by gubernatorial appointment from a list of three qualified persons recommended by the Judicial Nominating Commission.

Circuit Courts¹³

The Circuit Courts are the highest level trial court in each of the 20 judicial circuits and are served by 599 judges. These courts have general trial jurisdiction over matters not statutorily assigned to the county courts and hear appeals from county court cases. More specifically, circuit courts' jurisdiction includes civil disputes involving more than \$15,000; cases relating to juveniles; criminal prosecutions for all felonies; family law; probate; and tax disputes. These courts also implement a variety of programs to improve their effectiveness, including Alternative Dispute Resolution/Mediation, Drug Courts, Family Courts, Self-Help Centers, and Felony Forensic and Mental Health Courts.

⁹ OPPAGA, *supra* note 7.

¹⁰ Thursby, *supra* note 8.

¹¹ OPPAGA, *supra* note 7. OPPAGA, *Judicial Case Management Practices Vary Throughout State; Better Case Data Needed*, January 2009.

¹² OPPAGA, *supra* note 6. OPPAGA, *Government Program Summaries, State Courts System, District Courts of Appeal*, May 4, 2010.

¹³ OPPAGA, *supra* note 6. OPPAGA, *Government Program Summaries, State Courts System, Circuit Courts*, May 4, 2010. OPPAGA, *Judicial Case Management Practices Vary Throughout State; Better Case Data Needed*, January 2009.

A judge is elected to a six-year term in a nonpartisan election by voters in his or her circuit. Each circuit is lead by a chief judge, who is in charge of administrative supervision of all courts in the circuit. Serving unlimited terms of two years, the chief judge is a circuit judge picked by a majority of the circuit and county court judges. A chief judge establishes (1) an administrative organization capable of efficiently disposing of cases, and (2) policies for controlling dockets, regulating courtroom use, assigning judges, and evaluating statistical data relating to the court.

County Courts¹⁴

The County Courts, the lowest level trial courts, are served by 322 judges, at least one in each county. They have jurisdiction in misdemeanor cases that cannot be heard by the circuit court, violations of local ordinances, and traffic and civil actions in cases relating to disputes of not more than \$15,000. A judge is elected to a six-year term in a nonpartisan election by voters in his or her county.

Other Judicial Entities

Office of the State Courts Administrator¹⁵

The Office of the State Courts Administrator was created in 1972 by the Supreme Court to help administer the state courts system, originally by developing a uniform case reporting system to inform budget and resource decisions. The State Courts Administrator serves under the direction of the Supreme Court justices and oversees numerous court initiatives and administrative functions, including Alternate Dispute Resolution/Mediation; Complex Litigation; Court Interpreters Program; Court Technology; Court Reporting Services; Drug Courts; Emergency Preparedness; Family Courts; Grant Information; Judiciary Education; Jury Information; Justice Teaching Institute; Performance & Accountability; Privacy and Court Records; Purchasing; Funding Justice; Strategic Planning; Purchasing; ADA Information; Grant Information; Contract Information; and Records Management. The State Courts Administrator is also the liaison between the court system and the legislative branch, the executive branch, the auxiliary agencies of the Court, and national court research and planning agencies.

Judicial Nominating Commissions¹⁶

Consisting of 9 members each, Judicial Nominating Commissions (JNC) recommend qualified individuals to fill judicial vacancies. There are separate JNCs for the Supreme Court, district courts of appeal, and for each judicial circuit (which also handle nominations for county judges). The Governor fills each vacancy from a list of three candidates nominated by the appropriate JNC.

The Governor appoints JNC members. In making appointments, the Governor is supposed to consider ethnic, racial and gender composition; geographic distribution of the population within the commission; and the adequacy of the representation of each county. A commissioner's term of office is four years.

¹⁴ OPPAGA, *supra* note 6. OPPAGA, *Government Program Summaries, State Courts System, County Courts*, May 4, 2010.

¹⁵ Florida State Courts, Court Administration, *Administrative Functions* at http://www.flcourts.org/courts/crtadmin/admin_functions.shtml, and Florida State Courts, *Court Initiatives* at http://www.flcourts.org/gen_public/programs.shtml.

¹⁶ OPPAGA, *supra* note 6.

Judicial Qualifications Commission¹⁷

The Judicial Qualifications Commission (JQC) investigates and recommends discipline of judges. The JQC is composed of two judges each of the district courts of appeal, circuit courts and county courts, four members of The Florida Bar and of five residents who have never held judicial office or been members of the bar.

Clerks of Circuit Court¹⁸

Pursuant to the Florida Constitution, voters in each county elect a clerk of circuit court, who administers a variety of court-related and non-court-related functions at the county and state level, including serving as custodian of public records and as their county's fiscal officer. In 2004, the Legislature created the Clerks of Court Operations Corporation to develop a process for reviewing and certifying proposed court-related budgets for each clerk; develop and certify performance measures and standards; identify deficiencies and take corrective action when clerks fail to meet such standards; and recommend changes in court-related fines, fees, service charges, and court costs established by law.

Court Administration¹⁹

Each judicial circuit has a court administrator who is hired by the chief judge of the circuit, subject to the majority vote of the circuit's judges. While statute does not specifically address court administrators' responsibilities, the chief judge may delegate some of his or her constitutional responsibility for court administration supervision to the court administrator.

Trial Court Budget Commission²⁰

In 2000, the Supreme Court created the Trial Court Budget Commission to oversee the preparation and implementation of the trial court component of the judicial branch budget. The commission is charged with recommending budgeting and funding policies and procedures for the trial courts to the Supreme Court.

State attorneys prosecute or defend on behalf of the state, all lawsuits, applications, or motions (civil or criminal) in which the state is a party.²¹

The Attorney General represents the state in criminal appeals and other issues related to state agency legal actions.²²

The Statewide Prosecutor prosecutes on behalf of the state for crimes relating to multiple jurisdictions.²³

Public defenders represent indigent persons who are charged with a felony or certain misdemeanors and other persons (e.g., alleged mentally ill persons, who are being involuntarily placed.)²⁴

¹⁷ *Id.*

¹⁸ OPPAGA, *Judicial Case Management Practices Vary Throughout State; Better Case Data Needed*, January 2009.

¹⁹ *Id.*

²⁰ *Id.*

²¹ OPPAGA, *supra* note 6.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

Capitol Collateral Regional Councils represent indigent persons in death row appeals.²⁵

Justice Administrative Commission²⁶

The Justice Administrative Commission (JAC) administratively serves the offices of State Attorneys, Public Defenders, Capital Collateral Regional Councils, the Statewide Guardian ad Litem Program, Criminal Conflict and Civil Regional Councils, and the Clerks of Court Operations Corporation. The JAC also provides compliance and financial review of the court-appointed attorney due process costs. JAC membership consists of two State Attorneys, appointed by the President of the Florida Prosecuting Attorneys Association and two Public Defenders, appointed by the President of the Florida Public Defenders Association. JAC members serve two-year terms.

Sheriffs are responsible for executing all court processes and for the provision of bailiffs.²⁷

²⁵ *Id.*

²⁶ Justice Administrative Commission, *Commissioners* at <http://www.justiceadmin.org/commissioner/index.aspx>.

²⁷ OPPAGA, *supra* note 6.

Funding Florida's State Courts System

Subsequent to the adoption of Florida's current four-tier judicial structure, state and county governments disagreed on how much each should pay for the operation of the state courts system.²⁸ In 1998, Florida voters adopted Revision 7 to Article V of the Florida Constitution, which allocated more costs to the state and established a deadline of July 1, 2004, for the state to fully fund its share of court system costs.²⁹ Since then, several laws have been passed to implement the details of Revision 7.³⁰

²⁸ OPPAGA, *supra* note 4.

²⁹ Summary of Article V, Section 14, *Florida Constitution*, as amended by voters in the November 1998 General Election: Funding for the state courts system, state attorney and public defender offices, and court-appointed counsel shall be provided from state revenues. All funding for clerks of circuit and county courts performing court-related functions shall be from filing fees for judicial proceedings and service charges. The state shall provide funding where the Constitutions of the United States or Florida preclude fees and service charges to fund court-related functions of clerks of circuit and county courts. Counties shall fund communications services, existing radio systems, existing multi-agency criminal justice information systems, and the construction or lease, maintenance, utilities, and security of facilities for trial courts, public defender and state attorney offices, and offices of clerks of circuit and county courts performing court-related functions. Counties shall pay salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.

³⁰ During the 2000 Legislative Session, the Legislature approved Chapter 2000-237, Laws of Florida, setting forth a process for the clerks to develop and propose a schedule of fees and services to the Legislature for consideration. In 2003, the Legislature approved Chapter 2003-402, L.O.F., regarding the implementation of Revision 7 to Article V, section 14 (b) of the State Constitution, which was developed in accordance with the process established in Chapter 2000-237, L.O.F. Chapter 2003-402, L.O.F., also provided a schedule of fines, fees and service charges as well as the disposition of revenues to the various entities, funds and trust funds.

During the 2004 and 2005 Legislative Sessions, the Legislature approved Chapters 2004-265 and 2005-236, L.O.F., respectively, revising a number of fees, fines and service charges.

During the 2008 Legislative Session, the Legislature approved Chapter 2008-111, L.O.F. establishing several new and increasing many existing fines, fees and service charges.

During the Special Legislative Session held in January 2009, the Legislature approved Chapter 2009-6, L.O.F., revising some fines and providing several new fines and fees to be collected by the Clerks of the Court for remission to the state and deposit in newly created State Court Revenue, Public Defenders Revenue, and State Attorneys Revenue Trust Funds.

During the regular 2009 Legislative Session, chapters 2009-61 and 2009-204, L.O.F., were approved further revising fees and fines, redirecting the disposition of some revenues and changing the manner in which Clerks of the Court revenues and budgets are administered.

[See Florida Revenue Estimating Conference, "Article V Fees and Transfers," *2010 Florida Tax Handbook*.]

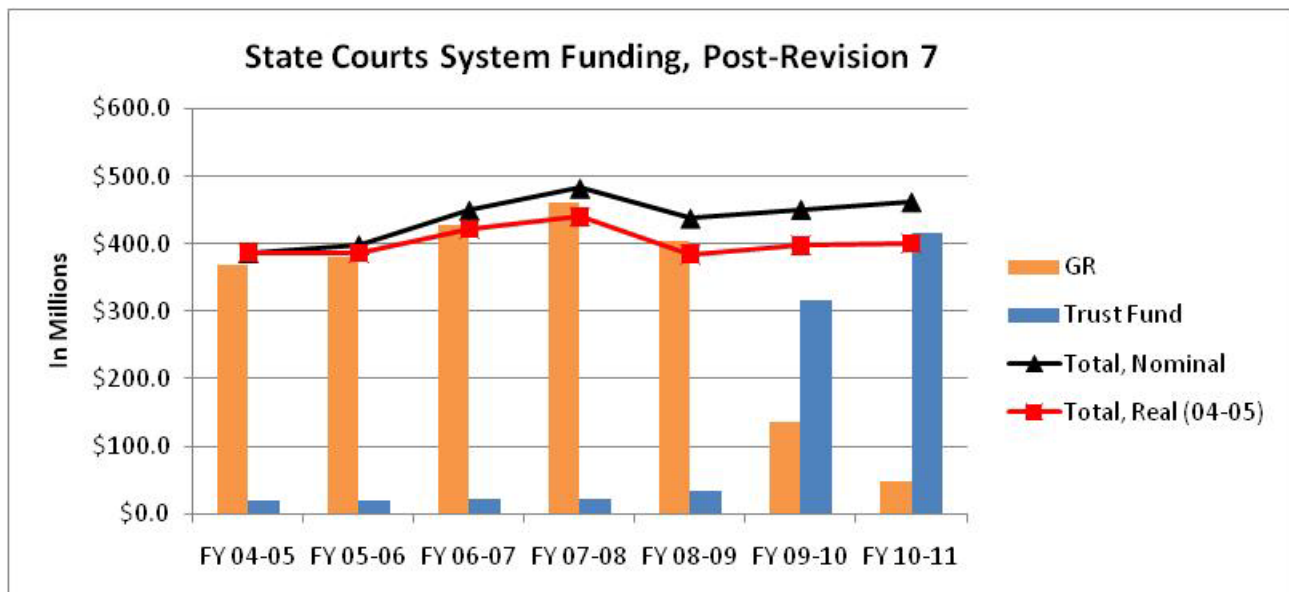
**RESPONSIBILITY FOR FUNDING STATE COURTS SYSTEM
AS OF JULY 1, 2004**

New State Funding Responsibilities	Continuing State Funding Responsibilities	Continuing County Funding Responsibilities
Hearing Officers/Magistrates Court Administration Court Reporting Court Interpreting Expert Witnesses Legal Materials for Judges and Staff Attorneys Mediation/Arbitration Case Management	Judges Judicial Assistants/Law Clerks Juror Compensation Supreme Court Appellate Courts Judicial Qualifications Commission	Court Facilities/Security Office Space Existing Communications & Information Systems

Source: Florida TaxWatch, *Implementing State Funding of Florida's Courts System for More Uniform Justice and Protection of Citizen Rights*, September 2006.

Most recently, in 2009, the Legislature enacted Chs. 2009-61 and 2009-204, Laws of Florida, which changed the method of distributing court-related revenue collected by the clerks of court.³¹ Now, clerks must send all court-related revenue from fines, fees, service charges, and costs to the state, which are then deposited in the Clerks of the Court Trust Fund within the Justice Administrative Commission. The Legislature then appropriates monies for clerks' budgets in the General Appropriations Act. Clerks must now also develop budgets based on unit costs of their services, with the Clerks of Court Operations Corporation and the Chief Financial Officer having to review those costs and make amendatory recommendations to the Legislature, which can ultimately reject or modify the proposed costs.

Ultimately, Revision 7 and subsequent statutory changes have resulted in flat funding for the State Courts System in real terms and a shift of funding from General Revenue to Trust Funds filled by fines, fees, and other service charges.



Source: *General Appropriations Acts, 2004-10*

³¹ OPPAGA, *supra* note 6.

State Court System Operations Funding, Post-Revision 7 (nominal)												
	FY 2004-05 (in millions)				FY 2005-06 (in millions)				FY 2006-07 (in millions)			
	GR	Trust Fund	Total	Positions	GR	Trust Fund	Total	Positions	GR	Trust Fund	Total	Positions
Supreme Court	\$8.1	\$0.0	\$8.1	88.0	\$11.7	\$0.0	\$11.7	91.0	\$23.4	\$0.0	\$23.4	94.0
Office of State Court Administrator	\$10.7	\$5.3	\$16.0	139.5	\$12.3	\$5.0	\$17.3	153.5	\$12.5	\$5.8	\$18.3	162.5
District Courts of Appeal	\$37.9	\$0.0	\$37.9	434.0	\$38.8	\$0.0	\$38.8	438.0	\$45.8	\$0.0	\$45.8	440.0
Circuit Courts	\$249.8	\$13.2	\$263.0	2,693.0	\$255.5	\$13.6	\$269.1	2,751.0	\$275.7	\$15.6	\$291.3	2,917.0
County Courts	\$61.1	\$0.0	\$61.1	560.0	\$61.4	\$0.0	\$61.4	560.0	\$70.2	\$0.0	\$70.2	604.0
Judicial Qualifications Commission	\$0.8	\$0.0	\$0.8	3.0	\$0.8	\$0.0	\$0.8	3.0	\$1.0	\$0.0	\$1.0	5.0
Total	\$368.4	\$18.5	\$386.9	3,917.5	\$380.5	\$18.6	\$399.1	3,996.5	\$428.6	\$21.4	\$450.0	4,222.5

State Court System Operations Funding, Post-Revision 7 (nominal)												
	FY 2007-08 (in millions)				FY 2008-09 (in millions)				FY 2009-10 (in millions)			
	GR	Trust Fund	Total	Positions	GR	Trust Fund	Total	Positions	GR	Trust Fund	Total	Positions
Supreme Court	\$14.0	\$0.0	\$14.0	101.0	\$9.4	\$0.0	\$9.4	98.0	\$1.6	\$7.4	\$9.0	97.0
Office of State Court Administrator	\$14.1	\$7.1	\$21.2	177.5	\$11.8	\$7.5	\$19.3	174.5	\$0.2	\$20.3	\$20.5	174.5
District Courts of Appeal	\$52.2	\$0.0	\$52.2	441.0	\$38.0	\$2.0	\$40.0	436.0	\$12.7	\$27.0	\$39.7	436.0
Circuit Courts	\$300.2	\$15.4	\$315.6	3,034.0	\$268.0	\$25.1	\$293.1	2,979.0	\$60.3	\$243.6	\$303.9	2,947.0
County Courts	\$78.6	\$0.0	\$78.6	644.0	\$75.4	\$0.0	\$75.4	632.0	\$58.9	\$18.4	\$77.3	644.0
Judicial Qualifications Commission	\$1.0	\$0.0	\$1.0	5.0	\$0.9	\$0.0	\$0.9	5.0	\$0.9	\$0.0	\$0.9	5.0
Total	\$460.1	\$22.5	\$482.6	4,402.5	\$403.5	\$34.6	\$438.1	4,324.5	\$134.6	\$316.7	\$451.3	4,303.5

State Court System Operations Funding, Post-Revision 7 (nominal)				
	FY 2010-11 (in millions)			
	GR	Trust Fund	Total	Positions
Supreme Court	\$0.0	\$9.5	\$9.5	97.0
Office of State Court Administrator	\$0.0	\$21.8	\$21.8	174.5
District Courts of Appeal	\$0.0	\$40.7	\$40.7	436.0
Circuit Courts	\$23.4	\$288.4	\$311.8	2,947.0
County Courts	\$23.5	\$54.1	\$77.6	644.0
Judicial Qualifications Commission	\$0.0	\$0.9	\$0.9	5.0
Total	\$46.9	\$415.4	\$462.3	4,303.5

Source: *General Appropriations Acts, 2004-10*

Chapters 2009-61 and 2009-204, Laws of Florida, also directed OPPAGA to provide details regarding the base budgets for each clerk and for the State Courts System.³² Excerpts from the report containing various tables showing court budgets broken-out by core services, sources of funds, and other categories can be found in Appendix C.

³² OPPAGA, *Clerk and Court State Funded Court-Related 2009-10 Fiscal Year Budget Information*, January 2010.

Issue: Court Workload

It is also important to put state courts' funding into context in terms of a greatly increasing workload. As one can see from the table below, funding per case filed has declined in real terms since 2005.

Category	Fiscal Year					
	2003-04	2004-05 (1)	2005-06	2006-07	2007-08	2008-09
State Court System Funding						
State Court System	\$269,815,184	\$391,608,311	\$405,406,944	\$450,390,384	\$477,980,209	\$438,269,619
Other Court Related Functions (2):	\$488,503,257	\$644,724,081	\$667,795,635	\$733,133,182	\$767,662,513	\$744,193,050
Total Funding:	\$758,318,441	\$1,036,332,392	\$1,073,202,579	\$1,183,523,566	\$1,245,642,722	\$1,182,462,669
Total Cases Filed In State Courts (3)	886,082	863,662	887,990	946,555	1,135,087	1,135,087
Funding Per Case Filed (nominal dollars):	\$855.81	\$1,199.93	\$1,208.58	\$1,250.35	\$1,097.40	\$1,041.74
Funding Per Case Filed (real dollars:2003-04=100) (4):	\$855.81	\$1,153.78	\$1,117.40	\$1,111.56	\$938.06	\$856.23

Source: Florida State Courts Annual Reports, Various Years.

Notes: 1. Revision 7 to the Florida State Constitution took effect on July 1, 2004 transferring many court funding responsibilities to the State.
 2. Other court-related functions includes: Justice Administration Executive Direction, Statewide Guardian Ad Litem Program, State Attorneys, Public Defenders, Capital Collateral Regional Counsel, Criminal Conflict and Regional Counsels.
 3. Total Cases filed in FY-2008-2009 estimated at the same level as FY-2007-2008.
 4. Deflated at 4 percent per annum to adjust for inflation in the prices of goods and services purchased by government.

Source: Washington Economics Group, *The Economic Impacts of Delays in Civil Trials in Florida's State Courts Due to Under-Funding*, February 9, 2009.

What's Driving This Dynamic?

The six divisions of court in which cases are filed are circuit criminal, circuit civil, circuit family court, circuit probate, county criminal, and county civil. (See Appendix D.) Total statewide filings from all divisions for FY 07-08 equaled 4,579,640 (24% in circuit court and 76% in county court).³³ These totals represent a 21% increase in circuit court filings and a 10% increase in county court filings from FY 06-07.³⁴ The total number of cases disposed statewide for FY 07-08 was 3,722,090.³⁵

- **Circuit Civil** -- In FY 06-07 circuit civil filings experienced significant growth.³⁶ That trend continued in FY 07-08 with an 85% increase in filings, or almost double the number of cases filed

³³ Judicial Branch, State Courts System, *Long-Range Program Plan, Fiscal Years 2010-11 through 2014-15*, September 29, 2009.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

in FY 06-07.³⁷ Although increases in filings were seen in nearly all case types, the main force behind this growth is the rapid increases in real property/mortgage foreclosures and contract and indebtedness cases.³⁸

- Foreclosure cases: Large declines in the property values have combined with the overall economic downturn to cause a “perfect storm” in foreclosure filings.³⁹ Between 2006 and 2008, foreclosure cases statewide have increased 400%, and in four of the twenty judicial circuits, caseloads have increased more than 500% during that time. Associated workload has created a tremendous strain on court and clerk resources, consuming great amounts of staff resources and crowding judicial calendars.⁴⁰
- Contract and indebtedness cases: The number of such cases rose significantly from FY 06-07 to FY 07-08, with filings increasing by 29%.⁴¹ Since FY 05-06 the number of cases filed has risen by 50%. 12,000 more cases were filed statewide in FY 07-08 than in FY 06-07.
- **County Civil** -- Filings increased by 14% from FY 06-07 to FY 07-08 (excluding civil traffic infractions).⁴² Except for non-monetary cases, all case types experienced growth. This increase in filings might not only be limited to areas connected to the housing industry, but might also be attributed to an increase in auto loan defaults.

