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Minutes of January 19, 2021 CCOC PIE Meeting

Approved by the PIE Committee on 9/24/21.

The Performance Improvement and Efficiencies Committee of the Clerk of Courts Operation Corporation (CCOC) held a meeting via WebEx on January 19, 2021. An agenda and materials were distributed in advance of the meeting and posted on the CCOC website. Provided below is a summary of staff notes from the meeting. These staff notes are designed to document committee action, not to be a full record of committee discussions. All motions adopted by the committee are in **bold** text. All action items based on committee direction are in **red** and **bold text**.

1. Agenda Item 1 – Call to Order and Approve Agenda

The meeting was called to order by Clerk Laura Roth, Chair of the PIE Committee. Douglas Isabelle, Deputy Executive Director called the roll.

Present on the conference call: Clerk Cooney, Clerk Doggett, Clerk Eaton, Clerk Green, Clerk Moore Russell, Clerk Rogers, Clerk Rooks, Clerk Spencer, Clerk Timmann, and Clerk Vick (joined after roll call).

Absent from the conference call: None

A motion was made to approve the agenda by Clerk Cooney and seconded by Clerk Doggett. The motion was approved with no objection.

2. Agenda Item 1 – Approve Minutes from 8/20/2021 Meeting

A motion to approve the minutes from the August 20, 2020 meeting was made by Clerk Cooney and seconded by Clerk Timmann. The motion was approved with no objection.

3. Agenda Item 3 – Performance Measures Workgroup

Clerk Roth began by explaining the PIE Committee will begin looking at the current performance measures. The CCOC staff is obligated by statute to create and track performance measures. Doug Isabelle explained that the CCOC staff broke it down into three sections: Collections, Timeliness, and Jury Payment. Clerk Roth opened the floor up to any committee members for questions and/or comments.

Our Mission: As a governmental organization created by the Legislature, we evaluate Clerks' court-related budgetary needs, and recommend the fair and equitable allocation of resources needed to sustain court operations.

Regarding Collections, CCOC staff recommended eliminating standards for Circuit Civil, County Civil, Probate, and Family. For Circuit Criminal, reduce the standard to 8%, because a performance standard of 9% is routinely missed. CCOC staff also recommended an increase standard of 50% due to the 40% being routinely met for Criminal Traffic. Lastly, for Civil Traffic, a reduction standard to 85% due to the 90% standard being routinely missed.

Regarding Timeliness, for All Court Divisions (Filing & Docketing), an increase to 90%, retaining the days to meet standard. No changes were recommended regarding Jury Payment. Clerk Green asked for clarification in the Timeliness section, about whether we should meet but can't, meeting 93-99%, is it telling counties we are properly staffed and if we take it away how will we know if we miss it later on? Clerk Roth advised her that they had only gone over the Collections section so far. Mr. Isabelle explained that some counties have not followed business rules correctly.

Clerk Russell stated that the data is valuable as a data point, counties get their work done because you must "pay to play" on the civil side. Clerk Russell also stated that it is nice to have on the story side of the Legislative agenda. Clerk Roth asked if it gives a misimpression of why civil is so successful vs. the criminal.

Clerk Green asked for clarification regarding if circuit criminal included drug trafficking or not. Mr. Isabelle stated it does include drug trafficking, and 16% without according to Jason Welty.

Clerk Roth asked if the committee wanted to raise the standard from 95, down to 90% instead of eliminating. Clerk Green stated she is in favor of raising the standard. Clerk Roth suggested the committee to state each section one at a time for a motion. Clerk Timmann explained that she likes the idea of the full story, and full picture in comparison between civil vs. Criminal.

A motion to raise the standard for Circuit Criminal from 90% to 95% was made by Clerk Russell and seconded by Clerk Cooney. Mr. Isabelle pointed out that Family is at 75% and did not make the change when CCOC took out Indigent. **Clerk Russell revised her motion to include raising Family from 75% to 90%, and the revised motion was seconded by Clerk Cooney. The revised motion was approved with no objection.**

Clerk Green asked counties to follow through on action plans for those who are not meeting standards. Mr. Isabelle agreed stating that this includes indigent and not following business rules.

