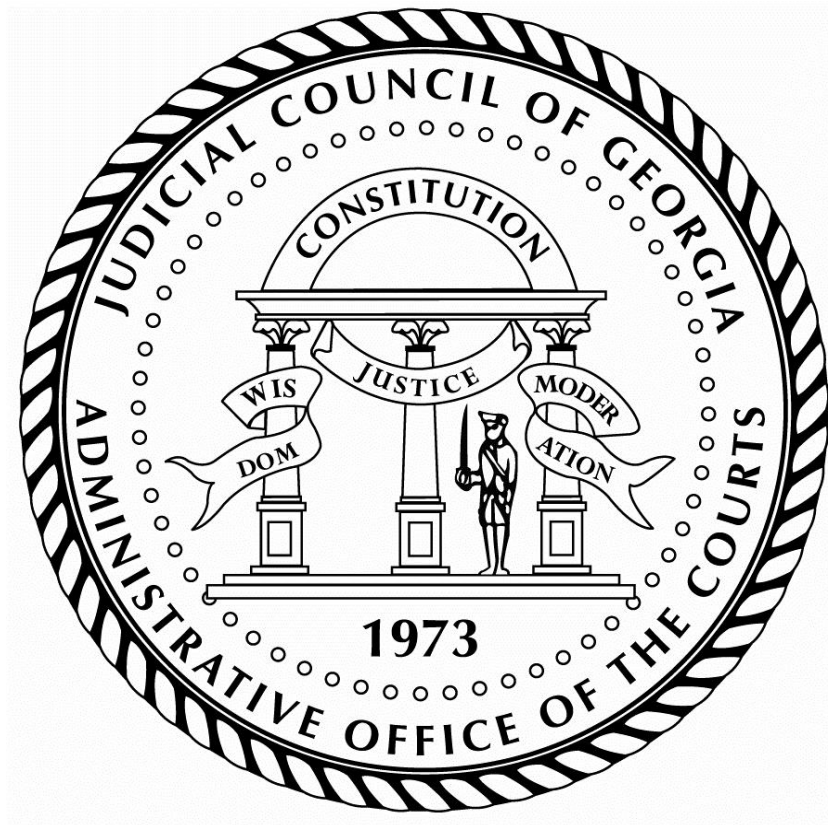


# JUDICIAL COUNCIL OF GEORGIA

## General Session

Friday, August 14, 2020

10:00 a.m. – 12:30 p.m.



By Remote Conferencing

# Judicial Council of Georgia

## General Session

### By Conference Call

Livestream at <https://www.youtube.com/judicialcouncilofgeorgia>

**Friday, August 14, 2020**

10 a.m. – 12:30 p.m.

- 1. Preliminary Remarks**  
(Chief Justice Harold D. Melton, Est. Time – 5 Min.)
- 2. Roll Call of Judicial Council Members**  
(Cynthia H. Clanton, Est. Time – 2 Min.)
- 3. Approval of Minutes – August 3, 2020, Emergency Session** *(Action Item)* **TAB 1**  
(Chief Justice Harold D. Melton, Est. Time – 2 Min.)
- 4. Judicial Council Committee Reports**
  - A. Budget Committee** *(Action Item)* **TAB 2**  
(Justice Michael P. Boggs and Maleia Wilson, Est. Time – 5 Min.)
  - B. Legislation Committee** *(Action Item)* **TAB 3**  
(Presiding Justice David E. Nahmias, Est. Time – 7 Min.)
  - C. Judicial Workload Assessment Committee** *(Action Item)* **TAB 4**  
(Chief Judge David Emerson, Est. Time – 40 Min.)
    1. Voting to Recommend Judgeships
    2. Voting to Rank Judgeship Recommendations*\*Council business will continue at Chair's discretion*
  - D. Technology Committee**  
(Chief Justice Harold D. Melton and Chief Judge David Emerson, Est. Time – 5 Min.)
  - E. Strategic Plan Committee** *(Action Item)* **TAB 5**  
(Presiding Judge Sara Doyle, Est. Time – 5 Min.)
  - F. Grants Committee** *(Written report)* **TAB 6**
  - G. Judicial COVID-19 Task Force** **TAB 7**  
(Judge Shawn E. LaGrua, Est. Time – 10 Min.)
- 5. Report from Judicial Council/AOC** **TAB 8**  
(Cynthia H. Clanton, Est. Time – 10 Min.)

**6. Reports from the Courts, Councils & State Bar**  
(Est. Time – 15 Min.)

**TAB 9**

- A. Supreme Court**
- B. Court of Appeals**
- C. Business Court**
- D. Council of Superior Court Judges**
- E. Council of State Court Judges**
- F. Council of Juvenile Court Judges**
- G. Council of Probate Court Judges**
- H. Council of Magistrate Court Judges**
- I. Council of Municipal Court Judges**
- J. State Bar of Georgia**

**7. Reports from additional Judicial Branch Agencies**  
(Est. Time – 5 Min.)

**TAB 10**

- A. Council of Accountability Court Judges**
- B. Georgia Commission on Dispute Resolution**
- C. Council of Superior Court Clerks**
- D. Chief Justice's Commission on Professionalism**
- E. Georgia Council of Court Administrators**
- F. Institute of Continuing Judicial Education**
- G. Judicial Qualifications Commission**

**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, December 11, 2020    10 a.m. 12:30 p.m.

TBD

### **Judicial Council Meeting Calendar – 2021**

Friday, February 12, 2021	10 a.m. – 12:30 p.m.	James H. “Sloppy” Floyd Building/Atlanta, GA
Friday, April 23, 2021	10 a.m. – 12:30 p.m.	The Classic Center/Athens, GA
Friday, August 13, 2021	10 a.m. – 12:30 p.m.	TBD
Friday, December 10, 2021	10 a.m. – 12:30 p.m.	The Carter Center/Atlanta, GA



## Judicial Council Members

As of August 2020

### **Supreme Court**

Chief Justice Harold D. Melton  
Chair, Judicial Council  
Nathan Deal Judicial Center  
330 Capitol Avenue, S.E.  
1<sup>st</sup> Floor, Suite 1100  
Atlanta, GA 30334  
404-657-3470/F 656-2253  
[meltonh@gasupreme.us](mailto:meltonh@gasupreme.us)

Presiding Justice David E. Nahmias  
Vice-Chair, Judicial Council  
Nathan Deal Judicial Center  
330 Capitol Avenue, S.E.  
1<sup>st</sup> Floor, Suite 1100  
Atlanta, GA 30334  
404-656-3474/F 657-6997  
[nahmiasd@gasupreme.us](mailto:nahmiasd@gasupreme.us)

### **Court of Appeals**

Chief Judge Christopher J. McFadden  
Nathan Deal Judicial Center  
330 Capitol Avenue, S.E., Suite 1601  
Atlanta, GA 30334  
404-656-3450/ F 651-6187  
[mcfaddenc@gaappeals.us](mailto:mcfaddenc@gaappeals.us)

Vice Chief Judge Brian M. Rickman  
Nathan Deal Judicial Center  
330 Capitol Avenue, S.E., Suite 1601  
Atlanta, GA 30334  
404-656-3450/ F 651-6187  
[rickmanb@gaappeals.us](mailto:rickmanb@gaappeals.us)

### **Georgia State-wide Business Court**

Judge Walter W. Davis  
Nathan Deal Judicial Center  
3<sup>rd</sup> Floor, Suite BC320  
330 Capitol Avenue, S.E.  
Atlanta, GA 30334  
[davisw@gsbc.us](mailto:davisw@gsbc.us)

### **Superior Court**

Chief Judge Brian Amero  
President, 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 J. Wade Padgett  
President-Elect  
Augusta Judicial Circuit  
P.O. Box 2656  
Evans, GA 30809  
706-821-2835  
[wpadgett@columbiacountyga.gov](mailto:wpadgett@columbiacountyga.gov)

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 Melanie B. Cross  
Tifton Judicial Circuit, 2<sup>nd</sup> JAD  
PO Box 7090  
Tifton, GA 31793  
229-386-7904  
[melanie.cross@tiftcounty.org](mailto:melanie.cross@tiftcounty.org)

Judge W. James Sizemore  
Southwestern Judicial Circuit, 3<sup>rd</sup> JAD  
PO Box 784  
Americus, GA 31709  
229-924-2269/F 924-2269  
[wjsizemorejr@gmail.com](mailto:wjsizemorejr@gmail.com)

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)

Chief Judge Christopher S. Brasher  
Atlanta Judicial Circuit, 5<sup>th</sup> JAD  
T8905 Justice Center Tower  
185 Central Avenue SW STE T-8905  
Atlanta, GA 30303  
404-612-4335/F 612-2569  
[chris.brasher@fultoncountyga.gov](mailto:chris.brasher@fultoncountyga.gov)

Judge W. Fletcher Sams  
Fayette County Justice Center, 6<sup>th</sup> JAD  
One Center Drive  
Fayetteville, GA 30214  
770-716-4282/ 770-716-4862  
[fletcher@fayettecountyga.gov](mailto:fletcher@fayettecountyga.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  
[rvp787@gmail.com](mailto:rvp787@gmail.com)

Chief Judge Sarah Wall  
Oconee Judicial Circuit, 8<sup>th</sup> JAD  
PO Box 1096  
Hawkinsville, GA 31036  
478-783-2900/ F 478-783-2902  
[walls@eighthdistrict.org](mailto:walls@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)

Judge James G. Blanchard, Jr.  
Augusta Judicial Circuit, 10<sup>th</sup> JAD  
P.O. Box 2656  
Evans, GA 30809  
706-312-7356/ F 706-312-7365  
[jblanchard@columbiacountyga.gov](mailto:jblanchard@columbiacountyga.gov)

#### **State Court**

Judge Wesley B. Tailor  
President, 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)

Judge Alvin T. Wong  
President-Elect, CStCJ  
Stone Mountain Judicial Circuit  
556 N. McDonough St., Suite 2240  
Decatur, GA 30030  
404-371-2591  
[atwong@dekalbcountyga.gov](mailto:atwong@dekalbcountyga.gov)

#### **Juvenile Court**

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

Chief Judge C. Gregory Price  
President-Elect, CJCJ  
Rome Judicial Circuit  
#3 Government Plaza, Suite 202  
Rome, GA 30161  
706-291-5180  
[pricecg@floydcountyga.org](mailto:pricecg@floydcountyga.org)

#### **Probate Court**

Chief Judge Kelli M. Wolk  
President, CPCJ  
Cobb County  
32 Waddell Street  
Marietta, GA 30090  
770-528-1900/ F 770-528-1996  
[kelli.wolk@cobbcountyga.org](mailto:kelli.wolk@cobbcountyga.org)

Judge Kerri B. Carter  
President-Elect, CPCJ  
Lookout Mountain Judicial Circuit  
255 West Crabtree Street  
Trenton, GA 30752  
706-657-4417/ F 706-657-4305  
[kcarter@dadecounty-ga.gov](mailto:kcarter@dadecounty-ga.gov)

#### **Magistrate Court**

Chief 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 Quinn M. Kasper  
Cobb Judicial Circuit  
32 Waddell St., 3<sup>rd</sup> Floor  
Marietta, GA 30090  
770-528-8900  
[quinnmcgill@gmail.com](mailto:quinnmcgill@gmail.com)

#### **Municipal Courts**

Judge Willie C. Weaver, Sr.  
President, CMuCJ  
Municipal Court of Albany  
P.O. Box 646  
Albany, GA 31702  
229-438-9455  
[wweaverlaw@aol.com](mailto:wweaverlaw@aol.com)

## Judicial Council Members

As of August 2020

Judge Lori B. Duff  
President-Elect, CMuCJ  
Municipal Court of Loganville  
7730 B Hampton Place  
Loganville, GA 30052  
770-466-6149  
[duff@jonesandduff.com](mailto:duff@jonesandduff.com)

### **State Bar of Georgia**

Ms. Dawn Jones  
President, State Bar of Georgia  
1230 Peachtree St., NE Suite 1900  
Atlanta, GA 30309  
678-940-1251/ F 470-891-5918  
[dawn@dawnjoneslaw.com](mailto:dawn@dawnjoneslaw.com)

## **Administrative Office of the Courts**

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

*Cynthia H. Clanton, Director*  
404-656-5171

*As of August 2020*

### **Director's Office**

#### ***Administration***

Tiffanie Robinson  
404-463-3820

*Front Desk*  
404-656-5171

#### ***Budget***

Maleia Wilson  
404-656-6404

#### ***Governmental and Trial Court Liaison***

Tracy Mason  
404-463-0559

Robert Aycok  
404-463-1023

Darron Enns  
404-656-5453

LaShawn Murphy  
404-651-6325

Cheryl Karounos  
404-651-7616

#### ***Human Resources***

Stephanie Hines  
404-657-7469

Jacqueline Booker  
404-463-0638

#### ***General Counsel***

Jessica Farah  
404-463-3805

Meisa Pace  
404-463-3821

Alison Lerner  
404-657-4219

### **Judicial Services**

Christopher Hansard  
Division Director  
404-463-1871

Tynesha Manuel  
404-232-1857

#### ***Research and Data Analysis***

Matthew Bishop  
404-656-0371

Shimike Dodson  
404-656-2614

Jeffrey Thorpe  
404-656-6413

#### ***Court Professionals***

John Botero  
404-463-3785

Bianca Bennett  
404-651-8707

LaShica Briscoe  
404-463-5127

Herbert Gordon  
404-653-3789

Amber Richardson  
404-232-1409

### **Communications, Children, Families & the Courts**

Michelle Barclay  
Division Director  
404-657-9219

Noelle Lagueux-Alvarez  
404-463-0044

Elaine Johnson  
404-463-6383

Latoinna Lawrence  
404-463-6106

Paula Myrick  
404-463-6480

Bruce Shaw  
404-656-6783

### **Financial Administration**

Drew Townsend  
CFO/Division Director  
404-651-7613

Kim Burley  
404-463-3816

Monte Harris  
404-656-6691

Latricia Harris  
404-463-1907

Cassandra Niblack  
404-463-0237

Imani Roberson  
404-463-9016

#### ***Tax Intercept***

Andrew Theus  
404-463-5177

### **Information Technology**

Sterling Perry  
Interim Division Director  
470-446-3930

Willie Alcantara  
404-519-9989

Jesse Medina  
404-227-2395

John Counts  
404-550-1254

Angela He  
404-651-8169

Kristy King  
404-651-8180

Christina Liu  
404-651-8180

Michael Neuren  
404-657-4218

Kriste Pope  
404-731-1358

Juliana Tyler  
404-852-6899

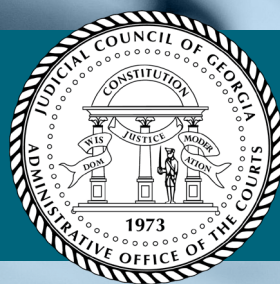
Pete Tyo  
404-731-1357

Jill Zhang  
404-463-6343

***Georgia Judicial Exchange***

Tajsha Dekine  
404-656-3479

Eureka Frierson  
470-733-9404



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.



# JUDICIAL COUNCIL OF GEORGIA STRATEGIC PLAN FY 2020–2022

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)

TAB 1



**Judicial Council of Georgia**  
**Emergency Session**  
**Conference Call**  
**August 3, 2020 • 2 p.m.**

**Members Present**

Chief Justice Harold D. Melton, Chair  
Presiding Justice David Nahmias  
Chief Judge Brian Amero  
Chief Judge Jeffrey S. Bagley  
Judge James G. Blanchard, Jr.  
Chief Judge Christopher S. Brasher  
Judge Kerri Carter  
Judge Walter W. Davis  
Judge Lori B. Duff  
Chief Judge T.J. Hudson  
Chief Judge Asha Jackson  
Ms. Dawn Jones  
Judge Lisa C. Jones  
Judge Quinn M. Kasper  
Chief Judge Christopher T. McFadden  
Judge J. Wade Padgett  
Judge C. Gregory Price  
Vice Chief Judge Brian K. Rickman  
Judge Fletcher Sams  
Judge W. James Sizemore, Jr.  
Judge Wesley B. Taylor  
Judge Ralph Van Pelt, Jr.  
Chief Judge Sarah Wall  
Chief Judge Willie C. Weaver, Sr.  
Chief Judge Kelli M. Wolk  
Judge Alvin T. Wong

**Members Absent**

Judge Melanie Cross  
Judge Jeffrey H. Kight

**Staff Present**

Ms. Cynthia Clanton, Director  
Mr. Robert Aycock  
Ms. Michelle Barclay  
Mr. Matthew Bishop  
Ms. Shimike Dodson  
Ms. Jessica Farah  
Mr. Christopher Hansard  
Ms. Cheryl Karounos  
Ms. Noelle Lagueux-Alvarez  
Ms. Tynesha Manuel  
Ms. Lashawn Murphy  
Mr. Sterling Perry  
Ms. Tiffanie Robinson  
Mr. Bruce Shaw  
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 2:00 p.m. by Chief Justice Harold D. Melton. Chief Justice Melton recognized Judge Davis for the successful launch of the State-wide Business Court. Ms. Clanton called roll for Council members; staff and guests were instructed to submit their attendance for the purposes of the minutes.

## **Adoption of Minutes – July 27, 2020**

Chief Justice Melton directed the Council's attention to the minutes of the Emergency Session held on July 27, 2020. Ms. Cynthia Clanton corrected the minutes, noting Chief Judge Bagley was present during the meeting. Chief Judge Weaver provided three corrections to amend the guest list. A motion to approve the amended minutes was offered by Presiding Justice Nahmias, with a second from Chief Judge Weaver. The motion was approved without opposition.

## **COVID-19 Update and Discussion of Statewide Judicial Emergency Order by Judicial Council Members**

Chief Justice Melton directed Council members to the draft Judicial Emergency Order reporting the draft order continues the tolling of grand jury proceedings as the creation of best practices and guidelines are being drafted. Chief Justice Melton shared feedback received to continue the exploration of remote jury trials, noting the Judicial COVID-19 Task Force will continue its work identifying how to execute jury trials remotely. Council members were invited to provide feedback concerning the draft and the tolling of jury proceedings.

Chief Justice Melton recognized Judge Shawn LaGrúa, Chair of the Judicial COVID-19 Task Force, to present the report of the Task Force. Judge Shawn LaGrúa recognized the work of all Judicial COVID-19 Task Force members, and especially Dr. Mark Swancutt, Fulton County Board of Health; Mr. Christopher Hansard, Division Director, Judicial Council/AOC; and Cheryl Karounos, Governmental Affairs Liaison, Judicial Council/AOC. Judge LaGrúa provided an overview of the Task Force report, noting the report is intentionally repetitive to allow for easy distribution of sections of the document. The Judicial COVID-19 Task Force is currently exploring how to proceed with recommendations for jury proceedings. Chief Justice Melton commended Judge LaGrúa and members of the judiciary on the ability to collaborate on resources to move forward during the pandemic.

## **Test of August 14 General Session Voting Procedures**

Chief Justice Melton reported the August 14, 2020, Judicial Council General Session meeting will include a vote on recommended judgeships and ranking of recommended judgeships from the Judicial Workload Assessment Committee. Chief Justice Melton recognized Mr. Hansard to execute a testing session for this process. Mr. Hansard reported the Judicial Workload Assessment Committee annually receives requests for additional superior court judgeships. Those requests are analyzed, considered, and recommended to the Judicial Council, who then considers and votes on

recommending additional judgeships and in what order of priority they should be recommended to the General Assembly. Mr. Hansard provided a detailed overview of the voting procedures for judgeship recommendations and rankings. After reviewing the judgeship policy, voting council members were e-mailed a link to practice voting and ranking options.

### **Reports from Courts, Councils, State Bar, and AOC**

Supreme Court. No report was provided.

Court of Appeals. No report was provided.

Business Court. No report was provided.

Council of Superior Court Judges. Chief Judge Amero shared his appreciation to Chief Justice Melton for dedicating resources to identify how to execute jury trials remotely. The judiciary must have a technological solution to allow cases to move forward if COVID-19 worsens.

Council of State Court Judges. No report was provided.

Council of Juvenile Court Judges. No report was provided.

Council of Probate Court Judges. No report was provided.

Council of Magistrate Court Judges. No report was provided.

Council of Municipal Court Judges. Chief Judge Weaver shared condolences for the passing of Judge Ramon Alvarado, who was the first Hispanic judge in Gwinnett County. He also thanked Judge Norman Cuadra for his involvement in the COVID-19 Task Force.

State Bar of Georgia. Ms. Dawn Jones reported the Bar held orientations for chairpersons of sections and committees. The Bar is continuing the search for an Executive Director and staff are continuing to work remotely. A week from Friday, the Bar will conduct the annual two-day retreat virtually. The American Bar Association has requested details regarding the newly formed Seeking Equal Justice and Addressing Racial Biases initiative.

Administrative Office of the Courts. No report was provided.

### **Reports from additional Judicial Branch Agencies**

Council of Accountability Court Judges. Chief Judge Kathlene Gosselin reported that the annual accountability court conference will be held in September.

Georgia Commission on Dispute Resolution. No report was provided.

Council of Superior Court Clerks. No report was provided.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier reported the Commission continues to work virtually. The Commission participated in the State Bar of Georgia's section

orientation. The Commission has a CLE on Friday; over 1700 people have registered. Ms. Grier recognized AOC staff for assistance in the CLE, specifically Michelle Barclay and John Ramspott, for sharing information about the CLE; Ms. Grier also thanked Ms. Cheryl Karounos and Mr. Darron Enns, Policy Counsel, Judicial Council/AOC, for assisting with connecting the Commission with Task Force members.

Georgia Council of Court Administrators. No report was provided.

Institute of Continuing Judicial Education. No report was provided.

Judicial Qualifications Commission. No report was provided.

### **Old Business**

No old business was offered.

### **New Business**

No new business was offered.

### **Concluding Remarks**

Chief Justice Melton announced that the next General Session will be Friday, August 14, 2020.

### **Adjournment**

Hearing no further business, Chief Justice Melton adjourned the meeting at 2:29 p.m.

Respectfully submitted:

Tynesha Manuel  
Assistant Director, Judicial Council/AOC  
For Cynthia H. Clanton, Director and Secretary

The above and foregoing minutes  
were approved on the \_\_\_\_ day of  
\_\_\_\_\_, 2020.

---

Harold D. Melton  
Chief Justice

**Judicial Council of Georgia  
Emergency Session  
Conference Call  
August 3, 2020 • 2 p.m.**

**Guest Present**

Ms. Rafe Banks III., Banks Stubbs & McFarland, LLP  
Ms. Therese Barnes, Supreme Court of Georgia  
Ms. Sara Becker, Attorney at Drew Eckl & Farnham  
Mr. Tracy J. BeMent, Tenth District Court Administrator  
Judge Violet R. Bennett, State Court Wayne County  
Ms. Brenda J. Bernstein, Attorney at The Bernstein Firm  
Mr. Charles "Chuck" Boring, Judicial Qualifications Commission  
Mr. Bob Bray, Council of State Court Judges  
Ms. Samantha Cannon, Chattahoochee Judicial Circuit  
Ms. Rebecca Capes, Rebecca E. Capes, Attorney at Law  
Ms. Mazie Lynn Causey, Georgia Association of Criminal Defense Lawyers  
Ms. Caren Cloud, Fulton County Juvenile Court  
Ms. Elizabeth Fite, Rogers & Fite, LLC  
Ms. Erin Gerstenzang, Attorney at EHG Law Firm  
Chief Judge Reuben Green, Superior Court, Cobb Judicial Circuit  
Ms. Karlise Grier, Chief Justice's Commission on Professionalism  
Chief Judge Kathlene F. Gosselin, Northeastern Judicial Circuit  
Ms. Christine Hayes, State Bar of Georgia  
Mr. Franklin J. Hogue, Attorney at Hogue Hogue Fitzgerald & Griffin, LLP  
Mr. Kevin Holder, Council of Probate Court Judges  
Mr. Michael Holiman, Council of Superior Court Clerks  
Mr. Eric John, Council of Juvenile Court Judges  
Ms. Tracy Johnson, Georgia Commission on Dispute Resolution  
Ms. Taylor Jones, Council of Accountability Court Judges  
Judge Stephen Kelley, Brunswick Judicial Circuit  
Mr. P. Darrell Kimbrell, Attorney at The Kimbrell Firm, P.C.  
Mr. Brett Ladd, Attorney at The Ladd Law Firm  
Judge Shawn LaGrua, Superior Court of Fulton County  
Ms. Natasha MacDonald, Council of Superior Court Judges  
Ms. Rosie Manins, Law360 Reporter, Georgia Courts  
Ms. Ashleigh B. Merchant, The Merchant Law Firm, P.C.  
Mr. David Mixon, Second District Court Administrator  
Mr. Bob Nadekow, Eighth District Court Administrator  
Mr. Jay Neal, Criminal Justice Coordinating Council  
Ms. Jody Overcash, Seventh Judicial Administrative District  
Judge Pandora Palmer, State Court of Henry County  
Ms. Rebecca Perez- Espejo, Clayton County District Attorney  
Chief Judge Rebecca J. Pitts, Magistrate Court of Butts County  
Ms. Sharon Reiss, Council of Magistrate Court Judges  
Mr. Andrew J. Richman, Richman Law Firm, LLC

Judge Tara Riddle, Cobb County Judicial Circuit  
Ms. Jimmonique Rodgers, Georgia Public Defender Council  
Ms. Melinda Ryals, Georgia Capital Defenders Office  
Ms. Claudia Saari, State Court of Dekalb County  
Ms. Duana Sanson, Dekalb Court Public Defender's Office  
Chief Presiding Judge Juliette Scales, Juvenile Court, Atlanta Judicial Circuit  
Ms. Bonnie Smith, American Court Reporting  
Mr. Robert W. Smith, Jr., Prosecuting Attorneys' Council of Georgia  
Mr. Christopher Sperry, Clayton County District Attorney's Office  
Mr. Jason Stephenson, Northeastern Judicial Circuit  
Ms. Jessica Sully, Fulton County Public Defender  
Mr. David Summerlin, Fifth District Court Administrator  
Ms. Jill Travis, Georgia Association of Criminal Defense Lawyers  
Ms. Kirsten Wallace, Council of Juvenile Court Judges  
Ms. Cindy Wang, Department of Juvenile Justice  
Mr. Andrew F. Wehunt, Wehunt Law Firm, LLC  
Mr. Lawrence Zimmerman, Georgia Association of Criminal Defense Lawyers

TAB 2



## Judicial Council of Georgia Administrative Office of the Courts

**Chief Justice Harold D. Melton**  
*Chair*

**Cynthia H. Clanton**  
*Director*

Date: 07/27/2020

To: Judicial Council Member

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

RE: Judicial Council Budget and Financial Report

This report will provide an update on the Fiscal Year's 2020 and 2021 Judicial Council budgets and the Amended Fiscal Year 2021 and Fiscal Year 2022 enhancement requests.

### **Fiscal Year 2020 Judicial Council Budget and Financial Report**

Fiscal Year 2020 closed on July 24, 2020. The Judicial Council Financial Report is attached for review.

### **Amended Fiscal Year 2021 and Fiscal Year 2022 Judicial Council Budget Requests**

The Judicial Council Standing Committee on Budget met on July 24, 2020 to consider four Fiscal Year 2022 budget requests. The White Papers are attached for review.

### **Amended Fiscal Year 2021**

The Standing Committee on Budget voted on an AFY21 budget with no enhancement requests. If approved, the Judicial Council budget's AFY21 budget will be \$14,359,385.

### **Fiscal Year 2022**

The Supreme Court Committee on Justice for Children submitted an enhancement request for Civil Legal Services for Kinship Care Families in the amount of \$524,674. The Judicial Council Grants Committee will award competitive grants to nonprofit agencies across the state for these services. By unanimous vote, this request was approved by the Committee.

The Judicial Council Standing Committee on Grants submitted an enhancement request for Civil Legal Services for Victims of Domestic Violence in the amount of \$997,828. The Judicial Council Grants Committee will award competitive grants to nonprofit agencies across the state for these services. By unanimous vote, this request was approved by the Committee.

The Administrative Office of the Courts submitted an enhancement requests for the Juvenile Data Exchange (JDEX) Program in the amount of \$243,945. JDEX is a statewide repository of data related to juvenile delinquency matters in juvenile courts. The enhancement will allow for the continued day to day operations of the JDEX program. By unanimous vote, with one abstention, this request was approved by the Committee.



The Judicial Council Standing Committee on Judicial Workload Assessment submitted an enhancement request for a Weighted Caseload Project in the amount of \$236,113. This project is how the Judicial Council will update the formula it uses to measure judicial workload in Georgia's courts. By unanimous vote, this request was approved by the Committee.

If both enhancement requests are approved, the FY2022 Judicial Council budget will increase from \$14,359,385 to \$16,329,818. The increase would represent a 12.24% increase to the Judicial Council's budget.

**Attachments:**

Fiscal Year 2020 Financial Report - Operations Budget Fiscal Year

2021 Financial Report - Operations Budget

Fiscal Year 2022 Enhancement Requests for:

Civil Legal Services for Kinship Care Families White Paper

Civil Legal Services for Victims of Domestic Violence White Paper

Juvenile Data Exchange Program White Paper

Weighted Caseload Project White Paper

Amended Fiscal Year 2021 and Fiscal Year 2022 Budget Comparison Reports

**Judicial Council Operations**  
**Fiscal Year 2020**

<b>Department</b>	<b>FY 2020 Budget</b>	<b>YTD Expenditures</b>	<b>Remaining</b>
<b>Administrative Office of The Courts</b>	<b>\$ 7,273,552</b>	<b>\$ 7,273,213</b>	<b>\$ 339</b>
Legal Services for Domestic Violence	\$ 2,500,000	\$ 2,500,000	\$ -
Legal Services for Kinship Care Families	\$ 475,000	\$ 475,000	\$ -
Georgia Council of Court Administrators	\$ 19,057	\$ 19,057	\$ -
Council of Municipal Court Judges	\$ 16,185	\$ 16,185	\$ -
Child Support Collaborative	\$ 119,000	\$ 114,460	\$ 4,540
Council of Magistrate Court Judges	\$ 193,021	\$ 193,021	\$ -
Council of Probate Court Judges	\$ 185,454	\$ 185,454	\$ -
Council of State Court Judges	\$ 262,081	\$ 262,081	\$ -
Council of State Court Judges Ret.	\$ 2,623,814	\$ 2,623,814	\$ -
<b>Other Judicial Council Subprograms</b>	<b>\$ 6,393,612</b>	<b>\$ 6,389,072</b>	<b>\$ 4,540</b>
Accountability Courts	\$ 700,070	\$ 664,083	\$ 35,987
CACJ-Peer Review Porcess	\$ 42,000	\$ 22,325	\$ 19,675
Inst of Continuing Jud Ed Operations	\$ 64,000	\$ 55,519	\$ 8,481
Inst of Continuing Jud Ed Administration	\$ 533,744	\$ 385,332	\$ 148,412
Judicial Qualifications Commission	\$ 866,943	\$ 844,029	\$ 22,914
Resource Center	\$ 800,000	\$ 800,000	\$ -
<b>Separate Judicial Council Programs</b>	<b>\$ 3,006,757</b>	<b>\$ 2,771,288</b>	<b>\$ 235,469</b>
<b>TOTAL JUDICIAL COUNCIL</b>	<b>\$ 16,673,921</b>	<b>\$ 16,433,574</b>	<b>\$ 240,348</b>

**Judicial Council Operations**  
**Fiscal Year 2021**

Department	FY 2021 Budget	YTD Expenditures	Remaining
<b>Administrative Office of The Courts</b>	<b>\$ 6,520,505</b>	<b>\$ 233,070</b>	<b>\$ 6,287,435</b>
Legal Services for Domestic Violence	\$ 1,502,172	\$ -	\$ 1,502,172
Legal Services for Kinship Care Families	\$ 225,326	\$ -	\$ 225,326
Georgia Council of Court Administrators	\$ 16,389	\$ -	\$ 16,389
Council of Municipal Court Judges	\$ 13,919	\$ -	\$ 13,919
Child Support Collaborative	\$ 119,000	\$ 4,791	\$ 114,209
Council of Magistrate Court Judges	\$ 165,998	\$ 6,726	\$ 159,272
Council of Probate Court Judges	\$ 159,490	\$ 6,664	\$ 152,826
Council of State Court Judges	\$ 225,390	\$ 8,494	\$ 216,896
Council of State Court Judges Ret.	\$ 2,623,814	\$ -	\$ 2,623,814
<b>Other Judicial Council Subprograms</b>	<b>\$ 5,051,498</b>	<b>\$ 26,675</b>	<b>\$ 5,024,823</b>
Accountability Courts	\$ 625,696	\$ 17,574	\$ 608,122
CACJ-Peer Review Porcess	\$ 42,000	\$ -	\$ 42,000
Inst of Continuing Jud Ed Administration	\$ 545,866	\$ -	\$ 545,866
Judicial Qualifications Commission	\$ 798,820	\$ 37,732	\$ 761,088
Resource Center	\$ 775,000	\$ 64,583	\$ 710,417
<b>Separate Judicial Council Programs</b>	<b>\$ 2,787,382</b>	<b>\$ 119,890</b>	<b>\$ 2,667,492</b>
			<b>\$ 5,334,984</b>
<b>TOTAL JUDICIAL COUNCIL</b>	<b>\$ 14,359,385.00</b>	<b>379,635</b>	<b>13,979,750</b>



# **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

## **REQUEST SUMMARY:**

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

**1. Which Program is requesting this Enhancement?**

**Judicial Council - Supreme Court Committee on Justice for Children**

**2. Enhancement Name/Descriptor:**

**Civil Legal Services to Kinship Care Families**

FISCAL YEAR	Current state funds received	Amount Requesting	If granted, new state funding level
FY 2021	\$225,326	\$0	\$225,326
<input checked="" type="checkbox"/> FY 2022	\$524,674	\$524,674	\$750,000

**3. What will the enhancement accomplish?**

- This funding will provide additional grant funds to organizations for attorneys to provide holistic legal services for kinship caregivers throughout Georgia. Attorneys will be able to secure legal custody for caregivers who step up to care for children at risk of being taken into care by the State.
- Additionally, these attorneys can provide access to financial benefits, healthcare support, educational support, and safe housing for at risk children by assuring they receive the legal representation they need.
- It is expected over 450 new cases would be opened each year with this new funding.

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

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

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

- ☐ Salaried staff  
☒ Operating Funds (includes contractors)



# JUDICIAL COUNCIL OF GEORGIA

## FY 2021 AMENDED REQUEST FORM

## FY 2022 ENHANCEMENT REQUEST FORM

Budget Categories	FY 2021 Amended Request	FY 2022 Enhancement Request
<b>Personnel Services:</b>	\$ -	\$ -
<b>Operating Costs:</b>		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		
Grants	\$	\$ 524,674
Indirect Costs		
Transfers		
Total Operating Budget	\$	\$ 524,674
<b>TOTAL OVERALL BUDGET</b>	<b>\$</b>	<b>\$ 524,674</b>
State Funds		\$ 524,674
Other Budgeted Funds		



# **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

Which Program is requesting this Enhancement?

**Judicial Council - Administrative Office of the Courts**

## **Part 1 – Detailed Explanation of Request**

### **1. Proposal:**

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

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

Certain services would be specifically excluded, including:

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

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

☒ Statewide or list counties below:

Rural areas and counties with limited access to legal services

### **3. Current Status:**

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

Currently, \$225,326 is approved to be granted through this program to providers of civil legal services for kinship caregivers and at-risk children.

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



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

### **4. Supporting Data:**

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

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

During the first grant cycle, Atlanta Legal Aid and Georgia Legal Services opened 771 cases for low-income kinship caregivers. The project has completed 105 cases with quantifiable positive legal outcomes valued at over \$230,000. Financial benefits obtained for kinship families during the reporting period include nearly \$65,000 in Income Maintenance benefits such as food stamps and adoption assistance that increase family income, nearly \$20,000 in affordable housing benefits, over \$30,000 in health insurance benefits, \$54,000 in education access received or retained, and \$110,304 in other lump sum and annualized monthly financial outcomes. Atlanta Legal Aid tracks other non-financial benefits obtained for clients, including: custody, guardianship and adoptions impacting 59 caregivers and children; and preservation of housing and income maintenance benefits impacting 46 caregivers and children; and income maintenance benefits impacting 80 caregivers and children.

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

Atlanta Legal Aid has a Kinship Care Unit consisting of 3 attorneys and 2.75 paralegals. In 2019, the Kinship Care Unit handled 283 kinship cases, impacting 568 children.

### **5. Performance Measures:**

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

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

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

Studies report that informal kinship caregivers save U.S. taxpayers an estimated \$4 billion annually by



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

caring for kin that would otherwise fall into the custody of the state. Providing civil legal services to these households increases the stability and effectiveness of care for children in care, and thereby decreasing the need, and associated costs, for DFCS involvement, including placements in non-kinship foster care homes.

c. What efficiencies will be realized?

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





## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

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

### **6. Stakeholders & Constituents:**

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

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

- b. Which are likely to support this request?

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

- c. Which are likely to oppose this request?

The Council is unaware of any opposition to this request.

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

### **7. Legislation or Rule Change:**

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

### **8. Alternatives:**

What alternatives were considered and why are they not viable?

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

## **Part 2 - BUDGET**



## JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM

9. Requested and Projected Resources:

- a. For enhancements and certain base adjustments, describe the additional resources are you requesting. *\*Ensure descriptions and amounts align with the budget chart on page 2.*
- b. Positions: (full-time/part-time, education required, qualifications, overview of general duties, and salaries)
- c. Operational needs:
- d. What are your out-year projections?

10. Methodology/Assumptions:

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

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

- b. How did you arrive at the amounts?

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

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

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

None

### Part 3 - OTHER INFORMATION

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

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



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

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

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

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

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



# **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

## **REQUEST SUMMARY:**

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

1. Which Program is requesting this Enhancement? Standing Committee on Grants

### **Judicial Council - Civil Legal Services to Victims of Domestic Violence**

2. Enhancement Name/Descriptor:

FISCAL YEAR	Current state funds received	Amount Requesting	If granted, new state funding level
<input type="checkbox"/> Amended FY 2021	\$	\$	\$
<input checked="" type="checkbox"/> FY 2022	\$1,502,172	\$ 997,828	\$2,500,000

3. What will the enhancement accomplish?

The funding would bring the grant funds back to their pre FY 2021 level. These funds are granted to non-profit agencies to provide civil legal services to victims of domestic violence throughout Georgia. Along with other non-profits, both Georgia Legal Services Program (154 counties outside metro Atlanta) and Atlanta Legal Aid (5 metro Atlanta counties), apply for and have received these funds annually, thus providing these services statewide. Grantees use the funds to fund attorneys to provide direct legal services to victims. The legal services provide for the safety and security of domestic violence victims and their children. Legal services include protective orders, divorce, child custody, child support, assistance obtaining benefits, and services related to housing and employment.

Seventy-Five percent of the funds are distributed based on the poverty population of the area the grantee serves. The remaining Twenty-Five percent is awarded based on special needs and helps to target rural counties, many in South Georgia where there are few or no attorneys available to represent victims, homeless survivors, and immigrant and limited English proficient populations.

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

These funds were reduced by almost \$1 million dollars in FY 2021. That reduction will result in drastically fewer attorneys available statewide to survivors in need of legal representation. Victims who are self-represented are at a severe disadvantage when their batterers are represented. Early reports show domestic violence rates have increased during the COVID-19 pandemic with at least one metro Atlanta police department receiving an estimated 36%



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

increase in domestic violence reports from March 2020 to April 2020, resulting in a greater need of legal services.<sup>1</sup>

5. Does the enhancement include salaried staff and/or operations, which includes contractors?
- ☐ Salaried staff
  - ☒ Operating Funds (includes contractors) – the funds are awarded to non-profits agencies who provide civil legal services to domestic violence victims.

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<sup>1</sup> <https://www.wabe.org/atlanta-police-say-reported-domestic-violence-cases-last-month-increased-by-36-percent-compared-to-march-2019-heres-how-one-atlanta-safe-house-is-coping/>; <https://www.ajc.com/news/kemp-shares-number-for-state-domestic-violence-hotline-for-those-need/BkzywvKkdnEm4dYV9IDbXM/>; [https://www.moultrieobserver.com/news/local\\_news/domestic-violence-cases-jump-as-covid-19-crisis-drags-on/article\\_04c775e0-a6a5-11ea-99ee-cf9e2623ed3c.html](https://www.moultrieobserver.com/news/local_news/domestic-violence-cases-jump-as-covid-19-crisis-drags-on/article_04c775e0-a6a5-11ea-99ee-cf9e2623ed3c.html)



# JUDICIAL COUNCIL OF GEORGIA

## FY 2021 AMENDED REQUEST FORM

## FY 2022 ENHANCEMENT REQUEST FORM

Budget Categories	FY 2021 Request	Amended	FY 2022 Request	Enhancement
<b>Personnel Services:</b>	\$	-	\$	-
<b>Operating Costs:</b>				
Postage				
Motor Vehicle Expenses				
Printing, Publications, Media				
Supplies and Materials				
Repairs and Maintenance				
Equipment < \$5,000				
Water/Sewage				
Energy				
Rents Other Than Real Estate				
Insurance and Bonding				
Freight				
Other Operating				
Travel – Employee				
Real Estate Rentals				
Professional Services (Per Diem)				
Professional Services (Expenses)				
Other Contractual Services (Non State)				
Contracts – State Orgs				
IT Expenses				
Voice/Data Communications				
Grants			\$	997,820
Indirect Costs				
Transfers				
Total Operating Budget	0		\$	997,820.00
<b>TOTAL OVERALL BUDGET</b>	\$	-	\$	997,820
State Funds				
Other Budgeted Funds				



# **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

Which Program is requesting this Enhancement?

**Judicial Council - Civil Legal Services to Victims of Domestic Violence**

## **Part 1 – Detailed Explanation of Request**

### **1. Proposal:**

The funding would restore the domestic violence civil legal services grant funding amount to the \$2.5 million level. The funding will provide additional funds to legal service providers to allow them to provide civil legal services to low income domestic violence victims and their families, including children. Services include representation at protective order hearings to protect survivors and help them successfully escape abuse, legal services related to the family's economic security and stability including benefits, housing issues, and employment-related issues, as well as legal services to related to education and healthcare.

Excluded services include criminal defense, deportation proceedings, and indirect legal services such as attorney training.

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

☒ Statewide or list counties below:

### **3. Current Status:**

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

Currently, \$1,502,172 is appropriated for this project for this fiscal year.

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

Yes.

### **4. Supporting Data:**

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

In FY 2019, more than 6,000 women, 500 men, and 3,000 children benefited from the grant funds. Assistance was provided in over 3,000 protective order hearings and over 500 child custody cases. Over 700 clients received legal support related to housing issues, and over 300 received legal services related to divorce.

From July 2019 to May 2020, Atlanta Legal Aid alone has been able to secure the following amounts for victims through the grant funds:

- Over \$500,000 in ordered child support
- Over \$213,000 in subsidized housing benefits



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

- Nearly \$200,000 in public assistance benefits
- Nearly \$115,000 in consumer debt relief
- Over \$275,000 in healthcare benefits

In FY 2020, with the use of the grant funds, Georgia Legal Services Program attorneys secured \$1,111,710 for victims, primarily in monthly child support awards, spousal support, housing, and insurance.

In 2019, Georgia ranked 10th in the nation for the rate at which women are killed by men, up 15 slots from previous years.<sup>2</sup> There were 166 Domestic Violence related deaths in Georgia in 2019. Thirty-Eight percent of those were the result of murder-suicide. In FFY 2019, there were 66,151 crisis calls to Georgia's certified domestic violence agencies. The need for representation outstrips the resources available to provide attorney representation for survivors. Without these funds, nearly 10,000 Georgians would be without assistance when trying to escape a violent situation. These funds are vital to the safety and security of Georgia citizens.

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

Research studies have shown that protective orders can reduce or end family violence. A study done in Kentucky analyzed the impact of Protective Orders and concluded that civil Protective Orders were effective in reducing violence. The study showed that after a Protective Order was entered the violence ceased in 50% of the cases and that violence was substantially reduced in an additional 25% of the cases. Thus, Protective Orders were effective in protecting survivors in 75% of the cases studied.<sup>3</sup> Another study showed that legal representation in TPO cases was one of the most effective tools in ending family violence. While all types of community resources are necessary, by providing victims with legal access to the courts, researchers were able to show a direct relationship between the provision of legal services and a significant decline in domestic violence in their area.<sup>4</sup>

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<sup>2</sup> Georgia Commission on Family Violence 2020 Fact Sheet (May 2020), available at: <https://gcfv.georgia.gov/resources/annual-stats-facts>

<sup>3</sup> *Kentucky Civil Protective Order Study: A Rural and Urban Multiple Perspective Study of Protective Order Violation Consequences, Responses, and Costs*, T.K. Logan, Robert Walker, William Hoyt, Teri Faragher, available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/228350.pdf>.

<sup>4</sup> *Explaining the Decline in Domestic Violence*, Amy Farmer and Jill Tiefenthaler, *Contemporary Economic Policy*, Volume 21, Issue 2, pages 158–172, available at: <http://www.nasams.org/DMS/Documents/1195248210.25/Explaining%20Decline%20in%20Domestic%20Violence.pdf>.





## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

### **5. Performance Measures:**

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

Legal service providers report semi-annually to the Judicial Council on the number of women, men, and children receiving legal services and the type of legal representation provided. They also provide reports on the number of individuals served in each judicial circuit.

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

Protective Orders reduce costs to the public by reducing law enforcement risk and expenditures, incarceration days, judicial time and resources, emergency room and healthcare costs, as well as public costs for family violence shelters, child protective services, and public benefits which are needed when family violence is allowed to continue. Community well-being is also served by a reduction in family violence. The study referenced in Section 4.b. above showed that for every \$1 spent on securing Protective Orders for victims, the public saved \$30.75 in law enforcement, courts, jail expenses, medical, and other community costs.

In addition, through the civil legal services grant, grantees assist with obtaining fiscal benefits for victims. As noted above, both Atlanta Legal Aid and Georgia Legal Services secured over \$2 million in benefits for domestic violence victims in FY 2020.

- c. What efficiencies will be realized?

The funding can reduce domestic violence leading to a reduction in law enforcement calls, Domestic Violence hotline calls, and improvement in public safety. The legal services can help victims with obtaining financial benefits for their security.

- d. How is this calculated?

The Kentucky study cited above in Section 4.b. demonstrated the cost savings in providing legal representation to victims of family violence in protective order cases versus the public costs of allowing the violence to go unchecked. The study examined the public costs in law enforcement, incarceration, medical costs, shelter costs, and prosecution related to domestic violence incidents to show that protective orders are an effective way of combating violence while also saving money for the community.

### **6. Stakeholders & Constituents:**

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



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

Constituents and stakeholders include domestic violence survivors, law enforcement, faith organizations, legislators, community leaders, private attorneys, judges, and domestic violence coalitions and agencies.

- b. Which are likely to support this request?

All stakeholders are likely to support this request as they see a need for resources for domestic violence victims, especially with an increase in victims and need as a result of COVID-19.

- c. Which are likely to oppose this request?

The Council is unaware of any opposition to this request.

- d. Which have not voiced support or opposition?

None.

7. Legislation or Rule Change:

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

No.

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

No.

8. Alternatives:

What alternatives were considered and why are they not viable?

No viable alternatives exist. The need for legal services for domestic violence victims greatly exceeds the available resources. Legal services organizations continue to seek additional funds for services, but the need has always exceeded the funding available. With the impact of COVID-19 on families and communities continuing, the need for services will continue and the available funding will remain insufficient.

### Part 2 - BUDGET

1. Requested and Projected Resources:



## JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM

- a. For enhancements and certain base adjustments, describe the additional resources are you requesting. *\*Ensure descriptions and amounts align with the budget chart on page 2.*
- b. Positions: (full-time/part-time, education required, qualifications, overview of general duties, and salaries)
- c. Operational needs:
- d. What are your out-year projections? na

### 2. Methodology/Assumptions:

- a. Provide the methodology and assumptions behind the requested amount and out-year projections.
- b. How did you arrive at the amounts?
- c. What time period does the request cover (i.e., the number of months)?

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

None

### Part 3 - OTHER INFORMATION

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

The Georgia General Assembly has appropriated these funds to the Judicial Council of Georgia since 1999. Guidelines to govern the granting of these funds are filed with the Georgia Secretary of State. The Judicial Council Standing Committee on Grants reviews applications for the funds and awards the funds annually. Grantees must be non-profit agencies in good standing with the Georgia Secretary of State. Recipients of legal services may not have an income exceeding 200% of the federal poverty guidelines.



# JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM

## REQUEST SUMMARY:

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

1. Which Program is requesting this Enhancement? Juvenile Data change Program Committee

### Judicial Council - Administrative Office of the Courts

2. Enhancement Name/Descriptor:

#### Juvenile Data Exchange (JDEX) Program

FISCAL YEAR	Current state funds received	Amount Requesting	If granted, new state funding level
<input type="checkbox"/> Amended FY 2021	\$	\$	\$
<input checked="" type="checkbox"/> FY 2022	\$0	\$ 243,945	\$243,945

3. What will the enhancement accomplish?

#### Statewide repository of juvenile justice data.

The Juvenile Data Exchange (“JDEX”) is a statewide repository of data related to juvenile delinquency matters in juvenile courts. JDEX was originally developed to provide cross-jurisdictional juvenile delinquency information for use in the administration of the Detention Assessment Instrument (DAI) which forms one of the bases for detention decisions, and the Pre-Disposition Risk Assessment (PDRA) which provides juvenile court judges with relevant information upon which to base appropriate disposition decisions.

JDEX allows, for the first time, juvenile courts across the state to access a unified repository of juvenile delinquency data to ensure best practices in juvenile justice settings, public safety, and informed judicial decision making. Because Georgia does not have a unified case management system to maintain juvenile court data, prior to the development of JDEX, Georgia juvenile courts did not share their records of individual juveniles except where necessary when a case is transferred from one jurisdiction to another. JDEX makes it possible to share county-to-county juvenile delinquency data and risk assessments. This enhancement will allow for the day to day operations of JDEX to continue for use by juvenile courts statewide.

Additionally, this enhancement will allow JDEX to increase the number of user groups, expand JDEX access to other appropriate stakeholders, and to provide anonymized statewide juvenile justice data and analytics to local, regional, and state decision-makers.



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

With specific regard to the data that populates JDEX, the enhancement will allow for the following:

1. Compliance with the data collection requirements for juvenile courts of O.C.G.A. § 15-11-64.<sup>1</sup>
2. Use of the collected data for the administration of the Detention Assessment Instrument (DAI) required by O.C.G.A. § 15-11-505<sup>2</sup> every time a juvenile is presented to the juvenile court for a detention determination.
3. Use of the collected data for the administration of the Pre-Disposition Risk Assessment (PDRA) required by O.C.G.A. § 15-11-602<sup>3</sup> and for all courts receiving Incentive Grant funding through the Criminal Justice Coordinating Council (CJCC) so that juvenile court judges are fully informed of all relevant information concerning a juvenile adjudicated to be a delinquent child before imposing an appropriate disposition.
5. Use of the collected data for use in annual statistical reporting required of all state courts by the Administrative Office of the Court pursuant to O.C.G.A. § 15-5-24<sup>4</sup>.
6. Use of the collected data to support the continuing efforts of all juvenile courts to decrease recidivism and to increase rehabilitation of all juvenile justice-involved children.
7. Use of the collected data in the aggregate to improve work in the area of racial and ethnic disparities within the Georgia juvenile justice system.

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<sup>1</sup> Pursuant to rules Supreme Court of Georgia, on and after January 1, 2021, each clerk of the juvenile court shall collect data on each child alleged or adjudicated to be a delinquent child and transmit such data as required by such rules. The Georgia Supreme Court of Georgia shall make and publish in print or electronically such state-wide minimum standards and rules as it deems necessary to carry out this subsection. Each clerk of the juvenile court shall develop and enact policies and procedures necessary to carry out the standards and rules created by the Supreme Court of Georgia. O.C.G.A. § 15-11-64(c).

<sup>2</sup> If an alleged delinquent child is brought before the court, delivered to a secure residential facility or nonsecure residential facility or foster care facility designated by the court, or otherwise taken into custody, the juvenile court intake officer shall immediately administer a detention assessment and determine if such child should be detained, taking into account subsection (b) of this Code section. Such child shall be released unless it appears that his or her detention is warranted. O.C.G.A. § 15-11-505.

<sup>3</sup> Every order shall include a finding, based on a preponderance of the evidence, of whether such child requires placement in restrictive custody. If placement in restrictive custody is ordered for a child classified as low risk, the court shall make a specific written finding as to why placement in restrictive custody is necessary. In determining whether placement in restrictive custody is required, the court shall consider and make specific written findings of fact as to each of the following factors... risk level of such child as calculated by a risk assessment...O.C.G.A. § 15-11-602.

