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*E I G H T E E N T H   A N N U A L   R E P O R T*

*ON THE WORK OF THE  
GEORGIA COURTS*

*JULY 1, 1990 - JUNE 30, 1991*



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*JUDICIAL COUNCIL OF GEORGIA  
ADMINISTRATIVE OFFICE OF THE COURTS*

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*EIGHTEENTH ANNUAL REPORT  
ON THE WORK OF THE GEORGIA COURTS  
FISCAL YEAR 1991*

*JULY 1, 1990 - JUNE 30, 1991*

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Atlanta

*Vice Chairperson:* Presiding Justice George T. Smith  
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## Foreword

The *Eighteenth 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.

Georgia's judiciary undertook new challenges during the fiscal year, including making the court system more efficient with use of computer technology, investigating alternative dispute resolution and improved funding for indigent defense to name a few.

A group of judges, court officials, lawmakers and lay citizens initiated a two-year educational project to empower court officials to plan for the future of Georgia's courts. The Georgia Court Futures Vanguard is working together in task forces in an effort to accomplish this. In 1992 they will present their findings and make suggestions that will enable the courts to adapt to our state's changing needs.

The Georgia Courts Automation Commission became a permanent body this year, responsible for automating the transfer of data within the system resulting in a more efficient use of justice information.

Following two years of study, research and hearings, the Georgia Commission on Gender Bias in the Judicial System prepared to present its findings at the end of the fiscal year.

Aside from these efforts, the courts faced yet another year of rising caseloads. Total filings in the superior courts rose at a constant rate of 9 percent from 1989 to 1990, as they did from 1988 to 1989. At this rate, the 1991 filings will exceed 300,000 cases.

Probation revocations had the sharpest increase of 28 percent from 1989 to 1990. Misdemeanors and domestic relations cases both grew at a rate of 10 percent. The increase in felony cases slowed from 18.5 percent in 1989 to 4 percent in 1990. General civil cases had a similar growth rate of 4 percent. The increase in jury trials also slowed somewhat to 2 percent from 1989 to 1990.

Despite the tempering of rate increases in certain categories, the average filings per superior court judge increased from 1989 to 1990 by 6 percent. This increase is due, in part, to judicial positions already approved for the superior courts but unfilled due to pending voting rights litigation.

This annual report is presented to inform the governor, the legislature 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  
Chairperson  
Judicial Council of Georgia

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*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.*

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# THE COURTS IN REVIEW: FISCAL YEAR 1991

Georgia's judges and court officials focused in 1991 on providing improved services throughout the state's court system. Their efforts, however, were hindered due to a severe revenue shortfall.

Appropriations to the judicial branch, as well as the rest of state government, were adversely affected by the shortfall in fiscal year 1991. The total state budget was amended at mid-year to reduce appropriations by over \$300 million or 4.2 percent. Appropriations to the judicial branch were reduced by \$379,198 for an amended fiscal year 1991 budget of \$56.2 million.

The General Assembly initially approved a state budget for fiscal year 1992 that included a 2.3 percent increase for the judicial branch to \$57.5 million. This was just a continuation budget with no funds for improvements or new programs. In the early months of fiscal year 1992, lawmakers further reduced the appropriation to \$56.8 million in a special session. Although no major programs were eliminated, judicial branch agencies cooperated with the governor by instituting a freeze on merit and cost of living raises, deferring new employee hiring and limiting travel and other non-critical expenditures.

Even as these funding cutbacks were instituted, caseloads continued to rise as did the need for more judgeships to accommodate the increases. As a result, the legislature approved the creation of five additional superior court judgeships for the Atlanta, Blue Ridge, Eastern, Gwinnett and Rockdale circuits and two state court judgeships in Clarke and Cobb counties. Three were not filled due to a federal lawsuit challenging at-large elections of judges. In addition, 10 other superior court judgeships remained unfilled from 1989 and 1990 for the same reason. The litigation, which asserts that the system dilutes minority voting strength, was still pending at the end of the fiscal year. At stake were the elections and

appointments of 47 sitting judges whose positions could have been voided. An order issued by a federal court in 1990 allowed the affected judges to continue to serve past the expiration of their terms until the suit is resolved.

Gov. Zell Miller vetoed four court-related bills during the session including two that would have abolished mandatory retirement for superior court and Court of Appeals judges and Supreme Court justices at the age of 75.

In his second annual address to a joint session of the General Assembly, Chief Justice Harold G. Clark focused on how the judiciary and court officials are preparing for the future. He emphasized that courts have adopted new techniques to compensate for rising caseloads. Fast-track case processing for serious felonies or drug cases, high-tech hardware for video arraignments, automated case processing and electronic monitoring in place of incarceration are just a few of the alternatives implemented during the fiscal year. In September 1990, the Georgia Supreme Court and the State Bar of Georgia formed the Joint Commission on Alternative Dispute Resolution. The commission was charged with exploring the feasibility of a comprehensive court-annexed alternative dispute resolution program to complement existing dispute resolution methods.

Chief Justice Clarke also told the legislators of the Georgia Court Futures Vanguard, which was working to plan for the years beyond 2000 in Georgia's courts. The forward-thinking project was sparked by the notion that the courts historically have been reactive instead of proactive. A cross-section of judges, court officials, lawmakers and lay citizens gathered in May to mark the beginning of the two-year study of Georgia's courts.

Ten task forces were formed to concentrate on services provided through juvenile, state, municipal, special, magistrate, probate and superior courts. Other

## Five-Year Comparison of Judicial Budget (1988-1992)

Fiscal Year	Total State Appropriation	Increase	Judicial Appropriation	Increase	Percent of State Budget
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	7,643,807,302	1,244,627,640	52,212,242	4,569,289	0.68%
1991	7,461,512,616	-182,294,686	56,234,292	4,022,050	0.75%
1992	7,515,000,000	53,487,384	56,773,178	538,886	0.76%

## State Appropriations for the Judicial Branch: Fiscal Years 1990, 1991 and 1992

Budget Unit/Agency	FY 1990 Amended Appropriation	FY 1991 Amended Appropriation	Percent Change FY 90-91	FY 1992 General Appropriation*	Percent Change FY 91-92
Supreme Court	\$4,370,711	\$4,532,793	3.7%	\$4,524,014	-0.2%
Court of Appeals	5,189,527	5,696,903	9.8%	5,559,829	-2.4%
Superior Courts (Total)	38,733,929	41,500,121	7.1%	42,162,520	1.6%
Operations	37,030,391	38,770,818	4.7%	40,728,577	5.0%
Council of Superior Court Judges	84,266	97,659	15.9%	120,813	23.7%
Judicial Administrative Districts	812,098	1,073,334	32.2%	1,058,610	-1.4%
Prosecuting Attorneys' Council	682,864	1,402,370	105.4%	1,624,597	15.8%
Sentence Review Panel	124,310	155,940	25.4%	155,230	-0.5%
Council of Juvenile Court Judges	396,740	833,373	110.1%	824,399	-1.1%
Institute of Continuing Judicial Education (Total)	588,136	584,242	-0.7%	592,000	1.3%
Operations	437,000	453,712	3.8%	456,000	0.5%
Magistrate Courts Training Council	151,136	130,530	-13.6%	136,000	4.2%
Judicial Council (Total)	1,821,781	1,965,599	7.9%	1,981,429	0.8%
Operations	797,015	894,288	12.2%	903,896	1.1%
Board of Court Reporting	30,144	35,689	18.4%	39,932	11.9%
Case Counting	73,500	76,500	4.1%	76,500	0.0%
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	12,000	20.0%	12,000	0.0%
Appellate Resource Center	231,132	240,000	3.8%	240,000	0.0%
Computerized Information Network	633,990	661,122	4.3%	663,101	0.3%
Judicial Qualifications Commission	111,783	124,316	11.2%	124,290	0.0%
Indigent Defense Council	999,635	996,945	-0.3%	1,004,700	0.8%
<b>Judicial Branch Totals</b>	<b>\$52,212,242</b>	<b>\$56,234,292</b>	<b>7.7%</b>	<b>\$56,773,178</b>	<b>1.0%</b>

\* As amended in the Special Legislative Session by House Bill 1-EX

tasks forces focused on court automation services, judicial education services, the judiciary's relationship with the first and second branches of state government and alternative dispute resolution. The task forces worked throughout the year to study trends and problems. In 1992, the group will report its findings and make recommendations for ways courts can cope with the accelerating rate of change.

Technological improvement in the courts enhanced the way the November 1990 elections were reported. Probate judges and superior court clerks from 100 counties cooperated to unofficially report results electronically to the Secretary of State's office in Atlanta. Prior to 1990, county authorities unofficially reported vote counts via telephone. The new method was possible due to the formation of a

statewide computer network in 1988 linking the superior court clerks' personal computers across the state.

Gov. Miller signed House Bill 215 permanently creating the Georgia Courts Automation Commission. The commission's goal is to create a statewide justice information system, including other state and local agencies, focusing on automation of the courts. During the year the commission worked on a pilot project to automate the transfer of traffic conviction data. It was hoped that the new system being developed would eliminate long delays in updating driver history records.

The commission sought various grants during the year to fund other projects including one to facilitate a system for court-related computer users to gain read-only access to

a half-dozen state-level data bases. That would enhance the flow of information available to the courts and other criminal justice practitioners, thereby increasing the effectiveness of the entire criminal justice system.

In an effort to investigate gender and justice in Georgia's courts, another commission wound up two years of hearings, research and evaluations. At the year's end, the Commission on Gender Bias in the Judicial System was compiling its report for presentation to the Supreme Court. In short, the findings revealed that there was pervasive gender bias, mostly against women, throughout the state's judicial system. The commission made numerous recommendations for changes throughout the state's courts. Fourteen sections in the report cover domestic violence, sexual offenses, adult sentencing, the juvenile justice system, child custody, visitation and support, alimony and equitable distribution of property, treatment of participants in the courtroom, treatment of

court employees, language in the courts, judicial ethics and discipline, judicial selection and court facilities.

The most comprehensive section of the report, on domestic violence, suggests several important changes in the way these cases are handled. Another significant aspect of the report recommends the adoption of the 1990 American Bar Association (ABA) rules on judicial conduct. Historically, there has been no clear recourse for an individual who believes a judge has acted in a gender-biased manner. The ABA's model codes put the duty on judges to set the tone for bias-free courtrooms.

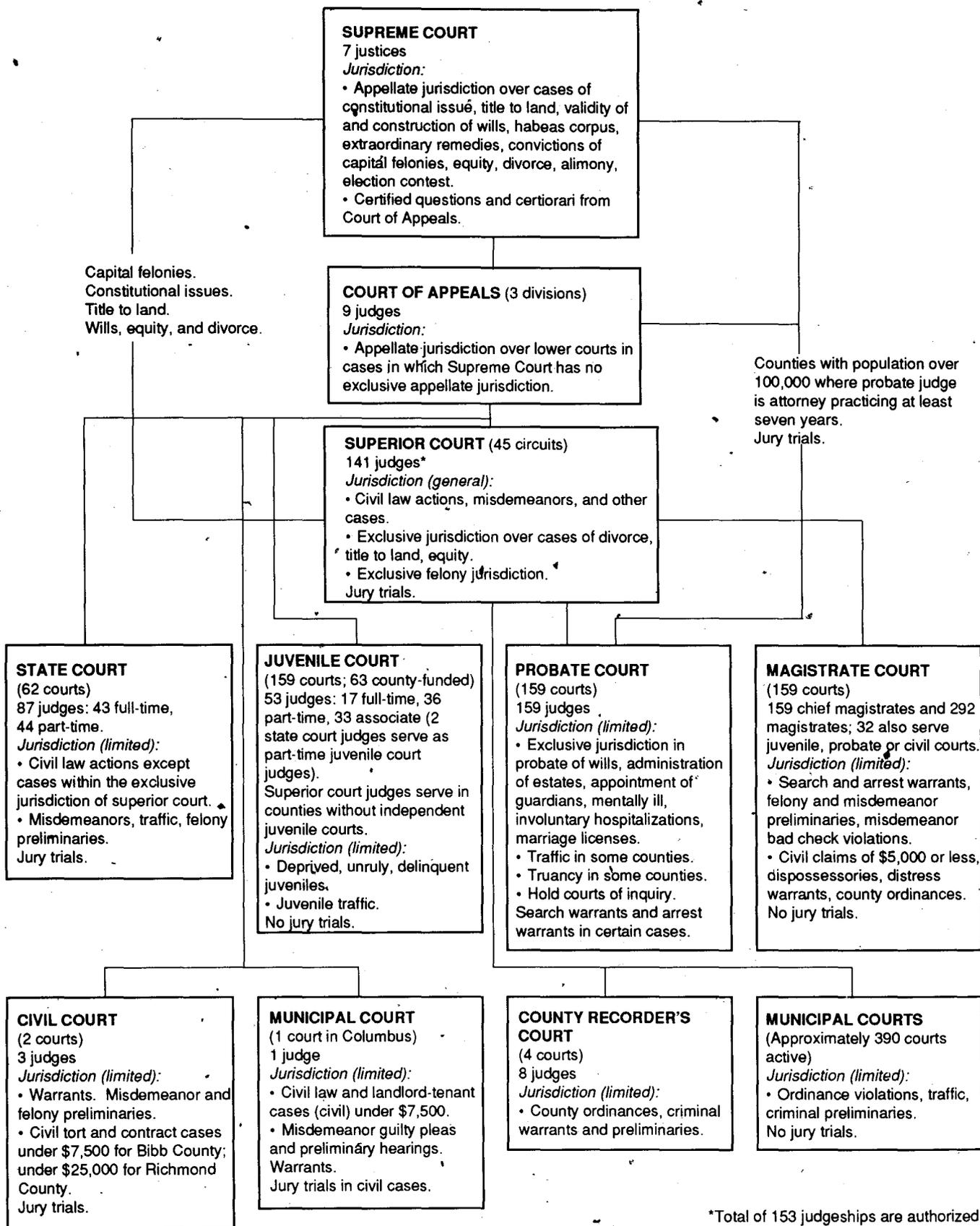
An endeavor to improve the courts at the local level saw the creation of the Municipal Courts Training Council. Under a new law municipal court judges who assumed office after Jan. 1, 1991 must satisfy training requirements. In order to remain certified, all of the judges will be required to complete annual continuing education courses.

