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MEETING OF THE ADVISORY COMMITTEE
ON CHILD SUPPORT GUIDELINES AND ENFORCEMENT
FOR THE STATE OF ALABAMA
FRIDAY, NOVEMBER 12, 2021
10:00 A.M.

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**THE ADVISORY COMMITTEE ON CHILD SUPPORT
GUIDELINES AND ENFORCEMENT MEETING** was held before
Jeana S. Boggs, Certified Court Reporter and
Commissioner for the State of Alabama at Large, via
Virtual videoconference, Montgomery, Alabama,
commencing at 10:00 A.M., Friday, November 12,
2021.

1 APPEARANCES

2 GUEST:

3 DR. JANE VENOHR
4 Center for Policy Research
5 Denver, Colorado

6 COMMITTEE MEMBERS:

7 PROFESSOR PENNY DAVIS, Chair
8 Adjunct Professor of Law
9 University of Alabama School of Law
10 Tuscaloosa, Alabama

11 THE HONORABLE MATT FRIDY
12 Judge, Alabama Court of Civil Appeals
13 Montgomery, Alabama

14 THE HONORABLE DON MCMILLAN
15 Circuit Judge
16 4th Judicial Circuit
17 Marion, Alabama

18 THE HONORABLE MICHAEL D. SHERMAN
19 Circuit Judge
20 Domestic Relations Division
21 Mobile County, Alabama

22 THE HONORABLE JULIE PALMER
23 Private Practice Attorney and
Part-time Referee, Shelby County
Hoover, Alabama

AMANDA COX, Esquire
Staff Attorney, The Honorable Terry Moore
Judge, Alabama Court of Civil Appeals
Montgomery, Alabama

SHIRLEE BEACH
Morgan County DHR
Decatur, Alabama

DREW WHITMIRE, Esquire
Private Practice Attorney
Birmingham, Alabama

1 JENNIFER BUSH, Esquire
2 State-Level Child Support Attorney
3 Alabama Department of Human Resources
4 Montgomery, Alabama

5 KATIE STEINWINDER, Esquire
6 Private Practice Attorney
7 Montgomery, Alabama

8 LATHESIA MCCLENNY
9 Director
10 Child Support Enforcement Division
11 Alabama Department of Human Resources
12 Montgomery, Alabama

13 MELODY BALDWIN, Esquire
14 District Attorney's Office
15 Child Support Division
16 Dadeville, Alabama

17 PROFESSOR BRIAN GRAY
18 Associate Dean
19 Culverhouse College of Commerce
20 The University of Alabama
21 Tuscaloosa, Alabama

22 OTHER APPEARANCES:

23 JEANA BOGGS, COURT REPORTER
Boggs Reporting & Video LLC
Montgomery, Alabama

STEPHANIE BLACKBURN, Esquire
Central Staff Attorney
Supreme Court of Alabama
Montgomery, Alabama

BOB MADDOX, Esquire
Staff Attorney, Legal Division
Alabama Administrative Office of Courts
Montgomery, Alabama

APPEARANCES OF THE PUBLIC:

LISA CLARK

1 PROFESSOR DAVIS: I know we're
2 infringing on everybody's time. The last
3 time we met, we had thought it would be
4 our last time to meet before we sent
5 things to the -- our decisions to the
6 Alabama Supreme Court. But we ran across
7 some issues that we felt like we needed to
8 bring back to the Committee. And I think
9 that it's some good things that we are
10 going to talk about today. So, we are
11 going to try to do it in as efficient a
12 manner as possible, but I did want to let
13 everyone on the Committee know.

14 Most of you may already know
15 that Drew's wife, Jenny, has passed
16 since we last met. And so, I would like
17 for us to have just a brief moment of
18 silence to remember her and Drew and
19 certainly the children, too.

20 So, if we would have just a
21 motion of silence, please.

22 (Moment of silence).

23 PROFESSOR DAVIS: Okay. Thank you

1 very much.

2 Bob, if you would, call the roll
3 for us, please.

4 MR. MADDOX: Yes, ma'am. Good
5 morning, everyone. If you just say "here"
6 or "present" when I call your name, that
7 would be great just like previous
8 meetings.

9 Honorable Sarah Stewart?

10 (No response).

11 MR. MADDOX: Honorable Matt Fridy?

12 HON. FRIDY: I am here.

13 MR. MADDOX: Thank you, Judge.

14 Honorable Don McMillan?

15 HON. MCMILLAN: I am here.

16 MR. MADDOX: Thank you. Honorable
17 Michael Sherman?

18 HON. SHERMAN: I am here.

19 MR. MADDOX: Thank you, Judge.

20 Honorable Aubrey Ford?

21 (No response).

22 MR. MADDOX: Honorable Julie
23 Palmer?

1 HON. PALMER: Here.

2 MR. MADDOX: Thank you. Honorable
3 Karen Dunn Burks?

4 (No response).

5 MR. MADDOX: Professor Penny
6 Davis?

7 PROFESSOR DAVIS: Here.

8 MR. MADDOX: Amanda Cox?

9 (No response).

10 MR. MADDOX: I hope she comes on.
11 She has a part on this.

12 MR. MADDOX: Shirlee Beach?

13 (No response).

14 MR. MADDOX: Shirlee Beach? I
15 think I admitted her. Can you hear me,
16 Shirlee?

17 PROFESSOR DAVIS: It looks like
18 she's trying to connect to audio.

19 MR. MADDOX: All right. Drew
20 Whitmire? I know I admitted Drew. Drew
21 Whitmire?

22 (No response).

23 MR. MADDOX: He is on, Jeana. His

1 name is on there.

2 MR. MADDOX: Greg Starkey?

3 (No response).

4 MR. MADDOX: Jennifer Bush?

5 MS. BUSH: Here.

6 MR. MADDOX: Thank you.

7 Joan-Marie Sullivan?

8 (No response).

9 MR. MADDOX: Jim Jeffries?

10 (No response).

11 MR. MADDOX: He indicated he had a
12 doctor's appointment, I think, so he may
13 not be on.

14 MS. STEINWINDER: Katie
15 Steinwinder?

16 MS. STEINWINDER: Here.

17 MR. MADDOX: Hopefully I
18 pronounced that correctly this time.

19 MS. STEINWINDER: You got it.

20 MR. MADDOX: Great. Lathesia
21 McClenney?

22 MS. MCCLENNY: Here.

23 MR. MADDOX: Thanks. Melody

1 Baldwin?

2 MS. BALDWIN: Here.

3 MR. MADDOX: Thank you. Professor
4 Brian Gray?

5 PROFESSOR GRAY: Here, Bob.

6 MR. MADDOX: Thank you. Stephen
7 Arnold?

8 (No response).

9 MR. MADDOX: Rachel King?

10 (No response).

11 MR. MADDOX: Mallory Hall?

12 (No response).

13 MR. MADDOX: Jeana Boggs is on as
14 the Court Reporter. We have acknowledged
15 her.

16 Honorable Julia Weller?

17 (No response).

18 MR. MADDOX: Stephanie Blackburn?

19 MS. BLACKBURN: I am here.

20 MR. MADDOX: Thank you, Stephanie.

21 Dr. Jane Venohr?

22 (Waving).

23 MR. MADDOX: She's on.

1 DR. VENOHR: Here.

2 MR. MADDOX: She's waving. How
3 are you today?

4 Amanda Cox? I just admitted
5 her.

6 MS. COX: Here.

7 MR. MADDOX: Thank you. And from
8 the public, Lisa Clark?

9 MS. CLARK: Here.

10 MR. MADDOX: Thank you. Would you
11 like to make any comments toward the end
12 of the meeting?

13 MS. CLARK: No, sir.

14 MR. MADDOX: Thank you. Clifford
15 Smith?

16 (No response).

17 MR. MADDOX: I didn't see him come
18 on. That's it, Penny.

19 PROFESSOR DAVIS: Thank you, Bob.
20 We appreciate that.

21 Stephanie, do we have a quorum?

22 MS. BLACKBURN: Yes, we do.

23 PROFESSOR DAVIS: Thank you all

1 for coming and joining us today.

2 Stephanie, we do have
3 authorization from the Supreme Court for
4 the videoconference -- Zoom conference;
5 is that correct?

6 MS. BLACKBURN: Yes, we do. The
7 August order is still in effect until
8 March 31st, 2022.

9 PROFESSOR DAVIS: Thank you. And,
10 Bob, I will ask that we dispense with
11 reading the notices, but just to confirm
12 that notices did go out to the media today
13 --

14 MR. MADDOX: Yes, ma'am.

15 PROFESSOR DAVIS: -- of our
16 meeting.

17 MR. MADDOX: All right. Thank
18 you. And the authorization and the media
19 outlet notices will be on or are on the
20 website, so that's available.

21 All right. All right. Our next
22 item is the approval of the transcript
23 that was for the October 21st, 2021,

1 meeting. Does anyone have any changes
2 or corrections that they have not
3 previously sent in?

4 MR. MADDUX: Penny, I had just a
5 couple of minor changes, if I might. On
6 page three, line 21, Alabama
7 Administrative Office of Courts needs to
8 be deleted under Honorable Julia Weller's
9 name. She's with the Supreme Court
10 Clerk's office, not AOC. So, I think that
11 should be deleted.

12 PROFESSOR DAVIS: Okay.

13 MR. MADDUX: And on page 59, line
14 17, it should say Rule 32, paren, small
15 "e" instead of capital "C".

16 PROFESSOR DAVIS: Okay. Thank
17 you. Any other suggested changes?

18 (No response).

19 PROFESSOR DAVIS: All right. And
20 I will say that we are very fortunate to
21 have a good reporter that does a great job
22 catching all the nuances over a Zoom
23 meeting which is difficult.

1 So, do I hear a motion to
2 approve?

3 MS. STEINWINDER: Penny, I'll move
4 to approve. It's Katie.

5 PROFESSOR DAVIS: Thank you,
6 Katie. And do I hear a second?

7 MS. BEACH: I'll second. It's
8 Shirlee Beach.

9 PROFESSOR DAVIS: Thank you very
10 much.

11 All right. The motion has been
12 made and seconded. So, we are going to
13 try out our hands at the bottom. So, if
14 everyone would in favor, raise your
15 hand.

16 (Committee members raising
17 hands).

18 PROFESSOR DAVIS: All right. I
19 see -- one, two, three, four, five, six,
20 seven, eight. Anyone who cannot raise
21 their hand visually through the computer,
22 if you would, unmute and vote.

23 HON. PALMER: This is Julie

1 Palmer. Approve.

2 PROFESSOR DAVIS: Okay. All
3 right. So, we're going to lower our hands
4 if I can figure out how to do that.

5 And then anyone who is opposed,
6 if you would, raise your hand.

7 (No response).

8 PROFESSOR DAVIS: And Judge
9 McMillan, your hand is still raised. Are
10 you --

11 HON. MCMILLAN: I am trying to
12 figure out how to -- I've got to figure
13 out how to lower it.

14 PROFESSOR DAVIS: I understand. I
15 think you just hit at the bottom when
16 you -- there should be something that
17 says, "lower hands."

18 Okay. And if anyone who cannot
19 raise their hand or -- would you unmute
20 and let us know if you are in opposition
21 to the motion.

22 (No response).

23 PROFESSOR DAVIS: All right. The

1 motion passes.

2 And then our next thing -- Our
3 next agenda item is a discussion on the
4 issues that we had looked at and voted
5 on the last time. As I said, there were
6 some -- When Professor Gray and several
7 of us looked at some things, we found
8 some things that we felt like needed to
9 be brought back to the attention of the
10 Committee. And I asked Professor Gray
11 to present the drafts of the charts
12 first because that sort of prompted our
13 thought process.

14 And are you going to share --
15 Are you going to do it with your screen,
16 Brian, or is Bob going to do it?

17 PROFESSOR GRAY: Yes, I'm going to
18 go ahead and try to share my screen.
19 Let's see if that will work.

20 PROFESSOR DAVIS: Okay. Thank
21 you.

22 PROFESSOR GRAY: Okay. It looks
23 like it will.

1 PROFESSOR DAVIS: All right.

2 PROFESSOR GRAY: Okay. So, good
3 morning, everybody.

4 As Penny mentioned, after our
5 last meeting back in October, I took a
6 look back over the Worksheet. I
7 continued to look at this thing over and
8 over again and in the process discovered
9 several problems that I was not able to
10 detect earlier on.

11 And so, there are some mistakes
12 there. We need to fix those mistakes.
13 Some are really pretty minor, and you
14 just don't see them. They are pretty
15 much under the hood, but there are some
16 of the others that are fairly
17 substantive. And so, we thought we
18 needed to bring this back to the
19 Committee for your approval.

20 So, I talked over the issues
21 with Professor Davis, and then we had a
22 discussion after that with Dr. Venohr
23 and also with Amanda Cox to try to see

1 what kind of options we might have in
2 fixing the issues that we had.

3 So, what you see on screen --
4 and hopefully you can read this. It
5 might be a little small, but it's kind
6 of important to be able to see
7 everything, I guess, on the screen.

8 So, over on the left-hand side,
9 I have got the one that we approved the
10 last time. This was my October 15th
11 Worksheet. And over on the right is the
12 revised Worksheet that we're proposing
13 to you today for approval.

14 So, let me walk through the
15 major changes and try to get you to see,
16 you know, what those are.

17 So, the first one is one that's
18 been around for quite awhile. If you
19 look at the sheet over here on the left
20 -- is everybody seeing it? Everything
21 okay?

22 PROFESSOR DAVIS: Yes.

23 PROFESSOR GRAY: Good. Thank you.

1 Okay. So, over here on the
2 left, if you take a look at line 11, the
3 income available for child support --
4 This is in the Self-Support Reserve
5 calculation. The calculation, I had
6 originally set it up as taking line one,
7 which was the monthly gross income, and
8 then subtracting out the SSR of \$981.
9 But it should have been line two; in
10 other words, it should have been the
11 adjusted gross income instead.

12 So, over here on the revised
13 sheet, if you take a look at line number
14 11, you will see it's line two minus the
15 SSR of \$981. And all the examples that
16 we did, we didn't really have -- we
17 weren't really looking at inputting
18 pre-existing child support payments and
19 pre-existing periodic alimony payments,
20 and so that probably helped hide that
21 error for a little while.

22 So, that is much more consistent
23 with what Dr. Venohr's Worksheet had and

1 also what the Wyoming Worksheet does, as
2 well. The Wyoming Worksheet is one that
3 we thought was fairly similar to ours or
4 trying to. It remains somewhat --
5 somewhat consistent with that.

6 The second one or error that we
7 needed to correct -- If you come down to
8 the very bottom, one of the things I was
9 attempting to do in this Worksheet was
10 to avoid duplication of effort. So, I
11 thought it would be nice if I didn't
12 have to repeat a calculation in the top
13 part of the form -- I am sorry, in the
14 Self-Support Reserve part of the form
15 that I had already included in the top
16 part of the form.

17 So, some calculations I was
18 trying to save toward the end here like
19 the self -- I am sorry, the minimum of
20 \$50 obligation and also the last line
21 down here, line 15, the final child
22 support order after the payments
23 adjustment. Well, that line was added

1 in to try to give credit to those who
2 fell under the minimum \$50 order at this
3 stage. So, we had in this example
4 someone who was paying \$20 toward -- I
5 believe it was childcare costs.

6 So, there was a \$50 minimum
7 order, and we're going to give them the
8 \$20 credit, and so it would bring it
9 down to \$30. The problem is that also
10 impacted -- that adjustment impacted
11 people from the top calculation who had
12 already had that deduction taken out.
13 So, basically it was a double deduction,
14 and you kind of see that there. It
15 should have been the one-eighty -- Let's
16 see. I guess it's the \$194 here --
17 well, \$186. But it actually got brought
18 down to just \$86.

19 So, over here, it's corrected by
20 simply deleting line 15, and then
21 there's sort of a combination of lines
22 13 and 14. And we're also moving the
23 minimum \$50 obligation calculation back

1 to the Self-Support Reserve calculation.

2 Okay. So, the last part down
3 here -- 13, 14, 15 -- really simplifies
4 quite a bit. And then, if you take a
5 look at line 12 in the Self-Support
6 Reserve calculation back in the old
7 form, there we save the minimum \$50
8 order calculation until later, but now
9 it's included at that step. You can see
10 here in line 12. If it's less than \$50,
11 then we enter that \$50 minimum
12 obligation. And that's consistent with
13 what Dr. Venohr was doing in her
14 Worksheet and also what was going on in
15 the Wyoming Worksheet.

16 And so, those were the main
17 things, the main differences that we --
18 or changes that we made to the -- to the
19 form. We also made some changes to some
20 of the wording in order to line it up a
21 little more closely with the old CS-42
22 Worksheet, as well.

23 So, those are the main changes.

1 Are there any questions? Or, Penny, did
2 you have anything you wanted to add to
3 that?

4 PROFESSOR DAVIS: I think part of
5 the dilemma that we had with the \$50 order
6 and, like, in this particular instance
7 where the defendant had paid \$20 is that
8 we are going to suggest that in some other
9 documents that we see that the judge had
10 discretion to give them essentially credit
11 for that \$20 that's actually paid that's
12 not built in here. We still have the \$50.
13 At least that's my recollection of our
14 discussion that we had.

15 PROFESSOR GRAY: No, that's
16 correct. I think we also thought that
17 that might be a pretty rare event anyway
18 that, if they came down to the SSR
19 calculation, that it might be somewhat
20 unlikely that there would be those
21 childcare or healthcare costs; but in the
22 event that there were, that the judge
23 could override.

