

Why are our courts so important?



Q: Why is it so important to keep our courts open?

A: Our courts preserve the rule of law. That's fundamentally important to all of us.

But our court system also touches millions of lives in very personal ways – think of victims of crime, people accused of crimes, couples in the throes of divorce, families grappling with custody disputes, abused and neglected children, vulnerable elders, drivers who break traffic laws and the people they hurt and endanger, business owners, homeowners, landlords and tenants, neighbors and consumers with small claims, people serving as jurors.

More than 4 million cases were filed in Florida's circuit and county courts last year. (FY 2006-07). That's up 4 percent from the year before.

Q: Are all levels and divisions of our courts important?

A: Yes, they are. Consider some of the trends revealed by the latest statistics:

* Cases in Florida's circuit civil divisions have historically increased by about 1 percent a year. But this year the number of cases skyrocketed 38 percent. The main reason: Mortgage foreclosures nearly doubled in FY 2006-07 over the prior year. And next year the numbers may be even bigger, according to Realty Trac Inc.

* There's been significant growth in the circuit criminal division for the last five years. Cases are up 26 percent over that period. (FY 02-03 to FY 06-07). The highest number of cases in this category is drug cases; they're up 5 percent in FY 06-07. Capital murder is up by 17 percent. Cases involving property crimes are up 6 percent.

* Civil cases up to \$15,000 jumped 17 percent in FY 06-07. Small claims cases are up even more – 22 percent. County criminal traffic cases are up 7 percent and county misdemeanors increased 4 percent.

Q: But didn't state lawmakers create a lot of new judgeships in the last few years?

A: Yes. The Legislature approved 114 new judgeships over a two-year period. They were greatly needed! In the five-year period before that, lawmakers approved only 30 percent of the new judgeships needed.

Florida currently has 921 trial judges – 599 in the circuit courts and 322 in the county courts. And the simple truth is we need more: Another 19 circuit judges and another 42 county judges.

Q: More judges are needed? How so?

A: The Florida Constitution requires a systematic and uniform assessment of the need for new judges. Florida adopted a case-weighting methodology in 1999, becoming one of the very few states to try to use sophisticated evaluation techniques when analyzing judicial workload.

Although the court system is committed to an ongoing refinement of the methodology, just last year the Florida Supreme Court Commission on Trial Court Performance and Accountability undertook a comprehensive and in-depth study to update the weights assigned to various cases. This new system was used to evaluate the number of new judges needed.

Q: What about other court employees? Maybe that's where the state could save some money when tax revenue is down.

A: No. Other court employees provide the essential support that allows Florida's court system to be very efficient. For instance, Florida has fewer judges, on a per capita basis, than many other large states. For instance, Georgia and Texas have twice as many judges – roughly 10 per 100,000 population. Florida has five trial judges per 100,000 population.

Q: How do these other court workers help Florida judges?

A: Besides helping judges be efficient, professional support staff help make the courts accessible, fair, effective, responsive and accountable. Here are just a few highlights:

Court administrators are responsible for ensuring a safe, secure, healthy and dignified environment for hearings and trials. They also help the branch be held accountable through a rigorous system that analyzes and reports data on workload and performance. A few other critical responsibilities: jury oversight, ADA policy planning and management, technology planning and support, disaster and security planning and response, personnel and payroll, finance and accounting, purchasing, property and records administration.

Judicial assistants handle office administrative tasks but also schedule hearings and talk to litigants who have questions about their cases. Since judges must avoid ex parte communications, such assistance is essential.

Staff attorneys help judges research, digest, analyze and answer questions of law more quickly.

Magistrates hold hearings and evaluate evidence in certain aspects of some cases, making rulings on pre-trial and post-judgment issues. They also make findings of fact and provide judges with recommendations on some legal issues.

Hearing officers, like magistrates, hold hearings and evaluate evidence. They work in child support enforcement, helping people get payments and resolving related disputes.

Case managers oversee the progress of cases in family court from intake to referral. Duties include screening, evaluating, monitoring, tracking, coordinating and scheduling events.

Mediators provide efficient and cost-effective options to litigation. They also open the door for people to work out settlements by consensus rather than through a traditional adversarial setting.

Q: Is that all?

A: No. The existence of court administrators and their staff are essential to judicial independence. If the judicial branch did not have the ability to manage its internal operations it would hardly be a coequal branch of government.

And there are some court employees who are necessary to guarantee due process – like court reporters, court interpreters and court-appointed expert witnesses.

How could we have appeals if court reporters didn't preserve the words spoken at trial? How fair would any court proceeding be if one of the parties couldn't understand what was going on because of disability or limited ability to understand English?

Q: But, bottom line, Florida just doesn't have as much money this year. How can you argue against at least some cuts to the courts when schools and health services are facing cuts?

A: We're not making that argument. We know funding for the courts will be cut, even though we're less than 1 percent of the total state budget. But so much of our budget goes for salaries; we can't cut a lot without cutting people. And cuts in people will reduce our level of efficiency, at best, and access to the courts, at worst.