

JUDICIAL COUNCIL OF GEORGIA

General Session

Wednesday, December 7, 2005

Wyndham Vinings Hotel

9:00 a.m.

Overlook A & B



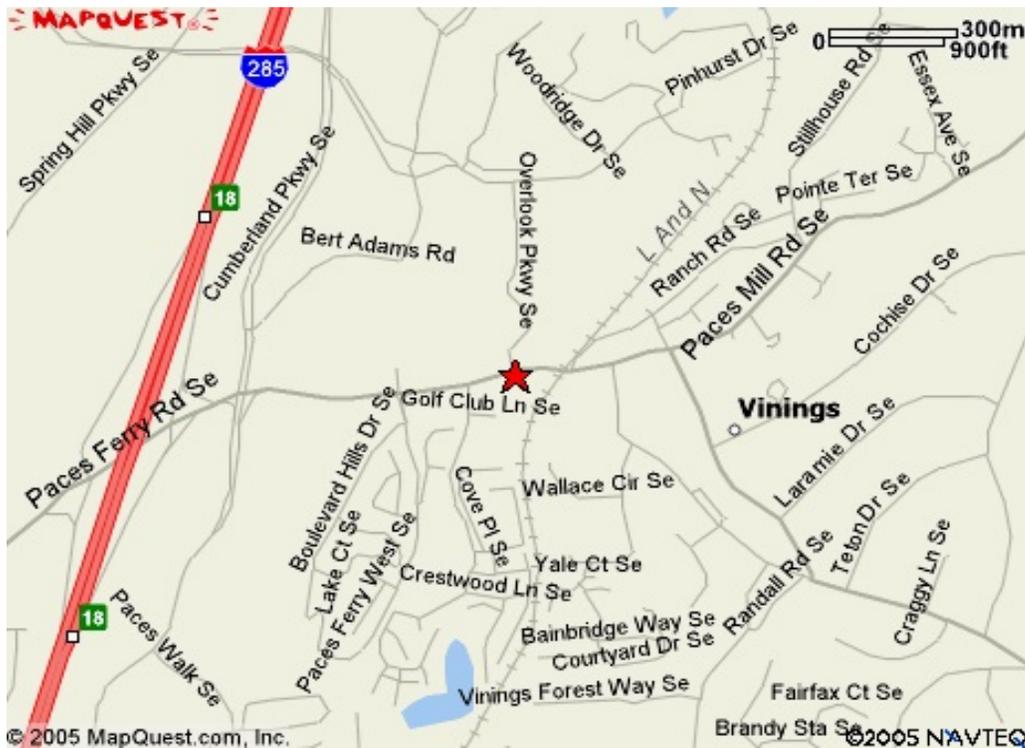
Luncheon

12 Noon

Fireplace Lounge

*2857 Paces Ferry Road
Atlanta, GA 30339*

***Driving Directions to the Wyndham Vinings Hotel
2857 Paces Ferry Road
Atlanta, GA 30339
770-432-5555***



Traveling South on I-75

Take I-285 Westbound (Birmingham) and travel 1.5 miles to Paces Ferry Road (Exit 18). Turn left onto Paces Ferry Road and travel ½ mile; hotel is on the left.

Traveling South on I-85

Take I-285 Westbound and continue past the I-75 interchange. Exit at Paces Ferry Road (Exit 18). Turn left onto Paces Ferry Road and travel ½ mile; hotel is on the left.

Traveling North on I-75

Travel toward Atlanta and take I-285 Westbound, then continue on I-285 Northbound pass the I-20 interchange proceeding to Paces Ferry Road (Exit 18). The exit ramp will have 3 or 4 different turn lanes. Turn right onto Paces Ferry Road East, crossing Cumberland Parkway then crossing Boulevard Hills, hotel is on the left.

Traveling North on I-85

Take I-285 North, pass the I-20 interchange and proceed to Paces Ferry Road (Exit 18). The exit ramp will have 3 or 4 different turn lanes. Turn right onto Paces Ferry Road East, crossing Cumberland Parkway then crossing Boulevard Hills, hotel is on the left.

Whether traveling I-20 Eastbound OR traveling I-20 Westbound

Take Exit 51B (285 North) and proceed to Paces Ferry Road (Exit 18). The exit ramp will have 3 or 4 different turn lanes. Turn right onto Paces Ferry Road East, crossing Cumberland Parkway then crossing Boulevard Hills, hotel is on the left.

Judicial Council of Georgia
Wyndham Vinings Hotel
2857 Paces Ferry Road
Atlanta, GA 30339

Wednesday, December 7, 2005

9:00 a.m.

Continental Breakfast will be served beginning at 8:00 a.m.

1. **Introductions and Preliminary Remarks**
(Chief Justice Leah Ward Sears, Est. Time—5 Min.)
2. **Approval of August 24, 2005 Minutes** Tab 1
(Chief Justice Sears, Est. Time—3 Min.)
3. **Approval of ICJE Curricula for Calendar Year 2006** Tab 2
(Mr. Reaves, Est. Time—5 Min.)
 - A. Magistrate Courts Training Council
 - B. Municipal Courts Training Council
4. **Reports from Judicial Council Committees:**
 - A. Board of Court Reporting Tab 3
Rules Changes
(Judge Boyett, Est. Time—5 Min.)
 - B. Court Fees Committee Tab 4
(Mr. Bray, Est. Time—10 Min.)
 - C. Georgia Courts Automation Commission Tab 5
(Judge Van Horn, Est. Time—10 Min.)
 - D. Cross Jurisdictional Issues Study Committee Tab 6
(Judge Hines, Est. Time—5 Min.)
 - E. Drug Court Committee Tab 7
(Judge Kreeger &/or Ms. Nesbit, Est. Time—5 Min.)
 - F. Records Retention Committee Tab 8
(Judge Whittemore &/or Dr. Arnold, Est. Time—5 Min.)
 - G. Standing Committee on Policy Tab 9
(Justice Hunstein, Est. Time—5 Min.)

H. Workload Assessment Committee Tab 10
(Judge Bishop &/or Dr. Arnold, Est. Time—10 Min.)

I. Child Placement Project of the Supreme Court Tab 11
(Justice Hines &/or Ms. Barclay, Est. Time—5 Min.)

5. **Legislative Tracking Presentation**
(Ms. Nesbit, Est. Time—10 Min.)

6. **Report from AOC Director**
(Mr. Ratley, Est. Time—10 Min.)

* * * * * **15 Minute Break** * * * * *

7. **Budget Matters** Tab 12
(Judge Carriere & Mr. Harris, Est. Time—10 Min.)
FY 2006 Judicial Branch Supplemental Request
FY 2007 Judicial Branch General Appropriations Request

8. **Reports from Appellate Courts and Trial Court Councils**

A) Supreme Court
(Chief Justice Sears, Est. Time—5 Min.)

B) Court of Appeals
(Chief Judge Ruffin, Est. Time—5 Min.)

C) Council of Superior Court Judges
(Judge Coursey, Est. Time—5 Min.)

D) Council of State Court Judges
(Judge Salter, Est. Time—5 Min.)

E) Council of Juvenile Court Judges
(Judge McDonald, Est. Time—5 Min.)

F) Council of Probate Court Judges
(Judge Bracewell, Est. Time—5 Min.)

G) Council of Magistrate Court Judges
(Judge Anderson, Est. Time—5 Min.)

H) Council of Municipal Court Judges
(Judge Edwards, Est. Time—5 Min.)

9. **Old/New Business**
(Chief Justice Sears, Est. Time—15 Min.)

A. Date and Place of Next Regular Council Meeting
Date: Tuesday, June 6, 2006
Place: Hilton Savannah DeSoto Hotel

10. **Concluding Remarks and Adjournment**
(Chief Justice Sears, Est. Time—5 Min.)

* * * * *

12 Noon — Lunch Served in the Fireplace Lounge

Judicial Council of Georgia
August 24, 2005
Wyndham Vinings Hotel

Members Present:

Chief Justice Leah Ward Sears
Presiding Justice Carol W. Hunstein
Chief Judge John H. Ruffin, Jr.
Judge Anne Elizabeth Barnes
Judge Melinda Anderson
Judge Stephen H. Andrews
Judge Thomas C. Bobbitt, III
Judge William T. Boyett
Judge Mike Bracewell
Judge Betty B. Cason
Judge A. Wallace Cato
Judge Daniel M. Coursey, Jr.
Judge William H. Craig
Judge Doris L. Downs
Judge Gail C. Flake
Judge James E. McDonald, Jr.
Judge George F. Nunn, Jr.
Judge John M. Ott
Judge F. Gates Peed
Judge John F. Salter
Judge Hugh W. Stone
Judge Ben Studdard, III
Judge John B. Wood

Members Absent:

Judge Phillip R. West, represented by Judge H. Gibbs Flanders, Jr.

Staff Present:

Mr. David L. Ratley
Dr. Greg Arnold
Ms. Billie Bolton
Mr. Justin Brady
Mr. Bob Bray
Ms. Cynthia Clanton
Ms. Terry E. Cobb
Ms. Lisa Durden

Mr. Vince Harris
Ms. Yolanda Lewis
Ms. Marla S. Moore
Ms. Debra Nesbit
Mr. George Nolan
Mr. Chris Patterson
Ms. Ashley Stollar
Mr. Kevin Tolmich
Ms. Helen Scholes

Guests Present:

Mr. Frank Abbott, Council of Superior Court Clerks
Ms. Dena M. Adams, Council of Superior Court Clerks
Mr. Doug Ashworth, State Bar of Georgia
Judge Tonny S. Beavers, Paulding Judicial Circuit
Judge James Bodiford, Cobb Judicial Circuit
Ms. Deena Bolden, Law Clerk, Cobb Judicial Circuit
Mr. Phil Boudewyns, Court Administrator, Gwinnett Circuit
Judge Ed Carriere, State Court of Dekalb County
Ms. Connie Cheatham, Superior Court Clerk, McDuffie County
Judge Michael P. Cielinski, Records Court of Columbus/Muscogee
Judge Brenda Cole, State Court of Fulton County
Mr. John Cowart, Second District Court Administrator
Ms. Judy Cramer, Fifth District Court Administrator
Mr. Danny DeLoach, First District Court Administrator
Mr. Steve Ferrell, Ninth District Court Administrator
Mr. Tom Gunnels, Tenth District Court Administrator
Judge Tim Hamil, Gwinnett Judicial Circuit
Mr. Joe Hansen, House Budget Office
Ms. Sarah Haskin, Public Defender Standards Council
Justice P. Harris Hines, Supreme Court of Georgia
Mr. Mike Holiman, Council of Superior Court Clerks
Ms. Phyllis Holmen, Georgia Legal Services
Judge Shepherd L. Howell, Cherokee Judicial Circuit
Judge Dawson Jackson, Gwinnett Judicial Circuit
Mr. Greg Jones, Third District Court Administrator
Mr. Tom Lawler, Council of Superior Court Clerks
Ms. Cathy McCumber, Fourth District Court Administrator
Judge Arch McGarity, Flint Judicial Circuit
Judge Arthur McLane, Southern Judicial Circuit
Mr. Rick Malone, Prosecuting Attorneys Council
Ms. Cindy Mason, Superior Court Clerk, Columbia County
Mr. Mike Mears, Public Defender Standards Council
Justice Harold Melton, Supreme Court of Georgia
Mr. Tom Merriam, Council of Superior Court Judges

