SEVENTEENTH ANNUAL REPORT

ON THE WORK OF THE GEORGIA COURTS

JULY 1, 1989 - JUNE 30, 1990

JUDICIAL COUNCIL OF GEORGIA
ADMINISTRATIVE OFFICE OF THE COURTS

SEVENTEENTH ANNUAL REPORT ON THE WORK OF THE GEORGIA COURTS FISCAL YEAR 1990

JULY, 1989 - JUNE 30, 1990

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JUDICIAL COUNCIL OF GEORGIA - JUNE 1990

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Atlanta

Vice Chairperson: Presiding Justice George T. Smith
Supreme Court
Atlanta

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Council of State Court Judges
Jonesboro

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Savannah

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Superior Court
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Marietta

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President
Council of Superior Court Judges
Macon

FOREWORD

The *Seventeenth Annual Report on the Work of the Georgia Courts,* prepared by the Administrative Office of the Courts, is issued pursuant to the requirement of Georgia Laws 1973, page 288, and by Order of the Supreme Court of Georgia dated June 12, 1978.

The current state of Georgia's judiciary is good because of the tireless work of the able and dedicated men and women of the judicial branch and because of the public respect and support for this branch. Although the courts have no capacity to control the quantity of justice sought by the people, they can and have controlled the quality.

During the year, we moved quickly toward automated jury selection, management and training. Additionally, the Judicial Council endorsed jury standards for the state patterned after the American Bar Association standards. The Georgia Courts Automation Commission published a report setting out a comprehensive plan for computerized information reporting between local courts and state agencies.

The courts adopted a variety of techniques to relieve the overburdened system such as fast-track case processing for serious felony or drug cases and the use of technology such as video arraignments and electronic monitoring in place of incarceration for pre-trial detention.

In addition, the courts began to address the issue of gender bias within the system. Much time was spent this year listening to the public and concerned professionals through public hearings. The Georgia Commission on Gender Bias in the Judicial System will analyze that information and present their findings.

This is just a sampling of work going on within Georgia's judiciary.

Despite an ongoing drive to implement solutions to various problems within the court system, the really current crisis is in rising caseloads. Total filings increased 9 percent between 1988 and 1989. In just one year, the average number of case filings per superior court judge increased by 152 filings. Felony filings had the largest increase - 18.5 percent, which is likely the product of drug-related cases. Although statistics on drug cases filed in the courts are not currently kept at the state level, local studies indicate a sharp increase in those types of cases. In Chatham County Superior Court, for example, drug indictments increased 377 percent between 1986 and 1989. Drug-related cases before the Court of Appeals have also increased significantly - up 77 percent between 1986 and 1989.

With an eye on the future, Georgia's judiciary is also working to form a task force to integrate futures planning into the routine operation of their organizations. On an individual level, almost all judges, clerks, court administrators and probation officers are participating in either mandatory or optional continuing education so they can each contribute to the progress of our court system.

This annual report is presented to inform the governor, the General Assembly and the public of judicial branch activities carried out in response to the varied duties and responsibilities with which the courts, their officials and administrative offices are charged. Readers are invited to review the following pages and learn about the courts' ongoing advancements.

Harold G. Clarke
Chairman

Filing and disposition figures included in this report cannot and should not be considered a complete measurement of judicial workload borne by any given judge in any given court.

While more detailed case types and disposition methods may represent more accurately the amount of judicial time required of judges in processing their caseloads, statistics alone cannot describe the relative contributions by various members of the judiciary in the performance of their official duties, nor are they indicative of the effort a judge has put forth or the hours spent in performing the duties of office.

For example, a judge might spend a week or more presiding over a felony case in which the death penalty is sought. In that same week another judge might hear dozens of uncontested divorces, traffic cases, or minor civil cases without a jury. In the first example, the judge will dispose of only one case, while the second judge disposes of dozens of cases. Both judges, however, may have expended the same amount of time and effort, and both have performed duties of the office and provided required judicial services for citizens of Georgia.

Therefore, this report should not be used to evaluate or compare judicial performance.

THE COURTS IN REVIEW: FISCAL YEAR 1990

Georgia's judges and court officials focused in fiscal year 1990 on modernizing the courts to improve efficiency. Significant social issues were also at the forefront of activities including taking a look at the issue of sex discrimination in the courts and providing better legal defense services for the indigent.

A federal lawsuit challenging at-large elections of superior court judges with claims that the system diluted black voting strength remained in litigation. At stake were the election and appointments of some 47 presiding judges whose positions could have been voided. Although the issue was not resolved by the end of the fiscal year, a federal court decided in May 1990 to allow judges to continue to serve in the positions that were in question until the state exhausts its appeals. The order allowed the affected judges to serve past the expiration of their current terms if necessary.

In his first annual address to a joint session of the General Assembly in January 1990, Chief Justice Harold G. Clarke pointed to drugs as a major factor in rising caseloads in both criminal and civil courts. Despite the increasing number of cases, he noted that from 1982 to 1987 judges reduced the average estimated time from filing to disposition by 49 percent. He attributed the improvements to more effective methods of case management and calendaring techniques, more productive procedures for court administration, expanded use of computers by the courts and the benefit of 21 additional judgeships during the five-year period.

Chief Justice Clarke asked legislators to support the courts' efforts to automate the system by installing more computers. Although funds for the hardware were not approved, legislators did respond by creating the Georgia Courts Automation Commission. The new commission was charged with studying automation of the courts and making recommendations. The 15-member group is composed of representatives from the judicial, legislative and executive branches of state government. The resolution creating the commission (HR 849) provides a two-year mandate to perform its work.

The legislature also approved the creation of five additional superior court judgeships. The measures provided for the new judges to be appointed by the governor, with terms beginning July 1, 1990 and ending Dec. 31, 1992. The new judgeships were created in Atlanta, Augusta, Coweta, Flint and Ocmulgee judicial circuits. Seven other superior court judgeships recommended by the Judicial Council, but not approved by the legislature, were for Atlanta (a total of three were initially recommended), Brunswick, Cobb, Gwinnett, Macon, South Georgia and Stone Mountain judicial circuits.

The General Assembly approved a state budget that included an 8.4 percent increase to the judicial branch for a total budget of $56.6 million for fiscal year 1991. Although most requests for improvement funds were rejected early in the session, final appropriations were sufficient to reverse the relative decline in judicial appropriations as a percent of the state total. The share of state appropriations allocated to the courts and related agencies increased from .70 percent in fiscal year 1990 to .73 percent in fiscal year 1991.

New appropriations included $300,000 for the Council of Juvenile Court Judges to expand the Permanent Homes for Children Program. Funding was also approved to meet the increased costs to state agencies for

Five-Year Comparison of Judicial Budget (1987-1991)

Fiscal Year	Total State Appropriation	Increase	Judicial Appropriation	Increase	Percent of State Budget
1987	$5,412,225,000	$186,277,942	$39,062,133	$2,685,697	$0.72%
1988	5,936,113,339	523,888,339	42,915,763	3,853,630	0.72%
1989	6,399,179,662	463,066,323	47,673,704	4,757,941	0.74%
1990	7,498,000,000	1,098,820,338	52,212,242	4,569,289	0.70%
1991	7,785,427,500	287,427,500	56,613,490	4,370,497	0.73%

State Appropriations for the Judicial Branch: Fiscal Years 1989, 1990 and 1991

Budget Unit/Agency	FY 1989 Amended Appropriation	FY 1990 Amended Appropriation	Percent Change FY 89-90	FY 1991 General Appropriation	Percent Change FY 90-91
Supreme Court	$3,900,608	$4,370,711	12.1%	$4,654,614	6.5%
Court of Appeals	4,504,874	5,189,527	15.2%	5,766,146	11.1%
Superior Courts (Total)	36,750,463	38,733,929	5.4%	41,812,989	7.9%
Operations	35,030,299	37,030,391	5.7%	39,030,342	5.4%
Council of Superior Court Judges	73,435	84,266	14.7%	86,772	3.0%
Judicial Administrative Districts	779,477	812,098	4.2%	895,564	10.3%
Prosecuting Attorneys' Council	747,652	682,864	-8.7%	1,649,469	141.6%
Sentence Review Panel	119,600	124,310	3.9%	150,842	21.3%
Juvenile Courts (Total)	348,408	396,740	13.9%	787,287	98.4%
Operations	0	0	---	0	---
Council of Juvenile Court Judges	348,408	396,740	13.9%	787,287	98.4%
Institute of Continuing Judicial Education (Total)	550,368	588,136	6.9%	596,170	1.4%
Operations	425,506	437,000	2.7%	463,140	6.0%
Magistrate Courts Training Council	124,862	151,136	21.0%	133,030	-12.0%
Judicial Council (Total)	1,509,673	1,821,781	20.7%	1,869,692	2.6%
Operations	665,088	797,015	19.8%	797,973	0.1%
Board of Court Reporting	28,575	30,144	5.5%	36,097	19.7%
Case Counting	71,000	73,500	3.5%	76,500	4.1%
Council of Magistrate Court Judges	26,000	26,000	0.0%	26,000	0.0%
Council of Probate Court Judges	20,000	20,000	0.0%	20,000	0.0%
Council of State Court Judges	10,000	10,000	0.0%	12,000	20.0%
Appellate Resource Center	150,000	231132	54.1%	240,000	3.8%
Computerized Information Network	539,010	633990	17.6%	661,122	4.3%
Judicial Qualifications Commission	109,310	111,783	2.3%	124,767	11.6%
Indigent Defense Council	0	999,635	---	1,001,825	0.2%
Judicial Branch Totals	**$47,673,704**	**$52,212,242**	**9.5%**	**$56,613,490**	**8.4%**

their share of employees' health insurance costs, higher employer contributions for retirement and a 2.5 percent cost-of-living adjustment.

The Commission on Gender Bias, established by order of the Supreme Court in 1989, held a series of public hearings during the fiscal year to gather testimony from private citizens and concerned professionals. The commission is reviewing Georgia's judicial system to determine if and where gender bias exists.It is focusing attention on bias in the areas of domestic relations, domestic violence, criminal law, child support and custody, court employee relations and judicial selection.

A new Appellate Settlement Conference procedure took effect in October 1989. Authorized by the 1988

General Assembly (HB 615), it is an attempt to reduce the heavy caseload of the Court of Appeals. It gives parties to the appeal the opportunity to voluntarily settle disputes or at least to narrow or refine the issues to be considered by the court.

The Indigent Defense Council formulated guidelines for the operation of local programs funded, in part, through the council. Approved by the Supreme Court in October 1989, they cover appointment of counsel, eligibility criteria, standards of operation for local offices and programs and the hiring of contractors, attorney's fees, responsibilities of local governing committees and the mechanism for distribution of the funds. The council later distributed $950,000 to 115 counties that had applied for funding.

In 1989 Chief Justice Thomas O. Marshall appointed the Georgia Jury Standards Committee of the Judicial Council to determine whether the state should adopt the American Bar Association (ABA) Standards Relating to Juror Use and Management, which have been adopted by many other states and endorsed by national judicial and court administration organizations. The committee examined the ABA standards and eventually developed standards patterned after them with commentary appropriate for Georgia's needs. The Judicial Council adopted the statewide jury standards in June 1990.

Judicial Branch Budget Units: Fiscal Year 1990 Funds Available and Expenditures

	Supreme Court	Court of Appeals	Superior Court	Council of Juvenile Court Judges	Institute of Continuing Judicial Education	Judicial Council	Judicial Qualifications Commission	Indigent Defense Council	Totals
Funds Available									
General	$4,210,943	$4,775,456	$39,445,788	$398,760	$562,500	$1,737,304	$112,242	$1,000,000	$52,242,993
Supplemental	159,768	414,071	(711,859)	(2,020)	25,636	84,477	(459)	(365)	(30,751)
Emergency Funds*	0	0	0	0	0	10,000	0	0	10,000
Total State Funds	4,370,711	5,189,527	38,733,929	396,740	588,136	1,831,781	111,783	999,635	52,222,242
Federal Funds	0	0	656,928	470,312	7,189	0	0	0	1,134,429
Other Funds	496,183	71,952	827,482	60,123	27	48,250	0	50,000	1,554,017
Total Funds Available	**$4,866,894**	**$5,261,479**	**$40,218,340**	**$927,175**	**$595,352**	**$1,880,031**	**$111,783**	**$1,049,635**	**$54,910,688**
Expenditures									
Personal Services	$3,543,240	$4,497,370	$37,387,190	$369,199	$0	$589,873	$65,139	$68,570	$46,520,581
Operating Expenses	307,048	123,929	867,854	383,398	125,491	117,375	11,048	943,780	2,879,924
Travel	31,926	35,651	521,943	17,871	0	17,468	1,271	4,731	630,859
Equipment Purchases	100,277	73,091	49,546	9,057	1,130	30,043	0	841	263,985
Computer Charges	163,019	253,503	51,627	51,556	19,173	679,665	0	203	1,218,747
Real Estate Rentals	293,676	184,525	100,365	11,291	0	28,050	968	1,740	620,616
Telecommunications	37,985	27,692	34,940	6,546	32	12,367	869	1,633	122,065
Per Diem, Fees & Contracts	373,717	16,036	909,282	78,240	448,840	395,276	29,466	250	2,251,108
Total Expenditures	**$4,850,890**	**$5,211,798**	**$39,922,747**	**$927,158**	**$594,666**	**$1,870,116**	**$108,762**	**$1,021,748**	**$54,507,885**

* For use at the governor's discretion

GEORGIA COURT SYSTEM: JUNE 30, 1990

SUPREME COURT
7 justices
Jurisdiction:
· Appellate jurisdiction over cases of constitutional issue, title to land, validity of and construction of wills, habeas corpus, extraordinary remedies, convictions of capital felonies, equity, divorce, alimony, election contest.
· Certified questions and certiorari from Court of Appeals.

Capital felonies.
Constitutional issues.
Title to land.
Wills, equity, and divorce.

COURT OF APPEALS (3 divisions)
9 judges
Jurisdiction:
· Appellate jurisdiction over lower courts in cases in which Supreme Court has no exclusive appellate jurisdiction.

Counties with population over 100,000 where probate judge is attorney practicing at least seven years.
Jury trials.

SUPERIOR COURT (45 circuits)
138 judges*
Jurisdiction (general):
· Civil law actions, misdemeanors, and other cases.
· Exclusive jurisdiction over cases of divorce, title to land, equity.
· Exclusive felony jurisdiction.
Jury trials.

STATE COURT
(62 courts)
85 judges: 40 full-time, 45 part-time.
Jurisdiction (limited):
· Civil law actions except cases within the exclusive jurisdiction of superior court.
· Misdemeanors, traffic, felony preliminaries.
Jury trials.

JUVENILE COURT
(159 courts; 63 county-funded)
50 judges: 15 full-time, 35 part-time (2 state court judges serve as part-time juvenile court judges).
Superior court judges serve in counties without independent juvenile courts.
Jurisdiction (limited):
· Deprived, unruly, delinquent juveniles.
· Juvenile traffic.
No jury trials.

PROBATE COURT
(159 courts)
159 judges
Jurisdiction (limited):
· Exclusive jurisdiction in probate of wills, administration of estates, appointment of guardians, mentally ill, involuntary hospitalizations, marriage licenses.
· Traffic in some counties.
· Truancy in some counties.
· Hold courts of inquiry.
Search warrants and arrest warrants in certain cases.

MAGISTRATE COURT
(159 courts)
159 chief magistrates and 284 magistrates; 36 also serve juvenile, probate or civil courts.
Jurisdiction (limited):
· Search and arrest warrants, felony and misdemeanor preliminaries, misdemeanor bad check violations.
· Civil claims of $5,000 or less, dispossessories, distress warrants, county ordinances.
No jury trials.

CIVIL COURT
(2 courts)
3 judges
Jurisdiction (limited):
· Warrants. Misdemeanor and felony preliminaries.
· Civil tort and contract cases under $7,500 for Bibb County; under $25,000 for Richmond County.
Jury trials.

MUNICIPAL COURT
(1 court in Columbus)
1 judge
Jurisdiction (limited):
· Civil law and landlord-tenant cases (civil) under $7,500.
· Misdemeanor guilty pleas and preliminary hearings.
Warrants.
Jury trials in civil cases.

COUNTY RECORDER'S COURT
(4 courts)
8 judges
Jurisdiction (limited):
· County ordinances, criminal warrants, and preliminaries.

MUNICIPAL COURTS
(Approximately 390 courts active)
Jurisdiction (limited):
· Ordinance violations, traffic, criminal preliminaries.
No jury trials.

*Total of 148 judgeships are authorized.

SUPREME COURT

The Constitution of Georgia gives the Supreme Court exclusive appellate jurisdiction in cases involving the construction of a treaty or of the Constitution of the State of Georgia or of the United States, the constitutionality of a law, ordinance or constitutional provision, and election contests. The Constitution also provides that, unless otherwise provided by law, the court shall have jurisdiction of all cases involving title to land, equity, wills, habeas corpus, extraordinary remedies (mandamus, prohibition, quo warranto, etc.), divorce and alimony and all cases in which a sentence of death was imposed or could be imposed.

The Supreme Court also is authorized to review by certiorari cases from the Court of Appeals and to answer questions of law from any state or federal appellate court. The court has three terms of court each year, beginning in January, April and September. Oral arguments are heard each month, except in August and December. Cases are assigned in rotation to the justices.

The seven justices serving on the court are elected to staggered six-year terms in statewide, nonpartisan elections. A candidate for judgeship must have been a practicing attorney for at least seven years prior to assuming office. A vacancy on the court is filled by gubernatorial appointment to complete the unexpired term.

