

DRAFT 2/28/10



## 20<sup>th</sup> Judicial Circuit

### *Civil Case Management:*

### *Proposed Guidelines for Civil DCM Case Management Procedures and Backlog Reduction Plans*

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## **20<sup>th</sup> Circuit: Proposed Guidelines for Civil DCM Case Management Procedures and Backlog Reduction Plans**

### **I. Purpose and Goals**

The 20<sup>th</sup> Circuit Civil Courts have been particularly hard hit by the impact of economic recession over the past three years. The volume of civil case filings has increased at an annual rate of 89 percent per year from 11,000 filings in 2006 to 47,000 in 2009, and has overwhelmed the civil justice system's ability to provide timely resolution. The backlog of civil and foreclosure disputes, is increasing at an escalating rate of growth in all counties in the circuit and must be addressed.

This 20<sup>th</sup> Circuit Civil Caseflow Management and Backlog Reduction Plan seeks to use innovative strategies to address the growing backlog and to implement modern differentiated caseflow management procedures in the circuit civil courts for the future to accomplish the following goals:

- Improve the courts ability as required by FL.R.2.545, to provide early and continuous control of case processing through use of additional Magistrate and Case Management resources, to ensure fair and prompt resolution of disputes consistent with the nature and complexity of the case;
- Identify immediate strategies for civil and foreclosure case backlog reduction plans to assist in prompt resolution of the current 31% of civil cases pending over 18 months;
- Improve the courts ability to respond to the growing number of commercial, business and other economic based civil filings having a direct impact on economic recovery in the circuit;
- Develop uniform procedures for effective early judicial intervention and management of complex cases consistent with new Florida Civil procedure rules for managing complex litigation (FL. R. 1.201);

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<sup>1</sup>Note: This report is a Discussion draft. It outlines preliminary guidelines and strategies for Civil Backlog reduction and implementation of differentiated civil case management procedures in the 20<sup>th</sup> circuit. These procedures and strategies are adapted from national civil DCM case management best practices discussions and 20<sup>th</sup> circuit judge/bar workshop reports at the Civil Caseflow Management Workshop held at Edison State College on 1/14/10. The procedures, track definitions and presumptive time standards are intended to provide a planned, flexible approach to the design of civil DCM case management and civil backlog reduction plans. Local Civil Case Management Stakeholder Working groups in Collier and Lee are in the process of refining these procedures. Uniform circuit CM orders/forms and MIS reports are identified but still in development.

- Reduce public costs of civil litigation through early identification and expedited handling of relatively simple two-party cases to ensure prompt resolution of expedited matters through early referral to mediation or expedited hearing where appropriate;
- Improve the quality and timeliness of Management Information from the Clerk/Court MIS systems to assist judges and the court in management of civil cases and identification of cases pending over Florida Supreme Court time standards (per R. 2.250);

## II. Circuit wide Civil Backlog Reduction Plans

Each Circuit Administrative Judge, in consultation with the civil judges and the local Bar, should develop a civil backlog reduction plan to address the number of civil cases pending over 18 months as of 4/1/10. The plan should include:

- a. Civil Case Management Stakeholder Working Group - A local Civil Case Management Stakeholder Working Group should be established by the Circuit Administrative Judge or Civil Presiding Judge to coordinate backlog reductions efforts. The working group should include Circuit Civil and County Civil judges and representatives from the local Bar, Clerks office and Court case management staff to ensure consultation with key stakeholders in the process;

- b. Analysis of Civil Backlog - Identification of Delayed/Backlog Target Cases

Each plan should provide an analysis of the trends in circuit civil and county civil filings, dispositions and baseline data on the number and types of Circuit Civil cases pending over 18 months, County Civil pending over 12 months and the number of Circuit Civil Foreclosure filings, dispositions and number of cases pending over 12 months.

