JUDICIAL COUNCIL OF GEORGIA

General Session

Friday, February 15, 2019
10 a.m. – 12:30 p.m.

James H. "Sloppy" Floyd Building – Floyd Room
2 Martin Luther King, Jr. Drive
West Tower, 20th Floor
Atlanta, GA 30334

Judicial Council of Georgia
General Session

James H. "Sloppy" Floyd Building – Floyd Room
2 Martin Luther King, Jr. Drive
West Tower, 20th Floor
Atlanta, GA 30334

Friday, February 15, 2019
10 a.m. – 12:30 p.m.
Lunch will be served immediately following the Council meeting

1. **Preliminary Remarks and Introductions**
   (Chief Justice Harold D. Melton, Est. Time – 5 Min.)

2. **Approval of Minutes, December 7, 2018** *(Action Item)* **TAB 1**
   (Chief Justice Harold D. Melton, Est. Time – 2 Min.)

3. **Legislative Remarks**
   (Representative Bert Reeves, Est. Time – 10 Min.)

4. **Magistrate Recusals/Appointment Rule**
   (Judge Robert A. Ruppenthal, Est. Time – 7 Min.)

5. **Judicial Council Committee Reports**

   A. **Criminal Justice Reform Committee** *(Action Item)* **TAB 2**
   (Justice Michael P. Boggs, Est. Time – 5 Min.)

   B. **Budget Committee** **TAB 3**
   (Justice Michael P. Boggs and Maleia Wilson, Est. Time – 5 Min.)

   C. **Technology Committee** **TAB 4**
   (Chief Justice Harold D. Melton, Est. Time – 5 Min.)

   D. **Legislation Committee** **TAB 5**
   (Presiding Justice David E. Nahmias, Est. Time – 5 Min.)

   E. **Court Reporting Matters Committee** *(Action Item)* **TAB 6**
   (Vice-Chief Judge Christopher McFadden, Est. Time – 7 Min.)

   F. **Commission on Interpreters** *(Action Item)* **TAB 7**
   (Justice Keith Blackwell, Justice Sarah Warren & Jana Edmondson-Cooper, Est. Time – 7 Min.)

6. **Report from Judicial Council/AOC** **TAB 8**
   (Ms. Cynthia H. Clanton, Est. Time – 10 Min.)

7. **Reports from Appellate Courts, Trial Court Councils & State Bar** **TAB 9**
   (Est. Time – 15 min.)

A. **Supreme Court**

B. **Court of Appeals**

C. **Council of Superior Court Judges**

D. **Council of State Court Judges**

E. **Council of Juvenile Court Judges**

F. **Council of Probate Court Judges**

G. **Council of Magistrate Court Judges**

H. **Council of Municipal Court Judges**

I. **State Bar of Georgia**

8. **Reports from additional Judicial Branch Agencies** (Est. Time – 5 Min.) **TAB 10**

   A. **Council of Accountability Court Judges**

   B. **Georgia Commission on Dispute Resolution**

   C. **Council of Superior Court Clerks**

   D. **Chief Justice's Commission on Professionalism**

   E. **Georgia Council of Court Administrators**

   F. **Institute of Continuing Judicial Education**

9. **Old/New Business**
   (Chief Justice Harold D. Melton, Est. Time – 5 Min.)

10. **Concluding Remarks and Adjournment**
    (Chief Justice Harold D. Melton, Est. Time – 5 Min.)

Next Judicial Council Meeting

Friday, April 26, 2019	10 a.m. – 2 p.m.	Columbus Convention & Trade Center/Columbus, GA

Judicial Council Meeting Calendar – 2019

Friday, August 23, 2019	10 a.m. – 2 p.m.	Anderson Conference Center/Macon, GA
Friday, December 6, 2019	10 a.m. – 2 p.m.	The Carter Center/Atlanta, GA

Judicial Council Members
As of January, 2019

Supreme Court
Chief Justice Harold D. Melton
Chair, Judicial Council
507 State Judicial Building
Atlanta, GA 30334
404-657-3477/F 651-8642
meltonh@gasupreme.us

Presiding Justice David E. Nahmias
Vice-Chair, Judicial Council
501 State Judicial Building
Atlanta, GA 30334
404-656-3474/F 657-6997
nahmiasd@gasupreme.us

Court of Appeals
Chief Judge Stephen L.A. Dillard
47 Trinity Avenue, Suite 501
Atlanta, GA 30334
404-657-9405/F 657-8893
dillards@gaappeals.us

Vice Chief Judge Christopher McFadden
47 Trinity Avenue, Suite 501
Atlanta, GA 30334
404-656-3450/ F 651-6187
mcfaddenc@gaappeals.us

Superior Court
Judge Stephen D. Kelley
President, CSCJ
Brunswick Judicial Circuit
701 H Street, Suite 201
Brunswick, GA 31520
912-554-7372/F 264-8145
skelley@glynncounty-ga.gov

Judge Shawn E. LaGrua
President-Elect, CSCJ
Atlanta Judicial Circuit
185 Central Avenue SW, STE T8855
Atlanta, GA 30303
404-612-8460/F 612-2625
shawn.lagrua@fultoncountyga.gov

Judge Jeffrey H. Kight
Waycross Judicial Circuit, 1st JAD
Ware County Courthouse
800 Church Street, STE B202
Waycross, GA 31501
912-287-4330/F 544-9857
jhkight@gmail.com

Judge James G. Tunison, Jr.
Southern Judicial Circuit, 2nd JAD
327 Ashley Street
Valdosta, GA 31601
229-333-5130/F 245-5223
jgtunison@gmail.com

Judge Arthur Lee Smith
Chattahoochee Judicial Circuit, 3rd JAD
PO Box 1340
Columbus, GA 31902
706-653-4273/F 653-4569
arthursmith@columbusga.org

Judge Asha Jackson
Stone Mountain Judicial Circuit, 4th JAD
DeKalb County Courthouse, STE 6230
556 N. McDonough Street
Decatur, GA 30030
404-371-2344/F 371-2002
afjackson@dekalbcountyga.gov

Judge Robert C.I. McBurney
Atlanta Judicial Circuit, 5th JAD
T8955 Justice Center Tower
185 Central Avenue SW STE T-5705
Atlanta, GA 30303
404-612-6907/F 332-0337
robert.mcburney@fultoncountyga.gov

Judge Geronda V. Carter
Clayton Judicial Circuit, 6th JAD
Harold R. Banke Justice Center
9151 Tara Boulevard
Jonesboro, GA 30236
770-477-3432/F 473-5827
geronda.carter@claytoncountyga.gov

Judge Ralph Van Pelt, Jr.
Lookout Mountain Judicial Circuit, 7th JAD
875 LaFayette Street, Room 206
Ringgold, GA 30736
423-902-9321/F 965-6246
RVANP45246@AOL.COM

Judge Donald W. Gillis
Dublin Judicial Circuit, 8th JAD
PO Box 2016
Dublin, GA 31040
478-275-7715/F 275-2984
gillisd@eighthdistrict.org

Judge Bonnie Chessher Oliver
Northeastern Judicial Circuit, 9th JAD
P.O. Box 409
Gainesville, GA 30503
770-297-2333/F 822-8662
boliver@hallcounty.org

Judge Carl C. Brown
Augusta Judicial Circuit, 10th JAD
735 James Brown Blvd., Suite 4203
Augusta, GA 30901
706-821-2347/F 721-4476
kcampbell@augustaga.gov

State Court
Judge Nancy Bills
President, CStCJ
Rockdale County
922 Court Street, Room 305
Conyers, GA 30012
770-278-7724/ F 918-6695
nancy.bills@rockdalecountyga.gov

Judge T. Russell McClelland
President-Elect, CStCJ
Forsyth County
101 East Courthouse Square, STE 4016
Cumming, GA 30040
770-781-2130/F 886-2821
rmcclelland@forsythco.com

Juvenile Court
Judge Philip Spivey
President, CJCJ
Ocmulgee Judicial Circuit
P.O. Box 1810
Milledgeville, GA 31059
478-445-7060/F 445-7059
spiveyp@eighthdistrict.org

Judge Juliette Scales
President-Elect, CJCJ
Atlanta Judicial Circuit
Romae T. Powell Juvenile Justice Center
395 Pryor Street SW, STE 3056
Atlanta, GA 30312
404-613-4823/F 893-0750
juliette.scales@fultoncountyga.gov

Probate Court
Judge Sarah S. Harris
President, CPCJ
Bibb County
P.O. Box 6518
Macon, GA 31208-6518
478-621-6494/F 621-6686
sharris@maconbibb.us

Judge Torri M. Hudson
President-Elect, CPCJ
Treutlen County
650 2nd Street S., STE 101
Soperton, GA 30457
912-529-3342/F 529-6838
tj4treutlen@yahoo.com

Magistrate Court
Judge Glenda Dowling
President, CMCJ
Pierce County
3550 US Hwy 84, STE 2
Blackshear, GA 30045-6900
912-449-2027/F 449-2103
glenda.dowling@piercecountyga.gov

Judge Joyette Holmes
First Vice-President, CMCJ
Cobb County
32 Waddell Street
Marietta, GA 30090
770-528-8924/F 528-8947
joyette.holmes@cobbcounty.org

Municipal Courts
Judge Matthew McCord
President, CMuCJ
Municipal Court of Stockbridge
4602 North Henry Blvd
Stockbridge, GA 30281
770-389-7906/F 389-7969
Matt@Matthewmccordlaw.com

Judge Dale R. "Bubba" Samuels
President-Elect, CMuCJ
Municipal Court of Monroe
PO Box 1926
Buford, GA 30515
678-482-0208/F 770-267-8386
bubba@bubbasamuels.com

State Bar of Georgia
Mr. Brian D. "Buck" Rogers
Immediate Past President, State Bar of Georgia Designee
Three Alliance Center
3550 Lenox Road NE, Suite 1500
Atlanta, GA 30326
404-216-5978/F 574-6248
buck@frg-law.com

Administrative Office of the Courts

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

Cynthia H. Clanton, Director
404-656-5171

As of February, 2019

Director's Office

Administration

Tara Smith
404-463-3820

Budget

Maleia Wilson
404-656-6404

Governmental and Trial Court Liaison

Tracy Mason
404-463-0559

Robert Aycock
404-463-1023

Darron Enns
404-656-5453

Tyler Mashburn
404-651-7616

LaShawn Murphy
404-651-6325

Human Resources

Stephanie Hines
404-657-7469

Jacqueline Booker
404-463-0638

General Counsel

Jessica Farah
404-463-3805

Meisa Pace
404-463-3821

Alison Lerner
404-657-4219

Rhonda Womack
404-463-1798

Judicial Services

Christopher Hansard
Division Director
404-463-1871

Tynesha Manuel
404-232-1857

Shimike Dodson
404-656-2614

Research and Data Analysis

Matthew Bishop
404-656-0371

Jeffrey Thorpe
404-656-6413

Callie Weir
404-463-6887

Court Professionals

John Botero
404-463-3785

Bianca Bennett
404-651-8707

Angela Choyce
404-463-6478

Herbert Gordon
404-653-3789

Amber Richardson
404-232-1409

Communications, Children, Families & the Courts

Michelle Barclay
Division Director
404-657-9219

Aimee Maxwell
404-463-0044

Jerry Bruce
404-656-5169

Peter Faile
404-656-0371

Elaine Johnson
404-463-6383

Latoinna Lawrence
404-463-6106

Paula Myrick
404-463-6480

Bruce Shaw
404-656-6783

Financial Administration

Drew Townsend
CFO/Division Director
404-651-7613

Kevin Brock
404-463-9016

Kim Burley
404-463-3816

Janice Harkins
404-463-2982

Monte Harris
404-656-6691

Latricia Harris
404-463-1907

Tanya Osby
404-463-0237

Tax Intercept

Matthew Kloiber
404-463-5177

Information Technology

Jorge Basto
Division Director
404-657-9673

All email addresses follow this format: firstname.lastname@georgiacourts.gov

Willie Alcantara
404-519-9989

Bradley Allen
404-657-1770

Stephanie Cooper
404-227-2395

John Counts
404-550-1254

Angela He
404-651-8169

Jessica Jones
404-538-0849

Kristy King
404-651-8180

Christina Liu
404-651-8180

Michael Neuren
404-657-4218

Sterling Perry
470-446-3930

Kriste Pope
404-731-1358

Amber Piatt
404-304-5495

Garry Rutledge
404-480-9069

Arnold Schoenberg
404-463-6342

Pete Tyo
404-731-1357

Jill Zhang
404-463-6343

Georgia Judicial Exchange

Tajsha Dekine
404-656-3479

All email addresses follow this format: firstname.lastname@georgiacourts.gov

Directions to the James H. "Sloppy" Floyd Building - Floyd Room

2 Martin Luther King, Jr., Drive

West Tower, 20th Floor

Atlanta, GA 30334

Note: Directions include parking information for the Pete Hackney Garage; however you can park in any number of parking lots around the Capitol and then walk to the Floyd Building (see map attached). Parking will be provided for Judicial Council members in the Pete Hackney Garage, through the main entrance on Jesse Hill Jr. Drive.

Southbound on I-75/I-85:
Take Exit 248-A (MLK Jr. Dr.). Stay in right lane on exit ramp. Yield to the right onto Jesse Hill Jr. Drive. The entrance to the parking deck is on your right immediately after the pedestrian bridge (Pete Hackney Garage, $10.00 per day). To enter the Floyd Building, you will need to show a valid picture I.D. ***The Floyd Room is on the 20th floor of the West Tower.***

Northbound on I-75/I-85:
Take Exit 246 (Fulton Street). Take the right exit. Turn right at the traffic light. Move to the left lane. Turn left at the traffic light onto Capitol Avenue. Stay in the right lane. Stay on Capitol Ave. past the State Capitol on your left. Turn right at traffic light onto MLK Jr. Drive. Next, turn left at the traffic light onto Jesse Hill Jr. Drive. The entrance to the parking deck is on your right immediately after the pedestrian bridge (Pete Hackney Garage, $10.00 per day). To enter the Floyd Building, you will need to show a valid picture I.D. ***The Floyd Room is on the 20th floor of the West Tower.***

Westbound on I-20:
Take Exit 58A (Capitol Avenue). Stay in the right lane. Take a right onto Capitol Avenue. Stay on Capitol Ave. past the State Capitol on your left. Turn right at traffic light onto MLK Jr. Drive. Next, turn left at the traffic light onto Jesse Hill Jr. Drive. The entrance to the parking deck is on your right immediately after the pedestrian bridge (Pete Hackney Garage, $10.00 per day). To enter the Floyd Building, you will need to show a valid picture I.D. ***The Floyd Room is on the 20th floor of the West Tower.***

Westbound on I-20: Alternate Route
Take Exit 58B (Hill Street). Stay in the right lane. Take a right onto Hill Street. Get in the left lane. Stay on Hill Street past two traffic lights and after going under railroad tracks. At the next traffic light, turn left onto Decatur Street. At the second traffic light, turn left onto Jesse Hill Jr. Drive. The entrance to the parking deck is on your left immediately before the pedestrian bridge (Pete Hackney Garage, $10.00 per day). To enter the Floyd Building, you will need to show a valid picture I.D. ***The Floyd Room is on the 20th floor of the West Tower.***

Eastbound on I-20:
Take Exit 56B (Windsor St/Spring St). Continue on ramp to third traffic light. Turn left onto Central Ave. Stay in right lane. At the MARTA overpass traffic light (5-way intersection), take right onto Memorial Drive. Continue on Memorial Dr. to third traffic light. Turn left onto Capitol Avenue. Stay in right lane. You will pass the State Capitol on the left then turn right at the traffic light onto MLK Jr. Drive. Next, turn left at the traffic light onto Jesse Hill Jr. Drive. The entrance to the parking deck is on your right immediately after the pedestrian bridge (Pete Hackney Garage, $10.00 per day). To enter the Floyd Building, you will need to show a valid picture I.D. ***The Floyd Room is on the 20th floor of the West Tower.***

STATE GOVERNMENT COMPLEX

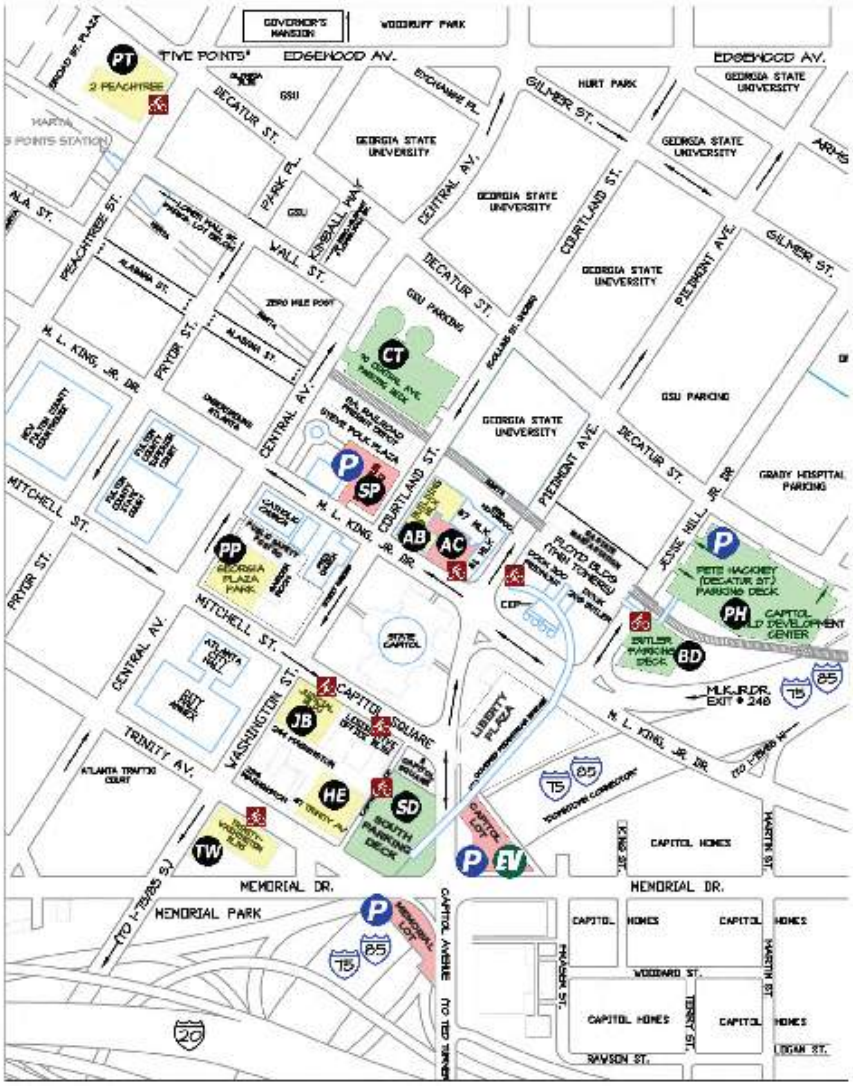
CAPITOL HILL Parking Map

GEORGIA BUILDING AUTHORITY

- PT 2 Peachtree
- CT 90 Central
- AC Agriculture Courtyard
- AB Agriculture Building
- BD Butler Deck
- HE Health Deck
- JB Judicial Building
- PP Plaza Park
- PH Pete Hackney
- SD South Deck
- SP Steve Polk
- TW Trinity Washington

- Underground Parking
- Multi-Level Deck Parking
- Surface Lot/Courtyard Parking
- Public Parking
- Electric Vehicle Charging Stations
- Bicycle Racks
  - 1 MLK/GBA (Piedmont Ave)
  - 2 Peachtree Building (Inside-Main Level)
  - Butler Deck (Inside-Level 1)
  - Coverdell Legislative Office Bldg/CLOB (Capitol Sq)
  - Floyd Building/Twin Towers (Piedmont Ave)
  - Judicial Building (Capitol Sq)
  - South Deck (Inside-Level 2)
  - TW Building (Trinity Ave)

Mar 1/2017



Access to the Floyd Building from Pete Hackney Parking Garage

1. Take elevator to Level 5 of the Pete Hackney garage
2. Take immediate right off the elevator to the pedestrian bridge

   (If you are walking *towards* the elevator, this will be a left)
3. Exit elevator and take pedestrian bridge across to the

   Butler Parking Garage
4. Make immediate right to the elevators
5. Take elevator to Level BR (bridge) of the Butler Parking Garage
6. Exit elevator and take pedestrian bridge to the Floyd Building

   (Access through two entry doors is open to the public)
7. You will enter the Floyd Building at the East Tower.
8. Walk across to the West Tower.
9. Check-in with security personnel and take elevator to the 20th floor
10. Meeting will be held in the Floyd Room

Signs are posted throughout the Pete Hackney and Butler parking garages to direct you through these steps to the Floyd Building.

The Floyd Building is located at the corner of Martin Luther King Jr. Drive and Piedmont Avenue.

Judicial Council of Georgia
General Session
Sloppy Floyd Building • Empire Room • Atlanta, GA
December 7, 2018 • 10:00 a.m.

Members Present
Chief Justice Harold D. Melton, Chair
Presiding Justice David Nahmias
Judge James J. Blanchard (for Judge Carl C. Brown)
Judge Geronda Carter
Judge Bonnie Chessher Oliver
Chief Judge Stephen L.A. Dillard
Judge Michael Barker (for Judge Glenda Dowling)
Judge Donald W. Gillis
Judge Ralph Van Pelt
Judge Sarah Harris
Mr. Ken Hodges
Judge Joyette Holmes
Judge Courtney Johnson
Judge Stephen Kelley (and for Judge Stephen Scarlett)
Judge Jeffrey H. Kight
Judge Shawn LaGrua
Judge Robert C. I. McBurney
Judge T. Russell McClelland (for Judge Nancy Bills)
Judge Matthew McCord
Vice Chief Christopher McFadden
Judge LaDawnya Baker (for Judge Dale "Bubba" Samuels)
Judge Juliette Scales
Judge Arthur Lee Smith
Judge Philip Spivey
Judge James G. Tunison, Jr.
Judge Kelly Wolk (for Judge T.J. Hudson)
Judge Alvin T. Wong (for Judge Joseph Iannazzone)

Members Absent
Judge Stephen Scarlett

Staff Present
Ms. Cynthia Clanton, Director
Mr. Brad Allen
Ms. Michelle Barclay
Mr. Jorge Basto
Ms. Jacqueline Booker
Mr. John Botero
Mr. Christopher Hansard
Ms. Stephanie Hines
Mr. Tyler Mashburn
Ms. Tracy Mason
Ms. Aimee Maxwell
Ms. LaShawn Murphy
Ms. Tara Smith
Ms. Bruce Shaw
Mr. Drew Townsend
Ms. Maleia Wilson

Guests (Appended)

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Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 10:05 a.m. by Chief Justice Harold D. Melton with a special presentation by Mr. Kevin Wilson. Chief Justice Melton welcomed everyone and recognized those representatives sitting in as designees

for absent members[1]. Presiding Justice David Nahmias was sworn in as a Judicial Council member. Judge Alvin Wong was sworn in as designee for Judge Iannazzone, who was a new member but unable to attend. Members and designees identified themselves for the purposes of roll call, followed by staff and guests.

Adoption of Minutes – August 8, 2018

Chief Justice Melton directed the Council's attention to the minutes of the August 8, 2018 meeting. A motion to approve the minutes was offered by Presiding Justice Nahmias, followed by a second from Chief Judge Dillard. No discussion was offered, and the motion was approved without opposition.

Committee Reports

Technology Committee. Chief Justice Melton reported on the work and recommendations of the Technology Committee, including the recommended Judicial Council Statewide Minimum Standards and Rules for Electronic Filing, Uniform Transfer Rules, and Proposed Model Uniform Superior Court Rule 36.16. He summarized additional revisions to the documents and presented the recommendations to be submitted for final approval to the Supreme Court. Judge McCord moved to accept the recommendations as amended, with a second by Chief Judge Dillard. The motion passed without opposition. Chief Justice Melton thanked Judge Altman for his leadership and work on the subcommittee.

Legislation Committee. Presiding Justice Nahmias spoke to the Council on the four pieces of legislation (provided in the written report) that the Committee recommend the Council support for the upcoming 2019 legislative session. He reminded everyone that the Committee considers and recommends legislation in concept as the language can change during the legislative process.

Judge Holmes summarized the Council of Magistrate Court Judges Title 15 update which amends O.C.G.A. § 15-10-1 et seq. The proposal provides for general substantive and technical changes to the magistrate court statutes making all magistrate court elections nonpartisan, with exception to the proposed age and residency requirements. Chief Judge Holmes presented a revised proposal regarding the age and residency requirements, which was accepted. A motion to

[1] See Members Present

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approve as amended was offered by Chief Judge Holmes, with a second by Judge Kelley. The motion was approved without opposition.

Presiding Justice Nahmias introduced recommendations to amend O.C.G.A. § 44-7-49 as proposed by the Council of Magistrate Court Judges. Chief Judge Holmes summarized the proposed legislative changes. The amendment would provide that applications for the execution of a writ of possession be made within thirty days after its issuance, unless extended by the court for good cause. Presiding Justice Nahmias moved to accept the recommendation, followed by a second from Judge Kelley. The motion was approved without opposition.

Presiding Justice Nahmias summarized recommendations to repeal O.C.G.A. § 36-15-11 proposed by the Superior Courts of Fulton, Gwinnett, and Cobb counties on the management of law library funds. The amendment would strike the provision that law library funds be directed to the general fund in counties with a population of 950,000 or more. A motion was offered by Presiding Justice Nahmias, with a second by Judge LaGrua. The motion passed with no opposition.

Presiding Justice Nahmias summarized recommendations to O.C.G.A. § 19-6-15 proposed by the Georgia Commission on Child Support. This is a clean-up bill that reflects the removal of language specifying the use of imputed gross income based on a 40-hour workweek at minimum wage and to reflect changes in Federal law, rules, and regulations. A motion was offered by Presiding Justice Nahmias, followed by a second from by Judge McCord. The motion passed with no opposition.

Presiding Justice Nahmias reported, as information only, that the municipal court judges' legislative item (relating to carryover training hours) approved by the Judicial Council at its August meeting has been further amended. Judge McCord summarized the proposed language which now states the six training hours shall, upon the request of the individual judge, be carried over and applied to the calendar year.

Presiding Justice Nahmias stated the Standing Committee on Legislation received positive comment on its recently adopted policy. He added that if any court becomes aware of legislation that may impact another court, then please bring it to his or Ms. Tracy Mason's attention so that the information can be shared. The Judicial Council has granted the Committee the authority to take position on legislation when time constraints prevent the entire Council from convening. They will notify all in writing in those instances.

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Budget Report. Justice Boggs presented on the written report provided in the meeting materials. He met with Appropriations Subcommittee Chairman Andy Welch on November 6, 2018, to discuss the three approved FY 2020 budget requests submitted on behalf of the Justice for Children (J4C) and Technology Committees. They are: 1) J4C Committee - Georgia Legal Services for Kinship Care Families in the amount of $750,000, 2) Judicial Council Technology Committee - Georgia Judicial Services Gateway (formerly named Single Sign-On Portal) in the amount of $250,000, and 3) J4C Committee - Court Process Reporting System (CPRS) in the amount of $78,885.

Criminal Justice Reform Committee. Justice Boggs summarized the recommendations set forth as directives in Senate Bill 407 which tasked the Judicial Council with creating a uniform misdemeanor citation form and rules and the Juvenile Data Exchange (JDEX) Rules. The Judicial Council Ad Hoc Committee on Criminal Justice Reform was created to fulfill these directives. Justice Boggs clarified that the Supreme Court has rulemaking authority and will ultimately approve recommendations on this issue from the Judicial Council.

The Uniform Citation, Accusations & Summons Form and Rules were presented for the Council's adoption. Justice Boggs noted one amendment in the rules to clarify the Judicial Council may recommend, not approve, additional or alternative versions of the form. Justice Boggs moved that the Uniform Misdemeanor Citation Form (as presented) and Rules for use of Uniform Misdemeanor Citation Form (as amended) be adopted, with Chief Judge Dillard seconding. The motion passed with no opposition.

To fulfill the statutory obligation regarding JDEX Rules, Justice Boggs recommended the Council adopt Uniform Juvenile Court Rule 19, which is currently pending before the Supreme Court. A motion was made by Justice Boggs, followed by a second from Judge Spivey. The motion passed with no opposition.

The documents will be posted Judicial Council's website. The Committee has also been tasked with creating a bench card to help educate judges on the changes to misdemeanor bail.

Judicial Workload Assessment Committee. Judge David Emerson and Mr. Christopher Hansard presented as an action item, the Judicial Council Policy on Judgeships and Circuit Boundary Alterations. Judge Emerson explained that the new workload study conducted by the National Center for State Courts is contained within the updated Policy. The Committee

recommendation was seconded from Presiding Justice Nahmias. The motion passed with no opposition.

Mr. Christopher Hansard provided an overview of the recommendation for changes to the updated Georgia Court Guide to Statistical Reporting in the Juvenile Court section. The guide was presented previously, and additional changes were identified by juvenile court judges at the August Judicial Council meeting. The language was updated to be more accurately reflect the juvenile statutory code. The Committee's recommendation was seconded by Judge Scales. The motion passed with no opposition.

Process Servers Committee. Judge LaGrua summarized the updated Process Server rules to be considered by the Council. A motion to approve the rules was made by Judge LaGrua to, with a second by Judge Baker. The motion passed with no opposition.

Strategic Plan Committee. Judge Allen Wigington presented an update on the committee's work on Priority Initiatives 3, 4, 8, and 9 of the Strategic Plan. The initiatives address efforts made by various AOC staff to work with courts to provide training opportunities, continue efforts to facilitate the website on legislative matters, presentations on trends and special interests which addressed cybersecurity and prevention of workplace harassment, and assist the judiciary in emergency preparedness and business continuity. Judge Sara Doyle introduced the 2018 edition of the *Emergency Preparedness and Continuity of Judicial Operations Manual* for approved by the Council. She thanked the subcommittee members and AOC staff who assisted with the revisions. The electronic version of the manual will be placed on the AOC's website. The Committee's recommendation was accepted, followed by a second from Presiding Justice Nahmias. The motion passed with no opposition.

The Commission on Interpreters. A written report was provided in the materials.

Chief Justice Melton called for a break; the meeting reconvened at 11:35 a.m.

Reports from the Judicial Council/AOC

Ms. Clanton delivered a report to the Council which highlighted various work performed by the AOC and some of its committees. She noted the AOC has merged its website with the new Gateway portal developed by the Judicial Council Technology Committee. The enhanced website is scheduled to launch December 10th. Ms. Clanton also spoke about the AOC's partnership with the Executive Branch on the Criminal Justice Exchange Project. She shared some benefits of the new system which will allow vendors, stakeholders and Georgia

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Technology Authority to electronically transmit arrest information, criminal filings and other important information with sheriffs, clerks, public defenders, district attorneys and judges, ultimately helping to increase public safety. Ms. Clanton closed her remarks by reiterating the agency's continuing commitment to serving the judiciary and asked that members let her know of any questions or concerns they may have.

Reports from Appellate Courts and Trial Court Councils

Supreme Court. Chief Justice Melton acknowledged the passing of Former Chief Justice Hines. He stated two new justices have been added to the Court: Justice Sarah Hawkins Warren and Justice Charlie Bethel. Chief Justice Melton announced Justice Carol Hunstein will retire at the end of the year and Judge John Ellington will join the bench in January. Chief Justice Melton reported the Supreme Court traveled to Albany in November to hear cases. He also thanked the many judges and Bar members who participated in the Bard Show in honor of Ms. Cathy O'Neil.

Court of Appeals. Chief Judge Dillard announced that Judge Todd Markle was appointed to the Court today and they will soon welcome Judge-elect Ken Hodges. He added that the Court of Appeals judges toured the new judicial building and identified office space. The bench has held some of its oral arguments across the state and recently traveled to Madison. He also talked about the Court's new operational system which has continued to work well during their recent distress period. Chief Judge Dillard closed by stating the Court is stabilizing after several changes, but the state of the Court of Appeals is well.

Council of Superior Court Judges. Judge McBurney referred members to the written report provided in the materials.

Council of State Court Judges. Judge McClelland referred members to the written report provided in the materials.

Council of Juvenile Court Judges. Judge Spivey referred members to the written report provided in the materials. He announced that the Council has Child Restraint in the Courtroom Rule at the request of Representative Wendall Willard. Judge Spivey added that Ms. Kimberly Tolbert was recently hired as an event coordinator to the Council.

Council of Probate Court Judges. Judge Harris referred members to the written report provided in the materials.

Council of Magistrate Court Judges. Judge Holmes referred members to the written report provided in the materials.

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Council of Municipal Court Judges. Judge McCord referred members to the written report provided in the materials.

State Bar of Georgia. Mr. Darrell Sutton spoke briefly on behalf of the State Bar.

Council of Accountability Court Judges. Judge McClelland recognized Ms. Taylor Jones and staff for their hard work supporting the accountability courts. He mentioned some of the grants awarded to the new implementation courts also referenced in the written report provided in the materials.

Georgia Commission on Dispute Resolution. A written report was provided in the materials.

Council of Superior Court Clerks. Ms. Cindy Mason reported all superior courts are prepared for mandatory e-filing effective January 1, 2019.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier referred members to the written report provided in the materials. Chief Justice Melton complimented Ms. Grier on her outstanding work hosting the recent Convocation.

Georgia Council of Court Administrators. Ms. Stephanie Hines referred members to the written report provided in materials.

Institute of Continuing Judicial Education. Mr. Doug Ashworth reported that the written report contains a summary of ICJE's 2018 activities and a calendar of 2019 trainings.

Old Business

No old business was offered.

New Business

No new business was offered.

Concluding Remarks

Chief Justice Melton presented Judge Courtney Johnson with a certificate of appreciation as an outgoing member of the Council and thanked her for her service.

The next Council meeting will be held on February 15, 2019, at 10 a.m. in Atlanta. He asked all members of the Council to report to the back of the room for the group picture.

Adjournment

Hearing no further business, Chief Justice Melton adjourned the meeting at 11:49 a.m.

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Respectfully submitted:

_____

Stephanie Hines
Associate Director, Judicial Council/AOC
For Cynthia H. Clanton, Director and Secretary

The above and foregoing minutes
were approved on the _____ day of
_____, 2019.

_____

Harold D. Melton
Chief Justice

DRAFT

Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Justice Michael Boggs, Chair
Ad Hoc Committee on Criminal Justice Reform

RE: Committee recommendation

DATE: February 6, 2019

The Judicial Council Ad Hoc Committee on Criminal Justice Reform was established in August 2018 for the purposes of complying with the directives within SB 407 (2018) relative to the duties of the Judicial Council, and to provide statewide judicial leadership regarding previous criminal justice policies enacted upon the recommendations made by the Georgia Council on Criminal Justice Reform from 2011 through 2018. The Committee expired on December 31, 2018. At my request, Chief Justice Melton issued an order on January 31, 2019, to reconstitute the committee for the purpose of providing additional guidance regarding the use of the newly promulgated uniform misdemeanor citation form (order attached).