The justices elect from among themselves a chief justice and a presiding justice for four-year terms, who handle administrative matters for the court. The chief justice serves as chairperson and the presiding justice serves as vice chairperson of the state's Judicial Council.

A court-appointed clerk, along with clerical assistants, provides support for the court in calendaring and caseload and records management. The court also appoints an official reporter of decisions, who publishes the opinions of the Supreme Court and Court of Appeals.

Although the court nearly always hears cases in Atlanta, it occasionally schedules sessions at other locations in the state such as at law schools in order to educate students in court operations.

The Supreme Court has authority to promulgate orders needed to carry out its functions. By these orders the court has directed several agencies to assist it in administrative matters. Among these are the Institute of Continuing Judicial Education, the Judicial Council/Administrative Office of the Courts, the State Bar of Georgia and the Office of Bar Admissions.

The Supreme Court's caseload for calendar years 1988 and 1989 is shown on the next page.

Supreme Court Caseload: 1988 and 1989

Filings	1988	1989
Direct appeals	562	574
Petitions for certiorari	598	640
Habeas corpus applications	171	157
Applications for discretionary appeal	165	210
Applications for interlocutory appeal	32	64
Attorney disciplinaries	48	80
Original petitions/motions	32	40
Cross appeals	16	16
Certified questions	3	2
Bar admissions	10	5
Judicial disciplinaries	0	3
Other	0	0
Total	**1,637**	**1,791**

Dispositions	1988	1989
By opinion	348	370
Affirmed without opinion (Rule 59)	121	151
Petitions for certiorari		
Denied	461	575
Granted	74	61
Other	0	4
Habeas corpus applications		
Denied	138	173
Granted	11	5
Other	13	17
Discretionary applications		
Denied	128	132
Granted	42	62
Other	6	6
Interlocutory applications		
Denied	23	30
Granted	15	22
Other	3	3
Original petitions/motions	29	22
Attorney and judicial disciplinaries/ bar admissions decided by order	52	34
Other		
Transferred to Court of Appeals	44	*
Dismissed	58	*
Remanded	8	*
Withdrawn	23	*
Writs vacated	7	*
Stricken from docket	4	*
Certiorari granted, application granted, notice of appeal	6	*
Removed from docket	1	*
Total	**1,615**	*

* These caseload figures were unavailable for 1989. As a result, disposed cases were not totalled.

COURT OF APPEALS

Following approval of a constitutional amendment in 1906, the Court of Appeals was created in 1907 to alleviate some of the considerable caseload burden from the Supreme Court. Recent studies have shown that this court has become one of the busiest appellate courts in the United States.

The Court of Appeals retains statewide appellate jurisdiction from superior, state and juvenile courts in all cases where exclusive jurisdiction is not reserved to the Supreme Court. Such cases include civil claims for damages, child custody cases, cases involving workers' compensation and criminal cases other than capital felonies. The court may also certify legal questions to the Supreme Court, but certification is rarely used.

The court consists of nine judges who serve on three panels of three judges each. Under the court's rules, the position of chief judge is filled by election for a two-year term, usually upon the basis of seniority of tenure on the court. The chief judge is responsible for the administration of the court and together with the presiding judges forms the executive council. The chief judge appoints the three presiding judges who head each panel. All other judges rotate annually among the three panels.

Any decision rendered by a panel is final unless a single judge dissents, whereupon the case is considered by all nine judges. If, after the full court hears a case, the judges are equally divided as to the verdict, the case is transferred to the Supreme Court.

The judges of the Court of Appeals are elected to staggered, six-year terms in statewide, nonpartisan elections. A candidate for judgeship must have been a practicing attorney for at least seven years prior to assuming office. In the event of a vacancy on the court during a judge's term, the governor appoints a successor to complete the unexpired term.

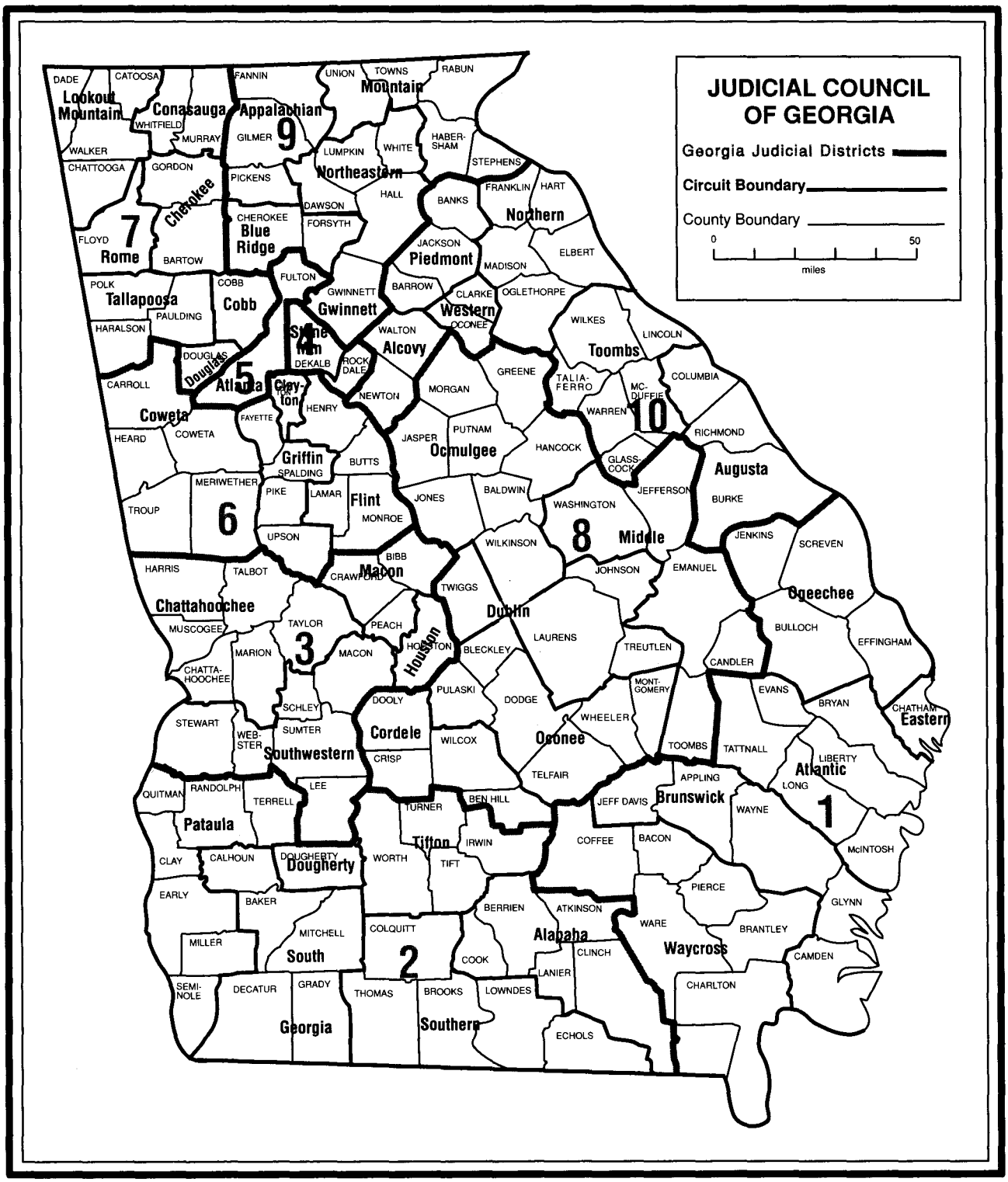
The court has three annual terms, which begin in September, January and April and holds court in Atlanta. The constitution provides that all cases shall be decided no later than the term following the term to which a case is docketed (the "two term" rule) or the case shall be affirmed by operation of law. In the history of the Court of Appeals, no case has been affirmed by operation of law.

Effective Oct. 1, 1989, pursuant to an act of the General Assembly, the Court of Appeals adopted Rule 52 providing for a voluntary Settlement Conference procedure in civil cases after a notice of appeal is filed in the trial court. The procedure is intended to afford a realistic consideration of the possibility of settlement or simplification of the issues of a case prior to the docketing of the appeal in the Court of Appeals. The court has appointed a Settlement Conference chief judge and a Settlement Conference clerk in Atlanta and Settlement Conference judges throughout the state who consider those cases in which the parties have elected to proceed under Rule 52.

Court of Appeals filings and dispositions for calendar years 1988 and 1989 are compared in the table below.

Court of Appeals Caseload: 1988 and 1989

Filed	**1988**	**1989**
Appeals	2,306	2,361
Discretionary applications	356	408
Interlocutory applications	361	401
Total	**3,023**	**3,170**
Disposed		
By opinion	1,724	1,359
By order	262	494
Discretionary applications	337	395
Interlocutory applications	346	382
Total	**2,669**	**2,630**


JUDICIAL COUNCIL OF GEORGIA
Georgia Judicial Districts
Circuit Boundary
County Boundary
0
50
miles
Lookout Mountain
Conasauga
Appalachian
9
Northeastern
Northern
7
Cherokee
Blue Ridge
Rome
Piedmont
Tallapoosa
Cobb
Gwinnett
Western
Alcovy
Toombs
5
Atlanta
Clay-ton
Coweta
Griffin
Ocmulgee
10
Augusta
6
Flint
8
Middle
Macon
Chattahoochee
3
Dublin
Ogeechee
Eastern
Southwestern
Cordele
Oconee
Atlantic
1
Brunswick
Pataula
Tifton
Dougherty
South
2
Alabaha
Waycross
Georgia
Southern

SUPERIOR COURTS

As Georgia's general jurisdiction trial court, the superior court has exclusive, constitutional authority to preside over felony cases (except those involving juvenile offenders, in which jurisdiction is shared with the juvenile court) and cases regarding title to land, divorce and equity. The superior court also has exclusive statutory jurisdiction in such matters as declaratory judgments, habeas corpus, mandamus, quo warranto and prohibition.

With the exception of certain probate and juvenile matters, the superior court may exercise concurrent jurisdiction over other cases with the limited jurisdiction courts located in the same county. The superior courts are authorized to correct errors made by lower courts by issuing writs of certiorari, and for some lower courts, the right to direct review by the superior court applies.

Located in each of the state's 159 counties, superior courts are organized by judicial circuits, or groups of counties. The 45 circuits vary in size and population, as well as in the number of judges serving them. From one to eight counties comprise the circuits, with the single-county circuits generally located in or near the several large metropolitan areas of the state.

The number of superior court judges per circuit ranges from one judge in Rockdale Circuit to 14 judges authorized in the Atlanta Judicial Circuit. A chief judge, who in most cases attains the position through seniority, handles the administrative tasks for each circuit.

For purposes of administration, the superior courts are grouped into 10 administrative districts with boundaries that roughly correspond to those of Georgia's U. S. congressional districts. An administrative judge, elected to two-year terms by the superior court judges of each district, performs executive functions in the district and is assisted by a district court administrator who provides technical assistance for the courts. Administrative judges have statutory authority to use caseload and other information for management purposes and to assign superior court judges, with their approval, to serve temporarily in other counties and circuits as needed.

Superior court judges are elected to four-year terms in nonpartisan, circuitwide races. To qualify as a superior court judge, a candidate must be at least 30 years old, a citizen of Georgia for at least three years and have been authorized to practice law for at least seven years. Senior superior court judges, who have retired from the bench and attained senior status, may hear cases in any circuit at the request of the local judges or an administrative judge. All judges must fulfill a 12-hour annual continuing education requirement.

As of June 30, 1990, there were 138 judges (143 authorized positions) in Georgia's 159 superior courts. Five additional judgeships, one each for the Atlanta, Augusta, Coweta, Flint and Ocmulgee judicial circuits, were created by the 1990 General Assembly.

Recent caseload data for the superior courts is presented on the following pages. The four graphs on page 12 depict total, civil, criminal and average filings and dispositions for calendar years 1985 through 1989. Calendar year 1989 total superior court caseload by circuit and case type is presented in the table on pages 10 and 11.

Calendar Year 1989 Superior Court Caseload (Docket entries)

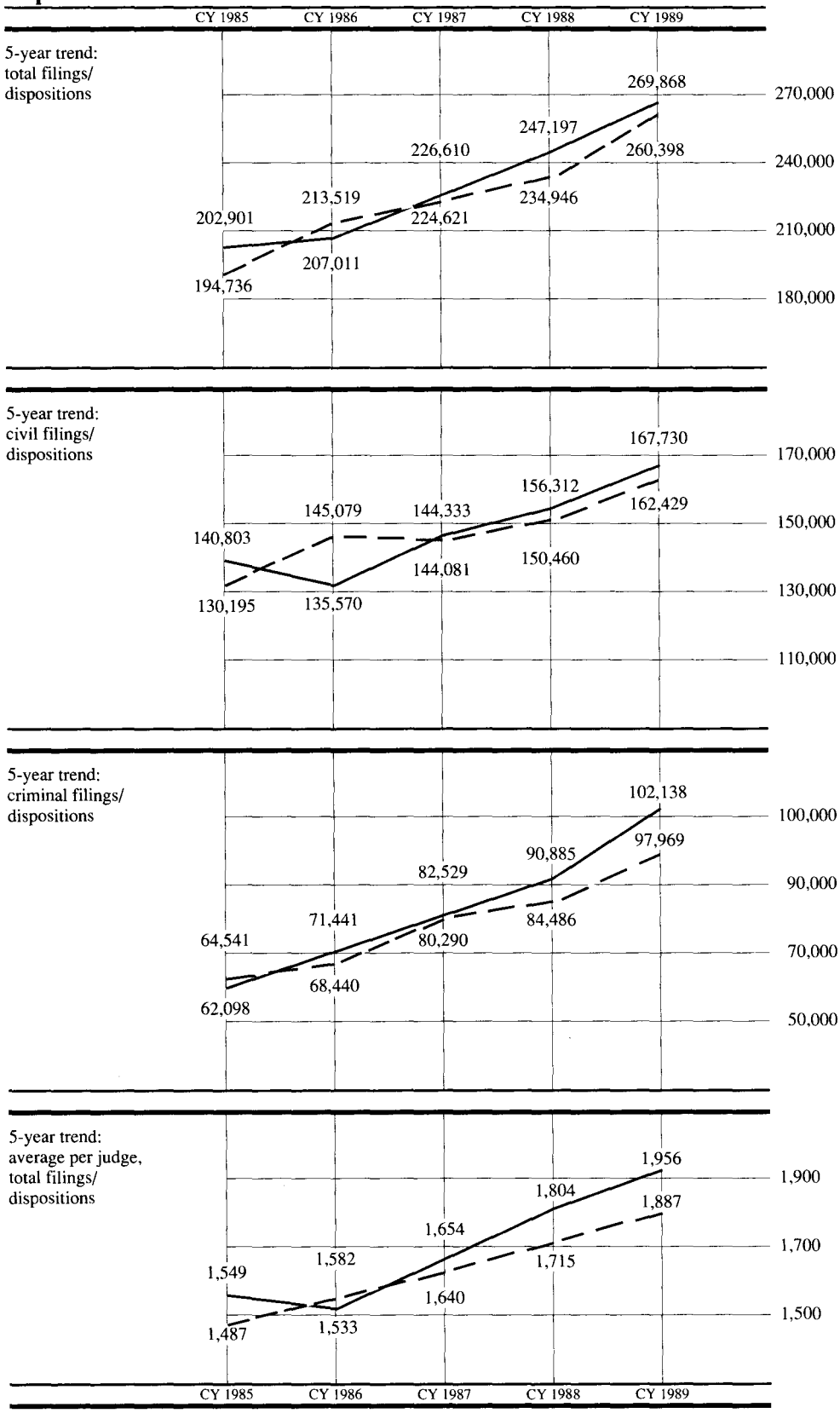
Circuit	Total Criminal Filed	Total Criminal Disposed	Felony Filed	Felony Disposed	Misdemeanor Filed	Misdemeanor Disposed	Probation Revocation ** Filed	Probation Revocation ** Disposed
Alapaha	3,345	3,220	1,358	1,139	1,979	2,050	8	31
Alcovy	3,747	3,518	1,530	1,407	1,876	1,772	341	339
Appalachian	1,037	948	425	387	467	416	145	145
Atlanta	13,033	11,425	11,369	9,760	18	19	1,646	1,646
Atlantic	2,852	2,781	765	690	1,903	1,908	184	183
Augusta	2,306	1,933	1,733	1,556	460	265	112	112
Blue Ridge	1,173	1,004	904	736	20	19	249	249
Brunswick	1,924	2,237	1,546	1,816	203	252	175	169
Chattahoochee	2,778	2,658	1,914	1,761	647	680	217	217
Cherokee	2,550	1,894	1,059	721	902	592	589	581
Clayton	1,323	2,042	1,282	1,595	3	4	38	443
Cobb	3,775	3,891	2,774	2,919	213	185	787	787
Conasauga	2,384	2,108	942	746	915	835	527	527
Cordele	1,493	1,480	939	892	314	348	240	240
Coweta	2,226	2,383	1,719	1,698	415	404	92	280
Dougherty	1,408	1,670	1,338	1,332	1	3	19	335
Douglas	1,801	1,633	675	547	704	662	422	424
Dublin	854	1,043	370	474	203	288	281	281
Eastern	3,132	3,060	2,667	2,540	0	0	465	520
Flint	1,519	1,644	840	764	647	649	32	231
Griffin	1,476	1,538	874	928	518	525	84	85
Gwinnett	2,518	2,270	2,090	1,837	23	28	405	405
Houston	1,031	1,029	724	728	93	87	214	214
Lookout Mountain	2,169	2,124	1,031	921	1,038	1,024	100	179
Macon	3,188	2,970	2,326	2,116	70	62	792	792
Middle	1,308	1,343	873	905	9	12	426	426
Mountain	944	1,030	626	667	218	263	100	100
Northeastern	2,638	2,190	1,120	867	1,196	1,001	322	322
Northern	1,500	1,415	702	634	486	469	312	312
Ocmulgee	3,667	3,478	1,904	1,708	1,489	1,496	274	274
Oconee	1,266	1,290	641	651	473	487	152	152
Ogeechee	1,025	1,143	816	919	0	0	209	224
Pataula	1,064	1,035	497	493	485	453	82	89
Piedmont	1,217	1,087	718	647	349	293	150	147
Rockdale	561	524	376	358	28	19	157	147
Rome	2,173	2,100	597	612	1,186	1,098	390	390
South Georgia	847	1,068	659	713	106	98	82	257
Southern	2,287	2,060	1,764	1,535	255	257	268	268
Southwestern	2,164	2,157	893	912	685	659	586	586
Stone Mountain	6,691	6,089	4,773	4,184	21	8	1,897	1,897
Tallapoosa	1,723	1,588	624	552	841	773	258	263
Tifton	1,395	1,308	934	842	217	245	244	221
Toombs	1,705	1,647	522	435	1,009	1,038	174	174
Waycross	1,809	1,808	889	937	719	665	201	206
Western	1,112	1,107	805	804	48	45	258	258
TOTALS	102,138	97,969	63,977	59,385	23,452	22,456	14,706	16,128
AVERAGE PER JUDGE *	740	710	464	430	170	163	107	117

* Based on 138 superior court judges.
** Probation revocations were not included as a criminal case type prior to 1988.

