

# JUDICIAL COUNCIL OF GEORGIA

General Session

**Friday, April 12, 2013**

9:00 a.m. – 12:00 p.m.



**Fernbank Museum of Natural History**

767 Clifton Rd NE

Atlanta, GA 30307

# JUDICIAL COUNCIL OF GEORGIA

General Session

**Friday, April 12, 2013**  
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**Fernbank Museum of Natural History**  
767 Clifton Rd NE  
Atlanta, GA 30307

## Directions to the Fernbank Museum of Natural History

767 Clifton Rd NE  
Atlanta, GA 30307

**From North Atlanta:** Go south on I-75/I-85/GA400 to downtown Atlanta. Take exit 248C Freedom Parkway (GA 10 East). Go 1.7 miles to Ponce de Leon Avenue and turn right. Go 1.7 miles to Clifton Road and turn left. Go 1/10 mile to the Museum entrance and turn right.

**From South Atlanta:** Go north on I-75/I-85 to downtown Atlanta. Take exit 248C Freedom Parkway (GA 10 East). Go 1.7 miles to Ponce de Leon Avenue and turn right. Go 1.7 miles to Clifton Road and turn left. Go 1/10 mile to the Museum entrance and turn right.

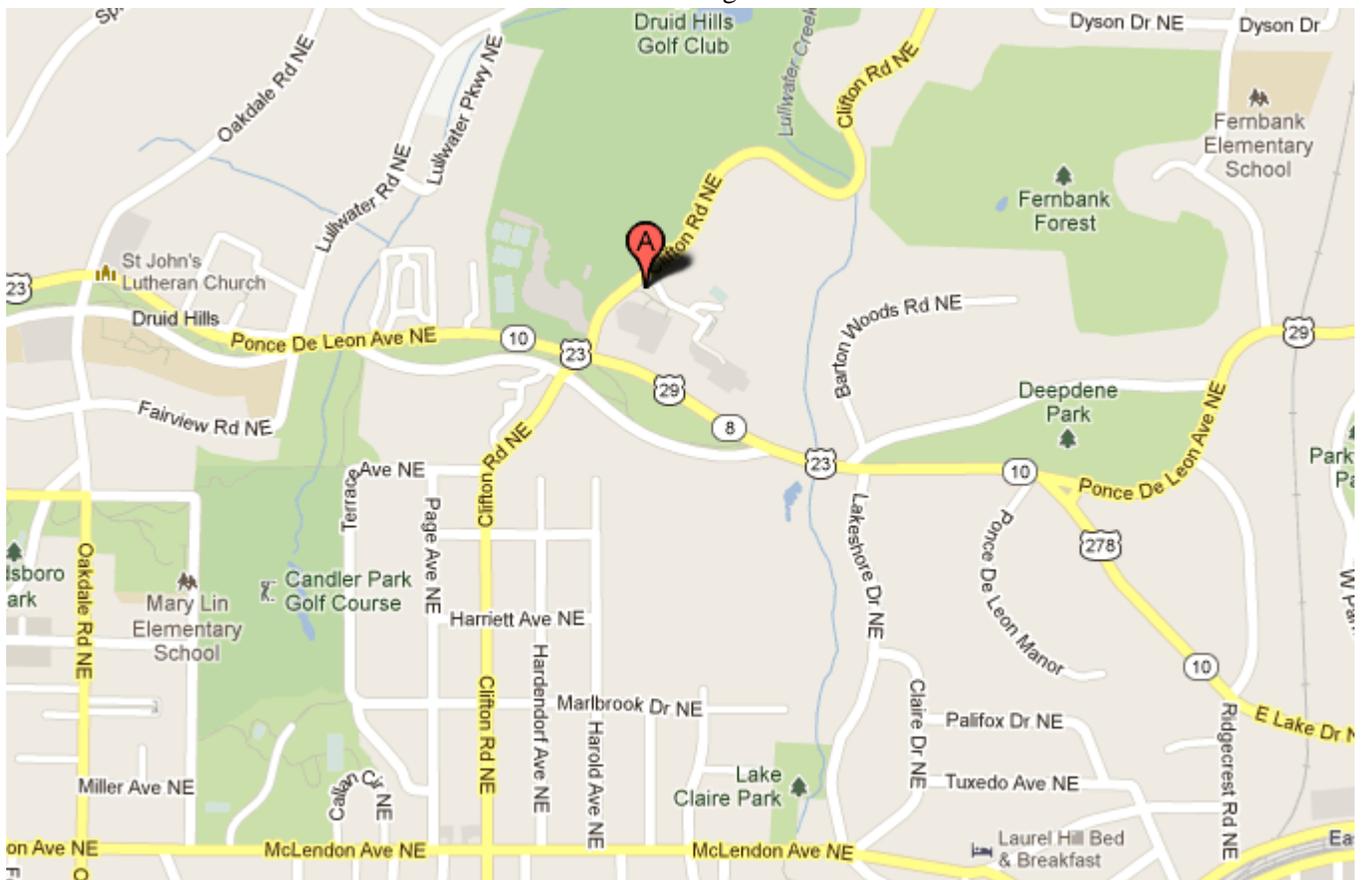
**From East Atlanta:** Go I-20 west to exit 57 (I-75/I-85 North). Take exit 248C Freedom Parkway (GA 10 East). Go 1.7 miles to Ponce de Leon Avenue and turn right. Go 1.7 miles to Clifton Road and turn left. Go 1/10 mile to the Museum entrance and turn right.

**From West Atlanta:** Go I-20 east to exit 57 (I-75/I-85 North). Take exit 248C Freedom Parkway (GA 10 East). Go 1.7 miles to Ponce de Leon Avenue and turn right. Go 1.7 miles to Clifton Road and turn left. Go 1/10 mile to the Museum entrance and turn right.

**From Downtown:** Go north on Peachtree Street to Ponce de Leon Avenue and turn right. Go 3.3 miles to Clifton Road and turn left. Go 1/10 mile to the Museum entrance and turn right.

**From Buckhead:** Go south on Peachtree Street to Ponce de Leon Avenue and turn left. Go 3.3 miles to Clifton Road and turn left. Go 1/10 mile to the Museum entrance and turn right.

**From Stone Mountain:** Go west on Highway 78 and merge onto Lawrenceville Highway (GA 29). Note: This road changes names several times and will eventually become Ponce de Leon Avenue. Once you reach an arched stone overpass go 1 mile to Clifton Road and turn right. Go 1/10 mile to the Museum entrance and turn right.



