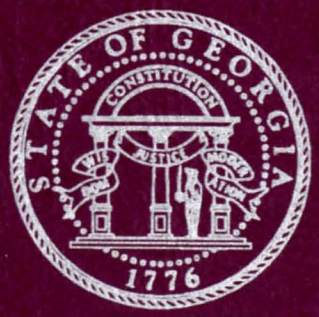
NINETEENTH ANNUAL REPORT

ON THE WORK OF THE GEORGIA COURTS

JULY 1, 1991 - JUNE 30, 1992



JUDICIAL COUNCIL OF GEORGIA
ADMINISTRATIVE OFFICE OF THE COURTS

NINETEENTH ANNUAL REPORT ON THE WORK OF THE GEORGIA COURTS FISCAL YEAR 1992

JULY 1, 1991 - JUNE 30, 1992

Contents

The Courts in Review 1
- Supreme Court 5
- Court of Appeals 7
- Superior Courts 9
- State Courts 13
- Juvenile Courts 15
- Probate Courts 18
- Magistrate Courts 22
- Other Courts 25

Judicial Agencies 26
- Judicial Council of Georgia 26
- Administrative Office of the Courts 27
- Board of Court Reporting 29
- Council of Juvenile Court Judges 30
- Council of Magistrate Court Judges 31
- Council of Probate Court Judges 31
- Council of State Court Judges 32
- Council of Superior Court Clerks 32
- Council of Superior Court Judges 32
- Georgia Courts Automation Commission 33
- Georgia Indigent Defense Council 34
- Georgia Magistrate Courts Training Council 35
- Institute of Continuing Judicial Education 36
- Judicial Administrative Districts 38
- Judicial Nominating Commission 39
- Judicial Qualifications Commission 39
- Superior Courts Sentence Review Panel 42

Judicial Personnel Changes 43

The *Nineteenth Annual Report on the Work of the Georgia Courts* is published by the Judicial Council of Georgia and the Administrative Office of the Courts in compliance with OCGA §15-5-24 and by Order of the Supreme Court of Georgia dated June 12, 1978.

All rights reserved.
Inquiries for use of any material contained in this report should be directed to the Senior Communications Officer, Administrative Office of the Courts.

Judicial Council of Georgia
Administrative Office of the Courts
Suite 550
244 Washington Street, S.W.
Atlanta, Georgia 30334-5900

Judicial Council of Georgia - June 1992

Chairperson: Chief Justice Harold G. Clarke
Supreme Court
Atlanta

Vice Chairperson: Presiding Justice Charles L. Weltner
Supreme Court
Atlanta

Judge James G. Bodiford
President
Council of Magistrate Court Judges
Marietta

Judge James M. Butterworth
President-elect
Council of State Court Judges
Cornelia

Judge Joanne B. Cooper
First Vice President
Council of Magistrate Court Judges
Warner Robins

Judge Richard M. Cowart
President
Council of State Court Judges
Valdosta

Chief Judge William W. Daniel
Fifth District Administrative Judge
Atlanta

Judge Lee H. DeLoach
President
Council of Probate Court Judges
Statesboro

Judge G. Mallon Faircloth
Eighth District Administrative Judge
Cordele

Chief Judge William M. Fleming, Jr.
Tenth District Administrative Judge
Augusta

Chief Judge Hilton Fuller
Fourth District Administrative Judge
Decatur

Judge Loring A. Gray, Jr.
Second District Administrative Judge
Albany

Judge Carol W. Hunstein
President
Council of Superior Court Judges
Decatur

Judge K. Dawson Jackson
Ninth District Administrative Judge
Lawrenceville

Chief Judge Walker P. Johnson, Jr.
Third District Administrative Judge
Macon

Judge Allen B. Keeble
Sixth District Administrative Judge
LaGrange

Chief Judge Joseph E. Loggins
Seventh District Administrative Judge
Summerville

Judge Steven J. Messinger
President-elect
Council of Juvenile Court Judges
Douglasville

Judge Joseph B. Newton
First District Administrative Judge
Waycross

Judge Timothy A. Pape
President
Council of Juvenile Court Judges
Rome

Judge Marion T. Pope, Jr.
Court of Appeals
Atlanta

Chief Judge John W. Sognier
Court of Appeals
Atlanta

Chief Judge Robert G. Walther
President-elect
Council of Superior Court Judges
Rome

Judge John Wheaton
First Vice President
Council of Probate Court Judges
Leesburg

Foreword

In 1992, the Georgia judiciary continued to look to the future by emphasizing cooperation between the judicial branch and representatives of the legislature, the legal profession, law enforcement and related agencies in planning to address common needs and accomplish shared objectives.

The Georgia Courts Automation Commission expanded its efforts to enhance the flow of information available to the courts and other criminal justice practitioners. The Georgia Court Futures Vanguard—100 judges, court officials, lawmakers and lay citizens—continued to delve into the question of how to deal with the increasing needs of the state's courts in the 21st century. The Joint Commission on Alternative Dispute Resolution circulated for review and comment a working draft of a plan for a comprehensive, court-annexed dispute resolution program in Georgia. Following two years of study, research and hearings, the Georgia Commission on Gender Bias released a report on its findings and recommendations.

The courts explored innovative ways to do new and better things partly in response to increasing case filings. From 1987 to 1991, total filings in the superior courts rose more than 35 percent. Felony filings increased 55 percent. During that same period, state funds appropriated to the superior courts increased in real terms by only 13 percent. Limited jurisdiction judges assisted by hearing some cases normally restricted to superior courts.

An important part of what the judicial branch has is the dedication, ability, ingenuity and wisdom of its people. We look with pride to the judges of this state who serve with honesty and integrity to ensure justice for all. We express appreciation to the courts' staff who are determined to see that the courts operate efficiently and effectively. I commend all who have worked so diligently to achieve progress and call upon you to continue on this upward path.

Additionally, I take this opportunity to thank the executive and legislative branches of government for their efforts and continued support.

This *Nineteenth Annual Report on the Work of the Georgia Courts* 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 in detail about the courts' ongoing advancements.

Harold G. Clarke
Chairperson
Judicial Council of Georgia

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

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

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

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

THE COURTS IN REVIEW: FISCAL YEAR 1992

Coordinated efforts to improve the operation of Georgia's courts continued in 1992 as judges and court officials joined with representatives of the legislative and executive branches and the public to exchange ideas and information in areas of common concern. Some groups charged with studying specific aspects of the Georgia court system reported on their findings, while others examined systemic needs and strategies to meet them.

Resources

Appropriations to the judicial branch for fiscal year 1992 were adversely affected by a decline in state revenues for the second straight year. Judicial branch appropriations, initially approved for $57.5 million, were reduced to $56 million after a series of budget cuts.

The General Assembly approved a 1993 budget of $60.6 million for the judicial branch, an 8.3 percent increase over the previous year. The significant budget increase was due primarily to the legislature's funding for 12 unfilled superior court judgeships and related positions and a 2.5 percent cost-of-living increase (with a cap of $1,000) for judges and judicial branch employees.

Even as the superior courts maintained average case processing time at 5.2 months in 1990, the number of cases filed continued to rise as did the need for more judgeships to accommodate the increases. The legislature responded to the Judicial Council's recommendation for 25 additional superior court positions by approving one new judgeship each for the Dougherty, Griffin, Lookout Mountain and Tallapoosa circuits and two judgeships for the newly created Enotah Circuit, formed by combining counties split from two existing circuits. Two of the 1992 judgeships, as well as 12 other superior court judgeships from 1989, 1990 and 1991, remained unfilled due to a federal lawsuit challenging at-large elections of judges in the state of Georgia. The litigation, which asserts that the system dilutes minority voting strength, was still pending at the end of the fiscal year, but efforts at settlement of the suit were ongoing.

State of the judiciary

In his third annual address to a joint session of the General Assembly, Chief Justice Harold G. Clarke stressed that during the current period of limited means, the judiciary must aim at the more efficient use of its resources.

Streamlining is extremely important in a time when increasing caseloads continue to tax Georgia's courts. The superior courts faced a 9% increase in filings in 1990, bringing the level of new cases to about 300,000, Chief Justice Clarke noted. The average number of filings per judge increased to more than 2,000 cases. The other courts faced similar increases.

He reminded the legislators of the importance of adequate indigent defense and the state's responsibility to guarantee it. He emphasized that not only does every individual have the right to a fair trial, but that the cost of retrials caused by errors and poor defense is far too great.

He cited the struggle local governments face in funding indigent defense, which should be a state burden. An uneven quality of representation around the state results, he said, causing untold problems and expense within the court system.

Inefficiencies in trying death penalty cases are also a cause of great expense to the state. To ensure that these cases are tried correctly, Chief Justice Clarke recommended the establishment of an advisory office for appointed defense counsel. He also suggested that an early hearing on the effectiveness of counsel would reduce the number of undetected errors in trials. Finally, he proposed that the U.S. Congress authorize the federal Circuit Courts of Appeals to answer certified questions of federal law sent to them by state supreme courts in death penalty cases.

Alternative Dispute Resolution (ADR)

The Joint Commission on Alternative Dispute Resolution, with representatives from the Supreme Court, the State Bar, the superior courts and the legislature, published a preliminary report endorsing the implementation of a statewide comprehensive ADR plan for Georgia courts.

Five-Year Comparison of Judicial Budget (1989-1993)

Fiscal Year	Total State Appropriation	Increase	Judicial Appropriation	Increase	Percent of State Budget
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	7,390,000,000	(71,512,616)	56,004,791	(229,501)	0.76%
1993	8,174,000,000	784,000,000	60,677,781	4,672,990	0.74%

State Appropriations for the Judicial Branch: Fiscal Years 1991, 1992 and 1993

Budget Unit/Agency	FY 1991 Amended Appropriation	FY 1992 Amended Appropriation*	Percent Change FY 91-92	1993 General Appropriation	Percent Change FY 92-93
Supreme Court	$4,532,793	$4,453,544	(1.7)%	$4,818,172	8.2%
Court of Appeals	5,696,903	5,458,995	(4.2)%	5,743,669	5.2%
Superior Courts (Total)	41,500,121	41,659,778	0.4%	45,423,943	9.0%
Operations	38,770,818	38,724,169	(0.1)%	42,280,230	9.2%
Council of Superior Court Judges	97,659	120,027	(22.9)%	114,499	(4.2)%
Judicial Administrative Districts	1,073,334	1,045,755	(2.6)%	1,083,899	3.6%
Prosecuting Attorneys' Council	1,402,370	1,616,148	15.2%	1,791,715	10.9%
Sentence Review Panel	155,940	153,679	(1.4)%	153,600	(0.1)%
Council of Juvenile Court Judges	833,373	817,431	(1.9)%	847,005	3.6%
Institute of Continuing Judicial Education (Total)	584,242	592,000	1.3%	634,322	7.1%
Operations	453,712	456,000	0.5%	498,322	9.3%
Magistrate Courts Training Council	130,530	136,000	4.2%	136,000	0%
Judicial Council (Total)	1,965,599	1,896,572	(3.5)%	2,061,454	8.7%
Operations	894,288	819,594	(8.4)%	986,713	20.4%
Board of Court Reporting	35,689	39,377	10.3%	40,241	2.2%
Case Counting	76,500	76,500	0.0%	76,500	0%
Council of Magistrate Court Judges	26,000	26,000	0.0%	240,000	0%
Council of Probate Court Judges	20,000	20,000	0.0%	26,000	0%
Council of State Court Judges	12,000	12,000	0.0%	20,000	0%
Appellate Resource Center	240,000	240,000	0.0%	12,000	0%
Computerized Information Network	661,122	663,101	0.3%	660,000	(0.5)%
Judicial Qualifications Commission	124,316	123,179	(0.9)%	139,258	13.1%
Indigent Defense Council	996,945	1,003,292	0.6%	1,009,958	0.7%
Judicial Branch Totals	**$56,234,292**	**$56,004,791**	**(0.4)%**	**60,677,781**	**8.3%**

The commission recommended that the Supreme Court take the following actions: 1) use its rule-making powers to implement a comprehensive statewide ADR system; 2) appoint a successor to the present commission to oversee the system, and create an Office of Dispute Resolution to implement policy and provide assistance; 3) seek permanent funding through a filing fee surcharge and fees for mediator certification; 4) encourage every court to use ADR; 5) establish training requirements for neutrals, third-party participants such as arbitrators, mediators and evaluators; 6) see that the programs are staffed by a mixture of volunteer, salaried and free-market neutrals; 7) address the issues of confidentiality and immunity for neutrals; and 8) require a one-time mandatory course in ADR of every attorney.

The commission worked with local courts and governments throughout the year on a series of independent ADR projects. Among these were an experimental mediation program in LaGrange, where thirty mediators heard over 200 cases, including criminal, civil and ordinance issues referred by magistrate and municipal courts. This program had an 86 percent settlement rate.

Another project involved a settlement week in the Appalachian Judicial Circuit. A moratorium on trials was called, and veteran mediators dealt with a variety of cases including juvenile, domestic relations and personal injury.

Court futures

The Georgia Court Futures Vanguard, organized to study existing court services and to formulate recommendations based on futures planning, was recognized and commended by legislators during the 1992 legislative session for its efforts and forward thinking. Representatives of the

judicial, legislative and executive branches; judicial educators; lawyers and citizens are included in the Vanguard. Task forces met to examine a broad range of issues which were organized into 10 categories: alternative dispute resolution; civil and criminal process; constituency services; communication; court automation; funding; image; judicial selection and education; philosophy and structure; and research, evaluation and planning. The group will publish a final report of its findings in 1993.

Court automation

The Georgia Courts Automation Commission (GCAC) continued to develop programs to facilitate and improve information sharing among courts and other criminal justice agencies. During 1992, representatives of all levels of the state court system served on the commission as voting members. The advisory council (nonvoting members) was composed of representatives of all three branches of state government and various state agencies. The commission was awarded a $200,000 federal grant to provide local courts access to existing databases housed on the state's mainframe computer through the Georgia On-Line (GO) Network. GCAC also launched a pilot program to automate traffic conviction reporting in order to eliminate delays in updating driver history records and reduce errors resulting from duplicate data entry. The commission worked with the state's Code Revision Committee in securing a contract with the Michie Publishing Company to provide judges with the Official Code of Georgia on compact disc at no or reduced cost to the user.

Gender Fairness

Established in 1989 by Georgia's Supreme Court, the 30-member Georgia Commission on Gender Bias in the Judicial System included lawyers, judges, university deans, professors and community leaders from across the state.

