



Georgia Group Attends Washington Symposium

Representatives from Georgia's judicial branch, criminal justice agencies, and other state agencies attended the 2002 SEARCH Symposium on Integrated Justice Information Systems March 24-27 in Washington, DC. According to Mr. Joe Hood of the Criminal Justice Coordinating Council, the group was created in 2001 to work together on integrated technology projects within the state's criminal justice system.

Judge Carlisle Overstreet, Augusta Judicial Circuit, and Judge David Emerson, Douglas Judicial Circuit, were added to the team this year.

Organizations whose representatives were present at the SEARCH symposium included the Administrative Office of the Courts, Criminal Justice Coordinating Council, Council of Superior Court Clerks, Georgia Bureau of Investigation, Board of Pardons and Paroles, Office of Planning and Budget, Prosecuting Attorneys Council, and the Department of Corrections. ⚖️



Front row (l-r) Gale Buckner, Marla Moore, Jean Rogers, John Prevost, Judy Hadley; middle row (l-r), Elaine DeConstanza, Shirley Andrews, Richard Atkinson, Terry Fisher, Linda Coker, Judge Carlisle Overstreet; back row (l-r), Judge David Emerson, Chuck Burden, Rick Malone, Dr. Bill Holland, Greg Arnold, Brian Owens, David Ratley, and Joe Hood.

Contributions of African Americans to the Georgia Bench & Bar

A reception was held on February 25 at the State Judicial Building to celebrate the contributions of African Americans to Georgia's judiciary. The gathering was hosted by Presiding Justice Leah Ward Sears and Justice Robert Benham of the Supreme Court and Judge Jack Ruffin, Judge M. Yvette Miller, and Judge Herbert Phipps of the Court of Appeals. ⚖️



Justice Robert Benham (right) is pictured with Jay Martin, AOC Deputy Director, and Deborah Atwater, Assistant to the Clerk of Board of Court Reporting, at the February 25 reception.

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Profile: Sr. Judge Mullins Whisnant

Judge Mullins Whisnant is a man who knows conflict. As District Attorney of the Chattahoochee Judicial Circuit, he successfully prosecuted the first televised murder trial in Georgia, long before cameras in the courtroom were routine. In the early 60's, he served with Zell Miller in the Georgia Senate and wrangled with the state's first reapportionment effort after the county unit system was ruled unconstitutional by the U.S. Supreme Court. As a superior court judge he called the shots in felony cases and civil disputes in the Chattahoochee Circuit for almost two decades. An inmate he put on Death Row for the murder of a Columbus police officer was only recently executed by lethal injection.



Sr. Judge Mullins Whisnant

Today Judge Whisnant is sought after as an able mediator; one with a talent for forging agreements between feuding parties. You will find him at his desk in a one-story building near the Muscogee County Courthouse where the district's Alternative Dispute Resolution program is housed. While he says that his favorite aspect of serving on the bench came in the mental clashes and intellectual stimulation of interaction with lawyers, he has come to believe that mediation is a less expensive, more appropriate method for resolving legal disputes.

Out of the office, Judge Whisnant enjoys visiting Civil War battlefields. He can recount the strategic successes and mistakes of commanders on both sides of the War Between the States. It may be that the judge himself would have made a fine General, as it stands, he doesn't seem to tire in the field of conflict resolution. ♣

... from the Supreme Court Clerk's Office

Lawyer Disciplinaries

The Supreme Court has announced the availability of lawyer disciplinaries on its website (www2.state.ga.us/Courts/Supreme). Judges can obtain information about a lawyer by clicking on Case/Docket Inquiry, then entering an individual's name. If disciplinary action has been taken, information regarding the case will be displayed.

Disciplinaries now available on the Supreme Court docket cover the past 10 years. Judges must check the State Bar website to learn if a lawyer has been reinstated.

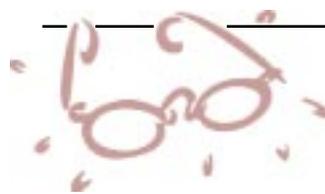
Oath of Attorneys

A modification has recently been made to the oath for new attorneys sworn-in as members of the Bar.

