



# Judicial Council of Georgia



**FRIDAY, DECEMBER 11, 2009**

**1:30 P.M.**

**FLOYD ROOM, 20<sup>TH</sup> FLOOR**

**WEST TOWER**

**JAMES H. "SLOPPY" FLOYD BUILDING**

**ATLANTA, GA**



# Judicial Council of Georgia



## **1. INTRODUCTIONS AND PRELIMINARY REMARKS**

CHIEF JUSTICE CAROL W. HUNSTEIN

## **2. ISSUES TO EXPECT IN UPCOMING LEGISLATIVE SESSION**

PRESENTATION BY TOM BOLLER, CAPITOL PARTNERS

## **3. APPROVAL OF JULY 22, 2009 MINUTES**

CHIEF JUSTICE CAROL W. HUNSTEIN



# Judicial Council of Georgia

## 4. COMMITTEE REPORTS

### A. STANDING COMMITTEE ON DRUG COURTS

JUDGE GEORGE H. KREEGER

### B. STANDING COMMITTEE ON POLICY & LEGISLATIVE UPDATE

PRESIDING JUSTICE CARLEY

### C. JUDICIAL WORKLOAD ASSESSMENT COMMITTEE

JUDGE DAVID T. EMERSON

### D. RECORDS RETENTION COMMITTEE REPORT

JUDGE BRENDA WEAVER

### E. RECUSAL RULE COMMITTEE

CHIEF JUSTICE CAROL W. HUNSTEIN



## **A. Standing Committee on Drug Courts**

Justice George H. Kreeger, Chair

- Committee Proposals
- Legislative Information Page



## A. Standing Committee on Drug Courts

- **63 active accountability courts**, with **3 more** courts in the planning stage
- There have been **2 Standing Committee on Drug Courts meetings** since the last Judicial Council Meeting in July
- The upcoming **6<sup>th</sup> Annual Drug, DUI and Mental Health Court Conference** will take place May 18-20, 2010 at the Westin Buckhead where we expect upwards of 600 attendees
- **Coordinator Competency training** took place December 8-10, 2009 at the Unicoi State Park and Lodge with 60 attendees present representing over 50 different accountability courts statewide
- The Committee is working on developing **Case Transfer Guidelines** for DUI and Drug Courts



## **B. Standing Committee on Policy & Legislative Update**

Presiding Justice Carley, Chair

- Committee Proposals
- Webpage



## B. Standing Committee on Policy & Legislative Update

The Policy Committee recommends the following proposed legislation for favorable **SUPPORT**:

- I. State Court – [SB 181](#) - Retirement; change Board of Trustees to GA Judicial Retirement System
- II. Juvenile Court – [HB 817](#) - Georgia Judicial Retirement System; juvenile judges; provide
- III. Municipal Court – [HB 478](#) - Municipal courts; judges to be attorneys; require

Motion Required to Accept Committee's Position



## B. Standing Committee on Policy & Legislative Update

The Policy Committee recommends to **TAKE NO POSITION** on the following proposed legislation:

- I. Judicial Council - [HB 545](#) - Commencement and service of civil actions; service of process; revise provision

Motion required to accept committee's recommendation



## B. Standing Committee on Policy & Legislative Update

The Policy Committee recommends to **DELAY ACTION** on the following proposed legislation:

- I. Judicial Council – Jury Modernization Act of 2010 (TENTATIVE – has not been introduced)
- II. Judicial Council - [HB 619](#) - Probation; County and Municipal Probation Advisory Council; repeal
- III. Judicial Council - [HB 622](#) - County and Municipal Probation Advisory Council; certain limitations

Motion required to accept committee's recommendation



Welcome to the Judicial Branch Reference Site for Legislators

We welcome inquiries from Legislators and Staff

**Court and Agency  
Contacts**

Official Judicial Council Policy and Legislative Positions

[Click here](#)

