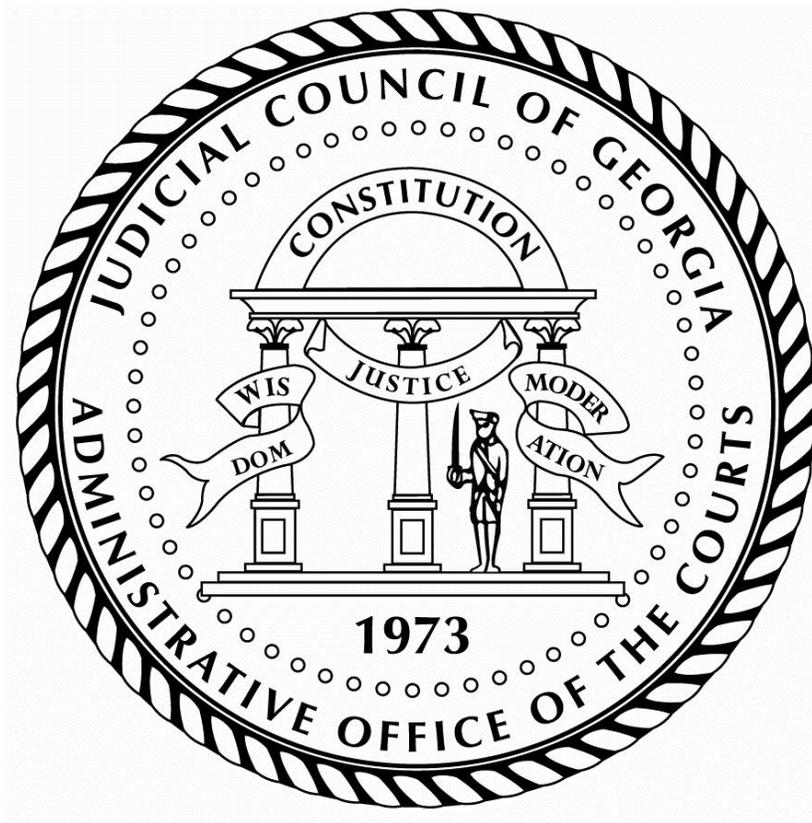


JUDICIAL COUNCIL OF GEORGIA

Friday, August 23, 2019
10:00 a.m. – 12:30 p.m.



Anderson Conference Center
5171 Eisenhower Parkway
Macon, GA 31206

**Judicial Council of Georgia
General Session**

Anderson Conference Center
5171 Eisenhower Parkway
Macon, GA 31206

Friday, August 23, 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, April 26, 2019** *(Action Item)* **TAB 1**
(Chief Justice Harold D. Melton, Est. Time – 2 Min.)
- 3. Judicial Council Committee Reports**
 - A. Judicial Workload Assessment Committee** *(Action Items)* **TAB 2**
(Judge David Emerson, Est. Time – 40 Min.)
 - B. Budget Committee** *(Action Items)* **TAB 3**
(Justice Michael P. Boggs and Maleia Wilson, Est. Time – 5 Min.)
 - C. Legislation Committee** *(Action Items)* **TAB 4**
(Presiding Justice David E. Nahmias, Est. Time – 10 Min.)
 - D. Technology Committee** **TAB 5**
(Chief Justice Harold D. Melton, Est. Time – 5 Min.)
 - E. Strategic Plan Committee** **TAB 6**
 - F. Grants Committee** **TAB 7**
- 4. Report from Judicial Council/AOC** **TAB 8**
(Ms. Cynthia H. Clanton, Est. Time – 10 Min.)
- 5. 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**

6. 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**

7. Old/New Business

(Chief Justice Harold D. Melton, Est. Time – 5 Min.)

8. Concluding Remarks and Adjournment

(Chief Justice Harold D. Melton, Est. Time – 5 Min.)

Next Judicial Council Meeting

Friday, December 6, 2019	10 a.m. – 2 p.m.	The Carter Center/Atlanta, GA
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Judicial Council Meeting Calendar – 2020

Friday, February 14, 2020	10 a.m. – 12:30 p.m.	James H. “Sloppy” Floyd Building/Atlanta, GA
Friday, April 24, 2020	10 a.m. – 12:30 p.m.	The Classic Center/Athens, GA
Friday, August 14, 2020	10 a.m. – 12:30 p.m.	Columbus Convention & Trade Center/Columbus, GA
Friday, December 11, 2020	10 a.m. – 12:30 p.m.	The Carter Center/Atlanta, GA

Judicial Council Members

As of July 1, 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 Christopher J. McFadden
47 Trinity Avenue, Suite 501
Atlanta, GA 30334
404-656-3450/ F 651-6187
mcfaddenc@gaappeals.us

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

Superior Court

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

Chief Judge Brian Amero
President-Elect, CSCJ
Flint Judicial Circuit
One Courthouse Square
McDonough, GA 30253
770-288-7901
bamero@co.henry.ga.us

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
PO Box 1349
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

Chief 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 Chief 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, Suite 4JC101
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
706-965-4047/F 965-6246
chall@lmjc.net

Chief Judge Donald W. Gillis
Dublin Judicial Circuit, 8th JAD
PO Box 2015
Dublin, GA 31040
478-275-7715/F 275-2984
gillisd@eighthdistrict.org

Chief Judge Jeffrey S. Bagley
Bell-Forsyth Judicial Circuit, 9th JAD
101 E. Courthouse Square, Suite 5016
Cumming, GA 30040
770-205-4660/F 770-250-4661
jsbagley@forsythco.com

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

* Designee of CMCJ President-Elect, Judge Torri M. "T.J." Hudson.

State Court

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

Judge Wesley B. Tailor
President-Elect, CStCJ
Fulton County
T3755 Justice Center Tower
185 Central Avenue SW
Atlanta, GA 30303
404-613-4497
wes.tailor@fultoncountyga.gov

Juvenile Court

Judge Juliette Scales
President, 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

Judge Lisa C. Jones
President-Elect, CJCJ
Southwestern Judicial Circuit
Sumter County Courthouse
PO Box 607
Americus, GA 31709
229-928-4569
judgelisacjones@outlook.com

Probate Court

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

Judge Kelli M. Wolk
President-Elect, CPCJ
Cobb County
32 Waddell Street
Marietta, GA 30090
770-528-1900/ F 770-528-1996
probatecourt@cobbcounty.org

Magistrate Court

Judge Michael Barker
President, CMCJ
Chatham County
133 Montgomery Street, Room 300
Savannah, GA 31401
912-652-7193/ F 912-652-7195
mbarker@chathamcounty.org

Judge Berryl Anderson*
President-Elect, CMCJ
DeKalb County
556 N. McDonough St., STE 1200
Decatur, GA 30030
404-371-4767/F 528-8947
baanderson@dekalbcountyga.gov

Municipal Courts

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

Judge Willie C. Weaver, Sr.
President-Elect, CMuCJ
Municipal Court of Albany
P.O. Box 646
Albany, GA 31702
229-438-9455
wweaverlaw@aol.com

State Bar of Georgia

Mr. Darrell Sutton
President, State Bar of Georgia
351 Washington Ave., Suite 300
Marietta, GA 30060
678-385-0385/F 678-529-6199
dls@sutton-law-group.com

* Designee of CMCJ President-Elect, Judge Torri M. "T.J." Hudson.

Administrative Office of the Courts

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

Cynthia H. Clanton, Director
404-656-5171

As of August 2019

Director's Office

Administration

Tara Smith
404-463-3820

Tiffanie Robinson
404-463-6516

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

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

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

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

Andrew Theus
404-463-5177

Information Technology

Jorge Basto
Division Director
404-657-9673

Willie Alcantara
404-519-9989

Bradley Allen
404-657-1770

Jesse Medina
404-227-2395

John Counts
404-550-1254

Angela He
404-651-8169

Kristy King
404-651-8180

Christina Liu
404-651-8180

Michael Neuren
404-657-4218

Jennifer Palmer
470-990-6616

Sterling Perry
470-446-3930

Kriste Pope
404-731-1358

Pete Tyo
404-731-1357

Jill Zhang
404-463-6343

Georgia Judicial Exchange

Tajsha Dekine
404-656-3479

Eureka Frierson
470-733-9404



Directions

The Anderson Conference Center is located at 5171 Eisenhower Parkway, Macon, GA 31206, on the Goodwill Career Campus across the street from Macon State.

From I-475:

Take Exit 3 and go west on Eisenhower Parkway. The Anderson Conference Center is on the left at the Goodwill Career Center - across the street from Macon State College.

From I-75:

Take Exit 162 and go west on Eisenhower Parkway for about 4.5 miles. The Anderson Conference Center is on the left at the Goodwill Career Center - across the street from Macon State College.

Judicial Council of Georgia
General Session
Columbus Convention & Trade Center, Columbus, GA
April 26, 2019 • 10:00 a.m.

Members Present

Chief Justice Harold D. Melton, Chair
Presiding Justice David Nahmias
Judge JaDawnya Baker (for Judge Dale
“Bubba” Samuels)
Judge Nancy Bills
Judge Carl C. Brown
Chief Judge Stephen L.A. Dillard
Judge Glenda Dowling
Judge Donald W. Gillis
Judge Sarah Harris
Judge Joyette Holmes
Judge T.J. Hudson
Judge Asha Jackson
Judge Stephen Kelley
Judge Jeffrey H. Kight
Judge Arthur Lee Smith
Judge Robert C. I. McBurney
Judge T. Russell McClelland
Judge Matthew McCord
Vice-Chief Judge Christopher McFadden
Judge Bonnie Chessher Oliver
Judge Geronda Carter
Judge Ralph Van Pelt
Mr. Brian D. “Buck” Rogers
Judge Juliette Scales

Judge Philip Spivey
Judge James G. Tunison, Jr.

Members Absent

Judge Shawn LaGrua

Staff Present

Ms. Cynthia Clanton, Director
Mr. Brad Allen
Mr. Robert Aycock
Ms. Michelle Barclay
Ms. Jacqueline Booker
Mr. John Botero
Ms. Shimike Dodson
Mr. Darron Enns
Mr. Christopher Hansard
Ms. Stephanie Hines
Mr. Tyler Mashburn
Ms. Tracy Mason
Ms. Tabitha Ponder
Mr. Bruce Shaw
Ms. Maleia Wilson

Guests (Appended)

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 10:13 a.m. by Chief Justice Melton. He welcomed everyone and recognized Judge Baker sitting in as a designee for Judge Samuels. Members and designees identified themselves for the purposes of roll call, followed by staff and guests. To conclude his introductory remarks, Chief Justice Melton read an excerpt from the letter of appreciation addressed to him and the Council from Judge McCord.

Adoption of Minutes – February 15, 2019

Chief Justice Melton directed the Council's attention to the minutes of the February 15, 2019, meeting. A motion to approve the minutes was offered by Presiding Justice Nahmias, followed by a second from Chief Judge Dillard. The motion was approved without opposition.

Southwest Georgia Legal Self-Help Center: Project update

Ms. Lauren Kelly delivered a presentation on the services provided by the Southwest Georgia Legal Self-Help Center, located in Albany. Following questions and comments by the Council, Chief Justice Melton thanked Ms. Kelly for her work and for speaking to the Council.

Committee Reports

Budget Committee. Ms. Wilson delivered the committee report on behalf of Justice Michael Boggs, who was unable to attend. She reported the Council's total funding in the Amended FY 2019 and FY 2020 budgets and reported that all three enhancements requested for FY 2020 were funded. She announced that White Papers for the next budget cycle will be accepted May 1 through June 15 and the Budget Committee will meet on July 30, 2019, to take up all requests. Following the Council's vote at the August 23, 2019, meeting the AFY 2020 and FY 2021 budget requests will be submitted to the Governor's Office of Planning and Budget in accordance with the September 1 deadline. Chief Justice Melton thanked Justice Boggs and Ms. Wilson for their work and noted the budget underwent rigorous review by the legislature.

Legislation Committee. Presiding Justice Nahmias reported the Council had a very successful session. He reviewed the final status of each item supported by the Council this year, as included in the written report provided in the materials. In reference to SB 222, Justice Nahmias stated the bill did not pass and the uniform misdemeanor citation responsibility remains with the Judicial Council. The citation and rules will be effective July 1, 2019. A written report on the matter was provided from Justice Boggs as well. Presiding Justice Nahmias announced that the Legislation Committee will meet on July 30, 2019, to begin preparations for the 2020 legislative session and reminded everyone to please share any initiatives so that the judiciary can speak as one voice. He noted there was very good communication during session, which was reiterated by Chief Justice Melton. The Justices thanked everyone for working in the spirit of cooperation during the legislative session.

Technology Committee. Chief Justice Melton referred to the written report provided in the materials and added that a subcommittee on electronic signatures has been established.

Strategic Plan Committee. Judge Allen Wigington reported that the Strategic Plan Committee is closing out the current strategic plan and planning has commenced to transition to the next. Chief Justice Melton thanked Judge Wigington for his leadership in this area.

Judicial Workload Assessment Committee. Mr. Hansard reviewed the proposed amendments to the General Civil and Domestic Relations Filing and Disposition Forms, as detailed in the written report. A motion, followed by a second, was made to approve the proposed amendments. Following a short discussion, Judge Oliver moved for an amendment to insert the words “non-domestic” in parentheses next to “Post-Judgment” in the General Civil Cases box and a punctuation error be corrected on the Instructions page. A second was offered by Judge Jackson and the proposed amendments were approved as amended without opposition. Judge Kelley then led a discussion about comments received from legislators regarding the Council’s judgeship recommendation process. Inquiries were made during the legislative session about whether the Council has a process in place for determining if circuits have more superior court judges than are needed to do the work of the circuit. The Judicial Workload Assessment Committee had a rigorous discussion at its last meeting and the Committee is working on a policy/process for such recommendations.

Court Reporting Matters Committee. Vice-Chief Judge McFadden presented proposed amendments to the Board of Court Reporting Bylaws, as detailed in the written report. A clean copy of the bylaws was also included for reference. With the committee report serving as a motion to adopt the proposed amendments, a second was provided by Justice Nahmias and the amendments were approved without opposition. Vice-Chief Judge McFadden next presented the nominees to the Board of Court Reporting, as detailed in the written report. With the committee report serving as a motion to adopt the proposed amendments, a second was provided by Presiding Justice Nahmias and the nominees were approved without opposition.

Sexual Harassment Prevention Committee. The Chief Justice referred to the written report provided in the materials. He reported that the Sexual Harassment Prevention Committee had met and has begun work.

Chief Justice Melton called for a break at 11:15 a.m.; the meeting reconvened at 11:28 a.m.

Report from the Judicial Council/AOC

Ms. Clanton provided an update on current work and services of the AOC, including legislative and budget successes, the posting of the grant notices for the new Civil Legal Services for Kinship Care Families pilot and the Civil Legal Services for Victims of Domestic Violence program, hard copies of the new Georgia Courts Directory and Misdemeanor Bail Practices bench card, and staff updates. She noted the recent visits by Vice-Chief Judge McFadden, Judge Holmes, and Judge Brian Amero to the AOC All Staff Meetings, and the recent 20th Anniversary Justice Benham Awards ceremony hosted by the Chief Justice's Commission on Professionalism. Ms. Clanton closed her remarks by stating the agency's continuing commitment to serving the judiciary and asked that members let her know of any feedback on ways the agency may improve.

Reports from Appellate Courts and Trial Court Councils

Supreme Court. Chief Justice Melton thanked the State Bar for hosting its recent retreat and reported the Court recently heard oral arguments at Mercer University. As noted in the Court's written report, all councils are asked to work with AOC Policy Analyst Darron Enns on the submission of uniform court rules. This procedure has been put in place in hopes it will expedite the entire submission and approval process.

Court of Appeals. Chief Judge Dillard delivered a report on behalf of the Court.

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

Council of State Court Judges. Judge Bills 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.

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

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

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

In conjunction with their reports, each judge expressed appreciation for their time served on the Council and for the work and partnerships made.

State Bar of Georgia. Mr. Rogers delivered a report on behalf of the State Bar.

Council of Accountability Court Judges. A written report was provided in the materials.

Georgia Commission on Dispute Resolution. Ms. Tracy Johnson referred members to the written report provided in the materials.

Council of Superior Court Clerks. No report was delivered.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier spoke to the upcoming law student orientations to be hosted by the Commission and invited all to attend.

Georgia Council of Court Administrators. Mr. Jeff West reported that the Council's annual conference will be held May 20-22, 2019, with the theme of "access to justice."

Institute of Continuing Judicial Education. Mr. Ashworth referred members to the written report provided in the materials.

Old Business

No old business was offered.

New Business

Chief Justice Melton directed members' attention to the proposed CY 2020 schedule and asked that any concerns be directed to Ms. Clanton by May 15, 2019.

Recognition of Outgoing Members

Chief Justice Melton recognized outgoing members and presented each with a certificate of appreciation for their service on the Council.

Concluding Remarks

Vice-Chief Judge McFadden announced that the Atlanta Bar Association Judicial Section will present the Judge Romae T. Powell Award to Judge Scales on May 30, 2019. Chief Justice Melton announced that the next Council meeting will be held on August 23, 2019, at 10 a.m. in Macon.

Adjournment

Hearing no further business, Chief Justice Melton adjourned the meeting at 12 noon.

Respectfully submitted:

Tracy Mason
Senior Assistant 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
General Session
Columbus Convention & Trade Center Columbus, GA
April 26, 2019 • 10:00 a.m.**

Guests Present

Mr. Doug Ashworth, Institute of Continuing Judicial Education
Mr. Joe Baden, Third Judicial Administrative District
Mr. Bob Bray, Council of State Court Judges
Mr. Richard F. Denney, First Judicial Administrative District
Mr. Steven Ferrell, Ninth Judicial Administrative District
Ms. Karlise Grier, Chief Justice Commission on Professionalism
Judge Stanley Gunter, Superior Courts, Enotah Judicial Circuit
Corporal Dexter Harden, Supreme Court of Georgia
Ms. Tracy Johnson, Georgia Office of Dispute Resolution
Ms. Laureen Kelly, Dougherty County Law Library
Mr. Charles Miller, Council of Superior Court Judges
Mr. David Mixon, Second Judicial Administrative District
Judge Wade Padgett, Council of Superior Court Judges
Mr. Brian Present, Office of State Administrative Hearings
Ms. Sharon Reiss, Council of Magistrate Court Judges
Ms. Christina Smith, Georgia Court of Appeals
Ms. Kirsten Wallace, Council of Juvenile Court Judges
Mr. Shannon Weathers, Council of Superior Court Judges
Mr. Jeff West, Georgia Council of Court Administrators
Judge W. Allen Wigington, Magistrate Court of Pickens County
Ms. Emily Youngo, Council of Superior Court Judges



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council

FROM: Chief Judge David Emerson
Chair, Standing Committee on Judicial Workload Assessment

RE: Judicial Workload Assessment Committee Report

DATE: August 6, 2019

At its last meeting, the Committee approved the following items for Judicial Council consideration.

Attachment A – Best Practices for Caseload Reporting Benchcard

Attachment B – Updates to the Policy on the Superior Court Judgeships and Circuit Boundaries

Attachment C – Report on the Requests for an Additional Judgeship

Letters of Support can be found [here](#).

Attachment A



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council

FROM: Chief Judge David Emerson
Chair, Standing Committee on Judicial Workload Assessment

RE: Best Practices for Caseload Reporting Benchcard

DATE: August 6, 2019

At its last meeting, the Committee approved a bench card to assist in caseload reporting for use by judges and clerks in all classes of courts. The bench card guides courts on best practices before, during, and after caseload reporting and provides information on specific issues commonly seen by Administrative Office of the Courts' staff. The bench card is meant to be a supplement to the Georgia Court Guide to Statistical Reporting and the AOC's website which contains a repository of caseload and workload statistics and presentations on how to accurately report and analyze court data. The bench card is found below.



BEST PRACTICES FOR CASELOAD REPORTING

— A Bench Card for Judges —

Caseload reporting is an important part of the administration of justice in Georgia. The Judicial Council asks all classes of courts to annually report their caseload to the Administrative Office of the Courts (see OCGA §15-5-24). These data are used to analyze the workload of Georgia's courts as well as to ensure compliance with numerous state and federal laws. The data are provided back to Georgia's courts for their use in policy and administrative decisions with the General Assembly, county commissions, and city councils.

KEY CONSIDERATIONS

GET INVOLVED WITH YOUR DATA

Judges, clerks, and court administrators should all be involved in the caseload reporting process. Outreach to the district attorney and probation offices may also be necessary. Courts should work collaboratively to identify all caseload reporting stakeholders and discuss concerns as they arise.

TALK TO YOUR CASE MANAGEMENT VENDOR

All case management systems (CMS) should be able to quickly and easily create the reports requested by the Judicial Council. If you do not believe yours can, talk to your clerk and vendor about working with the AOC. Maintain regular communication with your CMS vendor to ensure reports are updated to accurately reflect Judicial Council policy.

CONDUCT TRAINING

Both judge and clerk staff should be kept up to date on the case management system. Training manuals and updates should be available through the case management system vendor. AOC staff are available to assist with training.

REPORT YOUR CASELOAD DATA EARLY

The annual caseload collection period begins on the first business day in January and concludes on March 15. Certain superior and juvenile court data are legally required to be reported (see OCGA § 15-6-61, 15-7-50, 15-11-64(b), and 16-12-141.1(g)). Talk to your clerk about reporting data as early as possible. Early reporting allows the AOC to review the data to ensure accuracy. Submit your caseload data through the caseload reporting site caseload.georgiacourts.gov.

REVIEW DATA FOR ACCURACY

Ask your clerk to review caseload data with you. Even after submission, data can be corrected. Take advantage of the opportunity to ensure your court accurately reports its data according to Judicial Council standards. As your court reviews data for accuracy, keep the following in mind.

1. Review previous years' submissions and data from counties of similar size. If your data varies greatly from the previous year or a similarly sized county/circuit, there could be a problem.
2. The *Georgia Court Guide to Statistical Reporting* is the Judicial Council-approved standard for caseload reporting. It can always be found at caseload.georgiacourts.gov.
3. In superior and state court criminal caseload reporting, each defendant is counted as a case by the level of the most serious charge. **DO NOT REPORT CHARGES OR WARRANTS.**
4. Serious felonies are defined as the Seven Deadly Sins. Look at counties of similar size to help determine if your figures are accurate.
5. If your county has a state court, then the superior court should have relatively few misdemeanor cases.
6. Probation revocations are often overlooked. Every county should have some probation revocations. Every filed petition to revoke probation, every petition to adjudicate first offender, and every petition to adjudicate conditional discharge sentences count as a probation revocation filing.
7. Adoption and Support IV-D cases are often overlooked. Every county will have at least a small number of these cases every year.
8. If more than five percent of civil cases are listed as unknown, your court should consider reviewing these cases to determine their appropriate category. Unknown cases get very little workload credit.
9. Be careful to appropriately categorize tort cases. The type of tort can will greatly impact the workload analysis.

Note: In 2021, the Judicial Council will begin to capture DUI and remanded habeas cases as a separate category in superior court, each with separate case weights. Also, in 2021, RICO cases will begin to be counted as serious felonies.

CONTACT AOC RESEARCH STAFF

AOC Research can be reached at research.georgiacourts.gov/meet-our-team/ or via email at casecount@georgiacourts.gov. Contact your court assigned research analyst for concerns regarding your court's data. AOC staff are here to help. Please let us know what we can do for you.

Attachment B



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council

FROM: Chief Judge David Emerson
Chair, Standing Committee on Judicial Workload Assessment

RE: Updates to the Policy on the Study of Superior Court Judgeships and Circuit Boundaries

DATE: August 6, 2019

Introduction

At its last meeting, the Committee approved amendments to the Policy on the Study of Superior Court Judgeships and Circuit Boundaries. These amendments include, among other changes, a process for Committee evaluation of over-judged circuits and making appropriate recommendations to the Judicial Council. A summary of the major changes is below, and a redline version of the Policy is attached.

Summary of Changes

Section 2.1 – Date of Notification and Clarification Regarding Involved Parties

This change provides that the AOC will now have until May 1 to notify all stakeholders of both their ability to request a judgeship and to notify circuits of their current caseload and workload status. These data are now required to be sent to all superior court judges and district court administrators.

Section 2.2 (2) – Clarification of Procedure Used to Calculate Judgeship Requirements

This change updates and clarifies the procedure used to calculate the need for an additional judgeship, ensuring it complies with the current National Center for State Courts Study adopted last December.

Section 2.2 (3), (4) – Judgeship Studies and Notifications

This change condenses the process for a circuit's judgeship request and the AOC's notification of that request status into two paragraphs instead of three. This policy would also now require the AOC to update all requestors of their status by June 15.

Section 2.2 (5) – Judgeship Removal Recommendation Process

This is a new section describing the procedure for determining whether the Committee should recommend to the Council that a judgeship be removed from the circuit. The entire of that paragraph appears below.

5. The AOC will present annually to the Committee a list of all circuits whose judge workload value divided by the total number of authorized judgeships in the circuit is less than 0.90 and whose per judge workload value would not equal or exceed 1.20 upon removal of a judgeship. The Committee may request that the Chief Judge from the circuits presented to then appear at the next Committee meeting to discuss their caseload and workload data. If a circuit remains on the list more than two consecutive years, the Committee may provide the information to the Judicial Council for their consideration.

Section 3 – Implementing the Judgeship Removal Process at Judicial Council

This section makes necessary changes to the Judicial Council process to account for the addition of a judgeship removal recommendation from the Committee.

Grammatical and Due Date Updates

Staff corrected typographical errors and clarified due date requirements throughout the Policy.

Policy on the Study of Superior Court Judgeships and Circuit Boundaries

Section 1 – Policy

1.1 – Introduction

This policy governs the processes, procedures, and methodology used by the Judicial Council when considering requests for additional judgeships and circuit boundary alterations. The Judicial Council recognizes that the addition of a judgeship or circuit boundary alteration is a matter of great gravity and substantial expense to the state’s citizens. Therefore, careful inquiry and deliberate study according to a rigorous methodology will lay the foundation for any recommended changes to circuit judgeships or boundaries.

The Judicial Council acknowledges the National Center for State Courts’ (NCSC) subject matter expertise in case processing and workload methodology and its documented best practices for assistance in this policy (see Appendix B).

1.2 – Policy Statements

1. The Judicial Council will recommend additional judgeships based only upon need demonstrated through the methodology contained herein.
2. The Judicial Council will recommend circuit boundary alterations based only upon need demonstrated through the methodology contained herein.
3. The Judicial Council will not recommend part-time judgeships or single-judge circuits.

Section 2 – Judgeship and Circuit Boundary Study

2.1 – Initiation

1. The Governor, members of the General Assembly, and superior court judges have standing to initiate judgeship and circuit boundary studies.
2. The AOC will notify the Governor, General Assembly, superior court judges, and district court administrators no later than ~~April~~ May 1 that they may request studies in writing by June 1, or the next business day thereafter, prior to the session of the General Assembly during which the judgeship or change in circuit boundaries is sought. Any request received after June 1 will not be considered until the following year except upon approval by the Chair of the Judicial Council in consultation with the Chair of the Standing Committee on Judicial Workload Assessment for good cause shown. Under no circumstances will a request received more than five business days after June 1 be considered during the current year.

3. Requests for studies will be sent to the Director of the AOC. If anyone, other than a chief judge, requests a judgeship or circuit boundary study, the AOC will inform the chief judge of the same circuit, and any adjacent circuits in the case of boundary studies, that a request has been made. Any request by any party may be withdrawn by the same party at any time for any reason, and staff will notify all parties impacted by such a withdrawal.
4. The AOC will send the caseload and workload qualification status of their respective circuits to all superior court chief judges and district court administrators no later than May 1 of each year.

2.2 – Judgeship Study Methodology

The Judicial Council approves the NCSC reported adopted by the Council on December 7, 2018 (see Appendix A). See Appendix B for the summary of all values.

1. The most recent three-year average of civil case filings and criminal case defendants, for each case type listed in Appendix A, will serve as the *total circuit caseload* for each case type. Each case type's caseload will be multiplied by its respective *case weight*. The resulting figure represents the *total circuit workload*.
2. The *total circuit workload* will be divided by the *judge year value* assigned to the circuit based on its *classification*. The resulting figure represents the *judge workload value*. If the *judge workload value* divided by the total number of authorized judgeships judges in the circuit meets or exceeds 1.20 the judge threshold value, then the circuit is qualified for an additional judgeship. If the *judge workload value* divided by the total number of authorized judgeships in the circuit does not meet 1.20 the judge threshold value, then the circuit is not qualified for an additional judgeship.
- ~~3. The AOC will notify the requestor and the circuit's chief judge of the circuit's qualification status.~~
4. ~~3.~~ A circuit that requests and qualifies for an additional judgeship will have its judgeship study prepared and presented at the next Standing Committee on Judicial Workload Assessment Committee meeting. Requestors will be notified of their status and the Committee process no later than June 15. The Standing Committee may forward the recommendation to the Judicial Council for consideration at the first meeting of the fiscal year as described in Section 3. If a majority of the judges in a circuit vote to disagree with a request for a judgeship, the Standing Committee may consider that disagreement in their decisions to recommend new judgeships to the Council.
- ~~5.~~ ~~4.~~ A circuit that requests and is not qualified for an additional judgeship has the right to appeal

its status to the Standing Committee on Judicial Workload Assessment. Requestors will be notified of their status and the Committee process no later than June 15. If the appeal is approved, then the appealing circuit will have a judgeship study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.

5. The AOC will present annually to the Committee a list of all circuits whose *judge workload value* divided by the total number of authorized judgeships in the circuit is less than 0.90 and whose per judge workload value would not equal or exceed 1.20 upon removal of a judgeship. The Committee may request that the Chief Judge from the circuits presented to then appear at the next Committee meeting to discuss their caseload and workload data. If a circuit remains on the list more than two consecutive years, the Committee may provide hte information to the Judicial Council for their consideration.

2.3 – Circuit Boundary Study Methodology

A proposed circuit boundary alteration will cause study of the requesting circuit and all adjacent circuits. A circuit is qualified for a boundary alteration if, after the proposed alteration, the following conditions are met.

1. Caseload and Workload

- a. Caseload is more evenly distributed across all circuits impacted by the alteration.
- b. Workload in altered circuits does not vary significantly from the statewide average workload.
- c. Caseload trend analysis of altered circuits does not project an imbalance in growth rates that would necessitate a reallocation of resources or alteration of circuit boundaries again in the near future.

2. Population

- a. Per judge population is more evenly distributed among circuits impacted by altered boundaries.
- b. Per judge population does not vary significantly from the statewide average in altered circuits.
- c. Population trend analysis of altered circuits does not show an imbalance in growth rates that would necessitate a reallocation of resources or alteration of circuit boundaries again within ten years.

d. The population of altered circuits is more evenly distributed than the original circuits.

3. Judges

a. The number of additional judges needed to serve altered circuits is not significantly greater than the original number.

b. Judges' travel time and/or distance between courthouses decreases in altered circuits.

4. Administrative

a. The one-time and recurring costs to altered circuits are not overly burdensome to the state or local governments. Changes in cost for personnel services and operations will be considered. These costs include, but are not limited, to the following:

i. Salaries and compensation for staff;

ii. Cost for items such as furniture, signage, and general startup expenses;

iii. Rent or the purchase of new office space;

iv. Purchase or lease of a vehicle; and

v. Conference and continued education costs.

b. The operational and case assignment policies are not negatively impacted in altered circuits.

i. Any current standing orders regarding case assignment should be submitted to the AOC; and

ii. Any item ~~e~~affecting the case assignment not specifically expressed in the Uniformed Rules for Superior Courts should be submitted to the AOC.

c. The Circuit Court Administrator and/or District Court Administrator is required to submit the detailed Comprehensive Annual Financial Report to the AOC to be included within the analysis.

5. The preceding conditions (1-4) will be considered for all potential circuit boundary alterations before qualification status is determined.

6. If a circuit meets a significant number of the preceding conditions, then the circuit is qualified for a boundary alteration. If a circuit does not meet a significant number of the preceding conditions, then the circuit is not qualified for a boundary alteration.
7. The AOC will notify the requestor and the circuit's chief judge of the circuit's qualification status no later than July 1.
8. A circuit that qualifies for a boundary alteration will have its ~~judgeship~~ study prepared and presented at the next Standing Committee on Judicial Workload Assessment Committee meeting. The Standing Committee may forward the recommendation to the Judicial Council for consideration at its next meeting as described in Section 3. If a majority of the judges in a circuit vote to disagree with a request for a circuit boundary alteration, the Standing Committee may consider that disagreement in their decisions to recommend circuit boundary alterations to the Council.
9. A circuit not qualified for a boundary alteration has the right to appeal its status to the Standing Committee on Judicial Workload Assessment. If the appeal is approved, then the appealing circuit will have a boundary study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.

Section 3 - Judicial Council Procedure

The Judicial Council will make recommendations to the Governor and the General Assembly for judicial personnel allocations and circuit boundary alterations annually prior to the beginning of the regular session of the General Assembly.

