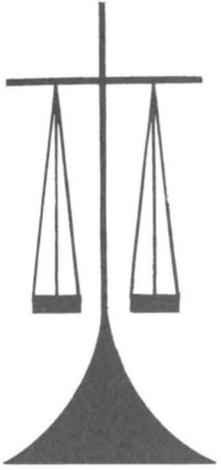


year one

FIRST ANNUAL REPORT

Administrative Office Of Courts





year one

FIRST ANNUAL REPORT

Administrative Office Of Courts





COUNCIL

Judge Robert H. Hall, *Chairman*
Judge J. Bowie Gray, *Vice Chairman*
Judge Kenneth B. Followill, *Sec./Treasurer*
Judge F. Jack Adams
Judge Hal Bell
Judge Marcus B. Calhoun
Justice William B. Gunter
Judge Walter C. McMillan, Jr.
Frank W. Seiler, Esq.
Judge William K. Stanley, Jr.
Judge G. Ernest Tidwell

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James C. Dunlap, *Director*

Foreword

This is the Annual Report for the first year of operation of the Administrative Office of the Courts, the service arm of the Judicial Council of Georgia.

The Administrative Office of the Courts is the staff office of the Judicial Council of Georgia and provides administration and management know-how to all the judges of Georgia. The staff of the Administrative Office of the Courts feels that this service philosophy has been well accepted throughout Georgia and will be carried out in the future.

Many projects were started throughout the year, as you will see in reading the Annual Report. Some were concluded, but during our first year, the Administrative Office spent most of its time organizing, meeting the judges of Georgia, and finding out what the problems of the judiciary are at the local level. To delineate those problem areas, the Administrative Office has been engaged in many hours of committee meetings with not only judges but other personnel involved in the judicial process.

The people of Georgia and the judiciary of Georgia have been blessed with an exceptional Judicial Council membership for the first year. Without a doubt, these eleven men have given of themselves to discuss and solve problems within the judiciary as few other persons could do. I take my hat off to these gentlemen and personally thank them for all that they have done for me in making my job as the director easier. The Judicial Council and Administrative Office have also been blessed throughout our first year with a great chairman. Justice Robert H. Hall has done an outstanding job of leadership during this year. The many hours he has spent with the Administrative Office have been long and time-consuming. To Justice Hall, the Administrative Office says a very special thank you. As the first chairman, you guided the Judicial Council through many of the hard spots.

The accomplishments of this year have also been directly attributable to the dedicated efforts of the young staff of the Administrative Office, the cooperation and advice of the judiciary and court-related personnel, and the assistance of the State Bar of Georgia and members of the Executive and Legislative branches of State government.

James C. Dunlap

James C. Dunlap
Director
Administrative Office of the Courts



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CHAIRMAN

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Judge Hal Bell



Judge Marcus B. Calhoun



Justice William B. Gunter

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Hon. Frank W. Seiler



Judge William K. Stanley, Jr.





ADMINISTRATIVE OFFICE OF THE COURTS

DIRECTOR
James C. Dunlap

SYSTEMS AND FINANCIAL OFFICER

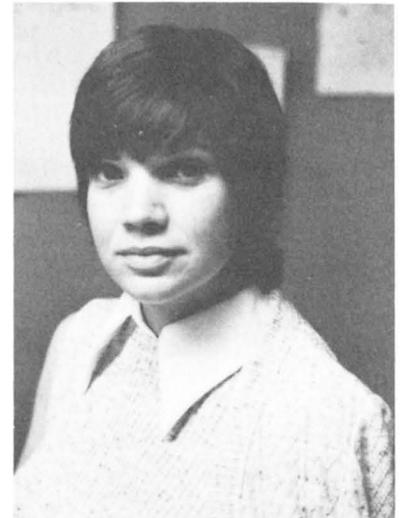


Jerry V. Gordon

STAFF ATTORNEYS



Russell N. Sewell, Jr.

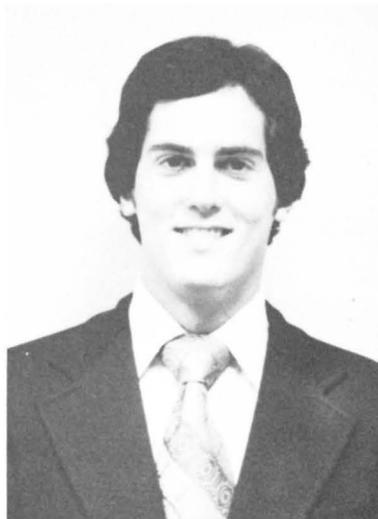


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COMMUNICATIONS SPECIALIST



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Paul K. Willis, Jr.



Marlene Goldman

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Donna Nash

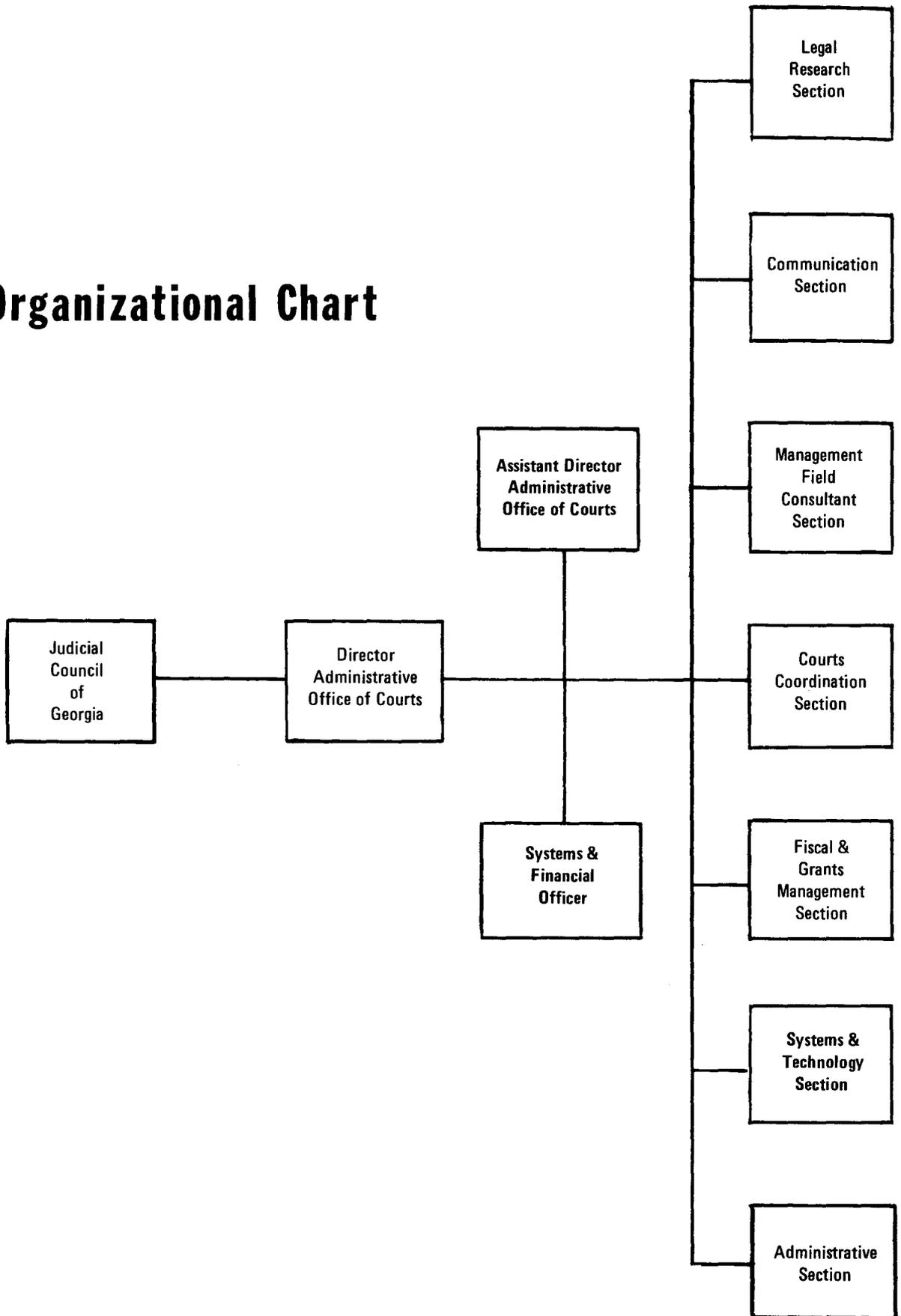


Brenda Lee



Lois M. Mauk

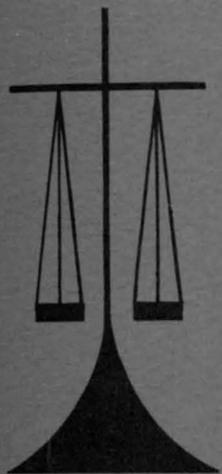
Organizational Chart



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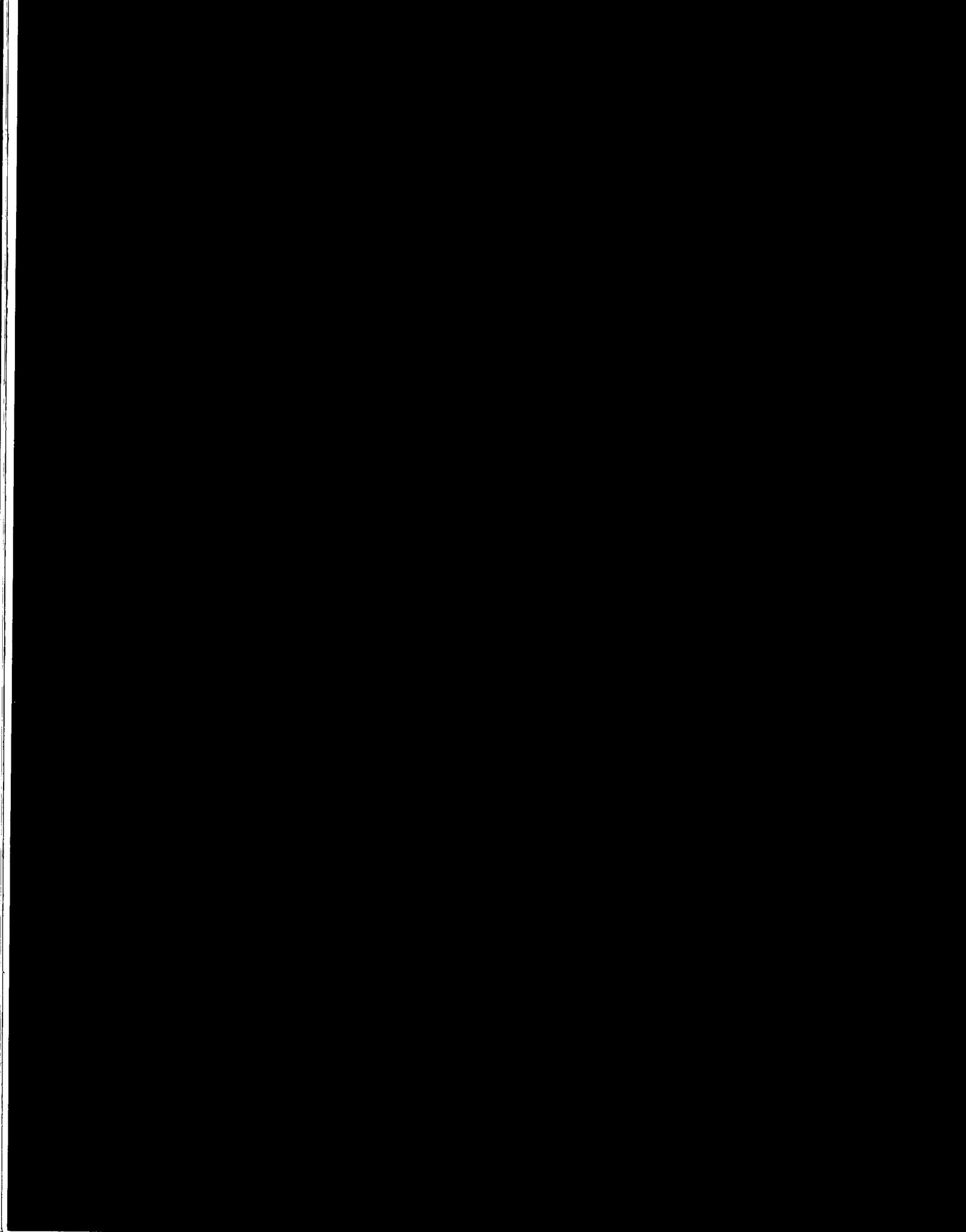
PART I



the BEGINNINGS

HOW THE JUDICIAL COUNCIL
AND
ADMINISTRATIVE OFFICE CAME
INTO BEING





THE BEGINNINGS

One of the youngest agencies in Georgia--a relative unknown to the average layman--has worked quietly behind the scenes here for a year to bring about changes in our court system that will be profoundly felt in years to come. Known as the Judicial Council of Georgia and Administrative Office of the Courts, this new body has completed one year of operation and has launched multi-directional efforts toward modernization of the court system in Georgia.

Their efforts are a first. Throughout Georgia's history, there was never any viable agency to coordinate and service the non-adjudicatory or administrative function throughout the various courts. It was a difficult, seemingly insurmountable objective to undertake administration of a system of justice in which each unit was cut off from the others.

Nevertheless, as far back as 1910, far-sighted men were calling for the creation of an administrative office for Georgia's courts. That year, Supreme Court Justice Andrew Cobb issued such a call. Another valiant effort met little more success in 1932 when John Sibley, Harry Strozier, Marion Smith, Judge Blanton Fortson, and other bar leaders pointed out that all courts are *"localized and unrelated . . . are independent of one another except insofar as judgments of one are subject to review by another on appeal or writ of error."*

In 1945, Georgia drew closer to administration of its courts with an act creating a Judicial Council charged with making continuous studies of the organization of the courts and formulating methods for

simplifying judicial procedure as well as studying the conduct of the bar and correcting faults in the administration of justice. Unfortunately, the 15-member committee met only a few times before it faded into obscurity.

In the late sixties, the American Bar Association, the American Judicature Society and other organizations created the Institute for Court Management in Denver, Colorado, which re-examined the whole concept of court administration. *"The art of court administration is in its infancy,"* its executive director later noted, saying because of the unique nature of courts, administration should be based on *"consulting participatory management"*. Under that concept, court administration would be a staff rather than a command operation. Because more than 95 percent of administration lies in the trial courts, those judges should be consulted and should participate in administrative matters if any court administration plan is to work, the institute leaders said.

It was with this concept in mind that Georgia stepped into the ranks of states with court administrators.

In the early seventies, Gov. Jimmy Carter entered the long-time effort toward court modernization in Georgia by creating a Commission on Judicial Processes composed of members of the Bar and Bench to evaluate the courts system in Georgia and to make recommendations on how to modernize this State's system. Their recommendation after intensive study was that experts in management and court administration should conduct studies leading to the creation of an administrative system for our courts. To implement that suggestion, Research Director James D. Thomas and Assistant Director Robert L. Doss, Jr. were hired to supervise the studies of the court system in Georgia.

GOVERNOR'S COMMISSION ON
JUDICIAL PROCESSES

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The First Judicial Council of Georgia was sworn in by Governor Carter on May 4, 1973.

"Administration and management are the foundation of an efficient organizational structure," the Governor's Commission on Judicial Processes also maintained in its 1971 recommendations to Governor Carter and the General Assembly.

Such a premise was nothing new for Georgia, or for that matter, any state in the Union. At that time, thirty-five other states already had systems of statewide court administration, and Georgia was on the brink of finally stepping into its own administrative effort.

The Commission recommended the creation of an Administrative Office of Courts to function as a service organization, coordinating and assisting all the courts in their management problems. The recommendation stated that the director of the office should be a professional court administrator operating under a broad-based policy-making

judicial council. It further called for a constitutional amendment declaring that for the purpose of administration, all courts of the State should be part of one unified judicial system, and that the administration of the unified judicial system shall be as provided by law.

By June of 1973, that recommendation had become a reality. Earlier that year, the General Assembly had passed Senate Resolution 12 proposing the constitutional amendment and had enacted a bill creating the Administrative Office of the Courts and Judicial Council (Act 178, 1973 Ga. Laws 288). The General Assembly appropriated \$75,000, and the Governor appointed the initial members to the Judicial Council of Georgia—a Supreme Court justice, a judge of the Court of Appeals, five Superior Court judges, one State Court judge, one judge of the Court of Ordinary, and the president and immediate past president of the State Bar.

The first members of the Georgia Judicial Council were Hal Bell, judge of the Superior Court, Macon Circuit; A. G. Cleveland, Jr., immediate past president of the State Bar of Georgia; James B. O'Connor, judge of the Superior Court, Oconee Circuit; Kenneth B. Followill, judge of the State Court, Muscogee County; J. Bowie Gray, judge of the Superior Court, Tifton Circuit; William B. Gunter, associate justice of the Supreme Court of Georgia; Robert H. Hall, then presiding judge of the Georgia Court of Appeals; Walter C. McMillan, Jr., judge of the Supreme Court, Middle Judicial Circuit; Frank W. Seiler, president of the State Bar of Georgia; William K. Stanley, Jr., judge of the Ordinary Court of Bibb County; and G. Ernest Tidwell, judge of the Superior Court, Atlanta Circuit.

After being sworn into office May 1, 1973, for staggered terms, the new Council elected Mr. Seiler as temporary chairman until

the meeting of the State Bar in Savannah in June. Judge McMillan was chosen as temporary secretary of the Council.

In June, Judge James B. O'Connor resigned from the Council, and the Council named Judge Marcus Calhoun of Thomasville, judge of the Superior Court of the Southern Judicial Circuit, to succeed Judge O'Connor. At that same meeting, Court of Appeals Judge Robert H. Hall was elected the first chairman of the Judicial Council of Georgia, while Judge J. Bowie Gray was elected vice chairman, and State Court Judge Kenneth B. Followill, secretary-treasurer.

The Judicial Council—three judges who were appointed for a term of four years, three for three years, and the remaining three for two years, in addition to the president and immediate past president of the State Bar of Georgia—is the policy-making board for the Administrative Office of the Courts. The council meets once a month, usually in Atlanta. The act creating the Judicial Council provided that its members receive no compensation for their services, but be paid actual expenses incurred.

With the election of attorney F. Jack Adams of Cornelia as president of the State Bar, A. G. Cleveland relinquished his seat on the Judicial Council according to statute.

THE ADMINISTRATIVE OFFICE OF THE COURTS

"During the past few years, court systems throughout the country have come under increasing attack with wide-spread complaints of delays and demand for administrative and judicial improvements to help eliminate these delays. It has become increasingly evident that the judicial partner in government has suffered from lack of overall direction, inadequate support, and fragmented or politically motivated solutions to the problems in the judicial system. In Georgia, the situation is much the same. An increasing population and expanding business community have

dramatically increased the workload and problems facing the courts. Georgia, in looking at the ever-increasing workload in the courts, has begun to define the changes required to meet these needs. Like many other states, the court system in Georgia is out of date, is a result of historical evolution and is poorly equipped to meet changing conditions. Numerous studies of individual problem areas or individual courts have been performed in the past few years which have pointed to the need for change and modernization to enable the court system to meet the demands that it faces at the present time."

GEORGIA COURTS by Ernst & Ernst

Similar statements to those in the consultants report on the Georgia court system had been made many times before 1973. But 1973 marked the first year that statewide court administration actually secured a foothold in Georgia with the creation of the Judicial Council and the Administrative Office of the Courts. Ernst and Ernst reached an important conclusion in their voluminous study of Georgia courts' current operating procedures, caseloads, disposition time, staffing, and financial requirements:

Reports are given frequently to the Judicial Council by AOC staff.



"The problems and solutions within the judicial system are State problems as opposed to local problems." the consultants said. The consultants suggested that reaching solutions to many of the problems encountered within the courts depended in large part upon the creation of an Administrative Office of the Courts.

Fiscal Year 73-74 saw the creation of such an agency under the same act which created the Judicial Council of Georgia. The Council's service arm, according to Senate Bill 30, was to be the Administrative Office of the Courts which would perform duties as directed by the Council. Those duties, according to the new law, would be as follows:

- a) Consult with and assist judges, administrators, clerks of court, and other officers and employees of the court pertaining to matters relating to court administration and provide such services as are requested.
- (b) Examine the administrative and business methods and systems employed in the offices related to and serving the courts and make recommendations for necessary improvement.
- (c) Compile statistical and financial data and other information on the judicial work of the courts and on the work of other offices related to and serving the courts, which shall be provided by the courts.
- (d) Examine the state of the dockets and practices and procedures of the courts and make recommendations for the expedition of litigation.
- (e) Act as fiscal officer and prepare and submit budget estimates of State's appropriations necessary for the maintenance and operation of the Judicial System.
- (f) Formulate and submit recommendations for the improvement of the Judicial System.



Staff conferences are held frequently to coordinate the numerous studies being conducted by the AOC.

- (g) Perform such additional duties as may be assigned by the Judicial Council.
- (h) Prepare and publish an annual report on the work of the courts and on the activities of the Administrative Office of the Courts.

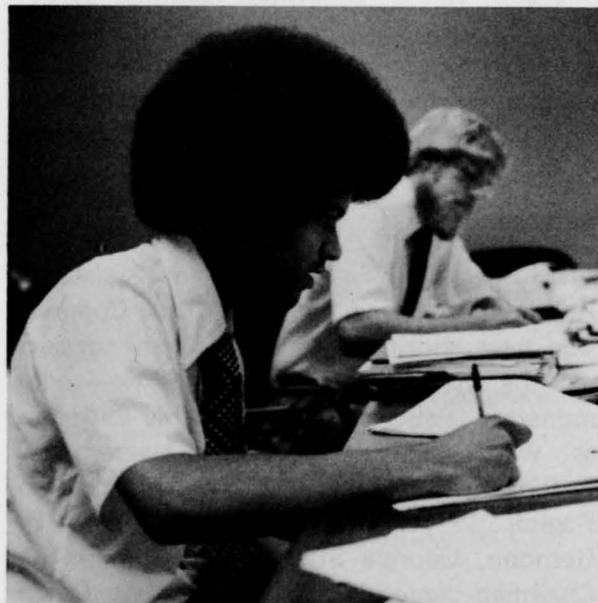
The whole concept bespoke of management services to the court—services which the Administrative Office provides through consultation, compilation, and formulation of recommendations to further modernize Georgia courts.

