



2001 Legislative Session...

State of Judiciary

Chief Justice Robert Benham of the Supreme Court addressed a joint session of the Georgia's General Assembly on Friday, January 12, 2001.

Lieutenant Governor Mark Taylor introduced Chief Justice Benham, his wife Mrs. Nell Benham,

and the distinguished members of the Supreme Court and the Court of Appeals.

Justice Benham thanked the General Assembly for their support during his six years as Chief Justice. "You have favored us with the addition of 40 new **continued on pg 7**

Court-Related Legislation

The 2001 Session of the General Assembly came to a close on March 21. Governor Barnes now has 40 days to sign or veto measures passed by the House and Senate. The June 2001 issue of the Georgia Courts Journal will feature a complete listing of successful court-related measures tracked in the Judicial Legislative Log. See page 5 for a partial listing of successful legislation affecting the courts.

Blackburn Becomes Chief Judge of Georgia Court of Appeals

The Honorable G. Alan Blackburn took the oath of office to become chief judge of the Georgia Court of Appeals on January 3, 2001, in the Court of Appeals Courtroom in Atlanta. Presiding Judge Marion T. Pope welcomed the many well-wishers in attendance including Judge Blackburn's family, friends, state representatives and senators, Attorney General Thurbert



Judge Harold R. Banke (right) administers the oath of office to Chief Judge Blackburn.

Baker, former Attorney General Mike Bowers, and trial judges from throughout the state. Chief Justice Benham and justices of the Supreme

Court of Georgia and Chief Judge Edward H. Johnson and judges of the Court of Appeals were present.

Speakers at the ceremony included the Reverend Randel T.

Osburn, Southern Christian Leadership Conference, who gave the invocation; Chief Judge Edward H.

Johnson, Georgia Court of Appeals; and the Honorable Griffin B. Bell, former US Attorney General. Senior Appellate Court Judge Harold R. Banke administered the oath of office to Judge Blackburn. ♪

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People, Places and Events

IN MEMORIAM

* **Judge C. Michael Roach** of the Blue Ridge Judicial Circuit died on December 21, 2000. He had served as a superior court judge since July 17, 1991. Judge Roach was a graduate of Georgia State and the University of Georgia School of Law.

* **Judge William F. Grant** of the Northern Judicial Circuit died on December 28, 2000. He had served as a superior court judge since 1977. Judge Grant was a graduate of Brewton Parker Junior College and the Walter F. George School of Law at Mercer University.

* **Judge Nick Lazaros** of the Houston County Magistrate Court died February 4, 2001. He served as a magistrate court judge for over 23 years. Judge Lazaros retired in 1999 and served as a senior magistrate judge.

* **Judge Ross J. Adams** of the Cobb County Magistrate Court died February 26, 2001. He became a magistrate judge in September 1998. Judge Adams was a graduate of the University of Florida and the Washington University School of Law.

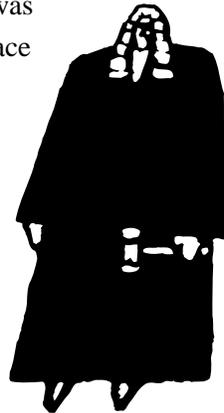
RESIGNED

* **Judge Joseph B. Newton**, Waycross Judicial Circuit, recently resigned his position as a superior court judge. Judge Newton served on the bench for 18 years.

APPOINTMENTS

* **Judge David K. Smith**, Superior Court of the Cherokee Judicial Circuit, was appointed to replace Judge Tom Pope who retired after 22 years of service.

* At a swearing-in ceremony held February 2, 2001, Governor Roy Barnes administered the oath of office to **Pamela D. South**, State Court of Gwinnett County.



* COUNCIL OF STATE COURT JUDGES

Stephan J. Frank became the Executive Director of the Council of State Court Judges in January. Mr. Frank is a graduate of Emory University and the University of Georgia School of



Stephan J. Frank Georgia School of Law. He serves as a captain in the United States Army Reserve. Mr. Frank says he intends to “work diligently to maintain the admirable reputation that the State Court and entire judiciary of this state have earned.” He can be reached at 244 Washington Street, Suite 300; Atlanta, GA 30334; telephone 404-463-6296; fax 404-463-0844; E-mail franks@aoc.courts.state.ga.us

* COUNCIL OF SUPERIOR COURT CLERKS NAMES NEW OFFICERS

Jean M. Rogers, President;
Constance H. Cheatham, First Vice President;
Robert Frank Abbott, Second Vice President;
Tom Lawler, Secretary-Treasurer.

