

JUDICIAL COUNCIL OF GEORGIA

General Session

Thursday, January 10, 2013

1:00 p.m. – 5:00 p.m.



St. Regis Hotel
88 West Paces Ferry Road
Atlanta, GA 30305

Directions to the St. Regis Hotel
88 West Paces Ferry Road
Atlanta, GA 30305

From Interstate 20

Take I-20 West or East to I-75 North. Take I-75 N to exit 252 A for U.S. 41/Northside Drive. Turn right onto U.S. 41/Northside Dr NW. Travel 2.1 miles and turn right onto Arden Rd NW. Travel .9 miles and turn right onto West Paces Ferry Rd NW. Destination will be on the right after .9 miles.

From Georgia 400

Take exit 88 for Lenox Rd toward GA 400N/Cheshire Bridge Rd. Go eastbound onto Lenox Rd. NE. Turn left onto Spring Buford Connector. Turn right onto Sidney Marcus Blvd NE. Turn right onto Piedmont Rd NE. Turn left onto East Paces Ferry Rd NE. Continue onto E Paces Ferry Rd NE. Continue onto West Paces Ferry Rd NW. Destination will be on your left after .4 miles.

From Interstate 85 Southbound

Take exit 88 for Lenox Rd toward GA 400N/Cheshire Bridge Rd. Turn right onto Lenox Rd NE. Turn left onto Spring Buford Connector. Turn right onto Sidney Marcus Blvd NE. Turn right onto

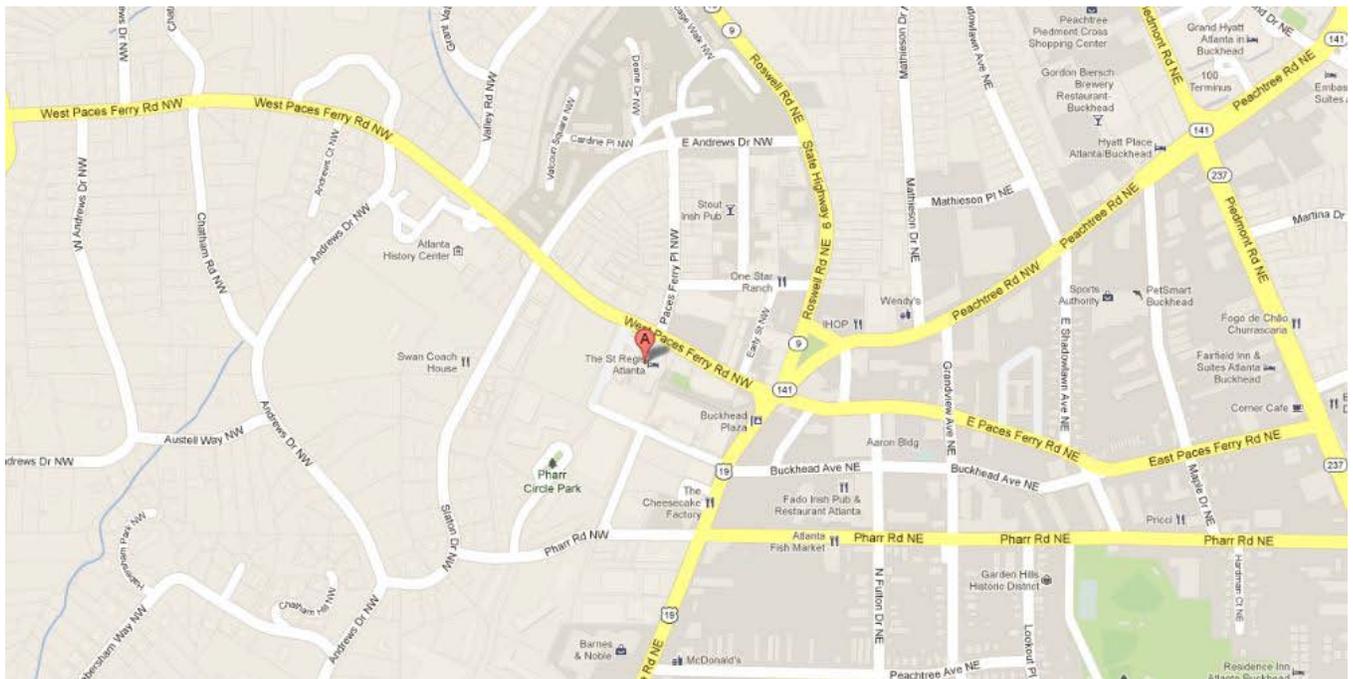
Piedmont Rd NE. Turn left onto East Paces Ferry Rd NE. Continue onto E Paces Ferry Rd NE. Continue onto West Paces Ferry Rd NW. Destination will be on your left after .4 miles.

From Interstate 75 Northbound

Take I-75 North to exit 252 A for U.S. 41/Northside Drive. Turn right onto U.S. 41/Northside Dr NW. Travel 2.1 miles and turn right onto Arden Rd NW. Travel .9 miles and turn right onto West Paces Ferry Rd NW. Destination will be on the right after .9 miles.

From Interstate 75 Southbound

Take I-75 South to exit 252 A for U.S. 41/Northside Drive. Turn left onto U.S. 41/Northside Dr NW. Travel 2.1 miles and turn right onto Arden Rd NW. Travel .9 miles and turn right onto West Paces Ferry Rd NW. Destination will be on the right after .9 miles.



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Atlanta, GA 30305

Thursday, January 10, 2013
1:00 p.m. – 5:00 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. Approval of Minutes, September 21, 2012** (*Action Item*) **TAB 1**
(Chief Justice Carol W. Hunstein, Est. Time – 5 Min.)
- 3. Judicial Council Committee Reports**
 - A. Policy and Legislative Committee** **TAB 2**
(Presiding Justice Hugh P. Thompson, Est. Time – 15 Min.)
 - B. Accountability Court Committee**
(Chief Judge Brenda Weaver, Est. Time – 5 Min.)
 - C. Court Reporting Matters Committee** (*Action Item*) **TAB 3**
(Judge Herbert E. Phipps, Est. Time – 30 Min.)
 - 1) Proposed Revisions on Board Rules and Regulations
 - 2) Committee Recommendations to the Court Reporters' Fee Schedule
 - D. Budget Committee** **TAB 4**
(Justice P. Harris Hines, Est. Time – 5 Min.)
- 4. Funding of Civil Services for Domestic Violence Victims** **TAB 5**
(Ms. Linda Klein, Est. Time – 5 Min.)
- 5. Statewide Judiciary Civil E-Filing Steering Committee**
(Justice Harold D. Melton, Est. Time – 5 Min.)
- 6. Immigration and the State Courts Initiative** **TAB 6**
(Mr. Mike Cuccaro, Est. Time – 5 Min.)
- 7. Report from AOC Director** **TAB 7**
(Ms. Marla S. Moore, Est. Time – 10 Min.)
- 8. 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

9. Old/New Business

(Chief Justice Carol W. Hunstein, Est. Time – 5 Min.)

10. Concluding Remarks and Adjournment

(Chief Justice Carol W. Hunstein, Est. Time – 5 Min.)

Judicial Council Members

As of January 2013

Supreme Court

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

Presiding Justice Hugh P. Thompson
Vice-Chair, Judicial Council
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Court of Appeals

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Presiding Judge Herbert E. Phipps
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Superior Court

Judge David T. Emerson
President, CSCJ
Douglas Judicial Circuit
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Douglasville, GA 30134
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Judge Louisa Abbot
President-Elect, CSCJ
Eastern Judicial Circuit
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Chief Judge Harry J. Altman II
Southern Judicial Circuit, 2nd JAD
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Thomasville, GA 31799
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Judge Edward D. Lukemire
Houston Judicial Circuit, 3rd JAD
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Chief Judge Gregory A. Adams
Stone Mountain Judicial Circuit, 4th JAD
5240 DeKalb County Courthouse
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Chief Judge Cynthia D. Wright
Atlanta Judicial Circuit, 5th JAD
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cynthia.wright@fultoncountyga.gov

Chief Judge Arch W. McGarity
Flint Judicial Circuit, 6th JAD
Henry County Courthouse
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awm8439@yahoo.com

Judge James G. Bodiford
Cobb Judicial Circuit, 7th JAD
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Chief Judge Kathy Palmer
Middle Judicial Circuit, 8th JAD
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478-237-3260/F 237-0949
kspalmer@bellsouth.net

Chief Judge Brenda S. Weaver
Appalachian Judicial Circuit, 9th JAD
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706-253-8729/F 253-8734
basw54@gmail.com

Chief Judge J. Carlisle Overstreet
Augusta Judicial Circuit, 10th JAD
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Augusta, GA 30901
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State Court

Judge David Darden
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Judge Linda S. Cowen
President-Elect, CSCJ
Clayton County
Harold R. Bank Justice Center
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lscowen@mindspring.com

Juvenile Court

Judge Robin W. Shearer
President-Elect, CJCJ
Western Judicial Circuit
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Judge J. Lane Bearden
President-Elect, CJCJ
Cherokee Judicial Circuit
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Probate Court

Judge Mary Jo Buxton
President, CPCJ
Johnson County
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Wrightsville, GA 31096-0264
478-864-3316/F 864-0528
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Judge Kelley Powell
President-Elect, CPCJ
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770-288-7600/F 288-7616
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Magistrate Court

Judge Alan Harvey
President, CM CJ
DeKalb County
3630 Camp Circle
Decatur, GA 30032
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acharvey@dekalbcountyga.gov

Judge Betsey Kidwell
First Vice-President, CM CJ
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Franklin, GA 30217-0395
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Municipal Court

Chief Judge Kenneth E. Wickham
President, CM CJ
Municipal Court of Norcross
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kewickham@comcast.net

Judge James M. Anderson, III
President-Elect, CM CJ
Municipal Court of Sandy Springs
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Administrative Office of the Courts Staff

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follow this format:
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Director's Division **Marla S. Moore, Director**

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Ann Batchan
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Yolanda Mashburn
404-657-6269

Ashley Garner
404-656-6404

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Ashley G. Stollar
404-656-6783

Derrick Bryant
404-656-6784

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

Christopher Causey
404-463-6296

Catherine Fitch
404-463-1023

Tracy Mason
404-463-0559

LaShawn Murphy
404-651-6325

Human Resources
Stephanie Hines
404-657-7469

Jacqueline Booker
404-463-0638

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

position vacant
404-463-3805

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

Maggie Reeves
404-463-0350

Stacey Seldon
404-463-0043

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

Alexandra O'Callaghan
404-463-1453

Certification and Licensing
Bernetha Hollingsworth
404-656-0371

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

Deborah Atwater
404-232-1409

Matthew Kloiber
404-463-1319

Language Access Programs
Linda Smith
404-657-4219

Office of Dispute Resolution
Shinji Morokuma
404-463-3785

Tynesha Manuel
404-463-3788

Probation Advisory Council
position vacant
404-656-6447

Amy Hartley
404-463-4266

Deborah Boddie
404-232-1444

Shawn DeVaney
404-463-3927

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

Patricia Buonodono
404-463-0044

Christopher Church
404-463-5227

Araceli Jacobs
404-656-6703

Elaine Johnson
404-463-6383

position vacant
404-463-0040

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

Greg Arnold
404-656-6413

Joshua Becker
404-463-6298

position vacant
404-277-4654

Christopher Hansard
404-463-1871

Kimberly Miller
404-463-6887

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

Gilberto Alcantara
404-463-0016

Michael Alexandrou
404-656-7788

Bradley Allen
404-657-1770

position vacant
404-656-7694

Tajsha Dekine
404-656-3479

Richard Denney
404-731-1357

Kevin Kirk
404-275-8372

Christina Liu
404-651-8180

Tony Mazza
404-657-4006

Michael Neuren
404-657-4218

Wanda Paul
404-538-0849

Kriste Pope
404-731-1358

Arthur Schoenberg
404-463-6343

Roger Watson
404-651-8169

**Council of State Court
Judges**

Bob Bray
404-651-6204

**Council of Magistrate Court
Judges**

Sharon Reiss
404-463-4171

**Meeting of the Judicial Council of Georgia
Vinzant Hall, State Offices South at Tift College
Forsyth, Georgia
September 21, 2012 • 10:00 a.m.**

Members Present:

Chief Justice Carol W. Hunstein
Presiding Justice Hugh P. Thompson
Chief Judge John J. Ellington
Judge Louisa Abbot
Judge Harry Jay Altman, II
Judge James G. Bodiford
Judge Mary Jo Buxton
Judge Linda S. Cowen
Judge David Darden
Judge David T. Emerson
Judge Alan Harvey
Judge Betsey Kidwell
Judge Edward D. Lukemire
Judge Arch W. McGarity
Judge John E. Morse, Jr.
Judge J. Carlisle Overstreet
Judge Kathy Palmer
Judge A. Gregory Poole
Judge Kelley Powell
Judge Mark Anthony Scott
Judge Gail Tusan (for Judge Wright)
Judge Robin W. Shearer
Judge Brenda S. Weaver
Judge Kenneth E. Wickham

Judge James M. Anderson
Presiding Judge Herbert E. Phipps
Judge Cynthia D. Wright

Staff Present:

Ms. Marla S. Moore
Mr. Jorge Basto
Mr. Joshua Becker
Mr. Michael Cuccaro
Mr. Randy Dennis
Mr. Tony Mazza
Ms. Kimberly Miller
Ms. Erin Oakley
Ms. Molly Perry
Ms. Ashley G. Stollar