This overall increase in cases has generated a need for both more funding and more judges.⁴³ The Florida Constitution requires the Supreme Court to certify to the Legislature the number of judges needed, and the Legislature has typically funded a portion of the court’s certification order. Although the average number of new judges established annually between 2000 and 2009 is 16, no new judgeships have been created since 2006.⁴⁴

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

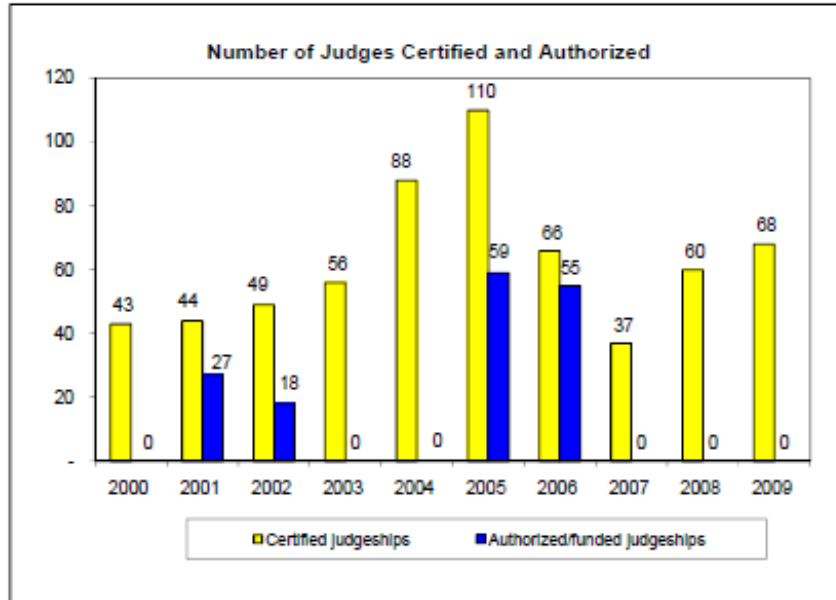
⁴⁰ The 2010 Legislature appropriated \$6 million to help the State Courts System address some of the backlog of foreclosure cases. [See *General Appropriations Act, 2010.*] Additionally, as of July 2010, there are two new initiatives to help reduce the backlog. First, judges are hiring retired judges and case managers to handle more of “the tsunami of foreclosures.” Second, lenders or loan servicers are required to go to mediation with Florida borrowers before they can petition a court to issue a foreclosure judgment against a homesteaded property. While, the lenders don’t have to modify a borrower’s loan, the two sides must try to work out a new deal. [See Harriet Johnson Brackey, “Foreclosure cases swamp South Florida courts,” *South Florida Sun-Sentinel*, June 15, 2010.]

⁴¹ Judicial Branch, *supra* note 33.

⁴² *Id.*

⁴³ State of Florida, *Long-Range Financial Outlook, Fiscal Year 2010-11 through 2012-13*, September 15, 2009.

⁴⁴ The cost to establish a new judgeship, along with the associated staff and expenses, is approximately \$250,000 per year. [See *Id.*]



Source: Florida Legislature

Source: State of Florida, *Long-Range Financial Outlook, Fiscal Year 2010-11 through 2012-13*, September 15, 2009.

Additionally, according to the State Courts System, a shortage of court administrators and staff is making the funding/workload imbalance worse.⁴⁵ Both in Florida and across the nation, there is an increasingly limited pool of workers (e.g., court managers and administrators, court reporters, court interpreters) with the special skills needed in the court environment. This situation, along with competitive state and national salaries, has led to difficulty in recruiting well qualified applicants, uncompetitive salary and benefit structures, and the continued loss of experienced employees to other, higher-paying government entities.

Ultimately, this funding/workload imbalance has consequences for Florida's economy. In 2009, the Washington Economics Group estimated that the economic impact of delays in civil trials in Florida's state courts due to under-funding is approximately \$10.1 billion annually.⁴⁶ (See Appendix F for the full study.) Furthermore, WEG estimated that 120,219 permanent jobs for Floridians are adversely impacted annually by civil case delays resulting from suboptimal funding for Florida's courts and that this situation is expected to continue to deteriorate.

⁴⁵ Judicial Branch, *supra* note 33.

⁴⁶ Washington Economics Group, *The Economic Impacts of Delays in Civil Trials in Florida's State Courts Due to Under-Funding*, February 9, 2009.

<i>Impact on:</i>	<i>Direct</i>	<i>Indirect & Induced</i>	<i>Total Impact</i>
Employment (Jobs)	56,138	64,081	120,219
Labor Income (\$ Billions)	3.041	2.549	5.590
Florida Gross State Product (Value Added -\$ Billions)	5.573	4.257	9.830
Federal, State & Local Tax Revenues (\$ Billions)	-----	-----	2.199
Total Economic Impact (\$ Billions)	10.088	7.279	17.367

Source: The Washington Economics Group, Inc.

Source: Washington Economics Group, *The Economic Impacts of Delays in Civil Trials in Florida's State Courts Due to Under-Funding*, February 9, 2009.

Addressing Workload Issues

Over the past two years, the Legislature has directed the Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct two performance reviews of the State Courts System relating to workload management and budget issues.

- "Judicial Case Management Practices Vary Throughout State; Better Case Data Needed," [January 2009] addresses judicial workload management by circuit and county courts by examining the practices used in Florida trial courts to effect the prompt disposition of cases and the factors impacting the courts' abilities to operate efficiently.
- "Little Duplication in Court-Related Services; Clerk/Court Cooperation Should Be Improved," [January 2010] assesses the court-related functions of the clerks of circuit court and the state courts system, addressing 6 key questions:
 - What specific court-related functions are currently performed by clerks and court administration staff?
 - How are court-related functions funded?
 - Are court-related functions being performed efficiently?
 - What are challenges to the efficient delivery of court-related functions?
 - Is the current clerk of court budget process efficient?
 - What steps could the court and clerks take to reduce administrative overhead without compromising quality of services?

The following are excerpts from those reports with supplementary information provided in associated footnotes:

What factors impact the courts' abilities to operate efficiently?

Based on a literature review and extensive interviews with judges and court stakeholders, OPPAGA identified four factors that present challenges for managing caseload. These are circuit geography and demographics; local legal culture; resource availability and allocation; and data availability.

Circuit Geography and Demographics

The geographic size of circuits, including the number of counties that comprise the circuit, can affect how cases are managed. In large, multi-county circuits, judges, assistant state attorneys and assistant public defenders often incur travel time driving to outlying counties to handle cases, reducing time available to perform other court-related duties. The geographic configuration of circuits also influences judicial assignments, requiring greater consideration of judges' residential locations and travel considerations in making rotation schedules and court assignments. Also, it is more difficult for chief judges to temporarily assign additional judges to assist with case backlog in circuits that cover large geographical areas.

Chief judges in multi-county circuits must also coordinate with independent county-level operations. For example, clerks of court in each county may use different approaches for capturing court data and managing court records. These circuits have greater challenges in terms of establishing uniform processes for efficient caseload management.

In addition, the demographic make-up of circuits can affect caseload management. For example, circuits with large and growing multi-cultural populations have greater need for interpreters. Criminal defendants and some civil litigants have a constitutional right to interpreter services, and the number of languages the court must have interpreted has risen dramatically in recent years. Judges told us that court proceedings are often delayed while waiting for interpreters who are usually shared by several courts in the same circuit.

Finally, caseloads can also vary among counties and court divisions, affecting both court and clerk timeliness and costs. For example, the collapse of Florida's real estate market created a marked increase in foreclosures in some counties, while counties that house correctional institutions often receive a disproportionate share of prisoner lawsuits, which generate significant workload.

Local Legal Culture

Research has shown that case processing speed is greatly affected by established expectations, practices, and informal rules of behavior of judges and attorneys. This is referred to as the local legal culture, and includes the degree to which judges and administrators emphasize the importance of cooperative relations and pursue shared goals, common tasks, and agreed upon procedures. Leadership by chief judges can help promote the level of collegiality within the courts system. However, individual judges are independently elected constitutional officers who have substantial discretion in managing their individual courtrooms and the cases brought before them. This can limit the chief judges' efforts to require the most efficient case management practices.

Furthermore, insufficient cooperation between clerks and chief judges, who are both independently elected constitutional officers, can reduce court efficiency. The Florida Association of Court Clerks and Comptrollers and the Office of the State Courts Administrator agree that the clerks' court-related duties are ministerial and that chief judges exercise administrative supervision over their circuit. The two groups also agree that chief judges have authority to issue administrative orders that direct clerks to perform specific court-related actions and may, after consultation with the clerk, determine the priority of services provided by the clerk to trial courts.

However, the Florida Association of Court Clerks and Comptrollers and the Office of the State Courts Administrator disagree about how clerks are to perform their court-related

duties. The Florida Association of Court Clerks and Comptrollers asserts that clerks are to decide how to perform these duties based on the needs and resources of their offices. In contrast, the Office of the State Courts Administrator cites case law where the court asserts that clerks, in performing ministerial court-related duties, may not exercise discretion and have no authority to contest any court action done in performance of the court's judicial function.

This difference of opinion can result in conflicts between courts and clerks. There is effective cooperation between the chief judge and the clerk in many counties, which enhances court efficiency and reduces conflicts over administrative orders. However, in other counties, cooperation between the two officials is limited, hindering court operations. For example, both court officials and clerks indicate that there is frequently insufficient coordination in dealing with technology issues. Clerks assert that judges should rely less on paper files and embrace technology, while court administrators reported that clerks should design their computer systems to provide the data elements and functionality that the judiciary needs. This lack of cooperation over technology issues was evident in October 2009 when the Office of the State Courts Administrator issued a Request for Information to develop an electronic case filing portal, although the clerks had been developing such a system since 2007.

Both the clerks and courts also cite work processes that reduce efficiency. Clerks often assert court efficiency would be improved if case file structures and processing were standardized among judges, while court administrators often indicated court efficiency would be enhanced if clerks provided faster and more accurate filing of case pleadings and more timely responses to judicial requests.⁴⁷

Resource Availability and Allocation

The Supreme Court and the Trial Court Budget Commission are responsible for allocating funds appropriated to the state courts system among the trial courts. Chief judges, using effective management practices, can allocate their circuit resources to promote the prompt disposition of cases. However, courts do not control the allocation of all types of resources required to effectively manage caseflow.

- Staffing decisions by state attorneys and public defenders affect case management. The availability of some local resources that are not controlled by the court can affect judges' efforts to promptly dispose of cases. For example, a chief judge may not be able to establish an efficient and effective mental health court if the state attorney in that circuit does not have the resources to assign a specific assistant state attorney to this effort to develop the necessary expertise in that area of law. Similarly, county government budgetary considerations may not allow bailiffs to staff trials past normal business hours. Judges also reported that the number of trials that can be held at one time is sometimes limited by the number of available court reporters and interpreters, as well as by the availability of the assistant state attorneys and assistant public defenders in criminal cases, who are often assigned to multiple divisions or counties.
- County funding availability also can impact use of some case management resources. In some counties, local governments and community

⁴⁷ There is also an overall increase in the interdependence of justice system agencies, along with increasingly complex and interdependent laws and statutory schemes. This interdependence is especially evident in cases involving families, children, self-represented litigants, and court-appointed counsel operations, where courts continue to experience an increasing number of diverse expectations for the courts' role. [See Judicial Branch, *supra* note 33.]

organizations contribute supplemental funds to provide court services. These include, in some areas of the state, additional traffic hearing officers to help courts more efficiently process cases and improve fine collection, family court case managers, and programs to divert juveniles from the court. These staff members benefit the county and free judges to focus on other judicial responsibilities. However, such supplemental financial support has primarily been available only in large urban counties, and judges reported that such funding is becoming less available during challenging economic times.

- Courtroom facilities configured for criminal trials are a scarce resource in some circuits and must be used effectively to enable efficient resolution of as many cases as possible. To accomplish this, courts usually set trial calendars on a four-, six-, or eight-week rotating basis to maximize use of the space. Trial weeks are staggered for judges, with other weeks of the judges' calendars used for proceedings that don't require courtroom space, such as matters that can be handled in judges' chambers. Criminal court judges are given priority in courtroom allocations to accommodate speedy trial requirements, the number of criminal cases, and security concerns.

Many chief judges and court administrators report that they have an insufficient number of available courtrooms. To help address this problem, some court administrators have reworked existing corridor and closet space to create small hearing rooms. Some chief judges report that they have worked for years with city and/or county commissioners on the potential development or expansion of court facilities to provide more appropriate courtroom space to process cases more efficiently.

Several judges note that, when trials settle at the last minute or finish early, judges and open courtrooms can become available. However, it is often impossible to identify a pending matter that can be heard by the judge on such short notice.

Data Availability

- Key case management data is not always available. Judges indicate that reliable data is critical to efficiently manage circuit caseloads. Some circuits have court information technology staff who have created or implemented case management software that provides reports for judges. Judges in these circuits and counties report that these systems provide them information needed to manage workload effectively. However, judges in other circuits and counties report that they lack information needed to meet their case management needs. In some circuits, other elected courts system officers such as state attorneys maintain statistical case data that they share with judges, court administrators, and the other elected court officers. In other circuits, individual judges report keeping their own statistics because they can't rely on available data.

Judges frequently voice concerns about the accuracy of case data reported to them by their county clerks. While most of the chief judges report using their clerk's data on the number of case filings, judges voice general concern about the accuracy of other data in their clerks' system.

Several circuits report that, while county clerks have assigned dedicated staff to try to improve the accuracy of clerks' data, the data is still inaccurate and sometimes internally inconsistent. Some judges attribute these problems to a lack of trained staff to input the data, improperly closed-out cases, and

varying definitions between clerks and courts on how closed and re-opened cases should be designated in the system.

Judges also question whether management reports generated from clerk data contain all the information they needed to effectively oversee case management. The most specific concerns cited are with re-opened cases, the age of those cases, and the level of detail that could be provided. Also, some judges note that information systems used by clerks of court are not all capable of generating reports by judge or division, thereby limiting some chief and administrative judges' abilities to monitor case processing.

- Key performance data is not always available. The clerks of circuit court and the state courts system currently lack sufficient performance data to assess how efficiently court-related functions are performed throughout the state. While some measures of court and clerk efficiency exist, these metrics are too broad to assess individual court-related functions.
 - Unit cost. OPPAGA has identified two generally accepted measures of efficiency related to court and clerk operations—case clearance rates and the cost to collect revenue. Case clearance rates assess court efficiency and are calculated by adding open cases to new cases filed, and dividing the result by cases disposed. The cost to collect revenue assesses clerk efficiency and is calculated by dividing total collections by how much clerks spend to collect assessed fines, fees, and court costs. While these measures are broad indicators of efficiency, they are limited because they do not assess how efficiently individual court functions are performed, and in the case of the clerks, the timeliness standards do not take accuracy into consideration. Thus, court administration and clerks cannot use these measures to improve the delivery of all of the court-related services they perform.

To better measure efficiency and contain costs, the 2009 Legislature required the clerks to develop and report unit cost measures for each discrete function, or service unit, they perform within four core service areas—case processing, financial processing, jury management, and information and reporting.⁴⁸ The unit costs reported by individual clerks are to be compared to those of peers that serve comparable counties based on similar population and number of filings. Once in place, these unit cost measures should improve the state's ability to assess the efficiency of clerks' court-related functions. For instance, the measures will allow the state to assess each clerk's efficiency in drawing jury pools and determining whether defendants are indigent.

However, the Clerks of Court Operations Corporation did not identify service units to be provided within each core service area in its Fiscal Year 2010-11 budget request, nor did it propose a unit cost for each service unit [as of the publishing of this report], as directed by the Legislature.

- Statewide service level standards. The judiciary and clerks haven't developed joint statewide service level standards for court services needed to avoid debate over, and unnecessary changes to, existing service levels. To do so, the judiciary and clerks would need to reach mutual agreements on issues that affect court efficiency, such as what types of court hearings deputy clerks are to attend, which would allow

⁴⁸ See also Florida TaxWatch, *Analysis of the Collection and Allocation of Court-Related Revenues within Florida's Judicial System*, April 2009.

clerks to optimize deployment of their staff and allow the courts to predict deputy clerk availability in advance of court proceedings. The judiciary and clerks would also have to work to standardize the content and format of summary caseload reports provided to judges using clerk information systems. This would allow all chief judges to obtain consistent case reports for all circuits and avoid the need to cross-train judges who serve in multiple counties.

- Administrative overhead. Both court administrators and clerks need to improve their information reporting on administrative overhead costs. The majority of administrative overhead costs for the 20 circuit courts are contained in the Trial Court Administration accounting organizational code, which includes fiscal, human resource, and technology functions that support the courts. However, the courts also report some administrative overhead costs in other categories. For example, certain managerial employees, such as court reporting managers and administrative general magistrates, perform both administrative functions and operational functions.

The 67 Clerks have historically used different methods to calculate administrative overhead. Prior to the passage of Ch. 2009-204, Laws of Florida, the CCOC developed statewide standards for clerks' administrative overhead rates. Individual clerks, however, routinely varied from these standards and used local data and procedures to allocate their administrative overhead. For example, some clerks assigned the elected clerk's salary to administrative overhead, while others, particularly in smaller counties, excluded this cost because it represented a disproportionately large portion of their office's budget and because these clerks often performed operational tasks such as filling in for sick employees. This resulted in inconsistent methods of allocating these costs. CCOC did not track or address these variations, but instead focused on comparing each individual clerk's costs over time.

With the passage of Ch. 2009-204, Laws of Florida, the Legislature directed the clerks to allocate central administrative costs among the four core service categories. The budget process now compares clerks' budgets to peer groups, and the CCOC has issued budget instructions that specify how the percentage of shared administrative overhead costs is to be allocated to court-related and non-court-related administrative overhead and that the clerk's position is to be included in administrative overhead calculations. Additionally, the CCOC conducted training sessions to inform clerks how to properly allocate their expenses, and anticipates that these efforts will result in greater consistency in administrative overhead calculations in the future.

There are, however, other tools that both the clerks and court administration could use to better assess administrative overhead. For example, both could use supervisor-to-employee staff ratios to provide a means to compare administration within and between specific divisions and functions. These ratios could assess, for example, the number of clerks' jury management employees per supervisor, or the number of courts' support positions per supervisor. The courts and clerks could also develop a standard administrative overhead rate.

What practices are used in Florida trial courts to effect the prompt disposition of cases?

Florida circuit and county courts are using a variety of case management practices that are consistent with the general strategies prescribed by national literature. Many of Florida's practices are established in statewide court rules and circuit administrative orders, and vary somewhat throughout the state for several reasons.

Statewide Policies are Established by the Florida Supreme Court.

As part of the Florida Rules of Court, the Supreme Court has adopted the Rules of Judicial Administration that include clear statements about trial court administration. The Rules cover time standards, case management, and use of court technology, among other issues. These rules address practice and procedure, are adopted to facilitate the uniform conduct of litigation, and are intended to help secure the speedy and inexpensive determination of court proceedings.

- Judicial rules establish chief judge and budget responsibilities. The Florida Rules of Judicial Administration identify the circuit chief judges' responsibilities for trial courts. These rules also establish the Trial Court Budget Commission, which has responsibility to develop and administer trial court budgets fairly and equitably across the 20 circuits.
- Judicial rules establish case time standards. Establishing and monitoring time standards, expressed in a number of days to process specific types of cases, is recognized as a way to effectively manage workload. Time standards developed by the National Conference of State Trial Judges and approved by the American Bar Association are a common point of reference for considering overall time standards. For example, those standards suggest that 98% of felony cases should take not more than 180 days from arrest to final disposition, while 90% of misdemeanors should take 30 days or less.

Florida Rules of Judicial Administration include similar time standards, which are established as presumptively reasonable. It is recognized that there are cases that, because of their complexity, present problems that cause reasonable delays. Most judges reported that they are aware of the time standards in the Florida Rules of Judicial Administration and strive to abide by them.

- Judicial rules require proactive trial court case management. Florida court rules direct the trial judge to take control of all cases at an early stage in the litigation and to control the progress of the case thereafter until the case is determined. Under this concept, the court creates a schedule for each case to move to disposition and every case has a future court event scheduled on the judge's calendar. Court rules also direct judges to apply a firm continuance policy, granting few and for good cause only, and to develop rational and effective trial setting policies.

Establishing firm case schedules and discouraging continuances is beneficial as these steps can help spur earlier pleas and case settlements. National studies conclude that 95% of U.S. cases are disposed without trial.

- Judicial rules address use of court technology. The Rules of Judicial Administration address court technology in areas such as media coverage of court proceedings, electronic filing of court documents when authorized by the Florida Supreme Court, and use of communication equipment, such as a

conference telephone or other electronic device that allows all those appearing in a proceeding to hear and speak to each other without impediment. The rules also require that the circuits' chief judges' administrative plans include consideration of the statistical data developed by the circuits' case reporting systems.

Effective use of court technology is beneficial to effectively manage court workflow. National studies note the positive role technology can play in scheduling judicial events, monitoring case processing, capturing court records and proceedings, and providing judges with timely management information and statistics.⁴⁹

Circuit Practices Reflect Court Rules, Circuit Administrative Orders, and Individual Judge's Preferences.

Case management policies and practices established by chief judges implement and supplement those mandated by the Florida Rules of Judicial Administration and often are tailored to specific conditions in their circuits. These policies and practices often include using administrative judges, establishing judicial rotation policies, establishing differentiated case management, addressing case backlogs with temporary judicial assignments, managing case progress through intermediate timelines and limited continuances, and using innovative technologies.

