

15  
1  
2  
Second Annual Report  
Administrative Office of  
the Courts of Georgia



**THE JUDICIAL COUNCIL OF GEORGIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

2220 Parklake Drive  
Suite 335  
Atlanta, Ga. 30345

The Second Annual Report of the Administrative Office of the Courts of Georgia is a publication of the Judicial Council of Georgia/Administrative Office of the Courts as required by Ga. Laws 1973, p. 288. Funding for this document was provided by Grant No. 74A-08-001 awarded by the State Crime Commission under a grant from the Law Enforcement Assistance Administration of the United States Department of Justice.

*The Cover: Noted for its architectural excellence, the Morgan County Courthouse stands proudly in Madison, Ga. The two-story structure was built in 1905 and has one courtroom. The Morgan County Courthouse is included in the National Register of Historic Places.*



# **SECOND ANNUAL REPORT**

## **Administrative Office of the Courts of Georgia**

(July 1, 1974 to June 30, 1975)

Published pursuant

to Georgia Laws 1973, p. 288

for

**The Judicial Council of Georgia**

by

**The Administrative Office of the Courts**

Robert L. Doss Jr., Acting Director

Marlene Goldman, Editor



COUNCIL

Judge Hal Bell, *Chairman*  
Judge Kenneth B. Followill, *Vice Chairman*  
Judge G. Ernest Tidwell, *Sec./Treasurer*  
Judge F. Jack Adams  
Judge Marcus B. Calhoun  
Judge H. Sol Clark  
Judge J. Bowie Gray  
Justice Robert H. Hall  
Judge Walter C. McMillan, Jr.  
Cubbedge Snow, Jr., Esq.  
Judge William K. Stanley, Jr.

JUDICIAL COUNCIL OF GEORGIA

Administrative Office of the Courts  
SUITE 335 – 2220 PARKLAKE DR., N. E.  
ATLANTA, GEORGIA 30345  
(404) 939-7026



Robert L. Doss, Jr.

FOREWORD

Court administration as a function, and indeed, as a separate profession, is an idea whose time has come in Georgia.

The people of Georgia confirmed this idea in 1974 when voters overwhelmingly ratified a constitutional amendment calling for unified court administration in this State. While the vote reflected a national trend toward bringing professional business practices into the courts, it also represented in Georgia a strong commitment to improvement of the administration of justice itself on the part of the bench, the bar, and the public.

With this, the Second Annual Report of the Administrative Office of the Courts of Georgia, we offer to the citizens of this State a commentary on the courts and what the Judicial Council and its service arm, the Administrative Office of the Courts, have accomplished during the second year of operation.

Under the guidance of an able Judicial Council comprised of nine judges of courts of record and the president and past president of the State Bar of Georgia, efforts in the past year have concentrated on improvement and modernization of the entire court system. Much of the second year was devoted to compiling an unprecedented profile of the courts — their numbers, jurisdictions, caseloads, records, and facilities. We discovered more than 2,000 courts with varying and overlapping jurisdictions, a variety of records-keeping methods which resulted in large discrepancies in our caseload data compilations, and a wide range in age and adequacy of courthouse facilities.

The very diversity of the Georgia court system as indicated by our research strongly reinforces the need for a coordinative unit for all the courts in this State — a need which the General Assembly recognized and addressed through the creation of the Council. Acting as that focal point, the Administrative Office is now using its studies as the statistical base for general, statewide recommendations regarding manpower, funding, planning, management and other technical areas of court administration.

Additionally, the AOC was involved this year in several short-range technical assistance projects in such areas as calendaring, caseload management, jury management, and others. This service was provided upon request to local courts. We anticipate that the future will involve more intensive efforts in these disciplines, while programs in communications and continuing education for courts personnel will also gain impetus.

The Second Annual Report will address these and many other aspects of operation of the Administrative Office. It mirrors a most productive year, not only in terms of the efforts of the Judicial Council and the Administrative Office, but also in regard to the judges and the many courts-related personnel in Georgia who provided important input into our studies and recommendations in a spirit of cooperation, dedication and concern.

It is our sincere desire that each year in the future will prove as fruitful as the year past as this State moves closer to the administrative modernization that will help insure justice for all Georgians.

*Robert L. Doss, Jr.*

Robert L. Doss, Jr.  
Acting Director  
Administrative Office of the Courts



# CONTENTS

## Part I. Report on the Georgia Courts



State Appropriations Chart .....	6
Georgia Courts: A History of Change .....	7
The Courts in Fiscal Year 1975 .....	9
<i>Appellate Courts</i> .....	9
<i>Superior Courts</i> .....	10
<i>State Courts</i> .....	13
<i>Probate Courts</i> .....	14
<i>Juvenile Courts</i> .....	14
<i>Other Courts</i> .....	15

## Part II. Report from the Judicial Council and Administrative Office of the Courts



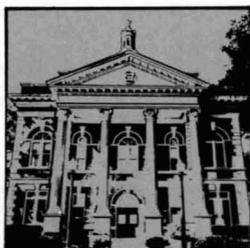
Functional Relationships Chart .....	19
Members, Judicial Council of Georgia .....	20
Organization Chart, Administrative Office of the Courts .....	22
Introduction .....	23
Communications .....	23
Court Consultation .....	24
Court Reporting .....	24
Education .....	25
Facilities .....	26
Field Studies .....	28
Indigent Defense .....	29
Information Systems .....	30
Judgeship Studies .....	31
Judicial Nominating Commission .....	33
Judicial Qualifications Commission .....	33
Justices of the Peace .....	34
Juvenile Justice .....	35
Legal Services .....	36
Pattern Jury Instructions .....	37
Planning and Grants .....	37
State Prosecution Coordination .....	38
Superior Courts Sentence Review Panel .....	39
Traffic .....	41
AOC Funding Analysis .....	42

## Part III. Report on Court-Related Legislation

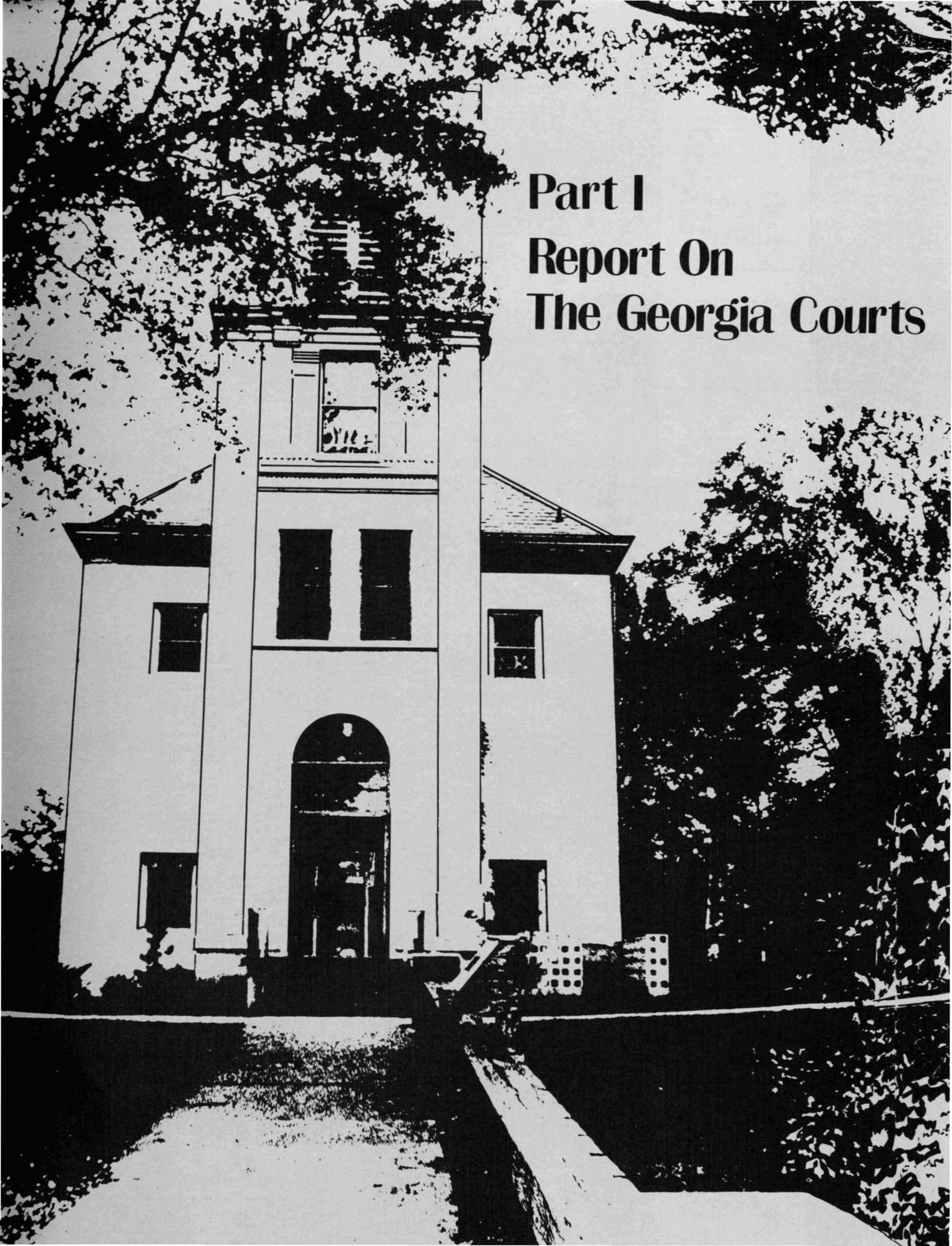


Introduction .....	45
Bills Passed in 1975 General Assembly .....	45

## Part IV. Appendix



One: The AOC at a Glance .....	53
Two: Ga. Laws 1973, p. 288 .....	56
(Judicial Council Created)	
Three: Members, Judicial Council of Georgia .....	58
(May 1, 1973 to June 30, 1975)	
Four: Unified Courts Amendment .....	59
Five: Ga. Laws 1974, p. 345 .....	60
(Georgia Court Reporting Act)	
Six: Ga. Laws 1975, p. 852 .....	63
(Judicial Council to Set Court Reporter Fees)	
Seven: Annual Report, Council of Juvenile Court Judges .....	65

A high-contrast, black and white photograph of a classical building, likely a courthouse, featuring a prominent central tower with a square top and a large arched entrance. The building is flanked by two smaller wings. The scene is framed by dense foliage and trees, with a path leading towards the entrance. The image has a stark, graphic quality due to the high contrast.

**Part I**  
**Report On**  
**The Georgia Courts**

# State Appropriations for the Judiciary

FISCAL YEAR 1975



**JUDICIARY'S BUDGET**  
**\$9,022,277**



**.53%**  
**(1/2 of 1%)**

## Five-Year Comparison for Judicial Budget

	<u>Total State Appropriations</u>	<u>Amount of Increase</u>	<u>Judicial</u>	<u>Amount of Increase</u>	<u>Percentage of Total</u>
Fiscal Year 1972	\$ 1,224,342,003		\$ 5,331,385		.0044
Fiscal Year 1973	1,358,729,374	\$ 134,387,371	6,520,313	\$ 1,188,928	.0048
Fiscal Year 1974	1,675,135,460	316,406,086	7,954,483	1,434,170	.0047
Fiscal Year 1975	1,702,971,922	27,836,462	9,022,277	1,067,794	.0053
Fiscal Year 1976	1,841,125,219	138,153,297	9,843,583	821,306	.0053
<b>Total Increase from Fiscal Years 1972 through 1976</b>		<b>\$ 616,783,216</b>		<b>\$ 4,512,198</b>	

*Preceding Page:*

*Georgia's oldest, still functioning courthouse stands in Fayette County and is believed to have been built in 1825. The tower was added in 1888, and a clock installed in the tower in 1910. The courthouse was extensively renovated in 1965.*



## Georgia's Courts: A History of Change

---

Since its first courts were established more than 200 years ago by the trustees of King George in Savannah, Georgia's court system has been continuously supplanted and streamlined. In the wake of seven Constitutional Conventions and passage of numerous Constitutional amendments and statutes affecting the organization and administration of the courts, this State in 1974 saw yet another chapter of its judicial history written with the passage of Constitutional Amendment Number One unifying the courts of Georgia for the purpose of administration. The evolutionary process now continues with future modernization efforts on the horizon.

First, a look at the past.\*

The original Georgia judiciary consisted of a Court of General Jurisdiction, Chancery Court, an Oyer and Terminer Court, Admiralty Court and various inferior courts. The Constitutional Convention of 1777 refashioned the system into three basic courts which saw little alteration for the next 44 years. The Supreme Court was the court of general jurisdiction (later the Superior Court) while the second court was labeled the Superior Court and was the predecessor of the Inferior Court. This Inferior Court was originally established as a court of limited civil jurisdiction and later grew to handle cases involving unlimited monetary amounts, minor criminal jurisdiction and many administrative functions in county matters. The third court was known as the Court of Conscience (later the Justice Court) which served as an inferior court of minimal civil jurisdiction.

A call for a radical change in the judicial system came in 1835 with a constitutional amendment providing for a three-man Supreme Court to ride the five circuits in the State, but it was not until ten years later that the legislature activated that particular Constitutional Amendment.

Another Constitutional Amendment in 1851 removed probate power from the inferior courts and gave this power to the Ordinary of each county with the right of appeal to the Superior Court.

The courts of the "independent State of Georgia" were established during the Secession Convention in the wake of the Civil War, but in actuality, the primary deviance from the former constitution was judicial selection. Under the Secession Convention Constitution of 1861, the judges of the Superior and Supreme Courts were appointed by the governor and confirmed by the General Assembly.

Selection in this manner lasted only four years, after which time a new constitution was adopted transferring the selection of Supreme and Superior Court judges back into the hands of the legislature.

In 1868, the Reconstruction Convention wrote yet another constitution which extended judges' terms of office and stipulated that Superior Court judges were to be appointed by the governor with the consent of the Senate. The 1868 Convention abolished the Inferior Courts, whose books, papers and proceedings were transferred to the Court of Ordinary while the District Courts were set up in Georgia's 44 Senatorial districts. Appointed by the governor for four-year terms, judges on this court had jurisdiction over all criminal cases not punishable by death or imprisonment in the penitentiary and in such civil cases as the legislature might

---

\*This historical analysis was compiled in part from **The History of Fulton County and Atlanta Courts**, 1972, by Joel C. Perrin.

direct. Trial was without jury unless demanded, and in that case, seven-man juries were to be impaneled.

Georgia's longest-standing Constitution was drawn in 1877. Again, selection of judges of the Superior Courts was placed in the hands of the General Assembly. Only one judge was to be selected per circuit for a term of four years and at a salary of \$2,000 per year. The Ordinary for each county was to be elected for four years, and one justice of the peace was to be elected by the voters of each militia district for four years to try cases involving \$100 or less. In addition, each Superior Court judge was to appoint one notary public to each district upon recommendation of the Grand Jury with powers of the Justice of the Peace.

While the judicial article remained relatively intact for the next 70 years, there were some amendments and local statutes affecting establishment of the courts throughout Georgia. As the need arose, several special courts were organized such as the City Court and Criminal Court of Atlanta. The same period saw a populist movement toward judicial independence from the legislature. The Supreme Court was expanded in 1876 from three to six justices who were to be selected by popular election. The election of solicitor general of the Superior Court followed in 1887. Other changes included that in all counties over 34,000 population, salaries were raised for Superior Court judges to \$5,000; circuits were realigned, and in 1898, another amendment provided for the election of Superior Court judges. In 1906, the Court of Appeals of Georgia was created to relieve the Supreme Court. This new appellate court was established with three popularly elected judges who served six-year terms.

The early 1900's also saw creation of Children's Courts as branches of the Superior Court. In 1915, the Children's Courts were ruled unconstitutional by the Supreme Court, and the General Assembly created Juvenile Courts in all counties with more than 60,000 population. This was later adjusted to 50,000 population.

The Constitution of 1945 increased the size of the Supreme Court to seven justices, and the General Assembly was given authority to set state salaries paid to the Superior Court judges.

While the years that followed saw through special legislation many changes for individual courts along with salary increases and further refinement of responsibilities, until this decade there has never existed any viable agency to coordinate and service the non-adjudicatory or adminis-

trative function of the various courts. Early in the twentieth century, calls for such a coordinating agency were issued by high ranking jurists, bar leaders, and other statesmen. Indeed, in 1945, such an act was passed creating a Judicial Council charged with conducting continuous studies of the organization of the courts and formulating methods for simplifying judicial procedures. Unfortunately, however, this Council proved ineffective, and it was not until the early seventies that the administrative aspect of court modernization was again examined. In that year, Governor Jimmy Carter created the Governor's Commission on Judicial Processes. The 14 members of the bench and bar on the commission evaluated the courts system in Georgia, and after extensive study, recommended that experts in management and court administration should conduct studies leading to the creation of an administrative system for Georgia's courts.

In May 1973, the Judicial Council of Georgia, composed of nine judges of courts of record and the president and immediate past president of the State Bar of Georgia, was sworn into office by Governor Carter. The Judicial Council and its service arm, the Administrative Office of the Courts (AOC), were created by the 1973 General Assembly (1973 Ga. Laws, p. 288). A companion resolution to Act 178 creating the Judicial Council and AOC called for a constitutional amendment providing that for the purpose of administration, all courts of Georgia should be part of one unified judicial system, and that the administration of the unified judicial system should be as provided by law.

Amendment One for unified administration of the courts passed the 1974 General Election by a 2-1 margin. Another amendment authorized the General Assembly to provide for a State Court of Claims, while yet another amendment changed the designation " Court of Ordinary" to "Probate Court" to more accurately reflect the court's modern day operation.

The process of court modernization promises continuation under the leadership of Governor George Busbee. As Fiscal Year 1975 drew to an end, the new governor called for creation of a special commission to study reorganization of the courts of Georgia. The Administrative Office of the Courts is providing staff assistance for this undertaking which portends significant streamlining of the Georgia courts system toward the ends of providing more efficient delivery of justice to all Georgians.

# The Courts in Fiscal Year 1975

---

*During Fiscal Year 1975, the Administrative Office of the Courts channeled its efforts toward providing a profile of Georgia courts and gathering caseload statistics on the work of the courts. At the time this Annual Report was compiled and printed, caseload statistics had not been fully completed for inclusion in this report, but will be published in separate documents in 1975. Future annual reports will strive to present filings, dispositions and other pertinent information to portray the work of the courts.*

*Because of lack of personnel in all the courts in Georgia, the press of business and the lack of a caseload reporting system, such statistics have not been gathered in the past. The Fiscal Year 1975 Annual Report does, however, chronicle other changes which occurred within the court system this year. These changes are in the areas of personnel and court operations.*

## The Appellate Courts

---

Georgia's highest appellate court, the Supreme Court, is comprised of seven justices who, during three terms of court per year, hear cases on appeal from the Superior Courts, the City Courts of Atlanta and Savannah and other like courts, the Criminal Court of Fulton County and the Juvenile Courts. The Supreme Court may consider cases brought up from the Court of Appeals by certiorari or those questions upon which the Court of Appeals is equally divided. The Supreme Court has original appellate jurisdiction in cases in which the constitutionality of any law in Georgia or the United States is questioned; where construction of the Constitution of Georgia or the United States or any treaty is in question; all cases regarding title to land; all equity cases; all cases involving the validity or construction of wills; all capital felony cases; all habeas corpus cases; all cases involving extraordinary remedies; all divorce and alimony cases, and in all cases certified to it by the Court of Appeals. The court has the power to make all necessary rules not in conflict with the Constitution or laws, works in conjunction with the legislature in the formulation of rules of practice and procedure, and the justices also promulgate rules governing bar examinations.

To be elected to the Supreme Court, a candidate must be at least 30 years of age, a citizen of Georgia for three years and shall have practiced law for seven years. Justices are elected for six-year terms. The chief justice is elected by the associate justices, as is the presiding justice.

The Georgia Court of Appeals is manned by nine judges whose qualifications must be the same as Supreme Court justices and who are also elected for terms of six years. A chief judge is elected by the other judges of the court, and he presides over the first of the three divisions of the court. Presiding judges for the other two divisions are designated by the chief judge.

The Georgia Court of Appeals has jurisdiction to correct the errors on appeal from the same lower courts from which appeals lie to the Supreme Court, but only in those cases wherein jurisdiction is not conferred on the Supreme Court.

Two major changes in the law affected the Supreme Court in Fiscal Year 1975. Under one new statute (Ga. L. 1975, p. 757), after interlocutory appeals have been certified by the Superior Court judge, application for appeal must be made to the appellate courts and must be approved by a judge of the Court of Appeals or a justice of the Supreme Court before it is heard by the appellate court. This has had the effect of decreasing the time that appeal courts must spend on reviewing interlocutory appeals and also has allowed cases to be returned to the Superior Court faster than in the past.