**Judicial Council of Georgia**  
**Fernbank Museum of Natural History**  
767 Clifton Rd NE  
Atlanta, GA 30307

**Friday, April 12, 2013**  
**9:00 a.m. – 12:00 p.m.**

*A group photograph will be taken at the break.*

- 1. Preliminary Remarks and Introductions**  
(Chief Justice Carol W. Hunstein, Est. Time – 5 Min.)
- 2. Legislative Panel**  
(Members of the Georgia General Assembly)
- 3. Approval of Minutes, January 10, 2013** *(Action Item)* **TAB 1**  
(Chief Justice Carol W. Hunstein, Est. Time – 5 Min.)
- 4. Judicial Council Committee Reports**
  - A. Policy and Legislative Committee** **TAB 2**  
(Presiding Justice Hugh P. Thompson, Est. Time – 15 Min.)
  - B. Budget Committee** **TAB 3**  
(Justice P. Harris Hines, Est. Time – 5 Min.)
  - C. Accountability Court Committee** **TAB 4**  
(Chief Judge Brenda Weaver, Est. Time – 5 Min.)
  - D. Special Committee on Court Reporting Fees and Processes** **TAB 5**  
*(Action Item)*  
(Judge Linda S. Cowen, Est. Time – 30 Min.)
- 4. Statewide Judiciary Civil E-Filing Steering Committee** **TAB 6**  
(Written Report)
- 5. Report from AOC Director** **TAB 7**  
(Ms. Marla S. Moore, Est. Time – 10 Min.)
- 6. Reports from Appellate Courts and Trial Court Councils**
  - A. Supreme Court**  
(Chief Justice Carol W. Hunstein, Est. Time – 5 Min.)
  - B. Court of Appeals**  
(Chief Judge John J. Ellington, Est. Time – 5 Min.)
  - C. Council of Superior Court Judges**  
(Judge David T. Emerson, Est. Time – 5 Min.)

**D. Council of State Court Judges**  
(Judge David Darden, Est. Time – 5 Min.)

**E. Council of Juvenile Court Judges**  
(Judge Robin Shearer, Est. Time – 5 Min.)

**F. Council of Probate Court Judges**  
(Judge Mary Jo Buxton, Est. Time – 5 Min.)

**TAB 8**

**G. Council of Magistrate Court Judges**  
(Judge Alan Harvey, Est. Time – 5 Min.)

**H. Council of Municipal Court Judges**  
(Judge Kenneth E. Wickham, Est. Time – 5 Min.)

**TAB 9**

**7. Old/New Business**  
(Chief Justice Carol W. Hunstein, Est. Time – 5 Min.)

**8. Outgoing Members**  
(Chief Justice Carol W. Hunstein, Est. Time – 5 Min.)

**9. Concluding Remarks and Adjournment**  
(Chief Justice Carol W. Hunstein, Est. Time – 5 Min.)

## Judicial Council Members

As of April 2013

### Supreme Court

Chief Justice Carol W. Hunstein  
Chair, Judicial Council  
507 State Judicial Building  
Atlanta, GA 30334  
404-656-3475/F 657-9586  
hunsteinc@gasupreme.us

Presiding Justice Hugh P. Thompson  
Vice-Chair, Judicial Council  
501 State Judicial Building  
Atlanta, GA 30334  
404-656-3472/F 651-8642  
thompsoh@gasupreme.us

### Court of Appeals

Chief Judge John J. Ellington  
47 Trinity Avenue, Suite 501  
Atlanta, GA 30334  
404-463-3026/F 463-5590  
tallentj@gaappeals.com

Presiding Judge Herbert E. Phipps  
47 Trinity Avenue, Suite 501  
Atlanta, GA 30334  
404-656-3457/F 657-8945  
phippsh@gaappeals.us

### Superior Court

Judge David T. Emerson  
President, CSCJ  
Douglas Judicial Circuit  
8700 Hospital Drive  
Douglasville, GA 30134  
770-920-7227/F 920-7377  
demerson@co.douglas.ga.us

Judge Louisa Abbot  
President-Elect, CSCJ  
Eastern Judicial Circuit  
203 Chatham County Courthouse  
133 Montgomery Street  
Savannah, GA 31401  
912-652-7162/F 652-7164  
labbot@chathamcounty.org

Judge John E. Morse Jr.  
Eastern Judicial Circuit, 1<sup>st</sup> JAD  
213 Chatham County Courthouse  
133 Montgomery Street  
Savannah, GA 31401  
912-652-7236/F 652-7361  
jemorse@chathamcounty.org

Chief Judge Harry J. Altman II  
Southern Judicial Circuit, 2<sup>nd</sup> JAD  
PO Box 1734  
Thomasville, GA 31799  
229-228-6278/F 225-4128  
thosct@rose.net

Judge Edward D. Lukemire  
Houston Judicial Circuit, 3<sup>rd</sup> JAD  
201 Perry Parkway  
Perry, GA 31069  
478-218-4850/F 218-4855  
elukemire@houstoncountyga.org

Chief Judge Gregory A. Adams  
Stone Mountain Judicial Circuit, 4<sup>th</sup> JAD  
5240 DeKalb County Courthouse  
556 N. McDonough Street  
Decatur, GA 30030  
404-371-2211/F 371-3062  
gaadams@dekalbcountyga.gov

Chief Judge Cynthia D. Wright  
Atlanta Judicial Circuit, 5<sup>th</sup> JAD  
T8855 Justice Center Tower  
185 Central Avenue SW  
Atlanta, GA 30303  
404-613-4185/F 335-2883  
cynthia.wright@fultoncountyga.gov

Chief Judge Arch W. McGarity  
Flint Judicial Circuit, 6<sup>th</sup> JAD  
Henry County Courthouse  
One Courthouse Square  
McDonough, GA 30253-3293  
770-288-7907/F 288-7920  
awm8439@yahoo.com

Judge James G. Bodiford  
Cobb Judicial Circuit, 7<sup>th</sup> JAD  
70 Haynes Street, Suite 6400  
Marietta, GA 30090  
770-528-1822/F 528-8141  
james.bodiford@cobbcounty.org

Chief Judge Kathy Palmer  
Middle Judicial Circuit, 8<sup>th</sup> JAD  
PO Box 330  
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478-237-3260/F 237-0949  
kspalmer@bellsouth.net

Chief Judge Brenda S. Weaver  
Appalachian Judicial Circuit, 9<sup>th</sup> JAD  
PO Box 545  
Jasper, GA 30143-0545  
706-253-8729/F 253-8734  
basw54@gmail.com

Chief Judge J. Carlisle Overstreet  
Augusta Judicial Circuit, 10<sup>th</sup> JAD  
735 James Brown Blvd., Suite 4203  
Augusta, GA 30901  
706-821-2347/F 721-4476  
batkins@augustaga.gov

#### **State Court**

Judge David Darden  
President, CSCJ  
Cobb County  
12 E. Park Square, Suite 4A  
Marietta, GA 30090  
770-528-1721/F 528-1726  
david.darden@cobbcounty.org

Judge Linda S. Cowen  
President-Elect, CSCJ  
Clayton County  
Harold R. Bank Justice Center  
9151 Tara Blvd., Room 3JC302  
Jonesboro, GA 30236  
770-477-3392/F 603-4149  
lscowen@mindspring.com

