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# Speed and Judgment: The Effect of Caseload on Florida's District Courts of Appeal

Isabella C. Johnston
*University of Central Florida*, is255934@ucf.edu

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By

Isabella C. Johnston

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Thesis Chair: Dr. Drew Lanier

## Abstract

The Florida District Courts of Appeal have undergone many changes over the last three years, including the adoption of video conferencing due to the Covid-19 pandemic, and the creation of a brand-new district for the first time since 1979. Included in this series of changes was a new rule that moves most of the circuit court's appellate jurisdiction into the jurisdiction the District Courts of Appeals (DCAs). This change has added to the systemic pressures of the Florida DCAs. While the creation of a new district is a step in the right direction to protect the effectiveness and perception of the state's intermediate appellate courts, more needs to be done. Unfortunately getting data from the courts is difficult; thus, there is little way for the public to sense their effectiveness. While the integration of technology has been positive, the current resources available to the courts to dispose of its cases are in need of expansion. Finally, there is a general need for more support for judges and their staff. Overall, the way that Appellate Courts operate has significantly changed, and the stress they are under has in turn increased because of these reasons; the creation of a new district—while expensive— was an important step to preserving the integrity of the courts.

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## Table Of Contents

## List of Figures

## List of Acronyms

CDCAPA ……Commission on District Court of Appeal Performance and Accountability

DCA……...……. District Appellate Court

FCTC……...…. Florida Courts Technology Commission

NCSC…… National Center for State Courts

OSCA……..…….. Office of the State Courts Administrator

PCA……. Per Curiam Affirmance

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## Background

Florida's District Courts of Appeal (DCAs) are the silent work horses of the state's judicial branch. Despite being the third-most populated state in the nation (Population Clock Census 2024), Florida only has 72 appellate judgeships (District Courts of Appeal 2024). Florida's DCAs have been outdated since at least 2015, with it being incredibly difficult to access their data until recently (Court Statistics 2024). Due to how difficult it can be to get current information concerning the operation of the DCAs, there are very few studies that focus on these courts. This has created a gap where some of the most important courts in the state system go somewhat ignored for academic studies. Florida's appellate courts state that their purpose is to, "provide the opportunity for thoughtful review of decisions of lower tribunals by multi-judge panels. ...correct harmful errors and ensure that decisions are consistent with our rights and liberties. This process contributes to the development, clarity, and consistency of the law." (Organization DCA 2024). Florida's appellate courts were created in 1957 with the need to increase courts' speed and efficiency because— at the time—all appellate cases were heard by the Florida Supreme Court (District Courts of Appeal 2024). Legal error is inevitable within the judicial system, and the supreme courts of larger states just do not have the resources to hear every case that needs review. Intermediate appellate courts exist to ensure that everyone who needs to appeal will be heard in a timely manner (*Taylor v. Knight* (*Fla. Dist. Ct. App.* 1970) and, as such, they are vital to the state court system.

The District Appellate Courts in Florida decide cases in panels comprised of three judges that review the court record and hear oral argument but are introduced to no new factual information. For the court to come to a decision, at least two of the judges must concur. These courts' primary purpose is to examine cases for legal error, such as an incorrectly applied statute.

As of January 1st, 2023, Florida has six appellate District Courts of Appeals (*In Re: Redefinition of Appellate Districts and Certification of Need for Additional Appellate Judges* 2021) Unlike Circuit courts and the Supreme Court, the DCA's jurisdiction is a process of elimination (Kuenzel 2021), with the DCAs hearing cases that cannot go directly to the state Supreme Court and appeals that cannot be heard by Circuit courts. In addition to this, District Courts of Appeals in Florida have jurisdiction to issue writs and review final actions of state regulatory agencies (Kuenzel 2021). Effective January 1st, 2021, s. "Certification of Question to District Court of Appeal" 34.017 made it so all county appeals "of great public importance" would be heard by the DCAs. This includes cases that were already on the docket of the circuit courts ("Certification of Question to District Court of Appeal (s. 34.017)" 2021). The idea of what is "of great importance" is vague and only somewhat defined, meaning that anytime someone wishes to file an appeal it is now far more confusing to know what the correct jurisdiction and venue are. For example, Circuit Courts can still issue writs, and the language of the legislation giving them this power is nearly identical to the language of what gives the DCA's their ability to issue writs (Kuenzel 2021).

In addition, this change in jurisdiction occurred in 2021 meaning that, as the courts were still recovering from Covid-19, their workload increased with little time to prepare for this major change. The National Center for State Courts points out that we still do not know the full impact

of Covid-19 on Appellate Courts (CourTools 2021), partially because court operations and services were shut down and/or hard to access for many. This led to lower filings and overall abnormal years for most courts. This suggests that many courts' (even trial courts) data, such as disposition rates, were not actually reflective of the work they typically do. In addition, appellate courts typically do not have original jurisdiction, meaning most of the cases heard by the DCAs have been heard by another 'lower' court. Because of this, there will be cases that were impacted by Covid-19 that will have to be handled by the DCAs at a later time. The NCSC recommends excluding 2020 data from calculations like weighted caseloads (explained in methodology) that are used in the courts to track trends in the DCAs and judges' work, because the situation was so unique.

Between 2015 and 2022, Florida District Courts of Appeals received an average of 20,424 filings per year. (Data Request 2024). In this same period, there were only 64 judges working in these courts. With the complex nature of appellate work in mind, it is worthwhile to ask if the courts have enough time to effectively handle this workload.

## Methodology

There is an inherent challenge in trying to determine the success of an appellate court. There is no objective way to determine how long a case should take to be resolved. Every case will be different and, as such, will require a different amount of time and effort expended by the relevant DCA. Many cases can be diverted from the courts before even reaching the point of appeal, but the DCAs also deal with exceedingly complex areas of law. There is a very wide range of case types that are put before the Florida District Courts of Appeals. Yet, for the courts to be effective, they must work efficiently. Data collection is needed because it allows for "transparency, accountability, and continuous improvement within the District Appellate courts" (Courtools 2015). While one would assume measuring the average amount of time it takes a case filing to reach a decision would be the most effective way to assess efficiency, this method has several drawbacks. First, this data is only available for a small number of years, to the point where there are few cases to examine from it. Second, this method can be misleading. Often when Courts strive to take care of backlogged cases, judges work on the cases that have been there the longest. This results in the court's "time to decision" increasing even though the issue is currently being resolved (Marvel 1985). Marvel wrote frequently in the 1980s about the explosion of appellate caseloads and how different states were handling it. While he did not study Florida's courts due to a lack of available data, his methods provide helpful insight into how to compare the output of the courts each year. Marvel uses the "Backlog Ratio" to show, in years, the average amount of time a case takes to get through the courts. The ratio is calculated by taking the total number of cases pending at the end of the year and dividing it by the total number of cases disposed, resulting in a number usually between 0.5-1.5 (Marvel 1985). This is

not a perfect measure of appellant court performance, but when used in tandem with other measurements it can help us assess or observe when appellate output is affected.

In addition, the Florida courts measure their efficiency with clearance rates. This is calculated by taking the total number of filings for a year and dividing it by the total number of depositions for the year (Florida Courts Annual Report 2021-22). This is key in understanding how the courts keep pace with incoming cases. Clearance rates greater than 100% indicate a court is working through backlog; whereas consistent clearance rates less than 100% create additional backlogs (Final Report and Recommendations 2006). However, this measure does not provide any information as to the total disposition time of cases on average. In addition, clearance rates can be easily lowered by a year with high filings, even if appellate output remained high. While overall clearance rates are important to understanding efficiency, they cannot be relied on as the exclusive measure of it.