The Council of Superior Court Clerks can be contacted at: 1231 Collier Road, NW, Suite J, Atlanta, GA 30318; toll-free 866-458-3119; local 678-222-4266; fax 404-249-8831

* MAKE NOTE

On May 7-9, 2001, Atlanta will be host to “Crossing Borders: Regional Meetings on Implementing Full Faith and Credit.” The meeting will focus on promoting enforcement of domestic violence protective orders, as required by the full faith and credit provisions of the federal Violence Against Women Act. For more information, contact Terry Cobb at 404-656-6693.

“Your Guide to the Georgia Courts” Brochure is Available!

Call 404-656-5171 to Request Copies

Georgia Drug Courts: What Works?

Drug courts are relatively new in the United States. In 1989 the first drug court was started in Dade County, Florida. Since then, more than 500 drug courts have begun and each of the 50 states either has drug courts in operation or in the planning stages.

The proliferation of drug courts has been linked to greater attention to human factors, rather than strictly using incarceration for drug offenses. According to "Looking at a Decade of Drug Courts" published by the Drug Court Clearinghouse and Technical Assistance project in 1998, the appeal of drug courts includes: the more effective supervision of offenders, greater accountability for defendants, greater coordination and accountability of public services, and creation of a more efficient court system by removing minor drug offenders who often return to the system again and again.

Currently Georgia has seven drug courts operating. Five additional counties will implement drug courts using Office of Justice Programs grants. Many of those courts have also received assistance from the Supreme Court Committee on Substance Abuse and the Courts.

Glynn/Camden County Drug Court

The Glynn/Camden County Drug Court has been named as a model program by the State of Georgia, and recently the Department of Justice has selected it as a national model. Judge Amanda Williams of the Brunswick Judicial Circuit presides over the drug court.



Operation

The Glynn/Camden County Drug Court began operation in November 1998 in response to increasing drug availability, use, trafficking, and related crimes in the Brunswick Circuit.

Drug court features a 24-month program divided into four phases, plus a 6-8 week orientation period. Participants must pay \$1,000 for their treatment. At least \$250 must be paid per phase.

Mr. Wayne Bland, owner/Director of Recovery Place of

Savannah, provides drug court treatment services on an outpatient basis to the Glynn/Camden County Drug Court.

A Drug Court Team works together to coordinate individual treatment plans, weekly drug court appearances, etc. Members of the team include: the superior court judge, the district attorney, the public defender or private defense counsel, the state probation officer, and the drug court program manager.

• Screening and Eligibility

Once a drug arrest is made, the district attorney is notified of the arrest. The sheriff also notifies the Drug Court within 24 hours of a drug arrest. The District

Attorney determines if the defendant is eligible to participate in the drug court program. If the requirements are met, the defendant enters a guilty plea, signs a contract, and begins treatment. Defendants who do not qualify continue in the regular criminal caseload.

• Clinical Screening and Assessments

After a defendant signs a contract specifying terms of the treatment program, incentives and sanctions, clinical assessments are con-

Domestic Violence Issues Highlighted at Capitol

On February 13, 2001, Governor Roy Barnes addressed advocates from all over Georgia who were at the Capitol to lobby for legislation that will promote an end to violence against women. Domestic violence shelter and sexual assault center directors and staff, formerly battered women, Commission on Family Violence Task Force members, Judge Clarence F. Seeliger of the Stone Mountain Judicial Circuit, Judge Nina Hickson of the Fulton County Juvenile Court, Judge Barrett W. Whittmore of Whitfield County Magistrate Court, District Attorney Paul Howard of the Atlanta Judicial Circuit, and concerned citizens and Commission Members were in attendance. The event, held in the Rotunda of the State Capitol, was the community's opportunity to demonstrate unified strength and to send the message, "We won't stop until the Violence STOPS!"

Governor Barnes has shown strong support of the family violence prevention community. This session, the governor lent his support to legislation that will create a Statewide Protective Order Registry.

Safety and justice for victims of violence against women is also being pursued through legislation that will address unemployment insurance for victims of domestic violence, increase penalties for pimping and pandering, and sexual assault reform.

Silhouettes of women and children bearing statistics of violence



against women were displayed in the Rotunda. This project was created and executed by Metro Atlanta Feminists in Action to give voice to women and children who do not have a voice in the legislature due to disability, poverty, language and cultural barriers, or even death.

