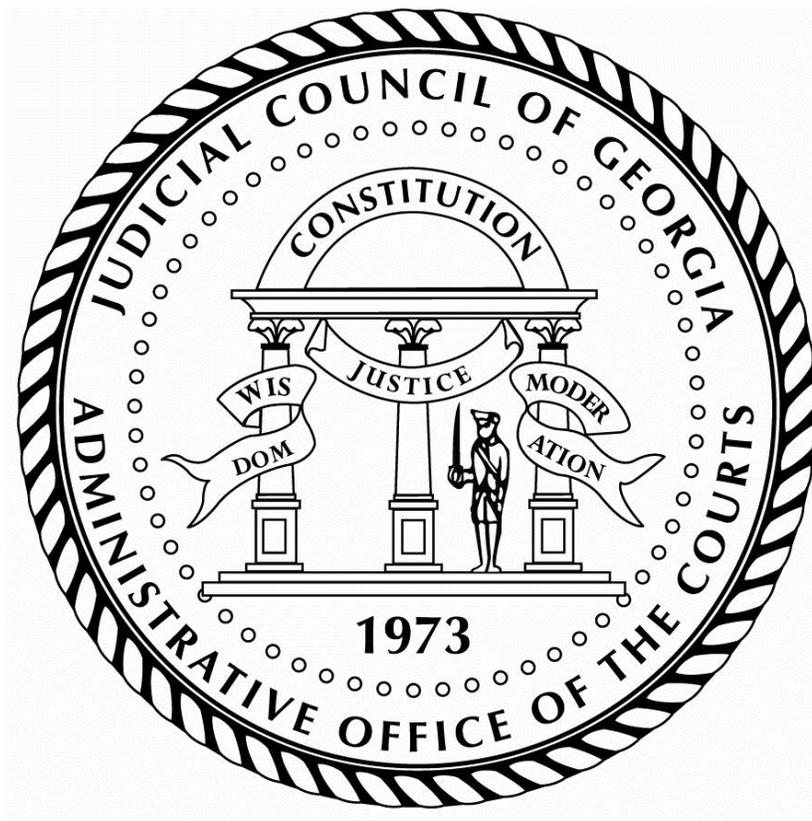


# JUDICIAL COUNCIL OF GEORGIA

**Friday, December 6, 2019**

10:00 a.m. – 12:30 p.m.



**The Carter Center**  
**Cyprus Room**  
453 Freedom Parkway  
Atlanta, GA 30307

**Judicial Council of Georgia  
General Session**

**The Carter Center**  
453 Freedom Parkway  
Atlanta, GA 30307

**Friday, December 6, 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, August 23, 2019** *(Action Item)* **TAB 1**  
(Chief Justice Harold D. Melton, Est. Time – 2 Min.)
- 3. Special Presentation**  
(David Allen, CISO, Georgia Technology Authority, Est. Time – 7 Min.)
- 4. Judicial Council Committee Reports**
  - A. Technology Committee** *(Action Item)* **TAB 2**  
(Chief Justice Harold D. Melton, Est. Time 5 Min.)
  - B. Cybersecurity Insurance for the Judiciary Committee** **TAB 3**  
(Judge Christian Coomer, Est. Time – 5 Min.)
  - C. Sexual Harassment Prevention Committee** *(Action Item)* **TAB 4**  
(Justice Sarah Warren, Est. Time – 30 Min.)
  - D. Judicial Workload Assessment Committee** *(Action Item)* **TAB 5**  
(Judge David Emerson, Est. Time – 10 Min.)
  - E. Legislation Committee** *(Action Item)* **TAB 6**  
(Presiding Justice David E. Nahmias, Est. Time – 5 Min.)
  - F. Strategic Plan Committee** *(Action Item)* **TAB 7**  
(Judge Sara Doyle, Est. Time – 10 Min.)
  - G. Court Reporting Matters Committee** **TAB 8**  
(Vice-Chief Judge Carla McMillian, Est. Time – 5 Min.)
- 5. Report from Judicial Council/AOC** **TAB 9**  
(Ms. Cynthia H. Clanton, Est. Time – 10 Min.)

**6. Reports from Appellate Courts, Trial Court Councils & State Bar**

**TAB 10**

(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**

**7. Reports from additional Judicial Branch Agencies (Est. Time – 10 Min.)**

**TAB 11**

- 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**

**8. Old/New Business**

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

**9. Concluding Remarks and Adjournment**

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

**Next Judicial Council Meeting**

Friday, February 14, 2020

10 a.m. – 12:30 p.m.

James H. “Sloppy” Floyd Building/Atlanta, GA

**Judicial Council Meeting Calendar – 2020**

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

## Directions to The Carter Center

453 Freedom Parkway  
Atlanta, Georgia 30307

### From North of Atlanta

1. Take I-75 or I-85 South to Exit 248C, which says "Freedom Parkway, The Carter Center."
2. Continue on Freedom Parkway about 1.8 miles, following the signs to The Carter Center.
3. As you loop around The Carter Center, follow the signs to entrance # 3 (Executive Offices).

### From South of Atlanta & Hartsfield-Jackson Atlanta International Airport

1. Take I-75 or I-85 North to Exit 248C, which says "Freedom Parkway, The Carter Center."
2. Continue on Freedom Parkway about 1.8 miles, following the signs to The Carter Center.
3. As you loop around The Carter Center, follow the signs to entrance # 3 (Executive Offices).

### From West of Atlanta

Follow the same directions as above or:

1. Begin on North Avenue.
2. Continue east (toward Decatur) on North Avenue until you come to N. Highland Avenue. You will see a neon art gallery, a gas station, and Manuel's Tavern at this intersection.
3. Turn right onto N. Highland Avenue.
4. Go to the next light at Freedom Parkway and turn right.
5. The Carter Center is on the left. Continue on Freedom Parkway to entrance # 3 (Executive Offices).

### From East of Atlanta

1. Take Ponce de Leon towards downtown (west) to N. Highland.
2. Turn left on N. Highland.
3. Continue to the second traffic light at Freedom Parkway and turn right.
4. The Carter Center is on the left. Continue on Freedom Parkway to entrance # 3 (Executive Offices).



\*Staff Parking: 9:00 a.m. - 6:00 p.m.

-  Entrances
-  Parking
-  Loading Docks

- 1. Ivan Allen Foyer
- 2. Cecil B. Day Chapel
- 3. Zaban Room
- 4. Lower Commons
- 5. Rotunda/Upper Commons
- 6. Cyprus Room
- 7. Executive Dining Room
- 8. Kitchen at Copenhill
- 9. Library Lobby
- 10. Jimmy Carter Library and Museum

## 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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:bamero@co.henry.ga.us)

Judge Jeffrey H. Kight  
Waycross Judicial Circuit, 1<sup>st</sup> JAD  
Ware County Courthouse  
800 Church Street, STE B202  
Waycross, GA 31501  
912-287-4330/F 544-9857  
[jhkight@gmail.com](mailto:jhkight@gmail.com)

Judge James G. Tunison, Jr.  
Southern Judicial Circuit, 2<sup>nd</sup> JAD  
PO Box 1349  
Valdosta, GA 31601  
229-333-5130/F 245-5223  
[jgtunison@gmail.com](mailto:jgtunison@gmail.com)

Judge Arthur Lee Smith  
Chattahoochee Judicial Circuit, 3<sup>rd</sup> JAD  
PO Box 1340  
Columbus, GA 31902  
706-653-4273/F 653-4569  
[arthursmith@columbusga.org](mailto:arthursmith@columbusga.org)

Chief Judge Asha Jackson  
Stone Mountain Judicial Circuit, 4<sup>th</sup> JAD  
DeKalb County Courthouse, STE 6230  
556 N. McDonough Street  
Decatur, GA 30030  
404-371-2344/F 371-2002  
[afjackson@dekalbcountyga.gov](mailto:afjackson@dekalbcountyga.gov)

Judge Chief Robert C.I. McBurney  
Atlanta Judicial Circuit, 5<sup>th</sup> 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](mailto:robert.mcburney@fultoncountyga.gov)

Judge Geronda V. Carter  
Clayton Judicial Circuit, 6<sup>th</sup> JAD  
Harold R. Banke Justice Center  
9151 Tara Boulevard, Suite 4JC101  
Jonesboro, GA 30236  
770-477-3432/F 473-5827  
[geronda.carter@claytoncountyga.gov](mailto:geronda.carter@claytoncountyga.gov)

Judge Ralph Van Pelt, Jr.  
Lookout Mountain Judicial Circuit, 7<sup>th</sup> JAD  
875 LaFayette Street, Room 206  
Ringgold, GA 30736  
706-965-4047/F 965-6246  
[chall@lmjc.net](mailto:chall@lmjc.net)

Chief Judge Donald W. Gillis  
Dublin Judicial Circuit, 8<sup>th</sup> JAD  
PO Box 2015  
Dublin, GA 31040  
478-275-7715/F 275-2984  
[gillisd@eighthdistrict.org](mailto:gillisd@eighthdistrict.org)

Chief Judge Jeffrey S. Bagley  
Bell-Forsyth Judicial Circuit, 9<sup>th</sup> JAD  
101 E. Courthouse Square, Suite 5016  
Cumming, GA 30040  
770-205-4660/F 770-250-4661  
[jsbagley@forsythco.com](mailto:jsbagley@forsythco.com)

Chief Judge Carl C. Brown, Jr.  
Augusta Judicial Circuit, 10<sup>th</sup> JAD  
735 James Brown Blvd., Suite 4203  
Augusta, GA 30901  
706-821-2347/F 721-4476  
[kcampbell@augustaga.gov](mailto: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](mailto: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](mailto: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](mailto: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](mailto:judgelisacjones@outlook.com)

**Probate Court**

Judge Torri M. "T.J." Hudson  
President, CPCJ  
Treutlen County  
650 2<sup>nd</sup> Street S., STE 101  
Soperton, GA 30457  
912-529-3342/F 529-6838  
[tj4treutlen@yahoo.com](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:dls@sutton-law-group.com)

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

**Judicial Council of Georgia**  
**General Session**  
**Anderson Conference Center     Macon, GA**  
**August 23, 2019 • 10:00 a.m.**

**Members Present**

Chief Justice Harold D. Melton, Chair  
Presiding Justice David Nahmias  
Judge Brian Amero  
Judge Jeffrey Bagley  
Judge Michael Barker  
Judge Carl C. Brown  
Judge Geronda Carter  
Judge Donald W. Gillis  
Judge T.J. Hudson  
Judge Asha Jackson  
Judge Shawn LaGrua  
Judge Lisa C. Jones  
Judge Jeffrey H. Kight  
Judge Robert C. I. McBurney  
Judge T. Russell McClelland  
Chief Judge Christopher T. McFadden  
Vice Chief Judge Carla McMillian  
Judge Dale “Bubba” Samuels  
Judge Juliette Scales  
Judge Arthur Lee Smith  
Judge Bobby Smith (for Judge T.J. Hudson)  
Mr. Darrell Sutton  
Judge James G. Tunison, Jr.  
Judge Ralph Van Pelt  
Judge Willie C. Weaver

Judge Kelli Wolk  
Judge Alvin T. Wong (for Judge Wesley B. Taylor)

**Staff Present**

Ms. Cynthia Clanton, Director  
Mr. Brad Allen  
Mr. Robert Aycock  
Ms. Michelle Barclay  
Mr. Jorge Basto  
Mr. John Botero  
Mr. Christopher Hansard  
Ms. Stephanie Hines  
Ms. Alison Lerner  
Ms. Tynesha Manuel  
Mr. Tyler Mashburn  
Ms. Tracy Mason  
Ms. Tabitha Ponder  
Mr. Bruce Shaw  
Ms. Tara Smith  
Mr. Jeffrey Thorpe  
Ms. Maleia Wilson

**Guests (Appended)**

**Call to Order and Welcome**

The meeting of the Judicial Council of Georgia (Council) was called to order at 10:05 a.m. by Chief Justice Melton. Members and designees identified themselves for the purposes of roll call, followed by staff and guests. The Chief Justice recognized the Council’s new members (Judge Amero, Judge Bagley, Judge Jones, Judge Wolk, Judge Barker, Judge Weaver, and Mr. Sutton) and administered the Council’s oath to the group. Judge Wong and Judge Bobby Smith also participated in the oath, as they were sitting in as designees for absent members<sup>1</sup>.

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<sup>1</sup> See Members Present

## **Adoption of Minutes – April 26, 2019**

Chief Justice Melton directed the Council's attention to the minutes of the April 26, 2019, meeting. A motion to approve the minutes was offered by Presiding Justice Nahmias, followed by a second from Chief Judge McFadden. No discussion was offered and the motion was approved without opposition.

### **Committee Reports**

Judicial Workload Assessment Committee. Judge David Emerson provided a brief introduction and recognized Mr. Hansard to present the proposed bench card, *Best Practices for Caseload Reporting*. Mr. Hansard described the card and its purpose to supplement the Georgia Courts Guide to Statistical Reporting. He asked the Council to allow staff to make any appropriate updates to the hyperlinks before posting on the JC/AOC website. Chief Judge McFadden moved to approve the bench card subject to the corrections described by Judge McClelland; followed by a second, the motion passed with no opposition. Judge Emerson provided an overview of the proposed amendments to the *Judicial Council Policy on Superior Court Judgeships and Circuit Boundary Studies*, which included a provision in response to questions received from the General Assembly regarding a process for recommending the elimination of judgeship positions. Judge LaGrua, on behalf of Council of Superior Court Judges, asked that the vote be tabled until the December meeting to allow more time for discussion; Judge Jones and Judge Arthur Lee Smith voiced support for this request, and Judge Emerson agreed. Judge Emerson stressed that any reductions in judgeship positions should be the result of a process. Judge Amero moved to table the amendments, and a second was offered by Judge Smith. The motion passed without opposition. The Chief Justice asked members for their commitment to review these amendments by December, as there is a need for a systematic process in this area.

Chief Justice Melton announced that, at the request of judges, the recommendations for superior court judgeships would be presented in numerical order according to workload value, as opposed to the usual practice of hearing them in alphabetical order. Mr. Jeffrey Thorpe presented the circuit judgeship recommendations in the following order: Ogeechee, Flint, Cobb, Mountain, South Georgia, Northern, Coweta, Atlantic, Atlanta. Mr. Thorpe summarized the assessment data for each circuit and the Chief Judge of each circuit was recognized for brief comments following the presentation of data. Following the full presentation of all circuit data, Mr. Thorpe spoke to

the non-binding, preliminary recommended ranking of the circuit judgeship requests. In response to a question, Judge Emerson reminded the Council that the numbers are based on the one-and-a-half-year Time and Motion Study completed in 2018. Per the Council policy, Chief Justice Melton asked any members in circuits impacted by the requests to excuse themselves from the room to allow for discussion regarding the qualifications of each circuit. When no discussion was offered, the members were reseated, and staff distributed ballots to voting Council members. Chief Justice Melton explained that this vote would be for the judgeship recommendations and all ballots must be complete in order to be counted. Judge Emerson reminded the council that judgeship recommendations are valid for three years. After a sufficient amount of time passed, the ballots were collected and Vice Chief Judge McMillian supervised the tally in a separate room. Chief Justice Melton moved on to other business as this took place.

Budget Committee. Justice Boggs referred to the written report provided in the materials. One enhancement request (\$375,000 for the Civil Legal Services for Kinship Care Families) is recommended for the Amended Fiscal Year 2020 budget and one enhancement request (\$87,145 for a Business Support Analyst) is recommended for the Fiscal Year 2021 budget. Justice Boggs provided an overview of both requests. A motion to approve both requests was offered by Judge Smith; the motion was approved without opposition. Justice Boggs then moved for the Budget Committee, assisted by JC/AOC staff, to be given authority to make decisions or take positions on the budget on behalf of the Judicial Council during the 2020 legislative session; Judge Amero offered a second and the motion was approved without opposition.

Vice Chief Judge McMillian returned and announced that the recommendations for additional superior court judgeships were approved for all circuits presented. Chief Justice Melton stated that the Council would now vote to rank the recommendations and, per policy, the ballots must be complete to be counted; the Council indicated no discussion was needed so impacted members were not asked to leave the room. Staff distributed ballots to voting members and after a sufficient amount of time passed, the ballots were collected and Vice Chief Judge McMillian supervised the tally in a separate room. Chief Justice Melton moved on to other business as this took place.

Legislation Committee. Presiding Justice Nahmias reported that the Committee met on July 30 to consider proposals for the 2020 session. He reminded the Council that the Committee

makes recommendations on concepts, not specific language, as things may change during the legislative process.

Presiding Justice Nahmias summarized the recommendation to provide for a five percent salary increase for magistrate court judges, proposed by the Council of Magistrate Court Judges. In the time since the committee meeting, the Council of Magistrate Court Judges asked for this item be considered for informational purposes only. Judge Barker confirmed this request and no action was taken.

Presiding Justice Nahmias summarized the recommendation to amend OCGA § 17-6-1, proposed by the Council of Magistrate Court Judges, to provide judges more discretion when determining the bail of an individual accused of a new misdemeanor family violence offense under certain conditions. A motion to adopt the recommendation was provided by Judge LaGrua, with a second by Judge Tunison, and the motion was approved without opposition.

Presiding Justice Nahmias summarized the recommendation to adopt the Uniform Mediation Act in Georgia, proposed by the Georgia Commission on Dispute Resolution. The Council supported this item last year. Judge Barker moved for adoption of this recommendation. A second was offered by Judge Tunison and the motion was approved without opposition.

Presiding Justice Nahmias requested that the Council designate authority to the Committee to make decisions or take positions on legislation and related policy issues on behalf of the Council during the 2020 legislative session. Being properly moved and seconded, the motion was approved with no opposition.

Presiding Justice Nahmias noted that the Court Reporting Matters Committee item would be presented upon the return of Vice Chief Judge McMillian from tallying the judgeship rankings ballots. Presiding Justice Nahmias announced that the Committee will meet again on November 20 and expressed appreciation to all for sharing legislative matters of all types, as it helps the judiciary speak as one voice and coordinate efforts. The Chief Justice reiterated that sentiment.

Technology Committee. Chief Justice Melton stated that Ms. Clanton would speak about the AOC cyberattack in her remarks. In response to the attack, the Ad Hoc Committee on Cybersecurity Insurance for the Judiciary has been created with Judge Christian Coomer serving as Chair and Judge Wade Padgett as Vice Chair. The Technology Committee continues to explore the issue of authentication of judicial signatures with e-filing.

Chief Justice Melton called for a break at 11:25; the meeting reconvened at 11:41 a.m.

Grants Committee. A written report was provided in the materials.

Strategic Plan Committee. A written report was provided in the materials.

### **Report from the Judicial Council/AOC**

Ms. Clanton delivered a detailed report on the cyberattack sustained by the AOC in June and spoke to services moving forward, including the support of the Ad Hoc Committee on Cybersecurity Insurance for the Judiciary. Additionally, Ms. Clanton reported on the AOC staff support of many committees, councils and projects. Ms. Clanton closed her remarks by stating the AOC's role as a service agency to the judiciary and thanked the Council for its support.

Vice Chief Judge McMillian was recognized to deliver the results of the judgeship recommendation ranking. There was a total of 25 possible votes, with one additional ballot disqualified due to it being incomplete. The judgeship recommendations were ranked in order of priority as follows: Ogeechee, Flint, Cobb, Mountain, South Georgia, Northern, Atlantic, Coweta, and Atlanta.

### **Reports from Appellate Courts and Trial Court Councils**

Supreme Court. Chief Justice Melton supplemented his written report with remarks to thank AOC staff for their efforts to recover after the cyberattack, and to thank the entire judiciary for their efforts as well. The Chief Justice also recognized transitions at the Judicial Qualifications Commission, with former Chairman Ed Tolley rolling off of the Commission and Executive Director Ben Easterlin announcing his retirement.

Vice Chief Judge McMillian was recognized to present the legislative proposal from the Court Reporting Matters Committee, which seeks to update and modernize the Court Reporting Act of Georgia and related statutes. She stated that this proposal is intended to formalize a blended system of court reporting, not to replace the current system. Presiding Justice Nahmias emphasized that the Standing Committee on Legislation voted unanimously to support this legislative proposal and that the proposal leaves discretion with each judge on whether to use digital recording. The draft included in the materials was an updated version since the committee met on July 30 and was accompanied by a memo detailing the revisions. Chief Judge McFadden moved to adopt the recommendation to support the legislation and a second was offered by Judge Amero. The motion was approved without opposition.

Court of Appeals. Chief Judge McFadden spoke to the leadership changes that took place at the Court over the summer and announced the Court would be holding off-site oral arguments

in the fall. The new Georgia State-Wide Business Court will be administratively attached to the Court of Appeals and the Court is working to assist Judge-elect Walter Davis.

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

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

Council of Juvenile Court Judges. Judge Scales referred members to the written report provided in the materials.

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

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

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

State Bar. Mr. Sutton delivered an oral report on behalf of the State Bar.

### **Reports from Other Judicial Branch Agencies**

Council of Accountability Court Judges. Mr. Josh Becker referred members to the written report provided in the materials.

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

Council of Superior Court Clerks. No report was provided.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier referred members to the written report provided in the materials.

Georgia Council of Court Administrators. Mr. Jeff West reported on the Council's upcoming conference and recognized District Court Administrators Dr. Will Simmons and Mr. T.J. BeMent as President and President-Elect, respectively, of the National Association for Court Management.

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

### **Old Business**

No old business was offered.

**New Business**

No new business was offered.

**Concluding Remarks**

Chief Justice Melton announced that the 2020 meeting schedule was included in the materials and the next Council meeting will be December 6, 2019, at The Carter Center in Atlanta.

**Adjournment**

Hearing no further business, Chief Justice Melton adjourned the meeting at 12:24 p.m.

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

**Judicial Council of Georgia**  
**General Session**  
**Anderson Conference Center      Macon, GA**  
**August 23, 2019 • 10:00 a.m.**

**Guests Present**

Mr. Doug Ashworth, Institute of Continuing Judicial Education  
Mr. Joe Baden, Third Judicial Administrative District  
Judge Amanda Baxter, Office of State Administrative Hearings  
Mr. Josh Becker, Council of Accountability Court Judges  
Mr. Tracy J. BeMent, Tenth Judicial Administrative District  
Mr. Bob Bray, Council of State Court Judges  
Justice Michael Boggs, Supreme Court of Georgia  
Mr. Tom Charron, Cobb Judicial Circuit  
Judge Kevin Chason, South Georgia Judicial Circuit  
Judge Mary Staley Clark, Cobb Judicial Circuit  
Mr. Walter Davis, Jones Day  
Mr. Richard F. Denney, First Judicial Administrative District  
Judge Ted Echols, Council of Municipal Court Judges  
Judge David Emerson, Judicial Workload Assessment Committee  
Mr. Steven Ferrell, Ninth Judicial Administrative District  
Judge Robert Flournoy, Cobb Judicial Circuit  
Judge Rueben Green, Cobb Judicial Circuit  
Ms. Karlise Grier, Chief Justice's Commission on Professionalism  
Judge Ann Harris, Cobb Judicial Circuit  
Ms. Christine Hayes, State Bar of Georgia  
Mr. Kevin Holder, Council of Probate Court Judges  
Ms. Shamilla Jordan, Chief Justice's Commission on Professionalism  
Ms. Tracy Johnson, Georgia Office of Dispute Resolution  
Judge LaTain Kell, Cobb Judicial Circuit  
Judge Robert Leonard, Cobb Judicial Circuit  
Judge Jeffery Malcom, Northern Judicial Circuit  
Ms. Cathy McCumber, Fourth Judicial Administrative District  
Judge Matthew McCord, Council of Municipal Court Judges  
Mr. Charles Miller, Council of Superior Court Judges  
Mr. David Mixon, Second Judicial Administrative District  
Mr. Jay Neal, Criminal Justice Coordinating Council  
Ms. Jody Overcash, Seventh Judicial Administrative District  
Judge Wade Padgett, Council of Superior Court Judges  
Judge F. Gates Peed, Ogeechee Judicial Circuit

Judge Rebecca Pitts, Council of Magistrate Court Judges  
Mr. Javier Pico-Prats, Office of the Governor  
Judge Gregory Poole, Cobb Judicial Circuit  
Ms. Ashley Quaglaroli, Hall Booth Smith  
Mr. Tommy Ratchford, Office of the Governor  
Ms. Sharon Reiss, Council of Magistrate Court Judges  
Judge Robert Russell, Atlantic Judicial Circuit  
Ms. Karlie Sahs, Georgia Office of Dispute Resolution  
Mr. Rusty Sewell, Georgia Capitol Partners  
Judge John Simpson, Coweta Judicial Circuit  
Ms. Christina Smith, Georgia Court of Appeals  
Judge Rucker Smith, Southwestern Judicial Circuit  
Judge Russell Smith, Mountain Judicial Circuit  
Senator Brian Strickland, Georgia State Senate  
Ms. Kirsten Wallace, Council of Juvenile Court Judges  
Mr. Shannon Weathers, Council of Superior Court Judges  
Mr. Jeff West, Georgia Council of Court Administrators  
Representative Andy Welch, Georgia House of Representatives  
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 Members

FROM: Chief Justice Harold D. Melton, Chair

RE: Committee Report - Judicial Council Standing Committee on Technology

DATE: November 20, 2019

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On Thursday, November 14, 2019, the Judicial Council Standing Committee on Technology met to discuss the Statewide Minimum Standards and Rules for Electronic Filing. The Committee approved the following change to the Statewide Minimum Standards and Rules for Electronic Filing- Rule 11 and the amendment to include Rule 2(b)(6) and 2(b)(7).

The Committee makes the following recommendation to the Judicial Council:

11. Procedure for Handling Misfiled or Otherwise Deficient or Defective E-Filings. Upon physical ~~acceptance receipt~~ and review of an e-filing and discovery that it was misfiled or is otherwise deficient or defective, a clerk shall as soon as practicable provide the e-filer notice of the defect or deficiency and an opportunity to cure or, if appropriate, reject the filing altogether. In any case, the clerk shall retain a record of the action taken by the court in response, including its date, time, and reason. Such records shall be maintained until a case is finally concluded including the exhaustion of all appeals. Absent a court order to the contrary, such records shall be accessible to the parties and public upon request without the necessity for a subpoena.

*(b) Minimum Standards for Electronic Filing Service Providers*

6. Required ESPF Participation in the Georgia Judicial Gateway Single Sign-On. The Judicial Council/The Judicial Council/Administrative Office of the Courts has developed the Georgia Judicial Gateway ([www.georgiacourts.gov](http://www.georgiacourts.gov)) to, inter alia, facilitate access to court e-filing systems. Consistent with 2(b)(1), (3) & (4), supra, EFSPs are required to enable single sign-on access via user identities managed by the Gateway ; provided, that neither these rules generally nor this specific requirement shall be interpreted to prohibit EFSPs from affording direct access to their services or to restrict the Clerk of Court's

authority to manage the systems and processes that govern the maintenance of the court record;

7. Transition. The requirements of Rule 2(b)(6) shall be incorporated into the existing EFSP applications at their next available opportunity but not later than six months from the effective date of this rule.

The Statewide Minimum Standards and Rules for Electronic Filing, adopted by the Judicial Council on December 7, 2018, and approved by the Supreme Court on December 14, 2018, including the proposed amendments, are attached to this memo for review.

**Judicial Council of Georgia**  
**Administrative Office of the Courts**  
**Statewide Minimum Standards and Rules for Electronic Filing**  
**Effective December 7, 2018**

1. *Definitions.*

For purposes of these standards:

- (a) *Court or Courts.* Court(s) means all trial courts of the State.
- (b) *Electronic Filing or E-Filing.* Electronic filing is the electronic transmission of documents to and from the court for the purposes of creating a court record in a format authorized by these standards.
- (c) *Electronic Filing Service Provider.* An e-filing service provider (EFSP) is an entity or system authorized to transmit and retrieve court filings electronically.
- (d) *Electronic Service or E-Service.* Electronic service is the electronic notice that registered filers in a case receive of a document's filing and their ability to access the document electronically.
- (e) *Public Access Terminal.* A public access terminal is a computer terminal provided for free electronic filing and/or viewing of documents.
- (f) *Registered User.* A registered user is a party, attorney, or member of the public or other authorized user, including judges, clerks and other court personnel, registered with an authorized EFSP to file, receive service of, or retrieve documents electronically.

2. *Minimum Technical Standards for E-Filing.*

(a) *Minimum Standards for Courts Making E-filing Available.*

A court may make electronic filing available only if:

- 1. *Rules.* The court's class of court has adopted uniform rules for e-filing or the court has itself promulgated such rules by standing order in the form set forth in Proposed Uniform Superior Court Rules 48 & 49, Exhibit A to the Resolution of the Statewide Judiciary Civil E-Filing Steering Committee;
- 2. *EFSP or EFSPs.* The EFSP or EFSPs authorized to conduct e-filing maintain compliance with the standards set forth in paragraph 4 below;
- 3. *E-Filing Alternative.* The clerk provides a no cost alternative to remote electronic filing by making available at no charge at the courthouse during regular business hours a public access terminal for free e-filing via the EFSP, by continuing to accept paper filings, or both; and
- 4. *Public Access.* The clerk ensures that electronic documents are publicly accessible upon filing for viewing at no charge on a public access terminal available at the courthouse during regular business hours.

Last revised and adopted by the Judicial Council on December 7, 2018

(b) *Minimum Standards for Electronic Filing Service Providers.*

An electronic filing service provider may be authorized to conduct e-filing only if:

1. *Technical Standards and Approval by Judicial Council.* The EFSP complies with all Judicial Council e-filing standards, including use of the latest version of OASIS LegalXML Electronic Court Filing for legal data exchange and such technical and other standards as the Council may adopt in the future to facilitate the establishment of a reliable and effective statewide electronic filing and retrieval system for judicial records (including provision for electronic judicial signatures, uniform document index fields, interchangeable registered user names and passwords, etc.);
  2. *Disclaimer of Ownership.* The EFSP disclaims any ownership right in any electronic case or document or portion thereof, including any commercial right to resell, recombine, reconfigure or retain any database, document or portion thereof transmitted to or from the court;
  3. *Minimum Standards for Courts.* The EFSP agrees to commit its best efforts to ensure that the court and its electronic filing system and procedures are in compliance at all times with the rules and requirements referenced in the minimum standards set forth in paragraph 3 above;
  4. *Other Requirements.* The EFSP likewise agrees to comply with other reasonable requirements imposed or agreed upon with respect to such issues as registration procedures, fees, hours of operation, system maintenance, document storage, system and user filing errors, etc.; and
  5. *Terms of Use.* The EFSP develops, maintains and makes available, to registered users and the public, terms of use consistent with the foregoing.
  6. *Required ESPF Participation in the Georgia Judicial Gateway Single Sign-On.* The Judicial Council/The Judicial Council/Administrative Office of the Courts has developed the Georgia Judicial Gateway ([www.georgiacourts.gov](http://www.georgiacourts.gov)) to, inter alia, facilitate access to court e-filing systems. Consistent with 2(b)(1), (3) & (4), supra, EFSPs are required to enable single sign-on access via user identities managed by the Gateway ; provided, that neither these rules generally nor this specific requirement shall be interpreted to prohibit EFSPs from affording direct access to their services or to restrict the Clerk of Court's authority to manage the systems and processes that govern the maintenance of the court record;
  7. *Transition.* The requirements of Rule 2(b)(6) shall be incorporated into the existing EFSP applications at their next available opportunity but not later than six months from the effective date of this rule.
3. *Accommodation of Pro Se Filers.* To protect and promote access to the courts, courts shall reasonably accommodate pro se parties by accepting and then converting and maintaining in electronic form paper pleadings or other documents received from pro se filers.

4. *Consent to E-Service.*

(a) *Automatic Consent.* When an attorney or pro se party files a pleading in a case via an authorized electronic filing service provider, such person shall be deemed to have consented to be served electronically with future pleadings for such case and must include his or her e-mail address to be used for this purpose in or below the signature block of all e-filed pleadings.

(b) This section applies to cases filed on or after January 1, 2019, unless the local court has opted into mandatory electronic filing prior to that date, in which case the earlier date applies.

5. *“Original” and “Official” As Applied to Electronic Court Records.*

(a) *Original and Official Files.* Except as provided in paragraph (c) below, the original version of all filed documents is the electronic copy maintained by the court. The official record of the court shall be this electronic file and such paper files as are permitted by Judicial Council standards and rules.

(b) *Maintenance of Underlying Documents.* A document that requires original signatures or is believed by a party to maintain legal significance not held by a copied version shall be e-filed, and the electronic copy maintained by the court shall be considered the original, except that the filing party shall maintain the underlying document for a period of two (2) years following the expiration of the time for filing an appeal and make such document available upon reasonable notice for inspection by another party or the court.