- Circuits often use administrative judges to manage court divisions. Most chief judges in Florida circuits use administrative judges to lead divisions and agree that efficiency is improved by this practice. The Rules of Judicial Administration allow chief judges to appoint administrative judges to manage within divisions. Many chief judges told us that administrative judges are very helpful in managing the division's workload; in some circuits administrative judges coordinate the work of an entire court division while in other circuits they coordinate the work of multiple judges within large divisions or judges who are located throughout geographically large circuits. Duties of administrative judges can include reviewing case movement by examining case data for the overall division and each judge; identifying cases that are pending for longer than recommended time standards; examining reasons for backlogs; recommending case or judge reassignment; overseeing new or different case handling techniques; and recommending rotations of judges.
- Circuits often modify judicial assignments and rotation to serve local needs. The Rules of Judicial Administration encourage circuits to assign judges to

⁴⁹ Increased use of technology in society has led to increased expectations that people will be able to interact with the courts electronically. Thus, for several years, Florida's judicial branch has been working to implement electronic access to the courts. The Legislature has supported this effort by enacting laws to support statewide standards being promulgated by the Supreme Court and setting a series of target dates from implementation. [See Judicial Branch, *supra* note 33.] On July 1, 2010, the Supreme Court established the Florida Courts Technology Commission as a standing Supreme Court commission. The FCTC is now charged with broad responsibility for overseeing, managing, and directing the development and use of technology within the judicial branch. The FCTC will develop all technology policies and standards for the trial and appellate courts and will review all applications for new court technology systems and changes to existing systems to ensure compliance with Court standards. The FCTC also has authority to enforce the technology policies, standards, and requirements adopted by the Court, by requiring the termination or modification of, or by imposing conditions on, a program or system application that is not in compliance. [See Supreme Court of Florida, "Amendments to the Florida Rules of Judicial Administration—Rule 2.236," *No. sc10-241*, July 1, 2010.] While funding remains a significant obstacle to implementation of electronic access to the courts, planning is moving forward rapidly. [See Judicial Branch, *supra* note 33.]

different divisions over time in order to allow them to become generally familiar with all types of cases and fully develop their capabilities. This helps ensure that circuits will always have judges available to handle cases in any division and avoid delay. While there is considerable variation in these rotation policies among the circuits, many chief judges reported that their approach to judicial assignments and rotation was designed to serve the local needs. For example, in some circuits judges are rotated among court divisions every two years, while other circuits allow judges to remain in their same assignment for several years. There is some diversity of opinion among judges on rotation among court divisions. Some judges told us that rotation can aid in their professional development, while others indicated that it can hinder efficiency in certain circumstances as the judges with more experience in a court division can better administer their dockets.

- Circuits use differentiated case management to reduce caseloads and ensure continuity of service. Most chief judges reported having at least one division that provided differentiated case management services that more effectively addressed the types of cases it heard. The term “differentiated case management” refers to an approach where the court conducts early case screening and assigns certain cases to processing tracks based on that assessment. For example, in some circuits, criminal court divisions have special dockets that handle technical violations of probation on an expedited basis with the goal of reducing the jail population. Some circuits also have developed complex business litigation divisions to handle time-consuming cases such as medical malpractice or product liability. This allows cases to progress more effectively through the regular trial division.
- Circuits often assign additional judges to assist in clearing case backlogs. Judges in many circuits reported that they receive assistance from other available judges to help with hearings and trials when needed. The chief judge or the court administrator usually coordinates this process. While this is an efficient practice, some circuits are limited in doing this by courtroom space and travel considerations.

Senior judges, who are retired judges eligible to serve on assignment to temporary judicial duty, are also used for clearing docket backlogs and to provide coverage during lengthy or complex trials to permit the regular judges to continue to handle their other cases without delay. However, circuits must compensate senior judges for their service, and funding for those services is limited. While senior judges are not used for covering annual leave, they are occasionally used for long periods of sick leave. One judge suggested that available appellate judges could also temporarily serve in circuits with need. This could be accomplished by request of the circuit chief judge to the Chief Justice, as provided by court rule.

Florida law also authorizes county judges to be designated to hear circuit cases to improve the efficiency of circuit operations. Most judges told us that designating county judges to hear circuit court cases is an effective practice, especially in multi-county circuits where it may be less efficient to have a circuit judge travel to an outlying county. These temporary assignments also can help avoid disruption of court operations and scheduled trials when a judge is out sick, and avoid the need for continuances and the cost of using senior judges.

- Some circuits and judges use intermediate timelines, active case management, deadlines, and limited continuances to guide cases to timely resolution. A few circuits use standard pretrial orders that establish general timelines for case resolution. In these circuits, the court sets deadlines for

certain events such as discovery to prompt efficient case movement. This encourages lawyers to prepare for the events and recognizes that prepared lawyers are more likely to settle because they appreciate the strengths and weaknesses of their case.

- “Active case management” is used by some judges to improve case processing. These judges play an active role in moving cases through the judicial process by setting timelines, scheduling frequent case management meetings, and monitoring case progress including dismissing cases after determining that matters are not still at issue or are not progressing. These techniques are not universally used, as other judges believe that attorneys and the criminal law process should guide the progress of cases.
- Many judges report controlling case progress by limiting continuances. These judges asserted that they grant continuances only for good cause in an effort to minimize unreasonable delays. These judges indicate that this encourages attorneys to be prepared for all scheduled court events. “Good cause” is determined at the discretion of the individual judge, but the Rules of Judicial Administration require that continuances be “few” and, in most instances, the request for continuance be signed by the requesting party, not only by the lawyer. An example of good cause may be the sudden illness of the lawyer or client.
- Many circuits are using technology to help manage workload. These initiatives include using document imaging, electronic document filing, closed circuit television and video conferencing, and case management software.
 - Many clerks of courts are imaging court documents to reduce workload of clerks, judicial assistants and judges. Imaging documents is the process which transfers paper documents into data to make it available electronically. According to the Florida Association of Court Clerks and Comptrollers, most county clerks are already doing this and others have plans to initiate the practice in the future. Many judges noted that access to electronic court files increased their efficiency by enabling quick access to previous orders or pleadings without having the paper files in front of them.
 - Some counties are providing electronic court document filing to increase efficiency. Clerks of court who currently provide an electronic filing option reported that efficiencies gained benefit lawyers and clerk staff, but also improve case processing, reduce storage space required, and reduce the costs of justice. These systems enable court documents to be submitted from any location with a computer. While not eliminating the need for the original to be filed with the clerk, electronic filing can expedite case movement. However, availability of electronic filing may be limited by the existing technology used in each county clerk’s office, and funds are limited to update or replace these systems. The federal court system has implemented electronic case management for the federal courts, and the Office of the State Courts Administrator is presently pursuing the establishment of an electronic case management system for the district courts of appeal to increase case processing efficiency.
 - Judges in several circuits are using closed-circuit television for first appearances, and video conferencing, to better use the court’s time and improve safety and cost efficiency. To avoid the cost of transporting and providing security for prisoners coming from the county jail to the courthouse for first appearance, many courts conduct arraignments and

initial appearances via closed-circuit television. Video conferencing is also used to facilitate hearings with participants in remote locations, such as plea hearings for incarcerated defendants and testimony from witnesses living outside of Florida, without delay in the case. Internal court meetings as well as meetings with OSCA staff, and court training are also facilitated by video-conferencing.

- Finally, some circuits use computer software that provides case management information to judges and gives lawyers internet access to judges' calendars to schedule hearing times. Judges in these circuits report that lawyers routinely use this access to set hearings, especially for shorter matters, which keeps cases moving and cuts down on telephone calls to judges' offices. Most courts allow attorneys to appear for non-final hearings by telephone to save time for judges and lawyers, reduce the need for continuances, and save money for civil litigants.

Courts in Other States

Judicial systems around the country can be compared in a myriad of ways. In fact, the National Center for State Courts (ncsc.org), which is providing consulting services for the Judicial Branch Governance Study Group, provides a variety of statistics regarding states' court systems.

Two comparative issues examined by the Florida Council of 100 in response to the June 2010 assistance request from the Judicial Branch Governance Study Group are the effects a court system can have on a state's economy and business environment and the differences in how states choose their chief justices – often the judicial branch's key liaison to state policymakers.

Judicial Systems and the Business Environment

The performance of a state's judicial system can greatly impact the state's business environment. A recent study found that two-thirds of corporate legal executives believe that a state's legal environment has a significant effect on a business's decision to locate or do business in the state.⁵⁰

As a result, the Institute for Legal Reform (instituteforlegalreform.com), an affiliate of the U.S. Chamber of Commerce, annually conducts a "State Liability Systems Ranking Study" to explore how reasonable and balanced the states' liability systems are perceived to be by U.S. business.⁵¹ Participants in the 2010 survey were comprised of a sample of 1,482 in-house general counsel, senior litigators or attorneys, and other senior executives who indicated they are knowledgeable about litigation matters at companies with at least \$100 million in annual revenues. Before these rankings, information regarding the attitudes of the business community toward the legal systems in each of the states had been largely anecdotal.

States are ranked based on 10 factors: Having and Enforcing Meaningful Venue Requirements; Overall Treatment of Tort and Contract Litigation; Treatment of Class Action Suits and Mass Consolidation Suits; Damages %; Timeliness of Summary Judgment or Dismissal %; Discovery %; Scientific and Technical Evidence %; Judges' Impartiality %; Judges' Competence %; and Juries' Fairness %.

While Delaware is consistently rated as having the best legal climate in the country, Florida is now ranked 42nd. Why is this? According to the American Enterprise Institute, academic studies have generally concluded that Delaware has created a "fair balance between the rights of the corporation and the rights of the shareholders, and supported its choices with a capable and expeditious judicial system. Because of this balance, Delaware corporations are not penalized for choosing that state as their state of incorporation; indeed, there are indications that they gain from it."⁵²

One specific feature of Delaware's top-ranked judicial system is its first-of-its-kind business court--the Delaware Court of Chancery, established in 1792.⁵³ The Court of Chancery has broad jurisdiction over disputes involving the internal affairs of Delaware business entities. In its more than two centuries, the Court of Chancery has become the forum of choice for deciding disputes relating to the internal affairs of

⁵⁰ Institute for Legal Reform, *2010 State Liability Systems Ranking Study*.

⁵¹ *Id.*

⁵² Peter J. Wallison, "Debtor Selection: Resolving Insolvent, Globally Active Financial Firms," *AEI Outlook Series*, March 2010.

⁵³ Donald F. Parsons Jr. and Joseph R. Slights III, "The History of Delaware's Business Courts: Their Rise to Preeminence," *Business Law Today*, March/April 2008.

corporations and other business entities and has “earned a worldwide reputation for fairness, experience, and expertise in presiding over corporate disputes.”⁵⁴

Continuing this tradition, Delaware has also just created a new division within the jurisdiction of the Superior Court to handle complex commercial and business cases.⁵⁵ Effective May 1, 2010, the Complex Commercial Litigation Division (CCLD) will deal with cases that include a claim with an amount in controversy of at least \$1 million; involve an exclusive choice of court agreement or a judgment resulting from an exclusive choice of court agreement; or are specially designated by the President Judge. Unlike most cases in Superior Court, CCLD cases will be governed by a uniform case management order, a protocol for addressing the inadvertent production of privileged documents, a protocol for expert discovery, and e-discovery plan guidelines. Additionally, CCLD cases will be given a firm and prompt trial date, which will take priority over the assigned judge's other civil cases and will require mandatory early initial disclosures such as those contemplated by Federal Rule of Civil Procedure 26(a).

Comparisons of Delaware and Florida, by rating category, are below:

Delaware

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	38	40	8	2	3	4.2	1
Overall Treatment of Tort and Contract Litigation	%	32	44	12	5	1	4.1	1
Treatment of Class Action Suits and Mass Consolidation Suits	%	21	33	11	2	3	3.9	1
Damages	%	23	47	14	7	1	3.9	2
Timeliness of Summary Judgment or Dismissal	%	24	48	19	7	*	3.9	1
Discovery	%	16	56	16	4	1	3.9	1
Scientific and Technical Evidence	%	22	46	8	3	*	4.1	1
Judges' Impartiality	%	56	33	7	3	*	4.4	1
Judges' Competence	%	56	34	8	*	1	4.4	1
Juries' Fairness	%	24	36	15	3	2	3.9	5
Overall State Grade	%	33	54	8	4	1	4.1	

⁵⁴ *Id.*

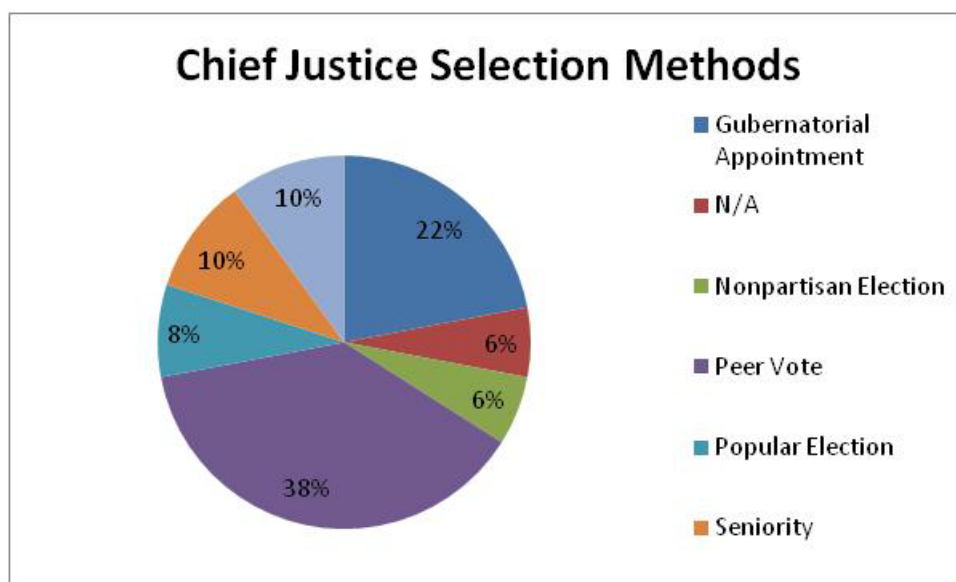
⁵⁵ Francis G.X. Pileggi, *Delaware Superior Court Establishes Special Business Court*, May 4, 2010.

Florida

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	6	36	31	9	2	3.4	38
Overall Treatment of Tort and Contract Litigation	%	2	37	36	19	5	3.1	40
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	17	26	14	5	2.9	41
Damages	%	3	25	40	21	8	2.9	41
Timeliness of Summary Judgment or Dismissal	%	2	23	40	22	9	2.9	44
Discovery	%	4	37	39	15	4	3.2	41
Scientific and Technical Evidence	%	3	30	32	11	3	3.2	39
Judges' Impartiality	%	8	43	30	12	7	3.3	38
Judges' Competence	%	5	40	36	15	3	3.3	42
Juries' Fairness	%	3	30	34	16	7	3.1	40
Overall State Grade		1	39	37	18	5	3.1	

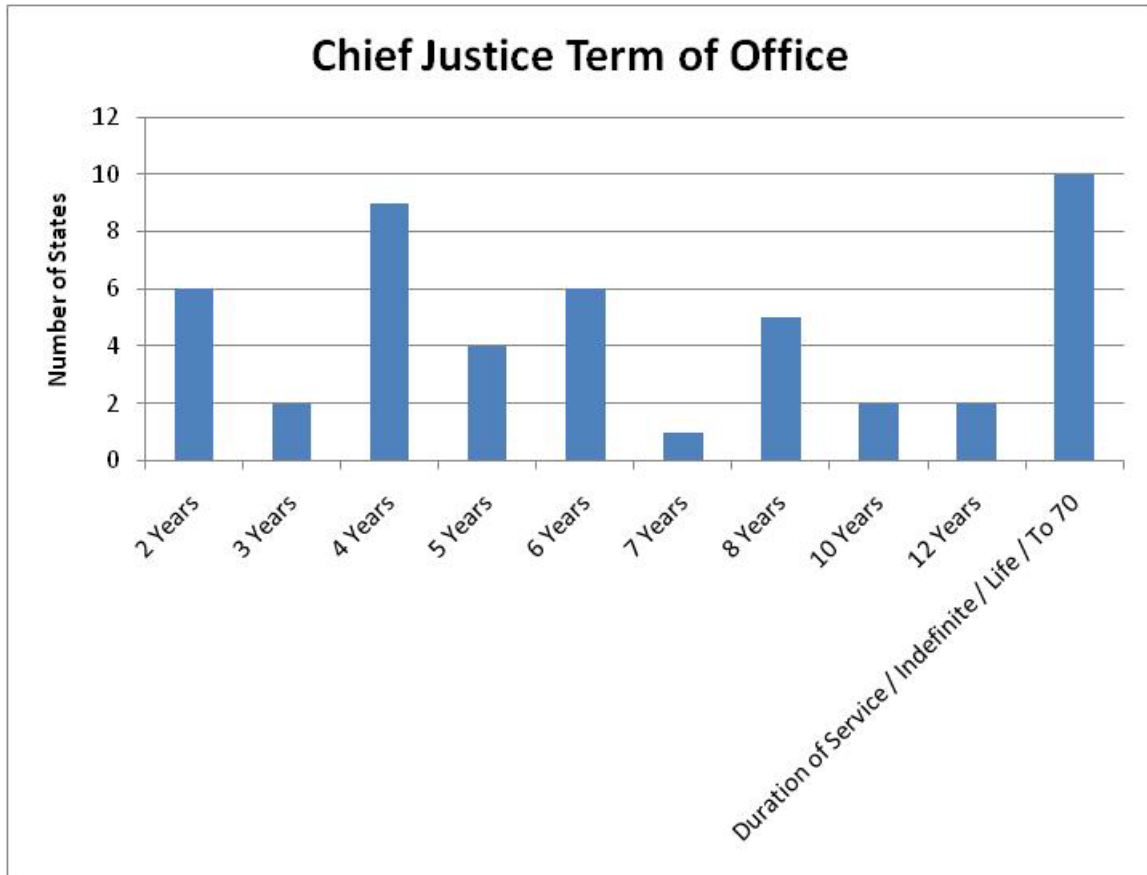
Selection of Chief Justices

As noted above, Florida's Chief Justice is selected by a majority of the members of the Supreme Court and, by tradition, rotates every two years. As shown below and in Appendix E, such a selection method ("peer vote") is the method most used by states.



Source: American Judicature Society, *Methods of Judicial Selection*, July 12, 2010.

However, Florida's use of a 2-year term of office is not the most commonly utilized standard.



Source: American Judicature Society, *Methods of Judicial Selection*, July 12, 2010.

Appendix A

Judicial Branch Governance Study Administrative Order

Supreme Court No. AOSC09-43 (October 19, 2009) RE: Judicial Branch Governance Study Administrative Order

The Long-Range Strategic Plan for the Florida Judicial Branch (2009-2015) adopted by this Court identifies five broad issues that must be addressed for the judicial branch to advance its mission and vision. The first of the five issues is entitled, "Strengthening Governance and Independence."⁵⁶ In

⁵⁶ Long-Range Issue #1 – Strengthening Governance and Independence --

The mission of the Florida judicial branch is to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes. The Constitution of the State of Florida creates the judicial branch along with the legislative and executive branches, and vests the judicial power exclusively in its courts. The American form of government operates at its best when the three branches are in balance, independent and coequal, each able to fully perform its constitutional functions and each respectful of the important roles of the others. To fulfill its mission, the judicial branch must strengthen its ability to fully function as a coequal and independent branch of government, to govern itself with coherence and clarity of purpose, to manage and control its internal operations, and to be accountable to the people.

The vision of the judicial branch is that the courts be accessible, fair, effective, responsive, and accountable. To achieve this vision in an era of increasing workloads and limited resources, the branch must govern itself effectively and efficiently. The judicial branch must have the capacity to develop and implement effective and responsive policies, to deploy its resources efficiently, and to provide transparency and accountability in the management of resources.

Historically, Florida's judicial branch has had a diffused governance and administrative structure. Numerous commissions, committees, and task forces, some permanent and others ad hoc, have been created to address discrete subject matters or operational areas. These entities frequently have overlapping or redundant jurisdiction, and often do not coordinate with one another. At times they may have competing interests or perspectives, and may ultimately advance conflicting visions within a given policy area.

Constitutionally, the chief justice is vested as the chief administrative officer of the branch and serves a two-year term. The manner, selection, and term of service of the chief justice and chief judges for the various circuits and district courts of appeal are established by court rule. However, selection criteria for chief judges vary based on local policy. While some of these courts utilize a rotation system based on seniority, many elect chief judges based on other criteria and they may serve multiple terms. A more permanent and streamlined framework for decision-making and setting policy would benefit the branch as well as court system users and provide for greater consistency and continuity of administration.

While this structure may have been adequate to meet the needs of the judicial branch in the past, the cumulative effects of constitutional amendments, growing complexity of legal and social issues, and increasing fiscal constraints have heightened the need to re-examine this approach to branch governance. Most significantly, in 2004 a funding structure that relied on counties to support many elements of the trial courts was replaced by constitutional amendment with a structure that places greater funding responsibility on the legislature for most operating costs, leaving specified costs with the counties. This change has shifted much of the responsibility for budgeting and accountability for operating resources from the local to the state level.

The important roles of the chief justice and the supreme court in leading the judicial branch further require that the branch has the capacity to develop and implement policies in a responsive, coherent, and timely manner. Changes in the task environment of the courts, including significant shifts in caseloads, the emergence of various threats to continuance of operations, and unexpected decreases in the availability of resources may require the judicial branch to adopt new or different operating policies. It is important that these policies be developed in a thoughtful, deliberative context, that consultation take place as necessary with the legislative and executive branches, that the

describing this issue, the plan notes that the judicial branch of Florida has historically maintained a diffuse governance and administrative structure, with reliance on multiple committees for policy development, and on district and circuit chief judges, supported by marshals and court administrators, as the primary administrators of policy implementation. In light of the cumulative effects of a constitutional amendment shifting greater responsibility for funding of the courts from the local to the state level, the growing complexity of issues coming before the courts, and an accompanying need to develop and implement responsive, coherent, and timely court policies, the long-range plan concludes that a need exists to examine the present governance system of the branch and further strengthen its capacity to support the effective and efficient management of the courts.

The long-range strategic plan also provides several goals and strategies associated with each strategic issue. These goals and strategies describe courses of action necessary to address the respective issues. The first goal of the plan, Goal 1.1, provides that "[t]he judicial branch will be governed in an effective and efficient manner." The first of three strategies associated with Goal 1.1 is to "[r]eform and strengthen the governance and policy development structures of the judicial branch." It is therefore appropriate and timely for the judicial branch to undertake a study of its present governance structure.

The Judicial Branch Governance Study Group is hereby established and directed to undertake an in-depth study of the current governance system of the judicial branch of Florida. For purposes of this study, governance is defined as the system of exercising authority to provide direction and to undertake, coordinate, and regulate activities to achieve the vision and mission of the branch. Judicial branch governance encompasses policy-making, budgeting, rulemaking, leadership, decision-making, planning, and intergovernmental relations.

The Judicial Branch Governance Study Group shall submit a final report and recommendations to the Court no later than December 31, 2010. The Study Group shall submit its reports to the Chief Justice through the State Courts Administrator. The report should include:

1. An examination of the structure and functions of the present governance system of the Florida Judicial Branch, and an assessment of its efficacy and efficiency;
2. Recommendations of actions or activities that the Study Group concludes would advance improvement in the governance of the judicial branch; and

judicial branch is able to speak with a clear and consistent voice, and that implementation proceed in a manner that is most beneficial to the people of Florida.

Goal 1.1: The judicial branch will be governed in an effective and efficient manner.

