

JUDICIAL COUNCIL OF GEORGIA

General Session

Tuesday, June 6, 2006

Hilton Savannah DeSoto Hotel

9:00 a.m.

**Center Ballroom
Lobby Level**



Luncheon

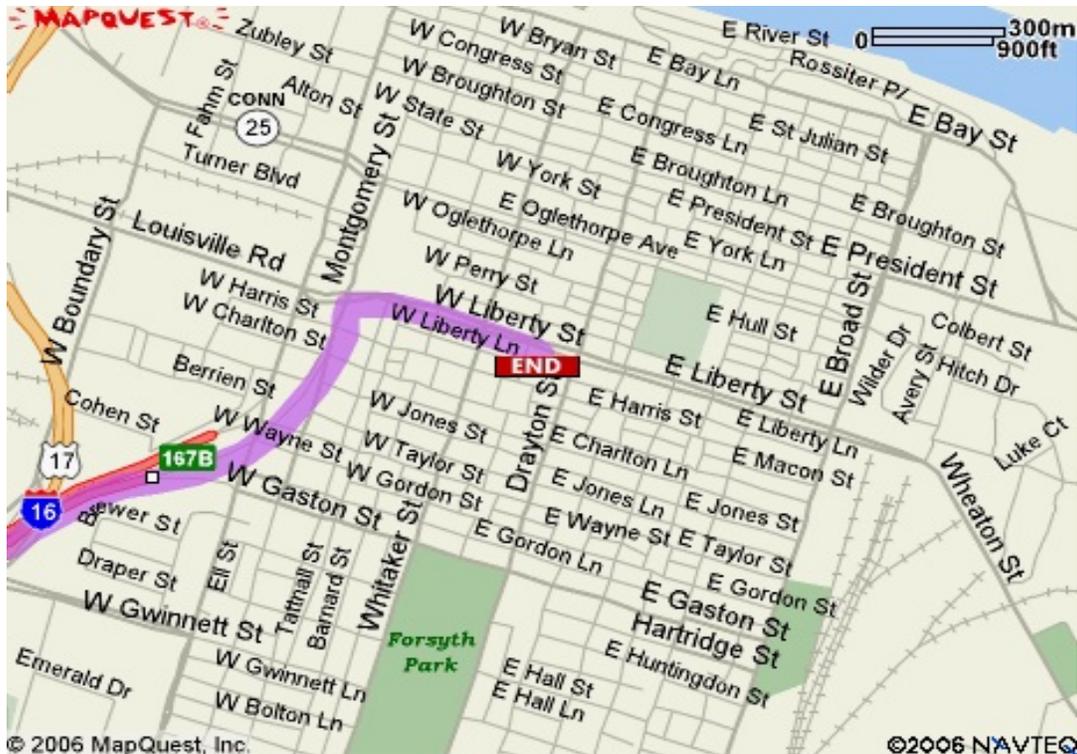
12 Noon

North Ballroom

15 East Liberty Street
Savannah, GA 31401

Driving Directions to the Hilton Savannah DeSoto Hotel
15 East Liberty Street
Savannah, GA 31401-3920
1-800-426-8483 OR 912-232-9000

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- From I-16 Eastbound take the Montgomery Street Exit (Exit 167B) toward Savannah, Civic Center, Downtown.
- Turn slightly to the left onto Montgomery Street.
- Turn right onto West Liberty Street.
- Proceed straight, crossing Bull Street—the hotel will be on your right (taking up the entire block from Bull Street to Drayton Street).
- ***The entrance for under the hotel parking is at the far front corner of the building just before crossing Drayton Street.***

Judicial Council of Georgia
Hilton Savannah DeSoto
Center Ballroom, Lobby Level
Savannah, GA

Tuesday, June 6, 2006

9:00 a.m.

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

1. **Introductions and Preliminary Remarks**
(Chief Justice Sears, Est. Time—5 Min.)
2. **Approval of December 7, 2005 Minutes** Tab 1
(Chief Justice Sears, Est. Time—3 Min.)
3. **Status of 2006 Judgeship Requests**
(Mr. Ratley, Est. Time—3 Min.)
4. **Reports from Committees:**
 - A. Nominating Committee Tab 2
Vacancies on the Board of Court Reporting
(Judge Ott, Est. Time—5 Min.)
 - B. Standing Committee on Policy
(Justice Hunstein & Ms. Nesbit, Est. Time—5 Min.)
 - C. Judicial Council Workload Assessment Committee Tab 3
(Judge Bishop, Est. Time—5 Min.)
 - D. Records Retention Committee Tab 4
(Judge Whittemore, Est. Time—5 Min.)
 - E. Drug Court Committee
(Judge Kreeger, Est. Time—5 Min.)
 - F. Georgia Courts Automation Commission Tab 5
For Informational Purposes Only
No Action Required by the Council
5. **Legislative Update**
(Ms. Nesbit, Est. Time—10 Min.)

******* BREAK—15 Minutes *******

6. **Budget Matters**
(Judge Carriere, Mr. Harris, Est. Time—15 Min.)

Tab 6

- A. Final FY2006 Budget
- B. FY2007 General Appropriations Budget

7. **Report from AOC Director**
(Mr. Ratley, Est. Time—15 Min.)

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, Time—5 Min.)
- C. Council of Superior Court Judges
(Judge Boyett, Est. Time—5 Min.)
- D. Council of State Court Judges
(Judge Studdard, Est. Time—5 Min.)
- E. Council of Juvenile Court Judges
(Judge Andrews, Est. Time—5 Min.)
- F. Council of Probate Court Judges
(Judge Cason, 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. **Reports from Various Judicial Agencies & Entities**

- A. **Transition Into Law Practice Program**
(Mr. Ashworth, Est. Time—5 Min.)
- B. **Georgia Council of Court Administrators**
(Mr. DeLoach, Est. Time—5 Min.)