(c) *Non-Conforming Documents.* Exhibits or other materials that may not be readily converted to an electronic format and e-filed may be filed manually. The filing party shall e-file a notice of manual filing to denote that a manual filing has been made. The original version of such manually filed materials shall be the version maintained by the court.

6. *Transfer of Case Files.*

(a) *Method of Transfer.* When transferring a case record to another trial court, a transferor court that maintains its records in electronic form shall transmit such official record to the transferee court in electronic form via CD, DVD, Electronic Filing Service Provider or, if the transferee court so requests, by means of a File Transfer Protocol (FTP) or email application approved for such use by the Administrative Office of the Courts.

(b) *Form of Documents.* Whenever possible, a transferor court that maintains its records in electronic form shall transmit such records in a searchable, PDF/A format as prescribed by the Administrative Office of the Courts.

7. *E-Filing Signature and Authorization Issues.*

(a) *Electronic Signatures.* Any pleading or document filed electronically shall include the electronic signature of the person whose account is used to file the document or on whose behalf the filing is made. Consistent with Georgia law, “electronic signature” means an

electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(b)*Multiple Signatures*. An e-filed document may include the electronic signature of additional attorneys or unrepresented parties. In affixing additional signatures to the document, the filer certifies that any such signature is authorized.

(c)*Responsibility for Filings*. No registered user shall knowingly permit his or her login sequence to be used by someone other than an authorized agent or employee. Each registered user is responsible for all documents filed using his or her login and password.

8. *Courts May Maintain Certain Sealed Documents in Electronic Form*. Georgia uniform rules prohibit the filing of records under seal via a court's e-filing provider or providers. Nevertheless, where sealing is authorized by law or by court order, a court may itself maintain documents in electronic form under seal in the court's case management system.

9. *Electronic Treatment of Deposition Transcripts*.

(a)*E-filing*. Depositions placed in a sealed envelope pursuant to O.C.G.A. § 9-11-30(f) are not sealed within the meaning of Uniform Superior Court Rule 36.16(B) and may be electronically filed.

(b)*Part of Record*. Absent contrary court order, deposition transcripts on file in a case, whether opened or unopened, and whether sealed by the court reporter or not, shall be included in the case's electronic record.

10. *Redaction Obligations of E-Filers*. All EFSPs shall require e-filers prior to each filing to acknowledge, by way of a checkbox, their obligation to redact personal or confidential information prior to e-filing as required by O.C.G.A. § 9-11-7.1 as follows:

**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY:** All filers must redact personal or confidential information, including Social Security numbers, as required by O.C.G.A. § 9-11-7.1. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules. I have read this notice.

11. *Procedure for Handling Misfiled or Otherwise Deficient or Defective E-Filings*. Upon physical ~~acceptance~~ receipt -and review of an e-filing and discovery that it was misfiled or is otherwise deficient or defective, a clerk shall as soon as practicable provide the e-filer notice of the defect or deficiency and an opportunity to cure or, if appropriate, reject the filing altogether. In any case, the clerk shall retain a record of the action taken by the court in response, including its date, time, and reason. Such records shall be maintained until a case is finally concluded including the exhaustion of all appeals. Absent a court order to the contrary, such records shall be accessible to the parties and public upon request without the necessity for a subpoena.



# 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 Christian Coomer  
Chair, Ad Hoc Committee on Cybersecurity Insurance for the Judiciary

RE: Ad Hoc Committee on Cybersecurity Insurance for the Judiciary Report

DATE: November 5, 2019

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On October 2, 2019, the Ad Hoc Committee on Cybersecurity Insurance for the Judiciary held its first meeting.

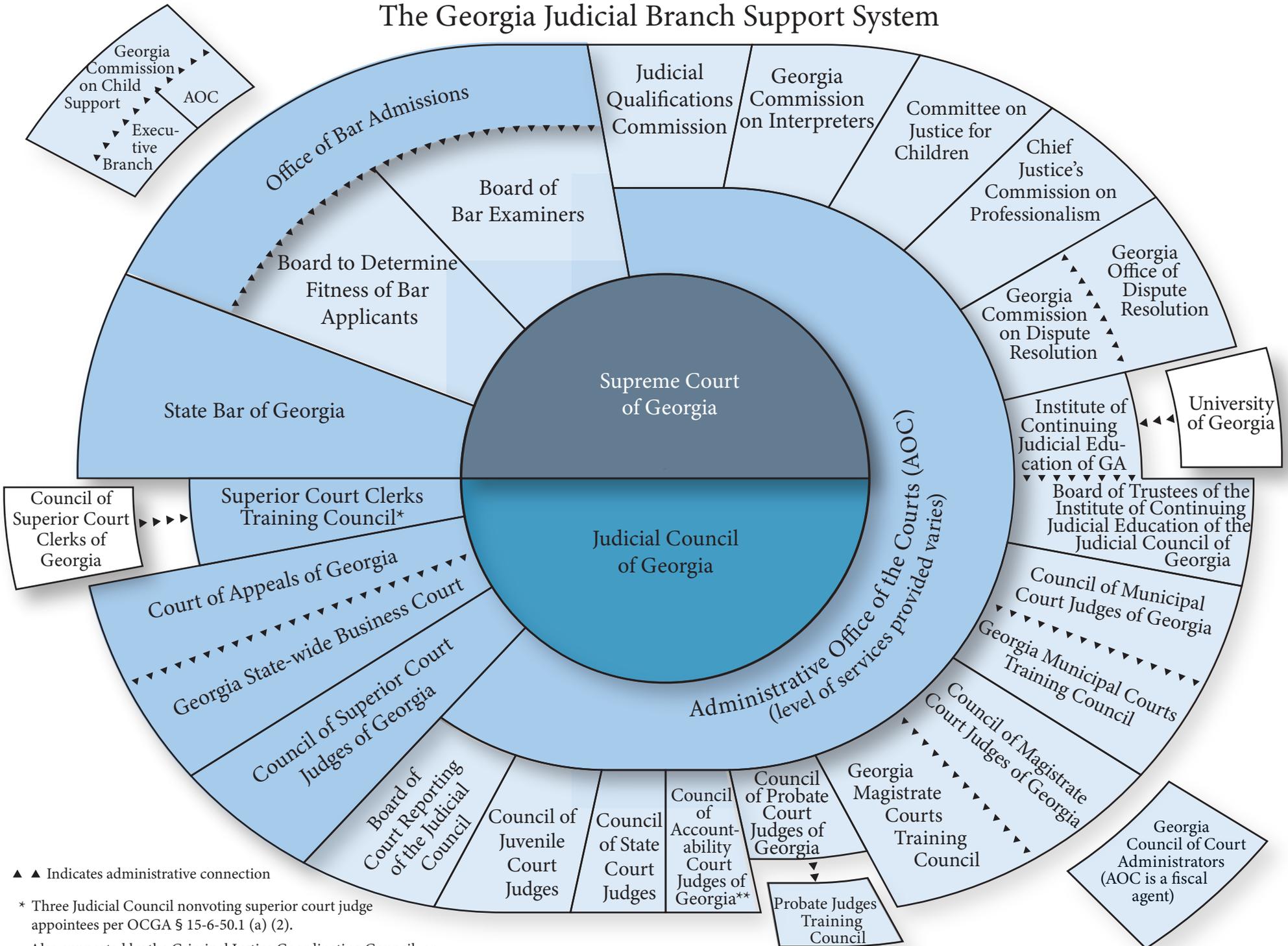
The Committee identified the need for the following:

1. Organizational map of all judicial branch agencies to note what entities need to be covered and included in a cybersecurity insurance policy. The attached organization map was created by the Administrative Office of the Courts to identify all judicial branch entities, including affiliated agencies attached to or supported by the Judicial Council of Georgia and/or the Administrative Office of the Courts.
2. Identification of existing cybersecurity insurance policies and incident response plans (IRP).
3. The creation of an IRP for the judiciary and potentially covered entities.

The Committee created a subcommittee to request existing IRPs and prepare recommendations to the full committee regarding IRPs for judicial branch entities. The subcommittee of the Ad Hoc Committee on Cybersecurity Insurance for the Judiciary includes Ms. Phyllis Sumner, Chair; Judge Wade Padgett; Mr. John Ruggeri; Col. David Allen; Mr. Wade Damron; and Ms. Tee Barnes. The subcommittee is scheduled to meet November 20, 2019.

The next full Committee meeting is scheduled for December 3, 2019.

# The Georgia Judicial Branch Support System



▲ ▲ Indicates administrative connection

\* Three Judicial Council nonvoting superior court judge appointees per OCGA § 15-6-50.1 (a) (2).

\*\* Also supported by the Criminal Justice Coordinating Council, an Executive Branch agency

**Report and Recommendations of the  
Judicial Council Ad Hoc Committee to  
Prevent Sexual Harassment in the Judicial  
Branch of Government**



**Presented to Chief Justice Harold D. Melton,  
Supreme Court of Georgia**

**and**

**the Judicial Council of Georgia**

**December 6, 2019**

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**IX. Appendix B: Classes of Court Matrix**

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## I. Executive Summary

Under the Code of Judicial Conduct, Georgia judges are prohibited from engaging in harassment and have a duty to prevent court staff and attorneys (among others) from engaging in harassment. Although the Code of Judicial Conduct sets an important baseline for judicial conduct, it appears that the majority of courts do not have separate sexual harassment policies that define prohibited conduct and create reporting and investigation processes that judicial branch employees can use if they experience or observe sexual harassment. Notably, however, judicial branch employees in many classes of courts are employed by the state, by municipalities, or by counties, and the sexual harassment policies for those government entities may apply to judicial branch employees. Similarly, most courts do not conduct regular sexual harassment training for judges and judicial branch employees, although judicial employees may receive training from a municipality or county if they are employed by those government entities.<sup>1</sup>

As explained more fully below in Part V.C, the practical realities of how the various classes of courts in Georgia operate—and how court staffs are employed—currently make it difficult, if not

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<sup>1</sup> Chief Justice Harold D. Melton’s February 2019 order establishing the Ad Hoc Committee to Prevent Sexual Harassment in the Judicial Branch of Government instructed the Committee to “encourage each class of court, and corresponding court councils, to establish and maintain policies to: (1) provide every judge and employee with training that addresses the various forms of workplace harassment, including sexual harassment, and related intimidation and reprisal that are prohibited by law; and (2) establish procedures for recognizing and responding to harassment and harassment complaints.” Georgia’s judicial branch is committed to providing a safe and respectful environment that is free from unlawful harassment and discrimination, and the Committee agrees that each court and class of court should work to prevent all types of workplace harassment in the judicial branch. However, given the focus of the Chief Justice’s February 2019 order, the Committee focused its attention specifically on the prevention of sexual harassment in the judiciary.

impossible, to promulgate a single anti-harassment policy that applies uniformly to all judges and employees in all classes of court in Georgia. In addition, because of the Judicial Qualifications Commission’s (“JQC”) constitutional authority to “discipline, remove, and cause involuntary retirement of judges as provided by [Article VI of the Georgia Constitution],” it appears that only the JQC—and not individual courts or classes of courts—can formally discipline judges for a violation of an individual court’s or court council’s sexual harassment policy, if one is instated.

The Committee has nonetheless formulated a set of recommendations that courts can and should consider, and encourages individual courts and classes of court to adopt these recommendations. The recommendations include: (1) requiring judges and judicial branch employees to participate in sexual harassment training at least once every year and (2) creating or revising sexual harassment policies for individual courts or classes of court in light of best practices.

The Committee has created the following work product in addition to this report:

- Best Practices for Anti-Harassment Policies document (Appendix A)
- Classes of Court Matrix (Appendix B)
- 30-Minute Training Video for judges and judicial employees (temporarily available on the Judicial Council webpage and later available through the Institute of Continuing Judicial Education)
- Model Anti-Harassment Policies for both Appellate and Trial Courts (forthcoming)

## **II. Background**

### **A. Executive Branch Efforts to Prevent Sexual Harassment**

On January 14, 2019, Governor Brian Kemp issued an Executive Order on Preventing Sexual Harassment in the Executive Branch of Government. Among other things, the Executive Order directed the Georgia Department of Administrative Services to “promulgate a uniform sexual harassment prevention policy that shall apply to all Executive Branch agencies”; to develop mandatory “sexual harassment prevention training” that all Executive Branch employees would take at least once a year; to develop “sexual harassment prevention training specifically applicable to employees holding supervisory and managerial positions”; and to develop “standardized investigative training for state employees who are designated by their agency head to investigate complaints of sexual harassment.” It also required each Executive Branch agency to “promptly review all complaints of sexual harassment,” and the Department of Administrative Services to “develop procedures regarding investigation and resolution of sexual harassment complaints.”<sup>2</sup>

### **B. Judicial Branch Efforts to Prevent Sexual Harassment**

In light of Governor Kemp’s January 2019 Executive Order, as well as a January 2018 resolution by the Conference of Chief

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<sup>2</sup> The Department of Administrative Services has done so, and Executive Branch policies and trainings can be found at: <https://doas.ga.gov/human-resources-administration/sexual-harassment-prevention/hr-professionals/employee-training>.

Justices,<sup>3</sup> Chief Justice Harold D. Melton signed on February 13, 2019, an order establishing the Judicial Council Ad Hoc Committee to Prevent Sexual Harassment in the Judicial Branch of Government (the “Committee”).<sup>4</sup> In that order, the Chief Justice asked the Committee to “convene to research, examine, and evaluate best practices and encourage each class of court, and corresponding court councils, to establish and maintain policies to: (1) provide every judge and employee with training that addresses the various forms of workplace harassment, including sexual harassment, and related intimidation and reprisal that are prohibited by law; and (2) establish procedures for recognizing and responding to harassment and harassment complaints.”

Since February 2019, the Committee has met in person four times and over the phone twice and has dedicated many hours to researching, reviewing, and discussing materials relevant to the recommendations contained in this report.

### **III. Committee Composition**

The Committee was comprised of eight judges representing each of Georgia’s classes of court. In addition, four advisory members attended and contributed to Committee meetings and to this report. Please see Appendix C for a full list of Committee members and advisors.

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<sup>3</sup> See Conference of Chief Justices, Resolution 2, In Support of Commitment to Awareness and Training on Workplace Harassment in the Judicial Branch (Jan. 31, 2018), available at: <https://www.ncsc.org/Topics/Access-and-Fairness/Workplace-Conduct/Harassment-Guide/Resolutions.aspx>.

<sup>4</sup> The Judicial Council of Georgia develops policies for administering and improving Georgia courts and is chaired by the Chief Justice of the Supreme Court.

#### **IV. Committee Process**

The Committee met on April 11, 2019; June 14, 2019; September 18, 2019; and November 18, 2019. The Committee also conducted conference calls on October 28, 2019, and on December 2, 2019.

Over the course of nine months, the Committee gathered, reviewed, discussed, and considered sexual harassment policies from other state and federal courts and from cities, counties, courts, and judicial or court councils in Georgia. (See Appendix D for select policies reviewed.) The Committee also invited Rebecca Sullivan, Assistant Commissioner and General Counsel, Georgia Department of Administrative Services, to present about her experience helping to formulate sexual harassment prevention policies and training materials for the Executive Branch and training materials for the Legislative Branch.

The Committee spent significant time discussing each class of court: how many judges and employees comprise each class of court; characteristics unique to each class of court; and what types of sexual harassment policies and training do (and do not) exist within each class of court and/or court council. (For more on the classes of court, see Part V.C below.) Along the same lines, the Committee discussed the role of the constitutionally-created JQC—and how the constitutional authority delegated to that entity to “discipline, remove, and cause involuntary retirement of judges as provided by [Article VI of the Georgia Constitution],” affects (and potentially eliminates) the ability to impose requirements or discipline on judges by virtue of a court-wide or council-wide sexual harassment policy. See Ga. Const. Art. VI, Sec. VII, Par. VI.

It was through those discussions that the Committee realized that the complex landscape of Georgia’s judiciary does not lend itself to a singular policy (let alone mandate) for the prevention of sexual

harassment. Understanding this complex landscape, and considering the research and discussion the Committee undertook, the Committee nonetheless chose to formulate a suite of recommendations that individual courts and/or court councils can adopt (or modify based on the particular characteristics and needs of a given court or class of court) when creating or updating sexual harassment policies and training.

## V. Georgia's Judicial Landscape

### A. Code of Judicial Conduct

Under Georgia's Code of Judicial Conduct, judges are prohibited from engaging in harassment and have a duty to prevent court staff and attorneys (among others) from engaging in harassment. Specifically, the Code of Judicial Conduct makes clear that

[a] judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon age, disability, ethnicity, gender or sex, marital status, national origin, political affiliation, race, religion, sexual orientation, or socioeconomic status.

Rule 2.3 (B) (emphasis supplied). Moreover,

Judges shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

Id. Additionally,

Judges shall *require* lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including, but not limited to, age, disability, ethnicity, gender or sex, marital status, national origin, political affiliation, race, religion, sexual orientation, or socioeconomic status, against parties, witnesses, lawyers, or others.

See Rule 2.3 (C) (emphasis in original).

As a result, separate and apart from any court-specific, court-council-specific, municipal, county, or state policy, judges are already prohibited from engaging in harassment, may not allow “others subject to the judge’s direction and control” to engage in harassment, and “shall require lawyers in proceedings before the court” to refrain from harassment.

## **B. Judicial Qualifications Commission**

Because the JQC is vested with the constitutional authority to “discipline, remove, and cause involuntary retirement of judges,” a court-specific, court-council-specific, or other policy generally cannot set forth disciplinary procedures against judges who do not comply with the relevant policy. The practical result is that the primary recourse against a judge for allegations of sexual harassment or other unlawful harassment in violation of the Code of Judicial Conduct should be sought through the JQC, and that anti-harassment policies promulgated by specific courts, judicial councils, or other government entities—though critically important for setting the tone and expectations of judges—may not be

enforceable against judges by the entities that promulgated the policies.<sup>5</sup>

### **C. Classes of Court in Georgia**

The classes of trial court in Georgia are: Superior Court, State Court, Juvenile Court, Probate Court, Magistrate Court, and Municipal Court.<sup>6</sup> Georgia's appellate courts are comprised of the Supreme Court and the Court of Appeals. Each of the classes of trial court has its own court council.

An important realization that developed during initial Committee meetings was that the same human-resources policies do not necessarily apply to judicial branch employees within the same

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<sup>5</sup> As outlined in the Best Practices document contained in Appendix A, the Committee recommends that anti-harassment policies set forth “requirements” for both judges and employees. Doing so will help demonstrate each judge’s ethical duty and commitment to preventing sexual harassment in the judiciary, and will encourage judges to comply with such policies and training requirements voluntarily. The Committee has recommended that judges be “required” to comply with various aspects of court-wide or court-council-wide anti-harassment policies and training requirements, even though judicial discipline ultimately rests with the JQC. The Committee notes that some other state court anti-harassment policies similarly recognize that harassment-related complaints may be made against judges through state entities like Georgia’s JQC. See, e.g., Arizona Code of Judicial Administration Discrimination and Harassment policy (adopted July 18, 2018); Kansas Supreme Court Policy Prohibiting Sexual and Other Workplace Harassment (revised Jan. 2019). See also United States Court of Appeals, Policy on Equal Employment Opportunity, Discrimination, Harassment, and Employment Dispute Resolution for the Seventh Circuit (adopted May 1, 2018) (noting that “[a]lleged judicial misconduct must be addressed through a judicial misconduct complaint”).

<sup>6</sup> Georgia’s statewide Business Court is set to begin operations on January 1, 2020, and therefore is not included in this report. However, the Committee’s recommendations apply equally to the Business Court once it begins operations.

class of court, let alone to employees throughout the judicial branch as a whole. That is because judicial employees in a given class of court may not be employed by the same entity, and some may not be covered by any policy at all. To make matters even more complex, the judges in a given class of court may be employed by a different entity than the employees.

Practically speaking, this means that judicial employees within the same class of court may be governed by different human-resources policies—including anti-harassment policies—and the judicial employees within a class of court may be governed by a different policy than the judges within the same class of court. These differences work against the ability to impose a uniform policy for the entire judicial branch and present difficulties such as the potential for multiple (or even conflicting) definitions of sexual harassment; different reporting requirements; different investigation procedures; and different disciplinary actions, just to name a few.

The Classes of Court Matrix contained in Appendix B provides specific information about the sources of employment for judges and employees in each class of court and illustrates the phenomenon explained above. Examples include:<sup>7</sup>

- In state court (150 judges), juvenile court (156 judges), probate court (194 judges), and magistrate court (471 judges), both the judges and the employees are employed by the county.
- In the Supreme Court (9 justices) and the Court of Appeals (15 judges)—both statewide appellate courts—the justices and judges and the employees are employed by the state.

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<sup>7</sup> Data contained in this report and in the Classes of Court Matrix are accurate to the best of the Committee's knowledge as of the date of this report, and may change after that date.

- But in superior court (323 judges), judges are employed by the state, whereas employees working in the superior court are employed by the state or a county.
- And in municipal court (360 full-time and part-time judges), judges are employed by a city (or on a contract basis), whereas the employees working in municipal court may be employed by either a city or a unified government.

The Committee considered the reality of Georgia’s judicial system when formulating its recommendations.

## **VI. Recommendations**

Given all of this, the Committee recommends (1) mandating sexual harassment prevention training for all judges and judicial employees in Georgia’s judicial branch and (2) creating or revising anti-harassment policies for classes of court or for individual courts.

### **A. Education & Training**

Education is a critical aspect of preventing sexual harassment in any workplace. Yet the Committee’s research revealed that almost no class of court requires regular sexual harassment prevention training for judges or for judicial employees.<sup>8</sup>

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<sup>8</sup> As detailed in the Classes of Court Matrix (Appendix B), the only two classes of court that currently require training for judges are juvenile court (training conducted in May 2019) and superior court (training planned for January 2020). State, magistrate, probate, and municipal courts do not currently require regular training for judges; nor do the Supreme Court or Court of Appeals. With respect to judicial employee training, the Committee understands that the cities or counties that employ judicial employees in state, juvenile, probate, magistrate, and municipal courts may require training, which may be provided by either the city or the county.

The Committee therefore recommends that **courts (and/or court councils) mandate that judges and judicial branch employees participate in sexual harassment prevention training at least once every year.** And because this recommendation does not appear to conflict with relevant policies currently in place in courts or court councils, it may be able to be implemented uniformly across classes of court.<sup>9</sup>

Specifically, and as detailed in the Best Practices document found in Appendix A, the Committee recommends that:

- **All new judicial employees receive sexual harassment prevention training within a set period of time after their employment begins;**
- **Current judicial employees be required to receive sexual harassment prevention training at least once every year; and**
- **Judges be required to receive sexual harassment prevention training at least once every year.**

Understanding that training can be costly, and that in-person training may not be realistic for every court in Georgia's 159 counties on a yearly basis, the Committee has partnered with the Department of Administrative Services to create a 30-minute video that judges and judicial branch employees can view remotely to learn about (and thus help prevent) sexual harassment. The video is free and will soon be available through the Institute of Continuing

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<sup>9</sup> The Committee also notes that some classes of courts have approved uniform rules that impose on judges continuing judicial education requirements, as well as consequences—up to and including sanctions—for judges who do not fulfill those requirements. See, e.g., Uniform Superior Court Rule 43; see also Uniform State Court Rule 43.

Legal Education. At the very least, this video can be used for new employee training and for judges' and employees' required training.

The Committee also recommends that courts (or classes of court) investigate and, when possible, arrange periodic in-person training about, sexual harassment prevention that is specific to that court (or class of court). Courts may wish to consult the Administrative Office of the Courts, the Institute of Continuing Judicial Education, or the Institute of Continuing Legal Education to learn more about in-person trainings.

## **B. Implement or Update Anti-Harassment Policies**

The Committee's research also highlighted the dearth of sexual harassment prevention policies implemented in individual courts and classes of courts. To that end, only two courts (the Supreme Court and the Court of Appeals), one court council (the Council of Superior Court Judges), and the Administrative Office of the Courts currently have anti-harassment policies in place.<sup>10</sup>

At first blush, the lack of individual and class-wide court policies might suggest a need to require individual courts or classes of courts to adopt anti-harassment policies. But because of the complex judicial landscape in Georgia described above—and particularly because some judicial branch employees are already bound by other government entities' sexual harassment policies, mandating court-specific policies would likely create discord to the extent the court's policy conflicted with whatever policy already applied to the judicial branch employees serving that court. Courts

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<sup>10</sup> In addition, the probate court judges council does not have its own anti-harassment policy but judges are covered by the relevant county's policy, and municipal policies may apply to municipal judges. Also note that in those courts where no court-wide or council-wide policy exists, judicial employees may be bound by their employer's (i.e., municipality's or county's) anti-harassment policies. See Classes of Court Matrix, Appendix B.

should therefore be mindful of other applicable policies (including, for example, state, county, and municipal policies), and should not adopt policies that would impermissibly conflict with applicable state or federal law, or with other applicable policies, when creating or revising their own sexual harassment prevention policies.

Notwithstanding this complexity, however, the Committee recognizes that there is a need and an opportunity for courts and court councils to make headway in creating or updating sexual harassment prevention policies for judicial branch employees and for judges.<sup>11</sup> Accordingly, the Committee makes the following recommendations with respect to individual court or class-of-court sexual harassment policies:

- **For all courts or classes of court in which judges have not been instructed about a reporting or investigation policy for claims of sexual harassment**, the Committee recommends that the court or class of court review the models and best practices contained in this report and implement a policy that promotes a consistent and uniform system—which the judges agree to follow—for reporting and investigating claims of sexual harassment.
- **For courts or classes of court in which judicial employees are not covered by a sexual harassment policy**, the Committee recommends that the court or class of court create and implement a policy based on the models and best practices contained in this report. When possible, adopting a class-wide policy is most desirable

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<sup>11</sup> As explained above, the Committee hopes that the findings and recommendations contained in this report encourage judges across Georgia to voluntarily submit to court-specific or class-of-court-specific sexual harassment policies, which will help ensure that all courts throughout Georgia’s judicial branch are free of harassment.

because it will promote consistency in reporting, investigation, and discipline for employees within the same class of court. Class-wide policies can be adopted through a class of court's judicial council.

- **For courts in which judicial employees are already covered by a sexual harassment policy** (likely a municipal, county, or state policy), the Committee recommends that the court or class of court review the models and best practices contained in this report; evaluate the policy that applies to their judicial employees; and, as needed, work with the relevant government entities to revise and update their sexual harassment policies in light of best practices.
- **For all courts that rely on independent contractors to provide any kind of service for the court**—which likely includes many courts—the Committee recommends that, consistent with the best practices set forth in Appendix A, the court review contracts to ensure that independent contractors are bound by the court's sexual harassment policy. If a court relies on independent contractors but is not the entity that has authority to draft or modify contracts, the Committee recommends that the court work with the relevant entity to do so as needed.

To assist in this process, the Committee has created, or is in the process of creating, the following materials:

1. **Best Practices for Anti-Harassment Policies (Appendix A):** This document, which reflects the research and discussion the Committee undertook over the past nine months, sets forth more than two dozen best practices that

the Committee agrees Georgia courts (or classes of courts) should consider when crafting their own anti-harassment policies.

2. **Model Appellate Court Policy:** The Committee thought it would be helpful if Georgia courts had access to model policies to consider when formulating sexual harassment prevention policies. Recognizing that there are some differences between trial and appellate courts, the Committee sought to put forth one model appellate court anti-harassment policy and one model trial court anti-harassment policy.

To that end, and in light of the Committee's recommendations, the Supreme Court has reexamined, and is in the process of updating, its anti-harassment policy. Although the revised policy has not yet received final approval, the Court anticipates approving a new policy by January 2020 and will make it available for courts to use as a model—keeping in mind the differences between trial courts and appellate courts (such as the size of the court, number of court employees, and frequency of interaction with attorneys and with the public) and how those differences may counsel in favor of differences in a given court's policy.

3. **Model Trial Court Policy:** Members of the Committee are currently drafting a model trial court policy in light of best practices and considering the unique characteristics of trial courts. The Committee anticipates completing a model policy by January 2020 and will make it available upon completion.

## **VII. Conclusion**

Georgia's judicial branch is committed to ensuring that courts across the state are free of unlawful harassment—including sexual harassment. Judges are ethically prohibited from engaging in harassment, and as leaders of our courts should set the tone for conduct within courthouses across our state. Notwithstanding the complexities of how judicial branch employees are employed across our state's classes of courts, courts and classes of courts should work to implement sexual harassment policies that are consistent with best practices. Finally, all judges and judicial branch employees should participate in sexual harassment training so they can learn about, and thus prevent, sexual harassment in Georgia's judicial branch.

## Appendix A: Best Practices for Anti-Harassment Policies

The following list of best practices was created after the Ad Hoc Committee reviewed and evaluated a number of sexual harassment prevention policies, including policies from state and federal courts and policies that currently apply to Georgia’s Executive Branch agencies (among others). This list is intended to serve as a resource for Georgia courts that are creating or updating an anti-harassment policy.<sup>1</sup> Although it is thorough, it is not necessarily comprehensive, and courts should also confer with their own human resources professionals and/or legal counsel in adopting a court-specific policy. Moreover, courts should be mindful of other applicable policies (including, for example, state, county, and municipal policies), and should not adopt policies that would impermissibly conflict with applicable state or federal law, or with other applicable policies, when creating or revising their own sexual harassment policies. The Committee nonetheless encourages courts to review and consider these best practices as they draft or update their own policies to prevent sexual harassment—and all other types of unlawful harassment—in Georgia’s judicial branch.<sup>2</sup>

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<sup>1</sup> To provide additional assistance and resources to Georgia courts, the Committee has also cited to a number of provisions in other courts’ or government entities’ anti-harassment policies whose provisions are similar to the best practices included in this document. The examples provided are not exhaustive. Moreover, the Committee has cited to such policies not to endorse one particular policy or another, but merely to offer tangible examples of how courts and other government entities have chosen to draft and implement various aspects of their anti-harassment policies.

<sup>2</sup> Although this document specifically references sexual harassment, anti-harassment policies should cover all types of unlawful harassment.

## First Principles

### 1. **Begin with a purpose or value statement.**

- Example policy: widespread practice.

### 2. **Remind judges of their already-existing obligations under Rule 2.3 of the Georgia Code of Judicial Conduct.**

- In addition to requiring that judges “perform judicial duties without bias or prejudice,” Rule 2.3 (B) of the Ga. Code of Judicial Conduct states that:

“A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon age, disability, ethnicity, gender or sex, marital status, national origin, political affiliation, race, religion, sexual orientation, or socioeconomic status.” (Emphasis supplied.)

- The Code not only prohibits judges from engaging in harassment; it also requires that judges prevent court staff and lawyers (among others) from engaging in harassment.

“Judges shall not permit court staff, court officials, or others subject to the judge’s direction and control to do so.” Rule 2.3 (B).

“Judges shall *require* lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment,

based upon attributes including, but not limited to, age, disability, ethnicity, gender or sex, marital status, national origin, political affiliation, race, religion, sexual orientation, or socioeconomic status, against parties, witnesses, lawyers, or others.” Rule 2.3 (C) (emphasis in original).

**3. Define the parameters of conduct that can constitute sexual harassment and provide a non-exhaustive list of examples.**

- Example policy: widespread practice.

**Complaints**

**4. Investigate all complaints that allege sexual harassment.**

- Example policies: Georgia Court of Appeals, Georgia Department of Administrative Services/OIG,<sup>3</sup> Arizona Supreme Court, Kansas Supreme Court.

**5. Provide confidentiality to the greatest extent possible in the reporting and investigation process and clearly state any known limitations on the full confidentiality of information.**

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<sup>3</sup>See Georgia Department of Administrative Services—Office of the State Inspector General, Statewide Sexual Harassment Prevention Policy (effective March 1, 2019), available at: <https://doas.ga.gov/human-resources-administration/sexual-harassment-prevention> (hereinafter Georgia Department of Administrative Services/OIG).

- Example policies: Georgia Court of Appeals, Georgia Department of Administrative Services/OIG, Arizona Supreme Court, Kansas Supreme Court, U.S. Court of Appeals for the Seventh Circuit, U.S. Court of Appeals for the Ninth Circuit.

**6. Encourage submission of complaints within a certain amount of time from the date of the alleged conduct.**

- Prompt reporting helps courts protect their employees, allows courts to take quick remedial action when necessary, and facilitates a proper investigation when witnesses and evidence are still available.
- Example policy: The U.S. Equal Employment Opportunity Commission generally requires a “charge” of discrimination “within 180 calendar days from the day the discrimination took place.”

See <https://www.eeoc.gov/employees/timeliness.cfm>

- Example policy: In the U.S. Court of Appeals for the Ninth Circuit, complaints must be filed within 180 days of the misconduct.

