



Court of Appeals

Memorandum

To: Chief Judge Phipps

From: Judge McFadden 

Subject: Banc Agenda

Date: July 29, 2013

I would like to bring up two matters: the budget and the deadline for end-of-term motions for reconsideration.

As to the former, it recently occurred to me that I had more budget information as a director of the Atlanta Bar Association than I have as a judge of this court. The practice there, as for most boards of substantial organizations, is for the staff to include a detailed updated budget in the board package for every meeting, for the executive director or other appropriate person to give a *brief* report at the meeting explaining unusual expenditures, and for the members to have an opportunity to ask questions. I think we should adopt a similar practice.

As to end-of-term MFRs, if we are going to continue the practice of shortening the deadlines – as I think we should – we should make sure that the materials we send out to the parties are internally consistent. This time, the opinions went out with the usual stamp, centered at the top of

the first page, reciting the standard ten-day deadline. The order shortening that deadline came as a separate document. For e-filers it came as a separate email. This inconsistency confused at least one set of very able lawyers, who filed an out-of-time request for extension with my panel. The practice at the Supreme Court is to simply omit the stamp. I would prefer an even-more-prominent stamp for the shortened deadline. Regardless, I don't know that this is something we need to spend a lot of time discussing. It just needs to be fixed.

Thank you for your consideration.

**COURT OF APPEALS OF GEORGIA
ADMINISTRATIVE BANC MEETING**

Wednesday, August 7, 2013

10:30 A. M.

Court Banc Room • Suite 501 • 47 Trinity Avenue, S.W.

Atlanta, Georgia 30334

A G E N D A

- | | | |
|------|---|---|
| I. | Call Meeting to Order - Ascertainment of Quorum | Chief Judge Phipps |
| II. | Approval of Banc Meeting Minutes | Chief Judge Phipps |
| III. | Old Business | Chief Judge Phipps |
| IV. | New Business | |
| | Report of Clerk/Court Administrator Selection Committee | Chief Judge Phipps
Presiding Judge Doyle |
| | FY2014 and FY2015 Budget Request Supplemental | Chief Judge Phipps
Jan Kelley |
| | Bank Selection for Court Account | Chief Judge Phipps
Jan Kelley |
| | Travel/Dues | Chief Judge Phipps
Jan Kelley |
| | Surplus Court Van | Chief Judge Phipps
Jan Kelley |
| V. | Committee Reports | Chief Judge Phipps |
| VI. | Announcements | Chief Judge Phipps |
| | Red Cross Training | |
| VII. | Adjournment | Chief Judge Phipps |

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Holly Sparrow - BANC Meeting Agenda Items

From: Jan Kelley
To: Herbert Phipps
Date: 7/22/2013 9:06 PM
Subject: BANC Meeting Agenda Items
CC: Debbie Zimmerman; Holly Sparrow

The following items are recommended as agenda items for the next meeting:

1. Bank Selection for Revenue Collections & Operating Activities.
2. Budget Recommendations (FY 2014 & 2015) NOTE: The Budget instructions are asking for agencies to submit a budget request is equal to the level of funding that is appropriated for the FY 2014 budget. No COLA is mentioned in the budget instructions for FY 2015. As you know, Judicial Branch agencies may submit something other than what is required by Executive Branch agencies. It is my recommendation that we consider asking for 1-2 (2 preferably) Central Staff Floater positions and then come up with some really good justifications as to why this request is essential to the Court being able to continue to fulfill its statutory requirements as to the two-term rule.
3. Travel Funds - Should we increase each Judges' Travel/Dues Funds by \$1,000? Currently Judges have \$4,000 to spend on travel/dues during the year and the Chief Judge gets \$6,000. This past year a substantial number of Judges exceeded the \$4,000 limit and either had to have another judge donate funds to them or had to forego reimbursement for some of their dues and travel expenses.

Jan

Holly Sparrow - Agenda Item

From: Jan Kelley
To: Herbert Phipps
Date: 7/23/2013 5:27 PM
Subject: Agenda Item
CC: Debbie Zimmerman; Holly Sparrow

I have one more suggestion for an agenda item for the August 7th Banc Meeting.

I would like to surplus the Court Van and need the Court's approval to do so. The Court Van is not used very often and right now it is not starting. I believe the battery is probably dead from lack of use. We have only used the van for last few years to take records to the vendor to be microfilmed and one time David Payne used it to take some supplies to the Inhouse CLE program. If we do need a van or vehicle to take records to the vendor, the Clerk's Office should be able to lease a vehicle from Enterprise for the day and we not have the ongoing maintenance of owning a vehicle.