1 PROFESSOR DAVIS: Right.

2 MS. BEACH: I have a question. I
3 don't know if here is the time to bring it
4 up or not.

5 But on the Self-Support Reserve,
6 early on Dr. Venohr mentioned that there
7 was an income level at which that no
8 longer applied. We have not stated that
9 here anywhere. Is it stated somewhere
10 else that I've missed?

11 PROFESSOR GRAY: No, Shirlee. The
12 idea here is, we go ahead and go through
13 the calculation. And in one of Dr.
14 Venohr's earlier Worksheet, the idea was
15 to -- she figured out what the breakpoints
16 were, the amounts at which you really
17 wouldn't have to bother doing the SSR
18 calculation, and so you were able to skip
19 that section.

20 MS. BEACH: Right.

21 PROFESSOR GRAY: The way this
22 worksheet is set up you still go through
23 the SSR calculation, but it sort of

1 accomplishes the same thing.

2 MS. BEACH: Okay. Okay.

3 PROFESSOR GRAY: In other words,
4 if the income falls below that amount that
5 Dr. Venohr had listed on her Worksheet,
6 then you would fall into the SSR
7 calculation. That would be the one that
8 would come up at the end.

9 MS. BEACH: Okay. Gotcha.

10 PROFESSOR DAVIS: That's a good
11 question, Shirlee.

12 Anybody else have additional
13 questions in any order? You know, we
14 may get to them in another document, but
15 as you think of them, feel free to voice
16 them.

17 (No response) .

18 PROFESSOR DAVIS: And I guess I
19 will do that same thing that I suggested
20 to other people while I think about it.
21 In our charts -- and we don't have that in
22 front of us. But when we look at the
23 support chart, the minimum order we have

1 there is actually -- thank you. Looks
2 like magic; it just appears.

3 The minimum order there we have
4 is \$52. And before I raise the issue,
5 should we -- should we say \$50 so we
6 have it sort of consistent? But I was
7 talked out of it, but I can't remember
8 why I was talked out of it.

9 So, should we make that \$50 so
10 that at least it's consistent with where
11 we talk about a minimum \$50 order, or
12 should we leave it at \$52? I know it's
13 not but a \$2.00 difference.

14 In the past where we
15 incorporated the Self-Support Reserve,
16 we had the number \$50 for -- in there to
17 indicate that.

18 So, if anyone can tell me why I
19 was talked out of it, I can't remember.

20 PROFESSOR GRAY: That might be a
21 Dr. Venohr question.

22 PROFESSOR DAVIS: Probably is.

23 DR. VENOHR: That's where the

1 economic data came up with this \$52. I'm
2 not sure who talked you out of it. I
3 think it's a very minor change if you
4 wanted to do it, but the Schedule, as is,
5 reflects the economic data on
6 child-rearing costs for --

7 PROFESSOR DAVIS: Yeah. Maybe I
8 talked myself out of it because I know it
9 is not a lot of money, but, you know, we
10 just talk about a \$50 order. And the
11 other -- our existing child support, we
12 actually use the number "50" in our Child
13 Support -- Child Support Worksheet
14 Schedule and here we don't. We have, you
15 know, for one child \$52, two for \$80. If
16 I'm the only one that's bothered by that,
17 then that's okay.

18 Anybody else have any feelings
19 about it? If we do, we will look at it
20 when we talk about the \$50 order in the
21 documents and see what y'all think about
22 that. Just keep that in the back of
23 your mind.

1 DR. VENOHR: Penny, if I may, that
2 really -- That first income range is zero
3 to \$250. It's not shown on this because
4 this is Brian's calculator, you know.

5 And so, when we calculate that
6 basic obligation for one child, we are
7 actually using the \$250 amount. We are
8 not using zero or \$100, or whatever.

9 And, like, at the \$300, I am
10 using the \$300 amount when I calculate
11 the basic obligation and with the
12 understanding that that \$300 amount is
13 being applied to the income range of
14 about \$275 to \$325 because of rounding.
15 And you don't have that same sort of
16 thing for that first income range
17 because, you know, that goes from zero
18 to \$250.

19 So, I use that \$250. And the
20 reason that I don't go lower -- you
21 know, like, I don't have an income of
22 \$200 and not \$150 is because those
23 amounts would be less than \$50.

1 PROFESSOR DAVIS: Right.

2 DR. VENOHR: So, I don't know if
3 that helped. That's kind of a complicated
4 explanation.

5 PROFESSOR DAVIS: It does remind
6 me of why I was convinced that I was being
7 OCD to worry about the \$52 versus the \$50
8 showing up, because the required minimum
9 is not included in the charts like it was
10 before. I think that's the difference.

11 Okay. Well, I don't want to
12 belabor that point. If anybody else
13 wants to raise it, we can. Otherwise,
14 we will move on.

15 All right. Let's go back to the
16 side-by-side charts and see if anyone
17 has any other questions; or if you want
18 to, we will go ahead and vote on the new
19 format for the chart which does
20 incorporate some concepts that Professor
21 Gray indicated.

22 Does anyone have any other
23 questions? If you would, just, you

1 know, indicate by raising your hand or
2 unmute.

3 (No response).

4 PROFESSOR DAVIS: Okay. Well,
5 let's go ahead and vote then. All in
6 favor --

7 HON. PALMER: Penny --

8 PROFESSOR DAVIS: -- I'm sorry.
9 Go ahead, Judge.

10 HON. PALMER: Penny, this is Julie
11 Palmer. I don't -- I am on the phone, so
12 I can't see the screens y'all are looking
13 at. But in the current child support
14 forms -- And I think this is what we are
15 talking about. If not, let me know and we
16 will get to it.

17 But in the current Child Support
18 Schedule, it's shaded as far as what is
19 actually in the reserve, and what I was
20 sent that area is not shaded.

21 PROFESSOR DAVIS: Yeah. That's
22 because we -- the reserve is no longer in
23 that chart. That's --

1 HON. PALMER: Okay.

2 PROFESSOR DAVIS: We apply that on
3 the form.

4 HON. PALMER: Okay. All right.

5 PROFESSOR DAVIS: But, yes, you
6 are right. Thank you for bringing that to
7 our attention, Judge Palmer.

8 HON. PALMER: Okay. All right.
9 Well, that's all I've got to say. Thank
10 you.

11 PROFESSOR DAVIS: All right.
12 Thank you.

13 And that's something that we
14 will have to, you know, educate everyone
15 on because Judge Palmer is correct, that
16 is how we are used to seeing the
17 Schedule with that built in with the
18 shaded area.

19 All right. Let's go ahead and
20 vote. Everyone in favor -- I guess we
21 need a motion, though. Sorry.

22 So, do we have a motion in favor
23 of the changes on the form that

1 Professor Gray just went over for us?

2 (No response).

3 PROFESSOR DAVIS: Okay. I will
4 speed up the process and make that motion.
5 Do we have a second?

6 MS. STEINWINDER: Penny, I'll
7 second.

8 PROFESSOR DAVIS: Okay. I think I
9 saw Judge Sherman and Katie both
10 seconding. And all in favor, if you
11 would, raise your hand if you can, either
12 the visual one or your own hand.

13 (Committee members raising
14 hands).

15 PROFESSOR DAVIS: All right.
16 Let's see. I have got -- one, two, three,
17 four, five, six, seven, eight, nine --
18 ten. I see ten hands. Would anyone like
19 to unmute and vote?

20 HON. PALMER: This is Julie
21 Palmer. I vote in favor.

22 PROFESSOR DAVIS: Okay. I count
23 eleven. Bob, is that what you count?

1 (No response) .

2 PROFESSOR DAVIS: I don't know if
3 Bob is there or not.

4 Okay. If everyone would put
5 your hands down. And then if anyone
6 would like to vote in opposition, if you
7 would, raise your hand and/or unmute.

8 (No response) .

9 PROFESSOR DAVIS: Okay. Well,
10 that motion passes.

11 And Amanda has been very
12 diligent in going through the documents
13 to make some changes based on the
14 language that we just adopted and the
15 changes that were made in the form as
16 well as a few other changes. And I will
17 say this; I should have said this
18 before: I appreciate the fact we sent
19 out the chart to, I think, Melody and
20 maybe a couple of other people, Katie,
21 and asked them to -- to get some of
22 their folks to work through some
23 different examples to see if that worked

1 well and if it was understandable as
2 possible.

3 And so, I think the results were
4 positive from -- in terms of feedback we
5 got from that, and I just want to
6 acknowledge and appreciate -- and say I
7 appreciate your reaching out to other
8 lawyers and DHR people and their taking
9 the time to review the proposed changes
10 to the chart.

11 Okay. So, at this point,
12 Amanda, are you going to be controlling
13 the screen, or are you going to ask Bob
14 to do that?

15 MS. COX: If Mr. Maddox doesn't
16 mind doing that. Is he on right now?

17 PROFESSOR DAVIS: Yes, there he is
18 sharing his screen.

19 MS. COX: Okay.

20 PROFESSOR DAVIS: Which document
21 do you want first? Did y'all already talk
22 about it?

23 MS. COX: I guess -- I think it

1 would probably be best to start with the
2 Rules if that's okay. I think if we
3 discuss the Rules and Comments, that might
4 be all we need to really discuss because
5 the Memo just -- would be just a repeat.

6 PROFESSOR DAVIS: Yeah.

7 MS. COX: Okay. So, we have got
8 rule changes. This document is redlined
9 to the version that the Committee saw at
10 the last meeting, but it's confusing
11 because it's also redlined to the changes
12 that we are making.

13 So, I will go through and tell
14 you what the changes actually are. If
15 you could scroll down a little bit,
16 Mr. Maddox, to childcare costs.

17 So, this first paragraph (a),
18 you see some edits. Those -- Mr. Maddox
19 just made those grammatical edits to
20 that Rule. And then part (b) is also
21 the same as when we looked at it the
22 last time. Where was the change?

23 Okay. So, the first change will

1 be at page three, amendment to Rule
2 32(c). It's kind of at the bottom of
3 page three. Can you scroll down just a
4 little bit more? Yeah, the bottom of
5 three.

6 PROFESSOR DAVIS: Page three.
7 Bottom of page three, Bob.

8 MS. COX: The bottom of three.
9 Sorry.

10 Okay. So, basically here we
11 just changed the wording from
12 "alternative child support calculation
13 based on the SSR" to "SSR calculation."
14 And that change is throughout the Rule.
15 And basically all this is is wording
16 changes. This is not anything
17 substantive until you get to right
18 before part (6), and that's where it
19 says, "If the amount entered on line 12
20 is less than \$50, there is a rebuttable
21 presumption that a \$50 minimum amount
22 should be entered."

23 That's right before (6). I

1 think maybe you need to go down a
2 little. Yeah, right there.

3 So, all we did there was we
4 moved the minimum order to the SSR part
5 instead of in the zero dollar part, and
6 that's just to reflect titles on the
7 Worksheet.

8 And then, if we scroll down a
9 little bit more, you see where I took
10 the part (b) and (c) out, and that's
11 just because we moved the minimum order
12 to the SSR section.

13 So, all this is is basically
14 incorporating the Worksheet, the
15 Worksheet changes into the Rule.
16 There's nothing -- nothing new as far as
17 the Rules.

18 And the same thing with the
19 Comments. I don't know if we really
20 even need to go through those.

21 PROFESSOR DAVIS: I think I would
22 rather go through them with them.

23 MS. COX: You want to go through

1 them? Okay.

2 Okay. There they are. Okay.

3 So, the first major thing we change is
4 the bottom of page two, and that is
5 where we changed the tax rate exemptions
6 to "assumption" right there. And that's
7 what we did in the last meeting because
8 the Schedule does not assume that. The
9 IRS tax code assumes that. So, we
10 changed that. I think Judge Palmer
11 brought that up.

12 Okay. And then if we go down to
13 page four, that's the same -- same issue
14 about the tax rate assumption. We
15 changed that and added that in the
16 Comments.

17 And then, if you go down just a
18 little more to the middle of that page,
19 there's some blue strikeouts. That's
20 just where we changed the alternative
21 child support calculation to the SSR
22 calculation. All that is is just
23 wording changes.

1 Okay. I guess the bottom of
2 page five, if you could go down another
3 page, that's where basically we are just
4 changing the comments to go with the
5 Worksheet. And then, if the amount
6 entered on line 12 is less than \$50, the
7 available presumption of a \$50 minimum
8 amount should be entered. And so,
9 that's going to be with the SSR
10 calculation, not in the zero order
11 calculation like it was before. And
12 then, we had to delete a lot right under
13 that.

14 If we can scroll down a little
15 bit more, there's a whole bunch of
16 deletions. And that's just where we
17 moved the minimum order, and we moved
18 that deduction for healthcare. That
19 double deduction, we took that out.

20 And the same thing one paragraph
21 down, it's just another deletion to
22 delete the minimum order out of that
23 last section and to move it to the

1 alternative calculation with the
2 Self-Support Reserve.

3 So, the main thing is we changed
4 everything to reflect the changes in the
5 Worksheet, and then we changed the
6 income tax assumption to more accurately
7 reflect that it's because of the IRS tax
8 code instead of because of the Schedule
9 assumption.

10 Now, I will -- I don't know. Do
11 you want me to go into the other edits
12 in that big document yet, Professor
13 Davis?

14 PROFESSOR DAVIS: Let's -- Let's
15 look at these two. I think it's easier --

16 MS. COX: Okay.

17 PROFESSOR DAVIS: -- to do it so
18 that, if anybody has any questions on
19 these, we can do that.

20 So, we are looking at the two
21 documents, the Rule change and the
22 Comments. Let's start with, I guess,
23 the Rule change first. Does anybody

1 have any questions regarding that?

2 (No response.)

3 MR. MADDOX: Hey, Penny, this is
4 Bob. Can you hear me now?

5 PROFESSOR DAVIS: Yes.

6 MR. MADDOX: Good. I am back
7 among the living. We had audio
8 difficulties on my end. So...

9 PROFESSOR DAVIS: That's
10 frustrating.

11 MR. MADDOX: My sharing screens as
12 well as getting someone to come check the
13 audio at the same time, that's quite
14 challenging. But I did have a question
15 under (5) (d) on this page where I've got
16 it in the middle here. You added some
17 language to the Comment beginning with
18 "however." I wonder if that same language
19 needs to be subtracted from the Rule, as
20 well.

21 PROFESSOR DAVIS: Can you pull up
22 the language you are referring to in the
23 Comment, Bob?

1 MR. MADDOX: Amanda, did you
2 incorporate that in the Comment?

3 MS. COX: Let me see. Oh, you're
4 saying that I didn't incorporate it from
5 the Rule to the Comment or vice versa?

6 MR. MADDOX: No. I think
7 Professor Davis had some --

8 MS. COX: Oh, yeah. That was -- I
9 was going to say that that issue that you
10 were discussing about saying the judge has
11 discretion to subtract that, that has not
12 been finalized into the Comments yet. I
13 don't know that -- I do remember seeing an
14 email about that, but maybe I just missed
15 putting that in.

16 MR. MADDOX: Now, Penny, did you
17 want to talk about that "however"?

18 PROFESSOR DAVIS: Well, Yeah. We
19 had discussed the possibility of putting
20 in -- and I don't know if I -- Bob, I
21 don't know if you can pull up the
22 language. But the concept that in the
23 very few situations where there actually

1 might be somebody that would be paying, as
2 we showed in our chart, \$20 instead of
3 making them pay the full \$50 when they are
4 already paying \$20 directly to health
5 insurance or to the childcare that we have
6 in our charts, that the judge would have
7 the discretion to give credit for that
8 person.

9 So, that would essentially --
10 say Judge Sherman was -- had the case
11 before him, then the parent can say:
12 Well, I am paying \$20 to -- directly for
13 childcare. And so, then the judge would
14 have the discretion to say: Instead of
15 applying the \$50 minimum in this case,
16 we will just give you credit for that
17 \$20, and then the order would then be
18 \$30.

19 MS. COX: I did find your email on
20 that now. And so, it says, "We might add
21 language in the Comments similar to this."
22 And then it says, "However, when a minimum
23 order is entered, credit may be given by

1 the court to the parent for any payment
2 that he or she is making as reflected in
3 lines 5 and 6."

4 PROFESSOR DAVIS: And that's the
5 childcare and healthcare?

6 MS. COX: Yes, ma'am.

7 MR. MADDOX: So, my question was,
8 Penny, should we add that language to the
9 Rule itself, as well? You said to add it
10 to the Comment.

11 PROFESSOR DAVIS: My default is it
12 probably should be in the Rule. I think
13 it's -- you know, the Comments are -- my
14 general view is the Comments are more
15 explanatory and examples, and the Rule
16 should be -- reflect what is the policy or
17 the process that should be followed.

18 MR. MADDOX: Amanda, could you
19 share that email with the language in it?
20 I don't have it in front of me. You
21 should be able to share it and share with
22 everybody on the Committee.

23 MS. COX: I can probably email it

1 to you. That might be the best I can do.

2 PROFESSOR DAVIS: All right. Do
3 we want to go to the Brady bunch while we
4 are doing that and see if anyone has any
5 thoughts about just the concept? And then
6 we can decide where to put it if you like
7 the concept of giving credit to a parent
8 that's paying either child support --
9 excuse me, childcare or the insurance,
10 which line -- is it five and six, Brian?
11 Is that right? You're muted. You're
12 still muted, Brian.

13 PROFESSOR GRAY: Okay. It is
14 lines five and six.

15 PROFESSOR DAVIS: Thank you. It
16 just seems to me that the sense of
17 fairness that if we really want somebody
18 to pay only \$50 because they are below
19 this minimum amount, that Self-Support
20 Reserve, then if they are already paying,
21 you know, some money, then they ought to
22 be able to get credit for it. That's my
23 -- just my view on it. It may not be

1 everybody else's.