**7. Require supervisors and managers to report all instances of sexual or unlawful harassment, require employees to report all instances of sexual or unlawful harassment they observe, and strongly encourage (or require) employees to report instances of sexual or unlawful harassment they personally experience.**

- Example policies: Georgia Court of Appeals, Georgia Judicial Council/Administrative Office of the Courts,

Georgia Department of Administrative Services/OIG,  
Arizona Supreme Court.

8. **Do not require employees to ask an alleged harasser to stop unwelcome conduct before filing a complaint, but consider permitting it as part of the reporting process.**
  - Example policies: Georgia Council of Superior Court Judges, Arizona Supreme Court, South Dakota Unified Judicial System, U.S. Court of Appeals for the Seventh Circuit, U.S. Court of Appeals for the Ninth Circuit.
  
9. **Strongly encourage all complaints to be made in writing, but allow complaints to be made either orally or in writing.**
  - Example policies: Georgia Court of Appeals, Georgia Council of Superior Court Judges, Georgia Judicial Council, Administrative Office of the Courts (JC/AOC), Georgia Department of Administrative Services/OIG, Kansas Supreme Court, South Dakota Unified Judicial System.
  
10. **Clearly indicate which employees, supervisors, and/or managers are responsible for receiving complaints of sexual harassment (the “designated employees”).**
  - Example policy: widespread practice.
  
11. **Consider designating two or more people (and people of different genders) as those responsible for receiving and investigating complaints.**
  - Example policy: Georgia Department of Administrative Services/OIG.

**12. Consider creating a complaint form for employees who wish to make written complaints.**

- Example policy: U.S. Court of Appeals for the Ninth Circuit.

**13. If oral complaints are permitted, train designated employees how to receive and document an oral complaint about harassment.**

- This process may involve steps such as the designated employee listening to and documenting the complaint, and then asking the person making the complaint to review the documentation and verify its accuracy.
- Provide similar training to supervisors and managers, since they are typically required to receive and act upon complaints of sexual harassment.

### **Investigations**

**14. Clearly designate which individuals will investigate complaints of sexual harassment.**

- Designated employees for purposes of receiving complaints may or may not also be designated to investigate complaints.
- Example policy: widespread practice.

**15. Train designated investigators on how to appropriately investigate a complaint of sexual harassment.**

- Each entity creating or updating its anti-harassment policy should also consider how it will define an “investigation.”
  - Example policy: Georgia Department of Administrative Services/OIG.
- 16. Require that investigators interview the complainant and witnesses and give the subject of the complaint the opportunity to be interviewed.**
- Example policy: Georgia Council of Superior Court Judges.
- 17. Ensure no person is permitted to investigate his or her own conduct.**
- Example policies: Georgia Court of Appeals, Georgia Council of Superior Court Judges.
- 18. Require judges and court employees, and strongly encourage others, to cooperate with investigations into complaints of sexual harassment, and consider providing that failure to cooperate may result in disciplinary action.**
- Example policies: Georgia Department of Administrative Services/OIG.
- 19. Review contracts to ensure that independent contractors are bound by the court’s sexual harassment policy.**
- Example policy: Under the Georgia Department of Administrative Services/OIG policy, “independent

contractors who are regularly on Agency premises and/or regularly interact with Agency personnel” must “complete employee sexual harassment prevention training on an annual basis.” The Georgia Department of Administrative Services offers resources, including templates, to help Georgia agencies comply with these requirements. See <https://doas.ga.gov/human-resources-administration/sexual-harassment-prevention/state-contract-resources>.

**20. Prohibit retaliation against an employee for submitting a sexual harassment complaint, participating in an investigation, or otherwise opposing sexual harassment.**

- Example policy: widespread practice.

**21. Consider setting deadlines for the completion of investigations and resolution of complaints.**

- Example policy: The Georgia Department of Administrative Services/OIG policy generally requires that investigations conclude with the issuance of a written report within 45 days of the investigator’s assignment; a final determination must be made within 21 days of receipt of the investigative report.

**Post-Investigation**

**22. Conclude investigations with documentation detailing:**

- (a) The facts gathered;**

**(b) The conclusions reached (such as wrongdoing, no wrongdoing, or inconclusive); and**

**(c) Any remedial steps taken based on the conclusion.**

- Example policies: The policies of the Georgia Court of Appeals, Georgia Department of Administrative Services/OIG, Maryland Judicial Branch, and South Dakota Unified Judicial System require the submission of a written report.

**23. Consider following up with the complaining party and sharing the conclusion reached after investigation.**

- Example policies: Georgia Court of Appeals, Georgia Judicial Council Administrative Office of the Courts (JC/AOC), Kansas Supreme Court.

### **Education**

**24. Require all new employees to receive sexual harassment training and to certify their review of the sexual harassment policy within a set period of time after their employment begins.**

- Example policies: The Georgia Court of Appeals, Georgia Judicial Council Administrative Office of the Courts (JC/AOC), and Georgia Department of Administrative Services/OIG require employees to certify receipt of and/or review the entity's sexual harassment policy.

- Example policy: The Georgia Department of Administrative Services/OIG requires training for new Executive Branch employees within 30 days.

**25. Require judges to receive sexual harassment training at least once every year.**

- Example policy: The Georgia Department of Administrative Services/OIG requires annual training for Executive Branch managers and supervisors.

**26. Require current employees to receive sexual harassment training at least once every year.**

- Example policy: The Georgia Department of Administrative Services/OIG requires annual training for “all covered” Executive Branch employees.

## Appendix B: Classes of Court<sup>1</sup>

Class	Number of Courts / Number of Counties	Active or FT Judges	Senior or PT Judges	Employment	Anti-Harassment Policy?	Regular Anti-Harassment Training?
<b>Supreme Court</b>	1 / Statewide	9	N/A	<ul style="list-style-type: none"> <li>• <b>Justices:</b> State</li> <li>• <b>Employees:</b> State</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Court:</b> Yes</li> <li>• <b>Employees:</b> Yes</li> <li>• <b>Council:</b> N/A</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Court:</b> No</li> <li>• <b>Employees:</b> No</li> </ul>
<b>Court of Appeals</b>	1 / Statewide	15	N/A	<ul style="list-style-type: none"> <li>• <b>Judges:</b> State</li> <li>• <b>Employees:</b> State</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Court:</b> Yes</li> <li>• <b>Employees:</b> Yes</li> <li>• <b>Council:</b> N/A</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Court:</b> No</li> <li>• <b>Employees:</b> No</li> </ul>
<b>Superior</b>	159 / 159	214	109	<ul style="list-style-type: none"> <li>• <b>Judges:</b> State</li> <li>• <b>Employees:</b> State <u>and/or</u> County</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Court:</b> Yes</li> <li>• <b>Employees:</b> Yes (State/County)</li> <li>• <b>Council:</b> Yes</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Judges:</b> Jan. 2020</li> <li>• <b>Employees:</b> Varies</li> </ul>
<b>State</b>	71 / 71	129 active	21 senior	<ul style="list-style-type: none"> <li>• <b>Judges:</b> County</li> <li>• <b>Employees:</b> County</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Court:</b> No</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Judges:</b> No</li> <li>• <b>Employees:</b> County</li> </ul>

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<sup>1</sup> Data contained in this Report and in the Classes of Court Matrix are accurate to the best of the Committee's knowledge as of the date of this Report, and may change after that date.

<b>Class</b>	<b>Number of Courts / Number of Counties</b>	<b>Active or FT Judges</b>	<b>Senior or PT Judges</b>	<b>Employment</b>	<b>Anti-Harassment Policy?</b>	<b>Regular Anti-Harassment Training?</b>
					<ul style="list-style-type: none"> <li>• <b>Employees:</b> Varies<sup>2</sup></li> <li>• <b>Council:</b> No</li> </ul>	
<b>Juvenile</b>	159 / 159	69 FT	21 senior + 28 PT +9 FT assoc. judges + 7 PT assoc. judges + 22 pro tem judges	<ul style="list-style-type: none"> <li>• <b>Judges:</b> County</li> <li>• <b>Employees:</b> County</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Court:</b> No</li> <li>• <b>Employees:</b> Yes (County)</li> <li>• <b>Council:</b> No</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Judges:</b> May 2019</li> <li>• <b>Employees:</b> County, if any</li> </ul>
<b>Probate</b>	159 / 159	159 Chiefs	12 senior judges; 23 assoc.	<ul style="list-style-type: none"> <li>• <b>Judges:</b> County</li> <li>• <b>Employees:</b> County</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Court:</b> Yes (County)</li> <li>• <b>Employees:</b> Yes (County)</li> <li>• <b>Council:</b> No</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Court:</b> No</li> <li>• <b>Employees:</b> County, if any</li> </ul>
<b>Magistrate</b>	159 / 159	229 (159 Chiefs)	242 PT (12 senior judges)	<ul style="list-style-type: none"> <li>• <b>Judges:</b> County</li> <li>• <b>Employees:</b> County</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Court:</b> No</li> <li>• <b>Employees:</b> No</li> <li>• <b>Council:</b> No</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Court:</b> No</li> <li>• <b>Employees:</b> County, if any</li> </ul>

<sup>2</sup> In some counties, judicial employees are not considered to be covered by County anti-harassment policies. However, the executive director of the Council of State Court Judges is bound by AOC anti-harassment policies.

<b>Class</b>	<b>Number of Courts / Number of Counties</b>	<b>Active or FT Judges</b>	<b>Senior or PT Judges</b>	<b>Employment</b>	<b>Anti-Harassment Policy?</b>	<b>Regular Anti-Harassment Training?</b>
<b>Municipal</b>	387	47 FT	~313 PT	<ul style="list-style-type: none"> <li>• <b>Judges:</b> City or contract</li> <li>• <b>Employees:</b> Varies</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Court:</b> Varies</li> <li>• <b>Employees:</b> Varies</li> <li>• <b>Council:</b> No</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Judges:</b> No</li> <li>• <b>Employees:</b> Varies, if any</li> </ul>

\* Georgia's statewide Business Court is set to begin operations on January 1, 2020, and therefore is not included in this report.

## Appendix C: Committee Composition & Acknowledgements

We are grateful for the time and effort of the judges who served on the Judicial Council Ad Hoc Committee to Prevent Sexual Harassment in the Judicial Branch of Government:

- **Justice Sarah Hawkins Warren**, Supreme Court of Georgia (Chair).
- **Judge Carla Wong McMillian**, Court of Appeals of Georgia.
- **Judge Horace J. Johnson, Jr.**, Superior Court, Alcovy Judicial Circuit.
- **Judge Dax E. Lopez**, State Court of DeKalb County.
- **Judge Maureen E. Wood**, Juvenile Court, Rockdale Judicial Circuit.
- **Judge Torri M. (“T.J.”) Hudson**, Probate Court of Treutlen County.
- **Chief Judge Rebecca J. Pitts**, Chief Judge of the Butts County Magistrate Court.<sup>16</sup>
- **Judge Matthew McCord**, Municipal Court of Stockbridge.

We are also grateful for the service of the following advisory members of the Committee:

- **Edwin Bell**, Deputy Court Administrator, DeKalb County Superior Court.
- **Jamala McFadden, Esq.**, The Employment Law Solution: McFadden Davis, LLC.
- **Shelly Seinberg, Esq.**, Senior Assistant Attorney General, Office of the Georgia Attorney General.

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<sup>16</sup> Chief Judge Pitts replaced then-Chief Judge Joyette Holmes, Magistrate Court of Cobb County, who was appointed in July 2019 to serve as District Attorney of Cobb County.

- **Rebecca Sullivan, Esq.**, Assistant Commissioner and General Counsel, Georgia Department of Administrative Services.

We also thank staff from the Administrative Office of the Courts who supported the Committee throughout this process.

- In particular, we thank **Stephanie Hines** from the Administrative Office of the Courts.

In addition, we thank:

- **Cynthia Clanton**, Director, Administrative Office of the Courts.
- **Jessica Farah**, Senior Legal Counsel for the Administrative Office of the Courts.
- **Alicia Adamson**, legal intern for the Administrative Office of the Courts.
- **Jay Wolfe**, intern to Justice Sarah Hawkins Warren.

## **Appendix D: Select Reference Materials**

### **Orders**

- **Supreme Court of Georgia Chief Justice Harold D. Melton**, Order (Feb. 13, 2019) (attached).
- **Georgia Governor Brian Kemp**, Executive Order (Jan. 14, 2019).
  - **Available at:** <https://gov.georgia.gov/executive-action/executive-orders>
- **Conference of Chief Justices**, Resolution 2 (Jan. 31, 2018)
  - **Available at:**  
<https://www.ncsc.org/~media/microsites/files/ccj/resolutions/01312018-support-commitment-awareness-training-workplace.ashx>

### **Georgia Policies**

- **Georgia Court of Appeals**, Harassment Policy of the Court of Appeals of Georgia (revised May 2019) (attached).
- **Georgia Judicial Council, Administrative Office of the Courts (JC/AOC)**, Harassment (Sexual/Unlawful) Policy (revised August 2016) (attached).
- **Georgia Council of Superior Court Judges**, Harassment Policy (attached).

- **Georgia Department of Administrative Services**, Office of the State Inspector General, Statewide Sexual Harassment Prevention Policy (effective March 1, 2019)
  - Available at:  
<http://doas.ga.gov/assets/Human%20Resources%20Administration/Sexual%20Harassment%20Prevention%20Policy/Statewide%20Sexual%20Harassment%20Prevention%20Policy%20FINAL.pdf>

### Other State Courts

- **Arizona Code of Judicial Administration**, Part 1: Judicial Branch Administration, Chapter 3: Judicial Officers and Employees, Section 1-304: Discrimination/Harassment (effective July 18, 2018).
  - Available at:  
<https://www.azcourts.gov/Portals/0/admcode/pdfcurrentcode/1-304%20New%20Code%20Section%202018%20with%20Post%20AJC%20CJ%20Edits.pdf>
- **Arizona Supreme Court**, Administrative Order No. 2019-27, Discrimination and Harassment Training (Mar. 13, 2019).
  - Available at:  
<https://www.azcourts.gov/Portals/22/admorder/Orders19/2019-27.pdf?ver=2019-03-13-124428-353>
- **Kansas Supreme Court**, Policy Prohibiting Sexual and Other Workplace Harassment (revised Jan. 2019).

- Available at:  
<http://www.kscourts.org/kansas-courts/supreme-court/administrative-orders/Admin-order-306.pdf>
- **Maryland Judicial Branch**, Policy Prohibiting Discrimination, Harassment, and Retaliation (revised July 1, 2017).
  - Available at:  
<https://www.courts.state.md.us/sites/default/files/import/hr/pdfs/employeehandbookprint.pdf>
- **South Dakota Unified Judicial System**, Rule 1.2 Discrimination, Sexual and Other Unlawful Harassment (attached).

### **Federal Courts**

- **United States Court of Appeals for the Seventh Circuit**, Policy on Equal Employment Opportunity, Discrimination, Harassment, and Employment Dispute Resolution (adopted May 1, 2018).
  - Available at:  
[http://www.ca7.uscourts.gov/human-resources/EEO\\_Plan.pdf](http://www.ca7.uscourts.gov/human-resources/EEO_Plan.pdf)
- **United States Court of Appeals for the Ninth Circuit**, Employment Dispute Resolution Policy and Commitment to a Fair and Respectful Workplace (effective Jan. 1, 2019)
  - Available at:  
<https://www.ca9.uscourts.gov/datastore/general/2019/06/18/NinthCircuitEDRPolicyApproved-12272018.pdf>



## Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Harold D. Melton  
*Chair*

Cynthia H. Clanton  
*Director*

### Judicial Council Ad Hoc Committee to Prevent Sexual Harassment in the Judicial Branch of Government

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

Therefore, I hereby establish the Ad Hoc Committee to Prevent Sexual Harassment in the Judicial Branch of Government to address the recommendations contained in Resolution 2 of the Conference of Chief Justices<sup>1</sup> and the Executive Order issued by State of Georgia Governor Brian Kemp on January 14, 2019.<sup>2</sup> Specifically, this Ad Hoc Committee will convene to research, examine, and evaluate best practices and encourage each class of court, and corresponding court councils, to establish and maintain policies to: (1) provide every judge and employee with training that addresses the various forms of workplace harassment, including sexual harassment, and related intimidation and reprisal that are prohibited by law; and (2) establish procedures for recognizing and responding to harassment and harassment complaints.

The following members are hereby appointed to the Ad Hoc Committee to Prevent Sexual Harassment in the Judicial Branch of Government:

- Justice Sarah Hawkins Warren, Supreme Court of Georgia, Chair
- Judge Carla McMillian, Court of Appeals of Georgia
- Judge Horace J. Johnson, Jr., Superior Court, Alcovy Judicial Circuit
- Judge Dax E. Lopez, State Court of DeKalb County
- Judge Maureen E. Wood, Juvenile Court, Rockdale Judicial Circuit
- Judge TJ Hudson, Probate Court of Treutlen County
- Chief Judge Joyette Holmes, Magistrate Court of Cobb County
- Judge Matthew McCord, Municipal Court of Stockbridge

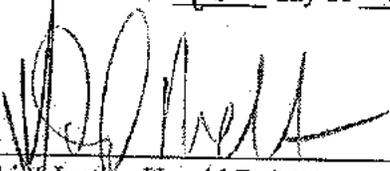
Committee membership may include advisory members appointed, as needed, by the Ad Hoc Committee Chair. Advisory members may be heard but shall not be entitled to vote. The

<sup>1</sup> Conference of Chief Justices, Resolution 2 "In Support of Commitment to Awareness and Training on Workplace Harassment in the Judicial Branch," adopted as proposed by the CCJ Board of Directors at the Midyear Meeting on January 31, 2018.

<sup>2</sup> Governor Brian P. Kemp, Resolution 01.14.19.02 "Preventing Sexual Harassment in the Executive Branch of Government."

Administrative Office of the Courts shall provide staff support to this Committee and notify the judiciary of the creation of the aforementioned Committee. Recommendations of this Committee shall be presented to the Judicial Council for consideration. The Committee will exist from the date of this order until December 31, 2019.

So decided this 13<sup>th</sup> day of February, 2019.

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



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

### **PREVENTING SEXUAL HARASSMENT IN THE EXECUTIVE BRANCH OF GOVERNMENT**

- WHEREAS:** The State of Georgia does not tolerate sexual harassment in the workplace, and the State of Georgia is committed to providing a harassment free-workplace and environment for its employees and all citizens who interact with state government; and
- WHEREAS:** The prevention of sexual harassment in the agencies of state government is an important responsibility of the state; and
- WHEREAS:** Every state employee should be trained regarding the avoidance and prevention of sexual harassment and enforcement of policies and procedures to prohibit sexual harassment; and
- WHEREAS:** Effective prevention of sexual harassment depends upon on the impartiality, consistency, and transparency of the investigations; and
- WHEREAS:** Implementation of uniform sexual harassment reporting and investigation practices will assist in the objective to eliminate sexual harassment in the state; and
- WHEREAS:** The Office of Inspector General was established to prevent and investigate certain types of employee misconduct in the Executive Branch of state government.

**NOW, THEREFORE, BY VIRTUE OF THE POWER VESTED IN ME AS THE GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY**

**ORDERED:** **Sexual Harassment Policy.** In consultation with the Executive Counsel, the Georgia Department of Administrative Services Human Resources Administration Division shall promulgate a uniform sexual harassment prevention policy that shall apply to all Executive Branch agencies. Such policy shall also specifically prohibit retaliation against any person who has reported or participated in the investigation of possible sexual harassment. Each Executive Branch agency shall make this policy available to all employees and retain documentation of each employee's acknowledgement of the policy.

**IT IS FURTHER**

**ORDERED:** **Mandatory Training of State Employees.** In consultation with the Executive Counsel, the Department of Administrative Services Human Resources Administration Division shall develop sexual harassment prevention training for all Executive Branch employees. Each agency shall provide this training to all new employees within thirty (30) days of hire and require all employees, including part-time and seasonal employees, to take the sexual harassment training at least once a year.

In consultation with the Executive Counsel, the Department of Administrative Services Human Resources Administration Division shall develop sexual harassment prevention training specifically applicable to employees holding supervisory and managerial positions. Each agency shall provide this training to new managers and supervisors within thirty (30) days of employment or promotion to a managerial or supervisory position.

Evidence of receipt of training shall be documented and retained by each Executive Branch agency.

**IT IS FURTHER**

**ORDERED:** **Sexual Harassment Investigations.** Each Executive Branch agency shall designate at least two persons, not of the same gender, to investigate complaints of sexual harassment. Each agency shall promptly review all complaints of sexual harassment and immediately report any complaint made directly to the agency to the Office of Inspector General.

Each Executive Branch agency shall ensure employees that are directly supervised by a designed investigator have the ability to report complaints of sexual harassment to a person other than their direct supervisor.

The Office of Inspector General shall independently review each sexual harassment complaint notification and provide oversight on whether the complaint can be fairly and impartially handled internally at the agency from which it originated. The Office of Inspector General shall determine an impartial investigator to handle any investigations determined to be unable to be fairly or impartially handled at the agency from which it originated.

The Executive Counsel and the Office of Inspector General, in consultation with the Department of Administrative Services Human Resources Administration Division, shall develop procedures regarding investigation and resolution of sexual harassment complaints, which shall be binding on Executive Branch agencies.

**IT IS FURTHER**

**ORDERED: Sexual Harassment Investigation Training.** The Office of the Inspector General in conjunction with the Department of Administrative Services Human Resources Administration Division shall develop standardized investigative training for state employees who are designated by their agency head to investigate complaints of sexual harassment. All agencies shall require the employees designated to conduct sexual harassment investigations to take the investigator training to ensure consistency among all sexual harassment investigations across the state.

**IT IS FURTHER**

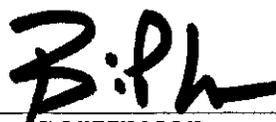
**ORDERED: Office of Inspector General Audit Authority.** The Office of Inspector General shall have authority to review a sexual harassment investigation at any time. The Office of Inspector General may request any information related to a sexual harassment complaint or investigation from any agency at any time.

Executive Branch agencies shall provide full cooperation to the Office of Inspector General and produce any information requested pursuant to this Order as soon as it is available.

**IT IS FURTHER**

**ORDERED:** Applicability. This Executive Order applies to every Executive Branch agency. "Agency" means any Executive Branch agency, board, bureau, commission, council, department, entity, or instrumentality of any kind, and others as may be designated by the Governor, to the extent that such designation does not conflict with state law. All Executive Branch agencies are required to comply with this Order in addition to all federal and state laws governing sexual harassment. Nothing in this Order has the effect of supplanting or superseding any federal or state law.

This the 14<sup>th</sup> day of January 2019.

  
GOVERNOR

## **CONFERENCE OF CHIEF JUSTICES**

### **Resolution 2**

#### **In Support of Commitment to Awareness and Training on Workplace Harassment in the Judicial Branch**

WHEREAS, the Conference of Chief Justices is committed to the rule of law and to strict observance of laws relating to conduct in the workplace; and

WHEREAS, the Conference of Chief Justices has historically championed gender equity in the state courts and in 1988 passed a resolution urging each Chief Justice to establish separate task forces devoted to the study of gender bias in the court system and minority concerns as they relate to the judicial system; and

WHEREAS, recent events have raised public awareness of pervasive sexual harassment in the workplace in government, the media, and private industry; and

WHEREAS, State codes of judicial conduct require judges, in the performance of their judicial duties, not to manifest bias or prejudice or engage in harassment (including sexual harassment) and not to permit court staff, court officials, or others subject to the judge's direction and control to do so; and

WHEREAS, a judicial disciplinary commission exists in every state to hold judges accountable; and

WHEREAS, as a separate branch of government, the judicial branch has the duty to protect its employees against harassment and intimidation in the workplace;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices encourages the judicial branch of each state, territory, and the District of Columbia to establish and maintain policies:

- (1) to provide every judge and employee with training that addresses the various forms of workplace harassment, including sexual harassment, and related intimidation and reprisal that are prohibited by law; and
- (2) to establish procedures for recognizing and responding to harassment and harassment complaints; and

BE IT FURTHER RESOLVED that the National Center for State Courts shall create a repository of resources that address workplace harassment in the state courts, including model policies and procedures.

Adopted as proposed by the CCJ Board of Directors at the Midyear Meeting on January 31, 2018.

# Harassment Policy of the Court of Appeals of Georgia

**References:** OCGA § 15-5-24  
Title VII of the Civil Rights Act of 1964, as amended by the  
Civil Rights Act of 1991  
The Americans with Disabilities Act of 1990  
Age Discrimination in Employment Act of 1967  
Fair Employment Practices Act  
Equal Employment Opportunity Act of 1972

## 1. INTRODUCTION

The Court of Appeals of Georgia is an equal opportunity employer and is committed to recruit, hire, train, and promote employees without regard to race, color, religion, national origin, sex, age, disability, or any other classification protected by federal or state law. The Court is committed to a fair and equitable workplace where everyone is respected and valued, and to providing a workplace environment free of harassment, sexual or otherwise.

## 2. SCOPE

This policy applies to all judicial and nonjudicial employees including judges, law clerks, staff attorneys, central staff attorneys, administrative assistants, fiscal office employees, clerk's office employees, and information technology employees. This policy governs the process of filing, investigating, and resolving a harassment complaint.

## 3. POLICY STATEMENT

Harassment will not be tolerated by the Court.<sup>1</sup> Any Court employee who has been found engaging in harassing behavior will be subject to disciplinary action, up to and including termination.

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<sup>1</sup>While this policy focuses on claims of harassment, it includes all forms of discrimination.

\_\_\_\_\_ (INITIALS)

The Court will not tolerate retaliation for having filed a good faith sexual or unlawful harassment complaint or for having provided any information in a harassment investigation. No employee will be subject to any detrimental action due to the reporting of alleged sexual or unlawful harassment, even if the Court determines that no actionable harassment occurred. Any employee who has engaged in acts of retaliation or is untruthful in reporting a harassment claim or responding to an investigation will be subject to disciplinary action up to and including termination.

#### **4. DEFINITIONS**

**Sexual Harassment:** Unwelcome sexual advances; unwelcome requests for sexual favors; and other unwelcome verbal, written, electronic, or physical conduct of a sexual nature from another person, including, for example, when:

- (a) Submission to such conduct is made a condition of employment, either explicitly or implicitly;
- (b) Submission to or rejection of such conduct is used as the basis for employment decisions;
- (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**Sexually Harassing Conduct:** Examples of conduct that may constitute sexual harassment include, but are not limited to, the following:

- (a) Physical touching;
- (b) Sexual comments of a provocative or suggestive nature;
- (c) Suggestive looks or gestures;
- (d) Jokes, printed material, or innuendoes intended for and directed to another employee;
- (e) Making acceptance of unwelcome sexual conduct, advances, or requests for sexual favors of any nature a condition for employment, employment decisions, or continued employment (pressure for sexual favors).

This list is representative and is not intended to be exhaustive.

\_\_\_\_\_ (INITIALS)

**Harassment (Non-sexual):** Verbal, written (including electronically generated), or physical conduct that disparages or shows hostility or aversions toward a person because of that person's race, color, religion, national origin, sex, age, disability, or any other classification protected by federal or state law. Harassment is action that creates an intimidating, hostile, or offensive work environment or unreasonably interferes with a person's work performance.

**Harassing Conduct (Non-sexual):** Examples of conduct that may constitute harassment include, but are not limited to, the following: epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts – including jokes – that relate to race, color, religion, national origin, sex, age, disability, or any other classification protected by federal or state law. Harassing conduct may also include written or graphic material that disparages or shows hostility or aversion towards an individual or group because of these characteristics that is displayed on walls, bulletin boards, computers, or other locations or circulated in the work place. This list is representative and is not intended to be exhaustive.

**Retaliation:** Any unfavorable employment action taken or unfavorable employment condition created that is directed toward an employee because he or she reported a good-faith allegation of harassment or provided candid information during an investigation of alleged harassment or retaliation.

## **5. PROCEDURE**

All employees and judges are required to report any act of sexual or unlawful harassment. All reports of sexual or unlawful harassment will be investigated quickly, and to the extent possible, confidentially. Information will be released only as required by law. Only those people directly involved in the matter will be told about the complaint during the pending investigation. Anyone informed of the alleged offense must maintain confidentiality.

### **Ensuring Policy Awareness**

The harassment policy shall be periodically displayed on all official bulletin boards of the Court and is available in the Employee Handbook, online in the S drive under Court BBS/ Court Forms & Info/ Employee Handbooks.

\_\_\_\_\_ (INITIALS)

Judges, managers, directors, and supervisors shall take ongoing proactive steps to ensure that their work environments are free from any type of harassment and to educate and counsel their staff on appropriate conduct.

All employees are required, as a condition of their employment with the Court, to read and become familiar with the Court's policy regarding harassment which will be explained to new employees at orientation and to current employees through each judge periodically. New employees will initial and sign an acknowledgment of the Court's policy at orientation, and management will meet to have all current employees initial and sign an acknowledgment of the Court's policy.

### **Reporting Harassment**

All claims of harassment or retaliation shall be reported to the Chief Judge, the Clerk of Court, or the Deputy Court Administrator.

All employees and judges are required to report events of alleged harassment or retaliation against themselves or others as outlined below.

An employee who believes that this policy has been violated, that any terms or conditions of employment depend on sexual favors, or that he or she has been the victim of a retaliatory act, is required to report that activity immediately. Any employee who observes or receives information that another employee is or has been subjected to harassment or any retaliatory act shall report that activity immediately as outlined below.

Judges, managers, or supervisors who have reason to believe that harassment or retaliation may exist in their offices or any other office shall report that activity immediately in accordance with this policy.

These reports may be expressed orally by telephone or in person, but employees are encouraged to submit their complaint in writing. If the complainant's report does not sufficiently support allegations of harassment or retaliation as prohibited by this policy, the investigator may request additional information from the complainant.

\_\_\_\_\_ (INITIALS)

The Chief Judge or the Clerk/Court Administrator may suspend, transfer, or reassign personnel involved to prevent further harassment or to facilitate the investigation. Unless otherwise directed in writing by the Chief Judge or Clerk/Court Administrator, no disciplinary action will be offered or taken against the alleged violator until the investigation has been completed. For emergency situations of a severe nature, a designee, after consultation with the Chief Judge or Clerk/Court Administrator, will take appropriate actions to protect the alleged victim or to deter the alleged violator from any further harassment. If necessary, protective measures will be taken for the safety of the parties and any other affected employees.

**Investigations:** Upon receipt of an oral or written report of harassment or retaliation, the Chief Judge (or the most senior judge, if the Chief Judge is the subject of the complaint) and the Clerk/Court Administrator (or the Chief Judge, if the complaint is against the Clerk/Court Administrator) shall appoint a panel of three judges to investigate the facts and circumstances of all claims of perceived harassment. The panel shall present the details of the investigation in a written report to the Chief Judge and Clerk/Court Administrator, or the alternative parties as set out above.

The confidentiality of the parties involved in a complaint or investigation will be maintained to the extent possible without compromising the thoroughness of the investigation.

**Corrective Action:** If the investigation reveals a violation of the policy, prompt corrective action will be taken to stop the discrimination, harassment, or retaliation and to prevent its recurrence. Actions taken will be based on the individual circumstances of the situation and may include counseling, discipline, sanctions, or termination. An employee may be subjected to disciplinary action for violations of this policy, even if the conduct is not a violation of state or federal law.

If the investigation does not support a finding that this policy has been violated, the individual making the report and the individual against whom the allegation was made shall be so advised. Both will be advised that retaliation for making the report is prohibited.

\_\_\_\_\_ (INITIALS)

The Chief Judge, Clerk/Court Administrator, or Deputy Court Administrator will notify the complainant and alleged violator that the investigation was completed and the results of the investigation. Disciplinary actions will be rendered as soon as reasonably practical. A written report summarizing the complaint, investigation, results, and discipline, if any, will be prepared by the panel and maintained in a separate file by the Clerk's Office.

**EMPLOYEE ACKNOWLEDGMENT OF ANTI-HARASSMENT POLICY**

I acknowledge that I have read the Court of Appeals' policy regarding harassment, and understand that incidents of harassment, substantiated by investigation, violate this policy and are grounds for disciplinary action.