1. The AOC will prepare and present all Committee recommendations on additional judgeships, circuit boundary adjustments, and removal of judgeships a judgeship and/or boundary study for all qualified circuits and non-qualified circuits with successful appeals that requested judgeship and/or boundary studies to the Council. Requestors will be notified of the Council process no later than August 1. The report will include the results of the judgeship and/or boundary studies, any letters of support from requesting circuits, any available *CourTools* data, and other information the AOC may deem beneficial to Judicial Council deliberations.
2. After reviewing the recommendations judgeship and/or boundary study, the Judicial Council, in open session, may discuss the merits of each recommendation request. Any Judicial Council member in a circuit or county affected by a recommendation study will be eligible to vote on motions affecting that circuit but will not be present or participate in deliberations regarding the circuit. Non-Judicial Council members offering support or opposition may be

recognized to speak by the Chief Justice.

3. After deliberations, the Judicial Council will, in open session, approve or disapprove the ~~recommendations judgeship and boundary changes presented in the judgeship and/or boundary study~~. Votes on such motions will be by secret, written ballot. Non-qualified circuits with successful appeals must have a two-thirds (2/3) majority to receive approval. Each ballot must be complete to be counted. The Vice Chief Judge of the Court of Appeals will oversee ballot counting.
4. After determining the circuits recommended for an additional judgeship, the Judicial Council will rank the circuits based on need. Votes on such motions will be by secret, written ballot. Each ballot must be complete to be counted. The Vice Chief Judge of the Court of Appeals will oversee ballot counting.
 - a. The ballots will be counted using the Borda count method. The Borda count determines the outcome of balloting by giving each circuit a number of points corresponding to the number of candidates ranked lower. Where there are n circuits, a circuit will receive n points for a first preference ballot, $n - 1$ points for a second preference ballot, $n - 2$ for a third preference ballot, and so on until n equals 1. Once all ballots have been counted, the circuits are then ranked in order of most to fewest points.
5. Upon Judicial Council recommendation of an additional judgeship or circuit boundary alteration, the recommendation will remain for a period of three years unless (1) the total caseload of that circuit decreases 10 percent or more or (2) the circuit withdraws the request. In either case, the circuit must requalify before being considered again by the Judicial Council.
6. The AOC will prepare and distribute letters notifying requestors and chief judges of the Judicial Council's actions and distribute a press release summarizing the Judicial Council's recommendations.

Attachment C



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 Judge David Emerson
Chair, Standing Committee on Judicial Workload Assessment

RE: Report on the Requests for an Additional Judgeship

DATE: August 8, 2019

The Judicial Council has made recommendation regarding the need for superior court judicial resources to the Georgia General Assembly and the Governor annually since 1976. These recommendations are based on objective analyses of circuit caseload filings, types of cases, and available judge time. The analyses utilize a weighted caseload model, the standard for judicial workload assessment. The model is considered a best practice by the National Center for State Courts. Workload assessments are based on a three-year caseload average making assessments less vulnerable to single-year fluctuations.

This year, the Committee received requests for workload assessments from nine circuits: Atlanta, Atlantic, Cobb, Coweta, Flint, Mountain, Northern, Ogeechee, and South Georgia. Based on the aforementioned analysis, all circuits are qualified for an additional judgeship. The Coweta Circuit was also subject to a circuit boundary alternation request, but the Circuit was not qualified for an alternation. The Committee approved all nine judgeship requests and submitted the circuits' qualification status to the Council for recommendation to the General Assembly and Governor.

See attached for data on all the recommended circuits, including its demographics, case characteristics, and other pertinent information. Additional documents include the number superior court judgeships granted by the Governor between 2009 and 2018.

STANDING COMMITTEE ON JUDICIAL WORKLOAD ASSESSMENT

Report on the Requests for an Additional Judgeship

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3. Cobb Judicial Circuit Request for an Additional Judgeship
4. Coweta Judicial Circuit Request for an Additional Judgeship
5. Flint Judicial Circuit Request for an Additional Judgeship
6. Mountain Judicial Circuit Request for an Additional Judgeship
7. Northern Judicial Circuit Request for an Additional Judgeship
8. Ogeechee Judicial Circuit Request for an Additional Judgeship
9. South Georgia Judicial Circuit Request for an Additional Judgeship
10. Number of Authorized Superior Court Judgeships 2010-2019

Atlanta Judicial Circuit

Atlanta Judicial Circuit Assessment 2016-2018

	3 Year Avg Case Filing	Minutes per Filing	Total Minutes
Criminal Defendants			
Death Penalty/Habeas	2.00	4,342.00	8,684.00
Serious Felony	680	572.00	388,674.00
Felony	8,532	54.00	460,701.00
Misdemeanor	304	20.00	6,080.00
Probation Revocation	3,235	9.00	29,112.00
General Civil Cases			
Complex Tort	18	868.00	15,624.00
General Tort	773	100.00	77,333.33
Contract Account	1,895	40.00	75,786.67
Real Property	684	40.00	27,373.33
Civil/Habeas Corpus	376	44.00	16,544.00
Other General Civil	3,682	29.00	106,768.33
Contempt/Modification	27	29.00	783.00
Domestic Relations Cases			
Adoption	216	55.00	11,880.00
Divorce/Paternity/Legitimation	4,258	65.00	276,791.67
Family Violence	3,297	41.00	135,163.33
Support	1,915	11.00	21,065.00
Other Domestic	1,208	45.00	54,345.00
Domestic Contempt	1,966	24.00	47,176.00
Domestic Modification	734	24.00	17,616.00
Special Cases			
Accountability Courts	183	495.00	90,750.00
Total	33,983	6,907.00	1,868,250.67

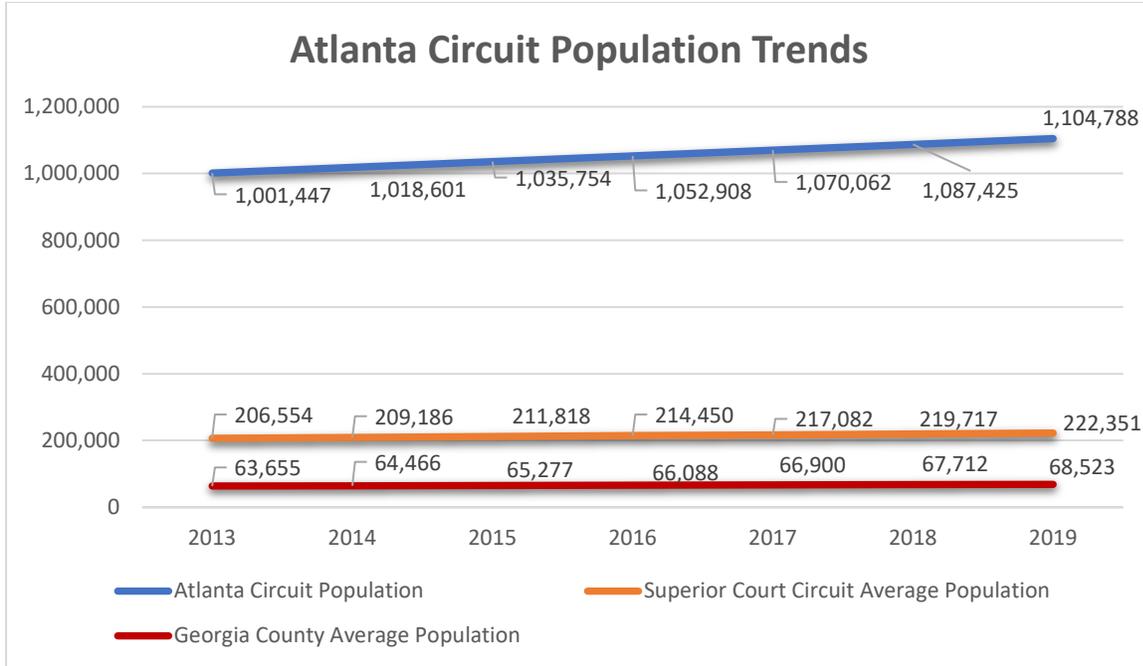
NOTES

1. Case averages are rounded to the nearest full number, except Death Penalty/Habeas.

Circuit Values	
Judges	20
Counties	1
Grand Total Minutes	1,868,251
Judge Year Value	77,400
Judge Workload Value	1.21
Threshold Value to Qualify	1.20
Status:	QUALIFIED

Section 2: Circuit Demographics and Case Statistics

Section 2-1: Population Change



*Population Estimates data was drawn from the Governor's Office of Planning and Budget

The Atlanta Circuit is a single-county circuit composed of Fulton County. The population within the Atlanta Circuit has seen steady growth since 2013. In the nine years shown, the Atlanta Circuit has had a population increase of about 10%. As seen above, the population of the Atlanta Circuit greatly exceeds that of the average circuit population and the average county population.

Section 2-1: Population Change

Atlanta Judicial Circuit Judgeships

Superior Court Judges	State Court Judges	Juvenile Court Judges	Probate Court Judges	Magistrate Court Judges
20	10	7	1	24

Caseload Statistics

Three- Year Average Criminal Case Filings (2016-2018)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
2	680	8,532	304	3,235	183	12,936

Three- Year Average Civil Case Filings (2016-2018)

General Civil	Domestic Relations	Total Civil Cases
1,347	1,928	3,275

Workload Assessment (2016-2018)

Total Cases Filed	Judge Workload Value	Threshold Value
33,983	1.21	1.20

Atlantic Judicial Circuit

Atlantic Judicial Circuit Assessment 2016-2018

	3 Year Avg Case Filing	Minutes per Filing	Total Minutes
Criminal Defendants			
Death Penalty/ Habeas	0	4,342.00	0.00
Serious Felonies	124	572.00	70,928.00
Felonies	1,893	54.00	102,222.00
Misdemeanors	315	20.00	6,306.67
Probation Revocation	369	9.00	3,318.00
General Civil Cases			
Complex Tort	0	868.00	289.33
General Tort	66	100.00	6,566.67
Contract Account	204	40.00	8,173.33
Real Property	47	40.00	1,880.00
Civil/Habeas Corpus	94	44.00	4,150.67
Other General Civil	227	29.00	6,573.33
Contempt/Modification	8	29.00	232.00
Domestic Relations Cases			
Adoption	82	55.00	4,510.00
Divorce/Paternity/ Legitimation	1,209	65.00	78,585.00
Family Violence	286	41.00	11,739.67
Support	468	11.00	5,148.00
Other Domestic	245	45.00	11,040.00
Domestic Contempt	207	24.00	4,976.00
Domestic Modification	144	24.00	3,464.00
Special Cases			
Accountability Courts	32	495.00	15,840.00
Total	6,022	6,907.00	345,942.67

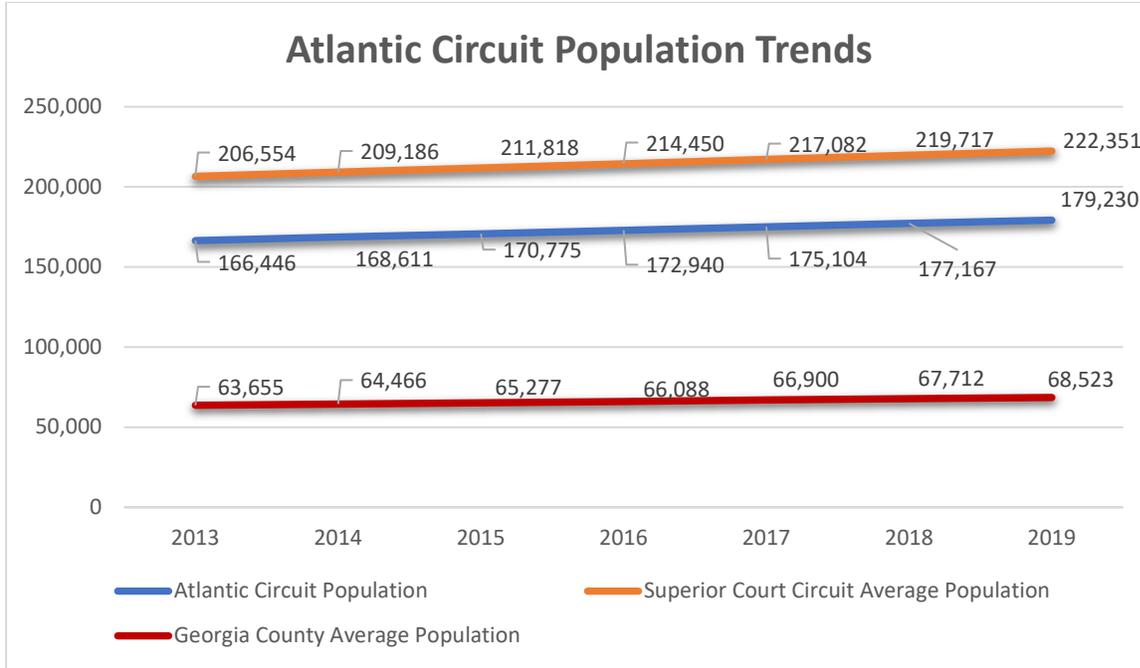
NOTES

1. Case averages are rounded to the nearest full number, except Death Penalty Habeas.

Circuit Values	
Judges	4
Counties	6
Grand Total Minutes	345,943
Judge Year Value	70,950
Judge Workload Value	1.22
Threshold Value to Qualify	1.20
Status:	QUALIFIED

Section 2: Circuit Demographics and Case Statistics

Section 2-1: Population Change



*Population Estimates data was drawn from the Governor’s Office of Planning and Budget

The Atlantic Circuit is a six-county circuit composed of Bryan, Evans, Liberty, Long, McIntosh, and Tattnall Counties. The population within the Atlantic Circuit has seen steady growth since 2013. In the nine years shown, the Atlantic Circuit has had a population increase of about 7.68%. As seen above, the population of the Atlantic Circuit is below the average circuit population but exceeds the average county population.

Section 2-1: Population Change

Atlantic Judicial Circuit Judgeships

Superior Court Judges	State Court Judges	Juvenile Court Judges	Probate Court Judges	Magistrate Court Judges
4	10	7	1	24

Caseload Statistics

Three- Year Average Criminal Case Filings (2016-2018)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
0	124	1,893	315	369	32	2,733

Three- Year Average Civil Case Filings (2016-2018)

General Civil	Domestic Relations	Total Civil Cases
646	2641	3,287

Workload Assessment (2016-2018)

Total Cases Filed	Judge Workload Value	Threshold Value
6,022	1.22	1.20

Cobb Judicial Circuit

Cobb Judicial Circuit Assessment 2016-2018

	3 Year Avg Case Filing	Minutes per Filing	Total Minutes
Criminal Defendants			
Death Penalty/Habeas	0.33	4,342.00	1,447.33
Serious Felony	263	572.00	150,436.00
Felony	5,145	54.00	277,830.00
Misdemeanor	150	20.00	3,000.00
Probation Revocation	2,610	9.00	23,493.00
General Civil Cases			
Complex Tort	12	868.00	10,126.67
General Tort	223	100.00	22,300.00
Contract Account	1,155	40.00	46,213.33
Real Property	134	40.00	5,360.00
Civil/Habeas Corpus	53	44.00	2,332.00
Other General Civil	1,145	29.00	33,205.00
Contempt/Modification	2	29.00	67.67
Domestic Relations Cases			
Adoption	165	55.00	9,075.00
Divorce/Paternity/Legitimation	3,676	65.00	238,918.33
Family Violence	789	41.00	32,362.67
Support	1,129	11.00	12,419.00
Other Domestic	1,460	45.00	65,715.00
Domestic Contempt	449	24.00	10,776.00
Domestic Modification	491	24.00	11,792.00
Special Cases			
Accountability Courts	113	495.00	55,935.00
Total	19,166	6,907.00	1,012,804.00

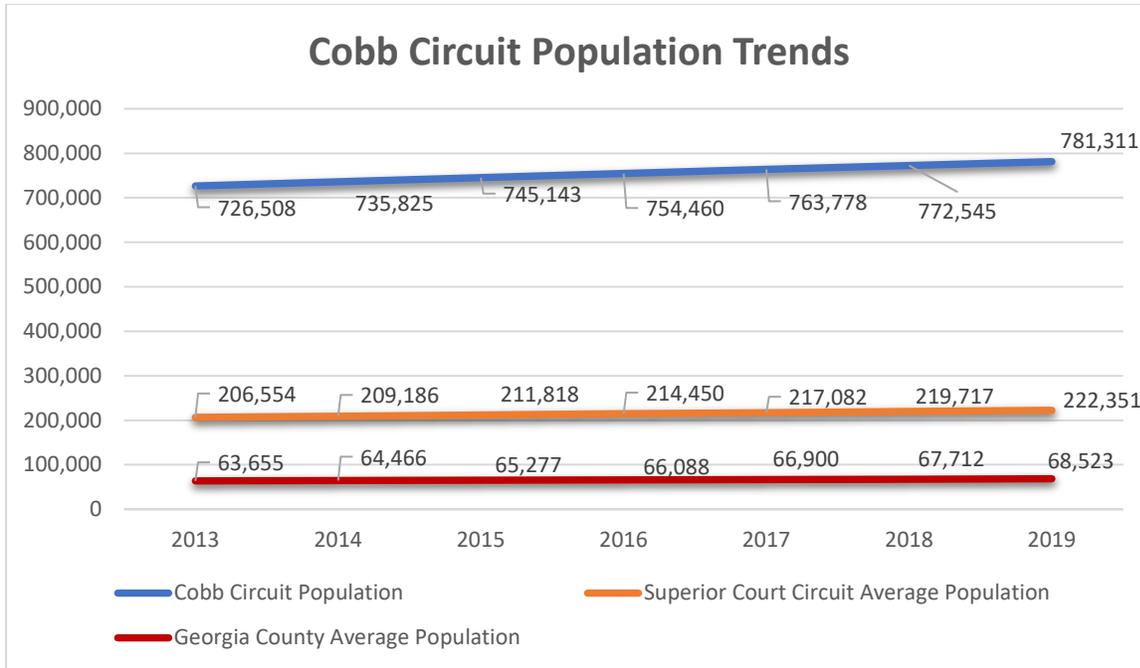
NOTES

1. Case averages are rounded to the nearest full number, except Death Penalty/Habeas.

Circuit Values	
Judges	10
Counties	1
Grand Total Minutes	1,012,804
Judge Year Value	77,400
Judge Workload Value	1.31
Threshold Value to Qualify	1.20
Status:	QUALIFIED

Section 2: Circuit Demographics and Case Statistics

Section 2-1: Population Change



**Population Estimates data was drawn from the Governor's Office of Planning and Budget*

The Cobb Circuit is a single-county circuit composed of Cobb County. The population within the Cobb Circuit has seen steady growth since 2013. In the nine years shown, the Cobb Circuit has had a population increase of about 7.54%. As seen above, the population of the Cobb Circuit greatly exceeds the average circuit population and the average county population.

Section 2-1: Population Change

Cobb Judicial Circuit Judgeships

Superior Court Judges	State Court Judges	Juvenile Court Judges	Probate Court Judges	Magistrate Court Judges
10	12	4	1	15

Caseload Statistics

Three- Year Average Criminal Case Filings (2016-2018)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
0.33	263	5,145	150	2,610	113	7,306

Three- Year Average Civil Case Filings (2016-2018)

General Civil	Domestic Relations	Total Civil Cases
2,724	8,159	10,883

Workload Assessment (2016-2018)

Total Cases Filed	Judge Workload Value	Threshold Value
18,189	1.31	1.20

Coweta Judicial Circuit

Coweta Judicial Circuit Assessment 2016-2018

	3 Year Avg Case Filing	Minutes per Filing	Total Minutes
Criminal Defendants			
Death Penalty/ Habeas	0	4,342.00	0.00
Serious Felonies	132	572.00	75,218.00
Felonies	3,512	54.00	189,621.00
Misdemeanors	556	20.00	11,126.67
Probation Revocation	1,292	9.00	11,631.00
General Civil Cases			
Complex Tort	3	868.00	2,604.00
General Tort	135	100.00	13,533.33
Contract Account	247	40.00	9,866.67
Real Property	74	40.00	2,946.67
Civil/Habeas Corpus	55	44.00	2,420.00
Other General Civil	670	29.00	19,439.67
Contempt/Modification	8	29.00	232.00
Domestic Relations Cases			
Adoption	149	55.00	8,176.67
Divorce/Paternity/ Legitimation	1,793	65.00	116,523.33
Family Violence	672	41.00	27,538.33
Support	1,638	11.00	18,021.67
Other Domestic	526	45.00	23,685.00
Domestic Contempt	390	24.00	9,368.00
Domestic Modification	390	24.00	9,352.00
Special Cases			
Accountability Courts	129	495.00	63,690.00
Total	12,370	6,907.00	614,994.00

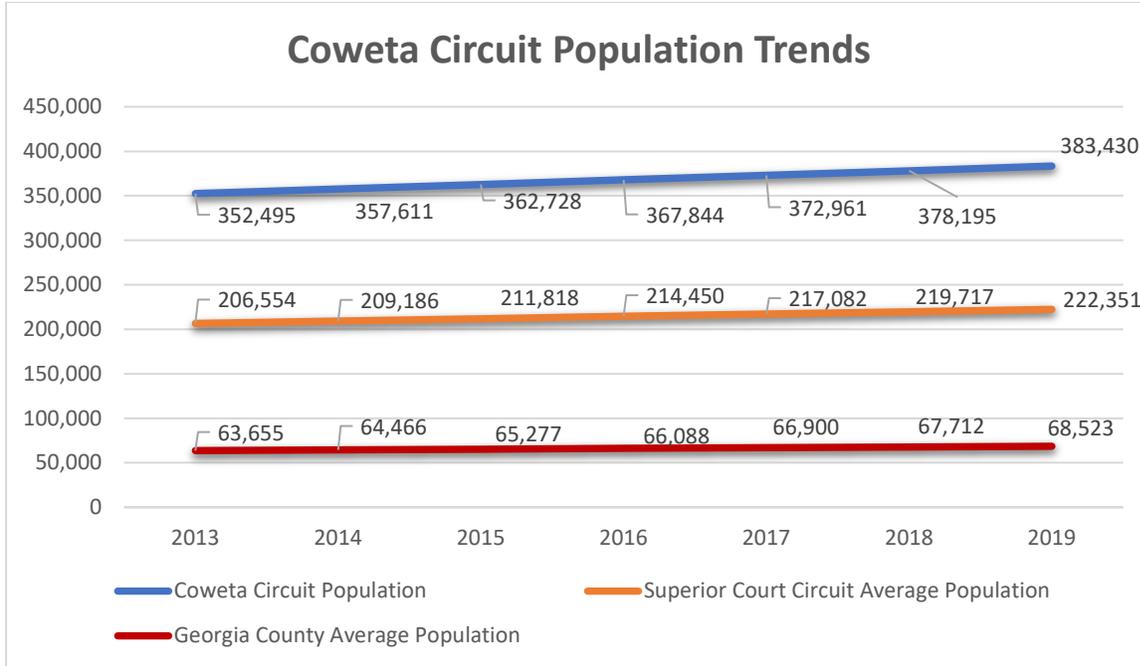
NOTES

1. Case averages are rounded to the nearest full number, except Death Penalty Habeas.

Circuit Values	
Judges	7
Counties	5
Grand Total Minutes	614,994
Judge Year Value	70,950
Judge Workload Value	1.24
Threshold Value to Qualify	1.20
Status:	QUALIFIED

Section 2: Circuit Demographics and Case Statistics

Section 2-1: Population Change



**Population Estimates data was drawn from the Governor's Office of Planning and Budget*

The Coweta Circuit is a five-county circuit composed of Carroll, Coweta, Heard, Meriwether, and Troup Counties. The population within the Coweta Circuit has seen steady growth since 2013. In the nine years shown, the Coweta Circuit has had a population increase of about 8.78%. As seen above, the population of the Coweta Circuit greatly exceeds the average circuit population and the average county population.

Section 2-1: Population Change

Coweta Judicial Circuit Judgeships

Superior Court Judges	State Court Judges	Juvenile Court Judges	Probate Court Judges	Magistrate Court Judges
7	4	4	5	12

Caseload Statistics

Three- Year Average Criminal Case Filings (2016-2018)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
0	132	3,512	556	1,292	129	5,621

Three- Year Average Civil Case Filings (2016-2018)

General Civil	Domestic Relations	Total Civil Cases
1,192	5,558	6,750

Workload Assessment (2016-2018)

Total Cases Filed	Judge Workload Value	Threshold Value
12,370	1.24	1.20

Flint Judicial Circuit

Flint Judicial Circuit Assessment 2016-2018

	3 Year Avg Case Filing	Minutes per Filing	Total Minutes
Criminal Defendants			
Death Penalty/ Habeas	0	4,342.00	1,447.33
Serious Felonies	81	572.00	46,332.00
Felonies	1,013	54.00	54,702.00
Misdemeanors	54	20.00	1,073.33
Probation Revocation	673	9.00	6,057.00
General Civil Cases			
Complex Tort	5	868.00	4,050.67
General Tort	160	100.00	16,000.00
Contract Account	117	40.00	4,693.33
Real Property	29	40.00	1,160.00
Civil/Habeas Corpus	57	44.00	2,522.67
Other General Civil	539	29.00	15,631.00
Contempt/Modification	1	29.00	38.67
Domestic Relations Cases			
Adoption	66	55.00	3,648.33
Divorce/Paternity/ Legitimation	1,201	65.00	78,086.67
Family Violence	395	41.00	16,195.00
Support	250	11.00	2,750.00
Other Domestic	606	45.00	27,270.00
Domestic Contempt	257	24.00	6,176.00
Domestic Modification	172	24.00	4,128.00
Special Cases			
Accountability Courts	41	495.00	20,130.00
Total	5,718	6,907.00	312,092.00

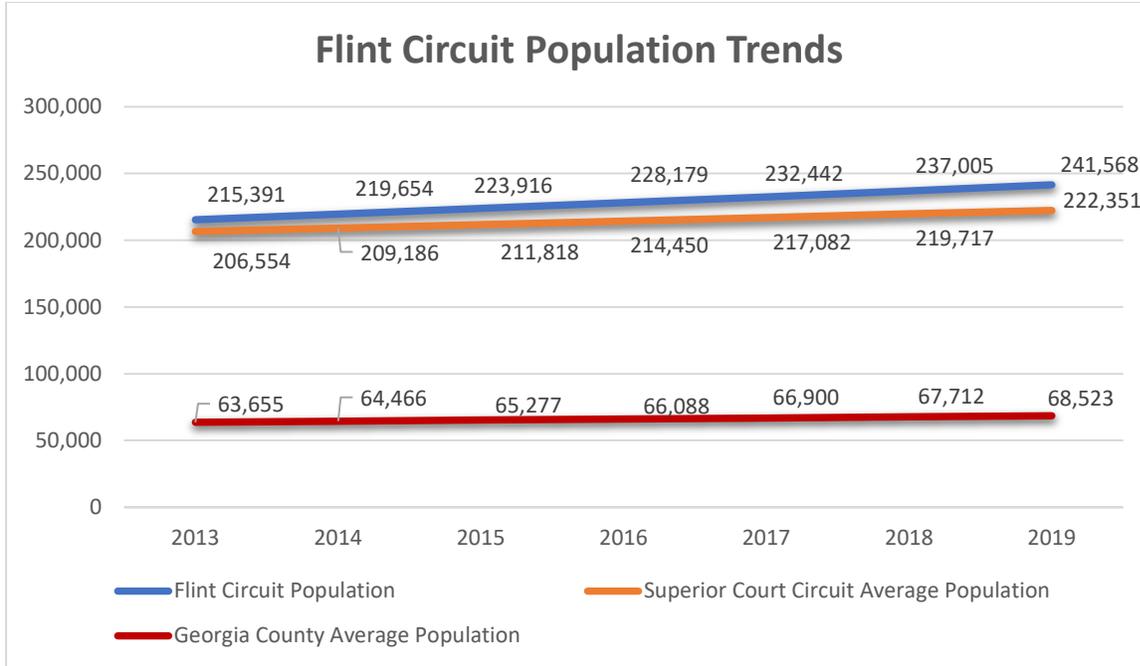
NOTES

1. Case averages are rounded to the nearest full number, except Death Penalty Habeas.

Circuit Values	
Judges	3
Counties	1
Grand Total Minutes	312,092
Judge Year Value	77,400
Judge Workload Value	1.34
Threshold Value to Qualify	1.20
Status:	QUALIFIED

Section 2: Circuit Demographics and Case Statistics

Section 2-1: Population Change



**Population Estimates data was drawn from the Governor's Office of Planning and Budget*

The Flint Circuit is a single-county circuit composed of Henry County. The population within the Flint Circuit has seen steady growth since 2013. In the nine years shown, the Flint Circuit has had a population increase of about 12.15%. As seen above, the population of the Flint Circuit exceeds the average circuit population and the average county population.

Section 2-1: Population Change

Flint Judicial Circuit Judgeships

Superior Court Judges	State Court Judges	Juvenile Court Judges	Probate Court Judges	Magistrate Court Judges
3	4	1	1	6

Caseload Statistics

Three- Year Average Criminal Case Filings (2016-2018)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
0	81	1,013	54	673	41	1,862

Three- Year Average Civil Case Filings (2016-2018)

General Civil	Domestic Relations	Total Civil Cases
908	2,947	3,855

Workload Assessment (2016-2018)

Total Cases Filed	Judge Workload Value	Threshold Value
5,718	1.34	1.20

Mountain Judicial Circuit

Mountain Judicial Circuit Assessment 2016-2018

	3 Year Avg Case Filing	Minutes per Filing	Total Minutes
Criminal Defendants			
Death Penalty/ Habeas	0	4,342.00	0.00
Serious Felonies	95	572.00	54,054.00
Felonies	661	54.00	35,667.00
Misdemeanors	176	20.00	3,526.67
Probation Revocation	623	9.00	5,610.00
General Civil Cases			
Complex Tort	5	868.00	4,629.33
General Tort	52	100.00	5,166.67
Contract Account	99	40.00	3,946.67
Real Property	30	40.00	1,186.67
Civil/Habeas Corpus	23	44.00	1,026.67
Other General Civil	167	29.00	4,852.67
Contempt/Modification	8	29.00	241.67
Domestic Relations Cases			
Adoption	38	55.00	2,090.00
Divorce/Paternity/ Legitimation	438	65.00	28,448.33
Family Violence	221	41.00	9,047.33
Support	75	11.00	825.00
Other Domestic	158	45.00	7,110.00
Domestic Contempt	188	24.00	4,512.00
Domestic Modification	70	24.00	1,680.00
Special Cases			
Accountability Courts	50	495.00	24,915.00
Total	3,177	6,907.00	198,535.67

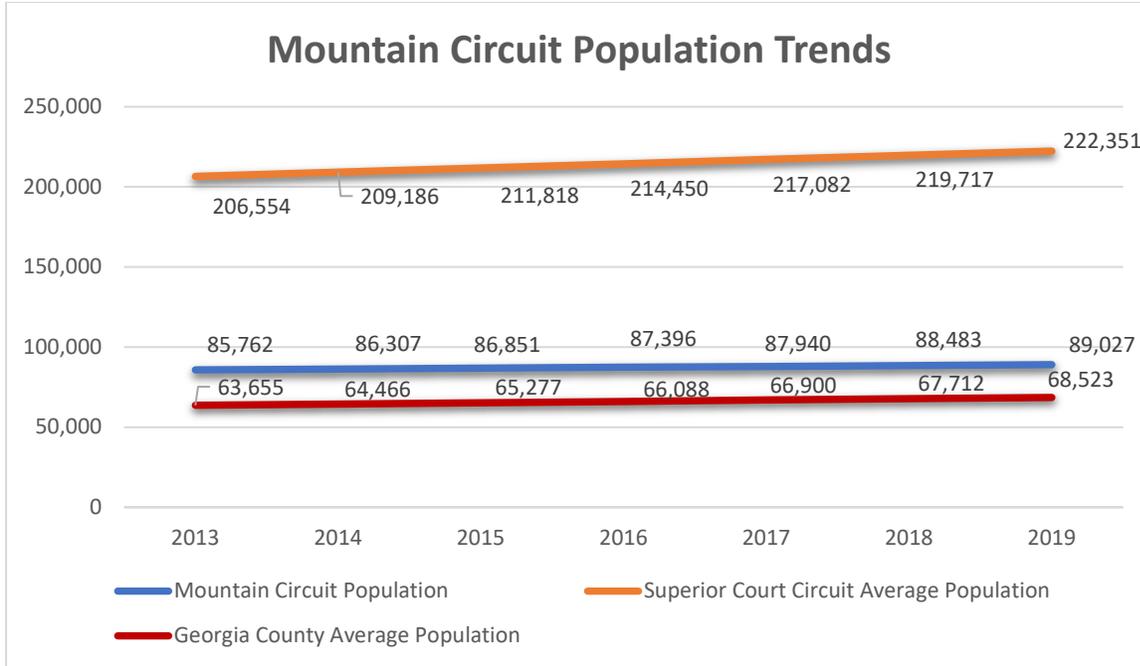
NOTES

1. Case averages are rounded to the nearest full number, except Death Penalty Habeas.

Circuit Values	
Judges	2
Counties	3
Grand Total Minutes	198,536
Judge Year Value	77,400
Judge Workload Value	1.28
Threshold Value to Qualify	1.20
Status:	QUALIFIED

Section 2: Circuit Demographics and Case Statistics

Section 2-1: Population Change



*Population Estimates data was drawn from the Governor's Office of Planning and Budget

The Mountain Circuit is a three county circuit composed of Habersham, Rabun, and Stephens Counties. The population within the Mountain Circuit has seen steady growth since 2013. In the nine years shown, the Mountain Circuit has had a population increase of about 3.81%. As seen above, the population of the Mountain Circuit is significantly below the average circuit population but slightly exceeds the average county population.