The charge to the new Administrative Office was ambitious, and the Judicial Council's most pressing duties were to find the man who could lead the drive to bring court administration to Georgia and to secure funds to operate the agency during its first year.

For the first, a committee of three Judicial Council members—Judges Bell, Followill and Tidwell (chairman) — were appointed by Judge Hall to screen applicants for the position of Director of the Administrative Office. The Council emphasized that only a personable director could meet with success in such a position. Other necessary job requirements included that the director should, if possible, have a law degree, be trained in court management and should have had experience as a court administrator. After interviewing applicants from across the country, James C. Dunlap, criminal court manager in Houston, Texas, was hired as the first director for the Administrative Office of the Courts of Georgia. Robert L. Doss, Jr., assistant research director of the expired Governor's Commission on Judicial Processes, was employed by the Council in the capacity of Assistant Director of the Administrative Office of the Courts.



Management services to courts provided by consultation, compilation and formulation of recommendations for modernization.



In October of 1973, the fledgling Administrative Office had only four people on its staff. By the end of the first fiscal year, those numbers had grown to 14 with plans and projects calling for further expansion of the service agency.

The Governor's Commission had set the stage for the new Judicial Council in making far-reaching recommendations about court-related problems in Georgia. And in the area of finances, the same commission provided the Judicial Council a substantial funding base with Law Enforcement Assistance Administration grants secured before the concept of the Judicial Council and Administrative Office became a reality.

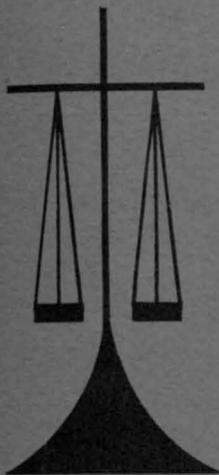
In July, 1973, the State Crime Commission turned over almost \$383,300 worth of grants previously in the hands of the Judicial Processes Commission. Those grants included a pair worth some \$40,000 for the introduction of a statewide court administration, and seven previously untouched grants, including the following: \$60,000 for improved manual records keeping; \$15,000 for pattern jury instructions; \$83,000 for administrative services to the judicial system; \$90,000 for a statewide facilities study; \$70,000 for research and evaluation of court administration in Georgia; \$12,000 for a comparative analysis of ABA standards and Georgia law; and \$13,300 for an Appellate Justices' Southeastern Conference.

Throughout the Administrative Office's first year, the Law Enforcement Assistance Administration and the State Crime Commission have continued their consistent support of the new office, providing not only monetary assistance but invaluable expertise as well. Particularly helpful were Law Enforcement Assistance Administration Region IV Courts Specialist William B. Herndon, Georgia State Crime Commission Chairman James L. McGovern, State Crime

Commission Director Jim Higdon and Senior Courts Specialist Planner Doug Ikelman.

Armed with those LEAA grants and the \$75,000 State allocation for its first year of operation, the Judicial Council and Administrative Office took the first steps toward statewide court administration in Georgia.

PART II



the first steps

TOWARD JUDICIAL ADMINISTRATION
IN GEORGIA





THE FIRST STEPS

With money in hand, a director and assistant director and other staff members rounding out the Administrative Office of the Courts, the Judicial Council and its office had hardly set up for business at their headquarters at 2220 Parklake Drive, Suite 335, Atlanta, when they were faced with the rapidly approaching 1974 session of the General Assembly. To the fledgling organization, legislation was and continues to be an important aspect for providing unified administration to the courts.

Upon its formation, the Council was charged, in addition to its specific administrative duties, with formulating and submitting recommendations for the improvement of the judicial system. To carry out that duty and its duty as a service agency to the General Assembly (especially the judiciary committees of the House and Senate), the Judicial Council needed input on bills pending from the 1973 General Assembly concerning the judiciary and those to be dropped into the hopper in 1974. The ideal way to gauge existing sentiment on that legislation was to draw from the expertise of judges, legislators, bar leaders, law enforcement agencies and other interested groups.

To establish such a dialogue, the Judicial Council followed an example set two years before by the Governor's Commission in 1973 and sponsored a Judicial Conference on Improving the Administration of Justice. From December 14 through December 16, 52 representatives from judicial-related agencies in all three branches of government reviewed existing and proposed legislation and discussed methods of improving administration of justice in Georgia. The delegates termed the conference a huge success--such a success,

in fact, there has been a call to make the legislative conference an annual event. The judicial-related agencies represented at this conference included the Judiciary Committees of the Georgia House and Senate, the Courts Committee of the State Crime Commission, the Judicial Qualifications Commission, the Executive Committee of the State Bar of Georgia, the Judicial Procedure and Administration Committee of the State Bar, the Trial and Appellate Practice, Rules, and Procedure Committee of the State Bar, a representative of the Lt. Governor's and Governor's offices, the Speaker of the House, the Attorney General, the District Attorneys' Association, the County Commissioners' Association, the National Center for State Courts, the Board of Workmen's Compensation and the Judicial Council and Administrative Office of the Courts. (See Appendix for agenda and participants.)

In debate, the assemblage reviewed standards for court reporters, methods of judge selection, provision for greater economies in the judicial system, providing for procedural mechanisms to facilitate case movements and objective uniform disposition of cases. Besides the 14 proposed pieces of legislation on the agenda, several others came up from the floor for discussion with the Judiciary Committees of the House and Senate.

It was not all work, but a beneficial exchange of ideas through social functions as well. When it was all finished, delegates agreed that the Judicial Conference was an excellent forum for review of this year's legislative program concerning the State's judiciary. Besides clarifying the issues, the conference provided a mutual exchange of information and attitudes pertinent to the proposed legislation.

The Judicial Council and Administrative Office anticipate a similar conference preceding the 1975 General Assembly.

LAWS AFFECTING THE COURTS

Although the Judicial Council and Administrative Office have only been in existence for one year, the years 1972 and 1973 saw legislation passed important to the ongoing effort to modernize Georgia courts. The following sections will outline court-related legislation sponsored by the now-expired Governor's Commission on Judicial Processes in 1972 and 1973 and by the Judicial Council in 1974.

1972

Constitutional Amendment for Judicial Qualifications Commission
(1972 Ga. 1364)

This amendment, approved by Georgia voters in 1972, established a seven-member commission with the power to discipline, remove or involuntarily retire any justice or judge of any court in Georgia for misconduct or failure to perform his duties, for conduct prejudicial to the administration of justice or for disability seriously interfering with the performance of his duties. This commission's guidelines are the Code of Judicial Ethics approved by the Supreme Court of Georgia in December 1973.

Number of Strikes Provided for Jointly Indicted and Tried Defendants
(1972 Ga. 618)

When two or more defendants are jointly indicted for a capital offense, any defendant so electing shall be separately tried unless the State waives the death penalty, this 1972 law said. The act also said when indicted for a capital felony when the death penalty is waived or for a felony less than capital, or for a misdemeanor, defendants may be tried jointly or separately in the discretion of the trial court. In any event, either defendant may testify for the other or on behalf of the State. When two or more defendants are tried jointly for a crime or offense, each of them shall be entitled to the same number of strikes as a single defendant if tried separately.

Dispersal of Jury
(1972 Ga. 622)

This act gave the judge the power to disperse a jury overnight at his discretion. Prior to this law, the jury had to be sequestered overnight when the court was in the middle of a trial.

**Misdemeanor Cases on Accusation in the
Superior Court**
(1972 Ga. 623)

This act allows for equal treatment of misdemeanors in both the Superior and State Courts. Misdemeanors can now be by accusation as a matter of course. Before this act, the defendant had to waive his right for indictment before an accusation could be used.

**Secretaries for Superior Court Judges and
District Attorneys**
(1972 Ga. 617)

This act provided for a legal secretary for all Superior Court judges and district attorneys. The state-paid salary was set at \$6,000.

Amendment to Invasion of Privacy Act
(1972 Ga. 615)

This act removed conflicts between federal and state laws on electronic surveillance by allowing such devices when there is probable cause to believe that a person is committing or has committed the following: an act which endangers the national security of the United States or of Georgia; the crimes of treason, insurrection, rebellion, espionage, sabotage or any felony involving bodily harm; crimes involving kidnaping, narcotics, dangerous drugs, burglary, prostitution, theft, blackmail, extortion, bribery, gambling; or, any felony involving alcoholic beverage laws. Application for surveillance may also be made by the district attorney or the Attorney General if there is cause to believe that a private place is being utilized or has been utilized for the commission of such crimes. The law limits investigation warrants to 20 days after issuance unless renewed for an additional 20 days for good cause, and says evidence obtained using surveillance is only admissible to courts in the state having felony and misdemeanor jurisdiction. If the court determines that the evidence seized or obtained does not support the findings that the crimes alleged were committed, such evidence obtained by surveillance must be destroyed.

1972

Changing Age of Majority to 18
(1972 Ga. 193)

This act lowered the age of majority in Georgia from 21 to 18. Therefore, after this bill went into effect, all rights, privileges, powers, duties and responsibilities of legal adulthood were applicable to 18-year-olds.

1973

Judicial Council of Georgia and Administrative Office of Courts
(1973 Ga. 288)

This act created the Judicial Council of Georgia as an 11-member policy-making body for the Administrative Office of the Courts. The Administrative Office of the Courts was established as a service agency for the courts in Georgia. The Administrative Office, according to this law, would be headed by a director appointed by the Judicial Council and would perform such duties as consulting with and assisting judges and court-related personnel, examining their administrative and business methods, compiling statistical, financial and other information on the judiciary, examining dockets, acting as fiscal officer for the judicial system and formulating and submitting recommendations for the improvement of the judicial system.

Constitutional Amendment for Unified Judicial System
(1973 Ga. 1486)

This amendment, to be voted upon in November 1974, provides for a statement to be included in the Constitution that for the purposes of administration, Georgia will have a unified court system. The amendment provides for inclusion of the word "administration" in the Georgia Constitution.

State Appeal of Certain Judgements
(1973 Ga. 297)

This law authorized the state to appeal from certain pretrial orders in criminal cases as the defense can. This is the first area in which the district attorney has been allowed to appeal a criminal case.

Abolished Unsworn Statement
(1973 Ga. 292)

This act abolished the unsworn statement which in the past was allowed in Georgia. Under the ancient provision, a defendant could make an unsworn statement in court and not be cross-examined by the district attorney after the statement was made. Georgia was the last state in the union to allow unsworn statements.

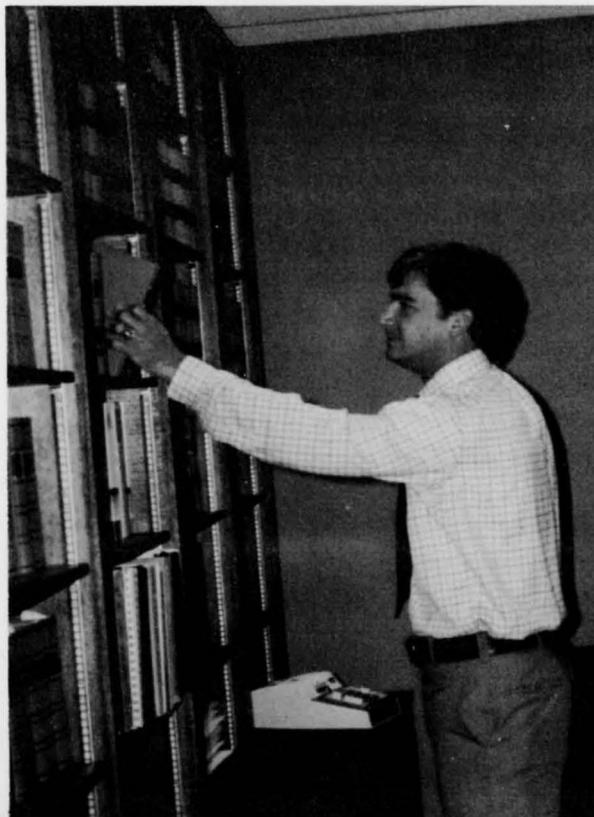
Mandatory Bail
(1973 Ga. 291)

This law requires that any person who is refused bail shall within 90 days after confinement be entitled to have the charge or accusation against him heard by a grand jury. If no jury considers the charges within that 90-day period of confinement, the courts must set bail upon application of the accused.

Numbers on Felony Jury Panel
(1973 Ga. 286)

This act decreased the felony panel from 48 persons to 42 jurors. This cuts down the number of people who need to be called for jury duty and also trims down jury time and expenses.

Staff Attorney Russell Sewell plays an important role as liaison between the administrative office and the legislature.



1974

Private Sales by Administrators
(1974 Ga. 1135)

This act provides for private sales by administrators of estates, and allows the fully appointed and qualified administrator of an estate to petition the Ordinary for the right to have a private sale. The procedure is very similar to the sale of property by guardians. The act further provides for the service of process to adult heirs of the estate who reside in the state and outside the state, and also provides for service to minor and incompetent heirs.

Trial Procedure in Civil Cases
(1974 Ga. 1138)

This act amends an act dealing with trial procedures in civil cases so as to provide that a motion to set aside judgement shall be grounds for attacking a judgement based on lack of jurisdiction over the person or subject matter, regardless of whether such lack of jurisdiction appears upon the fact of the record of the pleadings.

Narcotics Code
(1974 Ga. 221)

Striking the former sections of Georgia law which dealt separately with narcotics and stimulants and depressants, as well as provisions making violations with respect to these sections criminal, this act consolidates all such provisions into one chapter, a new Code Chapter 79A-8. It brings the Georgia law in line with most of the other states and the federal government, and bears considerable resemblance in many respects to the provisions of federal law. The old law requires that the substance must meet the definition provided in the act to come under the law. This new bill names the drugs and substances covered by the act. The defendant's punishment is based upon which substance or drug is involved according to a predetermined schedule.

New Cobb State Court Judge
(1974 Ga. 2226)

This act adds another state court judge to the State Court of Cobb County. This will increase the number of elected state court judges in Cobb to three.

Forsyth and Cherokee Counties State Court
(1974 Ga. 2114)

This act created a single state court for both Forsyth and Cherokee Counties. This court will have jurisdiction over both counties, and will have one judge and one solicitor.

1974

New Road Rules
(1974 Ga. 633)

This act is a revision and modernization of present laws concerning traffic and traffic-related rules, and calls for new laws relating to rules of the road. The act adds to the Code of Georgia of 1933, Title 68A which shall be known as "The Uniform Rules of the Road."

Traffic Violation Point System
(1974 Ga. 1182)

This amends an act establishing a violation point system for various traffic violations, and increases from 18 to 24 months the period during which an accumulation of 15 or more points will mean the suspension of a driver's license. Also, it decreases the point count upon reinstatement of the license from 6 to 0.

Traffic Movement After Accidents
(1974 Ga. 969)

This amends the Uniform Act regulating traffic on highways so as to provide that when persons have wrecks on major expressways in standard metropolitan statistical areas of the State, they may move their vehicles, if possible, from the accident scene to an area not blocking traffic. This changes the old law which prohibited moving the vehicle without a police officer's permission. This amendment will alleviate difficult traffic jams caused by accidents in metropolitan areas. This amendment in no way affects the driver's duty to file a written report on the accident or the duty of a police officer to render a report in accordance with the old law.

1974

Judge Sentencing and the Sentence Review Panel
(1974 Ga. 352)

Most noteworthy among the new laws affecting the courts in 1974 was a provision for judge sentencing in non-capital cases. Thus, the sentencing function for such cases will rest with the trial judges rather than juries—a turnabout which promises to greatly strengthen the criminal justice system by promoting consistency in sentencing practices. In the same bill lies a provision for Georgia's first Judge Sentencing Review Panel which will review and examine five-year and more sentences imposed by trial judges in Georgia. Appointed by the president of the Council of Superior Court Judges, each panel of judges of the Superior Courts will sit for three-month terms. They will be empowered to either affirm or reduce court-set sentences, but cannot increase any sentences. The Administrative Office of the Courts will provide staff assistance to the Sentence Review Panel as required in House Bill 127 which passed the General Assembly during its 1974 session.

The Georgia Court Reporting Act
(1974 Ga. 345)

Another first for Georgia, this new law authorized the Judicial Council of Georgia to appoint a seven-member board composed of four court reporters, two lawyers and one judge. That board will adopt certification requirements for court reporters (including official court reporters, reporters for governmental agencies and free-lance court reporters), and with the aid of the Administrative Office of the Courts, will set standards and test and certify court reporters throughout the State. In addition, the 1974 act provides the Court Reporter Board with authority to revoke or suspend the certificate of a court reporter for any of these reasons: conviction of a felony; conviction of a misdemeanor involving moral turpitude; fraud, dishonesty, corruption, willful violation of duty or incompetency; or fraud or misrepresentation to obtain certification. The board is also responsible for preparing an official roster of court reporters.

Terroristic Act Definition
(1974 Ga. 1022)

This act amends Title 26 of the Georgia Code and provides a definition for a terroristic act, stating that while in the commission of an unlawful act if a person shoots at or throws an object at a conveyance which is being operated or which is being occupied by passengers, that person commits a terroristic act. This bill is in addition to Code Section 26-1307 which provides for other definitions of a terroristic act.

1974

Tampering with Evidence
(1974 Ga. 423)

This act provides for a new misdemeanor or offense of tampering with evidence when a person knowingly destroys, alters, conceals, or disguises physical evidence, or makes, devises, prepares, or plants false evidence with the intent to prevent the apprehension or cause the wrongful apprehension of any person(s) or to obstruct the prosecution or defense of any person.

Arrest Warrants
(1974 Ga. 1230)

This act amends the act relating to the issuance of warrants for arrest. It states that only a Superior Court judge, a judge of the State Court, or a judge of the Court of Ordinary can issue a warrant for the arrest of any peace officer for any offense alleged to have been committed while the latter was performing his duties.

**Constitutional Amendment for Ordinary
Court Name Change**
(1974 Ga. 1646)

This resolution provides for an amendment to the Constitution which would change the name of the Court of Ordinary to the Probate Court. There would not be any specific change as to duties or requirements of this court. The only change would be that anywhere in the Constitution that the name "Court of Ordinary" appears, it would be changed to "Probate Court."

1974

Indigent Representation
(1974 Ga. 1104)

This act clarifies the language of the Georgia Criminal Justice Act so as to state that all indigent persons who are charged with a violation of a local ordinance or State law, conviction of which might mean incarceration in a penal institute in this State, shall be represented by an attorney appointed by the court in some fashion. The act states three different arrangements whereby this representation can be made:

- 1) A judge of the court concerned will assign attorneys on an equitable basis through a systematic, coordinated defender plan under delegation to and supervision of the clerk or deputy clerk of the superior court, or the clerk or the deputy clerk of the court concerned, or of an administrator appointed by the superior court for such purpose; or
- 2) An arrangement whereby a nonprofit legal aid agency or agencies will be assigned to provide the representation; or
- 3) An arrangement whereby a combination of the above arrangements will provide the representation.

Weekend Sentences
(1974 Ga. 361)

Under this new law, a trial judge may sentence a person convicted of a misdemeanor to six months or less to be served on weekends. A weekend shall commence and end at the discretion of the sentencing judge, provided, however, that the judge retains control of the prisoner at all times during said sentence. A weekend term shall be counted as serving two days of the full sentence.

Child Adoption
(1974 Ga. 389)

An amendment to the Juvenile Court Code, this act provides that if both parents voluntarily consent to the adoption of the child or have surrendered the child to a licensed child-placing agency, then the court does not have to acknowledge the adoption.

Traffic Offense Punishment
(1974 Ga. 631)

1974

This act provides that in addition to any penalty now prescribed for punishment of a misdemeanor involving a traffic offense or punishment of a city ordinance involving a traffic offense, a judge may impose one of the following sentences and report it to the Department of Public Safety:

- (a) Re-examination by the Department of Public Safety when the judge has good cause to believe that the convicted licensed driver was incompetent or otherwise not qualified to be licensed.
- (b) Attendance at and satisfactory completion of a driver improvement course meeting standards approved by the court.
- (c) Within the limits of the authority of the charter powers of a municipality or the punishment prescribed by law in other courts, imprisonment at times specified by the court or release from imprisonment upon such conditions and at such times as may be specified.
- (d) Probation or suspension of all or any part of a penalty upon such terms and conditions as may be prescribed by the judge. Such conditions may include driving with no further violations of this act during a specific time unless the driving privileges have been or will be otherwise suspended or revoked by law; reporting periodically to the court or a specific agency; and performing, or refraining from performing, such acts as may be ordered by the judge.

1974

Peace Warrant and Good Behavior Bonds
(1974 Ga. 322)

This act amended Code Title 78 relating to peace warrants and good behavior bonds. First, it strikes the statement "in his discretion," relating to the judge's ability to issue the warrant, and replaces this statement with "upon sufficient cause being shown." Also, the act provides that if a person is held against his will under one of these warrants, he must be brought before the court issuing the warrant within 24 hours or released on bond by the sheriff. However, the sheriff may release the person on bond at any time after the warrant is issued. In no event, however, shall this bond exceed \$1,000.

Fighting Words
(1974 Ga. 470)

This act amends Code Section 26-2610 relating to abusive or obscene language. It prohibits any person from using to or about another in his presence, without provocation, words which would tend to provoke violent resentment in another person or words commonly known as "fighting words." This act strikes from the language of the old law the part saying that this section also included words said over the telephone. Also, this new section goes into more detail about defining the meaning of the section.

UNSUCCESSFUL LEGISLATION

Eleven bills sponsored by the Judicial Council did not pass the General Assembly in 1974 and are expected to reappear in some form during the 1975 session of the legislature. Those bills include the following:

Senate Bill 443—Interlocutory Appeals

Under present law, the trial court must certify an order before it is appealable if the order is not a final judgement. If an order is certified, then the Appellate Court must take the appeal. The proposed bill would change the certification procedure by eliminating the certification requirement and leaving it to the discretion of the Court of Appeals or Supreme Court as to whether to review interlocutory appeals. This bill passed easily in the Senate without a dissenting vote on February 2. The bill was removed from the House Judiciary Committee with a favorable recommendation on February 20. The bill was placed on the Rules Calendar of the House the last day of the session, but failed to be called to a vote.