<sup>4</sup> Under the supervision and direction of the Judicial Council, the Administrative Office of the Courts shall... [C]ompile statistical and financial data and other information on the judicial work of the courts and on the work of other offices related to and serving the courts, which data and information shall be provided by the courts. O.C.G.A. § 15-5-24.



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

### JDEX history.

JDEX was created and is maintained to allow daily statewide reporting of defined juvenile delinquency data elements. JDEX currently contains data collected for the administration of the PDRA, DAI, and dispositions from all juvenile courts, both dependent (DJJ staffed) and independent (county staffed). JDEX data is collected and maintained for individual court use and for statewide data reporting to the Governor, the Judiciary, the Legislature, and other interested parties as authorized and requested.<sup>5</sup>

The Department of Juvenile Justice was the primary original funding source because that agency is responsible for housing all detained youth and all the data related to those detentions. Additionally, DJJ has a large percentage of the data to contribute from dependent juvenile courts as the agency serves as probation staff for those courts thereby holding data on many more youth who are not housed in a secure residential facility.<sup>6</sup>

The AOC was tasked to create and maintain the data repository and to oversee security related to this effort given that independent courts do not have in many instances the same level of ability to protect the confidentiality of the juvenile court data once it leaves their own environment.<sup>7</sup> Since the inception of JDEX and through a Memoranda of Understanding, the AOC has become the primary administrator of day to day JDEX operation as it relates to the collection of the required data and the training of user groups. This has been a natural evolution of responsibility given the direct access to the repository's infrastructure of AOC staff and consultants.

### Funding history.

JDEX has historically received state appropriated funding from the Department of Juvenile Justice (DJJ). DJJ provided initial funds to support the development of JDEX in 2015, but continued funding is not guaranteed. In fact, DJJ's leadership has made known its intent to reduce funding support for JDEX beginning fiscal year 2022 and will continue that reduction over the next several years. This would take the total funding level below that needed to continue the core functions of JDEX leaving this requested enhancement to support all essential operations, ongoing maintenance, and program expansion.

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<sup>5</sup> Report of the Georgia Council on Criminal Justice Reform, February 2015.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

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

Without the proposed enhancement, JDEX will be unable to continue functioning. As a result, this statewide juvenile delinquency data repository which vastly improves the accuracy of mandatory detention and risk assessment tools will be unavailable for use by juvenile court judges across the state as they make critical detention and sentencing decisions that affect both the children who are the subject of those decisions and the public whose safety those tools are designed to protect.

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

☒ Operating Funds (includes contractors) ☒ Salaried staffing



# JUDICIAL COUNCIL OF GEORGIA

## FY 2021 AMENDED REQUEST FORM

## FY 2022 ENHANCEMENT REQUEST FORM

Budget Categories	FY 2021 Amended Request	FY 2022 Enhancement Request
<b>Personnel Services:</b>	\$ -	\$ 129,174
<b>Operating Costs:</b>		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		\$ 8,050.00
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		\$ 21,500.00
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		
Contracts – State Orgs		
IT Expenses		\$ 24,221
Voice/Data Communications		\$ 4,000
Grants		
Indirect Costs		\$ 57,000
Transfers		
Total Operating Budget	0	\$ 114,771.00
<b>TOTAL OVERALL BUDGET</b>	<b>\$ -</b>	<b>\$ 243,945</b>
State Funds		
Other Budgeted Funds		





# **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

Which Program is requesting this Enhancement?

**Judicial Council-Administrative Office of the Courts**

## **Part 1 – Detailed Explanation of Request**

### **1. Proposal:**

The Juvenile Data Exchange Project brings together committed partners from the Governor's Office, the Council of Juvenile Court Judges, the Administrative Office of the Courts, and the Department of Juvenile Justice to establish, and now to maintain, a statewide data repository of juvenile justice data. Our goal has been to enable informed legal advocacy and judicial decision-making and to ensure youth receive substantial justice in every county of the State.

Until JDEX, Georgia lacked a comprehensive mechanism for the collection of statewide juvenile delinquency data. As a result, judges and parties in juvenile delinquency matters could not use a statewide legal history to make decisions regarding the youth appearing before them. Without access to such data, youth may not have received a uniform experience of justice throughout the State. In addition to a statewide legal history for each child, JDEX also provides a historical record of DAIs and PDRAs which informs detention and sentencing decisions in whatever court a child may appear.

The Juvenile Data Exchange is a secure web-based platform that allows juvenile probation officers, intake staff, and judges to access risk assessment scores and statewide legal history to support the most informed judicial decision making. (See attached document.)

Historically, JDEX has been funded by state appropriated funds by the Department of Juvenile Justice. DJJ's current funding level will be reduced in Fiscal Year 2022, and the remaining funding will not support the functionality of the program. It is the intention of DJJ to continue to reduce funding over the next several years.

### **2. Geographic Impact: Where does the request impact the state**

☒ Statewide or list counties below:

### **3. Current Status:**

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



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

Currently, JDEX is funded by state appropriated funds from the Department of Juvenile Justice. DJJ plans to reduce its current funding level in Fiscal Year 2022, with a steady decline in funding over the next several fiscal years. The JDEX Committee has explored other funding options with no viable alternatives.

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

JDEX will not be able to continue functions and activities if funding is not secured.

4. Supporting Data:

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

1. In Spring 2019, JDEX began statewide user training sessions which have trained 1,079 juvenile court personnel. The user training operates as an ongoing feature to ensure staff can access statewide juvenile delinquency data. JDEX receives nightly transfers from the two largest juvenile case management systems in the state. This allows for the most real-time data that can be provided to juvenile court staff. The current data available in JDEX changes daily as case management updates its system. As a current snapshot of JDEX's data:
  1. Total juveniles: 135,189
  2. Total legal histories: 573,808
  3. Total DAIs: 88,960
  4. Total PDRAs: 53,372
  5. Total detention histories: 90,787
2. JDEX ensures that judicial decision making is the most informed and objective for Georgia's justice involved youth. As a statewide juvenile delinquency data repository, JDEX offers juvenile court staff desperately needed access to county-by-county data. As an example, average metro Atlanta county's data reveals that 32% of its offenders have had contact in other courts across the state. These cross-jurisdictional offenders touched more than 50 Georgia counties and committed more than 4,000 juvenile offenses. This information would not be available to the juvenile court without access to JDEX. (See attached document)



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

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

JDEX provides juvenile data for 159 counties in the State. JDEX has been used as a template for states with similar data exchange needs. JDEX was spotlighted during the 2017 Court Technology Conference in Salt Lake City, Utah. The presentation was done by Judge Gregory Price and the AOC IT Director, Jorge Basto. The State of Michigan supported similar efforts, <https://michigancommitteeonjuvenilejustice.com/>, based on the success of JDEX and utilized Georgia's resources for references.

### **5. Performance Measures:**

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

JDEX program measures are based on the continuation of the services, the increase of user access, an increase of counties that interface with the JDEX, and the data dashboard providing direct support to judicial leadership.

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

The return on investment will ensure the continuation of the State's juvenile delinquency data exchange. With the continuation of juvenile court access to state-wide delinquency data, the return to the State can be seen in increased public safety, proper juvenile detention decisions, improved county best practices, and data analysis to support programming decisions and needs as well as the allocation of critical local resources.

- c. How is this calculated?

This can be calculated by reviewing the costs related to the detention of juveniles in secure facilities in the state. On average, it costs the State \$90,000.00 per year to house a juvenile in a secure facility. JDEX works to support proper detention decisions by providing information relating to risk of flight or re-offense.

- d. What efficiencies will be realized?



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

JDEX is a simple, easy to use platform that allows for a quick return of statewide juvenile delinquency data. This allows courts to obtain the needed juvenile data in a more efficient method allowing court cases to proceed in a timely manner.

e. How is this calculated?

JDEX will reduce the immediate need for the juvenile court staff to search records from other counties across the state. The request of these information can be time consuming and create delays. In addition, this will allow the expedited, more accurate completion of the PDRA and DAI.

6. Stakeholders & Constituents:

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

The JDEX program is a partnership of multiple state agencies, staff, and stakeholders. The partnership consists of the Council of Juvenile Court Judges, the Department of Juvenile Justice, the Administrative Office of the Courts and the Criminal Justice Coordinating Council.

The Council of Juvenile Court Judges  
The Department of Juvenile Justice  
The Criminal Justice Coordinating Council  
The Administrative Office of the Courts  
Prosecuting and defense attorney groups  
Local juvenile court judges  
Juvenile probation and intake officers  
Juvenile court clerks and association

- b. Which are likely to support this request?

All members of the stakeholder group will likely support this request. The stakeholders and partners rely on the data available in JDEX to make informed detention and sentencing decisions, ensure public safety, and review local and state policy.

- c. Which are likely to oppose this request? None



## JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM

Which have not voiced support or opposition? None, have voiced opposition to the purpose and need for JDEX; discussions have surrounded funding for the program.

7. Legislation or Rule Change:

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

No. However, if not implemented a legislative and rule change will be required.

Current law: O.C.G.A. § 15-11-64; CJCJ Uniform Rule 19, Electronic Submission of Delinquency Data Collection; O.C.G.A. § 15-5-24, AOC responsibility to collect statistical data on courts.

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

Yes, See above at a.

8. Alternatives:

What alternatives were considered and why are they not viable?

The JDEX Committee has reviewed funding alternatives. Currently, there are no viable solutions.

### Part 2 - BUDGET

9. Requested and Projected Resources:

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

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

JDEX Program Manager Position: The JDEX Program Manager is a full-time position and is responsible for the Juvenile Data Exchange Program within the Information Technology Division of the AOC. This manager supports the Memorandum of Understanding created between the Department of Juvenile (DJJ), the Georgia Council of Juvenile Court Judges (CJCJ), the Judicial Council's Administrative Office of the Courts (AOC) and the Criminal Justice



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

Coordinating Council (CJCC). Specifically, the Program Manager will support the development, implementation, and maintenance of a “juvenile court data repository”.

This position creates dynamic processes for maintaining customer data, technology tools and project information. By utilizing existing, as well as new tools, the PM will manage and coordinate all tasks related to JDEX.

- Program manger duties include, but not limited to:
- Manage and ensure implementation of project plans for specific JDEX tasks.
- Safeguard delivery of noted outcomes as documented in the current executed MOU.
- Prepare and present statuses through reporting, website updates, committee presentations and other means as described.
- Address requests and concerns presented by committee members and external clients / customers regarding the JDEX Program.
- Manage and coordinate additional needed resources for development, testing, updating and versioning of JDEX Program.
- Provide updates to the CIO as to delays, change in scope, new requirements, etc., for all activities related to JDEX. Develop strategy for continued development, support, expansion and possible additional exchanges to support JDEX.
- Serve as a liaison between the functional users and technical support group to receive, track, and verify solutions to reported JDEX issues.
- Manage logins and respond to system issues, requests and suggestions.
- Coordinate data analysis needs and assist with ensuring proper data management and exploration of data expansion
- Manage contractors and JDEX staff; this includes performance reviews, professional development, scheduling and additional managerial responsibilities
- Facilitate, manage and conduct JDEX trainings, presentations, meeting and coordinate travel, as needed. This includes meeting space, audio/visual needs, refreshments, room setup, contracts, etc.



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

- As part of the Judicial Council Project Management Office (PMO), the JDEX Program Manager will work towards aligning additional projects to the established methodologies and structures.
- Project related items including budgets, reports, presentations, etc.

This JDEX Program Manager position requires;

- Five + years of experience working with Courts-preferably in Georgia; preferably in Juvenile
- Proven track record for support and process implementation
- PMP certifications and/or experience in structured Project Management
- Minor oversight and supervisory responsibilities as needed
- Ability to manage / oversee numerous projects

Preferred Qualifications: Seven years of work experience in automated systems development and/or maintenance which included business requirements gathering and documentation; process flowcharting; technical documentation; assisting/training individual or groups of users of systems; identifying and analyzing systems problems; implementing and converting systems.

Salary Minimum: \$75,000

Salary Midpoint: \$80,000

Salary Maximum: \$85,000

c. Operational needs:

Operational needs include, but limited to:

- a. Data Maintenance and Clean up
  - i. Revisions based on actual data from source systems
  - ii. Expand subset - Include additional data elements identified based on data relationships
  - iii. Mapping of source systems data into single statewide repository
- b. Update Data Dictionary
  - i. As needed, make edits to the dictionary and publish
  - ii. Work with data source systems to maintain versions
- c. Update Schema Documentation
  - i. Data elements
  - ii. Methods
  - iii. Processes



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

- d.
  - Update Web Service
    - i. Web Service v2
    - ii. Update specified XML data
    - iii. Update relevant stored procedures/methods
    - iv. Update database with required modifications
  - b. Reporting
    - i. Web access
    - ii. Documentation
    - iii. Training
  - c. Maintain Required 3<sup>rd</sup> Party Licensing
    - i. Odoo (ETL, Reports)
    - ii. Qlik Sense or Power BI (analytics, dashboards)
    - iii. Project Management / Admin Tools (Ex. Microsoft Project or other resource)
    - iii. Training (possibly through contractor resources)
  - g. Website and Communications
    - i. Provide and maintain [jdex.georgiacourts.gov](http://jdex.georgiacourts.gov)
    - iii. Maintain all status reports, agendas, presentations, etc.
  - h. Hardware
    - i. Server Environment / Partitioned and dedicated
    - ii. Development
    - iii. Database
    - iv. Presentation
    - v. Mobility
  - i. Additional
    - i. Address additional development needs
    - ii. Ad Hoc reporting
    - iii. County analytic reports

d. What are your out-year projections? \$243,945.00

a. Additional budget information:

- Software and Technologies- \$12,000
  - Provide server, network, general infrastructure support and database maintenance
  - Support system software, including updates, maintenance and platform additions
- Personnel- \$129,173.76





## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

- Coordinate data analysis needs and assist with ensuring proper data management and exploration of data expansion
  - Manage and ensure implementation of project plans for specific JDEX tasks.
  - Safeguard delivery of noted outcomes as documented in the current executed MOU.
  - Serve as a liaison between the functional users and technical support group to receive, track, and verify solutions to reported JDEX issues.
- Planning, Implementation and Support-\$9,000
    - Judicial workshops
    - Data and analytics integrations
    - Stakeholder organization coordination and communications
    - Presentations
    - Trainings
  - Support/Repair- \$20,550
    - Statewide case management interfacing
    - Ensure proper data transfers
    - Webservice and database configurations
    - Solve reported errors and troubleshooting
  - Operations -\$72,000
    - Update Data Dictionary
    - Maintain Required 3rd Party Licensing
    - Odoo (ETL, Reports) Power BI (analytics, dashboards)
    - Web Service v2pdate specified XML data
    - Update relevant stored procedures/methods
    - Update database with required modifications

### **10. Methodology/Assumptions:**

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

The requested amount is based on the work performed to ensure the successful operation and development of JDEX. The out-year projections are based on the funding needs to safeguard the continuation of JDEX operation.



# **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

b. How did you arrive at the amounts?

The requested amount is based on current expenses and past expenses that have been needed and provided by The Department of Juvenile Justice to support the program.

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

The request would cover a 12-month time period.

11. Federal and Other Funds: Describe the impact on federal and/or other funds related to this request (amount, policy etc.). Not applicable

## **Part 3 - OTHER INFORMATION**

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

Attachment forthcoming



# **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

## **REQUEST SUMMARY:**

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

1. Which Program is requesting this enhancement? Judicial Workload Assessment Committee

Judicial Council - Administrative Office of the Courts

2. Enhancement Name/Descriptor: Weighted Caseload Project

FISCAL YEAR	Current state funds received	Amount Requesting	If granted, the new state funding level
<input type="checkbox"/> Amended FY 2021	\$0	\$0	\$0
<input checked="" type="checkbox"/> FY 2022	\$0	\$236,113	\$236,113

3. What will the enhancement accomplish?

This enhancement is how the Judicial Council will update the formula it uses to measure judicial workload in Georgia courts. A clear measure of court workload is central to determining how many judicial officers are needed to resolve all cases coming before Georgia's Superior Courts. Adequate resources are essential if the Georgia judiciary is to manage and resolve court business effectively and without delay while also delivering quality service to the public.

This budget enhancement will allow work on a comprehensive review, update, and extension of the Georgia judicial weighted caseload system to bring it in line with state-of-the-art practices and reflect recent developments in statutory and case law that impact judicial workload. Additionally, due to the COVID-19 pandemic, the current weighted caseload system is obsolete. Courts have had to adjust their business processes such that much of the current system does not accurately reflect the courts' work.

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

Without the enhancement, the Judicial Council will continue to use outdated information for its workload analysis.



# JUDICIAL COUNCIL OF GEORGIA

## FY 2021 AMENDED REQUEST FORM

## FY 2022 ENHANCEMENT REQUEST FORM

5. Does the enhancement include salaried staff and operations, including contractors?

☐ Salaried staff

☒ Operating Funds (includes contractors)

Budget Categories	FY 21 Amended Request	FY 22 Enhancement Request
<b>Personnel Services:</b>	\$ -	\$ -
<b>Operating Costs:</b>		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		\$ 236,113
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		
Grants		
Indirect Costs		
Transfers		
Total Operating Budget		\$ 236,113
<b>TOTAL OVERALL BUDGET</b>		<b>\$ 236,113</b>
State Funds		
Other Budgeted Funds		



# **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

Which Program is requesting this enhancement?

Judicial Council - Administrative Office of the Courts

## **Part 1 – Detailed Explanation of Request**

### **1. Proposal:**

The Judicial Council proposes to update how it measures judicial workload in the Georgia courts. A clear measure of court workload is central to determining how many judicial officers are needed to resolve all cases coming before Georgia's Superior Courts. Adequate resources are essential if the Georgia judiciary is to manage and resolve court business effectively and without delay while also delivering quality service to the public. Meeting these challenges involves (1) systematically assessing the number of superior court judges required to handle the workload and (2) allocating judicial resources prudently.

This budget enhancement will allow work on a comprehensive review, update, and extension of the Georgia judicial weighted caseload system to bring it in line with state-of-the-art practices and reflect recent developments in the COVID-19 pandemic and statutory and case law. By weighting different types of cases to account for variations in complexity and the need for judicial attention, workload assessment translates the number of cases that come before courts into the total amount of judicial work required to dispose of those cases. The result is an objective and standardized measure of judicial workload that provides a sufficient basis for determining judicial officer need and for equitably allocating judicial resources. More than 40 states currently employ weighted caseload models to analyze resource needs in their trial courts. The proposed project will build upon the previous workload assessments conducted for Georgia's trial courts in 2000, 2006, 2011, and 2017.

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

☒ Statewide or list counties below:

The study will be applicable and used by all of the state's superior courts. Though not every court or county may participate in the study itself, the Judicial Council would use the results for statewide analysis.

### **3. Current Status:**

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

The Judicial Council currently uses a weighted caseload methodology to assess the need for additional superior court judges. The Council plans to continue to do so, and this enhancement will update the data which underlies the methodology



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

and take into account legislative changes as well as post-COVID-19 judicial practices.

- b. If funded, will those activities continue?

Yes, the Council will continue to use the weighted caseload methodology for judicial resource analysis. If this study is not conducted, the data used for conduct workload analysis will continue to be outdated.

### **Supporting Data:**

- c. Provide any supporting data, evaluations, or research for this request.

The Judicial Council recommends new judgeships to the legislature based exclusively on the weighted caseload system. The Council's recent recommendation used the 2017 weighted caseload model. The NCSC performs assessments for over 40 states in the US.<sup>1</sup>

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

The United States Courts use a numerical caseload standard that includes in-court and out-of-court time calculations, case weights applied to case filings and average case processing times to determine the need for new judgeships in the Federal Judiciary.<sup>2</sup>

NCSC's 2007 Judicial Needs Assessment for the State Courts of Wisconsin recommended 18 new judgeships. Eight of the judgeships were approved by the legislature in 2007 and filled between 2008 and 2010.<sup>3</sup>

The NCSC's 2001 Workload Assessment for California was codified in 2006 and established judicial need and prioritization according to the Council's uses of the model.<sup>4</sup>

### **4. Performance Measures:**

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

<sup>1</sup> <http://www.ncsc.org/services-and-experts/areas-of-expertise/workload-assessment.aspx>

<sup>2</sup> Tymkovich, Timothy. Committee on Judicial Resources of the Judicial Conference of the United States. 2013

<sup>3</sup> Kleiman, Matthew, Cynthia G. Lee and Brian J. Ostrom. *Workload Assessment: A Data-driven Management Tool for the Judicial Branch*. The Book of the States 2013.

<sup>4</sup> California Administrative Office of the Courts. Fact Sheet: The California Judicial Workload Assessment, August 2007. <http://www.courts.ca.gov/documents/cjwa.pdf>



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

The AOC will evaluate the judge workload values for all circuits before and after the assessment to assess the variation between pre and post-assessment scores.

The AOC will circulate surveys to superior court judges to measure perceptions of workload assessment and the related calculations before and after the project.

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

The workload study will ensure that the Council is using a current, recognized methodology for assessing the need for additional judgeships based on up-to-date data, making the assessment more reliable and preserving public confidence in the judiciary's management of its resources.

- How is this calculated?

Cost-savings are difficult to calculate without knowing which circuits may have requested judgeships under the old formula who may not qualify under the new formula. However, staff can compare the formulas to determine which additional circuits may or may not qualify based on the case weights used.

- c. List potential efficiencies of the project.

The weighted caseload system allows the Judicial Council to report on the judgeship needs across the state, allowing the legislature to precisely allocate resources across Georgia.

- How is this calculated?

The cost of additional superior court judgeships is close to one million dollars in combined state and local costs. Determining the circuits most in need of additional resources is critical to ensuring funding properly allocated.

### **5. Stakeholders & Constituents:**

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

The study either directly or indirectly impacts these entities: the Judicial Council, the Administrative Office of the Courts, the Council of Superior Court Judges, the



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

Council of Superior Court Clerks, the Association of County Commissioners of Georgia, the Prosecuting Attorneys' Council, and the Public Defenders' Council.

- b. Which are likely to support this request?

We believe all impacted entities will support this request because it provides them all with a more accurate way to assess the judicial needs of their superior and state courts.

- c. Which are likely to oppose this request?

The Council does not anticipate any opposition to the request.

- d. Which has not voiced support or opposition?

No group expressed during the previous study, and the Council does not expect opposition during this study.

### **6. Legislation or Rule Change:**

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

As a result of this process, the Judicial Council will revise its policy for studying the need for additional superior court judgeships.

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

No, this request is not the result of legislation or rule change.

### **7. Alternatives:**

Were alternatives considered, and if so, why are they not viable?

The Judicial Council has considered using in-house staff to complete this work, but the Council believes that due to the size and complexity of the work, outsourcing it National Center for State Court experts is the best option. Contracting with the NCSC allows the Administrative Office of the Courts' staff to continue the ongoing operations of the Council's research needs while assisting in this project as necessary.

The Council could also choose not to undertake this project. However, doing so would put the methodology used for determining the need for judicial resources further out of date with the current judicial environment. Obsolete case weights could potentially lead to circuits





# **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

requesting judgeships when there is not a true need or circuits not being able to receive judgeships even if there is a true need.

## **Part 2 - BUDGET**

### **8. Requested and Projected Resources:**

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

The enhancement request is to fund a project proposal by the National Center for State Courts. Judicial Council does not need additional funding.

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

None are needed.

- Operational needs:

Operational funds include \$236,113 for a contract with the National Center for State Courts. No further funds are needed.

- b. What are your out-year projections?

No continuation funds are needed. This is a one-off enhancement request.

### **9. Methodology/Assumptions:**

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

The requested amount is the price from the National Center for State Courts quote. There are no out-year projections. See the attached proposal.

- b. How did you arrive at the amounts?

The requested amount is the price from the National Center for State Courts quote. There are no out-year projections. See the attached proposal.

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

The project will take approximately 18 months to complete.



## **JUDICIAL COUNCIL OF GEORGIA FY 2021 AMENDED REQUEST FORM FY 2022 ENHANCEMENT REQUEST FORM**

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

The AOC is investigating the possibility of a federal SJI grant with the NCSC, but the SJI does not generally fund workload studies, and even if it did, the grant would only include 25 percent of the total cost

There is no impact on federal or other funds related to this request.

### **Part 3 - OTHER INFORMATION**

- 11.** Discuss any historical or other relevant factors.

## AFY 2021 - Budget Comparison

### Judicial Council Standing Committee on Budget Report

Judicial Council Program & Subprograms	FY 2021 Request	Enhancement Requests	AFY 2021 Request	% Change
Administrative Office of the Courts	\$ 6,520,505	\$ -	\$ 6,520,505	
Legal Services for Domestic Violence	\$ 1,502,172		\$ 1,502,172	
Legal Srvs for Kinship Care Families	\$ 225,326		\$ 225,326	
GA Council of Court Administrators	\$ 16,389		\$ 16,389	
Council of Municipal Court Judges	\$ 13,919		\$ 13,919	
Child Support Collaborative	\$ 119,000		\$ 119,000	
Council of Magistrate Court Judges	\$ 165,998		\$ 165,998	
Council of Probate Court Judges	\$ 159,490		\$ 159,490	
Council of State Court Judges	\$ 2,849,204		\$ 2,849,204	
Judicial Council Programs and Subprograms Total	\$ 5,051,498	\$ -	\$ 5,051,498	0.00%
<b>Other Programs</b>		\$ -		
Accountability Courts	\$ 667,696		\$ 667,696	
Inst of Continuing Jud Ed Operations	\$ 545,866		\$ 545,866	
Judicial Qualifications Commission	\$ 798,820		\$ 798,820	
Resource Center	\$ 775,000		\$ 775,000	
<b>Other Programs Total</b>	\$ 2,787,382	\$ -	\$ 2,787,382	0.00%
<b>Total</b>	<b>\$ 14,359,385</b>	<b>\$ -</b>	<b>\$ 14,359,385</b>	<b>0.00%</b>

## FY 2022 - Budget Comparison

### Judicial Council Standing Committee on Budget Report

Judicial Council Program & Subprograms	AFY 2021 Request	Enhancement Requests	FY 2022 Request	% Change
Administrative Office of the Courts	\$ 6,520,505		\$ 6,756,618	3%
<i>Judicial Workload Assessments</i>		\$ 236,113		
<i>Legal Services for Domestic Violence</i>	\$ 1,502,172	\$ 997,828	\$ 2,500,000	
<i>Legal Srvs for Kinship Care Families</i>	\$ 225,326	\$ 524,674	\$ 750,000	
GA Council of Court Administrators	\$ 16,389		\$ 16,389	
<i>Juvenile Data Exchange (JDEX) Program</i>	\$ -	\$ 243,945	\$ 243,945	
Council of Municipal Court Judges	\$ 13,919		\$ 13,919	
Child Support Collaborative	\$ 119,000		\$ 119,000	
Council of Magistrate Court Judges	\$ 165,998		\$ 165,998	
Council of Probate Court Judges	\$ 159,490		\$ 159,490	
Council of State Court Judges	\$ 2,849,204		\$ 2,849,204	
<b>Judicial Council Programs and Subprograms Total</b>	<b>\$ 5,051,498</b>	<b>\$ 2,002,560</b>	<b>\$ 6,817,945</b>	<b>29.37%</b>
<b>Other Programs</b>				
Accountability Courts	\$ 667,696		\$ 667,696	
Inst of Continuing Jud Ed Operations	\$ 545,866		\$ 545,866	
Judicial Qualifications Commission	\$ 798,820		\$ 798,820	
Resource Center	\$ 775,000		\$ 775,000	
<b>Other Programs Total</b>	<b>\$ 2,787,382</b>	<b>\$ -</b>	<b>\$ 2,787,382</b>	<b>0.00%</b>
<b>Total</b>	<b>\$ 14,359,385</b>	<b>2,002,560.00</b>	<b>\$ 16,361,945</b>	<b>12.24%</b>

TAB 3



## 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: July 23, 2020

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On July 22, 2020, the Standing Committee on Legislation (“Committee”) met to discuss legislative items for the 2021 Session of the General Assembly. The Committee makes the following recommendations to the Judicial Council:

**I. Council of State Court Judges**  
**“Gross” and “net” settlement defined**  
OCGA § 29-3-1 & 29-3-3

The Committee recommends that the Judicial Council support legislation to amend OCGA § 29-3-1 & 29-3-3 to clarify the meaning of “gross settlement” and define “net settlement” when the appointment of a conservator for a minor is required. (*Information and draft language attached*)

**II. Judicial Council Standing Committee on Court Reporting Matters**  
**Modernize and update the Court Reporting Act of Georgia**  
OCGA Titles 5; 9; 15; 17

The Committee recommends 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 draft language attached*)

**III. Judicial Council Standing Committee on Legislation  
Certiorari Review Subcommittee  
Certiorari Review - OCGA Title 5**

The Committee recommends that the Judicial Council **support** legislation to repeal and replace the current notice of appeal and certiorari review statutes in OCGA Chapters 3 and 4 of Title 5 with a single petition for review procedure for appealing a case from a lower judiciary to superior or state court. (*Information and draft language attached*)

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

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

**V. Authority to Act**

The Committee requests approval to make decisions or take positions on legislation and related policy issues on behalf of the Judicial Council during the 2021 Legislative Session, and any special session that may be called in CY 2020, when time constraints prevent the convening the full Judicial Council.

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

**Council/Organization:** Council of State Court Judges

**Session:**        ☒ 2021

**Subject Matter:** When Appointment of Conservator in Settlement Required

**Code Section(s):** OCGA 29-3-1 & 29-3-3

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

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

Confusion still exists about what is a “gross or “net” settlement involving a minor to determine when a conservator is required to be appointed. The purpose of this proposed legislation is to clarify the meaning of “gross” and “net” settlement.

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

This legislation has medium importance to our Council. However, it affects other councils as well.

**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?

This legislation affects courts that approve settlements of claims that involve a minor. Ex. Personal injury cases from an automobile accident. Some settlements do not require the appointment of a conservator but allow the natural guardian to manage the funds for the minor. Other settlements of a substantial amount (more than \$15,000) require that a conservator be appointed for the minor.

The probate courts handle much of the conservator appointments, but the types of settlements can arise from state and superior court cases. Both Councils of the Probate and Superior Courts support this effort for clarification.

At this time, we are unaware of any group that would oppose this request. We have met with the Georgia Trial Lawyers Association (GTLA) and are committed to working



together to add language that restores the appointment of the conservator, as required under current law. See draft markup on attached LC 41 2503S, lines 82-84.

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

Not that we are aware of at this time.

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

There will be no fiscal impact to the state, counties, or municipalities.

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

The Judicial Council voted to support this item in 2020 and was pursued as a Judicial Council initiative. It was filed as HB 1108 and received a Do Pass (version LC 41 2503S) from the House Special Committee on Access to the Civil Justice System. As stated above, we are working with the GTLA to add language that restores the appointment of the conservator, as required under current law.

The House Special Committee on Access to the Civil Justice System offers the following substitute to HB 1108:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 3 of Title 29 of the Official Code of Georgia Annotated,  
2 relating to property, so as to clarify and revise procedures and requirements for the payment  
3 of certain settlements involving minors' claims; to revise and provide for definitions; to  
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 3 of Title 29 of the Official Code of Georgia Annotated, relating to  
8 property, is amended by revising subsections (b) and (c) of Code Section 29-3-1, relating  
9 to "personal property" defined, natural guardian must qualify as conservator, and exception,  
10 as follows:

11 "(b) The natural guardian of a minor may not receive the personal property of the minor  
12 until the natural guardian becomes the legally qualified conservator of the minor; provided,  
13 however, that when the total value of all personal property of the minor is ~~\$15,000.00~~  
14 \$25,000.00 or less, the natural guardian may receive and shall thereafter hold and use all  
15 or part of the personal property for the benefit of the minor and shall be accountable for the  
16 personal property but shall not be required to become the legally qualified conservator as  
17 to that personal property.

18 (c) Upon receiving an affidavit:

19 (1) That the value of all the personal property of a minor will not exceed ~~\$15,000.00~~  
20 \$25,000.00 in value;

21 (2) That no conservator has been appointed for the minor's estate; and

22 (3) That the affiant is the natural guardian of the minor,  
23 any person indebted to or holding personal property of the minor shall be authorized to pay  
24 the amount of the indebtedness or to deliver the personal property to the affiant. In the  
25 same manner and upon like proof, any person having the responsibility for the issuance or  
26 transfer of stocks, bonds, or other personal property shall be authorized to issue or transfer

27 the stocks, bonds, or personal property to or in the name of the affiant. Upon such  
28 payment, delivery, transfer, or issuance pursuant to the affidavit, the person shall be  
29 released to the same extent as if the payment, delivery, transfer, or issuance had been made  
30 to the legally qualified conservator of the minor and shall not be required to see to the  
31 application or disposition of the personal property."

32 **SECTION 2.**

33 Said article is further amended by revising Code Section 29-3-3, relating to "gross  
34 settlement" defined, compromise of claim, and finality of settlement, as follows:

35 "29-3-3.

36 (a) For purposes of this Code section, the term:

37 (1) 'Gross 'gross settlement' means the present value of all amounts paid or to be paid in  
38 settlement of the claim, including cash, medical expenses, expenses of litigation,  
39 attorney's fees, and any amounts paid to purchase an annuity or other similar financial  
40 arrangement. Such term shall include the total amount paid or to be paid on behalf of all  
41 settling parties.

42 (2) 'Net settlement' means the gross settlement reduced by:

43 (A) Attorney's fees, expenses of litigation, and medical expenses which are to be paid  
44 from the settlement proceeds; and

45 (B) The present value of amounts to be received by the minor after reaching the age  
46 of majority.

47 (b) If the minor has a conservator, the only person who can compromise a minor's claim  
48 is the conservator.

49 ~~(c) Whether or not legal action has been initiated, if the~~ If the proposed gross settlement  
50 of a minor's claim is ~~\$15,000.00~~ \$25,000.00 or less, the natural guardian of the minor may  
51 compromise the claim without becoming the conservator of the minor and without any  
52 court approval. The natural guardian must qualify as the conservator of the minor in order  
53 to receive payment of the settlement if necessary to comply with Code Section 29-3-1.

54 (d) If no legal action has been initiated and the proposed gross settlement of a minor's  
55 claim is more than ~~\$15,000.00~~ \$25,000.00, the settlement must be submitted for approval  
56 to the probate court.

57 (e) If legal action has been initiated and the proposed gross settlement of a minor's claim  
58 is more than ~~\$15,000.00~~ \$25,000.00, the settlement must be submitted for approval to the  
59 court in which the action is pending. Probate court approval is not required. ~~The natural~~  
60 ~~guardian or conservator shall not be permitted to dismiss the action and present the~~  
61 ~~settlement to the court for approval without the approval of the court in which the action~~  
62 ~~is pending.~~

63 (f) If legal action has been initiated and the proposed gross settlement of a minor's claim  
64 is more than ~~\$15,000.00~~ \$25,000.00, but the ~~gross net~~ settlement reduced by:

65 (1) ~~Attorney's fees, expenses of litigation, and medical expenses which shall be paid~~  
66 ~~from the settlement proceeds; and~~

67 (2) ~~The present value of amounts to be received by the minor after reaching the age of~~  
68 ~~majority~~

69 is ~~\$15,000.00~~ \$25,000.00 or less, the settlement must be submitted for approval to natural  
70 guardian may seek approval of the proposed settlement from the appropriate court in which  
71 the action is pending, but no without becoming the conservator of the minor or approval  
72 of the probate court is required. The natural guardian must qualify as the conservator of  
73 the minor in order to receive payment of the settlement if necessary to comply with Code  
74 Section 29-3-1.

75 (g) If legal action has been initiated and the proposed gross settlement of a minor's claim  
76 is more than \$25,000.00 and the the proposed gross net settlement of a minor's claim is  
77 more than \$15,000.00, but such gross settlement reduced by:

78 (1) ~~Attorney's fees, expenses of litigation, and medical expenses which shall be paid~~  
79 ~~from the settlement proceeds; and~~

80 (2) ~~The present value of amounts to be received by the minor after reaching the age of~~  
81 ~~majority~~

82 is also more than ~~\$15,000.00~~ \$25,000.00, the ~~natural guardian may not seek approval of~~  
83 ~~the proposed settlement settlement must be submitted for approval to from the appropriate~~  
84 ~~court in which the action is pending without becoming the conservator of the minor.~~ *and a conservator of the minor must be appointed*

85 (h) If an order of approval is obtained from the probate court, or a court in which the  
86 action is pending, based upon the best interest of the minor, the natural guardian or  
87 conservator shall be authorized to compromise any contested or doubtful claim in favor of  
88 the minor without receiving consideration for such compromise as a lump sum. Without  
89 limiting the foregoing, the compromise may be in exchange for an arrangement that defers  
90 receipt of part, not to exceed a total distribution of ~~\$15,000.00~~ \$25,000.00 prior to a minor  
91 reaching the age of majority, or all of the consideration for the compromise until after the  
92 minor reaches the age of majority and may involve a structured settlement or creation of  
93 a trust on terms which the court approves.

94 (i) Any settlement entered consistent with the provisions of this Code section shall be final  
95 and binding upon all parties, including the minor.

96 (j) It shall be within the discretion of the court in which the action is pending to hold a  
97 hearing on compliance with the requirements of this Code section; provided, however, that  
98 a hearing shall not be required if compliance with such requirements is evident from the  
99 record."

100

**SECTION 3.**

101 All laws and parts of laws in conflict with this Act are repealed.



# **Judicial Council of Georgia**

## **Administrative Office of the Courts**

**Chief Justice Harold D. Melton**  
*Chair*

**Cynthia H. Clanton**  
*Director*

### **Memorandum**

TO: Standing Committee on Legislation  
FROM: Standing Committee on Court Reporting Matters  
RE: Proposed Legislation to Amend Court Reporting-Related Laws  
DATE: July 1, 2020

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### **Summary**

The Standing Committee on Court Reporting Matters has twice voted to support legislation that would comprehensively 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. Specifically, the Committee has recommended the following.

1. The Standing Committee on Court Reporting Matters recommends that the Judicial Council support legislation that will allow courts to use digital recordings systems; and for the Judicial Council to promulgate rules to ensure minimal technical standards such that reliable and accurate transcripts will result.
2. To recommend that judges from any class of court utilizing a digital recording system as the primary method of takedown of court proceedings ensure that the system and its operators comply with the Judicial Council's rules governing such systems.
3. To alter the composition of the Board of Court Reporting to include representation from the municipal courts, magistrate courts, probate courts, juvenile courts, the Court of Appeals, and the Supreme Court, as well as from the state courts and superior courts.
4. To create two new licensing categories, Certified Digital Operator, and Certified Transcriptionist, and to provide for the Georgia Board of Court Reporting to regulate both licensing categories.

5. For each individual judge to have complete discretion regarding whether and when to use a Certified Court Reporter on a case by case basis.

Since the initial approval of these recommendations, no legislation has passed the General Assembly. Therefore, the Committee is renewing the above recommendations.

This remainder of this memo briefly outlines the proposed digital court reporting framework and includes the legislative request cover sheet (Attachment A) and proposed statutory changes (Attachment B).

## **Background**

Georgia law currently does not provide comprehensive statutory or rule-based guidance providing for the use of digital court reporting systems, but some judges across the classes of trial courts have been testing versions of these systems. The Committee's recommendations focus on 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 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 led, in some areas, to delays in scheduling cases, as courts are unable to locate enough court reporters to cover hearings. Further, the shortage has led 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.

### **Overview of Proposal**

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

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

Most significantly, however, the proposal amends Chapter 14 of Title 5 (Court Reporting) to allow the Board of Court Reporting to regulate the use of digital recording systems as an alternative method for creating trial transcripts. The Board is tasked with promulgating rules for the use of the systems, including statewide minimum technical standards for their use. The new statute creates two new licenses: a certified digital operator and a certified transcriptionist. Digital recording systems, when used in lieu of court reporters, must be operated by a digital operator and the resulting transcript must be created by a certified transcriptionist (all certified court reporters will be able to receive a license as a certified transcriptionist). Only transcripts certified by a certified court reporter or certified transcriptionist are entitled to the presumption that they are true, complete, and correct.

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



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

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

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

**Code Section(s):** OCGA §§ 5-6-41, 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.

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

High priority.

**3. Stakeholders & Constituents:**

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

A number of stakeholder groups will be affected by the proposal. The proposed changes will impact all classes of trial courts, although we anticipate that superior courts and state courts will be the most affected courts as they use court reporters the most. However, our proposal requires the Board of Court Reporting to promulgate statewide minimum standards for the use of digital recording systems in all classes of trial court. Thus, some municipal, juvenile, probate, and magistrate courts that currently use older digital recording systems may need to implement upgrades under the new rules. However, we feel that the

respective councils of each class of court could ultimately support the proposal, since it vests the ultimate discretion about whether to implement these systems in each individual judge. Judges who do not wish to use a digital recording system may simply continue using traditional court reporting services, which will remain unchanged.

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

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 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.

TITLE 5. APPEAL AND ERROR

CHAPTER 6. Certiorari and Appeals to Appellate Courts Generally

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

(a) In all felony cases, all proceedings evidence, and proceedings shall be either:

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

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

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

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

for any other reason is not available and the evidence is prepared from recollection, it may be prepared in narrative form.

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

#### 5-6-48 Dismissal of appeals generally prohibited

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

## TITLE 9. CIVIL PRACTICE

### CHAPTER 11. Civil Practice Act

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

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

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

...

(b) When depositions and other discovery material are filed with the clerk of court as provided in subsection (a) of this Code section, the clerk of court shall retain such ~~original~~ documents and materials as provided for by the Judicial Council's Records Retention Schedule and any other applicable record-keeping rule approved by the Supreme Court of Georgia. until final disposition, either by verdict or appeal, of the action in which such materials were filed.

~~The clerk of court 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:

(1) Provide for and set the fees to be charged by all ~~official~~ certified court reporters in this state for attending any court proceeding or judicial proceeding other than federal court proceedings, taking down proceedings and recording transcribing the proceeding evidence;

(2) Provide for and set the fees to be charged by all ~~official court reporters,~~ certified digital operators and certified transcriptionists in this state ~~for furnishing transcripts of the evidence and for other proceedings furnished by the official court reporters~~ in all civil and criminal cases in this state;

(3) Provide for a minimum per diem fee for ~~official~~ certified court reporters in this state for attending any court proceeding or judicial proceeding other than federal court, which fee may be supplemented by the various counties within the circuits to which the court reporters are assigned; and

(4) Provide for the form and style of the transcripts, which shall be uniform throughout the state.

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

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

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

## TITLE 15. COURTS



CHAPTER 7. State Courts of Counties

15-7-47. Reporting of trials

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

TITLE 15. COURTS

CHAPTER 11. Juvenile Code

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

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

TITLE 15. COURTS.

CHAPTER 12. JURIES, Article 4, Grand Juries

15-12-83 Court reporters

...

- (g) The district attorney may utilize a digital recording system as provided for by the Rules of the Board of Court Reporting to record grand jury proceedings.

TITLE 15. COURTS

CHAPTER 14. COURT REPORTERS, Article 1. General Provisions

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

~~(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 Board'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, 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 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.~~

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 and any applicable uniform rules.

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

~~(a) Each of the judges of the superior and state city courts in all circuits where there may be more than one division, whether the same is civil or criminal, shall appoint and at such judge's pleasure remove a court reporter, as defined in Article 2 of this chapter, for such judge's respective division. 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. It shall be the court reporter's duty to attend all sessions of the court for which such court reporter is appointed and, when directed by the judge, to record exactly and truly or take stenographic notes of the testimony and proceedings in the case tried, except the argument of counsel. Each judge may also provide for the recording of cases via a digital recording system as provided for by the Rules of the Board and any applicable Uniform Rules.~~

(b) Each of the judges of the superior and state courts shall have the power to purchase such recording machines and equipment as he or she may deem necessary or proper to aid in the transaction of the business of the court, including the implementation of a digital recording system as provided for by the Rules of the Board and this Article, and to order payment therefor out of the county treasury as an expense of court.

~~15-14-4 Additional reporters in circuits having nine or more superior court judges; typists; digital recording equipment~~

~~(a) In all judicial circuits of this state in which nine or more superior court judges are provided by law, each of the judges of such circuits shall have the power to appoint, in addition to those court reporters already authorized by law, such additional court reporters as each judge deems necessary or proper to report and transcribe the proceedings of the court over which he presides, such court reporters to have the same qualifications and to be paid in the same manner as is provided by law. The contingent expense and travel allowance authorized by Code Section 15-14-6 shall not be paid to the additional court reporters appointed pursuant to this code section on or after July 1, 2020.~~

(b) In addition thereto, each of the judges of such circuits shall have the power, with the approval of the county commissioners, to employ such typists as he may deem necessary or proper to aid in the recording or transcribing of the proceedings of the court; the compensation of the typists is declared to be an expense of court and payable out of the county treasury as such.

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

court.

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

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

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

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

(d) All transcripts filed by a certified court reporter or certified transcriptionist shall be filed by electronic means through a court's electronic filing service provider if a court utilizes an electronic filing system. A court's electronic filing service provider shall not charge a certified court reporter or certified transcriptionist a fee to electronically file a transcript. This subsection

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(1) shall not apply to the filing of transcripts of out of court depositions;

(2) shall not be construed to require a certified court reporter or certified transcriptionist to file any transcript; and

(3) shall become effective on July 1, 2021.

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

~~(a) Upon petition, the judge of a superior court, city court, or any other court, the judgments of which are subject to review by the Supreme Court or the Court of Appeals, may authorize destruction of a court reporter's notes taken of the evidence and other proceedings in civil~~

actions in that court, subject to this Code section.

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

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

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

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

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

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

## TITLE 15. COURTS

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

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

It is declared by the General Assembly that ~~the practice of court reporting~~ the recording and taking down of court proceedings and the transcribing thereof carries important responsibilities in connection with the administration of justice, both in and out of the courts; that court reporters are officers of the courts; and that the right to define and regulate the recording and taking down of court proceedings and the transcribing thereof, including but not limited to the practice of court reporting, belongs naturally and logically to the judicial branch of the state government.

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

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

15–14–22. Definitions.

As used in this title, the term:

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

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

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

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

~~(53) “Court reporter” means any person who is engaged in the practice of court reporting as defined in paragraph (6) of this Code section. as a profession as defined in this article. The term “court reporter” shall include not only those who actually report judicial proceedings in courts but also those who make verbatim records as defined in paragraph (4) of this Code section.~~

~~(64) “Court reporting” means the act of taking down a court proceeding or deposition as defined in paragraph (10) of this Code section. the making of a verbatim record Court reporting shall be practiced by means of manual shorthand, machine shorthand, closed microphone voice dictation silencer, or by other means of personal verbatim reporting as provided by the Rules of the Board of Court Reporting. of any testimony given under oath before, or for submission to, any court, referee, or court examiner or any board, commission, or other body created by statute, or by the Constitution of this state or in any other proceeding where a verbatim record is required. The taking of a deposition is the making of a verbatim record as defined in this article. The practice of court reporting shall not include the operation of a digital recording system as defined in this code section.~~

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

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

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

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

462 taking down a proceeding.

463  
464  
465 15–14–23. Judicial Council of Georgia; Agency of Judicial Branch.

466  
467 The Judicial Council of Georgia, as created by Article 2 of Chapter 5 of this title, is declared to  
468 be an agency of the judicial branch of the state government for the purpose of defining and  
469 regulating the practice of court reporting, the use of digital recording systems in the courts, and  
470 the creation of transcripts of court proceedings and depositions in this state.

471  
472  
473 15–14–24. Board of Court Reporting of the Judicial Council, Creation, Name, Membership,  
474 Appointment, Qualifications, Terms, Vacancies, Removal.

475  
476 (a) The Judicial Council shall ~~There is established~~ a board which shall be known and designated  
477 as the “Board of Court Reporting of the Judicial Council.” The board shall be created in  
478 accordance with the Judicial Council’s by-laws regarding the creation of standing committees  
479 and shall function as a standing committee of the Judicial Council. It shall be composed of ~~nine~~  
480 fifteen members, five members to be certified court reporters, two members to be  
481 representatives from the State Bar of Georgia, and ~~two~~ eight members to be from the judiciary,  
482 one to be a Supreme Court Justice, one to be a judge of the Court of Appeals, one to be a  
483 superior court judge, and one to be a state court judge, one to be a juvenile court judge, one to  
484 be a probate court judge, one to be a magistrate court judge, and one to be a municipal court  
485 judge, each of whom shall have not less than five years’ experience in their respective  
486 professions. ~~The board shall be appointed by the Judicial Council. The term of office shall be~~  
487 ~~two years, and the Judicial Council shall fill vacancies on the board.~~

488  
489 (b) Any member of the board may be removed by the Judicial Council after a hearing at which  
490 the Judicial Council determines that there is cause for removal.

491  
492  
493 15–14–26. Organization of Board, Rules and Regulations.

494  
495 (a) The board shall each year elect from its members a chairperson, who shall be a member of  
496 the judiciary, and whose term shall be for ~~one~~ two years, and who shall serve during the period  
497 for which elected and until a successor shall be elected.

498  
499 (b) The board shall make any and all necessary rules and regulations to carry out this article, but  
500 the rules and regulations shall be subject to review by the Judicial Council and approval by the  
501 Supreme Court.

502  
503 (c) The board shall make and publish such statewide minimum standards and rules as it deems  
504 necessary that provide for the qualifications of court reporters, digital operators, and  
505 transcriptionists.

506  
507 (d) The board shall make and publish such statewide minimum standards and rules as it deems

necessary that shall provide requirements for digital recording systems sufficient to ensure that the recording of proceedings for the purpose of making a verbatim transcript will be conducted reliably and accurately. The Councils of the classes of court, and the judge of business court, are empowered to create additional standards for digital recording systems, however, they may not create any rules that result in lesser standards than those promulgated by the board.

15-14-28. Reporters Must be Certified

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

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

(c) No person shall transcribe a court proceeding with the knowledge that the resulting transcript is to be filed in a Georgia court unless the person is the holder of a certificate as a certified transcriptionist as provided by this article.

15-14-29. Issuance of Certificate, Qualifications for Certification; Exemption from Taking Examination; Individuals with Disabilities

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

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

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

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

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

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

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

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

~~(2) Reasonable accommodation shall be provided to any qualified individual with a disability who applies for certification who meets the essential eligibility requirements for certification and provides acceptable documentation of a disability, unless the provision of such~~



~~accommodation would impose an undue hardship on the board or the certification of the individual would pose a direct threat to the health, welfare, or safety of residents of this state.~~

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

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

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

#### 15-14-31. Renewal of Certificate

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

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

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

~~(b) Any person who has received from the board a certificate as a certified transcriptionist shall be known and styled as a certified transcriptionist and shall be authorized to practice as such in~~

601 this state and to use such title or the abbreviation “C.T.” in so doing. No other person, firm, or  
602 corporation, all of the members of which have not received such certificate, shall assume the  
603 title of certified transcriptionist, the abbreviation “C.T.,” or any other words or abbreviations  
604 tending to indicate that the person, firm, or corporation so using the same is a certified  
605 transcriptionist.

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

614  
615  
616 15–14–33. Refusal to Grant or Revocation of Certificate or Temporary Permit  
617

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

622 ~~(1) Failed to demonstrate the qualifications or standards for a certificate or temporary permit~~  
623 ~~contained in this article or under the rules or regulations of the board. It shall be incumbent upon~~  
624 ~~the applicant to demonstrate to the satisfaction of the board that all the requirements for the~~  
625 ~~issuance of a certificate or temporary permit have been met, and, if the board is not satisfied as~~  
626 ~~to the applicant’s qualifications, it may deny a certificate or temporary permit without a prior~~  
627 ~~hearing; provided, however, that the applicant shall be allowed to appear before the board if~~  
628 ~~desired;~~

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

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

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

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

647 ~~(6) (5) Had a certificate or temporary permit to practice as a court reporter revoked, suspended,~~

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

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

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

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

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

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

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

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

- (1) Refuse to grant or renew a certificate or temporary permit to an applicant;
- (2) Administer a public or private reprimand, but a private reprimand shall not be disclosed to any person except the licensee;

(3) Suspend any certificate or temporary permit for a definite period or for an indefinite period in connection with any condition which may be attached to the restoration of said license;

(4) Limit or restrict any certificate or temporary permit as the board deems necessary for the protection of the public;

(5) Revoke any certificate or temporary permit;

(6) Condition the penalty upon, or withhold formal disposition pending, the applicant's or licensee's submission to such care, counseling, or treatment as the board may direct;

(7) ~~Impose a requirement to pass the state certification test; or~~

~~(78) Require monetary adjustment in a fee dispute involving an official court reporter; or.~~

(8) Any other action the board deems necessary to carry out its duties in this article.

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

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

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

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

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

(ik) Regulation by the board shall not exempt court reporting from regulation pursuant to any

other applicable law.

