

SAMPLE Civil DCM Case Management Model

<i>Track</i>	<i>Criteria</i>	<i>Time Standard</i>	<i>CM Procedures</i>	<i>Magistrate/Case Manager</i>
Complex/ Business	Complex pretrial discovery issues; Multiple parties (3 +); experts; Some presumptive cases, eg. Toxic torts, Complex Business/ Land use; Products liability; Complex construction	80% within 730 days Discovery 450 days	ICMC -90 days CM Order; Follow up CMC; Pretrial Conference within 640; Trial Date within 730 days	Case manager screens, Judge holds ICMC; Magistrate assists judge in setting/managing pretrial order; holds interim CM conferences;
Standard	Standard Contract, Auto Negligence, Tort	80% within 18 months Discovery 300 days	CMC in select cases with some complexity; Assignment Notice with Discovery end date; Pretrial conference date after 300 days	Magistrate CMC 's in targeted cases; Case Status and Settlement Conferences in over goal cases; Discovery motions in targeted cases; CM screens, tracks pending over goal;
Expedited	Commercial paper; book account; Insurance; Foreclosure; Other simple two party cases	80% within 12 months Discovery 150 days	Direct identification and divert to ADR at 150-180; Expedited listing for trial within 12 mos	Case Manager screens, coordinates ADR and master trial listing; Tracks case progress and over goal cases

Significant Discussion/Decisions to Make in Setting up Civil DCM program:

1. Initial screening of Civil Cover sheet (from Clerk) at first answer and identification of complex civil litigation(By motion, by stipulation, on courts motion)
2. Procedures for handling hearings on designation for complex(per new rule 1.200)
3. Decide on general criteria (case factors) to differentiate complex, standard or expedited cases; decide on any presumptive cases types, ie. general consensus from judges on criteria to use for identifying/flagging potential complex cases early in process
4. Develop a standard Case Management Order format
5. Identify best way to use Magistrate in complex case management(initial case management conference, follow-up pretrial case management conferences, managing discovery issue/motions) and role in standard cases(case status/settlement/CM conference in standard cases that are beyond or approaching reasonable discovery cutoff dates)
6. Identify best use of Case manager in tracking complex, coordinating early receipt and screening of Civil Cover Sheets from Clerk, early screening and referral of expedited/standard cases to ADR/ mediation, providing calendar/ pending case data for judges, resolving delay and pretrial discovery, developing Civil DCM system for future
7. Set realistic time goals (complex/standard/expedited) and flexible guidelines for discovery cutoff, pretrial conference and trial /disposition
8. Decide on approach to get consultation and buy-in from Bar leaders.
9. Review current aging of civil pending cases, set goals for timeliness and/or backlog reduction (e.g. Resolve 80% of complex cases filed after 1/1/2010 within 2 years; Reduce cases over 2 years by 10% etc.)

Complex Civil Litigation/Case Management 9/14/2009 10:19:00 AM

A. Summary of Civil Proposal—Initial Pilot Program Start January, 2010 Initial Focus on staff support to Civil Judges in three areas:

- Complex case litigation- Support to judges in processing new motions, preparing for Case management conferences, related research, managing discovery and holding status conferences(Magistrate); Identify potential for screening appropriate complex business or other cases into complex track;
- Backlog reduction/Standard cases- Help judges identify older cases and facilitate settlement/status conferences or other efforts to divert or move cases; Possibly allot 2-3 days per judge for Magistrate conferences/hearing
- Expedited/Foreclosure – Assist new foreclosure/judge docket in managing contested docket cases

B. Purpose/Goals:

- Implement new case management procedures for complex civil and business litigation consistent with Supreme Court order and amendments to the rules civil procedure effective 1/1/2010.
- Establish pilot civil case management project to provide Magistrate support to civil judges in complex case management.
- Reassign existing staff in Lee and Collier to provide one(1) Civil Case Manager to assist judges in early screening of complex cases, setting of initial case management conferences, holding case management or status conference in selected cases(Magistrate), assisting in resolution of discovery or delay issues, and facilitation of timely resolution of civil cases;
- Introduce Case Manager to work with Civil PJ and judges to analyze civil caseflow process and assist judges in development of new DCM approaches to promote timely resolution of cases based on complexity;

- Provide judges with more accurate and timely management information on nature, age and volume of civil caseload and assist in further development of calendar and differentiated case management programs;

