

JUDICIAL COUNCIL OF GEORGIA

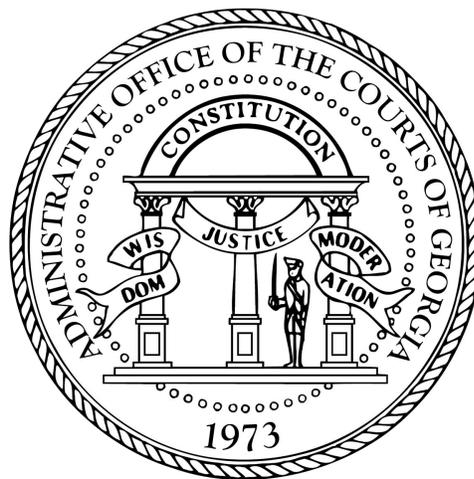
General Session

Thursday, May 31, 2012

1:30 p.m. – 5:00 p.m.

Westin Savannah Resort

*In conjunction with the State Bar of Georgia's
Board of Governors Summer Meeting*



**1 Resort Drive
Savannah, Georgia 31421**

Directions to the Westin Savannah Resort
1 Resort Drive
Savannah, GA 31421
912-201-2000

From the East

Take US Highway 80 West to Island Expressway West.
Proceed to General Macintosh Boulevard and continue to Bay Street.
Turn left onto MLK Boulevard.
Turn right onto West Oglethorpe and proceed to 17 North across the Talmadge Bridge.
Exit at Hutchinson Island and follow Wayne Shackelford Boulevard to Resort Drive.

From the North

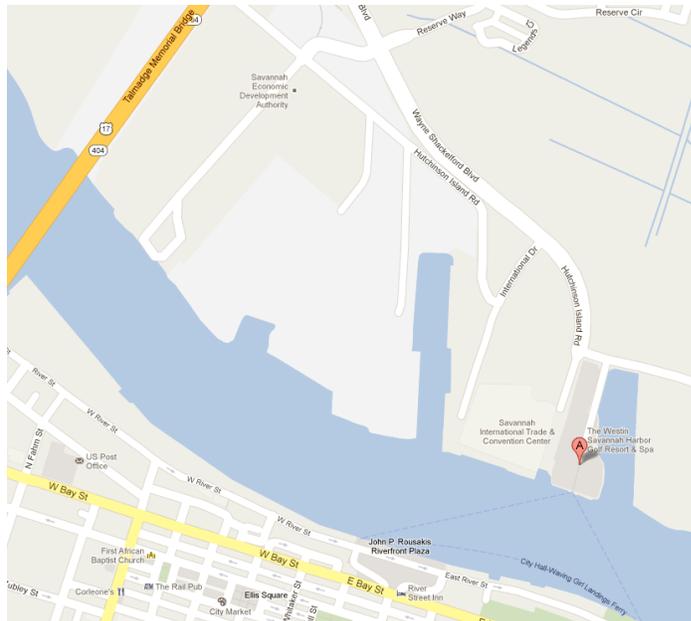
Take Interstate 95 South to Interstate 16 East.
Take Exit 166 onto 17 North across the Talmadge Bridge.
Exit at Hutchinson Island and follow Wayne Shackelford Boulevard to Resort Drive.

From the West

Take Interstate 16 East to Exit 166.
Take 17 North across the Talmadge Bridge.
Exit at Hutchinson Island and follow Wayne Shackelford Boulevard to Resort Drive.

From the South

Take Interstate 95 North to Interstate 16 East.
Take Exit 166 onto 17 North across the Talmadge Bridge.
Exit at Hutchinson Island and follow Wayne Shackelford Boulevard to Resort Drive.



Parking Information

Valet Parking (\$22 per day)
Covered Self Parking Facilities (\$15 per day)
Uncovered, Self Parking Option (Free) – Available to all hotel guests, included in resort charge.

**Judicial Council of Georgia
Westin Savannah Resort
1 Resort Drive
Savannah, Georgia 31421**

**Thursday, May 31, 2012
1:30 p.m. – 5:00 p.m.**

A group photograph will be taken at the break.

- 1. Preliminary Remarks and Introductions**
(Chief Justice George H. Carley, Est. Time – 5 Min.)
- 2. Approval of Minutes** *(Action Item)* **TAB 1**
(Chief Justice George H. Carley, Est. Time – 5 Min.)
 - A. January 5, 2012**
 - B. February 7, 2012**
 - C. February 15, 2012**
- 3. Judicial Council Committee Reports**
 - A. Policy and the Legislature Committee** **TAB 2**
(Mr. Mike Cuccaro, Est. Time – 15 Min.)
 - B. Budget Committee** *(Action Item)* **TAB 3**
(Justice P. Harris Hines, Est. Time – 20 Min.)
 - C. Accountability Courts Committee** **TAB 4**
(Ms. Marla S. Moore, Est. Time – 5 Min.)
 - D. Court Reporting Matters Committee** **TAB 5**
(Presiding Judge Herbert E. Phipps, Est. Time – 5 Min.)
 - E. Judicial Workload Assessment Committee** *(Action Item)* **TAB 6**
(Judge David T. Emerson, Est. Time – 10 Min.)
 - F. Nominating Committee** *(Action Item)* **TAB 7**
(Judge Lawton Stephens, Est. Time – 5 Min.)
- 4. Special Reports**
 - A. Georgia Legal Services Program** **TAB 8**
(Ms. Phyllis Holmen, Executive Director, Est. Time – 15 Min.)

Break and Member Photo (15 Minutes)
 - B. Immigration and the State Courts Initiative** **TAB 9**
(Mr. John Martin, Mr. Steve Weller, Center for Public Policy Studies,
Est. Time – 30 Min.)

- C. Conditioned for Success: Investing in Georgia’s Children** **TAB 10**
(*Action Item*) (Judge Deborah A. Edwards, Est. Time – 10 Min.)
- D. Statewide Jury List** (*Action Item*) **TAB 11**
(Mr. Bart Jackson, President-Elect, Council of Superior Court Clerks,
Est. Time – 10 Min.)
- 5. Report from AOC Director** **TAB 12**
(Ms. Marla S. Moore, Est. Time – 10 Min.)
- 6. Reports from Appellate Courts and Trial Court Councils**
- A. Supreme Court**
(Chief Justice George H. Carley, Est. Time – 5 Min.)
- B. Court of Appeals**
(Chief Judge John J. Ellington, Est. Time – 5 Min.)
- C. Council of Superior Court Judges**
(Judge David T. Emerson, Est. Time – 5 Min.)
- D. Council of State Court Judges**
(Judge Larry B. Mims, Est. Time – 5 Min.)
- E. Council of Juvenile Court Judges**
(Judge Deborah A. Edwards, Est. Time – 5 Min.)
- F. Council of Probate Court Judges** **TAB 13**
(Judge Mary Jo Buxton, Est. Time – 5 Min.)
- G. Council of Magistrate Court Judges**
(Judge Mary Kathryn Moss, Est. Time – 5 Min.)
- H. Council of Municipal Court Judges**
(Judge Rashida O. Oliver, Est. Time – 5 Min.)
- 7. Old/New Business**
(Chief Justice George H. Carley, Est. Time – 5 Min.)
- 8. Concluding Remarks and Adjournment**
(Chief Justice George H. Carley, Est. Time – 5 Min.)

Judicial Council Members

May 31, 2012

Supreme Court

Chief Justice George H. Carley
Chair, Judicial Council
536 State Judicial Building
Atlanta, GA 30334
404-656-3471/F 657-7576
mcguirej@gasupreme.us

Presiding Justice Carol W. Hunstein
Vice-Chair, Judicial Council
501 State Judicial Building
Atlanta, GA 30334
404-656-3475/F 657-9586
doddsi@gasupreme.us

Court of Appeals

Chief Judge John J. Ellington
47 Trinity Avenue, Suite 501
Atlanta, GA 30334
404-463-3026/F 463-5590
tallentj@gaappeals.com

Presiding Judge Herbert E. Phipps
47 Trinity Avenue, Suite 501
Atlanta, GA 30334
404-656-3457/F 657-8945
phippsh@gaappeals.us

Superior Court

Judge David T. Emerson
President, CSCJ
Douglas Judicial Circuit
8700 Hospital Drive
Douglasville, GA 30134
770-920-7227/F 920-7377
demerson@co.douglas.ga.us

Judge Louisa Abbot
President-Elect, CSCJ
Eastern Judicial Circuit
203 Chatham County Courthouse
133 Montgomery Street
Savannah, GA 31401
912-652-7162/F 652-7164
labbot@chathamcounty.org

Judge John E. Morse Jr.
Eastern Judicial Circuit, 1st JAD
213 Chatham County Courthouse
133 Montgomery Street
Savannah, GA 31401
912-652-7236/F 652-7361
jemorse@chathamcounty.org

Judge Ronnie Joe Lane
Pataula Judicial Circuit, 2nd JAD
PO Box 636
Donalsonville, GA 39845-0636
229-524-2149/F 524-8817
judgelane@gmail.com

Judge S. Phillip Brown
Macon Judicial Circuit, 3rd JAD
310 Bibb County Courthouse
601 Mulberry Street
Macon, GA 31201
478-621-6328/F 621-6580
pbrown@co.bibb.ga.us

Judge Mark Anthony Scott
Stone Mountain Judicial Circuit, 4th JAD
210 DeKalb County Courthouse
556 N. McDonough Street
Decatur, GA 30030
404-371-7010/F 687-3978
mascott@dekalbcountyga.gov

Superior Court, cont.

Judge Cynthia D. Wright
Atlanta Judicial Circuit, 5th JAD
T8855 Justice Center Tower
185 Central Avenue SW
Atlanta, GA 30303
404-613-4185/F 335-2883
cynthia.wright@fultoncountyga.gov

Judge Arch W. McGarity
Flint Judicial Circuit, 6th JAD
Henry County Courthouse
One Courthouse Square
McDonough, GA 30253-3293
770-288-7907/F 288-7920
awm8439@yahoo.com

Judge Mary E. Staley
Cobb Judicial Circuit, 7th JAD
30 Waddell Street
Marietta, GA 30090
770-528-1816/F 528-1821
charlotte.rooks@cobbcounty.org

Judge H. Frederick Mullis Jr.
Oconee Judicial Circuit, 8th JAD
PO Box 4248
Eastman, GA 31023-4248
478-374-9800/F 374-0344
mullisf@eighthdistrict.org

Judge C. Andrew Fuller
Northeastern Judicial Circuit, 9th JAD
PO Box 3362
Gainesville, GA 30503-3362
770-531-6862/F 533-7678
vdowdy@hallcounty.org

Judge Lawton E. Stephens
Western Judicial Circuit, 10th JAD
PO Box 8064
Athens, GA 30603-8064
706-613-3175/F 613-3179
lawton.stephens@athensclarkecounty.com

State Court

Judge Larry B. Mims
President, CSCJ
Tift County
PO Box 1
Tifton, GA 31793
229-386-7921/F 386-7925
lmims@friendlycity.net

Judge David Darden
President-Elect, CSCJ
Cobb County
12 E. Park Square, Suite 4A
Marietta, GA 30090
770-528-1721/F 528-1726
david.darden@cobbcounty.org

Juvenile Court

Judge Deborah A. Edwards
President, CJCJ
Houston Judicial Circuit
206 Carl Vinson Parkway
Warner Robins, GA 31088
478-542-2060/F 922-4279
dedwards@houstoncountyga.org

Judge A. Gregory Poole
President-Elect, CJCJ
Cobb Judicial Circuit
1738 County Services Parkway SW, Suite 250
Marietta, GA 30008
770-528-2444/F 528-2576
greg.poole@cobbcounty.org

Probate Court

Judge Mary Jo Buxton
President, CPCJ
Johnson County
2557 E. Elm Street
PO Box 264
Wrightsville, GA 31096-0264
478-864-3316/F 864-0528
maryjobuxton64@hotmail.com

Probate Court, cont.

Judge Kelley Powell
President-Elect, CPCJ
Henry County
99 Sims Street
McDonough, GA 30253
770-288-7600/F 288-7616
kpowell@co.henry.ga.us

Municipal Court

Judge Rashida Oliver
President, CMCJ
Municipal Court of East Point
2727 East Point Street
East Point, GA 30344
404-559-6250/F 305-8219
roliver@eastpointcity.org

Magistrate Court

Judge Mary Kathryn Moss
President, CMCJ
Chatham County
133 Montgomery Street, Room 300
Savannah, GA 31401
912-652-7187/F 652-7195
mkmoss@chathamcounty.org

Judge Alan Harvey
First Vice-President, CMCJ
DeKalb County
3630 Camp Circle
Decatur, GA 30032
404-294-2150/F 294-2145
acharvey@dekalbcountyga.gov

Administrative Office of the Courts Staff

244 Washington Street SW, Suite 300
Atlanta, GA 30334
404-651-5171

All email addresses
follow this format:
firstname.lastname@gaaoc.us

Marla S. Moore, Director

Erin Oakley
404-463-3820

Ann Batchan
404-656-5169

Yolanda Mashburn
404-657-6269

Kendra Mitchell
404-656-6404

Director's Office

Communications
Ashley G. Stollar
404-656-6783

Maggie Reeves
404-656-6784

Governmental & Trial Court Liaison

Michael Cuccaro
404-651-7616

Christopher Causey
404-463-6296

LaShawn Murphy
404-651-6325

Human Resources
Stephanie Hines
404-657-7469

Jacqueline Booker
404-463-0638

Office of General Counsel

Cynthia H. Clanton
404-656-6692

Julius Tolbert
404-463-3805

Court Services

Molly J.M. Perry
Division Director
404-463-5420

Accountability Courts & Grants Management

John Zoller
404-463-1906

Patricia Gavel
404-463-1453

Tracy Mason
404-463-1665

Stacey Seldon
404-463-0043

Certification and Licensing
Bernetha Hollingsworth
404-656-0371

Board of Court Reporting

Aquaria R. Smith
404-651-8707

Deborah Atwater
404-232-1409

Matthew Kloiber
404-463-1319

Commission on Interpreters
Linda Smith
404-657-4219

Office of Dispute Resolution

Shinji Morokuma
404-463-3785

Tynesha Manuel
404-463-3788

Probation Advisory Council

Ashley Garner
404-656-6447

Deborah Boddie
404-232-1444

Shawn DeVaney
404-463-3927

Amy Hartley
404-463-4266

Children, Families, & the Courts

Michelle Barclay
404-657-9219

Patricia Buonodono
404-463-0044

Christopher Church
404-463-5227

Araceli Jacobs
404-656-5171

Elaine Johnson
404-463-6383

Alice Limehouse
404-463-1849

Paula Myrick
404-463-6480

Commission on Family Violence

Greg Loughlin
404-463-6230

Jenny Aszman
404-232-1830

Jameelah Ferrell
404-656-5586

Family Violence, cont.

Jennifer Thomas
404-463-1662

LaDonna Varner
404-463-3178

Research, Planning, &

Data Analysis

Greg Arnold
404-656-6413

Joshua Becker
404-463-6298

Pamela Dixon
404-277-4654

Christopher Hansard
404-463-1871

Kimberly Miller
404-463-6887

Financial Administration

Randy Dennis
Division Director
404-651-7613

Amy Bottoms
404-463-2493

Krista Bradley
404-463-9016

Kim Burley
404-463-3816

Monte Harris
404-656-6691

Tanya Osby
404-463-0237

Andrew Theus
404-463-5177

Information Technology

Jorge Basto
Division Director
404-657-9673

Michael Alexandrou
404-656-7788

Bradley Allen
404-657-1770

Tawanna Conley
404-651-8180

Tim Dalton
404-656-7694

Tajsha Dekine
404-656-3479

Richard Denney
404-731-1357

Tony Mazza
404-6574006

Michael Neuren
404-657-4218

Wanda Paul
404-538-0849

Kriste Pope
404-731-1358

Arthur Schoenberg
404-656-5171

Roger Watson
404-651-8169

**Council of State Court
Judges**

Bob Bray
404-651-6204

**Council of Magistrate
Court Judges**

Sharon Reiss
404-463-4171



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice George H. Carley
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Chief Justice George H. Carley
Chair, Policy and the Legislature Committee

RE: Policy and the Legislature Committee Report

DATE: May 31, 2012

The 2012 Session of the Georgia General Assembly held several highlights for the State and for the courts. In particular, the passage of HB 1176, spawned by the Special Council on Criminal Justice Reform for Georgians and SB 356, which added the first new judgeships in several years, were of great importance to the Judicial Branch. Other important legislation such as HB 641, the effort to reform the juvenile code, did not pass. However, the Committee expects to see the efforts to reform juvenile justice begin again in earnest next session.

Attached is a copy of the minutes of the last meeting of the Policy Committee on February 27, 2012, as well as a summary of outcomes on legislation the Judicial Council supported or opposed during the 2012 General Assembly. A more complete list of 2012 legislation affecting the courts and the criminal justice system is available online.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice George H. Carley
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Chief Justice George H. Carley
Chair, Policy and the Legislature Committee

RE: Policy and the Legislature Committee Report

DATE: May 31, 2012

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The following is an update on legislation of interest to the Judicial Council that **PASSED** during the 2012 Legislative Session:

I. State Courts: SB 236 - Drivers' Licenses; persons convicted under the influence; allow certain drivers with suspended licenses; limited driving permits

SUMMARY: SB 236 allows a judge to issue a limited driving permit to a participant in a Drug/DUI Court program after a 120 day suspension period. The bill expands the places that a person with a limited driving permit may drive. It also reduces the time a participant in a Drug/DUI Court program must use an interlock device and provides for penalties for violating the limited driving permit or ignition interlock provisions. SB 236 also allows for children of military personnel who have been transferred to the state of Georgia the ability to transfer their driver's education classes that had been taken in another state.