Senate Resolution 12—Jurisdiction of the Appellate Courts

This resolution would have clarified the present jurisdiction of the appellate courts, and would have increased jurisdiction of the appellate courts to hear appeals from quasi-judicial boards in certain cases.

The Resolution passed out of the Senate in February 1973, but never came up for a vote in the House again during that session. The resolution received a favorable recommendation from the House on Feb. 21, 1974. The resolution was placed on the Rules Calendar of the House the last day of the session, but failed to be brought to a vote.

Senate Bill 163—Voire Dire

This Senate Bill would require lawyers to give questions to the judge on voire dire. It received an unfavorable recommendation the first day of the session from the Senate Judiciary Committee.

**Senate Bill 164—House Bill 33—Consolidation
of Civil Cases**

This bill would have allowed the trial judge to join civil cases arising out of the same transaction. Under the present law, the discretion lies with the attorneys as to whether to join civil actions which have comparative facts.

The House version of this measure passed in the 1974 session, but it did not clear the Special Judiciary Committee in the Senate with a favorable recommendation during the 1974 session.

Senate Bill 233 — Witness Immunity

Originally presented in the 1973 legislature, this bill met with strong opposition during both sessions of the General Assembly. It would have allowed the district attorney to grant immunity in certain cases for certain criminal acts. This immunity could be granted to certain defendants whose testimony of evidence might prove valuable to the district attorney. This measure never cleared the Senate Judiciary Committee in either session.

**House Resolution 39—Senate Resolution 45—
Regional Juries**

Under this resolution, the General Assembly would be authorized to enact legislation providing for a jury panel to be selected from citizens from throughout the judicial circuit. The present system limits jury listings to the county. The proposed measure would have allowed the courts to draw upon more people for juries by combining two or more counties or geographic areas for the purpose of making traverse jury lists. The proposed measure met with strong opposition in the Rules Committee of the House and was never put on the Rules Calendar. The Senate bill never cleared the Senate Judiciary Committee.

House Bill 1530 — Six-Person Juries (Misdemeanor and Civil Cases)

This measure would have reduced the size of the jury in misdemeanor and civil cases to six jurors. At present, a 12-person jury sits on all criminal and civil trials. Sponsors of the bill saw it as an economy measure for counties and stressed that a 12-member jury was not needed. The bill passed out of the House on February 19. The bill, however, never moved out of the Senate Judiciary Committee.

House Resolution 476-1380 — Third Party Practice

Under present law, to bring a third-party defendant into a suit, the third-party plaintiff must show that the court has proper venue over the case. This resolution would have allowed third parties to come into different suits when they did not have venue.

This resolution in 1974 was a compromise resolution originating out of the Venue Amendment (SR-12) prepared for the 1973 General Assembly. The bill passed out of the House in February 1974. The bill received a favorable recommendation from the Senate Judiciary Committee, but because it was not read three times in the Senate, it was not placed on the Rules Calendar.

House Bill 1380—Discovery in Criminal Cases

This bill would have allowed for discovery by defense counsel in criminal cases, thus allowing the attorneys to do more discovery on the criminal side. Similar to a bill presented in the 1973 session, the 1974 version also contained an alibi provision. That alibi clause was later stricken by the House Judiciary Committee, then passed out of the House on February 5. The bill never cleared the Senate Judiciary Committee.

House Bill 1572—Temporary Substitution of Judges Upon Request

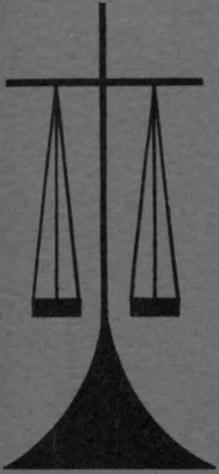
This measure never passed through the Senate in 1974 because it was not read three times in the Senate. It did pass the House on February 15 and received a favorable recommendation February 21 from the Senate Judiciary Committee.

It would have allowed a Superior Court judge to request a justice of the Supreme Court, a judge of the Court of Appeals, another Superior Court judge, or a State Court judge to exercise Superior Court judge powers in the requesting judge's circuit on a temporary basis to help in the case where a judge is on vacation or there is a backlog of cases. In addition, it provided that a Supreme Court justice or judge of the Court of Appeals could request a Superior Court judge to sit for him. In any case, the bill required consent of both judges. This measure was substituted in the House to strike some of the transferability of the judges.

House Resolution 41—Merit Selection of Appellate Court Judges

Calling for a permanent nominating board to fill vacancies on the appellate courts, this measure set up a group to act in the same capacity as the present Governor's Nominations Board. The persons named would be presented to the Governor who would make the appointment from the list of five names nominated for an appellate court judgeship. The board would be comprised of ten persons appointed by the Governor and the Board of Governors of the State Bar of Georgia. Two persons from each of the five geographic areas would be designated by the General Assembly. This bill passed the House in February, was reported favorably out of the Senate Judiciary Committee, but was not placed on the Rules Calendar because it was not read three times in the Senate.

PART III



GRANTS, PROJECTS, COMMITTEES

Our greatest need is the need to know – knowledge of the workings of our courts is the first step in solving the administrative problems that plague our courts and thus in the long range adding to the reduction and control of crime.





GRANTS, PROJECTS, COMMITTEES

The Administrative Office of the Courts was conceived solely as a service organization. Based on the reaction to its first year in operation, there exists a large demand for an office with such a function.

For the better part of 1974, the Administrative Office of the Courts was undergoing organization. Even so, it was deluged with requests for assistance from all sectors of the judicial system, the public and other agencies of the state and local government. In one full year, the office has embarked upon an impressive list of projects whose study and implementation has been facilitated not only by outside grants-in-aid, but the hard, dedicated work of committees. Sixty-eight members of the bench and bar, who are not currently members of the Judicial Council, serve on the eight committees working in the advisory capacity for council-related projects. They have provided strong leadership toward implementing each task, offering experience, expertise and guidance to the Judicial Council and Administrative Office.

In toto, the Judicial Council and Administrative Office have undertaken some 20 new projects during 1974. Some are still in their infancy stages with major research and recommendatory efforts scheduled for Fiscal Year 1974-1975. Other projects undertaken during the office's genesis year are already implemented and ongoing.

The following pages will detail the Judicial Council's Administrative Office efforts during 1974, describing not only their intent, but also their funding and the farsighted committees who have helped steer the efforts in the best direction for betterment of the state judiciary.

CIRCUIT STUDIES

The Problem

Regarded as one of the most important undertakings of the Administrative Office of the Courts during its first year of operation was the compilation of seven judicial circuit studies — in depth probes into circuits' "vital statistics" and the need, if any, for additional judicial manpower.

The requests for the circuit studies came through the Governor's Office and from judges and legislators before and during the 1974 General Assembly. It was only after some two month's concentrated research into the geography and personnel in each circuit along with a population picture, caseload and attorney count in each circuit that the Administrative Office could determine if the need for additional judges in those circuits in Georgia did indeed exist.

The ensuing recommendations for five new Superior Court judgeships emerged after Staff Consultants Chris Perrin and Paul Willis, along with Assistant Staff Consultant Walker Jackson and Staff Attorney Russell Sewell discussed the manpower situation in each circuit with judges, district attorneys, lawyers, court clerks, administrators, commissioners, and other interested parties. In addition, they delved into docket books to assess filings, case backlogs, and other pertinent information.

The Judicial Council then made its recommendations on each circuit to the Governor. During the 1974 General Assembly, legislators, using an unprecedented array of circuit information and comparisons, created five new Superior Court judgeships for Georgia.

It was another first for Georgia and, hopefully, the precedent for all future decisions regarding additional judgeships for this State. In the past, there has been a near void of valid information as to caseload of the various courts. When the General Assembly in years gone by received requests for additional judgeships, legislative decisions rested almost exclusively on population guidelines as to the need for another judge or a split circuit.

The Administrative Office's 1974 effort to compile figures upon which legislators could base a decision concerning additional judgeships was not, however, the first survey of Georgia courts to establish information profiles. In May, 1972, the Governor's Commission on Judicial Processes contracted with the consultant firm, Ernst and Ernst, for a sample survey of courts in Georgia. Their task was to assess the present court operating system with a view of its strengths and weaknesses and determine where improvements could be made.

Since a survey of all the courts in the State was considered impractical at that time, representatives of the Governor's Commission and the consultants selected 10 of the State's 42 circuits for analysis—these represented 32 counties and almost 50 percent of the State's population as well as 50 percent of the Superior Court judges. The sample also provided input from metropolitan, urban and rural sections of the State.*

That report, like other studies of individual problem areas or courts performed in the past, illustrated that increasing populations and expanding business communities have "*dramatically increased the workload and problems facing the courts.*"

*See Georgia Courts: A Survey of Current Operations and Recommendations for Improvements for the Governor's Commission on Judicial Processes, June 1973.

CIRCUIT STUDIES

The Criteria

Through those initial circuit studies in the Ernst and Ernst Report and later, through the probes into the seven circuits during the first fiscal year of the Administrative Office of the Courts, the Judicial Council has established some criteria for new judgeships in Georgia. Studies which began in June 1974 of all Georgia judicial circuits will further refine that criteria and, hopefully, provide a data base which will be continuously updated and which will facilitate future judicial manpower decisions for all circuits in Georgia.

While making one of its earlier recommendations for a new Superior Court judgeship in the Coweta Judicial Circuit last October, the Judicial Council decided that the rendition of a valid objective opinion as to whether an additional judgeship is needed would depend on the accumulation of statistical data such as caseload, population, economic factors, numbers of active attorneys and a judicial manpower formula for all of the State's 42 judicial circuits.

"The single most important determinant of the number of judges required in a judicial circuit is the current and anticipated caseload in that circuit," the Council said. *"Techniques have been developed in several court systems across the nation for evaluating the size of caseloads in a way that takes account of differing types of cases. These techniques, generally known as 'weighted case averaging', provide an informed basis for comparing different trial courts within a system and determining which ones may be overloaded and therefore in need of additional judicial manpower. This determination can then be*

used in decisions by the General Assembly regarding the creation of new judgeships. Experience suggests that this type of caseload measure is a much better indicator of the need for new judgeships than other measures such as the simple number of case filings or changes in community population."

Such caseload statistics are not now available. So, during the six months to a year that it will take to develop that needed data, the Administrative Office of the Courts will provide reports on individual circuits by making special surveys.

The Coweta Report established other basic guidelines for future judgeship recommendations, including the position that no new judicial circuits and no new part-time judgeships should be created within the State.

With that recommendation, the council explained that in establishing circuits for the Georgia trial-court system, the principal considerations should be as follows:

1. Population concentrations
2. Number of practicing attorneys in the circuit
3. Trading and other exchange relationships
4. Transportation and communication patterns
5. Organizational structure of other agencies and division of government at both the state and local levels.

And, in an endorsement of multi-judge circuits, the council pointed out that many advantages of such circuits, such as the following:

1. Division of responsibility or internal specialization—a multi-judge court can

establish necessary divisions or specialization in such areas as criminal cases, civil cases, domestic relations cases, etc. Such division of responsibility is impossible in a one-judge circuit.

2. Accommodation of judicial absences—multi-judge circuits allow better management of the absence of a judge from the circuit due to illness, disqualification, vacation, and the demands of other responsibilities such as continuing legal education.
3. More efficient use of jurors—better use of jury manpower can be effected when two judges hold court simultaneously in the same county. One judge in a multi-judge circuit may use the other judge's excess jurors for a trial of a second case rather than excusing them at an added expense to the county. Present courtroom space in most counties may not permit two trials simultaneously; but such a practice, if implemented, may justify the building of a second smaller courtroom by the county affected, or the making of other arrangements.
4. Accommodation of problems of impartiality or disqualification—a larger circuit with additional judges may permit hometown cases where acquaintances are involved to be considered by an out-of-town judge without the appearance that the local judge is avoiding responsibility.
5. Improves court administration—multi-judge circuits tend to promote impartiality and uniformity of administrative practices and procedures by making court administration something more than the extension of a single judge's personality. Multi-judge circuits also permit economies in the development of auxiliary court

personnel.

6. Expedites handling of cases—probably most important of all, under the arithmetic of calendar management, the judges of a multi-judge-court can handle substantially more cases than an equal number of judges operating in separate courts.

Besides the advantage of improved efficiency to be realized through the use of multi-judge circuits, there are also a number of other reasons as to why this approach should be taken, the council said. Under existing law, a new judgeship may be created without the addition of another elected district attorney, although an assistant district attorney is added. However, when the circuit is divided and a new circuit thereby created, another elected district attorney is needed.

A second reason supporting the use of multi-judge circuits is that upon division of an existing circuit into two new ones, one new circuit may grow disproportionately to the other, or population or other factors suggesting division may diminish, thus negating the factors which initially led to the division and compounding future problems of adjustment.

It is important to note that 24 of Georgia's 42 judicial circuits, or 57 percent, are now single-judge circuits.

REPORT OF THE ADMINISTRATIVE
OFFICE OF THE COURTS OF GEORGIA
REGARDING THE NEED FOR ADDITIONAL
JUDICIAL MANPOWER IN THE
ATLANTA JUDICIAL CIRCUIT

GEOGRAPHIC, DEMOGRAPHIC DATA FOR SELECTED

GEOGRAPHY & PERSONNEL

POPULATION

Circuit	Counties	No. of Superior Court Judges	No. of Court Judges	POPULATION									
				1970 Population	Actual 1972 Population	Projected 1980 Population	Actual Growth Rate 1970-1972 (b)	Projected Percentage Growth Rate 1970-1980 (a)	1970 (c) Population Per Superior Court Judge	Actual 1972 (b) Population Per Superior Court Judge	1980 Projected Population Per Superior Court Judge	1972 Population Per Superior Court Judge After the Addition of a New Judgeship (c)	Ratio of Urban Rural Population Urban:Rural (d)
COWETA	5	1	S-3, J-1*	149,995	151,800	162,600	1.2%	8.4%	146,995	151,800	162,600	75,900	43:57
DOUGHERTY	1	1	S-1, J-1*	89,639	95,000	100,000	6.0%	11.5%	89,639	95,000	100,000	47,500	85:15
WAYCROSS	6	1	S-1, J-1*	85,487	88,700	87,497	3.8%	2.3%	85,487	88,700	87,497	44,350	45:55
CONASAUGA	2	1	S-0, J-1*	68,094	71,400	82,000	4.9%	20.4%	68,094	71,400	82,000	35,700	32:68
TALLAPOOSA	4	2	S-1, J-1*	91,762	100,600	111,480	9.6%	21.5%	45,881	50,300	55,740	33,533	32:68
ATLANTA	1	10	S-7, J-2*	607,592	590,680	709,884	-1.4%	16.8%	60,759	59,068	79,988	53,698	93:7
WESTERN	2	1	S-1*, J-1	73,092	76,000	90,116	4.0%	23.3%	73,092	76,000	90,116	38,000	61:39

* Part-time

(a) County Population Projections Georgia 1980, Office of Planning and Budget, State Data Center, September 1972.

(b) Based on Estimates of the Population of Georgia Counties: July 1, 1971 and July 1, 1972, U. S. Department of Commerce, Series P-26, No. 37, June 1973.

(c) General Population Characteristics of Georgia, U. S. Department of Commerce, Bureau of the Census, March 1972.

(d) Data based on Georgia Courts, 1971, Ernst & Ernst.

C, CASELOAD, AND ATTORNEY D COMPARATIVE CIRCUITS

CASELOAD Filings Per Superior Court Judge for 1973

ATTORNEYS

<u>Civil Filings</u>	<u>Felony Filings</u>	<u>Subtotal of Civil & Felony Filings</u>	<u>Misdemeanor Filings</u>	<u>All Criminal Filings</u>	<u>TOTAL Filings</u>	<u>Felonies Per Superior Court Judge After the Addition of a New Judgeship</u>	<u>Total Filings Per Superior Court Judge After Addition of New Judgeship</u>
2,150	493	2,643	430	923	3,073	246	1,537
1,425	381	1,806	3,321	3,702	5,127	191	2,564
1,376	245	1,491	328	573	1,949	123	975
2,119	270	2,389	1,675	1,945	4,064	135	2,032
1,245	146	1,391	1,146	1,291	2,537	97	1,691
945	441	1,386	-0-	441	1,386	401	1,260
1,098	506	1,604	35	541	1,686	253	843

<u>Number of Practicing Attorneys in 1971</u>	<u>Number Practicing Attorneys Per Superior Court Judge in 1971</u>	<u>Number of Practicing Attorneys Per Superior Court Judge After the Addition of New Judgeship (based on 1971 data)</u>
86	86	43
77	77	39
52	52	26
41	41	21
47	24	16
2,326	233	211
84	84	42

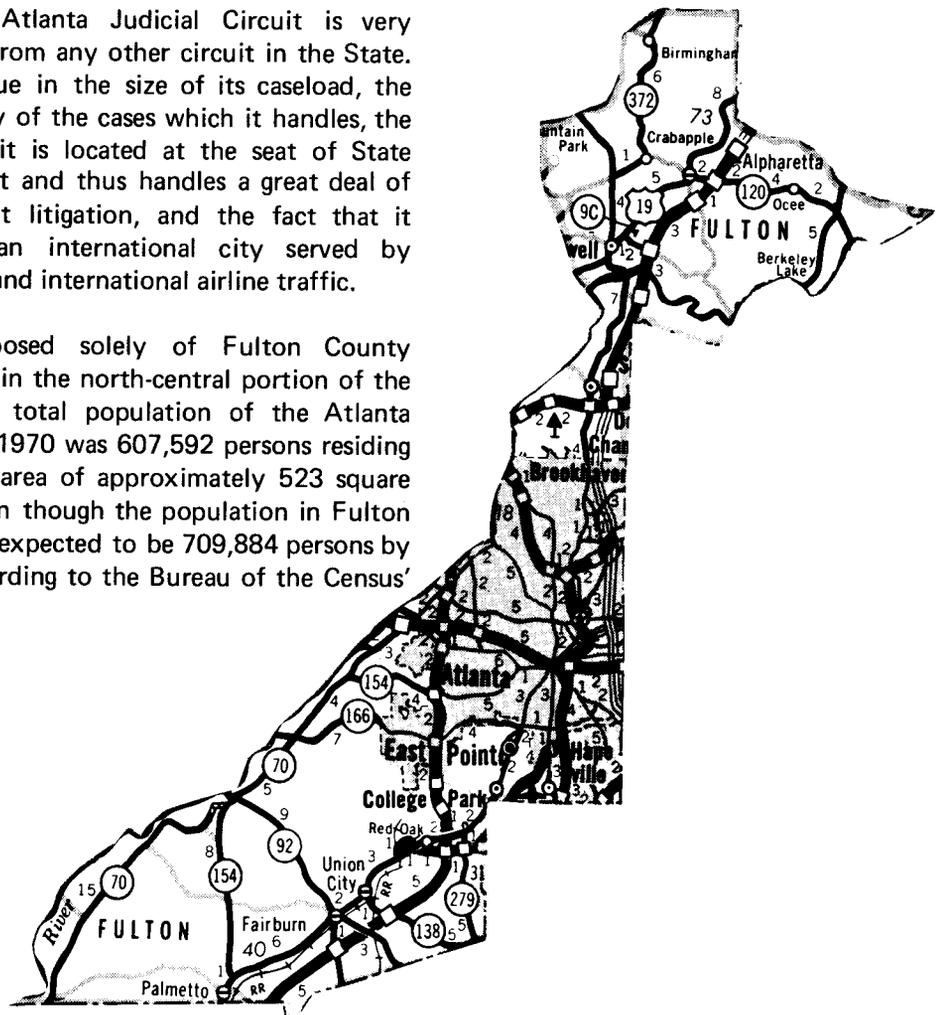
CIRCUIT STUDIES

Atlanta

The Atlanta Judicial Circuit

The Atlanta Judicial Circuit is very different from any other circuit in the State. It is unique in the size of its caseload, the complexity of the cases which it handles, the fact that it is located at the seat of State government and thus handles a great deal of government litigation, and the fact that it contains an international city served by interstate and international airline traffic.

Composed solely of Fulton County which lies in the north-central portion of the State, the total population of the Atlanta Circuit in 1970 was 607,592 persons residing within an area of approximately 523 square miles. Even though the population in Fulton County is expected to be 709,884 persons by 1980 according to the Bureau of the Census'



cance, however, is that more than 307,000 persons commute to Atlanta daily to work.

estimates, other population estimates show the population decreasing in past years in the Atlanta Judicial Circuit. This trend could be easily reversed by the energy crisis and other factors. But meanwhile, the migration pattern for the Atlanta Judicial Circuit for the years 1960 to 1970 indicate a substantial out-migration of whites and a substantial in-migration of non-whites. Of great signifi-

The largest incorporated area within Fulton County is the City of Atlanta with a 1970 population of 497,046 persons. Eleven other towns lie within the county—Alpharetta, College Park, East Point, Fairburn, Hapeville, Palmetto, Red Oak, Roswell, Sandy Springs, and Union City.

When the Atlanta Circuit report was

compiled by the Administrative Office of the Courts, there were ten Superior Court judges, two full-time Juvenile Court judges, two full-time Criminal Court judges and five full-time Civil Court judges. As elsewhere in the State, the Superior Court in the Atlanta Circuit exercises exclusive jurisdiction in cases of divorce, felonies, cases related to title of land, equity cases and adoption cases (except where such authority is granted to juvenile courts). The Superior Court exercises appellate jurisdiction in cases from judgements of the courts of ordinary, justices of the peace, municipal courts and police courts. The Civil

Court of Fulton County exercises concurrent jurisdiction with the Superior Court in civil cases of unlimited amount that are not specifically reserved to the Superior Court. The Criminal Court of Fulton County exercises concurrent jurisdiction with the Superior Court in all misdemeanor cases, and, in fact, tries almost all these cases within Fulton County. The Juvenile Court of Fulton County exercises original trial jurisdiction concerning children under 17 years of age who have violated any law. This court also has jurisdiction of cases in which children are alleged to be unruly or deprived.