## Judicial Branch Budget Units: Funds Available and Expenditures, Fiscal Year 1991

	Supreme Court	Court of Appeals	Superior Courts	Council of Juvenile Court Judges	Institute of Continuing Judicial Education	Judicial Council	Judicial Qualifications Commission	Indigent Defense Council	Totals
<b>Funds Available</b>									
General	\$4,654,614	\$5,766,146	\$41,904,289	\$816,849	\$596,170	\$1,923,130	\$124,767	\$1,001,825	\$56,787,790
Supplemental	(121,821)	(69,243)	(404,168)	6,524	(11,928)	42,469	(451)	(4,880)	(553,498)
Emergency Funds*	0	0	0	0	0	5,000	0	0	5,000
Total State Funds	4,532,793	5,696,903	41,500,121	833,373	584,242	1,970,599	124,316	996,945	56,239,292
Federal Funds	0	0	682,846	668,865	2,025	67,334	0	0	1,421,070
Other Funds	509,381	58,582	909,893	55,357	49,148	69,783	30	111,876	1,764,050
<b>Total Funds Available</b>	<b>\$5,042,174</b>	<b>\$5,755,485</b>	<b>\$43,092,860</b>	<b>\$1,557,595</b>	<b>\$635,415</b>	<b>\$2,107,716</b>	<b>\$124,346</b>	<b>\$1,108,821</b>	<b>\$59,424,412</b>
<b>Expenditures</b>									
Personal Services	\$3,773,928	\$4,852,282	\$39,168,286	\$540,643	\$0	\$798,897	\$66,652	\$110,830	\$49,311,518
Operating Expenses	479,565	143,636	848,159	641,508	131,408	115,406	13,281	959,656	3,332,619
Travel	32,151	32,480	551,180	28,314	0	18,366	2,117	9,310	673,918
Equipment Purchases	92,434	74,344	129,810	64,679	3,039	18,634	424	1,033	384,397
Computer Charges	121,694	60,332	118,398	98,248	26,907	711,364	0	14,934	1,151,877
Real Estate Rentals	286,424	184,525	134,217	44,220	0	39,341	968	2,495	692,190
Telecommunications	43,703	26,863	42,842	12,631	0	10,596	1,384	4,931	142,950
Per Diem, Fees & Contracts	204,121	17,767	1,068,001	125,536	473,950	386,259	15,529	2,073	2,293,236
<b>Total Expenditures</b>	<b>\$5,034,020</b>	<b>\$5,392,229</b>	<b>\$42,060,893</b>	<b>\$1,555,779</b>	<b>\$635,304</b>	<b>\$2,098,863</b>	<b>\$100,355</b>	<b>\$1,105,262</b>	<b>\$57,982,705</b>

\* For use at the governor's discretion.

# Georgia Court System: July 1, 1991



\*Total of 153 judgeships are authorized.

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## *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 Administrative Office of the Courts, the Institute of Continuing Judicial Education, the Judicial Council of Georgia, the Office of Bar Admissions and the State Bar of Georgia.

*The Supreme Court's caseload for calendar years 1989 and 1990 is shown on the next page.*

## Supreme Court Caseload: 1989 & 1990

Filed	1989	1990	Disposed	1989	1990
Direct appeals	574	566	By opinion	370	355*
Petitions for certiorari	640	604	Affirmed without opinion (Rule 59)	151	122
Applications for appeal			Petitions for certiorari		
Habeas corpus	157	171	Denied	575	488
Discretionary	210	221	Granted	61	83
Interlocutory	64	44	Other	4	8
Attorney disciplinarys	80	76	Habeas corpus applications		
Original petitions/motions	40	39	Denied	173	109
Cross appeals	16	37	Granted	5	2
Certified questions	2	3	Other	17	17
Bar admissions	5	5	Discretionary applications		
Judicial disciplinarys	3	3	Denied	132	149
<b>Total</b>	<b>1,791</b>	<b>1,769</b>	Granted	62	61
			Other	6	16
			Interlocutory applications		
			Denied	30	29
			Granted	22	12
			Other	3	7
			Original petitions/motions	22	41
			Attorney and judicial disciplinarys/		
			Bar admissions decided by order	34	70
			<b>Total</b>	<b>1,783**</b>	<b>1,629**</b>

\* In 1990, 355 cases were disposed of by 310 opinions written by the Supreme Court.

\*\* In addition to the above-listed breakdown of dispositions, there were others, including cases withdrawn, dismissed and transferred to the Court of Appeals by orders. Although a breakdown of those categories is unavailable, the total is inclusive of them.

## 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 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. To date, 43 percent of the cases which went to settlement conference were settled.

*Court of Appeals filings and dispositions for calendar years 1989 and 1990 are compared in the table below. Also listed below are statistics for cases that went to Settlement Conference.*

### Court of Appeals Caseload: 1989 & 1990

Filed	1989	1990
Appeals	2,361	2,384
Discretionary applications	408	394
Interlocutory applications	401	400
<b>Total</b>	<b>3,170</b>	<b>3,178</b>

### Disposed

By opinion	1,359	1,922
By order	494	407
Discretionary applications*		
Granted		98
Denied		253
Dismissed		24
Transferred to Supreme Court		8
Withdrawn		4
Changed to Interlocutory		5
<b>Total</b>	<b>395</b>	<b>392</b>

### Interlocutory applications\*

Granted		108
Denied		243
Dismissed		25
Transferred to Supreme Court		5
Withdrawn		3
<b>Total</b>	<b>382</b>	<b>384</b>

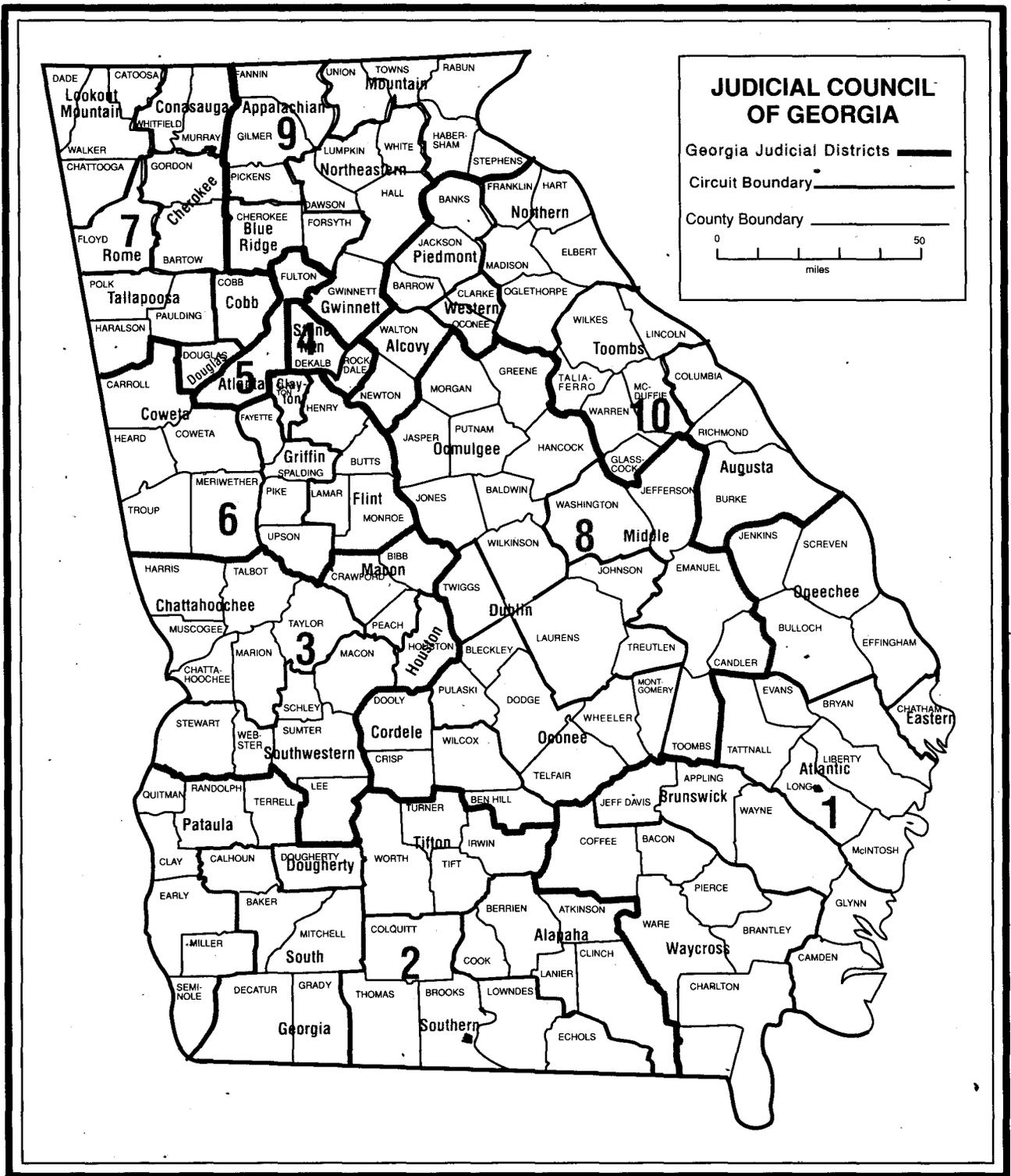
**Total** 2,630 3,105

\* A complete breakdown of discretionary and interlocutory applications was first made available for publication during fiscal year 1991.

### Appellate Settlement Conference: October 1989 - September 1991\*

Cases settled	53
Cases terminated	69
<b>Total cases considered</b>	<b>122</b>

\* A fiscal year breakdown of the statistics is unavailable.



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## 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 two judges in over a dozen circuits to 15 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 a two-year term 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, circuit-wide 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 July 1, 1991, there were 141 judges (153 authorized positions) in Georgia's 159 superior courts. Five additional judgeships, one each for the Atlanta (15th), Blue Ridge (3rd), Eastern (6th), Gwinnett (6th) and Rockdale (2nd) judicial circuits, were created by the 1991 General Assembly.

*Recent caseload data for the superior courts is presented on the following pages. Calendar year 1990 total superior court caseload by circuit and case type is presented in the table on pages 10 and 11. The four graphs on page 12 depict total, civil, criminal and average filings and dispositions for calendar years 1986 through 1990.*

## Superior Court Caseload, Calendar Year 1990 (Docket entries)

Circuit	Total Criminal		Felony		Misdemeanor		Probation Revocation	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Alapaha	3,496	3,006	1,098	907	2,264	1,985	134	114
Alcovy	4,299	3,910	1,694	1,530	2,188	1,974	417	406
Appalachian	1,115	1,161	409	400	528	583	178	178
Atlanta	14,212	12,420	12,131	10,346	35	28	2,046	2,046
Atlantic	3,195	3,062	865	789	2,145	2,088	185	185
Augusta	3,590	3,615	2,249	2,372	571	678	570	565
Blue Ridge	1,154	1,070	887	800	43	46	224	224
Brunswick	1,951	1,822	1,630	1,446	105	160	216	216
Chattahoochee	3,424	3,164	2,668	2,402	536	542	220	220
Cherokee	2,841	2,508	1,148	1,025	989	785	704	698
Clayton	2,088	2,262	1,602	1,767	31	40	455	455
Cobb	4,186	4,336	3,225	3,382	102	95	859	859
Conasauga	2,617	2,256	932	743	1,066	899	619	614
Cordele	1,405	1,397	685	706	507	478	213	213
Coweta*	1,986	1,951	1,398	1,341	301	323	287	287
Dougherty	1,770	1,973	982	1,191	278	272	510	510
Douglas	2,139	2,008	698	682	931	817	510	509
Dublin	1,548	1,160	773	519	383	249	392	392
Eastern	3,878	3,904	3,111	3,158	0	0	767	746
Flint	1,650	1,689	802	791	588	638	260	260
Griffin	1,784	1,791	1,120	1,125	545	547	119	119
Gwinnett	2,384	2,536	1,846	1,998	5	5	533	533
Houston	804	787	582	564	98	99	124	124
Lookout Mountain	2,643	2,768	1,311	1,328	998	1,106	334	334
Macon	3,331	3,227	2,467	2,366	132	129	732	732
Middle	1,425	1,328	921	824	27	27	477	477
Mountain	997	942	602	611	263	199	132	132
Northeastern	3,316	3,288	1,152	1,205	1,479	1,398	685	685
Northern	1,518	1,493	795	761	306	320	417	412
Ocmulgee	2,977	3,012	1,258	1,269	1,387	1,411	332	332
Oconee	1,406	949	677	458	561	360	168	131
Ogeechee	949	919	733	714	17	16	199	189
Pataula	1,130	1,077	586	534	470	469	74	74
Piedmont	1,374	1,149	637	462	461	412	276	275
Rockdale	686	739	493	527	17	22	176	190
Rome	2,603	2,503	614	572	1,236	1,115	753	816
South Georgia	931	931	570	573	80	78	281	280
Southern	2,094	2,094	1,634	1,575	212	193	248	326
Southwestern	2,157	2,100	782	749	591	567	784	784
Stone Mountain	6,522	6,657	4,106	4,239	21	23	2,395	2,395
Tallapoosa	2,220	2,111	806	715	1,082	1,071	332	325
Tifton	1,508	1,363	834	694	399	394	275	275
Toombs	1,700	1,761	411	490	1,100	1,084	189	187
Waycross	1,950	1,810	1,174	1,029	446	468	330	313
Western	1,641	1,053	1,177	751	264	102	200	200
<b>Totals</b>	<b>112,594</b>	<b>107,062</b>	<b>66,275</b>	<b>62,430</b>	<b>25,788</b>	<b>24,295</b>	<b>20,331</b>	<b>20,337</b>
<b>Average per judge**</b>	<b>761</b>	<b>723</b>	<b>448</b>	<b>422</b>	<b>174</b>	<b>164</b>	<b>137</b>	<b>137</b>

