



October 25, 2004

AGENDA

1. Minutes and ISC Actions on 9/30/04  
**(Action: Minutes read and approved.)**
  1. a – Public Comment – Incapacity / Guardianship Rates  
Request made to revise the Incapacity rate structures previously approved on 9/30/04. Motion made to amend the “Incapacity: counsel Rates as follows: “Incapacity Cases - \$650.00 flat rate per case; Marchman / Baker Act cases - \$100.00 per case.”
  1. b – Public Comment – Criminal court Appointed counsel Qualifications Request made to reconsider the three tier qualifications and ISC registry lists for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> degree felonies. The position was taken that the three categories (C. D., & E.) could be collapsed into one category for all felony cases with an amended qualifications of three years Bar Membership, and experience in no fewer than five (5) jury trials, of which no less than two (2) were felony trials. An alternative proposal of collapsing category C. & D. was also discussed. Further, the idea of making any changes prospective, i.e. to be effective 3/1/2005 was also discussed.
2. Policy for Updating the ISC registry after 10/1/2004
  - **Issue:** Initial establishment of the ISC Registry was approved on 9/30/04. The ISC discussed extending time to apply until 10/30/04 to allow qualified counsel time to apply. A policy is needed to allow the ISC to add qualified applicants to the registry.
  - **Recommendations:** Open application period twice per year (March and September) with approvals at April and October meetings. **(For Approval)****(Action: Motion to extend the open application period until 11/30/04 and to reconsider the bi-annual open application period at the next meeting was approved.)**
3. Review of additional applications for ISC Registry  
**(Action: ISC approved six (6) new applications for addition to the registry.)**

4. Charlotte County- Problem regarding lack of Dependency attorneys on the ISC Registry
- **Issue:** ISC registry in Charlotte has an inadequate number of qualified attorneys
  - **Options:**
    - (1) Competitive bid process,
    - (2) Conditional waiver on CLE requirements,
    - (3) Other;
  - **Recommendation:** Allow use of competitive bid for Dependency cases in Charlotte; and, allow a conditional approval of attorneys who agree to obtain CLE requirement within 12 months; **(For Discussion)**
- (Action: Court Administration to contact counsel involved in the Charlotte Dependency issue to ensure that they have the amended qualifications.)**

5. Court-Appointed attorney appointment procedure from the ISC Registry
- A. Policy of County Level Coordination of ISC Registry
- **Issue:** ISC approved an interim rotating appointment procedure from ISC registry lists on 9/30/04 that involves central coordination of the rotating assignment on a circuit wide basis by Court Administration. This was not intended as a long-term solution, and a more practical procedure for rotating assignment is needed.
  - **Recommendation:** Policy to provide approved ISC Registry lists to each county to administer the rotating assignment and reporting back to the ISC. **(For Discussion and/or Approval)**
- (Action: Approved. Updated ISC registry lists to be provided to court Administration in the counties for coordination of the ISC appointment process.)**

- B. Procedure for rotating appointment from the ISC registry
- **Issue:** Development of practical solutions to the rotating assignment process.
  - **Options:**
    - Single judge per case type- simple rotating assignment from updated ISC list provided by Administrative Judge (AJ).
    - Multiple judges per case type- staggered rotating assignment list of approved ISC counsel provided by AJ (e.g. three felony judges would each work form an alphabetically staggered list).

- Judge may by-pass name on the list for good cause; All cases of by-pass for cause should be reported to the AJ.
- Automated system for rotating assignment; provide Judge and JA with next three names based on case type; develop application to test in Lee by 1/1/2005.
- **Recommendation:** Allow county AJ's to coordinate rotating assignment based ISC approved registry list, which would be updated on a bi-annual basis. Develop and test an automated Court-Appointed counsel by 1/1/2005.

**(For Discussion)**

**(The committee took no formal action.)**

6. User Fee for providing audio CD copy of the court record
  - **Issue:** Recommendation that the circuit consider a fee for reproduction of audio CD as a cost recovery measure. **(For Discussion)**

**(Action: Motion made and approved for adoption of a \$25.00 fee for reproduction of CD record. New fee to be effective 11/1/2004.**

NEXT MEETING: 12/06/2004 AT 12 NOON.