Section 2-1: Population Change

Mountain Judicial Circuit Judgeships

Superior Court Judges	State Court Judges	Juvenile Court Judges	Probate Court Judges	Magistrate Court Judges
2	2	2	3	9

Caseload Statistics

Three- Year Average Criminal Case Filings (2016-2018)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
0	95	661	176	623	50	1,605

Three- Year Average Civil Case Filings (2016-2018)

General Civil	Domestic Relations	Total Civil Cases
384	1,188	1,572

Workload Assessment (2016-2018)

Total Cases Filed	Judge Workload Value	Threshold Value
3,177	1.28	1.20

Northern Judicial Circuit

Northern Judicial Circuit Assessment 2016-2018

	3 Year Avg Case Filing	Minutes per Filing	Total Minutes
Criminal Defendants			
Death Penalty/ Habeas	0	4,342.00	0.00
Serious Felonies	68	572.00	38,896.00
Felonies	1,447	54.00	78,138.00
Misdemeanors	841	20.00	16,826.67
Probation Revocation	1,482	9.00	13,338.00
General Civil Cases			
Complex Tort	3	868.00	2,893.33
General Tort	102	100.00	10,233.33
Contract Account	180	40.00	7,200.00
Real Property	31	40.00	1,240.00
Civil/Habeas Corpus	19	44.00	850.67
Other General Civil	279	29.00	8,081.33
Contempt/Modification	13	29.00	367.33
Domestic Relations Cases			
Adoption	61	55.00	3,355.00
Divorce/Paternity/ Legitimation	521	65.00	33,886.67
Family Violence	462	41.00	18,955.67
Support	475	11.00	5,225.00
Other Domestic	239	45.00	10,740.00
Domestic Contempt	221	24.00	5,312.00
Domestic Modification	72	24.00	1,720.00
Special Cases			
Accountability Courts	17	495.00	8,415.00
Total	6,534	6,907.00	265,674.00

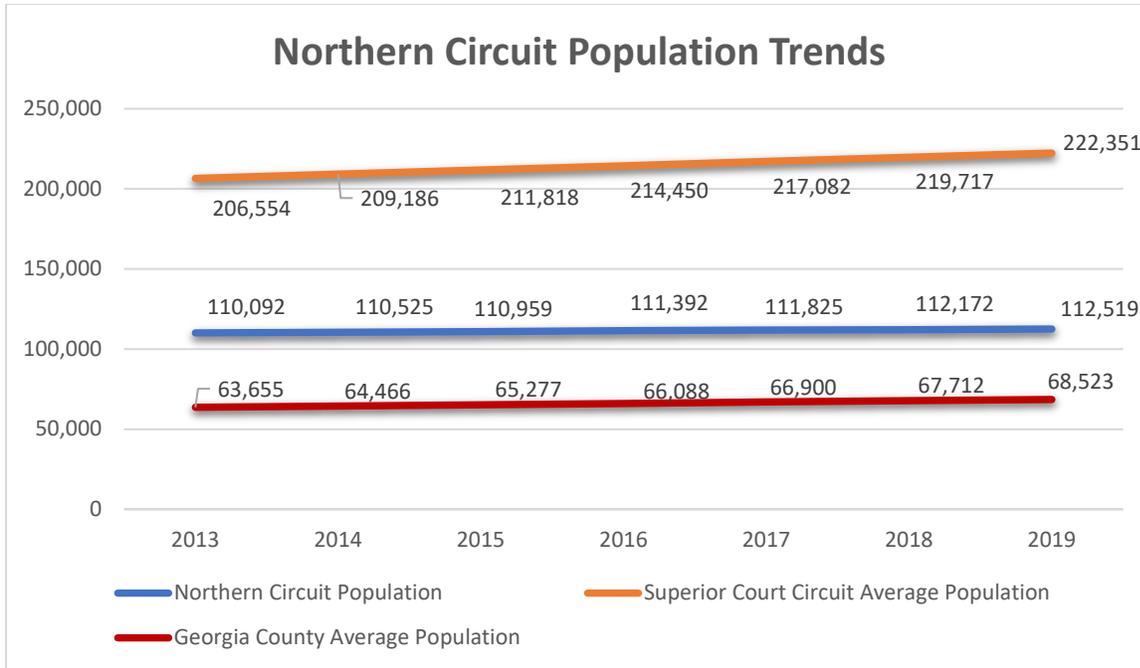
NOTES

1. Case averages are rounded to the nearest full number, except Death Penalty Habeas.

Circuit Values	
Judges	3
Counties	5
Grand Total Minutes	265,674
Judge Year Value	70,950
Judge Workload Value	1.25
Threshold Value to Qualify	1.20
Status:	QUALIFIED

Section 2: Circuit Demographics and Case Statistics

Section 2-1: Population Change



**Population Estimates data was drawn from the Governor's Office of Planning and Budget*

The Northern Circuit is a five-county circuit composed of Elbert, Franklin, Hart, Madison, and Oglethorpe Counties. The population within the Northern Circuit has seen slight growth since 2013. In the nine years shown, the Northern Circuit has had a population increase of about 2.2%. As seen above, the population of the Northern Circuit is significantly below the average circuit population but exceeds the average county population.

Section 2-1: Population Change

Northern Judicial Circuit Judgeships

Superior Court Judges	State Court Judges	Juvenile Court Judges	Probate Court Judges	Magistrate Court Judges
3	1	1	5	12

Caseload Statistics

Three- Year Average Criminal Case Filings (2016-2018)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
0	68	1,447	841	1,482	17	3,855

Three- Year Average Civil Case Filings (2016-2018)

General Civil	Domestic Relations	Total Civil Cases
627	2,057	2,684

Workload Assessment (2016-2018)

Total Cases Filed	Judge Workload Value	Threshold Value
6,534	1.25	1.20

Ogeechee Judicial Circuit

Ogeechee Judicial Circuit Assessment 2016-2018

	3 Year Avg Case Filing	Minutes per Filing	Total Minutes
Criminal Defendants			
Death Penalty/ Habeas	0	4,342.00	1,447.33
Serious Felonies	174	572.00	99,528.00
Felonies	2,108	54.00	113,832.00
Misdemeanors	200	20.00	4,006.67
Probation Revocation	422	9.00	3,795.00
General Civil Cases			
Complex Tort	0	868.00	289.33
General Tort	59	100.00	5,866.67
Contract Account	153	40.00	6,106.67
Real Property	21	40.00	826.67
Civil/Habeas Corpus	28	44.00	1,217.33
Other General Civil	276	29.00	8,004.00
Contempt/Modification	2	29.00	58.00
Domestic Relations Cases			
Adoption	56	55.00	3,080.00
Divorce/Paternity/ Legitimation	759	65.00	49,335.00
Family Violence	69	41.00	2,829.00
Support	818	11.00	8,994.33
Other Domestic	114	45.00	5,130.00
Domestic Contempt	124	24.00	2,976.00
Domestic Modification	108	24.00	2,592.00
Special Cases			
Accountability Courts	4	495.00	1,980.00
Total	5,494	6,907.00	321,894.00

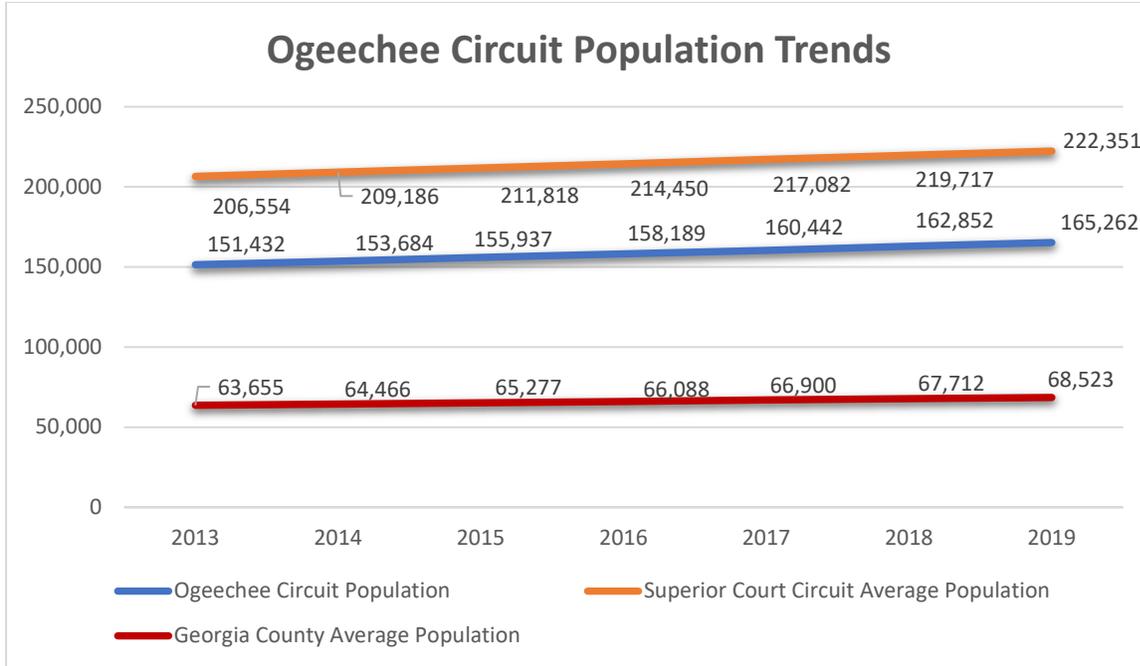
NOTES

1. Case averages are rounded to the nearest full number, except Death Penalty Habeas.

Circuit Values	
Judges	3
Counties	4
Grand Total Minutes	321,894
Judge Year Value	70,950
Judge Workload Value	1.51
Threshold Value to Qualify	1.20
Status:	QUALIFIED

Section 2: Circuit Demographics and Case Statistics

Section 2-1: Population Change



**Population Estimates data was drawn from the Governor's Office of Planning and Budget*

The Ogeechee Circuit is a four-county circuit composed of Bulloch, Effingham, Jenkins, and Screven Counties. The population within the Ogeechee Circuit has seen steadily growth since 2013. In the nine years shown, the Ogeechee Circuit has had a population increase of about 9.13%. As seen above, the population of the Ogeechee Circuit is below the average circuit population but exceeds the average county population.

Section 2-1: Population Change

Ogeechee Judicial Circuit Judgeships

Superior Court Judges	State Court Judges	Juvenile Court Judges	Probate Court Judges	Magistrate Court Judges
3	4	3	4	6

Caseload Statistics

Three- Year Average Criminal Case Filings (2016-2018)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
0	174	2,108	200	422	4	2,908

Three- Year Average Civil Case Filings (2016-2018)

General Civil	Domestic Relations	Total Civil Cases
539	2,048	2,587

Workload Assessment (2016-2018)

Total Cases Filed	Judge Workload Value	Threshold Value
5,494	1.51	1.20

South Georgia Judicial Circuit

South Georgia Judicial Circuit Assessment 2016-2018

	3 Year Avg Case Filing	Minutes per Filing	Total Minutes
Criminal Defendants			
Death Penalty/ Habeas	0	4,342.00	0.00
Serious Felonies	140	572.00	80,080.00
Felonies	543	54.00	29,322.00
Misdemeanors	97	20.00	1,933.33
Probation Revocation	159	9.00	1,434.00
General Civil Cases			
Complex Tort	1	868.00	578.67
General Tort	68	100.00	6,766.67
Contract Account	79	40.00	3,173.33
Real Property	13	40.00	520.00
Civil/Habeas Corpus	74	44.00	3,256.00
Other General Civil	112	29.00	3,238.33
Contempt/Modification	0	29.00	9.67
Domestic Relations Cases			
Adoption	20	55.00	1,081.67
Divorce/Paternity/ Legitimation	385	65.00	25,003.33
Family Violence	9	41.00	382.67
Support	456	11.00	5,019.67
Other Domestic	12	45.00	555.00
Domestic Contempt	35	24.00	848.00
Domestic Modification	43	24.00	1,040.00
Special Cases			
Accountability Courts	34	495.00	16,665.00
Total	2,280	6,907.00	180,907.33

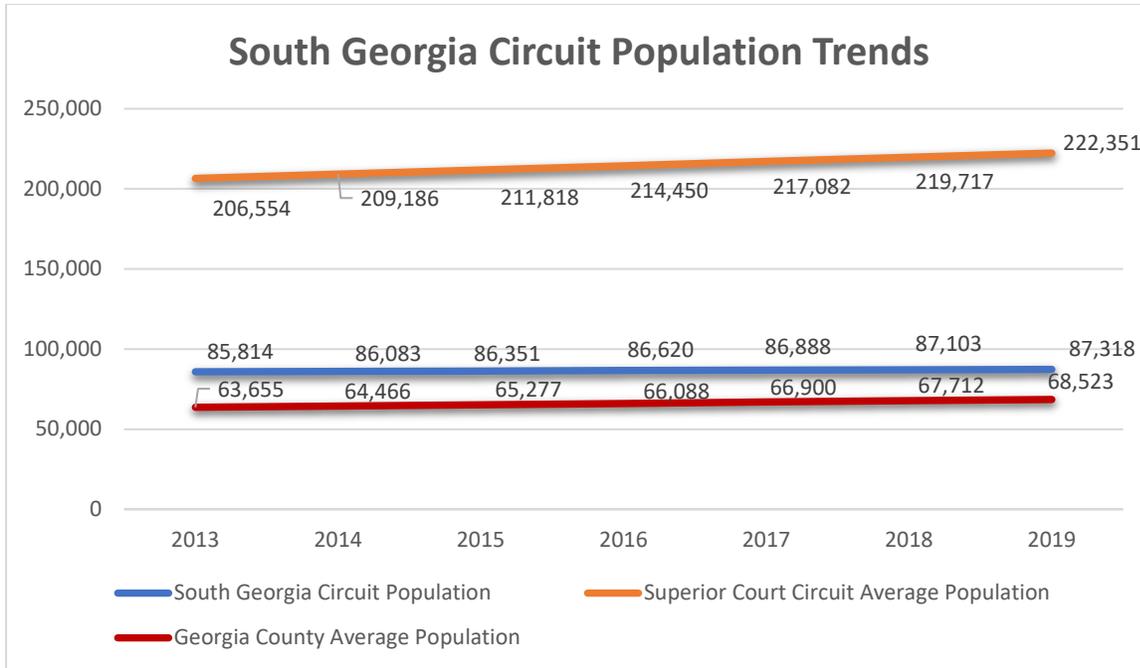
NOTES

1. Case averages are rounded to the nearest full number, except Death Penalty Habeas.

Circuit Values	
Judges	2
Counties	5
Grand Total Minutes	180,907
Judge Year Value	70,950
Judge Workload Value	1.27
Threshold Value to Qualify	1.20
Status:	QUALIFIED

Section 2: Circuit Demographics and Case Statistics

Section 2-1: Population Change



**Population Estimates data was drawn from the Governor’s Office of Planning and Budget*

The South Georgia Circuit is a five-county circuit composed of Baker, Calhoun, Decatur, Grady, and Mitchell Counties. The population within the South Georgia Circuit has seen slight growth since 2013. In the nine years shown, the South Georgia Circuit has had a population increase of about 1.75%. As seen above, the population of the South Georgia Circuit is significantly below the average circuit population but only slightly exceeds the average county population.

Section 2-1: Population Change

South Georgia Judicial Circuit Judgeships

Superior Court Judges	State Court Judges	Juvenile Court Judges	Probate Court Judges	Magistrate Court Judges
2	3	2	5	9

Caseload Statistics

Three- Year Average Criminal Case Filings (2016-2018)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
0	140	543	97	159	34	973

Three- Year Average Civil Case Filings (2016-2018)

General Civil	Domestic Relations	Total Civil Cases
347	960	1,307

Workload Assessment (2016-2018)

Total Cases Filed	Judge Workload Value	Threshold Value
2,280	1.27	1.20

Number of Authorized Superior Court Judgeships 2010- 2019

Circuit	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Alapaha	2	2	2	2	2	2	2	2	2	2
Alcovy	5	5	5	5	5	5	5	5	5	5
Appalachian	3	3	3	3	3	3	3	3	3	3
Atlanta	20	20	20	20	20	20	20	20	20	20
Atlantic	4	4	4	4	4	4	4	4	4	4
Augusta	8	8	8	8	8	8	8	8	8	8
Bell-Forsyth	2	2	2	3	3	3	3	3	3	3
Blue Ridge	3	3	3	3	3	3	3	3	3	3
Brunswick	5	5	5	5	5	5	5	5	5	5
Chattahoochee	6	6	6	6	7	7	7	7	7	7
Cherokee	4	4	4	4	4	4	4	4	4	4
Clayton	4	4	4	4	4	4	4	5	5	5
Cobb	10	10	10	10	10	10	10	10	10	10
Conasauga	4	4	4	4	4	4	4	4	4	4
Cordele	3	3	3	3	3	3	3	3	3	3
Coweta	6	6	6	6	6	7	7	7	7	7
Dougherty	3	3	3	3	3	3	3	3	3	3
Douglas	3	3	3	3	3	3	3	3	3	3
Dublin	3	3	3	3	3	3	3	3	3	3
Eastern	6	6	6	6	6	6	6	6	6	6
Enotah	3	3	3	3	3	3	3	3	3	3
Flint	3	3	3	3	3	3	3	3	3	3
Griffin	4	4	4	4	4	4	4	4	4	4
Gwinnett	10	10	10	10	10	10	10	10	10	10
Houston	3	3	3	3	3	3	3	3	3	3
Lookout Mountain	4	4	4	4	4	4	4	4	4	4
Macon	5	5	5	5	5	5	5	5	5	5
Middle	2	2	2	2	2	2	2	2	2	2
Mountain	2	2	2	2	2	2	2	2	2	2
Northeastern	4	4	4	4	4	4	4	4	5	5
Northern	3	3	3	3	3	3	3	3	3	3
Ocmulgee	5	5	5	5	5	5	5	5	5	5
Oconee	2	2	2	2	3	3	3	3	3	3
Ogeechee	3	3	3	3	3	3	3	3	3	3
Pataula	2	2	2	2	2	2	2	2	2	2
Paulding	3	3	3	3	3	3	3	3	3	3
Piedmont	3	3	3	4	4	4	4	4	4	4
Rockdale	2	2	2	2	2	2	2	2	2	2
Rome	4	4	4	4	4	4	4	4	4	4
South Georgia	2	2	2	2	2	2	2	2	2	2
Southern	5	5	5	5	5	5	5	5	5	5
Southwestern	3	3	3	3	3	3	3	3	3	3
Stone Mountain	10	10	10	10	10	10	10	10	10	10
Tallapoosa	2	2	2	2	2	2	2	2	2	2
Tifton	2	2	2	2	2	2	2	2	2	2
Toombs	2	2	2	2	2	2	2	2	2	2
Towaliga	2	2	2	2	2	2	2	2	2	2
Waycross	3	3	3	3	3	4	4	4	4	4
Western	3	3	3	3	3	3	4	4	4	4
	205	205	205	207	209	211	212	213	214	214

On Friday, July 12, 2019, the Judicial Workload Assessment Committee (JWAC) approved for recommendation to the Judicial Council a **non-binding, preliminary** ranking based on the large number of judgeship requests received for 2020. The Judicial Council will consider and rank the requests at its August 23, 2019, meeting pursuant to the Judicial Council Policy on Superior Court Judgeships and Circuit Boundary Studies. Per that policy, the Judicial Council will forward its recommendation to the Governor and the General Assembly. **The Judicial Council's ranking will be the official ranking recommendation for judgeships submitted for approval by the Legislature.**

Judgeship Recommendations – Rankings Based on Raw Score

1. Ogeechee – 1.51 (Chief Judge F. Gates Peed)
2. Flint – 1.34 (Chief Judge Brian Amero)
3. Cobb – 1.31¹ (Chief Judge Reuben Green)
4. Mountain – 1.28 (Chief Judge Russell Smith)
5. South Georgia – 1.27 (Chief Judge J. Kevin Chason)
6. Northern – 1.25 (Chief Judge Jeffery Malcom)
7. Coweta – 1.24 (Chief Judge Emory Palmer)
8. Atlantic – 1.22 (Chief Judge Robert Russell)
9. Atlanta – 1.21² (Chief Judge Robert McBurney)

Judgeship Recommendations – JWAC Preliminary Rankings as of 7/12/19³

1. Ogeechee – 1.51 (Chief Judge F. Gates Peed)
2. Flint – 1.34 (Chief Judge Brian Amero)
3. Mountain – 1.28 (Chief Judge Russell Smith)
4. South Georgia – 1.27 (Chief Judge J. Kevin Chason)
5. Cobb – 1.31 (Chief Judge Reuben Green)
6. Atlantic – 1.22 (Chief Judge Robert Russell)
- Northern – 1.25 (Chief Judge Jeffery Malcom)
(tie)
7. Coweta – 1.24 (Chief Judge Emory Palmer)
8. Atlanta – 1.21 (Chief Judge Robert McBurney)

¹ As of 7/16/19. Cobb's score was 1.30 at the time of the JWAC meeting. Score updated due to input error by clerk's office inconsistent with JC policy.

² Atlanta's previous score (1.24) updated to 1.21 during the JWAC meeting pursuant to JC policy. Score update based on new verified data.

³ Non-binding. Final rankings will be determined by the Judicial Council on 8/23/19



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 Budget
Justice Michael P. Boggs, Chair *MPS*

RE: Judicial Council Budget and Financial Report

DATE: August 7, 2019

This report will provide an update on the Fiscal Year's 2019 and 2020 Judicial Council budgets and the Amended Fiscal Year 2020 and Fiscal Year 2021 enhancement requests.

Fiscal Year 2019 Judicial Council Budget and Financial Report

Fiscal Year 2019 closed on July 12, 2019. The Judicial Council Financial Report is attached for review.

Amended Fiscal Year 2020 and Fiscal Year 2021 Judicial Council Budget Requests

The Judicial Council Standing Committee on Budget met on July 30, 2019 to consider one Amended Fiscal Year 2020 budget request submitted by Supreme Court Committee on Justice for Children and one Fiscal Year 2021 enhancement request submitted by the Judicial Council Standing Committee on Judicial Workload Assessment. The White Papers are attached for review.

Amended Fiscal Year 2020

The Supreme Court Committee on Justice for Children submitted an enhancement request for Civil Legal Services for Kinship Care Families in the amount of \$375,000. The Judicial Council Grants Committee will award competitive grants to nonprofit agencies across the state for these services. By unanimous vote, this request was approved by the Committee.

If the enhancement request is approved, the AFY2020 Judicial Council budget will increase from \$16,571,037 to \$16,946,037. The increase would represent a 2.26% increase to the Judicial Council's budget.

Fiscal Year 2021

The Judicial Council Standing Committee on Judicial Workload Assessment submitted an enhancement request for a Business Support Analyst in the amount of \$87,145. The Business Support Analyst will play a critical role in collecting and analyzing annual caseload data for Georgia's 1,095 courts. By unanimous vote, this request was approved by the Committee.

If both enhancement requests are approved, the FY2021 Judicial Council budget will increase from \$16,571,037 to \$17,033,182. The increase would represent a 2.79% increase to the Judicial Council's budget.

Attachments:

Fiscal Year 2019 Financial Report – Operations Budget

Fiscal Year 2020 Financial Report – Operations Budget

Amended Fiscal Year 2020 Enhancement Request – Kinship Care White Paper

Fiscal Year 2021 Enhancement Request – Business Support Analyst White Paper

Amended Fiscal Year 2020 and Fiscal Year 2021 Budget Comparison Reports

Judicial Council Fiscal Year 2019 Operating Budget

At Year End

Department	Project	FY 2019 Budget	YTD Expenditures	Return to State Treasury	Budget Spent
Administrative Office of The Courts		\$ 6,988,626	\$ 6,983,923	\$ 4,703	99.93%
Legal Services for Domestic Violence	103	2,500,000	2,500,000	-	100%
Georgia Council of Court Administrators	141	19,057	19,057	-	100%
Council of Municipal Court Judges	142	16,185	16,185	-	100%
Child Support Collaborative	174	119,000	108,652	10,348	91%
Council of Magistrate Court Judges	204	190,449	190,449	-	100%
Council of Probate Court Judges	205	182,176	182,176	-	100%
Council of State Court Judges	206	258,608	258,608	-	100%
Council of State Court Judges Ret.	207	2,623,814	2,623,814	-	100%
Other Judicial Council Subprograms		\$ 5,909,289	\$ 5,898,941	\$ 10,348	99.82%
Accountability Courts	195	726,926	726,823	103	100%
Inst of Continuing Jud Ed Operations	300	64,000	64,000	-	100%
Inst of Continuing Jud Ed Administration	301	523,640	523,640	-	100%
Judicial Qualifications Commission	400	819,844	819,844	-	100%
Resource Center	500	800,000	800,000	-	100%
Separate Judicial Council Programs		\$ 2,934,410	\$ 2,934,307	\$ 103	100%
TOTAL JUDICIAL COUNCIL		\$ 15,832,325	\$ 15,817,171	\$ 15,154	99.90%

Judicial Council Operations FY 2020

Budget as of July 31, 2019

Department	Project	FY 2019 Budget	YTD Expenditures	Remaining	Budget Spent
Administrative Office of The Courts		\$ 7,673,469	\$ 1,500,265	\$ 6,173,204	20%
Legal Services for Domestic Violence	103	2,500,000	2,425,000	\$ 75,000	97%
Georgia Council of Court Administrators	141	19,057	188	\$ 18,869	1%
Council of Municipal Court Judges	142	16,185	384	\$ 15,801	2%
Child Support Collaborative	174	119,000	10,244	\$ 108,756	9%
Council of Magistrate Court Judges	204	193,021	23,571	\$ 169,450	12%
Council of Probate Court Judges	205	185,454	38,110	\$ 147,344	21%
Council of State Court Judges	206	262,081	14,699	\$ 247,382	6%
Council of State Court Judges Ret.	207	2,623,814	209,027	\$ 2,414,787	8%
Other Judicial Council Subprograms		\$ 5,918,612.00	2,721,224	\$ 3,197,388	46%
Accountability Courts	195	742,070.00	40,729	\$ 701,341	5%
Inst of Continuing Jud Ed Operations	300	64,000.00	8,205	\$ 55,795	13%
Inst of Continuing Jud Ed Administration	301	545,943.00		\$ 545,943	0%
Judicial Qualifications Commission	400	826,943.00	88,477	\$ 738,466	11%
Resource Center	500	800,000.00	133,333	\$ 666,667	17%
Separate Judicial Council Programs		\$ 2,978,956.00	270,743	\$ 2,708,213	9%
TOTAL JUDICIAL COUNCIL		\$ 16,571,037.00	4,492,232	\$ 12,078,805	27%



JUDICIAL COUNCIL OF GEORGIA FY 2020 AMENDED REQUEST FORM FY 2021 ENHANCEMENT REQUEST FORM

REQUEST SUMMARY:

For use as talking points during conversations with funding and policy making bodies to include the Judicial Council, General Assembly, and Office of the Governor.

1. Which Program is requesting this Enhancement? Supreme Court Committee on Justice for Children

Judicial Council - Administrative Office of the Courts

2. Enhancement Name/Descriptor:

Civil Legal Services to Kinship Care Families

FISCAL YEAR	Current state funds received	Amount Requesting	If granted, new state funding level
<input checked="" type="checkbox"/> Amended FY 2020	\$375,000	\$375,000	\$750,00
<input type="checkbox"/> FY 2021	\$	\$	\$

3. What will the enhancement accomplish?

- This funding will provide additional grant funds to organizations for attorneys to provide holistic legal services for kinship caregivers throughout Georgia. Attorneys will be able to secure legal custody for caregivers who step up to care for children at risk of being taken into care by the State.
- Additionally, these attorneys can provide access to financial benefits, healthcare support, educational supports, and safe housing for at risk children by assuring they receive the legal representation they need.
- It is expected over 750 new cases would be opened each year with this new funding.

4. What is unable to be accomplished without the enhancement?

- Without the civil legal services that this funding would provide, children in kinship care would continue to face increased social, legal, and financial issues. Many kinship families are low-income households and face complex issues, such as access to care benefits, threat of evictions, and education access - issues that are only resolvable through the assistance of an attorney. Without this support, fewer children will be able to remain in kinship care and instead, will be placed in foster care at an increased cost to the state.

5. Does the enhancement include salaried staff and/or operations, which includes contractors? No

- Salaried staff
- Operating Funds (includes contractors)



JUDICIAL COUNCIL OF GEORGIA FY 2020 AMENDED REQUEST FORM FY 2021 ENHANCEMENT REQUEST FORM

Budget Categories	FY 2020 Amended Request	FY 2021 Enhancement Request
Personnel Services:	\$ -	\$ -
Operating Costs:		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		
Grants	\$ 375,000.00	
Indirect Costs		
Transfers		
Total Operating Budget	\$ 375,000.00	\$ -
TOTAL OVERALL BUDGET	\$ 375,000.00	\$ -
State Funds		
Other Budgeted Funds		



JUDICIAL COUNCIL OF GEORGIA FY 2020 AMENDED REQUEST FORM FY 2021 ENHANCEMENT REQUEST FORM

Which Program is requesting this Enhancement?

Judicial Council - Administrative Office of the Courts

Part 1 – Detailed Explanation of Request

1. Proposal:

This funding will provide additional support to providers of civil legal services for kinship caregivers and at risk children. Kinship care refers to full-time, non-parental care of children by grandparents, relatives, and sometimes family friends, without the assistance of parents. Relatives and other caregivers often struggle to provide for these new members of the household, who often arrive in their care following trauma or crisis.

Kinship caregiver needs include legal custody. Attorneys can also provide access to financial benefits, educational access, government support, and safe housing for at risk children by assuring they receive the legal representation needed. This funding would provide these kinship caregivers with the much needed legal assistance to ensure the home remains safe, stable, and sustainable for the children in their care.

Certain services would be specifically excluded, including:

- Class action suits;
- Criminal defense;
- Deportation proceedings;
- Juvenile delinquency;
- Indirect legal services – such as training;
- Matters to be adjudicated in courts outside of Georgia; and
- Other proceedings not related to the safety, stability, or economic security of the at risk child or kinship care family.

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

Statewide or list counties below:

Rural areas and counties with limited access to legal services

3. Current Status:

a. What is the budget unit currently doing to address this issue?

Currently, \$375,000 is approved to be granted through this program to providers of civil legal services for kinship caregivers and at risk children.

b. Will those activities continue if this request is funded? Yes.



JUDICIAL COUNCIL OF GEORGIA FY 2020 AMENDED REQUEST FORM FY 2021 ENHANCEMENT REQUEST FORM

4. Supporting Data:

- a. Provide any supporting data, evaluations, and/or research for this request.

[Will include data collected from providers after the first grants are awarded July 1, 2019]

As of March 2019, 13,308 children are in state sponsored foster care. A much larger number are informally placed with relatives and other caregivers. In 2015, the Georgia House Study Committee on Grandparents Raising Grandchildren and Kinship Care issued a report identifying the special needs of children in kinship care relationships. Census data from the American Community Survey 2016 indicate 40,814 Georgia grandparents are raising grandchildren. An Administration for Children and Families (ACF) report indicates that almost ½ co-residing Georgia grandparents are primary caregivers, nearly ½ are 60 years of age or older, and about 1/3 live in poverty.

- b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

Atlanta Legal Aid has a Kinship Care Unit consisting of 2 attorneys and 1 paralegal. In 2017, Atlanta Legal Aid as a whole handled 1721 cases for kinship caregivers, impacting 3,403 children. Of those cases, the Kinship Care Unit handled 224 of those cases, impacting 457 children.

5. Performance Measures:

- a. What measures are or will be used to evaluate the impact of this change?

Providers measure the success of the project by reporting semi-annually to the Judicial Council on the numbers of children and at-risk families served, including the types of legal representation provided. They will also provide reports on the demographics of those served, including geographic location, gender and racial breakdown and the amount of financial benefits secured for the family.

- b. If an enhancement, what is the projected cost savings or return on investment?

Studies report that informal kinship caregivers save U.S. taxpayers an estimated \$4 billion annually by caring for kin that would otherwise fall into the custody of the state. Providing civil legal services to these households increases the stability and effectiveness of care for children in care, and thereby decreasing the need, and associated costs, for DFCS involvement, including placements in non-kinship foster care homes.

- c. What efficiencies will be realized?

