

District Court of Appeal Budget Commission Meeting
Via Video Conference
January 10, 2006
(9:00 a.m. - 1:00 p.m.)

DCABC Members Present:

Judge Charles Kahn, Chair
Judge Matthew Stevenson, Vice Chair
Judge Carolyn Fulmer
Judge Gerald Cope

Others Present:

Marshal Donald Brannon
Marshal Velma Johnson
Marshal Dottie Munro
Marshal Glen Rubin
Marshal Ty Berdeaux
Lisa Goodner
Blan Teagle
Charlotte Jerrett
Mike Love
Dorothy Burke
John Cook
Peggy Horvath
Greg Smith
David Pepper
Lynn Wells

Absent:

Judge Robert Pleus

Guests:

Renee Hill, Professional Association of Judicial Staff Attorneys
Greg Martinson, Professional Association of Judicial Staff Attorneys

Judge Charles Kahn called the District Court of Appeal Budget Commission meeting to order at 9:08 a.m. Judge Kahn began discussions by announcing that the next set of scheduled commission meetings would be held in early April and May, and that funds are available to cover travel expenses. Judge Kahn asked for a motion to approve the minutes from the August 31, 2005, and December 4, 2005, DCABC meetings. The motion was made by Judge Matthew Stevenson and seconded by Judge Carolyn Fulmer. The motion was approved without objection.

Judge Kahn introduced Renee Hill and Greg Martinson, from the Professional Association of Judicial Staff Attorneys, to discuss the association's proposed law clerk compensation plan. Ms. Hill discussed how and why the association was established and referenced an outline of attorney/law clerk salary ranges for the Georgia Court of Appeals. Ms. Hill stressed the need to be able to hire at the market rate on various salary classes, and expressed concerns relating to length of service/salary adjustment (\$5K

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request per attorney). David Pepper mentioned that the MAG classification and compensation study included private and public salaries within the proposed classification range.

Update from the Committee on District Court of Appeal Workload and Jurisdiction

Peggy Horvath gave an update regarding the report from the Committee on District Court of Appeal Workload and Jurisdiction (Judge Altenbernd is the chair). The draft rule called for the establishment of a fifteen member committee to submit a final report in approximately eighteen months. Specifically, commission members were requested to select five DCA judges; five trial court judges; and five attorneys from each of the DCA's to compose a list of candidates for review. Peggy said she would forward an e-mail to the commission members with the draft rule and asked the members to forward their recommendation(s) to her attention. Judge Cope asked about the responsibilities, roles, and deadlines for completion. Peggy stressed that once the court opinion is released, the commission could proceed.

Operational Procedures

Judge Kahn referred members to the draft operational procedures for the DCABC in tab three. The members reviewed each section as follows:

Section I, Background and Authority – No changes recommended.

Section II, Purpose – No changes recommended.

Section III, Membership – The consensus of the commission was to leave the language relating to a two year term for the chair and to add a chief designate to serve as a non-voting member. Judge Kahn will draft new language and forward it to the commission members, for their review.

Section IV, Meetings – The consensus of the commission was to conduct meetings not less than three times annually; post the agenda on the website and the meeting dates on the OSCA master calendar; move subsection 6b relating to emergency meeting posting and transferring the language to number VII of this section under attendance; maintain a non-proxy vote; and to clearly define the overall structure of future meetings. Judge Kahn plans to meet with the OSCA's general counsel's staff to discuss the constitutional requirements, rule requirements, and scope of the commission. Judge Kahn indicated he would propose new draft language and forward it to the commission members, for their review.

Section V, Agenda – The consensus of the commission was to post and forward the agenda at least three days prior to the next scheduled meeting.

Section VI, Appearances before the Commission – No changes recommended.

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Section VII, Subcommittees – No changes recommended.

Section VIII, Appeals – The consensus of the commission was to delete language relating to appeals within the operational plan of the DCABC.

Section IX, Budgeting Policies and Procedures – No changes recommended.

Section X, Annual Report – The importance of an annual report was discussed, but no changes were recommended.

West Library Maintenance Agreement

Greg Smith briefed the members regarding concerns raised by Glen Rubin about the proposed West library maintenance contracts. Members discussed current library subscriptions and the consensus of the group was that subscriptions have been reduced over the last several years. No formal action was taken on this issue. Judge Kahn asked members to contact Greg Smith with further questions or comments regarding contract renewal with West.