15-14-35. Injunction Against Violation

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

15-14-36. Violations Relating to Court Reporting

Any person who:

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

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

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

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

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

(a) Contracts for court reporting services not related to a particular case or reporting incident between a certified court reporter or any person with whom a certified court reporter has a principal and agency relationship and any attorney at law, party to an action, party having a financial interest in an action, or agent for an attorney at law, party to an action, or party having a financial interest in an action are prohibited. Attorneys shall not be prohibited from negotiating or bidding reasonable fees for services on a case-by-case basis.

(b) In order to comply with subsection (a) of this Code section, each certified court reporter

shall make inquiry regarding the nature of the contract for his or her services directed to the employer or the person or entity engaging said court reporter's services as an independent contractor.

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

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

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

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

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

## TITLE 17. CRIMINAL PROCEDURE.

### CHAPTER 5. Searches and seizures.

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

(a) In all criminal cases, the court shall designate a custodian of the evidence during the pendency of the trial of the case. For the purposes of this code section, the trial of the case ends when the trial court no longer has jurisdiction over the case, such as when a notice of appeal or an appeal from a denial of a motion for new trial is filed. The court may designate either the clerk of court, the court reporter, or any other officer of the court to be the custodian of any property that is introduced into evidence during the pendency of the trial of the case. Property introduced into evidence shall be identified or tagged with an exhibit number by the custodian, by the parties, or by counsel for the parties. After verdict and judgment has been entered in any criminal case, the person who has custody of the physical evidence introduced in the case shall inventory the evidence and create an evidence log within 30 days of the entry of the judgment. Within 30 days following the creation of the evidence log, physical evidence shall be returned to the rightful owner of the property unless the physical evidence itself is necessary for the appeal of the case, for a new trial, or for purposes of complying with this Code section or Code Section 17-5-56. The evidence log shall contain the case number, style of the case, description of the item, exhibit number, the name of the person creating the evidence log, and the location where the physical evidence is stored. After the evidence log is completed, the judge shall designate the clerk of court, the prosecuting attorney, the defense attorney, ~~any officer of the court~~, or the

law enforcement agency involved in prosecuting the case to obtain and store the evidence, and a notation shall appear in the evidence log indicating the transfer of evidence. ~~If evidence is transferred to any other party, the evidence log shall be annotated to show the identity of the person or entity receiving the evidence, the date of the transfer, and the location of the evidence.~~ The signature of any person or entity to which physical evidence is transferred shall be captured through electronic means that will be linked to the evidence log or the use of a property transfer form that will be filed with the evidence log. When physical evidence, other than audio or video recordings, is transferred to any person or entity, a photograph or other visual image of the evidence shall be made and placed in the case file. These images shall also be attached to the transcript as an exhibit if the trial is transcribed.

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

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

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

## TITLE 17. CRIMINAL PROCEDURE.

### CHAPTER 8. Trial.

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

(a) ~~On the trial of~~ In all felony cases felonies, the presiding judge shall have all the proceedings testimony taken down by a certified court reporter or recorded via a digital recording system operating in compliance with the rules of the Board of Court Reporting and Chapter 14 of Title 15 and, when directed by the judge, the court reporter shall exactly and truly record or take stenographic notes of the testimony and proceedings in the case, except the argument of



counsel. In the event of a verdict of guilty, the certified court reporter shall transcribe the case and file the transcript with the clerk of court, or, where a digital recording system was used, the court shall ensure that a certified transcriptionist creates and files a transcript, ~~the testimony shall be entered on the minutes of the court or in a book to be kept for that purpose.~~ In the event that a sentence of death is imposed, the transcript of the case shall be prepared within 90 days after the sentence is imposed by the trial court. Upon petition by the certified court reporter or certified transcriptionist, the Chief Justice of the Supreme Court of Georgia may grant an additional period of time for preparation of the transcript, such period not to exceed 60 days. The requirement that a transcript be prepared within a certain period in cases in which a sentence of death is imposed shall not inure to the benefit of a defendant.

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

## TITLE 29. GUARDIAN AND WARD

### CHAPTER 4. Guardians of adults.

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

...

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

### CHAPTER 5. Conservators of adults

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

...

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

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973 This Act shall become effective on July 1, 2021.

# **Judicial Council of Georgia**

## **Standing Committee on Legislation**

### **Legislative Support Request**

**Court/Council/Entity:** Judicial Council; Certiorari Review Subcommittee of the Standing Committee on Legislation.

**Session:** ☒ 2021

**Subject Matter:** Superior and State Court Appellate Practice Act.

**Code Section(s):** OCGA Chapters 3 and 4 of Title 5.

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

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

The proposed Superior and State Court Appellate Practice Act would replace Georgia's antiquated and complex certiorari review and notice of appeal statutes with a single "petition for review" procedure for appealing a case from a lower judiciary to superior or state court. The proposed legislation would repeal and replace the current notice of appeal and certiorari review statutes in OCGA Chapters 3 and 4 of Title 5 with a modern, logical, and relatively simplified process for superior or state court review of decisions from municipal courts, certain probate courts, magistrate courts, and other lower judiciaries. For purposes of the proposed legislation, lower judiciaries would be broadly defined to include government officials and bodies that render quasi-judicial decisions.

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

This legislation is a high priority to the Certiorari Review Subcommittee, which was appointed on July 21, 2016, for the purpose of reviewing the current certiorari review procedure set forth in OCGA §§ 5-4-1 et seq. The goal of the Subcommittee is to streamline and economize the municipal, magistrate, and non-Article 6 probate court appellate process.

**3. Stakeholders & Constituents:**

a. Describe the constituent and stakeholder groups that may be affected by this proposal (e.g., executive branch, other governmental entities, other agencies).

- Courts of limited jurisdiction, superior courts, and lower judiciaries (as defined).
- City and county solicitors and city and county attorneys, who are typically respondents to writs of certiorari under the current process.
- Petitioners, defendants, and defense attorneys in lower judiciaries.
- County commissioners, city councils, local government boards, and other government officials and bodies that render quasi-judicial decisions.

b. Which are likely to support this request?

The proposed legislation would likely be supported by most courts of limited jurisdiction because it would clarify the current superior and state court appellate review procedure and

**Judicial Council of Georgia**  
**Standing Committee on Legislation**  
**Legislative Support Request**

eliminate aspects of the current process that are widely disfavored, such as: 1) a high prevalence of procedural dismissals without an adjudication on the merits; 2) general confusion about who the parties are in certiorari review; 3) judges being served as a “respondent,” thereby negatively impacting a judge’s credit report by suggesting that he or she is an adverse party in a lawsuit; and 4) a general lack of notice to lower judiciaries of superior and state court decisions whereby instructions could be promulgated on how to proceed in subsequent cases.

c. Which are likely to oppose this request?

The proposed legislation would likely increase the number of appeals from lower judiciaries to superior and state court that are decided on the merits instead of dismissed on procedural grounds. Therefore, it could possibly be opposed by any organization that currently benefits from the procedural complexity of the existing process.

The Subcommittee concluded a 30-day public comment period for its proposal on July 9, 2020 and received questions and constructive comments from judges from all classes of court and other stakeholders. The Subcommittee is currently discussing how to address the comments received and is open to further feedback to ensure that the draft is of the best quality possible prior to its submission to the General Assembly. Interested parties are invited to submit further comments regarding the Subcommittee’s proposal to: [certreviewcomments@georgiacourts.gov](mailto:certreviewcomments@georgiacourts.gov).

d. Which have not voiced support or opposition?

No support or opposition from stakeholders outside the judiciary has been voiced at this time. As mentioned in the preceding paragraph, the Subcommittee continues to solicit feedback from any interest party that has concerns with its proposal to ensure all stakeholders have an opportunity to be heard.

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

The members of the Certiorari Review Subcommittee have observed widespread confusion across the state regarding how to litigate a writ of certiorari in superior or state court. The Subcommittee has also found that a significant number of litigants statewide are having writs of certiorari dismissed on procedural grounds. Such dismissals deny parties a decision on the merits and deprives lower judiciaries of meaningful instruction.

**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.

# **Judicial Council of Georgia**

## **Standing Committee on Legislation**

### **Legislative Support Request**

The proposed legislation was drafted in the context of the current constitutional structure and would not, therefore, require a constitutional amendment. Each court council would need to change its uniform rules to reflect the new procedures in the proposed Act, where applicable. The proposed statute would also provide that “superior and state court appellate practices and procedures not prescribed . . . shall be governed by superior or state court rule or order.” Proposed Code § 5-3-6 (c). Because superior and state court appellate procedure is set forth in statute, the procedural changes sought by the Subcommittee cannot be achieved without legislation.

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

The proposed legislation would not directly necessitate an increase in state funding or the creation of additional government positions. The proposed legislation seeks to increase judicial efficiency by modernizing, streamlining, and economizing the current superior and state court appellate review procedure. It may, however, have a fiscal impact on some counties or municipalities given that it would likely result in a higher number of lawsuits against counties or municipalities that are decided on the merits instead of on procedural grounds.

- 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.

An efficient and consistent system of superior and state court appellate review of the decisions of lower judicatories is needed for litigants who are struggling to overcome procedural barriers under the current process. The proposed legislation would provide for a clear, logical, and modern procedure that replaces complex statutes on the subject, some of which are approximately ninety years old or more. The proposed statutes would create an easier to navigate appellate process that promotes access to justice by increasing the prevalence of appeals to superior and state court that are decided on the merits.



## 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: Chief Judge Christopher J. McFadden, Chair  
Certiorari Review Subcommittee  
Judicial Council/Standing Committee on Legislation

RE: Draft Superior and State Court Appellate Practice Act

DATE: July 31, 2020

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This memorandum provides a summary of the attached draft Superior and State Court Appellate Practice Act,<sup>1</sup> which is proposed by the Certiorari Review Subcommittee of the Judicial Council/Standing Committee on Legislation (hereinafter “Subcommittee”). The Subcommittee was appointed on July 21, 2016, for the purpose of reviewing the current certiorari review procedure set forth in OCGA §§ 5-4-1 et seq. The goal of the Subcommittee is to simplify, improve, and modernize the municipal, magistrate, and non-Article 6 probate court appellate process.

### Background

The members of the Certiorari Review Subcommittee have noted widespread confusion and frustration across the State regarding how to invoke the appellate jurisdiction of a superior or state court. The Subcommittee has also observed that a number of litigants statewide are not getting their cases decided on the merits because they used the wrong procedure. Procedural dismissals deny parties a decision on the merits and deprive lower judiciaries of meaningful instruction.

The draft Superior and State Court Appellate Practice Act would remove archaic procedural barriers that exist under the current appellate process. The proposed legislation would create a single, clear, logical, and modern procedure that replaces complex statutes and parallel processes on the subject (e.g., a writ of certiorari, notice of appeal, or writ of mandamus). Moreover, the

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<sup>1</sup> This memorandum summarizes a “clean” version of the Subcommittee’s draft proposal labeled “Judicial Council-Draft 1” that incorporates the amendments agreed to by the Subcommittee on July 24, 2020, subsequent to: 1) approval of the “Public Comment Draft” by the Standing Committee on Legislation on July 22, 2020; 2) a review of the comments received during a 30-day public comment period from June 9, 2020 to July 9, 2020; and 3) consultation with Presiding Justice David E. Nahmias. Please see the second memorandum in the Subcommittee’s submission for a summary of the amendments agreed to by the Subcommittee on July 24, 2020 and a link to a redline version of the draft labeled “Subcommittee Amendments” detailing the changes made to the Public Comment Draft.

proposed statutes would create an easier to navigate process that promotes access to justice, particularly for self-represented litigants, by increasing the number of appeals to superior and state court that are decided on the merits instead of dismissed on complex and antiquated procedural grounds.

### **Summary of Draft Superior and State Court Appellate Practice Act**

The proposed Superior and State Court Appellate Practice Act would replace Georgia’s certiorari review and notice of appeal statutes with a single “petition for review” procedure for appealing a case from a lower judicatory to superior court or state court. More specifically, the proposed legislation would repeal and replace both the current notice of appeal and certiorari review statutes in OCGA Chapters 3 and 4 of Title 5 with a modern, logical, and relatively simplified process for superior or state court review of decisions from municipal courts, non-Article 6 probate courts, magistrate courts, and other lower judicatories. For purposes of the proposed legislation, a “lower judicatory” would be broadly defined to include government officials and bodies that render both judicial and quasi-judicial decisions. The provisions of the proposed Act are summarized below.

#### Part I (Sections 1-1 and 1-2)

##### *Section 1-1*

Section 1-1 would repeal Chapter 3 of Title 5 of the OCGA, which currently governs appeals to superior court or state court, and replace it with the provisions of the proposed Act. Lines 59-61. The repeal of Chapter 4 of Title 5, which currently provides for certiorari review, is addressed in Part II (Section 2-1) of the Act, as described below. See lines 635-636.

##### *Section 1-2*

Section 1-2 includes the primary substantive provisions of the proposed Act in the form of entirely new Code Sections 5-3-1 through 5-3-21, as follows (Lines 67-632):

###### *5-3-1. Short title*

Proposed Code Section 5-3-1 would rename OCGA Chapter 3 of Title 5 the “Superior and State Court Appellate Practice Act.” Lines 67-69.

###### *5-3-2. Intent; construction*

Subsection (a) of proposed Code Section 5-3-2 would state the general intent of new Chapter 3 of Title 5, which is to establish a single procedure called a “petition for review” to replace the previous methods of appealing a decision rendered by a lower judicatory to a superior or state court. Lines 71-73. Courts would be required to liberally construe Chapter 3 to make a decision on the merits whenever possible instead of dismissing an appeal on procedural grounds. Lines 73-76. Subsection (b) would similarly require courts to “construe any petition for review . . . according to its substance, merit, and function and not merely its style, form, or title” to facilitate a decision on the merits. Lines 77-79. Subsection (b) would work in concert

with proposed Code Section 5-3-3 (6) to do so. See lines 102-106. Subsection (c) would clarify that the proposed Act shall not be construed to expand the limited appellate jurisdiction of state courts. Lines 80-82

### *5-3-3. Definitions*

Proposed Code Section 5-3-3 would define the terms used in the Act. Lines 83-118. The terms “lower judicatory” and “decision” would be broadly defined to reflect that reviewing superior and state courts have appellate jurisdiction over the “judicial” and “quasi-judicial” decisions of a wide variety of State and local government officials. See lines 85-86; 89-99. Code Section 5-3-3 would also clearly define “opposing party,” which would replace the problematic existing terms “opposite party” and “respondent.” Lines 107-110. Identifying the “opposite party” and “respondent” when petitioning for a writ of certiorari is a source of confusion under current law. See, e.g., OCGA §§ 5-4-6; 5-4-7; 5-4-9; 5-4-18. See also *City of Sandy Springs Bd. of Appeals v. Traton Homes, LLC*, 341 Ga. App. 551, 557 (801 SE2d 599, 605) (2017).

### *5-3-4. Superior and state court appellate jurisdiction; exceptions; preemption*

Subsection (a) would establish the appellate jurisdiction of superior and state courts over a “final judgment” of a “lower judicatory,” as defined in paragraphs (3) and (4) of proposed Code Section 5-3-3. Lines 120-122; see lines 89-99. Subsections (b) and (c) would provide for exceptions to superior and state court appellate jurisdiction which are identical to those under current law. Lines 123-142. Subsection (d) would provide that the provisions of the Act would “preempt all local laws and locally enacted laws, ordinances, regulations, rules or procedures.” Lines 143-146.

### *5-3-5. Standard of review; appeal to jury*

Proposed Code Section 5-3-5 would address standards of review of a petition for review. Lines 147-162. Subsection (a) would provide that the default standard of review is a limited review analogous to review in the appellate courts or under the current writ of certiorari procedure. Lines 148-160. When conducting a limited review, the reviewing superior or state court would “sit as a court of review” as specified in paragraphs (1)-(5) of subsection (a). Lines 152-160. Subsection (b) would provide for a de novo standard of review only if “a de novo proceeding is specified by law.” Lines 161-162. Subsections (c) and (d) would address jury trials in the context of a de novo proceeding. Lines 163-167. Subsection (d) would require a demand for a jury trial in a de novo proceeding to be “filed in the reviewing superior or state court within 30 days after the filing of a petition for review.” Lines 166-167.

### *5-3-6. Invoking superior or state court appellate jurisdiction; practices and procedures not prescribed*

Subsection (a) would establish the filing of a petition for review with the clerk of a reviewing superior or state court as the procedural mechanism for invoking the appellate jurisdiction of a superior or state court. Lines 170-172. Subsection (b) would clarify that a “petitioner may file a petition for review without the approval of the lower judicatory.” Lines 173-174.



Subsection (c) would permit the superior or state court appellate practices not covered in the Act to “be governed by superior or state court rule or order.” Lines 175-177.

#### *5-3-7. General procedures*

Proposed Code Section 5-3-7 would establish general procedures for a petition for review, including that a petitioner must file a petition for review within 30 days after the date of the final judgment appealed, as specified. Lines 179-185. Subsection (c) of this proposed Code section would also prohibit a petitioner from naming the official who made the decision under review as a party to the case underlying the appeal simply because he or she made the decision in the lower judiciary. Lines 189-196. Instead, subsection (b) would specify that the parties in the petition for review are the same as the parties to the proceedings in the lower judiciary. Lines 186-188.

Subsection (d) would provide a petitioner a suggested format for a petition for review. Lines 197-218. Subsections (e) and (f) would require a petition for review to be served on all parties and the clerk of the lower judiciary within five days of filing the petition for review in the reviewing superior or state court. Lines 219-225.

#### *5-3-8. Responses; replies; amendments*

Subsection (a) of proposed Code Section 5-3-8 would require an opposing party to file his or her response within 30 days after being served with a petition for review. Lines 227-229. Subsection (a) would also require an opposing party to include counterclaims, cross-appeals, defenses, or third-party claims in a response in a de novo proceeding. Lines 229-231. Subsection (c) would require a petitioner to file his or her reply to the opposing party’s response within 30 days after being served with the response, which must likewise include counterclaims, etc., if the review is a de novo proceeding. Lines 234-238. Subsection (d) would specify when and under what conditions a petition for review, response, or reply may be amended. Lines 239-244. Finally, subsections (e) and (f) would respectively require an opposing party to serve a copy of his or her response on the petitioner and the petitioner to serve a copy of his or her reply on the opposing party. Lines 245-246.

#### *5-3-9. Management of proceedings; refusal to appeal; monetary limitations not applicable*

Proposed Code Section 5-3-9 would provide reviewing superior and state courts tools to manage proceedings in a petition for review, including the authority to issue “such orders and writs as may be necessary to aid in its jurisdiction and manage court proceedings.” Lines 249-250. The first sentence of subsection (d) of this proposed Code section is a near verbatim restatement of existing OCGA § 5-3-4 and would clarify what will happen if one party wants to appeal and another party on the same side of the case refuses to appeal. Lines 258-261. The second sentence of subsection (d) would preserve existing OCGA § 5-3-5 almost verbatim and clarify how damages are to be awarded if a party refuses or fails to appeal. Lines 261-265. Subsection (e) would preserve existing OCGA § 5-3-40 (b), which specifies that the monetary limitations in paragraph (5) of OCGA § 15-10-2 are not applicable in a petition for review. Lines 266-268.

#### *5-3-10. Service of process*

Proposed Code Section 5-3-10 would establish the procedures and requirements for service of process in a petition for review. Lines 269-325. Subsections (b)-(f) of this Code section are adapted from subsection (f) of existing OCGA § 9-11-5 and would permit and encourage electronic service of process. Lines 301-325.

#### *5-3-11. Deadline extensions*

Subsection (a) of proposed Code Section 5-3-11 would require a person seeking a deadline extension to do so before the expiration of the filing period currently in effect. Lines 327-329. Subsection (b) would permit only one filing extension for a petition for review but would permit additional deadline extensions for other documents. Lines 330-334. Subsection (c) would require the clerk of the reviewing superior or state court to promptly serve each party and the clerk of the lower judiciary with a copy of any extension granted and the motion requesting such extension. Lines 335-338.

#### *5-3-12. Limited grounds for dismissal*

Proposed Code Section 5-3-12 would limit the grounds for which a reviewing superior or state court may dismiss a petition for review to the reasons enumerated in paragraphs (1)-(6) in subsection (a). Lines 340-349. Subsections (b) and (c) of this proposed Code section would require a reviewing superior or state court to give a petitioner an opportunity to cure a defect in a petition for review, bond, or affidavit of indigence prior to dismissing the petition for review. Lines 350-357. Similarly, a reviewing superior court would be required to permit a lower judiciary to address its failure to transmit any document needed to conduct its review. Line 352. Subsection (d) would give a party an opportunity to address his or her failure to perfect service on another party prior to a reviewing superior or state court dismissing the appeal for failure to perfect service (note the use of the word “immediately”). Lines 358-359.

#### *5-3-13. Venue; jurisdiction; transfers*

Subsection (a) of proposed Code Section 5-3-13 would require a petitioner to file a petition for review in a superior or state court with proper venue and jurisdiction. Lines 361-363. Subsections (b)-(e) would facilitate a transfer of a petition for review filed in the wrong court to the correct superior or state court. Lines 364-378.

#### *5-3-14. Record on appeal*

Proposed Code Section 5-3-14 is modeled after existing OCGA § 5-6-41 (which governs the creation of a transcript of evidence and proceedings for use by the appellate courts) and would similarly provide for the creation of a record in the lower judiciary for use by the reviewing superior or state court in a petition for review. Lines 379-462.

#### *5-3-15. Transmission of the record; notice of petitioner confined to jail; remand*

Subsection (a) of proposed Code Section 5-3-15 would require the clerk of the lower judiciary to transmit a copy of the record in the lower judiciary to the reviewing superior or state court within 30 days after being served with a petition for review, as required in subsection (f) of proposed Code Section 5-3-7. Lines 464-468. Subsection (d) would hold the clerk in the lower judiciary accountable for transmitting the record to the reviewing superior or state court in the time required. Lines 476-480. Subsection (b) would require the clerk of the lower judiciary to include a notification with the record transmitted to the reviewing superior or state court if the petitioner is currently confined to jail or otherwise incarcerated. Lines 469-472. Under subsection (c) of proposed Code Section 5-3-15, the clerk would be required to notify the judge or member of the lower judiciary if no record is currently available for review so that appropriate action may be taken. Lines 473-475.

#### *5-3-16. Payment of costs; exceptions*

Subsection (a) of proposed Code Section 5-3-16 would not require all costs in the lower judiciary to be paid to *file* a petition for review in superior or state court. Lines 482-483. However, subsection (b) would require such costs to be paid within 30 days of being notified of such costs or the filing of an affidavit of indigence before a petition for review may be *heard* in superior or state court. Lines 484-490. Under subsection (c), a reviewing superior or state court would be permitted to dismiss a petition for review for failure to pay the costs in the lower judiciary only if the petitioner has been directed to do so and fails to comply. Lines 491-495.

Subsection (d) of proposed Code Section 5-3-16 would exempt an executor, administrator of an estate, or other trustee from the payment of costs requirement in subsection (b), as is the case under existing OCGA § 5-3-24. Lines 496-503. An executor, administrator of an estate, or other trustee would be likewise exempt from “the giving of a bond and security under [proposed] Code Section 5-3-17.” Lines 497-498; see proposed Code Section 5-3-17 (c), lines 521-524. In cases where a petitioner does not file an affidavit of indigence, proof of payment of costs would be accomplished by filing a “certificate of payment of costs from the lower judiciary,” as specified in subsection (e). Lines 504-514.

#### *5-3-17. Bond and security*

Subsection (a) of proposed Code Section 5-3-17 was adapted from existing OCGA § 5-3-22 (b), would generally preserve existing OCGA § 5-4-19, and would provide that the filing of a petition for review “shall act as supersedeas” and “suspend but not vacate a final judgment of a lower judiciary.” Lines 516-518. Subsection (b) would not require a supersedeas bond to be given in a petition for review unless required by the reviewing superior or state court under subsection (c). Lines 519-520. Subsection (d) would provide that a supersedeas would cease if “a petitioner fails to give a bond when a bond is required” unless the petitioner files an affidavit of indigence. Lines 525-528.

A supersedeas bond under proposed Code Section 5-3-17 would be limited to “the total amount of damages, fines, fees, penalties, and surcharges imposed by the lower judiciary in the case under review” per subsection (e). Lines 529-531. Subsection (f) would establish general requirements for bonds given in a petition for review. Lines 532-546. Subsections (j)-(n) would preserve various bond provisions under current law, including those in existing OCGA §§ 5-3-6; 5-3-23; 5-3-25; and 5-4-10. Lines 558-575.

#### *5-3-18. Procedures after review*

Subsections (a) and (b) of proposed Code Section 5-3-18 would provide instructions regarding what to do after a petition for review has been reviewed by a superior or state court. Lines 577-584. Subsection (c) would require the clerk of the reviewing superior or state court to serve a copy of the reviewing superior or state court’s decision regarding a petition for review on the clerk of the lower judiciary and all parties within five days after the date the decision was rendered. Lines 585-588. Under subsection (d), the clerk of the lower judiciary would then be required to notify the judge or member of the lower judiciary who decided the case below of the reviewing superior or state court’s decision. Lines 589-591. The decision of the reviewing superior or state court would be reviewable by the appropriate appellate court prescribed by law under subsection (e). Lines 592-593.

#### *5-3-19. Effects of dismissal or withdrawal*

The first sentence of subsection (a) of proposed Code Section 5-3-19 would restate a portion of existing OCGA § 5-3-7, which provides that if an appeal is dismissed, “the rights of all parties shall be the same as if no appeal had been filed.” Lines 595-596. The second sentence of subsection (a) and paragraphs (1)-(3) would clarify how the first sentence in subsection (a) is to be applied. Lines 596-603. The effect of subsection (a) would be to overrule the majority opinion in *Long v. Greenwood Homes, Inc.*, 285 Ga. 560 (679 SE2d 712) (2009). This proposed Code section would work in concert with Section 5-1 of the Act to do so. See lines 1392-1395.

#### *5-3-20. Damages for frivolous appeals in civil cases*

Subsection (a) of proposed Code Section 5-3-20 would generally provide for damages against the petitioner and the petitioner’s security, if any, in cases where the appeal was frivolous and intended only for delay. Lines 607-613. Such damages would be capped at “20 percent of the principal sum that the jury or the reviewing superior or state court finds due.” Lines 612-613. Subsection (b) would limit the applicability of proposed Code Section 5-3-20 “only to civil cases where a petition for review results in a judgment for a sum of money.” Lines 614-615.

#### *5-3-21. Recovery of costs*

Proposed Code Section 5-3-21 would provide the reviewing superior or state court guidance regarding ordering the recovery of costs by the petitioner or the opposing party depending on who prevails in a petition for review. Lines 616-632.

## Part II (Section 2-1)

Section 2-1 of the proposed Act would repeal Chapter 4 of Title 5 in its entirety, which currently provides for “Certiorari to Superior [or State] Court.” Chapter 4 would be designated “reserved” to maintain the numbering of the subsequent provisions of the OCGA. Lines 635-636.

## Part III (Sections 3-1 through 3-41)

Sections 3-1 through 3-41 of the proposed Act would provide for conforming amendments throughout the OCGA. Lines 638-1385. The proposed amendments would generally replace “certiorari” with “petition for review” throughout the OCGA and make other related technical changes to conform current law to the terminology and substantive provisions of the proposed Code sections in Section 1-2 of the Act. Lines 67-632.

## Part IV (Section 4-1)

Section 4-1 would provide for an effective date of “the first day of July in the calendar year following the year it is approved by the Governor or becomes law without such approval.” Lines 1388-1389.

## Part V (Section 5-1)

Section 5-1 would overrule *Long v. Greenwood Homes, Inc.*, 285 Ga. 560 (679 SE2d 712) (2009) and any other decision that is not consistent with the provisions of the proposed Act. Lines 1392-1395. Section 5-1 would work in concert with proposed Code Section 5-3-19 to do so, as detailed above. See lines 594-605.

## Part VI (Section 6-1)

Section 6-1 would clarify that the proposed Act would “not apply to any appeal pending in a reviewing superior or state court before its effective date.” Lines 1398-1399.

## Part VII (Section 7-1)

Section 7-1 would repeal all laws and parts of laws in conflict with the provisions of the proposed Act. Line 1402. This is standard language included in most legislation.

Attached: Draft Superior and State Court Appellate Practice Act (Judicial Council-Draft 1) (see next page)

**Judicial Council Certiorari Review Subcommittee of the Standing  
Committee on Legislation**

**Superior and State Court Appellate Practice Act (Judicial Council-Draft 1)**

Current draft may be viewed at: <https://georgiacourts.gov/wp-content/uploads/2020/07/Draft-Superior-and-State-Court-Appellate-Practice-Act-Judicial-Council-Draft-1.pdf>



## 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: Chief Judge Christopher J. McFadden, Chair  
Certiorari Review Subcommittee  
Judicial Council/Standing Committee on Legislation

RE: Changes to the draft Superior and State Court Appellate Practice Act after the meeting of the Standing Committee on Legislation on July 22, 2020

DATE: July 31, 2020

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This memorandum details the changes made by the Certiorari Review Subcommittee (hereinafter “Subcommittee”) to the attached Superior and State Court Appellate Practice Act-Public Comment Draft (hereinafter “Draft”) subsequent to its consideration by the Standing Committee on Legislation on July 22, 2020. On July 24, 2020, the Subcommittee met to review the feedback it received regarding the Draft from the public during a 30-day public comment period and the members of the Standing Committee on Legislation, as well as recommended changes from Presiding Justice David E. Nahmias (Chair of the Standing Committee on Legislation). The results of the Subcommittee’s meeting on July 24, 2020 are as follows:

#### **Amendment #1: Strike proposed Code Section 5-3-2 (c) on lines 81-85.<sup>1</sup>**

Presiding Justice Nahmias commented that proposed Code Section 5-3-2 (c) on lines 81-85 is confusing and duplicative of proposed Code Section 5-3-19 on lines 627-638. After discussing the matter, the Subcommittee agreed that proposed Code Section 5-3-2 (c) should be removed because proposed Code Section 5-3-19 would be sufficient to overrule *Long v. Greenwood Homes, Inc.*, 285 Ga. 560 (679 SE2d 712) (2009).

#### **Amendment #2: Strike paragraphs (1), (3), and (4) of proposed Code Section 5-3-3 on lines 88-92 and 95-108.**

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<sup>1</sup> All line numbers in this memorandum refer to the original line numbers in the version labeled “Public Comment Draft,” which was subject to a 30-day public comment period and may be accessed at: <https://georgiacourts.gov/wp-content/uploads/2020/06/Draft-Superior-and-State-Court-Appellate-Practice-Act-Public-Comment-Package.pdf>. The Subcommittee-approved amendments to the Public Comment Draft are detailed in the attached “Subcommittee Amendments” draft.

Presiding Justice Nahmias commented that attempting to define “quasi-judicial” in paragraphs (1), (3), and (4) of proposed Code Section 5-3-3 on lines 88-92 and 95-108 is not advisable and that defining “quasi-judicial” should be left to decisional law to ensure such a complex definition is neither over- nor under-inclusive. After considerable discussion, the Subcommittee agreed and voted to strike paragraphs (1), (3), and (4) of proposed Code Section 5-3-3 on lines 88-92 and 95-108.

**Amendment #3: Amend proposed Code Section 5-3-6 (c) on line 197 to clarify that the procedures not covered by the Act may be covered by the Civil Practice Act.**

Presiding Justice Nahmias commented that proposed Code Section 5-3-6 (c) begins with “Except as otherwise prescribed by law” and ends with “governed by superior or state court rule or order.” As stated in *Long*, 285 Ga. at 562 (679 SE2d at 714), “OCGA § 9-11-41 (a), the voluntary dismissal statute, can be exercised in the de novo appeal filed in superior court since it is contained in the Civil Practice Act, which is applicable to the de novo appeal filed in state or superior court following the entry of a judgment in magistrate court.” After discussing the matter, the Subcommittee voted to change the word “law” to “statute” in the first line of proposed Code Section 5-3-6 (c) on line 197, as follows:

5-3-6. Invoking superior or state court appellate jurisdiction; practices and procedures not prescribed

...

(c) Except as otherwise prescribed by ~~law~~statute or the Constitution of this state, superior and state court appellate practices and procedures not prescribed in this chapter shall be governed by superior or state court rule or order.

**Amendment #4: Strike proposed Code Sections 5-3-12 (a) (5) on lines 370-372 and 5-3-15 (e) on lines 505-509 to not permit a party to get a “do over” regarding the sufficiency of the record.**

Presiding Justice Nahmias commented that proposed Code Section 5-3-12 (a) (5) on lines 370-372 and proposed Code Section 5-3-15 (e) on lines 505-509 would each permit a party to get a “do-over” regarding sufficiency of the record whereas in the typical appellate context, if the record is insufficient the appellant loses. Additionally, proposed Code Section 5-3-14 (n) on lines 460-461 would permit a lower judicatory to supplement the record if needed. After discussing the matter, the Subcommittee voted to strike proposed Code Sections 5-3-12 (a) (5) on lines 370-372 and 5-3-15 (e) on lines 505-509.

**Amendment #5: Amend Code Section 5-3-12 (b) on lines 375-380 to clarify that the reviewing superior or state court may impose a time limit regarding amending a petition for review, bond, or affidavit of indigence for the purpose of curing a defect.**

Presiding Justice Nahmias raised the issue of whether the reviewing superior or state court would have the authority to impose a time limit on a petitioner seeking to amend a petition for review, bond, or affidavit of indigence as permitted in proposed Code Section 5-3-12 (b) on lines 375-380.



After discussing the matter, the Subcommittee voted to amend proposed Code Section 5-3-12 (b) on lines 375-380 accordingly, as follows.

5-3-12. Limited grounds for dismissal

...

(b) The reviewing superior or state court shall not immediately dismiss a petition for review because of any defect in the petition for review, bond, or affidavit of indigence, or because of the failure of the lower judiciary to transmit any document. The reviewing superior or state court shall ~~permit~~give the petitioner an opportunity to amend his or her petition for review, bond, or affidavit of indigence for the purpose of curing any defect. The reviewing superior or state court may impose such filing deadlines for amendments under this subsection as may be necessary to permit a just and expeditious review of a petition for review.

**Amendment #6: Strike proposed Code Section 5-3-14 (a) on lines 403-404 regarding how proposed Code Section 5-3-14 should be construed.**

Presiding Justice Nahmias commented that proposed Code Section 5-3-14 (a) on lines 403-404, which would require the courts to construe proposed Code Section 5-3-14 “in a manner consistent with case law interpreting [existing] Code Section 5-6-41 wherever consistent and applicable” is confusing and should be removed. After discussing the matter, the Subcommittee agreed and voted to strike proposed Code Section 5-3-14 (a) on lines 403-404.

**Amendment #7 (A)-(D): The text of subsections (b), (d), and (i) in proposed Code Section 5-3-14 should be clarified and subsection (p) should be moved to right after subsection (l).**

(A) Presiding Justice Nahmias recommended that the words “audio or video” be added to clarify what “recording” means in proposed Code Section 5-3-14 (b) on line 405. After discussing the matter, the Subcommittee voted to add the words “audio or video” before the word “recording” on line 405, as follows:

5-3-14. Record on appeal

...

(b) In misdemeanor and civil cases, a lower judiciary may require the audio or video recording, reporting, or transcribing of the evidence and proceedings in the lower judiciary on terms prescribed by the lower judiciary.

(B) Presiding Justice Nahmias commented that the text of proposed Code Section 5-3-14 (d) on lines 413-415 was not clear regarding whether a court could order the costs shared if only one party is financially able to pay. After discussing the matter, the Subcommittee voted to amend 5-3-14 (d) on lines 413-417, as follows:

5-3-14. Record on appeal

...

(d) In civil cases, the lower judiciary may require the parties to share the cost of reporting or transcribing the evidence and proceedings in the lower judiciary. A lower judiciary may require a party to share such costs only if that party is financially able to pay such costs. If the lower judiciary determines that any or all of the parties are financially unable to pay such costs, the lower judiciary in its discretion may authorize the trial of the case to go unreported.

(C) Presiding Justice Nahmias commented that proposed Code Section 5-3-14 uses the phrase “evidence and proceedings” on most occasions but only the term “evidence” in subsection (i). Proposed Code Section 5-3-14 was adapted from existing OCGA § 5-6-41, which does the same. After discussing the issue, the Subcommittee agreed that proposed Code Section 5-3-14 should use “evidence and proceedings” throughout for consistent usage and voted to amend proposed Code Section 5-3-14 (i), as follows:

5-3-14. Record on appeal

...

(i) A transcript of the proceedings in a lower judiciary shall not be reduced to narrative form unless all parties agree; but if the transcript of the evidence and proceedings~~proceeding in the lower judiciary is not reported and the transcript of the proceeding~~ is not available and the evidence transcript is prepared from recollection, a transcript may be prepared in narrative form.

(D) Presiding Justice Nahmias commented that subsections (l) and (p) of proposed Code Section 5-3-14 on lines 450-453 and 467-474 are closely related and should be listed sequentially with no other subsections in between. After discussing the matter, the Subcommittee voted to amend proposed Code Section 5-3-14 to move subsection (p) to directly after subsection (l) and reorder subsequent subsections (m), (n), and (o).

**Amendment #8: Strike proposed Code Section 5-3-16 (c) on lines 520-523, which provides that the payment of costs is not a condition precedent to the hearing of a petition for review in a criminal case.**

Presiding Justice Nahmias commented that it is his understanding that under current law, an appellant must pay costs in a criminal case unless he or she files an affidavit of indigence. After discussing the issue, the Subcommittee agreed that proposed Code Section 5-3-16 (c) on lines 520-523 should reflect the plain language of existing OCGA § 5-4-5 (a), which states the following: “Before any writ of certiorari shall issue, except as provided in subsection (c) of this Code section, the party applying for the same . . . shall also produce a certificate from the officer whose decision or judgment is the subject matter of complaint that all costs which may have accrued on the trial below have been paid.” Existing OCGA § 5-4-5 (c) provides an indigency exception to the payment of costs prerequisite stated in subsection (a).

The Subcommittee subsequently voted to maintain the status quo that civil and criminal cases are treated the same with regard to the payment of costs condition precedent by striking both proposed

Code Section 5-3-16 (c) on lines 520-523 and the words “in a civil case” from proposed Code Section 5-3-16 (b) on line 513, as follows:

5-3-16. Payment of costs; exceptions

...

(b) Unless otherwise prohibited by law, no petition for review ~~in a civil case~~ shall be heard in the reviewing superior or state court unless —

(1) the petitioner pays all costs accrued in the lower judiciary within 30 days after receiving notice of such costs; or

(2) the petitioner files an affidavit of indigence with the reviewing superior or state court stating that the petitioner is unable to pay the costs accrued in the lower judiciary because of indigence.

~~(c) The payment of costs accrued in the lower judiciary shall not be required in a criminal case as a condition precedent to hearing a petition for review under this chapter. As used in this subsection, “criminal case” means a case involving any misdemeanor, felony, or criminal violation of a municipal or county ordinance.~~

**Amendment #9: Add a new subsection (d) to proposed Code Section 5-3-2 after line 85 to clarify that the proposed Act would not expand the appellate jurisdiction of state courts.**

During the 30-day public comment period, three state court judges expressed concern regarding a perceived expansion of the appellate jurisdiction of state courts over lower judiciaries (municipal courts and non-Article 6 probate courts<sup>2</sup> in particular). The Subcommittee did not intend to expand the appellate jurisdiction of state courts and operated on the assumption that the limited jurisdiction of state courts was provided for in Code sections outside of the proposed Act. To address this issue, the Subcommittee voted to add a new subsection (d) to proposed Code Section 5-3-2 after line 85 to clarify the Subcommittee’s intent, as follows:

5-3-2. Intent; construction

...

(d) The courts shall not construe this chapter to expand the limited appellate jurisdiction of state courts prescribed in the Georgia Constitution and Code sections outside of this chapter.

**Amendment #10: Amend proposed Code Section 5-3-16 (f) on lines 537-547 to create a more workable timeline for the filing of a certificate of costs in the reviewing superior or state court.**

Subcommittee member and Magistrate Court Judge Michael Barker (Chatham County) noted that under proposed Code Section 5-3-7 (e) and (f) on lines 241-247, the petitioner must serve a copy of the petition for review on all parties, as well as the lower judiciary, within five days of filing a

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<sup>2</sup> Existing OCGA Article 6 of Chapter 9 of Title 15 (i.e., “Article 6”) carves out a definition for certain probate courts in larger population counties. Article 6 probate courts have expanded jurisdiction and a direct appeal to the appellate courts per OCGA § 15-9-123.

petition for review. The lower judiciary must also send the bill for accrued costs to petitioner, who then has 30 days to pay under proposed Code Section 5-3-16 (b) (1) on lines 515-516. However, unless the affidavit of indigence has been filed, the petitioner must file the certificate of costs with the reviewing court within five days after filing a petition under proposed Code Section 5-3-16 (f) on lines 537-547. Such a timeline for notice to the lower judiciary and the window within which costs may be paid would be unworkable. After discussing the issue, the Subcommittee agreed and voted to amend proposed Code Section 5-3-16 (f) on lines 537-547, as follows:

#### 5-3-16. Payment of costs; exceptions

...

(f) Unless the petitioner in a civil case files an affidavit of indigence with the reviewing superior or state court stating that the petitioner is unable to pay the costs accrued in the lower judiciary because of indigence, the petitioner in a civil case shall obtain and file with the reviewing superior or state court a certificate of payment of costs from the lower judiciary which shall certify that the petitioner has paid the lower judiciary for all costs accrued in the lower judiciary. Such certificate shall be —

- (1) filed in the reviewing superior or state court within five days after ~~filing a petition for review~~issuance by the lower judiciary; and
- (2) signed by a judge, clerk, member, or other designated representative of the lower judiciary.

**Amendment #11: Amend Sections 3-36 and 3-37 of the proposed Act on lines 1249-1284 to correct an ambiguity in existing law regarding into which court registry a tenant must pay the sums found by the trial court to be due for rent to remain in possession of the premises.**

Judge Michael Barker also noted that under existing OCGA §§ 44-7-56 and 44-7-115 (8), a tenant who appeals the judgment of the trial court must pay into the registry of the court all sums found by the trial court to be due for rent in order to remain in possession of the premises. However, existing OCGA §§ 44-7-56 and 44-7-115 (8) do not provide a tenant clear direction regarding into which court's registry such a payment should be paid. Chief Associate Magistrate Court Judge Gregory Douds of Cherokee County suggested that monies should be paid to the reviewing court, because in a de novo appeal the reviewing court becomes the trial court, and because there is no mechanism by which the magistrate court (or lower judiciary) would know what to do with that money.

After discussing the matter, the Subcommittee voted to clarify Sections 3-36 and 3-37 of the proposed Act on lines 1249-1284 (which would enact conforming amendments to existing OCGA §§ 44-7-56 and 44-7-115) that a tenant must pay into the registry of the reviewing superior or state court, as follows (new language highlighted in yellow):

#### SECTION 3-36

Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by revising Code Section 44-7-56, as follows:

Any judgment by the trial court shall be appealable pursuant to Chapters ~~2~~, 3, 6, and 7 of Title 5, ~~provided that any such appeal shall be filed within seven days of the date such judgment was entered and provided, further, that,~~as follows:

(1) A copy of the petition for review filed in the reviewing superior or state court or the notice of appeal ~~is~~shall be filed with the clerk of the trial court within seven days after the date judgment was entered in the trial court.

...

(3) If the judgment of the trial court is against the tenant and the tenant appeals this judgment, the tenant shall ~~be required~~notify the trial court of his or her appeal and to pay into the registry of the reviewing superior or state court all sums found by the trial court to be due for rent in order to remain in possession of the premises.

(4) The tenant shall also ~~be required to pay~~ all future rent as it becomes due into the registry of the trial reviewing superior or state court pursuant to paragraph (1) of subsection (a) of Code Section 44-7-54 until the issue has been finally determined on appeal.

### SECTION 3-37

Said title is further amended by revising paragraph (8) of Code Section 44-7-115, as follows:

(8) Any order issued by the magistrate court shall be appealable pursuant to ~~Article 2 of~~ Chapter 3 of Title 5, provided that any such appeal shall be filed within seven days ~~of~~after the date such order was entered and provided, further, that, after the ~~notice of appeal~~petition for review is filed with the clerk of the ~~trial~~reviewing superior or state court, the clerk of the reviewing superior or state court shall immediately notify the magistrate court of the ~~notice of appeal~~petition for review. If the order of the magistrate court is against the responsible party and the responsible party appeals such order, the responsible party shall be required to pay into the registry of the reviewing superior or state court all sums found by the magistrate court to be due in order to remain in possession of the mobile home. The responsible party shall also be required to pay all future rent into the registry of the reviewing superior or state court as it becomes due in such amounts specified in paragraph (2) of this Code section until the issue has been finally determined on appeal.

**Amendment #12: The proposed Act should provide practical direction in cases where a party incorrectly appeals (either by genuine error or calculation) a decision from an Article 6 probate court to a superior or state court.**

Probate Court Judge Kelli Wolk (Cobb County) commented that:

There remains a lack of practical direction in cases where a party incorrectly (or calculated) appeals a decision from an Article [6] Probate Court<sup>3</sup> to a superior court. The real[-]world impact is that the case is sent to the superior court and sits in perpetuity in a clerk's office unassigned to a judge to take action. The appeals are transmitted without a case initiation form so are not assigned to a judge in the metro counties (where the probate courts are likely to be [A]rticle 6 courts.)[.] The cases languish for want of a decision maker. There should be a provision that the probate court can call the case back, deny the appeal, or – at a minimum – if there is no action in a period of time, it reverts back to the trial court.

...

We would ask for a provision detailing that if the party appeals from an Article [6 probate] court to a superior court that either the appeal is void, the trial court can deny the appeal, no supersedeas attaches to the order, or some tool to prevent those determined to be incapacitated and vulnerable from remaining unprotected for years. That is my request for an amendment.

After the Subcommittee's meeting on July 24, 2020, Chief Judge McFadden, Judge Lynwood Jordan (Subcommittee member and Probate Judge of Forsyth County), and Presiding Justice Nahmias conferred with Judge Wolk regarding her concerns detailed above. After discussing the matter, a consensus was reached that this issue should be addressed by amending uniform rules rather than a statutory change.

Attached: Draft Superior and State Court Appellate Practice Act (Subcommittee Amendments) (see next page)

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<sup>3</sup> Existing OCGA Article 6 of Chapter 9 of Title 15 (i.e., "Article 6") carves out a definition for certain probate courts in larger population counties. Article 6 probate courts have expanded jurisdiction and a direct appeal to the appellate courts per OCGA § 15-9-123, so an appeal from a decision of an Article 6 probate court filed in superior or state court would be improper.

**Judicial Council Certiorari Review Subcommittee of the Standing  
Committee on Legislation**

**Superior and State Court Appellate Practice Act (Subcommittee  
Amendments)**

A redline draft identifying the Subcommittee's amendments of July 24, 2020 may be viewed at: <https://georgiacourts.gov/wp-content/uploads/2020/07/Draft-Superior-and-State-Court-Appellate-Practice-Act-Subcommittee-Amendments.pdf>.

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

**Court/Council/Entity:** Georgia Commission on Dispute Resolution

**Session:** ☒ 2021

**Subject Matter:** Uniform Mediation Act

**Code Section(s):**

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

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

This proposal is for the purposes of enacting the Uniform Mediation Act (UMA) in Georgia. The UMA, drafted by the Uniform Law Commission in collaboration with the American Bar Association's Section on Dispute Resolution, establishes a privilege of confidentiality for mediators and participants. The Act was amended in 2003 to facilitate state adoption of the 2002 UNCITRAL Model Law on International Commercial Conciliation, which is designed to govern and facilitate international mediations. The UMA has been approved by the American Bar Association and endorsed by the American Arbitration Association, the Judicial Arbitration and Mediation Service, and the CPR Institute for Dispute Resolution. Attached is a copy of the SB 464 as introduced in the 2020 legislative session.

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

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

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

This is of high priority to the Commission.

**3. Stakeholders & Constituents:**

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



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

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

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

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

The members of the Group were:

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

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The Group held six meetings to discuss various aspects of the UMA and whether it would be advisable to adopt the UMA in Georgia. The Group identified three main areas for discussion, prepared memoranda on these areas, and examined them in depth during the Group meetings. The three areas were 1) confidentiality and evidentiary privileges for mediation communications under the UMA; 2) mediator disclosure requirements under the UMA; and 3) the UMA and international mediation. In addition, the Group considered whether there were any conflicts between the Georgia Supreme Court Alternative Dispute Resolution Rules (which govern court-connected mediations in Georgia) and the UMA. It concluded there were no conflicts.

The UMA legislation concept has been presented to and supported by the Judicial Council's Legislative Committee and Judicial Council in 2018 and 2019.

The State Bar Board of Governors (BOG) approved the UMA legislation as part of the Georgia Bar's legislative package for the 2019-2020 legislative sessions. Sen. John Kennedy introduced SB 464 "Georgia Uniform Mediation Act" in the 2020 Legislative Session. It received a Do Pass from the Senate Judiciary Committee on March 5, 2020 and passed the Senate by a vote of 53-0 on March 12, 2020. No action was taken by the House Judiciary Civil Committee on June 17, 2020.

The Working Group plans to seek the State Bar Board of Governors support for the 2021-2022 legislative sessions.

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

The proposal does not require a constitutional amendment or new court rule. This legislation is required because current Georgia law in this area is inconsistent and confusing. For example, the laws protecting confidentiality in court-connected mediation are different from those applicable to private mediation. The Georgia Supreme Court's Alternative Dispute Resolution Rules (ADR Rules), which pre-date the UMA, regulate court-connected mediation in Georgia and establish the parameters for confidentiality of statements and materials arising out of those mediations. Indirectly, the ADR Rules establish some degree of evidentiary privilege without using the precise word "privilege;" however in so doing, the ADR Rules conflate the concepts of privilege and confidentiality. In private mediation, confidentiality depends solely on other areas of Georgia law, such as contract and principles of evidentiary exclusion. Generally, the rules for confidentiality are not only different but also may be stronger and broader in court-connected mediation than in private mediation. Although the ADR Rules are arguably broader than the evidentiary exclusion available to disputants in private mediation who appear in subsequent litigation, they may be limited by their nature as local court rules rather than a statute. Nevertheless, one aspect of the ADR

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Rules that provides greater protection from disclosure is the limit on subpoenaing mediators and program staff. Generally, and in both court-connected and private mediation, there is no clearly established mediation privilege with which a mediator or party to mediation can refuse to testify in a subsequent proceeding.

In contrast to current Georgia law, the Uniform Mediation Act (UMA) outlines separate rules concerning distinct concepts of confidentiality and privilege. Additionally, the UMA applies to both court-connected mediation and private mediation. Adopting the UMA will bring clarity and consistency to the law for the benefit of both court-connected mediation and private, voluntary mediation. Because it is functionally consistent with the existing ADR Rules, it will not undermine the goals and purpose of those rules. By promoting candor of the parties, by retaining decision-making authority with the parties, and by promoting predictability with regard to the process and the level of confidentiality that can be expected by participants, the UMA furthers the State's constitutional mandate of providing "speedy, efficient, and inexpensive resolution of disputes." Moreover, adopting the UMA would enhance Georgia's stature as leading regional, national, and international center for alternative dispute resolution.

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

There is no foreseeable expense with this proposal.

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

The UMA has been enacted in Washington D.C., Hawaii, Idaho, Illinois, Iowa, Nebraska, New Jersey, Ohio, South Dakota, Utah, Vermont, and Washington. In 2020 it was introduced as legislation in Massachusetts. The Working Group reviewed all case law arising in connection with the UMA in the adopting states and determined no negative experience with implementation of the Act.

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

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

- **Certainty** – Legal rules on mediation are addressed in more than 2,500 state and federal statutes, and more than 250 of these deal with confidentiality and privileges issues, alone. Complexity means uncertainty, which may inhibit the use of mediation. The UMA provides a single comprehensive law governing privileges and confidentiality in mediation.
- **Privacy** – One of the UMA’s central purposes is to provide a privilege for the mediation process that assures confidentiality. The Act establishes an evidentiary privilege for mediators and participants that prohibits what is said during mediation from being used in later legal proceedings.
- **Exceptions to Privilege** – The Act provides important exceptions to the confidentiality privilege. These exceptions include: threats made to inflict bodily harm or other violent crime; parties’ attempt to use mediation to plan or commit a crime; the need for information to prove or disprove allegations of child abuse or neglect; or the need for information to prove or disprove a claim or complaint of professional misconduct by a mediator.
- **Party Protection** – In addition to ensuring confidentiality in the mediation process, the Act further promotes the practice by requiring mediators asserting the privilege to have disclosed known conflicts of interest and provide qualifications upon request of a party.
- **Autonomy** – The Act promotes the parties’ autonomy by leaving to them those matters that can be set by agreement.
- **Applicability Exceptions** – The UMA does not apply to collective bargaining disputes, some judicial settlement conferences, or mediation involving parties who are all minors.
- **Uniformity** – Uniformity of the law helps bring order and understanding across state lines. Without uniformity, there can be no firm assurance in any state that a mediation is privileged. Uniformity is particularly important in cross-jurisdictional mediation. Because it is unclear which state’s laws apply in those cases, the parties cannot be certain of the reach of their home state’s confidentiality protections.
- **International** – By incorporating the UNCITRAL Model Law, the UMA promotes uniformity and clarity in the mediation of international disputes while also allowing parties to take advantage of the Act’s broader privilege provisions.