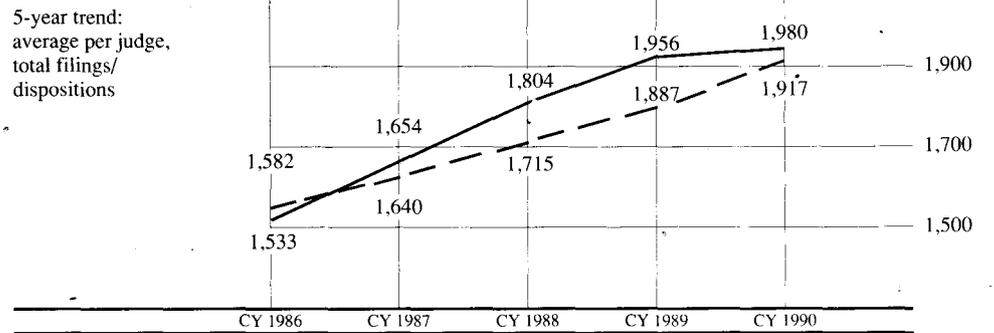
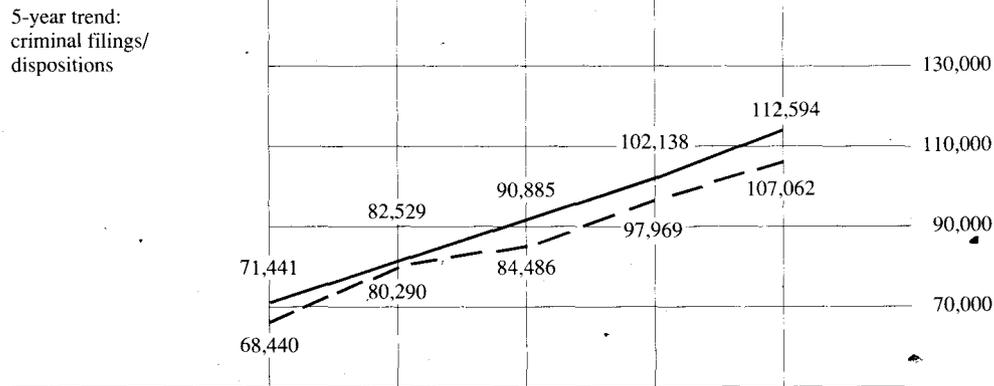
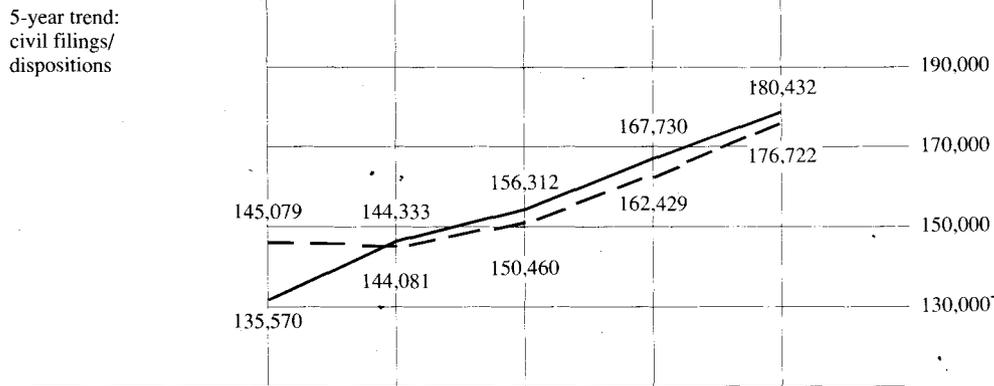
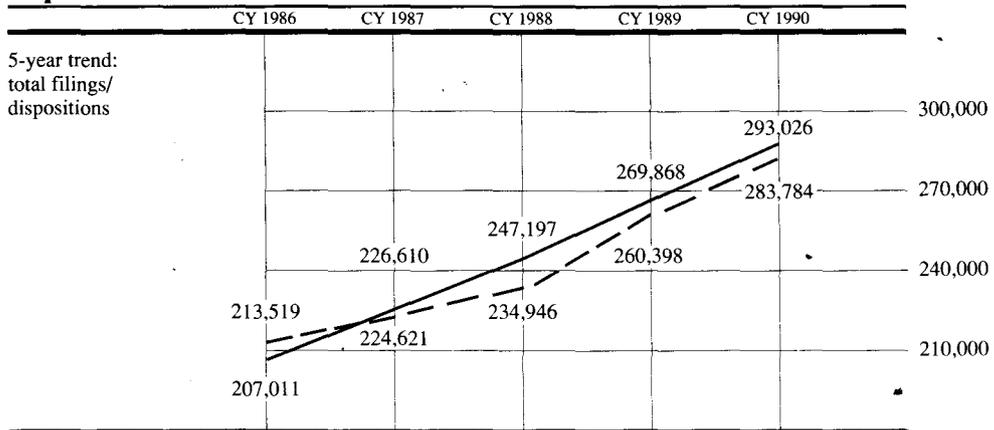
\* Data for Coweta County was incomplete as of Dec. 23, 1991.

\*\* Based on 148 superior court judges.

## Superior Court Caseload, Calendar Year 1990 (Docket entries)

Total Civil		General Civil		Domestic Relations		Total Caseload		Total Open
Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Caseload
1,965	1,767	694	595	1,271	1,172	5,461	4,773	2,156
4,105	4,386	1,441	1,782	2,664	2,604	8,404	8,296	3,327
1,593	1,426	630	540	963	886	2,708	2,587	1,543
10,149	9,034	4,167	3,424	5,982	5,610	24,361	21,454	13,425
3,902	3,979	1,035	1,081	2,867	2,898	7,097	7,041	1,294
8,527	8,311	2,136	1,856	6,391	6,455	12,117	11,926	6,148
2,891	2,625	873	755	2,018	1,870	4,045	3,695	2,326
5,520	5,528	1,605	1,527	3,915	4,001	7,471	7,350	3,653
6,322	5,953	1,746	1,668	4,576	4,285	9,746	9,117	3,788
3,421	3,383	1,596	1,532	1,825	1,851	6,262	5,891	3,822
3,398	3,831	716	739	2,682	3,092	5,486	6,093	1,809
9,146	9,571	2,209	2,296	6,937	7,275	13,332	13,907	4,809
4,284	3,731	1,431	1,003	2,853	2,728	6,901	5,987	4,196
1,860	2,121	704	837	1,156	1,284	3,265	3,518	1,044
3,953	3,604	1,451	1,222	2,502	2,382	5,939	5,555	3,035
4,965	4,837	860	749	4,105	4,088	6,735	6,810	1,648
2,591	2,272	1,536	1,266	1,055	1,006	4,730	4,280	3,882
2,496	2,400	864	746	1,632	1,654	4,044	3,560	1,421
6,483	6,488	2,345	2,285	4,138	4,203	10,361	10,392	4,459
4,113	3,431	1,993	1,600	2,120	1,831	5,763	5,120	4,446
5,821	5,799	1,973	2,013	3,848	3,786	7,605	7,590	3,922
7,510	7,242	2,834	2,730	4,676	4,512	9,894	9,778	2,678
2,974	2,784	677	615	2,297	2,169	3,778	3,571	1,484
4,349	4,052	1,059	903	3,290	3,149	6,992	6,820	2,831
4,203	4,174	1,666	1,577	2,537	2,597	7,534	7,401	3,337
2,631	2,490	883	795	1,748	1,695	4,056	3,818	2,608
2,320	2,255	823	754	1,497	1,501	3,317	3,197	1,141
4,321	4,121	1,498	1,439	2,823	2,682	7,637	7,409	3,158
2,723	2,456	999	839	1,724	1,617	4,241	3,949	2,096
4,098	4,321	2,066	1,958	2,032	2,363	7,075	7,333	2,304
2,194	2,497	722	823	1,472	1,674	3,600	3,446	1,164
2,798	733	929	887	1,869	1,846	3,747	3,652	742
1,693	1,569	538	407	1,155	1,162	2,823	2,646	1,222
2,755	2,452	1,002	915	1,753	1,537	4,129	3,601	2,017
1,731	1,839	659	757	1,072	1,082	2,417	2,578	1,091
2,858	2,637	1,199	1,104	1,659	1,533	5,461	5,140	2,657
2,844	2,624	753	652	2,091	1,972	3,775	3,555	963
5,914	5,450	1,930	1,688	3,984	3,762	8,008	7,544	3,346
2,073	2,062	950	932	1,123	1,130	4,230	4,162	1,025
10,309	12,554	1,962	2,526	8,347	10,028	16,831	19,211	7,700
3,008	2,934	1,540	1,450	1,548	1,484	5,308	5,045	2,845
2,065	1,691	853	635	1,212	1,056	3,573	3,054	2,619
1,430	1,397	583	565	847	832	3,130	3,158	1,249
3,647	3,520	1,613	1,605	2,034	1,915	5,597	5,330	2,158
2,399	2,391	1,010	978	1,389	1,413	4,040	3,444	2,122
<b>180,432</b>	<b>176,722</b>	<b>60,753</b>	<b>57,050</b>	<b>119,679</b>	<b>119,672</b>	<b>293,026</b>	<b>283,784</b>	<b>130,710</b>
<b>1,219</b>	<b>1,194</b>	<b>410</b>	<b>385</b>	<b>809</b>	<b>809</b>	<b>1,980</b>	<b>1,917</b>	<b>883</b>

# Superior Courts



Filings —————  
Dispositions - - - - -

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## *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 1991, 62 state courts operated in 63 counties. Georgia's only multi-county state court serves Cherokee and Forsyth counties. Of the 87 judges authorized, 43 were full-time and 44 were part-time. Two additional state court judgeships, in Clarke and Cobb counties, were authorized by the General Assembly in 1991.

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 1990 filings and dispositions are listed in the table on the following page for 28 courts that voluntarily submitted caseload data.*

## State Court Caseload, 1990 Calendar Year (Docket entries)

County	Misdemeanor		Traffic		Civil		Total	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Bibb	5,226	4,800	4,101	3,519	1,289	1,251	10,616	9,570
Carroll	538	662	5,076	5,035	666	513	6,280	6,210
Chatham <sup>1</sup>	N/A	N/A	3,263	3,726	2,771	1,386	6,034	5,112
Clarke	1,793	1,793	7,765	7,765	531	404	10,089	9,962
Clinch	265	207	1,394	1,139	1	1	1,660	1,347
Cobb	7,051	8,253	62,231	87,208	25,504	24,476	94,786	119,937
Colquitt <sup>2</sup>	830	778	1,361	1,231	103	99	2,294	2,108
Decatur	494	620	1,506	1,409	77	57	2,077	2,086
DeKalb	7,541	7,709	4,294	3,083	64,501	58,795	76,336	69,587
Dougherty	3,992	3,197	5,138	4,773	829	688	9,959	8,658
Early	248	113	1,251	1,319	2	0	1,501	1,432
Fulton	19,490	20,152	6,019	N/A	25,192	11,563	50,701	31,715
Grady	187	80	1,605	1,444	50	26	1,842	1,550
Gwinnett	2,573	4,750	411	710	4,308	2,880	7,292	8,340
Habersham <sup>3</sup>	445	424	695	613	54	35	1,194	1,072
Hall	3,222	4,393	8,109	7,651	868	854	12,199	12,898
Houston	2,550	1,577	8,183	8,451	802	965	11,535	10,993
Jackson	519	322	3,029	2,979	116	94	3,664	3,395
Miller	99	103	837	895	5	6	941	1,004
Mitchell	492	454	1,339	1,313	13	9	1,844	1,776
Muscogee	3,186	3,267	3,572	4,103	913	582	7,671	7,952
Richmond	3,877	N/A	12,421	N/A	727	231	17,025	231
Spalding <sup>4</sup>	2,274	451	643	1,741	256	163	3,173	2,355
Sumter	942	1,067	1,485	1,485	41	25	2,468	2,577
Thomas <sup>3</sup>	689	466	1,218	792	42	38	1,949	1,296
Tift	1,759	1,231	10,137	8,973	388	269	12,284	10,473
Washington	511	396	1,255	1,211	18	14	1,784	1,621
Worth	346	263	2,621	2,237	45	11	3,012	2,511
<b>Totals</b>	<b>71,139</b>	<b>67,528</b>	<b>160,959</b>	<b>164,805</b>	<b>130,112</b>	<b>105,435</b>	<b>362,210</b>	<b>337,768</b>

<sup>1</sup> Chatham County did not separate misdemeanor from traffic cases in the casecount of criminal actions.

<sup>2</sup> Includes two of four quarters of data.

<sup>3</sup> Includes three of four quarters of data.

<sup>4</sup> Includes one of four quarters of data.

Note: 28 of 62 courts submitted data for this report.