STATUS: **Effective Date: January 1, 2013**
Signed by Governor: April 16, 2012

II. Municipal Courts: SB 351 - Municipal Courts; require same training for all judges of courts exercising municipal court jurisdiction

SUMMARY: SB 351 amends Chapter 32 of Title 36 of the O.C.G.A., by requiring all judges exercising municipal court jurisdiction to complete mandatory training within one year after the date of his or her election or appointment. The reasonable costs and expenses of the training shall be paid by the governing authority where the judge presides using the governing authority's funds. This shall not apply to any magistrate judge or probate judge or any judge of a court of record who presides in a court exercising municipal court jurisdiction.

STATUS: **Effective upon signature of the Governor or July 1, 2012, without such approval.**

III. Municipal Courts: SB 352 - Prosecuting Attorneys; provide; probate courts, municipal courts, and courts exercising municipal court jurisdiction; process of such employment

SUMMARY: SB 352 amends Chapter 18 of Title 15 of the O.C.G.A., relating to prosecuting attorneys, by revising authorizations for district attorneys and solicitors-general to prosecute or defend civil actions, including specifically the enforcement Code Section 40-16-163, relating to vehicles overtaking school buses.

The bill authorizes municipal courts and courts exercising municipal court jurisdiction to create the office of prosecuting attorney of the municipal court, but only with the approval of the governing authority of the city served by the court. It provides for the appointment, compensation, oath of office, duties, and authority of such prosecuting attorneys. SB 352 also amends Chapter 32 of Title 36 of the O.C.G.A. relating to municipal courts by adding a new section, which grants municipal courts jurisdiction to try and dispose of cases where a person is charged with transactions in drug related objects in violation of Code Section 13-13-32. Any fines arising from the prosecution of such cases shall be retained by the municipality and shall be paid into the treasury of the municipality.

STATUS: **Effective Date: April 11, 2012**
Signed by Governor: April 11, 2012

IV. SB 356 - Superior Courts; provide additional judge for the Bell-Forsyth Judicial Circuit; initial appointment; election and term of office

SUMMARY: SB 356 amends Code Section 15-6-2 of the O.C.G.A. relating to the number of superior court judges for each judicial circuit, so as to provide for an additional judge for the Bell-Forsyth Judicial Circuit and for the Piedmont Judicial Circuit. This additional judge shall be appointed by the Governor to serve a term from January 1, 2013, and expiring December 31, 2014, and until his or her successor is elected and qualified according to the manner provided by law. The additional judge shall have and may exercise all powers, duties, dignities, jurisdiction, privileges, and immunities of the present judges of the superior courts. SB 356 further provides for additional court reporters and personnel and their compensation for both circuits. SB 356 also includes a provision for the election of the chief judge of the Gwinnett Judicial Circuit.

STATUS: **For purposes of making the initial appointments of the judges to fill the superior court judgeships created by this Act, this Act shall become effective April 16, 2012. For all other purposes, this Act shall become effective on January 1, 2013.**
Signed by Governor: April 16, 2012

V. HB 100 - Tax Tribunal

SUMMARY: HB 100 amends Titles 48 and 50 of the O.C.G.A. to create the Georgia Tax Tribunal as an independent and autonomous division within the Office of State Administrative Hearings (O.S.A.H.). Tribunal judges shall be appointed by the Governor, with the consent of the Senate, for terms of four years. The Governor may also remove a tribunal judge with the consent of the Senate. Without the approval of the Senate, the Governor may appoint tribunal judges pro tempore for a period of 12 months or fewer. Each tribunal judge shall be a U.S. citizen, a resident of Georgia, and an attorney who has practiced primarily in the area of tax law for the last eight years. The annual salaries of the tribunal judges shall be no less than that of the administrative law judge of the O.S.A.H. and shall not be reduced during the tribunal judge's term.

The chief tribunal judge shall have sole charge of the administration of the tribunal. The tribunal shall have concurrent jurisdiction with the superior courts over actions for declaratory judgment that involve a rule of the commissioner that is applicable to taxes administered by the commissioner. Trials before the tribunal shall be de novo and without a jury. The tribunal judges shall adhere to the principle of stare decisis. Within 90 days of filing a petition, a taxpayer may choose to have the small claims division have jurisdiction over his or her proceedings. Any party may appeal a final judgment, except for judgments of the small claims division, to the Superior Court of Fulton County.

STATUS: **Effective Date: July 1, 2012 and shall be applicable to all proceedings commenced on or after January 1, 2013**
Signed by Governor: April 19, 2012

VI. HB 665 - Clerk of superior court offices; modernize provisions

SUMMARY: HB 665 amends Titles 9, 15, and 44, Chapter 18 of Title 50, and Code Section 36-9-5 of the O.C.G.A. relating to civil practice, courts, property, state printing and documents, and storage of documents, respectively. The bill contains many provisions of interest to superior court clerks with the purpose of modernizing provisions relating to storage, collection, access, and transmittal of documents housed in clerk of superior court offices, as well as provisions affecting the duties and removal of clerks and the exercise of the courts' contempt power.

HB 665 includes language from HB 763, the technical amendments to the jury composition reform. The section removed from HB 763 clarifies who is ineligible to serve and provides for a transition period to the use of the new master jury lists.

STATUS: **Effective Date: April 16, 2012**
Signed by Governor: April 16, 2012

VII. Probate Courts: HB 850 - Guardian and ward; criminal background checks for persons seeking to become a guardian; provide

SUMMARY: The language from HB 850 was amended into HB 247. HB 850 amends Chapter 9 of Title 29 of the O.C.G.A. relating to court proceedings involving guardian and ward, which allows a judge to require national criminal background checks for persons seeking to become a guardian or conservator.

STATUS: **Effective Date: April 16, 2012**
Signed by Governor: April 16, 2012

VIII. HB 1048 - Civil practice; who may serve process; change provisions

SUMMARY: HB 1048 amends Code Section 9-11-4 of the O.C.G.A., relating to process, so as to change provisions relating to who may serve process. Process shall be served by a person who is not a party, not younger than 18 years of age, and has been appointed by the court to serve process or a certified process server as provided in Code Section 9-11-4.1. HB 1048 also establishes the filing fee for an application to be appointed as a certified process server to be \$58.00.

STATUS: **Effective upon Signature of the Governor or July 1, 2012, without such approval**

IX. HB 1176 - 2011 Special Council on Criminal Justice Reform for Georgians; enact recommended provisions

SUMMARY: Part I – Appeal by the State

Amends O.C.G.A. 5-7-1, relating to orders, decisions, or judgments appealable, by allowing for appeals from the State in both superior and state courts on granted motions for new trial or an extraordinary motion for new trial.

Part II – Accountability Courts

Requires drug and mental health courts to focus work plans on medium and high risk offenders.

Requires the Judicial Council to establish standards and practices for drug and mental health courts. Requires the Judicial Council to certify that courts are following these standards and practices in order for the courts to be eligible to receive state funds, unless the Judicial Council grants a waiver for good cause (15-1-15).

Requires the Judicial Council to conduct peer reviews of drug court divisions on a periodic basis; requires the Administrative Office of the Courts to maintain an electronic information system capable of aggregating drug court data.

Adds that certified drug courts would be eligible for DATE funding. Expands the offenses for which DATE fines are assessed.

Part III – Crimes and Offenses

Raises felony thresholds in property crimes such as:

- Burglary – creates two degrees of burglary, applied depending on whether the building was a dwelling (first degree) or non-dwelling (second degree) (16-7-1)
- Theft – penalty based on value of the stolen property (5K and 25K thresholds) (16-8-12)
- Shoplifting – threshold for felony increased from \$300 to \$500 (16-8-14); a third conviction of a theft offense is a felony, with a sentence of 1-5 years, whether the first two convictions are misdemeanors or felonies
- Forgery – creates degrees of forgery and of writing bad checks (bad checks are treated as a sort of special case of forgery). Forgery in the first degree occurs when a person passes any writing, other than a check, in a fictitious name and is punishable by 1-15 years. Forgery in the second degree occurs when a person possesses any writing, other than a check, in a fictitious name and is punishable by 1-5 years. Forgery in the third degree occurs when a person passes or possesses a forged check of \$1,500 or more or possesses 10 or more blank checks and is a felony punishable by 1-5 years. Forgery in the fourth degree occurs when a person passes or possesses a forged check of less than \$1,500 or possesses less than 10 blank checks and is a misdemeanor (16-9-1 to 16-9-3).
- Deposit account fraud – multiple thresholds raised; currently a felony if amount of fraud is \$500 or more, felony threshold would be raised to \$1500 (16-9-20).

General sentence range for possession or purchase of a controlled substance changed from 2-15 years to 1-15 years. Several sentence range and subsequent offense ranges changed throughout the statute. Criminalizes the manufacture, distribution or sale of counterfeit drugs (16-13-20).

Sets punishment by aggregate weight of controlled substances or mixtures with controlled substances. Once the weight-based punishment for illegal drug possession becomes effective, the doubling of recidivist sentencing begins. Also criminalizes dealings in counterfeit drugs (16-13-30).

Sets punishment for the code section regarding controlled substances at the applicable mandatory minimum, capped at 30 years imprisonment and a fine not to exceed \$1 million (16-13-31(h)).

Would allow “active” or “administrative” probation supervision to be curtailed by the court upon request of a probation supervisor (17-10-1).

Exempts drug offenses under 16-13-30(j) from 17-10-7 (two and three strikes).

Part IV – Criminal Procedure

Sets the statute of limitations for prosecution for a variety of crimes generally and for certain offenses involving a victim less than 16 years of age (17-3-1 to 17-3-2).

Part V – Mandatory reporting of child abuse

Expands reporting requirements to nurse's aides, "child service organizations," "reproductive health care facilities," and volunteers and employees of entities covered in the Mandatory Reporting of Child Abuse statute.

Part VI – Record Restriction

Restricts the Georgia Crime Information Center (GCIC) from providing records of arrests, charges, or dispositions when access has been restricted pursuant to Code Section 35-3-37 (35-3-34).

Permits GCIC to make an individual's criminal history available upon request and permits GCIC to charge no more than \$15 for inspection of those records (35-3-37).

Permits an individual with a record to request the entity in control to correct any mistakes and allows for the individual, when they find the entity's decision about the alleged mistakes to be in error, the right to an appeal to the court with the original jurisdiction of the charges.

Criminal records will be restricted by the GCIC prior to indictment when the matter was never referred for further prosecution, if it was referred to the prosecuting attorney but later dismissed, or if the grand jury returns two no bills. Criminal records will be restricted by GCIC, after indictment if: charges were dropped or nolle prossed; a guilty plea of possession of a controlled substance and successful completion of probation; if the individual has successfully completed a drug or mental health treatment program; or the individual was acquitted on all charges.

Part VII – Penal Institutions

It would become a misdemeanor for a penal institution employee to assist inmates with obtaining an attorney (42-1-11.2).

Requires Georgia Department of Corrections (GDOC) to use evidence-based practices, perform risk assessments, collect data, and analyze performance outcomes (recidivism) and issue reports to the executive and legislative branches (42-2-11)

Requires sentencing packages to be submitted to the GDOC (42-5-50).

Probation Options Management (now called "graduated sanctions") would become an optional condition of probation (42-8-23 and 42-8-38).

Adds three optional conditions of probation: electronic monitoring, substance or mental health treatment, or imposition of graduated sanctions by agreement of probationer (42-8-35).

Confinement in a probation detention center would be limited to 180 days (42-8-35.4).

STATUS: **Effective Date: July 1, 2012**

The following is an update on legislation **SUPPORTED** by the Judicial Council that **DID NOT PASS** during the 2010 Legislative Session:

I. Juvenile Courts: HB 272 - Juvenile court; rehearing an order of associate juvenile court judge

SUMMARY: HB 272 removes the requirement for rehearing of associate juvenile court judges' decisions.

STATUS: Senate Judiciary Committee

II. Magistrate Courts: HB 155 - Show cause hearing; application and notice to appear

SUMMARY: HB 155 adds additional procedural safeguards in the issuance of a warrant by a judicial officer. It would require a hearing with notice to the defendant before a judge could issue a warrant; a court could require a good behavior bond with conditions. In the judicial officer's discretion, arrest warrants may be issued in cases of imminent danger to persons or property.

STATUS: House Judiciary Non-Civil Committee

III. Magistrate Courts: HB 196 - Modification of Recording Requirements for Video Search Warrants

SUMMARY: HB 196 amends O.C.G.A. § 17-5-21.1 to only require recording of a video search warrant "if the judge accepts additional oral testimony in support of the written application." Failure to record testimony would be a ground to challenge the issuance of the search warrant only in the event of intentional misconduct by the State.

STATUS: Senate Judiciary Committee

IV. Municipal Courts: O.C.G.A § 36-32-1

SUMMARY: Allows the chief judge of any court exercising municipal court jurisdiction to recommend to the local governing body a schedule of fees to assist the court in its operation and budget. If the local governing body fails to approve or disapprove the fee schedule within 30 days, the fee schedule shall become effective immediately.

STATUS: Was not introduced

The Policy Committee **OPPOSED** the following legislation:

I. HB 534 - Eligibility requirements; probate court clerks; modify provisions

SUMMARY: HB 534 amends Code Section 15-9-4 of the O.C.G.A., relating to additional eligibility requirements in certain counties, by reducing the population threshold for a Title 6 Probate Court from 96,000 to 90,000.

STATUS: **Effective Date: July 1, 2012**

II. SB 457 - Elections; provide all offices in this state shall be elected on a partisan basis; exceptions; referendums and procedures

SUMMARY: SB 457 amends Chapter 2 of Title 21 of the O.C.G.A. relating to primaries and elections generally, so as to provide that on and after January 1, 2013, all elections for congressional, state, and county offices in this state be conducted on a partisan basis - except as otherwise provided in Code Sections 21-2-138 and 21-2-139 and notwithstanding any local Act to the contrary.

STATUS: **Senate State & Local Governmental Operations Committee**

FY13 Base Budget Adjustments - FINAL FY 2013 APPROPRIATIONS

Budget Unit	FY 13 Base Budget	FY 13 Change	% Change	FY 13 Final
Georgia Resource Center	565,500	234,500	41%	800,000
Office of Dispute Resolution	0	0	0%	0
Institute of Continuing Judicial Education	461,789	0	0%	461,789
Judicial Qualifications Commission	409,240	102,975	25%	512,215
Accountability Courts	2,263,559	(1,831,738)	-81%	431,821
Total	3,700,088	(1,494,263)	-40%	2,205,825

Judicial Council

Administrative Office of the Courts	5,571,934	95,760	2%	5,667,694
Fixed Costs adjustments for all subprograms - retirement, health insurance, etc.	267,117	353,787	132%	620,904
Council of State Court Judges	199,214	0	0%	199,214
State Court Judges - retirement	1,061,472	0	0%	1,061,472
Judicial Council Standing Committee on Drug Courts (all funding transferred to Accountability Courts program)	0	0	0%	0
Child Support Guidelines Commission	98,083	0	0%	98,083
County and Municipal Probation Advisory Council	234,325	0	0%	234,325
Legal Services to Victims of Domestic Violence	1,753,235	0	0%	1,753,235
Council of Probate Court Judges	62,128	0	0%	62,128
Council of Municipal Court Judges	16,427	0	0%	16,427
Council of Magistrate Court Judges	157,836	0	0%	157,836
Georgia Council of Court Administrators	4,117	0	0%	4,117
Georgia Commission on Family Violence	342,601	0	0%	342,601
Total Judicial Council	9,768,489	449,547	5%	10,218,036
Total Judicial Council Section	13,468,577	-1,044,716	-8%	12,423,861

FINAL FY 2013 APPROPRIATIONS EXPLANATIONS

Program	Outcome	Net
Attached Entities:		
Georgia Resource Center	Increase funds to offset loss of Bar funding. Restores them to pre-budget reduction levels.	234,500
Judicial Qualifications Commission	Funds an additional staff attorney.	102,975
Accountability Courts	Accountability Court grants all transferred to CJCC; staffing and operating funds stay within the Accountability Courts program, attached to Judicial Council.	-1,831,738
Judicial Council:		
Administrative Office of the Courts	Provides enhancement for Language Access Program remote interpreter pilot project and for the Appalachian Family Law Information Center.	95,760
Judicial Council/AOC Fixed Cost Adjustments	To be spread by AOC based on number of employees; total of adjustments to health benefits, retirement, telecom, worker's comp, unemployment, liability premiums and PeopleSoft billings.	353,787

Amended FY 2013 Judicial Council Budget Request (no request)

Budget Unit	FY 13 Base Budget	FY 13 Amended Request	%Change	Balance
Georgia Resource Center	800,000	0	0%	800,000
Office of Dispute Resolution	0	0	0%	0
Institute of Continuing Judicial Education	461,789	0	0%	461,789
Judicial Qualifications Commission	512,215	0	0%	512,215
Accountability Courts	431,821	0	0%	431,821
Total	2,205,825	0	0%	2,205,825

Judicial Council

Administrative Office of the Courts	5,667,694	0	0%	5,667,694
Fixed Costs adjustments for all subprograms - retirement, health insurance, etc.	620,904	0	0%	620,904
Council of State Court Judges - operations	199,214	0	0%	199,214
State Court Judges - retirement	1,061,472	0	0%	1,061,472
Child Support Guidelines Commission	98,083		0%	98,083
County and Municipal Probation Advisory Council	234,325	0	0%	234,325
Legal Services to Victims of Domestic Violence	1,753,235	0	0%	1,753,235
Council of Probate Court Judges	62,128	0	0%	62,128
Council of Municipal Court Judges	16,427	0	0%	16,427
Council of Magistrate Court Judges	157,836	0	0%	157,836
Georgia Council of Court Administrators	4,117	0	0%	4,117
Georgia Commission on Family Violence	342,601	0	0%	342,601
Total Judicial Council	10,218,036	0	0%	10,218,036
Total Judicial Council Section	12,423,861	0	0%	12,423,861

