FORECLOSURE BACKLOG REDUCTION PLAN FOR THE STATE COURTS SYSTEM

Recommendations of the Foreclosure Initiative Workgroup

April 10, 2013

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EXECUTIVE SUMMARY

Recognizing that a significant number of mortgage foreclosure cases are pending in the trial courts (approximately 358,000 as of February 2013) and that an estimated 680,000 additional foreclosure cases will be filed between FY 2012/13 and FY 2015/16, Judge Margaret Steinbeck, Chair of the Trial Court Budget Commission (TCBC), established the Foreclosure Initiative Workgroup (Workgroup) and tasked members with:

(1) identifying barriers that currently exist in foreclosure case resolution;

(2) proposing strategies to improve the foreclosure process; and

(3) developing a proposed supplemental budget request for workforce and technology resources.

The Workgroup determined that foreclosure cases should be brought into compliance with state time standards, consistent with rule 2.250, Florida Rules of Judicial Administration, clearance rates need to be improved, and the due process rights of the litigants must be protected, while maintaining the integrity of the process. Rule 2.545, Florida Rules of Judicial Administration, states that "Judges and lawyers have a professional obligation to conclude litigation as soon as it is reasonably and justly possible," and provided the Workgroup with the underlying principle for development of its plan.

The Workgroup identified two fundamental causes of delay in the resolution of foreclosure cases: (1) plaintiffs do not appear to be inclined to seek disposition of pending foreclosure cases in an expeditious manner; and (2) paperwork and procedural problems continue to exist in foreclosure cases.

Recommendations

Based on the issues identified, the Workgroup developed a Foreclosure Backlog Reduction Plan (Plan) comprised of both a budgetary solution and complementary process improvements.

Budgetary Solutions

The Workgroup proposed three resource solutions:

(1) More active judicial or quasi-judicial case management and adjudication, including the expanded use of general magistrates;

(2) Additional case management resources; and

(3) Deployment of technology resources in the form of judicial viewers to allow judges to manage cases, view documents, and issue court documents electronically.

The proposal requests $35,019,015 in funding over the next three fiscal years to help ensure the additional resources remain in place to dispose of the current backlogged foreclosure cases and to ensure incoming cases meet state time standards. Due to space and resource capacity issues in the trial courts and given the official forecast, which projects that foreclosure filings will not return to normal until FY 2016/17, it is not feasible to dispose of the current backlog of foreclosure cases in a single year. Additionally, funding the initiative over three fiscal years provides the trial courts the ability to attract and retain more qualified employees by offering longer term employment.

FY 2013/14 Legislative Budget Request	
Judicial and Case Management Resources	$9,918,812
Technology: Hardware, Software, Electronic Storage, and Programming/ Integration Costs	$5,262,579
TOTAL REQUESTED FOR FY 2013/14	**$15,181,391**
FY 2014/15: Judicial and Case Management Resources	$9,918,812
FY 2015/16: Judicial and Case Management Resources	$9,918,812
GRAND TOTAL REQUEST FY 2013/14 through FY 2015/16	**$35,019,015**

Process Improvements

To complement the budgetary solutions and ensure that workforce and technology resources are utilized in the most efficient and effective manner, the Workgroup developed process improvement recommendations including a statutory revision, rule amendment, administrative orders, docket control policies, and training components.

In addition, the Workgroup recommended the use of three nationally recognized performance indicators:

(1) **Time to Disposition** - This statistic measures the length of time between filing and disposition and is presented as a percentage of cases that have been resolved within established time frames.

(2) **Age of Pending Cases** - This statistic measures the age of the active cases that are pending before the court.

(3) **Clearance Rate** - This statistic measures the ratio of dispositions to new case filings and assesses whether the court is keeping pace with its incoming caseload.

Implementation Steps

The Workgroup requests that the Supreme Court of Florida take the following actions:

I. Continue to support adoption of revisions to Chapter 121, Florida Statutes that would allow newly retired judges to serve as senior judges without a one-year waiting period.

II. Revise rule 1.490, Florida Rules of Civil Procedure, to allow for referral of residential mortgage foreclosure cases to a general magistrate with implied consent of the parties. This approach is similar to rule 12.490, Florida Family Law Rules of Procedure.

III. Enter an administrative order that:

a. Directs clerks of court to identify foreclosure cases by Summary Reporting System (SRS) categories and collect the data necessary to report the following performance indicators: (1) time from filing until disposition; (2) age of pending cases; and (3) clearance rates. Further, the status of pending foreclosure cases should be identified as either active or inactive.

b. Requires each circuit to establish a case management plan, consistent with rule 2.545, Florida Rules of Judicial Administration, to optimize court usage of existing and additional resources in the resolution of foreclosure cases. In order to advance mortgage foreclosure cases to resolution as soon as is reasonably and justly possible, the case management plans at a minimum should employ case management procedures that identify older cases and direct them to timely resolution, expedite resolution of uncontested cases, and implement docket control policies as necessary.

IV. Enter an administrative order that:

a. Directs Court Education within the Office of the State Courts Administrator to develop and provide an educational program to facilitate the statewide implementation of this Foreclosure Backlog Reduction Plan through the training of a core team of participants from each circuit.

b. Exempts magistrates who are assigned to residential mortgage foreclosure cases from the Florida Judicial College (FJC) education requirements. Such exemption should expire if the magistrate becomes a permanent employee of the State Courts System or begins handling cases other than mortgage foreclosures. For magistrates who are assigned to residential mortgage foreclosure cases exclusively, Court Education within the Office of the State Courts Administrator should be directed to develop a condensed version of the FJC general magistrate education program and present such training in conjunction with the Foreclosure Backlog Reduction Plan implementation training program.

SECTION ONE: INTRODUCTION

The State Courts System recognizes that the national mortgage foreclosure crisis continues to grip borrowers, lenders, and the economy in Florida. The courts have persistently sought to enhance their judicial administration efforts to reduce the backlog in foreclosure cases but cannot process the sheer volume of cases without additional resources.

Courts are applying special funds provided in the current fiscal year to supplement existing resources toward the just and timely resolution of mortgage foreclosure cases. These funds are being used to employ the experience of senior judges in addition to sitting judges and to manage cases in a manner that ensures documentation is in order and unnecessary delays are avoided.

However, new cases are flowing into the pipeline at nearly the same pace as courts are disposing of existing ones. Additionally, most courts lack sufficient case management systems to track such basic information as the number of times a case has been continued, which makes it difficult for judges and court staff to identify problem cases and get them back on track.

The courts cannot resolve the mortgage foreclosure backlog alone. While the court system strives to make meaningful, long-term progress in the just and timely resolution of mortgage foreclosure cases – rather than simply dismissing cases temporarily for inactivity – lenders and borrowers must be ready, willing, and able to proceed.

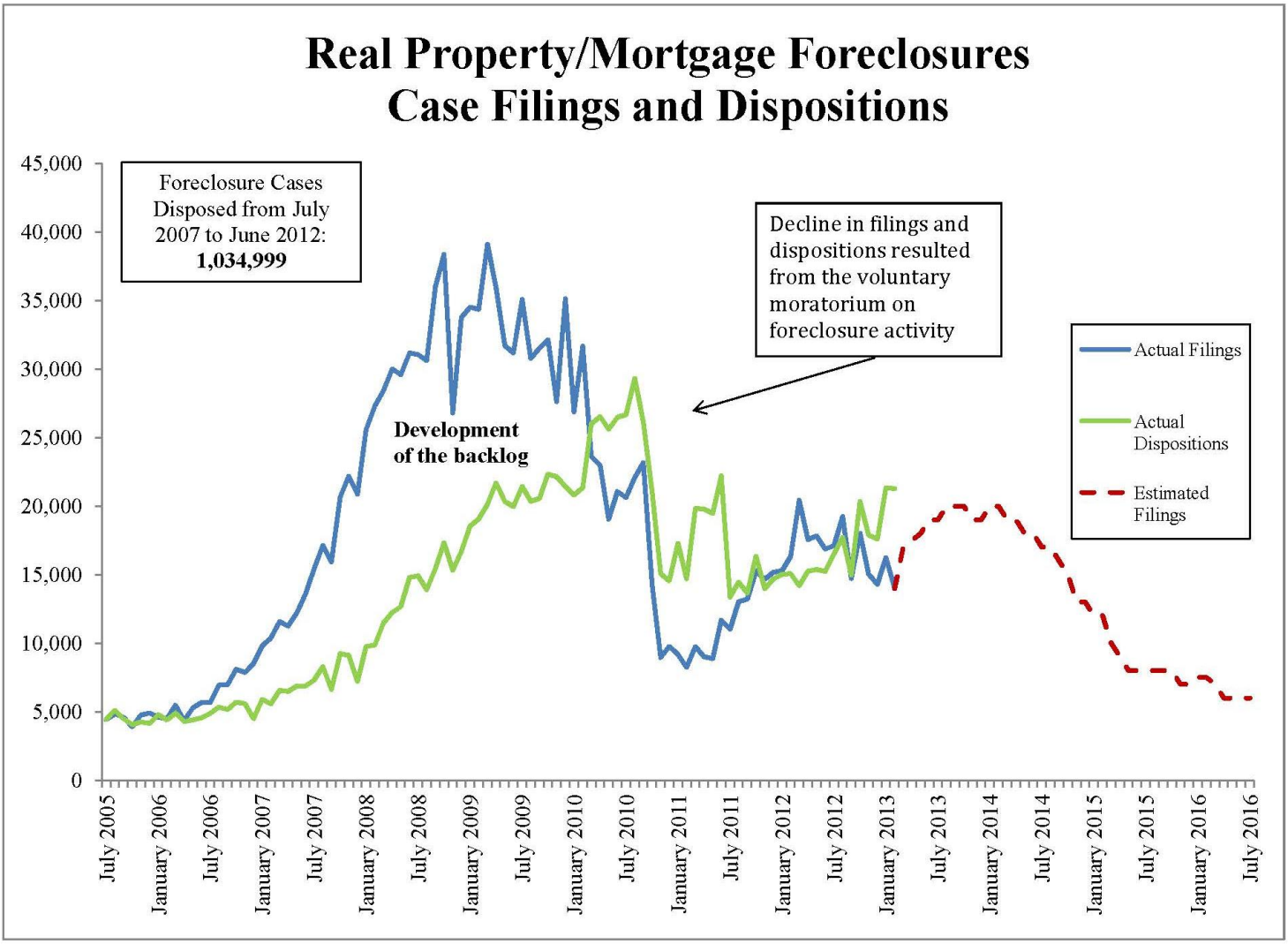
The following sections of the report outline the history and background of the residential mortgage foreclosure crisis in Florida; the development of a Workgroup to identify problems and develop solutions to the backlog of cases pending in the trial courts; the charge and goal of the Workgroup; the courts' jurisdiction; fundamental problems; and the solutions and recommendations of the Workgroup.

SECTION TWO: HISTORY/BACKGROUND

In late 2006, the number of mortgage foreclosure case filings began to rise. At the time, the increase went virtually unnoticed as it represented only a small portion of the total circuit civil cases coming into Florida's trial courts. However, as the new foreclosure case filings continued to grow exponentially in 2007, it became apparent that the court system was facing a workload crisis. Filings increased by 146% from 2006 to 2007. The enormous increase in foreclosure filings was straining judicial resources and backlogs started to develop. The tremendous number of cases flowing into the system has persisted for the last six years and resulted in approximately 1.5 million foreclosure cases being filed in our trial courts (see Appendix A).

Although the courts have dedicated considerable resources toward justly and timely resolving this dramatically increased caseload – indeed, Florida's trial courts have disposed of more than 1 million foreclosure cases during the last five years – and the Legislature appropriated supplement resources in FY 2010/11 and FY 2012/13, the level of foreclosure case filings remains elevated and a significant number of foreclosure cases remain pending before the courts. At the height of the foreclosure crisis, filings in Florida soared to 400,000 cases in one year, in contrast to the average of 70,000 case filings per year prior to the crisis. As of February 2013, there were an estimated 358,000 foreclosure cases pending in Florida's trial courts, and it is predicted that an additional 680,000 cases will be filed between FY 2012/13 and FY 2015/16. The Article V Revenue Estimating Conference projects that the number of foreclosure filings will not return to normal levels until FY 2016/17 (see Figure 2-1).