SB 407 charged the Judicial Council with creating a uniform misdemeanor citation and complaint form and the rules for the use of such citation (OCGA § 15-5-21.1). The Committee made recommendations in this regard and the form and rules were approved by the Judicial Council on December 7, 2018, and adopted by the Supreme Court on December 14, 2018. Per the charge given to the Committee in the January 31 order, the Committee recommends an amendment to the rules to provide for an effective date of July 1, 2019, for the uniform misdemeanor citation and rules. Minor stylistic amendments are recommended as well.

The proposed amendments to the Rules for Use of Uniform Misdemeanor Citation, Accusation and Summons are attached for the Council's consideration and approval.

Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Judicial Council Ad Hoc Committee on Criminal Justice Reform

In accordance with the bylaws of the Judicial Council of Georgia, ad hoc committees exist to address issues of limited scope and duration, and the Judicial Council Chair shall create and charge ad hoc committees as are necessary to conduct the business of the Judicial Council.

The Ad Hoc Committee on Criminal Justice Reform was created August 2, 2018, for the purposes of complying with the directives within SB 407 (2018) relative to the duties of the Judicial Council[1], and to provide statewide judicial leadership regarding previous criminal justice policies enacted upon the recommendations made by the Georgia Council on Criminal Justice Reform[2] from 2011 through 2018. The Committee stood abolished as of December 31, 2018.

The Committee is hereby reconstituted for the purpose of providing additional guidance regarding the effective date for the use of the newly promulgated uniform misdemeanor citation form and for other related matters to be presented to the Judicial Council for consideration. The Committee will exist from the date of this order until February 28, 2019.

So decided this 31st day of January, 2019.

Chief Justice Harold D. Melton
Chair, Judicial Council of Georgia

[1] Promulgate statewide minimum standards and rules for the collection and transmission of certain data by juvenile court clerks (OCGA §15-11-64); develop a uniform misdemeanor citation and complaint form for use by law enforcement officials and promulgate rules for each class of court for the use of such citations (OCGA §15-5-21.1); make and publish statewide minimum standards and rules for civil e-filing in superior (OCGA §15-6-11) and state (OCGA §15-7-5) court; and develop rules for filing in superior (OCGA §15-6-11) and state (OCGA §15-7-5) court in areas declared to be in a state of emergency.

[2] Sunset June 30, 2018 (OCGA §17-19-5).

Rules for Use of Uniform Misdemeanor Citation, Accusation & Summons
(O.C.G.A. § 15-5-21.1)

Uniform Misdemeanor Citation and Complaint Form - Form and Style

(1) The Uniform Citation, Accusation, and Summons~~, and Accusation~~ shall be used by all law enforcement officers who are empowered to enforce the criminal laws and ordinances in effect in this State. Such citation shall be by the following form in a four-part series, at least 8 ½ inches in width and 11 inches in length except that computer generated or electronically submitted citations shall not have a series requirement and may appear up to 8 ½ inches in width and 11 inches in length.

a. Court Copy, front and back:
Click here to view image

b. Defendant's copy, front and back:
Click here to view image

c. Issuing department copy, front and back:
Click here to view image

d. Officer's copy, front and back:
Click here to view image

(2) The bar code and highlighted offender signature bar on the front of each part of the Uniform Citation form are optional.

(3) The Judicial Council may review and recommend additional or alternative versions of this form.

Uniform Misdemeanor Citation and Complaint Form - Record Accountability

(1) Each uniform citation, electronic or otherwise, shall have a unique number and shall include a designation of the agency issuing the citation.

(2) Any law enforcement agency which utilizes the uniform citation shall establish a system of accountability for each citation, electronic or otherwise, which comes into its possession. This system shall include a file or files containing, in numerical order, or alphabetical order, the agency copy of each issued citation and such additional records and files as may be necessary to account, by unique number, for:

a. The date of distribution of each blank uniform citation (or block of citations) and the officer to whom given.

b. All copies of all voided citations.

c. The circumstances under which any uniform citation (or block of citations) has been lost or misplaced.

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(3) Agency records concerning the uniform citation are public records. They shall be made available to any agent of the Governor, Attorney General, Secretary of State, sheriffs' offices, police departments or Georgia Bureau of Investigation upon request and to other persons at reasonable times and places.

Uniform Misdemeanor Citation and Complaint Form - Signature on the Summons; Procedure on Failure to Sign

(1) If the defendant is to be released upon receipt of a copy of the citation, he or she must sign the citation acknowledging receipt of the summons.

(2) Signing the citation shall only be an acknowledgment of the obligation to appear at the court and at the time specified in the citation and is not an admission as to the validity of the citation or any information contained therein.

(3) If the defendant cited refuses to sign the citation, the officer issuing the citation shall inform the person that:

a. Signing the citation is only an acknowledgment of the duty to appear in court and is not an agreement with the correctness of the charge or the information about the charge on the citation;

b. Failure to sign the citation will make the defendant ineligible for release upon receipt of a copy of the citation; and

c. Defendants continuing to refuse to sign the citation shall be taken into custody and promptly brought before a judge if not released pursuant to a standing order or bail schedule.

(4) Courts exercising jurisdiction over citations shall make provisions by standing order or bail schedule for a prompt determination of a reasonable bail when defendants are not released upon a receipt of a copy of citation.

a. If no bail schedule provides a bond for the defendant's release, the defendant shall be brought before a judge for the setting of bond as soon as possible, but in all events within 48 hours. At such time, the judge shall consider the financial factors provided for in O.C.G.A. § 17-6-1(e)(2). If the citation is for criminal trespass and it is known to the citing officer to be a family violence offense under O.C.G.A. § 19-13-1, the defendant shall be taken into custody and promptly brought before a judge for individual assessment of bail, including conditions of release, if any.

b. If the bail schedule permits release upon a signature bond from the defendant, no further action needs be taken with respect to bail.

DRAFT

c. If the bail schedule provides for a bond secured by cash, property, or surety, the financial circumstances of the defendant shall be reviewed as provided in O.C.G.A. § 17-6-1 (e)(2) as soon as possible, but in all events within 48 hours.

Uniform Misdemeanor Citation and Complaint Form - Bench Warrants; Failure to Appear

(1) If a defendant fails to appear at the time and place specified in the citation, the Court, absent a finding of sufficient excuse for their failure to appear at the time and place specified in the citation, shall issue a warrant ordering the apprehension of the defendant and commanding that he or she be brought before the court to answer the charge contained within the citation and the charge of his or her failure to appear as required. The defendant shall then be allowed to make a reasonable bond to appear on a given date before the court.

(2) The court may, in its discretion, establish a procedure to informally notify defendants in other manners including by phone, electronic message or mail using any contact information known to the court. Any such notification is in addition to any notice as required by law.

(3) When a citation is issued and the defendant fails to appear for court or otherwise dispose of his or her charges before his or her scheduled court appearance as stated on the citation, prior to the court issuing a bench warrant, the clerk of court may notify the defendant by first-class mail or by postcard at the address listed on the citation of his or her failure to appear. Such notice shall be dated and allow the defendant 30 days from such date to dispose of his or her charges or waive arraignment and plead not guilty. If after the expiration of such 30 day period the defendant fails to dispose of his or her charges or waive arraignment and plead not guilty, the court may issue a warrant. The court is not required, however, to institute any such procedure and may issue a warrant without delay.

Uniform Misdemeanor Citation and Complaint Form - Written Guilty Pleas

[RESERVED]

Effective Date

These Rules and the Uniform Citation, Accusation & Summons form provided herein shall become effective on July 1, 2019.

DRAFT

Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

To: Judicial Council Members

From: Standing Committee on Budget
Justice Michael P. Boggs, Chair MPB

Re: Fiscal Year 2019 Judicial Council Budget and Financial Report

Date: January 24, 2019

Fiscal Year 2019 Judicial Council Budget and Financial Report as of December 31, 2018

The Judicial Council Budget and Financial Report is attached for review.

Fiscal Year 2020 Judicial Council Budget Requests

Legislative Session began January 14, 2019. The Appropriations Subcommittee is currently scheduling budget hearings for agencies requesting amendments to their FY 2019 budgets. Judicial Council is not requesting any additional funding in FY 2019.

Joint Budget Hearings were held January 23rd where Chief Justice Melton was asked to share the appropriations of the judiciary, specifically as it relates to the new judicial building. In the hearing, Chief Justice Melton provided the status of the building project, anticipated cost savings and the projected completion date. He also explained the Judicial Council's budget process and Council's three FY 2020 budget requests.

The Standing Committee on Budget will communicate the dates, times and location of the FY 2020 House and Senate Budget Hearings as soon as they are available.

Attachments:
Fiscal Year 2019 Budget and Financial Report as of December 31, 2018

244 Washington Street SW • Suite 300 • Atlanta, GA 30334
404-656-5171 • www.georgiacourts.gov

Judicial Council Operations FY 2019

Budget as of December 31, 2018

Department	Project	FY 2019 Budget	YTD Expenditures	Remaining	Budget Spent
Administrative Office of The Courts		**$ 6,979,863**	**$ 3,616,631**	**$ 3,363,232**	**52%**
Legal Services for Domestic Violence	103	2,500,000	2,500,000	$ -	100%
Georgia Council of Court Administrators	141	19,057	19,339	$ (282)	101%
Council of Municipal Court Judges	142	16,185	6,248	$ 9,937	39%
Child Support Collaborative	174	119,000	50,280	$ 68,720	42%
Council of Magistrate Court Judges	204	190,449	73,272	$ 117,177	38%
Council of Probate Court Judges	205	182,176	101,106	$ 81,070	55%
Council of State Court Judges	206	258,608	113,817	$ 144,791	44%
Council of State Court Judges Ret.	207	2,623,814	785,840	$ 1,837,974	30%
Other Judicial Council Subprograms		**$ 5,909,289.00**	**3,649,902**	**$ 2,259,387**	**62%**
Accountability Courts	195	736,558	219,652	$ 516,906	30%
Resource Center	500	800,000	399,999	$ 400,001	50%
Judicial Qualifications Commission	400	819,844	484,669	$ 335,175	59%
Inst of Continuing Jud Ed Operations	300	64,000	25,005	$ 38,995	39%
Inst of Continuing Jud Ed Administration	301	535,965	102,014	$ 433,951	19%
Separate Judicial Council Programs		**$ 2,956,367.00**	**1,231,340**	**$ 1,725,027**	**39%**
TOTAL JUDICIAL COUNCIL		**$ 15,845,519.00**	**8,497,873**	**$ 7,347,646**	**54%**

Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Chief Justice Harold D. Melton, Chair

RE: Committee Report - Judicial Council Standing Committee on Technology

DATE: February 15, 2019

The Judicial Council Standing Committee on Technology met on Thursday, January 10, 2019. The following report reflects matters and topics discussed during that meeting.

Portal Sub-Committee – Mr. Jorge Basto, Sub-Committee Chair
Mr. Basto and Mr. Perry updated the committee on the Georgia Judicial Services Gateway. Mr. Perry communicated increased traffic to the Gateway and enhancements. Mr. Basto emphasized the Gateway is a means to direct the users to judicial services made available by public and private vendors. Also noted, requests to secure future funding for the Gateway continue.

Standards Committee – Judge David T. Emerson, Chair
Judge David Emerson provided a recap on the draft of the Criminal Electronic Filing Rule created by the Committee of the Criminal Justice Data Exchange Board. The JC Committee on Technology will assist in the development of the Criminal E-filing Rules; Judge Emerson will collaborate with the subcommittee to complete the rules. The differing viewpoints of committee members were presented, and the ideas were discussed by the full committee.

Rules Committee – Judge Jim Altman, Chair
Chief Justice Melton lead a discussion, on behalf of Judge Altman, surrounding the current status of courts e-filing. The differing viewpoint of committee members and guests were presented, and the ideas were discussed by the full committee. The committee was informed that the Council of Superior Court Judges will vote on the uniform e-filing rule in January 2019.

Next Meeting
The next committee meeting is scheduled for March 14, 2019 in Atlanta.

Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Presiding Justice David E. Nahmias
Chair, Standing Committee on Legislation

RE: Committee Report

DATE: February 7, 2019

The following information provides the status of each item that the Judicial Council has taken a position of support on for the 2019 legislative session, as of February 7, 2019. Any updates will be reported at the Judicial Council meeting on February 15, 2019.

I. Post-judgment filings
Judicial Council
OCGA § 15-6-77 & 15-6-61
Amendment to SB 38
Sponsor: Sen. William Ligon
Committee: Senate Judiciary
Status: Senate Committee Favorably Reported by Substitute, 2/7/19

II. HB 92 – Municipal court judges training hours carryover
Council of Municipal Court Judges
OCGA Title 36 Chapter 32
Sponsor: Rep. Dale Rutledge (R – McDonough)
Committee: House Judiciary
Status: House Committee Favorably Reported, 2/7/19

III. Uniform Mediation Act
Georgia Commission on Dispute Resolution
Status: No legislation filed

IV. Title 15 Update
Council of Magistrate Court Judges
OCGA Title 15 Chapter 10
Status: No legislation filed

V. Writ of possession
Council of Magistrate Court Judges
OCGA § 44-7-49
Status: No legislation filed

VI. HB 134 - Management of law library funds
Superior Courts of Fulton, Gwinnett and Cobb
OCGA § 36-15-11
Sponsor: Rep. Bonnie Rich (R – Suwanee)
Committee: House Judiciary
Status: House Second Readers, 2/7/19

VII. Child Support Guidelines
Georgia Commission on Child Support
OCGA § 19-6-15
Status: No legislation filed

Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Judge Christopher McFadden, Chair
Standing Committee on Court Reporting Matters

RE: Nominations for Members of the Board of Court Reporting

DATE: January 25, 2019

The Committee nominates the following person to fill the open seat on the Board of Court Reporting left vacant after the resignation of its Vice-Chair John K. Larkins, Esq. The President of the State Bar of Georgia has nominated Mr. Frederic J. Bold, Jr.

Frederic J. Bold, Jr. Esq.: Mr. Bold handles complex, high-stakes trial, and appellate business litigation, specializing in contract, fraud, and business tort matters. Before joining Bondurant Mixson & Elmore, LLP, Mr. Bold served as a law clerk to Judge J.L. Edmondson on the United States Court of Appeals for the Eleventh Circuit. Mr. Bold received his law degree, magna cum laude, from the University of Pennsylvania Law School, where he served as an editor of the Law Review and as president of the Federalist Society. Before law school, Mr. Bold worked as an investment banking analyst in the Healthcare Corporate Finance Group at Wachovia Securities. Mr. Bold received his undergraduate degree in politics and economics, magna cum laude, from Davidson College. He also received a Master of Divinity degree from Princeton Theological Seminary, where he graduated near the top of his class.

Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Justice Keith R. Blackwell, Co-Chair, Commission on Interpreters
Justice Sarah H. Warren, Co-Chair, Commission on Interpreters

RE: Model Administrative Protocol

DATE: January 25, 2019

In 2015, the Georgia Supreme Court's Commission on Interpreters received a $15,000 technical assistance grant to develop a model administrative protocol for court interpreting services. The National Center for State Courts made funding for this project available as part of a larger national initiative supported by the State Justice Institute.

This grant allowed the Commission to draft an optional, locally adaptable, and step-by-step administrative guide for the provision of language services. The goal of this guide is to help state courts meet their obligations to provide interpreters and other language services. As the first of its kind in Georgia, the Model Administrative Protocol will promote the reliable and efficient provision of language services in state courts throughout Georgia both for persons with limited English proficiency and for those who are deaf or hard of hearing.

A draft version was presented for review at the last Judicial Council meeting. The Commission now presents its final version of the Model Administrative Protocol to the Council and recommends its approval for immediate use in Georgia.

Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Cynthia H. Clanton
Interim Director

PRESS RELEASE

For more information:
Ashley Stollar
ashley.stollar@georgiacourts.gov
404-656-5171

For Immediate Release:
June 11, 2015

Georgia Awarded National Grant to Improve Court Interpreter Services

Atlanta, GA — The Georgia Supreme Court Commission on Interpreters has received a $15,000 technical assistance grant to develop a model protocol that will help state courts meet their obligations to provide interpreters and other language services. Funding for this project was made available by the National Center for State Courts (NCSC) as part of a larger national initiative supported by the State Justice Institute (SJI). SJI was established by federal law in 1984 to award grants to improve the quality of justice in state courts and to foster innovative, efficient solutions to common issues faced by all courts.

"SJI remains committed to improving language access in the state courts, and continues to support national, state, and local court efforts addressing this critical issue," said Jonathan Mattiello, SJI Executive Director. "We are happy to assist the Commission and its stakeholders in developing this model protocol, which will contribute to language access in Georgia."

The grant will allow the Commission to draft a step-by-step administrative guide for the provision of language services. The guide, the first of its kind in Georgia, will promote the reliable and efficient provision of language services in state courts throughout Georgia, both for persons with limited English proficiency and for those who are deaf or hard of hearing. The guide will be adaptable to local needs.

"The goal of the project is to help Georgia trial courts identify the best ways in which they can address the language needs of our population, from an individual's first contact with a court to his last," said Justice Keith R. Blackwell, Chair of the Commission. "We are grateful to the National Center for State Courts and the State Justice Institute for funding this critical project."

"We understand that trial courts in different parts of the state face different problems," Justice Blackwell said. "We want to help them identify their options for meeting their obligations to provide language services."

--more--

Georgia Awarded National Grant to Improve Court Interpreter Services cont.

In addition to creating an administrative guide, the project will identify best practices that courts can use to collect data and assess the specific language needs of the populations that they serve. The project will also identify tools for everyday use in the courts, such as educational brochures for community members and attorneys, and reference materials for judges to use to ensure the proper appointment of qualified interpreters.

Commission member Jana J. Edmondson-Cooper, Bilingual Staff Attorney at the Georgia Legal Services Program in Macon, initiated the effort and will work collaboratively with Shinji Morokuma, staff director for the Commission, to spearhead the project on the Commission's behalf. Edmondson-Cooper and Morokuma will work closely with consultant Cristina Llop as well as key language access stakeholders to develop the guide. Llop, an attorney and federally certified interpreter, recently served as a consultant for the Judicial Council of California's Strategic Plan for Language Access, which was unveiled in early 2015.

***

Supreme Court of Georgia Commission on Interpreters

Model Administrative Protocol

for the Provision of Language Assistance Services for Limited English Proficient and Deaf/Hard of Hearing Persons in Georgia Courts

2019

Supreme Court of Georgia Commission on Interpreters

Justice Keith R. Blackwell, Supreme Court of Georgia (Chair)

Justice Sarah H. Warren (Co-Chair)

Judge Clyde L. Reese III, Georgia Court of Appeals (Vice Chair)

Ms. Pilar Archila, Certified Court Interpreter

Ms. Maria Batres, Esq., State Bar of Georgia Member

Judge Detria Carter Powell, Lowndes County Probate Court

Ms. Maria Ceballos-Wallis, Certified Court Interpreter

Ms. Jana J. Edmondson-Cooper, Esq., State Bar of Georgia Member

Judge Meng Lim, Tallapoosa Circuit, Superior Court

Judge Dax E. Lopez, State Court, DeKalb County

Assoc. Judge Mazi Mazloom, Municipal Court, Marietta

Judge Ruth McMullin, Magistrate Court, Gwinnett County

Mr. Stephen Nevels, Court Administrator, Piedmont Judicial Circuit

Mr. Chris Paul, Esq., State Bar of Georgia Member

Rep. Bert Reeves, House of Representatives District 34

Judge Robert L. Waller III, Juvenile Court, Gwinnett Judicial Circuit

Commission Staff

Mr. John Botero, Program Director, Office of Court Professionals , Judicial Council of Georgia/Administrative Office of the Courts

Ms. Bianca Bennett, Project Coordinator, Office of Court Professionals, Judicial Council of Georgia/Administrative Office of the Courts

Model Administrative Protocol Development Committee

Ms. Jana J. Edmondson-Cooper, Esq., Chair
Member, Supreme Court of Georgia Commission on Interpreters

Mr. Shinji Morokuma, Esq., Member
Immediate Past Program Director, Office of Court Professionals
Judicial Council of Georgia/Administrative Office of the Courts

Ms. Cristina Llop, Esq., Member
Consultant, National Center for State Courts/Federally Certified Interpreter

Acknowledgements:

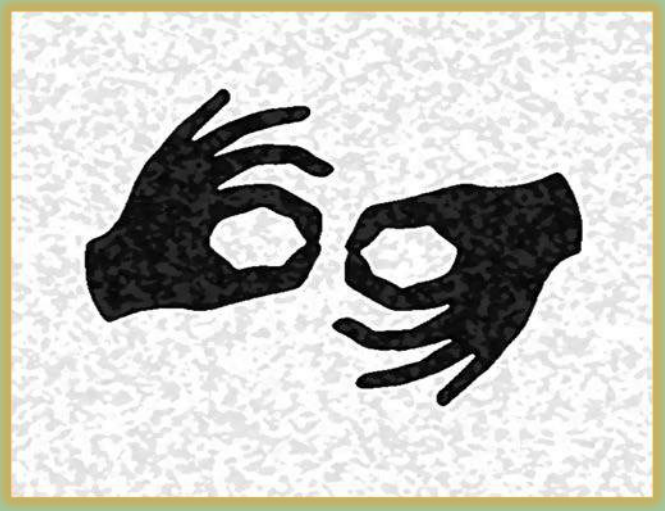
The Commission on Interpreters (Commission) extends gratitude to the National Center for State Courts and State Justice Institute for the grant awarded to the Commission in May 2015, without which, the Model Administrative Protocol's development would not have been possible. We thank each judge, court administrator, attorney, interpreter, community organization, and access to justice stakeholder that provided feedback. We thank especially the following access to justice stakeholders for their invaluable insight:

Judicial Council of Georgia /Administrative Office of the Courts

Judicial Council of Georgia Access to Justice Committee

Georgia Council of Superior Court Judges	Georgia Council of State Court Judges
Georgia Council of Magistrate Court Judges	Georgia Council of Municipal Court Judges
Georgia Council of Probate Court Judges	Georgia Council of Juvenile Court Judges
Georgia Council of Court Administrators	Georgia Legal Services Program
Atlanta Assoc. of Interpreters and Translators	Georgia Registry of Interpreters for the Deaf
State of Georgia ADA Coordinator's Office	Macon Judicial Circuit
Northern Judicial Circuit	Duluth Municipal Court
Middle Judicial Circuit	Cobb Judicial Circuit

MAP
Companion



SUPREME COURT OF GEORGIA
CONSTITUTION
WISDOM
JUSTICE
MODERATION
1845

Companion to the Model Administrative Protocol *Template* for the Provision of Language Assistance Services to Limited English Proficient and Deaf and Hard of Hearing Persons in the Georgia Courts

Developed By:
Supreme Court of Georgia Commission on Interpreters MAP Development Committee

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I. Introduction

The purpose of the Model Administrative Protocol (MAP) is to provide Georgia courts with a standardized guide for the administrative handling of the provision of court interpreters as a language access resource in the local courts. The MAP applies to the provision of language assistance services, including interpreters, for limited-English proficient (LEP) court users and those who are deaf or hard of hearing (DHH). It is important to note that courts have certain obligations to all persons with sensory/ communication disabilities (beyond foreign language or the deaf/hard of hearing). Courts are strongly encouraged to review the Judicial Council of Georgia Access to Justice Committee's *Access to Justice for People with Disabilities: A Guide for Georgia Courts (Guide)* available here.[1] Courts are also strongly encouraged to review the Comitteee's *ADA Handbook Mental Illness Companion* available here.[2]

The MAP is provided as a template, for guidance purposes, that courts are encouraged to use or modify in any way they deem appropriate based on local needs and resources. Should courts decide to create their own administrative protocol, they can do so while still benefiting from the guidance and language access resources the MAP provides.[3]

This document serves as a companion to the MAP *Template*, and describes Georgia law and policy regarding the language access services in the courts and best practices in the provision of those services. It proposes guidance for courts in a manner that takes into account the great diversity among the ten judicial districts in our state while complying with Georgia law and federal law with regard to the provision of language access services in the Georgia courts.

The MAP Template and this Companion use certain common concepts as defined below (in alphabetical order):

Alternative Dispute Resolution (ADR) – alternatives to traditional litigation, including mediation, non-binding arbitration, and case evaluation.[4]

Bilingual (and Multilingual) Staff [5] – staff proficient in English and a second (or more) language(s), and able to communicate effectively and accurately, orally and in writing, in all working languages. The language proficiency of bilingual and multilingual staff should be

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[1] Also available directly in PDF format at http://a2j.georgiacourts.gov/ **NOTE**: The Judicial Council's Access to Justice Committee was formerly known as the Access, Fairness, Public Trust and Confidence Committee.

[2] Also available directly in PDF format at http://a2j.georgiacourts.gov/

[3] Appendix A provides a list of Georgia Language Access Resources identified throughout this MAP.

[4] *See*, Georgia Commission on Dispute Resolution (www.godr.org).

[5] For purposes of the MAP and this Companion document, the term "bilingual staff" includes staff who may be multilingual and fully proficient in more than two languages.

determined by the court through valid assessment tools,[6] rather than reliance on a staff person's self-evaluation.

Deaf or Hard of Hearing (DHH) – any person whose hearing is totally impaired or whose hearing is so seriously impaired as to prohibit him or her from understanding oral communication when spoken in a normal conversational tone. Pursuant to guidance from the National Association of the Deaf, DHH is the preferred term over "hearing impaired," which is widely considered to be pejorative within Deaf culture.[7]

Deaf Interpreter – a specialist, who is deaf, who provides interpreting, translation, and transliteration services in American Sign Language (ASL) and other visual and tactual communication forms used by persons who are deaf, hard of hearing, and deaf-blind. Deaf interpreters work most often in tandem with hearing sign language interpreters. The National Consortium of Interpreter Education Center (NCIEC) studies indicate that in many situations, use of a deaf interpreter enables a level of linguistic and cultural bridging that is often not possible when hearing ASL-English interpreters work alone.

Decision Maker – includes judges, magistrates, special masters, commissioners, hearing officers, arbitrators, neutrals, and mediators.[8]

Interpretation - the process of rendering a **verbal communications** from one language (source language) into another language (target language) effectively, accurately and impartially. Interpreting effectively and accurately means rendering any specialized vocabulary precisely so that the meaning of the communication is clear and conceptually correct in the target language. Additionally, interpreting effectively, accurately, and impartially means correctly expressing the voice, tone, emotion, and non-spoken message of the communication audibly and/or visually. The person who performs this task is an ***interpreter***.

Licensed Interpreter – any person on the Certified foreign-language interpreter registry of the Supreme Court of Georgia Commission on Interpreters (Commission); any person on the Commission's Conditionally Approved foreign-language interpreter registry;[9] any person on the Commission's Registered foreign-language interpreter registry; or any person certified through the Registry of Interpreters for the Deaf (RID), National Association of the Deaf (NAD), or other industry-recognized credentialing entity. The Commission extends reciprocity to foreign-

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[6] Courts may develop their own assessment tools and/or utilize tools and standards developed by other organizations such as the Oral Proficiency Interview (OPI) administered by Language Testing International (and utilized for licensing Registered interpreters in Georgia) and the Inter-Agency Language Roundtable (ILR).

[7] National Association of the Deaf, Frequently Asked Questions, "What is wrong with the terms "deaf-mute," "deaf-dumb," or "hearing-imparied?"

[8] *See*, *Supreme Court of Georgia Rules: Use of Interpreters for Non-English Speaking and Hearing Impaired Persons* (Rules), Appendix A, II (A).

[9] The interpreter registry maintained by the Commission may be found at https://gcr.onegovcloud.com/public/directory/#/.

language interpreters licensed by any active member state of the Council of Language Access Coordinators (CLAC),[10] or by the Administrative Office of the United States Courts through its Federal Court Interpreter Certification Examination (FCICE).

Limited English Proficient (LEP) – any person who speaks English "less than very well," cannot readily understand or communicate in spoken English, and who consequently cannot equally participate in or benefit from the proceedings without an interpreter to assist him or her. The fact that a person for whom English is not a primary language knows some English does not mean that person does not need an interpreter or should not be allowed to have an interpreter.

Non-Licensed Interpreter – any person not licensed by the Commission through its established licensing requirements or through licensing reciprocity considerations as mentioned above in the definition of "Licensed Interpreter." Any person not certified through RID, NAD, or other industry-recognized credentialing entity mentioned in the definition of "Licensed Interpreter."

Qualified Interpreter – a person who is able to **verbally** communicate effectively, accurately, and impartially. Interpreting effectively and accurately means rendering any specialized vocabulary precisely so that the meaning of the communication is clear and conceptually correct in the language to which it is interpreted. Interpreting effectively, accurately, and impartially also means correctly expressing the voice, tone, emotion and non-spoken message of the communication audibly and/or visually. A qualified interpreter will also be knowledgeable of and abide by industry-recognized ethical and professional standards of conduct for interpreters.

> **NOTE:** Per O.C.G.A. § 24-6-651 (6), a *qualified* sign language interpreter means "any person certified as an interpreter for hearing impaired persons by the Registry of Interpreters for the Deaf or a court qualified interpreter."
>
> **NOTE:** Per O.C.G.A. § 24-6-651 (2), a *court qualified* sign language interpreter means "any person licensed as an interpreter for the hearing impaired pursuant to Code Section 15-1-14."

Qualified Translator – a person who can translate **written text** effectively, accurately and impartially. A qualified translator preserves the tone and level of language used in both languages, renders specialized vocabulary precisely so that the meaning of the written communication is clear and conceptually correct, and abides by industry-recognized ethical and professional standards of conduct for translators.

Registry of Interpreters for the Deaf (RID) – a national membership organization that plays a leading role in advocating for excellence in the delivery of interpretation and transliteration services between people who are deaf or hard of hearing and people who use spoken language. In collaboration with the deaf community, RID supports members and encourages the growth of the profession through the establishment of a national standard for qualified sign language and

[10] Formerly known as the Consortium for Language Access in the Courts.

deaf interpreters and transliterators, ongoing professional development and adherence to a code of professional conduct.

Source Language - native or primary language of the individual initiating the verbal communication. For written documents, the language of the original document that requires translation. *Example*: Attorney (English speaking), through an interpreter, asks the witness (Spanish speaking) a question. English is the source Language. Birth record (in Spanish) needs translation into English. Spanish is the source language for the translation.

Specialist Certificate: Legal (SC:L) – holders of this specialist RID certification have demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. These persons are recommended for a broad range of assignments in the legal setting. (This credential has been available since 1998, but was placed under moratorium by RID as of January 1, 2016. The SC:L credential remains fully recognized by RID, but the designation is not currently available to persons who do not already have it.)[11]

Target Language – the language to which the verbal communication needs to be interpreted. For written documents, the language in to which the original document needs translating. *Example*: Attorney (English speaking), through an interpreter, asks the witness (Spanish speaking) a question. Spanish is the target language. Birth record (in Spanish) needs translation into English. English is the target language for the translation.

Translation - the process of rendering a **written communication** from the source language to the target language effectively, accurately and impartially. Translating effectively and accurately means rendering any specialized vocabulary precisely so that the meaning of the communication is clear and conceptually correct in the target language. Additionally, translating effectively and accurately requires preserving the tone and level of language used in both languages. The person who performs this task is a ***translator***.

Transliteration – in American Sign Language (ASL), transliteration means English signing that incorporates grammatical features of ASL, and is often used for making auditory information accessible in a visual way. Transliteration is performed by a transliterator.[12]

Vital Document - A document, paper or electronic, that contains information that is critical for executing a federal-funding recipient's mission including, pleadings and letters or notices that require a response from party, witness, or other intended individual; documents that inform parties or witnesses of their right to, and the availability of, free language assistance.

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[11] RID Website "Certification" (http://www.rid.org/rid-certification-overview/certifications-under-moratorium/).

[12] *See*, https://asl-interpreting.wikispaces.com/Transliteration.

II. Legal Basis for Interpreter Provision and Language Access

Both federal law and Georgia law address the provision of language access in the Georgia court system for DHH persons as well as LEP persons.

A. Federal Law

Title VI of the Civil Rights Act of 1964[13] prohibits discrimination on the basis of race, color, or national origin in any program, service or activity receiving financial assistance from the federal government. Subsequent U. S. Supreme Court decisions clarified that the prohibition against national origin discrimination includes discrimination based on an inability to speak English;[14] therefore, discrimination based on language is national origin discrimination and violates Title VI.

Executive Order 13166, issued in 2000, established that denying access to federally funded programs to LEP persons violates Title VI.[15] Corresponding implementing regulations[16] include a policy guidance document from the Department of Justice (DOJ) [17] establishing the compliance standards that recipients of federal financial assistance must follow to ensure that their programs and activities are accessible to LEP persons at no cost. As recipients of federal financial assistance, the Georgia courts are required to ensure meaningful access to their programs and activities by LEP persons. Georgia case law, as discussed below, reiterates that Georgia courts must comply with Title VI.

DHH court users are protected under the Americans with Disabilities Act (ADA) of 1990. The ADA requires courts to provide reasonable accommodations to court users. Therefore, sign language interpreters must be provided to all DHH court users at no cost, in compliance with the ADA. For comprehensive information on court accessibility requirements for DHH persons and persons with other disabilities as defined by the ADA, please review *Access to Justice for People with Disabilities: A Guide for Georgia Courts*, available here.[18]

B. Georgia Law

In 2003, the Supreme Court of Georgia formed the Georgia Commission on Interpreters (discussed in more depth below) to address the statewide plans and procedures for providing qualified interpreters to Georgia's LEP and DHH court users in criminal and civil court

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[13] 42 U.S.C. § 2000d.

[14] *Lau v. Nichols*, 414 U. S. 563 (1974).

[15] Exec. Order No. 13166, 65 Fed. Reg. 159 (Aug. 16, 2000).

[16] 28 C.F.R. Part 42, Subpart C.

[17] Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons with Limited English Proficiency. Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.

[18] Also available directly in HTML format at http://afptc.georgiacourts.gov/.

proceedings. Subsequent Supreme Court decisions have reaffirmed the importance of providing qualified interpreters to ensure meaningful access to justice.

In 2005, the Supreme Court of Georgia ruled that a qualified interpreter was necessary for meaningful access[19] for LEP litigants. Five years later, in *Ling v. State*,[20] the Court found that Georgia courts, as recipients of federal funding, must comply with Title VI of the Civil Rights Act. The Supreme Court specifically addressed the need to provide meaningful access to LEP persons in all Georgia courts, including civil proceedings. As a result of the *Ling* decision, the Supreme Court of Georgia Rules regarding the use of interpreters for LEP persons was amended to ensure compliance with Title VI. In 2012, the Rules were amended again, to its current version, to include the provision of qualified interpreters for DHH persons.