Senate Bill 464

By: Senators Kennedy of the 18th, Dugan of the 30th, Gooch of the 51st, Jones of the 25th and Mullis of the 53rd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 9 of the Official Code of Georgia Annotated, relating to civil practice, so as  
2 to provide for uniform laws governing mediation and participants in mediation; to provide  
3 for definitions; to provide for privileges against disclosure, admissibility, and discovery; to  
4 provide for waiver and preclusion of privilege; to provide for exceptions to privilege; to  
5 provide for confidentiality and mediator disclosure of conflicts; to provide for international  
6 commercial mediation and electronic signatures; to provide for uniformity of construction  
7 and severability; to provide for applicability; to provide a short title; to provide for related  
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Georgia Uniform Mediation Act."

12 **SECTION 2.**

13 Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended by  
14 adding a new chapter to read as follows:

15 "CHAPTER 17

16 9-17-1.

17 As used in this chapter, the term:

18 (1) 'Mediation' means a process in which a mediator facilitates communication and  
19 negotiation between parties to assist them in reaching a voluntary agreement regarding  
20 their dispute.

21 (2) 'Mediation communication' means a statement, whether oral or in a record or verbal  
22 or nonverbal, that occurs during a mediation or is made for purposes of considering,

conducting, participating in, initiating, continuing, terminating, or reconvening a mediation or retaining a mediator.

(3) 'Mediation party' means a person that participates in a mediation and whose agreement is necessary to resolve the dispute.

(4) 'Mediator' means an individual who conducts a mediation, or if conducting a mediation pursuant to the Supreme Court of Georgia Alternative Dispute Resolution Rules governing the use of alternative dispute resolution mechanisms by the courts of this state, an individual qualified to mediate under such rules.

(5) 'Nonparty participant' means a person, other than a mediation party or mediator, that participates in a mediation.

(6) 'Person' means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity.

(7) 'Proceeding' means:

(A) A judicial, administrative, arbitral, or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery; or

(B) A legislative hearing or similar process.

(8) 'Record' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(9) 'Sign' means:

(A) To execute or adopt a tangible symbol with the present intent to authenticate a record; or

(B) To attach or logically associate an electronic symbol, sound, or process to or with a record with the present intent to authenticate a record.

9-17-2.

(a) Except as otherwise provided in subsection (b) or (c) of this Code section, this chapter applies to a mediation in which:

(1) The mediation parties are required to mediate by statute or court or administrative agency rule or referred to mediation by a court, administrative agency, or arbitrator;

(2) The mediation parties and the mediator agree to mediate in a record that demonstrates an expectation that mediation communications will be privileged against disclosure; or

(3) The mediation parties use as a mediator an individual who holds himself or herself out as a mediator or as a provider of mediation services.

(b) This chapter shall not apply to a mediation:

(1) Relating to the establishment, negotiation, administration, or termination of a collective bargaining relationship;

(2) Relating to a dispute that is pending under or is part of the processes established by a collective bargaining agreement, except that this chapter shall apply to a mediation arising out of such a dispute that has been filed with an administrative agency or court;

(3) Conducted by a judge where that judge acts as a mediator and may still make a ruling on the dispute; or

(4) Conducted under the auspices of:

(A) A primary or secondary school if all the mediation parties are students; or

(B) A correctional institution for persons who are under the age of 18 years if all the mediation parties are residents of that institution.

(c) If the parties agree in advance in a signed record, or a record of proceeding reflects agreement by the parties, that all or part of a mediation is not privileged, the privileges under Code Sections 9-17-3 through 9-17-5 do not apply to the mediation or part agreed upon. However, Code Sections 9-17-3 through 9-17-5 apply to a mediation communication made by a person that has not received actual notice of the agreement before the communication is made.

9-17-3.

(a) Except as otherwise provided in Code Section 9-17-6, a mediation communication is privileged as provided in subsection (b) of this Code section and is not subject to discovery or admissible in evidence in a proceeding unless waived or precluded as provided by Code Section 9-17-4.

(b) In a proceeding, the following privileges apply:

(1) A mediation party may refuse to disclose and may prevent any other person from disclosing a mediation communication;

(2) A mediator may refuse to disclose a mediation communication and may prevent any other person from disclosing a mediation communication of the mediator; and

(3) A nonparty participant may refuse to disclose and may prevent any other person from disclosing a mediation communication of the nonparty participant.

(c) Evidence or information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely by reason of its disclosure or use in a mediation.

9-17-4.

(a) A privilege under Code Section 9-17-3 may be waived in a record or orally during a proceeding if it is expressly waived by all mediation parties and:

(1) In the case of the privilege of a mediator, it is expressly waived by the mediator; and  
(2) In the case of the privilege of a nonparty participant, it is expressly waived by the  
nonparty participant.

(b) A person that discloses or makes a representation about a mediation communication  
which prejudices another person in a proceeding is precluded from asserting a privilege  
under Code Section 9-17-3, but only to the extent necessary for the person prejudiced to  
respond to the representation or disclosure.

(c) A person that intentionally uses a mediation to plan, attempt to commit or commit a  
crime, or to conceal an ongoing crime or ongoing criminal activity is precluded from  
asserting a privilege under Code Section 9-17-3.

9-17-5.

(a) There shall be no privilege under Code Section 9-17-3 for a mediation communication  
that is:

(1) In an agreement evidenced by a record signed by all parties to the agreement;

(2) Available to the public under Article 4 of Chapter 18 of Title 50, relating to open  
records, or made during a session of a mediation which is open, or is required by law to  
be open, to the public;

(3) A threat or statement of a plan to inflict bodily injury or commit a criminal act of  
violence;

(4) Intentionally used to plan a criminal act, to commit or attempt to commit a criminal  
act, or to conceal an ongoing criminal act or criminal activity;

(5) Sought or offered to prove or disprove a claim or complaint of professional  
misconduct or malpractice filed against a mediator;

(6) Except as otherwise provided in subsection (c) of this Code section, sought or offered  
to prove or disprove a claim or complaint of professional misconduct or malpractice filed  
against a mediation party, nonparty participant, or representative of a party based on  
conduct occurring during a mediation; or

(7) Sought or offered to prove or disprove abuse, neglect, abandonment, or exploitation  
in a proceeding in which a child or adult protective services agency is a party, unless the  
public agency participates in the Division of Family and Children Services mediation.

(b) There shall be no privilege under Code Section 9-17-3 if a court, administrative  
agency, or arbitrator finds, after a hearing in camera, that the party seeking discovery or the  
proponent of the evidence has shown that the evidence is not otherwise available, that there  
is a need for the evidence that substantially outweighs the interest in protecting  
confidentiality, and that the mediation communication is sought or offered in:

(1) A court proceeding involving a felony; or



(2) Except as otherwise provided in subsection (c) of this Code section, a proceeding to prove a claim to rescind or reform or a defense to avoid liability on a contract arising out of the mediation.

(c) A mediator shall not be compelled to provide evidence of a mediation communication referred to in paragraph (6) of subsection (a) or paragraph (2) of subsection (b) of this Code section.

(d) If a mediation communication is not privileged under subsection (a) or (b) of this Code section, only the portion of the communication necessary for the application of the exception from nondisclosure may be admitted. Admission of evidence under subsection (a) or (b) of this Code section does not render the evidence, or any other mediation communication, discoverable or admissible for any other purpose.

9-17-6.

(a) Except as provided in subsection (b) of this Code section, a mediator shall not make a report, assessment, evaluation, recommendation, finding, or other communication regarding a mediation to a court, administrative agency, or other authority that may make a ruling on the dispute that is the subject of the mediation.

(b) A mediator may disclose:

(1) Whether the mediation occurred or has terminated, whether a settlement was reached, and attendance;

(2) A mediation communication as permitted under Code Section 9-17-5; or

(3) A mediation communication evidencing abuse, neglect, abandonment, or exploitation of an individual to a public agency responsible for protecting individuals against such mistreatment.

(c) A communication made in violation of subsection (a) of this Code section may not be considered by a court, administrative agency, or arbitrator.

9-17-7.

Unless subject to Article 4 of Chapter 18 of Title 50, relating to open records, mediation communications are confidential to the extent agreed by the parties or provided by other law or rule of this state.

9-17-8.

(a) Before accepting a mediation, an individual who is requested to serve as a mediator shall:

(1) Make an inquiry that is reasonable under the circumstances to determine whether there are any known facts that a reasonable individual would consider likely to affect the

impartiality of the mediator, including a financial or personal interest in the outcome of the mediation and an existing or past relationship with a mediation party or foreseeable participant in the mediation; and

(2) Disclose any such known fact to the mediation parties as soon as is practical before accepting a mediation.

(b) If a mediator learns any fact described in paragraph (1) of subsection (a) of this Code section after accepting a mediation, the mediator shall disclose it as soon as is practicable.

(c) At the request of a mediation party, an individual who is requested to serve as a mediator shall disclose the mediator's qualifications to mediate a dispute.

(d) A person that violates subsection (a) or (b) of this Code section is precluded by the violation from asserting a privilege under Code Section 9-17-3.

(e) Subsection (a), (b), or (c) of this Code section shall not apply to an individual acting as a judge.

(f) This chapter shall not require that a mediator have a special qualification by background or profession.

9-17-9.

An attorney or other individual designated by a party may accompany the party to and participate in a mediation. A waiver of participation given before the mediation may be rescinded.

9-17-10.

(a) As used in this Code section, the term 'Model Law' means the Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, as approved at the 51st Session of the United Nations Commission on International Trade Law on June 26, 2018.

(b) Except as otherwise provided in subsections (c) and (d) of this Code section, if a mediation is an international commercial mediation as defined by the Model Law, the mediation is governed by the Model Law.

(c) Unless the parties agree in accordance with subsection (c) of Code Section 9-17-2, that all or part of an international commercial mediation is not privileged, Code Sections 9-17-3, 9-17-4, and 9-17-5 and any applicable definitions in Code Section 9-17-1 also apply to the mediation and nothing in Article 11 of the Model Law derogates from Code Sections 9-17-3, 9-17-4, and 9-17-5.

(d) If the parties to an international commercial mediation agree that the Model Law shall not apply, this chapter shall apply.

197 9-17-11.

198 This chapter modifies, limits, or supersedes the federal Electronic Signatures in Global and  
199 National Commerce Act, 15 U.S.C. Section 7001, et seq., but shall not modify, limit, or  
200 supersede Section 101(c) of such act or authorize electronic delivery of any of the notices  
201 described in Section 103(b) of such act.

202 9-17-12.

203 In applying and construing this chapter, consideration should be given to the need to  
204 promote uniformity of the law with respect to its subject matter among states that enact it.

205 9-17-13.

206 If any provision of this chapter or its application to any person or circumstance is held  
207 invalid, the invalidity shall not affect other provisions or applications of this chapter which  
208 can be given effect without the invalid provision or application, and to this end the  
209 provisions of this chapter are severable.

210 9-17-14.

211 This chapter shall apply to all mediation agreements and mediation proceedings entered  
212 into on or after July 1, 2020."

213 **SECTION 3.**

214 All laws and parts of laws in conflict with this Act are repealed.

TAB 4



## **Judicial Council of Georgia**

### **Administrative Office of the Courts**

**Chief Justice Harold D. Melton**  
*Chair*

**Cynthia H. Clanton**  
*Director*

#### **Memorandum**

TO: Judicial Council

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

RE: Judicial Workload Assessment Committee Report

DATE: July 31, 2019

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

Attachment A – Report on the Requests for an Additional Judgeship

Attachment B – Report on Clearance Rate Awardss

## **Attachment A**



## Judicial Council of Georgia

### Administrative Office of the Courts

**Chief Justice Harold D. Melton**  
*Chair*

**Cynthia H. Clanton**  
*Director*

#### Memorandum

TO: Judicial Council Members

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

RE: Report on the Requests for an Additional Judgeship

DATE: July 31, 2020

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

This year, the Committee received requests for workload assessment from two circuits: Blue Ridge and Clayton. Based on the analysis mentioned above, both circuits are qualified for an additional judgeship. The Committee approved the two new judgeship requests and is submitting the request to the Judicial Council for consideration.

The further recommends ranking any newly approved judgeships with the outstanding requests from previous years. The previously approved judgeship requests are from the Atlanta, Atlantic, Coweta, Mountain, Northern, and South Georgia circuits.

What follows is data on all judgeship requests, new and outstanding, including demographics, case characteristics, and other pertinent information. Additional documents include the number of superior court judgeships approved by the General Assembly between 2011 and 2020.

**STANDING COMMITTEE ON JUDICIAL WORKLOAD ASSESSMENT**  
Report on the Requests for an Additional Judgeship

**Table of Contents**

1. Atlanta Judicial Circuit Request for an Additional Judgeship
2. Atlantic Judicial Circuit Request for an Additional Judgeship
3. Blue Ridge Judicial Circuit Request for an Additional Judgeship
4. Clayton Judicial Circuit Request for an Additional Judgeship
5. Coweta Judicial Circuit Request for an Additional Judgeship
6. Mountain Judicial Circuit Request for an Additional Judgeship
7. Northern Judicial Circuit Request for an Additional Judgeship
8. South Georgia Judicial Circuit Request for an Additional Judgeship
9. Number of Authorized Superior Court Judgeships 2011-2020



# **Atlanta Judicial Circuit**

**Atlanta Judicial Circuit Assessment 2017-2019**

	<b>3 Year Avg Case Filing</b>	<b>Minutes per Filing</b>	<b>Total Minutes</b>
<b>Criminal Defendants</b>			
Death Penalty/Habeas	1.67	4,342.00	7,236.67
Serious Felony	811	572.00	463,606.00
Felony	9,064	54.00	489,456.00
Misdemeanor	277	20.00	5,546.67
Probation Revocation	3,385	9.00	30,465.00
<b>General Civil Cases</b>			
Complex Tort	32	868.00	27,486.67
General Tort	793	100.00	79,300.00
Contract Account	2,163	40.00	86,520.00
Real Property	490	40.00	19,586.67
Civil/Habeas Corpus	383	44.00	16,852.00
Other General Civil	3,076	29.00	89,204.00
Contempt/Modification	74	29.00	2,155.67
<b>Domestic Relations Cases</b>			
Adoption	261	55.00	14,336.67
Divorce/Paternity/Legitimation	4,280	65.00	278,178.33
Family Violence	3,407	41.00	139,687.00
Support	1,815	11.00	19,965.00
Other Domestic	808	45.00	36,345.00
Domestic Contempt	1,628	24.00	39,064.00
Domestic Modification	700	45.00	31,515.00
<b>Special Cases</b>			
Accountability Courts	210	495.00	104,115.00
<b>Total</b>	<b>33,658</b>	<b>6,928.00</b>	<b>1,980,621.33</b>

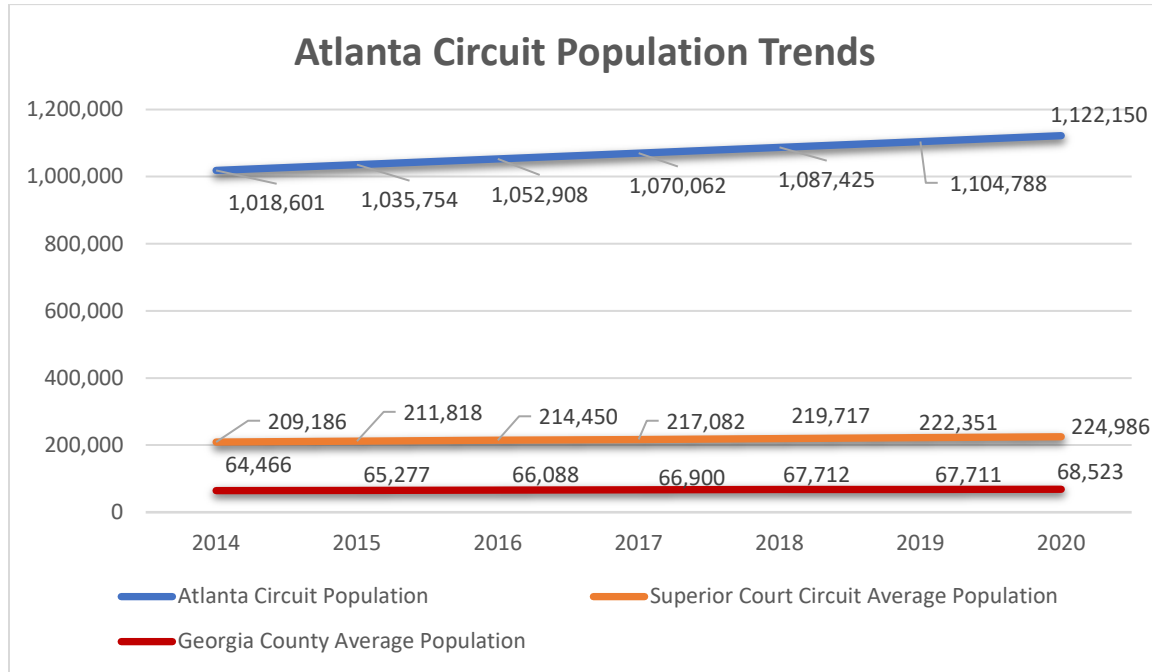
**NOTES**

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

<b>Circuit Values</b>	
Judges	20
Counties	1
Grand Total Minutes	1,980,621
Judge Year Value	77,400
Judge Workload Value	<b>1.3</b>
Threshold Value to Qualify	<b>1.2</b>
Status:	<b>QUALIFIED</b>

## Section 2: Circuit Demographics and Case Statistics

### Section 2-1: Population Change



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

The Atlanta Circuit is a single-county circuit composed of Fulton County. The population within the Atlanta Circuit has seen significant growth since 2014. In the seven years shown, the Atlanta Circuit has had a population increase of about 10.17%. As seen above, the population of the Atlanta Circuit is significantly higher than both the average circuit population and the average county population by over 800,000.

### Atlanta Judicial Circuit Judgeships

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

## Caseload Statistics

### Three-Year Average Criminal Case Filings (2017-2019)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
1.7	811	9,064	277	3,385	210	13,749

### Three-Year Average Civil Case Filings (2017-2019)

General Civil	Domestic Relations	Total Civil Cases
7,011	12,898	19,909

### Workload Assessment (2017-2019)

Total Cases Filed	Judge Workload Value	Threshold Value
33,658	1.3	1.2

# **Atlantic Judicial Circuit**

**Atlantic Judicial Circuit Assessment 2017-2019**

	<b>3 Year Avg Case Filing</b>	<b>Minutes per Filing</b>	<b>Total Minutes</b>
<b>Criminal Defendants</b>			
Death Penalty/Habeas	0.00	4,342.00	0.00
Serious Felony	104	572.00	59,202.00
Felony	2,171	54.00	117,207.00
Misdemeanor	137	20.00	2,733.33
Probation Revocation	274	9.00	2,463.00
<b>General Civil Cases</b>			
Complex Tort	3	868.00	2,604.00
General Tort	61	100.00	6,100.00
Contract Account	232	40.00	9,280.00
Real Property	53	40.00	2,120.00
Civil/Habeas Corpus	97	44.00	4,253.33
Other General Civil	203	29.00	5,887.00
Contempt/Modification	20	29.00	580.00
<b>Domestic Relations Cases</b>			
Adoption	79	55.00	4,345.00
Divorce/Paternity/Legitimation	1,153	65.00	74,945.00
Family Violence	293	41.00	12,026.67
Support	743	11.00	8,173.00
Other Domestic	172	45.00	7,725.00
Domestic Contempt	91	24.00	2,184.00
Domestic Modification	99	45.00	4,440.00
<b>Special Cases</b>			
Accountability Courts	44	495.00	21,780.00
<b>Total</b>	<b>6,027</b>	<b>6,928.00</b>	<b>348,048.33</b>

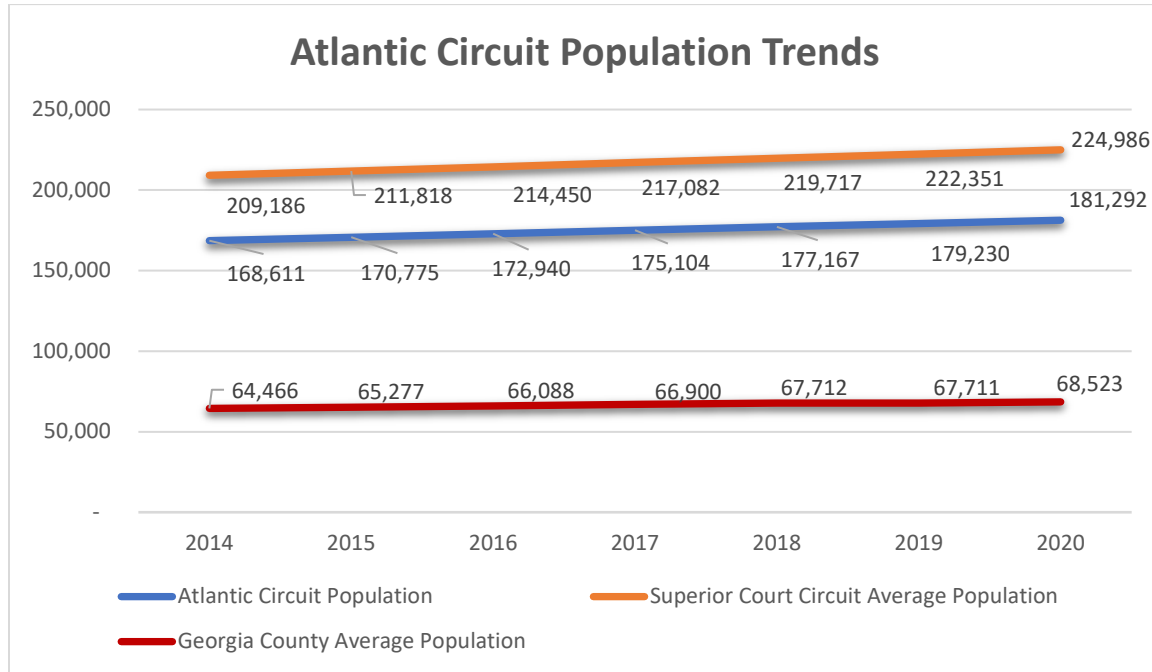
**NOTES**

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

<b>Circuit Values</b>	
Judges	4
Counties	6
Grand Total Minutes	348,048
Judge Year Value	70,950
Judge Workload Value	<b>1.2</b>
Threshold Value to Qualify	<b>1.2</b>
Status:	<b>QUALIFIED</b>

## Section 2: Circuit Demographics and Case Statistics

### Section 2-1: Population Change



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

The Atlantic Circuit is a six-county circuit composed of Bryan, Effingham, Evans, Liberty, Long, McIntosh, and Tattnall Counties. The population within the Atlantic Circuit has seen moderate growth since 2014. In the seven years shown, the Atlantic Circuit has had a population increase of about 7.52%. As seen above, the population of the Atlantic Circuit is significantly below the average circuit population but only slightly exceeds the average county population.

### Atlantic Judicial Circuit Judgeships

Superior Court Judges	State Court Judges	Juvenile Court Judges	Probate Court Judges	Magistrate Court Judges
4	6	3	8	17

## Caseload Statistics

### Three-Year Average Criminal Case Filings (2017-2019)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
0	104	2,171	137	274	44	2,730

### Three-Year Average Civil Case Filings (2017-2019)

General Civil	Domestic Relations	Total Civil Cases
669	2,630	3,298

### Workload Assessment (2017-2019)

Total Cases Filed	Judge Workload Value	Threshold Value
6,026	1.2	1.2



# State of Georgia

## Superior Courts of the Atlantic Judicial Circuit

June 21, 2019



Charles P. Rose, Jr.  
Judge

Mailing Address:  
Liberty County Justice Center  
201 South Main Street  
Suite 3104  
Hinesville, Georgia 31313  
Telephone:  
(912) 877-4770  
Facsimile:  
(912) 877-2015

Re: Atlantic Judicial Circuit  
Application for Additional Superior Court Judgeship

Dear Judges,

I am writing to request your consideration of our application for one additional Superior Court judgeship in the Atlantic Judicial Circuit.

The Atlantic Circuit consists of six counties that require all judges to travel extensively throughout the year and, at times, up to 80 miles from one courthouse to another. The circuit employs a random case assignment system that requires each judge to resolve his proportionate share of cases in every county.

There is an additional factor unique to our circuit that deserves special consideration. The Atlantic Circuit has several major prisons located in our jurisdiction. They are as follows: Georgia State Prison, Reidsville, Georgia (approximately 1500 inmates), Rogers State Prison, Reidsville, Georgia (approximately 1400 inmates), Smith State Prison, Glennville, Georgia (approximately 1600 inmates) and the Women's Detention Center, Claxton, Georgia (230 inmates). There are other probation detention centers and transitional centers not enumerated here.

These prisons have a tremendous impact on the court system in our respective counties. All felonies which occur within the prison boundaries are prosecuted in our courts. This would include everything from murders committed by inmates, assaults on guards or medical staff and an ever-increasing number of contraband cases where drugs, cell phones and other prohibited items are smuggled into the prison or where friends and family members go to the prison boundary and attempt to leave drugs and/or contraband for an inmate.

Another significant impact is the large volume of habeas corpus petitions filed by inmates in our circuit. All habeas petitions require a full evidentiary hearing, a thorough review of trial transcripts or guilty plea transcripts and the subsequent entry of a comprehensive order addressing all enumerations of error. Many habeas petitions seek relief from a murder conviction where the underlying trial lasted several weeks. Needless to say, these cases require the court and judicial staff to devote numerous hours to

resolve the issues raised in the petition. The office of Attorney General has confirmed that our circuit ranks **NUMBER 1** in habeas corpus petitions filed in the State of Georgia.

It is significant to note that under the current case weight analysis, a habeas corpus petition is weighted at 44 minutes while an adoption is given 55 minutes. However, a death penalty habeas is weighted at 4,342 minutes. It is my position that the Atlantic Circuit numbers would be much higher if this obvious anomaly was corrected.

In addition to the issues enumerated above, there are many non-habeas petitions filed by inmates seeking relief for various claims that may or may not present a justiciable claim for relief. Nevertheless, their complaints must be dealt with even if they fail to raise a valid claim for relief.

Therefore, I humbly ask this committee to consider the unique and demanding circumstances within the Atlantic Judicial Circuit. Thank you for your thoughtful consideration of this request.

Respectfully,

A handwritten signature in blue ink, appearing to read "P. Rose", is written above the printed name.

Charles P. Rose, Jr.

cc: Chief Judge Robert L. Russell, III  
Judge D. Jay Stewart  
Judge Glen A. Cheney

## Jeffrey Thorpe

---

**From:** Bland, Sherry <Sherry.Bland@GSCCCA.ORG>  
**Sent:** Tuesday, June 25, 2019 1:01 PM  
**To:** Judgeships@georgiacourts.gov  
**Cc:** 'Judge Rose/Gay (jgill@darientel.net)'; 'JUDGE RUSSELL/CYDNI (judgerlr@darientel.net)'; Tracy Cowart; JUDGE STEWART / RENEE (stewart.judicial.assistant@gmail.com)  
**Subject:** APPLICATION FOR ADDITIONAL SUPERIOR COURT JUDGESHIP

DEAR JUDGES,

I AM WRITING TO REQUEST YOUR CONSIDERATION OF THE APPLICATION FOR ONE ADDITIONAL JUDGE HERE IN THE ATLANTIC JUDICIAL CIRCUIT. TATTNALL COUNTY LIES WITHIN THE AJC AND HAS A VERY UNIQUE SITUATION WITH 3 PRISONS LOCATED HERE IN OUR COUNTY. WE ARE THE ONLY COUNTY IN THE STATE OF GEORGIA WITH THIS SITUATION. WE ARE THE LEADER OF ALL COUNTIES IN HABEAS CORPUS CASES. THAT FACT HAS FOR YEARS HENDERED OUR COURT SYSTEM.

I AM CLERK OF SUPERIOR, STATE AND JUVENILE COURTS HERE IN TATTNALL COUNTY. I WAS HIRED HERE IN THE CLERKS OFFICE IN JUNE OF 1983 AS A DEPUTY CLERK. MY ENTIRE FULL TIME JOB CONSISTED OF HABEAS CORPUS AND NON HABEAS CASES INCLUDING THE APPEALS FILED IN THESE CASES. WE HAD ONE DAY OF COURT PER MONTH SET ASIDE JUST FOR HABEAS CASES BACK THEN AND ....THAT IS STILL THE CASE TODAY MANY YEARS LATER.

**THE BACK LOG IS TREMENDOUS!** WHEN A HABEAS CORPUS CASE IS FILED THE HEARINGS ARE SCHEDULED AS LEAST ONE YEAR OUT. IT IS GENERALLY AT LEAST ONE MORE YEAR BEFORE THE COURT REPORTERS CAN TRANSCRIBE THE TRANSCRIPTS AND THE JUDGES CAN GET THE ORDERS BACK TO US.

HABEAS CORPUS IS NOT THE ONLY INMATE OR PRISON RELATED COURT CASES THAT WE HAVE. OUR SUPERIOR COURT CRIMINAL CASE LOAD IS ABOUT 40 PER CENT PRISON RELATED. THIS INCLUDES OFFENSES THAT ARE HAPPENING INSIDE THE PRISONS AND OUTSIDE THE PRISONS. THERE ARE A GREAT DEAL OF CONTRABAND CASES WHERE FOLKS ARE BEING PAID TO SMUGGLE DRUGS, CELL PHONES AND TOBACCO FOR A FEW THINGS INTO THE PRISONS. THERE ALSO ARE CASES WHERE PRISON GUARDS SMUGGLE DRUGS AND OTHER ITEMS INTO THE INMATES. **WE HAD ONE CASE THAT WAS A FELONY CASE BECAUSE A GUARD SMUGGLED A SUBWAY SANDWICH AND CHIPS INTO AN INMATE.** ONE CASE WAS A GRANDMOTHER OF AN INMATE RODE HER LAWNMOWER TO THE PRISON FENCE AND ATTEMPTED TO THROW OVER THE FENCE A BAG CONTAINING CONTRABAND. IT JUST DOES NOT STOP. SOME CASES SEEM SO SMALL, BUT THEY TAKE UP JUST AS MUCH TIME AS IF IT WERE A MURDER CASE.

THEN YOU HAVE ALL THE CASES THAT COME FROM WITHIN THE PRISONS. **EVERY OFFENSE IS A FELONY OFFENSE.** YEARS AGO THE PRISONS HANDLED THE MAJORITY OF THE CRIMES WITHIN THE PRISON BY SOLITARY CONFINEMENT ETC. IN THIS DAY AND TIME ALL CASES COME TO THE COURT SYSTEMS. THE WORST ARE RIOT, MURDER, SODOMY, ECT. THESE CASES OFTEN GO TO JURY TRIAL. INMATES ARE NOT EASY TO DEAL WITH EITHER. THEY WANT A DAY OUT OF THE CELL, SO WHEN THEY ARE IN COURT THEY TRY TO POSTPONE TO BE ABLE TO COME BACK AGAIN AND AGAIN. THEY LEARN THE SYSTEM QUICKLY.

**IN 2015 THERE WAS A BIG RIOT AT ONE OF OUR PRISONS. A SENIOR JUDGE WAS APPOINTED TO HANDLE ALL OF THOSE RIOT CASES. THERE WERE 50 INMATES WITH 50 DIFFERENT COURT APPOINTED ATTORNEYS. IT TOOK ABOUT ONE YEAR FOR THOSE CASES TO BE FINISHED. NOW WE ARE STILL HAVING ISSUES WITH SOME OF THE CASES, MOTION FOR NEW TRIAL, HABEAS ETC. THAT JUST GOES TO SHOW HOW MUCH HELP ONE EXTRA JUDGE WOULD BE.**

TATTNALL COUNTY HAS THREE PRISONS AND WHEN YOU THINK ABOUT IT...ITS LIKE HAVING 3 EXTRA CITIES WITHIN OUR RURAL COUNTY WITH NO COURT SYSTEM OF THEIR OWN. THEY USE TATTNALL COUNTY LAW ENFORCEMENT,

TATTNALL COUNTY EMERGENCY HEALTH SYSTEMS AND MOST OF ALL THEY USE OUR COURT SYSTEM AND THE TIME OF OUR JUDGES.

**AN ADDITIONAL JUDGE IN THE ATLANTIC JUDICIAL CIRCUIT WOULD BE A GREAT RELIEF IN SOLVING AND WORKING THROUGH THIS GREAT BACK LOG THAT WE HAVE WITH SUPERIOR COURT CRIMINAL AND HABEAS CORPUS CASES.**

I WOULD APPRECIATE YOUR CONSIDERATION IN THE REQUEST FOR ONE ADDITIONAL JUDGE FOR THE ATLANTIC JUDICIAL CIRCUIT.

SHERRY BLAND  
TATTNALL COUNTY  
CLERK OF SUPERIOR, STATE AND JUVENILE COURTS  
P O BOX 39  
REIDSVILLE GA 30453  
912-557-6716

Law Offices  
Dubberly & McGovern  
704 W. Barnard Street  
Glennville, Georgia 30427  
[dubmcgov@windstream.net](mailto:dubmcgov@windstream.net)

B. Daniel Dubberly, Jr.  
Joseph D. McGovern  
B. Daniel Dubberly, III, P.C.

Est. 1923

P.O. Box 458  
Telephone: (912) 654-3952  
Facsimile: (912) 654-0275

June 28, 2019

RE: Atlantic Judicial Circuit  
Application for Additional Superior Court Judgeship

Dear Judges:

I am writing on behalf of my entire firm to express our wholehearted support for the Atlantic Judicial Circuits' application for an additional Superior Court Judge.

The Atlantic Circuit is unique and desperately needs an additional Superior Court Judge to enable our Bench and Bar to continue to fulfill their duty to serve our fellow Georgians. Georgia's three major prisons are in our Circuit. There are six counties, numerous municipalities and other governmental entities within our Circuit. The ever growing military and dependent population of Fort Stewart must also be served.

I served two combat tours flying Army Helicopters in Vietnam logging 2200 combat hours. I later flew Skycranes and Chinooks part time at Hunter Army Airfield until 1996 while practicing law full time after graduating from Rutgers University School of Law in 1977. I am proud of the dedication and professionalism of my brethren of both my chosen professions. My Brothers of the Blade and of the Bar are all professionals who do their utmost to do their sworn duty and do not grumble.

I have been practicing law for 42 years, my senior partner has practiced for 64 years and my junior partner has practiced for 35 years. Together we have 141 collective years of practicing law in the Atlantic Judicial Circuit and the adjoining Circuits of Chatham, Brunswick, Ogeechee, Oconee and Middle. Most of our practice is trial practice. I am a fellow of the American Academy of Matrimonial Lawyers since 2001 and in 2019 received a nationally ranked top 10 lawyer in family law award. I have held an "AV" rating in Martindale since 1985 and served on the Georgia Board of Governors for the State Bar of Georgia (Atlantic Post 2) from 1995-2007. I am an active SAAG for DOT since 1993. I

have been Tattnall County Attorney for 30 years. I fully understand the crucial part our Superior Court Judges play in providing "justice" day in and day out working long hours to promptly and fairly hear and rule on the myriad of very difficult and complex domestic, civil, criminal, governmental and prison cases they must routinely decide.

The Atlantic Judicial Circuit case count is unique in two ways. Both attributes directly impact access to justice for our citizens and all our local and State governmental agencies such as GDOT and DFCS. Each of our four Superior Court Judges must travel a minimum of one hour each day back and forth from their offices in Evans, Liberty, McIntosh, and Tattnall to their scheduled court rooms. One day out of six; each Atlantic Circuit Judge has the privilege of walking from his office into his Courtroom. The other five days out of six our Judges must travel two hours to and from their courtrooms. The Superior Court Judges in the adjoining Eastern, Brunswick, and Ogeechee Circuits walk out of their office into their courtrooms for the overwhelming number of their cases.

We have always begun Court in the Atlantic Circuit at 9:00 am. In Toombs County located in the adjoining Middle Judicial Circuit, which has similar travel demands on its Superior Court Judges; Court begins at 10:00 a.m. and has since I began practicing law in 1977.

We cannot possibly keep up with the case load in the Atlantic Circuit unless we begin at 9:00 am. The first time I fully realized the routine every day demand that travel took on the Superior Court Judges and their families in the geographically vast Atlantic Judicial Circuit was a jury trial in the mid 80s in Tattnall County before Judge John R. Harvey. We began at 9:00 am. Judge Harvey had a full calendar for the next morning in Evans County beginning at 9:00. He mentioned this to counsel before trial so we would not unnecessarily drag out testimony and argument. The jury received the case before 4:00 pm. Everyone thought the jury would reach a verdict by 6:00 pm. The jury returned a verdict at 11:00 pm. When Judge Harvey and I were leaving the Courthouse around 11:40 exhausted after a very long day; I said to Judge Harvey "I will never endure that again; it's unfair to jurors, litigants, Court personnel, lawyers and your Honor." He agreed but asked what else could he do? It happened frequently. I sighed and told him to be careful driving to Pembroke. Judge Harvey then said he had to visit for 15-20 minutes with his terminally ill mother in the assisted living home in Statesboro. She expected her son at the end of each day. He couldn't have reached home until 1:30. We parted. I did not want Judge Harvey, a dedicated jurist and a man I deeply admired, to see a highly decorated Army Combat Helicopter Pilot cry.

Secondly, Georgia's three major prisons are in Tattnall County; Georgia State Prison, Rogers Correctional Institute and Smith State Prison. Georgia's three major prisons regularly generate countless criminal felony cases which are unique in not only their volume but in inordinate amount of time they consume and the inordinate Court appearances involved to dispose of each prison case.

What incentive do thirty rioting prisoners with lengthy sentences have to plead guilty to a case? None! Before the statewide public defender program

began; lawyers in the Circuit were appointed. Prisoners welcomed a day in Court to break the boredom and routine of prison life. They catch up with gossip being transported to the Tattnall County Courthouse. If they are lucky, they see their families in the Courtroom. There is no such thing as a guilty plea at arraignment in a prison case. Every prison case involves multiple day long trips from prison to Court for arraignment, motions and calendar calls. Finally when prison cases are set for trial, half plead guilty and half try the cases. What does a "lifer" have to lose by wasting the Court's time, the DA's time, the Public Defender's time or the citizen jurors' time? Prison inmates take up three times as much of the Atlantic Judicial Circuit's resources; but only count as one case. What does a prisoner have to lose by wasting time even if he knows he is going to accept the offered plea? All they have is time.

The above facts illustrate the unique and demanding circumstances our Superior Court Judges and Court must personally face daily. This entire firm respectfully requests the committee consider the unique circumstances of the Atlantic Judicial Circuit and grant our Circuit an additional Superior Court Judgeship. We need him or her and thank you for your consideration.

Very truly yours,

**DUBBERLY & McGOVERN**

  
**JOSEPH D. McGOVERN**



B. DANIEL DUBBERLY JR.



B. DANIEL DUBBERLY III

JDM/hm

Cc: Chief Judge Robert L. Russell III  
Judge D. Jay Stewart  
Judge Charles P. Rose, Jr.  
Judge Glen A. Cheney

# **Blue Ridge Judicial Circuit**



**Blue Ridge Judicial Circuit Assessment 2017-2019**

	<b>3 Year Avg Case Filing</b>	<b>Minutes per Filing</b>	<b>Total Minutes</b>
<b>Criminal Defendants</b>			
Death Penalty/Habeas	0.00	4,342.00	0.00
Serious Felony	157	572.00	89,804.00
Felony	1,477	54.00	79,758.00
Misdemeanor	140	20.00	2,793.33
Probation Revocation	1,131	9.00	10,176.00
<b>General Civil Cases</b>			
Complex Tort	8	868.00	6,944.00
General Tort	84	100.00	8,433.33
Contract Account	219	40.00	8,773.33
Real Property	53	40.00	2,106.67
Civil/Habeas Corpus	19	44.00	850.67
Other General Civil	228	29.00	6,621.67
Contempt/Modification	8	29.00	241.67
<b>Domestic Relations Cases</b>			
Adoption	82	55.00	4,528.33
Divorce/Paternity/Legitimation	1,069	65.00	69,485.00
Family Violence	315	41.00	12,928.67
Support	10	11.00	113.67
Other Domestic	35	45.00	1,575.00
Domestic Contempt	223	24.00	5,352.00
Domestic Modification	256	45.00	11,505.00
<b>Special Cases</b>			
Accountability Courts	74	495.00	36,630.00
<b>Total</b>	<b>5,589</b>	<b>6,928.00</b>	<b>358,620.33</b>

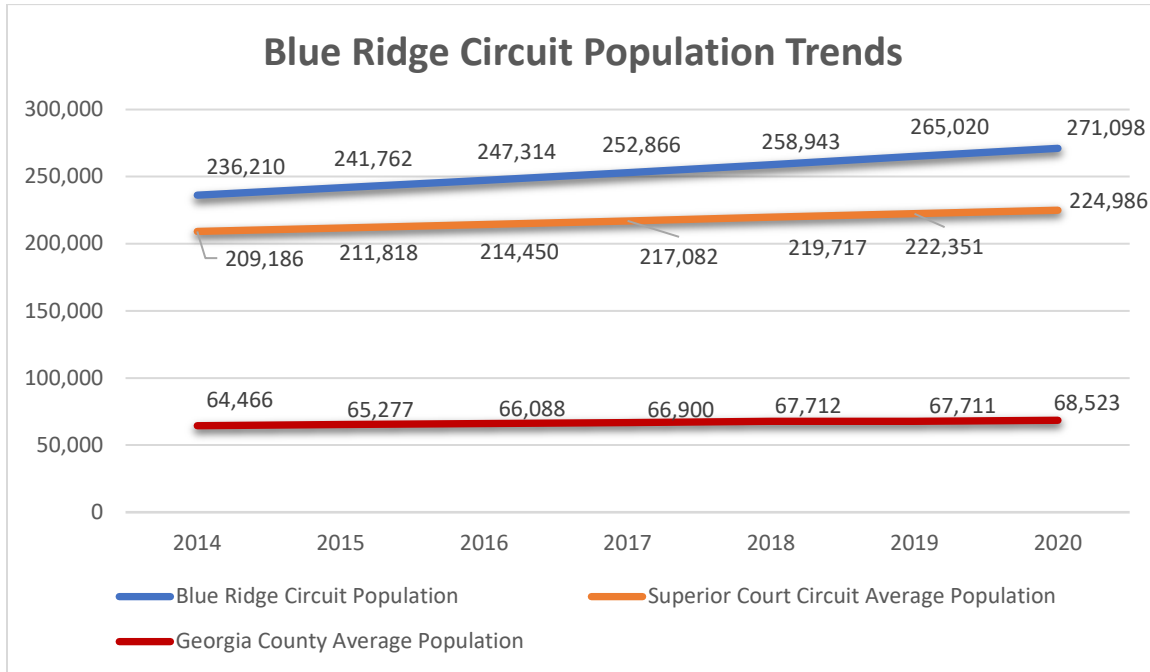
**NOTES**

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

<b>Circuit Values</b>	
Judges	3
Counties	1
Grand Total Minutes	358,620
Judge Year Value	77,400
Judge Workload Value	1.5
Threshold Value to Qualify	1.2
Status:	QUALIFIED

## Section 2: Circuit Demographics and Case Statistics

### Section 2-1: Population Change



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

The Blue Ridge Circuit is a single-county circuit composed of Cherokee County. The population within the Blue Ridge Circuit has seen significant growth since 2014. In the seven years shown, the Blue Ridge Circuit has had a population increase of about 14.77%. As seen above, the population of the Blue Ridge Circuit is higher than both the average circuit population and the average county population.

### Blue Ridge Judicial Circuit Judgeships

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

## Caseload Statistics

### Three-Year Average Criminal Case Filings (2017-2019)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
0	157	1,477	140	1,131	74	2,979

### Three-Year Average Civil Case Filings (2017-2019)

General Civil	Domestic Relations	Total Civil Cases
620	1,991	2,611

### Workload Assessment (2017-2019)

Total Cases Filed	Judge Workload Value	Threshold Value
5,590	1.5	1.2

OFFICE OF THE DISTRICT ATTORNEY  
BLUE RIDGE JUDICIAL CIRCUIT

SHANNON G. WALLACE  
District Attorney



Cherokee County Justice Center  
90 North Street, Suite 390  
Canton, Georgia 30114  
Phone 770-479-1488  
Fax 770-479-3105

June 26, 2020

Judicial Council of Georgia  
244 Washington Street SW  
Suite 300  
Atlanta, GA 30334  
Sent via email to [judgeship@georgiacourts.gov](mailto:judgeship@georgiacourts.gov)

RE: Support for Additional Superior Court Judgeship in the Blue Ridge Judicial Circuit

Dear Members of the Standing Committee on Judicial Workload Assessment and the Judicial Council of Georgia:

Please accept this letter in support of the creation of an additional Superior Court judgeship in the Blue Ridge Judicial Circuit. I appreciate the work of this Standing Committee on Judicial Workload Assessment and concur with the findings of the Office of Research and Data Analysis at the Judicial Council's Administrative Office of the Courts that our current workload merits this review and would add that the additional courtroom is desperately needed in our circuit.

I have been the elected district attorney for the Blue Ridge Circuit since 2013, and a prosecutor in this circuit since 2008. Over the last 12 years, I have observed our circuit grow and change, not only with respect to the number of criminal cases we handle, but also in the type and complexity of criminal cases. In Cherokee County, we have experienced a significant rise in serious violent felonies, to include large scale, multiple co-defendant indictments with complex legal issues. Many of these matters, such as those brought by the State under the Georgia Street Gang and Terrorism Act, result in lengthy motions hearings and trials with multiple co-defendants and extensive expert testimony. These cases, given their depth and nature, require a substantially greater percentage of the court's time due to a higher number of pre-trial litigation matters.

Additionally, changing demographics in Cherokee County have demanded a greater need for translation services for both defendants and witnesses, which in turn results in lengthier hearings and trials for the Court. Our docket is overloaded with matters that simply are not reached due to time constraints with a limited number of sitting judges.

Over the past 18 months, we have used the services of a senior judge on a regular and consistent basis in order to provide a fourth Superior Court judge to preside over jury trials and to move cases more efficiently. Likewise, we routinely use the services of our two Juvenile Court judges to hear probation revocation hearings and plea hearings in order to move cases more efficiently through the criminal justice system. While the availability of a senior judge has afforded our prosecutors additional court time to dispose of criminal matters, it has also created a challenge where

exhaustive pre-trial motions have previously been decided by one of the permanent sitting judges on the same matter, leaving the trial judge unfamiliar with prior rulings and issues.

In closing, is my understanding that our workload value qualifies the Blue Ridge Judicial Circuit for consideration for an additional judgeship, which we so desperately need to ensure justice for our citizens. Despite significant growth, our circuit has only had three Superior Court judges for the last 13 years. It is time for our criminal justice system to be appropriately equipped and staffed, thus I am in full support of approval for a new Superior Court judgeship for the Blue Ridge Judicial Circuit.

If I can be of any assistance or if you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Shannon Wallace". The signature is written in a cursive, flowing style.

Shannon Wallace  
District Attorney  
Blue Ridge Judicial Circuit

**CHAIRMAN**  
Harry B. Johnston

**COUNTY MANAGER**  
Jerry W. Cooper



**COMMISSIONERS**  
Steve West, District 1  
Raymond Gunnin, District 2  
Benny Carter, District 3  
Corey Ragsdale, District 4

**CHEROKEE COUNTY BOARD OF COMMISSIONERS**

1130 Bluffs Parkway  
Canton, Georgia 30114  
Phone: 678-493-6000 Fax: 678-493-6013  
[www.cherokeega.com](http://www.cherokeega.com)

June 26, 2020

Standing Committee On Judicial Workload Assessment  
Administrative Office of the Courts  
244 Washington Street, SW, Suite 300  
Atlanta, GA 30334

RE: New Judgeship Position for the Blue Ridge Judicial Circuit

Dear Sir:

Cherokee County respectfully requests approval for a fourth judgeship position for the Blue Ridge Judicial Circuit. Our County is one of the fastest-growing counties in the metro Atlanta region, and our judgeship positions have not increased since 2007.

In order to keep our courts functioning in the efficient manner that our citizens have come to expect, it is my sincere hope that we are approved for the new judgeship position as soon as practical. Our three current judges and their staff are dedicated and work very hard for the public, but they are carrying heavy workloads that warrant another judge added to the bench.

Cherokee County is aware of the approximate cost to acquire this new position and is prepared to fund the local portion of that cost.

Please accept this letter as my full support to seek approval of a fourth Superior Court Judge.

Thank you in advance for your consideration.

Corey Ragsdale  
Commissioner, District 4

**CHAIRMAN**  
Harry B. Johnston

**COUNTY MANAGER**  
Jerry W. Cooper



**COMMISSIONERS**  
Steve West, District 1  
Raymond Gunnin, District 2  
Benny Carter, District 3  
Corey Ragsdale, District 4

**CHEROKEE COUNTY BOARD OF COMMISSIONERS**

1130 Bluffs Parkway  
Canton, Georgia 30114  
Phone: 678-493-6000 Fax: 678-493-6013  
[www.cherokeega.com](http://www.cherokeega.com)

June 25, 2020

Standing Committee On Judicial Workload Assessment  
Administrative Office of the Courts  
244 Washington Street, SW, Suite 300  
Atlanta, GA 30334

RE: New Judgeship Position for the Blue Ridge Judicial Circuit


Dear Sir:

Please accept this letter as my full support for Cherokee County to seek approval of an additional Superior Court Judge.

Cherokee County is one of the fastest-growing counties in the metro Atlanta region. While our judges and staff have maintained the high standard of functionality it had prior to the vast growth, we believe there is a definite need for a new judgeship position as soon as possible to ease some of the workload for the continued efficient operations of our courts.

Cherokee County understands the costs involved for the additional judge and is prepared to fund the local portion of that cost.

Thank you for your sincere consideration.

  
Benny Carter  
Commissioner, District 3

**CHAIRMAN**  
Harry B. Johnston

**COUNTY MANAGER**  
Jerry W. Cooper



**COMMISSIONERS**  
Steve West, District 1  
Raymond Gunnin, District 2  
Benny Carter, District 3  
Corey Ragsdale, District 4

**CHEROKEE COUNTY BOARD OF COMMISSIONERS**

1130 Bluffs Parkway  
Canton, Georgia 30114  
Phone: 678-493-6000 Fax: 678-493-6013  
[www.cherokeega.com](http://www.cherokeega.com)

Standing Committee on Judicial Workload Assessment  
Administrative Office of the Courts  
244 Washington Street, SW, Suite 300  
Atlanta, Georgia 30334

June 29, 2020

RE: New Judgeship Position for Blue Ridge Judicial Circuit

Dear Committee,

I am writing to express my full support for an additional Superior Court Judge for the Blue Ridge Judicial Circuit. Due to substantial growth in Cherokee County, a new judgeship position would greatly increase the caseload and ability of our courts to serve the public.

Our judicial circuit and the surrounding area is located in one of the fastest growing counties in the metro Atlanta region. Cherokee County would welcome and support the addition of a new judgeship position. As the current District 2 Commissioner of Cherokee County, I am in full support of funding the local portion of the costs associated with the additional judge.

Thank you for your assistance and consideration.

Sincerely,

Raymond Gunnin  
Commissioner, District 2



**CHAIRMAN**  
Harry B. Johnston

**COUNTY MANAGER**  
Jerry W. Cooper



**COMMISSIONERS**  
Steve West, District 1  
Raymond Gunnin, District 2  
Benny Carter, District 3  
Corey Ragsdale, District 4

**CHEROKEE COUNTY BOARD OF COMMISSIONERS**

1130 Bluffs Parkway  
Canton, Georgia 30114  
Phone: 678-493-6000 Fax: 678-493-6013  
www.cherokeega.com

Standing Committee on Judicial Workload Assessment

Administrative Office of the Courts

244 Washington Street, SW, Suite 300

Atlanta, Georgia 30334

June 26, 2020

RE: New Judgeship Position for Blue Ridge Judicial Circuit

Dear Sir/Madam,

The recent growth in Cherokee County has greatly affected the need for a new judgeship for the Blue Ridge Judicial Circuit. A fourth Superior Court Judge would allow our courts to offer greater caseload and service to the public. The intent of my letter is to offer my support on behalf of the Cherokee County Board of Commissioners for this new judgeship position.

As one of the fastest growing counties in the metro Atlanta region, Cherokee County understands the costs associated with this addition, and we are willing to plan for this funding. We believe having an additional Superior Court Judge would greatly expand the excellent service of our courts. Thank you for your sincere consideration.