On April 8, 2002, the Supreme Court passed the following order:

It is ordered that the Attorney's Oath found in the Rules Governing Admission to the Practice of Law, Part B, section 16, be amended to read as follows:

*I, _____, swear that I will truly and honestly, justly and uprightly **conduct** myself, according to the laws, as an attorney, counselor, and solicitor, and that I will support and defend the Constitution of the United States and the Constitution of the State of Georgia. So help me God.*



2002-2003 Directory UPDATE

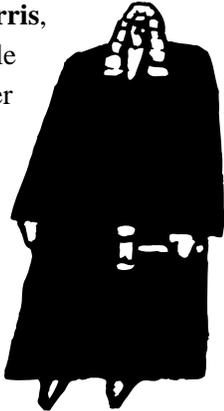
It's That Time Again!

Production of the 2002-2003 Georgia Courts Directory is underway. Your help is needed so that we can provide accurate information to you. Address Verification postcards will be in the mail soon. Please return your card ASAP!

People, Places and Events ...

Retirements

* A reception was held on April 15 in honor of **Presiding Judge James F. Morris**, Cobb County Juvenile Court has retired after 12 years on the bench. Court officials from Cobb County and juvenile court judges from around the state attended the reception held at the Smyrna Community Center.



Judge Morris has taken senior status and can be reached at:

PO Box 1570
 Marietta, GA 30061-1570
 678-923-2101
 judgemorris@mindspring.com

* On February 28, 2002, **Judge Floyd E. Propst** of the Fulton County Probate Court retired after serving 25 years on the bench. **Judge Pinkie Toomer** will serve the remainder of Judge Propst's unexpired term.

Resignation

* DeKalb County State Court **Judge Denise Majette** resigned on February 1, 2002, and announced she will run for the 4th District congressional seat. Judge Majette will oppose incumbent Congress-woman Cynthia McKinney in the primary.

In Memoriam

* **Judge Luther A. Alverson**, of Atlanta died March 1, 2002. He had served as a senior judge of the Atlanta Judicial Circuit since 1995, after serving 39 years on the bench.

An early advocate of bail reform, in 1960 Judge Alverson launched a bail release program that allowed people who could not pay bail to be released on their own recognizance, provided they met certain criteria. At the 1964 National Conference on Bail and Criminal Justice, Judge Alverson joined judges with similar programs to create a federal bail release program.

Appointments

* **Judge G. Cary Nelson** has been appointed to the superior court in the Cherokee Judicial Circuit. Judge Nelson was sworn in by Gov. Roy Barnes on January 17, 2002.

* **Jason J. Deal** of Gainesville has been named District Attorney of the Northeastern Judicial Circuit by Gov. Barnes. Mr. Deal took office May 1, 2002; he replaces Lydia Sartain who has resigned to enter private law practice.

* Atlanta attorney **F. Sheffield Hale**, formerly of Kilpatrick & Stockton, has been named chairman of the Judicial Nominating Commission. Mr. David Balser and Judge Robert E. Flournoy, Jr. are newly appointed members of the commission

Court Programs Award

* The Georgia Council of Court Administrators awarded the **Fulton County Juvenile Court Mental Health Program** the Court Programs Award for 2002 at the GCCA's spring conference in Hiawassee on April 22. Honorable Mentions were awarded to Gwinnett County Recorder's Court Bench Warrant Program and Clayton County Magistrate Court Operation Fast Track Program.

2001 Clerk of the Year

* Lowndes County Superior Court Clerk **Sara L. Crow** has been named as the 2001 Clerk of the Year by the Superior Court Clerks' Association. Ms. Crow was appointed in 1983 and currently serves as the Superior Court Clerks' Association President.