C. Case Management Procedures/ Complex Litigation- Procedures to implement the new complex case rules and forms(1.200)

- Case Information Statement
 - Amended CIS form required as of 1/1/10
 - Will allow better tracking of types of cases filed
 - Potential to screen at first answer for early identification of complex
- Designation as Complex Litigation-- Procedures
 - By Counsel – Request for Hearing- Clerk to Case Manager/Dates from JA for hearing and Initial Case Management Conference
 - By Stipulation of both parties- Same as above but direct to ICMC
 - By the Court—To be determined
- Initial Case Management Conference
 - Judge or Magistrate? Normally Judge in complex
 - Requirements for Pre-conference Joint Statement by Counsel
- Case Management Order
 - Form of Case management order
 - Magistrate manages discovery issues/works with counsel
 - Magistrate holds follow-up CMC's/Status conferences
- Pretrial Conference
 - Judge holds with prep assistance from Magistrate/CM

D. Case Screening and general criteria for complex track guidelines-

- Complex Case Track Designation – Flexible Criteria
- Complex case criteria- By rule – trial judges call based on review of case factors in 1.201(a)—open to broad interpretation

- Discuss any presumptive complex cases that have automatic review? E.g. Toxic Tort; Complex construction, etc
- Judges Discretion – Necessary, but need general consensus on what is complex or serious inconsistencies will develop. Needs to be discussed and reviewed with judges on a regular basis over time;

E. Staffing and Roles- Case Management (Some options for best use)

- Case Manager
 - Receives, screens and reviews with the trial judge all motions or stipulation for complex case designation per 1.200 received by the clerk or upon stipulation of the parties;
 - Assists judge in case preparation and holding the initial case management conference in complex cases, identification of pretrial discovery and management issues, tracks case management order/schedule and facilitates resolution of delay issues;
 - Facilitates early resolution or referral to mediation of standard or expedited cases based upon criteria established by Presiding Judge; Tracks case backlog and problem/delayed cases for judges;
 - Reviews problem cases and prepares (with Clerk MIS) regular caseload management pending case reports for division and individual judges to track pending civil caseload, case aging and calendar performance;
- Magistrate
 - May Hold Initial Case Management Conferences in complex or selected standard cases where approved by counsel;
 - Holds hearings and follow up status/case management conferences in complex cases as directed by trial judge;
 - Actively assists judge in managing pretrial discovery in complex cases from filing to trial;

- May hold Status/Case management/ Settlement conferences in other standard cases identified by judges as pending in excess of or approaching time standard—e.g standard cases pending over 18 months with no action moved to “Status Conference” docket with Magistrate- Conference/schedule to judge ;Consider giving each judge 2-3 days of Magistrate “case management settlement conference” time to use for targeted cases;
- Holds hearings on motions and miscellaneous matters as directed;

F. Time standards and goals

Complex cases – 24 months

Standard cases – 18 months

Expedited (Foreclosure) – 12 months

G. Management Information – Regular (monthly)case tracking and MIS reports

- Pending cases by age & case type
- Pending complex cases by age
- Case filings and dispositions by type
- Exception reporting –Complex cases over 2 years; Standard cases over 18 months/Expedited over 12 months

H. Implementation Plan/Next Steps

- Proposal review/ revision with input of judges
- Civil Case Management Workshop – All Civil Judges- Introduction to Civil Case Management, Best Practices& Discuss Approaches to Complex Civil CM
- Input/review with Civil bar
- AO / General guidelines & procedures
- Staffing/Start up

Attachments

1. Rule Amendments (1.200) and Forms
2. Complex Civil Process – Flowchart
3. Possible general civil case track criteria & time goals
4. Pending civil cases – Analysis
5. Current Civil Case process- Analysis

9/14/2009 10:19:00 AM

Agenda Item 7- Civil Backlog Reduction and Case Management Initiatives

This item is an update on status of Civil Case Management initiatives and plans under development in the circuit and review of the 20th Circuit request to TCBC for additional state funding to support civil/foreclosure backlog reduction.

A. Civil Backlog Reduction Plans- Funding Request

The 20th Circuit submitted a funding request to the TCBC Executive Committee for Civil DCM funding in December 2009. The TCBC has approved that request and submitted a supplemental LBR to the Legislature for statewide funding. If approved, the Circuit would receive a one-year allocation of \$683,000. The funding can only be used to support Circuit Civil, Foreclosure and County Civil backlog reduction and case management. No new FTE staff positions will be allowed, and all funding must be allocated for Senior Judge, contract Magistrates and/or contract Case Management staff. A funding decision is expected by May 1, 2010, with funding to be effective July 1, 2010 if approved.

Civil backlog strategies may include:

- Senior Judge assignment to Expedited Foreclosure dockets
- Contract Magistrates assigned to hold settlement/case management conferences in targeted civil backlog cases pending over 18 months
- Case manager staff to assist judges in identifying backlogged civil for referral to Magistrate, screening of cases, developing MIS tracking

Those counties in the circuit that elect to participate will be asked to develop a civil backlog reduction plan by 4/1/2010.