Jan

Holly Sparrow - Re: Another Agenda Item? - Vacant Floating AA Position

From: Herbert Phipps
To: Jan Kelley; ellington, john
Date: 7/24/2013 11:50 AM
Subject: Re: Another Agenda Item? - Vacant Floating AA Position
CC: Debbie Zimmerman; Holly Sparrow

Do not put it on the agenda, but we should fill the Floating AA position. Do you have a job description for the position?

>>> Jan Kelley 7/23/2013 6:45 PM >>>

I don't know if this is a Banc item agenda or not. However, do you know if we are going to rehire the Floating-AA position this fiscal year.

If so, when do you want to recruit and do we need a committee to select the candidate or does the Chief Judge or Clerk of the Court make the selection?

Holly Sparrow - Fwd: RE: Banking Bid Outcome Letter

From: Jan Kelley
To: Herbert Phipps
Date: 7/22/2013 9:34 PM
Subject: Fwd: RE: Banking Bid Outcome Letter
CC: Debbie Zimmerman; Holly Sparrow
Attachments: 20130722143718367.pdf; Consolidated Accounts- BFP Final.pdf

Attached is the result of the banking evaluation which agencies are required to undergo from time to time to determine which banks can provide the banking services needed for the lowest cost. It is my recommendation to use one bank account to handle both revenue collections and our operating activities as Supreme Court is now doing. This not only will save the State money but will eliminate transfers of funds between the two accounts.

Also, because Bank of America is currently under the bank fee program (Treasury pays for banking fees), the State Treasurer has agree to allow our consolidated account to also be under this program as long as we choose the lowest bidder. Currently SunTrust is the bank we use for our Operating Account. SunTrust has been waiving our banking fees but we cannot guarantee that this will continue. Estimated bank fees run about \$300 a month per account. By consolidating our accounts and going under the Bank Fee program, we not have to pay any banking fees from court funds. Since Bank of America is the lowest bidder, approving Bank of America as our selection I believe would provide the easiest transition to a consolidated account as we would just have to move our operating activities over to our current Revenue Collections Account.

This should be an agenda item for the next Banc meeting so that we can let the State Treasurer and the State Depository Board know which bank from the lowest bidders we are requesting to use. The State Depository Board must approval our bank selection. The State Depository meets quarterly and their next meeting is scheduled for September.

>>> "Cain, Rhen" <HCain@treasury.ga.gov> 7/22/2013 6:48 PM >>>

Hi Jan,

We are pleased to send to you the banking evaluation cover letter signed by the State Treasurer and the present value report for the Court of Appeals. OST is honoring your request for one consolidated bank account, which will be in the State Bank Fee program.

Please let us know your recommended bank by August 14, so that we can include it on the agenda of the State Depository Board meeting on September 18.

Let me know if you have any questions.

Best regards, Rhen

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ADMINISTRATIVE BANC MEETING
Wednesday, August 7, 2013 10:30 A. M.
Court Banc Room • Suite 501 • 47 Trinity Avenue, S.W.
Atlanta, Georgia 30334

Draft AGENDA

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Holly Sparrow - RE: Seating at Banc Room Table this Morning

From: Herbert Phipps <phippsh@gaappeals.us>
To: SPARROWH@gaappeals.us
Date: 8/7/2013 9:22 AM
Subject: RE: Seating at Banc Room Table this Morning

Next to me.

Sent from my Windows Phone

From: Holly Sparrow
Sent: 8/7/2013 8:40 AM
To: Herbert Phipps
Subject: Seating at Banc Room Table this Morning

While Judge Ellington was Chief Judge, he had you, as the next Chief Judge, seated next to him and then the rest of the judges were seated in seniority order. Do you want Judge Doyle seated next to you or do you want her to be seated in seniority order?

From: Michael Boggs <boggs@gaappeals.us>
To: SPARROWH@gaappeals.us
Date: 8/7/2013 7:14 AM
Subject: Re: Change of Venue - Investiture of New Chief Justice of the Supreme Court of Georgia

Holly,

I will be unable to attend the Banc meeting today. I desire to vote on the new clerk but have likewise been unable to reach the Chief. I offered my proxy to J. Dillard but he was not sure that was permitted. Judge Doyle suggested I register my vote with you given that you are the "recorder" of minutes for our meetings. I hope this is sufficient. Please cast my vote for Chris. I appreciate your consideration.

With kind regards,

Michael P. Boggs, Judge
Court of Appeals of Georgia
47 Trinity Avenue, S.W., Suite 501
Atlanta, Ga. 30334
(404) 656-3453

On Aug 6, 2013, at 1:37 PM, "Holly Sparrow" <SPARROWH@gaappeals.us> wrote:

> Please note that the Investiture of Justice Thompson on Thursday, August 15, 2013 will no longer be held in the Supreme Court Courtroom on the sixth floor of the Judicial Building. The ceremony at 2 p.m. has been moved to the House Chambers of the State Capitol.