CIRCUIT STUDIES
Atlanta

**FILINGS IN THE SUPERIOR COURT
OF FULTON COUNTY 1962-1973**

<u>Year</u>	<u>Criminal Indictment</u>	<u>Civil</u>
1962	1,704	6,963
1963	2,327	7,130
1964	2,767	7,573
1965	1,941	7,584
1966	2,206	7,643
1967	2,439	8,209
1968	3,155	8,919
1969	3,371	9,033
1970	4,619	9,740
1971	5,236	9,714
1972	5,021	9,970
1973	4,414	9,448

*Civil includes Domestic Relations
1962-1972-Civil Filings Increased by 43%
Criminal Indictments In-
creased by 294%

1968-1972-Civil Filings Increased by 13%
Criminal Indictments In-
creased by 67%

It is noteworthy that the time required for an average civil trial from time of filing to disposition during the period May 1, 1972, to May 1, 1973, was 14 months, while the average length of time for a criminal trial from indictment to disposition in 1973 was 79 days.

After compiling geographic, demographic, caseload and attorney data for the Atlanta Circuit, the AOC researchers also learned that in all categories of cases, the court in 1973 disposed of more cases than were filed. However, that was attributed in large part to the addition of a court administrator for the Atlanta Judicial Circuit and the summary disposition of substantial numbers of older cases.

The data on terminations of criminal cases indicated that while a large number of cases were disposed of by pleas and by dead docket, an unusually large number of cases were still handled by actual trial. As of Jan. 31, 1974, 8,159 cases were pending in the Fulton Superior Court-1,055 were criminal cases and 7,465 were civil cases. Discussions with persons in the district attorney's and sheriff's offices indicated that the average time from arrest to indictment was approximately two weeks in criminal cases.

CIRCUIT STUDIES

Atlanta

SUPERIOR COURT TERMINATIONS
BY TYPE FOR CRIMINAL
CASES 1973

	<u>CAPITAL</u>	<u>PERCENTAGE OF TOTAL</u>	<u>NON CAPITAL</u>	<u>PERCENTAGE OF TOTAL</u>	<u>TOTAL CRIMINAL</u>	<u>PERCENTAGE OF TOTAL</u>
Jury Trial	103	18.56	143	3.34	246	5.09
By Judge - Bench Trial	29	5.22	87	2.03	116	2.40
By Plea	304	54.77	3,018	70.58	3,322	68.76
Dead Docket	84	15.14	823	19.25	907	18.77
Nolle Pros	23	4.15	114	2.67	137	2.84
Miscellaneous	<u>12</u>	<u>2.16</u>	<u>91</u>	<u>2.13</u>	<u>103</u>	<u>2.14</u>
TOTAL	555	100.00	4,276	100.00	4,831	100.00

The Circuit Report concluded that the amount of litigation handled in the Atlanta Superior Court is not directly related to the amount of population in Atlanta. Atlanta is a center of industry and trade and has large numbers of industrial firms, insurance companies, etc. In addition, as the seat of State government, the court receives large numbers of workmen's compensation cases and other litigation relative to the execution of government. The Atlanta Circuit also has over half of the actively practicing attorneys in the State (3,500 in Fulton County).

Because of the Atlanta court system's uniqueness as it relates to other parts of the State, the researchers suggested it would be more meaningful to compare the caseload per judge of the Atlanta Superior Court to that of the caseload per judge of the Federal District Court located in Atlanta. In the Federal District Court in 1973, the caseload per judge was 400 to 500 cases. During the same period, the caseload per judge in the Atlanta Superior Court was almost 1,700 cases per judge.

After compiling the above statistical data and interviews with the chief judge and several other judges of the Superior Court, the Superior Court administrators, the president of the Atlanta Bar Association, the Fulton County Commissioners and other interested persons, the Administrative Office of the Courts recommended that a new Superior Court judgeship be created in the Atlanta Judicial Circuit. The Atlanta Bar Association had unanimously endorsed such creation.

But the Administrative Office added these comments to its recommendation which was endorsed by the Judicial Council:

The addition of judgeships in various judicial circuits is a matter of great gravity and should be approached through careful inquiry and deliberate study. A proper appraisal of the need for such judgeships cannot

be made without having adequate time in which to do so. The creation of new courts not only requires the additional compensation of judges, but also that of law clerks, secretaries, sheriffs, clerks and other personnel and the provision of office space, courtroom space, furniture and fixtures and innumerable other items of cost. The public is entitled to have a thorough and in-depth study made of such matters before action is taken thereon.

The data is conflicting as to whether an additional judgeship is needed in the

Atlanta Judicial Circuit. Time will not permit proper studies to ascertain this need in any realistic manner. However, because of the substantial backlog of this court, the substantial number of cases filed in this court, the fact that Atlanta is an industrial and trade center and the seat of state government and because of subjective input derived from interviews held by the staff of the Administrative Office of the Courts, it is the recommendation of the Administrative Office of the Courts that another judgeship should be created at this time in the Atlanta Judicial Circuit.

**CIVIL TERMINATIONS BY TYPE FOR 1973
IN THE SUPERIOR COURT OF FULTON COUNTY**

Type of Termination	<u>Civil General Terminations</u>	<u>Percent of Total</u>	<u>Domestic Relations Terminations</u>	<u>Percent of Total</u>
By Jury	286	6.56	30	.38
By Judge	566	12.99	930	12.02
Directed Verdict	35	.80		
Settled at Pretrial Hearing	214	4.92	16	.20
Dismissed without Prejudice	673	15.46	221	2.85
Dismissed with Prejudice	1090	25.03	164	2.12
Default	36	.83	2	.02
Settled	531	12.19	134	1.24
Miscellaneous	47	1.08	7	.09
5 year dormant Statute	91	2.09	53	.69
Dismissed For Want of Prosecution	786	18.05	2219	28.69
Uncontested and Publication Divorce			3960	51.19
Total	4355	100.00	7736	100.00

CIRCUIT STUDIES
Atlanta

**CASES PENDING IN THE
SUPERIOR COURT OF FULTON
COUNTY ON JANUARY 31, 1974**

CRIMINAL

<u>Capital</u>	<u>Non-Capital</u>	<u>Total</u>
119	935	1054

CIVIL

<u>General</u>	<u>Domestic Relations</u>	<u>Total</u>
4518	2947	7465

TOTAL ALL CASES
8519

**CASES FILED AND DISPOSED OF IN 1973
BY TYPE IN THE SUPERIOR COURT
OF FULTON COUNTY**

CRIMINAL

	<u>Capital</u>	<u>Non-Capital</u>
FILED	519	3895
DISPOSED OF	555	4276
DIFFERENCE	-36	-381

CIVIL

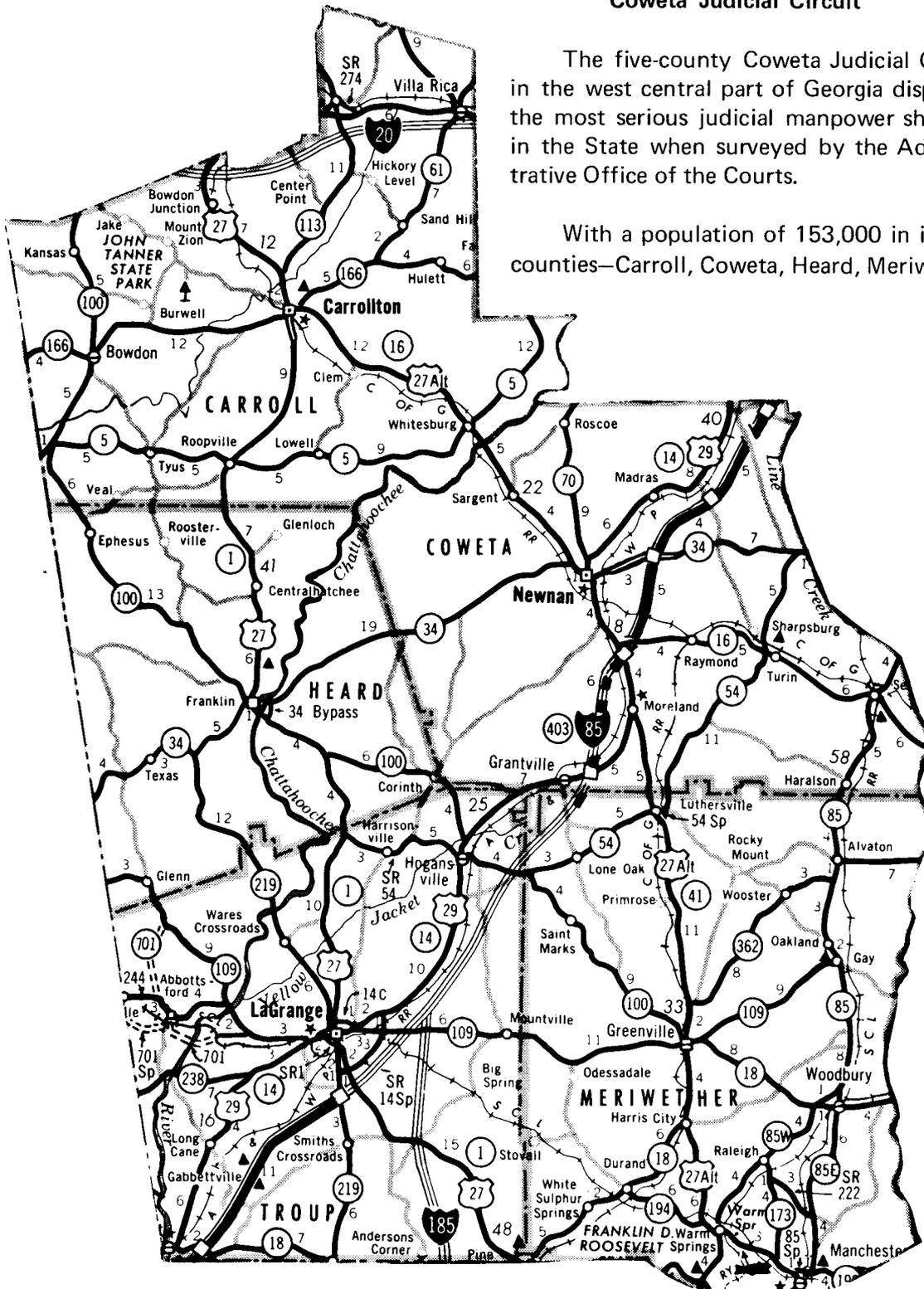
<u>General</u>	<u>Domestic Relations</u>
3686	5762
4355	7736
-670	-1974

The 1974 General Assembly followed the recommendation of the Judicial Council, and created the new Superior Court judgeship for the Atlanta Judicial Circuit. On May 8, 1974, Judge Joel J. Fryer was named by Gov. Jimmy Carter to fill the new seat.

Coweta Judicial Circuit

The five-county Coweta Judicial Circuit in the west central part of Georgia displayed the most serious judicial manpower shortage in the State when surveyed by the Administrative Office of the Courts.

With a population of 153,000 in its five counties—Carroll, Coweta, Heard, Meriwether,



CIRCUIT STUDIES

Coweta

COMPARISON OF FILINGS FOR THE LAST
THREE YEARS IN THE COURTS OF
TROUP, COWETA, AND CARROLL COUNTIES

CARROLL COUNTY

SUPERIOR COURT

Criminal

1/1/73 to 11/73 -- 109 cases
1972 -- 67 cases
1971 -- 128 cases

Civil

1/1/73 to 11/13/73 -- 559 cases
1972 -- 603 cases
1971 -- 402 cases

STATE COURT

Criminal

1/1/73 to 11/73 -- 2637 cases
1972 -- 1959 cases
1971 -- 1840 cases

Civil

1/1/73 to 11/13/73 -- 458 cases
1972 -- 430 cases
1971 -- 100 cases

COWETA COUNTY

SUPERIOR COURT

Criminal

1/73 to 11/73 -- 128 cases
1972 -- 152 cases
1971 -- 100 cases

Civil

1/1/73 to 11/12/73 -- 495 cases
1972 -- 464 cases
1971 -- 504 cases

(Condemnations concerning the extension of I-85)

STATE COURT

Criminal

1/73 to 11/73 -- 2538 cases
1972 -- 4606 cases
1971 -- 3515 cases

Civil

1/1/73 to 11/12/73 -- 258 cases
1972 -- 283 cases
1971 -- 201 cases

TROUP COUNTY

SUPERIOR COURT

Civil

1/1/73 to 11/9/73 -- 450 cases
1972 -- 454 cases
1971 -- 436 cases

STATE COURT

Criminal

1/1/73 to 11/12/73 -- 2101 cases
1972 -- 2168 cases
1971 -- 1922 cases

Civil

1/1/73 to 11/9/73 -- 90 cases
1972 -- 197 cases
1971 -- 202 cases

and Troup—and including 6,000 students at West Georgia College, two of the counties in the circuit are expected to experience substantial growth in the next decade while the other three should remain relatively stable.

Carroll County in the northernmost part of the Circuit had a population of 45,404 in 1970 and is expected, with the extension of Interstate 20 from Atlanta, to contain 54,000 persons by 1980.

The 1970 population of 32,310 in Coweta County is expected to grow to 40,000 by 1980. This county contains one substantial town—Newnan—and a planned city is on the drawing boards. With easy access to Atlanta via Interstate 85, the county is now virtually a suburb of Atlanta and lies within the Atlanta Standard Metropolitan Statistical Area (SMSA).

Urbanization of both those counties is expected to result in rising populations along with the usual attendant increases in civil litigation and criminal case workload.

Heard County, on the other hand is losing population, as is Meriwether County, both of which are primarily rural. Troup County, the third largest in the circuit with 44,466 in 1970, is expected to grow to 44,600 by 1980 with the extension of I-85 and construction of a proposed dam at West Point.

At the time of the study, however, there was only one Superior Court judge riding the five-county circuit. There are State Courts in Carroll, Troup, and Coweta Counties, and a Small Claims Court in Troup County. Some 86 attorneys actively practice in this circuit and a large number of attorneys from the metropolitan Atlanta area also frequently litigate cases in the Coweta Judicial Circuit.

Studies by the Administrative Office of the Courts showed two other judicial circuits in the State with substantially less population

than the Coweta Circuit but with two judges of the Superior Court. On the other hand, the single-judge circuit which most closely approximates the population of the Coweta Circuit was Dougherty with 89,639 inhabitants—63,356 less inhabitants than the Coweta Circuit.

Other problems which were symptomatic of the urgent need for an additional Superior Court judge were apparent after interviews with key persons within the judicial system and through subjective observations by AOC staff members.

Those problems included over-populated jails because of too few court terms in each county, attorneys from outlying counties having great difficulty getting orders signed because of the judge's press of business, and a tremendous work overload on the judge who had had one vacation in 13 years. In addition, the case backlog was becoming an increasing problem as filings have increased with growth and urbanization of the counties.

Taking these factors in consideration, the Administrative Office of the Courts made this recommendation:

Based on the information presented in this report and subjective evaluation by the Administrative Office of the Courts staff, there can be little question as to the immediate and dire need for an additional judgeship in the Coweta Judicial Circuit.

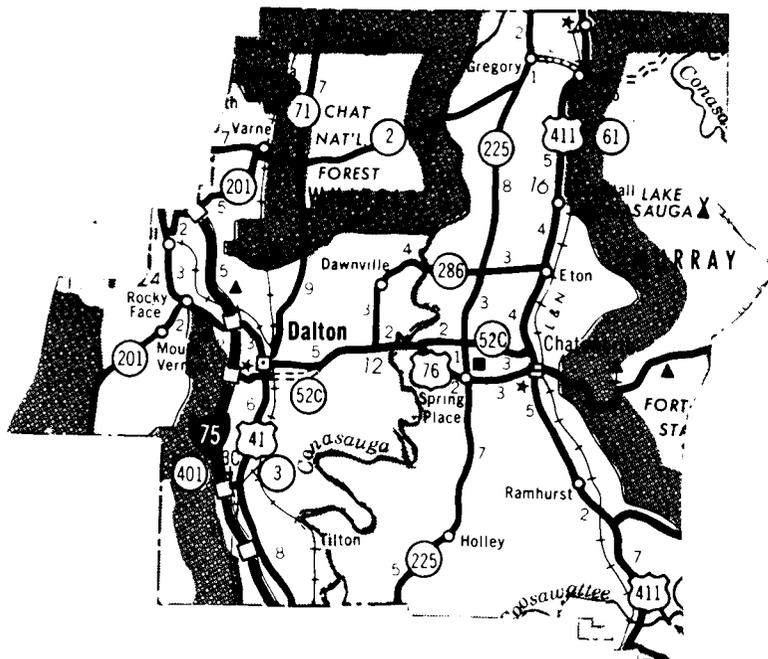
That recommendation was approved by the Judicial Council of Georgia on December 16, 1973, which also stated that the circuit should not be divided at this time. The 1974 General Assembly created the new judgeship, and Judge Joseph C. Jackson was appointed May 8, 1974, by the Governor to fill the new position.

CIRCUIT STUDIES

Conasauga

Conasauga Judicial Circuit

In the northwestern part of Georgia bordering the State of Tennessee lies the Conasauga Judicial Circuit—population 68,094 persons who live in the 623 square miles of Murray and Whitfield Counties.



Murray County is by far the smaller with 12,986 persons in 1970 compared to Whitfield County's 55,108 persons. By 1980, Murray County is expected to grow to 14,000 persons while the larger county will experience a 23.4 percent projected increase to 68,000 persons. Growth may be attributed in large part to the carpet industry which is concentrated in this judicial circuit.

Within the Conasauga Judicial Circuit, there was, at the time of the study, one Superior Court judge and one part-time Juvenile Court judge with the former serving both counties as judge of the higher court and as Juvenile Court judge in Murray County. There are no State Courts in this circuit, and the ordinaries in both counties handled all traffic cases as well as game and fish violations.

A comparison of population per Superior Court judge for the Conasauga Judicial Circuit and ten other selected circuits indicates a substantial disparity between the amount of population responsibility per judge. Conasauga Circuit is among the highest in this category with one judge per 68,094 people and substantial anticipated growth. Forty-seven attorneys were listed in the State Bar Directory in the Conasauga Circuit in 1973, and the numbers are expected to increase considerably in coming years.

After gathering statistical data and interviewing the judge of the Superior Court and the judge of the Juvenile Court of Whitfield County, the clerks of the Superior Courts in Murray and Whitfield Counties, and an active practicing attorney in Murray County, AOC researchers learned that the average length of time required for disposition of a criminal case in Murray County was estimated to be three to four hours, while disposition of a civil case was six to seven hours. In Whitfield County, it was estimated that a civil trial takes an average of 1 to 1½ days; capital felonies require 2½ days, misdemeanor trials require approximately one-half day, divorce cases are handled at an average of 15 to 20 cases per day and non-jury civil cases which usually involve very technical points of law, generally last approximately five days.

The Superior Court judge apparently spent the bulk of his time in Dalton, visiting

Murray County one day per week to sign papers and hear motions. Court was held officially in Murray County four times a year.

The ratio of cases settled either by guilty pleas in criminal cases or by settlement in civil cases to those cases which actually go to trial was approximately nine to one in Murray County and three to two in Whitfield County where eight to ten percent of the criminal cases went to trial, and 90 percent or more pleaded guilty.

There was some disagreement among those interviewed as to whether an additional judgeship was needed in the Conasauga Circuit, but the judge of the Superior Court, the judge of the Juvenile Court, and the Circuit Bar had all endorsed creation of the second judgeship.

The judge of the Superior Court believed most of the overload problems in the circuit were the result of problems of economic growth and an unusually litigious Bar. He reported that the Circuit Bar Association had discussed creating a State Court to relieve the backlog, but had discounted this idea in favor of another Superior Court judgeship.

On the Juvenile Court side, the judge of the Juvenile Court of Whitfield County reported spending some 1½ days per week as Juvenile Court judge. However, the Superior Court judge and other persons involved in the judicial system indicated that one or both of the Superior Court judges would sit on the juvenile bench in both counties if the second Superior Court judgeship was created. The Juvenile Court in Whitfield County at the time of the study was also employing a full-time referee, a full-time probation officer, one other full-time employee, and several other part-time employees.

After studying these and other facts, the Judicial Council made this recommendation:

The judicial workload, both civil and criminal, which is increasing rapidly in the Conasauga Judicial Circuit as a result of population growth, economic growth, additional filings each year of all types, and an increasing number of practicing attorneys, falls almost completely on one Superior Court judge. Because of various considerations, both political and practical, the officials of this particular part of our judicial system do not desire to create a state court in either county.

Therefore, based on the statistical data presented above and subjective evaluation by the Administrative Office of the Courts, it is the recommendation of the Administrative Office of the Courts that another Superior Court judgeship be created in the Conasauga Judicial Circuit.

The General Assembly acted favorably upon the recommendations of the Judicial Council in 1974, and Gov. Jimmy Carter appointed Judge Coy H. Temples to fill the Superior Court judgeship on May 8, 1974.