[Figure 2-1]


Real Property/Mortgage Foreclosures
Case Filings and Dispositions
Foreclosure Cases Disposed from July 2007 to June 2012: 1,034,999
Decline in filings and dispositions resulted from the voluntary moratorium on foreclosure activity
Development of the backlog
Actual Filings
Actual Dispositions
Estimated Filings
45,000
40,000
35,000
30,000
25,000
20,000
15,000
10,000
5,000
0
July 2005
January 2006
July 2006
January 2007
July 2007
January 2008
July 2008
January 2009
July 2009
January 2010
July 2010
January 2011
July 2011
January 2012
July 2012
January 2013
July 2013
January 2014
July 2014
January 2015
July 2015
January 2016
July 2016

FY 2010/11 Initiative

The Florida Legislature appropriated $6 million to the State Courts System for a Foreclosure and Economic Recovery program in FY 2010/11. Those non-recurring funds were used to provide temporary judicial and case management resources to reduce the backlog in the foreclosure/circuit civil divisions in the trial courts. However, as the courts applied this special appropriation to the backlog of foreclosure cases, some lending institutions temporarily halted foreclosure actions in Florida and 22 other states that required foreclosures to go before a judge. Despite the lender-imposed moratorium on foreclosure case filings, the courts were still able to dispose almost 250,000 cases in FY 2010/11. No supplemental appropriations were provided in FY 2011/12, and the courts were unable to make headway in reducing the foreclosure backlog and also stay current on the incoming filings.

FY 2012/13 Initiative and Original FY 2013/14 LBR

Prior to the 2012 Legislative Session, the Senate Judiciary Committee requested that the State Courts System develop and submit a proposal for funding necessary to dispose of the ongoing backlog in foreclosure cases. In response, the courts proposed a Foreclosure Backlog Reduction Initiative that would provide funding over a period of three fiscal years. The proposal included funding for judicial and case management resources that would be applied toward the just and timely disposal of existing backlogged foreclosure cases as well as prevent incoming cases from becoming backlogged.

In FY 2012/13, the Legislature appropriated $4 million to the courts for the initiative. These funds are being used to augment existing resources by focusing senior judges and case managers exclusively on foreclosure cases. As a result, the courts have increased their dispositions in foreclosure cases from an average of 14,717 per month in FY 2011/12 to an average of 18,469 per month in FY 2012/13. This represents a 25.5% increase in output (see Appendix B for the most recent Foreclosure Backlog Reduction Initiative Status Report).

At the August 11, 2012, meeting of the Trial Court Budget Commission (TCBC), the Commission members voted to approve a Legislative Budget Request (LBR) for FY 2013/14 for the Foreclosure Backlog Reduction Initiative. The original FY 2013/14 LBR submitted to the Florida Legislature by the Supreme Court included a multi-year proposal requesting $4 million in non-recurring funds for both FY 2013/14 and FY 2014/15 and $2 million for FY 2015/16, as the amount necessary to dispose of the continuing backlog in foreclosure cases based on the new filings projected at that time. The proposal allowed for a continuation of resources over the three-year time period.

National Foreclosure Settlement Funds - FY 2012/13

In February 2012, the State Attorneys General agreed to a $25 billion settlement with the nation's largest mortgage lenders over foreclosure abuses that occurred after the housing bubble burst. Florida's share of the $25 billion National Foreclosure Settlement Funds is $8.4 billion. The state received a direct payment of $334 million. Of that amount, $33.4 million (10%) was directed to the general revenue fund for a penalty at the time the settlement was signed. An additional $40 million was directed to the general revenue fund as an added penalty. On January 17, 2013, the Joint Legislative Budget Commission (LBC) distributed $60 million for state agencies for use in the current fiscal year, of which the court system received $4.9 million.

These court funds are being used to provide:

(1) Supplemental resources to include additional senior judge days and temporary case management staff in the trial courts to reduce the backlog of pending foreclosure cases; and

(2) Technology solutions that improve the flow of foreclosure cases through the judicial process and expedite the outcomes. The enhanced technology will enable judges and staff to effectively use electronic documents when disposing of foreclosure cases, produce orders electronically, provide for electronic calendaring, serve orders through an electronic process, and generate case management reports.

The courts relied on a local approach for requesting and allocating funds based on needs from each judicial circuit.

National Foreclosure Settlement Funds - FY 2013/14

After the State Courts System filed its original FY 2013/14 LBR, the State of Florida received the National Mortgage Foreclosure Settlement funds. Legislative staff subsequently requested that the court system develop and submit a revised proposal for funding necessary to dispose of the continuing backlog in foreclosure cases. During the 2013 Regular Session, the Florida Legislature will appropriate the remaining $200 million for FY 2013/14.

SECTION THREE: WORKGROUP

At its January 7, 2013 meeting, the Trial Court Budget Commission discussed the status of the Mortgage Foreclosure Initiative. Recognizing that approximately 358,000 foreclosure cases remain pending in the trial courts and that an estimated 680,000 additional foreclosure cases are expected to be filed between FY 2012/13 and FY 2015/16, the Chair of the Commission, Judge Margaret Steinbeck, established a Foreclosure Initiative Workgroup and tasked the Workgroup with:

(1) Identifying barriers that currently exist in foreclosure case resolution;

(2) Proposing strategies that improve the foreclosure process; and

(3) Developing a proposed supplemental budget request for workforce and technology resources.

Judge Steinbeck appointed nine members to the Workgroup: five judges (four chief judges and one circuit judge) and three trial court administrators. Mr. Mark Weinberg, Trial Court Administrator in the Seventh Judicial Circuit, was selected to serve as Chair of the Workgroup. The Workgroup was staffed by the Office of the State Courts Administrator (OSCA). The Workgroup met over the course of six weeks in January and February of 2013, including both an in-person meeting and conference calls, in order to make recommendations to the Commission and Florida Supreme Court prior to the start of the 2013 Regular Legislative Session (see Project Timeline – Appendix C).

SECTION FOUR: CHARGE/GOAL OF THE WORKGROUP

The Workgroup determined that foreclosure cases should be brought into compliance with established state time standards and that clearance rates need to be improved, while protecting the due process rights of litigants and maintaining procedural integrity.

The existing Rules of Judicial Administration on case management and time standards provided the Workgroup with a framework to develop its plan for achieving the goal. Those rules are, in relevant part, set forth below:

> **RULE 2.545. CASE MANAGEMENT**
>
> **(a) Purpose.** Judges and lawyers have a professional obligation to conclude litigation as soon as it is reasonably and justly possible to do so. However, parties and counsel shall be afforded a reasonable time to prepare and present their case.
>
> **(b) Case Control.** The trial judge shall take charge of all cases at an early stage in the litigation and shall control the progress of the case thereafter until the case is determined. The trial judge shall take specific steps to monitor and control the pace of litigation, including the following:
>
> (1) assuming early and continuous control of the court calendar;
>
> (2) identifying priority cases as assigned by statute, rule of procedure, case law, or otherwise;
>
> (3) implementing such docket control policies as may be necessary to advance priority cases to ensure prompt resolution;
>
> (4) identifying cases subject to alternative dispute resolution processes;
>
> (5) developing rational and effective trial setting policies; and
>
> (6) advancing the trial setting of priority cases, older cases, and cases of greater urgency.
>
> **RULE 2.250. TIME STANDARDS FOR TRIAL AND APPELLATE COURTS AND REPORTING REQUIREMENTS**
>
> **(a) Time Standards.** The following time standards are hereby established as a presumptively reasonable time period for the completion of cases in the trial and appellate courts of this state. It is recognized that there are cases that, because of their complexity, present problems that cause reasonable delays. However, most cases should be completed within the following time periods:
>
> **(1) Trial Court Time Standards**
>
> **…**
>
> **(B) Civil.**
>
> Jury cases — 18 months (filing to final disposition)
>
> Non-Jury cases — 12 months (filing to final disposition)

SECTION FIVE: COURTS' JURISDICTION

The Workgroup analyzed the foreclosure process and determined that the scope of its analysis would be limited to the activity that occurs between filing and the entry of a final judgment or dismissal, with the understanding that post-judgment work also exists for the courts. This decision was made because the time after final judgment is not within the exclusive control of the judiciary. In accordance with Florida law, the date of sale is set in the final judgment at a maximum of 35 days; however, the law allows the plaintiff to consent to a later sale date.

It has been widely reported in the media that Florida is one of the states where mortgage foreclosures take the longest amount of time to complete. Different entities define and calculate this statistic inconsistently. One recent report estimated that, on average, it takes 1,034[1] days for delinquent mortgage loans to go through the foreclosure process in Florida. RealtyTrac currently reports that it takes 853 days to complete the foreclosure process and for the property to become bank owned in Florida.

Judges report that it is challenging to resolve some foreclosure cases because the parties do not want or are not prepared to proceed. Dismissing a case for failure to prosecute is only a temporary solution, because the plaintiff can then re-file the case if the plaintiff wants to foreclose on the property. Dismissals of these cases have increased significantly over the last few years because cases have not been properly prepared or the parties have not been ready to proceed (see Appendix D for the percentage of dispositions due to dismissal). Although some problems persist, pleading practices have improved with experience and increased scrutiny. However, even when the right to foreclosure is clear, a lender may have a disincentive to proceed. Unless there is someone else interested in purchasing a house sold at foreclosure, the lender will likely take title, which comes with responsibilities for maintaining and assuming liability for the property. In a weak housing market, lenders seem unwilling to add housing inventory to their books.

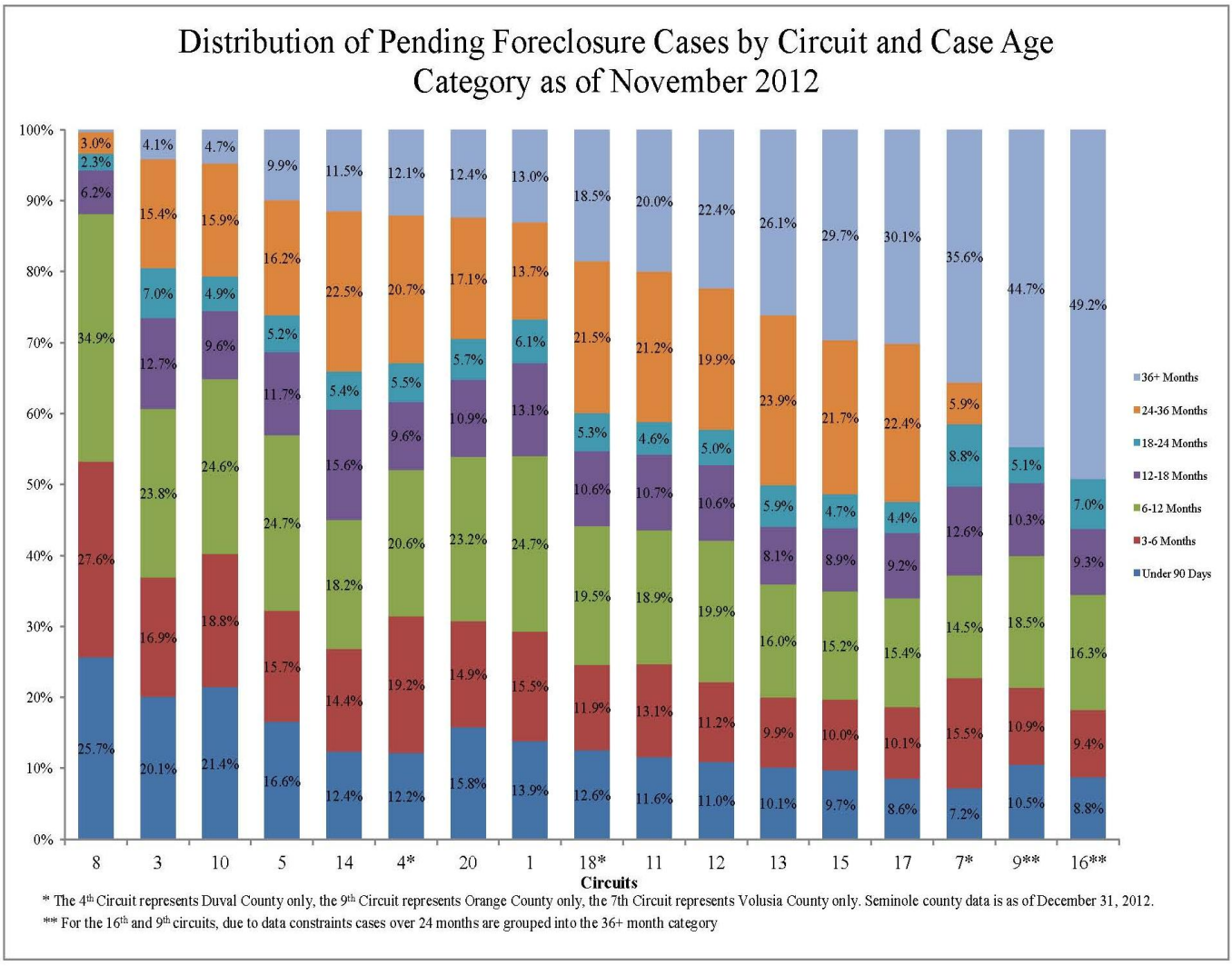
Another factor in the timely resolution of foreclosure cases is that the number of reopened cases has increased significantly during the ongoing foreclosure crisis (see Appendix A). It appears that cases are reopened to cancel and reschedule sale dates of the properties frequently. Data from RealtyTrac indicates this practice of canceling and rescheduling may significantly extend the length of time it takes to transfer the property title.

