



The Florida Senate

Interim Project Report 98-36

September 1998

Committee on Judiciary

Senator Fred R. Dudley, Chairman

UTILIZATION OF JUDICIAL RESOURCES

SUMMARY

Trial court judges have many resources at their disposal to assist in the completion of their judicial tasks including, but not limited to, supplemental hearing officers, law clerks, and case management personnel. Increasingly, alternative dispute resolution relieves judicial caseloads. The creation, funding, allocation, and utilization of these resources occurs with significant variety throughout the state. The creation of specialized divisions within the trial courts have made additional resources both within and without the court system available to trial judges handling cases in those divisions. Each year, legislation is filed proposing the funding of new resources to assist judges. Similarly, legislation is filed proposing that the funding of established resources be shifted from one source to another. In November 1998, Florida's voters will have the opportunity to vote on a constitutional amendment proposing the reapportionment of the funding of judicial resources between the state, county and the users of the court system. As more and more funds are requested to support the work of the judiciary, or the sources of those funds are changed, an understanding of the function of those resources utilized by the judiciary becomes more critical. The focus of this report will be the existence and function of resources which are currently available to assist a trial judge in the performance of his or her judicial duties.

BACKGROUND

A. The Two-Tier Trial Court System

Under the state constitution, the trial court system in Florida includes both circuit and county courts. s. 1, Art. V, Fla. Const. There are 20 judicial circuits and 67

counties in Florida.¹ In 1997, there were 829,602 filings in the circuit courts. As of January 1998, there were 468 circuit judges. In 1997, there were a total of 1,271,059 cases filed in county court.² As of January 1998, there were 263 county judges.

B. Judicial Workload

The Supreme Court of Florida determines the criteria for increasing or decreasing the number of judges in each circuit. s. 9, Art. V, Fla. Const. Currently, this determination is based upon both primary and secondary factors. *See Process for Certifying Judges*, Office of Program and Policy Analysis and Government Accountability (OPPAGA), Report No. 97-36 (January 1998). When the number of case filings exceeds the "threshold" of 1,865 per circuit judge or 6,114 per county judge, there is a presumption that an additional judge is needed. *Id.* at 3.

However, this presumption is then subject to analysis of applicable secondary factors such as the availability and use of senior judges, supplemental hearing officers, or county judges to handle circuit court work; the use of alternative dispute resolution; the number of jury trials; foreign language interpreters; geographic size/travel in the circuit; law enforcement activities in the jurisdiction; availability and use of case related support staff; case management practices; the nature

¹This report includes only circuit and county judges and does not address the resources available in the appellate courts. A brief summary of the two-tiered court system is included in *Review of the Efficiency of the Two-Tiered Trial Court System and the Process for Certifying Judges*, OPPAGA, report no. 97-36 (January 1998).

²This figure does not include filings for worthless checks (74,114) or civil traffic infractions (2,879,467). If included, the filings in county court for 1997 total 4,224,640. However, due to the variance in methodology throughout the 67 counties for counting worthless check cases and the minimal judge time necessary to handle civil traffic infractions, neither of those types of case filings are included here. Similarly, neither are currently counted in determining the threshold of need for additional judges.

and complexity of cases; and caseload trends. Rule 2.035, Florida Rules of Judicial Procedure. The constitution requires that at least one judge sit in each of the 67 counties. s. 6, Art. V, Fla. Const. A review of the requests for additional judges submitted to the Florida Supreme Court for 1998 reveal consideration of secondary factors ranging from the anticipation of lengthy asbestos and tobacco case trials to the increase in pro se litigants in family law cases to specific geographical factors such as the high volume of post-conviction filings in an area in which a state prison is located or physical constraints due to the distances between counties that must be served within a circuit. *Certification of Need for Additional Judges 1998, Trial Court Forecasts*, Office of the State Court Administrator (OSCA).

OPPAGA has recommended that the Supreme Court of Florida adopt a weighted caseload method for determining the need for additional judges. *Information Brief on Weighted Caseload Methods of Assessing Judicial Workload and Certifying the Need for Additional Judges*, OPAGGA, Report No. 97-67 (March 1998). A consulting service contracted to make a preliminary study of the matter has recommended a Delphi method for weighting cases could be implemented using current data. *Id.* at 2. Implementation of this recommendation would attempt in part to quantify some of the secondary factors including the utilization of judicial resources and to what extent the use or lack of such resources impacts judicial workload.

