



Judge Marion T. Pope Honored at Retirement Ceremony

Senior Appellate Court Judge Marion T. Pope, Jr., was honored for his 21 years of service on the Court of Appeals of Georgia in a ceremony held on September 12, 2002. During the ceremony in the House Chambers at the State Capitol, a portrait of Judge Pope was unveiled and speakers paid tribute to his distinguished career.

Numerous friends and colleagues attended the event. Speakers honoring Judge Pope included Justice George H. Carley, Supreme Court of Georgia; Judge John H. Ruffin, Court of Appeals of Georgia; Governor Roy E. Barnes; Mayor G. Cecil Pruitt, City of Canton, and Dennis T. Cathey.

Chief Judge G. Alan Blackburn, Court of Appeals, presided at the event and presented Judge Pope



Judge Marion T. Pope, Jr. stands beside his portrait at the unveiling ceremony.

with a resolution from the members of the Court of Appeals. Former Governor Carl E. Sanders unveiled

the portrait of Judge Pope which will hang in the Court of Appeals Courtroom.

Judge Pope began practicing law in 1953. In 1967, he was appointed to the Superior Court bench in the Blue Ridge Judicial Circuit. Gov. George Busbee elevated Judge Pope to the Court of Appeals in 1981, where he has served as Chief Judge and, more recently, as Presiding Judge. In 1988, Judge Pope earned his LL.M. degree from the University of Virginia.

Judge Pope takes senior status and will continue to serve until his successor is named. ☪

Judicial Council Budget Committee: New Members Appointed

Chief Justice Norman S. Fletcher recently filled vacancies on the Judicial Council Budget Committee as follows:

- Judge George H. Kreeger**, Cobb Judicial Circuit;
- Judge Peggy H. Walker**, Juvenile Court of Douglas County;
- Judge Jerry Day**, Walker County Magistrate Court; and
- Judge Del Buttrill**, Probate Court of Henry County.

Other members of the Budget Committee are **Presiding Judge J.D. Smith**, Chair; **Judge J. Carlisle Overstreet**; and **Judge Melodie Clayton**.

INSIDE

- from the Board of Court Reporting pg 2
- Supreme Court Order pg 2
- Supreme Court Ruling on Jury Lists pg 3
- Courtroom Interpreters: Assisting the Deaf pg 4
- People, Places & Events pg 5
- District Updates pg 6
- Directory Corrections pg 7
- Automation Projects pg 8

AGs Opinions

OFFICIAL OPINION

Cost of detention of juvenile.

All costs related to subsistence and detention, including emergency medical costs, incurred on behalf of juveniles held in Department of Juvenile Justice facilities prior to a formal commitment to the Department of Juvenile Justice are properly assessed to the counties.

However, the juvenile court having jurisdiction over the juvenile should certify those costs before county funds can be charged. (9/24/02 No. 2002-6)

UNOFFICIAL OPINION

Funding for support staff and operating budget.

Fulton County's obligation to accord equal treatment to all superior court judges of the Atlanta Judicial Circuit, already judicially determined with respect to county salary supplements, is equally applicable to all county-funded support services, including staffing (e.g., law clerks, secretaries, court reporters, case managers, and the like) and the operating budget required for a superior court judge properly to perform his or her constitutional and statutory duties. (10/22/02 No. U2002-6)

...from the Board of Court Reporting

Death Penalty trial transcripts must now be provided to the Supreme Court of Georgia in both written and electronic versions. The requirement applies to all motions, hearings, and trials associated with any death penalty case. The official reporter is to compile all of these onto one CD in .pdf format and file it either with the trial court or directly with the Supreme Court. Separate transcripts should not be put onto separate CDs. The Transcript Filename Convention is designed to create a specific name for each phase of the trial to eliminate confusion.

This filename convention enables court personnel to properly

label and sort all the documents connected with a specific case and make them accessible to appellate judges on a network. You may access your own copy of the Transcript Filename Convention on the Supreme Court website: <http://www2.state.ga.us/Courts/Supreme/>

For those who do not have access to a CD reader/writer, the Supreme Court will continue to take transcripts on diskette for the present. But please consider including the capability of providing CDs for your clients as well as the court in the near future.

