



# **THE FLORIDA JUDICIAL BRANCH GOVERNANCE STUDY GROUP**

## **FINAL REPORT**

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**Richard Van Duizend, Project Director  
Lee Suskin, Of Counsel**

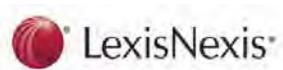
**Daniel J. Hall, Vice President**

**Court Consulting Services  
707 Seventeenth Street, Suite 2900  
Denver, Colorado 80202**



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## A. INTRODUCTION

The first issue identified by the Long-Range Strategic Plan for the Florida Judicial Branch (2009-2015) is “Strengthening Governance and Independence.” The Plan suggests that a re-examination of the current governance structure of the Judicial Branch is timely in light of the shift from county to state funding of the courts resulting from passage of Revision 7 and the need to develop and implement responsive, coherent, and timely court policies to respond to the complex social and economic problems facing the state and court system.<sup>1</sup> Accordingly, the Court established a Judicial Branch Governance Study Group to:

[U]ndertake 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.<sup>2</sup>

The goal is to recommend changes to strengthen the governance structure, process, and practice to assure that “[t]he judicial branch will be governed in an effective and efficient manner.”

To assist the Study Group, the Strategic Planning Unit (SPU) of the Office of the State Courts Administrator (OSCA) contracted with the National Center for State Courts (NCSC). Pursuant to the contract, NCSC:

- ◆ Conducted in-person and telephonic interviews with over 40 justices, chief judges, trial and appellate judges, court administrators, clerks, and attorneys throughout the state regarding the structure, balance, and

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<sup>1</sup> Judicial Branch Governance Study Administrative Order, Florida Supreme Court, No. AOSC09-43 (October 19, 2009).

<sup>2</sup> *Id.*

- continuity of governance; committee structure, coordination, and effectiveness; and communication within the judicial branch.<sup>3</sup>
- ◆ Surveyed, through a web-based questionnaire, approximately 100 additional judges and more than 350 court staff regarding intra-branch communication. The list of those surveyed was provided to NCSC by the SPU as a representative sample.<sup>4</sup>
  - ◆ Suggested possible states that the SPU might examine for its comparative research on state judicial governance.<sup>5</sup>
  - ◆ Reviewed responses to inquiries sent out by the Chair of the Study Group along with other pertinent material.

The in-person interviews were conducted during two trips to Florida: the first to Tallahassee in June, 2010; the second to central and southern Florida in July, 2010. Each interview lasted at least one hour. A group interview was conducted with the managers of the OSCA. Telephone interviews were conducted during July and August, 2010. The telephone interviews averaged 30 minutes in length.

Interviewees included all members of the Supreme Court, the Chief Judges of each District Court of Appeal; Chief Judges of seven Circuit Courts; two former Justices; additional District, Circuit, and County Judges; three Circuit Administrators; four Clerks; a District Courts of Appeal Marshal; representatives of the Bar and Legal Services; a State Attorney and Public Defender; and others. The trial court level interviewees were located in a total of 13 Circuits in all sections of the state. Pursuant to NCSC's standard Human Subjects Protection Policies, all interviewees were advised that neither this report nor any other material produced by NCSC for this contract would contain any statements for attribution nor the names of those interviewed. Responses to the Chair's inquiries were received from nine members of the Florida Bar, the Real Estate, Property, and Trusts Section of the Florida Bar, the

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<sup>3</sup> The Interview Protocols are attached as Appendix A.

<sup>4</sup> The results of the survey are attached in Appendix B.

<sup>5</sup> The results of the SPU data collection effort are attached as Appendix C.

Florida Council of 100, the Florida Justice Reform Institute, and the Florida Retail Federation.<sup>6</sup>

This report presents an analysis of the information collected and the conclusions of the NCSC project team.

## **B. COMPARATIVE RESEARCH ON SELECTED STATE COURT SYSTEMS**

The Strategic Planning Unit (SPU) of the OSCA conducted comparative research on selected states in order to gain information and insight on a variety of approaches to administering and governing state court systems. The states included in this research were:

Alabama  
Arizona  
California  
Minnesota  
Missouri  
Nevada  
New Jersey  
New York  
Utah  
Vermont  
Virginia

This broad sweep of states documented a range of methods by which state judicial branch governance is accomplished. Based on our review of the research findings, the SPU identified four states having governance structures and processes that it concluded were particularly effective, based upon objective review as well as comments and assessments of court system professionals from the various states. Those states are Arizona, California, Minnesota, and Utah. The broad commonalities among those states are as follows:

- Chief justice terms ranging from four to 12 years.
- Various mechanisms in place to ensure continuity of policies, administration regardless of changes in leadership (Chief Justice).
- Administratively unified court systems with centralized policy and planning functions, while allowing for local input.
- Highly functional Judicial Councils with policy-making authority.

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<sup>6</sup> A summary of the responses from these stakeholders is contained in Appendix D.

- Effective strategic planning processes.
- Well-defined leadership roles (lines of authority).

State-specific comments prepared by the SPU follow.

### *Arizona*

- The Chief Justice of the Arizona Supreme Court, head of the judicial branch, serves a five-year term and is selected by fellow justices of the Supreme Court; the Vice-Chief Justice (next chief justice) also serves a simultaneous five-year term prior to becoming Chief Justice, ensuring exposure to and familiarity with the administrative responsibilities of the chief. (Note: the term of office for Arizona justices is six years.)
- In terms of funding, Arizona's court system is not budgetarily unified; in 2009, only 22% of the expenditures for the court system were appropriated by the state legislature. The balance of revenues came from fines, sanctions, and forfeitures; surcharges; fees; and other revenues. The Administrative Office of the Courts prepares the state-appropriated budget request for the judicial branch, which is then reviewed by the Chief Justice and the Vice Chief Justice prior to review and appropriation by the state legislature.
- The Arizona Court system develops a five-year strategic agenda with input from the Administrative Director and the Arizona Judicial Council, the State Bar of Arizona, and court leadership, staff, and citizens. The strategic agenda is adopted by the Arizona Judicial Council.
- Decision-making is accomplished with wide participation from all parts of the court system through regular meetings of chief judges, administrative staff, and Supreme Court staff.
- Rule proposals and changes are generally initiated by the Administrative Office of the Courts, the Arizona Judicial Council, or the Bar. Bar sections/committees consider all pending rule changes. Petitions for rule changes and comments on proposed changes may be filed on paper or electronically.
- The Arizona Judicial Council, chaired by the Chief Justice, is the highest level of policy making for court administration. The Council reports to the Supreme Court, and makes final decisions in some instances and recommendations in others. The Arizona Judicial Council develops and adopts the five-year strategic agenda for the court system, reviews and makes recommendations to the Supreme Court regarding administrative code proposals, and may initiate rule proposals or amendments.

- Prior to the creation of the Arizona Judicial Council, the Supreme Court utilized Administrative Orders to implement system wide policies; this was considered to be relatively ineffective and a poor process for policy implementation. Modeled after the state of Utah's Judicial Council, the Arizona Judicial Council process was put into place by the Arizona Code of Judicial Administration; this has institutionalized the Arizona Judicial Council and fostered broad acceptance of the Council and its role. As a result, the council is considered to be highly effective and very influential in the state court system.

#### *California:*

- The California State Courts System is a completely unified system buttressed by three significant events. The first was the Trial Court Funding Act of 1997 which provided courts with their first stable, secure, and highly accountable statewide funding system and freed courts from day-to-day financial uncertainty and allowed the courts to focus their resources and attention on improving access and service to the public. The second major unifying event was the trial court unification which began in 1998 and is now effective in all 58 counties; this gave California a one-tier trial court system that has produced efficiencies far exceeding early expectations. A third major unification event was the Trial Court Facilities Act of 2002 which transferred ownership and management of all trial court facilities from individual counties to the state.
- Leadership and lines of authority are clearly defined in the California Judicial Branch. The Chief Justice is appointed by the governor for a term of 12 years, and is the head of the branch set out by the state Constitution. The state Constitution further vests the judicial power of California in the Supreme Court, Courts of Appeal, and superior courts. The Constitution also provides for the formation and functions of the Judicial Council, the policymaking body for administration of the state courts.
- By an amendment to the state Constitution in 1926, the citizens of California established the Judicial Council. The 27-member body is responsible for improving the statewide administration of justice in the California courts, the largest court system in the nation.

Under the leadership of the Chief Justice, the work of the Judicial Council is supported by its staff agency, the Administrative Office of the Courts (AOC). The leader of the AOC, the Administrative Director of the Courts, is appointed by the Chief Justice and serves as the Secretary to the council. The council carries out this mission primarily through the work of its advisory committees and task forces who make recommendations to the council; these entities are primarily staffed by the AOC.

In accordance with the California Constitution, the Judicial Council:

- Establishes policy direction and sets priorities for the continual improvement of the court system.
  - Promulgates rules of court administration, practice, and procedure.
  - Sponsors and takes positions on legislation that affects the California judicial system.
  - Allocates the judicial branch budget.
  - Responds to legislative mandates.
- Strategic and operational planning are very institutionalized, and are directed by the Judicial Council and serve as statewide direction for all levels of the system. The Long-Range Strategic Plan for the California judicial branch, *Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012*, contains a detailed action plan for the council's advisory committees and its staff agency, the AOC. Developed under the direction of the Judicial Council, and informed by a wide variety of stakeholders, the plan provides a vision and direction for California's courts. The plan establishes mechanisms for the responsible management and the fair administration of justice across the state while encouraging local management and discretion in court operations. The branch-wide operational plan is developed by the council in collaboration with justice system partners every three years (current plan covers fiscal years 2008–2011). The trial courts submit their community-focused strategic and operational plans on the branch's trial count planning website.
  - The Chief Justice and the Administrative Director represent the judicial branch to the legislature on behalf of the Judicial Council. This work is also supported by the AOC's Office of Governmental Affairs whose mission is to promote and maintain effective relations with the legislative, (Assembly or Senate) and executive (Governor) branches of government and to present the Judicial Council's recommendations on legislative matters affecting the courts pursuant to constitutional mandate. (Cal. Const., art. VI, sect. 6).
  - The current arrangements of authority and governance within the California Judicial Branch have long been regarded as highly functional and afforded a great deal of continuity for the court system; many features of the governance and policy models have been replicated in other state courts systems. General acceptance and widespread support exist for the leadership roles and strategic direction of the Judicial Council, the Chief Justice, and the AOC. However, in recent times, the ongoing budget crisis and difficult decisions linked to declining resources have sparked some dissonance among a group of judges who are concerned about centralized Judicial Council budget decisions, particularly concerning court closures and technology expenditures. The state legislature has responded to calls for increased oversight of the AOC through a variety of actions.

## Minnesota

- After the branch became fiscally unified, the Chief Justice of the Minnesota Judicial Branch decided to appoint a Transformation Work Group to study its governance structure to make improvements in its overall functioning, particularly concerning policy, decision-making, and budget. The Transformation Work Group, chaired by a regional court administrator, conducted a governance study and recommended that a Judicial Council be instituted. In response, the Chief Justice issued an administrative order establishing the Minnesota Judicial Council in 2005. The Council has policy authority for the Branch strategic plan; budget priorities and requests to the executive and legislative branches; collective bargaining; human resources; technology; programs (jury, Guardian *ad Litem*, interpreter, expedited child support); education and organization development; finance; children's justice initiative; and core services such as court performance and accountability. The Judicial Council is chaired by the Chief Justice and the State Courts Administrator serves as a non-voting member.
- The Judicial Council's decision-making concerning administrative matters is predicated on statewide values, needs, priorities, and goals in concert with the fair allocation of resources and includes:
  - Deliberating in many voices, but governing in one.
  - Communicating openly and regularly with all stakeholders.
  - Measuring achievement of statewide goals and policies.
  - Focusing on strategies designed to meet future needs.
  - Involving judges and administrators in implementation of policies.
  - Recognizing the needs of judicial districts to adopt local policies not inconsistent with Judicial Council policies.
- Leadership and lines of authority are clearly delineated in the Minnesota Judicial Branch. The Chief Justice is the administrative head of the branch and is appointed by the governor for a term of six years. The Chief Justice exercises general supervisory powers over the courts of the state and has the authority to designate judges to assist in the performance of such duties. Along with the other justices, the Chief Justice sits as the final arbitrator of appeals. Likewise, the Supreme Court is responsible for the regulation of the practice of law and for judicial and lawyer discipline. Additionally, as the highest court in Minnesota, it promulgates rules of practice and procedure for the legal system in the state. Each justice is a liaison to a number of Supreme Court boards and other state policy commissions that are charged with responsibilities ranging from day-to-day administration to strategic planning. In conjunction with the Judicial Council, the Chief Justice has policy-making authority which replaced the former system of conferences of chief judges and intercourt committees. Additionally, court appointed committees under the jurisdiction of the Judicial Council are primarily staffed by the State Courts Administrator's Office. The State Courts Administrator is managed by the Judicial Council and receives an annual review

from this body with input from judges throughout the system. The Chief Justice chairs the Judicial Council and in conjunction with this body, formulates and establishes the administrative policies for the operation of the judicial branch. Administrative policies promulgated and decisions made by the Judicial Council are binding on all judicial branch judges and employees.