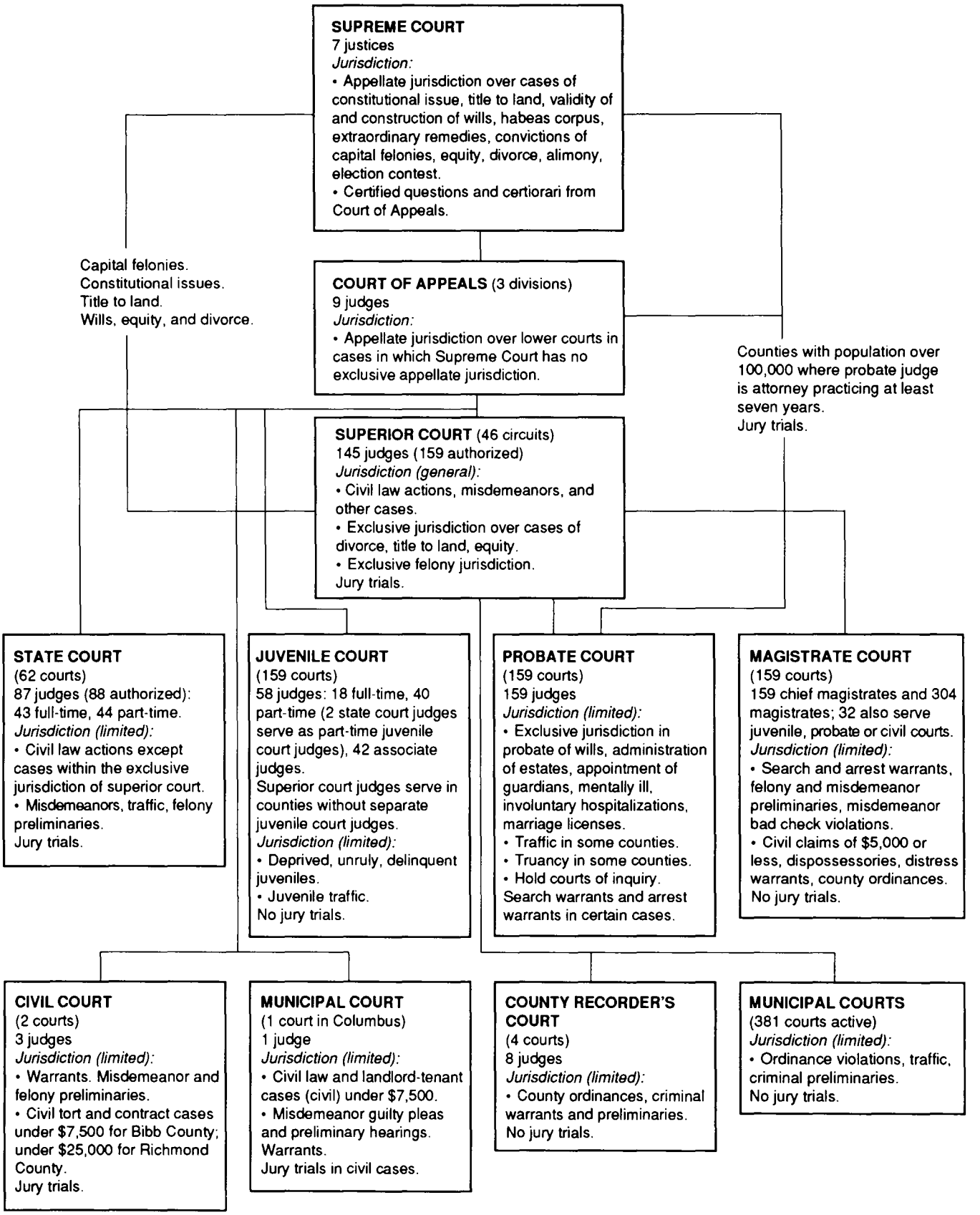
The commission's final report, presented to the Supreme Court in August 1991, concluded that pervasive gender bias, mostly against women, exists in the state's judicial system. The 14 sections of the report presented findings and recommendations in the areas of domestic violence, sexual offenses, adult 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 report was made available to interested parties who were encouraged to submit comments to the Supreme Court.

Judicial Branch Budget Units: Funds Available and Expenditures, Fiscal Year 1992

	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
Funds Available									
General	$4,712,199	$5,753,367	$42,506,217	$833,878	$592,000	$1,990,013	$125,000	$1,005,000	$57,517,674
Supplemental	(258,655)	(294,372)	(846,439)	(16,447)	0	(93,441)	(1,821)	(1,708)	(1,512,883)
Total State Funds	4,453,544	5,458,995	41,659,778	817,431	592,000	1,896,572	123,179	1,003,292	56,004,791
Federal Funds	0	0	1,288,356	821,227	17,383	252,333	0	83,725	2,463,024
Other Funds	454,093	53,693	1,052,158	51,913	180,795	77,970	0	342,600	2,213,222
Total Funds Available	**$4,907637**	**$5,512,688**	**$44,000,291**	**$1,690,571**	**$790,178**	**$2,226,876**	**$123,179**	**$1,429,617**	**$60,681,037**
Expenditures									
Personal Services	$3,756,135	$4,701,330	$40,749,400	$619,096	$0	$788,414	$70,587	$252,509	$50,937,471
Operating Expenses	376,569	110,433	768,898	849,192	119,653	120,080	12,512	979,307	3,336,644
Travel	17,645	23,543	560,124	38,460	0	19,605	2,355	9,989	671,721
Equipment Purchases	55,535	92,118	52,429	11,242	6,797	16,513	5,902	3,675	244,211
Computer Charges	93,298	67,704	65,298	36,995	63,489	836,052	6,569	2,124	1,171,529
Real Estate Rentals	291,653	184,525	143,072	51,120	0	38,188	2,853	10,800	722,211
Telecommunications	31,918	26,060	40,047	14,726	8	10,179	1,433	4,159	128,530
Per Diem, Fees & Contracts	139,111	25,330	1,175,696	64,463	489,626	385,277	19,777	775	2,300,055
Total Expenditures	**$4,761,864**	**$5,231,043**	**$43,554,964**	**$1,685,294**	**$679,573**	**$2,214,308**	**$121,988**	**$1,263,338**	**$59,512,372**

Georgia Court System: July 1, 1992



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. The constitution provides that all cases shall be decided no later than the term following the term to which the case is docketed. Cases are assigned in rotation to the justices.

Although the court nearly always hears cases in the Supreme Court courtroom in Atlanta, it occasionally schedules sessions at law schools and other locations, as was done this year at Georgia State University, in order to educate students in court operations.

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 admitted to practice law for at least seven years prior to assuming office. A vacancy on the court is filled by gubernatorial appointment to complete the unexpired term.

Each justice has three full-time staff members: two attorneys and one administrative assistant. The duties of the attorneys are to assist the justices in the research and preparation of opinions. The law assistants are not permitted to practice law while employed by the court.

The Supreme Court clerk, appointed by the members of the court for a six-year term, is the administrative officer of the court and maintains its records. The opinions of the Supreme Court and the Court of Appeals are published by the reporter, who is also appointed by the court.

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

The Supreme Court has authority to promulgate orders needed to carry out its functions and has rule-making authority over the lower courts. 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 1990 and 1991 is shown on the next page.

Supreme Court Caseload: 1990 & 1991

Filed	1990	1991
Direct appeals	566	541
Petitions for certiorari	604	616
Applications for appeal		
Habeas corpus	171	149
Discretionary	221	238
Interlocutory	44	52
Attorney disciplinaries	76	120
Original petitions/motions	39	21
Extraordinary motions	-	9
Cross appeals	37	21
Certified questions	3	5
Bar admissions	5	7
Judicial disciplinaries	3	2
Total	**1,769**	**1,781**

Disposed	1990	1991
By opinion	355	364[1]
Affirmed without opinion (Rule 59)	122	134
Allowed withdrawn	*	44
Transferred to the Court of Appeals	*	60
Appeals dismissed	*	50
Petitions for certiorari		
Denied	488	570[2]
Granted	83	82
Other	8	6
Habeas corpus applications		
Denied	109	171
Granted	2	3
Other	17	1
Discretionary applications		
Denied	149	177[3]
Granted	61	57
Other	16	5
Interlocutory applications		
Denied	29	24
Granted	12	20
Other	7	1
Original petitions/motions	41	23
Extraordinary motions	-	8
Bar admissions	-	2
Judicial qualifications	-	2
Attorney discipline		
By opinion	-	75[4]
By order	-	72
Attorney and judicial disciplinaries/ Bar admissions decided by order	70*	**
Total	**1,629**	**1,959**[5]

[1] In 1991, 363 cases were disposed of by 330 opinions written by the Supreme Court.
[2] Includes 13 writs vacated as improvidently granted.
[3] Includes 4 denied applications for interim appellate review.
[4] In 1991, 75 complaints were disposed of by 50 written opinions.
[5] Includes 7 cases transferred from the Court of Appeals and later returned to the Court of Appeals and 1 case that was stricken from the docket.
* A breakdown of these categories was unavailable in 1990; however, the total is inclusive of them.
** A breakdown of this category became available in 1991 and is seen in the above figures.

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 has 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.

Court of Appeals judges are elected to staggered, six-year terms in statewide, nonpartisan elections. A candidate for judgeship must have been admitted to practice law 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. Although the court usually hears cases in Atlanta, it occasionally schedules sessions at other locations in the state. 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 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. In calendar year 1991, 67 cases were begun. Thirty-one of those cases were settled, and 36 were terminated. To date, 39 percent of the cases which have gone to settlement conference have been settled.

Court of Appeals filings and dispositions for calendar years 1990 and 1991 are compared in the table at left. Listed below are statistics from October 1989 to March 1993 for cases that went to Settlement Conference.

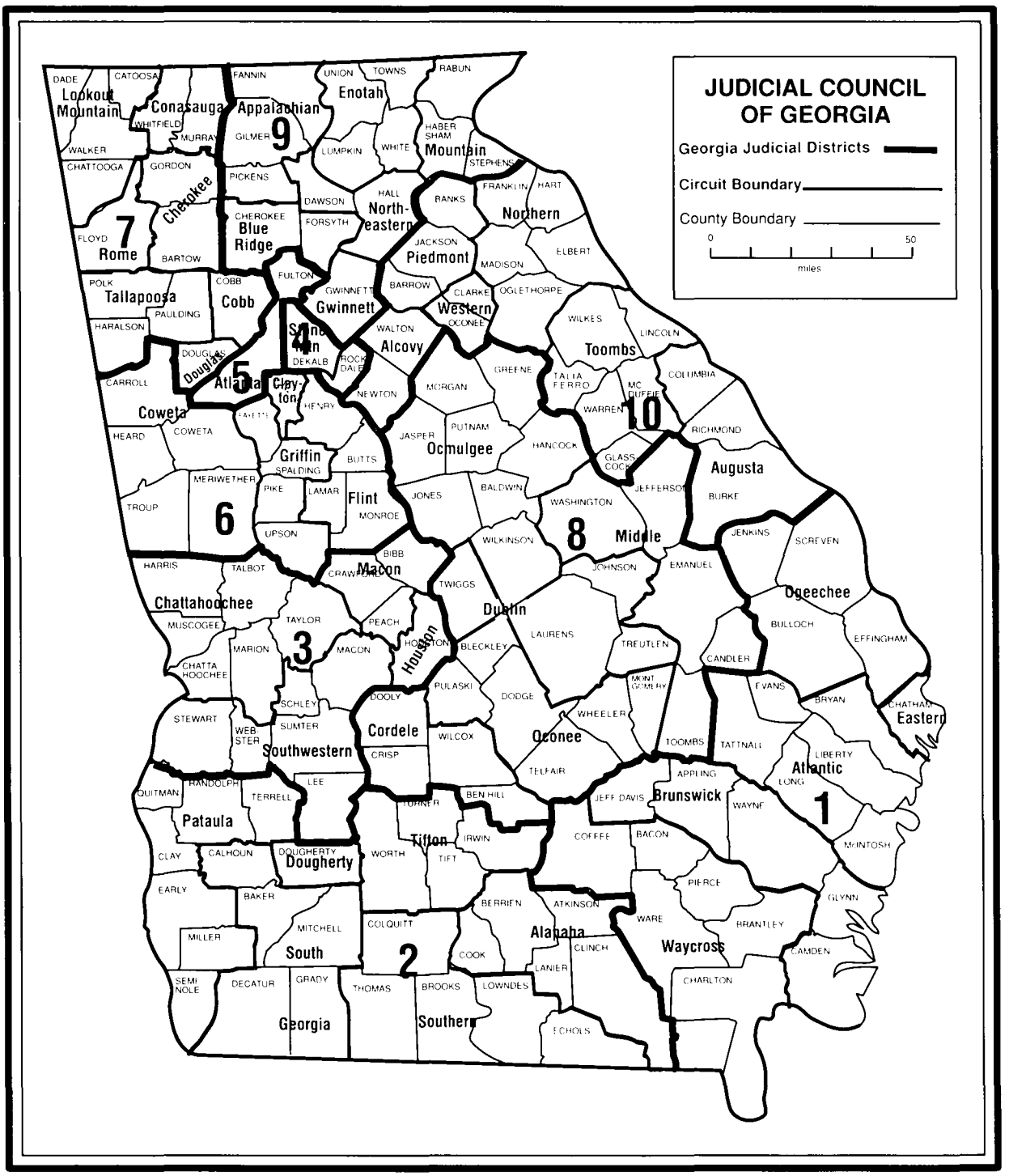
Court of Appeals Caseload: 1990 and 1991

Filed	**1990**	**1991**
Appeals	2,384	2,265
Discretionary applications	394	430
Interlocutory applications	400	450
Total	**3,178**	**3,145**
Disposed		
By opinion	1,922	1,268
By order	407	358
Discretionary applications		
Granted	98	95
Denied	253	268
Dismissed	24	33
Transferred to Supreme Court	8	9
Withdrawn	4	1
Changed to Interlocutory	5	3
Total	392	409
Interlocutory applications		
Granted	108	127
Denied	243	233
Dismissed	25	39
Transferred to Supreme Court	5	3
Withdrawn	3	3
Total	384	405
Total	**3,105**	**2,440**

Appellate Settlement Conference: October 1989 - March 1993*

Cases settled	97
Cases terminated	131
Pending	23
Total cases	**251**

* A fiscal year breakdown of these statistics is unavailable.


JUDICIAL COUNCIL OF GEORGIA
Georgia Judicial Districts
Circuit Boundary
County Boundary
0
50
miles
Lookout Mountain
Conasauga
Appalachian
9
Enotah
Mountain
Northern
North-eastern
Piedmont
Western
Gwinnett
Cobb
Alcovy
Toombs
Augusta
Middle
8
Ocmulgee
Griffin
Flint
6
Macon
Dublin
Ogeechee
Chattahoochee
3
Southwestern
Cordele
Oconee
Eastern
Atlantic
Brunswick
1
Tifton
Dougherty
Pataula
Alapaha
Waycross
South
2
Georgia
Southern
Coweta
Rome
7
Cherokee
Blue Ridge
Tallapoosa
Douglas
Atlanta
Clay-ton
4
5
10
Houston

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 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 46 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 21 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. 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 practiced 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, an administrative judge or the governor. All judges must fulfill a 12-hour annual continuing education requirement.