Georgia statutory law[21] provides for the free provision of an interpreter for LEP and DHH litigants in actions filed under Georgia's Family Violence Act.[22] With regard to access for DHH persons, Georgia law also requires that qualified sign language interpreters be provided at no cost to the DHH person needing the service.[23]

Effective July 13, 2017, Uniform Superior Court Rule 7.3 imposes new requirements for attorneys and *pro se* litigants to notify the courts of their need for language assistance. Additionally, the revised Rule 7.3 clarifies the courts' obligations to secure and pay for interpreters in civil and criminal matters.[24]

C. Supreme Court of Georgia Rules and Commission on Interpreters

As stated above, after its decision in *Ling,* the Supreme Court of Georgia amended its rules on the *Use of Interpreters for Non-English Speaking and Hearing Impaired Persons* (Rules).[25] The Rules confirms the existence of the Supreme Court of Georgia Commission on Interpreters ("Commission") and its duties and responsibilities, and establishes a uniform rule for interpreter programs. The current Rules also requires that LEP and DHH litigants and witnesses be provided an interpreter at each critical stage of a court proceeding at no cost, in all matters, criminal, civil and juvenile.

Appendix B of the Rules[26] clearly delineates the licensing powers and duties of the Commission.

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[19] *Ramos v. Terry*, 279 Ga. 889, 622 S.E.2d 339 (2005).

[20] 288 Ga. 299, 702 S.E.2d 881 (2010).

[21] O.C.G.A. § 15-6-77(e)(4).

[22] O.C.G.A. § 19-13-1 *et seq.*

[23] O.C.G.A. § 24-6-650 *et seq*.

[24] *See* Appendix D. Also available at http://www.gasupreme.us/wp-content/uploads/2015/05/USCR_7-3_and_31_amendments-FINAL_Order_with_ID.pdf.

[25] Available at http://coi.georgiacourts.gov/content/supreme-court-rules

[26] Id.

It includes a description of the three foreign-language interpreter designations,[27] establishment of an interpreter roster, and it grants the Commission the power to license, train, and discipline interpreters in the state. Appendix C of the Rules[28] provides Georgia with a Code of Professional Responsibility for Interpreters.

III. Needs Assessment and Early Identification

Courts have an affirmative duty to actively determine language access needs of court users, to notify users of the services available to meet those needs, and to offer those services at no cost to the users. An effective administrative protocol for the provision of interpreters in the Georgia courts should start with a comprehensive assessment and data collection effort regarding language needs for LEP and DHH persons throughout the state. The early identification of a person's language access needs throughout every point of contact with the court system is similarly critical for the provision of meaningful language access. It is important to note that "reasonable accommodations" for persons with disabilities, per the ADA, includes the provision of auxiliary aids and services and not just interpretation services.

A. Data Collection and Needs Assessment

Data collection and needs assessment will inform the court's provision of language access services as well as the practices described in the MAP. The judicial branch and courts must understand the demographics of the population they serve to better anticipate the need for language access services and provide these services in a timely, consistent, effective, and efficient manner. To gather this information, the branch and local courts shall establish data collection standards and determine reliable sources of data regarding the communities served by the court.

First, courts should ensure they have standards for internal data collection regarding the LEP and DHH persons accessing their court. These standards should include the collection of information regarding: the court's LEP and DHH users; requests for, and use of, language access services at all points of contact with the court; and use of all language access services, including court interpreters, bilingual/multilingual staff, and translations. The collection of this data should continue throughout a person's contact with the court, ongoing from initial contact until last.

To gather this information, courts should ensure that LEP and DHH court users are identified in the case management system, court file or any other mechanism of record-keeping used by the court gathering the information (discussed in the next section below). Courts should, whenever possible, track this information by:

- Case type and proceeding or court service or program for which an interpreter is needed;

[27] Certified, Conditionally Approved, and Registered.

[28] Id.

- Duration of interpreting event;
- Interpreter usage and billing;
- Requests for bilingual/multilingual staff at the various points of contact;
- Web "hits" on translated web pages or any other posted translated material; and
- Usage of materials, including multilingual videos, telephonic interpreting, etc.

In addition, courts should identify reliable external sources of data, at the state and local level, and collect information from these sources regarding the communities served by the court. The information gathered will help inform court efforts to deliver the most appropriate language access services given that court's LEP and DHH users. Some of these potential sources may include: national data collection efforts such as the US Census and American Community Survey (ACS); state agencies and community partners including the district attorney, public defender, legal services agencies, county jails, law enforcement, etc.; school districts, health providers, and public assistance and other social services agencies; and agencies that target refugee or immigrant groups, and may therefore be in a better position to accurately capture language trends, immigration patterns, and emerging languages. It is important to note that language services, including but not limited to interpretation, translation, signage, brochures and other information provided to the court should not automatically be limited to English and Spanish. It is important for the courts recognize that the communities they serve may have speakers of other languages who require the court's assistance. It is important that accessibility for all LEP and DHH persons be considered, especially in rural counties where a non-Spanish speaking LEP community may be particularly small and isolated.

B. Early and Ongoing Identification of Language Needs in the Community and the Court User Population

The early identification of language needs is critical in efforts to efficiently and effectively address language access needs in the courts. Efforts should focus on all the most common points of contact between persons and the court system in order to put in place systems to identify language needs.

Similarly, strategies for early identification should include mechanisms to ensure that when an LEP or DHH person's language need is not captured initially, or changes during his or her interaction with the court, systems are in place to allow for identification at later stages. Courts should be mindful that persons begin their interaction with the judicial system at various points of the process, not always at case initiation, and any mechanism for identification of language needs should allow and plan for that eventuality.

There are several strategies that courts may implement to address the identification of language access needs. Implementation of any number of them, and ultimately as many as are appropriate given a particular court's needs and resources, will assist courts in better addressing the language access needs of their LEP and DHH users. The following are a number of best practices that may be useful to those courts that are not currently employing them.

1. Designated language access office or point person

The designation of a language access office or point person (such as a Language Access Coordinator or Interpreter Coordinator) at each judicial district or other appropriate judicial entity[29] can assist courts to address requests for interpreters and other language access services, including information on the court's language access policies and resources. Multi-circuit districts may elect to also have a point person at each circuit within the district who serves as a liaison to the district designee, and assists in the facilitation of securing language assistance services for cases brought within that circuit's courts.

Given the diversity amongst Georgia courts based on geography, population, size, availability of interpreters, rural versus urban environments, and numbers of LEP and DHH residents, courts should determine how to best designate a language access office or point person that can ensure the duties and responsibilities listed below are carried out effectively and efficiently. Some possible models based on this diversity include:

- A language access office or point person in each level of the trial court (superior, state, magistrate, probate, or juvenile courts), municipal courts, and appellate courts. For example, this approach may be appropriate for counties with larger populations, large LEP or DHH populations in proportion to the population overall, or many separate court locations.
- A language access office or point person at the county level. This system may be appropriate for medium-sized counties, for example.
- A language access office at the judicial district court administrator level, with language access liaisons at the judicial circuit court administrator level to address (and communicate to the main language access designee) more localized needs when they arise. Courts with very small percentages of LEP and DHH users and sporadic need for language access services may find this system sufficiently addresses their populations' needs.

However a court decides to designate a language access office or person, the duties and responsibilities of that office or person within the court[30] should include:

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[29] The Georgia court system is made up of a number of trial courts – Superior, State, Juvenile, Probate, Magistrate and Municipal – organized into judicial districts, judicial circuits, counties, and cities. See the *Map of Georgia Judicial Circuits and Districts*, attached as Appendix B. The intent of this MAP is that courts at every level, from judicial district to municipalities, adopt administrative protocols for the provision of language access services. However, given the diverse needs and composition of Georgia's judicial entities, this MAP allows for any judicial entity to choose how to best design, implement, and administer a protocol. Some courts may choose to establish protocols at the judicial district level, adopted in their entirety by lower level entities or modified in consideration of local needs and resources. On the other hand, unique local protocols may be necessary at the level of individual courts or municipalities.

[30] Court, in this context, may include several courts, if the designated language access office oversees a number of courts within a judicial district, judicial circuit, or county.

1. Providing a centralized location for all LEP and DHH persons needing to access the court, as well as attorneys, justice partners, potential jurors, and other stakeholders, to request interpreters and other language assistance services and resources;
2. Providing a resource for decision makers and court staff who have questions regarding the court's available language access resources and policies;
3. Coordinating and implementing the court's community outreach and notification to the public and all stakeholders regarding the court's language access services and policies and procedures; and
4. Managing and responding to feedback from the public about the respective entity's language assistance protocol.

Once a centralized language access location is established, all relevant stakeholders should be notified of its existence and provided with contact information and availability.

2. Identification of language access needs at all points of contact with the court

Courts should identify and understand all the possible points of contact that LEP and DHH users have with the court system. Points of contact with the court include, but are not limited to: security screening, clerk's offices, jury department and jury summons and notices, case records, cashiers, alternative dispute resolution programs and services, courtrooms, court-managed or court-operated programs, *pro se* clinics and workshops (e.g., parenting classes, divorcing parents seminars), Family Violence Intervention Programs (FVIPs), court websites, the Georgia Judicial Council's website, and court phone systems. Identification of language needs at each of these points of contact is a key element in the provision of language access services.

a) Mechanisms for self-identification by LEP and DHH court users

Courts should establish a variety of identification mechanisms. First, courts should ensure LEP and DHH persons are able to self-identify and request specific language access services at all points of contact with the court, as early as possible in the system. Any self-identification mechanisms established must account for the fact that the need for language access services may arise at any point during a person's interaction with the court system, not just at the beginning. Similarly, these mechanisms must consider that LEP or DHH users may commence their interactions with the court at any point during the life of a case, from the beginning to the middle to the end (including post-judgment involvement).

Some possible and useful mechanisms to assist with self-identification include: multilingual notices regarding the availability of language access services posted at all points of contact (including web); language identification guides;[31] notices in outreach materials; and court forms or notices sent out to parties at the commencement of and throughout proceedings.

[31] A language identification guide is included in this Companion as Appendix C. Also available at http://coi.georgiacourts.gov/content/language-identification-guide.

b) Mechanisms for identification by court staff and decision makers

Court staff and decision makers may often be the first point of contact between an LEP or DHH court user and the court system. Court staff and decision makers may determine that an interpreter is necessary for an LEP or DHH person during his or her encounter with the court, whether as part of a court proceeding or other court business.

Consequently, staff and decision makers should have tools, such as language identification guides, to assist a court user to identify his or her preferred language and the need for language access services. This allows court staff and decision makers to secure the necessary language access services, including interpreters and multilingual staff, translated materials, or remote technologies such as telephone and video remote interpreters.

Effective language needs identification systems should also include placing an affirmative duty on court staff and decision makers to inform LEP and DHH users of the availability of free language access services and appoint an interpreter when appropriate. Therefore, when it appears that a person has difficulty communicating due to a language barrier, and can therefore not meaningfully participate in the proceeding or activity or be understood by attorneys, decision makers, staff or other relevant participants, court staff or a decision maker should inform the LEP or DHH person of the right to have an interpreter provided by the courts. At all times, court staff, decision makers and other relevant court participants should keep in mind that the fact that a person speaks or understands some English does not preclude the person from the right to have an interpreter appointed by the court.

c) Mechanisms for identification by justice partners

Justice partners such as law enforcement agencies, district attorneys, public defenders, social workers, legal services programs, jails, probation departments, private attorneys and others are often the first point of contact that LEP and DHH users have with the legal system. They are in the unique position to be able to notify the court of any upcoming language access needs for a particular person. Courts should establish protocols for justice partners to notify the court of the need for language access services as early as practicable, so the court may ensure the timely and effective provision of language access services for all court users who require them.

Any developed protocol should take into account the court's resources and the language access responsibilities of these agencies, which may themselves be under legal obligations to provide language access services. As discussed above, all agencies receiving federal funds are required to comply with Title VI and provide language access services. For example, law enforcement agencies are required to provide interpreters when working with civilians requiring services, and the public defender's office is required to provide interpreters to clients during investigations, trial preparation or other agency interactions. When that is the case, the relevant agency should be charged with providing interpreters or other language access services, as to not unfairly burden the court. However, even when justice partners are involved and have their own language access responsibilities, the court still bears the responsibility for providing language access services during an LEP or DHH person's interaction with the court system. In other words, while

the public defender's office must itself provide and pay for interpreters for its clients while preparing their defense, for example, it is the court's responsibility to provide defendants interpreters when they appear in court.[32]

3. Identification of language access needs in court records

As addressed in Appendix A, II (D) of the Rules, when a decision maker appoints an interpreter for an LEP or DHH participant, the case file "should be clearly marked and data entered electronically when appropriate by personnel to ensure that an interpreter will be present when needed in any subsequent proceeding." Since the Georgia court system does not have a statewide case management system, each court keeps case and party records in a variety of formats, from electronic case management systems to manual systems based on paper case files. Therefore, strategies for capturing data will vary given each person court's case management system capabilities.

Some courts may have more advanced case management systems that capture all relevant party and case information electronically, are reliable, and allow for tracking of language access needs and services. Other courts may have electronic case management systems that do not gather the necessary information regarding language access needs. Where possible, these systems should be modified to track relevant information. Other courts rely exclusively upon manual case management systems. These courts should consider strategies such as color coded files and/or documentation to be included in the file.

Generally, systems developed should track interpreter needs through case and party records (i.e., interpreter or language access needs should be, where possible, noted on a particular party's record, as well as on the overall case or file record). Tracking language needs in parties' records allows for the system to track their future needs if they are involved in another case at a later time. Tracking by case or file allows for consistent provision of services in all proceedings under that case. Both language-tracking efforts (by case and by party record) ensure that information is captured by the system and can be used to anticipate language needs and requirements whenever a particular LEP or DHH person comes into contact with the court.

4. Additional tools for early identification of language access needs

[32] While trial courts must bear the financial and administrative responsibility of providing interpreters for LEP or DHH persons during their interaction with the court, regardless of the separate legal responsibilities of other agencies appearing before the court, the same is not true of the Georgia Office of State Administrative Hearings (OSAH), which is not part of the Georgia judicial branch. OSAH hears administrative cases where one of the parties is a state agency. In those matters, it is the responsibility of the state agency in question (and not OSAH) to provide an interpreter for the hearing. While OSAH may order the appointment of an interpreter, locating and paying for the interpreter are the responsibilities of the state agency itself. As an executive branch agency, OSAH must follow the provisions of Title VI of the Civil Rights Act and may wish to develop its own administrative protocol for provision of language access, using this guidance document and/or others for that purpose.

There are other tools that may be developed or are already available to courts to assist in early identification of language access needs. In this regard, best practices explored in courts throughout the country as well as Georgia courts include:

- Training of court clerks and other staff at relevant points of contact with the public to inquire about the need for language access services for any party or witness, as a matter of course, and provide those staff members with auxiliary tools to complement their training, such as language access resources, interpreter roster information, translated resources, and others.
- Provision of information, outreach, and training to attorneys, parties, and justice partners to identify to the relevant court staff any anticipated need for language access services. All participants in the judicial system should understand the process of notifying the court of the need for language access providers. If attorneys, justice partners and litigants themselves generally notify the court, as a standard practice, of any language needs in a particular matter, courts would be able to more effectively ensure language needs are addressed promptly and effectively.
- Where appropriate and possible, requiring parties to indicate in initial pleadings a need for language access services (their own, or another party's or witness, if known). For example, any standardized case initiation state or local forms, such as complaints and petitions, and other first appearance forms such as responses or answers, as well as motions and responses to motions, etc., may include a box or short section to be completed regarding the anticipated need for a court interpreter or other language access service.
- Informing parties on court summonses, court notices, and cover sheets of the availability of language access services and how to request them; where available, inform court users of the existence of a designated language access office.

IV. Provision of Qualified Interpreters in Court Proceedings and Other Court-Managed Functions

The Rules on the *Use of Interpreters for Non-English Speaking and Hearing Impaired Persons* requires the provision of qualified foreign-language and sign language or deaf interpreters to all parties and witnesses who may require those services, in all court proceedings, at no cost to the court user. The Rules, their appendices, and materials provided by the Commission address the various aspects of the provision of court interpreters in proceedings and court-managed functions. Courts are encouraged to use the Commission's searchable court professionals directory, available at http://coi.georgiacourts.gov/content/locate-interpreter, to locate qualified foreign-language and sign language or deaf interpreters in Georgia.

Court Interpreters in Georgia: Appendix B of the Rules addresses the three licensing designations of foreign-language court interpreters in the state of Georgia: Certified,

Conditionally Approved, and Registered. The Commission's website further describes the licensing requirements for each of these interpreter classifications.[33]

"Certified" interpreters possess the highest level of certification in the languages for which a National Center for State Courts (NCSC) oral certification exam exists.[34] Those who obtain the requisite minimum score on all exam sections and complete other requirements become Certified interpreters. Certified interpreters are the preferred category of foreign-language interpreting in court proceedings.

Interpreters in the languages tested by the NCSC oral certification exam who have not obtained the minimum passing scores in all sections but have met other requirements are designated as "Conditionally Approved" interpreters. In spite of not having achieved the minimum score on the oral certification exam as required for Certified status, Conditionally Approved interpreters are preferable to untrained interpreters. First, they have obtained minimum scores in all sections (albeit lower scores than those required to be awarded Certified status). Second, they have completed additional licensing requirements in order to prepare for interpretation, such as passing an English written test, completing court observation hours, and attending an interpreter orientation.

The third classification of licensed foreign-language interpreters refers to "Registered" interpreters. This designation is reserved for interpreters for languages for which no NCSC oral certification exam exists who have passed a written English exam and an oral proficiency interview (OPI)[35] measuring their language skills, and have completed additional licensing requirements.

With respect to sign language interpreters for DHH persons, to serve as a sign language interpreter or deaf interpreter in Georgia, an interpreter must be recognized in Georgia as a "qualified" or "court qualified" sign language interpreter. In order to be recognized as "qualified" or "court qualified," the interpreter must hold certification from the Registry of Interpreters for the Deaf (RID), the National Association of the Deaf (NAD), or other industry-recognized credentialing entity. For legal proceedings, the stated preference is to use certified sign language interpreters or deaf interpreters who hold the SC:L (Specialist Certificate: Legal) credential. The SC:L credential demonstrates an interpreter's specialized knowledge of the legal system, legal terminology, and legal settings. Courts are encouraged to reference the Commission's Working

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[33] At http://coi.georgiacourts.gov/content/licensing-requirements.

[34] The languages for which an NCSC oral certification exam currently exists include: Arabic, Cantonese, French, Haitian-Creole, Hmong, Korean, Laotian, Mandarin, Portuguese, Russian, Serbian, Somali, Spanish, and Vietnamese. The Georgia Commission on Interpreters currently employs the National Center for State Court's Oral Certification Exam to assess the bilingual interpreting skills of test takers.

[35] The OPI consists of a telephone interview during which candidates are tested in both English and the language they seek to become licensed in. The exam is designed to evaluate the prospective interpreter's foreign language ability and levels of knowledge and education. Candidates must achieve a language scale score of "Superior" in both English and the language for which they are seeking a license to interpret.

with Deaf or Hard of Hearing Persons and Sign Language Interpreters in the Courtroom bench card for additional guidance. (As noted in Section I.a. above, the SC:L credential has been available since 1998, but was placed under moratorium by RID as of January 1, 2016. The SC:L credential remains fully recognized by RID, but the designation is no longer available to persons who do not already hold that credential.)

Court personnel should always verify the credentials of all interpreters, especially those who present themselves as Certified or otherwise licensed by the Commission, by requiring interpreters to present their license numbers and by checking the Commission's Searchable Directory located on the Commission's site at http://coi.georgiacourts.gov/content/locate-interpreter. For sign language and deaf interpreters, court personnel should contact the Registry of Interpreters for the Deaf:

Registry of Interpreters for the Deaf
333 Commerce Street
Alexandria, VA 22314
703-838-0030 (voice)
703-838-0454 (fax)
RIDinfo@rid.org

A. Appointment of Qualified Interpreters

Under the Rules, a decision maker will appoint a qualified interpreter when an LEP or DHH person requests the assistance of an interpreter, or when the decision maker determines that an interpreter is needed because the LEP or DHH person cannot meaningfully participate due to language barrier or cannot be understood directly by counsel, the decision maker or the jury. Rules, Appendix A, II (A). If there is a question as to whether a court participant is in fact LEP or DHH and faced with a language barrier, the decision maker may *voir dire* (examine) that person on the record to determine whether an interpreter is necessary. The decision maker may also conduct this *voir dire* of the possible LEP or DHH person if requested by an attorney or party to the case.

The Rules include how the decision maker should conduct the examination of the LEP or DHH person, and what to do after he or she concludes the examination.[36] The Rules also include provisions for authorizing a pre-appearance interview between the interpreter and the LEP or DHH party or witness, as well as instructions to be provided by the decision maker to counsel regarding how to conduct proceedings with an interpreter. (Rules, Appendix A, II (E) and (G)).

[36] See the Commission's brochure, Working with Foreign Language Interpreters in the Courtroom, and the Commission's bench card Working with Limited English Proficient Persons and Foreign Language Interpreters in the Courtroom, for sample questions for judges and court staff to assess the English proficiency of a party or witness.

1. Preference when appointing interpreters

When appointing a qualified foreign-language interpreter to interpret for a litigant in one of the languages for which certification exists (see footnote 30 above), courts must, whenever possible, appoint an in-person Certified interpreter. If no Certified interpreter is available, courts may appoint a Conditionally Approved interpreter. Likewise, when in need of interpreter services for a language for which no national certification exam exists, courts must appoint a Registered interpreter.

NOTE: When possible, courts should appoint an interpreter who speaks the same dialect (or is at least quite familiar with it) as the person needing interpretation, and not merely the same language. For example, Spanish is a widely spoken language, but Spanish varies greatly between continents and regions.

When no licensed interpreter is available locally, Rules commentary provides for consideration of a telephonic language service or a less qualified interpreter. In considering these options, courts must weigh the need for immediacy in conducting a particular proceeding against any possible negative consequences with regard to due process or injustice if a non-licensed interpreter, or a telephonic interpretation service, is inadequate.

In appointing interpreters for DHH persons, interpreters with an RID SC:L credential are preferred, as described above. However, when interpreters with the SC:L credential are not reasonably available, interpreters with other industry-recognized credentials may be used, with the recommendation that they have specialized training in legal interpreting.[37] Court personnel can easily locate qualified interpreters by visiting the Searchable Court Professional Directory located on the Commission's website at http://coi.georgiacourts.gov/content/locate-interpreter.

2. Safeguards when appointing non-licensed[38] or non-credentialed interpreters

When no Certified, Conditionally Approved, or Registered foreign-language interpreter is available and the court has to appoint a non-licensed interpreter, the Rules (Appendix A, II (F)) provides for instructions to be given to the interpreter. The model form Instructions for Use of Non-licensed Interpreter created by the Commission provides information for the court when using a non-licensed interpreter. The Commission's brochure, Working with Foreign Language Interpreters in the Courtroom, includes, in addition to a wealth of information related to the use of interpreters in the courtroom, a sample *voir dire* for decision makers to assess a non-licensed

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[37] See the Commission's bench card Working with Deaf or Hard of Hearing Persons and Sign Language Interpreters in the Courtroom, with information regarding the different credentials available with a RID, NAD, or other certification for sign language and deaf interpreters and how to ensure a qualified sign language or deaf interpreter is utilized.

[38] As described in the introduction, "non-licensed" foreign-language interpreters include, in addition to those not licensed by the Commission, those who have not been accredited by another Council of Language Access Coordinators member state or the United States Administrative Office of the Courts.

interpreter's qualifications, in compliance with *Ramos v. Terry.*[39]

Similar aids and informational resources have been provided for court staff and decision makers with respect to language services for DHH participants. The Commission's bench card Working with Deaf or Hard of Hearing Persons and Sign Language Interpreters in the Courtroom includes extensive information regarding interpreters for DHH persons, including sample *voir dire* regarding a sign language or deaf interpreter's qualifications.

3. Avoidance of untrained persons to interpret and limitation to exigent circumstances

When no licensed foreign-language, sign language, or deaf interpreter is available, and absent exigent circumstances, courts should not appoint as interpreters anyone with a potential conflict of interest in the case or an unqualified interpreter, including but not limited to: minors; friends and family of the LEP or DHH person; bilingual court staff; advocates and attorneys for the LEP or DHH person; justice partner bilingual staff; or anyone else not qualified after a *voir dire* by the decision maker or his or her designated representative. Even when an LEP or DHH person prefers to use his or her own non-licensed interpreter, courts should use a licensed interpreter (or, if none is available, a qualified interpreter successfully examined through an appropriate and thorough *voir dire*). This will ensure that the interpreting services provided are appropriate, neutral, and carried out in a professional manner.

Exigent circumstances such as emergencies that cannot be resolved by continuing a matter or using other tools such as video-remote or telephonic interpreting[40] may, in the decision maker's discretion, warrant the use of non-licensed interpreters. To the extent possible, non-licensed interpreters should be used to interpret as minimally as possible to address the immediate emergency, for purposes of a continuance to obtain a qualified interpreter or, if necessary, for short non-evidentiary matters.

Whenever a remote interpreter or a non-licensed interpreter is used on a one-time basis because of exigent circumstances, courts should follow the Rules' stated preference and appoint an in-person Certified, Conditionally Approved or Registered foreign-language interpreter or an industry-credentialed in-person sign language or deaf interpreter for subsequent proceedings.

4. Appointment of interpreters for all relevant participants

As discussed and expressly provided for in Georgia law and the Rules, courts must appoint interpreters for LEP and DHH parties and witnesses. However, in order to ensure meaningful

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[39] In *Ramos v. Terry*, 279 Ga. 889, 622 S.E.2d 339 (2005), the Supreme Court held that it was an abuse of discretion to appoint an interpreter without making sure that the person appointed was qualified to serve as interpreter, without informing the interpreter-to-be of his or her role, without verifying his or her understanding of his or her role as an interpreter, and without having him or her agree in writing to comply with the code of professional responsibility for interpreters.

[40] Remote technologies such as video-remote and telephonic interpreting are addressed in Section IV. D below.

access to all relevant court participants and comply with Title VI[41] and the ADA, courts should also appoint interpreters for LEP and DHH persons with legal decision-making authority (such as parents or legal guardians of minors who are involved in a case but who are not parties themselves, *guardians ad litem*, and parents/guardians of minor victims of crime). Interpreters should also be appointed for LEP and DHH persons with a significant interest in the case, such as family members of a victim of crime or of the defendant on trial for serious crime, members of a class action who are not lead plaintiffs, etc.

B. Best Practices in the Appointment of Interpreters

There are extensive best practices in the appointment of interpreters in court proceedings that should be taken into consideration when working to provide comprehensive language access. Court resources may pose considerable challenges for implementation of some of the best practices provided in this Section. However, the effective administration of justice and the overarching goal of ensuring that parties participate fully and meaningfully in the judicial system must weigh heavily in decisions to provide appropriate language access services. What follows are some of the more critical best practices in the appointment of qualified court interpreters for LEP and DHH persons:

- Courts should give interpreters the opportunity for a pre-appearance interview in order to ensure language compatibility and communication between the interpreter and an LEP or DHH person. (*See*, Rules, Appendix A, II (E) and II (F) (12), 13)).
- Decision makers and court staff should understand the role of the interpreter, interpreter ethical and professional standards, and be mindful not to ask the interpreter to perform a task outside the interpreter's role or ethical guidelines.
- Decision makers should explain the role of the court interpreter to LEP and DHH persons, as well as attorneys, jury members, and other relevant courtroom participants.
- Courts should appoint an appropriate number of interpreters for the proceeding in question. When proceedings are expected to take significant amounts of time, courts are encouraged to appoint more than one interpreter. According to the National Association of Judiciary Interpreters and Translators, "[i]t is unrealistic to expect interpreters to maintain high accuracy rates for hours, or days, at a time without relief. If interpreters work without relief in proceedings lasting more than 30-45 minutes, the ability to continue to provide a consistently accurate translation may be compromised."[42]
- Depending on the number of LEP or DHH persons involved, the court may need to appoint

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[41] The DOJ Guidance and Letter from Thomas E. Perez, Assistant Attorney General, to Chief Justices and State Court Administrators (Aug. 16, 2010), at 2, instructs courts to provide language services to non-party LEP persons, if "their presence or participation in a court matter is necessary or appropriate, including parents and guardians of minor victims of crime or of juveniles and family members involved in delinquency proceedings." *See also*, ABA Standards for Language Access in Courts (February 2012) at 48-50.

[42] *See*, *National Association of Judiciary Interpreters &Translators (NAJIT) Position Paper-Team Interpreting in the Courtroom* (March 2007) *available at https://www.wp-content/uploads/2016/09/team-Interpreting_052007.pdf*.

separate interpreters for the LEP or DHH participants. For example, an LEP witness should have his or her own interpreter, separate from a party's interpreter who may need to interpret for attorney-client communications during the proceeding; similarly, opposing parties in a family violence protective order matter may need to each have their own interpreter so as to guarantee a safe distance between the parties, the protection of the victim, and the safety of the interpreter.

NOTE: There is technology, such as headsets, available that allows an interpreter to provide simultaneous interpretation for multiple parties at the same time. Use of this technology may be a helpful alternative for rural counties who may be unable to find more than one interpreter for a relatively simple matter. Some circuits in Georgia, such as the Cherokee Judicial Circuit, have opted to purchase such technology for use by the interpreters appointed by the Circuit.

- Long hearings or trials over one hour in length can easily lead to interpreter fatigue. Studies demonstrate that fatigue and possibility of error increase after 30 minutes of sustained simultaneous interpreting. Team interpreting (appointing a team of interpreters) allows for 2 or more interpreters to take turns interpreting every 30 minutes, or another more appropriate length of time as dictated by the nature of the proceedings and other factors, such as interpreter input. Team interpreting, when indicated, is critical to ensuring the accuracy of the interpretation throughout the proceeding.
- When LEP or DHH persons wish to waive their right to the assistance of an interpreter, the court should ensure that the waiver is knowing, voluntary, in writing, and, where applicable, on the record. If the decision maker or designated court staff, in his or her discretion, believes that the absence of an interpreter may subvert the interests of justice, or that communication will be negatively affected and the court will not be able to adequately communicate with the LEP or DHH party or witness, the waiver of an interpreter may be rejected. If an LEP or DHH person is allowed to waive the use of an interpreter, the court should inform the LEP or DHH person that the waiver is revocable at any time and allow the LEP or DHH person to later request the use of an interpreter without negative repercussions.

  NOTE: Although some LEP/DHH persons may be able to communicate well enough in English to knowingly waive the assistance of an interpreter, many cannot.[43] In assessing whether a waiver is knowing, a court may consider inquiring of the LEP or DHH person about the following matters:[44]

[43] As noted in the Rules, Appendix A, II(B), "[t]he fact that a person for whom English is a second language knows some English should not prohibit that individual from being allowed to have an interpreter."

[44] The guidance set forth herein is not meant to be definitive or exhaustive. In a particular case, additional or different inquiries may be appropriate. In addition, a court should tailor the inquiries to the particular role of the LEP or DHH person in the proceedings (whether the LEP or DHH person is a party, a witness, or another participant).

1. Does the LEP OR DHH person understand that he has a right to the assistance of a "qualified" [45] interpreter?
    a. Can the LEP OR DHH person effectively articulate an understanding that he is entitled to the assistance of a qualified interpreter during the legal proceeding in question?
    b. Can the LEP OR DHH person effectively articulate an understanding that he is entitled to the assistance of a qualified interpreter at no cost?
    c. Can the LEP OR DHH person effectively articulate an understanding that, if he chooses to have the assistance of an interpreter, the court would be responsible for securing the services of a qualified interpreter and paying for those services?
    d. Can the LEP OR DHH person effectively articulate an understanding that, if he chooses to have the assistance of an interpreter, the court or other decision maker cannot hold it against him?

2. Does the LEP OR DHH person understand the role of an interpreter?
    a. Can the LEP OR DHH person effectively articulate an understanding that an interpreter is an impartial neutral appointed by the court and does not work for any particular party?
    b. Can the LEP OR DHH person effectively articulate an understanding that an interpreter appointed by the court must be qualified?
    c. Can the LEP OR DHH person effectively articulate an understanding that the role of an interpreter is to interpret accurately (without summarizing, paraphrasing, or omitting)?
    d. Can the LEP OR DHH person effectively articulate an understanding that an interpreter is not permitted to explain what something means and can only interpret questions and responses as spoken by the LEP OR DHH person, another party or witness, attorney, or decision maker?
    e. Can the LEP OR DHH person effectively articulate an understanding that, to the extent that an interpreter assists communication between a party and its counsel, the interpreter is required to maintain the confidentiality of those communications?

3. Does the LEP OR DHH person understand his decision to waive the assistance of an interpreter?
    a. Can the LEP OR DHH person effectively articulate an understanding that, without an interpreter, his limited capacity to communicate may impair his ability to fully participate in the proceedings?
    b. Can the LEP OR DHH person effectively articulate an understanding of the risks and dangers of proceeding without an interpreter?

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[45] *See*, *Ramos v. Terry*, 279 Ga. 889, 893; 622 S.E.2d 339, 343 (2005) ("[a] court abuses its discretion when it selects an interpreter who is not qualified, sworn, and impartial. *Gopar-Santana v. State*, 862 So.2d 54 (Fla.App.2003).").

c. Can the LEP OR DHH person effectively articulate an understanding that a bilingual relative, friend, or attorney is no substitute for an interpreter and that the use of family, friends, or others not licensed or credentialed as interpreters is not appropriate?
d. Can the LEP OR DHH person effectively articulate an understanding that his waiver is revocable at any time in the proceedings, but if he later decides to revoke the waiver, he must take steps to inform the court of his decision and to have the court then appoint a qualified interpreter?

4. Does the LEP OR DHH person understand that the court has a responsibility to ensure the fairness of the proceedings and that, if the court determines that due process requires an interpreter, the court may appoint an interpreter regardless of the desire of the LEP OR DHH person to proceed without an interpreter?