Members Absent:

Guests Present:

Mr. Joseph Baden, Third District Court Administrator
Ms. Tee Barnes, Supreme Court of Georgia
Mr. Tracy BeMent, Tenth District Court Administrator
Mr. Bob Bray, Council of State Court Judges
Mr. Stan Cooper, Georgia Department of Corrections
Trooper Mike Culverson, Georgia State Patrol
Mr. Daniel E. DeLoach, Jr., First District Court Administrator
Mr. Steve Ferrell, Ninth District Court Administrator
Ms. Misty Giles, Criminal Justice Coordinating Council
Mr. Bart W. Jackson, Superior Court Clerk, Jones County

Mr. Eric John, Council of Juvenile Court Judges
Ms. Kathleen Joyner, Daily Report
Ms. Sandy Lee, Council of Superior Court Judges
Ms. Yolanda Lewis, Fifth District Court Administrator
Ms. Cathy McCumber, Fourth District Court Administrator
Justice Harold D. Melton, Supreme Court of Georgia
Mr. Charles Miller, Council of Superior Court Judges
Ms. Tia Milton, Supreme Court of Georgia
Mr. David Mixon, Second District Court Administrator
Judge H. Frederick Mullis, Jr., Superior Courts, Oconee Judicial Circuit
Mr. Bob Nadekow, Eighth District Court Administrator
Ms. Natasha Nankali, Council of Superior Court Judges
Ms. Debra Nesbit, Association County Commissioners of Georgia
Ms. Jody Overcash, Seventh District Court Administrator
Mr. Brian Owens, Georgia Department of Corrections
Judge John C. Pridgen, Superior Courts, Cordele Judicial Circuit
Mr. Rich Reaves, Institute of Continuing Judicial Education
Ms. Sharon Reiss, Council of Magistrate Court Judges
Mr. W. Travis Sakrison, Georgia Public Defender Standards Council
Judge Sarah Wall, Superior Courts, Oconee Judicial Circuit
Mr. Shannon Weathers, Council of Superior Court Judges

Call to Order

Chief Justice Hunstein called the meeting to order at 10:03 a.m. Mr. Brian Owens, Commissioner, Georgia Department of Corrections, welcomed the members to the State Offices South at Tift College. Council members, staff, and guests introduced themselves. It was noted that Judge Tusan was sitting in for Judge Wright, but under Council policy would not be eligible to vote.

Approval of Minutes

Judge Louisa Abbot moved approval of the minutes of the Judicial Council meeting held on May 31, 2012. Judge David Emerson seconded. The motion carried.

Judge Emerson moved approval of the minutes of the Judicial Council teleconference held on July 2, 2012. Judge Abbot seconded. The motion carried.

Consideration of Requirements for Circuit Workload Assessments

Ms. Molly Perry, Administrative Office of the Courts (AOC) Court Services Division Director, reviewed the procedures and deadlines for the annual case count, judgeship requests, and judgeship studies. The AOC continues in its efforts to work with court councils and superior court clerks as partners for the case count. Once data was collected by the AOC, the superior

court clerks were asked to verify the information for their counties, the Judicial Workload Assessment Committee forwarded the numbers to the Chief Judges of each Judicial Circuit for confirmation of accuracy.

Ms. Perry reported on four requests. The Oconee and Middle circuit requests are holdover requests from 2011. The Chattahoochee and Coweta requests are newly qualified circuits. Based on a threshold-value to qualify chart, the circuits were ranked: 1. Chattahoochee (7.86 threshold, 9.33 qualified for request); 2. Coweta (7.86 threshold, 8.99 qualified for request); 3. Middle (2.70 threshold, 3.2 qualified for request); 4. Oconee (2.70 threshold, 2.27 not qualified with current value).

Chief Judge Ellington requested an explanation on the threshold numbers and value to qualify. Ms. Perry explained that the value to qualify must exceed the threshold number in incremental amounts of work beyond the work of a full time judge. The Oconee Circuit did not qualify on its current value, but on its holdover status from 2011. Ms. Perry also identified two new categories that were incorporated into the current studies: accountability courts and death penalty habeas cases.

Presiding Justice Thompson inquired about Chief Judge Keeble's letter of withdrawal for the Coweta Circuit. Judge Emerson responded that, based on a conversation with Judge Quillian Baldwin, the next chief judge, the sitting judges in the circuit were in agreement to withdraw the request. Ms. Perry added that the Coweta judges prefer a chance to review how the circuit handles its caseload with two new judges before they seek additional help.

There was brief discussion about the Oconee Circuit's request. Chief Judge Ellington questioned if the Council should consider as one criterion the absence or presence of state courts in a circuit. Judge Emerson responded that superior courts must stand on their own numbers during a judgeship study regardless of the other types of courts within the circuit. Chief Judge Ellington noted that 10 - 15 percent of the state's prison population is housed in the Oconee Circuit, creating additional work for superior court judges in that circuit.

Ms. Moore instructed the members to vote "yes" or "no" on the recommendation for judgeship ballot. Judge Scott asked if the vote were necessary based on the withdrawal of the Coweta Circuit's request. Ms. Moore stated that Judicial Council policy requires a secret ballot on judgeship recommendations and the Council still needed to vote on the Chattahoochee Circuit.

Presiding Justice Thompson was asked to oversee counting of the ballots. Upon his return to the room he announced that the Chattahoochee request was approved unanimously.

Judge Emerson advised that the Middle Circuit wished to withdraw its request taking it out of holdover status. It was clarified that the Middle Circuit must re-qualify if the judges want to be considered for an additional judgeship in the future. Ms. Moore instructed the members to rank only the Chattahoochee and Oconee Circuits and to strike through the Coweta and Middle Circuits on the ballots. She explained that Judicial Council policy requires that each circuit under consideration must be included in the ranking, and that ballots with blank rankings would not be counted. Again, Presiding Justice Thompson retired with staff to oversee the ranking of the ballots. Upon his return, he reported that of the eligible 22 votes, each circuit received 11 votes. In the instance of a tie, the Chief Justice is required to cast the deciding vote. Chief Justice Hunstein voted to rank the requests: (1) Chattahoochee and (2) Oconee.

Committee Reports

Accountability Court Committee. Judge Brenda Weaver presented the Standards for Accountability Courts. She noted that Section I of the Adult Drug Court Standards provided in the agenda were modified from the Committee's approved draft. An amended copy of Section I was distributed to members. Judge Cowen inquired as to the nature of the change. Judge Weaver explained that "Judicial Council Accountability Court Committee" had been replaced with "Judicial Council" in the agenda materials. Judge Weaver then moved to amend and adopt Section I, Adult Drug Court Standards to read "Accountability Court Committee" rather than "Judicial Council." Judge Kidwell seconded the motion. The motion passed.

Judge Weaver moved to approve Section II, Adult Drug Court Treatment Standards. Judge Altman seconded. The motion passed.

Judge Weaver observed that since mental health courts have not been in existence as long as Drug Courts, the Committee used the Adult Drug Court Standards as a basis for evaluating those courts as outlined in Section III. The Committee requests approval today; however, Judge Stephen Goss and Judge Kathleen Gosselin will continue to work to refine the standards as more research data is presented and best practices are developed. Judge Abbot asked why, with a lack of evidentiary-based standards, Section III refers to standards rather than guiding principles. Judge Weaver explained that the legislation calls for standards on or before January 1, 2013. Judge Altman moved to approve Section III, Adult Mental Health Court Standards. Judge Abbot

seconded. The motion passed. The language adopted in Sections I, II, and III will be incorporated into the Judicial Council Standards for Accountability Courts.

Policy and Legislative Committee. Presiding Justice Thompson noted that in 2001, the Judicial Council adopted a resolution that every class of court would report to the Judicial Council proposed legislation that they were interested in offering to the legislature. The Committee was established to vet those pieces of legislation in an attempt to create an informed opinion about whether to support, oppose, or take no stand on proposed legislation. Presiding Justice Thompson invited members to attend the Committee's meeting on October 18th; he then referred members to the written report provided in the agenda of legislation that may be considered in the upcoming legislative session. None of the legislation has been evaluated to date.

The current composition of the committee includes Chief Judge Ellington, Vice-Chair; Judge Abbot; Judge Darden; Judge Poole; Judge Buxton; Judge Harvey and; Judge Wickham. The executive directors of all classes of courts and Ms. Moore, AOC Director, act as advisors to the Committee. AOC staff liaisons work diligently to inform the judiciary of the status and impact of legislation.

Chief Justice Hunstein asked for solidarity in supporting positions taken by the Judicial Council. She urged members to work together to gain consensus rather than each class dealing separately with the legislation.

Court Reporting Matters Committee. Written report provided, no discussion.

Budget Committee. Chief Justice Hunstein referred members to a written report provided in the agenda. Ms. Moore reported that the budget presented in the agenda had been approved at the May meeting. On September 20 the AOC had received from Rep. Terry England and Sen. Jack Hill a request to consider a 3 percent budget reductions for FY2013 Amended and FY2014. The AOC will work with the budget committee to develop a proposal.

Chief Justice Hunstein asked each judicial agency and class of court to provide concrete examples of how further budget reductions will impact individual courts, classes of courts, and the judiciary as a whole. Judge Emerson urged judges to remind legislators of the judicial operations fee which routes in excess of \$30M a year to the state treasury, although that money is not earmarked for the judiciary.

Domestic Violence Committee. Written report provided, no discussion.

Justice for Children Committee. Written report provided, no discussion.

Statewide Judiciary Civil E-Filing Steering Committee. Justice Melton reported that based on the Chief Justice's recommendation, the Council of Superior Court Judges has appointed a representative to the Superior Court Clerk's Electronic Filing Steering Committee to develop e-filing in superior courts. Additionally, the Chief Justice appointed a Statewide Judiciary Civil E-Filing Committee, chaired by Justice Melton and composed of judges from each class of court. Judge Emerson serves as Vice-Chair. This committee is to develop e-filing for all classes of court. The committee has met twice and is reviewing the work of other states and State Bar of Georgia recommendations. A Rules Subcommittee has been formed. The committee plans to send out a Request for Information to review the types of services vendors might provide. Cost of the project is estimated at \$300,000 to provide for a budget analyst and project manager.

Justice Melton reported that the Supreme Court received some funding during the last legislative session to create a pilot project to test the transmittal of records electronically from the trial court to the Supreme Court for appellate purposes. The Supreme Court Clerk's office recently met with Fulton County, one of the Court's largest filers, to discuss e-filing opportunities. A future goal is to allow lawyers to access the records electronically.

Report from AOC Director

Ms. Moore thanked the staff at the AOC, noting that they have endured staff reductions and challenges, but been able to thrive in spite of the hardships.

Fulton County Court Improvement Task Force. The Fulton County Court Improvement Task Force is poised to release its report on September 28. Nearly a year ago, Judge Wright asked the AOC to work on a review of Fulton County's superior and state courts. AOC staff, Mr. Christopher Hansard, Ms. Melissa Johnson, Ms. Maggie Reeves, and Ms. Perry, have met with the Task Force since November 2011. Over a span of 32 meetings, they have been assessing current practices and processes, considering judicial administrative principles and best practices, and identifying possible changes and innovations. Ms. Moore thanked Ms. Yolanda Lewis and her staff for their help. Ms. Moore noted that the type of work that went into the Task Force is what the AOC was put in place to perform.

Certification and Licensing. The Certification and Licensing Section is in the process of consolidating resources. The AOC registers or certifies over 6,000 court professionals. It is

currently reviewing the use of a web-based, user-friendly application for use by court reporters, dispute resolution neutrals, interpreters, and providers of misdemeanor probation and family violence intervention programs.

Language Access. The AOC received funding for its remote interpreter pilot project during the legislative session. The Augusta and Southwestern Judicial Circuits were identified to participate in the pilot project. Testing has been conducted in both circuits; a successful test was administered in the Southwestern Circuit, and additional training will be provided in the Augusta Circuit. Ms. Moore noted that the equipment allows for confidential communication between the client and the attorney through an interpreter in the Atlanta office, as well as communication in the courtroom and with the judge. AOC Research developed the methodology to extract data and study the feasibility of expanding the pilot project. The pilot, which goes live on October 1, will begin in preliminary hearings, arraignments, and plea calendars and, if successful, into more complicated matters.

The AOC and the Commission on Interpreters is developing a language access plan to help the state and its courts meet the Department of Justice (DOJ) requirements and to be in compliance with Title VI of the Civil Rights Act. Ms. Moore, Justice Melton, and a team from Georgia will attend a summit on language access, sponsored by the National Center for State Courts (NCSC), in Houston, TX, on October 1 - 3. The NCSC, Conference of Chief Justices, and Conference of State Court Administrators have been working to coordinate with the DOJ in order to understand the challenges and limitations each state faces.

Case count. Ms. Moore reported this year's case count is nearly complete. While most courts have submitted their cases, a handful of courts have not.

Court Cost Project. AOC is conducting a survey to determine the true cost of running a superior court. The first phase will be included in the 2012 judicial salary survey where information will be gathered on judges and full time court personnel. Phase II will review court operations. The study will also compile costs to determine other full time personnel that are within the courts.

Fiscal projects. The AOC has adopted use of the State Accounting Office's (SAO) travel form. While it is more complicated than the one formerly developed by the AOC, it has the advantage of always being in compliance with SAO's requirements. Ms. Moore reported that Mr.

