

Dissolution of Marriage with Children:  
High Conflict Indicators and  
Differentiated Case Management

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Lisette Sanabria Dede, Esq.  
Director, Family Operations Division  
Administrative Office of the Courts  
Eleventh Judicial Circuit of Florida

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## II. Abstract

The Family Division of the Eleventh Judicial Circuit of Florida has jurisdiction over high conflict dissolution of marriage cases. Dissolution of marriage cases with children, are assigned to tracks in accord with a differentiated case management system, including a High Conflict Track. An analysis of high conflict dissolution of marriage with children cases was conducted to determine if cases are being resolved within time standards and whether there are common indicators of high conflict factors that slow the pace of litigation. Can differentiated case management be improved so the court can manage complex conflicted cases more expeditiously and efficiently?

Qualitative and quantitative data was reviewed through an archival study of case processing time and related issues including the age of the pending caseload and a survey of judges and attorneys. A random sample of dissolution of marriage cases with children were randomly selected through the court's automated information system. Additionally, judicial and attorney stakeholders were surveyed to gather the perceptions and experiences of those familiar with and responsible for processing these cases.

High conflict indicators and factors associated with slow case processing identified in the literature were confirmed by the data collected from a randomly selected case sample and by the survey results as well. The archival study revealed that a significant percentage of dissolution of marriage cases with children are not being resolved within accepted time standards. Interestingly, however, while the survey results revealed that the attorneys and judges had somewhat different perceptions the majority of the attorneys and judiciary agreed that the Circuit's case management system is effective. The negative impact on children from long protracted high conflict

litigation in divorce cases is well documented. The early reduction of conflict before it can impact children drove the Eleventh Judicial Circuit Court, as part of the \$1.8 million dollar grant “Bridging Families and Communities Partnership,” to work with others to improve collaboration as early as possible upon initiation of a case on services to children from high conflict or domestic violence families. This project affirms the need for early identification and intervention to help ameliorate conflict that would otherwise negatively impact minor children and slow the pace of litigation.

Recommendations resulting from this in-depth review are geared towards improved management of dissolution of marriage cases with children before they become even more highly conflicted and can still be resolved within recommended time frames. Development of a tool to categorize identifiers common in these cases is necessary. Technology driven case management systems may then be developed and used to alert the Court and staff early on which cases should be designated “high conflict” and when intervention should commence. Additional staff would be beneficial to providing services that may mitigate the conflict. Careful consideration of amendment of time frames for resolution of conflicted dissolution of marriage cases with children adopted in Florida to follow nationally recognized time standards adopted by the Conference of State Court Administrators, the Conference of Chief Justices and the American Bar Association is advisable. Information sharing and education about current performance, differentiated case management and other best practices is clearly needed.

### III. Introduction

The Eleventh Judicial Circuit Family Division is located in Miami-Dade County Florida. Miami-Dade County, with a population of approximately 2.4 million people, is the most highly populated county in Florida<sup>1</sup> and the fourth largest trial court in the United States encompassing an area of over 2, 000 square miles.<sup>2</sup> The Family Division, with its 15 judicial sections has jurisdiction over all domestic relations cases filed. Domestic relations cases that may be heard in the Family Division include dissolution of marriage, domestic violence, adoption, child support, name change, paternity, annulments, child custody, termination of parental rights pending adoption, adoptions, and Uniform Reciprocal of Support Act (URESAs) and Uniform Interstate Family Support Act (UIFSAs) actions. In 2007, over 33,000 domestic relation matters were filed in the Family Division; approximately the same amount filed the past four years.<sup>3</sup> Of those cases filed, 14,974, or nearly half, are dissolution of marriage cases.

Dissolution of marriage cases include some of the most highly litigated cases filed. The majority of divorce cases are filed, heard and resolved without a great deal of litigation or conflict. However, there are a number of cases highly conflicted which require a higher degree of intervention prior to resolution.

The Florida Supreme Court's 2001 opinion approving recommendations by the Family Court Steering Committee laid out recommendations and best practices in the management and resolution of "family disputes in a fair, timely, efficient, and cost-effective manner."<sup>4</sup> The "coordinated management" model, one of the recommendations by the Committee, outlined

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<sup>1</sup> U.S Census Bureau, "Miami-Dade County, Florida," American FactFinder Fact Sheet for Miami-Dade County Florida (2006), <http://factfinder.census.gov>

<sup>2</sup> Eleventh Judicial Circuit, <http://jud11.flcourts.org>

<sup>3</sup> Civil Justice Information System Family Court Civil Division Comparative Monthly Activity Report, Reporting Period: December 2007 and 2005.

<sup>4</sup> In Re Report of Family Court Steering Committee, 794 So.2d 518, 520 (Fla. 2001).

standards a court should follow for management of litigation.<sup>5</sup> The commentary to the recommendation describes case management and coordination<sup>6</sup> as the “defining characteristic of a model family court.”<sup>7</sup> Courts, utilizing case managers and case management staff, perform differentiated case management so as to ensure each individual case is receives the appropriate referrals and intervention.<sup>8</sup>

### **Differentiated Case Management**

Differentiated Case Management is used by courts to manage its caseload by sorting cases by their complexity and amount of judicial attention needed.<sup>9</sup> Many conflicted dissolution of marriage cases are divorce cases with children. Those divorce cases with children utilize court resources to a higher degree than other domestic relations cases and often require increased judicial involvement and case management. Through the utilization of differentiated case management, courts and administration can identify and apply appropriate resources for expeditious and timely resolution of the issues involved. Each case requires processing at a pace that is most appropriate, depending upon what is involved, to reach resolution. Increased court intervention may be needed at certain intervals to ensure the complex issues of high conflict cases are addressed.

Because these high conflict cases require individualized attention and the Eleventh Judicial Circuit Family Division handles such a large caseload, differentiated case management is utilized to best process these cases. Case management tools may include the ordering and monitoring of referrals to a multitude of services. In “A Proposal for Differentiated Case Management for the Family Court of the Eleventh Judicial Circuit,” a proposal for differentiated

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<sup>5</sup> Ibid page 528.

<sup>6</sup> The Family Court Steering Committee Model Court Diagram is included in Appendix C.

<sup>7</sup> See Note 4, *supra* page 529.

<sup>8</sup> **Loc. Cit.**

<sup>9</sup> David C. Steelman, John A. Goerdts, James E. McMillan, **Caseflow Management, The Heart of Court Management in the New Millennium**, National Center for State Courts, 2004, page 4.

case management was developed for the Circuit, where specific case tracks were developed for the proposal in recognition that cases require different case management techniques.<sup>10</sup>

The tracks established from the proposal included: Uncontested, Contested/Standard, Complex/High Conflict and Emergency/Expedited.<sup>11</sup> In the Uncontested Track, the cases are set for hearing on an Uncontested Calendar before a judge and resolved within 30 days or less. This category includes cases where a default was entered or if there is an answer and waiver. In the Contested/Standard track, where an answer to the petition for dissolution of marriage is filed, cases may be directed to either an uncontested track or progress to the complex and/or high conflict track and then go on to trial. Cases that are directed to the Complex/High Conflict track include those cases with children and/or other complex issues that require increased judicial intervention. Cases that are referred to the Emergency track often include those cases involving issues regarding the safety or welfare of the children or family.<sup>12</sup>

### **Florida's Family Court Tool Kit: Volume 1**

In the *Florida's Family Court Tool Kit: Volume 1*, Family Division Judge Judith Kreeger of the Eleventh Judicial Circuit outlines a recommended series of interventions for those cases that fall within specific tracks.<sup>13</sup> The protocol established for dissolution of marriage cases utilizes a differentiated case management approach. The identification of conflict at different stages of the case results in the appropriate judicial interventions and management. Depending upon the specific stages of a case, case management conferences may be scheduled. Additionally, the Court may order the parties to attend mediation or issue an Order to Show

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<sup>10</sup> Celina Rios, **Developing a Proposal for Differentiated Case Management for the Family Court of the Eleventh Judicial Circuit**, Institute for Court Management, Court Executive Development Program Phase III Project, NCSC, 2002, pages 17 – 33.

<sup>11</sup> **Loc. Cit.**

<sup>12</sup> **Loc. Cit.**

<sup>13</sup> Office of the State Court Administrator, The Steering Committee on Families and Children in the Court, *A guide to assist judges and staff responding effectively and efficiently to the judicial needs of Florida's families*, **Florida's Family Law Toolkit: Volume 1**, September, 2003, pages 9 - 10.

Cause, an Order Appointing a Guardian Ad Litem, an Order of Referral to Family Court Services, an Order of Referral for Social Investigation or an Order of Referral to Parenting Classes, among others.

### **Case Tracks and Case Management**

The Eleventh Judicial Circuit Family Division has support administrators, staffed by the Administrative Office of the Courts. This judicial support includes a Self Help Program, the Family Case Management Unit, and the Family Court Services Unit as part of its administrative staff who provides case management services to the judiciary. Additionally, as part of its case management, the Court utilizes administrative staff from the General Magistrates and Mediation Unit, when parties are referred to those offices.

### **Complex/High Conflict Track**

The focus of this literature review was divorce cases that fall within the Complex/High Conflict Track. The Complex/High Conflict Track most often include cases where the parties have minor children and/or there are complex contested financial and/or property issues. Typically, through the use of differentiated case management, referrals to services to deal with contested issues are made only after initial, less intrusive referrals fail and the conflict has become extreme.

### **Case Management**

The Family Division utilizes staff to assist in the case management of its vast caseload. The units and programs included in this process are 1) the Division's Self-Help Program, most often utilized by *pro-se* or self-represented litigants at the initial stage of the case, is available for litigants to utilize to file petitions and motions with the Court; 2) the Family Case Management Unit, who assists the judiciary in monitoring the case from creation to resolution; and 3) the

Family Court Services Unit receives referrals from the judiciary to provide the parties with community services and assistance with the resolution of non-legal issues.

### **Family Division Self-Help Program**

As mandated by the Florida Supreme Court, forms and rules are revised to ensure easier access to the courts by *pro-se* litigants.<sup>14</sup> The Self-Help Program was instituted to alleviate the difficulties caused to the Court and litigants when litigants appeared before the Court with defective pleadings. In this Circuit, unless the dissolution of marriage case is a simplified dissolution and is filed directly with the Clerk of Court, all petitions for dissolution are filed with the Clerk of Court either by an attorney or by the litigant utilizing the Division's Self-Help Unit.<sup>15</sup> By entering through these two portals, the Court is ensured that all petitions brought before it are complete and ready for a judgment on the merits. The Self-Help Program accepts the Florida Family Supreme Court Self-Help forms or provides forms for those litigants who cannot access the forms on-line. As a case management tool, the Self-Help Program<sup>16</sup> ensures that the majority of cases filed by *pro-se* litigants can be processed by the court as expeditiously and efficiently as those cases where the parties are represented.

### **Family Division Case Management Unit**

The Unit is comprised of eight attorneys acting in the capacity of case managers, and four administrative judicial support staff. This staff supports the judiciary with the continuous review of all cases filed and pending in each judicial section. Court information reports are utilized to conduct weekly reviews to determine what is needed to progress open cases. Case Management

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<sup>14</sup> See Amendments to the Florida Family Law Rules of Procedure, 824 So.2d 95, Fla., 2002.

<sup>15</sup> See Appendix F Eleventh Judicial Circuit Local Rule for Family Division

<sup>16</sup> In 1997, the Florida Supreme Court approved the Circuit's requirement that *pro-se* litigant petitions enter the prior to the filing of a petition.

staff assists the court in the monitoring and tracking of cases to ensure that the cases comply with mandated as well as recommended timeframes.

The Unit assists the judiciary in progressing cases in specific tracks established in the Circuit's differentiated case management model. Cases may be designated to the Uncontested Track and set for an Uncontested Hearing, or be assigned to the Contested track and referred to mediation to afford the parties an opportunity to reach an agreement on their own terms. If no agreement is reached, then the case manager may set the case for a case management conference, where the judge will determine issues for the parties or identify and order appropriate cases to alternative dispute resolution for additional conciliatory services.<sup>17</sup> Ideally, the cases in this track should receive a date for hearing or trial on or before the ninetieth day of filing.<sup>18</sup> If all matters are resolved, the matter will be set for hearing on an uncontested calendar. In the event that issues continue to remain conflicted or unresolved, then the matter should be given a trial date, set for trial and resolved before the ninetieth day of filing.

#### **Family Division Family Court Services Unit**

The Family Court Services Unit in the Eleventh Judicial Circuit Family Division was created to provide administrative support to the judiciary in managing cases so that they progress timely, while providing interventions that reduce the potential for additional conflict. Referrals to Family Court Services may include, in part, short term intervention, parenting coordination, community referrals, supervised visitation, or substance abuse screening. With regard to the methods the judiciary uses in managing its caseload, referral to services is viewed as a preferred

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<sup>17</sup> Sondra Williams, Sharon Buckingham, **Family Court Assessment Dissolution of Marriage in Florida Preliminary Assessment Findings**, 39 Fam. Ct. Rev 170. (2001)

<sup>18</sup> See Note 10, *supra*, pages 59 - 60.

course of minimally intrusive intervention.<sup>19</sup> However, some cases require some level of intervention in order to reach a resolution.

The Family Division judges in the Eleventh Judicial Circuit often refer cases to this in house services unit. The Family Court Services Unit is staffed by 15 employees, almost half of which are part-time. This Unit, created in response to the needs of the judiciary, receives referrals to assist some of the more conflicted cases in the Family Division. Oftentimes, mediation has already failed, with the parties being unsuccessful in settling their issues. The Court will then order these high conflict parents to Family Court Services to receive appropriate services ranging from alienation intervention, crisis assistance and co-parenting, providing the families with direction in dealing with the highly emotional issues raised during a divorce that have an harmful impact on the children.

### **Service Partnership**

As part of “Bridging Families and Communities” Partnership, the Court is currently assisting in the process of coordinating a care continuum of services to children of high conflict families. The Court, along with local service provider agencies, have created a partnership entitled “Bridging Families and Community,” funded by the award of a grant from the Children’s Trust of Miami-Dade County, Florida. “Bridging Families and Communities” will respond to cases identified by the court as high conflict, or referred by shelters or First Responders in the community in order to triage cases earlier in their legal process.<sup>20</sup> This report focuses on dissolution of marriage cases with children and aims to ascertain whether there are high conflict indicators that can be found in these cases. It is assumed that high conflict

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<sup>19</sup> Janet Johnston, PH.D., **Building Multidisciplinary Professional Partnership with the Court on Behalf of High-Conflict Divorcing Families and their Children: Who Needs What Kind of Help?** 22 U. Ark Little Rock L. Rev. 453, page 466.

<sup>20</sup> Children’s Trust Service Partnership: Bridging Families and Communities: **A Community Partnership for Children Exposed to Family Conflict, Comprehensive System of Care Implementation Plan**, October 2007.

cases take longer to resolve and often require additional intervention. Ideally, early identification and assignment of appropriate services and interventions will result in better case management of these specific cases and a reduction of judicial involvement.

#### IV. Literature Review

In a foreword to a 1973 symposium by Chief Justice Warren Burger concerning the new profession of court management and the founding of the Institute for Court Management, the then Chief Justice describes courts as complex institutions in need of skillful management.<sup>21</sup> Courts, responsible for imparting justice, have needed to find ways in which to manage its ever increasing caseload. This challenge has been further complicated by limited resources. Of particular difficulty are those family cases involving children whose cases necessitate timely resolution. Regardless of these challenges, courts are charged with the responsibility of efficient and expedient management of its caseflow. As Chief Justice Burger wrote “[d]elay itself . . . diminishes the ability of the courts to do justice.”<sup>22</sup>

#### **Court Performance Standards**

In response to the challenges faced with management of cases before the courts, including domestic relations cases, the National Center for State Courts and the Bureau of Justice Assistance, United States Department of Justice undertook a joint effort in 1987, charging its Commission on Trial Court Performance Standards to develop court performance standards and measures.<sup>23</sup> This was conducted with the acknowledgment that increased performance by the court results in increased access to justice to those it serves.<sup>24</sup> In 1990, the Commission revealed its identification of ideal principles courts should be guided by - access to justice; expeditious

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<sup>21</sup> Warren E. Burger, The Chief Justice, Supreme Court of United States, **Public Administration Review**, Volume 31, Number 2 (March – April, 1971) pages 125 – 133.

<sup>22</sup> **Ibid**, page 112.

<sup>23</sup> National Center for State Courts , **Trial Court Performance Standards and Measurement System Implementation Manual**, 1997, page 1

<sup>24</sup>**Loc. Cit.**

and timeliness case processing; equality, fairness and integrity; independence and accountability; and public trust and confidence.<sup>25</sup>

### **Standards Relating to Trial Courts**

The revised *Standards Relating to Trial Courts*, adopted by the American Bar Association in 1992, states that the court, not attorneys or litigants, should determine the pace of litigation.<sup>26</sup> As the majority of litigated cases originate from trial courts, these rulings impact the greatest number of individuals and is also where the public will get its perception of the court.<sup>27</sup>

#### **Trial Court Performance Standards**

The standards that relate to timely and expeditious case processing are found in Trial Court Performance Standards 2.1 Case Processing and 2.2 Compliance with Schedules.<sup>28</sup> As outlined in Trial Court Performance Standard and Measurement System, Standard 2.1: Case Processing, Differentiated case management allows for early judicial intervention, enabling the court to identify cases that require specific intervention in designated tracks, therefore limiting delay, even in high conflict cases.

The Trial Court Performance measure in Trial Court Performance Standards Case Processing and Compliance with Schedules is essential in determining whether a court is managing its caseload efficiently. As a driving force behind the administration of justice, the Court makes legal decisions on cases in a timely and efficient manner, providing families with resolution of legal issues and problems they encounter. This concept, repeated in the literature,

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<sup>25</sup> William E. Hewitt, Geoff Gallas and Barry Mahoney, **Courts That Succeed: Six Profiles of Successful Courts**, NCSC, 1990, page vii.

<sup>26</sup> American Bar Association, Judicial Administration Division, **Standards of Judicial Administration Volume II, Standards Relating to Trial Courts**, 1992, page 76.

<sup>27</sup> **Ibid**, page 1.

<sup>28</sup> National Center for State Courts, **Planning Guide for Using Trial Court Performance Standards and Measurement System**, 1997, pages 11-12.

is that caseload must be managed by courts to ensure the administration of justice.<sup>29</sup> “Courts that can effectively manage their pending caseloads and process cases in a simple and orderly manner greatly facilitate the administration of justice.”<sup>30</sup>

The two principals identified in a study of multiple jurisdictions and divorce cases are use of disposition time goals and control over the scheduling of court events.<sup>31</sup> The study revealed that those jurisdictions where such case management tools were utilized had faster times to disposition. Use of the time goals and setting cases for hearing without waiting for parties or attorneys to request a hearing resulted in expeditious and timely resolution of the cases.<sup>32</sup>

### **Case Processing Time Standards in State Court**

Time standards in case processing provide the mechanism to ensure that cases are progressed expeditiously. The National Center for State Courts report “Case Processing Time Standards In State Court,” 2002-03 provides a comprehensive overview of national case processing time standards on cases.<sup>33</sup> Participating states were surveyed and responses summarized in this report. These recommended goals provide the court with a standard to gauge its efficiency and the expediency with which it processes its caseload.

### **Florida Case Processing Time Guidelines**

In 1985, Florida voluntarily adopted case processing time guidelines that were implemented by Supreme Court of Florida order and included in the Florida Rules of Judicial Administration.<sup>34</sup> Included in these guidelines were recommended guidelines for the processing of all domestic relations cases. Within the domestic relations, dissolution of marriage cases are

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<sup>29</sup>See Note 26, *supra*, pages 1-2.

<sup>30</sup> Barry Mahoney, **How to Conduct a Caseload Management Review, A Guide for Practitioners**. National Center for State Courts, 1994, page v.

<sup>31</sup> John A. Goerdt, **Divorce Courts Case Management, Case Characteristics, and the Pace of Litigation in 16 Urban Jurisdictions**. National Center for State Courts, 1992, page 21.

<sup>32</sup> *Ibid*, page 22.

<sup>33</sup> Heather Dodge and Kenneth Pankey, Knowledge and Information Services, **Case Processing Time Standards In State Courts, 2002-03**, National Center for State Courts.

<sup>34</sup> *Ibid*, page 24.

guided by specific time standards. The processing times on uncontested domestic relations cases from filing to disposition resolves the case within 90 days. If contested, from filing to disposition resolves the case within 180 days.<sup>35</sup> Florida adopted guidelines more stringent than those recommended by the American Bar Association

### **Florida Rules of Civil Procedure**

The Florida Rules of Civil Procedure incorporate case management standards in the guidelines established and under which trial courts operate. The Florida Rules of Judicial Administration list standards which judges and attorneys should follow in caseload management:<sup>36</sup>

#### Florida Rules of Judicial Administration Rule 2.545. CASE MANAGEMENT

**(a) Purpose.** Judges and lawyers have a professional obligation to conclude litigation as soon as it is reasonably and justly possible to do so. However, parties and counsel shall be afforded a reasonable time to prepare and present their case.

**(b) Case Control.** The trial judge shall take charge of all cases at an early stage in the litigation and shall control the progress of the case thereafter until the case is determined. The trial judge shall take specific steps to monitor and control the pace of litigation, including the following:

- (1) assuming early and continuous control of the court calendar;
- (2) identifying priority cases as assigned by statute, rule of procedure, case law, or otherwise;
- (3) implementing such docket control policies as may be necessary to advance priority cases to ensure prompt resolution;
- (4) identifying cases subject to alternative dispute resolution processes;
- (5) developing rational and effective trial setting policies; and
- (6) advancing the trial setting of priority cases, older cases, and cases of greater urgency.

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<sup>35</sup> See Note 33, *supra*, page 24.

<sup>36</sup> Fla. R. Jud. Admin., Rule 2.545

## Family Division Differentiated Case Management

Courts utilize a caseload management system to ensure that cases are processed timely and efficiently.<sup>37</sup> Although Courts have always utilized varying methods by which to manage their caseload, the concept of a formal differentiated case management system has been increasingly highlighted in the literature. As has been reported in the literature, Courts have instituted official “case management” programs to one degree or another over recent years. The benefits these case management programs provide to the families, the judiciary, and the courts in dissolution of marriage cases have been documented in literature. Cases are resolved expediently by the Court and families and children are provided services and resolutions to issues they encounter.

The Eleventh Judicial Circuit’s Family Division’s utilization of differentiated case management processes is essential to the Court in its efforts to meet recommended time standards.<sup>38</sup> The court, aided by case management attorneys and judicial support staff, reviews each case. Upon review, the cases are assigned to specific tracks: Uncontested, Contested/Standard, Complex/High Conflict and Emergency/Expedited.<sup>39</sup>

As shown below in Table 1, differentiated case management of these domestic relations cases is conducted so that the cases are resolved within the following time frames developed in the proposal referenced above: Cases assigned to the Fast/Uncontested track within 30 days of the filing; Standard/Contested Track within 120 days if uncontested as any outstanding issues have been resolved and 180 days if contested in the event the parties remain conflicted; and 180 days from the filing of an answer in the Complex/High Conflict track. No specific timeframes were given to the Emergency/Expedited cases in the proposal, as the court resolves those cases

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<sup>37</sup> See Note 30, *supra* page v.