- Court personnel should always verify the credentials of all interpreters, especially those who present themselves as Certified or otherwise licensed by the Commission, by requiring interpreters to present their license numbers and by checking the Commission's Searchable Directory located on the Commission's site at http://coi.georgiacourts.gov/content/locate-interpreter. For sign language and deaf interpreters, court personnel should contact RID:

  Registry of Interpreters for the Deaf
  333 Commerce Street
  Alexandria, VA 22314
  703-838-0030 (voice)
  703-838-0454 (fax)
  RIDinfo@rid.org

C. Calendaring and Scheduling of Interpreters

Courts should consider the use of scheduling, calendaring and other strategies to maximize the use of interpreters. Efficient use of interpreters and other language access resources will not only allow courts to provide better service, but will also save the courts money. Strategies include the following:

- Courts may decide to batch matters for which an interpreter for a specific language is needed, such as a family violence protective order calendar for cases where one or more parties are Spanish-speaking. However, any strategies undertaken to provide access must be undertaken with caution to ensure qualified interpreters provide interpreting services in the most appropriate manner and to ensure language-specific calendars do not promote practices that discriminate based on national origin or other protected class. Similarly, considerable care must be taken so that any strategies developed do not have unintended consequences such as discriminating against LEP and DHH court users or

creating the appearance of a separate system for marginalized communities.

- Coordinating calendars so an interpreter may be available for several matters in the same court location on the same day, such as having a small claims calendar held on the same day but at an earlier, or later, time than a traffic calendar so an interpreter can be available for both.

- Establishing systems so that an interpreter coordinator can easily and efficiently dispatch an interpreter from one court location to another, or one courtroom to another.

- Coordinating the use of interpreters so that when interpreters are not busy in a courtroom proceeding they may be available in person or telephonically to assist in other court-managed services, such as clerk's offices, *pro se* clinics, etc.

- Creation of an interpreter bank, under the quality control of the court, group of courts or the Commission, with qualified interpreters who may be available by telephone or video to assist in non-critical proceedings or other court programs, including possible sharing across court locations and counties in other parts of the state, particularly those in more rural or isolated areas where there are fewer interpreters available.

- When feasible, court staff in charge of interpreter scheduling should provide interpreters with basic information about the case, relevant court documents, and other information that can help the interpreter better prepare for the event, including technical terminology, jargon, and other complex issues that may complicate the interpretation.

In addition to administrative and operational strategies, courts should explore collaborations with community-based providers to address particularly challenging interpreting needs such as those of indigenous language speakers or emerging languages for which qualified interpreters are not found in the area served by the court. For example, by partnering with language departments at educational institutions, courts can identify prospective interpreters and target training efforts, utilizing the resources of the educational institutions to prepare these students for the court interpreting profession and the licensing exams for "Certified," "Conditionally Approved," or "Registered" status for foreign-language interpreters. Similarly, collaborations with community-based programs that work with certain smaller populations, such as indigenous LEP persons, newer refugees, and other speakers of less common languages, can benefit the court by providing a pool of qualified interpreters in languages of lesser diffusion, including indigenous languages.

D. Remote Interpreting

While the preference for the provision of interpreters is that interpreters be available in person to provide the most safeguards to the accuracy and quality of interpretation and effectiveness of communication, technologies such as telephonic interpreting and video-remote interpreting

(VRI) can be effective in some settings. They should be considered, but used with caution. These technologies require specialized and high quality equipment to ensure effective and accurate communication. Nevertheless, as the technology improves and becomes more cost-effective and reliable, these forms of remote interpreting may increasingly present a viable alternative to in-person interpreters for a limited number of court-related proceedings.[46]

Telephonic foreign-language interpreting should be a last resort for courtroom proceedings, and reserved for non-courtroom events or very brief non-evidentiary proceedings such as continuances, given that non-verbal cues – not visible on the telephone – are critical for effective communication and interpretation. Courts are encouraged to be mindful that, according to the National Association of Judiciary Interpreters and Translators, telephonic interpreting can be problematic in some circumstances.[47] For example, if persons are hard of hearing or elderly, or struggling with mental illness, telephone interpreting can be too confusing.

VRI, when used appropriately with high quality equipment and trained interpreters, can be an efficient mechanism for providing language access services when an in-person interpreter is not available or when only a non-licensed interpreter is available in person (but a licensed one is available via video). VRI can be used for foreign-language interpretation as well as sign language and deaf interpretation. Courts must provide and require training for interpreters on the use of VRI, on appropriate ways to assess quality of interpretation, and on how to effectively stop a court event if an impediment to the interpreter's performance arises or the litigant's or witness' unique characteristics make him or her not suitable for remote interpreting.

Courts must also provide and require training for staff and decision makers on VRI and telephonic interpreting, how to use the technologies, how to work with the remote interpreter, and what are appropriate events for VRI. As other courts nationally have done, Georgia courts with an interest in video-remote technology and with the capability of properly administering the technology may consider establishing pilot projects to assist in developing guidelines for its appropriate use in court proceedings.

E. Appointment of Interpreters for Court-Managed Functions

The Rules, Appendix A, II, provides that, outside of criminal and civil court proceedings, Title VI also applies to all other court-managed functions, including information counters, intake or filing offices, cashiers, records rooms, sheriff's offices, probation and parole offices, ADR programs,

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[46] As cautioned above, courts should be careful if using commercial or third-party interpreting agencies to locate telephonic or video-remote language assistance. Some agencies may have no quality control mechanisms for their interpreters, inadequate technology or technological support, or have no experience with remote interpretation in judicial settings.

[47] *See*, *National Association of Judiciary Interpreters &Translators (NAJIT) Position Paper-Telephone Interpreting in Legal Settings* (February 2009) available at http://www.najit.org/wp-content/uploads/2016/09/Telephone-Interpreting-1.pdf.

pro se clinics, criminal diversion programs, anger management classes, detention facilities, and other similar offices, operations and programs managed by the court.

In order to comply with Title VI, courts should provide the most appropriate language access service for these programs or services, including qualified interpreters, bilingual staff, and translated materials and information. Where interpreters must be appointed, courts should follow the standards described above for the appointment of interpreters as set out in the Rules.

F. Additional Courtroom Tools for Language Access

1. Bilingual courtroom staff

Courts should place bilingual staff at all points of contact with the court, including courtrooms, public information offices or counters, clerk's offices, *pro se* clinics, ADR offices, and other relevant locations. Bilingual staff must be competent in all the languages in which they communicate, and courts must test their proficiency in a neutral systematic way that does not rely on the bilingual staff person's self-assessment of language skills. Courts may establish standards for the competence required of bilingual staff at different points of contact; a staff person located at a *pro se* clinic or a high volume clerk's office may need a higher level of language proficiency and competency than a bilingual person at a cashier's office, for example. However, courts must establish a minimum competency level that all bilingual staff must meet in order to ensure meaningful access throughout the courthouse and all court programs and services.

Absent exigent circumstances, bilingual staff should not be used to interpret in the courtroom. In addition to any possible conflict of interest created by the different roles of court staff and interpreter, there are ethical concerns given the professional responsibility and ethics requirements to which interpreters are subject. More importantly, the language skills required for accurate courtroom interpretation are significantly more extensive and complex than those needed as a bilingual staff person, and the use of a bilingual staff person to interpret cannot safeguard the LEP or DHH court user's right to meaningful language access like the use of a qualified interpreter would.[48] Should bilingual staff ever be used to interpret outside the courtroom, the court should ensure bilingual staff members are trained on the role of the interpreter, basic interpreting skills, and only utilize bilingual staff for basic, noncritical communications.

NOTE: Because it can be challenging to find qualified bilingual staff, especially in more rural

[48] "A bilingual person may inaccurately interpret or roughly interpret a summary of communications between the court and an LEP person, they may have a conflict of interest, or they may even be adverse. Under these circumstances, an LEP person is denied meaningful access to court operations in a way that a fluent English speaker is not. The [U.S.] DOJ Guidance emphasizes the importance of interpreter competency and states: 'Competency requires more than self-identification as bilingual. Some bilingual staff and community volunteers, for instance, may be able to communicate effectively in a different language when communicating information directly in that language, but not be competent to interpret in and out of English.' [U.S.] DOJ Guidance, 67 Fed. Reg. at 41,461." *See*, *U.S. DOJ Letter to NC Administrative Office of the Courts, p. 9 (March 8, 2012) available at* http://www.justice.gov/sites/default/files/crt/legacy/2012/03/03/030812_DOJ_Letter_to_NC_AOC.pdf.

counties, it is recommended that courts train all staff on the use of video and telephonic interpretation services and a model procedure for handling a language access issue when bilingual staff is not available.

2. Technology in the courtroom

In addition to possible uses of VRI for court proceedings discussed above, there are effective uses for video-remote technologies to make the courtroom process itself more linguistically accessible for LEP and DHH users. For example, a video remote interpreter may be used to provide interpretation for general courtroom instructions or introductory remarks given by a decision maker or court staff before a calendar call.

In addition, there are several audio/visual and assistive technologies to help facilitate communication for LEP and DHH participants in the courtroom, including but not limited to:

- Assistive listening devices to amplify sound for hard-of-hearing persons;
- Infrared hearing systems;
- Closed-captioned videos, multilingual PowerPoint presentations, and other visual aids providing information on courtroom procedure, legal information, and other topics to improve court user education and access; and
- Multilingual videos explaining courtroom procedure and providing relevant legal information to provide access to low literacy LEP populations (as well as benefitting low literacy English speaking court users).

3. Signage and translation of courtroom resources

The use of translated signs as well as other translated print information may assist in the efficient management of courtrooms. Having printed translated information available in a courtroom can significantly reduce the need for oral interpretation of basic information applicable to all courtroom participants. Examples of useful translated written resources include: waiver of rights and other relevant court forms or advisements; referrals to community-based organizations, treatment/counseling programs ordered by the court, or other court services or programs; continuance forms; and standard courtroom signs used to communicate courtroom procedure to the public.

Courts should be mindful, however, not to rely exclusively on posted signs or written notices for advising court users of language access services. Some court users, including LEP and DHH persons, have low literacy skills that may prevent them from understanding written communications. Therefore, the recommendations above for court staff to proactively inform LEP and DHH users of their language access rights should be implemented together with any signage and written notification strategies.

G. Interpreter Compensation

Interpreter compensation is currently managed at the local level (see Rules, Appendix A, VII), and

there is no uniform, statewide compensation system at this time (see Rules, Section V). However, it is important to note that licensed foreign-language court interpreters and credentialed sign language and deaf interpreters are highly skilled professionals who possess unique cognitive abilities and undergo rigorous training, education, and testing. They perform a difficult and specialized function that plays a critical role in ensuring access to justice and due process. Courts should keep this in mind when considering compensation rates for licensed court interpreters. Further guidance to local courts regarding interpreter compensation and available funds for interpreters and language access services will be included in the forthcoming Language Access Plan.

V. Strategies for Management and Monitoring of the MAP

To ensure the appropriate and successful implementation of the Model Administrative Protocol, and, where adopted, its implementation at the local level, courts must establish systems for monitoring their administrative protocol, its effectiveness in providing language access services to its LEP and DHH users, and the ongoing need for adjustments as services expand or policies change. These systems must include an effective complaint mechanism and quality control measures.

A. Periodic Monitoring of Effectiveness of the MAP

It is critical that courts implementing the MAP or other administrative protocol for the provision of interpreter services establish systems for the protocol's periodic monitoring. As the entity providing the MAP and guidance on its use, the Commission will also develop monitoring mechanisms to track the effectiveness and need for modifications of the template MAP.

Courts should, on a yearly basis, analyze the effectiveness of their administrative protocol and make needed adjustments. Information gathering on the use of qualified (licensed) foreign-language interpreters, as compared to non-licensed interpreters, and of credentialed sign language and deaf interpreters, will assist courts and the Commission to analyze whether the implementation of an administrative protocol has resulted in an increase in the use of qualified interpreters, as intended. Increases in the provision of qualified interpreters will benefit all court users as well as the court itself, with improvements in the meaningful participation of LEP and DHH users and more accurate communication and information on which decision makers must base their determinations.

Data regarding the provision of interpreters will also provide useful information. Reports on the number of interpreter hours provided, languages served, interpreter billing (by case type and proceeding), and travel-related interpreter expenses can assist courts in determining actual interpreter needs when full language access is provided. This information will allow courts to better allocate budget expenditures for language access, and develop strategies for cost-savings as well as obtaining additional funding, if needed, to guarantee every LEP and DHH user access

to the court.

Courts should also track the number of continuances requested or issued in order to obtain an interpreter, together with information regarding delays in processing of cases due to language access issues. This information will assist courts to determine whether strategies for early identification of interpreter and other language services needs have resulted in efficiencies in the utilization of limited court resources and in the processing of cases. Measuring the effect of other systems put in place to address court efficiencies, such as calendaring and scheduling practices to address interpreter cost savings, will further inform court efforts to improve delivery of language access services in a cost-effective and efficient manner.

Overall, the monitoring of language access efforts by courts will enable them to identify areas in which they are successfully meeting their needs as well as areas requiring attention, such as the need for more effective interpreter provision, addition of bilingual staff, increase or improvement of translations, better communication to stakeholders regarding language access policies, better staff training, etc. It will also permit courts to formulate informed requests for assistance from the Commission in areas where statewide guidance or resources may prove particularly effective, such as translation assistance for statewide information, areas for improved interpreter training, language access planning, etc.

Finally, any monitoring and evaluation plan should include the input of justice partners and the community regarding the implementation of the administrative protocol. District attorney's offices, public defenders, law enforcement agencies, legal services programs, private attorneys, bar associations, community-based organizations, and the public at large are all integral to a robust judicial system that is responsive to its users. Their perspectives and experiences regarding the protocol's implementation will ensure an improved system of access to justice for LEP and DHH persons, and ultimately, every court user.

MAP Update by the Commission on Interpreters: The Commission will establish formalized mechanisms for obtaining and analyzing yearly reports from local courts using the protocol in order to enable the Commission to make ongoing adjustments and modifications to the MAP. In addition, these reports will help the Commission identify possible modifications needed to the Rules, and other areas under the Commission's responsibility, such as interpreter licensing and discipline, interpreter training and education, judicial branch training and education, statewide translation efforts, and overall language access planning. As the Commission begins its work toward development of a statewide Language Access Plan, information gathered by the different courts making up the Georgia judicial branch will be essential to creating a responsive and comprehensive language access policy for the state.

B. Local Complaint Mechanisms

Courts using the administrative protocol should create a local complaint mechanism for registering complaints regarding the provision of (or failure to provide) qualified interpreters or

other language access services. Courts may model their complaint form and process after the Commission's complaint form for interpreter complaints,[49] but should ensure that both the process and the form are broad enough to include complaints regarding all forms of language access services, including translations, bilingual staff, web information, access to services, and other related services.

Complaint forms and instructions should be in plain language and available on the court's website, if appropriate, as well as at all court points of contact with the public. In addition to English, the complaint form and instructions should be translated into at least the top five most commonly spoken foreign languages in that court's community, unless the community demographics are such that there are fewer languages with a significant number of speakers.

Any complaint process developed should allow for any member of the public to register a complaint regarding a court's language access services or policies. Court users (not just LEP and DHH users), attorneys, justice partners, community-based organizations, legal aid offices, governmental agencies, court employees and decision makers should all have the ability to file a complaint if necessary.

Complaints about language access services should be addressed and resolved at the local court level. However, in order to allow the Commission to monitor the effectiveness of language access policies and of the MAP, courts should send quarterly reports to the Commission regarding the number of complaints, reason for complaints, and resolution (if any) of the complaints. Complaints regarding an interpreter's performance, unethical, or unprofessional conduct should be filed with the Commission, which will conduct a formal investigation in accordance with the Commission's disciplinary procedures.

C. Training for Judicial Branch on the MAP

To ensure the proper implementation of the MAP and effective provision of language access services throughout the court, those courts adopting the MAP as a local administrative protocol must make sure all court staff and decision makers are properly trained on its policies and procedures. Similarly, training efforts must include any language access policies promulgated at the state level as well as the local level, even if not directly addressed in the MAP or adopted administrative protocol.

Additional topics that should be in court staff and judicial training include:

- Proper appointment of qualified interpreters for all court proceedings;
- How to *voir dire* a non-licensed court interpreter;
- Role of an interpreter, modes of interpreting, and interpreter ethics and professional standards;

[49] Available at http://coi.georgiacourts.gov/sites/default/files/coi/Complaint%20Form.pdf.

- Use of remote technologies for interpreting, where available and used;
- Courtroom management when interpreters are used; and
- Cultural competence.

Training should include new and existing staff and decision makers, as well as staff interpreters where relevant. Together with training efforts, court staff and decision makers should have available to them resources and information regarding the administrative protocol, language access services, policies and procedures, and tools for providing language assistance (such as bench cards, language identification guides, brochures, etc.). These tools should be easily accessible to them via the court's intranet or other method for internal distribution of court information and resources.

Training Assistance by the Commission on Interpreters: The Commission should work with local courts to develop online courses or webinars to assist in training of decision makers and court staff regarding the protocol and overall language access services and planning. Having the Commission lead the effort will help standardize training and information provided, and will prevent duplication of effort by courts, by more efficiently developing statewide training curricula and tools that can later be adapted for local use. In addition, the Commission should provide training on the MAP for new interpreters as part of the Orientation Workshop, as well as for existing interpreters through online courses and other available training opportunities.

D. Outreach and Communication of the MAP

Upon implementing the MAP as their own administrative protocol, courts should develop outreach and communication strategies to ensure all relevant stakeholders, justice partners, attorneys, and the public understand the existence and provisions of the administrative protocol. Courts should be mindful that any communication and outreach efforts should be ongoing, and should include mechanisms to ensure LEP and DHH populations, community-based organizations, and other interested organizations receive the information.

In order to maximize dissemination and accessibility of the information, outreach materials should be in English and up to 5 languages, depending on the linguistic demographics of the court's community. Partners such as local bar associations, government agencies, legal services organizations and community-based agencies can help ensure distribution of information. In addition, reaching the relevant populations may involve the use of ethnic print and audio/TV media to effectively communicate the court's language access policies.

Outreach Assistance by the Commission on Interpreters: The Commission is in a position to assist courts with outreach and communication strategies by taking advantage of its other language access outreach activities to inform the public about the MAP. The Commission should also assist in standardizing the information provided across the state about the administrative protocol to prevent duplication of outreach efforts from all the courts using the protocol. Standardization of outreach materials will also help minimize expenditure of scarce

resources on translation, avoiding the need for several courts to spend funds on translation of local materials when one consistent statewide information packet exists and translation costs can be shared or possibly covered by the Commission.

VI. Language Access Administrative Protocol Management and Other Language Access Considerations

In addition to the Model Administrative Protocol just described, the Language Access Plan which will be developed by the Georgia Commission on Interpreters in the coming months, will also address, in depth, the following:

Language Access Services Outside Courtroom:

- Signage
- Bilingual staff (in person or phone access)
- Telephonic interpreting
- Video/audio recordings
- Translated informational materials
- Translated information on webpages

Translation Standards: A translation protocol or branch-wide guidance document, to include best practices regarding standards for translators and translations, how to identify and prioritize documents for translation, ensure consistency branch-wide, etc. The translation guidance would cover:

- Forms
- Informational materials (jurors, address/location, self-help/pro se assistance services)
- Signage
- Audio/visual and web content
- Dissemination of translations to all courts/districts, partners, community, and the public

Judicial Branch Training: Best Practices in Decision Maker and Employee Training (Court Staff and Administrators):

- How to work with/serve LEP and DHH populations (include cultural competence)
- How to work with interpreters (bench cards and other tools)
- How to work with technologies available

Monitoring of Language Access Plan and Services: Mechanism and systems for monitoring, assessing and evaluation of plan, and establishing model complaint procedures.

Community Education and Community Outreach (including stakeholder involvement).

Appendix A: Georgia Language Access Resources Identified in the MAP[50]

Chapter 11: Appointing Qualified Interpreters, 2016 State Court Benchbook. Published by the Council of State Court Judges, this material has also been adopted for use by the Council of Superior Court Judges, Council of Magistrate Court Judges, and Council of Municipal Court Judges.

Court Access for Individuals Who Are Deaf and Hard of Hearing. A guide for courts published by the American Bar Association.

Georgia Supreme Court Commission on Interpreters Complaint Process. Includes the complaint process and form for registering a complaint against a court interpreter with the Commission on Interpreters.

Instructions for Use of Non-licensed Interpreter. Model Form from the Georgia Commission on Interpreters for the use of non-licensed interpreters in the Georgia courts, setting forth minimum requirements for qualification of non-licensed interpreters.

Language Identification Guides. A tool for limited English proficient (LEP) persons to self-identify their spoken language. The guide enables court personnel to then seek the assistance of an interpreter in the specified language.

Use of Interpreters for Non-English Speaking and Hearing Impaired Persons. Supreme Court of Georgia Rules.

- Appendix A – Uniform Rule for Interpreter Programs. Appendix to the Supreme Court of Georgia Rules on the Use of Interpreters for Non-English Speaking and Hearing Impaired Persons.

- Appendix B – Powers and Duties of the Georgia Commission on Interpreters; Requirement for Certification, Conditional Approval, Registration, and Training of Interpreters.

- Appendix C – Code of Professional Responsibility for Interpreters.

Working with Deaf or Hard of Hearing Persons and Sign Language Interpreters in the Courtroom. Bench card for working with DHH court users and Sign Language Interpreters, developed by the Commission.

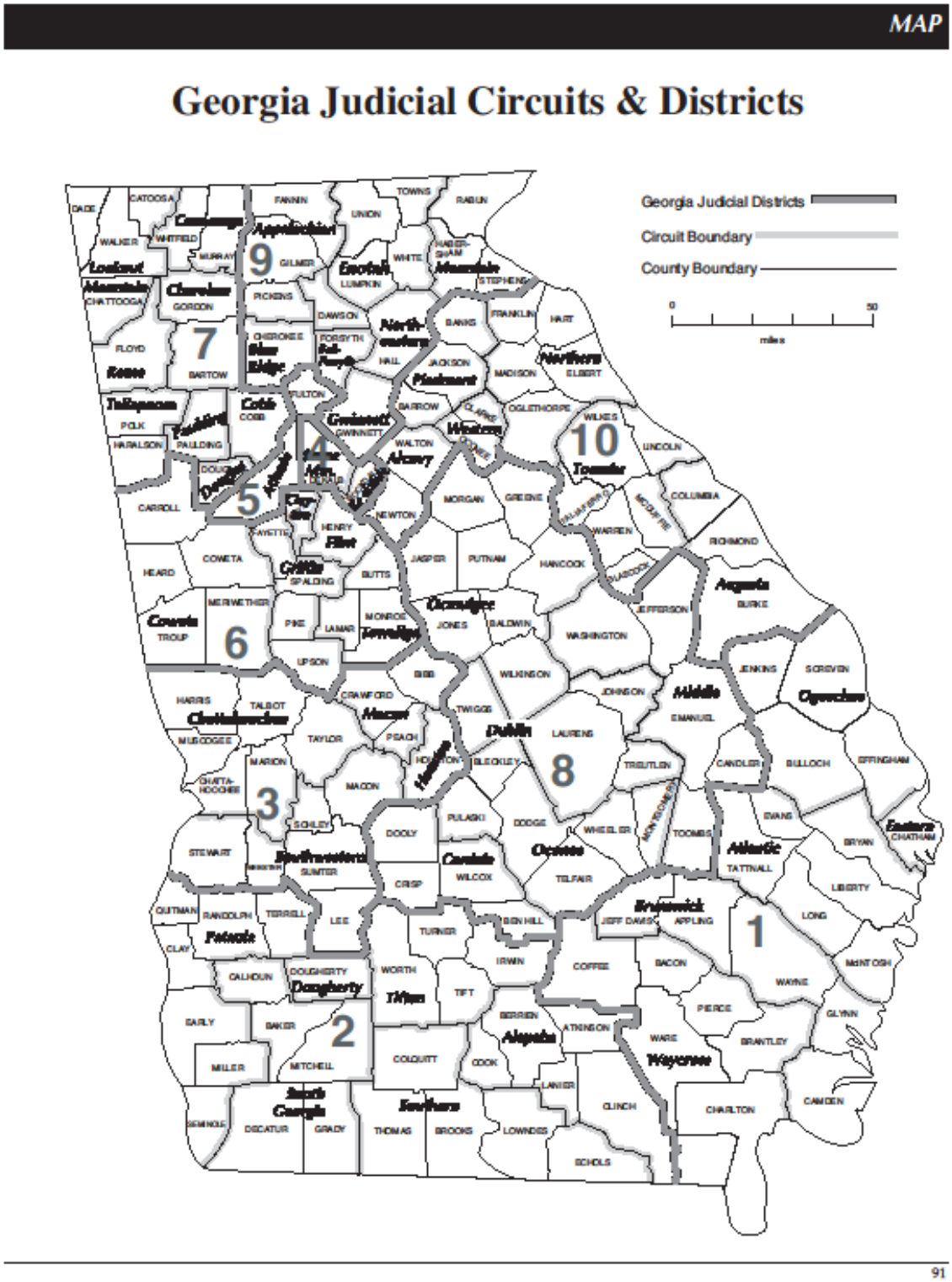
Working with Foreign Language Interpreters in the Courtroom. Provides guidance to judges and court personnel for determining the need for an interpreter, interpreter qualifications, and the

[50] Listed in alphabetical order.

role of the interpreter. It includes sample questions for judges and court staff to assess the English proficiency of a party or witness.

Working with Limited English Proficient Persons and Foreign Language Interpreters in the Courtroom. Bench card for working with LEP court users and foreign language interpreters, developed by the Commission.

Appendix B: Map of Georgia Judicial Circuits & Districts



Appendix C: Language Identification Guide

2004 Census Test

United States Census 2010

LANGUAGE IDENTIFICATION FLASHCARD

ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
[illegible]	2. Armenian
যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	3. Bengali
១ សូមបញ្ជាក់ក្នុងប្រអប់នេះ: បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese
Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
Mark this box if you read or speak English.	11. English
اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.	12. Farsi

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☐ Cocher ici si vous lisez ou parlez le français.	13. French
☐ Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
☐ Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
☐ Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
☐ अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
☐ Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
☐ Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.	19. Hungarian
☐ Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
☐ Marchi questa casella se legge o parla italiano.	21. Italian
☐ 日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
☐ 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
☐ ໃນກໍລະນີທີ່ທ່ານອ່ານຫຼືປາກເວົ້າພາສາລາວ.	24. Laotian
☐ Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

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☐ Assinale este quadrado se você lê ou fala português.	26. Portuguese
☐ Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
☐ Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
☐ Обележите овај квадратић уколико читате или говорите српски језик.	29. Serbian
☐ Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
☐ Marque esta casilla si lee o habla español.	31. Spanish
☐ Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
☐ ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
☐ Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
☐ Відмітьте цю клітинку, якщо ви читаєте або говорите українською мовою.	35. Ukranian
☐ اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
☐ Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
☐ באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

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Appendix D: Uniform Superior Court Rule 7.3 (Revised), Effective July 13, 2017

Rule 7.3. Interpreters

(A) In all civil and criminal cases, the party or party's attorney shall inform the court in the form of a notice of the need for a qualified interpreter, if known, within a reasonable time — at least 5 days where practicable — before any hearing, trial, or other court proceeding. Such notice shall be filed and shall comply with any other service requirements established by the court. The notice shall (1) designate the participants in the proceeding who will need the services of an interpreter, (2) estimate the length of the proceeding for which the interpreter is required, (3) state whether the interpreter will be needed for all proceedings in the case, and (4) indicate the language(s), including sign language for the Deaf/Hard of Hearing, for which the interpreter is required.

(B) Upon receipt of such notice, the court shall make a diligent effort to locate and appoint a licensed interpreter, at the court's expense, in accordance with the Supreme Court of Georgia's Rule on Use of Interpreters for Non-English Speaking and Hearing Impaired Persons. If the court determines that the nature of the case (e.g., an emergency) warrants the use of a non-licensed interpreter, then the court shall follow the procedures as outlined in the Supreme Court of Georgia's Commission on Interpreters' Instructions for Use of a Non-Licensed Interpreter. Despite its use of a non-licensed interpreter, the court shall make a diligent effort to ensure that a licensed interpreter is appointed for all subsequently scheduled proceedings, if one is available.

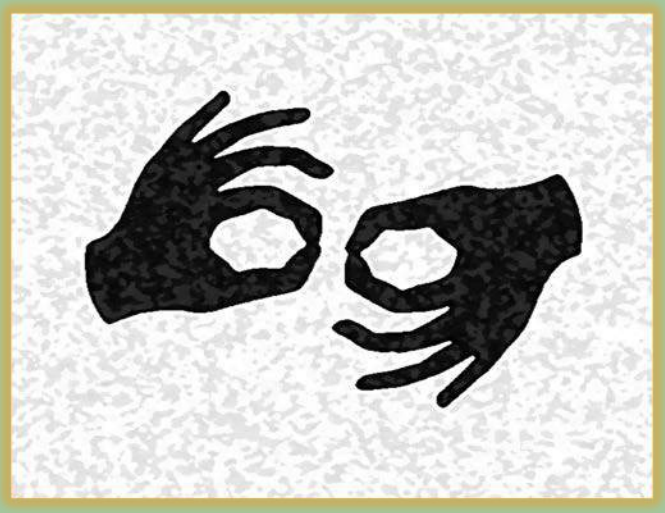
(C) If a party or party's attorney fails to timely notify the court of a need for a court interpreter, the court may assess costs against that party for any delay caused by the need to obtain a court interpreter unless that party establishes good cause for the delay. When timely notice is not provided or on other occasions when it may be necessary to utilize an interpreter not licensed by the Supreme Court of Georgia's Commission on Interpreters (COI), the Registry for Interpreters of the Deaf (RID), or other industry-recognized credentialing entity, such as a telephonic language service or a less qualified interpreter, the court should weigh the need for immediacy in conducting a hearing against the potential compromise of due process, or the potential of substantive injustice, if interpreting is inadequate. Unless immediacy is a primary concern, some delay might be more appropriate than the use of an interpreter not licensed by the COI, RID, or other recognized credentialing entity.

(D) Notwithstanding any failure of a party or party's attorney to notify the court of a need for a court interpreter, the court shall appoint a court interpreter whenever it becomes apparent from the court's own observations or from disclosures by any other person that a participant in a proceeding is unable to hear, speak, or otherwise communicate in the English language to the extent reasonably necessary to meaningfully participate in the proceeding.

(E) If the time or date of a proceeding is changed or canceled by the parties, and interpreter services have been arranged by the court, the party that requested the interpreter must notify the court 24 hours in advance of the change or cancellation. Timely notice of any changes is essential in order to cancel or reschedule an interpreter, thus precluding unnecessary travel by the interpreter and a fee payment by the court. If a party fails to timely notify the court of a change or cancellation, the court may assess any reasonable interpreter expenses it may have incurred upon that party unless the party can show good cause for its failure to provide a timely notification.

MAP

Template



Model Administrative Protocol for the Provision of Language Assistance Services to Limited English Proficient and Deaf or Hard of Hearing Persons in the Georgia Courts

Developed By:
Supreme Court of Georgia Commission on Interpreters MAP Development Committee

I. Introduction

This Model Administrative Protocol (MAP) sets forth the policy and procedures of the _____ [*name of judicial entity*[1]] regarding the provision of court interpreters and other language assistance services for limited English proficient (LEP) and deaf or hard of hearing (DHH) persons accessing the court and its services.

This MAP and its Companion use certain common concepts as defined below (in alphabetical order):

Alternative Dispute Resolution (ADR) – alternatives to traditional litigation, including mediation, non-binding arbitration, and case evaluation.[2]

Bilingual (and Multilingual) Staff [3] – staff proficient in English and a second (or more) language(s), and able to communicate effectively and accurately, orally and in writing, in all working languages. The language proficiency of bilingual and multilingual staff should be determined by the court through valid assessment tools,[4] rather than reliance on a staff person's self-evaluation.

Deaf or Hard of Hearing (DHH) – any person whose hearing is totally impaired or whose hearing is so seriously impaired as to prohibit him or her from understanding oral communication when spoken in a normal conversational tone. Pursuant to guidance from the National Association of the Deaf, DHH is the preferred term over "hearing impaired," which is widely considered to be pejorative within Deaf culture.[5]

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[1] Given the various possibilities in which judicial districts, judicial circuits, and person courts may employ this MAP, the term "name of judicial entity" refers to whichever judicial administrative level is adapting this MAP.

[2] *See*, Georgia Commission on Dispute Resolution (www.godr.org)

[3] For purposes of this MAP and its Companion, the term "bilingual staff" includes staff who may be multilingual and fully proficient in more than two languages.

[4] Courts may develop their own assessment tools and/or utilize tools and standards developed by other organizations such as the Oral Proficiency Interview (OPI) administered by Language Testing International (and utilized for licensing Registered interpreters in Georgia) and the Inter-Agency Language Roundtable (ILR).

[5] National Association of the Deaf, Frequently Asked Questions, "What is wrong with the terms "deaf-mute," "deaf-dumb," or "hearing-imparied?"

Deaf Interpreter – a specialist, who is deaf, who provides interpreting, translation, and transliteration services in American Sign Language (ASL) and other visual and tactual communication forms used by persons who are deaf, hard of hearing, and deaf-blind. Deaf interpreters work most often in tandem with hearing sign language interpreters. The National Consortium of Interpreter Education Center (NCIEC) studies indicate that in many situations, use of a deaf interpreter enables a level of linguistic and cultural bridging that is often not possible when hearing ASL-English interpreters work alone.

Decision Maker – includes judges, magistrates, special masters, commissioners, hearing officers, arbitrators, neutrals, and mediators.[6]

Interpretation - the process of rendering a **verbal communications** from one language (source language) into another language (target language) effectively, accurately and impartially. Interpreting effectively and accurately means rendering any specialized vocabulary precisely so that the meaning of the communication is clear and conceptually correct in the target language. Additionally, interpreting effectively, accurately, and impartially means correctly expressing the voice, tone, emotion, and non-spoken message of the communication audibly and/or visually. The person who performs this task is an ***interpreter***.

Licensed Interpreter – any person on the Certified foreign-language interpreter registry of the Supreme Court of Georgia Commission on Interpreters (Commission); any person on the Commission's Conditionally Approved foreign-language interpreter registry;[7] any person on the Commission's Registered foreign-language interpreter registry; or any person certified through the Registry of Interpreters for the Deaf (RID), National Association of the Deaf (NAD), or other industry-recognized credentialing entity. The Commission extends reciprocity to foreign-language interpreters licensed by any active member state of the Council of Language Access Coordinators (CLAC),[8] or by the Administrative Office of the United States Courts through its Federal Court Interpreter Certification Examination (FCICE).

Limited English Proficient (LEP) – any person who speaks English "less than very well," cannot readily understand or communicate in spoken English, and who consequently cannot equally participate in or benefit from the proceedings without an interpreter to assist him or her. The fact that a person for whom English is not a primary language knows some English does not mean that person does not need an interpreter or should not be allowed to have an interpreter.