- The Supreme Court is the rule-making body for all of the state's courts. Although local courts enact some rules of practice, these rules must not be in conflict with those established by the Supreme Court. The Supreme Court establishes rule making committees and appoints members of the Bar to the committees. The Judicial Council is not involved.
- The strategic planning process is linked to legislative budget requests and guided by the Judicial Council. The strategic plan's goals and priorities are also operationalized at the local levels. Concerning recent planning efforts, in July 2007 the Judicial Council formed the Strategic Planning Workgroup to review the FY07-09 Strategic Plan and to recommend changes for the FY10-11 Plan. The Workgroup made a special effort to reach out to all Judicial Branch judges and employees in the development of the new plan. The Judicial Council, in recognition of current fiscal constraints facing the Judicial Branch and of the initiatives and projects already underway, determined that the new plan's goals and priorities should address very specific areas.
- The State Courts Administrator's Office provides principal representation to the legislature on behalf of the judicial branch. The Chief Justice may be involved at intervals. The primary responsibility for representation rests with the Inter-Governmental Liaison.
- The adjustment of the court system to the Judicial Council model is generally regarded as successful and has resulted in consistency and coherency throughout the branch. Tension has existed around policy implementation but implementation committees staffed by cross-functional committees have been designed to alleviate these issues. At this juncture, no significant problems have arisen.

### *Utah*

- The Utah Judicial Council is the head of the judicial branch and the principal authority for the administration of the judiciary. The Supreme Court Chief Justice is the chief administrative officer for the courts and implements the rules adopted by the Judicial Council. The Chief Justice is selected by fellow justices to serve a four-year term, and the chief may serve successive terms. (Note: the term of office for Supreme Court justices is ten years.) The Judicial Council establishes the agenda for the court system. When a change in the Chief Justice occurs, it is seamless in terms of continuity of leadership.

- The Chief Justice of the Supreme Court is the presiding officer of the Council; Administrative Office (AOC) serves as secretariat to the Council. Members include: one member elected by the justices of the Supreme Court; one member elected by the judges of the Court of Appeals; five members elected by the judges of the district courts; two members elected by the judges of the juvenile courts; three members elected by the justice court judges; and a member of the Board of Commissioners of the Utah State Bar.
- The Utah Judicial Council directs the activities of all Utah state courts. The Judicial Council is responsible for adopting uniform rules for the administration of all courts in the state, setting standards for judicial performance, court facilities, support services, and judicial and non-judicial personnel.
- Most rules originate with the Judicial Council. The Policy and Planning Committee of the Judicial Council proposes system-wide rules to be considered and adopted by the Judicial Council. There are very few local rules. Boards of Judges for each level of court, established by the Judicial Council, may adopt administrative rules for their level of court in accordance with the guidelines of the Council, subject to ratification by the Council.
- Only operational issues at the local level are addressed through local rules or policies. The Management Committee and the Policy and Planning Committee of the Judicial Council coordinate system-wide policy development, subject to review and approval by the Judicial Council.
- The court system budget process begins with input from the regional court administrators who prepare budget requests and submit them to the appropriate Board(s) of Judges. The Boards debate and discuss issues, then submit their requests to the State Courts Administrator and to the Judicial Council. The State Court Administrator and the Boards of Judges present their recommendations to the Council. The Council then prepares the court system budget request (one line item in the budget) and sends it to the Legislature (for voting) and to the Executive Branch (for information). The courts may carry forward funds from one year to the next, and the Council can shift funds from one part of the budget to another without legislative approval.
- The Judicial Council conducts strategic planning through the three management committees, as well as through ten of the 13 standing committees. The Council asks each committee to submit both short-term and long-term strategic plans for their topic area; the plans are submitted to the Council, which then reviews, amends, and adopts the plans.
- The Liaison Committee of the Judicial Council drafts legislation on behalf of the Council, and takes a position on all proposed legislation relating to the judicial

branch (supports, opposes, or takes no position). Generally, the Chief Justice and the State Courts Administrator testify to the legislature on behalf of court issues, and the State Courts Administrator typically makes public statements based on the Council's positions.

- The Judicial Council sets policy with the assistance of the Administrative Office of the Court (AOC), which identifies issues for the Council. The AOC also drafts policies on behalf of the Policy and Planning Committee, as well as being responsible for administration of the court system; all functions are managed through the AOC (including judges, staff, buildings, security, bailiffs, interpreters, etc.). The AOC has responsibility for allocating and managing resources, and the AOC represents the judicial branch to other branches and agencies.
- The Judicial Council model has very few critics within the court system; it has extensive authority to govern within the court system and uses the expertise and experience of trial and appellate judges serving on the Judicial Council. The various Boards of Judges elect members to serve on the Council. They are responsible for making decisions based upon a systemic perspective, and are not allowed to advocate for their level of court. The Council makes all decisions regarding courts and consequently decisions are "owned" by the decision makers. The focus remains on the needs of the entire system rather than focusing on just one level of court or one region of the state.
- All functions of the court system fall under the jurisdiction of the Judicial Council. The State Courts Administrator appoints the Regional Court Executives/Administrators, who in turn appoint the Clerks of the Court. There are no associations within the court system with competing priorities or perspectives. The court system has the ability to self-govern, and the Judicial Council has the ability to handle budget problems and priorities as needed. The Judicial Council model was adopted 30 years ago and has worked very well in Utah.

### **C. FINDINGS AND CONCLUSIONS**

The initial question in each of the interviews asked was: "How would you describe the effectiveness of how the Florida courts are governed today?" The responses ranged from "the court system is being managed well given the circumstances" to "the current governance is deeply flawed." The most common answer was that governance has been acceptable but that changes are needed going forward. For example, one respondent commented that:

The current structure was sufficient for 20 years after the 1972 revision of Article V, but the tremendous growth of the Florida court system and the responsibilities and services that have been added, a stronger

governance system is needed. This is even more true with the passage of Revision 7. Budget cuts require management. Delegation to staff is not sufficient.

Another observed that:

Governance is stronger but still extremely weak. The move to state funding has pitted the system against itself because of the shortage of funds. Therefore, the Branch needs strong leadership from the top.

The NCSC project team's findings and conclusions, based on the interviews, communication survey results, and responses from the bar and business community,<sup>7</sup> are organized around seven topics:

- ◆ The Role and Responsibilities of the Supreme Court and the Role, Responsibilities, Term and Selection of the Chief Justice and Chief Judges
- ◆ Rule-making and the Current Committee System
- ◆ The Authorization of Conferences
- ◆ Legislative Advocacy on Behalf of the Judicial Branch
- ◆ The Office of the State Courts Administrator
- ◆ Communication
- ◆ Identifying Emergent Policy Issues

The findings are presented in narrative form; the conclusions in highlighted paragraphs.

## **1. Role and Responsibilities of the Supreme Court and the Role, Responsibilities, Term and Selection of the Chief Justice and Chief Judges**

**a. Role and Responsibilities of the Supreme Court:** The Supreme Court has the authority to adopt rules of practice, procedure, and administrative supervision of all Florida Courts.<sup>8</sup> Under this rulemaking authority, the Supreme Court plays a role in approving policies and initiatives affecting the entire Florida court system. It also reviews the Judicial Branch's budget submission. The Chief Justice serves as the chief administrative officer for the court system. The line between the Chief Justice's responsibilities and the involvement of the Supreme Court in overseeing and managing the court system, short of administrative rule promulgation, is not defined. The practice has been for the Chief Justice to discuss policies and procedure affecting the entire

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<sup>7</sup> For ease of reference, attribution of comments to interviewees includes relevant comments provided by respondents to the inquiries sent by Chair of the Study Group.

<sup>8</sup> Florida Constitution, Art. V, §2(a).

court system with the other members of the Court as a matter of courtesy and collegiality, but this is not required and the extent of consultation may vary depending on who is serving as Chief Justice.

Members of the Court serve as liaisons to various committees and report back periodically to their colleagues during the administrative portion of the Wednesday Court conference. However, there is relatively little information available to the Court on the extent and impact of implementation of policies and initiatives established under Administrative Orders and Rules. Indeed, there is little monitoring of implementation efforts. This is partially a result of custom and largely due to the absence of comprehensive, reliable statewide data.

As is discussed below in Section C.2., the process for developing administrative rules and orders is quite formal. In addition to the length of time required to issue a rule and the prohibition against informal discussions with those who may be affected, the tendency appears to be for the rules establishing new initiatives to be quite detailed and prescriptive, requiring that all Circuits follow a particular model. This one-size-fits-all approach creates tension with the Circuits, especially given Florida's tradition of allowing Circuits and Districts significant autonomy in the way they operate. For example, interviewees remarked:

Tallahassee should set the general parameters and measures rather than issuing detailed edicts.

One-size-fits-all orders like those concerning mortgage mediation do not work well. The Supreme Court should set the goals and let the Circuits decide how best to implement.

Consistency statewide is good, but there has to be room for local variation – flexibility to enable accommodation of different circumstances (e.g., multi-county vs. single county Circuits). There should be consistency on principles and more flexibility on nuts and bolts.

At the same time, there was recognition that with the advent of state funding, there is a need for the Supreme Court to “step up and be in charge.”

***Conclusion 1: The Study Group should consider recommending that the Supreme Court take an active leadership role in setting policy for***

***the Judicial Branch, establishing initiatives, and monitoring the implementation and impact of those policies and initiatives.***

Except in areas such as information technology or in which fundamental rights are at issue where uniformity is required, it may be more effective for the Court to establish the key program objectives and measures, charging the Circuits (and Districts) to establish a program that meets those objectives. In either instance the Court should require submission of regular reports on the extent to which each District and Circuit is meeting the objectives. This not only is more in keeping with Florida tradition, but acknowledges the significant differences in demographics and resources among the Circuits and Districts.

***Conclusion 2: The Study Group should consider recommending that the Supreme Court direct OSCA to report regularly on the extent of implementation and impact of policies and initiatives established by the Court and review periodically whether a policy or initiative should continue, be modified, or ended.***

While regular receipt and discussion of reports will necessarily result in the Court having to devote more time to administrative matters during conferences, such reports will ensure that the Court as a whole is informed, promote continuity and consistency, encourage implementation across the state, and highlight unanticipated problems as well as the benefits achieved. These reports provide an information basis for determining whether a policy or program should be continued, and if so, what changes may be needed.

**b. Role, Selection, and Term of the Chief Justice:** *Overall Role, Selection, and Term:* Article V, Section 2(b) of the Florida Constitution assigns administrative responsibility for the Florida court system to the Chief Justice. In addition to the authority to temporarily assign justices and judges, suspend time limits in periods of emergency, Rule of Judicial Administration 2.205(a)(2)(B)(v) authorizes the Chief Justice to “perform such other administrative duties as may be required and which are not otherwise provided for by law or rule.” The rule provides that the Chief Justice “shall be

chosen by majority vote of the justices” for a two-year term.<sup>9</sup> There are no restrictions in the number of terms nor are any qualifications for selection stated. The current practice is to rotate the Chief Justiceship each two years, with the most senior justice who has not yet served as Chief Justice elected in turn.

The interviews conducted by the NCSC project team revealed broad and deep concern with this rotation practice across the state. Three weaknesses of the current practice were cited:

1. Leading a court system is a complex job. Mastering the details and developing the necessary leadership/management skills takes time. By the time a Chief justice has climbed the learning curve, her/his two-year term is nearly complete and the learning process must start over.
2. It is natural for each new Chief Justice to want to leave a mark – address an issue of particular importance to him or her. The two-year term provides little time to design and fully implement new initiatives across the state, and not enough time to follow-up, assess the impact, and refine the program or policy to accommodate differing circumstances to maximize effectiveness and minimize costs. Moreover, the next Chief Justice is likely to have a different priority, so attention shifts to a new initiative. Circuits not interested in a particular program know they can simply wait out the term. Trial judges and Circuit Administrators complained of being whipsawed by the constantly changing “flavor-of-the-term” and commented that while each Chief Justice’s initiative addressed an important issue, it did not necessarily focus on the key needs of the court system as a whole.
3. Most importantly, the quick turnover of Chief Justices impedes the development of relationships with Legislative and Executive Branch leaders and staff that are essential, post Revision 7, to securing funding for the court system. While there was consistent praise for the skill and efforts of the State Courts Administrator, staff relationships alone are seen as insufficient.

Though not universal, the prevailing view is for strengthened leadership at the top of Florida’s Judicial Branch. “The Supreme Court should serve as the Board of Directors of the Branch and the Chief Justice should serve as Chair of the Board.” That is, the Supreme Court should decide policy as a whole; the Chief Justice should

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<sup>9</sup> Florida Rule of Judicial Administration 2.205(a)(2)(A) (2010).

implement policy, make the daily decisions consistent with the policy, and serve as the primary spokesperson for the Judicial Branch. As one interviewee observed:

Chief Justice rotation is a potential weakness that has added to the ineffectiveness of relations with the Legislature. Collegiality is important for the Supreme Court, but the Chief Justiceship is too important for the Branch to rotate.

Twenty-six states in addition to Florida are primarily state funded. Of these states, only four rotate the Chief Justiceship every two years (MO, NV, NM, OK). West Virginia rotates its Chief Justice annually.<sup>10</sup> None of these states is close to Florida in terms of its size and diversity.<sup>11</sup> The remainder afford their Chief Justices terms of:

12 years	CA, DE
10 years	HI
8 years	CT, IA, NC
7 years	ME
6 years	AL, MN, OR, VT
5 years	NH, ND
4 years	KY, SD, UT
3 years	AK
until retirement	CO, KS, MA, NJ, NY, RI. <sup>12</sup>

Those interviewees who suggested a specific term ranged from renewable terms of three to six years, with the majority proposing at least a four-year term.