FY 2014 Judicial Council Budget Request (For the Fiscal Year Starting 7/1/2013)

Budget Unit	FY 13 Base Budget	FY 14 Enhancements	% Change	Total FY 2014 Requests
Georgia Resource Center	800,000	0		800,000
Office of Dispute Resolution	0	0		0
Institute of Continuing Judicial Education	461,789	30,580	7%	492,369
Judicial Qualifications Commission	512,215	0		512,215
Accountability Courts	431,821	0		431,821
Total	2,205,825	30,580	1%	2,236,405

Judicial Council

Administrative Office of the Courts	5,893,068	60,357	1%	5,953,425
Fixed Costs adjustments for all subprograms - retirement, health insurance, etc.)	353,787	0	0%	353,787
Council of State Court Judges - operations	207,272	0	0%	207,272
State Court Judges - retirement	1,061,472	0	0%	1,061,472
Child Support Guidelines Commission	102,050	0	0%	102,050
County and Municipal Probation Advisory Council	243,803	0	0%	243,803
Legal Services to Victims of Domestic Violence	1,753,235	0	0%	1,753,235
Council of Probate Court Judges	62,128	108,320	174%	170,448
Council of Municipal Court Judges	16,427	0	0%	16,427
Council of Magistrate Court Judges	164,220	0	0%	164,220
Georgia Council of Court Administrators	4,117	0	0%	4,117
Georgia Commission on Family Violence	356,458	0	0%	356,458
Total Judicial Council	10,218,036	168,677	2%	10,386,713
Total Judicial Council Section	12,423,861	199,257	2%	12,623,118

FY 2014 Enhancement Requests Explanations

Program	FY13 Base	State Funds Requested	Details of Request	FY 14 Balance (if appropriated)	Judicial Council Recommendation
Attached Entities:					
Institute of Continuing Education	\$461,789	\$30,580	Operating expenses to support ongoing judge training.	\$492,369	
Judicial Council:					
Admin. Office of the Courts	\$5,893,068	\$60,357	Request funds for the expansion of the Family Law Information Center model into another judicial circuit.	\$5,953,425	
Council of Probate Court Judges	\$62,128	\$108,320	Hire an Executive Director, provide for associated travel and operating expenses.	\$170,448	

**JUDICIAL BRANCH OF GEORGIA
FY 2013 AMENDED REQUEST FORM
FY 2014 ENHANCEMENT REQUEST FORM**

SECTION A. GENERAL INFORMATION

BUDGET UNIT: Judicial Council, Special Budget Unit

Subprogram: Institute of Continuing Judicial Education of Georgia

FISCAL YEAR: Amended FY 2013 or FY 2014 Enhancement

Enter the net change in state funds requested for the program: + \$30,580

Describe the impact the request has on any other program fund sources (federal and/or other funds). Federal Grant funds are not available to the State to underwrite these expenses; increasing operating costs will cause us to further increase fees charged to local governments for judges' training.

SECTION B.

PART 1: EXPLANATION OF REQUEST

- 1. Proposal:** Funding sought covers expenses central to fulfilling routine duties of the ICJE in providing state-mandated and other training to Georgia's judges.

- 2. Geographic Impact:** Where does the request impact the state? Statewide or list counties below: The impact is statewide on behalf of Georgia's judiciary – it will affect judges in all classes of court, all of whom receive state-mandated training through ICJE. Budget reductions to judicial education since FY 2008 have resulted in the elimination of regular training for Administrative Law Judges of State executive agencies, Juvenile Court intake and probation officers, Superior Court and State Court Judges' administrative assistants, and judicial law clerks, and has compressed 12-hour courses into day-and-a-half long time windows. It has also reduced the availability of multi-tracked instructional forums for the judges of Superior, State, Juvenile, Probate, Magistrate and Municipal courts. Georgia has been unable to introduce widespread computer-based training, as well as to take advantage of new judicial advisory programs targeting modern science and technology in the courts. By not being able to furnish financial aid to facilitate participation in nationally-based judicial education, the State's CJE program is longer regarded as a first-tier judicial education program.

- 3. Current Status:** What is the budget unit currently doing to address this issue? Will those activities continue if this request is approved? The budget unit is keeping operating expenses to a minimum, which will continue. However, these costs will continue to erode training funds, and could result in higher fees charged to local governments or a reduction in trainings offered.

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- 4. Supporting Data:** Provide any supporting data, evaluations, and/or research for this request. Include any information you have on similar successful programs or evaluations in other jurisdictions that are relevant to this request. Over the past half-decade, compared to other states, Georgia judicial education has moved steadily backward. Neighbors such as Florida and North Carolina support CJE programs in which products and services along with core infrastructural operating costs are understood as a primary financial responsibility of the State. States similar in overall demographic size to Georgia, i.e., 8 - 10 million people, such as Ohio, New Jersey, Pennsylvania, North Carolina, also fully support CJE programs as a primary financial responsibility of the State. For the size of Georgia's judiciary, around 1,800 judges, the less than half-million dollars committed by the State to judicial education, along with its per capita value, is significantly less than most other states'. Elimination of a program of general, ongoing, continuing judicial education leaves states either with: (i) no judicial education, or (ii) narrowly targeted CJE that only addresses the particular special interests of governmental or private funding sources, which can present a significant danger to maintaining the magisterial neutrality as well as comprehensive functioning of a state court system.
- 5. Measures:** What measures are or will be used to evaluate the impact of this change? If an enhancement, what is the projected return on investment? This funding serves to maintain institutional capacity, diminished over 50% by reductions experienced since 2008.
- 6. Stakeholders/Constituents/Constituencies:** Describe the constituent and stakeholder groups affected by this change and whether they are likely to support or oppose this request (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities). Judges and judicial organizations are likely to support this request.
- 7. Legislation or Rule Change (a):** Is legislation or a Rule change required to be passed or changed if this request is implemented? If so, please explain. No legislation or rule change is required if this request is implemented.
- 8. Legislation or Rule Change (b):** Is this request a result of a legislation or rule change? If so, please explain. This request does not require a change in legislation or rule.
- 9. Alternatives:** Explain what other alternatives were considered and why they were not viable. Federal funding is not available. Also, in the past 3-4 years, the charges to local governments and Judges have increased 100%. Since the training ICJE provides is state-mandated, we believe that no further costs should be passed on to locals or judges themselves.

PART 2: BUDGET

- 10. Requested and Projected Resources:** For enhancements and certain base adjustments, what additional resources are you requesting? What are your out-year projections? No additional

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resources are being requested; this item will become a part of our base budget if granted.

- 11. Methodology/Assumptions:** Provide the methodology and assumptions behind the requested amount and out-year projections. How did you arrive at the amounts? What time period does the request cover (i.e., the number of months)? The time frame covered is 12 months. The amounts were based upon study and projection of actually incurred operating expenses for the latest fiscal year (detail available if needed).

- 12. Federal and Other Funds:** Describe the impact on federal and/or other funds related to this request (amount, policy etc). There is no impact on Federal funds, as no such funds are available to underwrite these expenses. This enhancement will help supplement ICJE fees, which have been increased since 2008 in response to necessary reductions in state funding.

**JUDICIAL BRANCH OF GEORGIA
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SECTION A. GENERAL INFORMATION

BUDGET UNIT: Judicial Council

Subprogram: Administrative Office of the Courts

FISCAL YEAR: [] Amended FY 2013 or [X] FY 2014 Enhancement

Enter the net change in state funds requested for the program: \$60,357.00

Describe the impact the request has on any other program fund sources (federal and/or other funds).

This request will have no impact on any other program fund sources.

SECTION B.

PART 1: EXPLANATION OF REQUEST

1. Proposal:

The expansion of Family Law Information Centers is needed because of the increased volume of self represented litigants in domestic relations matters filed in the court. Furthering the need are recent changes in the domestic relations laws which increased the complexity of the cases and have further slowed the court process.

The mission of the original Appalachian Judicial Circuit Family Law Information Center (FLIC) was to provide legal assistance in regard to all family law related matters, including domestic violence Temporary Protective Orders (“TPO”) petitions, so that those who are not represented can be prepared when they come to court and be on equal footing with those who are represented, and ensure that their needs are being met. To that end, funding for the AFLIC was granted in FY 2009 and the Center has been operating successfully ever since.

The Appalachian FLIC offices assist the Superior Courts in more cost-effectively moving cases through the court system which involve self represented litigants by providing technical legal assistance at their self-help type centers, such as assisting with the preparation of forms and calculation of child support. Self represented litigants are coming to the three county offices and receiving live assistance, either by meeting with office personnel or through other remote access means and methods. The FLIC office’s goal is to work in association with community volunteers and the local private bar to refer those who need or require more extensive services and legal advice. Volunteer training has already been provided, and a follow up session is scheduled in August. In this regard, the FLIC offices are serving as a training resource for the

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local community with the intent of having community volunteers further increase the services provided by this office.

The Appalachian FLIC offices were evaluated in FY 2010 to see if the model could be implemented in other multi-county, rural circuits, which would provide access to remote areas via various forms of communication/technology.

This white paper proposes the expansion of the highly successful Appalachian Judicial Circuit Family Law Information Center into another rural circuit yet to be identified. The Center has successfully implemented cost effective methods of increasing access to justice in rural multi-county circuits. Specifically, the Center assists litigants that meet certain eligibility requirements based on income and case type to identify and fill out forms related to their case. The Center does not provide legal advice and encourages litigants to obtain an attorney if possible. The Center in the Appalachian circuit has broadened their services to include review of case files in all self-represented cases, appearing in court to summarize for the judge any issues with the paperwork that need resolution and providing referrals to a *pro bono* panel that will provide limited scope representation or first line legal assistance in elder law matters.

The Georgia Supreme Court Committee on Civil Justice commissioned an evaluation of the Center in 2008 that was completed in 2010. The evaluation found that the Center is very effective at meeting its goal of increasing access to the courts by making it easier for people to use the system, improving the quality of filed documents and ultimate outcomes, and making it possible for those who would never otherwise resolve their problems to use the court to do so. The court reported that 76% of those cases that went through the Center were resolved at the first court appearance and at the same time, users strongly agreed with statements attesting to the usefulness, helpfulness and capabilities of the staff. Finally, in court time, clerks estimate that the Center saves them roughly 10 to 30 minutes per case while judges see a 45 minutes savings per case. Judges noted that the time savings and increased efficiency made it possible for the court to take the time needed to get the best possible results in cases that really needed their time instead of addressing administrative matters.

One of the long term recommendations of the evaluation was that the Center model be expanded to other judicial circuits as a highly cost effective as well as a major contributor to access to the courts for the resolution of issues. The Administrative Office of the Courts, at the request of the Supreme Court Committee on Civil Justice, is seeking funding to expand this successful program into an additional rural multi-county circuit in FY 2014.

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

[] Statewide or list counties below:

Circuit and counties have yet to be determined.

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- 3. Current Status:** What is the budget unit currently doing to address this issue? Will those activities continue if this request is approved?

Funding for the FLIC in the Appalachian Judicial Circuit will continue unaffected, but expansion of this highly successful program in to other Circuits is not feasible without additional resources.

- 4. Supporting Data:** Provide any supporting data, evaluations, and/or research for this request. Include any information you have on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

To determine the effectiveness and utility of any new program or project, an evaluation is almost mandated. Please see the attached Zorza Associates Evaluation of the Appalachian FLIC which strongly recommends the expansion of the program from a procedural fairness and cost effectiveness perspective.

- 5. Measures:** What measures are or will be used to evaluate the impact of this change? If an enhancement, what is the projected return on investment?

The Administrative Office of the Courts will seek an additional evaluation from Zorza Associates after the new Center is implemented. The evaluation will be used to determine the effectiveness of the new FLIC offices in moving cases through the court system, and working with the self represented litigants. The evaluation will determine:

- The length of time each case takes going through the system;
- The number of uncontested divorces which have the correct paperwork attached;
- The number of litigants coming to the three offices seeking general information and Judicial Circuit approved forms which they may not have been able to obtain otherwise;
- The number of defaults and/or dismissals in pro se cases increasing or decreasing due to incorrect child support calculations or not having the appropriate forms attached; and/or
- The number of other procedural problems resolved by the FLIC offices.

- 6. Stakeholders/Constituents/Constituencies:** Describe the constituent and stakeholder groups affected by this change and whether they are likely to support or oppose this request (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).

The Chief Judge of the Circuit as well as the other judges participating, clerks of court and other court personnel, litigants and attorneys.

- 7. Legislation or Rule Change (a):** Is legislation or a Rule change required to be passed or changed if this request is implemented? If so, please explain.

No.

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8. Legislation or Rule Change (b): Is this request a result of a legislation or rule change? If so, please explain.

No.

9. Alternatives: Explain what other alternatives were considered and why they were not viable.

An alternative may be seeking funding at the local level for such Center's around the state. We believe that this is currently economically unviable. However, we do believe that if such Centers can prove their worth in cost and time savings, that their continuation budgets may be picked up in part by local jurisdictions.

PART 2: BUDGET

10. Requested and Projected Resources: For enhancements and certain base adjustments, what additional resources are you requesting? What are your out-year projections?

\$60,357.00 in the first year and at least \$40,000 in each out-year depending on the location selected and the actual expenditures each year.

Personnel/Fringe Benefits:

Part Time Staff Attorney's	\$50.00 pr.hr. X 360 hrs.	\$18,000.00
	FICA(7.65%), Worker's Comp.(3%),	
	Liability(1%)	\$ 2,097.00
Part Time Office Assistant	\$13.46 pr.hr. X 1456 hrs.	\$19,598.00
	(28 hrs.pr.wk) FICA(7.65%), Worker's Comp.(3%),	
	Liability(1%)	<u>\$ 2,283.00</u>
	TOTAL:	\$41,978.00

The funds requested will be used to pay for 2 part time staff attorney's to attend court. In addition, a part time office assistant will also be dedicated to the project to provide remote assistance throughout the circuit.

Supplies:

Printing	Business cards, FLIC brochures & other program	
	Materials	\$ 2,500.00
Postage	\$10 per month X 12 mos.	\$ 120.00
General office supplies for 3 offices	(pens, file folders, labels, paper, envelopes, etc.)	<u>\$ 2,000.00</u>

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Budget Categories	FY 13 Amended Request	FY 14 Enhancement Request
Personnel Services:		41,978
Operating Costs:		
Postage		120
Motor Vehicle Expenses		
Printing, Publications, Media		2500
Supplies and Materials		2000
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		13035
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		724
Grants		
Indirect Costs		
Transfers		
Total Operating Budget	0	18379
TOTAL OVERALL BUDGET		60357
State Funds		60357
Other Budgeted Funds		

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SECTION A. GENERAL INFORMATION

BUDGET UNIT: 43000 Judicial Branch

Subprogram: 4300340050 - COUNCIL OF PROBATE COURT JUDGES

FISCAL YEAR: Amended FY 2013 or FY 2014 Enhancement

Enter the net change in state funds requested for the program: \$108,320.00 (est. 66K salary + 52% of salary as benefits and \$10K travel and additional operating).

Describe the impact the request has on any other program fund sources (federal and/or other funds). Not applicable.

SECTION B.

PART 1: EXPLANATION OF REQUEST

- 1. Proposal:** Create a state-funded position of Executive Director for the Council of Probate Court Judges.
- 2. Geographic Impact:** Where does the request impact the state?
 Statewide or list counties below:
- 3. Current Status:** What is the budget unit currently doing to address this issue? Will those activities continue if this request is approved?

Duties typical of a class of court executive director are currently assigned to the AOC Trial Court Liaison team. Specialized duties related to classes of courts are sometimes assigned to council staff, such as where the Council of Superior Court Judges acts as fiscal agent for the superior court judges and staff.

- 4. Supporting Data:** Provide any supporting data, evaluations, and/or research for this request. Include any information you have on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

The 2011 Strategic Plan Update of the Council of Probate Court Judges calls for the Council to investigate the hiring of an executive director.

**JUDICIAL BRANCH OF GEORGIA
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- 5. Measures:** What measures are or will be used to evaluate the impact of this change? If an enhancement, what is the projected return on investment?

The Council of Probate Court Judges intends that the executive director reduce the amount of time that volunteer committees of judges need to work on projects.

- 6. Stakeholders/Constituents/Constituencies:** Describe the constituent and stakeholder groups affected by this change and whether they are likely to support or oppose this request (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).

The addition of an executive director by the Council of Probate Court Judges would affect the AOC Trial Court Liaison team.

- 7. Legislation or Rule Change (a):** Is legislation or a Rule change required to be passed or changed if this request is implemented? If so, please explain.

While not as clear as the authorization to employ an executive director as the authorization in the Council of Juvenile Court Judges' statute, there is language similar to that for other councils of court: "(c) Expenses of the administration of the council shall be paid from state funds appropriated for that purpose or from other funds available to the council." O.C.G.A. 15-9-15. Whether there needs to be legislation should be examined further.

- 8. Legislation or Rule Change (b):** Is this request a result of a legislation or rule change? If so, please explain.

No.

- 9. Alternatives:** Explain what other alternatives were considered and why they were not viable.

An alternative would be to support the augmentation of AOC resources to perform those specific tasks that the Council of Probate Court Judges requests beyond those adequately addressed under the current state of funding and resources within the AOC.

PART 2: BUDGET

- 10. Requested and Projected Resources:** For enhancements and certain base adjustments, what additional resources are you requesting? What are your out-year projections?

The executive director position would be an ongoing annual cost requiring annual state appropriations.