<sup>38</sup> See Note 10, *supra*, page 39.

<sup>39</sup> *Loc. Cit.*

with the swiftness needed depending on the emergency as some matters regarding the health or safety of a child may be heard within hours of petitioning the court, for example.<sup>40</sup>

Table 1: Case Tracks

Case Tracks	Time to Disposition
Fast/Uncontested	30 days
Standard/Contested	120 days
Complex/High Conflict	180 days
Emergency	Case by case basis

### High Conflict Indicators

To establish what impact the above differentiated case management has on high conflict dissolution of marriage cases, a literature review was conducted to determine and discuss what factors may prolong litigation. Despite the fact that most dissolution cases that come before the Court do not end up in the High Conflict Track, those that are high conflict do consume a substantially greater amount of judicial time and court resources.

Not included in this review of high conflict cases, beyond the basic identification as a high conflict indicator, is a discussion of those cases that would qualify for assignment to the Circuit's Unified Family Court Division<sup>41</sup>, domestic violence, substance abuse, or mental health cases. Those types of cases require special considerations, safeguards and services beyond what will be discussed in this paper. Even experts attempt to discuss the possible distinction between the terms "conflict" and "abuse."<sup>42</sup> What is recommended is that the distinct abusive and high conflict case should each be given the appropriate attention each case type warrants and that it is

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<sup>40</sup> **Loc. Cit.**

<sup>41</sup> Eleventh Judicial Circuit Administrative Order 03-15 In Re: Reaffirmation of Unified Family Court Plan, Establishment of Complex Litigation Division, Establishment for Procedures for Implementing and Evaluating Unified Family Court in the Eleventh Judicial Circuit of Florida

<sup>42</sup> Clare Dalton, Judge Susan Carbon and Nancy Oleson, **High Conflict Divorce, Violence, and Abuse: Implications for Custody and Visitation Decisions**, *Juvenile and Family Court Journal*, Fall 2003.

the Courts responsibility.<sup>43</sup> Specifically, appropriate management of high conflict cases necessitates that the court recognize whether the parties involved in a case are involved in conflict or abuse.<sup>44</sup>

### **Florida's Family Court Assessment**

In the study, *Dissolution of Marriage in Florida Preliminary Assessment Findings*, the theory that divorce cases “involve more ongoing litigation than do criminal and other civil cases” and the considerable time and resources expended on high conflict dissolution of marriage cases is discussed.<sup>45</sup> Statistics reveal that domestic relations cases make up over a third of the civil caseload. Additionally, in Miami Dade County, post-judgment cases for dissolution of marriage cases alone nearly reached 20,000 in the year 2007.<sup>46</sup> A study of other jurisdictions in 2003 revealed that as much as 39% of closed domestic relations cases were reopened or reactivated.<sup>47</sup> Additionally, as revealed in further studies, the conflict that arises out of a divorce is more likely to be litigated and re-litigated than any other type of court case.<sup>48</sup> The Honorable Chief Justice Barbara Pariente stated that in Florida, domestic relation cases make up the largest number of filings and post-judgment litigation.<sup>49</sup>

### **Decision Required by the Court**

The factors that have the most impact on judicial workload include those cases in which a decision is requested from the court. In Florida's *Family Court Assessment*, data was collected

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<sup>43</sup> *Ibid*, page 12.

<sup>44</sup> *Ibid*, page 15.

<sup>45</sup> See Note 17, *supra*, page 177.

<sup>46</sup> Civil Justice Information System Post Judgment Case Summary by Action Code December 2007

<sup>47</sup> Art Thompson, **Using Dispute Resolution with Pro Se Litigants**, Kansas Office of Judicial Administration. American Judicature Society Regional Pro Se Conference, September 2006, page 2.

<sup>48</sup> Janet Griffiths Peterson, **The Appointment of Special Masters in High Conflict Divorces**. Utah State Bar Journal, Volume 15 Number 6.

<sup>49</sup>The Honorable Chief Justice Barbara J. Pariente, Florida Supreme Court 2005. Symposium Issue: Therapeutic Jurisprudence in Clinical Legal Education and Legal Skills Training: Featured Contributors: Introduction St. Thomas Law Review, St. Thomas Law Review, 17 St. Thomas L. Rev. 403, Spring, 2005

for the purpose of creating a plan for an effective family case management system.<sup>50</sup> Data collection included pre-adjudication identifiable indicators which could affect caseflow and time to resolution.<sup>51</sup>

A review of the dissolution of marriage petition, answer or counter-petition would provide initial information to the Court that a case may be highly conflicted. Cases which require a decision from the court can include those cases where no marital settlement agreement is filed with the petition. Petitions or answers which reveal requests for adjudication of alimony; child support; custody and visitation may be the first indicator to the Court that the case will require increased judicial intervention and monitoring.<sup>52</sup> The Court may also discover sources of potential conflict in petitions or answers which reveal issues related to domestic violence, substance abuse, mental health or any other issue impacting the well-being of the family or best interest of the children.

### **Legal Representation**

Legal representation also has some impact on caseflow. As revealed in the study in “Divorce Courts Case Management, Case Characteristics, and the Pace of Litigation in 16 Urban Jurisdictions,” the majority of dissolution cases are not contested in that they do not have an answer or motion filed.<sup>53</sup> However, in cases where respondents had an attorney, it was revealed that a large majority of respondents in dissolution cases filed counter petitions.<sup>54</sup> Janet R. Johnston discusses attorneys’ traditional advocacy roles in representation of their clients and the objective to “win” as a factor contributing to the conflict.<sup>55</sup>

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<sup>50</sup> See Note 17, *supra*, page 171.

<sup>51</sup> See Note 17, *supra*, page 172, 174 -177.

<sup>52</sup> See Note 17, *supra*, page 176.

<sup>53</sup> See Note 31, *supra*, page 55.

<sup>54</sup> See Note 17, *supra*, page 175.

<sup>55</sup> See Note 19, *supra*, page 459.

Former Florida Chief Justice Barbara Pariente of Florida stated that “[i]n cases involving children and families, our traditional adversary system escalates conflict.”<sup>56</sup> To offset this, courts utilize services such as post-dissolution provisions which benefit parties by avoiding potentially costly returns to court, both financial and emotional. Further, it limits more contentious litigation that could negatively impact the parties’ ability to communicate, as well as negatively impact the children involved.<sup>57</sup>

The *Family Court Assessment* report proposed conducting additional studies to determine which cases, at 30 days of filing, identified as simplified or contested were in fact conflicted.<sup>58</sup> Further analysis was considered to see if conflicted post-judgment cases could have been identified based upon these listed factors.<sup>59</sup>

### **Failed Mediation**

Experts have found that some of those cases which may be found to be high conflict are those where mediation has failed.<sup>60</sup> A review of data in related studies and findings by experts questions whether in these conflicted cases an agreement would have ever been reached by the parties.<sup>61</sup>

Mediation has long been recognized as a component of case management processes.<sup>62</sup> Cases are referred by Family Court to the Circuit’s “in-house” Mediation Division.<sup>63</sup> The referral provides the parties with an opportunity to resolve on their own any outstanding issues. Experts have discussed that the earlier a conflicted case is referred to mediation or other services, the better the likelihood that the parties will come to an agreement, the case will be less

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<sup>56</sup> See Note 49, *supra*.

<sup>57</sup> *Ibid*, pages 187 and 188.

<sup>58</sup> See Note 17, *supra*, page 176

<sup>59</sup> See Note 17, *supra*, page 176.

<sup>60</sup> Janet R. Johnston, Ph.D., Vivienne Roseby, Ph.D. **In the Name of the Child**. The Free Press New York, NY 1997, page 222

<sup>61</sup> Susan L. Keilitz, Multi-State Assessment of Divorce Mediation and Traditional Court Processing, September, 1992.

<sup>62</sup> See Note 31, *supra*, page 26

<sup>63</sup> Parties may utilize private mediators.

conflicted. In the multi-jurisdictional survey of divorce courts in “Divorce Courts Case Management, Case Characteristics, and the Pace of Litigation in 16 Urban Jurisdictions,” no direct correlation was discovered between the pace of resolution and the point at which mediation was ordered.<sup>64</sup> The author cautioned that the examination from which the resulting finding was made was a cursory one and that additional factors needed to be considered prior to drawing a conclusion.<sup>65</sup> In a study conducted of this Circuit’s Mediation Unit, the length of time of case processing from filing to disposition was found to be less if the case was ordered to mediation.<sup>66</sup>

### **Child Support, Child Custody and Visitation**

Determining which cases may be highly contested at filing is ideal. The literature does indicate that children’s issues are some of the most contested issues pre and post-judgment and typically take longer to resolve.<sup>67</sup> However, there are differing opinions as to which children’s issues are most contested. Litigation over child support has been found to be one of the most contested issues post-judgment, although research did not reveal whether the activity is related to enforcement or modification.<sup>68</sup> Others have indicated that conflicts over custody or visitation are more highly contested.

Taking the literature as a whole, conflicted, protracted domestic relation cases are often found in high conflict dissolution of marriage cases. Providing intervention through early identification of high conflict cases is a common theme. Although it is agreed that there is not just one best method to conduct case management, the use of it is critical in providing the timely resolution of these matters.

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<sup>64</sup> See Note 31, *supra* page 26

<sup>65</sup> *Loc. Cit.*

<sup>66</sup> Anne T. Herriott, *A Study of the Mandated Mediation Process of Dade County, Florida*. Executive Research Project for the Institute for Court Management, National Center for State Courts, 1988, page 48.

<sup>67</sup> *Ibid*, pages 46 and 55.

<sup>68</sup> See Note 17, *supra*, page 177.

### Other Factors

One of the factors found in one study to contribute greatly to slowing the pace of litigation were the mandatory waiting periods in the jurisdiction studied.<sup>69</sup> Mandatory waiting periods are considered “the strongest correlate of median divorce case processing times.”<sup>70</sup> Although not exactly a high conflict indicator, this factor does result in delaying the resolution of cases. In the Eleventh Judicial Circuit, there is no mandatory waiting period in dissolution of marriage cases once service is achieved; however, as required by statute, the final judgment can not be entered until 20 days after filing. Also there are local requirements, either by local administrative order or by court procedures, which need to be complied with in cases where appropriate. One administrative order<sup>71</sup> requires children of a certain age of divorcing parents to successfully complete a child education program to assist in coping with separation. Once the parties are notified as to the requirement, they are allowed thirty days from the date of notification to complete. Also, cases where a custody evaluation was ordered have been found to result in a notably higher rate of post-judgment activity.<sup>72</sup> The effect of this may result in slowing the pace of litigation.

Dissolution of marriage cases which involve children necessitate that the adjudication not be unnecessarily delayed as the children are awaiting resolution of issues addressing their welfare. Additionally, delay and protracted hearings, as indicated by the literature, may add to feelings of antagonism by the parties. Nevertheless, compliance with services deemed appropriate by the Court and in the best interest of children is critical.

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<sup>69</sup> See Note 31, *supra*, pages 6 and 26.

<sup>70</sup> **Loc. Cit.**

<sup>71</sup> Eleventh Judicial Circuit Administrative Order No. 98-03 In Re: Requirement to Complete a Circuit Certified Education and Consultation Program in Dissolution Cases Involving Minors.

<sup>72</sup> Janet R. Johnston, High-Conflict Divorce. **The Future of Children. Children and Divorce** Vol.4 No. – Spring 1994, page 176.

## **V. Methods**

### **A. General Research Design**

To determine the correlation between specific indicators and identifying factors commonly associated with high conflict cases, a review of relevant literature provided guidance in terms of the data that needed to be collected and reviewed. The research included a caseload study and a survey of attorneys, judges and staff.

### **B. Case Sampling and Surveys**

#### **1. Case Sampling**

##### **a. Caseload and Archival Case Processing Time Study**

The universe from which cases were collected was from filed 2004 and 2005 Domestic Relations cases. Reports were randomly selected from the Courts Civil Justice Information System as well as the Court's On Demand System. Quantitative data was collected by gathering automated reports from these systems. The universe where the initial sample was obtained came from all pending Domestic Relations cases in the Family Division across all sections from January 1, 2004 to December 31, 2005. The two year time frame was selected to provide sufficient time to pull data on reports of cases falling within the recommended time frames for resolution of dissolution of marriage cases.

The universe was narrowed further by reviewing a report of the population comprised of only Dissolution of Marriage cases which had been filed and resolved between the years 2004 and 2005 as specified above.<sup>73</sup> The next sample was created by a report conducted by the Circuit's Administrative Office of the Courts' Court Information Technological Services Office (CITeS). The CITeS report extrapolated a random sample of cases with an action code of 006. The action code specifies a designation of Dissolution of Marriage cases indicating that the

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<sup>73</sup> Clerk of Court Civil Justice Information System

parties in that case have children in common. An additional criterion for the sample included that a final disposition had been reached in the case.

### **Archival Caseload Study**

In order to review the rate of closure for all judicial sections, the Civil Justice Information System Family Court – Family Civil Division Comparative Monthly Activity Report of the Clerk was extracted from the Circuit’s Civil Justice Information System. The report delineates pending cases and its closure rate for 2004 and 2005. The purpose of pulling this report was to determine if these cases were resolved within the recommended time standards and whether dispositions were keeping pace with filings. The Civil Justice Information System Family Court – Family Civil Division Pending Case Summary by Action Code lists by year the time within which the cases are resolved. The National Center for State Courts Trial Court Performance Standards and Measurement System Measure 2.1.3: Age of pending caseload of the Trial Court Performance Standard is utilized to evaluate the age of the cases and to determine whether there is a backlog.<sup>74</sup>

Next, additional samples of Dissolution of Marriage Cases and Dissolution of Marriage Cases with Children and a final disposition were pulled. Then, the size of the sample to be reviewed was reduced to an equal random sample of judicial sections, which resulted in a sample of 1,200 dissolution of marriage cases with children filed between the years 2004 and 2005 that also had a disposition. The amount selected accounted for approximately the number of dispositions each year for Dissolution of Marriage cases. This met the minimum recommended amount in Trial Court Performance Standards and Measurement System. The sample was finally narrowed to approximately ten percent of cases that were the slowest to disposition.

After the initial review was conducted and report of the Domestic Relations cases was obtained, the sample was then further narrowed to include only Dissolution of Marriage cases.

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<sup>74</sup> See Note 25, *supra*, page 82.

The Domestic Relations cases filed in the Eleventh Judicial Circuit Family Division include the following case categories:

Table 2: Case Category

Case Category
005-Dissolution of Marriage
006- Dissolution of Marriage with Children
007-Simplified Dissolution
012-Domestic Violence
013-Adoption
015-Child Support
016-Name Change
018-Paternity
019-Other Petitions
020-URESAs
025-Abortion
026-Repeat Violence
028-TPR Adoption
029-Termination of Parental Rights
091-URESAs/UIFSAs – Reopen
092-Other Petitions – Reopen
093-Administrative Support Proceeding

The Case Category listing revealed the case types in which cases are filed. Within the significant number of divorce cases filed each year, divorce case categories include Dissolution of Marriage, Dissolution of Marriage with Children and Simplified Dissolution of Marriage cases. These Dissolution of Marriage cases are filed with the following action codes as identifiers: 005 for Dissolution of Marriage cases, 006 for Dissolution of Marriage with Children Cases and 007 for Simplified Dissolution of Marriage cases.

## **Time Standards and Clearance Rate**

Reports were reviewed to determine whether cases were resolved in the recommended time standards and whether dispositions were keeping pace with filings. The Eleventh Judicial Circuit's Court's Information Technology Service Division ran reports for cases that were filed and resolved between January 1, 2004 and December 31, 2005. Also, reports were pulled from the Miami-Dade County Clerk of Courts from the Court's On-Demand Systems. The data for this review included reports which were collected in 2007 for the period of January 1, 2004 to December 31, 2005.

Data regarding case filings and related statistics are collected by the Administrative Office of the Courts and Clerk of Courts. Both organizations compile statistics regarding the number of case filings. Data was gathered by having different samples drawn by means of automated reports from the Courts information system to determine the actual case processing time of Dissolution of Marriage Cases. Utilizing the information from both the Clerk of Courts and CITEs databases, data were chosen for specific reports requested.

### **b. Case File Review**

Cases were drawn from 2004 and 2005 Domestic Relations cases. A total of twelve judicial sections were sampled. The criterion included the cases have an action code of 005 (dissolution of marriage), 006 (dissolution of marriage with children and 007 (simplified dissolution) with a filing date between 01/01/2004 and 12/31/2005 where the case was disposed. A total of 31, 707 cases were extracted that fit the criterion. From that sample, 1,200 dissolution of marriage with children cases were randomly selected. Then an additional sample of 121 cases was drawn from that category, comprised of 10% of the oldest/slowest to resolution cases which

presumably included those cases with factors that slowed the pace of litigation, including high conflict cases.

From the sample of over 30,000 cases, a report of an equal random sample of over 1, 200 Dissolution of Marriage cases with children was created. This sample was comprised of cases from all of the judicial sections in the Family Division where each judge carried a full caseload during the specified timeframe.<sup>75</sup> The third sample drawn from the above sample of 1, 200 cases by CITEs was comprised of ten percent of the oldest cases that also had a final disposition across all the sampled judicial sections. Divorce cases with children were specifically targeted in this analysis. All dissolution cases, regardless of whether parties have children in common, may be highly conflicted. This review focuses on a specific group of 121 cases with the aim of identifying the indicators of high conflict and complexity with those cases from the sample that took the longest time to resolve. As the court is charged with keeping the best interest of the minor children in the forefront, any common factors revealed are relevant and warrant consideration for improving judicial case management.

### **Data Codes**

Prior to the review of the 121 case files selected for the Case Sampling, a data collection form was created to help track potential identifying factors commonly associated with high conflict cases. Case characteristics of those cases from the sample were categorized in a data collection sheet. Each tracking item on the data collection form is listed below, along with a brief explanation. A review of the National Center for State Courts Trial Court Performance Standards and Measurement System Data Collection Sheet<sup>76</sup> and a data collection sheet utilized

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<sup>75</sup> One judicial section was excluded as the caseload varied from all other sections included in the sample because of additional assignments.

<sup>76</sup> See Note 23, *supra*, page 75 and in Appendix B Form for 2.1.1a Generic Civil Case Data Collection Form.

in a case management Court Executive Development Program paper<sup>77</sup> provided guidance in formulating the data collection sheet to capture data on these cases.<sup>78</sup> The data collection sheet listed in Appendix J included specific categories mentioned in the literature as present in high conflict divorce cases.

### **Data Collection Sheet**

The data collection sheet in Appendix J utilized specific categories mentioned in the literature as present in high conflict divorce cases. The categories included representation of the parties by attorneys, a custody investigation, whether the case was contested and required a decision from the court, to name a few.<sup>79</sup>

Generally, the entries onto the data sheet were noted by utilizing either the docketed entry date or the date of event if listed in the text of the entry, unless a specific note was made to do otherwise. For example, as some orders may be docketed a day or even days after the event, the actual date of the entry of the order was captured as the actual event date.

*Case File Number-* The first item on the data collection chart is the case file number. Actual case numbers were altered and coded.

*Date Filed-* The date the petition was filed is the date the case was filed.

*Attorney(s)* - This item captures if there was attorney representation for a litigant in the case. This accounting is regardless if just one or both parties had representation by an attorney. As the literature discussed, that attorney representation is one of the indicators most likely to delay the pace of litigation.

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<sup>77</sup> Patricia Austin, **Case Management Program Evaluations An evaluation of the Civil Criminal and Domestic Case Management Programs in the Bi-County Judicial District of Benton and Franklin Counties in Washington State.** Institute for Court Management, Court Executive Development Program Phase III Project, National Center for State Courts, 2006, page 172.

<sup>78</sup> See Notes 74 and 77, *supra*.

<sup>79</sup> See Note 74, *supra*.

*Contested (C) or Uncontested (NC)* - The next item on the data collection form documents whether the case was contested or uncontested. To determine which cases actually went to trial as opposed to ending up before the Court on a un-contested dissolution of marriage hearing a manual inspection was done of the court files. Although the parties may have numerous hearings before the Court, there is still a possibility that the case will end up on an uncontested calendar as the parties may come to a final resolution or there are no issues that require the Court to make a decision. While all of the cases in the sample are highly contested, some of them ended up on the uncontested calendar (UCD), most likely after the parties reached an agreement in mediation or signed a Marital Settlement Agreement.

*Initial Status Conference Date*- The initial Status Conference date was often missing or ambiguous on the docket sheets, as the Judges vary on what they call Status Conferences as well as how they use them. Status Conferences may also be called Case Management Conferences or Case Status Report Hearings. The date recorded for initial Status Conference is the date the Status Conference was scheduled for, rather than the date it was docketed or filed.

*Referral to Mediation (Initial)* - This documents whether there was a referral to Mediation, and if there was, the date of the initial referral. The mediation referral could be docketed as “Order of Referral to Mediation” or “Notice of Appointment of Mediation and Conference,” whichever event was docketed first was recorded. If the case were referred to mediation subsequent to the initial referral, an asterisk was placed next to the initial referral date. Regardless of the initial referral to Mediation, many cases had subsequent orders or multiple referrals to mediation. An asterisk marked the Mediation tally. As referenced in the literature, failure at mediation is an indicator of high conflict. As repeated referrals to mediation could be a result of numerous factors associated with participants reluctant or opposed to attending, such as a missed

appointment or an impasse, these multiple referrals were documented as a potential indicator of conflict.

*Marital Settlement Agreement (MSA)* – This information was gathered to determine if there were a difference between the cases where an MSA was filed as compared to those where one was not in terms of time to disposition and/or trial. Often, MSAs were not found on the dockets, but were discovered by a thorough manual inspection of the case files. Such agreements may have been filed without the corresponding entry into the database. MSAs may also be referred to as Mediated Settlement Agreements.

*Trial-* As it relates to Trial Court Performance Measure 2.1.4 Certainty of Trial Dates, this indicator was the ultimate determination that the case was conflicted. An existing problem is that trial dates are not docketed or recorded in a fashion that would lend itself to easy identification.<sup>80</sup> The item that made itself most readily apparent to qualify as a trial date was the date on the Order Setting Non-Jury Trial. The docketing of that order with the entry of an Exhibit list or Pre-trial catalogue was noted. If that entry was coupled with an entry of a final judgment without a Marital Settlement Agreement, the case was identified as contested case that went to trial.

*Referral to General Magistrate* - This data was captured to identify the additional intervention the Court needed to provide in an attempt to resolve cases. If the Judge signed an Order of Referral to the General Magistrate, the date the Order was docketed was the date recorded on the data collection form, regardless of whether there was a subsequent objection to the referral. The parties may object to the referral of the case the General Magistrate.

*Referral to Family Court Services* - If the Judge signed an Order of Referral to Family Court Services, the date the Order was docketed was noted on the data collection form.

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<sup>80</sup> See Note 10, *supra*, pages 16 -17.

*Guardian Ad Litem* - If the Judge signed an Order Appointing Guardian Ad Litem, the date the order was docketed was recorded on the data collection form.

*Custody Investigation Order*- The events Custody Investigation and Order for Home Study are both tracked under this item. The date the event was docketed is the date recorded on the data collection form.