As indicated in Figure 5-1, approximately 57% of the cases statewide have been pending for longer than the 12 month time standard, with 41.6% pending over two years. However, the trial courts currently do not have a case management system that allows them to readily track

[1] *Mortgage-Fee Plan Faces Pushback*, by Nick Timiraos, Wall Street Journal, January 13, 2013.

the age of cases, target older cases, and produce updated statewide statistics such as those presented in the chart below.

[Figure 5-1]



* The 4th Circuit represents Duval County only, the 9th Circuit represents Orange County only, the 7th Circuit represents Volusia County only. Seminole county data is as of December 31, 2012.

** For the 16th and 9th circuits, due to data constraints cases over 24 months are grouped into the 36+ month category

SECTION SIX: FUNDAMENTAL PROBLEMS

The Workgroup requested input on a statewide basis from frontline participants in the foreclosure process through a set of interview questions (see Appendix E). Judicial officers and court staff were interviewed by Workgroup members to identify unique problems occurring in regard to the processing of foreclosure cases. In order to gain a statewide perspective, interview questions were posed by the chief judges and trial court administrators in those circuits without a Workgroup member.

Responses to interview questions revealed the following discrete categories of systemic problems associated with the processing of mortgage foreclosure cases:

(1) Inability of the court to provide active case management due to a lack of sufficient judicial and support staff resources.

(2) Limited availability of judicial manpower, exacerbated in part by the law requiring senior judges to wait one year after retirement before returning to work.

(3) Delays are created in the processing of other types of civil cases when court resources are redirected to foreclosure cases.

(4) Delays caused by plaintiffs and/or defendants as a result of or manifested by: the lack of an incentive to take back property, requests for continuances for many reasons, failing to attend or canceling hearings, files being transferred to new attorneys, lack of knowledge of the process, and lack of preparation by the parties.

(5) A lack of communication between banks, attorneys, and defendants.

(6) Problems with paperwork filed with the courts, although improved, persist.

(7) Clerk of court issues, including a lack of adequate clerk resources, data to assess the status of foreclosure cases is not collected or provided to the court, improper or inaccurate reporting of data by the clerks, and documents filed with the clerk are not scanned properly thereby leading to incomplete or defective files.

(8) Further continuation of cases due to the rule of procedure that allows any record filing as a reason to prevent dismissal for lack of prosecution.

Additionally, there are reasons beyond judicial administration of the instant case that serve to suspend the case pending resolution of the issue. Examples in this regard include when a stay of bankruptcy is entered, when settlement negotiations are on-going, or when a hold is placed on the case due to a Department of Justice document review.

Based upon the frequency and consistency with which they were reported, the Workgroup identified two fundamental problems from the above list that are causing delays in processing foreclosure cases: (1) plaintiffs do not appear to be inclined to seek disposition of pending foreclosure cases in an expeditious manner; and (2) paperwork and procedural problems continue to exist in foreclosure cases.

SECTION SEVEN: SOLUTIONS AND RECOMMENDATIONS

Based on the issues identified, the Workgroup developed a Foreclosure Backlog Reduction Plan comprised of both a budgetary solution and complementary process improvements.

The interview questions used to collect input from judicial officers and court staff about problems encountered in foreclosure cases included a subset of questions designed to gather information about strategies being used in various jurisdictions to improve the just and timely resolution of mortgage foreclosure cases. Circuit responses were compiled into the following distinct categories of strategies:

(1) Focus on the adjudication of mortgage foreclosure cases by reassigning judges from other divisions, utilizing senior judges, and employing general magistrates to supplement judges.

(2) Expedite case resolutions where appropriate by setting cases for trial in lieu of summary judgment, using non-jury trials, limiting continuances, dismissing cases or sanctioning attorneys when frequent problems occur, requiring personal appearance by counsel for all case management hearings and all non-jury trials, and setting case management hearings.

(3) Utilize an active case management approach that includes monitoring cases and contacting law firms, identifying key personnel at law firms and loss mitigation departments, reviewing files for correct and completed documents, notifying parties of proper paperwork procedures, and using monthly reports to target older cases.

(4) Group cases by attorney or by law firm to allow for scheduling of block summary judgment hearings, and block trials.

(5) Apply differentiated dockets to aid in identifying uncontested mortgage foreclosure cases that may be deemed suitable for expedited case processing.

(6) Develop outreach programs and educational tools for stakeholders.

(7) Make use of electronic filing and scheduling to reduce paperwork.

Based on strategies currently being employed at the local level, the Workgroup proposed three main solutions to the problems associated with the just and timely processing of foreclosure cases: (1) more active judicial or quasi-judicial adjudication and case management; (2) additional case management resources to allow for focused attention on older foreclosure cases; and (3) deployment of technology resources in the form of judicial viewers to allow judges to manage cases, view documents, and issue court documents electronically.

Given the finite amount of senior judges available across the state, the Workgroup discussed in depth the merits of expanding the use of general magistrates to help process

foreclosure cases. The Eighth Judicial Circuit's use of general magistrate resources in foreclosure cases was explored for potential application on a statewide basis. The Workgroup considered rule and process changes that would be needed in order to expand the use of general magistrates. It was determined that the most appropriate approach would be to adopt a new rule, modeled after rule 12.490, Florida Family Law Rules of Procedure, which would authorize referral of residential mortgage foreclosure cases to general magistrates based on implied consent of the parties. The chief judge of each judicial circuit would appoint the necessary number of general magistrates to expeditiously preside over actions and suits involving the foreclosure of a mortgage on residential real property as well as any other matter concerning the foreclosure of a mortgage on residential real property as allowed by the administrative order of the chief judge.

Statewide Methodology for Assessing Workforce Needs

In order to process the backlog of foreclosure cases that accumulated during the economic downturn and to dispose of additional foreclosure cases that will be filed in FY 2013/14 – FY 2015/16, the Workgroup determined that courts must dispose of 256,000 cases annually. This level of dispositions would eliminate the backlog in cases in FY 2015/16 and return the number of pending foreclosure cases in the State Courts System to a normal level of approximately 71,000 (see Figure 7-1).

[Figure 7-1]

TCBC Foreclosure Initiative Workgroup

FY 2012-13 through FY 2015-16 Real Property / Mortgage Foreclosure Estimated Dispositions with New and Current Resources

Normal Rate of Dispositions in Foreclosure Cases 72,000	
FY 2012-13	
Estimated FY 2012-13 Starting Pending Cases [1]	377,707
Estimated FY 2012-13 Filings [2]	200,145
Total Estimated Dispositions in FY 2012-13 With New and Current Resources	219,000
Estimated Pending Cases as of June 30, 2013	358,852
FY 2013-14	
Estimated FY 2013-14 Starting Pending Cases [1]	358,852
Estimated FY 2013-14 Filings [2]	232,000
Total Estimated Dispositions in FY 2013-14 With New and Current Resources	256,000
Estimated Pending Cases as of June 30, 2014	334,852
FY 2014-15	
Estimated FY 2014-15 Starting Pending Cases [1]	334,852
Estimated FY 2014-15 Filings [2]	160,000
Total Estimated Dispositions in FY 2014-15 With New and Current Resources	256,000
Estimated Pending Cases as of June 30, 2015	238,852
FY 2015-16	
Estimated FY 2015-16 Starting Pending Cases [1]	238,852
Estimated FY 2015-16 Filings [2]	88,000
Total Estimated Dispositions in FY 2015-16 With New and Current Resources	256,000
Estimated Pending Cases as of June 30, 2016	70,852

[1] Estimated FY 2012-13 Starting Pending Cases of 377,707 is the difference between the number of SRS filings and dispositions from FY 2006-07 through FY 2011-12. Estimated FY 2013-14 Starting Pending Cases of 358,852 is the difference between Estimated FY 2012-13 Filings 200,145 and Total Estimated Dispositions in FY 2012-13 219,000 plus Estimated FY 2012-13 Starting Pending Cases 377,707. Estimated FY 2014-15 Starting Pending Cases of 334,852 is the difference between Estimated FY 2013-14 Filings 232,000 and Total Estimated Dispositions in FY 2013-14 256,000 plus Estimated FY 2013-14 Starting Pending Cases 358,852. Estimated FY 2015-16 Starting Pending Cases of 238,852 is the difference between Estimated FY 2014-15 Filings 160,000 and Total Estimated Dispositions in FY 2014-15 256,000 plus Estimated FY 2014-15 Starting Pending Cases 334,852.

[2] Estimated Filings for FY 2012-13 to FY 2015-16 are based on the results of the February 6, 2013, Article V Revenue Estimating Conference.

Note: All estimates are based on dynamic Summary Reporting System (SRS) data which is subject to modification by the Clerks of Court.

Note: Normal dispositions in RPMF cases are based on average FY 2000-01 through FY 2003-04 dispositions.

The Workgroup decided to use a statewide methodology to assess the workforce resources needed to dispose of 256,000 cases annually. After analyzing the workforce resources available in the judicial branch, the Workgroup reached consensus that the two types of resources needed are (1) judicial and/or quasi-judicial resources; and (2) case management resources. The statewide methodology is based on a two-step approach for calculating the need for additional workforce resources:

Step 1: Calculation of Judicial and/or Quasi-Judicial Resource Need

As indicated in Figure 7-2, the Workgroup first estimated how many existing Full Time Equivalent (FTE) judicial resources were disposing of foreclosure cases in the circuit civil divisions. These resources include existing sitting judges, existing senior judges, existing county-funded resources, and senior judges funded from the $4 million appropriated by the Legislature in response to the court system's FY 2012/13 LBR. The estimate was calculated by multiplying the annualized FY 2012/13 dispositions in foreclosure cases by the Delphi[2] case weight of 44 minutes. This calculation produced the estimate for annualized weighted foreclosure dispositions. The annualized weighted dispositions were then divided by the Delphi minutes (77,400 minutes in urban circuits and 70,950 minutes in rural circuits) that are available to a sitting FTE judge to dispose cases in a single year. This calculation produced the estimated FTE judicial resources currently being applied to the disposition of foreclosure cases in the circuit civil division. Based on this calculation, approximately 122.4 FTE judges are on track to dispose of 210,000 foreclosure cases in FY 2012/13.

The Workgroup then considered the dispositions that would be achieved through the National Mortgage Foreclosure Settlement funds allocated to the court system for the last five months of FY 2012/13. By calculating the dispositions per existing FTE judicial resource and applying that disposition rate to the FTE resources funded through the National Mortgage Foreclosure Settlement dollars, the Workgroup determined that an additional 9,000 cases could be disposed in the remaining five months of FY 2012/13 for a total of 219,000 dispositions. On an annualized basis, an additional 21,000 dispositions could be achieved with the resources received through the National Mortgage Foreclosure Settlement funds, resulting in a total of 231,000 dispositions per year.

2. At the request of the Florida Legislature in 1998, the State Courts System conducted a Delphi-based weighted caseload study to determine the need for additional judgeships. The study focused upon the complexities of various cases that are filed with Florida's trial courts and how much time is needed for judges to adequately dispose of each case. Case weights were developed that reflect the number of minutes judges spent on each specific type of case. Since 2000, the Florida Supreme Court has used the Delphi-based weighted caseload methodology in fulfilling its constitutional obligation to certify the state's need for additional judgeships.

The Workgroup then began its analysis of the additional resources needed to dispose of 256,000 cases in FY 2013/14. By subtracting the annual baseline dispositions of 231,000 from the 256,000 dispositions that are needed in FY 2013/14, an additional 25,000 dispositions will be needed. These dispositions were weighted by the Delphi case weight of 44 minutes. The additional weighted dispositions were then divided by the Delphi minutes that are available to an FTE senior judge annually (119,225 minutes in urban circuits and 118,889 minutes in rural circuits). FTE senior judges have more time available to adjudicate cases because they do not serve on court committees or perform many of the other non-adjudicatory responsibilities that sitting judges perform. The analysis revealed an additional 13.2 FTE judicial resources would be needed in FY 2013/14.

In sum, the State Courts System will need a total of 148.5 FTE judicial resources to dispose of 256,000 cases in FY 2013/14, which include existing sitting and senior judges who are currently working on mortgage foreclosure cases. The additional $4,054,150 for judicial resources replaces the current $4.0 million general revenue allocation, plus the annualized resources received on February 1, 2013 from the National Mortgage Foreclosure Settlement funds and 13.2 FTE new resources.