Ms. Tia Milton, Legal Assistant, Supreme Court of Georgia
Judge Henry Newkirk, State Court of Fulton County
Ms. Jody Overcash, Seventh District Court Administrator
Ms. Lois Oakley, Office of State Administrative Hearings
Judge Sammy Ozburn, Alcovy Judicial Circuit
Judge Tim Pape, Juvenile Court of Floyd County
Ms. Molly J.M. Perry, Council of Superior Court Judges
Mr. Andy Peters, Fulton Daily Report
Mr. Rich Reaves, Institute of Continuing Judicial Education
Mr. Fred Roney, Sixth District Court Administrator
Judge Richard Slaby, State Court of Richmond County
Ms. Leila Taaffe, Office of Dispute Resolution
Ms. Kristen Wallace, Council of Juvenile Court Judges
Ms. Sherie Welch, Clerk, Supreme Court of Georgia
Ms. Renia Wooten, Georgia State Patrol

Chief Justice Sears called the meeting to order at 9:20 a.m. To avoid any future confusion regarding starting times, she announced that during her time as chief justice, all Judicial Council meetings would begin promptly at 9:00 a.m. After welcoming everyone to the meeting, she recognized Ms. Phyllis Holmen, a member of the State Bar of Georgia Executive Committee. Chief Justice Sears expressed appreciation to the Council of Probate Court Judges for hosting the Tuesday evening reception. She welcomed Judge Gibbs Flanders, sitting in for Judge Phillip West, to the meeting and introduced new Council members: Presiding Justice Carol Hunstein, Judge Gail Flake, Judge Ben Studdard and Judge Thomas Bobbitt. Members of the Judicial Council introduced themselves, followed by those seated in the audience.

Approval of Minutes

Chief Justice Sears stated that corrected copies of the minutes had been placed at each Council member's seat. She pointed out two corrections: on page 9, the dollar

amount cited in paragraph three should have been \$673,000; and at the bottom of page 11 a line of text inadvertently omitted had been restored. Judge Cato moved approval of the minutes as corrected. Judge Ott seconded. The motion carried.

Circuit Boundary Study and Requests for Additional Judgeships

Chief Justice Sears stated that new judgeship requests for Judicial Council consideration had been received from seven judicial circuits. In addition there are five carryover requests recommended in 2004. She called on Dr. Arnold of AOC Research to explain the particulars of the Alcovy Circuit Boundary Study and the judgeship study.

Dr. Arnold turned first to documentation regarding the Alcovy Circuit boundary study located behind Tab 3. The material also includes data on alternative configurations regarding districts and circuits surrounding the Alcovy Circuit. Dr. Arnold stated that at this time, the staff has no recommendation for or against the alteration of boundaries for the Alcovy Judicial Circuit, but is presenting information on estimated costs etc. for the Council's consideration.

Dr. Arnold stated that while Judicial Council policy has a distinct bias against division of circuits, there are practical considerations which weigh in favor of the reconfiguration of the Alcovy Circuit. Based on population data prepared by the US Census Bureau, both Newton and Walton Counties are experiencing population growth such that by 2010 division of the circuit would be necessary. Since any changes to circuit boundaries must be made by the General Assembly, there are compelling reasons to give approval for beginning the process. Staff felt the wisest course was to allow the Judicial Council itself to weigh stated policy against practical considerations.

Discussion regarding the circuit boundary study included whether in the present Alcovy Circuit each county could support two judgeships based on caseload. Mr. Ratley stated that while the Alcovy Circuit does qualify for a fifth judge at this time, they will withdraw the judgeship request if the Council approves the circuit boundary alteration. The request to split the circuit is supported by the political leaders of the two counties and the judges.

Chief Justice Sears asked that the ballot regarding the circuit boundary question be distributed; she asked Chief Judge Ruffin to assist in counting the votes.

At a later time Judge Ruffin reported that for the 22 ballots cast, there were 22 affirmative votes. Therefore the request to split the Alcovy Judicial Circuit is approved.

Judgeship Study & Balloting

Dr. Arnold turned to the judgeship data and revisions to the superior court caseload numbers and the Four Factor Chart. He briefly reviewed the assembled information which includes: a history of superior court judgeships created since 1990, the new threshold values needed for qualifying, (adopted June 24, 2005); and the color-coded superchart. Dr. Arnold praised the superior court clerks as well as the district court administrators for their assistance to the research staff in collecting the caseload information.

Chief Justice Sears asked that the ballots regarding new judgeship requests be distributed. Dr. Arnold noted that the Alcovy Circuit should be crossed off the printed ballot. He stated that all requesting circuits met the required threshold with the exception of the Atlanta Judicial Circuit which will need a two-thirds majority for approval.

Judge Downs stated that she was withdrawing the Atlanta Circuit request for this year. She noted that because Atlanta has a heavy caseload of complex felonies which require more judge-time to process, she believes the present weighted caseload numbers are not an accurate reflection of judicial workload in the Atlanta Circuit. Judge Downs expressed interest in use of the Minnesota workload model which takes into account differentiated case management and complexity of cases. She stated that the Atlanta Circuit would be requesting a judgeship next year and would provide a separate study of their judicial workload.

While the ballots were marked, the business meeting continued. Later Judge Ruffin announced results of the judgeship balloting as follows: the Alapaha, Blue Ridge, Enotah, Houston, and Paulding Circuit judgeship requests were approved.

Ranking ballots were then distributed to the Council members. Dr. Arnold noted that, in addition to the circuits just approved, the following circuits approved for judgeships in 2004 were also listed for ranking: Cobb, Coweta, Dublin, Gwinnett, and Southern.

At a later time, Chief Judge Ruffin reported the results of the ranking ballots as follows: 1) Houston; 2.) Blue Ridge; 3) Coweta, 4) Paulding 5) Dublin; 6) Cobb; 7) Southern; 8) Gwinnett, 9) Enotah; and 10) Alapaha.

Report of the AOC Director

Mr. Ratley expressed appreciation to Dr. Arnold and the research staff for preparation of the circuit boundary and judgeship material. He also acknowledged the behind the scenes efforts of Ms. Terry Cobb in arranging the Judicial Council meeting. Mr. Ratley introduced Mr. Chris Patterson who will be joining the AOC as Assistant

Director for Judicial Liaison. Mr. Patterson holds Bachelors and MPA degrees from Kansas State University; in addition he is an experienced trial court administrator. Before joining the AOC he was employed by the Georgia Department of Juvenile Justice and more recently by Fulton County Superior Court Pretrial Services.

Mr. Ratley stated that in the area of staff development an agency diversity training program and updated policies and procedures manual are in progress. Additional office space in the 254 Washington building has been acquired and AOC offices formerly housed in the Health Building have been relocated. Looking ahead to future employment trends, Mr. Ratley noted that in the next decade 40-50% of current employees will reach retirement age. New employees must be highly-skilled, flexible and prepared for cross-training where appropriate.

Budget Matters

Judge Carriere stated that prior to the Judicial Council Budget Committee meeting to consider the FY 06 and 07 appropriations requests, a detailed briefing had been held in Atlanta for committee members and others. The meeting provided an opportunity for discussion of the various requests and sufficient time for questions to the staff. Additional budget documents requested by the committee to be prepared for future meetings include: 1) an accounting of funds available to the AOC through certain fee collections; 2) a budget document detailing yearly expenditures of the agency; 3) an accounting of grant monies received by the agency for pass-through to specific projects or groups.

Turning to material behind Tab 1 in the green budget notebook, Judge Carriere reviewed the Judicial Council consolidated budget. The '06 supplemental request shows: \$10,000 for ICJE to fund a court security conference and \$121,000 for the child support

guidelines project. These requests and others presented in detail in the notebook materials were approved by the budget committee.

The '07 appropriations requests for the Judicial Council were approved by the committee as follows: \$1,000,000 for drug court expansion and continuation; \$1.2 million to fund DUI Courts (Subsequent to the Judicial Council meeting the funding request for DUI Courts was withdrawn.); and \$40,000 for an off-site AOC data back-up system and storage facility. The request for an internal auditor position for the AOC, although approved by the budget committee, has been withdrawn for this year.

Judge Carriere moved approval of the budget committee recommendations as presented. Judge Studdard seconded. The motion carried.

Public Defender Standards Council Budget

Mr. Mears noted that the Standards Council prepares its appropriations request which is reviewed by the Legislative Oversight Committee. The Indigent Defense Act of 2003, creating the Council, stipulates that the agency cannot spend more than is actually collected through specified fees. Fee collections for next year are projected at \$43,000,000. Their total budget of \$46 million takes into account funds from two other sources: IOLTA and the Sheriff's Trust Fund. The request covers operating expenses for the 42 circuit defender offices, the Capital Defenders Office and the Office of Mental Health Advocacy.

Mr. Mears expressed appreciation to the fiscal staff of the AOC for their assistance in setting-up payroll procedures for the council's 655 employees.

Other Committee Reports

Chief Justices Sears noted that written reports had been submitted from: the Committee on Court Reporting Matters; Committee on Domestic Violence; the Georgia Courts Automation Commission and the State and Juvenile Caseload Report.

Reports from Appellate and Trial Courts

Supreme Court. Chief Justice Sears stated that the appointment of Justice Harold Melton to replace Justice Fletcher is the newest event at the Supreme Court. Again, she welcomed Justice Melton to the Court.

Court of Appeals. Chief Judge Ruffin reported that adequate office space on Capitol Hill for the judges and staff of the Court of Appeals is an urgent concern. Events planned during the court's upcoming Centennial Celebration are: oral arguments to be held in various courtrooms around the state, a formal banquet and speaker, a written history and a video presentation featuring former and present judges of the Court of Appeals.