*Disposition type* - The type of disposition could be any of the following: Final Judgment, Dismissal, or Voluntary Dismissal. The date entered on the data collection form under the type of disposition is also the date the case was closed.

*Time to Disposition* - The time to disposition was included on the case sampling list CITEs provided, after each case number. This was the number of days that had passed from the date of filing to the date of final disposition.

*Domestic Violence (DV)/ Mental Health (MH)/ Substance Abuse (S)*- If any of these issues appeared in the case, then it was recorded on the data collection form. These issues may have been found in motions, Family Court Services referrals, or related case filings such as a Domestic Violence injunction case.

*Post-Judgment Activity*- All of the case numbers in the sample were individually entered into the SIVA system to check for post-judgment activity, as this system has the most recent information. If any motions were filed or activity occurred after the Disposition, the date of the event along with the issue was recorded in the data collection form.

## **Problems**

A potential problem in attempting to collect cases that are high conflict was that the perception that the oldest case to resolution would also be the high conflict cases may not necessarily be true for all cases. Given that the criterion required that the cases selected also had to have a resolution within a specific time frame of two years may have excluded some contentious high conflict cases. Additionally, a sample was randomly selected for the year 2005, but given the fact that only five cases were drawn, it is difficult to draw any conclusion from the statistics. The criteria of selecting cases from 2004 and 2005 with the criterion that the cases have a final disposition limited the number of cases and therefore the pool from which the sample could be drawn. Choosing a sample from cases from an earlier may have been ideal as there would have been a greater number of cases that would have met the eligibility criteria.

The entries onto the data sheet have been entered either by the docketed entry date or by the date of event if listed in the text of the entry. As some items may be docketed a day or days after the event, the information listing the actual date of the event, if entered, was captured as the actual event date. This also applies to the entry of Final Judgments. As some other orders may have been utilized in notifying the parties of an impending trial, the numbers of trials were calculated weighing these factors. The approximation was arrived at after both an electronic and manual review of the files.

## **Statistical procedures**

Cases from a two year period were selected on the basis of the time standards recommended in Case Disposition Time Standards adopted by the Conference of State Court Administrators, the Conference of Chief Justices and the American Bar Association.<sup>81</sup> The cases and the time period theoretically have resulted in a sample of cases in which a final disposition

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<sup>81</sup> See Note 17, *supra*.

was entered. Cases were reviewed in all of the judicial sections that carried a full caseload during the timeframe in which the cases were pulled. A total of twelve judicial sections were sampled, one remaining section was not included in the sample as the number of cases carried in the section was not equal to the other sections.

## **2. Survey of Judges and Attorneys**

### **Survey Instrument**

The literature review revealed that the research completed and discussed in this survey analysis indicates that certain factors can be found in dissolution of marriage cases that can slow the pace of litigation. These factors, also found in high conflict dissolution of marriage case with children, could contribute to the extension of an already prolonged proceeding. In an attempt to determine whether indicators could potentially be identified early through the use of differentiated case management, the survey participants expressed their familiarity and knowledge of differentiated case management.

One methodology employed included surveying stakeholders to obtain their perceptions on the processing of high conflict dissolution cases with children. Data was collected from surveys sent out to a pool of participants that included the judiciary and attorneys who “regularly” appear before them.

### **Candidate Selection**

The pool of candidates to which the survey was sent included the Family Division Judges and attorneys practicing family law. The attorneys were selected by means of an automated report. CITEs ran a report in which it was able to extrapolate a list of attorneys who submitted the highest number of notices of appearance. Further, additional attorneys were selected on the basis of an informal staff interview so as to include both private bar and legal aid attorneys who are known to appear before the Family Court with frequency, and are familiar with the issues. Altogether, 41 surveys, 15 to the judiciary and 26 to members of the bar, were sent out. The candidates selected to complete the survey were comprised of the judges of the Family Division

and the attorneys who appear before them with great frequency so as to obtain perspective from those most familiar with the processes and procedures.

## **Method**

### **Pre-test**

The initial survey was reviewed by advisor, Geoff Gallas, at which time suggested changes were incorporated. Surveys were then pre-tested on court staff familiar with family court cases and issues. The pre-test participants provided input on questions, which was incorporated into the survey. The survey was then reviewed again by the advisor and proposed suggestions were included. The survey then reviewed by Administrative Judge, Court Administrator and Chief Judge. Suggestions were made to clarify potential question ambiguity faced by judiciary and attorney survey candidates were incorporated and changes were made at each level of review. The survey was then sent once more to advisor for final approval before being sent out to participating candidates.

### **Method of Distribution of survey**

Participating candidates were sent surveys to their individual offices by mail, facsimile or hand delivery. Surveys were hand-delivered to the judges' offices or mailed and/or faxed to the attorneys' offices. Some candidates were called in advance advising them of their requested participation as well as requesting permission to send the survey via facsimile. For those candidates who could not be reached by phone, the surveys were mailed. Surveys were returned in same manner.

### **Data collectors**

Surveys were sent out to the candidates by mail, fax or hand-delivered. The survey included information on how to return it by facsimile or interoffice mail for the judiciary located

in the building. Family Division Administrative Office of the Court staff received the returned surveys. Calls were made as a follow-up for surveys sent internally if the survey was not returned.

### **Rate of return**

The majority of the surveys that were sent by facsimile to the attorneys were returned within two weeks time as requested on the survey. Phone calls were made to participants requesting permission to send the survey by facsimile. A total number of 25 surveys were returned by the time this paper was finalized. A total percentage return of the 41 surveys sent out was 61%. Eleven judges out of the fifteen responded to the surveys, at a seventy three percentage return rate.

### **Length of data collection**

Surveys were mailed or faxed on December 12, 2008. Participants were asked to return the survey by December 31, 2007. Surveys were amended and re-faxed the same day of initial delivery after a participant called and inquired about a question on second page. For those participants that did not respond to initial telephone contact, the survey was mailed with a self addressed stamped envelope on December 24, 2007 with a request to return the survey by January 7, 2008. Follow up phone calls were also placed to the offices of the judiciary who had failed to return the survey.

### **Questions**

Questions were intended to inquire as to target groups' familiarity with and use of differentiated case management as well as their perceptions regarding the time in which these cases are progressed. Whether or not the target group was knowledgeable as to the term, the questions addressed their feelings regarding the current use of the caseflow management system.

The survey also attempted to collect data on the different target groups' perceptions of closure rate on cases.

### **Problems**

In reaching out to the attorney participants to request permission to send the survey by facsimile, a problem with the instrument was quickly identified, modifications made and an amended survey was resent via facsimile immediately. The change occurred only in the attorney's survey in question number 10 where words were inadvertently omitted. The identification and correction of the problem occurred quickly and the participants who received the survey with the problem were called and notified that an amended survey was sent.

A review of the returned surveys revealed that some questions were left unanswered or included multiple answers for questions where only a single response would suffice. Those responses with multiple responses for questions that did not request more than one answer were not included in the final tabulation of responses.

## VI. Findings

In order to collect the data required to extract the desired sample of cases, the universe of case filings for each year was gathered and reviewed. Of the universe of domestic relations cases, dissolution of marriage cases were selected and from that the clearance rate, age of active pending caseload and a case file sample were all reviewed. As discussed in the methods section above, this review was conducted to determine whether cases were resolved within the recommended time standards and to determine if dispositions were keeping in pace with filings. The initial report request for the number of Domestic Relations cases filed each year during the periods of this review revealed that 33,083 were filed in 2004 and 35,646 were filed in 2005.<sup>82</sup> A large percentage of those cases were dissolution of marriage cases.

In 2004, approximately 47% or 15,627 of the total number of domestic relations cases filed were dissolution of marriage cases. In 2005, the percentage of domestic relations cases filed that were dissolution of marriage cases totaled 16,226, or 45% of the total domestic filings. Within the high percentage of dissolution of marriage cases filed, there are subcategories which include Dissolution of Marriage, Dissolution of Marriage with Children and Simplified Dissolution of Marriage.

The Civil Justice Information System Family Court Civil Division Pending Case Summary by Action Code Report and reports prepared by CITeS were used to determine if dissolution of marriage cases were resolved within the recommended time standards and whether dispositions were keeping pace with filings. The Civil Justice Information System Family Court

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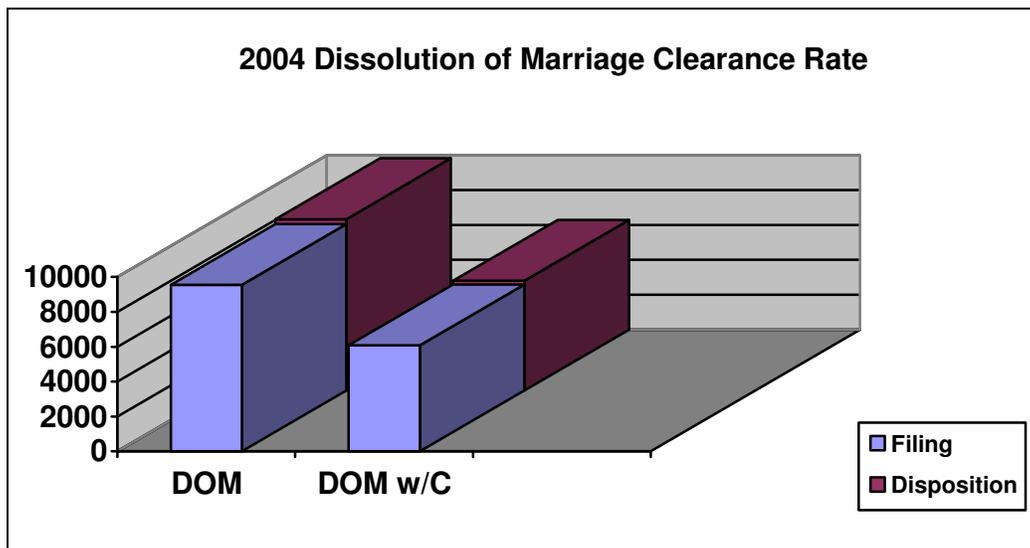
<sup>82</sup> Civil Justice Information System Family Court Civil Division Comparative Monthly Activity Report, Reporting Period: December 2004 and December 2005

Civil Division Comparative Monthly Activity Report of the Clerk for 2004 and 2005 detailed the rate of filing and disposition of the cases.<sup>83</sup>

**Clearance Rate**

Trial Court Performance Measure Standard 2.1.2 relates to a court’s ability to keeping cases current and helps to avoid a backlog. A court’s clearance rate is measured by the ratio of disposed to filed cases. The Clerk of Courts report revealed that the closure rate of dissolution of marriage cases kept pace with filings in 2004 as reflected in Chart 1 below.<sup>84</sup>

Chart 1: Dissolution of Marriage Clearance Rate: 2004

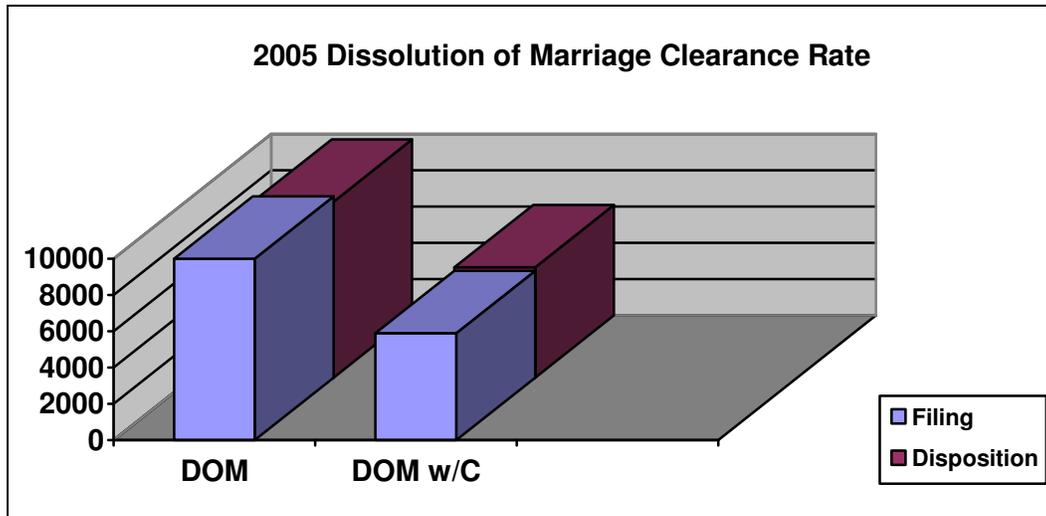


2004	Filings	Disposition	Ratio of disposed to filed
<b>Dissolution of Marriage (DOM)</b>	9543	9824	1.03 to 1.0
<b>Dissolution of Marriage w/ Children (DOM w/C)</b>	6084	6297	1.04 to 1.0
Total	15,627	16,121	1.03 to 1.0

<sup>83</sup> Civil Justice Information System Family Court – Civil Division Reporting Period: December 2006 and

<sup>84</sup> Civil Justice Information System Family Court Civil Division Comparative Monthly Activity Report, Reporting Period: December 2004

Chart 2: Dissolution of Marriage Clearance Rate: 2005



2005	Filings	Disposition	Ratio of disposed to filed
<b>Dissolution of Marriage (DOM)</b>	10,330	9,704	0.94 to 1.0
<b>Dissolution of Marriage w/ Children (DOM w/C)</b>	5,896	6,084	1.03 to 1.0
<b>Total</b>	16,226	15,788	0.97 to 1.0

In 2005 for dissolution of marriage cases, the disposition rate lagged behind filings as shown in Chart 2. Further inquiry revealed that there were multiple court closures at different times in the year 2005. In 2005, Hurricanes Katrina, Wilma and Rita hit South Florida, resulting in the closure of the Eleventh Judicial Circuit Courts for a period of eight days in all court locations and 10 in one other court location. Court was suspended, cases reset, trials and hearings cancelled and then rescheduled.

A review of the clearance rates for the years 2006 and 2007 reflected that the Court has been able to keep current with its closure rate.<sup>85</sup> Further review of the closure rates in 2004 and

<sup>85</sup> Civil Justice Information System Family Court – Civil Division Reporting Period: December 2007

subsequent years revealed that the Court was able to keep pace in 2004, 2006, and 2007. The DOM case filings remained relatively the same: 15,627 in 2004; 16,226 in 2005; 16,865 in 2006; and 16,009 in 2007.

### **Age of Active Pending Caseload**

Measure 2.1.3: Age of Pending Caseload of the Trial Court Performance Standard is used to evaluate the age of the cases and to determine whether there is a backlog.<sup>86</sup> As discussed in the methods section, a review was conducted to determine whether cases were resolved in the recommended time standards and whether the clearance rate was allowing for dispositions to keep pace with filings. Time standards adopted in Florida recommend the resolution of uncontested cases within 90 days from filing to disposition and for contested cases, 180 days from filing to disposition. The American Bar Association and COSCA recommend that uncontested domestic relations cases resolve within 90 days, contested cases within six months and all cases within the year.<sup>87</sup>

Dissolution of Marriage cases make up approximately 21% of all pending Domestic Relations cases. Of the 7,566 Domestic Relations cases pending in 2004, approximately 62% or 4,704 were Dissolution of Marriage cases. In 2005, of the 8,581 pending Domestic Relations cases, approximately 64.7% or 5,557 were Dissolution of Marriage cases.<sup>88</sup>

Once the cases are aged beyond a year they are over both Florida and ABA standards. In 2004, 44% of the dissolution of marriage cases with children cases closed over standard.

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<sup>86</sup> See Note 74, *supra*.

<sup>87</sup> See Note 74, *supra*, page 80.

<sup>88</sup> Civil Justice Information System - Family Civil Division Pending Case Summary by Action Code December 2004.

Table 3: 2004 Case Aging Summary – Pending Dissolution of Marriage Cases

Family Civil Division Case Aging Summary - Dissolution of Marriage - December <sup>89</sup>											
Children Cases	Pending cases	0– 6 Months		7– 12 Months		1– 2 Years		2-3 Years		Over 3 Years	
		Cases	Percent	Cases	Percent	Cases	Percent	Cases	Percent	Cases	Percent
No	2123	1657	78.0	290	14.0	130	6.0	23	1.0	22	1.0
Yes	2581	1435	56.0	734	28.4	318	12.0	72	2.0	41	1.6
Total	4704	3110	66.1	1024	21.8	448	9.0	95	2.0	53	1.1

In the 2004, as illustrated in Table 3, over 28% of the pending divorce cases with children took seven to 12 months to close; 12 % took one to two years to resolve; two percent took two to three years, and over one percent took over three years resolve. Compare that to only 22% of divorce cases without children that took seven months or longer to resolve in 2004.

Table 4: 2005 Case Aging Summary – Pending Dissolution of Marriage Cases

Family Civil Division Case Aging Summary - Dissolution of Marriage - December <sup>90</sup>											
Children Cases	Pending cases	0– 6 Months		7– 12 Months		1– 2 Years		2-3 Years		Over 3 Years	
		Cases	Percent	Cases	Percent	Cases	Percent	Cases	Percent	Cases	Percent
No	2795	2220	79.0	412	15.0	114	4.0	28	1.0	21	1.0
Yes	2762	1600	58.0	716	26.0	342	12.4	72	2.6	32	1.0
Total	5557	3820	69.0	1128	20.0	456	8.2	100	1.8	53	1.0

As illustrated in Table 4 in the year 2005, 26% of the pending divorce cases with children took seven to 12 months to resolve; 12 % took one to two years to resolve; over two percent took two to three years and one percent took over three years resolve. Compare that to only 21% of divorce cases without children that took seven months or longer to resolve in 2005.

<sup>89</sup> Civil Justice Information System Family Court Civil Division Comparative Monthly Activity Report, Reporting Period: December 2004

<sup>90</sup> Civil Justice Information System Family Court Civil Division Comparative Monthly Activity Report, Reporting Period: December 2005

## Caseload Study

Table 5: Case Aging Summary of 1200 Dissolution of Marriage with Children Cases Sample

Family Civil Division Sample – 1200 Dissolution of Marriage Cases <sup>91</sup>											
Year	Pending cases	0– 6 Months		7– 12 Months		1– 2 Years		2-3 Years		Over 3 Years	
		Cases	Percent	Cases	Percent	Cases	Percent	Cases	Percent	Cases	Percent
2004	648	0	0	150	23.1	429	66.2	69	10.7	0	0
2005	562	0	0	186	33.0	376	67.0	0	0	0	0

Table five shows the rate of closure for the random sample drawn from all judicial sections of over 1,200 dissolution of marriage cases with children of some of the slower to resolve cases. That sample revealed that the majority of the pending cases took one to two years to resolve. In 2004, about 66% of the cases reached a disposition in one to two years as did 67% of the cases in the year 2005. Then a smaller sample of ten percent of the slowest cases, regardless of the judicial section, to which it was assigned, was drawn from this pool of over 1,200 cases. Over 121 cases of these slowest to resolve cases revealed that the majority, about 60%, took two to three years to resolve.

Table 6: Case Aging Summary of Sample of 121 Oldest Dissolution of Marriage with Children Cases

Family Civil Division Sample – 121 Cases Dissolution of Marriage Cases											
Year	Pending cases	0– 6 Months		7– 12 Months		1– 2 Years		2-3 Years		Over 3 Years	
		Cases	Percent	Cases	Percent	Cases	Percent	Cases	Percent	Cases	Percent
2004	116	0	0	0	0	47	40	69	60	0	0
2005	5	0	0	0	0	5	100	0	0	0	0

The two year time frame selected from which to draw the sample was posed some problems once the sample of the oldest cases was selected. As discussed, the criterion imposed for selection of these cases included that the cases had children and took the longest time to

<sup>91</sup> Civil Justice Information System Family Court Civil Division Comparative Monthly Activity Report, Reporting Period: December 2004

reach a final disposition within the two year time frame. One unintended result was that the majority of the oldest cases were pulled from 2004, as illustrated in Table 6 where only five cases were pulled from 2005.

### **High Conflict Indicators and Factors Slowing the Pace of Litigation**

A case file review was conducted for all cases from the sampling of the 10% cases slowest to resolve. The random selection of these cases was conducted to see if in these slow to resolve cases there are identifiable indicators that could categorize the case as high conflict. The indicator, illustrated in Table 7, and discussed below were included in the data collection sheet used to gather information on the cases.

Table 7

Indicator Information Compiled on Data Collection Sheet

Indicators	Totals	Percentage % (N/121)
Attorneys: both parties	97	80.8
Attorneys: one party	20	16.7
Contested (C)	42	35.0
Un-Contested (NC)	61	50.8
Answer/Motion Filed	107	89.2
Referral to Mediation	109	90.8
MSA	65	54.2
Referral to GM	64	53.3
Referral to F.C.S.	18	15.0
Guardian Ad Litem	11	9.2
Custody Investigation	3	2.5
Final Judgment	102	85.0
Dismissal	14	11.7
Voluntary Dismissal	4	3.3
DV	14	11.7
MH	7	5.8
S	2	1.6
Post-Judgment	54	45.0

## **Children**

The literature as a whole conveyed that dissolution of marriage cases with children takes longer to litigate.<sup>92</sup> In the case sample, all of the cases randomly selected for the sample had children.

## **Attorney Representation**

Of the 121 cases reviewed, as referenced in Table 7, there was attorney representation by counsel found for at least one party in 97.5% of the cases. Over 80% the cases had representation by counsel for both parties at some point in the case. Over sixteen percent of the cases had only one litigant with attorney in the case. This would follow much of the findings in the literature that attorney representation is a good indicator that the time to disposition may increase.

## **Mediation and Marital Settlement Agreements**

After reviewing 121 cases in the sample, approximately 91% (109 cases) of the cases were referred to mediation. Interestingly enough, regardless of the 91% mediation referral rate, only 65 of the cases referred, or 54%, resulted in the parties entering into a Marital Settlement Agreement.

## **Guardian Ad Litem (GAL) and Custody Investigation**

One of the indicators discussed in the literature as being present in high conflict cases which gives rise to increased post judgment activity is a referral for a custody evaluation. For cases requiring a determination of custody, this Circuit can order a custody evaluation by the Custody Investigation Unit.<sup>93</sup> There were three referrals for a custody evaluation found in the

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<sup>92</sup> See Note 31, supra pages 46, 55.

<sup>93</sup> The Eleventh Judicial Circuit's Custody Investigation Unit was recently renamed to the Social Investigation Unit.

sample, for a total of two and a half percent of the cases and eleven cases where a GAL is referred, approximately nine percent of the cases.

### **Uncontested Hearings**

As discussed in the methodology, the majority of the 121 cases in the sample were contested and had multiple pleadings filed and hearings scheduled. If however, the parties were still able to enter into a Marital Settlement Agreement and did not require the matter to be set for trial, the case ended up on an Uncontested Dissolution Calendar and was recorded on the data collection sheet as “uncontested.” Sixty one of the one hundred and twenty one cases, fifty percent, were uncontested. This percentage of uncontested cases correlates with the percentage, 54%, of Marital Settlement Agreements entered into by the parties.

### **Trials, Answers, Motions, and Dispositions**

Trials occurred in 42 cases identified as contested, which was approximately 35% of the cases from the sample of 121. In those cases that went to trial, 42 final judgments resulted. Additionally, in 107 cases, either an answer or motion was filed by one of the parties. A closer review of the answers or motions would reveal information as to the cause of conflict.