Each county plan should include an effort with the Clerk IT staff to assist in producing a **Monthly Civil Case Aging Report** of Circuit Civil/County Civil Cases from the Clerks MIS system to list active and inactive civil cases pending over goal (Circuit Civil over 18 months; County Civil over 12 months) to assist the effort. Monthly Case Aging Report should be designed to meet local judge management needs, but may include a list of over goal cases in descending order by age – providing data elements for Division, case identifier, days from complaint, case type, date and type of last docketed event and next scheduled event if available as a way to analyze backlog cases requiring court action on an ongoing basis.

- c. Backlog Reduction Goals  
Based on the analysis of the existing situation, the plan should set realistic goals to achieve 20-50% reduction in backlog (cases pending over goal) based upon the nature and volume of cases pending in excess of time standards (Circuit Civil over 18 months and Non-Jury cases pending over 12 months). Progress should be tracked monthly.
- d. Updated Dismissal Lists for Inactivity should be developed in cooperation with the Clerk's Office on an ongoing basis.
- e. Case Management/Settlement Conferences  
The plan should set procedures for use of Magistrate, Senior Judges or Case Manager to screen, identify and assist judges in holding case management or status conferences in backlog or delayed cases. Steps to ensure coordination with the local Clerks staff on scheduling, case tracking procedures and MIS reporting should be described. The use of Senior Judges to assist with expedited foreclosure dockets or other backlog reduction activities planned should be described.
- f. Procedures and Form of Order for Referral to Magistrate and Order Setting Case Management Conference should be developed based upon the circuit model forms to the extent practical;

Backlog Reduction plans should be provided to the Chief Judge after review and consultation with the civil judges and stakeholder working group by 5/30/2010 to be effective no later than 7/1/10.

### **III. Civil DCM Case Management Plans - Time Standards & Goals**

These time standards/goals are developed consistent with Florida Supreme Court Rules of judicial Administration (FL.R.2.250) and are intended to be flexible, presumptive time periods for disposition of civil cases.

Complex case time standard/goal is expanded to 24 months upon designation of a case as complex consistent with R. 1.201 regarding management of complex civil litigation. The local goal of 80 - 90% disposition of cases within time standards recognizes, consistent with court rule, 2.250(a) that there are a portion of cases that present unique Pretrial problems that may cause reasonable delay. Time standards established by case track are:

- a. Complex cases     80% disposed within 24 months
- b. Standard cases    80% disposed within 18 months
- c. Expedited cases    90% disposed within 12 months

## IV. Case Track Definition and Criteria

### a. Complex Case Track – (Goal 24 months)

The complex case track involves those cases with extraordinary complexity as to require or benefit from early intervention and individual judge management. Complex cases are defined by FL. R. 1.201. Cases may be designated for handling on the complex track in one of the following ways:

1. Complex cases designated by motion or stipulation of Counsel and approved by Court as cases meeting complex litigation criteria under FL R. 1.201(a); OR,
2. Cases identified by the court on its own motion as complex case under Fl. R. 1.201 due to extraordinary procedural complexity, number of parties or other case factors that will require or benefit from individual judicial management;

*Presumptive Case Types-* Local plans may establish presumptive complex case types for review with the assigned judge based on local needs and filing trends.

Examples of presumptive complex case types that may be appropriate for early screening and review of case complexity are:

- **Class Action** Cases as noted on Civil Cover Sheet (Form 1.997, section V.)
- **Environmental/Toxic Tort/Mass Tort** Litigation (Form 1.997, section II)
- **Anti-Trust/Securities** Litigation
- **Malpractice** – Medical (or involving Wrongful Death)
- **Nursing home negligence**
- Other complex cases with extraordinary number of parties, experts, pretrial discovery issues

Presumptive complex case types may be designated for early screening and review by Case management. Multiple parties are a key factor, as referenced by the rule; however procedures should be developed in cooperation with the Clerk's Office to identify "presumptive" case types from the Civil Case Cover Sheet.