Calendar Year 1989 Superior Court Caseload (Docket entries)

Total Civil		General Civil		Domestic Relations		Total Caseload		Total Open
Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Caseload
1,741	1,595	783	676	958	919	5,086	4,815	1,913
3,699	3,462	1,448	1,228	2,251	2,234	7,446	6,890	3,231
1,554	1,814	612	918	942	896	2,591	2,762	1,474
12,177	12,387	4,152	4,180	8,025	8,207	25,210	23,812	8,778
3,577	3,359	1,044	935	2,533	2,424	6,429	6,140	1,395
6,655	7,256	1,997	2,335	4,658	4,921	8,961	9,189	5,999
2,885	2,687	790	707	2,095	1,980	4,058	3,691	2,050
4,776	4,776	1,641	1,653	3,135	3,123	6,700	7,013	3,757
4,985	5,175	1,616	1,651	3,369	3,524	7,763	7,833	3,092
3,153	2,621	1,338	1,045	1,815	1,576	5,703	4,515	3,533
3,038	2,778	598	682	2,440	2,096	4,361	4,820	1,654
8,089	9,633	1,843	2,252	6,246	7,381	11,864	13,524	4,666
4,076	3,119	1,281	815	2,795	2,304	6,460	5,227	3,508
2,102	1,988	666	629	1,436	1,359	3,595	3,468	1,354
4,902	4,623	1,783	1,617	3,119	3,006	7,128	7,005	3,246
3,024	2,780	785	597	2,239	2,183	4,432	4,450	2,220
2,541	2,002	1,592	1,148	949	854	4,342	3,635	3,766
2,391	2,338	891	890	1,500	1,448	3,245	3,381	942
7,191	6,695	2,617	2,298	4,574	4,397	10,323	9,755	4,539
3,784	3,214	1,886	1,523	1,898	1,691	5,303	4,858	4,183
5,467	4,590	1,926	1,662	3,541	2,928	6,943	6,128	4,158
6,744	7,034	2,145	2,238	4,599	4,796	9,262	9,304	2,553
1,903	1,834	623	652	1,307	1,182	2,961	2,863	1,318
4,286	4,468	892	1,013	3,394	3,455	6,455	6,592	2,615
4,474	4,334	1,716	1,675	2,758	2,659	7,662	7,304	3,223
2,270	1,914	864	725	1,406	1,189	3,578	3,257	2,474
1,918	1,843	695	686	1,223	1,157	2,862	2,873	1,043
3,414	3,306	1,179	1,162	2,235	2,144	6,052	5,496	2,998
2,105	1,865	919	742	1,186	1,123	3,605	3,280	1,816
4,267	4,036	2,018	1,981	2,249	2,055	7,934	7,514	2,655
1,866	1,832	786	808	1,080	1,024	3,312	3,122	850
2,771	2,750	970	945	1,801	1,805	3,796	3,893	633
1,678	1,525	557	489	1,121	1,036	2,742	2,560	1,163
1,996	1,920	907	854	1,089	1,066	3,213	3,007	1,589
1,867	1,753	934	888	933	865	2,428	2,277	1,152
2,592	2,607	1,017	989	1,575	1,618	4,765	4,707	2,379
2,558	2,568	979	9,669	1,579	1,599	3,405	3,636	775
5,042	4,556	1,772	1,437	3,270	3,119	7,329	6,616	3,141
2,072	2,014	951	954	1,121	1,060	4,236	4,171	963
10,531	10,185	2,016	2,163	8,515	8,022	17,222	16,274	9,377
2,969	2,986	1,479	1,499	1,490	1,487	4,692	4,574	2,752
2,103	1,796	838	645	1,265	1,151	3,498	3,104	2,592
1,213	1,172	555	556	658	616	2,918	2,819	1,281
3,349	3,245	1,507	1,361	1,842	1,884	5,158	5,053	1,874
1,908	1,994	884	911	1,024	1,083	3,020	3,101	1,598
167,730	162,429	58,492	55,783	109,238	106,646	269,868	260,398	122,272
1,215	1,177	424	404	792	773	1,956	1,887	886

Superior Courts



STATE COURTS

A 1970 legislative act established Georgia's state court system by designating as such certain existing countywide courts of limited jurisdiction. In counties where they are located, these courts may exercise jurisdiction over all misdemeanor violations, including traffic cases, and all civil actions, regardless of the amount claimed, unless the superior court has exclusive jurisdiction.

State courts are authorized by statute to hold hearings regarding applications for and issuance of search and arrest warrants and to hold preliminary hearings. These courts may also punish contempt by imposing a fine of up to $500 and/or a sentence of up to 20 days in jail. The Georgia Constitution grants state courts the authority to review lower court decisions, if this power is provided by statute. Specified in the Uniform Rules for State Courts, procedures in the state courts generally parallel those of the superior courts.

The General Assembly may create new state courts by local act in counties where none exists. In the same manner, the legislature also establishes the number of judges to preside in state courts and whether the judges are to be full or part-time. Part-time judges are permitted to practice law, except in their own courts.

In fiscal year 1990, 62 state courts operated in 63 counties. Georgia's only multi-county state court serves Cherokee and Forsyth Counties. Of the 85 judges presiding, 40 were full-time and 45 were part-time.

State court judges are elected to four-year terms in nonpartisan, countywide elections. Candidates must be at least 25 years old, have practiced law for at least five years, and have lived in the county for at least three years. If a vacancy occurs in a state court judgeship, the governor may fill the office by appointment.

Calendar year 1989 filings and dispositions are listed in the table below for 22 courts that voluntarily submitted caseload data.

State Court Caseload for Calendar Year 1989

	Misdemeanor		Traffic		Civil		Total	
County	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Bibb	5,486	3,987	1,412	1,411	1,092	1,433	7,990	6,831
Carroll	431	485	4,454	4,664	626	338	5,511	5,487
Chatham	2,712	3,155	2,622	3,049	3,426	5,446	8,760	11,650
Cherokee / Forsyth	5,327	4,911	12,905	12,618	1,680	1,381	19,912	18,910
Cobb	6,031	6,975	54,468	45,826	27,001	23,314	87,500	76,115
Colquitt	1,343	1,264	1,396	1,264	112	110	2,851	2,638
DeKalb	6,029	6,464	3,959	3,190	66,418	61,763	76,406	71,417
Fulton	17,484	18,633	6,203	6,203	49,773	33,180	73,460	58,016
Gwinnett	5,390	4,187	2,871	2,353	5,326	5,472	13,587	12,012
Habersham	654	716	1,582	1,597	85	46	2,321	2,359
Hall	2,910	2,991	6,763	6,450	887	654	10,560	10,095
Houston	1,790	1,798	7,417	9,013	1,072	946	10,279	11,757
Jackson	558	296	4,267	3,752	80	63	4,905	4,111
Lowndes[a]	2,180	2,180	6,637	6,637	0	0	8,817	8,817
Muscogee[a]	2,765	2,479	4,234	3,854	0	0	6,999	6,333
Richmond	3,712	2,768	6,404	5,226	803	358	10,919	8,352
Spalding[b]	706	729	2,196	2,022	196	273	3,098	3,024
Sumter	1,114	1,190	1,219	1,235	54	75	2,387	2,500
Tift	1,780	1,587	8,198	6,797	231	127	10,209	8,511
Treutlen[c]	0	0	2,886	2,861	9	9	2,895	2,870
Washington	385	395	959	979	11	15	1,355	1,389
Worth	416	321	2,676	2,405	73	32	3,165	2,758

[a] The state courts of Lowndes and Muscogee Counties did not submit civil caseload data.
[b] Caseload for the State Court of Spalding County is for the last two quarters of calendar year 1989.
[c] The State Court of Treutlen County did not separate misdemeanor from traffic cases in the casecount of criminal actions.

JUVENILE COURTS

The express purpose of Georgia's juvenile courts is to protect the well-being of children, to provide guidance and control conducive to a child's welfare and the best interests of the state, and to secure as nearly as possible care equivalent to parental care for a child removed from the home.

The juvenile court's exclusive original jurisdiction extends to cases involving delinquent and unruly children under the age of 17 and deprived children under the age of 18. Juvenile courts have concurrent jurisdiction with superior courts in cases involving capital felonies, custody and child support cases, and in proceedings conducted to terminate parental rights. The superior court has the authority to preside over adoption proceedings.

These courts administer supervision and probation cases for those persons under 21 who were sentenced for a delinquent offense committed before age 17. In addition, the juvenile court has jurisdiction over cases involving enlistment in the military services and consent to marriage for minors and cases that fall under the Interstate Compact on Juveniles.

Cases appealed from the juvenile courts may be heard by the Court of Appeals or the Supreme Court, depending on the specific matter.

In 1982, the General Assembly enacted OCGA §15-11-3 to authorize a circuit-based juvenile court system and specify state salary supplements for circuits establishing judgeships on that geographical basis. However, since the legislature has not yet appropriated funds to implement this act, the state's 15 full-time and 35 part-time juvenile court judges who serve in the 63 separate juvenile courts continue to be funded by the individual counties.

In counties or circuits with no separate juvenile court judge, superior court judges hear juvenile cases. Thirty referees, who must be admitted to the State Bar or have graduated from law school, serve in 34 counties to assist the juvenile or superior court judge with handling cases. Like the other trial courts, juvenile courts adhere to a set of uniform rules concerning procedures.

In all cases, except in Floyd County, juvenile court judges are appointed by superior court judges of the circuit for a four-year term. (The juvenile court judge of Floyd County is elected.) Judges must be at least 30 years of age, have practiced law for five years and have lived in Georgia for three years. Full-time judges cannot practice law while holding office.

State law requires that juvenile court judges participate in one annual continuing education seminar sponsored by the Council of Juvenile Court Judges in conjunction with the Institute of Continuing Judicial Education.

Juvenile court caseload for calendar year 1989 is presented by county in the table on the following pages.

Calendar Year 1989 Juvenile Court Caseload (Number of children)

County	Delinquent Filed	Delinquent Disposed	Unruly Filed	Unruly Disposed	Traffic Filed	Traffic Disposed	Deprived Filed	Deprived Disposed	Special Proceedings Filed	Special Proceedings Disposed	Total Caseload Filed	Total Caseload Disposed
Appling	106	86	23	18	13	13	30	21	4	3	176	141
Atkinson	19	14	5	4	6	6	27	13	4	4	61	41
Bacon	29	13	2	2	0	0	30	17	10	8	71	40
Baker	11	10	1	1	0	0	10	10	0	0	22	21
Baldwin	169	156	12	12	45	44	145	163	44	44	415	419
Banks	20	14	6	4	7	5	10	9	3	3	46	35
Barrow	80	70	7	7	38	35	45	42	47	41	217	195
Bartow	280	235	178	149	166	153	174	155	55	41	853	733
Ben Hill	120	89	15	12	11	7	3	0	7	5	156	113
Berrien	68	56	19	16	5	3	9	8	3	2	104	85
Bibb	885	860	161	157	259	259	87	75	459	400	4,851	1,751
Bleckley	18	16	3	3	1	1	16	16	1	0	39	36
Brantley	39	31	7	6	1	1	15	12	0	0	62	50
Brooks	82	61	10	7	1	1	11	10	15	12	119	91
Bryan	68	46	36	25	11	4	24	19	9	7	148	101
Bulloch	126	109	37	36	12	8	25	12	9	4	209	169
Burke	98	90	0	0	15	13	53	50	15	14	181	167
Butts	71	58	13	13	8	6	40	22	21	16	153	115
Calhoun	12	10	6	3	5	5	7	4	0	0	30	22
Camden	199	159	133	109	20	19	97	77	21	19	470	383
Candler	23	24	1	1	0	0	22	28	0	0	46	53
Carroll	408	368	186	96	116	115	143	115	5	2	858	696
Catoosa	206	185	48	46	58	57	46	39	26	24	384	351
Charlton	23	19	16	14	0	0	14	12	2	2	55	47
Chatham	1,620	1,083	332	222	694	347	684	434	126	24	3456	2110
Chattahoochee	7	5	4	4	0	0	3	2	3	2	17	13
Chattooga	47	45	23	23	0	0	0	0	4	4	74	72
Cherokee	264	222	67	60	258	217	158	134	56	51	803	684
Clarke	643	639	173	173	116	115	179	178	75	74	1,186	1,179
Clay	7	7	4	4	1	1	14	14	2	2	18	18
Clayton	1,032	616	3744	194	691	482	556	434	254	1455	2,907	1,871
Clinch	14	8	6	6	0	0	11	9	0	0	31	23
Cobb	1,722	993	843	665	1,518	1,351	464	374	270	228	4,817	3,611
Coffee	244	150	34	27	105	52	13	1	5	4	401	234
Colquitt	212	178	28	26	8	8	78	56	14	14	340	282
Columbia	196	183	46	46	163	153	23	19	33	21	461	422
Cook	89	88	26	25	3	3	17	13	4	4	139	133
Coweta	232	230	72	72	101	101	96	96	68	68	569	567
Crawford	13	5	2	0	7	6	10	10	0	0	32	21
Crisp	148	141	21	21	36	33	50	37	12	10	367	242
Dade	37	33	18	17	5	5	18	16	4	4	82	75
Dawson	16	11	4	0	0	0	4	2	6	3	30	16
Decatur	150	142	25	23	20	20	40	38	20	20	255	243
DeKalb	3,092	2,092	1,222	920	1,552	970	1,016	659	442	271	7,324	4,912
Dodge	63	48	15	14	19	16	0	0	7	7	104	85
Dooly	42	32	7	6	3	3	17	14	3	3	72	58
Dougherty	951	832	130	124	237	201	186	162	17	10	1,521	1,329
Douglas	400	377	197	183	16	16	129	100	76	71	818	747
Early	71	59	9	9	9	4	0	0	7	7	96	79
Echols	2	2	0	0	0	0	8	8	0	0	10	10
Effingham	117	110	37	35	21	21	16	9	7	6	198	181
Elbert	711	67	10	8	33	32	9	8	4	4	127	119
Emanuel	35	13	5	4	3	1	22	23	0	0	65	41
Evans	54	19	22	19	0	0	16	16	14	13	106	67
Fannin	15	2	6	5	1	0	10	4	4	1	36	12
Fayette	231	229	105	105	173	173	56	56	25	25	590	588
Floyd	484	408	325	274	283	259	178	140	154	143	1,424	1,224
Forsyth	94	71	76	68	121	110	69	39	15	10	375	298
Franklin	34	30	2	2	15	15	21	16	3	2	75	65
Fulton	6,595	3,774	1,399	892	1,390	1,150	966	636	592	319	10,942	6,771
Gilmer	41	30	16	10	1	1	18	18	11	7	87	66
Glascock	7	7	0	0	4	4	0	0	1	1	12	12
Glynn	561	555	230	227	102	102	128	128	18	18	1,039	1,030
Gordon	257	229	160	154	16	16	110	108	31	28	574	535
Grady	62	57	19	17	9	9	23	20	6	6	119	109

Calendar Year 1989 Juvenile Court Caseload (Number of children)