The dispositions on these cases were as follows: of those cases that did not go to trial and got resolved at a hearing for uncontested cases, a final judgment was entered in 61; there were 12 Dismissals and 3 Voluntary Dismissals. A review of the docket or events for the cases after disposition of the case revealed post-judgment activity in 54 of the 121 cases, or 45%.

## Survey Results

The results of the returned judiciary and survey results were separated, tabulated, and charted in graphs, as seen below. For those questions that were identical, the responses were cross tabulated.

### Survey Responses from Judiciary

Chart 3: Judicial Response to DCM

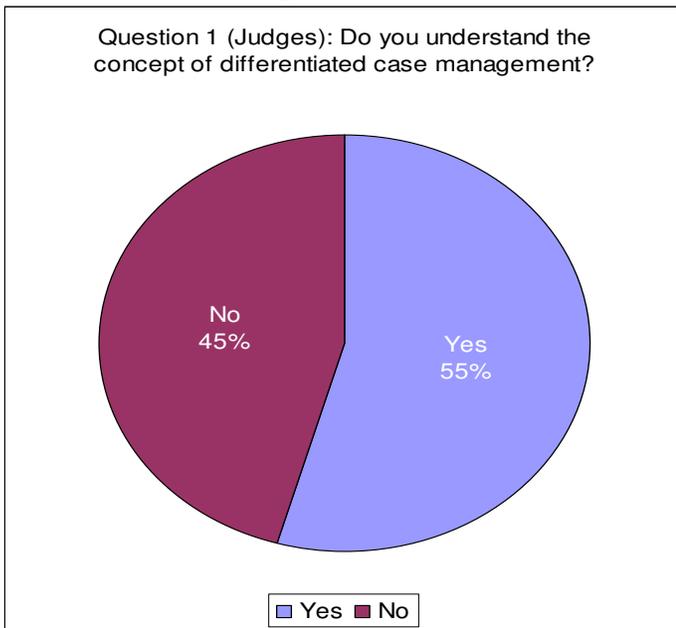
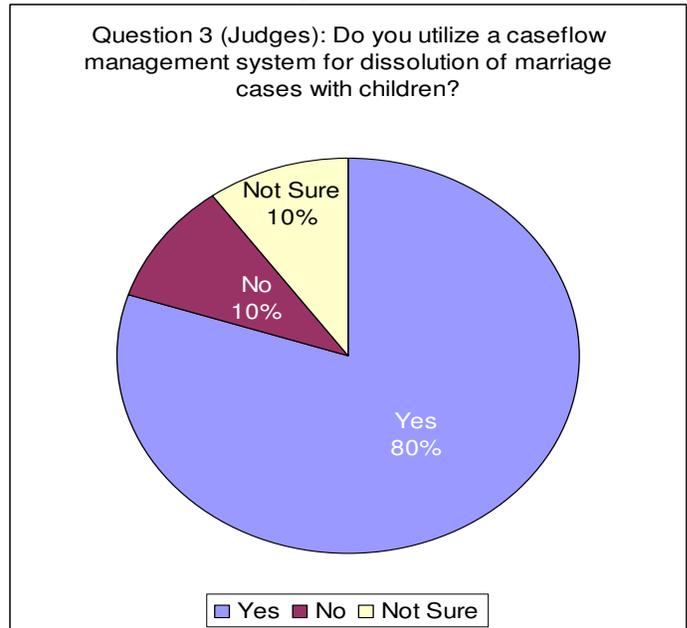


Chart 4: Judicial Response to CM of DOM cases

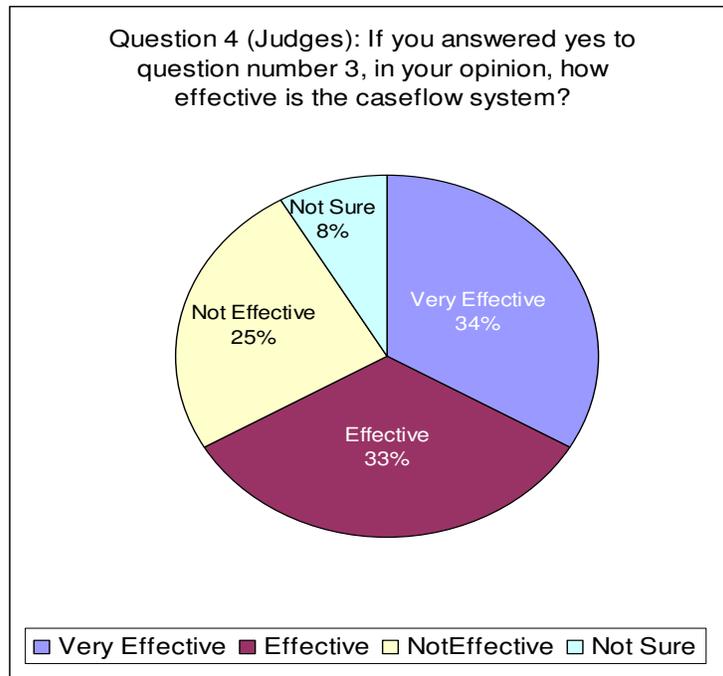


This first question was intended to measure the knowledge and familiarity with the *term* Differentiated Case Management (DCM). The judges in the Division have utilized a system of DCM, its caseflow management system. As shown in Chart 3 for question 1, of the judiciary that responded to the survey, the majority indicated that they understood the concept of differentiated case management.

For those judges who responded that they understood the concept of DCM and were asked to give a description of their understanding in question 2, the majority of their responses reference processing cases based upon the “complexity” of the cases and which are separated in

“separate flow tracks.” Additional judicial descriptions of DCM included “early identification of cases by type of issues resulting in prompt diversion of each case to a specified management track aimed at best and most efficient and effective resolution of issues” and that “complex cases are set apart.”

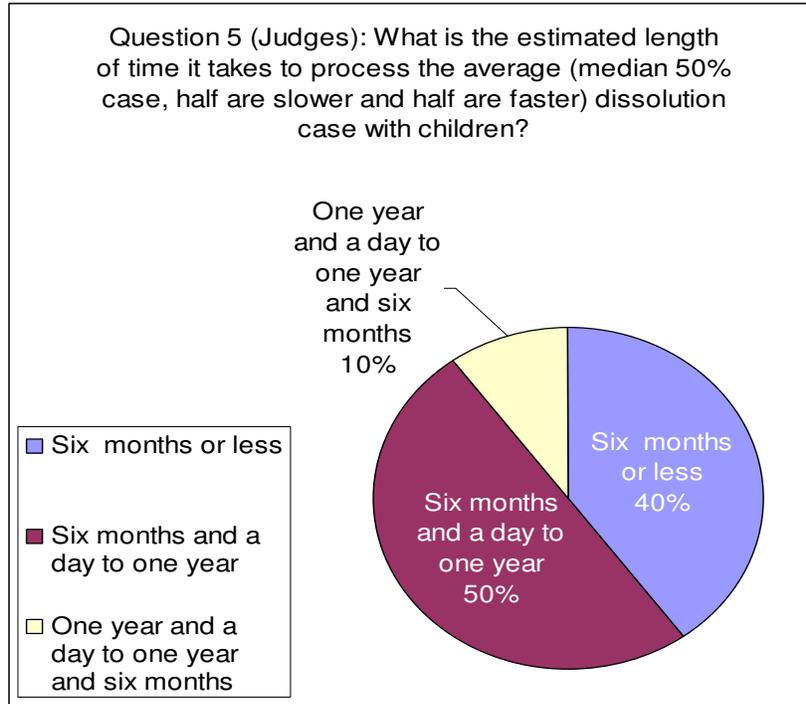
Chart 5: Judicial Response to Effectiveness of Caseflow System



As indicated in Chart 5, regardless of whether a judge indicated they were familiar with the term DCM, the majority (67%) indicated that they utilized a caseflow management system which they considered was either effective or very effective. One judge indicated that they felt that the current system “reduces emergencies, moves procedural matters and increases the likelihood of settlement.” Twenty-five percent of the judiciary considered the current system not effective and a critique by one judge reflected the sentiment that there is “insufficient time and staff to fully implement and follow through.” Additionally, for those cases with attorneys, the judiciary is

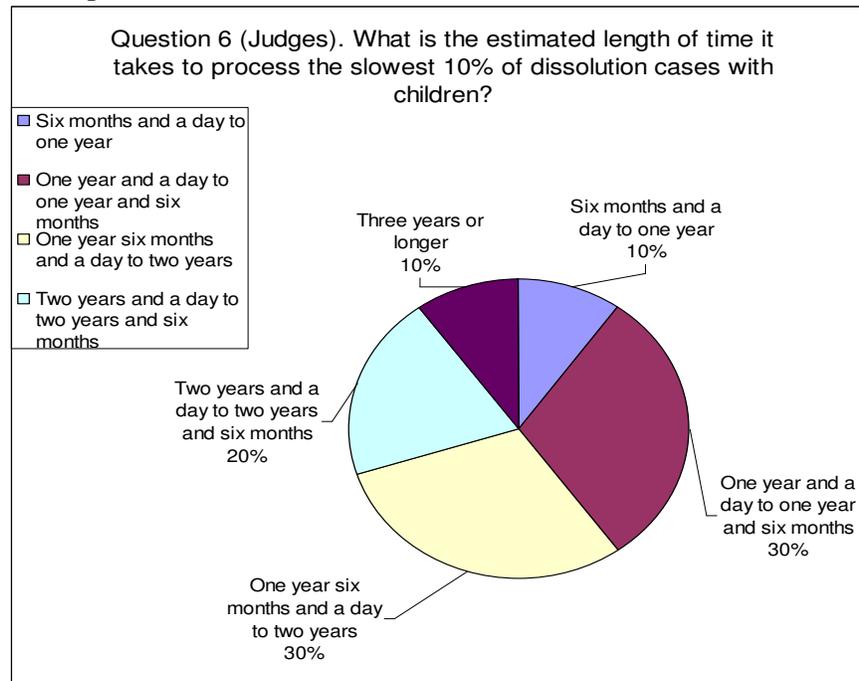
cognizant of potential delays. One judge indicated that the Circuit’s current DCM system’s orders to progress cases “usually encourage attorneys to move case.”

Chart 6: Judicial Response to Processing Time of Average Case



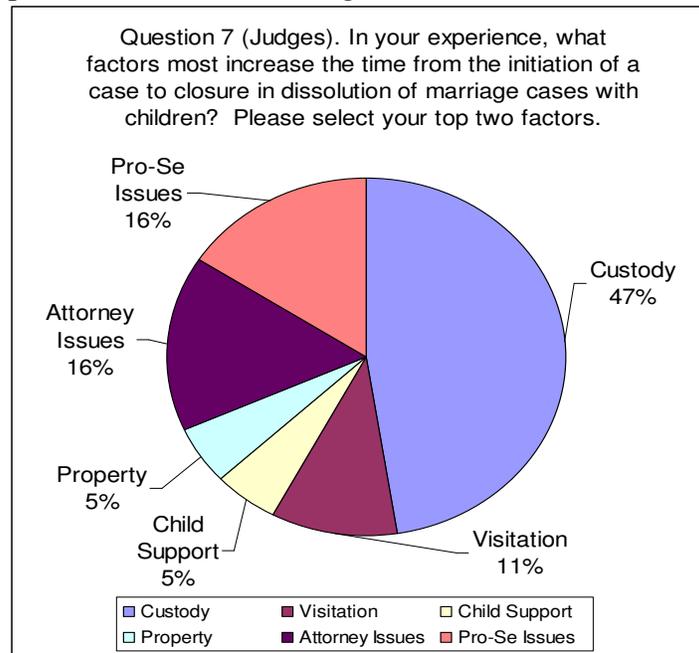
The majority of judicial respondents answered that, in their experience, the average dissolution of marriage case with children resolved within 12 months or less. Of the possible six choices for processing the average case, 50% answered that it took six months and a day to one year and 40% estimated that the process took six months or less.

Chart 7: Judicial Response to Time to Process 10% of Slowest Cases



In comparing the responses to this question and a review of the sample of the slowest 10% of the cases listed in Table 5, approximately 40% took one to two years to resolve and the remaining 60% took 2-3 years to resolve in 2005. The limitation in requiring in the initial sample that the cases have a disposition was revealed in reviewing the time to disposition for cases filed in 2005. By having this requirement and taking the oldest cases from both years combined, only five cases ended up in this smaller sample. All five cases were resolved within one to two years. If just the 2004 sample is analyzed, 60% of the judiciary was correct in estimating that the cases took one to two years to resolve. In looking at the same 2004 sample, 30% of the judiciary did agree that the cases took two to three years to resolve.

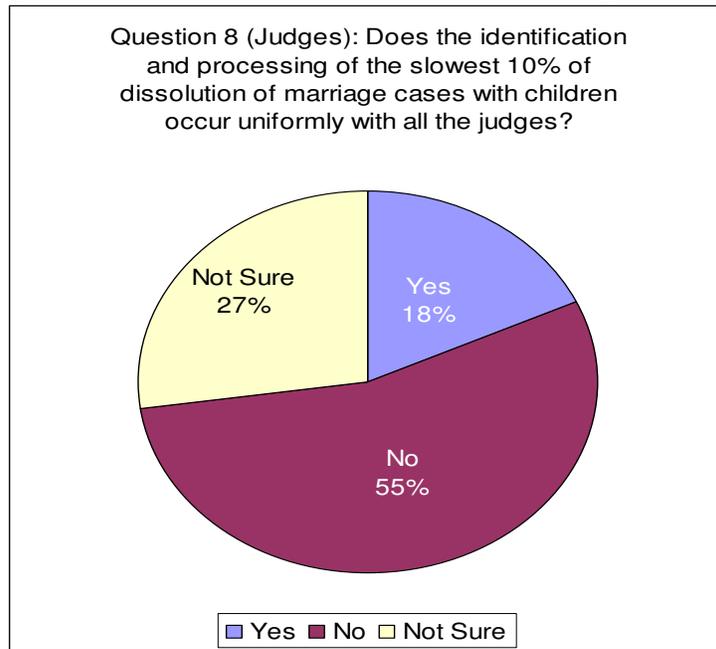
Chart 8: Judicial Response to Factors Increasing Time to Closure



As reflected in Chart 8, the issue that 47% of the judiciary found increased the time to case closure was child custody. If the additional responses of visitation (11%) and child support (5%) are included with the custody results, the majority of the judiciary's experiences (63%) reflect that litigation on these three children's issues most contribute to delay in case processing. The judiciary has also experienced both attorney and pro se issues to have equally contributed to increasing the time to disposition on cases. The literature reflects that both attorney and pro se indicators have been cited as problematic by the judiciary and court staff.<sup>94</sup>

<sup>94</sup> See Note 31, *supra*, pages xiv and 30.

Chart 9: Judicial Response to Uniform Identification and Processing of Cases



The majority of the judiciary (82%) either did not feel or did not know whether the identification and processing of the slowest cases occurred uniformly. Contrasting this response with the previous judicial responses in question number two regarding the utilization and effectiveness of the caseflow system, the responses reflect that the judiciary is aware of the use of caseflow management systems. The conflict and issues raised in these cases require interventions and services specific to it and in line with the judiciary's independent philosophy.

## Survey Responses from Attorneys

Chart 10: Attorney Response to DCM

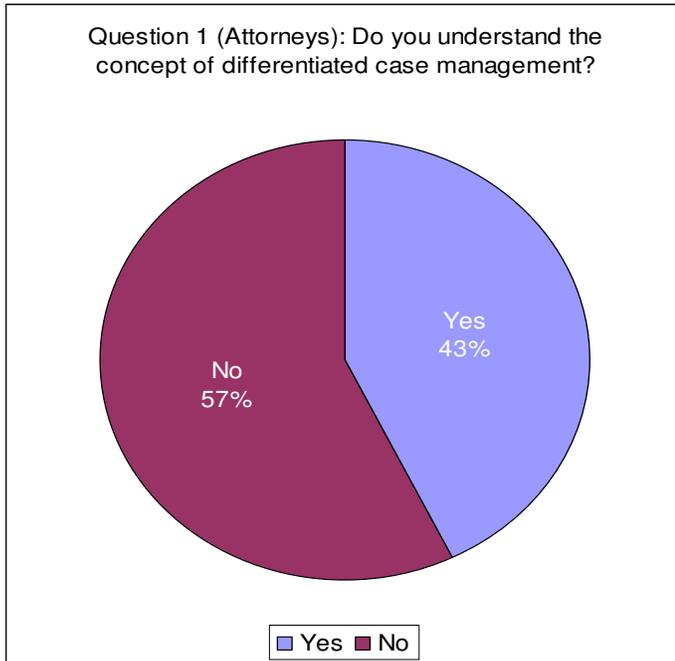
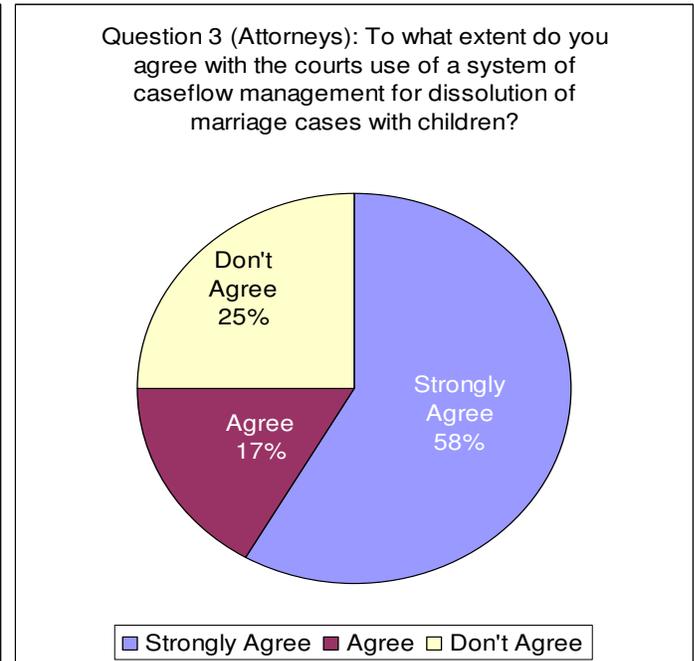


Chart 11: Attorney Response to CM of DOM cases



Similarly in the attorney responses on their familiarity with the term differentiated case management, although the majority of the attorneys replied that they did not understand the concept, the majority agreed with the Courts current use of caseflow management system on dissolution of marriage cases with children. Twenty-five percent of the attorneys responding to question number three indicated that they did not agree with the Court's use of its case management system.

However, in question number four, as shown in Chart Number 12, 89% of the responding attorneys felt that the caseflow system was effective or very effective. A responding attorney who felt the system to be effective responded that they felt that the system should be mandated in Circuit and not allow for any judicial discretion. Interestingly enough, another attorney respondent who failed to select a response for this question did write the comment that in some cases, the attorneys should be asked "if they want a caseflow system applied."

Chart 12: Attorney Response to Effectiveness of Casflow System

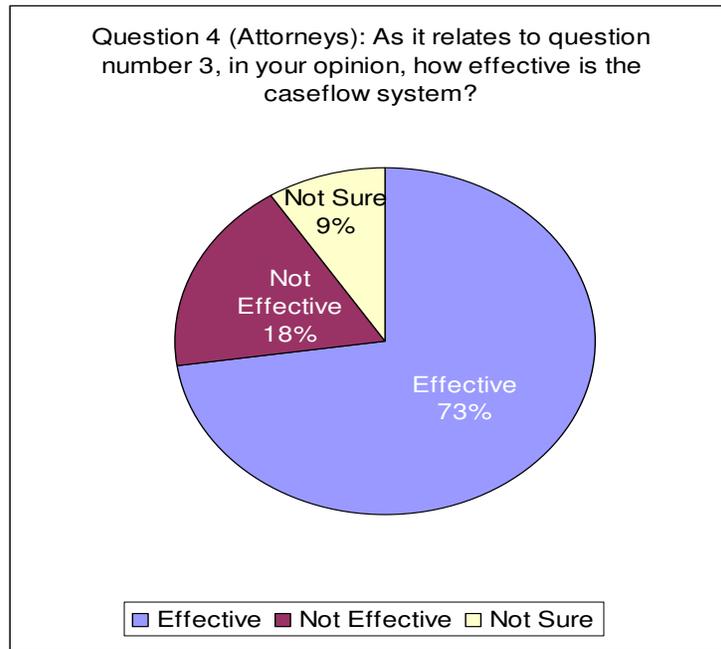


Chart 13: Attorney Response to Processing Time of Average Case

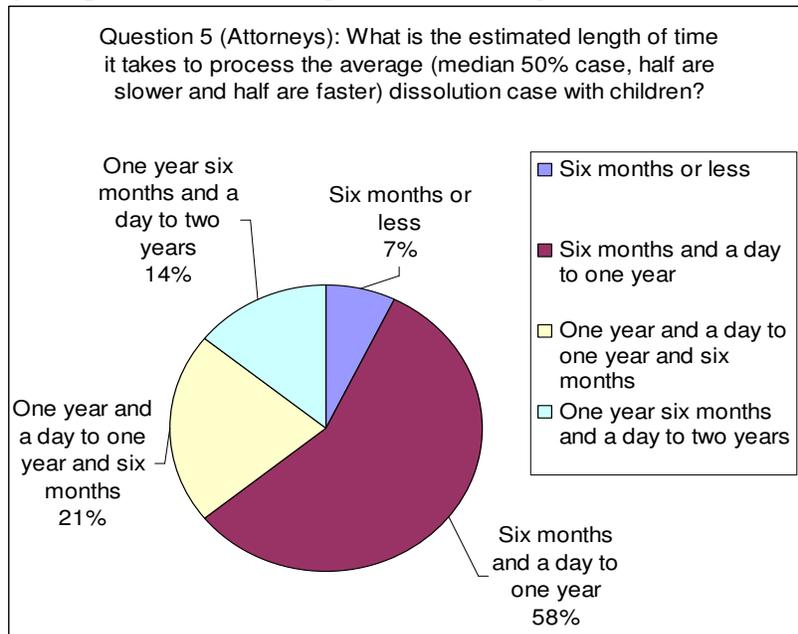
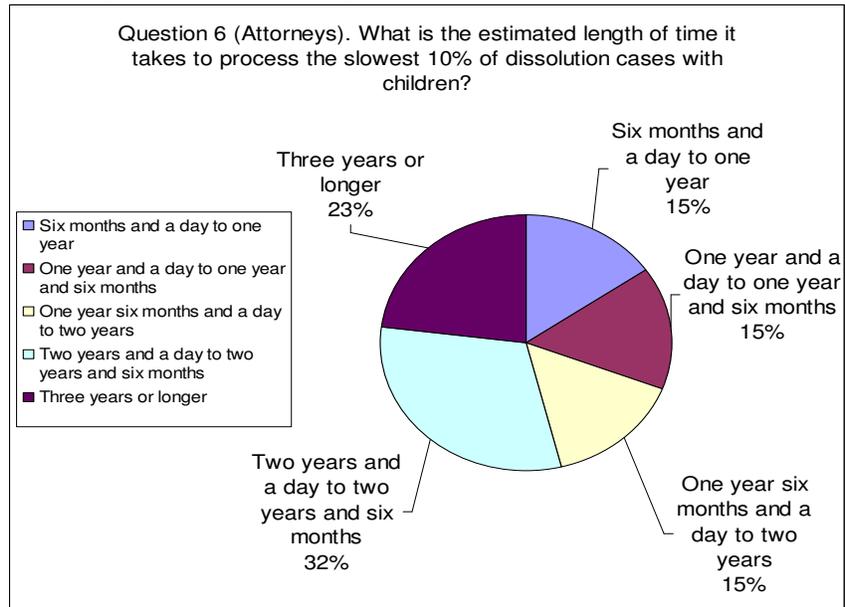


Chart 14: Attorney Response to Processing Time of 10% of Slowest Cases



When asked the amount of time it would take to process the average dissolution of marriage case with children, 54% of the attorney answered six months and a day to one year. The majority of respondents thought that the slowest ten percent of cases took over two years to resolve.