The Supreme Court of Florida “[a]fter carefully reviewing requests for a total of 31 new judges”, certified the need for 13 additional circuit judges and 5 additional county judges for a total of 18 new judicial positions. *In re: Certification of the Need for Additional Judges*, 707 So.2d 327 (Fla. 1998). The 1998 Legislature did not approve any additional judgeships (CS/SB 2158 died in messages in the House of Representatives). However, regarding a formula for taking into account the utilization of judicial resources in determining the need for additional judges, proviso language in the 1998 state budget funded a requirement of a Delphi-based caseload weighting system to be used in determining the need for additional circuit and county judges.³

³The proviso language provided \$75,000 for “the development of a Delphi-based case load weighting system to determine the optimum caseloads for the circuit and county judges and, in conjunction with other factors, to determine the need for additional circuit and county

This process has been monitored by the Senate Committee on Judiciary and OPPAGA as an official interim project. The current review and potential revision of methodology, the established secondary factors, the OPPAGA reports, and the response of the court all make it clear that the various resources available to the judges in performing their duties are integral to the workload each judge can efficiently and effectively handle.

C. The Scope of Available Judicial Resources

None of the entities contacted for this report could provide complete data specifying the judicial resources available in Florida. Due to the splintered funding of resources and the constant change involved, all of the sources contacted agreed that determination of the extent of the resources available to the judges would require a county by county examination. An examination of each of the 67 counties would need to include federal, state, county, community and private sector resources. Such a survey is beyond the scope of this interim project. Thus, this report will provide only a general view of some of the resources in use. The lack of complete information as to available resources was a significant finding illustrating the complexity of the issues.

METHODOLOGY

Numerous reports containing information regarding the creation, funding, allocation and utilization of judicial resources were studied in the preparation of this report. The majority of those sources are cited within the body of this report. In addition, discussions with representatives from various entities including OSCA, OPPAGA, The Court Dependency Improvement Grant Project, The Family Courts Steering Committee, The Association of Counties, The Association of County Clerks, The Department of Revenue and The Department of Children and Families were useful in the compilation of this report. A number of persons serving in the various capacities cited in this report were also contacted. Applicable portions of the Florida Constitution, statutes, court rules and budgetary process were also reviewed.

judges. The judicial branch shall consult with [OPPAGA] on defining the scope of work, selecting a consultant, and choosing a methodology for developing case weights and determining available judge time.” *Conference Report on House Bill 4201*, Section 7-Judicial Branch at 479. A report on the development of case weights and their use in the judicial certification process must be issued by February 1, 1999. *Id.*

FINDINGS

The resources available to the trial court judges have been separated into two categories for the purposes of this report. Primary resources are those that most directly relieve a judge of a judicial duty. Secondary resources are those that indirectly relieve the judge of some amount of judicial workload by replacing, facilitating, or eliminating a judicial task. These include both resources within the court (guardians ad litem) and without (victim witness programs). This report is intended as an overview of the types of resources available to assist judges in the exercise of their duties. It is not intended to be an inclusive list of the resources available. In fact, the positions vary so greatly within the 20 circuits and 67 counties and are the financial or administrative responsibility of so many different entities, that the development of a full accounting of the support positions in existence was beyond the scope of this report.⁴

A. Primary Judicial Resources⁵

The state constitution allows that administrative officers or bodies may be granted quasi-judicial powers in matters connected with the function of their offices. s. 1, Art. V, Fla. Const. Further, the Legislature has constitutional authority to establish a civil traffic hearing officer system for the purpose of hearing civil traffic infractions. *Id.* This it has done.

⁴It must be noted that there many resources contributing to the administration of justice were specifically excluded from the definition of judicial resources. This was in part due to the need to narrow the extremely broad scope of the topic and because such resources exist more as an integral part of the justice system than merely as a resource to the judiciary. These include judicial assistants, clerks of court, state attorneys, public defenders, law enforcement, probation, pre-trial release, attorneys, and many of the services of the Departments of Revenue, Children, Families and Seniors, and Elder Affairs.