Finally, to determine the number of appellate judges needed, the state legislature and judiciary apply the weighted caseload method, a measure of judicial workload. In Florida, the "Delphi method" (Review of Relative Case Weights for District Court of Judges 2015) is used, in which weights are determined by the opinion of judges and other experts. In Florida, appeals from a criminal sentence are the baseline to compare the amount of time and effort that it takes to complete other types of appeals. A score of 100 is assigned to this category and, from there, judges can assign scores as low as 1 to the other categories; there is no upper limit to the score that a judge can give. For example, if it takes half as much effort to deal with a petition compared to criminal judgment and sentence appeal, judges will score that as a 50. Case weights are an average of statewide responses to the survey and do not include consideration for the work

of support staff in these cases. This can be somewhat problematic when different districts have different levels of central staffing, which results in a change in judicial workload. For example, in the 2005 survey that served as the original baseline for case weights, the Third District Court of Appeals assigned substantially higher weights in several categories, likely due to the fact that at the time the Third District had relatively few central staff (Final Report Recommendations 2006). In addition, there are some issues caused by the differences in the type of cases the court hears. The First District is located in Tallahassee, meaning it often hears complex administrative cases, resulting in it assigning administrative cases a noticeably higher weight (Final Report and Recommendations 2006). This resulted in the 2006 commission having a different rule for the First District until a review by the Commission in 2015. Case weights are meant to be adjusted periodically as judicial work changes, with the current standard recommended to be a re-evaluation every four years (Final Report and Recommendations 2021).

However, the weighted case method is not a perfect measure, especially considering how subjective the measurement is. It is only based on the opinion of experts, with newer judges typically not asked to respond to the surveys (Final Report and Recommendations 2015). While this makes sense to try to determine how cases would move through the court in an ideal world, it does not reflect the empirical reality as well as it could. There will often be new judges appointed to the District Appellate courts. While this does create a small amount of delay until the judge becomes more familiar and confident in their role, having people of various levels of experience provide their input into case weights could give more insight into the reality of the judicial workload; yet these judges are excluded are typically excluded. However, this is not a major drawback of this method because, while the weight might be an underestimate of the time

and effort it takes a newer judge, it can be mitigated by the average overestimating the work needed to get a case to disposition by a more experienced judge.

The subjectivity of the method applied by Florida is also an issue for many observers. Because it relies on a judge simply reflecting on their own personal experience, there are some concerns about its inaccuracy (Flango and Ostrom 1996). Some states calculate case weights based on an average of how long certain case types take to get to disposition, which some argue is a more favorable method. However, while this data might be valuable, it is not available for most years for the districts. In addition, this type of study would likely be very expensive for something that would have to be re-evaluated in four years. Most importantly, even if this data was accessible, it would only reflect the specifics of the operational context in which the court found itself for the particular year being examined. For example, if the court was operating with a relatively large number of appeals based on a new and confusing area of the law, the time and effort to complete these cases might cause the weight to increase. Even if the following year this issue is much faster to resolve, the case weight is still impacted by that unique event. This means that even if the case weight is based on an objective measurement of time it is still going to be an estimate. For these reasons, the application of the "Delphi" weighted caseload method is still the most appropriate measure of judicial workload.

The final issue with case weights is that they are somewhat aspirational because they are based on a "normal or average case", and the DCAs deal with complex areas of the law (Final Report and Recommendations 2006). While this makes the weighted caseload method a less tailored measurement, it is not a fundamental flaw. Referring to the previous example of a unique situation impacting the court's operations, if we were to ask judges to reflect abnormal

events in their evaluation of a case's weight, we would be left with a less accurate measurement that over--values unique events, alongside far more varied responses. It is important to note that case weight is the best measurement of judicial workload available, but it will never be completely accurate.

Despite the results of the weighted caseload method indicating a need for more judges, there is no guarantee that the state legislature will authorize more seats on those courts (Flango and Ostrom 1996). Courts must make considerations of budget, the opinion of judges working in the court, and the view of the Florida Supreme Court. As well, even if the weighted caseload does not indicate a need for more judges, more can still be added. The ultimate power to add another District or increase funding to hire additional judges belongs to the state legislature, which requires that the Supreme Court of Florida sends its recommendations about staffing to the legislature for consideration (*In Re: Redefinition of Appellate District and Certification of Need for Additional Appellate Judges* 2021). For this reason, a textual analysis of the Florida Supreme Court's decisions around the need for additional judges and the recent addition of a new district are important in understanding the workload of judges and the speed of the courts. In addition to the insight, it gives us in these fields, analysis of these decisions helps us understand what Florida deems to be a legitimate reason to expand its courts. The main reason at issue in the choice to add the Sixth District is the "ability to attach qualified and diverse candidates" (*In Re: Redefinition of Appellate District and Certification of Need for Additional Appellate Judges* 2021). This is a complicated concept to quantify, so looking at the opinions of the judges may be the best way we have to evaluate what these terms mean. Moreover, analysis will allow us to examine if these standards are being met by the courts currently.

In short, no lone measure of appellate court performance will be able to perfectly explain the stress on judges or quantify their work. Judges wield a great deal of discretion--for good reason--which makes assigning numbers to their actions extremely difficult. However, using a combination of clearance rates, weighted case load depositions, and backlog ratios can clarify how the courts are keeping up with their current caseload. This—alongside thorough analysis—allows us to evaluate if the state's appellate courts face significantly increased systematic pressures on their operations.

## Determining Judicial Need

The process of adding additional appellate judgeships is outlined in the Florida Constitution in Article 5, section 9. The Constitution requires that the Florida Supreme Court establish "uniform criteria" for deeming the need for all courts except the Supreme Court (Florida Constitution 1972). Using these criteria, the Court must evaluate the need of the District Courts of Appeals, certifying its findings to the state legislature before the beginning of the next regular legislative session. When new judgeships or new districts are proposed, the Supreme Court will form a Committee of DCA judges and other qualified experts to examine these factors and gather data and expertise to present in a final report and recommendations (Final Report and Recommendations 2021). The Court forms a committee to evaluate the needed changes; the legislature considers the Court's recommendations and then, through law, implements the changes fully, in part, in a modified way, or not at all (Florida Constitution 1972.) The legislature has complete control over whether judgeships are added and thus can consider other factors such as the budget of the courts when making its decision.

The Supreme Court of Florida has changed the uniform criteria that it employs to determine the number of courts and judgeships needed within the state judicial hierarchy. In 1979, the Court based its measure on the assumption that each judge could handle 250 primary cases *(In re Certification Under Article V, Section 9*, (Fla. 1979)). This is an objective measurement, but as pointed out in a later Florida Supreme Court opinion: "The process of certifying the need for additional judgeships over the next biennium is not a process by which need can be objectively quantified through the use of a simple equation. Unforeseen developments have an impact upon the judiciary of this State and result in needs which cannot be

foreseen." (*In re Certificate of Jud. Manpower*, (Fla. 1981)). Here the court is responding to an influx of immigration and refugees in south Florida. At the time, the courts were already straining under increased caseloads and backlogs, which was not helped by their 1979 request for more judges being partially denied by the legislature (*In re Certificate of Jud. Manpower*, (Fla. 1981)). This opinion serves as the precedent of how to objectively measure judicial need moving forward. There is still an ideal maximum caseload of 250, but chief judges should also consider eleven criteria[1];

This standard of 250 cases per judge was later codified into the Florida rules of general practice and Judicial Administration as Detrermination of Need for Additional Judges rule 2.240 (as renumbered in 2004). This rule simplifies these eleven criteria into four "factors" (Detrermination of Need for Additional Judges. Rule 2.240. 1982) These factors to be considered by the workload committees and Supreme Court when reviewing judicial needs are; workload, efficiency, effectiveness, and professionalism. Each of these standards are followed by an explanation of different measurements to assess if the courts are successfully able to accomplish

