

JUDICIAL COUNCIL OF GEORGIA

General Session

Friday, September 13, 2013

9:00 a.m. – 2:00 p.m.



Loudermilk Center
40 Courtland Street NE
Atlanta, GA 30303

Directions to the Loudermilk Center

40 Courtland Street NE
Atlanta, GA 30303

From I-75/85 Northbound: Exit #248-B Go left at the first traffic light (Edgewood Avenue). Go Approximately 4 blocks until you cross Courtland Street. At the next traffic light go right onto Peachtree Center Avenue and take the first entrance on your right (Lynch's Ally). The entrance to the parking garage will be past the median on the left. The Loudermilk Center is adjacent to the parking garage.

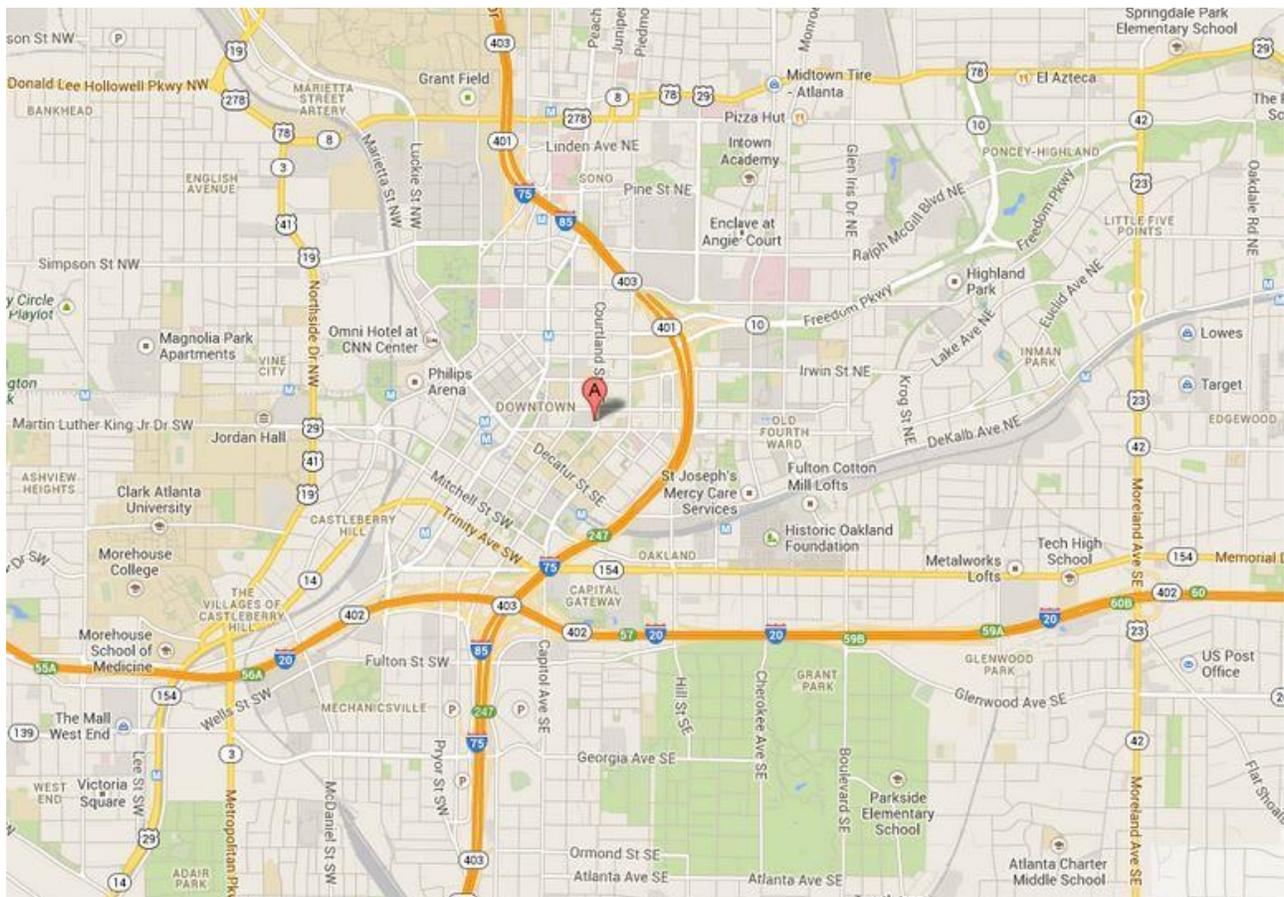
From I-75/85 Southbound: Exit #249A- Courtland Street is one -way street going south. Loudermilk Center for the Regional Community will be on the right after Auburn Avenue. Turn right onto Lynches Alley (the street after Auburn Ave. and before Edgewood Ave.) and park in the United Way parking deck.

From MARTA Northbound or Southbound Line: Get off at the Peachtree Center Station, take the set of escalators to Ellis Street. Once you get to the street level, you will see the Georgia Pacific Building on your left. Cross in front of Georgia Pacific Building and take a left onto John Wesley Dobbs Avenue. At the first traffic light, go right onto Peachtree Center Avenue. Walk on Peachtree Center Avenue

and make a left between The Woodruff Volunteer Center parking deck and The Woodruff Volunteer Center (United Way Building). The Loudermilk Center for the Regional Community will be on the left facing The Woodruff Volunteer Center (United Way Building).

From I-20 Eastbound: Exit #56B - Windsor/ Spring Street. Go straight to the third traffic light. Take a left on Central Avenue. Turn right onto Auburn Avenue, then right onto Courtland Street. Loudermilk Center for the Regional Community will be on the right. Turn right onto Lynches Alley (the street after Auburn Ave. and before Edgewood Ave.) and park in the United Way parking deck.

From I-20 Westbound: Exit #58A - Capital Avenue turn right at the light. Stay on Capitol Avenue, which changes into Piedmont Avenue after crossing MLK Jr. Drive. Turn left onto Auburn Avenue, then left onto Courtland Street. Loudermilk Center for the Regional Community will be on the right. Turn right onto Lunches Alley (the street after Auburn Ave. and before Edgewood Ave.) and park in the United Way parking deck.



Judicial Council of Georgia
Loudermilk Center
40 Courtland Street NE
Atlanta, GA 30303

Friday, September 13, 2013
9:00 a.m. – 2:00 p.m.

Lunch will be provided, and a group photograph will be taken at the lunch break.

- 1. Preliminary Remarks and Introductions**
(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)

- 2. Approval of Minutes** (*Action Item*) **TAB 1**
(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)
 - A. April 12, 2013**
 - B. June 14, 2013**

- 3. 2013 Workload Assessment Recommendations** (*Action Item*) **TAB 2**
(Mr. Christopher Hansard, Est. Time – 30 Min.)

- 4. Judicial Council Committee Reports**
 - A. Accountability Court Committee** (*Action Item*) **TAB 3**
(Chief Judge Brenda S. Weaver, Est. Time – 10 Min.)

 - B. Budget Committee** (*Action Item*) **TAB 4**
(Justice Harold D. Melton, Est. Time – 5 Min.)

 - C. Policy and Legislative Committee** **TAB 5**
(Presiding Justice P. Harris Hines, Est. Time – 15 Min.)

 - D. Court Reporting Matters Committee** **TAB 6**
(Chief Judge Herbert E. Phipps, Est. Time – 5 Min.)

 - E. Domestic Violence Committee** **TAB 7**
(Written Report)

- 5. Judicial Council/Administrative Office of the Courts Strategic Plan** **TAB 8**
(*Action Item*) (Mr. Jim Neal, Vice President, North Highland, Est. Time – 45 Min.)

- 6. Using CourTools to Enhance Georgia’s Courts** **TAB 9**
(Ms. Tracy Mason, Est. Time – 15 Min.)

- 7. Next Generation Courts Commission** **TAB 10**
(Judge Lawton E. Stephens, Est. Time – 15 Min.)

8. Report from AOC Director

TAB 11

(Ms. Marla S. Moore, Est. Time – 10 Min.)

- A. Center for Public Policy Studies Project Report
- B. Human Trafficking and the State Courts Collaborative Meeting Summary- April
- C. Human Trafficking and the State Courts Collaborative Meeting Summary- June
- D. Georgia Court Records Project Issue Summary
- E. Committee on Justice for Children
- F. Remote Interpreting Pilot Project Interim Report
- G. White Paper: A Briefing on Progress in Language Access in Georgia Courts
- H. JMI/NJC Project: Principles for Response to Drug-Involved Offenders
- I. NCSC Access Brief: Accessible Electronic Filing

9. Reports from Appellate Courts and Trial Court Councils

A. Supreme Court

(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)

B. Court of Appeals

(Chief Judge Herbert E. Phipps, Est. Time – 5 Min.)

C. Council of Superior Court Judges

(Judge Louisa Abbot, Est. Time – 5 Min.)

D. Council of State Court Judges

(Judge Linda S. Cowen, Est. Time – 5 Min.)

E. Council of Juvenile Court Judges

(Judge Robin W. Shearer, Est. Time – 5 Min.)

F. Council of Probate Court Judges

(Judge Kelley Powell, Est. Time – 5 Min.)

TAB 12

G. Council of Magistrate Court Judges

(Judge Betsey Kidwell, Est. Time – 5 Min.)

H. Council of Municipal Court Judges

(Judge James M. Anderson, Est. Time – 5 Min.)

TAB 13

10. Old/New Business

(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)

11. Concluding Remarks and Adjournment

(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)

Judicial Council Members

As of September 2013

Supreme Court

Chief Justice Hugh P. Thompson
Chair, Judicial Council
507 State Judicial Building
Atlanta, GA 30334
404-656-3475/F 657-9586
thompsoh@gasupreme.us

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

Court of Appeals

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

Presiding Judge Sara Doyle
47 Trinity Avenue, Suite 501
Atlanta, GA 30334
404-656-3458/F 657-9764
doyles@gaappeals.us

Superior Court

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

Judge Mary Staley
President-Elect, CSCJ
Cobb Judicial Circuit
70 Haynes Street
Marietta, GA 30090
770-528-1816/528-1821
mary.staley@cobbcounty.org

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

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

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

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

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

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

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

Chief Judge Kathy Palmer
Middle Judicial Circuit, 8th JAD
PO Box 330
Swainsboro, GA 30401
478-237-3260/F 237-0949
kspalmer@bellsouth.net

Judge Kathleen Gosselin
Northeastern Judicial Circuit, 9th JAD
PO Box 1778
Gainesville, GA 30503-1778
706-253-8729/F 253-8734
kgosselin@hallcounty.org

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

State Court

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

Judge Charles Wynne
President-Elect, CSCJ
Hall County
PO Box 737
Gainesville, GA 30503-0737
770-531-7007/F 531-3975
cwynne@hallcounty.org

Juvenile Court

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

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

Probate Court

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

Judge Chase Daughtrey
President-Elect, CPCJ
Cook County
212 N. Hutchinson Avenue
Adel, GA 31620
229-896-3941/F 896-6083
chase.daughtrey@cookcountyga.us

Magistrate Court

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

Judge W. Allen Wigington
First Vice-President, CMCJ
Pickens County
35 W. Church Street
Jasper, GA 30143
706-253-8747/F 253-8750
awigington@pickenscountyga.gov

Municipal Court

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

Judge E.R. Lanier
President-Elect, CMCJ
Municipal Court of Monticello
PO Box 269
Monticello, GA 31064
706-468-0129/F 468-0129
erlanier@aol.com

Administrative Office of the Courts

244 Washington St. SW, Suite 300 Atlanta, GA 30334

Marla S. Moore, Director

404-656-5171

Director's Office

Yolanda Mashburn
404-657-6269

Erin Oakley
404-463-3820

Budget

Ashley Garner
404-656-6404

Communications

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

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

Accountability Courts & Grants Management

Lateefah Thomas
404-463-1906

Alexandra O'Callaghan
404-463-1453

Stacey Seldon
404-463-0043

Certification and Licensing

position vacant
404-656-5171

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

Linda Smith
404-657-4219

Office of Dispute Resolution
Shinji Morokuma
404-463-3785

Tynesha Manuel
404-463-3788

Probation Advisory Council
Shevondah Fields
404-656-6447

Mary Interiano
404-463-5001

Deborah Boddie
404-232-1444

Shawn DeVaney
404-463-3927

Children, Families, & the Courts

Michelle Barclay
404-657-9219

Patricia Buonodono
404-463-0044

Araceli Jacobs
404-656-6703

Elaine Johnson
404-463-6383

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

La Donna Varner
404-463-3178

*Research, Planning, &
Data Analysis*

Christopher Hansard
404-463-1871

Joshua Becker
404-463-6298

Kimberly Miller
404-463-6887

Jordan Dasher
404-656-0371

Wes Acosta
404-656-6413

Financial Administration

Randy Dennis
Division Director
404-651-7613

Amy Bottoms
404-463-2493

Krista Bradley
404-463-9016

Kim Burley
404-463-3816

Monte Harris
404-656-6691

Tanya Osby
404-463-0237

Andrew Theus
404-463-5177

Information Technology

Jorge Basto
Division Director
404-657-9673

*Network Administration/
Desktop*

Tony Mazza
404-657-4006

Gilberto Alcantara
404-463-0016

Bradley Allen
404-657-1770

Carl Carey
404-656-7694

Application/Web Development

Christina Liu
404-651-8180

Roger Watson
404-651-8169

position vacant
404-656-5171

Software Maintenance/Support

Michael Neuren
404-657-4218

Richard Denney
404-731-1357

Wanda Paul
404-538-0849

Kriste Pope
404-731-1358

*Georgia Judicial
Exchange*

Michael Alexandrou
404-656-7788

Tajsha Dekine
404-656-3479

Kevin Kirk
404-275-8372

Rory Parker
404-656-3478

Arnold Schoenberg
404-463-6343

**Council of State Court
Judges**

Bob Bray
404-651-6204

**Council of Magistrate Court
Judges**

Sharon Reiss
404-463-4171

Judicial Council Committees

As of September 2013

Advisory members are denoted in italics.

Accountability Court Committee

Ms. Lateefah Thomas, Staff Contact

Chief Judge Brenda S. Weaver, Chair
Judge Jason J. Deal, Vice Chair
Judge Charles Auslander, III
Chief Judge Jeffrey S. Bagley
Judge James Bass
Judge Cynthia J. Becker
Judge Winston P. Bethel
Chief Judge Joe C. Bishop
Judge Linda S. Cowen
Judge Doris L. Downs
Judge Stephen Goss
Judge Kathlene F. Gosselin
Judge Cliff L. Jolliff
Judge Jeannette L. Little
Judge T. Russell McClelland, III
Judge Juanita Stedman
Judge Patricia Stone
Judge Susan P. Tate

Budget Committee

Ms. Ashley Garner, Staff Contact

Justice Harold D. Melton, Chair
Judge Louisa Abbot
Judge Linda S. Cowen
Judge Betsey Kidwell
Judge Kelley Powell
Judge Robin Shearer
Judge James M. Anderson

Court Reporting Matters Committee

Ms. Aquaria Smith, Staff Contact

Chief Judge Herbert E. Phipps, Chair
Judge Edward D. Lukemire
Judge Linda S. Cowen
Chief Judge Kathy S. Palmer

Domestic Violence Committee

Ms. Cynthia Clanton, Staff Contact

Chief Judge William T. Boyett, Chair
Judge Anne E. Barnes
Judge William Bartles
Chief Judge Thomas C. Bobbitt, III
Judge Maria B. Golick
Judge Divida Gude

Judge Horace J. Johnson
Ms. Linda A. Klein
Ms. Allegra Lawrence
Chief Judge J. Carlisle Overstreet
Judge Tilman Self, III
Ms. Jody Overcash
Mr. Greg Loughlin

Judicial Workload Assessment Committee

Mr. Christopher Hansard, Staff Contact

Judge David T. Emerson, Chair
Judge Cynthia J. Becker
Chief Judge Joe C. Bishop
Chief Judge William T. Boyett
Judge Doris L. Downs
Judge Bonnie C. Oliver
Judge Stephen D. Kelley
Chief Judge Kathy Palmer
Judge Sheryl B. Jolly
Mr. Bart W. Jackson
Ms. Cinda Bright
Mr. Philip M. Boudewyns
Mr. Bob Nadekow
Mr. Will Simmons

Policy and Legislative Committee

Mr. Michael Cuccaro, Staff Contact

Presiding Justice P. Harris Hines, Chair
Chief Judge Herbert E. Phipps, Vice Chair
Judge James M. Anderson, III
Judge Linda S. Cowen
Judge Betsey Kidwell
Judge Kelley Powell
Judge Robin W. Shearer
Judge Mary E. Staley
Mr. Bob Bray
Mr. Eric J. John
Ms. Sandy Lee
Ms. Marla S. Moore
Ms. Sharon Reiss

Meeting of the Judicial Council of Georgia
Fernbank Museum of Natural History • Fernbank Cafe
Atlanta, Georgia
April 12, 2013 • 9:00 a.m.

Members Present:

Chief Justice Carol W. Hunstein, Chair
Presiding Justice Hugh P. Thompson,
Vice Chair
Judge Gregory A. Adams
Judge Louisa Abbot
Judge Harry Jay Altman, II
Judge James M. Anderson
Judge James G. Bodiford
Judge Mary Jo Buxton
Judge Linda S. Cowen
Judge David Darden
Judge David T. Emerson
Judge Alan Harvey
Judge Horace J. Johnson, Jr.
(for Judge J. Carlisle Overstreet)
Judge Betsey Kidwell
Judge Edward D. Lukemire
Judge Arch W. McGarity
Judge Kathy Palmer
Judge Kelley Powell
Judge Robin W. Shearer
Judge Brenda S. Weaver
Judge Kenneth E. Wickham
Judge Cynthia D. Wright

Members Absent:

Chief Judge John J. Ellington
Presiding Judge Herbert E. Phipps
Judge J. Lane Bearden
Judge John E. Morse, Jr.
Judge J. Carlisle Overstreet

Staff Present:

Ms. Marla S. Moore
Mr. Wesley Acosta
Mr. Derrick Bryant
Mr. Michael Cuccaro
Mr. Jordan Dasher
Mr. Randy Dennis
Ms. Ashley Garner
Mr. Matthew Kloiber
Mr. Tony Mazza
Ms. Erin Oakley
Ms. Molly Perry
Ms. Ashley G. Stollar
Ms. Lateefah Thomas

Guests Present:

Mr. Bill Able, Court Reporter
Ms. Mecca Anderson, Supreme Court
Ms. Marcia Arberman, Court Reporter
Mr. Joseph Baden, Third District Court Administrator
Ms. Tee Barnes, Supreme Court
Mr. Tracy BeMent, Tenth District Court Administrator
Mr. Nathan Branscome, Criminal Justice Coordinating Council
Mr. Bob Bray, Council of State Court Judges
Ms. Krista Capik, Court Reporter
Mr. Brad Carver, Attorney, Hall Booth
Mr. Richard Chambers, Court Reporter
Ms. Christine Clark, Court Reporter

Ms. Elizabeth G. Cohn, Court Reporter
Mr. Paul Crowder, Court Reporter
Ms. Faye Davis, Court Reporter
Ms. Janice Derrick, Court Reporter
Ms. Melanie Fisher, Court Reporter
Ms. Lynn Fowler, Court Reporter
Mr. Suzanne Gaither, Court Reporter
Ms. Maile Gershwin, Court Reporter
Ms. Cheryl Gilliam, Court Reporter
Ms. Carol Glazier, Court Reporter
Ms. Geraldine Glover, Court Reporter
Ms. Kim Hunnicutt, Court Reporter
Ms. Carlette Jennings, Brown College of Court Reporting
Mr. Eric John, Council of Juvenile Court Judges
Ms. DeAnn Landon, Court Reporter
Ms. Dianne Lane, Court Reporter
Ms. Sandy Lee, Council of Superior Court Judges
Ms. Yolanda Lewis, Fifth District Court Administrator
Ms. Randi Lovinger-Strumlauf, Court Reporter
Ms. Sandi Lyon, Court Reporter
Sen. Josh McKoon, State Senate (R-29)
Ms. Cathy McCumber, Fourth District Court Administrator
Ms. Kerry McFadden, Court Reporter
Ms. Alicia Melton, Court Reporter
Mr. Charles Miller, Council of Superior Court Judges
Ms. Tia Milton, Supreme Court
Mr. David Mixon, Second District Court Administrator
Ms. Laura J. Murphree, Prosecuting Attorneys Council of Georgia
Mr. Bob Nadekow, Eighth District Court Administrator
Ms. Debra Nesbit, Association County Commissioners of Georgia
Judge Henry Newkirk, Superior Court, Atlanta Judicial Circuit
Rep. Mary Margaret Oliver, State House of Representatives (D-82)
Ms. Jody Overcash, Seventh District Court Administrator
Ms. Evelyn Parker, Court Reporter
Ms. Diane Parnell, Court Reporter
Ms. Charna Perloe, Court Reporter
Judge John C. Pridgen, Superior Courts, Cordele Judicial Circuit
Ms. Jennifer Pope, Court Reporter
Ms. Angela Pylant, Court Reporter
Ms. Sharon Reiss, Council of Magistrate Court Judges
Mr. Harvey Schulman, Court Reporter
Ms. Kathy Sherwood, Court Reporter
Mr. Will Simmons, Six District Court Administrator
Judge Mary Staley, Superior Court, Cobb Judicial Circuit
Ms. Heidi Thomas, Court Reporter
Ms. Rene Weatherford, Court Reporter

Mr. Shannon Weathers, Council of Superior Court Judges
Judge Max Wood, Chief Judge, Office of State Administrative Hearings

Call to Order

Chief Justice Hunstein called the meeting to order at 9:08 a.m. She introduced Judge Horace Johnson, designated to sit for Judge J. Carlisle Overstreet, Representative Mary Margaret Oliver (D-82), and Senator Josh McKoon (R-29). Chief Justice Hunstein thanked Rep. Oliver and Sen. McKoon for their support of the judiciary.

Ms. Marla Moore asked the legislators to describe the challenges the judiciary faced in the most recent legislative session and is likely to face in the future. Rep. Oliver commented that the General Assembly's constitutional duty each year is to produce a balanced budget, which is a challenge. She expressed her concern, as a legislator and a practicing attorney, that the General Assembly is not funding some things that should be funded. She congratulated all the participants on the juvenile court code revisions. Sen. McKoon joined in the concern that budget and revenue issues will continue.

Approval of Minutes

Judge Emerson moved approval of the minutes of the Judicial Council meeting held on January 10, 2013. Judge Kidwell seconded. The motion carried.

Committee Reports

Policy and Legislative Committee. Presiding Justice Thompson thanked the Judicial Council and judges across the state for coming together very effectively in this year's legislative endeavors. Sen. Josh McKoon, Sen. Jesse Stone, Sen. Bill Cowsert, Sen. Dickie Crosby, Sen. Jack Hill, Rep. Mary Margaret Oliver, Rep. Wendell Willard, Rep. Jay Powell, Rep. Tom Weldon, Rep. Rich Golick, and Speaker David Ralston were key to the legislative effort this year. He thanked Mr. Mike Cuccaro, Mr. Christopher Causey, Ms. Catherine Fitch, Ms. Tracy Mason, and Ms. Ashley Garner who very effectively steered the judiciary throughout the legislative session. Mr. Rusty Sewell and the State Bar of Georgia were very helpful in this year's efforts at the legislature. Presiding Justice Thompson praised the cohesiveness of the judiciary's efforts and the willingness of legislators to sponsor and forward our legislative agenda.

Judge Emerson reported that the contempt bill passed; however, some courts were removed from the final legislation. He expressed willingness to assist other classes of court next

year on this matter. Presiding Justice Thompson remarked that there was resistance to including other classes of court in the contempt bill because non-law-trained individuals could serve in those judgeships. The judiciary must convince legislators that judges have the training and discipline to be given contempt powers in those courts where non-lawyers preside.

Judge Shearer reported that the juvenile code revision passed. Many juvenile court judges spent time at the Capitol answering questions and explaining what effect the proposed changes would have on juvenile courts.

Judge Buxton reported that SB 120 passed. The legislation proposed prosecutors for probate courts that handle traffic. She expressed appreciation to the Prosecuting Attorneys Council and the Judicial Council.

Judge Harvey reported on HB 146. The final bill included good behavior bonds, which sets up a statutory procedure for hearings and due process, and allows all judges who have the capacity to issue warrants to issue arrest or search warrants by video conference from anywhere within the state of Georgia, as long as the existing law is complied with under this legislation.

Presiding Justice Thompson urged everyone to keep good contact with those in the legislature, try to be of assistance, to evaluate, and be informed on legislation that may come up in the future. Chief Justice Hunstein reminded the members that the Policy and Legislative Committee should have the first opportunity to review legislation that would be requested by a particular class of court.

Budget Committee. Judge Emerson reported on behalf of the Budget Committee. There were across-the-board 1% reductions for AFY13 and FY14. Two reductions in the AFY13 budget have no net impact on operations: telecommunications and property insurance premiums were lowered. The Judicial Qualifications Commission (JQC) budget was reduced by \$100,000 because an attorney position was not filled; that sum will return to the FY14 budget. The Judicial Council's budget was reduced by 1% in the amount of \$102,180 for AFY13 budget. The Budget Committee decided to spread the reduction to all Judicial Council programs.

For the FY14 budget, the Institute of Continuing Judicial Education (ICJE) received an increase of \$10,000 to replace infrastructure. There were two increases that have no net impact to the Judicial Council: Team Works Financial and Employee Retirement System, while reductions included telecommunications expenses and property liability insurance.

Accountability Courts funding was reduced by one position. The Judicial Council budget was

reduced by 1.46%, or \$130,000, which will be assessed across the board.

Accountability Court Committee. Judge Weaver announced that the annual Accountability Court Conference is scheduled for May 20-22, 2013. Conference registration is full, and some courts have been placed on a waiting list. Subcommittees are working on the peer review and certification processes for felony drug and mental health courts that must be completed by July 1. These will be considered by the Committee at its meeting on May 22. A report will be delivered to the Judicial Council by June 3, requiring a Judicial Council teleconference meeting prior to July 1.

In addition, felony mental health court treatment standards and family dependency treatment, juvenile, and DUI court operational standards are being drafted and soon will be considered by the Committee.

Special Committee on Court Reporting Fees and Processes.

Judge Cowen thanked the Judicial Council for the opportunity to continue work on recommendations for court reporting fees and processes. She referred members to a handout describing certified court reporter census data and newly certified court reporters by method (1990-2012) chart. She thanked the judges of the Special Committee: Judge Abbot, Judge Lukemire, Judge Frederick Mullis, Judge Staley, and Judge Shearer for their hard work. She noted that the recommendations are applicable to criminal proceedings and some habeas corpus proceedings; they do not apply to civil proceedings. A list of definitions is provided in the Special Committee's report.

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

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

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

Judge Anderson inquired if any court reporters were part time county employees. Judge Cowen responded that she was not aware of any court reporters that were salaried part time county employees.

Judge Cowen moved that the recommendation be approved. Judge Kidwell seconded. The recommendation was approved unanimously.

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

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

Implementation: ACCG or other interested organization should propose legislation to amend the statute clarifying that the contingency travel fee does not apply to single county circuits

Judge Palmer clarified that the statute defines travel as “from home to place of employment.” In some cases, she noted, a court reporter might travel from the county courthouse to another facility. Ms. Moore explained ACCG's concern that court reporters should be covered under local travel regulations. Chief Justice Hunstein remarked that the change would not preclude counties from paying travel expenses. Judge Cowen noted that this recommendation will not be a part of the Judicial Council’s legislative package.

Judge Cowen moved that the recommendation be approved. Judge Harvey seconded. The recommendation was approved with two dissenting votes.

• **1.3 - Billing Practices and Forms.** There is no standard billing practice for those reporters who submit bills for per diem services, transcripts, and other matters pursuant to the fee schedule.

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

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

Presiding Justice Thompson asked if charges by court reporters are approved by a judge prior to their submission to the county. Judge Cowen responded that in some courts the judge signs-off on invoices, while the court administrator signs-off in others. The Special Committee prefers standardized invoices to better inform the judge and the county commission and documenting services and products for payment. Judge Cowen moved that the recommendation be approved. Judge Kidwell seconded. The recommendation was approved unanimously.

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

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

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

Judge Cowen reported that the Special Committee discussed page rates with the Georgia Shorthand Reporters Association and the Georgia Certified Court Reporters Association. The page rate fee addressed in this recommendation is not to be voted on, but will be discussed further should the recommendation be approved. As the courts move forward with electronic filing, transcripts need to be in a format that can be electronically transmitted. Judge Emerson suggested amending the recommendation to define “electronic format” as “searchable pdf.” Judge Anderson suggested adding “or as determined in the future by the Judicial Council.”

Presiding Justice Thompson asked if the recommendation is feasible, given the January 1 deadline. Judge Cowen indicated that the deadline is feasible. Judge Adams seconded the motion to amend.

Chief Justice Hunstein read the amended recommendation: By January 1, 2014, transcripts shall be produced utilizing current information technology and filed in searchable pdf (portable document format), or as determined by the Judicial Council, that is accessible to all court users. The Judicial Council shall determine the page rate for electronic documents including transcripts, exhibits, and specialized exhibits.

Judge Cowen moved to approve the amended motion 1.4. Judge Emerson seconded the motion. After a brief discussion relating to compensation for a paper copy of an E-filed transcript, Chief Justice Hunstein called for a vote. The recommendation passed with one abstention.

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

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

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

Judge Cowen noted that there are differing views whether proceedings other than felony trials resulting in a guilty verdict should be transcribed every time. Some courts have all pleas transcribed; some have all probation revocations transcribed. The statutory law only refers to felony proceedings; there is one statute for municipal and one statute in juvenile court on termination proceedings.

Judge Cowen moved to approve the recommendation. Judge Adams seconded. The motion passed unanimously.

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

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

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

Judge Cowen moved to approve the recommendation. Judge Kidwell seconded. Judge Harvey suggested it might be problematic to verify an exhibit produced for a court reporter as the same one presented in court. Judge Abbot voiced concern that additional custodians other than those now in effect might be named in some circuits. The motion passed unanimously.

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

Recommendation: The court reporter shall file the certified criminal transcript with the clerk of court prior to releasing any certified copies. Once filed, the transcript becomes a public

record (O.C.G.A. §50-18-70) and shall be accessible to the judge, prosecutor, and defendant without charge.

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

Judge Cowen moved to approve the recommendation. Judge Adams seconded. The motion passed unanimously.

• **Recommendation 2.4 - Business Continuity.** Preservation of the record is a legal obligation of the courts. When recordings of court proceedings are not secured, the courts are unable to guarantee access to the record and continuity of business processes. Recommended practice to ensure business continuity includes electronic/digital recording and indexing or other means to document the court record prior to transcript production.

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

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

Judge Emerson asked if counties would be required to install recording systems in courtrooms if court reporters are already backing up their recordings. The recommendation merely places responsibility on the court to ensure there is a backup until a transcript is complete. Judge Abbot clarified that the intention is that a backup system would ensure production of a transcript if the original court reporter is unavailable. The recommendation would require rules setting standards for backup systems.

Judge Anderson moved to amend the recommendation to specify “court reporters maintain a backup system” to clarify that the court is not required to maintain the backup. Judge Adams seconded the amendment. The motion to amend the recommendation passed with one dissention.

Judge Cowen moved to approve the recommendation. Judge Adams seconded. The amended recommendation passed with one dissention.

• **Recommendation 3.1 - Electronic/Digital Reporting.** In many levels of court, a court reporter is not present for some types of proceedings. The only record, if a record is made, is made by some type of recording device. The Committee recommends that those courts where this is the practice already, key to use of the method, that there be an experienced court reporter who monitors and takes extensive notes or annotates the recording.

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

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

Discussion centered on courts of record that currently use electronic/digital recording in the absence of a court reporter. Judge Abbot referred to a handout containing an amended Recommendation 3.1 which strikes “certification of court reporters” to be replaced with “a separate classification and certification for digital monitors.” Additionally, “court reporter” would be stricken under the “Implementation” note.

Judge Kidwell and Judge Adams sought clarification on the use of digital monitors versus court reporters. Chief Justice Hunstein reminded the members that this recommendation is intended to authorize the Board of Court Reporting to recognize electronic/digital reporting as a means of capturing the record and create rules and regulations. Judge Shearer described her experience as a judge in a court of record for which a court reporter is not funded. She operates a digital recorder while presiding over the case, so she would appreciate guidelines or standards for the county's benefit

Judge Cowen moved to approve the recommendation as amended. Judge Harvey seconded. The motion passed with three votes in opposition.

A final recommendation was submitted by Judge Cowen on behalf of court reporters present at the meeting read as follows:

• **3.2 – Certified Court Reporters/Realtime Reporting.** The Judicial Council recognizes the benefits and efficiencies of realtime reporting and acknowledges it as the best practice of court reporting.

Implementation: The Board of Court Reporting shall establish a date certain and minimum requirements for certified court reporters in Georgia having realtime capability in superior and state courts.

Judge Cowen moved to approve the recommendation. Judge Harvey seconded. Judge Altman inquired about the cost of software for realtime reporting capability. Judge Cowen responded \$3,000 to \$5,000. The motion passed with one dissention.

Statewide Judiciary Civil E-Filing Steering Committee

Judge Emerson reported that the work on E-filing and E-access continues despite the General Assembly's refusal to fund the project. The Committee had recommended the hiring of an independent contractor as a Project Manager to bring E-filing to Georgia, but without funds this will not be possible. Chief Justice Hunstein noted the written report in the agenda.

Report from AOC Director

Ms. Moore brought attention to some materials placed at the seats of the members including the AOC Division report, Judicial Council of Georgia as a Policy Body memo, report from the County and Municipal Probation Advisory Commission, and the FY 2012 *Annual Report: Georgia Courts*. The Commission on Family Violence provided the 2012 *Fatality Review* and *Statewide Plan to End Family Violence*.

During the legislative session, Rep. Jay Powell requested information about the judges' councils, council staffing, and AOC support. A chart was prepared and distributed to the General Assembly highlighting which councils exist, how councils are staffed, and what involvement AOC has in supporting the efforts of those councils. A listing of AOC support activities is also provided. Ms. Moore noted the organization chart of the AOC provided in the agenda as well as general descriptions of the AOC line divisions and staff functions. There is a list of number of committees, boards, councils, and commissions that the AOC staff currently supports with seven additional groups with which the AOC may be involved with either in a

liaison or committee work capacity. With the retirements of Dr. Greg Arnold on January 31, and Ms. Ann Batchan on April 30, shifting of staff and staff duties continues.

During the past few months, the Governmental and Trial Court Liaison has spent its resources tracking legislation and keeping the judiciary updated as to the events of the General Assembly. Now that the legislative session is over, the group will be shifting gears to attend annual council and committee meetings. Ms. Moore expressed her appreciation for their work under the leadership of Mr. Cuccaro.

As reported by Judge Weaver earlier, the Accountability Court Committee is facing deadlines and challenges. The Judicial Council will hold a conference call the week of June 10 to review and adopt the recommendations concerning standards and guidelines from the Accountability Court Committee. These are due to take effect on July 1. Currently there are three dedicated staff members with one intern supporting the Committee's work. The annual conference is fast approaching and as many as 30-40 AOC staff members will support the conference in various capacities. Ms. Moore will meet with the Chief Justice and Judge Weaver to assess how to handle the loss of funding for the Accountability Court Committee position.

The funding for E-filing was not appropriated based on the incorrect assumptions that the E-Filing Committee was not prepared to go forward with the project and that resources were available to the AOC to support the project. Ms. Moore noted that the Committee has agreed that a project manager is necessary to move the project forward. In the interim, the Committee is focusing on the needs, analysis, and requirements for magistrate courts. This is a high priority project and if resources were available through the AOC or elsewhere in the judicial branch, the money would be applied.

Juggling IT issues and keeping AOC operations online and working have been a challenge in recent weeks. International hackers and old systems have hampered the AOC network and many have felt the impact of the AOC downtime. Ms. Moore praised IT staff who worked three weekends in a row to keep the systems from crashing. The environment is stable now and we are looking at how to shore up systems to avoid any catastrophic incidents.

The Annual Workload Assessment is underway, with the May 3rd deadline approaching. Fewer than half of Georgia's courts, and only 19% of superior courts, have submitted their caseload. Ms. Moore explained that letters have been sent to chief judges in counties where county finance officers have yet to respond to the salary survey. She asked those judges who

have received these letters to contact their finance officers. The deadline for judgeship or circuit boundary study requests is 5 p.m. on June 3rd. There are special procedures for requests that are received after the deadline, and those requests may not be considered.

Ms. Moore referred members to the status updates provided in the agenda on Immigration and the State Courts Initiative, Access to Justice Planning, and Committee on Justice for Children. Judge Emerson and a team from the Douglas Judicial Circuit will attend a conference on Smarter Sentencing in Denver, CO in May. Additionally, there is an opportunity for a few circuits to participate in a Technical Assistance Initiative taking the principles learned from accountability courts and applying them at earlier stages in the process. These opportunities have come about because Ms. Moore participated in a Bureau of Justice Assistance grant sponsored by the Judicial College and the Justice Management Institute. At this time of low budgets, training opportunities which cost the state nothing are important to utilize. Later this month, Ms. Moore reported that she would attend the annual meeting of the Council of Language Access Coordinators with Ms. Linda Smith, Language Access Coordinator, and Ms. Maggie Reeves, Program and Policy Analyst in Court Services. We hope to gain new insight into what a language access plan, as described by the Department of Justice, needs to look like.

The House of Representatives and Senate recognized the work of the Judicial Council/Administrative Office of the Courts over its 40 year history by issuing resolutions during the General Assembly. Ms. Moore read a congratulatory letter from President Jimmy Carter who, as governor in 1973, appointed and swore-in the first members of the Judicial Council. Ms. Moore expressed her gratitude to Sen. Jason Carter (D-42) for his help facilitating the letter from President Carter. Ms. Moore thanked Judicial Council members for their dedication and hard work.

Reports from Appellate Courts and Trial Court Councils

Supreme Court. Chief Justice Hunstein recognized the appointment of Justice Keith Blackwell to the Supreme Court. She announced that Judge Weaver was appointed to the Judicial Qualification Commission and thanked Judge Weaver for accepting that duty and responsibility. Presiding Justice Thompson is working on a committee, along with the JQC, to rewrite the Code of Judicial Conduct. Once the recommendations are final, they will be available for comment before adoption by the Supreme Court. The Conference of Chief Justices will hold its mid-year meeting in Sea Island in January 2014. Presiding Justice Thompson, who

will be Chief Justice, will host the event. Chief Justice Hunstein asked the members to keep Rep. Jay Powell in their thoughts as his daughter enters rehabilitation after a devastating illness struck her.

Court of Appeals. No report for the Court of Appeals was given.

Superior Courts. Judge Emerson reported that today is his final Judicial Council meeting. He introduced Judge Abbot as the incoming president, Judge Staley as the incoming vice president, and Judge Weaver as the incoming secretary-treasurer. Two judgeships were created during the legislative session, bringing the total number of judges to 209. The superior courts have seen a decrease in filings for civil cases while filings of domestic and criminal cases have increased. Judge Emerson expressed his appreciation for the efforts of Judge Weaver on behalf of accountability courts. Last year, 16 new accountability courts in superior courts were created. There have been 9 new applications this year.

State Courts. Judge Darden reported the Council of State Court Judges (CStCJ) has been actively participating in the review of the Code of Judicial Conduct and Title 40 reform. During this year's legislative session, a number of state court judges testified before House and Senate committees. The CStCJ prepared a study for a new judgeship in Bibb County which passed and has prepared a model legislation packet for those counties that wish to implement a multi-county or circuit state court to be introduced next year. Judge Larry Mims has been named to the Judicial Retirement System board. Judge William Rambo has been appointed to the State Court of Sumter County; one judgeship is still vacant and is waiting on appointment from the governor. Every two years, the Strategic Planning Committee reviews the progress of and revises its strategic plan. A New Judge orientation was held earlier this year. The state court judges continue to be very active in accountability courts, creating standards and practices for DUI courts. The state courts are adjusting to changes in civil filings and criminal caseload with recent legislation that adjusted the limits for theft and shoplifting.

Judge Darden introduced Judge Cowen as the incoming president, Judge Charles Wynne as the president elect, and Judge Wayne Purdom as secretary.

Juvenile Courts. Judge Shearer explained that because she is completing Judge Gregory Poole's unexpired term as president of the Council of Juvenile Court Judges (CJCJ), she will remain on the Judicial Council. The Juvenile Court Code Revision has created a great deal of change for juvenile courts and juvenile court judges. Judges are educating themselves by

attending grant workshops in April. New grant opportunities are available including \$5M from Gov. Deal for implementing juvenile justice reform and \$1M from the Governor's Office for Children and Families. The state's juvenile courts are encouraged to bring together all their stakeholders to continue the movement toward a collaborative environment in the juvenile courts. The CJCJ will hold its Spring conference beginning on May 6. The Juvenile Court Code Revision will dominate committee meetings. The CJCJ will need to rewrite the Juvenile Court bench book and review the Juvenile Court uniform rules. The CJCJ Fall conference in October will focus on ensuring all courts are ready when changes take effect in January.

Probate Courts. Judge Buxton referred members to the Council of Probate Court Judges' (CPCJ) written report included in the agenda. The CPCJ monitored many bills during the legislative session including the prosecutor's bill, weapons carry license issues, and traffic reform. She asked for the Judicial Council to consider what impact circuit-wide state court could have on the 80 probate judges who hear traffic cases and on the CPCJ. Judge Buxton introduced Judge Powell as the incoming president and Judge Chase Daughtrey as the incoming president elect.

Magistrate Courts. Judge Harvey thanked Rep. Tom Weldon on behalf of the Council of Magistrate Court Judges (CMCJ). Rep. Weldon sponsored the CMCJ's two bills in the legislature. The Council of Magistrate Court Judges, Inc., hired Mr. Rusty Sewell as a lobbyist. The CMCJ is tweaking its pro se project, with a view to creating fill-in-the-blank electronic forms to generate more meaningful answers, counterclaims, and complaints. A strategic planning meeting was recently conducted. Judge Harvey thanked Mr. Tony Mazza, AOC, for his assistance. The CMCJ is preparing for its annual meeting and elections in Decatur on April 28-29 during which it will celebrate the 30th anniversary of the creation of the magistrate court system. Judge Harvey noted that Chief Justice Hunstein will be the speaker at the business luncheon. A celebration the evening of April 29th at the historic courthouse in Decatur will be held where Rep. Willard will present the House's resolution recognizing the magistrate anniversary. He thanked Ms. Ashley Stollar, AOC, for crafting a press release regarding the resolution.

Judge Harvey introduced Judge Kidwell as the incoming president and Judge Allen Wigington as the first vice-president. He thanked Ms. Sharon Reiss for her hard work.

Judge Harvey expressed concern about the JQC's interpretation of OCGA § 19-3-49 that a judge cannot contract with people to do a wedding, which is to say a judge can have no prior agreement for pay. Presiding Justice Thomson responded that the JQC code of conduct draft will follow the legislation. The revision will also look at ex parte communications in the accountability courts. The Supreme Court has reviewed a draft of the revisions and will circulate the proposed draft to all classes of court for comment. After the councils have had an opportunity to comment, the Supreme Court will discuss and put out for discussion by the bar-at-large. The implementation of new code is expected to be available by January 1, 2014.

Municipal Courts. Judge Wickham referred members to the Council of Municipal Court Judges' (CMunCJ) written report included in the agenda. He reported that the CMunCJ has been working with the other classes of court on traffic reform proposals and the traffic violations bureau legislation for next year. Judge Anderson is already working with the AOC and CStCJ. Judge Wickham noted that this is his last meeting; he introduced Judge Anderson as the incoming president and Judge Ray Lanier as the incoming president-elect. The CMunCJ will meet in June on Jekyll Island this summer to swear in new officers. Judge Wickham thanked Chief Justice Hunstein and Presiding Justice Thompson for their leadership.

Old/New Business

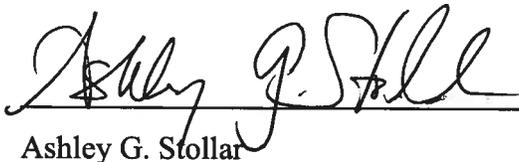
Judge Weaver thanked Ms. Moore, Ms. Lateefah Thomas, and others who staff the Accountability Courts. The Chief Justice echoed Judge Weaver's sentiment that Ms. Moore and her staff do a terrific job. The AOC is there to serve all the courts.

Chief Justice Hunstein presented certificates to outgoing members of the Council: Judge Emerson, Judge Darden, Judge Buxton, Judge Harvey, and Judge Wickham. Presiding Justice Thompson presented a certificate of recognition to Chief Justice Hunstein, praising her leadership and dedication.

Concluding Remarks and Adjournment

Chief Justice Hunstein adjourned the meeting at 12:00 p.m. The next meeting of the Judicial Council will be held on September 13, 2013, location TBD.

Respectfully submitted:



Ashley G. Stollar

Communications/Outreach Specialist II

The above and foregoing minutes were

Approved at the meeting held on the _____

day of _____, 2013.

Judicial Council Policy Action Items on Court Reporting Fees and Processes Adopted April 12, 2013

1.1 Application of Official Fee Schedule

Recommendation

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

Implementation

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

1.2 Contingent Expense and Travel Allowance

Recommendation

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

Implementation

The ACCG or other interested organization should propose legislation to amend the statute clarifying that the contingency travel fee does not apply to single county circuits.

1.3 Billing Practices and Forms

Recommendation

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

Implementation

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

1.4 Format and Page Rate

Recommendation

By January 1, 2014, transcripts shall be produced utilizing current information technology and filed in searchable .pdf (portable document format), or as determined by the Judicial Council, that is accessible to all court users. The Judicial Council shall determine the page rate for electronic documents including transcripts, exhibits, and specialized exhibits.

Implementation

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

2.1 Taking Down and Transcribing Court Proceedings

Recommendation

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

Implementation

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

2.2 Documentation of Evidence

Recommendation

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

Implementation

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

2.3 Certified Transcript is a Public Record

Recommendation

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

Implementation

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

2.4 Business Continuity

Recommendation

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

Implementation

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

3.1 Electronic/Digital Reporting

Recommendation

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

Implementation

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

3.2 Real Time Court Reporting

Recommendation

The Judicial Council recognizes the benefits and efficiencies of real time reporting and acknowledges it as the best practice of court reporting.

Implementation

The Board of Court Reporting shall establish a date certain and minimum requirements for certified court reporters having real time capability in superior and state courts.

**Meeting and Teleconference of the Judicial Council of Georgia
State Bar of Georgia • Room 5
Atlanta, Georgia
June 14, 2013 • 1:00 p.m.**

Members Present:

Chief Justice Carol W. Hunstein, Chair
Presiding Justice Hugh P. Thompson,
Vice Chair
Judge Louisa Abbot
Judge Harry Jay Altman, II*
Judge James G. Bodiford*
Judge Chase Daughtrey
Judge Kathlene Gosselin*
Judge Alan Harvey
Judge Edward D. Lukemire*
Judge Arch W. McGarity*
Judge John E. Morse, Jr.*
Judge J. Carlisle Overstreet*
Judge Kathy Palmer
Judge Kelley Powell
Judge Robin W. Shearer*
Judge Mary Staley
Judge Cynthia D. Wright

Members Absent:

Chief Judge John J. Ellington
Presiding Judge Herbert E. Phipps
Judge Gregory A. Adams
Judge James M. Anderson
Judge J. Lane Bearden
Judge Linda S. Cowen
Judge Betsey Kidwell
Judge Kenneth E. Wickham
Judge Charles Wynne

Staff Present:

Ms. Marla S. Moore
Mr. Michael Cuccaro
Mr. Randy Dennis
Ms. Ashley Garner
Ms. Erin Oakley
Ms. Molly Perry
Ms. Ashley G. Stollar
Ms. Lateefah Thomas

Guests Present:

Mr. Joseph Baden, Third District Court Administrator*
Ms. Tee Barnes, Supreme Court of Georgia*
Mr. Bob Bray, Council of State Court Judges*
Cpl. Mike Culverson, Georgia State Patrol*
Justice P. Harris Hines, Supreme Court of Georgia
Ms. Sandy Lee, Council of Superior Court Judges
Ms. Yolanda Lewis, Fifth District Court Administrator*
Ms. Cathy McCumber, Fourth District Court Administrator*
Mr. Charles Miller, Council of Superior Court Judges
Ms. Tia Milton, Supreme Court of Georgia*
Mr. David Mixon, Second District Court Administrator*
Mr. Bob Nadekow, Eighth District Court Administrator*
Ms. Natasha Nankali, Council of Superior Court Judges
Ms. Jody Overcash, Seventh District Court Administrator*
Ms. Sharon Reiss, Council of Magistrate Court Judges*
Mr. Shannon Weathers, Council of Superior Court Judges
Judge Brenda S. Weaver, Superior Court, Appalachian Judicial Circuit

*denotes participated by teleconference

Call to Order

Chief Justice Hunstein called the meeting to order at 1:00 p.m. Ms. Marla S. Moore called the roll and established that a quorum was present; visitors and staff introduced themselves.

Accountability Court Standards

Chief Justice Hunstein proposed to handle the review of the Accountability Courts recommendations using the new voting procedure adopted by the Supreme Court. A call for opposing votes would be made for each segment of the recommendations. If no opposing vote is registered, the measure will pass. The Council agreed to follow this procedure.

Using this procedure, Judge Weaver presented each set of standards and each was agreed to with no opposition. Standards adopted included: *Family Drug Court Standards Juvenile Drug Court Standards; Mental Health Court Standards; and Adult Drug Court Standards*. Judge Weaver noted that an additional meeting will be held by the Accountability Court Committee where revisions to the current Juvenile Drug Court Standards may be adopted. If revisions are made, the Judicial Council will vote on those revisions at the September meeting.

In similar fashion, Judge Weaver presented the *FY2014 Adult Drug Court Application*; the *FY2014 Mental Health Court Application*; and the *Peer Review Process*. Each was adopted with no objection.

Budget

Ms. Moore presented an overview of the FY2013 final budget and AFY2014. She noted that these are requests that will come before the budget committee to determine if they will be included in the Judicial Council Budget Request. Justice Hines explained the white paper summary for FY2014 and FY2015 budget enhancement requests including:

- (1) Establishment of a Family Law Information Center in the Pataula Judicial Circuit (FY15 \$60,357);
- (2) Increase in contributions to the Judicial Retirement System for the Council of State Court Judges (AFY14 \$120,272, FY15 \$410,508);
- (3) Funding for one compliance monitor position for the County and Municipal Probation Advisory Council (AFY14 \$16,580, FY15 \$66,320);
- (4) Funds to increase available grants to serve victims of domestic violence (FY15 \$772,502);

- (5) Infrastructure funds for the Institute of Continuing Judicial Education (AFY14 \$20,580, FY15 \$39,182);
- (6) Reinstate funds for lost position to fulfill statutory responsibilities related to Accountability Courts (AFY14 \$19,702, FY15 \$78,806);
- (7) Council of Probate Court Judges request to create the position of Executive Director (AFY14 \$27,840, FY15 \$111,363);
- (8) Funds to create a General Civil E-filing System for all classes of court to be administered by the AOC (AFY14 \$52,000, FY15 \$208,000).

Justice Hines noted that the budget must be submitted to the Governor's office by September 1. Because the Judicial Council will not meet again until September 13, Justice Hines requested that a motion be made so that the Budget Committee has the authority to handle budgetary matters on behalf of the Judicial Council between meetings and during the 2014 Legislative Session. Presiding Justice Thompson made the motion; Judge Mary Staley seconded.

Justice Hines called for questions. Judge Carlisle Overstreet asked why, in the case of the Council of State Court Judges' budget enhancement request, state funds are being appropriated for county employees. Justice Hines responded that in 1989 state court judges were required by legislation to be in the Judicial Retirement System. Judge Cynthia Wright questioned why there is such a significant increase in requested funds from AFY2014 (\$120,272) to FY2015 (\$410,508). Justice Hines explained that the Council of State Court Judges does not set these figures. The amounts are based on the increase in fees to the Board of Pensioners.

Chief Justice Hunstein called for a vote on the motion. The motion passed.

Old/New Business

Judge Staley recognized the work of Judge Weaver and the Accountability Court Committee in its work to develop standards, the peer review process, and the applications. Judge Weaver praised the work of Judge Jeffrey Bagley, Judge Cynthia Becker, Judge Stephen Goss, Judge Kathlene Gosselin, Judge Juanita Stedman, and Judge Patricia Stone who worked to craft the work that was approved.

Concluding Remarks and Adjournment

Chief Justice Hunstein adjourned the meeting at 1:30 p.m. The next meeting of the Judicial Council will be held on September 13, 2013, location TBD.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Ashley G. Stollar", written over a horizontal line.

Ashley G. Stollar

Communications/Outreach Specialist II

The above and foregoing minutes were
Approved at the meeting held on the _____
day of _____, 2013.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council

FROM: Molly Perry
Director, Court Services Division

RE: 2013 Workload Assessment Recommendations

DATE: September 13, 2013

The Judicial Council has forwarded recommendations regarding the need for superior court judicial resources to the Georgia General Assembly and the Governor annually since 1976. These recommendations are based on objective analyses of circuit caseload filings, types of cases, and available judge time. The analyses utilize a weighted caseload model, the standard for judicial workload assessment. The model is considered a best practice by the National Center for State Courts.

The following pages present the results of the Administrative Office of the Courts' analyses of the two circuits found to have a critical need for an additional superior court judgeship. The Coweta and Waycross circuits qualify for a recommendation based on their 2012 workload calculations. Please see the *Judicial Workload Assessment Guide* in the following pages for an explanation of the process and methodology used to arrive at the recommendations.

The General Assembly approved judgeships for the Chattahoochee and Oconee circuits in 2013, and there are no carryover recommendations.

Included in the associated materials are: (1) Qualifying Circuit Assessment; (2) Number of Authorized Superior Court Judgeships, 1993-2014; and (3) *Judicial Workload Assessment Guide*, September 2013.

CY 2012 Superior Court Caseload

I. Qualifying Circuit Assessment

Table A. Jurisdictions, Numbers of Judges and Active Attorneys

Circuit	Counties	Superior	State	Juvenile	Probate Hearing Traffic	Other Probate	Magistrate	Active Attorneys
Coweta	5	6	4	4	2	3	14	393
Waycross	6	3	5	3	1	5	14	122

Table B. Total Cases Filed per Judge with Five-Year Percentage Change, Judge Workload Value¹ and Threshold Value to Qualify²

Circuit	Total Cases Filed	Percentage Change 2008-2012	Judge Workload Value	Threshold Value to Qualify
Coweta	2,503	-24.4%	8.35	7.86
Waycross	2,346	3.1%	4.13	4.02

Table C. Criminal Defendants per Judge with Five-Year Percentage Change

Circuit	Unified Appeal	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants ³	Percentage Change 2008-2012	Total Criminal
Coweta	0.17	609	79	124	12	-31.5%	812
Waycross	0.33	523	61	250	48	-5.2%	835

¹ See Judicial Workload Assessment Guide p. 8

² See Judicial Workload Assessment Guide p. 8

³ Includes only participants admitted to felony programs during CY 2012

Table D. Civil Dockets per Judge with Five-Year Percentage Change

Circuit	General Civil	Percentage Change 2008-2012	Domestic Relations	Percentage Change 2008-2012	Total Civil
Coweta	475	-47.2%	1,216	0.83%	1,691
Waycross	465	-28.6%	1,046	41.5%	1,511

Table E. Circuit and State Population Percentage Change by Decade⁴

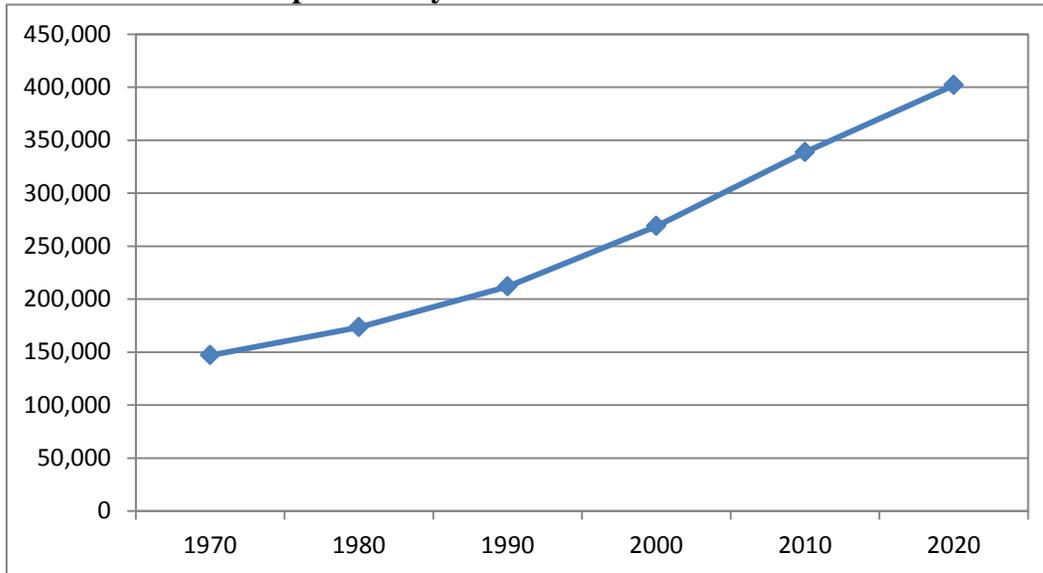
	1980-1990	1990-2000	2000-2010	2010-2020	1980-2020
Coweta	26%	19%	27%	26%	132%
Waycross	13%	11%	15%	13%	53%
State	19%	26%	18%	17%	107%

⁴ 2020 Population projections provided by Office of Planning and Budget

II. Circuit Characteristics and Caseload

Coweta Judicial Circuit

Graph 1. Coweta Circuit Population by Decade⁵

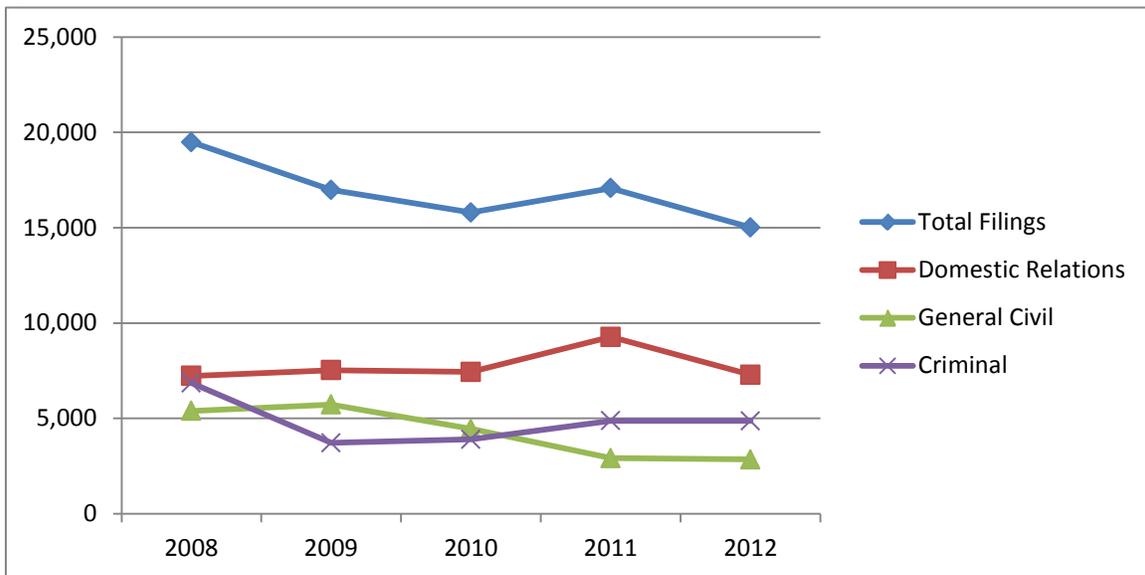


Circuit Characteristics

1. The Coweta Circuit is located in the western part of the state and includes Carroll, Coweta, Heard, Meriwether, and Troup counties. The Judicial Council classifies the Circuit as “Suburban Multi-County.” The counties in the circuit have a combined area of 2,202.4 square miles, averaging 367.1 square miles per judge.
2. **Graph 1** shows the U.S. Census and Office of Planning and Budget (OPB) projected population from 1970 to 2020. **Table E** (p. 3) shows the percentage change in population for the circuit and for Georgia. Coweta Circuit is projected to maintain an average population growth rate above 20% through 2020, higher than the projected 17% for the state as a whole.