**CASE FILINGS IN THE CONASAUGA CIRCUIT
BY YEAR, TYPE, AND COUNTY**

<u>Year</u>	<u>County</u>	<u>Civil</u>	<u>Percent of Total</u>	<u>Criminal- Felony</u>	<u>Percent of Total</u>	<u>Criminal- Misdemeanor</u>	<u>Percent of Total</u>	<u>Juvenile</u>	<u>Percent of Total</u>	<u>TOTAL</u>
1971	Whitfield	1,604	45.6%	63	1.8%	1,302	37.1%	545	15.5%	3,514
	Murray	<u>248</u>	<u>31.7%</u>	<u>40</u>	<u>5.1%</u>	<u>471</u>	<u>60.3%</u>	<u>23</u>	<u>2.9%</u>	<u>782</u>
Circuit Subtotal		1,852	43.1%	103	2.4%	1,773	41.3%	568	13.2%	4,296
1972	Whitfield	1,680	46.2%	132	3.6%	1,227	33.7%	600	16.5%	3,639
	Murray	<u>266</u>	<u>41.3%</u>	<u>21</u>	<u>3.3%</u>	<u>345</u>	<u>53.5%</u>	<u>12</u>	<u>1.9%</u>	<u>644</u>
Circuit Subtotal		1,946	45.4%	153	3.6%	1,572	36.7%	612	14.3%	4,283
1973	Whitfield	1,776	45.0%	209	5.3%	1,250	31.7%	711	18.0%	3,946
	Murray	<u>343</u>	<u>39.4%</u>	<u>61</u>	<u>7.0%</u>	<u>425</u>	<u>48.8%</u>	<u>42</u>	<u>4.8%</u>	<u>871</u>
Circuit Subtotal		2,119	44.0%	270	5.6%	1,675	34.8%	753	15.6%	4,817

PERCENT INCREASE 1971-1973

Civil	14.4%
Criminal-Felony	162.0%
Criminal-Misdemeanor	-5.5%
Juvenile	32.6%
Total	12.1%

Dougherty Judicial Circuit

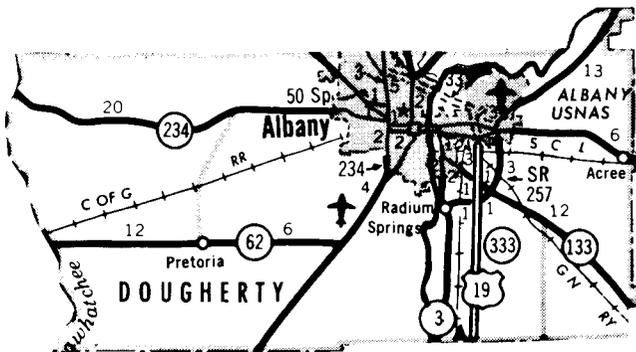
Dougherty Judicial Circuit in the southwestern part of the State about 90 miles south of Columbus is a one-county, one-major city circuit, but an increasingly urban one. It's 89,639 people in 1970 are expected to mushroom to 100,020 by 1980.

Its only city, Albany, with a population of 74,500 is an industrial center of Southwest Georgia and a city that has realized most of its industrial growth in the past ten to twelve years. Rail, highway, and airline transportation have attributed to Albany's development, and the city has become a shopping center for Southwestern Georgia serving Mitchell, Baker, Calhoun, Terrell, Lee and Worth Counties as a primary trade center, and Sumter, Crisp, Turner, Tift, Colquitt, Thomas, Grady, Decatur, Seminole, Miller, Early, Clay and Randolph Counties as a secondary trade center. The forthcoming closing of the Naval Air Base is expected to bring establishment of an industrial park on the old base.

The court structure in Dougherty County is somewhat unique in that although there is a city court, this court only has jurisdiction of guilty pleas in misdemeanor cases and has only a \$1,000 jurisdiction in civil cases.

Therefore, most of the judicial burden, both civil and criminal, falls on the Superior Court, whereas many other circuits include a State Court judge who exercises a broader

As in other circuits studied by the Administrative Office of the Courts in the last fiscal year, no current caseload statistics are available for comparison of all circuits in the state, so determination of the need for judicial manpower was determined by number of judges, population and projected population, number of practicing attorneys, and cases filed as well as comparative circuit reports, if available. With only one Superior Court judge serving the Dougherty population, 77 attorneys in the county, and a population growing at the rate of 10.4 percent by 1980, the Administrative Office found substantial support for the need for an additional judgeship in the Dougherty Judicial Circuit.



Those findings were further supported by all members of the bar and court personnel interviewed. It was also pointed out that due to the increase of judicial cases, the county has had to pay a Superior Court judge emeritus to come into the circuit and help the Superior Court judge with the caseload. The fee was \$108 per day. Since fiscal 1971, the circuit paid some \$19,000 to the judge emeritus.

CIRCUIT STUDIES

Dougherty

The Judicial Council voted January 25 to recommend another Superior Court judgeship in the Dougherty Judicial Circuit, and the General Assembly acted positively on that recommendation during the 1974 session. Judge Leonard Farkas was named to Dougherty's second Superior Court judgeship on May 8 by the Governor.

**FILINGS IN THE SUPERIOR COURT
OF THE DOUGHERTY JUDICIAL CIRCUIT**

<u>Year</u>	<u>Criminal</u>	<u>Civil</u>
1971	4631	1285
1972	3702	1413
1973	3347 *	1425 *

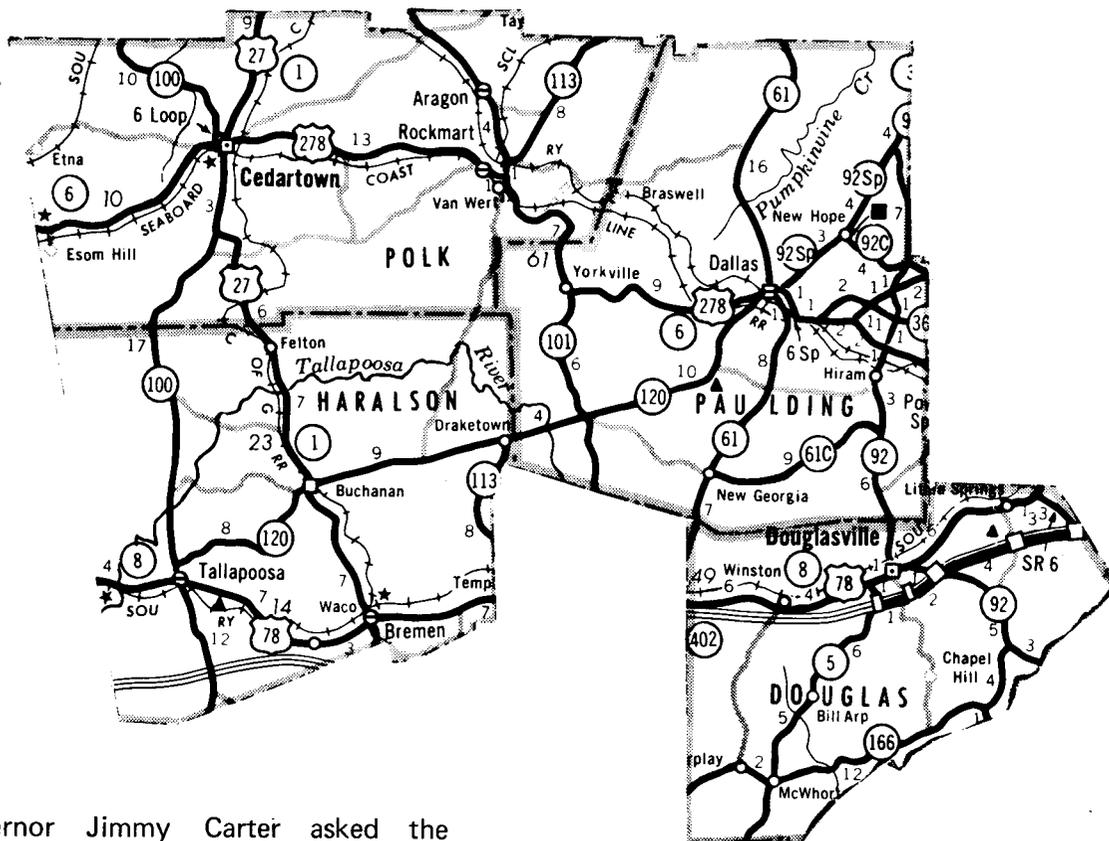
* Through September 24, 1973

Tallapoosa Judicial Circuit

During the 1974 session of the Georgia General Assembly, Senator Jimmy Parker of District 31 introduced a bill providing for the creation of a new judicial circuit to be called the Douglas Judicial Circuit and to be composed solely of Douglas County. Douglas County was at the time, and still is, one of four counties in the Tallapoosa Judicial Circuit.

Haralson, Paulding, and Polk Counties also lie in the Tallapoosa Circuit in the northwestern part of the State. Douglas County has the largest total population of the four counties. The 1970 census showed 28,659 people living in Douglas County's 201 square miles, and projections put the population at 43,000 by 1980—a 33.4 percent projected growth increase. However, during the survey work, it was demonstrated by certain members of the bar in Douglas County that the county's population was already near 50,000. The largest city is Douglasville with 5,472 people.

Paulding County lies to the north of Douglas County, and its population in 1970 was 17,520. By 1980, that population should reach 20,000. Polk County to the northwest of Paulding County is slightly larger with



Governor Jimmy Carter asked the Administrative Office of the Courts to review the senator's proposal and make recommendations as to whether the circuit should be split into two circuits.

TALLAPOOSA JUDICIAL CIRCUIT
FILINGS PER SUPERIOR COURT BY COUNTY FOR 1970-1973

County	Year	CIVIL				CRIMINAL				TOTAL
		General	Percent of Total	Divorce	Percent of Total	Felony	Percent of Total	Misdemeanor	Percent of Total	
DOUGLAS	1971	642	43.0%	183	12.2%	72	4.8%	597	40.0%	1,494
	1972	784	48.6%	217	13.5%	43	2.7%	568	35.2%	1,612
	1973	910	48.1%	304	16.1%	104	5.5%	573	30.3%	1,891
	Total	2,336	46.7%	704	14.1%	219	4.4%	1,738	34.8%	4,997
HARALSON	1971	313	40.2%	125	16.0%	46	5.8%	295	38.0%	779
	1972	274	39.2%	133	19.0%	44	6.3%	248	35.5%	699
	1973	245	36.8%	140	21.0%	41	6.2%	240	36.0%	666
	Total	832	38.8%	398	18.6%	131	6.1%	783	36.5%	2,144
PAULDING	1971	320	39.4%	87	10.7%	58	7.1%	348	42.8%	813
	1972	328	36.9%	104	11.7%	45	5.0%	413	46.4%	890
	1973	285	36.6%	104	13.4%	61	7.8%	329	42.2%	779
	Total	933	37.6%	295	11.9%	164	6.6%	1,090	43.9%	2,482
POLK	1971	314	19.9%	172	10.9%	* 97	6.2%	* 993	63.0%	1,576
	1972	294	13.9%	212	10.1%	* 92	4.4%	* 1,510	71.6%	2,108
	1973	261	15.0%	242	13.9%	* 85	4.9%	* 1,150	66.2%	1,738
	Total	869	16.0%	626	11.5%	274	5.1%	3,653	67.4%	5,422

* Estimate--Filing Dates not Discernible in Docket Records

29,656 people in 1970 and a projected population of 31,500 in 1980; while Haralson County to the west of Paulding County had a population of 15,927 in 1970 and is expected to grow to 17,000 by 1980. In all four counties, major industries are textiles and related industries. While there has been substantial growth in the entire circuit, the majority of the growth in the decade has been in Douglas and Paulding Counties.

Within the Tallapoosa Judicial Circuit, there are two Superior Court judges who exercise jurisdiction over divorces, felonies, misdemeanors, titles to land, equity, adoption, civil cases of unlimited monetary jurisdiction, and juvenile matters. Superior Court judges further exercise appellate jurisdiction over cases of the ordinaries, justices of the peace, and municipal corporations, or police.

The Superior Court convenes twice yearly in Douglas and Polk Counties and three times yearly in Haralson and Paulding Counties while the State Court convenes four times a year in Polk County.

Lacking "weighted caseload figures," this circuit's evaluation, like the others, depended on comparisons of populations, number of practicing attorneys, numbers of judges and population per judge. Based on discussion with the clerks of the Superior Courts of all four counties, the Administrative Office learned that Polk County and Douglas County usually do not have a backlog of cases, while in Paulding County there is a substantial backlog due to the fact that many civil cases are not brought to trial unless requested by the attorney.

Other information showed that in Polk County, misdemeanor cases are tried in the State Court while felony cases are tried in the Superior Court; and that in all Tallapoosa Circuit counties, there were an estimated seven guilty pleas to one court trial. There

TALLAPOOSA JUDICIAL CIRCUIT			
Projected Population Growth by County			
County	1970 Population	Projected 1980 Population	Projected Percentage Rate of Growth
Douglas	28,659	43,000	33.4%
Haralson	15,927	17,000	6.7%
Paulding	17,520	20,000	13.9%
Polk	29,656	31,500	6.2%
TOTALS	91,762	111,500	21.5%

were differing opinions as to the desirability of creating a separate judicial circuit for Douglas County. The senior judge of the Superior Court said that the creation of a State Court in Douglas County would not satisfy the court's needs, and that the circuit should be divided because of the tremendous growth now being experienced in Douglas County. He further suggested the abolition of the State Court of Polk County if the circuit were to be divided.

The staffers from the Administrative Office concluded that usually rapid growth was taking place in Douglas County, but pointed out that the Tallapoosa Judicial Circuit now has one of the lowest population-per-judge ratios in the State (50,300 in 1972) and would continue with a comparatively low ratio even with the anticipated population increase by 1980.

And even though the growth pattern in the circuit required that a judge be in Douglas County a substantial amount of the time, the Judicial Council reaffirmed its opposition to the creation of any new judicial circuit in the State. In light of that position, it suggested that if future growth in the circuit requires additional judicial manpower, additional judgeships could be created without changing the boundaries of the circuit, thus preserving the substantial advantages that are realized in multi-judge courts.

CIRCUIT STUDIES
Tallapoosa

The final recommendation to the Governor reads as follows:

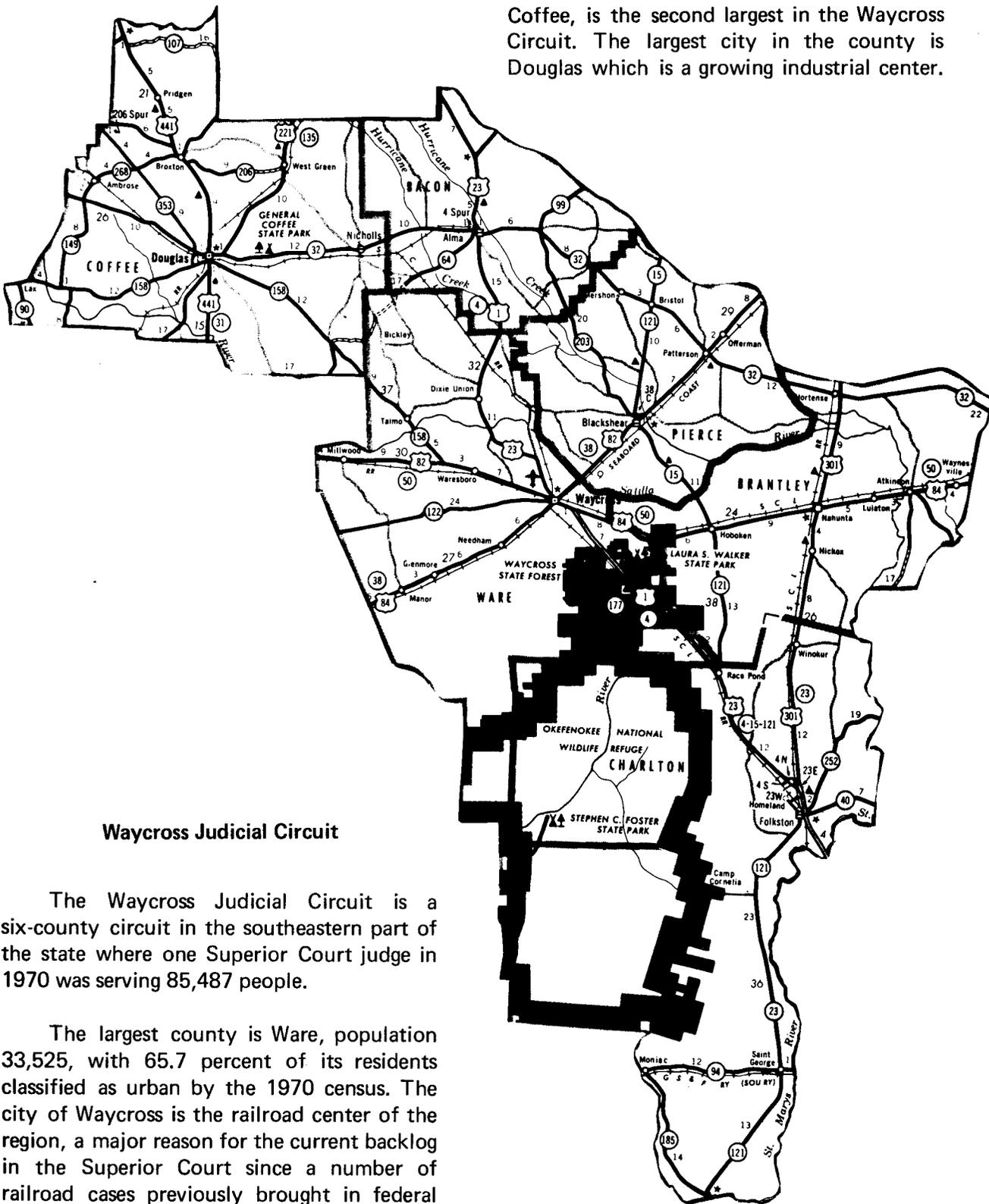
While Douglas County appears to be growing at a very rapid pace, the other three counties in the Tallapoosa Judicial Circuit are growing at a much slower rate and have experienced declines in case filings, based on the statistical data presented above, economic and growth factors, number of case filings in the past three years and subjective evaluation by the Administrative Office of the courts, it is the recommendation of the Administrative Office of the courts that the Tallapoosa Judicial Circuit should not be divided at this time and that the Douglas Judicial Circuit should not be created at this time.

Seven new judges were sworn in May 8 by Governor Jimmy Carter.



CIRCUIT STUDIES
Waycross

Georgia's leading agricultural county, Coffee, is the second largest in the Waycross Circuit. The largest city in the county is Douglas which is a growing industrial center.



Waycross Judicial Circuit

The Waycross Judicial Circuit is a six-county circuit in the southeastern part of the state where one Superior Court judge in 1970 was serving 85,487 people.

The largest county is Ware, population 33,525, with 65.7 percent of its residents classified as urban by the 1970 census. The city of Waycross is the railroad center of the region, a major reason for the current backlog in the Superior Court since a number of railroad cases previously brought in federal courts are now being brought in the Superior Court of Ware County.

CIRCUIT STUDIES

Waycross

The Waycross Circuit's other four counties—Bacon, Pierce, Brantley, and Charlton Counties—are all small and rural. However, Bacon's one city, Alma, is growing industrially, and Charlton County is developing as a retirement center and is expected to become more urbanized in the future because of its proximity to the Jacksonville, Florida, area. The latter three counties are primarily engaged in the pulpwood business.

Although the Waycross Circuit has three State Court judges (one each in Ware, Coffee, and Pierce Counties) and one part-time Juvenile Court judge in Coffee County, its one Superior Court judge has had a geographical and time problem traveling the circuit. As a result, the judge has had a difficult time getting to his court and the circuit residents have experienced difficulty trying to get to the judge. During the first 11 months of 1973, in fact, the circuit's lone judge traveled 8,665 miles in 24.75 days. In 1973, he handled 573 criminal filings and 1,376 civil filings in the six counties, the largest portion of which were in Ware County.

After interviewing the Superior Court judge, State Court judges, Juvenile Court judges, clerks of court, and various attorneys of the circuit bar, the Administrative Office found the consensus of opinion was that the Waycross Circuit did, in fact, need an additional judge in its Superior Court.

Reasons included increase in caseload of courts, increase in population of the circuit, backlog in cases (especially civil) due to changes in the Rules of Civil Procedure, need for pre-trial conferences in each case, and because the judge was unable to do necessary research due to the extensive amount of time he spent on the bench.

On Jan. 25, 1974, the Judicial Council of Georgia unanimously voted to recommend that the General Assembly create another

Superior Court judgeship in the Waycross Judicial Circuit. The General Assembly in 1974 acted favorably on that recommendation, and Judge Elie L. Holton was appointed to fill the post on May 8, 1974, by Governor Jimmy Carter.

WAYCROSS JUDICIAL CIRCUIT STATISTICS BY COUNTY

<u>County</u>	<u>1970 Population</u>	<u>1980 Projected Population</u>	<u>1969 Family Income Median</u>	<u>Number of State Court Judges</u>	<u>Number of Juvenile Court Judges</u>	<u>Number of Practicing Attorneys</u>	<u>Superior Court Criminal Filings 1971-1972-1973</u>	<u>Superior Court Civil Filings 1971-1972-1973</u>	<u>State Court Criminal Filings 1971-1972-1973</u>	<u>State Court Civil Filings 1971-1972-1973</u>
Ware	33,525	34,000	\$7,092	1		28 (20)*	126 - 164 - 138	492 - 466 - 547	2419-2059-2729	64 - 70 - 57
Coffee	22,828	24,000	\$5,828	1	1 (part-time)	14 (10)*	60 - 57 - 70	349 - 366 - 341	964 -1059-1789	144 - 107 - 70
Pierce	9,281	9,000	\$6,222	1		4	21 - 26 - 17	143 - 130 - 138	1200 average per year	30 average per year
Brantley	5,940	6,000	\$6,449			0	50** - 60** - 78	89 - 75 - 143		
Charlton	5,680	6,000	\$5,469			0	56 - 47 - 67	60 - 64 - 77		
CIRCUIT TOTAL	85,487	87,500	\$6,064 (Avg.)	3	1	52 (39)*	445 - 535 - 573	1273 - 1395 - 1376		

* Number of full-time, active attorneys as estimated by members of the local bar.

** Estimated filings. Numbers of filings for 1972 and 1971 were not available.

CIRCUIT STUDIES
Western

Western Judicial Circuit

The Western Judicial Circuit, located in the northeastern part of the State, encompasses one of the fastest growing areas in Georgia. Its total population in 1970 was 73,092 persons, 65,177 of whom lived in Clarke County. By 1980, the entire circuit's population is expected to pass the 90,000-mark.

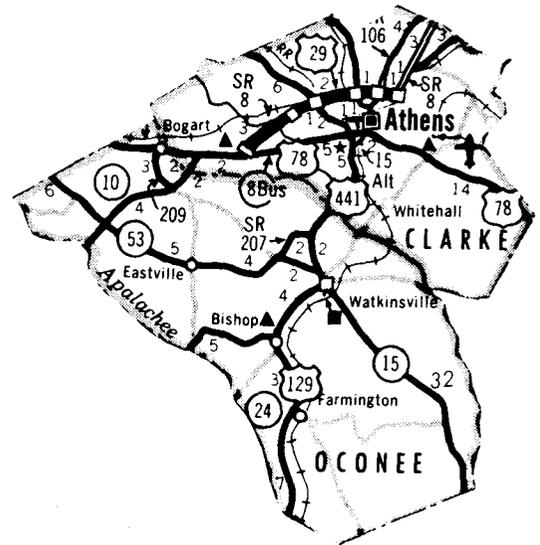
Educational facilities will play an important role in the growth and are now a major source of employment with some 26.66 percent of the total working population of Clarke County employed by elementary schools, secondary schools and the University of Georgia.