Tab 7

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

A. **Date and Place of Next Regular Council Meeting**

Date: Tuesday, August 29, 2006

Place: Wyndham Vinings Hotel, Atlanta, GA

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

* * * * *

12 Noon
Lunch Served in the
North Ballroom, Lobby Level

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 Betty B. Cason
Probate Court of Carroll County
Room 204
Carroll County Courthouse
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 Walter J. Clarke, II
Probate Court of Gwinnett County
Gwinnett Justice &
Administration Center
75 Langley Drive
Lawrenceville, GA 30045-6900
770-822-8250/FAX 822-8267

Judge Brenda H. Cole
State Court of Fulton County
T3905 Justice Center Tower
185 Central Avenue, S. W.
Atlanta, GA 30303
404-730-4311/FAX 730-8182

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 Arch McGarity
Superior Court
Flint Judicial Circuit
Henry County Courthouse
McDonough, GA 30253-3293
770-954-2118/FAX 954-2947

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 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 Velma Tilley
Juvenile Court of Bartow County
Cherokee Judicial Circuit
135 W. Cherokee Avenue, Suite 333
Cartersville, GA 30120-3181
770-387-5039/FAX 387-5044

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

Hilton Savannah DeSoto Hotel
15 East Liberty Street
Savannah, GA 31401
June 6, 2006

NEW MEMBERS WHO HAVE JOINED THE JUDICIAL COUNCIL IN 2006

1. Judge Arch McGarity, President Elect, Council of Superior Court Judges
2. Judge Brenda H. Cole, President Elect, Council of State Court Judges
3. Judge Velma Tilley, President Elect, Council of Juvenile Court Judges
4. Judge Walter J. Clarke, II, President Elect, Council of Probate Court Judges

MEMBERS WHO HAVE LEFT *OR* ARE KNOWN TO BE LEAVING PRIOR TO THE MEETING ON AUGUST 29, 2006

1. Judge Daniel M. Coursey, Jr., Superior Court, Stone Mountain Judicial Circuit
2. Judge A. Wallace Cato, Administrative Judge, 2nd Judicial Administrative District
3. Judge George F. Nunn, Jr., Administrative Judge, 3rd Judicial Administrative District
4. Judge William H. Craig, Administrative Judge, 6th Judicial Administrative District
5. Judge Jon B. Wood, Administrative Judge, 7th Judicial Administrative District
6. Judge Phillip R. West, Administrative Judge, 8th Judicial Administrative District
7. Judge Hugh W. Stone, Administrative Judge, 9th Judicial Administrative District
8. Judge John F. Salter, Sr., State Court of Dougherty County
9. Judge James E. McDonald, Jr., Juvenile Court of the Western Judicial Circuit
10. Judge Mike Bracewell, Probate Court of Morgan County
11. Judge Melinda Anderson, Magistrate Court of Liberty County

**Judicial Council of Georgia
December 7, 2005
Wyndham Vinings Hotel
Atlanta, Georgia**

DRAFT

Members Present:

Chief Justice Leah Ward Sears
Presiding Justice Carol W. Hunstein
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 Phillip R. West
Judge Jon B. Wood

Members Absent:

Chief Judge John H. Ruffin, Jr.
Judge Anne Elizabeth Barnes

Guests present:

Mr. Frank Abott, Superior Court Clerks Cooperative Authority
Ms. Dena M. Adams, Superior Court Clerks Cooperative Authority
Judge Joe Bishop, Pataula Judicial Circuit
Judge Ed Carriere, State Court of DeKalb County
Judge Michael Cielinski, Council of Municipal Court Judges
Mr. John Cowart, Second District Court Administrator
Ms. Judy Cramer, Fifth District Court Administrator

Mr. Michael Cucarro, Council of Superior Court Judges
Ms. Cheryl Custer, Judicial Qualifications Commission
Mr. Danny DeLoach, First District Court Administrator
Judge John K. Edwards, Council of Municipal Court Judges
Mr. Steve Ferrell, Ninth District Court Administrator
Mr. John Fitzner, Eighth District Court Administrator
Mr. L. Tom Gunnells, Tenth District Court Administrator
Justice Harris Hines, Supreme Court of Georgia
Mr. Mike Holliman, Council of Superior Court Clerks
Judge Shephard Howell, Cherokee Judicial Circuit
Mr. Robert Ingram, State Bar of Georgia
Mr. Eric John, Council of Juvenile Court Judges
Mr. Greg Jones, Third District Court Administrator
Judge George Kreeger, Cobb Judicial Circuit
Ms. Sandy S. Lee, Council of Superior Court Judges
Ms. Beth Locker, Supreme Court Child Placement Project
Judge Arch McGarity, Flint Judicial Circuit
Mr. Nolan Martin, Georgia Public Defender Standards Council
Mr. William Martin, Clerk, Georgia Court of Appeals
Justice Harold Melton, Supreme Court of Georgia
Mr. Tom Merriam, Council of Superior Court Judges
Ms. Tia Milton, Supreme Court of Georgia
Judge Henry Newkirk, State Court of Fulton County
Ms. Lois Oakley, Office of State Administrative Hearings
Ms. Jody Overcash, Seventh District Court Administrator
Mr. Andy Peters, Fulton County Daily Report
Ms. Tina Petrig, Office of Dispute Resolution
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
Justice Hugh Thompson, Supreme Court of Georgia
Judge Kenneth Van Horn, Probate Court of Chattahoochee County
Ms. Kirsten Wallace, Council of Juvenile Court Judges
Ms. Sherie Welch, Clerk, Supreme Court of Georgia
Judge Barrett Whittemore, Whitfield County Magistrate Court