This event was co-sponsored by the Georgia Commission on Family Violence, Georgia Coalition Against Domestic Violence, Georgia Network to End Sexual Assault; Men Stopping Violence; Tapestri, Inc.; Women's Policy Group;

RAINN; the Partners Against Domestic Violence; Women's Resource Center to End Domestic Violence, Georgia Rural Urban Summit; and Georgia NOW. ♠

Georgia Domestic Violence Statistics

- Every 9 seconds a woman is physically abused in the U.S.
- 26% of murdered women are killed by their husbands or boyfriends.
- In 1998, the Atlanta Journal Constitution reported that 30% of women in Georgia have been physically abused at least once by their partners.
- One in six Georgia women between the ages of 15 and 44 has been forced to have sex against her will.
- 78% of rapes are committed by an acquaintance of the victim.
- In Fulton County Juvenile Court, 40-50 children are brought before the court each month in cases involving prostitution. ♠

State of Georgia Court Common Records Retention Schedule

**SERIES TITLE: TRAFFIC COURT
MISDEMEANOR CASE FILES**

Schedule Number: 81-SC00501-02

Dates of Series:

Earliest: 1981; Latest: Ongoing

Function Documented:

Court adjudication of misdemeanor traffic citations issued by authorized public safety officers. OCGA Title 40, Chapters 4, 6, 8, & 9.

Consists of:

May include documents which are called or serve as the following: accusation, affidavit, appearance bond, arresting officer's affidavit, bail bond, cash bond, conviction, disposition, fine, indictment, judgment, motion, notice of appeal, notice of arraignment, notification of hearing, order, plea, pleading, sentence, subpoena, summons, uniform traffic citation, waiver, and warrant, or certified copies of the same. *Traffic Court felony case files are not included.*

Retention:

Hold for six years, then destroy. ♻️

Calendar...

2001 Judicial Council Meetings

June 14	Kiawah Island Resort, South Carolina
August 29	Emory Conference Center, Atlanta
December 14	Atlanta, location TBA

For more information, call LaShawn
Murphy at 404-651-6325.

Successful Court-Related Legislation

HB 810 Applications for Appeal

Specifies that the Supreme Court or the Court of Appeals will issue an order granting or denying an appeal within 60 days of the date the application was filed. Effective when signed by the Governor.

HB 175 FY2002 General Appropriations

Provides judicial branch appropriations as follows: Supreme Court, \$7,382,486; Court of Appeals, \$11,143,760; Superior Courts, \$92,753,283; Judicial Council, \$12,615,386; Courts Automation Commission, \$2,500,030.

HB 450 Superior Court Judgeships

Creates an eighth superior court judgeship for the Augusta Judicial Circuit; an eighth superior court judgeship for the Gwinnett Judicial Circuit; a fourth superior court judgeship for the Rome Judicial Circuit and a nineteenth superior court judgeship for the Atlanta Judicial Circuit. New judges to be appointed by the governor for terms beginning January 1, 2002 and ending December 31, 2002, except the judge for the Rome circuit will be appointed within 30 days of the date of signing.

HB 302 County Officers:

Minimum Salary

Establishes the minimum annual salaries for certain county officers including the clerk of superior court, the probate judge,

the chief magistrate and magistrates. Salaries are based on a scale according to population of the county served. Takes effect January 1, 2002.

SB 50 Record of Proceedings

Authorizes the clerk of superior court to maintain civil and criminal records in digital format and to maintain back-up records; provides for electronic collection and transmission of data to the Superior Court Clerks' Cooperative Authority and the Council of Superior Court Clerks and for retransmission to GCIC and the Georgia Courts Automation Commission.

SB 57 Family Violence & Stalking Protective Order Registry

Creates a registry of court protective orders as a centralized database to be maintained by GCIC and linked to the National Crime Information Center Network; access to the registry is intended to aid law enforcement officers, prosecuting attorneys and the courts in the enforcement of protective orders.

SB 270 Setting of Bond

Authorizes state and magistrate court judges to set bond for certain parolees or probationers who are charged with a new felony; clarifies that DOC has authority over misdemeanor offenders transferred from out-of-state. ♻️

Information Kiosk for DeKalb County Juvenile Court



Gregory A. Adams (left),
Chief Presiding Judge,
DeKalb County Juvenile
Court; Vernon Jones
(center), DeKalb County
Chief Executive Officer;
and Al Frazier (right),
AOC Accounts Manager
view the kiosk now
located at the court.