Chart 15: Attorney Response to Factors Increasing Time to Closure

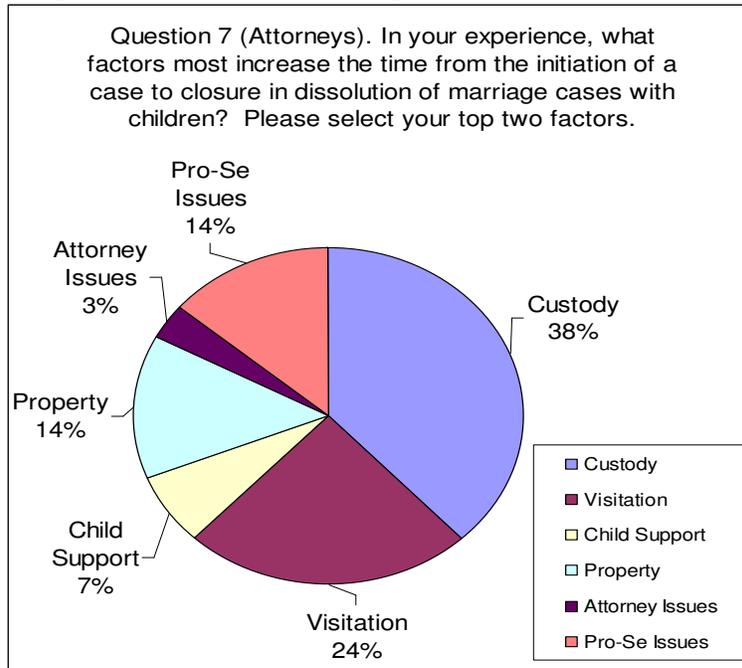
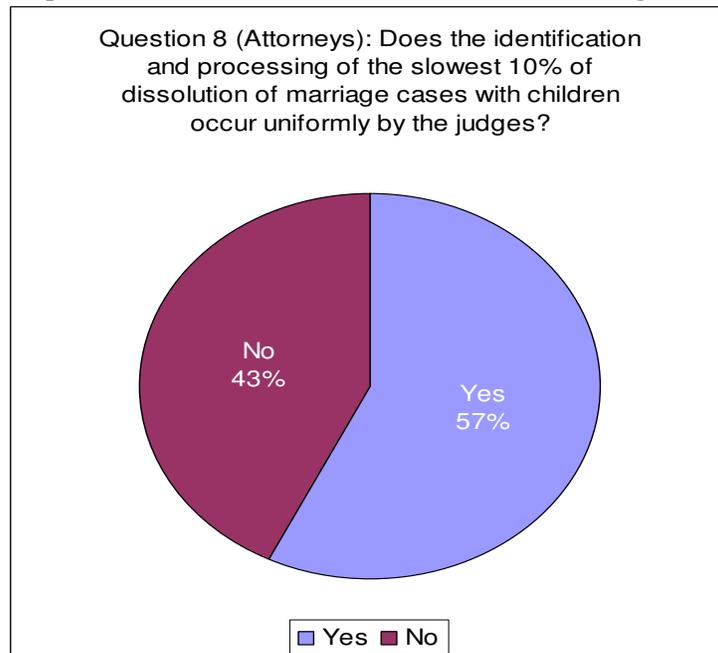


Chart 16: Attorney Response to Uniform Identification and Processing of Cases



### **Cross Tabulation of Survey Responses and Comparison of Archival and Survey Data**

Of those questions that were identical in the two surveys and which had responses that could be compared, the responses were cross tabulated. In questioning the participants regarding their familiarity with the concept of differentiated case management (DCM) in Question 1, the majority of the judiciary did respond that they understood the concept whereas the majority of the attorneys indicated that they did not, as reflected below in Table 8. Of those participants that responded that they understood DCM, both judges and attorneys, the majority perceived that the system was effective.

Table 8 Differentiated Case Management

Question 1: Do you understand the concept of differentiated case management (DCM)?

	<b>Judges</b>	<b>Attorneys</b>
<b>Yes</b>	55%	43%
<b>No</b>	45%	57%

What the case review revealed was that the sample of 10% of the slowest cases was not closed within recommended time standards. As shown in Table 3, 44% of dissolution of marriage cases with children was over the time standard in 2004. Table 4 reveals that over 31% of the dissolution of marriage with children cases were over standard in 2005. The perception that the system is effective may be based on the fact that such are large number of dissolution of marriage cases are closed within time standard. However, the importance of resolving the dissolution of marriage cases with children expediently and resolving issues impacting the welfare of children can not be overstated.

Table 9 Effectiveness of Caseflow system

Question 4: If you answered yes to question number 3, in your opinion, how effective is the caseflow system?

	<b>Judges</b>	<b>Attorneys</b>
<b>Very Effective</b>	45%	0%
<b>Effective</b>	45%	67%
<b>Not Effective</b>	0%	25%
<b>Very Ineffective</b>	0%	0%
<b>Not Sure</b>	10%	8%

As indicated in Tables 3 and 4, the amount of dissolution of marriage cases with children resolved within six months or less is just above the median. The majority of judges and attorneys responding to Question 5, as shown in Table 10, estimated that the length of time it takes to process the average dissolution of marriage with children case is six months and a day to one year. Approximately 56% and 58% of the dissolution of marriage cases with children were resolved in six months or less, in 2004 and 2005 respectively.

Table 10 Time to Process Average Case

Question 5: What is the estimated length of time it takes to process the average (median 50% case, half are slower and half are faster) dissolution case with children?

	<b>Judges</b>	<b>Attorneys</b>
<b>Six months or less</b>	40%	7%
<b>Six months and a day to one year</b>	50%	58%
<b>One year and a day to one year and six months</b>	10%	21%
<b>One year six months and a day to two years</b>	0%	14%

Table 11 Time to process slowest cases

Question 6. What is the estimated length of time it takes to process the slowest 10% of dissolution cases with children?

	<b>Judges</b>	<b>Attorneys</b>
<b>Six months and a day to one year</b>	10%	15%
<b>One year and a day to one year and six months</b>	30%	15%
<b>One year six months and a day to two years</b>	30%	15%
<b>Two years and a day to two years and six months</b>	20%	32%
<b>Three years or longer</b>	10%	23%

A majority of the attorneys' responded in the majority that the estimated amount of time to process 10% of the slowest cases is two years and a day to two years and six months. As shown in Table 6, the majority of cases in 2004 were resolved within two to three years. Only five cases were randomly selected for the year 2005, so no conclusion was drawn from that sample. The majority response from the judiciary was split between two choices, both which were under the actual length of time found in the sample in Table 6.

Table 12 Factors Increasing Time to Resolution

Question 7. In your experience, what factors most increase the time from the initiation of a case to closure in dissolution of marriage cases with children? Please select your top two factors.

	<b>Judges</b>	<b>Attorneys</b>
<b>Custody</b>	47%	38%
<b>Visitation</b>	11%	24%
<b>Child Support</b>	5%	7%
<b>Property</b>	5%	14%
<b>Attorney Issues</b>	16%	3%
<b>Pro-Se Issues</b>	16%	14%

Disputes over custody of minor children was the factor that the majority that the judges and attorneys perceived most contributed to increasing the time to resolution of dissolution of marriage with children cases. The issue that attorneys perceived next as increasing time to resolution was visitation. The judiciary was split on the issues that they perceived as slowing the pace between attorney and *pro se* issues.

Table 13 Identification of Slowest Cases

Question 8: Does the identification and processing of the slowest 10% of dissolution of marriage cases with children occur uniformly with all the judges?

	Judges	Attorneys
<b>Yes</b>	18%	57%
<b>No</b>	55%	43%
<b>Not Sure</b>	27%	0%

The judiciary and attorneys had differing opinions of the effectiveness the caseload system utilized. While the majority of the judiciary felt that the system was very effective of effective, no attorney felt the system to be very effective. Although 67% of the attorneys felt the system to be effective, 25% of the attorneys felt that it was not effective at all, as indicated in Table 10.

Additionally, this difference in opinion also extended to perception in processing the slowest cases. Table 11 reveals the gap in perceptions between attorneys and judiciary in terms of the time it takes to process the slowest cases. Thirty percent of the judiciary believes that it takes between one year and a day to one year and six month to process these cases; thirty percent of the judiciary believes it takes one year six months and a day to two years to resolve the cases. The majority of the attorneys, or 32%, believe that it takes two years and a day to two years and six months to resolve the cases. As the archival study of the sample of 121 cases reveals in Table 6, the reality is that the oldest cases in 2004 took two to three years to resolve.

Table 14  
Results of Survey Data Collection Sheet

1. Do you understand the concept of differentiated case management?

Question 1	Yes	No
Judiciary	6	5
Attorneys	5	8

2. If you answered yes to question number 1, please provide a brief description of your definition of differentiated case management.

Comments

“Sorting cases by their complexity and then processing the, through the judicial system as appropriate to their complexity.”
“Separate case flow tracks or other case management tools are utilized for different, not specifically deline case types or issue types.”
“Early identification of cases by type of issues resulting in prompt diversion of each case to a specified management track aimed at best and most efficient and effective resolution of issues.”
“Cases are processed based on factors not limited to the order of filing date.”
“Complex cases are set apart and family services are provided.”
“Differentiated Case Management is the separation of cases as they enter the system based upon the severity of the family’s needs and the issues raised by the pleadings.”
“DCM” involves tracking and monitoring cases to ensure compliance with court orders, procedural rules, statutes, etc. and to progress the cases through the judicial system as quickly as possible.”
“Coordinating all aspects of a family case in one division – family, dv & juvenile issues to make system more effective.”
“Cases are assigned to tracks depending on their complexity.”
“Cases that are monitored closely by the court and are referred for services through Family Ct and mediation.”

3. Do you utilize a caseflow management system for dissolution of marriage cases with children?

Question 3	Yes	No	Not Sure
Judiciary	8	1	1

Comments

“Case manager reviews all files on a regular basis to make certain they are active and proceeding toward resolution/conclusion.”
“I try to set cases for status hearing within 60 days - no distinction between cases with children and those without children.”
“I have regular case management conference hearings held on a certain day every week, also add-ons to UCD calendar and special set case management conference.”

To what extent do you agree with the courts use of a system of caseflow management for dissolution of marriage cases with children?

Question 3	Strongly Agree	Agree	Don't Agree	Strongly Disagree	Not Sure
Attorneys	6	2	3	0	0

Comments

“It is to everyone’s benefit, especially children to reach a resolution in these types of cases as quickly as possible. The Court is charged with looking out for the best interest of children, and that includes (illegible).”
“Sometimes cases are ‘automatically’ set for status and parties and counsel are required to ‘come before the court when things are being worked out and managed. Setting Motion Calendar one day and Status the next. Waste of time,”
“Still too slow.”

4. If you answered yes to question number 3, in your opinion, how effective is the caseflow system?

Question 4	Very Effective	Effective	Not Effective	Very Ineffective	Not Sure
Judiciary	4	4	3	0	1

Comments

“Orders to progress do usually encourage attorneys to move cases and if not they are dismissed.”
“Insufficient time and staff to fully implement and follow through.”
“It reduces emergencies, moves procedural matters and increases likelihood of settlement.”

Question 4	Very Effective	Effective	Not Effective	Very Ineffective	Not Sure
Attorneys	0	8	2	0	1

Comments

“It is very effective with the judges who are actively involved in the flow of cases in their individual sections. It would be much more effective, and many more cases could be progressed if the court system mandated that every family court actively undertakes a DCM system in their individual sections. The proof is in the pudding, as they say. This is one thing that perhaps judges should not have the discretion to decide . . .”
“Sometimes in some cases counsel should be asked if they want a caseflow system applied.”
“A lot of cases flow through the cracks.”

5. What is the estimated length of time it takes to process the average (median 50% case, half are slower and half are faster) dissolution case with children?

Question 5	6 months or less	6 months & 1 day to 1 year	1 year & 1 day to 1 year & six months	1 year six months & 1 day to 2 years	More than 2 years
Judiciary	4	5	1	0	0
Attorneys	0	8	2	0	1

6. What is the estimated length of time it takes to process the slowest 10% of dissolution cases with children?

Question 6	6 months or less	6 months & 1 day to 1 year	1 year & 1 day to 1 year & six months	1 year six months & 1 day to 2 years	2 years & 1 day to 2 years & six months	2 years six months & 1 day to 3 years	3 years or longer
Judiciary	0	1	3	3	2	1	0
Attorneys	0	2	2	2	4	0	2

7. In your experience, what factors most increase the time from the initiation of a case to closure in dissolution of marriage cases with children? Please select your top two factors.

Question 7	Custody	Visitation	Child Support	Property	Attorney Issues	Pro-Se Issues	Other
Judiciary	9	2	1	1	3	3	1

#### Comments

“Custody disputes often require home study (custody eval) and other investigative processes that are necessary but take time. Pro Se issues are always difficult to deal with and time consuming because judges office has to perform certain tasks normally handled by attorneys.”

“The parties have a tendency to use the children to exacerbate a case – the problems are compounded by emotional, psychological and substance abuse issues.”

Question 7	Custody	Visitation	Child Support	Property	Attorney Issues	Pro-Se Issues	Other
Attorneys	10	6	2	4	1	4	2

#### Comments

“There are some attorneys that just churn cases and that should be ‘controlled’ by judges.”

“Need more expedient system for evaluations and what types to use.”

8. Does the identification and processing of the slowest 10% of dissolution of marriage cases with children occur uniformly by the judges?

Question 3	Yes	No	Not Sure
Judiciary	2	6	3
Attorneys	7	6	0

9. What recommendation can you make, if any, to improve caseflow management of the slowest 10% of dissolution of marriage cases with children?

#### Comments

“Some unfortunately with difficult litigants and or attorneys are always going to take longer.”
“Our Circuit should adopt a case management protocol for all domestic relations cases, through a process led by the administrative judge for the division.”
“Frequent case management conferences where all parties and lawyers are required to attend.”
“Follow up on all court orders with 21-30 days enforcement of same – close monitoring. Early therapeutic intervention. Always have a date.”
“I don’t have enough experience to offer an opinion.”
“Hire more case managers.”
“Case Management Conferences held within 30 days of filing – identification of high conflict cases by case managers at the earliest possible time.”
“Mandate differentiated case management system wide. The judge has to be a player, especially in the progression of the slowest cases.”
“All cases should have a status early on and then the Court with counsels input should determine what track court should take.”
“More judges need to schedule case management more often (every 6 weeks) and the clerks need to make sure notices are sent to all parties and attorneys at the correct address.”
“Increase the number and frequency of status conferences.”
“I would suggest attempting to set those cases for mediation and trial in a uniform fashion.”
“Have a form for attorneys to submit requesting case management or status conference rather than judges sua sponte setting for cases where conferences are unnecessary.”
“Early identifications of conflicts and issues that need to be addressed – especially in the area of time sharing and temporary support, including attorney fees.”
“Any sort of notice whether through computer system or not that shows the judges office a case is taking too long. Thus, the first factor is the filing date.”
“Frustrating to have notices for trial converted to a status conference. Sometimes we just need a trial date!!”
“Sometimes they need to sit until the parties can come to terms and settle the situation.”

## VII. Conclusion and Recommendations

### **Conclusion 1: Some Attorneys Think the Court Should Control the Pace of Litigation, But Others Do Not.**

As indicated in the literature, there is agreement that once a case is filed the court not the parties or their lawyers should control the pace of litigation. The responses by the attorneys reveal both a desire to have the Court drive the pace of litigation by some while others only wanted the Court to intervene when requested by the litigants through their attorneys. There are stakeholders who feel that these cases should not be expedited.

To reiterate, the literature stresses that the Court, not the attorneys or litigants should drive the pace of litigation. Driving the pace of litigation presents a challenge in those cases where the Court is balancing the best interest of minor children with resolving its caseload expeditiously. In those cases where there is a great deal of conflict, the courts intervention and pace is critical in bringing the case to a resolution. This is especially significant in that the longer the time the litigation is drawn out, the greater the likelihood that conflict between the parties can occur.

### **Conclusion 2: A Gap Exists Between Reality and Perceptions Held by Judiciary and Attorneys Regarding the Rate of Disposal in Dissolution of Marriage Cases with Children.**

The reality of the processing of dissolution of marriage cases drawn from the sample of 10% of the slowest cases is that currently these cases are not closed within recommended time standards. In 2004, as shown in Table 3, 44% of dissolution of marriage cases was over the time standard. In 2005, as shown in Table 4, over 31% of the cases were over standard. The perception that the system is effective may be based in the reality that most dissolution marriage cases are closed within time standard. However, the importance of resolving the dissolution of marriage cases with children expediently and resolving issues impacting the welfare of children

cannot be overstated. Included in the 44% and 31% of cases over time standard are the dissolution of marriage cases with children not resolved in the recommended time standard.

While majorities of dissolution of marriage cases are disposed of within recommended time frame, as indicated in Table 3 where over 80% of dissolution of marriage cases is disposed of within six months, many of dissolution of marriage cases with children do not fall within these accepted time standards. In 2004, as indicated in Table 3, the court was able to resolve nearly 80% of dissolution of marriage cases without children with six months and 92% of those cases within 12 months. Once the dissolution of marriage cases with children are included, these percentages reduce to 66% and 88% respectively. This scenario plays out as well in 2005, as shown in Table 4. In the sample of the slowest cases to resolution, in Table 4, the majority of the cases took two to three years to resolve. Even those cases that are disposed uncontested have spend a significant time in litigation. Attorneys reported that these cases took longer to resolve as compared to the perceptions of the judiciary. Further, in responding to whether these cases are processed uniformly by the judges in the Division, the majority of the judges thought they were not, while a majority of the responding attorneys felt that they were.

**Conclusion 3: Judiciary and Attorneys Agree that the Factors which Most Slow the Pace of Litigation are Custody and Visitation.**

By conducting an analysis of the slowest to resolve divorce cases with children, a review of those factors discussed in the literature as providing an indicator of high conflict was conducted. What became almost analogous to the term high conflict was the phrase “slowing the pace of litigation.” Two factors most slowing the pace of litigation, as revealed in the surveys and as discussed in the literature, are conflicts over custody and visitation. Also brought to light as a conflict indicator were attorney representation, local procedures, and failed mediation. The

sample of ten percent of the slowest cases to resolve revealed that high percentages of the sample of cases had the indicators discussed in the literature review.

There were also differing perceptions as to the pace of litigation. The judiciary responses indicated that they believed the pace went at a faster rate than that perceived by the responding attorneys. The majority for both groups did agree that the average dissolution case with children is processed in a period between six months and one year in question five. In that same question, however, 40% of the judiciary opinion was that these cases are processed in six months or less and 35% of the attorney responses had the processing time occur between one year and a day to two years.

The responses to the question regarding the processing of the slowest ten percent of dissolution of marriage with children cases revealed differing perceptions between judges and attorneys. The majority of the attorney responses reflected their perception that cases took longer to resolve than is perceived by the judiciary. Again, the majority for both groups were in agreement that the factor that most increases the time to closure of a case was custody issues. Forty-seven percent of the judiciary and thirty eight percent of the attorneys selected that response. The factors that next were perceived by the judiciary in increasing time from initiation to closure were pro se (16%) and attorney (16%) issues. In comparison, attorneys did not perceive themselves as being a source of delay and 24% of their responses indicated that visitation was the issue that next brought the most delay.

Fifty-seven percent of the attorneys felt that the judiciary identifies and process the slowest cases uniformly whereas fifty-five percent of the judiciary felt that they did not.

**Conclusion 4: The indicator of attorney representation for both litigants that was considered the highest correlate in slowing the pace of litigation was present in 80% of the cases and 89% filed answers or motions.**

One of the factors discussed in the literature of slowing the pace of litigation was attorney representation. This factor in all probability correlated with the other indicators of conflict; the filing of answers or motions.

**Conclusion 5: Perceptions on Circuit’s Caseflow System Does Not Correlate with the Archival Caseload Data in Processing High Conflict Cases.**

The majority of judges over attorneys responded that they both understood the concept of DCM and overwhelmingly thought the caseflow system utilized by the Circuit is effective. Although not as many attorneys responded that they understood DCM, and some did not agree with the system of caseflow management utilized; the majority did feel the system was effective. The attorneys then had conflicting opinions as to the extent of judicial involvement desired on the cases. As discussed above, some attorneys felt that judges’ case management should be systemic, requiring that the application of DCM be outside of the judges’ discretion and mandated for each judicial section. Another attorney response indicated that the attorney should dictate when a caseflow system be applied and the attorney should determine which track the case should be placed into.

**Recommendation 1: High Conflict Indicators and Factors that “Slow the Pace of Litigation” Must be Identified Early, Those Cases Closely Monitored by the Court to Ensure Progression Within Recommended Time Frames.**

Early identification of cases with high conflict indicators or factors that slow litigation needs to occur so that for early triage to provide services to children involved in these cases. Ideally, the early identification and triage of these cases would also then result in the disposition of the case timely and efficiently. As the Circuit is currently involved and planning and developing a coordinated response as part of its partnership in “Bridging Families” to provide

early intervention and services to children of high conflict families, further analysis of the characteristics found in these cases as discussed in the literature may be beneficial.

The high percentage of attorney representation in these cases warrants consideration. As this paper concentrated on representation of counsel as an indicator as proposed in the literature, any recommendation focuses on the handling of high conflict cases should include those where one or both parties are represented.

There are common factors identified in high conflict cases as outlined in the literature review and the data collection results which show differentiated caseflow management does have some impact. The Circuit's case flow system should ensure that the use of Differentiated Case Management does not create built-in delays slowing the resolution of cases, as discussed in the literature. Additionally, the early identification of conflict in these cases with children can result in the provision of intervention for children which in turn should contribute to a less conflicted earlier resolution to the cases.

Courts have begun to try to deal pro-actively with cases with identifiers of high post-judgment activity. Post-dissolution provisions have been a mechanism utilized by courts to manage some of this post-judgment conflict. These post-dissolution services, usually provided by an attorney or psychologist, may range from mediated or arbitrated type assistance or evaluation over a length of time determined by the court.<sup>95</sup> Additionally, information on collaborative methods<sup>96</sup> for pre-filed cases should be widely distributed to local bar associations considering the majority of the cases in the sample of the slowest cases had counsel.

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<sup>95</sup>Karl Kirkland, Ph.D., Advancing ADR in Alabama: 1994 – 2004: **Efficacy of Post-Divorce Mediation and Evaluation Services** 65 Ala. Law. 186 May 2004

<sup>96</sup> See Appendix H, Eleventh Judicial Circuit Administrative Order 07-08 In Re: Authorizing the Collaborative Process Dispute Resolution Model in the Eleventh Judicial Circuit of Florida.