#### **Juvenile Court**

Judge Robin W. Shearer  
President-Elect, CJCJ  
Western Judicial Circuit  
325 East Washington Street, Room 115  
Athens, GA 30601  
706-613-3300/F 613-3306  
robin.shearer@athensclarkecounty.com

Judge J. Lane Bearden  
President-Elect, CJCJ  
Cherokee Judicial Circuit  
100 Court Street  
Calhoun, GA 30701  
706-625-6959/F 602-2337  
beardenlaw@aol.com

#### **Probate Court**

Judge Mary Jo Buxton  
President, CPCJ  
Johnson County  
2557 E. Elm Street  
PO Box 264  
Wrightsville, GA 31096-0264  
478-864-3316/F 864-0528  
maryjobuxton64@hotmail.com

Judge Kelley Powell  
President-Elect, CPCJ  
Henry County  
99 Sims Street  
McDonough, GA 30253  
770-288-7600/F 288-7616  
kpowell@co.henry.ga.us

#### **Magistrate Court**

Judge Alan Harvey  
President, CM CJ  
DeKalb County  
3630 Camp Circle  
Decatur, GA 30032  
404-294-2150/F 294-2145  
acharvey@dekalbcountyga.gov

Judge Betsey Kidwell  
First Vice-President, CM CJ  
Heard County  
PO Box 395  
Franklin, GA 30217-0395  
706-675-3002/F 675-0819  
kidwell42@yahoo.com

#### **Municipal Court**

Chief Judge Kenneth E. Wickham  
President, CM CJ  
Municipal Court of Norcross  
65 Lawrenceville Street  
Norcross, GA 30071  
404-448-2173/F 368-9185  
kewickham@comcast.net

Judge James M. Anderson, III  
President-Elect, CM CJ  
Municipal Court of Sandy Springs  
5855 Sandy Springs Circle NE, Suite 130  
Sandy Springs, GA 30328  
404-255-0319/F 255-0477  
jma@jmalawfirm.com

## Administrative Office of the Courts Staff

244 Washington Street SW, Suite 300  
Atlanta, GA 30334  
404-656-5171

All email addresses  
follow this format:  
firstname.lastname@gaaoc.us

**Director's Division**  
**Marla S. Moore, Director**

Jacqueline Booker  
404-463-0638

Matthew Kloiber  
404-463-1319

Erin Oakley  
404-463-3820

*Office of General Counsel*  
Cynthia H. Clanton  
404-656-6692

*Language Access Programs*  
Linda Smith  
404-657-4219

Ann Batchan  
*Retiring as of May 1*  
404-656-5169

*position vacant*  
404-463-3805

*Office of Dispute Resolution*  
Shinji Morokuma  
404-463-3785

Yolanda Mashburn  
404-657-6269

**Court Services**  
Molly J.M. Perry  
Division Director  
404-463-5420

Tynesha Manuel  
404-463-3788

Ashley Garner  
404-656-6404

Maggie Reeves  
404-463-0350

*Probation Advisory Council*  
*position vacant*  
404-656-6447

*Communications*  
Ashley G. Stollar  
404-656-6783

Accountability Courts &  
Grants Management  
Lateefah Thomas  
404-463-1906

Amy Hartley  
404-463-4266

Derrick Bryant  
404-656-6784

Alexandra O'Callaghan  
404-463-1453

Deborah Boddie  
404-232-1444

*Governmental & Trial Court*  
*Liaison*  
Michael Cuccaro  
404-651-7616

Joshua Becker  
404-463-6298

Shawn DeVaney  
404-463-3927

Christopher Causey  
404-463-6296

Stacey Seldon  
404-463-0043

Children, Families, & the  
Courts  
Michelle Barclay  
404-657-9219

Catherine Fitch  
404-463-1023

Certification and Licensing  
*position vacant*  
404-656-5171

Patricia Buonodono  
404-463-0044

Tracy Mason  
404-463-0559

Bernetha Hollingsworth  
404-656-0371

Araceli Jacobs  
404-656-6703

LaShawn Murphy  
404-651-6325

*Board of Court Reporting*  
Aquaria R. Smith  
404-651-8707

Elaine Johnson  
404-463-6383

*Human Resources*  
Stephanie Hines  
404-657-7469

Deborah Atwater  
404-232-1409

Paula Myrick  
404-463-6480

*Commission on Family  
Violence*

Greg Loughlin  
404-463-6230

Jenny Aszman  
404-232-1830

Jameelah Ferrell  
404-656-5586

Jennifer Thomas  
404-463-1662

LaDonna Varner  
404-463-3178

Research, Planning, &  
Data Analysis

Christopher Hansard  
404-463-1871

Kimberly Miller  
404-463-6887

Jordan Dasher  
404-656-0371

Wes Acosta  
404-656-6413

**Financial Administration**

Randy Dennis  
Division Director  
404-651-7613

Amy Bottoms  
404-463-2493

Krista Bradley  
404-463-9016

Kim Burley  
404-463-3816

Monte Harris  
404-656-6691

Tanya Osby  
404-463-0237

Devin Pike  
404-463-1907

Andrew Theus  
404-463-5177

**Information Technology**

Jorge Basto  
Division Director  
404-657-9673

Network Administration/  
Desktop

Tony Mazza  
404-657-4006

Gilberto Alcantara  
404-463-0016

Bradley Allen  
404-657-1770

Carl Carey  
404-656-7694

Application/Web Development

Christina Liu  
404-651-8180

Roger Watson  
404-651-8169

*position vacant*

404-656-5171

Software Maintenance/Support

Michael Neuren  
404-657-4218

Richard Denney  
404-731-1357

Wanda Paul  
404-538-0849

Kriste Pope  
404-731-1358

Georgia Judicial  
Exchange

Michael Alexandrou  
404-656-7788

Tajsha Dekine  
404-656-3479

Kevin Kirk  
404-275-8372

Rory Parker  
404-656-3478

Arnold Schoenberg  
404-463-6343

**Council of State Court**

**Judges**

Bob Bray  
404-651-6204

**Council of Magistrate Court**

**Judges**

Sharon Reiss  
404-463-417





# Judicial Council of Georgia Administrative Office of the Courts

**Chief Justice Carol W. Hunstein**  
*Chair*

**Marla S. Moore**  
*Director*

## Memorandum

TO: Judicial Council Members

FROM: Presiding Justice Hugh P. Thompson  
Chair, Policy and Legislative Committee

RE: Status of Judicial Council Legislation

DATE: April 12, 2013

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On January 10, 2013, the Judicial Council approved its 2013 Legislative Package. The recommendations have been incorporated into legislation as listed below. All recommendations passed during the session.

