

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

Wednesday, September 16, 2009

10:30 A.M.

Court Banc Room • Suite 501 • 47 Trinity Avenue, S.W.  
Atlanta, Georgia 30334

**AGENDA**

- |       |   |  |
|-------|---|--|
| I.    | Call Meeting to Order - Ascertainment of Quorum                                 | Chief Judge Miller                     |
| II.   | Approval of Special Banc Meeting Minutes of August 18, 2009 and August 25, 2009 | Chief Judge Miller/<br>Judge Ellington |
| III.  | Budgets - FY2010 - FY2011   | Chief Judge Miller/Jan Kelley          |
| IV.   | IT Report   | Judge Phipps, John Ruggeri             |
| V.    | Report of Personnel Policy Committee  | Judge Doyle                            |
|       | A. Hiring Retired State Employees   |  |
|       | B. Code of Conduct for Staff Attorneys  |  |
|       | C. Staff Attorneys Moving from one Judge's Office to Another                    |  |
| VI.   | Utilization of Floating Administrative Assistants                               | Chief Judge Miller/Bill Martin         |
| VII.  | Utilization of Floating Central Staff Attorneys                                 | Chief Judge Miller/Judge Phipps        |
| VIII. | Judges' Furloughs   | Chief Judge Miller/Jan Kelley          |
| IX.   | Old Business  | Chief Judge Miller                     |
| X.    | New Business  | Chief Judge Miller                     |
| XI.   | Announcements   | Chief Judge Miller                     |
| XII.  | Adjournment   | Chief Judge Miller                     |



# Court of Appeals

## Memorandum

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**To:** All Judges  
**From:** *wlm*  
William L. Martin, III  
**Subject:** Banc Meeting Minutes, August 18, 2009  
**Date:** September 9, 2009

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Enclosed please find the Special Banc Meeting Minutes for the August 18, 2009 meeting.

Thank you.

/ld

Enclosures

**MINUTES OF THE SPECIAL BANC MEETING  
OF THE  
COURT OF APPEALS OF GEORGIA**

**Tuesday, August 18, 2009 1:30 p.m.  
Suite 501 • 47 Trinity Avenue, S.W.  
Atlanta, Georgia 30334**

The Special Banc Meeting of the Court of Appeals of Georgia was held in the Court of Appeals Banc Room, Suite 501, 47 Trinity Avenue, S.W., Atlanta, Georgia at 1:30 p.m. on Tuesday, August 18, 2009. Those present were:

Chief Judge M. Yvette Miller  
Presiding Judge Gary B. Andrews  
Presiding Judge Edward H. Johnson  
Presiding Judge G. Alan Blackburn  
Presiding Judge J.D. Smith  
Judge John J. Ellington  
Judge Herbert E. Phipps  
Judge Charles B. Mikell  
Judge A. Harris Adams  
Judge Debra Bernes  
Judge Sara L. Doyle  
Mr. William L. Martin, III, Clerk/Court Administrator  
Ms. Holly Sparrow, Deputy Court Administrator  
Ms. Jan Kelley, Fiscal Officer  
Mr. John Ruggeri, Technical Services

Not in attendance was:

Judge Anne Elizabeth Barnes

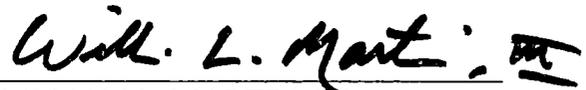
Chief Judge Miller called the meeting to order at 1:30 p.m. Chief Judge Miller ascertained there was a quorum and made a brief statement that she and staff had been working for the past three weeks to address the five percent withhold and the three days of furlough as requested by the Governor. Chief Judge Miller said she and the staff had visited several options which they would present today, but it was her belief and the recommendation of staff furloughs that are the most vital option.

Chief Judge Miller then turned the presentation over to Mr. Martin. Mr. Martin gave the judges an overview of where the Court is financially, and where it must get to address the withholds as communicated to the Court by the Governor, the Office of Planning Budget and the House and Senate Budget Offices. Thereafter, five options were presented to the Court by Mr. Martin, Ms. Kelley and Ms. Sparrow.

After the options were presented, Mr. Martin went back and began discussions of the first option, which was furloughs. At that time, Chief Judge Miller said the Banc would meet in Executive Session and Mr. Martin, Ms. Kelley, Ms. Sparrow and Mr. Ruggeri left the room at 2:00 p.m.

At 3:15 p.m., Mr. Martin was called back to the meeting room at which time Chief Judge Miller stated the Court would have another meeting at 2:00 p.m. on Tuesday, August 25, 2009, to decide on which option or combination of options the Court would employ to deal with the budget crisis.

Respectfully submitted,



WILLIAM L. MARTIN, III  
Clerk/Court Administrator  
Court of Appeals of Georgia

Minutes approved by the Court  
En Banc on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2009

**MINUTES OF THE SPECIAL BANC MEETING  
OF THE  
COURT OF APPEALS OF GEORGIA**

**Tuesday, August 25, 2009 2:00 p.m.  
Suite 501 • 47 Trinity Avenue, S.W.  
Atlanta, Georgia 30334**

The continuation of the Special Banc Meeting of the Court of Appeals of Georgia was held in the Court of Appeals Banc Room, Suite 501, 47 Trinity Avenue, S.W., Atlanta, Georgia at 2:00 p.m. on Tuesday, August 25, 2009. Those present were:

Judge John J. Ellington  
Presiding Judge Gary B. Andrews  
Presiding Judge G. Alan Blackburn  
Presiding Judge J.D. Smith  
Judge Anne Elizabeth Barnes  
Judge Herbert E. Phipps  
Judge Charles B. Mikell  
Judge A. Harris Adams  
Judge Debra Bernes  
Judge Sara L. Doyle  
Mr. William L. Martin, III, Clerk/Court Administrator  
Ms. Holly Sparrow, Deputy Court Administrator  
Ms. Jan Kelley, Fiscal Officer  
Mr. John Ruggeri, Technical Services

Not in attendance were:

Chief Judge M. Yvette Miller  
Presiding Judge Edward H. Johnson

Judge Ellington, as successor of the Chief Judge, called the meeting to order at 2:00 p.m. Judge Ellington said he had spoken with Chief Judge Miller before the meeting and he would speak to her after the meeting. He said she sent her regrets about not being able to attend and thanked the judges for meeting to conclude the very important business of the Court.

Judge Ellington also reported that Presiding Judge Johnson had completed his knee replacement surgery and everything was going well.

Judge Ellington announced a quorum and stated he was there to facilitate the judges making a decision on how to meet the budgetary reductions which would be required and they would meet as long as it took.

There was a brief discussion at which time Judge Ellington said that he felt like furloughs were the best option and that every savings of \$31,193 of expenditures will eliminate one furlough day. Currently, he stated the Court is looking at 13 furlough days.

After a general discussion, it was decided that the Court would cut the expenses which had been detailed in the prior meeting which total some \$37,988, less the parking spaces which the Court has determined not to give up at this time. Judge Ellington made the motion to give up operating expenses of \$37,988.00 less the \$2,764 for parking. The motion was seconded by Presiding Judge Andrews. It passed with all the judges voting in favor except Presiding Judge Blackburn, Judge Barnes and Judge Mikell, who voted against the motion.

The next issue which was discussed was how to reduce the budget. All present were in favor of furloughing. Judge Ellington said the Court needed to determine whether to close the entire Court on a furlough day or stagger the furloughs. After a general discussion, many felt the administrative headache to the Fiscal Office and problem of adequately staffing the clerk's office outweighed the need to keep the Court open. The first motion was made to close the clerk's office on the day certain. Presiding Judge Smith made the motion which was seconded by Judge Mikell. The motion passed unanimously.

The Court then discussed whether or not to shut down the entire Court on the same day. After a general discussion, Presiding Judge Andrews made a motion that the Court shut down on the pre-holiday and third Friday schedule as presented in the Banc materials. Judge Phipps seconded the motion and it passed with all judges voting in favor except Judge Barnes who voted against the motion and Presiding Judge Blackburn who abstained.

Thereafter, there was some discussion about the possibility of judges furloughing and giving up some of their pay. The issue brought up whether that was possible legally, and if the money was given up whether it would benefit the Court's budget in any way.

Presiding Judge Smith said he felt whatever action the Court took judges should be unanimous. There was a general discussion of the issue but no consensus and no action was taken in that regard and upon hearing a Motion to Adjourn, Judge Ellington adjourned the meeting at 3:05p.m.

Respectfully submitted,

Minutes approved by the Court  
En Banc on the \_\_\_\_ day of  
\_\_\_\_\_, 2009

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WILLIAM L. MARTIN, III  
Clerk/Court Administrator  
Court of Appeals of Georgia

**COURT OF APPEALS OF GEORGIA**  
**ADMINISTRATIVE BANC MEETING**  
Wednesday, September 16, 2009

**TALKING POINTS**

- I. **Call Meeting to Order.** At 10:30 a.m. on Wednesday, September 16, 2009 call the meeting to order and announce a quorum is present.
  
- II. **Approval of Minutes.** Next call for approval of the August 18, 2009 and August 25, 2009 Banc Meeting Minutes. Ask if there is approval for both of these to save time.
  
- III. **Budgets FY2010/2011.** You may tell the judges that the Office of Planning and Budget and the House and Senate Budget Offices have requested that we submit budgets for FY2010 and FY2011 detailing how we will cut 4, 6 and 8 percent from our budgets. You may tell the Banc that as of this time, we have only submitted budget reductions for four percent for FY2010 and FY2011, and that these budget reductions only indicate furloughs.

None of the reduction of miscellaneous expenses in the Court's budget has been communicated to anyone outside the Court.

At some time in the future we will have to submit budget plans to reduce to 6 and 8 percent, but at the present, we are withholding that information. (Jan Kelley will be standing by, if needed.)

- IV. **IT Report.** Call upon Judge Phipps and John Ruggeri for a report from Technical Services. John will have a written report which will either be with the Banc materials or will have been previously distributed.

You may wish to call upon Judge Phipps for a report of Technical Services who will probably recognize John Ruggeri for a five minute report.

- V. **Report from the Personnel Policy Committee.** Please call upon Judge Doyle for her reports on:
  - a. Hiring Retired State Employees and;
  - b. Code of Conduct for Staff Attorneys and
  - c. Staff Attorneys moving from one judge's office to another.Her written report has previously been distributed to the judges.

- VI. **Utilization of Floating Administrative Assistants.** You can call upon me for a report to have better utilization of the resource which is floating AAs particularly since we only have fifty percent of those resources from last year.
- VII. **Utilization of Floating Central Staff Attorneys.** You may call upon Judge Phipps again in an effort to try to better utilize the resources that we have. Only fifty percent of the Central Staff attorneys are with the Court now.
- VIII. **Judges Furloughs.** You can have me or Holly hand out her information on furlough judges from the states that reported. Jan will be on hand to explain the judges individual reduction in pay if they do furlough. You can state that you would like to have a resolution of this issue recognizing that each judge is autonomous in terms of his or her pay and any reductions to be taken.
- IX. **Old Business.** You can state that you have been discussing with the State Bar President Bryan Cavin various possibilities for reducing or eliminating the cost to the staff attorneys to complete their mandatory CLE requirements. You may state that you are hopeful that the Bar will permit an in-house CLE conducted by the Supreme Court and Court of Appeals, if it includes law clerks from Fulton County and possibly other surrounding metro areas, to count as a regular CLE but be sponsored by the Court.
- X. **New Business.** If there is no new business or no announcements, you can adjourn the meeting. As all of you I am sure know, John Ross, died last month. He was a prominent lawyer from Cobb County who represented C.W. Matthews Construction Company and was instrumental in serving on the Advisory Council of the State Board of Workers' Compensation.

Presiding Judge Andrews has been gracious enough to permit me to hold a short Memorial Service for him prior to the First Division's oral arguments on November 4th. Holly Sparrow has prepared a Memorial Resolution at my request which I would like to present to his family at that time.

I would like to invite a spokesman from the State Board of Workers' Compensation to make a brief statement; a spokesman from the Cobb County Bar Association and a representative of his family to accept the Resolution.

I am asking our clerk to contact the clerk of the Supreme Court to coordinate the dates so that as many Judges of our Court and Justices of the Supreme Court as possible can also attend.

Thank you.