B. Civil Case Management Plans/ Bar Stakeholder Working Groups

Civil Case Management Bar/Stakeholder working groups have been established in Lee and Collier counties to work with judges and local Bar to develop civil case management procedures and uniform case management orders, where possible, to ensure some consistency of practice within the circuit. Attachment I provides a first draft of the Guidelines for a Civil Case Management and Backlog Reduction one year pilot program. It is anticipated that an Administrative Order will be developed to guide implementation and provide guidance and authority for use of any new uniform case management procedures and forms to be used on a circuitwide basis.

■ **Collier Civil Backlog Reduction/ Case Management Update:**

In Collier, we began our CCM program in late November. We started analyzing all cases older than 18 months. We found active cases that were filed in 1995 but had not been disposed. We established a case management order and began advising the attorneys of case management dates. Our first CMC was held in January. We set 8 cases. 3 cases dismissed prior to the hearing. 5 cases were managed which resulted in 3 cases being set for trial and 2 cases advised they were settling. We have continued to have case management hearings every other Friday since January 8th.

We have continued to meet with our Civil CM steering committee and have generated standard forms for consideration. It is the desire of the steering committee to have standard civil forms for the entire circuit. We have met with all of the Counties DCA’s and are continuing moving forward with the program. Our goal is to have all cases over 18 months old managed between now and September. Beginning in October we will begin managing newly filed cases.

■ **Lee Civil Backlog Reduction/ Case Management Update**

On February 1, 2010, Lee County began a Civil Case Management program in an effort to efficiently and effectively manage civil court cases using differentiated case management (DCM) techniques and reduce existing case backlog. A concerted effort has been underway by Lee and Collier County to lay the foundation for civil case management practices with full implementation of this project expected to be released October 1, 2010. Much has already been accomplished in this short amount of time. Three circuit-wide DCM tracks were identified with targeted performance measures.

<i>DCM Tracks</i>	<i>Performance Measure</i>
<i>Expedited</i>	<i>90% of cases resolved within 12 months</i>
<i>Standard</i>	<i>80% of cases resolved within 18 months</i>
<i>Complex</i>	<i>80% of cases resolved within 24 months</i>

Lee and Collier County stakeholder groups were established and charged with developing circuit-wide case management practices and uniform model forms. Circuit-wide presumptive civil case types were identified for possible complex case track assignments in accordance with the new complex civil litigation rule. A case backlog plan was developed in Lee County with reduction efforts already underway by the Civil Case Manager through review of the oldest open cases in the court system, and “expedited” open cases filed to date (i.e. Writ of Mandamus, Jimmy Ryce Act and Habeas Corpus cases). Management reduction efforts include cases identified for the “lack of prosecution” dockets, “non-service” dockets, case management

conferences, data clean-up and cases where disposition may be entered by court order. In addition, a Civil Magistrate was brought on board to help with docket congestion, discovery matters and complex case management conferences. A Management Information System is targeted to be identified and in use by March 15, 2010 for Lee County with automated reports provided to the Judiciary on a monthly and quarterly basis. The Civil/Family Court Director has developed baseline data in an effort to determine the progress of this project, identify effective case management practices and determine the possibility of adding future DCM tracks.

Executive Summary

This summary describes Charlotte County's recommended plan for reducing foreclosure backlog. Our goal is to reduce the current Charlotte County backlog by 62%--the goal established by the TCBC. Our current foreclosure pending report as illustrated below shows a pending foreclosure caseload total of 5,379 as of 4/8/10. This represents over 70% of our entire pending civil case load. Of these pending cases, 2,291 are over one year old. This will constitute our baseline data for Charlotte County. Future data will be compared against the baseline data to track our impact on the foreclosure backlog.

As a circuit we have demonstrated success in reducing backlog through the use of case management conferences and the setting of meaningful court dates that produce results. Our aim in Charlotte is to use this same best practice to accomplish the TCBC reduction goal. The following are our plan recommendations for meeting the 62% goal using our existing Judges and staff, concurrently integrating our newly funded case manager (OPS) position, and applying our 40 allocated senior judge days. This plan is flexible and may be changed or tweaked as needed throughout the backlog reduction process.

Utilize lack of prosecution process/updated dismissal lists

Foreclosure cases are included on the dismissal lists as processed by our Clerk's office.

Increase foreclosure timeslots

We currently have approximately 600 timeslots available per month; our plan calls for adding approximately 200 more timeslots. The case manager will assist in the review of foreclosure files to ensure timely and efficient court flow. Timeslots will be opened up only one to two months ahead of time to force maximum scheduling by attorneys in the available timeslots.

Use senior judge days for summary judgment hearings

Summary judgment processing will begin in September during the last two weeks of the month. We anticipate using four days per month at a rate of 200 cases per day over the period of 10 months. The case manager will be responsible for coordinating the summary judgment schedule through the JACS calendar and for preparing files for the assigned senior judge prior to the foreclosure hearing dates.