[Figure 7-2]

TCBC Foreclosure Initiative Workgroup

Analysis of Resource Need

A	B	C	D	E	F	G	H	I	J	K	L	M
Circuit	Number of Circuit Civil Judges (July 1, 2012)	Available Minutes per Judge	Actual Real Property/ Mortgage Foreclosure Dispositions July through November 2012	Annualized Real Property/ Mortgage Foreclosure Dispositions July through November 2012	Annualized Real Property/ Mortgage Foreclosure Weighted Dispositions July through November 2012	Estimated Number of Real Property/ Mortgage Foreclosure Judges (FTE) (Column F / Column C)	Additional Dispositions Needed to Reach 256,000	Available OPS Judicial Minutes (Based on 248 days)	Minutes Needed to Reach 256,000 (Based on 248 days)	FTE Equivalent OPS Judicial Need	Rounded FTE Equivalent OPS Judicial need	Total Judicial Need
1	4.75	70,950	1,916	4,598	202,330	2.9	2,356	118,889	103,681	0.87	1	3.9
2	4.2	70,950	878	2,107	92,717	1.3	1,072	118,889	47,148	0.40	1	2.3
3	1.88	70,950	240	576	25,344	0.4	463	118,889	20,389	0.17	1	1.4
4	9.3	77,400	3,123	7,495	329,789	4.3	5,097	119,225	224,253	1.88	2	6.3
5	8	70,950	4,074	9,778	430,214	6.1	3,665	118,889	161,252	1.36	2	8.1
6	11.5	77,400	6,022	14,453	635,923	8.2	4,391	119,225	193,199	1.62	2	10.2
7	6	70,950	3,779	9,070	399,062	5.6	2,547	118,889	112,054	0.94	1	6.6
8	2.8	70,950	1,271	3,050	134,218	1.9	279	118,889	12,282	0.10	1	2.9
9	10.5	77,400	7,785	18,684	822,096	10.6	4,010	119,225	176,453	1.48	2	12.6
10	6.5	70,950	2,563	6,151	270,653	3.8	2,565	118,889	112,850	0.95	1	4.8
11	24.35	77,400	15,399	36,958	1,626,134	21.0	1,574	119,225	69,249	0.58	1	22.0
12	4.8	77,400	3,165	7,596	334,224	4.3	1,627	119,225	71,590	0.60	1	5.3
13	12.25	77,400	6,385	15,324	674,256	8.7	821	119,225	36,121	0.30	1	9.7
14	2.92	70,950	1,008	2,419	106,445	1.5	767	118,889	33,732	0.28	1	2.5
15	11	77,400	6,877	16,505	726,211	9.4	2,628	119,225	115,625	0.97	1	10.4
16	1.25	70,950	319	766	33,686	0.5	178	118,889	7,818	0.07	1	1.5
17	17.5	77,400	8,808	21,139	930,125	12.0	5,610	119,225	246,861	2.07	3	15.0
18	5	77,400	4,748	11,395	501,389	6.5	2,389	119,225	105,105	0.88	1	7.5
19	4.125	70,950	3,714	8,914	392,198	5.5	584	118,889	25,697	0.22	1	6.5
20	9.51	70,950	5,342	12,821	564,115	8.0	3,580	118,889	157,512	1.32	1	9.0
Total	**158.135**	**-**	**87,416**	**209,798**	**9,231,130**	**122.4**	**46,202**	**-**	**2,032,870**	**17.07**	**26**	**148.4**

Delphi Foreclosure Case Weight	44

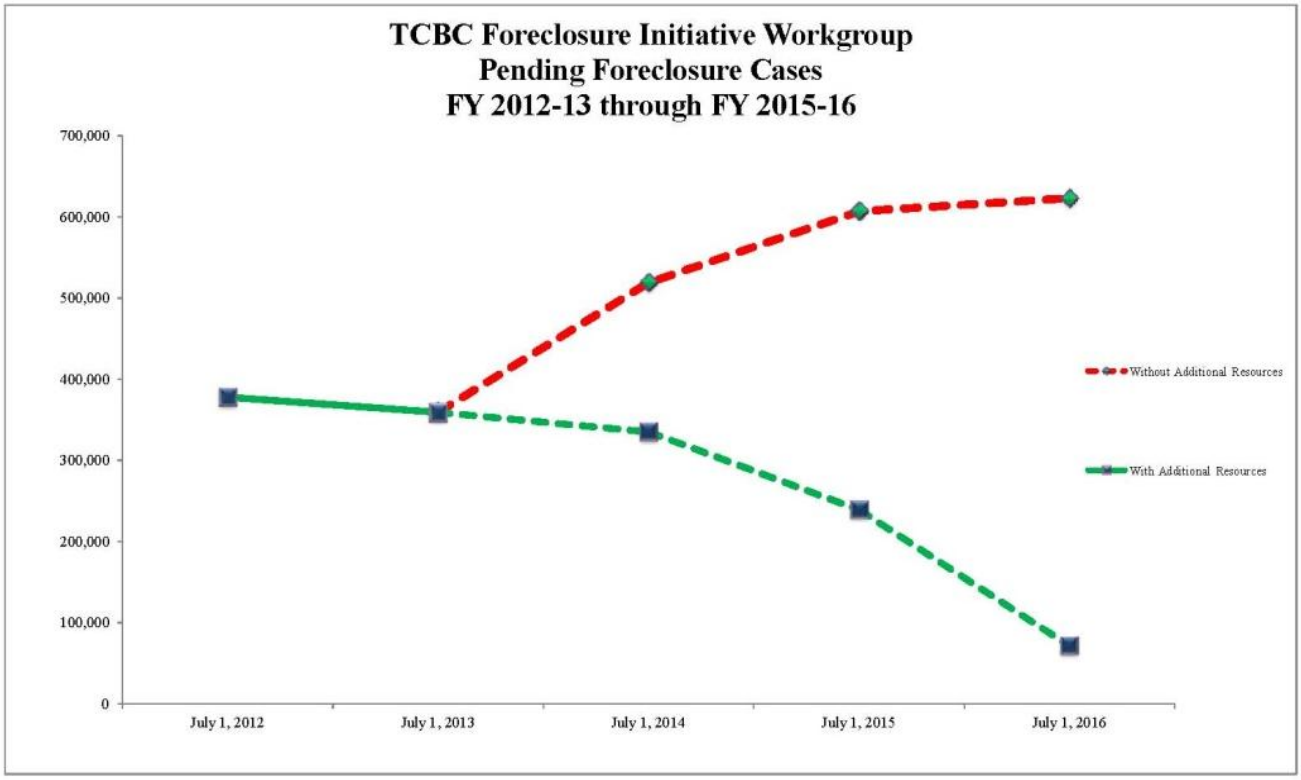
Note: Totals may not be exact due to rounding.

Step 2: Calculation of Case Management Resource Need

The Workgroup decided that in order to accomplish the goal of more active judicial or quasi-judicial case management, additional case managers would be needed for the purposes of contacting plaintiffs and defendants, managing case files, and ensuring that cases are flowing through the judicial system in the most efficient manner. A one-to-one ratio of case managers to FTE judicial resources was utilized to assess the case management resource need. This analysis revealed that an additional 148.5 FTE case managers are needed. These case management resources would replace the current supplemental resources received from the $4.0 million general revenue allocation as well as encompass continuation of the annualized resources from the National Mortgage Foreclosure Settlement funds and additional funding for new case management resources.

Experience has shown that when supplemental funding is made available the courts have been able to dispose of more foreclosure cases than are being filed, thereby reducing the backlog of cases awaiting just and timely resolution. As indicated in Figure 7-3, receipt of the requested resources will enable the courts to continue reducing the backlog over the next three years and return to normal levels of pending cases. If additional resources are not received to address this backlog, pending mortgage foreclosure cases could grow to more than 600,000 in FY 2015/16.

[Figure 7-3]



		FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
1	Est. Pending as of July 1st	377,707	358,852	334,852	238,852
2	Official REC Estimated Filings	200,145	232,000	160,000	88,000
3	Pending Cases Plus Filings	577,852	590,852	494,852	326,852
4	Cases Cleared by Current Resources	72,000	72,000	72,000	72,000
5	Additional Cases Cleared w/ Foreclosure Funding	147,000	184,000	184,000	184,000
6	Est. Pending as of June 30 (w/ Additional Funding)	358,852	334,852	238,852	70,852
7	Est. Pending as of June 30 (w/o Additional Funding)	-	518,852	606,852	622,852

Technology Resources

As the judicial branch moves to full implementation of mandatory electronic filing, a "judicial viewer"[3] will be necessary in order to take full advantage of electronic case files. Judicial viewers will increase the efficiency of judges and court staff in processing mortgage foreclosure cases and satisfy data reporting requirements necessary for effective management oversight. These viewers foster a greater level of efficiency over the current system and facilitate electronic court processes by giving judges and court staff more efficient access to electronic mortgage foreclosure records. The viewers will give judges and staff the ability to produce orders electronically, perform electronic calendaring, serve orders through an electronic process, and generate meaningful case management reports that are not available at this time. Those case management reports will allow the judiciary to better manage mortgage foreclosure cases.

In FY 2012/13, as part of the National Mortgage Foreclosure Settlement, the courts received $3,727,906 for technology resources. As part of the current FY 2013/14 proposal, an additional $5,262,579 in non-recurring funding for technology resources is requested. This funding will allow for further integration, expansion, and enhancement of those technology resources provided in FY 2012/13 and includes requests for hardware, software licenses, electronic storage, and programming/integration with the clerks of court systems as shown in Figure 7-4.

A local approach was used to identify the technology resources necessary to aid efforts to reduce the mortgage foreclosure case backlog. Circuits were surveyed to estimate costs required to develop technology solutions that would further enhance case management practices. Criteria for approval of the individual circuit requests were the same as those used to request technology funds received from the FY 2012/13 National Mortgage Foreclosure Settlement Fund. Information technology staff in the Office of the State Courts Administrator reviewed each circuit's proposal to determine if the request was consistent with estimated hardware, software, and programming costs, taking into account regional marketplace variations. The judicial viewer selected by each circuit determined the amount of funding that was approved. Regardless of whether the circuit selected a vender-developed or in-house system, the court will likely incur license, integration, implementation, training, and hardware costs. A detailed list of technology resources requested by each circuit is included in Appendix F.

[3] A judicial viewer is a web-based application that provides judges and court staff with rapid and reliable access to case information and allows them to work on cases electronically in the courtroom or from any location and across many devices.

[Figure 7-4]

State Courts System - Trial Courts
National Mortgage Foreclosure Settlement Funds
Technology Request Summary
FY 2013/14

Circuit	Hardware	Software Licenses	Electronic Storage	Programming/ Integration with Clerks' Systems	**FY 2013/14 Technology Resources Requests**	**FY 2012/13 Technology Resources Allocated to the Circuits**
1	$61,500	$135,560	$12,000	$101,100	$310,160	308,022
2	$200,000	$0	$0	$142,000	$342,000	142,380
3	$0	$0	$0	$0	$0	0
4	$0	$0	$0	$0	$0	276,750
5	$0	$746,104	$0	$45,000	$791,104	124,890
6	$0	$0	$0	$70,000	$70,000	306,000
7	$109,000	$180,300	$0	$285,000	$574,300	0
8	$100,000	$0	$0	$300,000	$400,000	158,096
9	$0	$0	$0	$0	$0	435,790
10	$0	$0	$0	$40,000	$40,000	70,000
11	$248,000	$405,675	$250,000	$470,000	$1,373,675	24,700
12	$0	$0	$0	$0	$0	0
13	$0	$0	$0	$57,090	$57,090	295,770
14	$87,750	$44,500	$60,000	$80,000	$272,250	1,450
15	$13,500	$0	$0	$156,000	$169,500	211,248
16	$0	$0	$0	$10,000	$10,000	181,946
17	$111,000	$0	$0	$389,000	$500,000	411,220
18	$60,000	$55,000	$0	$120,000	$235,000	5,100
19	$7,500	$0	$0	$110,000	$117,500	284,500
20	$0	$0	$0	$0	$0	490,044
TOTAL	**$998,250**	**$1,567,139**	**$322,000**	**$2,375,190**	**$5,262,579**	**3,727,906**

Total Funding Proposal

The funding proposal, including workforce and technology resources, totals $35,019,015 over the next three fiscal years. Due to limitations in space and resource capacity in the trial courts and given the official forecast, which projects that foreclosure filings will not return to normal levels until FY 2016/17, it is not feasible to expect that the courts could dispose of the current backlog of foreclosure cases in a single year. Additionally, funding the initiative over a period of three fiscal years provides the trial courts with the ability to attract and retain more qualified employees by offering longer term employment, a problem many circuits have faced when provided with short-term funding.