2 MS. COX: One thing I was
3 wondering is: Could this -- if the trial
4 courts -- Could it result in them getting
5 a double credit somehow kind of like what
6 we were concerned with before? Would we
7 need to specify that a minimum order is
8 entered? I'm not sure.

9 Maybe Professor Gray can answer
10 this. Is there any way that they can
11 get a double credit since we moved it to
12 the SSR, move the minimum order to the
13 SSR calculation?

14 PROFESSOR GRAY: You know, in the
15 instance of our calculation, we really
16 don't account for those costs.

17 PROFESSOR DAVIS: Can you put your
18 chart back up, your screen?

19 PROFESSOR GRAY: Hang on just a
20 second.

21 Okay. So, yes, in the SSR
22 calculation, we don't consider the cost.
23 We don't add them in. We don't take

1 them out. Now, up here in the top
2 portion, they are added into the basic
3 child-support obligation to come up with
4 a total child-support obligation, and
5 then they are taken out.

6 Now, when they are taken out,
7 they may be reapportioned, but they're
8 -- But they are taken back out.

9 PROFESSOR DAVIS: So, for example,
10 this defendant that they -- you have added
11 the \$20, and you've added \$100 in, and
12 then we divide it by the percentage. And
13 so, the defendant would owe \$240, and then
14 they would get credit for the \$20 there,
15 so they would owe \$220. But then when you
16 apply the SSR, they really only owe \$19.
17 That's really all they should be -- You
18 know, in order to get the benefit of the
19 SSR, all they are obligated to pay is \$19.
20 And we say that we are going to have a \$50
21 minimum order for everybody.

22 And so, even if you're only --
23 after the SSR is applied, we say: Okay.

1 You're going to have to pay \$50. But
2 that person is already paying \$20.

3 And so, I think, in that
4 instance -- We took it out of the chart.

5 We simplified it because it doesn't
6 happen very often, but I just thought
7 the judges might feel like that it's a
8 matter of policy. They may want to give
9 credit to that. But, again, that's a --
10 that's a policy determination.

11 MS. COX: I agree with you that if
12 we're going to do that, it probably needs
13 to go ahead and go in the Rule. And if we
14 say "may," it's going to be discretionary.

15 PROFESSOR DAVIS: Do any of the
16 judges have any feelings on it? It would
17 be -- It would mean that you would have to
18 make a determination in each case in order
19 to give them credit.

20 HON. SHERMAN: I personally think
21 that I would have the discretion to do
22 that anyway, whether it's in there or not,
23 because I have the discretion to deviate

1 from Rule 32.

2 But that being said, I think
3 that, as a policy matter, it make sense
4 to have it in the Rule.

5 PROFESSOR DAVIS: Thank you,
6 Judge.

7 Any other judges that have
8 comments that would unduly burden them?

9 (No response).

10 PROFESSOR DAVIS: Any other
11 questions or comments?

12 HON. SHERMAN: I was going to say
13 too, Penny, I think, you know, the number
14 of times that is actually going to happen
15 in my court is miniscule. I don't think
16 I'm going to see, first, the Self-Support
17 Reserve of, you know, minimum \$50 order,
18 and they're paying the daycare or health
19 insurance. So...

20 PROFESSOR DAVIS: Yeah. I think
21 that's true.

22 PROFESSOR DAVIS: Okay. Anybody
23 have any other questions in regard to the

1 issue of double credit or anything else?

2 (No response).

3 PROFESSOR DAVIS: Okay. Let's go
4 back to the Brady bunch. So, we will take
5 the issue that I raised separately. And I
6 am not going to make that motion because
7 it may be only -- I may be the only one
8 that's interested in that, and I have not
9 real strong feelings about it, so because
10 of the few cases in which it will apply.
11 And I think Judge Sherman is correct, that
12 they can do those as a deviation.

13 So, does anybody want to make a
14 motion regarding that language?

15 (No response).

16 PROFESSOR DAVIS: Okay. So, that
17 language will not be considered. It
18 failed for a lack of a motion and a second
19 and anybody else voting for it.

20 So, now we are to the point of
21 asking if anybody else has any other
22 proposed changes to the Rule and to the
23 Comment that Amanda has gone over for

1 us?

2 MR. MADDUX: Penny, this is Bob.
3 Real quick, Jennifer Bush and I talked
4 about this earlier this morning. We would
5 like to have the Court do a three-month
6 delay implementation effective date for
7 this -- if they adopt any part of this
8 Rule or Comments.

9 So, in the "Preface Relating to
10 Scope," we may just need to say 2022 and
11 not say "January" because we don't want
12 that to be that soon for both of our
13 computer systems, policies, et cetera.

14 PROFESSOR DAVIS: Okay.

15 MR. MADDUX: We need about
16 three-months' turnaround time, and, plus,
17 we may want to be training court officials
18 and employees and the DHR staff, and
19 whatnot, in that time frame to apprise
20 them of the changes.

21 PROFESSOR DAVIS: Okay.

22 MR. MADDUX: So, if we could just
23 take out "January," and then we might want

1 to add a recommendation to the Memorandum
2 itself, number five, at the end about
3 that.

4 PROFESSOR DAVIS: Okay. So, the
5 vote at this point would be like in the
6 preference where it says, "Rule as
7 effective the month of January," it would
8 be blank, correct?

9 MR. MADDUX: Yeah. Take out
10 "January" and just say 2022 --

11 PROFESSOR DAVIS: Okay.

12 MR. MADDUX: -- or blank 2022.

13 PROFESSOR DAVIS: All right. I
14 think that's a good practical suggestion
15 on both parts of you and Jennifer.

16 Any other thoughts before we
17 vote?

18 MS. COX: Oh, did you say a
19 three-month delay from when the Supreme
20 Court adopts it before it goes into
21 effect?

22 MR. MADDUX: Correct. Like, if
23 their order is issued hypothetically on

1 December 15th, it would be March 15th,
2 2022.

3 MS. STEINWINDER: Now, I do need
4 to -- I think it would be a good idea to
5 amend the Memorandum, too, and just submit
6 it to the Court.

7 PROFESSOR DAVIS: Okay. So, when
8 we get to the Memorandum, we'll -- Bob,
9 don't let me forget, and we will talk
10 about that with regard to that. I think
11 the only change in the Rule and the
12 Comment here would be just removing the
13 suggested January date. And then when we
14 get to Comments, we'll suggest there be at
15 least three months; is that correct? Am I
16 understanding what you are suggesting,
17 Bob?

18 MR. MADDOX: Yeah.

19 PROFESSOR DAVIS: Okay. Any other
20 thoughts with regard to the Rule or the
21 Comments?

22 (No response).

23 PROFESSOR DAVIS: All right. Then

1 we will proceed with a vote. All in
2 favor, if you would, raise your hand.

3 (Committee members raising
4 hands).

5 PROFESSOR DAVIS: Okay. I see --
6 one, two, three, four, five, six -- I
7 think I see nine. Nine. Anyone want to
8 unmute and vote?

9 HON. PALMER: This is Julie
10 Palmer. I vote in favor.

11 PROFESSOR DAVIS: Okay. That's
12 our tenth vote. Anyone -- Okay. If
13 everyone would lower their hands.

14 Anyone would want to vote in
15 opposition, if you would raise your hand

16 (No response).

17 PROFESSOR DAVIS: And, Amanda,
18 your hand is still up. Now it's down.
19 Okay. Thank you.

20 Anyone want to unmute and vote
21 in opposition?

22 (No response).

23 PROFESSOR DAVIS: Okay. Thank

1 you.

2 All right. Let's move to the
3 Comments, Amanda, if you would. Bob, if
4 you will put that on the screen.

5 MS. COX: Okay. I think I have
6 already gone through the Comments. Do you
7 want me to go through the Memo?

8 PROFESSOR DAVIS: I'm sorry.
9 Memo.

10 MS. COX: Okay.

11 PROFESSOR DAVIS: I apologize. I
12 meant Memo. I'm sorry.

13 MS. COX: Okay. That's what I
14 thought you meant.

15 Okay. On the Memo, I feel like
16 I am going to be repeating myself. But
17 this is the introduction obtained, the
18 part about the minimum order since we
19 moved that to the SSR section. That on
20 number four, I just changed the wording
21 of that.

22 Page five -- The beginning of
23 page five, this is where I made the

1 change that Judge Palmer had recommended
2 about the tax exemptions.

3 Okay. And then, if we go down
4 to page seven, these are all just minor
5 changes changing the wording to match
6 the Worksheet.

7 And then on page eight, this is
8 where we added the minimum order to the
9 SSR section.

10 And then starting on page nine,
11 this is when we deleted the minimum
12 order and the adjustments from that last
13 section on the Worksheet. And then the
14 conclusion section just -- just
15 summarizes that.

16 And then the conclusion, that's
17 where I will add that we recommend that
18 the changes be effective at least three
19 months after the Supreme Court issues
20 its order adopting the recommendations.

21 MR. MADDOX: And, Amanda, I have
22 some proposed language I can give you.

23 MS. COX: Oh, that would be great.

1 Thank you.

2 PROFESSOR DAVIS: Do you want to
3 share that with the group, Bob?

4 MR. MADDOX: Sure. I just did
5 this this morning, so it may need to be,
6 you know, clarified a little more.

7 But number five would be if the
8 Court issues an order amending Rule 32,
9 the Comment to Rule 32, Form CS-42, and
10 on the Schedule to Basic Child Support
11 Obligations, the effective date of the
12 order is recommended to be at least
13 three months after the date the order is
14 issued to give sufficient time to make
15 changes in the computer systems,
16 policies, et cetera, and to inform court
17 officials and employees and the DHR
18 staff regarding the changes.

19 PROFESSOR DAVIS: Does anybody
20 have any comments on the language Bob
21 read?

22 MS. COX: Also, I have got the
23 edits. I don't know if you would want to

1 -- Do you want to do that separately from
2 this? I can go ahead and do that.

3 PROFESSOR DAVIS: The big document
4 you are talking about?

5 MS. COX: You want to just wait?
6 Yeah, we can wait on that.

7 PROFESSOR DAVIS: Yeah. Let's do
8 -- Let's go ahead and do this, and then we
9 will --

10 MS. COX: Okay.

11 PROFESSOR DAVIS: -- go back to
12 that.

13 MS. COX: Okay. I think that
14 language looks great. And if you could
15 email me that because I didn't get it all
16 typed out.

17 MR. MADDOX: Sure.

18 MS. COX: Thank you.

19 PROFESSOR DAVIS: All right. Does
20 anybody have any questions relating to the
21 -- to the rather minor comments -- I mean,
22 changes to the last document we had?
23 These would be the memorandum that we will

1 send to the Supreme Court.

2 HON. SHERMAN: I have one
3 question, Bob. Is that -- At one of our
4 last meetings, we talked about the need to
5 talk to the IT people at AOC about the
6 programming for the -- you know, the tool
7 the judges use in Alacourt to do the
8 calculations. Is that -- Is that what
9 this is in reference to or in response to?
10 Does that give them time?

11 MR. MADDUX: Yes, sir.

12 HON. SHERMAN: Okay. Good.

13 MR. MADDUX: They already got
14 started. They did a draft on the previous
15 version of the Worksheet. So, all they
16 have to do is make these last-minute
17 corrections. But we still want to give
18 time to upload and all that good stuff.

19 HON. SHERMAN: Do you need a
20 motion, Penny?

21 PROFESSOR DAVIS: Yes, we would.

22 HON. SHERMAN: I move we adopt the
23 Memo as -- with the corrections suggested

1 by Bob this morning.

2 PROFESSOR DAVIS: Okay. Do I hear
3 -- Let's go to the Brady bunch if you
4 could, Bob. Do I hear a second while
5 we're switching over?

6 MS. BEACH: This is Shirlee Beach.
7 I second.

8 PROFESSOR DAVIS: Thank you,
9 Shirlee. So, we have a motion and a
10 second. All in favor, if you would, raise
11 your screen hand or your physical hand.
12 All right. I see ten again. And if you
13 would unmute if you're in favor or in
14 opposition. If we would, take our hands
15 down.

16 HON. PALMER: Penny, this is Julie
17 Palmer. In favor.

18 PROFESSOR DAVIS: All right.
19 Thank you. So, that would be -- I think
20 that was -- was that 10 or 11 in favor.
21 Okay. And no opposition?

22 (No response).

23 PROFESSOR DAVIS: All right. So,

1 the last document that we were referring
2 to is the larger document that was -- I
3 will just refer to it as the 36-page
4 document. So, Amanda, if you would just
5 go over that. I think green is the
6 changes, right?

7 MS. COX: Yes, ma'am. I think I
8 do have this one pulled up on my computer.
9 I could try to share my screen, but it
10 might be a fail. So --

11 MR. MADDOX: I'm afraid I haven't
12 mastered how to get into my email from
13 here. I don't want to push any buttons.

14 MS. COX: Okay. Let me try and
15 just don't make fun of me if I mess it up.

16 PROFESSOR DAVIS: No judgment from
17 this group.

18 MS. COX: Let's see here. Oh,
19 okay. Is that it? Can y'all see that?

20 PROFESSOR DAVIS: Yes, ma'am.

21 MS. COX: Okay. Y'all don't see
22 anything you're not supposed to see, do
23 you?

1 PROFESSOR DAVIS: No, you're good.

2 MS. COX: My son uses this too, so
3 it might be like how to build
4 rollercoasters or any kind of crazy stuff.

5 Okay. So, Trina Bailey, one of
6 my coworkers in Judge Moore's office, if
7 y'all don't know her, she's an excellent
8 editor, just all-around smart lady. She
9 volunteered to edit this on her day off
10 yesterday. So, this is the entire Rule
11 32 Rule with the Comments, and the red
12 lines are our changes. And then she's
13 gone through and edited this. So, all
14 this is is a repeat of what we have
15 already gone over other than the green
16 changes.

17 So, I'm going to go through --
18 and most of these are, you know,
19 grammatical type changes. There is one
20 that could potentially be substantive,
21 and so I'll -- Let me get to the part
22 where we changed.

23 Okay. So, this is a -- She

1 added just an "s" there to "costs." Let
2 me get to the -- Okay. These are just
3 minor editorial changes, not substantive
4 changes, until you get to number (6).
5 Can y'all all see that?

6 PROFESSOR DAVIS: Yes, ma'am.

7 MS. COX: Okay. Because on mine
8 it's hidden.

9 But she recommended we change
10 the "shall" to "should." And I do agree
11 with her that it reads better. I don't
12 know if y'all want to keep the "shall"
13 for the emphasis, but that's the main
14 thing I do want everyone to look at.

15 Let's see. Let me get down to
16 our Comments.

17 Okay. So, these are the
18 Comments, and this is the green changes
19 that she made. And she basically just
20 kind of helped me define Schedule and
21 revise Schedule to where it made more
22 sense, and that's kind of throughout.
23 And she made a lot of good grammatical

1 changes with the wording. She's really
2 good with wording and just -- She's a
3 great writer.

4 So, I just kind of wanted
5 everybody to see that. If everybody
6 agrees to this, I'll incorporate these
7 into the rules and comments. But the
8 thing I do think we need to discuss is
9 that on -- under the zero order, the
10 "should" to "shall." I do think we
11 probably would like to discuss that.

12 MR. MADDOX: You mean "shall" to
13 "should."

14 MS. COX: So, I'm going to share,
15 I guess. Okay.

16 PROFESSOR DAVIS: Do y'all want to
17 look at the screen while we are discussing
18 that?

19 MS. COX: No, I can put it back up
20 I think.

21 PROFESSOR DAVIS: I think it may
22 be easier.

23 MS. COX: And Melody I know her --

1 it was her Subcommittee that drafted this
2 order, so she may want to weigh in on
3 that. Can y'all see it now?

4 PROFESSOR DAVIS: Yes.

5 MS. BALDWIN: I just think it
6 changes the -- could change -- We use
7 "shall" in legal terms to mean it's an
8 imperative command, that there's no
9 option. I'm not sure "should" says the
10 same thing.

11 PROFESSOR DAVIS: Yeah. That
12 would be my concern is how you define
13 "shall" versus "should."

14 MS. BALDWIN: I just don't think
15 "should" expresses a legal requirement the
16 way that "shall" does. I don't think it
17 does.

18 HON. SHERMAN: I agree. "Shall"
19 to me means that it's mandatory, that
20 that's the way it would be done. So,
21 unless we don't mean for it to be
22 mandatory, I don't think we should change
23 it to "should."

1 MS. COX: All right. Well, we can
2 leave that part. I don't know if anybody
3 has any problems with the grammatical
4 changes, but I think they are all fairly
5 straightforward. It was just that one
6 thing I wasn't sure about.

7 PROFESSOR DAVIS: Yeah. That was
8 the only thing that could be substantive.

9 We will scroll down one more
10 time and let everybody kind of look at
11 it real quick like, and, you know, there
12 are a lot of -- several changes. We'll
13 just pause and let people look right
14 there.

15 MS. COX: Okay. This is where we
16 start on the Comments. Scroll down one
17 more.

18 PROFESSOR DAVIS: And, again, the
19 "should" there would go back to "shall."

20 MS. COX: Oh, yeah. I'm glad you
21 noticed that.

22 Okay. So, let me go back up to
23 the Rule. That was one for the

1 Comments. Let's see. I think she had
2 fewer changes on the Rule part.

3 MR. MADDOX: And to clarify, this
4 is going to be in Appendix E to the packet
5 we send to the Supreme Court.

6 MS. COX: Yes, sir.

7 PROFESSOR DAVIS: Bob, can you say
8 that a little bit louder? I'm not sure
9 everybody heard that.

10 MR. MADDOX: This is going to be
11 Appendix E to the packet we send to the
12 Supreme Court.

13 PROFESSOR DAVIS: Thank you.

14 MS. COX: Now, let me go down to
15 the zero order part. Is that where I was
16 going? Okay. Yeah.

17 So, that's -- That's the main
18 changes. Now, I will say Trina went
19 through and edited the whole Rule, and
20 she had some good edits. I know right
21 now we are under a timeline, but we
22 might want to go back and look at that
23 at some point, just not the -- not even

1 just the things that we changed. But
2 she had some really good edits to the
3 Rule as a whole. So, anyway, she's just
4 a fantastic editor.