XI. **Announcements.**

XII. **Adjournment.**

# COURT OF APPEALS

## FISCAL YEAR 2010 SUPPLEMENTAL BUDGET

### 5% + 3 DAYS FURLOUGH

	H.B. 119	5%+ 3 Furloughs Reduction	Requested AFY 2010 Enhancements/Changes	Total Requested Amended FY 2010 Budget
Personal Services	\$12,230,513	(\$893,051)	\$0	11,337,462
Operating Expenses	<u>1,371,722</u>	<u>                    </u>	<u>58,900</u>	<u>1,430,622</u>
Court of Appeals Program Budget	\$13,602,235	(\$893,051)	\$58,900	\$12,768,084
Less: Other Funds	<u>\$150,000</u>	<u>\$0</u>	<u>\$0</u>	<u>150,000</u>
	\$13,452,235	(\$893,051)	\$58,900	<u><u>12,618,084</u></u>

TOTAL ADDITIONAL STATE FUNDS NEEDED

**(834,151)**

### IMPROVEMENT ITEMS/BUDGET CHANGES:

#### PERSONAL SERVICES

1	STATEWIDE CHG-State Health Benefit Plan	(\$139,783)	
2	STATEWIDE CHG-Worker's Compensation	\$3,301	
3	BUDGET CUT - LAYOFFS (FY09) & OTHER PERSONAL SVCS CHANGES	(\$273,465)	(\$756,569)
4	OTHER PERSONAL SVCS SAVINGS - (FY 2010 ONLY) TEMP VACANCIES DUE TO EMPLOYEE TURNOVER, ETC.	(\$30,088)	
5	RIF - REPORTER'S OFFICE (AUG09)	(\$62,323)	
6	FURLOUGHS <span style="border: 1px solid black; padding: 2px; display: inline-block; margin-left: 10px;">12.53</span> DAYS	(\$390,693)	
<b>TOTAL PERSONAL SERVICES</b>			<b>(\$893,051)</b>

#### OPERATING EXPENSES

1	PORTION OF TRIVIR CONTRACT NOT ABLE TO BE HONORED DUE TO 25% ALLOTMENT REDUCTION - JUN09	\$58,900	
2			
<b>TOTAL OPERATING EXPENSES</b>			<u><u>\$58,900</u></u>

**TOTAL ENHANCEMENTS /BUDGET CHANGES**

**(\$834,151)**

# COURT OF APPEALS

## FISCAL YEAR 2010 SUPPLEMENTAL BUDGET

### 6% REDUCTION PLAN

	H.B. 119	6% Reduction	Requested AFY 2010 Enhancements/Changes	Total Requested Amended FY 2010 Budget
Personal Services	\$12,230,513	(\$932,070)	(\$932,070)	10,366,373
Operating Expenses	<u>1,371,722</u>	—	<u>58,900</u>	<u>1,430,622</u>
Court of Appeals Program Budget	\$13,602,235	(\$932,070)	(\$873,170)	\$11,796,995
Less: Other Funds	<u>\$150,000</u>	<u>\$0</u>	<u>\$0</u>	<u>150,000</u>
	\$13,452,235	(\$932,070)	(\$873,170)	<u><u>11,646,995</u></u>

TOTAL ADDITIONAL STATE FUNDS NEEDED

**(873,170)**

### IMPROVEMENT ITEMS/BUDGET CHANGES:

#### PERSONAL SERVICES

1	STATEWIDE CHG-State Health Benefit Plan	(\$139,783)	
2	STATEWIDE CHG-Worker's Compensation	\$3,301	
3	BUDGET CUT - LAYOFFS (FY09) & OTHER PERSONAL SVCS CHANGES	(\$273,465)	(\$795,588)
4	OTHER PERSONAL SVCS SAVINGS - (FY 2010 ONLY) TEMP VACANCIES DUE TO EMPLOYEE TURNOVER, ETC.	(\$30,088)	
5	RIF - REPORTER'S OFFICE (AUG09)	(\$62,323)	
6	FURLOUGHS <span style="border: 1px solid black; padding: 2px; display: inline-block; margin-left: 10px;">13.78</span> DAYS	(\$429,712)	
<b>TOTAL PERSONAL SERVICES</b>		(\$932,070)	

#### OPERATING EXPENSES

1	PORTION OF TRIVIR CONTRACT NOT ABLE TO BE HONORED DUE TO 25% ALLOTMENT REDUCTION - JUN09	\$58,900	
2			

**TOTAL OPERATING EXPENSES**

**\$58,900**

**TOTAL ENHANCEMENTS /BUDGET CHANGES**

**(\$873,170)**

# COURT OF APPEALS

## FISCAL YEAR 2010 SUPPLEMENTAL BUDGET

### 8% REDUCTION PLAN

	H.B. 119	6% Reduction	Requested AFY 2010 Enhancements/Changes	Total Requested Amended FY 2010 Budget
Personal Services	\$12,230,513	(\$1,197,266)	(\$1,197,266)	9,835,981
Operating Expenses	<u>1,371,722</u>	<u>                    </u>	<u>58,900</u>	<u>1,430,622</u>
Court of Appeals Program Budget	\$13,602,235	(\$1,197,266)	(\$1,138,366)	\$11,266,603
Less: Other Funds	<u>150,000</u>	<u>\$0</u>	<u>\$0</u>	<u>150,000</u>
	\$13,452,235	(\$1,197,266)	(\$1,138,366)	<u><u>11,116,603</u></u>

TOTAL ADDITIONAL STATE FUNDS NEEDED

**(1,138,366)**

### IMPROVEMENT ITEMS/BUDGET CHANGES:

#### PERSONAL SERVICES

1	STATEWIDE CHG-State Health Benefit Plan	(\$139,783)	
2	STATEWIDE CHG-Worker's Compensation	\$3,301	
3	BUDGET CUT - LAYOFFS (FY09)	(\$273,465)	(\$1,060,784)
4	OTHER PERSONAL SVCS SAVINGS - (FY 2010 ONLY) TEMP VACANCIES DUE TO EMPLOYEE TURNOVER, ETC.	(\$30,088)	
5	RIF - REPORTER'S OFFICE (AUG09)	(\$62,323)	
6	FURLOUGHS <span style="border: 1px solid black; padding: 2px; display: inline-block; margin: 0 10px;">22.28</span> DAYS	(\$694,908)	
<b>TOTAL PERSONAL SERVICES</b>			<b>(\$1,197,266)</b>

#### OPERATING EXPENSES

1	PORTION OF TRIVIR CONTRACT NOT ABLE TO BE HONORED DUE TO 25% ALLOTMENT REDUCTION - JUN09	\$58,900	
2			

**TOTAL OPERATING EXPENSES**

**\$58,900**

**TOTAL ENHANCEMENTS /BUDGET CHANGES**

**(\$1,138,366)**

# COURT OF APPEALS

## FISCAL YEAR 2011 BUDGET

### 4% REDUCTION

	H.B. 119	4% Reduction	Requested FY 2011 Enhancements/Changes	Total Requested FY 2011 Budget
Personal Services	12,230,513	(535,983)	3,301	11,697,831
Operating Expenses	<u>1,371,722</u>		<u>239,300</u>	<u>1,611,022</u>
Court of Appeals Program Budget	\$13,602,235	(\$535,983)	\$242,601	\$13,308,853
Less: Other Funds	<u>\$150,000</u>	<u>\$0</u>	<u>\$0</u>	<u>150,000</u>
	\$13,452,235	(\$535,983)	\$242,601	<u><u>13,158,853</u></u>

TOTAL ADDITIONAL STATE FUNDS NEEDED

**(293,382)**

### IMPROVEMENT ITEMS/BUDGET CHANGES:

#### PERSONAL SERVICES

1	WORKER'S COMPENSATION	\$3,301	
2	BUDGET CUT - LAYOFFS (FROM FY 2009)	(\$273,465)	
3	RIF - REPORTER'S OFC	(\$82,438)	(\$535,983)
4	FURLOUGHS <span style="border: 1px solid black; padding: 2px; margin-left: 10px;">5.77</span> DAYS	(\$180,080)	
<b>TOTAL PERSONAL SERVICES</b>			<b>(\$532,682)</b>

#### OPERATING EXPENSES

1	E-FILING 2nd Phase - Software (One-time Expense)	\$150,000	
2	E-FILING - Software Licenses (One-Time Expense)	\$27,500	
3	E-FILING - Software Maintenance (Ongoing)	\$45,000	
4	PRINTING - Increased Publications due to New Chief Judge & Judge Retirement	\$4,800	
5	EQUIPMENT	<u>\$12,000</u>	
<b>TOTAL OPERATING EXPENSES</b>			<b><u>\$239,300</u></b>

### TOTAL ENHANCEMENTS /BUDGET CHANGES

**(\$293,382)**

# COURT OF APPEALS

## FISCAL YEAR 2011 BUDGET

### 6% REDUCTION PLAN

	<u>H.B. 119</u>	<u>6% Reduction</u>	<u>Requested FY 2011 Enhancements/Changes</u>	<u>Total Requested FY 2011 Budget</u>
Personal Services	12,230,513	(803,975)	3,301	11,429,839
Operating Expenses	<u>1,371,722</u>	<u>0</u>	<u>239,300</u>	<u>1,611,022</u>
Court of Appeals Program Budget	\$13,602,235	(\$803,975)	\$242,601	\$13,040,861
Less: Other Funds	<u>\$150,000</u>	<u>\$0</u>	<u>\$0</u>	<u>150,000</u>
	\$13,452,235	(\$803,975)	\$242,601	<u><b>12,890,861</b></u>

TOTAL ADDITIONAL STATE FUNDS NEEDED

**(561,374)**

### IMPROVEMENT ITEMS/BUDGET CHANGES:

#### PERSONAL SERVICES

1	WORKER'S COMPENSATION	\$3,301	
2	BUDGET CUT - LAYOFFS (FROM FY 2009)	(\$273,465)	
3	RIF - REPORTER'S OFC	(\$82,438)	(\$803,975)
4	FURLOUGHS <span style="border: 1px solid black; padding: 2px; margin-left: 10px;">14.36</span> DAYS	(\$448,072)	
<b>TOTAL PERSONAL SERVICES</b>			<b>(\$800,674)</b>

#### OPERATING EXPENSES

1	E-FILING 2nd Phase - Software (One-time Expense)	\$150,000	
2	E-FILING - Software Licenses (One-Time Expense)	\$27,500	
3	E-FILING - Software Maintenance (Ongoing)	\$45,000	
4	PRINTING - Increased Publications due to New Chief Judge & Judge Retirement	\$4,800	
5	EQUIPMENT	<u>\$12,000</u>	
<b>TOTAL OPERATING EXPENSES</b>			<u><b>\$239,300</b></u>

**TOTAL ENHANCEMENTS /BUDGET CHANGES**

**(\$561,374)**

# COURT OF APPEALS

## FISCAL YEAR 2011 BUDGET

### 8% REDUCTION PLAN

	H.B. 119	8% Budget Cut	Requested FY 2011 Enhancements/Changes	Total Requested FY 2011 Budget
Personal Services	12,230,513	(1,071,967)	3,301	11,161,847
Operating Expenses	<u>1,371,722</u>	<u>0</u>	<u>239,300</u>	<u>1,611,022</u>
Court of Appeals Program Budget	\$13,602,235	(\$1,071,967)	\$242,601	\$12,772,869
Less: Other Funds	<u>\$150,000</u>	<u>\$0</u>	<u>\$0</u>	<u>150,000</u>
	\$13,452,235	(\$1,071,967)	\$242,601	<u><u>12,622,869</u></u>

TOTAL ADDITIONAL STATE FUNDS NEEDED

**(829,366)**

### IMPROVEMENT ITEMS/BUDGET CHANGES:

#### PERSONAL SERVICES

1	WORKER'S COMPENSATION	\$3,301	
1	BUDGET CUT - LAYOFFS (FROM FY 2009)	(\$273,465)	(\$1,071,967)
2	RIF - REPORTER'S OFC	(\$82,438)	
3	FURLOUGHS <span style="border: 1px solid black; padding: 2px 10px;">22.96</span> DAYS	(\$716,064)	
<b>TOTAL PERSONAL SERVICES</b>			<b>(\$1,068,666)</b>

#### OPERATING EXPENSES

1	E-FILING 2nd Phase - Software (One-time Expense)	\$150,000	
2	E-FILING - Software Licenses (One-Time Expense)	\$27,500	
3	E-FILING - Software Maintenance (Ongoing)	\$45,000	
4	PRINTING - Increased Publications due to New Chief Judge & Judge Retirement	\$4,800	
5	EQUIPMENT	<u>\$12,000</u>	
<b>TOTAL OPERATING EXPENSES</b>			<u><u>\$239,300</u></u>

**TOTAL ENHANCEMENTS /BUDGET CHANGES**

**(\$829,366)**

**From:** <mike.mcgonigle@gae.org>  
**To:** <clerk@gaappeals.us>  
**Date:** 9/1/2009 1:51 PM  
**Subject:** Clerk Feedback Form

E-MAIL SENT FROM THE CLERK FEEDBACK FORM

Sender's Name: Mike

Sender's E-Mail: mike.mcgonigle@gae.org

Message: Dear Clerk - Please send to me via email or fax, a copy of Chief Judge M. Yvette Miller's July 27, 2009 letter to the State's Budget Director. Thank you, Mike McGonigle tel:678-837-1126 fax: 678-837-1130

- > Dear Members,
- >
- > Furloughs are being implemented for the staff of the Court of Appeals of
- > Georgia to deal with the expected reduction in our budget for FY2010. The
- > judges are not covered by these furloughs.
- >
- > We would like to know if your appellate court has scheduled or
- > contemplated furloughs.
- >
- > Are the appellate judges in your state participating in the furloughs?
- >
- > If they are participating, are they voluntarily participating?
- >
- > Have the judges agreed to do this unánimously or individually?
- >
- > Holly Sparrow
- > Deputy Administrator
- > Court of Appeals of Georgia
- > 404-651-8498
- >
- >
- >
- > \_\_\_\_\_
- > NCACC mailing list
- > NCACC@lists.washlaw.edu
- > <http://lists.washlaw.edu/mailman/listinfo/ncacc>
- >
- > ~~~~~
- > A free service of WashLaw
- > <http://washlaw.edu>
- > (785)670.1088
- > ~~~~~
- >



# Court of Appeals

## Memorandum

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**To:** All Court Personnel

**From:** William L. Martin, III

**Subject:** Clerk's Office Operations

**Date:** September 17, 2009

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Several years ago I prepared for Dirk Christensen a memorandum detailing the persons in the Clerk's Office and their areas of responsibility. Dirk reminded me that I had done this memorandum several years ago and it should be updated. I want to thank him for bringing that to my attention.

