



Harvard Law School

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To: Jim Greiner
From: Jessenia Class
RE: Roger A. Hanson & George W. Hersey, *Appellate Court Congestion, or How Do You Spell R-E-L-I-E-F?*, 1 *Governing Florida* 11 (1991).
Date: January 25, 2019

Title: Appellate Court Congestion, or How Do You Spell R-E-L-I-E-F?
Authors: Roger A. Hanson and George W. Hersey
Location: Florida Fourth District Court of Appeal, West Palm Beach, FL
Sample: N/A
Timeline: 1 year (1989)
Target group: Appellants
Intervention type: Settlement Conference Program
Research papers: N/A
Partners: State Justice Institute

Abstract

Higher caseloads in lower courts led to increasing appellate court congestion, placing pressure on appellate courts. The Florida Fourth District Court of Appeal developed an experiment to test the effectiveness of settlement conferences to reduce the number of appeals sent to upper courts. Results indicated that the program was effective in reducing court congestion and decreasing case processing time.

I. Policy Issue

Cases doubled every eight to ten years for almost every state during the 1960s and 1970s. Higher caseloads in lower courts led to increasing appellate court congestion, placing pressure on appellate courts. Individual appellate courts as well as the American Bar Association adopted case processing standards to combat extended timelines. However, the steady rise in the volume of cases made it difficult to resolve cases in a timely manner.

Reducing the number of appeals that reached the upper court system was one idea to resolve this issue. Courts were interested in pursuing settlement conferences as an alternative to appellate courts, but there was little research into the effectiveness of this program. Did settlement conference programs combat appellate court congestion?

II. Context of Evaluation

The study took place at the Florida Fourth District Court of Appeal in West Palm Beach. The Florida court system exemplified the rise in appellate caseloads across the nation. Florida's five intermediate appellate districts closely resembled the same jurisdictional and discretionary standards as other state appellate court systems.

Conferences were conducted by one of seven retired Florida judges informed on mediation techniques. Settlement conferences were scheduled early to maximize reductions in case processing and were monitored by the Chief Judge. Attorneys were informed to attend and presented their position to the judge; the judge diffused tensions and mitigated concerns and misconceptions. Settlement conferences aimed to facilitate early resolution.

Appeals that involved juveniles, unrepresented clients, or criminal appeals were ineligible for the experiment.

III. Details

The randomized trial assigned one of every three appeals cases to the settlement conference, the other two being tried in appellate courts as controls. The number of participants was unreported.

IV. Results and Policy Lessons

The authors analyzed the percentage of cases reaching settlement, case processing times, and attorney opinions on the program. However, none of the study's results were analyzed for statistical significance, so they are not reported here. The Florida Fourth District Court of Appeal decided to make this program a permanent feature of their appellate process.

V. Quality of the Study

The primary limitation of the report is its brevity. There was limited information about its design, implementation, number and representativeness of its participants, and the statistical significance of findings.

Additionally, little information was provided about the context of the evaluation, specifically for the Florida Fourth District Court of Appeal and how it compares to other appellate courts in Florida. There was also little description given to the actual appellate court system process and how its requirements might give rise to longer processing times in comparison to a terse settlement conference.