The amended FY 2013/14 LBR proposal includes $9,918,812 for judicial and case management resources and $5,262,579 for a one time funding of technology hardware, software, electronic storage, and programming/integration costs, totaling $15,181,391. For both FY 2014/15 and FY 2015/16, the amended LBR proposal includes a continuation of the $9,918,812 for judicial and case management resources (see Figure 7-5).

The Workgroup also recommends that the funds be appropriated to a lump sum category. The courts would then submit a Foreclosure Backlog Reduction Initiative funding proposal via budget amendment each year to transfer funds from the lump sum category to operating categories with approval of the Joint Legislative Budget Commission. This provides an opportunity for pending case data to be analyzed annually and ensures resources are directed accordingly.

[Figure 7-5]

TCBC Foreclosure Initiative Workgroup

Estimated 256,000 Dispositions Per Year
Based on Official Delphi Weight of 44 minutes per Foreclosure
Current Civil Judges - 158 FTE's

Estimated Judicial Resources Dedicated to Foreclosure Initiative

FTEs		Sr. Judge Days	Budget
Based on Actual Dispositions in FY 12/13 Annualized = 122.4 FTE's	1) Existing Sitting Judges	-	-
	2) Existing Senior Judges		
	3) Existing County Funded Resources		
	4) $4 Million Foreclosure Initiative Senior Judges	4,970	$1,764,766
	(**210,000** Estimated Dispositions)		
12.8	5) $5 Million Settlement Fund Annualized Senior Judges (Additional **9,000** Est. Dispositions; **21,000** Est. Dispositions Annualized)	3,183	$1,130,113
13.2	6) New Request for Additional Senior Judge/GM's (Additional **25,000** Estimated Dispositions)	3,265	$1,159,271
148.5	7) Total Judicial FTE Equivalent Resources Needed	-	-
-	8) Total New Judicial Resources Needed FY 2013-14 (**256,000** Total Estimated Dispositions)	11,418	$4,054,150

Estimated Case Management Resources Dedicated to Foreclosure Initiative

57.2	9) $4 Million Foreclosure Initiative Case Managers (**210,000** Estimated Dispositions)	-	$2,108,130
46.1	10) $5 Million Settlement Fund Annualized Case Managers (Additional **9,000** Est. Dispositions; **21,000** Est. Dispositions Annualized)	-	$1,699,322
45.2	11) New Request for Additional Case Managers at 1:1 Ratio (Additional **25,000** Estimated Dispositions)	-	$1,666,555
148.5	12) Total Case Management Resources Needed FY 2013-14 (**256,000** Total Estimated Dispositions)	-	$5,474,007
13) Expense Dollars Dedicated to Foreclosure Initiative			$390,654
14) Additional Technology Dollars Dedicated to Foreclosure Initiative			$5,262,579
15) Total Need for FY 13/14			**$15,181,391**
16) Total Need for FY 14/15			**$9,918,812**
17) Total Need for FY 15/16			**$9,918,812**

Note: Totals may not be exact due to rounding.

Note: Does not account for costs that may be associated with providing healthcare coverage under the Affordable Care Act, due to the uncertainties of provisions related to temporary employees.

Process Improvements

To complement the previously described budgetary solutions and to ensure that workforce and technology resources are utilized in the most efficient and effective manner, the Workgroup also developed recommendations to improve the processing of foreclosure cases through the court system. These recommendations are comprised of a proposed statutory change, a proposed rule change, and proposed administrative orders.

Statutory Change
Continue to support adoption of revisions to Chapter 121, Florida Statutes, that would allow newly retired judges to serve as senior judges without a one-year waiting period.
Rule Change - Emergency Amendments by Court
Revise rule 1.490, Florida Rules of Civil Procedures, to allow for referral of residential mortgage foreclosure cases to a general magistrate with implied consent of the parties. This approach is similar to rule 12.490, Florida Family Law Rules of Procedure.
Supreme Court Administrative Orders
Require each circuit to establish a case management plan, consistent with rule 2.545, Florida Rules of Judicial Administration, to optimize court usage of existing and additional resources in the resolution of foreclosure cases. In order to advance mortgage foreclosure cases to resolution as soon as is reasonably and justly possible, the case management plans at a minimum should employ case management procedures that identify older cases and direct them to timely resolution, expedite resolution of uncontested cases, and implement docket control policies as necessary. Circuit plans should address local variances and include processes for early and continuous monitoring and judicial control of the court calendar, identification of cases subject to alternative dispute resolution processes, and rational and effective trial setting policies. Such plans must ensure strict compliance with rule 2.545(e), Florida Rules of Judicial Administration, regarding continuances. Additionally, plans should monitor time to disposition, age of pending cases, and clearance rates. Directs clerks of court to identify foreclosure cases by Summary Reporting System (SRS) categories and collect the data necessary to report the following performance indicators: (1) time from filing until disposition; (2) age of pending cases; and (3) clearance rates. Further, the status of pending foreclosure cases should be identified as either active or inactive.
Direct Court Education within the Office of the State Courts Administrator to develop and provide an educational program to facilitate the statewide implementation of this Foreclosure Backlog Reduction Plan through the training of a core team of participants from each circuit. Exempt magistrates who are assigned to residential mortgage foreclosure cases from the Florida Judicial College (FJC) education requirements. Such exemption should expire if the magistrate becomes a permanent employee of the State Courts System or begins handling cases other than foreclosures. For magistrates who are assigned to residential mortgage foreclosure cases exclusively, Court Education within the Office of the State Courts Administrator should be directed to develop a condensed version of the FJC general magistrate education program and present such training in conjunction with the Foreclosure Backlog Reduction Plan implementation training program.

Suggested Docket Control Policies

As noted above, the Workgroup recommends that case management plans be developed within each circuit. These plans should include docket control policies to advance foreclosure cases to ensure resolution as soon as it is reasonably and justly possible. Suggested docket control policies developed by the Workgroup based on circuit input from the interview questions include but are not limited to:

- Schedule initial case management conferences promptly to: (1) Determine quality and/or deficiencies of required paperwork; and (2) identify key personnel at law firms and loss mitigation departments for future case monitoring needs.
- Establish procedures for monthly case monitoring.
- Notice cases for dismissal for failure to prosecute in accordance with rule 1.420(e), Florida Rules of Civil Procedures.
- Coordinate with clerks of court to ensure that disposed and/or inactive cases are accurately reported (for example, a stamp indicating a case is closed).
- Limit telephonic appearances.
- Offer electronic scheduling to reduce paperwork.
- Apply a uniform policy for case continuances (for example, a circuit may consider assigning one judge to hear all continuances).
- Require a motion to cancel sale or reschedule foreclosure sale to be signed by the party and that documentation supporting grounds for the motion be attached.
- Reschedule sale dates at the time of cancellation.

Training and Educational Components

The Workgroup recognized the importance of continuing education regarding foreclosure procedures, within each circuit and statewide. The Workgroup recommends the following training and educational components for those individuals involved in the foreclosure process.

Statewide Training for Foreclosure Backlog Reduction Plan Implementation

If the Workgroup's recommendations are approved and funded, the trial courts will augment existing case management resources with 45 new foreclosure case managers, for a total of 148 case managers dedicated to the Foreclosure Backlog Reduction Plan statewide in the first year. Additionally, circuits that implement the Plan using general magistrates to hear foreclosure cases may hire as many as 50 to 100 new magistrates. Moreover, full implementation of the Plan will require judges, general magistrates, and case managers to

deploy case management procedures with new personnel, technology resources, performance measures, and reporting requirements.

Training and education will be necessary for the judiciary, existing court staff, and newly hired general magistrates and case managers to ensure that they have the essential information and skills to implement the Plan and fulfill their duties. The Workgroup recommends that the Office of Court Education within the Office of the State Courts Administrator collaborate with a faculty trained judge who is selected by the Chair of the Trial Court Budget Commission to develop an educational program that will be presented in late Summer or early Fall 2013, for a core Foreclosure Backlog Reduction Plan team from each circuit.

To facilitate the statewide implementation of the Foreclosure Backlog Reduction Plan, including the uniform performance measure reporting, each circuit's core team should include at least one circuit civil judge and one case manager, as well as at least one senior judge and one general magistrate if the circuit intends to have them hear foreclosure cases. The Workgroup recommends that chief judges work with their Foreclosure Backlog Reduction Plan teams to disseminate within each circuit the information and materials gleaned from the late summer/early fall educational event. The teams should fulfill a leadership role as the circuits implement case management procedures at the local level.

General Magistrate Education

In accordance with *In re: 2013 Florida Judicial College*, Administrative Order No. AOSC12-53 (Fla. Oct. 9, 2012), new general magistrates are required to attend both phases of the Florida Judicial College (FJC) within their first year of service as a general magistrate. As discussed above, the Foreclosure Backlog Reduction Plan may add 50 to 100 new full- or part-time magistrates to the court system workforce in 2013. These new magistrates would begin hearing foreclosure cases after July 1, 2013. The Workgroup recommends that magistrates who are hearing residential foreclosure cases exclusively be exempted from the FJC education requirements unless and until they become permanent employees or begin handling cases other than mortgage foreclosures, at which point the magistrates would be required to attend the next FJC. For now, however, a condensed version of the FJC general magistrate education program should be developed for Foreclosure Backlog Reduction Plan magistrates and presented in conjunction with the Foreclosure Backlog Reduction Plan implementation training described above.

The Workgroup anticipates that expense dollars from the Foreclosure Backlog Reduction Plan, if funded by the Florida Legislature, will be sufficient to pay for the training and education described above.

Outreach to Stakeholders through Local Training

Many circuits reported that they have successfully hosted meetings and developed educational tools for local attorneys and litigants concerning foreclosure procedures. The Workgroup encourages the continued development and implementation of such services.

Information Needs

Real Time Case Data

In order to improve efficiencies in processing of foreclosure cases, the Workgroup recognized that judges and court staff need access to accurate, real time case information. In its budget proposal, the Workgroup requested that judicial viewers be funded and implemented across the state.

A judicial viewer is a web-based application that allows judges and court staff to work on cases from any location and across many devices. The viewer provides judges with rapid and reliable access to case information. A viewer allows judges to access and use information electronically in the courtroom and provides the judges and courtroom staff with the ability to prepare, electronically sign, file and serve orders in court, and have the information immediately entered into the clerk's case maintenance system.

The successful implementation of the judicial viewer is contingent upon both the availability and the quality of the clerks' case data. In order to track the progress of the cases and develop performance reports, the trial courts will need to integrate with the clerks' case maintenance data systems. This integration could be accomplished by accessing the clerks' systems directly or setting up a replicate database with regular updates of current data. This interface will provide the judicial viewers with the case data needed to perform judicial tasks as well as developing reports. In order to ensure comprehensive reporting function via the judicial viewer, it is imperative that specific data be captured in the clerks' systems and transferred or made available to the judicial viewer.

The Workgroup acknowledges that implementation of the judicial viewers will be an on-going and collaborative project with the clerks of court. The clerks' focus will be on case file work, data collection and reporting, and post adjudication work. Moreover, the courts recognize that the clerks may need additional funds in order to enhance their capacity to assist and support the courts. Accordingly, the Workgroup endorses the clerks' pending request for financial support from the National Mortgage Foreclosure Settlement funds in order to enhance the clerks' capacity to assist and support the courts.

Performance Indicators

The Workgroup identified specific statistics that can be used to determine whether court resources are being used efficiently. The Workgroup recommends data for the following three nationally recognized statistics be collected, calculated, and reported by judge, by circuit, and on a statewide level:

(1) **Time to Disposition** - This statistic measures the length of time between filing and dispositions and is presented as a percentage of cases that have been resolved within established time frames.

(2) **Age of Pending Cases** - This statistic measures the age of the active cases that are pending before the court.

(3) **Clearance Rate** - This statistic measures the ratio of dispositions to new case filings and assesses whether the court is keeping up with its incoming caseload.

The data used to calculate these statistics is already collected by the clerks of court as required by: (1) the Summary Reporting System (SRS) pursuant to section 25.075, Florida Statutes, and further specified in rule 2.245, Rules of Judicial Administration and the SRS manual (January 2002), and (2) the Pending Caseload Report pursuant to rule 2.250, Rules of Judicial Administration.

The judge's name, date of filing, date of disposition, status of the case, SRS case type, and type of disposition must be readily and accurately available in the clerks' system so that reports tracking the recommended performance indicators can be created. In addition, cases need to be identified as either active or inactive. On February 1, 2013, the Court Statistics and Workload Committee of the Commission on Trial Court Performance and Accountability adopted definitions regarding case status (see Appendix G for decisions made at the February 1, 2013 meeting of that Committee).