\_\_\_\_\_  
NAME (PRINT OR TYPE)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_ (INITIALS)

## **Bibliography**

### **Georgia**

OCGA § 15-5-24

Sexual Harassment Policy for the Supreme Court of Georgia and Its Employees, amended September 2018 to change Designated Judge

Georgia Attorney General Department of Law Anti-Harassment Policy, February 16, 2018

Georgia General Assembly Sexual and Other Unlawful Harassment Policy, 2018

Georgia Judicial Council Administrative Office of the Courts Harassment Policy HR-04-01-004, Revised August 2016

Georgia Governor Brian Kemp January 14, 2019 Executive Order, Preventing Sexual Harassment in the Executive Branch of Government (mandating training and reporting in Executive Branch agencies)

Georgia Governor Brian Kemp January 14, 2019 Executive Order, Establishing a Code of Ethics for Executive Branch Officers and Employees

### **City of Atlanta**

Atlanta City Ordinance #94-68 on Discrimination and Harassment

2009-6 Official Opinion from Georgia Attorney General (re applicability of local ordinances to state agency)

\_\_\_\_\_ (INITIALS)

## **Federal**

Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991

The Americans with Disabilities Act of 1990

Age Discrimination in Employment Act of 1967

Fair Employment Practices Act

Equal Employment Opportunity Act of 1972

Administrative Office of the Federal Courts Memorandum re Workplace Conduct, December 20, 2017

Letter from former and current Federal Law Clerks to U.S. Supreme Court Chief Justice John Roberts and others, December 20, 2017 (asking federal judiciary to consider ways to address workplace harassment within the federal judicial system)

Federal Law Clerk Handbook, December 2017

U.S. Court of Appeals for the 6th Circuit, Employee Manual (2017)

U.S. Court of Appeals for the 7th Circuit Policy on Equal Employment Opportunity, Discrimination, and Harassment and Employment Dispute Resolution, May 1, 2018

U.S. Department of Justice, Office of the Inspector General Management Advisory Memo re The Handling of Sexual Misconduct and Harassment Allegations by DOJ Components, May 31, 2017

U.S. Department of State Sexual Harassment Policy, 2018

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\_\_\_\_\_ (INITIALS)

04-01-004, Revised August 2016

Department of the Army Commanding General's Policy Letter #5, Dec. 15, 2014

Federal Model Employment Dispute Resolution (EDR) Plan, Judicial Conference of the United States, 2010

U.S. Office for Personnel Management Guidance for Agency-Specific Domestic Violence, Sexual Assault, and Stalking Policies, February 2013

1994 Sexual Harassment in Federal Workplace Report

U.S. Merit Systems Protection Board Report to President and Congress on Sexual Harassment in the Federal Workplace, 1994

## **Other**

Conference of Chief Judges Resolution 2, January 31, 2018, In Support of Awareness and Training on Workplace Harassment in the Judicial Branch

AAUW Sexual Harassment Employer's Guide: Move Beyond Compliance

Massachusetts Commission against Discrimination, MCAD Policy 96-2 Adopted by the Commission on October 25, 1996

\_\_\_\_\_ (INITIALS)



# Judicial Council Administrative Office of the Courts (JC/AOC)

<b>Policy Procedure Owner</b>	<b>Human Resources</b>
<b>Policy Title</b>	<b>Harassment (Sexual/Unlawful)</b>
<b>Policy Number</b>	<b>HR-04-01-004</b>
<b>Effective Date</b>	<b>October 2005</b>
<b>Revision Date</b>	<b>August 2016</b>

**References:** O.C.G.A §15-5-24

Title VII of the Civil Rights Act of 1964, 42 USC 2000e, as amended by  
The Civil Rights Act of 1991

The Americans with Disabilities Act of 1990, Title 1

Age Discrimination in Employment Act of 1967: 29 USC 621

Fair Employment Practices Act, Chapter 45-19, as amended

Equal Employment Opportunity Act of 1972

## 1. Introduction

The Judicial Council/Administrative Office of the Courts (JC/AOC) is committed to providing a workplace environment free of sexual and unlawful harassment by establishing specific guidelines. The JC/AOC is committed to a fair and equitable workplace where everyone is respected and valued.

## 2. Applicability

All JC/AOC employees, including interns are subject to this policy.

## 3. Policy Statement

Harassment and the ramifications of committing harassment will be explained to each employee during orientation, and the employee will sign the Policy Orientation Acknowledgement form (*Attachment 1*). Harassment training will be provided to all employees biennially.

Harassment of any form will not be tolerated by the JC/AOC. Any JC/AOC employee who has been found engaged in harassing behavior will be subject to disciplinary action, up to and including termination.

All employees are required to report any act of sexual or unlawful harassment. All reports of sexual or unlawful harassment will be treated in an expeditious and confidential manner. Release of information shall be only as required by law. Only those persons with direct involvement will be informed of the complaint during the pending investigation. Anyone informed of the alleged offense must observe applicable privacy and confidentiality requirements.

The JC/AOC will not tolerate retaliation for having filed a good faith sexual or unlawful harassment complaint or for having provided any information in a sexual or unlawful harassment investigation. No employee will be subject to any detrimental action due to the reporting of alleged sexual or unlawful harassment, even if it is determined that there was no formal harassment. However, any employee who has engaged in acts of retaliation, or knowingly makes a false charge of any form of harassment, or any employee who is untruthful in making a charge or in responding in an investigation will be subject to disciplinary action up to and including termination.

#### 4. Definitions

*The terminology contained within this document is in accordance with Webster's Dictionary except for terms specifically defined in this section.*

*Sexual Harassment:* Unwelcome sexual advances; unwelcome requests for sexual favors; and other unwelcome verbal, written, electronic or physical conduct of a sexual nature from same or opposite sex when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or,
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment may include, but are not limited to, the following:

1. Physical touching;
2. Sexual comments of a provocative or suggestive nature;
3. Suggestive looks or gestures;
4. Jokes, printed material, or innuendoes intended for and directed to another staff member;
5. Making acceptance of unwelcome sexual conduct, advances, or requests for sexual favors of any nature a condition for employment, employment decisions, or continued employment (pressure for sexual favors).

*NOTE: Sexual harassment shall not apply when personal contact is necessary for an emergency act like but not limited to security or health reasons.*

*Retaliation:* Any unfavorable employment action taken or unfavorable employment condition created which is directed toward an employee due to the employee's having reported a good faith allegation of harassment or having

provided information or assistance in an honest manner during an investigation of alleged harassment or retaliation.

*Harassment:* Verbal, written, electronically generated, or physical conduct that disparages or shows hostility or aversion toward an individual because of that person's race, color, religion, gender, national origin, age, or disability. Harassment does one or more of the following:

**has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or has the purpose or effect of unreasonably interfering with an individual's work performance.**

*Harassing Conduct or Behavior:* Harassing conduct or behavior includes, but is not limited to, epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts - including jokes - that relate to race, color, creed, ancestry, citizenship, religion, sex, age, national origin, disability status, gender, gender identity and expression, sexual orientation, pregnancy, and any other characteristics protected from discrimination by law. Harassing conduct may also include written or graphic material that disparages or shows hostility or aversion toward an individual or group because of race, color, creed, ancestry, citizenship, religion, sex, age, national origin, disability status, gender, gender identity and expression, sexual orientation, pregnancy, and any other characteristics protected from discrimination by law and that is displayed on walls, bulletin boards, computers, or other locations or circulated in the work place.

*Note:* The above list is a representation of harassing conduct and or behavior and is not intended to be exhaustive.

*Affected Division Director:* Means the JC/AOC Division Director for whom the alleged violator works.

## **5. Procedure**

### **Ensuring Policy Awareness**

The harassment (sexual/unlawful) policy shall be periodically displayed on all official bulletin boards of the JC/AOC and posted permanently on the agency intranet and web site.

JC/AOC Associate and Assistant Division Directors, Managers, and Supervisors must take ongoing proactive steps to ensure their work environments are free from any type of harassment and to educate/counsel their staff on appropriate conduct.

All employees will be required, as a condition of their employment with the JC/AOC, to read and become familiar with the JC/AOC's policy regarding harassment (sexual/unlawful) and sign the Policy Orientation Acknowledgement form (*Attachment 1*).

## **Reporting Harassment (Sexual/Unlawful)**

All employees are required to report events of alleged harassment and/or retaliation against themselves or others.

If any employee believes that unwelcome sexual advances or language are interfering with his or her productivity or comfort in the workplace, if he or she believes that any terms or conditions of employment depend on sexual favors, or if he or she believes that he or she has been the victim of any retaliatory act, that employee is required to report such activity immediately.

Any employee who observes or receives information that any employee is or has been subjected to harassment of any nature or has been subjected to any retaliatory act shall report such activity immediately.

JC/AOC Associate and Assistant Division Directors, Managers, or Supervisors who have reason to believe that harassment or retaliation may exist in their division or in another shall report such activity immediately in accordance with this policy.

All claims of harassment or retaliation shall be reported to the JC/AOC Human Resources Manager directly. The JC/AOC Human Resources Manager will communicate all such activity to the proper JC/AOC Division/Assistant Director and the JC/AOC Director, unless either of the latter parties is the alleged offender.

In the event of allegations implicating the JC/AOC Human Resources Manager, the alleged affected employee shall report the claim of sexual harassment directly to the JC/AOC Director.

Such reports can initially be expressed by telephone, or in person; however, they will ultimately be required to be put in writing.

Counseling and other assistance shall be offered to the alleged victim through Human Resources.

JC/AOC Division Director or Assistant Director, may suspend, transfer, or reassign personnel involved in order to prevent further harassment or to facilitate the investigation. For emergency situations of a severe nature, a designee, after consultation with their affected JC/AOC Division Director, will take appropriate actions to protect the alleged victim and/or to deter the alleged violator from any further harassment of the alleged victim. Unless otherwise directed in writing by the JC/AOC Division Director, no disciplinary action will be offered or taken against the alleged violator until the investigation has been completed and a written report has been issued.

If a complaint does not sufficiently support the allegations of harassment or retaliation as prohibited by this policy, the JC/AOC Human Resources Manager may request additional information from the complainant.

## **Investigations**

All reports referred will include a written statement from the person reporting the alleged harassment. This written statement is mandatory and will serve as the official filing of a complaint.

Investigations will be conducted by gathering relevant information and interviewing appropriate witnesses.

The JC/AOC Human Resources Manager will coordinate the investigation and present the facts in a written report to the JC/AOC Director.

After reviewing the written report with the JC/AOC Director, in consultation with the affected JC/AOC Division Director will determine if the facts support a finding that harassment has occurred. Appropriate disciplinary action and/or other corrective action will be taken up, to and including termination.

The JC/AOC Director has final determination in all outcomes.

The affected JC/AOC Division Director and/or the JC/AOC Human Resources Manager will notify the complainant and subject employee(s) of the completion of the investigation. Disciplinary actions will be rendered as soon as reasonably practical.

## **6. Attachments**

Attachment 1 - Policy Orientation Acknowledgement

## **7. Record Retention**

Attachment 1: Place in employee's official personnel folder for the length of employment.

Upon termination of State employment, withdraw the official personnel folder and place in inactive file for seven years for full-time, and six years for temporary employees.

## **14.0 HARASSMENT**

It is the policy of the superior courts to maintain a workplace environment free from harassment. The superior courts will not tolerate any form of harassment of or by any employee. The term harassment includes, but is not limited to, offensive language, jokes, or other verbal, graphic, or physical conduct relating to an employee's race, sex, religion, color, national origin, age, or disability which creates for the reasonable person experiencing such harassment an offensive, intimidating, or hostile work environment or which interferes with an individual's job performance. Further, a form of harassment includes retaliation against others for their participation in harassment complaints.

### **Scope**

This policy shall apply to all superior court judges, employees of the State of Georgia or any county working under the direct supervision and control of superior court judges, and any person having complaints against individuals covered by this policy due to conduct arising out of the work environment. Attorneys not made subject to this policy under the foregoing provision are excluded from its scope.

### **Sexual Harassment Defined**

Harassment includes sexual harassment which is described as:

1. Unwelcome sexual advances;
2. Requests for sexual favors; and
3. Other verbal or physical conduct or materials of a sexual nature which unreasonably affect an employee's terms or conditions of employment.

Sexual harassment may arise:

1. When an employee is subjected to unwelcome sexual conduct or materials and the conduct or materials are sufficiently severe and pervasive to create a hostile, intimidating, or offensive work environment; or
2. When a person's submission to or rejection of unwelcome sexual conduct is used as the basis for an employment decision affecting an individual.

Examples of sexual harassment include but are not limited to the following:

1. Physical assaults, e.g., intentional physical contact that is sexual in nature such as touching, pinching, fondling, or brushing against another's body;
2. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such activity is:
  - a) Explicitly or implicitly a term or condition of employment, continued employment, or advancement; or
  - b) Used as the basis for a decision about employment, continued employment, or advancement.

3. The use of graphic material to harass such as reading or publishing sexual displays or publications including but not limited to calendars, graffiti, sexual-oriented cartoons, or other foul or obscene printed or visual materials.
4. Other verbal or physical conduct of a sexual nature which has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. This harassing conduct includes but is not limited to the following types of conduct: sexual propositions, sexual innuendos, sexually suggestive comments including "kidding," "teasing," and "joking" involving gender-specific traits, foul or obscene language or gestures.

The gravamen (central or essential element) of any claim is not whether the complainant participated in conduct which forms the basis of the complaint but rather whether the complainant found the conduct unwelcome.

### **Procedure**

Since the superior courts will not tolerate harassment of any type, the Council of Superior Court Judges has established a procedure to respond to any such complaints.

#### *Informal Process*

##### Designated Person

The chief judge of each circuit shall designate a person to receive complaints of harassment. However, if the chief judge is the alleged harasser, then the district administrative judge for the district shall receive such complaint since under no conditions shall a complainant be placed in a position to file a complaint with the alleged harasser. If the district administrative judge is the alleged harasser, then the president of the Council of Superior Court Judges shall receive such complaint. If the complaint is against the president of the Council of Superior Court Judges, then the complaint shall be received by the secretary-treasurer of the Council of Superior Court Judges.

##### Informal Complaints

If both the complainant and the alleged harasser agree, the matter may be handled in an informal manner. Complaints of this nature may be made to the designated person verbally or in writing. Once the complaint is submitted to the designated person, the designated person shall contact the alleged harasser to determine if the parties wish to proceed in an informal manner.

If both parties agree to the informal process, the parties understand this is a process which attempts to resolve the difficulties between them in an amicable manner with no disciplinary action being sought. The designated person shall arrange a meeting at an agreed-upon time and place for the purpose of discussing the difficulties between the parties. At the meeting, the designated person will act as a mediator and proceed in such a manner. If the matter can be amicably resolved, no further action shall be necessary and the matter shall be terminated.

#### *Formal Process*

##### Formal complaints as to persons subject to the jurisdiction of the Judicial Qualifications Commission

If the complainant is unwilling to submit to the informal process, he/she shall file a complaint with the Judicial Qualifications Commission and such complaint shall proceed as any such complaint. If the alleged harasser does not wish to submit to the informal process, then he/she shall so notify the designated person. The designated person shall then advise the complainant of this and advise the complainant of his/her right to file a Judicial Qualifications Commission complaint.

Formal complaints as to persons not subject to the jurisdiction of the Judicial Qualifications Commission

All other persons not subject to the Judicial Qualifications Commission shall be subject to formal complaints as set forth below.

DESIGNATED PERSON

The designated person for receiving formal complaints shall be appointed from among the employees of the individual circuits, judicial administrative districts, and the Council of Superior Court Judges. The district administrative judge, in consultation with the district court administrator for each district, shall appoint the designated person from among its employees to receive such complaints. The president of the Council of Superior Court Judges, in consultation with the executive director of the Council, shall appoint from among the employees of the Council a designated person or persons for the office. The names of the designated persons shall be published as part of that particular circuit, district, or office.

1. The person designated to receive the complaints shall display, through interest, education, and experience, the ability to mediate and negotiate the settlement of disputes among employees. The duties of this person as mediator of disputes shall be added to the job description of the person selected.
2. The executive director of the Council of Superior Court Judges, in consultation with the executive director of the Institute of Continuing Judicial Education, shall develop a program for the initial and continuing education of designated persons in the skills necessary for the successful resolution of complaints of harassment and in the techniques of witness interviewing.
3. A formal complaint shall be written. Upon request, the designated person shall assist the complainant in submitting a written complaint. A formal complaint should be submitted if:
  - a) The informal process does not resolve the complaint; or
  - b) The complaint is the second or subsequent complaint against the harasser after the harasser has been informed that the behavior was unwelcome, whether or not submitted by the same complainant; or
  - c) In the discretion of the designated person or the complainant, the conduct complained of is of a particular flagrant or excessive nature.
4. The designated person shall receive formal complaints and refer them to the chief judge, the district administrative judge, or the president of the Council of Superior Court Judges. Upon referral, the designated person shall provide the alleged harasser and the district court administrator with a copy of the complaint.

Council of Superior Court Judges

5. An investigation shall be conducted by the designated person. The designated person shall first talk separately with the complainant and then with the alleged harasser. The designated person shall contact all witnesses identified by either party as having knowledge concerning the matter under consideration.
6. The findings of the designated person shall be one of the following:
  - (a) Probable cause to believe that harassment has occurred;
  - (b) No probable cause to believe that harassment has occurred;
  - (c) No probable cause to believe that harassment has occurred and the complaint is considered frivolous or evidence of harassment is inconclusive.
7. The chief judge, administrative judge, president of the Council, or the Executive Committee (in the case of a president of the Council) shall take appropriate disciplinary action against the harasser.
8. Records regarding discipline imposed as a result of a finding of harassment or a finding of a frivolous complaint shall be retained in the office of the executive director of the Council of Superior Court Judges.

**RULE 1.2 DISCRIMINATION, SEXUAL AND OTHER UNLAWFUL HARASSMENT**

(A) Policy. The Unified Judicial System is committed to providing a work environment that is free from all forms of unlawful discrimination and harassment, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, sexual orientation, gender and gender identity, race, color, creed, ancestry, national origin, pregnancy, religion, familial or military status, political affiliation, disability, age (40 years of age or older), genetic information, or any other legally protected characteristic will not be tolerated.

(B) Definitions. One specific kind of illegal behavior is sexual harassment. Sexual harassment, which can consist of a wide range of unwanted sexually directed behavior, is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- (2) Submission or rejection of the conduct is used as a basis for making employment decisions; or,
- (3) The conduct has the purpose or effect of interfering with work

performance or creating an intimidating, hostile, or offensive work environment. This definition includes gender-based harassment of a person of the same sex as the harasser.

(C) Notification and Confidentiality. All judicial officers and employees should be encouraged to report any incident of discrimination, sexual or other unlawful harassment in confidence and without fear of retaliation, as provided below. The disclosure of allegations of discrimination, sexual or other unlawful harassment shall be restricted to those individuals who have a need to know. Any complaint brought against a judicial officer or employee of the Unified Judicial System shall not be discussed by the investigators with anyone other than those directly involved in the investigation of the complaint.

(D) False Reporting. False or frivolous charges of discrimination, sexual or other unlawful harassment can severely damage the otherwise good reputation of an accused person. Given the serious impact such charges may have, any judicial officer or employee who falsely accuses another of discrimination, sexual or other unlawful harassment shall be subject to the full range of disciplinary actions available under the UJS Personnel Rules up to and including termination, depending on the circumstances.

(E) Reporting Procedures. Any supervisor who becomes aware of possible discrimination or sexual or other unlawful harassment must immediately advise the State Court Administrator's Office so the allegation can be investigated. A judicial officer or employee who believes that she or he has been discriminated against or harassed is encouraged to identify the offensive conduct to the offending party and request that it stop immediately. If the judicial officer or employee chooses not to

discuss directly with the offending party or after confronting the offending party the conduct does not cease, a judicial officer or employee should report the matter as follows:

- (1) A complaint of discrimination, sexual or other unlawful harassment should be brought to the attention of the employee's appointing authority or the Director of Human Resources. The person to whom the complaint is addressed shall initiate an investigation by informing the State Court Administrator's Office immediately.
  - (2) A formal complaint of discrimination, sexual or other unlawful harassment may be verbal or in writing and should contain the name of the offending party, the recipient of the offensive conduct, the nature of the conduct that is alleged to constitute discrimination or unlawful harassment, the time when the conduct occurred and any witnesses to the incident. The complaint shall be treated by the recipient and/or investigator as confidential and no judicial officer or employee should disclose the existence, or content of the complaint to anyone other than those who need to know.
- (F) Investigation. Upon receipt of a complaint and after consulting the appointing authority, if appropriate, the State Court Administrator's Office shall coordinate an investigation. The complainant should be informed that to adequately investigate the allegations, the offending party must be confronted and made aware of the allegations. The procedure to be followed is:
- (1) The person investigating the allegation shall conduct an interview with the party registering the complaint. The purpose of the interview is to determine a true and complete account of the incident. The investigating party should determine the severity of the conduct, the frequency of the alleged acts, the relationship of the parties, the response of the complainant at the time of the incident, witnesses, and the employment environment within the office or workplace. Only under such circumstances as where necessary to ensure the integrity of the investigation or to comply with other employment laws should an employee be encouraged not to discuss the matter with co-workers.
  - (2) The investigating party shall inform the alleged discriminator or harasser that a complaint has been brought against him or her and interview that person. The individual should be informed that retaliation or intimidation directed toward the complainant or any employees participating in the investigation will not be tolerated. Only under such circumstances as where necessary to ensure the integrity of the investigation or to comply with other employment laws should an employee be encouraged not to discuss the matter with co-workers.
  - (3) The investigating party shall make a written record of the interviews and any other aspect of the investigation. The investigating party shall also prepare a written report summarizing the findings and, if appropriate, recommending disciplinary action.
  - (4) Upon completing the investigation, the appointing authority and/or the State Court Administrator shall take appropriate action, as may be warranted.

(G) Appeal of Disciplinary Action. If an employee is disciplined for discrimination, sexual or other unlawful harassment, the employee may appeal the disciplinary action as provided in Rule 8.0.

(H) Retaliation for Filing a Complaint Prohibited. Any intimidation, retaliation or interference for filing a complaint or assisting in an investigation is prohibited and disciplinary action may be taken against any employee of the Unified Judicial System knowingly participating in such conduct.



# 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: November 13, 2019

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### 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 Reduction Recommendation Process

This is a new section describing the procedure for determining whether the Committee should recommend to the Council that a judgeship be reduced from the circuit. The entire 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 1.2 upon reduction of a judgeship. The Committee Chair shall invite all judges from such circuits to appear at the next Committee meeting to discuss their caseload and workload data. The Committee shall provide technical assistance, with the assistance of the AOC and others so designated, to the affected circuits that may include, but is not limited to: a manual hand count of cases for a specified period of time, additional training for clerks and staff on proper case documentation, and a review of caseload reports and other case information. The AOC shall provide the Committee prior to the next year's annual reporting, a report of the technical assistance provided and any recommendations for further assistance. If a circuit is presented for the first time between 2020 and 2021 and is presented for five consecutive years, the Committee may consider and recommend any options it deems appropriate to the Council. If a circuit is presented for the first time on or after 2022 and is presented for three consecutive years, the Committee may take the same action.

## Section 3 – Implementing the Judgeship Reduction Process at Judicial Council

This section makes necessary changes to the Judicial Council process to account for the addition of a judgeship reduction 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 1.2 upon reduction of a judgeship. The Committee Chair shall invite all judges from such circuits to appear at the next Committee meeting to discuss their caseload and workload data. The Committee shall provide technical assistance, with the assistance of the AOC and others so designated, to the affected circuits that may include, but is not limited to: a manual hand count of cases for a specified period of time, additional training for clerks and staff on proper case documentation, and a review of caseload reports and other case information. The AOC shall provide the Committee prior to the next year's annual reporting, a report of the technical assistance provided and any recommendations for further assistance. If a circuit is presented for the first time between 2020 and 2021 and is presented for five consecutive years, the Committee may consider and recommend any options it deems appropriate to the Council. If a circuit is presented for the first time on or after 2022 and is presented for three consecutive years, the Committee may take the same action.

### **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 items affecting the case assignment not specifically expressed in the Uniform 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.



## 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: November 21, 2019

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On November 20, 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 recommendation to the Judicial Council:

**I. Judicial Council Standing Committee on Court Reporting Matters  
Modernize and Update the Court Reporting Act  
OCGA Titles 5; 9; 15; 17; 29**

The Committee reaffirms its recommendation that 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. (*Information and updated draft language attached*)

The Committee will keep the Judicial Council informed of any pertinent information or additional positions taken on its behalf during the legislative session.

**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, 5-6-48, 9-11-29.1, 9-11-30, 9-14-50, 15-5-21, 15-6-11, 15-7-47, 15-12-83; OCGA §§ 15-14-1 through -7 inclusive; OCGA §§ 15-14-21 through -24; OCGA 15-14-26, -28, -29 through -33, and -35-36; OCGA §§ 17-5-55, 17-8-5; and OCGA §§ 29-4-12 and 29-5-12.

**Submitted as an:**      **Action Item**                       **Informational Item**

**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.

The proposal was approved by this Committee at its July meeting and the Judicial Council unanimously voted to support it at its last meeting in August. The current draft is being presented to this Committee by way of update. An explanation of the changes, which are non-substantive, is explained in the attached memorandum.

**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

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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.

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 an issue in e-filing jurisdictions. The duties of clerks to store physical evidence during and after trial have not changed. However, since this proposal bars court reporters from retaining non-contraband physical evidence after trial, clerks' offices may end up being asked by courts to store physical evidence with greater frequency.

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

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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, court reporters as a group will be affected by the bill. We anticipate that they will welcome many of the provisions in the bill, such as the fact that they can no longer be required to store physical evidence after trial. However, the bill regulates and permits the use of digital recording systems in the discretion of individual judges, and court reporters as a group have historically been opposed to the use of digital recording systems as an alternative to traditional court reporting methods. We hope that the fact that each individual judge has the discretion to decide whether to use a digital recording system or a traditional court reporter will eliminate any concern that court reporters are being replaced by digital recording systems. The bill is structured to create a blended system that permits the use of either a digital recording system or a certified court reporter, and the use of digital recording systems 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, which was provided to this Committee at its last meeting, 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

**Judicial Council of Georgia**  
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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, many states, and the federal courts, have updated 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: Legislation Committee  
FROM: Court Reporting Matters Committee  
RE: Overview of Proposed Legislation to Amend Court Reporting-Related Laws  
DATE: July 19, 2019

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#### 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

## 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: Updated Version of Proposed Legislation to Amend Court Reporting Law  
DATE: November 4, 2019

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On August 23, 2019, the Judicial Council voted unanimously to sponsor legislation amending and updating court reporting related laws. This vote was based on a recommendation from this Committee supporting a proposal generated by the Standing Committee on Court Reporting Matters. The Judicial Council reviewed draft proposed legislation, which had been previously submitted to this Committee, although some small changes had been made and brought to the Judicial Council's attention.

After the August meeting, the Standing Committee on Court Reporting Matters continued work refining, clarifying, and adding necessary changes to the original draft proposed legislation. Attached is a revised version of the proposed legislation. The changes predominantly include the addition of other code sections touching on court reporting that came to the Committee's attention since the first draft, with some revision to existing sections for clarification purposes. All the changes are intended generally to be clarifying and are not materially substantive in nature.

1. OCGA § 5-6-41(a), Lines 8-12: The wording of subsection (a) was amended to clarify that all felony proceedings must be either taken down by a court reporter or recorded via a digital recording system, but that proceedings are not required to be transcribed in all cases.
2. OCGA § 5-6-48, Lines 63-73: This code section from the Appellate Practice Act, regarding dismissal of appeals, was added to the proposal simply to insert the phrase "or certified transcriptionist" alongside mentions of the court reporter.
3. OCGA § 9-14-50, Lines 121-126: The requirement that habeas trials be taken down by a court reporter was amended to permit the use of digital recording systems at habeas trials as an alternative. The trial judge has discretion regarding whether to use a reporter or a digital system.
4. OCGA § 15-5-21(C), Lines 160-166: This section was amended to clean up the existing recommendation that the court reporting requirements do not apply to guardianship proceedings under Title 29 or commitment proceedings until Title 37 that occur outside a courthouse. This was accomplished by referring to the definition of "courthouse" in OCGA § 16-11-127. The previous

version had not defined the term precisely. Second, this section was expanded to clarify that the Board of Court Reporting may not promulgate rules that set any fees for deposition work, except that the Board may set fees that may be charged by court reporters for copies of depositions. This was in the original draft; the language is just refined here.

5. OCGA § 15-7-47, Lines 185-198: This code section requires state courts to provide court reporters for all criminal and civil trials. This section was added to the draft to propose that digital recording systems be permitted as an alternative.
6. OCGA § 15-12-83, Lines 221-224: District Attorneys would be permitted to use a digital recording system to record grand jury proceedings as an alternative to a court reporter under this revision.
7. OCGA § 15-14-1, Lines 231-259: This code section lays out the basic framework for the use of digital recording systems and certified digital operators, certified transcriptionists, and certified court reporters. The original proposal included a specific regulatory mechanism for monitoring the requirement that all courts utilizing a digital recording system use a certified digital operator. This has been amended to contain simply this requirement by itself and leave the enforcement mechanism to the rules of the Board of Court Reporting.
8. OCGA § 15-14-2, Lines 262-273: The statute allowing city courts to appoint official court reporters was amended to allow for digital recording systems, in the event the state ever gets more city courts.
9. OCGA § 15-14-3, Lines 276-287: This code section currently allows judges to appoint and remove court reporters. The proposal amends the statute to allow judges the authority to utilize a digital recording system instead, and emphasizes that discretion in whether to use a system rests in each individual judge.
10. OCGA § 15-14-4, Lines 297-304: This code section gives authority to judges in circuits with more than nine superior court judges to purchase certain equipment for the business of court, including recording machines. It was amended to add digital recording systems by name to the list of items that may be purchased.
11. OCGA § 15-14-5(d), Lines 337-341: This statute defines the duties of court reporters, certified digital operators and certified transcriptionists. Subsection (d) is a new addition to this draft that adds the duty to use an e-filing system was added to this list of duties, prohibits courts from charging reporters and transcriptionists for filing transcripts. This subsection was created so that the legislation did not have to contain an amendment to each electronic filing statute. The Committee felt this was a clearer and simpler way to require all court reporters and certified transcriptionists to use electronic filing systems whenever a court has implemented one, while prohibiting a court from charging a court reporter a fee for doing so.
12. OCGA § 15-14-6, Lines 344-373: The Judicial Council had previously endorsed repealing part of this code section. This statute allows for additional travel reimbursement for official court reporters, including those who only serve a one-county circuit. This proposal eliminates the single-county circuit supplement.

13. OCGA § 15-14-7, Lines 376-402: Entitled “Destruction of court reporter’s notes, who may authorize destruction,” this code section as it currently stands lays out a procedure for court reporters to destroy their notes that is not consistent with the current record retention schedule. The Committee’s suggestion is to eliminate this provision entirely in favor of the more modern and updated record retention schedule.
14. OCGA § 15-14-35, Lines 795-806: This code section as it stands permits the Board of Court Reporting to obtain an injunction against any party violating the terms of the Court Reporting Act. The current version requires the Board to obtain the permission of the Judicial Council. The Committee proposes eliminating this requirement, as it can add months to the process of obtaining an injunction, which can impact the ability of the Board to move timely to enforce the Act.
15. OCGA § 15-14-37, Lines 826-857: The Committee proposes a minor change to the anti-contracting statute of the Court Reporting Act to eliminate the existing requirement that court reporting firms renew their registration with the Board by April 1, thus allowing the Board authority to set the annual deadline for registration.
16. OCGA § 17-5-55, Lines 864-912: This statute, entitled “custody of property,” outlines what happens to the physical evidence during and after the trial of criminal cases. In the proposed version, the physical evidence may be held during trial by the court reporter, clerk of court, or any officer of the court. After trial, the evidence must be held by the clerk, prosecutor, defense attorney, or law enforcement agency involved in the case. The only change to this statute is to prohibit the court reporters from keeping custody of the evidence after trial, to bring Georgia law in line with best practices and with neighboring states, most of which require the clerk of court to retain custody of the non-contraband physical evidence. OCGA § 17-5-56 is included beginning at line 915, but the Committee does not propose any amendments, and it is included only for context on the question of the physical evidence.
17. OCGA § 17-8-5, Lines 937-962: The original proposed legislation had inserted a requirement that court reporters complete the transcripts of criminal trials within 120 days. The Committee voted to remove this requirement from the proposal at its last meeting and instead allow such deadlines to be governed by rule.
18. OCGA §§ 29-4-12 and 29-5-12, Lines 965-988: These code sections currently allow probate courts to utilize “sound recording devices” in guardianship and conservatorship proceedings. The language was amended to use the terminology “digital recording system” to conform to the other updated code sections regarding the use of such systems.

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, all proceedings evidence, and proceedings shall be either:
  - 9 1. ~~reported taken down and prepared by a certified court reporter as provided in Code~~  
10 ~~Section 17-8-5 or as otherwise provided by law, or,~~
  - 11 2. recorded via a digital recording system as provided for by the Rules of the Board of  
12 Court Reporting, Chapter 14 of Title 15, and by any applicable uniform rules.