As of July 1, 1992, there were 145 judges (159 authorized positions) in Georgia's 159 superior courts. Six judgeships, two for the new Enotah Circuit and one each for the Dougherty (3rd), Griffin (4th), Lookout Mountain (4th) and Tallapoosa (3rd) judicial circuits, were created by the 1992 General Assembly.

Recent caseload data for the superior courts is presented on the following pages. Calendar year 1991 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 1987 through 1991.

Superior Court Caseload, Calendar Year 1991 (Docket entries)

Circuit	Total Criminal		Felony		Misdemeanor		Probation Revocation	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Alapaha	3,473	3,399	1,336	1,294	2,008	1,976	129	129
Alcovy	4,380	3,970	1,494	1,292	2,390	2,187	496	491
Appalachian	1,168	943	370	292	608	461	190	190
Atlanta	15,393	14,379	12,903	11,901	31	19	2,459	2,459
Atlantic	2,905	3,072	853	986	1,852	1,886	200	200
Augusta	3,258	3,518	1,889	2,105	478	522	891	891
Blue Ridge	1,287	1,254	1,008	971	32	36	247	247
Brunswick	2,202	2,481	1,866	2,099	115	162	221	220
Chattahoochee	3,237	3,106	2,136	2,038	877	844	224	224
Cherokee	2,871	3,112	1,013	1,139	876	991	982	982
Clayton	2,680	2,711	1,918	1,931	73	91	689	689
Cobb	5,055	4,820	4,194	3,963	122	118	739	739
Conasauga	2,813	2,743	1,061	993	1,077	1,075	675	675
Cordele	1,618	1,539	726	661	552	538	340	340
Coweta	2,857	2,781	2,154	2,100	364	342	339	339
Dougherty	2,346	2,039	1,264	894	367	430	715	715
Douglas	2,539	2,091	751	584	1,258	977	530	530
Dublin	1,028	1,011	580	589	245	219	203	203
Eastern	3,942	4,106	2,917	3,089	0	0	1,025	1,017
Flint	1,927	2,047	723	748	522	564	682	735
Griffin	2,352	2,319	1,455	1,369	682	735	215	215
Gwinnett	2,205	2,089	1,881	1,765	0	0	324	324
Houston	1,082	1,080	725	740	275	258	82	82
Lookout Mountain	2,621	2,513	1,171	1,088	987	962	463	463
Macon	3,298	3,386	2,098	2,210	243	219	957	957
Middle	1,073	1,157	863	944	21	24	189	189
Mountain	1,196	1,039	684	555	318	290	194	194
Northeastern	2,672	2,946	1,340	1,464	1,221	1,371	111	111
Northern	1,603	1,511	909	812	247	257	447	442
Ocmulgee	2,978	2,983	1,684	1,643	1,174	1,220	120	120
Oconee	1,700	1,607	665	656	817	733	218	218
Ogeechee	1,329	1,302	1,023	989	33	31	273	282
Pataula	1,209	1,083	629	545	438	396	142	142
Piedmont	1,781	1,729	898	882	523	487	360	360
Rockdale	740	722	488	469	71	70	181	183
Rome	2,732	2,663	750	702	1,631	1,610	351	351
South Georgia	1,108	1,026	625	551	103	95	380	380
Southern	2,828	2,726	1,722	1,606	252	266	854	854
Southwestern	1,901	1,860	804	788	486	461	611	611
Stone Mountain	7,436	7,624	4,527	4,711	30	34	2,879	2,879
Tallapoosa	2,328	2,182	863	744	1,137	1,110	328	328
Tifton	1,292	1,434	787	897	305	337	200	200
Toombs	1,887	1,748	483	427	1,163	1,081	241	240
Waycross	1,451	1,447	1,032	1,049	247	222	172	176
Western	1,526	1,501	1,094	1,002	108	175	324	324
Totals	***119,307***	***116,799***	***70,356***	***68,277***	***26,359***	***25,882***	***22,592***	***22,640***
Average per judge *	***780***	***763***	***460***	***446***	***172***	***169***	***148***	***148***

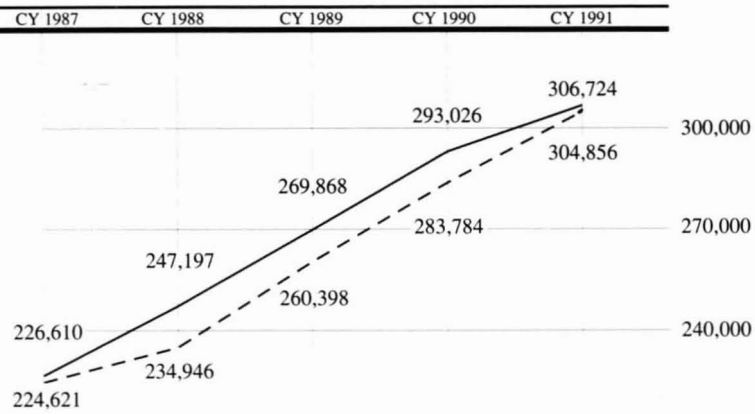
* Based on 153 superior court judgeships.

Superior Court Caseload, Calendar Year 1991 (Docket entries)

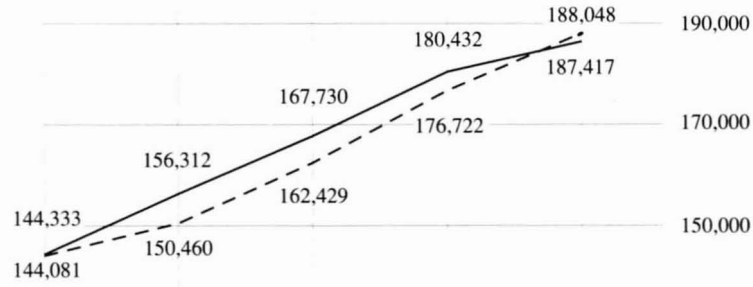
Total Civil		General Civil		Domestic Relations		Total Caseload		Total Open
Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Caseload
2,078	2,250	905	981	1,173	1,269	5,551	5,649	2,315
4,179	4,201	1,367	1,363	2,812	2,838	8,559	8,171	3,678
1,529	1,431	635	572	894	859	2,697	2,374	1,827
11,600	11,194	4,104	3,863	7,496	7,331	26,993	25,573	12,680
3,927	3,862	835	901	3,092	2,961	6,832	6,934	1,294
9,676	9,582	1,904	1,897	7,772	7,685	12,934	13,100	5,843
2,717	2,556	730	733	1,987	1,823	4,004	3,810	2,476
4,851	5,539	1,515	1,916	3,336	3,623	7,053	8,020	3,203
6,621	7,065	1,754	2,055	4,867	5,010	9,858	10,171	3,534
3,473	3,461	1,700	1,641	1,773	1,820	6,344	6,573	2,817
4,181	4,299	777	800	3,404	3,499	6,861	7,010	2,189
8,916	9,038	2,169	2,221	6,747	6,817	13,971	13,858	4,709
3,899	4,210	1,419	1,684	2,480	2,526	6,712	6,953	3,394
2,164	1,970	837	824	1,327	1,146	3,782	3,509	1,199
5,640	4,832	1,839	1,551	3,801	3,281	8,497	7,613	3,486
4,136	3,939	896	896	3,240	3,043	6,482	5,978	2,083
2,830	3,381	1,565	2,042	1,265	1,339	5,369	5,472	3,622
2,915	2,773	847	866	2,068	1,907	3,943	3,784	1,541
5,516	5,785	1,999	2,276	3,517	3,509	9,458	9,891	3,860
4,189	3,714	1,860	1,578	2,329	2,136	6,116	5,761	4,274
4,909	4,462	1,938	1,692	2,971	2,770	7,261	6,781	4,176
8,187	7,821	3,097	2,787	5,090	5,034	10,392	9,910	3,012
3,409	3,146	658	555	2,751	2,591	4,491	4,226	1,724
4,483	4,380	973	1,043	3,510	3,337	7,104	6,893	2,821
4,687	4,587	1,790	1,866	2,897	2,721	7,985	7,973	3,181
2,850	3,250	924	1,050	1,926	2,200	3,923	4,407	2,182
2,293	2,277	745	806	1,548	1,471	3,489	3,316	1,309
4,072	4,005	1,306	1,290	2,766	2,715	6,744	6,951	2,932
3,205	2,903	955	958	2,250	1,945	4,808	4,423	2,465
4,622	4,178	2,139	2,071	2,483	2,107	7,600	7,161	2,702
2,129	1,861	738	614	1,391	1,247	3,829	3,468	1,352
3,500	3,554	946	987	2,554	2,567	4,829	4,856	726
1,820	1,642	532	468	1,288	1,174	3,029	2,725	1,502
2,663	2,703	1,007	1,029	1,656	1,674	4,444	4,432	1,956
1,617	1,564	617	604	1,000	960	2,357	2,286	917
3,044	3,184	1,201	1,264	1,843	1,920	5,776	5,847	2,374
2,948	2,736	741	759	2,207	1,977	4,056	3,762	1,242
5,611	5,329	1,870	1,760	3,741	3,569	8,439	8,055	3,321
2,039	1,997	862	868	1,177	1,129	3,940	3,857	1,109
10,967	13,783	1,985	2,824	8,982	10,959	18,403	21,407	4,354
3,349	3,422	1,605	1,691	1,744	1,731	5,677	5,604	2,906
1,863	2,034	942	990	921	1,044	3,155	3,468	2,198
1,530	1,521	552	563	978	958	3,417	3,269	1,371
3,409	3,434	1,625	1,630	1,784	1,804	4,860	4,881	2,016
3,174	3,193	1,267	1,265	1,907	1,928	4,700	4,694	2,074
187,417	***188,048***	***60,672***	***62,094***	***126,745***	***125,954***	***306,724***	***304,856***	***125,946***
1,225	***1,229***	***397***	***406***	***828***	***823***	***2,005***	***1,993***	***823***

Superior Courts

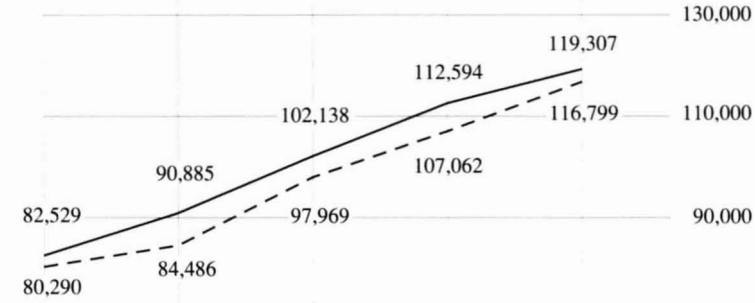
5-year trend: total filings/ dispositions



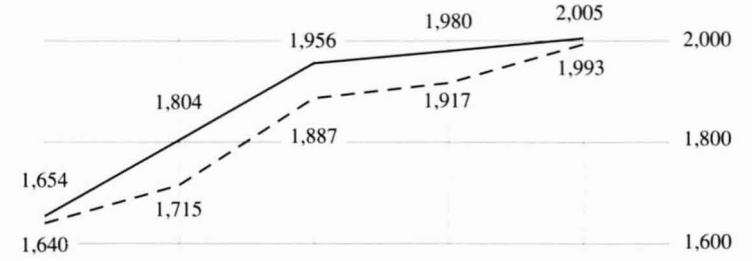
5-year trend: civil filings/ dispositions



5-year trend: criminal filings/ dispositions



5-year trend: average per judge, total filings/ dispositions



CY 1987 CY 1988 CY 1989 CY 1990 CY 1991

Filings ———— Dispositions — — — —

A 1970 legislative act established Georgia's state court system by designating as such certain existing county-wide 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 1992, 62 state courts operated in 63 counties. Georgia's only multi-county state court serves Cherokee and Forsyth counties. Of the 88 judgeships authorized, 87 were filled; 43 were full-time and 44 were part-time. One additional part-time state court judgeship was authorized for Hall County by the 1992 legislature.

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

Calendar or fiscal year 1991 filings and dispositions are listed in the table on the following page for 35 courts that voluntarily submitted caseload data.

State Court Caseload, 1991 Reporting Year (Docket entries)

County	Reporting Year	Misdemeanor Filed	Misdemeanor Disposed	Traffic Filed	Traffic Disposed	Civil Filed	Civil Disposed	Total Filed	Total Disposed
Baldwin	FY	2,370	1,953	4,136	3,539	3	1	6,509	5,493
Bibb	CY	7,221	6,154	3,601	3,601	1,348	1,337	12,170	11,092
Bryan	FY	329	219	4,722	6,188	74	40	5,125	6,447
Burke	CY	641	602	2,563	2,469	149	30	3,353	3,101
Carroll	FY	550	496	5,558	5,577	664	497	6,772	6,570
Chatham	FY	2,153	2,071	1,012	974	2,512	3,105	5,677	6,150
Chattooga	CY	879	756	2,070	1,853	89	49	3,038	2,658
Cherokee[1]	FY	*	*	10,753	9,869	1,304	972	12,057	10,841
Clayton	FY	14,408	13,673	23,347	22,744	7,162	6,364	44,917	42,781
Cobb	CY	7,364	9,652	102,614	133,318	24,773	30,043	134,751	173,013
Coffee	CY	*	*	3,994	3,125	281	166	4,275	3,291
Coweta	FY	1,021	768	6,313	5,556	550	267	7,884	6,591
Decatur	FY	641	*	1,164	1,728	66	38	1,871	1,766
DeKalb	CY	7,656	8,229	4,093	2,780	62,209	33,264	73,958	44,273
Early	FY	147	139	1,316	1,290	26	26	1,489	1,455
Effingham	FY	500	466	3,144	2,822	196	135	3,840	3,423
Elbert	FY	541	408	966	663	61	40	1,568	1,111
Evans	CY	*	*	612	603	31	11	643	614
Fulton	FY	14,895	12,343	23,724	11,312	97,113	32,940	135,732	56,595
Glynn	FY	*	*	9,257	8,225	238	157	9,495	8,382
Gwinnett	FY	2,269	2,234	1,342	1,156	6,154	5,840	9,765	9,230
Hall	FY	6,393	5,584	7,893	7,793	928	588	15,214	13,965
Houston	FY	2,295	2,332	12,598	11,674	895	956	15,788	14,962
Jefferson	CY	332	328	1,841	1,825	65	59	2,238	2,212
Jenkins	FY	130	118	1,592	1,569	16	16	1,738	1,703
Liberty	FY	2,160	2,059	8,267	8,267	150	95	10,577	10,421
Lowndes	CY	*	*	13,815	12,756	438	333	14,253	13,089
Richmond	FY	4,434	3,466	18,459	13,637	801	293	23,694	17,396
Screven	FY	306	277	1,306	1,268	31	23	1,643	1,568
Stephens	FY	461	321	1,159	852	203	103	1,823	1,276
Sumter	FY	907	934	1,515	1,515	81	71	2,503	2,520
Thomas	CY	1,435	21	2,124	52	100	18	3,659	91
Toombs	FY	541	495	1,634	1,550	66	45	2,241	2,090
Troup	FY	2,301	2,175	4,849	4,849	333	221	7,483	7,245
Wayne	CY	783	695	1,103	1,002	106	53	1,992	1,750
Totals		***86,063***	***78,968***	***294,456***	***298,001***	***209,216***	***118,196***	***589,735***	***495,165***

Note: 35 of 62 courts submitted data for this report.
* These counties did not separate misdemeanor from traffic cases in the casecount of criminal actions.
[1] Cherokee and Forsyth counties comprise one court; data submitted by Cherokee County only.