Staff Present:

Mr. David L. Ratley
Dr. Greg Arnold
Ms. Billie Bolton
Mr. Robert Bray
Ms. Terry Cobb
Ms. Cynthia Clanton

Ms. Lisa Durden
Ms. Tonya Griesbach
Mr. Vince Harris
Ms. Yolanda Lewis
Ms. Marla Moore
Ms. Debra Nesbit
Mr. George Nolan
Mr. Chris Patterson
Ms. Ashley Stollar
Mr. Julius Tolbert
Mr. Kevin Tolmich

Chief Justice Sears called the meeting to order at 9:00 a.m. She welcomed members of the Council and those in the audience to the meeting and asked that introductions be made for the benefit of all those present.

Approval of Minutes

Turning to the agenda, the Chief Justice referred to the minutes of the August 24, 2005 meeting. Judge Craig moved approval of the minutes as prepared. Judge Wood seconded. The motion carried.

Approval of ICJE Training Curricula for 2006

Mr. Reaves reviewed the calendars of course offerings for magistrates and municipal court judges found in the agenda materials. He noted that sufficient classes have been scheduled to provide required training for lawyer and nonlawyer magistrates, as well as, certification and recertification courses for municipal court judges. Training classes are also offered at the regular meetings of the Council of Magistrate Court Judges. Mr. Reaves anticipates increasing tuition for these courses later in 2006.

Judge Downs moved approval of the proposed training schedule for magistrates as presented. Judge Cason seconded. The motion carried.

Judge Downs moved approval of the proposed training schedule for municipal court judges as presented. Judge Boyett seconded. The motion carried.

Reports from Judicial Council Committees

Committee on Court Reporting Matters. Judge Boyett reported that the current members of the committee are: himself and Judges Salter, Craig, and Phipps. He called attention to the material on rule changes proposed by the Board of Court Reporting found in the agenda behind Tab 3. Judge Boyett stated that the executive committee of the Council of Superior Court Judges had identified three proposed changes that should not go forward until further consideration by the Board of Court Reporting. These are: (1) On page 2, section A 1 of Article 3 where a sentence regarding use of a typewriter for test-taking is deleted; (2) on page 4, Article 7, section A, where the words “court reporter” are substituted for the word “person;” and (3) on page 7, Article 10, paragraph C, where the addition of a period is needed following the word “above” and a new sentence begins, “Rules . . .”

Judge Boyett stated that the committee recommends approval of the proposed rule changes with those three exceptions. Since the Judicial Council cannot make these changes, the matter must be referred back to the Board.

Judge Cato moved to amend the motion to include a fourth exception: on page 4, section A, paragraph 1, where the phrase “December 31 of the year ending the CE cycle” should be changed to “January 1, 2006.”

The Chief Justice asked for a motion to approve the rule changes as amended. Judge Cato moved approval. Judge West seconded. The motion carried.

Court Fees Committee. Judge Stone stated that the Judicial Council committee was established to review fee collection procedures promulgated by the Superior Court Clerks Cooperative Authority. He reported that an interim evaluation of the collection system conducted by the Dept. of Audits has identified four problem areas: court costs, restitution in criminal cases, certain statewide assessments on both civil and criminal cases, finally local fees and fines collected in criminal cases. Although payments on fines are collected each month, 40% are never paid in full because the money simply runs out before everyone gets paid.

The clerk's cooperative authority has recommended that the Legislature adopt a uniform surcharge collection system in which money would be distributed to various established funds according to a fixed formula. In support of this effort the committee has drafted principles that should be taken into consideration prior to any changes by the General Assembly. These include: (1) a single surcharge; (2) established priorities; (3) a moratorium on creation of additional beneficiary groups; and (4) a policy on payment of local fees.

Discussion followed about methods of fee collection, types of cases that may be exempted, etc. Mr. Bray reported that AOC staff contacted a number of states to find out how their fee system operates and provided information to the

Dept. of Audits. Concerns regarding probation surcharges and the possibility of other revenue sources for court funding were also voiced.

Judge Cason moved to adopt the committee recommendation. Judge Salter seconded. The motion carried.

Georgia Courts Automation Commission Judge Van Horn, reporting for the commission chair Judge Pape, directed the Council's attention to the written material found in the agenda. He noted that strategic planning efforts involving all classes of court will be completed early in 2006; each class of court has met to define data elements for data sharing and exchange.

Cross-Jurisdictional Issues Study Committee

Justice Hines requested that any legislative proposals from the various courts be referred to the committee for review of possible cross-jurisdictional issues. He reported that Georgia was well-represented at a recent national child placement conference in Minneapolis. Juvenile courts have worked diligently to shorten the length of time children spend in out-of-home placements.

Drug Court Committee. Judge Kreeger noted that a full report of committee activities could be found in the agenda behind Tab 7. He presented the Guiding Principles for DUI Courts prepared by Judge Kent Lawrence, State Court of Clarke County, and adopted by the committee.

Judge Downs moved approval of the principles as prepared. Judge Studdard seconded. The motion carried.

Records Retention Committee. Judge Whittemore announced that the committee would meet via conference call on December 19, 2005 and should have recommendations to present at the June, 2006 Judicial Council meeting.

Standing Committee on Policy. Presiding Justice Hunstein asked Ms. Nesbit to present the recommendations of the Policy Committee regarding pending legislation. The Council considered each bill individually and voted to take positions as follows: **Support:** HB 181, HB 251, HB 325, HB 561, SB 32, SB 135, SB 301 (as amended), SB 244 (original version).