This funding reduces the need for intrusion by the state into the family, and reduces the high costs to the state and the devastating impact on children from intervention by: formalizing the relationship between



JUDICIAL COUNCIL OF GEORGIA FY 2020 AMENDED REQUEST FORM FY 2021 ENHANCEMENT REQUEST FORM

the child and the caregiver, helping families access economic support, helping families access supports for children living with disabilities, and helping families with estate planning to protect the child's stability if the caregiver passes away.

6. Stakeholders & Constituents:

- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).

Constituents and stakeholders include: Division of Families and Children Services, kinship caregivers, children in kinship care homes, legislators, community leaders, the private bar, juvenile judges, and other child-focused agencies and coalitions in Georgia, especially in rural and remote areas.

- b. Which are likely to support this request?

All stakeholders are likely to support this request because they each see the need to secure more stable and sustainable kinship care homes through legal services.

- c. Which are likely to oppose this request?

The Council is unaware of any opposition to this request.

- d. Which have not voiced support or opposition? None.

7. Legislation or Rule Change:

- a. Is legislation or a rule change required if this request is implemented? If so, please explain.
No.
- b. Is this request a result of a legislation or rule change? If so, please explain.
No.

8. Alternatives:

What alternatives were considered and why are they not viable?

Because the cost of civil legal services is too high for most of the kinship caregivers in Georgia, these families, unfortunately, have no other alternative.

Part 2 - BUDGET



JUDICIAL COUNCIL OF GEORGIA FY 2020 AMENDED REQUEST FORM FY 2021 ENHANCEMENT REQUEST FORM

9. Requested and Projected Resources:

a. For enhancements and certain base adjustments, describe the additional resources are you requesting. **Ensure descriptions and amounts align with the budget chart on page 2.*

b. Positions: (full-time/part-time, education required, qualifications, overview of general duties, and salaries)

c. Operational needs:

d. What are your out-year projections?

10. Methodology/Assumptions:

a. Provide the methodology and assumptions behind the requested amount and out-year projections.

The \$375,000 will cover services approximately equivalent to 5 lawyers across the state to provide legal services for one year (twelve months).

b. How did you arrive at the amounts?

Based on Atlanta Legal Aid's current budget covering 2 attorneys and 1 paralegal.

c. What time period does the request cover (i.e., the number of months)?

Twelve months.

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

None

Part 3 - OTHER INFORMATION

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

Beginning in 1999, the Georgia General Assembly appropriated funds to the Judicial Council of Georgia for grants to provide civil legal services to victims of family violence. The Judicial Council adopted general guidelines to govern the granting of these funds which are filed with the Georgia Secretary of State. It has also delegated to its Judicial Council Standing Committee on Grants (Grants Committee) the duty of accepting and evaluating grant applications and awarding grants.



JUDICIAL COUNCIL OF GEORGIA FY 2020 AMENDED REQUEST FORM FY 2021 ENHANCEMENT REQUEST FORM

The Grants Committee will oversee any new appropriation for civil legal services to aid kinship care and at risk children. The Grants Committee will award these funds starting July 1. Seventy-five percent of the grant money will be awarded pursuant to the poverty population guidelines, which is based on the most current estimates from the U.S. Census, and twenty-five percent of the grant money will be awarded to special needs areas. Special needs categories (such as homelessness or rural counties with fewer than ten attorneys) may also be considered.

Grant proposals will be considered from non-profit providers of civil legal services for kinship caregivers and at risk children in Georgia. Providers may apply for funds from both categories.

Grants will be awarded for a one-year term. Each of Georgia's forty-nine circuits will be included. The amount of funds available for distribution to grantees may change each year based on the amount of funds appropriated to the Judicial Council/Administrative Office of the Courts and the cost of the administrative oversight of these funds.

In no event shall a grantee provide free legal services to a client whose income exceeds 200% of the federal poverty guidelines.



JUDICIAL COUNCIL OF GEORGIA

FY 2020 AMENDED REQUEST FORM

FY 2021 ENHANCEMENT REQUEST FORM

REQUEST SUMMARY:

For use as talking points during conversations with funding and policy making bodies to include the Judicial Council, General Assembly, and Office of the Governor.

1. Which Program is requesting this Enhancement? Standing Committee on Judicial Workload Assessment

Judicial Council - Administrative Office of the Courts

2. Enhancement Name/Descriptor: Business Support Analyst

FISCAL YEAR	Current state funds received	Amount Requesting	If granted, new state funding level
<input type="checkbox"/> Amended FY 2020	\$0	\$ 0	\$0
<input checked="" type="checkbox"/> FY 2021	\$0	\$87,145	\$87,145

3. What will the enhancement accomplish?

- OCGA 15-5-24 tasks the Administrative Office of the Courts with collecting caseload data from 1,095 courts. The AOC employs four full-time research analysts, one of whom is dedicated solely to accountability court data. That leaves the other three analysts approximately 365 courts each that must have their data collected and analyzed. At current staff levels, the analysts spend more time assisting courts in the reporting process than analyzing the data provided. The position will play a critical role in collecting and analyzing annual caseload data from Georgia's 1,095 courts.
- The position will perform quality control on court data submissions to ensure that data received from courts is accurate and meets standards defined by the Judicial Council.
- The position will provide technical assistance to courts reporting caseload data. Technical assistance requires working familiarity with day-to-day operations of courts and a command of requested data elements. The position may require travel to courts to provide assistance.

4. What is unable to be accomplished without the enhancement?

- The annual caseload data collection process requires full-time attention from the existing group of data analysts. Providing technical support and assisting clerks with categorizing and counting individual data elements required in the report precludes the existing team of analysts from performing complex analysis and fulfilling data requests from various stakeholder groups throughout the judiciary.



JUDICIAL COUNCIL OF GEORGIA FY 2020 AMENDED REQUEST FORM FY 2021 ENHANCEMENT REQUEST FORM

- Currently, staffing levels prohibit extensive on-site data collection assistance with the periodic data review and verification to ensure that the data collected meets the current Judicial Council approved standards.
- Georgia's courts are collecting an increasing amount of operational and participant data. Policymakers need high-quality data that has been rigorously analyzed to good public policy. The Administrative Office of the Courts cannot adequately ensure data is high quality and thoroughly analyzed at its current staffing levels. Without additional data collection support, the quality of data and the quality of policymakers' decisions will suffer.

5. Does the enhancement include salaried staff and/or operations, which includes contractors?

- Salaried staff
- Operating Funds (includes contractors)



JUDICIAL COUNCIL OF GEORGIA FY 2020 AMENDED REQUEST FORM FY 2021 ENHANCEMENT REQUEST FORM

Which Program is requesting this Enhancement?

Judicial Council - Administrative Office of the Courts

Part 1 – Detailed Explanation of Request

1. Proposal:

The Administrative Office of the Courts proposes creating the new position of Business Support Analyst to focus on collecting the highest quality caseload data from Georgia courts. Hiring salary is \$47,000.

The Judicial Council relies upon the AOC to collect caseload information from 1,095 trial courts that currently operate throughout the state. The AOC is currently staffed with four full-time analysts. One of these analysts is dedicated solely to the Council of Accountability Court Judges. The technical assistance duties assigned to analyst staff preclude them performing complex analysis and fulfilling data requests from various stakeholder groups throughout the judiciary. These stakeholder groups include the Judicial Council and the respective councils for each class of court.

Circuit boundary analysis requests, judicial workload assessment, judicial salary studies, caseload trend analysis, and workload comparison requests each represent pressing needs from judicial council stakeholders. Analysts working for the AOC have less time to devote to these critical functions because of the hours invested in caseload data collection, quality assurance, and quality control.

The role of the Business Support Analyst will include complex data analysis ensuring caseload reporting operates efficiently and that the data received are reviewed for accuracy. The Business Support Analyst will also be able to provide on-site education and direct technical assistance to courts by traveling to them to assist with data reporting if needed.

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

Statewide or list counties below:

3. Current Status:

a. What is the budget unit currently doing to address this issue?



JUDICIAL COUNCIL OF GEORGIA FY 2020 AMENDED REQUEST FORM FY 2021 ENHANCEMENT REQUEST FORM

Data received from Georgia courts do not undergo a thorough quality control process. The AOC also cannot respond timely to every court's request for technical assistance. Research Analysts quality control data and travel to courts as other duties allow.

- b. Will those activities continue if this request is funded?

Yes, all four existing analysts have full-time workloads. Collecting and validating caseload data is a labor-intensive process that frequently includes reaching out to courts individually by phone and by email and sometimes requires travel to a court.

4. Supporting Data:

- a. Provide any supporting data, evaluations, and/or research for this request.

The AOC analyst dedicated full-time to only accountability courts provides robust quality control of all data received by those approximately 160 courts. This level of quality assurance is impossible with the other four analysts being assigned to over 300 courts plus their other research duties.

- b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

Accountability courts receive personal outreach by AOC staff to assist with their reporting. Staff is also able to travel to courts as needed to provide technical assistance.

5. Performance Measures:

- a. What measures are or will be used to evaluate the impact of this change?

- Increased number of courts reporting caseload data.
- Increased reliability of caseload data.

- b. If an enhancement, what is the projected cost savings or return on investment?

- All stakeholders will have more confidence in the data analyzed by the AOC. This will impact workload assessment reports and other policy decisions.

- c. How is this calculated?



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- Courts and other stakeholders will express their increased confidence directly to the Judicial Council and AOC.

d. What efficiencies will be realized?

- Within one calendar year after hiring.

e. How is this calculated?

- Data are collected on a calendar year basis.

6. Stakeholders & Constituents:

- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).

This request impacts the Judicial Council and AOC, the councils of each class of court, as well as the 1,095 trial courts in Georgia. It also impacts the policymaking bodies that rely upon caseload data to make important resource allocation decisions, including the General Assembly, county commissions, and city councils.

b. Which are likely to support this request?

The Judicial Council/AOC expects all trial court councils, court clerks, and court administrators to support this request.

c. Which are likely to oppose this request?

The Judicial Council/AOC does not anticipate any opposition to this request.

d. Which have not voiced support or opposition?

No other stakeholders have been approached at this time.

7. Legislation or Rule Change:

- a. Is legislation or a rule change required if this request is implemented? If so, please explain.



**JUDICIAL COUNCIL OF GEORGIA
FY 2020 AMENDED REQUEST FORM
FY 2021 ENHANCEMENT REQUEST FORM**

No.

- b. Is this request a result of a legislation or rule change? If so, please explain.

No.

8. Alternatives:

What alternatives were considered and why are they not viable?

The alternative is to continue with suboptimal quality control of trial court caseload data.

Part 2 - BUDGET

9. Requested and Projected Resources:

- a. For enhancements and certain base adjustments, describe the additional resources are you requesting. *Ensure descriptions and amounts align with the budget chart on page 2.

- b. Positions: (full-time/part-time, education required, qualifications, overview of general duties, and salaries)

1. Business Support Analyst – Full time. \$47,000 salary plus fringe. Entry qualifications: Bachelor’s degree in public administration or a related field from an accredited college or university.

- c. Operational needs:

Year 1 – Standard office technology, equipment, and travel costs. These cannot be covered in existing funds.

- d. What are your out-year projections?

Personnel and travel costs recur annually. Other costs will be eliminated. The ongoing cost is estimated to be \$82,145.



JUDICIAL COUNCIL OF GEORGIA FY 2020 AMENDED REQUEST FORM FY 2021 ENHANCEMENT REQUEST FORM

10. Methodology/Assumptions:

- a. Provide the methodology and assumptions behind the requested amount and out-year projections.

Not applicable.

- b. How did you arrive at the amounts?

Not applicable.

- c. What time period does the request cover (i.e., the number of months)?

The request is ongoing.

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

No impact on federal or other funds.

Part 3 - OTHER INFORMATION

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

The AOC has not increased the number of analysts dedicated to trial caseload reporting in approximately ten years. In that time, the type and amount of data requested by stakeholders has increased as has the number of courts and judges.

AFY 2020 - Budget Comparison

Judicial Council Standing Committee on Budget Report

Judicial Council Program & Subprograms	FY 2020 Request	*Enhancement Requests	AFY 2020 Request	% Change
Administrative Office of the Courts	\$ 7,673,469		\$ 8,048,469	
<i>JC/Georgia Legal Services (Grants for Legal Services to Kinship Care Families)</i>		\$ 375,000		
Child Support Collaborative	\$ 119,000		\$ 119,000	
Georgia Council of Court Administrators	\$ 19,057		\$ 19,057	
Council of Magistrate Court Judges	\$ 193,021		\$ 193,021	
Council of Probate Court Judges	\$ 185,454		\$ 185,454	
Council of State Court Judges	\$ 2,885,895		\$ 2,885,895	
Council of Municipal Court Judges	\$ 16,185		\$ 16,185	
Civil Legal Services to Victims of Domestic Violence	\$ 2,500,000		\$ 2,500,000	
Judicial Council Programs and Subprograms Total	\$ 13,592,081	\$ 375,000	\$ 13,967,081	2.76%
Other Programs				
Council of Accountability Court Judges	\$ 742,070		\$ 742,070	
Appellate Resource Center	\$ 800,000		\$ 800,000	
Judicial Qualifications Commission	\$ 826,943		\$ 826,943	
Institute of Continuing Judicial Education	\$ 609,943		\$ 609,943	
Other Programs Total	\$ 2,978,956	\$ -	\$ 2,978,956	0.00%
Total	\$ 16,571,037	\$ 375,000	\$ 16,946,037	2.26%

FY 2021 - Budget Comparison

Judicial Council Standing Committee on Budget Report

Judicial Council Program & Subprograms	AFY 2020 Request	*Enhancement Requests	AFY 2020 Request	% Change
Administrative Office of the Courts	\$ 7,673,469		\$ 8,135,614	
<i>JC/Georgia Legal Services (Grants for Legal Services for Kinship Care Families)</i>		\$ 375,000		
<i>JC Standing Committee on Judicial Workload Assessment/Business Analyst</i>		\$ 87,145		
Child Support Collaborative	\$ 119,000		\$ 119,000	
Georgia Council of Court Administrators	\$ 19,057		\$ 19,057	
Council of Magistrate Court Judges	\$ 193,021		\$ 193,021	
Council of Probate Court Judges	\$ 185,454		\$ 185,454	
Council of State Court Judges	\$ 2,885,895		\$ 2,885,895	
Council of Municipal Court Judges	\$ 16,185		\$ 16,185	
Civil Legal Services to Victims of Domestic Violence	\$ 2,500,000		\$ 2,500,000	
Judicial Council Programs and Subprograms Total	\$ 13,592,081	\$ 462,145	\$ 14,054,226	3.40%
Other Programs				
Council of Accountability Court Judges	\$ 742,070		\$ 742,070	
Appellate Resource Center	\$ 800,000		\$ 800,000	
Judicial Qualifications Commission	\$ 826,943		\$ 826,943	
Institute of Continuing Judicial Education	\$ 609,943		\$ 609,943	
Other Programs Total	\$ 2,978,956	\$ -	\$ 2,978,956	0%
Total	\$ 16,571,037	\$ 462,145	\$ 17,033,182	2.79%



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: August 9, 2019

On July 30, 2019, the Standing Committee on Legislation (“Committee”) met to discuss legislative items for the 2020 Session of the General Assembly. The Committee makes the following recommendations to the Judicial Council:

I. Council of Magistrate Court Judges

Salary increase

OCGA Titles 15; 21; 48

The Committee recommended the Judicial Council support legislation to provide for a five percent salary increase for magistrate court judges. However, after the meeting, the Council advised that they would like to provide this item **for informational purposes only** and not seek a Judicial Council position. (*Information and draft language attached*)

II. Council of Magistrate Court Judges

Bond in misdemeanor family violence cases

OCGA § 17-6-1

The Committee recommends the Judicial Council **support** legislation to amend OCGA § 17-6-1 to provide judges more discretion when determining the bail of an individual accused of a new family violence misdemeanor offense under certain conditions. (*Information and draft language attached*)

**III. Judicial Council Standing Committee on Court Reporting Matters
Modernize and update the Court Reporting Act**

OCGA Titles 5; 9; 15; 17

The Committee recommends the Judicial Council **support** legislation to modernize and update the Court Reporting Act of Georgia and related statutes, to include authorization for the use of digital recording systems in courts and for the development of rules and regulations to govern such use. After the meeting, the Committee on Court Reporting Matters submitted revised draft language to clarify and clean up a few points. (*Information and revised draft language attached*)

**IV. Georgia Commission on Dispute Resolution
Uniform Mediation Act**

The Committee recommends the Judicial Council **support** legislation to enact the Uniform Mediation Act in Georgia. (*Information and link to the Uniform Mediation Act attached*)

V. Authority to Act

The Committee requests approval to make decisions or take positions on legislation and related policy issues on behalf of the Judicial Council during the 2020 Legislative Session when time constraints prevent the convening of the full Judicial Council.

Council of Magistrate Court Judges – 7.2019
Salary legislation proposal

Cover sheet for proposed Magistrate Legislation

1. **Why is this change needed?** The proposed legislation creates a new base salary for magistrate judges. The new base includes a 5 percent increase in addition to all the COLAs applied to date. This is modeled on the increase provided in SB 171 (2019) for the other constitutional officers.

Magistrates have not had a salary increase in over 13 years. The other constitutional officers received an increase last year and this will bring us in line with those officials, including the Probate Judges. We believe our class of court is the only class to not have received an increase since 2007. In addition, the Probate/Magistrate judges serving both courts, elected NOT to receive the increase last year as they felt it was not fair to receive it when Magistrates as a whole were not received, they did however receive the COLAs that were rolled up into the base. Therefore, the Council of Magistrate Court Judges is including the subsection to include the Probate/Magistrates as well.

- a. **Has it been tried before?** There is SB180 in the Senate right now and we need to tweak what is in that bill or start over. SB171 was passed last year and dealt with COAG members so the Probate Judges received their 5% increase while the Probate/Magistrates did not. We have worked with ACCG and will continue to do so.
 - b. **Result if tried before?** SB 180 is still alive and the only reason it never went through is that the sponsor was really busy on a controversial piece of legislation and had little time to work on this one.
 - c. **How much political capital is needed?** We will need political capital and support from the Judicial Council if only because salary bills can be tricky. But we must expend this capital to bring us in line with the other judges. However, with ACCG's understanding and the other county officials receiving such an increase, the political capital should be less than it would be in later years.
2. **Will there be support/opposition from any other groups?** ACCG should be understanding and remain neutral as long as we include them in our discussions, which we plan to do.
 - a. What are or might be the issues of contention? We don't think there will be any as we have been working with ACCG.
 - b. Have we reached out to any of the groups to work out issues or get support yet? ACCG and Probate Magistrates on both the Probate Exec and CM CJ Exec who are aware of this bill and will plan to help us.

Council of Magistrate Court Judges – 7.2019
Salary legislation proposal

3. **How will this affect the magistrate court system?** It will help all magistrates by rolling the COLA's into the base salary. It will help attract better qualified candidates for judges with an increased salary.
 - a. **Will it help only rural or small counties?** NO
 - b. **Is this to help metro?** NO It likely won't affect metro at all since they generally have supplements.
 - c. **Will it hurt any of our membership?** This should help all Magistrates in the Council, including those that serve as Probate as well.

House Bill _____

By:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 15, Chapter 2 of Title 21, and Chapter 5 of Title 48 of the Official Code of,
2 Georgia Annotated relating to courts, primaries and elections generally, and ad valorem
3 taxation of property, respectively, so as to modify the compensation of various local
4 government officials; to provide a salary increase for various local government officials; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
9 subsection (a) of Code Section 15-10-23, relating to minimum compensation and
10 annual salary schedule for Chief Magistrates and magistrates, as follows:

11 "(a)(1) Any other provision of law to the contrary notwithstanding, the minimum annual
12 salary of each Chief Magistrate in each county of this state, who regularly exercises
13 the powers of the Chief Magistrate as set forth in Code Section 15-10-2. In the case of
14 all other magistrates, such term means a magistrate who is appointed to full-time
15 magistrate position and who regularly exercises the powers of a magistrate as set forth
16 in Code Section 15-10-2 shall be fixed according to the population of the county
17 in which he or she serves, as determined by the United States decennial census of ~~2000~~

18 2010 or any future such census; provided, however, that such annual salary shall be
 19 recalculated in any year following a census year in which the Department of
 20 Community Affairs publishes a census estimate for the county prior to July 1 in
 21 such year that is higher than the immediately preceding decennial census.

22 (2) Unless otherwise provided by local law, effective January 1, 2006, any of the laws
 23 to the contrary notwithstanding, the chief magistrate of each county who serves in a
 24 full-time capacity other than those counties where the probate judge serves as chief
 25 Magistrate, and each chief magistrate shall receive an annual salary, payable in equal
 26 monthly installments from the funds of the county, of not less than the amount fixed in
 27 the following schedule:

<u>Population</u>	<u>Minimum Salary</u>
0 - 5,999	\$ 29,832.20 <u>\$ 35,928.93</u>
6,000 - 11,889	40,967.92 <u>49,340.42</u>
11,890 - 19,999	46,408.38 <u>56,451.65</u>
20,000 - 28,999	49,721.70 <u>59,883.13</u>
29,000 - 38,999	53,035.03 <u>64,512.39</u>
39,000 - 49,999	56,352.46 <u>68,547.73</u>
50,000 - 74,999	63,164.60 <u>76,834.09</u>
75,000 - 99,999	67,800.09 <u>82,472.75</u>
100,000 - 149,999	72,434.13 <u>88,109.64</u>
150,000 - 199,999	77,344.56 <u>94,082.74</u>
200,000 - 249,999	84,458.82 <u>102,736.58</u>
250,000 - 299,999	91,682.66 <u>111,523.74</u>
300,000 - 399,999	101,207.60 <u>123,109.97</u>
400,000 - 499,999	105,316.72 <u>128,108.37</u>

43 500,000 or more ~~109,425.84~~ 133,106.73

37 (2) Effective January 1st, 2021, unless otherwise provided by local law and any other
 38 provision of law to the contrary notwithstanding, the minimum annual salary of each
 39 chief magistrate in each county of this state shall be fixed according to the population
 40 of the county in which he or she serves, as determined by the United States decennial
 41 census of 2010 or any future such census; provided, however, that such annual salary
 42 shall be recalculated in any year following a census year in which the Department of
 43 Community Affairs publishes a census estimate for the county prior to July 1 in such
 44 year that is higher than the immediately preceding decennial census. Notwithstanding
 45 the provisions of this subsection unless otherwise provided by local law, effective
 46 January 1, 1996, in any county in which more than 70 percent of the population
 47 according to the United States Decennial census of 2010 or any further such census
 48 resides on the property of the United States government which is exempt for taxation
 49 by this state, the population of the county for the purposes of this subsection shall be
 50 deemed to be the total population of the county minus the population of the county
 51 which resides on the property of the United States government. Each Chief Magistrate
 52 shall receive an annual salary, payable in equal monthly installments from the funds of
 53 the county, or not less than the amount fixed in the following schedule:

<u>Population</u>	<u>Minimum Salary</u>
54 0 - 5,999	\$ 35,928.93
49 6,000 - 11,889	49,340.92
50 11,890 - 19,999	56,451.65
51 20,000 - 28,999	59,883.13
52 29,000 - 38,999	64,512.39
53 39,000 - 49,999	68,547.73

54	<u>50,000 - 74,999</u>	<u>76,834.09</u>
55	<u>75,000 - 99,999</u>	<u>82,472.75</u>
56	<u>100,000 - 149,999</u>	<u>88,109.64</u>
57	<u>150,000 - 199,999</u>	<u>94,082.71</u>
58	<u>200,000 - 249,999</u>	<u>102,736.58</u>
59	<u>250,000 - 299,999</u>	<u>111,523.74</u>
60	<u>300,000 - 399,999</u>	<u>123,109.97</u>
61	<u>400,000 - 499,999</u>	<u>128,108.37</u>
62	<u>500,000 or more</u>	<u>133,106.73</u>

55 (3) All other chief magistrates shall receive a minimum monthly salary equal to the
 56 hourly rate that full-time chief magistrate of the county would receive according to
 57 paragraph (2) of this subsection multiplies by the number of actual hours worked by
 58 the chief magistrate as certified by the chief magistrate to the county governing

59
 60 (4) Unless otherwise provided by local law, each magistrate who serves in full-time
 61 capacity other than the chief magistrate shall receive a minimum monthly salary of
 62 ~~\$3,851.46~~ \$4,685.00 per month or 90 percent of the monthly salary that a full-time
 63 chief magistrate would receive according to paragraph (2) of this subsection.

64 (5) All magistrate other than chief magistrates who serve in less than a full-time
 65 capacity or on call shall receive a minimum monthly salary of ~~\$22.22~~ \$27.07 per hour
 66 for each hour worked as certified by the chief magistrate to the county governing
 67 authority or 90 percent of the monthly salary that a full-time chief magistrate would
 68 receive according to paragraph (2) of this subsection; provided however, that
 69 notwithstanding any other provisions of this subsection, no magistrate who serves in
 70 less than a full-time capacity shall receive a minimum monthly salary of less than
 71 ~~\$592.58~~ \$720.86 unless a magistrate waives such minimum monthly salary in writing.

72 (6) Magistrates shall be compensating solely on salary basis and no in whole of in part

73 from fees. The salaries and supplements of all magistrates shall be paid in equal
74 monthly installments from the county funds.

SECTION 2.

75 Said title is further amended by revising subsections (b) through (d) of Code
76 Section 15-10-105, relating to selection of clerk of magistrate court and
77 compensations, as follows:

78 (b) With the consent of the clerk of superior court, the county governing
79 authority may provide that the clerk of superior court shall serve as the clerk of
80 magistrate court and shall be compensated from his or her services as clerk of
81 magistrate court in an amount not less than ~~\$323.59~~ \$393.66 per month. With
82 the consent of the clerk of superior court and clerk of state court, the county
83 governing authority may provide that the state court clerk shall serve as clerk of
84 magistrate court and shall be compensated from his or her services and as clerk
85 of magistrate court in an amount not less than ~~\$323.59~~ \$393.66 per month. Such
86 compensation shall be retained by the clerk of superior court as his or her
87 personal funds without regard to whether he or she is otherwise compensated on
88 fee basis or salary basis or both.

89 (c) If the clerk of superior court or the clerk of state court does not serve as clerk
90 of magistrate court, then the county governing authority may provide for the
91 appointment by the chief magistrate of a clerk to serve at the pleasure of the
92 chief magistrate. A clerk of magistrate court so appointed shall be compensated
93 in an amount fixed by the county governing authority at not less than ~~\$323.59~~
94 \$393.66 per month.

95 (d) If there is no clerk of magistrate court, the chief magistrate or some other
96 magistrate appointed by the chief magistrate shall perform the duties of clerk. A

97 chief performing the duties of clerk or another magistrate appointed by the chief
98 magistrate to perform the duties of clerk, shall receive, in addition to any other
99 compensation to which he or she is entitled, compensation for performing the
100 duties of clerk, the amount of which compensation shall be fixed by the county
101 governing authority at not less than ~~\$323.59~~ \$393.66 per month.

102 (e) The compensation of the clerk or magistrate performing the duties of clerk
103 shall be paid in equal monthly installments from county funds.

104 SECTION 3.

105 All laws and parts of laws in conflict with this ACT are repealed.

**§ 15-9-63.1. Compensation for services as magistrate or chief
magistrate; longevity increases**

(a) Beginning January 1, ~~2002~~ 2021, in any county in which the probate judge serves as chief magistrate or magistrate, he or she shall be compensated for such services based on a minimum annual amount of ~~\$11,642.54~~ \$14162.10 provided, however, that compensation for a probate judge shall not be reduced during his or her term of office. A county governing authority shall not be required to pay the compensation provided by this subsection beyond the term for which such probate judge serves as a chief magistrate or magistrate.

Council of Magistrate Court Judges – 7.2019
Bond in misdemeanor family violence cases legislation proposal

Cover sheet for proposed Magistrate Legislation

1. Why is this change needed?

The current law requires Magistrates to set bond on all misdemeanor offenses, with very limited exceptions. These exceptions are so narrow, that if a defendant is on bond for a crime of family violence, and is arrested and charged with a new misdemeanor crime of family violence, the Court shall grant bond. This can place victims at risk for influence, intimidations, further abuse, and even murder.

- a. Has it been tried before? No
- b. Result if tried before?
- c. How much political capital is needed? Not likely too much since it's a very logical change. We will be checking with domestic violence advocacy groups and victim advocates, as well as the defense bar.

2. Will there be support/opposition from any other groups? The only possible opposition would likely be from the Public Defenders and GACDL. However, they haven't challenged the provision that requires us to impose a DVIP class as a condition of bond even when the defendant has no prior history of family violence arrests/convictions. The Prosecuting Attorney's Council does support this change as we have spoken with them already.

- a. What are or might be the issues of contention? None that we know at the moment.
- b. Have we reached out to any of the groups to work out issues or get support yet? Only PAC so far, but we are continuing to reach out to others.

3. How will this affect the magistrate court system?

- a. **Will it help only rural or small counties?** No, it will help communities of all sizes.
- b. **Is this to help metro?** No this is a change to help all communities. And as the change would give judges discretion, any metro judge concerned about jail overcrowding can still exercise his or her discretion and grant bond.
- c. **Will it hurt any of our membership?** No

§ 17-6-1. Where offenses bailable; procedure; schedule of bails; appeal bonds

(a) The following offenses are bailable only before a judge of the superior court:

- (1) Treason;
- (2) Murder;
- (3) Rape;
- (4) Aggravated sodomy;
- (5) Armed robbery;
- (5.1) Home invasion in the first degree;
- (6) Aircraft hijacking and hijacking a motor vehicle in the first degree;
- (7) Aggravated child molestation;
- (8) Aggravated sexual battery;
- (9) Manufacturing, distributing, delivering, dispensing, administering, or selling any controlled substance classified under Code Section 16-13-25 as Schedule I or under Code Section 16-13-26 as Schedule II;
- (10) Violating Code Section 16-13-31 or Code Section 16-13-31.1;
- (11) Kidnapping, arson, aggravated assault, or burglary in any degree if the person, at the time of the alleged kidnapping, arson, aggravated assault, or burglary in any degree, had previously been convicted of, was on probation or parole with respect to, or was on bail for kidnapping, arson, aggravated assault, burglary in any degree, or one or more of the offenses listed in paragraphs (1) through (10) of this subsection;
- (12) Aggravated stalking; and
- (13) Violations of Chapter 15 of Title 16.

(b)

(1) All offenses not included in subsection (a) of this Code section, inclusive of offenses that are violations of local ordinances, are bailable by a court of inquiry. Except as provided in subsection (g) of this Code section, at no time, either before a court of inquiry, when indicted or accused, after a motion for new trial is made, or while an appeal is pending, shall any person charged with a misdemeanor be refused bail. When determining bail for a person charged with a misdemeanor, courts shall not impose excessive bail and shall impose only the conditions reasonably necessary to ensure such person attends court appearances and to protect the safety of any person or the public given the circumstances of the alleged offense and the totality of circumstances.

(2) Except as otherwise provided in this chapter:

(A) A person charged with violating Code Section 40-6-391 whose alcohol concentration at the time of arrest, as determined by any method authorized by law, violates that provided in paragraph (5) of subsection (a) of Code Section 40-6-391 may be detained for a period of time up to six hours after booking and prior to being released on bail or on recognizance; and

(B) When an arrest is made by a law enforcement officer without a warrant upon an act of family violence or a violation of a criminal family violence order pursuant to Code Section 17-4-20, the person charged with the offense shall not be eligible for bail prior to the arresting officer or some other law enforcement officer taking the arrested person before a judicial officer pursuant to Code Section 17-4-21.

(3) (A) Notwithstanding any other provision of law, a judge of a court of inquiry may, as a condition of bail or other pretrial release of a person who is charged with violating Code Section 16-5-90 or 16-5-91, prohibit the defendant from entering or remaining present at the victim's school, place of employment, or other specified places at times when the victim is present or intentionally following such person.