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 terminate parental rights in 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.

Most cases appealed from the juvenile courts are heard by the Court of Appeals, although they may be heard by the Supreme Court, depending on the specific matter.

There are eighteen full-time and 40 part-time juvenile court judges. In counties or circuits with no separate juvenile court judge, superior court judges hear juvenile cases. Forty-two associate judges, who must be admitted to the State Bar or have graduated from law school, serve in 42 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- 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 filings and dispositions for calendar year 1991 are presented in the table on the following pages for 109 counties that submitted caseload data.

Juvenile Court Caseload, Calendar Year 1991 (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	112	98	30	23	4	3	38	32	11	7	195	163
Bacon	37	36	8	5	0	0	24	8	6	5	75	54
Baker	5	5	1	1	0	0	0	0	7	7	13	13
Baldwin	256	246	26	25	48	45	113	33	5	5	446	354
Banks	24	23	6	6	7	7	5	3	2	2	44	41
Barrow	184	170	64	62	39	38	45	20	56	37	388	327
Bartow	439	380	128	106	119	99	211	180	77	69	974	834
Ben Hill	137	119	30	23	6	6	8	9	0	0	178	157
Bleckley	48	45	7	7	4	3	6	6	9	8	74	69
Brantley	31	21	9	5	0	0	34	27	0	0	70	53
Bryan	86	87	37	28	16	15	32	34	1	1	167	165
Bulloch	184	175	34	33	43	42	22	17	6	5	289	272
Burke	173	151	7	6	10	9	48	39	19	18	257	223
Calhoun	27	24	3	3	4	3	0	0	3	3	37	33
Candler	9	9	0	0	0	0	8	6	3	4	20	19
Charlton	35	27	4	4	0	0	22	12	12	11	73	54
Chattahoochee	11	61	19	16	1	3	1	9	0	1	20	90
Chattooga	68	63	47	20	38	35	31	23	0	0	166	141
Cherokee	207	167	134	117	237	215	218	173	81	69	877	741
Clay	7	6	0	0	1	1	9	9	7	7	24	23
Clinch	21	18	4	3	2	2	4	3	7	5	38	31
Cobb	2,028	1,612	666	548	1,656	1,536	787	674	193	157	5,330	4,527
Columbia	446	411	111	100	135	144	24	29	1	1	707	685
Crawford	23	31	3	0	6	18	18	32	0	0	47	81
Crisp	210	236	51	47	14	14	75	68	1	1	348	366
Dawson	45	37	14	14	2	2	18	14	0	0	75	67
Decatur	124	135	17	11	15	15	28	46	0	0	181	207
DeKalb*	5,006	-	1,261	-	1,420	-	1,281	-	72	-	9,040	-
Dodge	83	62	12	12	16	11	6	4	5	2	122	91
Dooly	78	66	7	7	4	4	31	25	17	11	137	113
Echols	4	4	1	1	0	0	0	0	3	3	8	8
Effingham	129	126	38	37	84	84	32	28	0	0	283	275
Elbert	114	108	19	17	44	44	23	10	3	3	203	182
Emanuel	40	38	5	5	1	1	16	15	0	0	62	59
Evans	85	86	30	20	11	10	30	25	0	0	152	141
Fannin	35	26	5	2	0	0	13	9	1	0	54	37
Franklin	36	35	9	8	14	13	25	20	3	0	87	76
Fulton	6,531	4,075	516	321	1,292	1,089	582	385	759	549	9,680	6,419
Gilmer	24	28	32	26	0	0	7	7	0	0	55	61
Glascock	6	5	0	0	4	2	0	0	2	2	12	9
Grady	61	54	23	23	17	17	16	14	21	21	138	129
Greene	41	37	3	3	18	18	0	0	0	0	62	58
Gwinnett	1,409	980	398	349	1,124	1,010	301	283	580	450	3,812	3,072
Habersham	74	67	30	26	33	33	92	75	1	0	228	201
Hancock	12	11	2	2	2	2	10	10	1	1	27	26
Haralson	49	53	17	10	18	16	62	57	0	0	144	136
Harris	54	129	50	45	15	56	9	27	0	0	102	257
Hart	58	52	3	2	16	15	14	3	0	0	91	72
Houston	501	443	234	206	236	231	500	481	66	52	1,537	1,413
Irwin	11	9	3	3	11	11	21	8	0	0	46	31
Jackson	143	140	28	24	27	31	16	12	2	0	212	207
Jasper	29	29	5	5	17	18	52	45	6	5	109	102
Jefferson	41	40	9	9	5	5	27	21	7	7	89	82
Jenkins	19	19	6	6	4	4	10	10	22	22	61	61
Johnson	23	16	16	12	3	3	22	20	0	0	64	51
Jones	34	120	12	12	34	119	40	120	0	0	112	371
Lee	73	234	59	55	12	68	19	53	0	0	121	410
Liberty	468	475	204	191	76	93	148	147	0	0	850	906
Lincoln	7	11	3	2	8	14	7	11	0	0	24	38
Long	25	22	11	10	12	15	13	7	0	0	58	54

Juvenile Court Caseload, Calendar Year 1991 (Number of children)

County	Delinquent		Unruly		Traffic		Deprived		Special Proceedings		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Lumpkin	53	61	24	12	0	0	22	13	0	0	90	86
Macon	79	197	46	33	12	29	44	92	0	0	158	351
Madison	52	49	4	2	52	51	20	7	0	0	128	109
Marion	26	44	12	12	6	15	13	14	0	0	48	85
McDuffie	106	98	44	39	42	31	5	4	15	11	212	183
McIntosh	52	51	30	17	10	16	24	28	4	4	113	116
Mitchell	95	86	10	8	19	20	18	28	0	0	142	142
Montgomery	20	17	2	1	2	2	4	3	3	2	31	25
Morgan	57	84	7	7	29	32	26	22	0	0	119	145
Murray	154	164	145	99	16	16	69	59	5	2	339	340
Oconee	44	34	25	22	25	22	17	11	21	16	132	105
Oglethorpe	15	15	2	2	6	5	12	5	10	9	45	36
Paulding	169	177	96	80	33	36	18	18	0	3	298	314
Peach	98	197	47	43	2	2	40	152	0	0	146	394
Pickens	27	23	35	32	2	4	25	21	0	0	86	80
Pierce	36	25	12	9	8	8	21	15	19	15	96	72
Polk	163	154	66	61	11	9	86	87	1	1	318	312
Pulaski	36	91	33	25	0	0	4	6	0	0	50	122
Putnam	18	16	1	0	1	1	63	6	0	0	83	23
Rabun	38	29	9	8	9	9	18	7	2	2	76	55
Randolph	30	30	1	1	1	1	19	19	2	1	53	52
Richmond	1,591	1,430	338	333	100	93	379	325	60	53	2,468	2,234
Schley	14	52	13	13	8	17	29	47	0	0	56	129
Screven	72	69	17	17	3	3	19	10	2	2	113	101
Stephens	84	73	13	11	48	43	66	54	0	0	208	181
Stewart	30	75	32	29	3	10	9	26	0	0	57	140
Talbot	19	24	14	14	2	5	9	13	0	0	39	56
Taliaferro	0	0	0	1	1	1	1	1	1	3	3	6
Tattnall	102	100	32	29	22	23	27	26	0	0	182	178
Taylor	12	32	2	1	11	27	39	89	0	0	64	149
Telfair	82	79	31	31	10	10	7	7	0	0	130	127
Terrell	119	106	18	18	4	4	23	27	0	1	161	156
Tift	310	282	142	100	57	55	33	27	0	0	511	464
Toombs	92	89	6	5	6	7	63	68	56	55	222	224
Towns	3	3	2	2	3	3	7	3	4	4	19	15
Treutlen	37	34	14	13	11	11	10	2	1	1	73	61
Turner	71	60	17	11	18	16	20	18	0	0	123	105
Twiggs	47	111	33	33	5	25	7	27	0	0	71	196
Union	46	40	7	7	17	17	9	7	8	5	87	76
Warren	25	24	2	2	7	0	2	2	0	0	36	28
Washington	141	129	10	10	0	0	16	21	1	1	168	161
Webster	8	11	5	5	5	7	0	2	0	0	16	25
Wheeler	13	13	1	1	0	0	0	0	4	4	18	18
White	29	20	40	17	9	2	18	19	0	0	68	58
Whitfield	351	277	240	203	187	165	195	161	142	125	1,115	931
Wilcox	18	17	0	0	4	4	4	3	2	1	28	25
Wilkes	26	23	2	1	11	10	13	11	4	4	56	49
Wilkinson	19	56	2	2	5	14	44	62	0	0	69	134
Worth	181	116	122	59	48	43	21	11	0	0	334	229
Totals	***25,190***	***16,980***	***6,317***	***4,144***	***7,876***	***6,216***	***6,892***	***5,124***	***2,445***	***1,874***	***48,720***	***34,338***

Note: 109 of 159 counties submitted data for this report.
* Data reported is based on charges; disposition data not available.

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 Supreme 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 1992 criminal caseload data voluntarily submitted by 46 of the 96 probate courts exercising criminal jurisdiction and civil caseload data voluntarily submitted by 85 probate courts are presented in the tables on the following pages.

Probate Court Criminal Caseload, Fiscal Year 1992 (Docket entries)

	Misdemeanor		Traffic		Total Caseload	
County	Filed	Disposed	Filed	Disposed	Filed	Disposed
Baker	0	2	681	674	681	676
Banks	86	100	992	1,065	1,078	1,165
Barrow	0	0	3,231	3,231	3,231	3,231
Bartow	350	350	5,696	5,705	6,046	6,055
Ben Hill	33	38	908	764	941	802
Brantley	58	58	924	924	982	982
Butts	133	124	1,523	1,561	1,656	1,685
Crawford	80	40	1,336	1,338	1,416	1,378
Dawson	83	74	1,096	1,068	1,179	1,142
Echols[1]	0	0	184	185	184	185
Fannin	123	106	601	553	724	659
Fayette	38	26	2,251	2,170	2,289	2,196
Glascock[2]	0	0	146	136	146	136
Grady	57	117	0	0	57	117
Greene	109	98	1,279	1,211	1,388	1,309
Haralson	100	67	2,761	2,297	2,861	2,364
Henry	59	83	4,008	4,039	4,067	4,122
Jasper	0	0	667	667	667	667
Jones	64	47	2,988	2,318	3,052	2,365
Laurens[1]	132	104	3,083	2,564	3,215	2,668
Lee	0	0	1,891	1,977	1,891	1,977
Macon	0	0	958	705	958	705
McDuffie	0	0	2,547	2,548	2,547	2,548
Monroe[1]	126	106	8,928	7,962	9,054	8,068
Morgan[3]	250	250	5,146	5,173	5,396	5,423
Murray[2]	180	180	1,868	1,868	2,048	2,048
Oconee	0	0	2,144	1,922	2,144	1,922
Oglethorpe	0	0	642	646	642	646
Paulding[1]	296	162	768	471	1,064	633
Peach[3]	0	0	3,014	3,014	3,014	3,014
Polk	41	41	2,056	2,010	2,097	2,051
Randolph	0	0	1,200	1,200	1,200	1,200
Seminole	57	57	1,243	1,238	1,300	1,295
Telfair	53	53	936	948	989	1,001
Terrell	114	92	1,416	1,426	1,530	1,518
Thomas	27	29	0	0	27	29
Towns[1]	44	42	219	185	263	227
Turner	0	0	5,030	3,638	5,030	3,638
Union	82	73	560	536	642	609
Upson[2]	38	10	1,256	1,115	1,294	1,125
Walton	106	98	3,325	3,281	3,431	3,379
Wheeler	8	8	639	639	647	647
White	0	0	763	468	763	468
Whitfield[4]	0	0	4,026	4,026	4,026	4,026
Wilkes[2]	0	0	248	284	248	284
Wilkinson	64	48	243	196	307	244
Totals	***2,991***	***2,683***	***85,421***	***79,946***	***88,412***	***82,629***

Note: 46 of 96 courts with criminal jurisdiction submitted data for this report.

[1] These counties reported for three of four quarters for this fiscal year.

[2] These counties reported for one of four quarters for this fiscal year.

[3] These counties reported for two of four quarters for this fiscal year.

[4] This county reported for three of four quarters of calendar year 1991.