Strategies:

- 1.1(a) Reform and strengthen the governance and policy development structures of the judicial branch.
- 1.1(b) Implement a governance structure with the capacity to consult with affected constituencies and stakeholders and to produce policies that are responsive, coherent, and timely.
- 1.1(c) Effectuate a governance structure that can implement policies in an efficient and effective manner.

Goal 1.2: The judicial branch will interact effectively with all parts of government on issues related to the justice system.

Strategies:

- 1.2(a) Strengthen the capacity to regularly communicate with the legislative and executive branches on issues affecting the justice system.
- 1.2(b) Create institutional mechanisms to consult and coordinate activities with justice system partners on issues affecting the justice system.

[See the Florida Supreme Court Task Force on Judicial Branch Planning, *Long-Range Strategic Plan for the Florida Judicial Branch, 2009-2015*, 2009.]

3. Recommendations of any changes to the present governance system that the Study Group concludes would improve the effective and efficient management of the Florida judicial branch.

The Study Group is authorized to propose recommendations for policy, rule, or statutory changes that are directly related to governance of the judicial branch and that may serve to improve the structure, function, efficacy and efficiency in achieving the vision and mission of the branch.

The following persons are appointed to the Judicial Branch Governance Study Group for terms that expire on December 31, 2010:

- Two Supreme Court justices: The Honorable Jorge Labarga; The Honorable Ricky L. Polston
- Two district court of appeal judges: The Honorable Gerald B. Cope, Jr., Third District Court of Appeal; The Honorable Richard B. Orfinger, Fifth District Court of Appeal
- Three circuit court judges: The Honorable Alice Blackwell, Ninth Judicial Circuit; The Honorable Brian J. Davis, Fourth Judicial Circuit; The Honorable Joseph P. Farina, Eleventh Judicial Circuit
- Two county court judges: The Honorable Peter Marshall, Volusia County; The Honorable Debra Roberts, Pasco County
- One representative of The Florida Bar: Mr. John G. White, III, West Palm Beach

Justice Ricky Polston shall serve as Chair and Judge Joseph Farina shall serve as Vice Chair of the Study Group. The Office of the State Courts Administrator shall provide the necessary staff support to enable the Study Group to carry out its duties.

As a result of the decline in state financial resources, the Florida State Courts System has sustained significant reductions in operating funds and staff positions over the past few years. During these demanding fiscal times, there is still a need for the important work of the Judicial Branch Governance Study Group to proceed. The Study Group is therefore directed to make every effort to maximize the use of available resources by: utilizing grant funding, when available, in support of the Study Group's work; using discretion in the establishment of subcommittees that require operating funds and staff support; limiting the number of in-person meetings; and utilizing such options as telephone conference calls, videoconferencing, and other electronic meeting options as appropriate.

Appendix B

Request From the Judicial Branch Governance Study Group to the Florida Council of 100

Supreme Court of Florida

500 South Duval Street
Tallahassee, Florida 32399-1925

PEGGY A. QUINCE
CHIEF JUSTICE
BARBARA J. PARIENTE
R. FRED LEWIS
CHARLES T. CANADY
RICKY POLSTON
JORGE LABARGA
JAMES E. C. PERRY
JUSTICES

THOMAS D. HALL
CLERIC OF COURT
KEVIN WHITE
ACTING MARSHAL

June 21, 2010

Ms. Susan Pareigis, President
The Florida Council of 100
400 N. Ashley Drive
Suite 1775
Tampa, FL 33602

Dear Ms. Pareigis,

I want to express my gratitude to you for all that you do in supporting the Florida Judicial Branch. Because of your unique perspective, I am seeking your valuable input concerning an important endeavor of the Judicial Branch, an examination of the current governance structure. This initiative emerged from our recent long-range planning efforts that identified the need for this assessment. Chief Justice Quince issued Administrative Order AOSC09-43 In Re: Judicial Branch Governance Study (see attachment) on October 10, 2009, and appointed me as chair of the committee, the Judicial Branch Governance Study Group.

The order charges the Study Group to: 1) perform an examination of the structure and functions of the present governance system of the Florida Judicial Branch, and an assessment of its efficacy and efficiency; 2) recommend actions or activities that the Study Group concludes would advance improvement in the governance of the judicial branch; and 3) make recommendations of any changes to the present governance system that the Study Group concludes would improve the effective and efficient management of the Florida Judicial Branch.

To assist in this significant work we contracted with consultants from the National Center for State Courts, funded by a grant from the State Justice Institute. The consultants are performing a series of outreach

efforts to both internal and external stakeholders of the branch. I invite your comments concerning how the Judicial Branch might improve its policy development, and how it addresses legislative and funding issues. Of course, I welcome any additional observations you may have on improving the governance of the Judicial Branch.

To facilitate this, we are asking that you send your comments directly to our consultant, Richard Van Duizend by either email or letter based on your preferred mode:

- email: rvanduizend@ncsc.org
- address: Richard Van Duizend
 NCSC
 2425 Wilson Blvd., Suite 350
 Arlington, VA 22201

Your participation is greatly appreciated. If there is any assistance I can provide, please contact me at (850) 488-2361, or Dr. Barbara French, Office of the State Courts Administrator at (850) 488-6574.

Sincerely,

Ricky Polston
Justice

Appendix C

Court Budgets by Category⁵⁷

Clerks of Court Statewide Budget Summary Sheet

County	Core Services				Total Budget ¹	Budget to Total Budget	2009 Population ²		Number of Case Filings	Administrative Overhead Included in Budget
	Case Processing	Financial Processing	Information and Reporting	Jury Management			Non-Inmate	Inmate		
Alachua	\$4,436,495	\$ 802,354	\$ 525,716	\$ 88,092	\$ 5,852,657	1.3%	254,600	1,632	122,609	\$ 150,933
Baker	438,709	54,619	85,679	19,542	598,549	0.1%	23,816	2,083	10,373	232,537
Bay	2,077,769	569,767	721,945	30,035	3,399,516	0.8%	168,366	1,196	74,357	429,152
Bradford	328,131	93,836	124,400	3,606	549,973	0.1%	24,508	4,577	19,029	94,777
Brevard	10,570,051	1,828,934	1,886,129	403,937	14,689,051	3.3%	554,059	1,598	215,607	1,376,432
Broward	24,379,766	5,837,776	5,074,277	3,854,349	39,146,168	8.7%	1,742,583	2,007	753,467	4,179,273
Calhoun	137,890	192,587	79,564	9,528	419,569	0.1%	12,876	1,725	6,263	192,855
Charlotte	2,662,649	866,931	299,604	103,612	3,932,796	0.9%	164,326	1,129	38,052	542,380
Citrus	965,425	325,036	399,965	204,151	1,894,577	0.4%	142,419	190	36,277	492,051
Clay	2,036,044	626,794	612,587	66,136	3,341,561	0.7%	185,208	0	60,217	707,425
Collier	5,972,988	923,060	1,459,044	112,516	8,467,608	1.9%	332,914	118	104,604	1,118,833
Columbia	826,249	196,822	291,095	15,711	1,329,877	0.3%	62,797	3,612	25,419	515,785
DeSoto	357,571	152,652	284,198	29,866	824,287	0.2%	32,588	2,204	7,521	188,273
Dixie	267,430	60,327	126,761	46,422	500,940	0.1%	14,912	1,309	6,004	137,881
Duval	9,298,655	2,253,791	3,975,697	366,534	15,894,677	3.5%	899,905	613	376,722	1,895,000
Escambia	5,373,285	550,692	1,171,612	215,524	7,311,113	1.6%	310,260	2,720	111,051	1,408,825
Flagler	906,896	404,694	215,857	30,418	1,557,865	0.3%	94,901	0	25,071	466,987
Franklin	362,622	81,571	184,781	16,404	645,378	0.1%	10,671	1,743	4,329	149,536
Gadsden	791,567	155,754	193,798	36,214	1,177,333	0.3%	47,167	2,879	25,771	293,637
Gilchrist	418,933	75,721	58,423	5,642	558,719	0.1%	16,471	922	4,664	189,333
Glades	200,263	151,446	77,290	35,234	464,233	0.1%	10,330	981	6,856	226,483
Gulf	212,105	120,753	96,575	6,351	435,784	0.1%	13,450	3,348	3,595	144,263
Hamilton	241,938	92,034	79,507	20,599	434,078	0.1%	11,852	2,931	6,565	154,161
Hardee	327,978	219,550	258,989	65,676	872,193	0.2%	26,414	1,919	14,701	256,465
Hendry	472,478	293,903	316,740	20,564	1,103,685	0.2%	40,126	1,194	19,413	328,896
Hernando	2,504,797	209,451	554,249	121,125	3,389,622	0.8%	164,569	479	56,729	440,073
Highlands	779,847	545,955	486,755	50,024	1,862,581	0.4%	100,087	24	32,987	356,064
Hillsborough	20,647,524	3,128,737	5,146,084	180,412	29,102,757	6.4%	1,195,619	1,273	503,604	4,979,649
Holmes	252,795	66,552	44,316	10,119	373,782	0.1%	18,297	1,560	7,120	106,217
Indian River	2,092,706	442,592	697,651	131,976	3,364,925	0.7%	141,039	436	45,297	517,885
Jackson	547,062	137,796	283,406	44,185	1,012,449	0.2%	44,982	7,655	24,057	263,280
Jefferson	189,734	45,910	80,929	18,124	334,697	0.1%	13,483	1,194	7,701	43,879
Lafayette	177,266	39,666	29,859	18,429	265,220	0.1%	6,579	1,604	1,305	60,555
Lake	\$ 4,227,054	\$ 630,398	\$ 1,587,129	\$ 74,962	\$ 6,519,543	1.4%	290,810	1,183	94,979	\$1,675,133
Lee	9,032,666	1,901,797	846,857	197,107	11,978,427	2.7%	614,833	291	224,697	1,599,411

⁵⁷ OPPAGA, *supra* note 32.

County	Core Services				Total Budget ¹	Budget to Total Budget	2009 Population ²		Number of Case Filings	Administrative Overhead Included in Budget
	Case Processing	Financial Processing	Information and Reporting	Jury Management			Non-Inmate	Inmate		
Leon	4,178,735	947,713	1,188,584	106,301	6,421,333	1.4%	273,173	1,630	122,323	1,757,549
Levy	468,103	152,803	272,087	238,246	1,131,239	0.3%	40,417	257	12,897	59,300
Liberty	178,622	44,381	83,071	5,858	311,932	0.1%	6,612	1,608	2,662	142,785
Madison	213,135	130,509	79,355	11,608	434,607	0.1%	18,597	1,736	13,009	131,384
Manatee	4,419,783	312,355	1,299,771	76,315	6,108,224	1.4%	318,094	310	95,173	1,964,168
Marion	4,117,263	694,789	985,594	37,566	5,835,212	1.3%	325,960	4,480	105,577	901,733
Martin	2,600,315	399,803	488,422	112,018	3,600,558	0.8%	142,177	1,679	50,539	502,508
Miami-Dade	49,102,046	11,795,040	8,634,670	888,538	70,420,294	15.6%	2,461,642	10,162	1,685,947	4,422,688
Monroe	2,147,337	435,219	673,882	102,500	3,358,938	0.7%	77,853	72	41,496	372,373
Nassau	1,264,397	326,355	422,982	79,316	2,093,050	0.5%	72,461	106	21,615	696,497
Okaloosa	2,316,563	416,225	655,930	72,925	3,461,643	0.8%	194,633	1,601	73,901	576,408
Okeechobee	1,055,127	74,540	185,370	39,379	1,354,416	0.3%	37,712	1,991	12,965	0
Orange	24,727,734	3,157,413	2,362,569	26,470	30,274,186	6.7%	1,105,931	2,951	539,908	8,431,801
Osceola	4,849,120	848,024	1,629,072	15,325	7,341,541	1.6%	272,389	399	199,945	992,024
Palm Beach	23,102,310	4,707,994	5,327,755	431,119	33,569,178	7.4%	1,282,598	4,023	558,285	4,571,323
Pasco	8,692,078	1,338,341	2,944,020	95,368	13,069,807	2.9%	438,867	835	142,484	683,767
Pinellas	15,224,934	2,432,490	5,280,508	307,742	23,245,674	5.1%	929,855	1,258	321,476	1,296,373
Polk	9,331,113	1,546,766	1,926,565	475,693	13,280,137	2.9%	580,757	3,586	235,348	928,511
Putnam	1,282,863	419,367	411,793	27,912	2,141,935	0.5%	74,152	456	26,223	649,084
Santa Rosa	1,461,226	613,133	919,166	77,543	3,071,068	0.7%	183,226	274	57,880	335,580
Sarasota	6,117,780	643,870	1,038,862	136,378	7,936,890	1.8%	272,697	167	124,814	1,621,156
Seminole	6,292,781	1,886,568	527,133	90,091	8,796,573	1.9%	141,759	2,749	170,219	2,109,284
St. Johns	2,155,899	506,187	1,133,302	79,179	3,874,567	0.9%	389,308	12	67,173	676,639
St. Lucie	5,143,403	904,439	1,854,774	204,312	8,106,928	1.8%	423,574	185	101,117	1,428,064
Sumter	791,046	290,598	408,284	3,944	1,493,872	0.3%	86,029	9,275	27,092	80,672
Suwannee	614,178	210,586	282,208	53,460	1,160,432	0.3%	40,035	195	11,620	301,761
Taylor	280,727	83,549	184,139	4,038	552,453	0.1%	20,132	3,032	8,932	0
Union	285,924	68,510	51,347	16,432	422,213	0.1%	10,957	4,619	3,356	121,635
Volusia	9,048,626	833,287	1,998,502	91,896	11,972,311	2.7%	505,119	1,986	225,275	2,661,889
Wakulla	422,842	135,370	76,210	40,062	674,484	0.1%	28,972	2,819	9,157	227,895
Walton	1,073,257	189,279	335,522	42,495	1,640,553	0.4%	56,327	1,590	30,704	601,243
Washington	303,434	183,021	115,744	15,656	617,855	0.1%	22,417	2,304	10,328	107,864
Totals	\$307,778,039	\$60,808,782	\$72,134,661	\$10,658,811	\$451,380,293	100.0%	18,622,249	126,676	8,186,257	\$65,268,277

¹ Nineteen dollars of the total \$451,380,312 Legislative appropriation for the 2009-10 fiscal year was unallocated.

² 2009 population data are preliminary estimates by the Bureau of Economic and Business Research.

Supreme Court Budget Summary Sheet

Supreme Court Budget
Fiscal Year 2009-10

Appropriation Category		Approved Budget	General Revenue	State Courts Revenue Trust Fund
Salaries and Benefits	Judges	\$1,574,291	\$1,574,291	
	Judicial Assistants	718,018		\$ 718,018
	Law Clerks	1,709,267		1,709,267
	Public Information	251,891		251,891
	Clerk's Office	942,930		942,930
	Marshall Maintenance	493,401		493,401
	Information Systems Support	120,921		120,921
	Security	714,684		714,684
	Central Staff	683,247		683,247
	Library	332,798		332,798
	TOTAL	\$7,541,468	\$1,574,291	\$5,967,177
Other Personal Services		90,059		90,059
Expenses		599,632		599,632
Operating Capital Outlay		19,371		19,371
Contracted Services		464,679		464,679
Fixed Capital Outlay		3,813,477	3,813,477	
Chief Justice Discretionary Fund		15,000		15,000
Law Library		248,018		248,018
Risk Management Insurance		111,871	111,871	
Human Resource Services		25,193	2,162	23,031
Total Supreme Court		\$12,928,768	\$5,501,801	\$7,426,967

Executive Direction – State Courts System Budget Summary Sheet Fiscal Year 2009-10

Appropriation Category	Approved Budget	General Revenue	State Courts Revenue Trust Fund	Court Education Trust Fund	Mediation and Arbitration Trust Fund	Federal Grants Trust Fund	Grants and Donations Trust Fund	Operating Trust Fund
Salaries and Benefits:								
Court Administrator	\$ 276,680		\$ 276,680					
Legislative Relations	209,901		209,901					
Inspector General	225,032		225,032					
Court Services and Support	1,368,309		1,368,309					
Planning	283,540		283,540					
Court Improvement	319,801		319,801					
Webmaster	66,162		66,162					
Deputy State Court Administrator	225,273		225,273					
General Counsel	407,072		407,072					
Administrative Services Division	151,499		151,499					
Personnel Services	600,057		600,057					
Finance and Accounting Services	976,814		976,814					
Budget Services	480,347		480,347					
General Services	303,261		303,261					
ISS/Executive Direction	127,365		127,365					
ISS/Administrative Services	465,963		465,963					
ISS/Application Development/Support	740,271		740,271					
ISS/Network Operations	385,736		385,736					
ISS/Desktop Support-Support Center	520,039		520,039					
Publications	65,892		65,892					
Court Improvement Program	481,676					\$481,676		
State Court Improvement/Data Analysis	245,099					245,099		
State Court Improvement/Training	274,366					274,366		
Stop Violence Against Women	171,559					171,559		
Court Education	1,170,791			\$1,170,791				
Grant Administration	60,998							\$60,998
Unallocated/Unfunded Budget Authority	227,302	\$109,720				32,051		85,531
Alternative Dispute Resolution	649,873				\$649,873			
Total Salaries and Benefits	\$11,480,678	\$109,720	\$8,199,014	\$1,170,791	\$649,873	\$1,204,751		\$146,529
Total Other Personal Services	571,628		70,981	105,540	165,000	115,003		115,104
Total Expenses	3,945,061		1,039,729	1,863,355	315,824	489,972	\$89,493	146,688
Total Operating Capital Outlay	615,705		492,829	10,000	1,500	111,376		
Total Contracted Services	628,256		104,290	158,448	125,000	179,518	10,000	51,000
Florida Cases Co. 2nd Reporter	589,570		589,570					
Computer Subscription Services	181,450		181,450					
Total Human Resource Services	45,133	657	33,690	4,440	1,574	4,536		236
Total Risk Management Insurance	38,839	37,263			1,576			
State Operations - ARRA 2009	1,000,000					1,000,000		
Total Other Data Processing Services	1,431,387		1,013,387			80,000		338,000
Total Executive Direction	\$20,527,707	\$147,640	\$11,724,940	\$3,312,574	\$1,260,347	\$3,185,156	\$99,493	\$797,557

District Court of Appeal Budget Summary Sheet Fiscal Year 2009-10

Appropriation Category		Approved Budget	General Revenue	State Courts Revenue Trust Fund	Operating Trust Fund
Salaries and Benefits	Judges	\$12,621,798	\$12,621,798		
	Judicial Assistants	3,948,154		\$3,948,154	
	Law Clerks and Central Staff	11,272,472		11,272,472	
	Clerks Office	3,826,209		3,826,209	
	Facility Maintenance and Management	483,180		483,180	
	Information Systems Support	382,652		382,652	
	Security	106,770		106,770	
	Central Staff Support	218,517		218,517	
	Law Library	187,814		187,814	
	Judicial Administration	1,485,502		1,485,502	
	Workers' Comp Unit	1,849,261			\$1,849,261
	Total Salaries and Benefits	\$36,382,329	\$12,621,798	\$21,911,270	\$1,849,261
	Total Other Personal Services		121,733		121,733
Total Expenses		1,908,883		1,813,685	95,198
Total Operating Capital Outlay		117,364		90,364	27,000
Compensation to Senior Judges		51,790		51,790	
Total Fixed Capital Outlay		2,336,184	2,336,184		
Total Contracted Services		561,429		561,429	
DCA Law Library		204,797		204,797	
Risk Management Insurance		73,984	73,984		
Human Resources Services		109,112	16,679	90,043	2,390
Total Other Data Processing		171,100		171,100	
Total All District Court of Appeals		\$42,038,705	\$15,048,645	\$25,016,211	\$1,973,849
Not Allotted to Individual Districts		106,722	16,679	90,043	
Total Individual District Court of Appeals		\$41,931,983	\$15,031,966	\$24,926,168	\$1,973,849

Trial Courts State-Funded Budget Summary Sheet for All Circuits Fiscal Year 2009-10

Appropriation Category	Approved Budget	Circuit	County	General Revenue	State Courts Revenue Trust Fund	Mediation and Arbitration Trust Fund	Federal Grants Trust Fund	Grants and Donations Trust Fund	Operating Trust Fund
Salaries and Benefits:									
Judges	\$169,859,716	\$111,133,719	\$58,725,997	\$117,284,104	\$52,575,612				
Judicial Assistants	47,416,772	32,587,066	14,829,706		47,416,772				
Case Management	13,276,801	13,276,801			13,276,801				
Magistrates	13,151,526	13,151,526			13,151,526				
Expert Witness	100,515	100,515			100,515				
Court Reporting	14,631,936	14,631,936			14,631,936				
Court Interpreting	5,750,326	5,750,326			5,750,326				
Trial Court Administration	20,927,991	20,927,991			20,927,991				
Drug Courts	1,266,760	1,266,760			1,266,760				
Post Conviction Staff Attorneys	2,011,215	2,011,215			2,011,215				
Trial Court Staff Attorneys	10,593,883	10,593,883			10,593,883				
Mediation	7,792,931	7,792,931				\$7,792,931			
Child Support Enforcement Contract	5,609,305	5,609,305					\$5,609,305		
Due Process Cost Recovery	70,049	70,049							\$70,049
Court Reporting Cost Sharing	3,146,365	3,146,365							3,146,365
Court Interpreting Cost Sharing	548,982	548,982							548,982
Unfunded Budget Authority	2,432,027	2,432,027					139,779		2,292,248
Total Salaries and Benefits	\$318,587,100	\$245,031,397	\$73,555,703	\$117,284,104	\$181,703,337	\$7,792,931	\$5,749,084	\$0	\$6,057,644
Total Other Personal Services	125,748	125,748					125,748		
Total Expenses	11,875,995	8,658,831	3,217,164	1	11,364,051	315,618	110,616	23,750	61,959
Total Operating Capital Outlay	286,883	286,883			286,883				
Total Contracted Services	1,403,534	1,199,534	204,000		1,403,534				
Additional Compensation to County Judges	75,000		75,000		75,000				

Appropriation Category	Approved Budget	Circuit	County	General Revenue	State Courts Revenue Trust Fund	Mediation and Arbitration Trust Fund	Federal Grants Trust Fund	Grants and Donations Trust Fund	Operating Trust Fund
Civil Traffic Infraction Hearing Officers	1,339,864	1,339,864			1,339,864				
Compensation to Senior Judges	2,182,084	2,182,084			2,130,834			51,250	
Due Process	21,067,196	21,067,196			19,962,266				1,104,930
CCGR - Child Advocacy Center	138,240	138,240		138,240					
Risk Management Insurance	1,452,098	1,371,624	80,474	1,452,098					
Statewide Grand Jury	143,310	143,310		143,310					
Mediation Cost Recovery	3,307,332	3,307,332				3,307,332			
Human Resource Services	894,267	738,874	155,393	237,410	621,091	479	35,287		
Total Other Data Processing	104,160	104,160			104,160				
Total Trial Courts- All Judicial Circuits*	\$362,982,811	\$285,695,077	\$77,287,734	\$119,255,163	\$218,991,020	\$11,416,360	\$6,020,735	\$75,000	\$7,224,533
Individual Trial Courts Total	\$350,013,835	\$273,562,050	\$76,451,785						
Difference	\$12,968,976	\$12,133,027	\$835,949						

*This does not include Drug Court Expansion ARRA funds for FGTF, as at the time of this survey those funds were in Qualified Expenditure category pending establishment of budget authority by LBC and FLAIR posting. LBC approved \$8,816,612.