Superior Courts. Judge Coursey reported that Chief Justice Sears spoke at their summer meeting in late July as did House Speaker Glenn Richardson. The superior court judges plan to refocus their Dome & Gavel program to emphasize local contact with legislators. They feel more information can be conveyed and more meaningful contact can be established at the district and circuit level. The revised policy regarding use of senior and temporary judges became effective August 1. The superior court judges are opposed to the senior judge bill introduced in the House last year and hope to forestall its passage. The Committee on Court Security is consulting with the Sheriffs Association and the Association of County Commissioners to develop guidelines for security

measures in judicial facilities. They are requesting restoration of the council budget in the amount of \$882,809 in the '06 Supplemental.

State Courts. Judge Salter reported on the High School Mock Trial competition, a joint project of the State Bar and the State Court Judges. Georgia is seeking to host the National Mock Trial Competition in 2009.

Juvenile Courts. Judge McDonald stated that passage of SB134 altering the sentencing options regarding confinement of juveniles has been a source of concern for juvenile court judges. They are consulting with the Legislature and DJJ to work out problems of consistency around the state. He announced that a program on Graduated Sanctions will be held on September 19 in Atlanta. Mr. Reaves has arranged for expert speakers to address the judges' concerns related to appropriate and effective sentencing options. Beginning January 1, 2006 counties will receive an increase to the state supplement for salaries of juvenile court judges. Judge McDonald noted that Mr. Eric John could provide details on the mechanism for receiving the increase. Juvenile court judges are working to assemble 'best practices' as a guide to handling cases of delinquent and unruly children.

Probate Judges. Judge Bracewell noted that the probate judges have transitioned to the revised Guardianship Code, forms, etc. Judges are working with the Division of Ageing Services on training and outreach for public guardians. The council's strategic planning session will take place at the end of September.

Magistrate Judges. Judge Anderson stated that passage of the magistrate retirement bill is their primary focus. The actuarial study is underway and the bill will be taken up in 2006. Other concerns include: obtaining non-partisan election status for

magistrates, organizing a “boot camp” program for newly-elected chief magistrates, county funded training for chief magistrates and continuation of their mentoring effort.

Municipal Courts. Judge Cielinski stated that they are working on a court information sharing project, a traffic court initiative, and developing uniform rules for municipal courts.

New Business

Mr. Doug Ashworth made a presentation on the State Bar’s new Transition to Law Practice program. The program provides assistance to new lawyers through specialized training reinforced by mentoring. The Georgia Supreme Court will assign mentors to beginning lawyers on January 1, 2006. The program is designed to assist novice attorneys during their first year of practice. Mr. Ashworth noted that new lawyers taking positions as judicial law clerks are exempt from the mentoring requirement.

Schedules and agendas for new CLE programs regarding the mentoring program have been set and recruitment of experienced attorneys is underway around the state. In November a three-hour training program for mentors will take place. Mr. Ashworth is the program director for the Standards of the Professions Committee. The committee members are: Mr. John T. Marshall, Chair, Ms. Sallie Lockwood, Prof. Jim Elliot, Mr. Bill Scrannon, Mr. Bucky Askew, Prof. Ron Ellington, Mr. Larry Jones, Ms. Cynthia Clanton and others.

Mr. Ashworth stated that support from the bench is critical to the successful launch of the transition program. He noted that judges have a wide sphere of influence and asked that Council members discuss the program with new lawyers locally.

Concluding Remarks

Chief Justice Sears recognized Justice Hugh Thompson who joined the meeting in progress. She asked that members of the Judicial Council gather for a group picture immediately following adjournment. The next Council meeting is set for Wednesday, December 7, 2005, at the Vinings location.

The meeting was adjourned.

Respectfully submitted,


Billie Bolton, Assistant Director

The above and foregoing minutes
were approved at the meeting held on ____
day of _____, 200_.

JUDICIAL COUNCIL OF GEORGIA

Chief Justice Leah Ward Sears
Chairperson
Supreme Court of Georgia
507 State Judicial Building
Atlanta, GA 30334
404-656-3474/FAX 657-6997

Presiding Justice Carol W. Hunstein
Vice Chairperson
Supreme Court of Georgia
501 State Judicial Building
Atlanta, GA 30334
404-656-3475/FAX 657-9586

Judge Melinda Anderson
Magistrate Court of Liberty County
P. O. Box 912
Hinesville, GA 31310-0912
912-368-2063/FAX 876-2474

Judge Stephen H. Andrews
Juvenile Court of the
Southern Judicial Circuit
P. O. Box 6443
Thomasville, GA 31758
229-226-5308/FAX 228-9108

Judge Anne Elizabeth Barnes
Court of Appeals of Georgia
334 State Judicial Building
Atlanta, GA 30334
404-656-3454/FAX 463-8303

Judge Thomas C. Bobbitt, III
Magistrate Court of Laurens County
308 Roosevelt Street
P. O. Box 1676
Dublin, GA 31040-1676
478-272-5010/FAX 275-0035

Judge William T. Boyett
Superior Courts
Conasauga Judicial Circuit
P. O. Box 2582
Dalton, GA 30722-2582
706-278-3340/FAX 275-7567

Judge Mike Bracewell
Probate Court of Morgan County
P. O. Box 857
Madison, GA 30650-0857
706-343-6500/FAX 343-6465

Judge Betty B. Cason
Probate Court of Carroll County
Carroll County Courthouse
Room 204
Carrollton, GA 30117
770-830-5840/FAX 830-5995

Judge A. Wallace Cato
Superior Courts
South Georgia Judicial Circuit
P. O. Box 65
Bainbridge, GA 39818-0065
229-246-1111/FAX 246-5265

Judge Daniel M. Coursey, Jr.
Superior Court
Stone Mountain Judicial Circuit
900 DeKalb County Courthouse
556 N. McDonough Street
Decatur, GA 30030
404-371-4710/FAX 371-2993

Judge William H. Craig
Superior Court
Flint Judicial Circuit
Henry County Courthouse
1 Courthouse Square, 2nd Floor
McDonough, GA 30253-3293
770-954-2107/FAX 954-2083

Judge Doris L. Downs
Superior Court
Atlanta Judicial Circuit
T-7955 Justice Center Tower
185 Central Avenue, S. W.
Atlanta, GA 30303
404-730-4991/FAX 335-2828

Judge Gail C. Flake
Superior Court
Stone Mountain Judicial Circuit
Judicial Tower, Suite 6240
556 N. McDonough Street
Decatur, GA 30030
404-371-2909/FAX 371-2788

Judge James E. McDonald, Jr.
Juvenile Court of the
Western Judicial Circuit
325 E. Washington Street, Room 115
Athens, GA 30601
706-613-3300/FAX 613-3306

Judge George F. Nunn, Jr.
Superior Court
Houston Judicial Circuit
201 North Perry Parkway
Perry, GA 30169
478-218-4840/FAX 218-4845

Judge John M. Ott
Superior Courts
Alcovy Judicial Circuit
Walton County Government Building
303 South Hammond Drive, Suite 221
Monroe, GA 30655
770-267-1339/FAX 266-1630

Judge F. Gates Peed
Superior Courts
Ogeechee Judicial Circuit
P. O. Box 967
Statesboro, GA 30459
912-764-6095/FAX 489-3148

Chief Judge John H. Ruffin, Jr.
Court of Appeals of Georgia
334 State Judicial Building
Atlanta, GA 30334
404-656-3458/FAX 651-8139

Judge John F. Salter, Sr.
State Court of Dougherty County
P. O. Box 1827
Albany, GA 31702-1827
229-431-2152/FAX 431-3282

Judge Hugh W. Stone
Superior Courts
Enotah Judicial Circuit
114 Courthouse Street, Box 2
Blairsville, GA 30512
706-439-6100/FAX 439-6099

Judge Ben Studdard, III
State Court of Henry County
40 Atlanta Street, Suite 200
McDonough, GA 30253
770-898-7612/FAX 898-7616

Judge Phillip R. West
Superior Courts
Oconee Judicial Circuit
P. O. Box 1058
Eastman, GA 31023-1058
478-374-7731/FAX 374-0344

Judge Jon B. Wood
Superior Courts
Lookout Mountain Judicial Circuit
P. O. Box 1185
LaFayette, GA 30728-1185
706-638-1650/FAX 638-1654

Judicial Council of Georgia

Wyndham Vinings Hotel

Atlanta, GA

December 7, 2005

MEMBERS KNOWN TO BE LEAVING PRIOR TO THE JUNE 6, 2006 MEETING

1. Judge Daniel M. Coursey, Jr., President, Council of Superior Court Judges
2. Judge John F. Salter, Sr., President, Council of State Court Judges
3. Judge James E. McDonald, Jr., President, Council of Juvenile Court Judges
4. Judge Mike Bracewell, President, Council of Probate Court Judges



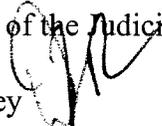
Judicial Council of Georgia
Administrative Office of the Courts

David L. Ratley
Director

November 16, 2005

MEMORANDUM

TO: Each Member of the Judicial Council

FROM: David L. Ratley 

RE: **Approval of Proposed 2006 Calendar of Course Options for Magistrate Court and Municipal Court Judges Training (basic certification and re-certification)**

The Judicial Council is required under O.C.G.A. §§15-10-131(3) and 36-32-21 (5) to approve curricula of the magistrate and municipal courts training councils. The 2006 curricular for both have been approved by their respective training councils and are enclosed for your review and approval.

Mr. Richard D. Reaves, Executive Director of the Institute of Continuing Judicial Education, will be in attendance at the Judicial Council meeting and will answer any questions you may have. Copies of the pertinent code sections are enclosed.

tec

Enclosures

This article shall be known and may be cited as “The Georgia Magistrate Courts Training Council Act.”

§ 15-10-131. Definitions

As used in this article, the term:

- (1) "Certified magistrate" means a magistrate judge who has the appropriate required certificate of training issued by the council and on file with the council or a magistrate judge who is exempt from such training by subsection (d) of Code Section 15-10-137.
- (2) "Council" means the Georgia Magistrate Courts Training Council.
- (3) "School" means any school, college, university, academy, or training program approved by the council and the Judicial Council of Georgia which offers basic, in-service, advanced, specialized, or continuing judicial training or a combination thereof and includes within its meaning a combination of course curriculum, instructors, and facilities which meet the standards required by the council.