The Case Manager should be notified of presumptive case types upon filing by the clerk so that they may be actively monitored by the case manager after all defendants have been served, an appearance has been entered in response to the complaint by each party or a default entered. The case manager will review with the assigned Judge each case by evaluating the Civil Cover Sheet, Answer(s) and Complaint to determine the need for assignment to complex track.

**b. Standard Case Track – (Goal 18 months)**

Standard case track involves the large majority of standard cases that normally will not require a high level of judicial case management to reach timely resolution unless unusual pretrial delay arises. Examples of general case types that would be defined as standard cases, assuming no unusual complexity are:

- Personal injury/tort
- Auto negligence
- Standard contract cases without extraordinary pretrial discovery complexity

1. Case Management Conferences in Standard Cases- A Case Management Conference will be scheduled in standard cases after service of Complaint on all parties, to be held generally within 120 days from date of complaint. The parties may set the initial case management conference or the Court, in its discretion may set the date for initial case management conference. Parties may also request case management conferences by written request through the Magistrates office.

***The Initial Case Management Conference may be waived / canceled upon submission of the Counsel Stipulated (Agreed) Case Management Plan, signed by all parties, and approved by the court. Forms will be available on the Court's website.***

2. Counsel Stipulated (Agreed) Case Management Plan – A Counsel Stipulated (Agreed) Case Management may be developed jointly by counsel, and filed within 120 days of complaint. This will allow counsel to consult early in the case, devise an agreed upon pretrial discovery plan and to waive an initial case management conference, if approved by the court.

The use of a Counsel Stipulated (Agreed) Case Management Plan early in the case (within 120 days) is intended to allow counsel to set a reasonable pretrial discovery plan, without court intervention, provided that general time parameters are set and adhered to by counsel to ensure target dates for discovery, expert reports and referral to ADR based upon the complexity and needs of the case.

**c. Expedited Case Track - (Goal 12 months)**

Expedited cases are those cases normally requiring little judicial intervention with relatively simple procedural and legal issues that can be resolved promptly by early referral to mediation, ADR or expedited hearing.

Expedited cases may include:

- Contested Residential and Commercial Foreclosure
- Simple, two-party Collection/Indebtedness cases under \$50,000.
- Non Jury cases

Contested cases identified as expedited may be set directly by counsel for mediation within 270 days or as practical as part of the Counsel Stipulated (Agreed) Case Management Plan.

Defaulted Foreclosure cases will not require a Counsel Stipulated Case Management Plan and would continue to be set on an expedited hearing docket, possibly before a Senior Judge.

**NOTE: Homesteaded Foreclosure cases** will be handled through a separate managed mediation/conciliation process developed per Supreme Court order and local Administrative Order.

**V. Civil DCM Case Management Procedures**

(New Cases filed as of 10/1/10)

**a. Screening and Assignment to Case Tracks**

1. Civil Cover Sheet (Form 1.997)

To be filed with the initial complaint by Counsel with the Clerk. After review, data entry clerk will forward Cover Sheet/Complaint/Answer for cases that meet presumptive complex criteria to Case Manager.

2. Case Review and Screening by Case Manager

After responsive pleadings are filed, cases meeting presumptive complex case criteria will be reviewed by Case Manager for recommended track decision. Potentially complex cases will be reviewed with, and approved by, the assigned trial judge for assignment to the appropriate case track. (Upon complex case designation, case management procedures will follow Section V.b. of this document).



3. Standing Order for Case Management/Counsel Stipulated (Agreed) Case Management Plan  
Plaintiff counsel will attach the Standing Order for Case Management and Request for Counsel Stipulated Case Management plan with the initial complaint for service on all parties (with the exception of Homesteaded or defaulted Foreclosure actions).

