



Minutes of June 19, 2006 ISC Meeting

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

Others in attendance: Eric Fishbeck  
Gail Johns  
Craig Mclean  
Todd Sanders

Phone attendance: JAC Staff - Buddy Aspy  
Beth Sullivan

1. Minutes of the meeting held May 15, 2006.  
- **Action:** Motion to approve the minutes passed.
  
2. Public Comment.  
- Mr. Sanders stated that his attendance was that of a mere observer.
  
3. Craig McLean, Chief Technology Officer for the Twentieth Judicial Circuit, to address the issue of Fort Myers Court Reporting (FMCR) increased administrative burden due to the 2<sup>nd</sup> District Court of Appeals recent changes in policy. Mr. McLean stated that after offering competitive bids, FMCR has been shown to be the only vendor willing to perform this vital work in the Twentieth Judicial Circuit. Currently, FMCR has elected to not renew its contract with the Twentieth Judicial Circuit unless the terms could be renegotiated. Mr. McLean recommended that the Committee approve the compromise worked out with FMCR, that is, raising the appellate transcription rate by one dollar per page. This rate increase reflects the additional man-hours required to comply with the District Court's procedural requirements.  
- **Action:** Motion to approve the rate increase of \$1.00 per original page of transcription services provided for Appeals passed.

4. Report as to the JAC's interpretation of the adopted rates for court-appointed attorneys in Marchman and Baker Act proceedings.
  - ISC staff recommended revising the fee schedule to remove the difficulty in applying the rate-structure to Marchman/Baker Act proceedings. This recommendation was prompted by a recent dispute between an ISC attorney and the JAC over the proper application of what the Committee defined as a "case," which led to differing interpretations of when the \$400 per case limit would apply. The ISC staff presented a survey of the other circuits' rates and rate structures, which indicated that the Twentieth Judicial Circuit had the lowest fee limit within the (surveyed) state.
  - The committee members approved of the ISC staff's recommendation of removing the \$400 per case fee limit for a period of 12 months, which the JAC had earlier confirmed would help resolve the matter.
  
5. Report as to miscellaneous expense policy for court-appointed attorneys.
  - As requested by the Committee, proposed language was drafted for a travel policy that would allow registry attorneys to be reimbursed for travel expenses outside of the Twentieth Judicial Circuit.
  - Mr. Finman further requested that a Form and Instructions be drafted and offered to the registry attorneys to assist in the usage of this policy.
  - The Committee declined to adopt compensation categories for either "time-while-traveling" or general overhead.
  - **Action:** Motion to approve the drafted travel policy passed.
  
6. Report as to the reappointment of Sheldon E. Finman and Peter D. Ringsmuth as ISC members on July 1, 2006.
  - Chairman Hayes and Vice-Chairman Jacobs agreed to reappoint Mr. Finman and Mr. Ringsmuth for additional two-year terms (terminable at will).
  - Mr. Finman and Mr. Ringsmuth accepted their respective reappointments.

**Staff Follow-up:**

- a. Update the ISC documents, and provide the updated documents to the JAC, Chief Justice, Clerks, Court Admin points-of-contact; post updated documents on the ISC web page.
  
- b. Prepare a report examining the qualifications of the attorneys on the registry and the level of service currently being provided.
  
- c. Prepare for a meeting to be held on August 14, 2006.

**Ch. 2006-25 LAWS OF FLORIDA Ch. 2006-25**  
**SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS**

**876 SPECIAL CATEGORIES CHILD DEPENDENCY AND CIVIL CONFLICT  
CASE FROM GENERAL REVENUE FUND . . . . . 23,271,856**

Funds in Specific Appropriation 876 are provided for case fees and expenses of court-appointed counsel in civil conflict cases and child dependency cases. The Justice Administrative Commission shall apportion these funds for use in each circuit according to the number of projected dependency case filings in each judicial circuit, and is authorized to pay such fees and expenses, subject to all specifications and limitations as provided by law. The Justice Administrative Commission shall submit quarterly reports of these case payments to the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council, by judicial circuit, which shall include, but not be limited to, information on requests for payments received; court orders received directing payment; and actual encumbrances and disbursements from this special appropriations category.

Funds in Specific Appropriations 876 and 878 shall be subject to the following cost-containment measures to be implemented by the Justice Administrative Commission:

- o A court-appointed attorney that has been appointed to more than one case for the same defendant within a 30-day period shall bill simultaneously for all cases appointed within that period for that defendant.
- o For capital cases where there are both a court-appointed lead and a co-counsel, the commission shall simultaneously review their invoices for attorney compensation.
- o Overpayment by the commission of due process costs, including attorney's fees, shall be recovered in full. The method of recovery, at the discretion of the commission, may be through an offset against future payments, direct reimbursement of the overpayment to the commission, or other remedies available to a creditor.
- o The commission shall directly compensate only those due process vendors who have executed a contract with the commission.
- o All court-appointed attorneys shall attach a progress docket sheet or a copy of the clerk's record of the case to any invoices submitted in an hourly format.
- o A court-appointed attorney shall secure a court order prior to requesting any transcript.
- o The commission shall pay all legal fees and due process costs for the 2006-2007 fiscal year at the rate not to exceed the amount set by the circuit Article V indigent services committee for the 2005-2006 fiscal year.