HISTORY: Code 1981, § 15-10-131, enacted by Ga. L. 1983, p. 884, § 2-1; Ga. L. 1985, p. 1416, § 1; Ga. L. 1990, p. 8, § 15.

This article shall be known and may be cited as “The Georgia Municipal Courts Training Council Act.”

§ 36-32-21. Definitions

As used in this article, the term:

- (1) "Certified municipal judge" means a municipal judge who has the appropriate required certificate of training issued by the council and on file with the council.
- (2) "Council" means the Georgia Municipal Courts Training Council.
- (3) "Municipal court" means and includes any municipal court as defined in subsection (a) of Code Section 36-32-1.
- (4) "Municipal judge" means a judge of a municipal court.
- (5) "School" means any school, college, university, academy, or training program approved by the council and the Judicial Council of Georgia which offers basic, in-service, advanced, specialized, or continuing judicial training or a combination thereof, and includes within its meaning a combination of course curriculum, instructors, and facilities which meet the standards required by the council.

HISTORY: Code 1981, § 36-32-21, enacted by Ga. L. 1990, p. 882, § 2; Ga. L. 1991, p. 326, § 1.

Magistrate & Cross-Class-of-Court 2006 Calendar of Courses

COURSE	MAX. CAPACITY			DATE	VENUE
CERTIFICATION (For <u>New</u> , <u>Non-Attorney</u> Magistrates)					
	Mag.	Other	Total		
40-Hour Basic (Criminal Law)	60		60	Feb. 19-24	Georgia Center, Athens
40-Hour Basic, (Civil Law)	60		60	Sept. 10-15	Georgia Center, Athens
RECERTIFICATION (For <u>New Attorney</u> Magistrates and <u>Experienced</u> Magistrates)					
20-Hour Boot Camp <u>Recertification</u>	60		60	March 6-8	Georgia Center, Athens
12-Hour L. Ordinances/Env. Issues (CCC)	10	30	40	March 7-8	Georgia Center, Athens
20-Hour Law and Literature (CCC)*	20	20	40	March 23-24	Jekyll Isl. Club. Jekyll Isl.
6-Hour Mentor Orientation	15		15	March 28	Georgia Center, Athens
12-Hour Faculty Development (CCC)*	5	10	15	March 30-31	Georgia Center, Athens
20-Hour Judicial Security (CCC)	50	20	60	April 5-7	Brasstown Valley Resort
20-Hour Office Software Applications (<u>Beginner Level</u>)	25		25	May 3-5	Georgia Center, Athens
20-Hour Domestic Violence– Basic (CCC)*	50	10	60	June 14-15	Amacolola Falls, Dawsonville
14-Hour Clerks & Secretaries	150		150	July 12-14	Brasstown Valley Resort
20-Hour Survey Recertification	100		100	Aug. 9-11	Wyndham Peachtree Con. Ctr.
12-Hour WebCT Pilot Course (CCC)	15		15	Fall	On-Line (T)
20-Hour Media Relations (CCC)*	40	40	80	Oct. 11-12	Retreat at L. Blackshear
12-Hour Pharmacology of Drugs (CCC)*	20	40	60	Oct. 26-27	UGA Athens
12 Ethics & Judicial Behavior (T)	10	50	60	TBA	Americus (T)
20-Hour <u>New</u> Chief Magistrate Boot Camp	40		40	Dec. 13-15	Georgia Center, Athens
Total Recertification Seats: 610					
Total Recertification Hours 240					
TRAINING COUNCIL MEETINGS					
5-Hr. Quarterly Council Meeting					
5-Hr. Quarterly Council Meeting					
5-Hr. Quarterly Council Meeting					
5-Hr. Quarterly Council Meeting					

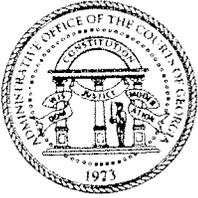
*CCC: Cross-Class-of-Court Enrollment–Course is Open to Judges from All Classes of Court.
Curriculum will Examine Systemic Issues and Multi-Court Perspectives

2006 COURSES FOR MUNICIPAL COURT JUDGES

Course Title	Dates	Location	Slots	Target Audience
Basic Certification	February 8-10	Georgia Center, Athens	20	Municipal
Recertification Course	February 9-10	Georgia Center, Athens	40	Municipal
Local Ordinances & Environmental Issues	March 7-8	Georgia Center, Athens	25	Municipal and Magistrate
Law and Literature	March 23-24	Jekyll Island Club	10	Cross Class of Court
Faculty Development	March 30-31	Georgia Center, Athens	25	Cross Class of Court
Judicial Security	April 5-7	Brasstown Valley	10	Cross Class of Court
Domestic Violence	June 14-15	Amicalola Falls	10	Cross Class of Court
Survey Update	June 28-30	Savannah Hyatt Regency	200	Municipal
Basic Certification	September 13-15	Georgia Center, Athens	20	Municipal
Recertification Course	September 14-15	Georgia Center, Athens	40	Municipal
Media Relations	October 11-12	Lake Blackshear	10	Cross Class of Court
Spanish for Judges	October 19-20	Georgia Center, Athens	25	Municipal
Pharmacology of Drugs	October 26-27	UGA Pharmacy School	30	Cross Class of Court
Ethics and Judging	TBA	Windsor Hotel, Americus	10	Cross Class of Court

INSTITUTE OF CONTINUING JUDICIAL EDUCATION
123 Dean Rusk Hall, University of Georgia
Athens, GA 30602

Questions—call Kathy Mitchem, **706/542-7402**, or e-mail kathy@icje.law.uga.edu



Judicial Council of Georgia
Board of Court Reporting

David L. Ratley
Director, AOC

Sharon Reiss
Program Manager

To: Chief Justice Leah Sears
Each Member of the Judicial Council

From: Judge William Boyett

Date: November 15, 2005

Re: Judicial Council Court Reporting Matters Committee Report

The members of the Committee on Court Reporting Matters, Judge Herbert E. Phipps, Chief Judge William “Hal” Craig, Judge John F. Salter Sr., and Judge William Boyett reviewed the following issues on behalf of the full council membership:

Article 3.A.1 – The Board is eliminating the use of typewriters at the court reporter’s exam.

Article 4.A – This would require that applicants who pass the exam must submit their certification application within 45 days of their notification date.

Article 4.F – This specifies that LEAP shall be offered twice annually and eliminates the language “certified for the first time”. A few reporters were re-certified in Georgia but were exempt from the rule since they previously held a license. The members want to make sure everyone who becomes certified must take LEAP.

Article 6.A – No.1 eliminates the three-month “grace period” and makes the CE requirement 12 months only and reporters who are noncompliant are automatically suspended after December 31. No.2 specifies that a reporter who fails to complete the LEAP program must take the next available seminar or risk revocation.

Article 6.B – This change would allow the Board to set its own fee for suspended reporters.

Article 7.A – This change would allow the Board to set its own fee for Emergency Judicial Permits.

Article 8.B – Modifies disclosure requirement about referrals.

Article 10.A – No’s 1 and 3 clarify the court reporting firm definition.

Article 10.C – States that training requirements apply to individual reporters in a court reporting firm as some firm owners are not necessarily court reporters.

The Committee approves these changes to the rules and regulations.

Attachments

**Rules and Regulations
Of the Board of Court Reporting of
The Judicial Council of Georgia**

ARTICLE 1. General Provisions

A.Location of Offices

The principal office of the Board of Court Reporting of the Judicial Council of Georgia will be: Suite 300, 244 Washington Street, S.W., Atlanta, Georgia 30334-5900.

B. Tenses, Genders, and Number

As used in this chapter, the present tense includes the past and future tenses, and the future, the present; the masculine gender includes the feminine, and the feminine the masculine; the singular includes the plural, and the plural the singular.

C. Definitions

Any future references to the Board in these rules shall mean the Board of Court Reporting of the Judicial Council of Georgia.

ARTICLE 2. Who Shall take the Certification Test; Request for Disability Accommodation

A. Qualification

All persons who did not make application to qualify or did not qualify under Section 11 of Georgia Laws 1974, p. 349 (O.C.G.A. § 15-14-29(b)) by April 1, 1975, must take the test hereinafter set forth in Article 3 of these rules to become a Certified Court Reporter, unless qualified to apply for certification under Article 4.B. of these rules.

B. Application

Applications for testing shall be filed with the Program Manager at the above address, and shall be accompanied by a fee to be set by the Board. Statements made and information given on the application for testing shall be under oath. Qualified applicants will be notified of the time and place at least ten days prior to the test. Applicants shall be required to supply their own equipment and materials at the time of testing, unless notified otherwise.

C. Request for Disability Accommodation

The Board will provide reasonable accommodation to a qualified applicant with a disability in accordance with the Americans with Disabilities Act. A person with a disability who may require an accommodation at testing must contact the Board to obtain the Request for Disability Accommodation Guidelines. The Board must receive all application materials, including the information requested in the Guidelines, by the application deadline.

D. Right to Review

The Board of Court Reporting reserves the right to review any Application for Testing, and may refuse to accept any applicant for good cause shown.

ARTICLE 3. Testing

Passing both the dictation and written portions of the exam and meeting those requirements of Section 9 of the Georgia Court Reporting Act (Georgia Laws 1974, pp. 348-351; O.C.G.A. § 15-14-29), will qualify the applicant as a Certified Court Reporter in Georgia. Tests shall be administered at least twice annually, or more often as need may appear.

A. The Certification Process

1. *Takedown and Transcription.* An applicant must pass each of three sections as follows: The dictation portion of the test exam will be given at speeds of 200 wpm for the Question and Answer section, 180 wpm for the Jury Charge section, and 160 wpm for the Literary section. For each section, there will be two five-minute dictations using different material for each. Applicant, however, will turn in only one transcript per section.

Each applicant shall take down this dictation in writing, voice, or other form of personal takedown. Voice writers and machine shorthand reporters must be completely inaudible from a distance of three feet, and will be tested for quietness.

The applicant will be allowed four hours to complete the transcription. ~~A manual or electric typewriter, computers and/or word processors may be used.~~ A minimum passing grade on each section shall be 96 percent accuracy.

All sections of the dictation portion must be completed in the same method of takedown. If an applicant chooses to change methods, all sections previously passed must be retaken. Only one method may be used during any one testing period.

