



Court of Appeals

Memorandum

To: Chief Judge Anne Elizabeth Barnes
From: *William L. Martin, III*
Subject: Minutes of the July Banc Meeting
Date: July 24, 2007

Please review my draft of the Banc Meeting Minutes. Make whatever changes you deem appropriate. If the Minutes are correct as presented, please initial same and return them to me and I shall cause them to be disseminated to the judges.

Thank you.

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Enclosures

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

Tuesday, July 17, 2007 10:30 a.m.

The 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 10:30 a.m. on Tuesday, July 17, 2007. Those present were:

Chief Judge Anne Elizabeth Barnes
Presiding Judge Gary B. Andrews
Presiding Judge Edward H. Johnson
Presiding Judge G. Alan Blackburn
Presiding Judge J.D. Smith
Judge John H. Ruffin, Jr.
Judge M. Yvette Miller
Judge John J. Ellington
Judge Charles B. Mikell
Judge A. Harris Adams
Judge Debra Bernes

Not Present:

Judge Herbert E. Phipps

Guests:

Mr. John Ruggeri, Technical Services (part of the meeting)
Ms. Jan Kelley, Court Fiscal Officer (part of the meeting)
Mr. William L. Martin, III, Clerk/Court Administrator

I. **CALL TO ORDER:**

Chief Judge Barnes called the meeting to order at 10:35 a.m. Chief Judge Barnes announced a quorum was present.

II. **APPROVAL OF MAY 2007 MINUTES:**

Chief Judge Barnes called for approval of the May 2007 Banc Meeting Minutes. Presiding Judge Johnson made a motion to approve the Minutes as presented. The motion was seconded by Judge Adams and passed unanimously and the Minutes were approved.

III. REPORT OF TECHNICAL SERVICES - E FILING STATUS UPDATE:

Mr. John Ruggeri handed out to the Court a presentation of a slide show he presented to the Court updating the judges on the e-filing project. Mr. Ruggeri stated there were three phases to the e-filing project: E-Filing 1.0 which entails e-filing direct appeals and updating the Cobol Docket System; E-Filing 2.0/Docket 1.0: a joint development with the Supreme Court to develop a new docket and to add applications for e-filing and to eliminate the old Cobol Docket System; and E-Filing 3.0/Docket 2.0: judge e-voting, electronic case circulation and case origination from the trial courts.

Mr. Ruggeri then presented a Timeline for development and testing, Court testing and training; finalizing the Court policies, procedures, rules and training for attorneys; attorney registration and beginning e-filing. Mr. Ruggeri also touched on other deadline dates in his handout.

Due to time constraints, Chief Judge Barnes asked if Mr. Ruggeri would present the balance of the report at the next Banc Meeting.

IV. BUDGET REPORT:

Chief Judge Barnes called upon Jan Kelley for a budget status update. Ms. Kelley stated to add to the 2008 Supplemental Budget, the Court would have to demonstrate an emergency. She said this is a substantive change from prior years when the supplemental budget could be used to recapture funds for any reason. Ms. Kelley stated the Court is still short on its appropriation for FY08.

Ms. Kelley said the Governor has directed a change in the State budgeting process. It is more result oriented and consumer focused. The State will adopt a program budgeting process to incorporate strategic planning and performance measures. The budget request should be supported by performance measures and indicate how well customers are served and whether the program achieved its intended outcome.

There are two major components of the FY09 planning requirements: a four-year strategic plan and annual business plan with associated performance measurements.

Ms. Kelley reported the 2009 Budget Guidelines ask agencies to identify a minimum of two percent of their State general funds for reduction and limit requests for enhancement items to two percent.

Ms. Kelley stated while the Judicial Branch Agencies do not have to follow the Governor's Budget mandate, the Court of Appeals will be requested to justify any exceptions.

Justifiable exceptions for enhancements are as follows: increased access to services; increase cost or price of goods; eligibility for services change; frequency of use change; increase in clients; Legislative mandate; scope of service change and administrative change.

Ms. Kelley indicated the Court had identified areas for budget enhancement to include a Court Security Officer/Courtroom Bailiff; Public Information Officer; a Judicial Receptionist for the fourth floor to act as a buffer between the public and the judges' offices and updates and enhancements for Technical Services to carry on and complete the Court's e-filing project.