**I. Superior Court: O.C.G.A § 15-6-8**  
***Senate Bill 66 – Senator Jesse Stone***

*SB 66 increases penalties that can be imposed for contempt of superior and state courts to \$1,000.00, currently \$500.00.*

Status: Passed

**II. Juvenile Court: O.C.G.A § 15-11-21**  
***House Bill 182 – Representative Tom Weldon***

*HB 182 removes the requirement for rehearing of associate juvenile court judges' decisions, and allows for an associate juvenile court judge to serve as judge pro tempore in the event of the disqualification, illness, or absence of a juvenile court judge.*

Status: Passed

**III. Juvenile Court:**

*Allow a juvenile court judges to transfer proceedings to the county of a child's residence if the court determines, at any time following an adjudication of dependency, that the child is a resident of a county other than the county in which the court sits.*

Status: Resolved in HB 242, Juvenile Code Reform sponsored by Rep. Wendell Willard.

**IV. Probate Court: O.C.G.A § Title 15 Chapter 9 Article 2**  
***Senate Bill 120 – Senator John Crosby***

*A judge of probate court in a county where there is no state court may request the district attorney of the circuit in which the court is located to prosecute criminal cases subject to the jurisdiction of the probate court. The district attorney may decline in writing and the court may hire an attorney to serve as prosecutor. The request for a prosecuting attorney must first be approved by the county commission.*

Status: Passed

**V. Magistrate Court: O.C.G.A §§ 17-4-47(e), 17-5-21.1(e) and Title 17 Chapter 6**  
***Article 4 House Bill 146 – Representative Tom Weldon***

*HB 146 adds additional procedural safeguards in the issuance of a good behavior bond by a judicial officer; allow any judicial officer authorized to hold a court of inquiry to issue a notice to appear for a show cause hearing to any person whose conduct in the county is sufficient to justify the belief that there exists imminent danger of injury to any person, damage to any property, or disturbance of the peace. The court may require from the person a bond with sureties for good behavior. At the time of or at any time after the filing of an application for a show cause hearing, the judicial officer may issue an order of arrest for the person(s) named in the application. Upon the arrest of such person, a hearing shall be held within 24 hours; otherwise, such person shall be released on bond with sureties and reasonable conditions for his or her good behavior until a hearing can be held.*

*Removes the existing geographic restriction on the location of a judge signing an electronic warrant; removes the requirement of being physically located in the county of jurisdiction while issuing a warrant via electronic means. The issuance of warrants by judges of a county utilizing an electronic warrant system are deemed to be issued within that county, regardless of where, within the State of Georgia, that judge accesses the electronic system servicing the judge's county of jurisdiction.*

Status: Passed



# Judicial Council of Georgia Administrative Office of the Courts

**Chief Justice Carol W. Hunstein**  
*Chair*

**Marla S. Moore**  
*Director*

## **Memorandum**

TO: Judicial Council Members

FROM: Justice P. Harris Hines  
Chair, Budget Committee

RE: Budget Committee Meeting Date

DATE: April 3, 2013

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The Judicial Council Budget Committee will meet by conference call on April 8, 2013 to review enhancements, adjustments, and reductions to the AFY 13 and FY 14 Judicial Council budget. These will be brought to the Council for approval.



# Judicial Council of Georgia Administrative Office of the Courts

**Chief Justice Carol W. Hunstein**  
*Chair*

**Marla S. Moore**  
*Director*

## Memorandum

TO: Judicial Council Members

FROM: Chief Judge Brenda S. Weaver  
Chair, Accountability Court Committee

RE: Status of Tasks Outlined by House Bill 1176(2012 General Assembly)

DATE: April 12, 2013

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The goal of the Judicial Council Accountability Court Committee is to encourage and support the implementation of accountability courts in Georgia's 49 judicial circuits, to support and expand existing courts, and to promote the effectiveness of these programs.

This memorandum briefly outlines the Committee's recent activities relating to achieving the goal of a statewide system of accountability courts as outlined by House Bill 1176.

- 1. Draft standards and practices for all types of accountability court programs, to include standards and practices for drug and mental health court divisions for consideration and adoption by the Judicial Council before January 1, 2013. Once approved by the Judicial Council, update the standards and practices as necessary to incorporate recognized research, evaluation studies, and evidence-based and best practices.*

Pursuant to O.C.G.A. § 15-1-15 and 15-1-16, standards for adult drug and mental health court divisions were adopted September 2012. Judge Stephen Goss and Judge Kathlene Gosselin are currently assessing the mental health court standards to ensure alignment with national standards and best practices. A recommendation is expected to be presented to the Accountability Court Committee by May 2013. The following accountability court programs have developed subcommittees and are currently drafting operational standards: Family Dependency Treatment, Juvenile and DUI.

- 2. To guide the award of state grant funds to accountability court programs, develop a certification and peer review process to document these programs' compliance with Judicial Council standards and practices, to include a certification process for drug and mental health court divisions for consideration and adoption by the Judicial Council before July 1, 2013. In addition, develop a procedure for waiver of certification of any accountability court program for which an exception may be justified.*

A subcommittee to develop the certification and peer review process for adult drug courts is co-chaired by Judge C.J. Becker and Judge Jeffrey Bagley; a similar subcommittee for adult mental health courts is co-chaired by Judge Goss and Judge Gosselin.

Certification and peer review processes and procedures consistent with approved standards are being drafted and discussed by the two subcommittees. To meet the statutory, July 1, 2013 deadline, the Committee will forward its recommendations to permit adoption by the Judicial Council before that date.



# Judicial Council of Georgia Administrative Office of the Courts

**Chief Justice Carol W. Hunstein**  
*Chair*

**Marla S. Moore**  
*Director*

## Memorandum

TO: Judicial Council Members

FROM: Judge Linda S. Cowen  
Chair, Special Committee on Court Reporting Fees and Processes

RE: Court Reporting Matters Committee Recommendations

DATE: April 12, 2013

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Enclosed behind this memo is a letter from Chief Justice Hunstein appointing a special committee to review the Court Reporting Matters Committee (CRM) recommendations tabled at the January 10 meeting. The Special Committee on Court Reporting Fees and Processes convened two meetings in addressing its charge to:

1. Identify the issues and concerns raised by Judicial Council members and stakeholders in response to the recommendations;
2. Thoroughly examine the intended effect of the recommendations in light of the issues and concerns; and
3. Propose any clarifications or changes to the recommendations.

The Special Committee report appears behind this memo and is submitted for consideration at the April 12 Judicial Council meeting. (The CRM Final Report may be retrieved from the January 10 Judicial Council agenda materials or accessed online at [www.georgiacourts.gov/files/January%2010,%202013.pdf](http://www.georgiacourts.gov/files/January%2010,%202013.pdf).) Its additions and revisions are noted below:

1. **Applicability** and **Definitions** sections added to clarify purpose and terms
2. Under each CRM recommendation, presents issue and analysis and original (unaltered) or revised language and/or implementation.
3. Includes the invited, written response of the Georgia Shorthand Reporters' Association presented to the Special Committee at its second meeting.