County	Delinquent Filed	Delinquent Disposed	Unruly Filed	Unruly Disposed	Traffic Filed	Traffic Disposed	Deprived Filed	Deprived Disposed	Special Proceedings Filed	Special Proceedings Disposed	Total Caseload Filed	Total Caseload Disposed
Greene	31	30	2	1	20	19	0	0	5	4	58	54
Gwinnett	1,082	800	394	271	955	837	304	226	468	308	3,203	2,442
Habersham	39	29	11	11	30	29	58	52	27	22	165	143
Hall	463	453	182	182	224	224	118	96	47	47	1,034	1,002
Hancock	5	1	1	0	8	7	8	3	1	1	23	12
Haralson	30	29	2	2	0	0	57	49	13	11	102	91
Harris	38	23	15	14	24	23	7	6	5	4	89	70
Hart	75	63	5	4	19	19	23	2	4	3	126	91
Heard	48	32	2	0	9	9	23	9	2	2	84	52
Henry	291	282	171	171	87	87	51	49	53	53	653	642
Houston	353	271	142	103	395	357	359	329	55	53	1,304	1,113
Irwin	22	17	4	4	4	4	6	2	5	4	41	31
Jackson	36	42	13	15	20	21	16	18	0	0	85	96
Jasper	8	6	2	1	15	12	30	26	4	3	59	48
Jeff Davis	55	54	38	38	9	9	9	9	0	0	111	110
Jenkins	25	25	5	5	3	3	14	11	11	11	58	55
Johnson	16	15	12	12	7	7	11	4	2	2	48	40
Jones	48	42	1	0	39	38	48	35	5	2	141	117
Lamar	58	52	23	19	13	10	32	20	19	12	145	113
Lanier	12	8	2	2	1	1	9	8	3	3	27	22
Laurens	215	201	210	209	63	63	58	17	12	8	558	498
Lee	72	69	15	14	34	34	1	1	20	16	142	134
Liberty	321	245	117	98	114	98	48	52	0	5	600	498
Lincoln	20	15	1	1	20	22	7	7	0	0	48	45
Long	11	3	5	3	8	6	18	0	3	2	45	14
Lowndes	356	196	64	19	60	37	73	7	5	1	558	260
Lumpkin	4	0	2	0	0	0	12	9	3	2	21	11
Macon	63	61	10	10	6	6	31	31	4	1	114	109
Madison	49	21	9	7	36	35	20	9	7	0	121	72
Marion	10	10	5	5	5	5	1	1	0	0	21	21
McDuffie	54	44	18	13	21	18	7	1	1	0	101	76
McIntosh	33	14	13	12	4	4	28	23	6	6	84	59
Meriwether	55	55	2	2	12	12	75	75	30	30	174	174
Miller	15	14	4	4	1	1	13	4	3	3	36	26
Mitchell	60	57	7	7	3	3	18	17	12	12	100	96
Monroe	87	73	20	20	33	24	16	5	19	16	175	138
Montgomery	13	13	5	5	2	2	7	7	3	3	30	30
Morgan	40	34	6	6	12	11	16	14	2	1	76	66
Murray	118	61	86	56	18	14	29	24	32	21	283	176
Muscogee	1,442	1,212	616	516	502	440	426	365	242	119	3,228	2,652
Newton	329	280	127	103	130	124	209	155	147	124	942	786
Oconee	50	46	11	11	27	27	14	8	23	23	125	115
Oglethorpe	25	25	3	2	8	8	16	15	18	16	70	66
Paulding	190	178	120	116	45	45	34	23	65	51	454	413
Peach	66	62	15	15	0	0	29	22	30	29	140	128
Pickens	23	15	11	6	7	7	23	20	1	1	65	49
Pierce	35	27	9	4	0	0	19	10	10	1	73	42
Pike	28	26	15	14	8	8	15	11	4	3	70	62
Polk	130	118	53	51	0	0	101	67	25	20	309	256
Pulaski	42	35	8	5	0	0	5	4	5	4	60	48
Putnam	11	11	0	0	1	1	30	20	0	0	42	32
Quitman	5	4	0	0	2	2	5	5	1	1	13	12
Rabun	30	23	3	3	8	5	14	7	2	1	57	39
Randolph	20	13	2	2	3	3	11	11	9	9	45	38
Richmond	1,536	1,385	306	297	114	107	206	133	75	56	2,237	1,978
Rockdale	302	272	52	50	164	142	57	46	87	77	662	587
Schley	20	20	3	3	4	3	8	8	2	0	37	34
Screven	62	58	17	17	0	0	18	18	0	0	97	93
Seminole	20	13	2	1	1	1	3	2	3	0	29	17
Spalding	347	288	94	80	62	51	103	95	64	54	670	568
Stephens	65	55	11	10	45	42	31	20	16	12	168	139
Stewart	19	14	10	8	0	0	2	2	1	0	32	24
Sumter	191	191	47	47	27	27	33	33	18	17	316	315
Talbot	6	4	3	2	1	0	0	0	0	0	10	6
Taliaferro	1	0	1	1	4	4	1	1	0	0	7	6

Calendar Year 1989 Juvenile Court Caseload (Number of children)

County	Delinquent Filed	Delinquent Disposed	Unruly Filed	Unruly Disposed	Traffic Filed	Traffic Disposed	Deprived Filed	Deprived Disposed	Special Proceedings Filed	Special Proceedings Disposed	Total Caseload Filed	Total Caseload Disposed
Tattnall	85	66	26	13	8	6	19	13	8	6	146	104
Taylor	8	8	0	0	2	2	28	26	2	2	40	38
Telfair	122	108	18	14	13	13	2	2	3	2	158	139
Terrell	34	32	6	4	8	8	44	42	9	9	101	95
Thomas	284	247	70	47	98	95	46	42	23	20	521	451
Tift	245	207	56	48	59	57	31	11	10	4	410	327
Toombs	90	85	4	4	0	0	61	39	39	36	194	164
Towns	3	2	0	0	5	4	4	4	0	0	12	10
Treutlen	21	21	12	12	19	18	13	8	7	6	72	65
Troup	789	646	286	253	68	29	260	224	23	16	1,426	1,168
Turner	49	34	8	8	12	10	16	10	2	2	87	64
Twiggs	48	44	12	11	11	11	16	7	6	4	93	77
Union	21	14	3	3	18	12	20	8	5	3	67	41
Upson	107	97	41	41	46	45	62	56	17	17	273	256
Walker	126	124	74	74	84	84	33	31	45	45	362	358
Walton	385	369	166	159	99	98	178	157	96	74	924	857
Ware	304	160	100	67	45	34	109	76	46	33	604	370
Warren	6	6	0	0	3	3	4	3	4	4	17	16
Washington	26	22	1	1	0	0	6	6	0	0	33	29
Wayne	134	123	18	15	17	16	88	88	32	31	289	273
Webster	1	0	0	0	1	1	2	2	0	0	4	3
Wheeler	16	12	1	1	4	3	15	7	4	2	40	25
White	30	2	11	0	2	0	11	4	5	1	59	7
Whitfield	338	274	287	249	298	265	165	140	170	132	1,258	1,060
Wilcox	12	12	5	5	1	1	0	0	0	0	18	18
Wilkes	25	19	3	3	22	14	7	6	3	3	60	45
Wilkinson	21	18	0	0	4	4	20	18	1	1	46	41
Worth	68	32	18	10	29	27	15	0	11	3	141	72
TOTALS	35,865	27,220	11,,410	9,177	13,005	10,771	10,848	8,349	5,463	4,027	76,591	59,544

Data was not submitted for Jefferson County.

PROBATE COURTS

Located in each of Georgia's 159 counties, the probate court exercises exclusive original jurisdiction in the probate of wills, the administration of estates, the appointment of guardians and the involuntary hospitalization of incapacitated adults and other dependent individuals.

If provided by statute, probate judges may serve as election superintendent, appoint persons to fill public offices, administer oaths of office, issue marriage licenses, hold habeas corpus hearings or preside over criminal preliminary hearings. In those counties where there is no state court, probate courts may also hear traffic cases and try violations of state game and fish laws, unless there is a demand for a jury trial, in which instance a case would be transferred to the superior court.

As of July 1, 1988, in counties with a population greater than 100,000 and where the probate judge has practiced law for at least seven years, a party to a civil case has the right to a jury trial if so asserted by a written demand with the first pleading.

Appeals from such civil cases may be to the Supreme Court or Court of Appeals, depending on the particular matter.

Probate court judges are elected to four-year terms in countywide, partisan elections. A candidate for office must be at least 25 years of age, a high school graduate, a U. S. citizen, and a county resident for at least two years preceding the election. In counties with a population over 100,000, candidates must fulfill additional qualifications concerning age and practice of law.

Newly elected or appointed judges must complete an initial training course in probate matters. In order to receive retirement credit, all judges are required to attend annual continuing education courses and seminars sponsored by the Executive Probate Judges Council and conducted by the Institute of Continuing Judicial Education.

Fiscal year 1990 civil caseload data voluntarily submitted by 89 probate courts and calendar year 1989 criminal caseload data voluntarily submitted by 50 probate courts exercising criminal jurisdiction are presented in the tables on the following pages.

Fiscal Year 1990 Probate Court Civil Caseload (Docket entries)

County	Admin-istration	No Admin-istration Necessary	Probate Common	Probate Solemn	Guardianship	Year's Support	Hospital-ization	Habeas Corpus	Licenses Marriage	Licenses Pistol	Total Civil
Baker	1	1	0	12	2	0	11	0	10	22	59
Baldwin	14	9	4	89	54	2	213	0	377	161	923
Banks	11	1	0	21	4	11	7	0	67	85	207
Barrow	12	6	0	61	34	7	25	0	249	240	634
Bartow	46	18	5	142	52	11	82	0	473	544	1,373
Ben Hill	23	4	1	47	18	3	17	0	190	102	405
Bibb	66	28	17	442	87	45	69	0	1,590	731	3,075
Bleckley	5	1	2	27	4	1	0	0	127	134	301
Brantley	14	2	1	24	7	3	0	0	100	66	217
Bryan	16	3	1	19	17	3	19	0	84	136	298
Bulloch	29	3	4	94	14	5	20	0	332	183	684
Butts	8	1	3	33	5	1	8	0	123	177	359
Candler	6	2	4	21	18	1	0	0	80	20	152
Cherokee	19	16	12	136	31	13	41	0	558	598	1,424
Clarke	49	11	14	214	90	7	61	7	616	366	1,435
Clay *	2	0	0	9	1	1	0	0	13	22	48
Clayton	76	37	9	286	336	46	70	0	2,316	1,301	4,447
Clinch	9	2	0	9	2	1	0	0	63	25	111
Cobb	215	45	39	824	345	74	149	0	4,612	2,777	9,080
Coffee	25	14	2	61	27	2	0	0	331	231	693
Colquitt	18	19	0	99	11	8	33	0	384	100	672
Coweta	32	9	3	135	65	15	59	0	552	470	1,340
Crawford	1	2	0	17	13	1	0	0	61	45	140
Dawson	4	2	0	11	10	2	15	0	70	100	214
Decatur	20	4	0	64	24	2	32	0	245	49	440
DeKalb	604	143	180	1,950	1,290	190	240	26	4,676	3,111	12,410
Dodge	10	7	3	36	8	3	5	1	175	79	327
Dooly	11	2	1	31	10	4	7	0	72	59	197
Dougherty	38	13	20	189	83	12	108	0	992	564	2,019
Douglas	36	11	0	126	81	28	18	0	868	568	1,736
Early	4	0	2	29	6	0	6	0	80	96	223
Echols *	0	0	1	2	0	0	0	0	9	4	16
Emanuel	29	21	1	64	29	3	20	0	225	165	557
Evans	4	0	0	22	2	1	6	0	95	64	194
Fannin	9	6	1	36	15	8	0	0	116	134	325
Fayette	12	5	3	82	28	12	0	0	454	416	1,012
Forsyth	15	5	0	93	28	9	3	0	420	455	1,028
Fulton	458	302	237	1,500	1,186	128	19	2	6,971	5,361	16,164
Gilmer	10	2	2	29	8	8	4	0	139	137	339
Grady	21	9	0	41	14	1	38	0	173	73	370
Greene	5	6	9	30	12	2	21	0	95	98	278
Gwinnett	88	36	14	457	311	52	66	0	3,167	2,456	6,647
Hall	53	21	16	205	44	14	64	0	862	649	1,928
Haralson	36	0	2	91	18	12	36	0	238	322	755
Henry	41	18	9	122	83	13	17	0	453	575	1,331
Houston	47	14	5	212	106	7	71	0	972	538	1,972
Jasper	6	3	1	22	6	1	3	0	60	63	165
Jones	14	1	8	40	11	8	7	0	148	242	479
Laurens	17	21	1	78	15	2	83	0	393	356	966
Lee	4	2	3	26	15	0	4	0	128	141	323
Liberty	49	3	3	42	55	9	47	0	635	89	932
Lowndes	94	17	8	182	42	17	37	0	833	309	1,539
Macon	16	2	11	44	10	1	8	0	101	113	306
McDuffie	6	4	0	73	19	8	29	0	160	149	448
Miller	15	1	0	25	6	1	0	0	49	15	112
Mitchell	15	3	1	52	8	1	5	0	158	102	345
Monroe	7	4	4	35	25	2	6	21	147	147	398
Muscogee	164	19	21	506	250	80	115	0	2,018	735	3,908
Oconee *	0	2	0	8	1	0	1	0	29	31	72
Oglethorpe	5	8	0	22	8	6	16	0	67	107	239
Paulding	31	6	8	88	26	10	0	0	504	375	1,048
Polk	15	6	4	116	31	4	62	0	394	288	920
Putnam *	2	4	1	2	3	0	0	0	41	30	83
Quitman	6	0	0	9	2	0	4	0	14	17	52

Fiscal Year 1990 Probate Court Civil Caseload (Docket entries)

County	Admin-istration	No Admin-istration Necessary	Probate Common	Probate Solemn	Guardianship	Year's Support	Hospital-ization	Habeas Corpus	Licenses Marriage	Licenses Pistol	Total Civil
Randolph *	3	0	0	11	3	0	0	0	22	26	65
Richmond	124	60	34	414	117	142	167	0	1,601	1,162	3,821
Rockdale	16	21	19	111	105	8	19	0	611	533	1,443
Seminole	10	3	4	22	6	0	18	0	649	60	772
Spalding	25	18	4	128	67	14	45	0	659	480	1,440
Tattnall	14	2	0	34	20	2	13	0	118	136	339
Taylor *	2	1	1	16	0	0	12	0	34	19	85
Telfair	5	4	0	29	3	0	4	0	92	95	232
Terrell	8	2	3	26	2	0	2	0	75	129	247
Thomas	32	4	2	112	17	6	273	0	435	466	1,347
Tift	15	3	4	60	9	4	33	0	381	255	764
Towns	11	3	1	27	9	1	1	0	62	51	166
Troup *	14	17	10	115	33	14	47	0	318	288	856
Turner	10	1	2	35	25	1	4	0	85	53	216
Twiggs *	11	3	3	18	7	2	20	0	33	58	155
Union	18	19	3	22	14	3	0	0	135	114	328
Walton	27	14	10	101	62	14	51	0	314	303	896
Ware	32	21	3	110	20	10	39	1	395	263	894
Washington	6	5	5	34	6	2	6	0	109	77	250
Wheeler	3	4	0	4	3	2	1	0	41	33	91
White	6	3	1	24	5	2	20	0	140	67	268
Whitfield	26	23	2	205	26	19	28	0	356	345	1,030
Wilkes	8	1	0	34	7	0	13	0	71	20	154
Wilkinson	11	1	2	28	14	2	0	0	84	94	244
Worth	13	4	4	51	16	2	20	0	146	142	398
TOTALS	3,168	1,204	818	11,385	5,762	1,172	2,951	58	47,720	33,187	107,425

* Incomplete Submissions
89 counties reporting.

Fiscal Year 1990 Probate Court Criminal Caseload (Docket entries)

County	Misdemeanors Filed	Misdemeanors Disposed	Traffic Filed	Traffic Disposed	Total Caseload Filed	Total Caseload Disposed
Baker	0	0	723	697	723	697
Banks	161	155	704	709	865	864
Barrow	0	0	2,374	2,374	2,374	2,374
Bartow	495	495	6,282	7,286	6,777	7,781
Ben Hill	43	31	917	841	960	872
Bleckley	0	0	1,071	1,819	1,071	1,819
Brantley	32	32	767	767	799	799
Butts	150	137	1,486	1,283	1,636	1,420
Charlton *	0	0	997	997	997	997
Clay *	51	49	300	273	351	322
Crawford	103	68	1,332	1,277	1,435	1,345
Dawson	135	102	914	888	1,049	990
Dodge	17	5	1,256	1,069	1,273	1,074
Dooly	36	17	3,518	3,933	3,554	3,950
Echols *	0	10	53	53	53	63
Fannin	129	102	753	604	882	706
Fayette	6	5	2,276	2,132	2,282	2,137
Gilmer	61	70	960	1,105	1,021	1,175
Greene	165	165	2,454	2,454	2,619	2,619
Haralson	72	39	2,730	1,816	2,802	1,855
Harris	0	0	3,180	3,018	3,180	3,018
Henry	57	97	5,730	5,882	5,787	5,979
Jasper	0	0	1,275	1,275	1,275	1,275
Laurens	182	157	4,523	4,114	4,705	4,271
Lee	0	0	1,393	1,081	1,393	1,081
Macon	0	0	786	300	786	300
McDuffie	0	0	2,693	2,506	2,693	2,506
Monroe	308	271	11,588	9,767	11,896	10,038
Oconee *	3	3	303	301	306	304
Oglethorpe	21	21	872	836	893	857
Paulding	349	322	1,495	1,265	1,844	1,587
Polk	52	54	2,197	2,219	2,249	2,273
Quitman	81	81	508	509	589	590
Randolph	0	0	260	262	260	262
Seminole	0	0	1,290	1,235	1,290	1,235
Taylor *	29	24	765	612	794	636
Telfair	42	24	1,252	1,227	1,294	1,251
Terrell	69	80	1,932	1,775	2,001	1,855
Thomas	17	25	0	0	17	25
Towns	30	34	213	181	243	215
Turner	0	0	1,962	1,860	1,962	1,860
Twiggs *	31	31	379	379	410	410
Union	35	31	642	429	677	460
Walton	23	21	4,670	4,585	4,693	4,606
Washington	90	75	201	198	291	273
Wheeler	9	9	963	961	972	970
White	0	0	472	339	472	339
Whitfield	0	0	6,538	6,538	6,538	6,538
Wilkes	91	97	888	947	979	1,044
Wilkinson	77	52	446	375	523	427
TOTALS	3,252	2,991	91,283	87,353	94,535	90,344

* Incomplete submissions
50 counties reporting.