**b. Case Management Procedures – Complex Cases**

1. Designation to the complex track  
Cases may be designated to the complex track as provided under Rule 1.201 by:
  - Stipulation by Counsel  
Motion or stipulation for designation as a complex case under 1.201 must be filed with the Clerk of Court. Clerk will provide a copy to the Case Manager in order to assist the judge in case preparation for Initial Case Management Conference or motion hearing;
  - On Courts Motion  
Case Manager may recommend designation as a complex case to trial judge after receipt of responsive pleadings and review of complaint, answer and civil case cover sheet in presumptive case types.
2. Initial Case Management Conference  
Set by the assigned trial judge to occur within 60 days of designation as a complex case with assigned judge or magistrate in selected cases with consent of counsel;
3. Joint Statement of Counsel  
To be filed jointly by counsel 15 days prior to the initial case management conference as required under R. 1.201;
4. Case Management Order  
Developed by counsel to be consistent with uniform circuit Case Management Order resulting from the conference which provides:
  - Pretrial Discovery/Case scheduling plan
  - Plan for referral to ADR
  - Next Case Management Conference Date
  - Date for next Pretrial Conference  
(that is not less than 90 days from trial date)
  - Estimated date for trial/readiness date within 24 months

5. Interim Case Management Conference or Pretrial Conferences  
At the trial judge’s discretion, an interim case management conference or Pretrial Conference may be set with the Judge or Magistrate to facilitate resolution of pretrial management or discovery matters, resolve outstanding issues and set a firm trial date.
6. Trial  
Trial date set by judge at the Pretrial Conference or upon receipt of notice for trial.

**c. Case Management Procedures – Standard/Expedited Cases**

1. Standing Order for Case Management/Counsel Stipulated (Agreed) Case Management Plan- Plaintiff counsel will attach the Standing Order for Case Management and Request for Counsel Stipulated (Agreed) Case Management plan with the initial complaint for service on all parties( with exception of Homesteaded and Defaulted Foreclosure actions).

2. Case Management Conference  
In standard cases, counsel may waive initial case management conference by filing a Stipulated Case Management Plan, approved by the Court, within 120 days of complaint.

In cases where counsel does not file a Counsel Stipulated(Agreed) Case Management Plan within 120 days of complaint, or in cases where the plan has been filed but not approved by the Court, both parties and counsel will be required to attend an initial Case Management Conference as scheduled by the court to establish a case management/scheduling plan.

3. Presumptive case scheduling plan/time goals  
Counsel Stipulated (Agreed) Case Management Plans may be flexible and based upon individual case factors, but should be consistent with reasonable and presumptive pretrial discovery and ADR time goals as follows:

<u>Case Track</u>	<u>Completion Discovery</u>	<u>Referral to Mediation</u>	<u>Trial/Disposition</u>
Standard	420	450	540 days
Expedited	240	270	365 days

## **VI. Standardized Circuit Civil Case Management Forms & MIS Reports**

- a. Civil Case Cover Sheet (Form 1.997)
- b. Standing Order for Case Management
- c. Counsel Stipulated (Agreed) Case Management Scheduling Plan
- d. Case Management Conference Report/Case Management Order
- e. Pretrial Conference Order
- f. Notice of Civil Case Disposition/Settlement ( Form 1.998)
- g. Complex Case Track
  - Motion for Designation of Case as Complex
  - Order Designating Case as Complex
  - Joint Statement of Counsel Prior to Case Management Conference
  - Complex Case Management Order

## **VII. MIS needs and requirements to support Judges and Civil Case Management initiatives**

- a. Monthly Age of Pending Civil Cases Report
- b. Monthly Civil Case Pending Report List of Civil Cases Pending over Time Goal
- c. Monthly Report of Number of Cases Filed and Disposed by Case Type
- d. Non-Service Report of Cases Pending over 120 days without service
- e. Monthly Report-Answered Cases over 120 days without filed Counsel Stipulated Case Management Plan

**Rev. 2/28/10**

# ADVISORY BULLETIN

## Florida Association of Court Clerks/Comptrollers

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REF: Foreclosure Cases

DATE: June 11, 2010

NO: 10-042

FILE NO. F02-008-100611-03 TELEPHONE: (850) 921-0808

CONTACT: K. Kent

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The Clerks and Courts have been asked to establish a process to monitor an initiative on Real Property/Mortgage Foreclosure cases with the goal of the elimination of 62% of all Real Property/Mortgage Foreclosure cases pending as of June 30, 2010 (non-disposed and reopened).