American Recovery and Reinvestment Act Funds (ARRA)

Appropriation Category	Approved Budget	Circuit	County	General Revenue	State Courts Revenue Trust Fund	Mediation and Arbitration Trust Fund	Federal Grants Trust Fund	Grants and Donations Trust Fund	Operating Trust Fund
State Operations							1,655,612		
Drug Courts							7,161,000		
Total ARRA Funds							\$8,816,612		

Trial Courts State-Funded Budget Reconciliation Sheet

Trial Courts

Overall Budget Compared to Budget Allotted to Judicial Circuits

Fiscal Year 2010

Appropriation Category	Overall Budget	Allotted to Individual Circuits	Statewide Accounts/Not Allotted to Individual Circuits
Total Salaries and Benefits	\$318,587,100	\$318,131,271	\$2,455,829
Total Other Personal Services	125,748		125,748
Total Expenses	11,875,995	8,399,492	3,476,503
Total Operating Capital Outlay	286,883	286,883	
Total Contracted Services	1,403,534	1,354,803	48,731
Additional Compensation to County Judges	75,000	50,000	25,000
Civil Traffic Infraction Hearing Officers	1,339,864	920,841	419,023
Compensation to Senior Judges	2,182,084		2,182,084
Due Process	21,067,196	19,937,847	1,129,349
CCGR - Child Advocacy Center	138,240		138,240
Risk Management Insurance	1,452,098		1,452,098
Statewide Grand Jury	143,310		143,310
Mediation Cost Recovery	3,307,332	2,932,698	374,634
Human Resource Services	894,267		894,267
Total Other Data Processing	104,160		104,160
Total Trial Courts-All Judicial Circuits	\$362,982,811	\$350,013,835	\$12,968,976

Judicial Qualifications Commission Budget

Judicial Qualifications Commission

Fiscal Year 2009-10

Appropriation Category	Approved Budget	General Revenue
Total Salaries and Benefits	\$389,816	\$389,816
Total Expenses	148,694	148,694
Total Operating Capital Outlay	1,638	1,638
Total Contracted Services	190,475	190,475
Total Risk Management Insurance	801	801
Litigation Expenses	181,294	181,294
Total Human Resource Services	1,202	1,202
Total Judicial Qualifications Commission	\$913,920	\$913,920

Appendix D

Select Detailed Workload and Performance Statistics

Note: Additional statistics relating to the State Courts System can be found in its Long-Range Program Plan at <http://floridafiscalportal.state.fl.us/PDFDoc.aspx?ID=2225>, in the Trial Court Statistical Reference Guide at http://www.flcourts.org/gen_public/stats/reference_guide.shtml, and on the State Courts System website, in general, at <http://www.flcourts.org/index.shtml>.

Supreme Court

Approved Performance Measures⁵⁸

	Approved Standard FY 2008-09 ⁵⁹	Actual FY 2008-09
Clearance rate ⁶⁰ (all case types)	100.0%	103.1%
Number of cases disposed (all case types)	2,493	2,491
Percent of administrative costs compared to total state courts system costs	4.8%	2.7%
Percent of administrative positions compared to total state courts system positions	4.3%	4.0%
Percent of other mandatory review jurisdiction cases disposed within 365 days of filing	72.6%	96.6%
Clearance rate for other mandatory (non-death-penalty) review jurisdiction cases	100.0%	100.0%
Number of other mandatory review jurisdiction cases disposed	62	203
Percent of discretionary review jurisdiction cases disposed within 365 days of filing	93.8%	87.0%
Clearance rate for discretionary review jurisdiction cases disposed	100.0%	111.9%
Number of discretionary review jurisdiction cases disposed	1,074	891
Percent of non-death penalty original writ petition cases disposed within 365 days of filing	92.6%	99.0%
Clearance rate for non-death penalty original writ petition cases disposed	100.0%	97.0%
Number of non-death penalty original writ petition cases disposed	741	834
Percent of other original jurisdiction cases disposed within 365 days of filing	83.5%	89.6%
Clearance rate for other original jurisdiction cases disposed	100.0%	103.2%
Number of other original jurisdiction cases disposed	97	96

⁵⁸ Judicial Branch, *supra* note 33.

⁵⁹ The approved standard was projected using the most accurate historical data available at that time. This standard did not represent a goal for the court. It was simply an estimate of the amount of activity expected to occur that year. [See Judicial Branch, *supra* note 33.]

⁶⁰ Clearance Rate - The "Clearance Rate" is a calculation of the number of cases disposed divided by the number of cases filed in the same year. The clearance rate has a reasonable ease of calculation, is a useful measure of the responsiveness of a court to the demand for services, and is nationally recognized as a measure of court performance. [See Judicial Branch, *supra* note 33.]

District Courts of Appeal

Approved Performance Measures⁶¹

	Approved Standard FY 2008-09 ⁶²	Actual FY 2008-09
Clearance rate ⁶³ (all case types)	97.4%	98.4%
Number of cases disposed (all case types)	24,745	25,498
Median number of days from filing of non-criminal appeals to disposition	225	215
Median number of days from filing of non-criminal petitions to disposition	86	85
Clearance rate for non-criminal appeals and petitions	100.3%	95.2%
Percent of non-criminal appeals and petitions cases disposed within 180 days of oral argument or conference	93.9%	95.9%

⁶¹ Judicial Branch, *supra* note 33.

⁶² *Supra* note 59.

⁶³ *Supra* note 60.

Trial (Circuit, County) Courts

Approved Performance Measures⁶⁴

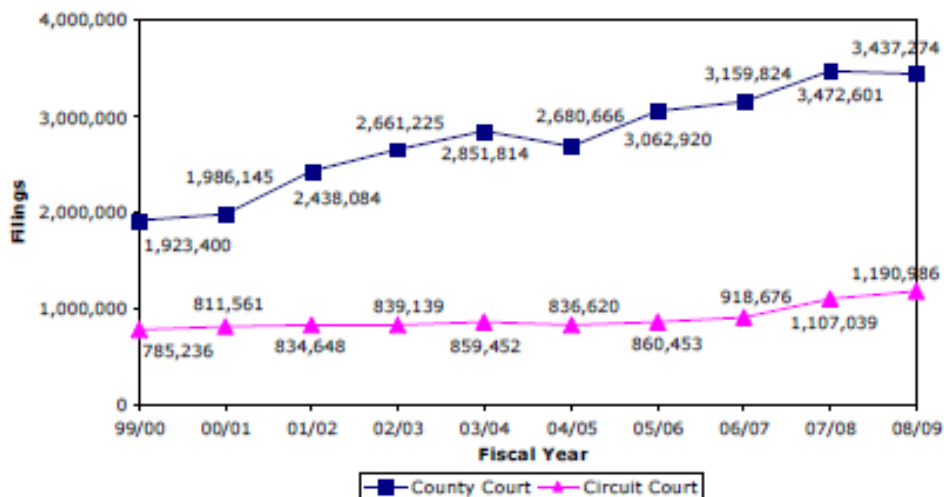
	Approved Standard FY 2008-09 ⁶⁵	Actual FY 2008-09
Clearance rate ⁶⁶ (all case types)	96.6%	86.6%
Number of cases disposed (all case types)	4,021,379	3,693,470
Percent of administrative costs compared to total trial court costs	6.7%	5.2%
Clearance rate for Circuit - general civil	100.0%	60.0%
Number of Circuit - general civil cases disposed	172,737	328,024
Clearance rate for County - civil	96.9%	101.8%
Number of County - civil cases disposed	459,697	512,148

⁶⁴ Judicial Branch, *supra* note 33.

⁶⁵ *Supra* note 59.

⁶⁶ *Supra* note 60.

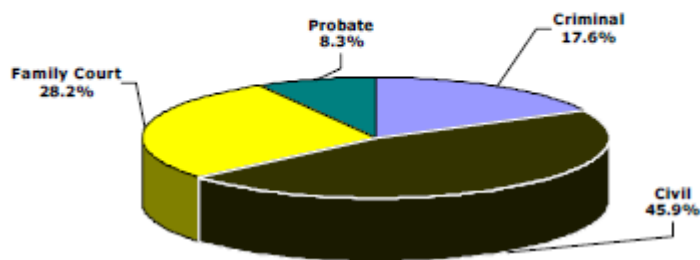
CIRCUIT AND COUNTY COURT FILINGS*
FY 1999-00 to FY 2008-09



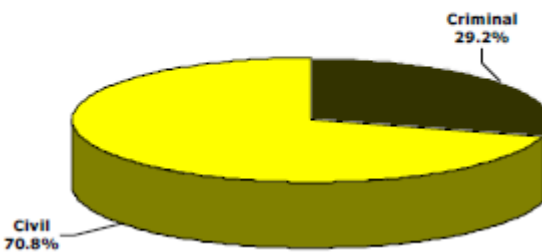
*For fiscal year 2001-02, the increase in county court filings is attributed to a refinement in the methodology used to calculate civil traffic infraction activity. For fiscal year 2006-07 through fiscal year 2008-09, the increase in circuit court filings is attributed to real property/mortgage foreclosure filings.

Source: Florida State Courts, *Trial Court Statistical Reference Guide*. FY 08-09.

CIRCUIT COURT FILINGS
by Division
FY 2008-09

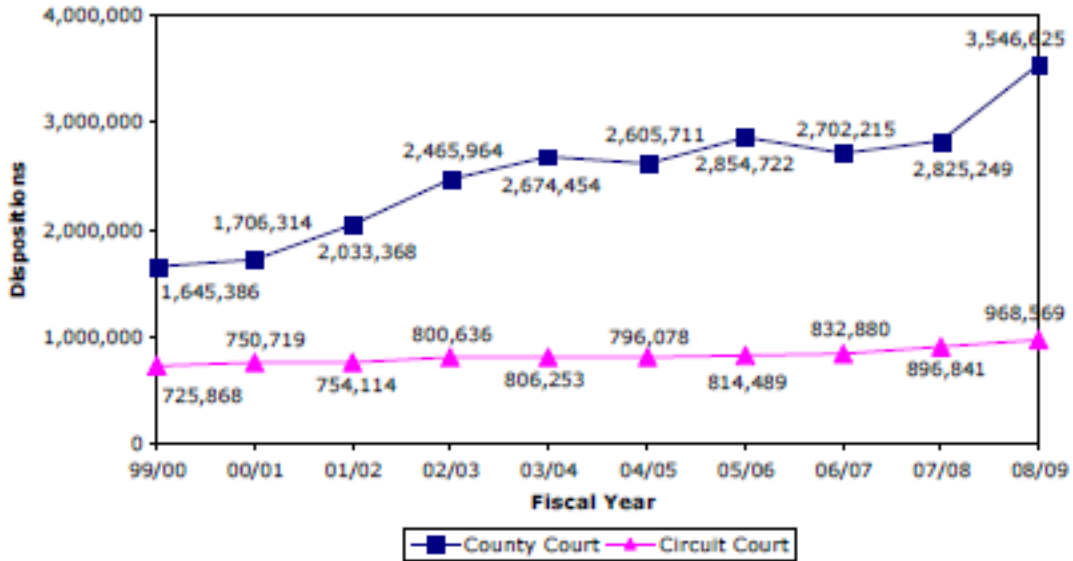


COUNTY COURT FILINGS
by Division
FY 2008-09



Source: Florida State Courts, *Trial Court Statistical Reference Guide*. FY 08-09.

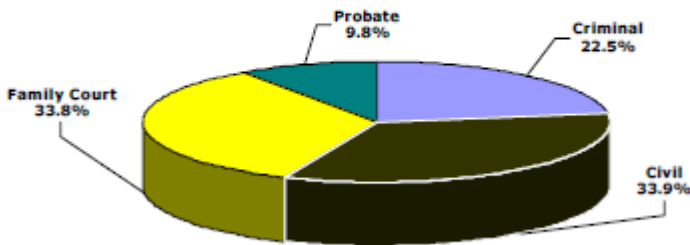
CIRCUIT AND COUNTY COURT DISPOSITIONS*
FY 1999-00 to FY 2008-09



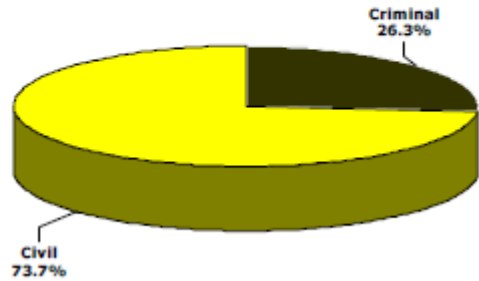
*For fiscal year 2001-02 and fiscal year 2008-09, the increase in county court dispositions is attributed to a refinement in the methodology used to calculate civil traffic infraction activity.

Source: Florida State Courts, *Trial Court Statistical Reference Guide. FY 08-09.*

CIRCUIT COURT DISPOSITIONS
by Division
FY 2008-09



COUNTY COURT DISPOSITIONS
by Division
FY 2008-09



Source: Florida State Courts, *Trial Court Statistical Reference Guide. FY 08-09.*

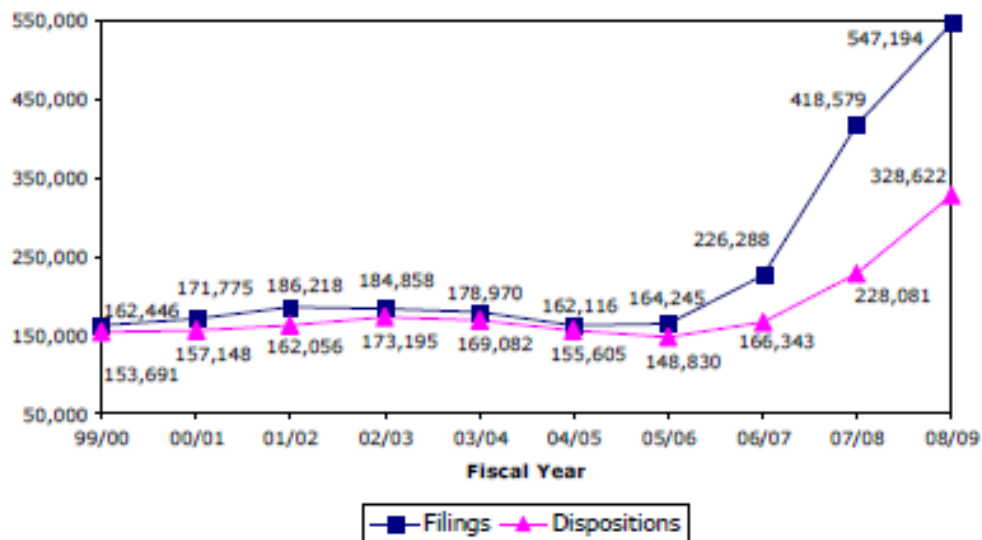
Circuit Courts -- Civil⁶⁷

The Circuit Civil division includes the following four categories of civil cases: professional malpractice and product liability, auto and other negligence, contracts, and other circuit civil. Within these categories are the following case types:

- Professional Malpractice and Product Liability
- Auto and Other Negligence
- Contracts -- condominium, contract and indebtedness, and real property/mortgage foreclosure
- Other Circuit Civil -- eminent domain and other

In the Circuit Civil division, filings correspond to each complaint or petition filed. Dispositions correspond to each complaint or petition disposed. Jury trials are defined as trials in which a group of citizens is impaneled, selected and sworn to determine the issues of fact in a case.

CIRCUIT CIVIL FILINGS & DISPOSITIONS FY 1999-00 to FY 2008-09

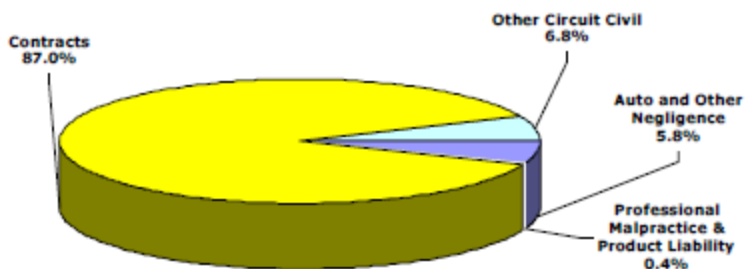


Note: FY 2006-07 to FY 2008-09 circuit civil filings increase driven by real property/mortgage foreclosure.

Source: Florida State Courts, *Trial Court Statistical Reference Guide*. FY 08-09.

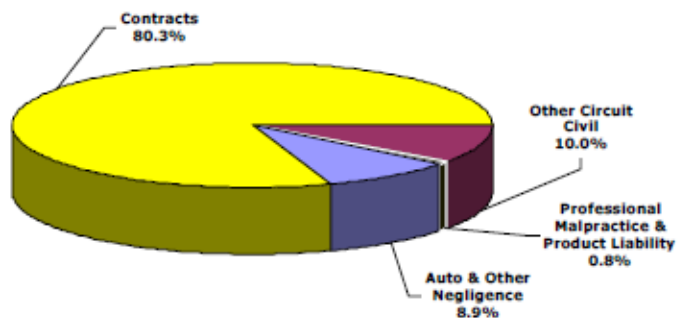
⁶⁷ Florida State Courts, *Trial Court Statistical Reference Guide*. FY 08-09.

**CIRCUIT CIVIL FILINGS
by Category
FY 2008-09**

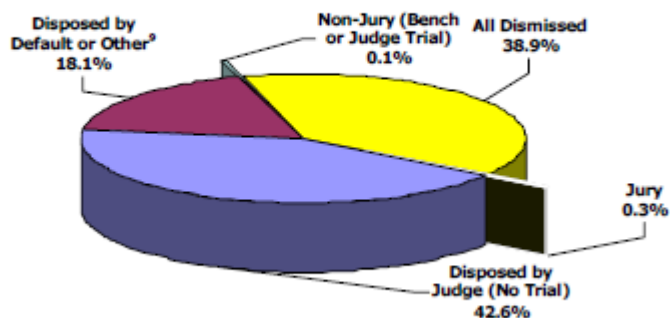


Source: Florida State Courts, *Trial Court Statistical Reference Guide*. FY 08-09.

**CIRCUIT CIVIL DISPOSITIONS
by Category
FY 2008-09**



**CIRCUIT CIVIL DISPOSITIONS
by Disposition Type
FY 2008-09**



⁹ The disposition category "Disposed by Other" is used to report cases as disposed when they are: consolidated into a primary case, transferred or have a change of venue, disposed upon estreatment of a bond, etc.

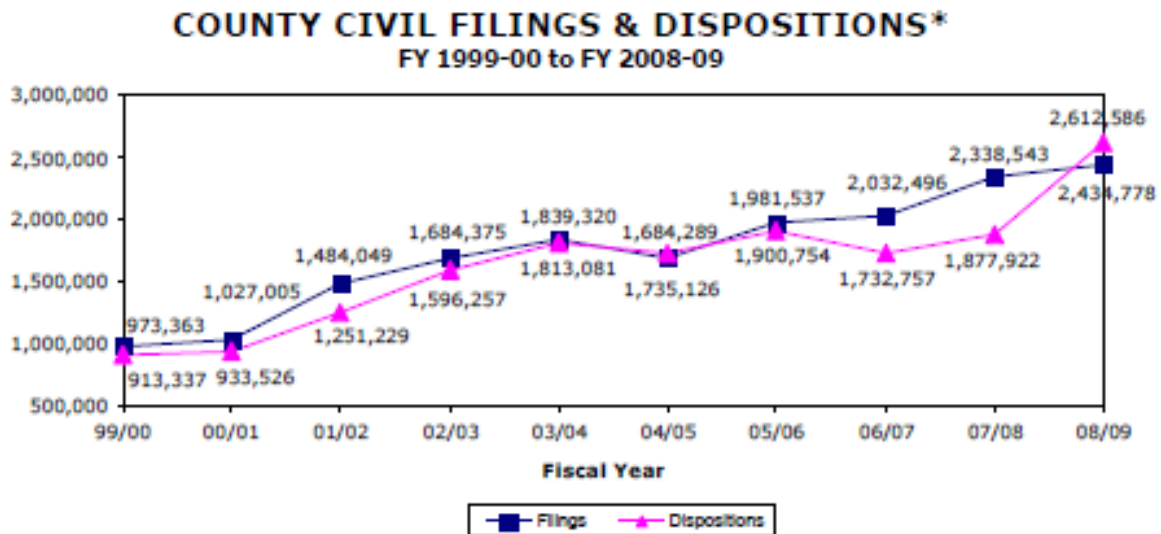
Source: Florida State Courts, *Trial Court Statistical Reference Guide*. FY 08-09.

County Courts – Civil⁶⁸

The County Civil division includes the following five categories of civil cases: small claims (up to \$5,000), civil (\$5,001 to \$15,000), other civil, evictions, and civil traffic infractions. Within these categories are the following case types:

- Small Claims (up to \$5,000)
- Civil (\$5,001 to \$15,000)
- Other Civil -- replevins and other civil
- Evictions -- evictions
- Civil Traffic Infractions -- civil traffic infractions (involving a judge or hearing officer)

In the County Civil division, filings correspond to each complaint or petition filed. Dispositions correspond to each complaint or petition disposed. Jury trials are defined as trials in which a group of citizens is impaneled, selected and sworn to determine the issues of fact in a case.