⁵Retired trial court judges (“senior judges”) can be brought back to assist a trial court in the handling of the court’s cases. Senior judges are most often used to address workload issues such as over-crowded dockets or speedy trial problems, long duration or complex trials, or coverage for the absence of a trial judge due to illness, parental leave, retirement or various other reasons. *Judicial Workload and Resource Study, White Paper*, prepared by the Court Statistics and Workload Committee and OSCA (1993). In 1997, 6,259 senior judge days were used. However, because of the temporary nature of application of senior judge days it not included as one of the primary judicial resources discussed in the body of this report.

Currently, there are 89.5 hearing officer positions filled in the 20 circuits with 197 positions available.⁶

The Supreme Court of Florida specifically addressed the use of supplemental hearing officer positions as a judicial resource in its 1998 order certifying the need for additional judges:

Studies conducted under the auspices of the Court Statistics and Workload Committee indicate that supplemental hearing officer positions such as these do not generally translate to the equivalent of circuit or county court judges, with the possible exception of traffic hearing officers. Supplemental hearing officers, particularly at the circuit court level, provide predominantly qualitative improvements in court services to litigants. For example, they allow more time to be allocated to each case than busy judicial schedules will often allow. They also streamline the court process for litigants and allow judges to make better use of their time. However, supplemental hearing officers are difficult to allocate on a statewide basis due to the varied use of, and acceptance for, these staff at the local level. Many judicial matters require the attention of circuit court judges either by rule, statute, custom, or public expectation. While supplemental hearing officers may be an appropriate response to some increases in judicial workload, they are only one of a spectrum of resources that may be applied as the situation demands or is determined by this Court to be appropriate.

In re: Certification of the Need for Additional Judges, 707 So.2d 327, 330-31 (Fla. 1998).

1. Masters

There is authority in both the statutes and rules of court for the appointment of both General and Special Masters. These quasi-judicial officers hear a wide variety of cases including domestic relations, probate

⁶Data from a telephone survey of each circuit conducted by the OSCA (Jan. 21-27, 1998). Full Time Equivalent (FTEs) are of all employees combined and are approximations based upon a 40 hour week. These officer figures *do* include state-funded child support hearing officer positions effective Jan. 1, 1998 but *do not* include additional traffic hearing officers funded by the 1998 Legislature.

and juvenile dependency cases.⁷ While a judge must review and approve or disapprove the findings of a master, the availability of this individual to take the evidence and testimony in a case and prepare findings of fact and conclusions of law directly relieves the judge of a substantial portion of his or her workload in those cases assigned to a master.

The use and appointment of general and special masters are authorized through administrative orders of the chief judges. Rule 1.490, Fla.R.Civ.P. and Rule 12.490, Fla.Fam.L.R.P. General masters differ from special masters in that the former must take the oath required by officers in the Constitution and must be members of The Florida Bar. Masters are most frequently employed to conduct evidentiary hearings in issues of mental health, guardianship, family law, juvenile dependency, foster care reviews, and probate. However, domestic or repeat violence matters may not be heard by a general or a special master. Rules 12.490(c) and 12.492(a), Fla.Fam.L.R.P., respectively.

Currently, there are 30.2 full time equivalent General and Special Masters in Florida with 37 FTEs available. General and Special Masters are currently paid by the counties. *Data from a telephone survey of each circuit conducted by OSCA* (Jan. 21-27, 1998)(Full Time Equivalent [FTEs] are of all employees combined and are approximations based upon a 40 hour week).

2. Child Support Hearing Officers

The use of child support hearing officers is authorized under Rule 12.491, Fla.Fam.L.R.P.⁸ Unlike masters, child support enforcement hearing officers did not originally develop as a response to increasing judicial workload. These supplemental hearing officers came about due to the establishment of federal time

⁷See for example Rule 1.490, Fla.R.Civ.P.; Rule 12.490, Fla.Fam.L.R.P.; s. 394.467(3)(a), F.S.; and Rules 8.255(h) and 8.625(h), Fla.R.Juv.P.

