

**District Court of Appeal Budget Commission Meeting**  
**August 21, 2006**  
**Tampa, Florida**  
**(10:00 a.m. – 4:00 p.m.)**

**DCABC Members Present:**

Judge Charles Kahn, Jr., Chair  
Judge Matthew Stevenson, Vice Chair  
Judge Carolyn Fulmer  
Judge Gerald Cope, Jr.  
Judge Robert Pleus, Jr.  
Judge Edwin Browning, Jr.  
Judge Stevan Northcutt  
Judge George Shahood  
Judge William Palmer

**Others Present:**

Marshal Velma Johnson  
Marshal Dottie Munro  
Marshal Glen Rubin  
Marshal Ty Berdeaux  
Al Sadowski  
Lisa Goodner  
OSCA Staff

**Absent:**

Judge David Gersten  
Marshal Don Brannon

Judge Charles Kahn called the District Court of Appeal Budget Commission (DCABC) meeting to order at 10:00 a.m. Judge Kahn asked for a motion to approve the minutes from the July 28, 2006, meeting. Judge Cope proposed two corrections to the minutes: 1) page two, change the word “play” to “pay” and 2) page three, time change for the August 21, meeting, from 9:00 a.m. to 10:00 a.m. The motion to adopt the minutes with the proposed changes was made by Judge Browning and seconded by Judge Pleus. The motion was approved without objection.

**Discussion of FY 2007-08 Legislative Budget Request**

Judge Kahn opened the floor for discussion of the legislative budget issues for FY 2007-08. Ms. Goodner suggested combining security issues for the First, Second, Third, and Fourth District Courts of Appeal into one request. The commission members agreed. Judge Pleus moved the adoption of the LBR issues for FY 2007-08, allowing staff to make technical adjustments, as needed. Judge Shahood seconded the motion and it was approved without objection.

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**Pay Issues**

- **Workgroup on Clerks and Marshals Equalization Policy Recommendations**

The Pay Equity Subcommittee chaired by Ty Berdeaux, distributed a memorandum outlining the history, analysis, and salary comparisons relating to equalized pay for clerks and marshals across the courts. The subcommittee recommended that the salary levels for clerks and marshals of the Second, Third, Fourth, and Fifth District Courts of Appeal be raised immediately to the respective salary levels of the clerk and marshal of the First District Court of Appeal. The Subcommittee recommended a policy that “no clerk or marshal will be eligible to receive a special pay increase, or an end of year rate allocation, unless the District Court of Appeal Budget Commission agrees to raise the salary of all clerks and/or marshals.” Ms. Goodner suggested that in order to preserve this policy it could be addressed within the annual Chief Justice Budget and Pay Administration Memorandum from the chief justice. She also informed members that this memorandum could be amended in the current year to account for this change. Judge Cope moved (a) to approve the raises for the marshals & clerks to the same levels now in effect at the First DCA, (b) to request that the proposed policy language (quoted above) be added to the Chief Justice Budget and Pay Administration Memorandum, and (c) to have the DCA Budget Commission reconsider the pay for the clerks and marshals annually, after each legislative session. Judge Stevenson seconded the motion, and it passed unanimously. Judge Kahn thanked the members for their hard work on this issue.

- **Law Clerk Compensation Plan**

David Pepper updated the members on the current progress of the work on the law clerk compensation plan. Judge Kahn held a workshop on August 20, 2006, with a law clerk representative from each District Court of Appeal to get their input on law clerk pay issues. Judge Fulmer also attended.

Mr. Pepper distributed a handout outlining implementation policies, appointments, incentive adjustments, appellate law classes, appellate salary comparisons, and a memorandum from Carolyn Long, President and CEO of the Management Advisory Group (MAG), Inc., outlining the market control point and law clerk appointments to the federal judiciary. Mr. Pepper explained that currently two-thirds of law clerks are career attorneys throughout the state and federal judicial salaries are considerably higher than salaries of Florida law clerks with three to four years of experience.

Mr. Pepper reviewed the compensation requests for the 2006 Session which totaled \$2,204,987\* for all DCA staff; the DCA law clerk request totaled

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\$1,618,745\* and the deputy clerk request totaled \$305,290. The amounts were calculated based on the August 2005 MAG database and include the projected October 2006 pay increases, but does not take into account separations or promotions since August 2005, or possible 2007 pay increases. The consensus of the Commission was to re-submit the law clerk compensation issue totaling \$1.6 million, with a \$2.2 million total issue for all staff. Judge Cope moved the motion to support last year's LBR submittal regarding the law clerk compensation plan and Judge Northcutt seconded. The motion was approved without objection.

**Other Business**

- **Judicial Certification Requests for FY 2007-08**  
Judge Kahn reminded the members of an e-mail forwarded by Kris Slayden regarding judicial certification requests for the appellate courts. This issue will be discussed further during the September 10, 2006, meeting, for a vote for recommendation to the Supreme Court.
- **IP Phones**  
Judge Kahn inquired about the current status, cost, and functional capabilities of the proposal for expanded use of IP phones. Ms. Goodner explained that IP phones work in conjunction with a computer device, are cost effective, and include voice mail capabilities. Ms. Goodner also stated that John Cook is developing additional information for the members and that the Supreme Court Clerk's office had already transitioned to the IP system. The consensus of the commission was to develop a combined LBR (as voted on last fiscal year) for the First, Third, Fourth, and Fifth District Courts of Appeal, with recurring maintenance funds for the Second District Court of Appeal, in support of the IP system implemented this year. Judge Kahn indicated the issue would be sent to members, via e-mail, and would be discussed in further detail at the next meeting.
- **Lump Sum Supplemental Appropriation for Increased Travel Costs**  
Charlotte Jerrett briefed the members on information provided by the Governor's office relating to the appropriation for increases to travel per diem and mileage rates. A handout was distributed, which outlined the proposed additional funding amounts for each DCA. The allocation amounts were determined based on a percentage of last year's travel expenditures. Questions arose regarding the variation in allocations and Ms. Jerrett indicated that mileage was a factor in the calculation, and the Second District Court of Appeal allocation included amounts for travel incurred between the Lakeland and Tampa locations. Also, Ms. Jerrett stated that Dorothy Burke would ask the Marshal of each DCA to assign the amounts to individual cost centers.

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**Upcoming Commission Meeting**

Judge Kahn reminded the members that the next scheduled meeting is to be held Sunday, September 10, 2006, at the Ponte Vedra Inn and Club, Ponte Vedra, Florida.

With no further business, the meeting adjourned at 12:23 p.m.

*\*These amounts were amended to \$1,869,405 and \$1,373,252 respectively, and passed by unanimous vote of members, via e-mail sent August 28, 2006.*