Probate Court Civil Caseload, Fiscal Year 1992 (Docket entries)

County	Administration	No Administration Necessary	Probate Common	Probate Solemn	Guardianship	Year's Support	Hospitalization	Habeas Corpus	Licenses Marriage	Licenses Pistol	Total Civil
Baker	1	0	1	14	0	0	13	3	19	26	32
Baldwin[1]	7	8	3	58	40	2	186	0	249	201	304
Banks	9	4	0	30	8	8	7	0	68	67	66
Barrow	18	4	0	66	31	7	22	0	192	194	148
Bartow	30	7	0	136	58	6	82	0	434	488	319
Ben Hill	15	2	3	38	6	4	11	0	177	64	79
Bibb	70	26	25	437	90	45	40	1	1,623	533	734
Brantley	6	1	0	23	12	1	0	0	121	53	43
Bryan	10	2	1	20	15	3	12	0	116	172	63
Bulloch	27	5	3	103	23	4	18	0	338	186	183
Butts[1]	10	1	2	34	5	6	8	0	81	63	66
Candler[2]	4	1	1	13	2	0	0	0	44	6	21
Cherokee	38	16	12	145	47	26	42	0	506	472	326
Clarke	23	9	4	118	81	8	66	1	562	279	310
Clayton	70	21	17	259	349	50	50	0	2,160	849	816
Clinch[2]	1	0	1	6	3	1	0	0	35	9	12
Cobb	205	41	31	728	514	74	144	15	4,201	1,966	1,752
Coffee[1]	16	6	3	65	21	4	0	0	320	152	115
Colquitt	11	13	4	118	9	6	10	0	323	103	171
Coweta	33	9	2	114	59	25	44	0	504	386	286
Crawford	7	1	1	15	12	2	0	0	61	53	38
Dawson	10	1	1	22	8	4	4	0	83	90	50
Decatur	21	0	5	78	14	3	10	0	201	74	131
DeKalb	599	79	131	768	1,052	131	394	27	3,366	1,998	3,181
Dougherty[1]	25	7	4	158	70	6	106	0	702	408	376
Douglas	33	9	5	142	51	29	2	0	835	438	271
Early[1]	7	0	0	18	7	3	2	4	36	55	41
Echols[1]	1	1	0	3	1	0	0	0	10	5	6
Emanuel	16	7	4	56	18	2	41	0	192	260	144
Evans	11	2	0	14	7	1	8	0	87	86	43
Fannin	16	8	0	31	21	8	0	0	114	120	84
Fayette	15	8	4	97	49	19	0	0	491	419	192
Forsyth	20	1	2	101	16	10	0	0	429	365	150
Glascock[3]	1	2	0	7	7	0	1	0	19	16	18
Glynn[1]	67	4	15	154	57	63	21	0	564	317	381
Grady	38	10	2	43	55	2	47	0	159	64	197
Greene	22	4	6	22	10	3	17	0	70	59	84
Gwinnett[2]	42	20	15	270	131	13	0	1	1,605	1,038	492
Hall	69	4	9	229	54	20	68	0	882	436	453
Haralson	34	0	1	53	17	4	24	0	248	178	133
Henry	46	16	13	142	94	24	31	1	500	497	367
Houston	52	18	2	172	113	6	75	0	865	495	438
Jackson[2]	11	3	2	37	13	8	0	0	160	77	74
Jasper	2	0	3	22	6	1	5	0	39	51	39
Jeff Davis	11	2	0	22	5	0	0	0	154	59	40
Jones	12	6	4	53	18	2	12	0	146	124	107
Laurens[1]	15	13	2	63	22	8	59	0	287	262	182
Lee	7	3	3	21	28	0	28	0	154	152	90
Liberty	46	0	3	64	173	2	29	0	642	104	317
Long	2	0	0	10	3	1	0	0	39	25	16
Lowndes	41	15	6	168	43	17	34	0	897	291	324
Macon	9	3	4	26	7	13	4	65	90	72	131
McDuffie	13	4	1	68	36	9	17	0	149	104	148
Mitchell	11	5	2	49	6	1	9	0	144	89	83
Monroe[1]	6	4	7	23	10	3	3	0	107	71	56
Morgan[3]	4	12	2	23	16	11	10	0	87	71	78
Murray[3]	15	3	0	33	18	7	11	0	175	151	87
Muscogee[1]	130	19	21	443	165	90	70	0	1,928	417	938
Oconee	1	2	4	25	14	0	5	0	144	143	51
Oglethorpe	17	8	0	28	23	7	16	0	96	74	99

Probate Court Civil Caseload, Fiscal Year 1992 (Docket entries)

County	Administration	No Administration Necessary	Probate Common	Probate Solemn	Guardianship	Year's Support	Hospitalization	Habeas Corpus	Licenses Marriage	Licenses Pistol	Total Civil
Paulding[1]	13	3	1	71	31	5	0	0	225	137	124
Peach[2]	5	0	0	26	3	1	0	0	51	38	35
Polk	27	2	2	103	17	3	66	0	238	183	220
Randolph[3]	14	3	1	33	4	0	0	0	58	65	55
Richmond	140	53	33	393	147	145	140	0	2,433	820	1,051
Seminole	10	4	1	38	9	0	8	0	596	43	70
Spalding	25	13	2	142	54	23	62	1	555	264	322
Tattnall[3]	20	2	0	45	24	7	10	0	129	105	108
Telfair	5	1	1	26	4	1	0	0	80	65	38
Terrell	12	1	4	34	9	1	0	0	84	115	61
Thomas	31	8	1	125	12	4	487	0	380	115	668
Tift	18	3	0	57	11	3	15	0	403	154	107
Towns[1]	4	1	0	17	0	0	0	0	58	55	22
Troup[1]	21	6	13	124	28	9	37	0	384	333	238
Turner	12	8	1	44	20	0	14	0	68	49	99
Union	11	2	7	13	20	6	0	0	103	44	59
Walton	48	8	7	104	41	17	50	8	289	242	283
Ware	29	16	4	103	40	18	27	0	374	170	237
Washington	7	4	3	31	3	0	1	0	60	23	49
Wheeler	1	2	0	4	3	0	0	0	27	20	10
White	4	3	4	38	2	1	26	0	155	75	78
Whitfield[3]	24	20	2	133	29	3	44	0	330	238	255
Wilkes[3]	1	0	0	15	6	0	5	0	20	2	27
Wilkinson	13	1	0	24	6	1	22	0	55	80	67
Worth	17	0	0	43	16	1	24	0	176	110	101
Totals	***2,621***	***644***	***484***	***8,084***	***4,382***	***1,062***	***2,956***	***127***	***36,361***	***19,622***	***20,360***

Note: 85 of 159 probate courts submitted data for this report.

[1] These counties reported for three of the four quarters of this fiscal year.

[2] These counties reported for two of the four quarters of this fiscal year.

[3] These counties reported data for the period January 1 to December 31, 1991.

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 as candidates 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 1992, 26 probate judges, three civil court judges, and three juvenile court judges and associate judges also served as chief magistrate or magistrate.

Fiscal year 1992 magistrate court caseload is presented on the following pages for 131 counties submitting data. Submission of data is required by the Uniform Rules for the Magistrate Courts.

Magistrate Court Caseload, Fiscal Year 1992 (Cases filed)

County	Warrants Issued	Bond and Commitment Hearings	Criminal Cases Filed	Criminal Cases Disposed	Civil Claims Filed	Civil Claims Disposed	Other Civil Cases Filed	Other Civil Cases Disposed	Total Warrants and Filings	Total Hearings and Dispositions
Bacon	554	377	358	273	436	291	232	222	1,580	1,163
Baker[1]	17	12	3	12	21	5	11	11	52	40
Baldwin[2]	2,047	117	0	5	2,070	2,070	1,715	1,766	5,832	3,958
Banks	499	50	35	41	182	185	86	89	802	365
Barrow	1,972	936	73	18	604	265	602	633	3,251	1,852
Ben Hill	1,261	597	489	494	812	675	631	630	3,193	2,396
Berrien	999	0	0	5	443	361	236	204	1,678	570
Bibb	5,526	5,725	3,264	614	3,552	4,640	1,963	1,963	14,305	12,942
Bleckley	809	375	0	5	253	274	211	209	1,273	863
Brantley[2]	238	123	30	35	169	155	28	35	465	348
Brooks	575	372	137	114	364	191	198	193	1,274	870
Bryan[2]	617	134	92	97	404	378	81	75	1,194	684
Bulloch	5,357	200	6	5	1,347	2,341	701	690	7,411	3,236
Burke	1,154	362	0	5	734	704	357	259	2,245	1,330
Camden	1,736	929	247	220	427	326	290	278	2,700	1,753
Candler	596	301	45	32	241	183	114	113	996	629
Carroll	2,782	3	970	887	2,152	1,767	1,454	1,383	7,358	4,040
Catoosa	2,312	585	525	68	506	611	413	409	3,756	1,673
Charlton	475	419	158	147	875	583	100	100	1,608	1,249
Chatham	9,870	4,027	1,718	2,116	7,043	4,918	10,177	10,224	28,808	21,285
Chattahoochee	153	135	1	5	47	42	19	18	220	200
Chattooga[3]	981	183	0	5	305	160	93	93	1,379	441
Cherokee	5,153	2,139	268	174	1,567	2,327	1,584	1,593	8,572	6,233
Clarke	10,614	2,860	172	31	1,528	1,349	1,961	1,994	14,275	6,234
Clay[1]	97	38	0	5	29	27	14	15	140	85
Clayton	11,316	15,178	1,996	1,120	2,400	2,283	11,239	10,730	26,951	29,311
Clinch	366	10	0	5	224	204	64	64	654	283
Cobb[3]	9,424	9,077	1,957	1,923	1,797	1,598	1,034	1,034	14,212	13,632
Coffee	4,532	82	10	15	1,147	133	822	815	6,511	1,045
Colquitt	2,406	234	0	5	1,760	114	737	737	4,903	1,090
Columbia	1,484	292	2,013	1,178	1,231	1,088	533	495	5,261	3,053
Coweta	3,659	13	972	650	1,786	1,319	1,185	1,173	7,602	3,155
Crisp	1,992	1,031	574	484	866	706	687	679	4,119	2,900
Dade	803	544	0	5	112	136	65	66	980	751
Dawson	561	337	17	12	493	457	56	50	1,127	856
Decatur	1,098	454	0	5	802	145	335	323	2,235	927
DeKalb[2]	14,532	28,006	3,409	583	3,710	1,771	62	53	21,713	30,413
Dodge	1,213	0	244	5	511	344	238	240	2,206	589
Dooly	527	120	0	5	438	326	136	136	1,101	587
Dougherty[3]	3,447	1,431	831	510	1,668	1,389	2,383	1,715	8,329	5,045
Douglas	4,363	166	231	213	1,146	830	1,946	1,935	7,686	3,144
Early[2]	609	108	0	5	374	212	97	100	1,080	425
Echols[3]	41	0	0	5	15	14	0	1	56	20
Effingham	1,164	136	508	172	352	252	196	244	2,220	804
Elbert	1,394	432	0	5	472	460	345	348	2,211	1,245
Emanuel	966	596	376	371	598	598	296	298	2,236	1,863
Evans	481	229	201	122	210	89	139	135	1,031	575
Fannin	535	121	123	128	310	244	62	66	1,030	559
Fayette[2]	677	570	434	115	552	423	446	518	2,109	1,626
Floyd[2]	3,868	1,133	1,170	1,185	1,835	1,120	1,984	1,976	8,857	5,414
Forsyth	1,904	553	347	63	534	534	354	336	3,139	1,486
Franklin	978	622	117	168	587	570	245	244	1,927	1,604
Fulton	16,967	27,036	20,032	5	6,936	2,655	44,024	46,413	87,959	76,109
Glascock[3]	30	4	4	5	37	18	10	10	81	37
Gordon	3,643	640	201	174	1,855	1,526	915	909	6,614	3,249
Grady[2]	1,008	242	98	268	438	422	195	192	1,739	1,124
Greene	609	853	90	60	641	720	331	319	1,671	1,952
Gwinnett	9,766	3,836	2,991	1,237	4,373	4,080	8,752	8,851	25,882	18,004
Hall	1,978	5,677	3,232	3,093	2,145	2,980	2,015	2,067	9,370	13,817
Hancock	314	234	109	114	668	668	242	244	1,333	1,260

Magistrate Court Caseload, Fiscal Year 1992 (Cases filed)

County	Warrants Issued	Bond and Commitment Hearings	Criminal Cases Filed	Criminal Cases Disposed	Civil Claims Filed	Civil Claims Disposed	Other Civil Cases Filed	Other Civil Cases Disposed	Total Warrants and Filings	Total Hearings and Dispositions
Haralson	893	61	0	5	320	170	182	176	1,395	412
Harris	844	7	6	9	613	554	259	256	1,722	826
Hart	825	320	115	166	463	456	330	326	1,733	1,268
Henry	1,658	2,517	662	619	1,228	1,316	786	814	4,334	5,266
Houston	12,716	6,454	921	746	2,285	2,161	3,023	2,358	18,945	11,719
Irwin[2]	168	2	0	5	220	220	126	113	514	340
Jasper	342	156	0	5	206	218	129	129	677	508
Jeff Davis	592	861	381	344	565	549	358	356	1,896	2,110
Jefferson[2]	759	377	187	146	613	588	382	382	1,941	1,493
Jenkins	455	39	0	5	414	299	169	169	1,038	512
Johnson	417	40	50	43	283	270	134	132	884	485
Jones[2]	542	78	0	5	409	324	162	184	1,113	591
Lamar	631	83	0	5	474	498	254	261	1,359	847
Lanier	666	0	0	5	182	84	68	76	916	165
Laurens	3,322	3,213	1,047	1,052	892	719	841	826	6,102	5,810
Liberty	3,258	1,039	0	5	622	561	796	820	4,676	2,425
Lincoln	182	39	106	49	274	9	124	95	686	192
Long	298	87	39	5	94	94	26	21	457	207
Lowndes	6,677	2,349	1,582	18	2,131	694	1,877	1,834	12,267	4,895
Lumpkin	606	348	204	132	246	91	127	117	1,183	688
Macon	539	150	78	5	447	290	220	212	1,284	657
Madison	777	266	177	172	399	255	100	95	1,453	788
Marion	158	84	26	5	155	163	92	91	431	343
McDuffie	1,004	117	116	121	976	882	623	612	2,719	1,732
McIntosh	696	549	17	19	261	349	53	49	1,027	966
Meriwether	1,221	41	0	5	1,036	1,036	424	419	2,681	1,501
Miller	204	0	0	5	189	0	46	46	439	51
Monroe	730	249	59	44	775	757	364	355	1,928	1,405
Morgan	581	232	267	13	462	415	260	222	1,570	882
Muscogee[4]	0	0	0	5	1,447	258	0	0	1,447	263
Oglethorpe	400	358	135	152	261	265	73	70	869	845
Paulding	1,019	357	180	245	503	612	338	396	2,040	1,610
Peach	917	553	482	278	517	176	476	484	2,392	1,491
Pickens	740	41	15	12	211	176	55	48	1,021	277
Pierce	660	163	48	11	269	1	120	116	1,097	291
Pike	332	200	137	72	318	318	83	83	870	673
Pulaski	423	192	0	5	300	189	102	46	825	432
Putnam	258	320	0	5	186	141	91	91	535	557
Rabun	615	28	9	18	330	409	76	77	1,030	532
Randolph	385	0	0	5	226	226	34	55	645	286
Richmond	12,406	2,358	2,953	1,209	5,401	2,358	5,886	5,880	26,646	11,805
Rockdale	2,574	1,622	1,470	772	929	612	966	803	5,939	3,809
Schley[3]	125	61	1	6	52	22	33	27	211	116
Seminole	302	80	114	119	242	175	77	70	735	444
Spalding	5,441	3,636	1,633	1,522	2,139	1,935	3,086	3,108	12,299	10,201
Stephens[1]	468	6	100	94	199	53	35	35	802	188
Stewart	283	37	81	45	105	69	49	46	518	197
Sumter[2]	1,940	1,033	19	5	748	773	571	548	3,278	2,359
Tattnall	626	333	505	499	640	272	233	233	2,004	1,337
Telfair	727	217	0	5	488	406	331	328	1,546	956
Terrell	466	390	42	47	283	276	214	214	1,005	927
Thomas	3,019	941	1,603	1,761	1,825	1,647	1,290	1,302	7,737	5,651
Tift	6,144	440	7	5	1,198	338	898	846	8,247	1,629
Toombs[1]	687	36	234	239	192	164	171	84	1,284	523
Towns[3]	195	9	5	10	34	51	10	10	244	80
Troup	2,856	33	6	5	5,541	4,502	4,757	5,435	13,160	9,975
Twiggs	472	145	18	18	281	251	117	121	888	535
Union	405	17	0	5	270	143	28	28	703	193
Upson	1,448	91	427	19	1,162	721	761	759	3,798	1,590
Walker	1,882	486	288	281	996	680	630	563	3,796	2,010