**JUDICIAL BRANCH OF GEORGIA
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11. Methodology/Assumptions: Provide the methodology and assumptions behind the requested amount and out-year projections. How did you arrive at the amounts? What time period does the request cover (i.e., the number of months)?

The estimate is at roughly the middle of estimates for executive directors of other judges' councils.

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

None.

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Budget Categories	FY 13 Amended Request	FY 14 Enhancement Request
Personnel Services:		\$100,320
Operating Costs:		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		\$3,000
Travel – Employee		\$5,000
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		
Grants		
Indirect Costs		
Transfers		
Total Operating Budget	0	8000
TOTAL OVERALL BUDGET		108320
State Funds		\$108,320
Other Budgeted Funds		

**JUDICIAL BRANCH OF GEORGIA
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Budget Categories	FY 13 Amended Request	FY 14 Enhancement Request
Personnel Services:		
Operating Costs:		
Postage		4,250
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		1,660
Equipment < \$5,000		
Water/Sewage		
Energy		4,500
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		
Contracts – State Orgs	461,789	461,789
IT Expenses		17,910
Voice/Data Communications		2,260
Grants		
Indirect Costs		
Transfers		
Total Operating Budget	461,789	492,369
TOTAL OVERALL BUDGET	964,449	995,029
State Funds	461,789	492,369
Other Budgeted Funds	502,660	502,660



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice George H. Carley
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Ms. Marla Moore
Director, AOC

RE: Accountability Courts Committee

DATE: May 17, 2012

Enclosed within this agenda item are the minutes of meetings held by the Accountability Courts Committee since the last meeting of the Judicial Council. I am also enclosing a brief timeline of duties for the Judicial Council and the AOC outlined in the Criminal Justice Reform Act (HB 1176) and a more detailed timeline for the adoption of new Standards for the Adult Felony Courts.

We anticipate there will be additional information available for the full Council meeting and will provide those updates either as they are available or at the meeting on May 31.

2012 Judicial Council Timeline for Adult Drug Court Standards

- March: Draft standards submitted to NDCI and SAMHSA for review
- April: Comments received from NDCI
- May 2: Governor Deal signs HB1176
- May 4: Standards Sub-Committee held its first meeting
- May 18: Date set to release draft standards to adult drug court judges for comment, due by June 1, 2012
- June 8: Standards Sub-Committee reviews comments and final version is approved
- June 25: Judge Bagley presents programmatic standards at state conference
- June 25: Travis Fretwell and Andrew Cummings present treatment standards at state conference
- June 27: Standards will be considered for adoption by the Accountability Courts Committee
- August: Standards will be recommended for adoption by the Judicial Council

The Legislature set January 1, 2013, as the deadline for the Judicial Council to establish standards and practices for drug court divisions, including the use of a risk and needs assessment.

HB 1176 Benchmarks for the Judicial Council and AOC

January 1, 2013

Judicial Council **shall establish standards and practices** for drug court and mental health court divisions, including the use of a risk and needs assessment.

All drug and mental health courts shall **establish a planning group**.

Planning groups shall establish a **target population of moderate-high risk and needs offenders**.

Judicial Council shall provide **technical assistance** to drug and mental health court divisions regarding all items listed above.

July 1, 2013

Judicial Council shall create and manage a **process for certification and peer review** to monitor adherence to standards and practices.

Award of **state funds shall be conditioned upon attainment of said certification** (or waiver).

Each September (implies 2013)

Judicial Council shall **publish a listing of all certified drug and mental health court divisions**.

July 1, 2015

Judicial Council shall conduct a **performance peer review** of all drug and mental health courts every three years.

No Date Specified

AOC shall develop and manage an **electronic case management system**.



2012 Accountability Courts Conference

"Raising The Bar"

June 25 - 27, 2012

Agenda
(subject to change)

Renaissance Atlanta Waverly Hotel | 2450 Galleria Parkway | Atlanta, Georgia 30339 | 770-953-4500

DAY ONE			
Monday			
June 25			
Session A	Accountability Courts 101	Session C	Afternoon 3:30 - 5:00pm
1	<i>Adult Drug Court</i> — Dana Jenkins , NDCI	1	<i>Adult Drug Court — Treatment Standards</i> Travis Fretwell , Georgia Department of Behavioral Health & Developmental Disabilities Andrew Cummings , DeKalb County Drug Court
2	<i>Juvenile Drug Court — Introduction</i> Dr. Jacque van Wormer NCJFCJ	2	<i>Juvenile Drug Court — Managing and Sustaining Your Juvenile Drug Court</i> Dr. Jacque van Wormer , NCJFCJ
3	<i>Family Dependency Treatment Court</i> — Meghan Wheeler , NDCI	3	<i>Targeted Intervention: Using Child Welfare Data to Justify Family Dependency Treatment Courts</i> Michelle Barclay and Christopher Church , Administrative Office of the Courts
4	<i>Mental Health Courts and Co-Occurring Disorders</i> Judge Stephen Goss , Dougherty County Mental Health/ Substance Abuse Court; Dr Lisa Callahan , GAINS Center	4	<i>Developmental Disabilities</i> TBD Beverly Rollins , Georgia Department of Behavioral Health & Developmental Disabilities Crandall Heard , All About Developmental Disabilities
5	<i>DUI Court</i> — TBD	5	<i>Examining the Role of Alcohol and Substance Abuse and Mental Health Treatment in Domestic Violence Court Cases</i> Judge Daphne M. Walker , Clayton County Magistrate Crt
6	<i>Veterans Court</i> — Judge Brenda S. Weaver and Julie Panter , Appalachian Judicial Circuit Adult Drug Court; Judge James G. Blanchard and Ted Wiggins , Augusta Judicial Circuit Veterans Court; Judge John D. Allen and Cynthia Pattillo , Muscogee County Veterans Court	6	<i>DUI Court</i> TBD
		Session CC	Afternoon 5:00 - 6:00pm
	11:30am Lunch Buffet Opens 12:00pm State Patrol Honor Guard Welcome Chief Judge Jeffrey S. Bagley , Chair Judicial Council Accountability Courts Committee Video: Accountability Court Participants and Graduates Welcome & Acknowledgements Justice George H. Carley , Supreme Court of GA (Invited) Opening Remarks TBD Plenary <i>Criminal Justice Reform Council: Process and Legislative Results</i> Representative Jay Neal , Georgia House of Representatives	1	<i>Juvenile Drug Court — After 11 years of operation: How Muscogee County Juvenile Drug Court is Sustaining Its Program with Community Engagement</i> Mary Bode , Columbus/Muscogee County Juvenile Drug Court
		2	<i>Compassion Fatigue, Part 1</i> Cherie Hunter , Hunter Communications Group
Session B	Mid-Afternoon 1:45 - 3:15pm		
1	<i>Adult Drug Court — Programmatic Standards</i> Chief Judge Jeffrey S. Bagley , Chair Judicial Council Accountability Courts Committee		
2	<i>Juvenile Drug Court — Introductory Activity & Managing and Sustaining Your Juvenile Drug Court</i> Jessica Pearce , NCJFCJ		
3	<i>Family Dependency Treatment Court</i> — Meghan Wheeler , NDCI		
4	<i>Mental Health — Mental Health Court Standards</i> Judge Stephen Goss , Dougherty County Mental Health/ Substance Abuse Court; Judge Kathlene Gosselin , North-eastern Judicial Circuit Mental Health Court		
5	<i>Best Practices for Child Support Problem Solving Court</i> Judge Kristin Ruth , 10th District Court Wake County, North Carolina		



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DAY TWO Tuesday June 26	8:00am Breakfast Buffet opens 8:30am Opening Remarks & Awards Presentation 9:00am Breakfast/Plenary TBD Dr. Shannon M. Carey, NPC Research, Inc.		12:30pm Luncheon/Plenary <i>The Constitution, Ethics and Accountability Courts</i> Judge William Meyer		
Session D	Morning 10:45am - 12:15pm	Session E	Mid-Afternoon 2:15 - 3:45pm	Session F	Afternoon 4:00 - 5:30pm
1	<i>Accountability Courts and Immigration Consequences</i> John A. Martin and Steven S. Weller, Center for Public Policy Studies	1	<i>Incentives and Sanctions</i> Judge William Meyer	1	<i>Federal Resources for Accountability Courts</i> Dana Jenkins, National Drug Court Institute
2	<i>Juvenile Drug Court — Incentives and Sanctions: Guiding Behavior Change in Adolescents</i> Judge Henry Weber, NCJFCJ	2	<i>Juvenile Drug Court — Targeting and Eligibility</i> Dr. Jacque van Wormer, NCJFCJ	2	<i>Juvenile Drug Court — Cross Training: Juvenile Justice and Treatment Fundamentals</i> Judge Henry Weber and Susan James-Andrews, NCJFCJ
3	<i>Motivational Interviewing from the Bench</i> Judge Andra Sparks, Municipal Court of Birmingham, AL	3	<i>Panel Discussion: Availability of Treatment in Georgia</i> TBD	3	<i>Ask the Expert</i> Judge Andra Sparks , Municipal Court of Birmingham, AL
4	<i>From Relapse, to Rehab, To Real Recovery: Redefining Drug Court Treatment Success</i> Terrance Walton, DC Pretrial Services Agency	4	<i>Co-Occurring Substance Use and Mental Disorders: “Double trouble?”</i> Terrance Walton, DC Pretrial Services Agency	4	<i>Ask the Expert</i> Terrance Walton, DC Pretrial Services Agency
5	<i>Strategies for Working with the Reentry Population</i> Cherie Hunter, Hunter Communications Group	5	<i>Compassion Fatigue, Part 2</i> Cherie Hunter, Hunter Communications Group		<i>Surveillance Training</i> Dale Allen, Athens-Clarke County Probation Services Gary Bowen, Athens-Clarke County Probation Services / DUI Court
6	<i>Implementing a Drug Testing Program, Ensure Coverage, Best Practices</i> Dr. Leo Kadehjian, Biomedical Consulting	6	<i>Social Media - Monitoring Participant Compliance and Related Issues</i> Rebecca Nickum, Department of Corrections Josh Thompson, US Marshals Counter Gang Unit Marissa Viverito, Atlanta Community Impact Program	6	<i>Ask the Expert</i> Dr. Leo Kadehjian, Biomedical Consulting



2012 Accountability Courts Conference

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June 25 - 27, 2012

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DAY THREE Wednesday June 27	8:00am Breakfast Buffet Opens 9:00am Closing Plenary <i>Designer Drugs</i> Paul Cary, University of Missouri Health Care	12:15pm Adjourn	
Session G	Morning 10:45am - 12:15pm		
1	<i>EtG/EtS</i> Paul Cary, University of Missouri Health Care		
2	<i>Juvenile Drug Court— Engaging Families</i> Susan James-Andrews, NCJFCJ		
3	<i>Fidelity to the Model and Dosage</i> Yvonne Saunders-Brown, Correctional Counseling		
4	<i>Maintaining Judicial Independence in Drug Court</i> Chief Judge Jeffrey S. Bagley, Chair Judicial Council Accountability Courts Committee		
5	<i>Day Reporting Centers: Model and Assessment Tools</i> Commissioner Brian Owens, Georgia Department of Corrections		
6	<i>iMs Connexis: Raising the Bar Reporting</i> Jim Northway, Integrated Management Solutions Sio'Bhan Keeton, Integrated Management Solutions		

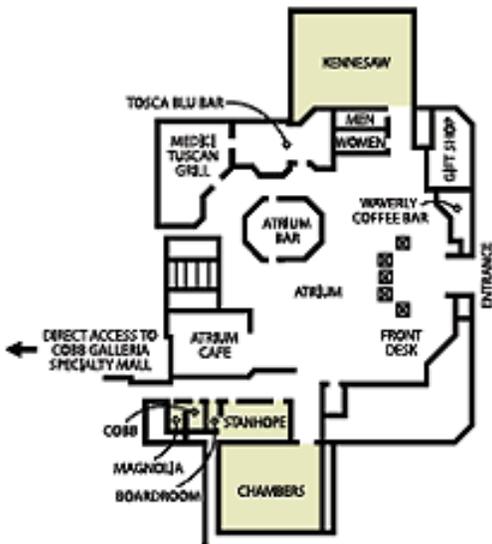
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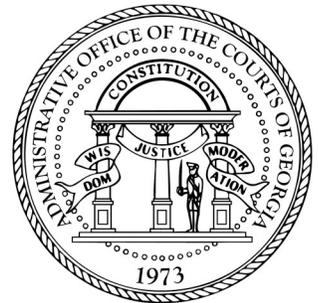
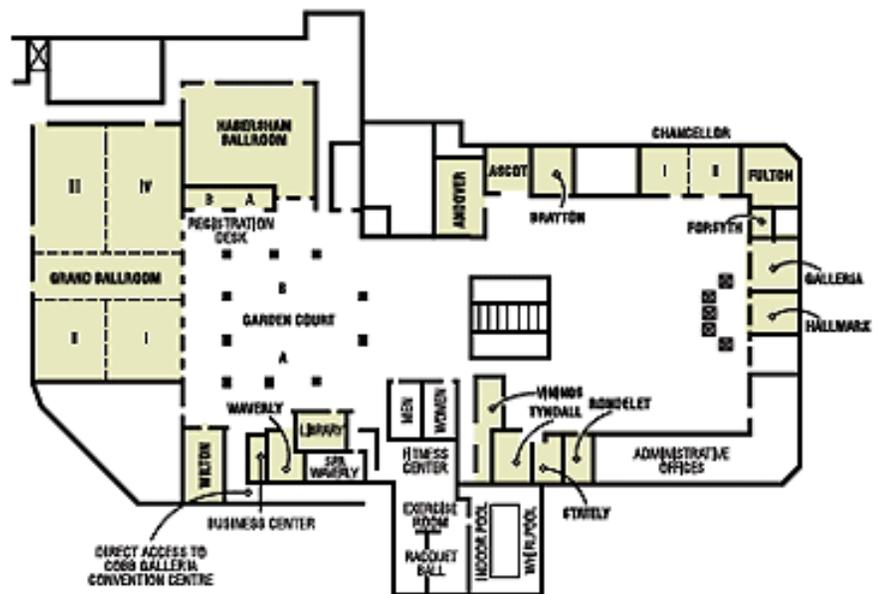


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FIRST FLOOR



SECOND FLOOR



**Judicial Council of Georgia
Accountability Court Committee
2012 Members**

Leadership

Chair:

Chief Judge Jeffrey S. Bagley, Bell-Forsyth Judicial Circuit (Adult/Felony)

100 Courthouse Square

Suite 160

Cumming, GA 30040

770-205-4660

jsbagley@forsythco.com

Term Ends: June, 2013; Chair Ends: June, 2012

Vice Chair:

Judge Jason J. Deal, Northeastern Judicial Circuit (Adult/Felony)

PO Box 49

Gainesville, GA 30503

770-531-6996

judgedeal@hallcounty.org

Term Ends: June, 2013; Vice Chair Ends: June, 2013

Membership

Senior Magistrate Judge Winston P. Bethel, Magistrate Court of DeKalb County (Mental Health)

8350 Pleasant Hill Road

Lithonia, GA 30058

wpbethel@gmail.com

Term Ends: June, 2015

Judge Nancy Bills, State Court of Rockdale County (DUI)

922 Court Street, NE

Room 305

Conyers, GA 30012

770-929-4020

Nancy.bills@rockdalecounty.org

Term Ends: June, 2013

Presiding Judge Michael P. Boggs, Court of Appeals of Georgia

47 Trinity Avenue, Suite 501

Atlanta, GA 30334

404-656-3453

mboggs@yahoo.com

Term Ends: June, 2013

Judge Doris L. Downs, Atlanta Judicial Circuit (Adult/Felony)

T7955 Justice Center Tower
185 Central Ave., SW
Atlanta, GA 30303
404-730-4991
Doris.downs@fultoncountyga.gov

Term Ends: June, 2012

Judge Kathlene F. Gosselin, Northeastern Judicial Circuit (Mental Health)

PO Box 1778
Gainesville, GA 30503
770-531-6862
kgosselin@hallcounty.org

Term Ends: June, 2015

Judge Frank J. Jordan, Jr., Chattahoochee Judicial Circuit (Adult/Felony)

Chair: Conference Planning Subcommittee

PO Box 1340
Columbus, GA 31920
706-653-4667
FJordan@columbusga.org

Term Ends: June, 2013

Judge Warner L. Kennon, Sr., Chattahoochee Judicial Circuit (Juvenile)

PO Box 2015
Columbus, GA 31902
706-322-5599
wkennon@columbusga.org

Term Ends: June, 2013

Judge George H. Kreeger, Cobb Judicial Circuit (Adult/Felony)

30 Waddell St.
Marietta, GA 30090
770-528-1837
George.kreeger@cobbcounty.org

Term Ends: June, 2012

Chief Judge N. Kent Lawrence, State Court of Clarke County (DUI)

150 Charter Court
Athens, GA 30605
706-207-2565
lawkent@gmail.com

Term Ends: June, 2012

Judge Jeannette L. Little, State Court of Troup County (DUI)

100 Ridley Ave.
Suite 2901
LaGrange, GA 30240
706-883-1727
jlittle@troupcoco.org

Term Ends: June, 2012

Judge Jack Partain, Conasauga Judicial Circuit (Adult/Felony)

Chair: Funding Subcommittee

PO Box 2535

Dalton, GA 30722

706-278-6713

jackpartain@gmail.com

Term Ends: June, 2012

Judge Juanita Stedman, Cobb Judicial Circuit (Juvenile)

1738 County Services Parkway, SW

Marietta, GA 30008

770-528-2224

j.stedman@cobbcounty.org

Term Ends: June, 2012

Judge Patricia Stone, Eastern Judicial Circuit (Family Dependency Treatment Court)