**Recommendation 2: Resources and support needs to be provided to the in house Family Court Services Unit to enable them to provide services to the families and children in these high conflict dissolution of marriage cases.**

Due to the limited resources available to Family Court Services, all children and families in conflict before the Court are all not able to benefit from the services the Unit provides. The Unit focuses on assisting the parties obtain resolutions to the conflicts which positively impacts the children. As parties are referred by the Court, they work together in a non-adversarial environment without their attorneys focusing on addressing needs that may have been the source of the conflict. Ideally, cases which reach an impasse in mediation should then be referred to Family Court Services, whose staff is trained in alternative dispute resolution. Currently, among the 121 cases reviewed in the sample, only 15% were referred to Family Court Services. Potentially, some of the cases could have resolved earlier if services and assistance was provided by the Unit.

**Recommendation 3: Technology May Be Utilized to Assist in Identifying Those Cases that May Be Identified as a High Conflict Case Warranting Specific Intervention by the Court.**

As recommended by the Family Court Steering Committee in the 2001 Florida Supreme Court Opinion, technology is essential for coordinated case management.<sup>97</sup> The Court's paperless electronic case management system, soon to be implemented in the Family Division, may be utilized as an additional tool in assisting to identify high conflict dissolution of marriage cases with children early on. The Eleventh Judicial Circuit is currently involved in the implementation of a "paperless" system, Odyssey. Court files will be accessed electronically as cases will be created through this case management system and documents scanned upon filing. The scanning and docketing of these documents should occur seamlessly. The Family Case

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<sup>97</sup> See Note 4, *supra* page 530.

Managers utilize the information from current dockets to determine what has occurred and the case track to which the case should be assigned.

Potentially, through the use of this “paperless” case management system a tool could be developed to create a report or flag once documents are filed that would indicate that specific action is required. As was discussed in the literature, there are certain indicators common in these cases; for example, dissolution of marriage cases with children, the filing of an answer or counter-petition, attorney representation, and failed mediation. Rather than wait to review the backlog monthly, case managers could utilize an automated report or notification informing them as to the filing of specific documents at which time the case managers could take action on cases immediately. In the current environment of diminishing resources and increasing caseloads, this would enable case managers to increase the efficiency of the Court in the early identification of these potentially high conflict cases.

**Recommendation 4: Recommend Amendment of time Frames for Resolution of Conflicted Dissolution of Marriage Cases With Children Adopted in Florida to Follow Nationally Recognized Time Standards Adopted by the Conference of State Court Administrators, the Conference of Chief Justices and the American Bar Association.**

As found in a study of multiple divorce courts, few jurisdictions were able to meet recommended time frames. In the study of divorce cases in 16 jurisdictions, only one jurisdiction was close to reaching the ABA time standard that 98% of divorce cases be resolved within 6 months. Further, the study revealed that of the 16 jurisdictions studied, only 14 jurisdictions had less than 75% of the dissolution of marriage cases resolved within six months.<sup>98</sup>

The ABA six month recommended time frame was deemed unrealistic by the author of the study and the suggestion was made that this goal be reevaluated.<sup>99</sup> Additionally, the study found that a third of the jurisdictions were closer to reaching the ABA recommended time frame

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<sup>98</sup> See Note 31, *supra*, page xii.

<sup>99</sup> See Note 31, *supra*, pages xv – xvi.

that all cases are resolved within 12 months.<sup>100</sup> Similarly, in the Eleventh Judicial Circuit, 44% and 31% were found to be over the state recommended time standards of resolving within six months of filing in the years 2004 and 2005, respectively.

Although there are no mandatory waiting periods in Florida, rules, statutes and local procedural requirements may result in slowing of the pace of litigation. By rule, the Court must wait 120 days to allow for of service before a case can be dismissed for lack of service of process.<sup>101</sup> After a petition is filed and the Respondent served, then the Respondent is permitted 20 days from the date of service days to answer. In addition, there are discovery and procedural processes and delays. The Circuit also has its local procedural requirements which include referrals to mediation, completion of parenting and children counseling courses in dissolution of marriage cases with children cases. The one year time standard seemed achievable as was found in the study of 16 urban jurisdiction divorce courts and is worth considering as a possible amendment to current state standards.<sup>102</sup>

**Recommendation 5: Information on and education about current performance, differentiated case management and best practices should be provided to judges, court staff, attorneys and other stakeholders.**

Providing education and information on current performance and case management is needed particularly understanding of caseflow management time standards and other best practices by the judiciary. As suggested by the Family Court Steering Committee in recommendation 6, 7 and 9, education in all areas of family law is recommended as a best practice for all stakeholders. The Florida Supreme Courts approval for this recommendation was referred to the Florida Court Education Council in that opinion.<sup>103</sup> An approved course could be

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<sup>100</sup> **Loc. Cit.**

<sup>101</sup> Fla. Fam. L.R.P. Rule 12.070

<sup>102</sup> See Note 31, **supra**, pages xii, 9-10

<sup>103</sup> See Note 4, **supra**.

made part of the curriculum to encourage the early identification of these indicators and factors that could slow litigation in these dissolution of marriages cases with children. Although a majority of the survey respondents indicated that they thought the current caseload management system was effective, despite statistics revealing a percentage of cases are over standard, several responses indicated additional information on differentiated case management of the Court's caseload is warranted. This information may be provided to the judiciary upon assignment to the Family Division and to the local bar associations.

**Appendix A**

**ELEVENTH JUDICIAL CIRCUIT OF FLORIDA  
ADMINISTRATIVE OFFICE OF THE COURTS  
CASE MANAGEMENT UNIT**

**JOSEPH P. FARINA**  
CHIEF JUDGE

**RUBEN O. CARREROU**  
COURT ADMINISTRATOR

L.E. THOMAS COURTHOUSE CENTER  
175 N.W. 1<sup>st</sup> Avenue  
Miami, Florida 33128  
(305) 349-5561  
FAX : (305) 349-5559

December 14, 2007

Family Division Judge  
L.E.T. Courthouse Center  
175 N.W. 1<sup>st</sup> Avenue  
Miami, FL 33021

Dear Family Division Judge,

Ruben O. Carrerou, Court Administrator of the Eleventh Judicial Circuit, selected me to complete Phase III of the Institute for Court Management Executive Development Program with the National Center for State Courts. As part of the course requirement, I will complete a research paper where I will conduct a review of caseload management in dissolution of marriage cases with children. The purpose of this study is to gather your perceptions about and experience with the processing of these cases.

Your participation is greatly appreciated. Please take a few moments to complete the attached survey and return to me either by facsimile or mail by December 31, 2007. Your participation will remain completely anonymous. Thank you again for your attention and assistance.

Respectfully,

Lisette Sanabria Dede  
Director,  
Family Operations Division  
Administrative Office of the Courts  
Eleventh Judicial Circuit of Florida  
L.E.T. Courthouse Center  
175 N.W. 1<sup>st</sup> Avenue – Room 2735  
Miami, Florida 33128  
Phone 305-349-5937  
Facsimile 305-349-5921  
Enclosure(s): Survey

Survey  
Family Operations Division  
Administrative Office of the Courts  
Eleventh Judicial Circuit of Florida

To: Family Division Judges  
From: Lisette Sanabria Dede  
Director, Family Operations Division  
Re: Survey  
Date: December 14, 2007

As you have read from the attached cover letter, I am completing Phase III of the Institute for Court Management Executive Development Program with the National Center for State Courts. I will be reviewing caseload management of dissolution of marriage cases with children. The purpose of this survey is to gather your perceptions about and experience with the processing of these cases. Please circle your answers below.

1. Do you understand the concept of differentiated case management?  
a. Yes            b. No
  
2. If you answered yes to question number 1, please provide a brief description of your definition of differentiated case management.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
3. Do you utilize a caseload management system for dissolution of marriage cases with children?  
a. Yes            b. No            c. Not Sure

**Comments:**

\_\_\_\_\_  
\_\_\_\_\_

4. If you answered yes to question number 3, in your opinion, how effective is the caseload system?  
a. Very Effective    b. Effective    c. Not Effective    d. Very Ineffective    e. Not Sure

Comments:

\_\_\_\_\_  
\_\_\_\_\_

5. What is the estimated length of time it takes to process the average (median 50% case, half are slower and half are faster) dissolution case with children?

a. 6 months or less

- b. 6 months and a day to 1 year
- c. one year and a day to one year and six months
- d. one year six months and a day to two years
- e. more than two years

6. What is the estimated length of time it takes to process the slowest 10% of dissolution cases with children?

- a. 6 months or less
- b. 6 months and a day to 1 year
- c. one year and a day to one year and six months
- d. one year six months and a day to two years
- e. two years and a day to two years and six months
- f. two years six months and a day to three years
- g. Three years or longer

7. In your experience, what factors most increase the time from the initiation of a case to closure in dissolution of marriage cases with children? Please select your top two factors.

- a. Custody
- b. Visitation
- c. Child Support
- d. Property
- e. Attorney Issues
- f. Pro-Se Issues

i. Others: \_\_\_\_\_

Comments:

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8. Does the identification and processing of the slowest 10% of dissolution of marriage cases with children occur uniformly with all the judges?

- a. Yes
- b. No
- c. Not Sure

9. What recommendation can you make, if any, to improve caseflow management of the slowest 10% of dissolution of marriage cases with children?

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Please fax or mail responses to:

Lisette Sanabria Dede, Director, Family Division, Room 2735, L.E. T. Courthouse Center, Miami, FL 33128 or fax to 305-349-5921 by December 31, 2007.

(Optional)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

**Appendix B**

**ELEVENTH JUDICIAL CIRCUIT OF FLORIDA  
ADMINISTRATIVE OFFICE OF THE COURTS  
CASE MANAGEMENT UNIT**

**JOSEPH P. FARINA**  
CHIEF JUDGE

**RUBEN O. CARREROU**  
COURT ADMINISTRATOR

L.E. THOMAS COURTHOUSE CENTER  
175 N.W. 1<sup>st</sup> Avenue  
Miami, Florida 33128  
(305) 349-5561  
FAX : (305) 349-5559

December 14, 2007

Family Attorney

Dear Family Attorney,

Ruben O. Carrerou, Court Administrator of the Eleventh Judicial Circuit, selected me to complete Phase III of the Institute for Court Management Executive Development Program with the National Center for State Courts. As part of the course requirement, I will complete a research paper where I will conduct a review of caseload management in dissolution of marriage cases with children. The purpose of this study is to gather your perceptions about and experience with the processing of these cases.

Your participation is greatly appreciated. Please take a few moments to complete the attached survey and return to me either by facsimile or mail by December 31, 2007. Your participation will remain completely anonymous. Thank you again for your attention and assistance.

Respectfully,

Lisette Sanabria Dede  
Director,  
Family Operations Division  
Administrative Office of the Courts  
Eleventh Judicial Circuit of Florida  
L.E.T. Courthouse Center  
175 N.W. 1<sup>st</sup> Avenue – Room 2735  
Miami, Florida 33128  
Phone 305-349-5937  
Facsimile 305-349-5921

Enclosure(s): Survey

Survey  
Family Operations Division  
Administrative Office of the Courts  
Eleventh Judicial Circuit of Florida

To: Family Attorney  
From: Lisette Sanabria Dede  
Director, Family Operations Division  
Re: Amended Survey  
Date: December 14, 2007

As you have read from the attached cover letter, I am completing Phase III of the Institute for Court Management Executive Development Program with the National Center for State Courts. I will be reviewing caseload management of dissolution of marriage cases with children. The purpose of this survey is to gather your perceptions about and experience with the processing of these cases. Please circle your answers below.

1. Do you understand the concept of differentiated case management?

- a. Yes
- b. No

2. If you answered yes to question number 1, please provide a brief description of your definition of differentiated case management.

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4. To what extent do you agree with the courts use of a system of caseload management for dissolution of marriage cases with children?

- a. Strongly Agree
- b. Agree
- c. Don't Agree
- d. Strongly Disagree
- e. Not Sure

**Comments:**

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3. If you answered yes to question number 3, in your opinion, how effective is the caseload system?

- a. Very Effective
- b. Effective
- c. Not Effective
- d. Very Ineffective
- e. Not Sure

**Comments:**

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4. What is the estimated length of time it takes to process the average (median 50% case, half are slower and half are faster) dissolution case with children?
- a. 6 months or less
  - b. 6 months and a day to 1 year
  - c. one year and a day to one year and six months
  - d. one year six months and a day to two years
  - e. more than two years

5. What is the estimated length of time it takes to process the slowest 10% of dissolution cases with children?

- a. 6 months or less
- b. 6 months and a day to 1 year
- c. one year and a day to one year and six months
- d. one year six months and a day to two years
- e. two years and a day to two years and six months
- f. two years six months and a day to three years
- g. Three years or longer

6. In your experience, what factors most increase the time from the initiation of a case to closure in dissolution of marriage cases with children? Please select your top two factors.

- a. Custody
- b. Visitation
- c. Child Support
- d. Property
- e. Attorney Issues
- f. Pro-Se Issues

i. Others: \_\_\_\_\_

Comments:

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7. Does the identification and processing of the slowest 10% of dissolution of marriage cases with children occur uniformly with all the judges?

- a. Yes
- b. No
- c. Not Sure

9. What recommendation can you make, if any, to improve caseflow management of the slowest 10% of dissolution of marriage cases with children?

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Please fax or mail responses to:

Lisette Sanabria Dede, Director, Family Division, Room 2735, L.E. T. Courthouse Center, Miami, FL 33128 or fax to 305-349-5921 by December 31, 2007.

(Optional)

Name: \_\_\_\_\_

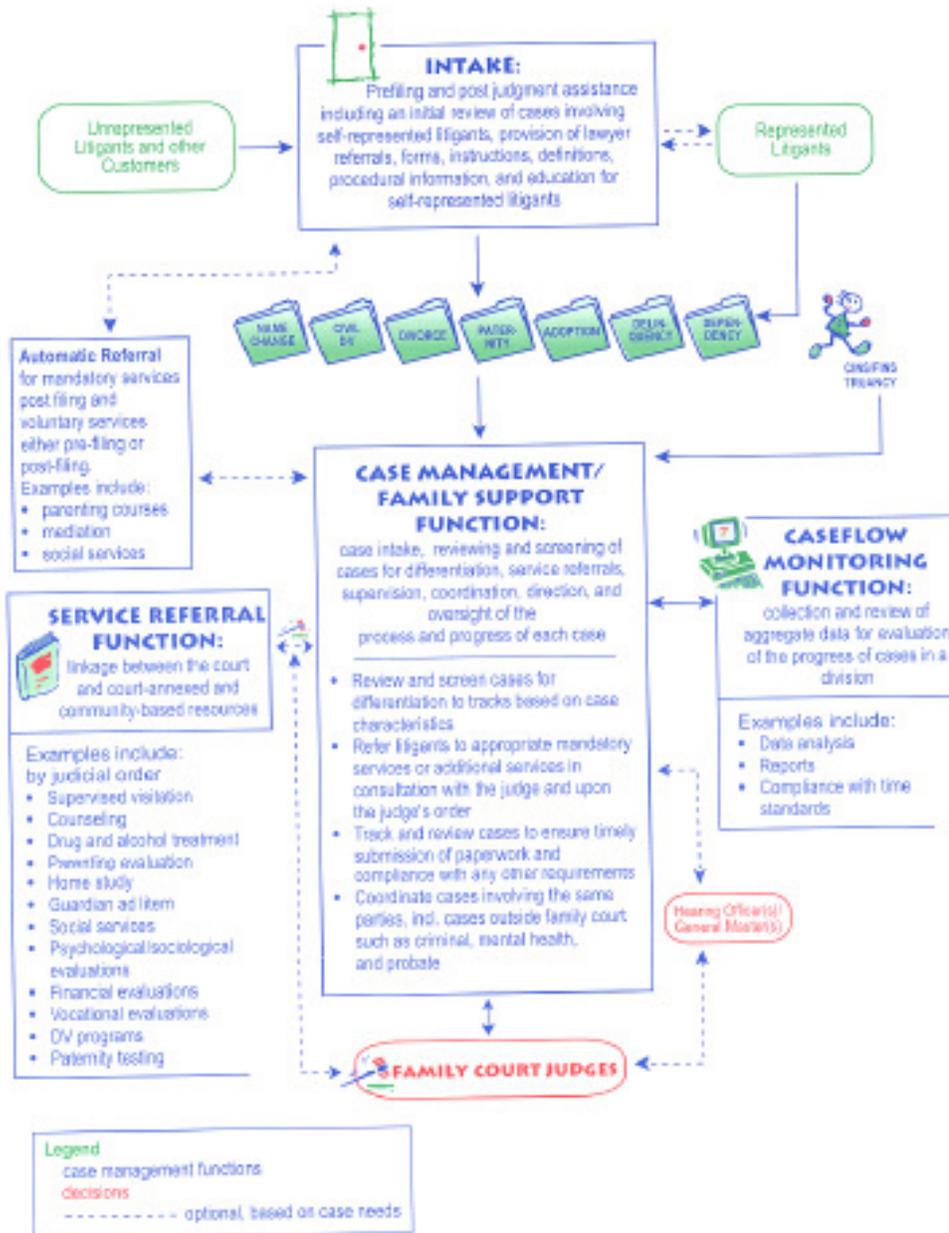
Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Appendix C

A Model Family Court for Florida



**Appendix D**

ADMINISTRATIVE ORDER NO. 98-03

**IN RE: REQUIREMENT TO COMPLETE A CIRCUIT CERTIFIED CHILD EDUCATION AND CONSULTATION PROGRAM IN DISSOLUTION CASES INVOLVING MINORS**

**WHEREAS**, the Court is authorized, under Chapter 61, Florida Statutes, to take such action as may be in the best interest of the parties and the minor children of a marriage in order to safeguard meaningful family relationships; and

**WHEREAS**, children whose parents are involved in a dissolution proceeding generally benefit from the successful completion of an educational and consultation program designed specifically to assist children in coping with the dissolution or separation;

**NOW, THEREFORE**, I, JOSEPH P. FARINA, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, do hereby order as follows:

1. The Administrative Office of the Courts shall provide a list of Circuit certified child education and consultation programs for use by the Family Division of the Circuit Court.
2. The Circuit certified child education and consultation programs shall be for children, between the ages of six and seventeen, whose parents are before this court on a petition for dissolution, custody modification, or determination of paternity. The programs shall be offered at varying times through the week, including evenings and weekends, and at several locations throughout the Circuit.
3. The Judges of the Family Division may enter an appropriate blanket order in dissolution cases involving minor children, requiring the parties to enroll their child(ren), who are between the ages of six and seventeen, in one of the Circuit certified programs or an alternative court approved program and to ensure that the child(ren) complete such program.
4. The parties shall be notified regarding the required registration of their child(ren) for a qualified program following the filing of a petition for dissolution of marriage and shall be given thirty (30) days from the date of notification for a qualified program to be completed.
5. Fees for each qualified program, payable at registration, shall be set by each Program Provider and approved by the Administrative Office of the Courts. Fees shall be advanced by the petitioner; however, the petitioner may thereafter seek reimbursement in connection with any application to the court for an award of costs. A nominal fee will be charged to those parents whom the court determines to be indigent in the following cases:
  - (a) Parties determined by the Clerk to qualify as indigent for filing purposes, pursuant to Chapter 57, Florida Statutes;
  - (b) Parties declared indigent by written order of the trial judge after the filing of a financial affidavit substantially in compliance with Form 1.943(d), Florida Rules of Civil Procedure, and such further inquiry as the trial judge may deem appropriate;
  - (c) Parties represented by the Legal Aid Society, Legal Services of Greater Miami, Inc., or similar pro bono organizations.
6. Notwithstanding the above, within ten (10) days from the date of notification set forth in paragraph 4, the parties may file with the court a Notice of Stipulation designating an

alternate court-approved child education and consultation program to which the parties have agreed.

7. A certificate of compliance, showing completion of a Circuit certified program, or an alternative court approved program shall be filed with the Clerk of the Court prior to the entry of Final Judgment of Dissolution. The parent who has physical custody of the child at the time of each scheduled program session shall be responsible for ensuring that the child(ren) attend(s) each scheduled session. However, if either party interferes with the completion of the program by the child(ren), the court may impose sanctions to ensure compliance.

Administrative Order No. 94-21 entered in Case No. 94-1 (Court Administration) is hereby rescinded and held for naught.

This Administrative Order shall become effective on Monday, February, 2, 1998.

**DONE AND ORDERED** in Chambers at Miami-Dade County, Florida, this 29th day of January, 1998.

**JOSEPH P. FARINA, CHIEF JUDGE**  
**ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**

**Appendix E**

ADMINISTRATIVE ORDER NO. 98-04

**IN RE: REQUIREMENT TO COMPLETE A CIRCUIT CERTIFIED PARENTING PROGRAM IN DISSOLUTION CASES INVOLVING MINORS**

**WHEREAS**, the Court is authorized, under Chapter 61.21, Florida Statutes, to require parents who are parties to certain dissolution proceedings to complete a Circuit certified parenting course; and

**WHEREAS**, parents who are parties to certain dissolution proceedings in the Family Division generally benefit from the successful completion of an educational and consultation program designed to prepare parents to assist children in coping with the consequences of divorce;

**NOW, THEREFORE**, I, JOSEPH P. FARINA, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, do hereby order as follows:

1. All parties shall successfully complete one of the Circuit certified parenting programs as a condition precedent to obtaining a Final Judgment or Post-Judgment Final Order in any proceeding involving a dissolution of marriage matter with minor children or a modification of a final judgment action involving parental responsibilities, custody or visitation.

The Court may waive this requirement in appropriate circumstances, including circumstances where the parties are attending or have already completed a Circuit certified parenting program or a court approved alternative parenting program and the Court concludes that a repeat attendance is unnecessary.

2. The Judges of the Family Division may enter an appropriate blanket order in all proceedings described in Paragraphs One (1) and Seven (7) hereof requiring both parties to complete one of the Circuit certified parenting programs.

3. The Petitioner shall be notified regarding the required completion of a Circuit certified parenting program upon the filing of a Petition for Dissolution of Marriage and the Respondent shall receive notification with service of process. Both parties shall be given thirty (30) days from the date of service of process on the Respondent to complete one of the Circuit certified parenting programs.

If one or both parties fail to complete a Circuit certified parenting program within thirty (30) days, the Court may hold the defaulting party in contempt, dismiss the action, or such other action as the Court reasonably deems appropriate. However, in any event, failure or refusal of a Respondent to complete a Circuit certified parenting program in a timely manner shall not delay the Court's proceeding with the action.

4. The fees payable for registration in one of the certified programs shall be two-tiered and in an amount to be approved in writing by the Administrative Office of the Courts; one fee shall be payable by non-indigent parties and a lesser fee shall be paid by indigent parties.

5. Notwithstanding the above provisions, within ten (10) days from the date of service set forth in Paragraph 3 hereof, the parties may file with the Court a Notice of Stipulation designating an alternate court-approved parent education and consultation program in which the parties have agreed to participate.

6. A Certificate of Compliance, showing completion of a Circuit certified parenting program, or an alternative court approved program, shall be filed with the Clerk of the Court prior to the entry of Final Judgment of Dissolution.