The circuit's other county lies to the west of Clarke County. Oconee County's population in 1970 was 7,915 and by 1980 is expected to grow to 9,001. Oconee County is primarily rural and serves as a bedroom community to Athens where the University of Georgia is located.

Within the Western Judicial Circuit, there is one Superior Court judge, one Juvenile Court judge, and one part-time State Court judge. The Superior Court judge exercises exclusive jurisdiction in cases of divorce, felonies, cases related to title to land, equity cases, and adoption cases, except such authority as may be granted to Juvenile Courts. The Superior Court judge possesses appellate jurisdiction in certain civil cases tried in county courts, cases from judgements

of ordinaries, justices of the peace, and municipal corporations or police court councils. The Superior Court further exercises unlimited jurisdiction in civil cases of unlimited jurisdiction.

The State Court judge has concurrent jurisdiction with the Superior Court judge to try all misdemeanor cases by a jury trial, and in fact has been serving as the sole trier of such misdemeanor cases in Clarke County. Furthermore, the State Court judge has unlimited civil jurisdiction, except in matters exclusively vested in the Superior Court. However, the State Court judge in Clarke County rarely tries civil cases.



The Juvenile Court judge of Clarke County exercises original jurisdiction concerning any child under 17 years of age who has violated any law. The Juvenile Court's jurisdiction also includes such children who are habitually disobedient of reasonable and lawful commands of their parents or custodians; who are in need of supervision, treatment, or rehabilitation; who are without proper care; who have been abandoned; or who have disobeyed the terms of supervision in a court order. In Oconee County, the Superior Court judge serves as Juvenile Court judge.

CASE FILINGS IN THE SUPERIOR COURT
OF THE WESTERN JUDICIAL CIRCUIT
BY YEAR, TYPE, AND COUNTY*

Year	County	CIVIL				CRIMINAL				TOTAL
		Civil Cases	Percentage of Total	Divorce Cases	Percentage of Total	Misdemeanor Cases	Percentage of Total	Felony Cases	Percentage of Total	
1971	Clarke	787**	71.02%	---	---	---	---	321	28.97%	1,108
	Oconee	110	49.10%	48	21.42%	51	22.76%	15	6.69%	224
1972	Clarke	809**	77.19%	---	---	---	---	239	22.80%	1,048
	Oconee	83	48.53%	29	16.95%	46	26.90%	13	7.60%	171
1973	Clarke	995**	67.27%	---	---	---	---	484	32.72%	1,479
	Oconee	103	49.75%	47	22.70%	35	16.90%	22	10.62%	207

Percentage of Increase for Period 1971 Through 1973 by Type

	<u>Civil</u>	<u>Divorce</u>	<u>Misdemeanor</u>	<u>Felony</u>	<u>Total</u>
Clarke	26.42%**	----	----	50.77%	33.75%
Oconee	-6.36%	-2.08%	-31.37%	46.66%	-7.58%
Circuit Total	21.16%	----	-31.37%	50.59%	26.57%

* Percentages may not equal 100 percent due to rounding off.

** Civil includes divorce as well as other civil cases.

CIRCUIT STUDIES
Western

The Magistrate's Court exercises jurisdiction county-wide and includes all of the powers which the laws of Georgia confer on Justices of the Peace. Its civil jurisdiction covers all matters wherein the amount in question does not exceed \$1,000 and the criminal jurisdiction of the court extends to crimes and offenses which do not exceed the grade of misdemeanor. Furthermore, the court may conduct trials and sentence persons for offenses involving the operation and regulation of motor vehicles and boats, violations of game and fish laws, laws governing the abandonment of minor children, laws governing the inoculation of dogs against rabies, laws relating to public safety, and county ordinances where the defendant has waived a jury trial. The Magistrate's Court of Clarke County is an active court, and in 1970 recorded 1,185 traffic cases, 1,370 civil cases, and 2,652 criminal non-traffic cases.

The Western Circuit's population per Superior Court judge is the eighth highest in Georgia.

The Administrative Office interviewed the Superior and Juvenile Court judges as well as the clerk of the Superior Court of Oconee County, the president of the Circuit Bar in Athens, the foreman of the then-constituted Grand Jury in Clarke County and selected members of the Bar Association. These interviews revealed, among other things, that the judge of the Superior Court spends the preponderance of his time in Athens. Court is held officially two times per year in Oconee County, while the remainder of the time is spent in Clarke. Juvenile cases for Oconee are being tried in Clarke County where its records are also located.

There was some disagreement among those interviewed as to the need for an additional Superior Court judgeship, but the judge of the Superior Court felt that an additional judgeship was not needed at the present time, but may be needed in the next

two to five years if current trends continue. Bar Association members differed in their responses, but leading members did not endorse the concept of a new judgeship at the present. It was pointed out also that an active State Court, Magistrate's Court and Juvenile Court currently support the Superior Court judge in Clarke County, and that there is already a lack of space in the courthouse.

While pointing out that there is little doubt that there will be substantial need for additional judicial manpower within the next several years, the following recommendation was adopted.

No additional Superior Court judgeship should be created in the Western Judicial Circuit at this time.

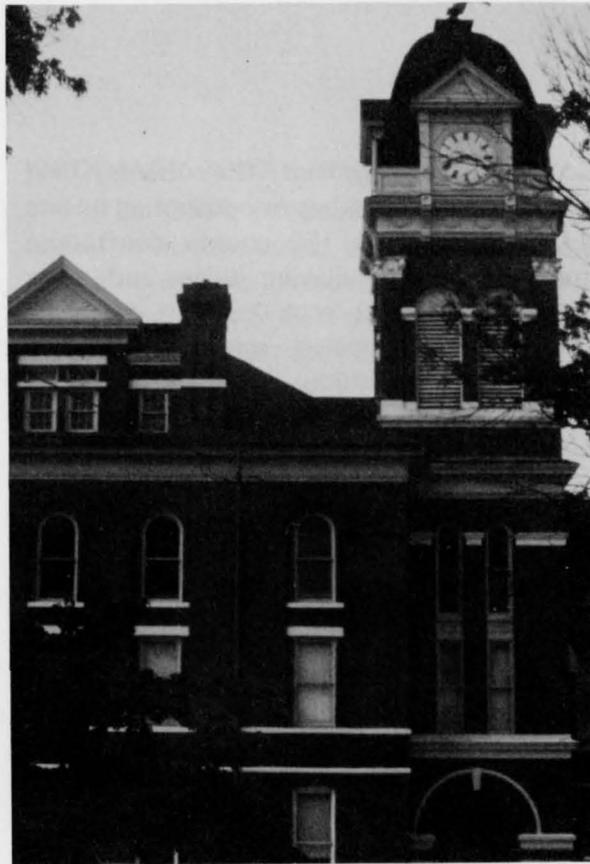
JUDICIAL FACILITIES

Georgia is one of the fastest growing states in the country, and, in the same measure, the demands on courts have burgeoned with the population. As workloads and numbers of personnel increase, concern is mounting in the State over the adequacy of courthouse facilities.

In many instances, courthouse facilities are outdated, deteriorating, and in a few cases, non-existent. Many Georgia counties lack necessary space for courtrooms, judges' chambers, clerk's offices and other areas necessary for the efficient operation of the courts.

In the past year, the State Crime Commission has received request after request for aid in updating courthouse facilities throughout the State, but has had no method of determining where the need was greatest. Turning to the Administrative Office of the Courts, the Crime Commission has awarded \$90,000 in LEAA funds to the Judicial Council to conduct studies of existing courthouse facilities in the State. From that search, funded by yet an additional \$90,000, recommendations regarding the existing courthouse facilities will be forthcoming as well as a masterplan for future improvements of these facilities.

The Judicial Council employed the firm of Space Management Consultants, Inc., of New York, to conduct the statewide study after reviewing a number of applicants. Space Management has had extensive prior experience in planning and programming justice facilities in the State of Georgia, including the Hall County Courthouse in Gainesville, the Gwinnet County Courthouse in Lawrenceville, the proposed Clarke County Justice Center in Athens, and the proposed Chatham County Justice Center.



FACILITIES

The State of Georgia boasts of a variety of courthouses ranging from 100 years or more old to those built just recently.



FACILITIES

Space Management Consultants field research teams have begun conducting on-site visits to Georgia's 159 county courthouse sites and are interviewing judges and other court personnel at each location regarding current and projected space needs. The purpose of the study is to inventory all existing courthouse facilities, perform in-depth studies of selected court locations, develop space standards and design guidelines for the future construction or renovation of courthouse facilities and construct a masterplan for the future development of courthouse facilities within the State of Georgia.

The project which began in 1974 is expected to take a total of two years to complete.

It is the expressed desire of the Judicial Council that the result of the comprehensive Judicial Facilities Study will provide the State of Georgia with the capability of optimum facility use and a masterplan for the future development and improvement of judicial facilities.

FACILITIES STUDY STEERING COMMITTEE

Honorable Marion T. Pope, Jr., Chairman
Judge of the Superior Court
Blue Ridge Judicial Circuit
P. O. Box 589
Canton, Georgia 30114

Honorable Francis W. Allen
Judge of the State Court
Bullock County Courthouse
Statesboro, Georgia 30458

Honorable Frank S. Cheatham, Jr.
Judge of the Superior Court
Eastern Judicial Circuit
Chatham County Courthouse
Savannah, Georgia 31401

Honorable Paul A. Keenan, Jr.
Chairman, Dougherty County Board
of Commissioners
P. O. Box 347
Albany, Georgia 31701

Besides coordinating the facilities study with all units of government involved in providing court facilities within the State, the facilities effort is cooperating with the Georgia Historical Commission to insure that no violation of laws relating to historic buildings occur.



ORDINARY COURT STUDY

ORDINARIES

The Court of Ordinary is one of the oldest, if not the oldest, court in the country, and through the decades has continued its diverse functions in Georgia—duties that range from issuing marriage licenses and pistol permits, to probating wills, handling death and birth records, traffic cases, game and fish cases and elections.

In March of this year, 21 judges of the Court of Ordinary from urban and rural counties throughout Georgia met with representatives from the Fiduciary Section of the State Bar, the Senate and House Judiciary Committees, the State Crime Commission, Mercer Law School and the Administrative Office of the Courts to discuss ways of improving the administration of justice in Georgia.

From that brainstorming session emerged plans for a comprehensive study of the Court of Ordinary where a potpourri of duties—clerical, administrative and judicial—usually draw the average layman to its folds at least twice during his or her lifetime.

The ordinaries' study is envisioned to include not only a records management study of dockets, work flow and statistics from the courts, but also the development of directories indicating which ordinaries handle birth and death records, traffic cases, game and fish cases and elections. Attention will also be given to enumeration and classification of the ministerial, clerical and judicial functions of the ordinary, a review of laws affecting practice and procedures in this court and a review of the Constitution and laws relating to jurisdiction, powers and duties of the ordinaries. The analysis will take both descriptive and prescriptive viewpoints.

The Administrative Office of the Courts began mapping out plans for the study in early spring of 1974, and, in conjunction with other studies, began conducting research in June.

ORDINARY STUDY STEERING COMMITTEE

Honorable Calvin M. Simpson, Chairman
Baldwin County Ordinary
Milledgeville, Georgia 31061

Honorable Vernon W. Duncan
Cobb County Ordinary
Marietta, Georgia 30060

Honorable Herman Hansird
Whitfield County Ordinary
Dalton, Georgia 30720

Honorable Edith J. Ingram
Hancock County Ordinary
Sparta, Georgia 31087

Honorable Harry Johnson, Jr.
Floyd County Ordinary
Rome, Georgia 30161

Honorable James C. Rehberg
Mercer University Law School
3000 Flowers Road
Chamblee, Georgia 30341

Honorable Wayne Snow
House Judiciary Committee
Rossville, Georgia 30741

Honorable William K. Stanley, Jr.
Bibb County Ordinary
Macon, Georgia 31202

Honorable Alton W. Tucker
Gwinnett County Ordinary
Lawrenceville, Georgia 30245

Honorable John Wallace
Fiduciary Section
State Bar of Georgia
610 State Judicial Bldg.
Atlanta, Georgia 30334

Honorable Clinton K. Watson, Jr.
Houston County Ordinary
Perry, Georgia 31069

STATE COURT STATE COURT STUDY

Like the Ordinaries, the State Court judges in Georgia have recognized a need for an information search through their court to facilitate future planning, and modernization of the court if study results so indicate.

In April, the Judicial Council of Georgia approved a request from State Court judges for the Administrative Office of the Courts to study the state court system in Georgia. The Administrative Office of the Courts will provide staff assistance and expenses for the State Court judges.

During the study, researchers are not only delving into personnel and case statistics, but during interviews with judges, solicitors and clerks, are asking questions about the organization of the state courts, their jurisdictions and seeking opinions about jurisdiction and administration in the courts. As in the other studies, in-depth analyses of record keeping will be made.

STATE COURT COMMITTEE

OF JUDGES AND SOLICITORS

Honorable Edward Hughes, Chairman
Judge, State Court of Mitchell County
Camilla, Georgia 31730

Honorable B. Daniel Dubberly, Jr.
Solicitor, Tattnall County
Glenville, Georgia 30427

Honorable William Grant
Solicitor, Elbert County
P. O. Box 8790
Elberton, Georgia 30635

Honorable Francis Houston
Judge, State Court of Pierce County
Blackshear, Georgia 31516

Honorable Hubert H. Howard
Solicitor, Wayne County
Jesup, Georgia 31545

Honorable Grady C. Pittard, Jr.
Judge, State Court of Clarke County
P. O. Box 95
Winterville, Georgia 30683

Honorable Watson L. White
Judge, State Court of Cobb County
P. O. Box 649
Marietta, Georgia 30060

Although Federal Law requires that all courts trying traffic cases report all convictions of moving violations to the Department of Public Safety, Georgia's federal construction and highway safety funds are now in jeopardy because all such convictions are not now being so reported.

In February of 1974, the Administrative Office of the Courts added another staff attorney to its ranks. The position funded by the National Highway Traffic and Safety Administration, a division of the Department of Transportation, was created to institute a study of traffic conviction reporting in Georgia.

Staff Attorney Anne Orr has discovered in her perusal of the traffic court situation in Georgia that some 900 traffic courts ranging from Superior Courts to Mayors' Courts are "listed" as trying traffic cases in Georgia. Apparently, though, many are non-existent or non-functioning.

Besides proposing development of a "negative system" of reporting (no convictions reported as well as convictions), the Administrative Office of the Courts attorney, through the assistance of Pilots Clubs of Georgia, will conduct inventory investigations during the summer of 1974 into local courts trying traffic cases with the goal of bringing the level of reporting by courts trying traffic cases to 95 percent.

Other goals of this project include development of a procedural traffic court manual and/or guide for the administration of court procedures and accounting. In the latter part of the next fiscal year, pilot projects will include developing a training program for traffic court judges.

COURT REPORTING

BOARD OF COURT REPORTING

Court reporters in Georgia now have a central agency to look to for guidance since the Judicial Council, the State Bar of Georgia, and court reporters pooled their ideas into successful passage of Senate Bill 444 establishing a Board of Court Reporting. Through the efforts of the board, court reporters in Georgia will now be certified and required to adhere to standards specially designed for court reporters.

Besides establishment of rules and certifying procedures which were being formulated in Spring, 1974, court reporters must now renew their certificates each year. The Board of Court Reporting, in addition, can revoke or suspend certification for violation of State standards. Official court reporters rosters are also planned under the auspices of the new board.

A seven-man committee called for in the act to oversee the project was appointed in May by the Judicial Council and sworn in by Governor Carter. The board then charged its four court reporter members to map rules and regulations for certification of court reporters.

The director of the Administrative Office of the Courts will be secretary to the new board as prescribed in the 1974 law which gave birth to the first board in Georgia's history authorized to certify court reporters.

In conjunction with the board which is expected to have its headquarters at the Administrative Office of the Courts, the State Bar is expected to continue holding training seminars for court reporters each year along with other educational programs sponsored by the Council.

BOARD OF COURT REPORTING

Honorable Frank W. Seiler, Chairman
Past President
State Bar of Georgia
P. O. Box 8608
Savannah, Georgia 31402

Honorable Paul Blanchard, Vice Chairman
Court Reporter, City-County Bldg.
Augusta, Georgia 30902

Honorable Dillard Bryson
Court Reporter
P. O. Box 635
Cartersville, Georgia 30120

Honorable William DeLoach
Court Reporter
Chatham County Courthouse
Savannah, Georgia 31401

Honorable Jim Hiers
Atlanta Attorney
Atlanta Gas Light Tower
225 Peachtree Road
Atlanta, Georgia 30303

Honorable Paul W. Painter
Judge, Superior Court
Lookout Mountain Judicial Circuit
P. O. Box 699
Rossville, Georgia 30741

Honorable Howard Worley
Court Reporter
First National Bank Bldg., Suite 62
Decatur, Georgia 30030

Ex-Officio:

Honorable James C. Dunlap, Secretary
Director, Administrative Office of the Courts
Suite 335 - 2220 Parklake Drive, N. E.
Atlanta, Georgia 30345

EDUCATION

The Judicial Council of Georgia sees education as one of its most important functions. Toward that end it helped sponsor during its first year a number of educational seminars for judges at all levels.

While the attendant groups varied, programs of these seminars generally centered around the legislature and laws affecting the courts, new decisions affecting the future of the courts, workshops focusing on various duties of the courts.

At each session, the Judicial Council and Administrative Office of the Courts, which handled expenses of the training workshops and information exchange, informed the State judiciary about the Judicial Council and the Administrative Office of the Courts and what they are doing.

The seminars were arranged in 1974 through three separate channels. Richard Chappell of the University of Georgia's Institute of Government handled several of the sessions for the Council, including the July 1973 convention of the Council of Superior Court Judges at Sea Island and a January 1974 seminar of Southeast Regional State Appellate Court Judges in the same location.

Through the auspices of the Institute of Government at the University, Georgia ordinaries met in April, while the Institute of Continuing Legal Education sponsored in April a meeting of the State Trial Judges and Solicitors Association. In November, ICLE hosted conventions of Juvenile and Superior Court judges.

The Judicial Council, in conjunction with last year's sponsors, is already planning more educational conferences for 1974-75, including citizens' conferences on improving

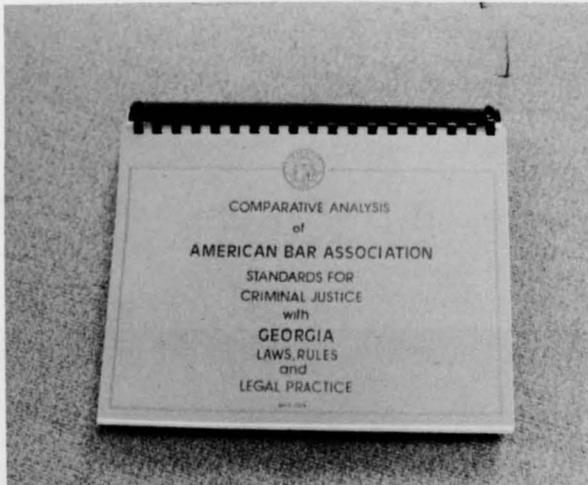
EDUCATION



Educational sessions for the judiciary provide invaluable opportunity for judges to exchange ideas and to learn of recent legislative and legal developments affecting the courts.

the administration of justice in Georgia. These conferences are scheduled for fall of 1974 in Savannah, Macon and Atlanta and will be coordinated by Dr. Chappell.

COMPARATIVE ANALYSIS



Copies of the Comparative Analysis are now available through the Administrative Office of Courts.

COMPARATIVE ANALYSIS OF ABA STANDARDS AND GEORGIA LAW AND PROCEDURES

State statutes, court rules, case law and practice vary from one state or judicial system to another as well as within the federal judiciary.

The American Bar Association in 1963 embarked upon a massive effort to develop minimum standards for the administration of criminal justice. Their goal was to advance a uniform law and set of criminal procedures for the Federal System and later the State, and with 80 persons—judges, law school deans, and public defenders as well as law enforcement and correctional officers—seven committees drew up 17 different standards to embrace the full spectrum of the criminal processes from arrest through trial and appellate review.

Those standards were born in a climate heavy with concern over unprecedented crime and the correlative crises in courts burdened by overwhelming caseloads as well as recidivism and the seeming incapacity of the system to respond to the challenges of the sixties and the seventies. But with the support of the Law Enforcement Assistance Administration, 22 states have now completed comparative analyses of the ABA Standards with their own laws and procedures. Another 26 are in the process of doing so, with resulting standardization through new laws.

Georgia, too, has joined the ranks of states endeavoring to evaluate present judicial rules and procedures using the ABA Standards as guidelines.

On May 15, 1973, the Judicial Council of Georgia contracted with Mercer Law School Dean Edgar H. Wilson and Professor James C. Rehberg for the purpose of conducting scholarly and exhaustive research into details of each of these 16 approved ABA

**Standards for the Administration of Criminal
Justice:**

1. Defense Services
2. Pre-trial Release
3. Electronic Surveillance
4. Discovery and Procedure before Trial
5. Fair Trial and Free Press
6. Pleas of Guilty
7. Joinder and Severance
8. Speedy Trial
9. Trial by Jury
10. The Prosecution and Defense
Function
11. Sentencing Alternatives and
Procedures
12. Probation
13. Criminal Appeals
14. Appellate Review of Sentence
15. Post-Conviction Remedies
16. Function of the Trial Judge

After further research into Georgia statutory and case laws, opinions of the attorney general, court rules and legal practice in order to determine if there is a Georgia counterpart to each ABA Standard, the consultants have compiled analyses consisting of ABA Standards, the Georgia law or practice as it pertains to each standard, and whether or not the standards and the Georgia law or practice are in agreement. The analyses also contain comments regarding the appropriateness of the Georgia law or practice as to each standard and/or deficiency in Georgia law.