13

14 (b) In all misdemeanor cases, the trial judge may, in the judge's discretion, require the reporting  
15 and transcribing of all proceedings evidence and proceedings by a certified 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, Chapter 14 of Title 15, and any applicable uniform rules.

19

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

33

34 (d) Where a trial in any civil or criminal case is ~~reported~~ taken down by a court reporter or  
35 recorded by a digital recording system as provided for by Rules of the Board of Court Reporting,  
36 Chapter 14 of Title 15, and any applicable uniform rules, all motions, colloquies, objections,  
37 rulings, evidence, whether admitted or stricken on objection or otherwise, copies or summaries  
38 of all documentary evidence, the charge of the court, and all other proceedings which may be  
39 called in question on appeal or other posttrial procedure shall be taken down or recorded  
40 ~~reported~~; and, where the ~~report~~ proceeding is transcribed, all such matters shall be included in  
41 the written transcript, it being the intention of this article that all these matters appear in the  
42 record. Where matters occur which were not reported, such as objections to oral argument,  
43 misconduct of the jury, or other like instances, the court, upon motion of either party, shall  
44 require that a transcript of these matters be made and included as a part of the record. The  
45 transcript of proceedings shall not be reduced to narrative form unless by agreement of counsel;  
46 but, where the trial is not reported or the transcript of the proceedings for any other reason is not

47 available and the evidence is prepared from recollection, it may be prepared in narrative form.

48

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

61

62

63 5-6-48 Dismissal of appeals generally prohibited

64

65 (f) Where it is apparent from the notice of appeal, the record, the enumeration of errors, or any  
66 combination of the foregoing, what judgment or judgments were appealed from or what errors  
67 are sought to be asserted upon appeal, the appeal shall be considered in accordance therewith  
68 notwithstanding that the notice of appeal fails to specify definitely the judgment appealed from  
69 or that the enumeration of errors fails to enumerate clearly the errors sought to be reviewed. An  
70 appeal shall not be dismissed nor consideration thereof refused because of failure of the certified  
71 court reporter or certified transcriptionist to file the transcript of evidence and proceedings  
72 within the time allowed by law or order of court unless it affirmatively appears from the record  
73 that the failure was caused by the appellant.

74

75

76 TITLE 9. CIVIL PRACTICE

77

78 CHAPTER 11. Civil Practice Act

79

80 9-11-29.1. When depositions and discovery materials required to be filed with court

81

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

84

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

86 ...

87 (b) When depositions and other discovery material are filed with the clerk of court as provided  
88 in subsection (a) of this Code section, the clerk of court shall retain such ~~original~~ documents and  
89 materials as provided for by the Judicial Council Records Retention Schedule and any other  
90 applicable record-keeping rule approved by the Supreme Court of Georgia. until final disposition,  
91 ~~either by verdict or appeal, of the action in which such materials were filed. The clerk of court~~  
92 ~~shall be authorized thereafter to destroy such materials upon microfilming or digitally imaging~~

~~such materials and maintaining such materials in a manner that facilitates retrieval and reproduction, so long as the microfilm and digital images meet the standards established by the Division of Archives and History of the University System of Georgia; provided, however, that the clerk of court shall not be required to microfilm or digitally image depositions that are not used for evidentiary purposes during the trial of the issues of the case in which such depositions were filed.~~

9-11-30. Depositions upon oral examination.

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

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

(B) . . .

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

TITLE 9 CIVIL PRACTICE

CHAPTER 14. Habeas Corpus

9-14-50 Transcription of Trial.

All trials held under this article shall be recorded using a digital recording system as provided for by the Rules of the Board of Court Reporting and transcribed by a certified transcriptionist, or taken down and transcribed by a certified court reporter, as designated by the superior court hearing the case.

TITLE 15. COURTS

CHAPTER 5. Administration of Courts of Record Generally

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

(a) The Board of Court Reporting ~~Judicial Council~~ shall promulgate rules and regulations which shall:

- 139 (1) Provide for and set the fees to be charged by all ~~official~~ certified court reporters in this state  
140 for attending any court proceeding or judicial proceeding other than federal court  
141 proceedings, taking down proceedings and recording transcribing the proceeding evidence;  
142
- 143 (2) Provide for and set the fees to be charged by all ~~official court reporters,~~ certified digital  
144 operators, and certified transcriptionists in this state ~~for furnishing transcripts of the~~  
145 ~~evidence and for other proceedings furnished by the official court reporters~~ in all civil and  
146 criminal cases in this state;  
147
- 148 (3) Provide for a minimum per diem fee for ~~official~~ certified court reporters in this state for  
149 attending any court proceeding or judicial proceeding other than federal court, which fee  
150 may be supplemented by the various counties within the circuits to which the court  
151 reporters are assigned; and  
152
- 153 (4) Provide for the form and style of the transcripts, which shall be uniform throughout the  
154 state.  
155

156 (b) The Board of Court Reporting Judicial Council shall amend its rules and regulations providing  
157 for and setting the fees to be charged by all ~~official~~ certified court reporters, certified digital  
158 operators, and certified transcriptionists whenever the council shall deem it necessary and proper.  
159

160 (c) This Code section shall not apply to those court reporters ~~taking and furnishing transcripts of~~  
161 ~~depositions or taking down and transcribing nonjudicial functions, or to any hearing held pursuant~~  
162 to Title 29 and Title 37 outside of a courthouse as defined in subsection (a)(1) of Code Section  
163 16-11-127, nor to any independent contracts of any reporters. The Board of Court Reporting may  
164 not promulgate rules setting fees to be charged for the takedown of or for the original transcript  
165 of a deposition. The Board of Court Reporting may promulgate rules setting fees to be charged  
166 for copies of depositions.  
167

168 (d) A rule or regulation promulgated by the Board of Court Reporting Judicial Council pursuant  
169 to this Code section shall not become effective unless that board ~~council~~ provides to the  
170 chairperson of the Judiciary Committee of the House of Representatives, the chairperson of the  
171 Judiciary, Non-civil Committee of the House of Representatives, the chairperson of the Judiciary  
172 Committee of the Senate, and the chairperson of the Special Judiciary Committee of the Senate,  
173 at least 30 days prior to the date that the council intends to adopt such rule or regulation, written  
174 notice which includes an exact copy of the proposed rule or regulation and the intended date of  
175 its adoption. ~~After July 1, 1986, no rule or regulation adopted by the Judicial Council pursuant to~~  
176 ~~this Code section shall be valid unless adopted in conformity with this subsection.~~ A proceeding  
177 to contest any rule or regulation on the grounds of noncompliance with this subsection must be  
178 commenced within two years from the effective date of the rule or regulation.  
179

180  
181 TITLE 15. COURTS

182  
183 CHAPTER 7. State Courts of Counties

184  
185 15-7-47. Reporting of trials

- 186
- 187 (a) ~~Court reporting personnel~~ A certified court reporter, or a digital recording system operated in
- 188 compliance with the rules of the Board of Court Reporting, Chapter 14 of Title 15, and by the
- 189 Uniform Rules of State Court, shall be made available for the reporting of civil and criminal
- 190 trials in state courts, subject to the laws governing same in the superior courts of this state.
- 191 The judge shall have discretion as to whether to provide a certified court reporter or whether
- 192 to utilize a digital recording system.
- 193 (b) ~~Reporting~~ The taking down or recording of any trial may be waived by consent of the
- 194 parties.
- 195 (c) Appointment of a court reporter or reporters, as defined in Article 2 of Chapter 14 of this title,
- 196 for court proceedings in each court shall be made by the judge thereof; the compensation and
- 197 allowances of reporters for the courts shall be paid by the county governing authority and
- 198 shall be the same as that for reporters of the superior courts of this state.
- 199

200  
201 TITLE 15. COURTS

202  
203 CHAPTER 11. Juvenile Code

204  
205 15-11-17. Hearings; full and complete records of all words during proceedings; sitting as  
206 juvenile court judge.

- 207
- 208 (a) All hearings under this chapter shall be conducted by the court without a jury. Any hearing
- 209 may be adjourned from time to time within the discretion of the court.
- 210 (b) Except as otherwise provided, all hearings shall be conducted in accordance with Title 24.
- 211 Proceedings shall be ~~recorded by stenographic notes~~ taken down by a certified court reporter or
- 212 by a digital recording system as provided for by the Rules of the Board of Court Reporting, and
- 213 must be electronic, mechanical, or other appropriate means capable of accurately capturing a full
- 214 and complete verbatim record of all words spoken during the proceedings.
- 215

216  
217 TITLE 15. COURTS.

218  
219 CHAPTER 12. JURIES, Article 4, Grand Juries

220  
221 15-12-83 Court reporters

222 ...

223 (g) The district attorney may utilize a digital recording system as provided for by the Rules of

224 the Board of Court Reporting to record grand jury proceedings.

225  
226  
227 TITLE 15. COURTS

228  
229 CHAPTER 14. COURT REPORTERS, Article 1. General Provisions

230  
231 15-14-1. Appointment; removal; oath of office; duties

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

(b) A judge of any court, including but not limited to, superior court, state court, probate courts, magistrate court, recorder's court, juvenile court, the Georgia state-wide business court, and municipal courts, may, as a matter of right, utilize a digital recording system to report proceedings, as provided by the Rules of the Board of Court Reporting, any applicable uniform rules, and any other applicable Georgia law.

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

(d) A judge of any court who utilizes a digital recording system to record a proceeding for the purpose of a creating an official transcript must designate at least one certified digital operator for their system in accordance with the Rules of the Board of Court Reporting.

15-14-2 City courts having concurrent jurisdiction with superior courts in certain cases; compensation; exceptions

(a) The judges of the city courts of this state having concurrent jurisdiction with the superior courts of this state to try misdemeanor cases and to try civil cases where the amount involved exceeds \$500.00, where not otherwise specifically provided for by law, may appoint an official court reporter, as defined in Article 2 of this chapter, whose compensation for reporting criminal and civil cases and for attendance upon court shall be the same as provided by the Judicial Council pursuant to Code Section 15-5-21. The court reporter reporting and transcribing civil cases shall be paid by the party or parties requesting the reporting or transcribing. The judges may also provide for the recording of cases via a digital recording system as provided for by the Rules of the Board of Court Reporting and any applicable uniform rules.

15-14-3 Superior and state ~~city~~ courts in circuits having more than one division

278 (a) Each of the judges of the superior and ~~state city~~ courts in all circuits where there may be more  
279 than one division, whether the same is civil or criminal, shall appoint and at such judge's pleasure  
280 remove a court reporter, as defined in Article 2 of this chapter, for such judge's respective  
281 division. The court reporter, before entering on the duties of the court reporter's office, shall be  
282 duly sworn in open court to perform faithfully all the duties required. It shall be the court reporter's  
283 duty to attend all sessions of the court for which such court reporter is appointed and, when  
284 directed by the judge, to record exactly and truly or take stenographic notes of the testimony and  
285 proceedings in the case tried, except the argument of counsel. Each judge may also provide for  
286 the recording of cases via a digital recording system as provided for by the Rules of the Board of  
287 Court Reporting and any applicable Uniform Rules.  
288

289 (b) Each of the judges of the superior and state courts in all circuits where there may be more  
290 than one division, whether the same is civil or criminal, shall have the power to purchase such  
291 recording machines and equipment as he or she may deem necessary or proper to aid in the  
292 transaction of the business of the court, including the implementation of a digital recording system  
293 as provided for by the Rules of the Board of Court Reporting and this Article, and to order  
294 payment therefor out of the county treasury as an expense of court.  
295

296  
297 15-14-4 Additional reporters in circuits having nine or more superior court judges; typists;  
298 recording equipment  
299 ...

300 (c) In the aforesaid circuits each of the judges shall have the power to purchase such recording  
301 machines and equipment as he or she may deem necessary or proper to aid in the transaction of  
302 the business of the court, including the implementation of a digital recording system as provided  
303 for by the Rules of the Board of Court Reporting and this Article, and to order payment therefor  
304 out of the county treasury as an expense of court.  
305

306  
307 15-14-5. Duty to transcribe evidence; duty regarding electronic filing; certificate to transcript;  
308 presumption as to correctness; transcription of records of digital recording systems.  
309

310 (a) Where a court reporter takes down a court proceeding or deposition, it shall be the duty of  
311 each court reporter to transcribe the evidence and other proceedings of which he has taken notes  
312 as provided by law whenever requested so to do by counsel for any party to such case and upon  
313 being paid the legal fees for such transcripts. The reporter, upon delivering the transcript to such  
314 counsel or upon filing it with the clerk of court, shall affix thereto a certificate signed by him or  
315 her reciting that the transcript is true, complete, and correct. Subject only to the right of the trial  
316 judge to change or require the correction of the transcript, the transcript so certified shall be  
317 presumed to be true, complete, and correct.  
318

319 (b) Where a court proceeding has been recorded via a digital recording system operated by a  
320 certified digital operator as provided for by the Rules of the Board of Court Reporting, upon  
321 receipt of a request for a transcript of the court proceeding by a party or by the court, it shall be  
322 the duty of the digital operator to provide the files containing the record of the proceeding to a  
323 certified transcriptionist chosen by the requesting party or by the court in accordance with the

324 Rules of the Board of Court Reporting. The operator shall include a certification in a form as  
325 promulgated by the Board of Court Reporting certifying that they have operated the digital  
326 recording system in compliance with Board Rules and have transmitted the files to a certified  
327 transcriptionist.

328  
329 (c) Once the certified transcriptionist receives the files, it shall be the duty of the transcriptionist  
330 to transcribe the files completely and accurately in accordance with the Rules of the Board of  
331 Court Reporting. The transcriptionist, upon delivering the transcript to the requesting party or  
332 upon filing it with the clerk, shall affix thereto a signed certificate reciting that the transcript is  
333 true, complete, and correct. The transcriptionist shall also attach the digital operator’s certificate  
334 to the transcript. Subject only to the right of the trial judge to change or require the correction of  
335 the transcript, the transcript so certified shall be presumed to be true, complete, and correct.  
336

337 (d) On or after January 1, 2020, certified court reporters and certified transcriptionist shall file all  
338 transcripts by electronic means through a court’s electronic filing service provider. A certified  
339 court reporter or certified transcriptionist may only file a paper copy of a transcript where the  
340 court does not utilize an electronic filing system. Courts may not charge certified court reporters  
341 or certified transcriptionists a fee to file transcripts pursuant to this Code section.  
342

343  
344 15-14-6. Contingent expense and travel allowance; notice of date of appointment or removal.  
345

346 (a) The Council of Superior Court Judges of Georgia is authorized and directed to pay from the  
347 state treasury the sums specified in subsection (b) of this Code section as contingent expense  
348 and travel allowance to each duly appointed reporter for the superior courts in all judicial  
349 circuits of this state, such sum being in addition to the compensation of the superior court  
350 reporters provided by law.  
351

352 (b) The amounts payable per month under this Code section to superior court reporters as  
353 contingent expense and travel allowance shall be as follows:

- |   |                      |
|---|----------------------|
| 354 (1) <del>For reporters of judicial circuits consisting of only one county</del> | <del>-\$ 80.00</del> |
| 355 (2) For reporters of judicial circuits consisting of two counties               | 140.00               |
| 356 (3) For reporters of judicial circuits consisting of three counties             | 200.00               |
| 357 (4) For reporters of judicial circuits consisting of four counties              | 260.00               |
| 358 (5) For reporters of judicial circuits consisting of five counties              | 320.00               |
| 359 (6) For reporters of judicial circuits consisting of six or more counties       | 380.00               |

360  
361 Any person who is a duly appointed reporter for the superior courts in more than one judicial  
362 circuit shall receive only one contingent expense and travel allowance, in the amount provided  
363 for the circuit consisting of the largest number of counties in which he or she is so appointed.  
364

365 (c) The contingent expense and travel allowance provided by this Code section shall be paid from  
366 the appropriations made by the General Assembly for the cost of operating the superior courts.  
367 The duly appointed reporters are declared to be officers of the superior courts.  
368

369 (d) Annually during the month of January the judge or chief judge of each judicial circuit shall

370 certify to The Council of Superior Court Judges of Georgia the names and addresses of all persons  
371 duly appointed as reporters for the superior courts in the judicial circuit and shall thereafter notify  
372 the council of the removal of such persons from office or the appointment of additional persons  
373 as superior court reporters, together with the effective date of such removal or appointment.  
374

375

376 15-14-7 Destruction of court reporter's notes; who may authorize destruction

377

378 ~~(a) Upon petition, the judge of a superior court, city court, or any other court, the judgments of~~  
379 ~~which are subject to review by the Supreme Court or the Court of Appeals, may authorize~~  
380 ~~destruction of a court reporter's notes taken of the evidence and other proceedings in civil actions~~  
381 ~~in that court, subject to this Code section.~~

382 ~~(b) The court reporter or other person in whose custody the notes are kept shall file a written~~  
383 ~~petition in the court in which the trial was conducted requesting an order authorizing destruction~~  
384 ~~of notes taken during the trial. The petition shall specify the name of the court reporter, the name~~  
385 ~~of the person in whose custody the notes are kept if other than the court reporter, the place at~~  
386 ~~which the notes are kept, and the names and addresses of the parties to the action or, if the address~~  
387 ~~of a party is unknown, the name and address of counsel to that party if such is known.~~

388 ~~(c) The petition shall certify one of the following:~~

389 ~~(1) That the action is a civil action in which no notice of appeal has been filed, that the court~~  
390 ~~reporter has not been requested or ordered to transcribe the evidence and other proceedings, and~~  
391 ~~that a period of not less than 37 months has elapsed since the last date upon which a notice of~~  
392 ~~appeal in the action could have been filed; or~~

393 ~~(2) That the action is one in which the court reporter has been requested or ordered pursuant to~~  
394 ~~law to transcribe the evidence and other proceedings, that the record has been transcribed, and~~  
395 ~~that a period of not less than 12 months has elapsed from the date upon which the remittitur from~~  
396 ~~the appeal has been docketed in the trial court.~~

397 ~~(d) When a petition for the destruction of notes is filed pursuant to this Code section, the court~~  
398 ~~shall cause due notice of the petition and the grounds therefor to be given to each party to the~~  
399 ~~action or, if the address of a party is unknown, to the counsel to the party if such is known.~~

400 ~~(e) Not less than 30 days after receipt of a petition pursuant to this Code section, the court shall~~  
401 ~~authorize destruction of the specified notes unless such destruction, in the court's judgment, would~~  
402 ~~impair the cause of justice or fairness in the action.~~

403

404

## 405 TITLE 15. COURTS

406

### 407 CHAPTER 14. Court Reporters, Article 2. Training and Certification<sup>1</sup>

408

#### 409 15-14-21. Declaration of Purpose.

410

411 It is declared by the General Assembly that the practice of court reporting the recording and taking  
412 down of court proceedings and the transcribing thereof carries important responsibilities in  
413 connection with the administration of justice, both in and out of the courts; that court reporters  
414 are officers of the courts; and that the right to define and regulate the recording and taking down

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<sup>1</sup> This is the Court Reporting Act.

415 of court proceedings and the transcribing thereof, including but not limited to the practice of court  
416 reporting, belongs naturally and logically to the judicial branch of the state government.

417  
418 Therefore, in recognition of these principles, the purpose of this article is to act in aid of the  
419 judiciary so as to ensure the reliability and accuracy of verbatim transcripts of court proceedings  
420 and of depositions, as well as to ensure minimum proficiency in the practice of court reporting,  
421 by recognizing and conferring jurisdiction upon the Judicial Council of Georgia to define and  
422 regulate the practice of court reporting and the use of digital recording systems.

423  
424  
425 15-14-22. Definitions.

426  
427 As used in this article, the term:

428  
429 (1) “Board” means the Board of Court Reporting of the Judicial Council.

430  
431 (2) “Certified court reporter” means any person certified by the Board of Court Reporting under  
432 this article to practice verbatim court reporting.

433  
434 (3) “Certified digital operator” means any person certified by the Board of Court Reporting to  
435 operate a digital recording system as defined in paragraph (7) of this Code section.

436  
437 (4) “Certified transcriptionist” means any person certified by the Board of Court Reporting to  
438 create a transcript of a court proceeding from digital records created using a digital recording  
439 system. Any person holding a C.C.R. certificate as defined by this Article shall be granted a  
440 certificate as a certified transcriptionist.

441  
442 (5) “Court reporter” means any person who is engaged in the practice of court reporting as  
443 defined in paragraph (6) of this Code section. ~~as a profession as defined in this article. The term~~  
444 ~~“court reporter” shall include not only those who actually report judicial proceedings in courts~~  
445 ~~but also those who make verbatim records as defined in paragraph (4) of this Code section.~~

446  
447 (6) “Court reporting” means the act of taking down a court proceeding or deposition as defined  
448 in paragraph (10) of this Code section. ~~the making of a verbatim record~~ Court reporting shall be  
449 practiced by means of manual shorthand, machine shorthand, closed microphone voice dictation  
450 silencer, or by other means of personal verbatim reporting as provided by the Rules of the Board  
451 of Court Reporting. ~~of any testimony given under oath before, or for submission to, any court,~~  
452 ~~referee, or court examiner or any board, commission, or other body created by statute, or by the~~  
453 ~~Constitution of this state or in any other proceeding where a verbatim record is required. The~~  
454 ~~taking of a deposition is the making of a verbatim record as defined in this article. The practice~~  
455 of court reporting shall not include the operation of a digital recording system as defined in this  
456 code section.

457  
458 (7) “Digital Recording System” means any method for creating an electronic audio or audiovisual  
459 recording of a court proceeding for the purpose of creating a verbatim transcript.

460  
461 (8) “Digital Operator” means any person responsible for the operation of a digital recording

462 system.

463

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

466

467 (10) “Take down” means the act of making stenographic notes of a court proceeding or deposition  
468 for the purpose of creating a verbatim transcript. The use of a closed microphone voice dictation  
469 silencer constitutes the act of making stenographic notes. The act of operating a digital recording  
470 system or other electronic recording device does not constitute the act of taking down a  
471 proceeding.

472

473

474 15–14–23. Judicial Council of Georgia; Agency of Judicial Branch.

475

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

480

481

482 15–14–24. Board of Court Reporting of the Judicial Council, Creation, Name, Membership,  
483 Appointment, Qualifications, Terms, Vacancies, Removal.

484

485 (a) The Judicial Council shall ~~There is established~~ a board which shall be known and designated  
486 as the “Board of Court Reporting of the Judicial Council.” The board shall be created in  
487 accordance with the Judicial Council’s by-laws regarding the creation of standing committees  
488 and shall function as a standing committee of the Judicial Council. It shall be composed of ~~nine~~  
489 fifteen members, five members to be certified court reporters, two members to be representatives  
490 from the State Bar of Georgia, and ~~two~~ eight members to be from the judiciary, one to be a  
491 Supreme Court Justice, one to be a judge of the Court of Appeals, one to be a superior court judge,  
492 and one to be a state court judge, one to be a juvenile court judge, one to be a probate court judge,  
493 one to be a magistrate court judge, and one to be a municipal court judge, each of whom shall  
494 have not less than five years' experience in their respective professions. ~~The board shall be~~  
495 ~~appointed by the Judicial Council. The term of office shall be two years, and the Judicial Council~~  
496 ~~shall fill vacancies on the board.~~

497

498 (b) Any member of the board may be removed by the Judicial Council after a hearing at which  
499 the Judicial Council determines that there is cause for removal.

500

501

502 15–14–26. Organization of Board, Rules and Regulations.

503

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

507

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

511  
512 (c) The board shall make and publish such statewide minimum standards and rules as it deems  
513 necessary that provide for the qualifications of court reporters, digital operators, and  
514 transcriptionists.

515  
516 (d) The board shall make and publish such statewide minimum standards and rules as it deems  
517 necessary that shall provide requirements for digital recording systems sufficient to ensure that  
518 the recording of proceedings for the purpose of making a verbatim transcript will be conducted  
519 reliably and accurately. The Councils of the classes of court, and the judge of business court, are  
520 empowered to create additional standards for digital recording systems, however, they may not  
521 create any rules that result in lesser standards than those promulgated by the Board.

522  
523

#### 524 15-14-28. Reporters Must be Certified

525

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

529

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

532

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

535

536

#### 537 15-14-29. Issuance of Certificate, Qualifications for Certification; Exemption from Taking

538 Examination; Individuals with Disabilities

539

540 The qualifications of certified court reporters, certified digital operators, and certified  
541 transcriptionists shall be those established by the Board of Court Reporting of the Judicial  
542 Council.

543

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

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

547 ~~(2) (2) Is of good moral character;~~

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

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

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

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

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

564 ~~(3) The term “disability,” as used in paragraphs (1) and (2) of this subsection, means a physical~~  
565 ~~or mental impairment that substantially limits one or more major life activities of such individual,~~  
566 ~~a record of such an impairment, or being regarded as having such an impairment.<sup>2</sup>~~

567

568 15-14-30. Examination of Applicants, Fee, Scope of Examination

569

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

579

580

581 15-14-31. Renewal of Certificate

582

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

594

595

596 15-14-32. Certified Court Reporter, Corporation and Firm Name; Regulations

597

598 ~~(a) Any person who has received from the board a certificate as provided for in this article as a~~

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<sup>2</sup> 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.

599 certified court reporter shall be known and styled as a certified court reporter and shall be  
 600 authorized to practice as such in this state and to use such title or the abbreviation "C.C.R." in  
 601 so doing. No other person, firm, or corporation, all of the members of which have not received  
 602 such certificate, shall assume the title of certified court reporter, the abbreviation "C.C.R.," or  
 603 any other words or abbreviations tending to indicate that the person, firm, or corporation so  
 604 using the same is a certified court reporter.

605  
 606 (b) Any person who has received from the board a certificate as a certified transcriptionist shall  
 607 be known and styled as a certified transcriptionist and shall be authorized to practice as such in  
 608 this state and to use such title or the abbreviation "C.T." in so doing. No other person, firm, or  
 609 corporation, all of the members of which have not received such certificate, shall assume the  
 610 title of certified transcriptionist, the abbreviation "C.T.," or any other words or abbreviations  
 611 tending to indicate that the person, firm, or corporation so using the same is a certified  
 612 transcriptionist.

613  
 614 (c) Any person who has received from the board a certificate as a certified digital operator shall  
 615 be known and styled as a certified digital operator and shall be authorized to practice as such in  
 616 this state and to use such title or the abbreviation "C.D.O." in so doing. No other person, firm,  
 617 or corporation, all of the members of which have not received such certificate, shall assume the  
 618 title of certified transcriptionist, the abbreviation "C.D.O.," or any other words or abbreviations  
 619 tending to indicate that the person, firm, or corporation so using the same is a certified digital  
 620 operator.

### 621 622 623 15-14-33. Refusal to Grant or Revocation of Certificate or Temporary Permit 624

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

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

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

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

648 ~~(A) First offender treatment without adjudication of guilt pursuant to the charge was granted; or~~

649 ~~(B) An adjudication of guilt or sentence was otherwise withheld or not entered on the charge,~~  
650 ~~except with respect to a plea of nolo contendere. The order entered pursuant to the provisions of~~  
651 ~~Article 3 of Chapter 8 of Title 42, relating to probation of first offenders, or other first offender~~  
652 ~~treatment shall be conclusive evidence of arrest and sentencing for such crime;~~

653 ~~(6) (5) Had a certificate or temporary permit to practice as a court reporter revoked, suspended,~~  
654 ~~or annulled by any lawful licensing authority other than the board; or had other disciplinary action~~  
655 ~~taken against the licensee or the applicant by any such lawful licensing authority other than the~~  
656 ~~board; or was denied a certificate by any such lawful licensing authority other than the board,~~  
657 ~~pursuant to disciplinary proceedings; or was refused the renewal of a certificate or temporary~~  
658 ~~permit by any such lawful licensing authority other than the board, pursuant to disciplinary~~  
659 ~~proceedings; Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious~~  
660 ~~conduct or practice harmful to the public, which conduct or practice materially affects the fitness~~  
661 ~~of the licensee or applicant to practice as a court reporter, or of a nature likely to jeopardize the~~  
662 ~~interest of the public, which conduct or practice need not have resulted in actual injury to any~~  
663 ~~person or be directly related to the practice of court reporting but shows that the licensee or~~  
664 ~~applicant has committed any act or omission which is indicative of bad moral character or~~  
665 ~~untrustworthiness; unprofessional conduct shall also include any departure from, or the failure to~~  
666 ~~conform to, the minimal reasonable standards of acceptable and prevailing practice of court~~  
667 ~~reporting;~~

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

672 ~~(8) Violated a statute, law, or any rule or regulation of this state, any other state, the board, the~~  
673 ~~United States, or any other lawful authority without regard to whether the violation is criminally~~  
674 ~~punishable, which statute, law, or rule or regulation relates to or in part regulates the practice of~~  
675 ~~court reporting, when the licensee or applicant knows or should know that such action is violative~~  
676 ~~of such statute, law, or rule, or violated a lawful order of the board previously entered by the~~  
677 ~~board in a disciplinary hearing, consent decree, or certificate or temporary permit reinstatement;~~

678 ~~(9) Been adjudged mentally incompetent by a court of competent jurisdiction within or outside~~  
679 ~~this state. Any such adjudication shall automatically suspend the certificate or temporary permit~~  
680 ~~of any such person and shall prevent the reissuance or renewal of any certificate or temporary~~  
681 ~~permit so suspended for as long as the adjudication of incompetence is in effect;~~

682 ~~(10) Displayed an inability to practice as a court reporter with reasonable skill or has become~~  
683 ~~unable to practice as a court reporter with reasonable skill by reason of illness or use of alcohol,~~  
684 ~~drugs, narcotics, chemicals, or any other type of material;~~

685 ~~(11) Violated the provisions of subsection (c) or (d) of Code Section 9-11-28; or (12) Violated~~  
686 ~~the provisions of Code Section 15-14-37.~~

687  
688 (b) For purposes of this Code section, the board may obtain through subpoena upon reasonable  
689 grounds any and all records relating to the mental or physical condition of a licensee or applicant,  
690 and such records shall be admissible in any hearing before the board.

691  
692 (c) When the board finds that any person is unqualified to be granted a certificate or temporary

693 permit or finds that any person should be disciplined pursuant to subsection (a) of this Code  
694 section or the laws, rules, or regulations relating to court reporting, the board may take any one  
695 or more of the following actions:

- 696
- 697 (1) Refuse to grant or renew a certificate or temporary permit to an applicant;
  - 698 (2) Administer a public or private reprimand, but a private reprimand shall not be  
699 disclosed to any person except the licensee;
  - 700 (3) Suspend any certificate or temporary permit for a definite period or for an indefinite  
701 period in connection with any condition which may be attached to the restoration of said  
702 license;
  - 703 (4) Limit or restrict any certificate or temporary permit as the board deems necessary for  
704 the protection of the public;
  - 705 (5) Revoke any certificate or temporary permit;
  - 706 (6) Condition the penalty upon, or withhold formal disposition pending, the applicant's or  
707 licensee's submission to such care, counseling, or treatment as the board may direct;
  - 708 (7) ~~Impose a requirement to pass the state certification test; or~~
  - 709 ~~(78) Require monetary adjustment in a fee dispute involving an official court reporter; or.~~
  - 710 (8) Any other action the board deems necessary to carry out its duties in this article.

711

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

717

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

724

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

730

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

739 reporting may have taken place.

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

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

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

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

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

~~(j) The voluntary surrender of a certificate or temporary permit or the failure to renew a certificate~~

785 ~~or temporary permit by the end of an established penalty period shall have the same effect as a~~  
786 ~~revocation of said certificate or temporary permit, subject to reinstatement in the discretion of the~~  
787 ~~board. The board may restore and reissue a certificate or temporary permit to practice under the~~  
788 ~~law relating to that board and, as a condition thereof, may impose any disciplinary sanction~~  
789 ~~provided by this Code section or the law relating to that board.~~

790  
791 (ik) Regulation by the board shall not exempt court reporting from regulation pursuant to any  
792 other applicable law.

793  
794

795 15-14-35. Injunction Against Violation

796  
797 On the verified complaint of any person or by motion of the board that any person, firm, or  
798 corporation has violated any provision of this article, the board, ~~with the consent of the Judicial~~  
799 ~~Council,~~ may file a complaint seeking equitable relief in its own name in the superior court of any  
800 county in this state having jurisdiction of the parties, alleging the facts and praying for a temporary  
801 restraining order and temporary injunction or permanent injunction against such person, firm, or  
802 corporation, restraining them from violating this article. Upon proof thereof, the court shall issue  
803 the restraining order, temporary injunction, or permanent injunction without requiring allegation  
804 or proof that the board has no adequate remedy at law. The right of injunction provided for in this  
805 Code section shall be in addition to any other remedy which the board has and shall be in addition  
806 to any right of criminal prosecution provided by law.