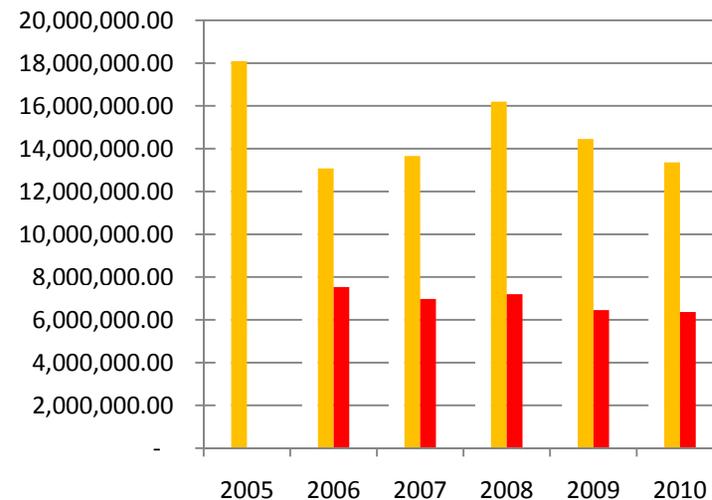
**General Queries:**

**Administrative Office  
of the Courts**

**Supreme Court  
Court of Appeals  
Superior Court  
State Court  
Juvenile Court  
Probate Court  
Magistrate Court  
Municipal Court**

**ICJE  
Judicial Qualifications  
Commission**

**Judicial Council Budget Summary**





## **C. Judicial Workload Assessment Committee**

Judge David Emerson, Committee Member

- Two major updates from JWAC:
  1. New case types adopted by committee
  2. New/Updated minutes



## New case type (Criminal):

Criminal:

Serious Felony

Definition: a serious felony consists of any charge with a mandatory minimum sentence of ten years or more. *A filing with one serious felony charge and multiple felony charges should be counted as a one serious felony docket.*

A list of serious felonies and instructions are sent out with the case count initiation letter each year to the Superior Court clerks.



## New case types (Civil)

### General Civil:

Tort/Negligence

Habeas Corpus

Appeals/Review

Title to Land/Condemnation

Contract/Account

Post Judgment/Garnishment

Dispossessory/Distress

Non-Domestic Contempt

Other General Civil

Unknown

### Domestic Relations:

Contempt

Legitimation

Modification

Family Violence

Support/Custody

Adoption

Divorce/Alimony

Other Domestic

Unknown

Data is collected in SSCIS electronically from the Superior Courts and shared by GSCCCA with the AOC for workload assessment



## New/Updated minutes (Criminal)

Old

Case Type	Minutes
Serious Felony	-
Felony	61.51
Misdemeanor	22.65
Unified Appeals	1,991.00
Probation Revocation	31.93

New

Case Type	Minutes
Serious Felony	324.00
Felony	45.71
Misdemeanor	32.00
Unified Appeals	7,200.00
Probation Revocation	24.00



## New/Updated minutes (General Civil)

**Old**

Case Type	Minutes
General Civil	63.13

**New**

Case Type	Minutes
Tort/Negligence	136.22
Habeas Corpus	34.07
Appeals/Review	16.36
Title to Land/Condemnation	22.37
Contract/Account	11.06
Post Judgment/Garnishment	2.07
Dispossessory/Distress	30.22
Non-Domestic Contempt	15.50
Other General Civil	15.18



## New/Updated minutes (Domestic Relations)

**Old**

Case Type	Minutes
Domestic Relations	41.20

**New**

Case Type	Minutes
Contempt	45.10
Legitimation	19.07
Modification	52.31
Family Violence	16.41
Support/Custody	47.98
Adoption	68.30
Divorce/Alimony	48.31
Other Domestic	45.10



## C. Judicial Workload Assessment Committee

### Next Steps:

- Next JWAC meeting (2010)
- Judge year value
- Threshold
- Pending recommendations/carryovers
  - Committee Approved Staff's Recommendations to
    - Conduct Judgeship Study for 2009,
    - Re-rank Pending Requests if Study warrants and
    - Make no recommendations unless economic situation warrants



## **D. Records Retention Committee Report**

Judge Brenda Weaver, Chair

Accomplished:

- Judicial records retention schedules collected from other states
- Electronic imaging standards for archiving judicial records collected
- Meeting held with Department of Archives and History Records and Information Management Services about implementation of retention schedules
- All Official Judicial Branch Records Retention moved to electronic format



## D. Records Retention Committee Report

### Next Steps:

- Establish a standard format and naming convention to create a uniform schedule
- Eliminate duplication of schedules that apply to more than one class of court