Sincerely,

Steve West, Commissioner, District 1

**CHAIRMAN**



Harry B. Johnston

**COUNTY MANAGER**

Jerry W. Cooper

**COMMISSIONERS**

Steve West, District 1  
Raymond Gunnin, District 2  
Benny Carter, District 3  
Corey Ragsdale, District 4

**CHEROKEE COUNTY BOARD OF COMMISSIONERS**

1130 Bluffs Parkway  
Canton, Georgia 30114  
Phone: 678-493-6000 Fax: 678-493-6013  
[www.cherokeega.com](http://www.cherokeega.com)

June 29, 2020

Standing Committee On Judicial Workload Assessment  
Administrative Office of the Courts  
244 Washington Street, SW, Suite 300  
Atlanta, GA 30334

RE: New Judgeship Position for the Blue Ridge Judicial Circuit

Dear Committee Members:

I fully support a fourth Superior Court judgeship position for the Blue Ridge Judicial Circuit, and ask that you do the same.

Cherokee County is the fastest-growing county in the metro Atlanta region. Our judges and staff have been able to effectively respond to this growth so far, but they can't do so indefinitely. There is a clear need for a new judgeship position as soon as possible to ease the workload for the continued efficient operations of our courts.

Cherokee County understands the costs involved for the additional judge and is prepared to fund the local portion of that cost. Thank you for your sincere consideration.

Harry B. Johnston



Chairman, Cherokee County Board of Commissioners

**Cherokee County, Georgia**  
*"Where Metro Meets the Mountains"*



# Georgia House of Representatives

MICHAEL CALDWELL  
REPRESENTATIVE, 20<sup>TH</sup> DISTRICT  
152<sup>ND</sup> - 155<sup>TH</sup> GENERAL ASSEMBLIES  
WOODSTOCK, HOLLY SPRINGS, ACWORTH  
STATE OF GEORGIA  
MICHAEL.CALDWELL@HOUSE.GA.GOV

COVERDELL LEGISLATIVE OFFICE BUILDING, ROOM 401  
ATLANTA, GEORGIA 30334  
(404) 656-0152  
(404) 651-8086 (FAX)

STANDING COMMITTEES:  
REGULATED INDUSTRIES  
ECONOMIC DEVELOPMENT & TOURISM  
CODE REVISION  
INTERSTATE COOPERATION  
BUDGET & FISCAL AFFAIRS OVERSIGHT  
STATE PLANNING & COMMUNITY AFFAIRS

26 June 2020

Chief Justice Harold Melton  
Judicial Council of Georgia  
229 Peachtree Street NE, Suite 100  
Atlanta, GA 30303

**Subject:** Blue Ridge Judicial Circuit, Additional Judgeship

Dear Chief Justice and Judicial Council of Georgia,

For the past eight years, it has been my honor to represent Cherokee County in the Georgia House of Representatives. In my role serving the people of Georgia's 20th House district, I am often called on for letters of support, but this letter stands out for me as one of the most important that I have written. As a business owner, resident and official in our county, I am writing in support of the Blue Ridge Judicial Circuit's request for an additional judgeship as has been deemed appropriate for consideration by the Judicial Council's Administrative Office of the Courts.

Our county has shown impressive growth, and our Superior Court Judges have shown incredible resilience in the face of it. These fine jurists are currently maintaining an impressive judge workload value of 1.5, well above the required 1.2 for consideration. Our courts have done a fantastic job serving the needs of our community despite tremendous growth in those needs over the last several years, and in recognition of the massive forecasted growth ahead, it is certainly time to award the Blue Ridge Judicial Circuit an additional Judgeship.

Judge McElyea, Judge Baker and Judge Cannon have proven to be excellent public servants who have stretched themselves to meet our community's needs, and it is in this light that I earnestly request the Judicial Council of Georgia grant the Blue Ridge Judicial Circuit a critical additional judgeship. Please feel free to contact me via telephone should you have any specific questions about this letter or if I can ever be of any assistance to you in the future. Thank you for your thoughtful consideration.

Representative Michael Caldwell  
20<sup>th</sup> District | House of Representatives  
152<sup>nd</sup> - 155<sup>th</sup> General Assemblies  
State of Georgia



**PATTY BAKER**  
**CLERK SUPERIOR COURT**

---

Cherokee County Justice Center 90 North Street, Suite G-170  
Canton, Georgia 30114  
678-493-6511

June 29, 2020

Standing Committee on Judicial Workload Assessment  
Administrative Office of the Courts  
244 Washington Street, SW, Suite 300  
Atlanta, GA 30334

RE: Workload Assessment for Cherokee County

Dear Sir,

I am writing to express my support for a new judgeship position for the Superior Court of Cherokee County. As Clerk of Courts for Cherokee County, I have a close working relationship with the judges and can vouch for the need of additional judicial assistance.

Cherokee County's population growth has significantly increased over that past several years. Furthermore, some of its cities have been named among the fastest growing cities in the state. As a result, the courts have also experienced a substantial rise in workload. As public servants, the need for an additional judgeship is vital for courts to suitably serve its citizens. Adding a judge on the bench would allow judges to hear cases in a just and timely way, ultimately improving public trust and confidence in the judicial system.

I support the Administrative Office of the Courts consideration for a new judgeship position for Cherokee County Superior Court. I strongly believe that the judicial workload assessment will capture the need for an additional judge for Cherokee County.

Sincerely,

Patty Baker

302-B Coverdell Legislative Office Building  
Atlanta, GA 30334  
Phone: (404) 656-0065

25 Hawks Branch Lane  
White, GA 30184-3244  
Phone: (404) 660-1165

[bruce.thompson@senate.ga.gov](mailto:bruce.thompson@senate.ga.gov)



**COMMITTEES:**

Veterans, Military, & Homeland Security, Chairman  
Banking and Financial Institutions, Secretary  
Appropriations, Member  
Finance, Member

[brucethompsonforsenate.com](http://brucethompsonforsenate.com)

Senator Bruce  
Thompson  
District 14

June 30, 2020

Judicial Council of Georgia  
244 Washington Street SW  
Suite 300  
Atlanta, GA 30334

Dear Members of the Standing Committee on Judicial Workload Assessment and the Judicial Council of Georgia:

I am writing to you in support of the Blue Ridge Judicial Circuit's request for an additional Superior Court judgeship in the Blue Ridge Judicial Circuit. It has been my honor to represent Cherokee County in the Georgia State Senate for seven years now. I have seen how our courts hard work and dedication to serve the needs of our community, despite the continued growth of those needs. The addition of a fourth judge would allow the circuit to continue their dedicated servitude of the community with greater attention and efficiency. It is in this light that I am in full support of approval for a new Superior Court judgeship for the Blue Ridge Judicial Circuit.

Please feel free to contact me, should you have any specific questions about this letter or if I can ever be of any assistance to you in the future. Thank you for your thoughtful consideration.

Sincerely,

Bruce Thompson  
Senate District 14



**WES CANTRELL**  
REPRESENTATIVE, DISTRICT 22  
1044 MEADOW BROOK DR.  
WOODSTOCK, GEORGIA 30188  
Wes.Cantrell@house.ga.gov

**HOUSE OF REPRESENTATIVES**  
COVERDELL LEGISLATIVE OFFICE BUILDING  
ROOM 401  
ATLANTA, GEORGIA 30334  
404-656-0152  
404-651-8086 (fax)

June 29, 2020

Chief Justice Harold Melton  
Judicial Council of Georgia  
229 Peachtree Street NE, Suite 100  
Atlanta, GA 30303

**Subject:** Blue Ridge Judicial Circuit, Additional Judgeship

Dear Chief Justice Melton and Judicial Council of Georgia,

For the past six years, it has been my honor to represent Cherokee County in the Georgia House of Representatives. I am writing today in wholehearted support and approval of the Blue Ridge Judicial Circuit's request for an additional judgeship as has been deemed appropriate for consideration by the Judicial Council's Administrative Office of the Courts.

Our county has grown impressively in recent years. Our Superior Court Judges have handled the increased caseload with impressive efficiency. However, it is well past time for an additional judgeship to be added. As a resident of this county who also works in the county, I can think of few things as important as this.

Furthermore, there is no sign that our growth will slow in the foreseeable future. It is certainly time for an additional judgeship to be awarded to the Blue Ridge Judicial Circuit.

Judge McElyea, Judge Baker and Judge Cannon have proven to be excellent public servants who have stretched themselves to meet our community's needs, and it is in this light that I earnestly request the Judicial Council of Georgia grant this request. Please feel free to contact me via telephone should you have any specific questions about this letter or if I can ever be of any assistance to you in the future. Thank you for your thoughtful consideration.

Representative Wes Cantrell

22nd District | House of Representatives

**BRANDON BEACH**

District 21

303-B Coverdell Legislative Office Building  
18 Capitol Square, SW  
Atlanta, Georgia 30334  
Phone: (404) 463-1378

E-mail: [brandon.beach@senate.ga.gov](mailto:brandon.beach@senate.ga.gov)



**COMMITTEES:**

Transportation, Chairman  
Economic Development and Tourism  
Higher Education  
Science and Technology  
MARTOC

**The State Senate**  
Atlanta, Georgia 30334

July 1, 2020

Judicial Council of Georgia  
244 Washington Street, SW  
Suite 300  
Atlanta, GA 30334

Dear Chief Justice Melton,

I am writing to support the addition of a fourth Superior Court Judge for the Blue Ridge Judicial Circuit. In conversations with my District Attorney, Clerk of Court and Superior Court Judge they believe the case load warrants a fourth Superior Court Judge.

In reviewing the Data Analysis from Christopher Hansard, the workload calculation exceeds the 1.2 threshold which should qualify for the additional Judgeship for the Blue Ridge Judicial Circuit.

I hope you will consider this very important addition of a Superior Court Judge. If you have any questions, please call me on my cell at 678-640-1811.

Best,

A handwritten signature in black ink that reads "Brandon L. Beach".

Brandon L. Beach  
Senate, District 21



## *House of Representatives*

**JOHN CARSON**

REPRESENTATIVE, DISTRICT 46  
401 STATE CAPITOL  
ATLANTA, GEORGIA 30334  
(404) 656-7855

E-Mail: [john.carson@house.ga.gov](mailto:john.carson@house.ga.gov)

STATE CAPITOL, SUITE 401-E  
ATLANTA, GEORGIA 30334  
(404) 656-7855 (O)  
(404) 651-9730 (F)

STANDING COMMITTEES:  
WAYS & MEANS – VICE CHAIRMAN  
TRANSPORTATION – VICE CHAIRMAN  
ENERGY, UTIL & TELECOM – VICE CHAIRMAN  
APPROPRIATIONS – EX-OFFICIO  
RULES  
INSURANCE – SECRETARY  
INTRAGOVERNMENTAL COORDINATION  
MARTA OVERSIGHT

August 3<sup>rd</sup>, 2020

Judicial Council of Georgia  
244 Washington Street, SW  
Suite 300  
Atlanta, GA 30334

Dear Members of the Judicial Council of Georgia,

I have reviewed the findings from the judgeship analysis completed by the Office of Research and Data Analysis at the Judicial Council's Administrative Office of the Courts. I understand that the Blue Ridge Judicial Circuit's workload value qualifies it for consideration for a fourth Superior Court judgeship, and I am writing this letter to express my support for the creation of an additional Superior Court judgeship in this circuit.

It has been my honor to represent the people of Georgia's 46<sup>th</sup> House district, which includes a portion of Cherokee County, since 2011, and I can attest to the fact that Cherokee County is one of the fastest growing counties in the metro Atlanta region. With this growth naturally comes additional work for our courts.

It is my understanding that both the civil and criminal caseload for this circuit have steadily increased over the last few years but the circuit has not added an additional Superior Court judgeship since 2007. The creation of a fourth judgeship would allow the court system in Cherokee County to continue to operate efficiently and effectively, which is vital for this community. Therefore, I am in full support of the approval of an additional Superior Court judgeship for the Blue Ridge Judicial Circuit.

If you have any questions or if I can be of any further assistance, please do not hesitate to contact me. Thank you for your sincere consideration of this request.

Sincerely,

Rep. John Carson  
(R – NE Cobb, SE Cherokee)

cc: Patty Baker, Superior Court Clerk, Cherokee County  
Shannon Wallace, District Attorney, Cherokee County





## Cherokee Sheriff's Office

498 Chattin Drive  
Canton, Georgia 30115  
(678) 493-4200  
Fax (678) 493-4195

*"A NATIONALLY ACCREDITED AND STATE CERTIFIED LAW ENFORCEMENT AGENCY"*



Frank Reynolds, Sheriff

July 29, 2020

Chief Justice Harold Melton  
Judicial Council of Georgia  
229 Peachtree Street NE, Suite 100  
Atlanta, GA 30303

**Subject:** Blue Ridge Judicial Circuit, Additional Judgeship

Dear Chief Justice Melton and Judicial Council of Georgia,

As the elected Sheriff of Cherokee County, I am responsible for fulfilling the Constitutional duties of the Office of Sheriff as mandated by the Georgia Constitution. The Cherokee Sheriff's Office is one of the largest full-service sheriff's offices in the state and service a community of more than 260,000 citizens.

As one of the fastest growing counties, our crime rate has also increased. With the increase of our population and the need for more law enforcement, we also need the ability to prosecute cases in a timely manner. Although our Superior Court Judges do an excellent job, I would humble as for your consideration to add an additional Superior County Judge to meet their growing case load.

This addition will also assist in reducing our inmate population in the adult detention center whereby reducing costs to our taxpayers.

Please feel free to contact me should I be of assistance to you.

Respectfully Yours,

A handwritten signature in blue ink, appearing to read "F. Reynolds", with a long horizontal flourish extending to the right.

Frank Reynolds, Sheriff

# **Clayton Judicial Circuit**

**Clayton Judicial Circuit Assessment 2017-2019**

	<b>3 Year Avg Case Filing</b>	<b>Minutes per Filing</b>	<b>Total Minutes</b>
<b>Criminal Defendants</b>			
Death Penalty/Habeas	0.67	4,342.00	2,894.67
Serious Felony	249	572.00	142,428.00
Felony	2,459	54.00	132,786.00
Misdemeanor	338	20.00	6,753.33
Probation Revocation	807	9.00	7,266.00
<b>General Civil Cases</b>			
Complex Tort	0	868.00	0.00
General Tort	35	100.00	3,533.33
Contract Account	78	40.00	3,120.00
Real Property	82	40.00	3,280.00
Civil/Habeas Corpus	100	44.00	4,385.33
Other General Civil	665	29.00	19,294.67
Contempt/Modification	51	29.00	1,479.00
<b>Domestic Relations Cases</b>			
Adoption	33	55.00	1,796.67
Divorce/Paternity/Legitimation	1,459	65.00	94,813.33
Family Violence	1,856	41.00	76,096.00
Support	482	11.00	5,298.33
Other Domestic	164	45.00	7,380.00
Domestic Contempt	89	24.00	2,144.00
Domestic Modification	15	45.00	675.00
<b>Special Cases</b>			
Accountability Courts	39	495.00	19,470.00
<b>Total</b>	<b>9,002</b>	<b>6,928.00</b>	<b>534,893.67</b>

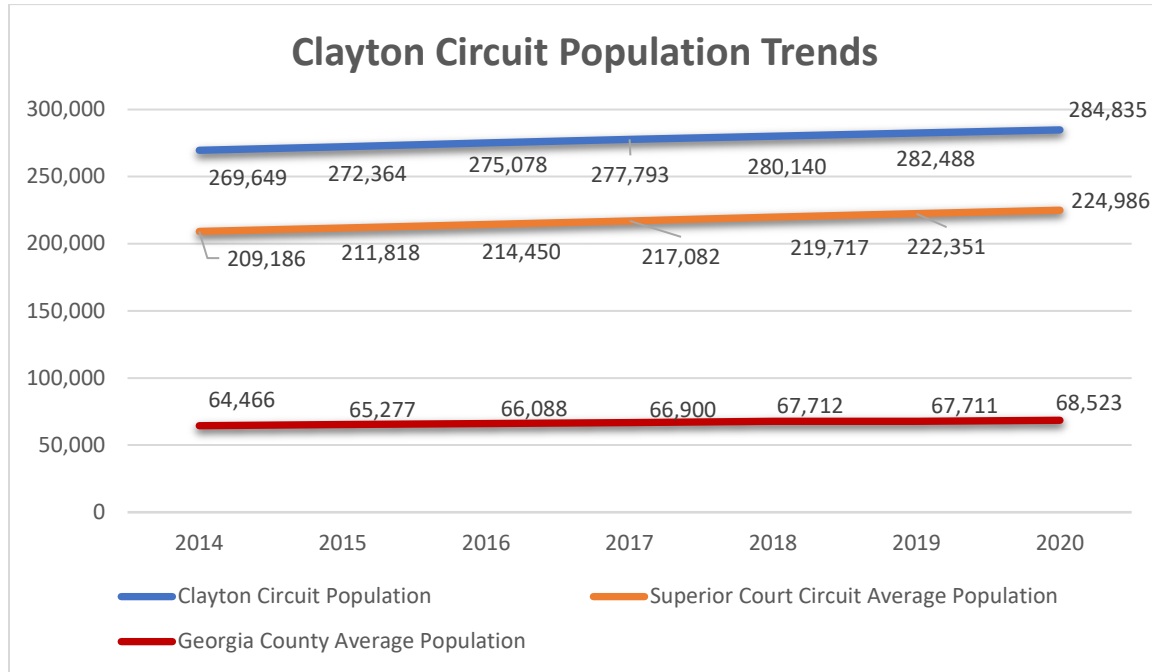
**NOTES**

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

<b>Circuit Values</b>	
Judges	5
Counties	1
Grand Total Minutes	534,894
Judge Year Value	77,400
Judge Workload Value	<b>1.4</b>
Threshold Value to Qualify	<b>1.2</b>
Status:	<b>QUALIFIED</b>

## Section 2: Circuit Demographics and Case Statistics

### Section 2-1: Population Change



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

The Clayton Circuit is a single-county circuit composed of Clayton County. The population within the Clayton Circuit has seen moderate growth since 2014. In the seven years shown, the Clayton Circuit has had a population increase of about 5.63%. As seen above, the population of the Clayton Circuit is higher than both the average circuit population and the average county population.

### Clayton Judicial Circuit Judgeships

Superior Court Judges	State Court Judges	Juvenile Court Judges	Probate Court Judges	Magistrate Court Judges
5	5	3	1	4

## Caseload Statistics

### Three-Year Average Criminal Case Filings (2017-2019)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
0.7	249	2,459	338	807	39	3,892

### Three-Year Average Civil Case Filings (2017-2019)

General Civil	Domestic Relations	Total Civil Cases
1,011	4,097	5,109

### Workload Assessment (2017-2019)

Total Cases Filed	Judge Workload Value	Threshold Value
9,001	1.4	1.2



## *House of Representatives*

**KIM SCHOFIELD**  
REPRESENTATIVE, DISTRICT 60  
PO BOX 161566  
Atlanta, GA 30321  
Kim.schofield@house.ga.gov

COVERDELL LEGISLATIVE OFFICE BUILDING  
ROOM 509  
ATLANTA, GEORGIA 30334  
(404) 656-0220 office  
(404) 656-7789 fax

**STANDING COMMITTEES:**  
SMALL BUSINESS DEVELOPMENT  
HEALTH & HUMAN SERVICES  
INTERSTATE COOPERATION

June 30, 2020

Mr. Christopher Hansard, Division Director  
Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street  
Atlanta, GA 30334

Dear Mr. Hansard,

I would like to thank the Judicial Council of Georgia for conducting a thorough assessment of the Clayton Judicial Circuit. It is imperative that the Clayton Judicial Circuit can adequately allocate time and services to each case.

Given the increasing workload of our current superior court judges and support staff, I would like to respectfully recommend an additional superior court judgeship for the Clayton Circuit. If you have any questions or concerns, please contact me directly at 404-656-0220.

Respectfully,

Rep. Kim Schofield  
State Rep. District 60



## *House of Representatives*

**SANDRA SCOTT**  
REPRESENTATIVE, DISTRICT 76  
18 CAPITOL SQUARE, CLOB 611  
ATLANTA, GEORGIA 30334  
(678) 283-7149 (C)  
EMAIL: [sandra.scott@house.ga.gov](mailto:sandra.scott@house.ga.gov)

COVERDELL LEGISLATIVE OFFICE BUILDING, ROOM 611  
ATLANTA, GEORGIA 30334  
(404) 656-0314  
(404) 656-0250 (FAX)

STANDING  
COMMITTEES:  
  
SPECIAL RULES  
SCIENCE AND TECHNOLOGY  
HUMAN RELATIONS AND AGING

June 30, 2020

Mr. Christopher Hansard, Division Director  
Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street  
Atlanta, GA 30334

Dear Mr. Hansard,

I would like to thank the Judicial Council of Georgia for conducting a thorough assessment of the Clayton Judicial Circuit. It is imperative that the Clayton Judicial Circuit can adequately allocate time and services to each case.

Given the increasing workload of our current superior court judges and support staff, I would like to respectfully recommend an additional superior court judgeship for the Clayton Circuit. If you have any questions or concerns, please contact me directly at 678-283-7149.

Respectfully,

*Sandra G. Scott*

Sandra G. Scott  
District 76  
Recording Secretary for NOBEL Women  
Parliamentarian for NFWL  
Executive Board Member for NBCSL  
Veterans Affairs Committee  
Human Relations and Aging Committee  
Science and Technology Committee  
Reapportionment Committee  
Special Rules Committee



*Jacqueline D. Wills*  
*Clerk Superior & Magistrate Courts*  
CLAYTON COUNTY JUSTICE CENTER  
9151 Tara Boulevard  
Jonesboro, Georgia 30236-4912  
[www.claytoncountygga.gov/courts](http://www.claytoncountygga.gov/courts)

---

Administrative Office of the Courts  
Suite 300  
244 Washington Street, NW  
Atlanta, GA 30335  
RE: 2019 Superior Court Workload Assessment

June 30, 2020

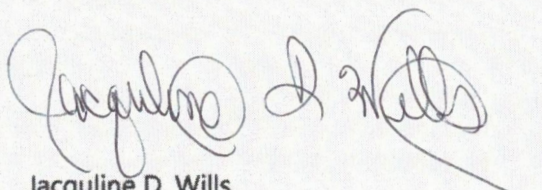
Dear Sir/Madam:

I have been an employee of the Superior Court Clerk's office for 25 years and have served as the Clerk for the past 9 years. Throughout my 25 years, I have been the jury clerk, the Chief Deputy Clerk, a courtroom clerk and a supervisor. Due to the positions I have held, I have worked closely with the Superior Court judges and their staffs.

Our Superior Court judges' workload is abundant. We witness this firsthand in the Clerk's office as the judges' workload greatly affects ours. Our clerks have a difficult time in keeping up the tasks required of them because of the high volume. In fact, on many occasions, a sixth judge is utilized in order to facilitate with the court calendars. This frequent, but not permanent addition to the bench, creates an extra burden on our office in that I can't justify an additional permanent courtroom clerk if we don't have an additional permanent judge.

We strive to provide the citizens of Clayton County the service they deserve. Expediency, thoroughness and overall efficiency are sometimes compromised when an imbalance exists between the workload and the work force. For these reasons, I offer my support to the Superior Court judges in requesting your consideration for an additional judge.

Sincerely,

  
Jacqueline D. Wills  
Clerk - Superior Court



**SENATOR GAIL DAVENPORT**

District 44

0 Tel: (678) 215-9971

304-A Coverdell Legislative Office Building

18 Capitol Square, SW

Atlanta, Georgia 30334

Tel: (404) 463-5260

Fax: (404) 656-6579

Gail.Davenport@senate.ga.gov



**COMMITTEES:**

Special Judiciary, Secretary

Appropriations

State Institutions and Property

Urban Affairs

Veterans, Military and Homeland Security

**The State Senate**

Atlanta, Georgia 30334

June 29, 2020

Mr. Christopher Hansard  
Division Director  
Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street  
Atlanta, Georgia 30334

Dear Mr. Hansard:

I am writing to recommend an additional superior court judgeship for the Clayton Judicial Circuit. According to the completed judgeship analysis for the Clayton Judicial Circuit conducted by the Office of Research and Data Analysis at the Judicial Council's Administrative Office of the Courts and based on the caseload data concerning Clayton Judicial Circuit's from that report showing the Clayton Circuit qualifies for consideration of an additional judgeship recommendation, I agree that an additional judgeship is needed.

Thank you for your consideration of this request. If you should have questions, please do not hesitate to call me at 404-463-5260

Sincerely,

A handwritten signature in cursive script that reads "Gail Davenport".  
Gail Davenport



**The State Senate**  
**VALENCIA SEAY**  
**District 34**  
**420 State Capitol**  
**Atlanta, Georgia 30334-2000**

Tel: (404) 656-5095  
Fax: (404) 657-9726

July 29, 2020

Mr. Christopher Hansard, Division Director  
Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street  
Atlanta, GA 30334

Dear Mr. Hansard,

The Clayton Judicial Circuit has requested a sixth judgeship. According to the data presented by the Judicial Workload Assessment Committee, the Superior Court of Clayton County has a caseload of 6.9 judges. Access to justice is paramount for all citizens. It is for this reason that I support the Clayton Circuit's request for an additional judgeship.

I would like to thank the Judicial Council of Georgia for conducting a thorough assessment of the Clayton Judicial Circuit. If you have any questions or concerns, please contact me at 404-274-3075 or my office at 404-656-5095.

Respectfully,

Senator Valencia Seay  
District 34



**DEBRA BAZEMORE**  
REPRESENTATIVE, DISTRICT 63  
7042 GALLOWAY POINTE  
RIVERDALE, GA 30296  
EMAIL: [debra.bazemore@house.ga.gov](mailto:debra.bazemore@house.ga.gov)

**HOUSE OF REPRESENTATIVES**  
COVERDELL LEGISLATIVE OFFICE BUILDING  
ROOM #507 D  
ATLANTA, GEORGIA 30334  
(404) 656-0202

**STANDING COMMITTEES**  
HUMAN RELATIONS & AGING  
INTRAGOVERNMENTAL COORDINATION  
NATURAL RESOURCES & ENVIRONMENT  
STATE PLANNING & COMMUNITY AFFAIRS

June 29, 2020

Mr. Christopher Hansard, Division Director  
Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street  
Atlanta, GA 30334

Dear Mr. Hansard,

I would like to thank the Judicial Council of Georgia for conducting a thorough assessment of the Clayton Judicial Circuit. It is imperative that the Clayton Judicial Circuit can adequately allocate time and services to each case.

Given the increasing workload of our current superior court judges and support staff, I would like to respectfully recommend an additional superior court judgeship for the Clayton Circuit. If you have any questions or concerns, please contact me directly at (number).

Respectfully,

Debra Bazemore  
State House Representative - District 63



## *House of Representatives*

**RHONDA M. BURNOUGH**  
REPRESENTATIVE, DISTRICT 77  
7843 CLEARVIEW CIRCLE  
RIVERDALE, GEORGIA 30296  
(770) 907-2301 (H)  
EMAIL: rhonda.burnough@house.ga.gov

COVERDELL LEGISLATIVE OFFICE BUILDING  
ROOM 409 C  
ATLANTA, GEORGIA 30334  
(404) 656-0116  
(404) 656-0250 (FAX)

**STANDING COMMITTEES:**  
ECONOMIC DEVELOPMENT &  
TOURISM  
GOVERNMENTAL AFFAIRS  
HIGHER EDUCATION  
SMALL BUSINESS DEVELOPMENT

June 26, 2020

Mr. Christopher Hansard, Division Director  
Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street  
Atlanta, GA 30334

Dear Mr. Hansard,

I would like to thank the Judicial Council of Georgia for conducting a thorough assessment of the Clayton Judicial Circuit. It is imperative that the Clayton County Judicial Circuit can adequately allocate time and services to each case.

Given the increasing workload of our current superior court judges and support staff, I would like to respectfully recommend an additional superior court judgeship for the Clayton Circuit. If you have any questions or concerns, please contact me directly at (404) 656-0116.

Respectfully,

*Rhonda M. Burnough*

State Representative Rhonda M. Burnough

Georgia House District 77

Chair, Clayton County Legislative Delegation

RMB/



## House of Representatives

DEMETRIUS DOUGLAS  
REPRESENTATIVE, DISTRICT 78  
POST OFFICE BOX 131  
STOCKBRIDGE, GEORGIA 30281  
[DemetriusDouglas78@gmail.com](mailto:DemetriusDouglas78@gmail.com)  
[demetrius.douglas@house.ga.gov](mailto:demetrius.douglas@house.ga.gov)

COVERDELL LEGISLATIVE OFFICE BUILDING  
ROOM 512  
ATLANTA, GEORGIA 30334  
(404) 656-7859  
(404) 651-8086 (Fax)

STANDING  
COMMITTEES:  
BANKS & BANKING  
HEALTH & HUMAN SERVICES  
INTRAGOVERNMENTAL COORDINATION  
MOTOR VEHICLES

June 30, 2020

Mr. Christopher Hansard, Division Director  
Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street  
Atlanta, Georgia 30334

Dear Mr. Hansard,

I would like to thank the Judicial Council of Georgia for conducting a thorough assessment of the Clayton Judicial Circuit. It is imperative that the Clayton Judicial Circuit can adequately allocate time and services to each case.

Given the increasing workload of our current superior court judges and support staff, I would like to respectfully request an additional superior court judgeship for the Clayton Circuit. If you have any questions or concerns, please contact me directly at 404.915.5653.

Respectfully,

Demetrius Douglas  
State Representative  
House District 78



## *House of Representatives*

VALENCIA STOVALL  
REPRESENTATIVE, DISTRICT 74  
P. O. BOX 842  
ELLENWOOD, GEORGIA 30294

EMAIL: [valencia.stovall@house.ga.gov](mailto:valencia.stovall@house.ga.gov)  
[www.GoStovall.com](http://www.GoStovall.com)

COVERDELL LEGISLATIVE OFFICE BUILDING, ROOM 611  
ATLANTA, GEORGIA 30334  
(404) 656-0314  
(404) 656-0250 (FAX)

STANDING  
COMMITTEES:

EDUCATION  
INTERSTATE COOPERATION  
SMALL BUSINESS DEVELOPMENT  
ECONOMIC DEVELOPMENT & TOURISM  
EDUCATION APPROPRIATIONS, SUBCOMMITTEE  
VICE-CHAIR EDUCATION ACADEMIC ACHIEVEMENT, SUB COMM

June 30, 2020

Mr. Christopher Hansard, Division Director  
Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street  
Atlanta, GA 30334

Dear Mr. Hansard:

Thank you for the work of the Judicial Council of Georgia over the years when identifying the need for additional judges in areas across this state. It is my understanding that an assessment was conducted of the Clayton Judicial Circuit and it was found to qualify for an additional superior court judgeship.

I am requesting Clayton Judicial Circuit is granted the additional superior court judge. It is critical to the citizens that every case is given the needed time and not rushed nor placed in a holding state. Thank you for the consideration by the Judicial Council of Georgia. If you have any further questions, please don't hesitate to contact my office by email or phone.

Yours for a better Clayton County & Georgia,

Valencia Stovall  
State Representative | House District 74

# TASHA M. MOSLEY

*District Attorney*  
**Clayton Judicial Circuit**



June 29, 2020

Director Christopher Hansard  
Division Director, Judicial Services  
244 Washington Street SW, Suite 300  
Atlanta, GA 30334

RE: Support for Clayton Judicial Circuit Sixth Judge

Dear Director Hansard,

As District Attorney in the Clayton Judicial Circuit, I understand the current and ever-growing caseload. The addition of a sixth judgeship would greatly benefit the citizens of Clayton County by enabling us to move criminal cases through the judicial system more quickly. For this reason, I am in full support of the addition of a sixth judgeship for the Clayton Judicial Circuit.

Sincerely,



Tasha M. Mosley  
District Attorney  
Clayton Judicial Circuit

*Jacqueline D. Wills*  
*Clerk Superior & Magistrate Courts*  
CLAYTON COUNTY JUSTICE CENTER  
9151 Tara Boulevard  
Jonesboro, Georgia 30236-4912  
[www.claytoncountygga.gov/courts](http://www.claytoncountygga.gov/courts)

---

Administrative Office of the Courts

Suite 300

244 Washington Street, NW

Atlanta, GA 30335

RE: 2019 Superior Court Workload Assessment

June 30, 2020

Dear Sir/Madam:

I have been an employee of the Superior Court Clerk's office for 25 years and have served as the Clerk for the past 9 years. Throughout my 25 years, I have been the jury clerk, the Chief Deputy Clerk, a courtroom clerk and a supervisor. Due to the positions I have held, I have worked closely with the Superior Court judges and their staffs.

Our Superior Court judges' workload is abundant. We witness this firsthand in the Clerk's office as the judges' workload greatly affects ours. Our clerks have a difficult time in keeping up the tasks required of them because of the high volume. In fact, on many occasions, a sixth judge is utilized in order to facilitate with the court calendars. This frequent, but not permanent addition to the bench, creates an extra burden on our office in that I can't justify an additional permanent courtroom clerk if we don't have an additional permanent judge.

We strive to provide the citizens of Clayton County the service they deserve. Expediency, thoroughness and overall efficiency are sometimes compromised when an imbalance exists between the workload and the work force. For these reasons, I offer my support to the Superior Court judges in requesting your consideration for an additional judge.

Sincerely,

Jacqueline D. Wills  
Clerk - Superior Court





Clayton County  
**SHERIFF'S OFFICE**

Victor Hill  
Sheriff

June 29<sup>th</sup>, 2020

Honorable Geronda V. Carter  
Chief Judge  
Clayton Judicial Circuit  
Superior Court of Clayton County  
9151 Tara Boulevard  
Jonesboro, GA 30236

Re: Letter of Support for Clayton Judicial Circuit 6<sup>th</sup> Judgeship

Dear Chief Judge Carter,

This letter is to support the request and need for a 6<sup>th</sup> judgeship in the Clayton Judicial Circuit. This request is deemed warranted due to the Judicial Council's Standing Committee on Judicial Workload Assessment study, which indicates that our current 5 superior court judges have a caseload of 6.9. It is imperative that the citizens of Clayton County have their judicial matters handled expeditiously.

The Clayton County Sheriff's Office understands that adding a 6<sup>th</sup> judgeship would assist in providing expedient service to the citizens in Clayton County. We support the addition of a 6<sup>th</sup> judgeship for the Clayton Judicial Circuit.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor Hill".

Sheriff Victor Hill  
Clayton County Sheriff's Office

JEFFREY E. TURNER

CHAIRMAN

DEMONT DAVIS

VICE CHAIRMAN

SONNA GREGORY

COMMISSIONER

GAIL B. HAMBRICK

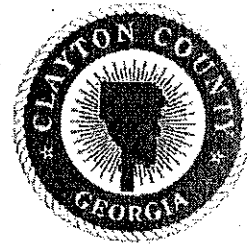
COMMISSIONER

FELICIA FRANKLIN WARNER

COMMISSIONER

## Clayton County Commissioners

112 SMITH STREET  
JONESBORO, GEORGIA 30236  
PHONE: (770) 477-3208  
[www.claytoncountyga.gov](http://www.claytoncountyga.gov)



June 26, 2020

Honorable Geronda V. Carter  
Chief Judge  
Clayton Judicial Circuit  
Superior Court of Clayton County  
9151 Tara Boulevard  
Jonesboro, GA 30236

Re: Letter of Support for Clayton Judicial Circuit 6<sup>th</sup> Judgeship

Dear Chief Judge Carter,

This letter is to support the request and need for a 6<sup>th</sup> judgeship in the Clayton Judicial Circuit. This request is deemed warranted due to the Judicial Council's Standing Committee on Judicial Workload Assessment study, which indicates that our current 5 superior court judges have a caseload of 6.9. It is imperative that the citizens of Clayton County have their judicial matters handled expeditiously.

The Clayton County Board of Commissioners understands that adding a 6<sup>th</sup> judgeship would assist in providing expedient service to the citizens in Clayton County. We support the addition of a 6<sup>th</sup> judgeship for the Clayton Judicial Circuit.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey E. Turner", with a long horizontal line extending to the right.

Jeffrey E. Turner, Chairman  
Clayton County Board of Commissioners

# **Coweta Judicial Circuit**

**Coweta Judicial Circuit Assessment 2017-2019**

	<b>3 Year Avg Case Filing</b>	<b>Minutes per Filing</b>	<b>Total Minutes</b>
<b>Criminal Defendants</b>			
Death Penalty/Habeas	0.00	4,342.00	0.00
Serious Felony	318	572.00	181,610.00
Felony	3,568	54.00	192,645.00
Misdemeanor	537	20.00	10,740.00
Probation Revocation	1,039	9.00	9,354.00
<b>General Civil Cases</b>			
Complex Tort	3	868.00	2,893.33
General Tort	124	100.00	12,366.67
Contract Account	275	40.00	11,013.33
Real Property	105	40.00	4,186.67
Civil/Habeas Corpus	52	44.00	2,302.67
Other General Civil	691	29.00	20,048.67
Contempt/Modification	8	29.00	222.33
<b>Domestic Relations Cases</b>			
Adoption	164	55.00	9,001.67
Divorce/Paternity/Legitimation	1,529	65.00	99,385.00
Family Violence	630	41.00	25,816.33
Support	1,308	11.00	14,391.67
Other Domestic	745	45.00	33,540.00
Domestic Contempt	208	24.00	5,000.00
Domestic Modification	318	45.00	14,325.00
<b>Special Cases</b>			
Accountability Courts	155	495.00	76,725.00
<b>Total</b>	<b>11,777</b>	<b>6,928.00</b>	<b>725,567.33</b>

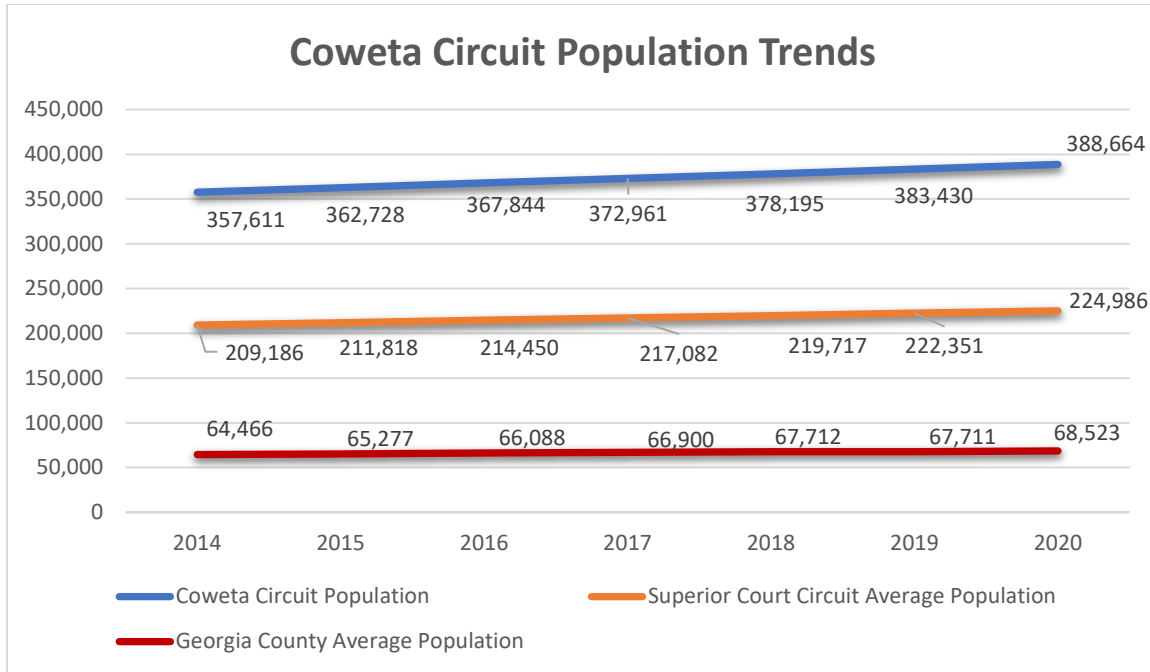
**NOTES**

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

<b>Circuit Values</b>	
Judges	7
Counties	5
Grand Total Minutes	725,567
Judge Year Value	70,950
Judge Workload Value	1.5
Threshold Value to Qualify	1.2
Status:	QUALIFIED

## Section 2: Circuit Demographics and Case Statistics

### Section 2-1: Population Change



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

The Coweta Circuit is a five-county circuit composed of Carroll, Coweta, Heard, Meriwether, and Troup Counties. The population within the Coweta Circuit has seen moderate growth since 2014. In the seven years shown, the Coweta Circuit has had a population increase of about 8.68%. As seen above, the population of the Coweta Circuit is higher than both the average circuit population and the average county population.

### Coweta Judicial Circuit Judgeships

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

## Caseload Statistics

### Three-Year Average Criminal Case Filings (2017-2019)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
0	318	3,568	537	1,039	155	5,617

### Three-Year Average Civil Case Filings (2017-2019)

General Civil	Domestic Relations	Total Civil Cases
1,258	4,903	6,161

### Workload Assessment (2017-2019)

Total Cases Filed	Judge Workload Value	Threshold Value
11,778	1.5	1.2

# **Mountain Judicial Circuit**

**Mountain Judicial Circuit Assessment 2017-2019**

	<b>3 Year Avg Case Filing</b>	<b>Minutes per Filing</b>	<b>Total Minutes</b>
<b>Criminal Defendants</b>			
Death Penalty/Habeas	0.00	4,342.00	0.00
Serious Felony	95	572.00	54,340.00
Felony	745	54.00	40,230.00
Misdemeanor	281	20.00	5,613.33
Probation Revocation	595	9.00	5,352.00
<b>General Civil Cases</b>			
Complex Tort	8	868.00	6,944.00
General Tort	38	100.00	3,833.33
Contract Account	118	40.00	4,706.67
Real Property	38	40.00	1,506.67
Civil/Habeas Corpus	19	44.00	850.67
Other General Civil	189	29.00	5,490.67
Contempt/Modification	8	29.00	232.00
<b>Domestic Relations Cases</b>			
Adoption	35	55.00	1,943.33
Divorce/Paternity/Legitimation	423	65.00	27,495.00
Family Violence	206	41.00	8,459.67
Support	148	11.00	1,631.67
Other Domestic	172	45.00	7,755.00
Domestic Contempt	145	24.00	3,480.00
Domestic Modification	49	45.00	2,205.00
<b>Special Cases</b>			
Accountability Courts	59	495.00	29,040.00
<b>Total</b>	<b>3,372</b>	<b>6,928.00</b>	<b>211,109.00</b>

**NOTES**

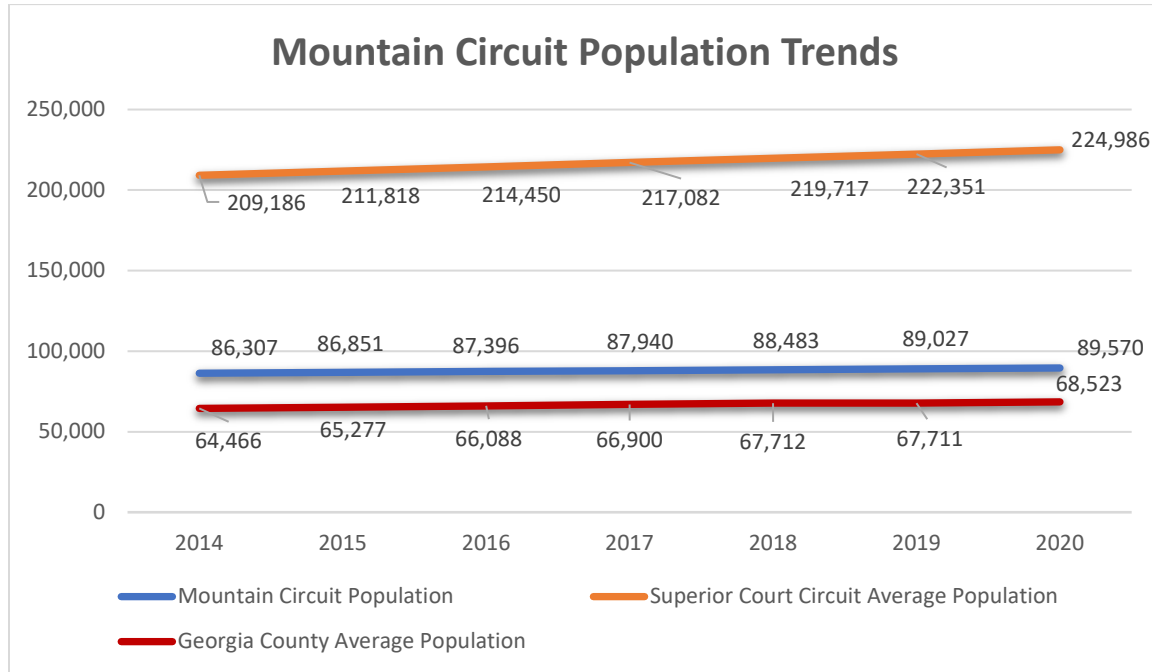
1. Case averages are rounded to the nearest full number, except Death Penalty/Habeas.

<b>Circuit Values</b>	
Judges	2
Counties	3
Grand Total Minutes	211,109
Judge Year Value	77,400
Judge Workload Value	<b>1.4</b>
Threshold Value to Qualify	<b>1.2</b>
Status:	<b>QUALIFIED</b>



## Section 2: Circuit Demographics and Case Statistics

### Section 2-1: Population Change



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

The Mountain Circuit is a three-county circuit composed of Habersham, Rabun, and Stephens Counties. The population within the Mountain Circuit has seen moderate growth since 2014. In the seven years shown, the Mountain Circuit has had a population increase of about 3.78%. As seen above, the population of the Mountain Circuit is slightly higher than the average county population; however, it is significantly less than the average circuit population.

### Mountain Judicial Circuit Judgeships

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

## Caseload Statistics

### Three-Year Average Criminal Case Filings (2017-2019)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
0	95	745	281	595	59	1,774

### Three-Year Average Civil Case Filings (2017-2019)

General Civil	Domestic Relations	Total Civil Cases
418	1,179	1,598

### Workload Assessment (2017-2019)

Total Cases Filed	Judge Workload Value	Threshold Value
3,372	1.4	1.2

# **Northern Judicial Circuit**

**Northern Judicial Circuit Assessment 2017-2019**

	<b>3 Year Avg Case Filing</b>	<b>Minutes per Filing</b>	<b>Total Minutes</b>
<b>Criminal Defendants</b>			
Death Penalty/Habeas	0.00	4,342.00	0.00
Serious Felony	63	572.00	36,036.00
Felony	1,576	54.00	85,104.00
Misdemeanor	771	20.00	15,413.33
Probation Revocation	1,088	9.00	9,795.00
<b>General Civil Cases</b>			
Complex Tort	1	868.00	868.00
General Tort	102	100.00	10,200.00
Contract Account	213	40.00	8,533.33
Real Property	45	40.00	1,813.33
Civil/Habeas Corpus	26	44.00	1,158.67
Other General Civil	189	29.00	5,490.67
Contempt/Modification	15	29.00	425.33
<b>Domestic Relations Cases</b>			
Adoption	68	55.00	3,721.67
Divorce/Paternity/Legitimation	516	65.00	33,518.33
Family Violence	611	41.00	25,064.67
Support	293	11.00	3,223.00
Other Domestic	39	45.00	1,770.00
Domestic Contempt	120	24.00	2,888.00
Domestic Modification	45	45.00	2,025.00
<b>Special Cases</b>			
Accountability Courts	18	495.00	8,745.00
<b>Total</b>	<b>5,800</b>	<b>6,928.00</b>	<b>255,793.33</b>

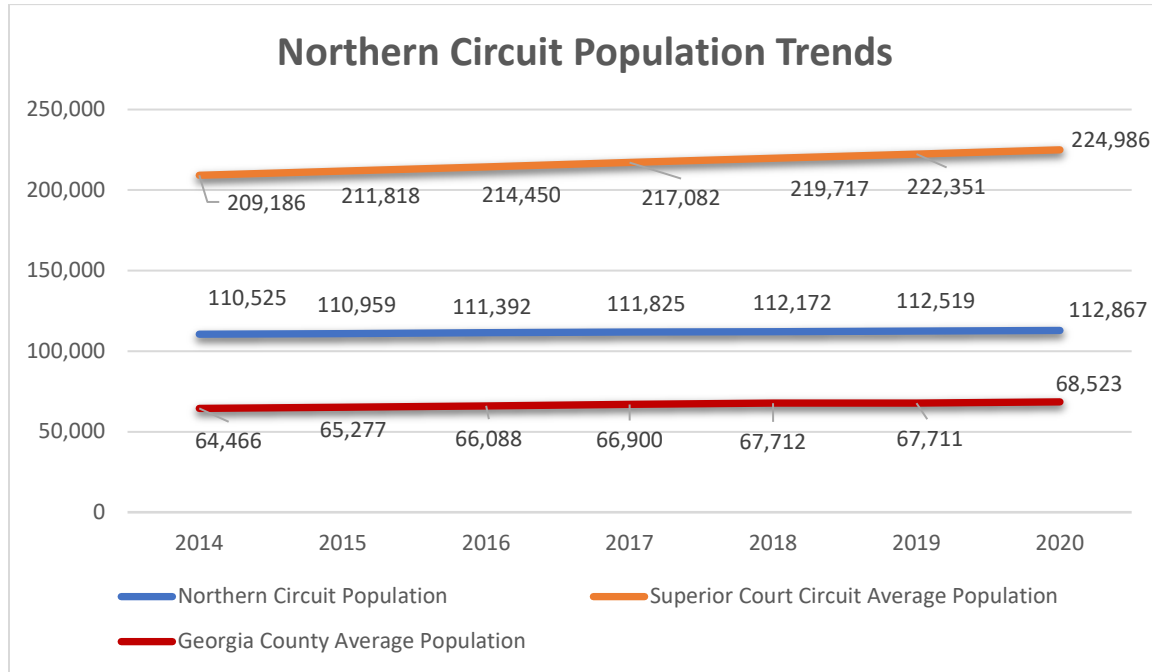
**NOTES**

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

<b>Circuit Values</b>	
Judges	3
Counties	5
Grand Total Minutes	255,793
Judge Year Value	70,950
Judge Workload Value	<b>1.2</b>
Threshold Value to Qualify	<b>1.2</b>
Status:	<b>QUALIFIED</b>

## Section 2: Circuit Demographics and Case Statistics

### Section 2-1: Population Change



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

The Northern Circuit is a five-county circuit composed of Elbert, Franklin, Hart, Madison, and Oglethorpe Counties. The population within the Northern Circuit has seen slight growth since 2014. In the seven years shown, the Northern Circuit has had a population increase of about 2.12%. As seen above, the population of the Northern Circuit is higher than the average county population; however, it is significantly less than the average circuit population.

### Northern Judicial Circuit Judgeships

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

## Caseload Statistics

### Three-Year Average Criminal Case Filings (2017-2019)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
0	63	1,576	771	1,088	1	3,515

### Three-Year Average Civil Case Filings (2017-2019)

General Civil	Domestic Relations	Total Civil Cases
592	1,692	2,284

### Workload Assessment (2017-2019)

Total Cases Filed	Judge Workload Value	Threshold Value
5,799	1.2	1.2



Chambers of  
Jeffery S. Alalcom  
Chief Judge

Superior Courts  
Northern Judicial Circuit

P.O. Box 950  
Hartwell, Georgia 30643  
Telephone 706-376-7151

Elbert  
Hart  
Franklin  
Madison  
Oglethorpe

***VIA E-MAIL to JUDGESHIP@GEORGIA-COURTS.GOV***

July 2, 2020

Hon. David Emerson, Chair  
Standing Committee on Judicial Workload Assessment  
Judicial Council of Georgia  
244 Washington Street, S.W., Suite 300  
Atlanta, Georgia 30334-5900

Dear Judge Emerson:

Pursuant to the Standing Committee on Judicial Workload Assessment's e-mailed letter of June 15<sup>th</sup>, please consider this additional information on behalf of the Northern Judicial Circuit in support of additional Superior Court judgeship. I ask this for several reasons.

First, as you may know, the Northern Circuit was on the approved list to receive an additional judgeship for the past three years. Second, our overall caseload continues to grow. Our caseload from last year alone qualified our circuit to request an additional judgeship which we requested and were ranked 6<sup>th</sup> per the Judicial Council. And lastly, we now preside over an increasing number of accountability court dockets, notably two adult felony drug courts and a parental accountability court, that has resulted in greater demands on our time.

The volume and complexity of particular cases has changed as well. With the weakened economy and the continued growth in the population of our five counties, criminal cases, have proliferated, and we currently have at least (1) death penalty case awaiting trial that is not reflected on the current three-year average. We have only (1) State Court out of the five (5) counties in our circuit. Divorce cases and related contempt cases are demanding more courtroom time as family assets have dwindled. More parties in child support cases are proceeding *pro se*, often requiring us to produce filings even in uncontested cases in order to bring those matters to a close. Because of these factors, we feel that our circuit necessitates an additional judgeship.