5 PROFESSOR DAVIS: Yeah. I think
6 because of time, we probably ought to just
7 deal with these things. But let's -- It
8 is an ongoing Committee, so obviously we
9 can benefit from her efforts. And tell
10 her we do appreciate her spending her off
11 day.

12 MS. COX: Yes. And she
13 volunteered. I didn't even ask her. I
14 just told her we were doing this. But,
15 so, if y'all see Trina, thank her because
16 she's -- she's an amazing, amazing person,
17 amazing editor and writer.

18 PROFESSOR DAVIS: And I will say
19 this: We have certainly had a real
20 dedicated staff from, you know, Bob and
21 Stephanie and everybody working -- who
22 worked through the -- with the Court on a
23 regular basis. They certainly have done a

1 great job assisting this Committee, and
2 it's a difficult task and certainly an
3 important task. So, we do want to
4 acknowledge that.

5 All right. So, at this point,
6 let's take a vote on the changes that
7 you see there except that we are not
8 going to change "shall" and "should."
9 That will remain.

10 So, it's basically at this
11 point, as Amanda described, just
12 grammatical types of changes and wording
13 changes, no substantive changes.

14 So, do I hear a motion in favor?

15 HON. SHERMAN: This is Judge
16 Sherman. I so move.

17 PROFESSOR DAVIS: Thank you,
18 Judge. Do I hear a second?

19 MS. STEINWINDER: This is Katie.
20 I'll second.

21 PROFESSOR DAVIS: Thank you,
22 Katie.

23 All right. All in favor, if you

1 would, raise your hand virtually or in
2 person. Okay. I see -- one, two,
3 three, four, five, six, seven, eight --
4 nine. Anyone would like to unmute and
5 vote?

6 HON. PALMER: This is Julie
7 Palmer. I vote yes.

8 PROFESSOR DAVIS: Ten. All right.
9 We will lower our hands.

10 Anybody that is opposed, if you
11 would, raise your hand.

12 (No response).

13 PROFESSOR DAVIS: I see none.
14 Anyone who would like to vote in
15 opposition, if you would unmute and do so.

16 (No response).

17 PROFESSOR DAVIS: Okay. Is there
18 anything else, Bob, that we need to do
19 regarding the information we are sending
20 to the Court, recommendations?

21 MR. MADDOX: I did want to ask --
22 I may have missed this. Like I said, I
23 was in that period where I was trying to

1 get the audio checked. But was there a
2 vote on the Comment, as well, from the
3 Committee?

4 PROFESSOR DAVIS: Yes, we voted on
5 the Rule and the Comments together.

6 MR. MADDOX: Gotcha. Also, I'm
7 going to share this real quick. On the --
8 Let's see. I did want to point out I know
9 the Committee voted in favor of the
10 Schedule at the October 21st meeting. I
11 just made some consistency changes just at
12 the top here, Alabama Schedule of Basic
13 Child-Support Obligations. I think the
14 last version didn't have that complete
15 name. So, I just wanted to make the
16 Committee aware I made that change, but I
17 don't think we need to vote on it.

18 PROFESSOR DAVIS: Okay. Does
19 anybody on the Committee want to vote on
20 that change? Are we okay with that?

21 (No response).

22 PROFESSOR DAVIS: Okay. Thank
23 you, Bob.

1 Does anybody else on the
2 Committee, or Dr. Venohr, do you -- Does
3 anybody have any other thing that we
4 need to bring up prior to submitting
5 this to the Court?

6 (No response).

7 PROFESSOR DAVIS: Of course, we
8 have other issues that will be going
9 forward with in 2022. All right. We
10 asked previously if anyone from the public
11 wanted to address the Committee. We will
12 give them a second opportunity in case any
13 discussion here prompted some concerns.

14 So, Lisa or Clifford, do either
15 one of you want to speak?

16 MS. CLARK: No, ma'am. This was
17 Lisa.

18 PROFESSOR DAVIS: Thank you, Lisa.
19 I can't see if Clifford's still -- I guess
20 he never did join us, though, did he?

21 MR. MADDOX: No, ma'am.

22 PROFESSOR DAVIS: Okay. All
23 right. If there's no other business to

1 come before the Committee, then we will
2 stand adjourned.

3

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(Conclusion of the Advisory

5

Committee on Child Support

6

Guidelines and Enforcement

7

meeting at 12:08 P.M.)

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1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA,

3 MONTGOMERY COUNTY,

4 I, Jeana S. Boggs, Certified Court Reporter
5 and Commissioner for the State of Alabama at Large,
6 do certify that I reported the proceedings in the
7 matter of:

8 BEFORE THE STATE OF ALABAMA

9 ADVISORY COMMITTEE ON CHILD SUPPORT

10 GUIDELINES AND ENFORCEMENT

11 * * * * *

12 on Friday, November 12, 2021, the foregoing 71
13 computer-printed pages contain a true and correct
14 transcript of the statements by the Committee
15 members and other persons via Zoom.

16 I further certify that I am neither of
17 relative, employee, attorney or counsel of any of
18 the Committee members and other persons, nor am I a
19 relative or employee of such Committee members and
20 other persons, nor am I financially interested in
21 the results thereof. All rates charged are usual
22 and customary.

23 I further certify that I am duly licensed

1 by the Alabama Board of Court Reporting as a
2 Certified Court Reporter as evidenced by the ACCR
3 number following my name found below.

4 This 8th day of December, in the year of
5 our Lord, 2021.

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Jeana S. Boggs, CCR
ACCR NO. 7 Exp 9/30/22
Certified Court Reporter and
Notary Public
Commission expires: 8/9/2022

DR. VENOHR: [4]
9/1 24/23 26/1 27/2
HON. FRIDY: [1]
5/12
HON.
MCMILLAN: [2]
5/15 13/11
HON. PALMER:
[11] 6/1 12/23 28/7
28/10 29/1 29/4
29/8 30/20 52/9
58/16 68/6
HON. SHERMAN:
[9] 5/18 46/20
47/12 57/2 57/12
57/19 57/22 63/18
67/15
MR. MADDOX:
[66] 5/4 5/11 5/13
5/16 5/19 5/22 6/2
6/5 6/8 6/10 6/12
6/14 6/19 6/23 7/2
7/4 7/6 7/9 7/11
7/17 7/20 7/23 8/3
8/6 8/9 8/11 8/13
8/18 8/20 8/23 9/2
9/7 9/10 9/14 9/17
10/14 10/17 11/4
11/13 39/3 39/6
39/11 40/1 40/6
40/16 42/7 42/18

49/2 49/15 49/22
50/9 50/12 50/22
51/18 54/21 55/4
56/17 57/11 57/13
59/11 62/12 65/3
65/10 68/21 69/6
70/21
MS. BALDWIN:
[3] 8/2 63/5 63/14
MS. BEACH: [6]
12/7 22/2 22/20
23/2 23/9 58/6
MS.
BLACKBURN: [3]
8/19 9/22 10/6
MS. BUSH: [1]
7/5
MS. CLARK: [3]
9/9 9/13 70/16
MS. COX: [40]
9/6 32/15 32/19
32/23 33/7 34/8
35/23 38/16 40/3
40/8 41/19 42/6
42/23 44/2 46/11
50/18 53/5 53/10
53/13 54/23 55/22
56/5 56/10 56/13
56/18 59/7 59/14
59/18 59/21 60/2
61/7 62/14 62/19
62/23 64/1 64/15

64/20 65/6 65/14
66/12
MS.
MCCLENNEY:
[1] 7/22
MS.
STEINWINDER:
[7] 7/14 7/16 7/19
12/3 30/6 51/3
67/19
PROFESSOR
DAVIS: [115]
PROFESSOR
GRAY: [13] 8/5
14/17 14/22 15/2
16/23 21/15 22/11
22/21 23/3 24/20
43/13 44/14 44/19

\$

\$100 [2] 26/8 45/11
\$150 [1] 26/22
\$186 [1] 19/17
\$19 [2] 45/16 45/19
\$194 [1] 19/16
\$2.00 [1] 24/13
\$20 [11] 19/4 19/8
21/7 21/11 41/2
41/4 41/12 41/17
45/11 45/14 46/2
\$200 [1] 26/22
\$220 [1] 45/15
\$240 [1] 45/13

\$	12:08 [1] 71/7	7
\$250 [4] 26/3 26/7 26/18 26/19	13 [2] 19/22 20/3 14 [2] 19/22 20/3	71 [1] 72/12
\$275 [1] 26/14	15 [3] 18/21 19/20 20/3	8
\$30 [2] 19/9 41/18	15th [3] 16/10 51/1 51/1	8/9/2022 [1] 73/11 8th [1] 73/4
\$300 [3] 26/9 26/10 26/12	17 [1] 11/14	9
\$325 [1] 26/14	2	9/30/22 [1] 73/10
\$50 [27] 18/20 19/2 19/6 19/23 20/7 20/10 20/11 21/5 21/12 24/5 24/9 24/11 24/16 25/10 25/20 26/23 27/7 34/20 34/21 37/6 37/7 41/3 41/15 43/18 45/20 46/1 47/17	2021 [5] 1/4 1/21 10/23 72/12 73/5 2022 [7] 10/8 49/10 50/10 50/12 51/2 70/9 73/11 21 [1] 11/6 21st [2] 10/23 69/10 22 [1] 73/10	A
\$52 [5] 24/4 24/12 25/1 25/15 27/7	3	A.M [2] 1/5 1/20 able [5] 15/9 16/6 22/18 42/21 43/22 about [27] 4/10 23/20 24/11 25/10 25/19 25/20 25/21 26/14 27/7 28/15 32/22 36/14 40/10 40/14 40/17 43/5 48/9 49/4 49/15 50/2 51/10 53/18 54/2 56/4 57/4 57/5 64/6
\$80 [1] 25/15	31st [1] 10/8	accomplishes [1] 23/1
\$86 [1] 19/18	32 [6] 11/14 34/2 47/1 55/8 55/9 60/11	account [1] 44/16 ACCR [2] 73/2 73/10
\$981 [2] 17/8 17/15	36-page [1] 59/3	accurately [1] 38/6 acknowledge [2] 32/6 67/4 acknowledged [1]
1	4	
10 [1] 58/20	42 [2] 20/21 55/9 4th [1] 2/11	
10:00 [2] 1/5 1/20	5	
11 [3] 17/2 17/14 58/20	50 [1] 25/12 59 [1] 11/13	
12 [7] 1/4 1/20 20/5 20/10 34/19 37/6 72/12		

A		
acknowledged... [1] 8/14	adopting [1] 54/20	11/19 11/22 12/11
across [1] 4/6	adopts [1] 50/20	12/18 13/2 13/23
actually [9] 19/17 21/11 24/1 25/12 26/7 28/19 33/14 40/23 47/14	ADVISORY [4] 1/1 1/15 71/4 72/9	15/1 17/15 27/15 28/5 29/4 29/8 29/9 29/11 29/19 30/10
add [7] 21/2 41/20 42/8 42/9 44/23 50/1 54/17	afraid [1] 59/11	30/15 33/4 34/15 35/3 35/13 36/22 43/2 45/17 45/19
added [8] 18/23 36/15 39/16 45/2 45/10 45/11 54/8 61/1	after [6] 15/4 15/22 18/22 45/23 54/19 55/13	50/13 51/23 52/1 53/2 54/4 56/15 56/19 57/15 57/18 58/10 58/12 58/18 58/23 60/8 60/13 61/5 64/1 64/4 67/5 67/23 67/23 68/8 70/9 70/22 72/21
additional [1] 23/12	again [4] 15/8 46/9 58/12 64/18	all-around [1] 60/8
address [1] 70/11	agenda [1] 14/3	already [10] 4/14 18/15 19/12 32/21 41/4 43/20 46/2 53/6 57/13 60/15
adjourned [1] 71/2	agree [3] 46/11 61/10 63/18	also [12] 15/23 18/1 18/20 19/9 19/22 20/14 20/19 21/16 33/11 33/20 55/22 69/6
Adjunct [1] 2/6	agrees [1] 62/6	alternative [3] 34/12 36/20 38/1
adjusted [1] 17/11	ahead [9] 14/18 22/12 27/18 28/5 28/9 29/19 46/13 56/2 56/8	am [18] 5/12 5/15 5/18 8/19 13/11 18/13 18/19 26/9 28/11 39/6 41/12
adjustment [2] 18/23 19/10	ALABAMA [34] 1/3 1/18 1/19 2/7 2/7 2/9 2/9 2/12 2/14 2/17 2/19 2/19 2/21 2/23 3/2 3/2 3/4 3/7 3/7 3/10 3/12 3/13 3/16 3/18 3/18 3/20 3/21 4/6 11/6 69/12 72/2 72/5 72/8 73/1	
adjustments [1] 54/12	Alacourt [1] 57/7	
Administrative [2] 3/20 11/7	alimony [1] 17/19	
admitted [3] 6/15 6/20 9/4	all [55] 6/19 9/23 10/17 10/21 10/21	
adopt [2] 49/7 57/22		
adopted [1] 31/14		

A

am... [7] 48/6 51/15
53/16 72/16 72/18
72/20 72/23
AMANDA [14]
2/18 6/8 9/4 15/23
31/11 32/12 40/1
42/18 48/23 52/17
53/3 54/21 59/4
67/11
amazing [3] 66/16
66/16 66/17
amend [1] 51/5
amending [1] 55/8
amendment [1]
34/1
among [1] 39/7
amount [9] 23/4
26/7 26/10 26/12
34/19 34/21 37/5
37/8 43/19
amounts [2] 22/16
26/23
another [3] 23/14
37/2 37/21
answer [1] 44/9
any [30] 9/11 11/1
11/17 21/1 23/13
25/18 27/17 27/22
38/18 39/1 42/1
43/4 44/10 46/15
46/16 47/7 47/10

47/23 48/21 49/7
50/16 51/19 55/20
56/20 59/13 60/4
64/3 70/3 70/12
72/17
anybody [16] 23/12
25/18 27/12 38/18
38/23 47/22 48/13
48/19 48/21 55/19
56/20 64/2 68/10
69/19 70/1 70/3
anyone [17] 11/1
12/20 13/5 13/18
24/18 27/16 27/22
30/18 31/5 43/4
52/7 52/12 52/14
52/20 68/4 68/14
70/10
anything [5] 21/2
34/16 48/1 59/22
68/18
anyway [3] 21/17
46/22 66/3
anywhere [1] 22/9
AOC [2] 11/10 57/5
apologize [1] 53/11
Appeals [2] 2/9
2/19
APPEARANCES
[3] 1/23 3/14 3/22
appears [1] 24/2
Appendix [2] 65/4

65/11
applied [3] 22/8
26/13 45/23
apply [3] 29/2
45/16 48/10
applying [1] 41/15
appointment [1]
7/12
appreciate [5] 9/20
31/18 32/6 32/7
66/10
apprise [1] 49/19
approval [3] 10/22
15/19 16/13
approve [3] 12/2
12/4 13/1
approved [1] 16/9
are [61] 4/9 4/10
9/3 10/19 11/20
12/12 13/9 13/20
14/14 14/15 15/11
15/13 15/14 15/15
15/16 16/16 20/23
21/1 21/8 26/6 26/7
28/12 28/14 29/6
29/16 32/12 32/13
33/12 33/14 36/2
37/3 38/20 39/22
41/3 42/13 42/14
43/4 43/18 43/20
45/2 45/5 45/6 45/8
45/19 45/20 48/20

A
are... [15] 51/16
54/4 56/4 60/12
60/18 61/2 61/17
62/17 64/4 64/12
65/21 67/7 68/19
69/20 72/21
area [2] 28/20
29/18
Arnold [1] 8/7
around [2] 16/18
60/8
as [34] 4/11 4/12
8/13 14/5 15/4 17/6
18/1 20/22 23/15
25/4 28/18 28/18
31/15 31/16 32/1
33/21 35/16 35/16
39/11 39/12 39/19
41/1 42/2 42/9 47/3
48/12 50/6 57/23
59/3 66/3 67/11
69/2 73/1 73/2
ask [4] 10/10 32/13
66/13 68/21
asked [3] 14/10
31/21 70/10
asking [1] 48/21
assisting [1] 67/1
Associate [1] 3/11
assume [1] 36/8
assumes [1] 36/9

assumption [4]
36/6 36/14 38/6
38/9
attempting [1] 18/9
attention [2] 14/9
29/7
attorney [8] 2/16
2/18 2/23 3/1 3/4
3/17 3/20 72/17
Attorney's [1] 3/9
Aubrey [1] 5/20
audio [4] 6/18 39/7
39/13 69/1
August [1] 10/7
authorization [2]
10/3 10/18
available [3] 10/20
17/3 37/7
avoid [1] 18/10
aware [1] 69/16
awhile [1] 16/18