⁵2020 Population projections provided by the Office of Planning and Budget

Graph 2. Coweta Circuit Caseload CY 2008-2012

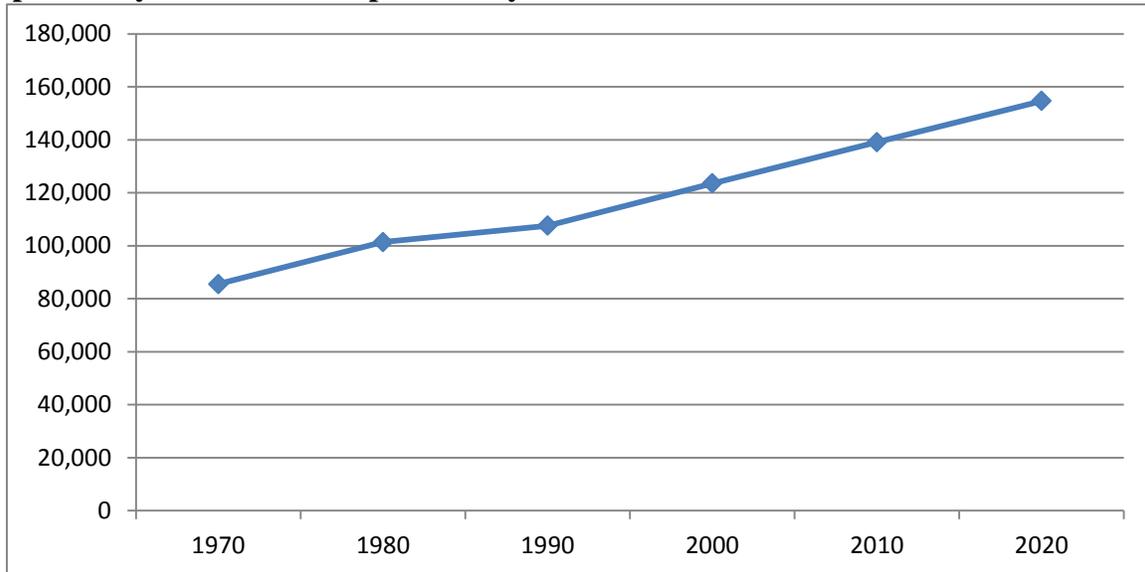


Court Characteristics

1. The number of total filings peaked in 2008 and has declined for three of the subsequent four years. General civil filings begin to plateau in 2012, while domestic relations and criminal caseloads fell after a slight increase in 2011. **See Graph 2.**
2. Coweta Circuit maintains three felony accountability courts and reported a total of 69 new participants in 2012. **See Table C** (p. 2).

Waycross Judicial Circuit

Graph 4. Waycross Circuit Population by Decade⁶

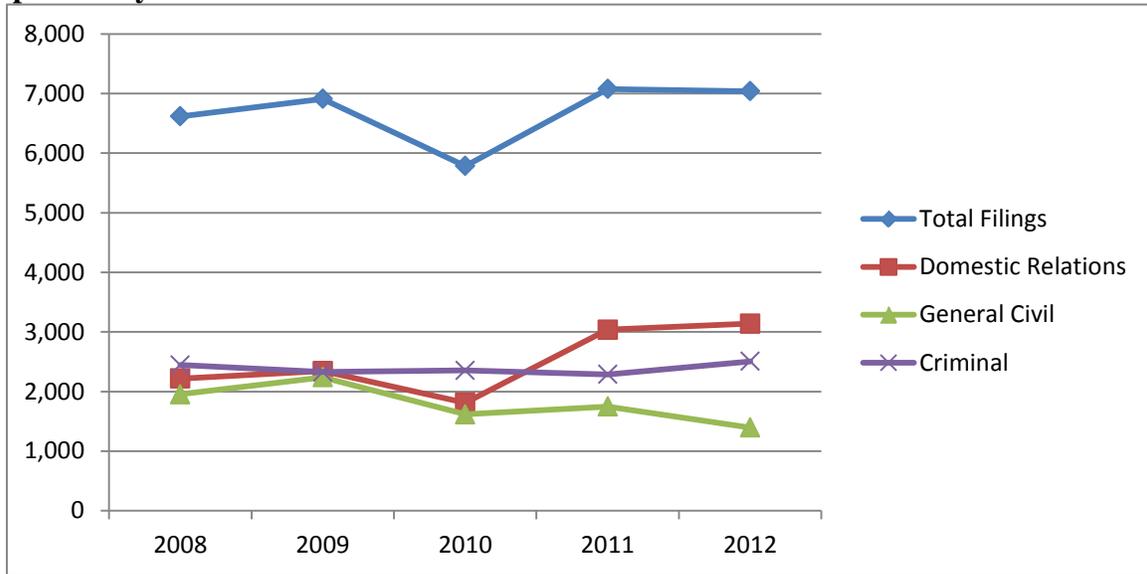


Circuit Characteristics

1. The Waycross Circuit includes Bacon, Brantley, Charlton, Coffee and Ware counties. The Judicial Council classifies the circuit as “Rural.” The circuit is in the southeastern part of the state and encompasses 3,369.3 square miles, or 1,123.1 square miles per judge.
2. **Graph 4** shows the U.S. Census and OPB projected population from 1970 to 2020. **Table E** (p. 3) shows the percentage change in population for the circuit and Georgia in the same format. The Waycross Circuit is expected to maintain its average 13% population growth through 2020, below the projected rate of 17% for the state.

⁶2020 Population projections provided by the Office of Planning and Budget

Graph 5. Waycross Circuit Caseload CY 2008-2012



Court Characteristics

1. With the notable exception of 2010, total caseload in the Waycross Circuit has been gradually increasing since 2008. Both criminal and domestic relations filings mirror the total caseload trend, while general civil filings have decreased consistently since 2008. **See Graph 5.**
2. Waycross Circuit maintains one felony accountability court and reported a total of 144 new participants in 2012. **See Table C** (p. 2).

Summary of Circuit Officials' Submissions

Letters Requesting Workload Assessment

Circuit	Name	Affiliation
Coweta	A. Quillian Baldwin, Jr.	Chief Judge, Superior Court
Coweta	Jack Kirby	Judge, Superior Court
Mountain	B. Chan Caudell	Chief Judge, Superior Court
Waycross	Dwayne H. Gillis	Chief Judge, Superior Court

Letters of Support*

Circuit	Name	Affiliation	Supportive
Coweta	Mike Crane	Georgia State Representative, District 28	Yes
Coweta	John D. Duncan	President, Newnan-Coweta Bar Association	Yes
Coweta	Dan Howard	President, West Georgia Trial Lawyers' Association	Yes
Coweta	John B. Jackson	Immediate Past President, West Georgia Trial Lawyers' Association	Yes
Coweta	Josh McKoon	Georgia State Senator, District 29	Yes
Coweta	John Simpson	Judge, Superior Court	Yes
Waycross	Tyler Harper	Georgia State Senator, District 7	Yes
Waycross	Kirk Farrar	Board of Governors	Yes
Waycross	Thomas Sauls	Superior Court Clerk, Pierce County	Yes
Waycross	C. Deen Strickland	Board of Governors	Yes

*Letters of support available upon request



Number of Authorized Superior Court Judgeships 1993-2014

Circuit	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Alapaha	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Alcovy	2	2	3	3	3	3	3	3	3	4	4	4	4	4	4	4	5	5	5	5	5	5
Appalachian	2	2	2	2	2	2	2	2	2	2	2	2	2	3	3	3	3	3	3	3	3	3
Atlanta	15	15	15	15	15	17	17	18	18	19	19	19	19	19	19	19	20	20	20	20	20	20
Atlantic	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Augusta	6	6	7	7	7	7	7	7	7	8	8	8	8	8	8	8	8	8	8	8	8	8
Bell-Forsyth	N/A	N/A	N/A	N/A	N/A	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	3	3
Blue Ridge	3	3	3	3	3	2	2	2	2	2	2	2	2	2	3	3	3	3	3	3	3	3
Brunswick	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	5	5	5	5	5	5
Chattahoochee	5	5	5	5	5	5	5	6	6	6	6	6	6	6	6	6	6	6	6	6	6	7
Cherokee	3	3	3	3	3	3	3	3	3	3	3	3	3	4	4	4	4	4	4	4	4	4
Clayton	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Cobb	7	7	8	8	8	8	8	9	9	9	9	9	9	9	10	10	10	10	10	10	10	10
Conasauga	3	3	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Cordele	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	3	3	3	3	3	3	3
Coweta	4	4	5	5	5	5	5	5	5	5	5	5	5	5	6	6	6	6	6	6	6	6
Dougherty	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Douglas	2	2	2	2	2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Dublin	2	2	2	2	2	2	2	2	2	2	2	2	2	2	3	3	3	3	3	3	3	3
Eastern	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Enotah	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	3	3	3	3	3	3	3
Flint	3	3	3	3	3	3	2	2	2	2	2	2	2	3	3	3	3	3	3	3	3	3
Griffin	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Gwinnett	6	6	6	6	6	7	7	7	7	8	8	8	8	9	9	10	10	10	10	10	10	10
Houston	2	2	2	2	2	2	2	2	2	2	2	2	2	2	3	3	3	3	3	3	3	3
Lookout Mountain	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Macon	4	4	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Middle	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Mountain	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Northeastern	3	3	3	3	3	3	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Northern	2	2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Ocmulgee	4	4	4	4	4	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Oconee	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	3
Ogeechee	2	2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Pataula	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Paulding	N/A	2	2	2	2	2	3	3	3	3	3	3	3	3								
Piedmont	2	2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	4	4
Rockdale	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Rome	3	3	3	3	3	3	3	3	4	4	4	4	4	4	4	4	4	4	4	4	4	4
South Georgia	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Southern	4	4	4	4	4	4	4	4	4	4	4	4	4	5	5	5	5	5	5	5	5	5
Southwestern	2	2	2	2	2	2	2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Stone Mountain	9	9	9	9	9	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Tallapoosa	3	3	3	3	3	3	3	4	4	3	2	2	2	2	2	2	2	2	2	2	2	2
Tifton	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Toombs	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Towaliga	N/A	N/A	N/A	N/A	N/A	N/A	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Waycross	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Western	2	2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Totals	159	159	169	169	169	175	176	183	184	189	188	188	188	193	199	202	205	205	205	205	207	209

Judicial Workload Assessment Guide

A Description of the Process of Evaluating
the Need for Additional Superior Court Judgeships



**Administrative Office of the Courts
Office of Research, Planning, and Data Analysis**

September 2013

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Introduction

The purpose of this Guide is to provide Judicial Council members an understanding of the methodology and activities that precipitate recommendations to the Governor and General Assembly for additional superior court judgeships. The Guide presents the policies, procedures, and fundamental concepts used by the Judicial Council and Administrative Office of the Courts in their work. We hope you will find that the information enhances your knowledge of the entire judicial workload assessment process, and we are grateful for your questions and comments to improve its usefulness.

Historical Overview

Legislation establishing the Administrative Office of the Courts (AOC) as the administrative arm of the Judicial Council of Georgia was enacted in 1973 as a result of a national initiative¹ to combat crime that encouraged states to examine their court structure, organization, and management. Governor Jimmy Carter's subsequent Commission on Judicial Processes evaluated the state's court system and endorsed creation of a court administrative structure to support court modernization.

A critical element of applying business management practices to the courts has been the collection and analysis of caseload data. A specific responsibility of the AOC is to "compile statistical and financial and other information on the judicial work of the courts and on the work of other offices related to and serving the courts, which data and information shall be provided by the courts." (OCGA §15-5-24 (3))

The first statewide caseload collection was initiated in June 1974 and encompassed superior, state, juvenile and probate courts. Because the task proved difficult due to inadequate records across the state, the AOC did not complete its calendar year 1973 caseload study until after June 1975. The initial presentation of superior, state, juvenile and probate court data was included in the AOC's third annual report (fiscal year 1976).

While the AOC still oversees the collection of data, it is the efforts of countless state and local officials that have contributed to valid and reliable results over the years. These officials include trial court judges, clerks, court administrators, prosecutors, probation personnel, and others.

In early years, AOC staff, court administrators, and seasonal employees fanned out across the state to count cases manually from handwritten docket books kept by court clerks. As information technology developed and was employed to manage court case information, electronic reporting began to replace manual data collection. Government budget constraints have created increasing reliance on technology to furnish accurate compilations of criminal and civil data.

Now, the preferred collection method is reporting case data to the Administrative Office of the Courts via its Internet Portal. As of August 2013, 86 percent of superior courts reporting 2012 caseload used the Portal to input data. This represents a two percent increase over the number of courts reporting 2011 caseload data via the Portal. Superior court clerks compile general civil and domestic relations filings through the Georgia Superior Court Clerks' Cooperative Authority (GSCCCA) by electronic or paper based reports, and these totals are uploaded to an AOC database.

¹ The President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society*, Washington, DC: Government Printing Office, February 1967.

The AOC reports statewide caseload activity annually to the National Center for State Courts and other national organizations to inform court and criminal justice system stakeholders about Georgia courts. Case information also serves as a historical description of the courts. The published data are used by a number of judicial branch agencies, state and local executive agencies, project and program managers, and grant applicants to support ongoing process and operational improvements.

The first data-driven analysis of the need for additional superior court judgeships was undertaken in response to requests for seven circuit studies in preparation for General Assembly consideration in 1974. These special studies were conducted according to a methodology dependent on comparisons of geographic, demographic, caseload, and practicing attorney data. However, the goal was to craft a methodology in line with the following premise articulated by the Judicial Council: *“The single most important determinant of the number of judges required in a judicial circuit is the current and anticipated caseload in that circuit. Techniques . . . generally known as ‘weighted case averaging’ provide an informed basis for comparing different trial courts within a system and determining which ones may be overloaded and therefore in need of additional judicial manpower. Experience suggests that this type of caseload measure is a much better indicator of the need for new judgeships than other measures such as the simple number of case filings or changes in community population.”*

The Judicial Council has employed various models to assess superior court workload and recommend additional judgeships to the Governor and the General Assembly. Although it has been modified over the succeeding 36 years to account for changing resources and technology, the methodology has always taken into account differing case types and their average time requirements. The Council’s Judicial Workload Assessment Committee is assigned the responsibility of reviewing and suggesting improvements to the methodology and potential changes to the Judicial Council policy governing additional superior court judgeships.

Caseload Study

The Judicial Council/AOC employs standards and definitions for criminal and civil filing and case types, including what and how to count cases heard in the superior courts. Two new case types were added for the 2011 caseload study – death penalty habeas corpus and adult felony accountability court cases. The remaining case types have been in effect since 2010. The filing and case types are listed in Table 1 below:

Table 1. Superior Court Filing and Case Types

General Civil	Domestic Relations	Criminal
<ol style="list-style-type: none"> 1. Appeals/Reviews 2. Contract/Account 3. Dispossessory/Distress 4. Forfeiture 5. Habeas Corpus 6. Non-Domestic Contempt 7. Other General Civil 8. Post-Judgment/Garnishment 9. Real Property 10. Tort/Negligence 11. Death Penalty Habeas Corpus 	<ol style="list-style-type: none"> 1. Adoption 2. Child Support Enforcement 3. Contempt 4. Divorce/Alimony 5. Family Violence 6. Legitimation 7. Modification 8. Non-Child Support Enforcement Custody 9. Other Domestic 	<ol style="list-style-type: none"> 1. Serious Felony 2. Felony 3. Misdemeanor 4. Unified Appeal 5. Probation Revocation 6. Adult Felony Accountability Court

In December 2001, the Council suspended the collection of open and disposed cases. At that time, budget and personnel resources were constrained and remain so. In the future, the Council may reconsider the collection of these data elements.

Caseload Reporting

In the beginning of March, communication is initiated with superior court judges and clerks requesting criminal case filings from the prior year. For the 2012 data collection, the AOC provided clerks the *Caseload Reporting Guide CY 2012* with instructions for submitting data through the AOC Portal. Along with civil data uploaded from the GSCCCA, data received by the AOC is later furnished to these officials for verification. Staff continuously monitors receipt of data to ensure it is ready for analysis and eventual publication in the *Annual Report of Georgia Courts*.

Workload Assessment Methodology

Each spring, the Chair of the Judicial Council formally advises the Governor, Lieutenant Governor, General Assembly, and chief superior court judges that they may request a study to assess the need for an additional judgeship. Before a request is contemplated, other means to address increased workload or improve efficiency should be implemented, such as caseload management, optimizing use of supporting courts and senior and visiting judges, and upgrading case management technology. An official request made to the AOC by the deadline on the first working day of June triggers a series of analyses resulting in a comparison of a circuit's available judge time against the standard judge time needed to process its caseload.

Integral to the workload assessment process is the quantitative analysis based on data produced from a time and motion study of superior court judge work activities. A time and motion study is a scientifically developed method of tracking an activity over a period of time. Superior court judges record time spent on their work during a certain period, and these time data are joined with disposition data from the same interval to arrive at average times to disposition and judge year values. Three time and motion studies have been conducted in Georgia – in 2000, 2006, and 2011 – to refresh the average time to disposition values as needed. Two additional studies were conducted in 2012 to create average time to disposition values for death penalty habeas corpus cases and adult felony accountability court cases.

The 2011 Time and Motion Study contained two data collection components. The first component is judge time spent on case and non-case related activities. Data collection took place during March 2011 with 147 of 205 superior court judges representing 46 circuits documenting time on printed or electronic forms. These judges, along with nine magistrates designated to preside in superior court, submitted 1,562,117 minutes of case and administrative activity data to the AOC.

The second data collection component is disposition data. Superior court clerks in circuits with participating judges were asked to complete a summary report of dispositions for the month of March and submit it to the Council of Superior Court Clerks. The Council compiled data furnished by 126 clerks and forwarded a report totaling 32,742 criminal, general civil and domestic relations defendants and dockets to the AOC.

Once statewide data were synthesized, the following formula was applied to case related data to determine each case type's average time to disposition value:

$$\sum \left(\frac{\sum \text{JudgeMinutes} - \sum \text{JudgeMinutes from counties without disposition data}}{\sum \text{County disposition reports} \times \frac{\text{Participating judges in the circuit}}{\text{Total judges in the circuit}}} \right) \quad \text{for all circuits} =$$

Average Time to Disposition

To ensure a valid and reliable calculation, the AOC removed the judge time recorded in counties for which no disposition data was furnished, and disposition reports for circuits where not all judges recorded time were adjusted proportionally to the number of judges participating.

Each case type is multiplied by its corresponding average time to disposition value as determined in the 2011 Time and Motion Study and the resulting products are summed for each circuit. An example of this process for two fictional circuits is shown in Table 2.

Table 2. Sample Calculations of Caseload Minutes

Case Type	Average Time to Disposition	Multiplied by number of cases (X)	Gamma Circuit (caseload)	Delta Circuit (caseload)
SF	353.79	x	73	324
F	49.30	x	852	1305
M	13.17	x	1398	209
UA	7200.00	x	0	0
PR	19.34	x	1512	451
DPHC	7640.40	x	1	0
AFAC	207.23	x	0	20
T/N	125.31	x	33	103
HC	134.34	x	4	3
A/R	54.58	x	16	10
RP	154.20	x	7	66
FF	66.75	x	37	4
C/A	15.80	x	1003	427
PJG	3.31	x	124	103
D/D	27.02	x	4	1
NDC	76.57	x	1	1
OGC	38.01	x	145	480
C	26.22	x	15	324
LEG	323.14	x	38	42
MOD	58.03	x	70	88
FV	24.32	x	142	249
CSE	10.07	x	1207	95
CUS	187.67	x	18	86
A	52.51	x	19	67
D/A	45.92	x	426	773
ODR	11.67	x	29	113
Total Minutes			199,734	322,757

The total minutes figure (in red) represents the amount of time all judges in the circuit spent on case related work. To determine if their time qualifies them for an additional judge, another calculation is made.

A circuit's *Judge Year Value* is calculated to determine the number of minutes that judges in each circuit should have available for case related work. Total work hours available in a year are estimated to be 2,920. From this number, non-work standard deductions were identified and are displayed in Table 3.

Table 3. Non-Work Standard Deductions and Hours

Non-Work Standard Deductions	Hours
Weekends	832
Holidays	96
Annual Leave	120
Sick Leave	72
CJE	40
Total	1,160

Total Work Hours [2,920] – Standard Deductions [1,160] = Average Work Hours [1,760]

To complete the analysis, additional deductions are made based on circuit demographics and the administrative activity data submitted by judges. All times are in hours.

Table 4. Work Hours Deductions by Circuit

Non-Case Activities	Urban	Suburban Single County	Suburban Multi-County	Rural
Travel	0	0	104	160
Administration	181	208	293	247
Community Activities	68	53	49	44
Total	249	261	446	451

Circuits are classified into four categories – urban, suburban single county, suburban multi-county and rural – as presented in Table 5. Note the *Judge Year Values* are in minutes.

Table 5. Circuit Classifications and Judge Year Values

Circuit	Classification	Judge Year Value (minutes)
Alapaha	Rural	78,540
Alcovy	Suburban Multi-County	78,900
Appalachian	Suburban Multi-County	78,900
Atlanta	Urban	90,660
Atlantic	Rural	78,540
Augusta	Suburban Multi-County	78,900
Bell-Forsyth	Suburban Single County	89,940
Blue Ridge	Suburban Multi-County	78,900
Brunswick	Suburban Multi-County	78,900
Chattahoochee	Suburban Multi-County	78,900
Cherokee	Suburban Multi-County	78,900
Clayton	Suburban Single County	89,940
Cobb	Urban	90,660
Conasauga	Suburban Multi-County	78,900
Cordele	Rural	78,540
Coweta	Suburban Multi-County	78,900
Dougherty	Suburban Single County	89,940
Douglas	Suburban Single County	89,940
Dublin	Rural	78,540
Eastern	Suburban Single County	89,940
Enotah	Rural	78,540
Flint	Suburban Single County	89,940
Griffin	Suburban Multi-County	78,900
Gwinnett	Urban	90,660
Houston	Suburban Single County	89,940
Lookout Mountain	Suburban Multi-County	78,900
Macon	Suburban Multi-County	78,900
Middle	Rural	78,540
Mountain	Rural	78,540
Northeastern	Suburban Multi-County	78,900
Northern	Rural	78,540
Ocmulgee	Rural	78,540
Oconee	Rural	78,540
Ogeechee	Rural	78,540
Pataula	Rural	78,540
Paulding	Suburban Single County	89,940
Piedmont	Suburban Multi-County	78,900
Rockdale	Suburban Single County	89,940
Rome	Suburban Single County	89,940
South Georgia	Rural	78,540
Southern	Suburban Multi-County	78,900
Southwestern	Rural	78,540
Stone Mountain	Urban	90,660
Tallapoosa	Suburban Multi-County	78,900
Tifton	Rural	78,540
Toombs	Rural	78,540
Towaliga	Rural	78,540
Waycross	Rural	78,540
Western	Suburban Multi-County	78,900

A circuit's minutes total is divided by its *Judge Year Value* to arrive at a *Judge Workload Value*. If this judge workload value is greater than or equal to the *Threshold Value to Qualify*, then the circuit meets the minimum requirement to receive a Judicial Council recommendation for an additional judgeship. Below is the completion of the analysis of Gamma and Delta circuits. One circuit qualifies for an additional judgeship whereas the other does not.

Table 6. Judgeship Analysis for Fictional Circuits

	Gamma Circuit	Delta Circuit
Total Minutes	199,734	322,757
Judge Year Value	1,309	1,499
Judge Workload Value	2.54	3.59
Threshold Value to Qualify	2.7	2.7
Qualification Status	Not Qualified	Qualified

Threshold Values to Qualify are based on the number of judges in a circuit as shown in the table below.

Number of Judges in Circuit	Threshold Value to Qualify
2	2.70
3	4.02
4	5.32
5	6.60
6	7.86
7	9.10
8	10.32
9	11.52
10	12.70
11	13.86
12	15.00
13	16.12
14	17.22
15	18.30
16	19.36
17	20.40
18	21.42
19	22.42
20	23.40

A requesting circuit whose *Judge Workload Value* does not meet or exceed the appropriate threshold is entitled by Judicial Council policy to appeal to the Judicial Workload Assessment Committee for reconsideration based on factors other than caseload. For those circuits that meet the minimum requirement or attain a successful appeal, the AOC conducts an in-depth study of demographic and other pertinent data. At the Judicial Council meeting in late summer, the AOC presents its analysis and findings.

The *Judicial Council Policy for Judgeship and Circuit Boundary Studies* (see following pages) guides the Council's deliberations and voting. A majority must approve qualified circuits via secret ballot voting. If a circuit does not meet or exceed the threshold value, it must obtain a two-thirds majority vote to receive a recommendation. The Council Chair votes in the event of a tie. A second secret ballot vote occurs to rank the qualified circuits in order of priority need.

The votes are counted and tallied in secret by the Presiding Judge of the Court of Appeals and AOC staff. The Chair notifies pertinent state and local officials of the recommendations and a press release is issued. Legislators representing the recommended circuits are responsible for presenting and passing bills to implement any judgeships and generally do so at the General Assembly session subsequent to the recommendations. Common practice is to make new judgeships effective on July 1 of the same year.

Appendix A

Judicial Council Policy for Judgeship and Circuit Boundary Studies

Initiation

Recommendations to the Governor and the General Assembly for judicial personnel allocations for the superior courts shall be made annually prior to the beginning of the regular session of the General Assembly. Studies by the Administrative Office of the Courts of the need for judgeships or of the need for changes in circuit boundaries may be authorized by the Judicial Council upon the request of the governor, members of the General Assembly, or by a judge of the county or counties affected. Such requests shall be submitted in writing by June 1, prior to the session of the General Assembly during which the judgeship or change in circuit boundaries is sought. Any request received after June 1 shall not be considered until the following year. Any judge who intends to make a request for a study must notify the Judicial Council of any special circumstances or data of the courts involved in the request by June 1 so that these special circumstances may be investigated during the studies conducted by the Administrative Office of the Courts (AOC). (12/7/2005) (6/11/2010)

Purpose

The Judicial Council seeks to achieve a balanced and equitable distribution of case load among the judges of the state to promote speedy and just dispositions of citizens' cases. The Judicial Council recognizes that the addition of a judgeship is a matter of great gravity and substantial expense to the counties and the state and should be approached through careful inquiry and deliberate study before action is taken. (10/27/1981)

Policy Statements

The Judicial Council will recommend the creation of additional judgeships or changes in circuit boundaries based only upon needs demonstrated through comparative "objective"

studies. The Judicial Council will not recommend the addition of a judgeship not requested by the circuit under study unless there is clear and convincing evidence that an additional judgeship is needed. (10/27/1981)

As a matter of policy, the Judicial Council recommends that no new part-time judgeship be created. Because of the advantages of multi-judge circuits, the Judicial Council generally will not recommend the creation of additional circuits. (10/27/1981)

Judgeships

1. Part-time judgeships

As a general rule, part-time judgeships are not an effective method of handling judicial workload. The disadvantages of part-time judgeships are many; a few specific ones are:

a. The cost of training a part-time judge is the same as that of training a full-time judge, but the benefits to the state or local government of training a part-time judge are only a fraction of those realized by training a full-time judge, since a part-time judge will hear only a fraction of the cases heard by a full-time judge receiving the same training. Additionally, part-time judges are generally not paid for the time they spend in continuing education. This creates a financial disincentive for part-time judges to attend continuing education, whom might ordinarily spend time practicing law or conducting law or conducting other business. (10/27/1981)

b. Conflicts of interest often arise in professional relationships for part-time judges. It is often difficult for other attorneys to litigate against an attorney and have to appear before the same attorney, sitting as judge, the next day. Additionally, cases in which part-time judges are disqualified usually arise in their own court, thus eliminating a large potential portion of their law practice. (10/27/1981)

2. Promotion of Multi-Judge Circuits

Multi-judge courts are more effective organizations for administrative purposes. Some specific advantages of multi-judge courts are:

- a. Accommodation of judicial absences. Multi-judge circuits allow better management in the absence of a judge from the circuit due to illness, disqualification, vacation, and the demands of other responsibilities such as continuing legal education. (10/27/1981)
- b. More efficient use of jurors. Better use of jury resources can be effected when two judges hold court simultaneously in the same county. One judge in a multi-judge circuit may use the other judge's excess jurors for a trial of a second case rather than excusing them at an added expense to the county. Present courtroom space in most counties may not permit two trials simultaneously; but such a practice, if implemented, may justify the building of a second smaller courtroom by the county affected, or the making of other arrangements. (10/27/1981) (6/11/2010)
- c. Accommodation of problems of impartiality or disqualification. A larger circuit with additional judges may permit hometown cases where acquaintances are involved to be considered by an out-of-town judge without the appearance that the local judge is avoiding responsibility. (10/27/1981)
- d. Improves court administration. Multi-judge circuits tend to promote impartiality and uniformity of administrative practices and procedures by making court administration something more than the extension of a single judge's personality. Multi-judge circuits also permit economies in the deployment of auxiliary court personnel. (10/27/1981)
- e. Expedites handling of cases. Probably most important of all, under the arithmetic of calendar management, the judges of a multi-judge court can handle substantially more cases

than an equal number of judges operating in separate courts. Besides the advantage of improved efficiency to be realized through the use of multi-judge circuits, there are also a number of other reasons as to why this approach should be taken. Under the existing law, a new judgeship may be created without the addition of another elected district attorney, although an assistant district attorney is added. However, when the circuit is divided and a new circuit thereby created, another elected district attorney is needed. A second reason supporting the use of multi-judge circuits is that upon division of an existing circuit into two new ones, one new circuit may grow disproportionately to the other, or population or other factors suggesting division may diminish, thus negating the factors which initially led to the division and compounding future problems of adjustment. (10/27/1981)

Methodology

1. Criteria for Superior Court Judgeship Requests

In establishing the need for additional superior court judgeships, the Judicial Council will consider weighted caseloads per judge for each circuit. If the per judge weighted caseload meets the threshold standards established by the Council for consideration of an additional judgeship, additional criteria will be considered. The threshold standard is a value set by the Judicial Council in open session. (06/08/2005) No study will be conducted when a requesting circuit does not meet the threshold criteria established by the Judicial Council. When the AOC determines that a requesting circuit does not meet the minimum criteria, the chief judge of the circuit will be so notified along with information as to how to appeal to the Council's Judicial Workload Assessment Committee and the time frame for such appeal. (6/11/2010)

Additional criteria considered may include, but are not limited to, the following and are not necessarily in the order of importance as listed below:

- a. Filings per judge
- b. Growth rate of filings per judge

- c. Open cases per judge
- d. Case backlog per judge
- e. Population served per judge
- f. Population growth
- g. Number and types of supporting courts
- h. Availability and use of senior judge assistance
- i. Number of resident attorneys per judge
- j. Responses to letters to legislators, county commissioners, presidents of local bar associations, district attorneys, and clerks of superior court asking for their input. (8/25/2000)

2. Criteria for Studying Requests to Alter Circuit Boundaries

The criteria used by the Judicial Council in reviewing proposals to alter circuit boundaries will include the following criteria:

a. **Weighted Caseload per Judge.** After the proposed change in circuit boundaries, caseload should be more evenly distributed. In addition, a proposed circuit's workload should not vary significantly from the statewide average weighted caseload per judge. (10/27/1981)

b. **Caseload Growth Trends.** Caseload growth trends should be examined so that an imbalance in growth rates when a circuit boundary is changed will not necessitate a reallocation of resources or alteration of circuit boundaries again in the near future. Such continual shifts in circuit boundaries or resources could be very unsettling and, thereby, significantly reduce judicial efficiency. If a reliable caseload projection method is available, this technique will be used to determine future case filings; if one is not available, caseload growth rates, increases in the number of attorneys per capita and population projections will be analyzed.

The population per judge should be evenly divided among the geographical areas affected by the proposed circuit boundary change if a

recommendation is to be made. Secondly, population projections should be examined to insure that disparate population growth rates will not create a great imbalance in the population to be served by each judge within a short period of time from the date of the alteration of the circuit boundaries. Lastly, the population per judge of the altered circuit should not be substantially different from the statewide average population per judge. (10/27/1981) (6/11/2010)

c. **Changes in Judicial Travel Time.** Travel time diminish total judicial time available for case processing; therefore, travel time should not be significantly increased for judges in circuits affected by a change in circuit boundaries before such a change should be recommended. Terms of court in and the number of times each county was visited on case-related business by the judges should be determined and these trips should be translated into travel time by using official distances between courthouses and road conditions determined by the Georgia Department of Public Safety. (10/27/1981)

d. **Projected Changes in Cost to State and Local Government.** Cost savings or additional expenditures required of local and state governing authorities should be determined. Changes in cost for personnel, facilities, and travel should be considered. A recommendation for change should not be made unless additional expenditures required are minimal or balanced by equivalent cost savings. (10/27/1981)

e. **Characteristics of populace in areas of circuits sought to be separated,** such as rural or urban. (12/11/1981)

f. **Operational policies of circuit as presently constituted as might involve inattention to smaller counties in circuit.** (12/11/1981)

g. **Whether creation of new circuit would obviate necessity of one or two additional judges in parent circuit.** (12/11/1981)

h. **Travel and other expenses incident to serving smaller counties.** (12/11/1981)

i. Alleviation of case assignment problems in larger counties of circuit. (12/11/1981)

j. Population growth of counties of circuit which would reflect need for new circuit. (12/11/1981)

k. Comparison population per judge in new circuit with standards approved by Judicial Council in recent years. (12/11/1981)

l. The Judicial Council will presume that a multi-judge circuit is preferred over a single-judge circuit. (12/11/1981)

m. If a county is to be split off from the circuit of which it is a part, the possibilities of adding that county to another circuit should be exhausted prior to the council's recommending a single-judge circuit. (12/11/1981)

Judicial Council Deliberations

1. Testimony

Judges, legislators, and others deemed appropriate by the chair shall be invited to make written remarks or present data regarding the need for judgeships or to alter circuit boundaries. Any special circumstance or data of a circuit for which a request is to be made must be brought to the attention of the Judicial Council by a judge of the requesting circuit by June 1 of the year prior to the year of the legislative session during which the judgeship or change in circuit boundaries will be considered. Any request submitted after the stated deadline will not be considered until the following year. The written testimony of the judges, legislators and other persons shall be reviewed and considered by the Judicial Council in their deliberations regarding judicial resources. Oral arguments will not be made. (6/6/1984) (6/6/2006) (6/11/2010)

2. Final Deliberations

After all written presentations, the Judicial Council and key (AOC) staff, in open session, will discuss the merits of each request. (6/6/1984) (6/11/2010)

3. Staff Presentations

The AOC will present data evaluating the need to add judgeships or to alter circuit boundaries based on council approved criteria and will make staff recommendations. (10/27/1981)

4. Vote

After final deliberations, the Council will, in open session, approve or disapprove recommended changes in judicial resource allocations. Votes on such motions shall be by secret written ballot. A two-thirds vote of the council membership present at the session will be required to override an unfavorable recommendation based on the criteria contained in these by-laws (policy). After determining those circuits in which the council recommends an additional judgeship, the council will rank the recommendations based on need. Any ranking ballot that does not rank each and every judgeship recommendation presented on the secret ballot shall not be counted. (12/07/2005) (6/11/2010)

5. Length of Recommendations

Upon a recommendation of an additional judgeship or to alter circuit boundaries for a judicial circuit by the council, the recommendation shall remain approved by the council for a period of three years, unless the caseload of that circuit decreases ten percent or more. (Rev. 12/13/1996) (6/11/2010)

6. Disqualifications

Any council member in a circuit or county affected by a council recommendation shall be eligible to vote by secret ballot on motions affecting that circuit, but shall not be present or participate in the council's final deliberations regarding his or her circuit. (Rev. 6/6/1984)

Dissemination of Recommendations

1. Study of the Need for Additional Superior Court Judgeships

The AOC shall prepare a report, including data required by the council for their deliberations and council policy statement, on

the Judicial Council's recommendations as to the need for additional superior court judgeships. Such report shall be distributed to the governor, members of the judiciary and special judiciary committees of the Senate and House, all superior court judges and other interested parties approved by the director of the AOC. Additionally, the AOC shall prepare and distribute a press release summarizing the council's recommendations.
(10/27/1981)(6/11/2010)

2. Special Studies of Judicial Resources, Including Alteration of Circuit Boundaries

a. The AOC shall prepare reports on the Judicial Council's recommendations for special studies, including reports on requests to alter circuit boundaries and for judgeships of courts other than the superior court and shall distribute them to the requestor, and, in the discretion of the director, to other interested parties.
(10/27/1981)

b. In preparing special reports, written remarks of judges, legislators, and others deemed appropriate by the chairperson shall be solicited by the AOC and considered by the Judicial Council. (12/11/1986) (6/11/2010)

Meeting of the Judicial Workload Assessment Committee
Conference Room 3, State Bar of Georgia
104 Marietta St. NW, Atlanta
July 12, 2013 11:00 a.m.

Members Present:

Judge David Emerson, Chair
Judge Cynthia Becker
Judge Joe Bishop (via telephone)
Mr. Phil Boudewyns
Mr. Bart Jackson (via telephone)
Judge Sheryl Jolly (via telephone)
Judge Stephen Kelley (via telephone)
Mr. Bob Nadekow (via telephone)
Judge Bonnie Oliver

Staff Present:

Mr. Jordan Dasher
Mr. Christopher Hansard
Ms. Kimberly Miller (via telephone)
Ms. Marla Moore

Guests Present:

Judge Chan Caudell
Judge Russell Smith

Call to Order

Chairman Emerson called the meeting to order at 11:06 a.m.

Approval of Minutes

The committee unanimously approved the minutes without amendment.

Mountain Circuit Appeal

Judge Emerson introduced Chief Judge Caudell and Judge Smith of the Mountain Circuit to committee members attending by phone. Christopher Hansard briefly explained the appeals process, reminding the Committee that even with a successful appeal a two-thirds vote from the Judicial Council would be necessary to advance a non-qualified judgeship recommendation to the legislature.

Judge Emerson asked Judges Caudell and Smith to present the appeal. Judge Caudell noted the addition of three accountability courts to the Mountain Circuit, with intent to create two more. He

argued that time constraints and scheduling conflicts have made it difficult to sustain their accountability courts and that an additional judgeship would serve to alleviate some of the burden. Referring to the materials provided to those in attendance, he cited population data for similar two judge circuits and chronicled the population growth of the Mountain Circuit within a stagnant judicial environment with no comparable increase in staff or resources.

Judge Smith mentioned he believed the 2012 caseload report was inaccurate and that there was inconsistency in the way the cases were counted. In addition, he commented that the circuit has no full-time magistrate or juvenile judges. Judge Caudell added that the circuit had been asked to participate in the DRC-Lite program, imposing further encumbrance upon the circuit.

Judge Becker questioned the Mountain Circuit on the use of senior judge days and other resources that are available at the courts' discretion. Judge Becker also asked about the possible impact addition of staff might have. Mr. Nadekow expressed concern that a granted appeal would lead to a rash of like-minded requests for resources. Judge Jolly suggested scaling back plans for the creation of additional accountability courts. Judge Becker excused herself to attend court and said she would send her vote to Chairman Emerson by email.

Judge Emerson excused Judge Caudell and Judge Smith. After discussion, Judge Emerson called the Committee to vote. Those present unanimously voted against the appeal.

Next Meeting

Judge Emerson set the next Judicial Workload Assessment Committee meeting for Friday, November 1, in Atlanta. Judge Emerson encouraged members to attend in-person to see a presentation by AOC regarding performance standards. He called for any final questions or comments and thanked the committee for their time.

The meeting adjourned at 12:01 p.m.



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

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

RE: Standards for Accountability Courts

DATE: September 13, 2013

The Judicial Council Accountability Court Committee is responsible for establishing standards that serve as a flexible framework for developing effective drug court divisions and to provide a structure for conducting research and evaluation for program accountability.

These standards, rules and attached form received approval from the Accountability Court Committee on August 30, 2013, and are now presented for your favorable consideration and adoption.

1. Adult DUI/Drug Court Standards
2. Adult DUI/Drug Court Treatment Standards
3. Adult DUI/Drug Court Transfer Rules
4. Adult DUI/Drug Court Transfer Form
5. Juvenile Drug Court Treatment Standards

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Section V**Adult DUI/Drug Court Standards****1. DUI/Drug courts integrate alcohol and other drug treatment services with justice system case processing.**

1.1 The goals of DUI/Drug court programs in Georgia shall be the participant's abstinence from alcohol and other illicit drugs and promotion of individual accountability in the interest of public safety.

1.2 Pursuant to O.C.G.A. § 15-1-15, prior to implementation, each DUI/Drug court shall establish a planning group to develop a work plan. The planning group shall include the judge, program coordinator, prosecuting attorneys, defense attorneys, probation officers, law enforcement and persons having expertise in the field of substance abuse. The work plan shall address the operational, coordination, resource, information management, and evaluation needs and include eligibility criteria for the court. The court shall combine judicial supervision, treatment of participants, and drug testing.

1.3 Prior to commencement of program operations, the DUI/Drug Court planning group shall collaboratively develop, review, and agree upon all aspects of court operations (mission, goals, eligibility criteria, operating procedures, performance measures, orientation, drug testing, program structure guidelines).

1.4 Each of these elements shall be compiled in writing in the form of a *Policies and Procedures Manual* which is reviewed and updated as necessary, but no less than every two years.

1.5 Once established, the DUI/Drug court shall have a continuing court team which shall include, at a minimum, the following representatives: judge, defense attorney, prosecutor, program coordinator, law enforcement, treatment provider/certified addiction treatment clinicians, and probation/supervision officer.

1.6 The team shall operate pursuant to a Memorandum of Understanding (MOU) between all parties, which shall be updated annually or as necessary.

1.7 All members of the DUI/Drug court team are expected to attend and participate in a minimum of two formal staffings per month.

1.8 Members of the DUI/Drug court team should attend DUI/Drug court sessions (i.e. status conferences/hearings).

1.9 DUI/Drug courts should provide for a continuum of services through partnership with a primary treatment provider to deliver treatment, coordinate other ancillary services, and make referrals as necessary.

1.10 Standardized evidence-based treatments, as recommended in the Adult DUI/Drug Court Treatment Standards (see Section 6), shall be adopted by the DUI/Drug court to ensure quality and effectiveness of services and to guide practice.

1.11 The court shall maintain ongoing communication with the treatment provider. The treatment provider should regularly and systematically provide the court with reports on the progress of, and any significant events involving, each participant. A reporting schedule and method of reporting shall be agreed upon by the DUI/Drug court team and put in writing as part of the court's operating procedures.

1.12 Participants should have contact with DUI/Drug court staff, probation officer, or treatment representative at least once per week during the first twelve months of the program.

2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

2.1 Prosecution and defense counsel shall both be members of the DUI/Drug court team and shall participate in the design, implementation, and enforcement of the program's screening, eligibility, and case-processing policies and procedures.

2.2 The prosecutor and defense counsel shall work to create a sense of stability, cooperation, and collaboration in pursuit of the program's goals.

2.3 The prosecution shall: review cases and determine whether a defendant is eligible for the DUI/Drug court program; file all required legal documents; participate in and enforce a consistent and formal system of sanctions in response to positive drug tests and other participant noncompliance; agree that a positive drug test or open court admission of drug use will not result in the filing of additional drug charges based on that admission; and make recommendations regarding the participant's continued enrollment in the program based on progress and response to treatment rather than on legal aspects of the case, with the exception of additional criminal behavior.

2.4 Pursuant to O.C.G.A. § 15-1-15, DUI/Drug courts may accept offenders with non-DUI charges.

2.5 For any participant whose charges include a property crime, the court must comply with the requirements and provisions set forth in the Crime Victim's Bill of Rights (O.C.G.A. § 15-17-1, et seq.).

2.6 All participants shall receive a participant handbook upon accepting the terms of participation and entering the program. Receipt of handbook shall be acknowledged through a signed form.

2.7 The judge, on the record, must apprise a participant of all due process rights, rights being waived, any process for reasserting those rights, and basic program expectations.

2.8 Where the state or the participant seeks a revocation or modification of a DUI/Drug court sentence, there shall be notice and a hearing at which the participant shall be afforded all due process rights.

2.9 The consequences of revocation from a DUI/Drug court should be comparable to those sustained in other similar cases before the presiding judge. The sentence shall be reasonable and not excessively punitive solely based on termination from DUI/Drug court.

3. Eligible participants are identified early and promptly placed into the DUI/Drug court program.

3.1 Targeting is the process of identifying a subset of the DUI offender population for inclusion in the DUI/Drug court program. This is a complex task given that DUI courts, in comparison to the traditional drug court programs, accept primarily one type of offender: the person who drives under the influence of alcohol or drugs. The DUI court target population, therefore, shall be clearly defined with eligibility criteria clearly documented.

3.2 The target population for DUI/Drug courts should be multiple DUI offenders with a minimum of two DUI's in five years or three or more DUIs in a lifetime. Courts may grant a case by case exception when an offender has a first DUI charge, other alcohol related offenses, or a history of substance abuse or addiction.

3.3 Participant eligibility requirements/criteria shall be developed and agreed upon by all members of the DUI/Drug court team and included in writing as part of the program's policies and procedures.

3.4 Courts shall only admit eligible DUI/Drug court participants post-conviction. Under no circumstance shall a DUI charge be dismissed as a condition of completing a DUI court sentence/program.

3.5 Screening for program eligibility shall include the review of legal requirements and clinical appropriateness.

3.6 Members of the DUI/Drug court team and other designated court or criminal justice officials shall screen cases for eligibility and identify potential DUI/Drug court participants.

3.7 Participants being considered for a DUI/Drug court should be promptly advised about the program, including the requirements, scope, potential benefits, the effects on their case and consequences of failing to abide by the rules.

3.8 Participants should begin treatment as soon as possible after sentencing.

3.9 DUI/Drug courts will use a standardized/validated screening instrument which will be used as part of the clinical assessment process to gather evaluation data. Assessment for substance abuse and other treatment shall be conducted by appropriately trained and qualified professional staff.

3.10 DUI/Drug courts shall maintain an appropriate caseload based on their capacity to effectively serve all participants according to these standards.

3.11 No potential participant shall be excluded solely on the basis of sex, race, color, religion, creed, age, national origin, ancestry, pregnancy, marital or parental status, sexual orientation, or disability.

4. DUI/Drug courts provide access to a continuum of alcohol, drug and other related treatment and rehabilitation services.

4.1 Substance dependence is a chronic, relapsing condition that can be effectively treated with the right type and length of treatment regimen. In addition to having a substance abuse problem, a significant proportion of the DUI population also suffers from a variety of co-occurring mental health disorders. Therefore, DUI/Drug courts must carefully select and implement treatment practices demonstrated through research to be effective with the hard-core impaired driver to ensure long-term success.

4.2 DUI/Drug courts shall use treatment providers that are on the Department of Human Services Registry for the State Multiple Offender Program so that both re-licensing requirements and court requirements are met.

4.3 A DUI/Drug court shall require a minimum of 12 months of supervision and treatment.

4.4 DUI/Drug court programs should be structured into a series of phases. The final phase may be categorized as “aftercare/continuing care.”

4.5 DUI/Drug court programs shall offer a comprehensive range of core alcohol and drug treatment services. These services include, but are not limited to:

- (1) Group counseling;
- (2) Individual counseling; and,
- (3) Drug testing.

4.6 DUI/Drug court programs should ideally offer or make appropriate referrals to:

- (1) Family counseling;
- (2) Gender specific counseling;
- (3) Domestic violence counseling;
- (4) Anger management;
- (5) Health screening; and,
- (6) Assessment and counseling for co-occurring mental health issues.

4.7 DUI/Drug court programs should ideally offer or make appropriate referrals for ancillary services to meet the needs of participants, including but not limited to:

- (1) Employment counseling and assistance;
- (2) Educational component;
- (3) Medical and dental care;
- (4) Transportation;
- (5) Housing; and
- (6) Mentoring and alumni groups.

4.8 Case management plans shall be individualized for each participant based on the results of the initial assessment. Ongoing assessment shall be provided according to a program schedule and treatment plans may be modified or adjusted based on results.

4.9 Treatment shall include standardized, evidence-based practices (see Section 6, Adult DUI/Drug Court Treatment Standards) and other practices recognized by the Substance Abuse and Mental Health Services Administration National Registry of Evidence-Based Policies and Practices (NREPP).

4.10 A set of quality controls/review process shall be in place to ensure accountability of the treatment provider.

5. Abstinence is monitored by frequent alcohol and other drug testing.

5.1 Each participant shall be administered a drug test a minimum of twice per week during the first two phases of the program or for six months, whichever is longer. A standardized system of drug testing shall continue through the entirety of the program.

5.2 In addition to specific targeted testing, drug testing shall be administered to each participant on a randomized basis, using a formal system of randomization.

5.3 All DUI/Drug courts shall utilize urinalysis as the primary method of drug testing; a variety of alternative methods may be used to supplement urinalysis, including breath, hair, and saliva testing and electronic monitoring.

5.4 All collection of urine samples shall be directly observed by a licensed/certified medical professional, an authorized, same-sex member of the drug court team or other approved official of the same sex.

5.5 Drug screens should be analyzed as soon as practicable. Results of all drug tests should be available to the court and action should be taken as soon as practicable, ideally within 48 hours of receiving the results.

5.6 In the event a single urine sample tests positive for more than one prohibited substance, the results shall be considered as a single positive drug screen.

5.7 A minimum of 90 days negative drug testing shall be required prior to a participant being deemed eligible for graduation from the program.

5.8 Each drug court shall establish a method for participants to dispute the results of positive drug screens through either gas chromatography-mass spectrometry, liquid chromatography-mass spectrometry, or some other equivalent protocol.

5.9 Creatinine violations (not medically explained) and drug screens scheduled and missed without a valid excuse as determined by the presiding judge shall be considered positive drug screens.

6. A coordinated strategy governs DUI/Drug court responses to participants' compliance.

6.1 Driving under the influence presents a significant danger to the public. Increased supervision and monitoring by the court, probation department, law enforcement, and treatment provider must occur as part of a coordinated strategy to intervene with repeat and high-risk DUI offenders to protect against future impaired driving.

6.2 DUI/Drug courts will have supervision components that include home visits, random observed drug screens, and may include curfews and use of alcohol and other drug monitoring equipment and recognized techniques as appropriate.

6.3 Courts should implement a system for a minimum level of field supervision for each participant based on their respective level of risk. Field supervision may include unannounced visits to home or workplace and curfew checks. The level of field supervision may be adjusted throughout the program based on participant progress and any reassessment process.

6.4 Regular and frequent communication between all members of the DUI/Drug court team shall provide for swift responses to all incidents of non-compliance, including positive drug tests.

6.5 A DUI/Drug court shall have a formal system of sanctions and rewards, including a system for reporting noncompliance, established in writing and included in the court's policies and procedures.

6.6 The formal system of sanctions and rewards shall be organized on a gradually escalating scale and applied in a consistent and appropriate manner to match a participant's level of compliance.

6.7 There shall be no indefinite time periods for sanctions, including those sanctions involving incarceration or detention.

6.8 Participants shall be subject to progressive positive drug screen sanctions prior to being considered for termination, unless there are other acts of noncompliance affecting this decision.

6.9 For a participant that does not have a valid driver's license, a transportation plan should be developed with the participant. Additionally, the court should consider local transportation system ridership for program participants during the license suspension period.

6.10 The court should have a clearly defined policy which cautions the participant against and outlines potential consequences of driving without a license.

6.11 DUI/Drug courts will incorporate the completion of state administrative re-licensing requirements for DUI convictions into the program.

7. Ongoing judicial interaction with each DUI/Drug court participant is essential.

7.1 Judges are a vital part of the DUI/Drug court team. As leader of this team, the judge's role is paramount to the success of the DUI/Drug court program. The judge must possess recognizable leadership skills as well as the capability to motivate team members and elicit buy-in from various stakeholders. The selection of the judge to lead the DUI/Drug court team, therefore, is of utmost importance.

7.2 DUI/Drug courts shall be conducted by an elected or senior state court judge or superior court judge.

7.3 The presiding judge may authorize assistance from other judges, including senior judges and judges from other classes of court, on a time-limited basis when the presiding judge is unable to conduct court.

7.4 The judge shall attend and participate in all pre-court staffings.

7.5 A regular schedule of DUI/Drug court sessions (i.e. status conferences/hearings) shall be used to monitor participant progress.

7.6 There shall be a minimum of two DUI/Drug court sessions (i.e. status conferences/hearings) per month in the first phase of DUI/Drug court programs. In other phases, frequency of DUI/Drug court sessions (i.e. status conferences/hearings) may vary based on participant needs and benefits, as well as judicial resources, except as provided in Standard 7.7.

7.7 DUI/Drug court sessions (i.e. status conferences/hearings) should be held no less than once per month during the last phase of the program.

7.8 Status reviews shall be conducted with each participant on an individual basis to optimize program effectiveness. Group reviews should be avoided unless necessary on an emergency basis.¹

7.9 The judge, to the extent possible, should strive to spend an average of three minutes or greater with each participant during status review.

¹ Insufficient time based on program census does not constitute an emergency.

8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

8.1 Participant data should be gathered, monitored, and analyzed on a regular basis to determine the effectiveness of the program.

8.2 A process and outcome evaluation should be conducted by an independent evaluator within three years of implementation of a DUI/Drug court program and in regular intervals as necessary, appropriate, and/or feasible for the program thereafter.

8.3 Feedback from participant surveys, review of participant data, and findings from evaluations should be used to make any necessary modifications to program operations, procedures, and practices.

8.4 Courts should use the preferred case management program, or compatible equivalent, as designated by the Judicial Council Accountability Court Committee, if one is designated, in the interest of the formal and systematic collection of program performance data.

8.5 Courts shall collect, at a minimum, a mandatory set of performance measures determined by the Judicial Council Accountability Court Committee which shall be provided in a timely requisite format to the Administrative Office of the Courts as required by the Judicial Council Accountability Court Committee, including a comprehensive end-of-year report.

9. Continuing interdisciplinary education promotes effective DUI/Drug court planning, implementation, and operations.

9.1 DUI/Drug court programs shall have a formal policy on staff training requirements and continuing education.

9.2 All members of a DUI/Drug court team shall receive training through the National Drug Court Institute, as available (depending on financial resources and availability to the team).

9.3 Completion of the National Center for DWI Courts Planning Initiative shall be required prior to implementation in order to attain certification.²

9.4 Existing programs should participate in Operational Tune-Up training every three years.

9.5 Court teams, to the extent possible, should attend comprehensive training on an annual basis, as provided by the Judicial Council Accountability Court Committee or the National Association of Drug Court Professionals (NADCP).

9.6 DUI/Drug court judges and staff should participate in ongoing continuing education as it is available through professional organizations including, but not limited to: Institute of Continuing Judicial Education (ICJE), NADCP, etc.

9.7 New team members shall attend formal orientation and training administered by the Judicial Council Accountability Court Committee or NADCP.

² Applicable only if training is available and offered.

10. Forging partnerships among DUI/Drug courts, public agencies, and community-based organizations generates local support and enhances DUI/Drug court program effectiveness.

10.1 Ideally, a local steering committee consisting of representatives from the court and including, but not limited to, community organizations, law enforcement, treatment providers, health providers, social service agencies, and the faith community should meet on a quarterly basis to provide policy guidance, fundraising assistance and feedback to the drug court program.

10.2 DUI/Drug courts should consider forming an independent 501(c)(3) organization for fundraising and administration of the steering committee.

10.3 DUI/Drug courts should actively engage in forming partnerships and building relationships between the court and various community partners. This may be achieved through facilitation of forums, informational sessions, public outreach, and other ways of marketing.

10.4 DUI/Drug court staff should participate in ongoing cultural competency training on an annual basis.

Section VI

Adult DUI/Drug Court Treatment Standards

1. Screening Prior to Program Entry (Eligibility)

1.1 Legal: DUI/Drug court programs should work with an interdisciplinary team to ensure systematic, early identification and early engagement of a target population.

1.2 Clinical: DUI/Drug courts will enroll participants who meet diagnostic criteria for a Substance-Related Disorder and whose needs can be met by the program. Brief screens for mental health problems should occur.

1.3 Programs should focus on high-risk and high-need participants. High-risk participants are defined as having a second and subsequent arrest of two DUI's in five years, three or more DUIs in a lifetime, or having a blood alcohol level (BAC) of 0.15 or higher. High need participants are defined as those unlikely to be successful without the level of supervision, treatment, and support provided by the DUI/Drug court program and community public safety.

2. Post-Sentence Assessment for Risk of Recidivism and Need for Treatment

2.1 DUI/Drug courts will employ an assessment tool that captures offenders' risk of recidivism and need for treatment. This should also include a short assessment for mental health needs.

2.1.1 Recommended tools may include but are not limited to: Level of Service Inventory-R (LSI-R); NEEDS Assessment; Texas Christian University, Substance Abuse II (TCUDS); Addiction Severity Index-Drug Use Subscale (ASI-Drug); Substance Abuse Subtle Screening Inventory-3 (SASSI-3); Brief Jail Mental Health Screen; National GAINS Center.

2.1.2 Further clinical assessments will be made as outlined below.

2.2 Appropriate assessment instruments are actuarial tools that have been validated on a targeted population, are scientifically proven to determine a person's risk to recidivate and are able to identify criminal risk factors that, when properly addressed, can reduce that person's likelihood of committing future criminal behavior.

3. Level of Treatment

3.1 DUI/Drug courts will offer an appropriate level of treatment for the target population which matches participant risk of recidivism and treatment needs with an appropriate level of treatment and supervision. Ideal program duration should be 12-18 months. DUI/Drug courts will provide referrals for appropriate levels of care based on the participant's progress or lack thereof.

3.1.1 Recommended tools: ASAM Patient Placement Criteria for the Treatment of Substance-Related Disorders (PPC-2R).¹

3.2 Assessment tools should also be suitable for use as a repeated measure.

4. Addiction Treatment Interventions

4.1 DUI/Drug court treatment providers must hold a license to practice within the mental health field or be supervised by a professional with said license. Such person must hold a license issued by the State of Georgia including one or more of the following: Licensed Professional Counselor (LPC); Clinical Social Worker (CSW); Clinical Nurse Specialist; Psychiatry/Mental Health (CNS/PMH); Marriage and Family Therapist (MFT); Psychologist; or Medical Doctor (psychiatry).

4.2 DUI/Drug courts will use an evidence-based curriculum and structured approach recognized by the Substance Abuse and Mental Health Services Administration National Registry of Evidence-Based Policies and Practices (NREPP). All treatment providers shall comply with state law and regulations regarding license reinstatement of all participants.²

4.3 Aftercare services are an important part of relapse prevention. Aftercare is lower in intensity and follows higher-intensity programming.

5. Recidivism/Criminality Treatment Interventions

5.1 DUI/Drug courts will incorporate programming that addresses criminogenic risk factors. Criminal risk factors are those characteristics and behaviors that affect a person's risk for committing future crimes and include, but are not limited to, antisocial behavior, antisocial personality, criminal thinking, criminal associates, substance abuse, difficulties with impulsivity and problem-solving, underemployment, or unemployment.

5.2 Recommended tools may include but are not limited to: Thinking for a Change (TFAC); Matrix Model; Prime Solutions, Moral Reconciliation Therapy; Motivational Enhancement Therapy; Cognitive Behavioral Therapy; Relapse Prevention Therapy; Seeking Safety; Rational-Emotive Behavioral Therapy; etc.

6. Treatment/Case Management Planning

6.1 DUI/Drug courts will use treatment/case management planning that follows participants from assessment to program completion and systematically addresses core risk factors associated with relapse, recidivism, and other ongoing needs.

6.2 Treatment and case management planning should be an ongoing process and occur in conjunction with one another.

¹ Minimum of ASAM Level 1

² <http://www.mop.uga.edu/cetp/DUIIPwebsite/registry.htm>

7. Information Management Systems

7.1 DUI/Drug courts will employ an information management system that captures critical court and treatment data and decisions that affect participants. The data management approach will promote the integration of court and treatment strategies, enhance treatment and case management planning and compliance tracking, and produce meaningful program management and outcome data. Measures of treatment services delivered and attended by participants should be captured.