There have been many new people who have come on the Court since 2001, when I last did the memorandum, and of course, there have been structural changes and reorganization of the Clerk's Office in light of our reductions in force last year. With that in mind, I shall update the Clerk's Office staff and their responsibilities.

### **Intake Clerk**

The intake clerk position is staffed by Juanita Daniell and is responsible for receiving all of the incoming calls and walk-in filings. In addition, Juanita deals with the attorneys who wish to check out records and answers a myriad of questions from pro se parties and lawyers about Court rules and procedures. This is one of the most difficult positions in the Clerk's Office because of the volume of work and the wide range of knowledge required to assist the public. It is not unusual for all three telephone lines to be ringing at once and for a line of attorneys or pro se parties to be formed at Juanita's desk.

For this reason, the Clerk's Office asks if you need to speak to an individual in the Clerk's Office that you call that individual directly rather than going through the switchboard and Juanita. This helps to reduce the number of telephone calls that

Juanita has to deal with each day. Also, each of my staff members has voice mail so if you cannot reach them, you can leave a message.

### **Deputy-Docketing Clerk**

Patty Bender is the deputy clerk and docketing clerk. Patty's responsibilities deal with docketing both civil and criminal appeals as they come in. Patty must go through the record and make sure the Notice of Appeal is in proper form, make sure there is an appealable order in the record, make sure the transcript has been included in the record if the Notice of Appeal calls for a transcript, check for a pauper's affidavit or other evidence of indigence status and make sure that all relevant documents have stamped filed copies. Patty must also ascertain that the Certificate of Service in the appeal has the complete name and mailing address of opposing counsel. Without this information, we do not know to whom to send the appropriate Docketing Notices.

If there are problems with the record, Patty will call the trial court clerk's office and try to resolve the problems. If she is unsuccessful, I may have to return the record with a letter stating why we are unable to docket the appeal. It is the policy of the Clerk's Office to docket any appeal or application which we can docket. Again, if I cannot docket an application or an appeal, I will return the application or the record with a cover letter to the clerk and/or attorney, where appropriate, with an explanation as to why our office cannot docket the application or the record for direct appeal.

Also, if upon inspection of the record Patty believes the direct appeal will be dismissed, she will flag that for Central Staff, but the dismissal of an appeal is deemed a judicial function, rather than a ministerial function of the Clerk's Office.

Patty is very helpful in answering questions which you may have about records and she also assists pro se parties, clerks and attorneys with questions they may have about records, the filing of documents with the trial court or with this Court. Also, if you need a record or an exhibit from the trial court, it is better to contact Patty to have her call the clerk's office and attempt to have the record or exhibit sent to our office. Sometimes when this office issues an order to the trial court clerk to supplement the

record, that order is simply filed in the file folder in the trial court and the clerk to whom the order is directed never sees it.

### **Applications Clerk**

Keri Avera is our applications clerk. Keri docket all the interlocutory and discretionary applications which come in, again, if we are able to docket them. Keri delivers the applications to Central Staff who do the initial work-up and submit an order or memorandum to the particular judge's office to whom the application is assigned. Keri also flags applications for Central Staff which she believes may have to be dismissed. Also, if there are problem applications she cannot docket, she will pass that information onto me. I generally end up returning those applications with a letter explaining the problems with docketing them.

### **Orders • Calendar • Bench Docket Clerk**

Lynn Osborne is our orders, bench docket and calendar clerk. Lynn is responsible for disseminating all of the orders that go out from the Court, other than applications and orders on Motions for Reconsideration. Lynn checks over the orders for spelling, grammar or other problems she may see with the orders before she sends them out. I encourage all judges, staff attorneys and administrative assistants to proof the orders also before delivering to the Clerk's Office. Many times, the content of the order dealing with a legal position may be a mistake in dealing with the legal content of an order and may not be readily discoverable by a non-lawyer in the Clerk's Office.

If Lynn does discover an obvious problem with an order, she may contact a judge's administrative assistant. If the problem is more subjective, Lynn will bring the order to my attention and I will review the order and talk to a particular judge and/or staff attorney about the problem.

Lynn also prepares the oral argument calendar and mails out the calendar to the attorneys. This is why we ask you to be prompt in acting on your Request to Argue so we can get them back, prepare, proof and mail out the calendars on a timely basis. I try

to get the calendars out 30 days before the first oral argument date of a particular month due to the slowness of mail delivery.

In addition to preparing the oral argument calendars, Lynn prepares the bench docket. The bench docket is the docket from which we call the cases at oral argument. The calendar is what we think will be on the call at oral argument, but the bench docket is the official docket of the Court in terms of the cases to be orally argued.

### **Filings Clerk**

Margo Bailey is responsible for receiving all the briefs, motions and Requests to Argue for direct appeals, other than the Motions for Reconsideration. Margo opens all the mail, docket the briefs and/or motions and distributes them to where they should go. If a motion comes in, Margo will attach the appropriate Court action ticket and put the motion in the judge's mail basket to be delivered either in the morning or afternoon mail.

Whenever an office gets a motion, particularly one dealing with a motion for an extension of time to file a brief, prompt action on your part is greatly appreciated. The sooner a judge's office can act on a pending motion, the sooner the Clerk's Office can mail that motion out and get that information to the attorneys and/or parties. The sooner the attorneys and/or parties get the information, the fewer telephone calls the Clerk's Office has to deal with in answering questions of "have we granted an extension yet?"

### **Opinions • Remittitur • Certiorari Clerk**

Marti Head is our opinions and remittitur clerk. Marti is responsible for sending out the opinions once the administrative assistants of the judge's office have logged them in the Clerk's Office. At the moment the opinions are logged in, they become official and are available to the public for inspection. Marti reviews the judgment lines to make sure they are correct. Anytime an administrative assistant makes a change in an opinion after it has been delivered to Marti, that opinion must be retrieved for the Reporter's Office.

Marti also receives the Motions for Reconsideration and docket them. When the Court rules on a Motion for Reconsideration, Marti will cause those orders to issue.

Finally, she will send out remittiturs, when appropriate. If certiorari is filed with the Supreme Court, Marti will prepare the certiorari package for that Court. After the Supreme Court review the cert petition she processes the cases based on the Supreme Court's action which may include reinstatements.

### **Deputy Administrator**

Holly Sparrow assists the Clerk/Court Administrator in all administrative tasks required to operate the office and attend to the needs of the judges. Holly performs the tasks of the Clerk/Court Administrator and supervises the clerk's staff whenever the Clerk/Court Administrator is absent including sheparding emergency motions and dealing with transfers due to recusals. Holly opens the Court for oral argument when the Clerk/Court Administrator is not available and maintains oral argument recordings.

Holly prepares draft orders, rules, correspondence, memoranda, Minutes, Agendas and other documents as required the Clerk/Court Administrator. She revises the Employees Handbook and Internal Operations Manual, as directed. She revises and prepares Court publications, such as, Rules of the Court and the Citizen's Guide. She researches the law or other sources for required information. She prepares caseload and other statistics on the operation of the court. She assists the clerk in preparing content and announcements for the Court Web page.

Holly answers questions of parties and attorneys about the docket, Court Rules and procedures; questions from Court personnel about the Clerk's Office functions, records and docket; and answers questions of the clerk's staff

concerning proper procedures and operations. Holly also answers correspondence from attorneys, clerks and pro se parties, as needed.

Holly administers the oath to attorneys admitted to practice in the Court and coordinates the Mass Swearing-In ceremonies with the Younger Lawyers Section of the State Bar and prepares the materials for the ceremony.

Holly maintains personnel leave records for clerk's office staff and prepares the floating administrative assistant calendar on the S:

Holly maintains judge and other codes for the docket system and assists the clerk in the development of a new docket and e-filing project.

### **Administrative Assistant**

Lola Diamond is my administrative assistant. Lola does all clerical work and types all of my dictation plus she has many additional administrative duties. In the clerk/court administrator's absence, she assists the Deputy Court Administrator with daily correspondence maintenance.

Lola transcribes dictated correspondence, agendas and Minutes. Prepares a host of other correspondence such as the preparation of non-standard Court orders, memos, forms, speeches and reports, as required. She also types special calendars and orders, as required. Lola performs other administrative tasks, such as; typing of travel expense reimbursement and medical forms, maintain a log of all attorney and prisoner correspondence in an established filing system for quick retrieval and the filing system serves as a working tool for other office personnel in their positions.

Lola is responsible for all clerk's office personnel supply orders, the ordering of copy paper for all Court copiers and mailing supplies ordered through the clerk's office. She prepares purchase orders for supplies and coordinates purchases with the Fiscal Office supply ordering clerk regularly.

She maintains forms via computer along with deadline dates for Clerk/Court Administrator and Deputy Administrator.

Lola assists, as required, the Clerk/Court Administrator in providing administrative support to the Chief Judge and Judge in Charge of the Clerk's Office and continuously available for administrative duties for all other judges of the Court.

Lola assists as one of the Court's notaries.

Lola is responsible for the hold books we use in our Record Retention Schedule and notifies the parties who have placed a hold on a record of the recycle date, if we have not heard from them. Lola conducts the preparation and packaging of all exhibits, depositions and all other returns to the trial courts and attorneys. Prepares documents for paper trails for retrieved records and exhibits (as well as requested returns from the lower courts) located in the file room and keeps up with current info regarding Court records maintained with the State Archives.

Also, she assists me with my schedule and all facets of my activities in the Clerk's Office.

### **Floating Administrative Assistants**

Crystal Willis and Tracey Parker are the floating administrative assistants. They assist in the Clerk's Office when they are not assigned to a particular judge's office or assisting as the Chief Judge's second administrative assistant. Both can also fill in on the front desk as the intake clerk and have substituted when Juanita has been absent.

## **Mail Clerk - File Librarian**

Edwin Young is the mail/file clerk and file librarian. Edwin also took on all of John Daniel's duties when John left the Court on September 30, 2008.

Edwin is responsible for delivering all mail, motions and records to the judges' offices. Records should not be removed from the file room by anyone other than Edwin, Holly, Patty or myself. If you will assist us in letting us deliver the records to your office, it will help us to keep track of the records.

Edwin also is responsible for setting up the Courtroom for oral arguments as well as preparing the Banc Room for Administrative Banc Meetings.

Finally, as Clerk, my responsibilities are to ensure that all the records and other documents are properly recorded and routed. Also, it is ultimately my responsibility that everything that comes into the Court which require Court action has Court action and that Court action is done in a timely basis. A large part of my day is taken up by dealing with the public either in person or by telephone, both pro se parties and attorneys.

As Court Administrator, I work for the Chief Judge, the Judge-In-Charge of the Clerk's Office (Judge Ellington) and the Court acting en banc to apply basic modern management principles to the operation of the Court in all facets and to carry out any policy or administrative decision by the Court.

I also provide overall supervisory authority to the Technical Services Division and the Fiscal Office.

If any of you have any questions about any of the duties of any of the persons listed herein, please do not hesitate to contact me.

/ld



# Court of Appeals

## Memorandum

*Did you send this  
to Lola?*

**To:** All Court Personnel  
**From:** William L. Martin, III  
**Subject:** Clerk's Office Operations  
**Date:** August 24, 2009

Several years ago I prepared for Dirk Christensen a memorandum detailing the persons in the Clerk's Office and their areas of responsibility. Dirk reminded me that I had done this memorandum several years ago and it should be updated. I want to thank him for bringing that to my attention.

There have been many new people who have come on the Court since 2001, when I last did the memorandum, and of course, there have been structural changes and reorganization of the Clerk's Office in light of our reductions in force last year. With that in ~~mind~~, I shall update the Clerk's Office staff and their responsibilities.

*mind  
(?)*

### Intake Clerk

The intake clerk position is staffed by Juanita Daniell and is responsible for receiving all of the incoming calls and walk-in filings. In addition, Juanita deals with the attorneys who wish to check out records and answers a myriad of questions from pro se parties and lawyers about Court rules and procedures. This is one of the most difficult positions in the Clerk's Office because of the volume of work and the wide range of knowledge required to assist the public. It is not unusual for all three telephone lines to be ringing at once and for a line of attorneys or pro se parties to be formed at Juanita's desk.

For this reason, the Clerk's Office asks if you need to speak to an individual in the Clerk's Office that you call that individual directly rather than going through the switchboard and Juanita. This helps to reduce the number of telephone calls that

Patty

transfer cases between Judges

maintain Judge + clerk codes  
for docket system - update  
docket as needed.

process supplemental records  
from trial court

swear-in attorneys

process certificates of good standing

assist clerk or deputy adm.  
in signing attorneys in for court

prepare monthly caseload status  
report with spread sheet for Judge's  
offices.

