

**District Court of Appeal Budget Commission
Video Conference Call Meeting Minutes
September 14, 2007**

DCABC Members Present:

Judge Stevan Northcutt, Chair
Judge Peter Webster
Judge Darryl Casanueva
Judge Juan Ramirez
Judge Robert Gross
Judge David Monaco

Judge Edwin Browning Jr., Vice Chair
Judge Carolyn Fulmer
Judge David Gersten
Judge George Shahood
Judge William Palmer

Others Present:

Judge Martha Warner
Marshal Velma Johnson
Marshal Dottie Munro
Marshal Ty Berdeaux

Marshal Don Brannon
Marshal Jo Suhr
Marshal Glen Rubin
Lisa Goodner
OSCA Staff

Judge Stevan Northcutt called the District Court of Appeal Budget Commission (DCABC) meeting to order at 10:41 a.m.

Review of Employee Pay and Benefits Issue

Mr. Gary Phillips, Chief of Personnel Services, briefed the members on the Judicial Branch's employee pay and benefits plan submitted for consideration during the upcoming 2008 Regular Legislative Session. This issue was filed during the 2006 and 2007 sessions; however, the issue was not funded by the legislature. The 2008 pay package totals \$21.2 million and of that amount \$1.9 million incorporates the SES and SMS equivalent benefits portions of the plan. Mr. Phillips outlined factors that lead to the \$21.2 million amount and discussed three possible proposals. First, a pay and benefits package at 100 percent/full funding; propose adjustments of the total cost of the market, as defined by MAG, Inc., Second, a downward adjustment to 85 percent, 80 percent, or 75 percent; and Third, propose a package which focuses solely on critical classes. Critical classes consist of law clerks and deputy clerks which make up 240 FTE's within the appellate courts. The consensus of the Commission members was to adopt the first option of 100 percent/full funding of the employee pay and benefits plan. A motion to adopt this option was made by Judge Browning and seconded by Judge Shahood. The motion was approved without objection.

Discussion of Status of Budget Reductions

Judge Northcutt briefed the members on developments relating to the Governor's proposal, the Senate proposal, and the House proposal for budget reduction exercises for FY 2007-08. The release of the Governor's budget reduction recommendations is the same as the first budget cut exercise approved by the DCABC and presented to the Senate totaling \$395,535; the Senate target proposal of 4.2 percent reductions total \$1,777,302, and of that amount, \$1,119,419 was approved by the DCABC (a difference of \$657,883). The revised target reductions in the amount of \$1,119,419 were then presented back to the Senate as an amended reduction amount.

The House proposal is approximately half of the \$1.1 million approved by the DCABC, which falls between the Governor and Senate recommendations totaling \$560,000 in budget cuts. Each court proposed reductions totaling \$560,000 (distributed equally across each DCA). The following recommendations for the House's proposed budget cut reductions were outlined as follows:

First DCA

A part time custodial worker, .5 FTE and \$13,480 salary dollars; OCO for \$39,265; senior judges' for \$22,735; contracted services for \$15,000; and law library for \$21,520, totaling \$112,000 in reductions for the First DCA.

Second DCA

A full time user support analyst, 1.0 FTE for \$54,192 salary dollars and a part time custodial worker, .5 FTE and \$13,480 salary dollars; and expense for \$4,928; OCO for \$4,000; and law library for \$35,400, totaling \$112,000 in reductions for the Second DCA.

Third DCA

A full time appellate judicial assistant, 1.0 FTE for \$49,912 salary dollars; senior judges' for \$15,000; contracted services for \$27,000; and law library for \$20,088, totaling \$112,000 in reductions for the Third DCA.

Fourth DCA

A full time custodial worker, 1.0 FTE for \$26,958 salary dollars; senior judges' for \$45,653; and law library for \$39,389, totaling \$112,000 in reductions for the Fourth DCA.

Fifth DCA

Expense for \$43,703; senior judges' for \$30,435; and law library for \$37,862, totaling \$112,000 in reductions for the Fifth DCA.

Ms. Jerrett said a document summarizing all budget reduction proposals made during the meeting would be forwarded to the Commission members later today. A motion to adopt all revised reductions was made by Judge Shahood and seconded by Judge Browning. The motion was approved without objection.

The Commission discussed restoration of cuts from FY 2007-08. The consensus of the members was to add restoration issues as a placeholder within the DCA LBR request for FY 2008-09. Judge Browning moved the motion and it was seconded by Judge Palmer. The motion was approved without objection.

Ms. Jerrett reminded the members of safeguards for protecting operating budgets for 2007-08. Mr. Brannon asked about the status of the remaining quarterly releases for FY 2007-08 and

whether or not the one percent decrease in releases (twenty-four percent) continue for the remaining three quarters. Ms. Jerrett said that they would remain in place.

Judge Northcutt informed the members that Special Session “C” has now been scheduled to begin October 3 – 12, 2007. Ms. Goodner told the Commission that additional meetings would be scheduled with the Senate and House members to further address these issues. Ms. Goodner suggested Commission members should schedule/confirm meetings with their local delegation members as well.

Discussion of Potential FY 08/09 LBR Issues

Impact of DCA Performance and Accountability Commission Dependency Study - Judge Warner stated no additional funding is needed at this time, but if appellate caseloads increase, this issue would need to be addressed further.

Impact of Potential Revision to Post Conviction Rules – Judge Warner stated no changes in the rules have transpired and that discussions would continue on the issue at a later time. Judge Northcutt added that no fiscal impact has been determined for the issue.

Impact of ADA Accessibility Survey – Ms. Goodner stated that each court has been participating in the accessibility survey to identify ways to improve ADA compliance throughout the state. The surveys are ongoing and various Commission members said that the appellate courts have included ADA compliance actions within the LBR for FY 2008-09.

With no further business, the meeting adjourned at 11:55 a.m.