



Minutes of February 13, 2006 ISC Meeting

Committee members in attendance: Hugh Hayes, Chief Judge  
Robert Jacobs, Public Defender  
Sheldon Finman, Esquire  
Peter Ringsmuth, Esquire

Others in attendance: Maria-Elena Arias  
Richard Callanan  
Richard Creel  
Diane Dramko  
Suzanne Ederr  
Eric Fishbeck  
Corina Gasperi  
Brenda Giessman  
Betty Gourley  
Roxanne Hino  
Helen Jones  
Barbara LaGrande  
Keith Losey  
Randy McGruther  
Judge James H. Seals

Phone attendance: JAC Staff - Stephen Presnell  
Sharon Bruley  
Buddy Aspy

1. Minutes of the meeting held November 14, 2005 (Agenda Item #1).  
- **Action:** Motion to approve the minutes passed.
  
2. Public Comment (Agenda Item #2).  
- No public comments were delivered pursuant to the open-forum agenda item.

3. Report on the observed lack of Court-Appointed Attorneys serving in Category 12 – Appeals and Dependency / Termination of Parental Rights Cases (Agenda Item #8).
  - Judge Seals was present at Mr. Finman’s prompting to address to occurrence of Orlando attorneys being appointed in the 20<sup>th</sup> Judicial Circuit’s Category 12. Attorney Barbara LaGrande noted that several local attorneys meet the minimum standards of Category 12, but elect to not apply.
  - Suzanne Ederr, Senior Staff Attorney of the 20<sup>th</sup> Judicial Circuit, reported that two of the three attorneys serving Lee County in Category 12 reside within the 20<sup>th</sup> Judicial Circuit. Judge Seals suggested that *Res Gestae* could be a potential conduit to solicit attorneys to serve in Category 12.
  - **Action:** After discussion, no action was taken. The Court Administration staff will further monitor the registrants of Category 12, and investigate whether *Res Gestae* solicitations are feasible.
  
4. Report on Juvenile Dependency Drug Court (Agenda Item #3).
  - As requested by the Committee, the Court Administration staff conducted a survey of the other Judicial Circuits, and the 7<sup>th</sup> Judicial Circuit’s method of compensating appointed attorneys \$150 per drug-court session (1–3 hours) rather than per drug court case was recommended.
  - Diane Dramko (ISC registered attorney who raised this matter at the Nov. 14, 2005 ISC meeting) objected to the \$150 per session amount, for she stated that the 20<sup>th</sup> Judicial Circuit’s juvenile dependency drug court routinely lasts well beyond 1-3 hours, and that a proper reasonable fee would be \$300 per session. The Committee gained assurances that the attorneys serving in Category 10 would bill only one \$300 fee per juvenile drug court session regardless of the number of clients or time required.
  - **Action:** Motion to approve a new category of rates adopted by the ISC for court-appointed attorneys within the Twentieth Judicial Circuit regarding juvenile dependency drug court at \$300 per session was passed.
  
5. Report as to status of bills from the Lee County Sheriff for the cost of transporting indigent clients (Agenda Item #4).
  - The Court Administration staff delivered a report that concluded that the Lee County Sheriff’s billings for transportation is not a due process cost; therefore, the matter is to be considered outside the scope of the Committee’s obligations. The Staff recommended that the JAC solve this matter by refusing payment.
  - The JAC confirmed that Judge Murphy of the 11<sup>th</sup> Circuit had concluded that it was improper for a Sheriff to bill attorneys for client transport.
  - Mr. Jacobs confirmed that his Public Defender’s office had indeed paid the Lee County Sheriff for transportation costs, and that he was inclined as Public Defender to now challenge these billings.
  - The JAC recommended that any attorney receiving a bill should challenge.

- Mr. Ringsmuth expressed the desire to know why the Sheriff changed the policy, and the Chief Judge agreed that a meeting would be constructive.
- **Action:** After discussion, it was agreed that the Court Administration staff would draft a memo inviting the Lee County Sheriff to the next ISC meeting in order to elucidate the policy change.

6. Report as to the status of revised Application (Agenda Item #5). After review, the committee requested further modifications to the Application:

[a] Mr. Ringsmuth noted that the minimum requirements, as originally drafted, were in fact unrealistic. Because, Category 7 requires ten hours of appellate CLE credits per year, and the Committee agreed that this is too narrow a category of qualifying credits.

- **Action:** After discussion, it was agreed that the Court Administration staff would revise the application to include a broader category of qualifying CLE credits, specifically, both criminal and appellate credits.

[b] Mr. Finman noted a need for continuing proof of malpractice insurance.

- **Action:** After discussion, it was agreed that the Court Administration staff would revise the application to include a requirement that attorneys provide annual proof of continuing coverage by January 1st of each year.

7. Report re: sign language interpreter rates. (Agenda Item #6).
  - Court Administration staff provided a report regarding the necessity to increase sign language interpreter rates from the current \$75 per hour to a rate of \$80 per hour under standard circumstances, and up to \$120 per hour under special circumstances.
  - **Action:** Motion to approve an increase in the rates adopted by the ISC for due process services within the Twentieth Judicial Circuit regarding sign language interpreter rates was passed.

8. Review of additional applications for ISC Registry:

- Cañete, Delia
- Creel, Richard M.
- Hagaman, Robert R.
- Hino, Roxanne
- Lombardi, Gino
- Losey, Keith B.
- Jones, Helen D. (walk-in application)

- **Action:** After a report was provided by the Court Administration staff, the Committee members engaged in a discussion, and made a motion that approved all applications, with the following exceptions:

[a] Keith B. Losey sought clarification on whether the minimum qualification's use of the word "attended," was understood to include all forms of the Florida Bar's methods of earning continuing legal education credits.

- **Action:** The committee agreed that all methods of earning continuing legal education credit was intended to be communicated. Further, the Committee directed the Court Administration staff to redraft the application to more clearly communicate this policy.

[b] Helen D. Jones requested that the committee allow her appointment to Category 10, dependency cases, despite not meeting the minimum qualifications. The Committee took note of the difficulty in gaining the required experience in cases that are nearly exclusively either appointments or pro-bono.

- **Action:** The committee rejected Ms. Jones' contention that she possessed comparable experience, but invited her to reapply when she meets the minimum qualifications.

[c] Richard M. Creel provided an oral explanation regarding the factors that led to his suspension from the registry that occurred at the Nov. 14, 2006 ISC meeting. Each Committee member queried Mr. Creel.

- **Action:** The Committee accepted Mr. Creel's application for reinstatement, provided that Mr. Creel supply Chief Judge Hayes with a list of all his court-appointed cases every 30 days, so that the Chief Judge may monitor and bring to the attention of the ISC any further issues.

9. JAC inquiry regarding court reporting fees.
  - The Committee informed the JAC that the court reporting rate schedule applied to all categories (stenograph, real-time, and video).
  
10. Next Meeting: To be set at a later time.

**Staff Follow-up:**

- a. Update the registry, and provide updated registry to JAC, Chief Justice, Clerks, Court Admin points-of-contact; post registry on the ISC web page.
- b. Schedule date for next meeting.
- c. Monitor applicants for Category 12, and investigate advertising options.
- d. Revise application to reflect requested changes.
- e. Coordinate invitation with Lee County Sheriff.