B
back [18] 4/8 14/9
15/5 15/6 15/18
19/23 20/6 25/22
27/15 39/6 44/18
45/8 48/4 56/11
62/19 64/19 64/22
65/22
Bailey [1] 60/5
BALDWIN [2] 3/8
8/1

based [2] 31/13
34/13
basic [5] 26/6 26/11
45/2 55/10 69/12
basically [7] 19/13
34/10 34/15 35/13
37/3 61/19 67/10
basis [1] 66/23
be [71] 4/3 5/7 7/13
10/19 11/8 11/11
13/16 14/9 16/5
16/6 18/11 21/17
21/19 21/20 23/7
24/20 26/23 32/12
33/1 33/4 33/5 34/1
34/22 37/8 37/9
39/19 41/1 41/1
41/17 41/23 42/12
42/16 42/17 42/21
43/1 43/22 43/23
45/7 45/17 46/14
46/17 48/7 48/7
48/17 49/12 49/17
50/5 50/8 51/1 51/4
51/12 51/14 53/16
54/18 54/23 55/5
55/7 55/12 56/23
58/19 59/10 60/3
60/20 62/22 63/12
63/20 63/21 64/8
65/4 65/10 70/8
BEACH [5] 2/20

B

BEACH... [4] 6/12
 6/14 12/8 58/6
because [25] 14/12
 25/8 26/3 26/14
 26/17 26/22 27/8
 28/22 29/15 33/4
 33/11 35/11 36/7
 38/7 38/8 43/18
 46/5 46/23 48/6
 48/9 49/11 56/15
 61/7 66/6 66/15
been [7] 12/11
 16/18 17/9 17/10
 19/15 31/11 40/12
before [14] 1/16 4/4
 24/4 27/10 31/18
 34/18 34/23 37/11
 41/11 44/6 50/16
 50/20 71/1 72/8
beginning [2] 39/17
 53/22
being [3] 26/13
 27/6 47/2
belabor [1] 27/12
believe [1] 19/5
below [3] 23/4
 43/18 73/3
benefit [2] 45/18
 66/9
best [2] 33/1 43/1
better [1] 61/11

big [2] 38/12 56/3
Birmingham [1]
 2/23
bit [6] 20/4 33/15
 34/4 35/9 37/15
 65/8
BLACKBURN [2]
 3/17 8/18
blank [2] 50/8
 50/12
blue [1] 36/19
Board [1] 73/1
BOB [26] 3/19 5/2
 8/5 9/19 10/10
 14/16 30/23 31/3
 32/13 34/7 39/4
 39/23 40/20 49/2
 51/8 51/17 53/3
 55/3 55/20 57/3
 58/1 58/4 65/7
 66/20 68/18 69/23
Boggs [6] 1/17 3/15
 3/15 8/13 72/4 73/9
both [3] 30/9 49/12
 50/15
bother [1] 22/17
bothered [1] 25/16
bottom [9] 12/13
 13/15 18/8 34/2
 34/4 34/7 34/8 36/4
 37/1
Brady [3] 43/3 48/4

58/3
breakpoints [1]
 22/15
BRIAN [5] 3/11 8/4
 14/16 43/10 43/12
Brian's [1] 26/4
brief [1] 4/17
bring [5] 4/8 15/18
 19/8 22/3 70/4
bringing [1] 29/6
brought [3] 14/9
 19/17 36/11
build [1] 60/3
built [2] 21/12
 29/17
bunch [4] 37/15
 43/3 48/4 58/3
burden [1] 47/8
Burks [1] 6/3
BUSH [3] 3/1 7/4
 49/3
business [1] 70/23
buttons [1] 59/13

C

calculate [2] 26/5
 26/10
calculation [23]
 17/5 17/5 18/12
 19/11 19/23 20/1
 20/6 20/8 21/19
 22/13 22/18 22/23
 23/7 34/12 34/13

C		
<p> calculation... [8] 36/21 36/22 37/10 37/11 38/1 44/13 44/15 44/22 calculations [2] 18/17 57/8 calculator [1] 26/4 call [2] 5/2 5/6 came [2] 21/18 25/1 can [31] 6/15 13/4 16/4 20/9 24/18 27/13 30/11 34/3 37/14 38/19 39/4 39/21 40/21 41/11 42/23 43/1 43/6 44/9 44/10 44/17 48/12 54/22 56/2 56/6 59/19 61/5 62/19 63/3 64/1 65/7 66/9 can't [4] 24/7 24/19 28/12 70/19 cannot [2] 12/20 13/18 capital [1] 11/15 case [4] 41/10 41/15 46/18 70/12 cases [1] 48/10 catching [1] 11/22 CCR [1] 73/9 Center [1] 2/3 </p>	<p> Central[1] 3/17 certainly [4] 4/19 66/19 66/23 67/2 CERTIFICATE [1] 72/1 Certified [4] 1/17 72/4 73/2 73/10 certify [3] 72/6 72/16 72/23 cetera [2] 49/13 55/16 Chair [1] 2/6 challenging [1] 39/14 change [15] 25/3 33/22 33/23 34/14 36/3 38/21 38/23 51/11 54/1 61/9 63/6 63/22 67/8 69/16 69/20 changed [10] 34/11 36/5 36/10 36/15 36/20 38/3 38/5 53/20 60/22 66/1 changes [44] 11/1 11/5 11/17 16/15 20/18 20/19 20/23 29/23 31/13 31/15 31/16 32/9 33/8 33/11 33/14 34/16 35/15 36/23 38/4 48/22 49/20 54/5 </p>	<p> 54/18 55/15 55/18 56/22 59/6 60/12 60/16 60/19 61/3 61/4 61/18 62/1 63/6 64/4 64/12 65/2 65/18 67/6 67/12 67/13 67/13 69/11 changing [2] 37/4 54/5 charged [1] 72/21 chart [8] 23/23 27/19 28/23 31/19 32/10 41/2 44/18 46/4 charts [5] 14/11 23/21 27/9 27/16 41/6 check [1] 39/12 checked [1] 69/1 child [25] 1/2 1/15 3/1 3/6 3/9 17/3 17/18 18/21 25/6 25/11 25/12 25/13 25/15 26/6 28/13 28/17 34/12 36/21 43/8 45/3 45/4 55/10 69/13 71/5 72/9 child-rearing [1] 25/6 child-support [3] </p>

<p>C</p> <p>child-support... [3] 45/3 45/4 69/13</p> <p>childcare [7] 19/5 21/21 33/16 41/5 41/13 42/5 43/9</p> <p>children [1] 4/19</p> <p>Circuit [3] 2/11 2/11 2/13</p> <p>Civil [2] 2/9 2/19</p> <p>clarified [1] 55/6</p> <p>clarify [1] 65/3</p> <p>CLARK [2] 3/23 9/8</p> <p>Clerk's [1] 11/10</p> <p>Clifford [2] 9/14 70/14</p> <p>Clifford's [1] 70/19</p> <p>closely [1] 20/21</p> <p>code [2] 36/9 38/8</p> <p>College [1] 3/12</p> <p>Colorado [1] 2/4</p> <p>combination [1] 19/21</p> <p>come [6] 9/17 18/7 23/8 39/12 45/3 71/1</p> <p>comes [1] 6/10</p> <p>coming [1] 10/1</p> <p>command [1] 63/8</p> <p>commencing [1] 1/20</p>	<p>Comment [9] 39/17 39/23 40/2 40/5 42/10 48/23 51/12 55/9 69/2</p> <p>comments [26] 9/11 33/3 35/19 36/16 37/4 38/22 40/12 41/21 42/13 42/14 47/8 47/11 49/8 51/14 51/21 53/3 53/6 55/20 56/21 60/11 61/16 61/18 62/7 64/16 65/1 69/5</p> <p>Commerce [1] 3/12</p> <p>Commission [1] 73/11</p> <p>Commissioner [2] 1/18 72/5</p> <p>COMMITTEE [26] 1/1 1/15 2/5 4/8 4/13 12/16 14/10 15/19 30/13 33/9 42/22 52/3 66/8 67/1 69/3 69/9 69/16 69/19 70/2 70/11 71/1 71/5 72/9 72/14 72/18 72/19</p> <p>complete [1] 69/14</p> <p>complicated [1] 27/3</p>	<p>computer [5] 12/21 49/13 55/15 59/8 72/13</p> <p>computer-printed [1] 72/13</p> <p>concept [3] 40/22 43/5 43/7</p> <p>concepts [1] 27/20</p> <p>concern [1] 63/12</p> <p>concerned [1] 44/6</p> <p>concerns [1] 70/13</p> <p>conclusion [3] 54/14 54/16 71/4</p> <p>conference [1] 10/4</p> <p>confirm [1] 10/11</p> <p>confusing [1] 33/10</p> <p>connect [1] 6/18</p> <p>consider [1] 44/22</p> <p>considered [1] 48/17</p> <p>consistency [1] 69/11</p> <p>consistent [5] 17/22 18/5 20/12 24/6 24/10</p> <p>contain [1] 72/13</p> <p>continued [1] 15/7</p> <p>controlling [1] 32/12</p> <p>convinced [1] 27/6</p> <p>correct [9] 10/5 18/7 21/16 29/15</p>
---	--	---

C

correct... [5] 48/11
 50/8 50/22 51/15
 72/13
 corrected [1] 19/19
 corrections [3] 11/2
 57/17 57/23
 correctly [1] 7/18
 cost [1] 44/22
 costs [6] 19/5 21/21
 25/6 33/16 44/16
 61/1
 could [13] 21/23
 33/15 37/2 42/18
 44/3 44/4 49/22
 56/14 58/4 59/9
 60/20 63/6 64/8
 counsel [1] 72/17
 count [2] 30/22
 30/23
 County [4] 2/14
 2/16 2/21 72/3
 couple [2] 11/5
 31/20
 course [1] 70/7
 court [28] 1/17 2/9
 2/19 3/15 3/18 4/6
 8/14 10/3 11/9 42/1
 47/15 49/5 49/17
 50/20 51/6 54/19
 55/8 55/16 57/1
 65/5 65/12 66/22

68/20 70/5 72/4
 73/1 73/2 73/10
 courts [3] 3/20 11/7
 44/4
 coworkers [1] 60/6
 COX [4] 2/18 6/8
 9/4 15/23
 crazy [1] 60/4
 credit [14] 19/1
 19/8 21/10 41/7
 41/16 41/23 43/7
 43/22 44/5 44/11
 45/14 46/9 46/19
 48/1
 CS [2] 20/21 55/9
 CS-42 [2] 20/21
 55/9
 Culverhouse [1]
 3/12
 current [2] 28/13
 28/17
 customary [1]
 72/22

D

Dadeville [1] 3/10
 data [2] 25/1 25/5
 date [4] 49/6 51/13
 55/11 55/13
 DAVIS [5] 2/6 6/6
 15/21 38/13 40/7
 day [3] 60/9 66/11
 73/4

daycare [1] 47/18
 deal [1] 66/7
 Dean [1] 3/11
 Decatur [1] 2/21
 December [2] 51/1
 73/4
 December 15th [1]
 51/1
 decide [1] 43/6
 decisions [1] 4/5
 dedicated [1] 66/20
 deduction [4] 19/12
 19/13 37/18 37/19
 default [1] 42/11
 defendant [3] 21/7
 45/10 45/13
 define [2] 61/20
 63/12
 delay [2] 49/6 50/19
 delete [2] 37/12
 37/22
 deleted [3] 11/8
 11/11 54/11
 deleting [1] 19/20
 deletion [1] 37/21
 deletions [1] 37/16
 Denver [1] 2/4
 Department [2] 3/2
 3/7
 described [1] 67/11
 detect [1] 15/10
 determination [2]

D

determination... [2]
46/10 46/18
deviate [1] 46/23
deviation [1] 48/12
DHR [4] 2/21 32/8
49/18 55/17
did [18] 4/12 10/12
17/16 21/1 32/21
35/3 36/7 39/14
40/1 40/16 41/19
50/18 55/4 57/14
68/21 69/8 70/20
70/20
didn't [7] 9/17
17/16 18/11 40/4
56/15 66/13 69/14
difference [2] 24/13
27/10
differences [1]
20/17
different [1] 31/23
difficult [2] 11/23
67/2
difficulties [1] 39/8
dilemma [1] 21/5
diligent [1] 31/12
directly [2] 41/4
41/12
Director [1] 3/6
discovered [1] 15/8
discretion [6] 21/10

40/11 41/7 41/14
46/21 46/23
discretionary [1]
46/14
discuss [4] 33/3
33/4 62/8 62/11
discussed [1] 40/19
discussing [2]
40/10 62/17
discussion [4] 14/3
15/22 21/14 70/13
dispense [1] 10/10
District [1] 3/9
divide [1] 45/12
Division [4] 2/14
3/6 3/9 3/20
do [58] 4/11 9/21
9/22 10/2 10/6 12/1
12/6 13/4 14/15
14/16 18/9 23/19
25/4 25/19 29/22
30/5 32/14 32/21
38/10 38/17 38/19
40/13 43/1 43/2
46/12 46/15 46/21
48/12 49/5 51/3
53/6 55/2 56/1 56/1
56/2 56/7 56/8 57/7
57/16 57/19 58/2
58/4 59/8 59/22
61/10 61/14 62/8
62/10 62/16 66/10

67/3 67/14 67/18
68/15 68/18 70/2
70/14 72/6
doctor's [1] 7/12
document [9] 23/14
32/20 33/8 38/12
56/3 56/22 59/1
59/2 59/4
documents [4] 21/9
25/21 31/12 38/21
does [17] 11/1
11/21 18/1 27/5
27/19 27/22 36/8
38/23 48/13 55/19
56/19 57/10 63/16
63/17 69/18 70/1
70/2
doesn't [2] 32/15
46/5
doing [5] 20/13
22/17 32/16 43/4
66/14
dollar [1] 35/5
Domestic [1] 2/14
DON [2] 2/10 5/14
don't [36] 15/14
22/3 23/21 25/14
26/15 26/20 26/21
27/2 27/11 28/11
31/2 35/19 38/10
40/13 40/20 40/21
42/20 44/16 44/22

D

don't... [17] 44/23
44/23 47/15 49/11
51/9 55/23 59/13
59/15 59/21 60/7
61/11 63/14 63/16
63/21 63/22 64/2
69/17
done [2] 63/20
66/23
double [5] 19/13
37/19 44/5 44/11
48/1
down [23] 18/7
18/21 19/9 19/18
20/2 21/18 31/5
33/15 34/3 35/1
35/8 36/12 36/17
37/2 37/14 37/21
52/18 54/3 58/15
61/15 64/9 64/16
65/14
DR [10] 2/3 8/21
15/22 17/23 20/13
22/6 22/13 23/5
24/21 70/2
draft [1] 57/14
drafted [1] 63/1
drafts [1] 14/11
DREW [5] 2/22
4/18 6/19 6/20 6/20
Drew's [1] 4/15

duly [1] 72/23

Dunn [1] 6/3

duplication [1]
18/10

E

each [1] 46/18
earlier [3] 15/10
22/14 49/4
early [1] 22/6
easier [2] 38/15
62/22
economic [2] 25/1
25/5
edit [1] 60/9
edited [2] 60/13
65/19
editor [3] 60/8 66/4
66/17
editorial [1] 61/3
edits [6] 33/18
33/19 38/11 55/23
65/20 66/2
educate [1] 29/14
effect [2] 10/7
50/21
effective [4] 49/6
50/7 54/18 55/11
efficient [1] 4/11
effort [1] 18/10
efforts [1] 66/9
eight [4] 12/20
30/17 54/7 68/3

eighty [1] 19/15

either [3] 30/11

43/8 70/14

eleven [1] 30/23

else [9] 22/10 23/12

25/18 27/12 48/1

48/19 48/21 68/18

70/1

else's [1] 44/1

email [6] 40/14

41/19 42/19 42/23

56/15 59/12

emphasis [1] 61/13

employee [2] 72/17

72/19

employees [2]

49/18 55/17

end [5] 9/11 18/18

23/8 39/8 50/2

ENFORCEMENT

[5] 1/2 1/16 3/6

71/6 72/10

enter [1] 20/11

entered [6] 34/19

34/22 37/6 37/8

41/23 44/8

entire [1] 60/10

error [2] 17/21 18/6

Esquire [7] 2/18

2/22 3/1 3/3 3/8

3/17 3/19

essentially [2]

<p>E</p> <p>essentially... [2] 21/10 41/9</p> <p>et [2] 49/13 55/16</p> <p>even [4] 35/20 45/22 65/23 66/13</p> <p>event [2] 21/17 21/22</p> <p>everybody [10] 15/3 16/20 42/22 44/1 45/21 62/5 62/5 64/10 65/9 66/21</p> <p>everybody's [1] 4/2</p> <p>everyone [8] 4/13 5/5 12/14 29/14 29/20 31/4 52/13 61/14</p> <p>everything [3] 16/7 16/20 38/4</p> <p>evidenced [1] 73/2</p> <p>example [2] 19/3 45/9</p> <p>examples [3] 17/15 31/23 42/15</p> <p>excellent [1] 60/7</p> <p>except [1] 67/7</p> <p>excuse [1] 43/9</p> <p>exemptions [2] 36/5 54/2</p> <p>existing [3] 17/18 17/19 25/11</p>	<p>Exp [1] 73/10</p> <p>expires [1] 73/11</p> <p>explanation [1] 27/4</p> <p>explanatory [1] 42/15</p> <p>expresses [1] 63/15</p> <hr/> <p>F</p> <p>fact [1] 31/18</p> <p>fail [1] 59/10</p> <p>failed [1] 48/18</p> <p>fairly [3] 15/16 18/3 64/4</p> <p>fairness [1] 43/17</p> <p>fall [1] 23/6</p> <p>falls [1] 23/4</p> <p>fantastic [1] 66/4</p> <p>far [2] 28/18 35/16</p> <p>favor [15] 12/14 28/6 29/20 29/22 30/10 30/21 52/2 52/10 58/10 58/13 58/17 58/20 67/14 67/23 69/9</p> <p>feedback [1] 32/4</p> <p>feel [3] 23/15 46/7 53/15</p> <p>feelings [3] 25/18 46/16 48/9</p> <p>fell [1] 19/2</p> <p>felt [2] 4/7 14/8</p> <p>few [3] 31/16 40/23</p>	<p>48/10</p> <p>fewer [1] 65/2</p> <p>figure [3] 13/4 13/12 13/12</p> <p>figured [1] 22/15</p> <p>final [1] 18/21</p> <p>finalized [1] 40/12</p> <p>financially [1] 72/20</p> <p>find [1] 41/19</p> <p>first [10] 14/12 16/17 26/2 26/16 32/21 33/17 33/23 36/3 38/23 47/16</p> <p>five [11] 12/19 30/17 37/2 43/10 43/14 50/2 52/6 53/22 53/23 55/7 68/3</p> <p>fix [1] 15/12</p> <p>fixing [1] 16/2</p> <p>folks [1] 31/22</p> <p>followed [1] 42/17</p> <p>following [1] 73/3</p> <p>Ford [1] 5/20</p> <p>foregoing [1] 72/12</p> <p>forget [1] 51/9</p> <p>form [9] 18/13 18/14 18/16 20/7 20/19 29/3 29/23 31/15 55/9</p> <p>format [1] 27/19</p>
--	--	--