***Conclusion 3: The Study Group should consider recommending that Rule 2.205(a)(2) be modified to clarify the leadership role of the Chief Justice, require consideration of administrative and leadership capacity, enhance continuity of leadership for the Florida Judicial Branch.***

Rule of Judicial Administration 2.210(a)(2) regarding selection of Chief Judges of the District Courts of Appeal contains what may be useful language that could be added to Rule of Judicial Administration 2.205 (a)(2) – “selection ...should be based on managerial, administrative, and leadership abilities.”

<sup>10</sup> Bureau of Justice Statistics, *State Court Organization: 2004* (<http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1204>); American Judicature Society (AJS), *Methods of Judicial Selection* (7/12/10) cited in The Florida Council of 100, *Florida State Courts System: Governance*, Appendix E (2010); OSCA SPU States Survey.

<sup>11</sup> OSCA SPU Survey.

<sup>12</sup> AJS, *supra*, note 2.

As part of the enhanced leadership role, the Chief Justice should meet regularly with the Chief Judges of the Circuits, the Chief Judges of the Districts (e.g., quarterly) and the leadership of the Conferences (e.g., semi-annually). At least one of these meetings can be a combined Judicial Branch leadership meeting that includes the Chairs of the Trial Court and District Courts of Appeal Budget and Performance and Accountability Commissions and the Technology Commission. To the greatest extent possible, these should be in-person meetings to facilitate development of personal working relationships and greater trust and understanding. In addition to discussing budget matters, these meetings should address initiatives, policies, data, and other operational issues. There also should be opportunities to discuss trends in filings, motions and discovery practices, interpreter needs, etc. to identify possible statewide or regional problems as early as possible and potential responses.

With regard to the length of term, there are several alternatives. The most straight-forward is a four-year term, renewable one time. A second option would be to retain the two-year term but make explicit in the Rule that a Chief Justice may be re-elected three times for a total tenure of eight consecutive years. Both alternatives would reduce the learning curve weakness, especially if the incoming Chief Justice were selected at least one budget cycle in advance and allowed to participate in the key meetings and briefings. They also would limit the “flavor-of-the-term” tendency. In addition, each provides a balance between continuity and limiting the length of time that a weak or overly-controlling Chief Justice could serve. An added safeguard would be to include a provision similar to that in Rule of Judicial Administration 2.210(a)(2) permitting the Court to remove a Chief Justice by a vote of five members.

This change could be made effective July 1, 2016, so that all current members of the Court now in line to become Chief Justice will have an opportunity to serve. If the four-year term alternative is selected, this timing would also provide stable judicial leadership during Gubernatorial transitions.

Other approaches suggested were creation of a Supreme Court Executive Committee consisting of the current Chief Justice, the immediate past Chief Justice, and the incoming Chief Justice. This is analogous to the governance structure employed by many judicial associations. It would achieve greater continuity and lessen the learning curve, but would not encourage selections based upon administrative interest and capability. Another alternative would be designation of a “Legislative Justice” who could be the primary and continuing point of contact with the Legislature. While this approach would not require changes in the rules and practice concerning the selection and term of the Chief Justice, most of the interviewees who addressed this possibility saw it as “helpful, but not sufficient.”

A few interviewees also mentioned creation of a California-style Judicial Council with the authority to determine policy for the Judicial Branch.<sup>13</sup> While there is little question that California and the three other states with Judicial Councils cited by the SPU have strongly governed court systems, there are other well-administered court systems that do not have such councils (e.g., AL, AK, NJ). As reflected in the conclusions in sections C.1 and C.2, the NCSC project team believes that strengthening the Supreme Court’s and Chief Justice’s leadership role should be tested first. If this is not sufficiently effective, then the necessary constitutional or statutory changes required to shift governance authority to a Judicial Council dominated by judges from the District Courts of Appeal and the Circuit Courts can be considered.

**c. Responsibilities, Authority, and Term of Chief Judges:** *Authority and Term:* Rules of Judicial Administration 2.210(a)(2) and 2.215(b) and (c) define the responsibilities, selection, and term of office of Chief Judges of District Courts of Appeal and Circuit Courts. All Chief Judges are selected by the members of their respective courts for two-year terms. Each rule provides that administrative abilities be considered in the selection. The rule for DCA Chief Judges simply provides that the Chief Judge is the “administrative officer of the court.” The rule for Circuit Chief Judges is more detailed, providing, *inter alia*, that Circuit Chief Judges are to:

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<sup>13</sup> See Section B. *supra*.

- Exercise supervision over all courts within the Circuit.
- Develop an administrative plan for efficient and proper administration that is compatible with developing judges' capacity to sit anywhere.
- Maintain liaison in all judicial administrative matters with the Chief Justice.

Although the Rule assigns Circuit Chief Judges these responsibilities, several Chief Judges commented that the authority to carry out these responsibilities is not clear:

The authority of a Chief Judge over the line judges is not well-defined. If a trial judge runs his/her courtroom with different orders than the rest of the court, or ignores security, or holds court from 10:00-7:00 without regard to staff overtime, there is nothing explicit in the rules that gives the Chief Judge the authority to bring that judge into line . . . . A committee of Chief Judges should formulate a new administrative rule spelling out the authority of Chief Judges beyond persuasion and less than referral to the Judicial Qualifications Commission that a Chief Judge has to promote the effective, consistent, and efficient operation of the court.

Interviewees also noted the added work and financial burdens imposed on the courts and clerk's offices by inconsistent judicial practices and the lack of authority to require a judge to take judicial education courses to improve case management or to qualify to hear death penalty cases.

***Conclusion 4: The Study Group should consider recommending that Rules of Judicial Administration 2.210(a)(2) and 2.215(b) be amended to provide authority to Chief Judges of both the Circuit Courts and District Courts of Appeal to direct judges on their court(s) to adhere to court policies and administrative plans.***

In addition, consistent with the strengthened role of the Chief Justice and in order to achieve greater administrative consistency among the Districts:

***Conclusion 5: The Study Group should consider recommending that Rule of Judicial Administration 2.210(a)(2) be amended to include a specific set of administrative responsibilities of District Courts of Appeal Chief Judges similar to those contained in Rule of Judicial Administration 2.215(b), along with a provision empowering the Supreme Court to remove a District Court of Appeal Chief Judge similar to that in Rule of Judicial Administration 2.215(c).***

Several, though not all, Circuit and District Chief Judges also commented on the learning curve required for their position. Circuit Chief Judges noted, as well, the need to build strong working relationships with local justice system partners and funding bodies in order to manage their Circuits effectively. For example:

As soon as the DCA Chief Judge gains sufficient understanding of the budget, she/he is a lame duck.

A longer term at the Circuit level provides greater continuity with the County Commission, especially in larger Circuits.

In addition, there were comments regarding lack of continuity at the DCA level as a result of all the Chief Judges changing at one time.

***Conclusion 6: The Study Group should consider recommending that Rule of Judicial Administration 2.210(a)(2) and 2.215(b) be amended to enhance continuity of leadership in the District Courts of Appeals and the Circuit Courts.***

One approach, consistent with that proposed above, would be to provide for four-year terms for District and Circuit Chief Judges effective for even-numbered Districts and Circuits in 2014, and for odd-numbered Districts and Circuits in 2016.

*Consultation:* As suggested above, periodic face-to-face meetings among the leadership of the trial courts and among the leadership of the District Courts of Appeal are important to build cohesion and consistency, as well as to address common operational problems.

The Chief Judges need to work as a group. They need more than a half hour conference call to make decisions.

***Conclusion 7: The Study Group should consider recommending that Circuit and District Courts of Appeal Chief Judges meet in-person quarterly in addition to regular conference calls.***

These meetings need not be stand-alone sessions. To reduce costs, they could be scheduled in conjunction with educational conferences, bar meetings, and other events that judges may be attending.

*Specialized Continuing Education:* Several interviewees commented on the need for placing greater attention during the initial orientation of new Chief Judges on their responsibilities related to serving as a communication channel between the Chief Justice and the judges in the Circuit or District, as well as more intensive specialized continuing education programs on such topics as:

- Effective leadership and management
- Effective supervision and personnel management
- Effective communication
- The Florida budget process
- Change management

***Conclusion 8:*** *The Study Group should consider recommending that OSCA review the orientation offered to incoming Circuit Chief Judges, offer an orientation for incoming District Courts of Appeal Chief Judges, and provide continuing education courses on the special knowledge and skills required to serve effectively as a Circuit Court or District Court of Appeal Chief Judge.*

## 2. Rule-making and the Current Committee System

*Rules Committees and their Membership:* Title V, section 2(a) of the Florida Constitution empowers the Supreme Court to “adopt rules for the practice and procedure in all courts including ... the administrative supervision of all courts....” The Supreme Court, pursuant to Rule of Judicial Administration 2.140(a)(3), has directed the Florida Bar to appoint standing rules committees to consider rule proposals concerning the procedures in civil, criminal, small claims, traffic, appellate, juvenile, probate, and family matters, and also to consider proposed changes to the rules of evidence and judicial administration.<sup>14</sup> The rules committees are to include attorneys and judges with relevant subject matter experience who serve staggered three-year terms. No limit on the number of members is specified.<sup>15</sup>

Many interviewees remarked that the rules committees are too large and are “laborious and slow” – particularly the Criminal Procedure Rules Committee. Rules

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<sup>14</sup> Some matters of judicial administration are considered directly by the Court and not subject to review by the rules committee. ).

<sup>15</sup> Rule of Judicial Administration 2.140(4).

committees often take 18 months to five years before making their report to the Supreme Court. In some instances, by the time the Rules Committee makes its report, the time the Bar Board of Governors considers the report, and the Court issues its Administrative Order, the need for the Rule has passed or the problem the proposed rule is intended to address has changed. For matters that require a more rapid response. Rule of Judicial Administration 2.140(d) authorizes the Supreme Court to create an *ad hoc* representative committee to address a particular matter that requires urgent action.

***Conclusion 9: The Study Group should consider recommending that the Rule of Judicial Administration 2.140 be amended to ensure the development of well-considered rules in a timely fashion.***

Among the possible changes could be:

- Limiting the size of Bar rules committees.
- Establishing the function of the standing rules committees to be the conduct of regular comprehensive reviews of the rules in their area on a three-year cycle to ensure consistency and clarity and to alert the Court of the need for substantive changes in particular rules to promote fair, effective, and efficient legal process.
- Permitting longer terms for standing rules committee chairs to facilitate continuity.
- Authorizing appointment of an *ad hoc* rules committee to address a specific issue(s) referred by the Court within a set timeframe set by the Court without the need to deem the situation as an “emergency.”
- Permitting the appointment of Clerks, subject matter experts, and members of the public to serve on *ad hoc* rules committees.

*The Process for Adopting Rules:* Reports from the Bar Rules Committees are submitted to the Supreme Court where they are treated as a case in controversy and are scheduled for oral argument.<sup>16</sup> Because Justices may not engage in *ex parte* communications concerning cases before them, they are barred from discussing rules proposals with the rules committees’ members outside of the courtroom to learn their reasons for the proposed rule, to ask questions about the impact of the rule, or to

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<sup>16</sup> Rules of Judicial Administration 2.140 (b)(4)-(6).

suggest possible amendments to the proposed rule. This process also means that Justices cannot discuss the proposal with other members of the Bar, the public, or even trial and appellate court judges, clerks and their own administrators to learn of the feasibility and impact of the proposed change.

The formality of the Florida Supreme Court's rule consideration is unusual. Most other Supreme Courts treat their rule promulgation responsibility as an administrative matter, inviting written comments, holding informal hearings, and engaging in discussions with proponents and opponents rather than oral arguments.

***Conclusion 10: The Study Group should consider recommending that the Rules of Judicial Administration be amended to enable the Supreme Court to consider new and amended rules of procedure and rules of judicial administration as administrative policy proposals rather than legal cases.***<sup>17</sup>

*Committee Permanence:* Most non-rules committees are created by the Chief Justice for a two-year duration at the beginning of his or her term. The Chief Justice appoints the members, gives them their charge, and directs that they report back at the conclusion of their two-year working cycle. While the next Chief Justice normally re-creates the committee and re-appoints most of its members, interviewees reported that there is a sense that the impermanence of the committees impedes their ability to focus on long-term problems.

The Chief Justice rarely receives progress reports from the committees, but does receive final reports. However, by then, it is too late to do anything if the committee did not complete its tasks pursuant to its initial charge.

Some committees need to address long-term problems and should be made permanent. Other committees are created to address short term problems and should be provided with a specific charge and a timeline for reporting back. One approach is to distinguish the two by designating them as long term "Commissions" and short term "Ad

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<sup>17</sup> Subsequent to the interviews upon which this conclusion is based, the Supreme Court re-examined its rule-making practices and modified its policy restricting informal communications.

*Hoc Committees.*” The appointment of an *ad hoc* committee should not be limited only to “emergencies,” but should be permitted whenever there is an issue requiring examination.

***Conclusion 11: The Study Group should consider recommending that the Commissions be established by the full Supreme Court to address long term problems and that Ad Hoc Committees be established by the full Supreme Court to address specific problems.***

Commissions and *Ad Hoc* Committees should be established by the full Supreme Court, not those of the incoming Chief Justice. Each should be provided with a specific charter and deadline as well as a sunset date. To the greatest extent possible, the charters of commissions should be tied to the Judicial Branch Long-Range Plan. The full Court should determine which Commissions and Committees are needed and what they should be charged with reporting back on and by when. Members of the Commissions should be appointed by the full Court to four-year staggered terms.