Oppose: HB 475, HB 609, HB 771, HB 865, HR 855, SB 101, SB 203.

Take No Position: HB 894.

Workload Assessment Committee. Judge Bishop presented the following recommendations for the Council's consideration:

- 1. Out of Time Requests.** The committee recommends that letters sent to those officials who have standing to request new judgeships, to change circuit boundaries or to implement pilot projects of non-uniform jurisdiction emphasize the critical importance of timely submission of such requests and make clear that any request submitted after the stated deadline will not be considered until the following year.
- 2. Voting and Ranking of Judgeship Ballots.** The committee recommends that prior to the distribution of ballots for ranking of approved judgeship requests, the Chair make clear to the members of the Council that unless voting members fully complete the ballot by ranking every listed circuit, the ballot will not be tallied.
- 3. Completion of Civil Case Filing and Disposition Forms.** To insure accurate data collection for workload assessment studies, the committee recommends that legislation be introduced in the General Assembly giving the clerk of court legal authority to refuse to accept a new civil filing without the statutorily required coversheet or to process the final disposition of a civil case without the accurate completion of the disposition coversheet.

Following a general discussion during which Judge Bishop answered questions concerning the three proposals, Chief Justice Sears called for a vote on

each matter. Regarding Item 1. Out of Time Requests, Judge Downs moved approval. Judge Wood seconded. The motion carried.

Regarding Item 2. Voting and Ranking Policy, Judge Salter moved approval of the recommendation. Judge Craig seconded. The motion carried.

Regarding Item 3. Filing and Disposition Forms, Judge Stone moved for approval. Judge Craig seconded. The motion carried.

Judge Bishop also announced commencement of the workload assessment study beginning early in 2006. He noted that the study will require cooperation from each superior court judge and superior court clerk. After the committee finalizes the case types for data collection and approves the data collection forms and procedures, regional training classes will be conducted by the AOC research staff. Dispositions will be tracked for a period of ninety days and new case weights and judge-year values will be derived from the aggregate data collected. Judge Bishop anticipates that once approved by the Council, the new weights will be used for the 2007 judicial workload assessment study.

Child Placement Project. Written report included in the agenda.

Legislative Tracking Presentation

Ms. Deborah Nesbit, AOC Associate Director for Legislative & Governmental Affairs, gave a powerpoint presentation detailing the consolidation and reorganization of the Administrative Office of the Courts that has occurred over the past four years. Begun in FY 2001 in response to recommendations generated by a National Center for State Courts study, the reorganization has strengthened agency accountability procedures, enhanced inter-agency efficiencies, and improved the effectiveness of the judicial branch.

Specifically, the AOC assumed many responsibilities formerly carried out by separate judicial entities. For instance, in FY 2002, the Supreme Court transferred the Child Placement Project to the AOC. In FY 2003, the Board of Court Reporting, the Equality Commission staff, the Commission on Substance Abuse and the Courts, and the cost of the Statewide Sustain Case Management System were all transferred to the AOC. The Georgia Courts Automation Commission and staff were transferred to the AOC in FY 2004, and in FY 2005 the AOC assumed responsibility for a portion of the Statewide Judicial Technology Services.

Efficiencies resulting from this reorganization have been cost-effective requiring little need for increases in funding as use of grant funds has offset some operating costs. Ms. Nesbit noted that the 3.4% increase in the FY 2006 budget request is within the Governor's guidelines, as is the 3.23% increase of the FY 2007 request.

Report of the AOC Director

Mr. Ratley saluted his executive management team which has worked tirelessly to improve services to the courts and the Judicial Council over the past four years. He asked that Mr. Bray, Ms. Moore, Ms. Clanton, Ms. Nesbit and Mr. Harris stand and be recognized. In addition he acknowledged the contributions of senior managers and line staff to the success of the organization.

He stated that building resources and relationships for the agency is an accomplishment of which he is especially proud. As an example he cited the cooperative relationship between the new Georgia Public Defenders Standards Council and the AOC. Mr. Ratley stated that Georgia's Administrative Office of the Courts is now structured and funded similarly to those of a majority of other states. He believes that the

restructured AOC is among the most respected and efficient in the US. The AOC's support to trial courts, strengthened research capabilities, innovative training for court personnel, and staffing of new Judicial Council committees have contributed to a stronger judiciary.

Budget Matters

Judge Carriere stated that the Judicial Council Budget Committee played an active role in preparing and approving the annual budget document distributed to members at the meeting. The judicial branch budget does not exceed the 4% growth limit; the actual growth is 1.5 percent. He asked for support for the budget request during the legislative session.

Reports from Appellate Courts and Trial Court Councils

Supreme Court. No Report

Court of Appeals. No Report.

Council of Superior Court Judges. Judge Coursey introduced Ms. Sandy Spicer Lee, the recently-hired executive director of the Council of Superior Court Judges. Ms. Lee, originally from Tennessee, began her career in Georgia state government in 1987 as legislative editor for the Office of Legislative Counsel, in 1990 she moved to the staff of House Research, and in 1993 she became director of legislative services for the Department of Corrections. Since 1996 Ms. Lee has held the position of Assistant Director for Georgia State Parks and Historic Sites. The superior court judges are delighted to have her as an employee of the judicial branch.

Council of State Court Judges. Judge Salter reported that the Council of State Court Judges passed a unanimous resolution of support for legislative proposals made by

the Judiciary Committee of the State Bar of Georgia. These include: nonpartisan election of judges in all classes of courts and increased compensation for the state's appellate court judges. He urged support of these proposals from other councils.