The Office of the State Courts Administrator (OSCA) plans to monitor the success of this initiative by calculating the following statistics:

- Clearance rates
- The number of cases disposed
- The percent of backlogged cases
- The average age of target cases

In order to calculate these statistics, OSCA and FACC are working together with the Clerks to provide timely and consistent data for monitoring and reporting purposes, as outlined in the attached letter from Lisa Goodner, State Courts Administrator, Office of the State Courts Administrator and Kenneth A. Kent, Executive Director, Florida Association of Court Clerks & Comptrollers.

Should you have any questions regarding this alert, please feel free to contact Ken Kent at (850) 921-0808 or [kent@flclerks.com](mailto:kent@flclerks.com).

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Peggy A. Quince  
Chief Justice

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Elisabeth H. Goodner  
State Courts Administrator

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**Office of the State Courts Administrator**

Phone: (850) 922-5081 Fax: (850) 488-0156  
E-mail: [osca@flcourts.org](mailto:osca@flcourts.org)

June 11, 2010

Clerks of Court

Dear Clerk:

As you know, this year the Florida Legislature authorized \$9.6 million to be spent by the State Courts System (\$6.0 million) and the Clerks of Court (\$3.6 million) dedicated to the elimination of the backlog of real property/mortgage foreclosure cases. The intent of this legislation is to reduce the backlog of non-disposed and reopened cases that are clogging the courts and slowing down the foreclosure process across the state. We believe this project can have a positive impact for the State of Florida as a whole.

The Trial Court Budget Commission has set a target of moving 62% of all non-disposed and reopened, or pending, real property/mortgage foreclosure cases as of July 1, 2010 to disposition by June 30, 2011.

In order to develop a solid baseline for measuring this objective, the Office of the State Courts Administrator (OSCA) is asking that each Clerk of Court provide a list of all real property/mortgage foreclosure cases that are non-disposed, reopened or pending as of close of business June 30, 2010. (Please see attachment for details.) OSCA will compile these county case lists into a foreclosure and economic recovery case tracking mechanism which will be provided to court administration in each of the 20 circuits.

The Florida Association of Court Clerks and Comptrollers (FACC) has developed a standard query to produce this information for those counties using the FACC case maintenance system. Please contact the FACC Service Center 850-414-2210 or [Support@flclerks.com](mailto:Support@flclerks.com) by June 15, 2010 for information on obtaining and using this query.

We ask that those Clerks of Court who do not use the FACC case maintenance system to contact Arlene Johnson, at [johnsona@flcourts.org](mailto:johnsona@flcourts.org) or 850-922-5103 by June 23, 2010 to provide a point of contact within your office to assist us with this data request.

Foreclosure and Economic Recover Initiative

Page Two

June 11, 2010

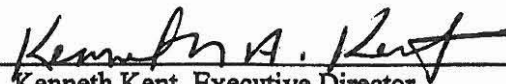
The intent of this initial case list is to provide a foundation for court administration to target cases and track results. We understand that there are issues with the reopen and pending case designations and we believe that it is best to initially identify more candidate cases than less. During the initiative period, court administration staff will be working closely with Clerk's staff to refine the case list and identify those cases that may appear open but should be closed or cases that otherwise do not meet the criteria for this initiative. Approaching the issue in this fashion will allow the initiative to move forward quickly while still providing the Courts and Clerks with quality information at the end of the initiative to serve as a basis for quantifying their achievement.

We believe that, if we work together, we can demonstrate to the Florida Legislature our success with this initiative.