Non-Licensed Interpreter – any person not licensed by the Commission through its established licensing requirements or through licensing reciprocity considerations as mentioned above in the

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[6] *See*, *Supreme Court of Georgia Rules: Use of Interpreters for Non-English Speaking and Hearing Impaired Persons* (Rules), Appendix A, II (A).

[7] The interpreter registry maintained by the Commission may be found at https://gcr.onegovcloud.com/public/directory/#/.

[8] Formerly known as the Consortium for Language Access in the Courts.

definition of "Licensed Interpreter." Any person not certified through RID, NAD, or other industry-recognized credentialing entity mentioned in the definition of "Licensed Interpreter."

Qualified Interpreter – a person who is able to **orally** interpret effectively, accurately, and impartially. Interpreting effectively and accurately means rendering any specialized vocabulary precisely so that the meaning of the communication is clear and conceptually correct in the language to which it is interpreted. Interpreting effectively, accurately, and impartially also means correctly expressing the voice, tone, emotion and non-spoken message of the communication audibly and/or visually. A qualified interpreter will also be knowledgeable of and abide by industry-recognized ethical and professional standards of conduct for interpreters.

> **NOTE:** Per O.C.G.A. § 24-6-651 (6), a *qualified* sign language interpreter means "any person certified as an interpreter for hearing impaired persons by the Registry of Interpreters for the Deaf or a court qualified interpreter."
>
> **NOTE:** Per O.C.G.A. § 24-6-651 (2), a *court qualified* sign language interpreter means "any person licensed as an interpreter for the hearing impaired pursuant to Code Section 15-1-14."

Qualified Translator – a person who can translate written text effectively, accurately and impartially. A qualified translator preserves the tone and level of language used in both languages, renders specialized vocabulary precisely so that the meaning of the written communication is clear and conceptually correct, and abides by industry-recognized ethical and professional standards of conduct for translators.

Registry of Interpreters for the Deaf (RID) – a national membership organization that plays a leading role in advocating for excellence in the delivery of interpretation and transliteration services between people who are deaf or hard of hearing and people who use spoken language. In collaboration with the deaf community, RID supports members and encourages the growth of the profession through the establishment of a national standard for qualified sign language and deaf interpreters and transliterators, ongoing professional development and adherence to a code of professional conduct.

Source Language - native or primary language of the individual initiating the verbal communication. For written documents, the language of the original document that requires translation. *Example*: Attorney (English speaking), through an interpreter, asks the witness (Spanish speaking) a question. English is the source Language. Birth record (in Spanish) needs translation into English. Spanish is the source language for the translation.

Specialist Certificate: Legal (SC:L) – holders of this specialist RID certification have demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. These persons are recommended for a broad range of assignments in the legal setting. (This credential has been available since 1998, but was placed under moratorium by RID

as of January 1, 2016. The SC:L credential remains fully recognized by RID, but the designation is not currently available to persons who do not already have it.)[9]

Target Language – the language to which the verbal communication needs to be interpreted. For written documents, the language in to which the original document needs translating. *Example*: Attorney (English speaking), through an interpreter, asks the witness (Spanish speaking) a question. Spanish is the target language. Birth record (in Spanish) needs translation into English. English is the target language for the translation.

Translation - the process of rendering a **written communication** from the source language to the target language effectively, accurately and impartially. Translating effectively and accurately means rendering any specialized vocabulary precisely so that the meaning of the communication is clear and conceptually correct in the target language. Additionally, translating effectively and accurately requires preserving the tone and level of language used in both languages. The person who performs this task is a ***translator***.

Transliteration – in American Sign Language (ASL), transliteration means English signing that incorporates grammatical features of ASL, and is often used for making auditory information accessible in a visual way. Transliteration is performed by a transliterator.[10]

Vital Document - A document, paper or electronic, that contains information that is critical for executing a federal-funding recipient's mission including, pleadings and letters or notices that require a response from party, witness, or other intended individual; documents that inform parties or witnesses of their right to, and the availability of, free language assistance.

II. Legal Basis for Interpreter Provision and Language Access

Under Georgia law,[16] Title VI of the Civil Rights Act of 1964,[17] Department of Justice regulations and accompanying guidance documents,[18] the Americans with Disabilities Act of 1990 (ADA),[19] and Georgia Supreme Court Rules on Use of Interpreters for Non-English Speaking and Hearing Impaired Persons (Rules),[20] Georgia courts are under an obligation to provide interpreters to all LEP and DHH persons in civil and criminal court proceedings, as well as language access services in all court-managed services and programs.

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[9] RID Website "Certification" (http://www.rid.org/rid-certification-overview/certifications-under-moratorium/).

[10] *See*, https://asl-interpreting.wikispaces.com/Transliteration.

[16] *See*, O.C.C.A. § 24-6-650 *et seq*., *See also*, O.C.G.A. § 15-6-77(e)(4).

[17] 42 U.S.C. § 2000d.

[18] 67 F.R. 41455 (June 2002).

[19] 42 U.S.C. § 12101

[20] Available at http://coi.georgiacourts.gov/content/supreme-court-rules

III. Needs Assessment and Early Identification

Courts have an affirmative duty to actively determine language access needs of court users, to notify users of the services available to meet those needs, and to offer those services to users.

A. Data Collection and Needs Assessment

The _____ [*name of judicial entity*] will, on an annual basis, compile demographic data regarding the language needs of its community. The court will initially look at the most recent and relevant U. S. Census and American Community Survey (ACS) data, and conduct additional gathering from the _____ [*local*] school district(s), the county department of public health, the public defender's office, the district attorney's office, Atlanta Legal Aid Society,[21] or Georgia Legal Services Program.[22] In addition, the court will communicate with local legal services providers and community based organizations, namely: _____
_____ that focus their service provision on immigrant and refugee populations as well as access to justice for indigent persons in this geographic area, to identify possible immigration and new language trends. This data will be analyzed annually to determine whether the court's allocation of language access resources is appropriate.

The _____ [*name of judicial entity*] will track every request by an LEP or DHH person for language access services, including but not limited to interpreters, bilingual staff,[23] and translated materials (both written and audio visual). The court will track requests by language, case type (e.g., family law, criminal, housing, etc.), and proceeding and/or location of service request (e.g., court hearing, ADR, clerk's office, etc.). The court will also track whether the language access service requested was granted or denied and (where applicable) the reason for the denial.

In addition to mechanisms discussed under the identification of language needs section below, the _____ [*name of judicial entity*] will track this internal data in the case management system where available, and/or case files if case management is not automated. On a yearly basis, the court will analyze the data collected to identify whether services requested are in fact provided, assist in the allocation of language access resources, and identify gaps in the provision of services to address future needs.

The _____ [*name of judicial entity*] will send the final data compilation, in the form of an annual report, to the Commission, to assist the Commission in monitoring of the statewide Language Access Plan, identification of interpreter training and certification strategies, and assessing the need for other tools to assist the Judicial Council's

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[21] For courts located in the counties of Clayton, Cobb, DeKalb, Fulton and Gwinnett.

[22] For courts located in the remaining 154 of Georgia's 159 counties.

[23] For purposes of this administrative protocol, bilingual staff include staff members who are competent and proficient in more than 2 languages.

Administrative Office of the Courts and local courts in the provision of language access services.

B. Early and Ongoing Identification of Language Needs in the Community and the Court User Population

1. Designated language access office or point person

The _____ [*name of judicial entity*] has designated _____ _____ [*include name of designated local Language Access Coordinator or Interpreter Coordinator*] as the court's Coordinator of Language Access Services, to whom requests for interpreters and other language access services may be addressed. The _____ _____ [*name of designated office/position*] is available to:

- Assist LEP and DHH persons to secure an interpreter or other language access services;
- Assist attorneys, justice partners, and other relevant persons to secure interpreters and related language access services for their clients and constituents;
- Assist court staff and decision makers to secure interpreters and other language access services;
- Answer questions from LEP and DHH persons, and the public at large, regarding the court's available language access services;
- Manage and respond to feedback from the public about the court's language assistance protocol;
- Serve as a clearinghouse for the court's language access resources, including translated materials, interpreter roster, language identification cards, and other resources identified in this MAP; and
- Answer requests from decision makers and court staff regarding the court's language access policies and procedures.

LEP and DHH persons, attorneys, justice partners, government agencies, and any other entities in need of language access assistance or information for themselves or their clients, may contact:

[Name of person/office designated]
[Address]
[Phone number]
[Fax/Email]

2. Identification of language access needs at all points of contact with the court

a) Mechanisms for self-identification by LEP and DHH court users

There are several points of contact between LEP and DHH court users and the _____ _____ [*name of judicial entity*]. Among them are:

[*Check all that apply*]:

☐ Security screening at courthouse entrances at the following courthouse(s):
- _____ [*Insert court location(s) where security screening exists*].

☐ Clerk's offices at the following location(s):
- _____ [*Insert court location(s) where there are clerk's offices, even if within same courthouse building; e.g., for different case types*].

☐ Jury offices and jury summons. Jury offices located at:
- _____ [*Insert court location(s) where there are jury offices*].

☐ Records offices at the following location(s):
- _____ [*Insert court location(s) where there are records offices*].

☐ Cashiers at the following location(s):
- _____ [*Insert court location(s) where there is a cashier, if different from above departments*].

☐ Alternative dispute resolution programs, including mediation, at the following location(s):
- _____ [*Insert court location(s) where there are ADR offices and/or mediation services*].

☐ Courtrooms at the following courthouse(s):
- _____ [*Insert court location(s) where courtrooms are located*].

☐ *Pro se* clinics and related services, including but not limited to parenting classes or other required classes for divorcing parents, at the following location(s):
- _____ [*Insert court location(s) where court-managed pro se services are provided*].

☐ Family Violence Intervention Programs (FVIPs).

☐ Website for the _____ [*name of judicial entity*], available at _____ [*URL for court website*].

☐ Judicial Council of Georgia, Administrative Office of the Courts website, available at www.georgiacourts.gov.

☐ The _____ [*name of judicial entity*] phone system, accessible at _____ [*main phone number*].

In order to facilitate the ability of LEP and DHH persons to identify and request their need for language access services, the _____ [*name of judicial entity*] has the following tools available at all points of contact listed above:
[*Check all that apply*]

☐ Language identification cards at all points of contact in 38 languages.[24]

☐ Multilingual notices at all appropriate points of contact notifying members of the public of their right to request an interpreter or other language assistance at any point during their contact with the court.

☐ A multilingual notice on the court's website at _____ [*insert URL*] informing persons of their right to language access services at any point during their contact with the court.

☐ Video message [with closed captioning and ASL] posted to court's website at _____ [*insert URL*].

☐ Other [*add any additional mechanism for self-identification for LEP and DHH persons*]: _____.

b) Mechanisms for identification by court staff and decision makers

When it appears that a person has difficulty communicating due to a language barrier, it is the policy of the _____ [*name of judicial entity*] for the court staff person, language access designated person or office, or decision maker attempting to communicate with the LEP or DHH person to inform the LEP or DHH person of his or her right to have an interpreter provided by the courts, even absent a request for language access services by the LEP or DHH person. It is also important to note that "reasonable accommodations" for persons with disabilities, per the ADA, include auxiliary aids and services and not just the provision of interpreters.

c) Mechanism for identification by justice partners

To ensure the earliest possible identification of the need for court interpreters and other language access services, the _____ [*name of judicial entity*] has established internal protocols with the various justice partners which routinely interact with this court in order for these partners to communicate to the appropriate court staff

[24] *See*, http://coi.georgiacourts.gov/content/language-identification-guide.

the needs of LEP or DHH participants who will be coming into contact with the court. While justice partners themselves may be under the legal obligation to provide language access services to their clients, the court will be notified of any services that fall under the responsibility of the court as early as possible so services may be provided in a timely and efficient manner.

3. Identification of language access needs in court records

The _____ [*name of judicial entity*] maintains case and party related records in the following manner:
[*Check all that apply or add your own method of tracking language need*]

☐ An electronic court-wide case management system that includes party and case information and records, and allows tracking of a party's language needs. Therefore, the _____ _____ [*name of judicial entity*] is able to use the case management system to track a person's language needs if he or she is involved in another case in the future, as well as allowing for tracking by case number and/or case name to ensure the consistent provision of services in all proceedings under that case.

☐ Electronic case files and records, not in a court-wide system, that allow for tracking language access needs by case number and/or case name as the information is input by court staff, but does not automatically cross-reference the system to track language needs by party name, in case that same LEP or DHH person is involved in another case.

- Because of the inability to track language needs by party name, the _____ _____ [*name of judicial entity*] will institute procedures for court staff to manually search the system by party name when a new case filing occurs to obtain any relevant language identification information.

- As resources permit, _____ [*name of judicial entity*] will develop policies and procedures for modifying or updating the existing electronic record system to allow for tracking of language needs by case number and party name.

☐ Paper case files and records. Because of the inability to cross-reference party information, this current system only allows the court to ensure that case records clearly identify the involvement of an LEP or DHH person in that case, so that an interpreter or other language access service is provided at every stage of the proceeding in the case, as appropriate.

- In order to facilitate identification of cases with a language access need, the _____ _____ [*name of judicial entity*] will color code, or otherwise flag, files where there is a language access need.

- Documentation will be inserted in the case file to ensure language access needs are identified appropriately, and a written copy of that documentation will be provided to the court's language access point person, as well as to the judge presiding over the case.

4. Additional tools for early identification of language access needs

[*Include or check all that apply and add any others*]

The _____ [*name of judicial entity*] has instituted the following additional mechanisms for the early and accurate identification of the need for language access services:
[*Check all that apply*]

☐ LEP and DHH litigants and their attorneys, as well as other entities aware of the involvement of LEP and DHH person in a case (as parties, witnesses or other significant roles in a case), must indicate, when known, the need (or possible need) for interpreters or other language access services with the filing of all initial pleadings with the court. This requirement applies to plaintiffs, petitioners, defendants, and respondents. Failure to comply with this provision does not result in a denial of language access services but may delay the provision of services if the court does not receive adequate notice in time to provide the necessary services.

☐ The _____'s [*name of judicial entity*] notices, as well as any relevant cover sheets sent out by court staff, inform parties of the availability of language access services and how to request those services.

☐ It is the policy of the _____ [name of judicial entity] for all court clerks and other staff at relevant points of contact to inquire about the need for language access services for any party or witness.

In assessing the need for language services, _____ [*name of judicial entity*] recognizes that language services, including but not limited to interpretation, translation, signage, brochures and other information provided by the court, should not automatically be limited to English and Spanish. _____ [*name of judicial entity*] recognizes that the LEP communities it serves may include non-Spanish speaking communities that may be particularly small and isolated that require the court's assistance. Accessibility for all LEP and DHH persons will be considered.

IV. Provision of Qualified Interpreters in Court Proceedings and Other Court-Managed Functions

It is the policy of the _____ [*name of judicial entity*], in

accordance with the Rules, to provide qualified foreign-language and sign language and deaf interpreters to all LEP and DHH court participants who may require those services, in all court proceedings, at no cost to the court user. Court participants include parties, witnesses, persons with legal decision-making authority (such as parents or legal guardians of minors who are involved in a case but who are not parties themselves, *guardians ad litem*, and parents/guardians of minor victims of crime), and persons with a significant interest in the case (such as family members of a victim of crime or of the defendant on trial for serious crime, members of a class action who are not lead plaintiffs, etc.).

When a party, witness or other court participant, as defined above, requests the assistance of an interpreter, or when the decision maker determines an interpreter is needed because the LEP or DHH person cannot meaningfully participate due to a language barrier or cannot be understood directly by counsel, the decision maker, the jury, or other relevant courtroom participants, the decision maker will appoint a qualified interpreter for that LEP or DHH person.

A. Appointment of Qualified Interpreters

Court staff, decision makers and any other person responsible for securing the assistance of an interpreter at the _____ [*name of judicial entity*] will follow the following order of preference in appointing an interpreter, as stated in the Rules:

1. An in-person Certified,[25] Conditionally Approved,[26] or Registered[27] foreign-language interpreter, or an in-person sign language or deaf interpreter with a RID SC:L credential, is appointed, whenever possible, pursuant to the Rules.

2. If no Certified foreign-language interpreter is available, a Conditionally Approved foreign-language interpreter is appointed if available.

3. When no Certified, Conditionally Approved or Registered foreign-language interpreter, or credentialed sign language or deaf interpreter, is available locally in a timely manner, the decision maker or designated court staff will weigh the following: the need for moving forward with the proceeding against any possible negative consequences to the LEP or DHH person's ability to meaningfully participate in the proceedings, as well as the court's inability to communicate effectively with the participant if a non-licensed or non-credentialed interpreter is used.

   In exercising their discretion – including the determination of whether a licensed foreign-

[25] In foreign languages for which a National Center for State Courts (NCSC) oral certification examination exists, namely: Arabic, Cantonese, French, Haitian-Creole, Hmong, Korean, Laotian, Mandarin, Portuguese, Russian, Serbian, Somali, Spanish, and Vietnamese.

[26] *See*, Rules, Appendix B, II (B).

[27] In foreign languages for which an NCSC oral certification examination does NOT exist.

language interpreter or credentialed sign language or deaf interpreter appearing remotely may be, given the circumstances, more or less effective than a non-licensed or non-credentialed in-person interpreter – decision makers and designated court staff will: [*Check all that apply*]

☐ Appoint a licensed[28] foreign-language interpreter or credentialed sign language or deaf interpreter appearing remotely via video, as the first preference;

☐ Appoint a licensed foreign-language interpreter appearing remotely via telephone, as the second preference; or

☐ Consider the use of a non-licensed foreign-language interpreter or non-credentialed sign language or deaf interpreter, as a last resort.

In any instance, absent exigent circumstances, these interpreters are used only for short, non-evidentiary hearings, or for actions aimed at obtaining emergency relief followed by a continuance for time to secure an in-person licensed foreign-language interpreter or credentialed sign language or deaf interpreter, if needed.

At all times, decision makers and designated court staff exercise their discretion to ensure that the use of the remote interpreter or an in-person non-licensed foreign-language interpreter or non-credentialed sign language or deaf interpreter is consistent with the administration of justice and meaningful and equal access by all the participants.

4. When no licensed foreign-language interpreter or credentialed sign language or deaf interpreter is available, absent exigent circumstances, it is the policy of the _____ [*name of judicial entity*] **NOT** to appoint as an interpreter anyone who is unqualified or who has a potential conflict of interest in the case, including, but not limited to, the following: minors; friends and family of the LEP or DHH person; bilingual court staff; advocates and attorneys for the LEP or DHH person; justice partner bilingual staff; or anyone else deemed unqualified after *voir dire* by the decision maker.

   - Even when a LEP or DHH party prefers to use his or her own non-licensed or non-credentialed interpreter, decision makers and designated court staff will appoint an available licensed interpreter, or an interpreter provisionally qualified under the *voir dire* instructions provided by the Commission.

5. When a non-licensed foreign-language interpreter or non-credentialed sign language or deaf interpreter is used, decision makers or designated court staff shall follow the guidelines provided by the Rules, and the Commission's guidance and bench cards by:

[28] Certified, Conditionally Approved or Registered.

- Conducting a *voir dire* [29] with the prospective non-licensed foreign-language interpreter or non-credentialed sign language or deaf interpreter in order to assess that interpreter's qualifications; and

- Following the Commission's Instructions for Use of Non-licensed Interpreter, which includes admonitions to the non-licensed or non-credentialed interpreter on the basic tenets of the code of professional responsibility addressing interpreter ethics and standards.

6. In any situation where a remote interpreter, a non-licensed foreign-language interpreter, or a non-credentialed sign language or deaf interpreter was used on a one-time basis because of exigent circumstances, the court will follow the Rules' stated preference and will appoint an in-person Certified, Conditionally Approved, or Registered foreign-language interpreter or a credentialed sign language or deaf interpreter for subsequent proceedings.

7. Court personnel will verify the credentials of all interpreters, especially those who present themselves as foreign-language interpreters who are Certified or otherwise licensed by the Commission, by requiring foreign-language interpreters to present their license numbers and by checking the Commission's Searchable Directory located on the Commission's site at http://coi.georgiacourts.gov/content/locate-interpreter. For sign language and deaf interpreters, court personnel should contact RID:

   Registry of Interpreters for the Deaf
   333 Commerce Street
   Alexandria, VA 22314
   703-838-0030 (voice)
   703-838-0454 (fax)
   RIDinfo@rid.org

B. Best Practices in the Appointment of Interpreters

In appointing interpreters, decision makers and designated court staff at the _____ _____ [*name of judicial entity*] will:

- Whenever possible, in accordance with the Rules Appendix A, II (E) and A, II (F) (12), (13), authorize a pre-appearance interview between the interpreter and the LEP or DHH person in order to ensure language compatibility and communication between the interpreter and the LEP or DHH person.

[29] Samples provided in bench cards: Working with Foreign Language Interpreters in the Courtroom and Working with Deaf or Hard of Hearing Persons and Sign Language Interpreters in the Courtroom.

- Provide instructions to all attorneys, LEP and DHH participants, jury members, and other relevant persons, regarding the role of the interpreter and how to work with an interpreter during courtroom proceedings.

- Make a determination of the appropriate number of interpreters that may be required for the proceeding in question. Depending on the number of LEP or DHH persons involved, and the availability of interpreters, the _____ [*name of judicial entity*] shall appoint separate interpreters when the proper administration of justice so dictates. For example, the court will strive, as a best practice, to appoint an interpreter for an LEP witness separate from a party's interpreter, who may need to interpret for attorney-client communications during the proceeding. Similarly, the court will, when possible, appoint separate interpreters for opposing parties in a family violence protective order.

- Appoint, if resources allow, team interpreting (two or more interpreters) for long hearings or trials over one hour, in order to ensure accuracy by diminishing the potential of interpreting fatigue and subsequent errors.

  Only allow an LEP or DHH person to waive his or her right to the assistance of an interpreter if the waiver is knowing, voluntary, in writing, and on the record, if appropriate. If the decision maker or designated court staff, in his or her discretion, believes that the absence of an interpreter may subvert the interests of justice, that communication will be impeded and that the court will not be able to adequately communicate with the LEP or DHH party or witness, the waiver of an interpreter may be rejected. If an LEP or DHH person is allowed to waive the use of an interpreter, the LEP or DHH person may, at a later stage, revoke the waiver and request the use of an interpreter without negative repercussions.

  NOTE: The _____ [*name of judicial entity*] recognizes that a person who is LEP or DHH will likely be unable to make a "knowing" waiver due to his or her inability to communicate effectively in English. However, the court also recognizes that it is possible that a person's ability to communicate in English may be advanced enough for him or her to inform the court that they do not wish to have an interpreter's assistance, but not advanced enough to be able to meaningfully participate in the more substantive portions of the legal proceeding down the line. This court further recognizes, as noted in the Rules, "The fact that a person for whom English is a second language knows some English should not prohibit that individual from being allowed to have an interpreter."[30] A decision maker with no proficiency in the LEP/DHH person's native language or preferred language of communication may consider asking the *voir dire* questions to help the decision maker assess whether or not the LEP or DHH person's

[30] *See*, Rules, Appendix A, II (B).

waiver is knowing.[31]

C. Calendaring and Scheduling of Interpreters

The _____ [*name of judicial entity*] understands that efficiencies in the scheduling of interpreters and calendaring of matters where an interpreter may be required may enable the court to more effectively provide high quality language access services where resources are limited.

To this end, in scheduling and calendaring interpreters, the _____ [*name of judicial entity*] employs the following:
[*Check all that apply*]

- ☐ Batching matters appropriately for which an interpreter for a specific language is needed and a qualified interpreter is provided, such as a _____ [*list any calendars for which batching by case type and language need exists*].[32]

- ☐ Coordinating calendars so a qualified interpreter may be available for several matters in the same court location on the same day.

- ☐ Establishing systems so that an interpreter coordinator can easily and efficiently dispatch a qualified interpreter from one court location to another, or one courtroom to another, such as:
  _____
  _____ [*list any systems*].

- ☐ Coordinating the use of interpreters so that when an interpreter is not busy in a courtroom proceeding, he or she may be available in person or telephonically to assist in other court-managed services, such as clerk's offices, *pro se* clinics, etc.

- ☐ Establishing a pool of qualified interpreters who are available by telephone or video to assist in non-critical proceedings or other court programs.

  - ☐ The _____ [*name of judicial entity*] shares this interpreter pool with the following courts: _____
    _____
    [*check and list courts, if your court shares the pool of interpreters with other courts*].

- ☐ Providing interpreters, when feasible, with basic information about the case, relevant

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[31] Sample questions are provided in the *Companion to the Model Administrative Protocol for the Provision of Court Interpreters to Limited English Proficient and Deaf or Hard of Hearing Persons (MAP Companion)*, pp. 20-22.
[32] *See*, *MAP Companion*, p. 22.

court documents, and other information that can help the interpreter better prepare for the event, including technical terminology, jargon, and other complex issues that may complicate the interpretation.

☐ The _____ [*name of judicial entity*] employs the additional strategies to maximize the use of interpreters: _____ _____ _____.

D. Remote Interpreting

The _____ [*name of judicial entity*] uses the following remote interpreting technologies for the provision of language access:
[*Check all that apply*]

☐ Video-remote interpreting (VRI) with high quality video and audio equipment that permits interpreting in the consecutive and simultaneous modes, as well as confidential communications between parties and their attorneys.

☐ Telephonic interpretation, which occurs through the use of _____ [*name of service provider, e.g., telephonic interpreter service if any, or other method of provision*].

☐ Other: [*Describe*] _____.

The policy of the _____ [*name of judicial entity*] with regard to VRI is as follows:

- VRI and telephonic interpreting are effective in some settings, but not all. They will be considered but used with caution. Generally, in-person interpreters are preferred.
- Remote technologies require specialized and high quality equipment to ensure effective and accurate communication.
- Telephonic interpreting will be a last resort for courtroom proceedings and reserved for non-courtroom events or very brief non-evidentiary proceedings, such as continuances, given that non-verbal cues – not visible when on the telephone – are critical for communication. Telephonic interpreting can be particularly problematic in some circumstances such as for persons who are deaf or hard of hearing, the elderly, those struggling with mental illness, quiet or nonverbally communicative persons, and others.
- VRI must be used appropriately, with high quality equipment and trained interpreters, in order to be an efficient and effective mechanism for providing language access services when an in-person interpreter is not available, or when only a non-licensed foreign-language interpreter or non-credentialed sign language or deaf interpreter is available in

person (but a licensed or credentialed one is available via video).

The _____ [*name of judicial entity*] provides and requires training for staff and decision makers on VRI and telephonic interpreting, how to use the technologies, how to work with the remote interpreter, and what are appropriate events for VRI and telephonic interpreting.

E. Appointment of Interpreters for Court-Managed Functions

The policy of the _____ [*name of judicial entity*] regarding the provision of interpreters for court-managed services, programs and operations is consistent with the Rules.[33] The Rules provide that, outside of criminal and civil court proceedings, Title VI also applies to all other court-managed functions, including:

- information counters;
- intake or filing offices;
- cashiers;
- records rooms;
- sheriff's offices;
- probation and parole offices;
- ADR programs;
- *pro se* clinics;
- criminal diversion programs;
- anger management classes;
- detention facilities; and
- other similar offices, operations and programs managed by the court.

The _____ [*name of judicial entity*], therefore, in compliance with Title VI, provides the most appropriate language access service for these programs and services, including qualified interpreters, bilingual and multilingual staff, and translated materials and information. When the most appropriate language access service is the appointment of a qualified interpreter, the _____ [*name of judicial entity*] will follow the standards described above for the appointment of interpreters.

F. Additional Courtroom Tools for Language Access

In addition to the provision of qualified court interpreters in all proceedings where required, the _____ [*name of judicial entity*] provides the following language access services in the courtroom to assist LEP and DHH persons:
[*Check all that apply*]

☐ Bilingual courtroom staff are located, whenever feasible, in the courtroom to assist LEP

[33] *See*, Rules, Appendix A, II.

and DHH persons.

- The court ensures bilingual staff are proficient in English and a second (or more) language(s), and able to communicate effectively and accurately, orally and in writing, in all the languages in which they communicate. The court tests the proficiency of bilingual staff in a neutral systematic way. It does not rely on the bilingual staff person's self-assessment of language skills.
- Absent exigent circumstances, bilingual staff are not used to interpret in the courtroom because of possible conflicts between the role of interpreter and role of court staff and related ethical concerns.
- At those times when bilingual staff are used to interpret outside a courtroom proceeding, bilingual staff understand the role of the interpreter, basic interpreting skills, and are only used for basic, noncritical communications.

☐ Signage and translation of courtroom resources, such as [*list any available translated courtroom materials or signage; see MAP Companion for examples*]: _____

_____.

☐ Use of multilingual video recordings, PowerPoint presentations, or a VRI for general courtroom instructions, judge's introductory remarks, courtroom orientation or other general process.

G. Interpreter Compensation

As stated above, the _____ [*name of judicial entity*] provides interpreters at no cost to the LEP or DHH person. The _____ [*name of judicial entity*] directly compensates the interpreters it employs. As specified under the Rules,[34] interpreter compensation is currently the responsibility of the local courts, and there is no uniform, statewide compensation system at this time. [35] Therefore, interpreter fees and costs will be paid by the _____ [*name of judicial entity*] in accordance with the agreement in place between the interpreter and the court.

V. Strategies for Management and Monitoring of the MAP

The _____ [*name of judicial entity*] has established the following systems for monitoring the court's effectiveness in providing language access services

[34] *See*, Rules, Appendix A, VII.

[35] *See*, Rules, Section V.

to its LEP and DHH users, and for identifying the need for adjustments and improvements:

A. Periodic Monitoring of Effectiveness of the MAP

On an annual basis, the _____ [*name of judicial entity*] will monitor the MAP's implementation by:
[*Check all that apply*]

- ☐ Gathering data regarding provision of interpreters, interpreter hours and interpreter billing, by case type and proceeding, and compare to prior usage.

- ☐ Gathering data regarding the use of licensed interpreters as compared to non-licensed interpreters to ensure increases in the use of licensed interpreters.

- ☐ Collecting information on the number of continuances to obtain an interpreter, and delays in processing of cases, to determine efficiencies in early identification of interpreter need.

- ☐ Analyzing the impact of any established mechanisms such as calendaring or scheduling efficiencies in interpreter cost-savings and delays in case processing.

- ☐ Soliciting feedback from justice partners, legal services programs, attorneys and bar associations, community-based organizations, and the public regarding the implementation of the administrative protocol.

- ☐ Identifying areas for improvement (e.g., provision of interpreters, translations, the addition of bilingual staff, better communication to stakeholders regarding policies, better staff training, etc.) and assistance from the Commission (such as translation assistance for statewide information, areas where interpreter orientations or licensing requirements may be improved, language access planning, etc.).

- ☐ Other:
  _____

B. Local Complaint Mechanisms

1. The _____ [*name of judicial entity*] has a complaint form and a complaint mechanism to enable LEP or DHH persons, their attorneys, justice partners, or any interested person to file a complaint for the failure to provide interpreter services, and/or the quality of interpreter services provided. Complaints may also be filed regarding the provision (or the failure to provide) language access services, as well as the quality of those services, including translations, bilingual staff, web information, access to services, and other related services.

- The complaint form and instructions are available at:
  [*Check all that apply or fill in local information*]

  ☐ The clerk's office, located at _____.

  ☐ The Language Access Coordinator/Interpreter Coordinator's Office, located at _____.

  ☐ The court's website at _____ [*insert URL*].

  ☐ By calling _____ or mailing a request to _____.

  ☐ Other: _____.

- The complaint form and instructions are currently translated into _____ languages, namely: _____ [*fill in as appropriate*].

2. Any complaints filed about language access services provided at the _____ [*name of judicial entity*] will be investigated and resolved at the local court level. Complaints about interpreter performance or ethical violations by licensed interpreters will be referred to the Commission as the entity responsible for interpreter qualifications and ethical compliance. The Commission will then conduct a formal investigation in accordance with its disciplinary procedures. Complaints regarding non-licensed interpreters or those not licensed by the Commission will be investigated and resolved at the local court level.

3. On a quarterly basis, the _____ [*name of judicial entity*] will forward a report to the Commission regarding the complaints filed, whether resolved or not, at the local level. The intent of this report is merely to allow the Commission to monitor the effectiveness of language access policies and of the administrative protocol. The quarterly report will include the number of complaints, reason for complaints, and resolution (if any) of the complaint.

C. Training for Judicial Branch on the MAP

The _____ [*name of judicial entity*] understands that, in order for the successful implementation of this administrative protocol and the effective provision of interpreter and other language access services, all court staff and decision makers must be properly trained on the policies and procedures in the protocol, as well as language

access policies generally.

The _____ [*name of judicial entity*] will provide training for its court staff and decision makers on the following topics:
[*Check all that apply*]

- ☐ Proper appointment of qualified interpreters for all court proceedings.
- ☐ How to *voir dire* a non-licensed court interpreter.
- ☐ Role of an interpreter, modes of interpreting, and interpreter ethics and professional standards.
- ☐ Courtroom management when interpreters are used.
- ☐ Use of remote technologies for interpreting.
- ☐ Cultural competence.
- ☐ Other: _____.

Training efforts will include new and existing staff and decision makers, as well as any staff interpreters, if applicable.

Resources and information regarding the protocol, language access services, policies and procedures, and tools for providing language assistance (such as bench cards, language identification guides, brochures, etc.) are available to all court staff and decision makers at:
[*Check all that apply*]

- ☐ The court's intranet.
- ☐ The court's Language Access Coordinator/Interpreter Coordinator [or other designated office].
- ☐ Other: _____.

D. Outreach and Communication of the MAP

The _____ [*name of judicial entity*] has provided notice of this administrative protocol to all relevant stakeholders, justice partners, attorneys, and the public, in the following manner: [*Fill in the method for notifying stakeholders of protocol*]

_____
_____
_____.

The _____ [*name of judicial entity*] will continue to communicate on an ongoing basis with stakeholders, including LEP and DHH persons, attorneys, justice partners, community-based organizations, and other interested organizations about its provision of language access services.

To this end, the court will:
[*Check all that apply*]

- ☐ Collaborate with local bar associations, justice partners and other relevant organizations to ensure distribution of information.

- ☐ Translate outreach materials to _____ [*insert languages with high diffusion in the court's area to which materials will be translated*].

- ☐ Use ethnic print and audio/TV media to communicate regarding its language access policies and administrative policies. The court has identified the following ethnic print and audio/TV media outlets with whom it will collaborate _____
_____
[*insert local, regional and or statewide media outlets].*

- ☐ Establish mechanisms for obtaining feedback from the public, attorneys, and justice partners regarding the implementation and effectiveness of the administrative protocol, and take this feedback into account at the yearly evaluation of the protocol.

- ☐ Other:
_____.