7. This order applies to all parties in all dissolution, separate maintenance, paternity, change of custody, visitation and all other domestic relations actions, excluding domestic violence and contempt actions, which are filed on or after the date hereof, where there are one or more children under the age of eighteen (18) years and in which there is personal service on the Respondent.

Administrative Order No. 95-8 entered in Case No. 95-1 (Court Administration) is hereby rescinded and held for naught.

This Administrative Order shall become effective on Monday, February, 2, 1998.

**DONE AND ORDERED** in Chambers at Miami-Dade County, Florida, this 29th day of January, 1998.

**JOSEPH P. FARINA, CHIEF JUDGE  
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**

**Appendix F**

LOCAL RULE FOR FAMILY DIVISION

**ESTABLISHMENT OF PROCEDURES REQUIRING PRO SE PARTIES IN THE FAMILY DIVISION OF THE CIRCUIT COURTS TO ACQUIRE AND UTILIZE THE ELEVENTH JUDICIAL CIRCUIT FORMS PACKET AND TO COORDINATE THEIR PLEADINGS AND PAPERS WITH FAMILY COURT SELF HELP PROGRAM AT THE TIME OF FILING CASE AND PRIOR TO OBTAINING A FINAL HEARING DATE.**

Pro Se parties in dissolution of marriage, name change, paternity, custody and post-judgment modification cases in the Family Division of the Circuit Court shall observe the following procedures, unless waived by the Administrative or Associate Administrative Judge, Family Division, for good cause shown:

1. Pro Se parties shall acquire and utilize the Eleventh Judicial Circuit forms packet or forms substantially in compliance therewith, which are available, at a cost not to exceed Thirty Five (\$35.00) Dollars, from the Clerk's Office;
2. Pro Se parties shall register with and receive information and instructions on relevant Family Court rules and procedures, referrals to social service agencies, and other appropriate assistance which is available from the Circuit's Family Court Self Help Program;
3. At the time of filing their pleadings and papers with the Court, Pro Se parties shall have those pleadings and papers reviewed as to form by Family Court Self Help Program; and
4. All Pro Se parties shall obtain a final hearing date from the Family Court Self Help Program.

The above procedures shall apply to a Pro Se party who seeks to file or files a dissolution of marriage, name change, paternity, custody or post-judgment modification case in the Family Division of the Circuit Court subsequent to the date the Supreme Court approves this Local Rule.

A waiver request filed under this Local Rule shall be considered an emergency ex parte motion pursuant to Rule 12.741(b)(1), Family Law Rules of Procedure, and shall be disposed of expeditiously in order to avoid any inconvenience to the requesting party. This Local Rule may be rescinded by the Chief Judge with the concurrence of the majority of the Circuit and County Court Judges without further order of the Supreme Court.

Approved by the Supreme Court March 11, 1997.

## Appendix G

### Eleventh Judicial Circuit

Circuit Judge Judith Kreeger has established the following case management conferencing protocol for dissolution of marriage cases:

Note: At each step in the process, identify related cases that should be coordinated for processing and disposition.

#### At the 30-day review:

1. Check for service.

*If there is service of process, then:*

2. Order parenting class, Sandcastles (a course for children involved in divorce proceedings), and family mediation.
3. If there is an answer/waiver (no issues), set final hearing.
4. If there is an answer contesting issues, with at least one lawyer, set first case management conference.
5. If there is an answer contesting issues and both parties are pro se, review file and if issues are simple, consider ordering final mediation.

#### At the 60-day review:

1. Check for service.

*If there is recent service of process, then:*

2. Step 2 above. If Step 2 was previously ordered and no compliance, then order to show cause to monitor compliance.
3. Steps 4 and 5 above.
4. Order financial affidavits if case is contested and in all cases with minor children.
5. If family mediation impasses, order case management conference to consider appointment of guardian ad litem, home study, and/or other interventions.
6. If there is no service, then enter order to perfect service.
7. If service is constructive (publication), review legal sufficiency of affidavit of diligent search.

At the 90-day and 120-day reviews:

1. Follow new case review process, and monitor compliance with orders.
2. If no service at 120 days, dismiss for lack of prosecution.

Protocol for case management conferences:

1. Identify (remaining) issues.
2. Ascertain progress of disclosures and discovery – identify logjams and try to deal with them.
3. Ascertain valuation issues; discuss appointment of one neutral evaluator (real estate, business, vocational, etc.).
4. Review stability of family while case is pending (for example, need for temporary support, access to children).
5. Ascertain readiness for mediation.
6. If not ready for mediation, set next status conference. (Intervals of about 6-weeks between status conferences work well for most cases.)

Judge Kreeger has eliminated the use of calendar calls, since 70% of contested cases settle at mediation. When she receives a notice of trial readiness, she orders full mediation (provided there is no history of family violence). If mediation impasses, then she sets a trial with a trial order that establishes cut-off dates.

Using this methodology, the average disposition time has reduced dramatically (almost by one-half) and the proportion of cases that resolve by settlement rather than by adversarial trial has increased by almost 10%. She conducts only a handful of final hearings, and a few special set evidentiary hearings (validity of pre-nuptial agreements, temporary support, etc.). Most of her time on the bench is spent conducting case management conferences, and, reportedly, job satisfaction is much greater. Anonymous questionnaires completed by attorneys and parties indicate their greater satisfaction with the process.

**Appendix H**

**THE ELEVENTH JUDICIAL CIRCUIT  
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 07-1  
(Court Administration)**

**ADMINISTRATIVE ORDER  
NO. 07-08**

**IN RE:        AUTHORIZING THE  
COLLABORATIVE        PROCESS  
DISPUTE RESOLUTION MODEL IN  
THE ELEVENTH JUDICIAL CIRCUIT  
OF FLORIDA**

---

**WHEREAS**, the courts of the Eleventh Judicial Circuit in and for Miami-Dade County believe that the collaborative process dispute resolution model is a suitable alternative to full scale adversarial litigation in cases involving family law cases should the parties so agree; and

**WHEREAS**, beginning in the 1990's the Collaborative Process Dispute Resolution Model has been adopted in several states both by common law and by statute; and

**WHEREAS**, in Florida, the creation of family law divisions and necessary support services in the 1990's and the adoption of the Model Family Court in 2001 reflected the recognition by the Supreme Court and legislature that families in conflict needed a forum that does not wreak havoc or prohibit the restructuring of family relationships; and

**WHEREAS**, the Supreme Court recognized that family cases needed "a system that provided non-adversarial alternatives and flexibility of alternatives; a system that preserved rather than destroyed family relationships; . . . and a system that facilitated the process chosen by parties." In re Report of Family Court Steering Committee, 794 So.2d 518, 523 (Fla. 2001); and

**WHEREAS**, the Supreme Court's acceptance of recommendations for a model family court was consistent with the principles of collaborative practice because the collaborative process empowers parties to make their own decisions guided and assisted by counsel in a setting outside of the court;

**NOW THEREFORE**, pursuant to the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration and Section 43.26 Florida Statutes, it is **ORDERED** that:

1. The Collaborative Process Dispute Resolution Model (hereinafter "Collaborative Process"), is authorized in the Eleventh Judicial Circuit of Florida to resolve dissolution of marriage and other family matters and all attendant issues therein according to the following definitions and specifications herein.
2. The Collaborative Process is confidential and utilizes interest based negotiation to resolve disputes through structured assistance of collaboratively trained professionals, including, but not limited to lawyers, mental health and financial professionals.
3. If the parties and professionals desire to engage the Collaborative Process, they shall enter into a contractual commitment to negotiate a settlement without using the court system to decide any issues of the parties. A copy of the contractual commitment, "the Participation Agreement", which incorporates the "Declaration of Principles", is attached hereto and made a part hereof as a Composite Attachment.
4. The Collaborative Process commences before any pleading is filed with the court. Upon the Collaborative Process concluding successfully in dissolution of marriage, an executed Agreement is filed with a Joint Petition for Dissolution of Marriage and Answer signed by both parties and counsel. In other family law matters, the resulting executed agreement is filed with an appropriate document. Thereafter, the matter is set with the court, if necessary.
5. The parties will agree to make a full and candid exchange of information so that a proper resolution of the case can occur, which will include a full disclosure of the nature and extent of all assets and liabilities, income of the parties and all relevant information concerning the parties' children. Any material change in the information provided must be promptly updated. No formal discovery procedures will be used requiring a court order.
6. The parties agree to maintain the confidentiality of any oral or written communications relating to the subject matter of the Collaborative Process, their counsel or other participants in the Collaborative Process, unless the parties otherwise mutually agree in writing.
7. Fees and expenses: Counsel and other retained professionals are entitled to be paid for their services. The parties agree to pay them as part of their contract. If appropriate, one party may be asked to pay all or a disproportionate share of the fees when the assets, liabilities and income of the parties are compared. The determination of fees is also subject to the Collaborative Process

8. If the Collaborative Process breaks down due to bad faith demonstrated by either party or either party seeking to litigate, counsel for the parties must withdraw.
9. Upon a breakdown of the Collaborative Process, all engaged professionals are disqualified from testifying as witnesses, expert or otherwise, regarding the case and their writings are inadmissible in any judicial proceedings unless the parties otherwise mutually agree in writing.
10. The responsibility of collaborative professionals are as follows:
  - A. The neutral mental health professional may:
    - 1) Afford the children a voice in the process.
    - 2) Work with the parties to do the following:
      - i. Prioritize parties' concerns.
      - ii. Help develop conflict resolution skills.
      - iii. Develop co-parenting skills.
      - iv. Enhance communication skills.
      - v. Reduce misunderstandings.
      - vi. Assist in focusing on working toward resolution.
  - B. The neutral financial professional is available to both parties and will assist in the following activities.
    - 1) Provide each party with necessary financial planning regarding the division of the assets, liabilities and support, both child and spousal.
    - 2) Provide analysis of the nature and composition of specific marital assets (e.g. retirement, capital gain consideration, tax implication, etc.).
    - 3) Take responsibility for neutrally gathering all relevant financial information.
    - 4) Assist development for and understanding of any valuation processes.
    - 5) Assist with estate planning issues.
  - C. The lawyers advise, counsel and guide their respective clients through the process. They analyze choices and consequences,

considering the costs and benefits of the negotiation choices, facilitate negotiation and create written agreements.

11. During the Collaborative Process the court will not adjudicate any dispute between the parties. If an executed Marital Settlement Agreement is reached, counsel will ask the court to approve the Settlement Agreement.
12. During the Collaborative Process, the parties may, from time to time, resolve temporary issues in an executed writing. In the event the Collaborative Process breaks down, the parties agree to abide by the terms of the temporary written agreements and these agreements shall be ratified by court order once litigation ensues.

This Order shall become effective immediately upon execution and shall remain in effect until further order of the court.

**DONE AND ORDERED** in Chambers at Miami-Dade, Florida, this \_\_\_\_\_ day of October, 2007.

\_\_\_\_\_  
**JOSEPH P. FARINA, CHIEF JUDGE**  
**ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**

**Appendix I**

**FLORIDA**

**TRIAL COURTS**

**IMPLEMENTING AUTHORITY:** Supreme Court Order, approved for inclusion in the Florida Rules of Judicial Administration April 12, 1985

**EFFECTIVE DATE:** July 1, 1985

**STATUS:** Voluntary

**CIVIL**

---

**REGULAR:**

**NON-JURY**

(filing to disposition)

- 100% within 12 months

**JURY**

(filing to disposition)

- 100% within 18 months

**SMALL CLAIMS:**

(filing to disposition)

- 100% within 95 days

**CRIMINAL**

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**FELONY:**

(arrest to disposition)

- 100% within 180 days

**MISDEMEANOR:**

(arrest to disposition)

- 100% within 90 days

**JUVENILE**

---

**DETENTION HEARING:**

(arrest to hearing)

- 100% within 24 hours

**ADJUDICATORY HEARING FOR DEPENDENCY:**

(admission to hearing)

- 100% within 180 days

**ADJUDICATORY HEARING FOR DELINQUENCY:**

(admission to hearing)

- 100% within 90 days

**ADJUDICATORY HEARING (DETAINED):**

(petition to hearing)

- 100% within 21 days

**DOMESTIC**

---

**UNCONTESTED:**

(filing to disposition)

- 100% within 90 days

**CONTESTED:**

(filing to disposition)

- 100% within 180 days

**PROBATE**

---

**UNCONTESTED:**

(filing to discharge)

- 100% within 12 months

Appendix B

**FLORIDA cont.**

- CONTESTED:  
(filing to discharge)
- 100% within 24 months

<p><b>APPELLATE COURTS</b> IMPLEMENTING AUTHORITY: Supreme Court Rule EFFECTIVE DATE: 2000 STATUS: Voluntary</p>
--

<p><b>STANDARDS</b></p> <p><b>SUPREME AND DISTRICT COURTS OF APPEAL:</b> (oral argument or submission to rendering of a decision)</p> <ul style="list-style-type: none"><li>• 100% within 180 days</li></ul>
--

<p><b>Notes:</b></p> <p>Reports with time standards are received by the presiding/chief trial and appellate judges, OSCA staff, the chief justice, Supreme Court members, the trial court administrator, and the judicial council.</p> <p>Time standards are available to the public by contacting the OSCA staff.</p> <p>Both appellate and trial committees on performance and accountability document court performance relevant to time standards.</p>
--

[Rpt.](#)  
[App. B](#)

2004– 2005 Family Division Case Sampling

Case File No.	A-000104-FC-04	A-000125-FC-04	A-000134-FC-04	A-000115-FC-04
Date Filed	01/22/04	03/12/04	04/13/04	02/20/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	C	C	C	C
Referral to Mediation (Initial) (Y/N)	Y 03/04/04*	Y 06/23/04	Y 06/28/04	Y 04/01/04*
MSA* (Y/N)	Y 02/09/06	N	N	N
Trial (Y/N)	Y	Y	Y	Y
Referral to General Magistrate (Y/N)	Y 06/30/04	N	Y 06/08/05	N
Referral to Family Court Services (Y/N)	N	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 11/08/06	Final Judgment 12/15/06	Final Judgment 10/23/06	Final Judgment 12/11/06
Time to Disposition	1021	1008	923	1025
Notice of Hearing-Special Appt.	0	1	0	0
DV / MH / S*	N/A	N/A	N/A	N/A
Post-Judgment Activity (Y/N)	Y 04/18/07-Notice of Hearing Re: Motion for Final Judgment against Pet.	N	N	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000101-FC-04	A-000114-FC-04	A-000110-FC-04	A-000177-FC-04
Date Filed	01/07/04	02/20/04	02/03/04	07/16/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	N
Contested (C) or Un-Contested (NC)	NC	N/A	NC	C
Referral to Mediation (Initial) (Y/N)	Y 11/05/04*	Y 04/01/04*	Y 04/15/04*	Y 05/12/05*
MSA* (Y/N)	Y 12/11/06	N	Y 08/31/06	N
Trial (Y/N)	N	N	N	Y
Referral to General Magistrate (Y/N)	Y 08/29/05	Y 04/07/05	Y 08/18/05	Y 12/08/04
Referral to Family Court Services	Y 08/29/05	N	Y 10/06/05	N
Guardian Ad Litem (Y/N)	N	Y 06/09/05	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 12/11/06	Voluntary Dismissal 02/15/06	Final Judgment 11/13/06	Final Judgment 08/03/06
Time to Disposition	1069	901 (F.O. Removing from Caseload); 726 to Disposition	1014	748
Notice of Hearing-Special Appt.	2	1	1	1
DV / MH / S*	N/A	MH	N/A	N/A
Post-Judgment Activity (Y/N)	Y 02/14/07-Order Directing Payment Through Central Depos.	N	Y 12/26/06-Income Deduction Order (Child Support)	Y 08/22/06-Agreed Order Vacating & Setting Aside QDROs

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000112-FC-04	A-000107-FC-04	A-000123-FC-04	A-000103-FC-04
Date Filed	02/18/04	02/02/04	03/05/04	01/15/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	NC	N/A	C	NC
Referral to Mediation (Initial) (Y/N)	Y 04/26/04*	Y 03/30/04*	Y 04/08/04 *	Y 03/04/04
MSA* (Y/N)	Y 06/09/06	N	N	Y 06/15/06
Trial (Y/N)	N	N	Y	N
Referral to General Magistrate Initial (Y/N)	Y 01/19/05	N	Y 04/12/04	Y 10/17/05
Referral to Family Court Services	N	N	Y 07/29/05	N
Guardian Ad Litem (Y/N)	N	N	Y 08/13/04	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 09/14/06	Dismissal 09/15/06	Final Judgment 09/26/06	Final Judgment 06/20/06
Time to Disposition	939	956	935	887
Notice of Hearing-Special Appt.	4	3	7	1
DV / MH / S*	N/A	DV	N/A	N/A
Post-Judgment Activity (Y/N)	N	N	Y 02/27/07-Mtn. for Contempt, Request for Hearing	Y 08/21/06-Agreed Order on Former Husband's Motion (Visitation)

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000105-FC-04	A-000106-FC-04	A-000149-FC-04	A-000142-FC-04
Date Filed	01/23/04	01/29/04	05/17/04	04/29/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	N
Contested (C) or Un-Contested (NC)	N/A	NC	C	N/A
Referral to Mediation (Initial) (Y/N)	Y 03/04/04	N	Y 06/29/04 *	Y 10/18/04*
MSA* (Y/N)	Y 10/07/05	Y 03/23/04*	N	N
Trial (Y/N)	N	N	Y	N
Referral to General Magistrate (Y/N)	N	Y 04/30/04	Y 06/04/04	Y 11/29/04
Referral to Family Court Services	N	Y 05/19/04	Y 09/05/06	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Voluntary Dismissal 08/01/06	Dismissal 08/01/06	Final Judgment 11/17/06	Voluntary Dismissal 10/20/06
Time to Disposition	921	915	914	904
Notice of Hearing-Special Appt.	1	9	1	3
DV / MH / S*	N/A	S	MH	N/A
Post-Judgment Activity (Y/N)	N	N	Y 11/29/06-Motion for Clarification/Enforcement of FJ (Alimony & Child Support)	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000138-FC-04	A-000181-FC-04	A-000188-FC-04	A-000144-FC-04
Date Filed	04/19/04	07/21/04	08/30/04	05/04/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	NC	C	NC	C
Referral to Mediation (Initial) (Y/N)	Y 06/11/04*	Y 07/11/05	Y 06/10/05	Y 07/23/04*
MSA* (Y/N)	Y 09/13/06	N	Y 09/18/06	Y 09/22/06
Trial (Y/N)	N	Y	N	Y
Referral to General Magistrate (Y/N)	N	N	Y 11/29/04	N
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	Y 09/14/05
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 10/04/06	Final Judgment 01/03/07	Final Judgment 09/19/06	Final Judgment 09/21/06
Time to Disposition	898	896	750	870
Notice of Hearing-Special Appt.	0	1	2	0
DV / MH / S*	N/A	N/A	N/A	N/A
Post-Judgment Activity (Y/N)	N	N	N	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000129-FC-04	A-000172-FC-04	A-000126-FC-04	A-000182-FC-04
Date Filed	03/26/04	06/30/04	03/18/04	07/21/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	N	N	Y
Contested (C) or Un-Contested (NC)	NC	NC	NC	N/A
Referral to Mediation (Initial) (Y/N)	Y 06/04/04*	Y 09/16/04	Y 05/17/05	Y 01/10/06
MSA* (Y/N)	Y 02/01/06	Y 08/01/06	Y 04/19/06	N
Trial (Y/N)	N	N	N	N
Referral to General Magistrate (Y/N)	N	N	N	N
Referral to Family Court Services	Y 08/16/04	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 08/09/06	Final Judgment 11/14/06	Final Judgment 05/09/06	Dismissal 12/01/06
Time to Disposition	866	867	865	863
Notice of Hearing-Special Appt.	0	2	1	0
DV / MH / S*	N/A	N/A	N/A	N/A
Post-Judgment Activity (Y/N)	N	N	Y 12/26/06-Motion for Contempt (Child Support)	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000128-FC-04	A-000100-FC-04	A-000210-FC-04	A-000132-FC-04
Date Filed	03/23/04	01/06/04	11/30/04	04/09/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	N/A	NC	C	NC
Referral to Mediation (Initial) (Y/N)	Y 06/28/04*	Y 02/17/04*	Y 10/21/05	Y 07/07/04*
MSA* (Y/N)	N	Y 05/10/06	N	N
Trial (Y/N)	N	N	Y	N
Referral to General Magistrate (Y/N)	N	N	Y 05/26/05	N
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Dismissal 08/02/06	Final Judgment 05/10/06	Final Judgment 01/02/07	Final Judgment 01/09/06
Time to Disposition	862	855	763	837
Notice of Hearing-Special Appt.	1	0	3	0
DV / MH / S*	N/A	N/A	DV	N/A
Post-Judgment Activity (Y/N)	N	N	Y 12/12/07-Notice and Claim to Atty's Charging Lien	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000176-FC-04	A-000170-FC-04	A-000139-FC-04	A-000206-FC-04
Date Filed	07/07/04	06/22/04	04/19/04	11/10/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	N	Y
Contested (C) or Un-Contested (NC)	NC	NC	N/A	C
Referral to Mediation (Initial) (Y/N)	Y 12/02/04*	Y 09/22/04*	Y 05/19/04	Y 10/04/05*
MSA* (Y/N)	Y 10/10/06	Y 08/08/06	N	N
Trial (Y/N)	N	N	N	Y
Referral to General Magistrate (Y/N)	Y 02/16/06	Y 01/24/05	N	N
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 10/10/2006	Final Judgment 09/21/06	Dismissal 07/19/06	Final Judgment 12/19/06
Time to Disposition	825	821	821	769
Notice of Hearing-Special Appt.	1	2	0	0
DV / MH / S*	N/A	N/A	N/A	N/A
Post-Judgment Activity (Y/N)	Y 04/18/07-Request for Participation in Central Depos. Program (Alimony & Child Support)	Y 10/19/06-Motion to Enforce MSA and Motion for Contempt	N	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000190-FC-04	A-000137-FC-04	A-000111-FC-04	A-000194-FC-04
Date Filed	09/09/04	04/16/04	02/13/04	09/17/04
Attorney(s) (Y/N)	Y	Y	N	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	NC	NC	NC	C
Referral to Mediation (Initial) (Y/N)	Y 05/20/05*	Y 06/15/04*	Y 04/01/04*	Y 06/20/05*
MSA* (Y/N)	Y 11/21/06	Y 06/22/06	N	N
Trial (Y/N)	N	N	N	Y
Referral to General Magistrate (Y/N)	N	Y 08/10/05	Y 06/29/04	N
Referral to Family Court Services	Y 03/08/06	N	N	Y 11/03/05
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	Y 11/03/05
Type of Disposition	Final Judgment 12/07/06	Final Judgment 07/13/06	Final Judgment 05/10/06	Final Judgment 12/11/06
Time to Disposition	819	818	817	815
Notice of Hearing-Special Appt.	0	0	0	0
DV / MH / S*	N/A	N/A	N/A	S
Post-Judgment Activity (Y/N)	N	N	N	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000127-FC-04	A-000189-FC-04	A-000174-FC-04	A-000147-FC-04
Date Filed	03/22/04	09/08/04	07/02/04	05/12/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	N	Y	Y	Y
Contested (C) or Un-Contested (NC)	NC	C	NC	N/A
Referral to Mediation (Initial) (Y/N)	Y 11/19/04 *	N	Y 11/16/04*	Y 07/15/04*
MSA* (Y/N)	Y 04/28/06	N	Y 01/08/06	N
Trial (Y/N)	N	Y	N	N
Referral to General Magistrate (Y/N)	N	Y 09/17/04	N	N
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 06/12/06	Final Judgment 10/18/06	Final Judgment 04/17/06	Dismissal 02/24/06
Time to Disposition	812	770	654	653
Notice of Hearing-Special Appt.	1	3	1	1
DV / MH / S*	N/A	N/A	N/A	N/A
Post-Judgment Activity (Y/N)	N	Y 11/17/06-Atty. fees, Child. suppt. arrears, Spousal suppt. arrears	N	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000173-FC-04	A-000102-FC-04	A-000200-FC-04	A-000154-FC-04
Date Filed	07/01/04	01/13/04	10/20/04	05/25/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	N/A	NC	C	N/A
Referral to Mediation (Initial) (Y/N)	N	Y 10/31/05	Y 12/14/05*	N
MSA* (Y/N)	N	Y 12/15/05	N	N
Trial (Y/N)	N	N	Y	N
Referral to General Magistrate (Y/N)	N	N	Y 01/04/05	N
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Dismissal 9/13/06	Final Judgment 3/27/06	Final Judgment 12/27/06	Dismissal 7/31/06
Time to Disposition	804	804	798	797
Notice of Hearing-Special Appt.	0	1	1	0
DV / MH / S*	N/A	N/A	DV	N/A
Post-Judgment Activity (Y/N)	N	N	Y 1/22/07-Appeal of Final Order	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000141-FC-04	A-000160-FC-04	A-000131-FC-04	A-000175-FC-04
Date Filed	4/28/04	6/2/04	3/31/04	7/2/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	NC	NC	NC	C
Referral to Mediation (Initial) (Y/N)	Y 08/23/04*	Y 6/1/06*	Y 6/17/04*	Y 12/2/04
MSA* (Y/N)	Y 6/28/06	Y 7/13/06	Y 05/30/06	N
Trial (Y/N)	N	N	N	Y
Referral to General Magistrate (Y/N)	Y 5/18/04	Y 7/22/04	Y 6/30/05	N
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 6/28/06	Final Judgment 8/1/06	Final Judgment 5/30/06	Final Judgment 8/28/06
Time to Disposition	791	790	790	787
Notice of Hearing-Special Appt.	1	3	0	3
DV / MH / S*	N/A	N/A	N/A	N/A
Post-Judgment Activity (Y/N)	N	N	N	Y 09/07/06 Motion for Rehearing