197 Carl Griffin Drive

Savannah, GA 31405

912-652-6707

pstone@chathamcounty.org

Term Ends: June 2013

Judge Susan P. Tate, Probate Court of Clarke County (Mental Health)

325 E. Washington Street

Athens, GA 30601

706-613-3320, ext 0

susantate@co.clarke.ga.us

Term Ends: June 2015

Chief Judge Charles S. Wynne, State Court of Hall County (DUI)

PO Box 737

Gainesville, GA 30503

770-531-7007

cwynne@hallcounty.org

Term Ends: June, 2013

NOT a Member of the Accountability Courts Committee but member of Funding Sub Committee

Chief Judge Joe Bishop, Pataula Judicial Circuit Drug Court

P.O. Box 759

Dawson, GA 39842-0759

229-995-4994

scjicb@windstream.net

Advisory Members

Mr. Stan Gunter, Prosecuting Attorneys' Council of Georgia

104 Marietta Street
Suite 400
Atlanta, Georgia 30303
404-969-4001
sgunter@pacga.org

Mr. Jay Sanders, Georgia Department of Corrections

2 MLK Dr., SE
1052 Twin Towers
Atlanta, GA 30334
404-274-6432
sandej03@dcor.state.ga.us

Col. Milton Beck, Cobb County Sheriffs Association

185 Roswell Street
Marietta, GA 30060
mbeck@cobbcounty.org

Chief David Lyons, Garden City Police Department

Chief of Police
100 Main Street
Garden City, GA 31408
912-966-7787
Dlyons770@earthlink.net

Mr. Travis Fretwell, Georgia Department of Behavioral Health & Developmental Disabilities

Two Peachtree Street, NW, 24th Floor
Atlanta, GA 30303
404-463-4274
Tfretwell@dhr.state.ga.us

Mr. Danny DeLoach, District 1 Court Administrator

415 W. Broughton St.
Suite 112
Savannah, GA 31401
912-651-2040
ddeloach@chathamcounty.org

Mr. David Mixon, District 2 Court Administrator

PO Box 1032
Lake Park, GA 31636
229-559-5901/F 559-6743
davidmixon@bellsouth.net

Mr. Joseph Baden, District 3 Court Administrator
PO Box 9497
Warner Robins, GA 31095
478-333-6744
jbaden@3rdjad.mgacoxmail.com

Ms. Cathy McCumber, District 4 Court Administrator
405 DeKalb County Courthouse
556 N. McDonough Street
Decatur, GA 30030
404-371-4901
cwmccumb@dekalbcountyga.gov

Ms. Yolanda Lewis, District 5 Court Administrator
136 Pryor Street, SW, Suite C-640
Atlanta, GA 30303
404-730-4529
Yolanda.lewis@fultoncountyga.gov

Mr. William T. Simmons, District 6 Court Administrator
Heritage Square Office Centre
1220 Pennsylvania Ave.
McDonough, GA 30253
770-898-7623
wtsimmons@gmail.com

Ms. Jody Overcash, District 7 Court Administrator
115 W. Cherokee St.
PO Box 963
Cartersville, GA 30120
770-387-5480
jodyovercash@bellsouth.net

Mr. Bob Nadekow, District 8 Court Administrator
PO Drawer C
Lyons, GA 30436
912-526-6116
bnadekow@eighthdistrict.org

Mr. Steven M. Ferrell, District 9 Court Administrator
PO Box 1319
Dahlonega, GA 30533
706-482-0185
Steve_ferrell@windstream.net

Mr. Tracy J. BeMent, District 10 Court Administrator
PO Box 1392
Athens, GA 30603
706-613-3173
tracybement@co.clarke.ga.us

Ms. Kristie Garrett, Coordinator Representative
Cobb County Adult/Felony Drug Court
30 Waddell Street
Marietta, GA 30090
770-528-8568
Kristie.Garrett@cobbcounty.org



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice George H. Carley
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Presiding Judge Herbert E. Phipps, Chair
Judicial Council Committee on Court Reporting Matters

RE: Judicial Council Committee on Court Reporting Matters Report

DATE: May 31, 2012

The Judicial Council delegated to its Committee on Court Reporting Matters the responsibility of representing the Council on all matters relating to court reporting which includes the review of disciplinary appeals and Board rules.

This memorandum will provide an update on the Committee's review of the Court Reporters' Fee Schedule and the Appeal filed by William Windsor on a grievance matter.

Court Reporters' Fee Schedule

The Committee met with its Advisory Members on March 15, 2012, to review and consider modifications to the Official Court Reporters' Fee Schedule. The information presented included an analysis of the chronological history of court reporter rates, transcripts costs, and action items taken since 1982, along with an environmental scan from neighboring states concerning compensation, fee schedule models, and reporting methods. The Advisory Members proposed areas of study by the Committee including the court reporting statute, current compensation models and fee structures, and clarifying the fee schedule so courts can easily ascertain which proceedings get transcribed.

The Committee determined that a comparative report on how Georgia courts manage court reporters would assist in the review of the fee schedule. Chairman Phipps recommended that the report contain data from both rural and urban courts.

On April 5, 2012, the Committee adopted the following guiding principles as part of its deliberations in the review of the official fee schedule: 1) achieve a fair and accurate compensation model that guarantees the timely production of a true verbatim record in a cost-efficient manner; 2) articulate rules and regulations that clearly describe court reporting costs and payments; and 3) incorporate technology resources to ensure cost savings to the courts and its end users.

The Committee approved a calendar to carry out its charge. The Committee and Advisory Members are scheduled to reconvene in June for the review of the comparative report.

Appeal by William Windsor

On March 1, 2012, William Windsor (Appellant) appealed the Board of Court Reporting's decision to dismiss Complaint No. 2011-31 filed by Mr. Windsor on the accuracy of a transcript. Mr. Windsor alleged that the court reporter incorrectly transcribed his testimony.

In William Windsor v. Evelyn Parker (BCR Complaint File No. 2011-31), the Board found that the Appellant complaint to determine the accuracy of a transcript was inappropriately filed with the Board of Court Reporting. Thus, the Board voted to dismiss the Complaint due to the Board's understanding that "any issue as to the correctness or accuracy of the record by the trial court and for that court to retain jurisdiction even after the case is docketed in appellate court to add additional record." *Pelletier v. Schultz*, 157 Ga. App. 64, 276 S.E. 2d 118 (1981).

The Committee on Court Reporting Matters considered the appeal and unanimously decided to affirm the Board's decision in dismissing the Complaint.



Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Carol W. Hunstein
Chair

Marla S. Moore
Director

MEMORANDUM

TO: Court Reporting Matters Committee of the Judicial Council (CRMC)

FROM: Chief Justice Carol Hunstein, Chair of the Judicial Council of Georgia *CH*

DATE: December 16, 2011

RE: Additional Charge to the CRMC

The CRMC has traditionally reviewed matters coming to the Judicial Council from the Board of Court Reporting and either acted on the Judicial Council's behalf and made a decision or forwarded the matter to the Judicial Council with a recommendation from the committee. As you are aware, the Judicial Council is responsible by statute (O.C.G.A. § 15-5-21) for setting the fee schedule which governs the compensation official court reporters receive.

I believe that it is necessary and proper for the Judicial Council to review and revise the current court reporter fee schedule to ensure that it comports with the current business practices and future delivery of this service. Specifically, the fees charged by all official court reporters for court attendance; fees for taking stenographic notes and recording of evidence in court; fees for providing transcripts, including additional copies, of evidence and for other proceedings in all civil and criminal cases; and the minimum per diem fee for official court reporters, should be reviewed and revised. Guidelines and best practices should be developed to assist court reporters, judges and county governing authorities in determining the fair and accurate compensation for the important work of preserving the record of cases in our courts.

In addition to the four committee members currently serving, I will appoint advisory members to assist the committee in its work. John Larkins has agreed to serve as the Reporter of the Committee. Additional advisory members with whom we are currently checking for availability and interest include: Chief Superior Court Judge William T. Boyett; Ben Perkins,

Chair of the Board of Court Reporting; Carol Mallory, President of GCCRA; Stan Gunter, Prosecuting Attorneys Council; Claudia Saari, Public Defender; L. Tom Gunnels, Jr., Superior Court Administrator; S. Lynn Epps, State Court Administrator; retired court reporter Marilyn C. Roe; Kimberly Hunnicutt, President of GSRA, attorney Derek White, and Debra Nesbit with ACCG. Support for this expanded committee will be provided by the Administrative Office of the Courts.

The Committee should provide its revisions to the Judicial Council for review and approval no later than September 1, 2012. Notice of any change in the fee schedule must be given to the Chairs of the Judiciary Committees of the House and Senate at least 30 days prior to implementation. Our goal is to have the Council approval and notice completed so that any changes may be implemented on January 1, 2013.

I appreciate the work this committee has done and thank you for working on this important task.

**Judicial Council of Georgia
Court Reporting Matters Committee
Member List • May 31, 2012**

Members

Presiding Judge Herbert E. Phipps
Court of Appeals of Georgia
47 Trinity Avenue SW, Suite 501
Atlanta, GA 30334
404-656-3457
zimmermd@gaappeals.us

Judge Larry B. Mims
State Court of Tift County
P.O. Box 1
Tifton, GA 31793
229-386-7921
lmims@friendlycity.net

Chief Judge H. Frederick Mullis Jr.
Superior Courts, Oconee Judicial Circuit
P.O. Box 4248
Eastman, GA 31023-4248
478-374-9800
mullisf@eighthdistrict.org

Judge Mary E. Staley
Superior Court, Cobb Judicial Circuit
70 Haynes Street
Marietta, GA 30090
770-528-1816
mary.staley@cobbcounty.org

Advisory Members

Chief Judge William T. Boyett
Superior Courts, Conasauga Judicial
Circuit
P.O. Box 2582
Dalton, GA 30722
706-278-3340
wboyett1400@gmail.com

Ms. S. Lynn Epps
State Court Administrator, Cherokee
County
90 North Street, Suite 370
Canton, GA 30114
678-493-6450
lepps@cherokeega.com

Ms. Carol Glazier
Vice-Chair, Board of Court Reporting
P.O. Box 943
Blairsville, GA 30514
706-745-4455
acr.reporting@gmail.com

Mr. Stan Gunter, Esq.
Executive Director, Prosecuting Attorneys'
Council of Georgia
104 Marietta Street, Suite 400
Atlanta, GA 30303
404-969-4001
sgunter@pacga.org

Mr. Phil Hart
Superior Court Administrator, Rome
Judicial Circuit
Floyd County Courthouse, Three
Government Plaza, Suite 326
Rome, GA 30161
706-291-5162
hartp@floydcountyga.org

Ms. Kimberly Hunnicutt
President, Georgia Shorthand Reporters
Association (GSRA)
P.O. Box 441081
Kennesaw, GA 30144
404-664-1084
kimhunnicut@comcast.net

Mr. John K. Larkins Jr.
Attorney at Law, Chilivis, Cochran,
Larkins, & Bever, LLC
3127 Maple Drive
Atlanta, GA 30305
404-233-4171
jkl@ccblaw.com

Ms. Carol Mallory
President, Georgia Certified Court
Reporters Association (GCCRA)
P.O. Box 1942
Athens, GA 30603
706-353-2049
speedyreporting@yahoo.com

Ms. Debra Nesbit
Associate Legislative Director, Association
County Commissioners of GA
50 Hurt Plaza
Atlanta, GA 30303
404-522-5022
dnesbit@accg.org

Mr. Benjamin Perkins
Chair, Board of Court Reporting
Oliver & Maner, LLP
218 West State Street
Savannah, GA 31412
912-238-2515
bperkins@olivermaner.com

Ms. Marilyn Roe
Georgia Certified Court Reporter
250 Broadmeadow Cove Court
Roswell, GA 30075
770-993-6421
marilyn1016@bellsouth.net

Ms. Claudia Saari
Interim Circuit Public Defender, Stone
Mountain Judicial Circuit
120 Trinity Place, 408 Callaway Building
Decatur, GA 30030
404-371-2222
cssaari@dekalbcountyga.gov

Mr. Derek White
Attorney at Law, The White Firm
130 Canal Street, Suite 501
Pooler, GA 31322
912-330-9733
dwhitelawfirm@yahoo.com

Staff

Ms. Marla S. Moore
Director, Administrative Office of the
Courts, and Secretary, Board of Court
Reporting
Suite 300, 244 Washington Street SW
Atlanta, GA 30334
404-656-5171
marla.moore@gaaoc.us

Ms. Molly Perry
Division Director, Court Services,
Administrative Office of the Courts
Suite 300, 244 Washington Street SW
Atlanta, GA 30334
404-463-5420
molly.perry@gaaoc.us

Ms. Aquaria R. Smith
Program Manager, Board of Court
Reporting
Suite 300, 244 Washington Street SW
Atlanta, GA 30334
404-651-8707
aquaria.smith@gaaoc.us



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice George H. Carley
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Judge David Emerson, Chair
Judicial Workload Assessment Committee

RE: Recommendations for New Average Times to Disposition

DATE: May 31, 2012

Introduction

Since 1976, the Judicial Council has forwarded recommendations regarding the need for superior court resources to the Georgia General Assembly and the Governor. These recommendations are based on an objective analysis of circuit caseload filings, types of cases, and available judge time. The analysis involves an average time to disposition model, which is the standard for judicial workload assessment and is considered a best practice by the National Center for State Courts.

Workload Assessment

Methodology

In the average time to disposition model, the Administrative Office of the Courts (AOC) employs standards and definitions for criminal and civil filing and case types, including what and how to count cases heard in the superior courts. The current case types have been in effect since 2010.

Once caseload is reported by the 159 superior court clerks, each case type total is multiplied by its corresponding average time to disposition value. The resulting products are summed for each judicial circuit. The total minutes figure represents the amount of time all judges in the circuit spent on case related work.

A circuit's total minutes are then divided by its judge year value, which is a value assigned to a circuit depending on its geographic size, number of judges, and level of development. The resulting quotient is called the value to qualify. If a circuit's value to qualify is greater than or equal to a certain threshold level, then the circuit meets the minimum requirement to receive a Judicial Council recommendation for an additional judgeship. A

requesting circuit whose value to qualify does not meet or exceed the appropriate threshold is entitled by Judicial Council policy to appeal to the Judicial Workload Assessment Committee for reconsideration.

For those circuits that meet the minimum requirement or attain a successful appeal, the AOC conducts an in-depth study of demographic and other pertinent data to assess the critical need for an additional judgeship. At the Judicial Council meeting in late summer, the AOC presents its analysis and findings.

JWAC Request

The Judicial Workload Assessment Committee asked the Administrative Office of the Courts to recommend time values for two additional case types: death penalty habeas corpus and adult felony accountability court. These case types are not currently used in the average time to disposition model. To recommend time values for these case types, AOC staff conducted survey-based and in-court studies. The Judicial Workload Assessment Committee approved staff recommended time values at its April 27, 2012 meeting and now presents its recommendations.

Recommendations

For death penalty habeas corpus cases, the Committee recommends the value of 7,640.40 minutes be included in the average time to disposition model for use in all future studies to determine the critical need for additional judgeships. This amount of time would be credited to each circuit when a judge has been assigned a death penalty habeas corpus case. As with the other case types, credit would be given in the year of case filing (assignment). Staff would evaluate whether a circuit's qualification for an additional judgeship was due solely to the assignment of a death penalty habeas corpus case during the year.

For adult felony accountability court cases, the Committee recommends the value of 207.23 minutes be included in the average time to disposition model for use in all future studies to determine the critical need for additional judgeships. This amount of time would be credited for each new felony accountability court participant that a court enrolls during the calendar year. To prevent double-counting, for each new felony accountability court participant, one felony defendant will be deducted from the caseload reported to the AOC, unless the accountability court cases are already distinguished.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice George H. Carley
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Chief Judge Lawton E. Stephens, Chair
Judicial Council Nominating Committee

RE: Judicial Council Nominating Committee Report

DATE: May 31, 2012

The Judicial Council Nominating Committee is charged with identifying qualified individuals to fill the vacancies of the Board of Court Reporting of the Judicial Council and, pursuant to O.C.G.A. § 15-14-24, the Judicial Council appoints the members of the Board for two year terms.

The Board of Court Reporting is comprised of nine members: five certified court reporters, two representatives from the State Bar of Georgia, and two members of the judiciary (one Superior Court judge and one State Court judge). The seats for the two certified court reporters (one machine writer and one voice writer), one superior court judge, and one State Bar attorney representative are currently open for appointment for two year terms beginning July 1, 2012.

The Judicial Council Nominating Committee recommends the reappointment of each person below:

- The Honorable Ural Glanville, Atlanta, (Atlanta Judicial Circuit);
- Attorney Benjamin Perkins, Savannah, (Eastern Judicial Circuit);
- Mr. Dennis Bull, Machine Writer, Roswell, (Atlanta Judicial Circuit); and
- Ms. Anita Moore, Voice Writer, Eastanollee (Mountain Judicial Circuit)

A brief synopsis on each person seeking reappointment is listed below:

SUPERIOR COURT JUDGE

Judge Ural Glanville (Incumbent on the Board), Superior Court Judge of the Atlanta Judicial Circuit. The Honorable Ural Glanville has served in the Atlanta Judicial Circuit since 2005. He has also served as a magistrate, Presiding State Court judge in the State Court of Fulton County, Army Judge Advocate Officer, and Prosecutor in the Solicitors' Office of DeKalb and Fulton Counties. Judge Glanville received his J.D. from the University of Georgia School of Law. Judge Glanville was appointed to the Board of Court Reporting in July 2010 and actively serves as the Hearing Officer and a member of the Technology Committee. Judge Glanville seeks reappointment to the Board.

