

**Florida Supreme Court
Commission on District Court of Appeal Performance and Accountability Videoconference
March 2, 2011
2:00 pm to 4:00 pm**

Minutes

Members in attendance:

Judge William Van Nortwick, Judge Chris Altenbernd, Judge Jay P. Cohen, Judge Vance Salter, Ty Berdeaux, and Mary Cay Blanks

Members absent:

Judge Martha Warner, Tom Hall, and Justice Ricky Polston (Liaison)

Others in attendance:

Judge Robert Gross, Judge Dorian Damoorgian, and Jon Wheeler

Staff in attendance:

Sharon Buckingham, Maggie Geraci, and Arlene Johnson

Judge Van Nortwick called the meeting to order at 2:02 pm.

I. Approval of October 28, 2010 Videoconference Minutes

The minutes were approved unanimously without modification.

II. Dependency/TPR Case Monitoring

Judge Van Nortwick congratulated the districts stating that, according to the charts in the materials, it appears all courts improved their processing times for dependency/TPR cases. Sharon Buckingham added that the Second District has shown substantial improvement. Judge Altenbernd noted that dependency/TPR cases are placed on the earliest available docket in the Second District and almost all of the judges are voting on these cases within 24 hours of receiving the summary analysis. Thus, they have managed to speed up the processing time dramatically. He noted that PCAs are moved very quickly; however, Anders cases still seem to take more time because of the nature of the notice. There has also been an improvement in how fast they receive the records from the trial courts. Judge Van Nortwick stated that there has been an improvement with receiving the record in all the districts. Judge Gross asked Judge Altenbernd if there was something specific the Second District did to receive the record in a timelier manner from the circuit clerks. Judge Altenbernd stated that they have been more proactive in communicating with the circuit clerks. Judge Salter noted that the Third District had to threaten the court reporters with contempt a few times.

Judge Van Nortwick stated that the DCAP&A should report the district's efforts to increase timeliness to the Supreme Court, but he does not see the need to take any other action at this point in time. The members agreed. Judge Van Nortwick stated that a letter would be drafted by staff to the chief justice and that the members would have a chance to review it before it is officially submitted.

III. Request from the DCA Budget Commission – Shifting Caseloads Between the Districts

Judge Van Nortwick stated that the issue of shifting caseloads was informally raised at a DCA Budget Commission (DCABC) meeting and then discussed with the chief justice by Judge Monaco, chair of the DCABC. The chief justice asked that the DCAP&A review the issue.

Judge Cohen stated he had recently talked with Judge Monaco. Judge Monaco mentioned that there is legislation proposed that would directly allocate a budget to each district court as opposed to one combined appropriation to all districts, which has been the practice historically. Judge Monaco suggested that the DCAP&A table this discussion until after legislative session when they have more information on the outcome of the legislation.

Judge Van Nortwick stated that Judge Warner e-mailed some materials prior to the meeting that should be evaluated more closely. Judge Altenbernd stated that there are always some inequities among the districts and he is not convinced that shifting caseloads would have a significant impact on resource inequities. However, he noted that shifting caseloads would have a possible negative impact on the selection of panels, merit retention, and would cause too many logistical difficulties overall. Judge Salter agreed that moving case types to different venues would involve a great deal of labor. He stated that the lack of central staff in the Third District balances out the fact that they have a lower caseload. Judge Gross suggested that Judge Warner's idea does not shift the work of the court, but rather the work of law clerks, and thus creates a more equitable distribution of workload. Judge Altenbernd asked why judges would want to use a law clerk hired by another district and who is supervised by someone else. He stated that shifting caseloads was not a direct solution to the problem. Judge Gross responded that shifting workload of the law clerks would be an easier decision than moving positions from one district to another in order to resolve inequities. He stated that workload adjustments could be completed on a three year basis to account for caseload changes over time.

Judge Van Nortwick questioned whether this particular discussion was more under the jurisdiction of the DCABC. Judge Altenbernd agreed, noting that the DCABC asked the DCAP&A to look at the issue from a case management perspective. Judge Van Nortwick stated that his first thought about this issue was that it would create more complications than solutions. He suggested that if Judge Monaco is asking the DCAP&A to table the issue, then the Commission should do so until such a time that it is raised again by the DCABC. A motion to table the issue was moved by Judge Cohen and seconded by Judge Salter. The motion carried without objection.

IV. Schedule Next Meeting

Judge Van Nortwick suggested a meeting after the legislative session, in June. He stated staff would send an email with potential dates. He noted they would not schedule dates that conflict with the Bar meeting at the end of June. He asked if any of the members had any other potential conflicts in June. There were no conflicts mentioned.

There being no other business, Judge Van Nortwick adjourned the meeting at 2:22 pm.