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000198-FC-04	A-000148-FC-04	A-000185-FC-04	A-000201-FC-04
Date Filed	9/30/04	5/14/04	8/18/04	10/20/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	C	N/A	C	NC
Referral to Mediation (Initial) (Y/N)	Y 2/10/05*	Y 11/18/07*	Y 4/25/05	Y 08/25/05*
MSA* (Y/N)	N	N	N	Y 06/26/06
Trial (Y/N)	Y	N	Y	N
Referral to General Magistrate (Y/N)	N	Y 10/13/04	Y 3/24/05	Y 02/14/05
Referral to Family Court Services	Y 1/21/05	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	Y 04/21/06	N	N	N
Type of Disposition	Final Judgment 11/22/06	Dismissal 6/30/06	Final Judgment 10/3/06	Final Judgment 08/08/06
Time to Disposition	783	777	776	657
Notice of Hearing-Special Appt.	0	0	1	0
DV / MH / S*	N/A	N/A	N/A	N/A
Post-Judgment Activity (Y/N)	Y 12/15/06-Notice of Appeal (Child Support issues)	N	Y 11/02/07-Request for Production of Documents	Y 04/27/07-Motion to Show Cause (Property & Atty. Fees)

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000152-FC-04	A-000180-FC-04	A-000199-FC-04	A-000120-FC-04
Date Filed	05/21/04	07/21/04	10/05/04	03/03/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	NC	C	NC	NC
Referral to Mediation (Initial) (Y/N)	Y 08/16/04*	Y 04/28/06	Y 10/18/05	Y 11/05/04*
MSA* (Y/N)	Y 04/26/06	N	N	Y 03/02/06
Trial (Y/N)	N	Y	N	N
Referral to General Magistrate (Y/N)	Y 03/23/05	Y 04/26/05	Y 11/29/05	N
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	Y 04/27/05	N	N	Y 06/08/05
Custody Investigation (Y/N)	Y 07/08/05	N	N	N
Type of Disposition	Final Judgment 05/31/06	Final Judgment 07/31/06	Final Judgment 10/10/06	Final Judgment 03/08/06
Time to Disposition	740	740	735	735
Notice of Hearing-Special Appt.	1	11	1	0
DV / MH / S*	DV	N/A	DV	N/A
Post-Judgment Activity (Y/N)	N	Y 07/31/06 Mtn to Compel, Notice of Hearing-Motions	Y 01/05/07-Income Deduction Order	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000192-FC-04	A-000113-FC-04	A-000135-FC-04	A-000153-FC-04
Date Filed	09/14/04	02/18/04	04/14/04	05/21/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	N	Y
Contested (C) or Un-Contested (NC)	NC	C	NC	NC
Referral to Mediation (Initial) (Y/N)	N	Y 05/04/04	Y 05/19/04	Y 09/27/04*
MSA* (Y/N)	Y 09/18/06	Y 09/01/05	Y 08/24/04	Y 11/07/05
Trial (Y/N)	N	Y	N	N
Referral to General Magistrate (Y/N)	Y 07/19/05	N	Y 08/08/05	N
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 09/18/06	Final Judgment 02/21/06	Final Judgment 04/18/06	Final Judgment 05/24/06
Time to Disposition	734	734	734	733
Notice of Hearing-Special Appt.	0	0	3	1
DV / MH / S*	N/A	N/A	N/A	N/A
Post-Judgment Activity (Y/N)	Y 02/27/07-Petition for Mod. of Final Judgment (Child Support)	Y 02/21/06-Order to File/Complete FA and Parenting Class	Y 05/19/06-Order Directing Payment Through Central Depos.	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000196-FC-04	A-000186-FC-04	A-000179-FC-04	A-000133-FC-04
Date Filed	09/13/04	08/18/04	07/19/04	04/13/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	N/A	C	NC	NC
Referral to Mediation (Initial) (Y/N)	Y 12/21/04	Y 05/27/05*	Y 05/11/05	Y 07/07/04*
MSA* (Y/N)	N	Y	Y 06/22/06	Y 03/01/06
Trial (Y/N)	N	Y	N	N
Referral to General Magistrate (Y/N)	N	Y 10/20/04	N	N
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Dismissal 09/13/06	Final Judgment 08/16/06	Final Judgment 07/12/06	Final Judgment 04/04/06
Time to Disposition	730	728	723	721
Notice of Hearing-Special Appt.	1	2	0	1
DV / MH / S*	N/A	N/A	N/A	N/A
Post-Judgment Activity (Y/N)	N	Y 09/08/06-Motion for Atty. Fees	Y 11/07/06-Motion for Qualified Domestic Relations Order (Alimony)	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000158-FC-04	A-000162-FC-04	A-000193-FC-04	A-000117-FC-04
Date Filed	05/28/04	06/04/04	09/15/04	02/23/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	NC	NC	C	NC
Referral to Mediation (Initial) (Y/N)	Y 08/09/04	N	Y 11/23/04	Y 04/01/04*
MSA* (Y/N)	Y 04/05/06	Y 05/22/06	N	Y 10/07/05
Trial (Y/N)	N	N	Y	N
Referral to General Magistrate (Y/N)	Y 06/24/04	Y 10/14/04	Y 11/23/04	Y 02/07/06
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 05/16/06	Final Judgment 05/22/06	Final Judgment 09/01/06	Final Judgment 02/07/06
Time to Disposition	718	717	716	715
Notice of Hearing-Special Appt.	6	1	0	1
DV / MH / S*	N/A	N/A	N/A	N/A
Post-Judgment Activity (Y/N)	Y 05/16/07-Emerg. Motion to Prevent Removal of Child	Y 08/10/06-Motion to Compel-Compliance w/ MSA	Y 08/23/07-Notice for Production of Payroll Records	Y 02/08/06-Order of Referral to Hearing Officer (Child Support)

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000215-FC-04	A-000164-FC-04	A-000168-FC-04	A-000151-FC-04
Date Filed	01/13/05	06/11/04	06/21/04	05/20/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	N	Y	Y	Y
Contested (C) or Un-Contested (NC)	C	NC	C	NC
Referral to Mediation (Initial) (Y/N)	Y 06/02/05*	Y 10/18/04*	Y 08/09/04*	Y 08/09/04
MSA* (Y/N)	N	Y 06/14/06	N	N
Trial (Y/N)	Y	N	Y	N
Referral to General Magistrate (Y/N)	N	Y 06/28/04	Y 08/18/05	N
Referral to Family Court Services	Y 06/02/05	Y 01/26/05	N	N
Guardian Ad Litem (Y/N)	N	Y 09/30/04	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 12/26/06	Final Judgment 05/24/06	Final Judgment 05/31/06	Final Judgment 08/18/06
Time to Disposition	712	712	709	708
Notice of Hearing-Special Appt.	0	4	3	2
DV / MH / S*	N/A	MH	N/A	N/A
Post-Judgment Activity (Y/N)	Y 03/20/07-Amended Child Support Income Deduction Order	Y 06/08/06-Notice of Hearing-Special Appt. for 07/28/06	Y 01/29/07-Notice of Production	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000209-FC-04	A-000203-FC-04	A-000183-FC-04	A-000218-FC-04
Date Filed	11/23/04	10/21/04	08/03/04	08/03/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	N/A	C	C	NC
Referral to Mediation (Initial) (Y/N)	Y 07/22/05*	Y 04/10/06	Y 04/07/05	Y 04/07/05
MSA* (Y/N)	N	Y 12/02/05	N	Y 12/20/06
Trial (Y/N)	N	Y	Y	N
Referral to General Magistrate (Y/N)	N	N	Y 09/14/04	N
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Voluntary Dismissal 10/16/06	Final Judgment 09/13/06	Final Judgment 06/23/06	Final Judgment 12/20/06
Time to Disposition	692	692	689	687
Notice of Hearing-Special Appt.	1	0	2	0
DV / MH / S*	N/A	N/A	N/A	N/A
Post-Judgment Activity (Y/N)	N	Y 09/19/06-Order Directing Child Support Through Central Depos.	N	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000178-FC-04	A-000204-FC-04	A-000165-FC-04	A-000155-FC-04
Date Filed	07/16/04	10/26/04	06/11/04	05/25/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	NC	C	NC	C
Referral to Mediation (Initial) (Y/N)	Y 11/17/04*	Y 04/19/05	Y 10/18/04	Y 06/28/04
MSA* (Y/N)	Y 06/02/06	N	Y 05/22/06	N
Trial (Y/N)	N	Y	N	Y
Referral to General Magistrate (Y/N)	Y 05/12/05	Y 11/23/04	N	Y 12/13/04
Referral to Family Court Services	Y 12/14/05	N	N	Y 05/17/05
Guardian Ad Litem (Y/N)	N	Y 07/07/05	N	Y 02/28/05
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 06/02/06	Final Judgment 09/12/06	Final Judgment 04/27/06	Final Judgment 04/10/06
Time to Disposition	686	686	685	685
Notice of Hearing-Special Appt.	2	6	1	6
DV / MH / S*	MH	MH	N/A	N/A
Post-Judgment Activity (Y/N)	N	Y 10/05/06-Notice of Appeal (Re: Minor's relocation w/ Resp. to Colorado)	Y 04/28/06-MSA, Parent & Sandcastles Certificates	Y 04/18/06-Motion for New Trial

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000197-FC-04	A-000217-FC-04	A-000212-FC-04	A-000195-FC-04
Date Filed	09/30/04	01/28/05	12/06/04	09/23/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	C	NC	C	NC
Referral to Mediation (Initial) (Y/N)	Y 01/28/05*	Y 07/13/06*	Y 03/08/05*	Y 12/20/04*
MSA* (Y/N)	N	Y 11/02/06	N	Y 07/26/06
Trial (Y/N)	Y	N	Y	N
Referral to General Magistrate (Y/N)	N	N	Y 06/27/05	Y 06/26/06
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 08/15/06	Final Judgment 12/12/06	Final Judgment 10/18/06	Final Judgment 08/03/06
Time to Disposition	684	683	681	679
Notice of Hearing-Special Appt.	1	0	0	1
DV / MH / S*	DV	N/A	N/A	N/A
Post-Judgment Activity (Y/N)	Y 10/29/06-Amended Final Judgment (Property)	Y 01/19/07-Motion for Contempt (Child Support)	N	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000166-FC-04	A-000121-FC-04	A-000214-FC-04	A-000169-FC-04
Date Filed	04/14/04	03/04/04	12/13/04	06/21/04
Attorney(s) (Y/N)	Y	Y	Y	N
Answer/Motion Filed (Y/N)	Y	N	Y	Y
Contested (C) or Un-Contested (NC)	NC	C	NC	N/A
Referral to Mediation (Initial) (Y/N)	Y 12/02/04	Y 02/22/05	Y 08/09/05	Y 07/19/04*
MSA* (Y/N)	Y 01/30/06	N	Y 08/02/06	Y 06/21/04
Trial (Y/N)	N	Y	N	N
Referral to General Magistrate (Y/N)	N	Y 04/12/04	Y 12/14/04	Y 01/12/05
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	N	Y 04/19/05	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 02/22/06	Final Judgment 01/11/06	Final Judgment 10/19/06	Dismissal 04/13/06
Time to Disposition	679	678	675	661
Notice of Hearing-Special Appt.	1	6	0	0
DV / MH / S*	N/A	DV	N/A	N/A
Post-Judgment Activity (Y/N)	N	Y 01/23/06-Motion for Rehearing	Y 03/13/07-Emerg. Motion for Compliance of Resp. Signature For Sale	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000163-FC-04	A-000136-FC-04	A-000108-FC-04	A-000118-FC-04
Date Filed	06/09/04	04/14/04	02/02/04	02/26/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	NC	NC	C	C
Referral to Mediation (Initial) (Y/N)	Y 07/08/04*	N	Y 04/21/04*	Y 06/07/04*
MSA* (Y/N)	Y 02/24/06	Y 10/03/05	N	N
Trial (Y/N)	N	N	Y	Y
Referral to General Magistrate (Y/N)	Y 11/05/04	Y 04/15/04	Y 11/15/04	Y 04/27/04
Referral to Family Court Services	N	N	Y 03/24/05	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 04/13/06	Final Judgment 02/15/06	Final Judgment 11/18/05	Final Judgment 12/13/05
Time to Disposition	673	672	655	656
Notice of Hearing-Special Appt.	2	0	6	3
DV / MH / S*	N/A	N/A	DV / MH	N/A
Post-Judgment Activity (Y/N)	N	N	Y 05/09/06-Motion (Custody & Visitation)	Y 09/26/06-Pet. For Modification of Child Support

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000124-FC-04	A-000140-FC-04	A-000161-FC-04	A-000184-FC-04
Date Filed	03/10/04	04/23/04	06/04/04	08/05/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	C	C	NC	C
Referral to Mediation (Initial) (Y/N)	Y 04/29/04*	Y 06/28/04*	Y 10/18/04	Y 02/18/05
MSA* (Y/N)	Y 01/10/06	N	Y 04/05/06	Y 04/28/05
Trial (Y/N)	Y	Y	N	Y
Referral to General Magistrate (Y/N)	Y 05/04/04	Y 02/09/05	N	Y 09/29/04
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 01/10/06	Final Judgment 02/08/06	Final Judgment 04/05/06	Final Judgment 06/05/06
Time to Disposition	671	656	670	669
Notice of Hearing-Special Appt.	1	2	0	2
DV / MH / S*	N/A	DV	N/A	N/A
Post-Judgment Activity (Y/N)	Y 2/1/06- MSA, Child Support, Atty. Fees, Mediation	Y 03/23/06-Order to Show Cause (Child Support)	N	N

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

Case File No.	A-000207-FC-04	A-000211-FC-04	A-000109-FC-04	A-000157-FC-04
Date Filed	11/10/04	12/01/04	02/03/04	05/27/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	NC	NC	NC	NC
Referral to Mediation (Initial) (Y/N)	Y 09/30/05	Y 12/01/2005	Y 04/22/04	Y 10/06/04
MSA* (Y/N)	Y 09/22/05	Y 06/07/06	Y 10/20/05	Y 11/28/05
Trial (Y/N)	N	N	N	N
Referral to General Magistrate (Y/N)	N	Y 06/20/05	N	N
Referral to Family Court Services	Y 01/11/05	N	Y 05/31/05	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 09/08/06	Final Judgment 09/28/06	Final Judgment 11/30/05	Final Judgment 05/27/04
Time to Disposition	667	666	666	664
Notice of Hearing-Special Appt.	2	1	1	1
DV / MH / S*	N/A	DV, MH	DV	N/A
Post-Judgment Activity (Y/N)	N	N	Y 04/25/06-Notice of Hearing-Special Appt. (Property & Atty. Fees)	Y 03/28/06-Order requiring completion of Parenting Classes

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Case File No.	A-000122-FC-04	A-000116-FC-04	A-000205-FC-04	A-000143-FC-04
Date Filed	03/05/04	02/23/04	11/02/04	05/03/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	N	Y
Contested (C) or Un-Contested (NC)	NC	NC	N/A	C
Referral to Mediation (Initial) (Y/N)	Y 07/02/04*	Y 5/12/04*	Y 02/02/05	Y 10/06/04*
MSA* (Y/N)	Y 12/27/05	N	N	N
Trial (Y/N)	N	N	N	Y
Referral to General Magistrate (Y/N)	Y 09/30/04	Y 10/18/04	N	N
Referral to Family Court Services	N	Y 09/30/04	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 12/27/05	Final Judgment 12/15/05	Dismissal 08/25/06	Final Judgment 02/22/06
Time to Disposition	662	661	661	660
Notice of Hearing-Special Appt.	2	0	0	0
DV / MH / S*	N/A	N/A	N/A	N/A
Post-Judgment Activity (Y/N)	N	Y 12/22/06-Mtn for Indirect Criminal Contempt, Referral to GM, Request for Hearing	N	Y 03/02/06-Motion to Amend or Rehear Final Judgment

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Case File No.	A-000208-FC-04	A-000213-FC-04	A-000171-FC-04	A-000145-FC-04
Date Filed	11/10/04	12/10/04	06/29/04	05/27/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	NC	C	NC	NC
Referral to Mediation (Initial) (Y/N)	Y 04/26/05	Y 11/04/05	Y 09/16/04*	Y 02/09/06
MSA* (Y/N)	Y 10/03/06	N	Y 05/04/06	Y 03/06/06
Trial (Y/N)	N	Y	N	N
Referral to General Magistrate (Y/N)	N	N	N	Y 05/18/05
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 10/17/06	Final Judgment 11/15/06	Final Judgment 06/01/06	Final Judgment 04/05/06
Time to Disposition	706	705	702	701
Notice of Hearing-Special Appt.	0	2	0	2
DV / MH / S*	N/A	N/A	N/A	N/A
Post-Judgment Activity (Y/N)	N	N	Y 11/26/07-Motion for Contempt	Y 01/03/07-Agreed Amended FJ

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Case File No.	A-000216-FC-04	A-000130-FC-04	A-000219-FC-04	A-000191-FC-04
Date Filed	01/20/05	03/26/04	02/07/05	09/13/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	NC	NC	C	NC
Referral to Mediation (Initial) (Y/N)	Y 06/27/05*	Y 07/02/04	Y 03/21/05*	N
MSA* (Y/N)	Y 11/21/06	Y 10/14/05	N	Y 07/11/06
Trial (Y/N)	N	N	Y	N
Referral to General Magistrate (Y/N)	Y 02/15/05	N	N	Y 08/12/05
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	N	N	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 12/21/06	Final Judgment 02/21/06	Final Judgment 01/03/07	Final Judgment 08/08/06
Time to Disposition	700	697	695	694
Notice of Hearing-Special Appt.	0	0	0	2
DV / MH / S*	N/A	N/A	N/A	N/A
Post-Judgment Activity (Y/N)	N	N	N	Y 09/20/06-Second Amended Order Directing Payment Through Central Depos.

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Case File No.	A-000119-FC-04	A-000159-FC-04	A-000146-FC-04	A-000187-FC-04
Date Filed	02/27/04	06/02/04	05/11/04	08/18/04
Attorney(s) (Y/N)	Y	Y	Y	Y
Answer/Motion Filed (Y/N)	Y	Y	Y	Y
Contested (C) or Un-Contested (NC)	C	C	NC	N/A
Referral to Mediation (Initial) (Y/N)	N	Y 10/18/04*	Y 09/21/04*	N
MSA* (Y/N)	N	N	Y 03/02/06	N
Trial (Y/N)	Y	Y	N	N
Referral to General Magistrate (Y/N)	Y 05/27/04	N	Y 06/04/04	N
Referral to Family Court Services	N	N	N	N
Guardian Ad Litem (Y/N)	N	N	Y 01/18/05	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Final Judgment 12/14/05	Final Judgment 03/24/06	Final Judgment 03/02/06	Dismissal 06/07/06
Time to Disposition	656	660	660	658
Notice of Hearing-Special Appt.	3	6	0	1
DV / MH / S*	N/A	N/A	DV	N/A
Post-Judgment Activity (Y/N)	Y 01/8/06-P.J. still pending: Motions to enforce F.J.	Y 04/04/06-Motion for Clarification of FJ	N	N

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Case File No.	A-000167-FC-04	A-000156-FC-04	A-000150-FC-04	A-000202-FC-04
Date Filed	06/17/04	05/27/04	05/18/04	10/21/04
Attorney(s) (Y/N)	N	Y	Y	Y
Answer/Motion Filed (Y/N)	N	Y	Y	Y
Contested (C) or Un-Contested (NC)	N/A	C	NC	C
Referral to Mediation (Initial) (Y/N)	N	Y 03/28/05	Y 07/15/04*	Y 10/06/06
MSA* (Y/N)	N	N	Y 05/02/06	N
Trial (Y/N)	N	Y	N	Y
Referral to General Magistrate (Y/N)	N	Y 10/01/04	Y 07/27/04	N
Referral to Family Court Services	N	N	Y 06/01/05	N
Guardian Ad Litem (Y/N)	N	Y 01/25/05	N	N
Custody Investigation (Y/N)	N	N	N	N
Type of Disposition	Dismissal 07/31/06	Final Judgment 07/07/06	Final Judgment 06/27/06	Final Judgment 11/29/06
Time to Disposition	774	771	770	769
Notice of Hearing-Special Appt.	0	13	1	1
DV / MH / S*	DV	N/A	N/A	DV
Post-Judgment Activity (Y/N)	N	Y 07/13/06-Request for Hearing (Property)	N	Y 12/12/06-Agreed Amended Order-Distrib. Of Investment Account

Key: MSA-Marriage/Mediated Settlement Agreement, DV-Domestic Violence, MH-Mental Health, S-Substance Abuse

\*Referral to Mediation: Asterisk means that there was a subsequent referral to mediation

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