

**Florida Supreme Court
Commission on District Court of Appeal Performance and Accountability Meeting
Video Conference
May 27, 2015**

Minutes

Members in attendance:

Judge Anthony Black, Judge Vance Salter, Judge Martha Warner, Mary Cay Blanks, Jo Haynes, Judge James A. Edwards (for Judge Jay P. Cohen), and Judge Simone Marsteller.

Absent: Judge Jay P. Cohen and Justice Peggy Quince (liaison)

Staff in attendance:

Maggie Evans, Arlene Johnson, and Victor McKay

I. Welcome and Introductions.

Judge Salter called the meeting to order at 2:00 pm.

II. Approval of January 13, 2015 Minutes.

The minutes were approved unanimously with the modification of inserting “the option of” before “a time study” in paragraph 2 page 2 of the minutes, in reference to the case weights. Judge Warner moved amend the minutes and Mary Cay Blanks seconded the motion. The motion carried.

III. Update on Judicial Relative Case Weights Report

Maggie Evans gave an update on the April 29, 2015 Supreme Court conference. The Court reviewed the report and approved recommendations 2 (removing the modifier from the First DCA) and 3 (reviewing the weighted case disposition threshold). The members were informed the Court deferred recommendation 1 (accepting the updated weights until the threshold has been reviewed). The letter from the Court directed the Commission to review the threshold and provide recommendations by July 1, 2015.

Arlene Johnson provided background information on how the weighted case disposition threshold was initially established, by reviewing the five years of data that was available on the weighted disposition on the merits, figure 1 on page 8 of the meeting materials. It appeared that the Commission used either the 2002-03 to 2004-05, which is 282, or 2001-02 through 2004-05 which is an average of 279. Using that methodology, the figures were updated to the most recent figures displayed in figure 2. Based on the recommendation approved by the Court, the modifier from the First DCA is not included. The members were also informed that Figure 3, provides two options: option 1 is based on 61 judges allocated through 2013-14 and option 2, 64 judges, is based on the additional 3 judges that did not become effective until July 1. The members discussed reasons for and against using each option. The members also discussed proposing a rule change that would suggest taking the threshold number of 280 out of rule and providing

for a threshold review cycle of every four years, as approved by the Supreme Court, similar to the review cycle of the relative case weights. After more discussion, Judge Black motioned to make the proposed threshold 315. This number was derived from taking midpoint of the high from the three year average and the low from the four year average. The motion was second by Judge Warner. The motioned carried unanimously. Ms. Evans will contact the OSCA General Counsel's office about the rule amendment process.

IV. Update on Joint Workgroup on Dependency/ TPR Appeals.

Ms. Evans provided an update on the Joint Workgroup on Dependency/TPR Appeals. The workgroup met in Orlando to review the data and documents regarding the issues. The workgroup members also broke off into sub-groups, focusing on court reporting and clerks' best practices and attorneys and judges' best practices. The workgroup also decided to add member from both the Guardian ad Litem statewide office and DCF. Those members have been added and attended the most recent conference call on May 19. The workgroup is currently reviewing the draft recommendations from the sub-groups. Staff is also working on the draft report. Once the draft is reviewed by the workgroup, it will then be sent for outreach to the circuits, the districts and other stakeholder groups. The workgroup plans to meet in the fall to review the outreach comments and finalize the report for submission to both commissions by the end of November or early December.

The members also discussed Amendments to Rule of Appellate Procedure 9.200. This is an opinion issued by the court on May 15. This rule will become effective on October 1, 2015. This amendment may have positive implications for the TPR Appeals timeframes. Ms. Blanks commented that she is working with a sub-workgroup of the rules committee and they are planning to file some comments regarding the rule change. They are discussing the service time regarding the record and 9.146(g). Most of the comments had to do with how the record is supplemented after it is transmitted to the DCAs.

V. Other Business.

There being no other business, Judge Salter adjourned the meeting at 2:36 pm.