Juanita has to deal with each day. Also, each of my staff members has voice mail so if you cannot reach them, you can leave a message.

### Deputy-Docketing Clerk

Patty Bender is the deputy clerk and docketing clerk. Patty's responsibilities deal with docketing both civil and criminal appeals as they come in. Patty must go through the record and make sure the Notice of Appeal is in proper form, make sure there is an appealable order in the record, make sure the transcript has been included in the record ~~and~~ if the Notice of Appeal calls for a transcript, check for a pauper's affidavit or other evidence of indigence status and make sure that all relevant documents have stamped filed copies. Patty must also ascertain that the Notice of Appeal has the complete name and mailing address of opposing counsel. Without this information, we do not know to whom to send the appropriate Docketing Notices.

*cert of Ser in the*

If there are problems with the record, <sup>P</sup> Patty will call the trial court clerk's office and try to resolve the problems. If she is unsuccessful, I may have to return the record with a letter stating why we are unable to docket the appeal. It is the policy of the Clerk's Office to docket any appeal or application which we can docket. Again, if I cannot docket an application or an appeal, I will return the application or the record with a cover letter to the clerk and/or attorney, where appropriate, with an explanation as to why our office cannot docket the application or the record for direct appeal.

Also, if upon inspection of the record Patty believes the direct appeal will be dismissed, she will flag that for Central Staff, but the dismissal of *an appeal* is deemed a *judicial* function, rather than a ministerial function of the Clerk's Office.

Patty is very helpful in answering questions which you may have about records and she also assists pro se parties, clerks and attorneys with questions they may have about records, the filing of documents with the trial court or with this Court. Also, if you need a record or an exhibit from the trial court, it is better to contact Patty to have her call the clerk's office and attempt to have the record or exhibit sent to our office. Sometimes when this office issues an order to the trial court clerk to supplement the





Keri

August 28, 2009

Duties for the Applications Clerk also include the following .

- Responsible for receipts and safe for the clerks office.
- Dockets responses and motions on Applications and sends to Central Staff for review.
- Processes orders from the Court on all Applications and checks the orders for any problems that may be caught before the order is sent out as well as making sure the proper signatures were signed and match the courts order on the Judges decisions.
- Prepares applications to be sent to Supreme Court when a notice order is sent for applications on writ of cert review also docket's decision from the Supreme Court onto Court docket.
- Prepares a weekly report for AA's on when Applications are due out from the Court to help maintain case load.
- Handles MFR' s on Applications and sends out the orders on MFR's from the court.
- Assist Central Staff by pulling letters of previous reasoning why applications were returned and by calling other county clerks with questions in detail about when certain filing was filed with the lower court.
- Accompanies Clerk to court when needed to help open court.
- Maintains application files and makes copy's for the public.
- Assists pro-se and attorneys by telephone or in office with their questions on the court rules and procedures on applications .

record, that order is simply filed in the file folder in the trial court and the clerk to whom the order is directed never sees it.

### Applications Clerk

Keri Av  
discretionary ap  
delivers the ap  
order or memo  
assigned. Keri  
to be dismis  
pass that info  
letter explaini

*Answers and responds  
to attorneys and Pro Se  
questions concerning Motions.*

### Orders • Calendar

Lynn Osborne is our orders, bench docket and calendar clerk. She is responsible for disseminating all of the orders that go out from the Court, other than applications and orders on Motions for Reconsideration. Lynn checks over the orders for spelling, grammar or other problems she may see with the orders before she sends them out. I encourage all judges, staff attorneys and administrative assistants to proof the orders also before delivering to the Clerk's Office. Many times, the content of the order dealing with a legal position may be a mistake in dealing with the legal content of an order may not be readily discoverable by a non-lawyer in the Clerk's Office.

*AND*

If Lynn does discover an obvious problem with an order, she may contact a judge's administrative assistant. If the problem is more subjective, Lynn will bring the order to my attention and I will review the order and talk to a particular judge and/or staff attorney about the problem.

Lynn also prepares the oral argument calendar and mails out the calendar to the attorneys. This is why we ask you to be prompt in acting on your Request to Argue so we can get them back, prepare, proof and mail out the calendars on a timely basis. I try

to get the calendars out 30 days before the first oral argument date of a particular month due to the slowness of mail delivery.

In addition to preparing the oral argument calendars, Lynn prepares the bench docket. The bench docket is the docket from which we call the cases at oral argument. The calendar is what we think will be on the call at oral argument, but the bench docket is the official docket of the Court in terms of the cases to be orally argued.

### Filings Clerk

Margo <sup>Bailey</sup> ~~Bailey~~ is responsible for receiving all the briefs, <sup>and</sup> motions <sup>request to Argue</sup> for direct appeals, other than the Motions for Reconsideration. Margo opens all the mail, docketed the briefs and/or motions and distributes them to where they should go. If a motion comes in, Margo will attach the appropriate Court action ticket and put the motion in the judge's mail basket to be delivered either in the morning or afternoon mail.

Whenever an office gets a motion, particularly one dealing with a motion for an extension of time to file a brief, prompt action on your part is greatly appreciated. The sooner a judge's office can act on a pending motion, the sooner the Clerk's Office can mail that motion out and get that information to the attorneys and/or parties. The sooner the attorneys and/or parties get the information, the fewer telephone calls the Clerk's Office has to deal with in answering questions of "have we granted an extension yet?"

### Opinions - Remittitur Clerk - certiorari

Marti Head is our opinions and remittitur clerk. Marti is responsible for sending out the opinions once the administrative assistants of the judge's office have logged them in the Clerk's Office. At the moment the opinions are logged in, they become official and are available to the public for inspection. Marti reviews the judgment lines to make sure they are correct. Anytime an administrative assistant makes a change in an opinion <sup>after it</sup> ~~if~~ has been delivered to Marti, ~~make sure you~~ <sup>that</sup> retrieve the opinion for the Reporter's Office. ?

Marti also receives the Motions for Reconsideration and docket them. When the Court rules on a Motion for Reconsideration, Marti will cause those orders to issue.

Finally, she will send out remittiturs, when appropriate. If certiorari is filed with the Supreme Court, Marti will prepare the certiorari package for that Court. *After Supreme Court reviews the cert petition she processes the cases based on the Supreme courts action which may include reinstatements.*

**Deputy Administrator**

Holly Sparrow assists the Clerk/Court Administrator in all administrative tasks required to operate the office and attend to the needs of the judges. Holly performs the tasks of the Clerk/Court Administrator and supervises the clerk's staff whenever the Clerk/Court Administrator is absent including sheparding emergency motions and dealing with transfers due to recusals. Holly opens the Court for oral argument when the Clerk/Court Administrator is not available and maintains oral argument recordings.

Holly prepares draft orders, rules, correspondence, memoranda, Minutes, Agendas and other documents as required the Clerk/Court Administrator. She revises the Employees Handbook and Internal Operations Manual, as directed. She revises and prepares Court publications, such as, Rules of the Court and the Citizen's Guide. She researches the law or other sources for required information. She prepares caseload and other statistics on the operation of the court. She assists the clerk in preparing content and announcements for the Court Web page.

Holly answers questions of parties and attorneys about the docket, Court Rules and procedures; questions from Court personnel about the Clerk's Office functions, records and docket; and answers questions of the clerk's staff concerning proper procedures and operations. Holly also answers correspondence from attorneys, clerks and pro se parties, as needed.

Holly administers the oath to attorneys admitted to practice in the Court and coordinates the Mass Swearing-In ceremonies with the Younger Lawyers Section of the State Bar and prepares the materials for the ceremony.

Holly maintains personnel leave records for clerk's office staff and prepares the floating administrative assistant calendar on the S:

Holly maintains judge and other codes for the docket system and assists the clerk in the development of a new docket and e-filing project.

### **Administrative Assistant**

Lola Diamond is my administrative assistant. Lola does all of my secretarial and clerical work and types all of my dictation plus she has many administrative duties, far an above beyond the ordinary duties of a secretary.

Lola is responsible for the hold books we use in our Record Retention Schedule and notifies the parties who have placed a hold on a record of the recycle date, if we have not heard from them. Also, she assists me with my schedule and, really, all facets of my activities in the Clerk's Office.

### **Floating Administrative Assistants**

Crystal Willis and Tracey Parker are the floating administrative assistants. They assist in the Clerk's Office when they are not assigned to a particular judge's office or assisting as the Chief Judge's second administrative assistant. Both can also fill in on the front desk as the intake clerk and have substituted when Juanita has been absent.

### Mail Clerk - File Librarian

Edwin Young is the mail/file clerk and file librarian. Edwin also took on all of John Daniel's duties when John left the Court on September 30, 2008.

Edwin is responsible for delivering all mail, motions and records to the judges' offices. Records should not be removed from the file room by anyone other than Edwin, Holly, Patty or myself. If you will assist us in letting us deliver the records to your office, it will help us to keep track of the records.

Edwin also is responsible for setting up the Courtroom for oral arguments as well as preparing the Banc Room for Administrative Banc Meetings.

Finally, as Clerk, my responsibilities are to ensure that all the records and other documents are properly recorded and routed. Also, it is ultimately my responsibility that everything that comes into the Court which require Court action has Court action and that Court action is done in a timely basis. A large part of my day is taken up by dealing with the public either in person or by telephone, both pro se parties and attorneys.

As Court Administrator, I work for the Chief Judge, the Judge-In-Charge of the Clerk's Office (Judge Ellington) and the Court acting en banc to apply basic modern management principles to the operation of the Court in all facets and to carry out any policy or administrative decision by the Court.

I also provide overall supervisory authority to the Technical Services Division and the Fiscal Office.

If any of you have any questions about any ~~to~~ the duties of any of the persons listed herein, please do not hesitate to contact me.

/ld

The Deputy Administrator assists the Clerk/Court Administrator in all administrative tasks required to operate the office and attend to the needs of the judges. The Deputy Administrator performs the tasks of the Clerk/Court Administrator and supervises the Clerk's staff whenever the Clerk/Court Administrator is absent including sheparding emergency motions and dealing with transfers due to recusals. The Deputy Administrator opens the Court for oral argument when Clerk/Court Administrator is not available and maintains oral argument recordings.

The Deputy Administrator prepares draft orders, rules, correspondence, memoranda, minutes, agendas, and other documents as required by the Clerk/Court Administrator. Revises Employees Handbook and Internal Operations Manual as directed. Revises and prepares Court publications such as the Rules of the Court and the Citizen's Guide. Researches the law or other sources for required information. Prepares caseload and other statistics on the operation of the Court. Assists Clerk in preparing content and announcements for Court web page.

The Deputy Administrator answers questions of parties and attorneys about docket, court rules and procedures; questions from Court personnel about the Clerk's office functions, records and docket; and answers questions of the Clerk's staff concerning proper procedures and operations. The Deputy Administrator also answers correspondence from attorneys, clerks and parties as needed.

The Deputy Administrator administers the oath to attorneys admitted to practice in the Court and coordinates the mass swearing in ceremonies with the Younger Lawyers Section of the State Bar and prepares the materials for the ceremony.

The Deputy Administrator maintains personnel leave records for Clerk's office staff and prepares the floating administrative assistant calendar on S:drive.

The Deputy Administrator maintains judge and other codes for the docket system; and assists Clerk in development of new docket and e-filing project.



# Court of Appeals

## Memorandum

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**To:** Bill Martin  
**From:** Dirk  
**Subject:** Clerk's Office Operations  
**Date:** August 5, 2009

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Bill - over the years, the attached memo that you drafted in 2001 has been invaluable in seeking assistance from the clerk's office. If you wouldn't mind updating it to today's staff, I would greatly appreciate it.

Thanks, Dirk



# Court of Appeals

## Memorandum

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To: Dirk Christensen  
From: *WLM*  
William L. Martin, III  
Subject: Clerk's Office Operations  
Date: May 23, 2001

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Please forgive me for being so tardy in responding to your e-mail of May 10. As you probably know, I was out some sick leave and was out of the office most of last week.

The intake clerk position which is staffed by Juanita Daniell is responsible for receiving all the incoming calls and walk-in filings. In addition, Juanita deals with the attorneys who wish to check out records and answers a myriad of questions from pro se parties and lawyers. It is one of the most difficult positions in the clerk's office because of the volume of work. It is not unusual for all three telephone lines to be ringing at once and for a line of attorneys or pro se parties to be formed at Juanita's desk.

That's why the clerk's office asks if you need to speak to a clerk's office individual that you call that individual directly. This cuts down on the telephone calls that Juanita has to deal with. Each of my staff members has voice mail so you can leave a message.

Sheila Collins is the docketing clerk. Sheila's responsibilities deal with docketing both civil and criminal appeals as they come in. Sheila must go through the record and make sure the Notice of Appeal is in proper form, make sure there is an appealable order in the record, make sure that the transcript has been included in the record, if the Notice of Appeal calls for a transcript, check for a pauper's affidavit or other evidence of indigence status and make sure that all relevant documents have stamped filed copies. If there are problems with the record Sheila will try to call the lower court clerk's office and work it out directly. If she is unable to do so, she will pass it on to me.