In preparation for a possible additional judgeship I and the other two judges in the circuit, Judge R. Chris Phelps and Judge Lauren A. Watson, reached out last year to our county and state leadership and those in the justice community. Per our outreach from last year, it is our understanding that we have received overwhelming support including the following:

Lee Anderson, Senator, District 24  
Frank Ginn, Senator, District 47  
Frankie Gray, Superior Court Clerk, Hart County  
Melissa Holbrook, Superior Court Clerk, Franklin County  
Tom McCall, Representative, District 33  
Billy Pittard, Oglethorpe County Board of Commissioners  
Alan Powell, Representative, District 32  
Trey Rhodes, Representative, District 120  
Kelli Smith, Superior Court Clerk, Oglethorpe County  
Leigh Starrett, Superior Court Clerk, Elbert County  
Michelle Strickland, Superior Court Clerk, Madison County  
Lee Vaughn, Elbert County Board of Commissioners  
Harvey Wasserman, Circuit Public Defender  
D. Parks White, District Attorney  
John Wilkinson, Senator, District 50

We also offer the following caseload information in support of our request:

- ✓ The Northern Circuit has not had a new judgeship since 1996.
- ✓ The Northern Circuit has qualified for a judgeship in the previous two years' workload analysis.
- ✓ The Northern Circuit has the 8<sup>th</sup> highest number of Cases per Judge at 1,933 or 5<sup>th</sup> highest among those eligible circuits.
- ✓ The Northern Circuit has the 3<sup>rd</sup> highest Judge Workload Value of circuits with 3 judges or 2<sup>nd</sup> highest among those eligible circuits.
- ✓ The Northern Circuit has seen nearly a 50% increase in caseload over the last 5 years.
- ✓ Each of the 3 judges are in court daily, often in multiple counties.
- ✓ There is an increasing amount of *pro se* filings that make up more than one-third of our civil and domestic filings. We believe these figures to be under-reported and therefore much higher.
- ✓ There is a significant trial backlog of criminal cases, with felony cases and speedy trial demands being prioritized.


We also offer the following background information in support of our request:

- ✓ The Northern Circuit is a large rural jurisdiction of 5 counties covering 1,625 square miles with a total population of almost 100,000.
- ✓ While the circuit only has 1.1% of the state's population, it has 2.7% of the state's square miles and 1.7% of the state's total Superior Court caseload.
- ✓ Each of the Northern Circuit's 5 counties meets or exceeds the average state poverty level of approximately 17-18% ranging from 17.6% to 18.8%.
- ✓ The Northern Circuit operates with little infrastructure and support save for the services of our 10<sup>th</sup> District Court Administrator.



Thank you for considering this information as you review the requests for additional judgeships. Please do not hesitate to contact me or my District Court Administrator with any questions.

Sincerely,



Jeffery S. Malcom  
Chief Judge, Northern Circuit

**SENATOR LEE ANDERSON**

District 24

325-B Coverdell Legislative Office Building  
18 Capitol Square, S.W.  
Atlanta, Georgia 30334  
Tel: (404) 656-5114

Lee.Anderson@senate.ga.gov



**COMMITTEES:**

Agriculture and Consumer Affairs, Vice Chairman  
Science and Technology, Secretary  
Economic Development and Tourism  
Public Safety

**The State Senate**  
Atlanta, Georgia 30334

June 20, 2019

Standing Committee on Judicial  
Workload Assessment  
C/o Administrative Office of the Courts  
244 Washington St., SW, Suite 300  
Atlanta, GA 30334  
Via email: [judgeships@georgiacourts.gov](mailto:judgethships@georgiacourts.gov)

To whom it may concern:

I am writing you on behalf of the Superior Court judges for the Northern Judicial Circuit. This letter is to offer my support regarding the addition of a new judge to the circuit. The workload of the current bench has gotten over the amount suggested for the current number of judges. It is my hope that after looking at the numbers the committee will come to the same conclusion and allow for another judge to be added to the circuit.

If I can be of any further service, please do not hesitate to reach out to me or my office at 404-656-5114 or via email at [lee.anderson@senate.ga.gov](mailto:lee.anderson@senate.ga.gov).

Thanking you for your consideration, I am,

Sincerely yours,

A handwritten signature in black ink, appearing to read "Lee Anderson".

Lee Anderson, 24<sup>th</sup> District



FRANKLIN COUNTY  
BOARD OF COMMISSIONERS

*"You Are Why We Are Here"*

June 20, 2019

Standing Committee on Judicial Workload Assessment  
c/o Administrative Office of the Courts  
244 Washington St., SW, Suite 300  
Atlanta, GA 30334  
via email: [judgetships@georgiacourts.gov](mailto:judgetships@georgiacourts.gov)

RE: Northern Judicial Circuit Request for Additional Judge

Dear Committee Members:

I am writing this letter in support of the Superior Court Judges of the Northern Judicial Circuit and their collective request for an additional judge for the circuit.

It is our understanding that the Superior Court Workload Assessment indicates our Superior Court Judges have a three-year average caseload, civil and criminal, of 2,177 cases per judge. This average rank first for the ten circuits requesting an additional judge. Our Superior Court Judge's workload value per judge is 1.25.

As a member of a five-county circuit, we acknowledge our circuit covers a large geographic area of approximately 1,600 square miles. We appreciate the Northern Judicial Circuit Superior Court Judges and the other members of the court for their continuous and diligent work. We are grateful for their commitment to holding court in every county as well as adding additional court days and trials weeks to the calendar to assist in reducing the number of outstanding cases in our circuit.

We support our Superior Court Judge's position that the above referenced statistics qualify the Northern Judicial Circuit to be considered for an additional judge.

Thank you for your time and consideration.

Sincerely,

J. Thomas Bridges  
Chairman

# Office of Clerk of Superior Court

## Madison County, Georgia

Katie Cross, Clerk

P.O. Box 247  
Dacula, Georgia 30033  
Telephone (706)795-6310  
Fax (706)795-2309

Standing Committee on Judicial Workload Assessment  
C/O Administrative Office of the Courts  
244 Washington Street SW, Suite 300  
Atlanta, Ga 30334

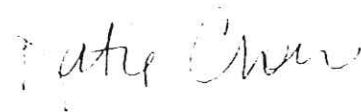
June 20, 2019

To Whom It May Concern,

I support the superior court judges of the Northern Judicial Circuit regarding the request for an additional judge for the circuit. Because of our five-county circuit, and the vast area it covers, we would benefit substantially with another judge added to our circuit. Adding a judge to our circuit would decrease caseloads overall, cases would be resolved expeditiously, increased bond hearings could be heard to get inmates released in a timely manner, civil/criminal case loads would be resolved promptly, and additional trial weeks could be added to the calendar in the event one is being requested.

Please take this letter of support into consideration for an additional judgeship for the Northern Judicial Circuit.

Sincerely,



Katie Cross  
Clerk of Superior Court  
Madison County



Hart County Board of Commissioners  
800 Chandler Street  
Hartwell GA, 30643

June 20, 2019

Standing Committee on Judicial Workload Assessment  
C/o Administrative Office of the Courts  
244 Washington St., SW, Suite 300  
Atlanta, GA 30334

Ladies and Gentlemen,

The Hart County Board of Commissioners fully supports the Northern Judicial Circuit's request for an additional Superior Court Judge for the Circuit.

As you know the Northern Judicial Circuit covers a five county area. The judges hold court in each county and additional court days have been added to help reduce the case load. The addition of another Judge would allow for additional bond hearing days which should help with jail overcrowding, inmate housing costs, etc. Additionally, having an additional Judge would allow for an opportunity for cases to be resolved and/or settled in a more timely fashion which would benefit everyone.

The Hart County Board of Commissioners views the request for an additional Superior Court Judge as a significant need of our Circuit and we courageously offer our full support.

Thank you for your consideration of their request.

Respectfully submitted,

Joey Dorsey,  
Chairman, Hart County BOC



SENATOR FRANK GINN  
District 47  
121-I State Capitol  
Atlanta, Georgia 30334  
Phone: (404) 656-4700

E-mail: frank.ginn@senate.ga.gov



COMMITTEES:  
Economic Development and Tourism, Chairman  
Transportation, Secretary  
Natural Resources and the Environment, Ex-Officio  
Regulated Industries and Utilities  
Appropriations

The State Senate  
Atlanta, Georgia 30334

June 12, 2019

Standing Committee on Judicial Workload Assessment  
C/o Administrative Office of the Courts  
244 Washington St., SW, Suite 300  
Atlanta, GA 30334

To Whom It May Concern:

It is my pleasure to write a letter in support of the regarding the request for an additional judge for the Northern Judicial Circuit.

According to the Superior Court Workload Assessment, each judge in the Northern Judicial Circuit has a three year average caseload, civil and criminal, of 2,177 cases per judge. This average ranks 1<sup>st</sup> for the ten circuits requesting an additional judge. The Northern Judicial Circuit workload value per judge is 1.25.

Adding an additional judge would allow the Northern Judicial Circuit to have additional bond hearing days and criminal trial weeks, which is crucial to help with overcrowding of the jails and reducing cost of housing inmates. This is why I'm in huge support for a consideration for an additional judge.

It is often said that "Justice delayed is justice denied." I hope you will help expedite justice in our Northern Judicial Circuit. Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Frank Ginn", is written over a horizontal line.

Frank Ginn

Office of Clerk Superior Court



Frankie H. Gray, Clerk

PO Box 386  
Hartwell, Ga 30643  
Phone: 706.376.7189  
Fax: 706.376.1277

June 14, 2019

Standing Committee on Judicial Workload Assessment  
c/o Administrative Office of the Courts  
244 Washington Street W. Suite 300  
Atlanta, GA 30334

I write you today to ask for your support in regards for the Northern Judicial Circuit request for an additional Superior Court Judge.

I have been the Clerk of Superior Court of Hart County for over eleven years and in another year, I will have completed my third term. Prior to being elected Clerk of Superior Court, I was a Law Enforcement Officer in Hart County for eighteen years. I have been around the Judicial System for a total of twenty years. I, for one, have seen the increase in the case load for Civil to Criminal.

I have noticed the amount of Cases that we have in Hart County has increased in the past three years. I am only speaking for Hart County and not each County in the Circuit. But I do know that each of our three Judges are in more court now than ever before, and that they have to travel the entire circuit, which consists of five counties total.

Our Judges have a three year average caseload of 2,177 cases per Judge, (Civil and Criminal). Having been told that this average ranks 1<sup>st</sup> for the ten circuits, requesting an additional Judge and the workload value per Judge is 1.25. I would feel that this more than qualifies the Northern Judicial Circuit to be considered for an additional Judge. In the past three years, I along with the District Attorney and Judges have met and added additional court days and trial weeks to try and reduce the number of cases. This has put an added strain on our respective offices, but we have done it and completed the tasks.

I have often felt that having an additional Judge would enable us to have additional Bond Hearings, Criminal Motions, and Trial Weeks to try to alleviate some of the additional cases or help with the overcrowding of the jails which would reduce the high cost of medical and housing the inmates.

We have had days where we have a Judge that has Civil Motions scheduled at 9:30 a.m., then Criminal Motions at 1:30 p.m. (we call it a split day). It has gotten to be so many cases that one Judge will now have Attorneys come in early to meet with their clients before we start in order to get out of

court at a decent time. A lot of times on split days we are here to about 6:00 or 7:00 p.m. The Judge has also enacted a cutoff on adding cases, on these "Split Days" especially when we are approaching 30 cases.

I further feel that an additional Judge would help move the Misdemeanor Cases a lot more efficiently.

On the Civil side of this, an additional Judge would help reduce the Civil caseload and move cases in a more timely fashion. Our Temporary Protective Orders (TPO) have increased and just here in Hart County we have processed over 6,600 since this was enacted.

We may be a Circuit of only five counties, but our Judges travel many miles due to the large geographical area. I feel that it would be a huge asset to have an additional Judge appointed to help us in this Circuit. I humbly ask for your consideration with this request.

If you have any questions, please feel free to call me at 1-706-376-7189.

Sincerely,



Frankie Gray  
Clerk of Superior Court  
Hart County



## David L. Jordan

Attorney at Law

525 Hartwell St. Royston, Georgia 30662  
(706) 245-7874 email: dlj@davidjordan.law

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June 19, 2019

Standing Committee on Judicial Workload Assessment  
C/o Administrative Office of the Courts  
244 Washington St., SW, Suite 300  
Atlanta, GA 30334

RE: Northern Judicial Circuit, Fourth Judgeship Request

Dear Honorable Committee Members:

I have the honor of serving as the Northern Judicial Circuit Bar Association President for 2019. As part of my service, I am actively seeking and advocating ways to improve the practice of law, especially in our circuit. A major concern is the backlog of both civil and criminal cases in the superior courts. And, in discussions with many of our attorneys, particularly my colleagues practicing in the superior court, the complaint is the need for an additional judge.

I understand that our circuit has qualified, according to the Superior Court Workload Assessment; whereas, each judge in the Northern Circuit has a three-year average caseload, civil and criminal, of 2,177 cases per judge. In addition, our circuit average ranks highest in need within the ten circuits requesting an additional judge. Our circuit's workload value per judge is 1.25.

The Northern Judicial Circuit covers five counties with a geographic area of approximately 1,600 square miles. Our judges hold court in every county, and to reduce the backlog of cases waiting, they have added additional court days and trial weeks to allow parties, in both civil and criminal cases, to resolve their cases in a timelier fashion. However, this is not enough.

In addition, our District Attorney's Office, which prosecutes all felonies and misdemeanors in four counties and all felonies in the 5th, and our Public Defender's Office, which represents most of the criminal cases in our circuit, all work diligently to move cases. Having a fourth judge would enable the circuit to have additional bond hearing days and criminal trial weeks, which should help with the overcrowding of the jails and reduce the cost of housing inmates.

For all the forgoing reasons, I am writing in support of the request by the Northern Judicial Circuit for an additional judgeship. Thank you for your time and consideration.

Respectfully,



David L. Jordan, Esq.



## HOUSE OF REPRESENTATIVES

TOM McCALL  
REPRESENTATIVE, DISTRICT 33  
2835 WASHINGTON HIGHWAY  
ELBERTON, GEORGIA 30635

tom.mccall@house.ga.gov

228 STATE CAPITOL  
ATLANTA, GEORGIA 30334

404-656-5099 Office

STANDING COMMITTEES  
AGRICULTURE & CONSUMER AFFAIRS,  
Chairman  
GAME, FISH, & PARKS  
NATURAL RESOURCES & ENVIRONMENT  
TRANSPORTATION

June 19, 2019

Standing Committee on Judicial Workload Assessment  
Administrative Office of the Courts  
244 Washington St., SW, Suite 300  
Atlanta, GA 30334

Dear Committee,

Since the Northern Judicial District overlays a big piece of my legislative district, our mutual constituents sometimes call my office with questions about the court. When this happens we typically give them a political science lesson and explain the three branches of government. However, because of the vast number of calls my office receives regarding the judicial matters, I am well aware that the process is slow and each judge has a staggering caseload.

As you know, an additional judge would increase bond hearing days, criminal trial weeks, alleviate overcrowding in jails, and reduce inmate housing costs. Both civil and criminal matters could be resolved in a more time manner.

I urge you to give serious consideration to adding another judge to the Northern District.

Sincerely,

*Tom McCall*



OGLETHORPE COUNTY  
Board of Commissioners

BILLY PITTARD, CHAIRMAN  
JOSH HAWKINS, DIRECTOR OF FINANCE  
AND COMPLIANCE  
AMY P. FORRESTER, CLERK

P.O. Box 261  
Lexington, Georgia 30648  
Phone 706-743-5270

[www.oglethorpecountyga.gov](http://www.oglethorpecountyga.gov)

David R. Clark  
Phil Sanders  
John D. Meyer  
Andy Saxon  
Tracy Norman

June 19, 2019

Standing Committee on Judicial  
Workload Assessment  
c/o Administrative Office of the Courts  
244 Washington Street, SW, Suite 300  
Atlanta, Georgia 30334

Dear Sir/Madam:

I am writing on behalf of the Northern Judicial Circuit in support of the request to add a Superior Court Judge to our five county Circuit.

It has been brought to my attention that a current workload analysis revealed the circuit qualifies for an additional judgeship. Current Judges have been forced to add additional court days to their already overloaded court calendars due to increased caseload. Excessive caseloads, as you are aware, create many delays in the judicial process, subjecting cases to not being heard in a timely manner.

I can say with confidence that our Superior Court Judges, District Attorney's Office and our Public Defender's Office work cohesively to ensure cases are moved through the courts expeditiously to reduce overcrowding and costs associated with housing inmates. An additional Judge is needed to enhance the administration of justice in our circuit.

Sincerely,

Billy Pittard  
Chairman





## *House of Representatives*

ALAN POWELL  
REPRESENTATIVE, DISTRICT 32  
3059 RIDGE ROAD  
HARTWELL, GA 30643

(706) 206-6500

[alanpowell23@hotmail.com](mailto:alanpowell23@hotmail.com)  
[alan@redclayproperties.com](mailto:alan@redclayproperties.com)

18 CAPITOL SQUARE  
613 COVERDELL LEGISLATIVE OFFICE BUILDING  
ATLANTA, GEORGIA

(404) 463-3793

**STANDING COMMITTEES:**  
CHAIRMAN - REGULATED INDUSTRIES  
APPROPRIATIONS  
GOVERNMENTAL AFFAIRS

MOTOR VEHICLES  
PUBLIC SAFETY & HOMELAND SECURITY  
RULES  
SMALL BUSINESS DEVELOPMENT

June 19, 2019

Standing Committee on Judicial Workload Assessment  
C/O Administrative Office of the Courts  
244 Washington St., SW, Suite 300  
Atlanta, GA 30334

To Whom It May Concern,

I am writing on behalf of the Superior Court Judges of the Northern Judicial Circuit in support of an additional judge for the circuit.

According to the Superior Court Workload Assessment, each judge in the Northern Circuit has a three year average caseload, civil and criminal, with some 2,177 cases per judge. This average ranks number one for the ten circuits requesting an additional judge. The workload value per judge is 1.25. These numbers qualify for consideration for an additional judge.

The five county circuit covers a large geographic area of approximately 1,600 square miles. Each judge holds court in every county, with added additional court days and trial weeks to reduce the number of cases. Our District Attorney's Office, which prosecutes all felonies and misdemeanors in four counties and all felonies in the fifth, and our Public Defender's Office, which represents the vast majority of the criminal cases in our circuit, work diligently to move cases.

Having an additional judge would enable courts to have additional bond hearing days and criminal trial weeks. Having an additional judge would allow parties, in both civil and criminal cases, to resolve their cases in a more timely fashion and should help with the overcrowding of jails, thus reducing the cost of housing inmates.

Your consideration is greatly appreciated.

Respectfully submitted,

Alan Powell



TREY RHODES

REPRESENTATIVE, DISTRICT 120  
1051 BEN HAMMOND DRIVE  
GREENSBORO, GEORGIA 30642

Trey.Rhodes@House.GA.gov

*HOUSE OF REPRESENTATIVES*

228 STATE CAPITOL  
ATLANTA, GEORGIA 30334

404-656-5099 Office

STANDING COMMITTEES

GAME, FISH, & PARKS – Chairman

BANKS & BANKING  
ECONOMIC DEVELOPMENT & TOURISM  
SPECIAL RULES  
WAYS & MEANS

June 19, 2019

Standing Committee on Judicial Workload Assessment  
Administrative Office of the Courts  
244 Washington St., SW, Suite 300  
Atlanta, GA 30334

Dear Committee,

My house district includes all of Oglethorpe County which is part of the Northern Judicial District. Oglethorpe County is huge, but it is only a small part of your five county circuit which covers a vast geographic area. I have learned that each judge holds court in every county and there are often additional court dates and trial weeks in an attempt to reduce the number of cases.

Since each judge has a three year average caseload of both civil and criminal cases, it is probably past due to request an additional judge. Our citizens deserve an efficient and timely "day in court."

I write today to ask that you give serious consideration to adding another judge to the Northern District.

Sincerely,



JOHN SCARBOROUGH, CHAIRMAN

LEE ALLEN  
DISTRICT 1  
TRIPP STRICKLAND  
DISTRICT 2  
THERESA BETTIS  
DISTRICT 3  
BRIAN KIRK  
DISTRICT 4  
DEREK DOSTER  
DISTRICT 5

June 21, 2019

In 2018, Madison County was poised to support the addition of a fourth Superior Court Judge given the increased caseload in the Northern Judicial Circuit. We understood the defined threshold was close and the subsequent determination would scrutinize the need. Madison County has witnessed the increased requests from both the District Attorney's Office and Public Defender's Office validating this trend.

While we face tremendous funding challenges, Madison County recognizes the absolute need for additional assistance in bringing the rising number of civil and criminal cases to some meaningful close. The ability to conduct additional bond hearings days and criminal trials weeks would alleviate extended stays in jails ultimately reducing the cost of housing inmates.

I have the greatest respect and admiration for the Superior Court System that serves our circuit. I pledge our support and funding for an additional Superior Court Judge in the Northern Judicial Circuit.

Respectfully,

A handwritten signature in blue ink that reads "John D. Scarborough". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John D. Scarborough

Chairman

Madison County Board of Commissioners





Oglethorpe County Superior Court  
Honorable Kelli Paradise Smith  
Superior Court Clerk  
Post Office Box 68  
Lexington, Georgia 30648  
(706)743-5731  
Fax(706)743-5335  
Email: kelli.smith@gsccca.org

June 18, 2019

Ladies and Gentlemen,

I would like to write this letter of support on behalf of the Superior Court Judges in the Northern Judicial Circuit of Georgia for an additional judge to be considered for our circuit.

Each of our judges have upward of 2000 cases and are hearing cases in different counties sometime in the same day that may require one hour travel time one way.

Although the judges work diligently to move all cases, the criminal side seems to be the most oppressing for the judicial system. Having another judge in the Northern Circuit will make the process more efficient for all concerned.

Thank you for your consideration, and please do not hesitate to contact me if you have any questions.

Respectfully,

Kelli Paradise Smith  
Clerk of Superior Court  
Oglethorpe County, Georgia



## ELBERT COUNTY CLERK OF COURT

LEIGH W. STARRETT, CLERK

Elbert County Historic Courthouse  
12 S. Oliver Street  
P. O. Box 619  
Elberton, GA 30635

Phone: 706-283-2005  
Fax: 706-213-7286  
Email: leigh.starrett@gsecca.org

June 18, 2019

VIA EMAIL : [judgships@georgiacourts.gov](mailto:judgships@georgiacourts.gov)

Standing Committee on Judicial Workload Assessment  
c/o Administrative Office of the Courts  
244 Washington St., SW, Suite 300  
Atlanta, GA 30334

Dear Standing Committee Members:

It is my understanding that the Northern Judicial Circuit's workload value per Judge would qualify our Circuit to be considered for an additional Judge. I am writing this letter to let you know that I am very much in support of the necessity of this additional Judgeship.

Our Judges have an extremely hectic schedule traveling the five counties in our Circuit. It is a common occurrence to have two courts scheduled in two counties per day. For example, one of our Judges may have civil motions scheduled in Elbert County in the morning and then have bond motions scheduled in the afternoon in Oglethorpe County. Often times, civil motions will not finish in time for the Judge to arrive in Oglethorpe County on time. The distance between Elbert County and Oglethorpe County is twenty-five miles. The distance between other counties in our Circuit are even farther away.

Our Judges recently instituted a new policy for the Clerks in each County to handle TPOs because the Petitioners were having to drive to different Counties to locate a Judge. It was difficult to know when the Judge may finish on the bench and head to another County. Now, if we don't have a Judge in our county that day, the Clerk's offices email or fax the petitions in Order for the Judge to review them. Even with this new policy, the Judges are most often on the bench and cannot break away in the middle of a hearing or trial. The Petitioner is still waiting long time periods because of the schedules of our Judges. And of course, if this is near the end of the day, the Judges will call ahead to the Clerk's Office and ask someone to stay after 5:00 p.m. Due to the wait time, this has kept our office to well after 6:00 p.m. processing the TPO, making copies and contacting a deputy from Dispatch to come retrieve the TPO for service. Of course, our office doesn't mind waiting on TPOs because of their serious nature. However, this is an example of the time restraints put on our Judges. It all trickles down.

Another particular problem our Judges have is scheduling "special set" hearings. In our Circuit, hearings put on a civil motion day are to be heard in approximately one hour. If it is expected to take longer, attorneys are asked to have it specially set. The problem is that our Judges have so few days that they are not in Court, that it is very difficult for the Judge's assistants to find a day to schedule these hearings. So, sometimes it can take months to have a full hearing.

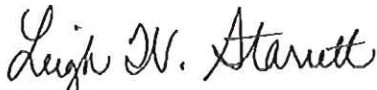
Superior, State and Juvenile Courts



I have been in the Clerk's Office since 1995 and I have seen a third Judge added to our Circuit. I now see the need to have a fourth Judge added to our Circuit. I feel that the number of people that handle their own cases has risen dramatically over the years. These pro se litigant cases are taking much more of the Judges' time than a case with attorneys, particularly TPO and divorce cases. Also, in Elbert County, we have a State Court to handle misdemeanors. I know the other four Counties in this Circuit do not have a State Court and that adds to our Superior Court Judges' caseloads.

The Judges in our Circuit do a wonderful job with their caseload, but I know it must be overwhelming at times. I often wonder when they have time to review the notes they make in Court and ponder over the decisions to be made in civil cases and sentencing hearings. They have very few days in their offices to work because they are so often on the bench. In my opinion, there is definitely a need for an additional Judge in the Northern Judicial Circuit.

Respectfully submitted,

A handwritten signature in cursive script that reads "Leigh W. Starrett".

Leigh W. Starrett, Clerk  
Elbert Superior, State & Juvenile Courts  
P.O. Box 619  
Elberton, GA 30635  
(706)283-2005

ELBERT COUNTY  
Board of Commissioners

45 Forest Avenue  
Elberton, Georgia 30635  
706/283-2000 Telephone  
706/283-1818 Fax

LEE VAUGHN, Chairman  
CHRIS ALEXANDER, Commissioner/Vice Chairman  
KENNETH ASHWORTH, Commissioner  
HORACE HARPER, Commissioner  
FREDDIE JONES, Commissioner  
CASEY FREEMAN, JR., Commissioner



BOB THOMAS, Co. Administrator  
PHIL PITTS, Finance Director  
TAMARA BUTLER, Co. Clerk  
BILL DAUGHTRY, Co. Attorney

June 18, 2019

Standing Committee on Judicial Workload Assessment  
c/o Administrative Office of the Courts  
244 Washington St., SW, Suite 300  
Atlanta, GA 30334

Re: Additional Superior Court Judge for the Northern Circuit

Ladies and Gentlemen:

I am writing on behalf of the superior court judges of the Northern Judicial Circuit in support of their request for an additional judge for the circuit.

Our five- county circuit covers a large geographic area of approximately 1,600 square miles. Each judge holds court in every county, and all have added additional court days and trial weeks to reduce the number of cases. Our District Attorney's office, which prosecutes all felonies and misdemeanors in four counties and all felonies in the 5<sup>th</sup>, and our Public Defender's office, which represents the majority of the criminal cases in our circuit, work diligently to move cases. Having an additional judge would help us with the overcrowding of the jails and reduce the cost of housing inmates. Also, having an additional judge would allow parties, in both civil and criminal cases, to resolve their cases in a timely fashion.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read "Lee Vaughn", is written over a horizontal line.

Lee Vaughn,  
Chairman  
Elbert County Board of Commissioners

Cc: jmalcom@franklincountyga.gov



GEORGIA  
PUBLIC  
DEFENDER  
COUNCIL

**Northern Judicial Circuit**

Elbert, Franklin, Hart, Madison, & Oglethorpe Counties

461 Cook Street, Suite J, Royston, GA 30662

706-246-9320 Fax: 706-246-9325

**Harvey Wasserman**

*Circuit Public Defender*

June 20, 2019

Standing Committee on Judicial Workload Assessment

c/o Administrative Office of the Courts

244 Washington Street, SW

Suite 300

Atlanta, GA 3034

Via e-mail only: [judgeships@georgiacourts.gov](mailto:judgeships@georgiacourts.gov)

Re: Additional Superior Court Judge  
Northern Judicial Circuit

Dear Sir/Madam:

As the Circuit Public Defender for the Northern Judicial Circuit, please accept this letter in support of the Northern Judicial Circuit Superior Court Judges' request for an additional fourth judge.

I understand that the existing case load for each of our judges ranks first among the ten circuits requesting an additional judge. I also understand their workload value per judge is 1.25, which qualifies the circuit for the additional judge.

Our circuit encompasses five counties, and our three judges are in court virtually every day of the week attending to either criminal or civil matters. The criminal caseload for the circuit continues to grow and there is a definite need for an another judge to enable the scheduling of additional days to conduct necessary bond, motions, calendar call and trial weeks so the case load can remain manageable for the court as well as the District Attorney and Public Defender Offices; it would also free up the court in its ability to schedule civil and criminal matters that need to be specially set.

Thank you for your time in considering this request.

Very truly yours:



Harvey Wasserman

HSW:slw





THE OFFICE OF  
**DISTRICT ATTORNEY**  
NORTHERN JUDICIAL CIRCUIT  
D. PARKS WHITE

194 CADE ST., STE D P.O. BOX 515  
HARTWELL, GA 30643

ELBERT, FRANKLIN, HART, MADISON, OGLETHORPE  
COUNTIES

706-376-3128

June 19, 2019

Standing Committee on Judicial Workload Assessment  
c/o Administrative Office of the Courts  
244 Washington St., SW, Suite 300  
Atlanta, GA 30334

via email: [judgeships@georgiacourts.gov](mailto:judgeships@georgiacourts.gov)

RE: Northern Judicial Circuit – Request for Fourth Superior Court Judge

Dear Members of the Standing Committee on Judicial Workload Assessment,

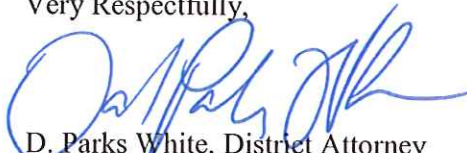
I am writing to provide the District Attorney's Office's input regarding the need for a fourth Superior Court Judge in the Northern Judicial Circuit. Last year I drafted the necessary legislation to accommodate this change and sent it to my local legislators, but that was met with disapproval by my former Chief Judge. Thankfully my current Chief Judge understands that with the assistance of another Superior Court judge, our circuit will be able to move cases through the system more quickly.

Presently, the District Attorney's Office receives approximately 2500 cases annually from five sheriffs' offices, eight police departments, two Georgia State Patrol offices, and the Georgia Bureau of Investigation Region 11. With this volume, if my staff fails to resolve at least 50 cases a week, the system become backlogged. An additional Superior Court Judge will afford more opportunities to resolve cases by providing multiple additional opportunities for trial weeks across the circuit, thereby reducing the time offenders spend in jail awaiting the outcome of their case. In addition, it will increase the number of Assistant District Attorneys in my office by one, thereby reducing the burden on my overworked, underpaid ADAs.

Presently we have 2780 cases pending and listed as "active." Each one represents an individual who has the right to have a trial by a jury, and in many cases a victim who is waiting for justice. In the event any of these defendants are convicted at trial, each case then has the right to appeal their conviction, which must also be handled by my office. An additional Superior Court Judge will ensure that the system moves more quickly, and will reduce the costs associated with housing and feeding inmates locally prior to trial.

Thank you for your consideration in this request. If I can be of assistance, please feel free to contact me directly.

Very Respectfully,



D. Parks White, District Attorney  
Northern Judicial Circuit

Georgia State Bar# 753098  
P.O. Box 515  
Hartwell, GA 30643  
Phone: 706-376-3128; Fax: 706-376-1620  
Email: [dpwhite@pacga.org](mailto:dpwhite@pacga.org)

Cc: Hon. Jeffery Malcom, Chief Judge, Superior Courts of the Northern Judicial Circuit

JOHN K. WILKINSON  
District 50  
PO Box 2227  
Toccoa, Georgia 30577

421-A State Capitol  
Atlanta, Georgia 30334  
Tel: (404) 463-5257  
Fax: (404) 651-6768

John.Wilkinson@senate.ga.gov



The State Senate  
Atlanta, Georgia 30334

COMMITTEES:

Agriculture and Consumer Affairs, Chairman  
Education and Youth, Vice-Chairman  
Appropriations  
Natural Resources and the Environment  
Rules, Ex-Officio

June 19, 2019

Standing Committee on Judicial Workload Assessment  
C/o Administrative Office of the Courts  
244 Washington St., SW, Suite 300  
Atlanta, GA 30334

Dear Committee Members,

I am writing on behalf of the superior court judges of the Northern Judicial Circuit to ask for your support regarding our request for an additional judge for the circuit.

According to the Superior Court Workload Assessment, each judge in the Northern Circuit has a three year average caseload, civil and criminal, of 2,177 cases per judge. This average ranks 1st for the ten circuits requesting an additional judge. Our workload value per judge is 1.25. These numbers qualify us to be considered for an additional judge.

As you know, our five county circuit covers a large geographic area of approximately 1,600 square miles. Each judge holds court in every county and we all have added additional court days and trial weeks to reduce the number of cases. Our District Attorney's Office, which prosecutes all felonies and misdemeanors in four counties and all felonies in the 5th, and our Public Defender's Office, which represents the vast majority of the criminal cases in our circuit, work diligently to move cases. Having an additional judge would enable us to have additional bond hearing days and criminal trial weeks, which should help with the overcrowding of the jails and reduce the cost of housing inmates. Also, having an additional judge would allow parties, in both civil and criminal cases, to resolve their cases in a more timely fashion.

I fully support the Northern Circuit Judges' request for an additional judgeship and ask that you give that request the serious consideration it deserves.

Sincerely,

John K. Wilkinson

# **South Georgia Judicial Circuit**

**South Georgia Judicial Circuit Assessment 2017-2019**

	<b>3 Year Avg Case Filing</b>	<b>Minutes per Filing</b>	<b>Total Minutes</b>
<b>Criminal Defendants</b>			
Death Penalty/Habeas	0.00	4,342.00	0.00
Serious Felony	249	572.00	142,142.00
Felony	449	54.00	24,246.00
Misdemeanor	124	20.00	2,480.00
Probation Revocation	369	9.00	3,318.00
<b>General Civil Cases</b>			
Complex Tort	1	868.00	578.67
General Tort	64	100.00	6,433.33
Contract Account	108	40.00	4,333.33
Real Property	12	40.00	480.00
Civil/Habeas Corpus	71	44.00	3,138.67
Other General Civil	116	29.00	3,364.00
Contempt/Modification	2	29.00	58.00
<b>Domestic Relations Cases</b>			
Adoption	16	55.00	880.00
Divorce/Paternity/Legitimation	412	65.00	26,758.33
Family Violence	9	41.00	382.67
Support	633	11.00	6,959.33
Other Domestic	16	45.00	705.00
Domestic Contempt	19	24.00	448.00
Domestic Modification	42	45.00	1,890.00
<b>Special Cases</b>			
Accountability Courts	43	495.00	21,450.00
<b>Total</b>	<b>2,754</b>	<b>6,928.00</b>	<b>250,045.33</b>

**NOTES**

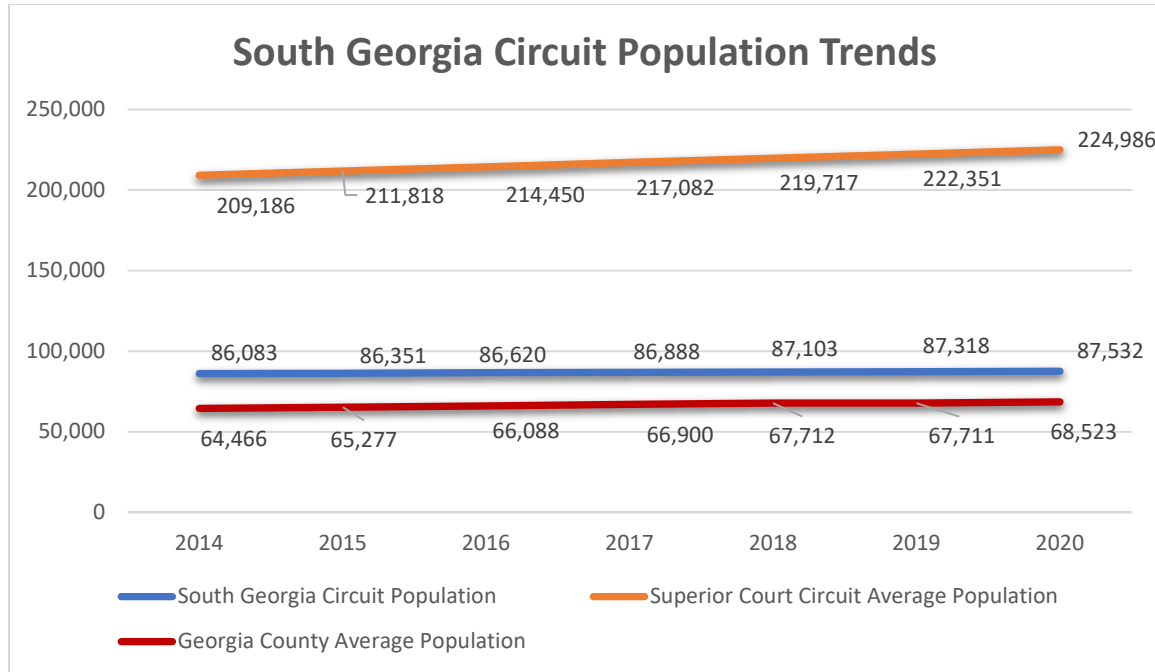
1. Case averages are rounded to the nearest full number, except Death Penalty/Habeas.

<b>Circuit Values</b>	
Judges	2
Counties	5
Grand Total Minutes	250,045
Judge Year Value	70,950
Judge Workload Value	<b>1.8</b>
Threshold Value to Qualify	<b>1.2</b>
Status:	<b>QUALIFIED</b>



## Section 2: Circuit Demographics and Case Statistics

### Section 2-1: Population Change



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

The South Georgia Circuit is a five-county circuit composed of Baker, Calhoun, Decatur, Grady, and Mitchell Counties. The population within the South Georgia Circuit has seen slight growth since 2014. In the nine years shown, the South Georgia Circuit has had a population increase of about 1.68%. As seen above, the population of the South Georgia Circuit is significantly below the average circuit population but only slightly exceeds the average county population.

### South Georgia Judicial Circuit Judgeships

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

## Caseload Statistics

### Three-Year Average Criminal Case Filings (2017-2019)

Death Penalty/ Habeas	Serious Felony	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants	Total Criminal
0	249	449	124	369	43	1,234

### Three-Year Average Civil Case Filings (2017-2019)

General Civil	Domestic Relations	Total Civil Cases
375	1,146	1,521

### Workload Assessment (2017-2019)

Total Cases Filed	Judge Workload Value	Threshold Value
2,754	1.8	1.2



**DARLENE TAYLOR**  
REPRESENTATIVE, DISTRICT 173  
P. O. BOX 6580  
THOMASVILLE, GEORGIA 31758  
(229) 225-9943 (O)  
(229) 225-9945 (F)  
DARLENE.TAYLOR@HOUSE.GA.GOV

*House of Representatives*  
STATE CAPITOL  
ROOM 401  
ATLANTA, GEORGIA 30334  
(404) 656-7857 (O)  
(404) 651-9730 (F)

**STANDING COMMITTEES**  
APPROPRIATIONS, SUBCOMMITTEE  
TRANSPORTATION- MADAM CHAIRWOMAN  
AGRICULTURE & CONSUMER SERVICES  
APPROPRIATIONS-(HEALTH)-VICE CHAIR  
GOVERNMENTAL AFFAIRS  
INSURANCE  
LEGISLATIVE & CONGRESSIONAL  
REAPPORTIONMENT-VICE CHAIRWOMAN  
PUBLIC SAFETY & HOMELAND SECURITY  
RULES  
TRANSPORTATION

03 July 2020

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, Georgia 30334

Emailed To: [Judgeships@georgiacourts.gov](mailto:Judgeships@georgiacourts.gov)

**RE: Emailed Letter of Support for an Additional South Georgia Judicial Circuit Judge Request**

Dear Judicial Council Members:

It is an honor and a pleasure to send this letter of support for consideration of an additional judgeship for the South Georgia Judicial Circuit which would be the first created in over 40 years, amid a burgeoning case load.

The late Representative Jay Powell of Camilla along with other lawyers and judges in my region have advised me that this consideration is prudent when we consider that today's law and litigation are more complex, case load substantially more numerous, resultant impacts from the addition of two prisons to the region, and subsequent rise of habeas corpus cases and alternative dispute resolutions along with establishment of the accountability courts that while effective also require more administration, along with two judges traveling a five count circuit. It is also vital to point out that two of the counties in this Circuit do not have a State Court, requiring the Superior Court to handle misdemeanors, along with two counties with county correctional institutes.

The current arrangement is functional and yet it is more indicative of our Judges willingness and dedication. I respectfully request consideration of an additional South Georgia Judicial Circuit Court Judge.

Sincerely and respectfully submitted,

*Darlene Taylor*

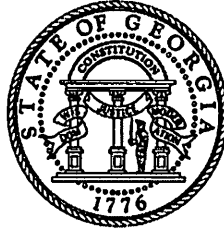
Chairwoman Darlene K. Taylor  
Representative, Georgia House District 173

**Sen. Freddie Powell Sims**

District 12  
5377 Goose Hollow  
Dawson, Georgia 31742  
Tel: (229) 347-0251

206 Washington Street, S.W.  
110-A State Capitol  
Atlanta, Georgia 30334  
Tel: (404) 463-5259  
Fax: (404) 463-2279

E-mail: [freddie.sims@senate.ga.gov](mailto:freddie.sims@senate.ga.gov)



**Committees**

Agriculture & Consumer Affairs  
Appropriations  
Education & Youth  
Interstate Cooperation  
Natural Resources & the Environment

**The State Senate**  
Atlanta, Georgia 30330

June 30, 2020

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, GA 30334

RE: South Georgia Judicial Circuit  
Additional Judgeship Request

Dear Council Members:

As indicated by the recent workload assessment you conducted, the South Georgia Judicial Circuit needs an additional judge and I offer my support. The workload assessment of 1.8 is considerably higher than the highest assessment approved for the number 1 ranked Circuit last year (1.51). It is obvious from your study that the South Georgia Circuit should be approved for an additional judge.

I certainly appreciate your consideration and if you need anything further from me, please let me know.

Sincerely yours,

A handwritten signature in cursive script, reading "Freddie Powell Sims".

Freddie Powell Sims  
Senator, District 12



229-734-3000

## Baker County Board of Commissioners

167 Baker Place  
P. O. Box 607  
Newton, Georgia 39870  
[comanager@bakercountyga.com](mailto:comanager@bakercountyga.com)



Fax: 229-734-8822

Connie C. Hobbs, Chairman  
Vann Irvin, Vice-Chairman

Tommy Rentz, Commissioner  
Matt Bryan, Commissioner

Chris Moore, Commissioner  
Sherry Bailey, County Manager

June 30, 2020

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta GA 30334

RE: SOUTH GEORGIA JUDICIAL CIRCUIT ADDITIONAL JUDGESHIP REQUEST

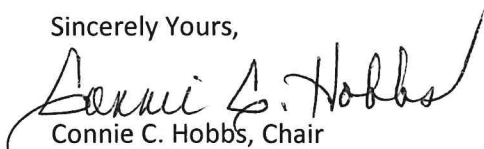
Dear Council Members:

I was pleased to learn that the South Georgia Judicial Circuit is being considered for an additional judgeship. It is my understanding the most recent caseload analysis supported this need as our circuit has the highest caseload rate in the state.

The South Georgia Judicial Circuit is comprised of five counties. The circuit also has two state prisons which have contributed to an increase in the caseload. Judge Chason and Judge Lanier work very hard to manage and travel throughout the five county circuit. An additional judge would enable cases to be managed more efficiently and expeditiously.

Thank you for considering this request to make a new judgeship a reality for our circuit.

Sincerely Yours,

  
Connie C. Hobbs, Chair  
Baker County Board of Commissioners

**JOSEPH K. MULHOLLAND**  
**District Attorney**



Michael L. Bankston  
Chief Assistant District Attorney

Debbie Erwin  
Office Administrator

**SOUTH GEORGIA JUDICIAL CIRCUIT**  
**Baker, Calhoun, Decatur, Grady and Mitchell Counties**

Post Office Box 1870  
Bainbridge, GA 39818

Telephone: 229-248-1823  
Fax: 229-248-7518

Victim-Witness  
Telephone: 229-248-6222

June 29, 2020

To Whom It May Concern,

This letter is in regards to the recent study stating that a third judgeship would be warranted in the South Georgia Judicial Circuit. I took office in 2004 and since that time have seen a marked increase in felony crimes in the circuit. It is not unusual to see triple the number of cases from merely ten (10) years ago. While the crime element has spilled over from Tallahassee, FL and Albany, GA (our two neighboring metro areas) the resources to battle such forces has not. Our Circuit comprises a huge geographical area with Counties that are continually some of the poorest in the State. Our County Budgets are almost non-existent, and what they can provide is almost never enough to maintain a fully functioning and successful Court System.

I truly believe that a third Judgeship would ease the burden our two judges and their small staff are forced to deal with. I also believe that the backlog of cases would be readily diminished should a third judgeship be appointed to our Circuit. Should you have any questions or comments please do not hesitate to contact me.

Sincerely,

Joe Mulholland  
District Attorney

**ADAYNA B. BROOME**

CLERK SUPERIOR COURT  
CLERK STATE COURT  
CLERK JUVENILE COURT

P.O.BOX 427  
CAMILLA, GA. 31730

(229)336-2022

June 30, 2020

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, Georgia 30334

Re: Additional Judgeship for  
South Georgia Judicial Circuit

Dear Council Members:

This is in reference to a third Judgeship in the South Georgia Judicial Circuit. Our circuit consists of five counties including Mitchell, Baker, Calhoun, Grady and Decatur.

I have been Clerk of Superior court for Mitchell County for almost 27 years and I worked in an attorney's office for 18 years prior to that. I have seen the growth in the caseload of the Judges over this time span and it has increased tremendously.

We have two State Prisons in our circuit along with the civil and criminal case load that other circuits have.

I feel that a new Judgeship would help move the cases along and keep from having a backlog of cases and trials.

Thank you for your consideration for our circuit.

Sincerely yours,



Adayna B. Broome



## *HOUSE OF REPRESENTATIVES*

COVERDELL LEGISLATIVE OFFICE BUILDING  
ROOM 608-C  
ATLANTA, GEORGIA 30334  
(404) 656-0298(O)

**JOE CAMPBELL**  
REPRESENTATIVE, DISTRICT 171  
4556 SQUIRREL HAVEN RD  
CAMILLA, GA 31730  
EMAIL: [joe.campbell@house.ga.gov](mailto:joe.campbell@house.ga.gov)

**STANDING COMMITTEES**  
AGRICULTURE & CONSUMER AFFAIRS  
NATURAL RESOURCES & ENVIRONMENT  
SMALL BUSINESS DEVELOPMENT

June 26, 2020

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, GA 30334

VIA: Email: [judgeships@georgiacourts.gov](mailto:judgeships@georgiacourts.gov)

RE: South Georgia Judicial Circuit  
Additional Judgeship Request

Dear Council Members:

I am pleased that the South Georgia Judicial Circuit is being considered for a new judgeship. It has been over 40 years since a new judgeship was created for the circuit.

In the past 40 years, two prisons were built in the circuit and three accountability courts were established. There are also two county correctional institutes in this five county circuit. Two of the counties in the circuit do not have a State Court, requiring the Superior Court to handle misdemeanor cases. With only two judges for the circuit, there is an immediate need to create a third judgeship.

I support the efforts to create a new judgeship for this circuit and appreciate anything you can do to further this effort.

Sincerely yours,

Joe Campbell

JC





---

## GRADY COUNTY BOARD OF COMMISSIONERS

**Keith Moye, Chairman**  
District 3

**Phillip Drew, Vice Chair**  
District 5

**June Knight**  
District 1

**Ray Prince**  
District 2

**J.C. (Buddy) Johnson**  
County Administrator

**LaFaye Copeland**  
District 4

June 26, 2020

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, GA 30334

RE: South Georgia Judicial Circuit  
Additional Judgeship Request

Dear Council Members:

The Grady County Board of Commissioners fully support the South Georgia Judicial Circuit's application for a new judgeship. I understand it has been over 40 years since a new judgeship was added to the circuit.

The past 40 years has seen a sharp increase in the demands placed on the court system in our circuit. From accountability courts to prisons, new responsibilities and caseloads indicate that a new judgeship is needed. According to the recent judicial workload assessment, each judge has a workload of 1.8, which more than qualifies our circuit for a new judgeship.

We certainly appreciate your consideration of the South Georgia Judicial Circuit's application for a new judgeship.

Sincerely yours,

J.C. Johnson  
County Administrator  
Grady County, Georgia

JCJ

Office of the Baker County Clerk of Superior & Juvenile Court



Honorable Stephanie Key, Clerk

South Georgia Judicial Circuit

P.O. Box 10

Newton, Georgia 39870

Phone: 229.734.3004 Fax: 229.734.7770

Email: [stephanie.key@gsccca.org](mailto:stephanie.key@gsccca.org)

June 26, 2020

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, GA 30334

Re: 3<sup>rd</sup> Judgeship for South Georgia Judicial Circuit

To Whom It May Concern,

I am writing this support letter on behalf of the Superior Court of Baker County, where I serve as the Superior Court Clerk. The position of a third superior court judge for this circuit is highly needed. It is my understanding that the qualification is based on this circuit caseload analysis. I have worked in the Superior Court Clerk's office for 17 years and have seen, firsthand, the increase of caseloads for both criminal and civil for this county and this circuit. These increases have put a tremendous strain on our 2 judges making it hard to schedule hearings in a timely manner. This position will be very beneficial for my county, for this circuit and for the economic growth of the circuit. This position will create at least several different jobs for this circuit.

As such, I strongly support the application for a third judge for this circuit.

Thank you for your consideration.

With best regards, I am

Sincerely,

Stephanie Key  
Superior Court Clerk  
Baker County, Georgia

**KAREN F. TAYLOR**  
CLERK OF SUPERIOR COURT  
CALHOUN COUNTY  
P.O. BOX 69  
MORGAN, GEORGIA 39866  
PHONE (229) 849-2715 FAX (229) 849-0072  
COURT CONVENES LAST MONDAY IN MAY & NOVEMBER  
[www.calhouncourtclerk.com](http://www.calhouncourtclerk.com)

June 26, 2020

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, GA 30334

Dear Council Members:

I am writing in support of the request of the South Georgia Judicial Circuit to receive an additional Superior Court Judge in our circuit. The addition of a third Judge would greatly improve the speed and efficiency in which cases are handled in our circuit.

Our circuit is comprised of five counties; Baker, Calhoun, Decatur, Grady and Mitchell County. We are in a rural farming community. We have two state prisons in our circuit which greatly increases the number of both civil and criminal cases that we deal with on an annual basis. Calhoun State Prison is located in Calhoun County and we constantly receive new Habeas Corpus cases and new criminal cases arising from the prison usually accounts for one-half of our criminal trial calendar each term of court.

Our Judges' schedule has always been heavy but with the increase in civil and criminal cases over the past several years our circuit is in dire need of a third Superior Court Judge. I feel it would be of great benefit to the citizens of the circuit and it would help to reduce the pending case load in the Clerk's offices. The last

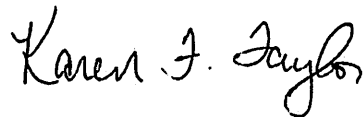
Judicial Council of Georgia

June 26, 2020

Page two

time we received an additional Judge was in 1978. Our circuit has grown in population tremendously since then. I fully support Chief Judge Kevin Chason and Judge Heather Lanier in their application for a third Superior Court in the South Georgia Judicial Circuit of Georgia.

Sincerely Yours,

A handwritten signature in black ink that reads "Karen F. Taylor". The signature is written in a cursive style with a large, stylized "K" and "T".

Karen F. Taylor  
Clerk of Superior Court  
Calhoun County, GA

# MITCHELL COUNTY SHERIFF'S DEPARTMENT



4815 HWY 37 EAST  
P.O. BOX 28  
CAMILLA, GEORGIA 31730

PHONE 229-336-2032  
FAX 229-336-2036

W. E. BOZEMAN  
SHERIFF

June 26, 2020

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, GA 30334

VIA: Email: [judgeships@georgiacourts.gov](mailto:judgeships@georgiacourts.gov)

Re: South Georgia Judicial Circuit  
Additional Judgeship Request

To Whom it May Concern:

I was pleased to learn that the South Georgia Judicial Circuit is being considered for an additional judgeship. The back-log of cases has risen dramatically since the Covid-19 Pandemic.