F

forms [1] 28/14
 fortunate [1] 11/20
 forward [1] 70/9
 found [2] 14/7 73/3
 four [6] 12/19
 30/17 36/13 52/6
 53/20 68/3
 frame [1] 49/19
 free [1] 23/15
 FRIDAY [3] 1/4
 1/20 72/12
 FRIDY [2] 2/8 5/11
 front [2] 23/22
 42/20
 frustrating [1]
 39/10
 full [1] 41/3
 fun [1] 59/15
 further [2] 72/16
 72/23

G

general [1] 42/14
 get [18] 16/15 23/14
 28/16 31/21 34/17
 43/22 44/11 45/14
 45/18 51/8 51/14
 56/15 59/12 60/21
 61/2 61/4 61/15
 69/1
 getting [2] 39/12

44/4
 give [12] 19/1 19/7
 21/10 41/7 41/16
 46/8 46/19 54/22
 55/14 57/10 57/17
 70/12
 given [1] 41/23
 giving [1] 43/7
 glad [1] 64/20
 go [37] 10/12 14/18
 22/12 22/12 22/22
 26/20 27/15 27/18
 28/5 28/9 29/19
 33/13 35/1 35/20
 35/22 35/23 36/12
 36/17 37/2 37/4
 38/11 43/3 46/13
 46/13 48/3 53/7
 54/3 56/2 56/8
 56/11 58/3 59/5
 60/17 64/19 64/22
 65/14 65/22
 goes [2] 26/17
 50/20
 going [33] 4/10
 4/11 12/12 13/3
 14/14 14/15 14/16
 14/17 19/7 20/14
 21/8 31/12 32/12
 32/13 37/9 40/9
 45/20 46/1 46/12
 46/14 47/12 47/14

47/16 48/6 53/16
 60/17 62/14 65/4
 65/10 65/16 67/8
 69/7 70/8
 gone [4] 48/23 53/6
 60/13 60/15
 good [16] 4/9 5/4
 11/21 15/2 16/23
 23/10 39/6 50/14
 51/4 57/12 57/18
 60/1 61/23 62/2
 65/20 66/2
 got [11] 7/19 13/12
 16/9 19/17 29/9
 30/16 32/5 33/7
 39/15 55/22 57/13
 Gotcha [2] 23/9
 69/6
 grammatical [5]
 33/19 60/19 61/23
 64/3 67/12
 GRAY [7] 3/11 8/4
 14/6 14/10 27/21
 30/1 44/9
 great [7] 5/7 7/20
 11/21 54/23 56/14
 62/3 67/1
 green [3] 59/5
 60/15 61/18
 Greg [1] 7/2
 gross [2] 17/7 17/11
 group [2] 55/3

G

group... [1] 59/17
 guess [9] 16/7 19/16
 23/18 29/20 32/23
 37/1 38/22 62/15
 70/19
 GUEST [1] 2/2
 GUIDELINES [4]
 1/2 1/16 71/6 72/10

H

had [29] 4/3 7/11
 11/4 14/4 15/21
 16/2 17/5 17/23
 18/15 19/3 19/11
 19/12 21/5 21/7
 21/9 21/14 23/5
 24/16 37/12 39/7
 40/7 40/19 41/10
 54/1 56/22 65/1
 65/20 66/2 66/19
 Hall [1] 8/11
 hand [17] 12/15
 12/21 13/6 13/9
 13/19 16/8 28/1
 30/11 30/12 31/7
 52/2 52/15 52/18
 58/11 58/11 68/1
 68/11
 hands [11] 12/13
 12/17 13/3 13/17
 30/14 30/18 31/5

52/4 52/13 58/14
 68/9
 Hang [1] 44/19
 happen [2] 46/6
 47/14
 has [12] 4/15 6/11
 12/11 27/17 31/11
 38/18 40/10 40/11
 43/4 48/21 48/23
 64/3
 have [70] 4/17 4/20
 8/14 9/21 10/2 11/1
 11/2 11/21 16/1
 16/9 17/9 17/10
 17/16 18/12 19/15
 21/2 21/12 22/2
 22/8 22/17 23/12
 23/21 23/23 24/3
 24/6 25/14 25/18
 26/15 26/21 27/22
 29/14 29/22 30/5
 30/16 31/17 33/7
 39/1 39/14 41/5
 41/6 41/14 42/20
 45/10 45/20 46/1
 46/16 46/17 46/21
 46/23 47/4 47/7
 47/23 48/8 49/5
 53/5 54/21 55/20
 55/22 56/20 57/2
 57/16 58/9 59/8
 60/14 66/19 66/23

68/22 69/14 70/3
 70/8
 haven't [1] 59/11
 he [9] 6/23 7/11
 7/11 7/12 32/16
 32/17 42/2 70/20
 70/20
 health [2] 41/4
 47/18
 healthcare [3]
 21/21 37/18 42/5
 hear [8] 6/15 12/1
 12/6 39/4 58/2 58/4
 67/14 67/18
 heard [1] 65/9
 held [1] 1/16
 helped [3] 17/20
 27/3 61/20
 her [18] 4/18 6/15
 8/15 9/5 20/13 23/5
 60/7 60/9 61/11
 62/23 63/1 66/9
 66/10 66/10 66/10
 66/13 66/14 66/15
 here [37] 5/5 5/12
 5/15 5/18 6/1 6/7
 7/5 7/16 7/22 8/2
 8/5 8/19 9/1 9/6 9/9
 16/19 17/1 17/12
 18/18 18/21 19/16
 19/19 20/3 20/10
 21/12 22/3 22/9

H
here... [10] 22/12
25/14 34/10 39/16
45/1 51/12 59/13
59/18 69/12 70/13
Hey [1] 39/3
hidden [1] 61/8
hide [1] 17/20
him [2] 9/17 41/11
his [2] 6/23 32/18
hit [1] 13/15
HONORABLE [14]
2/8 2/10 2/13 2/15
2/18 5/9 5/11 5/14
5/16 5/20 5/22 6/2
8/16 11/8
hood [1] 15/15
Hoover [1] 2/17
hope [1] 6/10
hopefully [2] 7/17
16/4
how [8] 9/2 13/4
13/12 13/13 29/16
59/12 60/3 63/12
however [3] 39/18
40/17 41/22
Human [2] 3/2 3/7
hypothetically [1]
50/23

I
I'll [1] 12/3

I'll [5] 12/7 30/6
60/21 62/6 67/20
I'm [15] 14/17 25/1
25/16 28/8 44/8
47/16 53/8 53/12
59/11 60/17 62/14
63/9 64/20 65/8
69/6
I've [4] 13/12 22/10
29/9 39/15
idea [3] 22/12 22/14
51/4
impacted [2] 19/10
19/10
imperative [1] 63/8
implementation [1]
49/6
important [2] 16/6
67/3
included [3] 18/15
20/9 27/9
income [10] 17/3
17/7 17/11 22/7
23/4 26/2 26/13
26/16 26/21 38/6
incorporate [4]
27/20 40/2 40/4
62/6
incorporated [1]
24/15
incorporating [1]
35/14

indicate [2] 24/17
28/1
indicated [2] 7/11
27/21
inform [1] 55/16
information [1]
68/19
infringing [1] 4/2
inputting [1] 17/17
instance [3] 21/6
44/15 46/4
instead [6] 11/15
17/11 35/5 38/8
41/2 41/14
insurance [3] 41/5
43/9 47/19
interested [2] 48/8
72/20
introduction [1]
53/17
IRS [2] 36/9 38/7
is [119]
issue [5] 24/4 36/13
40/9 48/1 48/5
issued [2] 50/23
55/14
issues [7] 4/7 14/4
15/20 16/2 54/19
55/8 70/8
it [118]
it's [30] 4/9 12/4
12/7 16/5 17/14

I
it's... [25] 19/16
19/19 20/9 20/10
24/10 24/12 25/3
26/3 28/18 33/10
33/11 34/2 37/21
38/7 38/15 42/13
46/7 46/14 46/22
52/18 61/8 63/7
63/19 67/2 67/10
item [2] 10/22 14/3
its [1] 54/20
itself [2] 42/9 50/2

J
JANE [2] 2/3 8/21
January [5] 49/11
49/23 50/7 50/10
51/13
Jeana [6] 1/17 3/15
6/23 8/13 72/4 73/9
Jeffries [1] 7/9
JENNIFER [4] 3/1
7/4 49/3 50/15
Jenny [1] 4/15
Jim [1] 7/9
Joan [1] 7/7
Joan-Marie [1] 7/7
job [2] 11/21 67/1
join [1] 70/20
joining [1] 10/1
judge [24] 2/9 2/11

2/13 2/19 5/13 5/19
13/8 21/9 21/22
28/9 29/7 29/15
30/9 36/10 40/10
41/6 41/10 41/13
47/6 48/11 54/1
60/6 67/15 67/18
judges [4] 46/7
46/16 47/7 57/7
judgment [1] 59/16
Judicial [1] 2/11
Julia [2] 8/16 11/8
JULIE [8] 2/15
5/22 12/23 28/10
30/20 52/9 58/16
68/6
just [70] 4/17 4/20
5/5 5/7 9/4 10/11
11/4 13/15 15/14
19/18 24/2 25/10
25/22 27/23 30/1
31/14 32/5 33/5
33/5 33/19 34/3
34/11 35/6 35/11
36/17 36/20 36/22
37/3 37/16 37/21
40/14 41/16 43/5
43/16 43/23 44/19
46/6 49/10 49/22
50/10 51/5 51/12
53/20 54/4 54/14
54/14 55/4 56/5

59/3 59/4 59/15
60/8 61/1 61/2
61/19 62/2 62/4
63/5 63/14 64/5
64/13 65/23 66/1
66/3 66/6 66/14
67/11 69/11 69/11
69/15

K
Karen [1] 6/3
KATIE [8] 3/3 7/14
12/4 12/6 30/9
31/20 67/19 67/22
keep [2] 25/22
61/12
kind [11] 16/1 16/5
19/14 27/3 34/2
44/5 60/4 61/20
61/22 62/4 64/10
King [1] 8/9
know [43] 4/1 4/13
4/14 6/20 13/20
16/16 22/3 23/13
24/12 25/8 25/9
25/15 26/4 26/17
26/21 27/2 28/1
28/15 29/14 31/2
35/19 38/10 40/13
40/20 40/21 42/13
43/21 44/14 45/18
47/13 47/17 55/6
55/23 57/6 60/7

K	24/10 51/15 54/18 55/12	62/11 64/11 68/4 68/14 68/22
know... [8] 60/18 61/12 62/23 64/2 64/11 65/20 66/20 69/8	leave [2] 24/12 64/2 left [3] 16/8 16/19 17/2 left-hand [1] 16/8 legal [3] 3/20 63/7 63/15	line [17] 11/6 11/13 17/2 17/6 17/9 17/13 17/14 18/20 18/21 18/23 19/20 20/5 20/10 20/20 34/19 37/6 43/10
L	less [4] 20/10 26/23 34/20 37/6	lines [4] 19/21 42/3 43/14 60/12
lack [1] 48/18	let [14] 4/12 13/20 16/14 28/15 40/3 51/9 59/14 60/21 61/1 61/15 64/10 64/13 64/22 65/14	LISA [5] 3/23 9/8 70/14 70/17 70/18
lady [1] 60/8	let's [20] 14/19 19/15 27/15 28/5 29/19 30/16 38/14 38/14 38/22 48/3 53/2 56/7 56/8 58/3 59/18 61/15 65/1 66/7 67/6 69/8	listed [1] 23/5 little [11] 16/5 17/21 20/21 33/15 34/4 35/2 35/9 36/18 37/14 55/6 65/8
language [13] 31/14 39/17 39/18 39/22 40/22 41/21 42/8 42/19 48/14 48/17 54/22 55/20 56/14	larger [1] 59/2	living [1] 39/7
Large [2] 1/18 72/5	last [18] 4/2 4/4 4/16 14/5 15/5 16/10 18/20 20/2 33/10 33/22 36/7 37/23 54/12 56/22 57/4 57/16 59/1 69/14	LLC [1] 3/15
larger [1] 59/2	last-minute [1] 57/16	longer [2] 22/8 28/22
last [18] 4/2 4/4 4/16 14/5 15/5 16/10 18/20 20/2 33/10 33/22 36/7 37/23 54/12 56/22 57/4 57/16 59/1 69/14	later [1] 20/8	look [14] 15/6 15/7 16/19 17/2 17/13 20/5 23/22 25/19 38/15 61/14 62/17 64/10 64/13 65/22
last-minute [1] 57/16	LATHESIA [2] 3/5 7/20	looked [3] 14/4 14/7 33/21
later [1] 20/8	Law [2] 2/6 2/7	looking [3] 17/17 28/12 38/20
LATHESIA [2] 3/5 7/20	lawyers [1] 32/8	looks [4] 6/17 14/22
Law [2] 2/6 2/7	least [5] 21/13	
lawyers [1] 32/8		
least [5] 21/13		

L	48/13 55/14 57/16 59/15 69/15 making [3] 33/12 41/3 42/2 Mallory [1] 8/11 mandatory [2] 63/19 63/22 manner [1] 4/12 March [2] 10/8 51/1 March 15th [1] 51/1 March 31st [1] 10/8 Marie [1] 7/7 Marion [1] 2/12 mastered [1] 59/12 match [1] 54/5 MATT [2] 2/8 5/11 matter [3] 46/8 47/3 72/7 may [17] 4/14 7/12 23/14 26/1 41/23 43/23 45/7 46/8 46/14 48/7 48/7 49/10 49/17 55/5 62/21 63/2 68/22 maybe [5] 25/7 31/20 35/1 40/14 44/9 MCCLENNEY [2] 3/5 7/21	MCMILLAN [3] 2/10 5/14 13/9 me [23] 6/15 16/14 24/18 27/6 28/15 38/11 39/4 40/3 42/20 43/9 43/16 51/9 53/7 56/15 59/14 59/15 60/21 61/2 61/15 61/20 63/19 64/22 65/14 mean [5] 46/17 56/21 62/12 63/7 63/21 means [1] 63/19 meant [2] 53/12 53/14 media [2] 10/12 10/18 meet [1] 4/4 meeting [11] 1/1 1/16 9/12 10/16 11/1 11/23 15/5 33/10 36/7 69/10 71/7 meetings [2] 5/8 57/4 MELODY [4] 3/8 7/23 31/19 62/23 members [7] 2/5 12/16 30/13 52/3 72/15 72/18 72/19 Memo [6] 33/5 53/7
looks... [2] 24/1 56/14 Lord [1] 73/5 lot [4] 25/9 37/12 61/23 64/12 louder [1] 65/8 lower [6] 13/3 13/13 13/17 26/20 52/13 68/9		
M		
ma'am [8] 5/4 10/14 42/6 59/7 59/20 61/6 70/16 70/21 MADDOX [4] 3/19 32/15 33/16 33/18 made [11] 12/12 20/18 20/19 31/15 33/19 53/23 61/19 61/21 61/23 69/11 69/16 magic [1] 24/2 main [6] 20/16 20/17 20/23 38/3 61/13 65/17 major [2] 16/15 36/3 make [12] 9/11 24/9 30/4 31/13 46/18 47/3 48/6		

M

Memo... [4] 53/9
53/12 53/15 57/23
memorandum [4]
50/1 51/5 51/8
56/23
mentioned [2] 15/4
22/6
mess [1] 59/15
met [2] 4/3 4/16
MICHAEL [2]
2/13 5/17
middle [2] 36/18
39/16
might [15] 11/5
16/1 16/5 21/17
21/19 24/20 33/3
41/1 41/20 43/1
46/7 49/23 59/10
60/3 65/22
mind [2] 25/23
32/16
mine [1] 61/7
minimum [26]
18/19 19/2 19/6
19/23 20/7 20/11
23/23 24/3 24/11
27/8 34/21 35/4
35/11 37/7 37/17
37/22 41/15 41/22
43/19 44/7 44/12
45/21 47/17 53/18

54/8 54/11
miniscule [1] 47/15
minor [6] 11/5
15/13 25/3 54/4
56/21 61/3
minus [1] 17/14
minute [1] 57/16
missed [3] 22/10
40/14 68/22
mistakes [2] 15/11
15/12
Mobile [1] 2/14
moment [2] 4/17
4/22
money [2] 25/9
43/21
Montgomery [10]
1/19 2/9 2/19 3/2
3/4 3/7 3/16 3/18
3/21 72/3
month [3] 49/5 50/7
50/19
monthly [1] 17/7
months [3] 51/15
54/19 55/13
months' [1] 49/16
Moore [1] 2/18
Moore's [1] 60/6
more [12] 17/22
20/21 34/4 35/9
36/18 37/15 38/6
42/14 55/6 61/21