VI. Language Access Administrative Protocol Management and Other Language Access Considerations

The following is/are the person(s) responsible for management of this MAP for the appointment of interpreters and other language access services for the _____ [*name of judicial entity*]:

[*Name of person*]
[*Address*]
[*Phone number*]
[*Fax/Email*]

Executed: _____
[date]

_____
Signature

_____
[print name/title]

Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Michelle Barclay, Division Director

RE: JC/AOC's Communications, Children, Families, and the Courts Division

DATE: February 15, 2019

The Communications, Children, Families and the Courts Division of the JC/AOC serves as the hub for all communications and provides staff for the Supreme Court of Georgia Committee on Justice for Children, chaired by Presiding Justice David Nahmias; the Georgia Commission on Child Support, chaired by Troup County Juvenile Court Judge Michael Key; and the Access to Justice Committee of the Judicial Council, chaired by Justice Robert Benham.. This Division assists with general grant work for courts in partnership with the legal staff in the Director's Division.

Following is a brief synopsis of the work.

- **Committee on Justice for Children (J4C)**: Federal grant funding for 2019 is underway and will last until December 30, 2019. Federal funding is in place through 2021. The priorities for J4C now include:
    - Multi-Disciplinary Child Abuse and Neglect Institute (MD-CANI): The Institute is a Georgia-specific iteration of a national Child Abuse and Neglect Institute provided by the National Council of Juvenile and Family Court Judges. MD-CANI Part 1 took place in August 2016 and brought together stakeholders from across the state for a two-day introduction to the CANI curriculum. Part 2 is an intensive, two-day immersion training in local jurisdictions, now expanded to include judges and all stakeholders, which covers the law and best practices in the first 75 days of a dependency case. As of the end of 2018, we provided MD-CANI Part 2 training to ten (10) jurisdictions, with training for eight (8) more jurisdictions already scheduled for the first six months of 2019. In August, 2019 we will bring together our Part 1 stakeholders for Part 3, which will consist of a two-day meeting to finalize the agenda for Part 4. Like Part 2, Part 4 will be an intensive, two-day immersion training in local jurisdictions, covering the law and

best practices of a dependency case from the initial review hearing through final permanency.

- The Court Process Reporting System (CPRS) provides a daily snapshot of data relating to every child in foster care, permitting judges, attorneys, and Court Appointed Special Advocates CASA) to stay up-to-date on every factor related to the child's permanency plan. The system also allows for uploading and e-filing of court orders, which are then sent to the Division of Family and Children Services (DFCS) every day, resulting in improvement of outcomes when the State seeks federal reimbursement for a portion of foster care expenses (by being able to easily account for all the court orders). In partnership with Georgia CASA, CPRS is also developing a CASA-specific module to allow case-tracking, report dissemination, and periodic reporting to national CASA. The J4C recently received a grant from the Zeist Foundation for this CASA-specific module.
- The Cold Case Project is a joint project of J4C, the Office of the Child Advocate (OCA), and the Division of Family and Children Services. The Project identifies children in foster care whose cases are not moving toward permanency via a computer model and convenes the stakeholders to review substantive due process rights of the children and to brainstorm solutions to permanency roadblocks.
- The Court Improvement Initiative brings together leading juvenile court judges and their stakeholders twice a year. J4C reviews the best-practice model with each jurisdiction individually, and each jurisdiction reports on its efforts to implement best practices. Each meeting includes a session for judges to review data for each jurisdiction and J4C moderates discussions on best-practice implementation in light of needs revealed by the data.
- J4C also sponsors the Hines Awards for child welfare attorneys and DFCS case managers to highlight the importance of this work. Nominations are now open until February 28 for the 2019 awardees.
- J4C sponsored a Georgia Child Welfare Law Specialist meeting on Oct 4-5, 2018, attended by over 40 GA Georgia attorneys who are Child Welfare Legal Specialist (CWLS) certified. Another meeting is being planned for early 2019.
- J4C, DFCS and OCA sponsored a second statewide Child Welfare Law Summit on Dec. 3-5, 2018, with nearly 600 participants. Planning for the 3rd Summit for November 2019 is underway.
- **The next J4C Committee meeting will be on May 24, 2019. See: j4c.georgiacourts.gov**

- **Communications**: Improving communication can improve justice in all Georgia courts through collaboration and innovation, so it remains a priority under the Judicial Council Strategic Plan. Staff works daily to promote and even generate positive content about Georgia's judicial branch, all courts, and judges. Our aim with this content is to instill faith in our state's system of justice and the rule of law. Daily and periodic tasks within Communications include writing photo and video collection for the JC/AOC Annual Report-https://jcaocannual.report/; monthly publishing the Georgia Courts Journal-http://journal.georgiacourts.gov/; maintaining the Georgia Courts Directory-http://georgiacourts.knack.com/gcd2/; assisting with drafting and distribution of press releases; updating Judicial Council materials; providing substantive content for our Facebook/Twitter pages and the JC/AOC website (https://www.facebook.com/GACourts;

https://twitter.com/Gacourts and http://jcaoc.georgiacourts.gov). We also now have a YouTube channel, **https://tinyurl.com/y9x6d32x**

- **Child Support Commission:** The Commission staff works collaboratively with Georgia's Department of Human Services (DHS), Division of Child Support Services (DCSS) in several areas, including supporting the Parental Accountability Courts (PAC), provides a website for self-represented litigants with resources on Georgia's Income Deduction Order (IDO) process (http://ido.georgiacourts.gov), and generally supports the process and the law surrounding child support.
    - Parental Accountability Court evaluation: We continue to support and train PAC coordinators on use of the database to produce statistical evidence of the efficacy of those courts. JC/AOC's Research Division did a pilot study of the results of data collected over a three-year period, which was shared with DCSS and all PAC judges. . A second study will be conducted in 2019 on six more courts.
    - Proposed legislation: The Commission submitted proposed legislation for 2019 that will address four items: Adoption Assistance Payments as an Exclusion to Gross Income; Removal of Alimony as a Deviation; Amend O.C.G.A. § 19-6-15(f)(4)(A) to remove "40 hour/minimum wage" language; and the Addition of "or the Jury" in appropriate locations, along with corrections to grammar and punctuation. Staff is working with JC/AOC legislative staff to support the sponsor of this bill.
    - Child Support Calculator: Courts, attorneys, mediators and the public are using the online calculator. Internet connectivity within the courthouses is still a problem around the state. The Excel calculators were retired on October 1, 2018. Commission staff is training users of the online calculator throughout the state, and are in the process of updating tutorial videos for use by self-represented litigants. We include in our trainings an update on child support case law, the correct use of multiple child support worksheets, use of the low income deviation, imputed income, and income withholding.
    - Federal Review: Staff has completed work on 2018 quadrennial federal guidelines review. The data was sent to a forensic economic expert, Dr. Jane Venohr with the Center for Policy Research, for review and recommendations. The outcome of this review was a recommendation of *no change* in the basic child support obligation table used in the calculation of child support. For more information, see: http://csc.georgiacourts.gov.

- **Access to Justice Committee (A2J)**: The mission of the Access to Justice (A2J) Committee is to improve the public's trust in the judicial branch by focusing on access and fairness through the elimination of systemic barriers related to gender, race, ethnicity, sexual orientation, national origin, disability, indigence, and language. The A2J Committee, is currently working on several projects:
    - Self-Help Tool Kit: The Self-Help Resources Tool Kit for Georgia Judges provides information on a variety of self-help service delivery models.
    - Municipal Court SOPs: Committee members, along with LaShawn Murphy and Judge Dear-Jackson, conducted a survey of Municipal Court Judges. The Committee is using the survey to assist in developing recommendations for Court Standard Operation Procedures (SOPs). The initial draft of the recommendations will be available for review at our next A2J Committee meeting on **Feb 12, 2019**.

- State Bar Justice for All: A2J is partnering with the State Bar's Justice for All (JFA) committee and is implementing their Strategic Plan. Foundational work of the strategic plan began at our May 2018 Summit: GA Reflections on Access and Fairness in the Courts, Part 2: Engaging the Faith Community. (Part 1 was our 2016 Summit: GA Reflections on Ferguson). Various religious organizations throughout the State of Georgia participated in the event and subsequent study. We successfully conducted foundational surveys and fact-gathering interviews with the faith-based community leaders to assess what current practices, if any, are in place. We are also assisting the Dougherty County Law Library in creating a prototype self-help center for assisting self-represented litigants. The Committee will focus on a combination of strengthening local law libraries, creating online forms for self-filing, staffing local pop-up legal clinics, and integrating low bono models of attorney representation. A2J received a third grant in the amount of $40,000 from the State Bar of Georgia for the ongoing initiatives in the JFA Strategic Plan. In addition, A2J recently awarded a third grant in the amount of $5,000 to assist the Athens/UGA Law Library.
- Servicemembers Civil Relief Act: A2J internally distributed the third draft of the Georgia-specific guide for judges on the Servicemembers Civil Relief Act for review. A2J is partnering with Emory University, Georgia State University and the State Bar of Georgia Military-Veterans Law Section on this project, and we are on schedule to have the draft available for review by the next A2J Committee meeting. Similar guides have been created in other states, and you can find one similar state-specific guide at this link: https://mckinneylaw.iu.edu/practice/clinics/_docs/IndianaJudgesGuide.pdf.
- For more information, visit: http://a2j.georgiacourts.gov/

Note: The following report was approved by the Council in December 2018 and is being included in here for informational purposes

Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Standing Committee on Judicial Workload Assessment

RE: Updates to Juvenile Section of the Georgia Court Guide to Statistical Reporting

DATE: November 16, 2018

The Standing Committee on Judicial Workload Assessment met on November 9, 2018, to review the *Georgia Court Guide to Statistical Reporting* and approved the following updates to the Juvenile Courts section.

1. The Introduction section was updated to more clearly define cases in which juvenile courts have jurisdiction.

2. Case type definitions were updated to more accurately reflect language from Georgia's Juvenile Code in the following sections.

3. The section titled Minor Abortion Petitions was renamed to Parental Notification of Abortion. This update reflects language from Georgia's Juvenile Code and provides a clearer explanation of the data point that the AOC is statutorily required to collect.

The proposed amendments were the result of collaboration between the Council of Juvenile Court Judges and the AOC. These changes do not alter the intended meaning or interpretation of their respective case types. No substantive change in the way juvenile court cases are counted will result from this update. Instead, these updates ensure complete and comprehensive definitions that more accurately reflect language in the Juvenile Code.

The Committee recommends the Council adopt these changes.

Georgia Court Guide to Statistical Reporting

Georgia Court Guide to Statistical Reporting

A publication of the Judicial Council of Georgia's Administrative Office of the Courts

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Judicial Council of Georgia
Administrative Office of the Courts
244 Washington Street SW, Suite 300
Atlanta, Georgia 30334
404-656-5171
www.georgiacourts.gov

Updated December 2018

Acknowledgments

The *Georgia Court Guide to Statistical Reporting* has existed under various names since the inception of the Judicial Council of Georgia's (JC) Administrative Office of the Courts (AOC). While the JC/AOC oversees the collection of data, the efforts of countless state and local officials contribute to the success of annual caseload data collection. These officials include judges, clerks, court administrators, prosecutors, and many others. The Office of Research and Data Analysis is grateful to all who have helped, and we acknowledge their dedication to improving Georgia's judicial data collection.

The annual caseload collection project would not be possible without the leadership of all past and present Judicial Council and Judicial Workload Assessment Committee members. Their commitment to the project is crucial to improving Georgia's judiciary through careful research and analysis of court data.

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Overview To the top

The *Georgia Court Guide to Statistical Reporting* (Guide) is a standardized reporting framework for Georgia trial court statistics. The statistics reported through this framework are compiled, analyzed, and published by the Administrative Office of the Courts' Office of Research and Data Analysis (Research).

Since 1976, the JC/AOC has worked with local officials to measure activity in Georgia courts. The ongoing efforts produce statistics for Supreme, Appeals, Superior, State, Juvenile, Probate, Magistrate, Civil, Recorder's, and Municipal courts. Georgia law requires the AOC to "compile statistical and financial data and other information on the judicial work of the courts and on the work of other offices related to and serving the courts, which data and information shall be provided by the courts" (O.C.G.A. §15-5-24 (3)). The AOC serves as the state archive of this court statistical information.

The collected data is used to support state and county resource decisions and to assist in policy development. In addition, statewide caseload activity is reported to the National Center for State Courts and other national organizations that inform justice system stakeholders about Georgia's courts. The caseload data serves as a historical description of the courts. The published data is used by judicial branch agencies, state and local executive agencies, project and program managers and grant applicants to support ongoing process and operational improvements. Superior court data is also used in the assessment of judicial workload that can lead to Judicial Council recommendations to the Governor and General Assembly for additional judgeships.

Due to Georgia's non-centralized court system, each class of court and their respective circuits, counties, and cities vary in their administrative structure. Regardless of their organization, the JC/AOC has set for itself the same task: to map caseload data to the reporting framework in this guide. Without common definitions and a standard format for classification, JC/AOC's goal could not be achieved.

The Guide is divided into sections for each class of court in Georgia. Within each section, the Guide contains definitions for how cases should be defined, classified, and counted. Court case management systems should be capable of generating reports that meet the requirements of the Guide. Individual vendors can provide guidance on their specific product capabilities. Research personnel are available to discuss the Guide and assist courts, clerks, and vendors with reporting. Submission instructions can be found in Section 9.

Note that all case categories, case types, case status categories, manners of disposition, and case characteristics are defined as they apply to the Guide. Categories may vary somewhat from other definitions or common usage in a particular circuit, county, or municipality.

Guide Goals To the top

As stated previously, the Guide is a standardized framework for accurately reporting caseload data. Though individual practices vary across courts, this guide seeks to establish uniform language for statistical reporting with the goal of ensuring that Georgia provides the highest data quality possible.

1. To provide caseload elements with unique, mutually exclusive definitions.
2. To write all definitions clearly and concisely, reducing the possibility of confusion among stakeholders.
3. To have a consistent, high-quality aesthetic.
4. To make minimal changes from year to year, adjusting only when necessary to maintain other goals.

Section 1 - Common Definitions To the top

Criminal, civil, and traffic caseloads each have their own units of count which remain standard across all classes of court. In addition, caseload data is reported in three ways: Status Categories, Case Characteristics, and Manner of Disposition. Each caseload section and the elements that comprise each section are outlined below.

Unit of Count

Criminal: The unit of count for criminal cases is determined by defendants. This is defined as a count of the number of individuals that have been charged with a criminal offense. Each defendant is categorized based on the most serious offense regardless of the number of charges on the docket.

Civil: A petition or civil complaint begins a civil case. A civil case with multiple parties or multiple causes of action is counted as one case. The unit of count for civil cases is each complaint/petition that is filed with the clerk of court.

Traffic: The unit of count for traffic cases is by tickets/citations. Each ticket/citation is one case. If a ticket/citation has more than one charge it is still counted as one case and categorized under the most serious offense. For example, a driver charged with both a DUI and speeding charges under the same citation will only count as one serious traffic filing.

Status Categories

Caseload reporting captures information about case status during the calendar year reporting period. These case status categories are consistent for each trial court.

Cases Open: A count of cases that were filed in any previous year and at the start of the current reporting year, are awaiting disposition.

Cases Filed: A count of cases that have been filed with the court for the first time within the current reporting year.

Cases Disposed: A count of cases for which an original entry of judgment has been entered during the current reporting year. For cases involving multiple parties/issues, the disposition should not be reported until all parties/issues have been resolved.

Case Characteristics

Introduction

The data on case characteristics captures information related to key policy interests on disposed cases. This data provides additional details about cases that have already been counted in the court's disposed caseload. Data is collected on the number of cases with self-represented litigants and cases with interpreters.

Unit of Count

A count of the number of disposed cases that included self-represented litigants and interpreters at any time during the life of the case. The unit of count is the case, not the litigant(s).

- A case should be counted at the point of disposition

- A case with self-represented litigant(s) should be counted as a single case, whether that case has one or more self-represented litigants.
- A case with interpreter(s) should be counted as a single case, whether that case has one or more interpreters.

Cases with Self-Represented Litigants:

A self-represented litigant is a person who advocates on his or her own behalf before a court rather than being represented by an attorney. These litigants are also known as "pro se" or "pro per" litigants if, during the life of the case, one or more parties was self-represented.

For plaintiffs/petitioners, the life of the case is from filing to disposition. For defendants/respondents, the life of the case is from arraignment/answer to disposition. While arraignment procedures may vary, the assumption is that the arraignment is the first opportunity that defendants have to provide the court with their representation status (i.e., to tell the court that an attorney has been retained, to request that the court appoint an attorney, or to inform the court of the defendant's wish to be self-represented). Therefore, in criminal cases the arraignment (or an equivalent hearing) is considered to be the start of the case for the defendant.

Cases in which the defendant appears at arraignment without defense counsel, but requests a court-appointed attorney during the arraignment proceedings should only be included in the self-represented tally if the self-representation continues after arraignment.

Self-represented litigants can take advantage of limited scope legal assistance (also known as limited assistance representation or unbundled legal services) to assist with the preparation of specific documents or to argue certain legal issues in a hearing before a judicial officer. While these self-represented litigants have representation for a specific and limited purpose, they remain fundamentally self-represented. Thus, cases in which self-represented litigants have obtained limited scope legal assistance are still counted as cases with self-represented litigants.

If a case is disposed by default, do not assume that the non-responding defendant/respondent was self-represented. If the plaintiff/petitioner was self-represented, the case can be correctly counted as one with a self-represented litigant. However, if the plaintiff/petitioner was represented and the defendant/respondent was at default due to a failure to respond at any point during the life of the case, the case is not to be counted as one with self-represented litigants.

Cases with Interpreters:

A case with an interpreter is a case in which an interpreter is appointed by the court to provide interpretation services in any or all three modes of interpretation (consecutive interpretation, simultaneous interpretation, and sight translation) for a Limited English Proficient (LEP) party from that person's native language to English and vice versa. Sign Language interpretation is included. Interpreter services can be provided in

person, via telephone, or through other audio/visual technologies. The distinction here is between interpretation as ordered by the court and interpretation that may be provided on an ad hoc basis by a family member or friend. Interpretation ordered by the court may be provided by anyone the court deems qualified (e.g. certified interpreter, registered interpreter); the underlying assumption is that the court has formally taken note of the need for interpreter services and provided them. Any interpreter *ordered by the court*, regardless if for a party, witness, etc., would be counted for a case with an interpreter.

Manner of Disposition

Introduction

Manner of Disposition classifies disposed cases as trial and non-trial. Understanding trial rates and how they vary by case type is of policy interest to court management and the legal profession.

Unit of Count

For each case type, count the number of disposed cases that were disposed by the disposition type. For cases involving multiple parties/issues, the manner of disposition should not be reported until all parties/issues have been resolved. When there is more than one type of dispositive action in a case, count as the disposition the action requiring the most judicial involvement. Prioritize actions as follows: jury trials, bench/non-jury trials, non-trial dispositions.

Notes Specific to Manner of Disposition

Cases that are deferred to diversion or accountability court dockets (e.g. Drug Court) are not counted as dispositions until they return for final adjudication (e.g. imposition of sentence or dismissal).

Definitions for Manner of Disposition

Jury Trial: Cases in which a jury is impaneled to determine the issues of fact in the case. A jury trial should be counted when the jury has been sworn, regardless of whether a verdict is reached.

Bench/Non-Jury Trial: Cases in which a judge or judicial officer is assigned to determine both the issues of fact and law in the case. A bench/non-jury trial should be counted when the first evidence is introduced, regardless of whether a judgment is reached.

Non-Trial: Cases in which the disposition does not involve either a jury trial or bench trial. This includes but is not limited to:

- Summary judgment
- Settlement
- Alternative Dispute Resolution
- Default judgment
- Dismissal
- Transfer to another court
- Bind Over
- Guilty plea/stipulation
- Nolle Prosequi
- All delinquency and dependency non-trial hearings

Bindovers: Transfers (of a case or defendant) to a trial court after a finding of probable cause at a preliminary hearing. Note: include all bindovers, even if the offense is not a felony. (**Currently collected by the Municipal Courts only)**

Alternative Dispute Resolution: If a case was disposed of via a non-trial disposition, and the method of disposition was alternative dispute resolution. Only check if

the whole case was resolved via alternative dispute resolution.

Section 2 - Superior Court To the top

Introduction

Georgia's 159 superior courts are general jurisdiction trial courts exercising both civil and criminal jurisdiction. Superior court judges hear all felony cases, domestic relations cases, equity cases, and other civil matters. Superior courts have jurisdiction to hear appeals from lower courts as provided by the Georgia Constitution, including appeals of judgments from the probate and magistrate courts that are handled as de novo appeals. The superior courts are organized into 49 judicial circuits made up of one or more counties. Superior court judges are constitutional officers who are elected to four-year terms in circuit-wide nonpartisan elections.

For reporting in the Georgia framework, superior court caseload is divided into three major categories: criminal, domestic relations, and general civil. The superior court reporting framework described in the Guide is used for reporting superior court caseload data.

Superior Court Definitions

Criminal

Death Penalty: A count of cases in which the prosecuting attorney intends to seek the death penalty and has filed with the clerk of court the necessary written notice. These cases are only to be counted for the year in which they are filed.

Serious Felony: Any serious violent felony as defined in O.C.G.A § 17-10-6.1. Specifically:

- Murder or felony murder, as defined in O.C.G.A. § 16-5-1;
- Armed robbery, as defined in O.C.G.A. § 16-8-41;
- Kidnapping, as defined in O.C.G.A. § 16-5-40;
- Rape, as defined in O.C.G.A. § 16-6-1;
- Aggravated child molestation, as defined in subsection (c) of O.C.G.A § 16-6-4, unless subject to the provisions of paragraph (2) of subsection (d) of O.C.G.A. § 16-6-4;
- Aggravated sodomy, as defined in O.C.G.A. § 16.6.2; or
- Aggravated sexual battery, as defined in O.C.G.A. § 16.6.22.2.

Felony: A count of cases where the offense is punishable by incarceration for one year or more, excluding cases counted as serious felonies.

Misdemeanor: Any offense punishable by incarceration for less than one year, and/or community service, and/or maximum fine of $1,000.

Probation Revocations: Number of probation revocation petitions filed by either private or public probation officers, including waivers signed by defendants and first offender adjudications.

Domestic Relations

Adoption: Cases involving a request for the establishment of a new, permanent

relationship of parent and child between persons not so biologically related.

Dissolution/Divorce/Separate Maintenance: Any case involving the dissolution of a marriage or the establishing of alimony or separate maintenance.

Family Violence Petition: Any case in which a protective order from a family member or domestic partner is requested.

Paternity/Legitimation: Any case not brought by the Department of Child Support Services that involves a determination of biological offspring.

Support- IV-D: Cases filed by the Georgia Department of Human Services to request maintenance of a minor child by a person who is required, under Title IV-D of the Social Security Act of 1973, to provide such maintenance.

Support- Private (non-IV-D): Cases filed too request maintenance of a parent/guardian or a minor child by a person who is required by law, but who is not under the auspices of Title IV-D of the Social Security Act of 1973, to provide such maintenance.

Other Domestic Relations: Domestic relations cases that do not adequately fit into any of the other case types.

Unknown: Any case that does not have enough relevant information to assign to a particular case category.

General Civil

Automobile Tort: Any tort case involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

Civil Appeal: Any case disrupting the finding of a limited jurisdiction trial court, department, or administrative agency.

Contract: Any case involving a dispute over an agreement between two or more parties.

Garnishment: Any case where, after a monetary judgment, a third party who has money or other property belonging to the defendant is required to turn over such money or property to the court.

General Tort: Any tort case that is not defined or is not attributable to one of the other torts.

Habeas Corpus: Any case designed to test the legality of the detention or imprisonment of an individual, not the question of guilt or innocence.

Injunction/Mandamus/Other Writ: Cases involving a written court order directed to a specific party, requiring that party to perform or refrain from performing a specific act.

Landlord/Tenant: Any case involving landlord/tenant disputes wherein the landlord removes a tenant and his/her property from the premises or places a lien on tenant property to repay debt.

Medical Malpractice Tort: Any tort case that alleges misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician’s assistants, dentists, etc.

Product Liability Tort: Cases alleging that injury is caused by the manufacturer or seller of an article due to a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

Real Property: Any case involving disputes over the ownership, use, boundaries, or value of fixed land.

Restraining Petition: Any petition for a restraining order that does not result from a domestic altercation or is not between parties considered to be in a domestic relationship.

Other General Civil: Any case in which a plaintiff requests the enforcement or protection of a right or the redress or prevention of a wrong, but does not fit into one of the previously defined case categories.

Unknown: Any case that does not have enough relevant information to assign to a particular case category.

Post-Judgment

Contempt: Any case alleging failure to comply with a previously existing final court order.

Modification: Any case seeking to change the terms of a previously existing final court order.

Other/Administrative: Any case with post-judgment activity that does not fit into contempt or modification categories.

Section 3 - State Court To the top

Introduction

Georgia's 72 State Courts are county-based courts that exercise limited jurisdiction. State court judges have criminal jurisdiction over misdemeanor offenses, felony preliminary hearings, traffic violations, and application and issuance of search and arrest warrants. Civil matters not reserved exclusively to the superior courts can be adjudicated in state courts. Appeals of judgments from the magistrate courts may be sent to the state court and handled as a *de novo* appeal. The General Assembly creates state courts by local legislation establishing the number of judges and their status as full-time or part-time. State court judges are elected to four-year terms in countywide, non-partisan elections.

For reporting in the Georgia framework, state court caseload is divided into two major categories: civil and criminal. The state court reporting framework described in the Guide is used for reporting state court caseload data.

State Court Definitions

Civil

Automobile Tort: Any tort case involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

Civil Appeal: Any case disrupting the finding of a limited jurisdiction trial court, department, or administrative agency.

Contract: Any case involving a dispute over an agreement between two or more parties.

Garnishment: Any case where, after a monetary judgment, a third party who has money or other property belonging to the defendant is required to turn over such money or property to the court.

General Tort: Any tort case that is not defined or is not attributable to one of the other torts.

Landlord/Tenant: Any case involving landlord/tenant disputes wherein the landlord removes a tenant and his/her property from the premises or places a lien on tenant property to repay debt.

Medical Malpractice Tort: Any tort case that alleges misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician's assistants, dentists, etc.

Product Liability Tort: Cases alleging that injury is caused by the manufacturer or seller of an article due to a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

Other General Civil: Any case in which a plaintiff requests the enforcement or protection of a right or the redress or prevention of a wrong, but does not fit into one of the previously defined case categories.

Unknown: Any case that does not have enough relevant information to assign to a particular case category.

Criminal

Serious Traffic: Cases including misdemeanor DUI, reckless driving, homicide by vehicle, aggressive driving and fleeing, or attempting to elude a police officer.

Non-Traffic Misdemeanor: Cases involving an offense punishable by incarceration for less than a year and/or fines. Use this case type for misdemeanor cases that are not attributable to one of the other previously defined misdemeanor case types, or when all misdemeanor cases are reported as a single case type.

Other Traffic: Criminal cases involving a violation of statutes and local ordinances governing traffic, parking, and violations involving operation of a motor vehicle. Use this case type for cases of unknown specificity when motor vehicle cases are not attributable to one of the other previously defined motor vehicle case types.

Probation Revocation: Number of probation revocation petitions filed by either private or public probation officers, including waivers signed by defendants.

Post-Judgment

Contempt: Any case alleging failure to comply with a previously existing final court order.

Modification: Any case seeking to change the terms of a previously existing final court order.

Other/Administrative: Any case with post-judgment activity that does not fit into contempt or modification categories.

Section 4 – Juvenile Court To the top

Introduction

Jurisdiction of the juvenile courts extends to individuals under the age of 18 alleged to be dependent, alleged to be a child in need of services (CHINS), or alleged to have committed a juvenile traffic offense. Jurisdiction also extends to individuals alleged to have committed a delinquent act who is under the age of 17. Individuals up to the age of 23 may also be subject to juvenile court jurisdiction under certain circumstances. OCGA § 15-11-2(10).

In addition to matters alleging delinquency, dependency, CHINS, and the commission of a juvenile traffic offense, juvenile courts also have exclusive original jurisdiction over so-called special proceedings including proceedings for obtaining judicial consent to the marriage, employment, or enlistment in the armed services of any child if such consent is required by law; for permanent guardianship brought pursuant to provisions of the juvenile code; for the termination of parental rights when brought pursuant to provisions of the juvenile code; for emancipation; and for obtaining a waiver of the requirement of parental notice of abortion. OCGA § 15-11-10.

Juvenile courts have concurrent jurisdiction with superior courts in certain matters involving legitimation; child custody and support; temporary guardianship when properly transferred from probate court; and any criminal case properly transferred from superior court for the purpose of facilitating a parent's participation in a family treatment court division program. OCGA § 15-11-11 and § 15-11-15(d).

Certain specified violent offenses when committed by an individual under the age of 17 are within the exclusive jurisdiction of the superior court. Other specified offenses or combination of offenses otherwise under the exclusive jurisdiction of the juvenile court may be transferred under certain circumstances for prosecution in the superior court.

As required by Georgia law, detailed information regarding minor abortion petitions is also collected. The juvenile court reporting framework described in the Guide is used for reporting juvenile court caseload data.

Juvenile Court Definitions

Unit of Count

- For delinquency, CHINS, emancipation, traffic, and special proceeding cases count the juvenile and all allegations involved in a single incident as a single case. If the filing document contains multiple juveniles involved in a single incident, count each juvenile as a single and separate case.

- For dependency cases and termination of parental rights, count the petition as a single case. A dependency case that contains multiple parties (e.g. children/siblings) or multiple causes of action is counted as one case.

Children in Need of Services (CHINS):

A child adjudicated to be in need of care, guidance, counseling, structure, supervision, treatment, or rehabilitation and who is adjudicated to be:

(i) Truant;

(ii) Habitually disobedient, or a child who places himself or herself or others in unsafe circumstances;

(iii) A runaway;

(iv) A child who has committed a status offense;

(v) A child who wanders or loiters about the streets of any city or in or about any highway or any public place between the hours of 12:00 Midnight and 5:00 A.M.;

(vi) A child who disobeys the terms of supervision after adjudication as a child in need of services; or

(vii) A child who patronizes any bar where alcoholic beverages are being sold, unaccompanied by his or her parent, guardian, or legal custodian, or who possesses alcoholic beverages; or

(B) A child who has committed a delinquent act and is adjudicated to be in need of supervision but not in need of treatment or rehabilitation.

OCGA § 15-11-2(11)

Delinquency - Class A Designated Felony: A delinquent act committed by a child 13 years of age or older, which if committed by an adult, would be one or more of the following crimes:

- Aggravated Battery- certain offenses
- Aggravated Assault - certain offenses
- Armed Robbery (without a firearm)
- Arson in the first degree
- Attempted Murder
- Escape – certain circumstances
- Hijacking a motor vehicle in the first degree
- Kidnapping
- Home invasion in the first degree
- Gang activity – certain circumstances such as violent felonies
- Drug trafficking - certain substances
- Specified offenses in combination with a prior record of felony offenses

OCGA § 15-11-2(12)

Delinquency – Class B Designated Felony: A delinquent act committed by a child 13 years of age or older, which if committed by an adult, would be one or more of the following crimes:

- Aggravated Assault – certain offenses
- Arson in the second degree
- Attempted Kidnapping
- Battery of a teacher or other school personnel
- Racketeering
- Robbery
- Home invasion in the second degree
- Gang activity – certain offenses such as graffiti or tagging
- Smash & Grab Burglary
- Certain offenses involving destructive devices or hoax destructive devices
- Obstruction of a law enforcement officer

- Possession of a handgun by an individual under the age of 18
- Possession of a weapon on school property or at school sponsored event

OCGA § 15-11-2(13)

Delinquency Not Designated: A count of cases not designated as either Class A or Class B felonies.

Dependency: Dependency cases are a subcategory of juvenile cases in which it is alleged that a child has been abused or neglected or is otherwise without proper parental care and/or supervision.

Emancipation: The release of a minor from his or her parents, which entails a complete relinquishment of the right to the care, control, custody, services, and earnings of such child and a repudiation of parental obligations.

Special Proceedings: A child who is the subject of a filing or disposition that does not fall within any of the above case types, e.g. request for permission to marry or join the armed services, notification of abortion, proceedings relating to mental illness, legitimation, guardianship, transfer from probate court, transfers from superior court, and superior court referrals for custody investigations.

Traffic: An individual under 17 years of age who violates any motor vehicle law or local ordinance governing the operation of motor vehicles on the streets or highways or upon the waterways of the state of Georgia, excluding specified offenses deemed to be delinquent offenses as described by O.C.G.A. §15-11-630-.

Termination of Parental Rights: An action on behalf of a child to end the rights and obligations of a parent on the grounds listed in O.C.G.A. §15-11-310.

Parental Notification of Abortion Total Petitions Filed: A count of petitions filed requesting the waiver of the requirement for parental notification of abortion.

Appointed Guardian Ad Litem: A count of cases involving a petition for waiver of parental notification of abortion in which the juvenile court appointed a guardian ad litem for the minor.

Court Appointed Counsel: A count of cases involving a petition for the waiver of parental notification of abortion in which the juvenile court appointed an attorney for the minor.

Without Notification: Cases in which the petitioner was granted a waiver of the parental notification requirement after notification was attempted but the parent or legal guardian of the minor could not be located.

Denied: A count of cases in which the court denied the petition to waive parental notification of abortion.

Appealed: A count of cases in which the petitioner appealed the juvenile court's denial of the petitioner's request for waiver of parental notification of abortion.

Affirmed: A count of cases appealed in which the juvenile court's denial of a petition for waiver of parental notification of abortion was affirmed.

Reversed: A count of cases appealed in which the juvenile court's denial of a petition for waiver of parental notification of abortion was reversed.

Section 5 – Probate Court To the top

Introduction

Probate courts exercise exclusive, original jurisdiction in the probate of wills, administration of estates, appointment of guardians, and involuntary hospitalization of incapacitated adults and other individuals. Probate court judges are constitutional officers who are elected to four-year terms. All probate court judges administer oaths of office and issue marriage licenses. In some counties probate judges may hold habeas corpus hearings or preside over criminal preliminary hearings. Unless a jury trial is requested, a probate court judge may also hear certain misdemeanors, traffic cases, and violation of state game and fish law in counties where there is no state court. In counties with a population of 90,000 or greater, the probate judges must be an attorney meeting the qualifications of a superior court judge. In those counties, jurisdiction is expanded or enhanced to include the right to a jury trial, with appeals directly to the Court of Appeals or Supreme Courts. When authorized by local statute, probate judges serve as election supervisors and make appointments to certain local public offices.

