

District Court of Appeal Budget Commission
July 18, 2007
Telephone Conference Call
(1:00 p.m. – 2:00 p.m.)
Meeting Minutes

DCABC Members Present:

Judge Stevan Northcutt, Chair
Judge Edwin Browning Jr., Vice Chair
Judge Peter Webster
Judge Darryl Casanueva
Judge David Gersten
Judge Juan Ramirez
Judge George Shahood
Judge Robert Gross
Judge William Palmer
Judge David Monaco

Others Present:

Marshal Don Brannon
Marshal Velma Johnson
Marshal Jo Suhr
Marshal Dottie Munro
Marshal Glen Rubin
Marshal Ty Berdeaux
Lisa Goodner
OSCA Staff

Absent:

Judge Carolyn Fulmer

Judge Stevan Northcutt called the District Court of Appeal Budget Commission (DCABC) meeting to order at 1:05pm.

Update on the Budget Forecast

Charlotte Jerrett briefed the members regarding the June 29, 2007, memorandum from Jerry McDaniel, Director, Governor's Office of Policy and Budget; Cynthia Kelly, Staff Director, Senate Fiscal Policy and Calendar Committee; and Michael Hansen, Budget Director, House Policy and Budget Council. The memorandum outlines a plan of action to address FY 2007-08 revenue projection shortfalls. Specifically, quarterly releases will be reduced from the standard 25 percent to 24 percent in anticipation of current year budget reductions and that a minimum reduction of four percent in recurring General Revenue fund appropriations during Fiscal Years 2007-08 and 2008-09. An accompanying attachment to the memorandum was addressed outlining the purpose, authority, format, and guidelines for submitting a Schedule VIIIB-1. Instructions stated

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that entities were to identify reduction issues for FY 2007-08 appropriations, totaling at least ten percent of recurring General Revenue and at least ten percent of recurring state Trust Funds, that would be considered in addressing the expected shortfall.

Members had concerns regarding the targeted percentages and that if those targets were met, core court functions and elements would be eliminated. Ms. Goodner explained that members should examine reasonable cuts and formulate how a ten percent reduction would directly impact court functions. A deadline of August 8, 2007, for submittal was stated in the above mentioned memorandum. Ms. Goodner has requested an extension to August 16, 2007, for submittal by the branch; however, a final decision on granting the extension has not been made.

Target Cuts and Discussion with Legislative and OPB Staff

Ms. Jerrett stated that nearly half of the State Court System's budget is in direct support of constitutional functions, such as constitutional officers' salaries, and because of that any target amounts based on functions that could not be cut, would require a proportionally larger cut on the remaining funding of the branch that could be cut. Ms. Jerrett updated the members on recent legislative meetings with Tim Sadberry, Staff Director, Senate Criminal and Civil Justice Appropriations Committee; Jim DeBeaugrine, Budget Chief, House Safety and Security Council; and Randy Ball from the Governor's OPB office. In meetings with the Senate and House, staff was receptive to our constitutional arguments and recommended only offering cuts the branch could essentially take for FY's 2007-08 and 2008-09. Additionally, Senate and House staff stated that for FY 2006-07, a \$350 million shortfall had to be covered from reserves. They also indicated a Special Session will most likely be called in September of this year. Ms. Jerrett reported on a meeting with the Governor's OPB office, whereby she explained that our position was to protect constitutional mandates by exempting constitutional officers, judicial assistants, and due process costs from the target cut calculation, but Randy Ball indicated leadership was not in favor of exemptions for any of the state agencies or the judicial branch.

Ms. Jerrett stated that after the August 1, 2007, General Revenue Estimating Conference meets, specific revenue forecasts will be released and the magnitude of necessary reductions will be determined by the Legislature.

Review of Worksheets and Discussion of Strategies for Cuts

Ms. Jerrett stated that the worksheets provided were for informational purposes only and that they were to be used as a starting point for further discussions. Dorothy Burke

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briefed the members regarding the data provided. Ms. Burke outlined budget entities and funds for the Supreme Court, DCA's, circuit courts, and county courts for judges' salaries, judicial assistant salaries, due process services, jurors and witnesses statewide, along with ten percent target cuts and outlining possible scenarios. She also reviewed vacant positions, as of July 1, 2007 for each DCA and FY 2007-08 operating appropriations for each court.

After discussing possible dates to identify reduction issues, it was decided that follow-up information will need to be provided to Ms. Burke by close of business, Thursday, July 26, 2007.

Judge Northcutt asked about the next series of steps required for the cut process. Ms. Goodner stated that a coordinated effort is essential and that members should review the documents provided. Ms. Goodner will brief the Chief Justice on the current status and asked the commission to submit a reduction proposal that outlines specific examples of how cuts would impair key court operations. The proposal would then be reviewed by the Chief Justice and submitted to the Legislature and Governor's office. From that point, meetings would then be set up with the Governor, Lt. Governor, Senate and House leadership, and budget committee staff to convey our concerns.

Next Meeting

Ms. Jerrett and Judge Northcutt will discuss scheduling the next DCABC meeting, which will likely be the week of July 30, 2007. Additionally, the Marshals plan to meet Friday, July 20, 2007, to address and compile information regarding the reductions exercise.

With no further business, the meeting adjourned at 2:10 pm.