7.2 All data management practices shall comply with all applicable state and federal laws, rules, and regulations including, but not limited to, 42 CFR Part 2 and HIPAA.

7.3 All DUI/Drug courts should protect the confidentiality of participant data outside of the requirements of the program.

ADULT DUI/DRUG COURT CASE TRANSFER RULES

These rules are intended to facilitate full participation in DUI/Drug courts. Recognizing that many jurisdictions do not have DUI/Drug courts and that some DUI defendants live or work in jurisdictions different from the offense county, transfer of cases to and from jurisdictions having DUI/Drug courts is authorized. These rules are not all inclusive.

Transfer Rules

1. A participant or person who lives or works in a jurisdiction other than that in which the offense was committed and who wishes to participate in a DUI/Drug court in another county may request the transfer of his or her DUI/Drug court case(s) to a DUI/Drug court in another jurisdiction. If the sending DUI/Drug court approves the transfer, the sending DUI/Drug court shall initiate a transfer request.
2. The proposed transferee shall expeditiously comply with all application requirements of the receiving court.
3. If the receiving DUI/Drug court does not agree to accept the participant, the receiving DUI/Drug court shall notify in writing the sending DUI/Drug court. No case shall be sentenced into another county's DUI/Drug court unless and until approved by the receiving court.
4. If the receiving DUI/Drug court agrees to accept the participant, the receiving DUI/Drug court shall notify the sending DUI/Drug court of the acceptance. The sending court shall honor conditions of acceptance by the receiving court or not send the case.
5. Any transfers must be accomplished without a significant lapse in or initiation of treatment, supervision, or judicial involvement. Until the transfer is effectuated, the participant must report as directed to the sending court.
6. The sending DUI/Drug court shall order the transfer of the case to the receiving DUI/Drug Court on a form prescribed by the Judicial Council. The sending DUI/Drug court shall transmit a copy of the transfer order to the receiving DUI/Drug court.
7. Following completion of acceptance, the receiving DUI/Drug court shall provide an official acceptance letter on a form prescribed by the Judicial Council to the sending DUI/Drug court and add the participant to its caseload.
8. It is the responsibility of the sending DUI/Drug court to maintain an appropriate level of communication with the receiving jurisdiction to ensure that the transfer process is successfully completed.
9. The participant shall contact the receiving DUI/Drug court to make an appointment for orientation/intake the next business day after notification of acceptance.

10. The sending DUI/Drug court shall transfer supervision of the entire case to the receiving DUI/Drug court. All decisions including, but not limited to, sanctions, incentives, phase changes, incarceration, violation of probation and termination are to be made by the receiving court. The DUI/Drug court in the receiving jurisdiction shall exercise the same authority over the transferee as for any participant sentenced within its jurisdiction.
11. Fines and surcharges shall be paid to the sending court by the participant as directed by the sending court in its sentencing order. Jail time in the original sentence shall be served in the sending county. All other fines and fees and the methods for their collection shall be determined by the receiving court.
12. Following completion of DUI/Drug court, the participant shall remain on the receiving court's caseload and shall continue to be supervised by said court.

File Transfer

The following documents, if available, shall be signed and forwarded in a timely manner to the receiving court for review:

- Request for Transfer;
- Consent for Release of Information;
- Clinical Assessment Report;
- Receiving court's Participation Agreement;
- Accusation, Plea Agreement forms and Sentencing Orders;
- Any other documents deemed appropriate by either court.

**IN THE STATE COURT OF _____ COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA

vs.

CASE NO. _____

TRANSFER ORDER

The above-named Defendant having been sentenced in this Court on _____, 20____, to participate in the _____ County DUI Court, and it appearing that said Defendant is eligible for and has been accepted into said DUI Court and has agreed to the terms hereof, it is hereby **ORDERED** that supervision over Defendant's case be and hereby is transferred permanently and for all subsequent proceedings, to the State Court of _____ County. All parties to this Order explicitly agree to the following conditions of transfer:

1. The State Court of _____ County and _____ County DUI Court shall exercise the same authority over Defendant as if Defendant had been sentenced under its jurisdiction, including, in the case of sanction(s), incarceration in that County's jail.
2. Probation monitoring shall be transferred to the State Court of _____ County's probation department. Defendant shall pay all appropriate supervision fees as directed by the State Court of _____ County and _____ County DUI Court.
3. Defendant is to pay fines and surcharges originally imposed as a part of the sentence to the Clerk of the State Court of _____ County (sending court) as directed by the _____ County DUI Court (sending court). All DUI Court-related fees, including, but not limited to, participant fees and monetary sanctions, are to be paid to the _____ County DUI Court.
4. Defendant is ordered to comply with all conditions, terms, and requirements of the State Court of _____ County and _____ County DUI Court. Defendant must comply with all orders issued by the presiding judge, including all sanction orders.
5. Defendant consents to this transfer and understands that all sanctions, termination proceedings, probation revocation hearings, and all other matters subsequent to this plea will be handled in and by the State Court of _____ County.

SO ORDERED this, the ____ day of _____, 20____.

_____, Judge
State Court of _____ County

_____, Judge
State Court of _____ County

Consented to by:

Defendant

Defendant's Attorney Bar. No.

Juvenile Drug Court Treatment Standards

1. Screening

- 1.1 Legal: Juvenile drug court programs should work with an interdisciplinary team to ensure systematic, early identification and early engagement of a target population.
- 1.2 Clinical: Juvenile drug courts shall enroll participants who meet diagnostic criteria for Substance-Use Disorder (SUD) and those whose needs can be met by the program. Diagnostic criteria shall incorporate both screening tools and a clinical interview. Initial screening will include, but not be limited to, the following: PTSD, depression, anxiety, self-esteem and family issues.
- 1.3 Juvenile drug courts shall screen using an evidence-based screening tool.
 - 1.3.1 Recommended tools: Teen Addiction Severity Index (T-ASI), Drug Usage Screening Inventory - Revised (DUSI-R), Substance Abuse Subtle Screening Inventory - Adolescent 2 (SASSI-A2), Brief Mental Health Screen, National GAINS Center.

2. Initial and Continuing Assessment

- 2.1 The assessment tool should be designed specifically for the developing adolescent, comply with evidence-based practices, and capture data related to the major life domains of an adolescent. This assessment tool should include, but not be limited to, issues of substance abuse, mental health, physical health, legal, development, school/education/employment, and family/peer relationships. The assessment tool should also be strength-based in order to accurately assess the juvenile's unique abilities and needs. As recommended, a staff person qualified to administer the instrument should perform assessments.
- 2.2 The assessment tool should be suitable for use as a repeat measure. Juvenile drug courts should re-administer the assessment tool as a measure of program effectiveness. Repeat assessments and/or documented treatment plan reviews are recommended every 90 days, but must be completed no less than every 180 days.

3. Level of Treatment

- 3.1 Juvenile drug courts shall offer an appropriate level of treatment for the target population by taking into consideration the following:
 - a. Treatment Track: Make every effort to keep the juvenile in the appropriate treatment track, i.e. abuse, dependency, etc. ASAM's Patient Placement Criteria (PPC) provides a guideline for determining treatment setting and service matching.
 - b. Age; developmental stage; mental status; gender; culture; behavioral; emotional issues including traumatic exposure and/or self-identity, and the individual needs of the juvenile and existing clientele to ensure that the juvenile and other clientele would not be adversely impacted by their interaction.
- 3.2 Juvenile drug courts shall match participant needs with an appropriate level of treatment and supervision. The ideal length of a juvenile drug court program is 12-18 months, which can be inclusive of aftercare treatment plans.

4. Treatment Interventions

- 4.1** Juvenile drug courts should integrate a youth development philosophy as the foundation of treatment of juveniles which include the following, but are not limited to:
- a. Assessment and treatment planning processes that are strength-based rather than deficit based;
 - b. Uncovering what is unique about the juvenile and building on his/her individual abilities and strengths;
 - c. Frequent expressions of support and consistent, clear, and appropriate messages about what is expected of the juvenile; and,
 - d. Encouragement and assistance in developing multiple supportive relationships with responsible, caring adults.
- 4.2** Juvenile drug courts shall use a structured program which addresses the following:
- a. Identification of emotional issues;
 - b. Stabilizing of substance use.
- 4.3** Recommended approach: Relapse prevention strategies that include a crisis relapse prevention plan and re-evaluation, as needed, of the possible deficit areas in the treatment plan which may relate to a relapse incident; Integrated approach for dual diagnosed Substance Use/PTSD; Multi-Dimensional Family Therapy (MDFT); Cognitive Behavior Therapy (CBT); Matrix, Seven Challenges; and any other evidence-based tools.
- 4.4** Aftercare services are an important part of relapse prevention. Each juvenile drug court juvenile and their family member shall participate in the development of an individualized aftercare treatment plan.

5. Family Interventions and Educational Support

- 5.1** Juvenile drug courts shall include the family in the juvenile's individualized treatment plan. A juvenile's immediate family may not be nuclear and may include, but are not limited to: godparents, step-parents, other relatives, live-in friends of parents, neighbors, or other caretakers¹.
- 5.2** The juvenile drug court shall identify the family dynamics and engage and include the family in the juvenile's treatment as early as possible (as part of the intake and assessment process, if clinically appropriate and specified in the treatment plan). The juvenile drug court shall make efforts to provide individual family counseling, multi-family groups, and parental education sessions as clinically appropriate and specified in the treatment plan.

The juvenile drug court should strongly recommend (or require, if possible) that families actively be engaged in the youth's treatment reviews, family counseling, and family education offered by treatment provider.

¹ Juvenile Accountability Incentive Block Grants Program Report, May 2001, p.10;
<https://www.ncjrs.gov/pdffiles1/ojdp/184744.pdf>

5.3 Juvenile drug court shall work to improve interfamilial relations and assist the family in providing a support structure that can function both during and after the period of court intervention. This should include the development of a relapse prevention plan². Juvenile drug courts should assist the juvenile in developing a support system to help reinforce behavioral gains made during treatment and providing ongoing support to prevent relapse³.

5.4 Juvenile drug courts shall obtain the juvenile's current educational records. The juvenile drug court should fully integrate the juvenile's educational program into the juvenile's clinical program by:

- a. Providing the juvenile access to educational instruction while in treatment, in accordance with state law;
- b. Working with the educational system to address the juvenile's school-related problems;
- c. Developing a plan to assist the juvenile's successfully transition back into the community educational system, if appropriate; and
- d. Ensuring that the assessment process screens for possible key roadblocks to learning and academic success.

6. Treatment/Case Management Planning

6.1 Juvenile drug courts shall use treatment/case management planning that follows from assessment and systematically addresses core risk factors associated with relapse.

6.2 Treatment and case management planning should be ongoing and occur in conjunction with one another.

6.3 Juvenile drug courts should make efforts to assist the family by making referrals for community-based medical and mental health resources and governmental assistance programs, as needed.

7. Information Management Systems

7.1 Juvenile drug courts shall employ an information management system that captures critical court and treatment data and decisions that affect participants. The data management approach will promote the integration of court and treatment strategies, enhance treatment and case management planning and compliance tracking, and produce meaningful program management and outcome data. Measurement should capture, but is not limited to; the type of treatment services both delivered to and attended by participants.

8. Oversight and Evaluation

8.1 Juvenile drug courts are responsible for oversight of all juvenile drug court program components. Regular monitoring of judicial status hearings, treatment, and case management services should occur.

² Juvenile Accountability Incentive Block Grants Program Report, May 2001, p.10;
<https://www.ncjrs.gov/pdffiles1/ojdp/184744.pdf>

³ California Youth Treatment Guidelines

8.2 Each juvenile drug court should establish a valid and structured means of ensuring oversight for the quality of treatment provided to the clientele that upholds standards of ethics and confidentiality of the client. Input from participants and their families to assess program strength and areas for improvement increases legitimacy of the process and leads to improved outcomes.



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Presiding Justice P. Harris Hines
Chair, Budget Committee

RE: Budget Committee Report

DATE: September 6, 2013

The Judicial Council Budget Committee met on Wednesday, August 21, 2013 at the State Bar of Georgia to give consideration to seven (7) enhancement requests submitted by various programs under the fiscal authority of the Judicial Council as enumerated within Section 6 of Legislative Appropriation documents. Two adjustment requests were also acknowledged by the Committee and are carried forward.

All enhancement requests and corresponding total budget requests were granted approval by unanimous vote of the Committee for submission to the Legislature for the Amended FY 14 and FY 15 budget periods. Though each request received approval, it is acknowledged that the requests are large, by number of requests and amount. A prioritization of enhancement requests is merited. Committee membership is being surveyed to generate a preliminary prioritization. A white paper for each enhancement request is attached.

Enhancement and Adjustment requests include:

Request	Amended FY 14	FY 15
1. Institute of Continuing Judicial Education	20,580	39,182
2. Accountability Courts	19,702	78,806
3. E-Filing	52,000	208,000
4. Family Law Information Center	0	61,019
5. County and Municipal Probation Advisory Council	16,580	66,320
6. Legal Services to Victims of Domestic Violence	0	772,502
7. Council of Probate Court Judges	27,840	111,363
<i>Council of State Court Judges Retirement</i>	120,272	410,508
<i>GBA Rent Increase (Administrative Office of the Courts)</i>	6,384	6,329
Total	263,358	1,754,029



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Judicial Council of Georgia Budget Committee

August 21, 2013

10:30 a.m.

State Bar of Georgia Meeting Room #5

Teleconference Line: 1-877-273-4202

Conference ID: 9721074

I. Welcome & Introduction

(Presiding Justice P. Harris Hines, Chair)

II. AFY 14 Appropriation & Enhancement Requests

- Institute of Continuing Judicial Education
- Accountability Court Committee
- General Civil E-Filing
- County and Municipal Probation Advisory Council
- Council of Probate Court Judges

III. FY 15 Appropriation & Enhancement Requests

- Institute of Continuing Judicial Education
- Accountability Court Committee
- General Civil E-Filing
- Family Law Information Center- Pataula Circuit
- County and Municipal Probation Advisory Council
- Civil Legal Services to Victims of Domestic Violence
- Council of Probate Court Judges

IV. Old Business/New Business

V. Adjournment

JUDICIAL COUNCIL OF GEORGIA
FY 14 Budget Summary

FY14 Base Budget Adjustments - FINAL FY 2014 APPROPRIATIONS

Budget Unit	FY 14 Base Budget	FY 14 Change	% Change	FY 14 Final
Georgia Resource Center	800,000	0	0%	800,000
Office of Dispute Resolution	0	0	0%	0
Institute of Continuing Judicial Education	461,789	10,000	2%	471,789
Judicial Qualifications Commission	512,215	6,289	1%	518,504
Accountability Courts	431,821	(78,806)	-18%	353,015
Total	2,205,825	(62,517)	-3%	2,143,308

Judicial Council

Administrative Office of the Courts	6,152,172	(90,313)	0%	6,151,587
Fixed Costs adjustments for the AOC- retirement, health insurance, etc.		89,728		
Council of State Court Judges	220,368	627	0%	220,995
State Court Judges - retirement	1,133,611	(16,641)	-1%	1,116,970
Judicial Council Standing Committee on Drug Courts (all funding transferred to Accountability Courts program)	0	0	0%	0
Child Support Guidelines Commission	103,889	1,492	1%	105,381
County and Municipal Probation Advisory Council	247,025	841	0%	247,866
Legal Services to Victims of Domestic Violence	1,753,235	(25,737)	-1%	1,727,498
Council of Probate Court Judges	62,128	(912)	-1%	61,216
Council of Municipal Court Judges	16,427	(241)	-1%	16,186
Council of Magistrate Court Judges	165,636	540	0%	166,176
Georgia Council of Court Administrators	4,117	(60)	-1%	4,057
Georgia Commission on Family Violence	359,428	1,445	0%	360,873
Total Judicial Council	10,218,036	(39,232)	0%	10,178,804
Total Judicial Council Section	12,423,861	(101,749)	-1%	12,322,112

JUDICIAL COUNCIL OF GEORGIA
AFY 14 Enhancement Requests

Amended FY 2014 Judicial Council Budget Request

Budget Unit	FY 14 Base Budget	FY 14 Amended Request	%Change	Balance
Georgia Resource Center	800,000	0	0%	800,000
Office of Dispute Resolution	0	0	0%	0
Institute of Continuing Judicial Education	471,789	20,580	4%	492,369
Judicial Qualifications Commission	518,504	0	0%	518,504
Accountability Courts	353,015	19,702	6%	372,717
Total	2,143,308	40,282	2%	2,183,590

Judicial Council

Administrative Office of the Courts	6,151,587	52,000	1%	6,209,971
Rent Increase Effective FY 13		6,384		
Council of State Court Judges - operations	220,995	0	0%	220,995
State Court Judges - retirement	1,116,970	120,272	11%	1,237,242
Child Support Guidelines Commission	105,381		0%	105,381
County and Municipal Probation Advisory Council	247,866	16,580	7%	264,446
Legal Services to Victims of Domestic Violence	1,727,498	0	0%	1,727,498
Council of Probate Court Judges	61,216	27,840	45%	89,056
Council of Municipal Court Judges	16,186	0	0%	16,186
Council of Magistrate Court Judges	166,176	0	0%	166,176
Georgia Council of Court Administrators	4,057	0	0%	4,057
Georgia Commission on Family Violence	360,873	0	0%	360,873
Total Judicial Council	10,178,804	223,076	2%	10,401,880
Total Judicial Council Section	12,322,112	263,358	2%	12,585,470

JUDICIAL COUNCIL OF GEORGIA
AFY 14 Explanation of Enhancement Requests

AMENDED FY 2014 APPROPRIATIONS EXPLANATIONS

Program	Request	Change
Institute of Continuing Judicial Education	Increase funds for infrastructure	20,580
Accountability Courts	Funds for one position, presently unfunded. (Projected start date: April 1, 2014)	19,702
Administrative Office of the Courts	Funds for E-Filing Contractor/Vendor	52,000
Administrative Office of the Courts	Funds for GBA rent increase	6,384
Council of State Court Judges Retirement	Funds as determined by the state for the Council to meet its financial obligations for employer contributions to its members in the Georgia Judicial Retirement System	120,272
County and Municipal Probation Advisory Council	Funds for one compliance monitor position, presently unfunded, and related operating expenses. (Projected start date: April 1, 2014)	16,580
Council of Probate Court Judges	Hire an Executive Director, provide for associated travel and operating expenses. (Projected start date: April 1, 2014)	27,840

Total

263,358

Enhancement Request
Adjustment Request

Judicial Council of Georgia
AFY 14 Enhancement Requests

1. **Institute of Continuing Judicial Education:** Infrastructure funds are requested for AFY 14. Funds are requested for FY 15 to employ one full-time event planner (\$25k plus benefits) to support the training of judges.

AFY 14 - \$20,580

2. **Accountability Court Committee:** Funds are sought for a position unfunded during the FY 14 Legislative session. Though funds were reduced, the statutory responsibilities did not diminish.

AFY 14 - \$19,702

3. **General Civil E-Filing:** Funds requested for the creation of a statewide General Civil E-Filing Portal for all classes of courts. A Contractor/Vendor would be hired under this funding request to fulfill the scope of the project.

AFY 14 - \$52,000

4. **County and Municipal Probation Advisory Council:** Funding is sought to fill one compliance monitor position, presently vacant due to reductions in funding, and operating funds necessary to fulfill regulatory compliance duties.

AFY 14 - \$16,580

5. **Council of Probate Court Judges:** Funds requested to create the position of Executive Director for the Council of Probate Court Judges.

AFY 14 - \$27,840

Adjustment Requests

Council of State Court Judges Retirement: Funds requested as determined by the Georgia Judicial Retirement System for the Council to meet its financial obligations for employer contributions to its members.

AFY 14 - \$120,272

GBA Rent Increase (AOC): Rate as identified by the Georgia Building Authority.

AFY 14 - \$6,384

<i>Requests</i>	<i>AFY 14</i>
1. Institute of Continuing Judicial Education	20,580
2. Accountability Court Committee	19,702
3. General Civil E-Filing	52,000
4. County and Municipal Probation Advisory Council	16,580
5. Council of Probate Court Judges	27,840
<i>Council of State Court Judges Retirement</i>	120,272
<i>GBA Rent Increase (Administrative Office of the Courts)</i>	6,384
<i>Total</i>	263,358

JUDICIAL COUNCIL OF GEORGIA
FY 15 Explanation of Enhancement Requests

FY 2015 Enhancement Requests Explanations

Program	FY14 Base	State Funds Requested	Details of Request	FY 15 Balance (if appropriated)
Institute of Continuing Education	471,789	39,182	Operating expenses for infrastructure and one administrative position	510,971
Accountability Courts	353,015	78,806	Funds for one position, presently unfunded.	431,821
Admin. Office of the Courts	6,151,587	208,000	Funds for the creation of a Statewide General Civil E-Filing Portal	6,426,935
Admin. Office of the Courts		61,019	Funds for the creation of a Family Law Information Center (Pataula Circuit)	
Admin. Office of the Courts		6,329	GBA Rent Increase	
Council of State Court Judges -retirement	1,116,970	410,508	Funds as determined by the state for the Council to meet its financial obligations for employer contributions to its members in the Georgia Judicial Retirement System	1,527,478
County and Municipal Probation Advisory Council	247,866	66,320	Funds for one compliance monitor position, presently unfunded, and related operating expenses	314,186
Legal Services to Victims of Domestic Violence	1,727,498	772,502	Grant funds to local organizations for the funding of civil legal services to victims of domestic violence	2,500,000
Council of Probate Court Judges	61,216	111,363	Hire an Executive Director, provide for associated travel and operating expenses	172,579

Total: 1,754,029

**Enhancement Request
Adjustment Request**

Judicial Council of Georgia
FY 15 Enhancement Requests

1. **Institute of Continuing Judicial Education:** Infrastructure funds are requested for AFY 14. Funds are requested for FY 15 to employ one full-time event planner (\$25k plus benefits) to support the training of judges.

FY 15 - \$39,182
2. **Accountability Court Committee:** Funds are sought for a position unfunded during the FY 14 Legislative session. Though funds were reduced, the statutory responsibilities did not diminish.

FY 15 - \$78,806
3. **Administrative Office of the Courts:** Funds requested for the creation of a statewide General Civil E-Filing Portal for all classes of courts. A Contractor/Vendor would be hired under this funding request to fulfill the scope of the project.

FY 15 - \$208,000
4. **Family Law Information Center (FLIC):** Funding is sought to establish a FLIC for the Pataula Judicial Circuit, a rural multi-county circuit in South Georgia. A FLIC helps self-represented litigants gain access to courts, improves document quality and ultimate outcomes and saves court time.
FY 15 - \$61,019
5. **County and Municipal Probation Advisory Council:** Funding is sought to fill one compliance monitor position, presently vacant due to reductions in funding, and operating funds necessary to fulfill regulatory compliance duties.

FY 15 - \$66,320
6. **Legal Services to Victims of Domestic Violence:** Funds requested to increase grant funds to local organizations for civil legal services to victims of domestic violence. This request to enhance this budget has come from and is supported by the State Bar's Committee to Promote Inclusion in the Profession.
FY 15 - \$772,502
7. **Council of Probate Court Judges:** Funds requested to create the position of Executive Director for the Council of Probate Court Judges.

FY 15 - \$111,363

Adjustment Requests

Council of State Court Judges Retirement: Funds requested as determined by the Georgia Judicial Retirement System for the Council to meet its financial obligations for employer contributions to its members.

FY 15 - \$410,508

GBA Rent Increase (AOC): Rate as identified by the Georgia Building Authority.

FY 15 - \$6,329

<i>Requests</i>	<i>FY 15</i>
1. Institute of Continuing Judicial Education	39,182
2. Accountability Court Committee	78,806
3. Administrative Office of the Courts	208,000
4. Family Law Information Center	61,019
5. County and Municipal Probation Advisory Council	66,320
6. Legal Services to Victims of Domestic Violence	772,502
7. Council of Probate Court Judges	111,363
<i>Council of State Court Judges Retirement</i>	410,508
<i>GBA Rent Increase (Administrative Office of the Courts)</i>	6,329
<i>Total</i>	1,754,029

**JUDICIAL BRANCH OF GEORGIA
FY 2014 AMENDED REQUEST FORM
FY 2015 ENHANCEMENT REQUEST FORM**

SECTION A. GENERAL INFORMATION

BUDGET UNIT: Judicial Council

Program: Institute of Continuing Judicial Education of Georgia

FISCAL YEAR: [X] Amended FY 2014 or [X] FY 2015 Enhancement

Enter the net change in state funds requested for the program:

AFY 14: \$20,580

FY 15: \$39,182

Describe the impact the request has on any other program fund sources (federal and/or other funds).

Federal Grant funds are not available to the State to underwrite these expenses.

SECTION B.

PART 1: EXPLANATION OF REQUEST

- 1. Proposal:** Funding sought covers expenses central to fulfilling routine duties of the ICJE in providing state-mandated and other training to Georgia's judges and court clerks.

The AFY 14 funding request would complete the financial support sought initially for this fiscal year, and encompass core, infrastructural operating expenses for items such as the ICJE's: internet connectivity license, network server software license, registration software license, webinar software license, copier maintenance, postage & shipping, telephone service, heating & air conditioning service, etc.

Funds are requested for FY 15 to employ one full-time Event Planner (\$25k plus benefits) to support the training of judges and court clerks.

Annually, the ICJE plans and delivers educational events such as:

- (i) One-hour, computer-based webinars,
- (ii) Multi-week, on-line interactive computer courses,
- (iii) Face-to-face, seminars of 6 to 12 hours duration, yet twice a year even 40 hours duration,
- (iv) Multi-day & multi-tracked, face-to-face, conferences featuring as many as 15 to 25 instructional hours, in addition to
- (v) Maintaining attendance records for individual participants such as certified court reporters, along with judges and clerks of Superior Court, State Court, Probate Court, Juvenile Court, Magistrate Court and Municipal Court, as well as
- (vi) Facilitating updates for three judicial benchbooks, which target domestic violence, magistrate courts and municipal courts.

During the immediate past fiscal year, FY'13, the ICJE designed and delivered 75 educational events, providing over 50,000 attendee contact hours of continuing education activity.

JUDICIAL BRANCH OF GEORGIA
FY 2014 AMENDED REQUEST FORM
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- 2. Geographic Impact:** Where does the request impact the state?
[X] Statewide or list counties below:

The impact is statewide on behalf of Georgia's judiciary – it will affect judges in all classes of court, all of whom receive state-mandated basic orientation training and continuing education through ICJE, not to mention continuing education for court clerks.

- 3. Current Status:** What is the budget unit currently doing to address this issue? Will those activities continue if this request is approved?

The ICJE staff spends 100% of its time performing the necessary tasks that go into designing and delivering judicial educational products and services. The position of Event Planner would be involved in virtually all of the program construction and delivery aspects of these operations. This position would perform administrative functions tied to educational events, enabling more senior-level staff members to approach the ICJE charge in an innovative manner.

Multi-year reductions to funding have had a limiting effect on access to Continuing Judicial Education (CJE). These include:

- (i) Important judicial branch constituencies have been eliminated from accessing CJE,
- (ii) Necessary innovation to keep-up with better practice in the field of CJE has been curtailed,
- (iii) More circumspect in-depth or in-breadth design of ongoing activities has been side-lined,
- (iv) Development of greater state-based intellectual capital has been sacrificed. Such shortcomings necessitated by budgetary losses merit incremental correction, and this end is being pursued by the ICJE. More intelligent use of on-line instruction is being implemented slowly, along with greater reliance upon technology to impact both learning and administration, as well as long-term product development. The Event Planner position sought for FY15 would significantly advance the ICJE in much-needed directions.

- 4. Supporting Data:** Provide any supporting data, evaluations, and/or research for this request. Include any information you have on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

During the immediate past fiscal year, FY'13, the ICJE designed and delivered 75 educational events, providing over 50,000 attendee contact hours of continuing education activity.

For the size of Georgia's judiciary, around 1,800 judges, the less than half-million dollars committed by the State to judicial education, along with its per capita value, is significantly less than most other states' across the nation. Florida and North Carolina support *CJE programs in which products and services along with core infrastructural operating costs are understood as a primary financial obligation of the State to the judiciary and the people.*

States similar in overall demographic size to Georgia, i.e., 8 - 10 million people, such as Ohio, New Jersey, Pennsylvania, North Carolina, also fully support well-functioning CJE programs as a primary financial responsibility of the State.

**JUDICIAL BRANCH OF GEORGIA
FY 2014 AMENDED REQUEST FORM
FY 2015 ENHANCEMENT REQUEST FORM**

- 5. Measures:** What measures are or will be used to evaluate the impact of this change? If an enhancement, what is the projected return on investment?

The ICJE recognizes the need for an innovative approach to business process management. The FY 15 funding request for an Event Planner would enable the ICJE senior-level staff members to:

- (i) Identify and implement needed technological innovation saving time and lowering expenses over a multi-year period;
- (ii) Pursue greater depth and breadth of course design enriching educational products for stronger impacts on the operation of the State's courts, and develop more State-based intellectual capital for application in CJE;
- (iii) Implement critical educational services to judicial branch constituencies that improve service delivery to Georgia's citizenry, create process efficiencies and reduce operational costs.

- 6. Stakeholders/Constituents/Constituencies:** Describe the constituent and stakeholder groups affected by this change and whether they are likely to support or oppose this request (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).

The ICJE's events are regularly attended by judges and clerks of Superior Court, State Court, Probate Court, Juvenile Court, Magistrate Court and Municipal Court, as well as other court officials and support personnel from time-to-time.

Judges and judicial organizations are likely to support this request.

- 7. Legislation or Rule Change (a):** Is legislation or a Rule change required to be passed or changed if this request is implemented? If so, please explain. NO

Legislation or Rule Change (b): Is this request a result of a legislation or rule change? If so, please explain. NO

- 8. Alternatives:** Explain what other alternatives were considered and why they were not viable.

Federal funding is not available. Reductions to funding have resulted in a 100% increase in costs to local governments and judges or court clerks. The training ICJE provides is state-mandated and no further costs should be passed on to local governing authorities, court officials, or individual employees.

PART 2: BUDGET

- 9. Requested and Projected Resources:** For enhancements and certain base adjustments, what additional resources are you requesting? What are your out-year projections?

No additional resources are being requested; this item will become a part of our base budget if granted.

- 10. Methodology/Assumptions:** Provide the methodology and assumptions behind the requested amount and out-year projections. How did you arrive at the amounts? What time period does the request cover (i.e., the number of months)?

**JUDICIAL BRANCH OF GEORGIA
 FY 2014 AMENDED REQUEST FORM
 FY 2015 ENHANCEMENT REQUEST FORM**

	Scope	Request
AFY 14	Infrastructure: Repairs and Maintenance	20,580
FY 15	Fulltime Event Planner	39,182 (25,000 plus benefits)

11. Federal and Other Funds: Describe the impact on federal and/or other funds related to this request (amount, policy etc).

There is no impact on Federal funds, as no such funds are available to underwrite these expenses.

PART 3: OTHER INFORMATION

12. Discuss any other relevant factors that should be considered.

Continuing education is mandated by law for judges of Superior Court, State Court, Probate Court, Juvenile Court, Magistrate Court and Municipal Court, as well as for the clerks of Municipal Court, Juvenile Court and Superior Court. Other court officials and employees attend continuing education activity, because it enables development of better professional practice for deciding court cases as well as for engaging in state-of-the-art delivery of court services to the citizenry of the State.

The tasks of an ICJE Event Planner encompass:

- arranging logistical support for face-to-face as well as on-line meetings of program and product design teams;
- preparing promotional mailings and electronic messaging concerning marketing of upcoming CJE courses as well as related products and services;
- assisting program leaders with instructional support, reference materials, and audio-visual instructional tools;
- registering potential attendees within a master database and compiling rosters of course participants;
- creating course agendas, evaluation forms, credit submission reports;
- arranging for and monitoring production of course handout materials, purchased publications, and on-site distribution of materials;
- trouble-shooting on-site delivery of instructional support services;
- compiling the results of program evaluation data gathering; and
- conducting close-out tasks for course leaders and required follow-ups with attendees.
- screening invoices for accuracy in relation to rendered services;
- processing mailed and electronically submitted course registration forms; and
- creating and returning registration confirmations and payment receipts.

**JUDICIAL BRANCH OF GEORGIA
 FY 2014 AMENDED REQUEST FORM
 FY 2015 ENHANCEMENT REQUEST FORM**

Budget Categories	FY 14 Amended Request	FY 15 Enhancement Request
Personnel Services:		39,182
Operating Costs:		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance	20,580	
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		
Grants		
Indirect Costs		
Transfers		
Total Operating Budget	20,580	-
TOTAL OVERALL BUDGET	20,580	39,182
State Funds	20,580	39,182
Other Budgeted Funds		

**JUDICIAL BRANCH OF GEORGIA
FY 2014 AMENDED REQUEST FORM
FY 2015 ENHANCEMENT REQUEST FORM**

SECTION A. GENERAL INFORMATION

Budget Unit: Judicial Council

Program: Accountability Court Committee

Fiscal Year: [X] Amended FY 2014 or [X] FY 2015 Enhancement

Enter the net change in state funds requested for the program: AFY'14=\$19,702;
FY'15=\$78,806

Describe the impact the request has on any other program fund sources (federal and/or other funds). There will be no impact on any other program fund sources.

SECTION B.

PART 1: EXPLANATION OF REQUEST

- 1. Proposal:** Reinstate funding for the Certification Program Officer (Officer) position unfunded in the FY 2014 General Appropriations Act.
- 2. Geographic Impact:** Superior court accountability courts statewide initially; other accountability courts to follow.
- 3. Current Status:** As of June 30, 2013, the Officer position is no longer funded. The Administrative Office of the Courts (AOC) has made available limited assistance by its Office of Research, Planning & Data Analysis to support the program responsibilities related to data collection and analysis. However, this research assistance will not address the activities related to certification and peer review as required by HB 1176.
- 4. Supporting Information:**
 - Adult Drug Court - O.C.G.A. §15-1-15
 - Mental Health Court - O.C.G.A. §15-1-16
 - a. Excerpt from HB 1176 (2012 Session) which specifies Judicial Council responsibilities related to:
 1. Development of accountability court standards,
 2. Provision of technical assistance,
 3. Creation and management of certification and peer review process,
 4. Publication of annual report of certified programs,
 5. Identification of performance measurement criteria, and
 6. Development and management of electronic information system for performance measurement.

**JUDICIAL BRANCH OF GEORGIA
FY 2014 AMENDED REQUEST FORM
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- b. Map of adult drug and mental health court divisions serving 115 counties as of June 30, 2013. (Attachment 1)
- c. Judicial Council work plan for FY'14 highlighting the certification and peer review mandates. (Attachment 2)

Measures: As required by HB 1176, the Judicial Council will conduct certification of all felony drug and mental health court programs every two years or as necessary based on their demonstration of meeting the Judicial Council Standards for Georgia Accountability Courts.

The certification and peer review processes involve the development, distribution, completion, and analysis of applications for certification followed by review and onsite technical assistance provided by regional teams of accountability court judges serving as peers. Peer review activities are planned for 40 felony drug and mental health courts by July 1, 2014 and for others by July 1, 2015. The recurring certification process will encompass an increasing number of programs as they are initiated in new counties and/or circuits.

The process will allow access to information and support at a low administrative cost while strengthening relationships between accountability court programs. It will also produce information about training and development needs, allowing training resources to be managed effectively.

- 5. Stakeholders/Constituents/Constituencies:** These include the following:
- Legislative, Executive, and Judicial branch policy leaders who agree with the value and benefits of accountability court program certification and performance measures leading to assessment and evaluation of criminal justice reform.
 - Felony drug and mental health accountability court program officials and professionals already preparing for certification and peer review processes developed in FY'13. These include judges, district attorneys, public defenders, program coordinators, probation officers, and treatment providers.
 - Accountability court participants who rely on their programs' adherence to standards and best practices to address addiction.
- 6. Legislation or Rule Change:** No legislation or Rule change is required. The proposal actually supports 2012 legislation (HB 1176) that requires the Judicial Council to certify that adult felony accountability courts adhere to uniform operating standards.
- 7. Alternatives:** There is no federal or other funding opportunity for this state statutory responsibility.

PART 2: BUDGET

- 8. Requested and Projected Resources:** AFY'14=\$19,702; FY'15=\$78,806

**JUDICIAL BRANCH OF GEORGIA
FY 2014 AMENDED REQUEST FORM
FY 2015 ENHANCEMENT REQUEST FORM**

9. Methodology/Assumptions: The budget replicates the funding for the former position as appropriated for FY'13.

10. Federal and Other Funds: No impact.

**JUDICIAL BRANCH OF GEORGIA
 FY 2014 AMENDED REQUEST FORM
 FY 2015 ENHANCEMENT REQUEST FORM**

Budget Categories	FY 14 Amended Request	FY 15 Enhancement Request
Personnel Services:	\$19,702	\$78,806
Operating Costs:		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		
Grants		
Indirect Costs		
Transfers		
Total Operating Budget	0	0
TOTAL OVERALL BUDGET	\$19,702	\$78,806
State Funds	\$19,702	\$78,806
Other Budgeted Funds		

**JUDICIAL BRANCH OF GEORGIA
FY 2014 AMENDED REQUEST FORM
FY 2015 ENHANCEMENT REQUEST FORM**

PART 3: OTHER INFORMATION

11. Discuss any other relevant factors that should be considered.

Certification Process Described: The certification process follows each key component as an adopted standards benchmark (benchmark) prescribed by the Judicial Council of Georgia, also found in Georgia's standards. Each benchmark is categorized as a mandatory requirement or a best practice. The mandatory requirements represent the highest priority benchmarks, many of which are in statute. Benchmarks that are categorized as best practices are often found in high performing programs.

Peer Review Described: As required by statute, the State of Georgia has developed a peer review process to assist in the alignment of Georgia felony drug and mental health court programs and state standards. These standards are evidenced-based, organized on the foundation of the 10 Key Components of Drug Courts, and include guidelines for policies and practices that will help ensure and increase our programs' access to treatment and other needed services, reduce recidivism and most importantly, reduce costs to the state.

The peer review process is intended to create a learning community in Georgia among drug court teams. The idea is for peers to help each other identify ideas for program improvements and share successes and challenges. This will allow Georgia's drug court community access to information and support at a low administrative cost while strengthening relationships between like programs. The process will also provide important information to the governing policy body, Judicial Council of Georgia, about areas of needed technical assistance and training, positioning the Council and its staff to focus training resources most effectively.

The main activities involved in the peer review process include:

- Survey and data gathering of the court program characteristics and polies and procedures of the program being reviewed.
- 1-2 day site visit, or desk audit, where peers review staffing and court hearings, interview team members and partner agency staff, talk with program participants, and review program documents.
- On-site debrief of assessment findings.
- Summary report of feedback, including a table of treatment court standards outlining which ones the program is meeting, recommendations for program improvement, documentation of innovative/successful practices to share with other programs, and requests for future training or resources.

The peer review process is guided by the aforementioned certification process that each court requesting state grant funds must adhere. Peer reviews of courts not meeting all mandatory requirements are the initial focus. Peer reviews of courts meeting all requirements will follow. Again, it is estimated that the activities supporting peer review will result in an assessment of 40 felony drug and mental health courts by July 1, 2014 and the remainder by July 1, 2015.

**Judicial Council of Georgia
Accountability Court Committee**

2013 - 2014 Members

Chair Judge Brenda Weaver, Appalachian Judicial Circuit (Adult Felony)

Vice Chair Judge Jason J. Deal, Northeastern Judicial Circuit (Adult Felony)

Judge Charles Auslander, III, State Court of Athens-Clarke County (DUI)

Chief Judge Jeffrey S. Bagley, Bell-Forsyth Judicial Circuit (Adult Felony)
Chair, Standards Subcommittee
Co-Chair, Certification & Peer Review Subcommittee, Adult Felony

Judge James Bass, Eastern Judicial Circuit (Adult Felony)

Judge Cynthia J. Becker, Stone Mountain Judicial Circuit (Adult Felony)
Co-Chair, Certification & Peer Review Subcommittee, Adult Felony

Senior Magistrate Judge Winston P. Bethel, Magistrate Court of DeKalb County (Mental Health)

Chief Judge Joe C. Bishop, Pataula Judicial Circuit (Adult Felony)

Judge Linda Cowen, State Court of Clayton County (DUI)

Judge Doris L. Downs, Atlanta Judicial Circuit (Adult Felony)

Judge Stephen Goss, Dougherty Judicial Circuit (Adult Felony/Mental Health)
Co-Chair, Standards, Certification & Peer Review Subcommittee, Mental Health

Judge Kathlene F. Gosselin, Northeastern Judicial Circuit (Mental Health)
Co-Chair, Standards, Certification & Peer Review Subcommittee, Mental Health

Judge Cliff L. Jolliff, Northeastern Judicial Circuit (Juvenile)

Judge Jeannette L. Little, State Court of Troup County (DUI)

Judge T. Russell McClelland, III, State Court of Forsyth County (DUI)

Judge Juanita Stedman, Cobb Judicial Circuit (Juvenile)
Chair, Standards Subcommittee, Juvenile

Judge Patricia Stone, Eastern Judicial Circuit (Family Dependency Treatment)
Chair, Standards Subcommittee, Family Dependency Treatment

Judge Susan P. Tate, Probate Court of Clarke County (Mental Health)

**Judicial Council Accountability Court Committee
FY'14 Committee Charge**

1. Develop and present to the Judicial Council a strategy to support the FY 2014/2015 budget requests to reinstate funding for the Certification Program Officer position.

Prioritize and address the following activities given the reduction in program staff:

2. Implement the plan for certification and peer review of adult drug and mental health court programs in SFY'14.

3. Communicate about and execute performance measurement of statewide system of adult accountability court programs to address House Bill 1176 (2012 Session).

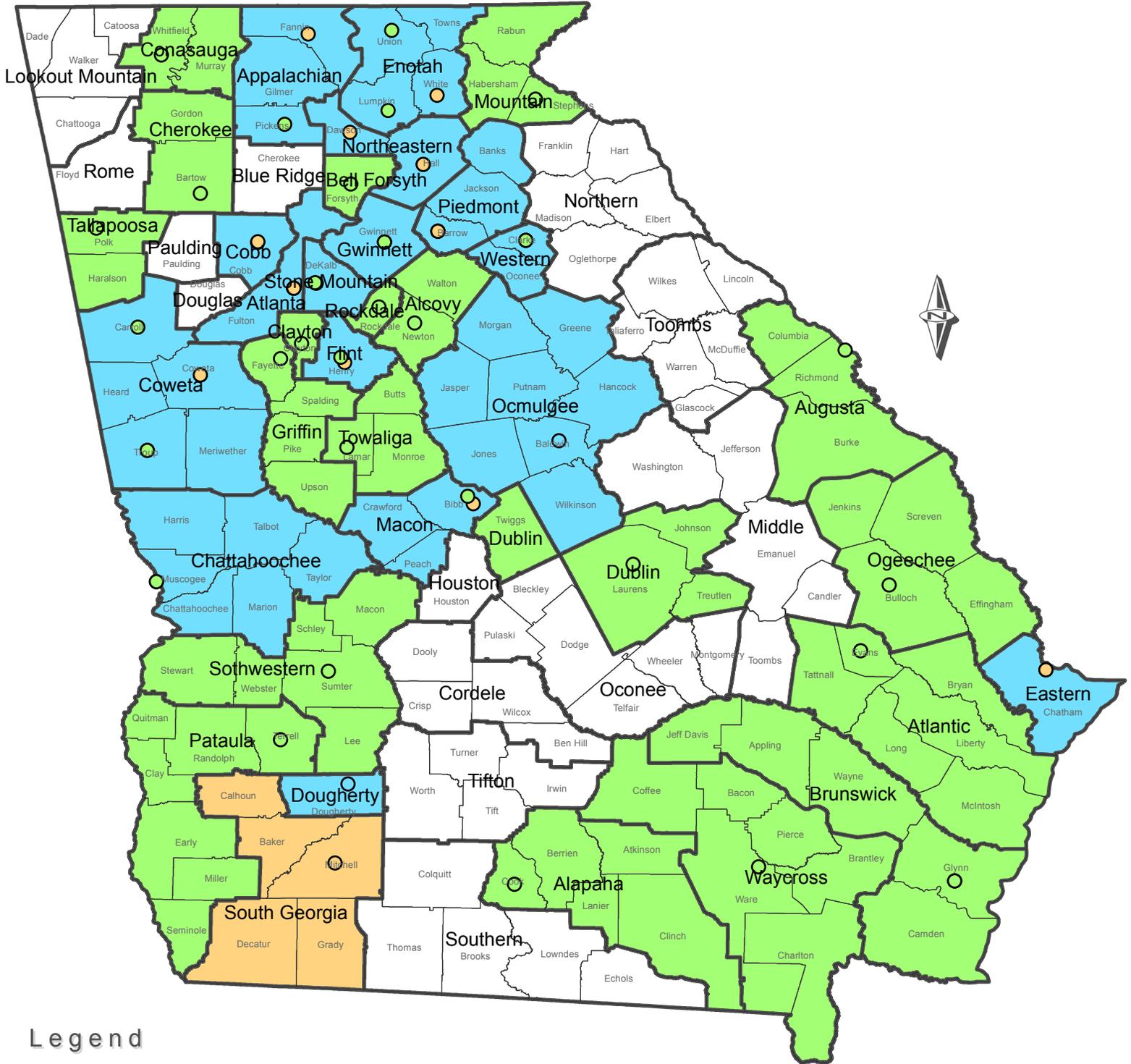
4. Outline a plan for developing accountability court standards and practices in addition to those adopted by June 30, 2013.

5. Identify risk and needs assessment tools for programs in addition to adult drug and mental health courts.

6. Conduct a needs assessment to determine training and professional development priorities for accountability court teams, judges, and professionals for SFY 2014-2016.

7. Develop a protocol to address requests for technical assistance to programs in implementing standards-based policies and practices.

Accountability Court Type by Area Served



Legend

- No Adult Felony Drug or Mental Health Court Available (44 counties)
- Mental Health Court Only Area Served (5 counties)
- Adult Felony Drug Court Only Area Served (67 counties)
- Adult Felony Drug Court & Mental Health Court Area Served (43 counties)

**JUDICIAL BRANCH OF GEORGIA
FY 2014 AMENDED REQUEST FORM
FY 2015 ENHANCEMENT REQUEST FORM**

SECTION A. GENERAL INFORMATION

BUDGET UNIT: Judicial Council

Subprogram: Administrative Office of the Courts

FISCAL YEAR: Amended FY 2014 or FY 2015 Enhancement

Enter the net change in state funds requested for the program:

AFY 14: \$52,000

FY 15: \$208,000

Describe the impact the request has on any other program fund sources (federal and/or other funds). This will have no impact on other program fund sources.

SECTION B.

PART 1: EXPLANATION OF REQUEST

- 1. Proposal:** Creation of a Statewide General Civil E-Filing portal for all classes of courts, created with state funds, user funded within 5 years.

The Georgia Statewide Judiciary Civil E-Filing Steering Committee is charged with facilitating the development and implementation of civil electronic court filing (“e-filing”) in all classes of court throughout the judiciary.

Although the AOC has the experience and expertise to design and deploy a portal solution, there are no current resources available to start the development phase of this project. A development contractor would be employed to code the portal functionality and user interface (UI). This work would be overseen and managed by AOC IT Staff.

The Committee envisions that its final product, in the initial stage, will be a single portal for attorneys and parties to utilize for filing civil cases anywhere in Georgia, no matter the court or specific type of case. However, eventually the Committee also envisions that the portal would accept filings of criminal cases as well and accommodate all types of filers. Additionally, this portal would lead to the development of a system that would 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.

The committee has settled on a phased approach for rolling out a solution in Georgia. This approach will ensure that the implemented solution adheres to all requirements stated by the committee, State Bar and other stakeholders throughout the state. The phased approach

**JUDICIAL BRANCH OF GEORGIA
 FY 2014 AMENDED REQUEST FORM
 FY 2015 ENHANCEMENT REQUEST FORM**

adopted will leverage existing e-filing products throughout Georgia thus reducing the complexity of new development and the facilitating the adoption by Clerks and vendors.

- 2. Geographic Impact:** Where does the request impact the state?
 [X] Statewide or list counties below:

- 3. Current Status:** What is the budget unit currently doing to address this issue? Will those activities continue if this request is approved?

The Georgia Statewide Judiciary Civil E-Filing Steering Committee is staffed by the AOC. This staff has coordinated vendor presentations, researched approaches utilized by other states, and coordinated stakeholder meetings. With the primary research phase complete, the development and implementation of civil electronic court filing (“e-filing”) in all classes of court throughout the judiciary cannot proceed further without additional funding for dedicated staff to execute the project plan.

- 4. Supporting Data:** Provide any supporting data, evaluations, and/or research for this request. Include any information you have on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

Georgia Superior Court Docket Filings 2010-2012

Year	Total Filings	Civil Filings	% Civil
2010	442,171	293,531	66%
2011	430,119	277,296	64.5%
2012	413,128	253,818	61.4%

The administrative impact of this volume will be off-set by the automated filing and retrieval process.

The Judicial Council/AOC is the only organization in Georgia that can accomplish a true statewide solution based on its involvement with all courts, vendors and judicial entities in the state. The technology required to accomplish a multi-directional web service with multiple vendors has already been developed by the AOC and is in production with the Georgia Judicial Exchange (GAJE) Program and Georgia State Patrol (GSP). Funding for these two efforts come from federal grants to DHS and contract to the AOC.

GAJE: The AOC presently provides Child Support E-Filing services to 86 Superior Courts in Georgia and are in line to bring on all 159 superior courts in the next 2 to 3 years. AOC technology has integrated successfully with each case management system utilized statewide by the Superior Courts. It is anticipated that this success partnership between the Superior Courts, Clerks of Superior Courts and the Administrative Office of the Courts could be built upon and the AOC could provide expanded E-Filing services to these courts and all others.

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GSP: To date 399,782 citations have been received by AOC from GSP from 770 jurisdictions. There are a total of 113 registered users with 64 active users (users that pulled citations for 2013):

- 15 TIPS courts (12 Municipal, 1 Probate, 1 Juvenile, 1 State)
- 21 Probate Courts
- 19 Municipal Courts
- 4 State Courts
- 1 Superior Court
- 4 Other (City court, Traffic court, Police Dept, Prosecuting Attorneys Council)

- 5. Measures:** What measures are or will be used to evaluate the impact of this change? If an enhancement, what is the projected return on investment?

An evaluation component is built into this multi-year project to ensure the cost-savings anticipated become realized during the life of this project.

The initial measure will be related to time and data entry savings on the creation of the filings. Subsequent measures will cover access to the courts, assistance for Self Represented Litigants, data entry resources, accuracy and timeliness of filings, time to create court record, time for Legal Service, etc... Other criteria being measured will involve the adoption of standards to not only promote future automation but also the effective retrieval of documents.

Further criteria will be established once the implementation is under way and customer adoption begins. While E-filing is generally interpreted to be the submission of information electronically, Georgia's citizens expect electronic retrieval and that is the area citizens will realize the greatest cost savings.

- 6. Stakeholders/Constituents/Constituencies:** Describe the constituent and stakeholder groups affected by this change and whether they are likely to support or oppose this request (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities). Stakeholders include: Judges of all classes of court, Clerks of all classes of courts, the Judicial Council of Georgia, the State Bar of Georgia and its membership. As this initiative will create a user friendly mechanism for submission and retrieval of records electronically, regardless of one's geographic location, it is anticipated that this endeavor will receive overwhelming support.

Legislation or Rule Change (a): Is legislation or a Rule change required to be passed or changed if this request is implemented? If so, please explain. No.

- 7. Legislation or Rule Change (b):** Is this request a result of a legislation or rule change? If so, please explain. No.

- 8. Alternatives:** Explain what other alternatives were considered and why they were not viable. An analysis was conducted to determine the feasibility of engaging contract labor to

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initiate this project. Present contractual rates for the expertise required to execute the project exceeded calculations for one state funded position.

PART 2: BUDGET

9. Requested and Projected Resources: For enhancements and certain base adjustments, what additional resources are you requesting? What are your out-year projections?

The portal development would be an annual cost requiring state appropriations during the first three years of this multi-year project. The purpose of this project is to establish a user funded Statewide General Civil E-Filing System serving all applicable classes of courts. This user funded model could call for fee changes for filings in the future to cover annual costs versus “per filing” costs.

10. Methodology/Assumptions: Provide the methodology and assumptions behind the requested amount and out-year projections. How did you arrive at the amounts? What time period does the request cover (i.e., the number of months)?

AFY 2014: \$52,000	Initial design and development
FY 2015: \$208,000	Reengineering and expansion

11. Federal and Other Funds: Describe the impact on federal and/or other funds related to this request (amount, policy etc). None at this time.

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Budget Categories	FY 13 Amended Request	FY 14 Enhancement Request
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Personnel Services:

Operating Costs:

Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		
Contracts – State Orgs	50,000	200,000
IT Expenses	2,000	8,000
Voice/Data Communications		
Grants		
Indirect Costs		
Transfers		
Total Operating Budget	\$2,000	\$8,000

TOTAL OVERALL BUDGET	\$52,000	\$208,000
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State Funds	\$52,000	\$208,000
Other Budgeted Funds		

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PART 3: OTHER INFORMATION

12. Discuss any other relevant factors that should be considered.

The Georgia Statewide Judiciary Civil E-Filing Steering Committee is charged with facilitating the development and implementation of civil electronic court filing (“e-filing”) in all classes of court throughout the judiciary.

The formation of the Statewide Judiciary Civil E-Filing Steering Committee was preceded by the work of the State Bar of Georgia Committee on Electronic Filing. In August 2011, following a report by the State Bar Committee, the State Bar Board of Governors unanimously approved a Resolution on Electronic Filing encouraging all stakeholders to begin coordinating efforts to design, build, and administer a uniform statewide e-filing and records retrieval system comparable in function and administration to the federal system. The resolution stated that such a system would “greatly enhance the accuracy, management, and security of Georgia court records, reduce delays in the flow of information, [and] achieve cost savings for the Judiciary, Bar, and litigants.”

The Statewide Judiciary Civil E-Filing Steering Committee has spent the past year and a half reviewing e-filing standards, technical architecture requirements, vendor solutions and other jurisdictions solutions. The committee also produced a “Request for Information” which generated a substantial amount of interest in Georgia’s efforts within both the public and private sector.

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SECTION A. GENERAL INFORMATION

BUDGET UNIT: Judicial Council of Georgia

Program: Administrative Office of the Courts

FISCAL YEAR: [] Amended FY 2014 or [x] FY 2015 Enhancement

Enter the net change in state funds requested for the program: \$61,019

Describe the impact the request has on any other program fund sources (federal and/or other funds).

This request will have no impact on any other program fund sources.

SECTION B.

PART 1: EXPLANATION OF REQUEST

1. Proposal:

The feasibility of a Family Law Information Center in a rural multi-county circuit was proven during the Pilot Project conducted in the Appalachian Judicial Circuit. This white paper proposes the expansion of the project into the Pataula Circuit, another multi-county, rural circuit.

The expansion of FLIC's is needed because of the increased volume of self represented litigants in domestic relations matters filed in the court. Furthering the need are recent changes in the domestic relations laws which increased the complexity of the cases and have further slowed the court process.

The mission of the pilot FLIC, the Appalachian Judicial Circuit FLIC, was to determine the feasibility of providing legal assistance in regard to all family law related matters, including domestic violence Temporary Protective Orders ("TPO") petitions, so that those who are not represented can be prepared when they come to court and be on equal footing with those who are represented, and ensure that their needs are being met. To that end, funding for the AFLIC was granted in FY 2009 to conduct the pilot. Successful evaluation justified continuation of the Center in FY 13 and the Center has been operating successfully ever since.

Based on the pilot FLIC evaluation, the Centers are very effective at:

- meeting its goal of increasing access to the courts by making it easier for people to use the system,
- improving the quality of filed documents and ultimate outcomes, and

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- making it possible for those who would never otherwise resolve their problems to use the court to do so.

2. Geographic Impact: Where does the request impact the state?

[] Statewide or list counties below: Pataula Circuit: Quitman, Randolph, Terrell, Clay, Early, Miller, and Seminole

3. Current Status: What is the budget unit currently doing to address this issue? Will those activities continue if this request is approved?

Expansion of this highly successful program in to other Circuits is not feasible without additional resources.

4. Supporting Data: Provide any supporting data, evaluations, and/or research for this request. Include any information you have on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

The evaluation of the pilot FLIC strongly recommended the expansion of the program from a procedural fairness and cost effectiveness perspective.

The pilot's evaluation outlined that:

- 76% of those cases that went through the Center were resolved at the first court appearance and at the same time, users strongly agreed with statements attesting to the usefulness, helpfulness and capabilities of the staff.
- In court time, the Center is attributed with the following time savings:
 - Clerks reported 10 to 30 minutes per case time savings;
 - Judges reported a 45 minutes savings per case; and
 - Judges noted that the time savings and increased efficiency made it possible for the court to take the time needed to get the best possible results in cases that really needed their time instead of addressing administrative matters.

5. Measures: What measures are or will be used to evaluate the impact of this change? If an enhancement, what is the projected return on investment?

An evaluation of the Pataula FLIC will be conducted after the new Center is implemented. The evaluation will be used to determine the effectiveness of the FLIC in moving cases through the court system, and working with the self-represented litigants. The evaluation will determine:

- The length of time each case takes going through the system;
- The number of uncontested divorces which have the correct paperwork attached;
- The number of litigants coming to the offices seeking general information and Judicial Circuit approved forms which they may not have been able to obtain otherwise;

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- The number of defaults and/or dismissals in pro se cases increasing or decreasing due to incorrect child support calculations or not having the appropriate forms attached; and/or
- The number of other procedural problems resolved by the FLIC offices.

6. Stakeholders/Constituents/Constituencies: Describe the constituent and stakeholder groups affected by this change and whether they are likely to support or oppose this request (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).

The Chief Judge of the Circuit as well as the other judges participating, clerks of court and other court personnel, litigants and attorneys.

Legislation or Rule Change (a): Is legislation or a Rule change required to be passed or changed if this request is implemented? If so, please explain.

NO

7. Legislation or Rule Change (b): Is this request a result of a legislation or rule change? If so, please explain.

NO

8. Alternatives: Explain what other alternatives were considered and why they were not viable.

An alternative may be seeking funding at the local level for such Centers around the state. It is believed that this is currently economically unviable. However, if such Centers can prove their worth in cost and time savings, continuation budgets may be picked up in part by local jurisdictions.

PART 2: BUDGET

9. Requested and Projected Resources: For enhancements and certain base adjustments, what additional resources are you requesting? What are your out-year projections?

A request of \$61,019 for Year 1 is submitted and an estimated \$40,000 will be requested as continuation for each out-year.

Personnel/Fringe Benefits:	\$41,978
Supplies	\$ 4,620
Travel	\$13,697
Communications	<u>\$ 724</u>
Total	\$61,019

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The funds requested will be used to pay for 2 part time staff attorney's to attend court. In addition, a part time office assistant will also be dedicated to the project to provide remote assistance throughout the circuit.

10. Methodology/Assumptions: Provide the methodology and assumptions behind the requested amount and out-year projections. How did you arrive at the amounts? What time period does the request cover (i.e., the number of months)?

The average expenditures in the pilot FLIC were examined to determine the costs associated with implementing a similar program in a similar circuit.

<u>Personnel</u>		\$41,978
Part Time Staff Attorney's \$50.00/hr. X 360 hrs.	\$18,000	
Fringe	\$ 2,097	
Part Time Office Assistant (28 hr/wk) \$13.46/hr. X 1456 hrs.	\$19,598	
Fringe	\$ 2,283	
<u>Supplies</u>		\$4,620
Printing - Business cards, FLIC brochures & other program materials	\$ 2,500	
Postage \$10 per month X 12 mos.	\$ 120	
General office supplies for 3 offices	\$ 2,000	
<u>Travel</u>		\$13,697
Mileage local & out of circuit travel	\$ 9,000	
Lodging 3 nights x \$150 per night x 3 people x 2 trips	\$ 2,700	
Meals \$36 pr. day x 3 days x 3 people x 2 trips	\$ 648	
Training Registration fees for various conferences for 3 people	\$ 1,349	
<u>Communications</u>		\$724
Blackberry Monthly service of \$60.29 x 1 person X 12 months	\$ 724	
TOTAL:		\$61,019

11. Federal and Other Funds: Describe the impact on federal and/or other funds related to this request (amount, policy etc). None

12. Discuss any other relevant factors that should be considered.

The work of the pilot FLIC (Appalachian FLIC): The Appalachian FLIC offices assist the Superior Courts in more cost-effectively moving cases through the court system which involve self-represented litigants by providing technical legal assistance at their self-help type centers, such as assisting with the preparation of forms and calculation of child support. Self-represented litigants are coming to the three county offices and receiving live assistance, either by meeting with office personnel or through remote access. The FLIC office's goal is to work in association with community volunteers and the local private bar to refer those who need or require more extensive services and legal advice.