807  
808

809 15-14-36. Violations Relating to Court Reporting

810  
811

Any person who:

812  
813

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

816  
817

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

820  
821

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

822  
823

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

824  
825

826 15-14-37. Certain contracts for court reporting services prohibited; negotiating or bidding  
827 reasonable fees for services on case by case basis not prohibited; registration of court reporting  
828 firms.

829  
830

(a) Contracts for court reporting services not related to a particular case or reporting incident

831 between a certified court reporter or any person with whom a certified court reporter has a  
832 principal and agency relationship and any attorney at law, party to an action, party having a  
833 financial interest in an action, or agent for an attorney at law, party to an action, or party having  
834 a financial interest in an action are prohibited. Attorneys shall not be prohibited from negotiating  
835 or bidding reasonable fees for services on a case-by-case basis.  
836

837 (b) In order to comply with subsection (a) of this Code section, each certified court reporter shall  
838 make inquiry regarding the nature of the contract for his or her services directed to the employer  
839 or the person or entity engaging said court reporter's services as an independent contractor.  
840

841 (c) This Code section shall not apply to contracts for court reporting services for the courts,  
842 agencies, or instrumentalities of the United States or of the State of Georgia.  
843

844 (d) A court reporting firm doing business in Georgia shall register with the board by completing  
845 an application in the form adopted by the board and paying fees as required by the board.  
846

847 (e) Each court reporting firm doing business in Georgia shall renew its registration annually  
848 pursuant to rules established by the Board of Court Reporting. ~~on or before April 1 following the~~  
849 ~~date of initial registration, by payment of a fee set by the board.~~  
850

851 (f) Court reporting firms doing business in Georgia are governed by this article. The board shall  
852 have authority to promulgate rules and regulations not inconsistent with this article for the conduct  
853 of court reporting firms.  
854

855 (g) The board is authorized to assess a reasonable fine, not to exceed \$5,000.00, against any court  
856 reporting firm which violates any provision of this article or rules and regulations promulgated in  
857 accordance with this Code section.  
858

859

860 TITLE 17. CRIMINAL PROCEDURE.

861

862 CHAPTER 5. Searches and seizures.

863

864 17-5-55. Custody of property; evidence in criminal cases.

865

866 (a) In all criminal cases, the court shall designate a custodian of the evidence during the pendency  
867 of the trial of the case. ~~The court may designate~~ either the clerk of court, the court reporter, or  
868 any other officer of the court to be the custodian of any property that is introduced into evidence  
869 during the pendency of the trial of the case. Property introduced into evidence shall be identified  
870 or tagged with an exhibit number by the custodian, by the parties, or by counsel for the parties.  
871 After verdict and judgment has been entered in any criminal case, the person who has custody of  
872 the physical evidence introduced in the case shall inventory the evidence and create an evidence  
873 log within 30 days of the entry of the judgment. Within 30 days following the creation of the  
874 evidence log, physical evidence shall be returned to the rightful owner of the property unless the  
875 physical evidence itself is necessary for the appeal of the case, for a new trial, or for purposes of  
876 complying with this Code section or Code Section 17-5-56. The evidence log shall contain the

877 case number, style of the case, description of the item, exhibit number, the name of the person  
 878 creating the evidence log, and the location where the physical evidence is stored. After the  
 879 evidence log is completed, the judge shall designate the clerk of court, the prosecuting attorney,  
 880 the defense attorney, any officer of the court, or the law enforcement agency involved in  
 881 prosecuting the case to obtain and store the evidence, and a notation shall appear in the evidence  
 882 log indicating the transfer of evidence. ~~If evidence is transferred to any other party, the evidence~~  
 883 ~~log shall be annotated to show the identity of the person or entity receiving the evidence, the date~~  
 884 ~~of the transfer, and the location of the evidence.~~ The signature of any person or entity to which  
 885 physical evidence is transferred shall be captured through electronic means that will be linked to  
 886 the evidence log or the use of a property transfer form that will be filed with the evidence log.  
 887 When physical evidence, other than audio or video recordings, is transferred to any person or  
 888 entity, a photograph or other visual image of the evidence shall be made and placed in the case  
 889 file. These images shall also be attached to the transcript as an exhibit if the trial is transcribed.

890  
 891 (b) Physical evidence classified as dangerous or contraband by state or federal law, including, but  
 892 not limited to, items described by state or federal law as controlled substances, dangerous drugs,  
 893 explosives, weapons, ammunition, biomedical waste, hazardous substances, or hazardous waste  
 894 shall be properly secured in a manner authorized by state or federal law. This evidence may be  
 895 transferred to a government agency authorized to store or dispose of the material.

896  
 897 (c) Documents, photographs, and similar evidence shall be maintained and disposed of in  
 898 accordance with records retention schedules adopted in accordance with Article 5 of Chapter 18  
 899 of Title 50, known as the "Georgia Records Act." Other physical evidence that contains biological  
 900 material, including, but not limited to, stains, fluids, or hair samples that relate to the identity of  
 901 the perpetrator of the crime, shall be maintained in accordance with Code Section 17-5-56. A  
 902 party to an extraordinary motion for new trial or a habeas corpus action in which DNA testing is  
 903 sought that was filed prior to the expiration of the time prescribed for the preservation of evidence  
 904 by this Code section may apply to the court in which the defendant was convicted for an order  
 905 directing that the evidence be preserved beyond the time period prescribed by this Code section  
 906 and until judgment in the action shall become final.

907  
 908 (d) Except as is otherwise provided in subsections (b) and (c) of this Code section or by law,  
 909 following the expiration of the period of time set forth in subsections (b) and (c) of this Code  
 910 section, physical evidence may be disposed of in accordance with the provisions of Article 5 of  
 911 Chapter 12 of Title 44, known as the "Disposition of Unclaimed Property Act," or, in the case of  
 912 property of historical or instructional value, as provided in Code Section 17-5-53.

913  
 914  
 915 17-5-56. Preservation of physical evidence collected at the scene of the crime

916  
 917 (a) Except as otherwise provided in Code Section 17-5-55, on or after May 27, 2003,  
 918 governmental entities in possession of any physical evidence in a criminal case, including, but  
 919 not limited to, a law enforcement agency or a prosecuting attorney, shall maintain any physical  
 920 evidence collected at the time of the crime that contains biological material, including, but not  
 921 limited to, stains, fluids, or hair samples that relate to the identity of the perpetrator of the crime  
 922 as provided in this Code section. Biological samples collected directly from any person for use

923 as reference materials for testing or collected for the purpose of drug or alcohol testing shall not  
924 be preserved.

925  
926 (b) In a case in which the death penalty is imposed, the evidence shall be maintained until the  
927 sentence in the case has been carried out. Evidence in all felony cases that contains biological  
928 material, including, but not limited to, stains, fluids, or hair samples that relate to the identity of  
929 the perpetrator of the crime shall be maintained for the period of time that the crime remains  
930 unsolved or until the sentence in the case is completed, whichever occurs last.

931  
932  
933 TITLE 17. CRIMINAL PROCEDURE.

934  
935 CHAPTER 8. Trial.

936  
937 17-8-5. Stenographic notes; entry of testimony on minutes of court; transcript or brief

938  
939 (a) ~~On the trial of~~ In all felony cases felonies, the presiding judge shall have all the proceedings  
940 testimony taken down by a certified court reporter or recorded via a digital recording system  
941 operating in compliance with the rules of the Board of Court Reporting and Chapter 14 of Title  
942 15 and, when directed by the judge, the court reporter shall exactly and truly record or take  
943 stenographic notes of the testimony and proceedings in the case, except the argument of counsel.  
944 In the event of a verdict of guilty, the certified court reporter shall transcribe the case and file the  
945 transcript with the clerk of court, or, where a digital recording system was used, the court shall  
946 ensure that a certified transcriptionist creates and files a transcript. ~~the testimony shall be entered~~  
947 ~~on the minutes of the court or in a book to be kept for that purpose.~~ In the event that a sentence  
948 of death is imposed, the transcript of the case shall be prepared within 90 days after the sentence  
949 is imposed by the trial court. Upon petition by the certified court reporter or certified  
950 transcriptionist, the Chief Justice of the Supreme Court of Georgia may grant an additional period  
951 of time for preparation of the transcript, such period not to exceed 60 days. The requirement that  
952 a transcript be prepared within a certain period in cases in which a sentence of death is imposed  
953 shall not inure to the benefit of a defendant.

954  
955 (b) In the event that a mistrial results from any cause in the trial of a defendant charged with the  
956 commission of a felony, the presiding judge may, in his discretion, either with or without any  
957 application of the defendant or state's counsel, order that ~~a brief or~~ the transcript of the testimony  
958 in the case be duly filed by the court reporter in the office of the clerk of the superior court in  
959 which the mistrial occurred. If the ~~brief or~~ transcript is ordered, it shall be the duty of the judge,  
960 in the order, to provide for the compensation of the reporter and for the transcript to be paid for  
961 as is provided by law for payment of transcripts in cases in which the law requires the testimony  
962 to be transcribed, at a rate not to exceed that provided in felony cases.

963  
964  
965 TITLE 29. GUARDIAN AND WARD

966  
967 CHAPTER 4. Guardians of adults.

968

969 29-4-12. Hearings; court review of pleadings and report; dismissal; notice of hearing; evidence;  
970 selection and powers of guardian; appointment of individuals to hear case.

971 ...

972 (2) The hearing shall be recorded by either a certified court reporter or ~~via a sound recording~~  
973 ~~device~~ digital recording system as provided for by the Rules of the Board of Court Reporting.  
974 The recording shall be retained for not less than 45 days from the date of the entry of the order  
975 described in Code Section 29-4-13. in accordance with the Judicial Council's Record Retention  
976 Schedule, Uniform Probate Court Rules, and any other applicable Georgia law or rule.

977

978

979 CHAPTER 5. Conservators of adults

980

981 29-5-12 Hearings; court review of pleadings and report; dismissal; notice of hearing; evidence;  
982 selection and powers of conservator; appointment of individuals to hear cases.

983 ...

984 (d)(2) The hearing shall be recorded by either a certified court reporter or ~~via a sound recording~~  
985 ~~device~~ digital recording system as provided for by the Board of Court Reporting. The recording  
986 shall be retained for not less than 45 days from the date of the entry of the order described in  
987 Code Section 29-5-138. in accordance with the Judicial Council's Record Retention Schedule,  
988 Uniform Probate Court Rules, and any other applicable Georgia law or rule.



# 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: November 20, 2019

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The Strategic Plan Standing Committee met on September 17, 2019, and November 12, 2019, to continue developing the strategic plan. The resulting plan continues the vision, mission, and guiding principles of the previous FY 2017 – 2019 strategic plan with small changes to the guiding principles to clarify their goals.

Prior strategic objectives, *Improve Citizen Experience with Georgia Courts* and *Improve Collaboration and Planning* have been incorporated into the plan along with two new objectives, *Promote the Wellbeing, Health, and Integrity of the Judiciary* and *Enhance the Professional and Ethical Image of the Judiciary*. Key initiatives and measurable actions have been developed to advance each objective. Each key initiative has been labeled with a timeframe for completion.

#### **Action Item:**

The Committee requests that the Judicial Council approve the proposed Strategic Plan for fiscal years 2020 – 2022. The proposed Strategic Plan is attached.

The Committee will begin implementation of the Strategic Plan in 2020. Future Committee dates will be scheduled in 2020.

Attachment



Judicial Council  
of Georgia

# STRATEGIC PLAN

FY 2020–2022

## VISION

To improve justice in all Georgia courts through **collaboration, innovation, and information.**

## MISSION

The Judicial Council and AOC lead collaboration on policy across Georgia's courts to **improve the administration of justice in Georgia.**

## GUIDING PRINCIPLES

Uphold the independence and integrity of the judiciary.

Promote efficient and effective administration of justice.

Use data to lead to data-driven services and programs for the Judicial Branch.

Collaborate and communicate with key stakeholders in judicial, executive, and legislative branches.



## 1 STRATEGIC OBJECTIVE 1 IMPROVE CITIZEN EXPERIENCE WITH GEORGIA COURTS

### KEY INITIATIVES

#### 1.1 Modernize the regulations of Court professionals

Measurable action: Monitor and assist with the update of rules and regulations regarding Court Reporters and Court Interpreters (MT)

Measurable action: Report back to the Judicial Council (LT)

#### 1.2 Increase resources for public accessibility

Measurable action: Flesh out what public accessibility means (ST)

Measurable action: Frame what it would look like to help citizens with public accessibility as defined (MT)

#### 1.3 Educate citizens on the use of case-related filing technology

Measurable action: Create a toolkit of existing resources citizens can access from one portal which will provide information on Court-related questions (LT)

## 2 STRATEGIC OBJECTIVE 2 IMPROVE COLLABORATION AND PLANNING

### KEY INITIATIVES

#### 2.1 Foster ongoing executive and legislative branch communications and initiatives of mutual interest

Measurable action: Monitor the communication and advocacy done on behalf of the Judiciary (ongoing)

#### 2.2 Improve the process for data collection and data integrity

Measurable action: Create a basic plan for the process of data collection to share with the various councils (MT)

Measurable action: Share with the councils and stakeholders to obtain buy-in (LT)

#### 2.3 Pursue flexibility and efficiency in judicial education

Measurable action: Study the possibilities for flexibility and efficiency in judicial education across different classes of court (MT)

Measurable action: Collaborate with ICJE to offer classes on topics requested by the Judicial Council such as sexual harassment prevention and ethics (MT)

Measurable action: Compile and maintain a listing of all trainings sponsored or provided by the JC/AOC (ST)

## 3 STRATEGIC OBJECTIVE 3 PROMOTE THE WELLBEING, HEALTH, AND INTEGRITY OF THE JUDICIARY

### KEY INITIATIVES

#### 3.1 Develop a toolkit of wellness resources

Measurable action: Create a definition for “wellness” to be used when deciding which items belong in the toolkit (ST)

Measurable action: Create the toolkit, which will be a compilation of resources to support “wellness”, possibly including State Bar resources among others (LT)

#### 3.2 Communicate and promote the toolkit

Measurable action: Leverage relationships with ICJE and each Council to offer training on the toolkit to each Council for one year (LT)

Measurable action: Develop feedback survey for the trainings (LT)

Measurable action: Encourage a “wellness” event at each Judicial Council and court council meeting (LT)

## 4 STRATEGIC OBJECTIVE 4 ENHANCE THE PROFESSIONAL AND ETHICAL IMAGE OF THE JUDICIARY

### KEY INITIATIVES

#### 4.1 Support Judges in Community Engagement

Measurable action: Continue to create and gather positive stories about the judiciary (ongoing)

Measurable action: Develop practical rules for social media engagement (ST)

#### 4.2 Develop a clearinghouse of resources for community engagement

Measurable action: Create the clearinghouse, which will be a compilation of existing resources members of the Judiciary can access when participating in community-facing programs (MT)

#### 4.3 Communicate and promote the clearinghouse

Measurable action: Set a schedule for communicating the clearinghouse; set a calendar with events to support community engagement (i.e. Constitution Day; book month) (LT)



# 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 Carla McMillian  
Chair, Standing Committee on Court Reporting Matters

**RE:** List of Approved Calendar Year 2019 Advisory Opinions

**DATE:** November 6, 2019

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### **Introduction**

The Judicial Council is statutorily authorized to approve advisory opinions issued by the Board of Court Reporting (see O.C.G.A. §15-14-26). The Judicial Council has delegated the authority to approve the advisory opinions to its Standing Committee on Court Reporting Matters (see Supreme Court Order dated September 1, 2016 establishing the Committee). The Committee annually updates the Judicial Council on all advisory opinions it has approved in the preceding calendar year.

### **List of Approved Calendar Year 2019 Advisory Opinions**

During Calendar Year 2019, the Committee approved the following advisory opinions.

- (1) Advisory Opinion 42 – Definition of “Close of Court in the Criminal and Civil Fee Schedules. (BCR 2018-01)

This opinion advises on the definition of the term “close of court” and its use within the applicable court reporting fee schedules.

- (2) Advisory Opinion 44 – Advisory Opinion Regarding Seals. (2019-01)

This opinion advises on the requirements of using raised seals on transcripts and depositions and further on requirements for certifying transcripts generally.

(3) Advisory Opinion 46 – Advisory Opinion Regarding Transcript Billing in Co-Defendant Cases. (2019-03)

This opinion advises on how court reporters may bill in co-defendant cases.



# 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: December 6, 2019

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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) trainings 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. Our first actual MD-CANI Part 3 took place on November 7-8, 2019 in Athens.

- 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 implementation 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 June State Bar meeting to attorney Anissa Patton and DFCS case manager Jasmine Spratling. Nominations for the 2020 Hines awards are now being accepted.
  - J4C sponsored a Georgia Child Welfare Law Specialist meeting on Sept. 11-13, 2019. The meeting was attended by over 50 GA Georgia attorneys who are Child Welfare Legal Specialist (CWLS) certified.
  - J4C, DFCS and OCA sponsored a third annual statewide Child Welfare Law Summit on Nov. 13-15, 2019, with over 600 registrations.
  - **The next J4C Committee meeting will be December 19, 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. Since the ransomware attack in June 2019, we have built a new Courts Journal platform: <https://georgiacourtsjournal.org/> and we are busy restoring the archives of stories and videos. We also completed the annual report for fiscal year 2019. We are also 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. For instance, for Veteran and Military Families

month in November 2019, we posted a series of profiles featuring Georgia judges who are military veterans. See: the Courts Directory-<http://georgiacourts.knack.com/gcd2/>; (<https://www.facebook.com/GACourts>; <https://twitter.com/Gacourts>; and YouTube channel-<https://tinyurl.com/y9x6d32x>

- **Child Support Commission:** The Commission staff provides support to the Child Support Commission and its Committees/Subcommittees and 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 includes 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.
  - **The next Child Support Commission meeting will be December 9, 2019.**

- **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, which is co-chaired by Justice Benham and Justice Bethel is currently working on various 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 community religious leaders in SWGA during our first two Expungement Clinics.
  - Our 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. We successfully conducted foundational surveys and fact-gathering interviews with the faith-based community leaders to assess what current practices, if any, are in place. We have also begun the work of assisting the Dougherty County Law Library in creating a prototype at the local level for assisting self-represented litigants. 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 a third grant in the amount of \$40,000 from the State Bar of Georgia 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 (Record Restrictions), 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. We anticipate the 3rd Clinic will be held in Savannah during the month of December.
  - 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. Currently, this document is being disseminated to our Georgia Courts.
  - 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 were completed, this document was submitted to the Commission on Interpreters for review and suggestions.

- The A2J Committee completed a final draft of the Georgia-specific guide for judges on the Servicemembers Civil Relief Act. A 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](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](mailto:tabitha.ponder@georgiacourts.gov).
- **The next A2J Committee meeting will be on December 4, 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 December 6, 2019

We celebrated the end of an era last month, closing the doors of our courtroom where the Supreme Court of Georgia has held oral arguments for more than 60 years. It was a bittersweet moment, marking the end of our past, and the beginning of a new bright future. Justice Robert Benham – the Court’s longest-serving member and the first African American appointed to the state’s highest court – gave parting words November 7 at the beginning of our final oral arguments in the Judicial Building on Capitol Square. This month, we are in the process of moving into the new Nathan Deal Judicial Center at 330 Capitol Avenue, S.E. – the first state building dedicated solely to the judiciary. The Supreme Court is scheduled to hold its first session in the new building on January 14, 2020. We look forward to having you come visit once we get the sawdust cleared and the boxes unpacked.

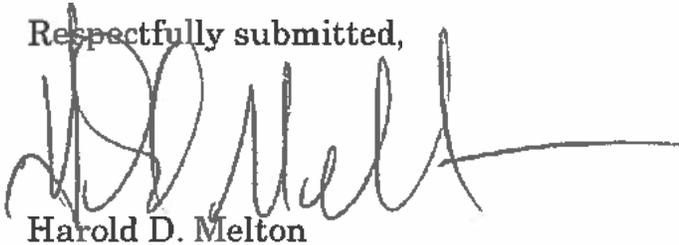
It is fitting that this year on October 10, following the annual Red Mass, Justice Benham was presented with the St. Thomas More Award in recognition of his leadership in ensuring equal access to Georgia’s courts and his service as a living example of how a life of public service can help safeguard individual rights and freedoms. I am proud of my friend and colleague who will retire from this Court at the end of next year. The entire Court congratulates him for this well-earned recognition.

This has been a year of recognition for several of our Justices. I recently attended the swearing-in by Governor Kemp of Justice Michael Boggs, who I appointed as a member of the newly created Georgia Behavioral Health and Innovation Commission. The 24-member commission was created for the purpose of conducting a comprehensive review of Georgia’s behavioral health system. It will include looking closely at how mental health issues affect our

courts and jails. Congratulations to Justice Boggs and to the other new members I appointed – Chief Judge Brian J. Amero of the Henry County Superior Court and Judge Sarah S. Harris of the Probate Court of Bibb County.

Finally, I want to note that we recently lost two special judges. In addition to Court of Appeals Judge Stephen S. Goss, we lost retired Justice G. Conley Ingram. Justice Ingram, whose portrait was presented to the Supreme Court in December 2012, ably served on the Court for four years. A very fine jurist with an endearing personality and a quick wit, he also served his Cobb community well. It was the Court's good fortune to have known both judges as colleagues and as friends. Our thoughts and prayers are with both families. We will miss them.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "H. Melton", with a long horizontal flourish 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

November 15, 2019

Court of Appeals Report  
Judicial Council Meeting  
December 6, 2019

The appellate courts are in the process of moving into the new Nathan Deal Judicial Center. The Court of Appeals will hold the final oral argument in the present state judicial building this coming Wednesday, December 11.

The move has presented major logistical challenges. I would like to express my gratitude to our clerk/court administrator Col. Steve Castlen and his staff, our IT director John Ruggeri and his staff, and our fiscal director Jan Kelley and her staff for their extraordinary efforts in meeting those challenges. We look forward to working in a building which is not only beautiful but also able to accommodate our entire operation under one roof and each judge's entire staff in a single suite of offices.

On a very different note, we continue to mourn our friend and colleague, Judge Stephen Goss. We know that many of you mourn with us, as his short time on our court was preceded by long service as a judge of the superior and juvenile courts. And I can report, as a consequence of my involvement with the Appellate Judges Conference of the American Bar Association, that his loss is also keenly felt at the National Judicial College in Reno, Nevada.

In his too-short time with the Court of Appeals, Judge Goss reached out to everyone at the Court of Appeals and made a lasting impression. This was evident when court employees came together in our courtroom the Monday following his death to support each other and to process our grief. As Judge Amanda Mercier said, Judge Goss "exemplified every thing an outstanding judge should be. But more importantly, he was one of the kindest, most thoughtful people I know. He quietly gave so much, and asked for nothing in return. He will be missed."

Judge Mercier stood in for Judge Goss at our offsite oral argument at Vidalia High School in September. Other panels held arguments this fall at Mercer Law School and at the Fannin County Courthouse in Blue Ridge. Next year the Court will visit Albany in February, Cartersville in April, and Douglasville later in the year. Offsite oral arguments further the Court's mission to increase public trust and confidence in the judiciary by traveling from Atlanta to all corners of the state. If anyone is interested in hosting an offsite oral argument, please feel free to reach out to me.

In addition to handling full caseloads, our judges are active participants in civic and legal events across the state. I recently gave a presentation at the Council of Juvenile Court Judges' Fall Conference. Vice Chief Judge Carla Wong McMillian co-chaired a seminar on Professionalism Then (1988) and Now (2019), sponsored by the Chief Justice's Commission on Professionalism; Judge Elizabeth Gobeil shared her journey to the bench at the Council of State Court Judges' Fall Conference; and Presiding Judge Sara Doyle was honored at a "Live Confidently, Lead Fearlessly Awards Luncheon" sponsored by Girl Talk.

Court of Appeals judges also serve on 10 Judicial Council Committees: Judge Christian Coomer chairs the Ad Hoc Committee on Cybersecurity Insurance for the Judiciary and serves as the Vice-Chair of the Standing Committee on Budget; Judge Brian Rickman chairs the Standing Committee on Education & Training; Presiding Judge Doyle chairs the Strategic Plan Standing Committee and is a member of the Standing Committee on Access to Justice; Vice Chief Judge McMillian chairs the Standing Committee on Court Reporting Matters and serves as a member on the Ad Hoc Committee to Prevent Sexual Harassment in the Judicial Branch and the Standing Committee on Technology; and Presiding Judge Anne Elizabeth Barnes serves as a member of the Standing Committee on Grants. Two of our judges serve on Supreme Court Commissions: Judge Clyde Reese as the Vice Chair of the Georgia Commission on Interpreters and Presiding Judge Stephen Dillard as a member of the Committee on Justice for Children. Finally, Presiding Judge Barnes also serves as a member of the Georgia Child Support Executive Branch Commission.

Change has been constant at the Court of Appeals for the past decade. Justice Blackwell, Presiding Judge Dillard, and I became, respectively, its 72nd, 73rd, and 74th judges upon their appointment and my election in November 2010. Today Governor Kemp is in the process of appointing the 91st, and in May the people of Georgia will elect the 92nd.



## **Council of Superior Court Judges of Georgia**

Suite 104, 18 Capitol Square, Atlanta, Georgia 30334

(404) 656-4964 Fax (404) 651-8626

### **Council of Superior Court Judges Report to Judicial Council December 2019**

The Council of Superior Court Judges will hold its annual meeting and winter training seminar in Athens, Georgia, January 21-24, 2020. Approximately 250 judges and senior judges are expected to participate. The educational seminar presented by the Institute of Continuing Judicial Education (ICJE) will include topics such as a death penalty course (pretrial case management issues including dealing with media; motions; mental status of the accused; venire update; jury questionnaires; voir dire; victim impact evidence; penalty phase procedures; jury instructions; post trial procedures through the Defendant's direct appeal; habeas procedures); self-represented litigants; report from the Department of Corrections; national report on the opioid crisis; equitable caregiver custody statute; drafting orders in family law cases; media coverage/high profile cases; motions for new trial in criminal cases; appeals from probate court; social media; GBI/GCIC update; adoption law update; parental accountability court; case assistance exchanges regarding criminal, civil, and domestic cases; court security and cyber security; sexual harassment prevention; an update from the Judicial Qualifications Commission; case law update; human trafficking; alternative dispute resolution; United States Attorney panel; evidence (recent case law, memos, and outlines for trial court judges).

Governor Kemp appointed Judge Angela Denise Duncan to the bench of the Gwinnett Judicial Circuit. Judge Duncan will fill the newly created judgeship beginning January 2020. Chief Judge N. Stanley Gunter of the Enotah Circuit retired effective September 30, 2019. The Judicial Nominations Commission has forwarded a list of candidates to fill this vacancy to Governor Brian Kemp for his consideration. Chief Judge Harry J. Altman, II, of the Southern Judicial Circuit will retire effective January 1, 2020.

Judge Wade Padgett and Judge Tain Kell, in conjunction with ICJE, will train many new judges at the New Judges Orientation in Athens during the week of December 9. Judge Padgett and Judge Kell have also been awarded a State Justice Institute grant to help fund their podcast for judges, lawyers, and the public.

CSCJ is sad to report the recent deaths of Senior Judge E. Mullins Whisnant of the Chattahoochee Judicial Circuit and Senior Judge Conley Ingram of the Cobb Judicial 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**  
**December 6, 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 Fall Conference at the King & Prince Hotel on St. Simons Island, Georgia on October 15 – 18, 2019. The highlight of this year's conference were Keynote Speaker Judge Elizabeth Gobeil with the Court of Appeals of Georgia and former electronic forensic specialist with the Secret Service, Mr. Mark Lanterman who gave a presentation on "Cyber Security – Easiest Catch: Don't Be Another Fish in the Dark 'Net'". His handout included how to keep your information off the Internet. Class presentations were made by Tracy Johnson with the Georgia Office of Dispute Resolution; Hon. Ben Studdard on Criminal Law Updates; Attorney's Fees by Hon. Wayne M. Purdom; Making a Case for Trauma Informed Practice by Hon. Michael Key; Lexis and Benchbook Update by Zeina Pasquini and Hon. Susan Edlein; a Case Assistance Exchange led by Senior Judge Melodie Clayton and an Evidence Law Update by Professor Paul Milich.

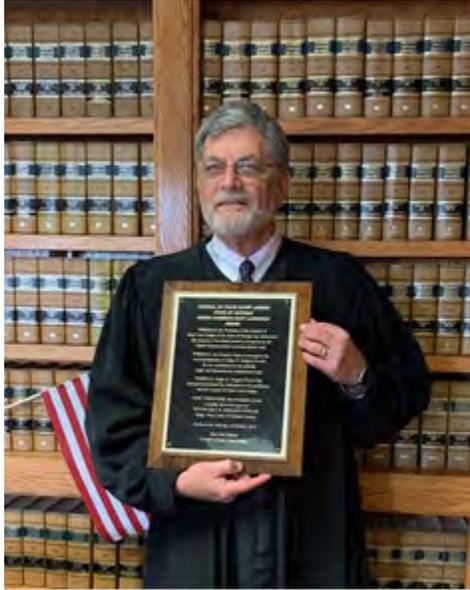
Judge Alvin T. (Al) Wong was recently presented the WWAAC 2019 National Spotlight Award by Who's Who in Asian American Communities at the Manuel Maloof Auditorium in Decatur this past August.

The Council of Superior Court Judges reached out to the Council of State Court Judges to create a working group to begin the process of revising and in some cases, re-writing, suggested pattern jury instructions. Our group will initially be focusing on misdemeanor jury instructions. It is anticipated that this will be an on-going project.

The State Court of Bibb County received a grant from BJA's Swift, Certain, and Fair program, and in January they will launch their Swift, Certain, and Fair Domestic Violence Intensive Probation. A clinical evaluation will be performed on each DV defendant within 10 days of their plea or conviction, and the results of that evaluation used to assign appropriate conditions of probation (FVIP, Substance Abuse Treatment, Anger Management, Individual Counselling). Grant funds will pay for most of the treatments. The intent is to identify what the probationers need and to eliminate barriers to getting it. If probationers violate a condition, they are brought to court quickly and sanctions are imposed within the framework of a matrix provided to them at the outset. If they are meeting conditions over defined periods, incentives are given within the framework of the matrix provided to them at the outset. The program will be based on the percentage of probationers who successfully complete probation and based on recidivism rates for these probationers, as compared to probationers from the years before we started the program.

At the Fall Conference Chief Judge H. Gregory Fowler of the State Court of Chatham County was presented the Ogden Doremus / Kent Lawrence Award at its dinner banquet

meeting. The award is given to a state court judge that has achieved the highest level of respect from his or her peers as being a judge recognized for their judicial ethics and professionalism on the bench and their involvement in their communities. In the award presentation it was noted that Judge Fowler created one of the first DUI Drug Courts as they were known in the early years. His court became a model for DUI Courts in Georgia and the nation.



Chief Judge H. Gregory Fowler  
State Court of Chatham County

The Council also congratulates three state court judges that were recently appointed by Governor Kemp to fill vacancies in superior courts: DeKalb County State Court Judge Kimberly A. Alexander (Traffic Division); DeKalb County State Court Judge Kimberly K. Anderson (Jury Division) and Bibb County State Court Judge Sharrell F. Lewis. We look forward to Governor Kemp's appointments for a judge to fill the vacancy in Bulloch County State Court by the retirement of Judge Gary L. Mikell.

New Judge Orientation is planned for January 27 – 30, 2020 in Athens.

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 December 6, 2019

The Council met for its training and business meeting on October 21-23, in Athens, GA. At this time, the Council presented its two annual awards. The Judge Aaron Cohn Award was presented to Judge Peggy H. Walker of Douglas County for her contributions to the field of juvenile justice at the local, state, and national level. Judge Walker served as President of the National Council of Juvenile and Family Courts Judges in 2015. The Judge Martha K. Glaze Award was presented to Representative Mandi Ballinger, Cherokee County, and Chair of the House Juvenile Justice Committee for her many contributions to the field of juvenile justice and her support of the juvenile court judges.

Once again, the seminar presentations were of top quality and were well received by the judges based on the surveys and grades. Unfortunately, the seminar ended on a sad note when Judge Ben Brinson, Juvenile Court Judge of the Atlantic Judicial Circuit passed away on the last day, Wednesday, October 23<sup>rd</sup>. Judge Brinson was President of our Council in 2016-17 and was a member of this Council during his President elect and President years. He was first appointed judge when the state funding was passed in 2000 and had recently commented on his 20 years on the juvenile court bench. Our Council, his friends, and his family will miss him dearly.