A second measure (Ga. L. 1975, p. 1143) has had the effect of decreasing the time justices must spend in reviewing habeas corpus appeals. This act requires that the application for appeal be approved by one of the justices before it is presented before the entire court.

## Supreme Court of Georgia

### APPOINTMENTS

Chief Justice H. E. Nichols by the Supreme Court for term beginning Jan. 1, 1975.

Associate Justice Harold Hill by Executive Order for term Dec. 31, 1974 - Dec. 31, 1978.

### ELECTIONS\*

Associate Justice William B. Gunter for six-year term.

Associate Justice Robert H. Hall for six-year term.

Associate Justice G. Conley Ingram for six-year term.

Presiding Justice H. E. Nichols for six-year term.

### RETIREMENTS AND RESIGNATIONS

Chief Justice Benning Grice retired Jan. 1, 1975.

\*Term began Jan. 1, 1975.

## Georgia Court of Appeals

### APPOINTMENTS

Judge Thomas O. Marshall by Executive Order for term Nov. 1, 1974 - Dec. 31, 1974.

### ELECTIONS\*

Chief Judge John Sammons Bell for six-year term.

Judge Irwin W. Stolz for six-year term.

Judge Thomas O. Marshall for six-year term.

Judge Julian Webb for six-year term.

### RETIREMENTS AND RESIGNATIONS

Presiding Judge Homer C. Eberhardt retired Oct. 31, 1974.

### IN MEMORIAM

Presiding Judge Homer C. Eberhardt (retired) died Jan. 6, 1975.

\*Term began Jan. 1, 1975.

## The Superior Courts

As Fiscal Year 1975 drew to a close, there were 86 Superior Court judges in 42 judicial circuits in Georgia. In addition to the full-time Superior Court judges, 19 emeritus (retired) judges may be called upon for duty with full authority of Superior Court judges when conditions warrant. The number of judges per circuit varies from a minimum of one judge per judicial circuit to 11 in the most populous circuit (Atlanta). Likewise, circuits vary in number of counties according to population. Georgia law requires court to be held in each county in Georgia at least twice a year with more frequent terms authorized by the legislature when the pressure of business warrants.

The Superior Court has three types of original jurisdiction:

—Exclusive constitutional jurisdiction in cases of divorce, criminal cases in which the accused may be sentenced to death or imprisonment, title to land, equity cases, and powers to correct errors of inferior judicatories by writ of certiorari;

—Exclusive statutory jurisdiction in such matters as declaratory judgements, mandamus, quo warranto and prohibition, and any other type of jurisdiction authorized by statute;

—Concurrent jurisdiction with other trial courts for most civil actions and all criminal cases in which a violation of State law has been alleged.

In addition, the Constitution gives the Superior Courts authority to hear appeals from inferior judicatories "as provided by law."

During the last fiscal year, several important administrative changes affecting the Superior Courts were authorized in Georgia. Six-person juries were authorized in civil cases in which the claim for damages was less than \$5,000, thus decreasing the number of jurors which must be called. State-paid salaries for Superior Court judges secretaries were increased from \$6,000 to \$7,200, and upon the recommendation of the Judicial Council, the General Assembly provided for additional judge-ships in the Flint and Southern Judicial Circuits.



## The Superior Courts

### APPOINTMENTS

Atlanta Circuit . . . Judge Joel J. Fryer by Executive Order for term from July 1 to Dec. 31, 1974.  
Conasauga Circuit . . . Judge Coy H. Temples by Executive Order for term from May 8 to Dec. 31, 1974.  
Coweta Circuit . . . Judge Joseph C. Jackson by Executive Order for term from May 8 to Dec. 31, 1974.  
Dougherty Circuit . . . Judge Leonard Farkas by Executive Order for term from May 8 to Dec. 31, 1974.  
Flint Circuit . . . Judge Sam Whitmire by Executive Order for term from July 1, 1975 to Jan. 1, 1977.  
Southern Circuit . . . Judge W. G. (Gus) Elliott by Executive Order for term from May 7, 1975 to Dec. 31, 1976.  
Southwestern Circuit . . . Judge William F. Blanks by Executive Order for term from Nov. 1, 1974 to Jan. 1, 1977.  
Waycross Circuit . . . Judge Elie L. Holton by Executive Order for term from May 8 to Dec. 31, 1974.  
Judge Emeritus . . . Judge Robert L. Scoggin by Executive Order.

### ELECTIONS\*

Atlanta Circuit . . . Judge Jack Paul Etheridge for eight-year term.  
Atlanta Circuit . . . Judge Joel J. Fryer for eight-year term.  
Atlanta Circuit . . . Judge Sam Phillips McKenzie for eight-year term.  
Atlanta Circuit . . . Judge Claude D. Shaw for eight-year term.  
Atlantic Circuit . . . Judge Paul E. Caswell for four-year term.  
Atlantic Circuit . . . Judge John R. Harvey for four-year term.  
Augusta Circuit . . . Judge John F. Hardin for four-year term.  
Augusta Circuit . . . Judge William M. Fleming, Jr. for four-year term.  
Brunswick Circuit . . . Judge Winebert D. Flexer for four-year term.  
Chattahoochee Circuit . . . Judge Oscar D. Smith, Jr. for four-year term.  
Conasauga Circuit . . . Judge Coy H. Temples for four-year term.

\*Term began Jan. 1, 1975.

Cordele Circuit . . . Judge William LeRoy McMurray, Jr. for four-year term.  
Coweta Circuit . . . Judge Joseph C. Jackson, Jr. for four-year term.  
Dougherty Circuit . . . Judge Leonard Farkas for four-year term.  
Eastern Circuit . . . Judge Frank S. Cheatham, Jr. for four-year term.  
Flint Circuit . . . Judge Hugh D. Sosebee for four-year term.  
Griffin Circuit . . . Judge Andrew J. Whalen, Jr. for four-year term.  
Gwinnett Circuit . . . Judge Reid Merritt for four-year term.  
Lookout Mountain Circuit . . . Judge Paul W. Painter for four-year term.  
Macon Circuit . . . Judge C. Cloud Morgan for four-year term.  
Macon Circuit . . . Judge George B. Culpepper, III for four-year term.  
Middle Circuit . . . Judge Walter C. McMillan, Jr. for four-year term.  
Northeastern Circuit . . . Judge A. Richard Kenyon for four-year term.  
Ocmulgee Circuit . . . Judge Joseph B. Duke for four-year term.  
Pataula Circuit . . . Judge Walter I. Geer for four-year term.  
Rome Circuit . . . Judge John A. Frazier, Jr. for four-year term.  
Southern Circuit . . . Judge George A. Horkan, Jr. for four-year term.  
Southern Circuit . . . Judge Marcus B. Calhoun for four-year term.  
Stone Mountain Circuit . . . Judge William T. Dean for four-year term.  
Stone Mountain Circuit . . . Judge Clarence L. Peeler, Jr. for four-year term.  
Tallapoosa Circuit . . . Judge Dan A. Winn for four-year term.  
Waycross Circuit . . . Judge Ben A. Hodges for four-year term.  
Waycross Circuit . . . Judge Elie L. Holton for four-year term.  
Western Circuit . . . Judge James Barrow for four-year term.

### IN MEMORIAM

Atlanta Circuit . . . Judge Emeritus Virlyn Branham Moore died May 13, 1975.  
Atlanta Circuit . . . Judge John L. Tye, Jr. (retired) died Oct. 17, 1974.  
Northern Circuit . . . Judge Emeritus Carey Skelton died May 13, 1975.

# The State Courts

Georgia's system of State Courts was established in 1970 (Ga. L. 1970, p. 679 et seq.) from a myriad of city, county, civil and criminal courts which had been created in previous years to help relieve the workload of the Superior Courts. The act creating the State Court was an attempt to unify and standardize these many diverse courts, and was done at the instance of the Trial Judges and Solicitors Association.

State Court judges must be practicing attorneys for at least three years to qualify for this judgeship. At present, 67 State Court judges hold court in Georgia, many of them on a part-time basis.

These courts have jurisdiction within the limits

of the county in which they are located concurrent with the Superior Courts of such counties to try and dispose of all civil cases or proceedings of whatever nature, whether arising ex contractu or ex delicto except in ex delicto action where the original act creating the court or any amendment thereto limited or excluded certain jurisdiction under the common law or by statute except those matters which are vested exclusively in the Superior Court. The State Courts also have criminal jurisdiction over all misdemeanor cases, but not felony cases. The defendant in criminal proceedings in the State Court does not have the right to indictment by the grand jury of the county.

## Personnel Changes (July 1, 1974 to June 30, 1975)

### The State Courts

#### APPOINTMENTS

Chatham County . . . Judge James W. Head by Executive Order for term beginning May 7, 1975 for an interim term until special election in the fall.

Cobb County . . . Judge P. Harris Hines by Executive Order May 8 for term from May 8, 1974 to Dec. 31, 1974.

Houston County . . . Judge Paul C. Armitage by Executive Order for term from Feb. 28, 1975 to Dec. 31, 1975

Troup County . . . Judge A. Vernon Belcher by Executive Order for term from June 10, 1974 to Jan. 1, 1977.

Washington County . . . Judge Thomas A. Hutcheson by Executive Order for term from Aug. 27, 1974, to Dec. 31, 1976.

#### ELECTIONS

Appling County . . . Judge Peyton Miles for term from Jan 1, 1975 to Jan. 1, 1979.

Bibb County . . . Judge J. Taylor Phillips for term from Jan. 1, 1975 to Jan. 1, 1979.

Chatham County . . . Judge Edward M. Hester for term from Jan. 1, 1975 to Jan. 1, 1979.

Clarke County . . . Judge Grady C. Pittard Jr. for term from Jan. 1, 1975 to Jan. 1, 1979.

Cobb County . . . Judge Dorothy A. Robinson for term from Jan. 1, 1975 to Jan. 1, 1979.

Cobb County . . . Judge P. Harris Hines for term from Jan. 1, 1975 to Jan. 1, 1979.

DeKalb County . . . Judge Jack Bryan Smith for term from Jan. 1, 1975 to Jan. 1, 1979.

Effingham County . . . Judge R. Edward Reddick, Jr. for term from Jan. 1, 1975 to Jan. 1, 1979.

Grady County . . . Judge Clayton R. Baker for term from April 1, 1975 to April 1, 1979.

Gwinnett County . . . Judge Joseph E. Cheeley, Jr. for term from Jan. 1, 1975 to Jan. 1, 1979.

Hall County . . . Judge C. Winfred Smith for term from Jan. 1, 1975 to Jan. 1, 1979.

Houston County . . . Judge Paul C. Armitage for term from Jan. 1, 1975 to Jan. 1, 1979.

Jenkins County . . . Judge Thomas M. Odom for term from Jan. 1, 1975 to Jan. 1, 1979.

Liberty County . . . Judge J. Neil Osteen for term from Nov. 5, 1974 to Jan. 1, 1979.

Pierce County . . . Judge Francis Houston for term from Jan. 1, 1975 to Jan. 1, 1979.

Polk County . . . Judge Olin T. Flournoy for term from Jan. 1, 1975 to Jan. 1, 1979.

Tattnall County . . . Judge Dan S. Cowart for term from Jan. 1, 1975 to Jan. 1, 1979.

Tift County . . . Judge John D. Crosby for term from Jan. 1, 1975 to Jan. 1, 1979.

Walker County . . . Judge Charles Clements, Jr. for term from Jan. 1, 1975 to Jan. 1, 1979.

#### IN MEMORIAM

Chatham County . . . Judge Edward M. Hester died April 21, 1975.

Mitchell County . . . Judge Edward Thomas Hughes died Jan. 4, 1975.

Washington County . . . Judge Casey Thigpen died Aug. 20, 1974.

# The Probate Courts

Until recently, the Probate Court was known as the Court of Ordinary. It is one of the oldest courts in Georgia with the judge serving traditionally in a dual capacity as both administrative officer of the county and as the presiding officer of the Probate Court. A Probate judge is elected in each county in Georgia for a term of four years. Qualification requirements vary according to population: in counties of less than 100,000, one must be a citizen, 21 years old and a qualified voter; with more than 100,000, the candidate must be 30 years old, and have practiced law for three years or acted as clerk of the Probate Court for five years; in counties with populations of more than 196,000, one must, in addition, have such service as clerk continuous and immediately prior to his election and may not engage in the private practice of law.

As a court, the State Constitution specifically gives jurisdiction to the Probate judge to try misdemeanor cases arising under the Georgia State Highway Patrol Act of 1937. In addition, they have jurisdiction to try State game and fish violations. Other matters within the jurisdiction of the court are probate of wills, granting letters of administration in intestate estates and general supervision of administrators and executors, granting letters of guardianship and general supervision of matters of guardianship relating to insane persons and lunacy proceedings, and habeas corpus except capital felonies when the prisoner is held for extradition.

Although many of his duties as administrative officer have been delegated to other officers or groups of persons in various counties, unless so stated by special statute, the Probate judge as

administrative officer has these broad powers: direction and control of county property; levying county taxes; establishing, altering or abolishing county roads, bridges and ferries; establishing and changing militia districts; supplying by appointment vacancies in county offices and ordering elections to fill them; settling claims against the county; auditing the accounts of other officers and making rules and regulations for the support of the poor, for the police of the county and for the public health; and regulating and licensing peddling. In addition, a number of statutes place additional duties upon the judge including supervision of elections within the county, supervision of referenda concerning liquor sales, granting licenses to carry weapons, administration of the homestead exemption laws, and issuance of marriage licenses.

During the General Election of 1974, Georgia voters changed the name of the Court of Ordinary to the Probate Court. The duties of the court were not altered by this change in designation.

## Personnel Changes (July 1, 1974 to June 30, 1975)

### **Probate Courts**

#### **ELECTIONS**

Bartow County . . . Judge Norma J. Tidwell for term from June 10, 1975 to August, 1976.

Chattooga County . . . Judge Jon Payne for term from Feb. 25, 1975 to Dec. 31, 1975.

#### **RETIREMENTS AND RESIGNATIONS**

Bartow County . . . Judge Eva S. Collins retired April 30, 1975.

#### **IN MEMORIAM**

Chattooga County . . . Judge Paul B. Weems died Dec. 29, 1974.

# Juvenile Courts

Currently, juvenile matters are handled in Georgia by judges of the Superior Courts, Juvenile Court judges whose jurisdiction is only juvenile matters, appointed referees and State Court judges. In counties having populations of 50,000 or more, separate Juvenile Courts are created and hear all juvenile matters. In counties having populations of less than 50,000, Superior Court judges hear juvenile cases unless two successive grand juries recommend that a juvenile court be established. Juvenile Court judges are appointed for six years by the Superior Court.

In order to be a Juvenile Court judge in Georgia, one must be an attorney with a minimum of three years experience and must be at least 30 years of age.

At last count, juvenile cases in Georgia were being heard by 19 part-time Juvenile Court judges, 7 State Court judges, 36 Superior Court judges and 19 referees. A total of 48,116 juvenile cases were disposed of in 1974.

The Juvenile Court has exclusive original jurisdiction over juvenile matters and is the sole court for initiating proceedings concerning any

child alleged to be delinquent, deprived, or mentally ill or retarded. In cases of criminal offenses, jurisdiction is concurrent with the Superior Court. The Juvenile Court also has jurisdiction to appoint guardians and jurisdiction in custody cases.

Any person under the age of 17 years is considered a child and is under the jurisdiction of the Juvenile Court. Any individual under the age

of 21 years who committed an act of delinquency while a child is also under the jurisdiction of the Juvenile Court.

Appeals in all cases of final judgment are to the Court of Appeals or Supreme Court. (See Appendix Seven for Annual Report of the Council of Juvenile Court Judges.)

**Personnel Changes (July 1, 1974 to June 30, 1975)**

**Juvenile Court**

**APPOINTMENTS**

Butts, Henry, Lamar and Monroe Counties . . . Judge Sam L. Whitmire by the Flint Judicial Circuit Superior Court for term Sept. 1, 1974 to Sept. 1, 1980.

Butts, Henry, Lamar and Monroe Counties . . . Judge A. J. Welch by the Flint Judicial Circuit Superior Court for term July 1, 1975 to Aug. 1, 1980.

Chatham County . . . Judge Grady L. Dickey by the Eastern Judicial Circuit Superior Court for term May 9, 1975 to May 9, 1981.

DeKalb County . . . Judge Edward Wheeler by the Stone Mountain Judicial Circuit Superior Court for term Mar. 1, 1975 to Mar. 1, 1981.

Floyd County . . . Judge Harold N. Wollstein by Rome Judicial Circuit Superior Court Judge Robert L. Royal for term Jan. 1, 1975 to Mar. 1, 1975.

Hall County . . . Judge George W. Brown by North-eastern Judicial Circuit Superior Court Judge

A. R. Kenyon for term from Jan. 1, 1975 to Dec. 31, 1975.

Piedmont Judicial Circuit . . . Judge James W. Parris by Superior Court Judge Mark Dunahoo for term Oct. 4, 1974 to Oct. 4, 1980.

Sumter County . . . Judge Lawton LeSueur, Jr. by the Superior Court for term June 1, 1975 to May 31, 1981.

Whitfield County . . . Judge Eugene C. Taylor by Conasauga Judicial Circuit Superior Court Judge Robert Vining, Jr. and Judge Coy H. Temples for term Feb. 1, 1975 to Feb. 1, 1981.

**RETIREMENTS AND RESIGNATIONS**

Barrow, Banks and Jackson Counties . . . Judge James W. Parris resigned May 22, 1975.

Butts, Henry, Lamar and Monroe Counties . . . Judge Sam L. Whitmire resigned June 25, 1975.

Chatham County . . . Judge James W. Head resigned May 7, 1975.

**Other Courts**

While Georgia Courts of Records are the only courts covered in this report, there are approximately 2,136 other courts performing judicial functions in Georgia. They include an estimated 2,145 judges and employ approximately 420 other judicial personnel.

Among those courts are special civil and criminal courts which have partial State Court jurisdiction but are in localities in which the business of a city court has grown to the extent that the court has been converted into a civil and criminal court or divided into each. Such courts are the Civil Court of Fulton County, the Criminal Court of Fulton County, the Civil Court of Richmond County and the Civil Court of Bibb County.

In addition to the major courts of record, the court system also includes 1,634 Justice of the Peace Courts, two magistrate courts, 38 small claims courts, two county courts, four recorders'

courts, two municipal courts, and between 360 to 450 police, mayors, recorders, traffic, municipal, criminal, city council and justice courts.

**Personnel Changes (July 1, 1974 to June 30, 1975)**

**Special Courts\***

**APPOINTMENTS**

Civil Court of Fulton County . . . Judge Horace T. Ward by Executive Order for term July 1, 1974 to Jan. 1, 1979.

**ELECTIONS**

Civil Court of Bibb County . . . Judge J. Douglas Carlisle for term Jan. 1, 1975 to Jan. 1, 1979.

Civil Court of Fulton County . . . Judge Thomas L. Camp for term Jan. 1, 1975 to Jan. 1, 1981.