The Center has successfully implemented cost effective methods of increasing access to justice in rural multi-court circuits. Specifically, the Center assists litigants that meet certain

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eligibility requirements based on income and case type to identify and fill out forms related to their case. The Center does not provide legal advice and encourages litigants to obtain an attorney if possible.

Budget Categories	FY 14 Amended Request	FY 15 Enhancement Request
Personnel Services:	\$	41,978.00
Operating Costs:		
Postage	\$	120.00
Motor Vehicle Expenses		
Printing, Publications, Media	\$	2,500.00
Supplies and Materials	\$	2,000.00
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee	\$	13,697.00
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications	\$	724.00
Grants		
Indirect Costs		
Transfers		
Total Operating Budget	0	\$ 19,041.00
TOTAL OVERALL BUDGET	0	\$ 61,019.00
State Funds	\$	61,019.00
Other Budgeted Funds		



**Georgia Superior Court Caseload
Calendar Year 2012**

Classification	Circuit	Number of Counties	Civil			Estimated Potential Revenue - ADR Filing Fee		Demographics	
			Total Civil	General Civil	Domestic Relations	\$5 per case	\$10 per case	Attorneys (#)	Poverty (%)**
			Dockets Filed	Dockets Filed	Dockets Filed				
Rural	Alapaha	5	2,094	769	1,325	\$ 10,470	\$ 20,940	41	25.4
Rural	Atlantic	6	4,896	1,564	3,332	\$ 24,480	\$ 48,960	115	18.83
Rural	Cordele	4	2,313	866	1,447	\$ 11,565	\$ 23,130	54	27.43
Rural	Dublin	4	3,133	1,053	2,080	\$ 15,665	\$ 31,330	81	23.2
Rural	Enotah	4	2,943	1,555	1,388	\$ 14,715	\$ 29,430	104	15.45
Rural	Middle	5	3,923	588	3,335	\$ 19,615	\$ 39,230	100	24.42
Rural	Mountain	3	2,435	1,009	1,426	\$ 12,175	\$ 24,350	113	20.83
Rural	Northern	5	4,130	1,519	2,611	\$ 20,650	\$ 41,300	96	19.52
Rural	Ocmulgee	8	5,211	2,374	2,837	\$ 26,055	\$ 52,110	179	19.74
Rural	Oconee	6	2,794	850	1,944	\$ 13,970	\$ 27,940	45	22.92
Rural	Ogeechee	4	4,618	1,559	3,059	\$ 23,090	\$ 46,180	128	24.18
Rural	Pataula	7	2,432	572	1,860	\$ 12,160	\$ 24,320	38	28.34
Rural	South Georgia	5	2,493	868	1,625	\$ 12,465	\$ 24,930	56	30.08
Rural	Southwestern	6	2,691	987	1,704	\$ 13,455	\$ 26,910	50	22.3
Rural	Tifton	4	2,342	746	1,596	\$ 11,710	\$ 23,420	105	22.53
Rural	Toombs	6	1,970	728	1,242	\$ 9,850	\$ 19,700	40	24.43
Rural	Towaliga	3	3,036	1,334	1,702	\$ 15,180	\$ 30,360	65	15.47
Rural	Waycross	6	4,533	1,395	3,138	\$ 22,665	\$ 45,330	122	20.22
Total		91	57,987	20,336	37,651	\$ 289,935	\$ 579,870	1,532	Average 22.52

*Source: State Bar of Georgia, December 2012

**Source: U.S. Census Bureau, 2007-2011 American Community Survey

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SECTION A. GENERAL INFORMATION

BUDGET UNIT: **Judicial Council of Georgia**

Program: **County and Municipal Probation Advisory Council (CMPAC)**

FISCAL YEAR: Amended FY 2014 or FY 2015 Enhancement

Enter the net change in state funds requested for the program:

Amended FY 14: 16,580

FY 15: \$66,320

Describe the impact the request has on any other program fund sources (federal and/or other funds).

Misdemeanor Probation is a high liability area. CMPAC staff members conduct compliance visits on a biennial cycle. Approximately, two (2) to four (4) compliance visits should be conducted per month to ensure that probation services are being rendered in compliance with Georgia law and CMPAC rules. Reduction in staff has led to a decrease in compliance visits, which limits the Council's ability to provide effective regulation and oversight. Hence, our request to reinstate funds which reduced CMPAC's budget.

SECTION B.

PART 1: EXPLANATION OF REQUEST

1. Proposal:

The County and Municipal Probation Advisory Council is requesting to fully fund a third compliance position and establish sufficient operating funds to fulfill the Council's mission.

2. Geographic Impact: Where does the request impact the state?

Statewide or list counties below:

3. Current Status: What is the budget unit currently doing to address this issue? Will those activities continue if this request is approved?

Currently, compliance visits have been reduced; however, a prolonged reduction affects the Council's ability to regulate effectively in an industry that provides services to many citizens of Georgia (over 770 courts and 348,000 probationers). With the reinstatement of funding CMPAC staff will be able to conduct more compliance visits, which will result in more oversight and regulatory services provided.

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- 4. Supporting Data:** Provide any supporting data, evaluations, and/or research for this request. Include any information you have on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

In FY08, a fully staffed CMPAC team conducted forty nine (49) site visits; however, in FY2013 only 21 visits were conducted.

- 5. Measures:** What measures are or will be used to evaluate the impact of this change? If an enhancement, what is the projected return on investment?

A few of the key measures that will be utilized to reflect the impact this change will have are:

- *The number of compliance site visits conducted
- *The number of misdemeanor probation entities monitored for compliance
- *The number of probation provider staff monitored

- 6. Stakeholders/Constituents/Constituencies:** Describe the constituent and stakeholder groups affected by this change and whether they are likely to support or oppose this request (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).

Our Stakeholders/Constituents/Constituencies consist of:

- *Citizens of Georgia
- *Eleven (11) Members of the County and Municipal Probation Advisory council (5 Judicial Designees, 5 Executive Appointees, and the Commissioner of Corrections or His designee)
- *Administrative Office of the Courts
- *Local governments and local courts utilizing the services of private probation providers or providing in house governmental probation programs.
- *Southern Center for Human Rights as well as a host of various advocate groups

Legislation or Rule Change (a): Is legislation or a Rule change required to be passed or changed if this request is implemented? If so, please explain. N/A

- 7. Legislation or Rule Change (b):** Is this request a result of a legislation or rule change? If so, please explain. No

- 8. Alternatives:** Explain what other alternatives were considered and why they were not viable.

Though grants have been considered, most focus on service providers not the regulation and oversight of providers. With 1 in 13 Georgians under community correction supervision, the foot print of Misdemeanor probation is massive. A reduction in regulatory services would hinder the Council's ability to effectively provide oversight and would be at the detriment of the citizens of Georgia.

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PART 2: BUDGET

9. Requested and Projected Resources: For enhancements and certain base adjustments, what additional resources are you requesting? What are your out-year projections?

10. Methodology/Assumptions: Provide the methodology and assumptions behind the requested amount and out-year projections. How did you arrive at the amounts? What time period does the request cover (i.e., the number of months)?

Personnel: \$36,000 (base salary.)

Operating cost: 9,800 (costs associated with employee and existing Council needs)

11. Federal and Other Funds: Describe the impact on federal and/or other funds related to this request (amount, policy etc).

PART 3: OTHER INFORMATION

12. Discuss any other relevant factors that should be considered.

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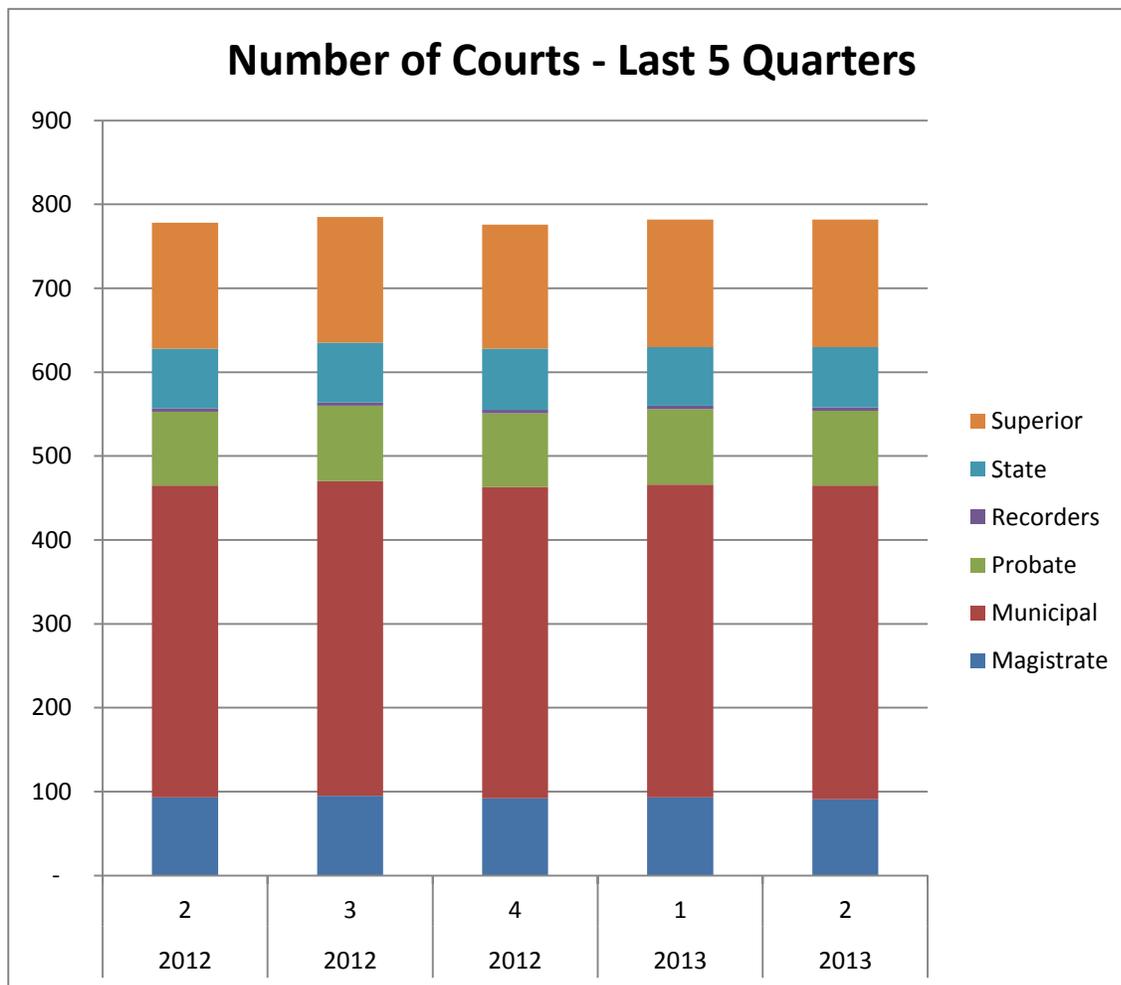
Budget Categories	FY 14 Amended Request	FY 15 Enhancement Request
Personnel Services:	14,130	56,520
Operating Costs:		
Postage 500		2,000
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating 300		1200
Travel – Employee 750		3,000
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		
Contracts – State Orgs		
IT Expenses 500		2,000
Voice/Data Communications 400		1600
Grants		
Indirect Costs		
Transfers		
Total Operating Budget	2450	9800
TOTAL OVERALL BUDGET	16580	66320
State Funds		
Other Budgeted Funds		



County and Municipal Probation Advisory Council Quarterly Reporting Information System

Provided by the Administrative Office of the Courts

Number Of Courts					
Year	2012	2012	2012	2013	2013
Quarter	2	3	4	1	2
Magistrate	93	95	92	93	91
Municipal	372	375	371	373	374
Probate	88	90	88	90	89
Recorders	4	4	4	4	4
State	71	71	73	70	72
Superior	150	150	148	152	152
Totals	778	785	776	782	782

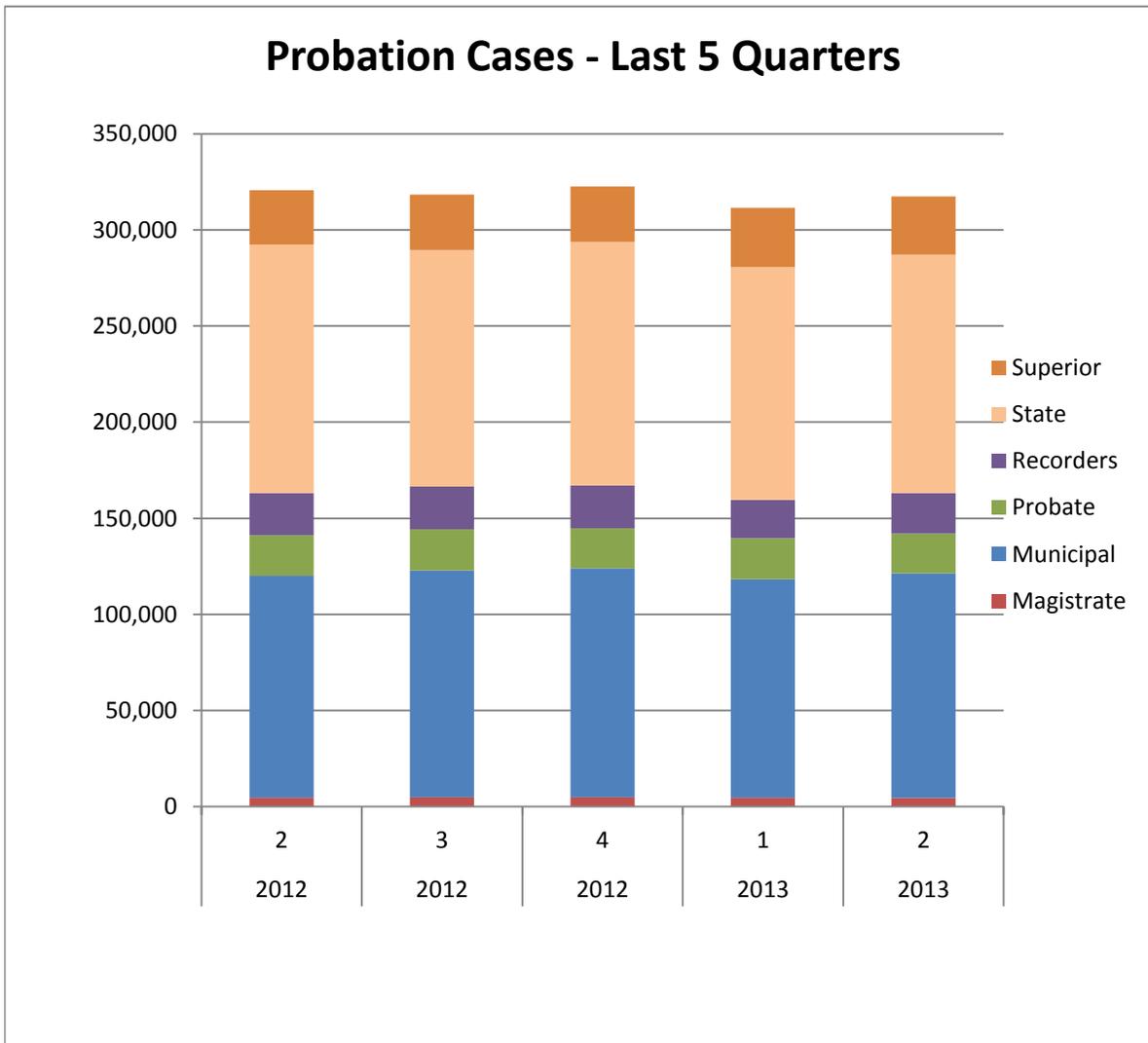




County and Municipal Probation Advisory Council Quarterly Reporting Information System

Provided by the Administrative Office of the Courts

Total Cases (Active cases, Warrant case, etc.)					
Year	2012	2012	2012	2013	2013
Quarter	2	3	4	1	2
Magistrate	4,719	4,847	4,910	4,732	4,617
Municipal	115,419	117,946	119,030	113,688	116,741
Probate	21,078	21,439	20,894	21,253	20,697
Recorders	22,022	22,361	22,133	19,916	21,096
State	129,177	122,915	126,705	121,043	123,936
Superior	28,178	28,868	28,924	30,757	30,330
Totals	320,593	318,376	322,596	311,389	317,417

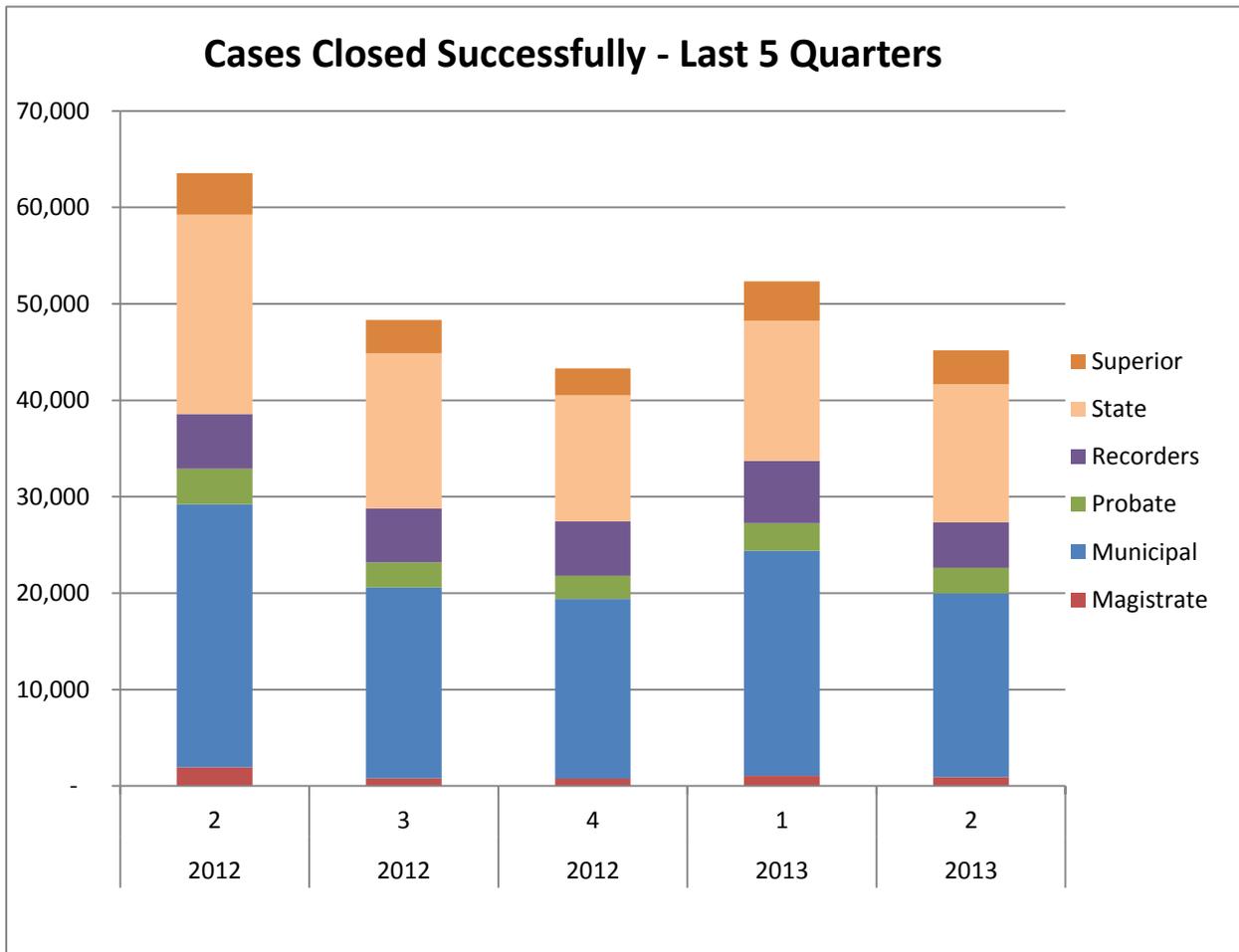




County and Municipal Probation Advisory Council Quarterly Reporting Information System

Provided by the Administrative Office of the Courts

Cases Closed Successfully					
Year	2012	2012	2012	2013	2013
Quarter	2	3	4	1	2
Magistrate	1,938	790	778	1,065	917
Municipal	27,270	19,813	18,634	23,335	19,036
Probate	3,694	2,577	2,405	2,843	2,670
Recorders	5,659	5,605	5,617	6,468	4,739
State	20,695	16,092	13,084	14,551	14,311
Superior	4,301	3,436	2,782	4,068	3,509
Totals	63,557	48,313	43,300	52,330	45,182

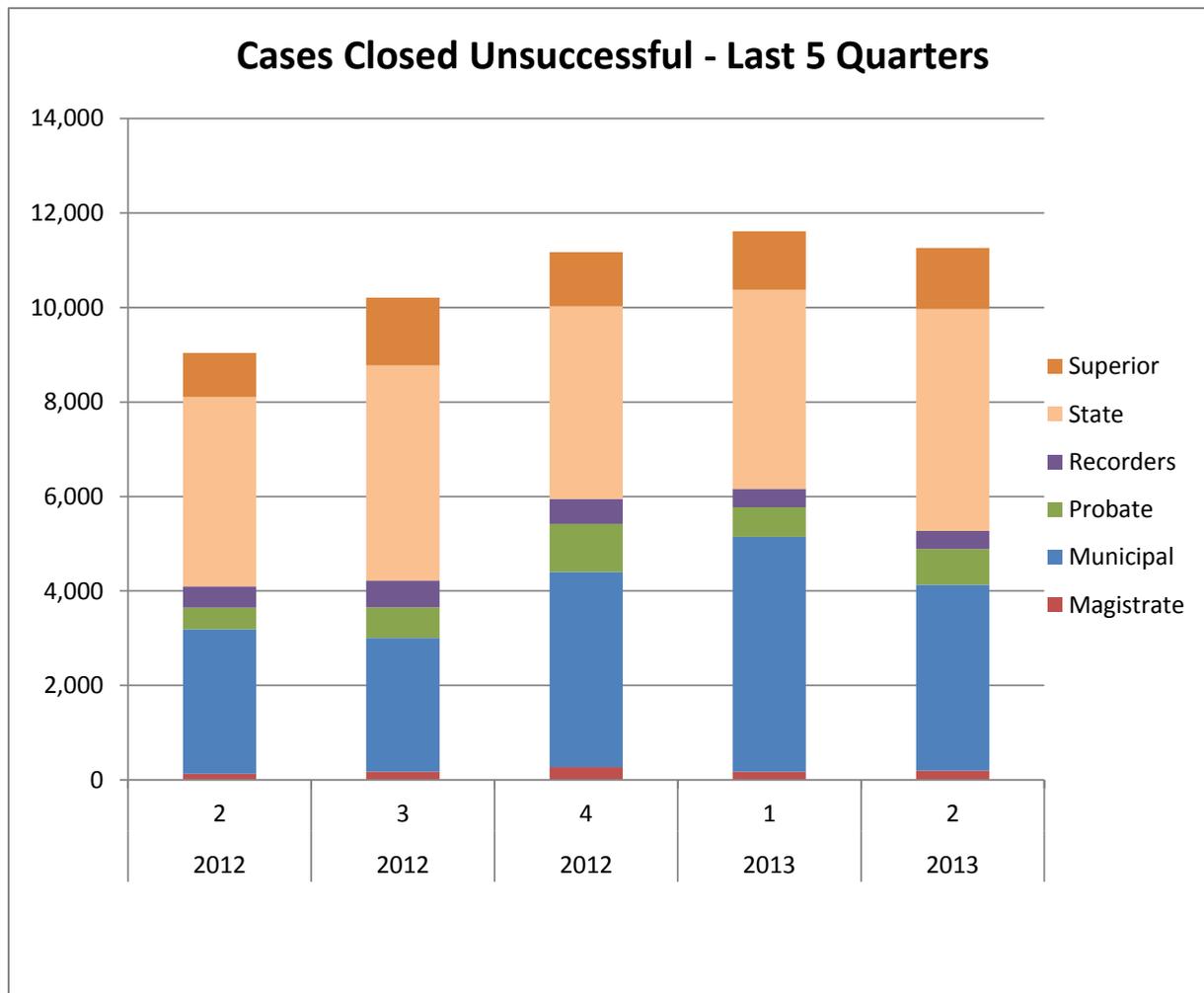




County and Municipal Probation Advisory Council Quarterly Reporting Information System

Provided by the Administrative Office of the Courts

Cases Closed Unsuccessfully					
Year	2012	2012	2012	2013	2013
Quarter	2	3	4	1	2
Magistrate	134	173	270	173	198
Municipal	3,057	2,837	4,135	4,977	3,937
Probate	457	647	1,011	623	758
Recorders	451	562	535	391	376
State	4,007	4,554	4,074	4,215	4,698
Superior	931	1,435	1,145	1,230	1,295
Totals	9,037	10,208	11,170	11,609	11,262

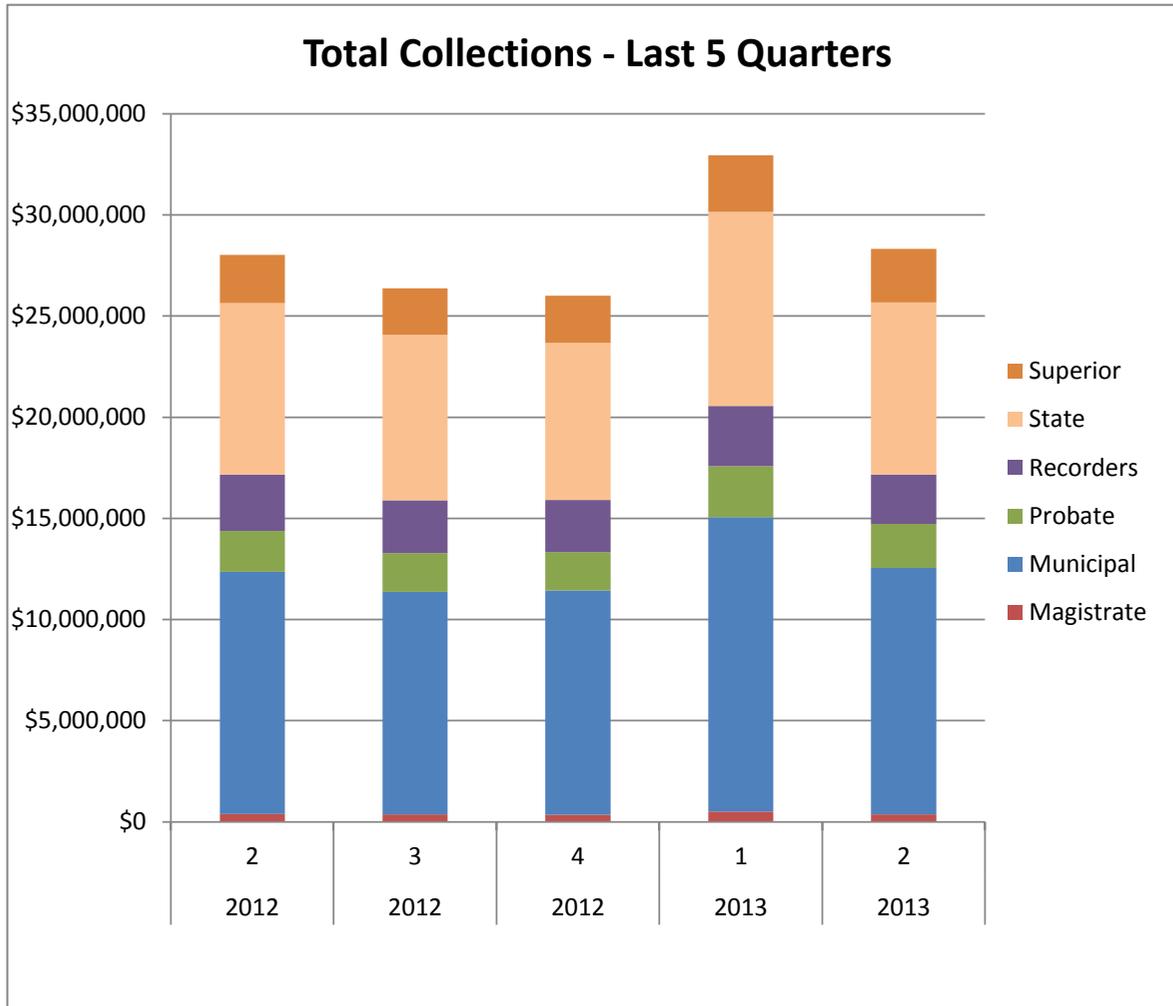




County and Municipal Probation Advisory Council Quarterly Reporting Information System

Provided by the Administrative Office of the Courts

Total Court Collections (Restitution, Fines, Court Costs, Surcharges)						
Year	2012		2012		2013	
Quarter	2	3	4	1	2	
Magistrate	\$ 384,401	\$ 366,345	\$ 349,134	\$ 503,114	\$ 373,420	
Municipal	\$ 11,970,659	\$ 10,997,294	\$ 11,094,139	\$ 14,549,877	\$ 12,172,505	
Probate	\$ 2,019,094	\$ 1,921,666	\$ 1,895,873	\$ 2,536,841	\$ 2,180,039	
Recorders	\$ 2,794,074	\$ 2,617,076	\$ 2,571,330	\$ 2,976,825	\$ 2,431,297	
State	\$ 8,467,896	\$ 8,165,219	\$ 7,756,341	\$ 9,577,785	\$ 8,523,434	
Superior	\$ 2,387,305	\$ 2,302,655	\$ 2,344,516	\$ 2,804,973	\$ 2,642,534	
Totals	\$ 28,023,428	\$ 26,370,255	\$ 26,011,333	\$ 32,949,416	\$ 28,323,230	

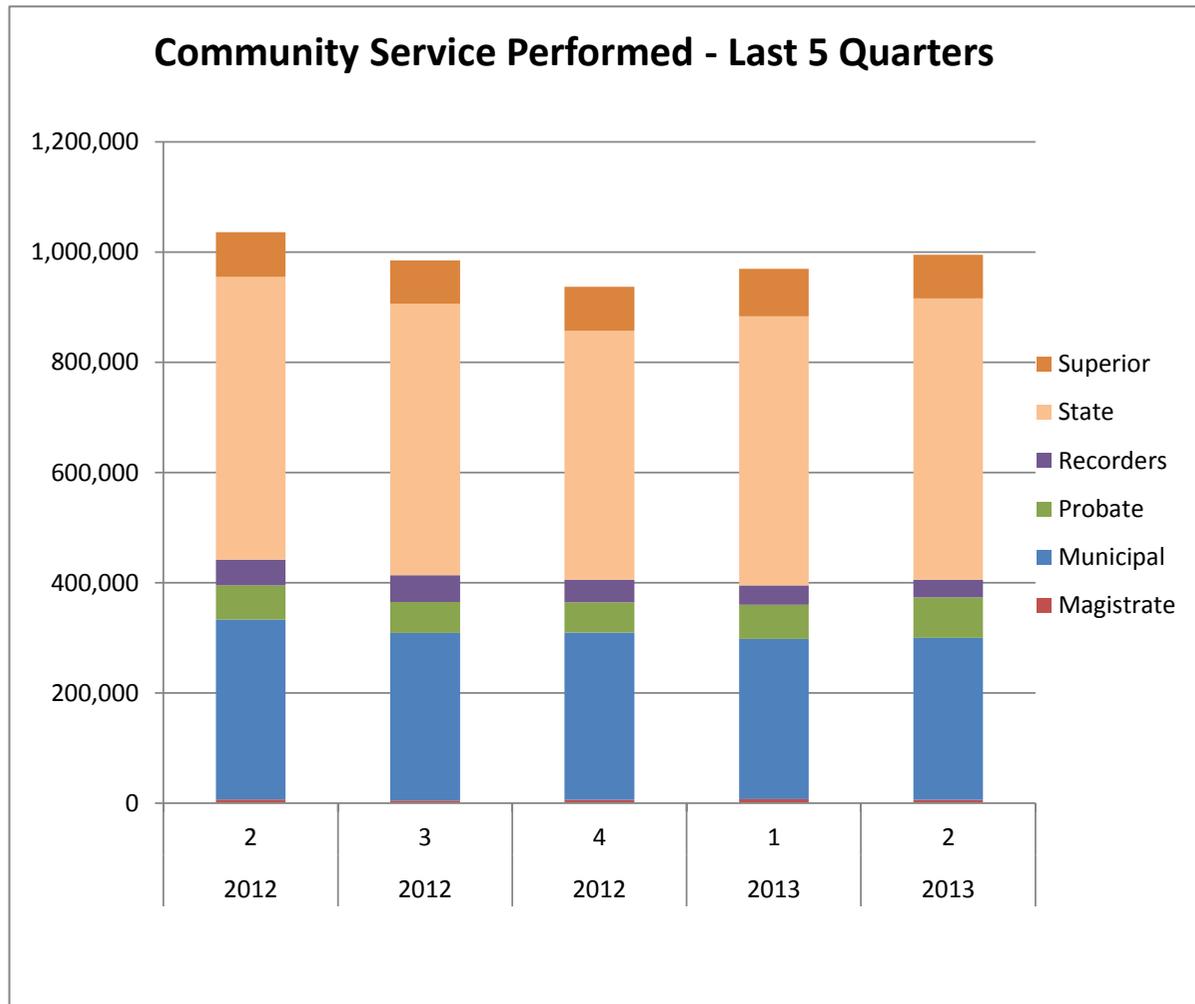




County and Municipal Probation Advisory Council Quarterly Reporting Information System

Provided by the Administrative Office of the Courts

Community Service Hours (Originally Ordered)					
Year	2012	2012	2012	2013	2013
Quarter	2	3	4	1	2
Magistrate	6,712	4,434	5,691	7,298	6,195
Municipal	326,621	304,410	303,669	290,693	293,801
Probate	62,109	56,362	54,915	62,005	73,251
Recorders	46,719	48,285	40,939	35,094	32,167
State	512,684	493,342	452,293	488,278	510,573
Superior	81,432	78,387	79,982	86,601	79,381
Totals	1,036,279	985,219	937,489	969,970	995,369

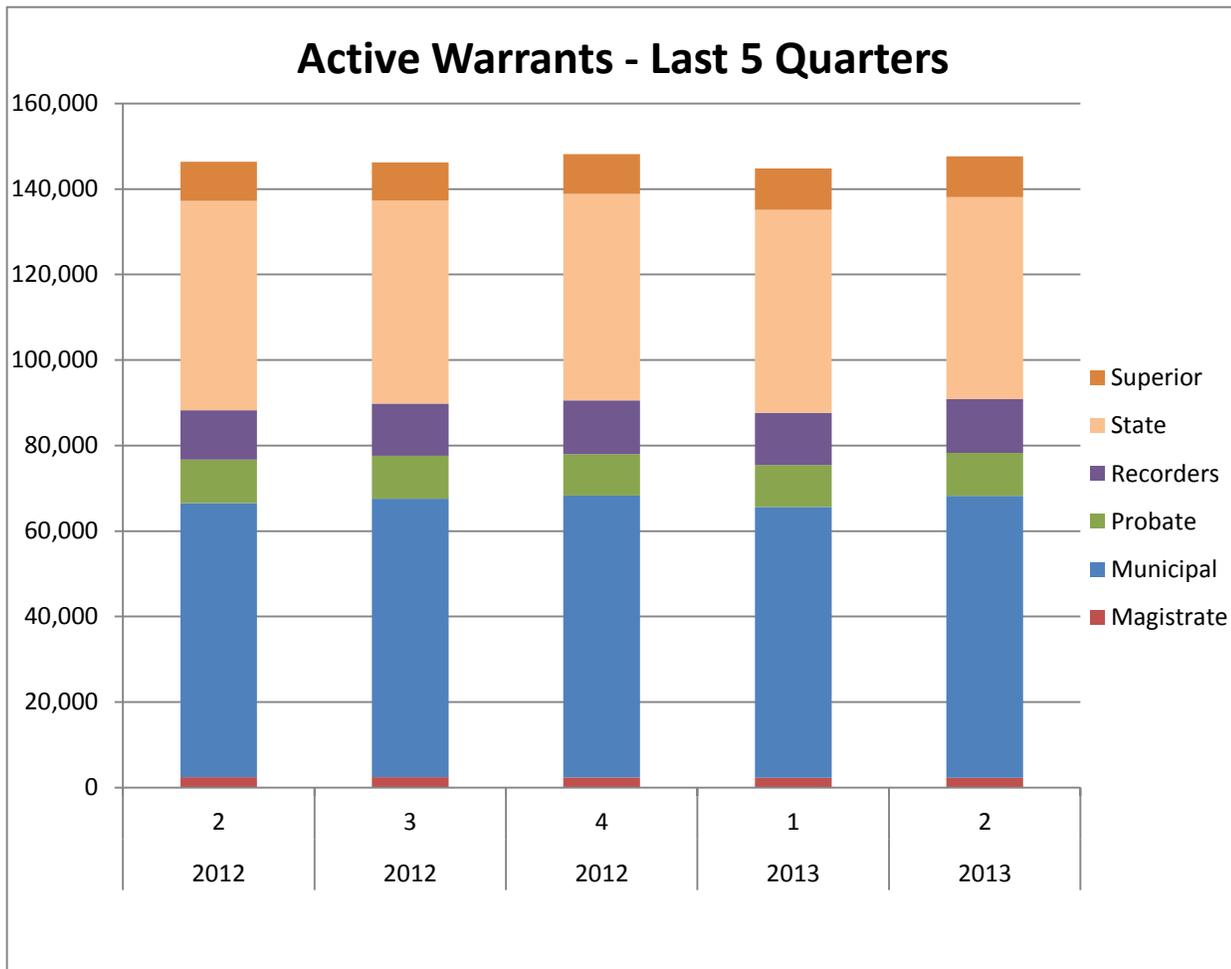




County and Municipal Probation Advisory Council Quarterly Reporting Information System

Provided by the Administrative Office of the Courts

Number of Active Warrants					
Year	2012	2012	2012	2013	2013
Quarter	2	3	4	1	2
Magistrate	2,425	2,429	2,381	2,305	2,263
Municipal	64,102	65,156	65,927	63,345	65,957
Probate	10,173	10,053	9,680	9,822	10,081
Recorders	11,537	12,203	12,585	12,191	12,579
State	49,000	47,455	48,261	47,504	47,222
Superior	9,155	8,949	9,334	9,633	9,533
Total	146,392	146,245	148,168	144,800	147,635

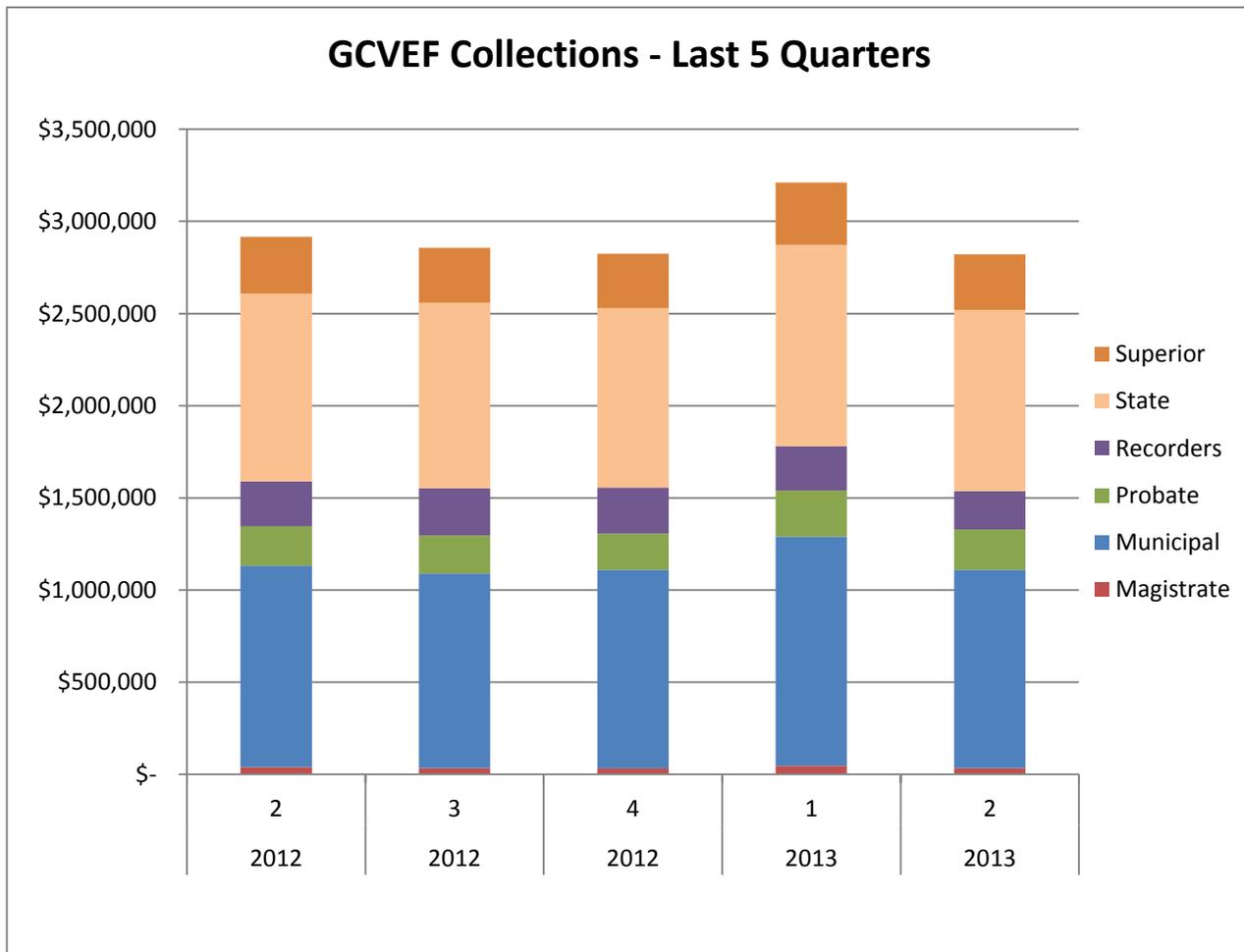




County and Municipal Probation Advisory Council Quarterly Reporting Information System

Provided by the Administrative Office of the Courts

Georgia Crime Victims Emergency Fund Collections						
Year	2012		2012		2013	
Quarter	2		3		1	
Year	2012		2012		2013	
Quarter	2		3		2	
Magistrate	\$ 39,500	\$ 35,003	\$ 33,374	\$ 47,153	\$ 34,906	
Municipal	\$ 1,092,639	\$ 1,054,885	\$ 1,077,265	\$ 1,242,191	\$ 1,075,528	
Probate	\$ 213,268	\$ 207,074	\$ 196,015	\$ 250,977	\$ 218,833	
Recorders	\$ 243,943	\$ 255,258	\$ 249,917	\$ 240,231	\$ 208,620	
State	\$ 1,019,032	\$ 1,005,628	\$ 973,733	\$ 1,090,939	\$ 981,977	
Superior	\$ 307,548	\$ 299,605	\$ 293,990	\$ 339,128	\$ 301,547	
Total	\$ 2,915,930	\$ 2,857,452	\$ 2,824,293	\$ 3,210,618	\$ 2,821,411	



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SECTION A. GENERAL INFORMATION

BUDGET UNIT: Judicial Council

Program: Civil Legal Services to Victims of Domestic Violence

FISCAL YEAR: [] Amended FY 2014 or [X] FY 2015 Enhancement

Enter the net change in state funds requested for the program: \$772,502

Describe the impact the request has on any other program fund sources (federal and/or other funds). There will be no impact on any other program fund sources.

SECTION B.

PART 1: EXPLANATION OF REQUEST

- 1. Proposal:** Grant additional funds to local organizations for the funding of civil legal services to victims of domestic violence.
- 2. Geographic Impact:** Where does the request impact the state?
[X] Statewide or list counties below:
- 3. Current Status:** What is the budget unit currently doing to address this issue? Will those activities continue if this request is approved?

The program will only grant out those funds provided annually by the legislature. If funds are reduced by the legislature during a fiscal year then grant awards are retroactively reduced. Funds appropriated have declined from \$2,145,000 in FY 2004 to \$1,727,489 in FY 14, a near 20% reduction. During this same time, Georgia's economy faced an economic crisis with disproportionately high unemployment and a slow economic recovery.¹

- 4. Supporting Data:** Provide any supporting data, evaluations, and/or research for this request. Include any information you have on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

While domestic violence occurs at all economic levels, the added stress of financial crisis increases a perpetrator's use or increased use of physical violence. Victims whose partners experienced two or more periods of unemployment during the five year study were almost three times as likely to be victims of intimate partner violence as were victims whose

¹ <http://www.terry.uga.edu/news/releases/georgia-economic-outlook-2013-summary-sheet>

**JUDICIAL BRANCH OF GEORGIA
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partners were in stable jobs. Domestic violence is more than three times likely to occur when couples are experiencing high levels of financial strain.²

Studies show that legal representation for victims is a key determinant of whether a victim will permanently be able to escape domestic violence. Legal services provided to victims not only help victims achieve physical safety, they are critical in establishing economic security.³ Moreover, a Kentucky study shows that TPOs are effective in ending domestic violence. When victims were able to obtain Protective Orders, the domestic violence stopped completely for 50% of the victims and was significantly reduced for the remaining 50%. For every dollar spent on protective order intervention, \$30.75 in costs were avoided in savings from law enforcement, hospital, incarceration, and community services.⁴ Yet, the Georgia Commission on Family Violence - Georgia State Plan for Ending Family Violence indicated that while legal services were desperately needed, such resources were often not available, particularly in rural South Georgia where the Plan emphasized the lack of access to legal services and the underserved populations.⁵

The following grantees throughout Georgia have received funding from the Judicial Council, Grant to Provide Civil Legal Services to Victims of Domestic Violence.

Grantees

Locations by Counties

Amity House	Glynn and McIntosh
Atlanta Legal Aid Society, Inc.	Fulton, Gwinnett, DeKalb, Clayton, and Cobb
Cherokee Family Violence Center	Cherokee
Circle of Hope (until FY 2002) (Includes 4 other Shelters: S.A.F.E, F.A.I.T.H, N.O.A. and Heart Haven)	Habersham, Stephens, White, Lumpkin, Dawson, Union, Towns, Rabun, Elbert, Franklin, and Hart
DeKalb Volunteer Lawyer’s Foundation	DeKalb
Forsyth Family Haven	Forsyth
Four Points	Catoosa, Chattooga, Dade, Walker
Gateway House	Hall
Georgia Coalition Against Domestic Violence <i>(Includes 38 Shelters: Amity House, Camden House, Carroll County Emergency Shelter, Cherokee Family Violence Center, Circle of Love Center, Citizens Against Violence, Concerted Services, Inc., Crisis Line, Family Crisis Center, Family Haven, Halcyon Home, The Haven, Hope Harbour, Hospitality House, International Women’s House, Liberty House, North Georgia Mountain Crisis Network, Our House, Partnership Against Domestic Violence, PADV, Peace Place, Project Renewal, Project Safe, Promise Place, The Refuge, Refuge Family Services, Ruth’s Cottage, Safe Homes of</i>	116 Counties: Atkinson, Bacon, Baker, Banks, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Brooks, Bulloch, Burke, Calhoun, Camden, Candler, Carroll, Catoosa, Charlton, Chatham, Chattahoochee, Chattooga, Cherokee, Clarke, Clay, Clayton, Clinch, Cobb, Coffee, Colquitt, Columbia, Cook, Coweta, Crisp, Dade, Decatur, DeKalb, Dodge, Dooly, Dougherty, Douglas, Early, Echols, Effingham, Emanuel, Fannin, Fayette, Floyd, Forsyth, Fulton, Gilmer, Glascock, Glynn, Grady, Gwinnett, Haralson, Harris, Heard, Irwin, Jackson, Jeff Davis, Jefferson, Jenkins, Johnson, Lanier, Laurens, Lee, Lincoln, Lowndes, Macon, Madison, Marion, McDuffie, McIntosh, Meriwether, Miller, Mitchell, Montgomery, Muscogee, Newton,

² 2011 Georgia Domestic Violence Fatality Review, Annual Report, p.5.

³ Farmer, Amy and Tiefenthaler, Jill, Explaining Declines in Domestic Violence, 21 *Contemp.Econ.Policy* 158, 159 (2003).

⁴ T. Logan and R. Walker, “Civil Protective Order Outcomes: Violations and Perceptions of Effectiveness,” *Journal of Interpersonal Violence*, vol. 24, no. 4 (2009): 675-692. See, <http://www.carseyinstitute.unh.edu/publications/IB-Logan-Civil-Protective-Order.pdf>.

⁵ Georgia Commission on Family Violence, Georgia State Plan for Ending Family Violence, December 2012, pg. 27, 28 at: www.gcfv.org

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<i>Augusta, Safe Shelter, Securus House, Shalom Bayit, Share House Shepherd's Rest Ministries, Tranquility House, Wayne County Protection Agency, WINGS, Women's Resource Center, YWCA of Northwest Georgia)</i>	Oconee, Oglethorpe, Paulding, Pickens, Pierce, Polk, Quitman, Richmond, Rockdale, Schley, Screven, Seminole, Sumter, Talbot, Taliaferro, Taylor, Terrell, Thomas, Tift, Toombs, Treutlen, Troup, Turner, Upson, Walker, Walton, Ware, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, Wilkes, and Worth
Georgia Law Center for the Homeless	Fulton and DeKalb (<i>also includes Clayton, Cobb and Gwinnett Counties</i>)
Georgia Legal Services Program	154 Counties (<i>except for Fulton, Gwinnett, DeKalb, Clayton and Cobb Counties</i>)
Halcyon Home	Thomas, Grady, Decatur, Seminole and Mitchell
Harmony House	Troup and Meriwether
Hope Harbour (<i>Received grant in FY 2007 but returned 100% of the funds which were reallocated to other grantees</i>)	Muscogee, Harris, Talbot, Marion, Taylor, and Chattahoochee (<i>includes Fort Benning area</i>)
North Georgia Crisis Network, Inc.	Fannin, Pickens and Gilmer
Northwest Georgia Family Crisis Center	Gordon, Murray, and Whitfield
Peace Place	Banks, Barrow and Jackson
The Refuge	Toombs, Montgomery, Wheeler, Treutlen, and Emanuel
S.A.F.E. (FY 2003-FY 2009) (Includes 4 other Shelters: Circle of Hope, F.A.I.T.H, N.O.A. and Heart Haven)	Habersham, Stephens, White, Lumpkin, Dawson, Union, Towns, Rabun, Elbert, Franklin, and Hart
Salvation Army of Central Georgia	Houston, Peach and Pulaski (<i>includes Robins Air Force Base</i>)
Wayne County Protective Agency/Fair Haven	Appling, Jeff Davis and Wayne

Measures: What measures are or will be used to evaluate the impact of this change? If an enhancement, what is the projected return on investment?

The Administrative Office of the Courts requires semi-annual reports from all grantees that provide data upon which to evaluate the level of services provided to victims. Providers report the numbers of victims served, demographic data including gender, race, the number of children impacted, the type of legal representation provided, type of outreach, and type of legal training provided.

The funding increase will ensure that there is legal representation for victims who need it to seek the protection of the courts to restrain the abuser, order supervised or restricted visitation, compel law enforcement intervention, remove funds from the abuser, and provide economic stability, housing, or healthcare access.

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FY	<u>Total Victims Served the Last Ten Years</u>
2003	4,590
2004	4,290
2005	5,496
2006	5,405
2007	4,193
2008	4,533
2009	4,225
2010	4,992
2011	4,535
2012	5,173
2013	2,598*
2014	TBD
Total	49,556**

***First half of FY 2013**

****Based on avail. numbers first 6 months of grant**

Based on FY 2012 funding and number of victims served, the cost per victim is approximately \$339. The enhancement request of \$772,502 will provide services to an additional 2,279 victims, bringing the total number of victims that may be served to 7,452. Based on the following data from the Georgia Commission on Family Violence, the request is modest realizing that only a small fraction of those in need are served.

FY 2011	68,222 crisis calls to Georgia’s certified domestic violence agencies
FY 2011	9,548 victims and children who were provided refuge in a Georgia domestic violence shelter
FY 2011	2,900 victims were turned away from a Georgia domestic violence shelter due to a lack of space
FY 2010	65,485 domestic incidence calls were responded to by Georgia law enforcement officers
FY 2012	22,206 protective and stalking orders were issued in Georgia

- 5. Stakeholders/Constituents/Constituencies:** Describe the constituent and stakeholder groups affected by this change and whether they are likely to support or oppose this request (e.g.,

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board members, advocates/interest groups, service providers, other agencies, other governmental entities).

Indigent persons who need civil legal services in domestic violence situations, and agencies that provide such services at the local level.

Legislation or Rule Change (a): Is legislation or a Rule change required to be passed or changed if this request is implemented? If so, please explain. NO

6. Legislation or Rule Change (b): Is this request a result of a legislation or rule change? If so, please explain. NO

7. Alternatives: Explain what other alternatives were considered and why they were not viable.

Because of the domestic violence crisis many victims are not able to hire attorneys for legal representation in these cases. “In any given year nearly 40% of our middle and lower income citizens have at least one civil legal need. But only one in every ten is able to secure legal representation. This means that 90% of our most vulnerable citizens have no one to represent them while they are trying to handle some of the most important issues of their lives...” Chief Justice Leah Ward Sears, 2007 State of the Judiciary Address (2007).

Low or no-cost legal services are the only alternative that most victims have to access the justice system. Fifty-nine counties in Georgia have fewer than 10 lawyers, including judges, prosecutors and public defenders, and six counties have no attorneys at all.⁶ Each of the providers that receive grant funding has stretched its resources to the limits in trying to meet the need. The agencies on the front line, who see victims each day, do not want to be forced to turn victims away.

PART 2: BUDGET

8. Requested and Projected Resources: For enhancements and certain base adjustments, what additional resources are you requesting? What are your out-year projections?

We are requesting an additional \$772,502 in each fiscal year for a total appropriation of \$2.5 million.

9. Methodology/Assumptions: Provide the methodology and assumptions behind the requested amount and out-year projections. How did you arrive at the amounts? What time period does the request cover (i.e., the number of months)?

The request covers FY 15, raising the funding level to \$2.5 million annually.

⁶ <http://www.georgiaadvocates.org/>.

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10. Federal and Other Funds: Describe the impact on federal and/or other funds related to this request (amount, policy, etc).

None

PART 3: OTHER INFORMATION

11. Discuss any other relevant factors that should be considered.

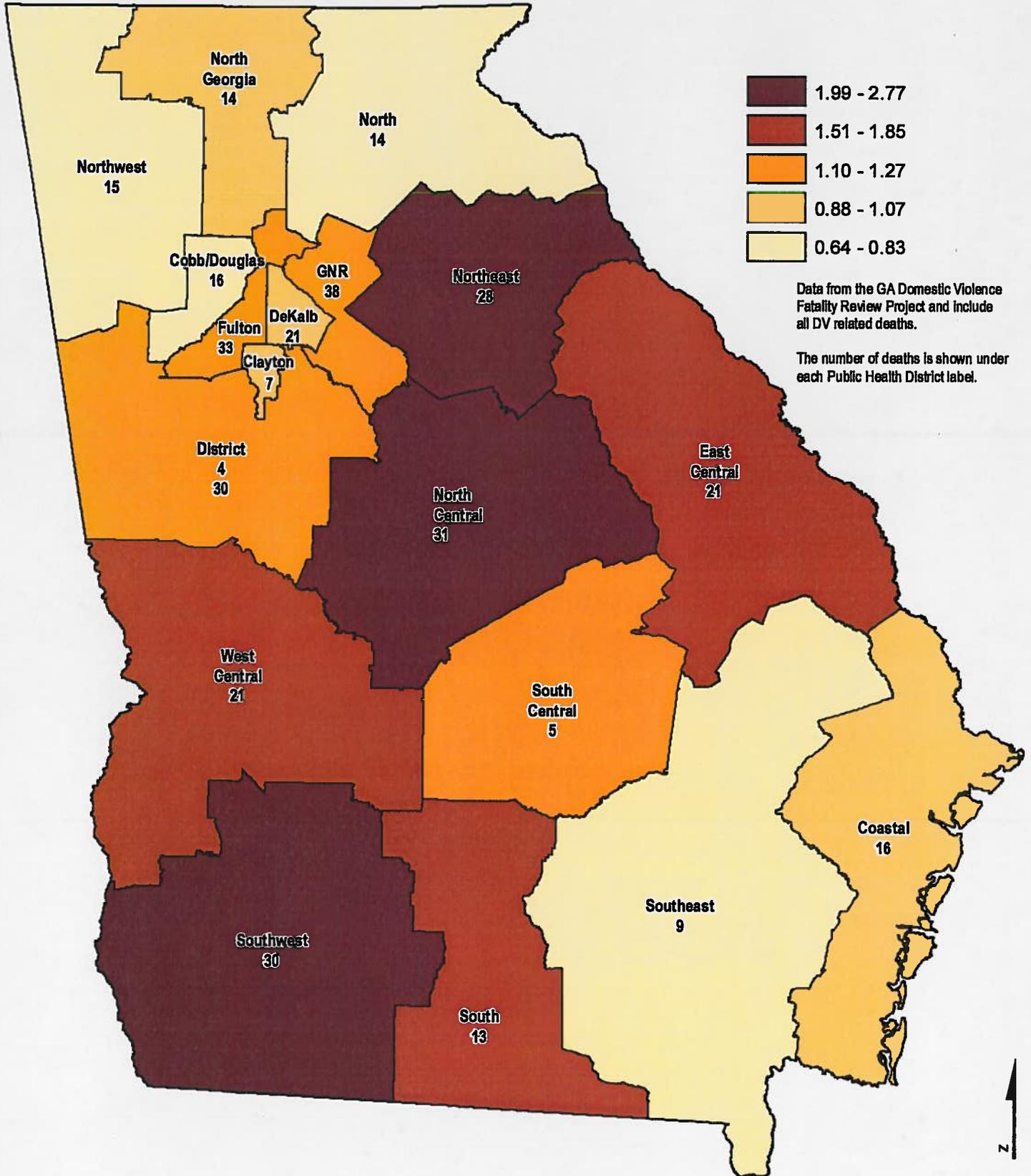
Recently, the Georgia Commission on Family Violence, headed by Judge Stephen Kelley, issued a State Plan for Ending Domestic Violence. The State Plan noted that one key component in protecting victims is improving access to lawyers. Specifically, it emphasizes the correlation between poverty, the prevalence of domestic violence, and the lack of resources to protect victims in rural areas. The Plan concludes that access to resources, including legal representation, matters when it comes to preventing DV-related deaths. Georgia's DV-death rates correspond with geographic patterns of poverty and limited access to the range of support services that help to keep victims safe. In envisioning a future without family violence for all Georgians, the Plan noted that Georgia must "enhance the availability of lawyers for victims."⁷

⁷ Georgia Commission on Family Violence, Georgia State Plan to End Domestic Violence, p. 24, 28, December, 2012, available at www.gcfv.org.