Other nominees included Connie Cheatham, McDuffie County; Curtis (Buddy) Rogers, Treutlen County; Jean Rogers, Crisp County; and Edward Tucker, Lumpkin County

Groundbreaking

* A groundbreaking ceremony was held on February 22 for the **City Court of Atlanta's** new Courthouse Facility. The building will house the City Court and the Office of the Solicitor. Chief Judge Edward L. Baety spoke at the groundbreaking ceremony which was attended by the Judges of the City Court, Atlanta Mayor Shirley Franklin, and other city officials.

2002 Court-Related Legislation

The 2002 Session of the General Assembly ended on April 12. Governor Barnes has 40 days from that date to sign measures passed by both Houses or veto them. The usual effective date for signed bills is July 1, 2002. The summer issue of the Georgia Courts Journal will feature a complete listing of passed measures from the Judicial Legislative Log.

Please Note:

HB 1062 Second Degree Cruelty to Children did not pass. The 4/29/02 Legislative Log Status Sheet mistakenly indicated agreement on the Conference Committee Report in both Houses. The House did not adopt the Conference Committee Report.

HB 990: Paulding Judicial Circuit

Creates the Paulding Judicial Circuit to be composed of Paulding County; authorizes two superior court judgeships for the circuit; reduces the number of judges in the Tallapoosa Judicial Circuit to two; effective 7/1/02.

HB 1002 FY 03 General Appropriations

Provides judicial branch appropriations as follows: Supreme Court, \$7,547,324; Court of Appeals, \$11,571,428; Superior Courts, \$91,860,258; Juvenile Courts, \$1,424,336; Judicial Council, \$14,535,439; Indigent Defense Council, \$7,567,177; Courts Automation Commission, \$1,700,368.

HB 1175 Alcovy Judicial Circuit: Add Judge

Creates a fourth superior court judgeship for the Alcovy Judicial Circuit; initial judge to be appointed

by the Governor for a term beginning 7/1/02 and ending 12/31/04; successor to be elected in the 2004 General Election.

HB 1575 Civil Actions: Jury of Twelve

Increases the minimum amount of a civil damages claim in State Court for trial by a jury of twelve from \$10,000 to \$25,000.

SB 465 Public Interest Attorneys

Authorizes the Georgia Student Finance Authority to establish and administer education loan forgiveness programs for attorneys working in the public interest; includes assistant district attorney, assistant solicitor, civil legal aid attorney, public defender and state law department positions.

SB 467 Family Violence Intervention

Provides that a defendant sentenced to probation for an offense involving family violence be required as a condition of probation to participate in a family violence intervention program certified by DHR; transfers administrative responsibility for the Family Violence Commission from the Administrative Office of the Courts to the Department of Corrections. ♫

Judicial Branch Charitable Contributions Campaign Captains



(Left to right) Rachel Ferencik, Council of Superior Court Judges; LaShawn Murphy, AOC; Marla Moore, AOC Campaign Chair; and Benita Brown, Council of Juvenile Court Judges pictured at a recognition luncheon on February 20, 2002. Not pictured is Laurie Olney with the Georgia Indigent Defense Council. Employees of judicial branch agencies pledged \$6,866.

Overall, the Charitable Contributions Program raised \$2,828,752, the highest ever in the 20 year history of the campaign. ♫

Please
Recycle



Videoconferencing Committee Organized

The Supreme Court Videoconferencing Committee held its first meeting March 12, 2002, to review the current policies on use of videoconferencing in Georgia courts. Justice Hugh P. Thompson of the Supreme Court convened the meeting which was attended by judges, District Court Administrators, and clerks of court. Judge Kathlene F. Gosselin, Northeastern Judicial Circuit, is chairperson of the committee.

The group reviewed rules and orders relating to videoconferencing in other states, the current Uniform Rule of the Superior Courts, and a proposed new uniform rule.



The evidence presentation system installed in the Washington County Superior Court. Items placed on the projector appear on a wall screen.

Uses of Interactive Video & Presentation Systems

Civil Proceedings

- oral arguments
- nonevidentiary court hearings
- pre-trial matters
- testimony from witnesses

Criminal Proceedings

- initial appearance hearing
- waiver of preliminary hearing
- competency hearing
- motion to postpone
- bond hearings

Around the State

Some courts already use videoconferencing and evidence presentation systems authorized by local rule. DeKalb County Superior Court is one of twenty Georgia courts with automated evidence presentation systems. The Supreme Court of Georgia is also fully automated with both presentation and telecommunication capabilities in their courtroom.