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 December 6, 2019

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

### **2019 Fall COAG Conference**

The 2019 Constitutional Officers Association of Georgia (COAG) Conference was held October 13-16, 2019 at the Hyatt Regency Savannah. During the conference, both our Executive Committee and Training Council held productive meetings, focused specifically on concluding key initiatives before the end of the year and setting the table for next year. Also, Judge Tammy Brown of Barrow County, one of our Council's distinguished past presidents, was sworn in as the new COAG president and Judge Mike Greene of Jones County was honored as the COAG Officer of the Year. Congratulations to both Judge Brown and Judge Greene, as they are two of the finest judges and people that you'll ever come across.

### **Traffic Certification Program**

We have revamped our traffic certification program, which is aimed at providing advanced training for our judges who have traffic jurisdiction. Judge Danielle McRae of Upson County, who chairs the committee that oversees the program, has been largely instrumental in ensuring that our judges have training that is both relevant and rigorous. I am happy to report that our initial class of more than 80 judges have fulfilled the requirements of the program and will be awarded their certificates at Spring Conference next April.

### **Mental Health**

Mental health has received an increased focus across multiple disciplines across our state and rightfully so. On this front, I am proud to report that Judge Sarah Harris, our Immediate Past President, was selected as one of Chief Justice Melton's picks to serve on the newly formed Georgia Behavioral Reform and Innovation Commission. We have full faith and confidence in Judge Harris to do a great job! Judge Bedelia Hargrove of DeKalb County recently hosted her annual Mental Health Symposium, which garnered over 300 attendees including DeKalb County CEO Michael Thurmond. A number of our judges were also in attendance to lend their support and a few even served on the respective panels.

### **Judge Mary Cranford**

Finally, Judge Mary Cranford of Coweta County has formally submitted her resignation, which will be effective January 2, 2020. Judge Cranford has served as a probate judge for 35 years and prior to her time on the bench, served as a probate clerk for over a decade. Judge Cranford was the driving force behind instituting statewide training for probate clerks and in recognition of her contributions, our Council has created an annual award for probate clerks named in Judge Cranford's honor. We certainly wish Judge Cranford the best in the many years that lie ahead.

Respectfully submitted,

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



# Council of Magistrate Court Judges

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(404) 656-5171 • Fax (404) 651-6449  
Georgiamagistratecouncil.com

Executive Director  
Sharon Reiss

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 Cavenaugh

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

## Council of Magistrate Court Judges Report for Judicial Council

The Council of Magistrate Court Judges had their fall meeting and training in early October. Judge Christian Coomer of the Court of Appeals was invited and attended some of the meeting and training. The training topics and instructors both received high marks and overall, the weekend was successful.

The Council has been working on both a salary bill and bond bill which were presented at the last Judicial Council meeting. Since then both drafts have gone to Legislative Counsel and have been reviewed by leadership. The Council has secured sponsors for both bills and is working now to gauge interest of other legislators that might be willing to sign on to those bills.

The Council leadership attended a technology conference in early September and has been researching ideas for testing online dispute resolution. The Commission on Dispute Resolution has been consulted and the Council does plan on a partnership should any project develop in the future.

Finally, the Council received notice that Yahoo User Groups, the discussion board of choice for the Council, will be changing in the next month. Due to security concerns surrounding Yahoo in general, the Executive Committee voted to move to another more secure platform. The Technology Committee has been researching and testing other platforms and will likely recommend Google Groups as our next listserv. Google has many of the same features, including the fact that it is free to use, and seems to be more secure. Once the Technology Committee makes a recommendation to the entire Executive Committee, it hopes to begin the migration to the new platform. The goal is to have everyone moved by the legislative session in January.



# Council of Municipal Court Judges

## Report to the Judicial Council of Georgia – December 2019

The following is an overview of recent events, programs, and activities of the Council of Municipal Court Judges (CMuCJ):

### Council Meeting Endeavors

The Council's full Executive Committee met on October 3, 2019, at the Legacy Lodge in Buford, GA. Judge Additionally, the Council held its Fall Business Meeting on October 3, where members were updated on actions from the Summer Business Meeting and the Executive committee meeting held earlier that day.

### Legislation

For the 2020 session of the General Assembly, the CMuCJ plans to seek legislation to amend Code Section 36-32-2.1 relating to removal of municipal court judges. The proposal amends the Code Section to set forth fundamental procedural rules in proceedings to remove a municipal court judge. This initiative was precipitated by a recent case involving the removal of a municipal court judge. The initiative was initially brought before the Judicial Council Standing Committee on Legislation in July as an informational item and remains in that status as discussions and amendments to the proposal continue.

Legislative Breakfast and Day at the Capitol: The 2020 event is scheduled to take place Wednesday, February 12, 2020, from 9:00 a.m. – 11 a.m. in Room 216 of the Georgia State Capitol. In addition to Council members, invitations will be extended to the Georgia General Assembly, Judicial Council members, the Appellate Courts and some special guests.

### Social Media

At the October meeting of the Executive Committee, members discussed social media platforms and establishing a Council presence. At that meeting, the Committee approved the creation of a Twitter feed and Facebook page. Members agreed that utilizing social media, when done correctly, tells the public that their brand is active and focused on fostering communication with constituents. Social media plays a crucial role in connecting people, providing information and developing relationships, including positive relationships within the judiciary.

### Next Meeting

The Council of Municipal Court Judges Executive Committee is scheduled to meet February 12, 2020, in conjunction with the Legislative Day at the Capitol.

Respectfully submitted,

*Judge Dale "Bubba" Samuels*  
President, Council of Municipal Court Judges

**Judge Dale "Bubba" Samuels, President**  
City of Franklin Springs & Monroe  
278 W. Main Street Buford, Georgia  
30518  
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[bubba@bubbasamuels.com](mailto:bubba@bubbasamuels.com)

**Chief Judge Willie Weaver Sr.**  
**President-Elect**  
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**Chief Judge Lori Duff, Vice President**  
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**Judge JaDawnya Baker, Secretary**  
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**Judge Ted Echols, Treasurer**  
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**Chief Judge Matthew McCord**  
**Immediate Past President**  
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**District One**  
Judge Chris Middleton  
Judge Billy Tomlinson

**District Two**  
Judge Vernita Bender  
Judge Gregory T. Williams

**District Three**  
Judge Fred Graham  
Judge Bill NeSmith

**District Four**  
Judge Michael Nation  
Judge Davis Will

**District Five**  
Judge Tiffany Carter Sellers  
Judge Parag Shah

**District Six**  
Judge J. Kristi Lovelace  
Judge Clayton Davis

**District Seven**  
Judge Robert Cowan  
Judge Nathan Wade

**District Eight**  
Judge Joseph Sumner  
Judge Dexter Wimbish

**District Nine**  
Judge Pamela Boles  
Judge Claude Mason

**District Ten**  
Judge Graham McKinnon  
Judge Ryan S. Hope



# 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 December 2019**

In the time since the Council of Accountability Court Judges (CACJ) last reported to the Judicial Council, the CACJ held its annual training conference from September 15-18<sup>th</sup>, 2019 at The Classic Center in Athens. CACJ hosted 1,200 attendees during the conference as well as national and local speakers. Attendees had the opportunity to learn new, innovative ideas from their peers and gather information on the latest best practices from around the nation. During the training event, CACJ recognized an inaugural set of model drug courts. These drug courts will serve as model programs and learning sites for others through 2023.

The goal of Georgia's Accountability Court Model Court Program is to recognize the great work of accountability courts across the state, as well as identify strong programs that may serve as mentors for other courts. Programs identified as "model courts" are those that have met and exceeded adherence to Georgia's Standards as dictated by strong performance on certification and peer review processes. All certified accountability courts were evaluated by objective criteria to determine eligibility. CACJ's Nominations Committee, comprised of judges who preside over all accountability court types, determined the final candidates for the model drug courts. The Nominations Committee is committed to selecting model courts of each court type that are representative of Georgia's diverse communities.

The 2020-2023 Model Drug Courts and their respective presiding judges are: Appalachian Judicial Circuit Drug Court, Chief Judge Brenda Weaver; Barrow County Drug Court, Judge Currie Mingledorff; Colquitt Substance Abuse/Mental Health Treatment Court, Judge Brian McDaniel; Coweta County Drug Court, Judge Joseph Wyant; Dawson and Hall County Treatment Courts, Judge Jason Deal; Henry County Adult Felony Drug Court, Judge Holly Veal; Newton County Adult Felony Drug Court, Judge Ken Wynne; and Savannah-Chatham County Drug Court, Judge James Bass. Accountability courts can request assistance from a model drug court by visiting <https://www.gaaccountabilitycourts.org/cacj-model-courts>. CACJ looks forward to extending the Model Court Program to other court types in future years.

In addition to executing a successful training conference, CACJ hosted five additional training opportunities for Georgia's accountability court programs. The training for the month of October consisted of three evidence-based treatment provider trainings (Cognitive-Behavioral Interventions for Substance Abusers, Moral Reconciliation Therapy (MRT): Trauma, and an MRT Booster session). After completing one of these trainings, the attendee will then be able to teach the evidence-based treatment modality to accountability court participants. Further, CACJ hosted a Justice for Vets: Veteran Mentor Bootcamp and a National Association of Drug Court Professionals (NADCP) Adult Felony Drug Court Tune-Up training for eight of Georgia's adult drug court programs. The month of December consists of two trainings; one evidence-based treatment provider training (Prime Solutions) and a NADCP DUI Court Tune-Up training.

CACJ is preparing for its semi-annual meeting planned for January 24, 2020 and is looking forward to another successful year of further developing and expanding Georgia's accountability courts.



## GEORGIA COMMISSION ON DISPUTE RESOLUTION

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*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 was held on September 9-11, at the King and Prince Resort on St. Simons Island. In all, 25 ADR Program representatives and seven Commission Members attended. The agenda included sessions on new Rules for Mediating Cases Involving Domestic Violence, working with self-represented litigants, and best practices for staying safe in mediation. For the plenary, attendees participated in *Meeting of the Minds* workshop where they learned how their Emergenetics profiles influenced their thinking and behavioral preferences. The Commission would like to thank the JC/AOC for their support of this event.

### **Coweta Judicial Circuit ADR Program**

Ms. Lindsay Fenn was recently hired as the Court Services Director for Troup County and Program Director for the Coweta Judicial Circuit ADR Program, as well as Librarian and Secretary for Troup County Law Library. Ms. Fenn graduated from Clayton State University with a Bachelor of Science Degree in Legal Studies and a Master of Arts Degree in Liberal Studies and has over 20 years' experience in the legal field. She is the current President of the LaGrange Lions Club, the immediate past Chairperson of Keep Troup Beautiful, a member of the Georgia Council of Court Administrators, and a member of the Troup County Republican Women.

### **Commission Member Raymond G. Chadwick, Jr.**

Member Ray Chadwick was honored for his service to the Commission at the November 6 meeting. Mr. Chadwick was the Chair of the Court ADR Program Liaison Committee and served on the Training and Credential and Evaluative Mediation ad-hoc committees. The Commission is grateful for Mr. Chadwick's contributions to the Commission and dedication to the field.

### **ADR Institute**

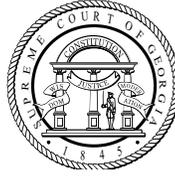
The 26<sup>th</sup> Annual ADR Institute and Neutrals' Conference is scheduled for December 13, at the Georgia State School of Law. Co-sponsored by the State Bar of Georgia Dispute Resolution Section, this year's institute features presentations on ADR's role in access to justice, civility, mediating with the government, and an ethical melodrama. The event has been approved for 6 CLE hours, including 1 Ethics, 1 Professional, and 3 Trial Practice Hours.

### **Upcoming Commission Meeting Date**

The next Commission meeting date is January 29, 2020, at 2:00 p.m. at the Nathan Deal Judicial Center.

# 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: December 6, 2019

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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 Court of Appeals of Georgia; 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 William McCrary Ray II has been appointed to serve on the Commission for the federal judiciary. To see a complete list of Commission members, advisors, and liaisons, please visit the Commission's web site at [www.cjcpga.org](http://www.cjcpga.org).

### **2019 CONVOCATION ON PROFESSIONALISM THEN (1988) AND NOW (2019)**

Join Convocation Co-Chairs, Vice-Chief **Judge Carla Wong McMillian**, Court of Appeals of Georgia, and Associate Dean A. James Elliott, Emory University School of Law for *Professionalism Then (1988) and Now (2019)*, a Convocation that the Commission is holding to celebrate its 30<sup>th</sup> anniversary. The Convocation will take place on **Friday, December 13, 2019, from 9:00 a.m. – 5:00 p.m.** at the Emory University Conference Center Hotel located at 1615 Clifton Road, Atlanta, GA 30329. The Convocation will look at how the legal profession has changed over the past 30 years and explore how those changes impact legal professionalism. The Convocation is approved for 6.5 hours of CLE credit, including 1 hour

of ethics, 3 hours of professionalism and 1 trial practice hour. A flyer and the complete brochure is attached hereto as “Exhibit A.” For more information or to register visit [http://cjcpga.org/2019\\_professionalism\\_convocation/](http://cjcpga.org/2019_professionalism_convocation/).

#### **PROFESSIONALISM, PIZZA AND A MOVIE**

As part of the State Bar of Georgia’s Mid-Year Meeting in Atlanta, Georgia, the Commission will host a professionalism lunch and learn CLE entitled *Professionalism, Pizza, and a Movie*. Participants in this program will view the movie Philadelphia followed by a 1-hour professionalism discussion of topics such as: client selection; decisions to take on certain cases when you may not "like" or "agree with" your client; courtroom tactics; and bias and discrimination. The panel discussion is approved for 1 hour of professionalism CLE credit. The confirmed moderator and panelists are as follows. The Moderator is the **Honorable Robert McBurney**, Chief Judge, Superior Court of Fulton County. The Panelists are Mr. William Thomas Davis, Naggiar & Sarif LLC, President, Young Lawyers Division of the State Bar of Georgia; Mr. Francys Johnson Jr., The Johnson Firm PC; the **Honorable Jane Morrison**, Judge State Court of Fulton County; and the **Honorable Rashida Owens Oliver**, Chief Judge, City of East Point Municipal Court. A flyer for the program that you may share with your networks is attached as “Exhibit B.” Please look for registration information as part of the State Bar’s Mid-Year Meeting brochure.

#### **21<sup>ST</sup> ANNUAL JUSTICE ROBERT BENHAM AWARDS FOR COMMUNITY SERVICE**

Nominations for the 21<sup>st</sup> Annual Justice Robert Benham Awards for Community Service opened on Friday, October 18, 2019, and closed on Monday, December 2, 2019. The Commission will announce the honorees before the end of the year. Please check the Commission’s website, [www.cjcpga.org](http://www.cjcpga.org) for additional information as it becomes available. A flyer about the awards ceremony that you may share with your networks is attached as “Exhibit C.”

**The awards ceremony will be held on Saturday, March 14, 2020, at the Omni Atlanta Hotel at CNN Center.** Please plan to join us for this very special event.

**20<sup>TH</sup> ANNUAL JUSTICE ROBERT BENHAM AWARDS FOR COMMUNITY SERVICE AIRED ON AIBTV**

The 20<sup>th</sup> Annual Justice Robert Benham Awards for Community Service ceremony, which was held on March 9, 2019, aired on AIBTV on November 8, 2019; November 15, 2019; November 22, 2019; and November 29, 2019.

**SUICIDE AWARENESS PROGRAM**

The Commission will convene a **Suicide Awareness Program** on **Tuesday, April 28, 2020, from 2:00 p.m. – 5:00 p.m.** at the State Bar of Georgia Auditorium in Atlanta, with videoconferencing to Savannah and Tifton. The Commission is working with the Administrative Office of the Courts to explore ways to live stream the program to other parts of Georgia. The members of the planning team for the program are **Judge Clyde Reese**, Court of Appeals of Georgia (State Bar of Georgia SOLACE Committee Co-Chair); **Judge Render Heard**, Tifton County Juvenile Court (State Bar of Georgia SOLACE Committee Co-Chair), **Judge Shondeana Crews Morris**, Superior Court of DeKalb County (State Bar of Georgia Suicide Prevention Committee Chair) and Mr. Joe Chancey, Managing Partner, Drew Eckl Farnham. The Commission is providing staff support for the program. The confirmed moderator for the event is Ms. Sally Q. Yates. Currently confirmed speakers include Ms. Robin Frazer Clark, Ms. R. Javoyne Hicks, Dr. Ben Hunter, Mr. Eric Lang, and **Judge Bill Reinhardt**. Please share the flyer and information about the program found at the link [here \(http://cjcpga.org/suicide-awareness-program/\)](http://cjcpga.org/suicide-awareness-program/) with your networks. The program presentation and flyer are also attached hereto as “Exhibit D.” More details will follow in the future.

**SUPREME PEOPLE’S COURT OF VIET NAM VISIT**

On September 3, 2019, a delegation from the Supreme People’s Court of Viet Nam and other State Department staff visited the Supreme Court of Georgia where the delegation was hosted by Chief Justice Harold D. Melton and Presiding Justice David E. Nahmias. Chief Justice Melton very graciously allowed the Commission’s Executive Director to make brief remarks to the delegation. It was an honor to participate in the visit, to meet the Vietnamese justices and to learn more about Viet Nam’s judicial system. Thank you to **Chief Justice Harold D. Melton** for this wonderful opportunity!

### **PROFESSIONALISM PAGE IN THE GEORGIA BAR JOURNAL**

One of the ways the Commission communicates with State Bar members is through its Professionalism Page, which is published 6 times per year in each issue of the Georgia Bar Journal. The most recent Professionalism Page article appeared in the October 2019 Georgia Bar Journal. The article is entitled “*Building Community By Enhancing Professionalism.*” For the article, **Presiding Justice David E. Nahmias** very graciously allowed the Commission’s Executive Director to share some of his remarks given at the Law School Orientations on Professionalism in August 2019. Presiding Justice Nahmias also consented to the Commission dedicating the article to Judge Stephen Goss who served several times over the years as a Group Leader at the orientations. The Commission’s Executive Director is truly grateful to Presiding Justice Nahmias for his kindness and assistance in support of this article. A copy of the article is attached hereto as “Exhibit E.”

### **Commission Website and Social Media**

The Commission continues to enhance the Commission website, [www.cjcpgea.org](http://www.cjcpgea.org). For example, a picture of the 2019-2020 Commission members, advisors, and liaisons is now on the Commission’s website. In addition, the Commission is now developing its social media content internally with the assistance of an intern, Ms. Jordyn Irons, who is an undergraduate senior at Georgia State University. The Commission 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/cjcpgea/>

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



# EXHIBIT A

[www.cjcpga.org](http://www.cjcpga.org)



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# PROFESSIONALISM THEN (1988) AND NOW (2019)



Join Convocation Co-Chairs, **Vice Chief Judge Carla Wong McMillian**, Court of Appeals of Georgia, and **Associate Dean A. James Elliott**, Emory University School of Law, for ***Professionalism Then (1988) and Now (2019)***.

In celebration of its 30th year, the Chief Justice's Commission on Professionalism will hold a Convocation on *Professionalism Then (1988) and Now (2019)* on **Friday, December 13, 2019, from 9 am – 5 pm** at the Emory University Conference Center Hotel located at 1615 Clifton Road, Atlanta, GA 30329.

The Convocation Co-Chairs are Vice Chief Judge Carla Wong McMillian, Court of Appeals of Georgia, and Associate Dean A. James Elliott, Emory University School of Law. The Convocation will look at how the legal profession has changed over the past 30 years and explore how those changes impact legal professionalism. The Convocation is approved for 6.5 hours of CLE credit, including 1 hour of ethics, 3 hours of professionalism and 1 trial practice hour.

Visit [http://cjcpga.org/2019\\_professionalism\\_convocation/](http://cjcpga.org/2019_professionalism_convocation/) ) to see the complete brochure and to register.



FRIDAY, DECEMBER 13, 2019

CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

**PROFESSIONALISM**

**THEN (1988) AND**

**NOW (2019)**

**EMORY CONFERENCE CENTER AND HOTEL**

**6.5 CLE Hours**

1 ETHICS HOUR

3 PROFESSIONALISM HOURS

1 TRIAL PRACTICE HOUR



ICLE will provide only  
digital class materials.



State Bar  
of Georgia

INSTITUTE OF CONTINUING LEGAL EDUCATION

# AGENDA

## **PRESIDING:**

**Karlise Yvette Grier**, Program Chair; Executive Director, Chief Justice's Commission on Professionalism, Atlanta

7:30 **REGISTRATION AND CONTINENTAL BREAKFAST** (All attendees must check in upon arrival. A removable jacket or sweater is recommended.)

8:55 **GREETINGS AND HOUSEKEEPING MATTERS INTRODUCTION OF CHIEF JUSTICE MELTON AND/OR JUSTICE WARREN**  
**Karlise Y. Grier**

9:00 **WELCOME AND BRIEF REMARKS ON PROFESSIONALISM**  
**Hon. Harold D. Melton**, Chief Justice, Supreme Court of Georgia, Atlanta  
**Hon. Sarah Hawkins Warren**, Justice, Supreme Court of Georgia, Atlanta

9:10 **TRANSITION FROM CJ MELTON TO DEAN ELLIOTT AND PRESIDENT LANEY**

9:15 **THE 1988 CONSULTATION ON PROFESSIONALISM: A CONVERSATION WITH DEAN JAMES ELLIOTT AND DR. JAMES LANEY**  
**A. James Elliott**, Associate Dean, Emory University School of Law, Atlanta  
**Dr. James T. Laney**, President, Emeritus Emory University, Atlanta

9:45 **BREAK**

9:55 **ETHICS ISSUES IN E-DISCOVERY**  
**Moderator: David C. Hricik**, Professor, Mercer University School of Law, Macon  
**Hon. Christopher C. Bly**, Magistrate Judge, U.S. District Court for the Northern District of Georgia, Atlanta  
**Elizabeth "Liz" Broadway Brown**, Partner, Alston & Bird LLP, Atlanta  
**J. Cameron "Cam" Tribble**, Barnes Law Group, LLC, Marietta

10:55 **PANEL TRANSITION**

**STRETCH BREAK EXERCISE**  
(Breathing, Stretching, Chair Exercises, Etc)

11:00 **DIVERSITY, MICROAGGRESSION AND PROFESSIONALISM**  
**Moderator: Amy H. Keeney**, Special Counsel, Adams & Reese LLP, Atlanta  
**Shelby S. Guilbert, Jr.**, Partner, King & Spalding LLP, Atlanta  
**Ricardo Nunez**, General Counsel, SWM International  
**Thomas G. Sampson**, Managing Partner, Thomas Kennedy, Sampson & Tompkins LLP, Atlanta

12:00 **LUNCH** (Included in registration fee.)

12:35 **PANEL TRANSITION**



ICLE will provide only digital class materials.

- 12:40 **PROFESSIONALISM AND COMMUNICATION IN THE DIGITAL AGE**  
**Susan A. Cahoon**, Partner, Kilpatrick Townsend & Stockton LLP, Atlanta  
**Elizabeth V. Tanis**, Partner, King & Spalding (Retired), Atlanta  
**Angela Hsu**, Counsel, Bryan Cave, Atlanta
- 1:40 **PANEL TRANSITION**
- STRETCH BREAK EXERCISE**  
(Breathing, Stretching, Chair Exercises, Etc)
- 1:45 **SOCIAL MEDIA**  
**Moderator: Lisa Katsuko Liang**, Staff Attorney, Fulton County State Court, Atlanta  
**Raquel Hoover Crump**, Attorney, The Employment Law Solution: McFadden Davis LLC, Atlanta  
**Andrew Santos Fleischman**, Attorney, Ross & Pines LLC, Sandy Spring  
**Hon. Carla Wong McMillian**, Judge, Court of Appeals of Georgia, Atlanta  
**Kevin Charles Patrick**, Attorney, Kevin Patrick Law, LLC, Atlanta
- 2:45 **BREAK**
- 2:55 **MILLENNIALS AND YOUNGER: WHAT'S THE DIFFERENCE?**  
**Jake Evans**, Associate, Holland & Knight, Atlanta  
**Robert J. Kaufman**, Partner, Fox Rothschild, Atlanta  
**Shalamar J. Parham**, Managing Principal, Parham Law Firm, LLC, Atlanta
- 3:55 **PANEL TRANSITION STRETCH BREAK EXERCISE** (Breathing, Stretching, Chair Exercises, Etc)
- 4:00 **JUDICIAL PROFESSIONALISM**  
**Moderator: Jamala S. McFadden**, McFadden Davis LLC, Atlanta  
**Hon. Verda M. Colvin**, Judge, Macon Circuit Superior Court, Macon  
**Hon. Bonnie Chessher Oliver**, Judge, Northeastern Circuit Superior Court, Gainesville
- 5:00 **CLOSING REMARKS—ADJOURN**  
**Judge McMillian**  
**Dean Elliott**



ICLE will provide only digital class materials.

LOCATION

# EMORY CONFERENCE CENTER AND HOTEL

1615 Clifton Road, Atlanta, GA • 800-933-6679

**CANCELLATION POLICY**

Cancellations reaching ICLE by 5pm the day before the seminar date will receive a registration fee refund less a \$25.00 administrative fee. Otherwise, the registrant will be considered a "no show" and will not receive a registration fee refund. ICLE will either ship materials, or email a digital link, to every no-show. Designated substitutes may take the place of registrants unable to attend. As a courtesy to speakers and other attendees in this educational setting, we do not allow children at seminars.

**SEMINAR REGISTRATION AND COURSE MATERIAL POLICY**

ICLE must receive early registrations 48 hours before the seminar in order to create and transport registration materials. ICLE will accept onsite registrants as space allows. All attendees must check in upon arrival and are requested to wear name tags. ICLE will provide only digital class materials.

**EARLY REGISTRATION PAYMENT OPTIONS**

**MAIL:** ICLE • PO Box 117210 • Atlanta, GA 30368-7210 (make check payable to ICLE)

**ONLINE:** gabar.org/ICLEcourses (credit card payment only)

You must log in the secure ICLE registration website; the ICLE login is separate and distinct from the member login on gabar.org.

**Early registration closes 48 hours before the seminar. Questions, Call ICLE: 678-529-6688**

**Duplicate registrations may result in multiple charges to your account. A \$25 administrative fee will apply to refunds required because of duplicate registrations.**

© 2019 Institute of Continuing Legal Education  
Ver. 5

## PROFESSIONALISM THEN (1988) AND NOW (2019) | DECEMBER 13, 2019 | 10356

**EARLY REGISTRATION FEE: \$295**  
**ONSITE REGISTRATION FEE: \$395**

**Onsite Registration Payment Options:**

- **ICLE cannot accept cash.**
- **ICLE accepts checks** (make check payable to ICLE).
- **Debit Cards, Visa, Mastercard, and American Express are accepted.**
- **Onsite registrants must pay at the time of the on-site registration.**

**EARLY REGISTRATIONS  
MUST BE RECEIVED 48 HOURS  
BEFORE THE SEMINAR.**

NAME \_\_\_\_\_ GEORGIA BAR # \_\_\_\_\_

FIRM/COMPANY \_\_\_\_\_ OFFICE PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

*(To receive seminar notification and registration confirmation by email only.)*

MAILING ADDRESS \_\_\_\_\_ ZIP + 4 \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_ ZIP + 4 \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_

- I am sight impaired under the ADA and I will contact ICLE immediately to make arrangements.
- I have enclosed a check [payable to ICLE] in the amount of \$\_\_\_\_\_ (See fees at left)
- I authorize ICLE to charge the amount of \$\_\_\_\_\_ (See fees at left)  
to my  MASTERCARD  VISA  AMERICAN EXPRESS\*

Credit Card Verification Number: A three-digit number usually located on the back of your credit card; \*AmEx is four-digits on the front of the card.

Name (on card) \_\_\_\_\_

Account #:         /

Expiration Date \_\_\_\_\_ Signature \_\_\_\_\_

# EXHIBIT B

[www.cjcpgeorgia.org](http://www.cjcpgeorgia.org)





# PROFESSIONALISM PIZZA AND A MOVIE

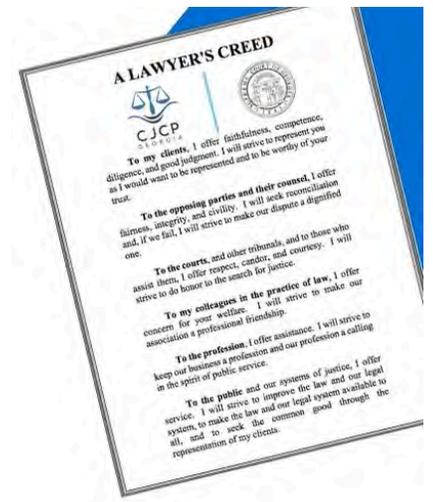
Thursday, Jan. 9, 2020  
1:30 p.m. – 5:00 p.m.

Join the Chief Justice’s Commission on Professionalism for a “late lunch” and a movie! Participants in this program will view the movie *Philadelphia* followed by a 1-hour professionalism discussion of topics focused on client selection, decisions to take on certain cases when you may not “like” or “agree with” your client, courtroom tactics, and bias and discrimination.

Lunch will be available beginning at 1:30 p.m. The movie will begin promptly at 1:50 p.m. (Approved for 1 hour of professionalism CLE credit.)

## Moderator

Honorable Robert McBurney,  
Chief Judge, Superior Court of  
Fulton County



## Panelists



Mr. William Thomas Davis,  
Naggiar & Sarif LLC,  
President,  
Young Lawyers Division of the  
State Bar of Georgia



Mr. Francys Johnson Jr.,  
The Johnson Firm PC



Honorable Jane Morrison,  
Judge, State Court of Fulton  
County



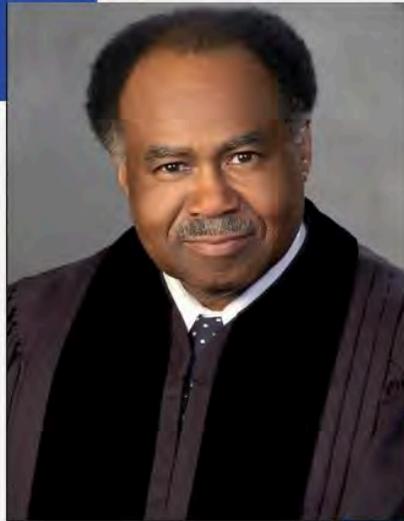
Honorable Rashida Oliver,  
Chief Judge, City of East Point  
Municipal Court



# EXHIBIT C

[www.cjcpgeorgia.org](http://www.cjcpgeorgia.org)





21<sup>ST</sup> Annual  
JUSTICE ROBERT  
**Benham Awards**  
For  
Community Service

The Awards ceremony will be held on

**March 14, 2020**

at the

Omni Atlanta Hotel | CNN Center

# EXHIBIT D

[www.cjcpgeorgia.org](http://www.cjcpgeorgia.org)



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# SAVE THE DATE

## **SUICIDE AWARENESS PROGRAM APRIL 28, 2020**

**2:00 PM – 5:00 PM**

State Bar of Georgia  
Atlanta (live)

Tifton & Savannah (video conference)  
(more locations may be announced)



State Bar  
of Georgia



## SPONSORED BY:

**CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM**

### CO-SPONSORED BY:

- Judicial Council/Administrative Office of the Courts
- State Bar of Georgia SOLACE Committee
- State Bar of Georgia Wellness Committee
- State Bar of Georgia Suicide Prevention Committee
- Drew Eckl Farnham
- Institute of Continuing Legal Education



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After conversation with the managing partner at Drew Eckl Farnham and the chair of the State Bar of Georgia Suicide Prevention Committee, the Chief Justice's Commission on Professionalism decided to undertake a suicide awareness program in May 2019, after learning about the suicide of a young associate at Drew Eckl Farnham. Given recent events, the planning team for the program believes the need for the program is even more evident.