STATE BAR REPRESENTATIVE

Ben Perkins (Incumbent on the Board), is a Partner in the litigation section of the Savannah law firm Oliver Maner LLP. Mr. Perkins received his J.D. from the University of Georgia School of Law. He is an active member of the State Bars of Georgia and Florida, and was named a Georgia Rising Star for 2006, 2007, 2009, and 2010 in the Georgia Super Lawyers edition of Atlanta Magazine and Law & Politics. Mr. Perkins is a graduate of Leadership Savannah's Class of 2009, and past president of the Savannah Bar Association Young Lawyers Division. He serves on the Board for the Chatham County Domestic Relations Initiative, and is a member of the Savannah Bar Association History and Archives Committee, and the Out of State Practitioners' Division of the State Bar of Florida. Mr. Perkins is completing one term on the Board of Court Reporting where he currently serves as Chair of the Board. He seeks reappointment to the Board.

CERTIFIED COURT REPORTER – MACHINE WRITER

Dennis Bull (Incumbent on the Board), Freelance Court Reporter and co-owner of Bull Darity Hopson & Worley, LLC, a court reporting firm in Roswell. Mr. Bull has been a member of the court reporting profession for more than 43 years. During this time, he has served as a court reporter for the Circuit Court of Montgomery County in Silver Springs, Maryland, a legislative hearing reporter, a congressional reporter, and as a reporter in the US Army. Mr. Bull is a member of the Federal Court Reporters Association, and an Affiliate Member of the Atlanta Bar Association, and currently serves as Vice-President of the Georgia Certified Court Reporters Association. Mr. Bull was appointed to the Board of Court Reporting in July 2010 and actively serves as Chair of the Publicity Committee. He seeks reappointment to the Board.

CERTIFIED COURT REPORTER – VOICE WRITER

Anita Moore (Incumbent on the Board), Official Court Reporter for former Judge James E. Cornwell, Jr., of the Mountain Judicial Circuit. Ms. Moore has studied at Anderson University and the University of Georgia Continuing Legal Education Division. She has been a certified court reporter in Georgia since 1987. Ms. Moore has worked in superior, state, and magistrate courts as a freelance reporter. She is completing one term on the Board of Court Reporting where she currently serves as Chair of the Certification Committee. Ms. Moore seeks reappointment to the Board.

Board of Court Reporting of the Judicial Council of Georgia

Attorney Benjamin Perkins, Chair
Oliver Maner, LLP
218 West State Street
P.O. Box 10186
Savannah, GA 31412

Attorney, State Bar Representative
July 2010-June 2012 (1)
**eligible for reappointment*

Ms. Carol Glazier, Vice-Chair
P.O. Box 943
Blairsville, GA 30514

Freelance Reporter, Machine Writer
July 2011-June 2013 (2)

Mr. Dennis Bull
Bull, Darity, Hopson, & Worley, LLC
4651 Roswell Road, NE
Suite F-504
Atlanta, GA 30342

Freelance Reporter, Machine Writer
July 2011-June 2012 (1)
**eligible for reappointment*

Ms. Stacey Folds
P.O. Box 344
Leesburg, GA 31763

Official Court Reporter, Voice Writer
July 2011-June 2013 (1)

Judge Ural Glanville
Justice Center Tower, S.W.
T5955
185 Central Avenue, S.W.
Atlanta, GA 30303

Superior Court Judge
July 2010-June 2012 (1)
**eligible for reappointment*

Ms. Cheryl Griffin
Georgia Legal Services Program, Inc.
P.O. Box 2578
Albany, GA 31702

Attorney, State Bar Representative
July 2011-June 2013 (1)

Ms. Tina Harris
75 Vinings Lake Drive
Mableton, GA 30126

Official Reporter, Machine Writer
July 2011-June 2013 (2)

Judge Richard Kent
State Court of Colquitt County
P.O. Box 1654
Moultrie, GA 31776

State Court Judge
July 2011-June 2013 (1)

Ms. Anita Moore
543 Eastanollee Road
Eastanollee, GA 30538

Official Reporter, Voice Writer
July 2010-June 2012 (1)
**eligible for reappointment*

GEORGIA LEGAL SERVICES PROGRAM[®]

PRIORITIES FOR DELIVERY OF LEGAL SERVICES IN 2012

Effective January 1, 2012

Approved March 30, 2012

Joblessness and hardship continue to impact Georgians, as reflected in census data for 2010, indicating that there are almost 1.7 million Georgians with incomes below the poverty line, or 17.9% of the state's population. Just over 1.2 million of those individuals are in the areas of the state served by a Georgia Legal Services office. For our services, we will consider persons with income up to 200% of poverty (\$22,000 annually for one, or \$44,000 annually for a family of four), which means that there are just over 2.6 million potentially eligible clients for us. The 2008 Legal Needs Study conducted by the Supreme Court Civil Justice Committee found that over 60% have a new legal need each year.

Since 2008 GLSP has been addressing this "economic disaster" by sharpening our focus on core legal problems that contribute to or are caused by poverty and helping clients achieve economic security for the short-term, to enable them to sustain or regain hope for future prosperity. These issues continue to be our highest priority. We must also begin to consider next steps in the development of a new shared recovery that leaves no Georgian behind.

At the same time, we are challenged with the significant reduction in resources to support our work, including a 4% reduction in LSC funds in 2011 combined with a 15% reduction for 2012. Loss of revenue from the Georgia Bar Foundation (IOLTA) has also hit hard. One GLSP office, in Waycross, was closed in 2011. Other offices will be smaller in 2012 and resources will be stretched thin. It is essential that we focus carefully and intensely on the kinds of cases we will undertake for clients in order to be most effective at solving problems for clients and having the most impact on client communities to eliminate the burdens and barriers of poverty.

The core priorities will not change but specific goals and targets within those priorities will be identified and become the focus of our work.

Maintaining Economic Stability: Families must be economically viable in order to survive. GLSP gives high priority to cases in which the family's source of income or critical assets are at risk.

For the working poor, those seeking to avoid dependency and find a route out of poverty, the loss of a job may trigger a plummet into abject poverty, possibly leading to the loss of housing and access to medical care, and even to the breakup of the family. For workers who have lost their jobs or become disabled or those who are otherwise unable to obtain employment, representation in cases involving eligibility for benefits to which they have a claim may be the only way to preserve a source of income for the family. This may include claims for unemployment benefits, Temporary Assistance to Needy Families (TANF), Food Stamps, and other public assistance.

GEORGIA LEGAL SERVICES PROGRAM

Priorities for delivery of legal services

Effective January 1, 2012

Where possible, GLSP will assist clients in securing appropriate work and training opportunities and in overcoming various barriers to employment. GLSP will also assist clients in resolving legal problems related to access to child care, transportation, transitional health coverage, and other support services, which will remove barriers to employment and lead to financial independence. Some legal problems, if corrected, may prevent joblessness, such as consumer problems that could lead to garnishment of wages or loss of a worker's automobile needed for travel to the job.

Education is a critical vehicle by which individuals can escape the trap of poverty. We will work to assure that children have access to education, through representing children who are being inappropriately or unfairly disciplined, and caregivers who cannot get children enrolled in schools. We may also work with community organizations interested in school improvement.

Where special resources are available, such as targeted funding or pro bono support, GLSP will work with community-based organizations which are interested in community economic development, including affordable housing, youth services, employment supports such as day care and job training, and other community improvement ventures.

Achieving Access to Health Care: Representation in cases involving access to medical care may also be essential to preserve the security and stability of families, healthy futures for children, and comfort in later life, and will be accorded a high priority. We will assist families and individuals with issues related to Medicaid and Medicare, as well as families with children needing coverage under PeachCare. We will continue to assist residents of long-term care facilities to maintain eligibility for Medicaid to avoid discharge.

Preserving the Home: Preservation of the home is essential to the well-being of every person. The loss of housing through foreclosure or eviction can precipitate loss of employment, disrupt the schooling of children, break up of families, and expose individuals to physical and medical risks in crowded shelters or the streets. In rural areas, affordable housing is scarce, making preservation of existing housing all the more vital. We will therefore place a high priority on assisting clients with legal defenses to foreclosures or evictions. We will also represent families or individuals who have become homeless where solving legal problems may enable them to achieve stability. We will accept cases involving evictions from government-supported housing, such as public housing and Section 8 housing. Where targeted resources are available, we will accept cases involving foreclosures. Also, where resources are available, we will work to increase the supply of affordable housing and work with community-based organizations on community development projects..

GEORGIA LEGAL SERVICES PROGRAM

Priorities for delivery of legal services

Effective January 1, 2012

Help may also be needed when physical harm to homes is caused by natural disaster, such as flood, tornado, fire, and hurricane. GLSP will respond to the needs of clients in such emergencies and will cooperate in joint endeavors with the Federal Emergency Management Agency and the private bar, especially the Younger Lawyers Division of the State Bar of Georgia. GLSP will be alert to funds available from special sources to use to provide emergency services to clients in matters such as relocation, repair of housing, filing for benefits, and dealing with insurance, contractors, and creditors.

Supporting Families: The cohesiveness of the family is not only a time-honored value fundamental to our American way of life, but also the foundation of the stability of our American society. Georgia Legal Services Program (GLSP) is aware of the vulnerability of American families with low incomes to problems requiring legal assistance for their resolution. GLSP places a high priority on those cases in which legal assistance supports the integrity, safety, and well-being of the family.

Domestic violence threatens the security and stability of families at all economic levels. The physical abuse of family members by each other, as well as the emotional and physical harm to children in such homes, calls for heightened awareness and a fast response by the justice system. The intervention of lawyers in obtaining judicial remedies, such as orders of protection, can be life-saving. GLSP will offer that vital assistance.

We will work to make court processes more user-friendly and to mitigate barriers to child support establishment and enforcement procedures. We will reach out to victims of domestic violence in the Latino community and provide information and representation where requested and appropriate. We will learn about and be sensitive to cultural issues that may inhibit individuals from seeking remedies provided by law.

Our priorities for survivors of domestic violence, beyond the protective order, are securing economic assistance and maintaining housing.

Representation in divorce may also be essential to sustain what remains of a viable family that has been destroyed by violence, especially where support of children is involved. GLSP will attempt to recruit private attorneys to represent clients where dissolution of the marital relationship is the best solution, because of violence, abandonment, or other compelling circumstances. We will expand our use of clinics to bring clients to private attorneys for advice and possible representation in these divorce cases.

Serving Populations with Special Vulnerabilities: While GLSP focuses substantial attention on providing support for families, this cannot and should not be to the exclusion of assistance to individuals living outside a family context. This is particularly true with respect to

GEORGIA LEGAL SERVICES PROGRAM

Priorities for delivery of legal services

Effective January 1, 2012

the elderly individuals in our population who are among the most vulnerable, particularly as their capacity to make independent and informed judgments is questioned. In addition to assurance of access to basic needs of life--food, shelter and medical care--they often require remedies against the unscrupulous who exploit or abuse the elderly. Seniors residing in long-term care facilities have special needs related to staying in the residence, securing appropriate services, and not losing key assets required for survival of community-based family members.

GLSP will pay particular attention to other vulnerable individuals within its service area who, in addition to being in a marginal economic status, are less capable of fending for themselves by reason of difference in language, cultural and educational backgrounds, disability, or other special problems of access to legal assistance or special legal needs. With targeted funding, GLSP will continue to expand services to the growing population of Spanish-speaking individuals in a number of its service areas, and to maintain its statewide Spanish-language intake line. The GLSP Migrant Farmworker Project will continue to serve clients whose special legal needs involve employment conditions, housing conditions, and other issues related to their employment, including foreign workers who are victims of trafficking.

For all special populations, we will prioritize cases or matters that have potential to have broad impact for these communities. We will seek partnerships with organizations serving these individuals to expand our effectiveness.

Improving the Delivery of Legal Services: Apart from the focus on substantive issues or client populations, GLSP will devote attention to matters relating to the nature or method of delivery of legal services. Because available resources are not sufficient to serve every person who seeks legal assistance, it is essential that GLSP consider methods by which it can stretch its resources and develop partnerships to expand services for clients. Another challenge for GLSP is that its clients are not concentrated in one population center but rather are dispersed throughout rural areas. GLSP will continue its emphasis on strategic and cost-effective use of resources to achieve lasting change to correct injustices that occur on a repetitive or systemic basis. We will identify and support work on cases for individuals that have broader impact.

GLSP will work to maximize use of available technology in serving clients and managing our work. Community legal education, pro se support, and other forms of self-help and lay advocacy can reduce the need for legal intervention, enabling programs to conserve their resources for matters most requiring a lawyer's help. In partnership with ALAS and others, GLSP will continue to build and support the statewide websites at www.georgialegalaid.org, www.georgiadvocates.org, and will maintain a website at www.glsp.org. In collaboration with the State Bar Pro Bono Project and others, we will continue to develop other innovative technology tools to offer legal information, forms, and other services to individuals, volunteer attorneys, and staff. GLSP will continue its efforts to provide high-quality, relevant community

GEORGIA LEGAL SERVICES PROGRAM

Priorities for delivery of legal services

Effective January 1, 2012

legal education, and may offer simple advice and counsel, rather than full representation, to clients who can benefit from that.

GLSP will conduct a variety of activities supporting case work, including but not limited to intake, case acceptance discussions/meetings, case reviews, research and analysis concerning client problems, monitoring and analyzing policy and legislative developments and proposals affecting our clients. We will undertake to implement and evaluate improvements in our intake procedures. We will support development of the skills and expertise of our staff, including but not limited to training, supervision, tracking substantive law developments, and providing technical assistance through specialists. GLSP will also endeavor to recruit high quality and committed staff, and to use volunteers, law students, and paraprofessional students where possible.

GLSP will continue to collaborate with the State Bar Pro Bono Project in encouraging the private bar to offer pro bono client representation, which provides an important supplement to direct service by GLSP. In addition to pro bono representation, the private bar can provide assistance in relevant substantive areas of law, training for staff and volunteers, and both direct financial support and assistance with fundraising. Law schools and other law-related entities can also make unique contributions. The community at large, including clients, religious and civic groups, community service agencies, and business enterprises and organizations will also be included in efforts to broaden GLSP's outreach effort.

GLSP will also engage in activities which further the achievement of goals related to special funding which may become available from time to time.

PHYLLIS J. HOLMEN
EXECUTIVE DIRECTOR

LISA J. KRISHER
DIRECTOR OF LITIGATION

MICHAEL MONAHAN
DIRECTOR OF PRO BONO PROJECT

VICKY O. KIMBRELL
DIRECTOR OF DOMESTIC VIOLENCE PROJECT

RACHEAL G. HENDERSON
HOMERO LEÓN
NANCY R. LINDBLOOM
SUSAN REIF
SKIPPER STIPEMAAS
ATTORNEYS

LINDA S. LOWE
NON-ATTORNEY
HEALTH POLICY SPECIALIST

GEORGIA LEGAL SERVICES PROGRAM® CENTRAL OFFICE

104 MARIETTA STREET, N.W. SUITE 250
ATLANTA, GEORGIA 30303-2743
(404) 206-5175 FAX (404) 463-1623
1-800-498-9469 (for clients only)
TDD 1-800-255-0056
<http://www.glsp.org>

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ASSOCIATE DIRECTOR
CHRIS S. HESTER
DIRECTOR OF FINANCE

SUMMARY OF CASE ACCEPTANCE CRITERIA

2012
FINAL

N.B. The decision to accept any individual case in any given office may be affected by staff workloads and available resources at the time legal assistance is requested. This listing of case types that we will consider is not intended to create an entitlement to services.

All offices

1. Income Maintenance issues, focusing on TANF, food stamps, SSI and SSA cessations and overpayments, unemployment benefits, consumer issues that threaten income or assets, defense of garnishments or other legal actions that threaten employment, protected income or assets.
2. Access to Health Care, including eligibility for Medicaid, Medicare, Miller Trusts, and receipt of necessary services available to beneficiaries; foreclosure on vehicles needed for transportation to health care; access to affordable prescription drugs and the indigent care trust fund.
3. Housing including mortgage foreclosures related to the homeplace, evictions from and/or admission to public or subsidized housing, protection of vouchers, nursing home evictions, predatory lending, and utility issues to prevent homelessness.
4. Domestic violence including protective orders and related issues such as elder abuse, child support, housing, Medicaid, food stamps, TANF; contempt actions on temporary protective orders, and divorces for current DV clients who are sued for divorce.
5. Education issues including discipline actions and admissions problems.



6. Other family issues including prevention of foster care placement, cessation of child abuse.

Special grant work

SENIORS

1. In addition to issues included among general Case Acceptance Criteria above, per grantor priorities, cases involving elder abuse and domestic violence, access to income and healthcare benefits, and prevention of loss of housing, including threats to nursing home residence.
2. Advanced directives, simple wills involving disposition of the senior's homeplace, and probate where necessary to preserve homeplace or qualify for benefits, nursing home issues such as conditions and discharge, home repair fraud.
3. Abusive collection practices against seniors, including garnishment of protected assets or income
4. Termination of guardianships.

HOMELESSNESS

1. Evictions and transitions from shelters, obtaining identification documents, expungement of criminal records.

GOIZUETA FOUNDATION

1. All above services for Latino/Hispanic clients; denial of services or access to benefits based on language or ethnic discrimination; correction of birth certificates.

Pro Bono/ Judicare Programs

1. Bankruptcy.
2. Wills, guardianships, advanced directives.
3. Domestic cases, including divorces.
4. Probate to protect the homeplace or qualify for benefits.
5. Other types of cases as volunteers are available.
6. Non-case-specific activities, including clinics, community education programs, mentoring, training, and similar efforts.