## **E. Recusal Rule Committee**

Chief Justice Hunstein, Chair

- Meeting held on November 4
- Most classes of Court do not have adequate recusal procedures
- Each class of Court request to draft rules
- Review Judicial Canons as to need for modification
- Representative Lindsay also participated in the meeting



# Judicial Council of Georgia



**BREAK**



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## 3. REPORT FROM JUDICIAL COUNCIL CHAIR CHIEF JUSTICE HUNSTEIN



# Judicial Council of Georgia

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## 4. REPORT FROM AOC DIRECTOR MS. MARLA S. MOORE



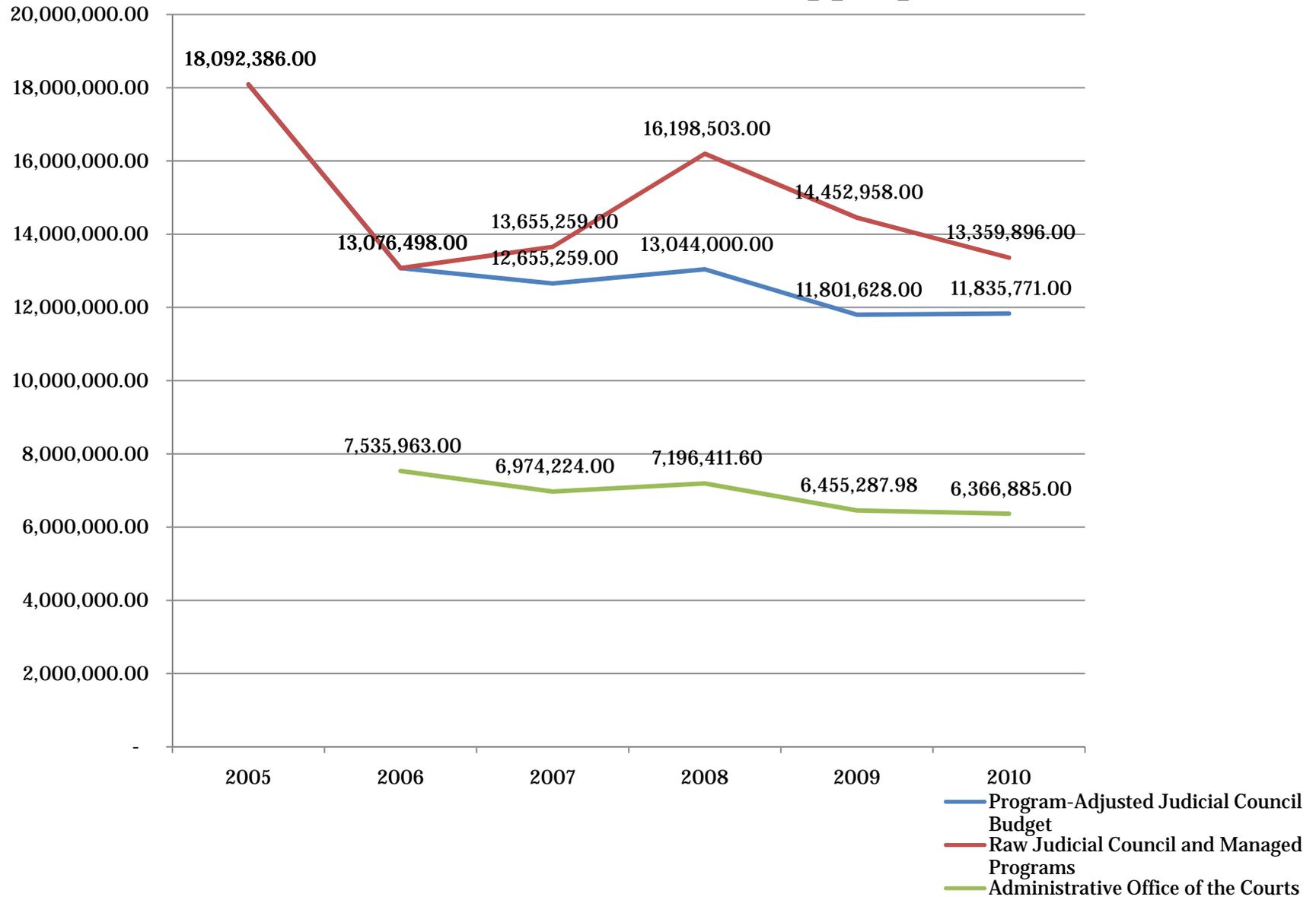
## **Administrative Office of the Courts**