During the time period since we last had a new judgeship, the law and litigation have become more complex, especially with the Covid-19 Virus pandemic, having two (2) prisons in the circuit, (Aultry State Prison and Calhoun State Prison, both housing at least 1,300 inmates) increase in habeas cases, dispute resolutions which must be overseen by the Courts. We are also establishing accountability Courts, which through effective and demand much more time per case, it takes for two (2) judges to manage and serve a five (5) county circuit. Two of the counties do not have a State Court, which requires the Superior Court to handle misdemeanor cases and we also have two (2) counties, with county correctional institutes (specifically Decatur County C.I. and Mitchell County C.I.), which adds to the habeas work load as well.

I have been Sheriff in the county for the last twenty-seven (27) years and have witnessed these changes and have seen how our judges have taken these changes diligently, adjusting to the increasing demands on their time. They have managed to do so without sacrificing the attention individual cases require, but there is no room for error. They get the job done because they are dedicated and committed, but they are only one complex medical malpractice case, one death penalty case, or one illness away from drowning under their workload.

Thank you so much for anything you can do to help make a new judgeship a reality for this circuit.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "W. E. Bozeman", with a long, sweeping horizontal line extending to the right.

W.E. Bozeman, Sheriff  
Mitchell County, Georgia

WEB/sl



OFFICE OF SHERIFF  
**HARRY C. YOUNG, SHERIFF**  
**GRADY COUNTY, GEORGIA**

P.O. Box 690  
Cairo, Georgia 39828  
ORI: GA0650000

Telephone: (229) 377-5200  
Fax: (229) 377-1339

June 26, 2020

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, GA 30334

RE: South Georgia Judicial Circuit  
Additional Judgeship Request

Dear Council Members:

I whole heartily support the South Georgia Judicial Circuit's application for a new judgeship. As evidenced by the judicial workload study, the rural South Georgia Circuit has a great need for a third judge.

If I can be of any further assistance, please let me know.

Sincerely yours,

Harry Young  
Sherriff of Grady County, GA

HY

**DEAN BURKE**

District 11

301-A Coverdell Legislative Office Building  
18 Capitol Square, SW  
Atlanta, Georgia 30334  
Phone: (404) 656-0040

District Mailing Address:  
1906 Legette Drive  
Bainbridge, Georgia 39819

E-mail: Dean.Burke@senate.ga.gov



**The State Senate**  
Atlanta, Georgia 30334

**COMMITTEES:**

Health and Human Services, Vice-Chairman  
Appropriations  
Senate Insurance and Labor Committee  
Rules  
Agriculture and Consumer Affairs, Ex Officio  
Ethics, Ex Officio

Appropriations:  
Community Health Subcommittee, Chairman  
Human Development and Public Health Subcommittee,  
Vice-Chairman

June 26, 2020

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, GA 30334

RE: South Georgia Judicial Circuit  
Additional Judgeship Request

Dear Council Members:

It is with enthusiasm I write this letter of support for the South Georgia Judicial Circuit's quest for a new judgeship. As you can see from the judicial workload assessment, the circuit is in need of a new judgeship to help manage the increasing workload of the circuit's two Judges. This rural circuit has not had a new judgeship since 1978.

While all circuits have been and will be impacted by the Covid-19 virus, the South Georgia Judicial Circuit will likely struggle to keep its caseload current unless a new judgeship is added. When jury trials resume the two judges are likely to be swamped.

The two state prisons in the circuit add to their caseload. Besides habeas corpus cases, prisons bring a whole host of other cases from crime within the prisons to people trying to smuggle drugs, weapons, cell phones and other contraband into the prisons.

I appreciate your consideration of the South Georgia Judicial Circuit's application for a new Judgeship.

Sincerely yours,

Dean Burke  
Georgia State Senator, District 11

DB/et

# Decatur County, Georgia



## COMMISSIONERS OF DECATUR COUNTY

P.O. Box 726  
Mableton, Georgia 30158-0726  
229-248-3030 Fax 246-2062

June 29, 2020

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, GA 30334

RE: South Georgia Judicial Circuit  
Additional Judgeship Request

Dear Council Members:

Please accept this letter as the support of the Decatur County Board of Commissioners regarding the need for a third judgeship for the South Georgia Judicial Circuit. It is our understanding that the current judicial workload assessment confirms the judge workload value of 1.8. This fact alone demonstrates the need for an additional judgeship for the circuit. However, coupled with the backlog created as a result of the Covid-19 pandemic the urgency and consideration in approving an additional judgeship is of paramount importance.

Thank you for your consideration of this vital matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Thomas", is written over a horizontal line.

Alan Thomas  
County Administrator





## DECATUR COUNTY SHERIFF'S OFFICE

*Sheriff Wiley Griffin*

912 SPRING CREEK ROAD • BAINBRIDGE, GEORGIA 39817  
PHONE: (229) 248-3044 • FAX: (229) 248-3850

June 26, 2020

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, GA 30334

RE: South Georgia Judicial Circuit  
Additional Judgeship Request

Dear Council Members:

Please accept this letter as an endorsement of the South Georgia Judicial Circuit's request for a third judgeship. It has been over 40 years since a new judge was added to this Circuit and the caseload continues to grow. Between the opioid crisis, meth crisis, violent felonies, two prisons and two work camps, the Judges need additional help.

Let me know if there is anything else I can do to further their request.

Sincerely,

Wiley Griffin  
Sheriff of Decatur County, GA

Baker County Sheriff's Office  
PO Box 441  
Newton, Ga. 39870

Phone: 229-734-3003  
Fax: 229-734-3022



## SHERIFF DANA MEADE

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, GA 30334

RE: South Georgia Judicial Circuit  
Additional Judgeship Request

Dear Council Members:

I recommend that the South Georgia Judicial Circuit be recommended for a new judgeship by the Judicial Council. The caseload that the two Judges carry is hectic as evidenced by your recent judge workload assessment, and once the Courts return to normal it is likely the Circuit will be overwhelmed.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in cursive script that reads "Dana Meade". The signature is fluid and elegant, with the first letters of "Dana" and "Meade" being capitalized and prominent.

Dana Meade  
Sherriff of Baker County, GA

DM

**DEBBIE KINES  
CLERK OF SUPERIOR, STATE AND JUVENILE COURTS  
GRADY COUNTY, GEORGIA  
250 NORTH BROAD STREET BOX 8  
CAIRO, GA 39828  
229-377-2912**

June 30, 2020

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, GA 30334

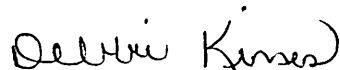
In RE: South Georgia Judicial Circuit  
Additional Judgeship

To Whom it May Concern:

I was informed of the possibility of a third judgeship for the South Georgia Judicial Circuit. The last judgeship was approved in 1978 for the circuit. I have seen many changes since then including caseload increase. Pending cases continue to increase in number even though our judges work diligently to handle this workload.

I fully support the application of an additional judge for this circuit and ask for your assistance to grant this new position.

Sincerely,

A handwritten signature in black ink that reads "Debbie Kines". The signature is written in a cursive, flowing style.

Debbie Kines, Clerk

dk

# Decatur County, Georgia



Cecilia Willis  
Clerk of Courts  
Superior, State, & Juvenile

P.O. Box 336  
Bainbridge, Georgia 39818  
229-248-3025

June 30, 2020

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, Ga 30334

Re: South Georgia Judicial Circuit  
Additional Judgeship

I am pleased to learn that the South Georgia Judicial Circuit is being considered for an additional judgeship and am writing this letter of support of the same. Our circuit is comprised of 5 counties: Decatur, Grady, Mitchell, Calhoun and Baker. The last new judgeship for our circuit was created over 40 years ago and much has changed in those years.

During my tenure as clerk, we've functioned with two judges for all of the counties. All of our counties have experienced growth in population and caseload. An additional judgeship would ease the burden of our two seated judges and allow more cases to be heard and disposed of and make the process timelier.

Thank you very much for your time and efforts to create a new judgeship in the South Georgia Judicial Circuit. Please do not hesitate to contact me with additional concerns or questions.

Sincerely yours,

Cecilia Willis

# MITCHELL COUNTY BOARD OF COMMISSIONERS

26 North Court Avenue  
Camilla, Georgia 31730  
Phone: 229-336-2000

Commissioners:  
Reggie C. Bostick  
Julius Hatcher  
Benjamin Hayward  
B. Keith Jones  
David Sullivan

Rebecca Reese, Clerk

June 29, 2020

Judicial Council of Georgia  
Administrative Office of the Courts  
244 Washington Street, Suite 300  
Atlanta, GA 30334

RE: South Georgia Judicial Circuit  
Additional Judgeship Request

Dear Council Members:

The Mitchell County Board of Commissioners fully support the South Georgia Judicial Circuit's request for a third judgeship. It has been over 40 years since a new judgeship was added in our circuit.

With the recent judicial workload assessment showing a judge workload value of 1.8, we believe there is a need for a third judgeship. In our five county circuit there are two prisons, two county correctional institutes and three accountability courts. We believe that our two current judges will be greatly overwhelmed once jury trials are allowed to resume.

We appreciate your consideration of a third judgeship in the South Georgia Judicial Circuit.

Sincerely,



Emory P. Lamb  
Interim County Administrator  
Mitchell County, Georgia

EPL

## Number of Authorized Superior Court Judgeships 2011- 2020

Circuit	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Alapaha	2	2	2	2	2	2	2	2	2	2
Alcovy	5	5	5	5	5	5	5	5	5	5
Appalachian	3	3	3	3	3	3	3	3	3	3
Atlanta	20	20	20	20	20	20	20	20	20	20
Atlantic	4	4	4	4	4	4	4	4	4	4
Augusta	8	8	8	8	8	8	8	8	8	8
Bell-Forsyth	2	2	3	3	3	3	3	3	3	3
Blue Ridge	3	3	3	3	3	3	3	3	3	3
Brunswick	5	5	5	5	5	5	5	5	5	5
Chattahoochee	6	6	6	7	7	7	7	7	7	7
Cherokee	4	4	4	4	4	4	4	4	4	4
Clayton	4	4	4	4	4	4	5	5	5	5
Cobb	10	10	10	10	10	10	10	10	10	10
Conasauga	4	4	4	4	4	4	4	4	4	4
Cordele	3	3	3	3	3	3	3	3	3	3
Coweta	6	6	6	6	7	7	7	7	7	7
Dougherty	3	3	3	3	3	3	3	3	3	3
Douglas	3	3	3	3	3	3	3	3	3	3
Dublin	3	3	3	3	3	3	3	3	3	3
Eastern	6	6	6	6	6	6	6	6	6	6
Enotah	3	3	3	3	3	3	3	3	3	3
Flint	3	3	3	3	3	3	3	3	3	3
Griffin	4	4	4	4	4	4	4	4	4	5
Gwinnett	10	10	10	10	10	10	10	10	10	11
Houston	3	3	3	3	3	3	3	3	3	3
Lookout Mountain	4	4	4	4	4	4	4	4	4	4
Macon	5	5	5	5	5	5	5	5	5	5
Middle	2	2	2	2	2	2	2	2	2	2
Mountain	2	2	2	2	2	2	2	2	2	2
Northeastern	4	4	4	4	4	4	4	5	5	5
Northern	3	3	3	3	3	3	3	3	3	3
Ocmulgee	5	5	5	5	5	5	5	5	5	5
Oconee	2	2	2	3	3	3	3	3	3	3
Ogeechee	3	3	3	3	3	3	3	3	3	3
Pataula	2	2	2	2	2	2	2	2	2	2
Paulding	3	3	3	3	3	3	3	3	3	3
Piedmont	3	3	4	4	4	4	4	4	4	4
Rockdale	2	2	2	2	2	2	2	2	2	2
Rome	4	4	4	4	4	4	4	4	4	4
South Georgia	2	2	2	2	2	2	2	2	2	2
Southern	5	5	5	5	5	5	5	5	5	5
Southwestern	3	3	3	3	3	3	3	3	3	3
Stone Mountain	10	10	10	10	10	10	10	10	10	10
Tallapoosa	2	2	2	2	2	2	2	2	2	2
Tifton	2	2	2	2	2	2	2	2	2	2
Toombs	2	2	2	2	2	2	2	2	2	2
Towaliga	2	2	2	2	2	2	2	2	2	2
Waycross	3	3	3	3	4	4	4	4	4	4
Western	3	3	3	3	3	4	4	4	4	4
<b>Totals</b>	<b>205</b>	<b>205</b>	<b>207</b>	<b>209</b>	<b>211</b>	<b>212</b>	<b>213</b>	<b>214</b>	<b>214</b>	<b>216</b>

## **Attachment B**



## Judicial Council of Georgia

### Administrative Office of the Courts

**Chief Justice Harold D. Melton**  
*Chair*

**Cynthia H. Clanton**  
*Director*

#### Memorandum

TO: Judicial Council Members

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

RE: Report on Clearance Rate Awards

Date: July 30, 2020

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#### Clearance Rate Excellence Award

Clearance rates measure whether a court is keeping up with its incoming caseload. If cases are not disposed of promptly, a backlog of cases awaiting disposition will grow. The measure is a single number that can be compared within the court from month to month and year to year or between one court and another. Knowledge of clearance rates can help a court pinpoint emerging problems and indicated where improvement might be made. Courts should aspire to clear at least as many cases as have been filed in a period by having a clearance rate of 100% or higher.

In recognition of the importance of maintaining a high clearance rate, the top 10% of courts from each class of court are recognized annually by the Standing Committee on Judicial Workload Assessment with a Clearance Rate Excellence award.

#### Award Winners

##### *Superior Court*

Superior Court of Barrow County  
Superior Court of Bleckley County  
Superior Court of Brantley County  
Superior Court of Carroll County  
Superior Court of Chattahoochee County  
Superior Court of Clay County  
Superior Court of Coweta County  
Superior Court of DeKalb County

Superior Court of Hart County  
Superior Court of Jeff Davis County  
Superior Court of Laurens County  
Superior Court of Meriwether County  
Superior Court of Randolph County  
Superior Court of Taliaferro County  
Superior Court of Terrell County



### ***State Court***

State Court of Appling County  
State Court of Bacon County  
State Court of Bibb County  
State Court of Candler County

State Court of Forsyth County  
State Court of Jeff Davis County  
State Court of Turner County

### ***Magistrate Court***

Magistrate Court of Chatham County  
Magistrate Court of Cherokee County  
Magistrate Court of Clarke County  
Magistrate Court of Crawford County  
Magistrate Court of Effingham County  
Magistrate Court of Emanuel County  
Magistrate Court of Fulton County  
Magistrate Court of Hall County

Magistrate Court of Jasper County  
Magistrate Court of Lee County  
Magistrate Court of McDuffie County  
Magistrate Court of Morgan County  
Magistrate Court of Paulding County  
Magistrate Court of Sumter County  
Magistrate Court of Tattnall County

### ***Probate Court***

Probate Court of Baker County  
Probate Court of Bibb County  
Probate Court of Brooks County  
Probate Court of Carroll County  
Probate Court of Chattahoochee County  
Probate Court of Cherokee County  
Probate Court of Clinch County

Probate Court of Coffee County  
Probate Court of Colquitt County  
Probate Court of Elbert County  
Probate Court of Hall County  
Probate Court of Jackson County  
Probate Court of Talbot County  
Probate Court of Whitfield County

### ***Juvenile Court***

Juvenile Court of Atkinson County  
Juvenile Court of Clarke County  
Juvenile Court of Decatur County  
Juvenile Court of Fayette County  
Juvenile Court of Forsyth County  
Juvenile Court of Gwinnett County  
Juvenile Court of Harris County  
Juvenile Court of Henry County

Juvenile Court of Houston County  
Juvenile Court of Jeff Davis County  
Juvenile Court of Lee County  
Juvenile Court of Meriwether County  
Juvenile Court of Stewart County  
Juvenile Court of Sumter County  
Juvenile Court of Warren County

### ***Municipal Court***

Municipal Court of Attapulgus  
Municipal Court of Baldwin  
Municipal Court of Bremen  
Municipal Court of Cochran  
Municipal Court of Collins

Municipal Court of Patterson  
Municipal Court of Peachtree Corners  
Municipal Court of Perry  
Municipal Court of Powder Springs  
Municipal Court of Roberta

Municipal Court of Conyers  
Municipal Court of Covington  
Municipal Court of East Point  
Municipal Court of Forest Park  
Municipal Court of Gainesville  
Municipal Court of Lake City  
Municipal Court of Lithonia  
Municipal Court of Macon  
Municipal Court of Mount Airy  
Municipal Court of Mount Vernon  
Municipal Court of Norman Park

Municipal Court of Rossville  
Municipal Court of Smyrna  
Municipal Court of St. Marys  
Municipal Court of Statesboro  
Municipal Court of Stockbridge  
Municipal Court of Stone Mountain  
Municipal Court of Tallapoosa  
Municipal Court of Toombsboro  
Municipal Court of Vienna  
Municipal Court of Winder  
Municipal Court of Woodstock

TAB 5



## 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: July 24, 2020

---

The Strategic Plan Standing Committee met on July 14, 2020, to continue work on the strategic plan. The Committee heard updates on several key initiatives and approved revisions to the strategic plan.

Work on key initiatives 1.1., *modernize the regulations of Court professionals*, and 2.2, *improve the process for data collection and data integrity*, continues. Court interpreting rules are being updated, and a draft is expected to be completed by November 2020. Through the Court Reporting Matters Committee, court reporting legislation is again being supported. In addition, a joint committee between the Standing Committee on Judicial Workload Assessment and the Standing Committee on Technology is planned to automate data collection, thus improving accuracy and speed.

Several communications related initiatives are moving forward. Under key initiative 1.2, *increase resources for public accessibility*, the Judicial Council Standing Committee on Access to Justice is working on "how-to" videos for self-represented litigants and created a Deaf and Hard of Hearing Bench Card which was recreated in Braille. As part of key initiative 4.1, *support judges in Community Engagement*, AOC staff is working to create and gather positive stories about the work of the courts and the judges of Georgia through the Georgia Courts Journal and social media. An article about practical rules for social media engagement for any judges thinking of starting social media outreach has been created and can be found at <https://georgiacourtsjournal.org/2020/03/25/thoughts-on-social-media-for-judges/>.

As part of key initiative 2.1, *foster ongoing executive and legislative branch communications and initiatives of mutual interest*, AOC legislative staff will be actively engaged in creating and fostering relationships with new legislators as some current legislators will not seek reelection.

Under key initiative 2.3, *pursue flexibility and efficiency in judicial education*, sexual harassment prevention training is being provided to the various classes of court, per request. A sexual harassment prevention training video created through the Ad Hoc Committee to Prevent Sexual Harassment in

the Judicial Branch is on the Judicial Council/AOC website. Judicial personnel are encouraged to share the video.

**Action Item:**

In light of recent challenges, courts have faced related to COVID-19, a Strategic Plan Revision Sub-Committee was created in April to provide suggested updates to the strategic plan. The Sub-Committee is chaired by Judge Sarah S. Harris, Bibb County Probate Court. Sub-Committee members are as follows:

- Judge Shawn E. LaGrue, Fulton County Superior Court;
- Judge Rizza P. O'Connor, State Bar of Georgia Representative, Toombs County Magistrate Court; and
- Judge Matthew M. McCord, Stockbridge Municipal Court.

The Sub-Committee's suggested revisions to the strategic plan were adopted by the Committee at its July 14, 2020, meeting. The Committee requests that the Judicial Council approve the proposed strategic plan revisions. The proposed revisions and current strategic plan are attached.

The proposed revisions expand upon the current strategic objective and intend to better serve pro se litigants, improve technology in the courts, and improve technology training for judicial personnel.

The next Committee meeting is scheduled for October 20, 2020.

Attachment

# **PROPOSED AMENDMENTS TO JUDICIAL COUNCIL OF GEORGIA STRATEGIC PLAN**

**FY 2020-2022**

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

### **Proposed Key Initiative**

1.4 Develop plan for public/self-represented party accessibility to Courts during crisis when physical access to courts are limited.

Measurable action: Analyze access and response issues of current crisis on each class of court. Collect the data differences between the technology used in urban and rural areas of the State.

Measurable action: Create a planned response for each class of court according to technology capabilities to address public/self-represented party accessibility during crisis with limited physical access to the courts.

\*considering urban vs. rural areas of the State

## **STRATEGIC OBJECTIVE 2: IMPROVE COLLABORATION AND PLANNING**

### **Proposed Key Initiatives**

2.4 Improve technology access, support and training across all classes of courts.

Measurable action: Audit/Survey technology access, support and electronic capabilities across all class of courts, including identifying video and telephone conference platforms in use by each class of court.

Measurable action: Collaborate with AOC and Councils to offer support and solutions to technology issues for courts without support or funding.

Measurable action: Create resource (bench card) of best practices and options for video and teleconferencing proceedings – Rules of Engagement.

Measurable action: Collaborate with ICJE to offer classes or online training on video conferencing particular to each class of court, including instructions on the use of video conferencing applications such as Web Ex, Zoom, Microsoft Teams.

2.5 Support all classes of Court in crisis management response taking into consideration both rural and urban areas and socio-economic factors for courts.

Measurable action: Assist and support Councils for each class of court in identifying emergency functions and prioritizing other court functions that may be performed even during certain crisis situations.

Measurable action: Assist and support Councils for each class of court to create a well-defined emergency response plan.

Measurable action: Create reference guide to Pandemic issues in the Courts.

DRAFT

TAB 6





## Judicial Council of Georgia

### Administrative Office of the Courts

Chief Justice Harold D. Melton  
*Chair*

Cynthia H. Clanton  
*Director*

#### Memorandum

TO: Judicial Council of Georgia

FROM: Judge William Boyett, Chair

RE: Standing Committee on Grants Report

DATE: July 10, 2020

---

The Judicial Council Standing Committee on Grants met on June 23<sup>rd</sup> and awarded \$1,457,108 in grants to seven nonprofit agencies for Civil Legal Services to Domestic Violence Families and \$218,566 to three nonprofit agencies for Civil Legal Services for Kinship Care Families. The Domestic Violence grant funds are used to provide direct civil legal assistance to low-income Georgia victims of domestic violence and their children. The Kinship Care funds are used to provide civil legal services to low-income kinship caregivers and children living with caregivers who need support to maintain stable homes and care.

The Georgia General Assembly has been appropriating funds to the Judicial Council of Georgia for the Legal Assistance to Families Victimized by Domestic Violence Project since 1999. This is the second year the General Assembly has appropriated funds to the Judicial Council for its Legal Assistance to Kinship Care Families Project. The grant funding was significantly reduced in FY21 from prior years.

For Fiscal Year 2021, the following nonprofit agencies received Domestic Violence grants:

Atlanta Legal Aid Society	\$420,842.00
Cherokee Family Violence Center, Inc.	\$5,701.00
Gateway House	\$6,610.00
Georgia Legal Services Program	\$965,530.00
Northeast Georgia Shelter Collaborative (NOA)	\$27,780.00
Northwest Georgia Family Crisis Center, Inc.	\$22,533.00
Wayne County Protective Agency/Fair Haven	<u>\$8,112.00</u>
<b>TOTAL FUNDS AWARDED</b>	<b>\$1,457,108.00</b>

For Fiscal Year 2021, the following nonprofit agencies received Kinship Care grants:

Atlanta Legal Aid Society/Georgia Legal Services Program	\$217,333.00
Wayne County Protective Agency/Fair Haven	<u>\$1,233.00</u>
<b>TOTAL FUNDS AWARDED</b>	<b>\$218,566.00</b>

TAB 7



## 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: Judicial COVID-19 Task Force  
Judge Shawn Ellen LaGrua, Chair

RE: Task Force Update

DATE: August 6, 2020

---

Since the last full Council meeting, the Judicial COVID-19 Task Force was formed, has met weekly, and has submitted a draft of its report, [Guidelines, Best Practices, and Resources](#), for consideration by the Judicial Council. The full Task Force and subcommittees continue to meet, as well as work collaboratively offline as their schedules permit.

The resulting report is the outcome of the members giving their valuable time and expertise in a variety of areas, including general safety guidelines and considerations for all proceedings; due process in virtual hearings; access to justice and technology resources; and addressing the unique circumstances in criminal and civil matters. The Task Force carefully considered the eventualities and situations that may arise while providing a concise, accessible resource for the courts.

While grand juries and petit juries were addressed broadly in this report, at the request of Chief Justice Melton, the Task Force is working further on those issues. Additionally, a subcommittee on technology has been formed to begin working on creating guidelines, assessing potential challenges, and compiling resources for the judiciary in utilizing technology for virtual proceedings.

I want to thank the Task Force members for their continued labor and dedication to this vital work. I am continually impressed by their analysis, breadth of knowledge, and collegial work culture.



SUPREME COURT OF GEORGIA  
Case No. S20I1458

August 6, 2020

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

KAHIRI SU-DON HEYWARD v. THE STATE.

Kahiri Su-Don Heyward has filed an application for interlocutory appeal from the trial court's order denying his motion for reconsideration of bond on the ground that because a grand jury did not hear the charges against him within 90 days after bond was initially denied, he is entitled to a bond upon application under OCGA § 17-7-50.

Heyward was arrested for murder on March 22, 2020, and he first filed a petition for bond on April 2, 2020, which the trial court denied on May 12, 2020, finding that Heyward presented a "(1) significant threat or danger to person(s), to the community, or to any property in the community; and (2) significant risk of committing any felony pending trial." On June 23, 2020, after Heyward had been incarcerated for 90 days without being indicted, he filed a motion for bond pursuant to OCGA § 17-7-50. The trial court denied the motion on July 1, 2020, on the same grounds cited in its May 12 order. The July 1 order additionally provided:

Pursuant to OCGA § 38-3-62, the Supreme Court of Georgia has suspended/tolled "the time within which to return a bill of indictment or an accusation or to bring a

matter before a grand jury.” Accordingly, Defendant is not entitled to a bond under OCGA § 17-7-50.

The trial court contemporaneously certified the ruling for immediate appellate review, noting “[s]pecifically, an immediate appeal would assist this Court in determining the legality of the denial of bond when the Defendant has not been indicted due to the ongoing judicial emergency.”

OCGA § 17-7-50 provides, in pertinent part:

Any person who is arrested for a crime and who is refused bail shall, within 90 days after the date of confinement, be entitled to have the charge against him or her heard by a grand jury having jurisdiction over the accused person. . . . In the event no grand jury considers the charges against the accused person within the 90 day period of confinement or within the extended period of confinement where such an extension is granted by the court, the accused shall have bail set upon application to the court.

On March 14, 2020, Chief Justice Melton entered the first order declaring a statewide judicial emergency and

suspending, tolling, extending, or otherwise granting relief from any deadlines or other time schedules or filing requirements imposed by otherwise applicable statutes . . . in . . . criminal cases . . . including . . . any . . . time within which to return a bill of indictment or an accusation or to bring a matter before a grand jury[.]

That order was extended by order dated April 6, 2020, and again by order dated May 11, 2020. The May 11 order expressly prohibited all courts “from summoning new trial jurors and grand jurors.” The

judicial emergency was again extended by orders dated June 12, and July 10, 2020, both of which kept in place the prohibition on summoning new grand jurors.<sup>1</sup>

Accordingly, we conclude that the statewide judicial emergency orders suspended the 90-day requirement under OCGA § 17-7-50 pending the duration of the emergency, and the trial court properly denied Heyward's motion under that statute. Therefore, upon consideration of Heyward's application for interlocutory appeal, it is hereby denied.<sup>2</sup>

*All the Justices concur.*

**SUPREME COURT OF THE STATE OF GEORGIA**

Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 , Clerk

---

<sup>1</sup> The Chief Justice entered the orders pursuant to OCGA § 38-3-62, which authorizes him “to suspend, toll, extend, or otherwise grant relief from deadlines” imposed by statute, including the time within which to return a bill of indictment or to bring a matter before a grand jury. See OCGA § 38-3-62 (6). The extensions of the judicial emergency order are authorized by OCGA § 38-3-61 (b).

<sup>2</sup> Heyward's sole contention in his application is that he is entitled to the grant of bond under OCGA § 17-7-50; Heyward does not raise any constitutional issues.



## SUPREME COURT OF GEORGIA

**DRAFT**

August 11, 2020

The Honorable Supreme Court met pursuant to adjournment.  
The following order was passed:

### **IN RE: RULE 3.15 ANNUAL DISCLOSURE REPORT**

Rule 3.15 (D) of the Georgia Code of Judicial Conduct requires all Georgia judges to file with the office of the Clerk of the Supreme Court of Georgia a report of compensation received for extra-judicial activities involving personal services and gifts or similar benefits received in the previous calendar year between January 1 and April 15 of the following year. This deadline has been tolled by the Chief Justice's March 14, 2020 Order Declaring Statewide Judicial Emergency, as extended. By this order, the deadline is hereby reimposed such that the report is now due by September 15, 2020. Reports may be filed electronically at <http://rule315.gasupreme.us>. A copy of this order will be provided to the council for each class of court for distribution to the judges of that class.

**SUPREME COURT OF THE STATE OF GEORGIA**  
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 , Clerk





## SUPREME COURT OF GEORGIA

**DRAFT**

August 11, 2020

The Honorable Supreme Court met pursuant to adjournment.  
The following order was passed:

### **IN RE: REIMPOSITION OF DEADLINES FOR SUPERIOR COURT RULE 39.3.1. SEMI ANNUAL LISTS OF FELONY CASES**

Rule 39.3.1 of the Uniform Superior Court Rules requires the chief judge of the superior court for each judicial circuit to electronically submit to the clerk of the Supreme Court no later than February 10 and August 10 of each year a list of all felony cases in the judge's circuit that are either pending judgment on a motion for new trial or transmission of a record on appeal. The August 10, 2020 deadline has been tolled by the Chief Justice's March 14, 2020 Order Declaring Statewide Judicial Emergency, as extended. By this order, the deadline for submitting Rule 39.3.1 reports that would have been due by August 10, 2020 is reimposed such that the report is now due by October 10, 2020. A copy of this order will be provided to the Council of Superior Court Judges for distribution to all superior court judges.

**SUPREME COURT OF THE STATE OF GEORGIA**  
Clerk's Office, Atlanta

I certify that the above is a true extract from the  
minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto  
affixed the day and year last above written.

 , Clerk

TAB 8



## **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: Cynthia Clanton, Director

RE: Judicial Council Meeting Update

DATE: August 14, 2020

Our judiciary, our state, our country, and indeed the entire world continue to grapple with the COVID-19 pandemic. The Statewide Judicial Emergency Order that Chief Justice Melton entered in March has been extended five times. Despite this, our judicial branch remains resilient and has established ways to increase the functionality of our courts safely.

I am pleased to report that the AOC remains fully functional. While most staff continue to work from home, I remain present in the office each day along with at least one person from each of our divisions on a rotating basis as we continue to serve our many clients. Rest assured that we are still managing budgets, paying bills, delivering technology, drafting contracts, staffing Judicial Council committees, hosting virtual meetings, and keeping us all connected through the Georgia Courts Journal and social media.

A brief synopsis of our current work follows:

- **Director's Division**

- Our Legal Department, in addition to writing contracts and managing the JC/AOC Strategic Plan Committee work chaired by Judge Sara Doyle, is also managing the FY 2021 Civil Legal Services to Victims of Domestic Violence Grant and Civil Legal Services to Kinship Care Families Grant awards. The FY 2021 grant awards were made by the Judicial Council Standing Committee on Grants in June. The processing of complaints against court reporters, neutrals, and interpreters has continued without interruption during the judicial emergency, and ethics investigations into the backgrounds of regulated court professionals continue to move forward. Our attorneys also continue to move forward with a number of rule revisions and updates for our internal and external clients. They also respond to general questions from the public about the Statewide Judicial Emergency Orders.

- The Judicial Council Legislation and Budget Committees met recently as the legislature reduced the Judicial Council's FY 2021 State Appropriation by 13.35%. Four new FY 2022 enhancement requests were submitted for the Judicial Council's consideration.
  - Our Office of Governmental and Trial Court Liaison (GTCL) witnessed Sine Die at the end of June. The team has prepared the Enacted Legislation Report providing summaries of bills and resolutions passed this session that are pertinent to the judiciary, available on GeorgiaCourts.gov. Additionally, the GTCL team has done considerable work for the Certiorari Review Subcommittee to develop the ideas of its members into a detailed legislative proposal entitled the "Superior and State Court Appellate Practice Act." GTCL has also been serving as support staff to the Judicial COVID-19 Task Force and has compiled and submitted that report. Staff also continue to support the day to day activities of the Council of Municipal Court Judges, and the Municipal Courts and Magistrate Courts Training Councils. The team has also provided assistance to the newly launched Georgia State-wide Business Court.
  - The Human Resources team continues to onboard new staff for various judicial clients, most notably the new Georgia State-wide Business Court.
- **Judicial Services Division**
    - Staff have worked quickly and diligently to develop a method to allow for online voting on judgeship requests and participation in all Board or Committee meetings since pivoting to virtual, thanks to the hard work of our committee leaders and staff's proactive efforts. We have not had to cancel any Board or Committee meeting. In fact, participation in meetings has increased
    - The Georgia Courts Registrar staff continue to process court professionals' applications with no slowdown in their processing time or ability to handle phone and email inquiries.
    - The Office of Court Professionals has worked with judges to start subcommittees working on critical court reporting issues. Staff have also converted all orientations and continuing education sessions to be fully virtual.
    - In staff news, Jeffrey Thorpe was promoted to Caseload Data Specialist.
  - **Information Technology Division**
    - In staff news, we have named Sterling Perry as Interim Director of the JC/AOC IT Division as we explore a new direction for our IT services.
    - The GAJE, eCourt, and JDEX projects continue to provide value to courts and other stakeholders; eCourt installations are underway in Carroll and Hall counties.
    - Staff are assisting several groups with new tools: helping to implement Zoom; standing up DocuSign on a review basis; expanding use of Microsoft Teams; and, building and maintaining our COVID-19 website.

- In addition to maintaining all the COVID-19 and court order information, Sterling is also close to launching a new website for the JC/AOC homepage linked to the Georgia Judicial Gateway. Staff are reviewing his work now.
- **Financial Administration Division**
  - Our Fiscal Division successfully wrapped up FY2020 completely virtually in accordance with all the Office of Planning and Budget requirements.
  - Invoices and Purchase Orders continue to be processed on a daily basis, with additional guidance provided on our website.
  - Travel and other reimbursement requests are being processed on a daily basis, with guidance provided on our website.
- **Communications, Children, Families and the Courts Division**
  - Communications work continues in real-time news announcements and news monitoring. Staff continue to collect stories of judges persevering through their calendar in spite of COVID-19, most recently covering the class taught by Judge David Cannon and Judge Rob Leonard for the Council of Superior Court Judges and ICJE. Thank you to both organizations for making that content public.
  - Staff support continues remotely to the Judicial Council Access to Justice Committee, the Child Support Commission, and the Supreme Court of Georgia's Justice for Children Committee. I urge you to read the separate memo in your materials where the staff provides the details of their day to day work.

**Judicial Council and Judicial Branch Events (highlights):**

- Two new Judicial Council Ad Hoc Committees have been created since April: the Ad Hoc Committee on Improving Community Access to Legal Resources and the Ad Hoc Committee on Unified Administrative Services.
- Chief Justice Melton gave an interview to the Good Judge-Ment Podcast highlighting the judicial branch's response to the COVID-19 pandemic.
  - See: <https://soundcloud.com/thegoodjudgementpodcast/interview-w-chief-justice-harold-melton>
- The Supreme Court's Justice for Children Committee honored this year's recipients of the Hines Awards at a ceremony on July 29, 2020 hosted by the Committee's chairman, Presiding Justice Nahmias.
  - See: <https://twitter.com/GACourts/status/1288876836961869824>
- While we could not celebrate in person, we observed Law Day with special videos and social media posts. This year's theme was the centennial anniversary of 19<sup>th</sup> Amendment which guarantees the right to vote to women.
  - See: <https://wakelet.com/wake/LUMB0NY5233FgsL18EOn>
- On behalf of the Judicial Council's Standing Committee on Access to Justice, Chief Justice Melton, Justice Bethel, and Justice Boggs spoke to the Board of the State

Justice Institute via video conference regarding criminal justice reform & successful records restriction clinics in Georgia.

- The State-wide Business Court is now open for business and has a new confirmed clerk. See: <https://twitter.com/BusinessCourtGA>
- Judge Taylor was profiled in the media, which we enjoyed promoting.
  - See: <https://twitter.com/attygmoore/status/1217480049823309824>
- Judges from all over the state hosted twenty-seven law students for summer clerkships as part of the Georgia Latino Law Foundation's Virtual Judicial Internship Program.
  - See: <https://georgiacourtsjournal.org/2020/06/29/the-georgia-latino-law-foundation-reports-that-all-is-well-with-its-inaugural-virtual-judicial-internship-program/>

The AOC stands ready to serve you – the members of the Judicial Council. Thank you for your resilience and leadership. Please let me know how our office can assist you.

### **Judicial Council Ad Hoc Committee on Unified Administrative Services**

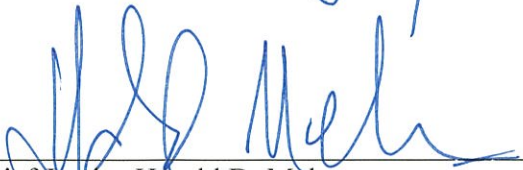
I hereby establish the Judicial Council Ad Hoc Committee on Unified Administrative Services with the mission of responding to the directive in the FY 2021 State Budget document (HB 793/AP, 2020) to provide the General Assembly with a unified payroll, human resources, and I.T. (including cyber security) plan for the entire appellate and superior court system to be administered by the Administrative Office of the Courts and implemented July 1, 2021. The Committee's work will result in a proposed plan to be delivered to the Judicial Council by November 15, 2020. The final plan shall be submitted to the Legislature on or before December 1, 2020.

Membership on the Committee will be drawn from the affected classes of court or judicial entities. The following members are hereby appointed to the Committee:

- Justice John J. Ellington, Supreme Court of Georgia, Chair
- Judge E. Trent Brown III, Court of Appeals of Georgia
- Judge Brenda Weaver, Superior Court
- Judge Nancy Ragsdale, Juvenile Court
- Mike Holiman, Council of Superior Court Clerks
- Tracy Mason, Judicial Council/Administrative Office of the Courts

The Administrative Office of the Courts shall provide staff support to this Committee and notify the judiciary of the creation of the aforementioned committee. The Committee will exist from the date of this order until December 31, 2020, unless otherwise extended.

So decided this 30<sup>th</sup> day of July, 2020.

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

TAB 9





**Supreme Court  
State of Georgia**

NATHAN DEAL JUDICIAL CENTER

Atlanta 30334

**Judicial Council Meeting  
August 14, 2020**

As for everyone, this is an unprecedented and stressful time for the judicial branch and for the bar. We are living our lives and handling our work in ways that we could not have anticipated just a few months ago. Exposure to the coronavirus is a real concern, and last month we all felt the sobering loss of Judge Horace Johnson, a dear friend. Judge Johnson was not the first judge or court official to succumb to COVID-19, and based on the spike in coronavirus cases, I do not believe we can count on things getting easier – so I urge that we in the judiciary continue to be in step together to face our future challenges.

This week, I issued the Fifth Extension of the Judicial Emergency Order to address the COVID-19 pandemic crisis. I had said earlier that I anticipated this order would include a plan to allow courts to resume grand jury proceedings and ensure the safety of all participants. However, due to the surge in coronavirus cases and based on the counsel of many of you, I have decided that statewide, we are not yet ready. Nevertheless, our Judicial COVID-19 Task Force, chaired by Fulton County Superior Court Judge Shawn LaGrua, is fast-tracking procedures to do this. The Task Force also is working hard on coming up with protocols to resume jury trials that protect the public safety of all involved. This is a tall order, but as our latest order states, the broad prohibition against grand jury proceedings and jury trials cannot last much longer. Particularly in criminal cases, we must be able to resolve them through indictment and trial, even if we do conduct some stages remotely with the use of videoconferencing. In issuing the emergency judicial orders, throughout the process, the goal has been to move forward in opening the courts as much as possible while limiting interactions that can spread the virus.

I want to commend Judge LaGrua and the Judicial COVID-19 Task Force. The Task Force Report titled “Guidelines, Best Practices, and Resources,” provides important information about efficiently and effectively continuing judicial operations during the pandemic. I echo Judge LaGrua’s admonition in her

introductory letter in the Report that we can only navigate through this crisis by continuing to work together. I understand it involves hard work, cooperation, professionalism, and patience, and we need to be a constant reminder to each other that all these factors must be met.

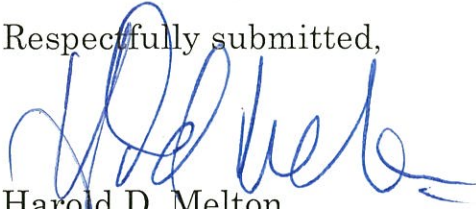
I am grateful to so many of you, and also to my colleagues, Presiding Justice Nahmias and Justices Blackwell, Boggs and Peterson, who have provided significant and much appreciated support throughout this process. Since the onset of the pandemic, I have been amazed by Georgia judges' determination to keep the courts operating to deliver justice. We have all learned new technology. At the beginning of 2020, had you ever heard of Zoom? Yet, most of us have adjusted to the changes in the nature of our operations, and the judicial system has continued to operate. A strong indication of our determination to press forward is how seamlessly the judicial branch responded to the specter of budget cuts. I am grateful to the General Assembly for listening to our concerns about the impact potential cuts would have on the courts at the very time resources are needed the most.

Here at the Georgia Supreme Court, we too remain busy. In addition to a full caseload, the engagement of our Justices in their varied administrative roles has resulted in dozens of emergency rule amendments in response. Recently, the Court's time, and especially that of Justices Blackwell and Peterson, was focused on addressing how to administer the Bar Exam traditionally held in July. The Justices, along with the Board of Bar Examiners and our law school deans, explored options as circumstances related to the COVID-19 pandemic developed and changed. On July 20, the Supreme Court canceled the in-person Bar Exam that had been postponed from July to September, and ordered instead that a test be administered online in October with electronic proctoring. The Court made its decision after considering the enormous challenges the COVID-19 crisis has placed on those who seek admission to the Georgia Bar, particularly the graduating class of 2020. This resolution will maintain the high standards we set for admitting new attorneys to the State's Bar while addressing the reality that prohibits 1300 test takers from sitting close together in a large conference room. For those applicants who prefer to take the in-person exam when it is safe to do so, the Court will maintain its provisional certification program, under which those eligible would be certified in the interim to practice under the supervision of a licensed Georgia attorney.

Again, I am deeply encouraged by the tireless leadership of the chief judges all over the state and especially the members of the Judicial Council, who not only are asked to attend to the essential work in their own courts, but also have

been supportive in addressing the pressing business of the Council. I appreciate you.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'H. D. Melton', with a stylized flourish at the end.

Harold D. Melton  
Chief Justice, Supreme Court of Georgia



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

CHAMBERS OF  
CHRISTOPHER J. McFADDEN  
CHIEF JUDGE

(404) 656-3452  
mcfaddenc@gaappeals.us

August 3, 2020

Court of Appeals Report  
Judicial Council Meeting  
August 14, 2020

The Court of Appeals completed the opinions due by the end of the April term with most of its judges and staff working remotely. Our clerk's office is also operating remotely, with only a skeleton staff in the office.

Our shift to remote operations was remarkably smooth, thanks to the outstanding and foresighted work of our IT department and Clerk's Office staff. They had been working toward a paperless environment long before the novel coronavirus emerged. We are particularly grateful to the employees who, on top of their regular duties, scanned in all the hard copies that had been filed with us. As a consequence of those efforts, we have everything we need to do our jobs at our fingertips wherever we are.

Our oral arguments continue to be live streamed and archived on our web page. Our courtroom remains open of course. But generally the only persons there for oral arguments are the presiding judge and a few staff members. I must acknowledge that, although I was initially skeptical of remote proceedings, they work remarkably well for appellate arguments.

We regret that the Court has had to cancel its previously-scheduled offsite oral arguments for this fiscal year. Those cancellations were necessary, of course, for the safety of both our staff and hosts and because of the financial constraints imposed by the pandemic. We hope next year to be able to resume our former practice under which each of our five divisions heard oral argument elsewhere around the state once each year.

I write all of this with some self consciousness. We are humbled by the diligence and physical courage displayed by judges, court staffs, and attorneys on the front lines. And we appreciate Chief Justice Melton's leadership. The judicial emergency statutes reposes a great deal of

authority in the chief justice individually, as well as in the chief judges of the superior courts. But Chief Justice Melton has proceeded collaboratively, always seeking input from all perspectives and broadly reaching out to mobilize the insight and energy of others. And so we also thank the dedicated members of the Judicial COVID-19 Task Force, chaired by Judge Shawn LaGrua and supported by Christopher Hansard and Cheryl Karounos of the AOC. Their detailed reports compiling guidelines, best practices and resources will enable all classes of courts to continue operating as safely as is possible during this pandemic.

Finally, to matters that may be of immediate practicality. Under the second extended statewide judicial emergency order issued in May, the Court of Appeals issued remittiturs in a significant percentage of the more than 250 cases it had decided or dismissed since mid-March. We also issued orders directing parties to file briefs, motions, and oral argument requests. This enabled us to continue resolving appeals and keep the cases moving. Under the latest emergency order, all of our deadlines have now been reinstated. Applications for discretionary and interlocutory appeals have increased in volume, and we anticipate that a surge in direct appeals will follow.

Our thoughts and prayers are with all of you who have suffered and continue to suffer through this pandemic. Please let me know if our Court or I personally can be of any assistance to you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris J. McFadden", with a long, sweeping flourish extending to the right.

Christopher J. McFadden  
Chief Judge  
Court of Appeals of Georgia

**Placeholder: Business Court**



## **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 August 2020**

The Council of Superior Court Judges thanks all superior court judges for adapting to manage their caseloads and maintain public access while protecting the public and court personnel. CSCJ Immediate Past President Shawn Ellen LaGrua continues to answer questions from the superior court bench in her role as chair of the Judicial Council COVID-19 Task Force.

CSCJ cancelled its in-person conference at Jekyll Island due to the pandemic and the related budget crisis. However, CSCJ worked with staff of the Institute for Continuing Judicial Education to present a training seminar for the judges by pre-recorded video. Topics included a case law update, an update from the Judicial Qualifications Commission, an evidence update, and two presentations on resuming operations during the pandemic: virtual hearings including technology and accessibility issues taught by Judge David L. Cannon, Jr. and Judge Robert Leonard and conducting jury trials taught by Judge LaGrua. CSCJ and ICJE have begun preparations for the Winter Conference in Athens.

CSCJ is grateful to the General Assembly for the creation of three much needed judgeships for the Ogeechee Judicial Circuit, the Flint Judicial Circuit, and the Cobb Judicial Circuit. The judgeships will be funded effective January 1, 2022.

Governor Brian Kemp appointed Judge Ben J. Miller, Jr., to the bench of the Griffin Judicial Circuit to fill the vacancy created by the resignation of Judge Mack Crawford, and Judge Layla Zon to the bench of the Alcovy Judicial Circuit to fill the vacancy created by the retirement of Judge Sammy Ozburn.

Several new superior court Judges were elected in the June 2020 elections: Judge Tamela Adkins of the Gwinnett Judicial Circuit, Judge Stephen A. Bradley of the Ocmulgee Judicial Circuit, Judge Angela Brown of the Cobb Judicial Circuit, Judge Lisa Colbert of the Eastern Judicial Circuit, Judge Kellie Hill of the Cobb Judicial Circuit, Judge Bryan Johnson of the Rome Judicial Circuit, Judge Jewell Scott of the Clayton Judicial Circuit, Judge Tommy J. Smith of the Middle Judicial Circuit, Judge Harvey Wasserman of the Northern Judicial Circuit, and Judge Shermela Williams of the Atlanta Judicial Circuit.

The Council congratulates Judge James Tunison of the Southern Judicial Circuit on his return to private practice and Judge Howard McClain of the Alapaha Judicial Circuit on his retirement at the end of this month and thanks both judges for their service. Governor Kemp will appoint judges to fill both vacancies as well those in the Alcovy, Augusta, Flint, and Macon Judicial Circuits.





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

**Report of the Council of State Court Judges**  
**Judicial Council Meeting**  
**August 14, 2020**

*Staff*

*Bob Bray*  
*Executive Director*

*Executive Committee*

*Judge Wesley B. Taylor*  
*President (Fulton)*

*Judge Alvin T. Wong*  
*President-Elect (DeKalb)*

*Judge R. Violet Bennett*  
*Secretary (Wayne)*

*Judge John K. Edwards, Jr.*  
*Treasurer (Lowndes)*

*Judge T. Russell McClelland*  
*Immediate Past President (Forsyth)*

*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. Throver (Baldwin)*

*District 6*  
*Judge John G. Breakfield (Hall)*

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

*District 8*  
*Judge Allison Barnes Salter (Cobb)*

The Council of State Court Judges wishes to express its appreciation to Chief Justice Harold Melton on his continued leadership during this time of danger to public health from the COVID-19 pandemic.

The Council expresses its deepest condolences to the Superior Court Judges on the loss of Judge Horace J. Johnson, Jr. of the Newton County Superior Court, Alcovy Circuit. The loss is not only devastating to his colleagues and to the citizens of his community, but also to his beloved wife and family. Our Council also holds the other judges and families affected by the novel coronavirus close to our hearts and thoughts.

President Wes Taylor has communicated all information related to the Orders Extending the Declaration of a Judicial Emergency and the work of the COVID-19 Judicial Task Force to the membership on a regular basis by emails and video conferencing as circumstances change and dictate. The report of our Council's Ad Hoc Committee on Transition to Court Operations was posted online for our State Court Judges and provided to the Judicial Council COVID-19 Task Force to incorporate into their *Georgia Court Reopening Guide*.

The State Court of DeKalb County was recently highlighted on WSB TV for the initiation of its Online Case Resolution Platform. Chief Judge Wayne Purdom noted: "Motorists issued traffic citations in DeKalb County now can resolve their cases more quickly and efficiently online." Instead of being limited to resolving citations on a pre-scheduled date and time to appear in court, individuals can access the DeKalb County State Court – Traffic Division using their smartphone, tablet, or computer at their convenience. This Online Case Resolution (OCR) platform offers motorists a fair and confidential opportunity to access the court 24/7, from anywhere, to resolve their case at any time. "The platform will allow users to submit any explanation, contributing to the issuance of the citation, along with and any important related documents online in the same manner allowed in a normal court appearance. Once all information is submitted, the case is then reviewed by the court, a determination is made, and a decision is promptly rendered to resolve the case." said Presiding Judge Ronald Ramsey who heads the Traffic Division of the State Court.

The Council Congratulates Ana Maria Martinez who serves as Staff Attorney for DeKalb State Court Judge Dax Lopez for her creation and initiation of a virtual internship program. Judges from the Georgia Court of Appeals, Superior and State Courts as well as the United States District Court for the Northern District of Georgia participated. The state court judges that participated are:

<i>Judge Kimberly Anderson</i>	<i>State Court of DeKalb County</i>
<i>Judge Jason Ashford</i>	<i>State Court of Houston County</i>
<i>Chief Judge Linda Cowen</i>	<i>State Court of Clayton County</i>



<i>Judge Susan Edlein</i>	<i>State Court of Fulton County</i>
<i>Chief Judge Jeff Hanson</i>	<i>State Court of Bibb County</i>
<i>Chief Judge Russ McClelland</i>	<i>State Court of Forsyth County</i>

The virtual judicial internship, an unpaid program, is for law students who have had their summer associate plans canceled at law firms amid the coronavirus crisis. Orientation started the week of June 3rd for the 26 Georgia law students who did virtually intern with a wide range of judges from June 8th to July 10th.

At the last Judicial Council Judicial Workload Assessment Committee meeting, several state courts were recognized for their clearance rates in Calendar Year 2019. Those receiving the *Clearance Rate Excellence Award* are:

<i>Judge Pres Johnson, State Court of Appling County</i>	<i>271%</i>
<i>Judge Sam Edgar, State Court of Bacon County</i>	<i>245%</i>
<i>Judges Jeff Hanson and Sharell Lewis, State Court of Bibb County</i>	<i>246%</i>
<i>Judge J. Kendall Gross, State Court of Candler County</i>	<i>242%</i>
<i>Judges Russ McClelland and Judge Leslie Abernathy, State Court of Forsyth County</i>	<i>246%</i>
<i>Judge Shawn Rowland, State Court of Jeff Davis County</i>	<i>269%</i>
<i>Judge John Holland, State Court of Turner County</i>	<i>953%</i>

During the recently concluded session of the Legislature, the Governor has signed into law Acts of the General Assembly that create state courts in Barrow and Paulding County and create a second judge for the State Court of Rockdale County.

The Education Committee of the Council of State Court Judges will be meeting this month to determine whether our Council will be able to host the Fall Conference October 14 – 16 as an in-person event. Should it be determined that due to ongoing public health concerns that we have to cancel the Fall Conference, arrangements have been made with the Institute of Continuing Judicial Education to live-stream and record selected educational presentations for our members.