~~(B) If the evidence shows that the defendant has previously violated the conditions of pretrial release or probation or parole which arose out of a violation of Code Section 16-5-90 or 16-5-91, the judge of a court of inquiry may impose such restrictions on the defendant which may be necessary to deter further stalking of the victim, including but not limited to denying bail or pretrial release. After a hearing on the issue of bail and/or~~

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~~pretrial release~~ for any misdemeanor offense involving an act of family violence, if the evidence shows that the defendant has, in the commission of the pending misdemeanor offense, violated one or more of the following:

- (1) a condition of a pretrial release order; ~~or, OR,~~
- (2) a condition of probation or parole which arose out of a violation of Code Section 16-5-90 or 16-5-91; ~~or OR,~~
- (3) a condition of a family violence order as set forth in Code Section 16-5-95; ~~or OR, or~~
- (4) a condition of a Good Behavior bond pursuant to Code Section 17-6-90 or Bond to Keep the Peace pursuant to Code Section 17-6-110; ~~or~~

~~a~~And, which pending misdemeanor offense involves the same victim as set forth in any of the above orders, the judge of a court of inquiry may impose such restrictions on the defendant which may be necessary to deter further crimes against the victim, including but not limited to, denying bail ~~or pretrial release.~~

(c)

- (1)** In the event a person is detained in a facility other than a municipal jail for an offense which is bailable only before a judge of the superior court, as provided in subsection (a) of this Code section, and a hearing is held pursuant to Code Section 17-4-26 or 17-4-62, the presiding judicial officer shall notify the superior court in writing within 48 hours that the arrested person is being held without bail. If the detained person has not already petitioned for bail as provided in subsection (d) of this Code section, the superior court shall notify the district attorney and shall set a date for a hearing on the issue of bail within 30 days after receipt of such notice.
- (2)** In the event a person is detained in a municipal jail for an offense which is bailable only before a judge of the superior court as provided in subsection (a) of this Code section for a period of 30 days, the municipal court shall notify the superior court in writing within 48 hours that the arrested person has been held for such time without bail. If the detained person has not already petitioned for bail as provided in subsection (d) of this Code section, the superior court shall notify the district attorney and set a date for a hearing on the issue of bail within 30 days after receipt of such notice.
- (3)** Notice sent to the superior court pursuant to paragraph (1) or (2) of this subsection shall include any incident reports and criminal history reports relevant to the detention of such person.
- (d)** A person charged with any offense which is bailable only before a judge of the superior court as provided in subsection (a) of this Code section may petition the superior court requesting that such person be released on bail. The court shall notify the district attorney and set a date for a hearing within ten days after receipt of such petition.
- (e)** (1) A court shall be authorized to release a person on bail if the court finds that the person:
 - (A)** Poses no significant risk of fleeing from the jurisdiction of the court or failing to appear in court when required;
 - (B)** Poses no significant threat or danger to any person, to the community, or to any property in the community;
 - (C)** Poses no significant risk of committing any felony pending trial; and
 - (D)** Poses no significant risk of intimidating witnesses or otherwise obstructing the administration of justice.
- (2)** When determining bail, as soon as possible, the court shall consider:
 - (A)** The accused's financial resources and other assets, including whether any such assets are jointly controlled;
 - (B)** The accused's earnings and other income;
 - (C)** The accused's financial obligations, including obligations to dependents;
 - (D)** The purpose of bail; and
 - (E)** Any other factor the court deems appropriate.

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(3) If the person is charged with a serious violent felony and has already been convicted of a serious violent felony, or of an offense under the laws of any other state or of the United States which offense if committed in this state would be a serious violent felony, there shall be a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the person as required or assure the safety of any other person or the community. As used in this subsection, the term "serious violent felony" means a serious violent felony as defined in Code Section 17-10-6.1.

(f)

(1) Except as provided in subsection (a) of this Code section or as otherwise provided in this subsection, the judge of any court of inquiry may by written order establish a schedule of bails and unless otherwise ordered by the judge of any court, an accused shall be released from custody upon posting bail as fixed in the schedule.

(2) For offenses involving an act of family violence, as defined in Code Section 19-13-1, bail or other release from custody shall be set by a judge on an individual basis and a schedule of bails provided for in paragraph (1) of this subsection shall not be utilized; provided, however, that the judge shall include a listing of specific conditions which shall include, but not be limited to, having no contact of any kind or character with the victim or any member of the victim's family or household, not physically abusing or threatening to physically abuse the victim, the immediate enrollment in and participation in domestic violence counseling, substance abuse therapy, or other therapeutic requirements.

(3) For offenses involving an act of family violence, the judge shall determine whether one or more specific conditions shall be used, except that any offense involving an act of family violence and serious injury to the victim shall be bailable only before a judge when the judge or the arresting officer is of the opinion that the danger of further violence to or harassment or intimidation of the victim is such as to make it desirable that the consideration of the imposition of additional conditions as authorized in this Code section should be made. Upon setting bail in any case involving family violence, the judge shall give particular consideration to the exigencies of the case at hand and shall impose any specific conditions as he or she may deem necessary. As used in this Code section, the term "serious injury" means bodily harm capable of being perceived by a person other than the victim and may include, but is not limited to, substantially blackened eyes, substantially swollen lips or other facial or body parts, substantial bruises to body parts, fractured bones, or permanent disfigurements and wounds inflicted by deadly weapons or any other objects which, when used offensively against a person, are capable of causing serious bodily injury.

(4) For violations of Code Section 16-15-4, the court shall require increased bail and shall include as a condition of bail or pretrial release that the accused shall not have contact of any kind or character with any other member or associate of a criminal street gang and, in cases involving an alleged victim, that the accused shall not have contact of any kind or character with any such victim or any member of any such victim's family or household.

(5) For offenses involving violations of Code Section 40-6-393, bail or other release from custody shall be set by a judge on an individual basis and not a schedule of bails pursuant to this Code section.

(g) No appeal bond shall be granted to any person who has been convicted of murder, rape, aggravated sodomy, armed robbery, home invasion in any degree, aggravated child molestation, child molestation, kidnapping, trafficking in cocaine or marijuana, aggravated stalking, or aircraft hijacking and who has been sentenced to serve a period of incarceration of five years or more. The granting of an appeal bond to a person who has been convicted of any other felony offense or of any misdemeanor offense involving an act of family violence as defined in Code Section 19-13-1, or of any offense delineated as a high and aggravated misdemeanor or of any offense set forth in Code Section 40-6-391, shall be in the discretion of the convicting court. Appeal bonds shall terminate when the right of appeal terminates, and such bonds shall not be effective as to any petition or application for writ of certiorari unless the court in which the petition or application is filed so specifies.

(h) Except in cases in which life imprisonment or the death penalty may be imposed, a judge of the superior court by written order may delegate the authority provided for in this Code section to any judge of any court of

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inquiry within such superior court judge's circuit. However, such authority may not be exercised outside the county in which said judge of the court of inquiry was appointed or elected. The written order delegating such authority shall be valid for a period of one year, but may be revoked by the superior court judge issuing such order at any time prior to the end of that one-year period.

(i) As used in this Code section, the term "bail" shall include releasing of a person on such person's own recognizance, except as limited by Code Section 17-6-12.

(j) For all persons who have been authorized by law or the court to be released on bail, sheriffs and constables shall accept such bail; provided, however, that the sureties tendered and offered on the bond are approved by the sheriff of the county in which the offense was committed.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Legislation Committee
FROM: Court Reporting Matters Committee
RE: Overview of Proposed Legislation to Amend Court Reporting-Related Laws
DATE: July 19, 2019

I. Background

At the last Court Reporting Matters Committee (CRMC) meeting, the Committee voted to support legislation that would update and modernize the law of court reporting in Georgia, including enabling the use of digital recording systems in trial courts to support and supplement traditional stenographic court reporting. Georgia law currently does not provide comprehensive statutory or rule-based guidance providing for the use of these systems. Some judges across the classes of trial courts have been using versions of these systems and have been engaging in pilot projects, and the Committee recommends the creation of a legal and regulatory framework that ensures that transcripts generated by the use of these systems are true, complete, and correct and that they can be produced reliably and accurately. This memo briefly outlines the proposed framework, and attached are proposed statutory changes.

This proposal attempts to address the problems posed by the shortage of court reporters. Georgia is currently facing an ongoing, accelerating shortage of stenographic court reporters. This problem is not unique to Georgia; there is a nation-wide shortage of court reporters in both state-level trial courts and the federal courts. Currently, the average age of court reporters in Georgia is 54 years old, with a full 70% of certified court reporters being over the age of 50. Only 7% of court reporters are 34 years old or younger. This shortage is only predicted to grow more severe as court reporters continue to retire and fewer new reporters become licensed. Across the country and in the federal system, courts have successfully utilized digital recording technology to supplement traditional stenographic court reporting.

The current shortage of court reporters has already had an impact on the administration of justice in Georgia. Owens v. State, 303 Ga. 254 (2018). This shortage has lead, in some areas, to delays in scheduling cases, as courts are unable to locate enough court reporters to cover hearings. Further, the shortage has lead to significant delays in transcript production time. *Id.* at 258 (noting a 19 year delay in appellant's case). Indeed, delay in transcript production, often reaching several

years, is one of the most common grounds cited in complaints against court reporters received by the Board of Court Reporting. The inability of litigants to obtain a transcript in a timely fashion directly impacts their ability to access the appellate courts. Additionally, staff of the Board of Court Reporting has experienced an increasing volume of inquiries from attorneys, parties, and court personnel who are having difficulty obtaining transcripts from reporters who have retired, become ill, or passed away suddenly, and whose records are unavailable or in a format that cannot be transcribed easily or affordably. The public's ability to access the justice system has been significantly impacted by this issue.

Further, in our current system, court reporters often retain the original evidence from trials, which can lead to incredible difficulties on re-trial as reporters retire and move away and original physical evidence becomes lost. All of these problems create inefficiencies and increase costs both to litigants and to court budgets, and the problems posed by the current system will only continue to worsen if action is not taken proactively to enable courts to create the record in an efficient and cost-effective manner.

II. Overview of Proposal

First, the proposal provides critical cleanup to almost every court reporting related statute in Georgia. For example, the Civil Practice Act is amended to make it clear that the original copy of a deposition transcript in an e-filing jurisdiction may be a digital copy, which will enable attorneys to more easily file the "original" PDF transcript with an e-filing system. Additionally, the proposal requires clerks or other designated court personnel to retain the physical evidence in trials, taking this burden away from the court reporters.

Additionally, large sections of the Court Reporting Act are amended to place more discretion in the Board of Court Reporting. The current statutes governing the licensing of court reporters are very detailed, and include detailed provisions, for example, requiring reporters to renew their licenses by April 1, for example. Similarly, the law presumes that the Board will administer a test of court reporting skills before awarding a license, but this practice was abandoned years ago for a variety of reasons, and the Board currently does not provide a test. Instead, the Board requires proof of a nationally-recognized court reporting certification. As regulatory priorities have shifted and technology has advanced over the four decades since this law was enacted, compliance with the Act has become an increasing burden on Board members and staff. The proposal would grant more discretion in the Board to create rules governing the regulation of the industry. In addition, the proposal recognizes that different classes of courts may face different court reporting challenges and permits more representation from judges from those classes of court to serve on the Board.

Most significantly, however, the proposal amends Chapter 14 of Title 5 (Court Reporting) to allow the Board of Court Reporting to regulate the use of digital recording systems as an alternative method for creating trial transcripts. The Board is tasked with promulgating rules for the use of the systems, including statewide minimum technical standards for their use. The new statute creates two new licenses: a certified digital operator and a certified transcriptionist. Digital recording systems, when used in lieu of court reporters, must be operated by a digital operator and

the resulting transcript must be created by a certified transcriptionist (all certified court reporters will be able to receive a license as a certified transcriptionist). Only transcripts certified by a certified court reporter or certified transcriptionist are entitled to the presumption that they are true, complete, and correct.

Finally, the discretion regarding whether to use a digital recording system or a traditional court reporter is vested in each individual judge. However, where a judge wishes to use a digital recording system in lieu of a court reporter, that judge must utilize a system that complies with the rules of the Board of Court Reporting. OCGA § 15-14-1. Related statutes, such as the Appellate Practice Act and two provisions in Title 17, are amended to conform with this system.



Judicial Council of Georgia Standing Committee on Legislation Legislative Support Request/Informational Item 2020 Session

Council/Organization: Court Reporting Matters Committee of the Judicial Council

Subject Matter: Modernizing and updating court-reporting related statutes.

Code Section(s): OCGA §§ 5-6-41, 15-5-21, 15-6-11, 15-11-17, 15-14-1, 15-14-5, OCGA §§ 15-14-21 through -24; OCGA 15-14-26, -28, -29 through -33, and -36; OCGA §§ 17-5-55, 17-8-5; and OCGA §§ 9-11-29.1, 9-11-30.

1. Overview: Describe the proposal/legislation and its purpose.

The proposed legislation will modernize and update a wide range of court reporting related statutes. The proposed changes will modernize the Court Reporting Act (OCGA § 15-14-20 *et seq.*), which was originally enacted in 1974 and last substantively updated in 1993. The proposal will also provide for the creation of rules and regulations governing the use of digital recording systems in courts, ensuring the accuracy and reliability of transcript generated by such systems. Further, the proposal will update the Civil Practice Act to accommodate e-filing of deposition transcripts. It will not affect deposition procedures in any other way.

Please see attached memo for more information.

2. Priority: Is this legislation of high, medium or low importance to your council?

High priority.

3. Stakeholders & Constituents:

- a. Describe the constituent and stakeholder groups that may be affected by this proposal (e.g., executive branch, other governmental entities, other agencies).
- b. Which are likely to support this request?
- c. Which are likely to oppose this request?
- d. Which have not voiced support or opposition?

A number of stakeholder groups will be affected by the proposal. The proposed changes will impact all classes of trial courts, although we anticipate that superior courts and state courts will be the most affected courts as they use court reporters the most. However, our proposal requires the Board of Court Reporting to promulgate statewide minimum standards for the use of digital recording systems in all classes of trial court. Thus, some municipal, juvenile, probate, and magistrate courts that currently use older digital recording systems may need to implement upgrades under the new rules. However, we feel that the respective councils of each class of court could ultimately support the proposal, since it vests the ultimate discretion about whether to implement these systems in each individual judge. Judges who do not wish to use a digital recording system may simply continue using traditional court reporting services, which will remain unchanged.



Judicial Council of Georgia Standing Committee on Legislation Legislative Support Request/Informational Item 2020 Session

The bar will also be affected, in that it will be easier to manage deposition transcripts, and in that attorneys will no longer need to receive and then file paper copies of depositions. Additionally, while some attorneys oppose the use of digital recording systems for court proceedings, we hope that the majority will recognize the efficiencies they can bring in comparison to traditional court reporting services. We believe that prosecutors and the defense bar are aware of the problems with the current system of providing court reporting services in the state, particularly in light of the publicity surrounding the Owens decision (Owens v. State, 303 Ga. 254 (2018)). Thus, we hope that PAC, the GPDC, and GACDL will support the legislation as well.

Additionally, civil trial and appellate attorneys and their clients experience significant delays in transcript production under the current system. Since civil matters are not impacted by the 120-day rule for criminal cases, and because incarcerated clients often receive expedited service, civil transcript production is often extremely delayed. Thus, we believe that groups such as GTLA and the appellate section of the state bar will support the legislation. Additionally, anything that reduces the cost of litigation, as this proposal hopefully will, would be welcomed by legal aid and pro bono advocacy groups such as Atlanta Legal Aid, Georgia Legal Services, and the Atlanta Volunteer Lawyers Foundation. Ultimately we think the bar and relevant legal organizations are likely to support the legislation.

County governments will be impacted. Court reporting services can be expensive, and can comprise a significant line item in county budgets. The availability of guidelines for the use of digital recording systems will enable counties to implement potentially significant cost savings, and we think that ACCG would likely support the proposal.

Municipal governments, however, unlike counties, generally do not fund court reporting services in municipal courts at all. The imposition of new requirements on any digital recording systems in use may not be supported by municipal governments, since this could only conceivably increase the cost of running a municipal court, and thus, GMA may oppose the bill.

Clerks of superior court and state court may support the bill, if only because it cleans up the process for filing deposition transcripts under the new e-filing law, which has become one of an issue in e-filing jurisdictions. However, they may oppose the additional burden placed on them to retain the evidence in trials—this cost is currently born by court reporters.

Further, the delay in transcript production times and the inability of litigants to access affordable court reporting services impacts all litigants and the public more generally. The public cannot access justice if it cannot access a record of court proceedings. Delays in transcript production and the cost of traditional court reporting services directly impact litigants' ability to access the appellate courts. The public as a whole is a stakeholder that is impacted by this issue, and we hope the public would support the bill.

Finally, because court reporters, nationally, routinely lobby against any effort in any state to permit digital court recording in addition to traditional stenographic court recording, we anticipate that court reporters will oppose this bill. However, we hope to address any concerns of



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court reporters by making clear that digital court reporting is not intended to replace traditional court reporting.

- 4. Supporting data:** Summarize any supporting data, evaluations, and/or research for this request.

As discussed further in the attached memo, the current shortage of court reporters is only worsening, and it has continued to impact the administration of justice in Georgia. Currently, the average age of court reporters in Georgia is 54 years old, with a full 70% of certified court reporters being over the age of 50. Only 7% of court reporters are 34 years old or younger. Courts in various areas of the state report increasing problems locating court reporting services, and this shortage will only become worse as more reporters retire.

- 5. Additional impact:** Will this request require a constitutional amendment or new court rule? Explain why the purpose of the bill cannot be achieved without legislation, if applicable.

This proposal will require both the Board of Court Reporting and the Judicial Council to promulgate new rules, which will replace the existing rules promulgated by both those groups regulating the practice of court reporting. The Court Reporting Act and related statutes are extremely detailed in delineating what and how court proceedings may be taken down and how the practice of court reporting is regulated, and it is not possible to make rules that contradict the existing statutes.

- 6. Budget:** Will this legislation have a fiscal impact on the state? If yes, what is the projected expense? Has a White Paper been submitted to the Judicial Council Standing Committee on Budget (if applicable)? Will this legislation have a fiscal impact on counties or municipalities?

This legislation will not have a fiscal impact on the state. As discussed above, counties should see some cost savings under this proposal, but some municipalities may see slight increases in costs if they need to upgrade their existing systems.

- 7. Other Factors:** Discuss any other relevant factors that should be considered, including experience in other states or whether similar legislation has been introduced in the past.

Staff is not aware of any similar legislation in Georgia. However, a large number of states, and the federal courts, have enacted updates to their laws and rules governing the provision of court reporting services in the last 10-15 years. Every single state (with one exception, Kentucky) that has updated their court reporting laws and rules has moved to a blended system that provides for a combination of digital recording and traditional court reporting services. The federal courts have also moved to a blended system. This proposal would implement a similar blended system in Georgia.



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: Court Reporting Matters Committee
RE: Overview of Proposed Legislation to Amend Court Reporting-Related Laws
DATE: August 12, 2019

After the Legislation Committee meeting on July 30th, the following changes were made to the text of the draft proposed legislation. These changes are intended to be clarifying and not substantive in nature.

- 1) Lines 68-75: OCGA § 15-5-21, which currently requires the Judicial Council to set the fees to be charged by certified court reporters attendance and transcription of court proceedings, was amended to require the Judicial Council to set the fees to be charged by certified digital operators and certified transcriptionists as well as court reporters. This was always the intent of the Committee.
- 2) Line 134: OCGA § 15-11-17, regarding juvenile courts, was amended by inserting the phrase “taken down by a certified court reporter” in place of the phrase “recorded by stenographic notes.” This is the more modern way to refer to this process, particularly in light of the proposed statutory definition of “take down” in the draft legislation. This would bring consistency to the terminology in use in these code sections.
- 3) Paragraphs beginning at lines 159 and 165: These two paragraphs in OCGA § 15-14-1 govern the use of digital recording systems. In these paragraphs, the phrase “in lieu of a certified court reporter” was removed from the proposed language as surplusage. This is intended to clarify the paragraph.
- 4) Lines 518-524: In the first draft of the proposed legislation presented to the Legislation Committee on July 30, OCGA § 15-14-33(g)(2) had been eliminated. This section of the Court Reporting Act defines the scope of the confidentiality of Board of Court Reporting disciplinary investigations. This section has been restored, as the Committee never intended that these proceedings should not be confidential.
- 5) Lines 652-655: OCGA § 9-11-29.1(c): This statute governs retention of depositions and other discovery materials by clerk’s offices. The clause that permitted clerks to dispose of depositions that had not been used for evidentiary purposes has been struck through. This removes any inconsistency that this provision has with the Judicial Council’s ability to set rules for retention of court records.

1 TITLE 5. APPEAL AND ERROR

2
3 CHAPTER 6. Certiorari and Appeals to Appellate Courts Generally

4
5 5-6-41. Preparation of record for appeal; reporting of evidence and other matter; when narrative
6 form used.

7
8 (a) In all felony cases, the transcript of trial proceedings and evidence, and proceedings shall be
9 ~~reported either taken down and prepared transcribed~~ by a court reporter as provided in Code
10 Section 17-8-5 or as otherwise provided by law, ~~or recorded via a digital recording system as~~
11 provided for by the Rules of the Board of Court Reporting and by any applicable uniform rules
12 Uniform Rules of Superior Court.

13
14 (b) In all misdemeanor cases, the trial judge may, in the judge's discretion, require the reporting
15 and transcribing of the trial proceedings and evidence and proceedings by a court reporter on
16 terms prescribed by the trial judge, or in the alternative, may require the recording of
17 proceedings by a digital recording system as provided for by the Rules of the Board of Court
18 Reporting and any applicable uniform rules.

19
20 (c) In all civil cases tried in the superior and city courts and in any other court, the judgments of
21 which are subject to review by the Supreme Court or the Court of Appeals, the trial judge thereof
22 may require the parties to have the trial proceedings and evidence reported by a court reporter
23 or recorded by a digital recording system as provided for by the Rules of the Board of Court
24 Reporting and any applicable uniform rules, the costs thereof to be borne equally between them;
25 and, where an appeal is taken which draws in question the transcript of the evidence and
26 proceedings, it shall be the duty of the appellant to have the transcript prepared at the appellant's
27 expense by a certified court reporter or a certified transcriptionist. Where it is determined that
28 the parties, or either of them, are financially unable to pay the costs of reporting or transcribing,
29 the judge may, in the judge's discretion, authorize trial of the case unreported; and, when it
30 becomes necessary for a transcript of the evidence and proceedings to be prepared, it shall be
31 the duty of the moving party to prepare the transcript from recollection or otherwise.

32
33 (d) Where a trial in any civil or criminal case is ~~reported~~ taken down by a court reporter or
34 recorded by a digital recording system as provided for by Rules of the Board of Court Reporting,
35 all motions, colloquies, objections, rulings, evidence, whether admitted or stricken on objection
36 or otherwise, copies or summaries of all documentary evidence, the charge of the court, and all
37 other proceedings which may be called in question on appeal or other posttrial procedure shall
38 be reported; and, where the report is transcribed, all such matters shall be included in the written
39 transcript, it being the intention of this article that all these matters appear in the record. Where
40 matters occur which were not reported, such as objections to oral argument, misconduct of the
41 jury, or other like instances, the court, upon motion of either party, shall require that a transcript
42 of these matters be made and included as a part of the record. The transcript of proceedings shall
43 not be reduced to narrative form unless by agreement of counsel; but, where the trial is not
44 reported or the transcript of the proceedings for any other reason is not available and the
45 evidence is prepared from recollection, it may be prepared in narrative form.

46

47 (e) Where a civil or criminal trial is ~~reported taken down~~ by a certified court reporter or recorded
48 via a digital recording system as provided for by the Rules of the Board of Court Reporting and
49 the evidence and proceedings are transcribed, the certified court reporter or certified
50 transcriptionist shall complete the transcript and file the original and one copy thereof with the
51 clerk of the trial court, together with the court reporter's certificate attesting to the correctness
52 thereof. In criminal cases where the accused was convicted of a capital felony, an additional
53 digital or paper copy shall be filed for sent to the Attorney General, for which the court reporter
54 shall receive compensation from the Department of Law as provided by law. The original
55 transcript shall be transmitted to the appellate court as a part of the record on appeal; and one
56 copy will be retained in the trial court, both as referred to in Code Section 5-6-43. Upon filing
57 by the reporter or transcriptionist, the transcript shall become a part of the record in the case and
58 need not be approved by the trial judge.
59
60

61 TITLE 15. COURTS

62
63 CHAPTER 5. Administration of Courts of Record Generally

64
65 15-5-21 Promulgation of rules and regulations providing for fees of court reporters and for
66 form and style of transcripts.
67

68 (a) The Judicial Council shall promulgate rules and regulations which shall:

- 69 (1) Provide for and set the fees to be charged by all ~~official~~ certified court reporters in this state
70 for attending any court or judicial proceeding other than federal court, taking stenographic
71 notes, and recording the evidence;
72 (2) Provide for and set the fees to be charged by all ~~official~~ certified court reporters, certified
73 digital operators, and certified transcriptionists in this state ~~for furnishing transcripts of the~~
74 ~~evidence and for other proceedings furnished by the official court reporters~~ in all civil and
75 criminal cases in this state;
76 (3) Provide for a minimum per diem fee for ~~official~~ certified court reporters in this state for
77 attending any court or judicial proceeding other than federal court, which fee may be
78 supplemented by the various counties within the circuits to which the court reporters are
79 assigned; and
80 (4) Provide for the form and style of the transcripts, which shall be uniform throughout the
81 state.
82

83 (b) The Judicial Council shall amend its rules and regulations providing for and setting the fees
84 to be charged by all ~~official~~ certified court reporters whenever the council shall deem it necessary
85 and proper.
86

87 (c) This Code section shall not apply to those court reporters ~~taking and furnishing transcripts of~~
88 ~~depositions or~~ taking and furnishing transcripts of nonjudicial functions, or to any hearing held
89 pursuant to Title 29 and Title 37 outside of a courthouse setting. nor to any independent contracts
90 of any reporters. The Judicial Council may not promulgate rules limiting fees to be charged for
91 the takedown of or for the original transcript of a deposition.
92

93 (d) A rule or regulation promulgated by the Judicial Council pursuant to this Code section shall

94 not become effective unless that council provides to the chairperson of the Judiciary Committee
95 of the House of Representatives, the chairperson of the Judiciary, Non-civil Committee of the
96 House of Representatives, the chairperson of the Judiciary Committee of the Senate, and the
97 chairperson of the Special Judiciary Committee of the Senate, at least 30 days prior to the date
98 that the council intends to adopt such rule or regulation, written notice which includes an exact
99 copy of the proposed rule or regulation and the intended date of its adoption. ~~After July 1, 1986,~~
100 ~~no rule or regulation adopted by the Judicial Council pursuant to this Code section shall be valid~~
101 ~~unless adopted in conformity with this subsection.~~ A proceeding to contest any rule or regulation
102 on the grounds of noncompliance with this subsection must be commenced within two years from
103 the effective date of the rule or regulation.

104
105
106 TITLE 15. COURTS

107
108 CHAPTER 6. Superior Courts

109
110 § 15-6-11. Electronic filing

111
112 (B) No electronic filing service provider shall charge a fee pursuant to this paragraph for the
113 filing of:

114
115 (i) Pleadings or documents filed by the Department of Law, the Office of Legislative Counsel,
116 the Office of the Secretary of State, a district attorney in his or her official capacity, ~~or~~ a
117 public defender in his or her official capacity, or a certified court reporter or certified
118 transcriptionist in his or her official capacity; or

119 (ii) Pleadings or documents filed on behalf of municipal corporations or county governments; or
120 (iii) Leave of absence or conflict notices filed pursuant to the Uniform Rules for the Superior
121 Courts.

122
123
124 TITLE 15. COURTS

125
126 CHAPTER 11. Juvenile Code

127
128 15-11-17. Hearings; full and complete records of all words during proceedings; sitting as
129 juvenile court judge.

130
131 (a) All hearings under this chapter shall be conducted by the court without a jury. Any hearing
132 may be adjourned from time to time within the discretion of the court.

133 (b) Except as otherwise provided, all hearings shall be conducted in accordance with Title 24.
134 Proceedings shall be ~~recorded by stenographic notes~~ taken down by a certified court reporter or
135 by a digital recording system as provided for by the Rules of the Board of Court Reporting, and
136 must be electronic, mechanical, or other appropriate means capable of accurately capturing a full
137 ~~and~~ complete verbatim record of all words spoken during the proceedings.

140 TITLE 15. COURTS

141

142 CHAPTER 14. Court Reporters, Article 1. General Provisions

143

144 15-14-1. Appointment; removal; oath of office; duties; use of digital recording systems.

145

146 ~~The A superior court judges of the superior courts shall have power to~~ may, as a matter of right,
147 appoint and, at their pleasure, to remove a court reporter, as defined in Article 2 of this chapter,
148 for the courts of their respective circuits. The court reporter, before entering on the duties of the
149 court reporter's office, shall be duly sworn in open court to perform faithfully all the duties
150 required of the court reporter by law. It shall be the court reporter's duty to attend all courts in the
151 circuit for which such court reporter is appointed and, when directed by the judge, to record
152 exactly and truly or take stenographic notes of the testimony and proceedings in the case tried,
153 except the arguments of counsel. Certified court reporters taking down court proceedings who
154 are retained by a party, or by the court as independent contractors, are acting ex officio as official
155 court reporters. Any court reporter taking down a court proceeding, regardless of how the reporter
156 was retained and what person or entity is paying for the reporting of the case, is bound by the
157 Judicial Council's fee schedules.

158

159 Further, a judge of any court, including but not limited to, superior court, state court, probate
160 courts, magistrate court, recorder's court, juvenile court, business court, and municipal courts,
161 may, as a matter of right, utilize a digital recording system to report proceedings, as provided by
162 the Rules of the Board of Court Reporting, any applicable uniform rules, and any other applicable
163 Georgia law.

164

165 A digital recording system utilized by any court, including but not limited to, superior court, state
166 court, probate court, magistrate court, recorder's court, juvenile court, business court, and
167 municipal court, to record a court proceeding must comply with the Rules of the Board of Court
168 Reporting and any applicable uniform rules.

169

170 Any digital recording system intended must designate a certified digital operator for their system.
171 This requirement is satisfied when the certified digital operator identifies which courtrooms they
172 are serving during the certification process.

173

174

175 15-14-5. Duty to transcribe evidence; certificate to transcript; presumption as to correctness;
176 transcription of records of digital recording systems.

177

178 (a) Where a court reporter takes down a court proceeding or deposition, it shall be the duty of
179 each court reporter to transcribe the evidence and other proceedings of which he or she has taken
180 notes as provided by law whenever requested so to do by counsel for any party to such case and
181 upon being paid the legal fees for such transcripts. The reporter, upon delivering the transcript to
182 such counsel or upon filing it with the clerk of court, shall affix thereto a certificate signed by
183 him or her reciting that the transcript is true, complete, and correct. Subject only to the right of
184 the trial judge to change or require the correction of the transcript, the transcript so certified shall
185 be presumed to be true, complete, and correct.

186
 187 (b) Where a court proceeding has been recorded via a digital recording system operated by a
 188 certified digital operator as provided for by the Rules of the Board of Court Reporting, upon
 189 receipt of a request for a transcript of the court proceeding by a party or by the court, it shall be
 190 the duty of the digital operator to provide the files containing the record of the proceeding to a
 191 certified transcriptionist chosen by the requesting party or by the court in accordance with the
 192 Rules of the Board of Court Reporting. The operator shall include a certification in a form as
 193 promulgated by the Board of Court Reporting certifying that they have operated the digital
 194 recording system in compliance with Board Rules and have transmitted the files to a certified
 195 transcriptionist.

196
 197 (c) Once the certified transcriptionist receives the files, it shall be the duty of the transcriptionist
 198 to transcribe the files completely and accurately in accordance with the Rules of the Board of
 199 Court Reporting. The transcriptionist, upon delivering the transcript to the requesting party or
 200 upon filing it with the clerk, shall affix thereto a signed certificate reciting that the transcript is
 201 true, complete, and correct. The transcriptionist shall also attach the digital operator’s certificate
 202 to the transcript. Subject only to the right of the trial judge to change or require the correction of
 203 the transcript, the transcript so certified shall be presumed to be true, complete, and correct.
 204

205
 206 TITLE 15. COURTS

207
 208 CHAPTER 14. Court Reporters, Article 2. Training and Certification¹

209
 210 15–14–21. Declaration of Purpose.

211
 212 It is declared by the General Assembly that ~~the practice of court reporting~~ the recording of court
 213 proceedings and the creation of transcripts thereof carries important responsibilities in connection
 214 with the administration of justice, both in and out of the courts; that court reporters are officers
 215 of the courts; and that the right to define and regulate the recording of court proceedings and
 216 creation of transcripts thereof, including but not limited to the practice of court reporting, belongs
 217 naturally and logically to the judicial branch of the state government.
 218

219 Therefore, in recognition of these principles, the purpose of this article is to act in aid of the
 220 judiciary so as to ensure the reliability and accuracy of verbatim transcripts of court proceedings
 221 and of depositions, as well as to ensure minimum proficiency in the practice of court reporting,
 222 by recognizing and conferring jurisdiction upon the Judicial Council of Georgia to define and
 223 regulate the practice of court reporting and the use of digital recording systems.
 224

225
 226 15–14–22. Definitions.

227
 228 As used in this article, the term:

- 229 (1) “Board” means the Board of Court Reporting of the Judicial Council.
 230 (2) “Certified court reporter” means any person certified by the Board of Court Reporting under

¹ This is the Court Reporting Act.

231 ~~this article~~ to practice verbatim court reporting.

232 (3) “Certified digital operator” means any person certified by the Board of Court Reporting to
233 operate a digital recording system as defined in paragraph (7) of this Code section.

234 (4) “Certified transcriptionist” means any person certified by the Board of Court Reporting to
235 create a transcript of a court proceeding from digital records created using a digital recording
236 system. Any person holding a C.C.R. certificate as defined by this Article as of [EFFECTIVE
237 DATE OF STATUTE] shall be granted a certificate as a certified transcriptionist.