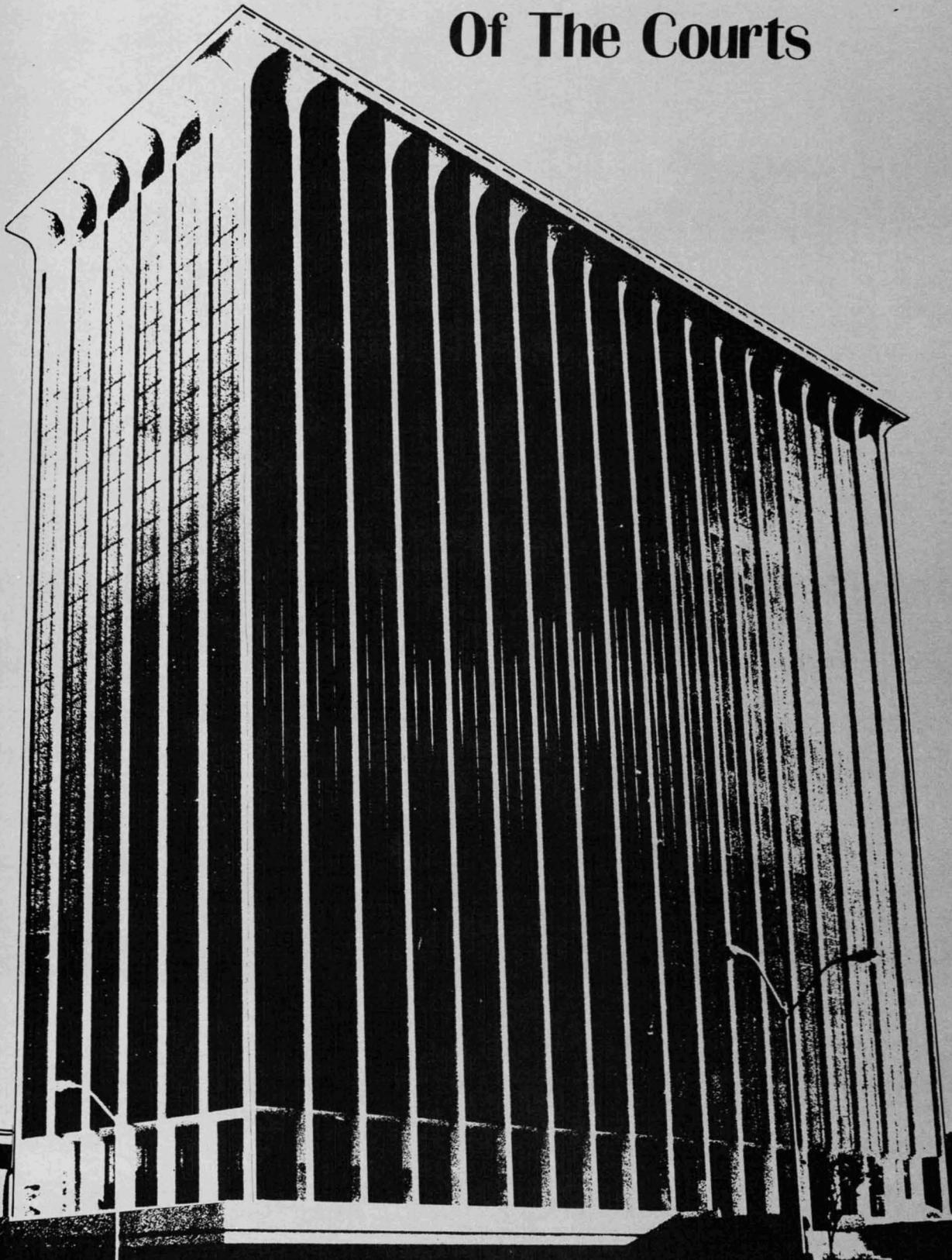
Civil Court of Fulton County . . . Judge Thomas Morgan for term Jan. 1, 1975 to Jan. 1, 1981.

Civil Court of Fulton County . . . Judge E. A. Wright for term Jan. 1, 1975 to Jan. 1, 1981.

\*With partial State Court jurisdiction.



**Part II**  
**Report From**  
**The Judicial Council**  
**And Administrative Office**  
**Of The Courts**



*One of the most modern judicial facilities in Georgia, the steel and glass Columbus Government Center was built in 1972. The eleven-floor structure contains four courtrooms. This is the fourth courthouse built in Muscogee County. The first, a rough wood structure was replaced in 1838 by a brick courthouse, and in 1959, it was replaced by yet a larger brick courthouse.*

**Coordination**

Governor's Office  
Attorney General's Office  
State Crime Commission  
Department of Human Resources  
County Commissions  
Department of Offender Rehabilitation  
Private Organizations and Individuals  
Archives

**Direct Services**

Court  
Administrators  
Clerks of Court  
Court Reporters  
Law Clerks  
Judges  
Judges Secretaries  
Bailiffs

**JUDICIAL COUNCIL  
and  
ADMINISTRATIVE OFFICE  
OF THE COURTS**

**Indirect Services**

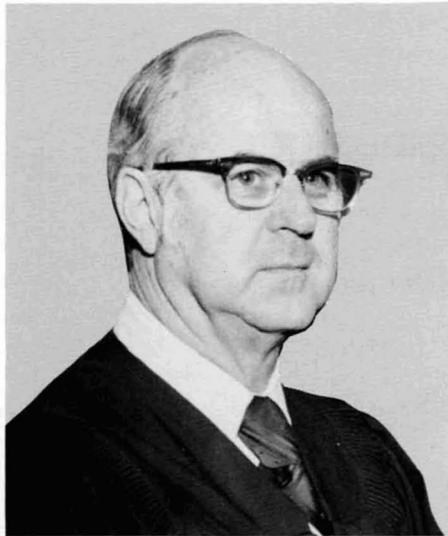
State Bar of Georgia  
Public Defenders  
Sheriffs  
Prosecutors

**Direct Services**

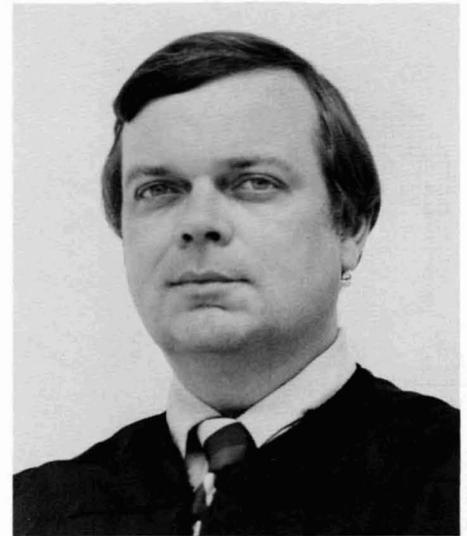
Court-Related Associations  
Pretrial Release Programs  
Sentence Review Panel  
Board of Court Reporting  
Court Probation Systems  
Court-Related Commissions

# Members of the Judicial Council of Georgia

July 1, 1974 - June 30, 1975\*



**Judge Hal Bell**, Chairman  
Superior Court  
Macon Judicial Circuit  
Macon



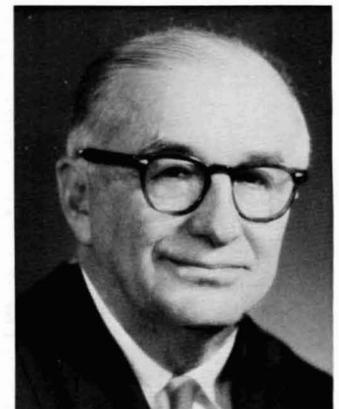
**Judge Kenneth B. Followill**, Vice Chairman  
State Court of Muscogee County  
Columbus



**Judge J. Bowie Gray**  
Superior Court  
Tifton Judicial Circuit  
Tifton



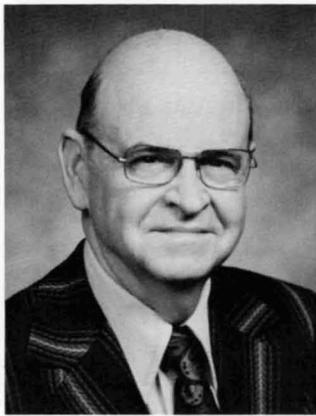
**Associate Justice Robert H. Hall**  
Supreme Court of Georgia  
Atlanta



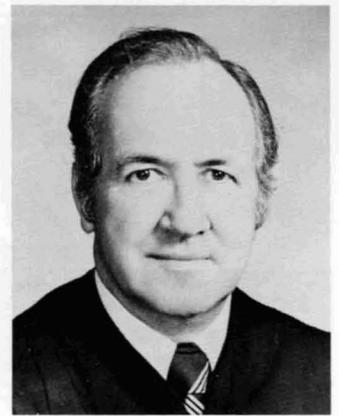
**Judge H. Sol Clark**  
Georgia Court of Appeals  
Atlanta



**Judge G. Ernest Tidwell**, Secretary-Treasurer  
Superior Court  
Atlanta Judicial Circuit  
Atlanta



**Judge F. Jack Adams**  
Immediate Past President  
State Bar of Georgia  
Cornelia



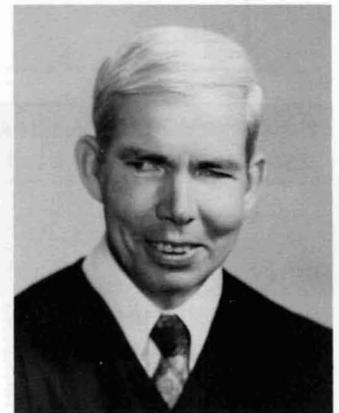
**Judge Marcus B. Calhoun**  
Superior Court  
Southern Judicial Circuit  
Thomasville



**Judge Walter C. McMillan, Jr.**  
Superior Court  
Middle Judicial Circuit  
Sandersville



**Cubbedge Snow, Jr., Esq.**  
President  
State Bar of Georgia  
Macon

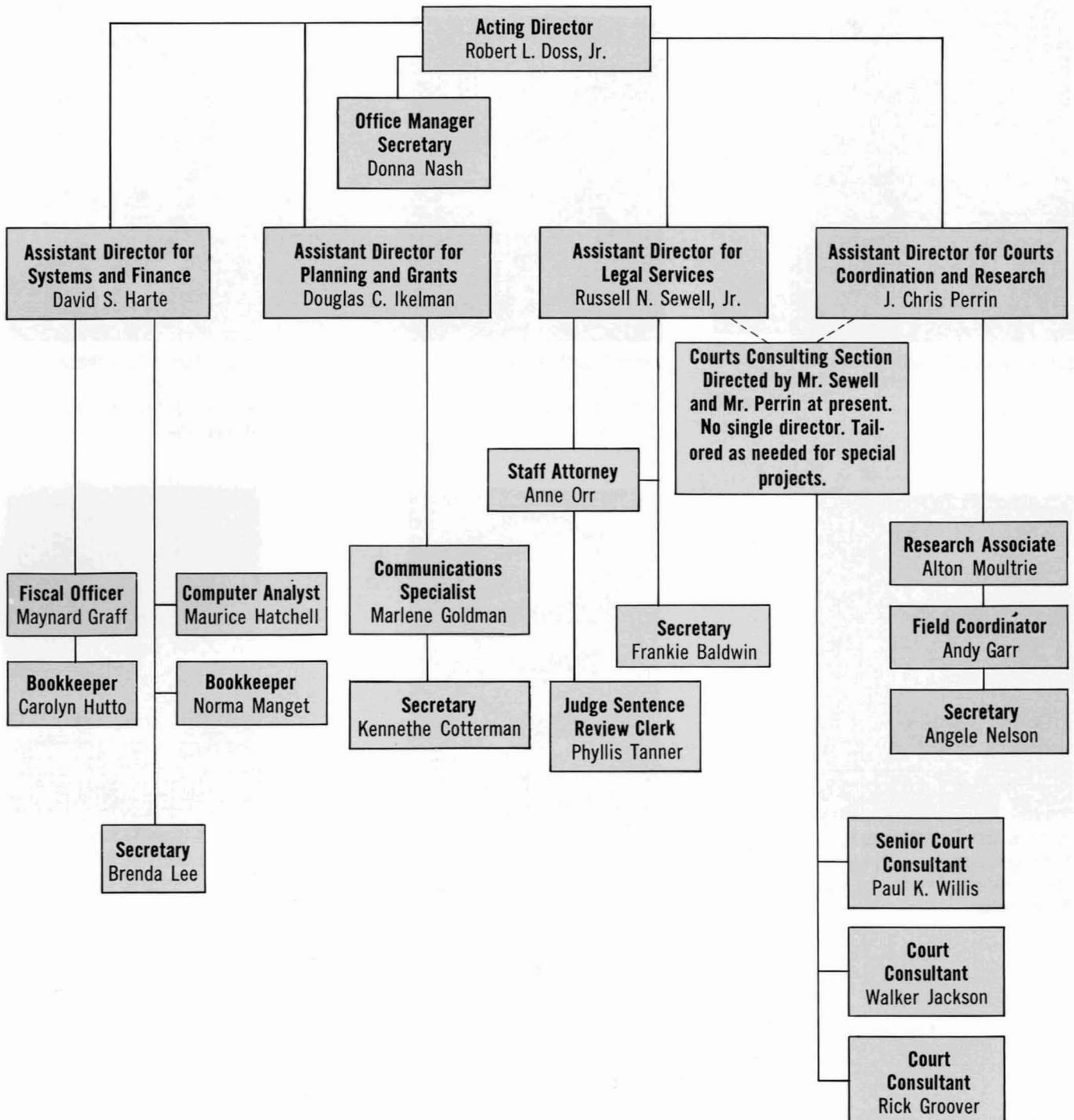


**Judge William K. Stanley, Jr.**  
Probate Court of Bibb County  
Macon

\*See Appendix Three for members of Judicial Council since creation in 1973.

# Organization of the Administrative Office of the Courts

As of June 30, 1975



# Introduction

---

*The second year of operation of the Administrative Office of the Courts under the guidance of the Judicial Council of Georgia has been a full and fruitful one.\* It has been marked with the completion of preliminary results of several complex, long-range studies; the important passage of Constitutional Amendment Number One calling for a unified court system for the purposes of administration; creation of two new Superior Court judgeships; the inception of new research efforts, and further refinement of the goals, duties and accomplishments of the Administrative Office as defined by law.\*\**

*The concept of the 1973 act creating the Judicial Council and Administrative Office of the Courts (Ga. L. 1973, p. 288) was that of management services to all the courts in Georgia. Its intent was not only to gather statistical data reflecting the operations of the courts, but also to offer realistic recommendations and technical assistance to the judiciary.*

*These efforts towards streamlining court procedures and thus insuring swifter justice for all Georgians were led in Fiscal Year 1975 by Judge Hal Bell, Superior Court, Macon Judicial Circuit. Judge Kenneth B. Followill, State Court of Muscogee County, served as vice chairman, and Judge G. Ernest Tidwell, Superior Court, Atlanta Judicial Circuit, was secretary-treasurer.*

*Using \$583,026 in federal LEAA funds subgranted through the State Crime Commission and \$118,000 in State funds, the Judicial Council and Administrative Office of the Courts moved closer in Fiscal Year 1975 to the realization of a unified court system for Georgia.*

*The pages which follow depict the organization, activities, and functional relationships of the Judicial Council and AOC from July 1, 1974 through June 30, 1975.*

\*See Appendix One for "The AOC at a Glance," a summary of all activities.

\*\*See Appendix Two for duties of the Judicial Council/Administrative Office on the Courts as set forth by Georgia law.

# Communications

---

Because close communications and understanding between the courts of Georgia is a necessary element of a unified court system, the transmittal of pertinent information to the judiciary and the public received great emphasis during the AOC's second year in operation.

Several channels were chosen to achieve the above objectives — the Georgia Courts Journal, press releases, printed studies, and manuals.

The second volume of the Georgia Courts Journal, the bi-monthly newsletter of the AOC, was expanded to bring to Georgia judges and court-related personnel an overview of the happenings in the justice system in Georgia as well as the nation as a whole. Georgia judges in Fiscal Year 1975 were kept up-to-date on a bi-monthly basis with the activities of the Administrative Office, summaries of the various training sessions of judges and court-related personnel in Georgia, personnel changes, new laws and upcoming state and national

events of interest to the judiciary. Educational sessions were highlighted in each issue, and on the literary front, each Courts Journal has focused on recent publications of import to the judiciary. A variety of topics have been addressed in the newsletter, such as courthouse architecture, jury selection, rules of the Superior Courts Sentence Review Panel, and the recommendations of the Courts Task Force of the Governor's Commission on Criminal Justice Standards and Goals. The Courts Journal has received praise on the local, state and national levels, and will continue to serve as a timely vehicle to further coordinate the judiciary in Georgia.

The Communications Office of the AOC is also seeking to provide an information service for the Judicial Council and the AOC by issuing periodic press releases on the activities of the courts. From July 1, 1974, through June 30, 1975, 68 releases were distributed by the Administrative Office to the Georgia news media.

In its second year of operation, the Administrative Office added to its growing list of publications with the printing of the First Annual Report, the Report on the Need for Additional Judicial Manpower and a Manual for Justices of the Peace. Other publications projected for the coming months include a manual of sample rules for the Superior Court, a traffic court manual of uniform rules, a report on the AOC's records study, a caseload study report, a Juvenile Court handbook, and a directory

of courts personnel in Georgia. The communications office is also investigating such projects as a bi-centennial educational film regarding the courts in Georgia — past, present, and future, courts-media guidelines, and will be distributing special legislative reports during the 1976 General Assembly.

Through these information vehicles, the communications office of the AOC seeks to encourage the continuing education of the Georgia judiciary.

## Court Consultation

---

While the AOC has been deeply involved since its creation with a number of complex, long-range information gathering projects, the Judicial Council has felt that the agency's function not only should be to compile data, but to provide technical assistance at the local level as the need arises.

This service concept to the courts has been increasingly recognized by the judiciary during the past year and has generated technical assistance requests of varying natures. In addition to everyday contact with judges, clerks and other court-related personnel, several major technical assistance projects were undertaken during the past fiscal year.

At the request of Judge Asa D. Kelley Jr., Superior Court, Dougherty Judicial Circuit, model court rules for that circuit were drawn. At the same time, the AOC gathered Superior Court rules with statewide applicability. The AOC plans to later expand the model court rules to include the State, Juvenile and Probate Courts.

In Jefferson, a caseload management study was conducted for the State Court of Jackson County at the request of Judge James Horace Wood.

Recommendations were made to streamline the

information flow between the different agencies of the court and thus eliminate several bottlenecks within the system.

Another study involved comparing the operations of courts of last resort in 10 southeastern states, and was completed as the fiscal year drew to a close. This particular study was requested by Justice Harold Hill of the Georgia Supreme Court.

One of the AOC's more notable technical assistance projects during the last fiscal year was a study conducted in Savannah regarding the establishment of a court administrator's office in the Eastern Judicial Circuit. At the request of the Superior Court judges of the Eastern Judicial Circuit, an initial survey regarding the need for a court administrator was conducted in early spring, and later, a detailed job description was developed for the new post. This represented the AOC's first study regarding the need for a local court administrator.

It is anticipated in future months that the AOC will receive additional requests for technical assistance, and as funds allow, such service will continue for the courts of Georgia.

## Court Reporting

---

Georgia court reporters were officially certified for the first time in this State's history during Fiscal Year 1975 when professional standards for court reporters were promulgated and realized through enactment of the Georgia Court Reporting Act (Ga. L. 1974, p. 345).

The first Board of Court Reporting was appointed May 1, 1974, by the Judicial Council to draw up the rules and regulations for the profession of court

reporting and establish procedures for certifying court reporters in Georgia. By September 27, the Board had formulated those rules which were approved Oct. 25, 1974, by the Judicial Council. Before the close of 1974, the first court reporters' seminar and certification test had been held in Atlanta. Thirty-four court reporters took that initial test December 6, and thirteen of those successfully completed the examination. The second testing February 22 produced ten new certified court

reporters in Georgia. Forty-nine took the second examination.

Meanwhile, the act also provided that court reporters who were actively and continuously engaged in court reporting as a principle means of livelihood on Mar. 20, 1973, were to be certified without testing. This grandfather clause added another 221 court reporters to the certified roster.

A third test was expected to be administered in late summer of 1975. Persons who failed earlier tests have been issued temporary permits to practice court reporting (71 to date) and will be offered a second opportunity to pass the certification examination.

At the close of Fiscal Year 1975, there were 244 certified court reporters in Georgia.

While certification and establishing standards dominated the first year of operation of the Board of Court Reporting, the coming months promise further refinement of the profession in Georgia. Under an amendment (Ga. L. 1975, p. 852) to the act creating the Judicial Council, a committee will be appointed during the summer of 1975 to establish model fees and guidelines for transcripts produced by court reporters. Following approval by the Judicial Council, those fees and transcript standards will become effective statewide Jan. 1, 1976.

## Board of Court Reporting

Frank W. Seiler, *Chairman*  
Past President, State Bar of Georgia  
Former Member of Judicial Council  
Savannah

Paul C. Blanchard, *Vice Chairman*  
Court Reporter  
Augusta

Dillard Bryson  
Court Reporter  
Cartersville

William DeLoach  
Court Reporter  
Savannah

James B. Hiers, Jr.  
Atlanta Attorney  
Atlanta

Judge Paul W. Painter  
Superior Court  
Lookout Mountain Judicial Circuit  
Rossville

Howard Worley  
Court Reporter  
Decatur

## Education

---

Continuing judicial education constitutes the backbone of modern court administration, and to that end, the Judicial Council and AOC strove during Fiscal Year 1975 to further expand the educational opportunities for all court-related personnel in Georgia.

Six in-state seminars for judges of courts of record were provided for during the AOC's second year and were coordinated with various educational institutions, the State Bar and organizations representing judicial personnel on both the local and national levels. Participation at these events—Superior Courts' Judges Seminar, Workshop for Juvenile Court Judges, Seminar for Georgia Trial Judges, Institute for Georgia Judges of the Probate Courts, Seminar for State Trial Judges and Solicitors and the Bench and Bar Conference—was encouraged by the Judicial Council through expense

reimbursement. Prior to, during, and after each meeting, the AOC has actively sought input as to the value of each particular session in order to mold future gatherings according to the needs and educational desires of the judiciary.

Response to the seminars was encouraging during Fiscal Year 1975. Programs were aimed at providing all court personnel information as to the needs, deficiencies, and innovations within the Georgia judicial system; toward providing all court personnel with materials relating to national trends and substantive and procedural law; toward providing a forum to discuss recent developments in local law and court procedure, and to offer an opportunity to evaluate the relation between the courts of Georgia and other sectors of the criminal justice system. In addition, during each session, projects regarding the modernization of the Georgia

judiciary were recapped. The sessions also proved a valuable method of orientation for newly appointed judges.