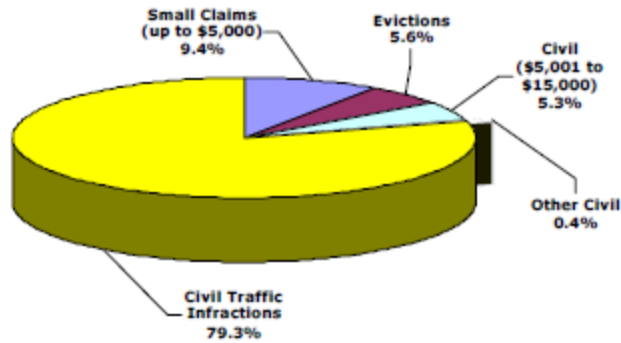
*For fiscal year 2001-02 and fiscal year 2008-09, the increase in county court filings and dispositions is attributed to a refinement in the methodology used to calculate civil traffic infraction activity and better reporting.

¹³ Other civil cases include: non-monetary equity matters, control of animals, interred bodies, injunctive relief, declaratory judgments, and other similar events.

Source: Florida State Courts, *Trial Court Statistical Reference Guide*. FY 08-09.

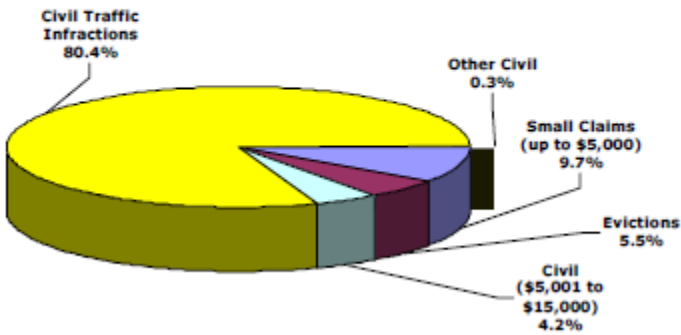
⁶⁸ *Id.*

COUNTY CIVIL FILINGS
by Category
FY 2008-09

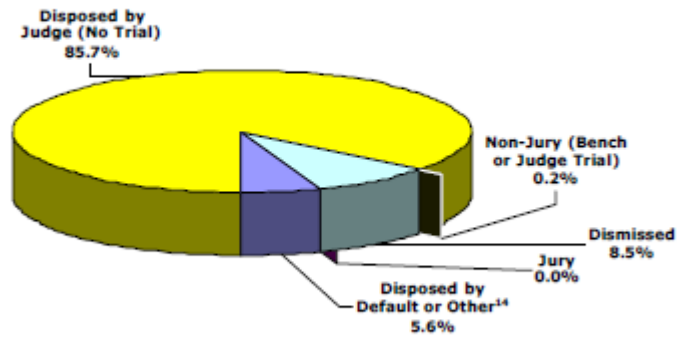


Source: Florida State Courts, *Trial Court Statistical Reference Guide. FY 08-09.*

COUNTY CIVIL DISPOSITIONS
by Category
FY 2008-09



COUNTY CIVIL DISPOSITIONS
by Disposition Type
FY 2008-09



¹⁴ The disposition category "Disposed by Other" is used to report cases as disposed when they are: consolidated into a primary case, transferred or have a change of venue, disposed upon estreatment of a bond, etc.

Source: Florida State Courts, *Trial Court Statistical Reference Guide. FY 08-09.*

Judicial Qualifications Commission

Approved Performance Measures⁶⁹

	Approved Standard FY 2008-09 ⁷⁰	Actual FY 2008-09
Clearance rate	100.0%	97.3%
Number of complaints disposed	611	585

⁶⁹ Judicial Branch, *supra* note 33.

⁷⁰ *Supra* note 59.

Appendix E

Chief Justice Selection in the States⁷¹

	Selection of Chief Judge/Justice	Term of Office for Chief Judge/Justice	
Alabama	Popular Election	6 years	
Alaska	Peer Vote	3 years	
Arizona	Peer Vote	5 years	
Arkansas	Popular Election	8 years	
California	Gubernatorial Appointment; Confirmation by Commission on Judicial Appointments	12 years	Since 1979, the legislature has required that the State Bar of California's commission on judicial nominees evaluation (informally known as the Jenny Commission) review the qualifications and fitness of prospective judicial appointees through an extensive investigation. The commission, which consists of both public members and attorneys, rates candidates as exceptionally well qualified, well qualified, qualified, or not qualified. The governor is not bound by the commission's recommendations. The commission on judicial appointments consists of three members: the chief justice, the attorney general, and the senior presiding justice of the court of appeal of the affected appellate district. When a supreme court appointee is being considered, the third member of the commission is the senior presiding justice of the state's courts of appeal. The commission holds one or more public hearings to review the appointee's qualifications and may confirm or veto the appointment by majority vote.
Colorado	Peer Vote	Indefinite	
Connecticut	Gubernatorial Nomination from Judicial Selection Commission; Legislative Appointment	8 years	The governor may nominate an associate justice of the supreme court to be chief justice without the involvement of the judicial selection commission. Chief justices appointed in this way serve an initial term equal to the remainder of their term as associate justice.
Delaware	Gubernatorial Appointment from Judicial Nominating Commission with Senate Consent	12 years	The Delaware Constitution stipulates that no more than a bare majority of judges of each court may be members of the same political party.
Florida	Peer Vote	2 years	Currently rotates based on seniority
Georgia	Peer Vote	4 years	
Hawaii	Gubernatorial Appointment from Nominating Commission with Senate Confirmation	10 years	
Idaho	Peer Vote	4 years	
Illinois	Peer Vote	3 years	
Indiana	Judicial Nominating Commission Selects	5 years	
Iowa	Peer Vote	8 years	
Kansas	Seniority	Indefinite	
Kentucky	Peer Vote	4 years	
Louisiana	Seniority	Duration of Service	
Maine	Gubernatorial Appointment	7 years	
Maryland	N/A	N/A	
Massachusetts	Gubernatorial Appointment with Governor's Council Approval	To Age 70	The nominating commission screens applicants for the supreme judicial court at the governor's discretion. The governor's council, also referred to as the executive council, is a constitutionally authorized body that advises the governor on Massachusetts affairs. The eight-member council is elected annually by the general court, Massachusetts' legislature.
Michigan	Peer Vote	2 years	
Minnesota	Nonpartisan Election	6 years	
Mississippi	Seniority	Duration of Service	
Missouri	Rotation with Peer Vote	2 years	By tradition, the court elects the most senior justice who has not yet held the position.
Montana	Nonpartisan Election	8 years	
Nebraska	Gubernatorial Appointment from Nominating Commission	Duration of Service	
Nevada	Rotates by Seniority	2 years	
New Hampshire	Gubernatorial Nomination from Selection Commission Recommendation; Appointment by the Executive Council	5 years or to Age 70	The executive council is a constitutionally authorized, five-member body charged with advising the governor. Council members are chosen every two years in partisan elections.
New Jersey	Gubernatorial Appointment with Senate Confirmation	Duration of Service	
New Mexico	Peer Vote	2 years	By tradition, the court elects the most senior justice who has not yet held the position.
New York	N/A	N/A	
North Carolina	Nonpartisan Election	8 years	
North Dakota	Selected by Judges of Supreme Court and District Courts	5 years	
Ohio	Popular Election	6 years	
Oklahoma	Peer Vote	2 years	
Oregon	Peer Vote	6 years	
Pennsylvania	Seniority	Duration of Term	
Rhode Island	Gubernatorial Appointment from Nominating Commission with House and Senate Confirmation	Life	
South Carolina	Legislative Election	10 years	
South Dakota	Peer Vote	4 years	
Tennessee	Peer Vote	4 years	
Texas	Popular Election	6 years	
Utah	Peer Vote	4 years	
Vermont	Gubernatorial Appointment from Nominating Commission with Senate Confirmation	6 years	
Virginia	Peer Vote	4 years	
Washington	Peer Vote	4 years	
West Virginia	N/A	N/A	
Wisconsin	Seniority	Indefinite	
Wyoming	Peer Vote	4 years	

⁷¹ American Judicature Society, *Methods of Judicial Selection*, July 12, 2010.

Appendix F

The Economic Impacts of Delays in Civil Trials in Florida's State Courts Due to Under-Funding

***THE ECONOMIC IMPACTS OF
DELAYS IN CIVIL TRIALS IN FLORIDA'S STATE COURTS
DUE TO UNDER-FUNDING***

Prepared for:

The Florida Bar

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February 9, 2009

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I. EXECUTIVE SUMMARY

- ❑ Due to Florida's growing population and the significant increase in the number of Real Property/Mortgage Foreclosure cases filed, the court caseload throughout the State has grown dramatically and, as a result, has created growing and serious backlogs within the court system. This situation is adversely impacting the competitiveness of the State to create, retain and expand jobs and private-sector enterprises.
- ❑ While the number of cases has increased sharply in recent years, funding of Florida's state court system has remained constant or has declined. **In real terms (adjusted for inflation), funding for Florida's state courts has declined every year since FY 2004-2005.** Delays within the court system create a significant burden throughout the system and on its personnel, including judges, Clerks of Court and other court administrators.
- ❑ System-wide funding challenges have forced the courts to cut and/or decrease the services offered. As of October 2008, WEG estimates the backlog of civil cases to be approximately 338,000 cases. This is impacting the ability of the private sector to conduct business in Florida.
- ❑ In total, the backlog of Real Property/Mortgage Foreclosure cases **alone** directly results in an estimated \$9.9 billion of added costs and lost property values for Floridians each year. Backlogs of **other** civil cases create an additional \$200 million of added costs each year.
- ❑ The aggregate of all quantifiable costs associated with court-related delays in civil case adjudication results in direct economic impacts (i.e., costs to the economy) approaching **\$10.1 billion annually.**
- ❑ These added direct costs and burdens on the economy **adversely impact** employment, the generation of labor income, economic output and public revenues throughout the State of Florida. **In the current economic climate, the State cannot afford the loss of economic dynamism attributable to the under-funding of the court system.**
- ❑ An estimated **120,219 permanent jobs** for Florida's residents are adversely impacted by civil case delays resulting from inadequate funding for Florida's courts. This situation will continue to deteriorate until proper funding for the court system is re-established.

Table ES-1. Summary of the Adverse Economic Impacts Arising from Delays in Civil Case Adjudication in Florida’s State Court System			
<i>Impact on:</i>	<i>Direct</i>	<i>Indirect & Induced</i>	<i>Total Impact</i>
Employment (Jobs)	56,138	64,081	120,219
Labor Income (\$ Billions)	3.041	2.549	5.590
Florida Gross State Product (Value Added -\$ Billions)	5.573	4.257	9.830
Federal, State & Local Tax Revenues (\$ Billions)	-----	-----	2.199
Total Economic Impact (\$ Billions)	10.088	7.279	17.367
Source: The Washington Economics Group, Inc.			

- Best Practices for court funding are based on the principles that court funding should be adequate for the courts to discharge their constitutional responsibilities, stable across budget periods, and equitable across jurisdictions in order to provide impartial justice for all citizens. Finally, the courts have a responsibility to utilize resources in an efficient manner by advancing best management products and the deployment of new technologies.

- The Seven Principles for Stabilizing Court Funding recently set forth by the Chief Justice of the Supreme Court of Florida are sound and consistent with the broad principles that underlie Best Practices in Court Funding. They will serve as an excellent starting point for discussions between the courts, the Legislature, and the Executive Branch on proper stabilization and allocation of court funding.

II. BACKGROUND

Florida's court system has four distinct court bodies: two trial courts (the County and Circuit Courts), an appellate court, and the State Supreme Court. County Courts, with limited jurisdiction, operate in each of Florida's 67 counties. There are 20 Circuit Courts, and 5 Appellate Courts located throughout the State. The State Supreme Court is located in Tallahassee. Over the past decade, Florida's system of courts has faced a steadily growing caseload. Each year the number of cases entering the courts has steadily grown, increasing from 2.5 million in FY 1995-1996 to 4.1 million in FY 2005-2006. These increases have been seen in at all levels of the state court system.

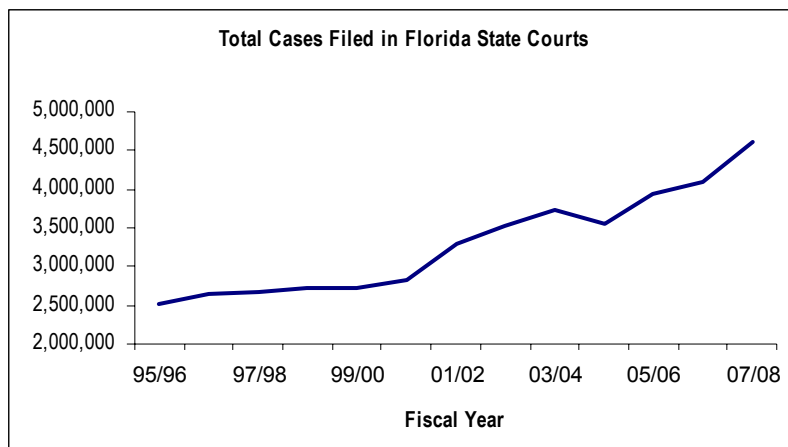


Figure 1
Source: The Washington Economics Group, Inc.

There have been significant increases in cases filed in Florida's state circuit courts as well. Between FY 1995-1996 and FY 2006-2007, cases filed in the state's Circuit Courts increased by 28 percent from 741,000 to 947,000 in the '06-'07 fiscal year. Over the past decade, there has been little change in the caseload of Florida's Appellate Courts, or the State Supreme Court.

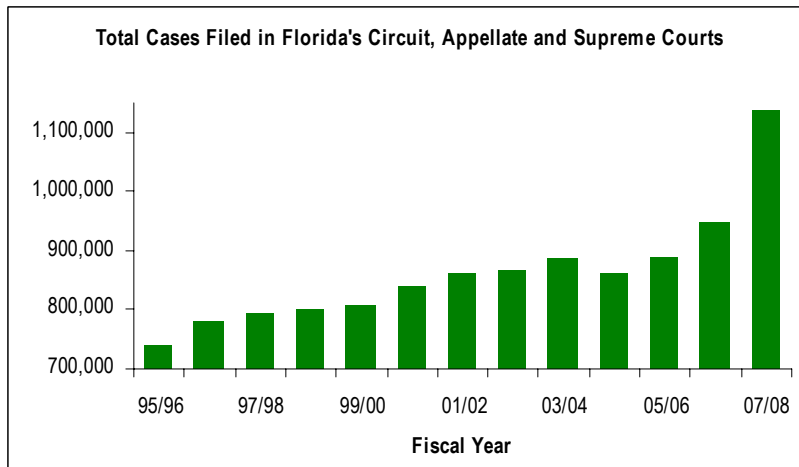


Figure 2
Source: The Washington Economics Group, Inc.

Two trends have driven this increase in workload for Florida’s courts. The first is Florida’s population growth. For many decades Florida has been one of the fastest growing states in the United States. Between 1995 and 2007, Florida’s population increased by 4.1 million people or 28 percent from 14.6 million to 18.7 million residents.

Secondly, Florida’s citizens have made greater use of their courts. In FY 1995-1996 there were 172.3 court cases filed per 1,000 residents. By FY 2006-2007 this had increased to 219.8 cases being filed per 1,000 residents, as illustrated in Figure 3 below.

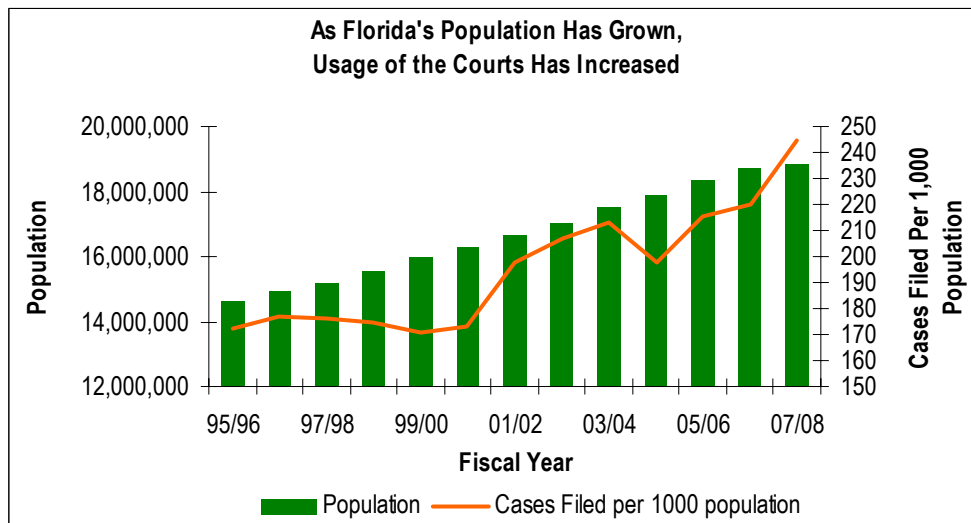


Figure 3
Source: The Washington Economics Group, Inc.

In the past few years, demand on Florida’s courts has grown at a rate much faster than the resources available to Florida’s courts. Prior to July 1, 2004, much of the funding for Florida’s courts was provided by county governments; on that date, Revision 7 of the Florida Constitution became effective. This revision shifted the responsibility for the funding of most operating expenses of the state court system, state attorneys, public defenders and the Justice Administrative Commission from county government to state government. Historical budget information for Florida’s state courts clearly shows that state funding has not kept pace with the demands that Florida’s citizens are making on the court system. Table 1 on the next page sets forth information on state court system funding. In nominal terms the per-case funding for Florida’s state courts peaked in FY 2006-2007 at \$1,250.35 per case. In real terms (adjusting for the increase in the general level of prices of goods and services purchased by government) the state funding for Florida’s courts peaked much earlier in FY 2004-2005 at \$1,153.78 per case filed. Thus, when adjustments are made for inflation and growing caseloads, Florida’s state courts have steadily lost resources for the last four fiscal years.

Table 1. State of Florida Justice System Funding and Caseload

<i>Category</i>	<i>Fiscal Year</i>					
	<i>2003-04</i>	<i>2004-05 (1)</i>	<i>2005-06</i>	<i>2006-07</i>	<i>2007-08</i>	<i>2008-09</i>
State Court System Funding						
State Court System	\$269,815,184	\$391,608,311	\$405,406,944	\$450,390,384	\$477,980,209	\$438,269,619
Other Court Related Functions (2):	\$488,503,257	\$644,724,081	\$667,795,635	\$733,133,182	\$767,662,513	\$744,193,050
Total Funding:	\$758,318,441	\$1,036,332,392	\$1,073,202,579	\$1,183,523,566	\$1,245,642,722	\$1,182,462,669
Total Cases Filed In State Courts (3)	886,082	863,662	887,990	946,555	1,135,087	1,135,087
Funding Per Case Filed (nominal dollars):	\$855.81	\$1,199.93	\$1,208.58	\$1,250.35	\$1,097.40	\$1,041.74
Funding Per Case Filed (real dollars:2003-04=100) (4):	\$855.81	\$1,153.78	\$1,117.40	\$1,111.56	\$938.06	\$856.23

Source: Florida State Courts Annual Reports, Various Years.

- Notes: 1. Revision 7 to the Florida State Constitution took effect on July 1, 2004 transferring many court funding responsibilities to the State.
2. Other court-related functions includes: Justice Administration Executive Direction, Statewide Guardian Ad Litem Program, State Attorneys, Public Defenders, Capital Collateral Regional Counsel, Criminal Conflict and Regional Counsels.
3. Total Cases filed in FY-2008-2009 estimated at the same level as FY-2007-2008.
4. Deflated at 4 percent per annum to adjust for inflation in the prices of goods and services purchased by government.

The funding challenge of the past few years has been exacerbated by rapid growth in the number of cases entering the system. In the past two fiscal years (2006-2007 and 2007-2008) total cases filed in Florida's state courts have increased by 12.2 percent per annum. When the number of cases in the court system exceeds the manpower and financial resources available, the courts are forced to slow or suspend the processing of civil cases. This is a result of federal and state laws relating to due process and speedy trials that require criminal and family court cases be heard by the courts within specified time frames.

Data from Florida's state courts show that the number of civil cases being filed in Florida's courts have exceeded the ability of the courts to hear and resolve these cases, and as a result, civil case backlogs have grown dramatically. Figure 4 below shows that over the past two years the number of civil cases filed have steadily increased each month, and although the number of cases disposed of each month has increased slightly, dispositions have not kept pace with the rate of increase in cases filed with the courts.

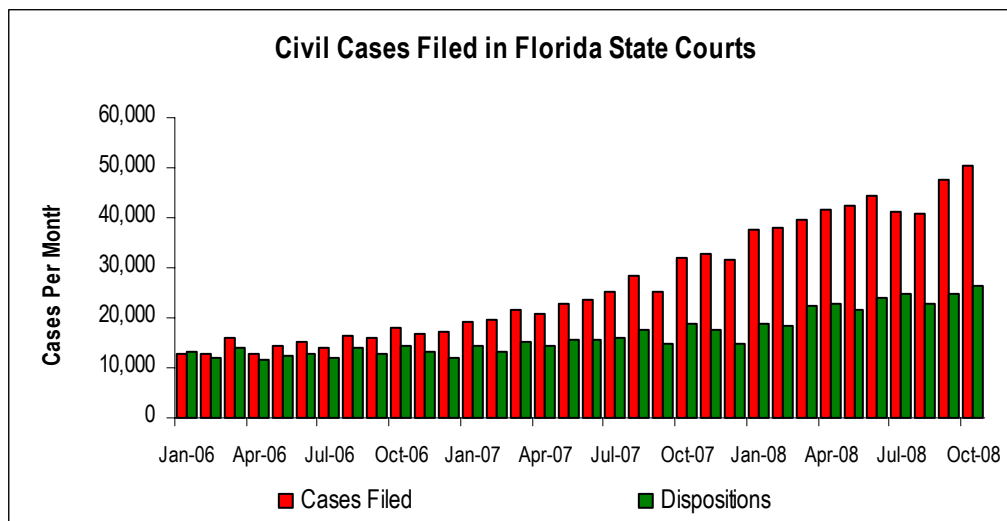


Figure 4
Source: The Washington Economics Group, Inc.

Figures 5 and 6 on the next page show the change in civil case backlogs over the past three years, along with an estimate of the average case backlog in months. The data on these two charts show that most of 2006 civil case dispositions kept pace with new case filings and that there was little change in estimated case backlogs. In 2007 and 2008, the situation deteriorated, and as of October 2008, we estimate the backlog of civil cases in Florida's state courts is approximately 338,000 cases. At the current rate of civil case disposition, it would take almost 13 months for the current civil case backlog to be eliminated, assuming no additional cases are filed with the courts in that time frame.