MAGISTRATE COURTS

A statewide system of magistrate courts was constitutionally created in 1983 to replace justice of the peace, small claims and other similar courts. A chief magistrate, who may be assisted by one or more magistrates, presides over each of the 159 magistrate courts in the state.

Magistrate court jurisdiction encompasses civil trials for claims of $5,000 or less; issuing distress warrants and dispossessory writs; trials for county ordinance violations; trials for misdemeanor violations of bad check laws; holding preliminary hearings; and issuing summonses, arrest warrants and search warrants.

Magistrates may grant bail in cases for which the setting of bail is not exclusively reserved to a judge of another court, administer oaths and issue subpoenas, as well as sentence and fine for contempt up to 10 days imprisonment and/or $200.

No jury trials are held in magistrate court, and cases involving county ordinance violations in which the defendant submits a written request for a jury trial are removed to superior or state court.

In addition to hearing cases, duties of the chief magistrate include assignment of cases, setting of court sessions, appointment of other magistrates (with the consent of the superior court judges) and deciding disputes among other magistrates. Unless otherwise provided by local law, the number of magistrates in addition to the chief is set by majority vote of the county's superior court judges.

Chief magistrates are either appointed or elected in partisan, countywide elections to serve for a term of four years. Terms for other magistrate judges run concurrently with that of the chief magistrate who appointed them. The authority to appoint a replacement if a vacancy occurs in the office of chief magistrate usually resides with a circuit's superior court judges.

To qualify for candidacy for magistrate office, persons must reside in the county for at least one year preceding their term of office, be 25 years of age, and have a high school diploma or its equivalent. New magistrates, unless they are active members of the state bar, must complete an initial 40-hour course for certification and all magistrates must satisfy an annual 20-hour continuing education requirement.

The Georgia Magistrate Courts Training Council formulates the curricula for the seminars and sets the standards for certification, and the training courses are coordinated by the Institute of Continuing Judicial Education.

As provided by law, judges of other limited jurisdiction courts may also serve in the capacity of magistrate in the same county. At the end of fiscal year 1990, 28 probate judges, three civil court judges, three juvenile court judges and referees and one state court administrator also served as chief magistrate or magistrate.

Fiscal year 1990 magistrate court caseload is presented on the following pages for 147 counties submitting data. Submission of data is required by the Uniform Magistrate Court Rules.

Fiscal Year 1990 Magistrate Court Caseload (Cases filed)

County	Warrants Issued	Bond and Commitment Hearings	Criminal Cases Filed	Criminal Cases Disposed	Civil Claims Filed	Civil Claims Disposed	Other Civil Cases Filed	Other Civil Cases Disposed	Total Warrants and Filings	Total Hearings and Dispositions
Appling	921	582	717	424	488	178	190	190	2,316	1374
Atkinson	272	6	11	23	225	205	62	62	570	296
Bacon	490	370	346	60	434	156	229	229	1,499	815
Baker	119	92	39	26	120	43	32	32	310	193
Baldwin	2,646	378	0	0	3,513	2,336	2,372	2,372	8,531	5,086
Banks	422	48	22	17	236	220	80	80	760	365
Barrow	2,603	216	22	132	668	451	736	736	4,029	1,535
Ben Hill	927	574	457	457	999	822	916	916	3,299	2,769
Berrien	1,120	0	0	0	632	433	293	293	2,045	726
Bibb	9,770	5,956	944	340	3,022	2,418	1,627	1,627	15,363	10,341
Bleckley	612	247	233	298	248	265	165	165	1,258	975
Brantley	275	91	72	52	183	168	21	21	551	332
Brooks	514	420	128	109	385	243	172	172	1,199	944
Bryan	747	166	1	5	423	344	146	146	1,317	661
Bulloch	3,693	181	2	2	1,612	2,285	801	801	6,108	3,269
Burke	1,234	33	0	0	665	635	276	276	2,175	944
Butts *	281	73	73	45	89	68	46	46	489	232
Camden	1,873	1,523	6	6	545	211	334	334	2,758	2,074
Candler	633	230	57	33	245	72	96	96	1,031	431
Carroll	3,799	101	2,274	2,274	2,257	1,848	1,573	1,573	9,903	5,796
Catoosa	2,346	579	151	109	448	802	421	421	3,356	1,911
Charlton	540	474	131	138	219	216	108	108	998	936
Chatham	6,339	4,348	2,461	1,348	7,957	5,395	8,916	8,916	25,673	20,007
Cherokee	5,361	2,367	0	0	1,472	1,035	1,399	1,399	8,232	4,801
Clarke	10,081	2,671	141	0	1,384	1,318	2,294	2,294	13,900	6,283
Clay	149	52	2	2	48	55	17	17	216	126
Clayton	9,557	11,182	261	279	2,220	1,516	10,503	10,503	22,541	23,480
Clinch	446	12	0	0	218	240	108	108	772	360
Cobb	17,886	1,852	3,309	3,593	3,961	2,544	1,621	1,621	26,777	19,610
Coffee	4,666	65	42	42	1,405	63	808	808	6,921	978
Colquitt	2,556	331	0	0	1,889	43	676	676	5,121	1,050
Columbia	1,658	272	4,015	3,489	1,004	894	511	511	7,188	5,166
Cook	1,089	173	0	0	362	390	227	227	1,678	790
Coweta	4,408	12	1,524	637	1,732	1,182	997	997	8,661	2,828
Crawford	226	50	24	23	126	163	41	41	417	277
Crisp	1,743	627	625	439	650	642	643	643	3,661	2,351
Dade	823	536	0	0	157	133	89	89	1,069	758
Dawson	595	190	0	0	552	455	87	87	1,234	732
Decatur	1,490	528	0	0	849	0	419	419	2,758	947
DeKalb	19,505	35,910	2,551	2,551	4,788	1,852	91	91	26,935	40,404
Dodge	1,701	0	127	19	516	146	367	367	2,711	532
Dooly	534	131	0	0	456	288	163	163	1,153	582
Dougherty	7,653	539	0	0	3,869	3,869	3,977	3,977	15,499	8,385
Douglas	4,608	151	342	247	1,233	1,146	1,230	1,230	7,413	2,774
Early	525	1	0	0	471	471	121	121	1,117	593
Echols	28	6	0	0	23	18	2	2	53	26
Effingham	733	118	239	171	533	533	169	169	1,674	991
Elbert	1,472	563	0	0	681	566	404	404	2,557	1,533
Emanuel	985	759	446	409	792	592	441	441	2,664	2,201
Evans	407	92	231	139	381	57	193	193	1,212	481
Fannin	658	123	61	83	337	255	47	47	1,103	508
Fayette	796	509	553	452	935	805	459	459	2,743	2,225
Floyd	3,182	1,158	2,142	1,487	2,722	1,647	2,410	2,410	10,456	6,702
Forsyth	1,914	261	315	306	591	587	319	319	3,139	1,473
Franklin	894	301	208	99	629	413	250	250	1,981	1,063
Fulton	17,341	30,123	29,656	23,171	5,728	3,381	53,529	53,529	106,254	110,204
Gilmer	536	11	406	0	320	26	56	56	1,318	93
Glascock	60	0	0	0	67	26	14	14	141	40
Glynn	5,660	215	820	812	1,535	1,392	1,697	1,697	9,712	4,116
Gordon	3,544	671	13	13	1,444	813	726	726	5,727	2,223
Grady	1,067	213	395	395	931	850	283	283	2,676	1,741
Greene	449	293	18	9	611	598	343	343	1,421	1,243
Gwinnett	10,586	3,365	1,146	1,051	3,716	3,896	9,384	9,384	24,832	17,696
Hall	2,405	4,707	1,385	1,385	2,269	2,196	2,042	2,042	8,101	10,330
Hancock	287	163	147	74	900	900	334	334	1,668	1,471

Fiscal Year 1990 Magistrate Court Caseload (Cases filed)

County	Warrants Issued	Bond and Commitment Hearings	Criminal Cases Filed	Criminal Cases Disposed	Civil Claims Filed	Civil Claims Disposed	Other Civil Cases Filed	Other Civil Cases Disposed	Total Warrants and Filings	Total Hearings and Dispositions
Haralson	1,088	72	0	0	317	181	136	136	1,541	389
Harris	581	173	5	4	379	326	201	201	1,166	704
Hart	886	125	215	138	578	219	264	264	1,943	746
Henry	2,236	3,418	536	398	1,182	1,058	638	638	4,592	5,512
Houston	5,956	3,031	334	409	1,410	1,392	1,706	1,706	9,406	6,538
Irwin	421	5	0	0	379	147	144	144	944	296
Jackson	2,103	160	1	1	779	947	503	503	3,386	1,611
Jasper	255	90	0	0	205	202	136	136	596	528
Jeff Davis	959	1,228	517	473	828	826	453	453	2,757	2,980
Jefferson	1,001	472	173	141	936	936	340	340	2,450	1,889
Jenkins	419	35	0	0	455	351	184	184	1,058	570
Johnson	290	29	39	30	293	266	162	162	784	487
Jones	777	57	0	0	722	376	220	220	1,719	653
Lamar	781	123	1	1	439	451	202	202	1,423	777
Lanier	472	0	0	0	237	153	57	57	766	210
Laurens	3,139	3,066	958	958	1,204	2,024	997	997	6,298	7,045
Lee	498	192	52	51	381	309	154	154	1,085	706
Liberty	2,582	726	0	0	584	628	626	626	3,792	1,980
Lincoln	166	47	4	4	379	199	180	180	729	430
Long	334	145	11	8	84	88	20	20	449	261
Lowndes	7,439	2,136	1,672	77	2,642	322	2,438	2,438	14,191	4,973
Lumpkin	652	419	327	119	307	151	104	104	1,390	793
Macon	787	201	126	2	448	352	290	290	1,651	845
Madison	693	446	123	113	459	244	87	87	1,362	890
Marion	183	114	0	0	162	120	83	83	428	317
McDuffie	1,244	185	126	126	772	479	505	505	2,647	1,295
McIntosh	457	392	0	0	340	250	68	68	865	710
Meriwether	1,239	22	0	0	878	878	316	316	2,433	1,216
Miller	271	0	0	0	250	0	43	43	564	43
Monroe	878	93	0	0	852	640	420	420	2,150	1,153
Montgomery	304	40	3	3	225	225	49	49	581	317
Morgan	548	410	85	5	477	394	249	249	1,359	1,058
Murray	1,277	11	24	24	762	707	362	362	2,425	1,104
Muscogee	0	0	0	0	1,673	741	40	40	1,713	781
Newton	2,810	770	1,595	1,118	1,167	711	914	914	6,486	3,513
Oconee	387	3	51	47	236	176	233	233	907	459
Oglethorpe	283	61	2	2	221	202	64	64	570	329
Paulding	1,199	453	78	180	673	471	309	309	2,259	1,413
Peach	1,297	669	33	34	449	208	333	333	2,112	1,244
Pickens	1,140	0	196	1	322	282	86	86	1,744	369
Pierce	938	227	0	0	201	126	122	122	1,261	475
Pike	379	193	10	9	232	103	49	49	670	354
Pulaski	391	185	0	0	370	246	130	130	891	561
Putnam	581	688	0	0	1,015	833	383	383	1,979	1,904
Quitman	55	30	0	0	34	34	1	1	90	65
Rabun	661	6	0	0	279	327	70	70	1,010	403
Richmond	9,928	2,382	7,638	7,614	6,324	2,052	5,774	5,774	29,664	17,822
Rockdale	1,913	1,695	1,585	878	879	437	972	972	5,349	3,982
Schley	144	115	26	0	109	15	43	43	322	173
Screven	192	42	70	70	628	628	270	270	1,160	1,010
Seminole	304	58	23	31	278	153	93	93	698	335
Spalding	3,453	3,311	1,098	1,677	1,959	1,619	2,901	2,901	9,411	9,508
Stephens	2,415	27	404	362	962	679	243	243	4,024	1,311
Stewart	254	12	0	0	87	12	38	38	379	62
Sumter	2,171	415	27	27	1,509	1,508	981	981	4,688	2,931
Taliaferro	55	0	0	0	57	0	3	3	115	3
Tattnall	612	221	285	217	678	460	166	166	1,741	1,064
Taylor †	427	56	0	0	171	171	69	69	667	296
Telfair	779	247	0	0	646	565	372	372	1,797	1,184
Terrell	342	286	108	108	359	294	185	185	994	873
Thomas	2,703	913	1,527	1,333	2,673	2,178	1,110	1,110	8,013	5,534
Tift *	3,188	137	38	19	859	207	580	580	4,665	943
Toombs	3,146	41	1,186	788	903	715	568	568	5,803	2,112
Towns	284	4	0	0	164	155	19	19	467	178
Treutlen	550	125	0	0	134	116	82	82	766	323

Fiscal Year 1990 Magistrate Court Caseload (Cases filed)

County	Warrants Issued	Bond and Commitment Hearings	Criminal Cases Filed	Criminal Cases Disposed	Civil Claims Filed	Civil Claims Disposed	Other Civil Cases Filed	Other Civil Cases Disposed	Total Warrants and Filings	Total Hearings and Dispositions
Troup	2,013	8	19	19	5,904	4,704	4,461	4,461	12,397	9,192
Twiggs	430	249	29	42	270	220	70	70	799	581
Union	492	17	148	56	282	49	30	30	952	152
Upson	1,119	56	25	0	893	77	595	595	2,632	728
Walker	1,922	623	252	246	964	589	636	636	3,774	2,094
Walton	2,826	380	910	910	833	673	1,512	1,512	6,081	3,475
Ware	2,422	1,077	2,198	2,190	564	520	813	813	5,997	4,600
Warren	126	1	0	0	240	123	135	135	501	259
Washington	1,182	11	233	178	1,442	1,383	663	663	3,520	2,235
Wayne	889	316	542	542	491	587	280	280	2,202	1,716
Webster	81	78	0	0	42	51	8	8	131	137
Wheeler	263	35	0	0	174	43	54	54	491	132
Whitfield	6,639	25	538	416	2,200	1,753	1,312	1,312	10,689	3,506
Wilcox	194	60	43	32	240	209	91	91	568	392
Wilkes	358	112	2	0	474	468	176	176	1,010	756
Wilkinson	471	148	9	5	605	605	174	174	1,259	932
Worth	1,171	162	0	0	402	402	158	158	1,731	722
TOTALS	298,935	162,384	85,541	69,511	142,736	102,522	159,811	159,811	687,023	494,228

* Incomplete submissions.
† Includes estimated data for the third and fourth quarters of fiscal year 1990.
147 counties reporting.

OTHER COURTS

Along with the two appellate and five classes of trial courts, approximately 400 local courts form the Georgia court system.

Several special courts and numerous (390) courts serving incorporated municipalities operate under a variety of names with varying jurisdiction.

Originally created by statute or constitutional provision, certain special courts have limited civil and criminal jurisdiction throughout the county. Such courts include the civil courts located in Bibb and Richmond counties and the Municipal Court of Columbus. Special courts authorized to exercise criminal jurisdiction only are the county recorder's courts of Chatham, DeKalb and Gwinnett Counties and courts of the consolidated government of Columbus-Muscogee County.

At the local level, Georgia has courts of incorporated municipalities that try municipal ordinance violations, issue criminal warrants, conduct preliminary hearings, and may have concurrent jurisdiction over cases involving one ounce or less of marijuana. Although first established under various names (city courts, mayor's courts, municipal courts, police courts, recorder's courts), these courts were redesignated as municipal courts by the 1983 state constitution. (An exception is the City Court of Atlanta, which retains its original name.)

Qualifications of judges and terms of office in municipal courts are set by local legislation.

JUDICIAL AGENCIES

Judicial Council of Georgia

Since its creation by statute in 1973, the Judicial Council has served the Georgia judiciary and citizenry as the state-level judicial planning agency by coordinating administrative efforts for and recommending improvements in the state judicial system. An administrative arm of the Supreme Court since 1978, the council advises the legislature and the governor on the need for additional superior court judgeships by evaluating circuit caseloads, demographics and special circumstances. The council also responds to legislative directives and individual requests for studies and initiates projects to generate efficiencies in the state's courts.

Twenty-four representatives of the appellate and trial courts serve on the Judicial Council. The Supreme Court's chief justice and presiding justice act as the chairperson and vice chairperson, respectively. The chief judge and another member of the Court of Appeals, the presidents and presidents-elect of the superior, state, juvenile, probate, and magistrate court councils and the 10 superior court district administrative judges complete the council's membership.

The full council meets at least twice each year, as it did in December 1989 and June 1990, to consider its committees' recommendations regarding specific studies and ongoing projects. The council oversees the activities of the Administrative Office of the Courts and the Board of Court Reporting.

The Judicial Council continued its contract with the 10 judicial administrative districts for district personnel to conduct the annual casecount. Raw data obtained by the districts was analyzed by the Administrative Office of the Courts and the results were submitted to the council for use in evaluating requests for additional superior court judgeships.

