**Minutes of December 1, 2023, PIE Committee Meeting**

**APPROVED BY COMMITTEE ON 3/15/24**

The Performance Improvement and Efficiencies Committee of the Clerks of Court Operations Corporation (CCOC) held a meeting via WebEx on 12/1/23. An agenda and materials were distributed and posted on the CCOC website before the meeting. Provided below is a summary of staff notes from the meeting. These staff notes are designed to document committee action, not to be a complete 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 Chair Laura Roth. Marleni Bruner, CCOC Performance, Policy, & Education Director, called the roll.

Present for meeting [WebEx]: Chair Roth, Clerk Doug Chorvat, Jr., Clerk Gary J. Cooney, Clerk Tara S. Green, Clerk Crystal K. Kinzel, Clerk Michelle Miller, Clerk Victoria L. Rogers, Clerk Clayton O. Rooks, III

Absent from the meeting: Clerk Butterfield, Clerk Brenda D. Forman, Clerk Matt Reynolds, Clerk Angela Vick

**A motion to approve the agenda as presented was made by Clerk Kinzel and seconded by Clerk Cooney. The motion was adopted by consent.**

1. **Agenda Item 2 – Approve Minutes from 9/01/23 Meeting**

The minutes from the 9/01/23 PIE Committee meeting were presented. There were no questions, comments, or edits.

**A motion to approve the minutes as presented was made by Clerk Chorvat Jr. and seconded by Clerk Rooks. The motion was adopted by consent.**

Clerk Roth informed the committee about the new transitionary period the CCOC is entering. She mentioned the appointment of Jason Welty, soon to be CCOC Executive Director, as the clerk of Jefferson County, although he plans to return to CCOC. She also proposed that the committee focus on functional goals rather than the lofty or philosophical goals previously planned for the coming year. Ms. Bruner was introduced as the lead staff of the Performance Improvement and Efficiencies Committee. Ms. Bruner stated that the CCOC had hired a student intern, Valerie Hernandez, to help manage the work of the PIE Committee and follow-up emails regarding reports.

John Dew, CCOC Executive Director, stated he will not be filling the Deputy Executive Director position for the next year. He also mentioned that over the next couple of months, the CCOC will be undergoing a series of evaluations of what they do well, what they can work on, and what counties want more of, which may impact the work of the committees as well.

1. **Agenda Item 3 – CFY 2022-23 Quarter 4 PMAP Report**

Ms. Bruner presented the CFY 2022-23 Quarter 4 Performance Measures and Actions Plans report to the Committee. She stated that 10 counties did not require action plans, which was an increase from the prior quarter. Action Plans for Collections and Juror Timeliness remained the same while action plans for filing and docketing timely decreased. There was a change in how statewide reports are submitted to the Governor and the Legislature; however, the report is available on the CCOC website.

Clerk Green asked if any comparison has been made between the reduction of action plans compared to the number of FTEs in the office to see if there is any correlation. Since the funding has been improving over the years, she wondered if the appropriate number of FTEs could be contributing to the reduced action plans. Clerk Roth and Ms. Bruner responded by stating that a cross-reference has not been made. Clerk Green then proposed how it would be nice to know that recent funding is helping the offices. Mr. Dew mentioned that due to staff turnover and training the correlation may not be evident for some time as this was the first quarter with a drop in action plans. Clerk Roth was concerned this task would require additional staff work. Ms. Bruner mentioned that as a staff directive, she could compare the FTE reported in the operational budget and compare it to the number of action plans over the past couple of years.

Clerk Kinzel stated she agreed with both Clerk Roth and Clerk Green. She believed more analytics needed to be done to show associated evidence of accomplishment. She also did not see an increase in her budget.

**Clerk Green motioned and Clerk Kinzel seconded the request for staff to provide an analysis of the correlation between the number of FTEs and the number of action plans.**

**A motion to approve the CFY 2022-23 Quarter 4 PMAP Report was made by Clerk Miller and seconded by Clerk Green.** **The motion passed unanimously.**

1. **Agenda Item 4 – Case/Subcases Update**

Ms. Bruner introduced Johnny Petit, CCOC Actuarial Performance Analyst, who will be taking over this report at the PIE Committee meetings. Mr. Petit explained that the data shown depicted an analysis over several years from September 2019–2023. He mentioned 2019 is more of a baseline year and 2020 was removed because it is an outlier due to the impact of COVID-19.

Notable changes in data include:

* The total case number for September was 403,574.
  + This was a 2.82% increase year over year.
* For the County Fiscal Year, cases were up about 5 million. Criminal Cases were up by 5.29 percent and Civil Traffic was up 5.5 percent.
  + Subcase types such as small claims, evictions, and auto negligence drove the increases.