1)Caseload statistics, known and projected. 2) Growth, nature and projections of population. 3) Number of attorneys. 4)Use and availability of retired judges. 5)Presence of non-lawyer judges. 6)Geographic size of the circuit. 7)Presence of state facilities. 8)Law enforcement activities and policies, including any substantial commitment of additional resources for state attorneys and public defender. 9) Time since the last new judgeship was authorized. 10) Complexity of cases. 11) Prior certification which were not authorized. -(*In re Certificate of Jud. Manpower, 396 So. 2d 172, 175 (Fla. 1981)).*

their goals (Detrermination of Need for Additional Judges Rule 2.240 1982). For example, clearance rates are used as a measure of efficiency (Detrermination of Need for Additional Judges 2.240 A(ii)1982). The measurements specifically outlined in the General Practice Rule are not meant to be a comprehensive list of what the committees or Court can consider when evaluating judicial need, but they are helpful when attempting to quantify the complexities of appellate work. Specifically, for examining the stresses on the DCA judges, determining the workload and efficiency factors of the courts and judges is needed.

**Workload**

Detrermination of Need for Additional Judges rule 2.240 explains that workload factors that need to be considered are: "trends in case filings; trends in changes in case mix; trends in the backlog of cases ready for assignment and disposition; trends in the relative weight of cases disposed on the merits per judge; and changes in statutes, rules of court, and case law that directly or indirectly impact judicial workload." ("Detrermination of Need for Additional Judges" Rule 2.240 2a(i)). Workload is the first and most important standard to consider when we examine the stresses on judges. It is easier to separate these factors into more objective measurements such as case weight and backlog, and subjective measurements like changes in law because some of this data tells us how quickly the court is disposing of its current caseload, and the other helps evaluate how the workload of the DCAs will change in the future.

When examining the objective workload measurements, the Florida District Courts of appeals are doing very well with keeping pace with filings. Despite a growing population, the Florida DCAs have observed a decrease in filings every year nearly every year snice 2013 (Data Request 2024). In fact, the Florida DCAs have not had filings this low since fiscal year 1993

(Final Report and Recommendations Minority Comments 2021). The minority comments of the 2021 Committee on Workload and Jurisdiction gives helpful insight into how the State is experiencing a population boom but not an increase to filings. First, the trial court filings have declined, especially with respect to civil cases due to a push for more mediation and arbitration in civil cases (Final Report and Recommendations Minority Comments 2021). In addition to this, jury trials have declined for civil and criminal cases; according to the opinion of several of the minority members, jury trials are far more likely to lead to an appeal (Final Report and Recommendations- Minority Comments 2021). It is important to note, however, that the record-low filings in calendar year 2020 were mostly caused by the courts being closed, making it more difficult to file cases in general (Final Report and Recommendations 2021). It has been predicted that this will mostly be an issue with criminal appeals in that there will be many criminal trial cases delayed because of the closure of the courts shutting down operations. (Final Report and Recommendations--Minority Comments 2021). It was assumed that civil filings would not be as severely affected due to the availability of mediation and arbitration (Final Report and Recommendations--Minority Comments 2021). Thus, the subsequent uptick in filings seen in calendar years 2021 to 2023 is not a concern and is expected to stabilize.

Next, it appears that the type of cases filed within the Florida District Courts of Appeals have been consistent. As previously mentioned, there has been a significant decline in filings so the main difference in the types of cases is the number of them. For example, while there were 1,090 administrative cases filed in 2015-16 and 874 in 2019-20, they make up 4.91% and 4.59% of their year's total filings respectively (Final Report and Recommendations 2021). Overall, there has been little change in how many of each case types the DCAs receive. The only case type that saw significant growth was the family appeals category, which increased by 1.9% of

total DCA filings between the 2015-16 fiscal year to the 2019-20 fiscal year (Final Report and Recommendations 2021). The types of cases presented to appellate judges are not significantly different in subject matter than they have been in the past as shown in figures two and three.

However, while the actual types of cases may not have changed, that does not mean that the relative complexity of appellate work has not changed to answer this question. We need to look at weighted caseloads and the survey responses of judges (Final Report and Recommendations 2006.) Case weights in Florida are meant to be re-evaluated every four years to keep pace with current work trends of the state's appellate judges (Final Report and Recommendations 2006). However, they have only been changed three times since their adoption in 2006 to 2024, with the current ones, used as of 2024, being unedited from 2015 (Final Report and Recommendations 2021). This is not a failing of the case weights' use because the District Court of Appeals Workload and Jurisdiction Assessment Committee also examined the relative case weights and found no reason to change or challenge those measurements (Metting Summary July 15th, Final Report and Recommendations 2021). In addition, keeping case weights updated is a struggle for all courts. The data can be both difficult and expensive to gather, so they are often somewhat outdated (Flango and Ostrom 1996). As stated previously in the methodology section, Florida employs the Delphi method, meaning that case weights are assigned based of an average of judges' opinion on how long an "average" case should take

(Review of Relative Case Weights for District Court of Appeal Judges 2015). Florida currently uses fifteen categories of judicial weights[2].

The original case weights and the 2015 update to them are listed below on figure four. There has clearly been a significant change for some of the categories. However, it would be inaccurate to claim the only reason behind this is a change in the relative difficulty of appellate work. For example, the 2005 and 2009 weighted caseloads assigned juvenile appeals to two separate categories, receiving a case weight of 128 and 99 both years (Final Report and Recommendations 2021). If new data were collected to create case weights, the resulting weights would be different due to the subjective nature of this method (Flango and Ostrom 1996).

Despite the issues present with respect to the calculation of the case weights, the weighted disposed caseload per judge measure remains the most accurate way we have to

[2] "Petitions-Certiorari (includes administrative, civil, criminal, family, guardianship, juvenile, probate, workers' compensation), All other petitions, NOA Administrative Order, NOA Administrative (unemployment compensation), NOA- (Civil) Prisoner litigation, NOA Civil Final (includes foreclosure, adoptions, probate, guardianship, other), NOA- Civil Non Final (includes foreclosure, adoption, child, probate, guardianship, other), NOA- Criminal Judgement and sentence, NOA- Criminal Judgement and Sentence, NOA-Criminal Postconviction Summary (includes 3.800, 3.801, 3.853), NOA- Postconviction Non Summary (includes 3.800, 3.801, 3.853), NOA- Criminal State Appeals, NOA-Workers Compensation, NOA-Juvenile, NOA-Criminal Habeus Corpus and Other, and NOA-Criminal Anders (CDCAPA 2015)"

compare judicial workload from year to year. In figure five and six, the workload per judge based on the weight of the cases disposed by the courts is displayed broken down by District Court. In only one fiscal year does one of the DCAs (the Fourth District Court) had a weighted workload that exceeded0 the 350-maximum level set by Detrermination of Need for Additional Judges Rule 2.240 (Final Report and Recommendations. 2021). As seen in figure six weighted workload has been going down in all of the District Courts of Appeal. Just as actual filings decreased, the weighted workload declined alongside them. This is beneficial for the judges and the courts in general and implies that judges seemingly have adequate time to resolve cases.