*Record*

It is the policy of the clerk's office to docket any appeal or application which we can docket. If I cannot docket an application or record, I shall return it with a cover letter to the attorney or clerk, where appropriate, with an explanation as to why the clerk's office cannot docket the application. If upon inspection of the record or application it appears the appeal will be dismissed, Sheila may flag that for Central Staff, but that is deemed a judicial function rather than a ministerial function.

Sheila is also very helpful in answering questions which pro se parties may have regarding filing of documents or questions they have with the records.

~~Tina Thornhill is our applications clerk.~~ Tina docket all of the interlocutory and discretionary applications which come in, if we can docket the applications. She then takes them to Central Staff who do the initial work-up and submit an order, or memorandum, to the particular judge's office to whom the application is assigned. Tina is new to our office and is currently in training. Her predecessor was Amy McCarty who went to work with the Governor's Office.

~~Mary Jo Stephens is the orders, docket and calendar clerk.~~ Mary Jo is responsible for disseminating all of the ~~orders put~~ out by the Court. Mary Jo checks over the orders for spelling, grammar and other problems she may see with the orders before she sends them out. If it is an obvious problem she may contact the judge's administrative assistant. If a problem is more subjective, Mary Jo may bring the order to my attention and I will talk to a particular judge's office and/or staff attorney about the problem.

Mary Jo also prepares the oral argument calendar and mails that out to the attorneys. She prepares for me, periodically, an oral argument report for various months. Right now, we are trying to get court action on oral argument requests for July oral arguments. After we get all the court action on the requests, Mary Jo and I must then request that the presiding judges give us the final oral argument dates so we can prepare the calendar, proof the calendar, prep the calendar and mail out the calendar. Hopefully we can do this at least three weeks prior to the oral argument dates. I try to get the calendar out by a month ahead of time because of problems with delays and slowness in mail delivery.

Mary Jo also prepares the bench docket which we use in oral argument. The bench docket will capture any requests for oral argument which are granted after the calendar has been printed. The bench docket is the official docket of our oral arguments, not the calendar.

~~Gail Arceneaux is the deputy and is responsible for receiving all the briefs and motions for the direct appeals,~~ other than the Motions for Reconsideration. Gail also opens all of the mail directed to the clerk's office and has general supervisory authority over clerk's office personnel, especially in my absence. Gail

swears in attorneys in my absence, or if I am unavailable, as well as prepares the certificates. Gail, as do all of the clerk's office personnel, spend a large portion of their day in speaking with attorneys and pro se parties on the telephone regarding questions about appeals, rules or procedures. Gail is responsible for receipting for mailed briefs; Juanita for walk-ins.

Marti Head is our opinions and remittitur clerk. Marti is responsible for sending out the opinions once the administrative assistants of the judge's office have logged them in the clerk's office. At the moment the opinions are logged in, they become official and are available to the public for inspection. The administrative assistants should not electronically e-mail the opinions to the Reporter's Office until they are first logged in the clerk's office. Marti reviews the judgment lines to make sure they are correct.

Marti also receives the Motions for Reconsideration and docket them and issues the remittitur when appropriate.

Lola Diamond is my administrative assistant. Lola does all of my secretarial and clerical work and types all of my dictation plus she has many administrative duties, far and above beyond the ordinary duties of a secretary.

Lola is responsible for the hold books we use in our Record Retention Schedule and notifies the parties who have placed a hold on a record of the recycle date, if we have not heard from them. Also, she assists me with my scheduling and, really, all facets of my activities in the clerk's office.

Crystal Hembree is a floating administrative assistant. She assists in the clerk's office, generally with records retention, when she is not assigned to a particular judge's office. Crystal often fills in on the front desk if she is not assigned in Juanita's absence.

John Daniel is the mail clerk/file clerk. John is responsible for sorting the mail, delivering the mail and verifying the certified mail. Because of Rule 4 which permits certified filing of most documents, we get a lot of certified mail. John's responsibility is to check the routing slip we receive from the United States Postal Service which lists the certified documents we received by number. John must check the number on the USPS list against the certified mail number on the envelope or package, and identify that number with the number on the list return receipt card and then sign for the list. After that, John must file back the routing list for our records and send a copy of the routing list and the green return receipt cards back to DOAS mail carrier service.

John is also responsible for delivering mail and all motions and records to the judge's offices. Records should not be removed from the file room by anyone other than John, Gail or myself. However, this policy is honored more in the breach than it is in observance.

John is also responsible for retrieving records from the file room for attorneys who want to study the records in preparation of their brief or other purposes; John is responsible for making copies when people request them, and also for retrieving records from the Water Lab when requested.

In addition, John is responsible for setting up the Courtroom for oral argument as well as doing special projects for the judge's office, upon authorization from Gail Arceneaux or me, such as, moving furniture or the like.

In the past John has gone to a judge's office to hang pictures, but I do not authorize this anymore since it is in direct violation of our lease with the Georgia Building Authority and we have been requested to refer such jobs to the Team South Facilities Management or the GBA work desk.

Finally, as clerk, my responsibilities are to ensure that all the records and other documents are properly recorded and routed. Also, it is ultimately my responsibility that everything that comes into the Court which requires court action has court action and that court action is done in a timely basis. A large part of my day is taken up by dealing with the public either in person or by telephone, both pro se parties and attorneys.

As Court Administrator, I work for the Chief Judge, the Judge-In-Charge of the clerk's office (Presiding Judge J. D. Smith) and the Court acting en banc to apply basic modern management principles to the operation of the Court in all facets and to carry out any policy or administrative decision by the Court.

Again, I apologize for being late with this response. If you and or Kevin have any questions, please do not hesitate to call me or stop by and see me.

Thank you.

/ld

cc: Chief Judge G. Alan Blackburn  
Presiding Judge J. D. Smith  
Gail Arceneaux

**NO FURLOUGHS NOW**

Arizona

Arkansas

District of Columbia

Indiana

Kentucky

Louisiana

Maine

Nebraska

New Hampshire

Pennsylvania

South Carolina

Tennessee

Virginia

**From:** "Resnick, Rachelle M." <RResnick@courts.az.gov>  
**To:** "Holly Sparrow" <SPARROWH@appeals.courts.state.ga.us>  
**Date:** 9/2/2009 1:35 PM  
**Subject:** RE: [Ncacc] Judicial Furloughs

There are no furloughs of appellate court judges in Arizona at this time. There have been no furloughs for Arizona Supreme Court employees. I am not aware of any furloughs for the employees of the Court of Appeals.

Rachelle M. Resnick  
Clerk of the Court  
Arizona Supreme Court  
1501 W. Washington, Suite 402  
Phoenix, AZ 85007  
(602) 452-3396  
rresnick@courts.az.gov

-----Original Message-----

From: ncacc-bounces@lists.washlaw.edu [mailto:ncacc-bounces@lists.washlaw.edu] On Behalf Of Holly Sparrow  
Sent: Wednesday, September 02, 2009 6:04 AM  
To: ncacc@lists.washlaw.edu  
Subject: [Ncacc] Judicial Furloughs

Dear Members,

Furloughs are being implemented for the staff of the Court of Appeals of Georgia to deal with the expected reduction in our budget for FY2010. The judges are not covered by these furloughs.

We would like to know if your appellate court has scheduled or contemplated furloughs.

Are the appellate judges in your state participating in the furloughs?

If they are participating, are they voluntarily participating?

Have the judges agreed to do this unanimously or individually?

Holly Sparrow  
Deputy Administrator  
Court of Appeals of Georgia  
404-651-8498

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-----  
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-----

**From:** Les Steen <Les.Steen@arkansas.gov>  
**To:** "Holly Sparrow" <SPARROWH@appeals.courts.state.ga.us>  
**Date:** 9/2/2009 9:17 AM  
**Subject:** RE: [Ncacc] Judicial Furloughs

Hello, Holly. Fortunately, we are one of the few states that does not have budget crisis, so this is not a problem we are facing.

-----Original Message-----

From: ncacc-bounces@lists.washlaw.edu [mailto:ncacc-bounces@lists.washlaw.edu] On Behalf Of Holly Sparrow  
Sent: Wednesday, September 02, 2009 8:04 AM  
To: ncacc@lists.washlaw.edu  
Subject: [Ncacc] Judicial Furloughs

Dear Members,

Furloughs are being implemented for the staff of the Court of Appeals of Georgia to deal with the expected reduction in our budget for FY2010. The judges are not covered by these furloughs.