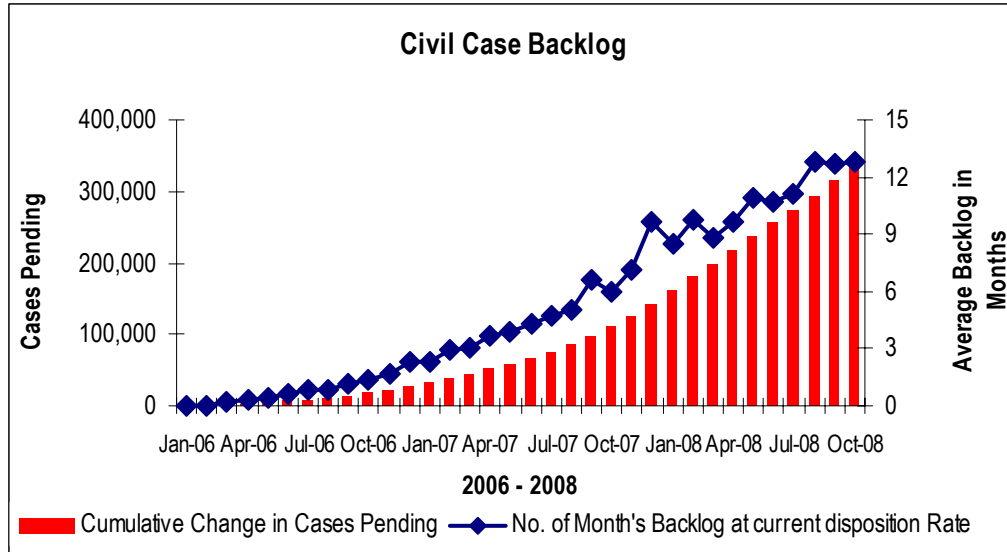


Figure 5
Source: The Washington Economics Group, Inc.

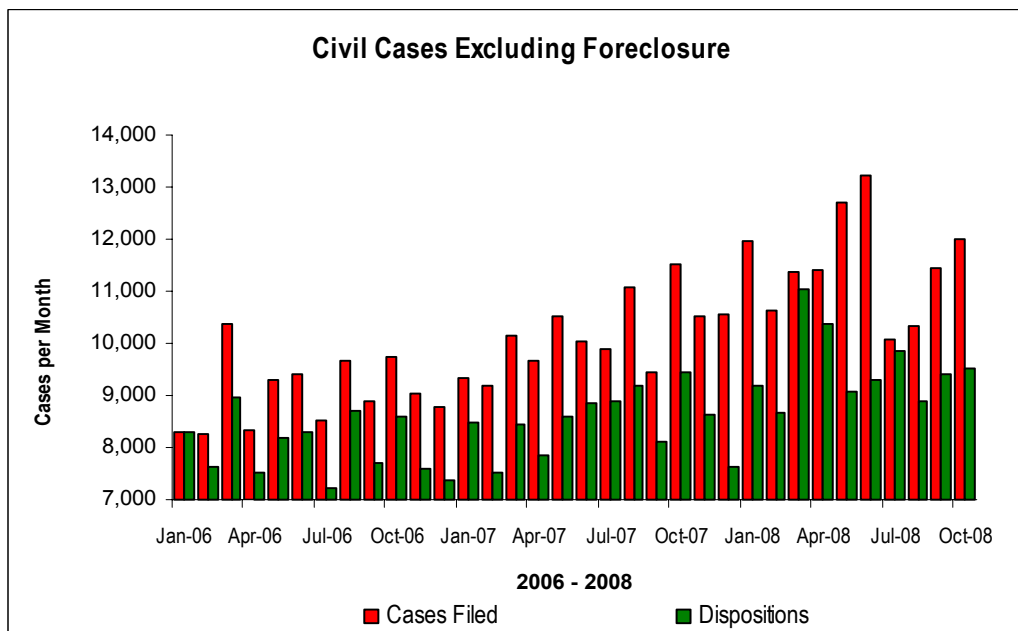


Figure 6
Source: The Washington Economics Group, Inc.

Over the past two years the greatest increase in civil cases filed has been in Real Property/Mortgage Foreclosure cases, largely as a consequence of the sub-prime mortgage crisis. Figure 7 on the next page shows the Florida state civil case filings for the last three years split between Real Property/Mortgage Foreclosure and all other civil cases. This clearly shows how the dramatic increase in foreclosure cases has driven the increase in overall number of civil cases filed.

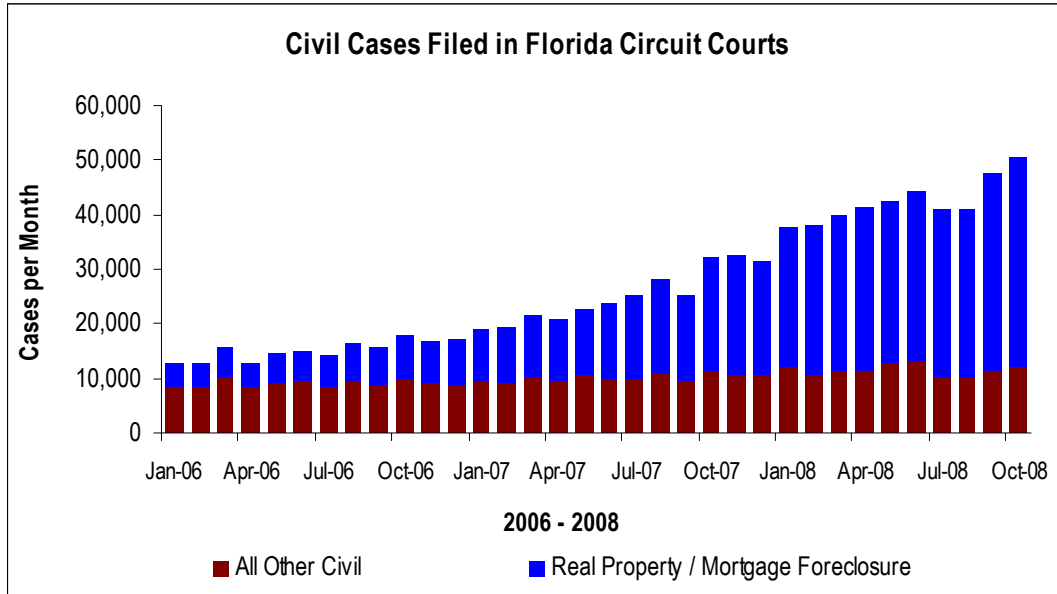


Figure 7
 Source: The Washington Economics Group, Inc.

As the number of Real Property/Mortgage foreclosure case filings has increased, this fact has created backlogs throughout the entire court system. These backlogs and delays create additional work for judges, court administrators, attorneys, Clerks of the Courts, and Floridians who seek justice through the court system.

In the following section, financial and other burdens associated with delays in the court system are identified and their impacts on Florida’s economy are quantified.

III. THE ECONOMIC IMPACTS OF DELAYS IN THE DISPOSITION OF CIVIL COURT CASES

When the processing of circuit civil cases is delayed by crowded court calendars, additional burdens and costs are imposed on all participants. These costs include, but are not limited to:

- Additional demands that are placed on the Clerks of Court and other court administrators as they manage additional cases and the associated case files as these move through the justice system.
- Additional burdens that are placed on judges and their support staff to hear cases quickly while ensuring that fair and impartial justice are provided to all Floridians.
- Attorneys and their support staff are forced to undertake additional efforts to identify the location of files, determine the status of cases in the legal system and remain current on these cases.
- Finally, Floridians must wait for justice, sometimes incurring significant financial and other costs during the waiting period.

In addition to the costs and burdens that can be identified, there are others that cannot be quantified, but are nonetheless real.

- Adverse impacts on Florida's business climate.
- Additional costs imposed on businesses and others as they seek speedy resolution of issues without having to resort to the courts for justice.
- Opportunities forgone as businesses and individuals deal with the uncertainty of having to wait for the court system to hear their case and render a decision.

In order to analyze the costs associated with court delays, civil cases were broken into two categories: Real Property/Mortgage Foreclosure; and all other civil cases. Foreclosure cases were analyzed separately as these cases are similar, and the costs of delays can be quickly identified. In contrast, other civil cases involve a wide range of issues, and in many cases, the economic impacts associated with these cases must be analyzed individually.

Appendix I contains detailed information and calculations of the direct economic impacts associated with the current backlog of Real Property/Mortgage Foreclosure cases and other types of civil cases in Florida's courts.

WEG's analysis of the backlog of Real Property/Mortgage Foreclosure cases has identified the following added expenses associated with this backlog. Each year Florida's citizens incur:

- \$1.0 billion of added legal and other case-related expenses due to delays in the disposition of these cases.
- \$4.6 billion of interest income foregone annually by financial institutions and other mortgage investors while they wait for case disposition.
- \$4.3 billion of declines in property value (over and above the declines in property values due to general market conditions) resulting from properties being vacant and not properly maintained during the foreclosure process.

In total, the backlog of Real Property/Mortgage Foreclosure cases directly results in \$9.9 billion of added costs and lost property values each year for Florida's citizens.

Data from the Office of the State Courts Administrator show that as of October 2008 all other types of civil cases (excluding Real Property/Mortgage Foreclosure) had an average delay of 5.5 months due to court-related delays. On an annual basis, we estimate that the additional legal costs associated with these delays exceed \$184 million. Thus, the aggregate of all quantifiable costs associated with court-related delays in civil case adjudication results in direct economic impacts approaching \$10.1 billion annually.

These added costs set forth in the preceding paragraphs generate significant quantifiable economic impacts. These impacts, estimated by utilizing a professionally accepted and widely used economic methodology, adversely affect employment, the generation of labor income, economic output and public revenues throughout the State of Florida. Therefore, the economic outcomes associated with these delays in civil case adjudication will result in significant adverse economic development impacts throughout the State.

The Minnesota IMPLAN Group, Inc. (MIG) provides the software and basic data needed to formulate the economic multiplier model developed for this analysis. MIG has been providing economic multiplier models for regional economic impact analysis since 1985¹. **Models developed using IMPLAN software are widely used by private sector, academic economists, and by federal, state and local government agencies.** The Washington Economics Group, Inc. (WEG) IMPLAN model for Florida is based on the latest input-

¹Information on the IMPLAN Group models and the company history can be found at www.implan.com.

output tables as well as income and employment data for Florida from the U.S. Department of Commerce.

Methodology

Economic models that explicitly account for inter-industry linkages (supply relationships), the generation of labor and capital income and the spending of household income have been used since the 1960's to estimate the contribution that a particular business or industry makes to the general economy. These "input-output" models recognize that as an industry experiences an increase in the demand for its products or services, it in turn needs more goods and services from its suppliers and must increase its purchases from other industries in the economy. The effect on regional production resulting from successive rounds of inter-industry linkages is referred to as the *indirect effect*. The resulting increases in regional production also lead to expansions in employment and labor income, and the increases in labor income lead to increases in consumer spending, further expanding sales and production throughout the regional economy. The latter economic impacts are referred to as the *induced effects*. The successive waves of production, spending and more production result in *economic multiplier effects*, where the final or total increase in regional production, income and employment, respectively, is larger than the initial (or "direct") increase in production, income and employment. The total quantitative economic contribution of these activities, therefore, is comprised of a *direct effect*, an *indirect effect* and an *induced effect*.

IV. THE ADVERSE ECONOMIC IMPACTS RESULTING FROM OBSERVABLE COSTS ASSOCIATED WITH DELAYS IN CIVIL CASE ADJUDICATION IN FLORIDA

The added expenditures required as a result of delays associated with civil case adjudication in Florida are generating economic impacts that extend beyond those *directly* related to the delays in the legal process. These “spillover” or multiplier impacts are the result of each business activity’s supply relationships with other firms operating within the State, the proportion of business Gross Domestic Product (GDP or Value Added²) that accrues to Florida households in the form of labor and capital income, and the propensity of these households to spend income on goods produced within the State.

The *direct* impact of these delays is comprised of all added expenditures for labor and materials required by the delays, foregone interest and declines in real property and other asset values resulting from the delays. Utilizing the *direct* economic impacts discussed above, *indirect* and *induced* economic impacts of these delays were calculated using an extended *input-output* model of the Florida economy. These comprehensive *direct*, *indirect* and *induced* economic impacts are summarized in Table 2 below.

<i>Impact on:</i>	<i>Direct</i>	<i>Indirect & Induced</i>	<i>Total Impact</i>
Employment (Jobs)	56,138	64,081	120,219
Labor Income (\$ Billions)	3.041	2.549	5.590
Florida GDP (Value Added -\$ Billions)	5.573	4.257	9.830
Federal, State & Local Tax Revenues (\$ Billions)	-----	-----	2.199
Total Economic Impact (\$ Billions)	10.088	7.279	17.367
Source: The Washington Economics Group, Inc.			

The total recurring (annual) adverse economic impacts are very significant brakes on economic growth and a threat to the well being of Florida. An estimated 120,219 permanent jobs for Florida’s residents are adversely impacted by civil case delays resulting from inadequate funding for Florida’s courts. The analysis that follows presents specific categories of the economic impacts presented in Table 2, starting with adverse employment impacts.

²“Value added” refers to the difference between business revenues and the cost of non-labor and non-capital inputs used to produce goods and/or services.

A. Employment Impacts: Civil Case Delays Adversely Impact 120,219 Permanent Jobs of Florida Residents

An estimated 120,219 permanent jobs held by Florida residents have been adversely impacted *directly* or *indirectly* by delays in Florida’s courts. These delays in civil case adjudication are *directly* responsible for the loss of 56,138 jobs in the Knowledge-Based Services, Construction and related support sectors. However, the *indirect* and *induced* job impacts reach deeply into all sectors of the Florida economy. This dramatically demonstrates the close supply inter-relationships that the Knowledge-Based Services, Construction and related support sectors have with all of the other sectors of the state’s economy. An additional 31,289 Florida jobs are adversely impacted via *indirect* economic effects (mostly suppliers). Lastly, induced spending effects arising from these delays adversely impact 32,792 Florida jobs in all sectors of the local economy. **Therefore, the total number of Florida jobs adversely impacted by these delays is estimated at 120,219 – resulting in a significant reduction in employment opportunities throughout the State of Florida.**

The number of jobs in each economic sector adversely impacted by civil court case delays is summarized in Table 3. Of the 120,219 jobs adversely impacted, 54 percent are in the Knowledge-Based Services sector, 24 percent are in the Construction sector, and 10 percent are in the Retail Trade sector. The remaining 12 percent is distributed among other sectors of the Florida economy (Figure 8). **The Knowledge-Based Services sector of the Florida economy is emphasized for growth by economic development entities as it is a key generator of high-wage occupations in emerging sectors of the State’s economy.**

<i>Industry</i>	<i>Florida Jobs Adversely Impacted</i>
Knowledge-Based Services	64,276
Construction	28,518
Retail Trade	12,340
Visitor Industry	5,802
Wholesale Trade & Transportation Services	5,335
Manufacturing	2,346
Government & Other	1,601
Total All Industries	120,219
Source: The Washington Economics Group, Inc.	

Jobs adversely impacted by civil court case delays are found in a wide variety of industries and represent a broad spectrum of occupations as shown in Figure 8 below.

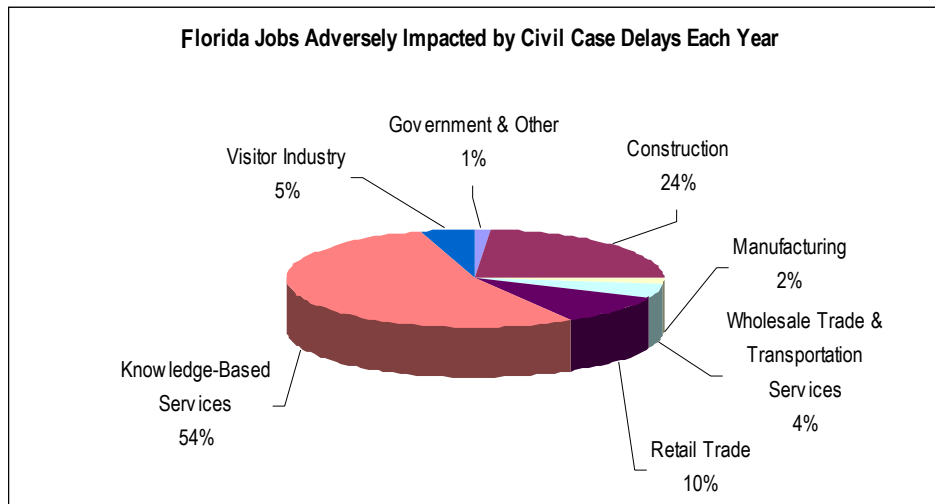


Figure 8
Source: The Washington Economics Group, Inc.

B. Adverse Impacts to Labor Income: Civil Court Case Delays Place Almost \$6 Billion of Labor Income at Risk Each Year

Delays in civil court cases have also resulted in significant adverse impacts in Labor Income for Florida’s workers. Many of the jobs are in sectors that pay above-average wages for the State as quantified in Table 4. In addition to the \$3.041 billion of Labor Income lost *directly as a result of civil court case delays*, \$1.338 billion of Labor Income is adversely impacted by *indirect* economic activities resulting from civil court case delays, and an additional \$1.211 billion of Labor Income is adversely impacted by *induced* economic activities resulting from these delays. **In summary, these delays are estimated to adversely impact \$5.590 billion in Labor Income for Florida’s workers each year.**

Industry	Total Impact
Knowledge-Based Services	3,295,998
Construction	1,311,891
Retail Trade	356,533
Wholesale Trade & Transportation Services	276,215
Visitor Industry	129,420
Manufacturing	122,319
Government & Other	97,648
Total All Industries	\$5,590,022

Source: The Washington Economics Group, Inc.

Of the \$5.6 billion of Labor Income adversely impacted by civil court case delays, \$3.3 billion or 60 percent comes from the Knowledge-Based Services sector, \$1.3 billion or 23 percent of Labor Income is adversely impacted in the Construction sector, and \$0.4 billion or 6 percent of Labor Income is adversely impacted in the Retail Trade sector. The remaining 11 percent is adversely impacted in the Wholesale Trade and Transportation Services sector and in a range of other occupations (Figure 9).

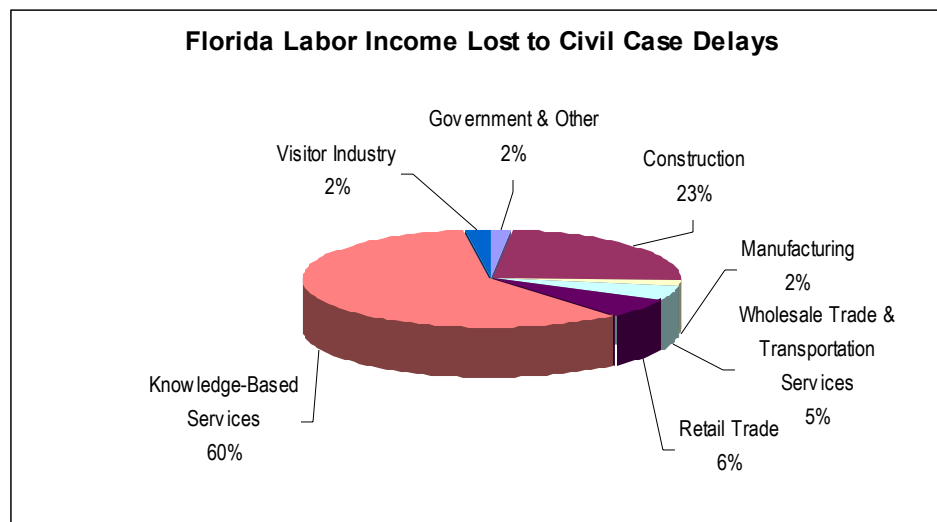


Figure 9
Source: The Washington Economics Group, Inc.

C. The Recurring Adverse Impacts on Florida’s Gross State Product: A Significant Drag on Economic Activity from Court Delays in Civil Cases

Florida Gross State Product (GDP, or Value Added) adversely impacted by civil court case delays is another measure of the economic development costs arising from inadequate funding of Florida’s court system. Florida GDP is the portion of business revenues available to pay compensation to workers, capital income and indirect business taxes³. It is also the principal source of household income and a key measure of adverse impacts on Florida’s economy caused by the costs of civil court case delays. Civil court case delays will adversely impact \$5.573 billion of Florida GDP *directly*, while \$2.006 billion of state GDP is adversely impacted by *indirect* activities, and \$2.252 billion of Florida GDP is adversely impacted by *induced* economic activities. In total, civil court case delays adversely impact \$9.8 billion in Florida GDP annually. Table 5 on the next page summarizes the Florida GDP adversely impacted in each sector of the State’s economy by the civil court case delays each year. **The largest adverse impacts in Florida GDP occur in the combined Knowledge-Based Services and in the Construction sectors where 80 percent of the adverse impacts to Florida GDP occur each year.**

³ Florida GDP (value added) also includes compensation to government workers.

Table 5. Florida GDP Adversely Impacted by Civil Court Case Delays (\$ in thousands)	
Industry	Total Impact
Knowledge-Based Services	6,348,829
Construction	1,504,356
Government & Other	592,883
Retail Trade	573,640
Wholesale Trade & Transportation	428,706
Visitor Industry	198,357
Manufacturing	183,501
Total All Industries	\$9,830,272

Source: The Washington Economics Group, Inc.

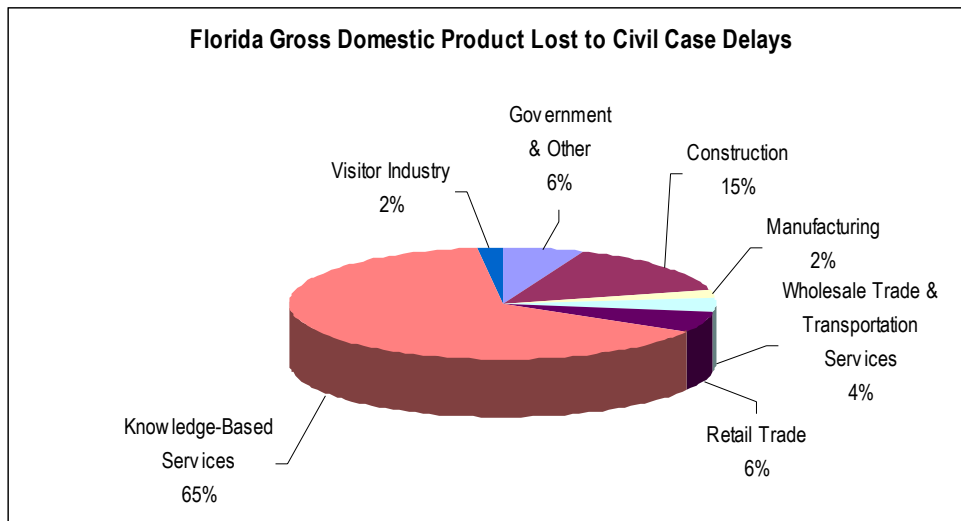


Figure 10
Source: The Washington Economics Group, Inc.