However, while all courts have workloads beneath the legal maximum of 350, there is a surprising difference in workload between the courts, such that in fiscal year 2019 the Third DCA had a weighted caseload of 2390 and the Second had 3920. Figure seven shows the weighted disposed caseload per District Court of Appeal (calculated by multiplying the weighted caseload per judge and multiplying it by the total number of judges in the court). This is somewhat concerning, as ideally all judges should be assigned roughly the same number of cases. The judge hearing a case should also have roughly the same amount of time allocated to each case to review it. Looking to the Third District, it makes sense why it would have the lowest workload as they are the smallest district by far, both in geographic size and absolute number of case filings. When the smallest district has 10 judges (as of February 2024, there are nine active judges due to the death of Justice Hendon) ("Judge Eric Wm. Hendon" Third District Appellate Court 2024), and the largest has9080 16 (Final Report and Recommendations. 2021), there is bound to be a disparity in workload when the districts are so varied in size and population (Final

Report and Recommendations 2021). This issue of court size and number of judges will be explored further in the section on efficiency measures.

The final factor that we must consider when examining the workload of Judges in the DCAs are the recent changes in law that affect their jurisdiction. The most concerning changes to workload currently are: "Certification of Question to District Court of Appeal (s. 34.017)" which transfers the circuit courts' appellate jurisdiction to the DCAs, and House Bill 7026 which created the Sixth DCA in 2023.

Starting with the statute on appellate jurisdiction Certification of Question to District Court of Appeal requires county courts to, "certify a question to the district court of appeals for final judgment so long as the question may have statewide application and is of great public importance; or will affect the uniform administration of justice." (Certification of Questions to District Court of Appeal (s. 34.017) 2023). On its face, it seems troubling to expand the jurisdiction to the DCAs that are already near the upper limits of their workload, but this is actually a step in the right direction for the Florida Judiciary in that it can streamline its operation. There has been some concern about certain types of criminal cases or in general complex appellate questions being heard by a circuit judge (Kenzel 2020). While the statute gives the DCAs some discretion to choose what types of cases they will take on, when paired with a recent reduction to the appellate jurisdiction of the Circuit Courts ("Jurisdiction of Circuit Court' Chapter 2020-61 2021) it requires the DCAs to hear these cases (Kenzel 2020). Their appellate jurisdiction has been defined to include: "appeals from final administrative orders of local government code enforcement boards and of reviews and appeals as otherwise expressly provided by law." ("Jurisdiction of Circuit Court' Chapter 2020-61, 2021) Previously, Circuit

Courts had jurisdiction over all county appeals. From fiscal year 2009 to 2019, there were an average of 1,818 county court appeals sent to the circuit courts, with no year in that period having more than 2,187 appeals (Final Report and Recommendations. 2021). This is a significant number of cases. For reference, the Third Appellate District Court disposed of a total of 2,839 cases in fiscal year 2019 (Final Report and Recommendations. 2021), yet this is a somewhat manageable number of cases in that these filings will be spread amongst all six DCAs. The 2021 Committee on Workload and Jurisdiction did not find these cases to significantly impact the DCAs' collective judicial workload.

Finally, House Bill 7096 established the first new district court of appeal since 1979.This change is bound to cause issues within the entire Appellate system in that several Circuits were moved and thus cases and judgeships will need to be moved *(In Re: Workgroup on the Implementation of a additional District Court of Appeal* 2022). However, the interruptions such as confusion over where a judge should be serving, were minimized as much as possible by the Committee on Jurisdiction and the Workgroup on Implementing the new district. This was accomplished by assuring that no judge would have to move from the DCA they are currently serving in to the one that they are no assigned to under the new jurisdiction until their term was completed (*In Re: Redefinition of Appellate Districts and Certification for additional Appellate Judges*, 2021). In addition, while the new district was added primarily as a way to bolster public trust in the courts, the redistricting makes the disparity in filings between Districts much smaller (Final Recommendations. 2021). Under the five-court DCA system, there was a wider range of filings between districts with the smallest district receiving 2,442 filings in 2019, while the largest received 5,008 filings (Final Recommendations. 2021). Where under the new six district

map, the largest district received 3,992 and the smallest received 2,442 based on data from calendar year 2019 (Final Recommendations. 2021).

Overall, the workload of appellate judges has not significantly changed from what it has been since the early 2000s. However, the complexity of the appellate judges might have changed. According to a survey done by the District Court of Appeal Workload and Jurisdiction Assessment Committee a large portion of the judges—19 out of the 64 surveyed--believe that the complexity of cases heard by the district court of appeals has "somewhat increased" (Final Report and Recommendations 2021). However, 26 out of the 64 judges responded that they had not experienced any change in the difficulty of their work (Final Recommendation 2021).

**Efficiency**

Detrermination of Need for Additional Judges rule 2.240 lists the following as measures of efficiency: "a court's ability to stay current with its caseload, as indicated by measurements such as trend in clearance rate; trends in a court's percentage of cases disposed within the time standards set forth in the Rules of General Practice and Judicial Administration and explanation/justification for cases not resolved within the time standards; and a court's utilization of resources, case management techniques and technologies to maximize the efficient adjudication of cases, research of legal issues, and preparation and distribution of decisions."

The real mystery of the appellate courts that drew me to research them in the first place is how 64 people across five courthouses were able to handle such a large caseload, because on its face, that does not seem reasonable. Examining the clearance rates of the DCAs reflects extremely well on the judges. Between calendar years 2000 and 2021, there was not a clearance rate lower than 97.1% for the DCA system (Data Request 2024). This means that on average the

DCA met or exceeded the clearance rates and successfully shrink their backlog. The highest backlog experienced by the District Appellate Courts occurred in calendar year 2012 and left the courts with 17,497 pending cases at the end of that year (Data Request 2024). Each subsequent year, except 2023, saw that backlog shrink until the courts reached the lowest backlog observed in the studied period with a backlog of 9,167 cases at the end of calendar year 2022 (Data Request 2024).

As seen in the data, there was a small increase in the backlog in 2023, but, as explained in the workload section, this is likely the courts returning to their pre-pandemic levels of productivity (Minority Recommendations Final Report and Recommendations 2021). Or, in fact, it could be caused by 2023 being the first year of the Sixth District Court's operation, leading to a relatively small amount of backlog that will likely be disposed of in subsequent years (*In Re: Workgroup on the Implementation of an additional District Court of Appeal* 2022). Either way, we will need the 2024 data to see if this is the result of growing pains or indicative of a larger unknown problem.

To measure the efficiency of the court, we need to study how long cases take to get through the courts. As explained in the methodology section, measuring judicial speed is a complicated matter because most measurements will require data that are not available or data that may overestimate when courts are clearing their backlog (Marvell 1983). Because of this issue, we will examine the backlog ratios for the courts as well as the averaged days from filed to disposed for the three fiscal years the data is available for.

Starting with the backlog ratios, the Florida District Courts of Appeal appear to be doing well with a backlog ratio between 0.54 and 0.71 (Data Request 2024, Marvell 1983), meaning

that on average it should take an average of between 208 and 259 days for a filing to reach final disposition (Marvell 1983). Reviewing the data available from fiscal years 2017, 2018, and 2019 as to the median number of days from filing to disposition, we see similarly good results. The First District Appellate Court has a median number of 324 days from filling to disposition; the Second is 475; the Third is 277; the Fourth is 298; and finally, the Fifth District had a median day count of 267 (Final Recommendations 2021). While none of these numbers are in our backlog predicted range (208 to259 days), they are very close. This discrepancy can be caused by multiple factors: first, the data used to construct the backlog ratios displayed here are drawn from a direct request to the clerk of court. While the data supplied for the medians also come from the same database, this is a dynamic database in which sometimes numbers are updated as the court works through its docket (Data Request 2024; Final Recommendations 2021).