238 ~~(5) “Court reporter” means any person who is engaged in the practice of court reporting as~~
239 ~~defined in paragraph (6) of this Code section. as a profession as defined in this article. The term~~
240 ~~“court reporter” shall include not only those who actually report judicial proceedings in courts~~
241 ~~but also those who make verbatim records as defined in paragraph (4) of this Code section.~~

242 (6) “Court reporting” means the act of taking down a proceeding or deposition as defined in
243 paragraph (10) of this Code section. ~~the making of a verbatim record~~ Court reporting shall be
244 practiced by means of manual shorthand, machine shorthand, closed microphone voice dictation
245 silencer, or by other means of personal verbatim reporting as provided by the Rules of the Board
246 of Court Reporting. ~~of any testimony given under oath before, or for submission to, any court,~~
247 ~~referee, or court examiner or any board, commission, or other body created by statute, or by the~~
248 ~~Constitution of this state or in any other proceeding where a verbatim record is required. The~~
249 ~~taking of a deposition is the making of a verbatim record as defined in this article. The practice~~
250 ~~of court reporting shall not include the operation of a digital recording system as defined in this~~
251 ~~code section.~~

252 (7) “Digital Recording System” means any method for creating an electronic audio or audiovisual
253 recording of a court proceeding for the purpose of creating a verbatim transcript.

254 (8) “Digital Operator” means any person responsible for the operation of a digital recording
255 system.

256 (9) “Transcriptionist” means any person who creates the transcript of a court proceeding or
257 deposition.

258 (10) “Take down” means the act of making stenographic notes of a proceeding or deposition,
259 including but not limited to, testimony, evidence, and argument of counsel, for the purpose of
260 creating a verbatim transcript. The use of a closed microphone voice dictation silencer constitutes
261 the act of making stenographic notes. The act of operating a digital recording system or other
262 electronic recording device does not constitute the act of taking down a proceeding.

263
264
265 15–14–23. Judicial Council of Georgia; Agency of Judicial Branch.

266
267 The Judicial Council of Georgia, as created by Article 2 of Chapter 5 of this title, is declared to
268 be an agency of the judicial branch of the state government for the purpose of defining and
269 regulating the practice of court reporting, the use of digital recording systems in the courts, and
270 the creation of transcripts of court proceedings and depositions in this state.

271
272
273 15–14–24. Board of Court Reporting of the Judicial Council, Creation, Name, Membership,
274 Appointment, Qualifications, Terms, Vacancies, Removal.

275
276 (a) The Judicial Council shall ~~There is established~~ a board which shall be known and designated
277 as the “Board of Court Reporting of the Judicial Council.” The board shall be created in

278 accordance with the Judicial Council's by-laws regarding the creation of standing committees
279 and shall function as a standing committee of the Judicial Council. It shall be composed of ~~nine~~
280 fifteen members, five members to be certified court reporters, two members to be representatives
281 from the State Bar of Georgia, and ~~two~~ eight members to be from the judiciary, one to be a
282 Supreme Court Justice, one to be a judge of the Court of Appeals, one to be a superior court judge,
283 ~~and~~ one to be a state court judge, one to be a juvenile court judge, one to be a probate court judge,
284 one to be a magistrate court judge, and one to be a municipal court judge, each of whom shall
285 have not less than five years' experience in their respective professions. ~~The board shall be~~
286 ~~appointed by the Judicial Council. The term of office shall be two years, and the Judicial Council~~
287 ~~shall fill vacancies on the board.~~

288
289 15-14-26. Organization of Board, Rules and Regulations.
290

291 (a) The board shall each year elect from its members a chairperson, who shall be a member of the
292 judiciary, and whose term shall be for ~~one~~ two years, and who shall serve during the period for
293 which elected and until a successor shall be elected.

294 (b) The board shall make any and all necessary rules and regulations to carry out this article, but
295 the rules and regulations shall be subject to review by the Judicial Council and approval by the
296 Supreme Court.

297 (c) The board shall make and publish such statewide minimum standards and rules as it deems
298 necessary that provide for the qualifications of court reporters, digital operators, and
299 transcriptionists.

300 (d) The board shall make and publish such statewide minimum standards and rules as it deems
301 necessary that shall provide requirements for digital recording systems sufficient to ensure that
302 the recording of proceedings for the purpose of making a verbatim transcript will be conducted
303 reliably and accurately. The Councils of the classes of court, and the judge of business court, are
304 empowered to create additional standards for digital recording systems, however, they may
305 not create any rules that result in lesser standards than those promulgated by the Board.
306

307
308 15-14-28. Court Reporters, Digital Operators, and Transcriptionists Must be Certified.
309

310 (a) No person shall engage in the practice of ~~verbatim~~ court reporting in this state unless the
311 person is the holder of a certificate as a certified court reporter or is the holder of a temporary
312 permit issued under this article.

313
314 (b) No person shall act as the digital operator of a digital recording system in this state unless the
315 person is the holder of a certificate as a certified digital operator as provided by this article.
316

317 (c) No person shall transcribe a court proceeding unless the person is certified by the Board of
318 Court Reporting as a certified transcriptionist.
319

320
321 15-14-29. Board of Court Reporting to Certify Court Reporters, Digital Operators, and
322 Transcriptionists Issuance of Certificate, Qualifications for Certification; Exemption from Taking
323 Examination; Individuals with Disabilities

324
325 The qualifications of certified court reporters, certified digital operators, and certified
326 transcriptionists shall be those established by the Board of Court Reporting.
327

328 ~~(a) Upon receipt of appropriate application and fees, the board shall grant a certificate as a~~
329 ~~certified court reporter to any person who:~~

330 ~~(1) Has attained the age of 18 years;~~

331 ~~(2) (2) Is of good moral character;~~

332 ~~(3) Is a graduate of a high school or has had an equivalent education; and~~

333 ~~(4) Has, except as provided in subsection (b) of this Code section, successfully passed an~~
334 ~~examination in verbatim court reporting as prescribed in Code Section 15-14-30.~~

335 ~~(b) Any person who has attained the age of 18 years and is of good moral character, who submits~~
336 ~~to the board an affidavit under oath that the court reporter was actively and continuously, for one~~
337 ~~year preceeding March 20, 1974, principally engaged as a court reporter, shall be exempt from~~
338 ~~taking an examination and shall be granted a certificate as a certified court reporter.~~

339 ~~(c)(1) Reasonable accommodation shall be provided to any qualified individual with a disability~~
340 ~~who applies to take the examination who meets the essential eligibility requirements for the~~
341 ~~examination and provides acceptable documentation of a disability, unless the provision of such~~
342 ~~accommodation would impose an undue hardship on the board.~~

343 ~~(2) Reasonable accommodation shall be provided to any qualified individual with a disability~~
344 ~~who applies for certification who meets the essential eligibility requirements for certification and~~
345 ~~provides acceptable documentation of a disability, unless the provision of such accommodation~~
346 ~~would impose an undue hardship on the board or the certification of the individual would pose a~~
347 ~~direct threat to the health, welfare, or safety of residents of this state.~~

348 ~~(3) The term "disability," as used in paragraphs (1) and (2) of this subsection, means a physical~~
349 ~~or mental impairment that substantially limits one or more major life activities of such individual,~~
350 ~~a record of such an impairment, or being regarded as having such an impairment.²~~

351
352
353 15-14-30. Application Procedures Examination of Applicants, Fee, Scope of Examination
354

355 Every person desiring to commence the practice of court reporting become certified by the Board
356 of Court Reporting in this state shall file an application for testing with the board upon such form
357 as shall be adopted and prescribed by the board. At the time of making an application the applicant
358 shall deposit with the board an application examination fee to be determined by the board.
359 Examinations shall be conducted as often as may be necessary, as determined by the board,
360 provided that examinations must be conducted at least once annually. Applicants shall be notified
361 by mail of the holding of such examinations no later than ten days before the date upon which the
362 examinations are to be given. Examinations shall be conducted and graded according to rules and
363 regulations prescribed by the board.

364
365
366 15-14-31. Renewal of Certificate.
367

² The current version of this section was enacted prior to the enactment of the federal Americans with Disabilities Act (ADA) and is no longer necessary in light of it.

368 Every certified court reporter, digital operator, and transcriptionist who continues in the active
369 practice of ~~verbatim court reporting~~ their respective duties shall annually renew their certificate
370 in accordance with rules promulgated by the Board of Court Reporting, ~~on or before April 1~~
371 ~~following the date of issuance of the certificate under which the court reporter is then entitled to~~
372 ~~practice, upon the payment of a fee established by the board. Every certificate which has not been~~
373 ~~renewed on April 1 shall expire on that date of that year and shall result in the suspension of the~~
374 ~~court reporter's right to practice under this article. Reinstatement shall be as provided by the rules~~
375 ~~of the board, which suspension shall not be terminated until all delinquent fees have been paid~~
376 ~~or the court reporter has requalified by testing.~~ After a period to be determined by the board, a
377 suspended certificate will be automatically revoked and may not be reinstated without meeting
378 current certification requirements.
379

380

381 15-14-32. Certified Court Reporter, Corporation and Firm Name; Regulations

382

383 (a) Any person who has received from the board a certificate as provided for in this article as a
384 certified court reporter shall be known and styled as a certified court reporter and shall be
385 authorized to practice as such in this state and to use such title or the abbreviation "C.C.R." in
386 so doing. No other person, firm, or corporation, all of the members of which have not received
387 such certificate, shall assume the title of certified court reporter, the abbreviation "C.C.R.," or
388 any other words or abbreviations tending to indicate that the person, firm, or corporation so
389 using the same is a certified court reporter.

390

391 (b) Any person who has received from the board a certificate as a certified transcriptionist shall
392 be known and styled as a certified transcriptionist and shall be authorized to practice as such in
393 this state and to use such title or the abbreviation "C.T." in so doing. No other person, firm, or
394 corporation, all of the members of which have not received such certificate, shall assume the
395 title of certified transcriptionist, the abbreviation "C.T.," or any other words or abbreviations
396 tending to indicate that the person, firm, or corporation so using the same is a certified
397 transcriptionist.

398

399 (c) Any person who has received from the board a certificate as a certified digital operator shall
400 be known and styled as a certified digital operator and shall be authorized to practice as such in
401 this state and to use such title or the abbreviation "C.D.O." in so doing. No other person, firm,
402 or corporation, all of the members of which have not received such certificate, shall assume the
403 title of certified transcriptionist, the abbreviation "C.D.O.," or any other words or abbreviations
404 tending to indicate that the person, firm, or corporation so using the same is a certified digital
405 operator.

406

407

408 15-14-33. Refusal to Grant or Revocation of Certificate or Temporary Permit

409

410 (a) The board shall have the authority to refuse to grant a certificate or temporary permit to an
411 applicant therefor or to revoke the certificate or temporary permit of a person or to discipline a
412 person, and the board shall promulgate rules to effectuate this section. , upon a finding by a
413 majority of the entire board that the licensee or applicant has:

414 ~~(1) Failed to demonstrate the qualifications or standards for a certificate or temporary permit~~
415 ~~contained in this article or under the rules or regulations of the board. It shall be incumbent upon~~
416 ~~the applicant to demonstrate to the satisfaction of the board that all the requirements for the~~
417 ~~issuance of a certificate or temporary permit have been met, and, if the board is not satisfied as~~
418 ~~to the applicant's qualifications, it may deny a certificate or temporary permit without a prior~~
419 ~~hearing; provided, however, that the applicant shall be allowed to appear before the board if~~
420 ~~desired;~~

421 ~~(2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice~~
422 ~~of court reporting or on any document connected therewith; practiced fraud or deceit or~~
423 ~~intentionally made any false statements in obtaining a certificate or temporary permit to practice~~
424 ~~court reporting; or made a false statement or deceptive registration with the board; Been convicted~~
425 ~~of any felony or of any crime involving moral turpitude in the courts of this state or any other~~
426 ~~state, territory, or country or in the courts of the United States. As used in this paragraph and~~
427 ~~paragraph (4) of this subsection, the term "felony" shall include any offense which, if committed~~
428 ~~in this state, would be deemed a felony without regard to its designation elsewhere; and, as used~~
429 ~~in this paragraph, the term "conviction" shall include a finding or verdict of guilty or a plea of~~
430 ~~guilty, regardless of whether an appeal of the conviction has been sought;~~

431 ~~(4) Been arrested, charged, and sentenced for the commission of any felony or any crime~~
432 ~~involving moral turpitude, where:~~

433 ~~(A) First offender treatment without adjudication of guilt pursuant to the charge was granted; or~~
434 ~~(B) An adjudication of guilt or sentence was otherwise withheld or not entered on the charge,~~
435 ~~except with respect to a plea of nolo contendere. The order entered pursuant to the provisions of~~
436 ~~Article 3 of Chapter 8 of Title 42, relating to probation of first offenders, or other first offender~~
437 ~~treatment shall be conclusive evidence of arrest and sentencing for such crime;~~

438 ~~(6) (5) Had a certificate or temporary permit to practice as a court reporter revoked, suspended,~~
439 ~~or annulled by any lawful licensing authority other than the board; or had other disciplinary action~~
440 ~~taken against the licensee or the applicant by any such lawful licensing authority other than the~~
441 ~~board; or was denied a certificate by any such lawful licensing authority other than the board,~~
442 ~~pursuant to disciplinary proceedings; or was refused the renewal of a certificate or temporary~~
443 ~~permit by any such lawful licensing authority other than the board, pursuant to disciplinary~~
444 ~~proceedings; Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious~~
445 ~~conduct or practice harmful to the public, which conduct or practice materially affects the fitness~~
446 ~~of the licensee or applicant to practice as a court reporter, or of a nature likely to jeopardize the~~
447 ~~interest of the public, which conduct or practice need not have resulted in actual injury to any~~
448 ~~person or be directly related to the practice of court reporting but shows that the licensee or~~
449 ~~applicant has committed any act or omission which is indicative of bad moral character or~~
450 ~~untrustworthiness; unprofessional conduct shall also include any departure from, or the failure to~~
451 ~~conform to, the minimal reasonable standards of acceptable and prevailing practice of court~~
452 ~~reporting;~~

453 ~~(7) Knowingly performed any act which in any way aids, assists, procures, advises, or encourages~~
454 ~~any unlicensed person or any licensee whose certificate or temporary permit has been suspended~~
455 ~~or revoked by the board to practice as a court reporter or to practice outside the scope of any~~
456 ~~disciplinary limitation placed upon the licensee by the board;~~

457 ~~(8) Violated a statute, law, or any rule or regulation of this state, any other state, the board, the~~
458 ~~United States, or any other lawful authority without regard to whether the violation is criminally~~
459 ~~punishable, which statute, law, or rule or regulation relates to or in part regulates the practice of~~
460 ~~court reporting, when the licensee or applicant knows or should know that such action is violative~~

461 ~~of such statute, law, or rule, or violated a lawful order of the board previously entered by the~~
462 ~~board in a disciplinary hearing, consent decree, or certificate or temporary permit reinstatement;~~
463 ~~(9) Been adjudged mentally incompetent by a court of competent jurisdiction within or outside~~
464 ~~this state. Any such adjudication shall automatically suspend the certificate or temporary permit~~
465 ~~of any such person and shall prevent the reissuance or renewal of any certificate or temporary~~
466 ~~permit so suspended for as long as the adjudication of incompetence is in effect;~~
467 ~~(10) Displayed an inability to practice as a court reporter with reasonable skill or has become~~
468 ~~unable to practice as a court reporter with reasonable skill by reason of illness or use of alcohol,~~
469 ~~drugs, narcotics, chemicals, or any other type of material;~~
470 ~~(11) Violated the provisions of subsection (c) or (d) of Code Section 9-11-28; or (12) Violated~~
471 ~~the provisions of Code Section 15-14-37.~~

472 (b) For purposes of this Code section, the board may obtain through subpoena upon reasonable
473 grounds any and all records relating to the mental or physical condition of a licensee or applicant,
474 and such records shall be admissible in any hearing before the board.

475 (c) When the board finds that any person is unqualified to be granted a certificate or temporary
476 permit or finds that any person should be disciplined pursuant to subsection (a) of this Code
477 section or the laws, rules, or regulations relating to court reporting, the board may take any one
478 or more of the following actions:

- 479 (1) Refuse to grant or renew a certificate or temporary permit to an applicant;
- 480 (2) Administer a public or private reprimand, but a private reprimand shall not be
481 disclosed to any person except the licensee;
- 482 (3) Suspend any certificate or temporary permit for a definite period or for an indefinite
483 period in connection with any condition which may be attached to the restoration of said
484 license;
- 485 (4) Limit or restrict any certificate or temporary permit as the board deems necessary for
486 the protection of the public;
- 487 (5) Revoke any certificate or temporary permit;
- 488 (6) Condition the penalty upon, or withhold formal disposition pending, the applicant's or
489 licensee's submission to such care, counseling, or treatment as the board may direct;
- 490 (7) ~~Impose a requirement to pass the state certification test; or~~
- 491 (78) Require monetary adjustment in a fee dispute involving an official court reporter; or.
- 492 (8) Any other action the board deems necessary to carry out its duties in this article.

493 (d) In addition to and in conjunction with the actions described in subsection (c) of this Code
494 section, the board may make a finding adverse to the licensee or applicant but withhold imposition
495 of judgment and penalty or it may impose the judgment and penalty but suspend enforcement
496 thereof and place the licensee on probation, which probation may be vacated upon noncompliance
497 with such reasonable terms as the board may impose.

498 (e) Any disciplinary action of the board may be appealed by the aggrieved person to the Judicial
499 Council, which shall have the power to review the determination by the board. Initial judicial
500 review of the final decision of the Judicial Council shall be had solely in the superior courts of
501 the county of domicile of the board. Appeals may be heard by an ad hoc Judicial Council
502 Committee consisting of three members, two of whom shall be judges, appointed by the Chair of
503 the Judicial Council.

504 (f) In its discretion, the board may reinstate a certificate or temporary permit which has been
505 revoked or issue a certificate or temporary permit which has been denied or refused, following
506 such procedures as the board may prescribe by rule; and, as a condition thereof, it may impose
507 any disciplinary or corrective method provided in this Code section or any other laws relating to

508 court reporting.

509 (g)(1) The board is vested with the power and authority to make, or cause to be made through
 510 employees or agents of the board, such investigations the board may deem necessary or proper
 511 for the enforcement of the provisions of this Code section and the laws relating to court reporting.
 512 Any person properly conducting an investigation on behalf of the board shall have access to and
 513 may examine any writing, document, or other material relating to the fitness of any licensee or
 514 applicant. The board or its appointed representative may issue subpoenas to compel access to any
 515 writing, document, or other material upon a determination that reasonable grounds exist for the
 516 belief that a violation of this Code section or any other law relating to the practice of court
 517 reporting may have taken place.

518 (2) The results of all investigations initiated by the board shall be reported solely to the board
 519 and the records of such investigations shall be kept for the board by the Administrative Office of
 520 the Courts, with the board retaining the right to have access at any time to such records. No part
 521 of any such records shall be released, except to the board for any purpose other than a hearing
 522 before the board, nor shall such records be subject to subpoena; provided, however, that the board
 523 shall be authorized to release such records to another enforcement agency or lawful licensing
 524 authority.

525 (3) ~~If a licensee is the subject of a board inquiry, all records relating to any person who receives~~
 526 ~~services rendered by that licensee in the capacity as licensee shall be admissible at any hearing~~
 527 ~~held to determine whether a violation of this article has taken place, regardless of any statutory~~
 528 ~~privilege; provided, however, that any documentary evidence relating to a person who received~~
 529 ~~those services shall be reviewed in camera and shall not be disclosed to the public.~~

530 (4) The board shall have the authority to exclude all persons during its deliberations on
 531 disciplinary proceedings and to discuss any disciplinary matter in private with a licensee or
 532 applicant and the legal counsel of that licensee or applicant.

533 (h) A person, firm, corporation, association, authority, or other entity shall be immune from civil
 534 and criminal liability for reporting or investigating the acts or omissions of a licensee or applicant
 535 which violate the provisions of subsection (a) of this Code section or any other provision of law
 536 relating to a licensee's or applicant's fitness to practice as a court reporter or for initiating or
 537 conducting proceedings against such licensee or applicant, if such report is made or action is
 538 taken in good faith, without fraud or malice. Any person who testifies or who makes a
 539 recommendation to the board in the nature of peer review, in good faith, without fraud or malice,
 540 in any proceeding involving the provisions of subsection (a) of this Code section or any other law
 541 relating to a licensee's or applicant's fitness to practice as a court reporter shall be immune from
 542 civil and criminal liability for so testifying.

543 (i) ~~If any licensee or applicant after at least 30 days' notice fails to appear at any hearing, the~~
 544 ~~board may proceed to hear the evidence against such licensee or applicant and take action as if~~
 545 ~~such licensee or applicant had been present. A notice of hearing, initial or recommended decision,~~
 546 ~~or final decision of the board in a disciplinary proceeding shall be served personally upon the~~
 547 ~~licensee or applicant or served by certified mail or statutory overnight delivery, return receipt~~
 548 ~~requested, to the last known address of record with the board. If such material is served~~
 549 ~~by certified mail or statutory overnight delivery and is returned marked "unclaimed" or~~
 550 ~~"refused" or is otherwise undeliverable and if the licensee or applicant cannot, after diligent effort,~~
 551 ~~be located, the director of the Administrative Office of the Courts shall be deemed to be the agent~~
 552 ~~for service for such licensee or applicant for purposes of this Code section, and service upon the~~
 553 ~~director of the Administrative Office of the Courts shall be deemed to be service upon the licensee~~

554 or applicant.

555 (j) ~~The voluntary surrender of a certificate or temporary permit or the failure to renew a certificate~~
556 ~~or temporary permit by the end of an established penalty period shall have the same effect as a~~
557 ~~revocation of said certificate or temporary permit, subject to reinstatement in the discretion of the~~
558 ~~board. The board may restore and reissue a certificate or temporary permit to practice under the~~
559 ~~law relating to that board and, as a condition thereof, may impose any disciplinary sanction~~
560 ~~provided by this Code section or the law relating to that board.~~

561 (ik) Regulation by the board shall not exempt court reporting from regulation pursuant to any
562 other applicable law.

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565 15-14-36. Violations Relating to Court Reporting.

566

567 Any person who:

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569 (1) Represents himself or herself as having received a certificate or temporary permit as provided
570 for in this article, whether as a court reporter, digital operator, or certified transcriptionist, without
571 having received a certificate or temporary permit;

572 (2) Continues to practice as a court reporter, digital operator, or transcriptionist in this state or
573 uses any title or abbreviation indicating he or she is a certified court reporter, certified digital
574 operator, or certified transcriptionist, after his or her certificate has been revoked; or

575 (3) Violates any provision of this article or of subsection (c) ~~or (d)~~ of Code Section 9-11-28.

576

577 shall be guilty of a misdemeanor. Each day of the offense is a separate misdemeanor.

578

579

580 TITLE 17. CRIMINAL PROCEDURE.

581

582 CHAPTER 5. Searches and seizures.

583

584 17-5-55. Custody of property; evidence in criminal cases.

585

586 (a) In all criminal cases, ~~the court shall designate either the clerk of court, the court reporter, or~~
587 any other officer of the court designed by the court shall ~~to~~ be the custodian of any property that
588 is introduced into evidence during the pendency of the case. Property introduced into evidence
589 shall be identified or tagged with an exhibit number. After verdict and judgment has been entered
590 in any criminal case, the clerk person who has custody of the physical evidence introduced in the
591 case shall inventory the evidence and create an evidence log within 30 days of the entry of the
592 judgment.

593

594

595 TITLE 17. CRIMINAL PROCEDURE.

596

597 CHAPTER 8. Trial.

598

599 17-8-5. Stenographic notes; ~~entry of testimony on minutes of court~~; transcript or brief

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(a) On the trial of all felonies the presiding judge shall have the testimony and evidence taken down by certified court reporter or via a digital recording system operating in compliance with the rules of the Board of Court Reporting. ~~and~~ When a trial is being taken down by a court reporter, when directed by the judge, the court reporter shall exactly and truly record or take stenographic notes of the testimony and proceedings in the case, except the argument of counsel. In the event of a verdict of guilty, if taken down by a court reporter, ~~the testimony shall be entered on the minutes of the court or in a book to be kept for that purpose~~ the court reporter shall transcribe the case and file the transcript with the clerk of court. In the event of a verdict of guilty, where a trial was recorded via digital recording system, the digital operator shall transmit the recording of the case to a certified transcriptionist for transcription. In the event that a sentence of death is imposed, the transcript of the case shall be prepared within 90 days after the sentence is imposed by the trial court. In all other felony cases, the transcript of the case shall be prepared and filed within 120 days after the sentence is imposed by the trial court. Upon petition by the court reporter or transcriptionist, the Chief Justice of the Supreme Court of Georgia may grant an additional period of time for preparation of the transcript, such period not to exceed 60 days. The requirement that a transcript be prepared within a certain period in cases in which a sentence of death is imposed shall not inure to the benefit of a defendant. All pre-trial motions and hearings in felony cases must be recorded and transcribed either via certified court reporter or by a digital recording system operating in compliance with the Rules of the Board of Court Reporting and any applicable uniform rules.

(b) In the event that a mistrial results from any cause in the trial of a defendant charged with the commission of a felony, the presiding judge may, in his discretion, either with or without any application of the defendant or state's counsel, order that ~~a brief or the~~ transcript of the testimony in the case be duly filed by the court reporter in the office of the clerk of the superior court in which the mistrial occurred. If the ~~brief or~~ transcript is ordered, it shall be the duty of the judge, in the order, to provide for the compensation of the reporter and for the transcript to be paid for as is provided by law for payment of transcripts in cases in which the law requires the testimony to be transcribed, at a rate not to exceed that provided in felony cases.

TITLE 9. CIVIL PRACTICE

CHAPTER 11. Civil Practice Act

9-11-29.1. When depositions and discovery materials required to be filed with court.

(a) Depositions and other discovery material otherwise required to be filed with the court under this chapter shall not be required to be so filed unless:

(1) Required by ~~local~~ uniform rule of court;

...

(c) When depositions and other discovery material are filed with the clerk of court as provided in subsection (a) of this Code section, the clerk of court shall retain such ~~original~~ documents and

646 materials as provided for by the Judicial Council Records Retention Schedule and any other
647 applicable record-keeping rule approved by the Supreme Court of Georgia. ~~until final disposition,~~
648 ~~either by verdict or appeal, of the action in which such materials were filed. The clerk of court~~
649 ~~shall be authorized thereafter to destroy such materials upon microfilming or digitally imaging~~
650 ~~such materials and maintaining such materials in a manner that facilitates retrieval and~~
651 ~~reproduction, so long as the microfilm and digital images meet the standards established by the~~
652 ~~Division of Archives and History of the University System of Georgia; provided, however, that~~
653 ~~the clerk of court shall not be required to microfilm or digitally image depositions that are not~~
654 ~~used for evidentiary purposes during the trial of the issues of the case in which such depositions~~
655 ~~were filed.~~

656

657 9-11-30. Depositions upon oral examination.

658

659 *(f) Certification and filing by officer; inspection and copying of exhibits; copy of deposition.*

660 (1)(A) The officer shall certify that the witness was duly sworn by the officer and that the
661 deposition is a true record of the testimony given by the witness. This certificate shall be in writing
662 and accompany the record of the deposition. The officer shall then ~~securely seal the deposition in~~
663 ~~an envelope marked with the title of the action, the court reporter certification number, and~~
664 ~~“Deposition of (here insert name of witness)” and shall promptly file it the transcript with the~~
665 court in which the action is pending or deliver it to the party taking the deposition, as the case
666 may be, in accordance with Code Section 9-11-29.1.

667 (B) Documents and things produced for inspection during the examination of the witness shall,
668 upon the request of a party, be marked for identification and annexed to and returned with the
669 deposition and may be inspected and copied by any party, except that the person producing the
670 materials may substitute copies to be marked for identification, if he or she affords to all parties
671 fair opportunity to verify the copies by comparison with the originals; and, if the person producing
672 the materials requests their return, the officer shall mark them, give each party an opportunity to
673 inspect and copy them, and return them to the person producing them, and the materials may then
674 be used in the same manner as if annexed to and returned with the deposition. Any party may
675 move for an order that the original be annexed to and returned with the deposition to the court,
676 pending final disposition of the case.

677 (2) Upon payment of ~~reasonable charges therefor~~ as provided by the rules of the Board of Court
678 Reporting, the officer shall furnish a copy of the deposition to any party or to the deponent.



**Judicial Council of Georgia
Standing Committee on Legislation
Legislative Support Request/Informational Item
2020 Session**

Council/Organization: Georgia Commission on Dispute Resolution

Subject Matter: Uniform Mediation (UMA)

Code Section(s):

1. Overview: Describe the proposal/legislation and its purpose.

This proposal is for the purposes of enacting the Uniform Mediation Act (UMA) in Georgia. The UMA, drafted by the Uniform Law Commission in collaboration with the American Bar Association's Section on Dispute Resolution, establishes a privilege of confidentiality for mediators and participants. The Act was amended in 2003 to facilitate state adoption of the 2002 UNCITRAL Model Law on International Commercial Conciliation, which is designed to govern and facilitate international mediations. The UMA has been approved by the American Bar Association and endorsed by the American Arbitration Association, the Judicial Arbitration and Mediation Service, and the CPR Institute for Dispute Resolution. A copy of the UMA can be found at:

http://www.uniformlaws.org/shared/docs/mediation/uma_final_nc.doc

The UMA represents an important development in the law of mediation. Mediation is a consensual dispute resolution process in which the disputing parties reach a resolution themselves with the help of a mediator, instead of having a ruling imposed upon them. Parties' participation in mediation allows them to reach results that are tailored to their interests and needs. Indeed, mediation has been increasingly utilized in recent decades in resolving both personal and business disputes.

The Uniform Mediation Act will ensure that all mediations in Georgia are afforded the protections available under the UMA and will promote Georgia as a venue for both domestic and international mediations.

2. Priority: Is this legislation of high, medium or low importance to your council?

This is of high priority to the Commission.

3. Stakeholders & Constituents:

- a. Describe the constituent and stakeholder groups that may be affected by this proposal (e.g., executive branch, other governmental entities, other agencies). Courts and governmental entities that use mediation will be affected to the extent there is legislation supporting the confidentiality of mediation; however, the legislation does not conflict with, and is compatible with current court rules governing court-connected mediations in Georgia. Although the law will essentially remain the same for court-connected mediation and



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mediators, there are no similar laws or rules governing private mediations in Georgia. After passage of the UMA, mediators and participants in private voluntary mediations will have confidentiality protections more similar to those currently available in court-connected mediation. Therefore, registered and private mediators in the state of Georgia as well as parties and lawyers who participate in mediations in the state of Georgia will be affected. Finally, parties to international commercial disputes are affected to the extent the legislation supports mediation of those disputes by incorporating the UNCITRAL Model Law on Conciliation.

- b. Which are likely to support this request? The State Bar of Georgia BOG voted to include the UMA as part of its legislative package for 2019-2020 on January 12, 2019. Leaders of the Dispute Resolution Section, Family Law Section, General Practice Section, and the International Trade and Legal Services Section of the State Bar of Georgia, the Dispute Resolution Section of the Atlanta Bar Association, and the Atlanta International Arbitration Society (Atlas) report that the memberships of their organizations support this request. The Georgia Supreme Court's Commission on Dispute Resolution also supports this request.
- c. Which are likely to oppose this request? We do not know of any stakeholders or constituents likely to oppose this request
- d. Which have not voiced support or opposition?

4. **Supporting data:** Summarize any supporting data, evaluations, and/or research for this request.

On August 23, 2017, the Georgia Supreme Court's Commission on Dispute Resolution (GCDR) and the Atlanta International Arbitration Society (Atlas) formed a Joint Working Group on Mediation Legislation in Georgia (the Group) to consider and make a recommendation on adopting the Uniform Mediation Act ("UMA" or the "Act").

The members of the Group were:

- o Douglas Yarn, Georgia State University College of Law
- o Shelby Guilbert, King & Spalding
- o Laura Ashby, formerly Miller & Martin and now in-house counsel at Chart Industries
- o R. Wayne Thorpe, JAMS
- o Mary Donovan, Donovan Resolution, member of Georgia Commission on Dispute Resolution
- o Tracy Johnson, Executive Director, Georgia Commission on Dispute Resolution
- o Timothy Hedeem, Kennesaw State University, member of Georgia Commission on Dispute Resolution
- o John Sherrill, Seyfath Shaw

The Group held six meetings to discuss various aspects of the UMA and whether it would be advisable to adopt the UMA in Georgia. The Group identified three main areas for discussion, prepared memoranda on these areas, and examined them in depth during the Group meetings. The three areas were 1) confidentiality and evidentiary privileges for meditation communications under



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the UMA; 2) mediator disclosure requirements under the UMA; and 3) the UMA and international mediation. In addition, the Group considered whether there were any conflicts between the Georgia Supreme Court Alternative Dispute Resolution Rules (which govern court-connected mediations in Georgia) and the UMA. It concluded there were no conflicts.