Respectfully submitted,

*Wesley B. Tailor*

Judge Wesley B. Tailor, President



**COUNCIL OF JUVENILE COURT JUDGES  
OF GEORGIA**

**REPORT OF THE COUNCIL OF JUVENILE COURT JUDGES  
JUDICIAL COUNCIL MEETING  
AUGUST 14, 2020**

First, I am sad to report that the Council lost two judges since our last meeting. Judge Sheri Roberts of the Alcovy Circuit and Judge Doug Flanagan of the Augusta Circuit both passed way from long-term illnesses.

In addition, the Council lost veteran Judge Rob Rodatus of the Gwinnett Circuit to retirement in May. Judge Rodatus served as President of the Council in 2009-2010 and served on various committees of the Judicial Council since being appointed to the bench in 1991. At the time of his retirement, he was the 5<sup>th</sup> longest serving judge in our Council.

Later this fall, Judge LeRoy Burke of the Eastern Circuit, Judge Robin Shearer of the Western Circuit, and Judge Phil Spivey of the Ocmulgee Circuit, will join a host of judges in retirement.

Judge Ben Miller, Jr., from the Griffin Circuit was appointed a superior court judge by Governor Kemp and Judge Lisa Colbert from the Eastern Circuit was elected to the superior court bench.

The Judges of our Council continue to do work of the juvenile courts with the safety and health of the employees and parties involved. We continue to work closely with DJJ, DFCS, prosecutors, public defenders, and other attorneys in the court system. Many of our judges are keeping current with their caseloads by using Zoom or other digital means in order to handle their cases and keep everyone safe. Judge Lindsey Burton, our member on the Chief Justice's Covid-19 Task Force, has done yeoman's work in putting together guidelines for our judges and that information is kept current on the judge's bulletin board, Sidebar.

We have been in close communication with Doug Ashworth of ICJE to establish protocols and procedures for conducting our next seminar in October. Also being addressed within our Council are protocols for allowing judges to get their CJE hours due to the cancellation of our spring seminar in May.

Honorable Lisa Jones, President, 2020-2021



# Council of Probate Court Judges of Georgia

Judge Kelli Wolk  
*President (Cobb)*

Judge Kerri Carter  
*President Elect (Dade)*

Judge Thomas Lakes  
*First Vice President (Harris)*

Judge Darin McCoy  
*Secretary-Treasurer (Evans)*

Judge T. J. Hudson  
*Immediate Past President (Treutlen)*

## Report to Judicial Council of Georgia August 14, 2020

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

### **Probate and Traffic Program Recipients**

On behalf of our Council, I would like to publicly acknowledge the respective probate judges who recently completed the probate certification program and the traffic certification program. Of the two programs, 28 probate judges completed the probate certification program and 78 probate judges were in the inaugural class that completed the traffic certification program. I would like to thank Judge Virginia Acord, our Training Council chair, the members of the Probate Judges' Training Council, Judge Danielle McRae, Judge Wade Padgett, Mr. Doug Ashworth and the staff of the Institute of Continuing Judicial Education for their notable contributions in ensuring the success of these programs.

### **Judge Clarence Cuthpert, Jr.**

Congratulations to Judge Clarence Cuthpert, Jr. of the Rockdale County Probate Court on his recent appointment by the Supreme Court of Georgia to serve as a member of the Georgia Commission on Dispute Resolution. Based on his service in other roles on our Council's behalf, we are confident that Judge Cuthpert, who has years of experience as an attorney, registered mediator and judge, will add his unique perspective in this role.

### **Judge Edith Jacqueline Ingram Grant**

Our Council celebrates the life of former Hancock County Probate Judge Edith Jacqueline Ingram Grant, who passed away in June. In 1969, Judge Grant became the first black probate judge in U. S. history and first black female judge in Georgia's history. Judge Grant served Hancock County with distinction for 36 years, retiring from the bench in 2004. Judge Grant was a mentor to many, a dedicated public servant and most of all, a trailblazer and inspiration.

### **Judge Horace Johnson, Jr.**

We grieve with our colleagues in the judiciary on the loss of Judge Horace J. Johnson, Jr. Judge Johnson was beloved by many and had an infectious personality that captured the hearts of those who had the pleasure of meeting him. Judge Johnson will be known for the many roles in which he served, the least of which not being those of a devoted family man and dedicated public servant. May his legacy of public service serve as an inspiration for others and may his memory be a blessing for all who had the pleasure to cross his path.

Respectfully submitted,

Judge Kelli Wolk  
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 TJ Hudson  
Treutlen County

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

Vice-President  
Judge Quinn Kasper  
Cobb County

Secretary  
Judge Berryl A. Anderson  
DeKalb County

Treasurer  
Judge Jennifer Lewis  
Camden County

Immediate Past President  
Judge Michael Barker  
Chatham County

District One  
Judge Nathan Grantham  
Judge Scott Lewis

District Two  
Judge David Crosby  
Judge Heather Culpepper

District Three  
Judge Angela Sammons  
Judge Jennifer Webb

District Four  
Judge Phinia Aten  
Judge Curtis Miller

District Five  
Judge John Defoor II  
Judge Cassandra Kirk

District Six  
Judge Wanda Dallas  
Judge Megan Kinsey

District Seven  
Judge Brandon Bryson  
Judge Jennifer Inmon

District Eight  
Judge Rizza O'Connor  
Judge Shawn Rhodes

District Nine  
Judge Bill Brogdon  
Judge Ruth McMullin

District Ten  
Judge Melanie Bell  
Judge Caroline Evans

Members-at-Large  
Judge Jim Altman  
Judge Mike Burke

## Council of Magistrate Court Judges Report

As we start the new year, the Council of Magistrate Court Judges has been working closely with the outgoing Exec Officers for continuity during this public health crisis. The new officers have had the former ones available on calls with the Judicial Council to help with the transition since a new emergency order was forthcoming.

The Council has seen a large increase in court closures and judges who have been exposed to the virus. Approximately one court each week is having to close, disinfect, test staff and/or quarantine since the beginning of July. There have been at least 3 counties that have closed and disinfected more than once in a 4 week period.

This has made resuming the business of the court and reducing backlogs difficult and in some cases impossible. While criminal is essential and has not been interrupted, the civil caseloads are difficult to manage when a court has to close. The biggest issue continues to be dispossession, which will overwhelm many courts as the tolling periods lift.

The Council has issued some guidelines to help courts that have to close or that have had exposure to staff. Courts are following both the guidelines and the Judicial Emergency Order and the Council continues to reach out to help as it becomes aware of a closure.

Given the circumstances with the public health crisis, the Magistrate Court Training Council (MCTC) has been discussing in person training for the fall. One venue was not going to be able to provide services safely for the 10 judges signed up for new judge school. It was able to be moved but given the fact that more courts are closing and more people are getting sick, the MCTC reached out to ICJE and the Council and together decided that any in person training for this year should be cancelled. There is no guarantee that this crisis will improve by September or early October when our in person trainings were scheduled to be held. Alternative training opportunities online will be made available to all judges.

The Council, MCTC and ICJE are working to make sure all online training is conducive for online format and can be pre-recorded and made available to all.



# Council of Municipal Court Judges

July 30, 2020

**Chief Judge Willie Weaver Sr.**

**President**

Cities of Albany, Dawson, Leslie & Sylvester

P.O. Box 646

Albany, Georgia 31702

678-482-0208

[wweverlaw@aol.com](mailto:wweverlaw@aol.com)

**Chief Judge Lori Duff, President-Elect**

City of Loganville

[duff@jonesandduff.com](mailto:duff@jonesandduff.com)

**Judge JaDawnya Baker, Vice President**

City of Atlanta

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**Judge Nathan Wade, Secretary**

City of Marietta

[nathanwade@lawyer.com](mailto:nathanwade@lawyer.com)

**Judge David Will, Treasurer**

City of Clarkston

[dwill@msn.com](mailto:dwill@msn.com)

**Judge Dale “Bubba” Samuels**

**Immediate Past President**

City of Franklin Springs

[bubba@bubbasamuels.com](mailto:bubba@bubbasamuels.com)

**District One**

Judge Joe Huffman

Judge Richard Sanders

**District Two**

Judge Vernita Bender

Judge Gregory T. Williams

**District Three**

Judge Chimere Trimble

Judge Bill NeSmith

**District Four**

Judge Michael Nation

Judge Davis Will

**District Five**

Judge Gary E. Jackson

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 William Brogdon

**District Ten**

Judge Graham McKinnon

Judge Ryan S. Hope

## Report to the Judicial Council of Georgia – August 2020

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

### Council Meeting Endeavors

From the onset of the Statewide Judicial Emergency Order issued by Chief Justice Melton, the Council leadership and membership have been engaged. We are currently under the fourth extension of the Emergency and to the extent possible, municipal courts have remained open to address essential functions for its constituents. Increasingly more courts are turning to virtual proceedings. These past months have been challenging and have shown the fortitude of judges and clerks across the State of Georgia. We will continue to work towards the courts reopening safely and plan accordingly. I want to thank Judges Mathew McCord and Norman Cuadra for their contributions to the Georgia Court Reopening Guide and the Judicial COVID-19 Task Force Report, respectively.

The Council's full Executive Committee met on June 16, 2020, via Zoom due to the cancellation of the Summer conference. The Council also held its first Zoom Summer Business Meeting and Awards & Recognition Ceremony on June 19, 2020, where the Membership approved the CY 20-21 Council Budget, Proposed Superior Court Rule 17.3 for Part-time Municipal Court Judges and a CMuCJ Sexual Harassment Policy. Henry Williams, Esq., former municipal court judge, attended the Business Meeting as the Council's guest speaker. Chief Judge Willie Lockett, Superior Court, Dougherty Judicial Circuit, administered the oath of office to Judge Weaver upon being elected as President. Honors were also bestowed during that time. The Council awarded its Frost Ward Lifetime Achievement Award to Chief Judge Rashida Oliver, City of East Point; Chief Judge Christopher Portis, Municipal Court of Atlanta, was awarded the Special Recognition Award for the “Homeless Court Program”; Judge Barbara A. Harris (posthumously), Municipal Court of Atlanta, was awarded the Special Recognition to celebrate her meritorious service and varied contributions; and, Judge Dale “Bubba” Samuels, Municipal Court of Franklin Springs, was awarded the Special Recognition Award for his leadership of the Council through unprecedented times. Three judges were recognized as a trifecta for the Glen Ashman Education Achievement Award, Chief Judge Dennis Still, Municipal Court of Lawrenceville; Judge Thomas Bobbitt III, Municipal Courts of Jeffersonville and Glenville; and Chief Judge Margaret Washburn, Municipal Court of Sugar Hill. The accolade honors judges who exemplify judicial education through extensive time and effort towards educating municipal court judges and clerks.

### Municipal Court Judges Benchbook

The Municipal Judges Training Council, in agreement with the CMuCJ, contracted with MyCLE to create an E-book version of the Benchbook with

# The Council of Municipal Court Judges

uniformity and consistency throughout. The resource was finalized and disseminated to the membership in advance of the Summer Business Meeting and is also available in print format on MYCLE.com. The CMuCJ is grateful to Judge Parag Shah for taking on this endeavor.

## **Legislation**

Presently, for the 2021 session of the General Assembly, the Council of Municipal Court Judges does not plan to seek any legislative initiatives.

Additionally, the CMuCJ is still actively participating through its representative on the Certiorari Review Subcommittee, whose purpose is to re-examine existing law with an effort to streamline and economize the Courts appellate practice in Georgia. The Council looks forward to the great work to come from this working group to standardize the process for municipal courts.

## **Continuing Judicial Education**

The Municipal Judges Training Council cancelled its Summer Law and Practice Update. In doing so, members agreed to continue to monitor current events, while planning to move forward with the Fall Law and Practice Update in person. Sessions are planned to be simulcasted to judges that register to participate remotely as well as recording for later viewing. The Training Council plans to meet soon to reassess the decision and discuss options regarding certification, noting their main priority is to assure that they are proceeding to the extent achievable and consistent with public health guidance for municipal court judges and clerks.

## **Strategic Planning**

Key members of the CMuCJ are scheduled to participate in a facilitated two-day strategic planning session via Zoom, August 27-28, 2020. The Business and IT plan is updated to reflect continued progress against previously defined initiatives and to develop new priorities to support ongoing business efforts of the Council. It has been proven that the Strategic Plans have helped guide the Council through business and IT decisions to achieve many accomplishments over the years.

## **Next Meeting**

The next meeting of the Council of Municipal Court Judges Executive Committee will be announced at a later date.

Respectfully submitted,

*Judge Willie Weaver, Sr.*

President, Council of Municipal Court Judges

TAB 10



# Council of Accountability Court Judges

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

**Taylor Jones**  
*Executive Director*

## **Council of Accountability Court Judges Report to Judicial Council August 2020**

In the time since the Council of Accountability Court Judges (CACJ) last reported to the Judicial Council, the CACJ held its annual meeting on June 26, 2020. During the meeting the CACJ elected its FY21 Executive Committee members, which are listed below.

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

The CACJ Funding Committee, in conjunction with the Criminal Justice Coordinating Council and several District Court Administrators, met in April to review the FY21 Accountability Court Grant applications. The total amount of funds requested by the courts totaled \$36,921,381.

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

- Adult Felony Drug Courts - \$13,098,401
- Adult Mental Health Courts - \$4,998,734
- Veterans Treatment Courts - \$2,129,124
- DUI Courts - \$1,691,346
- Family Treatment Courts - \$2,566,794
- Juvenile Drug & Juvenile Mental Health Courts - \$756,472
- The CACJ also awarded \$827,067 in transportation funds to support participant treatment session attendance, court appearances, and drug testing obligations.
- Additional accountability court funds are anticipated to be released to the courts via a competitive mid-year grant solicitation.

The Standards and Certification Committee worked during the first half of the year to update the state standards for accountability courts based on new research in best practices. The updated standards were reviewed and approved by the full council body at the CACJ annual meeting in June and went into effect on July 1, 2020. Accountability courts will be certified





## GEORGIA COMMISSION ON DISPUTE RESOLUTION

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### **Chair**

Judge Jane C. Barwick

### **Chair-Elect**

Judge M. Cindy Morris

### **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.

N. Staten Bitting, Jr., Esq.

Judge Clarence Cuthpert, Jr.

Mary Donovan, Esq.

Judge C. Andrew Fuller

Herbert H. (Hal) Gray III, Esq.

Melissa C. Heard, MSSW

Nicole Woolfork Hull, Esq.

Patrick T. O'Connor, Esq.

Edith B. Primm, Esq.

Judge Renata D. Turner

Randall Weiland

Peggy McCoy Wilson

The following is an update on the initiatives and activities for the Commission on Dispute Resolution:

### **New Membership Roles and Commission Composition**

The Commission held its first virtual meeting on May 6, 2020, at which Justice John J. Ellington swore in new members Hon. Clarence Cuthpert, Jr., Rockdale County Probate Court, and Mr. Staten Bitting, Jr., an attorney from Richmond County. Both Judge Cuthpert and Mr. Bitting are registered neutrals with the Georgia Office of Dispute Resolution.

In April 2020, the Supreme Court expanded the Commission with the addition of a third trial court judge (non-Superior Court), a seat now filled by Judge Cuthpert.

### **New Rules on Mediating Cases Involving Issues of Domestic Violence**

The new Rules for Mediating Cases Involving Issues of Domestic Violence take effect January 1, 2021. The GODR had planned in-person trainings to be held around the state from January through August. The Office had completed eleven (11) of the in-person trainings before the declared pandemic and was able to quickly transition the remaining trainings to a virtual platform. So far, the Office has conducted twenty (20) virtual trainings and has four (4) more scheduled. The Office is also planning virtual trainings this fall for all court ADR program staff.

### **ADR Institute**

For nearly three decades, the GODR and State Bar Dispute Resolution section have co-sponsor the annual ADR Institute and Neutrals' conference, which draws in nearly 300 attendees each year. This year's event will be held virtually, and we anticipate that the remote platform will allow even greater access to this valuable educational opportunity.

### **COVID-19 Resources**

The GODR has a webpage devoted to COVID-19 resources. In addition to the GODR published guides and templates, the webpage also has a number of 'how-to' documents and videos.

### **Supreme Court ADR Rules, Appendix A Amendment**

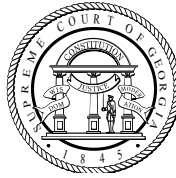
On July 8, 2020, the Supreme Court of Georgia entered an order amending Appendix A (Uniform Rules for Dispute Resolution Program) of the Alternative Dispute Resolution Rules. Rule 4. Appearance at an ADR Conference or Hearing now provides for parties, attorneys, and any representatives to appear remotely for an ADR conference. This provision is set to sunset six (6) months after the expiration of the last statewide judicial emergency order.

### **Upcoming Commission Meeting Date**

The next Commission meeting date is November 5, 2020, at 2:00 p.m. at the State Bar of Georgia. Meeting information as well as previous minutes are posted on the GODR website at [www.godr.org](http://www.godr.org).

# CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

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



Karlise Y. Grier  
Executive Director

## Memorandum

TO: Judicial Council of Georgia

FROM: Karlise Y. Grier, Executive Director

RE: Chief Justice's Commission on Professionalism

DATE: August 14, 2020

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The Chief Justice's Commission on Professionalism (Commission), 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 Clyde L. Reese III 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 serves on the Commission for the federal judiciary. Justice Sarah Hawkins Warren is a very active advisor to the Commission. You will find a complete list of Commission members, advisors, and liaisons at the Commission's web site at <http://cjcpga.org/commission-members-2020-2021/>.

### **COMMISSION CLE IN AUGUST 2020: PROFESSIONALISM AND THE GEORGIA COURT REOPENING GUIDE**

The Commission held its fifth online "Professionalism Pop-Up" CLE entitled *Professionalism and the Georgia Court Reopening Guide* on August 7, 2020, from 2:00 pm – 4:00 pm. The Program Chair was **Judge Shawn LaGrua**, Superior Court of Fulton County and Chair of the Administrative Office of the Courts/Judicial Council COVID-19 Task Force. As of July 31, 2020, the Commission had 1,528 individuals (including a few non-attorney court professionals) registered for the CLE. The Commission anticipated that approximately 1,200 individuals would actually attend the CLE. A DRAFT program agenda (as of July 31, 2020) for the CLE is attached hereto and incorporated by reference as "Exhibit A." Thank you to Cynthia Clanton, Michelle Barclay, and John Ramspott of the Administrative Office of the Courts for assisting the Commission with providing information about the CLE to attorneys. Thank you to Cheryl Karounos and Darron J. Enns for assisting the Commission in communicating with the Judicial COVID-19 Task Force.

### **LAW SCHOOL ORIENTATIONS ON PROFESSIONALISM**

The Commission staffs the State Bar of Georgia Committee on Professionalism (Committee), and in that role supports the Committee's work on the Law School Orientations on Professionalism. The orientations are designed to provide incoming 1Ls with their first introduction to professionalism. Georgia judges and lawyers are invited to serve as "Group

Leaders” during the orientations to help students learn the meaning of professionalism and why it is important for them as law students. The sub-committee that is planning the 2020 law school orientation programs is chaired by Mr. Michael Herskowitz, U.S. Attorney’s Office, Northern District of Georgia. The information for the Law School Orientations on Professionalism (as of July 31, 2020) are as follows:

- **Atlanta’s John Marshall Law School**, Saturday, August 15, 2020, Group Leader Training from 9:30 am – 10:50 am; Breakout Sessions from 11:05 am – 12:45 pm. (The Orientation will take place VIRTUALLY via Zoom)
- **Emory University School of Law**, Thursday August 13, 2020, Group Leader Training from 12 Noon – 1:00 pm; Breakout Sessions from 1:15 pm – 3:15 pm (VIRTUALLY via Zoom)
- **Georgia State University College of Law**, August 11, 2020, Group Leader Training from 5:00 pm – 5:50 pm; Breakout Sessions from 6:00 pm – 4:00 pm (VIRTUALLY via WebEx)
- **Mercer University**, School of Law, Friday, August 14, 2020, beginning at 2:30 pm (VIRTUALLY)
- **University of Georgia School of Law**, Friday, August 14, 2020, Group Leader Training from 1 pm – 2:15 pm; Breakout Sessions from 2:30 pm – 4:00 pm (VIRTUALLY via Zoom for Group Leaders. No Group Leaders will be on campus)

The Commission coordinated Group Leader registration with each of the law schools. For the 2020 orientations, we received 136 initial registrations, which was slightly down from the previous year. This year, working with the State Bar of Georgia’s Office of General Counsel (“OGC”), the Commission also instituted a new procedure for screening Group Leaders, prior to extending the Group Leaders an invitation to participate, by having OGC to review the list of potential group leaders for any disciplinary history. The Commission is excited to assist the Committee and the law schools with this program for the 28<sup>th</sup> year, albeit using a different medium for the first time in the program’s history. We look forward, however, to a successful 28<sup>th</sup> year of law school professionalism orientations!

#### **UPCOMING COMMISSION CLES AND PROGRAMS**

The Commission’s Executive Director has begun a conversation with Justice Michael Boggs, regarding presenting a virtual CLE for the Commission in the Fall of 2020. The current working title for the CLE is “*What Judges May Do to Improve The Law and The Legal System: What Lawyers Need to Know About Judicial Professionalism.*” In addition, the Commission anticipates hosting a CLE in January 2021 entitled “*The Necessity of Unparalleled Unity*” based on an article of the same name that the Commission’s Executive Director submitted to the Georgia Bar Journal for the August 2020 GBJ edition. The article is attached hereto and incorporated by reference as “Exhibit B.” Commission member, **Dawn M. Jones**, has agreed to serve as the Program Chair for the January 2021 CLE. The Commission’s Executive Director anticipates that the Supreme Court of Georgia will finalize the Court’s 2021 oral argument calendar in August 2020. Thereafter, with determined optimism, the Commission’s Executive Director will work with court personnel to select dates to reschedule the Suicide Awareness Program and the 21<sup>st</sup> Annual Justice Robert Benham Awards for Community Service, with the hope that in 2021 the legal community will once again be able to gather in-person safely in large numbers for these events.

**FINAL REPORT REGARDING COMMISSION CLE IN JUNE 2020: CRIMINAL JUSTICE, PROFESSIONALISM AND CORONAVIRUS**

The Commission held its fourth online “Professionalism Pop-Up” CLE entitled *Professionalism, Criminal Justice, and Coronavirus* on June 11, 2020, from 12 Noon – 1:00 p.m. The Program Co-Chairs were **Rebecca Holmes Liles Grist**, Solicitor-General, State Court of Bibb County and **Claudia S. Saari, Public Defender**, DeKalb County Public Defender’s Office. **Trish McCann Bertram**, Professional Development Director for the Georgia Public Defender Council and **C. Todd Hayes**, Solicitor General, Cherokee County Solicitor General’s Office prepared hypothetical problems for the CLE. The Commission hosted the CLE on the Zoom Webinar platform. According to the Zoom report generated for the CLE, the CLE was attended by 499 “Unique Viewers.” The Commission has reported attendance for 494 attorneys to the State Bar of Georgia’s Commission on Continuing Legal Education Department. A flyer about the program is attached and incorporated by reference as “Exhibit C.” Local and voluntary bar associations are encouraged to use the materials from the CLE to continue a discussion of the issues raised by the hypotheticals in the local judicial circuits. To view the complete materials for the CLE, please visit: <http://cjcpga.org/criminal-justice/>.

**FINAL REPORT REGARDING COMMISSION CLE IN APRIL 2020: MOVING FORWARD WITH PROFESSIONALISM IN THE MIDST OF A PUBLIC HEALTH EMERGENCY**

In lieu of the Suicide Awareness Program, the planning team for that program, decided to proceed with a different program on April 28, 2020, from 2:00 pm – 4:00 pm, entitled *Moving Forward with Professionalism In the Midst Of A Public Health Emergency*. The planning team for the revised April 28<sup>th</sup> program was **Judge Clyde L. Reese III**, 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) and **Judge Shondeana Crews Morris**, Superior Court of DeKalb County (State Bar of Georgia Suicide Prevention Committee Chair). **Chief Justice Harold D. Melton** served as the Keynote Speaker for the event. The Commission hosted the CLE on the Zoom Webinar platform. According to the Zoom report generated for the CLE, the CLE was attended by 1,820 “Unique Viewers.” The Commission has reported attendance for 1,781 attorneys to the State Bar of Georgia’s Commission on Continuing Legal Education Department. Thank you to Cynthia Clanton, Michelle Barclay, and John Ramspott of the Administrative Office of the Courts for assisting the Commission with providing information about the CLE to attorneys.

**COMMISSION COMMITTEES AND WORKING GROUPS**

**Benham Awards Exploratory Committee**

Historically, the Benham Awards for Community Service has been a free event held either at the State Bar of Georgia’s headquarters in Atlanta, Georgia or in conjunction with a State Bar of Georgia Annual or Mid-Year meeting. The Commission is exploring options for making the Benham Awards a self-sustaining event via paid ticket sales, sponsorships and advertising, beginning with the 22<sup>nd</sup> Annual Justice Robert Benham Awards ceremony to be held in 2022. Changing how the Benham Awards are funded would potentially allow the event to grow into a larger signature event for the Commission beyond its current configuration. The Chair of this Committee is Commission Member, **Adwoa Seymour**. The Committee has begun meeting so that it can make a recommendation to the Commission at the Commission’s on October 9, 2020, meeting.

#### Grant Committee

The Grant Committee, under the leadership of Commission Member, **Judge Susan Edlein**, has created drafts of documents as follows: Grant Criteria, Grant Application, Grant Conditions Agreement, and Grant Application Procedures. The Grant Committee has sent the documents to Chief Justice Melton and to Justice Warren for review and comment. Chief Justice Melton has scheduled a special call meeting of the Commission for August 28, 2020, so that the Commission can discuss the documents created by the Grant Committee.

#### CLE Working Group

Over the next several months the Commission's CLE Working Group will meet to discuss various ways to harness technology and research on elearning and instructional design to teach professionalism. The CLE Working Group, chaired by Commission Member, **Rebecca Grist**, held its first meeting via Zoom on June 25, 2020 and had three guest speakers as follows: Dan Davies, Education Manager, Illinois Supreme Court Commission on Professionalism, <https://www.2civility.org/people/dan-davies/>; Gina Roers-Liemandt, Director of MCLE and Professional Development, American Bar Association, <https://aclea.ce21.com/speaker/gina-roersliemandt-301410>; Dee Dee Worley, Director, Continuing Legal Education, State Bar of Georgia, <https://www.linkedin.com/in/deedee-worley-89999422>. The Commission will provide additional information about the Committee's work as the work progresses.

#### COMMISSION WEBSITE AND SOCIAL MEDIA

The Commission continues to enhance the Commission website, [www.cjcpgea.org](http://www.cjcpgea.org). For example, you may find information about the 2020-2021 Commission members, advisors, and liaisons on the Commission's website. The Commission website also contains information and resources from the Commission's 2020 virtual CLEs and updates regarding the Judicial Emergency Orders. In addition, the Commission continues to develop its social media content internally with the assistance of an intern, Ms. Jordyn Irons, who was graduated from Georgia State University in May. The Commission enjoys communicating with judges and lawyers about #professionalism on the Commission's 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>



## PROGRAMME – PROFESSIONALISM AND THE GEORGIA COURT REOPENING GUIDE

The Program Chair is **Judge Shawn LaGrua**, Superior Court of Fulton County and Chair, Judicial Council/Administrative Office of the Courts COVID-19 Task Force.

**Master of Ceremonies: Mr. Norbert ("Bert") Daniel Hummel IV (confirmed)**  
President, Young Lawyers Division, State Bar of Georgia  
Member, Chief Justice's Commission on Professionalism

### **Panel 1 (45 minutes):**

#### **Moderator:**

- **Ms. Elizabeth Fite**, President-Elect State Bar of Georgia **(confirmed)**  
Member COVID-19 Task Force  
Member, Chief Justice's Commission on Professionalism

#### **Panelists:**

- **Honorable Shawn LaGrua**, Judge, Superior Court of Fulton County  
Chair, Judicial Council/Administrative Office of the Courts  
COVID-19 Task Force **(confirmed)**
- **Honorable Melanie Bell**, Judge, Probate Judge of Newton County,  
Chief Magistrate Court Judge, Newton County  
Chair, Grand Jury Committee of the COVID-19 Task Force  
**(confirmed)**
- **Judge Lindsay Burton**, Chief Judge, Hall County Juvenile Court  
Chair, Juvenile Committee **(confirmed)**
- **Honorable T. Russell McClelland**, Chief Judge, State Court of Forsyth County  
Immediate Past President, Council of State Court Judges  
Chair, Civil Committee of the COVID-19 Task Force  
**(confirmed)**

**Panel topic:** An update on the work of the COVID-19 Task Force and a discussion of **the role of professionalism** as judges and attorneys seek to implement the best practices developed by the task force.

**Panel 2 (35 minutes):**

**Moderator:**

- **Ms. R. Javoyne Hicks**, Esquire, Clerk, State Court and Magistrate Courts of DeKalb County  
Chair, State Bar of Georgia Wellness Committee  
Member, State Bar of Georgia Executive Committee **(confirmed)**

**Panelists:**

- **Dr. Mark A. Swancutt**, MD, PhD, DTM&H,  
Staff Physician, Respiratory Clinic,  
Fulton County Board of Health  
Member, Judicial Council/Administrative Office of the Courts  
COVID-19 Task Force **(confirmed)**
- **Ms. Lynn Garson**, Esquire, Chair, State Bar of Georgia Lawyer Assistance Program  
**(invited)**

**Panel topic:** Conducting court safely during a global pandemic. Updates on COVID-19 and physical well-being. Tips for mental well-being as the Courts begin to reopen for more non-essential business.

**Panel 3 (35 minutes):**

**Moderator:**

- **Ms. Rebecca Grist**, Solicitor-General, State Court of Bibb County  
Member, Chief Justice's Commission on Professionalism  
**(confirmed)**

**Panelists:**

- **Honorable Harold D. Melton**, Chief Justice, Supreme Court of Georgia  
Chair, Chief Justice's Commission on Professionalism  
**(confirmed)**
- **Ms. Dawn Jones**, Esquire, President of State Bar of Georgia  
Chair, Chief Justice's Commission on Professionalism  
**(confirmed)**

**Panel topic:** Perspectives of judges and lawyers as the Georgia Courts reopen and **the role of professionalism** as the legal profession creates a new paradigm for handling non-essential court business.



## **The Necessity of Unparalleled Unity**

By Karlise Y. Grier

Several years ago, I attended an event at the State Bar of Georgia during which an official from the Republic of Georgia spoke. The official talked of the challenges of luring foreign companies to do business in his country. He said one of the main reasons that foreign companies did not want to do business in his country was because no one had confidence in the integrity of the country's judicial system – not the foreign companies and not the people of the Republic of Georgia. I remembered his words because it was the first time that I had really contemplated how much our way of life in the United States of America rests on the public's confidence in the legitimacy of our legal system. If our system of "justice" fails, our way of life can also easily fail.<sup>1</sup> The foregoing statement is one reason why I believe every lawyer should support efforts to ensure that all people in the United States of America – regardless of race – have trust and confidence in our legal system.

In a statement released on June 2, 2020, in response to the protests surrounding the death of George Floyd, former U.S. President George W. Bush said:

Many doubt the justice of our country, and with good reason. Black people see the repeated violation of their rights without an urgent and adequate response from American institutions. We know that lasting justice will only come by peaceful means. Looting is not liberation, and destruction is not progress. But we also know that lasting peace in our communities requires truly equal justice. The rule of law ultimately depends on the fairness and legitimacy of the legal system. *And achieving justice for all is the duty of all.*<sup>2</sup>

"People who do not believe that we have a racial injustice problem are entitled to their own opinions, but they are not entitled to their own facts," the Honorable Richard A. Robinson, Chief Justice of the Supreme Court of Connecticut, recently wrote.<sup>3</sup> Consider, therefore, the facts regarding two distinct police encounters with two disparate outcomes as reported in two news articles.

### **Police Encounter One**

The 21-year-old white man suspected of having gunned down nine people at a historic black church in South Carolina, was back in Charleston Thursday after a sweeping manhunt that spanned two states.

Dylann Roof was caught after 11 a.m. ET following Wednesday night's massacre at Emanuel African Methodist Episcopal Church. He was arrested about 245 miles north in Shelby, North Carolina, during a traffic stop, Charleston Police Chief Gregory Mullen said at a news conference.

Shelby police received a tip about a suspicious car in the area and arrested Roof without incident, Mullen added.<sup>4, 5</sup>



## Police Encounter Two

On May 25, Minneapolis police officers arrested George Floyd, a 46-year-old black man, after a convenience store employee called 911 and told the police that Mr. Floyd had bought cigarettes with a counterfeit \$20 bill. Seventeen minutes after the first squad car arrived at the scene, Mr. Floyd was unconscious and pinned beneath three police officers, showing no signs of life.<sup>6</sup>

As you reviewed the facts from the above news articles, did you ask yourself which outcome would you want for yourself, your family and your friends? Would you want the outcome that permits you to have a trial where you have the presumption of innocence, the right to a jury of your peers, the right to representation, and the right to confront and cross-examine witnesses against you? Or would you want the outcome that condemns you to death in 17 minutes? Which outcome do you believe inspires the most confidence in the fairness and legitimacy of the legal system?

In *A Lawyer's Creed and the Aspirational Statement on Professionalism* adopted by the Supreme Court of Georgia in 1990, the Court at that time stated: "It is the Court's hope that Georgia's lawyers, judges, and legal educators will use the following aspirational ideals to reexamine the justifications of the practice of law in our society and to consider the implications of those justifications for their conduct."<sup>7</sup> Thereafter, in one of the aspirational ideals the Court challenged Georgia lawyers and judges to commit that the "social goals of equality and fairness will be personal goals for me."<sup>8</sup> The Court also called upon lawyers and judges in the *Aspirational Statement on Professionalism* to "preserve and improve the law, the legal system, and other dispute resolution processes as instruments for the common good."<sup>9</sup>

During these pivotal times, I hope all Georgia lawyers and judges will reflect on the aspirational ideals set forth in *A Lawyer's Creed and the Aspirational Statement on Professionalism*. I hope all Georgia lawyers and judges will also consider the observations of the current Chief Justice of the Supreme Court of Georgia, the Honorable Harold D. Melton, who has said:

"The prominence and horror of the George Floyd murder does point to continued divisiveness. But, at the same time, it also points to unparalleled unity as exhibited by unprecedented numbers of people of all ages, races, and walks of life who are: (1) expressing outrage at the continued unnecessary violence by some police officers against African Americans; and (2) asking 'What can we do to make things better going forward?'"<sup>10</sup>

I cannot and do not speak for the Supreme Court of Georgia or for any Justice on the Court. I do, however, serve as the current steward of an organization with the stated mission of encouraging "lawyers [and judges] to exercise the highest levels of professional integrity in their relationships with their clients, other lawyers, the courts, and the public and to fulfill their obligations to improve the law and the legal system and to ensure access to that system."<sup>11</sup> As a steward of the Chief Justice's Commission on Professionalism, I believe professionalism should compel each of us to ask: "What can I personally do as a Georgia lawyer or a Georgia judge to make things better going forward?"

At this pivotal time in U.S. history there is the necessity of unparalleled unity by each one of us as legal professionals – because achieving justice for all is the duty of all.

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<sup>1</sup> See generally George W. Dougherty, Stefanie A. Lindquist and Mark D. Bradbury, *Evaluating Performance in State Judicial Institutions: Trust and Confidence in the Georgia Judiciary*, 38 St. & Loc. Gov't Rev., 176-190 (2006), [www.jstor.org/stable/4355433](https://www.jstor.org/stable/4355433) (Last visited June 26, 2020) (the abstract states in part: "Like other governmental institutions, state courts must be concerned with their institutional legitimacy and citizens' perceptions regarding their efficacy as forums for the fair and efficient resolution of legal disputes. The results of this study of public satisfaction with court performance in Georgia suggest that citizens evaluate the courts in terms of public confidence (i.e., institutional competence) and political trust (i.e., the judiciary's ability to satisfy its fiduciary responsibilities to promote justice). A significant racial divide exists on the matter of trust but not confidence.").

<sup>2</sup> George W. Bush, *Statement by President George W. Bush*, George W. Bush Presidential Center, <https://www.bushcenter.org/about-the-center/newsroom/press-releases/2020/06/statement-by-president-george-w-bush.html> (emphasis supplied). (Last visited June 26, 2020).

<sup>3</sup> Zach Murdock, *Connecticut Supreme Court's first black chief justice calls for 'real and immediate improvements' to judicial system amid national protests*, Hartford Curant (June 10, 2020, 10:28 AM), <https://www.courant.com/news/connecticut/hc-br-chief-justice-robinson-reforms-protests-20200610-k6dwuubv7zau5citiytiwrcfm-story.html> (Last visited June 26, 2020).

<sup>4</sup> Erik Ortiz and F. Brinley Bruton, *Charleston Church Shooting: Suspect Dylann Roof Captured in North Carolina*, NBC News (June 18, 2015, 8:12 AM EDT / Updated June 18, 2015, 8:25 PM EDT), <https://www.nbcnews.com/storyline/charleston-church-shooting/charleston-church-shooting-suspect-dylann-roof-captured-north-carolina-n377546> (Last visited June 26, 2020).

<sup>5</sup> See Glenn Smith, *Emanuel AME shooter Dylann Roof Claims He Has Been Targeted for Abuse in Federal Prison*, The Post and Courier (April 23, 2020), [https://www.postandcourier.com/news/emanuel-ame-shooter-dylann-roof-claims-he-has-been-targeted-for-abuse-in-federal-prison/article\\_846e04ac-84be-11ea-ac75-dba4446ab87.html](https://www.postandcourier.com/news/emanuel-ame-shooter-dylann-roof-claims-he-has-been-targeted-for-abuse-in-federal-prison/article_846e04ac-84be-11ea-ac75-dba4446ab87.html) (as of April 23, 2020, Roof was still alive in a federal prison and appealing his death sentence) (Last visited June 26, 2020).

<sup>6</sup> Evan Hill, et al., *How George Floyd Was Killed in Police Custody*, N.Y. Times (May 31, 2020 / Updated June 22, 2020), <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html> (Last visited June 26, 2020).

<sup>7</sup> Chief Justice's Commission on Professionalism, *A Lawyer's Creed and Aspirational Statement on Professionalism* at Lines 41 - 44, <http://cjcpga.org/wp-content/uploads/2019/07/2-Lawyers-CreedAspStatement-v-2013-Line-Number-with-new-logo-and-seal-v07-25-19.pdf> (Last visited June 26, 2020).

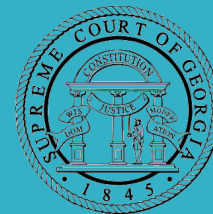
<sup>8</sup> Chief Justice's Commission on Professionalism, *A Lawyer's Creed and Aspirational Statement on Professionalism* at Lines 56 - 57, <http://cjcpga.org/wp-content/uploads/2019/07/2-Lawyers-CreedAspStatement-v-2013-Line-Number-with-new-logo-and-seal-v07-25-19.pdf> (Last visited June 26, 2020).

<sup>9</sup> Chief Justice's Commission on Professionalism, *A Lawyer's Creed and Aspirational Statement on Professionalism* at Lines 58 - 59, <http://cjcpga.org/wp-content/uploads/2019/07/2-Lawyers-CreedAspStatement-v-2013-Line-Number-with-new-logo-and-seal-v07-25-19.pdf> (Last visited June 26, 2020).

<sup>10</sup> Mike Scarcella and Jonathan Ringel, *Georgia Chief Justice Sees 'Unparalleled Unity' in Diverse Protesters Expressing 'Outrage'*, Law.com, Daily Report (June 05, 2020, 08:28 PM), <https://www.law.com/dailyreportonline/2020/06/05/our-moral-imperative-washington-state-justices-issue-open-letter-confronting-racial-injustice-404-47952/> (The original version of this story was published on The National Law Journal) (Last visited June 26, 2020).

<sup>11</sup> Chief Justice's Commission on Professionalism, *Mission of the Chief Justice's Commission on Professionalism*, <http://cjcpga.org/mission/> (Last visited June 26, 2020).

# CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM CRIMINAL JUSTICE, PROFESSIONALISM, AND CORONAVIRUS CLE



Chief Justice Harold D. Melton  
will make Welcome Remarks



**Claudia Saari**  
Program Co-Chair

June 11, 2020

12pm-1pm

via

Zoom.us

Register at:

[https://criminal\\_justice\\_professionalism\\_coronavirus.eventbrite.com](https://criminal_justice_professionalism_coronavirus.eventbrite.com)



**Rebecca Grist**  
Program Co-Chair



**Mr. Stephen A. Bradley,**  
District Attorney,  
Ocmulgee Judicial  
Circuit



**Judge Leisa Johnson**  
Dougherty County Probate Court  
Moderator

Hypothetical Problems written by  
C. Todd Hayes and Trish McCann Bertram



**Mr. Lawrence Zimmerman,**  
President, Georgia  
Association of Criminal  
Defense Lawyers

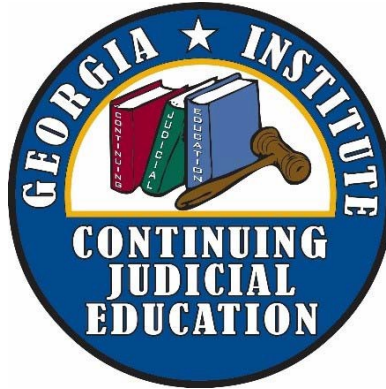


**Mrs. Omeeka P. Loggins,**  
Solicitor General, State  
Court of Richmond  
County



**Ms. Jennifer Leigh Lewis,**  
Circuit Public Defender, Flint  
Judicial Circuit Office of the  
Public Defender

Placeholder: Georgia Council of Court Administrators



# **REPORT TO JUDICIAL COUNCIL OF GEORGIA**

**FOR  
AUGUST 14, 2020  
MEETING**

**COMPILED BY:**

**INSTITUTE OF CONTINUING JUDICIAL EDUCATION  
THE UNIVERSITY OF GEORGIA  
1150 SOUTH MILLEDGE AVENUE  
ATHENS, GA 30602-5025**



## **REPORT TO JUDICIAL COUNCIL OF GEORGIA**

**TO: Judicial Council of Georgia**

**FR: Douglas Ashworth, J.D., Executive Director, ICJE of Georgia**

**RE: Report To Judicial Council of Georgia**

**DATE: For August 14, 2020, Meeting**

**1. Programming Updates for CY 2020 (SEE UPDATED ICJE CY MASTER CALENDAR ATTACHED):** The original ICJE CY 2020 Master Calendar contained 48 total educational events. COVID-19 has now resulted in 29 of those 48 educational events being cancelled; rescheduled and/or restructured. Any decisions to cancel, to reschedule or to restructure any event is made in complete collaboration with the educational apparatus and leadership of each constituent group affected. All information is promptly relayed to all affected constituents. It is important that I inform you that all of the venues with whom ICJE has contracted have informed us that they are following all of the pertinent mandates contained in the Governor's Executive Orders regarding social distancing; modifications to food and beverage service; sanitization procedures, and other relevant protocols. Further, many of the venue points of contact inform us that they reach out to the Governor's offices with any needs for clarification regarding any interpretation of the Orders.

**2. Example of New Program Delivery Format: ICJE's Very First ZOOM Educational Seminar (Open To Multiple Classes of Courts):** "Judicial Ethics and its Impact On Others" was designed as a live, on-site seminar, open to multiple classes of courts. Due to COVID, it was restructured into ICJE's very first ZOOM educational seminar. The event, held on July 10<sup>th</sup>, 2020, drew registrants from four classes of courts: Superior; Probate; Magistrate and Municipal. As this was ICJE's very first "Zoom" seminar event, the Evaluation results are attached for your review.

**3. Example of New Program Delivery Format: Taped, On-Demand Replay:** Two live, on-site seminars (Superior Court Judges' Summer Conference and Judicial Staff Attorneys' Annual Conference) were restructured into a taped presentation, available for viewing on demand, that offered six CJE hours.

**4. Example of New Program Delivery Format: Restructured Live, On-Site Seminar Using Public Health Protocols on Classroom Social Distancing; Food/Beverage Service; Sanitization:** The Council of Juvenile Court Judges' Fall 2020 CJE Conference will go forward as a live, on-site event, but due to social distancing, the Juvenile Court Judges attending will be seated in two different auditoriums – one of which will hold the live presenters, while the presentations will be simultaneously broadcast into an adjoining auditorium.

**5. Reminder – ICJE's New Capabilities Regarding Program Delivery Formats - Simulcasting and Taping Are Now Available:** ICJE now has the capability to offer any live, on-site, ICJE-facilitated seminar in three (3) different program delivery formats: (1) live, on-site; (2) simulcast; and/or (3) taped, with the recorded seminar available for viewing after the event. Several constituent groups for whom the spring 2020 events that were cancelled, will utilize versions of these new delivery formats for fall programming. This technology is now available, but it is important to note that whether or not

accreditation will be allowed for the program delivery format of viewing a simulcast or a taped seminar, remains the decision of the educational apparatuses and council leadership groups.

**6. All Remaining CY 2020 Seminars Are Being Reviewed On A Continuing Basis:** ICJE staff remains in constant contact with the educational apparatus and leadership of every constituent group as we monitor whether or not COVID related issues will impact any of the remaining educational events planned during CY 2020. As decisions are collaboratively made, full information will be forwarded promptly to all constituents.

**7. Monthly FY-To-Date Financial Reports Now Being Provided To ICJE Board Members and Constituent Leadership:** During the FY 21 budgeting process back in the Spring, ICJE utilized a new template for financial reporting, which was developed in consultation with a CPA Firm; the AOC Fiscal Office; and, the UGA Law School Business Office. All ICJE constituents who reviewed this new template viewed it as an improved way of communicating the revenues and expenditures managed by ICJE for constituent groups. Building upon this improvement, every ICJE Executive Director's monthly report to ICJE Board Members and Constituent Leadership now includes a monthly Fiscal Year-To-Date financial report covering the revenues and expenditures for all ICJE constituent groups on a continuing, monthly basis. The purpose of this document is to report all revenues (whether from appropriations, CJE support fees, contracted fees, or grants) and all expenditures pertaining to ICJE.

**8. Various Zoom Meetings:** Similar to most people reading this report, ICJE staff have participated in perhaps dozens of "zoom" meetings, ranging from Judicial Council Emergency Sessions to every group of ICJE constituents, as we continue to collaborate on canceling, rescheduling and/or restructuring educational events. I have been appointed as an advisory member representing ICJE to the Judicial Council COVID-19 Task Force, chaired by Judge Shawn LaGrua. UGA Law Dean Bo Rutledge has also appointed me to a Health & Safety Working Group for the re-opening of UGA Law School related facilities. Our Electronic Media Specialist, Alex Ferraro, has been appointed to the Information & Signage Committee for the re-opening of UGA Law School related facilities.

**END**

# ICJE CY 2020 Calendar (Updated 08.03.20)

Not Publicly Disseminated For Security Reasons

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 CANCELLED	Magistrate Court Judges Spring Recertification	Live Seminar	King & Prince–St. Simons
April 1–3 RESCHEDULED TO OCTOBER	Juvenile Court Clerks' Annual Conference	Live Seminar	Savannah Marriott Riverfront
April 2 CANCELLED	Municipal Traffic Law/DUI Lunch & Learn Webinar	Live Webinar	GoToWebinar
Apr. 9–10 CANCELLED	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 CANCELLED	Probate Court Judges' Spring Conference	Live Seminar	The Classic Center–Athens
April 23–24 CANCELLED	Probate Court Judges' Traffic Conference	Live Seminar	The Classic Center–Athens
May 11–13 CANCELLED	Juvenile Court Judges' Spring Conference	Live Seminar	King & Prince–St. Simons
May 13–15 CANCELLED	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 CANCELLED	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 CANCELLED	Municipal Court Judges' 20 Hr. Certification	Live Seminar	Savannah Marriott Riverfront
June 17–19 CANCELLED	Municipal Court Judges' Law & Practice Update	Live Seminar	Savannah Marriott Riverfront
June 24–26 CANCELLED	Magistrate Court Clerks' Annual Training	Live Seminar	Savannah Marriott Riverfront
July 10 CHANGED TO ZOOM VIDEO CONF	Judicial Ethics & Its Impact on Others	Online - Multi-Class	Holiday Inn–Athens CHANGED TO Zoom Video Conference
July 14–15 CANCELLED	Probate Clerks' LWEG & Traffic Training	Live Seminar	Georgetown Fall Line Tech–Dublin
July 27–30 CHANGED TO TAPE REPLAY	Superior Court Judges' Summer Conference	Taped Replay	The Westin-Jekyll Island CHANGED TO Taped Replay
July 27–31	Ethics & Professionalism	Online Self-Study Course	eLearningCommons–Online
Aug. 11–12 CANCELLED	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 CANCELLED	Municipal Court Clerks' Recertification	Live Seminar	Great Wolf Lodge–LaGrange
Aug. 26–27 CHANGED TO TAPE REPLAY	Judicial Staff Attorneys' Annual Conference	Taped Replay	State Bar Conf-Ctr-Ali CHANGED TO Taped Replay
Sept. 6–11 CHANGED TO TAPE REPLAY	Magistrate Court Judges' 40 Hr. Basic Civil Certification	Live Seminar	Holiday Inn–Athens CHANGED TO Taped Replay
Sept. 13–16 CHANGED TO VIRTUAL/ONLINE	CACJ Accountability Courts Training Conference	Live Seminar	Classic Center–Athens CHANGED TO Virtual/Online
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. 30–Oct. 2 ALSO SIMULCAST & TAPED	Municipal Court Judges' 20 Hr. Certification	Live Seminar	Legacy Lodge at Lake Lanier
Sept. 30–Oct. 2 ALSO SIMULCAST & TAPED	Municipal Court Judges' Law & Practice Update	Live Seminar	Legacy Lodge at Lake Lanier
Oct. 5–6 CHANGED TO TAPE REPLAY	Magistrate Court Judges' Fall Recertification	Live Seminar	The Westin–Savannah CHANGED TO Taped Replay
Oct. 5–9	Municipal Court Clerks' Online Recertification	Online Self-Study Course	eLearningCommons–Online
Oct. 14–16 CANCELLED	Juvenile Court Clerks' Annual Conference	Live Seminar	Savannah Marriott Riverfront
Oct. 14–16 ALSO SIMULCAST & TAPED	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
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. 19–20 ALSO SIMULCAST & TAPED	Municipal Court Clerks' Recertification	Live Seminar	Augusta Marriott at the Convention Center
Nov. 30–Dec. 2 NEW LOCATION	Probate Court Judges' NJO/Traffic	Live Seminar	Holiday Inn–Athens UGA Hotel & Conf. Center - Athens
Dec. 6–10 NEW LOCATION	Probate Court Judges' NJO	Live Seminar	Holiday Inn–Athens The Classic Center - Athens
Dec. 14–18 NEW LOCATION	Superior Court Judges' NJO	Live Seminar	Holiday Inn–Athens UGA Hotel & Conf. Center - Athens



# ICJE POINTS OF CONTACT

CONSTITUENT GROUPS	ICJE STAFF	OFFICE NUMBER	EMAIL ADDRESS
Superior Court Judges Superior Court Clerks State Court Judges Magistrate Court Judges Magistrate Court Clerks Judicial Staff Attorneys	<b>Lindsey Colley</b> Event Coordinator & <b>Susan Mason</b> Event Planner	706-369-5813  706-369-5809	<a href="mailto:lcolley@uga.edu">lcolley@uga.edu</a>  <a href="mailto:susan.mason@uga.edu">susan.mason@uga.edu</a>
Juvenile Court Judges Juvenile Court Clerks Probate Court Judges Probate Court Clerks Municipal Court Judges Municipal Court Clerks Accountability Court Judges	<b>Laura Kathryne Hogan</b> Event Coordinator & <b>Casey Semple</b> Event Planner	706-369-5836  706-369-5807	<a href="mailto:lk Hogan@uga.edu">lk Hogan@uga.edu</a>  <a href="mailto:csemple@uga.edu">csemple@uga.edu</a>
<b>Office Manager</b> <b>Financials</b>	<b>Emily Rashidi</b> Business Operations Manager	706-369-5842	<a href="mailto:emily.rashidi@uga.edu">emily.rashidi@uga.edu</a>
<b>All ICJE Online Courses</b> <b>Judicial Ethics Course</b> <b>Humanities Course</b>	<b>Alex Ferraro</b> Electronic Media Specialist	706-369-5818	<a href="mailto:aferraro@uga.edu">aferraro@uga.edu</a>
<b>ICJE Executive Director</b>	<b>Doug Ashworth</b> <i>Cell # 706-201-7680</i>	706-369-5793	<a href="mailto:dashworth@uga.edu">dashworth@uga.edu</a>