Council of Juvenile Court Judges. Judge McDonald reviewed current issues of interest to juvenile court judges, and included: implementation of recent statutory changes in sentencing options; consideration of graduated sanctions in delinquency cases; ongoing work of the Code Revision Commission; and work with the Cross-Jurisdictional Study Committee on legitimation and paternity issues.

Council of Probate Judges. Judge Bracewell expressed appreciation for the support to the Probate Council provided by both AOC and ICJE. He commended Dr. Arnold of AOC Research for his skillful facilitation of their recent strategic planning effort. He noted that while the Council fully supports SB 32 authorizing nonpartisan election of probate judges statewide, it is focusing energy on passage of local bills to change the election of probate judges to nonpartisan on a county by county basis. The certification program for probate clerks gets underway in 2006; finally, they are seeking passage of HB 561 to clarify unintended consequences created by last year's indigent defense fee bill.

Council of Magistrate Court Judges. Judge Anderson reported that the council recently held a blended meeting—including business and recertification courses which drew a total of 200 judges; one hundred of whom were first-time participants. Passage of their retirement bill is a priority again this year.

Council of Municipal Court Judges. Judge Edwards reported completion of strategic planning on courts automation in consultation with Mr. Nolan of the AOC. The

council's Uniform Rules committee continues its work. He invited everyone to their annual Legislative Breakfast to be held in Atlanta on February 23, 2006.

Old/New Business

Chief Justice Sears expressed appreciation to the Council of Juvenile Court Judges for hosting the Tuesday evening reception for Council members. She stated that some concern regarding lack of security at Judicial Council meetings has been expressed resulting in plans to have uniformed officers present at future meetings.

Judge Cato asked about Council policy concerning voting privileges of judges who attend meetings as substitutes for an absent member. Mr. Ratley stated that voting by substitutes is subject to certain limitations, depending on the reason for the member's absence.

Concluding Remarks

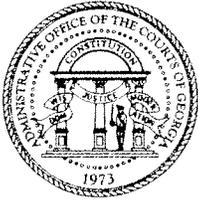
Chief Justice Sears presented Certificates of Appreciation to Judge Coursey, Judge Salter, Judge Bracewell, and Judge McDonald whose terms on the Council are ending. The meeting was adjourned at noon, followed by a luncheon in the Fireplace Lounge.

Respectfully submitted:



Billie Bolton, Assistant Director

The above and fore-going minutes were approved at the meeting held on _____ day of _____, 200_.



Judicial Council of Georgia Board of Court Reporting

David L. Ratley
Director

May 19, 2006

MEMORANDUM

TO: Each Member of the Judicial Council

FROM: Lisa Durden
Assistant Director, Regulatory Matters

RE: Vacancies on the Board of Court Reporting

The Board of Court Reporting plans to recommend to the Judicial Council Nominating Committee seven nominees to fill four vacant seats on the Board of Court Reporting.

According to O.C.G.A. §15-14-24, the Judicial Council appoints members of the Board of Court Reporting for two year terms. Members must have at least five years of experience in their profession. The bylaws of the Board limit members to serving a maximum of two consecutive terms. The positions currently under consideration are one superior court judge, one freelance voice writer, one official voice writer, and one attorney member. The individuals being considered for these positions are as follows:

1. Judge Anne Workman, Superior Courts, Stone Mountain Judicial Circuit; Has served one term and is eligible for reappointment. Desires to remain on the Board.
2. Allison Garrison, Freelance Reporter, Jonesboro; Method of takedown is Stenomask. Desires to be appointed Freelance Voice Writer.
3. Vickie E. Wiechec, Freelance Reporter, Bonaire; Method of takedown is Stenomask. Desires to be appointed Freelance Voice Writer.
4. Jesse R Hucks, Freelance Reporter, Tucker; Method of takedown Stenomask. Desires to be appointed Freelance Voice Writer.
5. Vickey Riggins, Official Voice Writer, McDonough; Method of takedown is Stenomask. Desires to be appointed Official Voice Writer.
6. Richard T. Kent, Attorney, Moultrie; Desires to be appointed Attorney member.
7. John Larkins, Jr., Attorney, Atlanta; Desires to be appointed Attorney member.

The recommendations of the Judicial Nominating Committee on these vacancies will be announced at the Judicial Council meeting.

Judicial Council of Georgia Workload Assessment Committee

January, 17, 2006

Augusta, GA

Members: Chief Judge Joe C. Bishop, Chair

Judge Cynthia J. Becker, Chief Judge William T. Boyett, Chief Judge Doris L. Downs, Chief Judge Hugh W. Stone, Ms. Connie H. Cheatham, Mr. John E. Cowart, Mr. Fred A. Roney

Staff:

Ms. Marla S. Moore, Dr. Gregory W. Arnold, Ms. Yolanda L. Lewis, Mr. Justin M. Brady

Minutes:

The meeting began with a brief review of the minutes from the last Workload Assessment Committee meeting. Counties stratified by demographics, population, etc. were reviewed by the committee. Multiple changes were made by the committee members as to how certain counties were to be stratified for the upcoming Time and Motion Study.

Yolanda Lewis gave a quick review of drug court cases observed by AOC Research members. Cases observed by the research staff were only taking minutes to conclude with an average time of only 2 minutes going by in a drug case for the day. Also, some cases quite often take place for a year or longer.

Greg Arnold reviewed the offense codes from the felony docket analysis. The Committee reviewed the case type classification work sheet and assigned the major case type categories such as homicide, sexual offenses, robbery, forgery, etc. An appropriate code such as Serious Felony (SF) and Other Felony (OF) were established at the recommendation of the committee. It was agreed upon by the Committee that the serious felonies were to be the seven deadly sins or cases with a mandatory 10+ years confinement. Some categories were not immediately assigned a case type code because some offenses can be felonies or misdemeanors depending on the severity of the charge. It was requested that the Superior Court judges be notified of how to code specific cases.