In the spirit of unification, judges of all courts of record gathered in Savannah in June for the Bench and Bar Conference held in conjunction with the annual meeting of the State Bar of Georgia. While similar conferences on a smaller scale had been held in the past under the name "Convocation of the State Judiciary," the June 1975 Bench and Bar Conference represented another first in the history of the judiciary in Georgia — a conference where judges from all courts of record were urged to meet together for beneficial exchange of information and mutual understanding. To encourage participation, the Judicial Council used Law Enforcement Assistance Administration funds to reimburse attending judges who numbered 108.

The future promises further expansion of judicial education for Georgia's judges and court-related personnel. Plans submitted to LEAA for the coming fiscal year call for the hiring of a judicial training officer and set these priorities for judicial education: in-state seminars, out-of-state National College basic and graduate courses, out-of-state regional seminars and meetings of national organizations. Specifically, funds have been requested to establish a comprehensive training program for judicial personnel including a one-day law-media conference, individual seminars for judges of courts of records, a court administrators' conference, a Superior Court Clerks' Institute, the Bench and Bar Conference, and seminars for such groups as probation officers, magistrates, and judges' secretaries.

## Facilities

---

Georgia judges and court personnel in many of Georgia's 159 counties have faced for many years problems of space, acoustics, building services and storage in judicial facilities. Yet, the General Assembly, the State Crime Commission, and local units of government have had no objective means to establish funding priorities to remodel or in some cases, build new judicial facilities.

Since 1973, the State Crime Commission has awarded monies to the Judicial Council and Administrative Office of the Courts to conduct studies of courthouses in Georgia and devise recommendations for their improvement. The complexity and scope of the project necessitated employing specialists in courthouse design, Space Management Consultants, Inc., of Hawaii and New York (SMC). The staff of SMC for the past year has travelled to each county in the State, examined existing facilities, talked with judicial and government personnel, and made recommendations for short-term improvement of each courthouse.

Under the supervision of a specially-appointed Statewide Facilities Study Steering Committee, SMC in May 1975 presented to the Judicial Council an interim report on the first year's study of courthouse facilities. The report confirmed that substandard conditions exist in most courthouses in Georgia.

The 474-page volume, which for the first time in Georgia's history inventories courthouse conditions

in all 159 counties, reveals that only 24 counties in this State have courthouses which are in overall functional condition. Other findings of the report included the following:

- 20 counties are in need of new structures immediately.
- 74 county courthouses need major construction and modernization, and almost all of the counties need some interior modification.
- 49 counties surveyed had populations in excess of 20,000.
- 89 of the total 159 courthouses still in use in the State were constructed between 1820 and 1910.
- 70% of all renovations, 59% of all additions and 52% of all annexes have been constructed since 1960 in response to demands generated by county population growth and age of facilities.
- The large majority of courtrooms in the State (81%) have substandard security systems, and 66% of all the courtrooms have inadequate ancillary facilities (jury rooms, witness rooms, etc.).
- 70% of all vaults allocated to Probate Courts are substandard, and 58% of all vaults used by the Clerks of the Court are substandard.



- Every courthouse in the State requires refinishing of either ceilings, walls or floors.
- 57% of all courthouses do not provide satisfactory restroom facilities for the public, and 59% do not provide satisfactory restroom facilities for private use.
- 73% of the State's courthouses are of bearing wall construction, 24% of which are in deteriorated condition.
- 55% of the buildings in the State have interior wood-framed construction.
- Facilities for the courts and directly related court offices show a high frequency of substandard conditions regardless of building age.
- The majority of the people in this State use courthouses with inefficient and unsecure courtrooms.

Major recommendations for courthouse improvement will be compiled in the coming year by Space Management Consultants, Inc. following in-depth analysis of selected court locations (Union, Henry, Colquitt, Clayton, Effingham and Wheeler counties). SMC will also develop a masterplan for statewide judicial facilities, establish facilities

standards and guidelines for statewide application, prepare a manual on judicial facility management and planning, and prepare an implementation time schedule for facilities improvements.

### **Statewide Facilities Study Steering Committee**

Judge Marion T. Pope, Jr., *Chairman*  
 Superior Court  
 Blue Ridge Judicial Circuit  
 Canton

Judge Frank S. Cheatham, Jr.  
 Superior Court  
 Eastern Judicial Circuit  
 Savannah

Judge Francis W. Allen  
 State Court of Bulloch County  
 Statesboro

Commissioner J. Charles Griswell  
 Clayton County Commissioner  
 Forest Park

## **Field Studies**

In June 1974, the Administrative Office launched a concentrated statistical search into three basic areas of court administration — caseloads, records-keeping and personnel administration in Georgia's courts of record. Because a study of this magnitude was unprecedented in recent times and since there is currently no statewide caseload reporting system of any type in Georgia, it was necessary during Fiscal Year 1975 for AOC staff members to travel to Georgia counties to gather statistics and talk with as many court-related personnel as possible.

At the end of the fiscal year, 145 of Georgia's 159 counties had been surveyed with the remaining circuits — all of them urban — to be surveyed in the coming months. Even though still incomplete, the findings at the end of Fiscal Year 1975 strongly corroborated the report of the Governor's Commission on Judicial Processes which pointed out that the Georgia's court system is fragmented, still

utilizing century-old practices, and that it exhibits a lack of information coordination between justice agencies.

Until the field studies were undertaken using LEAA funds, official statistics have not been available concerning the number and nature of cases pending in the various courts or the manner in which these cases are terminated. As part of the caseload aspect of the field studies, staffers tabulated by type of case, filings, open cases, and dispositions when that information was available for the Superior, State, Probate, and Juvenile Courts of Georgia.

At the same time, AOC staff compiled an in-depth analysis of how records are kept in Georgia, the types and numbers of records kept, where records are kept, and information included in those records.

Using a federal grant transferred from the now-expired Judicial Processes Commission, statutory records requirements in Georgia and other states have been evaluated and a committee appointed to supervise a test project using model records in two circuits — the Dougherty Judicial Circuit which is a one-county multi-judge circuit and the Middle Judicial Circuit which has one judge and multiple counties. In addition, a model misdemeanor docket for the Probate Court will be tested in Turner County of the Tifton Judicial Circuit. From these pilot projects, the committee expects to formulate proposed standard records which would be available for use by court clerks on a statewide basis by the end of the next fiscal year. These uniform dockets and forms are expected not only

to simplify records keeping, but also to assist the courts in gathering statistics about court caseloads.

In another aspect of the field studies — personnel administration — fiscal data on the courts has been compiled and includes revenues, expenditures, number of court-related employees, salaries, job descriptions, and so forth.

The three-pronged field study represents the first of its type conducted in Georgia. Information gathered will be used primarily for planning purposes, judgeships studies, streamlining of records systems, statistical reporting, and for budgetary purposes, to name a few. The extensive field study was designed to help make information readily available and thus speed up the decision-making process and the administration of justice.

## Records Management Steering Committee Members

A. K. Johnson, *Chairman*  
Executive Director for the Georgia Commission  
National Bi-Centennial Celebration  
Atlanta

Mrs. Sara Ellis Taylor, *Vice Chairman*  
Clerk of Superior Court  
Henry County  
McDonough

Col. John Dunn  
Georgia Department of Archives and History  
Atlanta

Edgar W. Manseau  
Deputy Director of Operations  
Georgia Crime Information Center  
Atlanta

Charles Harmon  
Director  
Crime Statistics Data Center  
Atlanta

Francis Taillefer  
National Center for State Courts  
Southeastern Regional Office  
Atlanta

W. A. (Short) Cole  
Clerk of Superior Court  
Cherokee County  
Canton

Mrs. Martha Ann Watson  
Clerk of Probate Court  
Cobb County  
Marietta

## Indigent Defense

---

Georgia took an important step in Fiscal Year 1975 toward insuring defense services for indigents when Gov. George Busbee established the Georgia Criminal Justice Council as a quasi-state agency. In his executive order issued May 2, 1975, Gov. Busbee authorized the Criminal Justice Council to directly receive and administer Law Enforcement Assistance Administration funds available for indigent defense.

Governor Busbee's order represented the culmination of many years' efforts on the part of the bench and bar, both of whom have long expressed concern over the lack of statewide defense services for the poor.

The Criminal Justice Act passed in 1968 (Ga. L. 1968, pp. 99-1007) placed the burden for financing indigent defense on each county, but because of a lack of local funds, few county indigent

defense programs have been established. A 1973 survey funded by the State Crime Commission and conducted by the Criminal Justice Committee of the State Bar well-demonstrated the inefficiencies of the 1968 law. The survey revealed a shortage of lawyers to handle indigent cases in one of every three Georgia counties. It further showed a wide disparity in indigent defense program funding and that very few counties were spending adequate monies for the provision of counsel.

In 1974, Bettye H. Kehrer, then director of the Civil Legal Services Program and a member of the Criminal Justice Committee of the bar, worked with the latter committee to provide technical assistance to legislative leaders who were seeking to amend the Criminal Justice Act of 1968 so that it would create a governing council and provide for State funding. However, this legislation was stymied in the General Assembly and the Criminal Justice Council appeared doomed for lack of funding until the State Judicial Council offered to assist the indigent defense program by securing and administering federal funds from the State Crime Commission.

For the past year, the Judicial Council has acted as fiscal officer for the statewide indigent defense program. The Criminal Justice Council may now secure its own funding.

Members of the Criminal Justice Council were appointed in May by Governor George Busbee. The

Criminal Justice Council in Fiscal Year 1976 will continue its efforts to secure legislation and state funding and will seek to strengthen the existing local indigent defense programs with a heavy emphasis on training for both defenders and members of the private bar who accept indigent defense appointments.

## Georgia Criminal Justice Council

Robert H. Walling, *Chairman*  
Attorney  
Atlanta

J. Frank Myers, *Vice-Chairman*  
Attorney  
Americus

R. William Ide, *Secretary-Treasurer*  
Immediate Past President, Younger Lawyers Section  
State Bar of Georgia  
Atlanta

F. Jack Adams  
Past President, State Bar of Georgia  
Cornelia

Cubbedge Snow, Jr.  
President  
State Bar of Georgia  
Macon

## Information Systems

---

In early 1975, the Administrative Office of the Courts was awarded an LEAA grant for the purpose of performing a requirement analysis for the development of a statewide judicial information system. The grant also provides for the implementation of the system on a test basis.

This system is being designed in coordination with the priorities and information requirements developed by the Georgia Comprehensive Data System Action Plan and the Masterplan for Criminal Justice Information Systems. These plans were the result of several years of developmental work by a number of organizations.

On the State level, these organizations included the Georgia Crime Information Center, the Office of Planning and Budget, the State Crime Commis-

sion, the Administrative Office of the Courts, as well as several other state agencies.

On a national level, input for these plans was received by the U. S. Department of Justice and the SEARCH (System for Electronic Analysis and Retrieval for Criminal Histories) Group, Inc., a non-profit organization devoted to the improvement of the criminal justice system.

Georgia was one of 11 states chosen to participate in this project. The aim of the project is to implement a computerized information system for a two-judge circuit, as well as a one-judge multi-county circuit. From this base of two circuits, the information system will be implemented in other circuits. This system addressed the problems of calendar management, statistical reporting,

indexing, and general records management, as well as providing data for the Georgia criminal justice system operated by the Georgia Crime Information Center.

The two circuits selected for participation in this pilot project are the Middle and Dougherty Judicial Circuits.

The benefits expected to be accrued from this study are many — better utilization of the facilities

of the courts; simplification of records-keeping tasks; and automatic compilation of state information necessary for statewide planning purposes.

The one-year project is being funded by \$200,000 in LEAA funds with a commitment to expand the pilot project during the second year of funding. The policy direction for this project is being monitored by the Courts Information Systems Committee appointed by the Judicial Council.

## Court Information Systems Advisory Committee

Judge Reid Merritt, *Chairman*  
Superior Court  
Gwinnett Judicial Circuit  
Lawrenceville

Judge Luther C. Hames, Jr.  
Superior Court  
Cobb Judicial Circuit  
Marietta

Judge C. Cloud Morgan  
Superior Court  
Macon Judicial Circuit  
Macon

Judge Paul Armitage  
State Court of Houston County  
Warner Robins

Judge Clyde Henley  
Superior Court  
Stone Mountain Judicial Circuit  
Decatur

Jack Thompson  
Court Administrator  
Superior Court  
Atlanta Judicial Circuit  
Atlanta

Jack Graham  
Court Administrator  
Superior Court  
Cobb Judicial Circuit  
Marietta

Judge John S. Langford, Jr.  
Superior Court  
Atlanta Judicial Circuit  
Atlanta

## Judgeship Studies

Evaluation of the need for additional judicial manpower in Georgia was an important function of the Judicial Council of Georgia and Administrative Office of the Courts during the last fiscal year. As a service to the General Assembly, the Council is authorized by law to offer recommendations regarding additional judicial manpower. The General Assembly and governor, however, make the final determination as to whether any new Superior Court judgeships are actually created. In 1975, bills were passed by the General Assembly and signed into law by Governor George Busbee to establish new judgeships in the Flint and Southern Judicial Circuits.

This represented the second study in that many years conducted by the AOC with regard to the need for additional manpower, and was in response to requests from judges, attorneys and legislators. The dozen circuits evaluated were examined for demographic, geographic, and economic data as well as caseload and other related factors.

Taking a conservative stance after analyzing the data, the Council stressed its reluctance to recommend creation of any new judgeships at that time, especially in light of indications to the Judicial Council that a study for possible reorganization of the court system in Georgia would be undertaken in the near future. Another factor contributing to the Council's recommendations was a proposal to be introduced in the General Assembly to make available substantially greater amounts of judge time through judges who elect to assume a "senior judge" status. And in lieu of additional judgeships, the Council felt that heavy utilization should be made of services of State and Juvenile Court judges, judges emeritus and supportive administrative power such as law clerks.

Only those circuits displaying an overwhelming need for immediate additional Superior Court manpower received a favorable recommendation from the Council. The Council also suggested alternative solutions to new Superior Court judgeships in the other ten circuits.

The Council noted in its report the following: "The addition of judgeships in various judicial circuits is a matter of great gravity and should be approached through careful inquiry and deliberate study. The creation of new courts not only requires the additional compensation of judges, but also possibly that of assistant district attorneys, secretaries, bailiffs and other personnel and the provision of office space, courtroom space, furniture and fixtures and innumerable other items of cost. The public is entitled to have a thorough and in-

depth study made of such matters before action is taken thereon."

The Administrative Office began such a study in June 1974 to ascertain the caseload of Superior, State, and Juvenile Courts in Georgia. But because the task proved more difficult than expected due to inadequate records across the State, the AOC will not complete its survey until next year. Without statewide comparisons, the Council was reluctant to recommend any further Superior Court judgeships unless absolutely necessary.

STUDIES REQUESTED	CIRCUIT STUDIED	CIRCUIT WITHDRAWN FROM STUDY	JUDICIAL COUNCIL RECOMMENDED ADDITIONAL JUDGE	LEGISLATION	NEW JUDGE
Alapaha	X				
Brunswick	X				
Cherokee		X			
Cobb	X		X	No bill introduced	
Flint	X		X	(Ga. L. 1975, p. 760) Act #503	Judge Sam Whitmire
Griffin	X				
Gwinnett	X				
Middle	X				
Northern	X				
Oconee	X				
Southern	X		X	(Ga. L. 1975, p. 185) Act #115	Judge W. G. (Gus) Elliott
Stone Mountain		X			
Tallapoosa	X			S.B. 240 vetoed April 28, 1975 by Governor.	
Western	X				

# Judicial Nominating Commission

---

Georgia's Constitution gives the governor of this State the duty of appointing duly qualified persons to fill vacancies in the courts until an election is held. Both former Governor Jimmy Carter and the present head of state, Governor George Busbee, have determined that persons to be appointed to the bench should be selected through a process aimed at showing the qualifications and judicial abilities of prospective jurists.

In his executive order of June 18, 1973, Governor Carter created a Judicial Nominating Commission to screen persons qualified for the position of judge and to submit a list of five nominees for each judicial vacancy. Under his executive order, the commission was composed of ten members, five of whom were citizens appointed by the governor with no two citizen members from the same judicial circuit. The other five members serving in an ex-officio capacity were the president of the State Bar of Georgia as well as its two immediate past presidents, its president-elect and the president of its Younger Lawyers Section.

Serving on this commission by Governor Carter's appointment were Henry L. Bowden, chairman, Atlanta; Lam Hardman, Jr., Commerce; James R.

Lewis, LaGrange; Cyrus Neuner, Barnesville, and James W. Stone, Bainbridge. Ex-officio members from the State Bar serving in 1974 were President Cubbedge Snow, Jr., Macon; F. Jack Adams, immediate past president, Cornelia; Frank W. Seiler, next immediate past president, Savannah; W. Stell Huie, president-elect, Atlanta, and R. William Ide, president of the Younger Lawyers Section.

Governor Busbee continued the commendable tradition, and on April 28, 1975, he named H. Holcombe Perry, Jr. to chair his nominating commission. Other members currently serving are O. T. Ivey, Jr., Augusta; Norman Cavender, Claxton; Alton Draughon, Pinehurst, and A. G. Cleveland, Jr., Atlanta. Representing the bar are Mr. Huie, president; Harold G. Clarke, president-elect, Forsyth; Mr. Snow, immediate past president; Mr. Adams, next immediate past president, and James A. Bishop, president of the Younger Lawyers Section, Brunswick.

Since July 1, 1974, Judicial Nominating Commissions have submitted recommendations to the governor for one Supreme Court justice, one Court of Appeals judge and two Superior Court judges.

# Judicial Qualifications Commission

---

Since its inception on June 25, 1973, to the end of August 1975, Georgia's Judicial Qualifications Commission has docketed 97 matters and met 22 times concerning complaints about judges.

The Commission has the power to conduct investigations and hold hearings concerning the removal or retirement of justices or judges in any court in the State. Grounds for such actions are wilful misconduct in office, wilful and persistent failure to perform duties, habitual intemperance or for conduct prejudicial to the administration of justice. A judge or justice may be retired on the grounds of a disability which seriously interferes with his performance. After conducting such hearings, the Commission may recommend to the Supreme Court the removal, other discipline, or retirement, as the case may be, of a judge or justice.

The rules governing the Commission's proceedings were adopted by the Supreme Court of

Georgia on Oct. 22, 1973, and provide for initial inquiries concerning and preliminary investigations of complaints or matters otherwise coming to the attention of the Commission. The Commission under the rules may, if it determines necessary, hold a hearing on the complaint and may present its findings as a recommendation to the Supreme Court for some disciplinary action. While the Supreme Court's initial rules provided for confidentiality of all proceedings, the rules were later amended to provide that the proceedings be confidential until the Commission files its recommendations at which time the proceedings lose their confidential status except where the recommendation for discipline may be for a private reprimand. During the same revision, the Supreme Court directed the Commission to call a judge's attention to specific canons of the Code of Judicial Conduct involved in the complaint even though the

Commission did not feel that disciplinary proceedings were warranted, and further amended the rules to give the Commission the right under appropriate circumstances to render advisory opinions concerning the Code of Judicial Conduct.

While it is difficult to categorize the nature of complaints which have been considered by the Commission, many of the matters could be classified as complaints that the judge had committed an error in handling of a matter in litigation. Such matters as these have been promptly dismissed by the Commission which has taken care to avoid any appearance of a super appellate court.

In its initial stages and up to the time this report covers, the Judicial Qualifications Commission has made three recommendations to the Supreme Court — one recommending that a mentally disabled judge be retired, one recommendation for a private reprimand, and one for a public reprimand.

Another judge charged with improper conduct

agreed to and did retire, while in another situation, further conferences were held with another member of the bench and a satisfactory solution was reached regarding an existing problem. Another 21 matters were under consideration at the time of this report. The Commission has also rendered one advisory opinion.

In his report regarding the activities of the Judicial Qualifications Commission delivered to the Bench and Bar Conference on June 4, Chairman H. H. Perry Jr. of Albany suggested that a seminar be held in the near future to further acquaint judges with the Code of Judicial Conduct. He further noted the need for the Commission to have a full-time assistant or staff to investigate cases and handle some of the administrative details involved in the work of the Commission.

As with several other projects, the Judicial Council and Administrative Office of the Courts act as fiscal officer for the Judicial Qualifications Commission.