The full text of the court's order is given below. ☞

Supreme Court Order

Electronic Transcripts in Death Penalty Cases

October 10, 2002

In accordance with Rule 70 of the Rules of the Supreme Court, it is hereby ordered that the official court reporter shall file an electronic copy of the transcript with the paper transcript in all appeals in which the death penalty is imposed. The court reporter may deliver the electronic copy to the trial court clerk for transmission to the Supreme Court or may deliver it directly. The electronic copy shall be in Windows-compatible PDF format and shall be labeled according to the naming convention agreed upon by the appellate courts of Georgia, the official court reporters and the Georgia Courts Automation Commission.

The Judicial Council adopted \$60.00 as the fee for providing a CD of the transcript.

The electronic copy shall not be a part of the official record of the case. ☞

Supreme Court Ruling on Jury Lists

In an opinion that has significance for the make-up of civil and criminal juries in Georgia, the Supreme Court of Georgia has ruled that Hispanics are a distinct group.

The opinion was handed down October 28 in *Smith v. The State* (S02A0595), on appeal from Hall County. Brandon Dwayne Smith challenged the grand and traverse jury lists in Hall County, claiming that Hispanics are underrepresented on both lists, in violation of the “fair cross section” requirement of the Sixth Amendment.

Fair Cross Section

To show that a jury list does not represent a fair cross section of the population, the Georgia Supreme Court has ruled in a previous case that three questions must be asked:

- Is the allegedly excluded group a “distinctive” group in the community?

- Is the representation of this group in jury pools not fair and reasonable in proportion to its number in the community?
- Was the under representation due to “systematic exclusion” from the jury pool?

Distinctiveness

To show that a group is distinctive, the defendant must prove that the group:

- Is defined and limited by some factor;
- Shares common attitudes, ideas or experience;
- Has a community of interest that cannot be adequately represented if it is excluded from the jury selection process.

Ruling

The Court upheld Smith’s contention that Hispanics are a distinct group. However, it concluded that the representation of Hispanics in jury pools was not unfair or unreasonable in proportion to the number of Hispanics in Hall County who are U.S. citizens and therefore eligible for jury duty.

The Court also rejected the argument that the absence of Hispanic identity blocks on voter registration forms constitutes evidence of systematic exclusion of Hispanics from the jury pool, since testimony showed county officials made efforts to sign up Hispanic voters. “The evidence does not show that eligible Hispanic residents of Hall County are constitutionally underrepresented in the jury pool,” the Court held. However, the Court noted that Hispanic participation in judicial and political processes will increase as the children of current residents are born U.S. citizens. ☪

Staff Notes from the AOC...

Assistant Public Information Officer

• **Philippa Maister** has joined the AOC as Assistant Public Information Officer. A former journalist, Ms. Maister will develop stories on court special projects for the *Courts Journal* and assist with other AOC publications. She can be reached at 404-651-6327.



Philippa Maister

Senior Research Associate

• **Jane Martin**, formerly of the GA Department of Human Resources, has joined the AOC as Senior Research Associate. Ms. Martin will be involved in studies, including the annual case count and the AOC’s court fees study. She can be reached at 404-463-4266.



Jane Martin

Staff Attorney

• **Bonnie Tinker** has joined the AOC as Staff Attorney. Ms. Tinker will be assisting with internal legal questions, technology contracts, and Judicial Impact Statements for pending legislation. She can be reached at 404-463-3805. ☪



Bonnie Tinker

Courtroom Interpreters: Assisting the Deaf

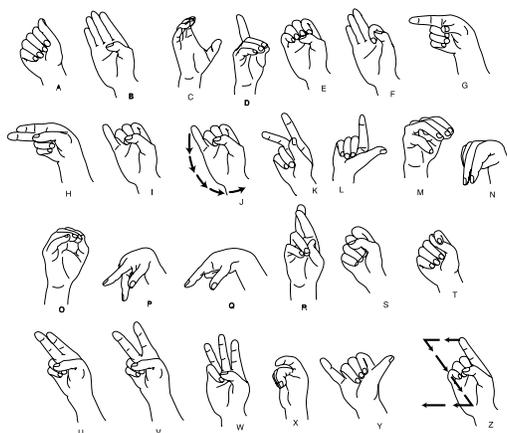
Deaf people face special problems in Georgia's courts and criminal justice system. According to Jennifer Whitcomb, executive director of the Georgia Council for the Hearing Impaired in Decatur, 20% of the cases her agency deals with relate to individuals who have problems with the legal system. The problems include lack of access to interpreters in court rooms and serious miscommunication regarding consequences.

