

**Commission on Trial Court Performance and Accountability
Conference Call
August 15, 2014**

Minutes

Members in attendance:

Judge Diana L. Moreland, Judge Victor L. Hulslander, Judge Herbert J. Baumann, Judge Paul Alessandrone, Judge Ronald W. Flury, Judge Leandra Johnson, Judge Ellen Sly Masters, Judge William Roby, Judge Terry D. Terrell, Barbara Dawicke, and Gay Inskip.

Members absent:

Judge Shelley Kravitz, Holly Elomina, and Justice Jorge Labarga (Liaison)

Additional Attendees:

Judge Vance Salter (DCAP&A)

Staff in attendance:

Patty Harris, Maggie Geraci, Greg Youchock, Arlene Johnson, and PJ Stockdale.

I. Welcome and Introduction, Judge Diana L. Moreland, Chair

Judge Moreland called the meeting to order at 1:00 p.m. She welcomed the new members and discussed meeting face-to-face in November.

II. Approval of the May 5, 2014 Minutes

Barbara Dawicke noted that on page 9 AAERT should be stricken. Judge Hulslander moved to approve the minutes as amended. The motion was seconded by Judge Johnson and the minutes were approved unanimously with modification.

III. Review of the New Charges in AOSC14-40

Judge Moreland noted the two major charges in the administrative order, including the establishment of Joint Workgroup on Dependency/TPR Appeals, and the development of the Performance Management Workgroup. Patty Harris noted that the workgroups have not yet been convened, but the hope is to have them begin by January of 2015. She asked if there were any volunteers to participate on the workgroups or suggestions for membership, to contact her.

IV. Review and Approval of LRPP Measures

Ms. Harris reviewed the options presented in the materials for the Long Range Program Plan measures. She noted that these measures were determined by TCP&A several years ago. Last year, the commission selected Option 1. This option represents a methodology that uses statistical projections. Option 2 represents actual values from the previous fiscal year. Judge Hulslander suggested providing a footnote stating high number in circuit civil

clearance rates is due to the foreclosure initiative and that percentage is predicated on the presumption that the funding for the foreclosure initiative would continue into the next fiscal year.

Judge Terrell moved to approve Option 1 with the added footnote. Judge Hulslander seconded the motion. The motion was approved unanimously.

V. Establishment of a Joint Workgroup on Dependency and TPR Appeals

Maggie Evans provided information on the establishment of a Joint Workgroup on Dependency and TPR Appeals. Recently, Chief Justice Labarga signed [AOSC14-40](#) and [AOSC14-41](#) charging the TCP&A and the Commission on District Court of Appeal Performance and Accountability (DCAP&A), respectively, with collaborating on a joint study on the issue of delay in the receipt of documents which comprise the record in dependency and termination of parental rights appeals.

As background on this issue, the DCAP&A has been tasked, since 2008, with monitoring the management of dependency and termination of parental rights appeals cases. The purpose of this monitoring process, as noted by the DCAP&A, in [Delay in Child Dependency/Termination of Parental Rights Appeals](#), is to achieve the goal of reducing time on appeal, in order to resolve issues expeditiously that involve the welfare of children.

In establishing a performance monitoring process for dependency and termination of parental rights cases, the Supreme Court issued SC08-1724, which adopted eight time frames in these matters. Through the monitoring process, the DCAP&A has noted that the district courts consistently meet four of the eight timeframes.

The four time frames involving document receipt – Notice of Appeal to Record, Record to Initial Brief, Initial Brief to Answer Brief, and Answer Brief to Reply Brief – have been addressed with definitive time frames by rule amendments in 2009, however, no district court has been able to meet these timeframes.

Through the joint study, it is hoped that the issues causing delay in the receipt of documents on the appellate level can be defined and processes can be determined to alleviate the issues and improve the time in which the documents are received. Both P&A Commissions have determined that a workgroup should be convened to conduct this joint study. The workgroup will consist of seven members (two trial court judges, one TCA, one appellate clerk, one district judge, and two court reporting managers) and take 1.5 to 2 years to complete. The end goal is to provide a final report to the Supreme Court outlining recommendations to improve the timeframes in receipt of documents which comprise the record in dependency/termination of parental rights appeals.

Barbara Dawicke moved to approve the action plan and member list. Judge Terrell seconded the motion. The motion was approved unanimously.

VI. Other Business

Greg Youchock provided an update on the Judicial Case Weights Study, noting that the National Center for State Courts (NCSC) was contacted regarding their consultation service in updating the trial court judicial case weights. The contract with NCSC has been approved by the Trial Court Budget Commission and is now before the supreme court for their approval. It is anticipated that it will require a month of documentation by the trial court judges. Judge Alessandrone has agreed to act as chair of the committee for this project. Judge Alessandrone noted that he would be happy to accept volunteers for the committee. Judge Roby volunteered to serve on the committee.

Judge Terrell noted that chief judges had just received the current statistics for judicial certification for the next fiscal year. He stated that only two circuits show a need for judges, one circuit has zero need, and the other 17 circuits show a negative need. Projections show that these numbers continue to decline. Mr. Youchock responded that the filings do continue to drop but there is no handle on the complexity of the cases and how that affects judicial workload. It is anticipated that the case weight/time study should validate what the judges are saying, that the cases are taking longer and are more complex.

There being no other business, Judge Moreland adjourned the meeting at 1:41 p.m.