Many requests were made for edits to the forms that will be used by the judges during the study to allow for easier recording of data. Judges asked that additional columns be added for categories in the data collection forms. Check boxes were requested to demonstrate if a particular case is contested or pro se. Another request made by the Committee was to split the "on bench" data collection forms into individual documents. This will provide a single, detailed form for Criminal, General Civil, and Domestic Relations cases. The event codes were reviewed by the Committee to assure that no events were left out of the forms that could occupy the judge's time during the Time and Motion study.

Suggestions were made as to where the training sites for the Time and Motion Study should be. Tifton, Atlanta, Macon, and Savannah were the preliminary sites that the Workload Assessment Committee agreed upon. The meeting was adjourned.

Respectfully submitted by:

Justin M. Brady, Research Associate

DRAFT

Judicial Council of Georgia Records Retention Work Group

December 19, 2005

Conference Call

Members Present: Judge Barrett W. Whittemore, Chair
Judge A. Wallace Cato, Judge Susan P. Tate, Judge Robin W. Shearer, Chief Judge
Brenda S. Weaver, Mr. Chuck Olsen, Ms. Gail Collins, Mr. Philip M. Boudewyns

Staff Present: Dr. Gregory W. Arnold, Mr. Justin M. Brady, Ms. Ollise L. Burley

Minutes:

Judge Whittemore began the conference call by bringing up the issue of developing evidence retention by rule or statute. Judge Whittemore wanted to know what, if any, were the recommendations from the work group members. Judge Whittemore brought up OCGA § 15-1-3 and OCGA § 15-1-5 for discussion as possible solutions for having rules on evidence retention for each court in Georgia.

Dr. Arnold discussed ways to dispose of evidence after properly documenting the evidence digitally. Dr. Arnold reviewed OCGA codes explaining how evidence such as biological material, weapons, and motor vehicles are retained and who is responsible for retaining this evidence in a court of law such as clerks of court, sheriffs, etc. The work group discussed how the Magistrate Courts use Constables to perform the duties of sheriff in a court of law which involves overseeing the proper retention of evidence. It was also mentioned that uniformity for misdemeanor cases looks possible across all courts.

Members agreed to develop a report of a possible set of uniform rules to set across all classes of courts for evidence retention. Judge Whittemore recommended a draft of a synopsis explaining what we would like to do for evidence retention and have the work group review it via email for any questions, objections, or concerns. Then, the general records retention committee can review the synopsis for approval. After the committee has approved the recommendations, we can present it to the Judicial Council.

One last issue of shared jurisdiction was brought up by Judge Tate. She stated that the Probate and Superior Court share some jurisdiction on cases seen in court and that this issue should be taken into consideration. Dr. Arnold stated that we will organize notes, send them to the working committee, and lay out the proposal and proceed ahead. Judge Whittemore stated that the Municipal Court needs to be aware of what we are doing with evidence retention.

Another meeting was to be set at the beginning of 2006. The meeting was adjourned.

Respectfully Submitted By

Justin Brady, Research Associate

Judicial Council of Georgia Records Retention Work Group

May 8, 2006

Conference Call

Members Present: Judge Barrett W. Whittemore, Chair
Chief Judge Brenda S. Weaver, Mr. Philip M. Boudewyns, Ms. Pat Anderson, Mr. Bill Martin, Ms. Joanne Caldwell, Mr. Jim Bonner

Staff Present: Mr. Gregory Arnold, Ms. Yolanda Lewis, Mr. Justin Brady, Ms. Ollise Burley

Minutes: The conference call began around 1:30 pm. Judge Whittemore wants a simple statement for a uniform rule for all classes of court. Prior to this conference call, workgroup members sent in comments via list serv in review of a draft uniform rule. The comments were reviewed by the workgroup members.

Judge Whittemore stated that Judge Cato has a policy in place for handling criminal evidence that might translate well to all courts. Mr. Martin stated that photographic evidence used for “big” evidence items should be logged appropriately or have a trail to track the evidence. Mr. Bonner suggested that the Clerk of Court should be the custodian of evidence which would require the court reporter to no longer handle the evidence.

The question was posed whether the workgroup can agree on a draft to be put in writing and several members participating in the conference call agreed. Greg discussed how the Clerk is the “gatekeeper” of evidence in courts and agrees that is the way it should be. Judge Whittemore requested that Dr. Arnold come up with a draft uniform rule to be ready for review on Wednesday May 10th. The conference call ended around 2:05 pm.

Action Items:

1. Compile definitions from Black’s Law Dictionary
2. Draft a uniform rule
3. Distribute draft rule to the Evidence Retention Workgroup for review.
4. Present the draft rule to the Records Retention Committee for approval.

Respectfully submitted by:

Justin M. Brady, Research Associate



GEORGIA COURTS AUTOMATION COMMISSION

244 Washington Street, SW, Suite 300
Atlanta, Georgia 30334

June 2006
Report to the Judicial Council

Commission Business Activity

The Georgia Courts Automation Commission was legislatively created by the General Assembly to provide statewide automation and technology assistance to the local courts. The Commission continuously looks for opportunities to coordinate with county and local governments on state-wide strategies and plans and to coordinate on all statewide, court related automation efforts.

The Commission's primary focus for 2006 and beyond is on establishing policies and procedures, rules and regulations, and technical and performance standards, while continuing to offer advisory services to county and local governments with automating their court procedures and operations.