Expedited case management procedure (foreclosure cases only, new filings only)

This expedited procedure will start at the same time as the new managed mediation program which is tentatively set for 8/1/10 and will apply to only those foreclosure cases filed after the joint start date. When a foreclosure case is subsequently filed, the Clerk of the Court will send a copy of the civil cover sheet to the case manager. The case manager will document information relating to the foreclosure case for tracking purposes. The case manager will also send out the notice of a case management conference (CMC) order (modified circuit draft order eliminating the stipulation agreement for foreclosures only), notice of the court date, and a copy of the standing order for case management (circuit approved) to all involved parties. The CMC will occur five months from the date the case is filed and will be set in front of the presiding civil judge.

Require case management conferences

All decision-making trial counsel and pro se parties must attend the case management conference. Parties who are represented by counsel may attend if they so desire. Those attending must have a thorough knowledge of the case and be prepared to discuss it and make stipulations and admissions when appropriate. Those attending must be prepared to discuss the issues enumerated in Florida Rule of Civil Procedure 1.200(a).

Tentative foreclosure case time line starting from filed date:

- Filed
- Service within 120 days
- 20 days to answer
- 10 days deviation
- 150 days/5 months – case management conference with presiding Judge

From the CMC, the judge may refer non-homesteaded properties/commercial properties to mediation or enter default judgment on that date. If the case is moved to mediation, the case manager will continue to track it for two months and then conduct a follow up case management conference, (within the 60 days,) again with all parties to determine compliance with court orders and the status of the case. If the case is still not settled or resolved, it will then be returned to the judge for trial within 30 days.

Civil Foreclosure Backlog Case Resolution Plan

Defined as:

Old active cases (12 months +) and/or any case that receives filed information/response to a lack of prosecution notice.

Cases that meet the above definition are identified by the case manager. Oldest cases will be selected first. Cases will be set on a docket for a total of 60 cases per day 4 days a month. They will follow the existing summary judgment docket schedule set on Monday and Wednesday the first two full weeks of each the month. As stated above the Senior Judge will conduct summary judgment foreclosure dockets the last two weeks of the month to avoid conflicts in attorney scheduling.

A mandatory status hearing will be set in front of the judge where all attorneys and (clients) must attend. Defaults can be completed at this status hearing.

Set for Trial or Dismissal

Foreclosure Plan Hendry and Glades Counties 7/1/10

Hendry County has 872 pending circuit civil cases (as of 6/1/10), of which 370 are foreclosure cases. Of the 872 cases, 753 have no future court events are scheduled. 359 of the foreclosure cases do not have a future court date.*

Glades County has 185 pending circuit civil cases. Of these, 181 have no future court date. There are 80 pending foreclosure cases of which 79 have no future court event scheduled.*

The OSCA has stated that the goal of backlog reduction should be 62% of the pending cases. Therefore, Hendry County must reduce its backlog by 229 cases in 2010/2011 while keeping pace with new filings. At this time there are 40-50 notices for trial to be scheduled. Glades County's backlog reduction goal is 50 cases for 2010/2011 while keeping pace with new filings.

PLAN: Foreclosure cases will be assigned to a Sr. Judge for both hearings and trials. Foreclosure work being conducted by magistrates will cease and civil/non-foreclosure and family cases will be assigned to magistrate. The Circuit Judge will have no foreclosure cases.

- Sr. Judge Days
 - Hendry County was allotted 5.5 Sr. Judge Days per month (to be shared with Glades County)
 - ◆ 3-4 Sr. Judge Days will be scheduled each month to address foreclosure/default hearings
 - ◆ 1-2 Sr. Judge Days will be scheduled for foreclosure trials per month.
Note: The first few months will be flexible allowing for reasoned scheduling of the current trial requests
 - Glades County will have one ½ Sr. Judge Day per month to hear all foreclosure matters. No specific time will be set aside for foreclosure trials.

- Administrative Assistant
 - One full time administrative assistant has been allotted for Hendry and Glades Counties.
 - ◆ Majority of time will be in Hendry County.
 - ◆ Assistance to Glades County will be commensurate with Sr. Judge work in that county.
 - ◆ Adm. Asst will conduct all clerical work related to foreclosure cases to include, pulling files, preparing notices, scheduling hearings, copying, mail, etc.
 - ◆ Adm. Asst will also work persistently with law firms for the lenders to get hearings scheduled.

- ◆ Adm. Asst. will maintain all docket schedules for the 1st floor courtroom in the Hendry County Courthouse and docket schedules for the courtroom in Glades County as well that is not performed by the Judicial Assistant.
- ◆ Adm. Asst will work with Lee County Operations to obtain Sr. Judge days on an ongoing basis to maintain the flow of foreclosure dockets over the course of the 2010/2011 year.

*Data taken from CCIS by Court Administration Staff. Information as to future court dates has been hand-counted.