The printed copy of the comparative analysis was distributed in the spring of 1974. It now rests in the hands of the members of the Bench, the Bar, and the legislature as to what part or parts of the standards should be implemented in Georgia, what this State currently has and what it needs to further streamline the judicial processes.

The research document is intended to enable Georgia to determine to what extent State law complies with the standards. Serving as a basic blueprint, the standards comparison will provide invaluable information to those working within the Georgia Criminal Justice System.

In the LEAA grant to fund this project (\$9,000 from LEAA and \$3,000 from the ABA), the second phase of this project is visualized as being run through a committee composed of a cross-section of the criminal justice community. That panel will study the comparative analysis and make decisions as to which direction implementation efforts should take and which of the standards should, in fact, be implemented. And the third and final phase will involve actual implementation of those standards approved by the Judicial Council through changes of law, rule and procedure if deemed necessary through the efforts of various groups such as the State Bar of Georgia, the Georgia District Attorneys' Association, judges' organizations, and other groups interested in improving the administration of justice in Georgia.

JURY

PATTERN JURY INSTRUCTIONS

Georgia's judiciary has functioned throughout its history without the aid of standard jury instructions. Having no other option, judges have used their own charges developed over a period of time as they have presided in court. In addition, the judiciary has faced the prospects of constantly considering charges presented by opposing attorneys in individual cases.

In March of 1972, Council of Superior Court Judges' President Hal Bell, Superior Court Judge in Macon, named a seven-man committee to take up the task of standardizing jury instructions for judges in the State who choose to use the pattern jury instructions. With such standardized instructions available, it will take less time to prepare and present jury charges as well as reduce the frequency of cases retried or appealed because of errors in the charges, the Superior Court Judges Council feels. In addition, the standards will reduce the number of charges requested by the prosecution and defense.

All of these, it is hoped, will reduce the time of the entire trial process.

While actual work on the project began in 1972 using LEAA discretionary funds through a contract with the old Judicial Processes Commission and the Council of Superior Court Judges, the Judicial Council of Georgia offered further financial assistance in summer of 1973 using another \$15,000 LEAA grant to continue the development of the Standard Jury Instructions.

The voluminous first section of criminal jury instructions has now been mailed to all Superior Court judges in the State for their comments. The civil portion, expected to be another 300 pages, has been drafted by Rossville Attorney Andrew W. Cain.

In addition to the Council of Superior Court Judges, this project has the backing of

the Georgia Supreme Court, the Court of Appeals and the State Court Judges and Solicitors Associations. It also has the endorsement of the State Bar of Georgia and a resolution of endorsement from the 1972 General Assembly.

While continuous revisions will be necessary if the instructions are to remain useful, the Pattern Jury Instructions promise to help insure equal and swift justice in Georgia.

PATTERN JURY INSTRUCTIONS COMMITTEE

Honorable Marcus B. Calhoun, Chairman
Judge of the Superior Court
Southern Judicial Circuit
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Honorable Harold R. Banke
Judge of the Superior Court
Clayton Judicial Circuit
3144 Noah's Ark Road
Jonesboro, Georgia 30236

Honorable Luther C. Hames, Jr.
Judge of the Superior Court
Cobb Judicial Circuit
Cobb County Courthouse
Marietta, Georgia 30060

Honorable Reid Merritt
Judge of the Superior Court
Gwinnett Judicial Circuit
P. O. Box 352
Lawrenceville, Georgia 30245

Honorable James B. O'Connor
Judge of the Superior Court
Oconee Judicial Circuit
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Honorable Paul W. Painter
Judge of the Superior Court
Lookout Mountain Judicial Circuit
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Rossville, Georgia 30741

Honorable J. C. Tanksley
Judge of the Superior Court
Atlanta Judicial Circuit
Fulton County Courthouse
Atlanta, Georgia 30303

JUDGE SENTENCING

SENTENCING

With the passage of the Judge Sentencing Bill during the 1974 General Assembly, the Administrative Office of the Courts staff began working closely with the Council of Superior Court Judges to help them set up the Judge Sentencing Review Board as provided for under the new law. AOC Staff Attorney Russell Sewell traveled to other states such as Connecticut to observe the workings of other state review boards, and returned with helpful input into the formulation of Georgia's panel.

With the passage of the law, Judge Robert Culpepper, President of the Council of Superior Court Judges, appointed a committee of Superior Court judges to formulate the new guidelines for the Judge Sentencing Panel. Upon the approval of the other Superior Court judges, regulations and administrative rules for the Judge Sentencing Panel are expected to be implemented in July of the new fiscal year.

The new board will be responsible for examining sentences of five or more years imposed by trial judges and will be empowered to either affirm or reduce court-set sentences. The panel cannot increase any sentence.

Each panel to review sentences will be composed of three Superior Court judges who will serve three-month terms before the membership is rotated to other judges.

JUDGE SENTENCING GUIDELINES COMMITTEE

Honorable Luther Alverson, Chairman
Judge of the Superior Court
Atlanta Judicial Circuit
Fulton County Courthouse
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Honorable Harold Banke
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Honorable Walter C. McMillan, Jr.
Judge of the Superior Court
Middle Judicial Circuit
P. O. Box 701
Sandersville, Georgia 31082

Honorable Dan Winn
Judge of the Superior Court
Tallapoosa Judicial Circuit
Cedartown, Georgia 30125

RECORDS

RECORDS KEEPING, INFORMATION SYSTEMS, COURT STATISTICAL SYSTEM

Currently, court records in Georgia are kept in a variety of forms with no uniform guidelines or formats for clerks of courts to follow in maintaining records except for the Georgia Code.

As the Governor's Commission on Judicial Processes pointed out in its report of Dec. 31, 1972, Georgia's court system is unorganized and substantially the same as that in existence almost a century ago. With such complex fragmentation, no official statistics are available concerning the number and nature of cases pending in the various courts or the manner in which these cases are terminated.

"As a result, our courts lack the necessary tools for forecasting calendars or any other future problems of court administration," the Commission asserted.

Regarding the largest problem facing the statewide court information system — the lack of coordination of information between justice agencies and co-ordination of information at the state level, the Judicial Council and the Administrative Office of the Courts are embarking on a three-pronged effort designed to make information readily available to speed up the decision-making process and thus the administration of justice.

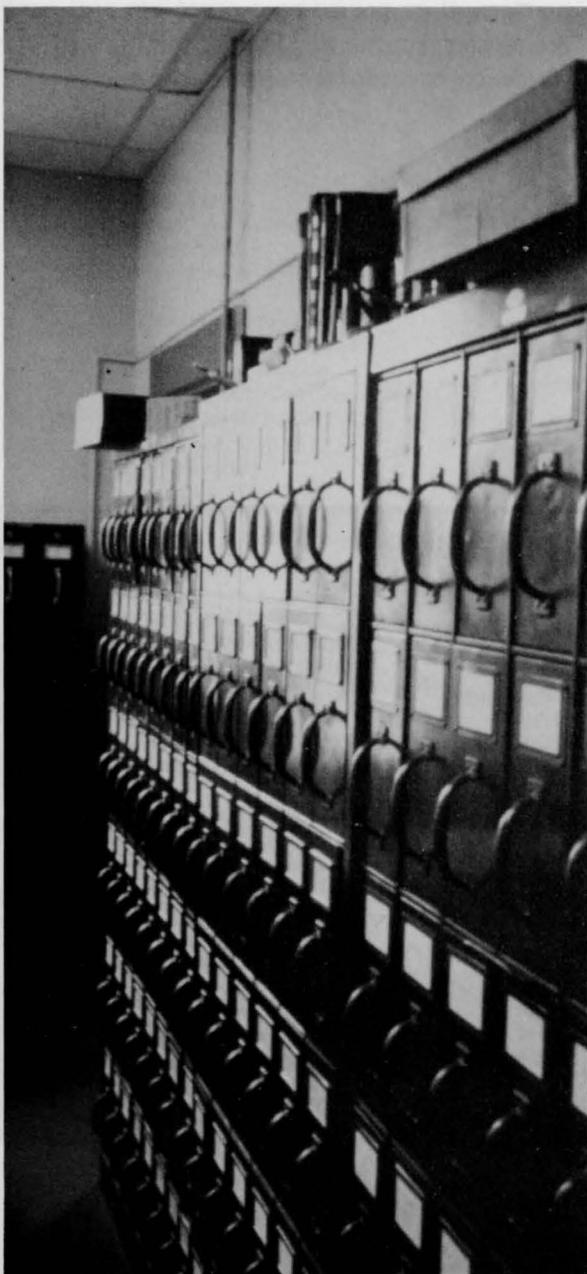
The court information system envisioned by the Judicial Council will contain all the data necessary to track a case from filing to disposition and back again to all interested agencies. It would provide a calendar for the courts; dockets for the clerks; a grand jury calendar for the district attorney; jail, arrest,

AOC staffers are studying records in Georgia as the first step toward a statewide information system.



and bond information for the sheriff and the court; a list of cases by defense attorneys, and aid in the preparation of notices for all parties of the justice system.

The court statistical system would act as a monitoring device of the court information system, while the records management system is an individual system that contains total files that feed information to the court information system.



With the transfer of a federal grant from the Judicial Processes Commission to the Judicial Council, the Administrative Office of the Courts has begun surveying statutory and rule requirements for records and conducting field research to determine the types of record-keeping being used in Georgia. Once that phase is complete, other systems of record-keeping in neighboring states will be evaluated and recommendations will be made as to a standard record-keeping system.

Georgia has been chosen as one of eleven states in the United States to participate in the SEARCH project on Statewide Court Information Systems. It has been provided with a \$200,000 LEAA grant to begin finding out what court information needs are in Georgia and for pilot implementation of a computer information system.

Under that grant, plans are now being formulated to conduct four projects: set up a manual information system for a single-judge multi-county circuit, for a two-judge multi-county circuit, and for a three-judge single or multi-county circuit, and coordinate two existing automated systems within the State (Cobb and Fulton Counties).

The Judicial Council hopes to expand the first three projects to all circuits in Georgia that are in need of and want a manual information system. The primary purpose of setting up that manual system is to determine where the information comes from, who needs the information and what individual judges want to use to structure their individual calendars.

Once the manual systems have been established, information specialists feel it would be a simple, albeit tedious and expensive process, to automate the total system in the years to come. Some computer application is envisioned during 1975 to provide support to the circuits with the pilot manual records-keeping projects. Implementa-

tion and follow-up of the automated system is scheduled to begin on March 1, 1975.

Two committees are actively involved in the development of the project and represent all three elements of the Criminal Justice System. As with other projects envisioned or underway by the Judicial Council and the Administrative Office of the Courts, it was recognized that the Court Information System could not be developed in a vacuum, but should be coordinated with other agencies and individuals.

The Court Information System Project Development Committee, composed of professionals in information systems, was formed in early 1974 to assist in the formulation of the project application. A Court Information System Advisory Committee, composed of judges and court administrators, was also created and is playing a vital role in the area of policy approval and determination for this effort.

An important element of the project will involve cooperating with the Georgia Crime Information Center and the implementation of their Case Disposition Reporting System. Work done thus far by GCIC provides a headstart in this area and lays the groundwork for acquisition of complete and comprehensive transaction activity relative to major crimes in which GCIC is interested. The Case Disposition Reporting System will be extended to cover all areas of misdemeanors on civil matters, thus providing a complete and comprehensive source of data to be part of the statewide court information system.

**COURT INFORMATION SYSTEM
ADVISORY COMMITTEE**

Honorable C. Cloud Morgan, Chairman
Judge of the Superior Court
Macon Judicial Circuit
Macon, Georgia 31201

Honorable Jack Graham
Court Administrator
Cobb County Superior Court
Cobb County Courthouse
Marietta, Georgia 30060

Honorable John S. Langford, Jr.
Judge of the Superior Court
Atlanta Judicial Circuit
Fulton County Courthouse
136 Pryor Street, S. W.
Atlanta, Georgia 30303

Honorable Paul Armitage
Judge of the State Court
Warner Robins, Georgia 31093

Honorable Luther C. Hames
Judge of the Superior Court
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201 Lawyers Building
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Honorable Reid Merritt
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Gwinnett Judicial Circuit
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Honorable James C. Dunlap, Director
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Suite 335 - 2220 Parklake Drive, N.E.
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Honorable Clyde Henley
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Stone Mountain Judicial Circuit
Decatur, Georgia 30033

Honorable Jack Thompson
Court Administrator
Fulton County Superior Court
Fulton County Courthouse
136 Pryor Street, S.W.
Atlanta, Georgia 30303

**COURT INFORMATION SYSTEM
PROJECT DEVELOPMENT COMMITTEE**

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Mr. Jerry V. Gordon, Project Director
Systems and Financial Manager
Administrative Office of the Courts
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Mr. Jim Dirkson
Acting Assistant Director
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Mr. Carrel Grantham
Systems Analyst
Georgia Crime Information Center
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Mr. Charles Harmon, Director
Crime Statistics Data Center
State Crime Commission
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Mr. Bill Herndon
Senior Courts Specialist
Law Enforcement Assistance Admin.
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Atlanta, Georgia 30308

Mr. Douglas C. Ikelman
Senior Courts Specialist
State Crime Commission
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Atlanta, Georgia 30309

Ms. Dottie Love
Systems Specialist
Department of Offender Rehabilitation
Room 985 - 800 Peachtree St., N.W.
Atlanta, Georgia 30308

Ms. Cheryl Pervis
Systems Specialist
State Crime Commission
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Atlanta, Georgia 30309

Mr. Earl Vaughn
State Rep. for Georgia & Kentucky
U. S. Department of Justice
Law Enforcement Assistance Admin.
Room 985 - 730 Peachtree St., N.E.
Atlanta, Georgia 30308

STATE PROSECUTION COORDINATION

District attorneys have traditionally been "on their own" in Georgia. As in many other court-related functions in this State, prosecutors have operated with little outside assistance in the area of management, trials, and changes in the law. Until three years ago, in fact, there was no coordinating function in Georgia for prosecutors.

Then, in efforts to provide more information and training to prosecutors in Georgia, the 1970 General Assembly created a State Prosecution Coordination Program to provide assistance directly to district attorneys in Georgia. Continuing the use of LEAA funding first granted in 1971, the Judicial Council and its Administrative Office are now acting as fiscal agent for the District Attorneys' Association's new program.

The new project is aimed at providing statewide coordination of prosecutorial functions, statewide training for DA's and law enforcement personnel and other legal assistance to DA's in order to reduce the number of cases retried or appealed because of prosecutorial or law enforcement error. The prosecutor's office also is seeking to speed up the trial process by providing legally updated and well-trained district attorneys to increase the rate of successful prosecution and to reduce case logjams by providing legal assistance to insure speedy case flow through the judicial system.

The District Attorneys' Association is pursuing those goals through a wide range of projects. Many of them involve educational newsletters and other publications including a **Trial Manual of Elements and Notes**, a **Trial Manual of Evidence**, an **Appellate Manual**, a **Grand Jurors Handbook**, a **Police Handbook**, and a **Justices of the Peace Handbook**, as well as an **Arson Investigator's Manual**. The Office's three newsletters include **Non Pro Tunc** (a synopsis of all criminal cases and

others affecting prosecutors); **Law Enforcement Newsletter** and the **Georgia Prosecutor**.

In addition, the State Prosecution Coordination Program provides limited trial assistance to district attorneys throughout the State, especially newly-elected DA's. Appellate assistance to prosecutors is another task assigned to the office as well as continuing legal education including six seminars a year. Immediate legal assistance upon request is provided through the District Attorneys Crisis Center, while a police advisor is responsible for training programs for law enforcement officials.

Overall, the Office of Prosecution Coordination, headed by Director Tony Hight, provides an invaluable liaison between District Attorneys in the State and other agencies, particularly law enforcement agencies, the judiciary and the Judicial Council.

**EXECUTIVE COMMITTEE OF THE
OFFICE OF STATE PROSECUTION COORDINATION**

Mr. Eldridge W. Fleming, President
District Attorney
Coweta Judicial Circuit
Hogansville, Georgia 30230

Mr. Ben J. Miller, Vice President
District Attorney
Griffin Judicial Circuit
Thomaston, Georgia 30286

Mr. Larry Salmon, Secretary-Treasurer
District Attorney
Rome Judicial Circuit
Rome, Georgia 30161

Mr. George W. Darden
District Attorney
Cobb Judicial Circuit
Marietta, Georgia 30060

Mr. Dewey Hayes
District Attorney
Waycross Judicial Circuit
Douglas, Georgia 31533

Mr. Lewis R. Slaton
District Attorney
Atlanta Judicial Circuit
Atlanta, Georgia 30303

Mr. H. Reginald Thompson
District Attorney
Middle Judicial Circuit
P. O. Box 286
Swainsboro, Georgia 30401

DEFENSE SERVICES FOR INDIGENTS

DEFENSE

Members of the Georgia Bar and Bench for many years have expressed concern about the lack of statewide defender services for indigents. Although some steps were taken to help provide defense for the poor in the past years, it was not until early 1974 that a central organization was formed to provide adequate defense services to indigents accused of a crime.

In 1968, the Georgia Criminal Justice Act represented the State's first step toward providing adequate representation of indigents. Unfortunately, that act fell short of the goal of providing counsel for those unable to afford it since the new law put the burden of financing on each county. Due to lack of funds at the local level, few indigent programs were established.

In 1973, the Criminal Justice Committee of the State Bar of Georgia released a survey of indigent defense needs which showed that in one of every three Georgia counties, there is a critical shortage of lawyers to handle indigent cases. And it discovered a wide disparity in Georgia counties in funding, standards of indigency, when and how counsel is offered and records keeping. Very few counties, in fact, were spending an adequate amount of money for the provision of counsel. Members of the local bar subsidized most county plans.

In 1973, the Director of the Civil Legal Aid Program, Betty H. Kehrer, proposed that the State Bar create a separate corporation to work in the public defender area. However, 1974 legislation to provide statewide funding for that new Criminal Justice Council was stymied in the General Assembly, and the Council seemed doomed for lack of funds until the State Judicial Council offered to secure funding for the public defender effort.

With the Administrative Office now acting as fiscal agent, the Criminal Justice

DEFENSE

Council is working toward passage of appropriate legislation to provide State funding for a unified system of providing counsel to indigents. The new central office, now directed by Ms. Kehrer, will involve both a central administrative and supportive office and staff and varied local delivery systems to permit maximum involvement of the private bar.

The Criminal Justice Council will also supervise, coordinate, provide training and other supportive services to strengthen and expand existing defender efforts throughout the State as available funding permits. In addition, it will conduct a three-day training seminar in Atlanta for approximately 60 selected persons — both public defenders and others involved in the provision of defense services to accused indigents.

The Georgia Criminal Justice Council is composed of seven members and two ex-officio members. They are nominated by the Executive Committee of the State Bar and confirmed by the Judicial Council.

GEORGIA CRIMINAL JUSTICE COUNCIL

Mr. Wilton D. Harrington, Chairman
Executive Committee of Board of Governors
State Bar of Georgia
Eastman, Georgia 31023

Mr. F. Jack Adams, Vice Chairman
Past President
State Bar of Georgia
P. O. Drawer 150
Cornelia, Georgia 30531

Mr. R. William Ide, III, Secretary-Treasurer
President, Younger Lawyers Section
State Bar of Georgia
Atlanta, Georgia 30303

Mr. Robert L. Foreman, Jr.
Executive Committee of the Board of Governors
State Bar of Georgia
Haas-Howell Bldg.
Atlanta, Georgia 30303

Mr. J. Frank Myers
Chairman of Criminal Justice Committee
State Bar of Georgia
Board of Governors
Americus, Georgia 31709

Mr. Frank W. Seiler
Past President
State Bar of Georgia
Box 8608
Savannah, Georgia 31402

Mr. Irwin W. Stolz, Jr.
Judge, Georgia Court of Appeals
Past President of State Bar of Georgia
Atlanta, Georgia 30334

Ex-Officio Members;

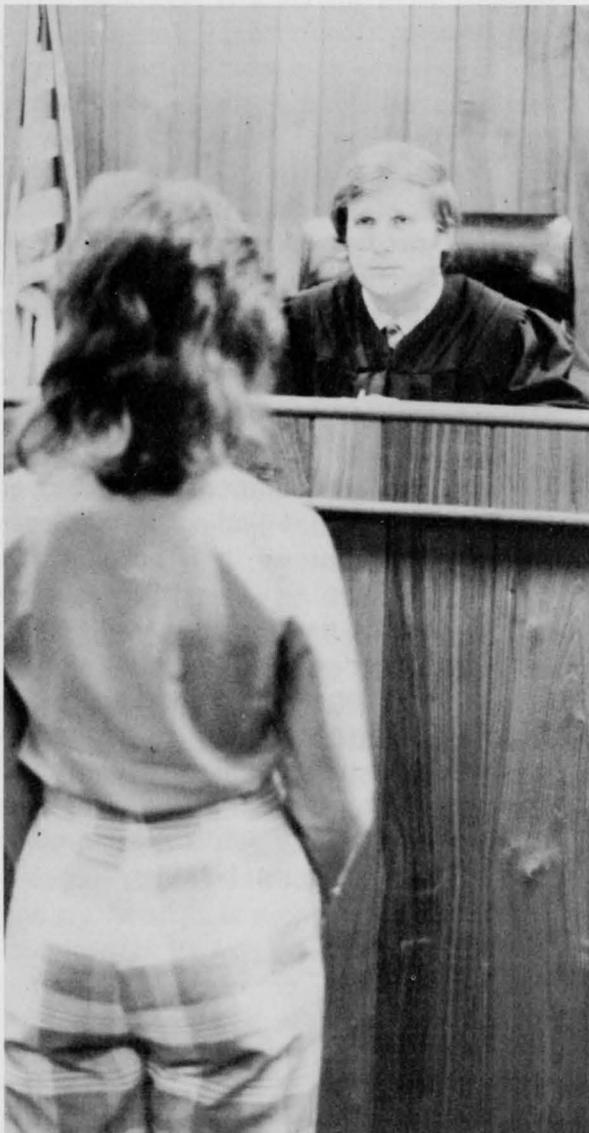
Mr. A. G. Cleveland, Jr.
Past President, State Bar of Georgia
Chairman of Board of Trustees of Federal
Defender Program, Northern Dist. of Ga.
Atlanta, Georgia 30303

Mr. Cubbedge Snow, Jr.
President, State Bar of Georgia
P. O. Box 4987
Macon, Georgia 31208

Ms. Betty H. Kehrer, Executive Director
Suite 840 - 15 Peachtree Street
Atlanta, Georgia 30303

JUVENILE JUSTICE MASTERPLAN

During the past ten years, the Georgia Juvenile Justice System has been undergoing radical change, but in most instances without the benefit of the kinds of inclusive information which legislators would like before making decisions which have far-reaching effects. Historically, information concerning the Georgia Juvenile Justice System has been highly fragmented. Much of this is due to the nature of the System itself. The reports which were available to legislators were agency or institution reports available in limited quantities and available many times



only to decision makers at the local level. To remedy this situation, the Administrative Office of the Courts has applied for federal discretionary funds in the amount of \$148,025.83 to prepare a Juvenile Justice Masterplan for the State of Georgia which will be presented to the General Assembly of Georgia upon completion. The principle objective of this project is to develop an information base and a set of recommendations from which purposeful change can be made within the Juvenile Justice System. This will be accomplished in part by the following steps:

JUVENILE

1. Identification of the standards and goals listed by the National Advisory Commission on Criminal Justice Standards and Goals and the American Bar Association which pertain to the Juvenile System.
2. Identification of all the component institutions, both formal and informal, which form the Georgia Juvenile System.
3. Identification of planning information which is presently available through these institutions.
4. Identification of decision makers in the system, information available to them, their perceived roles, the time frame between decision points in the process and the physical proximity of other related personnel and their role in the process.
5. Identification of basic records systems.
6. Identification of records systems.
7. Identification of problems which exist within the Juvenile Justice System.
8. Establishment of recommendations in the form of solutions to the problems identified arranged according to priority and with multi-year goals for the implementation of such changes.