A judicial viewer can be used to track the three performance indicators by identifying clearance rates and pending cases by case type, cases on a particular calendar, and those cases that have not had any activity within a year. Ultimately, judicial viewers will be able to capture this information for the individual judges, as well as at the circuit level. Until the judicial viewers are fully implemented, a temporary solution is needed to report the identified performance measures on a monthly basis to each Chief Judge in the circuit and the Office of the State Courts Administrator. Accordingly, the clerks should ensure all data is captured to produce these reports, and adequate clerk resources should be dedicated to ensuring that it is available and accurate.

APPENDICES

A. **Filings and Reopens**

B. **FY 2012/13 Foreclosure Backlog Reduction Initiative Status Report**

C. **Project Timeline**

D. **Dismissals**

E. **Interview Questions**

F. **Technology Detail by Circuit**

G. **Commission on Trial Court Performance and Accountability, Court Statistics and Workload Committee decision, February 1, 2013**

Appendix A

SRS - Real Property/Mortgage Foreclosure Filings and Reopenings (official statistics)

	FY 2005-06		FY 2006-07		FY 2007-08		FY 2008-09		FY 2009-10		FY 2010-11		FY 2011-12	
Circuit	Filed	Reopened	Filed	Reopened	Filed	Reopened	Filed	Reopened	Filed	Reopened	Filed	Reopened	Filed	Reopened
1	1,623	677	3,190	737	6,113	1,001	8,416	1,806	8,290	2,349	4,162	2,508	5,325	2,411
2	1,052	453	1,361	508	2,079	435	2,931	630	3,063	596	1,781	437	2,322	581
3	476	91	619	103	900	86	1,159	98	1,286	213	778	178	914	158
4	5,174	4,263	6,505	2,984	10,742	2,230	16,194	4,123	15,377	8,365	8,532	7,152	10,506	5,474
5	3,411	1,658	5,176	1,457	12,176	2,040	17,001	4,431	15,313	8,439	8,699	7,682	10,251	5,872
6	4,633	2,662	8,225	2,206	17,877	2,846	23,918	4,231	22,148	6,258	11,128	6,231	14,057	6,712
7	3,043	1,991	4,961	1,623	10,732	2,177	15,351	3,530	14,843	6,133	7,236	5,657	9,208	4,670
8	894	542	1,105	347	1,554	403	2,287	676	2,580	984	1,572	1,153	1,929	921
9	5,665	3,533	9,920	2,847	26,827	3,277	41,489	10,546	34,413	28,456	14,806	23,334	17,417	20,529
10	2,579	1,823	4,055	1,449	8,978	1,620	11,982	2,904	11,054	7,146	5,055	5,910	6,545	4,204
11	6,968	4,754	16,656	5,410	40,549	8,713	65,826	12,407	51,231	25,042	21,155	31,219	24,609	27,311
12	1,554	955	3,353	844	11,598	2,276	15,374	3,844	12,824	4,767	5,882	5,979	7,114	5,320
13	3,958	3,092	6,582	2,363	16,436	2,805	22,886	4,365	19,226	4,146	8,857	4,807	10,396	3,023
14	730	293	1,226	290	2,249	358	3,152	668	3,545	1,141	1,970	1,104	2,276	995
15	3,388	1,505	8,414	1,411	22,211	1,974	31,858	3,482	25,236	6,551	11,623	20,130	13,503	13,389
16	197	22	532	26	1,101	65	1,737	165	1,419	487	634	536	735	476
17	5,083	2,488	12,685	2,889	33,917	4,941	51,668	8,978	40,669	25,182	18,173	38,889	20,652	30,580
18	2,380	1,512	4,925	1,315	12,397	2,069	17,375	4,216	16,158	5,498	7,772	6,654	10,028	7,384
19	1,213	399	3,621	568	11,128	428	13,796	1,260	11,702	3,930	5,013	5,350	6,212	3,721
20	3,251	683	9,729	1,041	34,702	2,518	39,077	10,201	27,196	18,917	10,766	16,545	12,652	12,338
Total	**57,272**	**33,396**	**112,840**	**30,418**	**284,266**	**42,262**	**403,477**	**82,561**	**337,573**	**164,600**	**155,594**	**191,455**	**186,651**	**156,069**
% Reopens		58.3%		27.0%		14.9%		20.5%		48.8%		123.0%		83.6%

FY 2012/13 Foreclosure Backlog Reduction Initiative
July 2012 through February 2013 Status Report
Real Property/Mortgage Foreclosure Estimated Pending Cases
By Circuit, As of February 2013

Circuit	Estimated Pending Cases as of June 30, 2012[1]	July 2012 through February 2013 Filings	July 2012 through February 2013 Dispositions	Estimated Pending Cases as of February 28, 2013[2]
1	9,929	3,879	3,369	10,439
2	3,463	1,872	1,469	3,866
3	1,260	667	458	1,469
4	19,742	7,481	5,619	21,604
5	14,686	7,116	6,868	14,934
6	28,806	9,780	9,632	28,954
7	18,462	6,099	6,155	18,406
8	1,902	1,609	1,705	1,806
9	33,512	11,348	13,572	31,288
10	9,171	4,678	4,511	9,338
11	52,211	18,031	26,700	43,542
12[3]	16,629	4,614	5,470	15,773
13	27,939	7,209	10,581	24,567
14	3,400	1,648	1,527	3,521
15	32,977	9,296	11,476	30,797
16	1,723	487	524	1,686
17	45,118	13,734	15,157	43,695
18	27,723	6,758	7,955	26,526
19	13,699	4,277	6,105	11,871
20	15,355	8,137	8,900	14,592
Total	**377,707**	**128,720**	**147,753**	**358,674**

[1] Estimated Pending Cases as of June 30, 2012 was determined by subtracting the number of SRS Real Property/Mortgage Foreclosure dispositions from the number of filings from July 1, 2006 through June 30, 2012.

[2] Estimated Pending Cases as of February 28, 2013 was determined by subtracting the number of July 2012 through February 2013 Dispositions from the sum of Estimated Pending Cases as of June 30, 2012 and July 2012 through February 2013 Filings.

[3] Circuit 12 is missing Desoto County for February 2013.

FY 2012/13 Foreclosure Backlog Reduction Initiative
July 2012 through February 2013 Status Report
Real Property/Mortgage Foreclosure Dispositions
By Circuit and Disposition Type, July 2012 through February 2013

Circuit	Dismissed[1]	Disposed by Judge[2]	Disposed by Jury Trial	Disposed by Other[3]	Total Disposed
1	1,228	2,096	0	45	3,369
2	466	962	1	40	1,469
3	155	289	0	14	458
4	2,045	3,432	0	142	5,619
5	2,455	4,348	0	65	6,868
6	4,437	5,142	0	53	9,632
7	2,390	3,440	1	324	6,155
8	606	1,038	2	59	1,705
9	6,364	6,920	9	279	13,572
10	1,990	2,437	2	82	4,511
11	11,949	14,333	16	402	26,700
12 [4]	2,112	3,308	4	46	5,470
13	4,441	6,080	1	59	10,581
14	410	1,052	0	65	1,527
15	5,031	6,235	3	207	11,476
16	274	233	0	17	524
17	6,924	8,155	16	62	15,157
18	2,748	5,147	6	54	7,955
19	2,375	3,692	7	31	6,105
20	3,834	4,985	1	80	8,900
Total	**62,234**	**83,324**	**69**	**2,126**	**147,753**

[1] Dismissed includes dismissed before hearing and after hearing.

[2] Disposed by Judge includes disposed by default, judge, and non jury trial.

[3] Disposed by Other includes cases that are consolidated into a primary case, transferred or have a change of venue, etc.

[4] Circuit 12 is missing Desoto County for February 2013.

FY 2012/13 Foreclosure Backlog Reduction Initiative

July 2012 through February 2013 Status Report

Real Property/Mortgage Foreclosure Dispositions[1]

By Circuit and Month

Average Monthly Dispositions FY 2011-12 and July 2012 through February 2013

Circuit	Average Monthly Dispositions FY 2011-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13
1	339	340	410	299	416	454	421	531	498
2	154	188	172	136	182	200	164	213	214
3	48	52	57	56	47	58	39	78	71
4	519	495	642	682	675	629	802	692	1,002
5	659	710	801	708	923	932	877	947	970
6	1,074	1,261	1,510	787	1,575	889	977	1,366	1,267
7	623	794	870	563	809	748	691	838	842
8	123	177	382	261	188	263	174	104	156
9	1,292	1,478	1,494	1,244	1,920	1,649	1,226	2,212	2,349
10	471	476	594	413	601	479	562	669	717
11	2,878	2,456	2,853	2,556	4,055	3,481	3,068	4,342	3,889
12 [2]	536	549	582	640	833	561	765	805	735
13	990	1,523	1,134	1,301	1,116	1,311	1,376	1,387	1,433
14	182	196	201	185	226	200	135	199	185
15	1,051	1,355	1,495	1,066	1,521	1,440	1,586	1,401	1,612
16	64	48	73	62	77	59	62	73	70
17	1,613	1,643	1,631	1,654	2,168	1,712	1,806	2,217	2,326
18	662	903	1,097	768	1,077	903	855	1,227	1,125
19	558	820	738	535	793	828	1,052	754	585
20	883	1,030	990	1,064	1,152	1,106	1,031	1,283	1,244
Total	**14,717**	**16,494**	**17,726**	**14,980**	**20,354**	**17,902**	**17,669**	**21,338**	**21,290**

[1] The statistics provided above were extracted from Summary Reporting System (SRS) dynamic database and may be amended by the Clerk of Court.

[2] Circuit 12 is missing Desoto County for February 2013.

FY 2012/13 Foreclosure Backlog Reduction Initiative

July 2012 through February 2013 Status Report

Real Property/Mortgage Foreclosure Filings[1]

By Circuit and Month

Average Monthly Filings FY 2011-12 and July 2012 through February 2013

Circuit	Average Monthly Filings FY 2011-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13
1	444	485	589	443	598	405	447	483	429
2	194	243	263	189	246	327	169	241	194
3	76	95	103	64	88	68	72	101	76
4	876	980	1,158	834	988	800	838	993	890
5	854	948	1,056	807	1,026	830	795	858	796
6	1,171	1,318	1,394	1,141	1,370	1,145	1,024	1,331	1,057
7	767	810	895	633	855	689	729	825	663
8	161	197	259	161	212	180	190	224	186
9	1,451	1,463	1,759	1,274	1,609	1,266	1,313	1,418	1,246
10	545	673	714	531	629	523	523	583	502
11	2,051	2,585	2,700	2,092	2,434	2,154	2,024	2,171	1,871
12 [2]	593	608	577	586	650	574	520	606	493
13	866	980	1,069	817	999	904	734	890	816
14	190	256	249	198	193	186	209	177	180
15	1,125	1,118	1,387	1,076	1,296	1,139	1,088	1,221	971
16	61	62	73	54	66	54	75	56	47
17	1,721	1,769	2,074	1,596	1,930	1,525	1,560	1,703	1,577
18	836	868	1,004	785	959	850	688	843	761
19	518	578	648	471	641	491	491	526	431
20	1,054	1,076	1,261	963	1,248	938	841	1,002	808
Total	**15,554**	**17,112**	**19,232**	**14,715**	**18,037**	**15,048**	**14,330**	**16,252**	**13,994**

[1] The statistics provided above were extracted from Summary Reporting System (SRS) dynamic database and may be amended by the Clerk of Court.

[2] Circuit 12 is missing Desoto County for February 2013.

TCBC Foreclosure Initiative Workgroup
Project Timeline January - April 2013

Jan. 7th	At the Trial Court Budget Commission (TCBC) meeting, the Chair establishes the Foreclosure Initiative Workgroup with the charge of developing a supplemental legislative budget request for resources to support the goal of bringing foreclosure cases in-line with the state time standard and clearance rates while ensuring the due process rights of the litigants.
Jan. 23rd	Initial TCBC Foreclosure Initiative Workgroup conference call is held to (1) approve the project outline; (2) discuss background information from previous projects; (3) approve the use of interview questions to collect input from judges, general magistrates, law clerks, and case managers currently working on foreclosure cases in all 20 judicial circuits.
Jan. 30th	TCBC Foreclosure Initiative Workgroup holds an in-person meeting in Orlando to (1) identify the top problems causing delays and identify the top possible solutions, in the form of statutory / rule changes and policies, to improve the flow of cases; (2) determine a statewide funding methodology to calculate additional workforce resources and local solutions for technology resources.
Feb. 5th	TCBC Foreclosure Initiative Workgroup conference call to discuss (1) the results of the statewide funding formula for workforce resources and circuit requests for technology resources; (2) refine the list of potential process improvements.
Feb. 14th	TCBC Foreclosure Initiative Workgroup conference call to (1) approve final funding proposal for workforce and technology resources and (2) approve final recommendations for statutory changes, rule changes, administrative orders, and policies.
Feb. 18th	Final funding proposal presented to the TCBC Executive Committee. Committee approved submitting funding proposal to the Supreme Court.
Feb. 20th	Final funding proposal submitted to the Supreme Court for consideration at Court Conference.
April 1st - 5th	Submit draft report, draft administrative orders, and draft rule to the Workgroup.
April 8th	Present final report to the Trial Court Budget Commission for approval.
April 10th	Submit final report, draft rule, and draft administrative orders to the Supreme Court.
April 17th	Supreme Court Conference.