In addition, backlog ratios are meant to reduce the effect of the courts' working on older cases first in their data estimations (Marvell 1983). Based on the heavy reduction to the backlog and the low ratios of around 0.6, one can conclude that few cases would go unaddressed" To ensure that cases see reasonable resolution times, Florida employs a standard that a decision should be rendered no more than- 180 days after the case receives oral argument or a court panel reviews the case. Florida courts require that cases that have exceeded its time standard be included in a quarterly report to the chief justice including the cases' number, type, status, and the original arrest date or filing date depending on if the appeal was criminal or civil (Time Standard for Trial and Appellate Courts Rule 2.085).

In short, as these data indicate, the Florida District Courts of Appeals are moving at an efficient pace. However, the data of how the courts move is only one part of efficiency. We also

need to understand how the Courts can work so efficiently, because what methods the court uses affects how it is perceived.

Marvel's work on appellate courts provides the best insight into what methods are most efficient. Marvel was studying state intermediate appellate courts in the 1980s, when their case load was increasing rapidly, meaning he examined the many ways states were responding to this problem. His work gives us the best idea of the techniques that courts use that increase their caseload management efficiency, even though he was unable to directly study the Florida courts. Marvel highlights the creation of more courts, and per curiam affirmances as being the most some of the most helpful tools to increasing speed and efficiency (Marvell 1983).

Starting with the obvious, increasing the number of cases heard collectively by the DCAs rather than spreading that workload across all three different levels of courts would likely lead to efficiency gains overall (Marvell 1983). Furthermore, while the creation of a new district court of appeal was not based on efficiency reasons (*In Re: Redefinition of Appellate District and Certification of Need for Additional Appellate Judges* 2021), the majority opinion of the Workload and Jurisdiction Committee of 2021 believed there could be benefits to efficiency (Final Report and Recommendations 2021). The committee members use their professional experience working in and around the DCAs to inform their opinion as to a new District's effect on efficiency (Final Report and Recommendations 2021), so it is a bit difficult to define objectively how the operations of the DCAs collectively might improve. For example, the Committee spent some time discussing the ideal size (in terms of how many judges) for a court and concluded that the answer is ideally no more than 12 judges (Final Report and Recommendations 2021). It makes sense that this would be a beneficial size for the courts based

on how well the Third District Court of Appeals is able to work through its caseload, but there is no valid method to incorporate that size consideration into a model that suggests that another district court will better its efficiency. Interestingly, the Committee notes that several members of the majority supported this claim that a new court *might* improve efficiency to, "prepare Florida for the future, and the challenges that future might bring to the appellate courts" (Final Report and Recommendations 2021). However, the Supreme Court opinion that created the additional District Court of Appeal makes almost no reference to this additional court as an addition made to enhance the DCAs' collective efficiency (*In Re: Redefinition of Appellate District and Certification of Need for Additional Appellate Judges* 2021).

Next, we must discuss per curiam affirmances as a tool of the courts. Per Curiam affirmance (PCAs) are one way that a case can be dismissed; here, rather than the case receiving a full authored opinion, a DCA will affirm the ruling of the lower court with little to no stated reasoning (Muniz 2019). Such types of expedited processing are very controversial because if an appellee receives a PCA, that case is not appealable to the Supreme Court of Florida because they do not count as binding precedent, even within the DCA that published it (Muniz 2019). In Florida, the DCAs have final jurisdiction in nearly all appellate cases, so it is legally valid for PCAs to be non-appealable (*Taylor v. Knight*, (Fla. Dist. Ct. App. 1970) Appellees can request a written opinion if they receive a PCA, but they have no right to demand one and the request is rarely granted. (Muniz 2019). Per curiam affirmances also do not serve as precedent at any level; the PCA applies only to that instant case. Ending/ limiting per curiam affirmances were received the largest level of support among survey respondents for the non DCA judge appellate employee survey and the one released to the public (Final Report and Recommendation 2021). It

is understandable why a member of the public might be uneasy with the idea of their court case will only receive a one-word answer.

The public in general is less aware of the District Appellate Courts comparative to the State Supreme Court and the Trial Courts because they have neither the political power of the Supreme Court nor the everyday interaction with their communities like the Trial Courts do. Lack of education about what PCAs do leads to their negative perception. Looking back to the results of the survey of individuals who work with the court (responses were mostly attorneys and lower court judges), one of the lowest rated responses was about the decisions of the DCAs creating a uniform and consistent precedent (Final Report and Recommendation 2021). This is linked to the perception of PCAs as being seemingly randomly decided (Muniz 2019). Per curiam affirmances are highly controversial, but also extremely beneficial. PCAs are tools the court needs and getting rid of them entirely would be detrimental to the Florida judiciary in that the DCAs would not be able to keep up with their workload without the use of per curiam affirmances. The DCAs have provided six reasons for the use of PCAs: first, there are simply too many appeals for each one to receive a full, signed opinion; second, the case will not substantially contribute to the creation of new or novel case law; third, the appeal contains no new or novel issues; fourth, not every case would benefit from a full opinion; fifth, the area of law and rules in the case are well established; and, finally, the written opinion of the trial court judge is adequate (Muniz 2019).

Returning to Marvell (1983), PCAs are some of the most effective ways to increase efficiency, especially in appellate system with intermediate appellate courts such as Florida (Marvell 1983). Marvell found a relationship where there more appellate cases are published

without opinion, the more efficient the courts are, using a production function model (Marvell 1983). So, it is clear why the courts would need to use PCAs with the comparatively low ratio of judicial staff to appellate workload. In addition, when we look back to the surveys completed, by the DCA judges on their opinion of how the court functions, we do not see anything concerning about the use of PCAs and consistency across decisions is one of the highest scoring categories (Final Report and Recommendations 2021), so at least in the view of the judges PCAs are being used appropriately. There has yet to be a study that shows significant harm by the courts' use of PCA opinions. In addition, trying to determine a difference in quality of judgment between written opinions and PCAs would be very difficult due to the difference in the complexity of cases that need an opinion and ones that do not (Marvell 1985). What few studies exist that examine expedited appeals comes from other states' courts. Bach (2002) studies the Vermont "rocket docket" and found no significant difference in the outcome of expedited appeals compared to non-expedited ones. While Vermont is a significantly smaller than Florida, but the process used for identifying cases for expedition resembles the one employed by Florida DCAs. Where each case is still reviewed by a judge and their staff, and cases deemed to need expedition are routed to the expedited docket in order to be dealt with faster.

PCAs are important tools of the courts, and they have the potential to be misused. However, so long as judges are given adequate time and resources to complete their workload and PCAs are written at their discretion, the chance of misuse is minimal. Looking at the three fiscal years for which data are available (2017, 2018, and 2019), PCAs composed of 29-46% of each of the DCAs' total dispositions of each year, with the Third District having the lowest PCA

percentage of total dispositions and the Fifth District having the highest (Final Report and Recommendations 2021).

## Technology in the Courts

Improving the courts' use of technology has been a main goal of the last two long-term strategic plans for the Florida judiciary (Long-Term Strategic Plan 2022). Digital technology is the most promising efficiency tool at the court's disposal currently. However, because many of the larger comparative studies on appellate courts occurred in the mid-1980s, and the general trend of courts' being late adopters of technology, we do not know to what extent these tools have affected the courts' operations. Electronic-filing documents are clearly easier and faster to share between judges compared to traditional physical filings. Yet the benefits do not end there; the integration of technology, mainly video conferencing, is showing some promise to improve the accessibility of the courts (Final Report and Recommendations 2021). In addition, the integration of new technology has changed the way that judges work and interact with each other in that they spend less time working together face to face (Thumma 2017). So, not only is studying the effect of technology on the court important for understanding a court's efficiency, but it is also a large part of a court's effectiveness.