In considering additional judgeships, the Judicial Council seeks a balanced and equitable distribution of superior court caseload to promote speedy and fair trials. Endorsements are based on information that clearly and convincingly depicts the necessity of additional judicial personnel. As a matter of policy, the council does not recommend the creation of new part-time judgeships or additional circuits.

The council compares a requesting circuit's situation, in terms of weighted caseload, average filings, jury trials, open caseload, population and days of senior judge assistance, to that of the remaining circuits. In fiscal year 1990, the council recommended to Gov. Joe Frank Harris and the General Assembly the creation of thirteen new superior court judgeships in the following judicial circuits (they are listed in the council's recommended order of priority): Flint (third), Atlanta (fourteenth), Coweta (fourth), Ocmulgee (fourth), Augusta (sixth), Atlanta (fifteenth), Macon (fifth), Cobb (eighth), South Georgia (third), Brunswick (fifth), Stone Mountain (tenth), Atlanta (sixteenth) and Gwinnett (sixth).

The General Assembly approved one new judgeship each for Atlanta, Augusta, Coweta, Flint and Ocmulgee judicial circuits.

At the end of the 1990 fiscal year, the council authorized the Administrative Office of the Courts to study 1989 caseload data to determine the need for new superior court judgeships for the Atlanta (requesting three judgeships), Blue Ridge, Brunswick, Chatta hoochee, Cobb (requesting two judgeships), Eastern, Griffin, Gwinnett, Lookout Mountain, Macon, Middle, Northeastern, Ogeechee, Rockdale, South Georgia and Stone Mountain judicial circuits.

The Electronic Data Processing Committee (EDP) is charged with making recommendations to the Judicial Council to provide uniform electronic data management systems for Georgia's courts. It is composed of judges representing each class of trial court, court clerks and numerous staff and technical advisors from the Administrative Office of the Courts, the Department of Administrative Services, the Institute of Continuing Judicial Education and other professional organizations and businesses.

During the year, the EDP committee proposed that the state's computer network be used to provide the trial courts with electronic access to Supreme Court and Court of Appeals opinions. The committee also planned to ask the Legislative Services Committee to allow the state court system electronic access to the Georgia Code. A new electronic jury selection system, developed with help from the Department of Administrative Services, was implemented in the offices of superior court clerks in 60 Georgia counties.

The Judicial Council approved five revisions to the rules of the Board of Court Reporting, as recommended by the board.

Members also voted to adopt the Jury Standards Committee's new Georgia Jury Standards. Over the year, the committee examined the *American Bar Association Standards Relating to Juror Use and Management*, the variance in use and management procedures in Georgia and how other states have addressed the issues. As a result, the committee developed standards patterned after the ABA standards with commentary appropriate for Georgia's needs.

Administrative Office of the Courts

The Administrative Office of the Courts (AOC) provides fiscal, communications, research and staff support services for the state court system and serves as liaison with other state and national judicial agencies. The AOC also serves as staff to the Judicial Council, working closely with its chairperson, the chief justice of the state Supreme Court.

Fiscal support

The administration and operations division performs fiscal support services that involve coordinating the judicial branch appropriations request and serving as accounting officer for 13 judicial agencies. The fiscal office coordinates payroll, accounts payable, cash management, purchasing, inventory control, personnel records and financial reporting functions for these agencies.

In fiscal year 1990, the AOC's fiscal section managed 60 separate funding sources comprising all or part of six of the eight budget units in the judicial branch. These funding sources included 26 state fund allocations, 13 federal grants and 21 fee or other revenue accounts amounting to over $5.6 million.

Information exchange

Information dissemination to judges, court support personnel and public and private judicial organizations comprised another facet of services provided. The exchange and release of information was accomplished primarily through the production of publications, including the *Georgia Courts Journal*, a periodical that informs readers of changes in court procedure, judicial personnel appointments and elections, recent legislation, local and national court management activities and other events. During fiscal year 1990, four issues of the *Courts Journal* were published and distributed to more than 3,000 local, state and national officials.

The AOC prepared and distributed nine weekly issues of the *Judicial Legislative Log*, a digest of court-related legislation, to approximately 700 judges, county officers and court administrative personnel during the 1990 session of the Georgia General Assembly. Legislation of interest to the judiciary was monitored and tracked for judges and clerks' committees.

The *1988-89 Georgia Courts Directory*, which contains address information for Georgia county, state and federal judicial branch officials, was provided at no cost to judicial branch personnel and was made available at cost to attorneys and other persons. The AOC also produced the judiciary's *Sixteenth Annual Report on the Work of the Georgia Courts.*

Six issues of the *Public Relations Digest* - abstracts of news and feature items about the judiciary - were compiled and circulated to members of the Judicial Council to gauge public opinion about court activities and to identify matters of concern.

Various other communications efforts included press releases and supplying the media with information on request.

Research, court services

The research and court services division gathers statistical, financial and other information on the judicial work of the courts so that it can identify current and future needs and propose recommendations for improvement. The AOC responds to requests for studies from the General Assembly and the judicial community and initiates projects to fulfill its legislatively prescribed duty to serve the courts.

Each year the research staff supervises the collection of caseload and other data on the trial courts' work. Through a contract with the judicial administrative districts, the AOC spent $73,500 on a manual count of calendar year 1988 cases in the superior and juvenile courts.

Calendar year 1988 data submitted by district personnel was audited and analyzed in terms of circuit

workloads and presented to the Judicial Council to formulate recommendations on the need for additional superior court judgeships. A study was also conducted concerning a request to either divide Flint Circuit or add a new judgeship.

Reports were generated on district, circuit and county caseloads in response to individual requests for caseload information. Open caseload reports were also compiled for the 45 superior court circuits. Following an analysis of the number of open cases, the staff estimated average processing times for each judicial circuit and judges were notified about their circuit's ranking on this measure and other criteria. Chief Justice Clarke recognized 10 circuits for having the best overall open case record as shown in the report. They included Atlanta, Atlantic, Dublin, Gwinnett, Oconee, Ogeechee, Rockdale, South Georgia, Southwestern and Waycross.

The AOC continued to work with the councils of state, probate and magistrate court judges to encourage the development and compilation of quarterly summary caseload reports for each class of court.

Salary surveys of superior, state, juvenile, probate and magistrate court judges and personnel were conducted to provide court officials, on request, with statewide staffing and salary data. Another survey determined, for the first time, the number, location and other relevant information on existing county law libraries funded by court fees.

In other efforts, U.S. census information on county population by race, age and sex was prepared for use by the courts in jury selection programs.

Other requests for information were answered including a report to the State Bar on the court system's current structure and jurisdiction. Caseload projections were made for facilities studies being conducted by the State Court of Cobb County and Douglas Judicial Circuit. Numerous inquiries on the state of court technology including how Georgia preserves court records and how video is used during trial proceedings were handled.

The AOC research staff cooperated with the Criminal Justice Coordinating Council and other state criminal justice agencies to establish, with Georgia State University, a statistical analysis bureau. The bureau is intended for public policy and analysis research of issues of concern to the criminal justice community.

EDP / GCAC

The Judicial Council's Electronic Data Processing (EDP) committee was staffed, in part, by personnel from the AOC. The group finished implementation of the superior court clerk's personal computer network. Each superior court now has access to information from the secretary of state's office, statewide electronic mail and word processing capabilities.

In response to the EDP committee's continuing efforts to plan for computer technology in Georgia's courts, House Resolution 849 was introduced to and approved by the 1990 General Assembly. It created the Georgia Courts Automation Commission (GCAC), which was charged with addressing the methods of generating, transmitting, using and retaining information to properly automate the courts. The commission was composed of members from the appellate and trial courts and other state agencies. A grant was obtained from the Criminal Justice Coordinating Council to fund the commission's activities and a full-time project manager was assigned.

An organizational meeting was held in April and the commission then began to conduct a study to determine specific requirements and needs within the court system. That study continued through the end of the fiscal year.

Secretariat, publications, administrative services

The AOC continued to provide secretariat services to six related agencies and organizations. As required by statute, staff assistance was provided to the Board of Court Reporting and the Georgia Magistrate Courts' Training Council. The AOC's judicial liaison officer worked with the Council of Probate Court Judges, assisted the Executive Probate Judges Council in the development of training curricula, staffed meetings of the Superior Court Clerks Training Council and aided the Council of Magistrate Court Judges in updating and distributing its benchbook.

AOC staff worked with three Council of Superior Court Judges' committees in their efforts to update judges' trial manuals and adopt rules for court procedures. The staff gave editorial and administrative support to the Committee on Pattern Jury Instructions for the ongoing update to the criminal and civil charge books and the Benchbook Committee for its continuing revision to the Superior Court Criminal Benchbook. Other staff services were provided to the Uniform Rules Committee in submitting proposed rules changes to the council, State Bar and the Supreme Court.

Fiscal year 1990 AOC special projects:

Commission on Gender Bias in the Judicial System - Staff, administrative and technical support was given to this Supreme Court-ordered commission as it investigated possible gender bias in the state judiciary. Areas of investigation included the unequal application of procedural and substantive law, treatment of judicial employees, domestic relations, domestic violence, criminal law, child support and custody, judicial selection, codes of conduct and the formal language of the courts. AOC staff coordinated public hearings where testimony and information were gathered from professionals and the public. The information will be used to prepare a report on the commissions' findings and recommendations for the Supreme Court. The AOC also operated as an information arm of the commission by making presentations to various groups about the commission's efforts throughout the year. The commission is composed of 30 members, including judges, court officials and community and business leaders.

Governor's Conference on Justice in Georgia - Judge John H. Ruffin, Jr. chaired the Court Reform Committee of the conference which met in May 1990. AOC personnel staffed the committee and provided information used in the compilation of issues critical to future reform in Georgia's courts. The committee determined that the courts' most critical issue is the inefficiency of overlapping jurisdiction. The group recommended that the superior, state and juvenile courts be merged into one trial court to streamline the system. Numerous other issues were defined and solutions were offered as part of this exercise to provide the governor with an agenda of issues and recommended solutions for future budget and program planning.

Law Related Education Consortium - Judges and court officials were encouraged to volunteer their time to promote a better understanding of laws and individual responsibilities in Georgia.

Jury Standards Committee - This committee was staffed with AOC personnel who prepared a comparison of Georgia's statutes relating to jury selection. They also assisted in a final draft of the standards, which were modeled after the American Bar Associations' standards but included commentary specific to the state.

Records Retention - The state court system was represented by AOC staff on the State Records Committee to develop records retention schedules for records retained by the courts.

Duties of the Administrative Office of the Courts (OCGA §15-5-24)

1) 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

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

3) 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

4) Examine the state of the dockets and practices and procedures of the courts and make recommendations for the expedition of litigation

5) Act as fiscal officer and prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system

6) Perform such additional duties as may be assigned by the Judicial Council

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

8) Receive grants from any source, public or private, and expend funds and perform services in accordance with the terms of any grant

9) Prepare, publish and distribute, from time to time, studies and reports relating to the administration of justice, impose reasonable charges for such reports where appropriate on either an individual or subscription basis and retain any proceeds of such charges

10) Provide clerical, technical, research or other assistance to individual courts to enable them more effectively to discharge their duties

11) Enter into contracts as necessary to perform its other duties.

BOARD OF COURT REPORTING

The Board of Court Reporting operates under authority of the 1974 Georgia Court Reporting Act to assist the state's judiciary by insuring minimum proficiency in the practice of court reporting and encouraging high standards of professionalism among reporting practitioners. The board also investigates complaints filed against court reporters and administers disciplinary action when warranted. The Judicial Council appoints board members and governs official court reporting fees through regulation and adjustment of an established fee schedule.

The board conducts examinations twice annually as part of a qualifications procedure to certify court reporters in the state. In order to practice, both freelance and official court reporters are required to attain certified status or to obtain a temporary permit from the board or from a judge.

If certain conditions are met, board permits are issued for a single testing period and may not be renewed. Persons holding board permits may work in a freelance or official capacity until the permit expires or the reporter becomes certified. Judicial permits are issued on the signature of a judge and these permits may be revoked by the board only with the approval of the issuing judge. Reporters on judicial permits who report more than 100 hours per year must attend the certification exams and are restricted to working in the court of the supervising judge.

The exams consist of a skills test in one of three elected methods of takedown, including machine or manual shorthand or Stenomask. To become certified, reporters must pass the "B" test, which involves timed dictation, transcription and a written exam. The optional "A" test provides an opportunity for certified reporters to upgrade their professional status. Individuals who pass the initial examination submit a renewal fee by April 1 of each year to remain certified.

The board held two tests during the fiscal year. In September 1989, 164 people took the "B" test, with 52 passing to become certified. Of the 16 who took the "A" test, two passed.

In March 1990, 203 people took the exam. The "A" test was not dictated. Thirty-five people passed the "B" test and two of those were upgrading their certificates to "without backup." The marked increase in the number of applications was due to a previous change in the rules concerning eligibility for temporary permits.

For the first time since the board began testing in 1974, it disqualified a test applicant for cheating during the March exam. The applicant was banned from testing for a two-year period.

As of June 30, 1990, there were 983 certified court reporters in the state. Twenty-one reporters held temporary judicial permits and 26 were working under temporary board permits. A total of 54 temporary permits were issued during the year.

Nine reporters, most from other states, received Georgia certificates and another was upgraded to "without backup" by virtue of passing national exams.

Three complaints were filed during the year although none resulted in hearings.

The board issued two opinions relating to court reporting. One declared that if any party in an arbitration case does not participate in payment for the takedown at the outset, he or she cannot thereafter order a transcript without the consent of the party or parties who paid for the takedown. The board also unanimously agreed that the law does not require the signature of a witness to be notarized on either the deposition jurat or errata sheet.

A major issue handled by the board involved rules revision to eliminate the use of open microphones as a backup during the certification exam. This action was taken in response to letters from a number of certified professionals as well as the lack of technical skills showing up throughout the testing process. Any person already tested will be allowed four testing periods to become certified with a backup. No new applications are being accepted for testing with backup after January 1991. The effective date of the new rule was Jan. 1, 1991.

The Judicial Council approved a request by the board to change the requisite number of characters per line in official transcripts from 65 to 63, matching federal guidelines which will allow Georgia reporters to buy standardized paper. The council also approved a per diem raise for official court reporters from $75 to $100, effective July 1, 1990

The seven members of the Board of Court Reporting include four certified court reporters, two representatives from the State Bar of Georgia, and one representative from the judiciary, who has historically been a superior court judge. The members serve two-year terms of office, and the Judicial Council appoints new members to fill any vacancies. Each person must have accumu-

lated at least five years of professional experience to qualify for membership. In addition to the seven members, the director of the Administrative Office of the Courts serves as secretary and the clerk of the board performs staff functions.

The **Georgia Certified Court Reporter's Association (GCCRA)**, the profession's alliance for education and training, held two seminars during the year. The fall seminar focused on workers' compensation law. Spring seminar topics included medical technology, an overview of work done by the Electronic Data Processing Committee of the Judicial Council and a presentation on the newly formed Georgia Courts Automation Commission. At the seminar, a Court Reporters Recommendation Committee was formed to address the concerns of the court reporting community with respect to electronic advancements within the court system. A report produced by the committee was presented to the Electronic Data Processing Committee on Court Reporting.

Legislation tracked by GCCRA during the fiscal year focused on House Bill 1055, an amendment to OCGA § 9-11-30(b)(4) that attempted to eliminate the need for a court order to take video depositions. It would have opened the door for any person to act in place of the court reporter during such depositions. A write-in campaign was launched and the bill died in committee.

GCCRA publishes a newsletter on at least a quarterly basis for all certified court reporters. They also publish a directory of all certified court reporters in Georgia which is made available to members of the association and is for sale to attorneys and other court personnel.

Council of Juvenile Court Judges

(Annual Report for fiscal year 1990, as required by OCGA § 15-11-4.)

The Council of Juvenile Court Judges is a judicial branch agency whose membership includes all judges of the courts exercising jurisdiction over juveniles. Council staff provide support to juvenile courts through specialized programs and grants designed to assist local courts in the role of protecting the best interests of children and the state.

Continuing education for judges is mandated by the General Assembly. Seminars addressing special concerns of juvenile court judges are conducted twice yearly by the Institute for Continuing Judicial Education. The 51 juvenile court judges and 31 juvenile court associate judges (formerly referees) are required to attend at least one of these seminars. The council maintains records to certify that all juvenile court judges have attended training sessions.

The annual conference of the National Council of Family and Juvenile Court judges was held in Atlanta during July 16-21, 1989. Judge Romae T. Powell of Fulton County presided at the conference as national president for 1988-89.

Two council programs received national recognition including "Unique and Innovative Project: Purchase of Services for Juvenile Offenders" and "Outstanding Educational Program: Permanent Homes for Children." Judge Aaron Cohn of Columbus received the award for "Meritorious Service to the Juvenile Courts of America by a Judge" and Chris Perrin, Executive Director of the Georgia Council of Juvenile Court Judges, was recognized in the non-judicial category for "Meritorious Service to the Juvenile Courts of America."

The council also provided staff support to the 1990 Governor's Conference on Justice in Georgia which took place May 2-4, 1990 in Atlanta. Juvenile court judges were involved in the public education issue component and the court reform component. The conference sought to identify issues in seven critical areas to guide the state in planning efforts in the decade ahead.

Together with the Department of Family and Children Services (DFCS), the council co-sponsored "Children in Court: A Systems Approach" which was held in Savannah Aug. 28-29, 1989. This conference provided training for Special Assistant Attorney Generals, judges, private attorneys and caseworkers who are involved in court actions relating to the child welfare system. Topics covered included medical aspects of child abuse cases, termination of parental rights and liability issues.