Requirements

The Americans with Disabilities Act (ADA) requires courts to make accommodations to ensure that deaf people have full access to justice and equal treatment under the law. Deaf people cannot be charged for the cost of "auxiliary aids" needed for effective communication. These are considered general expenses of court administration.

Auxiliary aids include qualified interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for deaf persons (TDD's), and videotext displays. However,

many courtrooms in Georgia are not equipped with the necessary assistive listening devices for hearing impaired individuals who do not use interpreters, Whitcomb said.



"... an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary."

Ms. Whitcomb says courts should use certified interpreters because they are trained to translate the non-standard signs that some deaf people use — signs that are not standard American Sign Language — into English.

"Judges need to recognize that when you are interpreting for a deaf client it can be slow and take longer," Whitcomb said. "There may be times when you have to go back over what is said to make sure the deaf person really understands."

The Georgia Council for the Hearing Impaired can help courts find certified interpreters. The Council is also experimenting with videoconferencing, a technique that would eventually allow centralized interpreter service to courts throughout the state.

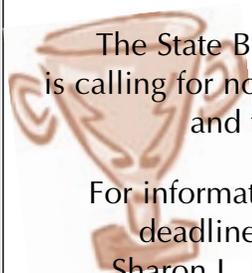
The Georgia Supreme Court Commission on Equality and the Administrative Office of the Courts are working to help courts find interpreters. The AOC is to publish a comprehensive list of certified interpreters for the deaf in the near future, according to Stephanie Chambliss, Program Director with the Commission.

Interpreters wishing to be listed or courts seeking interpreters may contact Stephanie Chambliss, (404) 463-3927 or chamblis@gaaoc.us

Qualified Interpreters

Georgia law (OCGA § 24-9-104) mandates that a court must provide a qualified interpreter for a hearing impaired person when legal counsel is appointed. Ms. Whitcomb recommends use of interpreters certified by the Registry of Interpreters for the Deaf (www.rid.org). Courts may use an interpreter who is not certified, but is "qualified," as defined by the U.S. Dept. of Justice,

State Bar of Georgia Professionalism Awards



The State Bar of Georgia's Bench and Bar Committee is calling for nominations the Judicial Professionalism Award and the Lawyer Professionalism Award.

For information on eligibility of nominees, submission deadline, and additional requirements, contact Sharon L. Bryant of the State Bar at 404-527-8776.

Click onto what's happening ...

www.georgiacourts.org

People, Places and Events ...

In Memoriam

* **Senior Judge Paul Painter** of Rossville died September 16, 2002. Judge Painter served the Lookout Mountain Judicial Circuit for 16 years as a superior court judge until his retirement in 1983. He served as chairman of the Judicial Council in 1979.

* **Senior Judge William Forehand** of Tifton, died September 23, 2002. Judge Forehand became a senior judge of the Tifton Judicial Circuit in 1997, after serving 21 years on the bench. He earned his law degree from Atlanta Law School.

* **Senior Judge Sam L. Whitmire** of Barnesville died on November 10, 2002. Judge Whitmire served the Flint Judicial Circuit for 14 years as a superior court judge until his retirement in 1989. He obtained his law degree from Mercer University after serving in the Army Air Corps during World War II.

* **Senior Judge Lowrey S. Stone** died November 11, 2002 after a lengthy illness. Judge Stone became a senior judge of the Pataula Circuit in 1994 after serving on the superior court bench for 13 years. Judge Stone obtained his legal education through private study and was admitted to legal practice in 1947.

Retirements

Judges taking senior status on January 1, 2003:

Superior Courts

Clayton Circuit,
Chief Judge William H. Ison;
Chattahoochee Circuit,
Judge William J. Smith;
Griffin Circuit,
Chief Judge Ben Miller;
Tallapoosa Circuit,
Chief Judge F. Marion
Cummings;
Western Circuit,
Chief Judge Joseph J. Gaines.

State Courts

Cobb County,
Judge Robert McDuff;
DeKalb County,
Chief Judge Jack M.
McLaughlin;
Effingham County
Edward Reddick, Jr.;
Grady County,
Judge J. Patrick Ward.