Randy Dennis and Ms. Kathy Garland, Supreme Court Clerk's office, teamed up with the Court of Appeals to transition that fiscal office to the PeopleSoft software.

Georgia Judicial Collaborative Service. Mr. Cuccaro reported on the creation of the Judicial Collaborative Service (JCS), an online discussion venue for judges as a way to communicate and discuss ideas between meetings. Currently the application has licenses for Judicial Council members, but plans are underway to increase the number of licenses so that each class of court will have its own discussion area. Judge Powell asked if JCS could be used as a document repository. Mr. Cuccaro responded in the affirmative.

Website. Ms. Moore reported that when she began as Director of the AOC, she requested an update to the AOC website. The site that was developed then was not fully what the office needed. In the fall of 2011, Ms. Moore requested that a team led by Ms. Reeves, Ms. Erin Oakley, and Ms. Ashley Stollar and assisted by Ms. Sowjanya Aligali work to improve and update the agency's website. The team surveyed staff and stakeholders for input. The resulting new site speaks directly to what the AOC does and highlights current projects while attempting to connect people more directly to courts in their community. A short description of each project or division is displayed, there are hyperlinks to relevant documents, daily news postings about the judiciary, and an events calendar highlights meetings, trainings and other events. Metatags for each page make web searches easier. While the site does not meet the requirements of the Americans with Disabilities Act, plans are underway to achieve that goal. On most browsers, the whole site is visible, with no need to scroll down. The updated website went live on September 12. Ms. Moore reminded the Judicial Council that the AOC works for the courts and judges of Georgia and encouraged the judges to let her know how the AOC is doing. She noted that July 2013 will mark the 40th anniversary of the Judicial Council/Administrative Office of the Courts. Each judge sitting on the current Council joins a long line of judges who have served the judiciary well and helped bring about many improvements in the administration of justice in Georgia.

Reports from Appellate Courts and Trial Court Councils

Supreme Court. Chief Justice Hunstein reported that upon his retirement, Justice George Carley is doing well and has opened a law practice with former Justice Hardy Gregory. Justice Thompson was elected as Presiding Justice and will serve as the next Chief Justice at which time

Justice Harris Hines will become Presiding Justice. Justice Keith Blackwell joined the court on July 19, 2012.

Court of Appeals. Chief Judge Ellington thanked Chief Justice Hunstein for her leadership. Chief Judge Ellington noted that in the past 18 months, the Court of Appeals has experienced unprecedented turnover. The elevation of Judge Blackwell to the Supreme Court and the August retirement of Judge Charles Mikell led to the appointments of Judge William Ray and Judge Elizabeth Branch. Judge Harris Adams will retire at the end of the year, creating an additional vacancy. Presiding Judge Phipps will assume the role of Chief Judge in July 2013.

Superior Courts. Judge Emerson reported that the Council of Superior Court Judges (CSCJ) is actively researching how other states are handling electronic access of court documents. Alabama has statewide electronic filing and electronic access to their courts. If Georgia makes some key decisions, is led by the Judicial Council, and can identify funding, the state can have the same standard of electronic access as Alabama. The superior and state courts have been adjusting to the new jury rules. The CSCJ is poised to triple the amount of ethics training for its January conference. The executive committee has discussed the need to modernize some procedures in the handling of criminal cases and will bring recommendations to the Policy Committee. They are studying the right to direct appeal when a constitutional demand for a speedy trial is denied and how some defense attorneys are using this as a delaying tactic when they have been denied a continuance. Also, they are following the proposed uniform deployed parents custody and visitation act and taking no stand on proposed reclassification of misdemeanor traffic offenses.

State Courts. Judge Darden reported the Council of State Court Judges (CStCJ) is active with reclassification of Title 40 traffic offenses and review of the Code of Judicial Conduct. The CStCJ has enjoyed the recent collaboration with other councils on these issues. He reported that in the last two years, there has been a 15 percent turnover for the state courts. A week-long orientation for these new judges will be conducted in January. The CStCJ fall conference will be held in Lake Blackshear from October 10-12. The conference will feature two topics: the new evidence code and judicial ethics. Gov. Deal is scheduled to speak.

Judge Darden reported that the state court districts meet regularly for informal dinners. Local legislators are invited in order to foster relationships between the courts and the General Assembly. Other projects for the CStCJ include working on non-pattern charges that are used

commonly in the state court with misdemeanor and civil cases, the continued growth of DUI and accountability courts, and mentorship programs with at-risk youth.

Juvenile Courts. Judge Poole noted the Council of Juvenile Court Judges' (CJ CJ) upcoming fall conference will be held October 29-31 in Athens, and the new evidence code and judicial ethics will be the main topics. The Juvenile Court Legislative Committee will identify issues that it feels need to be addressed whether or not the Juvenile Code revision goes forward. The CJ CJ benchbook has been updated and is available online.

A new Standing Committee on Accountability Courts was established to address the two types of accountability courts in the juvenile system: Drug Court and Family Dependency Treatment Court. Judge Patricia Stone of Chatham County and Judge Juanita Stedman of Cobb County serve as co-chairs of the committee.

Judge Poole reported that he was recently elected to a seat on the Cobb County Superior Court bench and will step down as President at CJ CJ's fall meeting when Judge Shearer will take over as President.

Probate Courts. Judge Buxton reported on the completion of the Council of Probate Court Judges (CPCJ) benchbook. Legislative initiatives are being identified for the 2013 session. Traffic reform has been a great concern for the CPCJ since many of the probate courts would be affected. Judge Buxton expressed her appreciation for the CPCJ having a seat at the table. Legislation to provide prosecutors in courts where traffic cases are heard is being sought. Work on updating standard forms continues. Judge Buxton thanked Ms. Tee Barnes and her staff and the staff of the AOC work for the work that has gone into revising these forms. Officers and key members of the CPCJ participated in a strategic planning session earlier in the month. The CPCJ's accreditation program kicked off at its Spring Conference and its mentoring program continues to be strengthened.

As a result of elections, an estimated 50 new judges will join the CPCJ. A revamped new judges orientation is scheduled for November 25-30, 2012. CPCJ's next annual seminar will be held in Savannah in conjunction with the Constitutional Officers Association of Georgia meeting November 12-15, 2012. Probate judges and staff have attended regional trainings coordinated by the FBI on National Instant Criminal Background Check System (NICS).

Magistrate Courts. Judge Harvey acknowledged the recent death of Judge Kimberly Warden, fulltime magistrate in Fulton County, past president of the Council of Magistrate Court

Judges (CMCJ), and former member of the Judicial Council. On July 10, the Executive Committee of the Council conducted its first meeting via webinar. Judge Harvey thanked Ms. Sharon Reiss for her guidance. He reported that he and Mr. Rich Reaves, ICJE, hosted three one-hour webinars on “News Laws in Courts for Georgia Magistrates.” Participants received credit toward their continuing education requirements. CMCJ is moving forward with its Pro Se Civil Litigant project and is working with the Council of State Court Judges.

Based on last year’s NCSC report, CMCJ hired two interns. One has been hired to obtain updated information on all magistrate judges including election/selection process and copies of all local legislation related to magistrate courts. Another intern is entering the data into a searchable database.

Judge Harvey commented on the recent resignation of Judge Bryant Cochran, Chief Magistrate in Murray County, who was being investigated by the JQC when he resigned. On September 19, a new judges’ reception was held in Athens, GA. The CMCJ is expecting at least 10 new chief magistrate judges based on this year’s elections. CMCJ will host its fall seminar in Savannah on October 21-23.

Municipal Courts. Judge Wickham reported that the past few months have been busy for the Council of Municipal Court Judges (CMunCJ). In June, CMunCJ held its summer seminar in Jekyll Island, GA. Mr. Cuccaro facilitated a session on proposed traffic reform for Council leadership in June where a proposal was developed. CMunCJ has conducted joint meetings with court councils and the Prosecuting Attorneys Council. Last week, Judge Anderson presented the current proposal to the Title 40 Study Committee. Judge Wickham thanked Chief Justice Hunstein, the Judicial Council membership, and AOC staff, especially Ms. Moore, Mr. Cuccaro, and Ms. LaShawn Murphy for their help and support.

Old/New Business

Traffic Reform. Chief Justice Hunstein complimented the municipal court and other classes of court for reviewing the status of traffic offenses. Traffic reform is a topic the court system should be reviewing to determine how offenders are treated as well as improving the way to increase the payment of fines.

The House of Representatives created the Title 40 Motor Vehicle Study Committee to review, among other things, traffic offenses. Rep. Tom Rice will serve as chair. Our judges are actively providing judicial perspective.

Criminal Justice Reform. Chief Justice Hunstein reported that the Governor has reactivated the Special Council on Criminal Justice Reform, adding new members. Judge Michael Boggs is co-chair with Mr. David Warner, the Governor's chief of staff. Judge Jason Deal and Judge Todd Markle also serve. The Special Council has met four times and has determined four areas of discussion: juvenile justice system, oversight of HB1176, minor traffic reform, and minimum mandatory sentences in criminal cases.

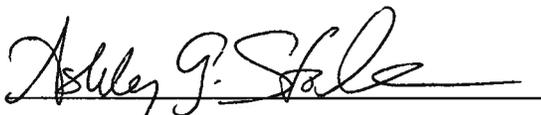
Evidence Code. Judge Abbot noted that Professor Paul Milich presented a seminar on the new evidence code at the Council of Superior Court Judges summer conference that was video-recorded. The video will be made available to each Judicial Administrative Judge and District Court Administrator to distribute to judges of any class of court who are interested.

New Sentencing Orders. Judge Abbot reported that new sentencing orders are being developed by the superior court judges in concert with the Department of Corrections. The new orders will be submitted to the Supreme Court for approval.

Concluding Remarks and Adjournment

Chief Justice Hunstein presented certificates of service to Judge Poole and Judge Scott. The meeting was adjourned at 12:19 p.m.

Respectfully submitted:



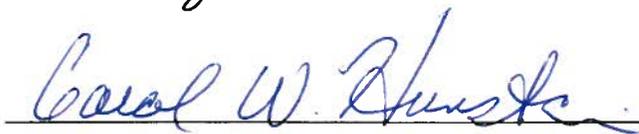
Ashley G. Stollar

Communications/Outreach Specialist II

The above and foregoing minutes were

Approved at the meeting held on the 10th

day of January, 2013.





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: Policy and Legislative Committee Report

DATE: January 3, 2013

The Policy Committee recommends the Judicial Council SUPPORT the following legislation:

- I. Superior Court: O.C.G.A § 15-6-8**
Increase penalties that can be imposed for contempt of court to \$1,000.00, currently \$500.00.
- II. Juvenile Court: O.C.G.A § 15-11-21**
Remove the requirement for rehearing of associate juvenile court judges' decisions, and allow 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.
- III. Juvenile Court: O.C.G.A § 15-11-153.2**
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.
- IV. Probate Court: O.C.G.A § Title 15 Chapter 9 Article 2**
Allow a judge of probate court in a county where there is no state court, to 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 request for a prosecuting attorney would be subject to the approval of the county commission.

V. Magistrate Court: O.C.G.A § Title 17 Chapter 6 Article 4

Add 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.

VI. Magistrate Court: O.C.G.A §§ 17-4-47(e) and O.C.G.A. 17-5-21.1(e)

Remove the existing geographic restriction on the location of a judge signing an electronic warrant. Remove the requirement of being physically located in the county of jurisdiction while issuing a warrant via electronic means. 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.

VII. Magistrate Court: O.C.G.A § 15-10-22

Require magistrate judges be citizens of the United States; and not have been convicted of a felony offense or any offense involving moral turpitude contrary to the laws of Georgia, any other state, or the United States unless pardoned or had his or her rights restored pursuant to Georgia law. Restricts a full-time magistrate, who is otherwise qualified to practice law, from engaging in the private practice of law. However, allows part-time magistrates to engage in the private practice of law in other courts but may not practice in the magistrate's own court or appear in any matter as to which that magistrate has exercised any jurisdiction.

**Tab 3 Court Reporting Matters Committee
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 - a. Memo from Committee Chair
 - b. Attachment
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 - b. Committee Recommendations
 - c. Frequently Asked Questions



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 Judge Herbert E. Phipps
Chair, Court Reporting Matters Committee

RE: Proposed Revisions to Board of Court Reporting Rules and Regulations

DATE: January 3, 2013

The Judicial Council Court Reporting Matters Committee represents the Council on all matters relating to court reporting which includes the review of the Board of Court Reporting rules and disciplinary appeals.

This memorandum briefly outlines the proposed revisions to the Board's rules relating to court reporting firms and ethics.

For the past year, the Board examined its existing rules in an effort to govern the conduct of court reporting firms. It was determined that the preparation of the verbatim record by court reporting firms is equivalent to that of certified court reporters. The Committee met on November 27, 2012, to consider the proposed revisions to Article 7 ("Court Reporting Firms") and Article 10 ("Ethics") of its Rules and Regulations. The revisions were adopted and the Committee now presents them to the Judicial Council for consideration (see Attachment A).

Article 7. Court Reporting Firms

This Article was modified extensively to indicate that court reporting firms must maintain independence from parties with an interest in cases filed in Georgia courts; adhere to the professional, moral, and ethical conduct within the practice of court reporting; protect the interests of the public; and promote public confidence in the integrity and impartiality of the judiciary. These changes are noted in the following sections.

Definitions and Professional Services and Registration and Renewals.

- Adds definitions of court reporters and court reporting services, as prescribed by O.C.G.A. §15-14-22;
- Redefines the meaning of court reporting firms;
- Expands descriptions on professional services; and
- Delineates the registration and renewal process.