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## MODERATED BY:



Sally Q. Yates  
Partner, King & Spalding  
Former Deputy Attorney General for the United States  
Department of Justice



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## CONFIRMED SPEAKERS:

- Ms. Robin Frazer Clark, State Bar President 2012 – 2013
- Ms. R. Javoyne Hicks, Chair State Bar Wellness Committee
- Dr. Ben Hunter, Medical Director at Skyland Trail
- Mr. Eric Lang, Esquire, Suicide Attempt Survivor
- Hon. Bill Reinhardt, Judge, Tifton Circuit Superior Court

(more speakers may be confirmed)



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## CLE HOURS:

This program has been approved for

3 CLE hours

including

1 hour of professionalism



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## PLANNING TEAM:

- Judge Clyde Reese, Court of Appeals of Georgia  
(State Bar of Georgia's SOLACE Co-Chair);
- Judge Render Heard, Tifton County Juvenile Court  
(State Bar of Georgia's SOLACE Co-Chair);
- Judge Shondeana Crews Morris, Superior Court of DeKalb County  
(State Bar of Georgia's Suicide Prevention Chair); and
- Mr. Joe Chancey, Managing Partner, Drew Eckl Farnham



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## HOW **YOU** CAN HELP:

- **SAVE THE DATE** of **Tuesday, April 28, 2020**, on your calendar and plan to attend (in person or via webcast) the Suicide Awareness Program
- Help spread the word about the Suicide Awareness Program during your presentations, on your social media and through word of mouth



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## HOW YOU CAN HELP:

- Talk to your law firm or other legal employer about what the organization can do to ensure as many lawyers and legal support staff from your organization can attend the Suicide Awareness Program
- Share the information with other legal professionals with whom you work – non-lawyer judges, paralegals, legal assistants, court reporters, bailiffs and others and invite them to join you in participating in the program on

**April 28, 2020, from 2 pm – 5 pm**



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## HOW YOU CAN HELP:

- Talk to your local or voluntary bar association about serving as a host for a viewing of the webcast for your bar association's members on April 28, 2020, from 2 pm – 5 pm so the legal professionals can participate in the program as a community
- Allow the Commission to list your local or voluntary bar association as a legal community partner in the promotional materials about the program



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## REMINDER TO ALL BAR MEMBERS



Each member of the State Bar of Georgia is entitled to six prepaid clinical personal counseling sessions per calendar year through the Lawyer Assistance Program of the State Bar of Georgia. #UseYour6



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## FOR UPDATES or MORE INFORMATION:

Staff Support provided by: Karlise Y. Grier, Executive Director  
Chief Justice's Commission on Professionalism  
kygrier@cjcpga.org  
404-225-5040

<http://cjcpga.org/suicide-awareness-program/>



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# THANK YOU

For allowing me to share this important information with you and for your  
time and attention today!



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# SAVE THE DATE

## **SUICIDE AWARENESS PROGRAM APRIL 28, 2020**

**2:00 PM – 5:00 PM**

State Bar of Georgia

Atlanta (live)

Tifton & Savannah (video conference)

(more locations may be announced)



State Bar  
of Georgia

THE CHIEF JUSTICE'S  
COMMISSION ON PROFESSIONALISM

# SUICIDE AWARENESS PROGRAM



TUESDAY, APRIL 28, 2020 | 2 - 5 P.M.

**LIVE** AT THE STATE BAR OF  
GEORGIA ATLANTA OFFICE

**VIA VIDEO CONFERENCE** TO TIFTON  
AND SAVANNAH STATE BAR OFFICES\*



*Sally Quilian Yates*  
**MODERATOR**

**CONFIRMED SPEAKERS:**

Ms. Robin Frazer Clark, *State Bar President (2012-13)*  
Ms. R. Javoyne Hicks, *Chair, State Bar Wellness Committee*  
Dr. Ben Hunter, *Medical Director at Skyland Trail*  
Mr. Eric Lang, *Esquire, Suicide Attempt Survivor*  
Hon. Bill Reinhardt, *Judge, Tifton Circuit Superior Court*

**3 CLE HOURS INCLUDING 1 PROFESSIONALISM HOUR**



**REMINDER TO ALL BAR MEMBERS**

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Learn more by contacting CJCP  
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\*Additional locations may be announced.



State Bar  
of Georgia

# EXHIBIT E

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# Building Community by Enhancing Professionalism

A look at the law school orientations on professionalism.

BY KARLISE Y. GRIER

*In memory of Judge Stephen Goss, whose prior years of service as a group leader at the University of Georgia School of Law's orientations. He will be remembered and is already missed.*

In 1992, when the Supreme Court of Georgia adopted an Order setting forth an Aspirational Statement on Professionalism, it wrote: "The Court feels that enhancement of professionalism can be best brought about by the cooperative efforts of the organized bar, the courts, and the law schools with each group working independently, but also jointly in that effort." Each year Georgia's legal community has breathed life into these words during the law school orientations on professionalism. For the past 27 years, the State Bar of Georgia Committee on Professionalism, the Chief Justice's Commission on Professionalism (Commission), each of Georgia's five law schools, and Georgia judges and lawyers have worked together to introduce incoming first-year law students to professionalism concepts during professionalism orientations. This

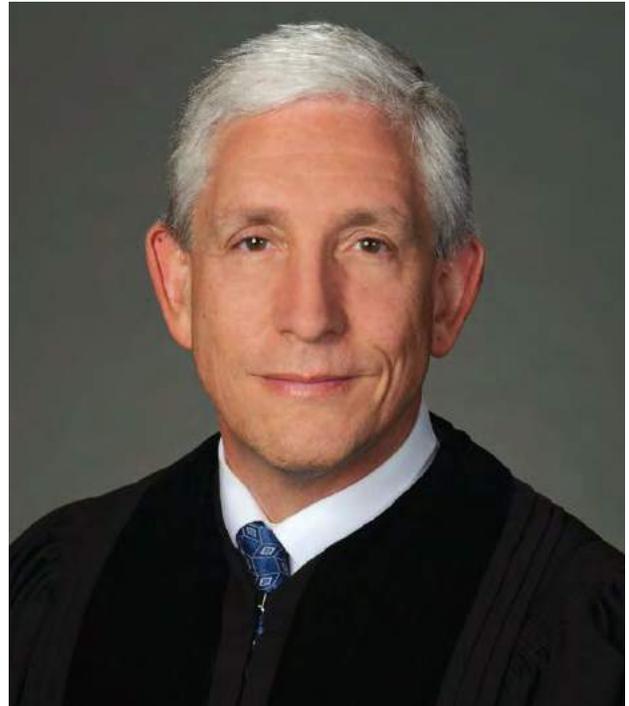
year as in past years, each school selected a keynote speaker to discuss professionalism topics. The keynote speakers for 2019 were Presiding Justice David E. Nahmias, Supreme Court of Georgia (Georgia State University); Presiding Judge Stephen Louis A. Dillard, Court of Appeals of Georgia (Mercer University); Hon. Timothy C. "Tim" Batten Sr., U.S. District Court, Northern District of Georgia (University of Georgia); Hon. Eric Dunaway, Fulton County Superior Court (Atlanta's John Marshall School of Law); and Sherry Boston, district attorney, DeKalb County (Emory University).

In 2019, Nahmias returned to participate in the law school orientations on professionalism in multiple ways after having volunteered with the program several times in the past. He served as a group leader, gave the keynote speech

and administered the "Professionalism and Honor Code Pledge" at Georgia State University College of Law. Two days later, Nahmias also participated in the professionalism orientation at Emory University School of Law by giving brief remarks, by administering the student oath, and by leading students and lawyers in reciting "A Lawyer's Creed."<sup>1</sup> When asked why he continued to participate in the program—despite his increasingly demanding work load—Nahmias responded: "I think it is important that judges and lawyers teach law students professionalism at the beginning of their careers so that the Supreme Court does not learn about them in disciplinary matters later in their careers."

During his remarks at Georgia State and Emory, Nahmias recounted that he had married his law school orientation

PHOTO PROVIDED BY THE SUPREME COURT



Presiding Justice David E. Nahmias was one of approximately 175 lawyers and judges who volunteered for the law school orientations on professionalism.

---

leader, as he fondly remembered his wife Catherine O’Neil, who passed in 2017. Then he shared with the students something they may not have expected to hear from a judge. He talked to them about love. Recalling what the late Chief Justice P. Harris Hines liked to tell lawyers, Nahmias told the students they need to love each other. He continued:

“You are in a community. You are going to be part of a community in this law school. You are going to be a part of our community in the practice of law. . . . You are going to deal with each other in a stressful, chaotic atmosphere that is designed to be adversarial in many of its relationships. That doesn’t mean that you have to put aside the moral compass you brought to this law school or forget that we are all neighbors in the practice of law. Keep in mind when you fight all day, to love your colleagues, to love them as people in the same way you love other people that you interact with daily. You want them to do well. You can beat them in the case, you can beat them in the transaction, but that doesn’t mean you need to be mean to them or fight with them or not treat them as fellow important members of our profession.”

In addition to hearing from the keynote speakers during the orientations, the judges, lawyers and students engaged in breakout sessions to discuss professionalism in small groups. The volunteer judges and lawyers served as group leaders and facilitated student discussions using hypothetical problems created by the State Bar Committee on Professionalism. This year, approximately 946 students and 175 judges and lawyers participated in the orientations. The 2019 orienta-

“I think it is important that judges and lawyers teach law students professionalism at the beginning of their careers so that the Supreme Court does not learn about them in disciplinary matters later in their careers.”

—Presiding Justice David E. Nahmias

tions boasted many first-time group leaders and also included many dedicated volunteers who have returned frequently over the years to serve as group leaders. Several lawyers—and one justice—also volunteered to serve on multiple dates at the various law schools.

A comment from one student at the University of Georgia School of Law articulated two of the primary reasons for the professionalism orientations, stating: “I thought this was an incredible chance to bond with real attorney[s]. I think it was important to understand the implications of the honor code and professionalism aspirations for the next three years.”

The State Bar Committee on Professionalism, the Commission and each of the law schools were deeply grateful to all of the judges and lawyers who volunteered their time to make the 2019 Law School Orientations on Professionalism

a huge success. The law school orientations planning team has already begun work on the 28th Annual Law School Orientations on Professionalism, which will be held next August. If you are interested in volunteering to serve as a group leader for 2020, please contact the Commission’s executive director at [kygrier@cjcpga.org](mailto:kygrier@cjcpga.org). •



**Karlise Y. Grier**

Executive Director  
*Chief Justice’s Commission  
on Professionalism*  
[kygrier@cjcpga.org](mailto:kygrier@cjcpga.org)

### Endnote

1. To view “A Lawyer’s Creed” and the “Aspirational Statement on Professionalism,” visit the Commission’s website at [www.cjcpga.org/lawyers-creed](http://www.cjcpga.org/lawyers-creed).



# GEORGIA COUNCIL OF COURT ADMINISTRATORS

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Georgia Council of Court Administrators (GCCA) 2019 Fall Conference was held in Savannah, GA, September 22-25, 2019. More than 80 court administrators and court managers, representing various classes of court, attended the 2½-day training event themed Leadership: Putting the Pieces Together. Education topics ranged from caseflow management, cybersecurity and phishing scams, effective media relations strategies, and caseload data collection.

One highlight of the September meeting was the installation of officers and board members on September 23, 2019. Judge Horace J. Johnson, Alcovy Judicial Circuit, administered the oath of office to the 11 officers and board members.

During the fall conference each year, select members are recognized for completing their 100-hour Masters of Court Administration Certificate or 40-hour credit certificate. GCCA Certification Program is a membership benefit, available to active members in good standing who receive credit for participating in GCCA's educational programming at its semiannual conferences. The certificate signifies that a member has acquired a fundamental proficiency in the tenants of court administration. Immediate Past President, Jeff West and Education Committee Chair, Joshua Weeks, presented two members with their Masters of Court Administration Certificates and four recipients were awarded their 40-hour certificate.

GCCA officers and members strive to improve courts and the administration of justice and to assist court administrators and managers in the execution of their duties. One way we achieve this is by providing quality education programs. November 18-20, 2019, GCCA in partnership with the AOC, offered the Institute for Court Management (ICM) Caseflow and Workforce Management, a prerequisite course for the Certified Court Management Program (CCM). This 2½-day event held at the Administrative Office of the Courts, was taught by ICM certified faculty, Tracy "TJ" BeMent and Christopher Hansard.

Planning is underway for the 2020 Spring Conference scheduled for March 22-25, 2019, at the Athens Classic Center. Education co-chairs Joshua Weeks and Amanda Marshall are organizing to put the final touches on the conference agenda in time for the registration period, which will open January 2020. Former UGA Coach Vince Dooley will serve as a keynote speaker.



# **REPORT TO JUDICIAL COUNCIL OF GEORGIA**

**COMPILED BY:**

**INSTITUTE OF CONTINUING JUDICIAL EDUCATION**

**THE UNIVERSITY OF GEORGIA**

**1150 SOUTH MILLEDGE AVENUE**

**ATHENS, GA 30602-5025**

**December 6, 2019**



A Resource Consortium of Georgia's Bench,  
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G. Cleveland, Jr., Esq.  
(9/13/17 - 12/14/00)

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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 *DG Ashworth*

RE: Report To Judicial Council – December 6, 2019

DATE: November 26, 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 August, September, and October of 2019, are attached. These monthly reports are also distributed to the leadership of all ICJE constituent groups and educational apparatuses.

ICJE Master Calendar For CY 2020. The Master Calendar of educational training facilitated by ICJE, as approved by the ICJE Board of Trustees on October 18, 2019, is attached. As a reminder, this information is not disseminated on the ICJE website for security reasons.

Increase In Online Training Due To Funding Of New Position. ICJE appreciates the Judicial Council's support of the Enhancement Request that funded the position of Electronic Media Specialist on the ICJE staff. Attached is a one-page summary showing the increase in online programming made possible by this new position.

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 - August 2019  
**Date:** Monday, September 09, 2019 3:46:00 PM

---

Greetings:

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

**Summary of Programming Work and Meetings:** During the 22 business days in August, ICJE staff facilitated a total of **16 days of educational programming for 6 different ICJE constituent groups**; and also participated in **13 meetings with various entities**. Our 4 live, on-site seminars occurred in Pine Mountain (Callaway Gardens); Savannah; Tifton; and Atlanta. Our 2 online seminars included one event open to multiple classes of courts; and another event featuring new legislation pertinent to Magistrate Court Judges.

That's the Summary, here are the Details:

**August 1<sup>st</sup> – 9<sup>th</sup>:** Programming included: (1) **Jail Diversion**, an online seminar open to multiple classes of courts; and (2) **Municipal** Court Clerks' Recertification, at Callaway Gardens. Meetings included: (1) ICJE Office Visit by Mr. Robert Aycock to discuss various aspects of **Magistrate** Court Judge programming and CJE record keeping logistics; (2) ICJE Office Visit with Judge Brian Rickman, **Georgia Court of Appeals** and Chair, ICJE Board Budget Committee, to discuss the ICJE Budgetary process and financial reporting to ICJE constituent groups; (3) Council of **Accountability Courts** Status Conference, planning for the upcoming CACJ Conference in Athens in September; and, (4) Phone Conference with Mariza Abdeljawad of the **Municipal** Court Clerks, to discuss collaboration with the Carl Vinson Institute of Government on Municipal Court Clerk training initiatives.

**August 12<sup>th</sup> – August 16<sup>th</sup>:** Programming included: (1) **Superior** Court Judges' Summer Conference, in Savannah; (2) **Probate** Court Clerks' Training, in Tifton (similar training held in June in Athens; and, in July in Dublin); and, (3) **Magistrate** Court Judges' Lunch and Learn Webinar on Abandoned Mobile Homes (new legislation). Meetings included: (1) MCJE Committee of the Council of Superior Court Judges, in Savannah; (2) Leadership of Municipal Court Clerks and staff of Carl Vinson Institute, in Athens, to discuss possible future collaborative educational training efforts; (3) Participation in a portion of the annual Professionalism program for 1<sup>st</sup> year law students at UGA Law School, coordinated by the **Chief Justices' Commission on Professionalism**; and (4) Phone Conference with facilitator Jim Poulakos, in advance of the September 23<sup>rd</sup> ICJE Board and Constituent Group Planning Meeting in Athens.

**August 19<sup>th</sup> – August 30<sup>th</sup>:** Programming included: (1) **Judicial Staff Attorneys'** Annual Conference, at State Bar of Georgia Conference Center in Atlanta. Meetings included: (1) **Municipal** Court Training Council; (2) Materials prepared for **Magistrate** Court Training Council; (3) An additional Council of **Accountability Courts** Status Conference, planning for the upcoming CACJ Conference in Athens in September; (4) ICJE Office Visit with facilitator Greg Maxey, to discuss the ICJE Budgetary

process and financial reporting to ICJE constituent groups in advance of the September 23<sup>rd</sup> ICJE Board and Constituent Group Planning Meeting in Athens; and, (5) **Judicial Council** of Georgia Meeting, in Macon (written report submitted).

As a reminder, 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 for the following September events: (1) **Magistrate** Court Judge 40 Hour Basic Civil Certification; (2) Council of **Accountability Court** Judges' Training Conference (estimated attendance of 1,300 registrants – the largest event ever facilitated to date by ICJE of Georgia); (3) **Municipal** Court Clerks 16 Hour Certification; and, for the following October events: (1) **Municipal** Court Judges' Certification; (2) **Magistrate** Court Judges' Recertification; (3) Magistrate Court Judges' **Lunch and Learn** (Garnishments); (4) **Probate** Court Judges' Fall Conference (COAG); (5) **State** Court Judges' Fall Conference; and, (6) **Juvenile** 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,

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

**Institute of Continuing Judicial Education (ICJE)**

**The University of Georgia**

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**From:** Douglas G. Ashworth  
**To:** [Douglas G. Ashworth](#)  
**Subject:** ICJE Exec Dtr Report - September 2019  
**Date:** Friday, September 27, 2019 4:51:00 PM

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Greetings:

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

Summary of Programming Work and Meetings: As September draws to a close, **during one stretch of this month – ICJE staff facilitated live, on-site events for 10 out of 11 straight calendar days.**

Overall, during the 20 business days in September, ICJE staff facilitated **a total of 12 days of educational programming** for various ICJE constituent groups; and also **participated in 7 meetings** with various entities. Our live, on-site seminars occurred in 3 venues in 2 different cities – Athens and Tifton.

Of particular note this month are two events: (1) Hosting the Chief Justice and Associate Justices of the **People’s Supreme Court of the Republic of Vietnam**; and, (2) Helping facilitate the **largest single** event, in terms of attendance, that ICJE has ever participated in – the **2019 Accountability Courts Training Conference, with over 1,200 registrants**. This event was open to multiple classes of courts.

That’s the **Summary, here are the Details:**

**September 3<sup>rd</sup> – 13<sup>th</sup>:** Programming included: (1) **Magistrate** Court Judge 40-Hour Civil Basic Certification for non-attorney judges at the Athens Holiday Inn, lasting from Sunday through Friday, and including a road trip to **Morgan County Courthouse** to observe Judge Connie Holt conduct civil bench trials. Meetings included: (1) Hosting the Chief Justice and Associate Justices of the People’s Supreme Court of the Republic of **Vietnam**. The group asked very specific questions about ICJE’s educational programming for all of our constituent groups. Their delegation, accompanied by the State Department, also visited Austin, Texas and Washington DC while in the United States; (2) **Probate** Court Judge Traffic Certification Program planning meeting, an intensive two-day event held in Macon; (3) **Accountability Court** Training Conference pre-conference “walk-through” at the Classic Center in Athens; and, (4) **Municipal** Court Training Council, conducted by new Training Council Chair Judge Claude Mason.

**September 15<sup>th</sup> – September 30<sup>th</sup>:** Programming included: (1) **Accountability** Courts Training Conference, which was extended for an extra day of programming beginning this year; and (2) **Municipal** Court Clerks 16 Hour Certification, held in Tifton. As a reminder, this identical programming is also held in Athens in order to accommodate the geographic diversity of Georgia. Meetings included: (1) **Magistrate** Court Training Council; and (2) **ICJE Board of Trustees and ICJE Constituent Groups Planning Meeting** in Athens on September 23<sup>rd</sup>; this event, to which the Presidents of each ICJE Constituent Group were invited to participate; was facilitated by HKA

Strategy Group. Notes of the planning meeting will be distributed as soon as possible by HKA Strategy Group to all attendees.

Looking forward: **October may well qualify as the busiest overall month for the ICJE staff**, when considering both live seminars and education apparatus meetings. In addition to 17 days of educational programming in 23 business days, we also prepare for and participate in educational committee/council meetings involving 5 of the 6 court classes served by ICJE. Of particular importance during these meetings is the presentation of ICJE's **2020 Master Calendar** of Educational Programming. I look forward to presenting this proposed 2020 Master Calendar to the ICJE Board at its October 18<sup>th</sup>, 2019, Fall Board Meeting.

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 - October 2019  
**Date:** Friday, November 01, 2019 2:17:23 PM

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Greetings:

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

Summary: During the 23 business days in October, ICJE staff facilitated **a total of 16 days of educational programming, consisting of 5 live on-site events covering 14 days, and 2 online webinars**. In addition to educational programming, ICJE staff also **participated in 8 meetings** with various entities. Our live, on-site seminars occurred at Lake Lanier, Jekyll Island, Savannah, St. Simons Island, and Athens.

That's the **Summary, here are the Details:**

**October 1<sup>st</sup> – October 11<sup>th</sup> (5 live educational programming days, 1 webinar, and 3 meetings):**

Programming included: (1) **Municipal** Court Judges Law & Practice Update, which also included a track for 20 Hour Certification (Lake Lanier); (2) Magistrate Court Judge Recertification (Jekyll Island); and, (3) Magistrate Court Judge Lunch and Learn Webinar (Garnishments). Meetings included: (1) Logistical planning with **Magistrate** Court Executive Director Sharon Reiss and Mr. Robert Aycock of the AOC; (2) **Magistrate** Court Training Council; and (3) Meeting with Justice Michael Boggs of the **Supreme Court** of Georgia regarding educational curriculum related to the Code of Judicial Conduct.

**October 13<sup>th</sup> – October 18<sup>th</sup> (6 live educational programming days, 1 webinar, and 4 meetings):**

Programming included: (1) **Probate** Court Judge Fall Conference, in conjunction with COAG (Savannah); and, (2) **State** Court Judges Fall Conference (St. Simons). Meetings included: (1) **Probate** Court Training Council; (2) State Court Judge **Educational Programs** Committee; (3) State Court Judge **New Judge Orientation** Committee; and, (4) **ICJE Board of Trustees** Fall Meeting. The ICJE Board unanimously approved the **Calendar Year 2020 Seminar Schedule**, which will be presented to the **Judicial Council** at its December 6, 2019, meeting.

**October 20<sup>th</sup> – October 31<sup>st</sup> (3 live educational programming days and 1 meeting):** Programming included the **Juvenile** Court Judges Fall Conference (Athens); and Meetings included the Juvenile Court Judges **Education and Certification** Committee.

**Other Work: Draft MOUs:** As requested during our September 23<sup>rd</sup> Planning Meeting in Athens with all ICJE constituent groups, we are preparing DRAFT MOUs. After the DRAFTS are reviewed by the ICJE Board Chair, they will be disseminated for review, comment and revisions. **Event Planner:** We are currently conducting interviews for the open Event Planner position, to replace Ms. Amelia Bennett. We thank Ms. Bennett for her hard work on our staff, and we wish her well as she leaves full-time employment with us to further her education by working towards a Bachelors' degree.

**Looking ahead:** The month of November will feature 2 online courses (1 for Municipal Court Clerks and 1 Multi-Class of Court). Our live on-site seminar in November will be for Municipal Court Clerk Recertification. Pre-Event work in November will include work on agendas for the first quarter of CY 2020. Finally, we will be busy preparing for closing out the CJE compliance year, as well as continuing the preparing the CY 2020 Registration Information to be forwarded to ICJE constituents in early January of 2020.

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

Thank you and best regards,

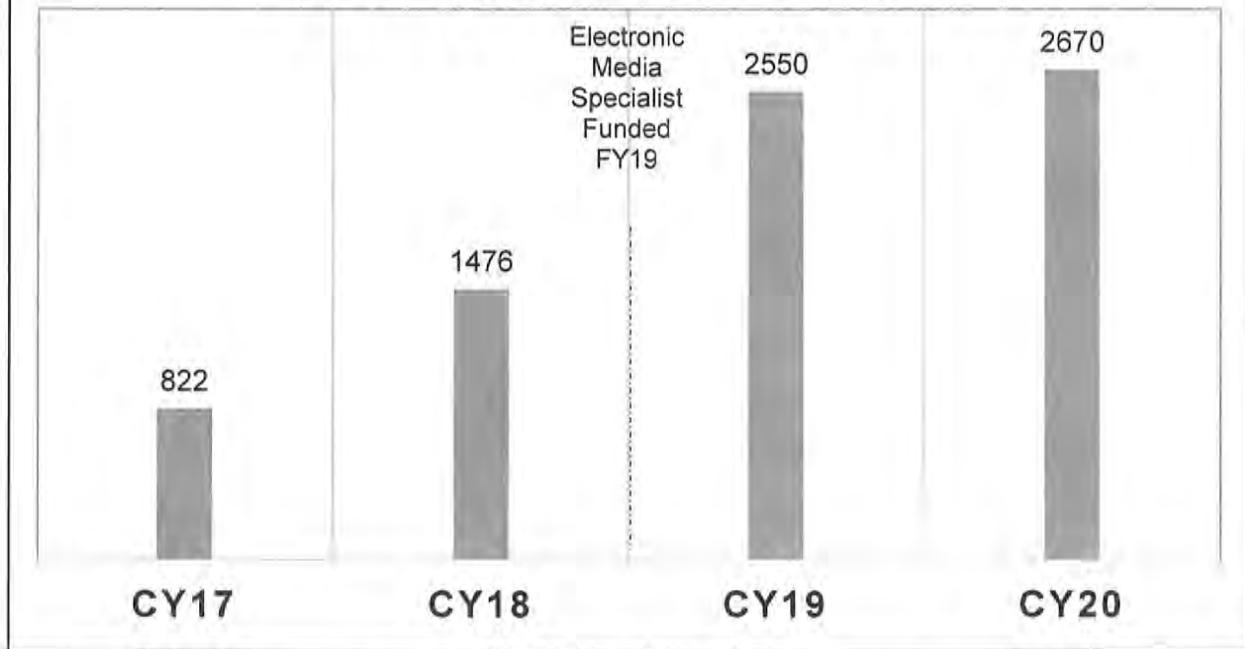
Douglas G. Ashworth, J.D., Executive Director

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ICJE 2020 Calendar - Updated 10.11.19  
D-R-A-F-T  
Pending Approval By ICJE Bd of Trustees At 2019 Fall Bd Meeting

Date	Course	Format	Location
Jan. 21-24	Superior Court Judges' Winter Conference	Live Seminar	UGA Hotel & Conference Center--Athens
Jan. 27-30	State Court Judges' NJO	Live Seminar	Holiday Inn--Athens
Feb. 10-11	Magistrate Court Chief Judges' Update	Live Seminar	Jekyll Island Club Hotel
Feb. 11-12	Municipal Court Clerks' 16 Hr. Certification	Live Seminar	The Holiday Inn--Athens
Feb. 23-28	Magistrate Court Judges' 40 Hr. Criminal Certification	Live Seminar	The Holiday Inn--Athens
Feb. 24-28	Mental Illness	Online Self-Study Course	eLearningCommons--Online
Mar. 13	Judging & Humanities	Live Seminar/Multi-Class	Holiday Inn--Athens
Mar. 30--April 1	Magistrate Court Judges Spring Recertification	Live Seminar	King & Prince--St. Simons
April 1-3	Juvenile Court Clerks' Annual Conference	Live Seminar	Savannah Marriott Riverfront
April 2	Municipal Traffic Law/DUI Lunch & Learn Webinar	Live Webinar	GoToWebinar
Apr. 9-10	Municipal Court Clerks' Recertification	Live Seminar	Legacy Lodge at Lake Lanier
April 13-17	Media Relations	Online Self-Study Course	eLearningCommons--Online
April 20-22	Probate Court Judges' Spring Conference	Live Seminar	The Classic Center--Athens
April 23-24	Probate Court Judges' Traffic Conference	Live Seminar	The Classic Center--Athens
May 11-13	Juvenile Court Judges' Spring Conference	Live Seminar	King & Prince--St. Simons
May 13-15	State Court Judges' Spring Conference	Live Seminar	UGA Hotel & Conference Center--Athens
May 18-22	Municipal Court Clerks' Online Recertification	Online Self-Study Course	eLearningCommons--Online
June 8-9	Probate Court Clerks' LWEG & Traffic Training	Live Seminar	The Holiday Inn--Athens
June 15-19	Substance Abuse	Online Self-Study Course	eLearningCommons--Online
June 17-19	Municipal Court Judges' 20 Hr. Certification	Live Seminar	Savannah Marriott Riverfront
June 17-19	Municipal Court Judges' Law & Practice Update	Live Seminar	Savannah Marriott Riverfront
June 24-26	Magistrate Court Clerks' Annual Training	Live Seminar	Savannah Marriott Riverfront
July 9	Judicial Ethics & Its Impact on Others	Live Seminar/Multi-Class	Holiday Inn--Athens
July 14-15	Probate Clerks' LWEG & Traffic Training	Live Seminar	Oconee Fall Line Tech--Dublin
July 27-30	Superior Court Judges' Summer Conference	Live Seminar	Jekyll Island Convention Center
July 27-31	Ethics & Professionalism	Online Self-Study Course	eLearningCommons--Online
Aug. 11-12	Probate Court Clerks' LWEG & Traffic Training	Live Seminar	UGA Hotel & Conference Center--Tifton
Aug. 17-21	Sovereign Citizens & Self-Representing Litigants	Online Self-Study Course	eLearningCommons--Online
Aug. 20-21	Municipal Court Clerks' Recertification	Live Seminar	Great Wolf Lodge--LaGrange
Aug. 25-26	Judicial Staff Attorneys' Annual Conference	Live Seminar	State Bar of GA--Atlanta
Sept. 6-11	Magistrate Court Judges' 40 Hr. Basic Civil Certification	Live Seminar	Holiday Inn--Athens
Sept. 13-16	CACJ Accountability Courts Training Conference	Live Seminar	Classic Center--Athens
Sept. 14-18	Cyber Security	Online Self-Study Course	eLearningCommons--Online
Sept. 23-24	Municipal Court Clerks' 16 Hr. Certification	Live Seminar	UGA Conference Center--Tifton
Sept. 29--Oct. 1	Municipal Court Judges' 20 Hr. Certification	Live Seminar	Legacy Lodge at Lake Lanier
Sept. 29--Oct. 1	Municipal Court Judges' Law & Practice Update	Live Seminar	Legacy Lodge at Lake Lanier
Oct. 5-6	Magistrate Court Judges' Recertification	Live Seminar	The Westin--Savannah
Oct. 5-9	Municipal Court Clerks' Online Recertification	Online Self-Study Course	eLearningCommons--Online
Oct. 14-16	State Court Judges' Fall Conference	Live Seminar	King & Prince Conference Center-- St. Simons
Oct. 19-23	New Technology in the Courts	Online Self-Study Course	eLearningCommons--Online
Oct. 26-28	Juvenile Court Judges' Fall Conference	Live Seminar	UGA Hotel & Conference Center--Athens
Date & Location TBD at GMCCC Meeting	Municipal Court Clerks' Recertification	Live Seminar	
Nov. 9-11	Probate Court Judges' Fall COAG	Live Seminar	Savannah Marriott Riverfront
Nov. 9-13	Processing Trauma	Online Self-Study Course	eLearningCommons--Online
Nov. 30--Dec. 2	Probate Court Judges' NJO/Traffic	Live Seminar	Holiday Inn--Athens
Dec. 7-10	Probate Court Judges' NJO	Live Seminar	Holiday Inn--Athens
Dec. 14-18	Superior Court Judges' NJO	Live Seminar	Holiday Inn--Athens

## C.E.U.\* FOR ICJE ONLINE COURSES



Funding of Electronic Media Specialist position  
for Institute of Continuing Judicial Education of Georgia ("ICJE")  
effective as of July 1, 2018, has resulted in a

**73% increase** from CY 2018 to CY 2019 in **Online** Continuing Education Units (C.E.U.)  
- And An -

**81% increase** from CY 2018 to CY 2020 in **Online** Continuing Education Units (C.E.U.)  
Offered to Judges and Clerks By ICJE of Georgia

<b>2020 Online Courses Offered</b>	
<i>Funding for Electronic Media Specialist In Place</i>	<b>CEU #s</b>
Mental Illness	330
Municipal Court Judges' Webinar: Traffic Law/DUI	30
Media Relations	330
Substance Abuse	330
Ethics & Professionalism	330
Sovereign Citizens & Self-Representing Litigants	330
Cyber Security	330
Technology in the Courts	330
Processing Trauma	330
<b>Total CEU Numbers</b>	<b>2670</b>

On behalf of the ICJE Board of Trustees and the ICJE Constituent Groups, thank you for your support of ICJE's Enhancement Request to fund the Electronic Media Specialist position.

\*C.E.U. = Continuing Education Unit; Formula: # Of C.E.U. = (# of Participants) X (# of Hours of instruction); Example: 192  
C.E.U. = (32 Participants) X (6 Hours of instruction)

Prepared By ICJE of Georgia Staff - 11.22.19