Communication technology transforms the way that appellate courts work in several ways. Florida appellate judges hear and decide cases in panels of three. This custom requires that all judges be in the courthouse together. In geographically smaller districts, like the Third Appellate District, this is not challenging for judges. In larger districts however, judges that live further from the appellate courthouse face the barrier of travel and might be less likely to accept an DCA judgeship. For example, before the 2023 appellate redistricting, the First District had a total size of 24,803 square miles (Final Report and Recommendations 2021). During this same time, 13 of the 15 judges in the District were from Leon County and the Second Judicial Circuit,

which is the location of the First DCA courthouse. The other two judges were both from the Forth Judicial Circuit, headquartered in Duval County, which is the origin of 29 per cent of the First DCA's total filings (*In Re: Redefinition of Appellate Districts and Certification of Need for Additional Appellate Judges* 2021). This creates issues with geographic diversity, which creates a negative perception that the court is biased. While the thirteen appellate judges from Leon County are very qualified and talented legal minds, it is difficult to have a perception of a fair and representative judiciary when its makeup of the court does not reflect the district it serves. Only two of the 36 counties that made up the First DCA were represented on the court. Email and video conferencing allow judges the ability to engage in the collaborative aspects of their job from anywhere.

Yet, there are some draw backs to this change. First, because judges can do more of their work on their own, there is less opportunity for newer judges to receive guidance from more senior judges (Thumma 2017). Second, there is a cost to having dispersed offices. The judiciary must obtain permission to host a judge in a court closer to the jurist's home or find a different secure location to assure the judge is safe and the sensitive information they have stays private (Final Report and Recommendations 2006). It is because of this cost that "judge dispersion" and remote work went mostly unexpanded until the Covid 19 pandemic forced the DCAs to begin working remotely. In addition, the National Center for State courts, while studying the effects that Covid-19 had on court functions and data, found that video conferencing can slow down courts (Recommendations for Using Weighted Caseload Models in the Pandemic 2022). However, this effect is likely a reflection of the learning costs of adopting and implementing a new technology. Video conferencing was implemented before its effect on efficiency and

workload was known. It is normal that there is an adjustment period. Moreover, NCSC acknowledges that remote conferencing is likely to remain a feature of appellate argument and encourages further study into how it affects judicial workload (Recommendations for Using Weighted Caseload Models in the Pandemic 2022) The NCSC acknowledges that expanding remote hearing and appellate work could offer benefits to court access and efficiency. For example, default judgments are much lower with remote hearings than with in person hearing as it is less likely for the individual to miss their court date (Recommendations for Using Weighted Caseload Models in the Pandemic 2022).

Video conferencing also improves a citizen's access to the courts, especially when it comes to oral argument. Because all oral arguments previously had to happen in person at a DCA, litigants who live any significant distance from the courthouse will have to choose whether to spend money traveling or to waive their right to oral argument. This requirement once again creates a negative public perception of the DCAs. In fiscal year 2005, only 8.5% of cases disposed by the DCAs received oral argument; in 2019, that figure declined to 5.5% (Final Report and Recommendations 2021). There has not been enough time snice the 2020 increase in the frequency of in remote conferencing to have a full understanding of the public's reaction or its full effect on the operation of the appellate courts of the state. However, according to the minority comments of the 2021 Judicial Workload and Jurisdiction Committee, there has been some positive anecdotal interest from practitioners who were satisfied with how the remote oral argument (Final Report and Recommendations 2021).

Beyond communication technology, management and electronic document sharing also can improve the efficiency and effectiveness of Florida's courts. The 2023 Florida Courts

Technology Commission highlights the efforts of the Appellate Courts Technology Committee to improve their management systems and implement a new DCA. During 2023, the DCAs begun switching from the case management systems they were using to" Thompson Reuter's C-Track" (FCTC Yearly Report 2023). C-Track is a prefabricated management system that was created by the authors of Westlaw .It offers several benefits over the original system that the Florida Courts have been building for years (Florida Courts Technology Commission Yearly report 2023). C-track allows for a vast amount of customization to conform to the needs of courts, without the need for developing and maintaining a unique court program (Overview Thompsonreuters.com 2024). In addition to being able to meet the current caseload needs of the courts, C-Track makes accessing court data easier for everyone. Judges and court personnel can share records and notes securely, and it makes record-keeping feasible on the larger scale of the Florida courts (Florida Courts Technology Commission Yearly report 2023). This is a needed improvement due to how difficult it has been to get accurate data about the DCAs in the past. For reference, during the 1980s, the nationwide appellate caseload was exploding, which led to several large cross-state studies that Marvell led on behalf of the National Center for State Courts. Florida's data are not included in any of these studies, because despite being one of the largest states, accurate measurements of appellate performance (-like dispositions, and backlog) were not available then (Marvell 1983) Having these data allows for courts to know what changes work so they can improve themselves, and keeps them transparent to the communities they serve.

## Support For Judges

Reviewing the District Appellate Courts as they existed and operated prior to the 2023 redistricting, it appears they were able to keep pace effectively and efficiently with their increasing workload. By the measures outlined by Detrermination of Need for Additional Judges Rule 2.240, the courts are successful (Final Report and Recommendations 2021). No justice had a weighted or actual caseload greater than 350 cases (Final Report and recommendations 2021). In addition, the Florida DCAs are very effective at implementing technology and administrative changes in order to improve themselves (Florida Courts Technology Commission Yearly Report 2023). The only factor the courts found to be limiting was their public perception, which even the Florida Supreme Court majority points out is subjective (*In Re: Redefinition of Appellate District and Certification of Need for Additional Appellate Judges* 2021*).* Yet, Florida's highest court and the legislature chose to address this through one of the most expensive methods: creating a new appellate district. The minority of the most recent District Court of Appeal Workload and Jurisdiction Assessment Committee points out that this change is not only very expensive, but it will also cause a lot of interruption to court functions in that judges and cases will need to be moved around (Final Report and Recommendations 2021). In addition, as the minority points out, based on the precedent of the 2006 District Court of Appeal Workload and Jurisdiction Assessment Committee, increasing population sizes for the state in general were not a good enough reason to change the jurisdiction of the DCAs (Final Report and Recommendations 2006). Most interestingly, only one of five DCA judges who served on the 2021 committee (Judge Scales of the Third District Court of Appeals) voted along with the majority in adding a new District Court (Final Report and Recommendations 2021). In fact, as the dissent from *In Re: Redefinition of Appellate District and Certification of Need for*

*Additional Appellate Judges* (2021), points out, not a single chief justice of the DCAs requested new judgeships, much less a whole new district. Looking to the survey responses of judges, none of them seem to indicate that the judges believe they are handling too much work (Final Report and Recommendations 2021).

It would also appear based off the stress on the DCAs, that there is no need for another District Court. However, according to the rationale of the majority opinion of the Supreme Court, the answer has more to do with circuit representation than supporting the employees of the DCAs, with the majority opinion focusing on the underrepresentation of Jacksonville in the First District (*In Re: Redefinition of Appellate District and Certification of Need for Additional Appellate Judges* (2021)). Detrermination of Need for Additional Judges Rule 2.240 does allow for a great level of flexibility from the courts when determining how many judges they need. In addition, the legislature can add judgeships as they please whether that is consistent with the wishes of the sitting judges or not. Yet, Detrermination of Need for Additional Judges Rule 2.240 requires that a court base its evaluation of itself primarily on how it has functioned in the past. When the courts are so varied from year to year and each case is so different, basing future need on past performance can be misleading. The choice to add another court was made while judges were still actively dealing with the Covid-19 pandemic and the DCAs were being pushed to their absolute limit. Trying to protect the courts from future disasters would have been at the top of everyone's mind. However, needs have changed in just four years since the pandemic.