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## *Juvenile Courts*

The 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 establish-

ing judgeships on that geographical basis. However, since the legislature has not yet appropriated funds to implement this act, the state's 17 full-time and 36 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 associate judges, 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 either a four-year or six-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 1990 is presented by county in the table on the following pages.*

# Juvenile Court Caseload, Calendar Year 1990 (Number of children)

County	Delinquent		Unruly		Traffic		Deprived		Special Proceedings		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Appling	90	60	39	26	13	10	14	13	17	9	173	118
Atkinson	12	9	2	0	8	8	9	9	3	1	34	27
Bacon	64	47	11	6	1	1	34	8	8	4	118	66
Baker	19	18	2	2	0	0	7	7	1	0	29	27
Baldwin	196	159	16	15	25	21	70	56	63	60	370	311
Banks	27	25	9	8	7	7	3	2	5	5	51	47
Barrow	128	119	32	28	29	26	44	40	29	27	262	240
Bartow	392	340	154	128	199	187	242	208	73	62	1,060	925
Ben Hill	95	62	14	10	10	8	3	0	13	3	135	83
Berrien	84	66	23	18	2	2	5	5	2	2	116	93
Bibb	1,176	926	138	115	171	159	155	134	424	352	2,064	1,686
Bleckley	28	27	8	8	3	3	9	8	10	9	58	55
Brantley	29	24	11	8	0	0	16	16	25	22	81	70
Brooks	73	66	24	20	3	3	29	19	7	6	136	114
Bryan	55	44	46	34	9	7	25	16	18	13	153	114
Bulloch	189	160	46	42	10	9	24	12	13	8	282	231
Burke	144	118	0	0	23	22	20	20	39	33	226	193
Butts	68	57	26	20	16	10	47	36	19	13	176	136
Calhoun	3	3	1	1	4	4	9	8	1	0	18	16
Camden	184	168	113	109	16	12	102	87	52	44	467	420
Candler	11	11	2	2	0	0	4	5	0	0	17	18
Carroll	398	387	197	189	113	112	133	124	25	20	866	832
Catoosa	200	197	67	64	46	46	44	44	25	20	382	371
Charlton	13	10	6	4	0	0	18	7	8	3	45	24
Chatham	1954	1245	310	174	468	448	766	610	120	87	3,618	2,564
Chattahoochee	45	33	6	4	1	1	2	2	5	5	59	45
Chattooga	40	39	29	29	32	30	19	18	0	0	120	116
Cherokee	267	237	177	163	244	232	156	117	67	66	911	815
Clarke	708	705	212	212	117	117	175	173	43	43	1,255	1,250
Clay	12	10	4	4	0	0	6	4	0	0	22	18
Clayton	1,107	778	367	276	628	515	518	401	406	307	3,026	2,277
Clinch	12	8	5	5	0	0	14	9	1	1	32	23
Cobb	1,903	1,459	863	785	1,679	1,488	645	587	261	235	5,351	4,554
Coffee	179	67	60	22	68	20	32	4	14	5	353	118
Colquitt	208	194	47	45	29	29	78	36	15	13	377	317
Columbia	259	215	140	131	82	71	31	31	23	17	535	465
Cook	90	60	20	17	1	1	19	4	6	2	136	84
Coweta	254	252	214	212	111	110	149	144	32	32	760	750
Crawford	10	8	1	0	5	3	3	2	7	6	26	19
Crisp	261	242	17	16	28	28	69	68	10	10	385	364
Dade	35	30	26	24	0	0	17	17	9	8	87	79
Dawson	23	13	16	7	0	0	10	8	9	6	58	34
Decatur	110	93	21	20	8	8	28	22	38	28	205	171
DeKalb	3,756	2,693	1,211	1,004	1,296	979	1,240	951	92	62	7,595	5,689
Dodge	97	82	14	14	16	14	8	0	4	2	139	112
Dooly	68	52	11	9	7	7	28	23	11	10	125	101
Dougherty	1,112	1,049	141	137	287	268	173	165	4	4	1,717	1,623
Douglas	441	226	226	155	5	2	155	71	124	66	951	520
Early	57	50	6	6	10	8	2	0	0	0	75	64
Echols	1	1	0	0	0	0	0	0	0	0	1	1
Effingham	130	122	45	44	36	35	25	24	8	8	244	233
Elbert	75	70	10	9	56	52	23	11	4	4	168	146
Emanuel	32	18	2	2	0	0	10	11	2	2	46	33
Evans	102	81	19	15	10	10	8	8	9	8	148	122
Fannin	25	15	2	1	0	0	27	22	3	2	57	40
Fayette	208	181	129	125	226	194	73	66	27	27	663	593
Floyd	478	399	258	222	265	242	250	210	124	111	1,375	1,184
Forsyth	82	71	56	50	128	109	111	92	17	13	394	335
Franklin	23	21	10	4	19	18	29	11	4	3	85	57
Fulton	6,359	3,796	484	282	1,358	1,052	796	562	787	505	9,784	6,197
Gilmer	33	24	15	6	1	1	16	8	5	3	70	42
Glascock	2	2	1	1	3	3	1	1	0	0	7	7
Glynn	694	687	232	231	130	129	127	126	29	15	1,212	1,188
Gordon	258	236	200	190	17	16	114	104	47	41	636	587
Grady	73	67	16	16	20	17	18	16	10	7	137	123

# Juvenile Court Caseload, Calendar Year 1990 (Number of children)

County	Delinquent		Unruly		Traffic		Deprived		Special Proceedings		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Greene	45	38	13	11	10	8	0	0	4	4	72	61
Gwinnett	1,259	784	382	318	1,054	939	299	278	516	334	3,510	2,653
Habersham	71	61	22	19	35	35	36	29	42	33	206	177
Hall	454	450	200	197	266	265	91	80	35	35	1,046	1,027
Hancock	17	9	0	0	3	0	5	5	2	1	27	15
Haralson	37	35	13	13	2	2	49	38	22	14	123	102
Harris	34	27	11	10	16	13	12	12	12	12	85	74
Hart	60	45	4	2	17	16	14	2	5	5	100	70
Heard	33	24	3	1	0	0	23	21	3	0	62	46
Henry	272	215	190	137	81	69	44	38	62	47	649	506
Houston	459	367	184	156	278	271	429	410	63	53	1,413	1,257
Irwin	19	14	1	0	10	10	16	3	5	2	51	29
Jackson	113	94	30	26	36	32	42	25	5	4	226	181
Jasper	25	22	1	1	11	11	22	15	6	6	65	55
Jeff Davis	85	82	50	48	29	28	20	15	4	4	188	177
Jefferson*												
Jenkins	20	20	6	6	0	0	8	8	17	15	51	49
Johnson	29	26	4	4	5	5	4	4	6	3	48	42
Jones	51	40	5	5	36	31	23	13	18	14	133	103
Lamar	64	52	24	16	28	20	27	26	14	14	157	128
Lanier	26	23	5	3	4	3	11	8	15	10	61	47
Laurens	250	241	167	164	75	75	75	35	12	12	579	527
Lee	73	70	30	30	22	22	24	24	15	12	164	158
Liberty	395	409	230	216	100	107	180	180	2	2	907	914
Lincoln	27	26	2	2	21	13	10	5	0	0	60	46
Long	36	26	3	1	9	7	29	9	8	4	85	47
Lowndes	217	48	41	11	72	34	50	0	0	0	380	93
Lumpkin	101	51	21	13	0	0	4	1	6	3	132	68
Macon	60	59	14	11	6	6	18	18	0	0	98	94
Madison	32	20	5	2	30	27	24	7	12	7	103	63
Marion	11	8	4	3	4	3	0	0	7	6	26	20
McDuffie	68	64	27	27	26	23	7	7	8	5	136	126
McIntosh	38	22	26	14	5	4	26	16	10	7	105	63
Meriwether	58	53	0	0	31	30	111	106	11	9	211	198
Miller	8	8	2	2	2	2	13	9	1	1	26	22
Mitchell	104	94	16	15	10	9	21	8	5	5	156	131
Monroe	84	67	33	20	46	39	30	17	35	30	228	173
Montgomery	11	11	2	2	2	2	5	4	6	5	26	24
Morgan	69	35	9	9	17	14	27	26	4	4	126	88
Murray	138	81	123	77	20	14	49	26	39	31	369	229
Muscogee	1,765	1,459	655	522	375	364	493	457	205	120	3,493	2,922
Newton	363	307	235	205	137	121	223	176	211	172	1,169	981
Oconee	29	23	10	9	26	20	16	12	19	16	100	80
Oglethorpe	17	17	3	3	9	7	19	15	6	6	54	48
Paulding	164	138	101	92	59	57	65	31	70	41	459	359
Peach	87	62	12	11	0	0	30	19	43	33	172	125
Pickens	32	22	25	23	7	5	25	25	12	11	101	86
Pierce	53	41	9	9	2	0	34	27	13	10	111	87
Pike	26	24	5	5	9	9	18	5	9	6	67	49
Polk	154	139	66	61	2	2	100	67	28	21	350	290
Pulaski	28	20	10	7	0	0	1	1	5	5	44	33
Putnam	7	7	0	0	0	0	45	37	5	5	57	49
Quitman	7	1	0	0	0	0	2	2	5	5	14	8
Rabun	36	30	5	5	6	6	12	9	15	4	74	54
Randolph	14	13	0	0	2	2	24	18	1	1	41	34
Richmond	1,454	1,310	227	206	73	62	253	88	49	37	2,056	1,703
Rockdale	169	153	100	87	228	217	50	44	114	84	661	585
Schley	21	19	3	3	4	4	10	10	3	1	41	37
Screven	46	43	18	18	1	1	12	11	2	2	79	75
Seminole	11	2	4	4	0	0	12	1	6	2	33	9
Spalding	373	295	118	104	87	68	117	115	109	107	804	689
Stephens	79	68	13	12	35	33	18	9	33	21	178	143
Stewart	33	31	6	6	3	3	10	10	5	4	57	54
Sumter	194	178	93	85	26	24	39	39	5	5	357	331
Talbot	1	1	2	2	2	2	5	5	4	3	14	13

## Juvenile Court Caseload, Calendar Year 1990 (Number of children)

County	Delinquent		Unruly		Traffic		Deprived		Special Proceedings		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Taliaferro	0	0	0	0	2	0	0	0	0	0	2	0
Tattnall	84	66	37	32	7	6	38	31	22	17	188	152
Taylor	17	11	0	0	12	10	30	28	1	0	60	49
Telfair	93	88	13	13	12	12	3	3	3	3	124	119
Terrell	66	57	6	6	6	3	29	26	27	23	134	115
Thomas	266	241	72	49	73	72	47	40	18	13	476	415
Tift	268	212	79	61	42	40	33	24	6	4	428	341
Toombs	151	143	0	0	0	0	53	30	38	26	242	199
Towns	3	2	1	1	4	4	4	2	3	3	15	12
Treutlen	34	26	6	5	16	15	3	3	6	5	65	54
Troup	801	726	196	184	77	68	268	232	16	12	1,358	1,222
Turner	61	40	9	8	7	7	12	6	1	1	90	62
Twiggs	17	13	9	9	6	6	9	3	9	5	50	36
Union	26	20	9	9	17	15	11	7	12	11	75	62
Upson	113	103	38	35	45	42	55	49	19	19	270	248
Walker	208	204	60	55	146	143	39	29	38	35	491	466
Walton	426	354	240	200	76	73	206	175	67	50	1,015	852
Ware	409	256	83	55	41	29	102	73	92	73	727	486
Warren	14	9	1	1	5	4	6	0	8	7	34	21
Washington	65	62	11	11	0	0	22	16	1	1	99	90
Wayne	108	101	20	20	26	26	92	89	19	19	265	255
Webster	3	3	2	2	3	3	0	0	0	0	8	8
Wheeler	31	31	1	1	2	2	4	1	1	1	39	36
White	37	22	23	6	1	0	30	25	5	1	96	54
Whitfield	339	284	237	219	243	222	164	125	136	123	119	973
Wilcox	24	21	3	1	6	6	10	6	1	1	44	35
Wilkes	22	12	4	4	16	13	3	3	3	2	48	34
Wilkinson	21	17	1	1	4	4	7	1	6	1	39	24
Worth	120	77	24	18	24	21	34	2	4	2	206	120
<b>Totals</b>	<b>39,204</b>	<b>30,159</b>	<b>11,418</b>	<b>9,603</b>	<b>12,530</b>	<b>10,956</b>	<b>11,862</b>	<b>9,413</b>	<b>5,833</b>	<b>4,413</b>	<b>80,847</b>	<b>64,544</b>

\*Data for Jefferson County was not available as of Jan. 3, 1992.

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## *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.

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 Su-

preme Court or Court of Appeals, depending on the particular matter.

Most 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. All judges are required to attend annual continuing education courses and seminars approved by the Executive Probate Judges Council and the Institute of Continuing Judicial Education.

*Fiscal year 1991 civil caseload data voluntarily submitted by 91 probate courts and criminal caseload data voluntarily submitted by 48 of the 96 probate courts exercising criminal jurisdiction are presented in the tables on the following pages.*

# Probate Court Civil Caseload, Fiscal Year 1991 (Docket entries)

County	No Administration		Probate		Year's		Habeas Corpus	Licenses		Total Civil	
	Administration	Necessary	Common	Solemn	Guardianship	Support		Hospitalization	Marriage		Pistol
Baker	7	2	0	7	1	0	6	1	26	21	71
Baldwin	27	7	4	83	29	2	395	2	378	385	1,312
Banks	7	7	0	31	3	7	13	0	61	96	225
Barrow	23	3	2	62	39	7	27	0	218	195	576
Bartow	48	10	0	146	80	17	70	0	482	531	1,384
Ben Hill	13	1	0	24	10	1	14	0	147	82	292
Bibb	56	25	21	417	92	29	78	0	1,522	792	3,032
Brantley	10	1	0	27	12	4	0	0	97	43	194
Bryan	12	1	0	13	15	1	7	0	99	118	266
Bulloch	22	1	1	109	28	1	31	0	316	168	677
Butts	7	1	1	32	10	5	6	0	127	156	345
Candler	9	3	4	15	6	3	0	0	85	28	153
Cherokee	25	22	10	159	35	10	48	0	493	576	1,378
Clarke	33	6	13	130	90	11	61	2	641	344	1,331
Clayton	77	32	11	264	336	49	55	0	2,257	1,218	4,299
Clinch	6	2	0	14	3	2	0	0	67	23	117
Cobb	174	57	28	753	283	70	117	0	4,441	2,611	8,534
Coffee	12	7	2	66	19	3	1	0	320	166	596
Colquitt	7	14	1	95	10	6	33	0	344	90	600
Coweta	26	8	9	147	77	24	43	0	575	442	1,351
Crawford	5	0	3	16	4	2	0	0	55	55	140
Dawson	8	0	0	22	13	4	8	0	79	81	215
Decatur	15	3	2	49	15	0	33	0	210	47	374
DeKalb	1,162	253	323	2,960	2,303	303	350	24	8,076	5,480	21,234
Dodge	3	1	0	8	4	2	2	0	47	19	86
Dougherty	43	14	10	196	116	7	98	0	1,027	679	2,190
Douglas	29	11	0	135	65	14	6	0	892	521	1,673
Early	11	0	2	32	7	0	13	0	80	84	229
Echols	3	1	0	5	0	0	0	0	26	9	44
Emanuel	31	15	3	62	30	1	17	0	189	178	526
Evans	11	2	2	10	8	0	8	0	84	68	193
Fannin	13	9	0	33	9	9	0	0	115	166	354
Fayette	16	11	2	89	32	14	0	0	493	425	1,082
Floyd	40	10	18	244	52	9	94	0	689	514	1,670
Forsyth	16	3	5	91	18	3	0	0	428	446	1,101
Fulton	513	257	225	1,536	1,137	123	27	2	6,760	4,244	14,824
Gilmer	4	1	0	17	4	1	0	0	86	75	188
Glascocock	1	2	0	9	9	0	0	0	19	24	64
Glynn	13	0	6	44	11	10	15	0	200	80	379
Grady	32	16	1	58	44	6	42	0	175	84	458
Greene	8	1	4	37	12	1	17	0	99	86	265
Gwinnett	110	36	8	445	324	42	30	0	3,244	2,054	6,293
Hall	68	13	12	244	64	17	73	0	915	590	1,996
Haralson	35	2	2	72	27	5	27	0	232	213	615
Henry	34	11	13	126	94	20	22	1	532	508	1,361
Houston	37	9	2	164	115	6	75	0	946	565	1,919
Jackson	4	3	2	47	12	7	0	0	179	108	362
Jasper	1	3	3	26	10	3	7	0	45	57	155
Jeff Davis	0	1	0	8	1	1	0	0	28	17	56
Jones	13	1	2	22	12	3	9	0	150	192	404
Laurens	24	16	4	68	24	7	109	0	317	308	877
Lee	5	3	0	13	17	0	5	1	137	139	320
Liberty	27	1	1	31	86	9	19	0	564	102	840
Long	7	1	0	12	4	0	0	0	50	27	101
Lowndes	62	22	7	207	44	20	37	0	948	243	1,590
Macon	16	1	2	28	12	1	10	67	82	85	304
McDuffie	18	16	1	88	28	7	15	0	142	149	464
Miller	1	1	0	3	2	1	0	0	15	4	27
Mitchell	15	9	2	44	12	7	11	0	135	119	354
Monroe	8	3	5	12	32	7	4	0	119	129	319
Muscogee	157	15	21	508	210	84	104	0	1,992	633	3,724
Oconee	1	1	1	15	5	4	3	0	55	94	179
Oglethorpe	7	6	1	25	20	7	9	0	75	120	270
Paulding	15	4	4	85	21	12	0	0	359	289	789
Peach	9	4	1	65	2	3	0	0	75	89	248
Polk	27	3	0	115	29	7	88	0	351	342	962