Magistrate Court Caseload, Fiscal Year 1992 (Cases filed)

County	Bond and Warrants Issued	Commitment Hearings	Criminal Cases Filed	Criminal Cases Disposed	Civil Claims Filed	Civil Claims Disposed	Other Civil Cases Filed	Other Civil Cases Disposed	Total Warrants and Filings	Total Hearings and Dispositions
Walton	2,543	757	614	638	950	839	1,332	1,113	5,439	3,347
Ware[3]	1,793	564	688	110	418	306	385	474	3,284	1,454
Warren	153	0	0	5	315	304	166	172	634	481
Washington	1,662	8	320	304	1,659	1,658	508	505	4,149	2,475
Wayne[3]	628	219	150	239	299	299	214	195	1,291	952
Webster[2]	54	21	0	5	59	45	20	20	133	91
Wheeler	58	21	0	5	149	25	39	38	246	89
Whitfield	5,998	3	472	416	2,595	2,595	1,843	1,826	10,908	4,840
Wilkes	364	126	0	5	482	482	252	247	1,098	860
Wilkinson	409	81	25	13	559	559	199	203	1,192	856
Worth	313	27	0	5	87	87	56	41	456	160
Totals	***269,000***	***156,764***	***69,699***	***32,403***	***121,233***	***94,696***	***144,381***	***145,001***	***604,313***	***428,864***

Note: 131 of 159 magistrate courts submitted data for this report.
[1] These counties reported one of four quarters of data.
[2] These counties reported three of four quarters of data.
[3] These counties reported two of four quarters of data.
[4] This county reported data for civil caseload only.

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 jurisdictions.

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 government of Columbus-Muscogee County.

At the local level, Georgia has courts of incorporated municipalities that try municipal ordinance violations, issue criminal warrants, conduct preliminary hearings, and may have concurrent jurisdiction over 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.

JUDICIAL AGENCIES

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 agency for 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 1991 and June 1992, to consider its committees' recommendations regarding specific studies and ongoing projects. The council oversees the activities of the Administrative Office of the Courts and the Board of Court Reporting.

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

In considering additional judgeships, the Judicial Council seeks a balanced and equitable distribution of superior court caseload to promote speedy and fair trials. 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 1992, the council recommended to Gov. Zell Miller and the General Assembly the creation of 25 new superior court judgeships in the following 23 judicial circuits (they are listed in the council's recommended order of priority): Lookout Mountain (4th judgeship), Dougherty (3rd), Tallapoosa (3rd), Northeastern (4th), Griffin (4th), Conasauga (4th), Macon (5th), Cobb (8th), Western (3rd), Augusta (7th), Alcovy (3rd), Stone Mountain (10th), Northern (3rd), Douglas (3rd), Piedmont (3rd), Ogeechee (3rd), Middle (3rd), Southern (5th), Chattahoochee (6th), South Georgia (3rd), Mountain (3rd), Stone Mountain (11th), Brunswick (5th), Atlanta (16th) and Atlanta (17th). In addition, the council voted to recommend that the legislature split the Northeastern and Mountain Judicial Circuits and create a 46th circuit which was later named the Enotah Circuit.

The 1992 General Assembly created the Enotah Circuit with two new judgeships. In addition, one new judgeship each was approved for Dougherty (3rd), Griffin (4th), Lookout Mountain (4th) and Tallapoosa (3rd). The judgeships for Dougherty and Griffin remained unfilled due to a federal lawsuit challenging the way Georgia's superior court judges are elected.

At the end of the 1992 fiscal year, the council authorized the Administrative Office of the Courts to study 1991 caseload data to determine the need for new superior court judgeships in answer to 14 requests pending at that time.

At the end of the year there were 14 superior court judgeship positions unfilled due to the pending voting rights litigation. Fourteen 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 additional years assuming caseload data stays (relatively) the same.

In each year from 1989 to 1992, the General Assembly created at least five judgeships from the council's recommended lists that grew longer each time. Lawmakers consistently followed the council's priority ranking. As a result, the council's ranking became more significant than ever. Lack of sufficient funding is one of the primary reasons lawmakers have not created all of the recommended judgeships.

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 15 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 1992, the AOC managed 59 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, 13 federal grants and 19 fee or other revenue accounts.

Information exchange

Information dissemination to judges, court support personnel and public and private judicial organizations comprised another facet of services. 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, court management activities and other events. During fiscal year 1992, five issues of the *Journal* were published and distributed to more than 3,000 local, state and national officials.

The AOC prepared and distributed 10 weekly issues of the *Judicial Legislative Log*, a digest of court-related legislation, to approximately 800 judges, county officers and court administrative personnel during the 1992 session of the Georgia General Assembly. Legislation of interest to the judiciary was monitored and tracked.

The AOC also produced the 1991-1992 *Georgia Courts Directory*, which contains address information for Georgia county, state and federal judicial branch officials, and distributed 2,800 copies at no cost to judicial branch personnel and at cost to attorneys and others.

The judiciary's *Eighteenth Annual Report on the Work of the Georgia Courts* was produced and distributed to judges, court personnel and individuals seeking information on the state's court system.

Twelve 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 and providing 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 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. The staff also responds to requests for information from national organizations, other states, Georgia court personnel and the public.

Each year the staff supervises the collection of caseload and other data on the trial courts' work. Calendar year 1990 superior court caseload 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. In-house computer programs were updated to prepare caseload reports for trial courts, and a survey was made of the computer hardware and software used by the superior courts. In addition, the research staff generated 1990 census figures for use by the courts in preparing jury boxes.

The calendar year 1991 salary survey was completed for all trial courts and included questions about salary, staffing and funding. For the first time, superior court clerks, probate judges and magistrates were asked about county retirement and health plans, and magistrate courts were surveyed about their budgets as well.

A study of weighted caseload data, demographics, costs and travel was prepared for the proposed division of the Northeastern Circuit.

The staff advised the Arkansas Administrative Office of the Courts concerning the judgeship needs policies and

weighted caseload formulas used by Georgia. The staff also consulted with Cobb County concerning case automation needs.

The staff assisted the Georgia Courts Automation Commission in developing a needs requirement study for a case management system and disposition reporting.

A study was made of court reform in Georgia from 1966 to the present in conjunction with the Institute of Continuing Judicial Education specialty course "Preparing Court Futures for Georgia."

The staff also represented the agency concerning court records retention with the State Records Committee.

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.

A presentation on court records retention processes and scheduling was made to the Georgia Certified Court Reporters Association.

The research and court services division provides support for the following organizations:

• the Law-Related Education Consortium, composed of criminal justice and education field personnel who promote the incorporation of law-related education into school curricula;

• the Statistical Analysis Bureau, 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, an advisory committee responsible for federal grants for the prevention and treatment of child abuse.

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. The 30-member group included lawyers, judges, university deans, professors and community leaders from across the state.

After two years of hearings, research and evaluation, the commission presented a report to the Supreme Court and published its findings and recommendations. Two thousand copies of the report were distributed to the governor and lieutenant governor, members of the General Assembly, judges and others by request.

Secretariat, publications, administrative services

As required by statute, the AOC continued to provide secretariat services to related agencies and organizations:

• the Georgia Magistrate Courts Training Council, including updating the *Council of Magistrate Court Judges Benchbook*, serving on the training council, producing the council's newsletter and coordinating the purchase and distribution of compact disc readers and laptop computers.

• the Municipal Courts Training Council, including establishing training policies, implementing the first year of mandatory recertification training and preparing a directory of certified participants.

• the Board of Court Reporting, including revising and updating the *Georgia Certified Court Reporters Handbook*, developing long-range plans for continuing education and administering certification tests.

The AOC staff also provided staff assistance to:

• the chief justice of the Supreme Court.

• the Council of Superior Court Judges, in efforts to update judges' trial manuals and modify uniform rules for court procedures. The staff provided editorial and administrative support to the Committee on Pattern Jury Instructions and to the Benchbook Committee for their revisions to the charge books and benchbooks. Staff assisted the Uniform Rules Committee as it examined proposals for new and amended procedural rules.

• the Executive Probate Judges Council, including assistance from the AOC's judicial liaison officer in developing training curricula; distributing the Uniform Forms; and coordinating the legislative, nominating, and scholarship committees.

• the Councils of State and Probate Court Judges.

• the Superior Court Clerks Training Council, concentrating on establishing a written policy for training and a long-range curriculum plan.

• the State-Federal Judicial Council (comprised of Georgia's federal court judges, Supreme Court justices, and Court of Appeals, superior court and state court judges), including staff assistance in coordinating the annual meeting and participation in the executive committee.

• the Georgia Courts Automation Commission.

The AOC staff also provided computer and other technical support to the judiciary, and three staff members attended the Third National Court Technology Conference in Dallas.

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 Judicial Council of Georgia appoints board members and governs official court reporting fees through regulation and adjustment of an established fee schedule.

Certification and permits

The state certification exam consists of a skills test in one of three elected methods of takedown, including machine shorthand, manual shorthand or Stenomask. Certificates are maintained by submitting a renewal fee and form each year.

The board held two tests during the fiscal year and certified 84 reporters, five of whom upgraded their certificates. On June 30, 1992, there were a total of 1,141 certified court reporters in the state.

Court reporters who have not been certified are required to obtain a temporary permit from the board or from a judge in order to practice. 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. Twenty-one board permits were issued during the year.

Eleven judicial permits were issued by the board upon the sponsorship of a judge. Reporters working under judicial permits are restricted to the sponsoring judge's court and may not freelance. 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 each certification exam until certified, or until the judicial permit is rescinded.

The National Court Reporters Association, which represents shorthand reporters, and the National Stenomask Verbatim Reporters Association, which represents Stenomask reporters, both issue proficiency certificates for reporters meeting standards which exceed those required in Georgia. The Board of Court Reporting issued 17 certificates to reporters who met these stringent national requirements and other basic criteria.

Formal complaints

The board investigates complaints filed against court reporters and administers disciplinary action when warranted. The board remedies are restricted to revocation or suspension of a court reporter's license, except in the case of a fee dispute involving an official court reporter. Five complaints were filed during the year, all of which were dismissed. The complaints alleged various practices, including a fee dispute, failure to produce a proper hearing transcript, improper partiality to a case and preferential treatment to the hiring attorney.

Administrative activities

The *Georgia Certified Court Reporter's Handbook* was completely revised to reflect changes in statutory and case law since 1985 and reprinted during the year. New case cites, opinions and code sections were added, and the Rules of the Board and fee schedule for official reporters were updated.

The board proposed several changes to the official

court reporters fee schedule and presented them to the Judicial Council at the June 1992 meeting.

A joint committee was formed of the members of the Board of Court Reporting and five representatives of the Georgia Certified Court Reporters Association to proceed with implementation of mandatory continuing education for Georgia's court reporters. Through an agreement reached with the Department of Human Resource Development at the University of Georgia, a needs assessment was commissioned and completed in June.

Council of Juvenile Court Judges

(Annual report for fiscal year 1992, as required by OCGA §15-11-4.)

The Council of Juvenile Court Judges (CJCJ) is composed of all judges of the courts exercising jurisdiction over juveniles. Council membership for fiscal year 1992 included 58 full-time and part-time juvenile court judges and 55 superior court judges exercising juvenile jurisdiction. Forty-two associate juvenile court judges assist these judges in hearing cases.

Council personnel provide assistance to 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, 98 judges were certified by the council.

During fiscal year 1992, the CJCJ co-sponsored the first continuing legal education juvenile law course, which was held at Spelman College. Other sponsors were the Atlanta Bar Association, Georgia Indigent Defense Council, Children and Youth Coordinating Council and Gate City Bar Association.

The first scholarship funded through the Chris Perrin Memorial Fund at Georgia State University was awarded to a student in the School of Social Work.

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 1992, new units began operation in Cherokee, DeKalb, Fulton and Walton counties. Programs continued in Bartow, Cobb, Douglas, Floyd, Gwinnett and Houston counties. The budget for each unit provides for a full-time intervention officer, administrative assistant, and urinalysis and outpatient treatment services. For the past three years, the program has been funded through a $1 million, multi-year federal grant administered through the Criminal Justice Coordinating Council. Additional funds to continue operation of the ASAP units have been sought.

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. ASAP has contracted with Georgia State University's Department of Clinical Psychology for clinical management of the ASAP units.

During the year, a total of 1,500 children were screened for signs of alcohol and drug abuse in the 10 ASAP counties.

Purchase of Services Program

This program provides funds for community-based services to juvenile offenders in 104 counties. 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 2,000 children were involved in the program during the year. The program, now in its 13th year of operation, is funded through a $225,000 grant from the Children and Youth Coordinating Council and state appropriations.

Permanent Homes Program

Permanent Homes for Children (PHC) staff provide support and technical assistance to juvenile court judges and judicial citizen review panels in carrying out the obligations and duties set forth in OCGA §15-11-41 relative to children placed by the courts in foster care. Four PHC field representatives are assigned to work with individual

counties. In addition, the Department of Human Resources provides two staff positions to assist with panel reviews, and the University of Georgia School of Social Work provides master's level interns.

In fiscal year 1992, PHC staff provided technical assistance to 123 citizen review panels in 51 counties. In these counties, 4,393 children are placed in paid foster care or in institutional placements; reviews of these cases are carried out by the panels once every six months. 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 goal of panel reviews is to ensure reunification of the child and parents if possible. If reunification is not feasible, panels work with the Department of Family and Children Services and other agencies to find another permanent home situation (such as adoption) for each child.

Panels are comprised of volunteers appointed by local juvenile court judges and represent a cross-section of the community. Volunteers are trained to serve as panel members by council staff. During the last year, approximately 900 volunteers served on panels.

A nine-minute video entitled "Children in Peril" was produced during fiscal year 1992 to provide information on the PHC program. Copies of the video and a companion brochure were made available by the council office to judges and members of the public concerned with child welfare issues.

The Permanent Homes State Board met in January to discuss legislative issues and expansion of the Permanent Homes Program.

Juvenile Information System

In fiscal year 1992, a special study committee evaluated options for the council's information system. In accordance with the committee's recommendation, the juvenile courts participating in the council's system will convert to a PC-based system in fiscal year 1993. The committee will continue to evaluate and recommend software options.