Prohibition against certain contracts for court reporting services.

- Clarifies the law that prohibits contracting (O.C.G.A. § 15-14-37(a)); and
- Emphasizes the importance of adhering to the statutory requirements.

Ethics and Grievance Procedures.

- Declares that the Georgia Court Reporting Act, or any other law or rule governing the practice of court reporting, pertains to court reporting firms;
- Acknowledges that owners or officers of court reporting firms are subject to discipline under O.C.G.A. § 15-14-33 and Article 12 of the Board's Rules and Regulations; and
- Asserts that the Code of Professional Ethics and all other ethical requirements equally apply to court reporting firms.

Article 10. Ethics

Significant changes were made to this Article in order to promulgate effectively the rules and regulations of the conduct of court reporting firms. Revisions are noted below.

Disclosure Forms for Depositions.

- Requires court reporters and court reporting firms to explicitly disclose any relationship of interest permissible under O.C.G.A. § 9-11-28(c);
- Compels court reporters and court reporting firms to name person(s) who originally accept the deposition assignment(s); and
- Mandates the reporting of all financial benefits received for the reporting event.

Contracting and Networking

- Depicts activities and events that violate the contracting statute (O.C.G.A. § 15-14-37(a));
- Simplifies the meaning of contracting and networking; and
- Differentiates activities granted under contracting and networking.

ARTICLE 7. COURT REPORTING FIRMS (Current Rule)

A. Definition

1. ~~A “court reporting firm” shall include a partnership or other business entity formed by persons who employ one or more court reporters who are engaged in the business of court reporting. The definition shall not include individuals in the business of court reporting who are self-employed, but form a professional corporation and do not employ other court reporters. The definition shall not include government agencies, including courts that employ court reporters for reporting hearings and other matters.~~
2. ~~A “court reporting firm” shall also include any association of two or more court reporters working together under a fee sharing arrangement, but as independent contractors, who are engaged in the business of court reporting. Court reporters who refer work to one another, but who do not share fees for the referred work, are not included in this definition.~~

B. Registration

1. ~~All court reporting firms as defined in Section 7A shall register with the Board, and shall supply such information as is required on a form promulgated by the Board. All firms shall pay a registration fee set by the Board. This registration form must be filed with the Board and accompanied by the required fee within 30 days of starting to do business as a firm in Georgia.~~
2. ~~All court reporting firms shall renew their registration each year and shall pay a renewal fee set by the Board on or before April 1st each year.~~
3. ~~Any firm failing to register within 30 days of starting business, or any firm that fails to renew their registration on or before April 1st each year, shall be assessed a late fee for registration or renewal in an amount to be set by the Board.~~

C. Discipline

1. ~~Pursuant to O.C.G.A. Sec. 15-14-37(g), the Board may discipline a firm by imposing a fine.~~
2. ~~A firm shall adopt reasonable measures to assure that any court reporter providing services on behalf of the firm is currently certified in Georgia.~~

Article 7. Court Reporting Firms (Proposed Rule)

A. Definition and Professional Services

1. Definitions

a. “Court reporter” as used in this Article is as defined in O.C.G.A. § 15-14-22(3).

b. “Certified court reporter” as used in this Article is as defined in O.C.G.A. § 15-14-22(2).

c. “Court reporting” as used in this Article is as defined in O.C.G.A. § 15-14-22(4).

d. “Court reporting services” as used in this Article shall mean any service engaged in by a court reporter in the practice of court reporting.

e. Definition of court reporting firm

(1) “Court reporting firm” is a sole proprietorship, partnership, corporate entity, or other association that arranges, schedules, provides, and/or facilitates court reporting services, including, but not limited to, the production, billing, or delivery of transcripts.

(2) Certified court reporters who form a sole proprietorship, corporate entity, or other association to conduct their individual court reporting services and who do not employ, or otherwise utilize the services of, other certified court reporters shall not be a court reporting firm as defined by this Article.

(3) Courts, agencies, or instrumentalities of local governments, the State of Georgia, or of the United States shall not be a court reporting firm as defined by this Article.

2. Ownership and Professional Services

a. A court reporting firm shall conduct court reporting services only through its officers, employees, and agents who are duly certified to practice court reporting under The Georgia Court Reporting Act.

b. Only certified court reporters and registered court reporting firms may arrange, schedule, provide, and/or facilitate court reporting services, including, but not limited to, the production, billing, and delivery of transcripts. Arranging, scheduling, providing, and/or facilitating court reporting services for cases filed in the courts of the State of Georgia, including, but not limited to, the production, billing, or delivery of transcripts, shall be doing business in Georgia for purposes of The Georgia Court Reporting Act.

B. Registration and Renewals

1. Registration

a. Court reporting firms shall register with, and receive notification in writing of approval from, the Board prior to doing business in Georgia by completing an application in the form adopted by the Board and paying fees as required by the Board.

b. The registration application of a court reporting firm shall be submitted to the Board by an owner or officer of the court reporting firm who shall be responsible for all representations and information made to the Board on the application.

2. Renewals

a. Every court reporting firm shall annually renew its registration with the Board on or before April 1 of each year by completing a renewal application in the form adopted by the Board and paying fees as required by the Board. The renewal application shall be submitted to the Board by an owner or officer of the court reporting firm who shall be responsible for all representations and information made to the Board on the renewal application.

b. Every firm registration which has not been renewed by April 1 shall expire on that date of that year and shall be placed on the Inactive Registry List. Expired registrations may only be renewed by a court reporting firm upon payment of a late fee for each year of delinquency, in addition to the renewal fees for each year of delinquency and any other requirements that may be imposed as a result of the grievance process.

C. Prohibition against certain contracts for court reporting services

Contracts for court reporting services not related to a particular case or reporting incident between a court reporting firm or any person with whom a court reporting firm has a principal and agency relationship and any attorney at law, party to an action, party having a financial interest in an action, or agent for an attorney at law, party to an action, or party having a financial interest in an action are prohibited. Attorneys shall not be prohibited from negotiating or bidding reasonable fees for services on a case-by-case basis.

In order to comply with this Article, each court reporting firm shall make inquiry regarding the nature of the contract for its services directed to the employer or the person or entity engaging said court reporting firm as an independent contractor, and shall provide the applicable disclosure(s) as required under Article 10.B.

This Article shall not apply to contracts for court reporting services for the courts, agencies, or instrumentalities of the United States or of the State of Georgia.

D. Ethics and Grievance Procedures

1. Court reporting firms shall not violate any provision of The Georgia Court Reporting Act or any other laws or rules governing the practice of court reporting in Georgia.
2.
 - a. Court reporting firms, and owners and officers of a court reporting firm, shall be responsible to ensure that the business of the court reporting firm is conducted in all ways consistent with The Georgia Court Reporting Act and any other laws or rules governing the practice of court reporting in Georgia.
 - b. Court reporting firms, and owners and officers of a court reporting firm, shall adopt reasonable measures to assure that any court reporter providing court reporting services on behalf of the court reporting firm is currently certified in Georgia.
 - c. An owner or officer of a court reporting firm may be subject to discipline under O.C.G.A. § 15-14-33 and Article 12 of these Rules and Regulations for the court reporting firm's violation of The Georgia Court Reporting Act or any other laws or rules governing the practice of court reporting in Georgia.
3.
 - a. The Grievance Procedures of Article 12 of these Rules and Regulations shall apply to court reporting firms.
 - b. The authority and standards expressed in O.C.G.A. § 15-14-33 shall apply to court reporting firms.
 - c. The Board may take any one or more of the following actions in disciplining or enjoining the actions of a court reporting firm:
 - (1) Administer a public or private reprimand against a court reporting firm, but a private reprimand shall not be disclosed but to the court reporting firm;
 - (2) Administer a public or private reprimand against the owner(s) or officer(s) of a court reporting firm, but a private reprimand shall not be disclosed but to the court reporting firm;
 - (3) Imposing a monetary fine pursuant to O.C.G.A. § 15-14-37(g);
 - (4) Condition the penalty upon, or withhold formal disposition pending, the court reporting firm's submission to such care, counseling, or treatment as the Board may direct; or
 - (5) Any other remedy provided for by law, including the seeking of injunctive relief as provided for by O.C.G.A. § 15-14-35, whether on its own motion or as a result of the Grievance Procedures.
4. The Code of Professional Ethics and all other ethical requirements incumbent upon certified court reporters shall apply equally to court reporting firms

ARTICLE 10. ETHICS (Current Rule)

A. General Ethical Requirements

All certified court reporters in the State of Georgia shall be subject to disciplinary action by the Board pursuant to O.C.G.A. Sec. 15-14-33, and for violations of the Board of Court Reporting Rules and Regulation, and for violations of the Code of Professional Court Reporting.

~~B. Disclosure Form for Depositions~~

~~Each court reporter taking a deposition shall provide a copy of a disclosure form to the parties and/or their attorneys, prior to taking a deposition, stating the following:~~

- ~~1. That the court reporter is not disqualified for a relationship of interest under the provisions of O.C.G.A. Sec. 9-11-28 (e), OR
——— A statement that discloses a permissible relationship of interest under
——— O.C.G.A. Sec. 9-11-28 (e). If the court reporter does disclose a relationship of interest, the court reporter must obtain explicit consent of all parties to the court reporter taking the deposition despite same on the record of the deposition.~~
- ~~2. That the court reporter is a Georgia Certified Court Reporter.~~
- ~~3. That the court reporter is a sole practitioner, or a representative of the XXXX court reporting firm; or an independent contractor of the XXXX court reporting firm.~~

ARTICLE 10. Ethics (Proposed Rule)

A. General Ethical Requirements

All certified court reporters in the State of Georgia shall be subject to disciplinary action by the Board pursuant to O.C.G.A. Sec. 15-14-33, and for violations of the Board of Court Reporting Rules and Regulation, and for violations of the Code of Professional Court Reporting.

B. Disclosure Form for Depositions

Each court reporter taking a deposition shall provide a copy of a disclosure form to the parties and/or their attorneys, prior to taking a deposition, stating the following:

1. That the court reporter is not disqualified for a relationship of interest under the provisions of O.C.G.A. Sec. 9-11-28 (c), OR a statement that discloses a permissible relationship of interest under O.C.G.A. Sec. 9-11-28 (c). If the court reporter does disclose a relationship of interest, the court reporter must obtain explicit consent of all parties to the court reporter taking the deposition despite same on the record of the deposition.
2. That the court reporter is a Georgia Certified Court Reporter.
3. That the court reporter is a sole practitioner, a representative, or an independent

contractor of the XXXX court reporting firm.

4. That the court reporter was contacted by the office of (name the attorney/court reporting firm or party who called the court reporter) to provide court reporting services for this deposition.
5. That the court reporter will not be taking this deposition under any contract prohibited by Georgia law.
6. That any and all financial arrangements beyond the usual and customary rates have been disclosed and offered to all parties.
7. The disclosure form should be dated and signed by the court reporter.

Additionally, the applicable disclosure form(s) must be provided by the court reporter or court reporting firm who originally accepted the job from the attorney/party, as well as a separate one for each court reporter and court reporting firm who receives any financial benefit for the reporting event.

If there is a case contract involved on a reporting event, all parties should be notified as soon as possible, but at least 24 hours in advance of the deposition. Any and all financial arrangements beyond the reporter's usual and customary rates must be disclosed and offered to all parties. A case contract disclosure form should be used at the time of the deposition.

Sample disclosure forms in Advisory Opinion of the Board of Court Reporting Number XX may be used. A copy of the disclosure form(s) should be included in the transcript of the deposition, should a transcript be requested.

It shall be the responsibility of a court reporting firm to ensure that court reporters taking a deposition as a representative, employee, or independent contractor of the court reporting firm comply with all requirements of this Article.

The sample forms in the Advisory Opinion of the Board of Court Reporting Number 27 are no longer approved by the Board.

C. Contracting and Networking

1. Prohibited Contracting

It is prohibited for certified court reporters or court reporting firms to enter into an oral or written contractual agreement for more than one case, action, or proceeding with any attorney, party to an action, party having a financial interest in an action, including an insurance company, or an agent for any such parties. Such cases, actions, or proceedings would include a deposition, court proceeding, administrative hearing, arbitration hearing, examination under oath, or sworn statement. To maintain professional and ethical

conduct within the practice of court reporting, the following are a non-exhaustive list of further prohibited activities:

- Giving any economic or other advantage to any party, or any party’s attorney, representative, agent, insurer, or employee, without offering it to all parties. This includes failing to offer comparable services, including price or credit terms, to all parties or the certified court reporter or court reporting firm otherwise providing financial terms or other services that are not offered at the same time and on the same terms to all other parties in the legal proceeding – except that different time-of-payment terms may be offered based on payment experience and credit worthiness.
- Basing the compensation for the court reporting services on the outcome of the proceeding or otherwise giving the certified court reporter or court reporting firm an interest, financial or otherwise, in the action.
- Entering into an agreement for court reporting services that restricts the noticing attorney from using the certified court reporter or court reporting firm of the attorney’s choosing.
- Including a court reporter or business, entity, or firm providing or arranging for court reporter services on any list of preferred providers of court reporting services that is maintained by any person, business, entity, or firm that has entered into an oral or written contractual agreement for more than one case, action, or proceeding with any attorney, party to an action, insurance company, third-party administrator, or any other person or entity that has a financial interest in the case, action, or proceedings.
- Allowing the format, content, or body of the transcript as submitted by the certified court reporter to be manipulated in a manner that increases the cost of the transcript.
- Providing additional advocacy or litigation support services including, but not limited to, trial preparation assistance, deposition summaries, and non-published transcript databases

2. Networking

There is some confusion between the terms "contracting" and "networking" when taken in the context of court reporting. Networking and contracting by their nature imply an agreement between two parties, but there is a clear and substantial difference between the two.