Substance abuse program

The Adolescent Substance Abuse Program (ASAP) continued operations for the second year in the juvenile courts of Cobb, Douglas, Floyd and Gwinnett counties. ASAP provides a systematic means to identify, screen and assess juvenile probationers who have substance abuse problems or are at risk for developing one. The

number of youths pre-screened by June 30, 1990 totalled 884.

Data gathered in ASAP's first year of operation indicate that slightly more than 51 percent of juvenile offenders abuse substances, primarily alcohol and marijuana, and of those using, 35 percent use regularly. For many, identification of a drug problem occurs for the first time in ASAP.

At the end of the program's first 12 months, 55 percent of the youths assigned to ASAP for an individualized treatment program had successfully completed their recommended plan with 12 percent still undergoing treatment. Another 17 percent had moved to another county or were released from probation. Only 17 percent dropped out of ASAP or were dismissed for failure to comply with program requirements.

In June 1990 the council was awarded a grant of $1 million for expansion of the Adolescent Substance Abuse Program. When implemented, the grant will fund new ASAP units and provide expanded treatment services to juvenile substance abusers.

The council was invited to make a presentation on the ASAP program at the Alcohol, Drug and Mental Health Administration Conference held in Washington, D.C., Oct. 2-4, 1989. Practitioners from across the country attended the conference to learn about innovative treatment programs.

Purchase of Services Program

The council's Purchase of Services for Juvenile Offenders Program annually makes available grant funds of $250,000 to juvenile courts in 95 counties for the development of court-sponsored restitution and other community-based services. A statewide total of 2,503 children were referred for services by their judge or court worker during fiscal year 1990. A total of $225,165 was spent in fiscal year 1989 with an average expenditure per child of $89.96. Of total expenditures, 57 percent was for symbolic restitution and community service jobs; 29 percent for counseling and diagnostic testing; 13 percent for tutorial sessions and 1 percent for transportation and temporary housing.

Reimbursement funds ($25,000) for the Purchase of Services program were appropriated for the first time by the General Assembly during the 1990 session. The increased funds will allow for expanded local efforts to provide services to children in their own communities.

Permanent Homes Program

During fiscal year 1990, Permanent Homes for Children in Georgia staff provided technical assistance to citizen review panels in 29 counties. These panels reviewed foster care arrangements for more than 2,500 children who had been temporarily removed from their homes by the juvenile court.

Panels are comprised of community members appointed by the local juvenile court judge. During fiscal year 1990 500 volunteers served on panels. After interviewing all parties (children, parents, caseworkers, etc.) the panels make recommendations regarding future arrangements for returning the child to his or her family or continued out-of-home placement.

The Fifth Annual Georgia Conference on Permanency Planning was held in Atlanta Oct. 27-28, 1989. "Citizen Review Panels: The Children's Voice" provided the focus of discussion. Speakers included Fulton County Commission Chairman Michael Lomax, Andrew Vachs, a child advocate from New York City and Congressman J. Roy Rowland. The conference offered workshops and panel discussions on sexual abuse, crack cocaine, foster parents, housing and other related topics. Approximately 250 individuals attended the sessions, including juvenile court judges, citizen review panel members, court coordinators, DFCS caseworkers and Council of Juvenile Court Judges staff.

The council made plans for expansion of the Permanent Homes Program to provide increased staff support for current panels and expansion to additional counties. The General Assembly appropriated $300,000 in new funds to begin this effort.

The Permanent Homes Program published two newsletters during fiscal year 1990. The first issue addressed treatment of physically abusive parents, working with sexually abused children and neglectful parents. The second issue focused on jobs for parents with limited skills and the public housing system.

Juvenile Information System

The Juvenile Information System expanded from 19 to 20 on-line courts with the addition of Fayette County to the automated juvenile tracking system. This telecommunications link between the council and juvenile courts will ultimately enable counties to access the council's statewide database and obtain complete prior legal histories for juvenile offenders.

The automated courts submitted more than 100,000 juvenile records to the council via tape media. An

additional 25,000 juvenile records were received and entered into the council's database from over 120 non-automated courts.

In fiscal year 1990 council staff demonstrated the Juvenile Information System for juvenile court judges and the clerks of juvenile courts at their respective spring conferences.

Four additional meetings provided the automated courts user's group with ongoing technical and software support. Project staff also developed a troubleshooting manual and user directory for the automated courts.

Job descriptions were developed and a salary survey was conducted to compare government-level data processing positions. The survey revealed that county data processing personnel earn significantly less than their state level peers. The council also conducted a survey of personnel from automated courts to determine their perceived training needs. As a result, regional training sites were established.

Juvenile Justice Project

The council and the Division of Youth Services jointly administer the Georgia Juvenile Justice Personnel Development Project. The project's goals are to provide quality uniform training to community-based, direct service providers and to promote better working relationships between community-based employees of independent juvenile courts and employees of the Division of Youth Services.

Each year, the project has received $45,000 in federal funds from the Juvenile Justice Coordinating Council. Twenty-one workshops were held during the year addressing such topics as stress management, introductory family counseling, adolescent suicide, adolescent gangs, intake services and adolescent sexual offenders. More than 5,159 training hours were provided to 98 independent juvenile court direct service providers and for 557 employees of the Division of Youth Services.

Legislation

Legislation affecting the juvenile courts that passed in the 1990 session of the General Assembly included: an act providing for judicial orders establishing a case plan for reunification of a child placed in foster care with his or her family and for either judicial or citizen panel review of foster care cases; a provision that no child alleged to be or found to be unruly for the first time may be detained in a secure juvenile detention center unless the child fails to appear for a hearing or is a runaway; and a provision for imposing a "probation/supervision fee" against a child placed on probation or informal adjustment, with such fees to be earmarked solely for funding community-based services for children under the jurisdiction of the juvenile court. The General Assembly also authorized a change from the term "juvenile court referee" to juvenile court associate judge.

Council of Magistrate Court Judges

The Council of Magistrate Court Judges was statutorily created in 1988 to carry out responsibilities conferred upon it by law, to further the improvement of the magistrate courts and the administration of justice, to assist magistrates throughout the state in the execution of their duties and to promote and assist in their training.

The council is composed of chief magistrates and magistrates and was authorized to develop a constitution and bylaws. Bylaws were promulgated and adopted during fiscal year 1990.

The council's executive committee, comprised of six officers, two representatives from each of the 10 judicial administrative districts and two members at large, carries out the administrative duties of the council.

The council met four times in fiscal year 1990. Each meeting consisted of a business session and a training program on a planned topic of interest.

During the 1990 General Assembly, the council's legislative agenda included salary and retirement issues.

The council's publication, *Georgia Magistrate Court Benchbook*, was again supplemented. This supplement was distributed to each magistrate in office. A benchbook with supplement was given to those who attended the 40-hour training course for new judges.

Council of Probate Court Judges

The Council of Probate Court Judges was created by statute in 1988 to further the improvement of the probate courts and the administration of justice. Composed of judges and retired judges of the probate courts, the council has developed uniform rules, uniform forms and a benchbook.

The council met four times during fiscal year 1990, three times in conjunction with meetings of the County Officers' Association of Georgia and once in Athens for training and the annual election of officers. During the year the council, through a contract with a sitting judge, continued to work toward publication of the *Handbook for Probate Judges*. The council also contracted with a law student to begin work on an update of the *Georgia Probate Court Benchbook.*

Council of State Court Judges

Originally a section of the Trial Judges and Solicitors Association, the Council of State Court Judges established its separate identity in 1985. A 1988 statute officially created the council to further the improvement of the state courts, the quality and expertise of the judges and the administration of justice.

The council seeks to coordinate its activities with the other councils of trial court judges in order to assure some "vertical uniformity" in the court system as well as "horizontal uniformity" within each class of courts. In developing the uniform rules in particular, state court judges have worked closely with superior court judges to establish a degree of uniformity in their recommendations to the Supreme Court.

In addition to two general meetings held during fiscal year 1990 in conjunction with the spring and fall continuing education programs, the council has an active committee system. This includes standing committees on racial and gender bias, mandatory continuing judicial education, uniform rules and criminal sanctions and facilities.

Georgia Indigent Defense Council

The Georgia Indigent Defense Council (IDC) was created by an act of the state legislature in 1979 to provide a program of legal representation for indigent defendants. The council is composed of 13 people appointed by the Supreme Court including one lawyer from each of the 10 judicial administrative districts in Georgia and three non-lawyers from the state at large.

The council's four statutory purposes and duties are:

1. to administer funds provided by the state and federal government to support local indigent defense programs;
2. to recommend uniform guidelines within which local indigent defense programs will operate;
3. to provide local programs and attorneys who represent indigents with technical and research assistance, clinical and training programs and other administrative services; and
4. to prepare budget reports and management information required for implementation of the Georgia Indigent Defense Act.

In March 1989 and April 1990 the General Assembly appropriated $1 million for the Georgia Indigent Defense Council for the 1990 and 1991 fiscal years.

The council has made two awards of state funds to counties. In 1989, 115 counties were awarded state appropriated funds to assist with the operation of their indigent defense programs. In 1990, 119 counties - covering 85 percent of Georgia's population - received awards.

All county commissions, superior court judges and bar association presidents are notified of the availability of state funds to assist their local indigent defense program. The guidelines and application forms are mailed to each local governing committee and the chief judges of those counties without local committees. The council answers inquiries from throughout the state and also initiates contact with counties that have not initially expressed awareness of or an interest in participation.

The council adopted guidelines for the operation of local indigent defense programs covering appointment of counsel on a timely basis; eligibility determinations and criteria to qualify indigents; standards for the operation of public defender offices, panel attorney programs and hiring of contract defenders; appointed attorney fees; procedures to insure the independence of court-appointed

counsel; the role and responsibility of local indigent defense governing committees and the mechanism for distribution of state-appropriated funds.

Seven meetings were held by the council since June 1989 to assure the speedy and equitable distribution of funds to counties in both 1989 and 1990.

Georgia Magistrate Courts Training Council

(Annual Report for calendar year 1990, as required by OCGA §15-10-134.)

The Georgia Magistrate Courts Training Council supervises continuing judicial education requirements for magistrate court judges by prescribing minimum standards for curricula and criteria for magistrate training. Specifically, the council approves instructor qualifications and issues training certification to chief magistrates and magistrates who satisfactorily comply with established programs.

Nonlawyer magistrates who are newly elected or appointed must attend the first scheduled certification course after assuming office and successfully complete 40 hours of basic training in the performance of their duties. In order to maintain certified status, all magistrates (including those who are members of the State Bar of Georgia) must fulfill an annual 20-hour training requirement.

In association with the council, the Institute of Continuing Judicial Education sponsored two 40-hour seminars and seven 20-hour regional training sessions for magistrates during 1990. A total of 447 magistrate court judges were certified in calendar year 1990.

Magistrates attending the 40-hour program took part in a variety of training modules, including instruction in legal research, reviewing the new benchbook, judicial ethics and discipline, civil claims, torts and proof of damages, bookkeeping, historical role and functions of magistrates, contracts, landlord and tenant cases, garnishments and attachments, personalty actions, contempt of court, local ordinance adjudication, criminal law, search warrants, bail, pretrial release and preliminary hearings, family violence, bad check recovery, and arrest warrants. Twenty-hour participants received instruction on judicial ethics and discipline, civil issues, evidence, family violence, gender bias and garnishment.

Georgia Magistrate Courts Training Council: 1990 Seminars

Date	Location	Hours	Attendees
Feb. 4-9	Athens	40	13
May 2-4	Tifton	20	69
May 16-18	Athens	20	60
June 6-8	Savannah	20	67
June 20-22	Decatur	20	58
July 11-13	Athens	20	56
July 25-27	Dalton	20	36
Aug. 8-10	Savannah	20	63
Sept. 16-21	Athens	40	25

Institute of Continuing Judicial Education

More than 2,600 judges, court officials and judicial personnel attended programs delivered by the Institute of Continuing Judicial Education (ICJE) in fiscal year 1990, a record number for the third year in a row.

Georgia ranked tenth among states with professional education programs for state court personnel in fiscal support committed for this purpose.

As an administrative arm of the Supreme Court, the institute has retained sole responsibility for the training of all judicial personnel since 1981. The various courts and judges' councils have since adopted training standards for their members. Supreme Court justices and Court of Appeals judges must complete a minimum of 12 hours of instruction each year, with at least two hours devoted to legal or judicial ethics.

Superior court judges are required to attend judicial education programs totaling at least 12 hours per year, including two hours of judicial ethics every two years.

Rule 43 of the Uniform Rules for the State Courts mandates that state court judges attend continuing legal and/or judicial education courses totaling 24 hours, two of which must be devoted to ethics studies, every two years.

As prescribed by the Executive Probate Judges Council, probate court judges must complete initial training and 12 hours of continuing education thereafter. By law, magistrate court judges must satisfactorily fulfill an initial 40-hour training requirement (attorney magistrates are exempt) and attend an annual 20-hour recertification course. Superior court clerks are also required to complete 40 hours in basic certification and 15 hours in recertification training courses.

In fiscal year 1990, the institute offered its traditional calendar of training seminars. In place of biannual, pre-service courses for orientation of newly elected probate, state and superior court judges, a specialty course was conducted targeting judges representing the four tiers of Georgia courts that handle underage drug and driving under the influence offenders. Judges of non-jury traffic courts were also provided a new course which will likely evolve into an annual offering.

In response to creation of the personal computer network for superior court clerks, court officials prompted the institute to sponsor workshops for clerks of superior courts and their deputies. Another course introduced superior court judges to a variety of judicial applications for personal computers. Also, the ICJE's first advanced course targeted judicial applications for personal computers.

In response to a statutory mandate that jury lists be revised every two years, an intrastate satellite teleconference was conducted in June targeting jury commissioners, court administrators and clerks of superior courts. It focused on helping these court officials with the revision of jury lists. In the future, new jury commissioners will have access to the print and video materials that were developed out of this project. The materials are intended to help orient the commissioners to their new jobs.

In fiscal year 1990 an operating budget of $582,500 was appropriated. The budget included these allotments: $20,000 for national travel of superior court judges; $125,500 to the Magistrate Courts Training Council for administration and training of magistrate court judges and clerks and $437,000 for administration and continuing operations of ICJE.

The University of Georgia Law School continued its

Institute of Continuing Judicial Education
Fiscal Year 1990 State-based Instructional Activities

Program	Location	Date	Attendees
20-hour recertification course for magistrate court judges	Athens	July 12-14	35
Annual seminar for superior court judges	St. Simons	July 23-26	133
20-hour recertification course for magistrate court judges	Savannah	Aug. 2-4	54
20-hour recertification course for magistrate court judges	Dalton	Aug. 16-18	34
40-hour certification course for magistrate court judges	Athens	Sept. 11-15	27
Correctional facilities tour for state and superior court judges	Macon	Sept. 13-15	6
Juvenile court judges fall seminar	Rome	Sept. 18-20	60
Annual fall seminar for Georgia Association of Independent Juvenile Courts	Augusta	Sept. 27-29	106
Fall seminar for administrative law judges	Athens	Oct. 2-4	64
Faculty development specialty course	Athens	Oct. 22-25	20
Fall seminar for superior court judges	Athens	Oct. 22-27	137
Fall seminar for superior court clerks	Savannah	Nov. 15-17	125
Fall seminar for probate court judges	Savannah	Nov. 15-17	76
Fall seminar for state court judges	Hiawassee	Dec. 6-8	52
40-hour certification course for magistrate court judges	Athens	Feb. 4-9	14
Alcohol safety workshop for judges	Forsyth	Feb. 21-23	30
Annual seminar for judicial secretaries	Atlanta	March 7-9	105
Workers' compensation course for administrative law judges	Decatur	March 19-21	25
Faculty development for magistrate court judges	Athens	March 19-21	18
Spring seminar for superior court clerks	Cordele	April 11-13	145
Spring seminar for probate court judges	Athens	April 18-20	145

(Continued from page 36)

Correctional facilities tour for state and superior court judges	Vidalia	April 30	14
20-hour recertification course for magistrate court judges	Tifton	May 2-4	68
Spring seminar for state court judges	St. Simons	May 7-9	60
Spring seminar for juvenile court judges	Jekyll Island	May 14-16	78
20-hour recertification course for magistrate court judges	Athens	May 16-18	60
Annual seminar for juvenile court clerks	Forsyth	May 21-22	63
Spring seminar for Georgia Association of Independent Juvenile Court	Savannah	May 23-25	120
Traffic court judges seminar	Helen	May 29-31	77
20-hour recertification course for magistrate court judges	Savannah	June 6-8	69
20-hour recertification course for magistrate court judges	Decatur	June 20-22	59
Superior court clerk's computer course	Various locations and dates		

contribution of resources including office and storage space, telephone equipment and other administrative support.

Of 46 applications received for financial aid to attend national courses, 42 were granted some level of funding (usually 80 percent) and 41 people took advantage of the assistance. The followingtable lists the institute's state-based instructional activities.

Members of the ICJE board of trustees primarily represent client groups of state courts and judicial organizations. The board includes one Court of Appeals judge; two members of the Council of Superior Court judges; one member from each of the councils of state, juvenile, probate and magistrate court judges; one representative from the Superior Court Clerk's Association; one member each of the State Bar of Georgia and the Judicial Council; and five ex officio members, including the immediate past chairpersons of the institute's board of trustees and the board of trustees of the Institute of Continuing Legal Education and the deans of the state's four accredited law schools. A liaison member representing the Supreme Court and an advisory member also serve on the board.