2. *Written Exam.* A written exam will be administered by the Board as part of the certification process. The written exam consists of objective questions on court reporting, spelling, grammar, and medical and legal terminology. The use of a dictionary or other reference materials will not be permitted during this written portion of the test. Once the written portion is passed with ~~70~~ 80 percent accuracy, credit will be given for all future exams, unless an applicant's certificate has been revoked.
3. *Credit.* An applicant must pass all required dictated sections at 96 percent accuracy. An applicant who passes two of the three dictation sections in one sitting will retain credit for them for one more testing period. Failure to pass the third dictation section at the next exam will result in zero credit for all three sections.

B. Disqualification

Anyone discovered cheating on the Takedown and Transcription or Written exam shall be immediately disqualified and will not be eligible for retesting for a period of two years.

ARTICLE 4. Application for Certification

A. Procedure for Filing after Testing

Application for certification is not made until after notification of passing both the written and dictation portions of the test. Statements made and information given on the application shall be under oath. Applications for certification must be received within 45 days of the notification mailing date that the applicant has passed all portions of the test. ~~after notification of having passed the test.~~ A certification fee and a fee to cover the cost of the court reporting seal must be included. The certification fee will be set by the board. Any applicant failing to comply with this deadline will be required to take the dictation portion of the test again in order to be certified.

Upon receipt of the application and fees, a numbered certificate will be issued. A reporter possessing either an "A" or "B" (pre-2003) or a number-only designation will be a properly certified court reporter under the 1974 Act.

B. Procedure for Filing with National or State Certificate

1. *National Certificate Eligibility:* Any person who is a Registered Member in good standing of the National Court Reporters Association (NCRA), or a General Member in good standing of the National Verbatim Reporters Association (NVRA) is eligible for a certificate in Georgia.
2. *State Certificate Eligibility:* Any person who is currently certified or licensed in any state may be eligible for a reciprocal license in Georgia if the person has passed a state administered exam approved by the Georgia Board of Court Reporting.

3. *Procedure:* The Application for Court Reporter Certification (National or State Accreditation) shall be filed with the Board of Court Reporting (*See Appendix D*). A certification fee and a fee to cover the cost of the court reporting seal must be included. The certification fee will be set by the board. The statements made and information given shall be under oath. Upon verification of the information given, and within 40 days of receipt of the application, a numbered certificate and identification card will be issued as described below.

C.Right to Review

The Board of Court Reporting reserves the right to review any Application for Certification, and may refuse to certify any applicant for good cause shown.

D.Reporting Method Indicated on Certificate

The certificate will specify the method of takedown used to pass the test, including whether an electronic recording device as a backup system was used (pre-1991 rules). The court reporter shall use this certified method. Any court reporter certified without a backup may choose to use a backup system in performance of daily duties. A reporter may be certified in more than one method of takedown by successfully passing the exam using another system. However, each certificate will only indicate the most recent method of takedown used to pass the test.

E.Identification Cards

In addition to the certificate, individual identification cards will be issued to all certified reporter annually. These cards will identify the reporter by the certificate number and the method used to pass the most recent certification test taken. The court reporter shall use this certified method. Court Reporters certified in more than one method of takedown may receive an annual identification card each method of takedown in which they are certified. Any court reporter certified without a backup may choose to use a backup system in performance of daily duties.

F. Learning Essentials About Professionalism (LEAP)

A newly certified Georgia Certified Court Reporter shall complete the LEAP seminar authorized by the Board or its designee within 12 months of certification. A newly certified court reporter is a court reporter who becomes certified in the state of Georgia ~~for the first time~~ either by reciprocity or by passing the Georgia Certified Court Reporters' Exam. LEAP shall be offered twice annually.

ARTICLE 5. Retesting

An applicant who fails to pass all sections of the dictation portion or to pass the written portion will be required to retake the test at a future date in order to receive a certificate. A new application and testing fee must be submitted each time the applicant takes the exam.

Passing credit for the exam will be given when all three dictation sections are passed with 96% accuracy or higher.

An applicant who has received accommodation for a disability from the Board during a prior test administration must submit the Request for Disability Accommodation Guidelines cover sheet with each succeeding application for which identical accommodation is requested. If an applicant requests accommodation for a disability that differs from a prior disability accommodation request, the applicant must submit the Request for Disability Accommodation Guidelines and may have to provide appropriate documentation of the disability. The Board reserves the right to require appropriate documentation of a disability as it deems necessary.

ARTICLE 6. Renewal of Certificates

Certified court reporters who have obtained their necessary CE hours shall renew their license to practice by filing the annual renewal form and paying the renewal fee. Prior to the renewal date, the Board shall set the renewal fees.

The license may be suspended or revoked administratively for either of two reasons:

1. Failure to comply with the continuing education requirements in Article 9.C.
2. Failure to comply with the renewal requirements in Article 6.

A. Suspension or Revocation of License for Not Meeting CE Requirement

~~Any reporter not completing the required CE hours by December 31st of any calendar year will immediately be suspended, sent a Notice of Noncompliance in lieu of a renewal of license form, but the license will remain active until March 31st of the renewal year. Upon the Board's notification by ICJE that the delinquent hours have been submitted and verified, the annual license renewal of license form will be forwarded by the Board to the reporter and the license must be renewed according to the rules specified in Article 6.B. to avoid suspension of license for non-renewal.~~

~~A license may only remain in suspended status until December 31st of the year of suspension. Thereafter, the license is revoked and the reporter must re-qualify for certification under Article 4 of these rules.~~

~~1. Any reporter not completing the required CE hours by December 31st of the year ending the CE cycle shall be suspended immediately and cease all court reporting. A notice of suspension will be sent in lieu of a renewal notice; however, suspension is effective automatically from the date of noncompliance as described above and not the date notice of suspension is received. When the Board receives notice from ICJE that the training requirements have been met, the court reporter is eligible to renew.~~

~~A license may only remain in suspended status until the December 31st deadline of the following year. Thereafter, the license is revoked and the reporter must re-qualify under Article 4 of these rules.~~

~~2. Any newly Georgia Certified Court Reporter who fails to complete the LEAP seminar as defined in Article 4.F. shall automatically be suspended and must cease all reporting. This suspension shall result in automatic revocation of license if the newly Georgia Certified Court Reporter fails to complete the next LEAP seminar following suspension. The reporter must re-qualify for certification under Article 4 of these rules.~~

B. Suspension or Revocation for Non-renewal of License

Every license, which has not been renewed on or before the first day of April each year shall expire on that date of that year and shall result in suspension of that reporter's right to practice. To reinstate the suspended license the reporter shall:

Complete the delinquent CE requirements for the previous year(s), submit them to ICJE for credit, and ICJE must notify the Board that the CE requirement has been met;

Complete and mail the annual renewal of license form with the annual renewal fee; and,

Pay a ~~\$50 delinquent~~ fee to be determined by the Board if the court reporter is delinquent.

A reporter's license may only remain in suspended status until December 31st of the year of suspension. The suspended license may be renewed any time during the year of suspension by meeting the above requirements. Thereafter, the license is revoked and the reporter must meet the requirements in Article 4 to practice in this state.

ARTICLE 7. Emergency Permits

A. Emergency Judicial Permits

Any judge of a court of record shall have the authority to issue an emergency judicial work permit allowing a person who has not previously been granted a judicial permit to act as a temporary official court reporter in said judge's court for a period not to exceed one year in accordance with O.C.G.A. § 15-14-34. Upon receipt of a written request from the issuing judge, and an Application for Emergency Judicial Permit (*See* Appendix C), the Board will assign a temporary number and issue an identification card. There is a ~~\$25.00~~ fee to be determined by the Board for the issuance of the Emergency Judicial Permit. This judicial permit shall apply only to the court of the issuing judge, shall not be renewable, and will not allow freelance reporting by the judicial permit holder. ~~No person~~ court reporter shall be granted more than one

Emergency Judicial Permit. The application fee of a judicial permit holder shall be applied toward the cost of certification if the reporter passes the certification exam.

B. Testing Requirements

Any applicant working under an Emergency Judicial Permit will be required to attend the next test given by the Board and must attend each successive test until such time as applicant becomes certified or becomes ineligible to serve under a Emergency Judicial Permit.

ARTICLE 8. Ethics

- A. A certificate, permit or registration issued under the authority granted in this Act may be subject to disciplinary action by the Board for any of the reasons set forth in Section 13 of the Act creating this body (*See*: O.C.G.A. § 15-14-33), or for violation of the Board of Court Reporting Code of Professional Ethics.
- B. *Disclosure.* Each court reporter shall tender a disclosure form at the time of the taking of ~~the a~~ deposition stating the arrangements made for the reporting services of the certified court reporter, ~~by the certified court reporter, or the court reporter's employer, or and~~ the referral source for the deposition if there is a referral, with any party to the litigation, counsel to the parties or other entity. Such form shall be attached to the deposition transcript.

ARTICLE 9. Georgia Certified Court Reporters Association; Court Reporters Training Council; Training Requirements; and Notice of Noncompliance.

- A. There shall be an organization called the Georgia Certified Court Reporters Association, which shall consist of all court reporters certified under these rules and regulations. This organization shall have as its purpose the improvement of court reporting in this State by providing a forum for the exchange of ideas and by educating all court reporters to more adequately and expeditiously handle the reporting needs of this State. The Association will have at least one meeting per year, which will serve as an educational seminar.
- B. The Court Reporters Training Council is established. The Council shall consist of seven voting members provided, however, that there shall be two freelance voice writer reporters, two freelance shorthand reporters, one official voice writer reporter, one official shorthand reporter and one official certified in any method who shall be appointed as follows:
 - 1. Four members shall be appointed to a term of three years by the Georgia Certified Court Reporters Association provided, however, that with respect to the initial appointment, one freelance voice writer reporter shall be appointed for a term of one year; one official voice writer reporter shall be appointed for a term of two years; and one freelance shorthand reporter shall be appointed for a term of three years; and one official shorthand reporter shall be appointed for a term of three years;
 - 2. Three members shall be appointed to a term of three years by the Board of Court Reporting provided, however, that with regard to the initial appointment, one official reporter certified in any method shall be appointed for a term of one year; one freelance shorthand reporter shall be appointed for a term of two years; and one freelance voice writer reporter shall be appointed for a term of three years;
 - 3. Members are eligible to succeed themselves provided, however, they may not exceed two consecutive three-year terms; and
 - 4. In the event of a vacancy, the appointing body shall make an appointment for the remainder of the unexpired term.