# Probate Court Civil Caseload, Fiscal Year 1991 (Docket entries)

County	No		Probate		Year's			Habeas	Licenses		Total Civil
	Administration	Necessary	Common	Solemn	Guardianship	Support	Hospitalization	Corpus	Marriage	Pistol	
Putnam	21	3	3	44	26	0	5	0	72	88	262
Quitman	4	0	0	6	2	1	4	0	22	21	60
Rabun	9	10	0	51	32	0	5	0	123	129	359
Richmond	125	60	41	390	105	118	101	0	1,549	1,248	3,737
Seminole	4	4	0	32	11	0	13	0	617	50	731
Spalding	39	9	1	167	61	14	52	0	522	442	1,307
Tattnall	3	2	0	27	9	1	3	0	59	62	166
Taylor	9	0	0	15	6	1	24	0	61	48	164
Telfair	7	1	2	11	4	1	7	0	104	48	185
Terrell	5	0	2	31	3	2	0	0	71	127	241
Thomas	26	5	7	100	25	4	428	0	375	126	1,096
Tift	17	5	1	79	17	2	23	0	372	179	695
Towns	3	0	1	16	3	0	2	0	25	28	78
Troup	37	11	18	146	51	26	46	0	580	467	1,382
Turner	12	0	2	23	20	1	5	0	83	58	204
Union	14	6	7	19	11	3	0	0	108	120	288
Walton	29	8	6	94	37	16	44	1	304	287	826
Ware	42	13	9	113	56	10	33	0	395	154	825
Warren	1	4	1	9	1	0	6	0	40	17	79
Washington	8	1	4	38	7	1	2	0	111	68	240
Wheeler	1	2	0	7	3	0	2	0	28	38	81
White	3	4	3	25	11	7	27	0	179	109	368
Wilkes	12	0	2	36	22	2	21	0	88	24	207
Wilkinson	8	1	1	19	2	2	16	0	47	71	167
Worth	16	8	8	41	13	3	10	0	155	124	378
<b>Totals</b>	<b>3,734</b>	<b>1,162</b>	<b>926</b>	<b>12,259</b>	<b>6,816</b>	<b>1,256</b>	<b>3,271</b>	<b>101</b>	<b>50,302</b>	<b>32,759</b>	<b>112,586</b>

<sup>1</sup> Dodge, Glynn and Miller counties reported for one quarter of this fiscal year.

<sup>2</sup> Oconee and Tattnall counties reported for two of the four quarters of this fiscal year.

<sup>3</sup> Gilmer, Telfair, Towns and Washington counties reported for three of the four quarters of this fiscal year.

<sup>4</sup> The data for Glascock County is for calendar year 1990 instead of fiscal year 1991.

Note: 91 of 159 probate courts submitted data for this report.

## Probate Court Criminal Caseload, Fiscal Year 1991 (Docket entries)

County	Misdemeanor		Traffic		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed
Baker	0	0	673	667	673	667
Banks	146	172	801	810	947	982
Barrow	0	0	1,829	1,829	1,829	1,829
Bartow	335	335	5,235	5,235	5,570	5,570
Ben Hill	7	5	486	441	493	446
Brantley	28	28	720	720	748	748
Butts	111	104	1,567	1,453	1,678	1,557
Crawford	66	58	1,179	1,103	1,245	1,161
Dawson	81	82	646	615	727	697
Dodge	4	0	361	265	365	265
Echols	0	0	223	223	223	223
Fannin	120	105	649	625	769	730
Fayette	17	8	2,161	2,227	2,178	2,235
Floyd	0	0	4,228	3,752	4,228	3,752
Gilmer	75	75	589	589	664	664
Glascock	0	0	146	136	146	136
Grady	19	20	0	0	19	20
Greene	168	165	1,819	1,810	1,987	1,975
Haralson	135	77	2,280	1,687	2,415	1,764
Harris	0	0	2,854	2,541	2,854	2,541
Henry	90	86	5,563	5,298	5,653	5,384
Jasper	0	0	883	883	883	883
Jones	21	13	1,906	1,698	1,927	1,711
Laurens	72	77	3,959	3,720	4,031	3,797
Lee	0	0	1,543	1,347	1,543	1,347
Macon	0	0	753	640	753	640
McDuffie	0	0	2,227	2,228	2,227	2,228
Monroe	161	181	11,762	10,952	11,923	11,133
Oconee	0	0	827	524	827	524
Oglethorpe	13	9	841	826	854	835
Paulding	349	257	937	639	1,286	896
Peach	0	0	6,389	6,390	6,389	6,390
Polk	77	51	2,277	2,018	2,354	2,069
Quitman	41	41	422	422	463	463
Seminole	14	10	1,215	1,194	1,229	1,204
Taylor	65	68	1,541	1,608	1,606	1,676
Telfair	43	45	744	794	787	839
Terrell	61	53	1,236	1,596	1,297	1,649
Thomas	42	44	0	0	42	44
Towns	25	25	164	145	189	170
Turner	0	0	2,671	2,476	2,671	2,476
Union	109	78	520	361	629	439
Walton	70	70	4,232	3,979	4,302	4,049
Warren	0	0	762	1,483	762	1,483
Wheeler	4	4	855	855	859	859
White	0	0	524	383	524	383
Wilkes	111	117	1,015	1,082	1,126	1,199
Wilkinson	41	37	247	200	288	237
<b>Totals</b>	<b>2,721</b>	<b>2,500</b>	<b>84,461</b>	<b>80,460</b>	<b>87,182</b>	<b>82,960</b>

Note: 48 of 96 probate courts with criminal jurisdiction submitted data for this report.

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## *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 1991, 28 probate judges, three civil court judges, three juvenile court judges and associate judges and one state court administrator also served as chief magistrate or magistrate.

*Fiscal year 1991 magistrate court caseload is presented on the following pages for 138 counties' submitting data. Submission of data is required by the Uniform Rules for the Magistrate Courts.*

# Magistrate Court Caseload, Fiscal Year 1991 (Cases filed)

County	Bond and		Criminal		Civil		Other		Total Warrants and Filings	Total Hearings and Dispositions
	Warrants Issued	Commitment Hearings	Cases Filed	Cases Disposed	Claims Filed	Claims Disposed	Civil Cases Filed	Civil Cases Disposed		
Appling	909	706	728	485	605	488	262	262	2,504	1,941
Atkinson	442	5	0	0	226	238	44	44	712	287
Bacon	376	223	163	8	347	22	336	336	1,222	589
Baker	127	121	37	22	113	39	40	40	317	222
Baldwin	2,589	206	0	0	3,327	421	2,354	2,354	8,270	2,981
Banks	443	29	19	12	221	208	86	86	769	335
Barrow	2,156	306	82	79	714	436	730	730	3,682	1,551
Ben Hill	1,229	519	453	453	926	740	830	830	3,438	2,542
Berrien	1,248	8	0	0	421	351	198	198	1,867	557
Bibb	7,192	5,385	1,561	497	3,568	2,979	1,866	1,866	14,187	10,727
Bleckley	768	358	0	54	240	201	152	152	1,160	765
Brantley	276	64	46	50	291	272	35	35	648	421
Brooks	580	510	119	105	365	242	180	180	1,244	1,037
Bryan	842	160	0	0	459	319	100	100	1,401	579
Bulloch	4,133	134	0	0	1,256	1,571	759	759	6,148	2,464
Burke	996	278	0	0	645	610	279	279	1,920	1,167
Butts	666	247	169	186	407	417	181	181	1,423	1,031
Camden	1,999	1,609	1	2	526	294	364	364	2,890	2,269
Candler	624	121	0	0	159	53	71	71	854	245
Carroll	5,003	32	2,160	2,028	2,605	2,358	1,727	1,727	11,495	6,145
Catoosa	1,667	638	231	237	484	605	361	361	2,743	1,841
Charlton	343	351	183	199	247	244	127	127	900	921
Chatham	9,401	4,109	1,809	2,609	7,140	4,666	10,285	10,285	28,635	21,669
Chattahoochee	364	224	96	45	134	131	35	35	629	435
Chattooga	1,938	455	0	0	671	543	279	279	2,888	1,277
Cherokee	5,954	2,603	0	0	1,418	1,264	1,437	1,437	8,809	5,304
Clarke	10,531	3,058	62	0	1,552	1,348	2,588	2,588	14,733	6,994
Clay <sup>2</sup>	125	33	0	0	47	49	7	7	179	89
Clayton	10,020	14,141	383	1,527	2,311	1,639	11,607	11,607	24,321	28,914
Clinch	479	19	95	0	190	189	92	92	856	300
Cobb	16,123	16,349	5,586	5,287	3,702	2,695	2,226	2,226	27,637	26,557
Coffee	4,943	64	2	2	929	147	1,027	1,027	6,901	1,240
Colquitt	2,263	196	0	0	1,987	103	907	907	5,157	1,206
Columbia	1,345	282	2,684	2,275	1,159	1,024	496	496	5,684	4,077
Coweta	3,658	19	1,257	826	1,699	1,345	1,132	1,132	7,746	3,322
Crawford <sup>2</sup>	297	43	13	13	125	107	40	40	475	203
Crisp	1,468	768	822	494	720	512	639	639	3,649	2,413
Dade	1,454	859	0	0	218	223	132	132	1,804	1,214
Dawson	692	171	3	0	490	404	92	92	1,277	667
Decatur	1,197	396	0	0	847	0	375	375	2,419	771
DeKalb	19,523	37,212	3,933	1,045	5,410	2,442	68	68	28,934	40,767
Dodge	1,537	0	0	0	524	224	282	282	2,343	506
Dooly	394	96	0	0	359	253	127	127	880	476
Dougherty	6,629	684	673	0	4,841	1,008	5,027	5,027	17,170	6,719
Douglas	4,210	164	295	263	1,200	856	1,757	1,757	7,462	3,040
Early	596	228	0	0	471	369	160	160	1,227	757
Echols <sup>2</sup>	22	13	0	0	8	8	0	0	30	21
Effingham <sup>2</sup>	429	80	90	90	296	296	121	121	936	587
Elbert	1,623	542	0	0	607	576	397	397	2,627	1,515
Emanuel	930	420	384	358	802	787	452	452	2,568	2,017
Evans	492	185	224	181	298	32	206	206	1,220	604
Fannin	584	144	142	128	321	236	45	45	1,092	553
Fayette	810	605	506	249	625	559	503	503	2,444	1,916
Forsyth	2,737	522	432	441	501	501	411	411	4,081	1,875
Franklin	891	478	168	226	803	801	281	281	2,143	1,786
Fulton <sup>2</sup>	15,778	21,581	20,519	11,978	4,769	2,196	37,283	37,283	78,349	73,038
Glascocock	58	0	27	16	54	18	7	7	146	41
Glynn <sup>2</sup>	2,662	372	535	535	1,429	1,014	1,531	1,531	6,157	3,452
Gordon	3,689	646	91	91	1,455	1,148	842	842	6,077	2,727
Grady	1,152	256	0	363	889	715	355	355	2,396	1,689
Greene	565	555	8	16	690	670	271	271	1,534	1,512
Gwinnett	9,392	4,112	2,205	1,307	3,993	3,992	9,095	9,095	24,685	18,506
Hall	2,000	5,319	2,687	2,677	2,261	2,938	1,995	1,995	8,943	13,929
Hancock	306	177	189	144	689	689	240	240	1,424	1,250
Haralson	1,087	76	0	0	338	243	124	124	1,549	443
Harris	642	106	2	2	541	489	238	238	1,423	835