Summary Reporting System (SRS)
Real Property/Mortgage Foreclosure, Dismissals as a Percent of Total Dispositions
By State, Calendar Year 2007 to Calendar Year 2012, and January 2013*

	Dismissals as a Percent of Total Dispositions						
Month	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**
January	41.6%	29.3%	25.2%	28.0%	66.5%	53.4%	40.7%
February	42.2%	29.4%	29.6%	29.4%	66.3%	49.6%	
March	40.6%	29.6%	26.0%	31.9%	67.0%	46.7%	
April	39.0%	26.2%	30.6%	31.8%	61.5%	47.7%	
May	41.9%	27.4%	36.4%	30.6%	64.5%	45.7%	
June	36.6%	26.2%	34.7%	32.7%	61.0%	47.4%	
July	38.6%	28.3%	32.6%	38.2%	66.0%	44.8%	
August	35.0%	28.8%	31.4%	36.3%	59.4%	46.0%	
September	32.4%	26.0%	35.5%	33.5%	56.2%	43.7%	
October	32.0%	23.2%	33.7%	50.5%	61.0%	39.6%	
November	29.8%	23.7%	33.8%	62.5%	51.9%	41.1%	
December	33.4%	28.1%	30.5%	62.1%	56.6%	39.7%	
Total	**36.4%**	**26.9%**	**31.8%**	**37.2%**	**61.8%**	**45.1%**	**40.7%**

* The statistics provided above were extracted from a dynamic data base and may be amended by the Clerk of Court.

Prepared by OSCA, Statistics and Evaluation
Data as of 3/21/2013

TCBC Foreclosure Initiative Workgroup
Interview Questions for Civil Judges/Magistrates/Case Managers/Law Clerks

Circuit:
Judge/Magistrate/Case Manager/Law Clerk:

1. Please describe the current major problems associated with processing foreclosure cases through the judicial system. What is not working?

2. Are you continuing to see problems with the paperwork being filed in foreclosure cases? How are these problems addressed?

3. What are the reasons for a request for continuance?

4. What are the reasons for a request for cancellation of sale?

5. When a summary judgment is requested, what is the average time between a request and a hearing?

6. Please describe the current strategies used by your circuit to reduce the foreclosure backlog.

7. What policies have been adopted to enhance the processing of foreclosure cases through the system?

8. Has your circuit implemented other new/special procedures to assist in improving effectiveness and efficiency in addressing the backlog as well as new incoming cases?

9. Do you collect and monitor data to assess foreclosure case processing results?

10. If your circuit were to receive additional resources, what resources would you choose and how would you utilize them?

Appendix F

State Courts System - Trial Courts
National Mortgage Foreclosure Settlement Funds
Technology Request Detail
Fiscal Year 2013-2014

Circuit	Requested Resources	Requested Amount	Total Amount
1	To implement and install aiSmartBench Judicial Viewer in Escambia County		
	Hardware:		
	Database server	$12,500	
	Application server	$4,000	
	PC equipment	$45,000	
	Software Licenses:		
	aiSmartBench licenses 15 Judges @ $5,244/15 support staff @ $2,460	$115,560	
	Firewall (x2)	$20,000	
	Electronic Storage:		
	Storage Array	$12,000	
	Integration/Programming:		
	Network switch and configuration	$5,000	
	Software installation	$1,400	
	System configuration	$5,600	
	Integration testing	$4,200	
	Core templates	$7,000	
	Template training	$2,800	
	Admin and IT training	$2,000	
	Train-the-Trainer	$2,800	
	Judge Training	$4,200	
	Go-Live support	$8,000	
	Conversion process from Benchmark	$8,000	
	Backfile setup	$2,800	
	Backfile processing of existing images	$40,300	
	Travel and expenses	$5,000	
	UPS	$2,000	
1st Total		**$310,160**	**$310,160**

Appendix F

State Courts System - Trial Courts
National Mortgage Foreclosure Settlement Funds
Technology Request Detail
Fiscal Year 2013-2014

Circuit	Requested Resources	Requested Amount	Total Amount
2	To continue implementation of a circuit wide Mentis Solution		
	Hardware:		
	2 Servers - Database and Replicated Database (8) logical CPUs 24 GB of RAM	$200,000	
	2 Servers - Application/Web (4) logical CPUs 16 GB of RAM		
	2 Servers - Application (4) logical CPUs 8 GB of RAM		
	Includes: external hard drives, computers, monitors, printers, routers, firewalls, switches		
	High-resolution and touchscreen monitors are suggested.		
	Leon County will host circuit-wide servers for the six counties. The servers will be physical		
	devices, rather than virtual servers. A Mentis service application will be installed on		
	existing hardware at each outlying county, to perform integration/synchronization services.		
	Integration/Programming:		
	Application Support Analyst-1 OPS Position	$67,000	
	To deliver support to end users in the organization about how to use the		
	software programs efficiently and effectively in fulfilling court objectives.		
	Renovation/addition of server rooms in five counties:	$75,000	
	Jefferson/Wakulla/Franklin/Liberty/Gadsden		
2nd Total		**$342,000**	**$342,000**
3	No Additional Technology Funds Requested	**$0**	**$0**
4	No Additional Technology Funds Requested	**$0**	**$0**
5	To install and implement aiSmartBench judicial viewer in all five		
	counties. Initial request for FY12-13 funding was to implement ICMS,		
	however, an internal decision was made to move forward with Mentis		
	aiSmartBench solution circuit wide utilizing FY12-13 funds and this year's request.		
	Software:		
	Mentis aiSmartBench	$746,104	
	(to include software licenses & installation for all counties except for Lake)		
	Integration/Programming:		
	OPS Data Processing & User Support Analyst	$45,000	
5th Total		**$791,104**	**$791,104**

Appendix F

State Courts System - Trial Courts
National Mortgage Foreclosure Settlement Funds
Technology Request Detail
Fiscal Year 2013-2014

Circuit	Requested Resources	Requested Amount	Total Amount
6	Implement Judicial Automated Workflow System (JAWS) in the Sixth Circuit		
	Integration/Programming:		
	173 hours per month=519 hours @$110/hr = 57,090	$60,000	
	Using the 13th Circuits estimate of approximately $60,000 to integrate with Clericus. Once this is done other Circuits using Clericus and JAWS should only have to pay for integration costs.		
	Because the estimate above covers the changes to the JAWS application and the integration to Odyssey we would most likely only need to pay for the integration to Odyssey. We are estimating a cost of less than $10,000.	$10,000	
6th Total		**$70,000**	**$70,000**
7	To implement Mentis Solution in the Seventh Circuit		
	Hardware:		
	Servers (3) @ $26,000	$78,000	
	Server (1) @ $31,000	$31,000	
	Software Licenses:		
	Flagler County (2) Judges & (2) Clerks	$30,050	
	Putnam County (1) Judge & (1) Clerk	$15,025	
	St. Johns County (3) Judges & (3) Clerks	$45,075	
	Volusia County (6) Judges & (6) clerks	$90,150	
	Integration/Programming:		
	Implementation Services (3) counties @ $40, 000	$120,000	
	Implementation Services (1) county/Flagler @ $20,000	$20,000	
	Backfile processing (1) county/Volusia @ $46,000	$46,000	
	Backfile processing (3) counties @ $25,000	$75,000	
	Integration Validation (3) counties @ $8,000	$24,000	
7th Total		**$574,300**	**$574,300**

Appendix F

State Courts System - Trial Courts
National Mortgage Foreclosure Settlement Funds
Technology Request Detail
Fiscal Year 2013-2014

Circuit	Requested Resources	Requested Amount	Total Amount
8	Continue programming for Integrated Case Management System (ICMS) in the Eighth Circuit		
	Integration/Programming:		
	Programmer $100/hour	$300,000	
	Advance ICMS 3.0 towards full TIMS CAPS compliance		
	Hardware:		
	Low profile touch screen monitors $600 x 86	$51,600	
	Judicial workstations $1,200 x 28	$36,400	
	Docking station $100 x 56	$5,600	
	Power Supplies $100 x 56	$5,600	
	Peripherals (Mice, Keyboards) $28.50 x 28	$800	
8th Total		**$400,000**	**$400,000**
9	No Additional Technology Funds Requested	**$0**	**$0**
10	To implement Integrated Case Management System (ICMS) in the Tenth Circuit		
	Integration/Programming:		
	Programmer $100/hour @400 hours	$40,000	
	To assess and build the requested data elements and functionality that are not already in the existing case management systems.		
	This will allow us to make the necessary adjustments to the different systems we have in Polk/Highlands/Hardee Counties		
10th Total	No Additional Technology Funds Requested	**$40,000**	**$40,000**
11	To implement JAWS and Mentis Solution in the Eleventh Circuit		
	Because the scalability of the JAWS and Mentis applications are not yet known, we are sizing the hardware based on currently observed sizing for other similarly installed systems.		
	Hardware:		
	Servers $62,000 x 4	$248,000	
	We are sizing our servers based on the current resource utilization. Given the rate of growth of our in-house app, we are looking at servers we can expand, not to replace.		
	We are looking at servers from Oracle, IBM and HOP all of which have a minimum of 4, multi-core CPU's but expandable to 8, and memory capacity up to 2TB.		
	Software Licensing:		
	Mentis User License (Judge) $10,925 x 27	$294,975	
	Mentis User License (Clerk) $4,100 x 27	$110,700	
	Integration/Programming:		
	Implementation Services	$200,000	
	Backfile Processing	$230,000	
	Integration Validation	$40,000	
	Electronic Storage:		
	Storage Array	$250,000	
	We have a storage consumption rate of 10GB per month for the initial 4 months. We expect to increase to 15-20GB per month by end of year. At this rate, we will be using about a terabyte of data every 5 months. Given this rate of consumption, we are looking at storage that will grow as project progresses.		
11th Total		**$1,373,675**	**$1,373,675**

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State Courts System - Trial Courts
National Mortgage Foreclosure Settlement Funds
Technology Request Detail
Fiscal Year 2013-2014

Circuit	Requested Resources	Requested Amount	Total Amount
12	No Additional Technology Funds Requested	**$0**	**$0**
13	To implement Judicial Automated Workflow System (JAWS) in the Thirteenth Circuit		
	Integration/Programming:		
	173 hours per month = 519 hours @ $110/hr	$57,090	
	Modify JAWS to identify the data in the Odyssey database, create a report that queries the Odyssey database and create an interface for generating the report.		
13th Total		**$57,090**	**$57,090**
14	To implement Integrated Case Management System (ICMS) in the Fourteenth Circuit		
	Hardware:		
	ICMS Server Hardware $4000 x 6	$24,000	
	ICMS Client/Bench PC Client Hardware $1,000 x 25	$25,000	
	ICMS Monitors Client Hardware $350 x 25	$8,750	
	Clerk CMS Replica Server - Server Hardware $4,000 x 6	$24,000	
	Server Hardware $1000 x 6	$6,000	
	Software:		
	Replica Server OS Server Software $1,000 x 6	$6,000	
	Replica Server DB Server Software $1,000 x 6	$6,000	
	Replica Server Client Access Lic. Server Software	$2,500	
	Nuance PDF OCR Software	$30,000	
	Integration/Programming:		
	500 hours of programming @ $100/hour	$50,000	
	Clericus & Benchmark Replica Services (FACC & PTB) Integration	$30,000	
	Electronic Storage:		
	ICMS Storage - SAN per TB server Hardware $10,000 x 6	$60,000	
14th Total		**$272,250**	**$272,250**

Appendix F

State Courts System - Trial Courts
National Mortgage Foreclosure Settlement Funds
Technology Request Detail
Fiscal Year 2013-2014