JUVENILE

JUVENILE COURT JUDGES COMMITTEE

Honorable Tom Dillon, Chairman
Judge of the Juvenile Court
Fulton County Juvenile Court
445 Capitol Avenue, S.E.
Atlanta, Georgia 30312

Honorable Dennis Jones
Judge of the Juvenile Court
DeKalb County Courthouse
Decatur, Georgia 30030

Honorable Walter C. McMillan, Jr.
Judge of the Juvenile Court
Washington County Courthouse
P. O. Box 701
Sandersville, Georgia 31082

Honorable Marion T. Pope, Jr.
Judge of the Juvenile Court
Cherokee County Courthouse
P. O. Box 589
Canton, Georgia 30114

Honorable Rex Ruff
Judge of the Juvenile Court
Cobb County Courthouse
Marietta, Georgia 30060

JUVENILE LIAISON COMMITTEE

Honorable Jefferson L. Davis
Judge of the Superior Court
Cherokee Judicial Circuit
P. O. Box 128
Cartersville, Georgia 30120

Honorable Tom Dillon
Judge of the Juvenile Court of Fulton County
Fulton Juvenile Courthouse
Atlanta, Georgia 30303

Mr. Ed Eslinger
Assistant Chief Probation Officer
Muscookee County
P. O. Box 1340
Columbus, Georgia 31901

Honorable Dennis F. Jones
Judge, DeKalb Juvenile Court
3631 Camp Circle
Decatur, Georgia 30032

Honorable Walter C. McMillan, Jr.
Judge of the Superior Court
Middle Judicial Circuit
P. O. Box 701
Sandersville, Georgia 31082

Honorable C. Cloud Morgan
Judge of the Superior Court
Macon Judicial Circuit
Macon, Georgia 31201

Mr. James Morris
Probation Officer, Cobb County
Cobb County Juvenile Court
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County Farm Road
Marietta, Georgia 30060

Mr. Alton J. Moultrie
Director, Fulton County Juvenile
Parole Project
2237 Cascade Road, S.W.
Atlanta, Georgia 30311

Honorable Rex R. Ruff,
Judge, Cobb County Juvenile Court
Route 5, Box 50
Marietta, Georgia 30060

Mr. J. Daniel Shuman
Court Service Worker
Tattnall County Courthouse
P. O. Box 357
Reidsville, Georgia 30453

This project is to be under the direction of a Steering Committee of fourteen persons who are to be named by the Director of the Administrative Office of the Courts and which will include representatives of the following bodies: a psychologist, a psychiatrist, or M.D.; a representative from religious organizations; a member of the State Bar; a member from the news media; a member from the District Attorneys' Association; a high school student; a member of the Council of Superior Court Judges; a full-time Juvenile Court judge; a member from the law enforcement system; a member from the Department of Human Resources; and a member from the General Assembly. To aid this Steering Committee, a Technical Advisory Committee composed of persons within agencies now in the System, a representative from the State Planning Agency, a representative from the Office of Planning and Budget and consultants will be used. This body of persons will provide guidance for project direction to Project Director Chris Perrin, a research associate, a field coordinator, and several research assistants. The projected completion time for this project is approximately 1½ years.

With the completion of this project and the submission of the findings to the General Assembly for approval, it is hoped that an overall direction will be given to the development of the Georgia Juvenile System and that meaningful information will be provided to Georgia legislators enabling them to take whatever steps may be necessary to provide a system of juvenile justice which will maximize the protections of the rights of the child, protect society, and correct problems which lead to delinquent behavior.



COMMUNICATIONS

In efforts to keep the bench, bar and court-related personnel well-informed about the courts, the Judicial Council and Administrative Office of the Courts published four newsletters during the first year of operations.

Known as the **Georgia Courts Journal**, AOC's magazine-styled, bi-monthly publication is designed to supply its readers with news of the criminal justice system and the courts in Georgia. The newsletter features ongoing projects of the AOC and pertinent news events from around the State and nation. Profiles on judges who have been appointed or elected or who have retired or resigned are featured in each issue along with new publications of interest to the judiciary and upcoming events in the State and nation. Each court of record in the State is covered in the **Courts Journal** along with the activities of the legislature, the Department of Offender Rehabilitation, the State Crime Commission,

Georgia Courts Journal helps keep judiciary in Georgia informed of trends in law and court administration.

the District Attorneys' Association and other groups and agencies involved in the Georgia criminal justice system. And in each issue, guest writers have offered their insight into the state of the Georgia courts with feature articles on such subjects as videotape, conventions, and other items of interest.

The newly established Communications Office staffed by Communications Specialist Marlene Goldman is also providing an information service on the Judicial Council and its service arm. AOC press releases keep the public informed about such activities as the AOC's information search through the Georgia Courts, the installation of the first Sentence Review Board and Board of Court



Communications office helps keep staff informed of developments in the judicial branch through press clippings.

Reporting, new Judicial Council officers, and other events.

The Annual Report of the Administrative Office is the second publication published in 1974 by the Judicial Council and is yet another means to acquaint the courts and the State of Georgia with the efforts of the Council and its Administrative Office of the Courts.

The Communications Office will play an increasingly important role in years to come with additional publications including bench-books and judge rosters as well as press releases on the activities of the Judicial Council, its staff and the judiciary itself. In the fall of 1974, it will promote passage of the Constitutional Admendment establishing a unified court system in Georgia for the purpose of administration.

Through conveyance of such information, the Judicial Council is seeking closer communication and understanding between the courts of Georgia and the criminal justice community.

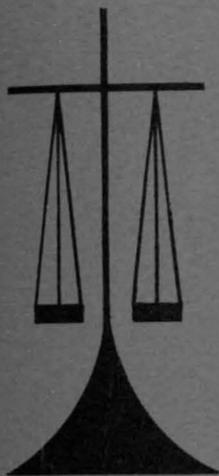
JUDICIAL COUNCIL PUBLICATIONS COMMITTEE

Honorable William K. Stanley, Jr., Chairman
Judge of the Ordinary Court of Bibb County
Macon, Georgia 31202

Honorable Hal Bell
Judge of the Superior Court
Macon Judicial Circuit
310 Bibb County Courthouse
Macon, Georgia 31201

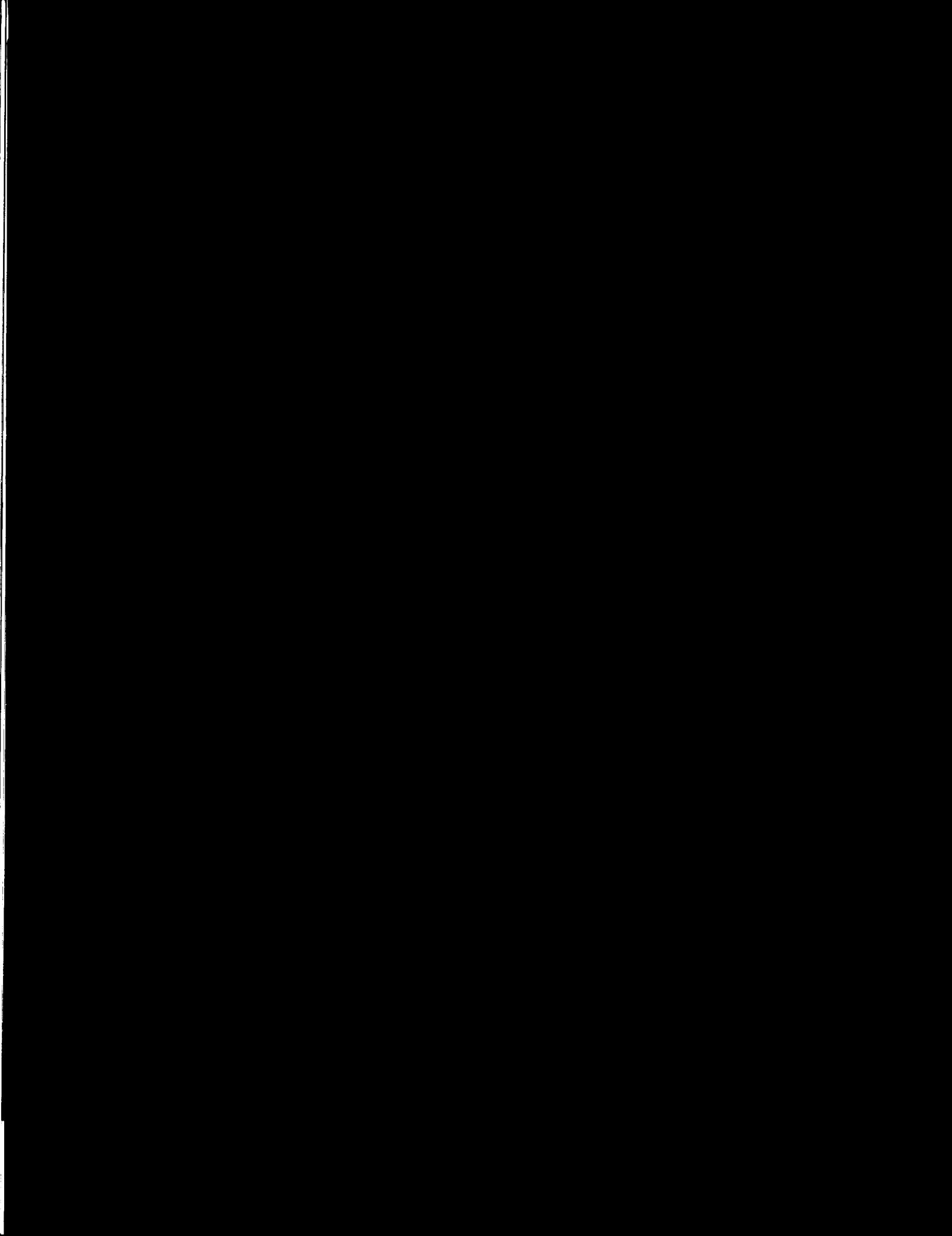
Honorable Kenneth B. Followill
Judge of the Muscogee State Court
Columbus, Georgia 31901

PART IV



appendix





GRANT SUMMARY FOR JUDICIAL COUNCIL OF GA./ADMINISTRATIVE OFFICE

Grants for Fiscal Year 1973-74

72-A-0010 Introduction of Statewide Court Administration
LEAA Action Grant
Granted May 15, 1972 / Expired April 15, 1974
\$98,888 ... federal
 10,000 ... cash match
 21,296 ... in-kind
\$125,184 ... Total (This was granted originally to Governor's
Commission on Judicial Processes. The
remaining \$40,000 came to the Judicial
Council in 1973.)

TC-307-74-
001-101 Highway Safety
U. S. Department of Transportation Grant
Granted March 4, 1974 / Expires Feb. 28, 1975
\$18,500 ... federal

73-A-0052 Improved Manual Records Keeping
LEAA Action Grant
Granted June 1, 1973 / Expires June 30, 1975
\$60,000 ... federal
 13,640 ... cash match
 6,360 ... in-kind service
\$80,000 ... Total

73-A-0071 Approved Optional Jury Instructions
LEAA Action Grant
Granted June 1, 1973 / Expires June 30, 1975
\$15,000 ... federal
 2,000 ... cash match
 3,000 ... in-kind
\$20,000 ... Total .

73-A-0072 Administrative Services to the Judicial System
LEAA Action Grant
Granted June 1, 1973 / Expires June 30, 1975
\$83,000 ... federal
 21,001 ... cash match
 6,564 ... in-kind
\$107,565 ... Total

Grants for Fiscal Year 1975 (Requested)

Juvenile Justice Masterplan
LEAA Discretionary Grant
Six Quarters (18 Months)
\$133,223.25 ... federal
14,802.58 ... Governor's Emergency Fund
\$148,025.83 ... Total

Judicial Education
LEAA Training Grant
12 Months
\$45,000 ... federal
5,000 ... cash buy-in
\$50,000 ... Total

Office of State Prosecution Coordination
LEAA Action Grant
12 Months
\$125,000 ... federal
13,889 ... cash buy-in
\$138,889 ... Total

Court Administration
LEAA Action Grant
12 Months
\$211,500 ... federal
23,500 ... cash buy-in
\$235,000 ... Total

Citizens Conference on Court Administration
LEAA Discretionary Grant
4 Months
\$50,000 ... federal

In-Service and Pre-Service Training
for Criminal Justice Personnel
LEAA Training Grant
12 Months
\$10,000 ... federal

Bench Book on Habeas Corpus
LEAA Discretionary Grant
12 Months
\$31,720 ... federal

Statewide Court Information System
Project SEARCH Grant
15 Months
\$200,000 ... federal
41,464 ... in-kind services
\$241,464 ... Total

Facilities Study
LEAA Action Grant
12 Months
\$81,000 ... federal
9,000 ... cash buy-in
\$90,000 ... Total

Defense Services
LEAA Action Grant
13 Months
\$75,000 ... federal
8,333 ... cash buy-in
\$83,333 ... Total

TOTAL \$1,078,431.83

SENATE RESOLUTION 11

By: Senator Webb of the 11th

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that all courts of the State shall be a part of one unified judicial system; to provide that the administration of the unified judicial system shall be as provided by law; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Article VI, Section I of the Constitution is hereby amended by adding at the end thereof a new Paragraph, to be designated Paragraph II, to read as follows:

“Paragraph II. Unified Judicial System. For the purposes of administration, all of the courts of the State shall be a part of one unified judicial system. The administration of the unified judicial system shall be as provided by law. As used herein, administration does not include abolition or creation of courts, selection of judges, or jurisdictional provisions other than as otherwise authorized in this Constitution. The administration provided herein shall only be performed by the unified judicial system itself and shall not be administered to or controlled by any other department of Government.”

Section 2. The above proposed amendment to the Constitution shall be published and submitted as provided in Article XIII, Section I, Paragraph I of the Constitution of Georgia of 1945, as amended.

The ballot submitting the above proposed amendment shall have written or printed thereon the following:

- () YES Shall the Constitution be amended so as to provide that all courts of the State shall be a part of one unified judicial system and to provide that the administration of the unified judicial system shall be as provided by law?”
- () NO

All persons desiring to vote in favor of ratifying the proposed amendment shall vote “Yes.” All persons desiring to vote against ratifying the proposed amendment shall vote “No.”

If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this State.

JUDICIAL COUNCIL OF GEORGIA CREATED

No. 178 (Senate Bill No. 30).

An Act to create a Judicial Council of the State of Georgia; to provide for the membership of the council, their qualifications, appointment, election, compensation, expenses, terms of office, succession duties, powers, authority and responsibilities; to provide for a method of filling vacancies; to provide for meetings of the council; to provide for officers of the council and their terms; to provide for rules for the transaction of business; to create the Administrative Office of the Courts; to provide that such office shall serve as the staff for the Judicial Council; to provide for the appointment of a Director of the Administrative Office of the Courts and his compensation, duties, powers, authority and term of office; to provide for assistants, clerical and secretarial employees and their duties and compensation; to provide for the duties and authority of the Administrative Office of the Courts; to provide for annual reports; to provide that the provisions of this Act shall not be construed as limiting or affecting the authority of any court to appoint administrative or clerical personnel; to provide for other matters relative to the foregoing; to provide an effective date; to repeal an Act creating a Judicial Council of the State of Georgia, approved February 28, 1945 (Ga. L. 1945,p.155); to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. (a) There is hereby created the Judicial Council of the State of Georgia. The council shall be composed of eleven members, nine of whom shall be judges of courts of record of the State. The two remaining members shall be the president of the State Bar of Georgia and the immediate past president of the State Bar of Georgia. The initial nine judicial members of the council shall be appointed by the Governor, with three such initial members being appointed for a term of four years, three such initial members being appointed for a term of three years, and three such initial members being appointed for a term of two years. Immediately prior to the expiration of a member's term of office as a member, the council shall elect a new member to succeed the member whose term is expiring. Following the terms of the initial members appointed by the Governor, the term of office of each judicial member of the council shall be for a period of four years. The initial members of the council shall take office on May 1, 1973, and succeeding members of the council shall take office on the first day of May following their election by the council. No judicial member of the council shall be eligible to succeed himself for a consecutive term as a member. The president and immediate past president of the State Bar of Georgia shall serve as members of the council only during their tenure as president or immediate past president of the State Bar of Georgia.

Created.

(b) In the event a vacancy occurs in the judicial membership of the council as a result of the death, resignation, retirement removal or failure of re-election as a judge of a court of record, the remaining members of the council shall elect a qualified person to serve for the remainder of the unexpired term of the member whose seat is vacant. The person elected to fill such vacancy shall take office immediately upon his election.

Vacancy.

Section 2. The council shall meet at such times and places as it shall determine necessary or convenient to perform its duties. The council shall annually elect a chairman and such other officers as it shall deem necessary and shall adopt such rules for the transaction of its business as it shall desire. The members of the council shall receive no compensation for their services, but shall be reimbursed for their actual expenses incurred in the performance of their duties as members of the council.

Organization.

Administrative
office.

Section 3. There is hereby created the Administrative Office of the Courts, which shall serve as the staff for the Judicial Council.

Same, Director.

Section 4. The Judicial Council shall appoint a Director of the Administrative Office of the Courts, who shall serve at the pleasure of the Judicial Council. The director shall be the executive head of the Administrative Office of the Courts and shall perform such duties as provided in this Act or as may be delegated to him by the Judicial Council. The director shall devote his full time to his official duties. The director shall receive such compensation and expenses as may be authorized by the Judicial Council. With the approval of the Judicial Council, the director shall appoint such assistants, clerical and secretarial employees as are necessary to enable him to perform his duties and fix their compensation.

Duties.

Section 5. Under the supervision and direction of the Judicial Council, the Administrative Office of the Courts shall perform the following duties:

(a) Consult with and assist judges, administrators, clerks of court and other officers and employees of the court pertaining to matters relating to court administration and provide such services as are requested.

(b) Examine the administrative and business methods and systems employed in the offices related to and serving the courts and make recommendations for necessary improvement.

(c) Compile statistical and financial data and other information on the judicial work of the courts and on the work of other offices related to and serving the courts, which shall be provided by the courts.

(d) Examine the state of the dockets and practices and procedures of the courts and make recommendations for the expedition of litigation.

(e) Act as fiscal officer and prepare and submit budget estimates of State appropriations necessary for the maintenance and operation of the judicial system.

(f) Formulate and submit recommendations for the improvement of the judicial system.

(g) Perform such additional duties as may be assigned by the Judicial Council.

(h) Prepare and publish an annual report on the work of the courts and on the activities of the Administrative Office of the Courts.

Section 6. The provisions of this Act shall not be construed as limiting or affecting the authority of any court.

Effective date.

Section 7. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 8. An Act creating a Judicial Council for the State of Georgia, approved February 28, 1945 (Ga. L. 1945, p.155), is hereby repealed in its entirety.

Section 9. All laws and parts of laws in conflict with this Act are hereby repealed.

Approved April 3, 1973.

CALLAWAY GARDENS JUDICIAL CONFERENCE

A G E N D A

- I. Abolish jury sentencing in non-capital cases and provide for review. (SB-24 and HB-127 enclosed)
- II. Interlocutory appeals.(SB-29 pending in House, plus original bill)
- III. Voir Dire. (HB-125 pending in Senate and HB-1464 presented in 1972 session of the General Assembly)
- IV. Jurisdiction of the appellate courts. (SR-12 with House Judiciary Committee amendment pending in House)
- V. Authorizing venue to be as provided by law. (SR-10 pending in the House)
- VI. Consolidation of civil cases. (HB-33 pending in Senate)
- VII. Authorizing regional juries. (SR-45, HR-39, and HR-39-committee substitute enclosed)
- VIII. Authorizing reduction of the size of a jury. (SR-13 pending in House plus new proposed bills)
- IX. Discovery in criminal cases. (SB-32 presented in 1972 session of the General Assembly)
- X. Georgia Court Reporting Bill.
- XI. Merit nomination and selection for appellate judges. (HR-41)
- XII. General witness immunity. (HB-132 pending in Senate)
- XIII. Disqualification of judges bill.
- XIV. Temporary substitution of judges upon request.

MEMBERS OF CALLAWAY GARDENS JUDICIAL CONFERENCE
December 14-16, 1973

- | | |
|--|---|
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