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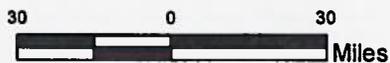
Budget Categories	FY 14 Amended Request	FY 15 Enhancement Request
Personnel Services:		
Operating Costs:		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		
Grants		\$772,502
Indirect Costs		
Transfers		
Total Operating Budget	0	\$ 772,502
TOTAL OVERALL BUDGET	0	\$ 772,502
State Funds		\$772,502
Other Budgeted Funds		

Domestic Violent Death Rate, 2009-2011

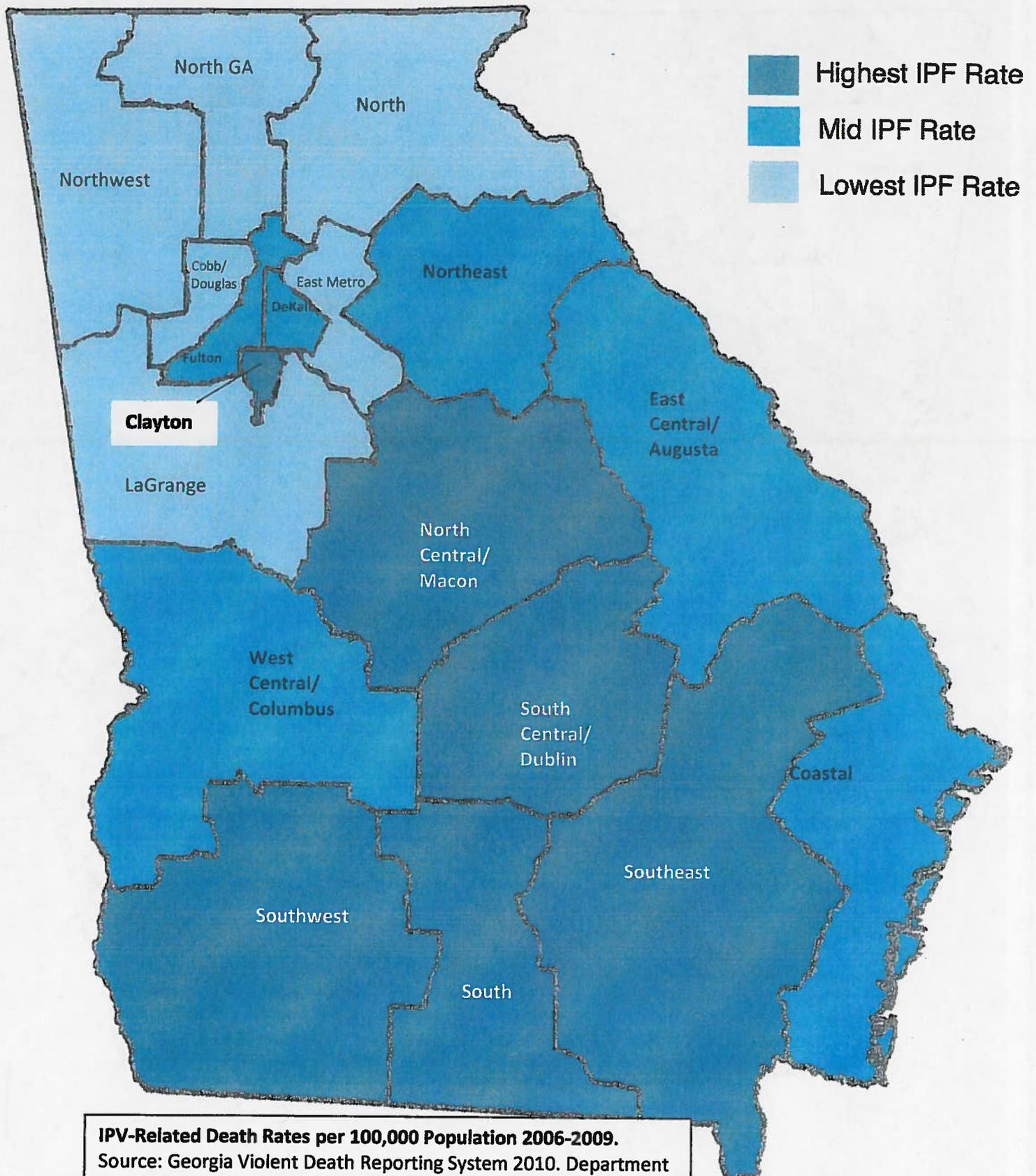


Data from the GA Domestic Violence Fatality Review Project and include all DV related deaths.

The number of deaths is shown under each Public Health District label.

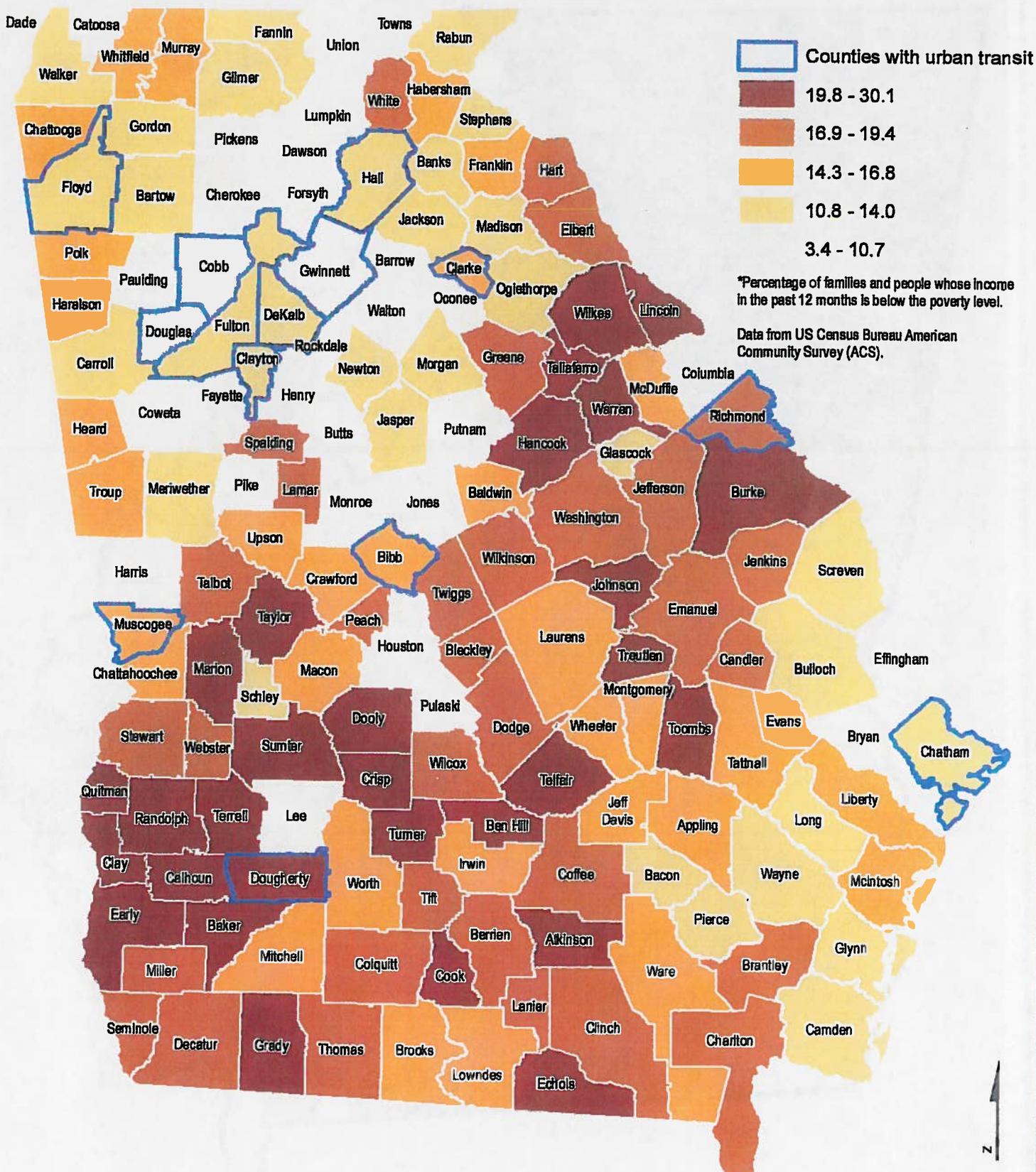


IPV-Related Death Rates per 100,000 Population, 2006-2009

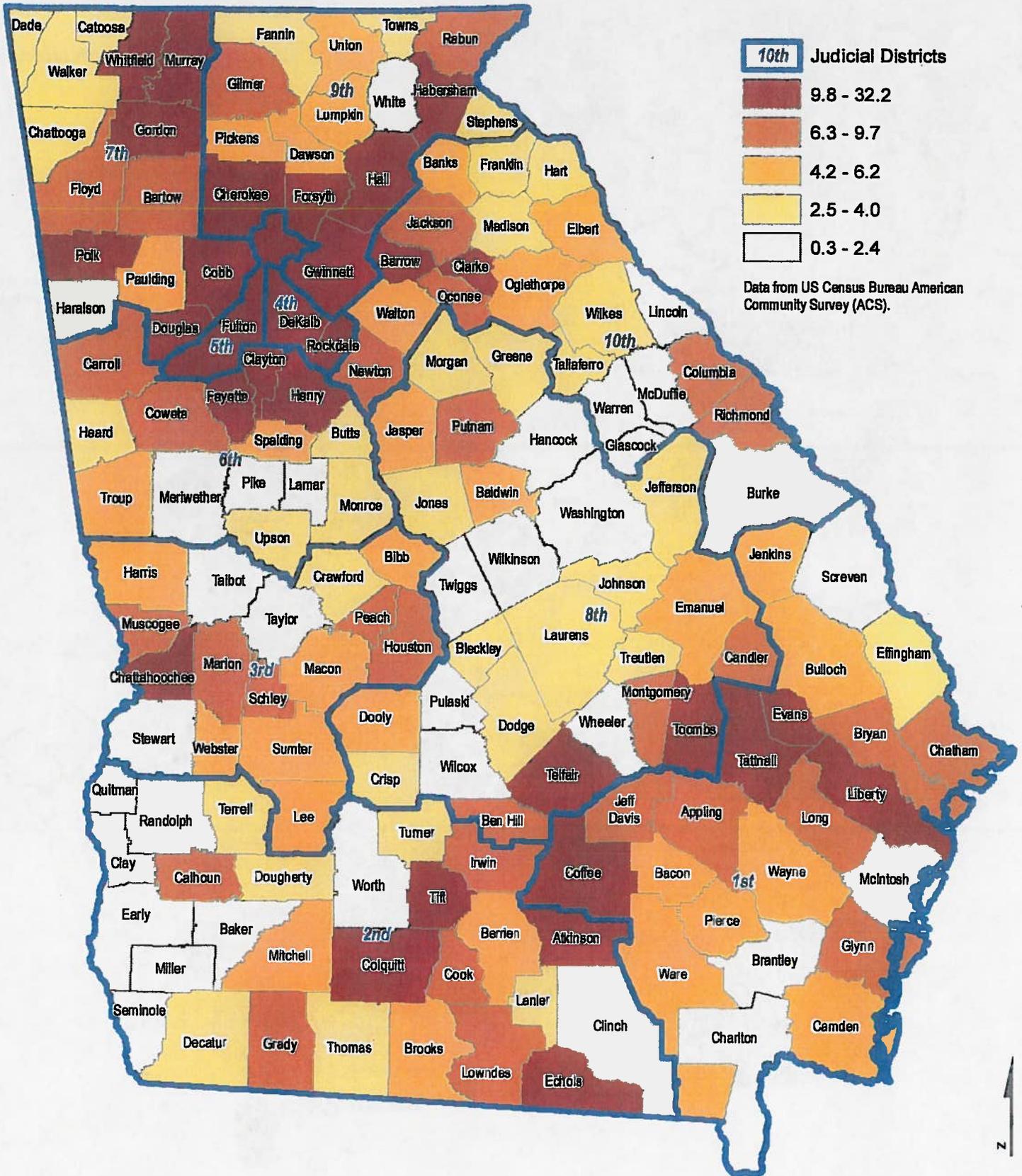


IPV-Related Death Rates per 100,000 Population 2006-2009.
Source: Georgia Violent Death Reporting System 2010. Department of Public Health. U.S. Census 2010. Analyzed Jan and Feb 2012 by GCADV.

Percent of Families Below Poverty Level*, 2010



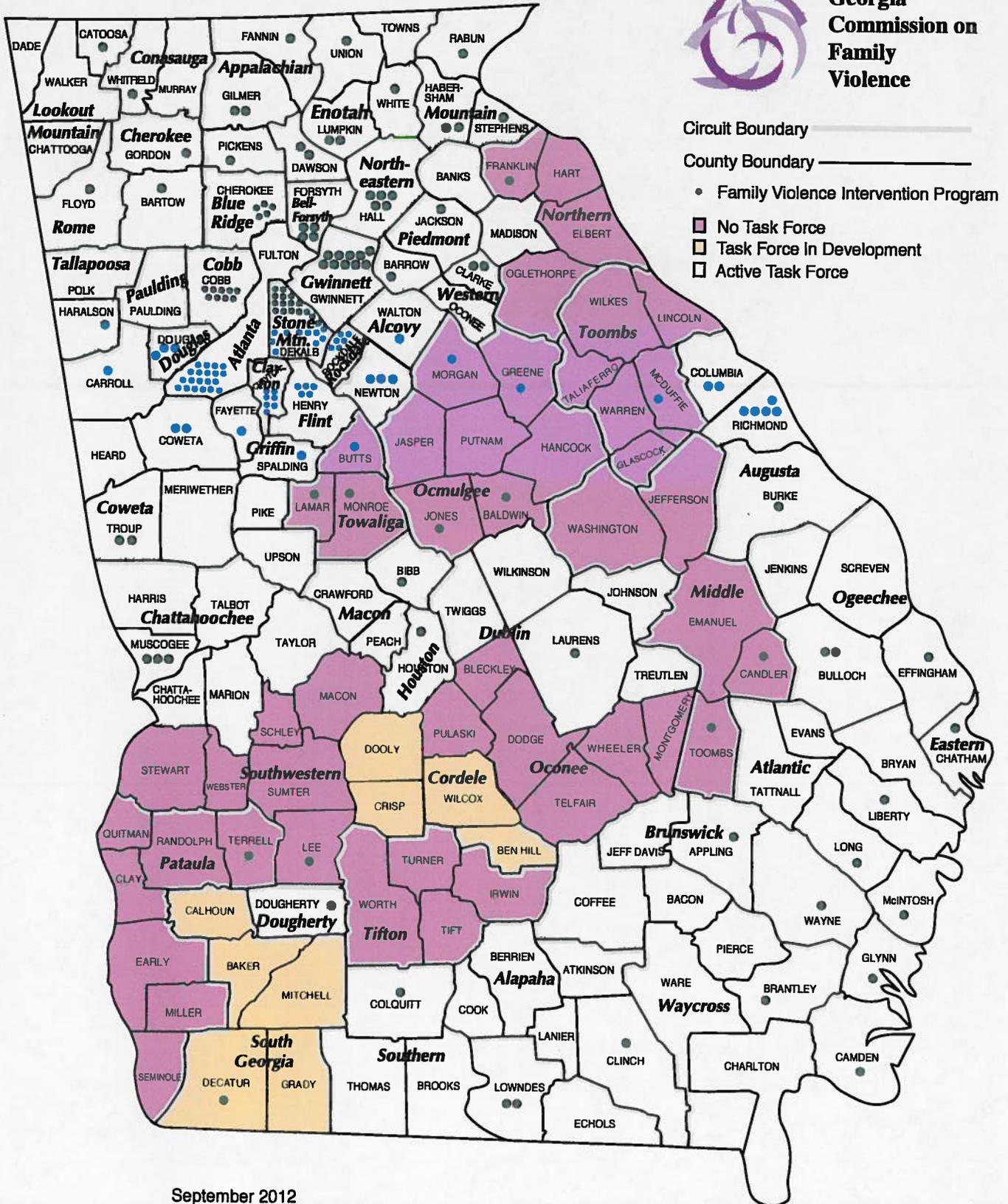
Percent of Population With Language Other Than English Spoken At Home, 2010



Domestic Violence Task Forces and Family Violence Intervention Programs in Georgia



Georgia Commission on Family Violence





Domestic Violence in Georgia

Year	2003	2004	2005	2006	2007	2008	2009	2010	2011
Number of DV Fatalities¹	137	110	127	106	118	111	123	131	108

Georgia's Domestic Violence Statistics

- ◆ From 2003 through 2011, at least **1,071 Georgia citizens lost their lives** due to domestic violence.¹
- ◆ Georgia was recently ranked **6th** in the nation for its rate of **men killing women**.²
- ◆ In **41%** of the cases studied through Georgia's Domestic Violence Fatality Review Project, **children were present during the domestic violence killing**.⁵
- ◆ **Firearms** were the cause of death in **69-76% of the domestic violence fatalities**, 2009-2011.¹

68,222

In FY 2011, the number of crisis calls to Georgia's certified domestic violence agencies.³

65,485

In 2010, the number of domestic violence incidents that law enforcement officers responded to in Georgia.⁴

23,013

In 2010, the number of protective and stalking orders issued in Georgia.⁶

9,548

In 2011, the number of victims and children who were provided refuge in a Georgia domestic violence shelter.³

2,900

In FY 2011, the number of victims who were turned away from a Georgia domestic violence shelter due to lack of space.³

What is domestic violence?⁶

Domestic violence, also described by the terms family violence, intimate partner violence, and teen dating violence, is a widespread problem in Georgia and across the country.

We define domestic violence as the systematic use of abusive tactics to compel submission of one person to another in an intimate relationship. These tactics span a broad, and ever changing, spectrum. Common abusive tactics include:

- ◆ physical violence,
- ◆ sexual violence,
- ◆ isolation,
- ◆ economic injustice,
- ◆ emotional sabotage,
- ◆ intimidation,
- ◆ reproductive coercion,
- ◆ relationship attenuation, and,
- ◆ stalking.

Studies have shown that domestic violence is committed primarily by men against women; although women and men in same-sex relationships experience domestic violence at the same rates as heterosexual women.

1. Georgia Commission on Family Violence, Georgia Coalition Against Domestic Violence (2012). 2011 Georgia Domestic Violence Fatality Review Annual Report and fatality counts. *Due to enhanced collection of data and methodology updates beginning with the 2009 data, the increased number does not necessarily reflect more fatalities in Georgia but rather more accurate data collection.

2. Violence Policy Center (2011). "When Men Murder Women." www.vpc.org/studies/wmmw2011.pdf.

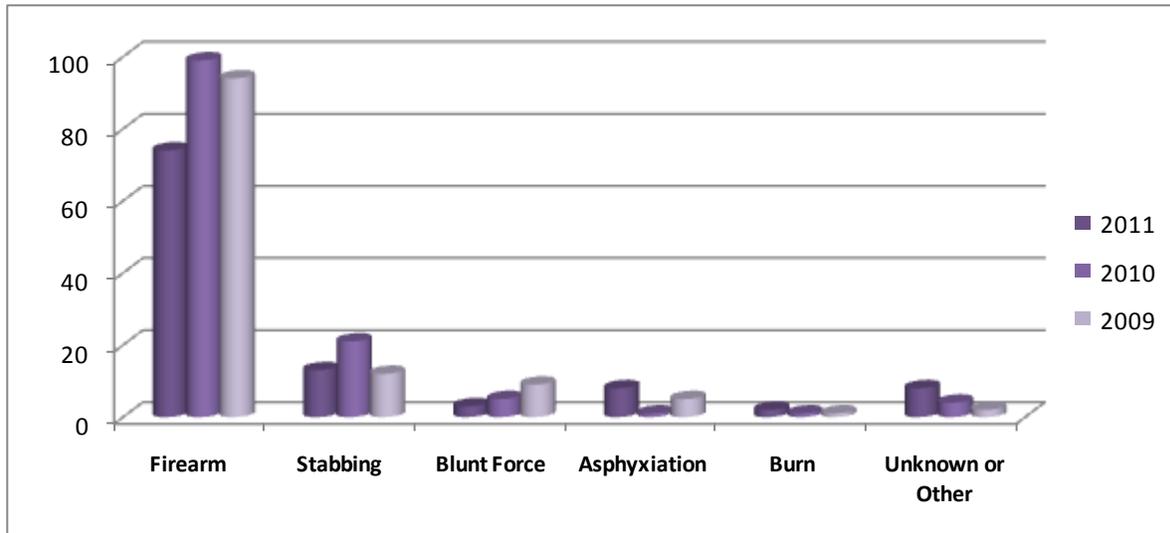
3. Georgia Coalition Against Domestic Violence (2012). "A Snapshot of Georgia: Domestic Violence and Sexual Violence." gcadv.org/wp-content/uploads/2011/03/2011-Snapshot.jpg.

4. Georgia Crime Information Center (2012). 2010 Georgia Family Violence Statistics. services.georgia.gov/gbi/crimestats/viewFamilyViolenceStatReport.do.

5. Georgia Commission on Family Violence, Georgia Coalition Against Domestic Violence (2012). 2011 Georgia Domestic Violence Fatality Review Annual Report. www.fatalityreview.com.

6. Georgia Protective Order Registry, Georgia Crime Information Center (2011). Personal communication by email, February 3, 2011.

Cause of Domestic Violence Fatalities, 2009-2011¹



National Domestic Violence Statistics

- ◆ **1 in 4 American women** will **experience domestic violence** at some point in her lifetime.²
- ◆ Since 1976, each year about **30%** of all female murder victims are **killed by their intimate partner**.³
- ◆ **85%** of domestic violence is **committed by men against women**.³
- ◆ **Women and men in same-sex relationships** experience domestic violence at the **same rates** as heterosexual women.⁴
- ◆ **Immigrants and refugees** experience violence at the **same rates as other communities**.⁵ However, immigrants and refugees experience increased barriers to services due to language access and fear about their immigration status.⁸
- ◆ **15.5 million children** witnessed domestic violence at least once **in the past year**.⁶
- ◆ Women are **more likely to be killed** by their partner **with a firearm** than **by all other means combined**.⁷

1-800-33-HAVEN (voice/TTY)

If you or someone you know is being abused, there are community and statewide resources available to you. Call the toll-free, 24-hour hotline for a confidential place to get help and find resources.

For more information:

Georgia Commission on Family Violence
www.gcfv.org
404.657.3412

1. Georgia Commission on Family Violence, Georgia Coalition Against Domestic Violence (2011).
2. Black, M., et al. (2008). "Adverse Health Conditions and Health Risk Behaviors Associated with Intimate Partner Violence." *CDC: Morbidity and Mortality Weekly Report*. 57 (5).
3. U.S. Department of Justice (2000). Intimate Partner Violence Special Report. www.ojp.gov/bjs/pub/pdf/ipv.pdf.
4. Turell, S. C. (2000). "A descriptive analysis of same-sex relationship violence for a diverse sample." *Journal of Family Violence*. 15(3).
5. Tjaden P., & Thoennes, N. (2000). "Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women." National Institute of Justice. www.ncjrs.gov/pdffiles1/nij/183781.pdf.
6. Whitfield, C., et al. (2003). "Violent Childhood Experiences and the Risk of Intimate Partner Violence in Adults." *Journal of Interpersonal Violence*. 18 (2).
7. Paulozzi, L., et al. (2001). "Surveillance for Homicide Among Intimate Partners." *CDC: Morbidity and Mortality Weekly Report*. 50 (3).
8. Dutton, M. A., Orloff, L., & Hass, G.A. (2000). "Characteristics of help-seeking behaviors, resources, and services needs of battered immigrant Latinas: Legal and policy implications." *Georgetown Journal on Poverty Law and Policy*. 7(2).

**JUDICIAL BRANCH OF GEORGIA
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SECTION A. GENERAL INFORMATION

BUDGET UNIT: 43000 Judicial Branch

Subprogram: 4300340050 - COUNCIL OF PROBATE COURT JUDGES

FISCAL YEAR: [X] Amended FY 2014 or [x] FY 2015 Enhancement

Enter the net change in state funds requested for the program:

Amended FY 14: \$27,840 FY 15 \$111,363.00

(est. 66K salary + 56.611% of salary as benefits and \$8K travel and additional operating).

Describe the impact the request has on any other program fund sources (federal and/or other funds). Not applicable.

SECTION B.

PART 1: EXPLANATION OF REQUEST

1. Proposal: Create a state-funded position of Executive Director for the Council of Probate Court Judges (hereinafter “CPCJ”).

2. Geographic Impact: *Where does the request impact the state?*

[x] Statewide or list counties below:

3. Current Status: *What is the budget unit currently doing to address this issue? Will those activities continue if this request is approved?*

The Administrative Office of the Courts (AOC) has provided services include administrative assistance, website development and maintenance, as well as contract negotiations. However, budgetary cuts to the AOC have meant fewer staff hours devoted to the work of the CPCJ.

4. Supporting Data: *Provide any supporting data, evaluations, and/or research for this request. Include any information you have on similar successful programs or evaluations in other jurisdictions that are relevant to this request.*

The CPCJ submitted a request through the Judicial Council during the 2013 Legislative Session for the assistance of an Executive Director This request is resubmitted for the 2014 Legislative Session.

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5. Measures: *What measures are or will be used to evaluate the impact of this change? If an enhancement, what is the projected return on investment?*

- a. Heightened effectiveness of CPCJ communications with attorneys and lay court constituents;
- b. More effective scheduling of CPCJ educational activities and the elimination of calendaring conflicts;
- c. Better communication and coordination between the CPCJ, ICJE, and CVIOG;
- d. Higher quality standard form development, publication, and dissemination; and,
- e. Greater efficiencies in the operations of the CPCJ, its Officers, and its Executive Committee.

6. Stakeholders/Constituents/Constituencies: *Describe the constituent and stakeholder groups affected by this change and whether they are likely to support or oppose this request (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).*

The AOC is a stakeholder. The opposition or concern expressed by the AOC during last year's process is that funding of this position may cause their budget to be reduced. It is not the intent of the CPCJ to promote funding of this position by suggesting the reduction of any funding or positions within the AOC.

7. Legislation or Rule Change (a): *Is legislation or a Rule change required to be passed or changed if this request is implemented? If so, please explain.*

It is not believed that a legislation change is required in order for the CPCJ to hire an Executive Director. The Council of Juvenile Court Judges is the only council with specific language as to the hiring of a chief executive officer. Four of the councils have general language authorizing the use of state funds for the administration of the council. Of the five court councils all have a full-time director but for Probate Court.

8. Legislation or Rule Change (b): *Is this request a result of a legislation or rule change? If so, please explain.* No.

9. Alternatives: *Explain what other alternatives were considered and why they were not viable.*

Although an alternative would be to restore the AOC budget, the cost to restore the AOC so that it can meet the needs expected would exceed the cost for an Executive Director for the CPCJ.

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 FY 2015 ENHANCEMENT REQUEST FORM**

Listed directly below the name of the council is the 2012 salary of each Executive Director, exclusive of benefits.

<u>Council</u>	<u>State funded Full-time Director</u>	<u>Authorizing Statute</u>	<u>Summary of authority</u>
Superior Court \$103,486.08	Y	15-6-34 (c)	General language – expenses of the administration of the council shall be paid from state funds or other available sources.
		15-5-60	Council shall be authorized to provide for or contract for administrative functions, services and equipment necessary to meet responsibilities using appropriated funds.
State Court \$89,595	Y	15-7-26 (c)	General language – expenses of the administration of the council shall be paid from state funds or other available sources.
Probate Court <i>(seeking \$66,000)</i>	N	15-9-15 (c)	General language – expenses of the administration of the council shall be paid from state funds or other available sources.
Magistrate Court \$69,201	Y	15-10-7 (c)	General language – expenses of the administration of the council shall be paid from state funds or other available sources.
Juvenile Court \$123,100	Y	15-11-19 (b)	Council chair has express authority to hire a chief administrative and executive officer.

PART 2: BUDGET

10. Requested and Projected Resources: *For enhancements and certain base adjustments, what additional resources are you requesting? What are your out-year projections?*

The executive director position would be an ongoing annual cost requiring annual state appropriations.

**JUDICIAL BRANCH OF GEORGIA
FY 2014 AMENDED REQUEST FORM
FY 2015 ENHANCEMENT REQUEST FORM**

11. Methodology/Assumptions: *Provide the methodology and assumptions behind the requested amount and out-year projections. How did you arrive at the amounts? What time period does the request cover (i.e., the number of months)?*

The salary request of \$66,000 is lower than any other Executive Director. The CPCJ is cognizant of the current economic climate and is presenting a sincere and reasonable request for additional funding for this position within the Judicial Council Budget. The median salary of the four Executive Directors listed above is \$96,345.52, excluding benefits.

12. Federal and Other Funds: *Describe the impact on federal and/or other funds related to this request (amount, policy etc).*

None.

**JUDICIAL BRANCH OF GEORGIA
 FY 2014 AMENDED REQUEST FORM
 FY 2015 ENHANCEMENT REQUEST FORM**

Budget Categories	FY 14 Amended Request	FY 15 Enhancement Request
Personnel Services:	\$ 25,840.00	\$ 103,363.00
Operating Costs:		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating	\$ 750.00	\$ 3,000.00
Travel – Employee	\$ 1,250.00	\$ 5,000.00
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		
Grants		
Indirect Costs		
Transfers		
Total Operating Budget	\$ 2,000.00	\$ 8,000.00
TOTAL OVERALL BUDGET	\$ 27,840.00	\$ 111,363.00
State Funds	\$ 27,840.00	\$ 111,363.00
Other Budgeted Funds		

Judicial Council of Georgia
Budget Committee Meeting
State Bar of Georgia
August 21, 2013
10:30 a.m.

MEMBERS PRESENT:

Presiding Justice P. Harris Hines
Judge Louisa Abbot
Judge James M. Anderson
Judge Linda S. Cowen
Judge Betsey Kidwell
Judge Kelley Powell
Chief Justice Hugh P. Thompson, Supreme
Court of Georgia Ex-Officio

MEMBER ABSENT:
Judge Robin W. Shearer

STAFF:

Ms. Marla S. Moore
Mr. Randy Dennis
Ms. Ashley C. Garner

GUESTS:

Justice Harold Melton, Supreme Court of Georgia

Mr. Joe Baden
Mr. Jorge Basto
Mr. TJ Bement
Mr. Bob Bray
Mr. Mike Cuccaro
Ms. Suzanne Dow
Mr. Steve Ferrell
Ms. Shevondah Fields
Ms. Javoyne Hicks-White
Ms. Phyllis Holmen
Mr. Eric Johns
Judge Richard Kent

Ms. Vickie Kimbrell
Ms. Sandy Lee
Mr. Greg Loughlin
Ms. Tracy Mason
Mr. David Mixon
Ms. LaShawn Murphy
Ms. Jody Overcash
Mr. Rich Reaves
Ms. Lateefah Thomas
Ms. Kirsten Wallace
Judge Brenda Weaver

Introductory Remarks

Justice Hines called the meeting to order at 10:45 a.m. and all in attendance were introduced. An overview was given of the Final FY 2014 Budget and proposed Amended FY 2014 and FY 2015 budgets.

Discussion

All enhancement requests were reviewed individually with the Committee voting on each budget year separately. A recapitulation of requests is outlined below.

Draft

Institute of Continuing Judicial Education: Justice Hines recognized Mr. Rich Reaves, ICJE. Mr. Reaves outlined the infrastructure request for AFY 14 and provided a synopsis of the FY 15 request for the additional Event Planner position.

Motion by Judge Anderson: A request will be made for State Funding for \$20,580 for AFY 14.

Seconded: Judge Powell

Discussion: Judge Abbot recommended retitling the position within the request with the understanding that the final job title may be dictated by the Board of Regents.

Motion Passed: Unanimously

Motion by Judge Abbot: A request for State Funding will be made for \$39,182 for FY 15.

Seconded: Judge Powell

Discussion: None

Motion Passed: Unanimously

Accountability Court: Justice Hines recognized Judge Brenda Weaver on behalf of the Accountability Court Committee. Judge Weaver spoke to the extensive work performed by the Judicial Council Accountability Court Committee. Funding for the Certification Officer Position is sought. This position was supported by the Judicial Council during the last legislative session.

Motion by Judge Cowen: A request will be made for State Funding for \$19,702 for AFY 14.

Seconded: Judge Kidwell

Discussion: None

Motion Passed: Unanimously

Motion by Judge Cowen: A request will be made for State Funding for \$78,806 for FY 15.

Seconded: Judge Kidwell

Discussion: None

Motion Passed: Unanimously

Statewide General Civil E-Filing: Justice Hines recognized Mr. Jorge Basto, Statewide Judiciary Civil E-Filing Committee Member, to speak on behalf of the E-Filing request. Mr. Basto reported that the 2013 funding request was refined after additional meetings with stakeholders. The current proposal leverages existing e-filing solutions in Georgia by interfacing with the Filing Assemblies and allowing single sign on capabilities to production systems. Ms. Moore added that while much work has been done conceptualizing the project, development is not possible without funding dedicated to this project.

Motion by Judge Kidwell: A request will be made for State Funding for \$52,000 for AFY 14.

Seconded: Judge Anderson

Discussion: Judge Kidwell inquired about future filing fee rates for consumers of the service. Mr. Basto advised that fees could not be established prior to creation of the portal, but would be discussed with stakeholders at the appropriate time.

Motion Passed: Unanimously

Motion by Judge Kidwell: A request will be made for State Funding for \$208,000 for FY 15.

Seconded: Judge Anderson

Discussion: None

Motion Passed: Unanimously

Family Law Information Center (FLIC): Justice Hines recognized Ms. Marla Moore, Director of the Administrative Office of the Courts (AOC) to speak on behalf of Judge Ronnie Joe Lane in support of this request. Ms. Moore outlined the services and savings realized within the Pilot FLIC located within the Appalachian Circuit. Expansion to the Pataula Circuit is a natural next step as recommended within the pilot program assessment. Judge Weaver also spoke in support of the FLIC concept and the benefit of expansion to the Pataula Circuit, a multi-county rural circuit.

Motion by Judge Powell: A request will be made for State Funding for \$61,019.

Seconded: Judge Abbot

Discussion: None

Motion Passed: Unanimously

County and Municipal Probation Advisory Council (CMPAC): Justice Hines recognized Judge Richard Kent as Immediate Past Chair for CMPAC. Judge Kent apprised the Council of the volume of work performed by the four (4) member staff assigned to the Council. The Council is seeking sufficient funds to continue ongoing compliance efforts as well as staffing for one additional compliance position that has remained unfunded since 2008.

Motion by Judge Anderson: A request will be made for State Funding for \$16,580 for AFY 14.

Seconded: Judge Cowen

Discussion: None

Motion Passed: Unanimously

Motion by Judge Anderson: A request will be made for State Funding for \$66,320 for FY 15.

Seconded: Judge Cowen

Discussion: None

Motion Passed: Unanimously

Civil Legal Services to Victims of Domestic Violence: Justice Hines recognized several to speak on behalf of this request. They were: Ms. Phyllis Holmen of Georgia Legal Services, Commission Member Suzanne Dow for the Commission on Family Violence, Ms. Javoynne Hicks-White with the State Bar Committee to Promote Inclusion in the Profession, and Mr. Greg Loughlin, Executive Director for the Commission on Family Violence.

Ms. Holmen provided an overview of the enhancement request outlining the fluctuation of funding since 1998. She provided two anecdotal stories highlighting the variety of legal services needed by victims of domestic violence. Had funding levels held firm with inflation, Ms.

Draft

Holmen reported that the program would receive \$2.9 million annually. The request for funding would establish an annual funding level of \$2.5 million. Ms. Dow provided information on how legal services funding benefits the shelter she operates in northeast Georgia.

Ms. Hicks-White, Chair of the State Bar Committee to Promote Inclusion in the Profession, reported that it is her committee that initiated the request to increase funding for this program to \$2.5 million. Each year, the committee submits a legislative proposal through the State Bar requesting a funding level of \$2.5 million for this program. The committee learned during the 2013 session that such a request should be forwarded through the Judicial Council for inclusion as a formal enhancement request. The State Bar Board of Governors supports this request.

Mr. Loughlin affirmed that stringent oversight exists to ensure funds are utilized for the intended purpose.

Judge Anderson inquired if funding for legal services was the sole need or if funding for shelters also was needed based upon language within the white paper. Concern was expressed that the document did not offer sufficient statistical data to support the affirmation that additional legal services were needed, merely that additional victims could be served with the funds.

Motion by Judge Anderson: A request will be made for State Funding for \$772,502 for FY 15.

Seconded: Judge Powell

Discussion: None

Motion Passed: Unanimously

Council of Probate Court Judges: Justice Hines invited Judge Powell, as President of the Council of Probate Court Judges, to speak on behalf of her constituent group and its request for funding for an Executive Director. Judge Powell enumerated tasks performed by the CPCJ that are not performed or updated annually by other Councils. Further, the CPCJ is the only trial court council without an Executive Director.

There was discussion about the version of the white paper presented to the committee and it was agreed to replace it with the original version.

Motion by Judge Anderson: A request will be made for State Funding for \$27,840 for AFY 14.

Seconded: Judge Powell

Discussion: None

Motion Passed: Unanimously

Motion by Judge Anderson: A request will be made for State Funding for \$111,363 for FY 15.

Seconded: Judge Powell

Discussion: None

Motion Passed: Unanimously

Draft

Justice Hines requested that members review the Amended 14 Total Budget Request.

Motion by Judge Cowen: An Amended FY 14 Total Budget Request request of \$12,585,470 will be made.

Seconded: Judge Powell

Discussion: None

Motion Passed: Unanimously

Justice Hines requested that members review the FY 15 Total Budget Request.

Motion by Judge Anderson: An FY 15 Total Budget Request of \$14,076,141 will be made.

Seconded: Judge Powell

Discussion: None

Motion Passed: Unanimously

Closing Remarks

Justice Hines closed by reminding all that the enhancement requests approved by the Committee were substantial. Members would be working to prioritize requests and membership would be fully informed of budgetary matters as the legislative session progresses.

Meeting Adjourned 12: 22 p.m.

Respectfully Submitted,
Ashley Garner, Policy Fiscal Analyst



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Presiding Justice P. Harris Hines
Chair, Policy and Legislative Committee

RE: Recommendations for Legislative Positions

DATE: September 6, 2013

On July 17 and August 21, 2013, the Policy and Legislative Committee (the “Committee”) met to discuss existing and potential legislative items for the 2014 session of the General Assembly. The Committee makes the following recommendations to the Judicial Council:

**I. HB 1 – Georgia Uniform Civil Forfeiture Procedure Act
(O.C.G.A. Title 9, *new* Chapter 16)**

HB 1 is a comprehensive reform of civil forfeiture procedures in a new chapter of Title 9 of the Georgia Code. It supplants and amends several existing forfeiture/condemnation laws. Standard procedures are established for both *in rem* and *in personam* civil forfeiture actions. The bill also allows for non-judicial civil forfeiture for personal property valued at less than \$5,000, down from the current \$25,000 amount, meaning that judges would scrutinize more civil forfeitures.

HB 1 raises the state’s burden of proof in civil forfeiture actions from the “preponderance of evidence standard” in current forfeiture statutes to a standard of “clear and convincing evidence” that seized property is subject to forfeiture. The bill continues to allow a civil forfeiture action to proceed after an acquittal or dismissal of the related criminal proceeding, but does allow courts to stay civil forfeiture proceedings during the pendency of related criminal proceedings.

The bill requires notice to a registered owner of a seized vehicle that the vehicle has been seized, in situations where a registered owner was not present at the scene of seizure. It also provides instruction on the disposition of various types of property after forfeiture. HB 1 eliminates the current standing of taxpayers to file a lawsuit against a law enforcement agency failing to file an annual forfeiture report, but it prohibits a noncompliant agency from receiving property derived from forfeiture actions for two years. The bill requires the Administrative Office of the Courts to promulgate, amend and post on its website the annual reporting form that law enforcement agencies and

multijurisdictional task forces must submit to their political subdivisions and district attorneys serving their jurisdiction.

The Committee recommends that the Judicial Council **take no position** on HB 1.

II. HB 438 – Court-referred alternative dispute resolution programs; legal costs; increase maximum amount of additional cost (O.C.G.A. § 15-23-7)

HB 438 amends O.C.G.A. § 15-23-7 to increase the maximum filing fee that may be charged and collected by local programs to support court-connected or court-referred alternative dispute resolution (ADR) programs from \$7.50 to \$10 per civil filing.

The Committee recommends that the Judicial Council **support** HB 438.

III. HB 643 – Georgia Civil Practice Act; general provisions governing discovery; change provisions (O.C.G.A. §§ 9-11-26, 9-11-34, 9-11-36, 9-11-37, 9-11-45)

HB 643 amends the rules of discovery, particularly in regards to electronically stored information (ESI), to address the impact of the increasing volumes of ESI generated by individuals and companies, and the increasing burdens associated with preserving, reviewing and producing ESI in litigation. Key areas of the bill focus on: proportionality (judicial oversight and limitations on the scope, nature and cost of discovery), protocols to avoid waiver of privileges, format of production, nonparty discovery, remedies for the failure to preserve discoverable information, and mechanisms for cooperation and guidance regarding eDiscovery issues.

The Committee recommends that the Judicial Council **take no position** on HB 643 at this time.

IV. HB 579 – Georgia Judicial Retirement System; member who was serving in full-time position on retirement may use part-time service for vesting; provide (O.C.G.A. § 47-23-63)

HB 579 allows members of the Georgia Judicial Retirement System serving in full-time positions at their retirement to use prior part-time service for purposes of vesting, on the same one-month credit per three-months part-time service currently used for calculating benefits.

The Committee recommends that the Judicial Council **support** HB 579.

V. SB 101 – Firearms; regulate the sale, use and possession in this state (Omnibus bill amending O.C.G.A. Titles 8, 16, 27, and 43)

SB 101 amends weapons carry laws. The judiciary's concern with SB 101 is that the definitions of "Courthouse" and "Government building" are not mutually exclusive. Buildings where judicial proceedings are held may also be "government buildings" under the definitions of this bill. This legislation would authorize weapons permit holders to carry guns into unsecured buildings which house government offices, and this provision could be read to include courthouses.

The Committee recommends that the Judicial Council **support** the placement of language in SB 101 that states “courthouses as defined by Code Section 16-11-127 are prohibited places for carrying weapons.”

VI. Tax intercept legislation
(See O.C.G.A. § 48-7-161)

Tax intercept legislation would allow for debt collection from state income tax refunds for unpaid fines and fees due the court.

The Committee recommends that the Judicial Council **support** legislation that allows courts to participate in a tax refund intercept program.

VII. Traffic Violations Bureaus statute reform
(O.C.G.A. §§ 40-13-50 through 40-13-66)

This proposal allows each court having jurisdiction over violations of traffic laws or traffic ordinances to customize the procedures for the summary disposition of minor traffic offenses to its own best practices. Additionally, this reform addresses constitutional infirmities cited in appellate opinions, modernizes forty-year old statutes, and specifically authorizes online payment of appearance bonds.

The Committee recommends that the Judicial Council **endorse** the draft of *Disposition of Minor Traffic Offenses*, dated July 14, 2013 (attached).

VIII. General legislation on court technology fees/recovery of court costs

A handful of local bills are filed in the General Assembly every year by courts seeking to impose their own court technology fees. A general law allowing local courts to establish technology fees would: (1) alleviate concerns that piecemeal implementation is not in keeping with uniformity requirements; and (2) provide a consistent process for adoption by any court. This would also shorten the process for approving a fee since specific action by the General Assembly would no longer be required.

The Committee recommends that the Judicial Council **support** legislation allowing courts to impose a technology fee on civil filings and/ or fines.

IX. Increase contempt penalties in Magistrate Court
(O.C.G.A. § 15-10-2)

The Council of Magistrate Court Judges would like legislation introduced to raise the maximum fine for contempt in magistrate courts from \$200 to \$500, and the maximum imprisonment changed from ten to twenty days.

The Committee recommends that the Judicial Council **support** legislation allowing the penalty for contempt in magistrate courts to be increased to fines not exceeding \$500, by imprisonment not exceeding twenty days, or both.

**Disposition of Minor Traffic Offenses
(Formerly “Traffic Violations Bureau”), revised July 14, 2013**

40-13-50. Short title

This Article shall be known and may be cited as the “Summary Disposition of Minor Traffic Offenses Act.”

40-13-51. Findings and intent of General Assembly

The General Assembly finds that many court calendars are overwhelmed with minor traffic offenses, which creates caseload and workflow problems for the courts. The General Assembly finds that the streamlining of traffic case processing for minor traffic offenses will improve the efficiency of Georgia’s courts and increase public safety by enhancing the enforcement of sentences. The General Assembly declares that the intent of this chapter is to allow each court having jurisdiction over the violation of traffic laws or traffic ordinances to customize the procedures for the summary disposition of minor traffic offenses to its own needs, so long as the procedures are in substantial compliance with this Article.

§ 40-13-52. Establishment of Summary Procedures

In every court of this state having jurisdiction over the violation of traffic laws or traffic ordinances, the judge, or the judges where there is more than one judge, may provide by written order for the establishment of a procedure for the handling or disposition of certain traffic cases in substantial compliance with this article. The court shall promulgate and provide to the clerk of the court a list of the traffic offenses which shall be handled and disposed of pursuant to that order. However, nothing in this article shall authorize the judge of such court to employ any person or persons to administer this article.

§ 40-13-53. Appointment of clerk or deputy clerk; bond

(a) The clerk of court shall be named in the order establishing the procedures for disposition of minor traffic offenses, for the purpose of maintaining records and receiving money as provided in this article. Any person designated by the clerk of court to receive money pursuant to this procedure shall be under the direct supervision of and attached to the office of the clerk of the court.

(b) Such person or persons, except where such person is the clerk of the court and is already under bond, shall be bonded in the sum of \$ 25,000.

§ 40-13-54. Records to be kept

The court shall, in its order, provide that there shall be maintained in the clerk's office records of each minor traffic offense subject to the order, in compliance with any retention schedule for such offenses created by law or Uniform Rule. Such records shall include at a minimum the name and address of the person charged with a traffic offense; the date of the birth of such person; the sex of such person; his or her driver's license number, the date of the offense, the arraignment and/or trial date, the citation number, the disposition of the case, and the amount of any bond paid pursuant to the order.

§ 40-13-55. Release of cited person upon service of citation and complaint

(a) Subject to the exceptions set out in subsection (b) of this Code section, any officer who cites any person for the alleged violation of a traffic law or traffic ordinance shall permit such person to be released upon being served with a uniform traffic citation and agreeing to appear, as provided in this article. If such officer has reasonable and probable grounds to believe that the person will not obey such citation and agreement to appear, the officer may require such person to surrender his driver's license.

(b) The following offenses shall not be handled or disposed of pursuant to this article or any order of court pursuant thereto:

(1) Any offense, in and of itself, for which a conviction or accepted plea of nolo contendere will result in a suspension of a driver's license or the privilege of driving a motor vehicle on the public highways in Georgia;

(2) Any motor vehicle registration violation;

(3) A violation of Code Section 40-5-20;

(4) Speeding in excess of 30 miles per hour over the posted speed limit;

(5) Any offense committed by a person under 21 years of age on the date of the offense;

(6) Any offense involving a motor vehicle accident for which a uniform traffic citation is issued that indicates an injury occurred; or

(7) Any offense which would otherwise be subject to this article but which arose out of the same conduct or occurred in conjunction with an offense which is excluded from the operation of this article.

§ 40-13-56. Transmission of Uniform Traffic Citations to the Court

The original uniform traffic citation, in electronic or physical format shall be sent by the officer issuing it to the court within 4 calendar days of the issuance of that citation, exclusive of weekends and holidays. The defendant named in the citation shall be given a physical copy of the citation at the time the citation is issued.

§ 40-13-57. Cash bonds permitted

Any person cited for any traffic offense subject to this article and order of the court shall be permitted to give a cash bond for his or her appearance under the terms and conditions, including the charge, as set forth upon the uniform traffic citation issued to the defendant at the time he or she is cited by the arresting officer for a traffic violation. Provided, however, that such bond must be given and received by the court no later than 24 hours, exclusive of weekends and holidays, before the date and time set for the defendant's court appearance as shown on the original uniform traffic citation, unless the time limit is extended by order of the court. If this bond is not received by the court within this time, then the summary procedures provided herein or by court order shall not apply.

§ 40-13-58. Officer not to accept cash bond

No officer issuing a uniform traffic citation to a defendant for a traffic violation shall accept a cash bond.

§ 40-13-59. Taking of cash bond where officer doubts that arrested person will appear

In the event an officer has authority to issue a uniform traffic citation and complaint as set forth in Code Section 40-13-55, but declines to do so because of his or her belief that such person will not obey the citation and agreement to appear, such officer may bring such person to the court or to jail, and such person may be allowed to post a cash bond for his or her appearance in

accordance with the schedule of bonds established by the court pursuant to this article.

§ 40-13-60. Failure to appear after giving cash bond as admission of guilt; forfeiture of bond; order to stand trial not precluded

Where a defendant cited for a traffic violation posts a cash bond pursuant to this article and order of the court according to the schedule of bonds set up by court order and fails to appear in court on the day set in the original uniform traffic citation, then and in that event, such failure shall be construed as an admission of guilt and the cash bond may be forfeited without the necessity for the statutory procedure provided for the forfeiture of statutory bail bonds. In such case, the Department of Drivers' Services shall treat the forfeiture as a conviction of the charge contained in the uniform traffic citation. Unless otherwise ordered by the court, such forfeiture shall constitute a final disposition of the charges contained in the uniform traffic citation. The proceeds of the cash bond shall be applied and distributed as if it were a fine, including mandated surcharges and court costs imposed by the court. Nothing in this Code section shall be construed as preventing the court from ordering the defendant to appear and stand trial.

§ 40-13-61. Reserved.

§ 40-13-62. Reserved.

§ 40-13-63. Where records maintained; accusations of traffic violations not to be entered on misdemeanor docket; when action maintainable on accusation of traffic violation

All records other than those excepted in this article shall be maintained by the clerk of the court. No accusation for any offense subject to this article and the order of the court implementing this article shall be taken by the prosecuting attorney of the court unless said person to whom the uniform traffic citation was issued fails to post a cash bond as defined in this article or fails to appear on the date specified in the uniform traffic citation to answer the charges contained therein.

§ 40-13-64. Procedure upon failure to appear when no bond is posted

When any person cited for a traffic violation pursuant to this article fails to appear in court on the date specified in the citation and in accordance with his or her written promise to appear, unless such person has posted a cash bond as provided in this article, the defendant's case may be docketed by the clerk of the court and handled as all other misdemeanors and city ordinances.

§ 40-13-65. Penalty for failure to appear

The willful failure of any person to appear on the date noticed on the written citation and complaint served upon such person shall be punishable by contempt or as otherwise provided by law.

§ 40-13-66. Suspended sentences; collection of fines

The court may provide that its clerk or probation department, in addition to the duties set out in this article, shall be responsible for collecting fines imposed upon persons convicted in the court, where the sentence is suspended upon the payment of a fine. The clerk or probation department shall be authorized, where the judge imposing the sentence stipulates the same therein, to permit such persons receiving suspended sentences, in addition to the other conditions imposed in the suspended sentence, to pay the suspended sentence fine in installments. The person or persons responsible for the administration of the suspended sentence shall be responsible for collecting the suspended sentence fine by installments. Upon the failure of a defendant to comply with the terms of a suspended sentence, the person or persons responsible for the administration of the suspended sentence shall notify the court, which may, in its discretion and for good cause shown, enter such further orders as it deems just and proper.



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Chief Judge Herbert E. Phipps
Chair, Court Reporting Matters Committee

RE: Prospective Nominees for Appointment to the Board of Court Reporting

DATE: September 13, 2013

The Judicial Council Court Reporting Matters Committee represents the Council on all matters relating to court reporting to include recommending qualified individuals for membership to the Board of Court Reporting, and pursuant to O.C.G.A. § 15-14-24, the Judicial Council appoints the members of the Board for two year terms.

The Board of Court Reporting of the Judicial Council of Georgia membership is composed of: five certified court reporters, two representatives from the State Bar of Georgia, and two members of the judiciary (one Superior Court judge and one State Court judge). The seats for three certified court reporters (machine shorthand, voice writer, and one additional machine shorthand or voice writer), one state court judge, and one attorney representative are currently open for appointment or reappointment for the term of office beginning September 2013.

In an effort to ensure statewide representation on matters the Board of Court Reporting will deliberate over the next year, the Committee carefully considered the qualifications and geographical region of each candidate received by the Board and staff. As a result of two Committee meetings, it was determined to present for Board membership the following candidates for appointment and reappointment:

- Attorney James M. Anderson, III, Sandy Springs (Atlanta Judicial Circuit)
- Ms. Linda Drake, Voice Writer, Savannah (Eastern Judicial Circuit)
- The Honorable Richard T. Kent, Moultrie (State Court of Colquitt County)
- Ms. Kim Raines, Voice Writer, Concord (Clayton Judicial Circuit)
- Mr. Tommy Savage, Machine Shorthand, Columbus (Chattahoochee Judicial Circuit)

A brief synopsis on each candidate is listed below.

CERTIFIED COURT REPORTERS

1. **Ms. Linda Drake (voice writer)**, Official Court Reporter for the Municipal Court of Tybee Island, GA. Ms. Drake became a Georgia certified court reporter in 1982. She obtained her Certified Verbatim Reporter license from the National Verbatim Reporter Association in 1994. Subsequently, she became a member to its board of directors in 1999, and president from 2003-2005. Ms. Drake served as Vice-President to the Board of Court Reporters Training Council and led the re-design of its current Continuing Education Manual.

2. **Ms. Kim Raines (voice writer)**, Official Court Reporter for the Honorable John C. Carbo, III, of State Court of Clayton County. Ms. Raines has been a member of the court reporting profession for more than twenty years. She obtained her Certified Verbatim Reporter (CVR) license from the National Verbatim Reporters Association (NVRA). Ms. Raines owned and operated Southern Crescent Court Reporting, Inc. until 2012. She is a past member of the Ethics Committee of the Georgia Certified Court Reporters Association (GCCRA) and served as a Proctor and Grade Examiner for the Georgia's Certified Court Reporters accreditation exam.

3. **Mr. Tommy Savage (machine shorthand)**, Freelance Reporter and Firm Owner Accredited Court Reporters, Inc. Mr. Savage began his career as a freelance court reporter in 1981. He worked as a Civil Service reporter at the Eglin Air Force Base (Florida) and as a freelance reporter for national court reporting firms within the Savannah and Columbus area before establishing Accredited Court Reporters, Inc. Mr. Savage reported for the United States District Court for the Middle District of Georgia and provides court reporting services to Honorable Maureen Gottfried of the State Court of Muscogee County. He obtained the Registered Professional Reporters (RPR) license and Certified Legal Video Specialist (CLVS) license from the National Court Reporters Association (NCRA). Mr. Savage is a past board member of the Georgia Shorthand Reporters Association (GSRA) and served as a Proctor for the Georgia Certified Court Reporters accreditation exam.

STATE COURT JUDGE

Judge Richard T. Kent (Incumbent on the Board), State Court Judge, Colquitt County. The Honorable Richard Kent has served in the Colquitt County State Court since 1997. He also serves as a Municipal Court Judge. Judge Kent has served as a Superior Court Judge by designation, Probate Court Judge by designation, and Magistrate Court Judge by designation. He currently serves on the State Court Judges Executive Council, Municipal Court Judges Executive Council, and Chair of the County and Municipal Probation Advisory Council. Judge Kent received his J.D. from the University of Mississippi School of Law.

STATE BAR OF GEORGIA MEMBER

James M. Anderson, III, Attorney-at-Law. Mr. Anderson received his J.D. from University of Georgia School of Law. He is active member of the State Bar Association, Sandy Springs Bar Association, the Georgia Trial Lawyers Association (GTLA), Council of Municipal Court Judges, and Council of Magistrate Court Judges. Mr. Anderson is a graduate of Leadership Sandy Springs and appeared regularly on “The Law Show” broadcast by WGST radio. He lectures frequently for the GTLA Peoples Law School and the Institute for Continuing Judicial Education for Municipal and Magistrate Court Judges. Mr. Anderson served as president, vice-president, secretary, and past board director to the Sandy Springs Bar Association, and several civic and community organizations. He seeks appointment as the State Bar attorney representative.

**Board of Court Reporting of Judicial Council of Georgia
Prospective Membership**

Mr. Benjamin Perkins, Chair
Oliver Maner, LLP
218 West State Street
P.O. Box 10186
Savannah, GA 31412

Attorney, State Bar Representative
July 2012-June 2014 (2nd term)

Mr. James M. Anderson, III
5855 Sandy Springs Circle
Suite 130
Atlanta, GA 30328

Attorney, State Bar Representative
**seeks appointment*

Ms. Linda Drake
P.O. Box 30574
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Official Reporter, Voice Writer
**seeks appointment*

Mr. Dennis Bull
Bull, Darity, Hopson, & Worley, LLC
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Freelance Reporter, Machine Writer
July 2012-June 2014 (2nd term)

Judge Richard Kent
State Court of Colquitt County
P.O. Box 1654
Moultrie, GA 31776

State Court Judge
August 2011-July 2013 (1st term)
**eligible for reappointment*

Ms. Anita Moore
543 Eastanollee Road
Eastanollee, GA 30538

Official Reporter, Voice Writer
July 2012-July 2014 (2nd term)

Judge Cindy Morris
Conasauga Judicial Circuit
P. O. Box 732
Dalton, GA 30722

Superior Court Judge
July 2012-June 2014 (1st term)

Ms. Kim H. Raines
3747 Concord Road
Concord, GA 30206

Official Reporter, Voice Writer
**seeks appointment*

Mr. Tommy Savage
P.O. Box 1701
Columbus, GA 31902

Freelance Reporter, Machine Writer
**seeks appointment*



Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Judge William T. Boyett
 Chair, Domestic Violence Committee

RE: Domestic Violence Committee Report

DATE: September 13, 2013

The Judicial Council Domestic Violence Committee is composed of judges, attorneys, a court administrator, and the Executive Director of the Georgia Commission on Family Violence.

Attached for your information is the Annual Report from the Committee.



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Judicial Council Committee on Domestic Violence Annual Report to the Judicial Council of Georgia

FY 2013 Report (Final)

The Judicial Council Domestic Violence Committee grants state funds to provide free civil legal services to impoverished victims of family violence and their children. Grants are awarded to nonprofits with a history of providing civil legal services. For fiscal year 2013, \$1,753,235 was initially appropriated to the Judicial Council, but this amount was decreased by the General Assembly after January. After a competitive process, nine nonprofit agencies received grants enabling them to provide civil legal services to approximately 5,265 victims throughout Georgia. The grantees receiving the total amount of \$1,700,989 for fiscal year 2013 were:

<u>Agency</u>	<u>Award Amount*</u>	<u>Area(s) Covered</u>
Atlanta Legal Aid, Inc.	\$ 464,160	Metro Atlanta (5 counties)
Gateway House, Inc.	\$ 3,069	Hall County
Georgia Law Center for the Homeless	\$ 21,780	Fulton and DeKalb Counties
Georgia Legal Services Program	\$1,133,759	All counties outside metro Atlanta
Northeast Georgia Shelter Collaborative	\$ 36,376	5 shelters in 11 north Ga counties
Northwest Georgia Family Crisis Center, Inc.	\$ 22,336	Gordon, Whitfield, and Murray
Peace Place	\$ 4,950	Jackson, Banks, and Barrow
Salvation Army of Central Georgia	\$ 4,950	Houston, Peach, and Pulaski
Wayne County Protective Agency (Fair Haven)	\$ 9,609	Wayne, Appling, and Jeff Davis

*These awards reflect the 1% reduction by the General Assembly after January 1, 2013. The AOC received 2% of the appropriation to administer these funds.

FY 2014 Report (Preliminary)

During the following legislative session, the General Assembly further reduced the appropriated amount for the grants by 1.5%. The Judicial Council Domestic Violence Committee met on June 3, 2013, and considered eleven grant applications for fiscal year 2014. Although the total amount requested by these agencies was \$1,864,631, the amount available for grants was \$1,692,948. The AOC continues to receive a 2% administrative fee to manage this grant. After much deliberation by the Committee, grant awards were made to the following agencies:

Atlanta Legal Aid, Inc.	\$ 462,500
Gateway House, Inc.	\$ 8,200
Georgia Law Center for the Homeless	\$ 23,000
Georgia Legal Services Program	\$1,134,748
Northeast Georgia Shelter Collaborative	\$ 32,000
Northwest Georgia Family Crisis Center, Inc.	\$ 22,000
Peace Place	\$ 3,000
Salvation Army of Central Georgia	\$ 1,000 (after meeting certain grant conditions)
Wayne County Protective Agency (Fair Haven)	\$ 6,500

The 2013-2014 Judicial Council Domestic Violence Committee members were:

Judge William T. Boyett, *Chair*
 Judge William P. Bartles
 Judge Maria Golick
 Judge Horace Johnson
 Judge J. Carlisle Overstreet

Judge Anne E. Barnes
 Judge Thomas Bobbitt
 Judge Divida Gude
 Judge Tripp Self
 Allegra Lawrence-Hardy

Linda A. Klein
 Greg Loughlin, *advisor*
 Jody Overcash, *advisor*
 Cynthia Clanton, *AOC*

Respectfully submitted,

The Honorable William T. Boyett

Chair, Judicial Council Committee on Domestic Violence



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

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

RE: Judicial Council/Administrative Office of the Courts Strategic Plan

DATE: September 13, 2013

In late 2012 I asked the leadership of the Judicial Council to participate with the AOC in developing a Strategic Plan to guide the Council and AOC's efforts for FY 2014 – FY 2016. This led to an inclusive process involving leaders from Georgia's different classes of court and input from other justice system stakeholders. The resulting Strategic Plan, developed by Jim Neal and his team at North Highland, reflects the consensus direction of judicial leaders representing Georgia's different classes of court, and focuses on goals that will benefit all courts and the overall judicial system.