*Coordination and Monitoring of Committees:* Counting all of the councils, commissions, steering committees, study groups and boards, Florida has 23 advisory committees and has an additional 13 rules committees.<sup>18</sup> Interviewees indicated that OSCA is stretched thin in attempting to staff so many committees. More important, it is difficult to coordinate the work of this many committees. There is a perception that the committees work too independently of each other and that they do not take into consideration what the other committees are doing. Committee subject matter overlaps, creating tension among the committees. As stated in the Long Range Strategic Plan for the Florida Judicial Branch, 2009-2015:

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 interest or perspectives, and may ultimately advance conflicting visions within a given policy area.

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<sup>18</sup> The SPU’s Comparative Research shows California with at least 29 committees and task forces; Minnesota with 25 standing and advisory committees, and Utah with 14 standing and *ad hoc committees and task forces*.

There is a need for central coordination and oversight of the work of the committees. One or more subject matter bodies could track the work of the various Commissions and Committees working on similar matters, ensure that they are aware of each others' work and then synthesize each of their reports into a single recommendation to the Supreme Court. As one example of such a coordination and oversight body, the newly established Technology Commission has been given the responsibility of overseeing and managing technology related work of other committees.

Interviewees also commented on the need to monitor the work of the committees. As one interviewee observed, "We have all these committees and they are charged with all sorts of things. No one follows up on whether the committees complete their charge in a timely matter." This central coordination body or bodies could also monitor whether each of the Commissions and Committees are on track to complete their charges in accordance with the timelines established by the Supreme Court.

***Conclusion 12: The Study Group should consider recommending that one or more central coordinating bodies be established to coordinate the work of the Commissions and ad hoc Committees and to monitor whether they are completing their charges in a timely manner.***

*Technology:* Several interviewees discussed the importance of Florida establishing a long term strategy for developing and implementing a coordinated plan for the use of technology throughout the Circuit and District Courts. This past July, the Supreme Court established the Florida Courts Technology Commission and charged it with the responsibility for overseeing, managing, and directing the development and use of technology within the Judicial Branch under the direction of the Supreme Court. The Commission is charged with directing and establishing priorities for the work of all technology committees in the Judicial Branch and with reviewing and approving recommendations made by any court committee with respect to technology matters or technology policy.

The creation of the Technology Commission is in line with all comments heard by the NCSC project team and should help the Florida Judicial Branch to achieve its state goal of having “an adequate statewide information technology system adequate to support effective and efficient case management and management of caseloads and court resources.”

*The Judicial Management Council:* Rule of Judicial Administration 2.225 establishes a broadly-based Judicial Management Council (JMC) as an advisory body to the Supreme Court with a set of responsibilities ranging from conducting studies and proffering recommendations “on issues related to the efficient and effective administration of justice that have statewide impact ...,”<sup>19</sup> to development of a “long-range strategic plan and quality management and accountability program for the judicial branch,”<sup>20</sup> to reviewing the work of other committees and serving as a liaison with key private sector stakeholders in the justice system.<sup>21</sup> After three iterations, the JMC is currently dormant with many of its functions now being performed effectively by other entities such as the Trial Court and District Courts of Appeals Performance and Accountability Commissions, the Long-Range Planning Committee, and the Judicial Branch Governance Study Group itself.

Several interviewees speculated about the causes of the JMC’s ineffectiveness. The most salient of these was that it was never able to achieve a focus and establish a role in the Branch’s governance system. The breadth of its mandate, the size of its membership (29 including 8 at large members),<sup>22</sup> and the limited time and staff resources available to support its work were all contributing factors. The urgency of the financial crisis made continuation of the JMC, in its current form, unaffordable.

This does not mean that a body such as the JMC has no role to play. Some of its functions are being performed through various mechanisms in other states. For example, Alabama’s Judicial System Study Commission was revived three years ago

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<sup>19</sup> Rule of Judicial Administration 2.225(a)(1).

<sup>20</sup> Rule of Judicial Administration 2.225(a)(2).

<sup>21</sup> Rule of Judicial Administration 2.225(a)(4) and (5).

<sup>22</sup> Rule of Judicial Administration 2.225(d)(1) and (3).

after a period of inactivity and has proven helpful in conducting a thorough examination of an array of issues at the behest of the Chief Justice. Its role is limited to that contemplated in Rule of Judicial Administration 2.225(a)(1).<sup>23</sup> The Arizona Supreme Court has utilized informal advisory councils of various stakeholder groups from time to time to provide information about state's court system and to surface community concerns about its performance. This is similar to the role contemplated in Rule of Judicial Administration 2.225(a)(5). The consideration of potential changes to Article V as part of Florida's periodic constitutional revision process contemplated in Rule of Judicial Administration 2.225(a)(3) appears to be another function that a scaled-back JMC may be uniquely situated to play.

***Conclusion 13: The Study Group should consider recommending that Rule of Judicial Administration 2.225 be amended to narrow the responsibilities of the Judicial Management Council and limit its membership to no more than 25.***

*Committee Effectiveness:* For budgetary reasons, Florida's committees have been told that funds are not available to enable them to meet in person as often as they had in the past, if at all. The committees have been directed to meet by conference call. Many interviewees stated that committees are not as effective when they do not meet in person, that committees cannot do their work solely by conference call, and that committee members are not attending meetings because they know that the meeting is a "waste of time."

***Conclusion 14: The Study Group should consider recommending that as resources permit, Commissions and ad hoc Committees be permitted to meet in-person as needed to complete their charge in a timely manner.***

### **3. The Authorization of the Conferences**

With the limitation on travel and the greater importance of the relationship between the Judicial Branch and the Legislature as a result of state funding, the role of the three court conferences in Judicial Branch governance (beyond providing continuing

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<sup>23</sup> See 12 Alabama Code §§ 9-1 and 9-2 (2006).

judicial education) has become unclear. Because they provide a direct link to and from the Branch leadership and line judges, the Conference can play important roles. Like the meetings between the Chief Justice and Chief Judges suggested above, regular communication between the Chief Justice and the County Court, Circuit Court, and District Court of Appeal Judges Conferences can provide insight on the implications and impact of Supreme Court policies and initiatives and an early indicator of emergent issues and problems. They also can help broaden the membership of court committees by suggesting names of interested judges who may not be well known in Tallahassee.

One way of clarifying both the role and responsibilities of the Conferences and demonstrating that they are Judicial Branch entities would be to have all three conferences, rather than just the County Court Judges Conference, established by a rule that sets forth specific functions and roles. The new rule-based charter can also help to specify the relationship between Conference committees and Supreme Court committees (e.g., the Circuit Court Judges Conference Judicial Administration Committee and the Judicial Administrative Rules Committee. This will require seeking legislation to rescind Title V Florida Statutes Annotated §26.55 and substituting a rule, as well as revising Rule of Judicial Administration 2.220 and promulgating a parallel rule regarding the District Court of Appeal Judges Conference.

***Conclusion 15: The Study Group should consider recommending the rechartering of the Circuit Court Judges Conference and the County Court Judges Conference and the chartering of the District Court of Appeal Judges Conference through new or revised provisions of the Rules of Judicial Administration.***

The question of whether the charter should include lobbying on judicial salary and pensions is discussed in section 4 below.

#### **4. Legislative Advocacy on Behalf of the Judicial Branch**

Revision 7 completely changed the level of coordination required for working with the Florida Legislature. The inherent tensions within the Judicial Branch and between the Judicial and Legislative Branches have been exacerbated by the current fiscal crisis.

The Judicial Branch has taken a series of steps since Revision 7 has gone into effect to coordinate its legislative efforts and “speak with one voice.” This evolution has included formation of the Trial Court Budget Commission and District Courts of Appeal Budget Commission, the Supreme Court Budget Committee, the Unified Committee on Judicial Compensation, and the Legislative Committee of the Conference of DCA Judges.

The short-term, limited nature of NCSC’s involvement in this study would make it presumptuous to prescribe a formula for success in dealing with the Florida Legislature. However, the number of judges and Judicial Branch entities actively engaged during a Legislature seems far greater than in the other states examined by the OSCA SPU.<sup>24</sup> This complicates coordination efforts and creates opportunities for confusion among legislators not fully familiar with the structure of the Judicial Branch.

The interviewees presented a mix of views. Some favored further consolidation, voicing concern about the multiplicity of judicial groups and agendas. They suggested concentrating the responsibility for legislative advocacy in the Chief Justice and State Courts Administrator, or more intriguingly, a Standing Legislative Committee of judges. The Standing Legislative Committee together with the Chief Justice and State Courts Administrator would be only judges authorized to speak for Judicial Branch with legislators and legislative staff, although they could call on judicial bodies or individual judges when needed. On the other hand, many viewed the current arrangement as a vast improvement over past practice, although a few viewed the current consolidation as a failure and favored letting Circuits lobby on their own.

***Conclusion 16: The Study Group should consider recommending concentrating responsibility for Legislative advocacy on behalf of the Judicial Branch.***

Almost everyone praised the work of the Trial Court Budget Commission (TCBC), although some were concerned about the strong control exercised by the TCBC’s Executive Committee. Several drew a contrast between the tough decision-making

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<sup>24</sup> See Appendix B.

performed by the TCBC and the more *laissez-faire* approach of the District Courts of Appeal Budget Commission (DCABC). One proposed remedy was for the “additional judge from each district court of appeal” appointed to the DCABC<sup>25</sup> should be a “budget judge” with an interest in getting into the details of the budget and a willingness to serve more than one term, and to add the Chairs of the DCA Performance and Accountability Commission, the DCA Technology Committee, and the DCA Judges Conference as voting members of the DCABC. A number also expressed concern over the annual change in the DCABC Chair, given the complexity of the budgeting process and the value of building Legislative relationships.

***Conclusion 17: The Study Group should consider recommending expansion of the voting membership of the District Courts of Appeal Budget Commission.***

One objective of a strengthened Judicial Branch legislative advocacy team, in addition to securing adequate funding through both the Trust Fund and General Revenue, would be to reach an understanding with the Legislature that proposals related to individual courts not endorsed formally by the Judicial Branch are inconsistent with the principles of effective public governance. Another is to gain greater flexibility in the court system’s use of appropriated funds. Several interviewees suggested that Circuits should be able to determine, for example, whether a magistrate, case manager, or law clerk would be most effective in speeding caseload, rather than having this determined formulaically. Another aspect of greater budgetary flexibility could be establishment of a small “innovation fund” from which individual Circuits or Districts could draw, with OSCA approval, to test new approaches to increase quality, effectiveness, access, and/or efficiency. Such a fund would be in keeping with Florida’s tradition of local innovation.

## **5. The Office of the State Courts Administrator**

Within the Judicial Branch, the Office of the State Courts Administrator (OSCA) and State Courts Administrator Lisa Goodner were nearly uniformly praised by

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<sup>25</sup> Rule of Judicial Administration 2.235(e)(1).

interviewees for their work with the Legislature and their efforts to support court committees.<sup>26</sup> However, embedded within the praise were four suggestions of ways in which OSCA could improve its contribution to effective Judicial Branch Governance.

- a. *Broader staff experience:* Some interviewees view OSCA staff as too insular – non-court professionals from Tallahassee with too little trial court knowledge and experience. They suggested more hiring from and staff exchanges with Circuit Administrator staff.
- b. *Enhanced coordination of Branch committees:* Inter-committee coordination and communication is not seen to be as effective as it needs to be. Three reasons were cited in addition to the proliferation of committees: constrained staffing; a siloed internal OSCA structure that limits staff communication; and physical separation of staff between the Capitol area and the Annex. Whether any of these, some combination, or another factor are the cause, providing the informational connections among committees is a critically important staff function. Overlapping membership among related committees (e.g., all those whose work may touch on technology) is simply not feasible.
- c. *More intensive monitoring of Supreme Court policies and initiatives:* As indicated earlier, there were a number of concerns expressed about insufficient monitoring of court policies and initiatives. This is due in large part to the absence of data.<sup>27</sup>
- d. *More active development by OSCA staff of IT policies and standards.* Several interviewees commented that while the current OSCA IT staff is informed about the technical aspects of IT, they are too “passive” in supporting development of statewide court IT policies and standards.

Of these four, the last may be the most important. While the view expressed by those judges who were interviewed may not be shared by all members of the bench, the absence of comprehensive, accurate, consistent, statewide data regarding court caseloads, the timeliness with which those cases are heard and disposed, filing trends,

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<sup>26</sup> Some local stakeholders appeared to know little about OSCA’s responsibilities and the level of effort required to perform those responsibilities both at the state and at the court levels.

<sup>27</sup> See paragraph C.1.B. *supra*.

and other key management information severely limits the ability of the Judicial Branch to manage its operations and identify and respond to changing circumstances. Moreover, with court information technology under local control, Circuit Chief Judges have been left largely on their own to conduct last minute reviews of new records management systems purchased by Clerks to see whether the system will meet the Court's document and data needs. The E-Portal will begin the effort to implement electronic systems that will be able to share needed data and prepare management reports. However, not all cases will be e-filed and new records management systems will continue to be purchased or developed. By taking the lead in defining reasonable data standards, uniform management reports, and required system functions that apply to all information systems serving the courts, OSCA, with the oversight and guidance of the Technology Commission and Trial Court Performance and Accountability Commission, could greatly enhance the availability of the accurate, consistent, statewide data needed to govern and manage Florida's courts and reduce the burdens on Circuit Chief Judges. Representatives of the Florida Association of Court Clerks and Comptrollers should be directly involved in this effort. Clerk control of data systems relied on by the Judicial Branch is likely to continue for the foreseeable future. The recent progress in designing the E-Portal suggests that developing a less rancorous working relationship on an issue of such mutual importance will be productive.