“Contracting” in the court reporting vernacular is simply an agreement between a court reporter or reporting firm and a party to an action, an insurance company, a law firm, or a third-party administrator to provide financial or other advantages to one party to a proceeding.

"Networking" in the court reporting profession is generally thought of as an agreement that a freelance court reporter or court reporting firm will provide services to another court reporting firm's client. The court reporting firm providing the service essentially becomes the referring court reporting firm's subcontractor. Terms are generally negotiated beforehand, including pricing; a referral fee or networking discount being offered, if any; transcript format; production and delivery; and the required completion of certain paperwork. Succinctly, networking is an arrangement between two service providers. Obviously, there can be abuses in the networking arrangement, but these networking arrangements occur between court reporting firms, and the firms themselves are not a party to the litigation. When "Networking" strict adherence to the Board of Court Reporting's Disclosure and Certification requirements are essential.



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: Marla S. Moore
Director, Administrative Office of the Courts

RE: Recommendations for Changes to Official Court Reporters' Fee Schedule

DATE: January 3, 2013

Enclosed behind this memo you will find a letter from Chief Justice Hunstein charging the Judicial Council Court Reporting Matters Committee to review and revise the Official Court Reporters' Fee Schedule to insure that it comports with current business practices and future delivery of this service. The Committee comprised of Judge Herbert Phipps as Chair, Judge Fred Mullis, Judge Mary Staley and Judge Larry Mims, was expanded with an advisory group to perform this study.

Though originally charged to report their recommendations to the Council by September 1, 2012, the Committee found that the complexity of the issues required longer study. In December, 2012, a draft of their findings was circulated for public comment. A matrix of those comments is being prepared by staff and will be reviewed by the committee at its meeting on January 8 and provided to the council for its meeting on January 10.

The recommendations and a list of Frequently Asked Questions are also included behind this memo.



Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Carol W. Hunstein
Chair

Marla S. Moore
Director

MEMORANDUM

TO: Court Reporting Matters Committee of the Judicial Council (CRMC)

FROM: Chief Justice Carol Hunstein, Chair of the Judicial Council of Georgia *CH*

DATE: December 16, 2011

RE: Additional Charge to the CRMC

The CRMC has traditionally reviewed matters coming to the Judicial Council from the Board of Court Reporting and either acted on the Judicial Council's behalf and made a decision or forwarded the matter to the Judicial Council with a recommendation from the committee. As you are aware, the Judicial Council is responsible by statute (O.C.G.A. § 15-5-21) for setting the fee schedule which governs the compensation official court reporters receive.

I believe that it is necessary and proper for the Judicial Council to review and revise the current court reporter fee schedule to ensure that it comports with the current business practices and future delivery of this service. Specifically, the fees charged by all official court reporters for court attendance; fees for taking stenographic notes and recording of evidence in court; fees for providing transcripts, including additional copies, of evidence and for other proceedings in all civil and criminal cases; and the minimum per diem fee for official court reporters, should be reviewed and revised. Guidelines and best practices should be developed to assist court reporters, judges and county governing authorities in determining the fair and accurate compensation for the important work of preserving the record of cases in our courts.

In addition to the four committee members currently serving, I will appoint advisory members to assist the committee in its work. John Larkins has agreed to serve as the Reporter of the Committee. Additional advisory members with whom we are currently checking for availability and interest include: Chief Superior Court Judge William T. Boyett; Ben Perkins,

Chair of the Board of Court Reporting; Carol Mallory, President of GCCRA; Stan Gunter, Prosecuting Attorneys Council; Claudia Saari, Public Defender; L. Tom Gunnels, Jr., Superior Court Administrator; S. Lynn Epps, State Court Administrator; retired court reporter Marilyn C. Roe; Kimberly Hunnicutt, President of GSRA, attorney Derek White, and Debra Nesbit with ACCG. Support for this expanded committee will be provided by the Administrative Office of the Courts.

The Committee should provide its revisions to the Judicial Council for review and approval no later than September 1, 2012. Notice of any change in the fee schedule must be given to the Chairs of the Judiciary Committees of the House and Senate at least 30 days prior to implementation. Our goal is to have the Council approval and notice completed so that any changes may be implemented on January 1, 2013.

I appreciate the work this committee has done and thank you for working on this important task.

Committee Recommendations

1. Personal Services

Approaches to local budgeting for court reporting services vary among counties and judicial circuits although it is estimated 75 percent of official court reporters are independent contractors. Personal services for which court reporters are compensated include court attendance, recording of proceedings, and production of transcripts.

Recommendation 1.1 Application of Official Fee Schedule

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.

Recommendation 1.2 Contingent Expense and Travel Allowance

To better reflect typical travel guidelines which 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 superior court reporters serving a single-county jurisdiction.

Recommendation 1.3 Billing Practices and Forms

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

Recommendation 1.4 Format and Page Rate

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 page rate for electronic documents shall be a single rate for the original (\$4.28 per page), inclusive of all types of pages.

2. Transcript Production

Courts must be accountable to their funding authorities for costs associated with records of court proceedings and should have explicit policies for production of transcripts that are understood by court reporters, court officials, and county executives.

Recommendation 2.1 Reporting and Transcribing Court Proceedings

Because there are inconsistent interpretations of the laws addressing the reporting and transcription of court proceedings, the Judicial Council shall clarify (1) which proceedings will be automatically reported and/or transcribed, (2) which proceedings and transcripts must be authorized by a judge, and (3) time limits for transcript filing.

Recommendation 2.2 Documentation of Evidence

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.

Recommendation 2.3 Certified Transcript is Public Record

The court reporter shall file the certified transcript with the clerk of court prior to releasing any copies, certified or otherwise. Once filed, a certified transcript becomes a public record [O.C.G.A. § 50-18-70] and shall be accessible to court officials without charge.

Recommendation 2.4 Business Continuity

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

3. Method of Reporting

O.C.G.A. § 15-14-22 permits the making of a verbatim record by means of manual shorthand, machine shorthand, closed microphone voice dictation silencer, or by other means of personal verbatim reporting.

Recommendation 3.1 Electronic/Digital Reporting

The Judicial Council shall recognize electronic/digital reporting as a means of personal verbatim reporting and direct the Board of Court Reporting to develop rules and regulations for certification of court reporters using electronic/digital methods by January 1, 2015.

Personal Services

Recommendation 1.1 Application of Official Fee Schedule

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.

Background

The judicial branch of government is accountable to its funding authority and is responsible for making informed, cost effective business decisions. These decisions include staffing for court operations and management and monitoring of personnel. Traditionally, official court reporters have retained independent contractor status to permit work outside of court proceedings. However, economic recession and other factors have challenged that tradition and courts are hiring official reporters as full-time employees. Questions have arisen concerning fair compensation and interpretation of the Fee Schedule in these situations.

Nearly 25 percent of 1,100 Georgia certified court reporters are now employed full-time. Courts rely on O.C.G.A. §15-5-21 (a)(3), which permits supplementing of minimum per diem fees by the county, as authority for salaried employment. Depending on employment terms or policies, salary may replace per diem for court attendance, takedown/recording, and producing transcripts. Both employees and independent contractors are generally supervised by the assigned judge, but may be under the direction of a court administrator. One reason for establishing salaried positions is to assure court reporter availability for mandated proceedings and non-mandatory proceedings as a service to court users.

During the Committee's study, a survey of county finance officers indicated the following average annual compensation for official court reporters paid by per diem and salary.

	Per Diem	Salary	Transcripts
Mean	\$64,559	\$96,875	\$21,960
Median	\$16,760	\$68,146	\$13,689

One judicial circuit recently changed the employment status of official court reporters from independent contractor to employee and developed written policies to better predict costs and effectively manage court reporter resources. Another judicial circuit contracts with court reporters and by court order adopted a written protocol which delineated proceedings to be reported and transcribed and established a transcript production schedule and billing procedures.

Whether engaged as contractors or hired as employees, official reporters should be subject to clear policies and procedures and adequately supervised to support effective court operations. Urban, suburban, and rural courts may opt for different employment solutions.

A recent analysis of court reporter management models among some metropolitan counties indicated that the most cost effective approach seems to be using independent contractors as a pool of court reporters.

Superior Courts	Atlanta	Augusta	Cobb	Gwinnett	Stone Mountain	Eastern
Court reporter personnel costs per judge	\$94,202	\$79,813	\$62,341	\$57,527*	\$72,500	\$27,276
State Courts						
Court reporter personnel costs per judge	\$40,180	\$4,600	\$33,917	\$57,527*	\$60,549	\$16,474

*Gwinnett does not separate their costs by court. This number represents a combined personnel cost per judge.

As courts analyze their alternatives, they may find that offering full-time employment with employer-paid benefits is preferable or necessary to attract qualified court reporter candidates. Compensation of employees is based on objective descriptions of job functions and responsibilities and human resource management policies.

Implementation

To implement this recommendation, the Board of Court Reporting shall act to clarify that the Fee Schedule applies to independent contractors and may be used as a guide in establishing personnel salaries.

Personal Services**Recommendation 1.2 Contingent Expense and Travel Allowance**

To better reflect typical travel guidelines which 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.

Background

As professionals supporting the operation of state and county justice systems, official court reporters are not subject to uniform guidelines for business related travel expense reimbursement incurred in the course of their work. O.C.G.A. §15-14-6 authorizes a monthly contingent expense and travel allowance for official superior court reporters for which funding is appropriated by the state through the budget for superior courts. The mention of both contingent and travel expenses indicates the allowance could cover either type of expense.

In general, travel expense reimbursement policies are adopted by a government authority - whether federal, state, or local - to cover its employees for business related travel. Official court reporters are most often independent contractors who may not be covered specifically by county policies, but whose employment arrangement may permit coverage. They may also benefit from county funding for expenses such as supplies, equipment, and office space.

The state-funded monthly allowance amounts, first legislated in 1961 and based on the number of counties in a judicial circuit, were last increased in 1981. Attorney General Opinion No.U81-24 (1981) applies the single-county allowance to reporters serving state courts. The Association County Commissioners of Georgia (ACCG) has inquired about the prudence of the requirement because counties with state courts are single-county jurisdictions with policies governing travel expenses. Counties may be paying this allowance as well as covering costs for supplies, equipment, office space, and/or other types of expenses.

The Committee considered whether to recommend repealing O.C.G.A. §15-14-6 and encouraging governing authorities to require travel expense reimbursement according to their established policies. However, given the longstanding approach to state funding for official superior court reporters, it determined that a clarification amendment would be preferable to an unknown impact of such a change in practice.

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.

Personal Services**Recommendation 1.3 Billing Practices and Forms**

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

Background

There are wide variations in court reporter billing practices and documentation of services and work product. As officers of the court, court reporters are subject to a code of ethics and guidelines for professional practice. These principles include impartiality, abiding by established fees, and cooperating with the bench and bar for improving the administration of justice. Court reporters are answerable to the judge or court administrator who approves payment for services rendered and who in turn is accountable to court funding authorities.

A premise of the Fee Schedule is to create consistency for parties, government agencies, and the general public in anticipating costs of records of court proceedings.¹ Lack of appropriate documentation for court reporting services and products hinders efficient processes for payments and raises questions similar to those asked by ACCG about court budgets at the onset of the Committee's study. Budgets and expenditures can be managed more straightforwardly when the authorization and documentation for court reporting services and products are clearly stated and followed.

The Board of Court Reporting has never recommended model practices for billing, but such guidance may assist in educating county finance offices about services performed and work produced

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.

¹ Judicial Council of Georgia Board of Court Reporting, Georgia Certified Court Reporters Resource Guide (2011), available under the Opinions Section at <http://bcr.georgiacourts.gov>.

Personal Services

Recommendation 1.4 Format and Page Rate

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 page rate for electronic documents shall be a single rate for the original (\$4.28 per page), inclusive of all types of pages.

Background

Advancements in information technology have vastly improved word processing, and local and wide area networks facilitate communication and document sharing. Court offices rely on personal computers, case and database management systems, and the Internet and electronic mail as integral tools for daily work activities. Some departments scan paper documents and store them as images to achieve paperless work environments. But, while the scale of information technology varies among Georgia courts today, there is increasing reliance on it and full electronic communication will be standard tomorrow. Planning for tomorrow should occur now, and courts must adapt to technology in the meanwhile.

Based on production of paper transcripts, the Fee Schedule recognized real-time reporting in 1996 when rates for this method were added. Real-time method involves the use of technology, similar to closed captioning technology, which converts speech or mechanical recording to text. The text record is essentially the transcript and can be formatted electronically as well as in paper.

Audio equipment has been installed in many courtrooms for the purpose of backup recording for current court reporting methods. Some court reporters may “report” court proceedings by annotating these recordings.

Traditionally, the transcript is produced in paper format and compensation is based on a per page rate for originals and certified copies. Transcripts are already produced in compact disc format and retained with paper case files or uploaded as electronic documents into case and database management systems. The Fee Schedule does not contemplate efficiencies realized from electronic format. Budget constraints have led county executive offices to question why they should pay for multiple copies when an electronic copy could serve all court officials.