Ms. Marla S. Moore, Director

- Financial Report
- Internal Operations
- Jury Project
- National Issues



## Judicial Council State Appropriations





# Judicial Council of Georgia



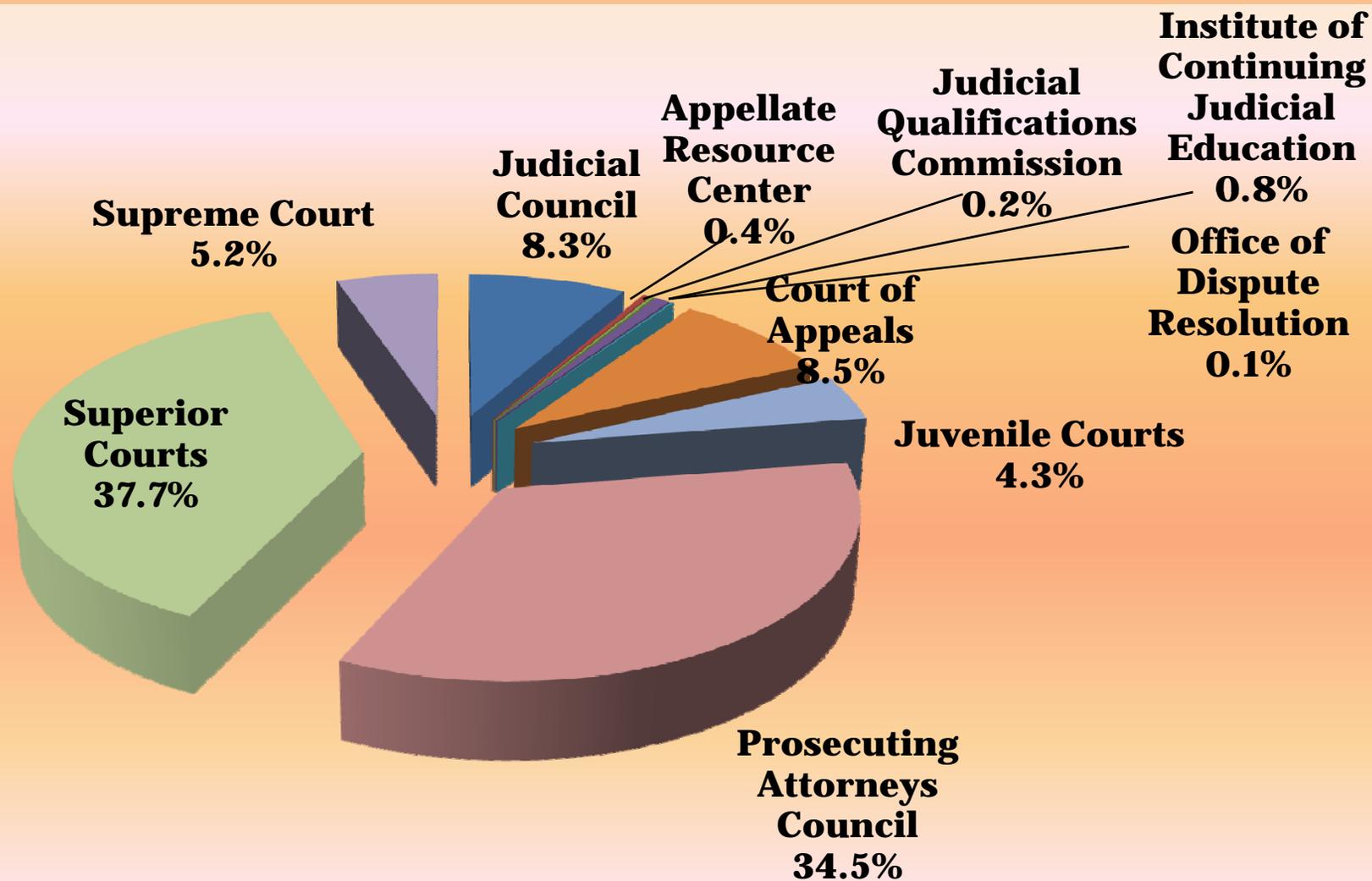
Administrative Office of the Courts of Georgia