Appointments

* Governor Roy Barnes has appointed **John Holland** of Ashburn as judge of the newly-created State Court of Turner County. **Mr. Steve Ivie** was named Solicitor.

* **Vickie Burnette**, formerly chief Clerk of the Probate Court, was sworn in as Thomas County Probate Court judge on September 25, 2002. She fills the unexpired term of **Judge Sallylu Hart** who recently retired. Judge Burnette is a Colquitt County native

Awards & Honors

* The Council of State Court Judges presented the annual Ogden Doremus Award to **Judge Jack M. McLaughlin**, DeKalb County State Court, on October 10 at its meeting on Jekyll Island. Judge McLaughlin has served on the DeKalb County bench for 17 years.



* **Chief Presiding Judge Nina Hickson** of the Fulton County Juvenile Court received the 2002 Outstanding Child Advocacy Award on September 28, in Orlando, Florida. The award is given annually by the National Association of Counsel for Children. Judge Hickson was recognized for making important contributions toward the safety and well-being of children, especially sexually-exploited girls.

Superior Court Judges Taking Office 1/1/03

* **Judge Steve Boswell** of Jonesboro was elected to the Superior Court bench in Clayton County.

* **Judge Tommy Wilson** of Forsyth succeeds **Judge Kevin Wangerin** on the Superior Court of the Towaliga Judicial Circuit.

* **Judge David Sweat** of Athens won election to the Superior Court bench in the Western Judicial Circuit.

District Updates

10th JAD

Administrative Judge:

Chief Judge Marvin W. Sorrells

District Court Administrator:

L. Tom Gunnels

Circuits:

Alcovy, Augusta, Northern, Piedmont, Toombs and Western.

✓ Columbia County (Augusta Judicial Circuit) has the distinction of having the oldest Georgia courthouse still in use, while also having the newest judicial facility in use. U.S. Supreme Court Justice Anthony Kennedy was the keynote speaker at the dedication of the new justice center held on November 20, 2002.

✓ Jackson County (Piedmont Judicial Circuit) has contracted with the architectural firm Cooper-Carey to design a new courthouse to replace the one constructed in 1879. The county plans to have the new courthouse anchor a campus style government complex.

✓ The Walton County (Alcovy Judicial Circuit) Courthouse was constructed in 1883 and is in use today. However, with four Superior Court Judges and a rapidly growing population, the need for a new facility is evident. Carter-Watkins Associates have been retained to deliver plans for a new building.

✓ Richmond County (Augusta Judicial Circuit) is also seeking additional judicial facilities. The courthouse, built in 1956, has only two Superior Court courtrooms for eight Superior Court judges. The Turner, Ricci, Woodhurst Group is currently working with the county to design additions and renovations to alleviate the overcrowding in the existing building and to consolidate all judicial functions in a central area. ⚡

3rd JAD

Administrative Judge:

Judge G. Bryant Culpepper

District Court Administrator:

Greg Jones

Circuits:

Chattahoochee, Houston, Macon, and Southwestern.

✓ November 14, 2002 marked the dedication of the Houston County Judicial Complex. The \$44 million complex sits on 66 acres in Perry and houses state-of-the-art courthouse and detention facilities. ⚡

GEORGIA COURTS AUTOMATION COMMISSION

Chief Justice Norman S. Fletcher recently made appointments to GCAC.

New members are:

Judge Donnie Peppers,
Walker County State Court;

Judge Jim Thurman,
Lee County Magistrate Court;

Judge William Coolidge, III,
Suwanee Municipal Court;

Ms. Elaine C. Johnson,
Clerk of Superior Court,
Richmond County.

*The new members will serve
two-year terms.*

Atlanta Lawyers Orchestra

Looking for a way to showcase your musical talent? Well, go ahead and dust off that trumpet you haven't used in years, the Atlanta Lawyers Orchestra (ALO) is looking for musicians.

The ALO was founded in October 1999 to bring together people who work in the legal field to make music and enjoy each other's company. For more information, contact ALO President Kim Johnson at 404-581-8398 or visit the ALO website at www.zilleon.com/alo



2002-2003 Georgia Courts Directory Corrections

Some information ran incorrectly or was inadvertently left out of the 2002-2003 Georgia Courts Directory.
Please note these corrections.