Paper transcripts require considerable storage space and clerks routinely turn to offsite storage to maintain court records. The required retention period for certified felony transcripts filed with the case file is permanently, otherwise it is 70 years. Some courts scan paper transcripts to permit storage in digital format. But when paper transcripts are offsite, accessibility and timely appellate review may be impacted.

Technological solutions for court processes are constantly being developed. Civil electronic case filing and case read access are under investigation by a Supreme Court committee, and the State Bar of Georgia has spent over a year planning for it jointly with stakeholders. Preparing for transcript production in electronic format will contribute to the goals of these projects.

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 \$4.28 will approximate the current average payment for an original and copies, now defined by the Board, typically requested by court officials.

Transcript Production

Recommendation 2.1 Reporting and Transcribing Court Proceedings

Because there are inconsistent interpretations of the laws addressing the reporting and transcription of court proceedings, the Judicial Council shall clarify (1) which proceedings will be automatically reported and/or transcribed, (2) which proceedings and transcripts must be authorized by a judge, and (3) time limits for transcript filing.

Background

There are varying interpretations of Georgia law that require the reporting and transcribing of felony proceedings. Although the law clearly defines transcript filing deadlines for capital convictions and notices of appeal, practices for other court reporter deliverables are not uniform. The Fee Schedule and the Compensation Chart for Court Reporters quote the same fees for takedown and transcription in all types of cases, but do not provide guidance on when reporting and transcription are mandatory.

Some courts have analyzed court reporting budgets and determined ways to reduce court reporting costs while assuring constitutional and statutory requirements are met. The recent Fulton County Court Improvement Task Force recommended changes in court reporter and transcript management to enhance the administration of the superior and state courts.

The Committee recognizes that local courts and their caseloads should determine whether non-felony proceedings will be reported and/or transcribed. Judges must weigh a variety of factors in diverse situations to preserve the court record and protect the rights of defendants, victims, and parties. Clear policies and procedures that authorize court reporting services in non-mandatory cases will communicate to county executives how those services have been assigned and inform expectations for budget development.

Transcript production schedules may depend on the amount of time court reporters spend in and out of the courtroom or whether they receive support from transcriptionists. Requests for filing extensions are a normal practice and are necessary in many situations. Complaints about late or unfinished transcripts may best be avoided by defining specific time limits for filing.

Implementation

The Judicial Council shall instruct the Board of Court Reporting to draft rules clarifying the mandatory felony proceedings that will be reported and transcribed under the law and pertinent time periods for filing of transcripts.

Transcript Production

Recommendation 2.2 Documentation of Evidence

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.

Background

Under the Georgia Court Reporting Act, court reporters are custodians of the record. However, the common practice of court reporters personally managing physical evidence may compromise their safety and security of the evidence. Courts often require that physical evidence, exhibits, and documents remain in a secure publicly owned facility. Evidence properly recorded in an electronic transcript would permit destruction of the original evidence according to standards and guidelines.

Traditionally, the court reporter is responsible for reporting and transcribing the evidence and proceedings that may be called into question on appeal. While O.C.G.A. § 5-6-41 legislates the reporting, preparation, and disposition of the transcript, the Rules of the Court of Appeals define the systematic approach to prepare and arrange the transcripts, as well as to submit physical evidence. The Court can permit any party to transmit a photograph, videotape, or audiotape in lieu of the original evidence, direct the clerk of court to transmit the original evidence or exhibit, or grant the motion of the party or parties desiring transmission of the original evidence or exhibits. These protocols provide for efficient record management control since the original evidence may be bulky, cumbersome, expensive to transport, or dangerous to handle.

Similar protocols should be employed in trial court proceedings. By incorporating photographs or scans of evidence as official exhibits, the trial court naturally becomes the custodian of the physical evidence, relieving the court reporter from the arduous task of securing and maintaining it.

Implementation

The court reporter shall scan the physical evidence into digital format and then release it to the trial court for storage and retention. The archiving policies established by the trial courts shall require physical evidence to be indexed and cataloged for easy retrieval.

Transcript Production

Recommendation 2.3 Certified Transcript is Public Record

The court reporter shall file the certified transcript with the clerk of court prior to releasing any copies, certified or otherwise. Once filed, a certified transcript becomes a public record [O.C.G.A. § 50-18-70] and shall be accessible to court officials without charge.

Background

The Fee Schedule and Compensation Chart do not address the transcript as a public record, although the Judicial Council has advised that it is. In practice, the court reporter files both an original and one certified copy with the clerk of court and is paid a \$3.78 per page rate. According to the Fee Schedule, the court reporter is to be compensated for additional certified copies at a rate of \$1.51 per page. Each court official who requests a certified copy can be charged the copy rate, so the county may pay several times for the same public record.

The Judicial Council issued an advisory opinion in March 1984 determining public ownership of the record for indigent and non-indigent criminal proceedings, as well as for civil proceedings. Specifically, the Judicial Council asserted that the original transcript is the property of the court once filed with the clerk and is considered a public record, unless the record is of court activity protected by law from public access or sealed by order of the court.²

In concert with Recommendation 1.4 which would require transcripts to be filed in electronic format, a certified transcript filed as a public record could easily be reproduced in part or in its entirety. A question is whether the reproduced transcript qualifies as a “certified” document. Court reporters normally produce the transcript and furnish certified copies, at the copy rate, to the prosecutor and/or public defender before filing with the superior court clerk. If an electronic transcript is filed first with the superior court clerk, the county could ascertain how best to make the transcript available to court officials without incurring multiple charges.

O.C.G.A. § 15-6-77 specifies numerous legal documents to be furnished and/or certified by the superior court clerk for enumerated fees. Adding a certified transcript to the list of documents could allow court officials to procure copies from the clerk rather than from the court reporters. By increasing the page rate associated with electronic transcripts, it is anticipated that court reporter compensation should remain fair and equitable.

Implementation

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

² Judicial Council of Georgia Board of Court Reporting, Georgia Certified Court Reporters Resource Guide (2011), available under the Opinions Section at <http://bcr.georgiacourts.gov>.

Transcript Production

Recommendation 2.4 Business Continuity

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

Background

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.

Georgia has statutorily addressed the transcription, recording, and reporting of testimony and evidence for civil, criminal, and juvenile proceedings. However, variations in the interpretation of O.C.G.A. §§ 17-8-5, 5-6-41, and 5-6-42 may impede a court user's ability to receive fair and equal access to the justice system.

For instance, some local courts interpret O.C.G.A. § 17-8-5 to require filing of transcripts of felony pleas, while other jurisdictions require such pleas to be reported but not transcribed. This difference could be critical when a defendant later files a writ of habeas corpus and the plea proceedings affect the reasoning or outcome of the case. Without a transcript on file, the court must locate the appropriate court reporter who may no longer be working in the court.

The Committee has no aggregate data or information documenting instances when the absence of recordings and transcripts adversely affects the outcome of a case. Recommended practice to ensure business continuity would include electronic recording and indexing or other means to document the court record prior to transcript production. To ensure accessibility of the court proceeding and business continuity, there must be an archival protocol that clarifies recording and reporting of testimony, along with preparation of the transcript.

Implementation

The Judicial Council shall instruct the Board to 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 of recordings to court officials.

Method of Reporting

Recommendation 3.1 Electronic/Digital Reporting

The Judicial Council shall recognize electronic/digital reporting as a means of personal verbatim reporting and direct the Board of Court Reporting to develop rules and regulations for certification of court reporters using electronic/digital methods by January 1, 2015.

Background

Judicial leaders and court professionals across the country are seeking innovations and technical tools to support business process improvements and address budget challenges. Half of the states now utilize or permit electronic reporting to produce the court record. (Alaska, Kentucky, New Hampshire, Vermont, and Utah rely solely on electronic reporting to capture the verbatim record. Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Illinois, Indiana, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New Mexico, North Dakota, Ohio, Oregon, and Washington employ a “blended system” that make use of both court reporters and electronic reporting. Pennsylvania, Texas, and Wisconsin authorize electronic reporting but continue to use court reporters.) Digital audio recording has been authorized in federal district courts since 1999.

In Georgia, electronic recording is used in courts other than superior court. Fifty-seven percent of all court reporters are machine writers, 42 percent are voice writers, and 1 percent are pen writers. The average age of court reporters is 51 years with a career expectancy of 20-25 years. The number of licensed court reporters has remained at 1,100 since 2005, with some fluctuation down but not higher.

In an August 2011 position statement, the Board of Court Reporting adopted the following recommendations following a study of the use of electronic or digital recording as an authorized means of verbatim reporting:

1. Courts of Record should continue to observe O.C.G.A. §§ 5-6-41, 15-7-41, and 15-14-1 which require court proceedings to be recorded by a certified court reporter.
2. Standard operating procedures or rules should be established for those courts authorized by law to employ the use of electronic recording of court proceedings.
3. Create a best practice guide [regarding time for transcript production].
4. Review of Fee Schedule [in light of technological advances and interpretations of fees].
5. Promote the profession of court reporting, encourage the use of real-time reporting technology, and annually review and monitor court reporting trends.

Electronic reporting is now considered a best practice nationally and is the next step in the evolution of technology used to make the court record. The Conference of State Court Administrators (COSCA) issued a white paper³ in December 2009 advocating the following:

³ COSCA, Position paper on *Digital Recording: Changing Times for Making the Record*, (2009), available at <http://cosca.ncsc.dni.us/WhitePapers/DigitalRecording-Jan-2010.pdf>.

1. Digital Recording Implementation

State courts should move to digital recording as the method for making the verbatim record, with the possible exceptions for complex civil and capital criminal cases where real-time or stenographic reporting are specifically designated. State courts should establish ownership of the record and review the feasibility of the digital recording being the official record on appeal.

2. Digital Recording Planning

State courts should develop their own comprehensive, strategic plan for digital recording, implement the technology as a method of making the verbatim record, and adopt functional and technical standards to provide guidance, support, and service to judges, attorneys, reporters and recorders, transcriptionists, court staff, and the public.

3. Review of standards and procedures for transcript production

COSCA should request that NCSC conduct a survey of existing standards and procedures and compile a resource reference for use by courts. The relevant procedures would address questions of how the transcript is produced, who prepares the transcript, and criteria for certification.

4. Standards for the technology, archiving, storage, and retrieval of digital audio and video recordings of court proceedings

COSCA should request that NCSC develop comprehensive model standards that govern the technology (e.g., hardware, software, file and communication standards), archiving, storage, and retrieval of electronic recordings of court proceedings and safeguard the integrity of the record.

Current Georgia law appears to allow electronic reporting as a means of making the verbatim record (O.C.G.A. §15-14-22(4)):

‘Court reporting’ means the making of a verbatim record by means of manual shorthand, machine shorthand, closed microphone voice dictation silencer, or by other means of personal verbatim reporting of any testimony given under oath before, or for submission to, any court, referee, or court examiner or any board, commission, or other body created by statute, or by the Constitution of this state or in any other proceeding where a verbatim record is required.

Implementation

The Board of Court Reporting shall establish court reporter certification requirements for electronic reporting and develop standard operating procedures or rules for implementation of electronic reporting by trial courts.

CRM Committee Recommendations Frequently Asked Questions

1. Will the Committee’s recommendations regarding increased reliance on technology eliminate the need for official court reporters?

No. The Committee believes thoughtful planning to take advantage of technological advancements will be part of a long range solution to ensure a timely and accurate court record. Preparing for the future is key to courts identifying and receiving necessary resources for business operations.

2. What is electronic reporting?

Electronic reporting is a method of verbatim reporting that includes the use of a digital audio recording system to capture the record. At a minimum, the equipment consists of a four-channel recorder with microphones designated for the judge, attorneys, and witnesses.

This recording system, which produces an original or back-up audio, independently safeguards actual testimony with unfiltered interpretations, mishearing, or distractions. It offers instant access to original recordings without waiting for paper transcriptions; preserves testimony of both English and foreign language interpretations; and can be electronically transmitted to court users without compromising sound quality.

3. Why is electronic reporting considered a best practice?

The practice of electronic reporting advances the essential function of capturing, disseminating, and managing information contained in the record. It transforms the verbatim record into a multi-media format synchronized with hyperlinks that integrates exhibits, relevant documents, and cases cited during testimony. Additionally, this method offers the ability to effectively manage takedown and storage of court proceedings until the transcript is requested.