After Ms. Kelley's report, she and Mr. Ruggeri left the meeting at 10:50 a.m.

V. WASHINGTON STREET ENTRANCE - SECURITY CONCERNS:

Chief Judge Barnes called upon Judge Ruffin to discuss problems with security at the Washington Street entrance of the parking garage. Judge Ruffin said he had suggested inviting the head of GBA Security to discuss the procedures for the security for the Washington Street entrance guard and to express the concerns the Court had regarding the treatment of Court personnel by the security officers. Judge Ruffin said he felt a sense of frustration in dealing with these persons and emphasized the judges should not be subjected to the problems caused by the security personnel and their mistreatment of the judges.

Chief Judge Barnes said she has the telephone numbers of Captain Les Robinson of the Capitol Police and she would make his personal cell number available to all the judges. Chief Judge Barnes reported Captain Robinson would take calls from the judges if there are problems. Presiding Judge Blackburn said there are extra parking passes for the Court of Appeals employees and any person who knows they will not have their regular car or need an extra pass for a spouse's car or second car should be able to get one. Presiding Judge Blackburn further suggested the Court get a list of specific recommendation for the security officers in dealing with the judges, their families and their staffs and present that to the head of security.

Chief Judge Barnes said the Court needs to explain to the head of security that the judges are Constitutional officers and should not be subjected to rude behavior and should not be denied access in the building when they need entry to do their jobs.

Chief Judge Barnes appointed Judge Ruffin to speak with GBA Security about these problems. Judge Barnes said on the other side of the coin, when there was a demonstration last week with many people on the Capitol Square, she entered the building at the Washington Street entrance with no security officer at all in sight.

VI. SALE OF BRIEFS TO LEXISNEXIS - THOMSON WEST:

Chief Judge Barnes called on Mr. Martin for a report of the sale of the briefs to LexisNexis and Thomson West. Mr. Martin said the first consideration is does the Court want to do this. He said he and Chief Judge Barnes had spoken with Tom Leighton, Vice President with Thomson West, who is responsible for getting the briefs from the appellate courts of the United States on the Thomson West brief server.

Mr. Martin described various options the Court may have in selling the briefs and suggested it might be a way to recoup some revenue for the Court. Presiding Judge Blackburn said it might be advisable to secure an opinion from the Attorney General's office before actually contracting with any group for the sale of the briefs. After a general discussion of the various options and the advisability of selling the Court's briefs, Presiding Judge Johnson made a motion Chief Judge Barnes, Mr. Martin and Holly Sparrow contact LexisNexis and Thomson West regarding selling the Court's briefs. The motion was seconded by Judge Miller and passed with all judges voting in favor except Presiding Judge Blackburn and Judge Ellington who voted no.

Mr. Martin said he would report any developments to the Banc for Court approval.

VII. RULES REVISION:

Presiding Judge Smith stated he, Judge Miller and Judge Bernes, with the assistance of Bill Martin and Holly Sparrow, had prepared an update of the rules. Presiding Judge Smith said there were some policy considerations he would like the Court to vote on, either at this meeting or at a future meeting. Those considerations are increasing the fine for contempt and frivolous appeals from \$1,000 to \$2,500 as the Supreme Court did a few years ago, and charging \$30.00 for courtesy appearance for lawyers who are not members of this Court, mostly out-of-state lawyers. Presiding Judge Smith said this is the same amount we charge lawyers to practice in the Court.

After a brief discussion, Judge Mikell made a motion to adopt these changes. The motion was seconded by Presiding Judge Johnson and passed unanimously.

Presiding Judge Smith said he could circulate the other rules for a vote by memorandum. Mr. Martin said most of the other rules are merely updates, housekeeping or ordinal changes but did ask the judges to look at Rule 33 dealing with changes suggested by Judge Miller and Judge Bernes.

VIII. **OLD BUSINESS:**

Chief Judge Barnes recognized Judge Bernes for Old Business. Judge Bernes said if anyone knew of any changes that needed to be made in the IOM to please email them to her since she is the Chair of the IOM Committee.

IX. **ADJOURNMENT:**

There being no further business, Chief Judge Barnes adjourned the meeting at 11:28 a.m.

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
_____, 2007.