December 2005 Meeting

The Commission adopted a Conflict of Interest Policy at its December 2005 Business meeting. This new ethics related policy will provide proper direction when the interests or concerns of a GCAC member may be seen as competing with the interests or concerns of GCAC.

Strategic Plan Update

The Commission met in a two day session in April 2006 to review and update its Strategic Business Plan. The original plan was published in May 2004 and as was noted at that time the plan would require revision every eighteen months to two years.

The Mission, Vision and Goals were reconfirmed as originally written. A copy of the plan can be found on the web site at www.gcacommission.org. An articulation map was developed to bring the plan more in line with the Strategic Technology Plans developed for the Councils of Judges. Strategic Objectives, Key Initiatives, and Measures of Success were added to the plan. Priorities were assigned to Key Initiatives. High priority items continue to be the promotion of Statewide Standards to achieve a judiciary-wide IT Strategic Plan, the promotion of consistency of processes and actions within each class of court to include data collection and information sharing, and the promotion of the work of the judiciary to the legislature with the goal of securing sufficient funding to support the technology needs of the courts.

A current version of the Commission's revised Strategic Business Plan will be available on the web site (www.gcacommission.org) as soon as the members complete their review of the revisions and approve the plan for posting. This should occur no later than mid June 2006.

Administrative Support Services from the Administrative Office of the Courts

Due to the negative impact on administrative productivity in the GCAC Office caused by the loss of the shared full time Administrative Assistant position in AOC's Information Technology Division in September 2005, the AOC secured the services of a part time employee in January 2006 to provide some relief in this area. This person has been extremely valuable to the GCAC Office with scheduling and preparing for the Strategic Technology Planning sessions and Commission meetings, and with the day-to-day operation of the office.

Project Status Reports

Strategic Technology Planning for the Councils of Judges

The Commission has worked with the six individual Councils of Judges to promote and assist in the facilitation of Strategic Technology Planning sessions for each of the six classes of courts. These sessions have resulted in the documentation of defined data elements used by these courts and required to carry out their proficient, day-to-day operations, and to establish for the first time in the history of the courts specific Strategic Technology Plans to serve as guides for improvements with current technology and to insure best use of new technology. The draft documentation generated from these sessions is available on the GCAC web site at www.gcacommission.org.

The Technology Committees of the individual Councils of Judges are presenting the draft documents from these sessions to their Executive Committees and then to their full Councils for adoption in preparation for publication in final form. The final session of the twelve planned sessions will be conducted the week of June 12, 2006. All changes, revisions and updates to the documents should be completed by the end of July 2006.

The next phase of this Strategic Planning work will involve the use of the data flow diagrams developed by each class of court during their planning sessions. These data flow diagrams will be used to identify the data exchange points for potential data to be shared between and within the individual classes of courts. This work will require meetings with representative groups of judges from these courts regarding information that should and should not be shared.

The goal of the Commission's Strategic Technology Planning project is to achieve Integrated Justice through the sharing of valid information using standards developed and approved by the judges, the councils and the courts.

Court Software Certification

The certification of the software for the Traffic Courts of Georgia took another step forward during the first and second quarters of 2006. Columbus State University hosted meetings of the Vendors Council in February and in May that resulted in the acceptance of a Confidentiality Agreement between CSU and the Vendors to provide a comfort factor for Vendors in allowing testing to take place on campus at CSU without fear of disclosure of any trade secrets, a calendar of available test dates was established and will be made available to the Vendors on the Program web site at <http://csc.colstate.edu/softwaretest/Traffic/>, and the specific 2006 through 2008 certification requirements were confirmed with the Vendors.

Georgia Courts Automation Commission
Report to the Judicial Council of Georgia
June 2006

The 2006/2007 requirements for certification will be the compliance with the *Functional Requirement Standards for Traffic Case Management Systems* (found at http://www.ncsconline.org/D_Tech/standards/#v6) as developed by the COSCA/NACM Joint Technology Committee for the National Center for State Governments, compliance with the criteria published in the May 2004 Verti-Ware International, Inc. report to the Georgia Courts Automation Commission on the *Traffic Court Certification Program*, and compliance with the Global Justice XML Data Model (GJXDM) (found at <http://www.it.ojp.gov/gjxdm>) as provided through the U.S. Department of Justice, Office of Justice Programs.

The 2008 requirements call for compliance with the Generally Accepted Accounting Principles (GAAP) to insure that Vendor software complies with approved accounting and financial reporting principles used by state and local governments as well as other governmental entities.

Certifications requirements for 2009 and beyond will be established jointly by the Commission and the Councils.

Two of the vendors providing software to Georgia courts have volunteered to submit their software for testing. They are both scheduling tests for June 2006.

A blog exists at <http://csu-courts.blogspot.com> for communication among and between members of the certification team and the software vendors.

The goal of this Commission program is to achieve certification of all vendor software offered for sale and use by the courts of Georgia. Software that has been certified against national and state standards via a process supported by the Councils of Judges will carry a state seal of approval and provide prospective buyers and users some level of confidence that it will perform as advertised.

Historical Document Preservation Project

Organization of the sixteen year “paper” history of the Commission’s minutes, filed documents, bound documents, charts, etc. has at least begun. The boxes of documents and other papers are being reviewed and organized, as time permits, in preparation for their scanning and archiving to insure proper historical preservation. Progress is extremely slow but the project is underway. GCAC appreciates the temporary space provided by the AOC for the sorting and organization of these documents and papers.