4. Which states require or allow electronic/digital reporting in general jurisdiction trial courts? (See tables below.)

States that use ER in lieu of court reporters	ER in Court System?	Type of Court		Type of Operator		Certification Requirements
		General	Limited	Certified	Uncertified	
Alaska	All courts use ER	x	x			
Kentucky	All Courts use ER (Digital Video and Audio)	x	x	x	x	Voluntary for CRs
New Hampshire	All Courts use ER (Digital Video and Audio)	x	x			Mandatory for CRs
Utah	All Courts use ER (Digital Video and Audio)	x	x			Mandatory for CRs
Vermont	All Courts use ER (Digital Video and Audio)	x	x			

States that use both ER and court reporters	ER in Court System?	Type of Court		Type of Operator		Certification Requirements
		General	Limited	Certified	Uncertified	
Arizona	Mix of both ER and CRs. All limited jurisdiction courts use ER, with ER replacing CRs in general jurisdiction courts.	x	x			Requires certification for CRs, no listed requirements for ER.
California	ER used in Limited Jurisdiction Courts. CA law limits use of ER.		x			Mandatory for CRs
Colorado	Mix of both ER and CRs. ER used in all limited jurisdiction courts. Judges in general jurisdiction courts have the option to use ER or CRs	x	x			Mandatory for CRs
Connecticut	Most trial courts use ER, however some still use CRs.	x	x			Mandatory for CRs
District of Columbia	Digital audio equipment installed in all courtrooms. CRs keep record of all Felony I, II and Civil I, II trials.		x			
Florida	Most courts use ER, court will use CRs in felony cases. ER is used in all cases with little probability of appeal.	x	x	x		Voluntary for CRs
Illinois	ER is offered to any court that requests and plans to install digital recording equipment.					Mandatory for CRs
Indiana	ER is used in most courts, local option.					Voluntary for CRs
Maryland	ER used in all limited Jurisdiction courts, and all circuit courts have ER capabilities	x	x	x		None
Michigan	Used in many courts, local option	x	x	x		Mandatory for CRs
Minnesota	ER used in many courts, local option. Replace retired CRs with ER					Officials must have RPR
Missouri	All counties in MO use ER for some or many proceedings					Mandatory for CRs
Nebraska	Used in limited jurisdiction courts		x			Voluntary for CRs

States that use both ER and court reporters	ER in Court System?	Type of Court		Type of Operator		Certification Requirements
		General	Limited	Certified	Uncertified	
New Jersey	All courtrooms have ER system	x	x			Mandatory for CRs - State Certification for all transcribers.
New Mexico	Used in limited jurisdiction courts		x			Mandatory for CRs
New York	Most local and many state courts use ER	x	x			Voluntary for CRs
North Carolina	ER used in many types of cases					Freelance CRs - None; Official CRs requires RPR
North Dakota	ER used in most courts, CRs being phased out					None for CRs
Ohio	Used in many limited and general jurisdiction courts, local option	x	x	x	x	None for CRs
Oregon	Almost all courts use ER	x	x			Voluntary for CRs
Texas	Local option to ER or CRs					Mandatory for CRs
Washington	ER is used in all types of court - Local Option	x	x			Mandatory for CRs
Wisconsin	ER is authorized for use, however few courts use it					None for CRs

5. What problems with electronic recording have been experienced in federal and/or Georgia's courts?

Jurisdictions that lack the technological infrastructure to electronically capture court proceedings often produce poor audio recordings that contain inaudible passages. Failure to implement court rules or written protocols that provide for effective monitoring of electronic recordings and annotation and indexing of court proceedings affects the transcription of the court record. However, technology has vastly improved courts' use of electronic recording and its reliability to potential court users. Only those courts that neglect to incorporate processes that produce an accurate, timely, and reliable record will experience disastrous legal consequences.

6. How are Georgia courts preparing for improvements in making the court record and electronic recording?

Designs for newly constructed courthouses in Georgia often allow for installation of an electronic recording system. Many circuits around the state understand an effective, efficient court system requires full examination of its business operations, to include protocols for audio back-up of court proceedings. Several courts have implemented a back-up audio system with repository requirements outlined by court rule.



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: FY 2013 and FY 2014 Budget Requests

DATE: January 3, 2013

The Judicial Council Budget Committee met on October 29, 2012 finalizing the enhancement request for the Statewide General Civil E-Filing Project. The Governor's Office of Planning and Budget accepted the out of time funding request for AFY 13 and FY 14. The minutes of this meeting are included for your review.

Due to scheduling conflicts, Governor Nathan Deal did not meet with Judicial Council representatives this year to discuss the FY 14 budget request. The attached correspondence to Governor Deal outlines project accomplishments and the four enhancement requests.

Judicial Council Budget Committee Meeting
Judicial Conference Room, Atlanta, GA
October 29, 2012
2:30-3:00 p.m.

Members Present

Justice Harris Hines, Chairperson
Judge Linda Cowen
Judge David Emerson
Judge Alan Harvey
Judge Robin Shearer
Judge Kenneth Wickham

Guests Present

Justice Harold Melton, Supreme Court of GA
Judge Kelly Powell for Judge Mary Jo Buxton
Mr. Jorge Basto, AOC
Mr. Bob Bray, AOC
Ms. Ashley Garner, AOC
Ms. Marla Moore, AOC
Ms. Erin Oakley, AOC

Members Absent

Judge Mary Jo Buxton
Judge Gregory Poole

Introductory Remarks

Justice Hines called the meeting to order at 2:36 p.m. and all in attendance were introduced. The Statewide General Civil E-Filing enhancement for AFY 13 and FY 14 (Attached) was the sole agenda item. Justice Melton was recognized as the Co-Chair of the Statewide Judiciary Civil E-Filing Committee (E-Filing Committee) responsible for establishing the enhancement request.

Discussion

Justice Melton recognized Judge Emerson, Co-Chair, and then outlined the composition of the E-Filing Committee. This project requires dedicated staff and time to research organize and analyze data. The budget request reflects these needs. The present request outlines two staffing models, contract employees and State employees. It also includes two (2) positions, project director and business analyst, hired through the Administrative Office of the Courts. A review of both options based on salary surveys revealed the State employee option was the most cost effective totaling \$305,000 for FY 14 and the supplemental for AFY 13 is 25% of this amount, \$76,250.

Judge Emerson stressed that E-Filing is necessary for the judiciary to move forward, noting the web-based trend for data submission and retrieval. This endeavor is contemplated as a privately funded model when completed and the present funding request is seed money. This initiative will serve all levels of courts.

Justice Hines conveyed the necessity of an evaluative process for a project of this scale. He desires to see clerks of court involved on an ongoing basis as the project progressed. Mr. Basto advised that

through the RFI process, vendors would be identified with the final vendor for the product selected by the E-Filing Committee. A first step toward evaluation will be to establish the architecture of the project. Once the architecture is finalized, giving guidance on how the project will be executed, evaluation criteria will be established for the various critical phases. On December 6-7, 2012, a vendor fair will be conducted giving all the opportunity to look and learn about different vendors and approaches to project execution.

To demonstrate cooperation, integration, and a successful working relationship with clerks, Ms. Moore reported that nearly 70 Superior Courts participate in the Child Support E-Filing project staffed by the Administrative Office of the Courts. All case management systems utilized by Georgia's Superior Court Clerks are represented within those presently being served and integration with existing vendors has been successful.

Judge Powell inquired if the addition of this enhancement request would have a negative impact on the request for an Executive Director for the Council of Probate Court Judges. Through discussion, those in attendance did not feel the E-Filing request would affect the request of the Council of Probate Court Judges.

Justice Melton closed with the sentiment that E-Filing was necessary to push the judiciary forward for the future. Option 1 as presented was the recommendation of the E-Filing Committee.

Motion made by Judge Emerson: A request will be made for State Funding based on Option 1: FY 14 \$305,000 and AFY 13 \$76,250

Seconded: Judge Harvey

Discussion: None

Motion Passed: Unanimous

Closing Remarks and Adjournment

Justice Hines thanked all for attending and with no further discussion, the meeting was adjourned at 3:07 p.m.



Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Carol W. Hunstein
Chair

Marla S. Moore
Director

December 18, 2012

Governor Nathan Deal
206 Washington Street
Suite 203, State Capitol
Atlanta, GA 30334

Dear Governor Deal:

During this joyous holiday season I feel the days pass more quickly as I look forward to the New Year with renewed hope and anticipation of great things to come.

Last year I had the opportunity to meet with you to discuss the Judicial Council's initiatives and budget for FY 13. Open dialogue between our branches of government serves our citizens well. It is unfortunate that we will not be able to formally meet prior to the start of the legislative session. However, I have been in contact with Joe Hood and our OPB Analyst Tara Hill and will continue to work with them and other Executive Branch representatives on matters of mutual interest. Chief Justice Carol Hunstein and I look forward to working with you and the legislature through the 2013 legislative session as we collaborate to meet the challenges and opportunities coming our way.

A brief recap of our current budget picture is attached for your review.

Again, Happy Holidays to you and your family during this season.

Sincerely,

Marla S. Moore

Cc: Chief Justice Carol W. Hunstein, Supreme Court of Georgia
Ms. Teresa MacCartney, Director, Governor's Office of Planning and Budget
Mr. Joe Hood, Public Safety Division Director, Governor's Office of Planning and Budget
Ms. Tara Hill, Policy Analysis Coordinator, Governor's Office of Planning and Budget

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Judicial Council of Georgia 2013 Legislative Session

BUDGET OVERVIEW AND IMPACT OF BUDGET REDUCTIONS

Reduction in Funding: 27% since FY 2009 to the Judicial Council Program

	FY 2013	FY 09	% Change
Judicial Council Program (Section 6.4)	\$ 10,218,036.00	\$ 13,971,643.00	-27%

Measures taken in direct response to reductions: Judicial Council Program and Sub-programs

2013 Staffing: 100% State Funded	51
100% Other: Federal/Grant/Program Fee	15
Partial Fed/State/Other	6
Total	72

1. Reduced state funded positions from 88 in FY2009, to 51 today, a savings of \$971,136 annually within the Judicial Council Program. *(9/15/2009 compared to 9/15/2012)*
2. Review of all programs and projects to assess core mission relevance
3. Closure of the Macon Satellite Office \$130,000 annual savings
4. Increased use of Interns and Externs
5. Reduced state funded travel by 58% between 2009 and 2012
6. Increased usage of video and teleconferencing
7. Purged and scanned files, reducing storage space by 5,535 sq ft.

Judicial Council FY 13:

Judicial Council total state funds 10.2 million dollars. Highlights:

- 1.7 million in grants supporting civil legal services for victims of domestic violence.
- 1.1 million allocated to the Council of State Court Judges to fund the retirement of state court judges
- 6.1 million dollars of state general funds are allocated to support the Administrative Office of the Courts
 - 90% personal services and other fixed costs
 - 1/3 of personal services pays fringe benefits
 - Fixed costs- GBA rent & IT infrastructure maintenance (supports internal operations and critical services to about one-third of Georgia's courts)

Serving our Customers Highlights:

September 2012 launched a new website for the Administrative Office of the Courts (www.georgiacourts.gov).

November 2012 launched a biennial project to collect data on judicial and court employee personal services and operating expenditures in the trial courts. This Court Cost Study will build a baseline on which to assess judicial needs.

A comprehensive licensure and training database serving the public and the following groups will be launched January 2013

Board of Court Reporting	Language Access Program	Office of Dispute Resolution	County and Municipal Probation Advisory Council
Family Violence Intervention Programs	Judicial Training Councils	Georgia Certified Process Server Program	

Office of Certification and Licensing Utilization of Fees (FY 2012)

	State Funds	Fees & Other	Total	% Non State Funds
Board of Court Reporting	\$ 55,116.72	\$ 161,412.75	\$216,529.47	75%
Language Access Program	\$ 63,665.04	\$ 20,493.21	\$ 84,158.25	24%
Office of Dispute Resolution	\$ -	\$ 235,486.71	\$235,486.71	100%
County and Municipal Probation Advisory Council*	\$ 243,547.11	\$ -	\$243,547.11	0%
Family Violence Intervention Program	\$ -	\$ 60,400.98	\$ 60,400.98	100%

*Registration Fees Prohibited by OCGA §42-8-107

Georgia Certified Process Server Testing: funded 100% by applicant test administration fee. Web based registration. Test proctor on as-needed contract basis. Coordinator for the Georgia Certified Process Server Program is an existing AOC employee.

**Impact of Fees: Among the five functions that may impose fees 80% of all costs funded by user fees.
20% State funded**

FY 2013 Update: Remote Interpreter Pilot Program Superior Courts of Richmond & Sumter Counties

- Began October 1, 2012
- Certified interpreters bring about more consistent, higher quality, and objective interpreting
- Savings: no travel and other associated costs
- Technology acquired by the AOC with FY 12 funds and set up at each location.
- Interpreters under contract 16 hrs/wk -June 30, 2012
- Goal: self funded continuation and expansion

Judicial Council Strategic Planning

- Begin January, 2012
- Analyze initiatives that span agencies and branches of government
- Focus personnel and fiscal resources more narrowly on endeavors that support the core mission

OUR REQUEST: Amended Fiscal Year 2013 and Fiscal Year 2014

Continuation

- Judicial Council/AOC programs and subprograms continue austerity measures
- All positions that become open due to retirement, voluntary departure, or termination are evaluated to determine continuing need and feasibility

Reductions

If cuts are required of Judicial Council/AOC programs and subprograms request consideration to exempt:

- State Court Judges Retirement
- Civil Legal Services for Victims of Domestic Violence
- Appalachian Judicial Circuit Family Law Information Center
- ICJE
- Appellate Resource Center
- AOC personnel and fixed costs

Enhancements

	Requested for	Funding Request
<i>State-wide General Civil E-Filing</i>	AFY 13	\$52,000
	FY 14	\$208,000
<i>Family Law Information Center (FLIC) Expansion</i>	FY 14	\$60,357
<i>Institute of Continuing Judicial Education (ICJE)</i>	FY 14	\$30,580
<i>Executive Director, Council of Probate Court Judges</i>	FY 14	\$108,320

Explanation of Enhancement Requests

State-wide General Civil E-Filing

The Judicial Council requests **\$52,000** (AFY 2013) and **\$208,000** (FY 14) in state funding for a Project Director to assist the Committee in realizing Georgia’s E-filing vision.