For reporting in the Georgia framework, probate court caseload is divided into four major categories: general probate, mental health, criminal, and administrative actions. The probate court reporting framework described in the Guide is to be used for reporting probate court caseload data.

Unit of Count

The unit of count for general probate cases is by petitions. General probate petitions are categories by case type and filing categories.

General Probate Case Categories

Estates: Cases that deal with managing the assets, liabilities, and property of decedents.

Guardianship Minor: Cases that involve establishing a temporary or permanent legal guardian for a child.

Conservatorship Minor: Cases that appoint a person to manage a minor's property.

Guardianship/Conservatorship Adult: Cases that involve either the establishment of a guardian for an adult ward or for a manager/conservator of an adult ward's property.

Trusts: Cases that create a legal entity that allows one person to hold legal title to property for the benefit of another person.

Other Filings: Any case that does not fall within the previous categories.

General Probate Filing Categories

Initial Petition: The petition or other document that creates an entirely new case. All initial petitions must be disposed before other petitions can be filed.

Secondary Petition: Any subsequent petition that is filed in the same case created by an initial petition.

Motion: A written application for an order.

Objection/Caveat: Pleading to the court and petitioners opposing the performance of certain acts requested in a petition (may be

in response to an initial or secondary petition).

Discharge (Uncontested): A petition that seeks final closure of a case and is not contested by any relevant party.

Discharge (Contested): Any discharge that is contested by a relevant party and requires adjudication.

Other General Probate Actions

Inventory and Asset Management Plan: A description of all assets and liabilities of the decedent, including a list of all personal and real property owned by the decedent at the time of death that is subject to administration of an estate's personal representative or in the event of a conservatorship of a minor or adult, a list of personal and real property owned by the ward and subject to management by a conservator, which includes a plan to manage the property and income for the following year.

Personal Status: A report pertaining to the status of an adult ward or a minor child.

Annual/Final Return: Accounting, under oath, of the receipts and expenditures on behalf of a decedent's estate or adult or minor conservatorship during the year preceding the anniversary date of appointment, together with a statement of all other assets or transfers of assets which are necessary to show the true condition of the Estate. The final return is due with a petition for discharge or petition for dismissal.

Bond: A count of the number of surety bonds issued.

Guardian ad Litem (GAL): A count of the number of times a court has to appoint someone to investigate and represent the best interest of a minor child, alleged incapacitated adult, or missing or unknown heirs at law with regard to a particular matter pending before the court.

Indigent Affidavit: A count of the number of times an affidavit of indigence is filled in which a court waives filing fees for citizens unable to afford the fees.

Mental Health

Involuntary Treatment: Petitions that order a person suffering from mental illness or drug addiction to be committed into a treatment facility. This category includes both inpatient and outpatient treatment orders.

Order to Apprehend: A legal order allowing law enforcement officers to apprehend a person who is suffering from mental illness or drug addiction.

Other Mental Health: Any mental health petitions or orders that are not included in the previous two categories.

Criminal

Unit of Count: The unit of count for criminal cases heard by the probate court is by defendant.

Serious Traffic: The following cases are considered misdemeanor serious traffic offenses: DUI, reckless driving, aggressive driving, and evading a police officer.

Non-Serious Traffic: All traffic cases other than the ones included in the serious traffic category.

Other Criminal Citations: All non-traffic misdemeanor cases handled by the probate courts.

Manner of Disposition

Transfer: A case disposed by sending it to a higher court.

Bench Trial: A trial held in front of a judge without a jury.

Non-Trial: Any form of disposition that does not involve a formal trial.

Administrative Actions

Firearms: A count of all the weapons carry permits filled in a probate court along with a count of all the permit denials and revocations.

Vital Records: Certificates or reports of birth, death, and data related thereto.

- Birth Certificates- A count of all the birth certificates issued by a probate court.
- Death Certificate- A count of all the death certificates issued by a probate court.

Marriage: A count of all marriage licenses issues by a probate court.

- License Issued- A count of all original marriage licenses issued by the probate court.
- Certified Copies-All certified copies of marriage licenses issued by the probate court.

Passports: A count of all passport applications processed by a probate court.

Elections: First, indicate whether or not the court oversees elections by selected “yes” or “no”. If a court does handle elections, it will then show the number of voting precincts found within the county along with the number of election cycles handled in that calendar year. An election cycle refers to the number of election rounds not the number of candidates or offices being voted upon. For example, a county that experiences a primary, general, and runoff election in a single calendar year would be considered to have three election cycles regardless of the number of candidates or offices involved.

Miscellaneous Administrative: All other administrative actions that do not fall within one of the previous categories.

Section 6 – Magistrate Court To the top

Introduction

Magistrate court jurisdiction includes: civil claims of $15,000 or less, certain minor criminal offenses, distress warrants and dispossessory writs, county ordinance violations, deposit account fraud, preliminary hearings, summonses, arrest, and search warrants. A chief magistrate, who may be assisted by one or more magistrates, presides over each of Georgia's 159 magistrate courts. Chief magistrates are elected in partisan and non-partisan, countywide elections to four-year terms. Terms for other magistrate judges run concurrently with that of the chief magistrate.

For reporting in the Georgia framework, magistrate court caseload is divided into four major categories: criminal, civil, warrants, and hearings. The Magistrate court reporting framework described in the Guide is to be used for reporting magistrate court caseload data.

Magistrate Court Definitions

Criminal

Ordinance Violations: Cases alleging violations of local regulations passed by county, city, or other local governing bodies.

Misdemeanors: A count of violations of state laws that include: Possession of less than one ounce of marijuana (O.C.G.A. §16-13-2), Theft by shoplifting (O.C.G.A. §16-13-2), Furnishing alcoholic beverages to and purchase and possession of alcoholic beverages by a person under 21 years of age (O.C.G.A. §3-3- 23.1), Criminal trespass (O.C.G.A. §16-7-21), Deposit account fraud/issuance of bad checks (O.C.G.A. §16-9-20).

Civil

Claims: Any cases where the amount demanded or the value of the property claimed does not exceed $15,000.

Dispossessory and Distress Warrants: Proceedings involving landlords and tenants either for removal of the tenant from the property or for seizure of the property for non-payment of rent.

Garnishments: A proceeding in which the property or money in possession or control of another person are applied to pay a debt or judgment to a third person. This is most commonly an action in which a creditor garnishes a person's wages from the employer.

Foreclosures and Attachments: A means of enforcing payment of a debt by selling the property upon which the debt is owed. Attachment is a process in which the court is asked to have property seized in order to satisfy a debt (to satisfy the court judgment in post-judgment actions).

Warrants

Felony Arrest: A type of arrest warrant that authorizes the arrest of a person suspected of committing a felony crime.

Misdemeanor Arrest: A type of arrest warrant that authorizes the arrest of a person suspected of committing a misdemeanor crime.

Good Behavior: A type of warrant against a person whose conduct indicates that the safety of another person may be at risk.

Search: A type of warrant that authorizes law enforcement officers to conduct a search of a person, location, or vehicle for evidence of a crime and to confiscate evidence if it is found.

Hearings

Warrant Application: This is a hearing to determine if there is probable cause for issuance of an arrest warrant when application has been made by a person other than a peace officer or law enforcement officer and for commission of an offense against the penal laws.

First Appearance: The purpose of this hearing is to inform the defendant of the charges, the defendant's rights, and to set a bond to guarantee the defendant's appearance at court for the next proceeding.

Commitment: This is a pre-trial or preliminary hearing to determine if there is sufficient evidence (probable cause) for the case to proceed to trial.

Good Behavior: The purpose of this proceeding is to determine if there is sufficient cause to require the defendant to post a good behavior bond and to set the amount of the bond.

Section 7 – Municipal Court To the top

Introduction

Georgia's municipal courts hear traffic and ordinance violation cases in towns and cities. Municipal court judges hear municipal ordinance violations, issue criminal warrants, conduct preliminary hearings, and sometimes have concurrent jurisdiction over shoplifting cases and cases involving possession of one ounce or less of marijuana.

For reporting in the Georgia framework, municipal court caseload is divided into eight major criminal categories: traffic, ordinances, serious traffic, drugs/marijuana, misdemeanors, and bindovers. The municipal court reporting framework described in the Guide is used for reporting municipal court caseload data.

Municipal Court Definitions

Criminal

Serious Traffic (DUI): Cases alleging driving a motor vehicle while intoxicated, driving under the influence of alcohol or drugs, or driving while impaired.

Serious Traffic (Other): All fingerprintable criminal traffic offenses except driving while under the influence of alcohol or drugs (e.g. reckless driving, and operating a commercial vehicle without a CDL).

Misdemeanor Traffic: Criminal traffic violations involving the operation of a motor vehicle. Use this case type for motor vehicle cases that are not attributable to one of the other previously defined case types (e.g. speeding, failure to obey stop sign, failure to use turn signal, and seat belt violations).

Misdemeanor Drugs: Any drug-related misdemeanor criminal charges (e.g. possession of marijuana and possession of drug paraphernalia).

Misdemeanor (Other): Any criminal violations punishable by a maximum fine of $1,000 or 12 months confinement. Also includes any violations that do not fit within aforementioned categories (e.g. vandalism and shoplifting valued less than $300).

Parking Violation: Cases alleging parking a motor vehicle in violation of a state statute or local ordinance.

Ordinance: Cases alleging violations of local regulations passed by county, city, state, or other local governing bodies (e.g. animal control violations, solid waste violations, solicitation without a permit, and zoning violations).

Civil

Non-Criminal Traffic Violations: Non-criminal cases involving operation of a motor vehicle (e.g. Red light camera violations and School bus camera violations).

Section 8 – Civil Court and Recorder's Court To the top

Introduction

For reporting in the Georgia framework, civil court and recorder's court caseloads are divided into criminal and civil categories. The civil court and recorder's court reporting framework described in the Guide is used for reporting civil court and recorder's court caseload data.

Civil Court and Recorder's Court

Definitions

Serious Traffic (DUI): Cases alleging driving a motor vehicle while intoxicated, driving under the influence of alcohol or drugs, or driving while impaired.

Serious Traffic (Other): All fingerprintable criminal traffic offenses except driving while under the influence of alcohol or drugs (e.g. reckless driving, and operating a commercial vehicle without a CDL).

Misdemeanor Traffic: Criminal traffic violations involving the operation of a motor vehicle. Use this case type for motor vehicle cases that are not attributable to one of the other previously defined case types (e.g. speeding, failure to obey stop sign, failure to use turn signal, and seat belt violations).

Misdemeanor Drugs: Any drug-related misdemeanor criminal charges (e.g. possession of marijuana and possession of drug paraphernalia).

Misdemeanor (Other): Any criminal violations punishable by a maximum fine of $1,000 or 12 months confinement. Also includes any violations that do not fit within aforementioned categories (e.g. vandalism and shoplifting valued less than $300).

Parking Violation: Cases alleging parking a motor vehicle in violation of a state statute or local ordinance.

Ordinance: Cases alleging violations of local regulations passed by county, city, state, or other local governing bodies (e.g. animal control violations, solid waste violations, solicitation without a permit, and zoning violations).

Civil

Claims: Any cases where the amount demanded or the value of the property claimed does not exceed the limit set by local legislation.

Dispossessory and Distress Warrants: Proceedings involving landlords and tenants either for removal of the tenant from the property or for seizure of the property for non-payment of rent.

Garnishments: A proceeding in which the property or money in possession or control of another person are applied to pay a debt or judgment to a third person. This is most commonly an action in which a creditor garnishes a person's wages from the employer.

Foreclosures and Attachments: A means of enforcing payment of a debt by selling the property upon which the debt is owed. Attachment is a process in which the court is

asked to have property seized in order to satisfy a debt (to satisfy the court judgment in post-judgment actions).

Non-Criminal Traffic Violations: Non-criminal cases involving operation of a motor vehicle (e.g. Red light camera violations and School bus camera violations).

Section 9 – Data Submission and Verification To the top

Data Submissions

Efforts to simplify the reporting of caseload data led to the development of the online forms available at https://myaocportal.georgicourts.gov/login.html. Clerks of all courts may access the forms by registering at the website and logging in to submit or edit their data. At the portal site, users can register as a first-time user or log in as a previously registered user. If you have not previously registered as a MyAOCportal user, follow the instructions below:

1. Enter www.georgiacourts.gov into your web browser.
2. Find the "Username & Password Sites" in the navigation bar on the main page.
3. Select "Caseload Reporting" to enter the portal.
4. Click "Create Account"
5. Enter the email address you have previously given to the JC/AOC as your contact information, and click "Register." Doing this will prompt MyAOC portal to send you an email with directions for creating a user name and password to complete registration.

Once you have registered or if you have previously registered, follow the instructions below:

1. Navigate to MyAOCportal (https://myaocportal.georgicourts.gov/login.html), and login using the user name and password you created. Once inside MyAOCportal, you may now select the appropriate court and enter your caseload data.

If you do not know the email address you previously registered with the JC/AOC or if you experience any technical issues with the portal, please contact the Office of Research and Data Analysis at 404-232-1857 or email casecount@georgiacourts.gov.

Please note: Mailed, emailed, and faxed forms will no longer be accepted.

Data Verification

The Research staff will review all data submitted through MyAOCportal for completeness and compare it with data from prior years to identify potential questions and issues addressing data reliability. Clerks are notified of any questions or concerns to allow editing or additional verifications before data is certified as final. It is important that data is submitted during the collection period to ensure the integrity of the data published.

Section 10 – Reporting Timeline To the top

Below are dates of various events in the caseload reporting process. Please be mindful of these dates in order to allow ample time for verification and subsequent analysis.

All dates are in 2019.

January 2nd – Caseload reporting initiated.

March 1st – 15-day reminder sent to courts that have not submitted.

March 5th – 10-day reminder sent to courts that have not submitted.

March 8th – Final reports sent to council presidents, judges, court administrators, and clerks.

5-day reminder sent to courts that have not submitted.

March 13th – 2-day reminder sent to courts that have not submitted.

March 15th – Portal closes to external users

March 18th – Caseload data is past due. First late notice is sent to courts that have not submitted.

March 19th – Second late notice sent to unresponsive courts.

March 29th – MyAOCportal closes and all submitted data is final.

Section 11 – Contact Information To the top

If you have comments, questions, or concerns, please contact the Research Analysts below:

Judicial Services Director

Christopher Hansard

christopher.hansard@georgiacourts.gov

404-463-1871

Research Analyst II

Jeffrey Thorpe

jeffrey.thorpe@georgiacourts.gov

404-656-6413

Research Analyst

Matthew Bishop

matthew.bishop@georgiacourts.gov

404-656-0371

Research Analyst

Callie Weir

callie.weir@georgiacourts.gov

404-463-6887

SUPREME COURT OF GEORGIA

Atlanta December 14, 2018

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

It is ordered that the Uniform Transfer Rules revised and adopted by the Judicial Council on December 7, 2018, be hereby approved, as follows:

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Clerk

UNIFORM TRANSFER RULES

These rules are adopted pursuant to the authority of Art. VI, Sec. IX, Par. I of the 1983 Constitution of the State of Georgia to implement Art. VI, Sec. I, Par. VIII of the 1983 Constitution which provides that: "Any court shall transfer to the appropriate court in the state any civil case in which it determines that jurisdiction or venue lies elsewhere."

T-1. These rules are applicable to Superior Courts, State Courts, Probate Courts, Magistrate Courts, and Juvenile Courts except when in conflict with the Juvenile Proceedings Code.

T-2. These rules are applicable only when the court in which the case is pending is alleged to lack jurisdiction or venue or both. All references to filing or documents to be filed or documents on file shall include both paper and electronically filed or maintained documents.

T-3. These rules are applicable to transfers of civil cases from a court within a county to another court within that county, and from a court within a county to a court in another county.

T-4. These rules shall become operative when a party makes a motion to dismiss, or any other motion or defense, on the basis that the court in which the case is pending lacks jurisdiction or venue or both. Such motion shall be treated as a motion to transfer pursuant to these rules. A motion to transfer shall be made only in the court in which the case is pending. These rules also become operative when a court on its own motion, after a hearing thereon, determines that it lacks subject matter jurisdiction.

T-5. A party making a motion to transfer on the basis that the court in which the case is pending lacks jurisdiction or venue or both shall do so in compliance with OCGA § 9-11-12, except as otherwise provided in rule T-6 (and except that a motion to transfer made in a Magistrate Court need not comply with OCGA § 9-11-12 but such motion shall be made pursuant to rules applicable to Magistrate Courts). Unless otherwise ordered by the court, notice of a written motion to transfer shall be served upon all parties, including any who failed to file pleadings in the matter, at least 10 days before the motion is heard.

T-6. If the basis for the motion to transfer is that a defendant necessary to the court's jurisdiction has been dismissed either during or at the conclusion of trial, such motion shall be made immediately and orally. If the motion to transfer the case against the remaining defendant is granted, the case against the dismissed defendant shall be severed from that case so that the order of dismissal will be final for purposes of appeal.

T-7. A party making a motion to transfer shall specify the court in which jurisdiction and venue lies (except in Magistrate Courts).

T-8. A party opposing a written motion to transfer shall notify the court of such opposition promptly and in no event more than 10 days after the making and service of such motion. A motion required to be in writing shall be opposed in writing. A motion made orally, if opposed, shall be opposed orally and at the time of its being made. A party opposing a motion to transfer shall specify the basis on which the court in which the case is pending has jurisdiction, or venue, or both (except in Magistrate Courts).

T-9. After the filing of a motion to transfer, the court in which the case is pending may stay all other proceedings pending determination of the motion to transfer.

T-10. No action or proceeding shall be transferred except upon written order of the court in which the case is pending, notice of which shall be given to all parties. Such order shall specify the court to which the case is to be transferred.

Last revised and adopted by the Judicial Council on December 7, 2018

(a) Such order shall also provide notice to the plaintiff that if costs are not paid within 20 days as provided in rule T-11, the case shall automatically stand dismissed without prejudice. The court granting (or denying) an order of transfer may impose reasonable attorney fees incurred in relation to such motion in favor of the prevailing party. Unless the court in its discretion expressly determines otherwise in such order of transfer, and except in Magistrate Courts (see OCGA § 15-10-80), a transfer fee of $50 shall automatically be imposed.
(b) Where a party has filed a successful claim of indigence, the payment of costs shall not be a condition of transfer.

T-11. Upon the filing of an order transferring a case with the clerk of the court entering such order, the clerk shall promptly compute the court costs, including the costs incident to preparing and transferring the record as provided in rule T-12 and the $50 transfer fee provided for in rule T-10, and notify counsel for plaintiff (or the plaintiff if there is no counsel) in writing of the amount of the court costs. Plaintiff shall pay the unpaid costs within 20 days of mailing or delivery of the cost bill. If costs are not paid within 20 days, the case shall automatically stand dismissed, without prejudice, except where the plaintiff has filed as an indigent. Rule T-11 shall not be applicable in Magistrate Courts.

T-12. Upon timely payment of costs, the clerk of the court ordering transfer shall promptly make copies of (1) the complaint or initial pleading, (2) the motion to transfer if in writing, and (3) the order of transfer. The foregoing copies shall be retained by the clerk of the court ordering transfer. The originals and/or official electronic versions of all pleadings, orders, depositions and other papers on file shall be indexed and certified by the clerk of the court ordering transfer and transmitted, concurrently with the $50 transfer fee (if applicable), to the clerk of the court to which the case is to be transferred in the manner provided by Judicial Council standards and rules.

T-13. Upon receipt by the clerk of the court to which the case is transferred of the pleadings, orders, depositions and other documents specified above, such clerk shall assign the case the appropriate number. The case shall continue in the court to which transferred as though initially commenced there and all pleadings, orders, depositions and other papers shall be deemed to be amended accordingly. It shall not be necessary that service be perfected a second time upon the defendants, except that any publication which is required to be made in a newspaper in the proper venue shall be republished. Any interlocutory or other order already entered in the case shall, upon motion of any party, be reviewed and reissued or vacated by the court to which the case is transferred.

SUPREME COURT OF GEORGIA

Atlanta December 14, 2018

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

It is ordered that the Statewide Minimum Standards and Rules for Electronic Filing as adopted by the Judicial Council on December 7, 2018, be hereby approved, as follows:

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Thérèse S. Barnes, Clerk

Judicial Council of Georgia
Administrative Office of the Courts
Statewide Minimum Standards and Rules for Electronic Filing
Effective December 7, 2018

1. *Definitions.*

For purposes of these standards:
(a) *Court or Courts.* Court(s) means all trial courts of the State.
(b) *Electronic Filing or E-Filing.* Electronic filing is the electronic transmission of documents to and from the court for the purposes of creating a court record in a format authorized by these standards.
(c) *Electronic Filing Service Provider.* An e-filing service provider (EFSP) is an entity or system authorized to transmit and retrieve court filings electronically.
(d) *Electronic Service or E-Service.* Electronic service is the electronic notice that registered filers in a case receive of a document's filing and their ability to access the document electronically.
(e) *Public Access Terminal.* A public access terminal is a computer terminal provided for free electronic filing and/or viewing of documents.
(f) *Registered User.* A registered user is a party, attorney, or member of the public or other authorized user, including judges, clerks and other court personnel, registered with an authorized EFSP to file, receive service of, or retrieve documents electronically.

2. *Minimum Technical Standards for E-Filing.*

(a) *Minimum Standards for Courts Making E-filing Available.*
A court may make electronic filing available only if:

1. *Rules.* The court's class of court has adopted uniform rules for e-filing or the court has itself promulgated such rules by standing order in the form set forth in Proposed Uniform Superior Court Rules 48 & 49, Exhibit A to the Resolution of the Statewide Judiciary Civil E-Filing Steering Committee;
2. *EFSP or EFSPs.* The EFSP or EFSPs authorized to conduct e-filing maintain compliance with the standards set forth in paragraph 4 below;
3. *E-Filing Alternative.* The clerk provides a no cost alternative to remote electronic filing by making available at no charge at the courthouse during regular business hours a public access terminal for free e-filing via the EFSP, by continuing to accept paper filings, or both; and
4. *Public Access.* The clerk ensures that electronic documents are publicly accessible upon filing for viewing at no charge on a public access terminal available at the courthouse during regular business hours.

(b) *Minimum Standards for Electronic Filing Service Providers.*
An electronic filing service provider may be authorized to conduct e-filing only if:

1. *Technical Standards and Approval by Judicial Council*. The EFSP complies with all Judicial Council e-filing standards, including use of the latest version of OASIS LegalXML Electronic Court Filing for legal data exchange and such technical and other standards as the Council may adopt in the future to facilitate the establishment of a reliable and effective statewide electronic filing and retrieval system for judicial records (including provision for electronic judicial signatures, uniform document index fields, interchangeable registered user names and passwords, etc.);
2. *Disclaimer of Ownership*. The EFSP disclaims any ownership right in any electronic case or document or portion thereof, including any commercial right to resell, recombine, reconfigure or retain any database, document or portion thereof transmitted to or from the court;
3. *Minimum Standards for Courts*. The EFSP agrees to commit its best efforts to ensure that the court and its electronic filing system and procedures are in compliance at all times with the rules and requirements referenced in the minimum standards set forth in paragraph 3 above;
4. *Other Requirements*. The EFSP likewise agrees to comply with other reasonable requirements imposed or agreed upon with respect to such issues as registration procedures, fees, hours of operation, system maintenance, document storage, system and user filing errors, etc.; and
5. *Terms of Use*. The EFSP develops, maintains and makes available, to registered users and the public, terms of use consistent with the foregoing.

3. *Accommodation of Pro Se Filers.* To protect and promote access to the courts, courts shall reasonably accommodate pro se parties by accepting and then converting and maintaining in electronic form paper pleadings or other documents received from pro se filers.

4. *Consent to E-Service.*

(a) *Automatic Consent*. When an attorney or pro se party files a pleading in a case via an authorized electronic filing service provider, such person shall be deemed to have consented to be served electronically with future pleadings for such case and must include his or her e-mail address to be used for this purpose in or below the signature block of all e-filed pleadings.
(b) This section applies to cases filed on or after January 1, 2019, unless the local court has opted into mandatory electronic filing prior to that date, in which case the earlier date applies.

5. *"Original" and "Official" As Applied to Electronic Court Records.*

(a)*Original and Official Files*. Except as provided in paragraph (c) below, the original version of all filed documents is the electronic copy maintained by the court. The official record of the court shall be this electronic file and such paper files as are permitted by Judicial Council standards and rules.
(b)*Maintenance of Underlying Documents*. A document that requires original signatures or is believed by a party to maintain legal significance not held by a copied version shall be

e-filed, and the electronic copy maintained by the court shall be considered the original, except that the filing party shall maintain the underlying document for a period of two (2) years following the expiration of the time for filing an appeal and make such document available upon reasonable notice for inspection by another party or the court.

(c)*Non-Conforming Documents*. Exhibits or other materials that may not be readily converted to an electronic format and e-filed may be filed manually. The filing party shall e-file a notice of manual filing to denote that a manual filing has been made. The original version of such manually filed materials shall be the version maintained by the court.

6. *Transfer of Case Files.*

(a)*Method of Transfer*. When transferring a case record to another trial court, a transferor court that maintains its records in electronic form shall transmit such official record to the transferee court in electronic form via CD, DVD, Electronic Filing Service Provider or, if the transferee court so requests, by means of a File Transfer Protocol (FTP) or email application approved for such use by the Administrative Office of the Courts.

(b)*Form of Documents*. Whenever possible, a transferor court that maintains its records in electronic form shall transmit such records in a searchable, PDF/A format as prescribed by the Administrative Office of the Courts.

7. *E-Filing Signature and Authorization Issues*.

(a)*Electronic Signatures*. Any pleading or document filed electronically shall include the electronic signature of the person whose account is used to file the document or on whose behalf the filing is made. Consistent with Georgia law, "electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(b)*Multiple Signatures*. An e-filed document may include the electronic signature of additional attorneys or unrepresented parties. In affixing additional signatures to the document, the filer certifies that any such signature is authorized.

(c)*Responsibility for Filings*. No registered user shall knowingly permit his or her login sequence to be used by someone other than an authorized agent or employee. Each registered user is responsible for all documents filed using his or her login and password.

8. *Courts May Maintain Certain Sealed Documents in Electronic Form*. Georgia uniform rules prohibit the filing of records under seal via a court's e-filing provider or providers. Nevertheless, where sealing is authorized by law or by court order, a court may itself maintain documents in electronic form under seal in the court's case management system.

9. *Electronic Treatment of Deposition Transcripts.*

(a)*E-filing*. Depositions placed in a sealed envelope pursuant to O.C.G.A. § 9-11-30(f) are not sealed within the meaning of Uniform Superior Court Rule 36.16(B) and may be electronically filed.

(b)*Part of Record*. Absent contrary court order, deposition transcripts on file in a case, whether opened or unopened, and whether sealed by the court reporter or not, shall be included in the case's electronic record.

10. *Redaction Obligations of E-Filers.* All EFSPs shall require e-filers prior to each filing to acknowledge, by way of a checkbox, their obligation to redact personal or confidential information prior to e-filing as required by O.C.G.A. § 9-11-7.1 as follows:

    IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact personal or confidential information, including Social Security numbers, as required by O.C.G.A. § 9-11-7.1. This requirement applies to all documents, including attachments.

    __ I understand that, if I file, I must comply with the redaction rules. I have read this notice.

11. *Procedure for Handling Misfiled or Otherwise Deficient or Defective E-Filings.* Upon physical acceptance and review of an e-filing and discovery that it was misfiled or is otherwise deficient or defective, a clerk shall as soon as practicable provide the e-filer notice of the defect or deficiency and an opportunity to cure or, if appropriate, reject the filing altogether. In any case, the clerk shall retain a record of the action taken by the court in response, including its date, time, and reason. Such records shall be maintained until a case is finally concluded including the exhaustion of all appeals. Absent a court order to the contrary, such records shall be accessible to the parties and public upon request without the necessity for a subpoena.

Model Rule 36.16 for Electronic Filing as adopted by the Judicial Council on 12/7/2018

Rule 36.16. Electronic Filing

(A) Availability. Electronic filing shall be available when required by law and may be made available in a court, or certain classes of cases therein, in conformity with statewide minimum standards and rules for electronic filing adopted by the Judicial Council.

(B) Documents that may be filed electronically. Where electronic filing is available, a document may be electronically filed in lieu of paper by the court, the clerk and any registered filer unless electronic filing is expressly prohibited by law, these rules or court order. Electronic filing is expressly prohibited for documents that according to law must be filed under seal or presented to a court in camera, or for documents to which access is otherwise restricted by law or court order. Original depositions are not "sealed documents" within the meaning of this paragraph and may be filed electronically. See Judicial Council Rule 9.

(C) Signatures. An electronically filed document is deemed signed by the registered filer submitting the document as well as by any other person who has authorized signature by the filer. By electronically filing the document, the filer verifies that the signatures are authentic.

(D) Time of filing. An electronic document is presumed filed upon its receipt by the electronic filing service provider, which provider must automatically confirm the fact, date and time of receipt to the filer. Absent evidence of such confirmation, there is no presumption of filing.

(E) Electronic service. Upon filing, an electronically filed document is deemed served on all parties and counsel who have waived any other form of service by registering with the electronic filing system to receive electronic service in the case and who receive notice via the system of the document's filing.

(F) System or user filing errors. If electronic filing or service is prevented or delayed because of a failure of the electronic filing system, a court will enter appropriate relief such as the allowance of filings nunc pro tunc or the provision of extensions to respond.

(G) Force and effect. Electronically filed court records have the same force and effect and are subject to the same right of public access as are documents filed by traditional means.

Adopted effective June 4, 2015.

(H) Pro se parties. To protect and promote access to the courts, courts shall reasonably accommodate pro se parties by accepting and then converting and maintaining in electronic form paper pleadings or other documents received from pro se filers.

(I) Procedure for handling misfiled or otherwise deficient or defective e-filings. Upon physical acceptance and review of an e-filing and discovery that it was misfiled or is otherwise deficient or defective, a clerk shall as soon as practicable provide the e-filer notice of the defect or deficiency and an opportunity to cure or, if appropriate, reject the filing altogether. In any case, the clerk shall retain a record of the action taken by the court in response, including date, time, and reason. Such records shall be maintained until a case is finally concluded including the exhaustion of all appeals. Absent a court order to the contrary, such records shall be accessible to the parties and public upon request without the necessity for a subpoena.

SUPREME COURT OF GEORGIA
STATE JUDICIAL BUILDING
ATLANTA, GEORGIA 30334

FROM THE CHAMBERS OF
HAROLD D. MELTON
CHIEF JUSTICE

(404) 656-3477

Supreme Court Report

February 15, 2019

Judicial Council Meeting

Recently nothing is constant but change at the Supreme Court of Georgia. Since our last meeting, our Court said good-bye to Justice Carol Hunstein who retired on December 31, 2018 after 26 years at the Supreme Court. Days later, we welcomed John J. Ellington as our newest Justice. As a former judge on the Court of Appeals, Justice Ellington brings with him years of judicial experience, and we all look forward to working with him.

Last week, my colleagues and I hosted a special Legislative Breakfast at the court for all newly elected members of the General Assembly. This is the second year we have done this, and both times, it seemed to go very well. Only six lawyers are among the legislators who won seats in the 2019 General Assembly class so I encourage each of you to take every opportunity to educate the new lawmakers about how our judicial branch works. Next year, when we are in the new building, we plan to invite all the lawmakers over for breakfast and give them an opportunity to walk around the building so they can see what they have invested in.

I have been invited to deliver my first State of the Judiciary Address to a joint session of the Georgia Legislature next Tuesday, February 19 at 11 a.m. in the House Chamber at the State Capitol. You all should have received an invitation from me. I would be honored for you to attend. I have invited all the judges of the state to be there as this is our opportunity to highlight our achievements and forecast the challenges ahead. It is also an opportunity for you to touch base with your local legislators at the reception afterward. In my speech, I plan to discuss building on the success of the late Chief Justice Hines in forging strong relationships with the governor and legislature, and I urge the Council to continue to develop ongoing relationships with all the new

leaders in our legislative and executive branches. Many thanks ahead of time to the State Bar and AOC for their involvement in planning the reception in the 6th floor Judicial Building Rotunda following the address. As I said, each of you is invited to that as well.

As a reminder, the annual Georgia Code of Judicial Conduct filing under Rule 3.15 is due by April 15 and the electronic, online form is available to all judges on the Supreme Court website. This portal provides a convenient way for judges to file. Because the reports are published on the Court's website, we are serving the public by keeping with the Judicial Branch's tradition of accountability, transparency and public access to information.

Last month, the Court added a new feature on our website related to reporting the cumulative list of felony cases required by Superior Court Rule 39.3.1. I welcome any feedback for improvement or further enhancements for this new portal.

I wish to express my appreciation and offer my sincere thanks to the members of the Judicial Council for your many contributions to the work of the Council and for your dedicated service.

Respectfully submitted,

Harold D. Melton

Chief Justice, Supreme Court of Georgia

Council of Superior Court Judges of Georgia

Suite 104, 18 Capitol Square, Atlanta, Georgia 30334
(404) 656-4964 Fax (404) 651-8626

Council of Superior Court Judges
Report to Judicial Council
February 2019

The Council of Superior Court Judges held its annual meeting and winter training conference in Athens, Georgia, January 22-25, 2019. The educational seminar presented by the Institute of Continuing Judicial Education (ICJE) included topics such as a death penalty course (pretrial case management issues including dealing with media; motions; mental status of the accused; venire update; jury questionnaires; voir dire; victim impact evidence; penalty phase procedures; jury instructions; post trial procedures through the Defendant's direct appeal; habeas procedures); motions for summary judgment; motions to dismiss; condemnation cases; domestic case issues (Uniform Child Custody Jurisdiction and Enforcement Act; self-represented litigants; determining the best interest of the child in contested custody cases); attorney/inmate teleconferencing and virtual court hearings; sentencing and day reporting centers; administrative issues for all judges (budget, staffing, and human resources) and those unique to chief judges; mental health issues (identifying issues and defendants; available resources and responses); non capital habeas cases; lawyer malpractice; how being trauma-informed improves judicial decision making; a report from the State Bar; an update from the Judicial Qualifications Commission; mandatory e-filing; new Uniform Superior Court rules in response to *Owens v. State*; appeals from inferior courts and other agencies; a case law update; and an evidence update.

At the annual meeting, Judge Brian Amero of the Flint Judicial Circuit was elected to the position of President-Elect of the Council and Judge Wade Padgett of the Augusta Judicial Circuit was elected to the position of Secretary-Treasurer. Their terms will begin on May 1, 2019, along with that of incoming President, Judge Shawn LaGrua.