Sincerely,



Lisa Goodner, State Courts Administrator  
Office of the State Courts Administrator



Kenneth Kent, Executive Director  
Florida Association of Court Clerks &  
Comptrollers

LG:pjs

Attachment

## Attachment A

### Foreclosure and Economic Recovery Initiative Data Collection Plan

#### Clerk of Court Data Request:

In order to ensure that each circuit has a complete list of pending real property/mortgage foreclosure cases as of July 1, 2010, OSCA will work with Clerks of Court and the FACC to develop a list of all cases, non-disposed or reopened; i.e. pending, as of June 30, 2010. Circuit court administrations are currently identifying the resources needed to implement this initiative. The list of pending cases will serve to focus and direct the Courts' efforts to move these cases and provide a method for tracking progress. It is critical that this case list be available for distribution by OSCA to trial court administrators no later than close of business July 9, 2010 so that work can begin as soon as possible.

To ensure accurate tracking, the initial case list data file should contain the following information and will be submitted to OSCA as a standard ASCII text file in pipe delimited format.

1. Uniform Case Number
2. The date the case was initiated
3. The applicable SRS case type of the case
4. The date the case was reopened, if applicable
5. The date the case was originally disposed (for reopened cases only)
6. The SRS disposition category (for reopened cases only)

It is understood that there are issues with identifying cases classified as reopened and/or pending due to the differences among the Clerks of Court in how these terms are defined or implemented in their various systems. Since the intent of the initiative is to identify conclusively those languishing cases that can legitimately be moved through to disposition and sale, it is better to extract more rather than fewer records at this point. However, to keep things manageable, we ask that each county exercise due care in their extraction.

OSCA will divide the cases by circuit and county and initially populate the Foreclosure and Economic Recovery Case Tracking System workbooks for each circuit. OSCA will transmit the data collection workbooks to each trial court administrator. Cases transferred into the program after July 1, 2010 will have to be entered manually by court administration staff. Court administration will provide an updated copy of these tracking workbooks to OSCA at least bi-weekly for monitoring, analysis and reporting.

Data files may be emailed to P.J. Stockdale at [stockdap@flcourts.org](mailto:stockdap@flcourts.org) with the subject line "Foreclosure and Economic Recovery Initiative Initial Case Data List." Please contact Mr. Stockdale by email or by phone (850-410-1523) if you have any questions concerning this data submission.

## **Civil/Foreclosure Case Management Proposal- 20<sup>th</sup> Circuit**

### Background Summary

The 20<sup>th</sup> Circuit Administrative Judges and Civil Judges in Lee and Collier have been working on a pilot program to expand Civil Magistrate and Case Manager staff support and use of successful practices used in Family and Criminal DCM to the civil docket. The Civil DCM program is scheduled to begin implementation with preliminary backlog reduction efforts in December/January and new screening and case management procedures in April 2010.

This pilot project is intended to address the growing volume, complexity and backlog in civil cases resulting from economic downturn by implementing a civil case management model that is consistent with the new complex case litigation rules enacted by the Florida Supreme Court.

The goals of the 20<sup>th</sup> Circuit Civil Case Management initiative are to:

- Immediately address the backlog of civil and foreclosure cases that has resulted from the 479 percent increase in volume of civil litigation caused by the economic downturn over the past three years;
- Identify case management procedures and staff support to properly implement recent Florida Supreme Court rule amendment (Rule 1.201) addressing procedures for management of complex civil litigation;
- Develop differentiated civil case management procedures to improve early case screening and intervention, use of case management procedures and time standards based on case complexity and assistance to civil judges in pretrial management and backlog reduction.

By way of background, the 20<sup>th</sup> Circuit has been particularly hard hit by the economic downturn. The foreclosure crisis has overwhelmed the circuit civil system, and while the rate of growth in residential foreclosures is leveling off, there were 47,786 civil and foreclosure filings in the circuit during 2008-09. Despite expedited foreclosure default dockets and efforts to expand mediation which disposed of 21,602 foreclosure cases in Lee County, there remains a significant backlog of 31,000 civil and foreclosure cases pending disposition.