64/9 64/17
Morgan [1] 2/21
morning [5] 5/5
15/3 49/4 55/5 58/1
most [2] 4/14 60/18
motion [15] 4/21
12/1 12/11 13/21
14/1 29/21 29/22
30/4 31/10 48/6
48/14 48/18 57/20
58/9 67/14
move [7] 12/3 27/14
37/23 44/12 53/2
57/22 67/16
moved [6] 35/4
35/11 37/17 37/17
44/11 53/19
moving [1] 19/22
Mr. [3] 32/15 33/16
33/18
Mr. Maddox [3]
32/15 33/16 33/18
much [4] 5/1 12/10
15/15 17/22
muted [2] 43/11
43/12
my [18] 14/18
16/10 21/13 39/8
39/11 42/7 42/11
42/13 43/22 43/23
47/15 59/8 59/9
59/12 60/2 60/6

M
my... [2] 63/12 73/3
myself [2] 25/8
53/16

N
name [5] 5/6 7/1
11/9 69/15 73/3
need [16] 15/12
29/21 33/4 35/1
35/20 44/7 49/10
49/15 51/3 55/5
57/4 57/19 62/8
68/18 69/17 70/4
needed [4] 4/7 14/8
15/18 18/7
needs [3] 11/7
39/19 46/12
neither [1] 72/16
never [1] 70/20
new [2] 27/18 35/16
next [3] 10/21 14/2
14/3
nice [1] 18/11
nine [5] 30/17 52/7
52/7 54/10 68/4
no [50] 5/10 5/21
6/4 6/9 6/13 6/22
7/3 7/8 7/10 8/8
8/10 8/12 8/17 9/13
9/16 11/18 13/7
13/22 21/15 22/7

22/11 23/17 28/3
28/22 30/2 31/1
31/8 39/2 40/6 47/9
48/2 48/15 51/22
52/16 52/22 58/21
58/22 59/16 60/1
62/19 63/8 67/13
68/12 68/16 69/21
70/6 70/16 70/21
70/23 73/10
none [1] 68/13
not [35] 7/13 11/2
11/10 15/9 21/12
22/4 22/8 24/13
25/2 25/9 26/3 26/8
26/22 27/9 28/15
28/20 31/3 34/16
36/8 37/10 40/11
43/23 44/8 46/22
48/6 48/8 48/17
49/11 59/22 61/3
63/9 65/8 65/23
65/23 67/7
Notary [1] 73/11
nothing [2] 35/16
35/16
noticed [1] 64/21
notices [3] 10/11
10/12 10/19
NOVEMBER [3]
1/4 1/20 72/12
now [15] 20/8

32/16 38/10 39/4
40/16 41/20 45/1
45/6 48/20 51/3
52/18 63/3 65/14
65/18 65/21
nuances [1] 11/22
number [9] 17/13
24/16 25/12 47/13
50/2 53/20 55/7
61/4 73/3

O
obligated [1] 45/19
obligation [7] 18/20
19/23 20/12 26/6
26/11 45/3 45/4
Obligations [2]
55/11 69/13
obtained [1] 53/17
obviously [1] 66/8
OCD [1] 27/7
October [4] 10/23
15/5 16/10 69/10
October 15th [1]
16/10
October 21st [2]
10/23 69/10
off [2] 60/9 66/10
office [5] 3/9 3/20
11/7 11/10 60/6
officials [2] 49/17
55/17
often [1] 46/6

O

Oh [6] 40/3 40/8
50/18 54/23 59/18
64/20

okay [82]

old [2] 20/6 20/21

one [31] 12/19 16/9

16/17 16/17 17/6

18/2 18/6 18/8

19/15 22/13 23/7

25/15 25/16 26/6

30/12 30/16 37/20

44/2 48/7 52/6 57/2

57/3 59/8 60/5

60/19 64/5 64/9

64/16 64/23 68/2

70/15

one-eighty [1]

19/15

ongoing [1] 66/8

only [8] 25/16

43/18 45/16 45/22

48/7 48/7 51/11

64/8

opportunity [1]

70/12

opposed [2] 13/5

68/10

opposition [7]

13/20 31/6 52/15

52/21 58/14 58/21

68/15

option [1] 63/9

options [1] 16/1

order [37] 10/7

18/22 19/2 19/7

20/8 20/20 21/5

23/13 23/23 24/3

24/11 25/10 25/20

35/4 35/11 37/10

37/17 37/22 41/17

41/23 44/7 44/12

45/18 45/21 46/18

47/17 50/23 53/18

54/8 54/12 54/20

55/8 55/12 55/13

62/9 63/2 65/15

ORIGINAL [1]

1/11

originally [1] 17/6

other [26] 3/14

11/17 17/10 21/8

23/3 23/20 25/11

27/17 27/22 31/16

31/20 32/7 38/11

47/7 47/10 47/23

48/21 50/16 51/19

60/15 70/3 70/8

70/23 72/15 72/18

72/20

others [1] 15/16

Otherwise [1]

27/13

ought [2] 43/21

66/6

our [26] 4/4 4/5

10/15 10/21 12/13

13/3 14/2 14/2

14/12 15/4 21/13

23/21 25/11 25/12

29/7 41/2 41/6

44/15 49/12 52/12

57/3 58/14 60/12

61/16 68/9 73/5

ours [1] 18/3

out [27] 10/12

12/13 13/4 13/12

13/13 17/8 19/12

22/15 24/7 24/8

24/19 25/2 25/8

31/19 32/7 35/10

37/19 37/22 45/1

45/5 45/6 45/8 46/4

49/23 50/9 56/16

69/8

outlet [1] 10/19

over [16] 11/22

15/6 15/7 15/8

15/20 16/8 16/11

16/19 17/1 17/12

19/19 30/1 48/23

58/5 59/5 60/15

override [1] 21/23

owe [3] 45/13 45/15

45/16

own [1] 30/12

P		
P.M [1] 71/7	parts [1] 50/15	persons [3] 72/15
packet [2] 65/4	passed [1] 4/15	72/18 72/20
65/11	passes [2] 14/1	phone [1] 28/11
page [18] 11/6	31/10	physical [1] 58/11
11/13 34/1 34/3	past [1] 24/14	please [2] 4/21 5/3
34/6 34/7 36/4	pause [1] 64/13	plus [1] 49/16
36/13 36/18 37/2	pay [4] 41/3 43/18	point [8] 27/12
37/3 39/15 53/22	45/19 46/1	32/11 48/20 50/5
53/23 54/4 54/7	paying [8] 19/4	65/23 67/5 67/11
54/10 59/3	41/1 41/4 41/12	69/8
pages [1] 72/13	43/8 43/20 46/2	policies [2] 49/13
paid [2] 21/7 21/11	47/18	55/16
PALMER [12]	payment [1] 42/1	policy [5] 2/3 42/16
2/15 5/23 13/1	payments [3] 17/18	46/8 46/10 47/3
28/11 29/7 29/15	17/19 18/22	portion [1] 45/2
30/21 36/10 52/10	PENNY [18] 2/6	positive [1] 32/4
54/1 58/17 68/7	6/5 9/18 11/4 12/3	possibility [1]
paragraph [2]	15/4 21/1 26/1 28/7	40/19
33/17 37/20	28/10 30/6 39/3	possible [2] 4/12
paren [1] 11/14	40/16 42/8 47/13	32/2
parent [3] 41/11	49/2 57/20 58/16	potentially [1]
42/1 43/7	people [6] 19/11	60/20
part [18] 2/16 6/11	23/20 31/20 32/8	practical [1] 50/14
18/13 18/14 18/16	57/5 64/13	Practice [3] 2/16
20/2 21/4 33/20	percentage [1]	2/23 3/4
34/18 35/4 35/5	45/12	pre [2] 17/18 17/19
35/10 49/7 53/18	period [1] 68/23	pre-existing [2]
60/21 64/2 65/2	periodic [1] 17/19	17/18 17/19
65/15	person [4] 41/8	Preface [1] 49/9
Part-time [1] 2/16	46/2 66/16 68/2	preference [1] 50/6
particular [1] 21/6	personally [1]	present [2] 5/6
	46/20	14/11

<p>P</p> <p>presumption [2] 34/21 37/7</p> <p>pretty [3] 15/13 15/14 21/17</p> <p>previous [2] 5/7 57/14</p> <p>previously [2] 11/3 70/10</p> <p>printed [1] 72/13</p> <p>prior [1] 70/4</p> <p>Private [3] 2/16 2/23 3/4</p> <p>probably [8] 17/20 24/22 33/1 42/12 42/23 46/12 62/11 66/6</p> <p>problem [1] 19/9</p> <p>problems [2] 15/9 64/3</p> <p>proceed [1] 52/1</p> <p>proceedings [1] 72/6</p> <p>process [4] 14/13 15/8 30/4 42/17</p> <p>PROFESSOR [13] 2/6 2/6 3/11 6/5 8/3 14/6 14/10 15/21 27/20 30/1 38/12 40/7 44/9</p> <p>programming [1] 57/6</p>	<p>prompted [2] 14/12 70/13</p> <p>pronounced [1] 7/18</p> <p>proposed [3] 32/9 48/22 54/22</p> <p>proposing [1] 16/12</p> <p>public [4] 3/22 9/8 70/10 73/11</p> <p>pull [2] 39/21 40/21</p> <p>pulled [1] 59/8</p> <p>push [1] 59/13</p> <p>put [5] 31/4 43/6 44/17 53/4 62/19</p> <p>putting [2] 40/15 40/19</p> <hr/> <p>Q</p> <p>question [6] 22/2 23/11 24/21 39/14 42/7 57/3</p> <p>questions [9] 21/1 23/13 27/17 27/23 38/18 39/1 47/11 47/23 56/20</p> <p>quick [3] 49/3 64/11 69/7</p> <p>quite [3] 16/18 20/4 39/13</p> <p>quorum [1] 9/21</p> <hr/> <p>R</p> <p>Rachel [1] 8/9</p>	<p>raise [13] 12/14 12/20 13/6 13/19 24/4 27/13 30/11 31/7 52/2 52/15 58/10 68/1 68/11</p> <p>raised [2] 13/9 48/5</p> <p>raising [4] 12/16 28/1 30/13 52/3</p> <p>ran [1] 4/6</p> <p>range [3] 26/2 26/13 26/16</p> <p>rare [1] 21/17</p> <p>rate [2] 36/5 36/14</p> <p>rates [1] 72/21</p> <p>rather [2] 35/22 56/21</p> <p>reaching [1] 32/7</p> <p>read [2] 16/4 55/21</p> <p>reading [1] 10/11</p> <p>reads [1] 61/11</p> <p>real [5] 48/9 49/3 64/11 66/19 69/7</p> <p>really [14] 15/13 17/16 17/17 20/3 22/16 26/2 33/4 35/19 43/17 44/15 45/16 45/17 62/1 66/2</p> <p>reapportioned [1] 45/7</p> <p>rearing [1] 25/6</p> <p>reason [1] 26/20</p>
--	---	---

R	Relations [1] 2/14	5/21 6/4 6/9 6/13
rebuttable [1]	relative [2] 72/17	6/22 7/3 7/8 7/10
34/20	72/19	8/8 8/10 8/12 8/17
recollection [1]	remain [1] 67/9	9/16 11/18 13/7
21/13	remains [1] 18/4	13/22 23/17 28/3
recommend [1]	remember [4] 4/18	30/2 31/1 31/8 39/2
54/17	24/7 24/19 40/13	47/9 48/2 48/15
recommendation	remind [1] 27/5	51/22 52/16 52/22
[1] 50/1	removing [1] 51/12	57/9 58/22 68/12
recommendations	repeat [3] 18/12	68/16 69/21 70/6
[2] 54/20 68/20	33/5 60/14	result [1] 44/4
recommended [3]	repeating [1] 53/16	results [2] 32/3
54/1 55/12 61/9	reported [1] 72/6	72/21
red [1] 60/11	reporter [7] 1/17	review [1] 32/9
redlined [2] 33/8	3/15 8/14 11/21	revise [1] 61/21
33/11	72/4 73/2 73/10	revised [2] 16/12
refer [1] 59/3	REPORTER'S [1]	17/12
Referee [1] 2/16	71/8	right [45] 6/19
reference [1] 57/9	Reporting [2] 3/15	10/17 10/21 10/21
referring [2] 39/22	73/1	11/19 12/11 12/18
59/1	required [1] 27/8	13/3 13/23 15/1
reflect [4] 35/6 38/4	requirement [1]	16/11 22/1 22/20
38/7 42/16	63/15	27/1 27/15 29/4
reflected [1] 42/2	Research [1] 2/3	29/6 29/8 29/11
reflects [1] 25/5	reserve [11] 17/4	29/19 30/15 32/16
regard [3] 47/23	18/14 20/1 20/6	34/17 34/23 35/2
51/10 51/20	22/5 24/15 28/19	36/6 37/12 43/2
regarding [4] 39/1	28/22 38/2 43/20	43/11 50/13 51/23
48/14 55/18 68/19	47/17	53/2 56/19 58/12
regular [1] 66/23	Resources [2] 3/2	58/18 58/23 59/6
relating [2] 49/9	3/7	64/1 64/13 65/20
56/20	response [35] 5/10	67/5 67/23 68/8

R

right... [2] 70/9
70/23
roll [1] 5/2
rollercoasters [1]
60/4
rounding [1] 26/14
rule [30] 11/14 33/8
33/20 34/1 34/14
35/15 38/21 38/23
39/19 40/5 42/9
42/12 42/15 46/13
47/1 47/4 48/22
49/8 50/6 51/11
51/20 55/8 55/9
60/10 60/11 64/23
65/2 65/19 66/3
69/5
rules [4] 33/2 33/3
35/17 62/7

S

said [5] 14/5 31/17
42/9 47/2 68/22
same [11] 23/1
23/19 26/15 33/21
35/18 36/13 36/13
37/20 39/13 39/18
63/10
Sarah [1] 5/9
save [2] 18/18 20/7
saw [2] 30/9 33/9

say [22] 5/5 11/14
11/20 24/5 29/9
31/17 32/6 40/9
41/10 41/11 41/14
45/20 45/23 46/14
47/12 49/10 49/11
50/10 50/18 65/7
65/18 66/18
saying [2] 40/4
40/10
says [6] 13/17 34/19
41/20 41/22 50/6
63/9
Schedule [11] 25/4
25/14 28/18 29/17
36/8 38/8 55/10
61/20 61/21 69/10
69/12
School [1] 2/7
Scope [1] 49/10
screen [11] 14/15
14/18 16/3 16/7
32/13 32/18 44/18
53/4 58/11 59/9
62/17
screens [2] 28/12
39/11
scroll [6] 33/15
34/3 35/8 37/14
64/9 64/16
second [13] 12/6
12/7 18/6 30/5 30/7

44/20 48/18 58/4
58/7 58/10 67/18
67/20 70/12
seconded [1] 12/12
seconding [1] 30/10
section [7] 22/19
35/12 37/23 53/19
54/9 54/13 54/14
see [42] 9/17 12/19
14/19 15/14 15/23
16/3 16/6 16/15
17/14 19/14 19/16
20/9 21/9 25/21
27/16 28/12 30/16
30/18 31/23 33/18
35/9 40/3 43/4
47/16 52/5 52/7
58/12 59/18 59/19
59/21 59/22 61/5
61/15 62/5 63/3
65/1 66/15 67/7
68/2 68/13 69/8
70/19
seeing [3] 16/20
29/16 40/13
seems [1] 43/16
self [10] 17/4 18/14
18/19 20/1 20/5
22/5 24/15 38/2
43/19 47/16
Self-Support [9]
17/4 18/14 20/1

<p>S</p> <p>Self-Support... [6] 20/5 22/5 24/15 38/2 43/19 47/16</p> <p>send [3] 57/1 65/5 65/11</p> <p>sending [1] 68/19</p> <p>sense [3] 43/16 47/3 61/22</p> <p>sent [4] 4/4 11/3 28/20 31/18</p> <p>separately [2] 48/5 56/1</p> <p>set [2] 17/6 22/22</p> <p>seven [4] 12/20 30/17 54/4 68/3</p> <p>several [3] 14/6 15/9 64/12</p> <p>shaded [3] 28/18 28/20 29/18</p> <p>shall [10] 61/10 61/12 62/10 62/12 63/7 63/13 63/16 63/18 64/19 67/8</p> <p>share [9] 14/14 14/18 42/19 42/21 42/21 55/3 59/9 62/14 69/7</p> <p>sharing [2] 32/18 39/11</p> <p>she [15] 6/10 6/11 22/15 42/2 60/8</p>	<p>60/23 61/9 61/19 61/19 61/23 63/2 65/1 65/20 66/2 66/12</p> <p>she's [11] 6/18 8/23 9/2 11/9 60/7 60/12 62/1 62/2 66/3 66/16 66/16</p> <p>sheet [2] 16/19 17/13</p> <p>Shelby [1] 2/16</p> <p>SHERMAN [6] 2/13 5/17 30/9 41/10 48/11 67/16</p> <p>SHIRLEE [9] 2/20 6/12 6/14 6/16 12/8 22/11 23/11 58/6 58/9</p> <p>should [29] 11/11 11/14 13/16 17/9 17/10 19/15 24/5 24/5 24/9 24/12 31/17 34/22 37/8 42/8 42/12 42/16 42/17 42/21 45/17 61/10 62/10 62/13 63/9 63/13 63/15 63/22 63/23 64/19 67/8</p> <p>showed [1] 41/2</p> <p>showing [1] 27/8</p> <p>shown [1] 26/3</p>	<p>side [3] 16/8 27/16 27/16</p> <p>silence [3] 4/18 4/21 4/22</p> <p>similar [2] 18/3 41/21</p> <p>simplified [1] 46/5</p> <p>simplifies [1] 20/3</p> <p>simply [1] 19/20</p> <p>since [3] 4/16 44/11 53/18</p> <p>sir [3] 9/13 57/11 65/6</p> <p>situations [1] 40/23</p> <p>six [6] 12/19 30/17 43/10 43/14 52/6 68/3</p> <p>skip [1] 22/18</p> <p>small [2] 11/14 16/5</p> <p>smart [1] 60/8</p> <p>Smith [1] 9/15</p> <p>so [110]</p> <p>some [27] 4/7 4/9 14/6 14/7 14/8 15/11 15/13 15/15 18/17 20/19 20/19 21/8 27/20 31/13 31/21 31/22 33/18 36/19 39/16 40/7 43/21 54/22 65/20 65/23 66/2 69/11 70/13</p>
---	--	---