⁸In 1987, The Supreme Court of Florida appointed a commission to assist in compliance with a legislative mandate that the court take steps to ensure compliance with the federal time standards for establishing and enforcing child support orders. *In re Florida Rules of Civil Procedure (Amendment to rules 1.490 and 1.611)*, 503 So.2d 894 (Fla. 1987). As result of that committee's proposals, the court adopted Rule 1.491, Fla.R.Civ.P. *In re Florida Rule of Civil Procedure Rule 1.491 (Child Support Enforcement)*, 521 So.2d 118 (Fla. 1988). Rule 1.491, Fla.R.Civ.P., was deleted in its entirety and replaced by Rule 12.491, Fla.Fam.L.R.P. effective January 1, 1996.

standards and the federal requirement of an administrative process to hear child support establishment and enforcement matters. *Judicial Workload and Resource Study, White Paper*, prepared by the Court Statistics and Workload Committee and OSCA (1993) at 25.

Child support hearing officers are appointed by the chief judge of the circuit, serve at the pleasure of the chief judge and a majority of the circuit's judges, and must be a member of The Florida Bar unless this requirement is waived by the chief judge. Rule 12.491(c), Fla.Fam.L.R.P. This hearing officer rule applies only to child support matters. Rule 12.491(b), Fla.Fam.L.R.P. The rule specifically states that "[a] support hearing officer does *not* have the authority to hear contested paternity matters". Rule 12.491(e), Fla.Fam.L.R.P. (emphasis supplied).

Currently, there are 38.6 full time equivalent child support enforcement hearing officers, with 83 FTEs available. The child support hearing officer positions are funded through state, federal and local funds. *Data from a telephone survey of each circuit conducted by OSCA*(Jan. 21-27, 1998)(Full Time Equivalent [FTEs] are of all employees combined and are approximations based upon a 40 hour week. The child support officer figures *include* state-funded positions effective Jan. 1, 1998). "Child support enforcement hearing officers were authorized from state funds by the 1997 Legislature, a first for Florida's trial courts. This was in response to projected workload increases expected from a new child support enforcement initiative by the Florida Department of Revenue." *In re: Certification of the Need for Additional Judges*, 707 So.2d 327, 330 (Fla. 1998).

3. Traffic Hearing Officers

Civil traffic infractions may be heard by traffic hearing officers who are members of The Florida Bar who have received specialized training. See ss. 318.30-318.38, F.S.; s. 2, Art. V, Fla. Const.; and Rule 6.630, Fla.R.T.C. Traffic hearing officers were created under the provisions of s. 318.30, F.S. Originally, the program was limited by rule to counties with over 15,000 civil traffic infraction hearings a year which requested such a program. Rule 6.630, Fla.R.T.C. Effective October 1, 1994, this limitation was abolished, allowing all 67 counties to initiate traffic infraction hearing officer programs. *Judicial Workload and Resource Study, White Paper*, prepared by the Court Statistics and Workload Committee and OSCA (1993) at 26.

Currently, there are 20.7 full time equivalent traffic hearing officers, with 77 FTEs available. Traffic hearing officer positions are currently paid by the state and the counties. *Data from a telephone survey of each circuit conducted by OSCA* (Jan. 21-27, 1998)(Full Time Equivalent [FTEs] are of all employees combined and are approximations based upon a 40 hour week. Additional traffic hearing officers funded by the 1998 Legislature are *not* included in this figure). In 1997, there were 2,879,467 civil traffic infraction filings. *OSCA, Summary Reporting System*.

4. Law Clerks

It is the application of the law to the facts of a particular case that result in a judge's ruling. The law applied must be current and interpretation of that law must be well reasoned. A judge makes rulings not only in a final judgment, but throughout any proceeding on motions, procedures and evidentiary matters. The availability of an attorney to assist in the research and even the writing of these rulings directly relieves the judge of a portion of his or her workload. The job description for the state courts position of trial court law clerk requires graduation from law school and membership in The Florida Bar. Duties include, but are not limited to, reviewing motions for post conviction relief, drafting orders, reviewing briefs, and doing legal research.

As of January 1998, 146 trial court law clerks were funded by the state. *Personnel Services, OSCA* (July 20, 1998). This does not include trial law clerk positions funded by the county or other sources. Every circuit has at least one law clerk. *Id.* The ratio of law clerks per judge ranges from 1:5 in the Third Circuit (comprised of Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee and Taylor Counties) to 1:2.9 in the Fourth (Duval and Clay Counties) and Fifth (comprised of Hernando, Lake, Marion, Citrus, and Sumter Counties) Circuits. The average ratio was 1:3.2. *Id.* From 1987 to 1997, the number of law clerks has increased by 62 percent. *Id.* During that same time period, the number of judges increased by 18 percent and case filings increased by 5 percent. *OSCA, Summary Reporting System*.