The Council shall be vested with the following functions, powers and responsibilities:

- 1. To promulgate rules and regulations to carry out this charge;

2. To prescribe, by rules and regulations, the minimum requirements for curricula and standards comprising the continuing education courses and for creditworthy activity;
3. To identify areas of training needs by reviewing programs being attended by court reporters and suggest program refinements to training providers;
4. To review and investigate requests for extensions of time based on disability, hardship, or extenuating circumstances;
5. To evaluate course exceptions when presented for credit;
6. To cooperate with and secure the cooperation of every department, agency, or board of the state government or its political subdivision in furtherance of the purpose of this Article;
7. To approve schools and to prescribe minimum qualifications for instructors at approved schools. "School" means any school, college, university, academy, or training program approved by the training council which offers basic, in-service, advanced, specialized, or continuing court reporter or legal training or a combination thereof, and includes within its meaning a combination of course curriculum, instructors, and facilities which meet the standards required by the training council;
8. To do any and all things necessary or convenient to enable it to adequately perform its duties and to exercise the power granted to it;
9. The training council at its initial meeting, which shall be held promptly after the appointment of its members, shall elect from among its members a chair, vice-chair, and secretary who shall serve for one year. The Administrative Office of the Courts shall provide staff assistance;
10. The members present, but not less than three, at any meeting shall constitute a quorum for the transaction of business; and
11. The training council shall maintain minutes of its meetings and shall provide a written report of the previous calendar year's activities to the Board by March 1 of each year.

C. Training requirements. Each certified court reporter, and each holder of a emergency permit, shall be required to attend a minimum of 10 hours of approved training per calendar year to maintain a valid certificate to practice as a reporter in Georgia. Any court reporter issued an initial certificate or emergency permit is not required to acquire credit hours for that calendar year except that every newly certified Georgia court reporter shall complete the LEAP seminar within 12 months of certification as define in Article 4-F

D. Sanctions for Not Meeting Training Requirements

1. Failure to comply with the continuing education requirements as contained in Article 9.C., shall be grounds for disciplinary action under Article 11 of these rules. Sanctions may be imposed for any one of the following reasons:
 - a) Failure to complete required credits within specified time period;
 - b) Failure to submit required reporting forms, or proof of compliance; or
 - c) Falsified information on a required reporting form.
 - d) Any newly certified Georgia court reporter who fails to complete the LEAP seminar as defined in Article 4-F shall be automatically suspended and cease all court reporting; said suspension shall result in automatic revocation if said newly certified Georgia court reporter fails to complete the next LEAP seminar following suspension and may only be recertified pursuant to Article 4 of these rules.
2. **Notice of Noncompliance.** The Board of Court Reporting will include with the CCR Annual Renewal of License form a Notice of Noncompliance for any reporter who has not met the ten credit hour training requirement for the previous year. Any court reporter failing to meet the training requirements may make up such deficiency before the end of that calendar year unless otherwise

notified by the Board. Effective January 1, 2000, any court reporter failing to meet the training requirements in a calendar year will be suspended on April 1 of the following year.

3. **Notice of Suspension.** In lieu of the CCR Annual Renewal of License form, a Notice of Suspension will be sent to any reporter who has not met the ten credit hour training requirement for the previous two years. Effective January 1, 2000 a Notice of Suspension will be sent to any reporter who has not met the ten credit hour training requirement for the previous year by April 1st. Suspension is immediate, but individual requests for extensions of time will be considered on a case-by-case basis, according to Part I.D. of the CRTC Rules.

ARTICLE 10. Court Reporting Firms

- A. **Definition.** 'Court reporting firm' is defined as: ~~a partnership or other business entity employing one or more persons or any association of two or more independent contractors engaged in the practice of court reporting.~~
 1. A partnership or other business entity formed by persons who employ one or more court reporters, engaged in the business of court reporting. This definition shall not include individuals in the business of court reporting who are self-employed, but form a professional corporation and do not hire other court reporters; and
 2. Any association of two or more court reporters working together under a fee sharing arrangement, but as independent contractors, engaged in the business of court reporting. It is not intended that court reporters who refer work to one another, but do not share fees for the referred work, are included in this definition.
- B. **Registration**
 1. Beginning July 1, 1999 all court reporting firms as defined in Section A. shall register with the Board supplying such information as is required on a form promulgated by the Board and by paying the registration fee set by the Board. This registration must be completed within 30 days of July 1, 1999 or within 30 days of beginning business in Georgia.
 2. All court reporting firms as defined in Section A. shall register and pay a registration fee on or before April 1 of each year. Prior to the renewal date, the Board shall review the operating costs of the preceding year and set the registration fee to cover the anticipated costs of operation for the forthcoming year.
 3. Any firm failing to register within 30 days after July 1, 1999 or within 30 days of beginning business in Georgia or April 1 in each subsequent year of registration will be assessed an additional \$50 penalty. Failure to timely register will subject a firm to a penalty of up to \$5,000 per occurrence.
- C. **Rules and Regulations.** Pursuant to O.C.G.A. § 15-14-37(f), the rules and regulations of the Board of Court Reporting applicable to individual court reporters in Georgia will apply to court reporting firms as defined above, ~~except such~~ rules and regulations relating to mandatory training requirements for individual reporters shall apply only to the individual reporters in a firm.

RECOMMENDATION TO THE JUDICIAL COUNCIL FROM THE COURT FEE COMMITTEE

The Court Fee Committee recommends to the Judicial Council that legislation be proposed to make all charges that support a program or entity, hereafter “surcharge(s)”, be an addition to the civil cost, penalty, or the base fine and apply such surcharge to civil costs, penalties, fines, bond forfeitures and bonds. The following elements should be considered in any legislation involving criminal and civil cases and penalties:

- 1) In criminal cases there shall be one surcharge of a fixed percentage in place of all other existing surcharges, added to the base fine. The legislation should provide:
 - a. Who gets the monies and in what amount;
 - b. Upon collection by the court, the priority of partial payments as to fine, surcharge, or restitution;
 - c. Provide that new beneficiaries be required to participate in the fixed percentage fee fund;
 - d. Determine how restitution is to be treated;
 - e. Define and determine how local surcharges are to be treated;
 - f. Clearly define and determine how court costs are to be treated.

- 2) In civil cases, any surcharge on a civil case shall be added to the initial filing or application cost of the permit, commission, license, registration, or case and shall be assessed and collected on that one occasion. In probate court only one such surcharge shall be assessed and collected per estate or guardianship and shall not apply to proceedings under Title 37.

- 3) In matters in which a civil penalty is imposed, the surcharge shall be applied as in criminal cases.

The Committee also respectfully suggests the legislature review the surcharge supported programs and entities to determine the ongoing needs of the entities or programs and the effectiveness of the services rendered, as well as consider other sources of revenue for program/entity funding, such as through the legislative appropriation process or surcharge assessment on annual corporate registrations, motor vehicle tags, hunting and fishing licenses, and other state imposed costs.



GEORGIA COURTS AUTOMATION COMMISSION

244 Washington Street, SW, Suite 300

Atlanta, Georgia 30334

December 2005
Report to the Judicial Council

Commission Member Activity

August 2005 Meeting of the Commission

Mindful of the need for a specific Ethics Policy, the Commission took steps toward the development and adoption of such a policy during its August 2005 business meeting. Following consultation with legal counsel a final version was written and will be presented for adoption to the full commission at its December 2005 meeting. Just as the Strategic Plan adopted by the Commission in August 2004 serves as the official guide for future decisions and actions and to aide with making reasonable, logical, reliable decisions in addressing legislative directives, the new Ethics Policy will provide proper guidance when the interests or concerns of a GCAC member may be seen as competing with the interests or concerns of GCAC.

Court Technology Conference

The Ninth Court Technology Conference (**CTC9**) was held in Seattle, Washington September 13th -15th, 2005 and attended by six members of the commission. A total of 2300 people registered for this conference. Eighty-nine of those people were from Georgia. This is the only conference dedicated exclusively to court technology and historically has had the largest gathering of court and technology professionals in attendance. With the courts now preparing to advance to the "e-everything" level of automation, it was important that the commission members have some exposure to this somewhat new arena in technology and to understand what returns there were for the investment.

The most significant take-away from this years conference was the additional assurance that the XML (eXtended Markup Language) embraced by the commission many years back was the right decision then and is the right decision now for the successful exchange of information, whether court-to-court or court-to-others. The entry into the "e-everything" arena by the entire justice community requires the use of XML to help the courts keep pace with the need for immediate access and exchange of valid information in a fast moving 21st Century. Other significant take-aways include information on the National Information Exchange Model (NIEM) replacement for the Global Justice XML Data Model (GJXDM) and the announcement from Microsoft Corporation that their Windows XP and Windows Office product replacements in 2006 will both be XML compliant. Microsoft demonstrated the output of a .docx document from their newest Microsoft Word product and the exchange of that document with another XML compliant product. The commission's willingness to invest in XML early in the game is now being rewarded with some nice dividends and recognition.

Addressing Legislative Directive

The Georgia Courts Automation Commission continues to address its legislative directive of providing statewide automation and technology assistance to the courts in the areas of data collection, networking, data storage, retrieval, processing, and distribution, with a focus on taking advantage of existing state resources whenever and wherever possible. The Commission consistently looks for opportunities to coordinate state-wide strategies and plans for

incorporating county and local governments into statewide automation efforts. This work includes the review of requirements of the several state agencies for documents, reports, and forms and the consolidation, elimination, or conversion of such documents, reports, and forms to formats compatible with electronic transmittal media. The Commission's primary focus now is on establishing policies and procedures, rules and regulations, and technical and performance standards, and offering advisory services to county and local governments to assist in guiding their efforts toward automating their court procedures and operations.

Project Status Reports

Strategic Technology Planning Project for the Councils of Courts

Working through the separate Council's of Court Judges, the Commission is currently conducting facilitated Strategic Technology Planning sessions for each class of court to clearly define the data elements required by the courts for proficient, day-to-day operation and to establish for the first time specific 2 to 3 year Strategic Technology Plans for each class of court. To date facilitated Data Definition Sessions have been conducted for the Councils of Municipal, Juvenile, State, and Probate Court Judges.

The draft summary report from the Municipal Session was provided to the President of the Council on October 21, 2005 for review and comments. Any requested changes or revisions will be made where applicable and the final report from the session will be produced and provided for their Strategic Planning Session. The initial draft document produced during the Juvenile Session (October 4-7) was requested as a meeting take-away for review by the participants. Comments, changes, and revisions concerning that initial draft document will now be considered and applied where applicable before the draft summary report is produced and provided to the Council. This draft summary report will be submitted to the appropriate Council representative for review and comments and used in their Strategic Planning Session.