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 all chief magistrates and magistrates in Georgia. 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 1992. The meetings were held in Jekyll Island, Marietta, Savannah and Warner Robins. Topics covered during the meetings included Compact Disc Read Only Memory (CD-ROM) technology for legal research, a fee and fine accounting system, criminal appearance bonds, legislation affecting magistrate courts and ethics.

During the 1992 General Assembly, the council's legislative agenda focused on a bill allowing judges to be compensated for wedding ceremonies performed outside of normal working hours.

Five issues of the *Georgia Magistrate Court Newsletter* were published during the year.

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 and forms and a benchbook.

The council met four times during fiscal year 1992, 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 completed publication of the *Handbook for Probate Judges* which was to be delivered to probate judges at their November 1992 meeting. The handbook was also made available for purchase for $150.

During the 1992 General Assembly, the council had a varied and successful legislative package. Efforts included working with the Council of Magistrate Court Judges on a wedding ceremony compensation bill, increasing the amount of retirement benefits and changing fiduciary law provisions.

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.

During fiscal year 1992 the council co-sponsored the 1992 Bar and Media Conference and initiated the development of reference materials for new judges participating in the council's mentor program.

In addition to two annual general meetings held 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.

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.

In fiscal year 1992, the council, in conjunction with the Superior Court Clerks' Association of Georgia, commissioned a comprehensive classification and compensation study for superior court clerks. The study, conducted by an independent firm specializing in human resources, produced a position classification system with a recommended salary schedule, new job descriptions and a formal evaluation of every clerk's position, including internal and external equity analysis. The council also developed a Code of Conduct, including ethical guidelines, for superior court clerks.

Representatives of the council attended the annual National Association for Court Management (NACM) conference in New Orleans, NACM's annual technology conference in Dallas and many other national and state conferences during the year. In addition, the council assisted NACM and the Georgia Supreme Court in promoting Law Day 1992, with over 85% of the superior court clerks in Georgia reporting sponsorship of one or more Law Day programs in their counties.

Council of Superior Court Judges

The Council of Superior Court Judges was formally created by an act of the legislature in 1985 (OCGA §15-6-37). The primary purpose of the council is the improvement of the superior courts of Georgia and the furthering of the administration of justice. All superior court judges and senior (retired) superior court judges are eligible for council membership.

The law establishing the council provides for officers and an executive committee. The executive committee is composed of the officers of the council, the immediate past president and the administrative judges of the 10 judicial administrative districts.

The council holds two business meetings each year in conjunction with its continuing education programs and may be called into special session upon direction of the president or the executive committee. The executive committee meets at least four times a year and receives reports from the standing and special committees. Recommendations are then made to the full council.

During 1992, the council adopted a uniform rule which mandates continuing judicial education for each superior court judge. It has been the goal of the council to continue education opportunities for judges so they may keep abreast of current laws, as well as innovative methods of conducting affairs of the court.

There are a number of standing committees of the council which operate to provide support to the judges in various areas, including mandatory continuing education, pattern jury instructions, uniform rules, long-range planning and gender/racial/ethnic fairness.

The council makes every effort to cooperate with the legislative and executive branches of government,

although being mindful of the unique role filled by the judicial branch.

One hundred twenty-three superior court judges attended the summer 1991 continuing education program. Participating in the fall 1991 program were 135 superior court and senior superior court judges.

Georgia Courts Automation Commission

The Georgia Courts Automation Commission (GCAC) was created by the legislature in 1991. Its duties are to define, implement and administer a statewide automation system for the collection, entry, storage, processing, retrieval and distribution of court-related information; coordinate statewide strategies and plans for incorporating county and local governments into the courts automation system; establish policies and procedures, rules and regulations and technical and performance standards for county and local government access to the courts automation system network; and offer advisory services to county and local governments to assist in guiding their efforts toward automating their court procedures and operations.

The Administrative Office of the Courts (AOC) provides project direction, staff support and fiscal coordination for the commission.

GCAC held monthly meetings to provide policy guidance on individual projects.

Information access

A major goal of GCAC has been to develop an automated, user-friendly system that would allow local courts to access the information contained on various state agency computers via the Georgia On-Line (GO) Network.

Work was begun on an easy-to-use system for use by all courts and justice system practitioners. It will replace the current array of procedures required to access individual agency databases. Available information will include criminal history records from the Georgia Crime Information Center (GCIC) database, offender records from the Department of Corrections Offender Tracking Information System, driver history information from the Department of Public Safety driver history database and electronic mail.

Disposition reporting

Criminal justice records that are complete, accurate and up-to-date are important to corrections and law enforcement as well as the courts. Improving these records has been a high priority of GCAC. A $159,000 grant from the Governor's Office of Highway Safety was awarded to the Department of Public Safety/GCAC in 1991 for the development, implementation and pilot testing of an automated traffic case management/disposition reporting system. The software for the system, developed by the Department of Administrative Services (DOAS) Computer Services Division, was implemented successfully in eight counties using various media for electronic reporting.

The actual time lapse between court disposition and the updating of the driver history records at the Department of Public Safety was evaluated and found to be reduced dramatically through automation—from nine months to three weeks.

Criminal history records maintained at the GCIC were also targeted for improvement through electronic reporting. A $500,000 discretionary grant was awarded to the commission in September 1991 by the U.S. Bureau of Justice Assistance (BJA) for use in automating the transmission of Georgia court-related case disposition information. The DOAS Computer Services Division is developing the data screens required by local courts for the submission of this data. Completion and implementation is scheduled for June 1993. The commission has expanded the original scope of this project to include selection of case management software for the courts.

Automated case-management

Work began on efforts to develop a data dictionary (terms commonly used by the courts) and to identify common, standardized data elements required to process a case within the judicial system. Meetings were held with members of the judicial community, resulting in the development of criminal and civil data models that define the overall process involved in handling each case. Following development of these models, a decision was made to seek assistance in software evaluation from the National Center for State Courts.

When a basic outline of the court's needs has been developed and software evaluated, a Request for Proposals will be mailed to software vendors.

A 1991 study of the automated juvenile justice information system revealed a need for significant changes in hardware and software to improve the timeliness and flow of data. The DOAS was commissioned to analyze the possibility of rewriting the current system to operate on the state's mainframe computer and linking all of the juvenile courts through the GO Network. During the

second quarter of 1992, a personal computer-based software was evaluated and selected as the best local user solution. A decision to purchase was delayed until the software could be installed and pilot tested in the DeKalb County juvenile court.

Long-range planning

The *Report on the Automation Needs of the Georgia Courts,* published in December 1990, still serves as the guide for GCAC's ongoing efforts. The planning process continued in FY 1992 with the creation of a Criminal Justice Records Improvement Task Force. The task force was charged with developing a utilization plan for the 5 percent set-aside funding, money awarded annually to the states for improvement of criminal justice system records, to be received by Georgia from the BJA for fiscal year 1992 and subsequent years.

The task force began its work in 1992 by initiating a user needs assessment for criminal justice records improvement, establishing criteria for reporting data on the convictions of illegal aliens and initiating an audit of the state's current criminal justice records housed at the Georgia Bureau of Investigation.

A *Georgia Justice System Automation Improvement Plan* was developed by the task force during the last half of the year. This multi-year plan for improving the productivity and proficiency of the state's justice system focused on ways to increase the scope, validity and availability of information. Careful attention was given to eliminating or reducing duplicate data entry and backlogs of information, improving the accuracy and timeliness of data updating and reporting, managing and controlling court-related information and exceeding federal requirements on data reporting.

Electronic legal research

During 1992, some 300 judicial and executive branch subscribers received the Official Code of Georgia on compact disc. The disc, supplied to the courts by The Michie Company, provides automated, on-site legal research capabilities to the local courts and assists in reducing the time required to research pertinent Georgia laws.

The product is acquired for judicial branch users through the GCAC. Quarterly updates are mailed directly to each subscriber.

Georgia Indigent Defense Council

The Georgia Indigent Defense Council was statutorily created as a judicial branch agency 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 lay members from the state at large. Four meetings were held during fiscal year 1992, and 113 counties were awarded funds from the Council's $1 million state appropriation to assist with the operation of their indigent defense programs.

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 indigent defendants, 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.

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 implements Supreme Court-adopted guidelines for the operation of local indigent defense programs covering appointment of counsel on a timely basis; eligibility determinations and criteria to qualify indigents; standards for the operation of public defender offices, panel attorney programs and hiring of contract defenders; appointed attorney fees; procedures to insure the independence of court-appointed counsel; roles and responsibilities of local indigent defense governing committees and the mechanism for distribution of state-appropriated funds.

Georgia Magistrate Courts Training Council

(Annual Report for calendar year 1992, 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 fiscal year 1992, the council sponsored two 40-hour seminars, one addressing civil matters and the other dealing with criminal matters. (In previous years, both topics were covered in a 40-hour program.) Magistrates who were already certified were allowed to attend 20 hours of the 40-hour instruction for recertification credit. Three 20-hour recertification programs were held.

The council also began sponsoring additional events offering 20 hours of credit in fiscal year 1992. The first such option was provided when the council contracted with Alternative Dispute Resolution Associates from Palo Alto, California, to provide an introductory course in basic mediation skills to magistrates. The 24-hour course took place in Athens. Forty-seven magistrates and one administrator attended the program, with 43 magistrates receiving 20 hours of recertification credit for their participation.

The council also contracted with Georgia College to provide 10 days of training in use of software such as WordPerfect, Q&A and Lotus. Up to 20 persons per site were offered introductory and advanced courses, although no certification credit was given. Another contract with the college provided for the maintenance of 10 notebook computers purchased by the council to train magistrates in software applications. A third contract provided technical expertise to develop two artificial intelligence programs to be used as training tools in the areas of bad check cases and bond-setting guidelines.

With the Institute of Continuing Judicial Education, the council created a mentor program for new judges, which includes a notebook of materials, video and audiotapes, a notebook of activities and suggestions for interviews as well as opportunities for observation that may be arranged with experienced judges.

During the past year, new judges received the updated *Benchbook*, Michie's Criminal and Traffic Update, Dawkin's *Landlord and Tenant*, Warren's *How to Collect Your Small Claims in Georgia* and the American Judicature Society *Handbook for Judges*. Other judges received the *Benchbook* update and Michie's Criminal and Traffic Update.

Expenses were paid to send five representatives to the Third National Court Technology Conference in Dallas. Three requests for out-of-state training were approved.

The council contracted with the Department of Administrative Services to develop software for a fee and fine accounting system in the magistrate courts. The system was piloted in Crisp and Washington counties. A poll determined that 38 counties are interested in obtaining the software when testing has been completed.

The council continued its support of the *Magistrates Benchbook*, and an update was published in June and distributed to all magistrates. The council continues to provide the book to magistrates and to make it available to others at a cost of $50.

The Judicial Qualifications Commission removed from office one chief magistrate who did not attend training for two consecutive years.

The council, funded through a combination of state appropriations and participant fees, approved a budget for fiscal year 1993 of $388,371.

Georgia Magistrate Courts Training Council: 1992 Seminars

Date	Location	Hours	Attendees
Feb. 16-21	Athens	40	50
June 3	Savannah	20	136
July 22	Columbus	20	60
Aug. 5	Atlanta	20	91
Aug. 30	Athens	40	5
Sept. 28-30*	Athens	20	48

*Mediation Training

Institute of Continuing Judicial Education

More than 2,800 judges, court officials and judicial personnel attended programs delivered by the Institute of Continuing Judicial Education (ICJE) in fiscal year 1992, a record number. It placed ICJE among the top state and national continuing judicial education agencies in the country. Georgia ranked fourteenth 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 responsibility for the training of all judicial personnel since 1981. The various courts and judges' councils have since adopted training standards for their members. Supreme Court justices and Court of Appeals judges must complete a minimum of 12 hours of instruction each year, with at least two hours devoted to legal or judicial ethics.

Superior court judges are required to attend judicial education programs totaling at least 12 hours per year, including two hours of judicial ethics every two years. Rule 43 of the Uniform Rules for the State Courts mandates that state court judges attend continuing legal and/or judicial education courses totaling 24 hours, two of which must be devoted to ethics studies, every two years.

As prescribed by the Executive Probate Judges Council, probate court judges must complete initial training and 12 hours of continuing education 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.

Beginning in calendar year 1992, municipal court judges are required to complete an annual 12-hour certification course, and new judges must fulfill a 20-hour training requirement.

Training, education

In fiscal year 1992, the institute offered its traditional calendar of annual and semi-annual training seminars. This included programs for judges of the superior, state, juvenile, probate and magistrate courts, together with training for clerks of the superior, state, juvenile and magistrate courts, as well as events for secretaries to trial judges and magistrates, juvenile court probation officers, court administrators, and administrative law judges of state executive branch agencies and of the workers compensation board.

Complementing this regimen were a variety of new programs. Probate court clerks received training; special masters for the lawyer disciplinary proceedings conducted by the State Bar of Georgia participated in an experimental round of training; municipal court judges took part in their first year of fully comprehensive training, and county law librarians attended a day of activity in connection with judicial secretaries training. The ICJE's specialty course on futures thinking as applied to the Georgia courts, funded by the State Justice Institute, proceeded through its intermediate stage of task force meetings.

The Magistrate Courts Training Council furnished a series of specialty courses to train that court's personnel in the use of pertinent computer software. Training on computers for other court officials was emphasized throughout the year. For the fourth consecutive year, a basic course was conducted to introduce superior court judges to a variety of judicial applications for personal computers. Both state court and juvenile court judges were introduced to "Georgia Law on Disc," a commercial software product of the state's statutes, appellate cases and court rules.

The Magistrate Courts Training Council also initiated a variety of product development experiments during the year. Training on one of these products, a customized fee and fine accounting system, will be integrated into the computer programs for magistrates during the upcoming year.

The ICJE cooperated with the Georgia Center for Continuing Education in seeking State Justice Institute funding for development of interactive compact disc training programs targeting evidence law. Similarly, use of artificial intelligence software platforms to manage rational decision-making procedures was considered as an educational resource.

Finally, during fiscal year 1992, a committee of probate judges completed work on a videotape to aid each court in teaching guardians of the property of minor children how to perform their duties.

Faculty development continued, incorporating a track of training for new participants separate from activity for experienced teachers.