Council of Chief Judges

Judge Cope explained the benefits of membership in joining the Council of Chief Judges, which is affiliated with the National Center for State Courts (NCSC). He explained how membership dues are calculated. Each state is to pick up a pro rata share of the total amount assessed. The dues amount for FY 2006-07 is \$14,308 (\$2,861.60 per DCA) and Judge Cope suggested that an issue be filed in the LBR to provide funding for this request. Discussions arose about whether the commission could pay half the dues this year and half the following year. Judge Kahn asked if Judge Cope could determine if the council is billing us on a calendar year cycle or a fiscal year cycle. Judge Cope contacted Art Scotland, President-Elect of the Council of Chief Judges, and Mr. Scotland confirmed they bill on a calendar year cycle. Judge Cope made two motions: the DCA's to pick up dues this calendar year for 2006-07 from their operating budget, and request the chief to formulate a supplemental request to cover dues for the DCA's for future years. Judge Stevenson seconded the motion. The motion was approved without objection.

Classification and Pay Study

David Pepper reminded the members that this issue was discussed at Marco Island meetings and that the Justices voted to approve in concept, the recommendations of the consultant. Two methodologies for equitable pay were discussed: first, an increase in minimum salaries and secondly, time-in-class adjustments (under 10 years, pro-rata share.) Data is currently being accumulated to be entered into the system for further analysis. Don Brannon inquired about the law clerk pay issue and David responded that it would be difficult to maintain a plan to increase salaries 4% yearly without annual legislative appropriation. Don suggested the possibility of combining both issues (law clerk pay plan and the SCS classification and pay study) and David responded that would

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be up to the Chief Justices' discretion. Lisa Goodner discussed the possibility of phasing in the study (over 3 years). The total request for the State Courts System is \$19.63M.

David Pepper discussed the proposal for senior management benefits. David explained that this proposal includes an increase from 1.6% to 2.0% in retirement accrual, 100% state paid benefits for up to five management level positions per court (in addition to those already approved 100% paid benefits) at the discretion of the chief judge. This equates to a designation of two to five FTE's depending on each DCA's needs (five is the average). Judge Cope moved the recommendation and Judge Stevenson seconded the motion. The motion was approved without objection.

Case Management System and Document Scanning Workload

Mike Love briefed the commission members on the impending case management system and corresponding scanning workload issue, and forwarded a breakdown of costs, collections and expenditures to the commission members. Mike explained scanning equipment has drastically reduced in cost and that scanning labor costs for each DCA will cost approximately \$50,000 (2 OPS staff for a 6 month period); scanning equipment will cost 25,000; and \$125,000 will be needed for start up costs per DCA. Mike indicated that these amounts are covered under filing fees (\$50.00 fee, pursuant to s. 35.22, F.S.) and this represents revenues accumulated over the past two years. For FY 2007-08, sufficient funds are available to cover start-up costs. Mike said \$125,000 was needed for each DCA, \$75,000 for the Supreme Court, and suggested a multi year plan for implementation (the Supreme Court and 4th DCA completed in 2006, and phase in for the remaining DCA's). Judge Cope moved the recommendations and Judge Stevenson seconded the motion. The motion was approved without objection.

2nd DCA Telephone System Budget Request

John Cook briefed the commission members about the 2nd DCA telephone system replacement request and discussed the breakdown of IP phone costs for appellate courts. A pilot project (i.e., twenty phones tested by end users which look and function like a telephone, but also contain numerous computer functions) was implemented in the Supreme Court and the OSCA. Additionally, John indicated staff would continue to work closely with vendors (BellSouth) to review the technology; confirmed that cost savings will likely occur with this system; stated that \$14,000 is required for service charges due to additional phone lines is required that includes e-mail capabilities within the system; and explained the ability to move to an offsite location in lieu of a hurricane or other unforeseeable event with phone and computer capabilities. Don Brannon inquired how the system would affect Suncom and John mentioned he would check into that and report back to the commission. Don also asked if this system would be implemented in all DCA's, and Mike Love answered that implementation would occur over several years, beginning with the 2nd DCA. Judge Kahn then asked if this budget request would be for non-recurring dollars. Staff answered in the affirmative. Judge Kahn moved the recommendations and Judge Fulmer seconded the motion. The motion was approved without objection.

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4th DCA Building Expansion Budget Request

Judge Stevenson explained the budget request for the 4th DCA building expansion issue. A copy of the revised narrative filed in the LBR, was included in the committee materials.

Senate Justice Appropriations Committee Meeting (January 12, 2006)

Lisa Goodner discussed the presentation for the upcoming Senate Justice Appropriations Committee with the commission members. In particular, the Chief Justice plans to discuss the classification and pay study issue by testifying before the Senate Justice Appropriations Committee. She will focus on recruitment problems, post Article V issues, and present a slide show delineating detailed comparative classification and pay data for legislative committee members.

Next Commission Meeting

After reviewing several proposed dates with the members, Judge Kahn announced the next meeting of the DCABC would be held Tuesday, April 4, 2006, in Tallahassee.

With no further business, the meeting adjourned at 1:10 p.m.