

**IN THE SUPREME COURT OF FLORIDA**

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

**CASE NO. 16-**

**PETITION OF THE COMMISSION ON  
DISTRICT COURT OF APPEAL PERFORMANCE AND  
ACCOUNTABILITY TO AMEND FLORIDA RULE OF JUDICIAL  
ADMINISTRATION 2.240(b)(2)(B)**

The Commission on District Court of Appeal Performance and Accountability (“Commission”), by and through its undersigned Chair, the Honorable Vance E. Salter, respectfully files this petition requesting amendments to Florida Rule of Judicial Administration 2.240(b)(2)(B). Responsive to the Court’s October 2, 2015 request appearing here as Appendix C, this filing is submitted pursuant to rule 2.140(g)(1) without reference to or proposal from the Rules of Judicial Administration Committee.

**BACKGROUND**

In February of 2015, the Commission on District Court of Appeal Performance and Accountability submitted a report to the Supreme Court. *Review of Relative Case Weights for District Court of Appeal Judges* was the culmination of the Commission’s review of relative case weights as required by rule 2.240(b)(2)(B)(ii), Florida Rules of Judicial Administration. The report offered three recommendations

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to the Court, including revising the current relative case weights, removing a modifier for the First District Court of Appeal, and reviewing the weighted case disposition threshold of 280 relative weighted cases per judge.

In response, Chief Justice Labarga, in a letter dated May 15, 2015, noted that the Court approved removing the modifier for the First District and reviewing the weighted case disposition threshold. The approval of the revised relative case weights was deferred until the threshold was reviewed. The Court asked that the Commission review the threshold and provide recommendations by July 1, 2015. The Commission reviewed both the weighted case disposition threshold methodology established in 2005 and current data applied to the methodology and determined that the threshold should be revised to 315 weighted cases. Additionally, the Commission determined that a review process for the threshold should be established, following a four-year cycle similar to that of the relative case weights.

In October 2015, the Court approved the recommendations of the Commission to (1) revise the weighted case disposition threshold to 315 cases and (2) pursue amending rule 2.240(b)(2)(B), Fla. R. Jud. Admin., to remove the specific threshold of 280 weighted cases and provide for a four-year review cycle.

### **PRESENT FILING**

The current rule does not suggest a review process for the weighted case threshold. Additionally, the rule specifies a threshold of 280 relative weighted cases

per judge. This specificity causes difficulty in updating the threshold. The Commission suggests that the rule be amended to remove “280” and substitute “the weighted case disposition threshold” to allow for changes in the threshold number once review cycles are complete.

Additionally, it is suggested that subsection (ii) add the language “and the weighted case disposition threshold” to the statement providing for a four-year review of the relative case weights by the Commission, thus allowing the threshold to be reviewed every four years. The Commission also suggests adding in language that states “[a]ny such recommended adjustment shall be subject to the approval of the Supreme Court.” These revisions are set forth in full as appendices, appearing first in full-page legislative format in Appendix A and in a two-column chart with explanations of new and changed text in Appendix B.

The application of the weighted case disposition threshold is part of the process in determining judicial need in the district courts. According to the current language in Rule 2.240(b)(2)(B), Fla. R. Jud. Admin., “the court will presume that there is a need for an additional appellate court judgeship in any district for which a request is made and where the relative weight of cases disposed on the merits per judge would have exceeded 280 after application of the proposed additional judge.” However, collateral aspects of workload are, and must be, considered. If those considerations indicate judicial need, district courts may request additional

judgeships, as part of the yearly judicial certification process. The Supreme Court then determines and certifies judicial need to the Legislature. The Legislature determines if such judgeships will be funded.

By allowing for a four-year review cycle of the relative case weights and the weighted case disposition threshold, the ever-changing landscape of judicial workload can be assessed regularly and efficiently, and the certification of judicial need can be revised accordingly. Thus, judicial need will be more accurately determined and persuasively justified in the certification process.

WHEREFORE, the Commission on District Court of Appeal Performance and Accountability requests the Court consider and adopt these proposed amendments to Florida Rule of Judicial Administration 2.240(b)(2)(B).

Respectfully submitted this 28<sup>th</sup> day of January 2016.

/s/ Vance E. Salter  
Vance E. Salter, Chair  
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## **CERTIFICATES OF SERVICE AND TYPEFACE COMPLIANCE**

I CERTIFY a true and correct copy of the foregoing Petition of the Commission on District Court of Appeal Performance and Accountability to Amend Florida Rule of Judicial Administration 2.240(b)(2)(B), with all appendices, has been furnished by electronic mail through the Florida Courts E-Filing Portal to the following persons this 28<sup>th</sup> day of January 2016:

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I FURTHER CERTIFY the petition has been prepared in MS Word using Times New Roman 14-point font, which complies with the font requirements set forth in Florida Rule of Appellate Procedure 9.100(*l*).

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