- Facilitation, development and implementation of civil electronic court filing (“E-filing”) in **all** classes of court
- The end goal is to establish a 100% user funded system (3 year goal)
- A public-private partnership for attorneys and parties to utilize for E-services and E-filing anywhere in Georgia, no matter the court or specific type of case
- Eventually expand to accept filings of criminal cases
- Allow attorneys, parties (including *pro se* litigants), and the public to access and print case information, as well as pay the associated case filing fees in an easily understandable way
- Includes evaluation component to ensure goals and objectives are met

Family Law Information Center (FLIC)

The Administrative Office of the Courts is seeking **\$60,357.00** in state funding for a rural multi-county circuit in South Georgia. The efficacy of a FLIC in a rural circuit was proven in the Appalachian Judicial Circuit which was funded for continuation in FY 13. A FLIC helps self represented litigants gain access to courts, improves document quality and ultimate outcomes and saves court time.

- Mission: provide assistance in regard to all family law related matters, including domestic violence Temporary Protective Orders (“TPO”) petitions, so self represented litigants can be prepared when they come to court and ensure their needs are met.
- Proposed Location: Pataula Judicial Circuit. As identified by the Georgia Commission on Family Violence strategic plan, Southwest Georgia has a high occurrence of domestic violence deaths and minimal services for those who are victims of domestic violence. A FLIC will help meet this critical need.

Institute of Continuing Judicial Education

State funding of **\$30,580** is requested to cover expenses central to fulfilling routine duties of the ICJE in providing state-mandated training to Georgia’s judges and other court personnel. This funding serves to maintain institutional capacity, diminished over 50% by reductions experienced since 2008. Federal funding is not available. All program participant fees will need to be increased in CY 14 if ICJE has to take a 3% reduction in FY 13 and FY14 and does not receive the requested enhancement.

Executive Director: Council of Probate Court Judges

The 2011 Strategic Plan Update of the Council of Probate Court Judges called for the Council to investigate the hiring of an executive director. The executive director position would be an ongoing annual state appropriation of **\$108,320.00**. The executive director will reduce the amount of time that volunteer committees of judges need to work on projects.

State Appropriation to Judicial Council for Civil Legal Services for Victims of Family Violence

- In 1998, **Former State Bar President Linda Klein** lobbied the Georgia General Assembly for funds to assist victims of family violence with legal matters. Former Supreme Court **Chief Justice Robert Benham** and **Attorney General Thurbert Baker** supported Ms. Klein's efforts. The State Bar's Access to Justice Committee, community organizations and local bar associations also supported the funding request for legal assistance to victims who could not afford to hire an attorney.
- The **Georgia General Assembly appropriated \$2,000,000** to the Judicial Council in FY 99 and the funding has been renewed each year. Many of the original appropriations were later reduced during the legislative session.

FY 99	\$2,000,000	FY 2006	\$2,095,081
FY 2000	\$2,125,000	FY 2007	\$2,095,081
FY 2001	\$2,125,000	FY 2008	\$2,189,360
FY 2002	\$2,200,000	FY 2009	\$2,134,626
FY 2003	\$1,950,000	FY 2010	\$1,986,483
FY 2004	\$2,145,000	FY 2011	\$1,887,159
FY 2005	\$2,145,000	FY 2012	\$1,753,235

- With these funds, nonprofits provide free **civil legal services** to approximately **5,100 Georgians** each year.
- The General Assembly specified that the **funds could not be used** for the following:
 1. Divorces;
 2. Class action suits;
 3. Criminal defense;
 4. Initial temporary protective orders (as an attorney is not necessary);
 5. Juvenile delinquency;
 6. Deportation proceedings; or,
 7. Any other client-initiated proceeding not directly related to the safety, stability, or economic security of the victim or the victim's family.
- To date, **twenty-one different Georgia nonprofits** have received grants to assist victims and provide training.
- A **competitive grant program** was developed and registered nonprofits with two or more years of experience in providing legal services apply annually for the grant funds. Funding is awarded based either on the poverty population in the counties served or to special need areas (i.e. immigrant victims).
- The 11 member **Judicial Council Committee on Domestic Violence** reviews the grant applications once a year and makes the awards. Judge William T. Boyett is the Chair.
- The AOC staffs the **Committee meetings**, conducts **site visits**, analyzes the **6-month progress reports** with detailed demographic information that grantees complete, and negotiates and monitors all grant recipient **contacts**.
- **FY 2013 appropriation: \$1,753,235**



Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Carol W. Hunstein
Chair

Marla S. Moore
Director

Immigration and the State Courts Initiative
January 2013

The Center for Public Policy Studies' (CPPS) Immigration and the State Courts Initiative began in September of 2011 for the purpose of providing assistance to the courts of Georgia in addressing the impacts of Federal and state immigration law, policy, and practice on state court case process. Led by Dr. John Martin and Dr. Steve Weller, the project has three stated goals:

- Determining the potential operational, policy, and other impacts of immigration targeted state legislation on the AOC and on the various types of Georgia Courts;
- Designing best practice guidelines for the various types of Georgia Courts for processing cases involving immigrant litigants;
- Designing a general long-term strategy to align and integrate immigration-focused efforts with other court and justice system reform and improvement efforts.

A full description of each of the previous four site visits was provided to the Judicial Council at its May 25, 2012 meeting, found at georgiacourts.gov/index.php/judicial-council. In addition, Drs. Martin and Weller returned to Georgia at the end of October 2012 with a threefold itinerary:

- Meet with staff of the United States Citizenship and Immigration Services (USCIS) with the goal of developing a joint workshop for USCIS officers and Georgia judges;
- Present a one day training on federal immigration law for superior and state court judges and immigration attorneys; and,
- Conduct extensive interviews with Gwinnett County juvenile court personnel and support organizations to inform the development of a best practices guide on the requirements for Special Immigration Juvenile (SIJ) Status, Trafficking Visas (T-Visas) and U-Nonimmigrant Visas (U-Visas).

Through their extensive assessment of needs and problems faced by the Georgia courts in dealing with immigrant litigants, CPPS has determined the need for continued training and resources. The next site visit is scheduled for January 23rd and 24th to conduct training with Gwinnett County juvenile court personnel and to meet with county clerks and USCIS representatives. The initiative will continue through 2013 with training for all classes of courts and completion of joint training efforts with USCIS.

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



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: Marla S. Moore
Director, Administrative Office of the Courts

RE: Director's Report

DATE: January 3, 2013

The following documents will outline two reports completed by AOC staff in recent months. The Georgia Commission on Family Violence recently completed its first *Statewide Plan to End Family Violence* and presented it to its members on December 7, 2012. The Fulton County Court Improvement Task Force presented its *Final Report and Recommendations* to the public on September 28, 2012. Both reports are available to the public through georgiacourts.gov.



Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Carol W. Hunstein
Chair

Marla S. Moore
Director

Statewide Plan to End Family Violence
January 2012

Over the last eighteen months, the Commission on Family Violence has produced a legislatively-mandated, comprehensive plan to end family violence in Georgia. Generated by participants from over twenty agencies and members from all three branches of government, the *Georgia State Plan for Ending Family Violence* offers an extensive array of long-range prevention, early intervention, crisis, and legal strategies for ending family violence.

The *Plan* presents a broad framework from which agencies and policymakers can set priorities and deploy resources to end family violence. It outlines goals, objectives, and initiatives to:

- Prevent domestic violence;
- Enhance system response effectiveness;
- Increase access to safety and support resources;
- Enhance interventions with abusive people; and
- Increase community connections and support for at-risk families.

The State Planning Committee utilized national and statewide surveillance data, best practices, and evidence-based literature to form its recommendations. Implementation of the long range plan will require broad leadership and support from across the state.

The Committee identified ten strategies that became the framework of the Plan:

1. Develop additional resources in south Georgia, including advocacy/safety services, Task Forces, and Family Violence Intervention Programs.
2. Enhance access to needed services in Georgia, including child care, legal services, housing, language interpretation and transportation, where these are hard to find.
3. Develop and improve access to services for underserved populations, including children exposed to intimate partner violence (IPV) and teen dating violence.
4. Develop resources that strengthen collaboration, including cross-training and coordinated protocols among law enforcement, prosecutors, judges, advocates, and DFCS workers.

5. Promote approaches that encourage community connections for families at risk (or victims) of family violence (e.g., support for faith-based services, alternatives to removal).
6. Develop a strategic statewide approach for enhancing public awareness and promoting social norms that insist on safety, equality and respect for all people in Georgia.
7. Improve collaboration and develop practices, protocols and tools for gathering and using Family Violence data to assist with future state planning in Georgia.
8. Improve access to coordinated, trauma-informed mental health, substance abuse, and domestic violence services statewide (e.g., partnership with accountability courts, criminal justice reform).
9. Enhance existing resources for people who are abusive, and develop new resources where family violence is high but services for offenders are scarce.
10. Develop a strategic statewide approach for educating the public about the risks and warning signs of IPV, and what to do about it.

The full *Plan* can be found at www.georgiacourts.gov/GCFVstateplan.



Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Carol W. Hunstein
Chair

Marla S. Moore
Director

Fulton County Court Improvement Task Force
January 2012

The Fulton County Court Improvement Task Force, formed in November 2011 by the Chief Judges of the Fulton County Superior and State Courts, released its *Final Report and Recommendations* in a public meeting on September 28, 2012. The *Report* highlights the critical need for innovation in the courts and outlines the themes of the recommendations – customer service, transparency, accountability, budget independence, collaboration, and elimination of redundancies.

With the largest court system in Georgia, Fulton County must meet court user needs in an efficient, accessible, and fair manner. But, like trial courts throughout the state and the nation, the Fulton County courts struggle to deliver optimal services under tightening budgets. A December 2005 U.S. District Court order settling an inmate class action lawsuit and delineating explicit improvements to overcrowded conditions at the county jail also places constant pressure on the courts.

The Task Force's primary goal was to anticipate demands on the judicial system and recommend how best to prepare for those demands with respect to court organization, jurisdiction, and operations. The Task Force examined business processes and budgets; gathered input from over 1,000 attorneys, court employees, and court users; and borrowed best practices from the National Center for State Courts to form its recommendations.

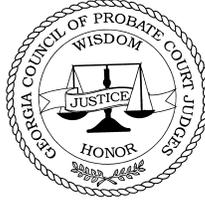
Since completing its work, ten Fulton County Superior and State Court judges have been appointed to a Joint Governance Committee, which is developing shared goals, priorities, and action plans for the courts.

The *Final Report and Recommendations*, list of Task Force members, and additional information can be found at www.georgiacourts.gov/fultontaskforce.

Council of Probate Court Judges
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Cook County, Adel, GA 31620

Immediate Past President – TODD BLACKWELL
Baldwin County, Milledgeville, GA 31061

Report to the Judicial Council of Georgia
January 2013

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

Legislation

The Council is currently in the process of solidifying its 2013 legislative initiatives and has presented draft legislation vetted by the Prosecuting Attorneys Council for prosecutors and/or solicitors in probate courts to the Judicial Council Policy Committee. This legislation is being sought to bring a higher level of professionalism to the court, create a uniform process for acquiring the services of a prosecuting attorney and possibly assist with addressing issues with caseloads.

As Traffic Reform is of great concern currently, the probate judges have engaged in the discussion for discovering options for minor offense reform. In doing so, they have 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 (GPCSF)

The Council approved amendments to the Estate Standard Forms proposed by the Rules and Forms committee at the fall business meeting held in November. Upon proper vetting, the forms will then be submitted to The Supreme Court of Georgia for approval.

New Judges' Orientation

The Council has strengthened its existing Mentor Program, by instituting a program akin to that adopted by the Council of Magistrate Court Judges. In its quest to fulfill the call for mentors, all probate judges in attendance at the 2012 Fall Conference received six hours of mentor training conducted thru ICJE.

The PJTC and the Institute of Continuing Judicial Education (ICJE) offered a revamped New Judges Orientation program November 25-30, 2012 in Athens, Georgia. There were more than 40 participants that received the 40 hours of instruction; those in attendance included judges and associate judges that were appointed or elected in the last four years as well as the current election cycle (23 probate judges retire December 31st).

Scheduled Continuing Judicial Education

The Council is scheduled to hold its annual Spring Seminar April 15-19, 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.

Next Meeting Date

The next executive meeting is scheduled for February 19, 2013, in conjunction with the Winter Conference of the County Officers Association of Georgia (COAG) in Atlanta, Georgia.



Georgia Council of Municipal Court Judges
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(404) 656-5171
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**Report to the Judicial Council of Georgia
January 2013**

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

Georgia Municipal Clerks Reference Manual

The author/editor for the Municipal Judges Benchbook (Judge Glen Ashman) has completed revisions for the 2013 edition of the Georgia Municipal Clerks Reference Manual and is ready for dissemination by ICJE. The revision includes six chapters and 10 appendixes that cover material that will assist municipal clerks in understanding the nuances and the day to day operations of the municipal courts. Subject matter to be included in the reference manual will include chapters on: Municipal Court Jurisdiction and Sentencing, Mandatory Surcharges, Indigent Defense and Defendant's Rights, Monthly reporting form surcharges for example.

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 has been focused on the criminal justice structure regarding misdemeanor reform (Title 40 Study Committee). Throughout the process, representatives have 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. 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.

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 will meet to re-examine those strategic goals, assess our progress in implementing them and set goals for accomplishing those parts of the 2010 Business Plan which have not yet been implemented. The facilitated two day session is scheduled for late January 2013.

Next Meeting

The Municipal Judges Executive Committee is scheduled to meet February 1, 2013 in Atlanta, Georgia (State Bar of Georgia).