Administrative highlights

The ICJE's operating budget ($612,000) was initially appropriated with the following allotments: $136,000 for

Institute of Continuing Judicial Education: Fiscal Year 1992 Instructional Activities

Date	Program	Location	Attendees
July 10-12	Magistrates 20-hour recertification	Athens	50
July 18-19	Probate court clerks seminar	Dublin/Savannah	30
July 21-24	Superior court judges summer seminar	St. Simons	123
July 24-26	Magistrates 20-hour recertification	Dalton	36
August 1-2	Probate court clerks seminar	Rome/Helen	53
August 8-9	Probate court clerks seminar	Athens/Forsyth	67
August 14-16	Magistrates 20-hour recertification	Savannah	50
August 22-23	Probate court clerks seminar	Albany/Douglas	36
August 28-30	Magistrates 20-hour recertification	Columbus	40
Sept. 11-13	Juvenile court judges fall seminar	Hiawassee	70
Sept. 8-13	Magistrates 40-hour certification	Athens	29
Sept. 8-13	Magistrates 20-hour recertification	Athens	40
Sept. 18-20	Magistrates 20-hour recertification	Jekyll Island	48
Sept. 25-27	Georgia Association of Independent Juvenile Courts Personnel fall seminar	Unicoi/Helen	117
Oct. 9-10	Administrative law judges, Georgia executive branch agencies fifth annual seminar	Athens	66
Oct 21-25	Superior court judges fall seminar	Athens	135
Oct. 22-24	Court administrators annual program	Athens	27
Oct. 23-25	State court judges fall seminar	Amicolola Falls	49
Nov. 14	Basic WordPerfect 5.1	Athens	13
Nov. 15	Basic Lotus 1-2-3	Athens	11
Nov. 20-22	Probate court judges fall seminar	Savannah	102
Nov. 20-22	Superior court clerks fall seminar	Savannah	121
Jan. 16	County Officers Association of Georgia, clerks	Atlanta	69
Jan. 17-18	Judicial writing	Athens	9
Jan. 23-24	Basic WordPerfect 5.1	Macon	18
Jan. 24-25	Special masters for lawyer disciplinary hearings	Athens	13
Feb. 16-21	Magistrates 40-hour certification	Athens	50
Feb. 17-20	Municipal court judges 20-hour certification	Athens	29
Feb. 28-29	Special masters for lawyer disciplinary hearings	Athens	21
March 13-14	Special masters for lawyer disciplinary hearings	Athens	19
March 16-18	Judicial secretaries annual seminar	Macon	167
March 26-27	Magistrates computer course	Milledgeville	7
March 28-29	Judicial writing	Athens	6
March 29-31	Faculty development, magistrates	Athens	10
March 29-31	Faculty development, municipal	Athens	15
Mar. 31-Apr. 1	Workers' compensation administrative law judges annual seminar	Athens	23
April 1-2	Mentor judges seminar	Athens	21
April 13-14	Juvenile court clerks annual seminar	Macon	60
April 13-14	Special masters for lawyer disciplinary hearings	Athens	19
April 15-17	Superior court clerks spring seminar	Macon	144
April 15-17	Probate court judges spring seminar	Athens	168
May 4-6	Juvenile court judges spring seminar	St. Simons	80
May 8-10	Magistrates 20-hour recertification	Athens	48
May 13-15	Georgia Association of Independent Juvenile Courts Personnel spring seminar	Savannah	124
May 20-22	State court judges spring seminar	Jekyll Island	67
June 3-5	Magistrates 20-hour recertification	Savannah	136
June 4-5	Probate court clerks seminar	Jekyll Island	19
June 8-10	Municipal court judges 12-hour recertification	Macon	65
June 16	County Officers Association of Georgia, clerks and judges	Jekyll Island	91
June 18	Basic WordPerfect	Milledgeville	13
June 19	WordPerfect - Q&A	Milledgeville	9

administration and training of magistrate court judges and staff; and $456,000 for administration and continuing operations of the ICJE. In addition, $20,000 was appropriated for nationally based training of superior court judges.

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. Due to Board of Regents' cutbacks, however, the law school was compelled to eliminate its longstanding financial support for ICJE personnel expenses. A $50,000 grant award from the Georgia Bar Foundation made up this shortfall.

Of 29 applications received in fiscal year 1992 for financial aid to attend national courses, 25 were granted some level of funding (usually 80 percent) and 17 applicants took advantage of the assistance. The above table lists the institute's state-based instructional activities.

Members of the ICJE board of trustees primarily represent client groups of state courts and judicial organizations. The board includes one Court of Appeals judge; two members of the Council of Superior Court Judges; one member from each of the councils of state, juvenile, probate and magistrate court judges; one representative from the Superior Court Clerk's Association; one member each 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.

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 1992 . 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.

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.

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 12 meetings in fiscal year 1992 to consider candidates for one vacancy on the Supreme Court, one vacancy on the Court of Appeals, seven superior court vacancies and six state court vacancies.

Since 1973, the commission has acted on a total of 213 judgeships, including 13 Supreme Court vacancies, 14 Court of Appeals vacancies, 123 superior court offices, 54 state court posts, two municipal court judgeships and two civil court vacancies.

The nine-member commission 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 nonlawyers—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.

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 (which may be filed anonymously), 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 1992, 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, which recommended removal from office of two magistrates and suspended two magistrates indicted for felonies. At the beginning of the year 25 complaints and one request for opinion were pending from fiscal year 1991. During fiscal year 1992, 184 matters were received, including 161 complaints and 23 requests for opinions. At year end, 14 complaints and three requests for opinion remained pending.

One hundred and seventy-two complaints were disposed of during the year for the following reasons: 81 were dismissed as appropriate for appeal as a matter of law, unsupported or without merit; 61 were dismissed after minimal investigation; four were dismissed after substantial investigation; two were dismissed after personal conference with the judge; three judges resigned; three judges were removed (two magistrates were removed pursuant to one complaint, and another magistrate was removed under a separate complaint); six judges were suspended; one judge was publicly reprimanded; nine judges were privately reprimanded; one was found to have no jurisdiction; one was withdrawn; and in one, no written complaint materialized.

In one formal proceeding, the commission recommended to the court that a judge be given a public reprimand administered in such manner as the court deemed appropriate. This recommendation was approved and the reprimand was administered in open court by the chief judge of the circuit. The misconduct giving rise to this proceeding consisted of injudicious and intemperate remarks made by the judge in open court to an attorney with the public defender's office.

In a second formal proceeding, the commission recommended that a judge be suspended from office without pay for a period of thirty days upon the condition that she not seek re-election and further ordered the respondent to remain physically away from her chambers during such suspension. This recommendation was approved by the court. The misconduct giving rise to this proceeding consisted of numerous acts of improper treatment and blatant racial bias by a chief magistrate against an associate magistrate in the same court.

While no formal proceedings were conducted, the court also approved separate recommendations of the commission to remove two magistrates from office for failure to attend the training sessions required by law.

Known sources of complaints for the fiscal year included 154 litigants or their relatives, 17 judges, four auxiliary judicial personnel, eight attorneys, five anonymous, two nonlitigants, one public official and two others.

Twenty-one requests for Advisory Opinions were received. Twelve formal opinions were rendered (two of the requests were handled with the same opinion) and eight were denied.

In response to a request from the Chief Justice, the commission prepared and submitted a draft of a proposed revision of The Georgia Code of Judicial Conduct.

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 formal hearings, 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. During fiscal year 1992, a new director took office.

Synopses of fiscal year 1992 Judicial Qualifications Commission Opinions appear on the following page.

Synopses of fiscal year 1992 JQC Opinions

Opinion 159: In light of the opinion of the Supreme Court in State v. Agan, 259 Ga. 541, it is the opinion of the commission that it is inappropriate for a judge to accept gratuities for the performance of marriage ceremonies. Moreover, it would make no difference whether the ceremony is performed on a weekend on private property rather than at the courthouse in office hours.

Opinion 160: It would not be inappropriate for a chief magistrate to serve as manager of an historic hotel building which has been renovated for use for elderly housing, but in the event of any proceedings in his court involving the hotel building, the chief magistrate would be required to disqualify. Moreover, if such conflicts were to be frequent, the judge should not accept the employment, but should disqualify himself *ab initio*. Whether this is required, only he is in a position to judge at this time.

Opinion 161: It would not be inappropriate for a judge who serves as an officer or board member of a United Way agency to participate in meetings to consider funding requests of such an agency provided that the judge does not participate, either directly or indirectly, in any fund-raising activities on behalf of said agency of United Way.

Opinion 162: For the reasons expressed in Opinion No. 101, it would be inappropriate for a part-time magistrate to also work as a paid mediator for the district attorney's office in criminal cases.

Opinion 163: A campaign committee composed solely of the spouse of a judicial candidate does not comply with the provisions of Canon 7(B)(2).

Opinion 164: A judge may neither solicit funds nor permit the use of his name or the prestige of his office for this purpose regardless of the objectives to be achieved. Additionally, judges should not allow any person to do for them what they are prohibited from doing. Accordingly, it would be inappropriate for the juvenile court judges of Georgia, individually or collectively, to either announce the existence of a proposed college scholarship in memory of a former executive director of the Council of Juvenile Court Judges or solicit contributions for that purpose. While the council may appropriately announce the existence of the scholarship, neither it nor the current executive director may solicit contributions, either directly or indirectly. Appropriate thank you letters, including information about the scholarship, may be sent to those who have already contributed, but council stationery should not be used and such letters should not include any language "welcoming" additional contributions. (Canons 2B, 5B(2) and 7B(1)(b)).

Opinion 165: By reason of the provisions of Canon 7A(1), a judge or candidate for a judicial position may neither continue to serve nor be elected to a county Democratic or Republican committee, even if he or she is not an officer on that committee. For the same reason, a judge or candidate may not be elected as a delegate to a district, state or national political convention.

Opinion 166: A judge is not obligated to report a violation of the Internal Revenue Code to the IRS even if a violation is admitted by a witness under oath, although nothing would appear to prohibit the judge from reporting such suspected criminal act. Note: the commission declines to opine upon the effect of such report upon the judge's judicial immunity.

Opinion 167: A lower court part-time judge who is not an incumbent in the judicial office to which he aspires may appropriately refer to himself as "Judge" in political advertising so long as the judicial position which he currently holds is clearly specified therein and such advertisements are not otherwise misleading.

Opinion 168: A chief magistrate may not hear civil suits filed by a loan company managed by her husband and having her daughter as his secretary, but unless some circumstances exist by reason of which the judge's impartiality might reasonably be questioned, there is no reason why she should not preside in civil suits filed by other competing loan companies. In addition, there appears to be no reason why associate magistrates, although hired by the chief magistrate, may not hear the cases outlined above provided, however, that such assistant magistrates entertain no doubt as to their impartiality.

Opinion 169: Opinion No. 159 is modified to conform to the 1992 amendment to OCGA §19-3-49 relating to accepting gratuities for performing marriage ceremonies other than during normal office hours.

Opinion 170: A person who has acted as a judge *pro tempore* in the past, but no longer does so, and is a full-time, elected prosecutor, is precluded by Section B of the Compliance Section of the Code of Judicial Conduct from litigating on behalf of the state a revocation of a probated sentence he imposed while acting as a judge *pro tempore*. Whether other members of his staff are similarly disqualified is an issue not within the jurisdiction of the commission and the commission declines to opine regarding this issue.

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 has the authority to reduce sentences but is 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 ordered 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 by the clerk of the trial court 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 2,557 cases and reduced 57 cases in fiscal year 1992, for a total caseload of 2,614. The reduction rate for the year was 2.2 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 1992

	Cases Affirmed	Cases Reduced	Cases Reviewed	Percent Reduced
Panel 69	754	13	767	1.7%
Panel 70	571	7	578	1.2%
Panel 71	632	28	660	4.2%
Panel 72	600	9	609	1.5%
Total	2,557	57	2,614	2.2%

10-Year Comparison of Cases Reviewed

	Cases Affirmed	Cases Reduced	Percent Reduced
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%
1992	2,557	57	2.2%

JUDICIAL PERSONNEL CHANGES

Supreme Court

Justice Leah Sears-Collins, appointed March 6, 1992 - Dec. 31, 1992.

Court of Appeals

Judge Edward H. Johnson, appointed Feb. 28, 1992 - Dec. 31, 1992.

Superior Courts

Atlanta Judicial Circuit

Judge William B. Hill, appointed April 20, 1992 - Dec. 31, 1992.

Judge Elizabeth E. Long, appointed April 20, 1992 - Dec. 31, 1992.

Augusta Judicial Circuit

Judge J. Carlisle Overstreet, appointed Nov. 1, 1991 - Dec. 31, 1992.

Blue Ridge Judicial Circuit

Judge C. Michael Roach, appointed July 17, 1991 - Dec. 31, 1992.

Gwinnett Judicial Circuit

Judge Fred A. Bishop, Jr., appointed July 17, 1991 - Dec. 31, 1992.

Lookout Mountain Judicial Circuit

Judge Kristina Cook Connelly, appointed April 20, 1992 - Dec. 31, 1992.

Rockdale Judicial Circuit

Judge Robert F. Mumford, appointed Sept. 12, 1991 - Dec. 31, 1992.

State Courts

Cobb County

Judge Beverly M. Collins, appointed Jan. 9, 1992 - Dec. 31, 1992.

Coffee County

Judge Earl M. McRae, Jr., appointed Feb. 17, 1992 - Dec. 31, 1992.

Gwinnett County

Judge Robert W. Mock, Sr., appointed Sept. 23, 1991 - Dec. 31, 1992.

Screven County

Judge Grady K. Reddick, appointed Jan. 9, 1992 - Dec. 31, 1992.

Treutlen County

Judge John J. Ellington, appointed July 3, 1991 - Dec. 31, 1992.

Juvenile Courts

Alapaha Judicial Circuit

Judge Maldine E. Barnhill, appointed Sept. 1, 1991 - April 16, 1993.

Coweta Judicial Circuit

Judge Joseph P. McNabb, appointed Dec. 1, 1992 - November 30, 1995.

Fulton County

Judge Sanford J. Jones, appointed Jan. 10, 1992 - Jan. 10, 1996.

Gwinnett County

Judge Robert V. Rodatus, appointed July 1, 1991 - June 30, 1995.

Judge Stephen E. Franzen, appointed July 1, 1991 - June 30, 1995.

South Georgia Judicial Circuit

Judge Randall E. Chew, appointed Oct. 1, 1991 - Sept. 30, 1995.

Judge Edwin J. Perry, III, appointed Oct. 1, 1991 - Sept. 30, 1995.

Probate Courts

Dade County

Judge Barbara Jan Ellison, appointed April 11, 1992 - Dec. 31, 1992.

Lowndes County

Judge Ruby Sirmans, appointed August 1, 1991 - Dec. 31, 1992.

Polk County

Judge Joyce B. Jones, appointed July 1, 1991 - Dec. 31, 1992.

Chief Magistrates

Baldwin County

Judge T. Dorsey Yawn, appointed April 1, 1992 - Dec. 31, 1993.

Grady County

Judge Fred E. Pearce, appointed Jan. 15, 1992 - Dec. 31, 1992.

Screven County

Judge D.H. "Bo" Parker, appointed Feb. 13, 1992 - Dec. 31, 1992.