On July 13, 2018, the Judicial Council's Legislative Committee voted unanimously to support the UMA legislation concept. On August 8, 2018, the Judicial Council approved the Legislative Committee's recommendation, allowing the Joint Working Group to move forward with the legislative process.

On January 12, 2019, the State Bar Board of Governors (BOG) approved the UMA legislation as part of the Georgia Bar's legislative package for the 2019-2020 legislative sessions. Since that time, the State Bar and various stakeholders have been working with the State House Judiciary Committee on a legislative draft to be introduced in the 2020 legislative session.

- 5. Additional impact:** Will this request require a constitutional amendment or new court rule? Explain why the purpose of the bill cannot be achieved without legislation, if applicable.

The proposal does not require a constitutional amendment or new court rule. This legislation is required because current Georgia law in this area is inconsistent and confusing. For example, the laws protecting confidentiality in court-connected mediation are different from those applicable to private mediation. The Georgia Supreme Court's Alternative Dispute Resolution Rules (ADR Rules), which pre-date the UMA, regulate court-connected mediation in Georgia¹ and establish the parameters for confidentiality of statements and materials arising out of those mediations. Indirectly, the ADR Rules establish some degree of evidentiary privilege without using the precise word "privilege;" however in so doing, the ADR Rules conflate the concepts of privilege and confidentiality. In private mediation, confidentiality depends solely on other areas of Georgia law, such as contract and principles of evidentiary exclusion. Generally, the rules for confidentiality are not only different but also may be stronger and broader in court-connected mediation than in private mediation. Although the ADR Rules are arguably broader than the evidentiary exclusion available to disputants in private mediation who appear in subsequent litigation, they may be limited by their nature as local court rules rather than a statute. Nevertheless, one aspect of the ADR Rules that provides greater protection from disclosure is the limit on subpoenaing mediators and program staff. Generally, and in both court-connected and private mediation, there is no clearly established mediation privilege with which a mediator or party to mediation can refuse to testify in a subsequent proceeding.

In contrast to current Georgia law, the Uniform Mediation Act (UMA) outlines separate rules concerning distinct concepts of confidentiality and privilege. Additionally, the UMA applies to both court-connected mediation and private mediation. Adopting the UMA will bring clarity and consistency to the law for the benefit of both court-connected mediation and private, voluntary

¹ As adopted 1993 and subsequently amended through 2016.



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mediation. Because it is functionally consistent with the existing ADR Rules, it will not undermine the goals and purpose of those rules. By promoting candor of the parties, by retaining decision-making authority with the parties, and by promoting predictability with regard to the process and the level of confidentiality that can be expected by participants, the UMA furthers the State's constitutional mandate of providing "speedy, efficient, and inexpensive resolution of disputes." Moreover, adopting the UMA would enhance Georgia's stature as leading regional, national, and international center for alternative dispute resolution.

- 6. Budget:** Will this legislation have a fiscal impact on the state? If yes, what is the projected expense? Has a White Paper been submitted to the Judicial Council Standing Committee on Budget (if applicable)? Will this legislation have a fiscal impact on counties or municipalities?

There is no foreseeable expense with this proposal.

- 7. Other Factors:** Discuss any other relevant factors that should be considered, including experience in other states or whether similar legislation has been introduced in the past.

The UMA has been enacted in Washington D.C., Hawaii, Idaho, Illinois, Iowa, Nebraska, New Jersey, Ohio, South Dakota, Utah, Vermont, and Washington. In 2019 it was introduced as legislation in Massachusetts. The Working Group reviewed all case law arising in connection with the UMA in the adopting states and determined no negative experience with implementation of the Act.

The Commission would like the Council to consider how much the success of mediation relies heavily on the willingness of the parties to act candidly with each other and the mediator; therefore, it is vital to assure the parties that statements made in mediation and documents generated as part of the mediation effort will not be disclosed outside of the process. Legal and ethical rules designed to assure nondisclosure fall under the broad rubric of confidentiality. Such confidentiality rules may refer to different mechanisms with specific legal meanings and effects. These include a more narrowly defined concept of confidentiality, evidentiary privilege, confidentiality agreements, and evidentiary exclusion.

The Commission notes that highlights of the UMA include the following:

- **Certainty** – Legal rules on mediation are addressed in more than 2,500 state and federal statutes, and more than 250 of these deal with confidentiality and privileges issues, alone. Complexity means uncertainty, which may inhibit the use of mediation. The UMA provides a single comprehensive law governing privileges and confidentiality in mediation.
- **Privacy** – One of the UMA's central purposes is to provide a privilege for the mediation process that assures confidentiality. The Act establishes an evidentiary privilege for mediators and participants that prohibits what is said during mediation from being used in later legal proceedings.



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- **Exceptions to Privilege** – The Act provides important exceptions to the confidentiality privilege. These exceptions include: threats made to inflict bodily harm or other violent crime; parties’ attempt to use mediation to plan or commit a crime; the need for information to prove or disprove allegations of child abuse or neglect; or the need for information to prove or disprove a claim or complaint of professional misconduct by a mediator.
- **Party Protection** – In addition to ensuring confidentiality in the mediation process, the Act further promotes the practice by requiring mediators asserting the privilege to have disclosed known conflicts of interest and provide qualifications upon request of a party.
- **Autonomy** – The Act promotes the parties’ autonomy by leaving to them those matters that can be set by agreement.
- **Applicability Exceptions** – The UMA does not apply to collective bargaining disputes, some judicial settlement conferences, or mediation involving parties who are all minors.
- **Uniformity** – Uniformity of the law helps bring order and understanding across state lines. Without uniformity, there can be no firm assurance in any state that a mediation is privileged. Uniformity is particularly important in cross-jurisdictional mediation. Because it is unclear which state’s laws apply in those cases, the parties cannot be certain of the reach of their home state’s confidentiality protections.
- **International** – By incorporating the UNCITRAL Model Law, the UMA promotes uniformity and clarity in the mediation of international disputes while also allowing parties to take advantage of the Act’s broader privilege provisions.



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: August 7, 2019

The Judicial Council Standing Committee on Technology met on Thursday, July 11, 2019. The following report reflects matters and topics discussed during that meeting.

Cybersecurity Update – Director Cynthia Clanton

Ms. Clanton provided a brief overview of the Administrative Office of the Courts' cybersecurity situation. She highlighted how services were coming back online, and that the AOC staff was providing support and outreach to affected courts. Mr. Jorge Basto emphasized how the AOC IT staff had been working around the clock to ensure services were back online as safely as possible. The idea of securing cybersecurity insurance was discussed as well as working with executive branch partners to investigate whether or not those resources were already available to the judiciary.

Gateway Sub-Committee – Mr. Jorge Basto, Sub-Committee Chair

Mr. Basto highlighted that Mr. Sterling Perry was working diligently to ensure the judicial gateway website was operational and fully functional. This update indicated that some gateway functions were operational, while others still needed attention before they would be back online.

Criminal Justice E-Filing Project (CJEP) – Mr. Mike Curtis, Georgia Technology Authority

Mr. Curtis provided a brief overview of the criminal justice e-filing project. Mr. Curtis was joined by Mr. David Usery who gave a PowerPoint presentation of the CJEP project's progress since the last presentation to the Committee.

Rules Sub-Committee – Judge Jim Altman, Sub-Committee Chair

Judge Altman provided an update on the work of the rules sub-committee and the recommended amendments to the e-filing minimum standards and transfer rules respectively. The amendments were approved and will be submitted to the Judicial Council except for the rules requiring EFSP

participation in the judicial gateway as well as the rule concerning courtesy copies of filings for judges. These rules were tabled for further work and discussion by the Committee.

Authentication of Judicial Signatures – Judge Stephen Kelley

Judge Kelley updated the Committee on judicial signature authentication. A working group met earlier in the day to listen to vendor solutions. It is Judge Kelley's hope that by working with vendors and utilizing available technologies, judges will be able to sign documents with high-quality secure electronic signatures. Judge Kelley indicated that the group would continue to work on this issue and provide updates and recommendations as progress is made.

Next Meeting

The next committee meeting is scheduled for September 12, 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 of Georgia

FROM: Judge Sara L. Doyle, Chair

RE: Strategic Plan Standing Committee Report

DATE: August 9, 2019

The Strategic Plan Standing Committee met on June 11, 2019 and July 23, 2019. Membership terms of the outgoing FY 2017 – 2019 Committee ended June 30, 2019; membership terms of the incoming Committee began July 1, 2019.

Both outgoing and incoming Committee members attended the June 11, 2019 meeting. Members voted to close out the last remaining initiative of the FY 2017 – 2019 strategic plan, key initiative 8, *Monitor and share trends and best practices of interest to the judiciary*, thus completing the strategic plan. Outgoing and incoming Committee members then began developing the new Judicial Council strategic plan, facilitated by Kris Sikes with the Carl Vinson Institute of Government, UGA. The vision, mission, and guiding principles of the FY 2017 – 2019 plan were carried to the new plan along with the strategic objectives, *Improve Citizen Experience with Georgia Courts* and *Improve Collaboration and Planning*.

The first official meeting of the incoming Strategic Plan Standing Committee took place on July 23, 2019. With the assistance of Ms. Sikes, the Committee worked on developing new guiding principles and strategic objectives. Two additional strategic objectives were developed; one addressing the well-being of the judiciary and another addressing judges' community engagement. Key initiatives for each strategic objective were discussed and developed.

The Committee will continue to meet and refine the strategic plan throughout the fall. The Committee plans to bring the strategic plan to the Judicial Council for review at the December 6, 2019 Judicial Council meeting.

The next Committee meeting is scheduled for September 17, 2019.



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 William Boyett, Chair

RE: Standing Committee on Grants Report

DATE: August 9, 2019

The Judicial Council Standing Committee on Grants met on June 12, 2019 and awarded domestic violence grants totaling \$2,425,000 to seven nonprofit agencies and a \$363,750 kinship care grant to Atlanta Legal Aid Society and Georgia Legal Services Program as a collaboration. The domestic violence grant funds are used to provide direct civil legal assistance to low-income Georgia victims of domestic violence and their children. The kinship care grant funds are used to provide civil legal services to kinship caregivers and children living with caregivers who need support to maintain stable homes and care.

The Georgia General Assembly has been appropriating funds to the Judicial Council of Georgia for its Legal Assistance to Families Victimized by Domestic Violence Project since 1999. This is the first year the Georgia General Assembly has appropriated funds to the Judicial Council for its Legal Assistance to Kinship Care Families Project.

For Fiscal Year 2020, the following nonprofit agencies received domestic violence grants:

Atlanta Legal Aid Society	\$700,000.00
Cherokee Family Violence Center, Inc.	\$9,000.00
Gateway House	\$11,000.00
Georgia Legal Services Program	\$1,606,615.00
Northeast Georgia Shelter Collaborative (NOA)	\$47,385.00
Northwest Georgia Family Crisis Center, Inc.	\$37,500.00
Wayne County Protective Agency/Fair Haven	<u>\$13,500.00</u>
TOTAL FUNDS AWARDED	\$2,425,000.00

For Fiscal Year 2020, the following nonprofit agencies received kinship care grants:

Atlanta Legal Aid Society/Georgia Legal Services Program	<u>\$363,750.00</u>
TOTAL FUNDS AWARDED	\$363,750.00

Please reach out to Meisa Pace at meisa.pace@georgiacourts.ga.gov if you have any questions about any of the aforementioned grants. Thank you.



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: August 23, 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 current 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 August 9, 2019, we provided MD-CANI Part 2 & 3 (new) training to 53 jurisdictions. Like Part 2, Part 3 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. On August 8-9, 2019 a run-through of Part 3 took place in Athens with our core jurisdictions observing and providing feedback.

- 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, which is now in the testing phase.
 - 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. At our May 2019 meeting, J4C members voted to take steps to move Cold Case legislatively to OCA, so that funding would go directly to OCA if all approvals go through on July 1, 2020.
 - 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. 2019 awards were given at the State Bar meeting in Orlando, Florida to attorney Anissa Patton and DFCS case manager Jasmine Spratling.
 - J4C is sponsoring a Georgia Child Welfare Law Specialist meeting on Sept. 11-13, 2019. Our last meeting in 2018 was attended by over 40 GA Georgia attorneys who are Child Welfare Legal Specialist (CWLS) certified. We currently have roughly 60 registered for the 2019 meeting.
 - 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 13-15, 2019 is underway.
 - **The next J4C Committee meeting will be on September 20, 2019.**
- **Communications:** Improving communication can improve justice in all Georgia courts through collaboration and innovation, so it is a priority under the Judicial Council Strategic Plan. Due to the ransomware attack in June 2019, we are now in rebuild mode as we have lost our Courts Journal website and many of our website pages in general. We are still promoting and creating positive content about Georgia's judicial branch, all courts, and judges through our social media pages which were unaffected by the ransomware event. Our aim with all stories about the judicial branch is to instill faith in

our state's system of justice and the rule of law. New website domains, including the annual report, will be rebuilt under the main site: <https://georgiacourts.gov/>
Current working pages are: the directory-<http://georgiacourts.knack.com/gcd2/>;
(<https://www.facebook.com/GACourts>; <https://twitter.com/Gacourts>; YouTube channel-
<https://tinypurl.com/v9x6d32x>

- **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), providing a website for self-represented litigants with resources on Georgia's Income Deduction Order (IDO) process (<https://georgiacourts.gov/ido/>), providing an online child support calculator for court and public use, and generally supporting 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 in 2018 of the results of data collected over a three-year period, which was shared with DCSS and all PAC judges. A second study is underway now on six more courts in the Alcovy, Appalachian, Coweta, Flint, Northeastern, and Southwestern Judicial Circuits.
 - **Legislation:** The Commission submitted proposed legislation for 2019 that passed addressing several items: Adoption Assistance Payments as an Exclusion to Gross Income; Amend O.C.G.A. § 19-6-15(f)(4)(A) to remove "40 hour/minimum wage" language (to ensure federal compliance); and the Addition of "or the Jury" in appropriate locations, along with corrections to grammar and punctuation. Staff include these changes in the training curriculum.
 - **Child Support Calculator:** Courts, attorneys, mediators and the public are using the online calculator deployed on August 8, 2016. Internet connectivity within the courthouses is still a problem around the state. The Excel calculators were retired on October 1, 2018. Commission staff is providing training on the online calculator throughout the state. The trainings include 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.
 - **Study Committees:** The Child Support Commission established two study committees to begin work in 2019 for a period of no more than two years that are chaired by members of the Commission. The Low Income Deviation Study Committee is chaired by Superior Court Judge Emory Palmer, and the Parenting Time Deviation Study Committee is chaired by Private Attorney Kathleen Connell. The purpose of the study committees is to explore whether changes, including the potential of adding formulas to the calculations, should be made specifically to the Low Income Deviation, O.C.G.A. § 19-6-15(i)(2)(B), and the Parenting Time Deviation, O.C.G.A. § 19-6-15(i)(K). Surveys are being developed and judges will be contacted to participate in the surveys.
- **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:

- Judge Rodatus, Judge Cassandra Kirk and Georgia State University Law Intern, Timur Selimovic who is also a fellow with the University's Center for Access to Justice, and previously served with the A2J Committee, recently finalized the Self-Help Resources Tool Kit for Georgia Judges. This project will provide information on a variety of self-help service delivery models. This toolkit was disseminated during the Judicial Council's meeting on April 26, 2019 and given to some religious leaders in SWGA during our first two Expungement Clinics.
- The A2J Committee is partnering with and has adopted the State Bar's Justice for All (JFA) Strategic Plan and suggested projects. Foundational work of the strategic plan was initiated at our May Summit, a follow-up to our 2016 Summit (GA Reflections on Ferguson): GA Reflections on Access and Fairness in the Courts. Part 2: Engaging the Faith Community. We were able to identify various religious organizations throughout the State of Georgia to participate in the event and study. Foundational surveys and fact-gathering interviews were conducted with the faith-based community leaders to assess what current practices, if any, are in place. Work to assist the Dougherty County Law Library in creating a prototype at the local level for assisting self-represented litigants is underway. The Committee will focus on a combination of strengthening local law libraries, online forms for self-filing, local pop-up legal clinics, and low bono models of attorney representation, with the assistance of Mike Monahan, Judge Kristina Blum, the Georgia Technology Authority and the Director from the Dougherty County Law Library. Additionally, the AOC's Research Division will create and assist with the metrics of the model's effectiveness. The A2J Committee received an additional grant in the amount of \$40,000 from the State Bar of Georgia via the JC/AOC to be used for the ongoing initiatives in the JFA Strategic Plan. This continued funding is the result of a partnership between the State Bar's Justice for All Committee and the A2J Committee. On April 13, 2019, the A2J Committee held its first Pop-up Legal Clinic for Expungements, which served over 280 attendees. Our second Clinic served over 200 attendees and was held on July 26, 2019 in Valdosta, GA. The A2J Committee partnered with local and statewide volunteer lawyers, the State Bar of Georgia, Park Ave. United Methodist Church, local Solicitor's/DA's Office, and The Georgia Justice Project.
- The A2J Committee collaborated with the State Bar's Unauthorized Practice of Law section and the Indigent Defense Committees to prepare a combination UPL Counter Card for court personnel and a Right to Counsel Bench card for judges. This card will be disseminated at the Judicial Council meeting.
- The A2J Committee's Deaf and Hard of Hearing (DHH) working group collaborated with several ADA attorney specialists to create a Best Practices for DHH Courthouse Accessibility counter card. This counter card is for all court personnel, and its purpose is to instruct on the ADA required steps that must be taken if someone presents with a DHH need. The 2nd draft was submitted for review during our May 15, 2019 meeting, and suggestions were made for

changes. After final edits are completed, this document will be forwarded to the Commission on Interpreters for review.

- The A2J Committee internally distributed a final draft of the Georgia-specific guide for judges on the Servicemembers Civil Relief Act for review. This working group is also preparing a Bench Card to accompany this Guide. The A2J Committee 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 finalized copy available for print later this month. 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. Any judges interested in learning more about the project or possibly participating in the project should contact Tabitha Ponder at tabitha.ponder@georgiacourts.gov.
- **The next A2J Committee meeting will be on August 28, 2019.**



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 Judicial Council Meeting August 23, 2019

A year ago, then Chief Justice Hines shared with this body that he was thankful to former Governor Nathan Deal and to the Legislature for construction of the first state Judicial Building in Georgia's history that is dedicated solely to the judiciary. I echo his sentiment and note that the near-complete building perfectly complements the character of "Capitol Hill." It is a majestic building of which all of us can be proud. I anticipate that the Court will move into the new building starting in December and that we will be up and running for January oral arguments.

Our newest Justices — Sarah Warren, Charlie Bethel, and John Ellington — hit the ground running when they joined the Court. Although we sit by seniority at the bench and in the banc room, we cannot help but come together as a body after months of weekly consultations and deliberations. I am proud of our decisions over these last six months and believe every Justice has done an excellent job of adjusting to the new voices in the decision-making process.

Along with handling our increasing caseload, the Justices work on numerous critical initiatives. For example, Presiding Justice Nahmias continues as the JQC liaison, has assumed duties as the Justice4Children liaison, and is the liaison Justice for the Judicial Council Legislation Committee. Justice Benham serves as the liaison for the Access and Fairness Committee, Justice Blackwell serves as the State Bar liaison and, along with Justice Peterson, oversees the Office of Bar Admissions. As many of you know, Justice Peterson also handles rules submissions from the trial courts. Justice Boggs serves as JQC liaison with Presiding Justice Nahmias, handles the Judicial Council and Supreme Court budgets, and remains active in criminal justice reform. Justice Warren works with the Chief Justice's Commission on Professionalism and is leading several internal initiatives — the Ad Hoc Committee for Prevention of Sexual Harassment in the Judiciary and the Style Guide Committee, a collaborative

effort with the Court of Appeals and the Reporter of Decisions to review and possibly update the editorial styles used by both Courts. Justice Bethel is the Court's liaison with the Business Court and the Judicial Council Workload Assessment Committee, and even with his recent injuries, Justice Ellington is ably handling the Institute of Continuing Legal Education (ICLE), the Judicial Council Strategic Planning Committee, and all junior justice duties, as required.

This month, Ed Tolley, who just stepped down as Chair of the Judicial Qualifications Commission, received an Amicus Award from the Supreme Court of Georgia in which we thanked him for his dedicated work on the Commission. Presiding Justice Nahmias, who read the award to a full courtroom on August 6, shared the Court's profound appreciation for Ed Tolley's "lifetime of dedicated and distinguished service to this State, our legal community, and our judiciary, and in particular for stepping up to serve when leadership by someone of his stature was desperately needed for a commission that is so important to preserving the integrity of and public confidence in Georgia's judges."

I want to emphasize that the Court also appreciates the time all of you expend to further the critical functions of the judiciary, especially during the recent trying times of the AOC ransomware attack. Ms. Clanton will offer a fuller report on the specifics, but I wanted to share one outcome while all of our courts reassess our preparedness for this type of attack. I have moved forward with establishing an Ad Hoc Committee on Cybersecurity. This Committee, made up of members of the court system and representatives from the Department of Administrative Services and the Attorney General's Office, will review how we can secure cybersecurity insurance and establish other related cybersecurity safeguards to protect all state judicial entities against cyber-attacks or disruption of service.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Harold D. Melton", with a long horizontal line extending to the right.

Harold D. Melton
Chief Justice, Supreme Court of Georgia



THE COURT OF APPEALS
OF THE
STATE OF GEORGIA
ATLANTA, GEORGIA 30334

CHAMBERS OF
CHRISTOPHER J. MCFADDEN
CHIEF JUDGE

(404) 656-3452
mcfaddenc@gaappeals.us

August 14, 2019
Report to Judicial Council

On July 1, 2019, Judge Christopher J. McFadden became the Court of Appeals's latest Chief Judge and Judge Carla Wong McMillian the new Vice Chief. Chief Judge McFadden was elected by his peers, and both judges were sworn in during the Chief's ceremonial investiture in our courtroom, followed by a reception in the Judicial Building rotunda.

This investiture was the last the Court will celebrate in the current Judicial Building, as this Court and the Supreme Court prepare to move their entire operations to the new Nathan Deal Judicial Center. The move is currently scheduled to begin in late November, and the official opening ceremony will take place some time in February 2020.

Meanwhile, the Court of Appeals is helping the new state-wide business court prepare its initial budget, due in September. Legislation creating the court, which passed in the 2019 legislative session, places the business court within the Court of Appeals for administrative purposes. The new business court judge will begin serving on January 1, 2020, and that court will begin accepting cases on August 1, 2020.

Each of the Court's five divisions generally hears one off-site argument each year. Earlier this year we heard arguments in Cook County and Rabun County. Later this year we will hear arguments in Blue Ridge, Vidalia, and at the Mercer University School of Law. In 2020 we plan to hear arguments in Albany, Cartersville, and at the University of Georgia School of Law. If you would like to host an oral argument session, please reach out to us.

In closing, the Court would like to extend its appreciation to former Chief Judge Stephen Louis A. Dillard for his exemplary service to the Court during an unprecedented period of change. The Court has welcomed six new judges to its bench over the last two years, and now-Presiding Judge Dillard helped maintain unity as the staff reoriented and the new roster of judges settled in.



Council of Superior Court Judges of Georgia

18 Capitol Square, Atlanta, Georgia 30334
(404) 656-4964 Fax (404) 651-8626

Council of Superior Court Judges Report to Judicial Council August 2019

The Council of Superior Court Judges held its semi-annual meeting and summer training conference in Savannah, Georgia from August 11-15, 2019. Governor Brian Kemp spoke to the judges on Monday night. Chief Justice Harold Melton and Lieutenant Governor Geoff Duncan were the luncheon speakers. The educational seminar presented by the Institute of Continuing Judicial Education (ICJE) included programs on cybersecurity for the courts and technology tips for superior court judges. Other topics included: mental health in criminal proceedings; criminal case management; CSCJ mentor/mentee informational exchange; logistical issues for senior judges; non-capital habeas corpus; systems innovation and mental health docket; sentencing and merger; misdemeanor jurisdictional update for Superior Court Judges – (including the new citation form based on SB 407); gangs and criminal cases; an update from the Judicial Qualifications Commission including judicial campaign issues; electronic evidence in criminal cases; case law and evidence updates; and case assistance exchanges regarding civil cases, domestic cases, and criminal cases.

The CSCJ Special Committee on Mental Health in Local Jails, chaired by Judge Brian Amero, hosted a training event entitled “Judicial Work at the Interface of Mental Health and Criminal Justice” at the Georgia State University College of Law in Atlanta on May 3, 2019. Speakers included Justice Michael Boggs, Judge Stephen Goss, Judge David Sweat, Florida Judge Steven Leifman, and Dr. Sarah Vinson.

CSCJ President Shawn LaGrua has appointed a subcommittee to review certain jury charges with the goal of rewriting them in plain English. Judge Ann Harris will chair the subcommittee. State Court Judge Wes Tailor has agreed to serve on the subcommittee.

Governor Kemp appointed Judge Rachelle L. Carnesale to the bench of the Atlanta Judicial Circuit (replacing Judge Gail S. Tusan), Judge Jeffrey A. Watkins to the bench of the Cherokee Judicial Circuit (replacing Judge George Carey Nelson, III), Judge Nina Markette Baker to the bench of the Coweta Judicial Circuit (replacing Judge Louis Jackson Kirby), Judge Tadia D. Whitner to the bench of the Gwinnett Judicial Circuit (replacing Judge Melodie Snell Conner), Judge Jeffery O. Monroe to the bench of the Macon Judicial Circuit (replacing Judge Edgar W. Ennis, Jr.), Judge Stacey K. Hydrick. to the bench of the Stone Mountain Judicial Circuit (replacing Judge J.P. Boulee), and Judge Shondeana Crews Morris to the bench of the Stone Mountain Judicial Circuit (replacing Judge Gail Flake).

CSCJ is sad to report the recent deaths of Senior Judge Joseph E. “Bo” Loggins of the Lookout Mountain Judicial Circuit and Senior Judge Marvin Sorrells of the Alcovy Circuit.



Council of State Court Judges
Impartial Courts • Judicial Excellence • Accessible and Efficient Justice

Report of the Council of State Court Judges
Judicial Council Meeting
August 23, 2019

Staff

Bob Bray
Executive Director

Executive Committee

Judge T. Russell McClelland
President (Forsyth)

Judge Wesley B. Taylor
President-Elect (Fulton)

Judge Alvin T. Wong
Secretary (DeKalb)

Judge R. Violet Bennett
Treasurer (Wayne)

Judge Nancy Bills
Immediate Past President (Rockdale)

District 1
Judge Gregory V. Sapp (Chatham)

District 2
Judge R. Violet Bennett (Wayne)

District 3
Judge John K. Edwards, Jr. (Lowndes)

District 4
Judge Jeffrey B. Hanson (Bibb)

District 5
Judge Alan W. Thrower (Baldwin)

District 6
Judge John G. Breakfield (Hall)

District 7
Judge Ronald B. Ramsey, Sr. (DeKalb)

District 8
Judge Allen Dee Morris (Cherokee)

The Council held its Spring Conference at Legacy Lodge at Lake Lanier Islands in Buford, Georgia on May 14 - 17. The highlight of this year's conference was the appearance of newly sworn in Governor Brian Kemp who addressed the judges on his vision of Georgia and his expectations during his first term in office. Classes included *Best Practices With Court Interpreters*; *New Family Violence Intervention Program Rules*; and *Best Practices on Docket Management and Court Calendars*. Updates were presented by DDS; Judge Ben Studdard on DUI Laws and Cases; Civil Law by Atty. Barbara Marschalk and Atty. Darren Summerville; and New Legislation by Tracy Mason and Tyler Mashburn.

Our Executive Director, Bob Bray, has been working along with the Information Technology teams of the Administrative Office of the Courts to restore services and functions that were lost or shut down by the recent ransomware cyber-attack that impacted the agency the last weekend in June. Files that cannot be recovered will have to be reconstructed or recreated – doubling the work of the Director's office.

On a positive note, the method of mass communication to the members of the Council was switched from posting messages on the Intranet to a Council email listserv. The timing of the restoration of the listserv could not have come at a more important time by allowing us to continue to send emails to our members when all technology services were down from the cyber-attack. Special thanks to Jorge Basto, Chief Information Technology Officer of the AOC and to Judicial Council AOC Director Cynthia Clanton.

Immediate Past President Judge Nancy Bills of the State Court of Rockdale County was appointed to serve on the Board of the Institute of Continuing Judicial Education.

The Council also congratulates three state court judges that were recently appointed by Governor Kemp to fill vacancies in superior courts. DeKalb State Court Judges Stacey Hydrick and Shondeana Crews Morris were appointed to the Stone Mountain Judicial Circuit; and Bibb County State Court Judge Jeffery O. Monroe was appointed to the Macon Circuit. We look forward to Governor Kemp's appointments for these three vacancies in the state courts.

We also congratulate our Director who was recently invited to join the International Committee of the National Association for Court Management at their recent annual conference. The committee is currently drafting model guidelines on how to create associations that promote court administration in other countries or regions. As a member of this committee, Mr. Bray will also be a member of the International Association for Court Administration.

Respectfully submitted,

T. Russell McClelland

Judge T. Russell McClelland, President



COUNCIL OF JUVENILE COURT JUDGES OF GEORGIA

Judge Juliette Wiltshire Scales, *President*
Judge Lisa C. Jones, *President-Elect*
Judge C. Gregory Price, *Vice President*
Judge Render Heard, *Secretary*
Judge Lindsay H. Burton, *Treasurer*
Judge Philip B. Spivey, *Immed. Past President*

Judge Christy Carroll Balbo, *District 1*
Judge Joshua Bell, *District 2*
Judge Warner L. Kennon, *District 3*
Judge Maureen Wood, *District 4*
Judge Renata Turner, *District 5*
Judge Bobby Simmons, *District 6*
Judge Amber Patterson, *District 7*
Judge Stephanie Burton, *District 8*
Judge Christopher W. Willis, *District 9*
Judge Sheri C. Roberts, *District 10*

Eric J. John, *Executive Director*

REPORT OF THE COUNCIL OF JUVENILE COURT JUDGES JUDICIAL COUNCIL MEETING AUGUST 23, 2019

The Council met for its training and business meeting on May 5-8, 2019, at St. Simons Island. At this time, President Juliette Scales was sworn as President for the upcoming year and a new Treasurer, Judge Lindsay Burton from the Northeastern Circuit, was appointed by the Executive Committee, whose term along with the other officers, President Elect Lisa Jones, Vice President Greg Price, and secretary, Judge Render Heard, began June 1, 2019.

The revised Council of Juvenile Court Uniform Rules to conform to the new juvenile code were adopted by the Supreme Court in May of 2019 and became effective July 1, 2019.

The Council Uniform Rules Committee is still studying the rule on physical restraint of juveniles and has asked for further comment on the rule and the Committee will review these comments and submit another rule after the fall seminar to be held in Athens, GA, October 21-23, 2019.

Honorable Juliette Scales, President, 2019-2020
Council of Juvenile Court Judges of Georgia



Council of Probate Court Judges of Georgia

Judge T. J. Hudson
President (Treutlen)

Judge Kelli Wolk
President Elect (Cobb)

Judge Kerri Carter
First Vice President (Dade)

Judge Darin McCoy
Secretary-Treasurer (Evans)

Judge Sarah Harris
Immediate Past President (Macon-Bibb)

Report to Judicial Council of Georgia August 23, 2019

The following is a summary of activities and current initiatives by the Council of Probate Court Judges:

Training Council Retreat

Our Council hosted its first ever Training Council retreat in Sylvester. The retreat was the brainchild of Judge Virginia Acord of Worth County, who is our current Training Council chair. During the retreat, we had the chance to do a deep dive into the mission and vision of our Training Council, along with examining our certification programs and other related training matters. Each of the attendees provided positive feedback and since it was such a useful event, we will incorporate this retreat into our normal cadence of events for the foreseeable future.

2019 Traffic Seminar

Our annual Traffic Seminar was held May 29-31, 2019 at the UGA Hotel and Conference Center. Per his usual, Judge Wade Padgett provided two days of thorough training for the benefit of the 88 probate judges who have traffic jurisdiction. I also want to thank Judge Stacey Hydrick, the Georgia Department of Driver Services, the Georgia Bureau of Investigation and the respective staffs of the ICJE and the Administrative Office of the Courts, all of whom contributed greatly to the success of the training seminar.

2019 Leadership Retreat

We held our annual Leadership Retreat June 24-26 at the Jekyll Island Ocean Club. During the retreat, we set the strategic focus for our Council for the coming year. Also, with the help of Jim Poulakos of HKA Strategy, we conducted a mid-plan review of our current strategic plan. We heard presentations from Judge Parag Shah, the Georgia Heirs Property Law Center and AOC staffers Mrs. Tracy Mason, Mr. Jeffrey Thorpe and Ms. Shimike Dodson. I appreciate the contributions of the judges who comprise our Council leadership and look forward to another productive year.