Final FY2006 Judicial Branch Budget

and

**FY2007 Judicial Branch
General Appropriations Request**

**Will be provided as handouts
at the Judicial Council Meeting**



TRANSITION INTO LAW PRACTICE PROGRAM

Douglas Ashworth, Director

John T. Marshall, Chair
Standards of the Profession Committee

MEMORANDUM

TO: Judicial Council of Georgia

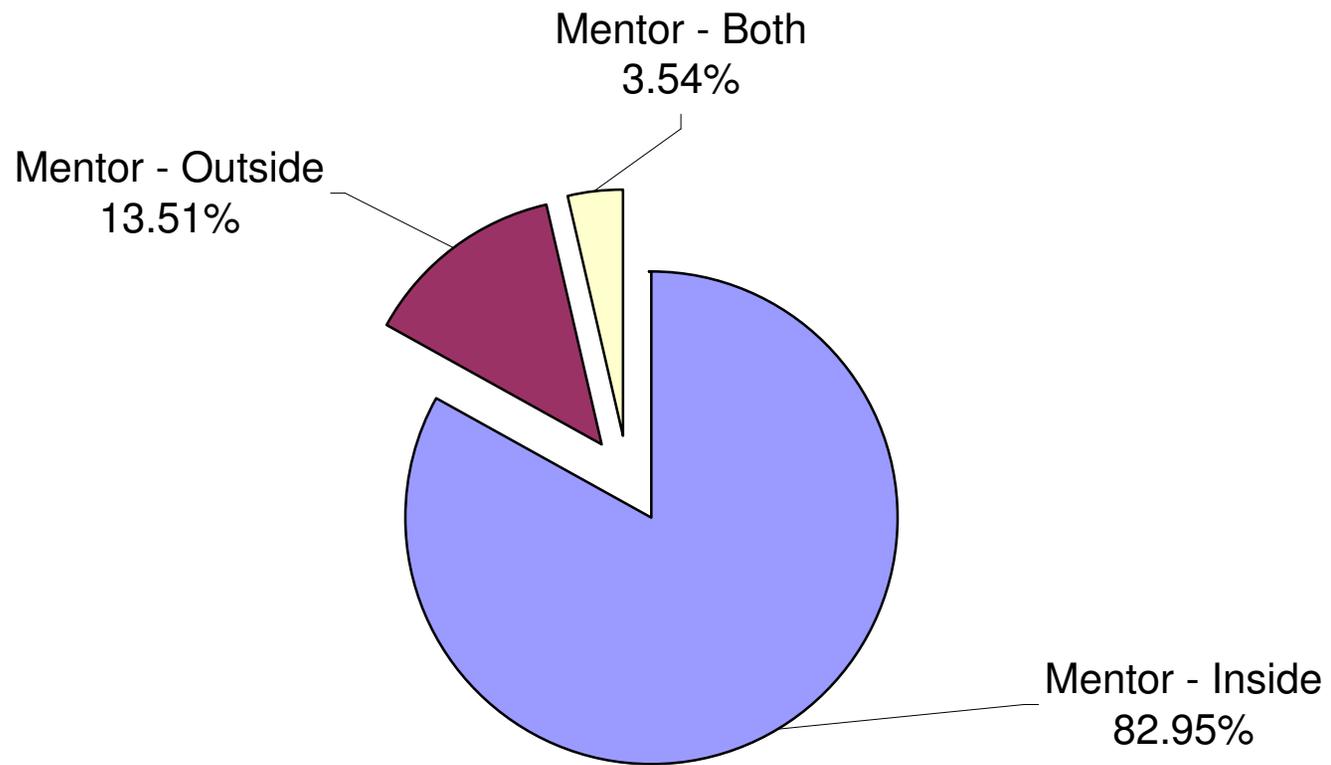
FROM: Douglas Ashworth, Esq.

RE: State Bar of Georgia Transition Into Law Practice Program ("Program")

1. **Transition Into Law Practice Program:** This Program replaces "Bridge the Gap". Lawyers newly admitted to the State Bar of Georgia, unless exempted, must complete the Transition Into Law Practice Program during the year of their admission or the next calendar year. The Supreme Court of Georgia authorized the State Bar of Georgia to proceed with the creation of the Transition Into Law Practice Program to assist lawyers in their transition from student to professional. The core of the program, informally known as the Mentoring Program, is to match beginning lawyers, after admission to the bar, with a Mentor for a twelve (12) month period.
2. **Timetable For Entering The Program:** The Program applies to every attorney admitted to practice in Georgia after June 30, 2005, unless exempted. The first large group covered by the new program is comprised of those who wrote the July 2005 Bar Examination. Those who pass the exam and who are otherwise eligible for admission to the practice of law in Georgia will participate in the Program (unless exempted), which will satisfy their continuing legal education requirements for the year of their admission and the next calendar year.
3. **Serving As A Mentor:** The Supreme Court of Georgia appoints Mentors. To volunteer to serve as a Mentor, or to view the minimum qualifications, log onto: www.gabar.org/programs/transition_into_law_practice_program.
4. **Brief History Of Program:** This Program is ten (10) years in the making. Developed by the Standards of the Profession Committee of the Commission on Continuing Lawyer Competency, a successful Pilot Project was conducted during 2000 – 2001.
5. **For More Information:** Online resources available for your review include manuals for Mentors and Beginning Lawyers; and, information for Judicial Law Clerks. (www.gabar.org/programs/transition_into_law_practice_program).

Mentor Status	Count	Percent
Mentor - Inside	657	82.95%
Mentor - Outside	107	13.51%
Mentor - Both	28	3.54%
Total	792	100.00%

MENTORS



Beginning Lawyer	Count	Percent
Inside	586	84.07%
Outside	51	7.32%
Group Mentoring	60	8.61%
TOTAL	697	100%

BEGINNING LAWYERS

CALENDAR YEAR 2006