The Data Definition Session for the Council of Magistrate Court Judges will take place the last week of January 2006. A Strategic Planning Session for the Council of Juvenile Court Judges is occurring December 6th - 9th. A session for the Council of Municipal Court Judges is scheduled for December 13th - 16th, the Council of Probate Court Judges will have their session January 23rd - 25th and the Council of Magistrate Court Judges has requested their session for the last week of February 2006. The Council of State Court Judges should have the date for their Strategic Planning Session selected and on the calendar before the December meeting of the Judicial Council.

When this Strategic Technology Planning work is completed by the end of the first quarter of 2006, one of the benefits derived will be the development of a diagram of data exchange points between and within the classes of Georgia courts. This end product will then become the initial introduction document for a session between courts and other state agencies regarding how exchanges of information could occur at certain junctures. This effort will begin to move the

Georgia Courts Automation Commission
Report to the Judicial Council of Georgia
December 2005

entire justice community closer to the goal of integrated justice and promote the commission's focus on the development of standards.

Every effort has been made to insure that each session is well planned and meets with the success desired for each Council and class of court.

Court Software Certification Project

Columbus State University continues to make progress with the development of the Court Software Certification Program for all software offered to the courts in Georgia. The first phase of this project focuses on the certification of software for the Traffic Courts. A vendor currently offering software to the courts in Georgia has volunteered to be the first up for certification.

The University reports that two graduate and three undergraduate students have worked approximately 19 hours each on this project since April / May of 2005. During August these students completed the process flow diagram describing the methodology that the certification team will follow during the certification process. They developed a template form for use by each evaluator that provides a consistent and uniform foundation to easily build separate, individual forms for testing modules. A blog was constructed (<http://csu-courts.blogspot.com>) for the benefit of communication among members of the certification team and between the software vendors. The Department of Driver Services (DDS) GECPS report was studied and used to develop a sample dataset for evaluating the traffic courts software. Columbus State used the students on a benchmarking of the progress using the AOC Traffic Information Processing System (TIPS) software. The AOC IT group has worked with CSU to develop a test data set for use in the traffic software certification testing process.

Columbus State organized and held an initial invitational meeting with some of the traffic court software vendors on August 30th at the University in Columbus. This meeting yielded among other things a unanimous decision that the certification of software would be a much needed valued added service to the courts. A second invitational meeting was held October 18th at the University with the additional vendors in attendance. As a result of these meetings a Vendors Council is being formed and will be open to all vendors who wish to be represented. This Council will provide opportunity for the vendors to be heard regarding issues affecting their products and services and to receive pre rather than post information from the state to prevent a repeat of what most Georgia court software providers refer to as the HB1EX disaster.

Since the first certification trial run did not occur until well into the fourth quarter of the 2005 the *Intergovernmental Contract for Services* between the GCAC and the University has been extended through December 31, 2005 to allow the additional time needed to overcome the delays encountered and complete the project. Professor Wayne Summers has stated that once they have a chance to test the volunteer vendor's software, they should be ready to submit their final report with detailed procedures for how the software will be tested.

Georgia Courts Automation Commission
Report to the Judicial Council of Georgia
December 2005

When completed, this program will be used to certify any software offered for sale and use by any court in Georgia. The seal of approval attached to the software certified via this process will provide prospective buyers and users some level of confidence that it will perform to a standard acceptable to the state.

GCAC Historical Document Preservation Project

The 15 year “paper” history of the Commission, minutes, filed documents, bound documents, flip charts, etc. still need to be organized and prepared for scanning and archiving to insure the proper preservation of these records. A lack of available time and resources prevents any progress on this project. These valuable documents need to be preserved for those who follow after us.

Shared Support Services with Administrative Office of the Courts

During the last week of September 2005 the full time administrative support person for the Information Technology Division at the Administrative Office of the Courts was lost due to a reduction in staff. This person provided administrative support to the GCAC. The Commission has been without dedicated administrative support since that time. Adjustment to this downsized environment has resulted in a less than desired level of service for the Commission and others who rely on response and output from the Commission Office. Options are being explored to remedy what will hopefully be a temporary work overload situation.

CROSS JURISDICTIONAL STUDY COMMITTEE

I. Purpose/Mission

In 2004, the Judicial Council established the Cross Jurisdictional Study Committee to study and provide recommendations on how all classes of courts could interface with each other in a collaborative manner, specifically on jurisdictional issues involving children, youth and families. Since then, the Study Committee, consisting of representatives from the various classes of courts, has within this forum held open dialogue to address the needs and resolve jurisdictional conflicts between the courts. As a further assist in addressing these issues, the Study Committee also includes members from the executive branch, who specifically work on issues involving children, youth and families. As a result of this Study Committee reviewing issues and potential legislation impacting courts, well-studied and analyzed formal recommendations can be made to the full Judicial Council on these cross jurisdictional issues. The Study Committee is chaired by Supreme Court Justice Harris Hines.

II. Membership

The Committee members, in addition to Justice Hines, invited to the Cross Jurisdictional Study Committee meetings are: Judge Anne Workman, Superior Court, Stone Mountain Judicial Circuit; Judge Neal W. Dickert, Superior Court, Augusta Judicial Circuit; Judge William L. Tribble, Sr., Juvenile Court, Dublin Judicial Circuit; Judge Peggy H. Walker, Juvenile Court, Douglas Judicial Circuit; Judge Edward E. Carriere, Jr., State Court, DeKalb County; Judge Susan P. Tate, Probate Court, Clarke County; Judge Haynes H. Townsend, Magistrate Court, Whitfield County; Brenda Woodard, Chief Legal Officer, Department of Human Resources; and, Vivian Egan, Legal Services Officer, Department of Family and Children Services.

In addition, guests are regularly invited to present on specific issues or attend as representatives of various agencies or judicial councils. The meetings are staffed by Debra Nesbit, Associate Director for Legislative and Governmental Affairs, Administrative Office of the Courts; Jane Martin, Assistant Director for Grants and Performance Outcomes, Administrative Office of the Courts; Jill Radwin, Child Support Judicial Liaison and Staff Attorney of Child Support Commission, Administrative Office of the Courts; Michelle Barclay, Director, Child Placement Project, Administrative Office of the Courts; and Marla Moore, Associate Director for Court Services, Administrative Office of the Courts.

II. Recent Activities

A. COMMUNICATION BETWEEN THE COURTS

It has been determined that one of the biggest jurisdictional issues facing the courts is the lack of communication between the various classes of courts. The end result is that often litigants forum shop without the various courts aware of the multiple filings and conflicting orders. To this end, the Study Committee is working on a common rule with each respective council to assist in this effort. Further, the representatives on the Committee have each

encouraged their respective councils to include representatives from other classes of courts as part of their seminars to educate the members on the workings of these courts. The goal is that better communication will foster better understanding.

B. REVIEW OF LEGISLATION AND HOW IT WILL IMPACT THE COURTS

One of the most beneficial responsibilities of the Study Committee is to study and review legislation during the legislative session. For example, during the past legislative session, the Study Committee learned of a pending statewide family court bill. After the Study Committee's careful review, the legislative sponsor was notified of the Study Committee's concerns. In addition, the Study Committee has been kept informed of newly enacted legislation, and the potential impact to courts, including the Child Support Guidelines bill, new drug court bill and the revisions to the legitimation statute.

C. PRIORITY OF SCHEDULING

Due to revisions made to the permanency plan for children requirements during the past legislative session, juvenile courts are now required to hear termination of parental rights cases within a short time frame. The Cross Jurisdictional Study Committee addressed possible revisions to a proposed priority rule to foster compliance with this newly revised statute, and has assigned it for further study by several members of the Study Committee and the respective superior and juvenile court councils.

D. NOTIFICATION OF FOREIGN EMBASSIES

The Study Committee heard from Chuck Olson, General Counsel, Prosecuting Attorneys' Council, on the issue of notification of foreign counsels and embassies. Mr. Olson alerted the Study Committee that this issue has been practically ignored in the State of Georgia but is a rising issue throughout the nation. The end result is that social service agencies and legal systems have been sued for failure to abide by various treaties. Mr. Olson provided instructions on how to comply with this requirement derived from Article 37 of the Vienna Convention on Foreign Consuls. The intent behind Mr. Olson's presentation is that the representatives on the Study Committee will distribute Mr. Olson's materials and information to their respective courts.

As for planned future activities, the Study Committee will monitor legislation as it is introduced during the upcoming legislative session and alert its members of potential impact. Further, the Study Committee has initiated specialized study of specific issues, such as the priority rule and the paternity/legitimation statutory scheme to produce potential rules or legislative proposals to the Judicial Council.

Memorandum

TO: Judicial Council Members
FROM: Judge George H. Kreeger, Chair
RE: Drug Court Committee Report
DATE: November 15, 2005

New Committee Members

As of August 19, 2005, the following Advisory members were added to the Standing Committee on Drug Courts:

Mr. Nolan Martin
Georgia Public Defender Standards Council

Ms. Neil Kaltenecker
Georgia Department of Human Resources

Mr. Steve Ferrell
District Court Administrator

Sheriff Neil Warren
Cobb County

Ms. Freddie Boyd
Georgia Department of Corrections

FY 06 Drug Court Grant Process

During the August 19, 2005 Judicial Council Standing Committee on Drug Courts Meeting, it was reported to the Committee \$500,000 was transferred from Council of Superior Court Judges to the Standing Committee on Drug Courts for the use of Drug and DUI Courts. The Committee decided to divide the allocated money in the following:

Grant Application Funding

- \$176,000 Juvenile/Family Drug Courts with \$25,000 cap for enhancements, \$50,000 cap for operational costs, \$75,000 cap for start-up costs.
- \$264,000 distributed to Felony and Non-Felony DUI/Drug Courts with \$25,000 cap, and a \$75,000 cap for start-up costs.

2006 Conference Budget

- Committee allocated \$60,000 for 2006 conference budget; unused monies will carry into 2007 conference budget.

The Judicial Council Standing Committee on Drug Courts decided that the Drug Court Grant Award application time frame would be:

- Announce available money to Courts, and send out application: September 1, 2005
- Application due from Courts: October 1, 2005
- Funding to Courts effective: November 1, 2005

Grant Application Review Process

A total of 38 Grant Applications (\$1.9 million in requests) were received and reviewed by the Administrative Office of the Courts. The District Court Administrators met on October 6, 2005 to review Grant Applications as well. The District Court Administrators focused on programs that improved direct services and operations of the Courts, and programs that increased accountability for participants. No grant money was awarded for office supplies, equipment, or travel.