# Magistrate Court Caseload, Fiscal Year 1991 (Cases filed)

County	Bond and		Criminal		Civil		Other		Total Warrants and Filings	Total Hearings and Dispositions
	Warrants Issued	Commitment Hearings	Filed	Disposed	Filed	Disposed	Filed	Disposed		
Hart	990	197	346	265	560	469	257	257	2,153	1,188
Henry	1,997	3,008	619	499	1,286	1,163	741	741	4,643	5,411
Houston	7,041	3,661	509	477	1,307	1,332	1,696	1,696	10,553	7,166
Irwin	306	80	0	0	300	300	155	155	761	535
Jackson	2,486	303	1	1	738	897	556	556	3,781	1,757
Jasper	281	110	2	2	237	263	118	118	638	493
Jeff Davis	616	702	402	371	837	825	392	392	2,247	2,290
Jefferson	1,063	525	109	108	890	893	476	476	2,538	2,002
Jenkins	305	29	0	0	462	355	170	170	937	554
Johnson	501	46	26	23	297	292	187	187	1,011	548
Jones	986	108	0	0	644	383	203	203	1,833	694
Lamar	691	70	0	0	512	485	217	217	1,420	772
Lanier <sup>2</sup>	372	0	0	0	170	82	44	44	586	126
Laurens	3,319	2,963	993	969	1,075	986	939	939	6,326	5,857
Lee <sup>2</sup>	414	116	3	3	303	250	89	89	809	458
Liberty <sup>1</sup>	1,111	280	0	95	275	177	239	239	1,625	791
Lincoln	189	57	4	5	329	227	109	109	631	398
Long	294	89	0	0	114	119	27	27	435	235
Lowndes	6,134	2,125	1,437	48	2,163	680	1,928	1,928	11,662	4,781
Lumpkin	589	462	153	109	344	150	130	130	1,216	851
Macon	606	190	75	0	387	363	221	221	1,289	774
Madison	751	467	208	196	410	340	94	94	1,463	1,097
Marion	120	56	0	44	141	139	95	95	356	334
McDuffie	1,112	104	153	153	825	592	505	505	2,595	1,354
McIntosh	814	460	0	0	311	304	45	45	1,170	809
Meriwether	962	6	0	0	854	862	357	357	2,173	1,225
Monroe	930	160	11	11	755	655	401	401	2,097	1,227
Montgomery	355	33	42	0	621	596	56	56	1,074	685
Morgan	491	307	246	1	576	426	241	241	1,554	975
Muscogee	0	0	0	0	1,722	504	0	0	1,722	504
Oglethorpe	301	247	72	41	218	243	91	91	682	622
Paulding	965	255	128	222	612	539	299	299	2,004	1,315
Peach	1,237	707	25	27	489	220	379	379	2,130	1,333
Pickens	756	0	15	10	297	260	146	146	1,214	416
Pierce	870	198	0	0	236	78	131	131	1,237	407
Pike	292	133	58	55	340	267	74	74	764	529
Pulaski	432	171	0	0	320	198	103	103	855	472
Putnam	676	750	1	1	863	720	396	396	1,936	1,867
Quitman	15	0	0	0	19	19	0	0	34	19
Rabun	764	5	0	20	376	423	90	90	1,230	538
Richmond	10,532	2,268	2,383	1,960	5,460	2,613	5,137	5,137	23,512	11,978
Rockdale	2,166	1,503	1,427	1,051	1,021	575	2,342	2,342	6,956	5,471
Schley	128	88	1	1	97	79	39	39	265	207
Seminole	250	46	74	74	209	198	58	58	591	376
Spalding	3,766	3,258	1,549	2,069	2,115	1,878	3,052	3,052	10,482	10,257
Stephens <sup>2</sup>	873	23	239	189	812	788	180	180	2,104	1,180
Stewart	251	24	0	0	129	52	48	48	428	124
Sumter	2,171	1,214	68	68	1,346	1,352	1,085	1,085	4,670	3,719
Tattnall <sup>2</sup>	183	151	297	297	511	248	148	148	1,139	844
Taylor	535	66	0	0	237	237	83	83	855	386
Telfair	829	225	0	0	478	370	329	329	1,636	924
Terrell	383	375	117	117	360	294	236	236	1,096	1,022
Thomas	2,500	838	1,225	1,061	2,095	1,756	998	998	6,818	4,653
Tift	2,761	1,453	4	4	1,361	1,026	980	980	5,106	3,463
Toombs <sup>1</sup>	1,988	32	489	517	467	291	302	302	3,246	1,142
Towns	224	5	0	0	111	106	18	18	353	129
Troup	2,967	13	5	4	6,390	4,743	4,708	4,708	14,070	9,468
Twiggs	578	156	12	12	274	229	96	96	960	493
Union	485	8	75	72	260	87	37	37	857	204
Upson	1,271	13	0	0	967	44	626	626	2,864	683
Walker	2,432	427	306	305	1,092	723	499	499	4,329	1,954
Walton	2,339	599	995	1,036	953	672	1,302	1,302	5,589	3,609
Ware	1,993	1,388	1,704	1,731	606	63	714	714	5,017	3,896
Warren	141	5	0	0	352	332	148	148	641	485
Washington	1,279	4	274	257	1,670	1,586	667	667	3,890	2,514
Webster	59	48	0	0	64	68	21	21	144	137

## Magistrate Court Caseload, Fiscal Year 1991 (Cases filed)

County	Bond and		Criminal		Civil		Other		Total Warrants and Filings	Total Hearings and Dispositions
	Warrants Issued	Commitment Hearings	Filed	Disposed	Filed	Disposed	Civil Cases Filed	Disposed		
Wheeler	185	38	0	0	144	54	53	53	382	145
White <sup>1</sup>	250	127	0	0	70	64	33	33	353	224
Whitfield	6,239	23	611	454	2,485	2,485	1,543	1,543	10,878	4,505
Wilkes	327	119	2	0	650	650	279	279	1,258	1,048
Wilkinson	460	61	29	15	625	625	228	228	1,342	929
Worth	929	88	0	0	470	470	170	170	1,569	728
<b>Totals</b>	<b>279,206</b>	<b>164,238</b>	<b>69,398</b>	<b>52,655</b>	<b>134,761</b>	<b>95,391</b>	<b>144,852</b>	<b>144,852</b>	<b>628,217</b>	<b>457,136</b>

<sup>1</sup> These counties submitted only two of the four quarters of data when this report was published.

<sup>2</sup> These counties had one quarter of data missing when this report was published.

Note: 138 of 159 Magistrate courts submitted data for this report. •

### 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 those of the consolidated govern-

ment 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 shoplifting cases and 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.

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# JUDICIAL AGENCIES

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## *Judicial Council of Georgia*

Since its creation by statute in 1973, the Judicial Council has served the Georgia judiciary and citizens 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 1990 and June 1991, 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 caseload. 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. Recommendations are based on information that clearly and convincingly depicts the necessity of additional judicial personnel.

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 1991, the council recommended to Gov. Zell Miller and the General Assembly the creation of 18 new superior court judgeships in the following judicial circuits (they are listed in the council's recommended order of priority): Blue Ridge (3rd), Rockdale (2nd), Atlanta (15th), Gwinnett (6th), Eastern (6th), Stone Mountain (10th), Griffin (4th), Lookout Mountain (4th), Macon (5th), Conasauga (4th), Alcovy (3rd), Brunswick (5th), North-eastern (4th), Cobb (8th), Atlanta (16th), Ogeechee (3rd), Middle (3rd) and South Georgia (3rd).

The 1991 General Assembly approved one new judgeship each for Atlanta (15th), Blue Ridge, Eastern, Gwinnett and Rockdale judicial circuits. The judgeships for Atlanta and Eastern remained unfilled due to a federal lawsuit challenging the way Georgia's superior court judges are elected.

At the end of the 1991 fiscal year, the council authorized the Administrative Office of the Courts to study 1990 caseload data to determine the need for new superior court judgeships for the Atlanta, Augusta, Chattahoochee, Dougherty, Douglas, Mountain, Northern, Piedmont, Southern, Stone Mountain, Tallapoosa and Western judicial circuits.

At the end of the year there were 12 superior court judgeship positions unfilled due to the pending voting rights litigation. Thirteen other judgeships remained on the list as recommended by the Judicial Council in previous years but were not created by the General Assembly. Council policy allows previously recommended judgeships to remain on the list for two years assuming caseload data stays (relatively) the same.

In 1989, 1990 and 1991, the General Assembly created five judgeships from the council's recommended lists that grew longer each time. Lawmakers consistently followed the council's priority rankings. As a result, the council's rankings became more significant than ever. Lack of sufficient funding is one of the primary reasons lawmakers have not created all of the recommended judgeships.

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## *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 performs payroll, accounts payable, cash management, purchasing, inventory control, personnel records and financial reporting functions for these agencies.

In fiscal year 1991, the AOC managed 57 separate funding sources comprising all or part of six of the eight budget units in the judicial branch. These funding sources included 27 state fund allocations, 14 federal grants and 16 fee or other revenue accounts amounting to over \$6.9 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 1991, four issues of the *Journal* were published and distributed to more than 3,000 local, state and national officials.

The AOC prepared and distributed eight weekly issues of the *Judicial Legislative Log*, a digest of court-related legislation, to approximately 750 judges, county officers and court administrative personnel during the 1991 session of the Georgia General Assembly. Legislation of interest to the judiciary was monitored and tracked for judges and clerks' committees.

The 1989-1990 *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 others.

The AOC also produced the judiciary's *Seventeenth Annual Report on the Work of the Georgia Courts*, which was distributed at no cost to judges, court personnel and individuals seeking information on the state's court system.

Ten 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.

Other communications efforts included coordinating media relations and information releases pertaining to the Judicial Council's activities.

AOC staff also provided public and media relations support for the Georgia Courts Automation Commission and the Georgia Court Futures project.

### **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. The AOC worked together with the judicial administrative districts on a manual count of calendar year 1989 cases in the superior and juvenile courts.

Calendar year 1989 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.

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.

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.

The research staff provides support for the following organizations:

\* the Law Related Education Consortium is composed of criminal justice and education field personnel

### **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.

who promote the incorporation of law-related education into school curricula;

\* the Statistical Analysis Bureau is a joint effort between the Criminal Justice Coordinating Council, state-level criminal justice agencies and Georgia State University to provide systematic research on Georgia's criminal justice system using existing data from state agencies; and

\* the Child Abuse Task Force is an advisory committee funded by a federal grant to work with local child abuse committees.

### **Georgia Courts Automation Commission**

Gov. Zell Miller approved the permanent creation of the Georgia Courts Automation Commission (GCAC), whose goal is to create a statewide information sharing system focusing on automation of the courts.

The AOC provides project direction, staff support and fiscal coordination for the commission.

During the year the commission worked on a pilot project to automate the transfer of traffic violation data and eliminate long delays in updating records. With a grant from the Governor's Office of Highway Safety, the Department of Administrative Services worked with the commission to write a computer program to facilitate the effort.

The GCAC sought various grants during the year to fund other projects including one to support a system for court-related computer users to gain read-only access to six state agency data bases.

The commission pursued other state and federal grants to begin automation of criminal history data collection methods for automated disposition reporting, inmate tracking, offender information and pardons and paroles tracking.

### **Commission on Gender Bias in the Judicial System**

AOC 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.

At the end of the fiscal year, a final report was prepared for presentation to the Supreme Court.

### **Secretariat, publications, administrative services**

The AOC continued to provide secretariat services to

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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 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 modify uniform rules for court procedures. The staff gave editorial and administrative support to the Committee on Pattern Jury Instructions to complete an update to the criminal and civil charge books. The same assistance was given to the Benchbook Committee for its revision to the Superior Court Criminal Benchbook.

The research staff also provided support for two continuing education curriculum planning groups including the Superior Court Clerks Training Council and the Municipal Court Training Council. In addition, the staff participated in the Georgia Court Futures project by making a presentation to the group entitled "Georgia's Court Modernization Studies Revisited: A Survey of Selected Topics."

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### *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 of Georgia 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 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 shorthand, 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.

#### **Fiscal year 1991 testing**

The board held two tests during the fiscal year. In September 1990, 273 persons attended the "B" test and 100 passed to become certified. Eleven reporters (out of 100) upgraded their certificates from "B with backup" to "B" without.

A 50 percent increase in the number of applications was due to a change in the rules eliminating the use of a backup recording device during testing. After Jan. 1, 1991, no new testing applications were accepted from persons using a backup.

In March 1991, 213 reporters attended the exam. Forty-six reporters passed the "B" test, eight of whom were upgrading their certificates to 'without backup.' Nine reporters took the "A" test. Two reporters passed to upgrade their existing "B" certificates to "A".

On June 30, 1991, there were 1,099 certified court reporters practicing in the state.

New procedures adopted during the year resulted in the first increase in testing application fees since 1974.

#### **Formal complaints**

Four complaints were filed during the year, two of which resulted in formal board hearings. One was filed by an attorney who was unable to obtain a guilty plea transcript after two years of requests. The board permanently revoked the reporter's license to practice in Georgia.

The second complaint alleged dishonesty through conversion of funds paid to one court reporter for the work

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product of another reporter. The complaint was dismissed by the board and the complainant.

The third complaint was a fee dispute involving an official court reporter. Upon receiving the complaint, the reporter reimbursed the disputed amount and it was dismissed by the complainant.

The final complaint was filed upon motion of the Board of Court Reporting. A reporter filed an application with the board which contained information proven to be false. This complaint resulted in a hearing at which the board revoked the reporter's temporary judicial permit.

#### **Board, attorney general opinions**

An advisory opinion was issued by the board on the interpretation of the official court reporters' fee schedule as it pertains to charges for daily and expedited transcripts. This opinion, and the revised wording of the fee schedule, was later approved by the Judicial Council.

The board requested advice from the Attorney General's Office concerning laws regarding retention of notes and tapes of depositions. The Attorney General authorized the board to set out rules and regulations regarding those issues, but the board declined to do so at that time.

#### **Continuing education**

The board declared that continuing education for court reporters in Georgia is a new priority. The board voted to implement continuing education procedures and, after a joint meeting with an advisory committee from GCCRA, submitted a resolution to the Judicial Council which was subsequently passed.

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## *Council of Juvenile Court Judges*

*(Annual report for fiscal year 1991, as required by OCGA §15-11-4.)*

The Council of Juvenile Court Judges (CJ CJ) is composed of all judges of the courts exercising jurisdiction over juveniles. Council membership for fiscal year

1991 included 53 full-time and part-time juvenile court judges and 59 superior court judges exercising juvenile jurisdiction. Thirty-three associate juvenile court judges assist these judges in hearing cases.

Council personnel provide assistance for judges and local court staff regarding matters of court administration, court services, probation and intake standards and procedures, foster care review, uniform dockets, automation, uniform court rules and other issues relating to the special functions of the juvenile court.

Judges and associate juvenile court judges receive yearly certification training at biannual seminars conducted in conjunction with the Institute of Continuing Judicial Education. During the past fiscal year, 83 judges were certified by the council.