A 1999 National Center for State Courts survey reported that thirteen states have no formal legal authorization for use of videoconferencing by the courts. Eight have legal authority, ten cited administrative rules and five cited caselaw. In Massachusetts and Nevada authorizing legislation is being developed.

The videoconferencing committee will continue to collect information from local courts and will meet periodically. ☪

**Look for the complete
2002 Legislative Report
in the next issue of the
Courts Journal!**

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Indigent Defense Commission Looks at Ways to Correct An Ailing System

The Supreme Court Commission on Indigent Defense is reviewing methods used in Georgia to provide court-appointed attorneys to criminal defendants. Under current procedures, counties provide indigent defense in three ways: a panel system to appoint lawyers is used in 79 counties. Contracts with one or more attorneys are utilized in 59 counties. Twenty-one counties have a public defender office staffed by full-time lawyers who exclusively represent indigents. Members of the commission have made site visits to Floyd, Hall and other counties.

Spangenberg Group

Staff from the Spangenberg Group, a national consulting firm, have conducted additional site visits to 19 counties. They collected information on availability of counsel, eligibility and cost recovery for court-appointed attorneys, local indigent defense budget, and type of indigent defense system in place. Judges and other county officials were interviewed as a part of the site visits.

The Spangenberg Group has assisted other states in reform efforts. They will submit a fact finding report to the Commission in the next few months. The commission's final report will be completed early in 2003.

House & Senate Judiciary Committees

On February 12, Prof. Paul M. Kurtz, Reporter for the Supreme Court Commission on Indigent Defense, made a presentation to

members of the House and Senate Judiciary Committees regarding the ongoing work of the Commission. He noted that the commission's primary goal is to gather accurate



Chief Judge C. Andrew Fuller, Northeastern Judicial Circuit, spoke during the site visit to Hall County.

information on the current state of indigent defense in Georgia. Specifically, they are focusing on funding concerns, service delivery systems, qualifications and training of local attorneys and local decision-making.

The Commission has already heard from county officials who are responsible for local indigent defense policy, including: judges, sheriffs, district attorneys, contract attorneys, public defenders, and court administrators. Private citizens have also related their experiences to the commission. Indigent Defense officials from Texas, North Carolina, Kentucky and Texas have provided legislation, court rules, and transitional methods use in reform efforts in their states. Prof. Kurtz emphasized that the commission has the support of Chief Justice Norman Fletcher and former Chief Justice Benham.

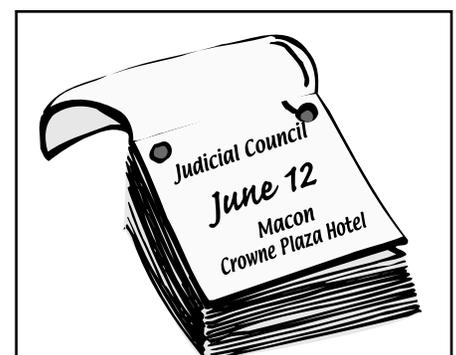
Other commission members who attended the meeting included: Judge Lawton Stephens, Jerry Griffin, Phyllis Holmen, Flora Devine, Paul Holmes, Robert Keller, Wilson Dubose and Chuck Clay. ⚖️

People, Places and Events ... cont.

At the AOC

✳️ **Debra Nesbit**, AOC Assistant to the Director for Legislative Affairs, was recognized by the Governor's Office of Highway Safety for her coordination of innovative DUI programs and projects. With OHS, Ms. Nesbit developed initiatives to combat drunk driving and conducted training for judges.

✳️ **Michael Kendrick** is now serving as director for the Supreme Court Commission on Indigent Defense. Formerly he worked with Drug Court Programs around the state.



The **Judicial Council of Georgia** will meet on June 12, in Macon at the Crowne Plaza Hotel. For more information, contact Ms. Terry Cobb at 404-656-6693.