**Judicial Council of Georgia  
Administrative Office of the Courts**

**Chief Justice Carol W. Hunstein**  
*Chair*

**Marla S. Moore**  
*Director*

January 28, 2013

Judge Linda S. Cowen  
State Court, Clayton County  
Harold R. Bank Justice Center  
9151 Tara Blvd. Room 3JC302  
Jonesboro, GA 30236

Dear Judge Cowen:

Thank you for agreeing to serve as chair of the Judicial Council Special Committee on Court Reporting Fees and Processes. As you know, this temporary committee is appointed to continue work on the Court Reporting Matters Committee recommendations tabled at the January 10 Judicial Council meeting for the purpose of resubmitting them to a vote at the April 12 meeting.

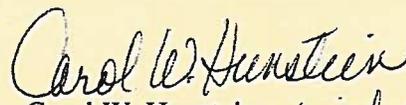
The Special Committee is assigned the following charges:

1. Identify the issues and concerns raised by Judicial Council members and stakeholders in response to the recommendations
2. Thoroughly examine the intended effect of the recommendations in light of the issues and concerns
3. Propose any clarifications or changes to the recommendations

The Committee is comprised of Judge Louisa Abbot; Judge Edward Lukemire; Judge Frederick Mullis; Judge Robin Shearer; and Judge Mary Staley. Please save the date of **Friday, February 22, 2013** for the initial meeting of the Committee.

I appreciate your willingness to explore further the goals and implications of the recommendations to enhance court reporting processes. Please contact Marla Moore ([marla.moore@gaaoc.us](mailto:marla.moore@gaaoc.us)) or Molly Perry ([molly.perry@gaaoc.us](mailto:molly.perry@gaaoc.us)) if you have questions or need additional information.

Sincerely,

  
Carol W. Hunstein *with permission*  
Chief Justice

MSM/mp

**Special Committee on Court Reporting Fees and Processes**  
**Report to the Judicial Council**  
**April 12, 2013**

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**Applicability**

The recommendations contained herein pertaining to official court reporters apply to criminal proceedings and quasi-criminal habeas corpus proceedings. However, habeas corpus transcripts are considered civil transcripts and are governed as other civil actions by the Official Fee Schedule.

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**Definitions**

- 1. Court record:** all documents . . . or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or, in the necessary performance of any judicial function, created or received by an official of the Supreme Court, Court of Appeals, and any superior, state, juvenile, probate, or magistrate court; includes records of the offices of the judge, clerk, prosecuting attorney, public defender, court reporter, or any employee of the court (O.C.G.A. § 50-18-91(2)).
- 2. Certified court reporter:** any person licensed to practice verbatim reporting under O.C.G.A. § 15-14-22.
- 3. Certified transcript:** an official transcript of any court proceeding certified to be a true, complete, and correct transcript of such proceedings by a court reporter pursuant to O.C.G.A. §15-14-5.
- 4. Electronic/Digital reporting:** use of professional-level recording systems by a court reporter to capture court proceedings and produce a subsequent transcript.
- 5. Independent Contractor:** a court reporter who exercises an independent business in performing the duties of employment and is not subject to the immediate direction and control of an employer as to the time, manner, and method of performing duties.  
*Miller v. Clayton County*, 271 Ga. 135 (1999); O.C.G.A. § 51-2-4.
- 6. Official court reporter:** a court reporter appointed by the court to serve as the assigned court reporter in a particular proceeding or in the course of proceedings before a particular judge, court, division or judicial circuit. O.C.G.A. §§ 15-14-1-1 – 15-14-3. See *Savage v. Savage*, 234 Ga. 853 (1975).

**7. Public record:** All court records made available for public inspection unless access is otherwise limited by law or order of the court including records filed with the clerk of court and any presentments or recordings of proceedings otherwise made in open court. See Uniform Superior Court Rule 21; *In re Gwinnett County Grand Jury*, 284 Ga. 510 (2008).

**8. Record/Recording:** to cause the true and accurate details of a proceeding to be registered in reproducible form using authorized methods. See <http://www.merriam-webster.com/dictionary/record?show=0&t=1363600352>

**9. Report/Reporting:** to transcribe or convert from take down or a recording of a proceeding to text or other format. See *Walden v. State*, 289 Ga. 845 (2011) (distinguishing between recorded and reported portions of proceedings).

**10. Take down/Takedown:** to take stenographic notes or otherwise record proceedings using authorized methods.

**11. Transcribe/Transcript:** to produce an official record in hardcopy or digital written text format from proceedings recorded or otherwise taken down by authorized means.

**Court Reporting Fees**  
**Recommendations 1.1, 1.2, 1.3, 1.4**

**Recommendation 1.1    Application of Official Fee Schedule**

*Issue: Certified court reporters are hired as full-time employees and as independent contractors depending on the needs and resources of courts and counties. Questions arise about appropriate compensation of employees and how the Fee Schedule may apply when a court reporter holds employee status.*

**(No Revision)**

The Official Fee Schedule applies to court reporters who are independent contractors. Counties that hire court reporters as employees shall arrange compensation and scope of work for them under their terms of employment, similar to other employees.

**Implementation**

The Board of Court Reporting shall clarify that the Fee Schedule applies to independent contractors and may be used as a guide in establishing personnel salaries.

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## **Recommendation 1.2 Contingent Expense and Travel Allowance**

***Issue:** The Association County Commissioners of Georgia questions the application of this allowance in circuits comprised of a single county. Such counties may pay it to official court reporters in state courts (as interpreted by Attorney General Opinion No.U81-24 (1981)) as well as covering costs for supplies, equipment, office space and/or other types of expenses.*

### **(No Revision)**

To better reflect typical travel guidelines that disallow expense reimbursement for travel between home and place of employment, O.C.G.A. §15-14-6 should be amended to remove the contingent expense and travel allowance for official court reporters serving a single-county jurisdiction.

### **Implementation**

The ACCG or other interested organization should propose legislation to amend the statute in order to address its impact on counties with state courts.

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### **Recommendation 1.3 Billing Practices and Forms**

*Issue: There are wide variations in court reporter billing practices and documentation of services and work product. Subject to a code of ethics and guidelines for professional practice, official court reporters are answerable to the judge or court administrator who approves payment for services rendered. Lack of appropriate documentation hinders efficient processes for payment, and budgets and expenditures can be monitored more straightforwardly when authorization and documentation for services and products are clear and consistent.*

#### **(No Revision)**

Court reporters shall clearly document work performed on invoices or requests for payment developed by the Board of Court Reporting to ensure accountability to the county fiscal office, which estimates budgets, processes payments, and is subject to audit.

#### **Implementation**

At a minimum, the Board of Court Reporting shall adopt model invoice forms to include the name of the court, style of case and case number, presiding judge, attorney(s), date(s) of service, type(s) of service, number of transcript pages, and fee rates for service and/or transcript. Deadlines to tender invoices for court attendance, recordation/takedown, and transcripts shall also be prescribed.