## Judicial Qualifications Commission

H. Holcombe Perry, Jr., *Chairman*  
Attorney  
Albany

Howard Ector, *Vice Chairman*  
Banker  
Atlanta

A. G. Cleveland, Jr.  
Attorney  
Atlanta

Mrs. Amilee Graves  
Newspaper publisher  
Clarksville

Frank C. Jones  
Attorney  
Macon

Judge A. Richard Kenyon  
Superior Court  
Northeastern Judicial Circuit  
Gainesville

Judge Bryon H. Matthews  
State Court of Coweta County  
Newnan

## Justices of the Peace

---

As part of the ongoing effort to modernize the court system in Georgia, the Administrative Office of the Courts has begun to collect data regarding the office of the Justice of the Peace. Through a questionnaire mailed to all JP's (1,019) during the second half of Fiscal Year 1975, descriptive information is being compiled in an effort to help upgrade the office of the Justice of the Peace.

Besides demographic and geographic data,

profiles are being compiled of the JP—rural vs. urban operation, caseload, qualifications, and current problems as described by the officeholder himself.

Responses to the questionnaire will be used to define the current functions of the Justice of the Peace in Georgia. A comprehensive analysis of the office will be prepared by fall 1975.

# Juvenile Justice

---

During 1975, substantial progress was made in achieving the goals set forth in a Law Enforcement Assistance Administration discretionary grant awarded to the Judicial Council to develop a Juvenile Justice Masterplan for the State of Georgia.

Under the direction of a Steering Committee composed of representatives from various segments of the juvenile justice system, other professionals, and laypersons, and with the assistance of the Steering Committee and a broad-based Technical Advisory Committee, the staff has compiled extensive information on juveniles in Georgia and the juvenile justice system. The processes of prevention, detection, diversion, disposition, and treatment were surveyed by the Steering Committee in an attempt to review the adequacy of Georgia's programs for the delinquent, unruly, neglected, and mentally ill child. The Committee has heard testimony and reviewed reports on program capacity and content, personnel (training, compensation and adequacy), finances, recidivism rates, system communication, and many other topics.

By organizing the information gathered into categories corresponding to the recommendations pertaining to juveniles identified in the standards published by the National Advisory Commission on Criminal Justice Standards and Goals, the Steering Committee has identified certain key issues and developed "position papers" to address these issues.

The development of these papers included a comparison of the standards of the National Advisory Commission with those of the American Bar Association and Georgia law. These standards' comparisons were used as a springboard for discussion as to the Georgia experience and, when coupled with information gathered on the operation of the Georgia juvenile justice system, have enabled the Steering Committee to develop recommendations for action in the areas of detention, courts, police operations, total systems planning, probation, education, employment, community-based prevention, (recreation, church and religious groups, mental health, general-service delivery), community based treatment, intake, screening, diversion, and youth development centers.

Before the close of Fiscal Year 1975, an issue statement was completed on court structure and was approved by the Steering Committee.

As each position paper is completed, the recommendations will be reviewed and plans for implementation of necessary changes in programs or procedures identified by the Steering Committee will be developed, and costs will be assessed.

Upon completion of this project, these plans should provide a masterplan for the development of the juvenile justice system. This masterplan should be updated annually.

## Juvenile Justice Masterplan Steering Committee

Judge Walter C. McMillian, Jr., *Chairman*  
Superior Court  
Middle Judicial Circuit  
Sandersville

Robert A. Kettel, *Vice Chairman*  
Chief Probation Officer  
DeKalb County Juvenile Court  
Atlanta

Rev. Oscar Bell  
Methodist Home  
Macon

Sen. Paul C. Broun  
District 46  
Athens

James Burton  
Department of Human Resources  
Atlanta

Robert J. Castellani  
Attorney  
Atlanta

Dr. James B. Craig  
Superintendent  
Georgia Regional Hospital at Savannah  
Savannah

Judge Tom Dillon  
Fulton County Juvenile Court  
Atlanta

Nancy Green  
Junior League  
Atlanta

Tony H. Hight  
Executive Director  
District Attorneys' Association  
Atlanta

## Juvenile Justice Masterplan Committee *continued*

Louise Hornsby  
Fulton County Public Defender's Office  
Atlanta

Charles Hosch  
High School Student  
Gainesville

Rep. Randolph C. Karrh  
District 106  
Swainsboro

Edward Lee  
Metro Atlanta YMCA  
Atlanta

Lorenzo Mann  
Chief Probation Officer  
Muscogee County Juvenile Court  
Columbus

John Mills  
Superintendent of Schools  
Sylvania

Deborah Pelligrino  
Midtown Branch YMCA  
Atlanta

Captain W. R. Raines  
Peace Officers Association of Georgia  
Marietta

Daniel Starnes  
National Council on Crime and Delinquency  
Atlanta

Louise Wiener  
National Council of Jewish Women  
Atlanta

## Legal Services

---

With caseloads increasing, the nature and scope of cases broadening, and many legislative changes affecting the courts emanating each year from the General Assembly, it has become increasingly difficult for Georgia judges to keep pace with the research demands placed upon them. For this reason, legal assistance to the judiciary is considered an important element of the AOC's service concept, and a facet upon which increased emphasis will be placed in coming years.

In January 1975, Superior Court judges in Georgia began receiving monthly mailings of State Attorney General's opinions. These opinions are selected by the Administrative Office for their applicability to court operation and forwarded for informational purposes.

Courts-related legislation is a year-around task for the legal services division of the AOC. During the AOC's second year of operation, staff attorneys worked closely with judges, legislators, and other agencies to write, refine, and monitor legislation affecting the courts and their personnel. One such service in 1975 included employing an actuary to study Superior Court judges' retirement and write appropriate legislation. The judiciary was kept informed of the General Assembly's activities through committee meetings, correspondence and

several analyses printed in the Georgia Courts Journal. Plans for the coming year call for frequent reports to the judiciary during the General Assembly.

Besides legislative tracking, the legal services division works closely with the various boards and commissions whose work has close bearing to that of the Administrative Office. Such organizations were the Governor's Commission on Court Organization and Structure, the Board of Court Reporting, the Sentence Review Panel, and others.

The AOC also maintains continuous liaison with various judges and court-related organizations such as the Council of Superior Court Judges, the State Trial Court Judges and Solicitors Association, the Clerks Association of Georgia, the Probate Judges Association, and others.

Because traffic matters occupy most of the time of one of the AOC's two attorneys, the press of business within the AOC and with related groups has greatly limited actual case research conducted for Georgia judges by the Administrative Office. Federal discretionary funds are now being sought to increase the research capabilities of the Administrative Office and efforts are heightening to secure additional law clerks for judges in this State.

## Pattern Jury Instructions

---

Georgia trial judges in 1974 and mid-1975 received the first complete set of pattern jury instructions ever compiled in Georgia.

The civil and criminal jury charges represent many years effort on the part of Georgia's Superior Court judges who have long recognized that jury instructions pose a difficult problem for trial judges, especially those new to the bench.

Lack of funds prevented preparation of complete pattern jury instructions until 1972 when the Governor's Commission on Judicial Processes obtained Law Enforcement Assistance Administration funds through the State Crime Commission. Upon establishment of the Judicial

Council of Georgia, those funds were transferred. In June 1973, the Council of Superior Court Judges appointed a committee to prepare standard jury charges. That committee, using AOC staff and LEAA funds for printing and other expenses, has served without compensation since that time and will continue to revise the pattern jury instructions as necessary.

In addition to the Council of Superior Court Judges, the pattern jury project also has the backing of the Georgia Supreme Court, the Court of Appeals and the Trial Court Judges and Solicitors Association as well as the endorsement of the State Bar of Georgia and the 1972 General Assembly.

### Pattern Jury Instructions Committee

Judge Marcus B. Calhoun, *Chairman*  
Superior Court  
Southern Judicial Circuit  
Thomasville

Judge Harold R. Banke  
Superior Court  
Clayton Judicial Circuit  
Jonesboro

Judge Luther C. Hames, Jr.  
Superior Court  
Cobb Judicial Circuit  
Marietta

Judge Reid Merritt  
Superior Court  
Gwinnett Judicial Circuit  
Lawrenceville

Judge James B. O'Connor  
Superior Court  
Oconee Judicial Circuit  
McRae

Judge Paul W. Painter  
Superior Court  
Lookout Mountain Judicial Circuit  
Rossville

Judge J. C. Tanksley  
Superior Court  
Atlanta Judicial Circuit  
Atlanta

## Planning and Grants

---

Since 1973, when the Judicial Council of Georgia and the Administrative Office of the Courts were created by the General Assembly, the energies of the staff of the new service agency have been channeled toward fulfilling several long-range, quite complex and time-consuming studies contracted for by the Judicial Council's predecessor, the Governor's Commission on Judicial Processes. At the same time, staff capabilities and financing have often been taxed to address the needs of the Georgia judiciary as defined by the several Georgia

laws establishing the duties of the Judicial Council. As the concept of court administration and its possibilities have become realized in Georgia, the range of possible projects, technical assistance and other services has grown so quickly that it became apparent in 1974 that priorities must be set. In order to provide meaningful services to the Georgia judiciary, it became necessary to set realistic goals and action programs in line with available funding.

In February, 1975, an assistant director for planning and grants was brought on board at the

AOC. Bringing with him five years' experience with the State Crime Commission and a background in law and accounting, the new planner was instrumental in the internal reorganization of the AOC. In addition, goals, objectives, and projects have been defined for further study by the Judicial Council and staff and involve coordinating the many project areas of the AOC with its financial section.

As a matter of course, this planning effort involved grants management which has meant extensive coordinating with the State Crime Commission which subgrants all Law Enforcement Assistance Administration funds. The Administrative Office is providing more and more information and technical assistance to the Crime Commission

to aid in its planning and grants management process. The approach to planning and grant development is being modified to react less to Crime Commission-sponsored projects with the emphasis now being placed upon fulfilling the duties of the Administrative Office of the Courts as set out by law and meeting the administrative needs of the courts.

A long-range plan is in the initial development stages. This plan will include continuation of ongoing functions and implementation of short and long-term projects designed to improve court administration. It will look toward state assumption of required tasks and continued grant support for demonstration and short-term projects.

## State Prosecution Coordination

---

As is the case in many other court-related functions in Georgia, prosecutors have traditionally operated with little outside assistance in such areas as management, trial work and changes in the law. In fact, until four years ago, there was no coordinating function in Georgia for prosecutors.

In 1970, however, the District Attorney's Association utilizing State Crime Commission grants created the state prosecution coordination program to provide assistance and training to district attorneys in Georgia. The tremendous impact of this program in the criminal justice field led the 1975 General Assembly to create the Prosecuting Attorneys Council as a means of continued modernization of the prosecutorial function within the court system in coordination with the Judicial Council and other component agencies.

The new project is aimed at providing statewide coordination of prosecutorial functions, statewide training for DA's and law enforcement personnel and other legal assistance to DA's in order to reduce the number of cases retried or appealed because of prosecutorial or law enforcement error. The prosecutors office also is seeking to shorten the trial process by providing well-trained district attorneys to increase the rate of successful prosecution and to reduce case logjams by providing legal assistance to insure speedy caseflow through the court system. Another major emphasis is for

prosecuting attorneys to provide long-needed assistance to law enforcement agencies.

The Prosecuting Attorneys Council is pursuing these goals through a wide range of projects including educational newsletters and updated publications such as a Trial Manual of Elements and Notes, a Trial Manual of Evidence, an Appellate Manual, Grand Jurors Handbook, Police Handbook, a Justices of the Peace Manual, an Arson Investigator's Manual, and a Search and Seizure Manual. The office's three newsletters include Non Pro Tunc (a synopsis of all criminal cases and others affecting the prosecutor's office), Law Enforcement Newsletter and The Georgia Prosecutor.

In addition, the Council provides limited assistance to prosecutors throughout the State, especially newly-elected DA's, along with appellate assistance to prosecutors, and continuing legal education including eight to ten seminars a year. Immediate legal assistance upon request is available to district attorneys and solicitors through the Crisis Center while a police advisor is responsible for training programs for law enforcement officials.

Overall, the Council, headed by Director Tony Hight provides an invaluable liaison between prosecutors in the State and other agencies, particularly law enforcement agencies, the judiciary and the Judicial Council.

## Prosecuting Attorney's Council

Ben J. Miller, *Chairman*  
District Attorney  
Griffin Judicial Circuit  
Thomaston

F. Larry Salmon, *Vice Chairman*  
District Attorney  
Rome Judicial Circuit  
Rome

Hinson McAuliffe, *Secretary-Treasurer*  
Solicitor  
Criminal Court of Fulton County  
Atlanta

Lewis Slaton  
District Attorney  
Atlanta Judicial Circuit  
Atlanta

George W. Darden  
District Attorney  
Cobb Judicial Circuit  
Atlanta

Kenneth E. Goolsby  
District Attorney  
Toombs Judicial Circuit  
Thompson

Fred M. Hasty  
District Attorney  
Macon Judicial Circuit  
Macon

W. F. Grant  
Solicitor  
State Court of Elbert County  
Elberton

Hubert H. Howard  
Solicitor  
State Court of Wayne County  
Jesup

## Superior Courts Sentence Review Panel

---

On July 1, 1974, the State of Georgia furthered its standing in judicial innovation with enactment of the Judge Sentencing Act (Ga. L. 1974, p. 352) which provided for judge sentencing in all except capital punishment cases. A companion measure included in the act under §27-2511.1 provided for review of judge-imposed sentences, thereby creating the Superior Courts Sentence Review Panel and granting the panel authority to determine if certain sentences imposed by judges were excessive.

Specific criteria were included in the act delineating eligibility requirements for sentence review applicants. The law states:

*"In any case, except cases in which the death penalty is imposed, in which a sentence of five or more years, or several consecutive sentences which total five or more years, has been fixed and imposed by a judge, without a jury, the defendant shall have the right to have such sentence or sentences reviewed by a panel of three Superior Court judges."*

Being one of only a few states in which such systems of review had been enacted, the sentence review procedures of other states were closely examined to coincide with the efforts of a special

committee, working since April 1973 to devise a rules groundwork. Upon the appointment of the first Sentence Review Panel by Council of Superior Court Judges President Harold R. Banke, the panel met with the rules committee on June 29 to adopt appropriate rules and guidelines. After the rules had been unanimously approved and a clerk appointed, the Superior Court Sentence Review Panel of Georgia officially began operation on July 1, 1974. Offices were established at the Administrative Office of the Courts in Atlanta.

The first panel held its only meeting late in its three-month term, heard only two cases, and affirmed both of those. But as familiarity with this exceedingly simple and inexpensive review opportunity increased, the arrival of formal applications also gained momentum. Panel II faced a caseload of 59 cases reducing eight of those, while Panel III considered 47 cases and reduced four. During the last quarter, Panel IV reviewed another 67 cases and reduced the sentences in four other cases.

After one year of operation, statistics for the Sentence Review Panel show that 305 cases were docketed, 175 cases were reviewed, and 16

sentences were reduced for a 9.14% cumulative reduction rate.

The panel's workload is expected to increase in the coming year as awareness of its function grows in Georgia. During 1976, efforts are expected

to continue to further educate Georgia judges, attorneys and incoming inmates as to this avenue of review which in Fiscal Year 1975 made a valuable contribution to the progress of judicial reform and is now being studied by other states as a model.

## Superior Courts Sentence Review Panels

### Panel I

Judge Luther Alverson, *Chairman*  
Atlanta Judicial Circuit  
Atlanta

Judge Jefferson L. Davis  
Cherokee Judicial Circuit  
Cartersville

Judge James B. O'Connor  
Oconee Judicial Circuit  
McRae

Judge Reid Merritt, *Supernumerary*  
Gwinnett Judicial Circuit  
Lawrenceville

### Panel II

Judge Frank S. Cheatham, Jr., *Chairman*  
Eastern Judicial Circuit  
Savannah

Judge George B. Culpepper, III  
Macon Judicial Circuit  
Fort Valley

Judge A. Richard Kenyon  
Northeastern Judicial Circuit  
Gainesville

Judge Clyde Henley, *Supernumerary*  
Stone Mountain Judicial Circuit  
Decatur

### Panel III

Judge Luther C. Hames, Jr., *Chairman*  
Cobb Judicial Circuit  
Marietta

Judge Marvin A. Miller  
Clayton Judicial Circuit  
Jonesboro

Judge Robert L. Stevens  
Toombs Judicial Circuit  
Thomson

Judge William L. McMurray, Jr., *Supernumerary*  
Cordele Judicial Circuit  
Cordele

### Panel IV

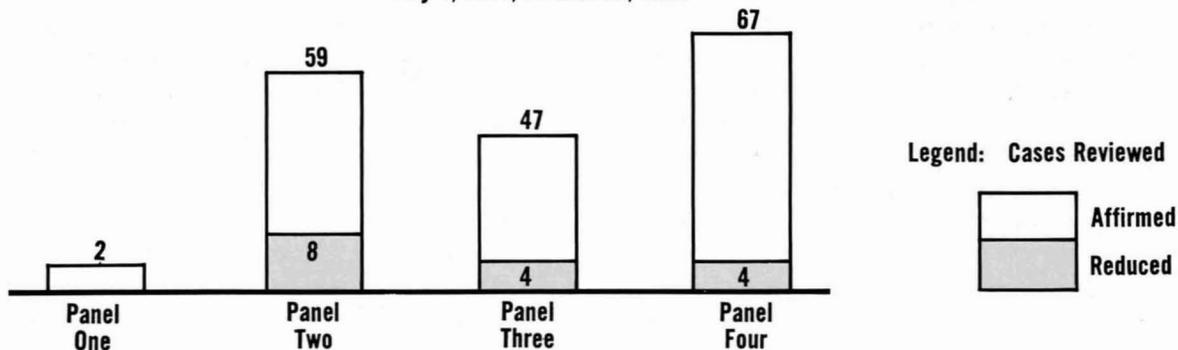
Judge James Barrow, *Chairman*  
Western Judicial Circuit  
Athens

Judge H. Lamar Knight  
Coweta Judicial Circuit  
Carrollton

Judge Andrew J. Whalen, Jr.  
Griffin Judicial Circuit  
Griffin

Judge H. W. Lott, *Supernumerary*  
Alapaha Judicial Circuit  
Lenox

July 1, 1974, to June 30, 1975



# Traffic

---

Some 800 courts in Georgia now have jurisdiction to try traffic cases, according to a report on the status of traffic courts in Georgia issued in Fiscal Year 1975 by the AOC. Research into current traffic laws and statutory procedures by the AOC's traffic specialist reaffirmed the inherent problems of concurrent jurisdiction, a multiplicity of methods of records keeping and lack of training programs for traffic court personnel. The report, which recommended entire restructuring of the traffic courts and decriminalization of minor traffic offenses, is expected to help the Department of Public Safety insure that Georgia receives construction and highway safety funds which have been in jeopardy due to the many courts trying traffic cases but not reporting convictions of moving violations to the Department of Public Safety as required by Federal Law.

As a result of the research, several programs were instituted in 1973-1974 to improve the administration of traffic court justice.

In conjunction with the State Bar's committee on traffic courts, the AOC expanded its traffic court program to include an annual seminar for judges from all levels of courts which try traffic cases. During the first annual meeting of the Conference of Georgia Traffic Court Judges, some 40 judges heard speakers from the National College of the State Judiciary present a one-day program in Atlanta on the role of the judge in traffic court, initial courtroom procedures, evidentiary problems in traffic court and sentencing problems, techniques and penalties. Future seminars with expanded programs will be held in other areas of the State.

In May, 1975, an unprecedented conference of

Supreme Court justices, judges, law enforcement and public safety officials, district attorneys and experts in judicial management from throughout the southeast met in Atlanta. Among the recommendations generated by that meeting were administrative adjudication and decriminalization of minor traffic offenses and uniform traffic courts of all jurisdictions in the Southeast. Conference participants also encouraged future regional traffic conferences.

In addition to training, traffic court judges in Georgia will also have available to them in the future a model set of local rules for uniform procedures now being developed by the AOC. The practicality of the model local court rules in their present state of development is currently being tested in the Superior and State Courts of the Dougherty Judicial Circuit. Plans for the model rules, when completed, include legislation providing for uniform rules governing court procedure in traffic cases.

In another area, a lending library for judges has been established through the AOC. Presently available are copies of textbooks used by the National College of the State Judiciary in courses on traffic law, the American Bar Association's Standards on the Function of the Trial Judge, and copies of the Georgia Vehicle Code (Title 68A). In cooperation with the Georgia Department of Public Safety, the Administrative Office of the Courts will continue to provide copies of new traffic laws in pamphlet form for bench use.

Research has also begun on a bench book for judges trying traffic cases. It will be available within the next year.