Further, the rate of growth in filings and backlog of other economic related cases, including contract, construction and other complex civil cases has grown significantly



over the past three years (non-foreclosure civil cases pending over 18 months is up 19.3% in three years). No additional judicial or case management resources have been available through the state budget to adequately respond to this crisis over the past three years.

The 20<sup>th</sup> Circuit Civil DCM program will initially assign a Civil Case Manager and a Civil Magistrate to work as a team with Civil judges in the two largest counties in the circuit (Lee and Collier) to focus on civil backlog reduction, assistance to civil judges in handling complex litigation and expediting foreclosure case resolution through special foreclosure default calendaring and early referral of contested cases to mediation.

Civil Magistrate staff will be funded through county budget for one year as a pilot, but county funding is not expected to be continued and there is a pressing need for state funding to address this problem in the circuit.

#### Scope of the Initiative:

The Civil DCM procedures are in the process of being finalized with Circuit Civil judges and local Bar Associations in Lee and Collier. A circuitwide Civil Case Management workshop to complete the circuit plans will be held on January 14, 2010. Key components of the program will include:

- **Complex Case Management Procedures** will be established to identify and assist Civil Judges in implementing new Complex civil litigation rules, forms and procedures recently enacted under R. 1.201.  
(See: <http://www.floridasupremecourt.org/decisions/2009/sc08-1141.pdf>)
- **Two new Civil Magistrates will be funded by counties and two Civil Case Managers** will be assigned to Civil through reassignment of duties for existing positions as a pilot. Full staffing need for the circuit is estimated at three (3) Civil Magistrates and five (5) Case Managers for 47,786 total civil filings;
- **Initial focus will be on assistance to civil judges in civil backlog reduction**, use of management reports to identify older problem cases and use of Magistrate to set Case management/Settlement conferences in cases over 18 months;
- **Case Management procedures will be developed for early screening of civil cases and identification of presumptive criteria for complex business/commercial or complex tort cases**, for holding the Initial Case Management Conference within 60 days of first answer in complex cases, and for use of simplified standardized forms for Case Management/Pretrial Conference Orders in standard cases;
- **New Civil Cover sheet implemented on 1/1/2010** and a procedure coordinated with the Clerk for use of a Case Manager to screen presumptive complex cases at

answer, coordinate case management conferences, referral to mediation and improved MIS tracking and information to judges on status of civil cases;

- **Tentative Case Tracks and flexible time standards** will be recommended for time to disposition (Standard- 18 months; Complex cases- 24 months) and for discovery cut-off, mediation and for pretrial conference based on case complexity;
- **Expedited Foreclosure case track** will utilize Case Manager to assist in expedited default docket and early referral of contested residential and commercial foreclosure cases to mediation;

Estimated Staffing Requirements:

#### Alternative 1: Full Circuitwide Civil/Foreclosure Case Management Staffing Model

The Circuitwide Civil Case management staffing model is Judge –Case Manager team based and estimates a need for one (1) Civil Magistrate, (1) Case Manager per 10,000 - 12,000 civil filings.

Staffing Model Estimates (1 Magistrate/ 1 Case Manager per 12,000 filings)

- Lee County: 2008-09 Filing Volume- 30,209 Circuit Civil (25, 230 Foreclosure)
  - (2) Civil Magistrate
  - (2) Civil Case Manager (JD level preferred)
  - (2) Administrative Assistant
- Collier County: 2008-09 Filing Volume – 10,849 Circuit Civil ( 8,358 Foreclosure)
  - (1) Civil Magistrate
  - (1) Civil Case Manager (JD level preferred)
  - (1) Administrative Assistant
- Charlotte/Hendry/Glades Counties: 2008-09 Filing Volume – 6,728 Circuit Civil ( 5,489 Foreclosure)
  - (1) Civil/Foreclosure Case Manager

#### Alternative 2: Minimum Funding Model for 2 County Pilot

This alternative funds pilot staffing in the two largest counties (Lee and Collier) in the five county circuit. Staffing model estimates are based on one Magistrate/Case Manager

and Administrative Assistant team per 10,000- 12,000 civil filings/ 8 Circuit Civil Judges.