Services for special populations

1. Limited English proficiency clients: access to courts; access to and protection of public benefits; correction of birth certificates; domestic violence.
2. Persons with disabilities: discrimination; access to and protection of public benefits; advanced directives for persons with terminal illnesses.

Farmworker

1. Employment cases, both claims for wages, etc., under FLSA and contract theories, and retaliatory failure to hire or unlawful firing cases.
2. Cases that tie “real” employers to the subcontractors who increasingly are the “paystub employer.”
3. Address pervasive retaliation both against GLSP clients, against workers who complain generally, and against the workforce as a whole so that they will remain silent.
4. Address conditions related to employment, including housing, health, and safety.

Community Economic Development

Central, Savannah, Macon, Gainesville

Consideration of requests from community groups to assist with projects such as creating affordable housing through rehabilitation, or other preservation of existing housing, job training programs, after-school programs, microenterprise ventures, and others.

**GLSP FINANCIAL ELIGIBILITY
2012 INCOME GUIDELINES
FOR ALL CLIENTS EXCEPT OAA FUNDED CASES**

FAMILY SIZE	125% POVERTY		200% POVERTY	
	YEARLY	MONTHLY	YEARLY	MONTHLY
1	\$13,963.00	\$1,163.58	\$22,340.00	\$1,861.66
2	\$18,913.00	\$1,576.08	\$30,260.00	\$2,521.66
3	\$23,863.00	\$1,988.58	\$38,180.00	\$3,181.66
4	\$28,813.00	\$2,401.08	\$46,100.00	\$3,841.66
5	\$33,763.00	\$2,813.58	\$54,020.00	\$4,501.66
6	\$38,713.00	\$3,226.08	\$61,940.00	\$5,161.66
7	\$43,663.00	\$3,638.58	\$69,860.00	\$5,821.66
8	\$48,613.00	\$4,051.08	\$77,780.00	\$6,481.66
For each additional family member add	\$ 4,950.00	\$ 412.50	\$ 7,920.00	\$ 660.00

Effective February 1, 2012
77 F.R. 4909, 4910 (February 1, 2012)

THE FOLLOWING FIGURES ARE THE 2012 HHS POVERTY GUIDELINES.
Published in F.R. January 26, 2012.

FAMILY SIZE	100% POVERTY YEARLY
1	\$11,170
2	\$15,130
3	\$19,090
4	\$23,050
5	\$27,010
6	\$30,970
7	\$34,930
8	\$38,890
For each additional family member add	\$3,960

GEORGIA LEGAL SERVICES PROGRAM OFFICES

including Managing Attorney

2012

CENTRAL OFFICE

104 Marietta Street, Suite 250
Atlanta, Georgia 30303
(404) 206-5175/1-800-498-9469
Fax No. (404) 206-5346
Phyllis J. Holmen, pholmen@glsp.org

DALTON OFFICE

219 W. Crawford Street
P.O. Box 2004 (30722-2004)
Dalton, Georgia 30720
(706) 272-2924/1-888-408-1004
Fax No. (706) 272-2259
Cynthia Gibson, cgibson@glsp.org

ALBANY OFFICE

131 W. Oglethorpe Blvd.
P.O. Box 2578 (31702-2578)
Albany, Georgia 31702
(229) 430-4261/1-800-735-4271
Fax No. (229) 430-4434
Cheryl Griffin, cgriffin@glsp.org

AUGUSTA OFFICE

209 Seventh Street, 4th Floor
P.O. Box 2185 (30903)
Augusta, Georgia 30901
(706) 721-2327/1-800-248-6697
Fax No. (706) 721-4897
Kenneth Jones, kjones@glsp.org

ATHENS SATELLITE

525 South Milledge Ave.
P.O. Box 1766 (30603)
Athens, Georgia 30605
(706) 227-5362/1-800-745-6697
Fax No. 706-227-5362
Wendy Glasbrenner, wglasbrenner@glsp.org

PIEDMONT OFFICE

104 Marietta Street, Suite 240
Atlanta, Georgia 30303
(404) 894-7707/1-800-822-5391
Fax No. (404) 894-7705
Karen Geiger, kgeiger@glsp.org

GAINESVILLE OFFICE

705 Washington Street, Suite B-1
P.O. Drawer 1337 (30503)
Gainesville, Georgia 30501
(770) 535-5717/1-800-745-5717
Fax No. (770) 531-6011
Wendy Glasbrenner, wglasbrenner@glsp.org

BRUNSWICK OFFICE

1607 Union Street
Brunswick, Georgia 31520
(912) 264-7301/1-877-808-0553
Fax No. (912) 262-2312
Laura Shiver, lshiver@glsp.org

MACON OFFICE

241 Third Street
P. O. Box 1507 (31202-1507)
Macon, Georgia 31201
(478) 751-6261/1-800-560-2855
Fax NO. (478) 751-6581
Philip Bond, pbond@glsp.org

SAVANNAH OFFICE

6602 Abercorn Street, Suite 203
Savannah, Georgia 31405-5848
(912) 651-2180/1-888-220-8399
Fax No. (912) 651-3300
William Broker, bbroker@glsp.org

COLUMBUS OFFICE

233 12th Street, Suite 910
P. O. Box 176
Columbus, Georgia 31902
(706) 649-7493/1-800-533-3140
Fax No. (706) 649-7519
Paul Kauffmann, pkauffmann@glsp.org

VALDOSTA OFFICE

1101 North Patterson Street
Valdosta, Georgia 31601
(912) 333-5232/1-800-546-5232
Fax No. (912) 333-5236

FARMWORKERS RIGHTS DIVISION

104 Marietta St., N.W., Suite 250

Atlanta, Georgia 30303

(404) 206-5175/1-800-537-7496

Fax No. (404) 206-5346

Dawson Morton, dmorton@glsp.org

PRO BONO PROJECT

State Bar of Georgia

104 Marietta Street, Suite 100

Atlanta, Georgia 30303

404-527-8700

Fax no. (404) 287-5216

Mike Monahan, mikem@gabar.org



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice George H. Carley
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Ms. Marla Moore
Director, AOC

RE: Immigration and the State Courts Initiative

DATE: May 31, 2012

Enclosed are documents related to the initiative of the Center for Public Policy Studies for the courts of Georgia, examining the impact of federal and state immigration law, policy, and practice on state court process. I have reported on this project during previous Judicial Council meetings.

The pilot project began in September of 2011 with kick-off meetings in Atlanta. In November, January and April, Mr. Steve Weller and Mr. John Martin conducted site visits in Moultrie, Atlanta, and Gwinnett County. They will be in attendance at the May 31, 2012 Judicial Council meeting to present an interim report on their findings and recommendations.

**Center for Public Policy Studies, Immigration and the State Courts Initiative
Georgia Pilot Sites Progress Report
Steven Weller and John A. Martin
May 8, 2012**

This memorandum describes the progress to date of the Immigration and the State Courts Initiative Georgia pilot sites and discusses the planned areas for assistance to the courts of Georgia regarding the impacts of Federal immigration law on the Georgia state courts.

We developed the areas of assistance described below through an extensive assessment of needs and problems faced by the Georgia courts in dealing with immigrant litigants. The assessment was conducted with the assistance of the Georgia AOC. To date we have conducted four site visits and prepared a summary report following each visit highlighting the key issues raised and the desired areas of assistance that we might provide. The following is a list of the site visits.

- September 2011 site visit (Atlanta). We started the pilot project with meetings on September 7-8, 2011 in Atlanta, starting with a kick-off meeting of justice system stakeholders from across the state, followed by meetings with AOC staff members to review the issues raised in the kick-off meeting.
- November 2011 site visit (Atlanta and Moultrie). This site visit was conducted on November 8-10, 2011 and included interviews with staff members of the AOC in Atlanta and a variety of justice system stakeholders from the Second Judicial District in Moultrie, with follow-up conference calls to people who were unavailable during our visit.
- January 2012 site visit (Atlanta). On January 18-19, 2012 we met with representatives from a variety of justice system stakeholders, including representatives from statewide professional associations and non-profit groups, to further investigate how the initiative should move forward, both statewide and in selected counties.
- April 2012 site visit (Atlanta and Gwinnett County). On April 24-25, 2012 we held meetings with judges and other court officers of the juvenile court of Gwinnett County, and on April 26 we met jointly with staff of the Georgia AOC and a representative of the regional office of the United States Citizenship and Immigration Services (USCIS).

The following are the areas that emerged from the above meetings as the most broadly raised subjects for future assistance from the Immigration and the State Courts Initiative. We first list the activities and then discuss them in detail.

- Develop and present training on Federal immigration law for Georgia judges and other criminal justice system personnel.
- Develop and present training for Juvenile Court judges and court administrative and clerical staff in Gwinnett County on the requirements for and barriers to Special Immigrant Juvenile (SIJ) status, T (human trafficking victim) visas, U (crime victim) visas, and naturalization, and on issues surrounding the need for advising juveniles in delinquency cases.
- Assist justice system officials in Gwinnett County in developing best practices for identifying undocumented juveniles who might be eligible for SIJ status, T visas, and U visas.
- Develop and present training, based on best practices, for court and related agency staff, including probation officers, DFACS caseworkers, SAAG attorneys, and Guardians ad Litem (GAL) on the requirements for SIJ status, T visas, and U visas.
- Develop training to be presented by the Georgia AOC to the staff of the United States Citizenship and Immigration Services (USCIS) on understanding Georgia state criminal procedure and court records that may be presented by applicants for immigration benefits.
- Develop and present training for Georgia judges and court administrative and clerical personnel on responding to requests for court records from USCIS.

We also had discussions about assessing the effects of Georgia's recently passed immigration statute, HB 87, on the courts. We decided, in conjunction with the AOC, not to pursue this topic at present, as the law is under review in the Federal courts, and its status is uncertain.

Develop and Present Training on Federal Immigration Law for Judges and Other Criminal Justice System Personnel

Item Description

We will develop and present training on the immigration topics listed below, based on the bench guides that we have developed in our initiative. Initially we will present the training for the Second Judicial District, but we will present training sessions in other areas of the State of Georgia as desired.

The topics for the training will include:

- The possible effects of criminal convictions on the immigration status of lawful permanent residents;
- Issues with regard to judicial advisements of defendants regarding possible immigration consequences of guilty pleas;
- What may happen to an immigrant criminal defendant with an ICE hold who is granted pretrial release on bond and whether and how that should affect pretrial release decisions;
- The potential eligibility for and uses of T and U Visas and the requirements for obtaining them;
- Potential eligibility for VAWA self-petitioner status and the role of the state criminal courts in helping immigrants meet the eligibility requirements;
- The eligibility of immigrant offenders for probation, work, and services ordered as a condition of probation;
- The uses of court records by ICE in removal proceedings and by USCIS in determining eligibility for immigration benefits; and
- Best practices and ethical issues in dealing with all of the above issues.

Action Steps

We will undertake the following steps:

- Develop materials, starting with our criminal bench guide and adapting it to a format that identifies how immigration issues can affect a criminal defendant at each stage of the criminal process;
- Determine venues, including at least a venue in the Second Judicial District;
- Present training sessions; and
- Collect and review feedback.

Discussion

One aspect of the training will be to track how Federal immigration issues can affect an immigrant offender at each step in the criminal process, so that the courts, District Attorneys, and defense attorneys can properly explain to offenders and their families what is happening and what is likely to happen as the offender moves through the system.

Develop and Present Training on Federal Immigration Law for the Juvenile Court Judges and Court Administrative and Clerical Staff in Gwinnett County

Item Description

We will develop and present a training session for the judges and court administrative and clerical staff of the Gwinnett County Juvenile Court aimed at describing the requirements and potential barriers to obtaining legal immigration status for undocumented juveniles involved in delinquency or deprivation cases, including:

- Special Immigrant Juvenile (SIJ) status for deprived children who cannot be reunited with one or both parents due to abuse, neglect, or abandonment;
- T visa status for juveniles who are the victims of human trafficking;
- U visa status for juveniles who are victims of certain crimes and either have been or are likely to be of assistance to authorities prosecuting the offenders;
- Naturalization after a juvenile reaches the age of 18.

For learning objectives, as a result of the training the participants will be able to:

- Explain each of the above types of immigration relief or benefit and the Federal requirements for eligibility;
- Identify juveniles who might be eligible for relief arising from a deprivation or delinquency case;
- Identify what court findings are required by Federal immigration law to make a juvenile eligible for each type of immigration benefit;
- Identify the need for and obtain the required certifications for T and U visas;
- Explain the potential barriers to eligibility for each type of immigration benefit;
- Identify actions in a delinquency or deprivation hearing that might pose immigration risks for a juvenile; and
- Appropriately assure that juveniles have received immigration advice before taking actions in a delinquency or deprivation case.

The training will discuss the requirements for each of the above pathways to legal status and the roles for the court or other justice agency, including:

- The definitions of each type of benefit and eligibility requirements under Federal immigration law;
- The required findings or actions by the juvenile court in the context of a deprivation or delinquency case for SIJ status, T visas, and U visas;
- Requirements for certification by a justice system official for T and U visas;
- Potential barriers to eligibility for SIJ status, T visas, and U visas that might arise in the context of a delinquency case;
- Potential effects on the ability of a juvenile to naturalize after attaining the age of 18 that may arise from a delinquency proceeding;
- Strategies for identifying juveniles who may be eligible for each type of immigration benefit; and

- Strategies for advising juveniles in delinquency proceedings of potential immigration risks stemming from pleas or admissions.

Action Steps

We will develop a proposed curriculum and materials for the training and work through the AOC and the juvenile court judges in Gwinnett County to review the contents and length of the curriculum, obtain CLE or CJE certification if possible, and set a date and place for the training.

Discussion

Federal immigration law can affect both the options available to a judge and the achievable outcomes in a juvenile deprivation or delinquency case. Further, a juvenile delinquency or deprivation case can affect the immigration rights of a juvenile.

Courts may need to take into account limits on eligibility for benefits or services for both legal and undocumented aliens in deprivation dispositions, and dispositions in juvenile offender cases. A court may make completion of counseling or other services a condition for parents to obtain return of a child removed from the home in a deprivation case, or for a juvenile to avoid detention in a delinquency case. Further, eligibility to obtain employment in the United States may be an important factor for the ability of a family to pay for services. In cases involving immigrants, the judge will have to be assured that the services ordered are available and accessible to the parent or child. In some instances, the judge may want to be aware that a party may need referral to outside assistance for accessing services.

Special Immigrant Juvenile (SIJ) status provides a pathway to become a lawful permanent resident for an unauthorized immigrant juvenile who has been declared by a court with juvenile jurisdiction to be dependent on the court due to abuse, neglect, or abandonment and cannot be reunited with one or both parents or returned to his or her home country. Some juveniles in delinquency cases may also be a dependent of the court due to abuse, neglect, or abandonment and thus may meet the requirements for SIJ status. This can be a particular concern in counties where a large percentage of the juvenile delinquency cases involve immigrant juveniles.

In addition, a juvenile who is ineligible to apply for SIJ status may still be eligible for a T visa as a victim of human trafficking or a U visa as a victim of certain specified crimes under Federal immigration law.

This training will help juvenile judges identify unauthorized immigrant juveniles who might be eligible for SIJ status, a T visa, or a U visa, and what findings and court actions will be required by USCIS to allow the juvenile to apply for SIJ status, a T visa, or a U

visa. Further, it will help juvenile judges in delinquency cases identify how an admission, plea, or finding in a delinquency proceeding might affect the juvenile's eligibility for that status, and what advisements might be given to the juvenile in the context of entering a plea.

Develop Best Practice Guides for Identifying Juveniles Who Might Be Eligible For SIJ Status, T Visas, and U Visas

Item Description

We will work with representatives from all the court or state agencies who deal with juvenile delinquency or deprivation cases in Gwinnett County to develop best practice guides for identifying and assisting juveniles who might be eligible for SIJ status, T visas, and U visas. As part of this effort, the guidelines will include a focus on locating resources, including counseling and treatment, for juveniles without lawful immigration status.

Action Steps

As a first step in this task, we will conduct detailed interviews with juvenile court probation officers, DFACS caseworkers, SAAG attorneys, and GALs in Gwinnett County to develop case processing flow charts and task descriptions and determine present practices in identifying and assisting juveniles who might be eligible for SIJ status, T visas, or U visas.

Discussion

Undocumented juveniles in the delinquency or deprivation system may be eligible for immigration benefits that allow them to adjust to a legal status, either lawful permanent resident status or temporary non-immigrant visa status. The juvenile court staff and child protective agency caseworkers and supporting attorneys may be critical system actors who can identify and assist eligible juveniles. The best practice guidelines will be developed to be integrated into the existing work practices of those system actors.

Develop and Present Training for Juvenile Court Support Staff On the Requirements for SIJ Status, T Visas, and U Visas

Item Description

We will develop and present a training session, based on the best practice guides discussed above, for juvenile court probation officers, DFACS caseworkers, SAAG attorneys, and GALs on the requirements for SIJ status, T visas, and U visas. The

training will focus on identifying juveniles who might be eligible for each type of immigration benefit and assisting juveniles in meeting the requirements for eligibility.

For learning objectives, as a result of the training the participants will be able to:

- Explain each of the above types of immigration benefit and the Federal requirements for eligibility;
- Identify juveniles who might be eligible for each type of benefit arising from a deprivation or delinquency case;
- Identify what court findings are required by Federal immigration law to make a juvenile eligible for each type of immigration benefit;
- Identify the appropriate role of each type of participant in assisting the court to make appropriate findings and obtain any required certifications; and
- Identify actions in a delinquency or deprivation hearing that might make a juvenile ineligible for benefits.