S	66/20	submit [1] 51/5
somebody [2] 41/1	stage [1] 19/3	submitting [1] 70/4
43/17	stand [1] 71/2	substantive [6]
somehow [1] 44/5	Starkey [1] 7/2	15/17 34/17 60/20
someone [2] 19/4	start [3] 33/1 38/22	61/3 64/8 67/13
39/12	64/16	substracting [1]
something [2]	started [1] 57/14	17/8
13/16 29/13	starting [1] 54/10	subtract [1] 40/11
somewhat [3] 18/4	STATE [6] 1/3 1/18	subtracted [1]
18/5 21/19	3/1 72/2 72/5 72/8	39/19
somewhere [1] 22/9	State-Level [1] 3/1	such [1] 72/19
son [1] 60/2	stated [2] 22/8 22/9	sufficient [1] 55/14
soon [1] 49/12	statements [1]	suggest [2] 21/8
sorry [7] 18/13	72/14	51/14
18/19 28/8 29/21	STEINWINDER	suggested [4] 11/17
34/9 53/8 53/12	[2] 3/3 7/15	23/19 51/13 57/23
sort [5] 14/12 19/21	step [1] 20/9	suggesting [1]
22/23 24/6 26/15	STEPHANIE [6]	51/16
speak [1] 70/15	3/17 8/18 8/20 9/21	suggestion [1]
specify [1] 44/7	10/2 66/21	50/14
speed [1] 30/4	Stephen [1] 8/6	Sullivan [1] 7/7
spending [1] 66/10	Stewart [1] 5/9	summarizes [1]
SSR [20] 17/8	still [8] 10/7 13/9	54/15
17/15 21/18 22/17	21/12 22/22 43/12	support [32] 1/2
22/23 23/6 34/13	52/18 57/17 70/19	1/15 3/1 3/6 3/9
34/13 35/4 35/12	straightforward [1]	17/3 17/4 17/18
36/21 37/9 44/12	64/5	18/14 18/22 20/1
44/13 44/21 45/16	strikeouts [1] 36/19	20/5 22/5 23/23
45/19 45/23 53/19	strong [1] 48/9	24/15 25/11 25/13
54/9	stuff [2] 57/18 60/4	25/13 28/13 28/17
staff [6] 2/18 3/17	Subcommittee [1]	34/12 36/21 38/2
3/20 49/18 55/18	63/1	43/8 43/19 45/3

S
support... [6] 45/4
47/16 55/10 69/13
71/5 72/9
supposed [1] 59/22
Supreme [9] 3/18
4/6 10/3 11/9 50/19
54/19 57/1 65/5
65/12
sure [7] 25/2 44/8
55/4 56/17 63/9
64/6 65/8
switching [1] 58/5
systems [2] 49/13
55/15

T

take [9] 17/2 17/13
20/4 44/23 48/4
49/23 50/9 58/14
67/6
taken [4] 19/12
45/5 45/6 45/8
taking [2] 17/6 32/8
talk [8] 4/10 24/11
25/10 25/20 32/21
40/17 51/9 57/5
talked [8] 15/20
24/7 24/8 24/19
25/2 25/8 49/3 57/4
talking [2] 28/15
56/4

task [2] 67/2 67/3
tax [6] 36/5 36/9
36/14 38/6 38/7
54/2
tell [3] 24/18 33/13
66/9
ten [4] 30/18 30/18
58/12 68/8
tenth [1] 52/12
terms [2] 32/4 63/7
Terry [1] 2/18
than [5] 20/10
26/23 34/20 37/6
60/15
thank [39] 4/23
5/13 5/16 5/19 6/2
7/6 8/3 8/6 8/20 9/7
9/10 9/14 9/19 9/23
10/9 10/17 11/16
12/5 12/9 14/20
16/23 24/1 29/6
29/9 29/12 43/15
47/5 52/19 52/23
55/1 56/18 58/8
58/19 65/13 66/15
67/17 67/21 69/22
70/18
Thanks [1] 7/23
that [270]
that's [48] 9/18
10/20 16/17 20/12
21/11 21/11 21/13

21/15 23/10 24/23
25/16 25/17 27/3
27/10 28/21 28/23
29/9 29/13 33/2
34/18 34/23 35/6
35/10 36/6 36/13
36/19 37/3 37/9
37/16 39/9 39/13
42/4 43/8 43/22
45/17 46/9 46/10
47/21 48/8 50/14
52/11 53/13 54/16
61/13 61/22 63/20
65/17 65/17
their [6] 12/21
13/19 31/22 32/8
50/23 52/13
them [19] 15/14
19/7 21/10 23/14
23/15 23/16 31/21
35/22 35/22 36/1
41/3 44/4 44/23
45/1 46/19 47/8
49/20 57/10 70/12
then [41] 13/5 14/2
15/21 17/8 19/20
20/4 20/11 23/6
25/17 28/5 31/5
33/20 35/8 36/12
36/17 37/5 37/12
38/5 41/11 41/13
41/17 41/17 41/22

T

then... [18] 43/5
43/20 43/21 45/5
45/12 45/13 45/15
49/23 51/13 51/23
54/3 54/7 54/10
54/13 54/16 56/8
60/12 71/1

there [36] 7/1 13/16
14/5 15/11 15/12
15/15 19/6 19/14
20/7 21/1 21/20
21/22 22/6 24/1
24/3 24/16 31/3
32/17 34/20 35/2
35/3 36/2 36/6
40/23 44/10 45/14
46/22 51/14 60/19
61/1 64/11 64/14
64/19 67/7 68/17
69/1

there's [6] 19/21
35/16 36/19 37/15
63/8 70/23

thereof [1] 72/21

these [10] 38/15
38/19 54/4 56/23
57/16 60/18 61/2
61/17 62/6 66/7

they [28] 11/2
15/14 21/18 36/2
41/3 43/18 43/20

43/21 44/10 45/2
45/5 45/6 45/7 45/8
45/10 45/14 45/15
45/16 45/17 45/19
46/8 48/12 49/7
57/13 57/14 57/15
64/4 66/23

they're [2] 45/7
47/18

thing [16] 14/2 15/7
23/1 23/19 26/16
35/18 36/3 37/20
38/3 44/2 61/14
62/8 63/10 64/6
64/8 70/3

things [8] 4/5 4/9
14/7 14/8 18/8
20/17 66/1 66/7

think [53] 4/8 6/15
7/12 11/10 13/15
21/4 21/16 23/15
23/20 25/3 25/21
27/10 28/14 30/8
31/19 32/3 32/23
33/2 35/1 35/21
36/10 38/15 40/6
42/12 46/3 46/20
47/2 47/13 47/15
47/20 48/11 50/14
51/4 51/10 52/7
53/5 56/13 58/19
59/5 59/7 62/8

62/10 62/20 62/21
63/5 63/14 63/16
63/22 64/4 65/1
66/5 69/13 69/17
this [81]

those [12] 15/12
16/16 19/1 20/16
20/23 21/20 26/22
33/18 33/19 35/20
44/16 48/12

though [2] 29/21
70/20

thought [8] 4/3
14/13 15/17 18/3
18/11 21/16 46/6
53/14

thoughts [3] 43/5
50/16 51/20

three [17] 11/6
12/19 30/16 34/1
34/3 34/5 34/6 34/7
34/8 49/5 49/16
50/19 51/15 52/6
54/18 55/13 68/3

three-month [2]
49/5 50/19

three-months' [1]
49/16

through [16] 12/21
16/14 22/12 22/22
31/12 31/22 33/13
35/20 35/22 35/23

T

through... [6] 53/6
53/7 60/13 60/17
65/19 66/22
throughout [2]
34/14 61/22
time [18] 2/16 4/2
4/3 4/4 7/18 14/5
16/10 22/3 32/9
33/22 39/13 49/16
49/19 55/14 57/10
57/18 64/10 66/6
timeline [1] 65/21
times [1] 47/14
titles [1] 35/6
today [5] 4/10 9/3
10/1 10/12 16/13
together [1] 69/5
told [1] 66/14
too [4] 4/19 47/13
51/5 60/2
took [4] 15/5 35/9
37/19 46/4
tool [1] 57/6
top [5] 18/12 18/15
19/11 45/1 69/12
total [1] 45/4
toward [3] 9/11
18/18 19/4
training [1] 49/17
transcript [2] 10/22
72/14

trial [1] 44/3
Trina [3] 60/5
65/18 66/15
true [2] 47/21 72/13
try [8] 4/11 12/13
14/18 15/23 16/15
19/1 59/9 59/14
trying [5] 6/18
13/11 18/4 18/18
68/23
turnaround [1]
49/16
Tuscaloosa [2] 2/7
3/13
two [10] 12/19 17/9
17/14 25/15 30/16
36/4 38/15 38/20
52/6 68/2
type [1] 60/19
typed [1] 56/16
types [1] 67/12

U

under [7] 11/8
15/15 19/2 37/12
39/15 62/9 65/21
understand [1]
13/14
understandable [1]
32/1
understanding [2]
26/12 51/16
unduly [1] 47/8

University [2] 2/7
3/12
unless [1] 63/21
unlikely [1] 21/20
unmute [10] 12/22
13/19 28/2 30/19
31/7 52/8 52/20
58/13 68/4 68/15
until [4] 10/7 20/8
34/17 61/4
up [20] 17/6 20/20
22/4 22/22 23/8
25/1 27/8 30/4
36/11 39/21 40/21
44/18 45/1 45/3
52/18 59/8 59/15
62/19 64/22 70/4
upload [1] 57/18
us [9] 4/17 5/3 10/1
13/20 14/7 23/22
30/1 49/1 70/20
use [4] 25/12 26/19
57/7 63/6
used [1] 29/16
uses [1] 60/2
using [3] 26/7 26/8
26/10
usual [1] 72/21

V

VENOHR [8] 2/3
8/21 15/22 20/13
22/6 23/5 24/21

V	52/14 52/20 67/6 68/5 68/7 68/14 69/2 69/17 69/19 voted [3] 14/4 69/4 69/9 voting [1] 48/19	22/14 24/6 24/8 24/19 27/6 27/6 27/9 28/19 32/1 33/22 35/3 37/11 40/8 40/9 41/10 42/7 44/2 47/12 58/20 58/20 59/2 63/1 64/5 64/7 64/23 65/15 68/23 68/23 69/1 70/16 wasn't [1] 64/6 waving [2] 8/22 9/2 way [4] 22/21 44/10 63/16 63/20 we [204] we'll [3] 51/8 51/14 64/12 we're [7] 4/1 13/3 16/12 19/7 19/22 46/12 58/5 website [1] 10/20 weigh [1] 63/2 well [17] 18/2 18/23 19/17 20/22 27/11 28/4 29/9 31/9 31/16 32/1 39/12 39/20 40/18 41/12 42/9 64/1 69/2 Weller [1] 8/16 Weller's [1] 11/8 went [2] 30/1 65/18 were [11] 14/5
VENOHR... [1] 70/2 Venohr's [2] 17/23 22/14 versa [1] 40/5 version [3] 33/9 57/15 69/14 versus [2] 27/7 63/13 very [8] 5/1 11/20 12/9 18/8 25/3 31/11 40/23 46/6 via [2] 1/18 72/15 vice [1] 40/5 Video [1] 3/15 videoconference [2] 1/19 10/4 view [2] 42/14 43/23 Virtual [1] 1/19 virtually [1] 68/1 visual [1] 30/12 visually [1] 12/21 voice [1] 23/15 volunteered [2] 60/9 66/13 vote [22] 12/22 27/18 28/5 29/20 30/19 30/21 31/6 50/5 50/17 52/1 52/8 52/10 52/12	W wait [2] 56/5 56/6 walk [1] 16/14 want [35] 4/12 27/11 27/17 32/5 32/21 35/23 38/11 40/17 43/3 43/17 46/8 48/13 49/11 49/17 49/23 52/7 52/14 52/20 53/7 55/2 55/23 56/1 56/5 57/17 59/13 61/12 61/14 62/16 63/2 65/22 67/3 68/21 69/8 69/19 70/15 wanted [5] 21/2 25/4 62/4 69/15 70/11 wants [1] 27/13 was [47] 1/16 10/23 15/9 16/10 17/7 18/3 18/8 18/9 18/17 18/23 19/4 19/5 19/6 19/13 20/13 20/14 22/7	

W

were... [10] 20/16
21/22 22/16 22/18
31/15 32/3 40/10
44/6 59/1 66/14

weren't [1] 17/17

what [21] 16/1 16/3
16/16 17/23 18/1
20/13 20/14 22/15
25/21 28/14 28/18
28/19 30/23 33/14
36/7 42/16 44/5
51/16 53/13 57/8
60/14

whatever [1] 26/8

whatnot [1] 49/19

when [16] 5/6
13/15 14/6 23/22
25/20 26/5 26/10
33/21 41/3 41/22
45/6 45/15 50/19
51/7 51/13 54/11

where [23] 21/7
24/10 24/14 24/23
33/22 34/18 35/9
36/5 36/20 37/3
37/16 39/15 40/23
43/6 50/6 53/23
54/8 54/17 60/22
61/21 64/15 65/15
68/23

whether [1] 46/22

which [8] 11/23
17/7 22/7 22/16
27/19 32/20 43/10
48/10

while [5] 17/21
23/20 43/3 58/4
62/17

WHITMIRE [3]
2/22 6/20 6/21

who [9] 12/20 13/5
13/18 19/1 19/4
19/11 25/2 66/21
68/14

whole [3] 37/15
65/19 66/3

why [3] 24/8 24/18
27/6

wife [1] 4/15

will [36] 10/10
10/19 11/20 14/19
14/23 17/14 23/19
25/19 27/14 27/18
28/16 29/14 30/3
31/16 33/13 33/23
38/10 41/16 48/4
48/10 48/17 51/9
52/1 53/4 54/17
56/9 56/23 59/3
64/9 65/18 66/18
67/9 68/9 70/8
70/11 71/1

wonder [1] 39/18

wondering [1] 44/3
wording [9] 20/20
34/11 34/15 36/23
53/20 54/5 62/1
62/2 67/12

words [2] 17/10
23/3

work [2] 14/19
31/22

worked [2] 31/23
66/22

working [1] 66/21

worksheet [22]
15/6 16/11 16/12
17/23 18/1 18/2
18/9 20/14 20/15
20/22 22/14 22/22
23/5 25/13 35/7
35/14 35/15 37/5
38/5 54/6 54/13
57/15

worry [1] 27/7

would [70] 4/3 4/16
4/20 5/2 5/7 9/10
12/14 12/22 13/6
13/19 18/11 19/8
21/20 23/6 23/7
23/8 26/23 27/23
30/11 30/18 31/4
31/6 31/7 33/1 33/5
35/21 41/1 41/6
41/9 41/13 41/17

W

would... [39] 44/6
 45/13 45/14 45/15
 46/16 46/17 46/17
 46/21 47/8 49/4
 50/5 50/7 51/1 51/4
 51/12 52/2 52/13
 52/14 52/15 53/3
 54/23 55/7 55/23
 56/23 57/21 58/10
 58/13 58/14 58/19
 59/4 62/11 63/12
 63/20 64/19 68/1
 68/4 68/11 68/14
 68/15
 wouldn't [1] 22/17
 writer [2] 62/3
 66/17
 Wyoming [3] 18/1
 18/2 20/15

Y

y'all [11] 25/21
 28/12 32/21 59/19
 59/21 60/7 61/5
 61/12 62/16 63/3
 66/15
 yeah [17] 25/7
 28/21 33/6 34/4
 35/2 40/8 40/18
 47/20 50/9 51/18
 56/6 56/7 63/11

64/7 64/20 65/16
 66/5
 year [1] 73/4
 yes [21] 5/4 9/22
 10/6 10/14 14/17
 16/22 29/5 32/17
 39/5 42/6 44/21
 57/11 57/21 59/7
 59/20 61/6 63/4
 65/6 66/12 68/7
 69/4

yesterday [1] 60/10
 yet [2] 38/12 40/12
 you [170]
 you're [8] 40/3
 43/11 43/11 45/22
 46/1 58/13 59/22
 60/1
 you've [1] 45/11
 your [23] 5/6 12/14
 13/6 13/9 14/15
 15/19 25/23 28/1
 30/11 30/12 31/5
 31/7 32/7 41/19
 44/17 44/18 52/2
 52/15 52/18 58/11
 58/11 68/1 68/11

Z

zero [7] 26/2 26/8
 26/17 35/5 37/10
 62/9 65/15
 Zoom [3] 10/4

11/22 72/15