During fiscal year 1991, the CJ CJ made plans to produce a video focusing on the problems of children in foster care and promoting the council's Permanent Homes for Children in Georgia Program. The council also published the annual juvenile court judges pictorial directory and a legislative handbook.

Three summer law interns were placed in Gwinnett and Fulton County juvenile courts to provide assistance to judges and obtain direct experience with children involved in juvenile court proceedings.

CJ CJ also made revisions to the Uniform Rules of Practice and Procedure to reflect statutory changes.

#### **Substance Abuse Program**

The Adolescent Substance Abuse Program (ASAP) assists juvenile offenders in changing behavior to eliminate patterns of substance abuse and delinquency.

During fiscal year 1991, new units began operation in Houston and Bartow counties and contracts were offered to Fulton and Walton counties. Programs continued in Cobb, Douglas, Floyd and Gwinnett counties. The budget for each unit provides for a full-time intervention officer, administrative assistant and urinalysis and out-patient treatment services. The program is funded through a \$1 million, multi-year grant from the Criminal Justice Coordinating Council.

ASAP staff evaluate all 13- through 17-year-olds placed on probation using prescribed identification measures for alcohol and drug abuse. If substance abuse is indicated, the teenager is evaluated further to determine the nature and extent of the problem. For those children identified as users, predisposed or at risk of use, ASAP staff develop an individualized treatment program.

During the year, a total of 1,400 children were

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screened for signs of alcohol and drug abuse in the six ASAP counties. One-third of these children were assigned to drug intervention officers for case management.

### **Purchase of Services Program**

This program provides funds for community-based services to juvenile offenders in 100 counties. Reimbursements to counties in fiscal year 1991 totalled \$258,405. Juvenile court judges may select from a variety of services to provide assistance to children under their jurisdiction. The services available include counseling and diagnostic testing, tutoring, symbolic restitution, transportation and short-term placements. More than 2,800 children were involved in the program during the year. The program, now in its 12th year of operation, is funded with federal grants and state appropriations.

### **Permanent Homes Program**

Permanent Homes for Children in Georgia staff provided technical assistance to citizen review panels in 53 counties, 24 of which were added between Jan. 1 and June 30, 1991. These panels reviewed foster care arrangements for more than 5,000 children who were temporarily removed from their homes by the juvenile court.

Panels are comprised of volunteers appointed by local juvenile court judges and represent a cross-section of the community. During the year, approximately 900 volunteers served on panels. After interviewing all parties (children, parents, caseworkers, etc.) the panels make recommendations regarding future arrangements for returning children to their families or continuing out-of-home placements. The ultimate goal is to achieve a permanent home situation for children in foster care.

The Sixth Annual Georgia Conference on Permanency Planning was held in Decatur on March 7-8, 1991. "Reasonable Efforts Toward Achieving Permanency for Children in Foster Care" was the theme of the conference. Over 300 individuals participated, including juvenile court judges, citizen review panel members, court coordinators, Division of Family and Children Services caseworkers and council staff.

The Permanent Homes Program published two newsletters during the year.

### **Juvenile Information System**

The council ceased expansion of the automated juvenile tracking system in fiscal year 1991. A special study committee was established to review and evaluate the current system and recommend what improvements

and changes should be made to make the system more beneficial to the courts and the council.

With grant funds provided by the Juvenile Justice Coordinating Council, the council upgraded the state's host computers and purchased 20 modems and a new telecommunications software package. A telecommunications link was established in 18 of the 20 automated counties, allowing for the transfer of over 150,000 juvenile records to the host computer. An additional 12,000 records were received from the non-automated courts and entered into the state database.

### **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 juvenile justice service providers and to promote better working relationships between employees of independent juvenile courts and employees of the Division of Youth Services.

The project received \$45,000 in federal grant funds from the Juvenile Justice Coordinating Council.

Twenty-four workshops were held during the year. More than 6,155 training hours were provided to 132 independent juvenile court direct service providers and 570 employees of the Division of Youth Services.

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## *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.

It 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 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 1991. Each meeting consisted of a business session and a training program on a planned topic of interest.

During the 1991 General Assembly, the council's legislative agenda focused on retirement issues.

Six issues of the *Georgia Magistrate Court Newsletter* were published during the year. In addition, a joint effort with the Georgia Magistrate Courts Training Council produced an update and new index to the *Georgia Magistrate Court Benchbook*.

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## *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 1991, 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.

The council, through a contract with a sitting judge, continued to work toward publication of the *Handbook*

for Probate Judges. With the help of a law student, an update of the *Georgia Probate Court Benchbook* was published. Also, in cooperation with the Institute of Continuing Judicial Education, a videotape was produced by the council. The video instructs prospective guardians of minors about their role as managers of minors' property.

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## *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 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 1991 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.

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## *Council of Superior Court Clerks*

The Council of Superior Court Clerks of Georgia was created by an act of the Georgia General Assembly in 1990. Its purpose is to further the improvement of superior courts and the administration of justice, to assist superior court clerks in the execution of their duties and to promote and assist in their training. The council is composed of Georgia's 159 superior court clerks.

During fiscal year 1991, the council organized itself, developed a constitution and bylaws and elected its inaugural officers. The council has six primary working committees: educational services, legislative services, public information, public relations, professional/liaison and technical assistance. Each committee established its objectives and began working on projects and programs dedicated to those objectives.

In partnership with the Superior Court Clerks' Association of Georgia, the council supported House Bill 290, the Uniform Court Cost Bill, which was enacted by the 1991 General Assembly (as Act No. 493). The council prepared a schedule of uniform court costs and, in an effort to educate the public and members of the legal profession about the act requiring court costs in Georgia to be completely uniform, the schedule was distributed to the State Bar of Georgia, superior court clerks and other court-affiliated agencies which file documents in superior court.

The council published and distributed to superior court clerks and other governmental agencies a pamphlet entitled *The Office of the Clerk of Superior Court: A Guide to Public Records*. It provides a comprehensive overview of the duties and responsibilities of superior court clerks and related information needed to assist the public with filing and retrieving public documents in the superior court clerk's office.

Functioning in cooperation with the National Association for Court Management (NACM), the council sponsored a statewide Law Day Program in May 1991. Over 80 percent of the superior court clerks in the state reported taking part in one or more NACM Law Day activities, promoting the 1991 Law Day theme, Freedom Has a Name: The Bill of Rights.

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## *Council of Superior Court Judges*

The Council of Superior Court Judges is composed of active superior court judges (141) and senior superior court judges (42). Its purpose and goals are to effectuate the constitutional and statutory responsibilities conferred on 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.

The council holds two business meetings each year. These meetings provide forums for the council president to relay to members topical information from other state officials and agencies. In addition, committee and subcommittee reports are presented and votes are conducted on committee recommendations. These meetings provide the only opportunities for the entire superior court bench to consider and resolve administrative and procedural issues involving the superior courts.

The council's executive committee is composed of the president, president-elect, secretary-treasurer, immediate past president and the 10 judicial administrative district judges. It meets at least four times each year to determine legislative and administrative issues to be presented at the council's semi-annual meetings. The executive committee meetings also provide avenues for governmental and professional organizations to present pertinent issues to representatives of all the superior court judges. For example, during fiscal year 1991, the committee met with the state attorney general and the executive director of the Governor's Council on Drug Abuse. Following a meeting with the representatives of the Georgia Court Appointed Special Advocates (CASA), the executive committee endorsed, in concept, the CASA program. In addition, a presentation contrasting federal and state judicial salaries was made to the State Commission on Compensation.

Two of the council's other committees completed major goals or projects during the fiscal year. The council's Uniform Rules Committee finalized the formation of three proposed changes to the Superior Court Uniform Rules. Following recommendations by the committee, the council officially requested that the Georgia Supreme Court amend two rules: Rule 5, Discovery of Civil Actions and Rule 25, Recusal. The Uniform Rules Committee also proposed, and the council again endorsed, the adoption of the new Rule 15.1,

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Garnishments. On Jan. 4, 1991, the Georgia Supreme Court adopted the three proposed changes. All three rules became effective Jan. 31, 1991 with their publication in advance sheets of the *Georgia Reports*.

The Pattern Jury Instructions Committee accomplished the first substantial revision to the jury charge books in a decade. In addition to citation and annotation updating, an effort was made to include gender-neutral and plain-English language.

In June 1991, the council created a new standing committee on professionalism to act as liaison to the Judicial Qualifications Commission and to the Georgia Supreme Court's Commission on Professionalism.

Jointly, with the House and Senate Judiciary Committees, the council co-sponsored an educational program introducing newly-elected legislators to the judicial system. In an effort to promote and improve communication between the judicial and legislative branches, the program featured presentations from representatives of the Georgia Supreme Court, the Court of Appeals and the superior, state and juvenile courts. Topics covered included each court's jurisdiction and judicial officer's training, qualifications, compensation and tenure. Together with the Institute of Continuing Judicial Education (ICJE) and the State Bar of Georgia, the council also co-sponsored the 1990 Georgia Bar and Media Conference held in conjunction with ICJE's October Superior Court Judges' Seminar.

One hundred and nine superior court judges attended the fall 1990 superior court judges continuing education seminar. The council membership's yearly continuing education efforts culminated with 131 judges participating in the summer 1991 seminar.

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## *Georgia Indigent Defense Council*

The Georgia Indigent Defense Council was statutorily created 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. During fiscal year 1991, five meetings were held.

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 the 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.

The General Assembly appropriated \$1 million for the Georgia Indigent Defense Council in each of the last three fiscal years.

In 1991, 114 counties were awarded funds to assist with the operation of their indigent defense programs.

All county commissions, superior court judges and bar association presidents are notified of the availability of state funds to assist their local indigent defense programs. 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 has 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; roles and responsibilities of local indigent defense governing committees and the mechanism for distribution of state-appropriated funds.

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## *Georgia Magistrate Courts Training Council*

*(Annual Report for calendar year 1991, 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 one 40-hour seminar and nine 20-hour regional training sessions for magistrates during 1991. A total of 444 magistrate court judges were certified in calendar year 1991.

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

Throughout the calendar year, the council took action on a number of projects aimed at updating educational methods. For instance, funds were contributed to the University of Georgia to equip the law school's electronic courtroom. It will be used as a video production laboratory where judges will learn new courtroom supervision techniques and be critiqued on personal style. Videotapes for judicial instruction will also be produced in the laboratory.

Funding was also allocated for a study on the

feasibility and development of a fee and fine accounting system for magistrate courts. A pilot fee and fine accounting system project is planned for 1992.

The council purchased 10 notebook computers to instruct magistrates in computer laboratories and contracted with Georgia College to conduct the classes. The group also voted to purchase compact disc players in counties where judges could not obtain funding from any other source. The new CD players will facilitate the use of an electronic version of the Official Code of Georgia Annotated which was made available late in the year.

### **Georgia Magistrate Courts Training Council: 1991 Seminars**

<b>Date</b>	<b>Location</b>	<b>Hours</b>	<b>Attendees</b>
May 8-10	Athens	20	48
May 29-31	Tifton	20	48
June 5-7	Savannah	20	47
June 19-20	Decatur	20	48
July 10-12	Athens	20	50
July 24-26	Dalton	20	36
Aug. 14-16	Savannah	20	50
Aug. 28-30	Columbus	20	40
Sept. 8-13	Athens	40	29
Sept. 18-20	Jekyll Island	20	48

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## *Institute of Continuing Judicial Education*

More than 2,400 judges, court officials and judicial personnel attended programs delivered by the Institute for Continuing Judicial Education (ICJE) in fiscal year 1991. Georgia ranked twelfth among states in fiscal support for professional education programs for state court personnel.

As an administrative arm of the Supreme Court, the institute has had 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

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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 annually 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 yearly recertification training courses.

### **Training, education**

In fiscal year 1991, the institute offered its traditional calendar of training seminars. This included programs for judges of the superior, state, juvenile, probate and magistrate courts, as well as training for clerks of the superior, state, juvenile and magistrate courts. A pre-service course helped orient new state and superior court judges and a three-part judicial writing course was conducted during the fall and winter.

Secretaries to magistrate court judges, a constituency not previously served by ICJE, were included in training for trial court secretaries.

Computer training assumed an increasingly prominent role. The institute sponsored workshops for superior court clerks and their deputies. Another course introduced superior court judges to a variety of judicial applications for personal computers. For the first time, a similar course was offered to state court judges. A new intermediate computer course, specifically designed to teach judges, offered hands-on experience.

The fiscal year culminated with a specialty course on futures thinking as applied to Georgia's courts, funded by a grant from the State Justice Institute. This course was the initial phase of a two-year project in which judges and other court personnel, plus members of the State Bar, legislative and executive branches, were involved. Task forces planned to meet individually until October 1992 when the group will gather, as a whole, to present its visions for Georgia's courts.

### **Administrative highlights**

The ICJE's operating budget, \$616,170, was initially appropriated with the following allotments: \$133,000 for administration and training of magistrate court judges and staff; and \$463,170 for administration and continuing operations of the ICJE. In addition, \$20,000 was appropriated for nationally based training of superior court judges;

Of 47 applications received in fiscal year 1991 for financial aid to attend national courses, 43 were granted some level of funding (usually 80 percent) and 37 people took advantage of the assistance. The adjacent table lists the institute's state-based instructional activities.

The University of Georgia Law School continued its contribution of certain overhead resources for operating the institute, including office and storage space, telephone equipment and other administrative support. Before the year ended, however, the institute was forced to hold back expenditures of \$2,500 from magistrates training funds and \$9,428 from other ICJE operations due to the state's fiscal crisis.

Extensive staff time was devoted to the development of several new products. A series of seminars for probate court clerks was created and held in the summer of 1991. A new mandatory training law for the municipal courts resulted in the development of a new course that was offered in September 1991.

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 from 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.