Judge Bedelia Hargrove

Finally, I would like to acknowledge the efforts of Judge Bedelia Hargrove of the DeKalb County Probate Court. Recently, Judge Hargrove was acknowledged in the *Daily Report* for her role in making accommodations for a man with terminal health issues to be able to get a marriage license so he could marry his longtime companion. Judge Gary Jackson of the Atlanta Municipal Court performed the ceremony. Overall, this anecdote just highlights the good work that those in our state's judiciary carry out each day.

Respectfully submitted,

Judge T. J. Hudson
President, Council of Probate Court Judges of Georgia



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

Executive Director
Sharon Reiss

Council of Magistrate Court Judges Report

President
Judge Michael Barker
Chatham County

President-Elect
Judge TJ Hudson
Treutlen County

Vice-President
Judge Bobby H. Smith, III
Long County

Secretary
Judge Berryl A. Anderson
DeKalb County

Treasurer
Judge Jennifer Lewis
Camden County

Immediate Past President
Judge Glenda Dowling
Pierce County

District One
Judge Scott Lewis
Judge Gary Browning

District Two
Judge Beth Carter
Judge Bryan Cavanaugh

District Three
Judge Angela Sammons
Judge James Thurman

District Four
Judge Phinia Aten
Judge Curtis Miller

District Five
Judge Lillian Caudle
Judge Cassandra Kirk

District Six
Judge Wanda Dallas
Judge Rebecca Pitts

District Seven
Judge Brandon Bryson
Judge Jennifer Inmon

District Eight
Judge Mike Greene
Judge Rizza O'Connor

District Nine
Judge Bill Brogdon
Judge Gene Cantrell

District Ten
Judge Caroline Power
Judge Deborah L. Green

Members-at-Large
Judge Melanie Bell
Judge Shawn Rhodes

We have had an eventful summer. Judge Joyette Holmes was appointed Cobb County District Attorney by Governor Brian Kemp. She resigned from the Council shortly before being sworn in on July 1. Judge Michael Barker then assumed the role of President and he appointed Judges TJ Hudson and Bobby Smith to fill the President-Elect and Vice President positions. The Executive Committee approved those judges as well as a few others who were needed to fill the roles recently left vacant by those appointments.

We are excited to have many new judges get involved in committee work this year and one of our goals was to get more involvement from our Probate/Magistrate judges. We realize that almost one third of our courts are now combined and this year we have the same percentage of judges representing those courts in leadership roles.

We had a successful officers' meeting planning for all the changes and with Doug Ashworth's help we were able to plan our training meetings out for the next three years. ICJE has contracted dates through 2022 for our council so we were able to lock in dates and rates.

We also had a great Chief Magistrate training at Brasstown in mid-July. Bruce Shaw was on hand to take photos of our Chief Magistrates so that we can begin planning for a chiefs' directory.

Our strategic plan is almost complete. By continuing to appoint chairs and vice chairs to all committees, drafting a rotation and term limit schedule that encourages new members to run for district representative, and creating a way for those running for office to introduce themselves to the membership, we should be wrapping up the goals for the plan.

Finally, several of our committees have been hard at work. The Legislative Committee agreed on backing two bills during this session – a salary bill and a bill providing greater discretion with certain misdemeanor bond issues. The legislative chairs are already hard at work preparing everything for the session. The Curriculum Committee reformed its members, clarified its mandate and already had one meeting. Between meetings, they are working hard to build a template of materials for instructors to use on a variety of topics. This is something that MCTC and CM CJ have wanted for many years. The Tech Committee worked in conjunction with the AOC to reach out to all courts who were affected by the tech issues that brought down MCIS. This year, once the AMV forms have been added, we will finish work on our forms generator. This project has been 5 years in the making and we are grateful that now all the CM CJ forms will be accessible via that automated process.

Placeholder: Council of Municipal Court Judges



Council of Accountability Court Judges

Chief Judge Kathlene F. Gosselin
Executive Committee Chair
Northeastern Judicial Circuit

Taylor Jones
Executive Director

Council of Accountability Court Judges Report to Judicial Council August 2019

In the time since the Council of Accountability Court Judges (CACJ) last reported to the Judicial Council, the CACJ held its annual meeting on June 28, 2019 at The Carter Center in Atlanta. During the meeting the CACJ elected its FY20 Executive Committee members, which are listed below.

Chief Judge Kathlene F. Gosselin, Northeastern Judicial Circuit, Superior Courts – **Chair**
Judge D. Scott Smith, Cherokee Judicial Circuit, Superior Courts – **Vice-Chair**
Chief Judge Brenda S. Weaver, Appalachian Judicial Circuit, Superior Courts – **Immediate Past Chair**
Chief Judge Russell W. Smith, Mountain Judicial Circuit, Superior Courts
Judge James F. Bass, Jr., Eastern Judicial Circuit, Superior Court
Judge W. James Sizemore Jr., Southwestern Judicial Circuit, Superior Courts
Judge Mary Staley Clark, Cobb Judicial Circuit, Superior Court
Judge Verda M. Colvin, Macon Judicial Circuit, Superior Courts
Judge Reuben M. Green, Cobb Judicial Circuit, Superior Court
Judge Charles Edward Auslander III, Athens-Clarke County, State Court
Judge Alison W. Toller, Northeastern Judicial Circuit, Juvenile Courts

Additionally, the CACJ Funding Committee, in conjunction with the Criminal Justice Coordinating Council and several District Court Administrators, met in April to review the FY20 Accountability Court Grant applications. The total amount of funds requested by the courts totaled \$34,690,565.

The CACJ was able to award the following amounts to the courts:

- Adult Felony Drug Courts - \$12,814,169
- Adult Mental Health Courts - \$5,224,299
- Veterans Treatment Courts - \$2,187,707
- DUI Courts - \$1,689,631
- Family Treatment Courts - \$2,620,418
- Juvenile Drug & Juvenile Mental Health Courts - \$785,164
- The CACJ also awarded \$986,123 in transportation funds to support participant treatment session attendance, court appearances, and drug testing obligations.

The CACJ is diligently preparing for the 2019 Accountability Courts Training Conference scheduled to be held in September. The CACJ Training Committee has worked to bring together national and local speakers to present on a variety of accountability court topics. The CACJ is looking forward to executing another successful training conference in 2019.



GEORGIA COMMISSION ON DISPUTE RESOLUTION

Judge Jane C. Barwick
Chair

Executive Director
Tracy B. Johnson

Program Manager
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 Hedeem, 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:

Annual ADR Program Directors' Conference

The 2019 ADR Program Directors Conference is scheduled for September 9-11 on St. Simons Island. Program Directors will participate in a variety of educational sessions, including: topics on the new Rules for Mediating Cases Involving Domestic Violence, working with self-represented litigants, and best practices for staying safe in mediation. Attendees will also have opportunities to participate in roundtable discussions, where they can network and share ideas. There are 29 program directors/coordinators and seven Commission members registered to attend.

Continuing Education Events

The Georgia Office of Dispute Resolution hosted two continuing education events this year. The first was held on Tuesday, June 18 at the State Bar of Georgia Conference Center in Atlanta. There were 70 participants in attendance. The second was held on Friday, August 9 at Brenau University in Gainesville, with 185 total attendees (covering two separate sessions). These events were open to registered neutrals only. We would like to thank the Fulton County ADR Program and the Ninth Judicial Administrative District ADR Program for their collaboration in hosting these events.

Juvenile Court ADR Program Forum

The Georgia Office of Dispute Resolution, in partnership with the Supreme Court Commission Justice for Children (J4C), sponsored a one-day forum on June 13 for Juvenile Court ADR Programs. There were 14 court program representatives. Attendees discussed current challenges specific to juvenile court programs and explored options for growth in new and existing areas. The Office would like to thank Mr. Jerry Bruce, Esq. and Ms. Lynn Goldman, Esq. for their involvement in this event.

Coweta Judicial Circuit ADR Program

Coweta Judicial Circuit Court Services Director, Ms. Wanda Cotton, retired on July 31, 2019. Ms. Cotton served as the Director, overseeing the circuit's ADR Program since November 2015. Her public service spanned 38 years, serving the courts as well as the City of LaGrange.

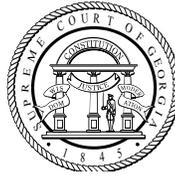
While we wish her the best in her future endeavors, her commitment and dedication to the advancement of ADR in the courts will be greatly missed.

Upcoming Commission Meeting Date

The next Commission meeting date is August 21, 2019, at 2:00 p.m. in Room #1 at the State Bar of Georgia in Atlanta.

CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

Hon. Harold D. Melton, Chief Justice
Supreme Court of Georgia, Chair



Karlise Y. Grier
Executive Director

Shamilla Jordan
Administrative Specialist

Memorandum

TO: Judicial Council of Georgia

FROM: Karlise Y. Grier, Executive Director

RE: Chief Justice's Commission on Professionalism

DATE: August 23, 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; and Judge Susan E. Edlein (Fulton County State Court) for the Council of State Court Judges. Judge Steve C. Jones (Northern District of Georgia) recently ended his tenure with the Commission after serving for six (6) years, the maximum number of years for which he could serve, on the Commission. Judge William McCrary Ray II has been appointed to serve on the Commission for the federal judiciary. To see a complete list of Commission members, visit the Commission's web site at www.cjcpga.org.

Law School Orientations on Professionalism

The Commission staffs the State Bar of Georgia (State Bar) Committee on Professionalism (Committee), and in that role supports the Committee's work on the Law School Orientations on Professionalism. The orientations are designed to provide incoming 1Ls with their first introduction to professionalism. Georgia judges and lawyers are invited to serve as "Group Leaders" during the orientations to help students learn the meaning of professionalism and why it is important for them as law students. This year, approximately 175 judges and attorneys served as Group Leaders at each of Georgia's five law schools. Judges from all classes of courts and from the Administrative Office of the Courts served as Group Leaders. Presiding Justice David E. Nahmias, from the Supreme Court of Georgia, served as a Group Leader, gave the Keynote Speech and administered the student oath at the

Georgia State University College of Law. Justice Nahmias also administered the Student Oath at the Emory University School of Law. Judge Stephen Louis A. Dillard from the Court of Appeals of Georgia was the Keynote Speaker at the Mercer University School of Law program. Judge Timothy C. Batten, Sr. from the United States District Court for the Northern District of Georgia gave the Keynote address at the University of Georgia School of Law. Judge Eric Richardson from the Fulton County Superior Court gave the Keynote address at Atlanta's John Marshall School of Law.

The Commission oversaw the preparation of Student Materials and Group Leader Handbooks for four of the five Georgia Law Schools. This year, under the leadership of the Law School Orientation planning committee chaired by Michael Herskowitz, Chief, Cyber and Intellectual Property Crime Section, U.S. Attorney's Office, Northern District of Georgia and Professor Sarah Shalf, Professor of Practice, Emory University School of Law, students from several law schools assisted in creating the hypothetical problems used by the Committee. The law students did an outstanding job! Mr. Marlan Eller, a 2019 J.D. from Savannah Law School, drafted one of the hypothetical problems used in the 2018 and 2019 orientations and assisted with revising and editing the 2019 hypothetical problems. Mr. Eller provided some wonderful ideas on ensuring that all of the hypothetical problems were as inclusive as possible. Frederick "Eric" Johnson, a 2020 J.D. Candidate from the Emory University School of Law proposed and drafted a hypothetical in which a lawyer tells a law student a "joke" that might be construed as inappropriate. Finally, Addison Smith, a 2020 J.D. Candidate from the University of Georgia School of Law drafted a hypothetical regarding a parent paying a tutor to help a student with an assignment. Mr. Smith also revised a hypothetical regarding posting and commenting about current events on social media. Ms. Samantha Beskin, a 2019 J.D. from Atlanta's John Marshall Law School and Ms. Teana Overton, a 2020 J.D. Candidate from Atlanta's John Marshall Law School also contributed ideas and suggestions to the planning committee. Other members of the planning committee included Dean Alexis Martinez, Georgia State University College of Law; Dean Hope Jamison, Atlanta's John Marshall Law School; Professor Nathan Chapman, University of Georgia School of Law; Professor Patrick Longan, Mercer University School of Law; and Mr. Kevin Patrick, Kevin Patrick Law.

The 2019 Law School Orientations were held on dates and times as follows:

- Atlanta's John Marshall Law School: Saturday, August 17, 2019, 9:30 am – 12:15 pm
- Emory University School of Law: Thursday, August 15, 2019, 12:00 pm – 4:00 pm
- Georgia State University College of Law: Tuesday, August 13, 2019, 5:00 pm – 8:00 pm
- Mercer University School of Law: Friday, August 9, 2019, 1:30 pm – 3:30 pm
- University of Georgia School of Law: Friday, August 16, 2019, 1:00 pm – 4:30 pm

Thank you to all of the judges who helped to make the 2019 Law School Orientations on Professionalism a great success!

Professionalism Page in the Georgia Bar Journal

One of the ways the Commission communicates with State Bar members is through its Professionalism Page, which appears in each issue of the Bar Journal that is published 6 times each year. The most recent Professionalism Page that appeared in the June 2019 Bar Journal is entitled “Honoring Georgia’s Lawyers.” A copy is attached hereto as “Exhibit A.”

Revised Professionalism CLE Guidelines and New CLE Portal for CLE Sponsors

On July 1, 2019, the Commission issued revised *Professionalism CLE Guidelines*. The revised guidelines give guidance to CLE Sponsors who are planning professionalism programs. In addition, the process that CLE sponsors use to apply for professionalism CLE credit has also been updated and it is now online. For information on the revised Professionalism CLE Guidelines and for numerous resources on planning a professionalism CLE program, see: <http://cjcpga.org/cle-sponsor-resources/>.

Save the Dates

The Commission will hold its 2019 Convocation on Professionalism on December 13, 2019. The Convocation co-chairs are Judge Carla Wong McMillian, Court of Appeals of Georgia, and Dean James Elliott, Emory University School of Law. On April 28, 2020, the Commission will host a Suicide Awareness Program. Judge Clyde Reese, Court of Appeals of Georgia; Judge Render Heard, Tifton County Juvenile Court; and Judge Shondeana Crews Morris, DeKalb County Superior Court, are part of the planning team for the program. The 21st Annual Justice Robert Benham Awards for Community service will be held on March 14, 2020.

Commission Website and Social Media

The Commission continues to enhance the new Commission website, www.cjcpga.org. For example, you may find materials and other information about the Law School Orientations on Professionalism at the link here: <http://cjcpga.org/law-school-orientations-on-professionalism/>. The Commission also enjoys communicating with judges and lawyers on its social media platforms. Connect with us!

Facebook: <https://www.facebook.com/CJCPGA>

Twitter: <https://twitter.com/CJCPGA>

LinkedIn: <https://www.linkedin.com/company/cjcpga/>

YouTube: <https://www.youtube.com/user/cjcpga/videos>



EXHIBIT A

Honoring Georgia's Lawyers

I sincerely hope the Commission on Professionalism's work will honor Georgia's lawyers for what they do each day and will help each lawyer to become consummate professionals while they do the tireless and often thankless work of representing clients.

BY KARLISE Y. GRIER

In June of 2018, I was shaken to the core when I learned of the death of attorney Antonio Mari. I did not personally know Mari, a family law attorney who was murdered by a client's ex-husband. I had, however, as a former family law attorney of almost 18 years, personally experienced the dynamics that caused his death: enmity, anger, retribution and a myriad of other vitriolic emotions directed at you as a lawyer (by opposing parties or clients) because you are striving to do your job to the best of your ability. I wanted to take a moment in this article to pay tribute to Mari and to honor the thousands of other Georgia lawyers who are just like him, men and women who toil in the trenches every day—putting their clients interests above their own personal well-being—as they strive to provide exemplary service and excellent representation. I also wanted to commend the wonderful professionalism example set by the Bartow County Bar Association, which stepped up in the midst of this horrible tragedy to divide up and take Mari's cases and to help close down his law practice.¹



GETTYIMAGES.COM/DNV59

According to the *Daily Report*, Mari was afraid of the pro se opposing party who ultimately killed him.² Nevertheless, Mari fulfilled his legal obligations to his client and obtained a final divorce decree for the client less than two hours before his client's ex-husband shot him to death. This balance of client interests versus personal interests is not always played out as dramatically as in Mari's case, but it is always there. Do you go to your child's soccer practice or do you first finish the brief that is due tomorrow? Do you take time to go for a walk or a run or do you take that early morning meeting with a client who can't take time off from their work as an hourly employee? Do you tell the pro bono client you are meeting with they have to leave your office and reschedule (knowing they most likely won't) because they reek of cigarette smoke and you have asthma? Do you file a motion to withdraw well in advance of trial or do you take the chance the client will pay you "in installments" as promised, knowing the client really needs a lawyer in this custody battle?

Each day, Georgia lawyers are called upon to make choices, large and small, that force them to balance their personal well-being against the interests of their clients. Striking the "correct" balance is at the heart of what we call "professionalism."³ One of the first quotes I came across when I started as executive director of the Chief Justice's Commission on Professionalism was from Karl N. Llewellyn, a jurisprudential scholar who taught at Yale, Columbia and the University of Chicago Law Schools. Prof. Llewellyn cautioned his students:

The lawyer is a [person] of many conflicts. More than anyone else in our society, he [or she] must contend with competing claims on his [or her] time

and loyalty. You must represent your client to the best of your ability, and yet never lose sight of the fact that you are an officer of the court with a special responsibility for the integrity of the legal system. You will often find, brethren and sistern, that those professional duties do not sit easily with one another. You will discover, too, that they get in the way of your other obligations—to your conscience, your God, your family, your partners, your country and all the other perfectly good claims on your energies and hearts. You will be pulled and tugged in a dozen directions at once. You must learn to handle those conflicts.⁴

I hope that, under my stewardship, the Chief Justice's Commission on Professionalism will honor Georgia's lawyers by ensuring CLE providers offer outstanding programming regarding professionalism concepts that give lawyers the opportunity to discuss the challenges (and sometimes joys) of practicing law. I look forward to continuing to recognize the amazing community service work of lawyers and judges at the Justice Robert Benham Awards for Community Service. I hope that the Commission's convocations, such as the 2018 Convocation on Professionalism and the Global Community, will continue to explore cutting-edge issues in the legal profession. I hope the Commission's work will help to embolden lawyers to stand courageously for the rule of law in our country and to provide guidance to lawyers on how to do so thoughtfully and with integrity. I look forward to the Commission's continued partnership with the State Bar of Georgia Committee on Professionalism and with Georgia's law schools as we strive to introduce law students to professionalism concepts during the Law School Orientations on Professionalism.

Too often, I think our profession focuses on the "bad" things for which lawyers may be known. I truly believe most lawyers are good, hard working men and women who want to do the best job they can for their clients in return for fair payment for their work. During my stewardship as executive director of the Commission, it is my goal to focus on and cultivate the good and the goodness in our profession that often happens without notice or comment. I am eager to help us all (myself included) grow to be the best professionals we can be. I sincerely hope the Commission's work will honor Georgia's lawyers for what they do each day and will help each lawyer to become consummate professionals while they do the tireless and often thankless work of representing clients. ●



Karlise Y. Grier

Executive Director
Chief Justice's Commission
on Professionalism
kygrier@cjcpga.org

Endnotes

1. See R. Robin McDonald, *Cartersville Attorney Gunned Down by Client's Ex-Husband*, *Daily Report*, June 22, 2018, at 1, <https://www.law.com/dailyreportonline/2018/06/21/cartersville-attorney-gunned-down-by-clients-ex-husband/> (last visited June 22, 2018).
2. See *Id.*
3. To learn more about how Georgia defines professionalism, see *A Lawyer's Creed* and the *Aspirational Statement on Professionalism* at: <http://cjcpga.org/lawyers-creed/> (last visited August 10, 2018).
4. Mary Ann Glendon, *A Nation Under Lawyers* 17 (1994).



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State Bar, and ABA Accredited Law Schools

G. Cleveland, Jr., Esq.
(9/13/17 – 12/14/00)

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Laura Kathryn Hogan (706) 369-5836
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Event Planner
Lindsey Colley (706) 369-5807

MEMORANDUM

TO: Chief Justice Harold D. Melton, Georgia Supreme Court
Members, Judicial Council of Georgia

FR: Douglas Ashworth, ICJE Executive Director *D. Ashworth*

RE: Report To Judicial Council – August 23, 2019

DATE: August 2, 2019

On behalf of the Institute of Continuing Judicial Education of Georgia ("ICJE") I am pleased to provide the following material for the April 26, 2019, Judicial Council of Georgia Meeting:

ICJE Executive Director Reports. Copies of my monthly email reports to ICJE Board Leadership for April, May, June and July of 2019, are attached. These monthly reports are also distributed to the leadership of all ICJE constituent groups and educational apparatuses.

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.

From: [Douglas G. Ashworth](#)
To: [Douglas G. Ashworth](#)
Subject: ICJE Exec Dtr Report - April 2019
Date: Thursday, May 02, 2019 9:32:50 AM

Greetings:

Here is my **monthly overview of ICJE activities for April 2019**. As always, I can be reached anytime on my cell at 706.201.7680.

Summary of Programming Work, Meetings and Arrival of New Event Coordinator: During the 22 business days of March, **ICJE staff facilitated 14 days of educational programming**, including both live, on-site events and online events. **ICJE staff participated in 8 educational committee/council meetings**. Our live seminars occurred in Young Harris (Brasstown Valley); at Lake Lanier; and in St. Simons Island. Finally, we are happy to announce the arrival of Ms. Amelia Bennett as **ICJE's new Event Coordinator**. Amelia, as Event Coordinator, will work with Michael Herriger

That's the Summary, here are the Details:

April 1st – April 12th: Programming included: (1) **Juvenile Court Clerks** Annual Conference; and, (2) a Lunch & Learn **Webinar Open to Multiple Classes of Courts** (Topic: SB 407); **Meetings** included: (1) **Executive Committee** of Georgia Association of **Juvenile** Court Clerks; and (2) **Senior Administrator** Meeting at UGA Law School. Other Work: **Contracts were finalized for:** (1) Domestic Violence **Benchbook** Update; and, (2) Municipal Court **Benchbook** Update.

April 15th – April 19th: Programming included: (1) **Magistrate Court Judge** April Recertification (King & Prince, St. Simons Island); and, (2) **Elder Abuse**, an online course open to **Multiple Classes of Courts**. **Meetings** Included: (1) **Magistrate** Court Training Council; (2) **Curriculum** Committee of Magistrate Court Training Council; and (3) Georgia **Municipal Court Clerks** Council. Since arriving at ICJE in January of 2017, I have enjoyed serving as a Mentor in UGA Law's **Mentoring Program for law students**. On April 18th, I enjoyed catching up with my mentee, Ms. Maryia Lu, a 2-L. My other mentee, Mr. Zack Kaiser, a 1-L, was invited to attend a recent ICJE Board of Trustees meeting.

On April 22nd, we welcomed Ms. Amelia Bennett as our new ICJE Event Coordinator. Ms. Bennett obtained her bachelor's degree in political science from UGA. She promptly went to work on State Court events; and, Magistrate Court events, including site visits; and on pre-event and post-event work. She will begin working on the Council of Superior Court Judges' Summer Conference as well.

April 22nd – April 30th: Programming included: (1) **Municipal Court Clerks** Recertification (Brasstown Valley) and **Meetings** included: (1) **Judicial Council** in Columbus; and, (2) **Municipal Court Training Council**. ICJE also finalized drafts of **proposed manuals** for the **Probate** Court Mentoring Program; **Probate** Court Certificate Program; and **Probate** Court Traffic Certificate Program for the upcoming Probate Court Training Council leadership retreat.

We are very appreciative of the time each group of volunteer Judges and Clerks provides during the

constant phone and email communication between ICJE staff and the various educational apparatuses, **as we continue work on the pre-event, on-site event; and post-event work for ICJE facilitated events.**

If I can be of assistance prior to the next monthly update, please call on me anytime.

Thank you and best regards,

Douglas G. Ashworth, J.D., Executive Director

Institute of Continuing Judicial Education (ICJE)

The University of Georgia

1150 S. Milledge Avenue

Athens, Georgia 30602-5025

Direct: 706.369.5793

Email: doug@icje.law.uga.edu

Fax: 706.369.5840

From: Douglas G. Ashworth
To: [Douglas G. Ashworth](#)
Subject: ICJE Exec Dtr Report - May 2019
Date: Friday, May 31, 2019 4:14:00 PM

Greetings:

Here is my **monthly overview of ICJE activities for May 2019**. As always, I can be reached anytime on my cell at 706.201.7680.

Summary of Programming Work and Meetings: ICJE staff facilitated 19 days of educational programming in the 22 business days of May, including both live, on-site events and also online events. **In addition, ICJE staff participated in 10 educational committee/council meetings.**

That's the Summary, here are the Details:

May 1st – May 10th: Programming included the Juvenile Court Judges' Spring Conference (St. Simons Island). **Meetings included:** (1) **Juvenile Court Judges' Education and Certification Committee**; and (2) Informal Training Session for ICJE Event Staff with Ms. Michelle Garner, the veteran Director of Meetings for the **State Bar of Georgia**.

May 13th – 17th: Programming included: (1) **Municipal Court Clerks** Recertification, an **online** course with several modules that lasted Monday – Friday; and, (2) **State Court Judges' Spring Conference** (Lake Lanier). **Meetings included:** (1) The **ICJE Board of Trustees** Annual (or Summer) Meeting; (2) **State Court Judges' Educational Programs and Mentoring Committee**; (3) **State Court Judges' New Judge Orientation Committee**; and, (4) **Magistrate Court Training Council**. Additionally, I participated in a teleconference meeting of the Futures Committee of the **National Association of State Judicial Educators**, of which I am a member.

May 20th – May 24th: Programming included Mental Health Issues In The Courts, an **online** course with several modules that lasted Monday – Friday. This online course was open to **Multiple Classes of Courts**. **Meetings included:** (1) Phone Conference with **AOC staff** regarding collaborating on various logistical issues for some seminars; and, (2) Phone Conference with **CSCJ Central Office Staff** on pre-event work for **Superior Court Judges' Summer Conference**.

May 27th – May 31st: Programming included Probate Court Traffic Conference (Athens). **Meetings included:** (1) Phone Conference with **MCJE Committee** Co-Chairs; and, (2) Phone Conference with Ms. Karlise Grier, Executive Director of the **Chief Justice's Commission on Professionalism**. Ms. Grier has graciously agreed to present a webinar on professionalism that will be open to multiple classes of courts.

As customary, in addition to our on-site work, our pre-event and post-event work continues all year long. If I can be of assistance prior to the next monthly update, please call on me anytime.

Thank you and best regards,

Douglas G. Ashworth, J.D., Executive Director

Institute of Continuing Judicial Education (ICJE)

The University of Georgia

1150 S. Milledge Avenue

Athens, Georgia 30602-5025

Direct: 706.369.5793

Email: doug@icje.law.uga.edu

Fax: 706.369.5840

From: Douglas G. Ashworth
To: [Douglas G. Ashworth](#)
Subject: ICJE Exec Dtr Report - June 2019
Date: Monday, July 01, 2019 11:08:00 AM

Greetings:

Here is my **monthly overview of ICJE activities for June 2019**. As always, I can be reached anytime on my cell at 706.201.7680.

Summary of Programming Work and Meetings: ICJE staff facilitated 9 days of educational programming in the 20 business days of June, including both live, on-site events in **Buford, Athens and Savannah**; and, also online events. **In addition, ICJE staff participated in 11 educational committee/council meetings.**

That's the Summary, here are the Details:

June 3rd – June 14th: Programming included: (1) **Municipal** Judges' Lunch and Learn Webinar "Legislative Update"; (2) **Magistrate Court Clerks** Annual Training (Lake Lanier, Buford); and, (3) **Magistrate** Court Judges' Lunch and Learn Webinar "Legislative Update". **Meetings included:** (1) ICJE Board Committee on **Probate** Judge Certificate Program; (2) UGA Law School Senior Administrator Meeting; and, (3) NASJE Futures Committee ("National Association of State Judicial Educators").

June 17th – June 21st: Programming included: (1) **Probate** Court Clerks Training, a live-onsite event in **Athens** (same programming will be presented in July in **Dublin**; and, in August in **Tifton**); and (2) **Municipal** Court Judges' training in Savannah, which actually includes both the New Judge Orientation for new Municipal Court Judges; and, also the Recertification for experienced Municipal Court Judges. **Meetings included:** (1) **Municipal Court Training Council**; (2) **Magistrate Court Training Council**; (3) UGA Law School Staff Resource Group; and, (4) Phone Conference with Justice Sarah Hawkins Warren, Chair, Judicial Council Ad Hoc Committee to Prevent Sexual Harassment in the Judicial Branch of Government.

June 23rd – June 28th: Meetings included: (1) Council of **Magistrate** Court Judges' Leadership Retreat (phone conference); (2) Council of **Probate** Court Judges' Leadership Retreat (live on-site); (3) Council of **Accountability Court** Judges Staff (phone conference); and, (4) Georgia **Municipal Court Clerks** Association Leadership Retreat (phone conference).

Post-Event Logistics: ICJE staff work can be divided into three phases: Pre-Event; On-Site; and, Post-Event. The conferences held in May are over, but June brought the customary post-event work for the ICJE staff for (1) **Juvenile** Court Judges Spring Conference; (2) **Municipal Court Clerks** Recertification; (3) **State** Court Judges' Spring Conference; (4) **Multi-Class of Court Online: Mental Health Issues in the Courts**; and (5) **Probate Court Judges Traffic** Conference.

Pre-Event Logistics: Pre-Event Logistics can be either long range or short range. Long Range: ICJE staff worked with several constituent groups regarding conference venue contracts for the years of

2020, 2021, 2022, and 2023. Short Range: ICJE staff continued extensive work with council leadership and council educational apparatuses to finalize agendas for: (1) **Chief Magistrate** Update Conference; (2) **Superior** Court Judges' Summer Conference; (3) **Judicial Staff Attorney** Conference; (4) Council of **Accountability Court Judges' New Judge Orientation**; (5) Council of **Accountability Court Judges' Annual** Conference; and, (6) **Juvenile** Court Judges' Fall Conference.

Finally, as customary, ICJE's Office Manager, Ms. Susan Nunally continued the work of 'closing' FY 2019.

If I can be of assistance prior to the next monthly update, please call on me anytime.

Thank you and best regards,

Douglas G. Ashworth, J.D., Executive Director

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From: Douglas G. Ashworth
To: [Douglas G. Ashworth](#)
Subject: ICJE Exec Dtr Report - July 2019
Date: Friday, August 02, 2019 3:09:00 PM

Greetings:

Here is my **monthly overview of ICJE activities for July 2019**. As always, I can be reached anytime on my cell at 706.201.7680.

Summary of Programming Work and Meetings: During July, ICJE staff facilitated live educational seminars that were open to **multiple classes of courts**; a live educational seminar for Chief **Magistrate** Court Judges; a live educational seminar for **Probate** Court Clerks; and assisted with the facilitation of the New Judge Orientation for **Accountability** Court Judges. The live seminars occurred in Atlanta; in Athens; in Young Harris (Brasstown Valley); and, in Dublin. In addition, ICJE staff participated in numerous educational committee/council meetings.

That's the Summary, here are the Details:

July 1st – July 12th: Programming included: (1) A **Podcast**, taped under the leadership of Judge Wade Padgett and Judge Tain Kell at the UGA Law School podcast studio. This presentation will feature an oral history/interview with the Hon. Lamar Sizemore; and, (2) **Judicial Ethics and Its Impact on Others**, a live event in Athens which was open to **multiple classes** of courts. Meetings included: (1) **Juvenile** Court Judges' Education & Certification Committee; and, (2) Council of **Accountability** Court Judges Staff.

July 15th – July 19th: Programming included: (1) Chief **Magistrate** Update Course, a live-onsite event in Young Harris (Brasstown Valley); and (2) **Probate** Court Clerks Training in Dublin (same programming also presented in June in Athens; and, in August in Tifton). Meetings included the UGA Law School Staff Retreat; and a phone conference with my continued committee work on the Futures Committee of NASJE (National Association of State Judicial Educators).

June 22nd – July 31st: Programming included: Council of **Accountability** Court New Judges' Orientation, a live-onsite event held in Atlanta. Meetings included: (1) **Magistrate** Court Training Council Curriculum Committee; (2) Council of **Superior** Court Judges' Staff; (3) Council of **Accountability** Court Judges' Staff; (4) UGA Law School Staff Resource Group; and, (5) a Site Visit for some ICJE staff to Great Wolf Lodge near LaGrange, for future venue considerations.

ICJE staff work can be divided into three phases: Pre-Event; On-Site; and, Post-Event. ICJE staff continued extensive **pre-event logistics** with council leadership and council educational apparatuses to finalize agendas for: (1) **Superior** Court Judges' Summer Conference; (2) **Judicial Staff Attorney** Conference; (3) **Magistrate** Court Judge 40 Hour Basic Civil Certification; (4) **Probate** Court Fall COAG; (5) **Juvenile** Court Judges' Fall Conference; and, (6) **State** Court Judges' Fall Conference.

If I can be of assistance prior to the next monthly update, please call on me anytime.

Thank you and best regards,

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