Judicial Council of Georgia
Administrative Office of the Courts

Strategic Plan for FY 2014 – FY 2016

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1.0 Introduction

The Judicial Council of Georgia (Council) develops policies for improving and administering the Georgia courts. Broadly, the Judicial Council is charged with the continuous study and betterment of the organization, interaction, and collaboration of the courts. Some of its duties include:

- Providing leadership for the state judiciary,
- Developing policies, service standards, and best practices for administering and improving the courts,
- Overseeing the judicial branch committees and agencies as required by law
- Making recommendations to the Governor and General Assembly to improve the judicial system, and
- Considering requests and recommendations on judicial capacity, including requests for new superior court judgeships.

The Council oversees the Administrative Office of the Courts (AOC), which provides subject-matter expertise on policy, court innovation, legislation, and court administration to all classes of courts. The AOC also furnishes a full range of information technology, budget, and financial services to the judicial branch.

1.1 Purpose of the Strategic Plan

Beginning in 1973, the Council and AOC participated in strategic planning, updating goals and objectives on a yearly basis and using the plan to guide the activities of the Council and AOC. That practice was discontinued in 1983 when the Council was reconstituted by order of the Supreme Court. In 2000, the AOC developed a strategic plan that fell into disuse when the Council hired a new Director in 2002. In 2009, the leadership of the Council and the AOC were faced with reductions in budget and staffing. The Director reached out to the National Center for State Courts for assistance in reorganizing the AOC so that it could meet its core responsibilities and continue to provide needed services to its constituencies. This resulted in a three year plan of reorganization and reinvigoration of the AOC. In late 2012 the Director asked the leadership of the Council to participate with the AOC in developing a Strategic Plan to guide the Council and AOC's efforts for FY 2014 – FY 2016. This led to an inclusive process involving leaders from Georgia's different classes of court and input from other justice system stakeholders. The resulting Strategic Plan reflects the consensus direction of judicial leaders representing Georgia's different classes of court, and focuses on goals that will benefit all courts and the overall judicial system.

The Strategic Plan will help the Council and AOC set long-term goals for the improvement of Georgia’s courts, and focus resources and effort in a sustained way to make tangible progress towards those goals. The Strategic Plan will also enable the Council and AOC to communicate more effectively with the courts, legislature, executive branch, and the public. The FY 2014 – FY 2016 Strategic Plan is an important start to new approaches to work together on common issues, to engage Georgia’s judges in sharing ideas and information, and to focus effort and resources for the benefit of Georgia’s citizens.

1.2 Strategic Planning Process and Participants

The Strategic Plan was developed in a collaborative process with leaders of the Council and AOC, including working sessions in January, April, and June of 2013 and interviews with multiple stakeholders. Participants in the strategic planning effort included:

Justice Carol Hunstein Supreme Court	Judge Kelley Powell Council of Probate Court Judges
Chief Justice Hugh Thompson Supreme Court	Judge Chase Daughtrey Council of Probate Court Judges
Presiding Justice P. Harris Hines Supreme Court	Judge Don Wilkes Council of Probate Court Judges
Chief Judge Herbert Phipps Court of Appeals	Judge Mary Jo Buxton Council of Probate Court Judges
Presiding Judge Sara Doyle Court of Appeals	Judge Linda Cowen Council of State Court Judges
Judge John Ellington Court of Appeals	Judge Charles Wynne Council of State Court Judges
Judge David Emerson Council of Superior Court Judges	Judge Alan Harvey Council of Magistrate Court Judges
Judge Louisa Abbot Council of Superior Court Judges	Judge Allen Wigington Council of Magistrate Court Judges
Judge Brenda Weaver Council of Superior Court Judges	Judge Betsey Kidwell Council of Magistrate Court Judges
Judge Mary Staley Council of Superior Court Judges	Judge Kenneth Wickham Council of Municipal Court Judges
Judge Robin Shearer Council of Juvenile Court Judges	Judge James Anderson Council of Municipal Court Judges
Judge Lane Bearden Council of Juvenile Court Judges	
Marla Moore, Director Administrative Office of the Courts	Mike Cuccaro, Assistant Director Government and Trial Court Liaison
Jorge Basto, Division Director Information Technology	Tony Mazza, Assistant Director Court Information Technology
Randy Dennis, Division Director Financial Administration	Cynthia Clanton, General Counsel
Molly Perry, Division Director Court Services	Ashley Stollar, Communications Specialist

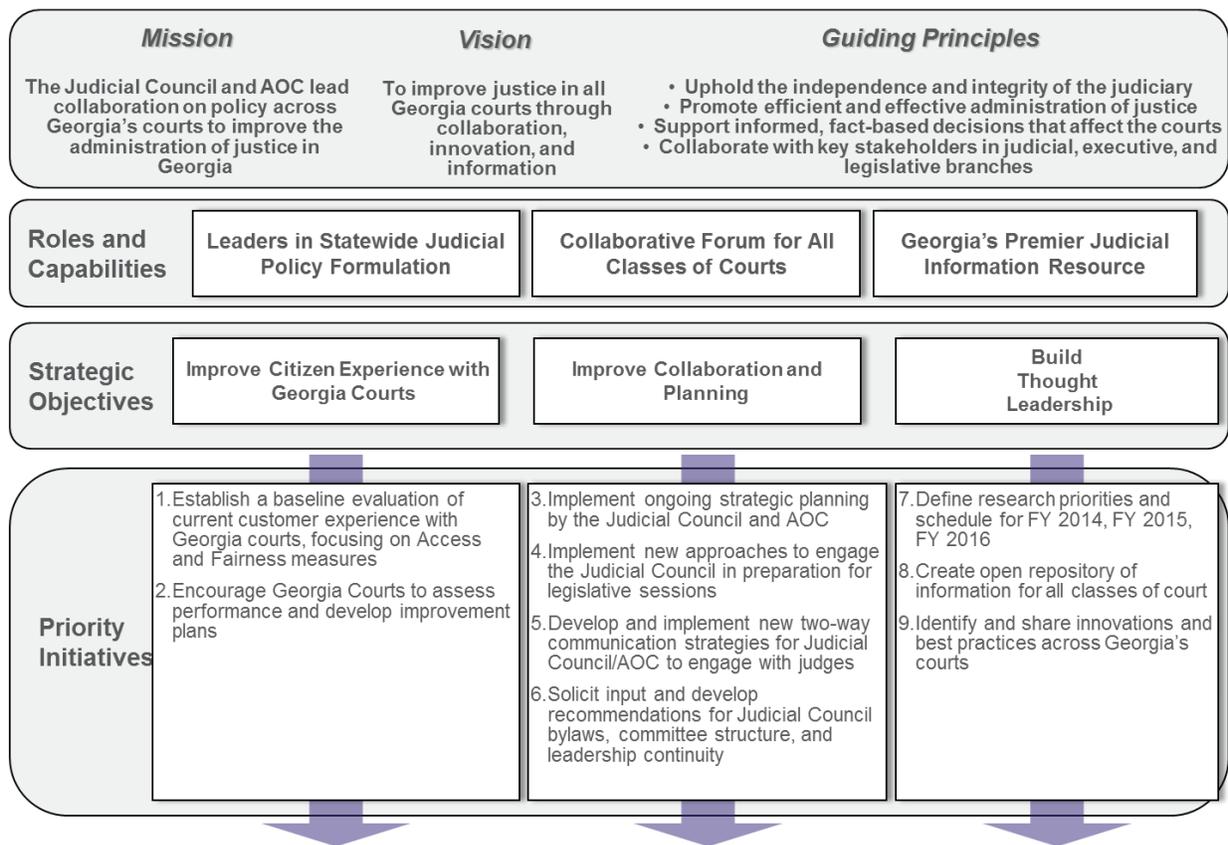
2.0 Executive Summary

The guiding vision for the Strategic Plan is to improve justice in all Georgia courts through collaboration, innovation, and information. The Plan builds on the unique roles and capabilities of the Judicial Council and AOC in judicial policy formulation, collaboration across all classes of court, and research and information sharing. Leaders of the Judicial Council identified three strategic objectives to help advance the vision, focused on improving citizens’ experience with Georgia courts, improving the Judicial Council’s ongoing collaboration and planning, and building thought leadership as a resource for Georgia’s judiciary. Each objective has a focused set of priority initiatives for FY 2014 – FY 2016 to help translate the strategy into action. The Judicial Council and AOC will measure and report on progress on these initiatives and the overall strategy on a regular basis.

Leadership of the Judicial Council and Administrative Office of the Courts used a Strategy Map framework to develop the Strategic Plan and summarize the key elements of the plan on a single page:

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

Strategy Map FY 2014-2016



3.0 Mission, Vision, Guiding Principles

The strategic planning effort began with discussions to clarify the fundamental elements that shape the identity and direction for the Judicial Council and Administrative Office of the Courts. The leadership group reviewed current language describing the charters, roles, and purposes of the Council and AOC, and worked to define:

- **Mission:** Communicates the Council and AOC's purpose for citizens, members, employees, and any other internal or external constituent.
- **Vision:** Describes the aspirational goal of the Council and AOC in terms of impact on Georgia's judicial system
- **Guiding Principles:** Outlines the small set of principles that shape how the Council, AOC, and their members will act.

3.1 Mission

The Judicial Council and AOC lead collaboration on policy across Georgia's courts to improve the administration of justice in Georgia.

3.2 Vision

To improve justice in all Georgia courts through collaboration, innovation, and information.

3.3 Guiding Principles

- Uphold the independence and integrity of the judiciary
- Promote efficient and effective administration of justice
- Support informed, fact-based decisions that affect the courts
- Collaborate with key stakeholders in judicial, executive, and legislative branches

4.0 Roles and Capabilities

The Judicial Council and Administrative Office of the Courts have unique roles and capabilities for the benefit of the Georgia justice system. The Strategic Plan focuses objectives and initiatives for FY 2014 – FY 2016 to strengthen these roles and capabilities.

4.1 Leaders in Statewide Judicial Policy Formulation

Georgia's judicial system encompasses multiple classes of appellate and trial courts, with trial court governance by independent councils. The Judicial Council brings together leaders from all classes of court to develop policies for improving and administering the Georgia courts. Through its committees and direction of the AOC, the Judicial Council addresses needs and issues of the Georgia judicial system, including:

- Improving equal, consistent, and citizen-focused access to the courts
- Developing policies, service standards, and best practices
- Collaborating with stakeholders of the Georgia judicial system to define and implement innovations in administrative practice and use of technology
- Considering requests and recommendations on judicial resources, including requests for new superior court judgeships
- Making recommendations to the Governor and General Assembly to improve the judicial system

4.2 Collaborative Forum for all Classes of Courts

The Judicial Council is the only group that brings together all classes of court to address statewide judicial issues. This enables collaboration in sharing information, developing policy, making legislative recommendations, and identifying innovative practices. This collaboration respects and supports the independence of all classes of court while providing a forum for judicial leaders to share ideas, experiences, lessons learned, and different approaches to common issues.

4.3 Georgia's Premier Judicial Information Resource

The Judicial Council directs the Administrative Office of the Courts in conducting a diverse range of research and analyses and maintaining multiple information resources for the benefit of Georgia's courts. The AOC provides timely and accurate court-related research and data to Georgia's judges, the executive and legislative branches, national stakeholders, other state and local government policymakers, and the public.

5.0 Strategic Objectives & Priority Initiatives

Leaders of the Judicial Council and AOC collaborated to identify three Strategic Objectives as priorities to fulfill the Council and AOC’s mission and vision. Each Objective has a focused set of priority initiatives for FY 2014 – FY 2016 to help translate the strategy into action. The Judicial Council and AOC will measure and report on progress on these initiatives and the overall strategy on a regular basis.

5.1 Improve Citizen Experience with Georgia Courts

Improving the citizen experience with Georgia courts begins with developing a clear understanding of current issues using objective inputs and common measures. Georgia’s courts serve a diverse mix of “customers,” including citizens, litigants, and attorneys. The Council and AOC will work to establish a baseline evaluation of the current customer experience with Georgia courts.

Sustained use of performance measures and a commitment to performance improvement efforts will help courts improve the citizen experience. The Council and AOC will work to educate courts on performance measures, tools and processes and encourage their use.

Priority Initiatives, FY 2014 – FY 2016	
Initiatives	Benefits
1. Establish a baseline evaluation of current customer experience with Georgia courts, focusing on Access and Fairness measures	A thorough baseline evaluation will identify initial opportunities to improve the customer experience and provide a foundation data set for communicating issues and building momentum for improvement efforts
2. Encourage Georgia courts to assess performance and develop improvement plans	Broader and sustained use of measures will help individual courts and classes of court continuously improve the citizen experience

Key success factors for these initiatives include:

- Educating the courts about the intent and value proposition for conducting the baseline evaluation
- Engaging clerks as part of the process
- Developing a baseline sample that is representative of the different classes of courts and Georgia geographies and demographics
- Educating courts and clerks on how assessment tools can be used and how the information from assessments can be leveraged

5.2 Improve Collaboration and Planning

The effort to develop the FY 2014 – FY 2016 Strategic Plan demonstrated the value of bringing together leaders of different courts to work together on areas of common interest and benefit. Sustained coordinated planning is critical for the Georgia judiciary in an environment of scarce resources and budget pressures. An ongoing collaborative strategic planning process will enable the Judicial Council and AOC to focus resources on the most important issues. Collaborative preparation for legislative sessions will enable more cohesive, broadly supported messages to the General Assembly. Effective communication with key stakeholders will improve awareness and engagement with the Judicial Council, the judicial community at large, and AOC.

Leadership of the Judicial Council and AOC has established positive momentum for ongoing collaboration while respecting the independence of different classes of court. This balance of collaboration and independence will guide the ongoing processes of planning and executing on strategic priorities. Reviewing and revising the Judicial Council’s bylaws, committee structure, and leadership continuity will align the Council’s processes with the needs of Georgia’s judiciary and enable more sustained execution of strategies.

Priority Initiatives, FY 2014 – FY 2016	
Initiatives	Benefits
3. Implement ongoing strategic planning by the Judicial Council and AOC	An ongoing strategic planning process will enable the Judicial Council and AOC to focus time and resources on the most important issues for Georgia’s judiciary, and will help communicate Judicial Council priorities, actions, and requests to key stakeholders more effectively
4. Implement new approaches to engage the Judicial Council in preparation for legislative sessions	Engaging the Judicial Council more effectively in preparation for legislative sessions will enable more cohesive, broadly supported messages to the Legislature, resulting in better outcomes from the session for Georgia’s judiciary
5. Develop and implement new two-way communication strategies for Judicial Council/AOC to engage with judges	An effective communications strategy will help the Judicial Council and AOC communicate in ways most effective and relevant for judges, and provide judges effective ways to communicate with the Judicial Council and AOC
6. Solicit input and develop recommendations for Judicial Council bylaws, committee structure, and leadership continuity	Reviewing and revising Judicial Council bylaws and committee structure will help align the Council’s processes with the needs of Georgia’s judiciary and provide more effective operations. Improving leadership continuity on the Judicial Council will enable more sustained execution of strategies and retention and sharing of valuable knowledge

Key success factors for these initiatives include:

- Informing stakeholders and relevant parties about the Strategic Plan, and using the Strategic Plan to shape ongoing communications with key stakeholders
- Maintaining accountability and reporting on progress to ensure credibility

- Ensuring all classes of court have visibility, understanding, and opportunities for participation in preparing for legislative sessions
- Focusing on the most relevant information needs of judges, and leveraging effective forums and mediums for sharing information
- Implementing a credible process that involves key stakeholders in reviewing Council bylaws, committee structure, and leadership continuity

5.3 Build Thought Leadership

Building thought leadership for the Judicial Council involves establishing research and information sharing capabilities and sharing innovations and best practices to benefit the Georgia judicial system. The AOC will collaborate with the Judicial Council in defining research priorities and establishing a repository of information. This effort will balance responsiveness to current needs with forward looking research and information sharing focused on innovation.

Many of Georgia’s courts are implementing new processes and tools to improve citizen experience and court efficiency. Sharing these best practices across the state will expand their use to reach more citizens, support consistency in approaches across the state, and help build collaboration and community across the judiciary.

Priority Initiatives, FY 2014 – FY 2016x	
Initiatives	Benefits
7. Define research priorities and schedule for FY 2014, FY 2015, FY 2016	Collaborative development of research priorities will enable more efficient use of AOC resources, help introduce more innovation and best practices of value to the Georgia judicial system, and help inform on-going Strategic Planning priorities
8. Create open repository of information for all classes of court	Creating an open repository with a simple on-line “gateway” will enable all classes of court to have full access to valuable , relevant information in an easy-to-use format
9. Identify and share innovations and best practices across Georgia’s Courts	Sharing innovations and best practices across Georgia courts will expand their use to reach more citizens and help build collaboration and community across the judiciary

Key success factors for these initiatives include:

- Soliciting input from judges to ensure their needs are being met when defining research priorities and creating the information repository
- Being agile and responsive to current trends and legislation in conducting research and providing information
- Coordinating with diverse stakeholders in research, information sharing, and sharing best practices and innovations

6.0 Implementing the Strategic Plan

The Judicial Council and Administrative Office of the Courts will work together to implement the Strategic Plan. The Chief Justice and Executive Director of the AOC are responsible to the Council for:

1. Directing the implementation of the plan
2. Engaging Council members for input and participation
3. Reporting to the Council on progress and outcomes of the implementation

Initial measures of progress and outcomes for each of the FY 2014 – FY 2016 Strategic Plan’s Priority Initiatives are outlined below:

1. Establish a baseline evaluation of current customer experience with Georgia courts

Progress Measures	Achieving milestone dates in the baseline evaluation process
Outcome Measures	<ul style="list-style-type: none"> • Survey participation by customer segment • Results on Access and Fairness measures

2. Encourage Georgia courts to assess performance and develop improvement plans

Progress Measures	Achieving milestone dates in education and implementation plans CourTools development and expansion plan
Outcome Measures	<ul style="list-style-type: none"> • Number of courts using CourTools and other approaches to assess performance • Results on Access and Fairness measures

3. Implement ongoing strategic planning by the Judicial Council and AOC

Progress Measures	<ul style="list-style-type: none"> • Achieving milestone dates in the Strategic Plan process • Progress measures for the Strategic Plan’s Priority Initiatives
Outcome Measures	Outcome measures and results for the Strategic Plan’s Priority Initiatives

4. Implement new approaches to engage the Judicial Council in preparation for legislative sessions

Progress Measures	<ul style="list-style-type: none"> • Achieving milestone dates in the new approach • # of participants involved in preparations
Outcome Measures	% achievement of desired legislative outcomes

5. Develop and implement new two-way communication strategies for Judicial Council/AOC to engage with judges

Progress Measures	Achieving milestone dates in developing communication strategies
Outcome Measures	<ul style="list-style-type: none"> • Measures of usage of new communication vehicles: # of users, frequency, etc. • Customer satisfaction measures on communications

6. Solicit input and develop recommendations for Judicial Council bylaws, committee structure, and leadership continuity

Progress Measures	Achieving milestone dates in the input and recommendations process
Outcome Measures	Implementation of recommended changes

7. Define research priorities and schedule for FY 2014, FY 2015, FY 2016

Progress Measures	<ul style="list-style-type: none"> • Achieving milestone dates in defining research priorities • Achieving milestone dates in conducting and sharing research
Outcome Measures	<ul style="list-style-type: none"> • # of research projects completed on time • Customer satisfaction measures on research efforts

8. Create open repository of information for all classes of court

Progress Measures	<ul style="list-style-type: none"> • Achieving milestone dates in developing repository • Volume of resources in the repository
Outcome Measures	<ul style="list-style-type: none"> • Customer satisfaction measures on use of repository • # of visits, other measures of usage of the repository

9. Identify and share innovations and best practices across Georgia’s Courts

Progress Measures	<ul style="list-style-type: none"> • Achieving milestone dates in developing the discovery and sharing approach, and required support capacity
Outcome Measures	<ul style="list-style-type: none"> • # sharing forums/opportunities conducted by JC/AOC • # of examples of best practices and innovations applied in Georgia courts



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Institute for Court Management *Court Performance Standards: CourTools* Statewide Training Initiative

In January 2013, thirty staff members from the Administrative Office of the Courts (AOC) and nine trial court administrators received certification in the Institute for Court Management's (ICM) [*Court Performance Standards: CourTools*](#) course. *CourTools* is a set of ten performance measures designed to gauge and enhance a court's performance, efficiency, output and operations; it also provides an excellent tool for judicial leadership and court improvement.

As part of an agreement with ICM, three AOC staff and three trial court administrators received faculty certification to teach the course in Georgia. The state faculty team includes: Mr. Edwin Bell, Deputy Court Administrator, Stone Mountain Judicial Circuit; Mr. Phil Boudewyns, Court Administrator, Gwinnett Judicial Circuit; Mr. Matthew Sorensen, Court Administrator, Clayton Judicial Circuit; Mr. Joshua Becker, Research and Statistical Analyst II, AOC; Ms. Tracy Mason, Program Administrator, AOC; and Ms. Maggie Reeves, Policy and Program Analyst, AOC.

After receiving certification, faculty developed a needs assessment survey to gauge the course interests and priorities of Georgia's judges, clerks, and court administrators. A total of 289 responses were submitted and faculty, in concert with AOC leadership and Mr. Rich Reaves of the Institute of Continuing Judicial Education (ICJE), used this information to develop a statewide training plan.

The goals of the three-year training plan are to bring awareness of *CourTools* measures to court administrators, clerks, and judges and to train court administrators and judges to measure their courts' work using *CourTools*.

The training plan includes three tiers of course options, defined as: (1) introduction, (2) primer, and (3) the full ICM certification course. To increase interest in and knowledge of *CourTools*, faculty plans to present short introductions to the Executive, Education, and Strategic Planning committees of the various judges and clerks councils. Following these introductions, faculty hopes to present one to two-hour primer sessions of *CourTools* and examples of implementation at judges, clerks, and court administrator conferences. Finally, faculty plans to offer the full two and a half day ICM course in 2014 or 2015. The full course gives participants the tools they need to measure the work of their courts; participants can also receive ICM certification.

Faculty will present the one-hour primer session (open to all judges) via an ICJE-hosted webinar on Thursday, September 19 at 12 noon, to be repeated on Friday, September 20 at 1 p.m. The webinar announcement and registration information were distributed by ICJE the week of September 2, and a follow up notice is scheduled for the week of the program.

Attached is the analysis of the *CourTools* interest survey and the National Center for State Courts' *CourTools* Overview Brochure. For more information about *CourTools* or to schedule a faculty presentation for your council or committee, please contact Tracy Mason at tracy.mason@gaaoc.us.



Analysis of *CourTools* Interest Survey

June 11, 2013

The Georgia Institute for Court Management (ICM) faculty created a brief survey using Survey Monkey to gauge interest in the ICM course, *Court Performance Standards: CourTools*. Survey invitations were emailed to all Georgia judges, clerks, and court administrators on May 8, 2013, with a reminder sent on May 22. The survey was closed on May 24 with 289 responses. The findings from the survey are provided below and will be used to inform future training opportunities.

Respondent Roles and Court Type

Table 1 identifies survey respondents by court level and role within the court. The “other” category mostly consisted of attorneys and program directors and coordinators. The respondents were not restricted to role or court and some claimed more than one role.

Table 1

Role	Superior	State	Juvenile	Magistrate	Probate	Municipal	Recorder's	Total
Judge	24	21	14	36	29	17	0	141
Clerk	9	18	10	26	29	64	2	158
Court Admin	12	5	9	4	2	16	1	49
Other	14	1	4	4	4	1	0	28
Total	59	45	37	70	64	98	3	

Association Membership and ICM Course History

Table 2 presents which respondents are members of the Georgia Council of Court Administrators (GCCA) and the National Association for Court Management (NACM). There is also a column that details the number of respondents who have completed at least one ICM course. *CourTools* and *Caseflow Management* were the most common courses previously attended, and four respondents replied they were ICM fellows or had completed all ICM courses.

Table 2

Role	GCCA	NACM	ICM Course?
Judge	2	2	1
Clerk	28	6	6
Court Admin	30	17	13
Other	8	6	2
Total	68	31	22

Course Format Options

Table 3 shows the number and percentage of respondents who are at least somewhat interested (answered somewhat interested or very interested) in the alternate course formats. Percentages were found using only the respondents who answered the question. Respondents could select any number of formats, and therefore these response totals may exceed response totals by role (as provided in Table 1). Responses indicate that respondents are interested in a variety of course formats. The most popular format for all roles except “other” was the full, two day course that includes an ICM certificate of completion.

Table 3

Role	One Hour	Two Hour	Half-day	Full Day	Full Course
Judge	36 (51%)	32 (51%)	44 (62%)	43 (63%)	49 (60%)
Clerk	38 (49%)	36 (49%)	52 (67%)	60 (78%)	84 (84%)
Court Admin	18 (69%)	18 (69%)	22 (81%)	24 (92%)	28 (90%)
Other	9 (50%)	9 (50%)	14 (78%)	12 (67%)	13 (72%)
Total	101 (53%)	95 (53%)	132 (68%)	140 (74%)	174 (76%)

*Numbers represent the respondents that were at least somewhat interested in the course formats.

Individual *CourTools*

Table 4 shows the number and percentage of respondents who are at least somewhat interested (answered somewhat interested or very interested) in each individual *CourTools* measures. The most popular measures overall were Access and Fairness, Integrity of Case Files, and Cost per Case. Effective Use of Jurors received considerably less interest than the other *CourTools*, but this is likely due to the high number of respondents who do not interact with jurors in their courts.

Table 4

Role	Access and Fairness	Clearance Rates	Time to Disposition	Age of Active Pending	Trial Date Certainty	Integrity of Case Files	Collection of Monetary Penalties	Effective Use of Jurors	Employee Satisfaction	Cost per Case
Judge	63 (74%)	56 (67%)	63 (75%)	63 (75%)	58 (69%)	58 (69%)	49 (59%)	29 (36%)	60 (71%)	65 (78%)
Clerk	76 (79%)	62 (64%)	70 (71%)	66 (67%)	61 (63%)	80 (82%)	74 (76%)	16 (17%)	73 (75%)	71 (73%)
Court Admin	27 (90%)	29 (94%)	29 (94%)	28 (90%)	27 (87%)	27 (87%)	22 (71%)	12 (39%)	27 (87%)	25 (83%)
Other	14 (88%)	10 (63%)	10 (63%)	10 (63%)	7 (44%)	10 (63%)	6 (38%)	8 (53%)	11 (69%)	10 (63%)
Total	180 (79%)	157 (69%)	172 (75%)	167 (73%)	153 (67%)	175 (77%)	151 (66%)	65 (30%)	171 (75%)	171 (76%)

*Numbers represent the respondents that were at least somewhat interested in the individual *CourTools*.

As expected, interest in the *CourTools* components varied by role as detailed below.

Judges

1. Cost per Case
2. Time to Disposition
3. Age of Active Pending Caseload

Clerks

1. Integrity of Case Files
2. Access and Fairness
3. Collection of Monetary Penalties

Court Administrators

1. Clearance Rates
2. Time to Disposition
3. Age of Active Pending and Access and Fairness



CourTools

Giving
Courts
the
Tools to
Measure
Success

CourTools



*Courts have long sought a set of balanced and realistic performance measures that are practical to implement and use. The ten **CourTools** performance measures were designed by the National Center for State Courts to answer that call.*

*Measuring court performance can be a challenge. Understanding the steps involved in performance measurement can make the task easier and more likely to succeed. **CourTools** supports efforts toward improved court performance by helping:*

- *Clarify performance goals*
- *Develop a measurement plan*
- *Document success*

Effective measurement is key to managing court resources efficiently, letting the public know what your court has achieved, and helping identify the benefits of improved court performance.

*The National Center developed **CourTools** by integrating the major performance areas defined by the Trial Court Performance Standards with relevant concepts from other successful public- and private-sector performance measurement systems. This balanced set of court performance measures provides the judiciary with the tools to demonstrate effective stewardship of public resources. Being responsive and accountable is critical to maintaining the independence courts need to deliver fair and equal justice to the public.*

*Each of the ten **CourTools** measures follows a similar sequence, with steps supporting one another. These steps include a clear definition and statement of purpose, a measurement plan with instruments and data collection methods, and strategies for reporting results. Published in a visual format, **CourTools** uses illustrations, examples, and jargon-free language to make the measures clear and easy to understand.*



CourTools

Giving Courts the Tools to Measure Success

Measure 1

Access and Fairness

definition: Ratings of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, and respect.

purpose: Many assume that "winning" or "losing" is what matters most to citizens when dealing with the courts. However, research consistently shows that positive perceptions of court experience are shaped more by court users' perceptions of how they are treated in court, and whether the court's process of making decisions seems fair. This measure provides a tool for surveying all court users about their experience in the courthouse. Comparison of results by location, division, type of customer, and across courts can inform court management practices.

Measure 2

Clearance Rates

definition: The number of outgoing cases as a percentage of the number of incoming cases.

purpose: Clearance rate measures whether the court is keeping up with its incoming caseload. If cases are not disposed in a timely manner, a backlog of cases awaiting disposition will grow. This measure is a single number that can be compared within the court for any and all case types, on a monthly or yearly basis, or between one court and another. Knowledge of clearance rates by case type can help a court pinpoint emerging problems and indicate where improvements can be made.

Measure 3

Time to Disposition

definition: The percentage of cases disposed or otherwise resolved within established time frames.

purpose: This measure, used in conjunction with *Measure 2 Clearance Rates* and *Measure 4 Age of Active Pending Caseload*, is a fundamental management tool that assesses the length of time it takes a court to process cases. It compares a court's performance with local, state, or national guidelines for timely case processing.

Measure 4

Age of Active Pending Caseload

definition: The age of the active cases pending before the court, measured as the number of days from filing until the time of measurement.

purpose: Having a complete and accurate inventory of active pending cases and tracking their progress is important because this pool of cases potentially requires court action. Examining the age of pending cases makes clear, for example, the cases drawing near or about to surpass the court's case processing time standards. This information helps focus attention on what is required to resolve cases within reasonable timeframes.

Measure 5

Trial Date Certainty

definition: The number of times cases disposed by trial are scheduled for trial.

purpose: A court's ability to hold trials on the first date they are scheduled to be heard (trial date certainty) is closely associated with timely case disposition. This measure provides a tool to evaluate the effectiveness of calendaring and continuance practices. For this measure, "trials" includes jury trials, bench trials (also known as non-jury or court trials), and adjudicatory hearings in juvenile cases.

Measure 6

Reliability and Integrity of Case Files

definition: The percentage of files that can be retrieved within established time standards and that meet established standards for completeness and accuracy of contents.

purpose: A reliable and accurate case file system is fundamental to the effectiveness of day-to-day court operations and fairness of judicial decisions. The maintenance of case records directly affects the timeliness and integrity of case processing. This measure provides information regarding (a) how long it takes to locate a file, (b) whether the file's contents and case summary information match up, and (c) the organization and completeness of the file.



Measure **7**

Collection of Monetary Penalties

definition: Payments collected and distributed within established timelines, expressed as a percentage of total monetary penalties ordered in specific cases.

purpose: Integrity and public trust in the dispute resolution process depend in part on how well court orders are observed and enforced in cases of noncompliance. In particular, restitution for crime victims and accountability for enforcement of monetary penalties imposed on criminals are issues of intense public interest and concern. The focus of this measure is on the extent to which a court takes responsibility for the enforcement of orders requiring payment of monetary penalties.

Measure **8**

Effective Use of Jurors

definition: Juror Yield is the number of citizens selected for jury duty who are qualified and report to serve, expressed as a percentage of the total number of prospective jurors available. Juror Utilization is the rate at which prospective jurors are used at least once in trial or voir dire.

purpose: The percentage of citizens available to serve relates to the integrity of source lists, the effectiveness of jury management practices, the willingness of citizens to serve, the efficacy of excuse and postponement policies, and the number of exemptions allowed. The objective of this measure is to minimize the number of unused prospective jurors—the number of citizens who are summoned, qualified, report for jury service, and who are not needed.

Measure **9**

Court Employee Satisfaction

definition: Ratings of court employees assessing the quality of the work environment and relations between staff and management.

purpose: Committed and loyal employees have a direct impact on a court's performance. This measure is a powerful tool for surveying employee opinion on whether staff have the materials, motivation, direction, sense of mission, and commitment to do quality work. Knowing how employees perceive the workplace is essential to facilitate organizational development and change, assess teamwork and management style, enhance job satisfaction, and thus improve service to the public.

Measure **10**

Cost Per Case

definition: The average cost of processing a single case, by case type.

purpose: Monitoring cost per case, from year to year, provides a practical means to evaluate existing case processing practices and to improve court operations. Cost per case forges a direct connection between how much is spent and what is accomplished. This measure can be used to assess return on investment in new technologies, reengineering of business practices, staff training, or the adoption of "best practices." It also helps determine where court operations may be slack, including inefficient procedures or underutilized staff.

**Giving Courts the Tools
to Measure Success**

CourTools



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the
Tools to
Measure
Success**

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Embracing the Courts of the Future

Final Report of the Next Generation Courts Commission



State Bar
of Georgia



Embracing the Courts of the Future

Final Report of the
Next Generation Courts Commission

A partnership between the
Supreme Court of Georgia and State Bar of Georgia

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By Lawton E. Stephens, Chair

John F. Kennedy once said “And our liberty, too, is endangered if we pause for the passing moment, if we rest on our achievements, if we resist the pace of progress. For time and the world do not stand still. Change is the law of life. And those who look only to the past or the present are certain to miss the future.” So too is justice in danger if we fail to prepare our judicial system and ourselves for the future.

A project such as this is a unique experience. In the midst of the busy days that we work in, it is hard to take a moment and reflect. Even harder is to commit oneself to the mental exercise of reviewing the shortcomings of the judicial system to which we have committed our public service. And then add to that the challenge of determining what trends and unforeseen forces will guide how our courts will look in the future. This is no small task and one in which we must enter with not only humility and introspection but also with an open mind and wee bit of humor. After all, we cannot know what the future holds. We can only make decisions now that we think will shape the future for the better.

We hope that the insight and recommendations presented will be met with not only understanding but also a healthy dose of skepticism. We do not have the solutions. Rather the solutions will come by working collaboratively towards a common vision for the future of the judicial system of Georgia.

A special thanks to former Chief Justice Carol W. Hunstein and former State Bar President Kenneth L. Shigley for having the foresight to realize that we must continue to look to the future so as to better make decisions today. Of course, we must also thank all of the members of the Commission for all of their hard work, especially the chairs – Judge John Ellington, Judge David Emerson, Judge Benjamin Studdard, Judge Charles Auslander; and Marla S. Moore.

Creation of the Commission

The Next Generation Courts Commission (NGCC) is a partnership between the State Bar of Georgia and the Judicial Branch. The Commission was formed after discussions between then-President of the State Bar, Ken Shilgley and the Chief Justice at the time, Carol W. Hunstein. The Chief Justice and Mr. Shigley recognized that the judicial system was perceived as not adapting to emerging technology and trends as quickly as perhaps it could.

The Commission was divided into committees to review and make recommendations to the full Commission. These committees were as follows:

- *Education & Outreach*
(Chair, Benjamin Studdard - Chief Judge, Henry County State Court)
- *Program Improvements*
(Chair, Charles Auslander - Judge, Athens-Clarke County State Court)
- *Technology*
(Chair, David Emerson - Judge, Douglas Judicial Circuit)
- *Business Process Improvements*
(Chair, Marla S. Moore - Director, Administrative Office of the Courts - AOC)
- *Funding of the Courts*
(Chair, John Ellington - Judge, Court of Appeals)

The Commission and its committees met several times throughout 2012 and early 2013 via meetings, conference calls, and online collaboration. A large volume of strategic plans, trend information and research was reviewed. The Commission then used all of the information gathered to prioritize its work and to make recommendations to the State Bar and the Supreme Court.

The recommendations are broad in nature. The next steps of the Commission are to develop proposed action items and tasks based on these recommendations followed by a strategy to achieve consensus between the State Bar and the Judiciary on a joint plan to implement and/or respond to the recommendations.

Charge of the Commission

The Commission was tasked to consider what the court system might look like in 20 years and to develop a strategy for how to get from here to there, including but not limited to, court structure, technology, funding, caseload management, and judicial selection. Given the structure of the judicial system in the state and the number of policy-making councils and bodies, the Commission opted to develop a list of recommendations that it hopes will be used collectively by the judicial branch in collaboration with the State Bar in an effort to make forward progress.

Input from the Judicial Community

The voice of judicial community cannot be overlooked in a project of this scope. As part of its work, the Commission developed a survey to solicit input about how to improve the courts. The statewide survey was sent to a wide variety of individuals both inside and outside the judicial system - judges, court staff, clerks, members of the state bar, legislators, media, and others. The Commission itself was a representation of the judicial community, most of whom are also well connected both locally and at the state level in a wide variety of the activities related to the courts. Through its committee representation and the statewide survey, the Commission heard from a wide variety of respondents in an effort to capture the breadth of issues facing the courts currently.

The Next Generation Courts Commission (NGCC) is a partnership between the State Bar of Georgia and the Judicial Branch. It is tasked to consider what the court system might look like in 20 years and develop a strategy for how to get from here to there, including but not limited to, court structure, technology, funding, caseload management, and judicial selection.

Below is an executive summary of the recommendations from the various committees. The full report discusses these recommendations in more depth and places them in context of issues facing the courts both in Georgia and nationally. The recommendations are broad in nature.

Education & Outreach

Education Recommendations

- Commit to primarily State-funded Institute of Continuing Judicial Education (ICJE) while making judicial education more cost-effective
- Improve and enhance training programs including both remote training and in-person training, use of national-level speakers and materials, cross-training between classes of courts, use of technology in the courts and interdisciplinary training on non-routine issues and the sciences - accounting, psychology, etc.
- Ensure that judicial benchbooks are more widely available and relevant
- Develop a robust multi-day new judge orientation for each class of courts
- Provide advance training for career judges with more than 10 years on the bench
- Promote an ethics component in all trainings to include cultural awareness - gender, sexual orientation, Limited English Proficiency (LEP), etc.
- Support training for clerks, court administrators and court support personnel

Outreach Recommendations

- Promote transparency and timely public access to court procedures, schedules, records and proceedings
- Encourage public understanding and support of the judicial system by training judges to educate the public about the role of the courts and importance of an independent judiciary and encouraging Institute of Continuing Judicial Education to instruct judges on how to do so consistent with codes of judicial conduct
- Adopt strong public service-oriented products such as news releases and informational portals to provide greater access court information
- Support local and statewide civics education efforts by the State Bar, local bar associations, and other civic groups, including encouraging judges to participate
- Support appropriate efforts to make court procedures more intelligible and navigable by *pro se* litigants

Program Improvements

- Endeavor to create a *pro se* center within each circuit so that resources for low income and *pro se* litigants are more in-line with the majority of states
- Deploy plain-language, standardized, statewide forms, including easy-to-use, interactive online versions of those forms to help ensure that needed information is provided to the court
- Expand or modify county and circuit law libraries to include user-friendly online materials and/or books that contain updated information that the general public finds useful
- Expand Alternative Dispute Resolution (ADR) programs to make them available to all litigants in Georgia and include reduced-cost mediation services for low income and *pro se* litigants
- Expand ADR instructional opportunities and promote the establishment of mediation clinical programs at all law schools to bring students into the courtrooms to mediate real cases at no charge to the parties
- Increase the involvement of lawyers in Juvenile Court proceedings including Guardians Ad Litem (GALs), mentors, child advocates, etc.
- Support the establishment of accountability courts or alternatives for substance abuse and mental health treatment throughout the state

Technology

- Support the establishment of a statewide e-filing portal for electronic filing of civil case documents across all levels of courts
- Promote electronic access to civil and criminal court records across all levels of courts
- Encourage the adoption of legislative and rule changes to ensure the protection of personally identifiable information found in court records
- Support the adoption of a web-based central registry of attorney conflicts and leaves of absence

Business Process Improvements

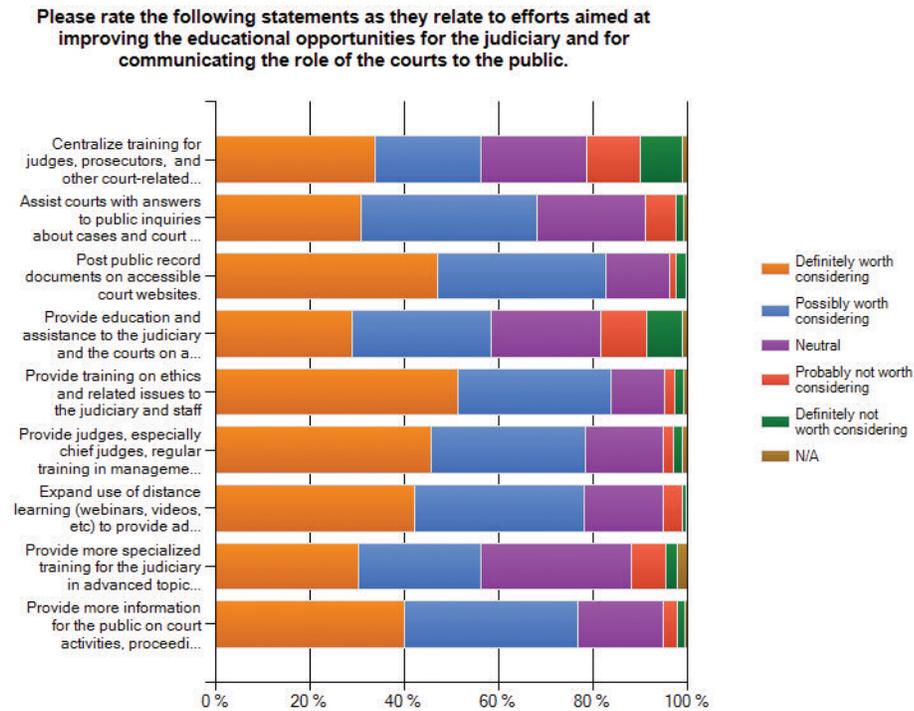
- Promote a uniform approach for the clerk of court to maintain all trial evidence, to mark and note all evidence during a trial and retain such evidence in compliance with appropriate retention schedules
- Support the ability of clerks of court to charge administrative fees for copies as provided within their statute
- Encourage the Judicial Council and the Board of Court Reporting to collaborate with clerks of superior court and other courts of record when developing the rules and regulations to effect implementation
- Encourage the adoption of appropriate technologies for court reporting and court interpreting to enhance business processes
- Promote increased availability of interpretation services including remote interpretation, translation of court forms, etc.

Funding

- Support an increase in state-based funding necessary to provide statewide court improvement programs in the future
- Encourage legislative changes that allow for the currently established self-funded programs and user fees to actually be used for their intended purposes rather than simply going over into the general revenue funds of both state and local government

Statewide Survey

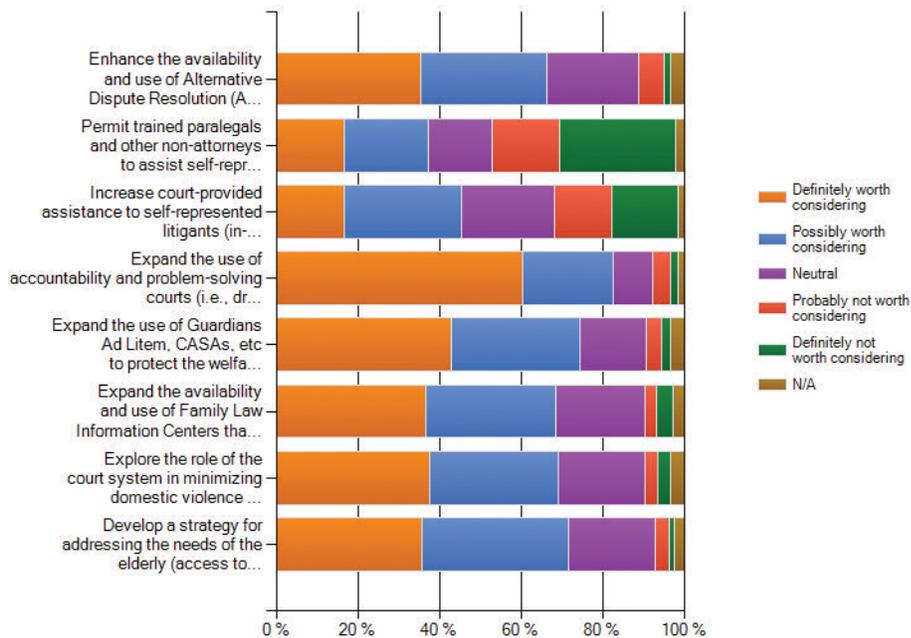
As part of its research, the Commission created a survey to be distributed statewide to gather thoughts and suggestions on issues facing the courts.¹ While the response rate was less than expected, the respondents echoed trends and needs in the community. The following slides are the tabulated results from the survey of 435 responses. The more orange (definitely) and blue (probably), the more likely the concept was worth considering. For a full list of the scenarios presented, please see the Appendix B to this report. Excerpts from responses to the survey will be provided later in the discussion of the Commission’s recommendations.



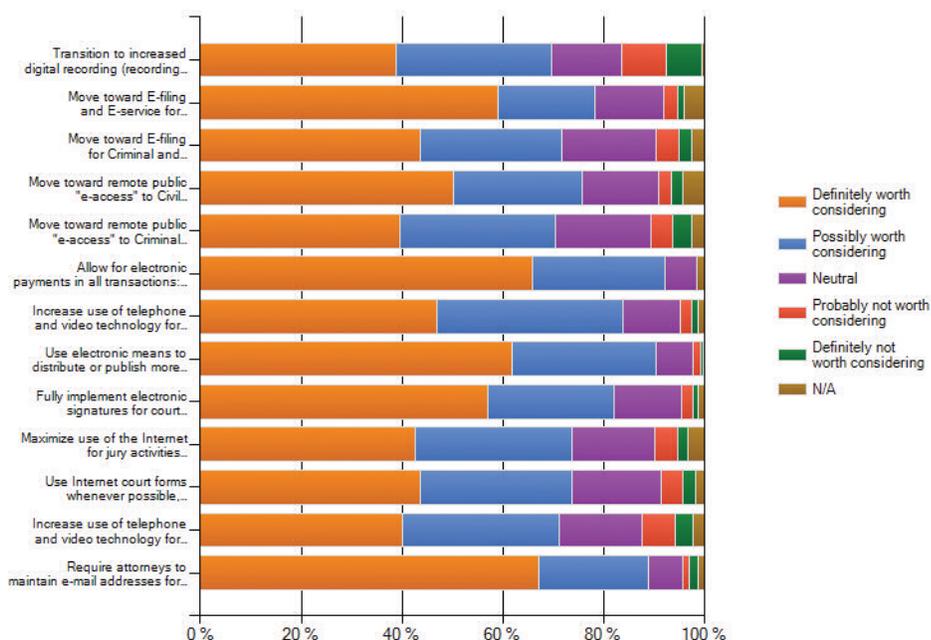
¹<http://www.surveymonkey.com/s/NGCC>

Research Findings

Please rate the following statements as they relate to the use and expansion of court-related programs.

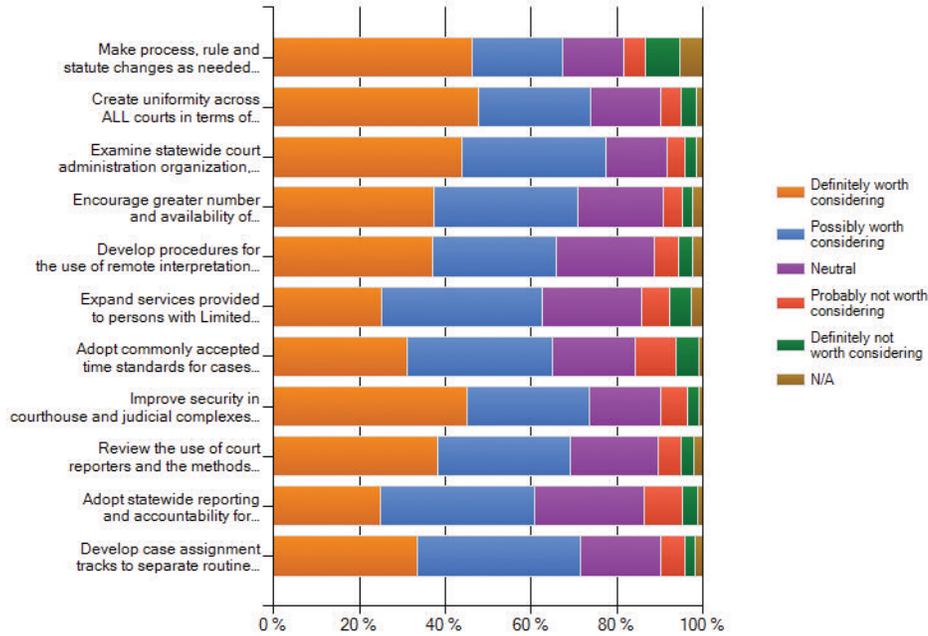


Please rate the following statements as they relate to the possible use of technology in the courts.

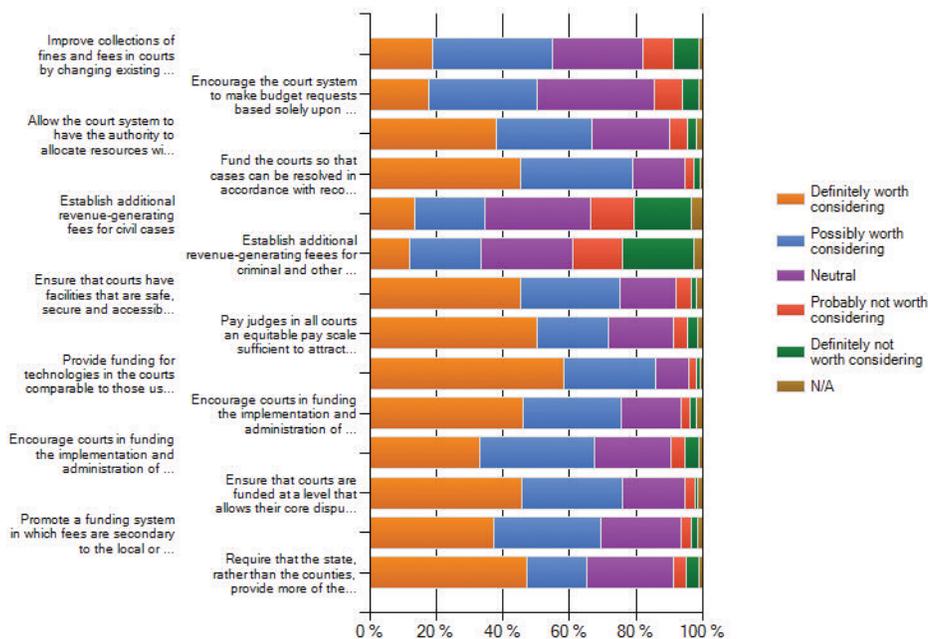


Research Findings

Please rate the following statements as they relate to business process improvements in the courts.



Please rate the following statements as they relate to opportunities to improve funding for the courts.



State Trends and Analysis

Blue Ribbon Commission on the Judiciary

In its review of emerging trends and issues, the Commission reviewed a multitude of documents and reports relevant to the court system in Georgia. Of particular note was the 2001 Blue Ribbon Commission on the Judiciary's report *Georgia Courts in the 21st Century*.² A brief summary of that guiding document is below:

I. Trial Court Structure and Processes

Recommendations

- That the Supreme Court amend the Uniform Rules to encourage the creation of drug court calendars
- That the Supreme Court amend the Uniform Rules to encourage the creation of Family Courts

2. Appellate Structures and Processes

Recommendations

- That the Court of Appeals continue to receive additional judgeships in the future as may become necessary to accommodate its caseload
- That the Supreme Court's responsibility for appeals in divorce cases and equity cases be reassigned to the Court of Appeals.

3. Technology and the Judiciary

Recommendations

- That electronic filing should be available statewide
- That the Superior Court Clerks' Cooperative Authority and the Court work together, invite participation by the Georgia Technology Authority where appropriate, to develop uniform standards, to create a central repository of electronic court records, and to control collection, storage, access and marketing of data that might be collected from court records
- That, because the data in the courts is public, it should be accessible on the Internet
- That the lines of authority among the Superior Court Clerks' Cooperative Authority, the Georgia Court Automation Commission, the Administrative Office of the Courts, and the Georgia Technology Authority be clarified
- That all strategic planning for Georgia courts should include planning for technology

4. Enhancing the Effectiveness and Efficiency of Juries

Recommendations – Treatment of Jurors

- That courts adopt "one day/one trial" system wherever practicable

²<http://www2.law.mercer.edu/lawreview/getfile.cfm?file=531011.pdf>

Research Findings

- That judges personally address jurors at their orientation sessions
- That the Administrative Office of the Courts undertake a study of financial burdens by jurors and make recommendations for their amelioration through legislation if necessary

Recommendations – Juror Understanding of Issues at Trial

- That the Judicial Council propose uniform rules requiring that written instructions be provided to jurors for use in their deliberations
- That uniform rules and jury instructions be developed to allow and govern the taking of notes by jurors during trial and asking of questions by jurors
- That the Judicial Council of Georgia, in connection with the Institute of Continuing Legal Education, sponsor a “Georgia Jury Summit”

Recommendations – Jury Pools, Size of Jury

- That the General Assembly revised the “Motor Voter Jury Statute” to require that necessary information be provided to Jury Commissioners
- That short juror questionnaire forms should be sent out, with a return envelope, along with the jury summons in courts throughout the state

- That all civil juries be composed of six persons, rather than twelve
- That all divorce, alimony, equitable division of property, and child support cases be decided by bench trial, rather than by jury trial

5. New Tools for Judges in the Administration of Justice

Recommendations

- That Alternative Dispute Resolution services should be available to trial courts throughout the state
- That Guardians Ad Litem should be available to courts throughout the state
- That the Uniform Rules be amended to authorize the appointment of Special Masters for resolving discovery disputes

6. Attracting and Retaining Excellent Personnel in Judicial Service

Recommendations

- That each full-time judge be provided with a law assistant
- That the Institute of Continuing Legal Education and the Institute of Continuing Judicial Education provide seminars for law assistants and for trial judges about the proper roles law assistants might play for trial court judges
- That all Magistrate Court judges be attorneys

- That all candidates for State and Superior Court judgeships be required to have ten years of experience as an attorney
- That counties with part-time Magistrate Court and State Court judges partner with adjoining counties so that all would become full-time judges
- That all elections be non-partisan for Magistrate Court and Probate Court Judges and for Superior Court Clerks
- That Superior and State Court judgeships be changed to six year terms
- That the General Assembly adopt a plan to adjust State judicial salaries in light of cost-of-living variance and to phase out the allowance of a county-paid supplement for Superior Court judges

7. Making Courts More User-Friendly *Recommendations*

- That judges and judicial staff seek to be proactive in educating and informing the public about the work and processes of the courts
- That the State Bar and the Supreme Court provide recognition for judges, clerks, and courts that are outstanding in their outreach efforts to inform the public about the judicial system
- That judges and judicial staff should seek to make courthouses and courts more service oriented in their dealings with litigants,

lawyers, witnesses, victims, jurors, and the general public

8. Financial Resources for the Judicial Branch *Recommendations*

- That the General Assembly be receptive to the inevitable future need to fund more judgeships to ensure the availability of reasonably prompt justice to every person within the state
- That all Juvenile Courts be provided with adequately compensated staff in sufficient numbers to handle the case volume
- That State funding be provided to establish Drug Court programs in all circuits adopting this judicial innovation and that the State provide drug treatment programs in areas where they are not currently available
- That the General Assembly be responsive to the recommendations of the Supreme Court Commission on Indigent Defense

Court Governing Councils

From 2008 through 2011, the various classes of courts underwent strategic business and operation planning through their judicial councils. Those reports were helpful to the Commission in noting central themes. Of particular note were the recurring issues of training, access to the courts, outreach by the courts to the public and technological improvements.

Local Issues

Of course, the most notable discussion of trends in the state came from the members of the Commission itself. The judicial members, representative of the judicial system as a whole, were well connected in both their court's governing councils as well as in their local community. Legislators and various non-attorney and court leaders also shared helpful background and local experiences.

State Bar of Georgia

In dialogue with leadership from the State Bar, several issues were raised by the Bar for consideration by the Commission. Below is a brief summary of the highlights.

- Technology improvements including e-filing and video conferencing and use of new technology

- State-level commitment to accountability courts with standards
- Standardization in policies and procedures for caseload management
- Expansion of the Fulton County Business Court to other jurisdictions
- Court reporting in the digital age
- Increased need for court interpreters
- Improved court security

A preliminary draft of the proposed recommendations contained herein was presented to the Board of Governors of the State Bar at their annual meeting on June 22, 2013. The recommendations were approved unanimously.

National Trends and Analysis

The Commission reviewed numerous articles and materials as part of its research efforts. These materials helped ground the Commission's work with regard to trends and issues around the country. Some of the highlights are noted below for background.

American Bar Association (ABA)

The Commission also learned about national trends likely to affect the courts in the not-too-distant future. From the American Bar Association, the Commission reviewed the February 2011 speech from the Task Force on Preservation of the Justice System³, which noted:

- Develop/Administer growing array of specialized services/courts
- Provide adequate state court funding
- Invest in technology to overcome insufficient staff resources

The ABA also noted the issues of model time standards for state courts, electronic filing processes and drug court standards as emerging concerns of interest.

National Center for State Courts (NCSC)

The National Center for State Courts is an independent, nonprofit court improvement or-

ganization that serves as a clearinghouse for research information and comparative data to support improvement in judicial administration in state courts. All of NCSC's services - research, information services, education, consulting - are focused on helping courts plan, make decisions, and implement improvements that save time and money, while ensuring judicial administration that supports fair and impartial decision-making.

For more than a decade, NCSC has published the *Future Trends in State Courts*⁴ that focuses on scholarly attention to issues facing state courts around the country. In the latest issues reviewed, several topics were useful to the Commission in its research. From the 2011 edition, the issues surrounding increased access to the courts through:

- Technology – courtroom technology, online outreach
- Social Media – communication and outreach in the digital age
- Specialized Courts and Services – problem-solving courts, business courts, security
- Special Programs – adult guardianships, juvenile sentencing reform, mental health court accountability

³<http://cjj.ncsc.org/News/-/media/Microsites/Files/CCJ/Web%20Documents/De%20Muniz%20Remarks.ashx>

⁴<http://www.ncsc.org/trends>

From the 2012 edition, the issues surrounding the courts role in the community:

- Problem Solving Approaches – housing, intensive case management, due process for the self-represented, civic education
- Education – reducing costs through “blended” learning, generational issues, court management training

National Association for Court Management (NACM)

The National Association for Court Management has over 2,000 members from the United States, Canada, Australia, and other countries. NACM is the largest organization of court management professionals in the world with members from all levels and types of courts. NACM provides court management professionals the opportunity to increase their proficiency while working with colleagues to improve the administration of justice. The NACM National Agenda drives program priorities and improvements in

the court management profession. The six 2010–2015 NACM National Agenda priorities are⁵:

1. Emphasizing Caseload Management Improvements;
2. Sustaining Excellence in Difficult Budget Times;
3. Enhancing Public Perceptions of the Courts and Increasing Community Collaboration;
4. Promoting Improved Court Leadership and Governance;
5. Preparing For and Responding to Trends;
6. Supporting Professional Court Management Education

These priorities are the core surrounding NACM’s educational and outreach activities. And were helpful in the Commission’s research.