*Fiscal year 1991 state-based instructional activities are listed on the following page.*

**Institute of Continuing Judicial Education  
Fiscal Year 1991 Instructional Activities**

<u>Date</u>	<u>Program</u>	<u>Location</u>	<u>Attendees</u>
July 10-11	Clerks computer course	Atlanta	9
July 11-13	Magistrates 20-hour recertification	Athens	56
July 22-25	Superior court judges' summer seminar	St. Simons	158
July 25-27	Magistrates 20-hour recertification	Dalton	36
Aug. 8-10	Magistrates 20-hour recertification	Savannah	63
Aug. 15	Clerks computer course	Irwin	8
Sept. 17-19	Juvenile court judges fall seminar	Amicalola Falls	60
Sept. 17-21	Magistrates 40-hour certification	Athens	23
Sept. 26-28	Fall seminar for Georgia Association of Independent Juvenile Courts Personnel	Rome	73
Oct. 1-2	Magistrate court clerks seminar	Forsyth/Athens	36
Oct. 1-2	Administrative law judges, Georgia executive agencies seminar	Athens	66
Oct. 15-17	Superior court clerks fall seminar	Savannah	130
Oct. 15-17	Probate court judges fall seminar	Savannah	88
Oct. 22-24	Faculty development specialty course	Athens	20
Oct. 22-24	Judicial writing	Athens	15
Oct. 22-24	Basic judicial computers	Athens	9
Oct. 24-26	Court administrators seminar	Athens	14
Oct. 24-26	Superior court judges fall seminar	Athens	109
Oct. 31-Nov 2	State court judges fall seminar	Amicalola Falls	51
Nov. 8-9	Magistrate court clerks seminar	Unicoi/Helen	40
Nov. 28-30	New judges orientation	Atlanta	3
Nov. 29-30	Magistrate court clerks seminar	Dublin/Savannah	29
Dec. 6-7	Magistrate court clerks seminar	Albany/Douglas	35
Dec. 17	Clerks computer course	Atlanta	13
Jan. 9-10	Superior court clerks seminar	Atlanta	28
Jan. 9-10	Probate court judges seminar	Atlanta	25
Jan. 17-18	Judicial writing	Athens	9
March 13-15	Judicial secretaries seminar	Jekyll Island	148
March 18-19	Faculty development specialty course	Athens	26
March 25-27	Administrative law judges seminar	St. Simons	21
March 28-29	Judicial writing	Athens	6
April 8-9	Juvenile court clerks seminar	Columbus	80
April 10-12	Superior court clerks seminar	Columbus	135
April 17-19	Probate court judges spring seminar	Athens	143
April 24-26	Correctional facilities tour	Vidalia	6
May 6-8	Juvenile court judges spring seminar	St. Simons	88
May 8-10	Magistrates 20-hour recertification	Athens	48
May 15-17	Spring seminar for Georgia Association of Independent Juvenile Courts Personnel	Savannah	113
May 20-22	State court judges spring seminar	St. Simons	80
May 20-23	Advanced judicial computer course	Atlanta	15
May 28-30	Court futures specialty course	Athens	98
May 29-31	Magistrates 20-hour recertification	Tifton	48
June 5-7	Magistrates 20-hour recertification	Savannah	47
June 10-11	Superior court clerks summer seminar	Jekyll Island	75
June 10-11	Probate court judges summer seminar	Jekyll Island	49
June 19-21	Magistrates 20-hour recertification	Decatur	48

*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 the districts. Each administrative district is served by a district court administrator who provides staff support for judges of the district.

Under the guidance of district administrative judges, district court administrators were involved in a number of activities in fiscal year 1991. The collection and evaluation of data relevant to the operation and management of the superior courts was continued. Computerized lists detailing open cases were prepared for superior court judges in each of Georgia's 159 counties. Also, support was provided to administrative judges in assigning senior judges and judges within the districts to serve both in the district and elsewhere at the request of other administrative judges and the governor.

District court administrators functioned as liaisons between 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. 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 during the fiscal year. Additionally, personnel policies and procedures for local court systems were developed and updated and 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 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 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.

District court administrators advised local courts on records management issues, assisted in developing records retention schedules and coordinated records management or technical assistance services provided to local courts by other state agencies and vendors.

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 or circuit tripartite committees within their districts.

In an effort to meet the needs of the superior courts, assistance was provided to local trial courts and governments by preparing grant applications, managing grant programs and evaluating funded projects. District staff also consulted with local trial courts about space and facilities management, including serving as the 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.

Staff support was provided to 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 Georgia Court Futures Vanguard and other local, state and national organizations concerned with judicial administration.

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## *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 10 meetings in fiscal year 1991 to consider candidates for 10 vacancies in the superior courts and five vacancies in the state courts.

Since 1973, the commission has acted on a total of 198 judgeships including:

- \* 12 Supreme Court vacancies,
- \* 13 Court of Appeals vacancies,
- \* 116 superior court offices,
- \* 48 state court posts,
- \* two municipal court judgeships and
- \* two civil court vacancies.

The governor, by executive order, revised the commission's composition in 1991. The nine-member body includes the president of the State Bar of Georgia and the state attorney general as ex-officio members. Three other members, who must be members of the State Bar, are appointed by the governor. The four remaining positions must be filled by non-lawyers - two appointed by the governor, one by the lieutenant governor and one by the speaker of the House of Representatives. The

appointed members serve at the pleasure of the appointing authority. The executive order specifically requires that the commission shall include one member who is either black, Hispanic, Asian-Pacific American, native American or Asian-Indian American and one woman.

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## *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.

During fiscal year 1991, the commission held 12 regular monthly meetings and disposed of two formal complaints against judicial officers by submitting proposed findings and recommendations to the Supreme Court. At the beginning of the year 29 complaints were pending from fiscal year 1990. During fiscal year 1991, 171 matters were received, including 157 complaints and 18 requests for opinions with three requests being for the same opinion. Of the pending and new matters, 176 were concluded with 27 complaints left pending.

One hundred and fifty-seven complaints were disposed of during the year for the following reasons: 92 were dismissed as frivolous, unfounded, unsupported or appropriate for appeal; 53 were dismissed after minimal investigation; two were dismissed after substantial

investigation; one judge resigned; one judge was publicly reprimanded; six judges were privately reprimanded; and in two cases, no complaint materialized.

In one formal proceeding, the commission recommended to the court that a senior superior court judge, who had been found to be guilty of repeated and continued judicial misconduct, should be barred from active service. This recommendation was accepted and adopted.

In a second formal proceeding, the commission initiated a complaint to determine whether a senior superior court judge had been guilty of judicial misconduct in making inappropriate and injudicious comments to and about an attorney on the record and in open court.

Known sources of complaints for the fiscal year included 140 litigants or their relatives, 15 judges, 12 attorneys, one public official and four others.

Nineteen requests for Advisory Opinions were received. Twelve formal opinions were rendered (three of the requests were handled with the same opinion and two others were handled with a single opinion) and five were denied.

An addendum to the loose-leaf book of formal opinions of the Judicial Qualifications Commission was issued and distributed to all clerks of the superior and state courts of Georgia as well as to a number of law libraries. The addendum includes opinions from October 1989 through June 1990.

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 1991 Judicial Qualifications Commission Opinions appear on the following page.*

## Synopses of fiscal year 1991 JQC Opinions

**Opinion 147:** A judge may contribute to the campaign of his brother provided it is not done in such a manner as to constitute a public endorsement, but he cannot do anything which would constitute a public endorsement.

**Opinion 148:** Deposit of court funds in a bank of which the judge was an organizer and is a director and stockholder is not inappropriate unless the judge has either directly or indirectly caused this to be done, in which event it is inappropriate.

**Opinion 149:** It would not be inappropriate for a full-time state court judge to also serve as a judge in a municipal court to preside over traffic cases and municipal ordinance violations, but the judge would be subject to disqualification for cause in a particular case wherever disqualification was appropriate.

**Opinion 150:** It would not be appropriate for a judge to serve as a reporter/commentator for a commercial television station to provide news and comment with reference to ongoing legal cases in his or other courts.

**Opinion 151:** A city attorney, whose duties include assistance in the drafting and adopting of criminal ordinances, is an employee of a law enforcement body and therefore disqualified by conflict of interest from serving as a magistrate.

**Opinion 152:** It would be inappropriate to require a first-time DUI offender to attend a particular treatment facility for the reason that the statute requires only that he attend and complete a program approved by the Department of Human Resources.

**Opinion 153:** The mere fact that the husband of a judge shares office space and expense with another lawyer does not, in and of itself alone, require her to disqualify in cases in which he participates, but if she is, in fact, not impartial, or if, under all circumstances, a reasonable person would so conclude, then she should disqualify.

**Opinion 154:** A judge should not at the same time also serve as an assistant district attorney.

**Opinion 155:** It is inappropriate for a part-time judge to serve as county attorney for the county in which his court is located, even though such representation does not involve matters in which he has served as judge or matters which may, then, or thereafter, be pending, or be brought, in his court. Opinion 109 is therefore withdrawn.

**Opinion 156:** There is no reason an active judge should not, subject to limitations set out in Canons 4 and 5, serve out a term as president of a local bar association to which he has been elected.

**Opinion 157:** It would not be inappropriate to appoint a law clerk of a superior court judge to the position of part-time assistant magistrate in the same judicial circuit in which he/she serves as a law clerk, but the judge would be disqualified to preside in the trial of a criminal defendant for whom his law clerk has sworn out the warrant upon which he was being tried.

**Opinion 158:** On the basis of the representations made, the commission concludes it would not be inappropriate for a judge to serve as a trustee of a retirement fund for the benefit of county employees subject to limitations set out in Canon 5B.

## 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 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 arguments 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 2,903 cases and reduced 113 cases in fiscal year 1991, for a total caseload of 3,016. The reduction rate for the year was 3.9 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 1991

	Cases Affirmed	Cases Reduced	Cases Reviewed	Percent Reduced
Panel 65	656	14	670	2.1%
Panel 66	769	33	802	4.1%
Panel 67	666	47	713	6.6%
Panel 68	699	19	718	2.3%
Total	2,790	113	2,903	3.9%

#### 10-Year Comparison of Cases Reviewed

	Cases Affirmed	Cases Reduced	Percent Reduced
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%
1991	2,790	113	3.9%

# JUDICIAL PERSONNEL CHANGES

## Court of Appeals

Judge Gary Andrews, elected, Jan. 1, 1991 - Dec. 31, 1994.

## Superior Courts

### Alcovy Judicial Circuit

Judge John M. Ott, appointed, Aug. 16, 1990 - Dec. 31, 1992.

### Atlanta Judicial Circuit

Judge Frank M. Hull, appointed, Aug. 22, 1990 - Dec. 31, 1992.

Judge Thelma Wyatt-Cummings, appointed, Aug. 22, 1990 - Dec. 31, 1992.

### Brunswick Judicial Circuit

Judge Amanda F. Williams, elected, Jan. 1, 1991 - Dec. 31, 1994.

### Cobb Judicial Circuit

Judge Michael Stoddard, appointed, Jan. 4, 1991 - Dec. 31, 1992.

### Douglas Judicial Circuit

Judge David T. Emerson, elected, Jan. 1, 1991 - Dec. 31, 1994.

### Macon Judicial Circuit

Judge W. Louis Sands, appointed, April 30, 1991 - Dec. 31, 1992.

### Stone Mountain Judicial Circuit

Judge Michael E. Hancock, appointed, April 30, 1991 - Dec. 31, 1992.

Judge Linda Warren Hunter, appointed, June 6, 1991 - Dec. 31, 1992.

### Western Judicial Circuit

Judge Lawton E. Stephens, appointed, April 30, 1991 - Dec. 31, 1992.

## State Courts

### Cobb County

Judge S. Lark Ingram, appointed, May 16, 1991 - Dec. 31, 1992.

### DeKalb County

Judge Gail C. Flake, appointed, June 6, 1991 - Dec. 31, 1992.

### Fulton County

Judge Alice D. Bonner, appointed, Oct. 17, 1990 - Dec. 31, 1992.

Judge William B. Hill, Jr., appointed, Oct. 17, 1990 - Dec. 31, 1992.

### Wayne County

Judge Raymond S. Gordon, Jr., appointed, Aug. 13, 1990 - Dec. 31, 1992.

## Juvenile Courts

### Cobb County

Judge Irma B. Glover, appointed, Jan. 3, 1991 - Jan. 2, 1997.

### Fulton County

Judge Glenda H. Johnson, appointed, Oct. 1, 1990 - Oct. 1, 1994.

### Hall County

Judge Cliff Jolliff, appointed, Dec. 21, 1990 - Dec. 31, 1996.

### Ware County

Judge M.C. Pritchard, appointed, Oct. 1, 1990 - April 26, 1996.

## Probate Courts

### Atkinson County

Judge Harlene White, elected, Dec. 3, 1990 - Dec. 31, 1992.

### Muscogee County

Judge Barschall Andrews, appointed, Nov. 7, 1990 - Dec. 31, 1992.

## Chief Magistrates

### Bryan County

Judge Thomas A. Waters, appointed, June 19, 1991 - Dec. 31, 1992.

### Candler County

Judge Matthew L. Waters, appointed, April 12, 1991 - Dec. 31, 1994.

### Crawford County

Judge John D. Castleberry, appointed, April 5, 1991 - Dec. 31, 1992.

### Dougherty County

Judge D. Lamar Stewart, Jr., appointed, April 1, 1991 - April 1, 1993.

### Oglethorpe County

Judge Gail Smith, appointed, Nov. 16, 1990 - Dec. 31, 1992.

### Quitman County

Judge Robert Bennett, appointed, May 1, 1991 - Dec. 31, 1992.

## Judicial elections and appointments July 1, 1990 to June 30, 1991

	Total number judgeships <sup>a</sup>	Method of Selection			Total judges beginning first terms
		Elected	Appointed	New judgeship	
Supreme Court	7	-	-	-	-
Court of Appeals	9	1	-	-	1
Superior Courts	153 <sup>b</sup>	2	8	5 <sup>d</sup>	10
State Courts (full and part-time)	87 <sup>c</sup>	-	5	2	5
Juvenile Courts (full and part-time)	53	-	4	-	4
Probate Courts	159	1	1	-	2 <sup>d</sup>
Magistrate Courts (chief magistrates)	159	-	6	-	6

<sup>a</sup> As of June 30, 1991.

<sup>b</sup> Although 153 judgeships had been authorized by the end of the year, only 141 had been filled.

<sup>c</sup> Two additional state court judgeships were authorized in fiscal year 1991, but were not filled by the end of the year.

<sup>d</sup> Appointments for two of these new judgeships were suspended pending the outcome of a voting rights lawsuit filed in July 1988.