***Conclusion 18: The Study Group should consider recommending that OSCA strengthen its capacity to provide committee coordination services and to support the efforts of the Technology Commission and the Trial Court Performance and Accountability Commission to establish data standards, reporting, and functional requirements for all records maintenance systems serving the Judicial Branch.***

## **6. Communication**

Effective communication is an essential component of a well-functioning organization. All members of the organization must share a common vision so that they can work in a coordinated way on the same page to achieve that vision. People look to the leader of their organization for an articulation of a clear vision and a long range plan identifying the priority strategies to achieve that the organization will work to accomplish

in order to reach that vision, and information about the progress being made, problems encountered, and methods for dealing with those problems. As stated by one interviewee, “Communication is helpful to understand where we’re going and how we get there together.”

The survey on the state of Judicial Branch communication in Florida revealed significant dissatisfaction with the level and nature of intra-branch communication.<sup>28</sup> Of the 32 judges who responded, over 40 percent disagreed or strongly disagreed with the following statements:

*I currently receive all the information I need about:*

- The budget for my District or Circuit
- The budget for my Court
- The performance of my District or Circuit
- The performance of my Court

Over 30 percent disagreed or strongly disagreed that they currently receive all the information needed about:

- The performance of the Judicial Branch
- The policies governing the Circuit, District or Court

About a quarter of the respondents disagreed or strongly disagreed that they received all the needed information about:

- The recommendations of Judicial Branch Commissions and Committees
- The services available from OSCA
- The budget of the Judicial Branch
- Rules under consideration

On the positive side, 60 percent and over agreed or agreed strongly that they currently received all the information they need about:

- The budget of the Judicial Branch
- Policies governing the Judicial Branch and their court
- The performance of the Judicial Branch
- The services available from OSCA

Over half responded that they agreed or agreed strongly that they received all the information needed regarding:

- The policies governing their District or Circuit

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<sup>28</sup> See the full survey results are reported in Appendix B.

The performance of their Court  
 Meetings of Judicial Branch commissions and committees  
 Rules under consideration

**Table 1**  
**Judicial Responses Regarding Receipt of Sufficient Information**

1. The Judicial Branch Budget	56.7%	25.7%
2. Judicial Branch Policies	59.8%	20.6%
3. Judicial Branch Performance	47.4%	26.8%
4. Rules under Consideration	51.6%	24.8%
5. My District's or Circuit's Budget	64.9%	22.7%
6. My Court's or Office's Budget	74.2%	19.6%
7. My District's or Circuit's Performance	58.7%	23.7%
8. My Court's or Office's Performance	72%	16%
9. My District's or Circuit's Policies	70.1%	14.4%
10. My Court's or Office's Policies	77.3%	11.3%

The 124 Judicial Branch staff responding to the survey indicated far greater satisfaction. On only one question did more than a third disagree or strongly disagree with a statement (re: information received about recommendations of Judicial Branch Commissions or Committees). The disagreement level was under 20 percent for four of the statements and less than 25 percent on four others. More than 70 percent agreed or strongly agreed that they received all the information they need on:

- The policies governing their District or Circuit
- The policies governing their court or office
- The budget for their court or office
- The performance of their court or office

**Table 2**  
**Judicial Branch Staff Responses Regarding Receipt of Sufficient Information**

I currently receive all the information that I need about:	Agree or Strongly Agree	Disagree or Strongly Disagree
1. The Judicial Branch Budget	56.7%	25.7%
2. Judicial Branch Policies	59.8%	20.6%
3. Judicial Branch Performance	47.4%	26.8%
4. Rules under Consideration	51.6%	24.8%
5. My District's or Circuit's Budget	64.9%	22.7%
6. My Court's or Office's Budget	74.2%	19.6%
7. My District's or Circuit's Performance	58.7%	23.7%
8. My Court's or Office's Performance	72%	16%
9. My District's or Circuit's Policies	70.1%	14.4%
10. My Court's or Office's Policies	77.3%	11.3%

Some caution should be exercised in considering these results. The sample employed was not a random sample of Florida judges and court staff but only a sample selected to be as representative as possible. In addition, only about 25 percent of the judges surveyed and about one third of the staff surveyed responded, which could have included the most disaffected judges. Also, some of the dissatisfaction may be more attributable to the impact of the fiscal crisis on judges' salaries and court budgets than on communication. Nevertheless, the level of dissatisfaction among the judges is striking.

*Direct Communication From the Chief Justice, Supreme Court and OSCA to Judges, Clerks and Court Staff:* Because as noted by one innovative judicial leader, "leadership is not something done to others but rather something done with others,"<sup>29</sup> concomitant with a strengthened leadership role of the Chief Justice is the need for greater consultation and communication. It is the Chief Justice's responsibility to effectively

<sup>29</sup> Judge Kevin Burke, 4<sup>th</sup> Judicial District of Minnesota, (Seminar, 2009).

convey the vision and the goals of the Long-Range Plan of the Judicial Branch so that the judges and staff of the Branch will strive to achieve that vision and its goals as they go about their work. Yet, as one interviewee stated: “Few judges know about the structure of the branch, much less the mission and vision of the Branch.”

***Conclusion 19: The Study Group should consider recommending that Rule of Judicial Administration 2.205(a)(2)(B) be amended to clarify that one responsibility of the Chief Justice is to serve as the primary spokesperson of the Judicial Branch with the public, the other branches of government, and within the court.***

It was surprising to the NCSC project team that there is not an easy to access e-mail list of Florida judges and no direct communication between the Chief Justice and the state’s judiciary. Communication related to goals, strategies, policies, budget, and performance from the Chief Justice and the Supreme Court to the trial and appellate judges is channeled through the Chief Judges of the Circuits and Districts. There is no clear direction to the Chief Judges to pass on some or all of the information. The degree to which the Chief Judges pass on information is totally dependent on the Chief Judge and varies across the state. The interviews and Communication Survey revealed that most judges and staff would welcome greater direct communication from the Chief Justice via e-mail, newsletters, in-person meetings, and tele- or videoconferences. Communication directly with justice system partners including Clerks of Court and the private and public bar as well as leaders of the other governmental branches and levels and the public generally is also essential.

These communications should supplement, not supplant, regular contact between the Chief Justice and Chief Judges. Indeed as discussed in Section C.1.b., many interviewees noted the importance of routine direct communication in person or by telephone between the Chief Justice and the Chief Judges of the Circuits, the Chief Judges of the Districts, and the leadership of the Conferences to discuss budget matters, initiatives, policies and other operational matters.

***Conclusion 20: The Study Group should consider recommending that the Chief Justice communicate directly with all judges by e-mail on the state of the judiciary, the state of the budget, priorities, and other matters of statewide interest, and that the Chief Justice routinely communicate with the Chief Judges and Conference leadership in person, by telephone and videoconference, and via e-mail.***

*Communication To the Chief Justice, Supreme Court and OSCA from Judges and Court Staff:* The interviews conducted by the NCSC project team demonstrated that the leaders of the Circuit and District Courts have no problem with sharing their views and concerns with the Chief Justice, members of the Supreme Court, and OSCA leadership. However, there appears to be greater hesitancy among the rank and file judges and staff. About 47 percent of the judges responding to the communication survey agreed or strongly agreed that they are “able to convey ideas and concerns about the budget policies, performance, or rules to the Supreme Court;” almost 31 percent disagreed or strongly disagreed. Almost 44 percent agreed or strongly agreed that they were able to share their ideas and concerns with the Chief Justice; 37.5 percent disagreed or strongly disagreed. Just under 70 percent felt they could convey their ideas and concerns to the Chief Judge of their Court, and more than 62 percent responded that they are comfortable communicating with OSCA. Only half stated that they could send ideas or concerns to Judicial Branch commissions and committees.

**Table 3**

**Judicial Responses Regarding Ability to Convey Ideas and Concerns**

I currently am able to Convey my ideas and concerns to:	Agree or Strongly Agree	Disagree or Strongly Disagree
1. The Supreme Court	46.9%	30.3%
2. The Chief Justice	43.8%	37.5%
3. The Chief Judge of my Court	68.8%	18.8%
4. OSCA	62.5%	21.9%
5. The appropriate Commission/Committee	60%	21.9%
6. My colleagues	75%	9.4%

Court staff were far less sure about communicating with the Supreme Court (18 percent agreed or strongly agreed with the statement; 41 percent disagreed or strongly disagreed). For communication to the Chief Justice, the percentages were 16 percent and 40 percent respectively. For OSCA, 47 percent were comfortable in sharing their thoughts. But, 85 percent responded that they are able to convey ideas and concerns to the Chief Judge of their court or their supervisor.

**Table 4**  
**Judicial Branch Staff Responses Regarding Ability to Convey Ideas and Concerns**

I currently am able to Convey my ideas and concerns to:	Agree or Strongly Agree	Disagree or Strongly Disagree
1. The Supreme Court	18.3%	40.8%
2. The Chief Justice	16.2%	39.8%
3. The Chief Judge of my Court or my Supervisor	85%	5.4%
4. OSCA	47.4%	24.8%
5. The appropriate Commission/Committee	31.2%	35.5%
6. My colleagues	89.3%	1.1%

When judges and staff do offer a suggestion or concern, only a few responded that it was disregarded. Around 40 percent of the judges indicated that they received a prompt response and that their suggestion was considered. About 60 percent of the staff responded positively. A large proportion of both groups checked the “neither agree nor disagree” box.

***Conclusion 21:*** *The Study Group should consider recommending that the Chief Justice, Supreme Court and OSCA should establish an enhanced internal communication by developing a simple mechanism for judges and staff to communicate ideas and concerns directly and making clear that communications are not only welcome but appreciated.*

## 7. Identifying Emergent Policy Issues

Several interviewees commented on difficulty the Judicial Branch has had in identifying and addressing potential administrative problems sufficiently in advance to prevent them from becoming organizational crises. As one put it: “The governance of the system is reactive; issues like the explosion of foreclosure cases are not anticipated.” There are at least three sources of information that can help the Judicial Branch anticipate potential systemic issues that are hovering on the horizon.

*Reviews of Background Reports:* The Virginia Administrative Office of the Courts periodically conducts an “environmental scan” to identify and assess the economic, technological, demographic, cultural, and political trends that may affect the commonwealth’s courts in the near future.<sup>30</sup> Similarly, NCSC publishes an annual report on *Future Trends in the State Courts*<sup>31</sup> documenting issues that court systems around the country are facing or will soon face and how they are being addressed. State and local planning agencies, the Council of 100 and other business groups, and the state’s universities may also publish trends reports from time to time. While none of these reports can predict exactly what will happen in the Florida court system, they can provide indications of what to look for and what questions to ask.

*Analysis of Quantitative Data:* State judicial systems that collect comprehensive statewide court management information can analyze filing, disposition, fee, and other data on a regular basis to identify trends and apparent anomalies that may signal an emerging issue. As noted earlier in this report, Florida does not yet have such data. Nonetheless, regular review of the reports received from at least some bellweather counties can be useful in identifying or confirming new administrative issues facing the Judicial Branch.

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<sup>30</sup> Office of the Executive Secretary, Supreme Court of Virginia, *Report of the Focus Groups on Trends Affecting Virginia’s Courts* (2007), [http://www.courts.state.va.us/courtadmin/aoc/judpln/reports/Focus\\_Group\\_CompleteReport.pdf](http://www.courts.state.va.us/courtadmin/aoc/judpln/reports/Focus_Group_CompleteReport.pdf)

<sup>31</sup> NCSC, *Future Trends in State Courts: 2009* (Williamsburg, VA: NCSC, 2009).

*Use of Qualitative Information:* Sections C.1, C.4, and C.6 discuss the need for greater direct, two-way communication between the Supreme Court and the trial courts and District Courts of Appeal. In meetings with Chief Judges, the Conferences, the Bar, and other groups, the Chief Justice and other members of the Supreme Court should always ask: What is changing in your jurisdiction? What trends are you seeing? and, more specific questions about issues identified in the background reports and data analysis. These questions serve two purposes. The first, obviously, is to learn directly of emerging issues from those first affected. The second is to encourage the judicial leadership at all levels of the Florida court system to be alert to changing patterns of filings, request for interpreters, changes in state and local agency policies, etc., and to report these changes promptly.

Once a possible emergent problem is identified, the Supreme Court can ask one of the existing Commissions or *ad hoc* committees or appoint a new *ad hoc* committee to examine the issue and recommend a response within a prescribed time period.

***Conclusion 22:*** *The Study Group should consider recommending that the leadership of the Judicial Branch seek information to identify emerging issues on an on-going basis and take prompt action to develop an appropriate response when such an issue is found.*

**D. CLOSING**

The Study Group's efforts come at a propitious moment. There is great interest in improving the governance of the Judicial Branch. Almost all interviewees were eager to talk about governance and vocal about their concerns and possible improvements. Although views were not unanimous, the bulk of the interviewees favored a stronger leadership model and the survey demonstrated substantial dissatisfaction with the quantity and quality of intra-branch communication. Thus, the Study Group enjoys the luxury of being able to concentrate on what changes are likely to be most beneficial, rather than having to give considerable attention to making the case for change.