Clerk Roth moves the focus onto section 2: Reducing Circuit Criminal to 8%, which currently is at 9%. Clerk Green expressed that this is a tough one due to the dynamics in each county being different. Mr. Isabelle mentioned Hillsborough won't make it due to an Administrative Order. He states that CCOC staff believes 8% will be able to be met easier than the current 9%. Clerk Green asks if all counties should be at the same percentage? Mr. Isabelle explains that it's like peeling back an onion, you've got judicial probation, myriad of processes, collection agents, etc. Marleni Bruner, CCOC Senior Budget Manager, informed Clerk Green

that CCOC does not have a standard for drug trafficking being removed. Clerk Doggett disagrees with Clerk Green, stating that she believes the committee should come up with a different way to set standards for this category than moving up or down. Clerk Timmann explains how we were trying to find ways to increase numbers but how lowering will disincentive counties to do collections. She believes the committee is missing opportunities to talk about the differences to meet it in different counties. Clerk Timmann would like to see counties be more proactive, finding out if it is training, and if it is, then helping counties get it right. She asked if it could be due to the current economic situation, and if so, to not make a permanent change for a temporary situation.

Clerk Roth asks if the committee all agrees that Drug trafficking is what throws the numbers off, and if they need a measure without it or create a subgroup to investigate it? Clerk Russell jumped in to piggyback off Clerk Timmann in her concern to reduce standards. She suggested keeping the current standard and possibly having a workgroup to create a rationale for keeping the numbers. Clerk Timmann suggested a cleanup for any county having troubles. Mr. Isabelle pointed out it is in the action plans. Clerk Doggett suggested making a motion to form a workgroup to review. Clerk Roth suggested putting a pin in that motion due to a feeling she has that they will come to the same conclusion regarding the other sections.

The committee moved on to section 3: Increasing criminal traffic to 50%. Clerk Timmann suggested, instead of action plans, pick list of impacts. She believes it is a better way to analyze and compare, as well as an easier, faster way to conclude. Jason Welty jumped in to explain why CCOC has action plans, being that it is statutorily required. The CCOC is required to report to the Legislature. Mr. Isabelle explained that the CCOC could make some improvements regarding action plans.

A motion to increase Criminal Traffic to 50% in the new fiscal year and to revisit once one quarter data has been gathered was made by Clerk Timmann and seconded by Clerk Doggett. The motion was approved with no objection.

Clerk Roth moved the focus to section 4: reducing civil traffic to 85%. She suggested putting this into a workgroup. Clerk Russell explained that she believes we should include this in the workgroup and to not reduce just because the standard is not being met. Mr. Isabelle explained that he looked at out of state and it is not always the situation. A study done in Miami-Dade showed they had payment plans that go 2-3 years long. Clerk Timmann agreed with Clerk Russell regarding the workgroup. Clerk Doggett also agreed.

A motion to move Circuit Criminal and Civil Traffic to a workgroup was made by Clerk Timmann and seconded by Clerk Doggett. The motion was approved with no objection.

Clerk Roth moved the discussion along to focus on Timeliness. Regarding all court divisions (filing and docketing), CCOC staff recommendation is to increase standard to 90% from the current 80%. Clerk Roth opened the floor up for discussion. Mr. Isabelle pointed out the impact on pages 10-11 of the packet. Clerk Timmann questioned if the issue with docketing is when it will be available for public viewing or access to judiciary for the public. Clerk Roth

suggested raising or leaving it and worrying about it later when the committee reaches part 2 of the agenda item. Mr. Isabelle suggested leaving it alone, focusing on the workgroup working on new measures. No action was taken, Clerk Roth directed this issue to the workgroup for review.

Clerk Roth moved on to the recommendation for Jury, in which Mr. Isabelle explained that no changes needed to be made.