⁵<https://nacmnet.org/nationalagenda.html>

In the pages that follow, the recommendations of the Commission are explained in more detail and placed in appropriate context. The Commission openly acknowledges that many of the recommendations are very broad in nature. We feel that the implementation of these recommendations may take years of work by judges, court staff, and the judicial community as a whole to fully realize. Many of these efforts will require support from the executive and legislative branches as well as public support from the State Bar, media, and the public as a whole.

Just as important, if not more so, is the need for the judicial community, not just judges but the judicial community as a whole, to work collaboratively on the implementation of these recommendations across jurisdictional, funding and political lines. Only with such a community can the courts of Georgia be prepared for the future.

The following sections note the recommendations of the Commission along with contextual background and notes. When appropriate, general action steps are provided. Selected quotes from respondents to the statewide survey are also provided.

Education & Outreach

The provision of justice is central to the purpose of state government. To that end, Georgia has long recognized the fundamental State obligation to provide an educated judiciary. Even in a system where most classes of judges are employed by local governments, the State has accepted the duty to provide uniform training and education within each class of judges. As a result, our Institute of Continuing Judicial Education (ICJE) has been a leader both nationally and internationally.

In recent years, however, the duty to educate the judiciary has been questioned, as indeed, each function of state government has been scrutinized in the face of falling revenues. The Judicial Branch, which already receives less than one percent of the state budget, has been particularly hard hit by budget cuts, and the state outlay for ICJE has been cut by more than half.

As stewards of our justice system, the bench and bar have a duty to remind the legislature, the executive, and the public of the importance of an educated judiciary as a core function of government. But stewards also have a duty to make wise, effective use of the public resources entrusted to them. To these ends, then, the Commission makes the following recommendations.

“The courts are essential to constitutional democracy, which we know is the key to freedom in this country. But some of our fellow citizens don’t recognize what our courts do and what our courts mean to freedom in our country. So it’s our job to reach out and increase that understanding. This is not a lawyer issue, not a judge issue—it’s a public issue of significant policy proportions.”

*- William T. Robinson, III
2011-2012 President of the
American Bar Association*

Recommendation: Commit to primarily State-funded Institute of Continuing Judicial Education (ICJE) while making judicial education more cost-effective

Discussion: The Institute of Continuing Judicial Education is a resource consortium of the Georgia Judicial Branch, the State Bar of Georgia, and the ABA accredited law schools of the State (Emory, Georgia State, Mercer, Atlanta's John Marshall Law School, and the University of Georgia). The ICJE bears primary responsibility for basic training and continuing education of elected officials, court support personnel, and volunteer agents of the State's judicial branch. Conferences and seminars signify the products traditionally identified with the ICJE by its constituents. During a typical program year, more than 50,000 attendee contact hours of training will be designed and delivered, involving more than 3,000 program participants.⁶

The ICJE is governed by a Board of Trustees comprised primarily of judges but also with representation from the Dean of each law school in the state and a superior court clerk. ICJE provides training to judges of all six levels of trial courts (Superior, State, Juvenile, Probate, Magistrate and Municipal) as well as to the clerks of those courts.

State funding for ICJE is minimal. For FY 2014, state appropriations are \$471,789. These limited funds support the six (6) full-time staff dedicated to coordinating the training of the thousands of judges and court staff noted

above. The ICJE's current budget is less than half of what it was just five years ago and about one-third of what it was ten years ago. By way of a quick comparison, Michigan, whose population is approximately that of Georgia, spends approximately \$2.2 million on judicial education.

In a nutshell, state funding provides the framework for the educational program but those it trains must pay for the actual costs of training in the form of their own conference costs and travel. The Bench and Bar must not shirk from consistently reminding those in a position to affect the funding of judicial education that the provision of an educated judiciary is a core function of State government. That's not to state opposition to all local contributions, particularly for those judges dealing with local matters such as ordinance violations; but clearly, judicial education can be most effectively and efficiently organized through a single state agency. ICJE must constantly look for ways to make judicial education cost-effective. We believe that ICJE already does that in many ways, not least of which is allowing member-judges to take the lead in teaching their fellows, with no remuneration other than travel reimbursement. As technology advances, however, ICJE must continue to look for ways to rein in costs.

Recommendation: Improve and enhance training programs including both remote training and in-person training, use of national-level speakers and materials, cross-training between classes of courts, use of technology in the courts and interdisdisci-

⁶<http://icje.uga.edu/annualreports.html>

nary training on non-routine issues and the sciences - accounting, psychology, etc.

Discussion: Generally speaking, the small amount of state funding places the burden on the local cities and counties. While arguably this should be the case for some of the courts that only serve a local function, limiting judicial training to the bare minimum that local governments can support in turn limits the depth and breadth of education that ICJE can provide.

ICJE should consider seeking additional state funding and/or grant funding for expansion of both learning modalities and curriculum. Additional learning modules could include self-learning with assessment whether online or via hardcopy materials; distance learning such as webinars or video conferences; regional training sessions; and cross-training with other classes of judges or courts. ICJE and the rest of the judicial branch must make use of advances in online communication to make meetings and materials available to judges remotely, either in real-time or by recording. Printed materials likewise should be available on websites managed either by ICJE or the respective classes of courts.

While Georgia is blessed with well-educated judges and attorneys who will provide training to their colleagues, ICJE simply does not have the resources to bring in the occasional national-level instructor and materials. National speakers can be an invaluable resource and should remain a part of Georgia's judicial education. It may sometimes be possible to have them speak re-

motely, by videoconference, but the interaction between live speaker and audience should not be discounted or completely eliminated. Many states' judicial education systems have developed training that is more evolved than Georgia. ICJE, funding permitting, should assess what other state are doing incorporating various aspects of adult learning styles.

Additional training is needed on a wide range of topics. The Commission has identified the potential need for specialized training and/or elemental training in disciplines that interface with our courts. With varying degrees of regularity, our courts are asked to make judgments on matters relating to finance and accounting; psychology; pharmacology; various sociological disciplines, such as domestic violence and criminology; and basic scientific theory, among others. It is important that our judges have the opportunity to receive training in these fields of study as they relate to judicial proceedings. A nationally-based scientific training, Advanced Science & Technology Adjudication Resource (ASTAR)⁷ exists to train judges in the basics of the scientific method, and Georgia judges now have the opportunity to participate in ASTAR. This should continue, but as suggested above with regard to other national training, that opportunity should be accompanied by the requirement that participating judges share what they learn with others in formal programs.

While travel makes up a large portion of the expense of judicial education, there is no substitute for the learning that takes place, formally

⁷<http://www.astarcourts.net>

Recommendations: Education & Outreach

and informally, in a group of peers. In-person conferences must be preserved as a cornerstone of the judicial education experience.

Recommendation: *Ensure that judicial benchbooks are more widely available and relevant*

Discussion: All classes of courts should strive to ensure that judicial benchbooks are available on the most pressing topics such as civil, criminal, domestic violence and family law. Judges and judicial educators should discuss the need for additional topics or “mini” benchbooks as appropriate. Further, such benchbooks should be kept current, relevant and made available in downloadable, searchable formats. The creation and updating of benchbooks should be a collaborative process involving judges, educators and attorneys as needed.

Recommendation: *Develop a robust multi-day new judge orientation for each class of courts*

Discussion: Currently, while new judge orientation exists for the different classes of courts, such training is sometimes inconsistent. The timing of new judge orientation also varies greatly. Some judges may not get orientation for nearly a year from the date they take office. Topics may include: case management, court administration, personnel management, inter-government departmental relations, public outreach and education, ethics and professionalism.

Recommendation: *Provide advance training for career judges with more than 10 years on the bench*

Discussion: There is a wealth of opportunities for national and even international educational opportunities for our judges. Georgia judges must remain active in the exchange of ideas and knowledge with judges from around the country and around the world. We have much to learn, and much to share with others. We must carefully ensure that the expense of such training is money well invested, but the returns on those investments should not be discounted.

“There should definitively be a focus on educating the Court on current and upcoming technology that can be implemented in resolving cases.”

- Survey Respondent

ICJE should develop a curriculum for experienced, career judges – those with ten or more years on the bench. Such a curriculum could dramatically advance judicial administration as well as combating judicial burnout and the sorts of mid-career ethical/professional issues that have made so many headlines in recent years. For some, it could be coordinated with the Masters Degree or Certificate programs of the National Judicial College⁸ or the American Institute for Justice⁹. For others, it could evince the aspect of accomplishing a fine-tuned project akin to that expected of court administrators completing the National Center for State Court’s Executive Development Program¹⁰.

⁸<http://www.judges.org>

⁹<http://www.aijinc.org>

¹⁰<http://www.ncsc.org/Education-and-Careers/>

Recommendation: Promote an ethics component in all trainings to include cultural awareness - gender, sexual orientation, Limited English Proficiency etc.

Discussion: The rash of judicial resignations and removals from the bench in recent years related to ethics investigations makes it clear that we need a stronger effort to stress to our judges, not just the rules of judicial conduct, but fundamental virtues such as integrity, honesty, justness, and goodness. Too often it is assumed that such discussions amount to wasted words, but studies show that they do have an effect on behavior. Virtually every judicial training program should contain some ethical and/or professional component. Further, the Bar has suggested, and the Commission confirms, that cultural awareness should be weaved into ethics training for both judges and court personnel.

Recommendation: Support training for clerks, court administrators and court support personnel

Discussion: The judicial branch consists not just of judges, but also of clerks and other support personnel. In an effort to promote a well-trained judiciary, clerk, court administrator and support staff should receive appropriate training related to their role in the court. Whether underwritten by attendee fees or state resources, continuing education for

“[C]ourt staff needs to trained more on ethics, and this includes the judges.”
- Survey Respondent

court support personnel is in need of persistent attention and significant improvement. ICJE, for example, provides training for the clerks of the various classes of courts. Such training is generally focused on legal and procedural issues. The Georgia Council of Court Administrators (GCCA)¹¹ conducts its own training seminars for court managers throughout all levels of courts and focuses primarily on management issues – human resources, technology, caseflow management, etc. Judges, clerks and court administrators should work together to share their collective expertise with one another on topics of mutual interest and assistance.

Recommendation: Promote transparency and timely public access to court procedures, schedules, records and proceedings

Discussion: The Georgia Supreme Court has long recognized that transparency and public outreach are critical to public confidence in Georgia’s judicial system and its constituent courts. See, e.g., *Atlanta Journal v. Long*, 258 Ga. 410, 411 (1988) (“Public access protects litigants both present and future, because justice faces its gravest threat when courts dispense it secretly. Our system abhors star chamber proceedings with good reason. Like a candle, court records hidden under a bushel make scant contribution to their purpose.”); *R.W. Page Corporation v Lumpkin*, 249 Ga. 576 n.1 (1982) (“This court has sought to open the doors of Georgia’s courtrooms to the public and to attract public

¹¹<http://www.gccaonline.org>

interest in all courtroom proceedings because it is believed that open courtrooms are a sine qua non of an effective and respected judicial system which, in turn, is one of the principal cornerstones of a free society.'").

Transparency and public outreach are now largely incidental to the judicial system's operation. The State Bar stewards a highly popular statewide civic education effort that reaches tens of thousands of students annually and occasionally runs public service announcements in support of the Georgia judicial system. But while there are notable exceptions – e.g., the Supreme Court – most courts in Georgia are not making systematic efforts to promote public access, interest, understanding or awareness, particularly with respect to their day-to-day work and decisions.

The need for such transparency and public outreach is growing exponentially:

Traditional media coverage of the courts is declining. As the recession and the internet have roiled the media industry, local newsroom budgets have been slashed and their traditional court reporting sharply curtailed.

- *Pro se* court use is up. As a result of the economic downturn, more and more court-users are untrained and uninformed do-it-yourself litigants.
- Court information seems increasingly inaccessible. As the public has come to expect information, particularly government information, to be freely available on the internet,

court information and records that may be public at the courthouse but not readily available free and online now seem anachronistically inaccessible, almost secret.

- Courthouses seem increasingly inhospitable. As a result of security concerns and budget cuts, the news services and citizens that do make the trip to the courthouse often find not a welcoming place that reflects the courts' fundamentally public nature but a cold and inhospitable fortress.

Recommendation: Encourage public understanding and support of the judicial system by training judges to educate the public about the role of the courts and importance of an independent judiciary and encouraging Institute of Continuing Judicial Education to instruct judges on how to do so consistent with codes of judicial conduct

Discussion: Courts at all levels in Georgia must promote long-term public confidence and support of the judicial system by actively encouraging public understanding and support of the judicial system, establishing as another of their core functions proactive efforts to interest and inform the public about the nature and importance of courts' work.

Recommendation: *Adopt strong public service-oriented products such as news releases and informational portals to provide greater access court information*

Discussion: Courts at all levels in Georgia must promote long-term public confidence and support of the judicial system by demonstrating and practicing transparency, establishing as one of their core functions the effective provision of convenient and timely public access to court procedures, schedules, records and proceedings. The judicial system and each of its constituent courts should:

- Acknowledge that transparency and public outreach are essential court functions
- Adopt strong public service-oriented products, including at a minimum free onsite non-delayed public access to procedures, schedules, records and proceedings
- Regularly prepare and issue timely news releases understandable to the general public accurately describing important decisions, events, initiatives and procedures
- Establish effective portals, via social media or otherwise, for the dissemination of such releases
- Seek funding to employ for this purpose single or multi-court public information officers with an understanding of the importance of providing excellent service to the press and public;

- Require that any court e-filing system developed locally or for implementation statewide be designed and operated to serve the public by:

- i. Affording the public free and immediate access to e-filings at the time of filing via public access terminals at the courthouse;
- ii. Having built-in provision for remote electronic access by registered members of the public for free or for a fee set at the lowest possible level sufficient to cover administrative costs; and
- iii. Efficiently addressing privacy and ‘practical obscurity’ concerns not by curtailing or delaying remote public access to e-filings but by requiring e-filers to redact prior to filing on penalty of contempt certain specified categories of sensitive information.

Recommendation: *Support local and statewide civics education efforts by the State Bar, local bar associations and other civic groups, including encouraging judges to participate*

Discussion: Civic education should be a core function of the judicial branch. There is no more important task than the development of an informed, effective, and responsible citizenry. The American system of a three branch government with checks and balances must be understood by the public. It is imperative, therefore, that judges, educators, and policymakers make the

Recommendations: Education & Outreach

case and ask for the support of civic education from all segments of judiciary. The AOC¹² as well as the State Bar¹³ have already developed some public outreach materials on the courts. But much more is needed. That information needs to be brought to the community – both to schools and adults – on an ongoing basis. The judiciary and the State Bar together must promote age-appropriate civics education on the Rule of Law and the role of courts in modern American society.

Recommendation: *Support appropriate efforts to make court procedures more intelligible and navigable by pro se litigants*

Discussion: As a result of the economic downturn, more and more court-users are untrained and uninformed do-it-yourself litigants. The abundance of information on the Internet, whether right or wrong, can be very empowering. The judiciary must be willing to support a system that is open to the self-represented litigant and, to that end, support efforts to ensure that such parties have access to the courts. See more in *Program Improvements*.

Recommendations: Program Improvements

Program Improvements

Courts, much like most government functions, are facing significant budget constraints and cannot expect the level of funding received in the past. The short-term cost reductions taken by courts – furloughs, training cutbacks, no investment in improvements - will not enable the courts in the long-term to provide their constitutional and statutory mandates to the public. Similarly, “band-aide” type of fixes to change how the courts will not meet the long-term problem. The Georgia courts must commit to planned, systemic changes to redesign key business processes. Such changes require collaboration but must also adhere to a coordinate strategic vision.

“The increasing inaccessibility of legal services - for the poor, for even the middle class - undermines the rule of law for us all. We are a nation and state that believes the law provides protection for those who are most powerful, for those who are most vulnerable.”

- Chief Justice Wallace B. Jefferson,
Texas State of the Judiciary 2011

¹²<http://www.georgiacourts.org/index.php/georgia-courts/learn-about-the-courts>

¹³<http://www.gabar.org/forthepublic/forteachersstudents/lre/index.cfm>

Recommendation: Endeavor to create a *pro se* center within each circuit so that resources for low income and *pro se* litigants are more in-line with the majority of states

Discussion: The Fourteenth and Sixteenth Amendments of the Constitution guarantee the right of the accused to refuse legal representation and act without a lawyer by proceeding “for oneself” or “on one’s own behalf.” Otherwise known as *pro se*. With the number of self-represented litigants increasing, especially within domestic relation cases, courts are responding by improving access to justice and making courts more user-friendly and by establishing *pro se* centers where users can get access to simplified court forms, one-on-one assistance, and instructions on how to proceed *pro se*. This has not only empowered people to solve their own problems and improve the public’s trust and confidence in the courts, but has likewise benefited the courts through more efficient caseload and increased quality of information presented to judges.

The civil legal needs of low income Georgians cannot be ignored and are only becoming more pressing due to tough economic times. After a two-year legal needs study, the 2009 report of the *Civil Legal Needs Low and Moderate Income Households*¹⁴ in Georgia noted the following needs:

- Consumer (e.g., abusive collection, oppressive contract terms, disputes over amount owed)

- Housing (e.g., utility issues, vermin, home and housing repairs, homelessness)
- Health (e.g., disputes with insurance company or provider over charges, refusal of provider to accept Medicaid, invasion of privacy issues, access to mental health services, denial of emergency care, and problems with nursing home)
- Employment (e.g., discrimination based on disability, criminal record, race or age; unemployment benefits; wage claims)
- Public Benefits (e.g., difficulty in applying, denials)
- Education (e.g., school discipline, poor quality)
- Family (e.g., child support, domestic violence, visitation, custody)

The report further noted that:

Court personnel report that unrepresented or self-represented litigants impede the efficient operation of the court system. More than 95% of these respondents stated that a lack of understanding as to how the court process works represents an obstacle to the courts' ability to administer justice for all. Additionally, over 90% of court personnel listed “*pro se* expectations for assistance” as an obstacle to smooth court operations. These problems are exacerbated by the reality that there is a limited amount of *pro bono* or low cost legal services available. (More than 88%

¹⁴http://www.georgiacourts.org/files/legalneeds_report_2010%20final%20with%20addendum.pdf

Recommendations: Program Improvements

of court personnel cited the lack of pro bono or low cost services as an obstacle.)

While several self-help centers exist in Georgia, more are needed. Generally, programs exist in the metro Atlanta area (Fulton and DeKalb Counties) with a few more scattered around the state (Appalachian and Northeastern Circuits). These programs are, unfortunately, more often limited to family and domestic law issues such as divorce and child support. Additional resources are needed for probate, landlord-tenant and other civil

legal issues. Many other states are much farther ahead than Georgia in development and state

“Forms and educational materials are not substitutes for a legal education. I believe that our profession should require that attorneys participate in pro bono programs which provide some level of legal services to needy litigants at no or reduced fees paid either by the party or paid by the system from fees assessed for this purpose.”

- Survey Respondent

assistance for these programs.

Such programs should partner with local schools, local bar associations and legal aid programs such as Georgia Legal Services Program in a cooperative and collaborative approach. Local attorneys should be actively involved while also recognizing that such programs are not meant to put them out of business. Attorneys

too should assist these *pro se* centers with pro bono hours. Rather, such programs often reinforce to *pro se* litigants that some legal actions that they would have otherwise attempted on their own are actually better handled with the assistance of a competent local attorney.

Recommendation: Deploy plain-language, standardized, statewide forms, including easy-to-use, interactive online versions of those forms to help ensure that needed information is provided to the court

Discussion: Currently, some circuits have forms and others do not, which means some Georgia citizens are at a severe disadvantage in navigating the court system. When *pro se* litigants have no forms to use as a guide and file their paperwork incorrectly, this is a completely inefficient result for all involved; it delays entry of child support and visitation orders, and is not in the interest of any party. Additionally, reviewing incorrect paperwork creates more work for judges and their staff as it takes away time they could be spending on other matters.

The deployment of plain-language, standardized, statewide forms, including easy-to-use, interactive online versions of those forms, can help ensure that needed information is provided to the court. A majority of the states already use state approved forms. All courts should allow for acceptance of standardized statewide forms.

Recommendation: *Expand or modify county and circuit law libraries to include user-friendly online materials and/or books that contain updated information that the general public finds useful*

Discussion: County or circuit law libraries are an appropriate fit for providing services to the public. The law libraries in every courthouse should include user-friendly online materials and/or books that contain updated information that the general public finds useful. Materials should be organized by topic, then by type of action. Additionally, pro bono attorneys can provide brief lectures on basic elements of certain types of cases (i.e., divorce, 10 minutes) that could be video recorded and available for viewing at the library. The State Bar could also partner with local libraries as state repository of forms and information. The State Bar could provide assistance to generate recommendations for printed and online materials to provide consistency among the counties.

Recommendation: *Expand Alternative Dispute Resolution (ADR) programs to make them available to all litigants in Georgia and include reduced-cost mediation services for low income and pro se litigants*

Discussion: Courts reap many benefits for using Alternative Dispute Resolution (ADR) processes. They are generally grouped as increasing participant satisfaction, reducing time, and saving money. No matter what the motivating factor, the court must always be focused on

providing a just process through ADR. Additionally, while the outcomes may not be exactly the same as those reached through traditional litigation, the parties must perceive the process and the outcomes as fair. Well run ADR programs will result in three major benefits:

1. *Increasing Satisfaction* – Improving the experience that participants have while resolving their disputes is an important motivator for many court ADR programs. Whether framed in terms of justice or in terms of customer satisfaction, ADR is very successful. Either way, serving the party well is central to this motivation.

2. *Reducing Time* – Many courts have looked to ADR processes to reduce time spent on a case both by the court and by the parties. This time savings can be measured in many ways, including: time from filing to case closure; number of court appearances prior to resolution; and amount of attorney and/or judge time spent on discovery and other case tasks. Virtually all courts can look to ADR to reduce backlogs of cases by lessening the caseload of judges as many cases can be dealt with through the ADR process.

3. *Saving Money* – Courts see ADR as potentially saving parties money by reducing the number of attorney hours spent on the case, by decreasing the amount of discovery done and/or settling the case sooner and with fewer court appearances. For the

Recommendations: Program Improvements

courts, savings are seen as coming from the lower number of court hearings and trials, and other time that would be spent by the judge and other court personnel on the case.

ADR processes are currently available in the courts of 121 of 159 Georgia counties. In some counties, ADR is available in just one court in just one county. In other counties, ADR is available in all of the trial courts – superior, state, magistrate, probate, and juvenile. Mediation is popular in superior courts as a way to reduce the caseload of family law cases. Magistrate courts appreciate ADR to help the courts handle the sheer volume and nature of disputes. Mediation is also appropriate and productive in juvenile and probate cases and in many minor criminal warrant applications. Courts, lawyers, parties, and taxpayers will benefit from more resolution options, more efficient courts, and less crowded dockets. ADR programs should be expanded to include all courts in all counties.

ADR programs should be made available all Georgia residents – adults, juveniles, and the elderly – regardless of income. That said, such services should be made available at little to no cost for those who are low income.

Recommendation: Expand ADR instructional opportunities and promote the establishment of mediation clinical programs at all law schools to bring students into the courtrooms to mediate real cases at no charge to the parties

Discussion: Mediation clinics give those students who may make mediation part of their professional lives a good start in terms of both skills and ethics. These programs help students see the benefits and limitations of mediation and other dispute-resolution techniques so that they can responsibly counsel their future clients about their choices. Such clinics also help students understand how feelings, background values, and personal style affect performance in a professional role. Participants benefit from these programs, as there is little to no cost for them. But just as important is that law students are highly motivated to help the parties resolve their conflict and will spend more time and effort to reach that goal.

ADR is a mandatory subject in only one Georgia law school, Walter F. George School of Law at Mercer University, where an overview class is required of all students at the start of their third year. At other schools, the available ADR classes are electives, yet they are chronically oversubscribed. There is great student interest and need, as ADR has become mainstreamed into legal practice. ADR instruction can be integrated into the law school curriculum in many ways. Introduction into the concepts and theories of ADR should be mandatory for students at all Georgia law schools.

All students at accredited Georgia law schools have access to at least one clinical ADR experience. Law students are hungry for practical experience, as reflected by the fact that cur-

rent ADR clinics are chronically oversubscribed. Courts will benefit by having cases handled by law students for academic credit rather than fees, and the legal profession will benefit from having lawyers who have hands-on experience in ADR. Law schools should continue to foster these clinical ADR opportunities and seek ways to expand them to benefit both law students and the courts.

Recommendation: *Increase the involvement of lawyers in Juvenile Court proceedings including Guardians Ad Litem (GALs), mentors, child advocates, etc.*

Discussion: The Commission is fully supportive of the efforts of the last few years by the Special Council on Criminal Justice Reform for Georgians. As part of its mandate, that Council recently made several recommendations with regard to juvenile justice reform. One of the primary goals of those reforms is to encourage treatment and services at the community level where taxpayer dollars can be more effective. Local attorneys can play a variety of roles in Juvenile Court in the form of:

- I. Guardians Ad Litem (GALs):
 - a. Fulfill state and federal statutory mandates to protect and promote the best interests of juveniles in abuse and neglect court proceedings and specifically, the training of Guardians ad Litem in particular for their new GAL duties in HB242;¹⁵

- b. Help the courts work efficiently toward safety and permanence for children;
 - c. Conduct independent investigations to determine the facts, needs of the child, and the resources appropriate to meet those needs;
 - d. Determine the wishes or expressed preferences of the child and report those to the court; and
 - e. Provide a voice for abused and neglected children in every county of the state.
 2. Mentors – encourage attorneys to become involved as mentors
 3. Child Advocates
 - a. Work in conjunction with the new child advocacy section of the bar to identify juvenile court issues; and
 - b. Assist with development at the local and state level of protocols for Child in Need of Services (CINS) and Family in Need of Services (FINS) designations.

Recommendation: *Support the establishment of accountability courts or alternatives for substance abuse and mental health treatment throughout the state*

Discussion: The first drug court in Georgia began operations in 1994 in Bibb County. Since that day, over 100 more accountability courts have

¹⁵<http://www.legis.ga.gov/Legislation/20132014/135887.pdf>

Recommendations: Program Improvements

begun operations in the State of Georgia. In addition to felony drug courts, accountability courts also comprise mental health courts, juvenile drug courts, DUI courts, family dependency courts, veteran treatment courts and problem solving courts. Currently, approximately half of the counties in state have at least one accountability court but 44 counties still have no adult felony drug court or mental health court.

In 2011, the Special Council on Criminal Justice Reform for Georgians,¹⁶ first recommendation was to “create a statewide system of accountability courts.”¹⁷ Following the report’s recommendations, the State of Georgia appropriated \$11.7 million to the Criminal Justice Coordinating Council (CJCC) to used by the Accountability Court’s Funding Committee to accomplish that recommendation. The Accountability Court Funding Committee’s Objectives are to: 1) take Georgia’s Accountability Courts to scale; 2) reduce incarceration rates; 3) determine Accountability Court funding priorities; 4) encourage adherence to standards; and 5) save lives, restore families.¹⁸

In 2012, HB 1176¹⁹ the Georgia Legislature mandated that the Judicial Council develop standards and best practices for each type of ac-

countability court. The Judicial Council has developed Certification and Peer Review processes for each type of accountability court. Additionally, the Judicial Council has established statewide performance measures to monitor the performance of these programs.

The Commission recommends urges the establishment of a felony drug court, mental health court and juvenile drug court in every judicial circuit to provide the opportunity for access to accountability courts for all Georgians. Further, the Commission supports efforts to ensure that accountability courts are operating under approved standards and complying with best practices.

Fortunately, following the issuance of the Report of the Special Council on Criminal Justice Reform, Gov. Nathan Deal and the Georgia Legislature have helped to provide the mechanisms to accomplish the two goals. The Judicial Council is completing the process of approving the required standards for accountability courts and the certification and review process.²⁰ The funding provided by the legislature will help to implement courts in areas that might not have been able to completely fund them on a local level.

¹⁶http://gov.georgia.gov/sites/gov.georgia.gov/files/related_files/press_release/Report%20of%20the%20Special%20Council%20on%20Criminal%20Justice%20Reform%20for%20Georgians%202012%20-%20FINAL.pdf

¹⁷Report of the Special Council on Criminal Justice Reform for Georgians, November 2011, page 13. The Report specifically provided that:

“The Council recommends expanding the number of accountability courts and implementing a comprehensive standards and evaluation system to ensure all accountability courts are effective at improving public safety. Georgia has a number of accountability courts currently operating, including drug courts, mental health courts, veterans’ courts, and others, but some areas of the state do not have any accountability courts. Drug courts, for example, have been proven effective when they follow specific best practices both here in Georgia and across the country. By creating a statewide system of accountability courts that establishes best practices, collects information on performance measures, increases funding and conditions funding on adherence to best practices, Georgia can ensure that its accountability courts are making the most of their potential to increase public safety and controlling costs.”

¹⁸<http://www.gaaccountabilitycourts.org>

¹⁹<http://www.legis.ga.gov/Legislation/en-US/display/20112012/HB/1176>

²⁰<http://www.georgiacourts.org/index.php/aoc/court-services/accountability-courts>

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The implementation of accountability courts faces greater challenges than just money alone. It requires the commitment of a judicial circuit and the local government officials to put together a team and secure local funding and support. The Judicial Council and CJCC with the assistance of the District Court Administrators should consider developing a team of specialists in implementing accountability courts that could:

1. Identify circuits without accountability courts;

2. Provide encouragement to those circuits to establish a program and meet with local officials if needed; and

3. Support to help develop the local team, find funding, implement a program and begin operations.

More evaluation and study of accountability courts targeting domestic violence offenders should be completed to determine the effectiveness. If determined effective, the Judicial Council should consider a similar plan of implementation as with other accountability courts.

Recommendations: Technology

Technology

The courts are still a system that requires large resources of people – judges, court staff, lawyers, and the parties in each case - and time – for arguments and discussion and thoughtful deliberation. And those people generate a LOT of paper for their arguments, discussion and deliberation. The world is changing around us. Some days it feels as if technology is advancing faster and faster. Everything is going digital. That makes the courts a sort of anathema in the eyes of a technologically focused world. But how can a system that revolves around people, time and paper embrace a technological world? Only by understanding the role that the people, time and paper play in the system can technology be used to improve the efficiency of each of those elements..

"Technology is a powerful enabler that can empower courts to meet core purposes and responsibilities, even while severe economic pressures reduce court staff, reduce hours of operation, and even close court locations."

*Chris Crawford, deceased
Former President of Justice Served, an alliance of court management and justice experts*

Recommendation: Support the establishment of a statewide e-filing portal for electronic filing of civil case documents across all levels of courts

Discussion: Disputes in court require the exchange of information. The primary medium of that exchange has been paper. Georgia courts struggle to process, manage, and store countless court documents. With current technology, it is now possible to receive and store those documents digitally. But sorting documents digitally is

“The need for a state-wide e-filing and remote access system is paramount, especially in civil cases.”
- Survey Respondent

only the first step. Courts need to be able to accept

and eventually transmit and share documents electronically. With electronic filing (“e-filing”), storage expenses can decrease dramatically. Clerks that formerly spent time sorting and file-stamping documents can be assigned to more productive activities. Documents will no longer be damaged or lost. The public, lawyers, and judges can instantly access vital pleadings, accelerating the progress of litigation.

The federal courts, including the bankruptcy courts, district courts and courts of appeals, offer e-filing through a unified, nationwide system known as PACER²¹, and most of those courts require lawyers to file electronically. The Public Access to Court Electronic Records (PACER)

system currently has nearly one million users. A recent PACER survey shows that 90% of users were satisfied or highly satisfied with the system. Twenty-three states mandate e-filing to varying degrees.

Courts who have embraced e-filing have reported dramatic improvements in efficiency and decreased costs. Numerous court systems from Alabama²² to Iowa^{23 24} and Alaska²⁵ to Vermont²⁶ have developed or are developing systems. Georgia too could see benefits from e-filing including:

- Quicker access to e-filed documents;
- Increased efficiency for attorneys and litigants;
- Reduced printing and mailing costs for attorneys and litigants;
- Reduced storage costs for clerks since documents arrive in original format rather than scanned;
- Greater security of court documents in the event of disaster;
- More efficient use of court staff, as employees typically assigned to accept documents at the clerk’s office counter can be retrained for higher skilled positions; and
- Increased transparency and access to the courts.

²¹<http://www.pacer.gov>

²²<http://efile.alacourt.gov>

²³<http://www.iowacourts.gov/wfdata/files/StateofJudiciary/2012/EDMSInformation.pdf>

²⁴<https://www.iowacourts.state.ia.us/efile/>

²⁵<http://www.courts.alaska.gov/lynx/>

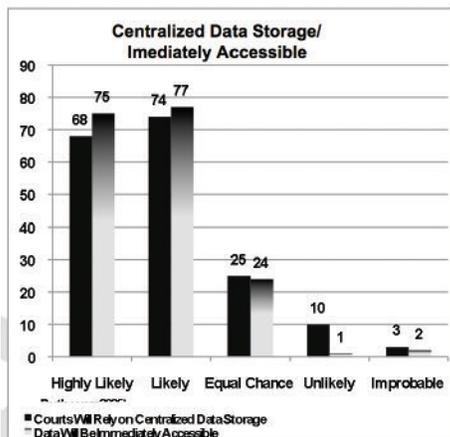
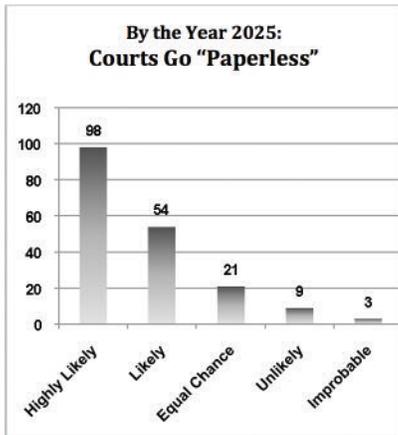
²⁶<https://efiling.eservices.crt.state.vt.us>

Recommendations: Technology

- Information can generally be found more quickly in an e-filed document because of the capacity to search for words and phrases. Documents can also be easily cross-referenced and hyperlinks can facilitate direct citation to other filings, legal databases, and exhibits.

All of this enhances the quality of the judicial process.

A recent national survey of court administrators conducted by members of the National Association for Court Management revealed some interesting trends. By 2025, the survey noted that many courts will be “paperless” and that court data will be more accessible.



Georgia should embrace e-filing in the courts. The Commission fully supports this effort and also notes the following:

- E-filing should be a statewide effort with each class of court setting its own standards and protocols with input from judges, clerks, attorneys and court administrators. An overarching governing group should be in place with broad representation to set overall standards and protocols.
- The courts should develop a uniform set of case initiation forms and information required for filing at the various levels of court and case type.
- Any e-filing system should use a uniform method of access and filing throughout the state. All courts should be accessible through one initial web site that directs users either through links or dropdown boxes to specific courts and counties.
- E-filing should be mandatory and eventually available in all levels of courts.
- Every attorney registered to practice law within the State of Georgia should be required to file and maintain an e-mail address to accept service of any electronic filing.
- Pro se* litigants who apply for a filing fee waiver should be not required to participate in e-filing unless an approved protocol is setup up to allow those filings at no cost to the user (i.e., receive a code from the clerk).

Recommendations: Technology

7. Appropriate enabling legislation should be in place to support a statewide e-filing system.
8. If a user fee is required, allowing for use by credit card, account billing and ACH should be in place and such fees should be reasonable and used only for the support and maintenance of the e-filing system and/or shared with the clerk's office where the filing is made.

Recommendation: Promote electronic access to civil and criminal court records across all levels of courts

Discussion: Digital storage of electronic documents provides litigants, courts, and the public the additional benefit of instant access to court papers anytime and anywhere. This creates greater transparency in the judicial system. This efficient access to documents is not present in traditional paper filing systems. Overall, this is beneficial to lawyers and court personnel because of the ability to access documents electronically without leaving their offices.

Some of the benefits of electronic access ("e-access") are:

- Elimination or reduction of many paper records in law firms and court storage facilities

- Immediate access to court records thereby reducing delay and waiting times
- Many documents may be in native digital format allowing for text to be searched electronically
- Access to court records promotes transparency

Electronic access to court records is more than just a convenience for attorneys and the press. The state government as well as local law enforcement agencies will benefit as well. Therefore, the Commission also supports the establishment of a statewide judicial data warehouse or clearinghouse system. Several years ago, Michigan began a statewide effort to share judicial information. Like Georgia, each of Michigan's 241 trial courts could use its own local case management system of which there were 29 at last count. It was difficult, if not nearly impossible, to know if a person had a case in more than one court without going to each court individually²⁷ that resulted in²⁸:

- Ability to obtain complete Michigan Judicial history on individuals in an efficient manner,
- Effective data sharing between other Michigan government agencies,
- Access to consistent data within one, statewide database with standardized court data,
- Complete picture of an individual's history with the Michigan Judicial system,

²⁷<http://courts.mi.gov/Administration/SCAO/OfficesPrograms/FOC/Documents/Pundits/2012%2001%20Pundit.pdf>

²⁸<http://www.entrepreneur.com/references/WebmichiganSCAO.html>

- Assistance with locating individuals for collection purposes and making more informed sentencing decisions,
- User-friendly applications for searching and querying data, and
- Statewide performance tracking in areas such as abuse and neglect cases and recidivism rates of drug court participants.

Statewide efforts such as these require support and cannot be successful with support from the state bar²⁹.

The federal judiciary too recognizes the benefits of data sharing. Recent efforts have identified:

- Reduced data entry costs
- Increase data consistency and reliability
- Improved data analysis for trends and decision making.

The federal judiciary has included data sharing along with many other technology improvements in its 2013 long range information technology plan.³⁰

The importance of transparency cannot be understated. Wider, more immediate access to court records assists journalists and advocacy groups as well as citizens. Many other states are much farther along with than Georgia in the race to make court records more accessible.³¹ This fosters public safety while increasing confidence in the government's actions. The courts exist to serve the community and are the custodians of

the records filed. Those records must be available to the community.

Recommendation: *Encourage the adoption of legislative and rule changes to ensure the protection of personally identifiable information found in court records*

Discussion: With the increase in electronic access to court records, personal information about parties in a case may be more readily available for identity thieves. The National Institute of Standards and Technology defines Personally Identifiable Information³² as: "any information about an individual maintained by an agency, including (1) any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records; and (2) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information."

With court records becoming more widely available in electronic format, the possibility for misuse of a person's information is increasing. In order to curb these problems, the legislature must enact statutes prohibiting the online publication of personally identifying information. These statutes, though, should place a burden on lawyers, and not the courts, to remove this information from court documents. Such legislation should help curb the amount of personal information on the Internet while holding attorneys

²⁹http://www.michbar.org/generalinfo/jcft_only/TechCrossroadsFullReport.pdf

³⁰<http://www.uscourts.gov/uscourts/FederalCourts/Publications/2013ITLongRangePlan.pdf>

³¹<http://www.rcfp.org/rcfp/orders/docs/EACR.pdf>

³²<http://csrc.nist.gov/publications/nistpubs/800-122/sp800-122.pdf>

Recommendations: Technology

responsible for safeguarding the interests of their own clients.

Several states, such as Massachusetts, already have legislation and adopted rules to help protect personal information. Georgia too has begun that practice but more is needed. Statutory guidelines should be construed to prevent the unnecessary inclusion of certain personal identifying data elements in publicly-accessible documents filed with or issued by the courts, in order to minimize the opportunity to use such documents for identity theft or other improper purposes.

Recommendation: Support the adoption of a web-based central registry of attorney conflicts and leaves of absence

Discussion: There is an often quoted saying that “justice delayed is justice denied”. While there are many causes for delay in the judicial process, the availability of the attorneys in a particular matter are crucial to that case moving forward. Likewise, if a case is scheduled before a judge

with a busy calendar; and if that case ends up not having its day in court due to the unavailability of one or more of the attorneys, that is an inefficient use of judicial resources. Another matter could have been scheduled instead.

“A state wide conflict / leave of absence system that is primarily electronic would be ideal so that attorneys, judges and clerks all have up to date information.”

- Survey Respondent

Attorneys are required to submit conflicts and leaves of absence to the courts.

And they do and sometimes at considerable time and expense if that attorney has a busy practice with many open cases. An attorney who wishes to go on a family vacation may have active cases in several dozen courts or counties. A centralized statewide registry of conflicts and leaves of absence would make this process more efficient by allowing the attorneys to submit their information once and have it instantly available to every court and to other attorneys.

Business Process Improvements

According to the Court Business Process Enhancement Guide produced by the National Center for State Courts and SEARCH³³, Business Process Improvement or Enhancement is defined as:

“The establishment of goals or expectations for one or more processes, analysis of how those processes are actually carried out in a court or any other organization, and adjustment of those processes if their results do not meet the goals or expectations. Process improvement and process reengineering refer to the scope of the process review, from process improvement of a specific function or activity to a fundamental restructuring or reengineering of a major function or system. . . . Process improvement is a disciplined approach to the simplification and streamlining of business processes, using measurements and controls to aid continuous improvement.”

The courts, like any good government function, must improve service delivery while reducing costs. To do this effectively, the courts cannot make such changes overnight. It takes a thoughtful and deliberate process involving planning and collaboration.

The Business Process Improvement Committee determined early on that it would focus on two major areas: Court Reporting and Court Interpreting. The committee reviewed information gathered and reports written by the Judicial

Council and Board of Court Reporting, the Commission on Interpreters and the Department of Justice. Additionally, questions pertaining to these two issues were included in the survey conducted by the Commission.

Of the responses received for the survey, the responses around the two major issues seem to be split. For instance, under the Business

"The courts recognize that things aren't going to get back to whatever 'normal' is and that there will be less revenue in the future, and they are preparing for that."

Daniel J. Hall, Vice President of the National Center for State Court's Denver, Colorado-based Court Consulting Services

Process Improvement section of the survey the rating for encouragement of a greater number of qualified interpreters, development of procedures to use technology for remote interpreting and expansion of services for Limited English Proficiency person were not seen as high priorities. Likewise, there was little interest or recognition of the need to review the practice of court reporting in terms of new technology. However, under technology, use of telephone and video technology to conduct certain court activities and give access to court interpreters was given a high ranking as was the use of electronic means to distribute and publish more court communications and implementation of electronic signatures for court documents. Use

³³<http://www.search.org/files/pdf/CourtBPEGuide.pdf>

Recommendations: Business Process

of technology in these areas would certainly open the way to use of technology for court interpreting as well as court reporting. Another closely aligned use of technology was an increase in the use of telephone and video technology for various in-court proceedings, including use of video conferencing for off-site live testimony. In other states this same technology is being used as the basis to provide remote interpreting, for both Limited English Proficiency (LEP) and hearing impaired, and court reporting services.

Also of interest to those surveyed was the provision of “funding for technologies in the courts comparable to those used in other governmental agencies and private businesses.” The private sector and other governmental entities have been using technology to record proceedings and to provide language and hearing impaired access. The development of these technologies gives us the opportunity to adapt them to court use.

Numerous business process improvement topics came up the survey. Caseflow, scheduling, training and many more issues were raised. Judicial leaders should make note of these and include them in their long-term planning for improvements.

Recommendation: Promote a uniform approach for the clerk of court to maintain all trial evidence, to mark and note all evidence during a trial and retain such evidence in compliance with appropriate retention schedules

Discussion: The clerk of court, whether in a municipal court or a superior court, is the custodian of the court’s records and is therefore responsible for their maintenance and storage. The maintenance of the trial record is an important part of the overall court record. In Georgia, while the ultimate responsibility for the record will lie with the clerk of court, court reporters and other court staff are often responsible for the interim record. That is, someone other than the clerk, usually a court reporter, will maintain the trial records until such time as the trial is completed and a transcript filed. There are, of course, some exceptions, when appeals are made, etc. but that is not of consequence here.

The Commission recommends that training be given to anyone who may play a role in handling trial evidence. As the clerks are the ultimate custodians, their councils would be the logical entity that should be responsible for developing a training process for those involved in the trial process. This training, whether in-person, web-based or even just a written guide, will promote both uniformity in the marking and maintenance of trial records but also outline expectations to ensure that trial records are maintained and preserved securely.

Recommendation: *Support the ability of clerks of court to charge administrative fees for copies as provided within their statute*

Discussion: The Commission fully supports the clerks of court and their ability per statute to charge and collect administrative fees for copies of court documents. As the custodians of the courts' records, clerks are often put in a difficult position between efficiency and costs. Clerks want to give copies of documents as quickly as possible while being mindful that the search, retrieval and printing/display of the document comes with a cost – a cost that often is not fully covered by the small fees charged. Further, the Commission supports sharing with the clerks any fees received from electronic access to court records.

Recommendation: *Encourage the Judicial Council and the Board of Court Reporting to collaborate with clerks of superior court and other courts of record when developing the rules and regulations to effect implementation*

Discussion: The Judicial Council of Georgia and the Board of Court Reporting of the Judicial Council are the bodies responsible for certification and licensing of court reporters; for setting rules and regulations for the practice of court reporting; and for setting the fees that may be charged for per diem and the preparation of transcripts. Over the past two years a committee of the Judicial Council has been reviewing the fee schedule, transcript production and busi-

ness process. At its meeting in April 2013, the Judicial Council adopted a set of recommendations for action by either the Board of Court Reporting or the Judicial Council itself.³⁴ Suggested time periods are included for meeting the demands of the recommendations with the exception of Recommendation 3.2.

Recommendation: *Encourage the adoption of appropriate technologies for court reporting and court interpreting to enhance business processes*

Discussion: The Commission on Interpreters (COI) has been very cognizant of issues surrounding court interpreters for the Limited English Proficiency population and the hearing impaired and the impact on access to our courts. The COI has adopted language in its rules governing the use of court interpreters to meet the standards set by the American Bar Association in 2011 and the requirements of the 1964 Civil Rights and subsequent acts to ensure equal access to the courts and that no group is discriminated against because of their inability to speak English well enough to understand court proceedings and their ramifications.

The COI is also working on a language access plan that may be adopted as part of the rules but may also be used as a template for each court to have and make known their language access plan.

³⁴<http://www.georgiacourts.org/index.php/judicial-council>

Recommendations: Business Process

Recommendation: *Promote increased availability of interpretation services including remote interpretation, translation of court forms, etc.*

Discussion: The Administrative Office of the Courts, the administrative arm of the Judicial Council, sought and received an appropriation to pilot a remote interpreting project to determine the feasibility of providing remote interpreting services. The premise of the project is that interpreting resources are found primarily in the metro Atlanta area and that remote interpreting would help minimize the cost to a court in a rural area by the provision of court interpreter services at a flat rate with no minimum guarantee and no travel associated with the services. The pilot was set up at two sites and limited to Spanish interpretation. Unfortunately, the sites chosen have not generated enough use of the service to allow a meaningful evaluation. One of the sites will be closed down and the

equipment moved to another site where it is anticipated there will be more use of the interpreters.

On the national front, remote interpreting and the technology for interpreting services has come to the forefront with the National Center for State Courts (NCSC), the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) developing standards for remote interpreting³⁵ and to provide technical assistance to states on these standards once developed³⁶. At the Court Technology Conference in September 2013, one of the six educational tracks will be devoted to the use technology for court interpreting and remote interpreting³⁷. Special attention should be given to what national experts and other state have done in this area. As appropriate, Georgia should develop and adopt standards for remote interpretation.

³⁵<http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-Access/LA-Summit/Program/-/media/Files/PDF/Conferences%20and%20Events/Language%20Access/Abstract-Remote%20Interpretation%20National%20Standards%20V3.ashx>

³⁶http://www.sji.gov/articles.php?pg=LEP_and_state_courts

³⁷<http://www.ctc2013.com>

Funding of the Courts

Money. It makes the wheels of government turn. Money keeps the doors to justice open. While the adage of “doing more with less” imparts both a duty and sense of professional accomplishment, we must be mindful that the courts are primarily people and that even automated processes cannot replace the human interaction that is inherent in the judicial process. Judicial leaders from around the country have been lamenting for several years now about the effects of budget cuts, furloughs, staff reductions and the like on the judicial system. Entire conferences and educational seminars have been dedicated to the topic and how to cope with reduced funding while streamlining business processes and procedures.

In 2011, retired Supreme Court Associate Justice Sandra Day O'Connor gathered with leaders of the American Bar Association and other judicial leaders to share thoughts on the crisis in court funding.³⁸ A few key items were noted:

- Courts must forge alliances with the Bar and legislature to be “true partners” in supporting the courts
- Reengineering court processes to be cost effective must be embraced
- Courts must still provide essential services regardless of a person’s ability to pay and some services cannot be compromised
- Outreach efforts about the role of the courts and the impact of reduced funding.

“Courts across the state have reduced spending, cut staff, and made reductions through temporary furloughs. Courts are different than public agencies. We can compromise on budgets, but we cannot compromise on justice.”

*Former Chief Justice Thomas J Moyer,
2009 Speech to the Ohio State Bar*

The American Bar Association’s Task Force on Preservation of the Justice System documented in their 2011 report “Crisis in the Courts”³⁹ the extent of judicial underfunding. That report noted four major harms created by the chronic underfunding:

1. *Adverse Impact on Public Safety* – delays in resolving criminal dockets results in jail and prison overcrowding or early release of violent offenders
2. *Adverse Impact on the Economy* – effects of delays outweigh cost savings from reduction.
3. *Adverse Impact on Those Who Need the Protection of the Courts* – divorce, custody, property and other cases become increasingly complex as everybody fights for the little dollars there are with more of those cases being pro se and taking more judicial time
4. *Adverse Impact on Our System of Government* – the judicial system is at the mercy of the executive and legislative branches for its support and funding thereby diluting its role as a co-equal branch of government⁴⁰

³⁸<http://www.abanow.org/2011/08/time-to-act-for-adequate-court-funding-is-now-say-oconnor-bar-leaders/>

³⁹http://www.micronomics.com/articles/aba_report_to_the_house_of_delegates.pdf

⁴⁰http://www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/Better-Courts/-/media/Microsites/Files/Future%20Trends%202012/PDFs/Crisis_Grossi.ashx

Recommendations: Funding

Recommendation: *Support an increase in state-based funding necessary to provide statewide court improvement programs in the future*

Discussion: While the Commission supports increased funding for the courts in general, it fully recognizes that the courts must be good stewards of the public's trust – both in terms of confidence and funding. We recognize that the courts may never return to funding levels of the past nor will they reach levels of adequacy.

The Commission does feel strongly that in order for the courts to be successful in their missions, there must investment. But like any investment, strategy must be involved. Funding must be made available for the courts to support initiatives that promote cost effective improvements. These include:

- Supporting educational and training programs that promote better efficiency and effectiveness of the courts, judges and court staff
- Supporting programs that can be evaluated for effectiveness or are evidence-based such as accountability courts, alternative dispute resolution, business courts and family-centered approaches (family courts, juvenile reforms, etc.), pro se programs, etc.
- Supporting the use of technology to improve efficiency of court processes, including the adoption of technology fees only if needed, dedicated to court technology initiatives

- Supporting business process improvements and enhancements based on sound principles and measures that may result in:
 - Eliminating functions and processes that are no longer necessary, have less priority or can no longer be afforded by the courts
 - Consolidating functions or removing redundancies to improve effectiveness

Recommendation: *Encourage legislative changes that allow for the currently established self-funded programs and user fees to actually be used for their intended purposes rather than simply going over into the general revenue funds of both state and local government*

Discussion: In Georgia there are numerous fees attached to case filings, criminal fines or as separate fees for service.⁴¹ These range from the Indigent Defense Application Fee (O.C.G.A. § 15-21A-6), Local Victims Assistance Program (O.C.G.A. § 15-21-130) and Crime Lab Fee (O.C.G.A. § 42-8-34) to charges for copies. Unfortunately, many of these functions ultimately receive far less than the funds actually collected as such funds are deposited in the state or local general funds. In tough economic times, those funds have been reallocated to other government priorities oftentimes putting some of those services and functions at risk. Statutory support for provision of funds for various court programs and services from user fees is inconsistent at best.

⁴¹http://www.georgiacourts.org/aoc/publications/courtfeesbook10_2004.pdf

Recommendations: Funding

Prime examples of self-funded court programs in Georgia are the Alternative Dispute Resolution programs, County Law Libraries and accountability courts. All of these have statutory authorization for their existence. But, whereas the ADR and law library programs have specific authorization under O.C.G.A. § 15-23-8 and O.C.G.A. § 36-15-5, respectively, and the fees collected to be deposited into a special fund for use only by those programs, no specific authorization exists for drug courts, mental health courts and other accountability courts. Many other court programs would benefit from statu-

tory preservation of their funds. Such programs may include city or county probation programs, technology and administrative fees that support court services, as well as a myriad of user fees for various clerk functions.

The Commission further recommends that any future user fees established for court services, such as those for an e-filing or e-access program or technology initiatives in general, be statutorily separated from the general funds so that the funds can only be used to support the program or services for which they are intended.

Conclusion

The Commission thanks all of its members for their hard work and dedication. The Commission recognizes that many reports such as this generate thoughtful discussion and debate and then the report gets put on a shelf to gather dust. Where we hope to be different is that we intend to leverage the discussion generated into verifiable action. The Commission and its members cannot act alone. Rather, due to the diversity of the membership of the Commission, we will be encouraging our members to take this report back to their courts, councils, committees, legislatures, etc. in an effort to promote turning this recommendations into realities.

The Commission will work with the legislative team of the Judicial Council along with the State Bar to review any necessary legislative changes highlighted by these recommendations. The Commission is reviewing the need to develop an action plan to outline steps necessary to implement these recommendations.

Finally, the Commission recognizes that the future can be uncertain and many factors can change the outlook and the future of the courts in Georgia. Nonetheless, we hope that Georgia will not only be prepared for the next 15 years but take its place as the leader in judicial reform and best practices.



Next Generation Courts Commission

The future has yet to be decided...

November 16, 2012

Dear Judicial Stakeholder,

We are joining together to encourage you to complete the attached survey to ensure you have a voice in the future of our courts. The survey will take no more than 15 minutes of your time to complete. As a stakeholder in the judicial system here in Georgia, we are confident that you are concerned about the future of the courts. Consequently, we ask that you join us in developing a plan for the future of **our** courts!

Last year, as a partnership between the Judicial Branch and the State Bar, we collectively created the Next Generation Courts Commission (“NGCC”). This Commission is tasked with considering what the court system might look like in 20 years and developing a strategy for how to get from here to there. The topics we hope to cover include e-filing, court structure, technology, funding, caseload management, public outreach and judicial selection.

The Commission has developed a survey to solicit input about how to improve the courts. We hope to hear from a wide variety of respondents in an effort to capture the breadth of issues facing the courts. We plan to use the results of the survey to help prioritize the Commission’s discussions and to make recommendations to the State Bar and the Supreme Court.

We need your input to help guide us! We ask that you share this letter and the survey with your colleagues or members of your organization as well as anyone else who may be interested in the future of the courts. We encourage you to complete the survey by December 31st online at:

<http://www.surveymonkey.com/s/NGCC>

Your response and time is greatly appreciated. Thank you for your participation!

Sincerely,

Hon. Carol W. Hunstein
Chief Justice
Supreme Court of Georgia

Robin Frazer Clark
President
State Bar of Georgia

Hon. Lawton E. Stephens
Chair, NGCC
Chief Judge, Western Circuit

The following are the questions and scenarios presented in the statewide survey.

Please rate the following statements as they relate to efforts aimed at improving the educational opportunities for the judiciary and for communicating the role of the courts to the public.

- Centralize training for judges, prosecutors, and other court-related staff so that all training for the judicial system and its justice system partners are managed through one entity.
- Assist courts with answers to public inquiries about cases and court processes by expanding the use of court based kiosks and web based information systems.
- Post public record documents on accessible court websites.
- Provide education and assistance to the judiciary and the courts on appropriate use of social media such as Facebook, Twitter, blogs, etc.
- Provide training on ethics and related issues to the judiciary and staff
- Provide judges, especially chief judges, regular training in management and administration
- Expand use of distance learning (webinars, videos, etc.) to provide additional training options
- Provide more specialized training for the judiciary in advanced topics such as the sciences, taxation, etc.
- Provide more information for the public on court activities, proceedings, etc. on court websites

Please rate the following statements as they relate to the use and expansion of court related programs.

- Enhance the availability and use of Alternative Dispute Resolution (ADR) including: mandatory ADR in certain case types, prior to moving to trial, as well as greater availability of ADR in cases where it is not mandatory.
- Permit trained paralegals and other nonattorneys to assist self represented litigants with certain limited case types or court actions without being engaged in the unauthorized practice of law.
- Increase court-provided assistance to self represented litigants (in person by court staff or by computers at the courthouse, through the Internet, Help Centers, etc.).
- Expand the use of accountability and problem solving courts (i.e., drug courts, mental health courts, DUI courts, domestic violence courts) around the state, especially in areas where no programs exist.
- Expand the use of Guardians Ad Litem, CASAs, etc. to protect the welfare of children, the elderly and those with mental deficiencies involved in the court process
- Expand the availability and use of Family Law Information Centers that assist self represented parties and low income families with various legal needs
- Explore the role of the court system in minimizing domestic violence (i.e., Temporary Protection Order matters, firearms possession, divorce and family law cases, juvenile delinquency and deprivation cases, etc.)
- Develop a strategy for addressing the needs of the elderly (access to the courts, elder abuse, fraud, nursing home abuse, etc.)

Please rate the following statements as they relate to the possible use of technology in the courts.

- Transition to increased digital recording (recording court proceedings rather than have the record created by a stenographic or voice writer court reporter).
- Move toward Efiling and E service for all civil cases
- Move toward Efiling for Criminal and other non-civil cases
- Move toward remote public "eaccess" to Civil case orders and filings
- Move toward remote public "eaccess" to Criminal and other noncivil case orders and filings
- Allow for electronic payments in all transactions: fines, fees, restitution, and initiating a civil case.
- Increase use of telephone and video technology for activities such as courtto court conferences, access to certified court interpreters, and mediations.
- Use electronic means to distribute or publish more communications such as court dockets and schedules, notices to jurors, and announcements of special court activities.
- Fully implement electronic signatures for court documents as permitted in the Georgia Electronic Records and Signatures Act.
- Maximize use of the Internet for jury activities (e.g., orientation, juror questionnaires, and payments to jurors).
- Use Internet court forms whenever possible, particularly in areas with a high number of self represented litigants.
- Increase use of telephone and video technology for various in court proceedings, including use of video conferencing for offsite live testimony.
- Require attorneys to maintain email addresses for notification by the courts.

Please rate the following statements as they relate to business process improvements in the courts.

- Make process, rule and statute changes as needed so that traffic violations can be handled as petty offenses, civil or administrative proceedings.
- Create uniformity across ALL courts in terms of how self represented litigants access the courts including the availability and use of forms, interpreter services, access to counsel, etc.
- Examine statewide court administration organization, practices, and resources to ensure accountability, transparency, and customer focused service delivery.
- Encourage greater number and availability of qualified interpreters for Spanish and other languages
- Develop procedures for the use of remote interpretation by qualified interpreters for persons with Limited English Proficiency to have meaningful access to the courts
- Expand services provided to persons with Limited English Proficiency so as to have meaningful access to all court services, including language access services, provided by the court.
- Adopt commonly accepted time standards for cases in Georgia (time to disposition, etc.) such as those adopted by the American Bar Association and Conference of State Court Administrators.
- Improve security in courthouse and judicial complexes to ensure that they meet minimum safety standards.
- Review the use of court reporters and the methods for producing a true and accurate record of court and for producing an accurate and timely transcript of court proceedings in the digital age.
- Adopt statewide reporting and accountability for various benchmarks of performance based on systems like CourTools (case aging, pending caseload, etc.).
- Develop case assignment tracks to separate routine cases from complex cases to speed disposition (sometimes called differentiated case management).

Please rate the following statements as they relate to opportunities to improve funding for the courts.