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## **Recommendation 1.4 Format and Page Rate**

*Issue: Technology is ever-changing and technological solutions for court business present opportunities for cost savings or process improvement. Paper documents and transcripts require considerable storage space and, when they are located offsite from a court facility, there may be barriers to access by the public.*

### **Revised Rec. 1.4**

By January 1, 2014, transcripts shall be produced utilizing current information technology and filed in electronic format that is accessible to all court users. The Judicial Council shall determine the page rate for electronic documents including transcripts, exhibits, and specialized exhibits.

### **Implementation**

In conjunction with Recommendation 2.3, the Judicial Council shall require transcripts to be filed in electronic format, stipulate that the Board of Court Reporting issue written instructions for transcript format and style, and determine fair compensation that will substitute for the current paper-based scheme. (A page rate of \$5.00 will approximate the current average payment for an original and copies typically requested by court officials.)

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## Court Reporting Processes Recommendations 2.1, 2.2, 2.3, 2.4, 3.1

### Recommendation 2.1 Reporting and Transcribing Court Proceedings

*Issue:* O.C.G.A. §17-8-5 and other provisions specify the felony criminal proceedings for which a court record is required. However, best practice may indicate that other criminal proceedings should be recorded and transcribed, and these must be authorized by a presiding judge. Statutory law does not address the takedown or transcription of misdemeanor cases at all, but the Georgia Court of Appeals has required by case law that a verbatim record be made of all misdemeanor pleas (*King v. State*, 270 Ga. App. 367 (1998)). The Judicial Council can clarify these mandatory and discretionary proceedings for takedown and/or transcription to ensure consistency across the state and educate county executives.

#### Revised Rec. 2.1 Taking Down and Transcribing Court Proceedings

Because there are inconsistent interpretations of the laws addressing the takedown and transcription of court proceedings, the Judicial Council shall clarify (1) which proceedings must be taken down and/or transcribed, and (2) which proceedings and transcripts must be authorized by a judge. Also, since the majority of complaints filed with the Board of Court Reporting against certified court reporters allege failure to produce a transcript in a reasonable period of time, the Judicial Council shall address time limits for transcript filing.

#### Implementation

The Judicial Council shall draft rules clarifying the court proceedings required to be taken down and transcribed and pertinent time periods for filing transcripts by December 31, 2013.

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## Recommendation 2.2 Documentation of Evidence

*Issue:* Appellate courts require evidence to be transmitted via photograph, videotape, or audiotape, and courts are familiar with recording physical evidence in this manner. These formats easily integrate into an electronic transcript (see Rec. 1.4). Some court reporters still secure and maintain evidence, although in most courts, the clerk or prosecutor serves as the custodian.

### **(No Revision)**

Appellate court protocols for the transmission of physical evidence by photograph, videotape, or audiotape in lieu of the original evidence have already been established. Documenting evidence and exhibits in a transcript shall consist of visual recording by photograph or scan, or digital video or audio if necessary, by January 1, 2014, concurrent with Recommendation 1.4.

### **Implementation**

The custodian of the physical evidence shall scan the evidence into digital format and transmit the images to the court reporter for incorporation into the transcript. The archiving policies established by the trial courts shall require physical evidence to be indexed and cataloged for easy retrieval.

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## **Recommendation 2.3 Certified Transcript is a Public Record**

*Issue: The Judicial Council declared the transcript to be a public record in an advisory opinion issued in March 1984 by asserting that the original transcript is the property of the court once filed with the clerk, unless the record is of court activity protected by law from public access or sealed by order of the court.*

### **Revised Rec. 2.3**

The court reporter shall file the certified criminal transcript with the clerk of court prior to releasing any certified copies. Once filed, the transcript becomes a public record (O.C.G.A. §50-18-70) and shall be accessible to the judge, prosecutor, and defendant without charge.

### **Implementation**

The Judicial Council shall clarify that the criminal transcript must be filed first with the court clerk, is a public record, and, in digital format, is reproducible in certified form. An interested organization should introduce legislation to include transcripts under O.C.G.A. §15-6-77.

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## Recommendation 2.4 Business Continuity

*Issue: Preservation of the record is a legal obligation of the courts. When recordings of court proceedings are not secured, the courts are unable to guarantee access to the record and continuity of business processes. Recommended practice to ensure business continuity includes electronic/digital recording and indexing or other means to document the court record prior to transcript production.*

### **Revised Rec. 2.4**

To minimize disruption in judicial process due to missing, lost, or incomplete records and transcripts and ensure business continuity, courts shall maintain a backup recording system that serves as a repository of all criminal court proceedings by January 1, 2015.

### **Implementation**

The Judicial Council shall adopt standards that delineate the management of electronic files and digital recordings in preserving court testimony. The written protocols will guide courts on the use of remote or stand-alone systems that provide direct and secure access to recordings by court officials.

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### Recommendation 3.1 Electronic/Digital Reporting

*Issue: The development of court reporter certification standards that demonstrate competency, accuracy, and reliability is a responsibility of the state judicial branch. Trial court judges must ensure pretrial and trial court proceedings are accurately captured and preserved in a cost effective manner. The Special Committee recognizes the historical progression of court reporting technologies and methods as well as the funding and personnel constraints cited by many Georgia jurisdictions as barriers to producing a verbatim record and access to it.*

*As cited in the report's definitions (p.1), electronic reporting is the use of professional-level recording systems by a court reporter to document proceedings and produce a verbatim transcript. **Key to the use of this method is an experienced court reporter who simultaneously takes extensive notes or annotates the recording for later identification.** For decades, electronic/digital reporting has been used successfully in federal, state, and local jurisdictions.*

#### **Recommendation**

The Judicial Council shall recognize electronic/digital reporting as a means of capturing the record for certain types of trial court proceedings and shall direct the Board of Court Reporting to develop rules and regulations for certification of court reporters using electronic/digital methods by July 1, 2014.

#### **Implementation**

The Judicial Council shall determine the types of trial court proceedings for which electronic/digital reporting is authorized to capture the record. The Board of Court Reporting shall establish court reporter certification requirements for electronic/digital reporting and develop standard operating procedures and rules for implementation and use of electronic/digital reporting.



# Judicial Council of Georgia Administrative Office of the Courts

**Chief Justice Carol W. Hunstein**  
*Chair*

**Marla S. Moore**  
*Director*

## Memorandum

TO: Judicial Council Members

FROM: Justice Harold Melton  
Chair, Statewide Judiciary Civil E-filing Steering Committee

RE: Statewide Judiciary Civil E-filing Steering Committee Report

DATE: April 12, 2013

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The Statewide Judiciary Civil E-filing Steering Committee (Committee) is continuing its charge to explore the development of a statewide electronic filing service. Meetings of the full Committee were held on February 1 and March 7.