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(785)670.1088  
~~~~~

**From:** "Pinkston, Garland" <GPinkston@dcapeals.gov>  
**To:** "Thomas D. Hall" <hall@flicourts.org>, "Christie Cameron" <csc@sc.sta...  
**Date:** 9/2/2009 1:53 PM  
**Subject:** RE: [Ncacc] Judicial Furloughs

No discussion of furloughs for the dc court system

From: ncacc-bounces@lists.washlaw.edu [mailto:ncacc-bounces@lists.washlaw.edu] On Behalf Of Thomas D. Hall  
Sent: Wednesday, September 02, 2009 9:32 AM  
To: 'Christie Cameron'; 'Holly Sparrow'; 'ncacc@lists.washlaw.edu'  
Subject: Re: [Ncacc] Judicial Furloughs

I would like to share this question and the answers with the justices of my court. If anyone objects, could you please put that in your answer? Thanks.

Florida - at the appellate level - has not had to deal with furloughs. During the last legislative session the legislature passed a 2% pay cut for all employees making more than \$45,000. That applied to judges as well. However the pay cuts for judges (and executive branch officers such as the governor) were in a separate section of the legislation from the pay cuts for other state workers. The Governor vetoed the pay cut for state workers but did not veto the pay cut that applied to the judges (and him). As a result our judges took a 2% pay cut while branch employees did not. When we were given our budgets, however, it did not include the 2% monies which would have been the pay cuts for state employees because the legislature did provide that money. The Governor, even though he vetoed the cut, could not put the money back. As a result, our salary budgets are short of the actual money needed. We do not believe we will need to furlough anyone to make up that money (we think we can make it up by keeping vacancies open for 30 days) furloughs are one possibility we have discussed.

-----Original Message-----

From: ncacc-bounces@lists.washlaw.edu [mailto:ncacc-bounces@lists.washlaw.edu] On Behalf Of Christie Cameron  
Sent: Wednesday, September 02, 2009 9:14 AM  
To: Holly Sparrow; ncacc@lists.washlaw.edu  
Subject: Re: [Ncacc] Judicial Furloughs

In North Carolina, all the appellate judges agreed to participate in the furloughs. There was a very specific announcement from the Chief that the Governor's furloughs did NOT cover the independent Judicial Branch, but she strongly encouraged all the judges across the state to participate. All but a very few trial judges participated. The news requested the names of the ones that did not, and they were widely published.

Christie

----- Original Message -----

From: "Holly Sparrow" <SPARROWH@appeals.courts.state.ga.us>  
To: <ncacc@lists.washlaw.edu>  
Sent: Wednesday, September 02, 2009 9:03 AM  
Subject: [Ncacc] Judicial Furloughs

**From:** <ksmith@courts.state.in.us>  
**To:** "Holly Sparrow" <SPARROWH@appeals.courts.state.ga.us>, "ncacc@lists.wa...  
**Date:** 9/2/2009 11:16 AM  
**Subject:** Re: [Ncacc] Judicial Furloughs

Holly:

I can't speak for the Indiana Court of Appeals, but as far as the Indiana Supreme Court is concerned, I cannot say that furloughs have been or are being "considered," per se. I recently discussed with the Court our budget situation in light of cuts made to it by our Legislature, and I can tell you that one of the many different options in the materials I presented was a furlough. But the Court did not make any definitive decisions on what we will take at this point.

Kevin S. Smith  
Supreme Court Administrator & Clerk of  
the Appellate Courts and Tax Court  
200 W. Washington St.  
Indianapolis, IN 46204  
317-232-1930  
KSmith@courts.state.in.us

**From:**  
"Clary, Susan" <SusanC@KYCOURTS.NET>  
**To:**  
'Holly Sparrow' <SPARROWH@appeals.courts.state.ga.us>,  
"ncacc@lists.washlaw.edu" <ncacc@lists.washlaw.edu>  
**Date:**  
09/02/2009 09:39 AM  
**Subject:**  
Re: [Ncacc] Judicial Furloughs  
**Sent by:**  
ncacc-bounces@lists.washlaw.edu

Holly,  
Kentucky has not yet had to implement furloughs but is considering it as a future option. This is such a timely question for all of us; will you be compiling our responses? Thanks so much,  
Susan

-----Original Message-----

**From:** ncacc-bounces@lists.washlaw.edu [mailto:ncacc-bounces@lists.washlaw.edu] On Behalf Of Holly Sparrow  
**Sent:** Wednesday, September 02, 2009 9:04 AM  
**To:** ncacc@lists.washlaw.edu  
**Subject:** [Ncacc] Judicial Furloughs

Dear Members,

Furloughs are being implemented for the staff of the Court of Appeals of Georgia to deal with the expected reduction in our budget for FY2010. The judges are not covered by these furloughs.

We would like to know if your appellate court has scheduled or contemplated furloughs.

Are the appellate judges in your state participating in the furloughs?

If they are participating, are they voluntarily participating?

Have the judges agreed to do this unanimously or individually?

Holly Sparrow  
Deputy Administrator  
Court of Appeals of Georgia

**From:** "Clary, Susan" <SusanC@KYCOURTS.NET>  
**To:** "Holly Sparrow" <SPARROWH@appeals.courts.state.ga.us>, "ncacc@lists.wa..."  
**Date:** 9/2/2009 9:38 AM  
**Subject:** RE: [Ncacc] Judicial Furloughs

Holly,  
Kentucky has not yet had to implement furloughs but is considering it as a future option. This is such a timely question for all of us; will you be compiling our responses? Thanks so much,  
Susan

-----Original Message-----

From: ncacc-bounces@lists.washlaw.edu [mailto:ncacc-bounces@lists.washlaw.edu] On Behalf Of Holly Sparrow  
Sent: Wednesday, September 02, 2009 9:04 AM  
To: ncacc@lists.washlaw.edu  
Subject: [Ncacc] Judicial Furloughs

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Holly Sparrow  
Deputy Administrator  
Court of Appeals of Georgia  
404-651-8498

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~~~~~

**From:** "Christine Crow " <CCrow@la-fcca.org>  
**To:** "Holly Sparrow" <SPARROWH@appeals.courts.state.ga.us>, <ncacc@lists.wash...>  
**Date:** 9/2/2009 10:40 AM  
**Subject:** RE: [Ncacc] Judicial Furloughs

None of the Louisiana Courts of Appeals to my knowledge are implementing or contemplating furloughs at this time.

Christine L. Crow  
Clerk of Court  
Louisiana First Circuit Court of Appeal

-----Original Message-----

From: ncacc-bounces@lists.washlaw.edu  
[mailto:ncacc-bounces@lists.washlaw.edu] On Behalf Of Holly Sparrow  
Sent: Wednesday, September 02, 2009 8:04 AM  
To: ncacc@lists.washlaw.edu  
Subject: [Ncacc] Judicial Furloughs

Dear Members,

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Court of Appeals of Georgia  
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**From:** Matt Pollack <Matthew.Pollack@maine.gov>  
**To:** Holly Sparrow <SPARROWH@appeals.courts.state.ga.us>, <ncacc@lists.washla...>  
**Date:** 9/2/2009 9:33 AM  
**Subject:** Re: [Ncacc] Judicial Furloughs

In Maine, the Legislature implemented furlough days for the executive and legislative branches, but constitutionally couldn't do it for the judicial branch.

The judicial branch chose not to have any furlough days at all. I think the reasoning was that we are so deeply understaffed now that the reduction in personnel costs is about equal to the savings that would result from a furlough plan.

The state constitution prohibits judges' compensation from being reduced while they are in office, so any furlough for judges would have to be voluntary. But, as I said, there is no plan for any furlough days for any judicial branch employees.

Matt

--

---

Matthew Pollack  
Executive Clerk of the Supreme Judicial Court,  
Clerk of the Law Court, and Reporter of Decisions  
Maine Supreme Judicial Court  
205 Newbury Street  
PO Box 368  
Portland, Maine 04112  
(207) 822-4146

**From:** "Asmussen, Lanet" <Lanet.Asmussen@nebraska.gov>  
**To:** Holly Sparrow <SPARROWH@appeals.courts.state.ga.us>, "ncacc@lists.washla...  
**Date:** 9/2/2009 10:33 AM  
**Subject:** RE: [Ncacc] Judicial Furloughs

Neither the Nebraska Supreme Court nor Court of Appeals, to my knowledge, is implementing or contemplating furloughs at this time.

Some of the trial courts in our smaller rural areas have reduced hours in the past couple of years.

Lanet S. Asmussen, Clerk  
lanet.asmussen@nebraska.gov  
Nebraska Supreme Court/Court of Appeals  
2413 State Capitol  
P.O. Box 98910  
Lincoln, NE 68509-8910  
(402) 471-3731

-----Original Message-----

From: ncacc-bounces@lists.washlaw.edu [mailto:ncacc-bounces@lists.washlaw.edu] On Behalf Of Holly Sparrow  
Sent: Wednesday, September 02, 2009 8:04 AM  
To: ncacc@lists.washlaw.edu  
Subject: [Ncacc] Judicial Furloughs

Dear Members,

Furloughs are being implemented for the staff of the Court of Appeals of Georgia to deal with the expected reduction in our budget for FY2010. The judges are not covered by these furloughs.

We would like to know if your appellate court has scheduled or contemplated furloughs.

Are the appellate judges in your state participating in the furloughs?

If they are participating, are they voluntarily participating?

Have the judges agreed to do this unanimously or individually?

Holly Sparrow  
Deputy Administrator  
Court of Appeals of Georgia  
404-651-8498

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~~~~~

**From:** "Eileen Fox" <efox@courts.state.nh.us>  
**To:** "Holly Sparrow" <SPARROWH@appeals.courts.state.ga.us>  
**Date:** 9/2/2009 11:45 AM  
**Subject:** RE: [Ncacc] Judicial Furloughs

Holly,

Although there have been discussions in New Hampshire about the possibility of furloughs, no decision has been made about whether judicial branch employees will be furloughed or about whether judges would participate if there is a furlough.

Eileen Fox, Clerk  
New Hampshire Supreme Court

-----Original Message-----

From: ncacc-bounces@lists.washlaw.edu  
[mailto:ncacc-bounces@lists.washlaw.edu]On Behalf Of Holly Sparrow  
Sent: Wednesday, September 02, 2009 9:04 AM  
To: ncacc@lists.washlaw.edu  
Subject: [Ncacc] Judicial Furloughs

Dear Members,

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Deputy Administrator  
Court of Appeals of Georgia  
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~~~~~

**From:** "Moyer, John" <John.Moyer@pacourts.us>  
**To:** "Ncacc" <ncacc@lists.washlaw.edu>  
**Date:** 9/2/2009 9:46 AM  
**Subject:** Re: [Ncacc] Judicial Furloughs

Pennsylvania is currently operating on an "interim budget," the final budget for fiscal year 2009-2010 still not having been enacted. While all sorts of rumors have circulated, no decisions have been made as the state does not yet have a "final budget." At present, the judiciary has not implemented any furloughs, although some vacant positions have not been filled for budgetary reasons.

-----Original Message-----

From: ncacc-bounces@lists.washlaw.edu  
[mailto:ncacc-bounces@lists.washlaw.edu] On Behalf Of Holly Sparrow  
Sent: Wednesday, September 02, 2009 9:04 AM  
To: ncacc@lists.washlaw.edu  
Subject: [Ncacc] Judicial Furloughs

Dear Members,

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(785)670.1088  
~~~~~

**From:** "Shearouse, Daniel" <DShearouse@sccourts.org>  
**To:** "Holly Sparrow" <SPARROWH@appeals.courts.state.ga.us>  
**Date:** 9/2/2009 5:58 PM  
**Subject:** RE: [Ncacc] Judicial Furloughs

So far, we have not had to consider any furloughs.

Dan Shearouse  
Clerk, Supreme Court of South Carolina

-----Original Message-----

From: ncacc-bounces@lists.washlaw.edu [mailto:ncacc-bounces@lists.washlaw.edu] On Behalf Of Holly Sparrow  
Sent: Wednesday, September 02, 2009 9:04 AM  
To: ncacc@lists.washlaw.edu  
Subject: [Ncacc] Judicial Furloughs

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~~~~~

**From:** "Mike Catalano" <Mike.Catalano@incourts.gov>  
**To:** <SPARROWH@appeals.courts.state.ga.us>  
**Date:** 9/2/2009 4:43 PM  
**Subject:** Re: [Ncacc] Judicial Furloughs

~~Holly, we laid off staff both in our office and the appellate courts laid off staff attorneys to reduce our budget last fall. We have not done furloughs and do not anticipate them at this time.~~

Mike Catalano  
Tennessee

>>> "Holly Sparrow" <SPARROWH@appeals.courts.state.ga.us> 09/02/09 8:11 AM >>>  
Dear Members,

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Deputy Administrator  
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**From:** <pharrington@courts.state.va.us>  
**To:** "Holly Sparrow" <SPARROWH@appeals.courts.state.ga.us>  
**Date:** 9/2/2009 9:15 AM  
**Subject:** Re: [Ncacc] Judicial Furloughs

Holly,

Virginia has not implemented furloughs so far, but the Governor is working on budget related issues and I don't know if that's something that may happen in the near future.

Trish

Trish Harrington, Clerk  
Supreme Court of Virginia

"Holly Sparrow"  
<SPARROWH@appeals.courts.state.ga.us>  
To  
<ncacc@lists.washlaw.edu>  
Sent by: cc  
ncacc-bounces@lists.washlaw.edu  
Subject  
[Ncacc] Judicial Furloughs

09/02/2009 09:03 AM

Dear Members,

Furloughs are being implemented for the staff of the Court of Appeals of Georgia to deal with the expected reduction in our budget for FY2010. The judges are not covered by these furloughs.

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Deputy Administrator  
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# APPELLATE JUDGE'S ANNUAL SALARY W/FRINGES

**\$166,186**

SALARY & BENEFITS P/DAY

**\$830**

(RETIREMENT NOT INCLUDED)

EQUIVALENT

FURLOUGH DAYS

INDIVIDUALLY

12 JUDGES

	INDIVIDUALLY		12 JUDGES	
1 DAY	\$830	0.03	\$9,960	0.32
2 DAYS	\$1,660	0.05	\$19,920	0.64
3 DAYS	\$2,490	0.08	\$29,880	0.96

If Judge contributed a furlough amount after receiving his/her wages instead of having it deducted from payroll, then the following questions would need to be answered:

- 1. Would this avoid the constitutional prohibition against diminish a judge's pay during his/her term?**
- 2. Can a contribution be taken by the Court of Appeals and put into the Court of Appeals budget as other funds so that our program would be credit?**
- 3. If the Court of Appeals is not authorized to take a contribution, who would the contribution need to be channeled through and would the Court of Appeals receive credit for such a donation?**
- 4. Would the contribution be taxed?** I believe that any donation made to the State would be taxable. If a contribution were made to the State instead of deducting furlough day(s) through the payroll system, the taxable wages of a Judge would remain the same since the salary would remain whole. Since the State is not a 501(c)3 organization, the contribution may not be tax deductible.

*NOTE: I do not know the answers to the above questions. Advice would have to be sought from the various authorities to obtain the answers.*



# Court of Appeals

## Memorandum

---

**To:** Chief Judge M. Yvette Miller

**From:** Jan R. Kelley  Director of Fiscal Services

**Subject:** Budget - AFY 2010 & FY 2011

**Date:** September 8, 2009

---

Attached is the revised FY 2011 Budget Summaries for budget reductions equaling 4%, 6% and 8%. The 4% reduction summary was used for our actual budget submission to OPB. You already have a copy of the AFY 2010 summary for the 5% plus 3 day reduction, 6% and 8% plans. I will be happy to forward you another copy of each should you need them.

The summaries for the 4% reduction for FY 2011 & the 5% plus 3 Day reduction for FY 2010 will be emailed to the House Budget Office and the Senate Budget Office as part of our documentation for the cuts.

As you know, the House Budget and Senate Budget Offices have also requested information regarding our 6% and 8% cuts. As we discussed, I will not send them anything regarding these plans until you instruct me to do so.

cc: William L. Martin, III 

# COURT OF APPEALS

## FISCAL YEAR 2011 BUDGET

### 4% REDUCTION

	<u>H.B. 119</u>	<u>4% Reduction</u>	<u>Requested FY 2011 Enhancements/Changes</u>	<u>Total Requested FY 2011 Budget</u>
Personal Services	12,230,513	(535,983)	3,301	11,697,831
Operating Expenses	<u>1,371,722</u>		<u>227,300</u>	<u>1,599,022</u>
Court of Appeals Program Budget	\$13,602,235	(\$535,983)	\$230,601	\$13,296,853
Less: Other Funds	<u>\$150,000</u>	<u>\$0</u>	<u>\$0</u>	<u>150,000</u>
	\$13,452,235	(\$535,983)	\$230,601	<u><u>13,146,853</u></u>

TOTAL ADDITIONAL STATE FUNDS NEEDED

**(305,382)**

### IMPROVEMENT ITEMS/BUDGET CHANGES:

#### PERSONAL SERVICES

1	WORKER'S COMPENSATION	\$3,301	
2	BUDGET CUT - LAYOFFS (FROM FY 2009)	(\$273,465)	(\$535,983)
3	RIF - REPORTER'S OFC	(\$82,438)	
4	FURLOUGHS <span style="border: 1px solid black; padding: 2px; display: inline-block; margin-left: 10px;">5.77</span> DAYS	<u>(\$180,080)</u>	
<b>TOTAL PERSONAL SERVICES</b>			(\$532,682)

#### OPERATING EXPENSES

1	E-FILING 2nd Phase - Software (One-time Expense)	\$150,000	
2	E-FILING - Software Licenses (One-Time Expense)	\$27,500	
3	E-FILING - Software Maintenance (Ongoing)	\$45,000	
4	PRINTING - Increased Publications due to New Chief Judge & Judge Retirement	<u>\$4,800</u>	
<b>TOTAL OPERATING EXPENSES</b>			<u>\$227,300</u>