JUDICIAL ADMINISTRATIVE DISTRICTS

The Judicial Administration Act of 1976 established 10 judicial administrative districts in Georgia and created district councils, composed of all superior and senior superior court judges within the respective districts. These 10 regional councils elect administrative judges who serve on the Council of Administrative Judges, which was formed to provide unified administrative rules and continuity of operation among districts. Each administrative judge selects a district court administrator to serve as staff for the judges of the district.

Under the guidance of the administrative judges, the district court administrators were involved in a number of activities in fiscal year 1990. The collection and evaluation of data relevant to the operation and management of the superior courts were continued. Detailed lists of open cases were prepared for the superior court judges in each of Georgia's 159 counties. Support was provided for the administrative judges by the authorization and assignment of judges within the districts to serve elsewhere at the request of other administrative judges and the Governor.

The district court administrators functioned as the liaison between the superior courts and local government officials, court personnel, various components of the criminal justice system, interested citizens, and others on the local, state, and regional level. The district administrators also assisted chief judges in the preparation, presentation and management of local court budgets. A number of innovative circuitwide budgets were formulated and administered by the districts during the fiscal year. Additionally, personnel policies and procedures for local court systems were developed, and the district court administrators screened and interviewed applicants for trial court administrator, law clerk, court reporter and other court support positions.

District staff served as the local resource for information on educational programs and activities for superior court judges and other judicial support personnel. Orientation sessions for jury commissioners and seminars for courtroom bailiffs were conducted on a local basis. District court administrators conducted numerous statewide training programs for judicial personnel.

District staff assisted chief judges and clerks in local

jury management projects and coordinated jury management services provided by other court agencies and vendors. Jury selection was automated in many circuits during the last fiscal year. Technical assistance was provided for the revising of county jury boxes.

As specified by the Uniform Rules for the Superior Courts and authorized by the chief judges, district staff conferred with attorneys, media representatives, court staff, law enforcement personnel and the public regarding court activities. These efforts included the preparation of news releases, speeches for civic groups and educational programs and other public relations activities deemed appropriate by the administrative judges.

The district court administrator advised local courts on records management issues, assisted in the development of records retention schedules, and coordinated records management or technical assistance services provided to local courts by other state agencies and vendors. Major emphasis was placed on the computerization of court records in counties with sufficient resources. District personnel were involved in efforts to establish a statewide computer network for the clerks of superior court.

The administrative judges authorized assistance to individual circuits, bar associations, and governmental units in the establishment, funding and management of local indigent defense programs. Several district court administrators served on county and circuit tripartite committees within their districts, and district personnel provided administrative support to other programs.

The district court administrators prepared grant applications, managed grant programs and evaluated funded projects in order to provide assistance to local trial courts and assist local governments in meeting the needs of the superior courts. District staff consulted with local trial courts about space and facilities management, including their serving as liaison for architects and contractors during the construction and renovation of courthouses.

District court administrators assisted in the development of projects on arbitration, mediation, video arraignment, court delay reduction and alternative sentencing. District court personnel aided superior court judges in dealing with local jail overcrowding problems. Studies of court systems and evaluations of court programs were conducted upon the request of local officials. Public policy concerns about using DNA "typing" in the courts were also addressed.

At the direction of the administrative judges, the district court administrators were involved in staff support of special projects and committees of the Council of Superior Court Judges, the Judicial Council of Georgia, the Criminal Justice Coordinating Council and other court-related groups. District court administrators served on the Criminal Justice Coordinating Council, the Judicial Council's Jury Standards Committee and other local, state and national organizations concerned with judicial administration.

JUDICIAL NOMINATING COMMISSION

The Judicial Nominating Commission assists the governor in appointing highly qualified people to judicial office by soliciting nominations for judgeships filled by gubernatorial selection. The nominating procedure is often undertaken to fill judicial vacancies, although nominations may also be processed in designating candidates for newly created judgeships.

Certain qualifications must be met prior to consideration of any candidate for judicial office. While the prerequisites vary according to the type of court, most candidates must meet residency and age requirements. Judges of appellate and superior courts must have maintained an active membership in the state bar for seven years and state and juvenile court judges must be admitted to practice law in the state for at least five years. Qualifications for all judges are specified either in the state constitution or in pertinent statutes.

The commission begins the selection process by seeking nominations from local individuals and leaders among the civic and legal communities. The commission members evaluate candidates based on a questionnaire concerning their qualifications and a legal article or brief that each candidate has written. The nominees are then investigated through interviews with attorneys familiar with them and by personally interviewing the candidates.

The nominating body held two meetings in fiscal year 1990 to consider candidates for two vacancies on the Supreme Court and one on the Court of Appeals.

Since 1973, the commission has acted on a total of 183 judgeships including:

* 12 Supreme Court vacancies,
* 13 Court of Appeals vacancies,
* 106 superior court offices,
* 43 state court posts,
* two municipal court judgeships and
* two civil court vacancies.

Originally created by executive order of former Gov. Jimmy Carter and continued in the same manner by succeeding governors, the commission is composed of 10 members. Five are appointed to serve a term concurrent with that of the appointing governor and the other five are or have been elected officers of the state bar, including the president, two successive past presidents and the president-elect and president of the younger lawyers section.

JUDICIAL QUALIFICATIONS COMMISSION

The Georgia Constitution empowers the Judicial Qualifications Commission to respond to inquiries from judges regarding appropriate judicial conduct, to direct investigations into complaints involving members of the state judiciary and, when it deems necessary, to hold hearings concerning allegations of judicial misconduct.

Grievances involving judges are almost always initiated by a written, verified complaint, although the commission may act upon its own motion in cases where it considers such action appropriate. Alleged violations of misconduct or protests against judges must be based on one of the seven canons of the Code of Judicial Conduct, last revised March 15, 1984. Grounds for action include: 1) willful misconduct in office, 2) willful and persistent failure to perform duties, 3) habitual intemperance, 4) conduct prejudicial to the administration of justice which brings the judicial office into disrepute, and 5) disability which seriously interferes with the performance of judicial duties and which is or is likely to become permanent.

If, following acknowledgement and review of a complaint, the commission finds that it raises questions or justifies further action, the judge is sent a copy of the complaint or a synopsis of matters to be investigated and is given reasonable opportunity to make an oral or written statement either personally or through counsel. If the judge responds satisfactorily to the complaint, it is disposed. The commission may make an initial inquiry and may authorize a preliminary investigation of the judge's conduct or condition to determine whether formal proceedings should be instituted and a hearing held.

After a formal hearing, the commission may recommend to the Supreme Court the removal, discipline or retirement of a judge. The Supreme Court makes a final decision whether to accept, reject or modify the commission's recommendation about a particular judge. A 1985 amendment to the constitution further provides that a judge who has been indicted for a felony may be suspended from office pending final disposition of the case or until expiration of the term of office, whichever occurs first, if the commission concludes that the indictment relates to and adversely affects performance of the judge's official duties.

In fiscal year 1990 the Judicial Qualifications Commission held 12 regular monthly meetings and disposed of four formal complaints against judicial officers. At the beginning of the year, 33 complaints were pending from fiscal year 1989.

During fiscal year 1990, 134 complaints and 15 requests for opinions were received. At year end, 28 complaints and one request for an opinion were left pending.

One hundred thirty-eight complaints were disposed of during the year for the following reasons: 113 were dismissed as frivolous, unfounded, unsupported or appropriate for appeal; one judge was removed; two judges were publicly reprimanded; 11 judges were privately reprimanded and two complaints were outside the commission's jurisdiction.

In one formal proceeding the commission recommended that a probate judge be removed from office. The recommendation was approved by the court and the judge was subsequently removed.

In another formal proceeding the commission found that a judge had violated Canon 2(A) by failing to comply with OCGA §15-10-85, which required the timely transmittal of funds to the county treasury, and that he had violated Canon 3B (4) by appointing his wife to the office of clerk of the magistrate court. The commission recommended that he receive a public reprimand for the violations and that his wife's employment be terminated. The recommendation was accepted by the court.

In a third formal proceeding the commission found a judge of a municipal court to be guilty of violations of Canon 2 of the Code of Judicial Conduct, and recommended that he be given a public reprimand, a recommendation which was adopted and approved.

Finally, the commission instituted a fourth complaint against a coroner for alleged violations of the Code of Judicial Conduct. However it was held that, because coroners are not judges, they are not subject to the jurisdiction of the commission and the complaint was dismissed.

Known sources of complaints for the fiscal year included 127 litigants or their relatives, two non-litigants, two judges, one attorney and three others.

Fifteen requests for Advisory Opinions were received. Thirteen formal opinions were rendered, one request was denied and another was withdrawn.

The seven-member Judicial Qualifications Commission operates under procedural rules revised as of May 1, 1985. All proceedings of the commission - including complaints, conferences, communications and decisions - are confidential, with the exception of notice of a formal hearing, formal hearings, reports recommending discipline and decisions after a hearing in which a judge was found not guilty of misconduct.

Members of the commission include two judges of courts of record appointed by the Supreme Court, three attorneys named by the Board of Governors of the State Bar of Georgia, and two citizens selected by the governor.

A director and an investigator serve as the commission's staff.

Synopses of Fiscal Year 1990 JQC Opinions

Opinion 134: In view of the decision in *Hudson v. State*, 250 Ga. 479, the commission declined to adopt a per se rule which would render it inappropriate for a part-time judge of the recorder's court to represent a criminal defendant in the state or superior court after the case had appeared on the docket in the recorder's court.

Opinion 135: A judge is not per se required to recuse because an attorney, who has filed a lawsuit against the judge, appears as counsel of record, unless the judge is, in fact, prejudiced against the lawyer or, under all the circumstances, the judge's impartiality might reasonably be questioned, in which event, the judge should disqualify.

Lawyers in governmental agencies do not necessarily have associations with other agency lawyers within the meaning of Canon 3(C), but, if the judge is in fact prejudiced, or can reasonably be seen to be so prejudiced, the result would be the same.

Opinion 136: The fact that a former law clerk is counsel for one of the parties before the court is not a per se grounds for disqualification.

Opinion 137: A part-time judge should not at the same time serve as an assistant district attorney.

Opinion 138: It would not be inappropriate for a judge to serve as a member of an endorsement committee for an organization to be known as "Christians for a Drug-free Atlanta" provided the judge does not permit his or her name to be used in connection with the solicitation of funds for the organization.

Opinion 139: In the opinion of the commission, it is not inappropriate for an administrative law judge to serve on the board of directors of Christian Heritage School, Inc. a non-profit tax-exempt educational organization which maintains a Christian school, provided the judge does not directly or indirectly participate in the solicitation of funds for the school.

Opinion 140: The commission is of the opinion that Canon 3C(1)d requires a judge to disqualify in a proceeding in which the judge's stepson, or a member of the stepson's law firm, is representing one of the parties.

Opinion 141: A judge is not prohibited from making a private personal financial contribution to a candidate for a political office in a partisan race so long as it is done is such a way as not to constitute a public endorsement of the candidate.

Opinion 142: The fact that a part-time judge, who is engaged in the practice of law, currently serves as opposing counsel in two cases which are being handled by counsel for one of the parties in the case before the judge is not per se grounds for disqualification.

Opinion 143: The commission is of the opinion that the donation of profits realized fromthe publication of a book written by the judge in either of two suggested manners would be unobjectionable, provided it is done in such a way as to avoid violating Canon 5B(2) which prohibits the solicitation of funds for any educational, religious, charitable, fraternal or civic organization.

Opinion 144: Neither the payment of the State Bar Legislative Assessment, nor the voluntary contribution to Legal Aid constitutes a payment or contribution to a "political organization" as that term is used in Canon 7A(1) (c), nor do such payments violate any other Canons of the Judicial Code.

Opinion 145: The commission is of the opinion that it would not be appropriate for the judge to serve as the "judge" for the purpose of a proposed "Jail-a-Thon" to raise funds for the American Cancer Society.

Opinion 146: Canon 5B(2) prohibits a judge from participating in fund-raising activities without regard to whether his or her judicial position is, or is not, disclosed in the course of such activities.

SUPERIOR COURTS SENTENCE REVIEW PANEL

Georgia's Superior Courts Sentence Review Panel has operated since 1974 to review defendants' sentences to assure they are not excessive in relation to other sentences for similar crimes. In comparing sentences, the panel considers the nature of the crime and the defendant's prior criminal record.

Cases subject to the panel's jurisdiction are those sentences totaling five or more years set by a superior court judge without a jury, sentences set in misdemeanor cases and murder cases where a life sentence has been applied. The panel retains the authority only to reduce sentences and is statutorily prohibited from increasing punishments, reducing sentences to probation, or suspending any sentence.

The Sentence Review Panel reviews sentences upon application of a defendant who must act within 30 days of the date on which the sentence was assessed by the superior court judge, or after the remittitur from the Court of Appeals or Supreme Court affirming the conviction of the sentencing court, whichever occurs last. The application for sentence review must be transmitted to the panel within 10 days of its filing, along with copies of any pre-sentence or post-sentence report. Both the defendant and the district attorney have the right to present written argument relative to the harshness or justification of the sentence.

A defendant may not file more than one application for review of a sentence and the panel's action reducing or declining to reduce a sentence is not reviewable. Panel orders relating to an application are binding on the defendant and the superior court which imposed the sentence.

The panel affirmed 2,804 cases and reduced 72 cases in fiscal year 1990, for a total caseload of 2,876. The reduction rate for the year was 2.5 percent.

The Sentence Review Panel meets in two concurrent panels, each composed of three superior court judges. Panel members are appointed and chairpersons are designated by the president of the Council of Superior Court Judges to serve three-month terms. A supernumerary member is also appointed for each term and is authorized to substitute for any member who cannot attend a meeting or who is disqualified.

An administrative board of three judges maintains continuity between the various panels. The board prepares an annual budget, considers revisions to the panel's procedural rules and supervises the activities of the clerk and support staff.

Superior Courts Sentence Review Panel Caseload Summary

Fiscal Year 1990

	Cases Affirmed	Cases Reduced	Cases Reviewed	Percent Reduced
Panel 61	621	11	632	4.1%
Panel 62	741	9	750	1.2%
Panel 63	918	46	964	4.8%
Panel 64	524	6	530	1.0%
Total	2,804	72	2,876	2.5%

10-Year Comparison of Cases Reviewed

	Cases Affirmed	Cases Reduced	Percent Reduced
1981	1,542	145	8.6%
1982	1,846	136	6.9%
1983	2,359	88	3.6%
1984	2,335	119	4.9%
1985	2,137	100	4.5%
1986	1,769	67	3.7%
1987	2,485	63	2.5%
1988	2,273	87	3.7%
1989	1,889	74	3.8%
1990	2,804	72	2.5%

COUNCIL OF SUPERIOR COURT JUDGES

The Council of Superior Court Judges is composed of all superior court judges (138) and senior (retired) superior court judges (39). Its purpose and goals are to effectuate the constitutional and statutory responsibilities conferred upon it by law, to identify and seek solutions to problems common to all judges, and to pursue matters of mutual interest in furthering the improvement of justice and the judiciary in Georgia.

JUDICIAL PERSONNEL CHANGES: FISCAL YEAR 1990

Supreme Court

Justice Robert Benham, appointed, Jan. 1, 1990 - Jan. 1, 1991.

Justice Norman S. Fletcher, appointed, Jan. 1, 1990 - Jan. 1, 1991.

Court of Appeals

Judge Clarence Cooper, appointed, Jan. 1, 1990 - Jan. 1, 1991.

Superior Courts

Cherokee Judicial Circuit

Judge Shepherd L. Howell, appointed, Jan. 17, 1990 - Jan. 1, 1991.

Juvenile Courts

Catoosa County

Judge William Shaw Abney, appointed, Aug. 3, 1989 - Aug., 2, 1993.

Cobb County

Judge James F. Morris, appointed, March 9, 1990 - March 8, 1996.

Gordon County

Judge J. Lane Bearden, appointed, June 12, 1990 - June 12, 1994.

Probate Court

Baldwin County

Judge Mary Helen Dobler, elected, April 18, 1990 - Jan. 1, 1993.

Decatur County

Judge Louise Taylor, appointed, April 1, 1990 - Jan. 1, 1991.

Floyd County

Judge Jean P. Duncan, appointed, July 3, 1989 - Jan. 1, 1991.

Meriwether County

Judge Robert Lee Todd IV, appointed, Dec. 6, 1989 until next special election.

Judge Idus Robertson, elected, Feb. 21, 1990 - Jan. 1, 1993.

Schley County

Judge Marie M. Giddens, elected, Feb. 21, 1990 - Jan. 1, 1993.

Chief Magistrates

Douglas County

Judge John L. Conley, appointed, Jan. 1, 1990 - Dec. 31, 1990.

Early County

Judge Tonya Mock, appointed, March 1, 1990 - Dec. 3, 1992.

Judicial elections and appointments
July 1, 1989 to June 30, 1990

	Total number judgeships [a]	Method of Selection: Elected	Appointed	New judgeship	Total judges beginning first terms
Supreme Court	7	-	2	-	2
Court of Appeals	9	-	1	-	1
Superior Courts	148 [b]	-	1	5 [c]	1
State Courts (full and part-time)	85	-	-	-	-
Juvenile Courts (full and part-time)	50	-	3	-	3
Probate Courts	159	3	3	-	6
Magistrate Courts (chief magistrates)	159	-	2	-	2

[a] As of June 30, 1990.
[b] Although 148 judgeships had been authorized by the end of the year, only 138 had been filled.
[c] Appointments for these new judgeships were suspended pending the outcome of a voting rights lawsuit filed in July 1988.