5. Alternative Dispute Resolution

Increasingly, mediation and other forms of Alternative Dispute Resolution (ADR) are utilized by litigants and the courts to resolve legal conflicts. Further, the

majority of litigants are routinely ordered to participate in some form of ADR. In 1997, court-connected mediation programs reported to the Dispute Resolution Center that approximately 121,000 cases were referred to mediation; 73,181 cases were mediated; and 50,496 were resolved through mediation. *Florida Mediation/Arbitration Programs: A Compendium*, Dispute Resolution Center, (July 1997). When an agreement is entered, this process eliminates the majority of judicial workload respective to the case resolved. From the data provided, it can be determined that at least 16,697 of the cases in which agreements were entered were civil court cases. At the threshold of cases used to determine the need for an additional circuit judge (1,865) just these reported resolved cases equal the threshold workload of 8.95 circuit judges. The number of cases actually mediated to agreement far exceed this number.⁹ *Id.*

In 1986, the Dispute Resolution Center was created to conduct education and research and to assist in developing ADR programs.¹⁰ Currently, there are 13 Citizen Dispute Settlement Programs, 39 county mediation programs (serving all 20 circuits), 30 family mediation programs, 13 circuit civil mediation programs, 16 dependency mediation programs, 1 appellate mediation program, and 6 arbitration programs. *Florida Mediation/Arbitration Programs: A Compendium*, Dispute Resolution Center, (July 1998). As of July 1998, 9,924 individuals had completed Supreme Court of Florida certified mediation training programs and the Supreme Court of Florida had certified 2,076 county mediators, 1,739 family mediators, and 2,009 circuit court mediators. *Id.*

⁹Individuals are most often allowed under the rules of court applicable to their type of case to select their own mediator if the parties can agree on the selection. According to the Dispute Resolution Center, this has made it difficult to maintain complete statistics. "Although all 20 judicial circuits refer some portion of their caseloads to mediation, we are able to collect statistics from only those circuits in which a director or coordinator of mediation services has been designated. While the figures [cited here in this interim report] demonstrate the caseload of the court mediation programs, the actual number of mediation conducted far exceeds those reported." *Florida Mediation/Arbitration Programs: A Compendium*, Dispute Resolution Center (July 1998) at Introduction, page vi.

¹⁰Since 1987 the Dispute Resolution Center has annually published *Florida Mediation/Arbitration Programs: A Compendium*, providing a comprehensive source of data regarding these programs. Information includes the parameters, administration and funding of the large variety of ADR in Florida.

There were also 44 persons who have received temporary certification as dependency court mediators until there is a training program certified by the Florida Supreme Court. *Id.* Thus, there are currently 101 court-based ADR programs. In addition, many cases are mediated outside the use of these programs utilizing any of the almost 6,000 individuals currently certified by the court to conduct mediation.

Between 1987 and 1997, the number of court-based ADR programs has increased 70 percent. In the same 10 year period, the number of judges increased by 18 percent and case filings increased by 5 percent. *OSCA, Summary Reporting System.*

B. Secondary Resources

1. Guardians ad Litem

A guardian ad litem, may be appointed by the court under common law to speak for persons who cannot do so for themselves. The legislature has codified this law to provide for the court appointment of a guardian ad litem in a variety of circumstances. For example, the statutes provide guidelines for the appointment of guardians ad litem for the benefit of abused children in criminal, dependency and family law cases. ss. 941.17, 415.508, 61.401, F.S. respectively.¹¹

A guardian ad litem serves as the eyes and ears of the court, gathering information outside the courtroom and making recommendations regarding the case. This is intended to be an objective resource to assist the court in judging the facts as presented by interested parties. The guardian ad litem is appointed by the court and performs the duties specified by the court in its order of assignment. While the existence of this resource is for the benefit of the child or other person for whom the guardian ad litem is appointed, such an appointment is also a valuable resource for the judge. The report submitted by the guardian ad litem can save considerable judicial time, providing an objective