**APPENDIX A**

**Interview Protocols**

## **INTERVIEW PROTOCOL FOR JUSTICES AND OSCA LEADERSHIP**

As you know, the Court has appointed a Governance Study Group to conduct an in-depth study of the current governance system of Florida's Judicial Branch. The National Center for State Courts has been asked to assist in examining how to improve such aspects of governance as:

- administrative decision-making
- communication within the Judicial Branch
- the balance between state-level and circuit/district level authority
- anticipating as well as responding to issues
- implementing policies
- continuity of policies and relationships

NCSC is a non-profit organization dedicated to improving the administration of justice. We are headquartered in Williamsburg, VA and have offices and staff throughout the country.

This is not a "gotcha" study. We will be taking notes and preparing summaries of each interview for the Governance Study Group, but no statements in our report will be attributed to any interviewee.

### **1. EFFECTIVENESS AND BALANCE**

- 1.1 How would you describe the effectiveness of how the Florida courts are governed today?
- 1.2 What kinds of policies can the Supreme Court/OSCA establish? What policies are left to the Districts? Circuits? Individual courts?
- 1.3 Is the balance appropriate? If not, how can it be improved?
- 1.4 How would you describe the current decision-making process? Is the balance between the need to build a consensus and the need for speed appropriate?
- 1.5 Does current governance system assist or impede the ability of judges to hear and decide cases in a fair and timely manner?
- 1.6 When a new policy, procedure, or program is announced, what is the implementation process? Is this process effective?
- 1.7 How does the current governance process affect interaction with the Legislature? With the Executive Branch? With justice system partners?

## **2. COMMUNICATION**

- 2.1 How does the Court/OSCA inform the Courts about new policies, priorities, initiatives, etc.?**
- 2.2 How does the Court/OSCA obtain input before establishing a new policy, priority, or program?**
- 2.3 To what extent are suggestions considered?**
- 2.4 How are judges and staff able to alert the Court/OSCA to their concerns?**
- 2.5 How frequently do you communicate with your colleagues in the Circuits/Districts regarding administrative matters?**

## **3. COMMITTEES**

- 3.1 Do you serve on/staff any Judicial Branch committees or commissions?**
- 3.2 How well does that (do those) groups work?**
- 3.3 Are the committee's/commission's tasks clear?**
- 3.4 What is the process for considering committee/commission recommendations?**
- 3.5 What happens when there is overlap between the work of a committee and the work of another committee/commission?**
- 3.6 How are judges/staff assigned to committees?**

## **4. CONTINUITY**

- 4.1 The term of Florida's Chief Judges/Justices is short compared to those in many other states. Is that a good thing? What benefits and problems do you see?**
- 4.2 Is continuity of direction, emphasis, or policy ever an issue? How might that be addressed while maintaining the positive aspects of Florida's system?**

## **5. CONCLUDING QUESTIONS**

- 5.1 If you could change three things about the way the Florida court system is governed, what would they be?**
- 5.2 What should we have asked about that we did not touch on?**

**Thank you for your time and candor.**

## **INTERVIEW PROTOCOL FOR DISTRICT/CIRCUIT JUDGES AND STAFF**

The Florida Supreme Court and OSCA are undertaking an in-depth study of the current governance system of Florida's Judicial Branch. The National Center for State Courts has been asked to assist in examining how to improve such aspects of governance as:

- administrative decision-making
- communication within the Judicial Branch
- the balance between state-level and circuit/district level authority
- anticipating as well as responding to issues
- implementing policies
- continuity of policies and relationships

NCSC is a non-profit organization dedicated to improving the administration of justice. We are headquartered in Williamsburg, VA and have offices and staff throughout the country.

This is not a “gotcha” study. We will be taking notes and preparing summaries of each interview for the Governance Study Group chaired by Justice Polston, but no statements in our report will be attributed to any interviewee.

### **1. EFFECTIVENESS AND BALANCE**

- 1.1 How would you describe the effectiveness of how the Florida courts are governed today?
- 1.2 What is your role in governing the Florida courts both at the court level and at the state level?
- 1.3 What kinds of policies can you establish for your court? What is controlled from Tallahassee?
- 1.4 Is the balance appropriate? If not, how can it be improved?
- 1.5 Does current governance system assist or impede the ability of judges to hear and decide cases in a fair and timely manner?
- 1.6 When a new policy, procedure, or program is announced, what is the implementation process? Is this process effective?

### **2. COMMUNICATION**

- 2.5 A. How do you find out about policies the Supreme Court is considering?

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**B. How do you learn about policies the Supreme Court has adopted?**

**2.6 A. Are you able to provide input or ask questions? If so, how?**

**B. To what extent are your suggestions considered?**

**2.7 A. Do you receive enough information about what is going on with the Judicial Branch from Tallahassee?**

**B. Do you receive some information that is not necessary?**

**C. Is there some information you would like to receive?**

**2.8 How would you like to receive information?**

**2.9 Are you able to alert Tallahassee of your concerns? How?**

**2.10 How frequently do you communicate with your colleagues in other Circuits/Districts regarding administrative matters?**

**3. COMMITTEES**

**3.5 Do you serve on any Judicial Branch committees or commissions?**

**3.6 How well does that (do those) groups work?**

**3.7 Are the committee's/commission's tasks clear?**

**3.8 What happens to the recommendations?**

**3.5 What happens when there is overlap between the work of your committee and the work of another committee/commission?**

**3.7 How are judges/staff assigned to committees?**

**4. CONTINUITY**

**4.2 The term of Florida's Chief Judges/Justices is short compared to those in many other states. Is that a good thing? What benefits and problems do you see?**

**4.2 Is continuity of direction, emphasis, or policy ever an issue? How might that be addressed while maintaining the positive aspects of Florida's system?**

**5. CONCLUDING QUESTIONS**

**5.1 If you could change three things about the way the Florida court system is governed, what would they be?**

**5.3 What should we have asked about that we did not touch on?**

**Thank you for your time and candor.**

## **INTERVIEW PROTOCOL - STAKEHOLDERS**

The Florida Supreme Court and OSCA are undertaking an in-depth study of the current governance system of Florida's Judicial Branch. The National Center for State Courts has been asked to assist in examining how to improve such aspects of governance as:

- administrative decision-making
- communication within the Judicial Branch
- the balance between state-level and circuit/district level authority
- anticipating as well as responding to issues
- implementing policies
- continuity of policies and relationships

NCSC is a non-profit organization dedicated to improving the administration of justice. We are headquartered in Williamsburg, VA and have offices and staff throughout the country.

This is not a "gotcha" study. We will be taking notes and preparing summaries of each interview for the Governance Study Group chaired by Justice Polston, but no statements in our report will be attributed to any interviewee.

### **1. EFFECTIVENESS AND BALANCE**

- 1.1 How would you describe the effectiveness of how the Florida courts are governed today?
- 1.3 How have you been involved with the governance of the Florida court system?
- 1.3 What decisions are made in Tallahassee and what decisions can be made at the District or Circuit level?
- 1.5 Is the balance appropriate? If not, how can it be improved?
- 1.6 A. Are there opportunities for input regarding the impact of new Judicial Branch policies, priorities, and initiatives from outside the Branch?  
B. Are outside comments and concerns considered?
- 1.6 How does the current governance process affect interaction with the Legislature? With the Executive Branch? With justice system partners?

- 1.7 How would you describe the current decision-making process? Is the balance between the need to build a consensus and the need for speed appropriate?
- 1.8 When a new policy, procedure, or program is announced, is it implemented effectively? If not, what do you see as the impediments to implementation?

## **2. CONTINUITY**

- 2.1 The term of Florida's Chief Judges/Justices is short compared to those in many other states. Is that a good thing? What benefits and problems do you see?
- 2.2 Is continuity of direction, emphasis, or policy ever an issue? How might that be addressed while maintaining the positive aspects of Florida's system?

## **3. CONCLUDING QUESTIONS**

- 3.1 If you could change three things about the way the Florida court system is governed, what would they be?
- 3.2 What should we have asked about that we did not touch on?

Thank you for your time and candor.

**APPENDIX B**

**Communication Survey Results**

**FLORIDA JUDICIAL BRANCH COMMUNICATION SURVEY**  
**TOTAL RESULTS**

	Frequency	Percent
Judge	32	24.8
Staff	97	75.2
Total	129	100.0

1. I currently <b>RECEIVE</b> all the information I need about:	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree	Not Applicable\ Don't Know	Total
a. The budget of the Judicial Branch	9 7.0%	25 19.4%	17 13.2%	50 38.8%	24 18.6%	4 3.1%	129 100.0%
b. The budget for my District or Circuit	8 6.2%	27 20.9%	13 10.1%	41 31.8%	36 27.9%	4 3.1%	129 100.0%
c. The budget for my Court or Office	11 8.5%	22 17.1%	8 6.2%	47 36.4%	40 31.0%	1 0.8%	129 100.0%
d. The policies governing the Judicial Branch	3 2.3%	25 19.4%	23 17.8%	55 42.6%	23 17.8%	0 0.0%	129 100.0%
e. The policies governing my District or Circuit	3 2.3%	20 15.5%	18 14.0%	47 36.4%	39 30.2%	2 1.6%	129 100.0%
f. The policies governing my Court or Office	2 1.6%	19 14.7%	13 10.1%	43 33.3%	52 40.3%	0 0.0%	129 100.0%
g. The performance of the Judicial Branch	4 3.1%	33 25.6%	25 19.4%	50 38.8%	16 12.4%	1 0.8%	129 100.0%
h. The performance of my District or Circuit	3 2.3%	34 26.4%	19 14.7%	47 36.4%	23 17.8%	3 2.3%	129 100.0%
i. The performance of my Court or Office	2 1.6%	27 20.9%	14 10.9%	52 40.3%	34 26.4%	0 0.0%	129 100.0%
j. The meetings and recommendations of Judicial Branch Commissions and Committees	9 7.0%	35 27.1%	24 18.6%	47 36.4%	13 10.1%	1 0.8%	129 100.0%
k. The services available from OSCA	7 5.4%	30 23.3%	19 14.7%	52 40.3%	21 16.3%	0 0.0%	129 100.0%
l. Rules under consideration	6 4.7%	26 20.2%	28 21.7%	55 42.6%	12 9.3%	2 1.6%	129 100.0%

2. I currently am able to CONVEY my ideas and concerns about the budget, policies, performance, services, or rules to:	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree	Not Applicable\ Don't Know	Total
a. The Supreme Court	21 16.8%	27 21.6%	33 26.4%	28 22.4%	4 3.2%	12 9.6%	125 100.0%
b. The Chief Justice	20 16.0%	29 23.2%	33 26.4%	23 18.4%	6 4.8%	14 11.2%	125 100.0%
c. The Chief Judge of my court or my supervisor	6 4.8%	5 4.0%	10 8.0%	43 34.4%	58 46.4%	3 2.4%	125 100.0%
d. OSCA	13 10.4%	17 13.6%	28 22.4%	42 33.6%	22 17.6%	3 2.4%	125 100.0%
e. The appropriate Commission or Committee	15 12.0%	25 20.0%	32 25.6%	34 27.2%	11 8.8%	8 6.4%	125 100.0%
f. My colleagues	3 2.4%	1 0.8%	13 10.4%	58 46.4%	49 39.2%	1 0.8%	125 100.0%

3. When I do offer a suggestion or concern:	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree	Not Applicable\ Don't Know	Total
a. I receive a prompt response	5 4.0%	9 7.3%	33 26.6%	52 41.9%	17 13.7%	8 6.5%	124 100.0%
b. It is considered	5 4.0%	4 3.2%	35 28.2%	47 37.9%	21 16.9%	12 9.7%	124 100.0%
c. It is usually acted upon	5 4.0%	10 8.1%	51 41.1%	39 31.5%	9 7.3%	10 8.1%	124 100.0%
d. I don't know what happens to it	12 9.7%	36 29.0%	25 20.2%	24 19.4%	13 10.5%	14 11.3%	124 100.0%

4. I currently receive information regarding important governance issues from:	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree	Not Applicable\ Don't Know	Total
a. Memoranda	2	16	24	60	18	1	121
	1.7%	13.2%	19.8%	49.6%	14.9%	0.8%	100.0%
b. E-mail messages	0	4	8	79	29	1	121
	0.0%	3.3%	6.6%	65.3%	24.0%	0.8%	100.0%
c. Newsletters	2	15	21	67	16	0	121
	1.7%	12.4%	17.4%	55.4%	13.2%	0.0%	100.0%
d. Videoconferences	8	31	38	31	8	5	121
	6.6%	25.6%	31.4%	25.6%	6.6%	4.1%	100.0%
e. In-person meetings	7	21	24	56	10	3	121
	5.8%	17.4%	19.8%	46.3%	8.3%	2.5%	100.0%
f. Conversations with someone directly involved in the decision	8	17	32	49	11	4	121
	6.6%	14.0%	26.4%	40.5%	9.1%	3.3%	100.0%
g. Word-of-mouth	4	14	25	70	6	2	121
	3.3%	11.6%	20.7%	57.9%	5.0%	1.7%	100.0%

5. I would prefer to receive information regarding important governance issues via:	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree	Not Applicable\ Don't Know	Total
a. Memoranda	4	11	16	45	29	1	106
	3.8%	10.4%	15.1%	42.5%	27.4%	0.9%	100.0%
b. E-mail messages	2	1	6	46	50	1	106
	1.9%	0.9%	5.7%	43.4%	47.2%	0.9%	100.0%
c. Newsletters	3	20	14	48	20	1	106
	2.8%	18.9%	13.2%	45.3%	18.9%	0.9%	100.0%
d. Videoconferences	6	17	24	39	18	2	106
	5.7%	16.0%	22.6%	36.8%	17.0%	1.9%	100.0%
e. In-person meetings	2	6	23	37	35	3	106
	1.9%	5.7%	21.7%	34.9%	33.0%	2.8%	100.0%
f. Conversations with someone directly involved in the decision	1	5	17	46	34	3	106
	0.9%	4.7%	16.0%	43.4%	32.1%	2.8%	100.0%
g. Word-of-mouth	20	37	32	13	3	1	106
	18.9%	34.9%	30.2%	12.3%	2.8%	0.9%	100.0%