Circuit	Requested Resources	Requested Amount	Total Amount
15	The Fifteenth Circuit is currently using an ICMS system. The proposed are enhancements to the currently used judicial viewer.		
	Hardware:		
	PC/Double Monitor		
	Senior Judge foreclosure courtrooms $900 x 4	$3,600	
	Case management staff $900 x 7	$6,300	
	Courtroom support staff $900 x 4	$3,600	
	Integration/Programming:		
	$100/hr for 13 weeks	$52,000	
	Code Modification for performance indicator integration		
	$100/hr for 26 weeks	$104,000	
	Bench viewer app for judicial tablets in (paper) files less divisions		
15th Total		**$169,500**	**$169,500**
16	To implement Judicial Automated Workflow System (JAWS) in the Sixteenth Circuit		
	Integration/Programming:		
	Integration cost to complete the JAWS implementation in the 16th Circuit	$10,000	
16th Total		**$10,000**	**$10,000**
17	To implement Judicial Automated Workflow System (JAWS) in the Seventeenth Circuit		
	Hardware:		
	Blade Servers $10,000 x2	$20,000	
	Backup storage with cage	$8,000	
	Case Manager PC $1,500 x 10	$15,000	
	Laptops 1,000 x10	$10,000	
	Cisco ONS switch (redundant network)	$50,000	
	Fiber Connectiono to Clerks Network	$8,000	
	Integration/Programming:		
	Implementation Services	$207,000	
	(Judge's portal 5 man months (133 man days) of development)		
	Form Orders development/e-sign order (117 man days)	$182,000	
17th Total		**$500,000**	**$500,000**

Appendix F

State Courts System - Trial Courts
National Mortgage Foreclosure Settlement Funds
Technology Request Detail
Fiscal Year 2013-2014

Circuit	Requested Resources	Requested Amount	Total Amount
18	To implement and install the Mentis Solution		
	Hardware:		
	Servers (Brevard County)	$40,000	
	Servers (Seminole County)	$20,000	
	Software Licensing:		
	Brevard County (2) Judges/(2) Clerks	$30,000	
	Seminole County (1) Judge/(1) Clerk	$15,000	
	SQL Server hardware/License updates	$10,000	
	Integration/Programming:		
	Implementation Services (Brevard County)	$80,000	
	Implementation Services (Seminole County)	$40,000	
18th Total		**$235,000**	**$235,000**
19	To modify current judicial browser application to generate reports. We have four county circuits with two different case management systems and four different databases. This will involve identifying data in the local CMS, Clericus and Pioneer/Benchmark, creating reports that query the databases and create interfaces for generating the reports.		
	Hardware:		
	Touch screen monitors, mounts and computers x 5	**$7,500**	
	Integration/Programming:		
	Modify CMS application - Martin County Clericus	**$20,000**	
	Modify CMS application - Okeechobee County Clericus	**$20,000**	
	Modify CMs application - Indian River County Benchmark	**$20,000**	
	Modify CMS application - Saint Lucie County Benchmark	**$20,000**	
	Judicial Browser modification	**$30,000**	
19th Total		**$117,500**	**$117,500**
20	No Additional Technology Funds Requested		
Total Technology Cost Requested		**$5,262,579**	**$5,262,579**

Commission on Trial Court
Performance & Accountability
Court Statistics & Workload Committee
Tampa, Fl
February 01, 2013

Item IV. Reopen/Reopen Closed Definitions

IV.A. Approval of Definitions and Guidelines

Introduction

During the FY 2010-12 term, the CSWC developed working definitions of a reopen and reopen closure event and clarified the difference between the status of a case and the type of activity pending in the case. In May of 2012, these definitions and guidelines were provided for comments and suggestions to Chief Judges, Trial Court Administrators, and Clerks of Court to ensure the definitions are comprehensive and meaningful to all levels of the court system. These definitions and guidelines will ultimately be incorporated into the Summary Reporting System and other trial court data collection systems as appropriate.

The refined definitions are provided in Attachment 01.

Discussion

The overwhelming majority of the feedback received was positive, with an air of caution as to the potential impact of these definitions on case maintenance systems. Several clerks believed that significant system changes would be required in order to report case status information. Staff advised that though it is not the intention to do so at that time [May 2012], ultimately the CSWC would likely include these definitions in the SRS reporting requirements. Staff assured the counties that the CSWC is sensitive to the issue of clerk system changes, and will work together with all interested parties before implementing a new data collection requirement. It should be noted that neither the performance measure requirements of SC11-1347, nor the data collection requirements of the Judicial Data Management Services project, were known to this committee at the time of this comment period.

Staff has evaluated these definitions for inclusion in the SRS and has determined that they are consistent with current SRS reporting instructions, with the exception of reporting for Juvenile Dependency dispositions. (See section IV.B.) Additionally, these definitions are deemed essential to the successful computation and use of three of the four performance measures required by the Judicial Management Council. (See Item VI.)

Decision Needed:

1. Approve the Reopen/Reopen Closed definitions and associated status reporting guidelines provided in Attachment 01 for use in court activity reporting.

IV.B. Incorporating Definitions and Guidelines into SRS Manual

Discussion

These definitions are compatible with the current SRS reporting instructions, with the exception of Juvenile Dependency dispositions reporting. Minor language changes within the SRS Manual would be required to achieve consistency across all court divisions.

Currently, Juvenile Dependency cases involving multiple children are reported as closed for SRS purposes on the date that all issues for the first child are resolved. This differs from all other case type reporting where a case is reported disposed when the last matter is resolved.

The counting method for Dependency was implemented in the early days of SRS as a work-around for cases in which the resolution of *all* matters involving multiple children could be delayed for just one child. This circumstance could leave a case open, possibly for years, with the court unable to take action. From an SRS perspective, this open case represented workload not captured and judge need not assessed. This circumstance also left many essentially inactive cases on judges' pending reports. Counting the disposition after the first child was resolved allowed the court to capture some of that workload in a timely manner and clear some of these reports.

Under the new definitions, the Dependency case would not be closed until all matters involving all children are disposed. However, should the case stall pending resolution of some issue, the case will, appropriately, be placed in an inactive status obviating the need for the work-around described above.

However, under the new definitions, the total number of Dependency dispositions would be expected to drop significantly. While this drop would be accounted for in the tracking of inactive cases, proper accounting will require all clerks to implement full status tracking in the Dependency division. Until this implementation occurs, the court would be faced with a drop in Dependency dispositions with no means to explain the change. Consequently, it is recommended that the existing rules for reporting Dependency dispositions not be changed until a reasonable case status reporting mechanism can be developed and deployed in all counties. Since Juvenile Dependency cases are currently reported to the SRS in a unique manner, their exemption from the new definitions is not expected to impact judicial certification or budget formulations.

The SRS manual currently instructs in each court division *do not report the disposition of reopened cases*. The implementation of the reopen and reopen closed definitions will require the clerks to begin capturing the closure of reopen cases. It will take some time to implement reporting changes required to capture the reopen and reopen closed events for SRS reporting.

Staff feels that a discussion with the clerks and Florida Court Clerks and Comptrollers (FCCC) regarding changes to the SRS manual and training on how to report the changes is needed to move forward on implementation. Staff recommends that a minimum of 18 months be allotted for planning, training and local system changes for the clerks. This timeframe is consistent with the timeframe proposed for the related JMC Performance Measures. (See Item VI.)

Decision Needed:

1. Adopt proposed recommendations for incorporation of the reopen and reopen closed definitions into the SRS Manual.

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Attachment 01

IV.A Reopen/Reopen Closed Definitions

- **Filing event**: A filing is an action brought before the court as the result of a petition, pleading, complaint or any other recordable[1] action sufficient to begin a case. This definition would include an arrest or summons or other action charging an individual with a crime, as well as the filing of any other document or action recorded with the court authorized to initiate a case. The initiation of a case by whatever means is referred to as a filing event.

- **Disposition event**: A disposition event has occurred when a case is closed for court activity as a result of judicial decision, order or other recordable action that provides resolution, by the court, on the issues raised by and subsequent to the filing event.

- **Reopen event**: A reopen event occurs when a motion, pleading or other recordable action on a case that requires additional court activity after a disposition event has closed the case for court activity. Note that a reopen event involves at least one action and that additional post-judgment actions may occur before the reopen event is closed.

- **Reopened case**: A case that has one or more post-judgment actions outstanding that require active resolution by the court.

- **Reopen closure event**: A reopened case is considered closed for court action on the date the last (or only) post-judgment action has been resolved by judicial decision, order or other recordable action, thereby completing court proceedings on the issues raised by and since the reopen event occurred

With the addition of these definitions, there are six statuses in which a case can be placed as the case moves from initiation to resolution:

- **Active –** A case is considered in an active status when the court is engaged in activity directly related to the resolution of the specific matters and issues associated with the case.

- **Inactive** - A case is considered in an inactive status when court activity on that case is suspended pending resolution of an issue external to the court or that does not directly involve the court in resolving that issue; for example, awaiting the results of an appeal or

[1] Recordable, in this guideline, means those happenings relating to court activity that would appear on a court docket or otherwise require the making of an historical record by the clerk of courts in their official capacity.

the disposition of a related case. A case placed in an inactive status is not closed and does not need to be reopened when the case returns to active status, regardless of the length of time involved.

- **Closed** - A case is considered to be closed, or disposed, (that is, in a closed status) for court activity on the date of the judicial decision, order or other recordable action that provides resolution to the last (or all) of the matters brought before the court as a consequence of the filing event that initiated the case. The court, then, has no further action to take on the case.

- **Reopened Active -** A case will be considered to be in a reopened status (either active or inactive), from the date that the first post-judgment motion/pleading is filed or other action occurs that reopens a case for court activity (i.e. the reopen event) until the date of the last judicial decision/order resolving all overlapping court proceedings (i.e. the reopen closure event). Each period in which a case is reported as in a reopened status may involve one or more overlapping post-judgment actions. A case is considered to be in a reopened active status when one or more post-judgment actions are pending and the court is actively engaged in their resolution.

- **Reopened Inactive -** A case is considered to be in a reopened inactive status if the activity on all outstanding post-judgment actions is held in abeyance pending resolution of some issue external to the court or that does not directly involve the court in resolving that issue. In this circumstance, the court is not actively working to resolve the matter(s).

- **Reopened Closed -** A case that has had one or more post-judgment actions will be considered closed, or disposed, (that is, in a reopened closed status) for court activity on the date of the judicial decision, order or other recordable action that provides resolution to the last (or all) of the matters brought before the court since the reopen event occurred. The court, then, has no further action to take on the case.

Additional Guidelines

For consistency in reporting, an event or status change is said to occur as of the date the order is signed , the clerk document date/time stamp or the electronic date/time stamp associated with the action as appropriate.

Recordable, in this guideline, means those happenings relating to court activity that would appear on a court docket or otherwise require the making of an historical record by the clerk of courts in their official capacity.

The definition of the closure events (disposition and reopen) denote that the court has no further action to take on a case. This definition of closure does not indicate the clerk of courts has

completed all of their required activity with regards to the case, only that the court has rendered judgment on the matters of the case and will take no further action on the case (excluding planned review or scheduled future action).

From the point of disposition, subsequent filings or other recordable actions will indicate that the case has been reopened. From an SRS reporting standpoint, a case reopen event represents a block of time in which one or more overlapping post-judgment actions, such as motions, petitions, or reviews, are being actively addressed by the court. When the last post-judgment action in that block is resolved, the reopen event is closed. SRS statistics will count those reopen blocks from reopen event to reopen closed event and not the individual post-judgment actions that make up the block.

Thus, a reopen event moves a previously closed case into a reopened active status. This starts a reopen block for counting purposes. A subsequent, overlapping post-judgment action for a case already in reopened active status would not change the case's status. It simply becomes another matter to be resolved by the court for this reopen block. It is possible that activity on the case may stop due to circumstances out of the court's control. In this instance, the case remains reopened but the status would change to reopened inactive. Subsequent activity on the matters by the court would change the status back to reopened active, where it would remain until closed.

A case with only one pending post-judgment action (i.e. the case is either in reopened active status or reopened inactive status) will move the case into a reopened closed status once all matters relating to that post-judgment action are resolved. A case with two or more pending post-judgment actions will stay in either reopened active status or reopened inactive status, as appropriate, until all the post-judgment actions submitted during that reopened block are resolved. At that point, the case is again closed and the case status is set to reopened closed.

Example

A motion to reopen a case is filed on June 15. The case is placed in a reopened active status. On June 20, a second motion for modification is filed. On June 23, the first motion is disposed. The case remains in a reopened active status because the second motion has not been resolved. On July 3, the second motion is resolved and the case is placed in a reopened closed status. If another motion is filed subsequent to July 3, say on July 15, the case would then be returned to reopened active status, pending resolution of that filing.