D. The Total Annual Adverse Economic Impacts Arising from Civil Court Case Delays are a Significant \$17.4 Billion Each Year

A final and comprehensive measure of the total adverse economic impact of civil court case delays on the Florida economy is *Gross Economic Output*, representing the sum of gross revenues (receipts) of private firms plus the value of government services (valued at cost). The total adverse economic impact of the civil court case delays on the Florida economy is estimated at almost \$17.4 billion annually. Of this total, \$10.1 billion is generated *directly* by the added costs of civil court case delays, while an additional \$7.3 billion is generated by *indirect* and *induced* activities related to case delays (see Table 2 on page 10). Table 6 shows the industry distribution of the \$17.4 billion in total adverse economic impact.

Table 6. Florida Economic Output Lost to Civil Case Court Delays Each Year (\$ in thousands)	
Industry	Total Impact
Knowledge-Based Services	9,778,371
Construction	4,314,988
Retail Trade	872,366
Government & Other	776,700
Wholesale Trade & Transportation Services	690,086
Manufacturing	572,335
Visitor Industry	361,748
Total All Industries	\$17,366,595

Source: The Washington Economics Group, Inc.

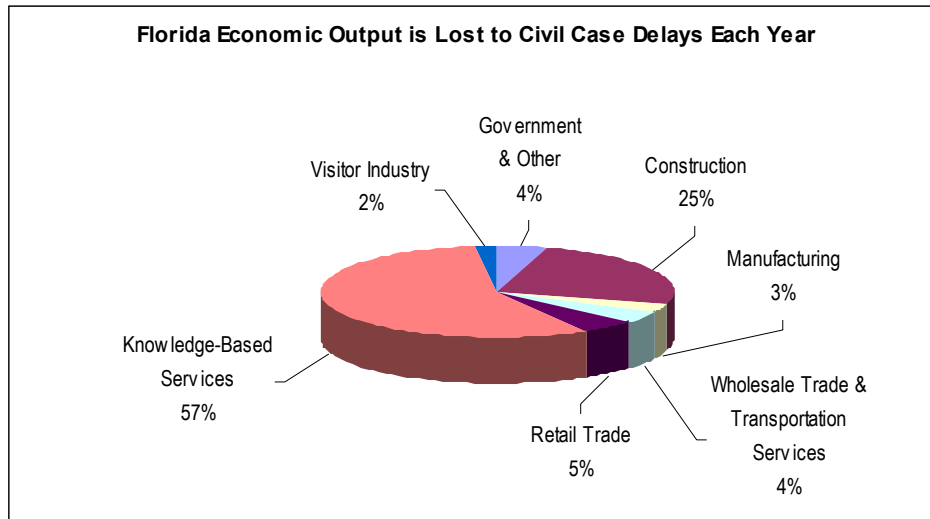


Figure 11
Source: The Washington Economics Group, Inc.

E. Court Delays in Civil Cases Adversely Impact Public Revenues: Almost \$2.2 billion in Public-Sector Revenues are Foregone Each Year

In addition to the various adverse economic impacts presented, the court system delays resulting from inadequate funding result in significant declines in fiscal revenues for federal, state, and local governments as shown in Table 7 on the next page. Each year, close to \$2.2 billion of fiscal revenues are lost to civil court case delays. Of this total, almost \$1.6 billion, or 72 percent, of these revenue losses are allocated to the federal government, with the remaining \$0.6 billion, or 28 percent, of lost tax revenues being allocated to state and local governments throughout Florida.

Table 7. Recurring Adverse Fiscal Impacts Attributable to the Civil Court Case Delays (\$ in thousands)			
Taxes Paid By	Federal Taxes	State/Local Taxes	Total Taxes
Labor (Workers)	\$ 582,978	\$ 10,722	\$ 593,700
Capital (Interest, Dividends, & Capital Gains)	26,022	-----	26,022
Households (Consumers)	591,384	36,166	627,550
Corporations (Business Income)	323,947	118,493	442,440
Indirect Business Taxes (Business Operations)	51,062	458,386	509,448
Total:	\$1,575,393	\$623,767	\$2,199,160
Source: The Washington Economics Group, Inc.			

H. Best Practices in Funding Mechanisms for State Court Systems

Throughout the nation, the judiciary and court administrators face daily challenges making sure that court systems are adequately funded so that they can perform their constitutionally mandated tasks and deliver justice fairly and consistently throughout their jurisdictions. Among the states there is no standard for funding methods. Some states fund their trial courts locally while others employ state funding, or a mix of state and local funding. Irrespective of the primary means of funding, the judiciary and court administrators have reached broad agreements on the following Trial Court funding principles⁴:

- Funding should be adequate, providing the courts with sufficient resources to discharge their constitutionally mandated duties.
- Funding should be stable across budget periods, to allow the courts to adequately plan their operations and function within our system of checks and balances.
- Funding should be equitable across all jurisdictions within a state so that the quality of justice delivered by the courts is not adversely impacted by the location of the court.
- The court system must be accountable for the resources that they receive, and ensure that resources are appropriately utilized throughout the court system in the interest of justice.

Against the backdrop of these principles, WEG has defined the following best practices for court funding. These practices are consistent with the principles set forth above, current practices in business and in the political process.

⁴ “Adequate, Stable, Equitable, and Responsible Court Funding: Reframing the State vs. Local Debate” by Alan Carlson, Kate Harrison, and Prof. John K. Hudzik, The Justice Management Institute, April 2008, <http://www.jmijustice.org>

1. The courts need to take the lead in improving communications among the Judicial, Legislative, and the Executive branches. Frequent and open discussion among the three branches of government regarding current challenges and opportunities can promote mutual understanding and problem solving.
2. The current funding issues provide the courts with the opportunity to:
 - a. Review and re-engineer processes and procedures with the goal of improving the efficient delivery of justice.
 - b. Where feasible, implement new technology to improve productivity and process management.
 - c. Strengthen budget relationships with other branches of government.
3. The courts must become forceful advocates for adequate funding of their constitutional mandate. Although the current economic environment is particularly difficult, the Legislative and Executive branches are always in a position of having to select between competing needs for government resources. Recipients of public resources understand these realities and have developed very sophisticated approaches to decision makers in order to ensure that their needs are met.
4. A business practice that could help in stabilizing court system funding is matching the type of funding with the type of expense. The courts have two broad types of costs, fixed and variable. These costs should be matched with fixed and variable funding sources respectively. Examples of fixed costs include compensation for constitutionally appointed officers and facility upkeep. These expenses do not change with variances in the court's caseload. Variable costs are dependent on caseload, and should be funded with variable revenue sources, such as case filing fees.
5. Judges and Court Administrators need to be given sufficient leeway to add, or remove resources as needed in order to address specific and unique local needs and changes in workload.

Economic downturns often create significant challenges for the courts, as budget cuts reduce judicial system funding while residents often require more services from the judicial system. As has been discussed in an earlier section of this study, Florida's courts have been particularly challenged over the past two years. With our State's diverse population and unique needs for justice, Florida's court system requires special consideration.

I. Justice for All Floridians: Stabilizing Court System Funding

In early January 2009 the Chief Justice of the Florida Supreme Court set forth seven principles for stabilizing Court Funding. These principles are consistent with the broad principles and best practices set forth above and will serve to move the discussion forward toward the goal of creating and implementing a stable and dependable means of funding for Florida's courts. These principles are:

1. The elements of the State Courts System that are codified in section 29.001, Florida Statutes, should be adequately funded by the State to ensure the guarantee of court access by Florida's citizens. This will provide adequate funding for the courts responsibilities for:
 - a. Adjudication
 - b. Due Process
 - c. Governance
 - d. Infrastructure
2. Court fees assessed and paid by Florida's citizens to access their court system should be dedicated to the court system, as already provided for by State law.
3. Unless adequate safeguards are in place, court-related revenue other than filing fee revenue (revenues derived from fines, service charges, and court costs) should not be dedicated to court funding but used to support other justice system partners.
4. All current court-related revenue being collected should be reevaluated to determine what portion of current filing fee revenue should be dedicated to court funding.
5. Additional or increased filing fees should be considered, but only after an adequate review of the distribution of the current filing fee revenue has been made.
6. Some components of the State Courts System are more appropriately funded from the general fund and should remain so.
7. State Court Trust Funds are the appropriate depositories for court filing fee revenue.

Within the context of discussions among the courts, the Legislature, and the Executive on overall court funding, a decision will need to be made on whether the reductions in court funding made over the past few years will be continued. In an earlier section of this study we demonstrated that the "real" (adjusted for changes in the costs of goods and services purchased by government for operating purposes) level of funding for the courts peaked in

fiscal year 2004-2005. We believe that a reasonable funding target for Florida's courts would be to ultimately restore the "real" level of court funding to this level.

Additionally these discussions will need to address the placement of appropriate safeguards on State Court Trust Funds to ensure that monies placed in these funds are used only for their intended purposes. The most recent session of the State Legislature has demonstrated that both the Legislative and the Executive are willing to "raid" these funds in order to address cash shortfalls.

**APPENDIX I:
CALCULATION OF ECONOMIC IMPACTS**

Calculation of the Direct Impacts Associated with Real Property / Mortgage Foreclosure Case Backlogs		
Item	Description	Value
1	Estimated number of R.P. / Mortgage Foreclosure cases in Florida's Courts ¹	286,349
2	Estimated Average Case Delay in months ²	16.77
3	Estimated Average loan size, and estimated property value ³	\$218,851
4	Estimated Average loan interest rate ³	7.39%
5	Estimated decline in Real Property Market Values	
	- Percentage Decline in Market Value due to market conditions ⁴	32.23%
	- Percentage Decline in Market Value due to property in Foreclosure	20.00%
	Total Decline in Value of Foreclosed Properties	52.23%
6	Avg. Foreclosure Cases Disposed of each month (Jan'06 - Oct'08) ²	8,136
7	Legal and other Costs associated with Case Delays:	
	- Expenses of Attorney and Staff to remain current on each case ⁵	\$125.00
	- Monthly Average Cost of additional Depositions and other case related activities ⁵	\$166.67
	Monthly Direct Impact Calculations - Foreclosure Cases	
A.	Additional Legal and other Case Related Expenses (per case)	
	- Attorney and Staff Legal Expenses	\$125.00
	- Monthly Average of Depositions and other case related activities	<u>\$166.67</u>
	Total Monthly Legal and case related expenses:	\$291.67
	Times, Estimated cases filed but not disposed of by courts	286,349
	Equals, Additional Legal and other Case related Expenses - Monthly	\$83,518,458
	Equals, Additional Legal and other Case related Expenses - Annual	\$1,002,221,500
B.	Foregone Interest Income	
	Average Loan Size	\$218,851
	Times, Average Interest Rate	7.39%
	Times, Estimated cases filed but not disposed of by courts	286,349
	Equals Foregone Interest Income - Monthly	\$385,699,752
	Equals Foregone Interest Income - Annual	\$4,628,397,022

C.	Declines in Property Value due to delays in the Foreclosure Process:		
	Estimated Property Value at commencement of Foreclosure		\$218,851
	Decline in value due to market conditions (per property)*	32.23%	\$70,535.68
	- Decline in value due to foreclosure process (per property)	20.00%	\$43,770.20
	Total decline in property values (per property)		\$114,305.88
	Average Number of Foreclosure cases disposed of by courts each month		8,136
	Total reduction in property value of foreclosed properties - Monthly		\$356,114,347
	Total reduction in property value of foreclosed properties - Annually		\$4,273,372,166
D.	Estimated Annual Direct Impact of Foreclosure Case Delays:		
	- Additional legal and other case related expenses:		\$1,002,221,500
	- Foregone Interest Income:		\$4,628,397,022
	- Declines in foreclosed property value due to delays in foreclosure process:		\$4,273,372,166
Total estimated annual direct impact of foreclosure case delays:			\$9,903,990,688
*This is excluded from the analysis as it is not driven by the legal process, rather by market conditions.			
Sources: ¹ Office of the State Courts Administrator. ² Calculated by WEG, based on OSCA data. ³ FED of New York data on Sub-Prime and "Alt-A" mortgage loans for Oct 2008. ⁴ Case-Schiller Home Prices Indices (Avg. of data for Miami and Tampa). ⁵ Discussions with The Florida Bar – 1hr@\$125/hour. ⁵ Based on discussions with The Florida Bar. Assumes one additional deposition or other case-related activity every 6 months at an average cost of \$1,000.			

Calculation of the Direct Impacts Associated with Civil Court Case Delays - Excludes Foreclosure		
Item	Description	Value
1	Estimated number of cases (excl. Foreclosure) in Florida's Courts ¹	52,575
2	Estimated Average Case Delay in months ²	5.53
3	Avg. number of non-foreclosure civil cases disposed of each mo. (1/06 - 10/08) ²	8,618
7	Legal and other Costs associated with Case Delays:	
	- Expenses of Attorney and Staff to remain current on each case ⁵	\$125.00
	- Monthly Average Cost of additional Depositions and other case-related activities ⁵	\$166.67
	Direct Impact Calculations - Civil Cases excl. Foreclosure	
A.	Additional Legal and other Case Related Expenses (per case)	
	Attorney and Staff Legal Expenses	\$125.00
	Monthly Average of Depositions and other case related activities	<u>\$166.67</u>
	Total Monthly Legal and case related expenses:	\$291.67
	Times, Estimated cases filed but not disposed of by courts	52,575
	Equals, Additional Legal and other Case related Expenses - Monthly	\$15,334,375
	Equals, Additional Legal and other Case related Expenses - Annual	\$184,012,500
Sources: ¹ Office of the State Courts Administrator. ² Calculated by WEG, based on OSCA data. ⁵ Discussions with the The Florida Bar – 1hr@\$125/hour. ⁵ Based on discussions with The Florida Bar. Assumes one additional deposition or other case-related activity every 6 months at an average cost of \$1,000.		

APPENDIX II:
THE WASHINGTON ECONOMICS GROUP, INC.
PROJECT TEAM



J. ANTONIO "TONY" VILLAMIL

Dean, School of Business of St. Thomas University of Florida
Principal Advisor, The Washington Economics Group, Inc.

Tony Villamil has over thirty years of successful experience as a business economist, university educator and high-level policymaker at both federal and state governments. He has served as a Presidential appointee U.S. Undersecretary of Commerce for Economic Affairs, and is the founder of a successful economic consulting practice, The Washington Economics Group, Inc. (WEG). Since August 2008, Tony is the Dean of the School of Business of St. Thomas University of Miami, while continuing to serve as Principal advisor to the clients of WEG.

Tony is a member of the President's Advisory Committee on Trade Policy and Negotiations in Washington, D.C. He is the immediate past Chairman of the Governor's Council of Economic Advisors of Florida, and during 1999-2000, he directed the Tourism, Trade and Economic Development activities of the State in the Office of Governor Jeb Bush. Presently, he is on the Board of Directors of the Spanish Broadcasting System (NASDAQ), Mercantil Commercebank, N.A. and Enterprise Florida – the State's principal economic development organization.

Among other leadership positions, he served in 2008 as the economist of the Constitutionally mandated Tax and Budget Reform Commission of Florida (TBRC), and is currently Chairman of the Economic Roundtable of the Beacon Council – Miami-Dade County's official economic development organization. He is also a Senior Research Fellow of Florida TaxWatch, an established fiscal and policy research organization of the State. After winning the gubernatorial election in November 2006, then Governor-elect Charlie Crist appointed him as his Economic Advisor during the transition period.

Tony earned bachelor and advanced degrees in Economics from Louisiana State University (LSU), where he also completed coursework for the Ph.D. degree. In 1991, Florida International University (FIU) awarded him a doctoral degree in Economics (hc), for "distinguished contributions to the Nation in the field of economics." He speaks frequently to business, government and university audiences on economic topics, and was until the summer of 2008 a member of the Graduate Business Faculty of Florida International University (FIU).



CHARLES K. YAROS
Associate Consultant for Economics

Chuck Yaros is an Associate Consultant for Economics at The Washington Economics Group, Inc. (WEG). He serves as economic consultant in the areas of financial economics and economic impact studies. Prior to joining WEG he was a Vice President and Portfolio Strategist at Shay Financial Services in Miami where he specialized in developing, implementing and managing interest rate risk and capital optimization strategies for financial institutions.

Mr. Yaros has over 20 years of experience as a business and financial economist, having worked in a number of positions of progressive responsibility in the South Florida business community. Additionally, he has spoken and taught courses on financial risk management.

Chuck received his undergraduate degree in Economics with Honors from Trinity College and his Master's degree in Economics from Duke University, where he also completed course work for the Ph.D. degree.

Chuck and his family are residents of Coral Gables, Florida.

The Washington Economics Group, headquartered in Coral Gables, Florida, has been successfully meeting client objectives since 1993 through strategic consulting services for corporations and institutions based in the Americas. The Group has the expertise, high-level contacts, and business alliances to strengthen a firm's competitive position in the rapidly expanding market places of Florida, and Latin America.

The Washington Economics Group, Inc. (WEG) has been successfully meeting client objectives since 1993 through economic consulting services for corporations, institutions and governments of the Americas. We have the expertise, high-level contacts, and business alliances to strengthen your competitive positioning in the growing marketplaces of Florida and Latin America.

Our roster of satisfied clients, over the past fourteen years, includes multinational corporations, financial institutions, public entities, and non-profit associations expanding their operations in the Americas.

EXCLUSIVE CONSULTING APPROACH:

Each client is unique to us. We spend considerable time and effort in understanding the operations, goals, and objectives of clients as they seek our consulting and strategic advice. We are not a mass-production consulting entity nor do we accept every project that comes to us. We engage a limited number of clients each year that require customized consulting services in our premier areas of specialization. These premier and exclusive services are headed by former U.S. Under Secretary of Commerce, Dr. J. Antonio Villamil, with over twenty-five years of experience as a business executive and as a senior public official of the U.S. and most recently of Florida.

PREMIER CONSULTING SERVICES:

Comprehensive Corporate Expansion Services. Our seamless and customized service includes site selection analysis, development of incentive strategies and community and governmental relations.

Economic Impact Studies highlight the importance of a client's activities in the generation of income, output and employment in the market area serviced by the entity. These studies are also utilized to analyze the impact of public policies on key factors that may affect a client's activities such as tax changes, zoning, environmental permits and others.

Strategic Business Development Services. These services are customized to meet client objectives, with particular emphasis in the growing marketplaces of Florida, Mexico, Central and South America. Recent consulting assignments include customized marketing strategies, country risk assessments for investment decisions and corporate spokesperson activities and speeches on behalf of the client at public or private meetings.

For a full description of WEG capabilities
and services, please visit our website at:
www.weg.com

Representative Client List
1993-2009

Multinational Corporations

- Lockheed Martin
- FedEx Latin America
- IBM
- Motorola
- SBC Communications
- Ameritech International
- Lucent Technologies
- MediaOne/AT&T
- Joseph E. Seagram & Sons, Inc. (Vivendi)
- Microsoft Latin America
- Carrier
- Medtronic
- Phelps Dodge
- Esso Inter-America
- Visa International
- MasterCard International
- Telefonica Data Systems
- Bureau Veritas (BIVAC)
- Merck Latin America
- DMJM & Harris
- DLA Piper
- Wilbur Smith Associates
- PBSJ

Florida-Based Corporations

- Sprint of Florida
- Florida Marlins
- Flo-Sun Sugar Corp.
- Farm Stores
- The BMI Companies
- Spillis Candela & Partners
- The Biltmore Hotel/Seaway
- Trammel Crow Company
- Advantage Capital
- WCI Development Companies
- Iberia Tiles
- Florida Hospital
- Mercy Hospital
- The St. Joe Companies
- Florida Power & Light (FPL)
- International Speedway Corporation

Latin America-Based Institutions

- Federation of Inter-American Financial Institutions (FIBAFIN)
- The Brunetta Group of Argentina
- Association of Peruvian Banks
- Peruvian Management Institute (IPAE)
- *Mercantil Servicios Financieros*, Venezuela
- Allied-Domecq, Mexico
- Fonalledas Enterprises

Financial Institutions

- International Bank of Miami
- Pan American Life
- ABN-AMRO Bank
- Barclays Bank
- Lazard Freres & Co.
- Banque Nationale de Paris
- HSBC/Marine Midland
- Fiduciary Trust International
- Sun Trust Corporation
- First Union National Bank (Wachovia)
- Union Planters Bank of Florida (Regions)
- Bank Atlantic Corp.
- Hemisphere National Bank
- BankUnited, FSB
- Mercantil Commercebank N.A.
- PointeBank, N.A.
- The Equitable/AXA Advisors

Public Institutions, Non-Profit Organizations & Universities

- Baptist Health Systems
- Jackson Health Systems
- Miami-Dade Expressway Authority
- Miami-Dade College
- Miami Museum of Science
- Zoological Society of Florida
- Florida International University
- University of Miami
- *Universidad Politécnica de Puerto Rico*
- *Sistema Universitario Ana G. Méndez (SUAGM)*
- Keiser University
- Full Sail Real World Education
- Florida Agricultural & Mechanical University (FAMU)
- Inter-American Development Bank (IDB)
- United Nations Economic Development Program (UNDP)
- Florida Ports Council
- Florida Sports Foundation
- Florida Citrus Mutual
- Florida Nursing Homes Alliance
- Florida Bankers Association
- Florida Outdoor Advertising Association
- City of Plantation
- City of West Palm Beach
- Economic Development Commission of Lee County
- Economic Development Commission of Miami-Dade (Beacon Council)
- Economic Development Commission of Mid-Florida
- Jacksonville Chamber of Commerce
- SW Florida Regional Chamber of Commerce
- Enterprise Florida, Inc.
- The Beacon Council
- Visit Florida
- Louisiana Committee for Economic Development
- University of South Florida/*ENLACE*
- Space Florida
- State of Florida