Clerk Roth transitioned the committee to part two of their discussion, additional measures. Mr. Isabelle emphasized the importance additional measures are to each clerk, as well as explaining which to work on first and which to send to workgroups. Clerk Roth stated that the committee needs to figure out what we *should* be measuring and what we *can* measure. Clerk Russell asked that the committee define for the workgroup why we are measuring tasks and for what we use the data. She shared concerns of what that may cost, like payment plans paid, for each new measure. She asked that we include the why and the purpose of each measure.

A motion was made by Clerk Timmann and seconded by Clerk Rooks to include Timeliness standards for Risk Protection Orders (RPOs) and Injunctions to the Workgroup's review. The motion was approved with no objections.

CCOC staff was directed to pick the workgroup members

4. Agenda item 4 – Fiscal Management Report Form

Clerk Roth began by giving a brief synopsis of the fiscal management report. Ms. Bruner explain that on each county's report, clerks/staff will answer questions 1-3, and questions 4-10 will be prepopulated by CCOC staff based on their actual submission data.

A motion to approve the Fiscal Management form was made by Clerk Timmann and seconded by Clerk Rooks. The motion was approved with no objection.

5. Agenda Item 5 – Case Weights Workgroup Report

Clerk Roth reviewed the work done by the Case Weights workgroup. The workgroup presented these changes to the committee:

- 1) The new sub-case type of Risk Protection Orders (RPO's) be weighted 6 like Baker Act/Substance abuse cases.
- 2) The new sub-case type of Vulnerable Adult cases be weighted 6 like Baker Act/Substance abuse cases.
- 3) Search Warrants be reduced from 2 to 0.
- 4) Professional Guardian Files be reduced from 2 to 0.
- 5) Other Real Property Actions be reduced from 7 to 6 and Other Civil be increased from a 5 to 6, to be consistent with the weights of Condominium and Contract and Indebtedness sub-cases.

- 6) Cases Unable to be Categorized be reduced from 1 to 0.
- 7) All Other Felonies remains at 8.

Denise Bell from Lake County explained that number 3 and 4 refer to the new Case Counting Business Rules. She explained that the “Cases Unable to Be Categorized” were able to be placed into a category therefore, all cases should be counted. Ms. Bell explained that the reason the business rules were changed is while it sounded good in theory, it did not work in practice as all cases had a category they could be placed in if the Business Rules were followed. Ms. Bell then took questions/comments from committee members.

Clerk Kinzel asked a question in the meeting chat asking are we comparing anything to the standards to get new judges? Clerk Kinzel stated that they focus on time in the courtroom. Clerk Cooney mentioned this is a performance measure and not a case count. He also pointed out that her question would fall under agenda item 3. Clerk Cooney stated that we tell the Legislature to tell the judges to knock it off.

In this project, there were a lot of counties on the workgroup with similar cases in the system. Clerk Roth pointed out that for reporting, counties need to consider the Performance Measures. Mr. Isabelle referred to the continuing cases report, depending on court type, we can see if they are increasing. Clerk Timmann responded to Clerk Kinzel in saying that the circuit is in the same boat, some circuits even have Administrative Orders, so it is not as easy as saying no.

A motion to approve #1-7 was made by Clerk Cooney and seconded by Clerk Timmann. The motion was approved with no objection. The motion will not go into effect until it is approved by the CCOC Executive Council.

6. Agenda Item 6 – Best Practice Recognition Program

Clerk Roth explained to the committee that more information will be provided on the FCCC call tomorrow. This program is a vision of Clerk Green. Mr. Isabelle informed the committee that this was born in 2004/2005 and is part of the strategic plan for the FCCC 2025, however, the specifics still need to be laid out. This was originally designed with collections in mind, the compliance checklist will be first on the radar. Clerk Roth explained that the checklist provides good benefits and recognition for the clerks.

Clerk Roth wraps up by thanking everyone for their time and input in this meeting.

The meeting was adjourned at 4:20 PM.