**FLORIDA JUDICIAL BRANCH COMMUNICATION SURVEY**

**JUDICIAL RESULTS**

1. I currently <b>RECEIVE</b> all the information I need about:	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree	Not Applicable\ Don't Know	Total
a. The budget of the Judicial Branch	5 15.6%	4 12.5%	4 12.5%	12 37.5%	7 21.9%	0 0.0%	32 100.0%
b. The budget for my District or Circuit	5 15.6%	8 25.0%	4 12.5%	8 25.0%	6 18.8%	1 3.1%	32 100.0%
c. The budget for my Court or Office	7 21.9%	7 21.9%	3 9.4%	10 31.3%	5 15.6%	0 0.0%	32 100.0%
d. The policies governing the Judicial Branch	3 9.4%	5 15.6%	4 12.5%	15 46.9%	5 15.6%	0 0.0%	32 100.0%
e. The policies governing my District or Circuit	3 9.4%	6 18.8%	4 12.5%	10 31.3%	8 25.0%	1 3.1%	32 100.0%
f. The policies governing my Court or Office	2 6.3%	8 25.0%	2 6.3%	8 25.0%	12 37.5%	0 0.0%	32 100.0%
g. The performance of the Judicial Branch	4 12.5%	7 21.9%	1 3.1%	12 37.5%	8 25.0%	0 0.0%	32 100.0%
h. The performance of my District or Circuit	3 9.4%	11 34.4%	4 12.5%	7 21.9%	6 18.8%	1 3.1%	32 100.0%
i. The performance of my Court or Office	2 6.3%	11 34.4%	3 9.4%	8 25.0%	8 25.0%	32 100.0%	0 0.0%
j. The meetings and recommendations of Judicial Branch Commissions and Committees	4 12.5%	5 15.6%	5 15.6%	14 43.8%	4 12.5%	0 0.0%	32 100.0%
k. The services available from OSCA	2 6.3%	7 21.9%	3 9.4%	10 31.3%	10 31.3%	0 0.0%	32 100.0%
l. Rules under consideration	1 3.1%	7 21.9%	7 21.9%	11 34.4%	6 18.8%	0 0.0%	32 100.0%

comments

OSCA and the Fla.S. Ct. are highly ineffective in fighting for and protecting the state judicial budget. They refuse to be willing to take on the legislature on a constitutional basis to secure and protect adequate court funding and to protect the pay of trial and appellate judges from continually being cut where other states have protections in place, similar to federal protection regarding judicial compensation.

Our "Chief Judge" system is a mere popularity contest which rewards mediocrity and punishes innovation.

The current TCBC structure is not working. The Judges should have input to choose who lobbies the Legislature. And separating judicial pay from trial court budget funding creates a conflict of interest and should be eliminated.

2. I currently am able to CONVEY my ideas and concerns about the budget, policies, performance, services, or rules to:	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree	Not Applicable\ Don't Know	Total
a. The Supreme Court	6	4	7	12	3	0	32
	18.8%	12.5%	21.9%	37.5%	9.4%	0.0%	100.0%
b. The Chief Justice	5	7	5	10	4	1	32
	15.6%	21.9%	15.6%	31.3%	12.5%	3.1%	100.0%
c. The Chief Judge of my court or my supervisor	3	3	1	10	12	3	32
	9.4%	9.4%	3.1%	31.3%	37.5%	9.4%	100.0%
d. OSCA	4	3	5	12	8	0	32
	12.5%	9.4%	15.6%	37.5%	25.0%	0.0%	100.0%
e. The appropriate Commission or Committee	4	3	9	12	4	0	32
	12.5%	9.4%	28.1%	37.5%	12.5%	0.0%	100.0%
f. My colleagues	2	1	4	13	11	1	32
	6.3%	3.1%	12.5%	40.6%	34.4%	3.1%	100.0%

Comments

I am the Chief Judge so c. does not apply.

Meetings are fewer than we once had and that has adversely impacted us

OSCA and the TCBC do not want a divergence of opinion and in fact, highly discourage dissent and new ideas in dealing with the state budget and in fighting for the independence of the judiciary when it comes to standing up to the Florida Legislature.

OSCA is a self serving, self congratulatory organization which suffers from an inside the beltway (Tallahassee that is) inbred arrogance that is impenetrable. The Supreme Court's usage of "committees" to address everything rather than making a command decision affords OSCA the ability to perpetuate levels of mediocrity previously unknown to civilized society.

3. When I do offer a suggestion or concern:	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree	Not Applicable\ Don't Know	Total
a. I receive a prompt response	3 9.7%	2 6.5%	12 38.7%	10 32.3%	2 6.5%	2 6.5%	31 100.0%
b. It is considered	3 9.7%	0 0.0%	11 35.5%	10 32.3%	3 9.7%	4 12.9%	31 100.0%
c. It is usually acted upon	2 6.5%	2 6.5%	14 45.2%	10 32.3%	1 3.2%	2 6.5%	31 100.0%
d. I don't know what happens to it	1 3.2%	9 29.0%	6 19.4%	7 22.6%	5 16.1%	3 9.7%	31 100.0%

## Comments

All judges are equal, except some are more equal than others.

4. I currently receive information regarding important governance issues from:	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree	Not Applicable\ Don't Know	Total
a. Memoranda	0 0.0%	4 13.3%	7 23.3%	13 43.3%	6 20.0%	0 0.0%	30 100.0%
b. E-mail messages	0 0.0%	0 0.0%	2 6.7%	19 63.3%	9 30.0%	0 0.0%	30 100.0%
c. Newsletters	0 0.0%	2 6.7%	4 13.3%	18 60.0%	6 20.0%	0 0.0%	30 100.0%
d. Videoconferences	3 10.0%	9 30.0%	10 33.3%	5 16.7%	3 10.0%	0 0.0%	30 100.0%
e. In-person meetings	2 6.7%	6 20.0%	6 20.0%	15 50.0%	1 3.3%	0 0.0%	30 100.0%
f. Conversations with someone directly involved in the decision	1 3.3%	5 16.7%	8 26.7%	13 43.3%	3 10.0%	0 0.0%	30 100.0%
g. Word-of-mouth	1 3.3%	3 10.0%	9 30.0%	16 53.3%	1 3.3%	0 0.0%	30 100.0%

## Comments

g word of mouth sounds like an uncontrolled gossip network

There have been fewer opportunities for in-person meetings in recent years with budget constraints limiting all variety of meetings.

a. Memoranda	3	3	4	8	7	0	25
	12.0%	12.0%	16.0%	32.0%	28.0%	0.0%	100.0%
b. E-mail messages	2	0	2	10	11	0	25
	8.0%	0.0%	8.0%	40.0%	44.0%	0.0%	100.0%
c. Newsletters	3	2	2	11	7	0	25
	12.0%	8.0%	8.0%	44.0%	28.0%	0.0%	100.0%
d. Videoconferences	3	5	5	5	7	0	25
	12.0%	20.0%	20.0%	20.0%	28.0%	0.0%	100.0%
e. In-person meetings	0	1	5	6	11	2	25
	0.0%	4.0%	20.0%	24.0%	44.0%	8.0%	100.0%
f. Conversations with someone directly involved in the decision	0	1	4	10	8	2	25
	0.0%	4.0%	16.0%	40.0%	32.0%	8.0%	100.0%
g. Word-of-mouth	4	11	7	1	2	0	25
	16.0%	44.0%	28.0%	4.0%	8.0%	0.0%	100.0%

Comments

I receive information but am not encouraged to come forward with any new ideas.

Most communication, particularly concerning legislative issues, is propagandistic, self congratulatory even the face of abject failure and tortuously confusing.

TCBC controls everything. Their executive committee meets in private and no details are released. Issues are presented for a up or down vote at meetings, very little discussion. Process is not open.

**What are three ways that communication within the Branch could be improved?**

Open ended responses were reviewed and grouped base on common themed response. The following are common responses of from judicial officer, below each theme is a list of the actual responses of the participants.

**1. Regular contact via meeting, conference, e-mails call etc**

Meet more often than present

Regular (monthly/ quarterly) information updates

regular, in-person meetings

Regularly scheduled conference calls/video conferences

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Restore conference, commission, committee, task force and other meetings

regular but abbreviated updates on committee or commission work

regular, in-person, local leadership feedback on local issues

More frequent in-person meetings

recurring instruction on how to improve use of electronic communication systems, e-mail, live video conferences, etc.

Regular "updates" from judicial conference chairs to judges

Video conferences

more conferences

Live meeting with circuit conference rep

Local one on one meetings with one of the S. Ct Justices from one's district

## **2. Emails**

All judges should be kept advised of all significant issues by current correspondence via e-mail or otherwise.

email

email updates

emails from people in leadership positions

More informative emails

Reports by the various committees or commissions to be furnished by e-mail to the Chief Judge for dissemination to the judges within the various circuits

updates via email

We could create a subject line legend for email

I prefer all correspondence by email.

## **3. Judicial involvement**

Judges do not even know what questions to ask.

All judges should be kept advised of where they may look at all times to receive more detailed information.

More information sent to each judge

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Chief Judges need to be included in decision making

#### **4. Open Communication**

Foster & reinforce a culture within the Branch that supports trust and open communication

More communication from the TCBC

Share the responsibility for good communication throughout the Branch

Actively solicit feedback from staff throughout the Branch

#### **5. Other**

Circuits need to be advised early of priority issues

Don't do it by surveys

Elect the Supreme Court

I don't know

I have no suggestions

No suggestions

Overall think communication is good.

A wholesale housecleaning of the TCBC

Elect the Appellate Courts

I don't know

in person

No suggestions

video conferences for subject matter assignments

Weekly telephone conference

I don't know

Internet streams to observe when time permits even if after hours

JAC needs to take a more active role

Legislators and others should consult with judges and others who will actually carry out the policy before they enact such law/rule/policy.

Let no one serve on the appellate courts that have not been trial judges for at least five years

more notes

No suggestions

reduction of adversary role, Supreme Court vs. rules committees

## FLORIDA JUDICIAL BRANCH COMMUNICATION SURVEY

STAFF RESULTS

1. I currently RECEIVE all the information I need about:	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree	Not Applicable\ Don't Know	Total
a. The budget of the Judicial Branch	4 4.1%	21 21.6%	13 13.4%	38 39.2%	17 17.5%	4 4.1%	97 100.0%
b. The budget for my District or Circuit	3 3.1%	19 19.6%	9 9.3%	33 34.0%	30 30.9%	3 3.1%	97 100.0%
c. The budget for my Court or Office	4 4.1%	15 15.5%	5 5.2%	37 38.1%	35 36.1%	1 1.0%	97 100.0%
d. The policies governing the Judicial Branch	0 0.0%	20 20.6%	19 19.6%	40 41.2%	18 18.6%	0 0.0%	97 100.0%
e. The policies governing my District or Circuit	0 0.0%	14 14.4%	14 14.4%	37 38.1%	31 32.0%	1 1.0%	97 100.0%
f. The policies governing my Court or Office	0 0.0%	11 11.3%	11 11.3%	35 36.1%	40 41.2%	0 0.0%	97 100.0%
g. The performance of the Judicial Branch	0 0.0%	26 26.8%	24 24.7%	38 39.2%	8 8.2%	1 1.0%	97 100.0%
h. The performance of my District or Circuit	0 0.0%	23 23.7%	15 15.5%	40 41.2%	17 17.5%	2 2.1%	97 100.0%
i. The performance of my Court or Office	0 0.0%	16 16%	11 11%	44 45%	26 27%	0 0%	97 100%
j. The meetings and recommendations of Judicial Branch Commissions and Committees	5 5.2%	30 30.9%	19 19.6%	33 34.0%	9 9.3%	1 1.0%	97 100.0%
k. The services available from OSCA	5 5.2%	23 23.7%	16 16.5%	42 43.3%	11 11.3%	0 0.0%	97 100.0%
l. Rules under consideration	5 5.2%	19 19.6%	21 21.6%	44 45.4%	6 6.2%	2 2.1%	97 100.0%

## Comments

Circuit Level staff receive very little information until after the fact. Policy and funding Formula's are developed at the state level with little or no understanding of Circuit level operations and procedures.

Generally speaking we are well informed in the Trial Courts.

Our trial court administrator has been on track with providing court personnel with the information noted above.

I believe the majority of the budget and policy information concerning the Trial Courts is shared with the Trial Court Administrators and their Chief Judges and the same for the District Courts of Appeal ... but very little is shared between the two different Court levels. At times it creates a very competitive environment between the Court levels as to understanding each other's funding needs because of the limited amount of information shared.

I know this info is out there, but it is not centrally, easily accessible. Communication has gotten a lot better over the years. The Full Court Press is good as is our local circuit court publication. There is very little sharing of info from committees. I especially feel the knowledge from subject matter committees for the division a judge presently sits in is lacking, and the sharing of circuit to circuit ideas, knowledge of best practices.

