

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO THE
FLORIDA RULES OF JUDICIAL
ADMINISTRATION - RULE 2.236**

CASE NO. SC10-241

**RESPONSE OF THE FLORIDA
COURTS TECHNOLOGY COMMISSION**

The Florida Courts Technology Commission (FCTC), through its Chair, Judge Judith L. Kreeger, and pursuant to the Publication Notice issued February 12, 2010, files this Response to comments filed in the above-referenced case.

The Commission on January 29, 2010 filed a proposal for new rule 2.236, Florida Rules of Judicial Administration, to establish the FCTC as a standing Supreme Court committee with fixed and well-defined responsibilities and authority for the development and use of technology within the judicial branch.

Comments were filed by the Florida Association of Court Clerks and Comptrollers (FACC), through FACC President Jim Fuller, and by Miami-Dade Clerk of Courts Harvey Ruvlin. While FACC concurs with the concept of a permanent body to oversee and monitor the development, maintenance, management, and implementation of technology in the state courts as part of the Florida justice system, the association supports the recommendations of the Technology Review Workgroup (TRW) in its March 2, 2010 final Court System Interim Project Report. In that report, the TRW recommended legislative establishment of a permanent state and circuit-level governance structure to provide policy and operational decision-making authority and coordination of court technology as it relates to the integrated computer system referenced in section 29.008(1)(f), Florida Statutes. Clerk Ruvlin concurs with FACC's comment, further stating that any technology governance structure "that does not treat all partners in our justice system with equal dignity and status (with rotating chairmanships) would clearly undermine the enormous positive potential that technology represents for the future of Florida's justice system."

The proposal before the Court is for a court rule to establish FCTC as a permanent, standing commission to assist the chief justice and Supreme Court in the development of technology policies, procedures and priorities for the trial and appellate courts. From a constitutional standpoint, these matters concern practice and procedure in the courts within the core responsibilities and authority of the chief justice and the Supreme Court. See Article V, section 2, Florida Constitution.

The TRW report recommendation for a state and circuit-level governance structure established by statute with representation and participation by state attorneys, public defenders, guardians ad litem, and regional conflict counsel, in addition to the clerks of court and the courts, addressed oversight of the integrated computer system referenced in section 29.008(1)(f), Florida Statutes. The FCTC's role and responsibility, under the proposed rule, is focused more specifically upon development and use of technology within the judicial branch to improve access to courts and enhance operational efficiencies within the courts. While the FCTC supports the concept of a governance structure for an integrated computer system, it believes that that system should be limited to the courts and the clerks, with improved data sharing among other justice system stakeholders. As noted in FCTC's February 9 response to TRW's "Plan for Identifying and Recommending Options for Implementing the Integrated Computer System for the State Courts System," the state attorneys, public defenders, guardians ad litem and conflict counsel are participants in the work of the courts, on par with private practitioners, pro se litigants, legal aid and legal services attorneys, and state agency attorneys, in that they have access to, file and receive copies of court records and they may have access to some data bases to which courts have access. However, they are not part of the state courts system, and their technology needs are separate and distinct from the case processing and case and records management technology concerns of the courts and the clerks. For that reason, the FCTC believes that the TRW recommendations for an integrated computer system encompassing these justice system stakeholders, and for a legislatively created state and circuit-level governance structure to oversee that system, were overly expansive and ultimately unworkable.

Under the proposed new rule, FCTC would have a membership comprised of district, circuit and county judges, court administrators and court technology officers, clerks of court, the Florida Bar, and members of the public. These are the appropriate participants in a judicial branch governing body reporting to the chief justice and the Supreme Court on technology matters concerning the trial and

appellate courts. The FCTC urges this Court to approve its recommendation for proposed rule 2.236.

Respectfully submitted,

Judith L. Kreeger, Chair
Florida Courts Technology
Commission
Circuit Judge, Eleventh Judicial Circuit
Lawson E. Thomas Courthouse
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Response was furnished by U.S. Mail to Jim Fuller, President, Florida Association of Court Clerks and Comptrollers, 3544 Maclay Boulevard, Tallahassee, FL 32312, and the Honorable Harvey Ruvin, Miami-Dade Clerk of Courts, Dade County Courthouse, Room 242, 73 West Flagler Street, Miami, FL 33130 this ____ day of April, 2010.

CERTIFICATE OF FONT COMPLIANCE

I certify that this Response was prepared in 14-point Times New Roman font.

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