- Improve collections of fines and fees in courts by changing existing assessment and collection processes, perhaps including regional or centralized collections
- Encourage the court system to make budget requests based solely upon demonstrated need supported by appropriate business justification, including the use of workload assessment models and the application of appropriate performance measures
- Allow the court system to have the authority to allocate resources with a minimum of legislative and executive branch controls including budgets that have a minimal number of line items
- Fund the courts so that cases can be resolved in accordance with recognized time standards by judges and court staff functioning in accordance with adopted workload standards
- Establish additional revenue generating fees for civil cases
- Establish additional revenue generating fees for criminal and other non civil cases
- Ensure that courts have facilities that are safe, secure and accessible and which are designed, built and maintained according to adopted courthouse facilities guidelines
- Pay judges in all courts an equitable pay scale sufficient to attract and retain highly qualified and competent judicial officers
- Provide funding for technologies in the courts comparable to those used in other governmental agencies and private businesses
- Encourage courts in funding the implementation and administration of remote e filing and public e-access that charge minimal, cost based user fees for Civil cases
- Encourage courts in funding the implementation and administration of remote e filing and public e-access that charge minimal, cost based user fees for Criminal and other nonCivil cases
- Ensure that courts are funded at a level that allows their core dispute resolution functions to be resolved by using the least costly and most effective method applying the appropriate dispositional alternative
- Promote a funding system in which fees are secondary to the local or state general funds as a means of producing revenue for the courts and that the level of fees does not deny reasonable access to dispute resolution services provided by the courts
- Require that the state, rather than the counties, provide more of the cost of continuing education for the judges of ALL levels of courts



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Immigration and the State Courts Initiative Human Trafficking and the State Courts Collaborative September 2013

The Center for Public Policy Studies (CPPS) continues its work with the Georgia courts through the Immigration and the State Courts Initiative and the newly-launched Human Trafficking and the State Courts Collaborative. As reported at the April 2013 Judicial Council meeting, additional training seminars were scheduled for the remainder of the year and a site visit was pending.

From April 17th through 19th, Drs. John Martin and Steven Weller visited Georgia to begin discussions on human trafficking, foster more discussion on the State Court Records Project, and continue judicial training efforts:

- A diverse group of representatives from executive branch agencies, policy and advocacy organizations, and legal services providers attended the “kickoff meeting” for the Human Trafficking and the State Courts Collaborative at the AOC on April 17. The goal of this initial meeting was to bring stakeholders together to frame the scope of human trafficking issues related to Georgia’s courts.
- Meetings with representatives from the USCIS Atlanta Field Office and clerks from each class of trial court sought to narrow the scope of challenges faced by each group when requesting and fulfilling state court records requests, as required by applications for naturalization.
- A one and a half hour training session was presented to the Council of Probate Court Judges Traffic Seminar.

Drs. Martin and Weller returned to Georgia the next month to present a one and a half hour training session to the Council of Juvenile Court Judges on May 6. An additional follow-up visit was made June 18th through 20th to hold focused meetings for the Collaborative with judges and prosecutors, and to present a training session to the Council of Municipal Court Judges on June 20th.

Ms. Marla Moore was invited by CPPS to present details of the Collaborative and share her perspective on the work being done in Georgia in a session at the National Association for Court Management’s Annual Meeting in San Antonio, Texas on July 15th.

Using the information gathered from the first two meetings for the Collaborative, a project plan is being developed, to include building understanding and awareness of the scope of the challenges Georgia’s courts face with human trafficking, training seminars for judges and other justice system personnel, and best practice materials. Work on the Collaborative is expected to continue through 2014.

The final judicial training session for the Immigration and the State Courts Initiative will be delivered to the Council of Magistrate Court Judges on October 7th; this will bring the Initiative's work to a close in Georgia. The State Court Records Project will continue and, though conducted as a separate project, will support the strategic goals of the Immigration and the State Courts Initiative. A final report on the Initiative's two-year work in Georgia will be submitted following the project's conclusion.

Reports from the April and June site visits are attached for your reference. Please contact Tracy Mason or Erin Oakley at (404) 656-5171 if you would like additional information about these projects.

**Human Trafficking and the State Courts Collaborative, Georgia Pilot Site
April 17, 2013 Meeting Summary**

**Steven Weller and John A. Martin
May 16, 2013**

This memorandum summarizes the discussions at the first meeting of the Georgia Human Trafficking and the State Courts project, held on April 17, 2013. The State of Georgia is serving as a pilot site for a national Human Trafficking and the State Courts Collaborative, directed by the Center for Public Policy Studies (CPPS), in collaboration with the Center for Court Innovation (CCI) and the National Judicial College (NJC). The work of the Collaborative is focused on four strategic priorities:

- Increasing understanding and awareness about the challenges faced by state courts in dealing with cases involving trafficking victims and their families, and traffickers;
- Developing and testing state and local approaches for assessing and addressing the impact of human trafficking victims and defendants in the state courts;
- Enhancing state and local court capacity to improve court services affected by human trafficking related case processing demands; and
- Building effective national, state, and local partnerships for addressing the impacts of human trafficking case processing in the state courts.

The purpose of the project pilot sites is to develop and test replicable approaches to providing technical assistance in local court jurisdictions for addressing the challenges courts face in cases involving human trafficking.

Attendees

The attendees at the initial meeting included representatives from the following agencies and organizations.

Policy & Advocacy Programs	Executive Agencies	Courts/Legal
<ul style="list-style-type: none"> • Georgia Coalition Against Domestic Violence • Georgia Women for a Change • StreetGRACE • Georgia Asylum Network • Barton Child Law & Policy Center 	<ul style="list-style-type: none"> • Georgia Department of Juvenile Justice • Georgia Governor's Office for Children and Families • Georgia Criminal Justice Coordinating Council • Georgia Commission on Family Violence 	<ul style="list-style-type: none"> • Georgia Legal Services Program • Georgia Administrative Office of the Courts • Georgia Public Defenders Standards Council • Atlanta Legal Aid Society • Judge, Superior Court, Atlanta Judicial Circuit • District Court Administrator

There was one judge in attendance, but had given advance notice of a scheduling conflict and was able to participate for only the last part of the meeting. A meeting with judges was planned for the next site visit, and is detailed at the end of this report.

Summary of Issues Raised and Topics That Need To Be Addressed

The refugee community is a source of trafficking. Providers have observed that victims are reluctant to come forward and speak out against their community. The victims are primarily adult women. Both sex and labor trafficking occur, with sex trafficking being mostly family-based, while labor trafficking is more organized. There is a lack of services available in the refugee communities.

While Georgia has specific legislation aimed at the crime of human trafficking, cases that could be prosecuted under those statutes are often prosecuted under other statutes that carry similar penalties but are easier to prove. Statutes other than criminal human trafficking that may be used to prosecute traffickers include the following, among others:

- Enticing a child for indecent purposes;
- Battery; and
- Pandering.

One issue that complicates the task of identifying and assisting victims of human trafficking is that trafficking victims are often led by their traffickers into the commission of other crimes. Crimes commonly committed by human trafficking victims as a result of their victimization include:

- Prostitution;
- Shoplifting;
- Loitering; and
- Criminal trespass.

Both adult and juvenile victims of human trafficking may become involved with the justice system as criminal defendants, and each presents different issues and problems for the justice system. Some specific issues that arise with regard to adult offenders who are victims include:

- An adult trafficking victim may have grown up with her pimp, and therefore may be reluctant to speak against him.
- There are fewer services available for adult victims than for juveniles.

Some specific issues with regard to juvenile offenders who are victims include:

- It may take a conviction of a crime to be able to connect a victim with services.
- The victim may become a trafficker by recruiting for his/her trafficker.
- Service providers may lack the resources to sufficiently research and identify potential victims.
- The age of adult responsibility for criminal charges is 17 in Georgia.

Some of the major sources of recruitment of juvenile human trafficking victims include high schools, juvenile residential facilities, and juvenile detention facilities.

There is mandated reporting of suspected abuse or victimization of children, but there are some limiting factors regarding the effectiveness of reporting. In large organizations such as schools, Georgia law mandates the reporting of suspected victimization to system administration. Reporting to the Georgia Department of Family and Children Services (DFCS) is intended to prompt a non-law enforcement response. Further, non-family cases fall outside the jurisdiction of DFCS, so trafficking by a non-family member may not be within their authority.

The participants at the meeting raised the following issues regarding trafficking victims in court and the role of the judge. Keep in mind that the one judge at the meeting came just at the end and did not hear most of these comments.

- The victim may be trying to protect the trafficker.
- Juries should receive education on the dynamics of trafficking.
- The trafficker may convince the victim that the courts won't protect her.
- Child victims may need to testify without the trafficker present.
- Prosecution can take up to three years, with both the victim and the trafficker out in the community, so the justice system should provide for separation and protection of the victim from the trafficker.
- The judge may need additional time to assess possible trafficking problems.
- The judge is leader of the justice system and knows the culture of the justice system in their communities.
- Trafficking issues can appear in all levels of courts, including Superior Courts, State Courts, Magistrate Courts, Probate Courts, Juvenile Courts, and Municipal Courts.
- Limited English Proficiency (LEP) issues can be important.

The following are additional issues raised at the meeting.

- The Family Violence Act should be expanded to include trafficking cases.
- Addressing the demand, including penalties for johns, is one approach to combatting human trafficking,

- More attention needs to be paid to VAWA confidentiality and its effect on attempted discovery by defendants in DV cases of T visa and U visa affidavits filed by victims of domestic violence

Desired Outcomes of the Project

The participants raised the following as the desired outcomes of the project:

- Increase awareness of human trafficking across the justice system;
- Develop protocols on how to identify trafficking victims;
- Develop best practices for judges on how to handle trafficking victims in court, including determining the appropriate roles of the judge and providing for the safety of the victims; and
- Identify and develop services for trafficking victims.

Who Else Needs To Be Involved

The participants listed the following agencies and individuals whose involvement would be important to the success of the project.

- Judges;
- Prosecutors and Victim/Witness Assistance Programs;
- Georgia Department of Labor;
- U.S. Attorney
- Office of the Attorney General of Georgia
- Georgia Bureau of Investigation (GBI);
- Law Enforcement;
- Hospitals;
- Schools;
- The LGBT community; and
- Shelters (homeless, domestic violence, youth).

Next Steps

Next meetings

- June 18th. It is critical that the next meeting of the project, which will be held on June 18th, be directed at judges and prosecutors. We propose a morning session for judges and an afternoon session for prosecutors. Agendas will include:
 - For the judges: ability to ID possible trafficking victims; scope of authority to deal with trafficking victims; what can a judge do *sua sponte*; judicial

- neutrality; assuring victim safety, role of judge as facilitator and agent of change in the justice system
- For the prosecutors: identifying trafficking victims; identifying and determining charges for offenders who may have been coerced to commit crimes for a trafficker; assisting crime victims where trafficking may be involved but not charged.
- Following the June 18th meetings, we will schedule a meeting with the entire group, including participants from the April 17th meeting, the judges' meeting, and the prosecutors' meeting, with the agenda to be determined after judges' and prosecutors' meetings. We need to determine what additional jurisdictions should be invited to attend to ensure that we address labor and sex trafficking within all regions of the state.
- The Georgia AOC is investigating the possibility of holding a summit next summer on access issues facing the judiciary, to include the topic of human trafficking.

Other tasks

- Collect screening tools for identifying human trafficking victims used by law enforcement, human service agencies, legal service organizations, and other justice system agencies that might have contact with victims.
- Create a map of how victims of human trafficking enter and move through the justice system and appear in the courts.
- Collect any protocols for assisting human trafficking victims, including from DFCS, prosecutors, and law enforcement.
- Compile all state statutes with significance for human trafficking, including statutes directed at:
 - Prosecuting traffickers;
 - Victim protection;
 - Rights of victims charged as offenders;
 - Mandated reporting – abuse, sexual exploitation; and
 - Special protections for juveniles.
- Identify the role of DFCS in labor trafficking and non-family member trafficking.

Human Trafficking and the State Courts Collaborative, Georgia Pilot Site June 18, 2013 Meeting Summaries

**Steven Weller and John A. Martin
July 17, 2013**

This memorandum summarizes the themes raised at meetings of judges and prosecutors held on June 18, 2013 to discuss the scope of human trafficking issues in the Georgia courts. These meetings, in addition to a meeting of service providers, policy and advocacy program leaders, executive branch agency personnel and legal service providers held on April 17, 2013, serve as the initial meetings of the Georgia Human Trafficking and the State Courts project. The discussion at the April 17 meeting was summarized in a separate memorandum.

The State of Georgia is serving as a pilot site for a national Human Trafficking and the State Courts Collaborative, directed by the Center for Public Policy Studies (CPPS), in collaboration with the Center for Court Innovation (CCI) and the National Judicial College (NJC). The work of the Collaborative is focused on four strategic priorities:

- Increasing understanding and awareness about the challenges faced by state courts in dealing with cases involving trafficking victims and their families, and traffickers;
- Developing and testing state and local approaches for assessing and addressing the impact of human trafficking victims and defendants in the state courts;
- Enhancing state and local court capacity to improve court services affected by human trafficking related case processing demands; and
- Building effective national, state, and local partnerships for addressing the impacts of human trafficking case processing in the state courts.

The purpose of the project pilot sites is to develop and test replicable approaches to providing technical assistance in local court jurisdictions for addressing the challenges courts face in cases involving human trafficking.

Summary of Issues Raised by Judges and Prosecutors

Prosecuting Human Traffickers

There is a perception among some prosecutors that the definition of human trafficking in Georgia's criminal statutes is both broad and vague enough to make it difficult to get a conviction. It is relatively easy to get a charge dismissed. As a result, there is a tendency to prosecute the underlying crime and not confuse it with overlying issues such as trafficking. Still, some prosecutors indicate that they find combining a human trafficking charge with other, more conventional charges where appropriate provides a useful tool to open up admission of additional evidence.

In cases where the trafficking involves organized crime, there may be coordination with federal prosecutors so that the trafficking is charged in federal court while the underlying state crime, such as domestic violence, abuse, or prostitution, is charged in state court.

Prosecuting trafficking cases may be complicated by the fact that trafficking victims are often not sympathetic witnesses. They may also feel either a connection to or a fear of the trafficker and thus become uncooperative.

Where a case involves labor trafficking rather than sex trafficking, the trafficking statutes may be the only option for prosecuting the traffickers, as the enterprise may not be breaking any other laws.

Issues in Identifying and Handling Trafficking Victims

Law enforcement officers would benefit from training on how to identify a person in a police report as a victim as opposed to a co-conspirator.

Judges and prosecutors in misdemeanor courts would benefit from training on how to identify and handle cases where a person charged with an adult crime is a prior victim of human trafficking, particularly with regard to possible dismissal of prostitution charges.

Where a case involving possible human trafficking is not prosecuted as a human trafficking crime, it is difficult to identify the victim as a human trafficking victim. Not identifying these cases as trafficking cases also makes it difficult to obtain accurate data on the number of human trafficking victims. It may be possible to add a trafficking “tag” to a case file to help create a data field for counting cases, but that poses additional problems. How the determination is made when to add the tag can be problematical. Further, the labeling may complicate matters for prosecutors by opening them up to criticism for not prosecuting individual cases under the trafficking statutes.

Juvenile Issues

For juvenile delinquency cases, the case is adjudicated in the county where the crime was committed but the disposition is determined in the county where the juvenile lives. As a result, there is a need for cross-jurisdictional coordination to ensure that human trafficking victims are identified and provided appropriate services. State services may be available for juveniles prosecuted in one county and sent to another for supervision and services.

Georgia’s new juvenile code will take effect on January 1, 2014. Included in the code is a new Child in Need of Services (CHINS) statute, which provides that runaways and other status offenders cannot be held in detention. These juveniles are highly

vulnerable to victimization by traffickers. They often end up homeless and turn into serial runaways. Prosecuting the juvenile for a criminal charge such as prostitution may be the only way to get such a juvenile into detention, but this can lead to undesired collateral consequences, especially for immigrants. New legislation may be desirable to provide judges with the authority to put a human trafficking victim into a residential facility.

Juvenile trafficking victims can be difficult for the courts to handle. They may be uncooperative and unruly, making them poor candidates for foster care. Further, they may make unsympathetic witnesses, complicating the difficulties in prosecuting the traffickers.

Issues in Coordinating Cases in Multiple Courts

A defense attorney in an adult felony or misdemeanor criminal case may want to delay a related dependency case in juvenile court pending completion of the criminal case. A new Georgia statute provides that the dependency case may not be delayed in those circumstances.

Ethical Issues for Judges

Judges are concerned about acting as an advocate for a human trafficking victim in the context of a criminal prosecution without compromising their neutrality. In juvenile cases all juveniles have an attorney appointed, and a Guardian ad litem (GAL) may intervene to protect a victim.

Services for Human Trafficking Victims

For adult human trafficking victims, the victim advocates (Victim Witness Assistance Program) attached to the District Attorney's offices handle T and U visas and other victim services. Juvenile victims may be better handled through state level services.

Desired Outcomes of the Project

The participants raised the following as the desired outcomes of the project:

- Increase awareness and understanding of human trafficking across the justice system;
- Develop protocols on how to identify trafficking victims;
- Develop best practices for judges on how to handle trafficking victims in court, including determining the appropriate roles of the judge and providing for the safety of the victims; and
- Identify and develop services for trafficking victims.

Who Else Needs To Be Involved

The participants listed the following agencies and individuals whose involvement would be important to the success of the project.

- Office of the Governor,
- Georgia Secretary of State's Professional Licensing Boards Division
- Georgia Bureau of Investigation,
- Georgia General Assembly,
- Georgia Department of Education,
- Georgia Chamber of Commerce (particularly with regard to the agriculture industry),
- Georgia Department of Human Services, Division of Family and Children Services,
- Atlanta Convention and Visitors Bureau (with regard to the hospitality industry, the adult entertainment industry, and conventions),
- District Attorney offices,
- State and private probation providers,
- Behavioral and Mental Health providers,
- Private service providers, including Georgia Care, Lutheran Services, Catholic Charities, Raksha, Wellspring Living, Street Grace, WinShape Foundation,
- United States Attorney, Northern District of Georgia,
- United States Immigration and Customs Enforcement,
- United States Citizenship and Immigration Services,
- Hospitals,
- The business community,
- Georgia State University, College of Law
- Atlanta Community Court,
- Sandy Springs Police Department,
- Courts in the rural areas of Georgia, and
- Homeless shelters,

Next Steps

Next meetings

- Following the June 18th meetings, we will schedule a meeting with the entire group, including participants from the April 17th meeting, the judges' meeting, and the prosecutors' meeting, with the agenda to be determined after judges' and prosecutors' meetings. We need to determine what additional jurisdictions should be invited to attend to ensure that we address labor and sex trafficking within all regions of the state.

- The Georgia AOC is investigating the possibility of holding a summit next summer on access issues facing the judiciary, to include the topic of human trafficking.

Other tasks to be undertaken

- Create an understanding and awareness of the scope of the problem.
- Conduct training seminars for judges and other justice system personnel on a variety of issues, including identifying victims, the uses of T and U visas, and available services for victims.
- Create best practice materials, including assessment tools and forensic interviewing tools.
- Develop collaboration among private and public service providers.
- Compile a resource inventory of who is doing what in Georgia with regard to prosecuting traffickers and identifying and assisting trafficking victims.
- Create a statewide pamphlet on the rights of human trafficking victims.
- Develop approaches to reducing the demand side of human trafficking, including a focus on johns and businesses that make use of trafficked labor.
- Explore establishing a specialty court to deal with sex trafficking victims.

Enhancing Court Records Exchange Between State Courts and the United States Citizenship and Immigration Services: Modeling a Collaborative Approach to State Court/Federal Agency Records Exchange

USCIS Atlanta Field Office Project Site: Issue Summary and Next Steps

Steven Weller and John A. Martin
April 30, 2013

The Center For Public Policy Studies (CPPS) has received funding from the State Justice Institute to work with the Iowa and Georgia State Courts and the United States Citizenship and Immigration Services (USCIS) to: (1) enhance state court capacity to efficiently, securely, and effectively exchange records with USCIS, (2) increase ease of access to state court records by self-represented immigrant court users, (3) build effective partnerships between the state courts and USCIS in Georgia and Iowa, and (4) create a model approach and tools for effective state court/federal agency records exchange that can be used across the nation. The products resulting from project will include nationally applicable: (1) model state court/USCIS records exchange planning and technical assistance approaches, (2) best practice materials, and (3) records exchange training curricula and materials that have been tested in Iowa and Georgia.

In Georgia, CPPS is working with the USCIS Atlanta Field Office and the Georgia court clerks to undertake the following four tasks to address the challenges of effective records exchange: (1) form and facilitate a State Court/USCIS records exchange development and implementation team, (2) assess the needs for court records by USCIS, the availability of those records from the Superior, State, Magistrate, Juvenile, Probate, and Municipal Courts in Georgia, and how they are exchanged, (3) document and institutionalize records exchange and use best practices, and (4) develop training materials and train Georgia state court and USCIS personnel.

As an initial step in the project, CPPS conducted separate meetings with USCIS officials and Georgia court clerks on April 18, 2013 to discuss USCIS requests for Georgia court records in determining eligibility for immigration benefits granted by USCIS, including eligibility for naturalization, adjustment of status to lawful permanent resident, special immigrant juvenile status, T visas, U visas, VAWA self-petitioner, and other immigration benefits. USCIS routinely requests applicants for benefits to provide court records relating to state court cases in which they have been involved. This memorandum summarizes the issues raised in those meetings.

USCIS Court Records Needs

The following table summarizes the major eligibility criteria for different immigration benefits that may require reference to state court records.

Benefit	Eligibility Requirements Related to Court Records
Naturalization	<ul style="list-style-type: none"> • Good moral character
Adjustment of Status to Lawful Permanent Resident (LPR)	<ul style="list-style-type: none"> • Admissibility
Adjustment to LPR from Conditional Permanent Resident	<ul style="list-style-type: none"> • Legitimacy of marriage • Admissibility
T Visa	<ul style="list-style-type: none"> • Severe form of trafficking • Good moral character • Admissibility to adjust to LPR status
VAWA Self-Petitioner	<ul style="list-style-type: none"> • Abuse (battery or extreme cruelty) • Good moral character • Admissibility to adjust to LPR status
U Visa	<ul style="list-style-type: none"> • Certification • Admissibility to adjust to LPR status
Special Immigrant Juvenile	<ul style="list-style-type: none"> • Required court findings • Age • Admissibility to adjust to LPR status
Cancellation of Removal	<ul style="list-style-type: none"> • Good moral character • Admissibility
Deferred Action for Childhood Arrivals	<ul style="list-style-type: none"> • Not convicted of certain offenses

Those eligibility requirements translate into the following needs for criminal, juvenile, and family court records.

Uses of Criminal Records

Both good moral character and admissibility can be affected by convictions for a wide variety of criminal offenses. For naturalization USCIS can look at any arrest over the lifetime of the applicant. As a result, USCIS requires all applicants for immigration benefits to declare all arrests over their lifetime, including every citation and release, and provide court records detailing the following information regarding each arrest:

- What crime was the applicant charged with?
- What was the outcome of the case?
- If there was a conviction, what was the sentence?
- Did the applicant complete the sentence?

If the court is unable to provide any of the above listed items for any reasons, the applicant is required to submit a letter of explanation printed on court letterhead with an original signature.

In Georgia, the primary state court criminal records that USCIS depends on to address the above questions include the following:

Information	Source in Georgia Court Records
Crime the applicant was charged with	<ul style="list-style-type: none"> • The Indictment • The Disposition • Police records for drug amount
Outcome of the case	<ul style="list-style-type: none"> • The Disposition • Modification orders • Clarifications
Sentence, if there was a conviction	<ul style="list-style-type: none"> • Disposition
Completion of the sentence	<ul style="list-style-type: none"> • The Disposition • Probation records, public or private • Diversion records • Rehabilitation records, including drug court

USCIS requires that applicants for benefits provide certified copies of all court records necessary for the review of the application and the determination of eligibility but will accept substitutes for certification in some circumstances.

- Some counties in Georgia don't have a seal and thus cannot provide formal certified copies with a raised seal. The Atlanta Field Office USCIS would like a list of which counties do not have a seal.
- With regard to probation records, a signature from a probation officer is all that is required if the office has no method for formal certification.

Analysis of Criminal Convictions

With regard to determining whether a conviction is for an immigration-related offense, the first step in the analysis is the categorical approach. The adjudicator looks at the statute on which the conviction is based to determine if a conviction under the statute on its face and without reference to any additional facts contains the elements required to make the person who is convicted subject to consequences under Federal immigration law. If the offense as defined by the statute could include both crimes that carry immigration consequences and crimes that do not, a modified categorical approach may be employed. This permits the adjudicator to look at the record of conviction and other records admissible to prove a criminal conviction to determine whether the elements of the offense for which the defendant was convicted constitute an immigration-related

offense under federal immigration law. With regard to applications for immigration benefits, this means that the USCIS hearing officer may consider evidence that shows what elements of the crime were necessarily found to be present by the criminal court to reach the conviction, in order to determine whether the conviction meets the required elements under Federal immigration law.

- The USCIS hearing officer will first look at the statute cited in the Indictment and Disposition.
- The USCIS attorneys then conduct their own research, including:
 - Obtaining the statutes cited in the Disposition;
 - Researching the maximum sentence; and
 - Researching elements of the crimes covered by the statute.
- If any further details are needed, USCIS relies on its own resources (i.e. counsel) and does not send applicant back to the court. USCIS also reaches out to courts via telephone.

For certain crimes, an admission under oath to having committed acts constituting the essential elements of a crime can also affect eligibility for benefits. The admission can be made to a USCIS hearing officer, as the applicant is under oath for the purposes of the hearing.

Uses of Family and Juvenile Court Records by USCIS

State court juvenile and family court records routinely are needed to document the relationships among immigrant family members, including relationships that can have significant immigration status consequences. Often, critical information for determining immigration status can only be found in state court records, especially divorce, parentage, child protection, and child custody and support records.

Uses of Family Court Records (can be signed by the clerk rather than certified)

- The following records might be consulted to establish validity of a marriage:
 - Marriage certificates;
 - Divorce orders;
 - Settlement agreements; and
 - Child support orders.
- The following records might be used to establish victimization for VAWA petitions (applicants will request from court):
 - Protection orders;
 - Domestic violence charges against spouse;

- Allegations in divorce petitions; and
- Police reports.

Uses of Juvenile Court Records

- USCIS may look at juvenile rap sheets for arrests.
- USCIS hasn't had any trouble obtaining juvenile court records, when needed.
- Requests for juvenile court records are rare.

Consideration of Special Immigrant Juvenile Applications

- If the court order does not have the correct language to reflect the 2008 TVPRA changes with regard to requirements for SIJ, USCIS will send the order back to the court for revision.
- A child for whom a family member not a parent is appointed as a guardian is eligible for SIJ.
- The significance on eligibility for SIJ of continuing contact with parent is considered on a case-by-case basis.

Open Questions for USCIS

What is a clarification and how is it used?

- How does it differ from a modification order?
- How should the words "nunc pro tunc" affect the significance of the clarification for immigration purposes?
- Does it matter if the clarification is produced and entered after an application to USCIS has been declined?

Use of Electronic Records

- What is available electronically from the court?
- What protocols may be required for an applicant to authorize direct transfer of records to USCIS?
- What records the applicant can have access to (e.g. arrest record of spouse)?

Availability of Georgia Court Records

The content, quality, and availability of court records in Georgia can vary greatly from one county to another and, within a single county, from one type of court to another. All levels of courts report regularly receiving requests for court records from immigrants applying for benefits, as well as from ICE officials.

Filing Requests for Court Records for Immigration Purposes

- Individuals requesting court records often just come in and ask for all the records in their case. They may not bring any documentation from USCIS, including a copy of the N-14.
- Sometimes the clerk will not know what to do and just certify everything.
- Communication with ICE can be by phone or email, and records are sent by email or Fax.

Superior Court Criminal Records

- The Disposition is the primary source of information with regard to the charge, the outcome, and the sentence.
- The Disposition is a public record.
- An individual requesting a record must appear in person and pay the fee for certification.
- The Superior Court in Gwinnett County will have an electronic case processing system up by early 2014 and will scan open case records into the electronic system.
- Names can be a problem.

Probation Records

- Felony probation is handled at the state level by the DOC.
- Misdemeanor probation is a local executive function.
 - Some misdemeanor probation is run internally by the county.
 - In some courts, misdemeanor probation is run by a private contractor.
 - The terms of the probation and the responsibilities of the provider depends on what the judge orders.
 - Different courts in a single county can handle probation in different ways, some internal, some private.
 - Misdemeanor probation records must be kept for two years from the date that the probation is closed.
 - If probation expires with no violation, there may be no entry of probation closed in the record.
 - If a private probation contractor changes, all active records are transferred over, but closed records may not be transferred.
 - If the office is closed, the records not transferred may be lost.
 - Some probation records are automated, but they are confidential. The court has access to them, but not the individual on probation.

Uses of Municipal Court Records

- The clerks get requests for warrants, charging documents, and case outcomes.
- ICE asks about open warrants against a person in ICE custody.

Uses of Juvenile Court Records

- Some first-offender juvenile offenses are never adjudicated, so no record is created. See O.C.G.A 15-11-79. But the arrest may show up in GCIC.
- For first offender juveniles, it is a criminal offense for a clerk to release a record.
- Juvenile records are purged once the person turns 29.

Handling of Non-Fingerprintable Offenses

- Some arrests are not fingerprintable, including some juvenile arrests, county ordinance violations, city offenses, and offenses handled by citation and release.
- In some counties, private probation contractors do not treat probation violations as fingerprintable offenses.
- If an offense is not fingerprinted, it will not appear in NCIS, but the case will be in the court records. For citation and release, the police may have an incident report, but the arrest will not be in the NCIS database.

Records Retention Schedules

- Magistrate Courts destroy records 10 years after completion of a case. Some counties, but not all, keep electronic copies of case files after the ten-year period.
- After July 1, 2013, a person may request that an arrest may be expunged from the record if, after four years, the case was not prosecuted, was dismissed, or, for a first offender, diversion has been completed.
- Convictions cannot be expunged, except for a few types of cases.

Who Has Access to Court Records

- In some courts, criminal records are not public until the case has been adjudicated. While the trial is in progress, the records are with the judge and DA and not the court clerk's office.
- Adoptions, mental health court records, and drug court records are all sealed. Sealed records require a court order to be opened.
- Once a record is public, anyone can have access to it. For example, a person should be able to obtain records of abuse by a spouse, including records of arrests and convictions. Still, access, especially by third parties, may vary by county.

Electronic Access to Court Records

- The Disposition is available electronically, either as part of an electronic case management system or by scanning and emailing.
- Most courts have the capability to scan and email any document.
- The public record is available to anyone. Clerks don't want to get into a position of determining who should have access and who shouldn't.
- Courts may want a request for a record to be sent electronically to USCIS to come directly from the hearing officer's email.
- Some clerks were concerned about whether they could charge for an electronic record. Now they charge only for the certification, which would not be required for an electronic record. At least one clerk believed that providing records was part of the public function of the courts and should be done without charge.

Next Steps

Tasks discussed at the April 18, 2013 meetings

The following tasks were discussed as follow-up from the April 18, 2013 meetings. Proposed completion date: May 24, 2013.

- USCIS will provide examples, with identifiers redacted, of records that meet USCIS needs and records that fail to meet USCIS needs.
- The Georgia AOC will compile a list of non-fingerprintable offenses.
- The AOC will compile a list of counties that do not have a seal to certify records.

Additional Tasks

CPPS proposes the following additional tasks over the remainder of the project.

1. Design, conduct, and prepare an analysis of a survey of all levels of courts and probation offices for each county in Georgia and the DOC regarding: (1) the availability of electronic court records and scan/email capability; and (2) the procedures for requesting electronic records to be transmitted directly to USCIS. Proposed completion date: June 28, 2013.
2. Create appropriate protocols and best practice guidelines for court records exchange between the courts of Georgia and USCIS, based on USCIS requirements and Georgia court records availability. Proposed completion date: August 30, 2013.

3. Develop and conduct training for USCIS hearing officers and Georgia court clerks on effective ways for handling records requests for immigration purposes.
Propose completion date: September 30, 2013.



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Committee on Justice for Children September 2013

The mission of the Supreme Court of Georgia Committee on Justice for Children (J4C) is to improve Georgia's court process for abused and neglected children. Formerly known as the Child Placement Project and created in 1995, the J4C is staffed by the Administrative Office of the Courts. Justice P. Harris Hines serves as the current chair of J4C which includes committee members and advisors representing the judiciary, the State Bar, the Department of Family and Children Services, and the community. New committee members will be appointed by the Supreme Court of Georgia in October of 2013.

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

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

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

On any given day, Georgia has approximately 7,000 children in foster care due to child abuse or neglect. The number of children in foster care has been dropping since 2005 but has remained constant for the past two years. Balancing safety and permanency for children in foster care is the

primary goal of any child welfare system. The J4C staff and committee members, along with the Division of Family and Children Services employees, closely review safety measures at both the statewide and county level and provide feedback regarding those measures to the counties through the local courts.

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

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

Finally, in 2013, the J4C is planning a number of trainings, study sessions and updated legal manuals for Georgia attorneys and judges related to the new juvenile code which will become law on January 1, 2014.

For more information about J4C, please visit www.gajusticeforchildren.org.



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Remote Interpreting Pilot Project Interim Report September 2013

This interim report provides an update on the ongoing Remote Interpreting Pilot Project (Project). A final report¹ will be distributed at the conclusion of the Project.

Introduction

Although licensing of court interpreters is ongoing, there is a shortage of affordable, qualified interpreters in many parts of the state. To address this shortage, the AOC requested and received a state appropriation to establish a remote interpreting pilot project. An evaluation of the Project will test the assertion that a remote system is as effective as and less expensive than paying onsite interpreters for services and travel expenses.

Project Description

Funding and Duration

The state appropriation allowed the AOC to purchase:

- Two T3 HD Video Remote Interpreting Systems that include a screen, webcam, wireless microphones, and headphones; and
- A laptop, webcam, and headphones for the interpreter station in Atlanta.

The AOC chose the T3 system due to its low cost, high quality, and ability to function without specialized courtroom equipment.²

In addition, the funding allows the AOC to contract with two Atlanta-based certified interpreters for the duration of the Project. Courts do not pay to use the remote system or for the interpreters, but courts may be able to utilize the remote system and pay for interpreters upon completion of the Project.

The Project began on October 1, 2012, and was originally scheduled to end on June 30, 2013. However, due to a very limited need for interpreters in the original two locations, the AOC moved the equipment to address a more diverse and greater number of proceedings. The Project evaluation will conclude on June 30, 2014.

¹ The final report will include more information about the Project locations, the work involved in managing the system, and qualitative and quantitative analysis of the Project.

² The cost of the equipment was significantly less than other comparable technology. The T3 system requires an analog phone line, high-speed internet connection, and power outlet.

Language

The Project was designed to offer Georgia courts outside of metropolitan Atlanta access to state-certified Spanish interpreters. Spanish was chosen as the target language because it is the most common non-English language spoken in Georgia. Limiting the Project to one interpreted language allows staff to complete a more rigorous evaluation.

Locations

The initial remote court locations were:

- Richmond County Superior Court and State Court; and
- Sumter County Superior Court.

The AOC encouraged the courts to maximize the use of the system in co-located courts, but neither did so. Due to the lack of proceedings requiring Spanish interpretation during the first six months in Sumter County, the AOC identified a new Project site. After evaluating applications by interested courts, Sumter County's equipment was moved to Polk County (Juvenile Court, Magistrate Court, and Public Defender's Office). The AOC is considering potential locations where the other equipment will be used more frequently than it is used in Richmond County.

Occurrences

As of September 9, 2013, a Spanish-speaking interpreter has interpreted fourteen occurrences.

Remote Interpreting Occurrences

	Richmond County	Sumter County	Polk County
Superior Court	3	2	
State Court	4		
Magistrate Court			2
Juvenile Court			2
Public Defender			1

Research Questions

The AOC is evaluating the Project qualitatively and quantitatively to test the assertion that a remote interpreting system can offer long-term low costs and high quality interpreting for rural and suburban courts. The qualitative approach includes interviews with Project participants and direct observations of court proceedings. Staff conducts interviews to assess each county's interpreting program before, during, and at the conclusion of the Project. The quantitative element of the Project assessment relies on estimations of court interpreting costs before and during the Project.

Early feedback suggests that there are three key elements to successfully utilize the remote interpreting system.

- Need – Without a demonstrated need for interpreters, the system will be underutilized, increasing cost per use and preventing familiarity and efficiency.

- Training – Training users prior to proceedings ensures all parties understand how to best use the new technology.
- Business process analysis – Reviewing current court processes, such as when a court user is determined to be a non-English speaker, allows courts to make adjustments and more effectively use the system.

National Environment

Throughout the Project, the AOC has participated in a national discussion about remote interpreting best practices, technology, and innovation. The AOC has relied on resources from the National Center for State Courts' Language Access Services Section and Council of Language Access Coordinators to inform the Project.

Several other states are either using or have tested audio/visual remote interpreting systems, but Georgia is one of the few states without a unified court system to do so. Washington, North Carolina, and Minnesota have implemented pilot programs using remote systems, although some do not include video. Additionally, Florida's ninth judicial district has developed a successful video remote interpreting system and is now piloting it in other Florida judicial districts.³

Next Steps

The AOC will continue to promote use of the remote interpreting system through June 2014, followed by a final evaluation and report. Depending on the condition of the equipment and interest by courts, the remote interpreting system may continue to be used after June 2014.

If you have questions about the Remote Interpreting Pilot Project, please contact Maggie Reeves (maggie.reeves@gaaoc.us, 404-463-0350).

³ For more information, please visit www.ninthcircuit.org/programs-services/court-interpreter/centralized-interpreting/.



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

JMI/NJC Project: Principles for Response to Drug-Involved Offenders September 2013

Last year, the Bureau of Justice Assistance (BJA) funded the National Judicial College (NJC) and the Justice Management Institute (JMI) to work with Georgia and other states to develop guiding principles of an effective criminal justice system response to drug-involved offenders. Because of the success of that work, BJA has funded a pilot test for implementation of those principles and Georgia was chosen to be the pilot test state.

With support from BJA and in collaboration with the Georgia Administrative Office of the Courts (AOC), NJC and JMI will provide on-site and web-based technical assistance to three circuit court teams to implement the guiding principles of an effective criminal justice system for drug-involved individuals.

This technical assistance will afford each court team the opportunity to review their system responses to drug-involved individuals in the criminal justice system, identify resources and gaps, plan for evidence-based interventions and enhancements, and monitor progress.

Teams were selected through a competitive process and had to demonstrate a commitment to system change through a cross-system, collaborative process. Several circuits applied for the opportunity, but only three were selected: Appalachian, Bell-Forsyth, and Pataula. The teams are made up of the presiding judge, prosecutor, public defender, and stakeholders from the following disciplines: probation, law enforcement, treatment, and others.

Introductory webcasts were held in July and representatives from NJC and JMI visited each circuit in August 2013. After meeting with the circuit teams and discussing their strengths, weaknesses, and goals, NJC and JMI representatives began to develop technical assistance plans for each site. The circuits will receive technical assistance tailored to their unique environments and demographics through the end of the year. A final report detailing the scope and outcomes of the project will be published in early 2014.



Access Brief: Accessible Electronic Filing

Access Brief 4 September 2013

This Brief was produced by the Center on Court Access to Justice for All (www.ncsc.org/atj), an initiative of the National Center for State Courts (NCSC). The Center offers resources and technical assistance to help judges and courts advance access to justice, especially for poor and low-income individuals. It works closely with the Conference of Chief Justices, the Conference of State Court Administrators and other national court organizations to implement access-to-justice solutions. The Center is supported by the Public Welfare Foundation (PWF).

About the Authors & Reviewers

The Brief was prepared by Richard Zorza of Zorza Associates and Pamela Casey, NCSC Principal Court Research Consultant. It is based on a recent publication funded by the Legal Services Corporation that was guided by an advisory group of state court administrators and other practitioners and advocates (see <http://goo.gl/SiZJnN>). Points of view or opinions expressed in the Brief are those of the authors and do not represent the official position of the NCSC or PWF.

Overview

Many states have or are implementing electronic filing systems (often referred to as e-filing).¹ These systems are intended to reduce costs, increase efficiency, and improve the accuracy of court filings.

E-filing programs often are designed for use primarily by attorneys. However, the full benefits of e-filing can only be realized when it also is easily accessible to those representing themselves in legal matters—those who often are less technically proficient and less legally knowledgeable than attorneys.

**The Core Concept:
Designing e-filing
systems that are
accessible for all
litigants**

When systems are built to meet the needs of both attorneys and self-represented individuals, e-filing contributes to a court system truly accessible to all. In contrast, if self-represented litigants are excluded from the system, or are forced to use systems designed primarily for attorneys, the result can be that additional barriers to access to justice are erected, and cost saving opportunities are lost.

E-filing Access Risks and Potential

Possible barriers to access resulting from e-filing include, but are not limited to, increased costs from e-filing fees and the difficulty of obtaining waivers of the costs; difficulty of paying online for those without credit cards; issues with verifying identity, if required; difficulty preparing documents for online submission; lack of access to computers; and lack of skill using computers and software.² If courts force litigants to use e-filing without building systems that address these possible barriers, many litigants may be deterred from accessing the courts at all.

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Conversely, well-designed systems can do much to overcome barriers and improve accessibility, as well as improve efficiency and costs for the courts.³ Among the possible advantages for self-represented litigants are no need to go to court to file, possible assistance at libraries and from community groups, easier and smoother waiver of filing fees, software that helps gather the data and organize it into the right documents, and remote access to the court file.

Advantages for courts are better data about cases with fewer errors, easier and cheaper integration of filing and case information into a court's case management system, savings in clerk and staff time, potential for integration with decision support and triage systems, and better prepared court documents. Above all, if the court system does not adequately support self-represented e-filers, then it will need to accommodate them with a parallel system, reducing the benefits of the entire e-filing initiative. Conversely, a fully-integrated e-filing system can serve as the front end of an accessible and efficient court system.

Best Practices for Access-Friendly E-filing projects

The Electronic Filing and Access to Justice Best Practices Project, funded by a grant from the Legal Services Corporation to Central Minnesota Legal Services, recently developed a set of aspirational best practices to help courts develop and implement projects that realize the full potential of e-filing for all litigants. The Best Practices Project relied on the input of a variety of practitioners and advocates, including an advisory group which included ten state court administrators, and two national surveys on e-filing – one sent to state court administrators

and one sent to access to justice commissions and advocates.⁴ A summary of several of the recommendations of the Best Practices Project follows.

1. Fees, Waiver, and Payment

While the principle that filing fees should be waived when they impose a barrier to access is generally accepted, implementing the principle in the e-filing context has proved somewhat problematical. This is because many e-filing systems are funded through supplemental fees, and the technical mechanics of waiver and payment are complicated.⁵

The Best Practices Project outlined several principles for considering issues of fees, waivers, and payment options: no additional financial burdens on low-income and self-represented litigants, avoiding additional fees for e-filing or related services, speedy waiver of unavoidable fees, minimizing disincentives for pro bono attorneys, no submission barriers for those requesting waivers, inclusion of all filing related costs in the waiver process, absence of delay in the waiver process, easy payment process when payment is necessary, and no disadvantage for those whose waiver is denied.⁶ Examples of recommended practices to implement these principles are:

- Use of court rules to eliminate or ensure that supplemental fees can be waived;
- Bundling e-filing related fees into the overall filing fee;
- Including requirements for fee waiver systems in vendor contracts;
- Automatic fee waivers for those on means tested public benefits and for the clients of means tested service programs;

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- Provisional acceptance of filings, subject to granting of waiver or subsequent payment;
- Applying an algorithm to online submission of financial data to determine whether fees are waived;
- Electronic referral to discretionary decision-maker, when needed;
- Ongoing review, in cooperation with access groups, of fee waiver processes and standards; and
- Availability of multiple payment options, including prepaid cards and mailing in check, when payment is ultimately due.

Some states and projects already have some of these processes in place. For example, the 2012 Best Practices Project survey indicates that 14 projects in 11 states require no supplemental e-filing fee, and 12 projects in 10 states allow for a waiver as part of the process.⁷ Iowa, for example, includes a button in the software that the user can click on to apply for a fee waiver.

2. Verification of Identity

While there are different perspectives on the issue of requiring proof of identity during the e-filing process, the general consensus of the Best Practices Project is that proof of identity should be required only in limited circumstances when actual experience has demonstrated the risk of harm from false filings and alternative means for preventing the harm are unavailable or inappropriate.⁸ The issue of identity verification arises with self-represented e-filing because of the absence of attorney records on behalf of the client and the frequent absence of credit card possession.⁹

Among the best practices recommended are use of “/s/” for the signing of documents,

limitation of requirement of proof of identify to situations in which there was a demonstrated risk of actual harm from falsely identified filings, allowance of a broad range of proofs of identity, availability of electronic verification of identity in such circumstances, waiting to the time of an actual court action before requiring verification, the availability of pre-registration systems to minimize burdens, and exploration of the use of still and video cameras in computers used for e-filing to record the identity of the filer.¹⁰

The Best Practices Project survey identifies 16 e-filing projects across 12 states that accept or planned to accept online representation of identity.¹¹

3. Integration with Document Assembly Capacity

Some early e-filing systems were built on the assumption that the users would be attorneys, and that those users would generate their own individualized pleadings, which would be uploaded through the e-filing process. The problem for self-represented litigants is that they do not have the legal knowledge to draft such pleadings, and frequently use paper forms, if available, instead.¹²

The solution offered by the Best Practices Project is to put in place “Turbo-Tax”-like question and answer branching systems that gather appropriate data and structure the documents required by the court, the opponent, and the e-filing system.¹³ Such systems can result in more accurate data, speedier resolution of the case, and cheaper processing. This is particularly the case when the data can be uploaded into the court’s case management and decision support systems.¹⁴

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It is important that both the design and language used in the interface be appropriate and easy to use for self-represented litigants and that the systems provide access support for multi-lingual users.¹⁵

As of late 2012, 11 projects in 7 states have deployed or planned to use document assembly for the front end of the e-filing process. An additional 8 projects in 7 states reported using online branching document assembly for both e-filing and completion of the underlying document.¹⁶

4. Use of Industry Standards for Software

The Best Practices Project recommends that states and courts deploying e-filing systems take full advantage of already existing software standards. This makes it far more likely that their software will be able to take advantage of future developments in the industry, and connect to other systems.¹⁷

5. Broad Availability for Self-Represented Litigants With Available “Opt Out”

According to the Best Practices Project, e-filing systems should be made available to all litigants, regardless of whether they have a lawyer, and should be designed to accommodate real world users.¹⁸ There also should be, at least in the short term, an option to “opt out” for those with First Amendment concerns or unable to use the e-filing system. Elimination or minimization of the “opt out” should not take place until full accessibility has been certified, and the standards for taking such a step should be established early in the process.

Discrete task representation also raises questions regarding e-filing requirements.

Generally, “e-filing rules in discrete task matters should depend on who is doing the filing for that portion of the case.”¹⁹

6. Other Issues

Other accessibility issues that require attention during an e-filing implementation process are development of electronic-compatible service of process systems; ongoing filings and communication between the court, individual litigants, and other litigants involved in the case; public access to electronic court records; litigant access to the Internet; user and staff training; overall management and governance of the project; collaborating with access groups on system design; and ongoing assessment of e-filing accessibility.²⁰

Moving Forward on Accessible E-filing

The Best Practices Project recommends a number of steps to help ensure that e-filing projects are deployed in as access friendly a way as possible. Examples follow.

1. Treat E-filing As a Business Issue, Not a Technical Challenge

Although e-filing involves myriad technical issues, those must ultimately be subordinate to court policies and managerial decisions. Technical feasibility alone should not drive e-filing project decisions. Thus responsibility for the project should be placed at a high managerial level.²¹

2. Involve Access Advocates in the Process

Slightly less than half the projects described in the Best Practices Project survey included access advocates on the e-filing planning or managing group. Increasing this number likely

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will help courts ensure that their systems are sensitive to access concerns.²²

3. Clarify Court and Vendor Roles in Access Decisions

States and projects report a wide variety of vendor roles in the design and implementation of e-filing.²³ Regardless of the role that vendors are assigned, however, it is very important that decisions about access related issues, which often have significant cost implications, are made by the court, rather than the vendor. This is particularly crucial for decisions about the structure of fees and waiver. This responsibility should be made clear in the governing vendor contracts.²⁴

4. Ensure Sufficient Resources

Budgets should include sufficient resources to address e-filing access issues as they arise.²⁵

For additional information about e-filing, see the National Center for State Courts' *Electronic Filing Resource Guide* at <http://www.ncsc.org/Topics/Technology/Electronic-Filing/Resource-Guide.aspx> and the Conference of State Court Administrators' 2005 *Position Paper on The Emergence of E-Everything* at <http://cosca.ncsc.org/~media/Microsites/Files/COSCA/Policy%20Papers/E-EverythingPositionPaperApprovedDec05.ashx>.

Endnotes

¹ A survey conducted in 2012 identified 49 projects in 35 states. See Zorza, R. (2013a). *The State of the field in accessible court electronic filing: Report on two national surveys*. Minneapolis: Central Minnesota Legal Services. This is of necessity an undercount since the

surveys captured only the projects that were reported by responding states and jurisdictions. ² Zorza, R. (2013b). *Principles and best practices for access-friendly court electronic filing*.

Washington, DC: Legal Services Corporation (available [/http://ncsc.contentdm.oclc.org/cdm/ref/collection/accessfair/id/298](http://ncsc.contentdm.oclc.org/cdm/ref/collection/accessfair/id/298)).

³ *Ibid.*

⁴ *Ibid.*, p. 2.

⁵ *Ibid.*, p. 7.

⁶ *Ibid.*, pp. 7-14.

⁷ *Ibid.* 1, p. 12 and Appendix III. The 11 states with at least one project without a separate e-filing fee are Alabama, Alaska, Connecticut, Florida, Hawaii, Louisiana, Missouri, North Dakota, Ohio, Pennsylvania, and Utah. The ten states with at least one project that allows fee waiver as part of the e-filing process are California, Delaware, Indiana, Iowa, Kansas, Michigan, Minnesota, New Hampshire, Pennsylvania, and Texas.

⁸ *Ibid.* 2, p. 3.

⁹ *Ibid.*, pp. 3, 5.

¹⁰ *Ibid.*, pp. 4-5.

¹¹ *Ibid.* 1, p. 14 and Appendix IV. The 12 states accepting online representation of identity are Alaska, Florida, Iowa, Kansas, Michigan, North Dakota, New Hampshire, Oregon, Pennsylvania, Texas, Utah, and Wisconsin.

¹² *Ibid.* 2, p. 21.

¹³ *Ibid.*, p. 25. For a discussion of document assembly, see Saunders, D., Zorza, R., & Casey, P. (2012). *Access brief 2: Forms and document assembly*. Williamsburg, VA: National Center for State Courts.

¹⁴ *Ibid.* 2, p. 26.

¹⁵ *Ibid.*, pp. 22-23, 27.

¹⁶ *Ibid.* 1, p. 15 and Appendix IV. The 7 states deploying or planning to use document assembly for the front end of the e-filing process are Delaware, Florida, Hawaii, Michigan, New Hampshire, Pennsylvania, and Wisconsin. The 7 states reporting using online branching document assembly for both e-filing

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and completion of the underlying document are Alaska, Alabama, Connecticut, Minnesota, Oregon, Pennsylvania, and Utah.

¹⁷ *Ibid.* 2, p. 29: "E-filing systems should be compliant with OASIS' LegalXML ECF 4.01 or later, an XML standard that is itself compliant with NIEM, a cross-government XML standard."

¹⁸ *Ibid.*, pp. 30-32.

¹⁹ *Ibid.*, p. 31.

²⁰ *Ibid.* 2.

²¹ *Ibid.*, pp. 36-38.

²² *Ibid.* 1, p. 23 and Appendix VI.

²³ *Ibid.*, p. 8 and Appendix II.

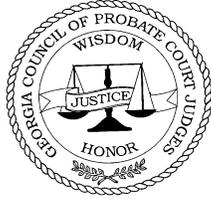
²⁴ *Ibid.* 2, p. 37.

²⁵ *Ibid.*

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Report to the Judicial Council of Georgia
September 13, 2013

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

Leadership Meeting

The 2013-2014 CPCJ Executive Committee members met at the invitation of the Council President, Kelley S. Powell, on June 12 -13, 2013 in Atlanta, Georgia. Held annually following the election of new leadership, the purpose of the Leadership Meeting is for the president to share her vision for the upcoming year, engage in discussions regarding any pertinent association initiatives from the previous year, and establish goals for the upcoming year.

Probate Judges Benchbook, Criminal Benchbook, and The Revised Probate Judges Handbook

The updates of the Probate Judges Benchbook and Revised Handbook for Probate Judges are complete with statutory changes resulting from legislation through the 2013 session. The resources are available on CD and in binder format for Council members. The Handbook is available for purchase by the public.

Additionally, the Criminal Benchbook is currently being updated to include statutory changes resulting from legislation through the 2013 session.

Strategic Planning Session

The CPCJ will hold a strategic planning session for its Executive Committee and District Directors September 18 – 20, 2013, at Evergreen Conference Center located at Stone Mountain, Georgia. CPCJ Judges will participate in the strategic planning session facilitated by Jim Poulakos with HKA Strategy. As always, the leadership of the CPCJ is given the opportunity to examine the changing role of the court as well as the changing needs of the public and to structure initiatives to meet these needs.

Standard Forms Amendments (GPCSF)

The Forms and Rules Committee, under the guidance of Chairman Pam Ferguson, is currently revising the Adult Guardianship and Temporary Minor Guardianship forms for proposed implementation in July 2014. The revision of these forms is part of a full-scale overhaul of the standard forms which began two years ago and is ongoing in nature. The revisions process will not only ensure the forms reflect the current statutory law but also the Forms and Rules Committee's philosophy that the forms should be

user friendly by utilizing natural language as much as possible.

The Forms and Rules Committee will present the revised forms to the Executive Committee for approval and then to the entire Council membership at the October business meeting. The revised forms will then be sent to the Fiduciary Law Section of the State Bar of Georgia and Rules Committee Chairs of each Council for comment. Following proper vetting, the forms will then be submitted to the Supreme Court of Georgia for approval and publishing in the Advance Sheets.

Scheduled Continuing Judicial Education and CPCJ Accreditation Program

The Council is scheduled to hold its annual Fall Seminar October 8-11, 2013, in Savannah, Georgia, conducted through the Institute of Continuing Judicial Education (ICJE). The training session, which is held in conjunction with the Constitutional Officers' Association of Georgia (COAG), will include a panel of representatives from the Georgia Department of Behavioral Health and Developmental Disabilities (DBHDD), the Judicial Code, Elder Care, Judicial Security, and Vital Records.

The Probate Judges Training Council and ICJE, in partnership with the Carl Vinson Institute of Government at the University of Georgia, have instituted the Georgia Probate Court Judges Accreditation Program. The program, which commenced at the Annual Spring Conference in April, 2012, is a mandatory program with a 72 hour defined curriculum which is attainable in four years. Today, most judges who began the program at its initiation have completed half of the course work. New judges who were sworn in as of January 1, 2013, started the program during the April 2013 conference. The next session is scheduled for April 8-11, 2014, at the Georgia Center in Athens, Georgia.

Pending Legislation

SB 120: Thanks to the dedicated efforts of Judge Chase Daughtery, Judge Laverne Ogletree, and many others, the Council's primary legislation in the 2013 session, Senate Bill 120, was passed. This legislation provides for prosecuting attorneys in probate courts in counties where there is no state court. This legislation created a uniform process for acquiring the services of a prosecuting attorney. The addition of prosecutors in the probate traffic courts in the state not only helps with case load management but protects the judge from the inherent ethical difficulties that arise when there is no prosecutor present. The Council thanks Senator John "Dick" Crosby (R-13) for his leadership in sponsoring the bill and his help in ensuring that the bill became law.

Under the new law, any county adopting a resolution or ordinance creating an Office of the Prosecuting Attorney for the County Probate Court should forward a copy of the resolution, along with the contact information of the prosecutor, to the Prosecuting Attorneys Council within 30 days of the county adopting the resolution or ordinance.

SB 101: According to Legislative Chair Lynwood D. Jordan, the Council will continue to monitor any proposed legislation regarding weapons carry permits. The Council continues to support the recommended amendment to Senate Bill 101 to ensure the definition of "courthouses" as defined therein specifically includes government building that contain probate courts.

Future Legislation

Legislative Committee Vice-Chair Chase Daughtery is continuing to explore the feasibility of extending jurisdiction for Probate Courts with traffic jurisdiction. This limited expansion of jurisdiction would include minor offenses, such as giving a false name and resisting arrest, that often accompany traffic

citations but must be handled in Superior Court. Other suggested areas of additional jurisdiction include misdemeanors, such as writing bad checks and criminal damage to property.

Next Meeting Date

The next Executive Committee meeting is scheduled for October 8, 2013 9:00 a.m., in conjunction with the Constitutional Officers' Association of Georgia (COAG) fall conference in Savannah, Georgia.



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**Report to the Judicial Council of Georgia
September 13, 2013**

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

Development of Standard Operation Procedures (SOP)

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

Leadership Meeting

As a critical component to assuring the continuity and yearly development of the CMuniCJ and the services and representation it provides its membership, representatives from the Council met for a two day session in July. Held annually following the election of new leadership, the purpose of the Leadership Meeting is for the President to share his vision for the upcoming year, hold discussions regarding any pertinent association initiatives from the previous year(s) and those moving forward.

Municipal Court Uniform Rules Amendments

At the annual summer business meeting held June 20th, the Council approved amending the Rules to include **Rule 2.2.a Medical Hardship (Excess Hours Usage)** to address carryover of municipal judges' recertification hours in the event of a medical hardship. The proposed amendment has been disseminated for comment to the State Bar of Georgia and the Rules Committee Chairs of the Councils. Upon proper vetting, the forms will be submitted to the Supreme Court of Georgia for approval.

Strategic Plan

As a critical component to the yearly development of the CMuniCJ and the services and representation it provides its membership, representatives from the Council met for a two day session in January. Participants re-examined the 2010 Business Plan strategic goals, assessed their progress, set goals for accomplishing those parts of the plan which have not yet been implemented and established new goals for the Council. Upon being vetted and approved by the Executive Committee, the plan was adopted by the full Council at the summer business meeting held June 20, 2013.

Continuing Judicial Education

The Council is scheduled to hold its annual fall Law and Practice Seminar October 9-11, 2013 in Athens, Georgia, conducted through the Institute of Continuing Judicial Education (ICJE). The three day program will provide training for those serving as of January 1, 2013 in addition to recertifying judges. The curriculum is as follows: Department of Drivers Services (DDS) Update, Courtroom Decorum, Court Technology, Court

Security, Sovereign Citizens, Case Law Update, Judicial Ethics, and Practical Procedures in Running a Court; Benchbook Review and Uniform Rules, Probation and an Evidence Code Update.

The Council will also hold its Executive Committee, Business and Training Council meetings at this conference.

Legislation

The CMuniCJ was engaged by the Criminal Justice Reform for Georgians in the previous sessions and its [possible] effects on municipal courts in Georgia. Likewise, the Council's 2013 legislative priority was focused on the criminal justice structure regarding misdemeanor reform (Title 40 Study Committee).

Throughout the process, municipal court representatives expressed their stance that the reform brings the possible punishment for minor traffic offenses in line with the public perception of the gravity of those offenses, while streamlining the judicial process for processing those cases. That stance remains true for the 2014 legislative session and the Council resolves to continue to be involved in these efforts as it affects the municipal courts of Georgia.

Along the same lines, in regards to "tax intercept for recovery of court fines," the Council supports the recommendation that the Judicial Council support in principle legislation using tax intercept to enforce the judgments of the courts.

The Council is also beginning the process of drafting legislation to assist in addressing the issue of law enforcement officers failing to appear for court dates. This effort is in the early stages of development and vetting.

Additionally, in the coming 2014 legislative session the Council will continue to monitor any proposed legislation amending current law that would allow holders of concealed weapons permits to carry guns into unsecured buildings which house government offices, including courthouses. Along those lines, we support the recommended amendment that the Judicial Council supports the placement of language in Senate Bill 101 that states "courthouses as defined by Code Section 16-11-127 are prohibited places for carrying weapons."

Next Meeting

The Council of Municipal Court Judges Executive Committee is scheduled to meet October 10, 2013 in Athens, Georgia (Georgia Center).