State of Judiciary Address *continued*

judges and increased our budget.” The Chief Justice noted that “the Supreme Court has the widest jurisdiction of any appellate court in the country. Our Court of Appeals is the busiest in the country. Georgia’s Superior Courts handle over 350,000 cases per year, the State Courts over 650,000. The caseload for the Juvenile Courts totals over 150,000, the Probate Courts, 100,000 cases, and an astonishing 750,000 for Georgia’s Magistrate Courts.”

The Chief Justice challenged new members of the General Assembly. “The role that you are

undertaking is not for the timid. It is for those who occupy the moral high-ground.” He especially thanked Governor Roy Barnes. “I have been involved in state government for over thirty-three years. I have had experience with every Governor from Lester Maddox to Roy Barnes. Governor Barnes shows a sense of inclusiveness that is unmatched by any other Governor.” He also noted help along the way from Speaker Tom Murphy who, “taught me how to be a community servant;” Lieutenant Governor Taylor who, “embraced me when I was running

for the Court of Appeals;” and Calvin Smyre who “has helped to guide and direct me, and to the people of Cartersville, who came to the capitol and kept their homespun character.”

“Eight years ago, Chief Justice Harold Clarke spoke to the General Assembly and asked if together we can make a difference. I am proud to report that because of your patronage, and the patronage of the good people of Georgia, the courts are making a difference everyday.” ☪

Georgia Courts Directory Corrections

STATE COURT JUDGES

Washington County:

Add: Judge Robert W.
Wommack, Jr.
114 Myrtha Way
PO Box 348
Sandersville, GA 31082
478-552-2150/F 552-2148

Note: Judge W. Alan Thrower is the State Court Judge in Baldwin County, not Washington County.

JUVENILE COURT JUDGES

Butts, Lamar, Monroe Counties:

Judge Sharon J. Whitwell
Butts County Courthouse
25 Third Street, Suite 15
Jackson, GA 30233-1965

Drug Courts *continued*

ducted. Assessments include substance abuse history, history of treatment, and other factors.

• *Treatment*

Each participant has a treatment plan created by certified counselors that is updated and reviewed by the judge. Individualized plans include case management and referral to special programs (relationship and family issues, education and vocational training). Drug testing is mandatory. Screens for Hepatitis A and B, HIV, and TB are ancillary benefits that are available while participating in the drug court program.

• *Sanctions and Incentives*

Sanctions can range from a verbal admonition from the judge to increased frequency of drug testing to expulsion from the program and

resumption of prosecution of the criminal charge. Incentives include advancing to another phase of the treatment, praise from the judge and peers, and graduation from the program and dismissal of charges.

• *Graduation*

To graduate the participant must successfully complete the 24-month treatment program; have one year of consecutive negative drug screens; have no additional violations; upgrade educational/vocational skills; attend counseling, self-help programs, court status meetings; pay all fees; and perform service to a charity of the participant’s choosing. ☪

For more information about Georgia’s Drug Courts, contact Sandy Ward at 404-657-4219.

AOC and GA Commission on Family Violence Receive Funds

At a press conference on March 12, 2001, Attorney General Thurbert Baker announced the distribution of \$911,425 to organizations in Georgia that promote health, safety, educational and vocational interests of women and girls.

The money comes from a multi-state antitrust settlement with the Nine West Group authorizing each state's Attorney General to determine how the funds are used locally.

The Administrative Office of the Courts worked with the Supreme Court Commission on Equality and the Georgia Association of Black Women

Attorneys to obtain \$19,400 for a mentoring project involving attorneys and at-risk teens. The AOC



Front row (left to right): Jean Douglas, Gwen Keyes, Jay Martin, Interim Director, AOC; Karlise Grier; Attorney General Thurbert Baker. Back row (left to right): Cynthia Clanton, AOC; Julianna Koob (partially obscured), Commission on Family Violence.

also assisted the Georgia Commission on Family Violence in

obtaining \$50,000 for the Temporary Protective Order Registry. The Women's Resource Center and Gwen Keyes, Solicitor General of DeKalb County and member of the Equality Commission, obtained \$8,600 to produce a series of Domestic Violence workshops. In addition, the Georgia Commission on Family Violence will be disbursing approximately \$400,000 of the Nine West settlement funds to DHR-certified domestic violence shelters throughout the state.

For more information, contact Cynthia Clanton, AOC, 404-656-6692. ☎



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