¹¹For the purposes of this report, this example will be illustrative. Other statutes providing for the appointment of a guardian ad litem are: s.393.11 (developmentally disabled person proceedings), s. 73.021, F.S. (eminent domain proceedings), s. 744.301, F.S. (representation of a minor in personal injury, property damage, or wrongful death proceedings), and s. 397.681, F.S. (substance abuse, involuntary assessment and treatment proceedings) for other examples of statutes addressing the use of guardians ad litem. In addition, there are numerous statutes providing for the use of guardians to represent the interests of qualified individuals in specified situations.

overview of the case including background information and witness summaries. For example, a thorough report may serve as an outline for the findings of fact required by statute in a child custody matter. *See* s. 61.13, F.S.

Those serving as guardians ad litem are predominantly volunteers supported by salaried administrative and clerical staff. It is impossible to ascertain the extent to which this resource is available due to the variety of administrative sources providing the resource. While many of the programs are maintained by the state under the administrative leadership of the chief judge of the circuit, the guardian ad litem program in Orange County and in family law cases in Dade county are administered by the respective local bar associations. Finally, it is impossible to ascertain the extent to which this resource is available due to the variety of funding sources providing the resource. For instance, in Pinellas County, The Juvenile Welfare Board is funded through a special taxing district and in an amount of approximately \$500,000 per year accounts for partial funding of 3 court programs in that area including the guardian ad litem program. *Office of the Trial Court Administrator, 6th Judicial Circuit (1998).*

However, some data is available specific to the state administered guardian ad litem programs from which guardians ad litem are appointed for children in certain criminal, dependency and family law cases. In 1997, 9,470 cases were assigned to the programs and the programs reported a total of 12,504 active cases. *Data provided by the Dependency Court Improvement Grant Project.* During that same year, 1,719 new volunteers were certified. *Id.* Currently, there are approximately 4,200 active volunteers in this state program. *Id.* The 1997-98 state courts budget indicates an operating budget for the guardian ad litem program exceeding 6 million dollars. *State Courts System Budget Office Memorandum (January 23, 1998).* This includes 164.5 full time equivalent positions. *Id.* Again, this does not include positions funded by the county or other sources.

2. Pro se Litigant Assistance

Many people who find themselves involved in a court case do not hire an attorney. Many, are unable to do so. Only in certain situations, based upon constitution or statute, must an attorney be provided to represent someone in the courts. One area in which secondary judicial resources are evident is in the management of family law caseloads, particularly when the parties in

the case do not have an attorney representing them in the matter.

The Supreme Court of Florida in 1991 recognized that approximately 50 percent of the civil court jurisdiction in Florida's circuit courts, without the inclusion of juvenile delinquency and dependency cases, is comprised of family law matters. Further, the court recognized "that delays in family law matters aggravate the parties' problems. Clearly, an early resolution is best for all concerned." *In re Report of the Commission on Family Courts*, 588 So.2d 586, 591 (Fla.1991). See also *In re Report of the Commission on Family Courts*, 633 So.2d 14 (Fla.1994) and related cases, and *In re Florida Rules of Family Court*, 607 So.2d 396 (Fla. 1992) and related cases.

Subsequently, many court resources have been established to assist people who do not hire a lawyer to represent them in family law matters. While this is foremost of aid to the parties, it should also serve to increase the efficacy of the judges handling those cases. For instance, the use of support staff case managers can eliminate the need for a case management conference by the judge. Effective screening of pro se pleadings and assistance in seeing that necessary documents have been filed prior to hearing can allow for more effective use of judicial time.

In the fall of 1997, the Family Courts Steering Committee conducted a survey to attempt to determine the scope of resources available to assist pro se litigants in family law cases.¹² Of the 52 counties responding, almost half require pro se litigants to use an established self-help service, almost half provide verbal or written legal information, and the majority provide verbal or written procedural information. Of those responding, all but 1 provide forms for filing with the court with 36 of those providing assistance with the completion of the forms. *Family Courts Steering Committee Self-Help Resource Survey*

¹²On March 10, 1994, the Family Court Steering Committee was created by administrative order of the Florida Supreme Court to advance the goals of its family court initiative. That order specifically stated that one of the duties of the committee was to make recommendations on how courts can best respond to increased numbers of pro se litigants (a person who represents him/herself in a legal matter) in family law cases. The results has been a significant increase in resources to assist judges in these cases. See also *In re Report of the Commission on Family Courts*, 633 So.2d 14 (Fla.1994).

