

is inserted to update the statute and better reflect the process currently used by the appellate courts (#2).

PERFORMANCE IMPLICATIONS

The judiciary believes that amending the statute to clarify current procedures of the Supreme Court and Court of Appeals will enhance the efficiency of case disposition in cases where an appellant decides not to pursue an appeal. Since both courts are implementing performance-based budgeting (PBB) in FY04 and since both of them have A PBB measure tracking *case clearance rate*, adoption of this bill could have a positive impact on the measure's outcome. Without the amended language, the Supreme Court and Court of Appeals may experience delays in disposing of cases where appellants decide to abandon their appeals.

TECHNICAL ISSUES

AOC suggests the following:

On page 2, line 5, the phrase "failure to file a docket statement of the issues" should be changed so that the word "docket" is deleted and the phrase reads "failure to file a statement of the issues." Pursuant to Supreme Court Rule 12-208(A), an appellant must file a document called a "statement of the issues" when docketing a direct appeal in the Supreme Court, and must file a document called a "docketing statement" when docketing a direct appeal in the Court of Appeals.

CMH/yr