1. **Agenda Item 5 – Peer Group Analysis**

Clerk Cooney presented the Peer Group Analysis Report. He explained that peer groups have been done for a while; however, about 4 years ago, it was determined that it could be done “in-house” instead of using a contractor. It seemed 8 peer groups were the “magic number” if basic rules were applied. The first was to not have any county in a peer group with another county that has more than two times their population size or more than two times the total weighted case count. The statute requires that population and cases be used. Since weighted cases were used in the budget process it was then adopted to include weighted cases rather than just pure case numbers.

Clerk Cooney stated that the report uses the University of Florida’s BEBR estimates for population figures as of April 1, 2022, and the verified weighted cases from CFY 2021-22. The statistical analysis found it was important that a county is not its own peer group (i.e., Miami-Dade County). Statistical analysis breaks down when you have less than four counties in a peer group. Palm Beach and Hillsborough counties were added to Peer Group 8 based on population. Gulf was kept in Peer Group 1 although they had slightly too many cases compared to Lafayette County. Clerk Cooney concluded by assuring statistical analysis was done on all counties regardless of Peer Group. Miami-Dade County was placed in Peer Group 8 for both options so that it is not its own Per Group. He pointed out that the statute requires this work. During budget deliberations and weighted case review a statistical analysis is done across all counties regardless of peer group. He stated that the committee could use either option or both to fulfill that statutory obligation; however, a statistical analysis across all counties will still be done.

Clerk Roth proposed not voting on the options during the meeting and moving the vote to the PIE Committee meeting scheduled for 03/15/24, to allow committee members and others to have time to review the options presented. She asked Clerk Cooney to restate what the two options are that they would be choosing between. Clerk Cooney responded that there is nothing in the statute that required one option to be picked over the other, the peer groups just needed to be chosen and analyzed. He stated that both options could be kept, and both Peer Groups used in certain circumstances. His stated preference is to use population based on the BEBR figures as a third-party reported data source. He does not believe the budget committee or the CCOC are restricted to only looking at peer groups “one way.”

Clerk Roth asked if there was an option that included the population and weighted cases together. Clerk Cooney responded that he does some tweaks on the back end but tried to work on that model in 2019, and it became a mess.

**Clerk Kinzel motioned to vote on the Peer Groups at the 03/15/24 PIE Committee meeting and was seconded by Clerk Green. The motion passed unanimously.**

**Clerk Roth directed CCOC Staff to distribute the report and supporting documentation to all clerks for their review and comment before the vote in March.**

1. **Agenda Item 6 – Other Business**

Clerk Roth stated that the CCOC and various committees were focused more on strategic planning and working on the essential core functions. From the PIE Committee, the two important workgroups are Weighted Cases and Case Counting. She stated the case counting workgroup produces Business Rules and after having had a workshop with clerks, clerk staff, and the workgroup’s meetings, they produced a solid product. There were very few items in the Business Rules that were requested to be improved, and those that do need review are very specific. The review of cases by the Case Counting Workgroup has a goal of being done by May, so the weighted cases can be used by the Budget Committee. Clerk Roth proposed that the Weighted Case Workgroup be reformed using members previously involved as well as new ones, to improve those nuanced items that needed to be reviewed. It is anticipated that the workgroup will not begin its work until January 2024. Clerk Roth asked Clerk Green if she would chair the workgroup. Clerk Green accepted and asked Clerk Cooney if his expertise would be available. He responded that we would be available to help in any way.

Clerk Roth noted that Clerk Cooney is the chair of the Case Counting Workgroup, and they are working hard to complete their review for the CFY 2022-23 cases. She reiterated that case counting and weighted cases are the major functions of the committee and the information has to be right so that we can trust our data. She notified the committee that Ms. Bruner is reviewing the final Output submissions and while there are some missing elements like Financial Receipts, those will not prohibit the work of the case counting workgroup from meeting their deadline. Clerk Roth asked if counties are contacted by the Case Counting workgroup, to please respond timely. She reassured the group that it is usually a small error and to not act defensively. The workgroup will be performing statistical analysis on the case counts submitted and will be working to identify outliers. Updates for the progress of this workgroup will come on the March PIE Committee meeting call.