Through collaboration with the Council of Superior Court Clerks (Council), the Committee is moving forward with the design of a functional requirements document for e-filing in magistrate courts. The Council's document for superior courts will be used as a baseline for the magistrate court document. A working group of Committee members, magistrate court judges, and other advisors has been established to formulate this document.

The Committee will next meet on April 11, 2013.



## Judicial Council of Georgia Administrative Office of the Courts

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### **Immigration and the State Courts Initiative April 2013**

The Center for Public Policy Studies' (CPPS) Immigration and the State Courts Initiative continues work with Georgia courts. As reported at the January 2013 Judicial Council meeting, additional training needs had been identified and a site visit was pending.

On January 23<sup>rd</sup> and 24<sup>th</sup>, Drs. John Martin and Steven Weller returned to Georgia to continue juvenile court training efforts and advance dialogue with the United States Citizenship and Immigration Services (USCIS):

- A one day training seminar was presented for juvenile court practitioners in the Gwinnett Judicial Circuit. The program included a module on Special Immigrant Juvenile status and the types of issues that may affect immigration status in deprivation and delinquency cases.
- A joint meeting with clerks from each class of trial court and representatives of the USCIS Atlanta Field Office fostered discussion about areas where USCIS processes and Georgia state court records may intertwine. This partnership seeks to inform the development of joint training efforts designed for stakeholders at both the federal and state levels, as application requirements for naturalization routinely require information from state court records.

Judicial training programs are scheduled throughout this calendar year for each class of court (see calendar below). These seminars are expected to bring the Initiative's work to a close in Georgia. The records work with USCIS has been expanded to form a dedicated "State Court Records Exchange Project." Although conducted as a separate project, this work will support the strategic goals of the Immigration and the State Courts Initiative.

The partnership with CPPS will continue, as Georgia has been selected to participate as one of three pilot sites in the Human Trafficking and the State Courts Collaborative. This collaborative, made up of the Center for Public Policy Studies (CPPS), the Center for Court Innovation (CCI), and the National Judicial College (NJC) is designed to assess the scope of the human trafficking-related challenges faced by state courts and to develop resources and capacity to address those challenges. A diverse group of advisors has been invited to participate in a "kickoff meeting" to be held on Wednesday, April 17.

Please contact Tracy Mason or Erin Oakley at 404-656-5171 if you would like additional information about the initiative.

## 2013 Training Calendar

<b>Event</b>	<b>Date &amp; Time</b>	<b>Location</b>
Probate Court Judges Traffic Seminar	Friday, April 19 10 a.m. - 12 noon	Athens
Council of Juvenile Court Judges Spring Conference	Tuesday, May 7 8 a.m. - 10 a.m.	Jekyll Island
Municipal Court Judges Law and Practice Update	Thursday, June 20 1:30 p.m. - 3:30 p.m.	Jekyll Island
Council of Magistrate Court Judges Fall Conference	Monday, October 7 Time TBD	Jekyll Island



## Judicial Council of Georgia Administrative Office of the Courts

**Chief Justice Carol W. Hunstein**  
*Chair*

**Marla S. Moore**  
*Director*

### **Access to Justice Planning April 2013**

Over the past year and a half, AOC staff has served in an advisory role to the State Bar of Georgia Access to Justice Committee (Committee). Last summer, the Committee applied for and received funding from the American Bar Association (ABA) Access to Justice Expansion Project, which Chief Justice Hunstein served as an advisor to. A working group has been established to develop a statewide plan for access to justice, and the Judicial Council and AOC have been asked to participate.

This partnership seeks to establish a statewide Access to Justice Commission, and will focus on the statewide oversight of planning, education, resource development, and advocacy for enhancement of the civil justice delivery system in the State of Georgia. This includes the delivery of pro bono legal services and access to the courts for self-represented litigants. The plan is scheduled to be complete by September 30, and a report will be delivered to the ABA and stakeholders by October 31.

Please contact Tracy Mason or Erin Oakley at 404-656-5171 if you would like additional information about this important initiative.



## Judicial Council of Georgia Administrative Office of the Courts

**Chief Justice Carol W. Hunstein**  
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*Director*

### Committee on Justice for Children January 2013

The mission of the Supreme Court Committee on Justice for Children (J4C) is to improve Georgia's court process for abused and neglected children. Formerly known as the Child Placement Project, J4C was created in 1995 and is staffed by the Administrative Office of the Courts. Justice P. Harris Hines serves as the current chair of J4C; committee members and advisors represent the judiciary, the State Bar, the Department of Family and Children Services, and the community.

On October 1, 2011, J4C received a new four-year Court Improvement Program (CIP) grant. The CIP federal grant, which was originally passed by Congress eighteen years ago, now funds projects in all fifty states. The Committee has directed the funds toward the following priorities for 2012 through 2014:

- Improving the educational outcomes for children in foster care;
- Improving the quality of legal representation of children, parents, and the agency in child deprivation cases;
- Continuous refinement, monitoring and reporting of a set of child outcome measures for courts in deprivation cases;
- Hosting judicial and community J4C summits in chosen and requested judicial circuits; and
- Exploring the judiciary's role in preserving children's safety.

Through 2013, J4C will also continue to focus on quality assurance improvement by reviewing children's case files, particularly files of children who have been in foster care for long periods of time. A project titled the Cold Case Project was restarted in January 2013 for its fourth year and is funded by Casey Family Programs. Cold Case reviews explore all permanency options for the identified children, check on whether all legal requirements and due process measures have been met, and review the quality of representation for said child. In addition, the J4C is half way thru a four year Quality Improvement Center (QIC) grant to participate in research administered by the University of Michigan to study the QIC legal representation model against existing attorney practices.

On any given day, Georgia has approximately 7,000 children in foster care due to child abuse or neglect. The number of children in foster care has been dropping since 2005 but has remained

constant for the past two years. Balancing safety and permanency for children in foster care is the primary goal of any child welfare system. The J4C staff and committee members, along with the Division of Family and Children Services employees, closely review safety measures at both the statewide and county level and provide feedback regarding those measures to the counties through the local courts.

Improvement goals for the past seventeen years have included the automation of the deprivation case records; cross-training and setting standards of practice for all child welfare attorneys in juvenile court; increasing the representation of parents and children in child welfare cases; and obtaining state funding for juvenile court judges. Benchmarks for some of these goals have been reached, while others have needed alteration and steady work to make progress.

The Case Plan Report System (CPRS) has been a ten year effort to better share information between the executive and judicial branches of government for civil child abuse and neglect cases. Since the start of 2013, CPRS now has 1500 active users, is sharing child appropriate child specific information with the judicial branch users, and juvenile court clerks have uploaded over 7000 court orders which are sent back electronically to the executive branch system (Shines). In addition, during the month of February 2013, the Division of Family and Children Service authorized the Department of Education (DOE) to send over educational data on over 4000 foster children which is now included in CPRS for the judicial users. The DOE data contains important information such as each school aged child's grades, testing scores, absentee records and much more which is now available securely on line for the appropriate users; moving us further away from relying on paper files and driving to locations to study the case.