### TOTAL ENHANCEMENTS /BUDGET CHANGES

**(\$305,382)**

# COURT OF APPEALS

## FISCAL YEAR 2011 BUDGET

### 6% REDUCTION PLAN

	H.B. 119	6% Reduction	Requested FY 2011 Enhancements/Changes	Total Requested FY 2011 Budget
Personal Services	12,230,513	(803,975)	3,301	11,429,839
Operating Expenses	1,371,722	0	227,300	1,599,022
Court of Appeals Program Budget	\$13,602,235	(\$803,975)	\$230,601	\$13,028,861
Less: Other Funds	\$150,000	\$0	\$0	150,000
	\$13,452,235	(\$803,975)	\$230,601	12,878,861

TOTAL ADDITIONAL STATE FUNDS NEEDED

**(573,374)**

### IMPROVEMENT ITEMS/BUDGET CHANGES:

#### PERSONAL SERVICES

1	WORKER'S COMPENSATION	\$3,301	
2	BUDGET CUT - LAYOFFS (FROM FY 2009)	(\$273,465)	(\$803,975)
3	RIF - REPORTER'S OFC	(\$82,438)	
4	FURLOUGHS <span style="border: 1px solid black; padding: 2px 10px;">14.36</span> DAYS	(\$448,072)	
<b>TOTAL PERSONAL SERVICES</b>			<b>(\$800,674)</b>

#### OPERATING EXPENSES

1	E-FILING 2nd Phase - Software (One-time Expense)	\$150,000	
2	E-FILING - Software Licenses (One-Time Expense)	\$27,500	
3	E-FILING - Software Maintenance (Ongoing)	\$45,000	
4	PRINTING - Increased Publications due to New Chief Judge & Judge Retirement	\$4,800	
<b>TOTAL OPERATING EXPENSES</b>			<b>\$227,300</b>

### TOTAL ENHANCEMENTS /BUDGET CHANGES

**(\$573,374)**

# COURT OF APPEALS

## FISCAL YEAR 2011 BUDGET

### 8% REDUCTION PLAN

	H.B. 119	8% Budget Cut	Requested FY 2011 Enhancements/Changes	Total Requested FY 2011 Budget
Personal Services	12,230,513	(1,071,967)	3,301	11,161,847
Operating Expenses	1,371,722	0	227,300	1,599,022
Court of Appeals Program Budget	\$13,602,235	(\$1,071,967)	\$230,601	\$12,760,869
Less: Other Funds	\$150,000	\$0	\$0	150,000
	\$13,452,235	(\$1,071,967)	\$230,601	<b>12,610,869</b>

TOTAL ADDITIONAL STATE FUNDS NEEDED

**(841,366)**

### IMPROVEMENT ITEMS/BUDGET CHANGES:

#### PERSONAL SERVICES

1	WORKER'S COMPENSATION		\$3,301
1	BUDGET CUT - LAYOFFS (FROM FY 2009)		(\$273,465)
2	RIF - REPORTER'S OFC		(\$82,438)
3	FURLOUGHS	<b>22.96</b>	DAYS
			(\$716,064)
	<b>TOTAL PERSONAL SERVICES</b>		<b>(\$1,068,666)</b>

#### OPERATING EXPENSES

1	E-FILING 2nd Phase - Software (One-time Expense)		\$150,000
2	E-FILING - Software Licenses (One-Time Expense)		\$27,500
3	E-FILING - Software Maintenance (Ongoing)		\$45,000
4	PRINTING - Increased Publications due to New Chief Judge & Judge Retirement		\$4,800
	<b>TOTAL OPERATING EXPENSES</b>		<b>\$227,300</b>

**TOTAL ENHANCEMENTS /BUDGET CHANGES**

**(\$841,366)**

**APPELLATE JUDGE'S ANNUAL  
SALARY W/O FRINGES**

**\$166,186**

**SALARY ONLY**

**\$639**

(RETIREMENT NOT INCLUDED)

**EQUIVALENT**

**FURLOUGH DAYS**

**INDIVIDUALLY**

**12 JUDGES**

<b>1 DAY</b>	<b>\$639</b>	<b>0.02</b>	<b>\$7,668</b>	<b>0.25</b>
<b>2 DAYS</b>	<b>\$1,278</b>	<b>0.04</b>	<b>\$15,336</b>	<b>0.49</b>
<b>3 DAYS</b>	<b>\$1,917</b>	<b>0.06</b>	<b>\$23,004</b>	<b>0.74</b>

\*Although each Judge's tax rate varies, Judges could anticipate seeing a reduction of approximately 60% of the furlough reduction in each paycheck in which they authorize a furlough day to be taken. This is based on a furlough day being deduction from payroll. If 8 hours were deducted from payroll (same as staff) then taxable wages for the paycheck would be reduced by the furlough amount (\$639).

**NOTE: The Governor has taken three furlough days and worked on all three of the days. All 180 House members and 56 Senators will take one day of furlough a month for 5 months in 2009.**

**APPELLATE JUDGE'S ANNUAL SALARY  
W/FRINGES**

**\$166,186**

**SALARY & BENEFITS P/DAY**

**\$830**

(RETIREMENT NOT INCLUDED)

**EQUIVALENT**

**FURLOUGH DAYS**

**INDIVIDUALLY**

**12 JUDGES**

	INDIVIDUALLY			
1 DAY	\$830	0.03	\$9,960	0.32
2 DAYS	\$1,660	0.05	\$19,920	0.64
3 DAYS	\$2,490	0.08	\$29,880	0.96

If Judge contributed a furlough amount after receiving his/her wages instead of having it deducted from payroll, then the following questions would need to be answered:

- 1. Would this avoid the constitutional prohibition against diminish a judge's pay during his/her term?**
- 2. Can a contribution be taken by the Court of Appeals and put into the Court of Appeals budget as other funds so that our program would be credit?**
- 3. If the Court of Appeals is not authorized to take a contribution, who would the contribution need to be channeled through and would the Court of Appeals receive credit for such a donation?**
- 4. Would the contribution be taxed?** I believe that any donation made to the State would be taxable. If a contribution were made to the State instead of deducting furlough day(s) through the payroll system, the taxable wages of a Judge would remain the same since the salary would remain whole. Since the State is not a 501c(3) organization, the contribution may not be tax deductible.

*NOTE: I do not know the answers to the above questions. Advice would have to be sought from the various authorities to obtain the answers.*



# Court of Appeals

## Memorandum

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To: Judge Adams

From: Chief Judge Miller *myjm*

Subject: Voluntary Furloughs

Date: September 8, 2009

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Thank you for your memorandum of September 3, 2009. I appreciate the action you wish to take and recognize the autonomy of each judge to make his or her own decision on pay as he or she sees fit. It is my understanding from Jan Kelley that a deduction for a voluntary furlough for September can be made in the second pay period if the deduction request is given to her before September 21st.

On the other hand, I respectfully ask that you hold your action until the Court can again discuss the issue of voluntary furloughs at the Banc Meeting which has been scheduled for September 16, 2009. I hope that at that time we will have a consensus of the judges or I will have an idea of how to respond to media inquiries about the judges' action at that time.

Thank you for your patience.

cc: Bill Martin ✓  
Jan Kelley

## BANC MEETING – MAY 20

### RETIREMENT BILL/POLICIES

As you may be aware new legislation regarding the hiring of retirees was signed by the Governor on May 11, 2009 and is now in effect. HB 202 amends Section 17 of Code Section 46-2-110 relating to the continued employment of a retired state employee:

1. Section 17, Page 15, Line 495-497 requires each employer to “certify to the board of trustees the date on which the employee’s employment is or will be severed and **that no agreement exists to allow the employee to return to service, including service as or for an independent contractor.**”
2. Line 497-501 states that “**Any return to employment or rendering of any paid service, including service as or for an independent contractor, for any employer within two consecutive months of the effective date of retirement shall render the severance invalid, nullifying the application for retirement.**”
3. Section 17, Page 16, Line 547 states that “**Except as provided, if a member accepts paid employment with or renders services for pay to any employer, including without limitation, service directly or indirectly as or for an independent contractor, after his or her retirement, payment**”

**of his or her retirement allowance shall be suspended** and no contributions to the retirement system shall be made on account of such service either by that member or his or her employer, provided that, upon termination of such service, all rights shall vest in that member as if he or she had continued his or her option to retire.”

4. Section 17, Page 167 Line 554-560 states that “The retirement allowance of a retired member who accepts employment with or renders services to any employer after his or her retirement **shall not be suspended if the employee has attained normal retirement age and has not been employed by or rendered service for any employer for at least two consecutive months** and performs no more than **1,040 hours of paid employment or paid service, including, without limitation, service as or for an independent contractor, for the employer in any calendar year.**

5. Section 17, Page 17, Line 579-590 states that “**Any employer that employs a retired plan member shall within 30 days of the employee’s accepting employment notify the board of trustees in writing stating the name of the plan member and the number of hours the employee is expected to work annually and shall provide such other information as the board may request. If the retired plan member performs more than 1,040 hours in any calendar year, the employer shall notify the board**

7

**of trustees as required by this subsection shall reimburse the retirement system for any benefits wrongfully paid. It shall be the duty of the retired plan member seeking employment by the employer to notify the employer of his or her retirement status prior to accepting such position. If a retired plan member fails to notify the employer and the employer becomes liable to the retirement system, the plan member shall hold the employer harmless for all such liability.**

6. As you can see in Section 17, Page 17, Lines 560-564: Prior to this legislation this code section stated “**that no such employee shall be eligible for employee health benefits other than those available to the member as a part of his or her retirement benefits or for any annual leave, any sick leave, or any other employee benefit available to a state employee in the classified service of the State Merit System of Personnel Administration.**” *HB 202, however, has eliminated this section.* However, in accordance with State Personnel Administration policy, part-time employees under 35 hours per week are not eligible for flexible benefits. According to SPA, most state agencies do not give leave to part-time employees. I spoke with Frank Heiney, Assistant Commissioner of Programs, Policy and Legislative Affairs with the State Personnel Administration.

regarding whether or not a rehired annuitant could receive any benefits. I was informed that a retired employee may work full-time for six (6) months up to 1,040 hours but they would be deemed temporary employees because they could work less than a 9 months at full-time . They, therefore, would not receive any state benefits except those through their retirement.

In accordance with this legislation it appears that we will have to notify the retirement system in writing regarding every retired state employee that we have on staff. Prior to this legislation, we only had to notify the retirement system should an retired employee's hours exceed the 1,040 hours. Because of the way the legislation is written, I believe it would also pertain to use of Bud Tiery as a retiree contractor.

#### CURRENT PROCESS:

Currently our retired employees work only part-time. Because we do not lag the part-time employees' pay and it is important for us to retain the position as a full-time benefit eligible position (should it later convert back to full-time), our employees' are set up at 1/2 the regular salaried position without benefits. They are required to complete semi-monthly timesheets and turn

them in to the Fiscal Office. I keep account of their hours on a calendar year basis and make sure that by December 31<sup>st</sup> each year no employee works or is paid for more than 1,040 hours and that their hours as recorded on their submitted timesheets match the hours paid. Particularly at the end of the year, adjustments often have to be made in employees' schedules to make sure they meet both of these requirements.

Our part-time retirees are not given sick or annual leave. They do, however, receive holiday pay if the holiday is during their regularly scheduled time.

I believe a policy should be included in our employees' handbook regarding the hiring of state retirees to protect the court from employment liabilities which could arise if such a policy is not consistently applied. Also, if the court does not have a policy and apply it uniformly, we may be subject to negative publicity should an investigative reporter come snooping around the Court. We have had at least one employee's hours investigated in the past but were able to show that we were paying the employee properly and could justify the hiring by showing that it was actually cost the state less for the two retirees sharing the position than it would for a new full-time hire. With our new hire scale, this may no longer be the case unless the Court decides to adopt the policy of rehiring the retiree on the new hire scale as recommended by the Personnel

Committee. I believe all of these facts should be considered in setting a policy for hiring retirees. Such a policy is particularly important when so many Georgians are out of work and the Court, itself, has laid off employees.

2/27/96

STANDARDS OF CONDUCT FOR STAFF ATTORNEYS

OF THE COURT OF APPEALS OF GEORGIA

*update*

Staff attorneys are employed at the pleasure of the employing judge. Nothing in these standards is intended to encroach upon this prerogative in any way. Rather, these standards represent general guidelines regarding staff attorneys' conduct while in the employ of the respective judges, and the Court of Appeals.

A staff attorney performs an essential role in the judicial process and shares a commensurate responsibility for maintaining the integrity of, and public confidence in, that system. A staff attorney holds a position of public trust, requiring at the very minimum, compliance with the following standards:

(1) A staff attorney must maintain undivided loyalty to the employing judge of the Court of Appeals.