(December 4, 1997) Executive Summary.¹³ These positions are funded through state general revenue, counties, and grants. *Id.* The data provided does not include assistance in child support establishment and collection cases provided through the Department of Revenue nor does it appear to include federal or state resources for assistance with court proceedings to parties in domestic violence cases.

As in the other examples touched upon in this report, it is impossible to ascertain the extent to which this resource is available due to the variety of funding sources providing the resource. For example, in 1997-98 the Family Courts Trust Fund established in by s. 25.388, F.S., funded all or part of approximately 100 positions statewide. State Courts System Budget Office print-out (July 7, 1998). According to the Office of the State Courts Administrator, many of these positions assist with the management of family law cases in general and pro se litigation specifically. Funds available through the family court trust fund in fy 1997-98 totaled \$3,604,090. Ninety-two percent of this amount funded support personnel for the trial courts. *Legislative Budget Request, Circuit Courts*(fy 1999-2000), Schedule 1-A, Detail of Fee Collection and Related Program Costs at 58. In the area of domestic violence, the concurrent aspects of family, dependency and criminal law in many of those cases make it difficult to pinpoint the function or funding of resources.

3. Specialized Courts

Five years ago, a committee established by the Florida Supreme Court observed that:

There has been an increased trend toward specialization in the trial courts, perhaps reflective of the increasing complexity and specialization in the law. These specialized courts vary from circuit to circuit depending on local needs and circumstances. Three specialized court include drug court, domestic violence court, and repeat offender court.

Judicial Workload and Resource Study, White Paper, prepared by the Court Statistics and Workload Committee and OSCA (1993) at 11. Last year, these

¹³The survey includes self-help resources in domestic relations and domestic violence cases. A series of charts in the executive summary illustrate how difficult it is to collect full information on available resources even this specifically define area. Several positions appear to serve similar functions with the majority of responses indicted being other or no response.

three specialized courts were examined in detail as an interim project of the Senate Committee on Criminal Justice. *An Overview of Florida's Criminal Justice Specialized Courts*, report No. 97-P-21, prepared by the Florida Senate by Criminal Justice Committee Staff, (October 1997).

These studies reveal that with specialization comes increased judicial resources to administer the cases included within the specialized court. There are internal resources such as specially trained staff, case coordinators, and technological resources as well as external resources such as victim/witness assistance and community resources coordination. There is however, no clear data to indicate whether this increase in resources has any impact on decreasing judicial workload.

RECOMMENDATIONS

The most significant fact determined after weeks of study for this report is that there is no comprehensive data available regarding the resources currently utilized by the judiciary nor the impact such resources have on the judges' handling of their assigned caseloads. As stated in the summary introduction to this report, as more and more funds are requested to support the work of the judiciary, or the sources of those funds are changed, an understanding of the function and the question of the necessity of those support resources utilized by the judiciary becomes more critical.

Therefore, it is recommended that a study be conducted to determine:

- What resources are available to the judges in the execution of their duties and to determine the funding source of each resource;

- Whether the judicial resources available provide assistance to the judges or to the litigants or both;
- The effectiveness and necessity of each resource;
- If the resource identified increases the efficacy of the system;
- If resources are being duplicated due to the plethora of administrative and funding sources for such resources;
- If judicial workload is reduced due to the availability of such resources;
- If a resource is only available in certain areas, why; and
- If a resource is only available in certain areas, should the availability of the resource be expanded to areas in which it is currently not available.

As this report shows, there are already sources from which to begin to gather and examine this information. It is possible that a simple addition to current data collection or a new application of the data collected could yield some of the information. For example, the ADR data included in this report was calculated from the various pieces of data in the Dispute Resolution Compendium, the percentages and totals currently are not part of the Compendium's summary data. In addition, the establishment and implementation of the case-weighted system of determining the need for additional judges will require study of some of these issues.

COMMITTEE(S) INVOLVED IN REPORT *(Contact first committee for more information.)*

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MEMBER OVERSIGHT

Senators Ronald Silver and Steven Geller