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When examining the survey responses of DCA judges, what they requested and pointed out as issues with the courts has gone unaddressed. The largest complaint of the DCA judges in the survey was the court's ability to attract and keep diverse and talented staff (Final Report and

Recommendations 2021). While surely the creation of a new court means more staff, it does not address the root of the staffing problem. Districts have almost no control over creating new staffing positions as needed or adjusting salaries to keep positions desirable and competitive with the larger job marketplace (Final Report and Recommendations 2021). For example, currently a new Second District Courthouse is being built and the court had an unfilled position for a janitor at this location. The Second District had to seek and obtain permission from the District Courts Budget Commission to take the resources for that position and transfer them to a staff attorney role that was needed. In addition, several judges in the 2021 survey commented that current standards for having a 1:.1 ratio of judicial assistants to judges is outdated, and the need for support could be more efficiently met with law clerks (Final Report and Recommendations 2021).

Currently, it appears that Florida is attempting to remedy the perceived issues with the courts according to everyone but the actual DCA judges. There is no set standard of when to add staffing, or what type of judicial support is needed within a courthouse (Flando Ostrom 1996), only on how to access judicial need. Currently, a large amount of appellate work is completed by clerks and staff, so not considering their work when determining judicial need will underestimate what staff is needed.

## Conclusion and Recommendations

The Florida District Courts of Appeal have undergone a significant amount of change in the last three years. From having their jurisdiction expanded, to a global pandemic, and the first new Florida DCA created in 44 years, \ the DCAs as we know them have changed. Despite having the third highest population in the United States (Population Clock Census 2024) and very high relative case filings, Florida appellate judges have been able to keep pace with their caseload. This has been accomplished through the use of technology, court administration, per curiam affirmances, and the hard work of judges and their staff.

While the output of the court has remained consistently impressive, there have been some concerns from the public and those who work in the DCAs about the speed of the courts and the reliance on PCAs. However, the courts are taking action to repair this relationship with its communities. The most important of these changes was updating the geographical jurisdiction of the DCAs to allow for better access to the courts. In addition, this change will allow for better geographic diversity, and may provide some further benefits to judicial efficiency in that it allows for smaller courts.

However, perhaps more attention and credence should be paid to the views of the DCA judges themselves. They resolve complicated legal matters and know better than anyone what can assist them. Providing the courts resources to create and change staff positions can reduce the time and money spent trying to expand judgeships within a court. No body can be perfectly self-reflective, so it is important to still ask attorneys, lower-level judges, and the public for their opinion on how the DCAs are working. But the focus should still be the judges as they know these courts best. Because how recently the new district was added, we are still unsure as to how

it will affect the workload and efficiency of the court. For this reason, I recommend waiting until the Sixth District Court of Appeal has been operating for four years then performing a new Delphi weighted caseload study. Updating the case weights before this would be misleading because we would not have an accurate idea of how the new DCA has affected appellate work in Florida. Furthermore, Florida either needs to hand staffing power to the individual courts or establish a uniform way to determine staffing need and request help. The District Courts of Appeal serve as the court of last resort in most cases in the state, it is important to monitor their work and assure they can properly serve their communities.

## Figures and Tables

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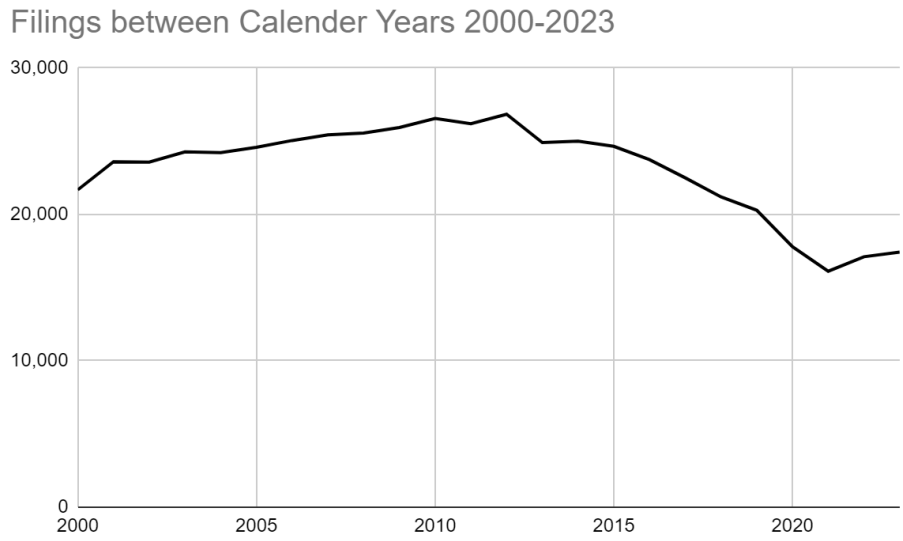


*Figure 1 Calendar Year Filings for DCA's from 2000-23, Data provided by request to the clerk of courts.*