(2) A staff attorney must preserve the confidentiality of the judicial process by not disclosing any information of the Court of Appeals. In this regard,

a. a staff attorney must not discuss the merits of pending proceedings outside the personnel of the court;

b. a staff attorney must not discuss the assignment of cases, tentative decisions, staff recommendations, intracourt memoranda, conversations and any other matter pertaining to the decision-making process of specific pending matters, outside the personnel of the court;

c. a staff attorney must never disclose any confidential information received during the clerkship nor use confidential information for personal gain;

d. a staff attorney should refer all inquiries and questions whether from friends, attorneys, news media or others to the Clerk of the Court of Appeals;

e. a staff attorney should not leave working papers, drafts, or memoranda unattended in any place, including a library;

(3) A staff attorney must maintain the integrity and dignity, and preserve the impartiality, of the employing judge and the court. In this regard,

a. a staff attorney must maintain the highest standards of personal and professional conduct;

b. a staff attorney must respect and comply with the law and conduct himself or herself at all times in a manner that promotes public confidence in the integrity, impartiality and independence of the judiciary;

c. a staff attorney must inform the employing judge of any matter in which the attorney's impartiality may be questioned, including but not limited to:

1. personal bias or prejudice concerning a party;
2. personal knowledge of disputed facts in a pending matter;
3. prior service as a lawyer handling a pending matter;
4. prior work for a lawyer handling a pending matter;
5. having been a witness in a pending matter;
6. has a financial interest, directly or through immediate family, in the subject of a pending matter or which may be affected by the outcome of a pending matter; and
7. where a family member is a party or a lawyer representing a party or a witness in a pending matter.

The employing judge shall determine if, and the extent to which the staff attorney may work on any such matter.

d. A staff attorney may not accept gifts or favors from litigants, lawyers or others whose interests are likely to come before the court;

e. a staff attorney must refrain from financial and business dealings that tend to detract from the dignity of the position, interfere with the performance of the staff attorney's duties, exploit the staff attorney's position or involve the staff attorney in frequent transactions with lawyers or persons likely to come before the court;

f. a staff attorney should notify the employing judge of any unprofessional conduct on the part of attorneys or judges that come to the staff attorney's attention while in performance of the staff attorney's duties;

g. a staff attorney should not engage in any ex parte or private communications with litigants or attorneys appearing before the court. Any such communications should be forwarded to the employing judge or referred to the clerk of the court;

h. a staff attorney may not purport to speak for the court or any judge of the court, under any circumstances, unless specifically authorized by the employing judge;

i. a staff attorney may not claim any official opinions of the court as the staff attorney's own. Court work may be used as a writing sample only with the permission of the employing judge, which permission must be obtained in advance;

j. a staff attorney must inform the employing judge of all employment interviews in advance. A staff attorney must promptly tell the employing judge when a post-clerkship position has been accepted. The employing judge shall determine if the attorney should cease working on a case in which the future employer may have an interest;

k. a staff attorney must not disclose information to any applicant for a clerkship;

l. The Court of Appeals does not prohibit staff attorneys from practicing before the court after their

clerkship, except that a staff attorney may not participate in any case that was pending in the court during his or her employment with the court.

(4) A staff attorney may not practice law during the clerk's employment with the court. This prohibition, however, does not preclude performance of routine legal work necessary to the attorney's personal affairs providing the work is done without compensation, does not suggest that preferential treatment is sought by virtue of the clerkship, and does not have any actual conflict or the appearance of conflict with court duties.

(5) Upon prior disclosure to and approval by the employing judge, a staff attorney may:

a. engage in activities to promote the law, the legal system, court administration and the administration of justice including writing, teaching and participating in projects and committees;

b. engage in writing, lecturing, teaching and speaking and engage in the arts, sports and other social and recreational activities;

c. participate in civic and charitable activities. In this regard, the attorney may serve as an officer, director, trustee or nonlegal advisor of an educational, religious, charitable, fraternal or civic organization and may solicit funds providing the attorney does not use the prestige of the clerkship or the court or the affiliation with the employing judge in the solicitation or solicit from lawyers or persons likely to come before the court.

(6) Candidate for Partisan Elective Office.

An employee who declares an intention to run for elective office shall separate from employment with the Court System upon the filing of a verified registration statement required by applicable statutes or upon the filing of nomination papers, whichever occurs first.

(7) Other Political Activities.

No employee may, during normal working hours or while engaged in official duties as an employee, directly or indirectly solicit or receive subscriptions or contributions for any partisan political party or any political purpose or engage in any form of political activity calculated to favor or improve the chances of any political party or any person seeking or attempting to hold elective office. No employee may engage in any political activity when not on duty to such an extent that the employee's efficiency during working hours is impaired or that the employee is tardy or absent from work.

(8) A staff attorney should consult with the employing judge on any matter raising a question of propriety not covered by these standards. The employing judge's determination shall govern.

NONCOMPLIANCE WITH THESE STANDARDS IS GROUNDS FOR TERMINATION OF EMPLOYMENT, WHICH IS CUMULATIVE OF ANY AND ALL OTHER REASONS FOR TERMINATION. THIS IS IN ADDITION TO THE AT-WILL NATURE OF THE EMPLOYMENT, I.E., STAFF ATTORNEYS SERVE AT THE PLEASURE OF THE EMPLOYING JUDGE.

CANON 1

A STAFF ATTORNEY SHOULD UPHOLD THE INTEGRITY AND  
INDEPENDENCE OF THE JUDICIARY AND OF HIS OFFICE

An independent and honorable judiciary is indispensable to justice in our society. A staff attorney should himself/herself observe, and should impart to anyone under their supervision, high standards of conduct so that the integrity and independence of the judiciary may be preserved and their office may reflect a devotion to serving the public. The provisions of this Code should be construed and applied to further that objective. The standards of this Code shall not affect or preclude other more stringent standards required by law or by court order.

Possible Supplement

Unless authorized by the court, a staff attorney should not:

(1) initiate, participate in, or consider any ex parte communication concerning a pending proceeding; 2) give advice to attorneys or parties on matters of law or procedure; or 3) otherwise show partiality to any attorney or party. A staff attorney may, in response to an inquiry, provide information concerning matters of procedure or court practice, but may not render advice.

AMENDMENT I

Staff attorneys are professionals who will be treated as professionals. Accordingly, it is expected that each staff attorney will put in the requisite time to assist in getting cases out in a timely manner without diminishing the quality of the recommended product.

While a staff attorney is not an hourly employee, staff attorneys are expected, at a minimum, to work from 8:30 a.m. to 4:30 p.m. on each work day, unless excused by the employing judge.

The lunch hour shall be observed between the hours of 12 noon and 2:00 p.m., with one hour constituting the lunch hour. The lunch hour cannot be shifted or substituted without prior permission from the employing judge.

(Amendment of April 21, 2000)



COPY

## Court of Appeals

### Memorandum

---

**To:** All Judges

**From:** Chief Judge M. Yvette Miller

**Subject:** Utilization of Floating Administrative Assistants and Floating and Central Staff Attorneys

**Date:** August 26, 2009

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Since the 2008 reduction in force which affected the number of floating administrative assistants and floating staff attorneys available to us, several concerns about the use of these precious resources have been expressed to me. Because of these concerns, I would like you to consider the policy outlined below and be ready to discuss this issue at the September Banc Meeting. We may or may not want to add some more specific language in the IOM addressing the utilization of floating administrative assistants and floating staff attorneys.

#### **Floating Administrative Assistants**

We have established an informal policy during my tenure as Chief Judge to rotate our floating administrative assistants so that they will be available to the judges who need them in a fair and efficient manner. We agreed to a monthly rotation of Crystal and Tracey in the Chief Judge's office. While assigned to the Chief Judge's office the floater will sit at the reception desk, greet visitors and assist with calls from security, in addition to doing the work of the Court at that desk. On occasion, the floater may need to assist inside the Chambers of the Chief Judge at the discretion of the Chief Judge.

The second floating administrative assistant is always available for the judges in need of assistance or the clerk's office, as needed. This policy has worked well so far, but it does not take into account that the floaters will be utilized for repeated efforts to train new administrative assistants or problems with certain personnel in offices. This type of conduct is unfair to the judges and the entire Court.

At this time, the budgetary restrictions are such that we need to fill all full-time positions with full-time staff or face the elevated scrutiny over at the Legislature during the session. This could result in the Legislature cutting much needed positions.

**Memo to:** All Judges  
**From:** Chief Judge M. Yvette Miller  
**Subject:** Utilization of Floating Administrative Assistants and  
Floating and Central Staff Attorneys  
**Page:** 2

### **Floating and Central Staff Attorneys**

The Chief Judge's office should receive a courtesy copy from the judge in charge of the floating and central staff attorneys of all assignments of a floating or central staff attorney to another judge's office. If the assignment will last longer than two weeks, all of the judges on the Court should also receive a courtesy copy of the assignment memo.

/ld

2. The clerk/court administrator's office will be open to the public from 8:30 a.m. to 4:30 p.m.

P. MAIL CLERK/FILE CLERK

The mail clerk/file clerk will perform those duties assigned to him/her by the clerk/court administrator of the Court of Appeals. The mail clerk/file clerk is not available to perform personal errands, and/or banking for any court personnel, including judges. Any court personnel desiring to use the mail clerk/file clerk for any duties or tasks not assigned to the mail clerk/file clerk shall clear such requests through the clerk/court administrator of the Court.

Q. FLOATING STAFF ATTORNEYS/CENTRAL STAFF ATTORNEYS

1. Requests for leave shall be made in writing to the Judge in charge of the Floating Staff Attorneys/Central Staff Attorneys, which Judge shall keep the leave record and send it to the fiscal officer. The judge to whom the floating staff attorney is assigned shall determine the time of the daily arrival and departure.
2. The judge in charge of the Floating Staff Attorneys/Central Staff Attorneys shall schedule the assignments of the Floating Staff Attorneys to the judges' offices on this court.
3. The judge in charge of the Floating Staff Attorneys/Central Staff Attorneys shall make no assignment of a Floating Staff Attorney/Central Staff Attorney to a judge's office for a period of more than two (2) weeks without approval of the Court. Any assignment for more than two (2) weeks shall be based on a need occurring in a judge's office because of a catastrophic event, extended sick leave, maternity leave or providential cause.
4. Any assignment of a Floating Staff Attorney/Central Staff Attorney to a judge's office shall be communicated to the chief judge and the clerk/court administrator.

R. NEW EMPLOYEE ORIENTATION GUIDELINE

The judge hiring the employee, the fiscal officer and/or the clerk/court administrator where appropriate, should direct new employees to the Internal Operations Manual and the Rules of the Court of Appeals for specifics about the court and the court's fiscal policies. Also, new employees should be oriented on the role of the judiciary;

- b. On days when the Chief Judge does not utilize the services of the Floating Administrative Assistant assigned to his/her office, said Floating Administrative Assistant shall report to the Clerk for assignment in the floater pool or as otherwise directed by the Clerk.
- c. Should the Floating Administrative Assistant assigned to the Chief Judge complete all tasks and duties assigned by the Chief Judge to the Floating Administrative Assistant before the end of the day, then the Floating Administrative Assistant assigned to the Chief Judge shall report to the Clerk's Office for assignment by the Clerk.

(Source: September 1996 Banc meeting).

- 2. Floating Administrative Assistants shall be assigned to the individual offices on the following priority basis:
  - a. A judge's office that will be without an administrative assistant takes precedent over a judge's office who wants a floater to assist an administrative assistant.
  - b. If two or more judges' offices seek the assistance of a floater and each judge's office will be without that office's administrative assistant, then the office which requests first will have priority over those offices requesting later. Requests received concurrently will be assigned based on seniority.
  - c. If two or more judges' offices seek the assistance of a floater to assist the administrative assistant, then the office which requests first will have priority over those offices requesting later.
  - d. If a judge's office has an emergency situation which will require the use of the judge's administrative assistant as well as a floater, that judge may request of the judge who has requested a floater and who is without an administrative assistant that the judge release the floater to the judge whose administrative assistant is present but has a dire emergency. (Source: Minutes, March 1994 Banc meeting).
  - e. If any floating administrative assistant is not assigned to a particular judge's office on any day, the clerk/court administrator shall assign the floater in accordance with written requests received in the Clerk's office on that day. If any floating administrative assistant remains unassigned after all written requests have been filled, said

administrative assistant shall be assigned by the clerk/court administrator to a task in the clerk's office. (Source: Minutes, May 1996 Banc meeting).

- f. A floating administrative assistant may be assigned to a judge's office for purposes of training a judge's new administrative assistant. Such assignment for the purpose of training a new administrative assistant shall not exceed ten (10) days.
- g. If a judge is without a floating administrative assistant, because of the resignation, or termination of that judge's administrative assistant, a floating administrative assistant may be assigned to that judge's office. However, that assignment shall not exceed ten (10) working days, unless authorized by the Court.
- h. If a judge is without an administrative assistant because of that administrative assistant's extended sick leave, maternity leave, a catastrophic event or providential cause, a floating administrative assistant may be assigned to that judge's office for a period of twenty (20) days, and such assignment may be renewed for twenty (20) day increments should the majority of the Court approve the incremental assignments.
- i. A judge may have a floating administrative assistant assigned to his or her office for a period of ten (10) days when that judge is without an administrative assistant and then have that administrative assistant assigned to that judge's office for ten (10) additional days to train the new administrative assistant. In no event shall a floating administrative assistant be assigned to a judge's office for more than twenty (20) consecutive business days unless a majority of the Court approves of such action.

#### U. COURT FLOWER FUND.

The court shall create a flower fund to provide funds for an appropriate expression of sympathy, joy, congratulations or recognition of achievement on certain occasions involving court personnel. The fund shall be administered through the flower fund guidelines. These guidelines are set out in Appendix 10. (Source: June 1995 Banc minutes). (Guidelines amended Source: May 1996, Banc minutes).