# Administrative Office of the Courts Funding Analysis

---

## Fiscal Year 1974

		<u>LEAA DISCRETIONARY GRANT</u>	<u>LEAA BLOCK GRANT</u>	<u>STATE FUNDS</u>	<u>GRAND TOTAL</u>
72-A-0010	Introduction of Statewide Court Administration		\$ 27,465		
72-DF-04-0016	Georgia Court Moderniza- tion				
73-A-0052	Improved Records Keeping		60,000		
73-A-0071	Approved Optional Jury Instructions		15,000		
73-A-0072	Administrative Services to the Judicial Process		83,000		
73-A-0073	Facility Study		90,000		
73-A-0074	Research & Evaluation- Georgia Court and Records System		70,000		
73-A-0075	Comparative Analysis of Georgia Laws and ABA Standards		9,000		
73-TN-04-0003	Justices - Southeastern Region	\$ 13,300			
	<b>TOTAL</b>	<b>\$ 13,300</b>	<b>\$ 354,465</b>	<b>\$ 75,000</b>	<b>\$ 442,765</b>

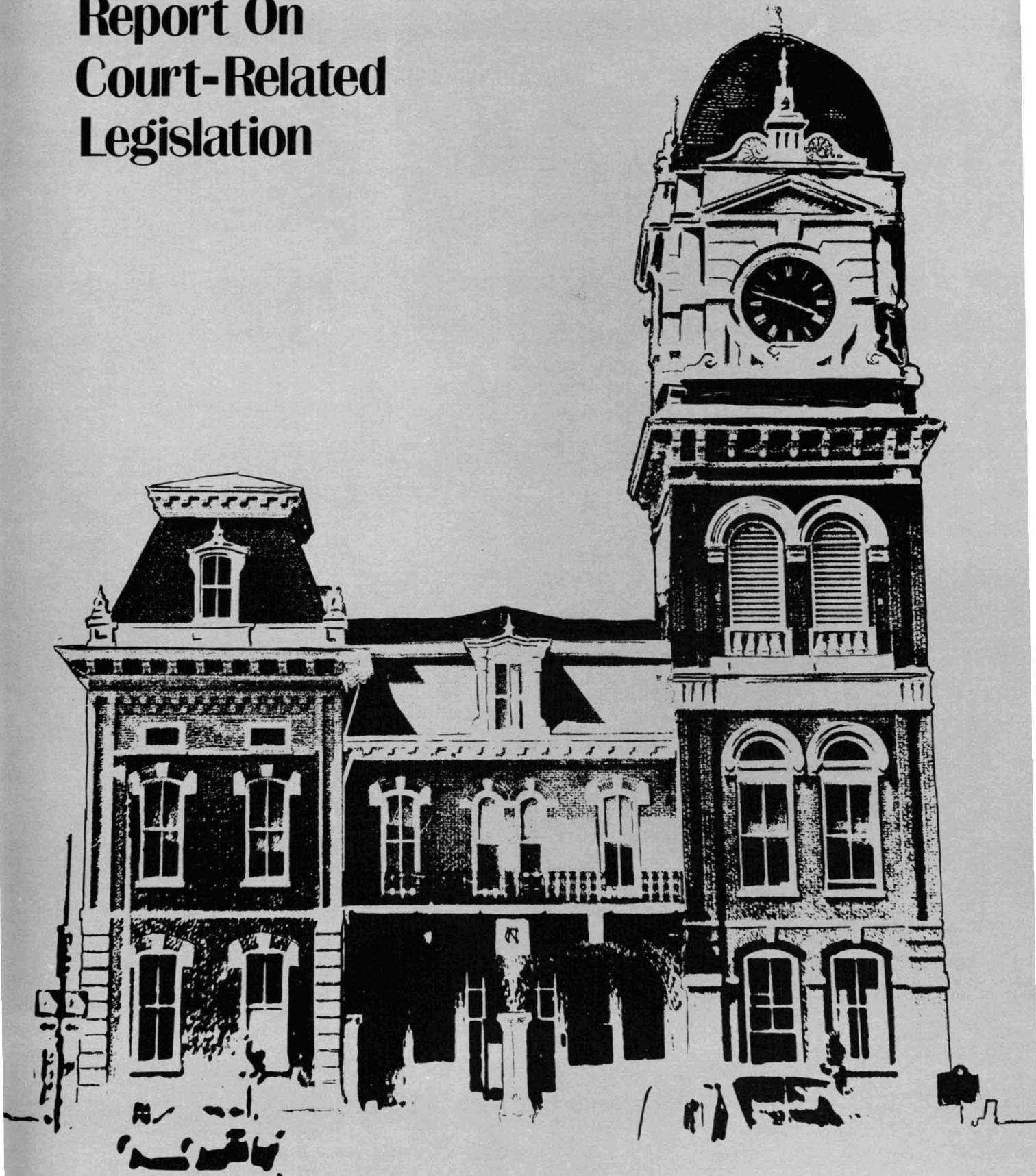
## Fiscal Year 1975

74-A-08-001	Court Administration		\$ 235,000		
74-A-16-007	Judicial Education		50,000		
74-A-12-003	Facility Study		90,000		
74-ED-04-0012	Juvenile Justice Masterplan- 18 Month Project	\$148,026			
72-DF-04-0079	Statewide Court Information System	160,000			
	<b>TOTAL</b>	<b>\$208,026</b>	<b>\$ 375,000</b>	<b>\$118,000</b>	<b>\$ 701,026</b>

## Fiscal Year 1976

75-A-03-001	Records Study		\$ 53,359		
75-A-13-001	Administrative Services		298,889		
75-A-17-001	Facility Study		44,000		
75-SS-04-0002	Statewide Court Information System	\$ 40,000			
	<b>TOTAL</b>	<b>\$ 40,000</b>	<b>\$ 396,238</b>	<b>\$171,620</b>	<b>\$ 607,904</b>

**Part III**  
**Report On**  
**Court-Related**  
**Legislation**



*A historic landmark which is expected soon to be on the National Register of Historic Places, the Newton County Courthouse in Covington is the third to be built in that county. Named for Sergeant John Newton, the county's first courthouse, a one-room log cabin, was completed in 1822, and was later replaced by a second courthouse which eventually was destroyed by fire. The third and present structure was built in 1884.*

# Introduction

---

Each year, the General Assembly must consider numerous pieces of legislation affecting the courts. In 1975, approximately 250 measures directly affecting the courts were introduced, and some 20 percent of those were enacted.

The Judicial Council feels that legislation is an important ingredient toward judicial modernization in Georgia, and in 1975 aided in formulation of several important bills affecting court procedures in this State. As in years past, the content of these measures resulted primarily from the annual Callaway Gardens Legislative-Judicial Conference where judges, legislators, high-ranking representatives of the Executive Branch of government, court-related agency officials, and leaders of the State Bar exchanged views.

Topics discussed included administrative judgeships, discovery in criminal cases, withdrawing guilty pleas, jury trials in divorce cases, salaries for Superior Court judges secretaries, interlocutory appeals, six-person juries in misdemeanor and civil cases, consolidation of civil cases, adult and juvenile probation, jurisdiction of the appellate courts, regional juries and third party venue, Superior Court judges retirement, judicial nomination, organized crime and court reporter standards and compensation.

When the General Assembly adjourned, five important pieces of legislation directly affecting the courts had been passed — procedures for interlocutory appeals, provisions for increasing Superior Court judges' secretaries salaries, provisions for six-person juries in civil cases under \$5,000, provisions for setting court reporters fees and transcript forms and provisions to allow district attorneys to grant immunity in certain cases.

The following pages will highlight 1975 legislative enactments having direct bearing on the courts.

## **Compensation of Bailiffs Changed**

(Ga. L. 1975, p. 684)

Act #468

Increased the maximum compensation that may be paid by the county to bailiffs of the Superior Courts from \$25 to \$30 a day. (Effective April 18, 1975.)

## **Southern Judicial Circuit—Additional Judge Provided**

(Ga. L. 1975, p. 185)

Act #115

Adds a third Superior Court judge to the Southern Judicial Circuit. (Effective March 25, 1975.)

## **Prosecuting Attorneys' Council Created**

(Ga. L. 1975, p. 1623)

Act #743

Provides for the creation of the Prosecutorial Council which will provide services to district attorneys. (Effective July 1, 1975.)

## **Drugs—Certain Distribution of Marijuana Prohibited, Etc.**

(Ga. L. 1975, p. 1112)

Act #618

Changes the title of Code Section 79A-811 from "Possession or Sale of Marijuana" to "Marijuana" so the section also covers the delivery, manufacture, and distribution of marijuana. (Effective July 1, 1975.)

## **Criminal Procedure—District Attorneys May Grant Immunity From Prosecution, Etc.**

(Ga. L. 1975, p. 727)

Act #494

Provides that the district attorney can grant immunity in certain cases. (Effective July 1, 1975.)

## **Campaign And Financial Disclosure Act**

(Ga. L. 1975, p. 1120)

Act #621

Includes all judges in the Campaign Disclosure Act. (Effective July 1, 1975.)

## **Advertising—Change of Certain Fees**

(Ga. L. 1975, p. 52)

Act #49

Raises fees for legal advertising from \$2.50 to \$3.50 for the first 100 words and from \$1.50 to \$2.50 for each subsequent 100 words. (Effective July 1, 1975.)

## **Child Abuse—Confidentiality of Records Provided, Etc.**

(Ga. L. 1975, p. 1135)

Act #623

Provides for the confidentiality of records concerning reports of child abuse and neglect. (Effective April 24, 1975.)

**Uniform Reciprocal Enforcement of Support Act Amended**

(Ga. L. 1975, p. 1141)  
Act #627

Designates the Department of Human Resources as the State Information Agency under the Uniform Reciprocal Enforcement of Support Act and provides for its duties. (Effective April 24, 1975.)

**Habeas Corpus Act Amended**

(Ga. L. 1975, p. 1143)  
Act #628

Revises the procedure for persons filing a Writ of Habeas Corpus, affecting the application for appeal to the Supreme Court by setting a new procedure in which a justice of the Supreme Court must certify the application of appeal before there is a right to appeal the decision of the Superior Court. (Effective April 24, 1975.)

**Real Estate Brokers and Salesmen—  
Certain Solicitation Activities Prohibited**

(Ga. L. 1975, p. 1154)  
Act #637

Makes certain solicitations by real estate brokers and salesmen unlawful when such solicitations constitute harassment, and sets punishment as suspension of license for five years. (Effective July 1, 1975.)

**Board of Corrections—Payment For Expense of Trial for Escape of Inmate Provided**

(Ga. L. 1975, p. 1590)  
Act #734

Provides that the cost of state prison inmate's trial shall be borne by the Board of Corrections even if the crime is escape or attempted escape. (Effective July 1, 1975.)

**Motor Vehicle Certificate of Title Act Amended**

(Ga. L. 1975, p. 1596)  
Act #735

Amends the "Motor Vehicle Certificate of Title Act" to increase the criminal penalties in some cases to a felony for failure to deliver a certificate of title for any vehicle that has been disposed of as salvage. (Effective July 1, 1975.)

**Motor Vehicle Certificate of Title Act Amended—  
Foreclosure of Mechanic's Liens Provided, Etc.**

(Ga. L. 1975, p. 489)  
Act #188

Amends the Motor Vehicle Certificate of Title Act and provides for new procedure relating to the perfection and foreclosure of mechanic's liens on vehicles. (Effective April 17, 1975.)

**Attorneys—Punishment For Unlawful Practice of Law Changed**

(Ga. L. 1975, p. 755)  
Act #501

Classifies as a misdemeanor unlawful practice of the law. (Effective July 1, 1975.)

**Public Officers—Abolishment of Right to Make Unsworn Statement to Grand Jury Provided**

(Ga. L. 1975, p. 1325)  
Act #703

Abolishes the right of public officers and officials who are facing indictment for malpractice to make an unsworn statement to the Grand Jury. (Effective July 1, 1975.)

**Appeals—Interlocutory Appeals Provided on Petition, Etc.**

(Ga. L. 1975, p. 757)  
Act #502

Provides for procedures for interlocutory appeals upon petition to the Supreme Court or Court of Appeals, and requires that after the party's question has been certified by the trial judge, the party must then file an application for appeal to the appellate court which must be accepted by the court before there is the right of appeal. (Effective July 1, 1975.)

**Flint Judicial Circuit—Additional Judge Provided, Etc.**

(Ga. L. 1975, p. 760)  
Act #503

Adds a second Superior Court judge to the Flint Judicial Circuit. (Effective July 1, 1975.)

**Wills—Probate In Solemn Form Changed**

(Ga. L. 1975, p. 764)  
Act #505

Provides that probate in solemn form may be had by the proving of the will by one witness if no caveat is filed. (Effective July 1, 1975.)

**Juries—Provisions Relating To Women Changed, Etc.**

(Ga. L. 1975, p. 779)

Act #516

Provides that women, who are not unqualified for jury duty otherwise under the law by some act that relates to both sexes, are qualified for jury duty and have the right and responsibility to serve. (Effective April 18, 1975.)

**Threatening of Bribing Witnesses**

(Ga. L. 1975, p. 34)

Act #21

Provides for the crime of influencing or threatening a witness and makes it punishable by one to five years in prison. (Effective February 27, 1975.)

**Uniform Reciprocal Enforcement of Support Act Amended—Certain District Attorney Representation Provided, Etc.**

(Ga. L. 1975, p. 781)

Act #517

Provides that the District Attorney shall be required to represent the plaintiff under the provisions of the Uniform Reciprocal Support Agreements Act only where the plaintiff is an applicant or recipient of public assistance or the obligee as a dependent child of the obligees or dependent children. (Effective July 1, 1975.)

**Crimes—Criminal Issuance of A Bad Check Defined, Etc.**

(Ga. L. 1975, p. 482)

Act #172

Provides that when a person commits the crime of criminal issuance of a bad check from an out-of-state bank, such crime shall be punished as a felony. (Effective July 1, 1975.)

**State Board of Pardons and Paroles Act Amended—Certain Arrest Warrants Provided**

(Ga. L. 1975, p. 786)

Act #521

Clarifies the procedure used by the Board of Pardons and Paroles in issuing warrants and conducting hearings for parolees and conditional releases. (Effective April 18, 1975.)

**State Board of Pardons and Paroles To Notify Sentencing Judges in Consideration of Certain Cases, Etc.**

(Ga. L. 1975, p. 793)

Act #522

Provides that the Board of Pardons and Paroles

is to notify the sentencing judge and district attorney whenever the Board considers an inmate who has not served a minimum time to be eligible for automatic review. The judge and the DA have a right to be heard at the review hearing. (Effective April 18, 1975.)

**State Board of Pardons and Paroles—Written Decisions to be Signed When Granting Relief**

(Ga. L. 1975, p. 795)

Act #523

Changes procedure so that when the Board of Pardons and Paroles grants a pardon or parole in any case, a written decision signed by the number of board members needed to take such action is prepared. (Effective April 18, 1975.)

**Juries—Certain Actions Tried Before Jury of Six Provides, Etc.**

(Ga. L. 1975, p. 1331)

Act #705

Provides for a six-person jury in all civil cases where the claim for damages is less than \$5,000, and provides for the composition of jury panel. (Effective July 1, 1975.)

**Grand Jurors—Maximum Number of Names Drawn Changed**

(Ga. L. 1975, p. 809)

Act #531

Increases the maximum number of Grand Jury names that may be drawn for Grand Jury duty from 36 to 60. (Effective April 18, 1975.)

**Superior Court—Secretaries—Classified, Etc.**

(Ga. L. 1975, p. 1506)

Act #710

Increases the salary paid by the state for Superior Court judges' and district attorneys' secretaries from \$6,000 to \$7,200, and places those secretaries wishing to be classified as state employees under the state retirement system. (Effective July 1, 1975.)

**Jurors—Mechanical Selection Provided, Etc.**

(Ga. L. 1975, p. 825)

Act #542

Provides for the creation of plans for the selection of persons to serve as jurors by mechanical or electronic means. (Effective July 1, 1975.)

**Jury Commissioners—Appointment Provisions Changed**

(Ga. L. 1975, p. 826)  
Act #543

Provides that the senior Superior Court judge may by court rule provide for a jury commission of not more than five or less than three members. (Effective July 1, 1975.)

**Public Officers—Peace Officers Allowed to Appear Before Grand Jury Considering Indictment**

(Ga. L. 1975, p. 607)  
Act #461

Provides that a peace officer shall be notified by the district attorney before an indictment can be returned for action that took place while the peace officer was performing his duties. (Effective April 18, 1975.)

**Intoxicating Beverage—Retail Licensee—Quantity Limitation Provided, Etc.**

(Ga. L. 1975, p. 607)  
Act #462

Makes it unlawful for a retail licensee to willfully or knowingly sell more than one standard case of half-gallon, quart or fifth size containers of distilled spirits at any one time to any purchaser without a special permit issued by the Revenue Commission. (Effective April 18, 1975.)

**State Court of Houston County**

(Ga. Law 1975, p. 2584)  
Act #40

Re-establishes the State Court of Houston County which is to be located at Warner Robins. (Effective February 28, 1975.)

**Litter Law Violations—Cash Bonds Provided, Etc.**

(Ga. L. 1975, p. 845)  
Act #554

Allows the court and law enforcement officers and officials to accept cash bonds in litter cases. (Effective July 1, 1975.)

**Criminal Procedure—Degree of Force Used to Effectuate Certain Lawful Arrest Provided, Etc.**

(Ga. L. 1975, p. 1209)  
Act #658

Provides that no state agency, county or municipality can make an ordinance or regulation that conflicts with Code Sections 27-207 or 26-902 relating to arrest warrants. (Effective July 1, 1975.)

**Judicial Council of Georgia to Set Court Reporter Fees**

(Ga. L. 1975, p. 852)  
Act #558

Provides that the Judicial Council of Georgia set the fees payable to court reporters for attending court and preparing transcripts of the cases, and authorizes the Council to set the per diem rate and basic form for transcripts. (Effective January 1, 1976.)

**Unliquidated Damages Interest Act Amended**

(Ga. L. 1975, p. 395)  
Act #134

Removes the limitations on the sum (\$5,000) of unliquidated damages to which the interest shall apply after the party is notified. (Effective April 11, 1975.)

**Distress Warrants—New Sections Provided**

(Ga. L. 1975, p. 1514)  
Act #714

Completely revises Code Section 61 relating to distress warrants so as to provide for the issuing of such warrants and the procedure to be carried out by both the landlord and tenant. (Effective July 1, 1975.)

**Small Claims Court of Lamar County Created**

(Ga. L. 1975, p. 3464)  
Act #278

Creates a Small Claims Court in Lamar County. (Effective May 17, 1975.)

**Motor Vehicle Inspection—Arrest Provisions Changed**

(Ga. L. 1975, p. 874)  
Act #572

Provides that a law enforcement officer may arrest persons accused of violating any law or ordinance governing the operation, licensing, registration, maintenance and inspection of motor vehicles by the issuance of a citation even though he did not observe the violation, provided that another law enforcement officer observes the violation or there was an accident involved. (Effective April 18, 1975.)

**Shoplifting — Criminal Intent Specified**

(Ga. L. 1975, p. 876)  
Act #573

Changes the law relating to theft by taking in shoplifting cases so as to provide that there must be criminal intent of the defendant to deprive the owner or to take the goods for his own use. (Effective July 1, 1975.)

**Public Officials — Provisions Clarified for Designation of Counsel By Governor**

(Ga. L. 1975, p. 878)

Act #574

Provides that the Governor can provide for legal counsel for a state board official or agency if the attorney general does not provide such counsel within a reasonable time and after the governor requests that he provide such counsel. (Effective April 18, 1975.)

**Youthful Offender Act Amended — Sentencing Provisions Clarified**

(Ga. L. 1975, p. 900)

Act #581

Clarifies certain provisions of the Youthful Offender Act relating to the sentencing of defendants under such act and clarifies the initial procedures to be taken in determining how to treat the “youthful offender.” (Effective July 1, 1975.)

**Fulton County Civil Court — Appeal Provisions Changed**

(Ga. L. 1975, p. 3761)

Act #321

Strikes provisions in the law that require appeals from the Civil Court of Fulton County (in cases in which the claim for damages is less than \$300) to go to the appellate division of that court. (Effective July 1, 1975.)

**Georgia Controlled Substances Act Amended— Forfeiture of Marijuana Conveyances Authorized**

(Ga. L. 1975, p. 919)

Act #590

Provides for the forfeiture of certain conveyances in which four ounces or more of marijuana is found and provides for the procedure relating to the service of the libel for condemnation. (Effective July 1, 1975.)

**Sheriffs’ Bonds Increased**

(Ga. L. 1975, p. 921)

Act #591

Provides for increasing the bond or surety given by the sheriffs for the faithful discharge of their duties from \$10,000 to \$25,000. (Effective July 1, 1975.)

**Judge of Probate Courts — Bonds Increased**

(Ga. L. 1975, p. 922)

Act #592

Provides for increasing the bond or surety given by the judge of Probate Court, for the faithful

discharge of their duties from \$10,000 to \$25,000. (Effective July 1, 1975.)

**Clerks of Any State Court—Bonds Increased**

(Ga. L. 1975, p. 925)

Act #594

Provides for increasing the bond or surety given by the clerk of the Superior Court for the faithful discharge of their duties from \$10,000 to \$25,000. (Effective July 1, 1975.)