Shannon Chessman, from Palm Beach County, informed the Committee that Chief Judge Kelly requested a meeting to specifically dialogue about small claims cases in County Civil. The Florida Supreme Court recently did their certification, Judge Kelly wanted to dialogue about their county civil case counts in comparison to their peers. They have discovered that other counties in their peer group are invoking the rules of civil procedure through Administrative Order and therefore do not have to do small claim pre-trials whereas, in Palm Beach, every small claim requires pre-trial, and the clerk staffs the courtroom. She further stated that the weight for those cases is a 5, whether you have pre-trials or not. She mentioned that their budget has been negatively impacted because they appear to have a much lower weighted caseload when the workload for the cases is not identical. She requested that the weighted case workgroup look at the differential in workload. Their Chief Judge feels that they are not at a disadvantage because they were not selected for more judgeships, and they are pressing the Clerk. She also mentioned that Palm Beach would be happy to serve on one or both of the workgroups.

Clerk Roth mentioned that her county has the highest increase per capita and because civil rules are invoked the work becomes complex and the workload becomes incredible, so further discussion is needed on this topic.

Clerk Cooney mentioned that over the years of this project the numbers of outliers that were found as a result of not following the business rules, have decreased dramatically. In many instances, they have seen where an outlier is just an outlier. He expressed that many times they are calling to say that cases were miscategorized and switching to the appropriate category results in a higher weighted cases total. This allows them to get the full credit they deserve. He believes the phone calls are not a bad thing, it allows everyone to be on the same page so everyone can feel more comfortable with everyone else’s numbers. He further stated that it is a laborious project that is well worth it because of the benefits, such as the number of anomalies due to not applying business rules have decreased.

Clerk Roth responded that for her county the two times they were contacted, her staff was either undercounting or misapplying the business rules, and once it was moved appropriately, the weighted case count increased. She reassured the clerks to be quick and responsive.

Clerk Green asked Clerk Cooney if during the work of the workgroup, if an example like the one Ms. Chessman shared, where there was a nuance that created more work for a county, how was it addressed? Clerk Cooney referred to the meetings when case weights were originally developed and stated that the workgroup looked at where they were at that time and the workload compared to other case types. He said he would need to look at Ms. Chessman’s situation specifically. Another example is in Clerk Roth’s County (Volusia) she is required to staff every meeting of the judge and he is not required to do so in Lake County. He thought it should be discussed in the workgroup, but in Palm Beach’s case, it may be the Chief Judges in other circuits are violating the rules. He was not sure if the CCOC should adjust the case weight for Palm Beach in that either they get their workload increased, or if other circuits get theirs decreased. He stated the rules for small claims require a pretrial by a local official (even a judges’ law clerk instead of a judge). If a pretrial is considered a hearing, then the judge can require the clerk to provide staff. He gave the example of a switch between judges handling small claims in Lake County, and how they had to “hold his hand” through the beginning. So, he agreed that they needed to be discussed in the workgroup to see if changes are needed.

Clerk Roth mentioned that they can waive the pretrial, although it is not truly waived because it still must be set, and they track who evoked the rules. Then all of the cases still must go to the case management conference. She stated they had some dockets of case management conferences where there were 900 cases set for one single docket. Clerk Cooney stated that in his case, they have a combo pretrial and mediation without the waiver of the rules. They use the rule that you can send the case to mediation and if they request pretrial at that point, then they are entitled to it. He explained that a law clerk presides over the pretrial/mediation and recommends mediation first. Cases that do not settle are then scheduled for the case management conference and go to pretrial.

Clerk Roth clarified that in Palm Beach if they had a regular case that is not auto-invoked, then would they have to do both a pretrial and a case management conference that would have to be staffed. Ms. Chessman confirmed that is the case. Clerk Roth stated that made her feel a bit better because she was on the workgroup from the Florida Supreme Court that looked at this. They found that PIP/glass cases in Volusia take 60% longer to resolve than other small claim cases. It was 30 days for a normal case compared to 95.5 days in PIP/glass cases. The PIP/glass cases also had 85% more docket activity.

Clerk Green wanted to extend an invitation to Palm Beach, specifically Ms. Chessman to be on the workgroup because of her perspective. Clerk Roth recommended others from a PIP-inundated county to be on the workgroup as well so there is representation of this issue. Clerk Green agreed.

Clerk Green asked Ms. Bruner for an update on the Payment Plan Reporting workgroup. Ms. Bruner responded that it was originally on the agenda for this meeting but was removed because they did not have anything new to report. They are in the data-collecting mode as of right now, but she will have a full report with an analysis at the meeting in March.

There are no additional questions or concerns.

Clerk Roth reminded the group that the next PIE meeting is on March 15, 2024, from 10 am to 12 pm.

Mr. Dew thanked Clerk Roth for her leadership and added he would like everyone to be patient with the CCOC due to the new transition, they are doing their best. He also thanked Ms. Bruner for taking over as staff for this committee.

Clerk Roth adjourned the meeting at 11:00 AM.