- Lee County: 2008-09 Filing Volume- 30,209 Circuit Civil (25, 230 Foreclosure)
  - (2) Civil Magistrates
  - (2) Civil Case Manager (JD level preferred)
  - (2) Administrative Assistant
  
- Collier County: 2008-09 Filing Volume – 10,849 Circuit Civil ( 8,358 Foreclosure)
  - (1) Civil Magistrate
  - (1) Case Manager (JD level preferred)
  - (1) Administrative Assistant

Recommended job descriptions, qualifications and salary classifications for Civil Case Manager and Civil Magistrate are attached.

12/10/09

Trial Court Budget Commission  
Meeting February 2, 2010  
Economic Recovery Proposal

**Executive Committee Recommendation**

Circuit	General Magistrate		Senior Judge Days	GM/Senior Judge Expense	Admin Support (GM/Senior Judge)			Case Management			Mediation Admin Support			FY 2010/11 Proposed Allocation
	OPS	Contracted Services			OPS	Contracted Services	Expense	OPS	Contracted Services	Expense	OPS	Contractual Services	Expense	
1			\$58,100	\$6,500				\$68,471		\$7,833	\$26,090		\$4,000	\$170,994
2			\$21,180	\$2,470	\$20,025		\$1,000	\$121,319		\$5,000				\$170,994
3								\$39,126		\$4,000	\$52,181		\$8,000	\$103,307
4		\$159,376				\$52,180			\$78,252			\$52,180		\$341,988
5			\$150,150	\$9,244				\$156,504			\$26,090			\$341,988
6			\$117,600	\$6,000	\$104,360		\$6,000	\$156,504		\$8,000	\$104,360		\$8,000	\$510,824
7		\$62,400	\$61,250	\$9,654	\$52,180			\$156,504						\$341,988
8		\$75,000	\$24,500	\$2,889	\$26,090		\$500	\$39,126		\$2,889				\$170,994
9			\$306,250	\$42,000	\$91,315		\$35,000	\$117,378		\$23,910	\$52,180		\$15,940	\$683,973
10			\$18,200			\$40,722			\$94,820			\$17,252		\$170,994
11		\$159,376	\$84,000	\$4,778		\$149,360	\$6,800		\$860,772	\$37,400		\$78,270	\$5,100	\$1,385,856
12		\$79,688	\$91,000			\$36,307			\$98,686			\$36,307		\$341,988
13			\$292,500	\$13,576	\$80,270		\$2,000	\$273,882		\$25,036				\$687,264
14			\$25,200					\$78,252		\$9,000	\$52,180		\$6,362	\$170,994
15		\$320,000	\$142,800	\$30,584	\$180,000		\$6,000	\$313,008		\$16,000	\$30,000		\$1,000	\$1,039,392
16		\$40,000	\$70,000	\$33,394		\$10,000			\$15,600	\$2,000				\$170,994
17			\$306,250	\$20,852	\$52,180		\$3,000	\$313,008		\$22,000	\$104,360	\$202,742	\$15,000	\$1,039,392
18	\$159,376		\$252,000	\$12,000	\$78,270		\$11,336							\$512,982
19		\$79,688	\$66,500	\$19,715		\$52,180			\$97,815			\$26,090		\$341,988
20	\$318,752		\$84,000		\$104,360			\$156,504			\$20,360			\$683,976
Total	\$478,128	\$975,528	\$2,171,480	\$213,656	\$789,050	\$340,749	\$71,636	\$1,989,586	\$1,245,945	\$163,068	\$467,801	\$412,841	\$63,402	\$9,382,870