JUVENILE COURT

Augusta Judicial Circuit

Judge Douglas J. Flanagan
640 Ronald Reagan Drive
Evans, GA 30809
706-863-3320

PROBATE COURT

Cobb County

Judge David Dodd
probatecourt@cobbcounty.org

MAGISTRATE COURT

Clarke County

Add: Judge Charles E. Auslander
325 E. Washington Street
PO Box 1868
Athens, GA 30603
706-613-3310/F 613-3314

DeKalb County

Judge Wayne B. Mangum
770-493-6505/F 493-7019

Dougherty County

Judge Denise Marshall
229-431-3216

Glynn County

Judge Steven L. Morgan
509 G Street
Brunswick, GA 31520

Delete:

Judge Christopher O'Donnell
Judge Margaret Knight Wright

Add:

Judge Denise S. Esserman
Judge R. Flay Cabiness

Paulding County

Chief Magistrate
Add: Martin E. Valbuena
PO Box 1125
Dallas, GA 30132
770-443-2204/F 443-6613

Magistrate

Add: Judge Chadwick D. Plumley
126 Enterprise Path, Suite 102
Hiram, GA 30141
770-439-2154

Delete: W. Robert Lane

Polk County

Delete: Judge Kenneth Jones
Add: Judge James R. Crawford

Rabun County

Judge James Randal McDonald

Stewart County

Add: Judge Carol Hancock
PO Box 712
Lumpkin, GA 31815-0712
229-838-0505/F 838-0016

Terrell County

Judge Linda Freeman
Dawson, GA 31742

Ware County

Delete: Judge John Herty Nail

Add: Judge Edward F. Smith
201 State Street, Room 102
PO Box 17
Waycross, GA 31501
912-287-4373/F 287-4377

MUNICIPAL COURT

Thunderbolt

Add: Judge Douglas Andrews
2821 River Drive
Thunderbolt, GA 31404
912-629-4667/F 629-4668
tmc@esavannah.net

OFFICIAL COURT REPORTERS

Cobb County

Elizabeth Cohn - Fulton County

Fayette County

Carol Johnson - Fulton County ☞

Georgia Association of State Court Judges Secretaries Names Officers

President

Kim Gilbreath
State Court of Walker County
706-638-1664/F 639-1776
kgilbreath@vel.net

Vice President

Gail Carnes
State Court of Clayton County
770-477-4500/F 477-4595
gailcarnes@peoplepc.com

Secretary/Treasurer

Kathy Pierce
State Court of
Chattooga County
706-857-0704/F 857-0726
kathytpierce@hotmail.com ☞

Automation Projects in Development

Web-based Court Fees Calculator

The Administrative Office of the Courts and the Georgia Courts Automation Commission are working on a joint effort to develop a web-based court fees calculator. The calculator will automatically determine fee amounts that must be added to fines collected by particular courts. A print-out of the fee calculation can



Staff confer on the web-based fee calculator. (Clockwise from right) William Lewis, AOC; Greg Arnold, AOC; Walter Hickman, GCAC, and George Nolan, GCAC.

be used by the clerk as a payment receipt.

For more information, contact Mr. Kevin Tolmich, AOC Budget Officer, at 404-463-3822.

Citation Automation Project

The Georgia Courts Automation Commission has recently been awarded a \$200,000 federal grant through the Governor's Office of Highway Safety. Currently, the newly-created Department of Motor Vehicle Safety (DMVS) processes over 900,000 traffic citations

each year that are received from 932 courts. Approximately 800 courts mail copies of handwritten citations to DMVS.

New Windows-based software has been developed that ensures DMVS will receive only those citations required by law — those affecting the driver's license.

According to Mr. Jimmy Hill, GCAC Project Director, "Having an up-to-date computer database that can be used by law enforcement officers and judges will improve the chances of removing dangerous drivers from the highways."

For more information on the Citation Automation Project, contact Mr. Hill at 404-651-6328. ☎



Georgia Courts Journal

Administrative Office of the Courts
244 Washington Street, S.W., Suite 300
Atlanta, GA 30334-5900

PRESORT
STANDARD
U.S. POSTAGE
PAID
ATLANTA, GA
PERMIT #1880

NORMAN S. FLETCHER
Chief Justice

DAVID L. RATLEY
Director

COURTS JOURNAL STAFF

Billie Bolton
Ashley G. Stollar
Philippa Maister