Herndon Award Ceremony



The Georgia Council of Court Administrators has initiated an award to recognize individual contributions and excellence in court administration. On February 20, 2002 in a ceremony held in the Court of Appeals Courtroom, William Barclay Herndon was honored as the namesake and first recipient of the newly-created Herndon Award. Mr. Herndon (center) is shown with Chief Justice Norman Fletcher who presented the award and Mr. David L. Ratley (left), Director of the Administrative Office of the Courts. Mr. Herndon was cited as the “father of court administration in Georgia” for his work in the early 70’s under the federal Law Enforcement Assistance program. Many court officials, family, friends and well-wishers were assembled for presentation of the award. ♣

Court Interpreter Training Schedule

August 8	<i>Review Oral Exam</i> , Atlanta
August 12-13	<i>Oral Exam*</i> , Atlanta, Office
August 15-16	<i>Orientation Session</i> , Cartersville (7th Dist.)
August 20	<i>Review/Written Exam</i> , Mercer Law School, Macon GA
August 22-23	<i>Orientation Session</i> , GA Mountain Center, Gainesville (9th Dist.)
August 27	<i>Review Session/ Written Exam</i> , Cartersville
August 29-30	<i>Orientation Session</i> , Heart of Georgia Tech, Dublin, (8th Dist.)

*By Appointment

The Georgia Commission on Interpreters can be reached at 244 Washington Street, Suite 300, Atlanta, GA 30334; telephone 404-463-6478.

AG Opinions

OFFICIAL OPINION

Cost of detention of probationers; reimbursement. The reimbursement provisions of OCGA § 42-5-51(c) do not apply to probationers awaiting transfer to probation detention centers or probation diversion centers. (3/18/02 No. 2002-1)

UNOFFICIAL OPINIONS

Superior Court Judge; supplement. The General Assembly’s direct legislative command that an individual appointed to fill a newly created superior court judgeship for the Atlanta Judicial Circuit shall receive the same salary supplements which Fulton County has under previous enactments provided for the other judges of the circuit cannot be changed, varied or negated by a county ordinance or resolution calling for the payment of a lesser supplement to the newly appointed superior court judge. (1/11/02 U2002-1)

Probate Judge, grandfathering.

The additional eligibility requirements applicable to the office of judge of the probate court in counties having a population of 96,000 persons or more according to the most recent decennial census apply to all candidates for the office, including incumbents, as of the first election following the effective date of the applicable census except for those incumbents who held the office on July 1, 1994, and remained continually in office; these, and only these, incumbents are “grandfathered in” and may continue in office and seek reelection so long as they are otherwise qualified. (U2002-3) ♣

Fulton Judge Receives Rehnquist Award for Excellence

Fulton County Superior Court Judge Thelma Wyatt Cummings Moore received the Chief Justice William H. Rehnquist Award for Judicial Excellence at a reception and dinner at the United States Supreme Court on November 15, 2001.

Judge Moore was recognized for outstanding qualities of judicial excellence including integrity, fairness, open-mindedness, knowledge of the law, professional ethics, creativity, sound judgement, intellectual courage, and decisiveness.

Judge Moore spearheaded the creation of the Fulton County Family Court and expansion of the county's Alternative Dispute Resolution program. She also lead efforts in re-



Judge Thelma Wyatt Cummings Moore of the Atlanta Judicial Circuit

engineering the Fulton County Integrated Justice System, the Byrne Grant, Superior Court Futures Conference, Justice and Law

Summit, and Case Management Conferences and Teams.

The Rehnquist Award recipient is selected by a committee consisting of the Chief Justice or his representative and officials from: the National Center for State Courts, Conference of Chief Justices, National Association for Court Management, Conference of State Court Administrators, and the American Judges Association.

Judge Moore has served over 24 years on the bench. She was Chief Judge of the Superior Court of Fulton County from July 1, 1998 to June 30, 2000. She is currently Chair of the ABA Judges Advisory Committee on Ethics. ⚖️



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