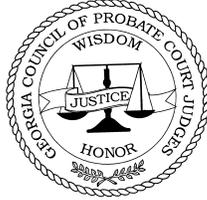
In addition, in 2013, the J4C is planning a number of trainings, study sessions and updated legal manuals for Georgia attorneys and judges related to the new juvenile code which is now awaiting the Governor's signature.

For more information about J4C, please visit [www.gajusticeforchildren.org](http://www.gajusticeforchildren.org).

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**Report to the Judicial Council of Georgia**  
**April 12, 2013**

The following report is a summary of current initiatives by the Council of Probate Court Judges (CPCJ):

**Legislation**

The Council's main piece of legislation in the 2013 session was SB120; provide for prosecuting attorneys in counties where there is not State Court. This legislation was sought to create a uniform process for acquiring the services of a prosecuting attorney and possibly assist with addressing issues with caseloads.

Additionally, during the session the Council was vigilant in monitoring proposed legislation amending current law regarding the process or administration of weapons carry licenses in Georgia.

As Traffic Reform is of great concern currently, the probate judges were engaged in the discussion for discovering options for minor offense reform. In doing so, they presented framework to the Title 40 Study Committee to promote the use of solicitors and public defenders in traffic courts to facilitate the movement of cases, ensure procedural fairness and to improve satisfaction with the court. The Council resolves to continue to be involved in these efforts as it affects those courts with traffic jurisdiction.

**Standard Forms Amendments (GPCSF)**

The Council approved amendments to the Estate Standard Forms [GPCSF 2, 3, 4, 5, 7, 8, 9, 10, 13, 17, 18 and 32] proposed by the Rules and Forms committee at the Fall Business meeting held in November 2012. Changes were made to provide consistency, in that paragraphs are in similar order. Amendments were also made to clarify language.

The Forms have been sent to the Fiduciary Law Section of the State Bar of Georgia and Rules Committee Chairs of each Council for comment. Upon proper vetting, the forms will then be submitted to The Supreme Court of Georgia for approval and publishing in the Advance Sheets.

**Scheduled Continuing Judicial Education**

The Council is scheduled to hold its annual Spring Seminar April 16-19, 2013 in Athens, Georgia conducted through the Institute of Continuing Judicial Education (ICJE). The training session will include Accreditation Program Modules, Regular Update units and Traffic Court Operations. During

this time the Council will also hold its Executive, Business and Training Council meetings.

Additional trainings associated with the accreditation program will be afforded the judges during the summer on Guardianship of Adults and Civil Procedures.

**Next Meeting Date**

The next executive meeting is scheduled for April 15, 2013 in conjunction with the Spring Seminar in Athens, Georgia.



**Georgia Council of Municipal Court Judges**  
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**Report to the Judicial Council of Georgia**  
**April 12, 2013**

Among the current initiatives and projects of the Council of Municipal Court Judges are:

**Development of Standard Operation Procedures (SOP)**

The Court Operations and Procedures Committee, chaired by Judge John Cicala, are in the process of developing a reference handbook of Standard Operating Procedures for municipal courts. The generalized handbook will be a uniform set of procedures and guidelines that are accessible and available to all municipal courts in the State. This is an important step in assuring more uniformity in practice and procedures followed in the municipal courts throughout the State.

**Business Strategic Planning Session**

As a critical component to the yearly development of the CMuniCJ and the services and representation it provides its membership, representatives from the Council met for a two day session in January. Participants re-examined the 2010 Business Plan strategic goals, assessed their progress, set goals for accomplishing those parts of the plan which have not yet been implemented and established new goals for the Council. Upon being vetted and approved by the Executive Committee, the plan is set to be adopted by the full Council at the business meeting in June.

**Legislation**

The CMuniCJ was engaged by the Criminal Justice Reform for Georgians in the previous session and its [possible] effects on municipal courts in Georgia. Likewise, the Council's 2013 legislative priority was focused on the criminal justice structure regarding misdemeanor reform (Title 40 Study Committee). Throughout the process, municipal court representatives expressed their stance that the reform brings the possible punishment for minor traffic offenses in line with the public perception of the gravity of those offenses, while streamlining the judicial process for processing those cases.

In doing so, two initiatives were provided to assist in this process, the first was a tax intercept option for the courts, researched by Judge Gary Jackson of the Municipal Court of the City of Atlanta. The other, was a draft or discussion outline of what could be encompassed in legislation to replace the outdated traffic violations bureau statute provided by Judge James Anderson of the Municipal Court of Sandy Springs. The chairman of the House Title 40 Study Committee is interested in the proposal and it may result in a bill to be considered following the 2012 session.

Members have committed to working with all of the stakeholders in this process and resolve to continue to be involved in these efforts as it affects the municipal courts of Georgia.

**Municipal Court Uniform Rules Amendments**

The Council will seek to amend Rule 2 to the address requirements for judicial assistance from other class of courts and carryover of municipal judges' recertification hours in the event of a medical hardship. The proposed amendments will be disseminated to Council members for review and comment in advance of being voted upon for approval at the summer business meeting.

**Next Meeting**

The Municipal Judges Executive Committee is scheduled to meet April 26, 2013 in Athens, Georgia (Georgia Center).



## Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Carol W. Hunstein  
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### PRESS RELEASE

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For Immediate Release:  
April 3, 2013

### Georgia Magistrate Court System Honored on 30<sup>th</sup> Anniversary

Atlanta, GA — The House of Representatives recently passed a resolution celebrating the 30<sup>th</sup> anniversary of the magistrate court system in Georgia. The 1983 Constitution of the State of Georgia provided for uniform jurisdiction, rules of practice, and procedure for the magistrate courts.

The enabling legislation (HB 121) established one magistrate court in each county and provided for the jurisdiction of magistrate courts. Judges in office on June 30, 1983, who operated as justices of the peace, notary public ex-officio justices of the peace, small claims judges, magistrates, and the judge of the County Court of Echols County were classified as magistrate judges on July 1, 1983.

[HR 657](#) recognizes that for “30 years the magistrate courts have provided Georgia citizens with cost-effective access to the civil justice system in all 159 counties in Georgia and have played a crucial role in the criminal justice system, determining whether or not arrest warrants and search warrants should be issued, setting bonds, holding probable cause hearings, and trying certain misdemeanor offenses.”

HR 657 was sponsored by Rep. Wendall Willard (R-51), Rep. Mike Jacobs (R-80), Rep. Mary Margaret Oliver (D-82), Rep. Tom Weldon (R-3), Rep. Andrew J. Welch (R-110), and Rep. Edward Lindsey (R-54).

The Council of Magistrate Court Judges Inc. will host a reception to celebrate the 30<sup>th</sup> anniversary of the magistrate court system during its Spring education seminar and annual meeting.

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