**Mortgage Foreclosure on Personalty Provision Deleted**

(Ga. L. 1975, p. 1213)

Act #661

Relates to the procedure for obtaining an immediate writ of possession in foreclosure cases, and sets out the procedure for dissolving this writ and requires the petitioner to obtain a waiver or place a bond before filing for such writ. (Effective July 1, 1975.)

**Director of Corrections — Only Certain Attorneys Authorized to Accept Fee for Contacting, Etc.**

(Ga. L. 1975, p. 1218)

Act #663

Provides that it will be unlawful for anyone other than a duly licensed attorney, provided the attorney is not a member of the General Assembly, to accept a fee, money or other remuneration for contacting the State Board of Corrections in regard to the assignment of status of any inmate. (Effective April 24, 1975.)

**Insurance — Uninsured Motorist Coverage Provisions Changed, Etc.**

(Ga. L. 1975, p. 1221)

Act #665

Provides that when the complainant files an action arising from motor vehicle accident against an unknown defendant, such defendant will be presumed to be a resident of the county in which the injury or damage occurred or where the complainant resides. (Effective July 1, 1975.)

**Crimes — Penalty Provided for Attempt to Avoid Payment of Telecommunication Service**

(Ga. L. 1975, p. 1534)

Act #718

Provides that it shall be a felony for any person knowingly to make or possess any apparatus, equipment or electronic device designed to or used for the commission of a theft of telecommunication service. (Effective July 1, 1975.)

**Elections — Certain Judicial Officers — Certain Non-Partisan Elections Authorized**

(Ga. L. 1975, p. 1251)

Act #678

Provides that the General Assembly may provide by local act that county judges may be elected in non-partisan elections. (Effective July 1, 1975.)

**Children — Law Repealed Allowing Commitment of Certain Children to Department of Corrections**

(Ga. L. 1975, p. 184)

Act #111

Repeals Code Section 24A-2304 which states that in the event a delinquent or unruly child is found not to be amenable to rehabilitation or treatment, the court may commit said child to the custody of the Department of Corrections. (Effective March 25, 1975.)

**Insurance — Prepaid Legal Services Plans Authorized**

(Ga. L. 1975, p. 1268)

Act #684

Provides for the registration, regulation,

development and operation of prepaid legal services plans. (Effective April 24, 1975.)

**Garnishment — Affidavit to Be Made Before a Judge Provided**

(Ga. L. 1975, p. 1291)

Act #689

Requires that an affidavit for garnishment be made before a judge, magistrate or justice of the peace, and requires that such affidavit clearly state the facts upon which the garnishment is claimed, and provides for an immediate hearing on the garnishment as an alternative to the present procedure of resolving the garnishment. (Effective July 1, 1975.)

**Georgia Special Adult Offender Act of 1975**

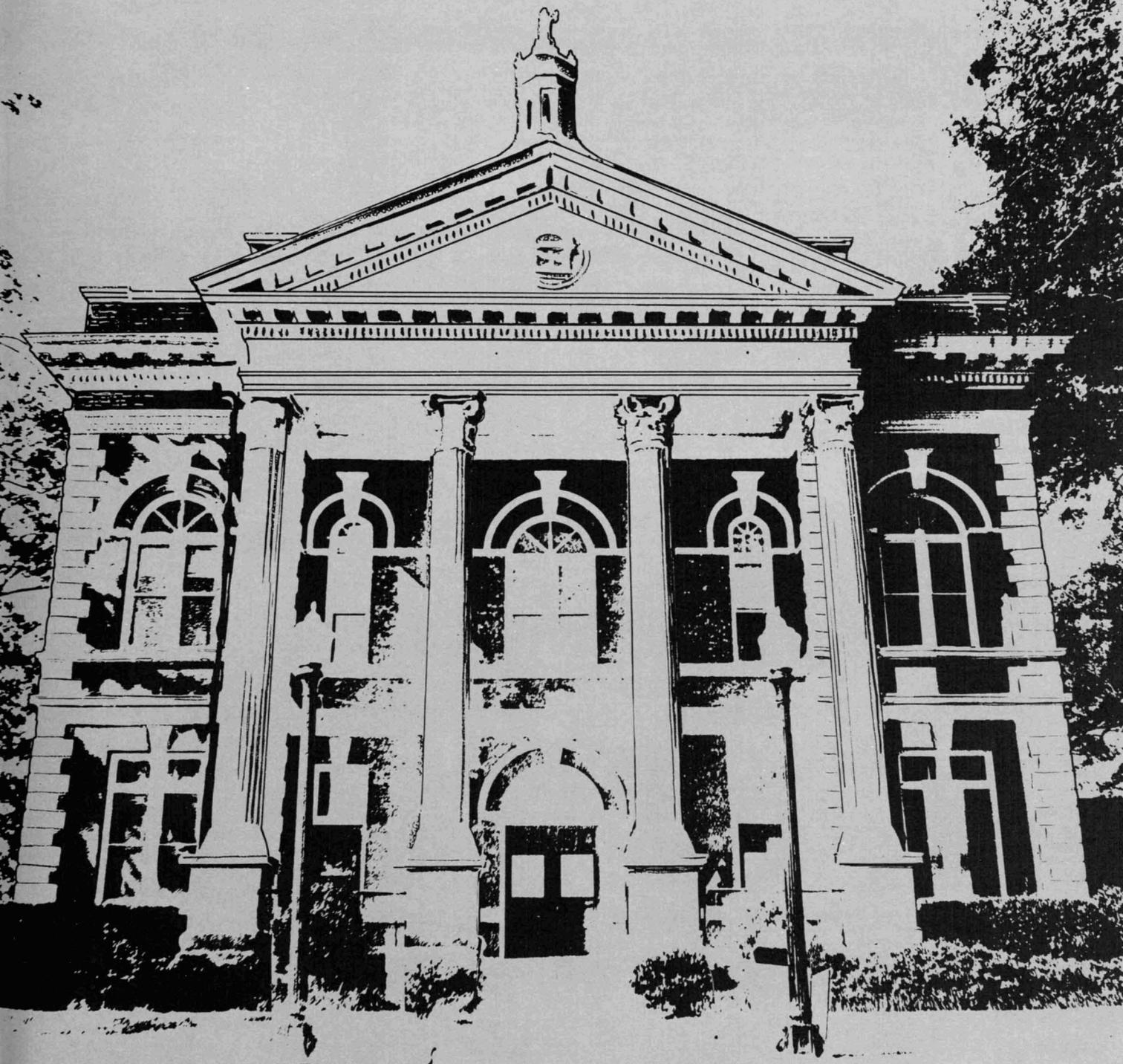
(Ga. L. 1975, p. 1312)

Act #698

Creates the Special Adult Offender Board of the Board of Corrections and provides for treatment similar to that of youthful offenders for adult offenders sentenced under this act. (Effective July 1, 1976.)

# Part IV

## Appendix



*The handsome Meriwether County Courthouse was built in 1902 and is located on the public square in Greenville, Ga. Named for General David Meriwether, the first courthouse in this county was erected in 1832, but was demolished by a cyclone in 1893. The present two-story judicial structure with one courtroom is listed on the National Register of Historic Places.*

# The AOC at A Glance

ACCOMPLISHED TO DATE	IN PROGRESS	TO BE ACCOMPLISHED
<p><b>COURT INFORMATION</b></p> <p>Plan for court information system.                      Inventoried caseloads, personnel, finances in 145 Georgia counties.</p>	<p>Court information system test project in Dougherty, Middle, Cobb and Atlanta Judicial Circuits.                      Inventory cases, personnel and finances in all counties.                      Developing statistical reporting system.                      Developing techniques to graphically display court operations.                      Developing weighted caseload averaging system.</p>	<p>Complete and implement court information system.                      Uniform classification system for caseload data.                      Implement statistical reporting system.                      Implement weighted caseload average techniques.</p>
<p><b>FACILITIES</b></p> <p>Survey of courthouses.                      Assisted several counties in solving space problems.                      Assisted in drafting contracts required for State Crime Commission grant funds to local courts.</p>	<p>Compiling masterplan, guidelines, and standards for court facilities.                      Technical assistance for courthouse design.</p>	<p>Update inventory.                      Implement masterplan for improvement.                      Implementing standards.</p>
<p><b>GRANTS</b></p> <p>Administered 16 grants.                      Procedural subgrantee for District Attorney's Association and Criminal Justice Council.</p>	<p>Administration of nine grants from State Crime Commission.                      Administration of one grant from Office of Highway Safety.                      Assist local courts in grant applications and administration.</p>	<p>Future grant administration.                      Application for discretionary funds for legal research.                      Expanded assistance to local courts in grant applications and administration.</p>
<p><b>JUDGESHIP STUDIES</b></p> <p>Two major studies involving 19 requests for new judges. Eight new judgeships recommended.</p>	<p>Fourteen judicial circuits now under study for new judges.</p>	<p>Studies as requested.</p>
<p><b>JUVENILE JUSTICE</b></p> <p>Inventory of current juvenile programs in state and nation, and other information for Juvenile Justice Masterplan.</p>	<p>Develop Juvenile Justice Masterplan.</p>	<p>Complete and implement Juvenile Justice Masterplan.</p>
<p><b>LEGISLATION</b></p> <p>Assisted Superior Court judges in establishing judge sentencing in non-capital felony cases and Sentence Review Board.                      Court reporter certification.                      Increased Superior Court judges secretaries' salaries.</p>	<p>Refine legislative tracking system.                      Resolution to set appellate jurisdiction by law.                      Resolution to create Judicial Nominating Commission.</p>	<p>Continued legislative tracking.                      Legislation in areas of criminal discovery.                      Revision of procedure for criminal discovery, committal hearings.</p>

ACCOMPLISHED TO DATE	IN PROGRESS	TO BE ACCOMPLISHED
<p><b>LEGISLATION (Continued)</b></p> <p>Six-person juries in civil cases under \$5,000.</p> <p>Court reporters fees.</p> <p>Provisions for immunity granted by district attorneys.</p> <p>Procedures for interlocutory appeals.</p> <p>Initial work on legislative tracking system.</p>	<p>Drafting resolution to provide for third party venue.</p> <p>Support of Superior Court Judges Retirement Act.</p> <p>Draft of Administrative Judges Act.</p>	<p>Legislation implementing the objectives and recommendations of Governor's Commission on Court Organization and Structure.</p>
<p><b>LIBRARY</b></p> <p>Established lending library for traffic courts.</p>	<p>Expand lending library.</p>	<p>Library management for all courts.</p>
<p><b>PUBLICATIONS</b></p> <p><u>Georgia Courts Journal</u> (bi-monthly newsletter).</p> <p><u>Annual Report.</u></p> <p><u>Comparative Analysis of ABA Standards and Georgia Law.</u></p> <p><u>Civil and Criminal Pattern Jury Instructions.</u></p> <p><u>Justice of the Peace Manual.</u></p>	<p><u>Georgia Courts Journal.</u></p> <p><u>Annual Report.</u></p> <p><u>Index for Criminal Pattern Jury Instructions.</u></p> <p><u>Juvenile Justice Manual and Forms.</u></p> <p><u>Directory of Court Personnel.</u></p>	<p><u>Georgia Courts Journal</u> (monthly).</p> <p><u>Annual Report</u> (expanded to cover activities of courts).</p> <p>Continued revision of jury instructions.</p> <p>Bench books and manuals.</p>
<p><b>RECORDS MANAGEMENT</b></p> <p>Examined court-maintained records in 145 counties.</p> <p>Studied records keeping in other states.</p> <p>Analyzed Georgia's court-maintained records requirements.</p>	<p>Formulating model docket books and forms.</p> <p>Pilot project testing model dockets and forms in Dougherty and Middle Judicial Circuits.</p>	<p>Implement model records study, and interface with statistical caseload reporting system.</p>
<p><b>TECHNICAL ASSISTANCE</b></p> <p>Assisted Superior Court judges in formulation of rules and procedures for Sentence Review Panel which reviewed 175 cases.</p> <p>Coordinated with Phase One review of the National Criminal Justice Standards and Goals by the Governor's Commission on Criminal Justice Standards and Goals.</p> <p>Answered information requests from the judiciary, the public, court-related agencies, etc.</p> <p>Mailed court-related attorney general opinions to Superior Court judges.</p> <p>Assisted in establishing rules, administrative operations of Judicial Qualifications Commission</p>	<p>Continued sentence review.</p> <p>Phase Two review of Standards and Goals by the Governor's Commission.</p> <p>Comprehensive public information program.</p> <p>Provide legal research.</p> <p>Administrative aid to Judicial Qualifications Commission.</p> <p>Continued staff support to judicial-related organizations.</p> <p>Staff support to Governor's Commission on Court Organization and Structure.</p>	<p>Continued sentence review.</p> <p>Administrative aid to Judicial Qualifications Commission.</p> <p>Equipment management.</p> <p>Business administration.</p> <p>Jury utilization.</p> <p>Calendar management.</p> <p>Personnel administration.</p> <p>Fiscal administration.</p>

ACCOMPLISHED TO DATE	IN PROGRESS	TO BE ACCOMPLISHED
<p><b>TECHNICAL ASSISTANCE</b> (continued)</p> <p>Court administrator study in Chatham County.</p> <p>Caseflow management study in State Court of Jackson County.</p> <p>Model court rules for Dougherty Judicial Circuit Superior Court.</p> <p>Comparative appellate court statistics for Georgia Supreme Court.</p> <p>Staff support to associations of Superior, Juvenile, State, Probate Court judges as well as clerks.</p> <p>Assisted in setting rules, establishing operations, certifying court reporters for the Board of Court Reporting.</p> <p>Gathered court rules from all courts for analysis.</p> <p>Recommendations for Superior Court judges' retirement.</p>	<p>Coordination with Criminal Justice Planning Task Force of the State Crime Commission.</p> <p>Coordination with Fair Trial/Free Press Committee of bar, Judicial Council, and press.</p> <p>Fee schedules and transcript requirements for court reporters.</p> <p>Developing model court rules, testing model.</p> <p>Recommendations for appellate court judges retirement.</p>	<p>Continued coordination with associations, boards, and judicial-related commissions and agencies.</p> <p>Continued certification of court reporters.</p> <p>Retirement plans for all courts' personnel.</p>
<p><b>TRAFFIC COURTS</b></p> <p>Inventoried numbers and operations.</p> <p>Seminar for Traffic Court judges.</p> <p>Established lending library.</p>	<p>Lending library.</p> <p>Uniform rules of procedure.</p> <p>Training.</p> <p>Manual for traffic court judges.</p>	<p>Accountability of ticketing.</p> <p>Expanded training.</p>
<p><b>TRAINING</b></p> <p>Coordinated and funded seminars for Appellate, State, Superior, Juvenile, and Probate Court judges.</p>	<p>Develop and implement a comprehensive training program for judicial personnel.</p>	<p>Comprehensive training program.</p>
<p><b>UNIFIED COURT ADMINISTRATION</b></p> <p>Passage of Constitutional Amendment Number One for unified courts.</p> <p>Review and partial implementation of Report of Governor's Commission on Judicial Processes.</p>	<p>Develop unified court budget.</p> <p>Plans to act as fiscal office for the courts.</p>	<p>Analysis of court revenues and expenditures.</p> <p>Purchasing officer for the court system.</p> <p>Prepare budgets and administer funds for the courts.</p> <p>Determining and quantifying administrative duties of judges.</p>

# Judicial Council of Georgia Created

## No. 178 (Senate Bill No. 30).

An Act to create a Judicial Council of the State of Georgia; to provide for the membership of the council, their qualifications, appointment, election, compensation, expenses, terms of office, succession duties, powers, authority and responsibilities; to provide for a method of filling vacancies; to provide for meetings of the council; to provide for officers of the council and their terms; to provide for rules for the transaction of business; to create the Administrative Office of the Courts; to provide that such office shall serve as the staff for the Judicial Council; to provide for the appointment of a Director of the Administrative Office of the Courts and his compensation, duties, powers, authority and term of office; to provide for assistants, clerical and secretarial employees and their duties and compensation; to provide for the duties and authority of the Administrative Office of the Courts; to provide for annual reports; to provide that the provisions of this Act shall not be construed as limiting or affecting the authority of any court to appoint administrative or clerical personnel; to provide for other matters relative to the foregoing; to provide an effective date; to repeal an Act creating a Judicial Council of the State of Georgia, approved February 28, 1945 (Ga. L. 1945, p. 155); to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

**Section 1.** (a) There is hereby created the Judicial Council of the State of Georgia. The council shall be composed of eleven members, nine of whom shall be judges of courts of record of the State. The two remaining members shall be the president of the State Bar of Georgia and the immediate past president of the State Bar of Georgia. The initial nine judicial members of the council shall be appointed by the Governor, with three such initial members being appointed for a term of four years, three such initial members being appointed for a term of three years, and three such initial members being appointed for a term of two years. Immediately prior to the expiration of a member's term of office as a member, the council shall elect a new member to succeed the member whose term is expiring. Following the terms of the initial members appointed by the Governor, the term of office of each judicial member of the council shall be for a period of four years. The initial members of the council shall take office on May 1, 1973, and succeeding members of the council shall take office on the first day of May following their election by the council. No judicial member of the council shall be eligible to succeed himself for a consecutive term as a member. The president and immediate past president of the State Bar of Georgia shall serve as members of the council only during their tenure as president or immediate past president of the State Bar of Georgia.

Created.

(b) In the event a vacancy occurs in the judicial membership of the council as a result of the death, resignation, retirement removal or failure of re-election as a judge of a court of record, the remaining members of the council shall elect a qualified person to serve for the remainder of the unexpired term of the member whose seat is vacant. The person elected to fill such vacancy shall take office immediately upon his election.

Vacancy.

**Section 2.** The council shall meet at such times and places as it shall determine necessary or convenient to perform its duties. The council shall annually elect a chairman and such other officers as it shall deem necessary and shall adopt such rules for the transaction of its business as it shall desire. The members of the council shall receive no compensation for their services, but shall be reimbursed for their actual expenses incurred in the performance of their duties as members of the council.

Organization.

**Section 3.** There is hereby created the Administrative Office of the Courts, which shall serve as the staff for the Judicial Council.

Administrative  
Office.

**Section 4.** The Judicial Council shall appoint a Director of the Administrative Office of the Courts, who shall serve at the pleasure of the Judicial Council. The director shall be the executive head of the Administrative Office of the Courts and shall perform such duties as provided in this Act or as may be delegated to him by the Judicial Council. The director shall devote his full time to his official duties. The director shall receive such compensation and expenses as may be authorized by the Judicial Council. With the approval of the Judicial Council, the director shall appoint such assistants, clerical and secretarial employees as are necessary to enable him to perform his duties and fix their compensation.

Same, Director.

**Section 5.** Under the supervision and direction of the Judicial Council, the Administrative Office of the Courts shall perform the following duties:

Duties.

(a) Consult with and assist judges, administrators, clerks of court and other officers and employees of the court pertaining to matters relating to court administration and provide such services as are requested.

(b) Examine the administrative and business methods and systems employed in the offices related to and serving the courts and make recommendations for necessary improvement.

(c) Compile statistical and financial data and other information on the judicial work of the courts and on the work of other offices related to and serving the courts, which shall be provided by the courts.

(d) Examine the state of the dockets and practices and procedures of the courts and make recommendations for the expedition of litigation.

(e) Act as fiscal officer and prepare and submit budget estimates of State appropriations necessary for the maintenance and operation of the judicial system.

(f) Formulate and submit recommendations for the improvement of the judicial system.

(g) Perform such additional duties as may be assigned by the Judicial Council.

(h) Prepare and publish an annual report on the work of the courts and on the activities of the Administrative Office of the Courts.

**Section 6.** The provisions of this Act shall not be construed as limiting or affecting the authority of any court.

**Section 7.** This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Effective Date.

**Section 8.** An Act creating a Judicial Council for the State of Georgia, approved February 28, 1945 (Ga. L. 1945, p. 155), is hereby repealed in its entirety.

**Section 9.** All laws and parts of laws in conflict with this Act are hereby repealed.

Approved April 3, 1973.