It seems the OSCA makes an assumption that all Circuit level staff are informed of everything. The OSCA then expects staff to respond without knowledge of what is expected. The excessive usage of acronyms leaves staff wondering what is being talked about. There seems to be a misconception that tech staff is included in the decision process at the local level. Tech staff in some Circuits has little if any knowledge of legal issues as they relate to ongoing projects and the tech staff have nowhere to turn to for that information. Tech staff that are included on work groups and committees have a great advantage over those that are not included. It is also assumed that there is adequate staff to keep up with OSCA projects and continue to support tech issues at the local level. The bottom line is the OSCA needs to quit assuming everyone they communicate with is knowledgeable about the subject they are talking about. It is my feeling that the situation has become worse since there are no longer face to face meetings about projects.

Most staff members are too busy to make communications of this type a priority. In some cases distribution of this type of information can cause an increase in work load because of questions, answer research, and follow-up. There is no formal flow chart for information distribution, it's very random.

OSCA does a very good job of generally providing information. The branch as a whole needs to improve the delivery of information and the type of performance information that is provided to the courts. Because of the separation of the clerks & the trial courts, good performance information is dependent on the county clerk -- the proverbial tail wagging the dog.

There is a lot of work to provide budget information regarding due process, but understanding the final outcome of our allocation is not always clear. Often due process refresh only occurs at the end of the fiscal year, which makes planning difficult as there are times refresh needs to occur in a different timeframe.

Would like to meet more with OSCA staff on policy issues, budget and pay and communication. There is no set manner in which this communication takes place. We receive almost all info by email. There should be a regular forum for information exchange among the circuits and OSCA staff.

2. I currently am able to CONVEY my ideas and concerns about the budget, policies, performance, services, or rules to:	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree	Not Applicable\ Don't Know	Total
a. The Supreme Court	15 16.1%	23 24.7%	26 28.0%	16 17.2%	1 1.1%	12 12.9%	93 100.0%
b. The Chief Justice	15 16.1%	22 23.7%	28 30.1%	13 14.0%	2 2.2%	13 14.0%	93 100.0%
c. The Chief Judge of my court or my supervisor	3 3.2%	2 2.2%	9 9.7%	33 35.5%	46 49.5%	0 0.0%	93 100.0%
d. OSCA	9 9.7%	14 15.1%	23 24.7%	30 32.3%	14 15.1%	3 3.2%	93 100.0%
e. The appropriate Commission or Committee	11 11.8%	22 23.7%	23 24.7%	22 23.7%	7 7.5%	8 8.6%	93 100.0%
f. My colleagues	1 1.1%	0 0.0%	9 9.7%	45 48.4%	38 40.9%	0 0.0%	93 100.0%

Comments

There is no formal process for our input. Chain of command would prevent such communications.

With no face to face meetings there is little if any knowledge transfer.

3. When I do offer a suggestion or concern:	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree	Not Applicable\ Don't Know	Total
a. I receive a prompt response	2 2.2%	7 7.5%	21 22.6%	42 45.2%	15 16.1%	6 6.5%	93 100.0%
b. It is considered	2 2.2%	4 4.3%	24 25.8%	37 39.8%	18 19.4%	8 8.6%	93 100.0%
c. It is usually acted upon	3 3.2%	8 8.6%	37 39.8%	29 31.2%	8 8.6%	8 8.6%	93 100.0%
d. I don't know what happens to it	11 11.8%	27 29.0%	19 20.4%	17 18.3%	8 8.6%	11 11.8%	93 100.0%

Comments

Better communication and more openness would be refreshing.

only at local level

OSCA and other circuits are very good about providing timely responses

There is no formal process for this type of input. Over worked staff would be unable to respond or act on any such suggestion.

Varies depending on to whom I offer a suggestion.

4. I currently receive information regarding important governance issues from:	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree	Not Applicable\ Don't Know	Total
a. Memoranda	2	12	17	47	12	1	91
	2.2%	13.2%	18.7%	51.6%	13.2%	1.1%	100.0%
b. E-mail messages	0	4	6	60	20	1	91
	0.0%	4.4%	6.6%	65.9%	22.0%	1.1%	100.0%
c. Newsletters	2	13	17	49	10	0	91
	2.2%	14.3%	18.7%	53.8%	11.0%	0.0%	100.0%
d. Videoconferences	5	22	28	26	5	5	91
	5.5%	24.2%	30.8%	28.6%	5.5%	5.5%	100.0%
e. In-person meetings	5	15	18	41	9	3	91
	5.5%	16.5%	19.8%	45.1%	9.9%	3.3%	100.0%
f. Conversations with someone directly involved in the decision	7	12	24	36	8	4	91
	7.7%	13.2%	26.4%	39.6%	8.8%	4.4%	100.0%
g. Word-of-mouth	3	11	16	54	5	2	91
	3.3%	12.1%	17.6%	59.3%	5.5%	2.2%	100.0%

Comments

None

5. I would prefer to receive information regarding important governance issues via:	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree	Not Applicable\ Don't Know	Total
a. Memoranda	1	8	12	37	22	1	81
	1.2%	9.9%	14.8%	45.7%	27.2%	1.2%	100.0%
b. E-mail messages	0	1	4	36	39	1	81
	0.0%	1.2%	4.9%	44.4%	48.1%	1.2%	100.0%
c. Newsletters	0	18	12	37	13	1	81
	0.0%	22.2%	14.8%	45.7%	16.0%	1.2%	100.0%
d. Videoconferences	3	12	19	34	11	2	81
	3.7%	14.8%	23.5%	42.0%	13.6%	2.5%	100.0%
e. In-person meetings	1	4	13	36	26	1	81
	1.2%	4.9%	16.0%	44.4%	32.1%	1.2%	100.0%
f. Conversations with someone directly involved in the decision	2	5	18	31	24	1	81
	2.5%	6.2%	22.2%	38.3%	29.6%	1.2%	100.0%
g. Word-of-mouth	16	26	25	12	1	1	81
	19.8%	32.1%	30.9%	14.8%	1.2%	1.2%	100.0%

Comments

Make the information meaningful by presenting it as though it were being presented to individual citizens. Learn to speak to the lay person in their terms.

This really depends on the issue.

When cuts are pending the staff are left hanging with no information about possible cuts for months.

**What are three ways that communication within the Branch could be improved?**

Open ended responses were reviewed and grouped base on common themed response. The following are common responses of from court staff, below each theme is a list of the actual responses of the participants.

**1. Open communication**

better dissemination of TCBC decisions

Communicate before decisions are made and after  
communication

Direct communication by Supreme Court to Judiciary

Improve how the information is distributed from the top to the bottom

Inform court employees of results of TCBC meetings

Make agency communications a priority

More information from OSCA to circuits

More input from circuits into work of OSCA (relevance)

More written communication, i.e., manuals, etc.

Need much better communication of statewide judiciary guidelines for implementation of new legislation.

open forum, perhaps resembling a blog?

the same info. provided to all directors

Timely dissemination of important relevant issues

communicate prior to rather than after the decision process

Content of communication should be transparent and support the branch published strategic plan

Confidential information remaining confidential

Consolidated communications, same subject matter.

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More widespread dissemination of judicial branch issues to members of the public, press, legislature, etc.

shorter-bulleted information

Communicate critical issue by phone/video conf.

communicate in a way that there can be feedback and meaningful discussion

contact info distributed - who does what

Create a listing so staff in similar functional areas can better communicate with each other for collaboration. Examples: technology, case management, drug court, domestic violence, juvenile etc.

More dollars for communications & education

Interdepartmental communication

More direct conference type settings for back and forth dialogue

Staff should feel comfortable sharing thoughts and concerns with supervisors and other staff.

## **2. Regular contact via meetings, conference calls, etc.**

More frequent updates

Priorities for each Court level updated annually and presented to each Court.

Regular Email Updates

regular meetings w/ supervisors

Regular updates posted on website

The way is done currently, works well.

timely correspondence

Video Conferencing via personal computers

Weekly e-mails to managers on budget issues etc.

Weekly updates to websites

Written communications should be distributed in as quickly as possible before word of mouth gets a foothold.

Better use of Video Conferencing to keep managers more informed and current on major Court

issues.

daily information during legislative session

Monthly news summaries to staff

monthly or bi-monthly conference via web

More video conferences on idea matters

Weekly updates

Regular meetings for various court programs/divisions

Send updates on legislative issues to all court employees rather than just TCA, that way it is conveyed to all.

Weekly update on budget issues during secession

More year-round info on what's happening

Regular Updates

### **3. E-mail**

Email blast when website is updated with important news

Emails from OSCA and/or Chief Justice

more emails on how to plan/ what to expect.

memos from the chief justice re: state of the court

More e-mail communications

more frequent emails

More frequent emails regarding pertinent changes

issue a memo/email when changes are made

more updates via email

Communication through email blasts to all applicable departments.

more memoranda

improve e-mail

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information posted on OSCA's website followed by e-mail alerting us to new posting

Information should be sent out via email to the chief judge/TCA and then forwarded to line judges.

More broadcast e-mail

Email out minutes of TCBC meetings.

Include the Branch in all e-mails that can be of concern to them.

TCBC minutes electronically distributed timely

#### **4. Involvement of staff**

Advising all employees of all items of interest

allow input from circuit level

Balance policy with reality - particularly in the trial courts

General Counsel should be included in any and all correspondence to the Trial Court administrator and chief judge

Include all staff that are expected to participate to be included from the first discussion to the final outcome.

increase communication and encourage participation by all staff

Involving more employees in planning

involving staff and managers

Orientation to organization structure, interdepartmental relationships for new employees

OSCA needs to better inform the circuits

Supervisors should be encouraged to share with staff.

The employees need to know more about things that will affect them before they happen

Training on new issues and rules for all applicable departments

Asking for suggestions

Encourage chief judges to communicate with court personnel about pending changes or allow TCA to do so

More input from the trial courts should be requested regarding issues that directly impact this

court prior to decisions or policy being implemented

staff updates on present and future projects before they happen

## **5. Better use of court website, training, forms, forums, and technology**

better use of the intranet

Central source for acquiring info

Centralized on-line communication page to post information in logical categories or groups

Increased frequency of updates to OSCA web site

Policies could be readily available on the intranet

Utilize OSCA's intranet for communication between circuits

Make information public on websites and known to users so they can go and read when they want

Single Intranet Website listing updates and activities

Website

on line submission of suggestions/comments

open forum w/ circuit chief

clearinghouse/one location for information

Provide a forum for feedback

Encourage employees to LOOK at website

closed forum, the proverbial "suggestion box"

Minutes of TCBC promptly being posted on website

Enhancements to Court websites as to forms and training needs.

## **6. In person and teleconference meetings**

Hold periodic live meetings between TCA's and chiefs at OSCA

In-person meetings

More face-to-face: one-on-one meetings with each Circuit to become better acquainted with circumstances and nuisances unique to a particular Circuit. Meetings and conferences are to

generic and not a-specific about a Circuit.

Have more face to face meetings with key players even if the meeting is conducted on a regional level.

Hold live specialty meetings between managers/supervisors and OSCA staff that specialize in the subject area.

In-Person meetings

Teleconference/videoconference with OSCA in order to clarify issues

Video conference

videos from the chief justice/osca re: state of the branch

Phone calls

Better use of technology/ videos for dispersing info

## **7. Publications /Newsletter**

Branch newsletter for non senior managers

Continue to send out newsletters during the legislative sessions about pending legislation

more in-depth newsletters

Have a quarterly newsletter

publication of all policies in a central place

monthly news letter

More funding to assist with the creation and dissemination of high quality newsletters and other communiqués.

More newsletters on current issues

sharing of publications

update personnel regulations manual

## **8. Information Sharing**

More info in layman's terms on key votes, meetings, etc.

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More education regarding the function/operation of the branch to all employees and the public

Develop a dictionary of terms and acronyms that are used when communicating with staff.

the same info provided to all staff & directors via HR

annual training on budget and policy changes with staff from other circuits

pictorial directory within circuit

Information lines

information sharing

simple way to access information

## **9. Judicial involvement**

More judicial assistant input for systems

Policy-makers need a better understanding of the realities at the trial court level (especially of small circuits)

Our Chief judge gets information out quickly

Need much better defined Division level presiding judge/case management division structure at the circuit/county levels to build bottom-up and top-down governance structure, accountability

meetings with section judges

## **10. Timely Communication**

Critical need for improved timeliness and detail in court performance measures reporting by circuit and statewide for benchmarking and identification of problem areas

Timely communication allowing for input

Minutes from other committees/councils promptly being placed on website

Getting information on time.

## **11. Other**

A mechanism to report complaints

access to budget entries

allow "registration" to receive info via email from committees, entities, etc.

Allow subscription to categories of information - remove reliance/filter by any individual

Better use of the PIO's as a group.

Direct meetings

Updates specific to certain court functions may be better Identified

Avoid deciding everything in TCBC executive committee

Be brief

Identify the proper person/office where we can voice our concerns.

Make it a formal, anonymous process if necessary

More common sense

Overview of budget and fiscal systems for new employees

Structure committees communication pages to reflect goals/charges, meetings, agendas, outcomes, and final reports for review

TCBC needs to listen to participants and be responsive

Don't always give committee assignments to the same individuals

eliminate the "star chamber" feel/reality of TCBC

Less involvement in circuit procedures.

Publicly acknowledge the suggestion was heard and considered.

the OSCA have a communications/information position

Who's who - where to go for information / answers re procedures, operations

**APPENDIX C**

**State Court System Profiles**

**APPENDIX C**

**State Court System Profiles**