

**Florida Supreme Court  
Commission on District Court of Appeal Performance and Accountability Meeting  
Video Conference  
August 15, 2014**

**Minutes**

**Members in attendance:**

Judge Anthony Black, Judge Jay P. Cohen, Judge Simone Marstiller, Judge Vance Salter, Judge Martha Warner, and Jo Haynes.

**Members absent:**

Mary Cay Blanks and Justice Peggy Quince (Liaison).

**Staff in attendance:**

Maggie Geraci, Arlene Johnson, Greg Youchock, and Blan Teagle.

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**I. Welcome and Introductions.**

Judge Salter called the meeting to order at 2:01 pm. The new members and staff introduced themselves. Judge Salter welcomed the members, both new and returning, and thanked them for attending the meeting. He thanked staff for providing him with an orientation.

**II. Approval of May 6, 2014 Minutes.**

Judge Cohen noted that on page six of the draft minutes, paragraph four, the members had discussed using a minimum of two years' experience and the minutes stated two years' experience. Judge Cohen moved to approve the May 6, 2014 minutes, as amended. Jo Haynes seconded the motion. The minutes were approved unanimously.

**III. Review of AOSC14-41 Charges.**

Judge Salter discussed the biggest issues facing the commission this term. These include updating the workload case weights and conducting a joint study with the TCP&A on dependency/TPR appeals issues. He noted that those items would be discussed further at the September 7, 2014 in-person meeting. He stated that the commission would continue to liaise with the Appellate Courts Technology Commission and the District Court of Appeals Budget Commission. Finally, he suggested that some questions may arise from Chief Justice Labarga regarding his interest and mission in access to justice. It may be necessary to gather some data and statistics regarding pro se representation.

**IV. Review of Long Range Program Plan Measures.**

Maggie Evans noted the meeting materials showing the previous year's Long Range Program Plan measures and options for this year. Arlene Johnson reviewed the options, stating that the only change is updating the fiscal years in the methodology. Option Two represents the option that was chosen by the commission in 2013, which sets clearance

rates to 100% and the remaining measures are the average of the previous three fiscal years. Option One represents the clearance rate percentages as averages of the previous two fiscal years and the remaining measures are set to the previous fiscal year values. Option Three represents clearance rates set to 100% and the remaining measures are the average of the previous two fiscal years.

Judge Salter asked the members for discussion and also asked staff if they had a recommendation. Ms. Johnson recommended Option Two as the methodology is consistent with what has been determined in the past. Judge Marstiller questioned the advantages of Option Two. Judge Salter indicated that Option Two addresses small issues that may affect dispositions, such as judges being out, and provides a projection that evens out the numbers. There is no knowledge that there are larger issues on the horizon, so Option Two is an adequate representation based on the current information. He noted a concern regarding the data and how it shows that filings are going down. This may affect measures in a negative way. Jo Haynes stated that as the three new judges come on board in the Second District that, too, may affect the measures. A motion was made and seconded to approve Option Two. The motion was approved unanimously.

**V. Review of Joint TCP&A/DCAP&A Dependency/TPR Appeals Workgroup Member List and Action Plan.**

Judge Salter noted the action plan and member list in the materials. He asked Judge Warner if she would be able to participate on the workgroup and she responded affirmatively. Ms. Evans discussed the action plan, noting that this workgroup is being convened to address the issue of the timeliness in document receipt in the appellate courts for dependency and termination of parental rights appeals. She noted the workgroup members, which include Judge Warner and Mary Cay Blanks. Additionally, the workgroup includes two circuit judges, a trial court administrator, and two court reporting managers. Judge Kathleen Kroll has agreed to chair the workgroup.

Judge Salter stated that the commission's review of the eight timeframes in dependency/termination of parental rights appeals, in the past four years, has really helped to reduce the days these cases are in the appellate courts. Ms. Evans noted that the district courts continually meet the overall timeframe of 195 days from final judgment to disposition, but the four timeframes of document receipt – notice of appeal to record, record to initial brief, initial brief to answer brief, and answer brief to reply brief – are consistently over the required timeframes in median days. The district courts have made several attempts to fix this issue, but despite the efforts, the problem persists. Judge Marstiller asked about having clerk of court representation on the workgroup, since the trial court clerks prepare the record. Judge Salter responded that he could discuss that with the chair of TCP&A, Judge Moreland. Ms. Evans noted that the commission has discussed whether the issue lies with the clerks, the court reporters, the guardian ad litem, or regional counsel and the workgroup plans to meet with representatives of these entities as they determine the issues and recommendations to resolve the issues. Judge Salter suggested that if the members come up with ideas or suggestions, they can contact him or Judge Kroll via email.

A motion was made and seconded to approve the action plan and member list. The motion was approved unanimously.

**VI. Other Business.**

Judge Salter noted that in his role as chair of the commission, he is an ex officio member of DCABC and will be attending those meetings and will keep the commission apprised of what is happening as far as budget.

Ms. Evans noted that the next meeting of the commission is scheduled for Sunday, September 7, 2014, from 1:00 pm until 4:00 pm, at the Jupiter Beach Resort. She stated that the travel information had been sent to the members via email.

There being no other business, Judge Salter adjourned the meeting 2:19 pm.