Appendix Three

# Members of the Judicial Council of Georgia

May 1, 1973 to June 30, 1975

NAME	TERM	OFFICE HELD
JUDGE HAL BELL Superior Court Macon Judicial Circuit	5/1/73 to 7/1/76	Chairman 6/5/74 to 6/4/75
A. G. CLEVELAND JR. President State Bar of Georgia (6/4/71 - 6/2/72)	5/1/73 to 6/8/73	
JUDGE KENNETH B. FOLLOWILL State Court of Muscogee County	5/1/73 to 7/1/76	Secretary-Treasurer 6/7/73 to 6/5/74 Vice Chairman 6/5/74 to 6/4/75 Chairman 6/4/75 to present
JUDGE J. BOWIE GRAY Superior Court Tifton Judicial Circuit	5/1/73 to 7/1/75	Vice Chairman 6/7/73 to 6/5/74
ASSOCIATE JUSTICE WILLIAM B. GUNTER Supreme Court of Georgia	5/1/73 to 7/26/74	
JUDGE ROBERT H. HALL Georgia Court of Appeals	5/1/73 to 7/1/77	Chairman 6/7/73 to 6/5/74
JUDGE WALTER C. McMILLAN JR. Superior Court Middle Judicial Circuit	5/1/73 to 7/1/76	Temporary Secretary 5/4/73 to 6/7/73
JUDGE JAMES B. O'CONNOR Superior Court Oconee Judicial Circuit	5/1/73 to 6/1/73	
FRANK W. SEILER President State Bar of Georgia (6/2/72 to 6/8/73)	5/1/73 to 6/7/74	Temporary Chairman 5/4/73 to 6/7/73
JUDGE WILLIAM K. STANLEY JR. Probate Court of Bibb County	5/1/73 to 7/1/77	
JUDGE G. ERNEST TIDWELL Superior Court Atlanta Judicial Circuit	5/1/73 to 7/1/77	Secretary-Treasurer 6/5/74 to 6/4/75  Vice Chairman 6/4/75 to present
JUDGE MARCUS B. CALHOUN Superior Court Southern Judicial Circuit	6/7/73 to 7/1/75	
JUDGE F. JACK ADAMS President State Bar of Georgia (6/8/73 to 6/7/74)	6/8/73 to 6/7/75	
CUBBEDGE SNOW JR., President State Bar of Georgia (6/7/74 to 6/6/75)	6/7/74 to 6/4/76	
JUDGE H. SOL CLARK Georgia Court of Appeals	7/26/74 to 7/1/75	

## Senate Resolution 11

By: Senator Webb of the 11th

### A RESOLUTION

Proposing an amendment to the Constitution so as to provide that all courts of the State shall be a part of one unified judicial system; to provide that the administration of the unified judicial system shall be as provided by law; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

**Section 1.** Article VI, Section I of the Constitution is hereby amended by adding at the end thereof a new Paragraph, to be designated Paragraph II, to read as follows:

“Paragraph II. Unified Judicial System. For the purposes of administration, all of the courts of the State shall be apart of one unified judicial system. The administration of the unified judicial system shall be as provided by law. As used herein, administration does not include abolition or creation of courts, selection of judges, or jurisdictional provisions other than as otherwise authorized in this Constitution. The administration provided herein shall only be performed by the unified judicial system itself and shall not be administered to or controlled by any other department of Government.”

**Section 2.** The above proposed amendment to the Constitution shall be published and submitted as provided in Article XIII, Section I, Paragraph I of the Constitution of Georgia of 1945, as amended.

The ballot submitting the above proposed amendment shall have written or printed thereon the following:

- ( ) YES Shall the Constitution be amended so as to provide that all courts of the State shall be a part of one unified judicial system and to provide that the administration of the unified judicial system shall be
- ( ) NO as provided by law?”

All persons desiring to vote in favor of ratifying the proposed amendment shall vote “Yes.”

All persons desiring to vote against ratifying the proposed amendment shall vote “No.”

If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this State.

Approved Nov. 5, 1975.

# The Georgia Court Reporting Act

No. 851 (Senate Bill No. 444).

An Act to be known as "The Georgia Court Reporting Act" to provide a short title; to provide for a declaration of purpose; to provide that the Judicial Council of Georgia is an agency of the judicial branch of State government for certain purposes; to provide for authority, powers and duties of the Judicial Council and of the Board of Court Reporting of the Judicial Council relative to the regulation of court reporting; to require certification of court reporters; to provide for injunctions; to provide for penalties; to provide that it shall be unlawful for a person to engage in the practice of court reporting without being certified; to provide for rules and regulations; to provide for practice and procedure; to provide for other matters relative to the foregoing; to provide for severability; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

**Section 1. Short Title.** This Act shall be known and may be cited as "The Georgia Court Reporting Act."

**Section 2. Declaration of Purpose.** It is hereby declared by the General Assembly of Georgia that the practice of court reporting carries important responsibilities in connection with the administration of justice, both in and out of the courts; that the court reporters are officers of the courts, and that the right to define and regulate the practice of court reporting belongs naturally and logically to the judicial branch of the State government. Therefore, in recognition of these principles, the purpose of this Act is to act in aid of the judiciary so as to insure minimum proficiency in the practice of court reporting by recognizing and conferring jurisdiction upon the Judicial Council of the State of Georgia to define and regulate the practice of court reporting.

**Section 3. Judicial Council of Georgia; Agency of Judicial Branch.** The Judicial Council of Georgia, as created by an Act approved April 3, 1973 (Ga. L. 1973, p. 288), is hereby declared to be an agency of the judicial branch of State government for the purpose of defining and regulating the practice of court reporting in this State.

**Section 4. Definitions.** The following words and phrases when used in this Act shall have the following meanings:

(1) "Court Reporting" shall mean the making of a verbatim record by means of manual shorthand, machine shorthand or Stenomask or other means of personal verbatim transcription of any testimony given under oath before, or for submission to, any court, referee, court examiner or board, commission or other body created by statute of this State, or any other proceeding where a verbatim record is required.

(2) "Court Reporter" shall mean any person who is engaged in the practice of court reporting as a profession as defined in this Act. The term "court reporter" shall include not only those who actually report judicial proceedings in courts, but those who make verbatim records as defined in subsection (1) of this Section.

(3) "Certified Court Reporter" shall mean any person certified under the provisions of this Act to practice verbatim reporting.

(4) "Board" shall mean the Board of Court Reporting of the Judicial Council as hereinafter provided.

**Section 5. Board of Court Reporting of the Judicial Council, creation, name, membership, appointment, qualifications, terms, vacancies, removal.** There is hereby established a board which shall be known and designated as the "Board of Court Reporting of the Judicial Council" and shall be composed of seven members, four members to be Certified Court Reporters and two members to be representatives from the State Bar of Georgia, and one member from the judiciary, each of whom shall have not less than five years' experience in his or her profession. The initial board shall be appointed by the Judicial Council. The term of office shall be two years, and the Judicial Council shall fill vacancies on the board.

Any member of this board may be removed by the Judicial Council after a hearing at which the Judicial Council shall have determined cause for removal.

**Section 6. Oath of office taken by board, certificate of appointment.** Immediately and before entering upon the duties of said office, the members of the State Board of Court Reporting shall take the oath of office, and shall file the same in the office of the Judicial Council, which upon receiving said oath of office, shall issue to each member a certificate of appointment.

**Section 7. Organization of board, rules and regulations.** The board shall each year elect from its members a chairman whose term shall be for one year and who shall serve during the period for which elected and until his or her successor shall be elected. The board shall make all necessary rules and regulations to carry out the provisions of this Act, but said rules and regulations shall be subject to review by the Judicial Council.

**Section 8. Certified Court Reporter, corporation and firm name; regulations.** Any person who has received from the board a certificate as herein provided for shall be known and styled as a "Certified Court Reporter," and shall be authorized to practice as such in the State of Georgia and to use such title or the abbreviation "C.C.R." in so doing. No other person, firm or corporation, all of the members of which have not received such certificate, shall assume the title "Certified Court Reporter" or the abbreviation "C.C.R.", or any other words or abbreviations tending to indicate that the person, firm or corporation so using the same is a certified court reporter.

**Section 9. Issuance of certificate, qualifications for certification.** The board shall grant a certificate as a Certified Court Reporter to any citizen of the United States residing or having a place for the regular transaction of business in this State (a) who has attained the age of eighteen years, is of good moral character, and is a graduate of a high school or has had an equivalent education; and (b) who has, except as provided in Section 11 of this Act, successfully passed an examination in verbatim court reporting as prescribed in Section 10 of this Act.

**Section 10. Examination of applicants, fee, scope of examination.** Every person desiring to commence the practice of court reporting in this State shall file an application for a certificate with the State Board of Court Reporting upon such form as shall be adopted and prescribed by the board. At the time of making such application the applicant shall deposit with the board an examination fee, to be determined by the board. Examinations shall be conducted as often as may be necessary as determined by the board, provided, that examinations are conducted at least once annually. Applicants shall be notified by mail of the holding of such examinations no later than ten (10) days before the date upon which such examinations are to be given. Examinations shall be conducted and graded according to rules and regulations prescribed by the board.

**Section 11. Exemption from taking examination.** Any person, a citizen of the United States, who has attained the age of eighteen years, of good moral character, who shall submit to said board an affidavit under oath that he or she has been actively and continuously for one year preceding the passage of this Act principally engaged as a court reporter shall be exempt from taking such examination and shall be granted a certificate as a "Certified Court Reporter."

**Section 12. Limitations after one year following effective date.** After expiration of one year after the date this Act becomes law, no person shall engage in the practice of verbatim court reporting in this State unless such person is the holder of a certificate as a "Certified Court Reporter" issued under the provisions of this Act.

**Section 13. Revocation, notice to certificate holder, hearing, witnesses.** On a verified complaint, the board may revoke or suspend any certificate issued under this Act for unprofessional conduct or other sufficient cause after notice of and opportunity for hearing. Said notice shall state the cause for such contemplated revocation, the time and place of such hearing, and shall be mailed to the registered address of the holder of such certificate at least thirty (30) days before such hearing. Each board member shall be empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any records, concerning any matter within the jurisdiction of the board. The

board shall reduce to writing a summary of the evidence given before it, and shall make a written finding of facts thereon. Certificates may be revoked or suspended for one or more of the following reasons:

- (1) Conviction of a felony subsequent to the passage of this Act;
- (2) Conviction of a misdemeanor involving moral turpitude subsequent to the passage of this Act;
- (3) Fraud, dishonesty, corruption, willful violation of duty, or has become incompetent to continue to perform his or her duties as a court reporter;
- (4) Fraud or misrepresentation resorted to in obtaining a certificate under this Act.

Provided, however, that any disciplinary action of the board may be appealed by the aggrieved person to the Judicial Council, which shall have the power to review said determination by the board.

**Section 14. Penalties for violation.** If, after this Act becomes law, any person shall represent himself or herself as having received a certificate as provided for in this Act, or shall practice as a Certified Court Reporter without having received such certificate, or, after having his or her certificate revoked, shall continue to practice as a Certified Court Reporter in the State of Georgia, or shall use any title or abbreviation indicating that the person using same is a Certified Court Reporter, or shall violate any of the provisions of this Act, said person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as for a misdemeanor.

**Section 15. Injunction against violations.** On the verified complaint of any person that any person, firm or corporation has violated any of the provisions of this Act, the board may, with the consent of the Judicial Council, file an equitable petition in its own name in the superior court of any county in this State having jurisdiction of the parties, alleging the facts and praying for a temporary restraining order and temporary injunction or permanent injunction against such person, firm or corporation restraining them from violating the provisions of this Act and upon proof thereof the Court shall issue such restraining order, temporary injunction or permanent injunction without requiring allegation or proof that the petitioner has no adequate remedy at law. The right of injunction provided for in this Section shall be in addition to any other legal remedy which the board has, and shall be in addition to any right of criminal prosecution provided by law.

**Section 16. Temporary employment permit.** Nothing in this Act shall be construed to prohibit the temporary employment of any person not certified under this Act who has first obtained a temporary permit from the board or from a judge in the circuit in which the cause is pending. The board may limit the extent of such temporary permit based upon the need for such temporary employment.

**Section 17. Renewal of certificate.** Every Certified Court Reporter who continues in the active practice of verbatim court reporting shall annually, on or before April 1, following the date of issuance of the certificate under which he is then entitled to practice, renew such certificate upon the payment of a fee established by the board. Every certificate which has not been renewed on the first day of April shall expire on that date of that year and shall result in the suspension of that reporter's right to practice under this Act, which suspension shall not be terminated until all delinquent fees have been paid.

**Section 18.** The administrative and staff work of the Board of Court Reporters of the Judicial Council shall be among the duties of the Administrative Office of the Courts, created by Ga. L. 1973, p. 288. The director of the Administrative Office of the Courts shall serve as secretary of the Board of Court Reporters of the Judicial Council, and shall perform all duties as may be assigned to him either by the board or the Judicial Council to implement the provisions of this Act.

**Section 19. Effective date.** This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

**Section 20. Repealer.** All laws and parts of laws in conflict with this Act are hereby repealed.

Approved March 20, 1974.

# Judicial Council of Georgia To Set Court Reporter Fees

## Code § § 24-3103, 24-1304 Repealed.

### No. 558 (House Bill No. 482).

An Act to amend an Act creating a Judicial Council of the State of Georgia, approved April 3, 1973 (Ga. L. 1973, p. 288), so as to provide that the Judicial Council of the State of Georgia shall promulgate rules and regulations which shall provide for and set the fees to be charged by all official court reporters in this State in all criminal and civil cases; to provide for per diem fees; to provide for the form and style of transcripts; to provide that this Act shall not apply to such court reporters under certain circumstances; to repeal Section 24-3103 of the Code of Georgia of 1933, as amended by an Act approved February 21, 1951 (Ga. L. 1951, p. 388) setting the compensation to be paid court reporters in all civil cases; to repeal Section 24-3104 of the Code of Georgia of 1933, as amended by an Act approved February 16, 1949 (Ga. L. 1949, p. 646); and by an Act approved February 21, 1951 (Ga. L. 1951, p. 630), and by an Act approved February 18, 1959 (Ga. L. 1959, p. 61), and by an Act approved April 10, 1968 (Ga. L. 1968, p. 1230), setting the compensation to be paid court reporters in all criminal cases; to provide an effective date; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

**Section 1.** An Act creating a Judicial Council of the State of Georgia, approved April 3, 1973 (Ga. L. 1973, p. 288), is hereby amended by adding a new section to be known as section 2A, which shall read as follows:

“Section 2A. (a) The Judicial Council of the State of Georgia shall promulgate rules and regulations which shall:

(i) provide for and set the fees to be charged by all official court reporters in this State for attending court, taking stenographic notes and recording the evidence;

(ii) for furnishing transcripts of the evidence, and for other proceedings furnished by the official court reporter in all civil and criminal cases in this State;

(iii) provide for a minimum per diem fee, which fees may be supplemented by the various counties within the circuits to which such court reporters are assigned;

(iv) provide for the form and style of the transcripts which shall be uniform throughout the State.

(b) The Judicial Council of the State of Georgia shall amend its rules and regulations providing for and setting the fees to be charged by all official court reporters whenever the Judicial Council of the State of Georgia shall deem it necessary and proper.”

**Section 2.** This Act shall not apply to those court reporters taking and furnishing transcripts of depositions, nor for taking and furnishing transcripts of nonjudicial functions nor to any independent contracts of any reporters.

**Section 3.** Section 24-3103 of the Code of Georgia of 1933, as amended by an Act approved February 21, 1951 (Ga. L. 1951, p. 388), is hereby repealed in its entirety.

Code §  
24-3103  
repealed.

**Section 4.** Section 24-1304 of the Code of Georgia of 1933, as amended by an Act approved February 16, 1949 (Ga. L. 1949, p. 646), and by an Act approved February 21, 1951 (Ga. L. 1951, p. 630), and by an Act approved February 18, 1959 (Ga. L. 1959, p. 61), and by an Act approved April 10, 1968 (Ga. L. 1968, p. 1230), is hereby repealed in its entirety.

Code §  
24-3104  
repealed.

**Section 5.** This Act shall become effective January 1, 1976.

Effective date.

**Section 6.** All laws and parts of laws in conflict with this Act are hereby repealed.

Approved April 18, 1975.

# Annual Report of the Council of Juvenile Court Judges

## THE COUNCIL

The Council of Juvenile Court Judges was established in 1971 by the Georgia General Assembly (Ga. L. 1971, p. 709 as amended) and is comprised of all judges of courts exercising jurisdiction over juveniles. The organization, which meets yearly, may establish general policies for the conduct of courts with jurisdiction over juveniles, and may promulgate uniform rules and forms governing procedures and practices of the juvenile courts.

Under the leadership of Judge Walter C. McMillan Jr., Superior Court, Middle Judicial Circuit, the Council undertook several projects in Fiscal Year 1975. Also serving as Council officers during the past year were vice president, Judge Dennis Jones, Juvenile Court of DeKalb County; vice president, Judge Rex Ruff, Juvenile Court of Cobb County, and secretary-treasurer, Judge Romae Powell, Juvenile Court of Fulton County.

Acting Executive Director of the Council of Juvenile Court Judges is J. Chris Perrin.

During the past year, the Council has devised a manual for Juvenile Court judges which will be printed in the coming months, and is now working on Juvenile Court forms and docket books in conjunction with the Administrative Office of the

Courts' records' management and Juvenile Masterplan studies. In the past year, the Council has also begun issuing certificates of appointment for juvenile judges.

In addition to continuing assistance to the Juvenile Justice Masterplan Steering Committee, which is devising an overall plan for provision of services to juveniles in Georgia, a 12-member committee of Juvenile Court and Superior Court judges recommended in 1975 that a domestic relations division of the Superior Court be established to handle all family-related matters.

In October, 1974, the Council held its Thirteenth Workshop for Juvenile Court Judges in Athens at the Georgia Center for Continuing Education. At this meeting, juvenile judges discussed such topics as the rights and wrongs of Georgia juvenile justice; the Florida juvenile justice system, funding and survey of the juvenile system, security and rehabilitation problems, recent decisions affecting the Georgia Juvenile Code of 1971, dispositional options of juveniles including transfer to the Juvenile Court, a report on the judicial liaison committee concerning court service workers and their relationship to the Juvenile Court, and a presentation on new juvenile forms.

## STATISTICS

Because no uniform caseload reporting system is currently utilized in courts handling juvenile cases in Georgia, great disparities exist in any statistics available on cases disposed of and actual offenses.

In its Annual Report from State Agencies on Children's Cases filed with the U. S. Department of Health, Education and Welfare in 1974, the Division of Community Services Statistics Office, Georgia Department of Human Resources, reported a total of 48,116 juvenile cases, both official and unofficial disposed of by the courts in 1974. This is compared

with 50,937 cases in the previous year. The term "cases" is interpreted as the number of times an individual proceeding was filed.

The same report, however, estimates referrals to Juvenile Court by offense (See Chart #1) and shows 7,111 status offenses, 19,541 delinquent acts, and 1,912 unknown offenses listed in 1974. That totals 28,564, or some 20,000 less offenses than actual cases reported. Offense totals the previous year are 31,652, again some 20,000 less offenses than cases reported.

**Chart #1**

**Estimate of Referrals To Juvenile Court By Offense**

	1973	1974
Status Offenses	9,093	7,111
Delinquent Acts	21,264	19,541
Murder-Manslaughter	44	29
Rape	39	45
Robbery-Armed Robbery	364	348
Assault-Battery	1,375	1,304
Motor Vehicle Theft	993	858
Arson	86	80
Burglary-Breaking and Entering	3,280	3,515
Malicious Mischief-Vandalism	489	360
Disorderliness-Disturbing the Peace	1,071	1,057
Public Drunk	203	152
DUI	5	74
Theft	4,965	4,518
Shoplifting	616	471
Alcohol Offenses	630	628
Drug Offenses	2,068	1,865
Weapons Offenses	329	284
Aiding and Abetting-Conspiracy	24	93
Forgery-Bad Checks	136	207
Receiving Stolen Goods	34	92
Fraud	12	7
Bomb Threats	7	12
Damage to Property	663	958
Trespassing	807	582
Oral Threats	28	69
Miscellaneous	2,996	1,933
Unknown	1,295	1,912
Total Offenses Categorized	31,652	28,564
Actual Cases	50,937	48,116

**Chart #2**

**Average Caseloads for Independent Systems**

County	Probation Officers
Bibb	49.76
Chatham	55
Clarke	Not Available
Clayton	55-60
Cobb	30
DeKalb	45
Dougherty	46
Floyd	20
Fulton	24
Glynn	Not available
Hall	Not available
Muscogee	21.58
Richmond	Not Available
Spalding	264
Troup	100
Upson	Not Available
Whitfield	65

**Average Caseload for Court Service Workers of Department of Human Resources\***

Statewide 55.6

\*This figure includes probation, intake and aftercare services.

This would indicate a critical need to establish a statewide system for uniform caseload reporting to insure accurate comparisons for planning and funding purposes.

Support personnel of the Juvenile Courts include court service workers who are employees of the State's Department of Human Resources' Youth Services Division. Currently, 126 court service workers work in 142 counties in Georgia to provide total processing of juveniles, and also perform after-care functions in 17 Georgia counties with independent

juvenile court systems.

Those independent systems currently employ 218 probation officers whose responsibility is processing juveniles entering into the juvenile justice system. This processing includes intake services, detention planning, development of social histories, pre-trial investigation, and probation services.

Chart #2 depicts the average caseloads for probation officers of these independent systems. Average caseloads for court service workers were not available at the time of this report.