[www.georgiacourts.gov](http://www.georgiacourts.gov)

## Administrative Office of the Courts

### Financial Report (cont'd)

Total 2009 Judicial Branch Appropriation: \$149,129,118.00





## **Administrative Office of the Courts**

### Financial Report

### Staffing Changes and Other Cost Saving Measures Implemented

- Scheduled 3 furlough days for all staff
- Eliminated three middle management positions
- Holding open all positions that become vacant with exception of 2 CMPAC Employees and Grant funded positions
- Two state vehicles will be surplus



## **Administrative Office of the Courts**

### Financial Report (cont'd)

- Reducing Overhead costs
  1. Consolidating supplies within office
  2. More extensive use of teleconference and online meeting tools
  3. Monitoring staff travel to avoid unnecessary expenses
  4. Closure of Macon office
- Implementation of electronic storage of all regulatory section files - County and Municipal, Probation Advisory Council, Board of Court Reporting and Commission on Interpreters



## **Administrative Office of the Courts**

### Internal Operations

- Developed agency-wide team to assist with assessment of legislative impact
- Grants function-moving financial reporting to fiscal
- Review and revise HR policies
- Next week with the assistance of two state court administrators, begin a study of the office operations to facilitate further reorganization and streamlining



## **Administrative Office of the Courts**

### Jury Project

- New Contract with Applied Research Services
- MOU's with Dept of Driver's Services, Secretary of State and Vital Records
- Account with Georgia Technology Authority to run the data
- Meeting with Clerk's Representatives and Jury Committee Members set for December 15<sup>th</sup>



## **Administrative Office of the Courts**

### National Issues

- Title VI requirements to provide court language interpreters
- IRS requirements concerning who is an employee and who is a contractor
- Collection of data on Adult Guardianship, Adult Conservatorship and Elder Abuse cases
- Use electronic means of capturing and storing trial records
- Court Fee Intercept Legislation



# Judicial Council of Georgia

## 5. REPORTS FROM APPELLATE COURTS AND TRIAL COURT COUNCILS

### A. SUPREME COURT

CHIEF JUSTICE HUNSTEIN

### B. COURT OF APPEALS

CHIEF JUDGE M. YVETTE MILLER

### C. COUNCIL OF SUPERIOR COURT JUDGES

JUDGE MELVIN K. WESTMORELAND

### E. COUNCIL OF STATE COURT JUDGES

JUDGE RONALD E. GINSBERG

### COUNCIL OF JUVENILE COURT JUDGES

JUDGE ROBERT V. RODATUS

### F. COUNCIL OF PROBATE COURT JUDGES

JUDGE TAMMY BROWN

### G. COUNCIL OF MAGISTRATE COURT JUDGES

JUDGE RICHARD T. ALEXANDER, JR.

### H. COUNCIL OF MUNICIPAL COURT JUDGES

JUDGE C. DAVID STRICKLAND



# Judicial Council of Georgia



## **6. OLD BUSINESS**

CHIEF JUSTICE HUNSTEIN

### **A. GEORGIA COURTS AUTOMATION COMMISSION**

JUDGE TIMOTHY A. PAPE, CHAIR

### **B. ADDITIONAL OLD BUSINESS**



# Judicial Council of Georgia

## 7. NEW BUSINESS

CHIEF JUSTICE HUNSTEIN

### DATE AND PLACE OF NEXT REGULAR COUNCIL MEETING

**DATE:** FRIDAY JUNE 11, 2010

**PLACE:** SLOPPY FLOYD BUILDING, EMPIRE ROOM

**TIME:** 1:30 P.M. – LUNCH AT 12:30 FOR COUNCIL MEMBERS AND  
INVITED GUESTS



# Judicial Council of Georgia



## 8. CONCLUDING REMARKS AND ADJOURNMENT CHIEF JUSTICE HUNSTEIN