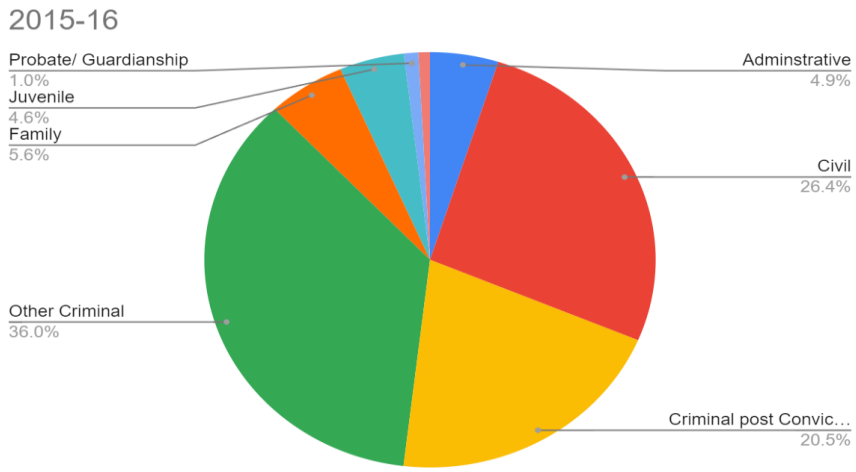


*Figure 2 Filings by Case Type for Fiscal year 2015-16*

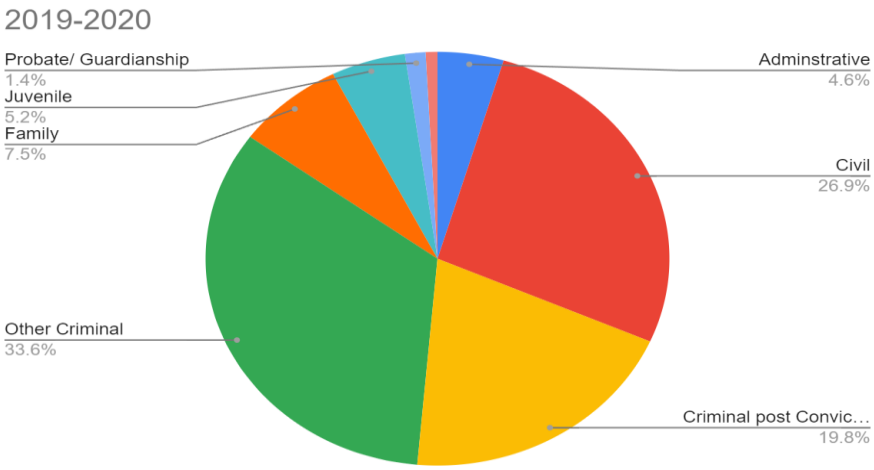


*Figure 3 Filings by Case Type for Fiscal Year 2019-20*

| Case Type | Years | |
|---|---|---|
| | 2005 | 2015 |
| Petitions-Certiorari (includes administrative, civil, criminal, family, guardianship, juvenile, probate, workers' compensation) | 115 | 133 |
| All other petitions | 66 | 99 |
| NOA Administrative Order | 152 | 122 |
| NOA Administrative (unemployment compensation) | 51 | 60 |
| NOA- (Civil) Prisoner litigation | 67 | 67 |
| NOA Civil Final (includes foreclosure, adoptions, probate, guardianship, other) | 204 | 177 |
| NOA- Civil Non Final (includes foreclosure, adoption, child, probate, guardianship, other) | 140 | 134 |
| NOA- Criminal Judgement and sentence | 100 | 100 |
| NOA-Criminal Postconviction Summary (includes 3.800, 3.801, 3.853) | 55 | 64 |
| NOA- Postconviction Non Summary (includes 3.800, 3.801, 3.853) | 70 | 84 |
| NOA- Criminal State Appeals | 105 | 105 |
| NOA-Workers Compensation | 190 | 118 |
| NOA-Juvenile | | 109 |
| NOA- Criminal Habeus Corpus and Other | 66 | 70 |
| NOA-Criminal Anders | 45 | 55 |

*Figure 4 Case Weights for Florida DCA's 2005 and 2015*

| | 2015-16 | 2016-17 | 2017-18 | 2018-19 | 2019-20 |
|---|---|---|---|---|---|
| 1st | 281 | 268 | 254 | 240 | 224 |
| 2nd | 295 | 292 | 257 | 245 | 244 |
| 3rd | 248 | 242 | 220 | 239 | 208 |
| 4th | 372 | 341 | 304 | 256 | 238 |
| 5th | 326 | 313 | 290 | 267 | 262 |

*Figure 5Weighted Workload per Judge from Fiscal Year 2015-16 to 2019-2020*

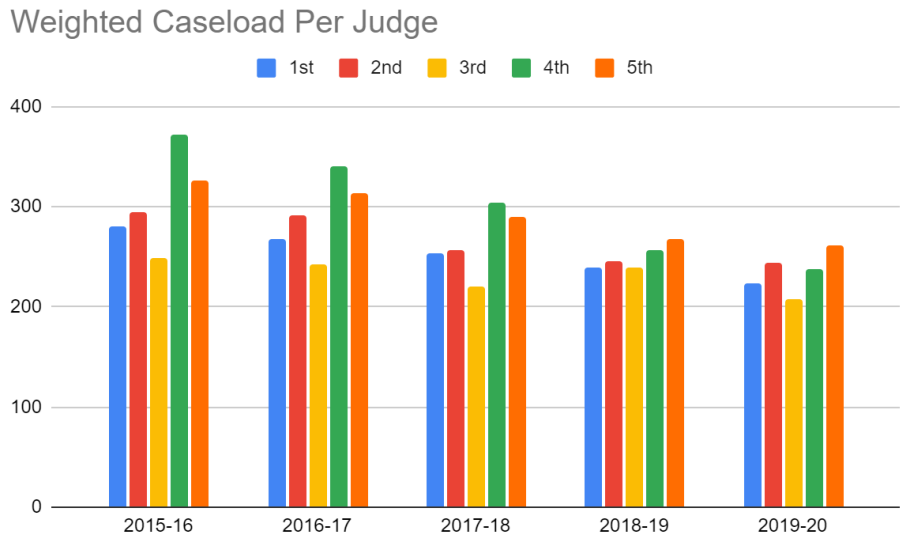


*Figure 6 Weighted Caseload Per Judge As a Graph*

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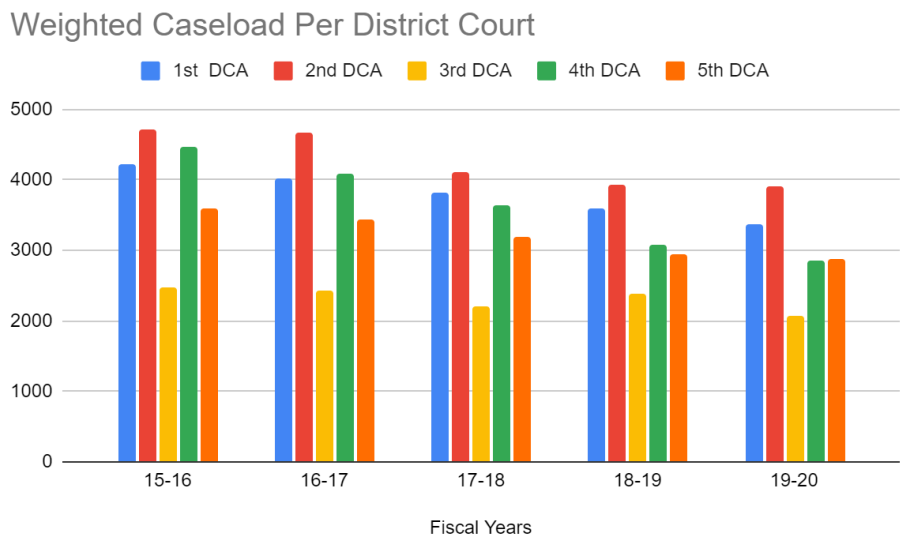


*Figure 7 Weighted Caseload per DCA from fiscal year 2015-16 to 2019-20*

| | |
|---|---|
| 2000 | 13,418 |
| 2001 | 14,009 |
| 2002 | 14,207 |
| 2003 | 14,345 |
| 2004 | 14,752 |
| 2005 | 14,628 |
| 2006 | 14,599 |
| 2007 | 14,992 |
| 2008 | 15,385 |
| 2009 | 15,909 |
| 2,010 | 16,662 |
| 2011 | 17,208 |
| 2012 | 17,497 |
| 2013 | 16,283 |
| 2014 | 15,877 |
| 2015 | 15,639 |
| 2016 | 15,120 |
| 2017 | 14,203 |
| 2018 | 13,320 |
| 2019 | 13,178 |
| 2020 | 12,298 |
| 2021 | 9,497 |
| 2022 | 9,167 |
| 2023 | 10,947 |

*Figure 8 Pending Caseload for All DCAs at End of Calendar Years 2000-2023*

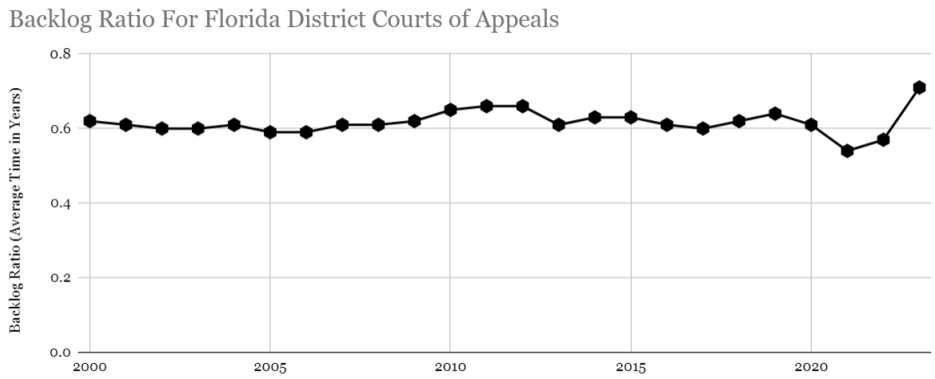


*Figure 9 Backlog Ratio for all DCAs from Calendar Years 2000-2023*

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