The Judicial Council Standing Committee on Drug Courts approved a total of \$419,696.00 to be awarded to 25 DUI/Drug Courts. Award notification and declination letters were sent out to Courts, followed by Grant Award Contracts, data reports, and expenditure reporting information. Reallocation of unused Grant Award money will take place in March 2006, and will only be available to Drug and DUI Courts that applied for the FY06 Grant.

2006 Drug and DUI Court Conference

The 2006 Drug and DUI Court conference will be held May 10-12, 2006 at the Wyndham Peachtree Conference Center in Peachtree City. Expected attendance is 250-300 guests. The Conference will feature workshop/educational tracks for each member of the Drug Court Team including Judges, District Attorneys, Public Defenders, etc. The Judicial Council Standing Committee on Drug Courts will continue with the scholarship program for Drug and DUI Court Teams. Vendor Registration/Information packets are being distributed, with hopes of having 17-20 vendors exhibit during the Conference.



Judicial Council of Georgia
Administrative Office of the Courts

David L. Ratley
Director

November 16, 2005

MEMORANDUM

TO: Each Member of the Judicial Council

FROM: David L. Ratley 

RE: Activities of the Judicial Council of Georgia Committee on Records Retention

The minutes of the Work Group meeting held in April of this year are attached to this memorandum. The Work Group has been reviewing statutes, policies, and procedures for the handling and disposal of evidence from other countries and states. There will be a teleconference in December at which the Work Group will make its final recommendation to the Committee on Records Retention.

Judicial Council of Georgia Records Retention Work Group

April 22, 2005
Atlanta, Georgia

Members Present:

Judge Barrett W. Whittemore, Linda Miller, Randall Duncan, Robin Shearer, Carl Greenberg, Sharon Moore, Charles Olson, William Martin

Staff:

Marla Moore, Greg Arnold, Wade Herren, Justin Brady, Ebone Richardson, Maryetta Finkley, Keyona Chestnut

Minutes:

Judge Whittemore brought the meeting to order at 10:00am with a discussion about the possibility of making a recommendation to the Judicial Council on evidence retention. Judge Whittemore opened the discussion on last meeting's minutes.

Dr. Arnold discussed implementing the recommendation of this records retention work group and also the issue of electronic document retention.

Judge Whittemore mentioned small jurisdiction courts and expressed his concern about how they are retaining or disposing of evidence in those courts. Also, discussion for each class of court in accordance with Title 17 & Title 21 was brought up.

Mr. Herren reviewed and discussed multi-state differences in records retention.

Dr. Arnold reviewed earlier documents on possible procedures to be adopted for classifying evidence.

Mr. Olson brought up the issue of the 5th Amendment rights. He gave an example of problems such as felons getting out of jail and wanting their gun back. Although they are no longer allowed to possess a gun, the gun is still part of their estate. Members agreed that guns, drugs, and other bulky objects are stored and piled high by clerks and district attorneys.

Judge Whittemore requested recommendations for a uniform rule within all courts. Mr. Olson suggested things should be put into statute and be flexible for each particular class of court. Mr. Olson also suggested having broad organizing standards which would allow court and agency administrators to implement records retention in accordance with standard operating procedures. Mr. Martin suggested the retention of evidence should not be put into statute but each type of evidence be given a broad definition.

Mr. Olson suggested that a county commissioner sit in while drafting new procedures or statutes for records retention dealing with evidence.

Dr. Arnold discussed past attempts on the development of statutes and rules. He has been told that three statutes should be mandated with flexibility for each court. Dr. Arnold reported court administrators suggested:

- Pass a Statute
- Pass a Uniform Rule
- Both

Judge Whittemore stated that he wanted to work with individuals affected by evidence retention problems for subsequent presentation to the Judicial Council. Judge Whittemore encouraged all members present by late July to gather information and possibilities for the development of procedures to handle evidence retention.

The meeting was adjourned at 1:17pm.

Respectfully submitted by:

Justin Brady, Research Associate

**REPORT FROM THE JUDICIAL COUNCIL STANDING
COMMITTEE ON POLICY**

**WILL BE PROVIDED AS HANDOUTS
AT THE JUDICIAL COUNCIL MEETING**



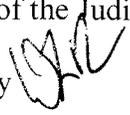
Judicial Council of Georgia
Administrative Office of the Courts

David L. Ratley
Director

November 16, 2005

MEMORANDUM

TO: Each Member of the Judicial Council

FROM: David L. Ratley 

RE: Activities of the Judicial Council of Georgia Committee on Workload Assessment

The minutes of the May 2005 meeting are attached to this memorandum. The Committee met on November 18, 2005 to study the definitions of the case types, judge hours, and the schedule to be used in the Workload Assessment study. The study will begin in late March or early April. The Committee has asked staff to finalize research on the Minnesota Model that will be adapted for Georgia.

In addition, the Committee is studying some issues from the most recent case count. It is possible that the Committee will present modifications to the current Judgeship Assessment policies.

Judicial Council of Georgia Workload Assessment Committee

May 13, 2005
Atlanta, Georgia

Members Present:

Judge Joe Bishop, Judge William Boyett, Judge William Craig, Judge Doris Downs, Judge Hugh Stone, Jody Overcash, Fred Roney, John Cowart, Michael Neuren, Michael Wilson, Joanne Caldwell

Staff:

Marla Moore, Greg Arnold, Yolanda Lewis, Justin Brady

Minutes:

Judge Bishop began with a review of the minutes from the previous Workload Assessment Committee meeting and presented a brief overview of the topics to be discussed.

Dr. Arnold reviewed two threshold models for consideration. A motion was made to adopt a new adjusted threshold. The motion was voted on and accepted. Dr. Arnold informed the committee that the adjusted threshold would be presented to the Judicial Council at the June 2005 meeting.

Judge Downs and Dr. Arnold reviewed the Minnesota Model for possible adaptation in the State of Georgia. A new case weight study was recommended as one of the steps for adaptation of the Minnesota Model. Judge Bishop instructed the committee that the current weights and the newly adjusted threshold would be used until an assessment could be completed.

Dr. Arnold reviewed criminal codes and civil caseload reports. He stated that the beginning tasks would be to review judicial workload by looking at the judge year value, analyzing criminal statutes, and reviewing domestic relations and general civil cases for more defined categories.

Dr. Arnold suggested that over the next year the Administrative Office of the Courts will conduct a workload assessment in which judges will record time on the bench for domestic relations and general civil cases. By the December 2006 Judicial Council meeting, the committee will be able to present this assessment to the Judicial Council for consideration. Then during the CY 2006 case count process, the committee will have the general civil and domestic relations case weights adapted to the Minnesota Model.

Judge Bishop requested the date of when the case weight study with the Superior Court would begin. Dr. Arnold suggested that work on the project would convene shortly after the August Judicial Council meeting. The Research Division of the Administrative Office of the Courts will categorize general civil and domestic relations cases by

November. Dr. Arnold went on to say that within October to December of 2005, the Research Division will begin educating the judges on what they will be doing for the case weight study in 2006. In addition, development of the criminal case categories will be completed by fall 2006. Final completion of the study to present to the Judicial Council is slated for June 2007.

The main action items mentioned for the case weight study were:

- Categorization of Cases
- Review of Judge Year Values
- Conduct Pilot Analysis

Judge Bishop concluded the meeting by announcing that another Workload Assessment Committee should be scheduled after the June Judicial Council meeting.

Respectfully submitted by:

Justin Brady, Research Associate

DRAFT

Judicial Council Report, November 2005

The Supreme Court of Georgia's Child Placement Project (CPP) began its tenth year this past July. For the last nine years, the CPP has focused on implementation of the recommendations set forth by the Advisory Committee in 1996. The Advisory committee evolved into the Implementation Committee. The mission of the project has remained constant which is to improve the court process of child deprivation cases. The CPP has federal funding thru the year 2007.

Justice P. Harris Hines serves as the current chair of the Implementation Committee. Committee members representing the judiciary, the state bar; the Department of Family and Children Services as well as the community include: Mr. Wilfred Hamm, Social Services Director of the Division of Family and Children Services, Director of Foster Care; Mr. Duaine Hathaway, Georgia CASA, Executive Director; Judge Michael Key, Troup County Juvenile Court; Dr. Normer Adams, Executive Director of the Georgia Association of Homes and Services for Children; Attorney Kathleen Dumitrescu, Atlanta Volunteer Lawyer Foundation; Judge Peggy Walker, Douglas County Juvenile Court; Judge Jackson Harris, Superior Court Judge, Cherokee County Juvenile Court; Senior Juvenile Court Judge James Morris; Attorney Nikki Marr, Dekalb; Attorney Robert Grayson, Cobb County, Special Assistant Attorney General; Judge Stephen Goss, Dougherty County Superior Court; W. Terrence Walsh, Alston & Bird, Chair of the State Bar Committee Children and the Courts; Ms. Lisa Lariscy, Gwinnett County DFCS; Judge Tom Rawlings, Juvenile Court of the Middle Circuit and Attorney DeAlvah Simms, Office of the Child Advocate.

Georgia has approximately 14,000 children in state custody due to child abuse or neglect. While progress has been made toward improving the court process of civil child abuse and neglect cases in Georgia, there is still work to be done. Priority goals for 2006 include: exploring expediting appeals of termination of parental rights cases, improving the placement stability of children in foster care under court supervision, improving the quality of representation of children, parents and the agency, and defining for implementation court performance measures in deprivation cases

Improvement goals for the past nine years have included: automation of the deprivation case records, cross-training and setting standards of practice for all participants in juvenile court, increasing the representation of parents and children in juvenile court, and obtaining state funding for juvenile court judges. Benchmarks for some of these goals have been reached and while others have needed refinement.

Over the years, CPP grant funds have been used to: upgrade computers for juvenile court around the state; create an automated on-line case plan pilot; and create trial manuals and aspirational guidelines, and host conferences and workshops for participants in child deprivation cases. The CPP has a web site hosted by the AOC with regular progress reports and publications.

See: www.childplacementproject.org/

**FY 2006 JUDICIAL BRANCH SUPPLEMENTAL
REQUEST**

and

**FY 2007 JUDICIAL BRANCH GENERAL
APPROPRIATIONS REQUEST**

**WILL BE PROVIDED AS HANDOUTS
AT THE JUDICIAL COUNCIL MEETING**