Each year, the Council recognizes deserving judges with the Emory Findley Award. The award, named after the late Judge Emory Findley, recognizes judges for their outstanding leadership and dedication to the continued improvement of our court system. This year's recipients were Judge Doris L. Downs of the Atlanta Judicial Circuit and Judge H. Gibbs Flanders of the Dublin Circuit. The presentations took place on January 24, 2019 at the winter conference.

Governor Deal appointed Judge Rachel Krause to the bench of the Atlanta Judicial Circuit (replacing Judge Todd Markle) and Judge Emily Richardson to the bench of the Atlanta Judicial Circuit (replacing Judge Jack Goger).

Council of State Court Judges

Impartial Courts • Judicial Excellence • Accessible and Efficient Justice

244 Washington Street, S.W.
Suite 300
Atlanta, GA 30334
404-651-6204 • FAX 404-463-5173

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Judge T. Russell McClelland
President-Elect (Forsyth)

Judge Wesley B. Tailor
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Judge Alvin T. Wong
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Judge H. Gregory Fowler
Immediate Past President (Chatham)

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Judge R. Violet Bennett (Wayne)

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District 6
Judge John G. Breakfield (Hall)

District 7
Judge Ronald B. Ramsey, Sr. (DeKalb)

District 8
Judge Allen Dee Morris (Cherokee)

Staff

Bob Bray
Executive Director

Report of the Council of State Court Judges
Judicial Council Meeting
February 15, 2019

Our Council welcomes the recent appointment of Judge Pandora E. Palmer as Judge of the State Court of Henry County who was sworn in on January 7th. Judge Palmer fills the vacancy created by the retirement of former State Court Judge James T. Chafin, III and his appointment as a Senior Judge.

The Council recognizes Judge Vi Bennett, Judge Jane Manning, Judge Jeffery Monroe, Judge Shondeana Crews Morris and Judge Jason Thompson who have been selected to participate in the *Georgia Judicial Faculty Development Workshop: Presenting Courses Effectively* by staff of the National Judicial College. The workshop will be held in Athens, Ga. on February 14 and 15.

The Council has recently updated its State Court Benchbook website with all new Chapters. The Benchbook is accessible by all judges at their website utilizing an ID and Password. The ID is **otherjudges** and the Password is **CSCJ19**. You may access this Bencbook at http://statecourt/georgiacourts.gov.

New Officers of the Executive Committee began January 1, 2019. Judge T. Russell McClelland became President-Elect; Judge Wes Tailor became Secretary and Judge Al Wong became Treasurer. All terms expire on June 30, 2019. Judge Nancy Bills continues to serve as President and Judge H. Gregory Fowler will continue serving as Immediate Past President

New Judge Orientation was completed by Judge David B. Brown (Henry); Judge Brian K. Fortner (Douglas); Judge Ronda Colvin-Leary (Gwinnett); Judge Pandora E. Palmer (Henry); Judge John M. Stephenson (Dougherty) and Judge Monique Walker (Richmond).

State Court Judges recently committed to support the National High School Mock Trial Competition to be held in Athens, Georgia this May. In addition to a donation of support, the state court judges were strongly encouraged to volunteer as judges for the trials during the team competitions.

The State Court statistical information sheet has recently been updated with workload and revenue analysis from the most currently approved data. Highlights from the report show

that the total caseload filed in state courts in 2017 increased overall by 3% from the previous year. This included a 23% increase in the number of misdemeanor cases filed over last year. This increase in caseload correlated to an increase in total revenues collected by the 71 state courts of $2,215,050 over 2016 collections. This information is available from our Council website.

Respectfully submitted,

Nancy Bills

Judge Nancy Bills
President, Council of State Court Judges

COUNCIL OF JUVENILE COURT JUDGES OF GEORGIA

Judge Philip B. Spivey, *President*
Judge Juliette Wiltshire Scales, *President-Elect*
Judge Lisa C. Jones, *Vice President*
Judge C. Gregory Price, *Secretary*
Judge Render Heard, *Treasurer*
Judge James R. Whitfield, *Immed. Past President*

Judge LeRoy Burke, III, *District 1*
Judge Joshua Bell, *District 2*
Judge Deborah Edwards, *District 3*
Judge Maureen Wood, *District 4*
Judge Phillip Jackson, *District 5*
Judge Bobby Simmons, *District 6*
Judge Michelle Harrison, *District 7*
Judge Stephanie Burton, *District 8*
Judge Jan Wheeler, *District 9*
Judge Sheri Roberts, *District 10*

Eric J. John, *Executive Director*

REPORT OF THE COUNCIL OF JUVENILE COURT JUDGES JUDICIAL COUNCIL MEETING FEBRUARY, 2019

The Juvenile Data Exchange Project (JDEX) has been in full training mode for the pilot juvenile courts (Athens-Clarke; Chatham; Clayton; DeKalb; Douglas; Dougherty; Floyd; Fulton; Glynn; Gwinnett; Macon-Bibb; Columbus-Muscogee; Newton; Rockdale and Troup Counties). Statewide roll out began December 18 lasting through January 19. The JDEX Committee approved proposed rules in compliance with the mandate of SB 407 and O.C.G.A. § 15-11-64(c). These same rules and protocols were approved by the Executive Committee of CJCJ and by a unanimous vote of the Council of Juvenile Court Judges on October 22, 2018, at the fall business meeting. These proposed rules and protocols were then forwarded to Justice Mike Boggs for approval by the Ad Hoc Committee at its meeting on November 14, 2018. The rules were reported to the Judicial Council at its December 2018 meeting to be utilized in developing statewide rules and protocols as required by the statute.

The second meeting of the House Study Committee on Juvenile Court Judges created by H.R. 1260 during the last session was held on December 21, 2018. The committee is chaired by Rep. Mandi Ballinger and is charged with reviewing the current laws applying to the compensation of juvenile court judges, their appointment, qualifications and governance. The Committee heard from juvenile court judges Greg Price, the only juvenile court judge elected in this state, Lisa Jones, and Maureen Wood. In addition, the Committee also heard from Todd Ashley from the Prosecuting Attorney's Council. The Committee is still drafting its report.

Honorable Philip B. Spivey, President, 2018-2019
Council of Juvenile Court Judges of Georgia

230 PEACHTREE STREET, N.W. • SUITE 1625 • ATLANTA, GA 30303 • (404) 657-5020 • FAX: (404) 657-5038

Council of Probate Court Judges of Georgia

Judge Sarah Harris
President (Macon-Bibb)

Judge T. J. Hudson
President Elect (Treutlen)

Judge Kelli Wolk
First Vice President (Cobb)

Judge Darin McCoy
Secretary-Treasurer (Evans)

Judge Rooney Bowen, III
Immediate Past President (Dooly)

Report to Judicial Council of Georgia
February 15, 2019

The following is a summary of activities and current initiatives by the Council of Probate Court Judges:

Probate Judges' Day at the Capitol
The Council of Probate Court Judges hosted Probate Judges' Day at the Capitol on February 11, 2019. Over fifty judges gathered at the Capitol for pictures with Governor Brian Kemp and Lieutenant Governor Geoff Duncan and took part in our annual legislative luncheon, which was yet another tremendous opportunity for us to welcome our legislators, their legislative staff members and our colleagues of the judiciary.

Retiring Judges and New Judges
Last December, Judge Betty Cason retired after 22 years on the bench of the Carroll County Probate Court. Judge Cason served as the 2006-2007 Council president and was beloved among her colleagues. Judge Cason has decided to venture into the political arena, as she will be making a bid to become the next mayor of Carrollton. Judge Cason's successor is Edie Haney, who is a graduate of the Walter F. George School of Law and previously served as corporate counsel for a few companies in the private sector. On January 31st, Judge Linda Keller retired after 13 years as the judge of the Jasper County Probate Court. Judge Keller is likely to take on senior judge status so she will not be too far away from us. Finally, Judge L. Matthew Self won the special election to succeed Judge Henry Balkcom, IV as the judge of the Quitman County Probate Court. We congratulate Judge Cason and Judge Keller for their many years of service and we welcome Judge Self and Judge Haney as our newest colleagues!

Judge T. J. Hudson
We would be remiss if we did not acknowledge the wonderful honor that Judge T. J. Hudson, our Council's President-elect, had of being chosen to administer the oath of office to Governor Brian P. Kemp, our state's 83rd governor. Once again, as he always has, Judge Hudson continues to serve as a great ambassador for both our Council and our class of court.

Upcoming Events
We will be holding our annual Spring Conference March 18-21, 2019 at the King and Prince Resort in St. Simons. Our Traffic Seminar will be held May 29-31, 2019 at the UGA Hotel and Conference Center in Athens. Finally, the Summer COAG Conference will be held June 27-29, 2019 at the Jekyll Island Convention Center.

Respectfully submitted,

Judge Sarah Harris
President, Council of Probate Court Judges of Georgia

244 Washington Street SW • Suite 300 • Atlanta, GA 30334
Phone: 404-656-5171 • Fax: 404-651-6449

Council of Magistrate Court Judges

244 Washington St., S.W., Suite 300, Atlanta, GA 30334-5900
(404) 656-5171 • Fax (404) 651-6449
Georgiamagistratecouncil.com

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President
Judge Glenda Dowling
Pierce County

1st Vice-President
Judge Joyette Holmes
Cobb County

2nd Vice-President
Judge Michael Barker
Chatham County

Secretary
Judge Berryl A. Anderson
DeKalb County

Treasurer
Judge Mary Kathryn Moss
Chatham County

Immediate Past President
Judge James M. Griner, Jr
Screven County

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Judge Jennifer Lewis
Judge Bobby Smith

District Two
Judge Beth Carter
Judge Bryan Cavenaugh

District Three
Judge Angela Sammons
Judge James Thurman

District Four
Judge Phinia Aten
Judge Curtis Miller

District Five
Judge Lillian Caudle
Judge J. Jessy Lall

District Six
Judge Marcia Callaway-Ingram
Judge Rebecca Pitts

District Seven
Judge Brandon Bryson
Judge Jennifer Inmon

District Eight
Judge Mike Greene
Judge Connie Holt

District Nine
Judge Bill Brogdon
Judge Gene Cantrell

District Ten
Judge Caroline Power
Judge Deborah L. Green

Members- at- Large
Judge Alex Atwood
Judge Betsey Kidwell

Report from Council of Magistrate Court Judges

The Council has been busy over the holidays drafting and revising legislation to increase our salary base. The Legislative Chairs and Officers worked with ACCG and COAG to get feedback. The bill that was drafted mirrors the same language as the COAG bill so that there won't be any conflict. Judge Connie Holt has worked with her Senator, Burt Jones. The bill is currently being reviewed by the Legislative Counsel. A copy of the bill has been shared with Justice Nahmias and the Policy Committee members. The rest of our legislation is making its way through the legislative process.

Magistrate Day at the Capitol was on February 5, 2019. We served breakfast and had a great turnout. We were happy that so many of our judges were able to attend and meet with their legislators. As usual, our gavel cookies were a big hit. We have to thank Judge Mary Kathryn Moss and Judge Michael Barker for arranging for them to be sent up from Savannah.

Our new magistrate training will take place the last week in February. The officers plan to attend to meet the new judges and serve on a panel discussion. The spring training will cover criminal subject matter.

Finally, we added several new forms to our online forms generator. All forms were live by mid-February. We added trover, personal property foreclosure, a pauper's affidavit, and abandoned mobile homes forms to the electronic wizard online. The only forms not on the forms generator online are abandoned motor vehicles. The towers association has introduced legislation the last few years and our Council is choosing to wait and see if any changes are to be made to that statute. We hope to be able to start the process on abandoned motor vehicles this summer.

Chief Judge Matthew McCord, President
City of Stockbridge
124 Atlanta Street
McDonough, GA 30253
770-879-4981
matt@matthewmccordlaw.com

Judge Dale "Bubba" Samuels, President-Elect
City of Franklin Springs & Monroe
bubba@bubbasamuels.com

Judge Willie Weaver Sr., Vice President
City of Albany
wweaverlaw@aol.com

Judge JaDawnya Baker, Secretary
City of Atlanta
JCBaker@AtlantaGa.Gov

Judge Keith Barber, Treasurer
City of Statesboro
keithbarber@statesborolawyer.com

Judge LaTisha Dear Jackson
Immediate Past President
City of Stone Mountain
latishadear@me.com

District One
Judge Chris Middleton
Judge Billy Tomlinson

District Two
Judge Vernita Bender
Judge Gregory T. Williams.

District Three
Judge Fred Graham
Judge Bill NeSmith

District Four
Judge Garland C. Moore
Judge Davis Will

District Five
Judge Tiffany Carter Sellers
Judge Parag Shah

District Six
Judge J. Kristi Lovelace
Judge Ted Echols

District Seven
Judge Robert Cowan
Judge Nathan Wade

District Eight
Judge Michael Gailey
Judge Tommy J. Smith

District Nine
Judge Pamela Boles
Judge Claude Mason

District Ten
Judge Lori Duff
Judge Ryan S. Hope

Council of Municipal Court Judges

Report to the Judicial Council of Georgia – February 2019

The following is an overview of recent events, programs, and activities of the Council of Municipal Court Judges (CMuCJ):

Legislation

For the 2019 session of the General Assembly, the CMuCJ plans to seek legislation to amend the mandatory training statute of municipal judges OCGA 36-32-27. The proposed legislation seeks to propose a new section OCGA 36-32-27.1 that will allow for six hours in excess of the number of hours required to be carried over and applied to the next calendar year. The initiative has been proposed to the Judicial Council Standing Committee on Legislation and the Judicial Council has given its support. The Council has secured sponsorship of the bill by Representative Dale Rutledge.

Last year, the Council reestablished conducting its Legislative Breakfast and Day at the Capitol. This year the event is scheduled to take place Tuesday, February 5, 2019 from 9:00 a.m. – 11 a.m. in Room 230 of the Georgia State Capitol. Invitations have been extended to the Georgia General Assembly, Judicial Council members, the Appellate Courts and some special guests.

Next Meeting

The Council of Municipal Court Judges Executive Committee is scheduled to meet April 2019, at a date to be determined.

Respectfully submitted,

Judge Matthew McCord
President, Council of Municipal Court Judges

Council of Accountability Court Judges

Chief Judge Brenda S. Weaver
Executive Committee Chair
Appalachian Judicial Circuit

Taylor Jones
Executive Director

Council of Accountability Court Judges
Report to Judicial Council
February 2019

In the time since the Council of Accountability Court Judges (CACJ) last reported to the Judicial Council the CACJ has held meetings of the Executive Committee, as well as the semi-annual meeting for the members of the CACJ, on January 25, 2019 in Athens, Georgia.

The CACJ is pleased to report the following Council accomplishments and activity:

- CACJ released accountability court certification applications in December. Each court that is subject to apply for certification or re-certification returned their application back to the CACJ in January. The CACJ Standards and Certification Committee is scheduled to review the applications on February 22, 2019.
- The CACJ Funding Committee released the FY19 Emergency Funds grant opportunity on January 25, 2019. The purpose of this opportunity is to support existing courts in need of funding for participant evidence-based treatment and drug testing for the final quarter of the fiscal year. As Georgia's accountability courts continue to mature and increase their ability to serve more eligible members of the community, the need for treatment and drug testing funds continues to be in demand. Additionally, the CACJ Funding Committee is set to release the FY20 Accountability Court grant solicitation on February 18, 2019. At this time the CACJ anticipates six (6) implementation courts will begin their operations on July 1, 2018. Additionally, there are several existing courts working to expand their current operations into additional counties within their circuit.
- Work continues to progress on numerous initiatives included within the CACJ strategic plan. Recent progress and accomplishments include: a medication assisted treatment training, in partnership with the Department of Behavioral Health and Developmental Disabilities (DBHDD), is planned for February 25, 2019; a coordinator mentor program was implemented in January to help foster a learning community amongst the courts; work continues with the Department of Community Supervision and the Department of Community Affairs to increase accountability court participant referrals to the Reentry Partnership Housing (RPH) program; work with the DBHDD to define treatment service guidelines for accountability court participants is moving into the implementation phase of the project; a pilot project is under development in coordination with the Technical College System of Georgia to provide education and job skills to accountability court participants; and finally, CACJ has entered into an agreement with University of Georgia School of Public and Internal Affairs as partner in the Emerging Leader Internship Program in an effort to develop future resources for accountability courts.

The CACJ continues to work closely with the Administrative Office of the Courts, and the Criminal Justice Coordinating Council, to further develop the Accountability Courts of Georgia under the guidance and expertise of Judges.

GEORGIA COMMISSION ON DISPUTE RESOLUTION

Judge Jane C. Barwick
Chair

Executive Director
Tracy B. Johnson

Program Coordinator
Karlie Sahs

Commission Members
Justice Keith R. Blackwell
Justice John J. Ellington
Judge Amanda H. Mercier
Judge Charles E. Auslander, III
Emily S. Bair, Esq.
Raymond G. Chadwick, Jr., Esq.
Mary Donovan, Esq.
Judge C. Andrew Fuller
Herbert H. (Hal) Gray III, Esq.
Melissa C. Heard, M.S.S.W.
Timothy Hedeen, Ph.D.
Nicole Woolfork Hull, Esq.
Judge M. Cindy Morris, Esq.
Patrick T. O'Connor, Esq.
Rep. Jay Powell, Esq.
Edith B Primm, Esq.
Judge Renata D. Turner
Randall Weiland, MPA

The following is an update on the initiatives and activities for the Commission on Dispute Resolution:

New Chair and Members
On February 13, Justice Keith R. Blackwell swore in new Chair, Judge Jane C. Barwick, Fulton Superior Court and new members Presiding Judge Renata Turner, Fulton Juvenile Court, Ms. Nicole Hull, Esq., Mediator and Trainer, and Mr. Randall Weiland, Program Director for the Atlantic Judicial Circuit.

Recognition of Hon. Charles E. Auslander, III
Outgoing Chair, Judge Charles E. Auslander, III, was recognized by the Commission for his dedication and service as Chair. Judge Auslander was appointed to the Commission in 2006. He chaired the Commission's Ethics Committee, ensuring that Georgia's registered neutrals are held to the highest professional standards of conduct. In 2012, Judge Auslander was appointed Chair of the Commission. He brought significant experience to his position as chair as a distinguished member of the Bar and Judiciary with years of personal and practical experience with mediation. Immediately upon becoming Chair, he called for the development of a strategic plan, which significantly enhanced the Commission's contractual relationship with the Judicial Council Administrative Office of the Courts for needed services- a relationship that continues to be beneficial. His six years of dedicated service as Chair of the Commission have inured to the benefit of Georgia's judiciary, registered neutrals, and the general public. Judge Auslander serves on the Athens-Clarke County State Court bench.

2018 Registration Renewal Season
Last year's on-time registration renewal period ended December 31. A total of 2099 "neutrals"- mediators, arbitrators, and evaluators renewed prior to the deadline. Registration categories include: general civil, domestic relations, specialized domestic violence, arbitration, early neutral evaluation, juvenile delinquency, and juvenile dependency. Neutrals who wish to conduct court-ordered or court-referred ADR sessions must be registered pursuant to the Supreme Court ADR Rules. Currently, there are approximately 2300 registered neutrals in Georgia.

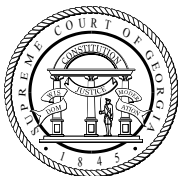
ADR Institute
The 25th Annual ADR Institute and 2018 Neutrals' Conference was held Friday, December 7, at the State Bar of Georgia. There were over 300 attendees in total. Ms. Raye Rawls, Esq., received the 2018 Chief Justice Harold G. Clarke Award in recognition of her outstanding contributions to the field of alternative dispute resolution in Georgia.

Upcoming Commission Meeting Date
The next Commission meeting date is May 8, 2019, at 2:00 p.m. in Room #1 of the State Bar of Georgia. Meeting information as well as previous minutes are posted on the GODR website at www.godr.org.

CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

Hon. Harold D. Melton Chief Justice
Supreme Court of Georgia, Chair

Karlise Y. Grier
Executive Director



Memorandum

TO: Judicial Council of Georgia

FROM: Karlise Y. Grier, Executive Director

RE: Chief Justice's Commission on Professionalism

DATE: February 15, 2019

The Chief Justice's Commission on Professionalism, the first body of its kind in the nation, was created in 1989 by the Supreme Court of Georgia with the primary charge to enhance professionalism among Georgia's judges and lawyers. Chief Justice Harold D. Melton serves as the current chair of the Commission. Other judges who serve on the Commission are as follows: Judge Carla W. McMillian for the Georgia Court of Appeals; Judge Meng H. Lim (Tallapoosa Judicial Circuit) for the Council of Superior Court Judges; Judge Susan E. Edlein (Fulton County State Court) for the Council of State Court Judges; and Judge Steve C. Jones (Northern District of Georgia) for the federal judiciary. Court of Appeals of Georgia Judge Kenneth B. Hodges III serves on the Commission in his capacity as President of the State Bar of Georgia. Toombs County Chief Magistrate Judge Rizza P. O'Connor serves on the Commission in her capacity as President of the Young Lawyers Divisions of the State Bar of Georgia. To see a complete list of Commission members, visit the Commission's web site at www.cjcpga.org.

As the Commission celebrates its 30th Anniversary in 2019, the Commission looks forward to continuing its work of engaging judges and lawyers on professionalism issues through a variety of initiatives, a few of which are highlighted below.

Professionalism at the State Bar 2019 Mid-Year Meeting

The Bar's 2019 mid-year meeting in Macon, Georgia presented the perfect opportunity for the Commission to kick off its 30th Anniversary year. The Commission's activities at the mid-year meeting included a CLE seminar and a Town Hall Meeting.

CLE at State Bar's Mid-Year Meeting

Justice Sarah Hawkins Warren opened the Commission's CLE, which was held on January 10, 2019. The CLE looked at Professionalism "Then and Now," using Chief Justice Thomas O. Marshall's 1988 *Consultation on Professionalism and the Practice of Law* as the springboard for the CLE discussion. Justice Warren gave a personal perspective ("Now") on professionalism and the relationship between lawyers and judges based on remarks given by former State Bar President Cubbedge Snow at the *1988 Consultation on Professionalism* ("Then"). Mr. Snow was a native and lifelong resident of Macon, Georgia. At least one of the CLE attendees, also a resident of Macon, observed that he appreciated Justice Warren paying homage to Mr. Snow by remembering his contributions to Georgia's professionalism movement. After Justice Warren concluded her opening remarks, Commission member Rebecca Grist moderated a panel of speakers that included Board of Governor's member Attorney Shiriki Cavitt, and Commission members Professor Pat Longan, Honorable Rizza O'Connor and Justice Warren. The panel engaged in thoughtful discussion on several professionalism topics and also engaged members of the CLE audience, which included Justice Michael Boggs.

Town Hall Meeting at State Bar's Mid-Year Meeting

The Commission also hosted a town hall meeting on professionalism on January 12, 2019, as part of the State Bar's Mid-Year meeting. The Commission convened 23 leaders of the State Bar of Georgia for a facilitated town hall session focused on professionalism. Specifically, the purpose of the 2.5-hour session was to: 1) Identify opportunities for the Commission to make the greatest possible impact on civil and criminal access to justice; and 2) Discover the most significant professionalism issues attorneys and/or judges face and the supports they need from the Commission to address them. Prior to the Town Hall Meeting, the Commission's Executive Director worked with the facilitator, Nadine Doyle of Doyle Strategies, to develop the format and content that was used at the Town Hall Meeting. At the conclusion of the Town Hall Meeting, all of the attendees who were present unanimously agreed that they would recommend a future Commission Town Hall Meeting to a colleague. The Commission is grateful to everyone who attended the Town Hall meeting including Chief Justice Harold D. Melton, Justice Sarah Hawkins Warren, Judge Christopher McFadden, Judge Carla Wong McMillian, Judge Steve Goss, Judge Paige Reese Whitaker, Judge Kathy Palmer, and Judge Susan Edlein.

20th Annual Justice Robert Benham Awards for Community Service

Nominations for the 20th Annual Justice Robert Benham Awards for Community Service closed on December 3, 2018. For the first time in its history, the Commission only accepted nomination applications electronically. The Benham Awards Selection Committee (Janet G. Watts, Chair; Elizabeth Fite; Laverne Lewis Gaskins; Michael D. Hobbs, Jr.; W. Seaborn Jones; Joy Lampley Fortson; Hon. Chung H. Lee; William J. Liss; and Brenda Carol Youmas) met on December 14, 2018, to select the honorees. The Lifetime Award honorees for the 20th Annual Benham Awards are as follows: The

Honorable P. Harris Hines of Marietta and the Honorable Willie Lovett, Jr. of Atlanta. The district honorees for the 20th Annual Benham Awards are as follows: Mr. Robert F. Mikell, *Statesboro;* Mr. Christopher Cohilas, *Albany;* Ms. Christina Folsom, *Valdosta;* Ms. Cheryl L. Milton, *Macon*; The Honorable Clarence F. Seeliger, *Decatur*; Mr. Gordon Lane Joyner, *Atlanta*; Ms. Deepa Subramanian, *Atlanta*; Ms. Stephanie Leigh Steele, *Marietta;* Ms. Julia Greene, *Gainesville;* Ms. Regina Michelle Quick, *Watkinsville.*

The awards ceremony is scheduled for Saturday, March 9, 2019, from 6:30 p.m. – 11:00 p.m. at the Georgia State University Student Center's First Floor Ballroom. In keeping with Justice Benham's desire to foster camaraderie between lawyers and judges, the State Bar's Creative Connections Sub-Committee of the Committee on Professionalism, chaired by Josh Bosin, has secured lawyer and judge volunteers to display their artistic talents during the awards ceremony. Confirmed musical entertainment for the Creative Connections portion of the program include: Norman Barnett, Laurel Boatright, Kevin Wilson, Abby Martin, Hon. Chung Lee, Judge Gail Tusan and "Always Wanted to Dance". Invited visual artists include: Rosalind Rubens Newell and O.V. Brantley (quilts); Phil Sandick (photography); Justice Robert Benham (toys, woodwork, sketches); and Judge Phinia Aten (painting). The "after party" entertainment will feature the Specific Deviations Band (Cobb County Superior Court Judge LaTain Kell, attorney Vic Valmus, Attorney Jeremy Abernathy, and a few other attorneys and judges). A few other program participants will be invited and the Commission's Executive Director hopes to incorporate some GSU students into the entertainment.

The above summary highlights some of the Commission's work. The Commission looks forward to engaging judges and lawyers on professionalism issues in 2019, during its 30th Anniversary year.

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State Bar, and ABA Accredited Law Schools

STAFF

Executive Director
Douglas G. Ashworth (706) 369-5793

Administrative Specialist I
Susan Nunnally (706) 369-5842

Electronic Media Specialist
Briana Kelly (706) 369-5818

Event Coordinator
Laura Kathryne Hogan (706) 369-5836

Event Planner
Michael Herriger (706) 369-5809
Lindsey Woodard (706) 369-5807

G. Cleveland, Jr., Esq.
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MEMORANDUM

TO: Chief Justice Harold D. Melton, Georgia Supreme Court
Members, Judicial Council of Georgia

FR: Douglas Ashworth, ICJE Executive Director DGAshworth

RE: 2019 ICJE Seminar Calendar ***(UPDATED AS OF 01.04.19)***

DATE: January 18, 2019

On behalf of the Institute of Continuing Judicial Education of Georgia ("ICJE") I am pleased to provide the following material for the February 15, 2019, Judicial Council of Georgia Meeting:

ICJE 2019 CY Master Calendar. ICJE's Seminar Schedule for Calendar Year 2019 is attached, ***as updated through January 4, 2019.*** ICJE staff met with the educational apparatus for each constituency group in collaborating on the development of this calendar. Further, the calendar was unanimously approved by ICJE Board of Trustees on November 2, 2018.

Calendar Not Posted Due To Security. As a reminder, ICJE Master Calendars are not posted on the ICJE website, for security reasons.

Please contact me if I can provide further information or documentation concerning the above, or any other ICJE functions. Thank you for the opportunity to provide this report.

Date	Course	Format	Location
Jan. 22-25	Superior Court Judges' Winter Conference	Live Seminar	UGA Hotel & Conference Center - Athens
Jan. 28-31	State Court Judges' NJO	Live Seminar	Holiday Inn - Athens
Feb. 12-13	Municipal Court Clerks' 16 Hr. Certification	Live Seminar	Holiday Inn - Athens
Feb. 13	Municipal, Magistrate, & Probate Court Judges' Webinar: Best Practices for Interpreters	Live Webinar	GoToWebinar
Feb 14-15	Faculty Development Workshop	Live Seminar/By invitation only	Holiday Inn - Athens
Feb. 18-22	Probate Court Judges' Certificate Program - Leadership	Online Self-Study Course	eLearningCommons - Online
Feb. 24-Mar. 1	Magistrate Court Judges' 40 Hr. Criminal Certification	Live Seminar	Holiday Inn - Athens
Mar. 15	Judging & Humanities	Live Seminar/Multi-class	SpringHill Suites - Athens
Mar. 18-21	Probate Court Judges' Spring Conference	Live Seminar	King & Prince Conference Center- St. Simons
April 3-5	Juvenile Court Clerks' Annual Conference	Live Seminar	Legacy Lodge at Lake Lanier - Buford
Apr. 9	Municipal, Magistrate, & Probate Court Judges' Webinar: SB 407 New Citation Form	Live Webinar	GoToWebinar
Apr. 15-16	Magistrate Court Judges' April Recertification	Live Seminar	King & Prince - St. Simons
Apr. 15-19	Elder Abuse	Online Self-Study Course/Multi-class	eLearningCommons - Online
Apr. 25-26	Municipal Court Clerks' Recertification	Live Seminar	Brasstown Valley Resort - Young Harris
May 6-8	Juvenile Court Judges' Spring Conference	Live Seminar	King & Prince - St. Simons
May 13-17	Municipal Court Clerks' Recertification	Online Self-Study Course	eLearningCommons - Online
May 15-17	State Court Judges' Spring Conference	Live Seminar	Legacy Lodge at Lake Lanier - Buford
May 20-24	Mental Health Issues in the Courts	Online Self-Study Course/Multi-class	eLearningCommons - Online
May 29-May 31	Probate Court Judges' Traffic Conference	Live Seminar	UGA Hotel & Conference Center - Athens
June 5	Municipal Court Judges' Lunch & Learn: Legislative Update	Live Webinar	GoToMeeting
June 6-7	Magistrate Court Clerks' Annual Training	Live Seminar	Legacy Lodge at Lake Lanier - Buford
June 12	Magistrate Court Judges' Lunch & Learn: Legislative Update	Live Webinar	GoToMeeting
June 13	Probate Court Judges' Lunch & Learn: Legislative Update	Live Webinar	GoToMeeting
June 17-18	Probate Court Clerks' LWEG & Traffic Training	Live Seminar	Holiday Inn - Athens
June 19-21	Municipal Court Judges' 20 Hr. Certification	Live Seminar	Savannah Marriott Riverfront
June 19-21	Municipal Court Judges' Law & Practice Update	Live Seminar	Savannah Marriott Riverfront
July 8-12	Probate Court Judges' Certificate Program - Ethics	Online Self-Study Course	eLearningCommons - Online
July 12	Judicial Ethics & Its Impact on Others	Live Seminar/Multi-class	Holiday Inn - Athens
July 16-17	Magistrate Court Chief Judges' Update	Live Seminar	Brasstown Valley Resort Young Harris
July 16-17	Probate Clerks' LWEG & Traffic Training	Live Seminar	Oconee Fall Line Tech - Dublin
Aug. 5-9	Jail Diversion	Online Self-Study Course/Multi-class	eLearningCommons - Online
Aug. 7	Municipal Court Judges' Lunch & Learn: TBD	Live Webinar	GoToWebinar
Aug. 8-9	Municipal Court Clerks' Recertification	Live Seminar	Callaway Gardens - Pine Mountain
Aug. 12-15	Superior Court Judges' Summer Conference	Live Seminar	The Westin Savannah
Aug. 13-14	Probate Court Clerks' LWEG & Traffic Training	Live Seminar	UGA Conference Center - Tifton
Aug. 14	Magistrate Court Judges' Lunch & Learn: Abandoned Mobile Homes	Live Webinar	GoToWebinar
Aug. 15	Probate Court Judges' Lunch & Learn: TBD	Live Webinar	GoToWebinar
Aug. 21-22	Judicial Staff Attorneys' Annual Conference	Live Seminar	State Bar of GA - Atlanta

Date	Course	Format	Location
Sept. 8-13	Magistrate Court Judges' 40 Hr. Basic Civil Certification	Live Seminar	Holiday Inn - Athens
Sept. 15-18	CACJ Accountability Courts Training Conference	Live Seminar	Classic Center - Athens
Sept. 25-26	Municipal Court Clerks' 16 Hr. Certification	Live Seminar	UGA Conference Center - Tifton
Oct. 2-4	Municipal Court Judges' 20 Hr. Certification	Live Seminar	Legacy Lodge at Lake Lanier - Buford
Oct. 2-4	Municipal Court Judges' Law & Practice Update	Live Seminar	Legacy Lodge at Lake Lanier - Buford
Oct. 7-8	Magistrate Court Judges' Recertification	Live Seminar	The Westin - Jekyll Island
Oct. 9	Magistrate Court Judges' Lunch & Learn: Garnishments	Live Webinar	GoToWebinar
Oct. 10	Probate Court Judges' Lunch & Learn: TBD	Live Webinar	GoToWebinar
Oct. 14-16	Probate Court Judges' Fall COAG	Live Seminar	Hyatt Regency - Savannah
Oct. 16	Municipal Court Judges' Lunch & Learn: TBD	Live Webinar	GoToWebinar
Oct. 16-18	State Court Judges' Fall Conference	Live Seminar	King & Prince Conference Center- St. Simons
Oct. 21-23	Juvenile Court Judges' Fall Conference	Live Seminar	UGA Hotel & Conference Center - Athens
Nov. 4-8	Municipal Court Clerks' Recertification	Online Self-Study Course	eLearningCommons - Online
Nov. 11-15	Court & Personal Security	Online Self-Study Course/Multi-class	eLearningCommons - Online
Nov. 11-15	Probate Court Judges' Certificate Program - Office Administration	Online Self-Study Course	eLearningCommons - Online
Nov. 14-15	Municipal Court Clerks' Recertification	Live Seminar	King & Prince - St. Simons
Dec. 2-6	Domestic Violence	Online Self-Study Course/Multi-class	eLearning Commons - Online
Dec. 4	Municipal Court Judges' Lunch & Learn: Professionalism/Ethics	Live Webinar	GoToWebinar
Dec. 11	Magistrate Court Judges' Lunch & Learn: Landlord-Tenant Issues	Live Webinar	GoToWebinar
Dec. 12	Probate Court Judges' Lunch & Learn: Professionalism/Ethics	Live Webinar	GoToWebinar