The training will discuss the requirements for each of the above pathways to legal status and the roles for the court or other justice agency, including:

- The definitions of each type of benefit and eligibility requirements under Federal immigration law;
- The required findings or actions by the juvenile court in the context of a deprivation or delinquency case for SIJ status, T visas, and U visas;
- Requirements for certification by a justice system official for T and U visas;
- Potential barriers to eligibility for SIJ status, T visas, and U visas that might arise in the context of a delinquency case; and
- Strategies for identifying juveniles who may be eligible for each type of immigration benefit.

Action Steps

We will develop a proposed curriculum and materials for the training and work with the AOC, the juvenile court judges, and representatives from the other target participant groups in Gwinnett County to review the contents and length of the curriculum and set a date and place for the training.

Discussion

The intended participants in this training can play a critical role in identifying and assisting eligible undocumented juveniles to attain legal status. The training will be aimed at applying the best practices developed in the previous task.

Develop and Present Training by the Georgia AOC for USCIS Officers on Georgia Court Procedures and Records

Item Description

We will develop training to be presented under the auspices of the Georgia AOC for USCIS officers on Georgia state court criminal, juvenile, family, and domestic violence case processing and the contents of court records, especially aimed at USCIS information needs for decisions regarding naturalization and adjustment to LPR status.

For learning objectives, as a result of the training, participants will be able to:

- Explain the key court processes in criminal, juvenile, and family cases in the Georgia courts;
- Interpret criminal, juvenile, and family court records from all six types of courts in Georgia, Superior, State, Juvenile, Magistrate, Probate, and Municipal; and
- Assess how findings, practices, dispositions, and sentences in criminal, family, and juvenile cases under Georgia law relate to the eligibility criteria for different discretionary immigration benefits under the jurisdiction of USCIS.

Action steps

We will work with USCIS to identify the key court records relied upon by USCIS for making the determinations of different immigration benefits and then work with the AOC to assemble examples of each type of record from the courts. We will then work with USCIS and the AOC to:

- Develop a draft course curriculum and suggested supporting materials;
- Identify faculty from the Georgia judiciary;
- Review the contents and length of the proposed training;
- Set a time and place for the training; and
- Prepare the materials and conduct the training.

Discussion

The United States Citizenship and Immigration Services (USCIS) is the part of the Department of Homeland Security that adjudicates applications of an immigrant for immigration benefits subject to discretionary approval. Some of the benefits requiring an immigrant to apply to USCIS include the granting of:

- Naturalization for a lawful permanent resident seeking to become a U.S. citizen;

- LPR status for any immigrant seeking to change to lawful status, including unauthorized immigrants, asylees and refugees, conditional permanent residents, and others;
- U Visa status for certain crime victims who are of help in the prosecution of the criminal;
- T Visa status for trafficking victims who are of help in the prosecution of the traffickers;
- VAWA self-petitioner status for certain categories of abused spouses and children;
- Special immigrant juvenile (SIJ) status for juveniles who are abused, neglected, or abandoned and cannot be reunited with their parents or returned to their home country; and
- Cancellation of a removal order.

Eligibility for the above benefits can be affected by the immigrant's past criminal convictions, so if an immigrant has had any contact with the criminal justice system, USCIS often requires the immigrant applicant to provide state court records explaining past criminal actions. USCIS officials rely on state criminal court records to determine the elements of a criminal conviction and whether a state conviction falls within the crimes as defined by Federal immigration law that can affect immigration status. They cannot revisit the elements of the conviction but must accept the elements of the conviction as determined by the state court. They also must be able to understand the contents of court records, particularly when faced with a myriad of locally developed handwritten abbreviations used by local court clerks.

Develop and Present Training for Georgia State Court Judges and Court Administrative and Clerical Staff on USCIS Forms and Procedures

Item Description

We will work with USCIS to develop and present training for Georgia state court judges and court administrative and clerical staff on USCIS procedures, decision processes, criteria, and forms, especially focusing on naturalization, adjustment to Lawful Permanent Resident (LPR) status, T visas, U visas, VAWA self-petitioners, SIJ status, and work permits.

For learning objectives, as a result of the training, participants will be able to:

- Identify the various USCIS forms that need to be submitted by applicants for the above immigration benefits falling under USCIS jurisdiction;
- Explain how state court findings and outcomes will be considered by USCIS officials in determining eligibility for benefits; and

- Identify court records that are covered by request letters sent by USCIS to applicants for immigration benefits.

Action Steps

We will work with USCIS to identify the key court records relied upon by USCIS for making the determinations of different immigration benefits and the range of requests that may be made by USCIS to applicants for immigration benefits. We will then work with USCIS and the AOC to:

- Develop a draft course curriculum and suggested supporting materials;
- Identify faculty from USCIS;
- Review the contents and length of the proposed training;
- Set a time and place for the training; and
- Prepare the materials and conduct the training.

Discussion

USCIS often requires court records detailing information on criminal convictions in determining eligibility for naturalization, lawful permanent resident status, VAWA self-petitioned status, eligibility for relief from a removal order, and other discretionary immigration rights. In addition, records from a family court proceeding, a juvenile court proceeding, and even some civil court proceedings, can affect a litigant's immigration rights. Typically the individual immigrant receives a letter from USCIS identifying the necessary records. The immigrant then brings the letter to the clerk's office, and the clerk then pulls the records. Some records may have to be certified. The request letter from USCIS may be vague and open-ended, such as "bring originals or certified copies of all arrest records and court dispositions showing how each incident was resolved." Filling these requests can be very time-consuming for the clerks, particularly if a clerk is unable to determine how to fill a request correctly and ends up having a litigant return to have it filled a second time.

**Center for Public Policy Studies, Immigration and The State Courts Initiative
Georgia Issue Summary and Next Steps
Steven Weller and John A. Martin
February 27, 2012**

This memorandum identifies possible areas for future assistance from the Immigration in the State Courts Initiative to the courts and related justice system agencies of the Second Judicial District and the courts of Georgia statewide regarding the impacts of Federal and Georgia immigration law on the Georgia state courts.

We arrived at the topics described below by conducting an extensive assessment of needs and problems faced by the Georgia courts in dealing with immigrant litigants through the following activities:

- (1) We conducted extensive meetings and individual interviews during exploratory site visits in September 2011 and November 2011 in Atlanta and in November 2011 in Moultrie;
- (2) Following each site visit we produced and distributed a summary report highlighting the key issues raised and the desired areas of assistance that we might provide; and
- (3) We conducted a site visit in January 2012 to Atlanta to review the list of possible areas of assistance and select the final list, which is presented in this report.

The following are the areas that emerged from the above meetings as the most broadly raised subjects for future assistance from the Immigration and the State Courts Initiative. We first list the activities and then discuss them in detail.

- Develop and present training on Federal immigration law for judges and other criminal justice system personnel.
- Develop and present training for United States Citizenship and Immigration Services (USCIS) on understanding criminal court records that may be presented by applicants for immigration benefits.
- Develop and present training on Federal immigration law for the juvenile judges and other related juvenile justice system officials in Gwinnett County.
- Assist justice system officials in Gwinnett County and statewide to develop policies for working with refugee resettlement communities.
- Assess the potential effects of HB 87 on the Georgia state trial courts.

Develop and Present Training on Federal Immigration Law for Judges and Other Criminal Justice System Personnel

Item Description

We will develop and present training on the immigration topics listed below, based on the bench guides that we have developed in our initiative. Initially we will present the training for the Second Judicial District, but we will present training sessions in other areas of the State of Georgia as desired.

Action Steps

We will undertake the following steps:

- Develop materials, starting with our criminal bench guide and adapting it to a format that identifies how immigration issues can affect a criminal defendant at each stage of the criminal process.
- Determine venues, including at least a venue in the Second Judicial District;
- Present training sessions; and
- Collect and review feedback.

Discussion

The topics for the training will include:

- The possible effects of criminal convictions on the immigration status of lawful permanent residents;
- Issues with regard to judicial advisements of defendants regarding possible immigration consequences of guilty pleas;
- What may happen to an immigrant criminal defendant with an ICE hold who is granted pretrial release on bond and whether and how that should affect pretrial release decisions;
- The potential eligibility for and uses of T and U Visas and the requirements for obtaining them;
- Potential eligibility for VAWA self-petitioner status and the role of the state criminal courts in helping immigrants meet the eligibility requirements;
- The eligibility of immigrant offenders for probation, work, and services ordered as a condition of probation;
- The uses of court records by ICE in removal proceedings and by USCIS in determining eligibility for immigration benefits; and
- Best practices and ethical issues in dealing with all of the above issues.

One aspect of the training will be to track how Federal immigration issues can affect an immigrant offender at each step in the criminal process, so that the courts, District Attorneys, and defense attorneys can properly explain to offenders and their families what is happening and what is likely to happen as the offender moves through the

system. We will co-present with USCIS officials on topics related to the importance of the state court actions and records in determining eligibility for discretionary immigration benefits.

Develop and present training for USCIS on understanding criminal court records that may be presented by applicants for immigration benefits

Item Description

We will develop materials and present a training session for USCIS on the contents and meaning of state court criminal records.

Action Steps

We will undertake the following steps:

- Survey court clerks and judges across Georgia to compile a glossary of local abbreviations used in the records.
- Develop an inventory of Georgia criminal statutes, with a focus on statutes that may fall under different Federal categories depending on the elements of the specific crime.
- Develop training materials and present training.

Discussion

The United States Citizenship and Immigration Services (USCIS) is the part of the Department of Homeland Security that adjudicates applications of an immigrant for immigration benefits subject to discretionary approval. Some of the benefits requiring an immigrant to apply to USCIS include the granting of:

- Naturalization for a lawful permanent resident seeking to become a U.S. citizen;
- LPR status for any immigrant seeking to change to lawful status, including unauthorized immigrants, asylees and refugees, conditional permanent residents, and others;
- U Visa status for certain crime victims who are of help in the prosecution of the criminal;
- T Visa status for trafficking victims who are of help in the prosecution of the traffickers;
- VAWA self-petitioner status for certain categories of abused spouses and children;
- Special immigrant juvenile status (SIJS) for juveniles who are abused, neglected, or abandoned and cannot be reunited with their parents or returned to their home country; and

- Cancellation of a removal order.

Eligibility for the above benefits can be affected by the immigrant's past criminal convictions, so if an immigrant has had any contact with the criminal justice system, USCIS often requires the immigrant applicant to provide state court records explaining past criminal actions. USCIS officials rely on state criminal court records to determine the elements of a criminal conviction and whether a state conviction falls within the crimes as defined by Federal immigration law that can affect immigration status. They cannot revisit the elements of the conviction but must accept the elements of the conviction as determined by the state court. They also must be able to understand the contents of court records, particularly when faced with a myriad of locally developed handwritten abbreviations used by local court clerks.

Develop and present training on Federal immigration law for the juvenile judges and other related juvenile justice system officials in Gwinnett County

Item Description

We will develop and present training for the juvenile court judges of Gwinnett County with the following learning objectives:

- Juvenile Court judges and practitioners will be able to:
- Identify the different types of immigration status and how a person can obtain, adjust, or lose status;
- Anticipate how the immigration status of the parties might affect the range of available options, including eligibility for services, and possible outcomes in a juvenile dependency or delinquency case;
- Identify how actions in a juvenile case might jeopardize a non-citizen's immigration rights; and
- Identify parties before them who might need the advice of immigration counsel.

Action Steps

We will undertake the following steps:

- Meet with the juvenile court judges in Gwinnett County to discuss training needs.
- Work with the juvenile court judges in Gwinnett County to compile an inventory of decisions that juvenile court judges make in processing dependency cases, delinquency cases, or informal probation cases involving immigrant juveniles.
- Prepare materials discussing the implications for a juvenile's immigration status of each decision in the inventory.
- Prepare training materials and present training session.

Discussion

Federal immigration law can affect both the options available to a judge and the achievable outcomes in a juvenile dependency or delinquency case. Further, a juvenile delinquency or dependency case can affect the immigration rights of a juvenile.

Courts may need to take into account limits on eligibility for benefits or services for both legal and undocumented aliens in dependency dispositions, and dispositions in juvenile offender cases. A court may make completion of counseling or other services a condition for parents to obtain return of a child removed from the home in a dependency case, or for a juvenile to avoid detention in a delinquency case. Further, eligibility to obtain employment in the United States may be an important factor for the ability of a family to pay for services. In cases involving immigrants, the judge will have to be assured that the services ordered are available and accessible to the parent or child. In some instances, the judge may want to be aware that a party may need referral to outside assistance for accessing services.

Special Immigrant Juvenile status provides a pathway to become a lawful permanent resident for an unauthorized immigrant juvenile who has been declared by a court with juvenile jurisdiction to be dependent on the court due to abuse, neglect, or abandonment and cannot be reunited with one or both parents or returned to his or her home country. Some juveniles in delinquency cases may also be a dependent of the court due to abuse, neglect, or abandonment and thus may meet the requirements for Special Immigrant Juvenile (SIJ) status. This can be a particular concern in counties where a large percentage of the juvenile delinquency cases involve immigrant juveniles.

Juvenile judges need to be aware what conditions might make a juvenile who is an unauthorized immigrant eligible for SIJ status and what findings and court actions are necessary to allow the juvenile to apply for SIJ status. Further, juvenile judges in delinquency cases need to be aware of how an admission, plea, or finding in a delinquency proceeding might affect the juvenile's eligibility for that status, and what advisements might be given to the juvenile in the context of entering a plea.

Assist justice system officials in Gwinnett County and statewide to develop policies for working with refugee resettlement communities

Item Description

We will provide assistance to justice system officials to develop approaches to working with refugee resettlement communities in the county.

Action Steps

We will undertake the following steps:

- Interview judges from all six levels of courts and a range of justice system officials in Gwinnett County to discuss their experiences and problems in dealing with refugee resettlement communities in the county.
- Interview representatives from the resettlement communities to discuss issues that arise in their contacts with the justice system.
- Prepare an assessment report and present it to the judges and other justice system officials interviewed.
- Meet with a working group to discuss potential approaches to the problems raised in the assessment report and develop action plans to address the problems.

Discussion

Gwinnett County has communities of refugees who were resettled there through NGO programs. These communities tend to bring their own cultures, including methods for resolving disputes among the members of the community, and tend to have extensive service needs that are borne by the counties. We will provide assistance to:

- Determine the court-related service needs of the resettlement communities and develop effective methods for providing services;
- Identify cultural barriers to access to the courts in criminal, family, and civil matters and develop methods for reducing those barriers;
- Identify language barriers and assist in developing methods for providing effective interpretation and language access; and
- Identify indigenous dispute resolution methods within the resettlement communities that may complement the use of the courts for selected case types.

Assess the potential effects of HB 87 on the Georgia state trial courts

Item Description

We will continue work an assessment of the present and potential effects of HB 87 on the types of cases filed and issues raised, overall workload, and resource needs of the six different types of trial courts in the Georgia court system.

Action Steps

We have already begun to work with Mike Cuccaro on developing an approach to assessing the effects of HB 87 on the Georgia trial courts. The assessment will consist of interviews to investigate the experiences of a wide range of actors who may affect the

work of the courts, including judges, court administrators, prosecutors, solicitors, public defenders, law enforcement, child support enforcement, probation (public and private), Driver Services, and a range of service and treatment providers. We will focus on all of the different types of courts in Georgia and how HB 87 affects each of them.

Discussion

At this point the information we have concerning the effects of HB 87 is solely anecdotal and needs to be further investigated and verified. The following are the issues raised and concerns expressed by the individuals we interviewed regarding the implementation of HB 87.

- Under HB 87, the police are now checking the identification of passengers in cars on some traffic stops, confiscating immigration papers, and sending them to Georgia Department of Driver Services to be checked against the Federal ICE database. Driver Services is certified under the Federal 287g program and has access to the ICE database. It is not clear how people get their papers back or how long it takes. Without papers, immigrants may have difficulty accessing court-ordered benefits or services.
- Traffic offenses are criminal offenses in Georgia, and most offenders are put on probation. This level of probation is run by private probation providers, so it is important to understand how they fit into the HB 87 enforcement scheme.
- Police are now also checking the identification of everyone in the home on domestic violence calls and reporting suspected unauthorized immigrants to ICE. Calling the police for a domestic violence incident may thus lead to the deportation of the victim. This practice may violate the Violence Against Women Act (VAWA), which provides protections for domestic violence victims, including the right to self-petition for legal immigration status. The result may be an increase in U visa requests and VAWA self-petitions.
- Getting people fingerprinted is becoming a priority. Some Magistrates are requiring people in traffic court cases to get fingerprinted if they weren't booked at arrest. Further, police in some counties are bringing people stopped for traffic infractions to the jail just for fingerprinting before releasing them. It is not clear how these activities might affect traffic caseloads.
- There is a concern that law enforcement procedures under HB 87 may make it more difficult for crime victims to get U visas.

In assessing the above effects, we will investigate the following questions with each person interviewed:

- How has HB 87 changed the court cases that you have to deal with?
- How has your workload changed to handle court cases because of HB 87?
- What changes have you made in your work processes, policies, and procedures in order to handle court cases because of HB 87?
- How have your staffing, training, and record-keeping needs changed in order to handle court cases because of HB 87?
- How have the outcomes of court cases been affected by HB 87?

Next Steps

We are submitting this report to the Georgia Administrative Office of the Courts for review. Following that review, we will work with the AOC to determine its priorities and set up plans to begin work.

**Center for Public Policy Studies, Immigration and the State Courts Initiative
Gwinnett County Juvenile Court; AOC Collaboration with USCIS
Steven Weller and John A. Martin
May 8, 2012**

This memorandum describes assistance that will be provided by the Immigration and the State Courts Initiative to the juvenile court of Gwinnett County and the Georgia AOC in collaboration with the regional office of the United States Citizenship and Immigration Services (USCIS). This report is based on meetings held on April 24-26, 2012 and updates topics discussed initially in our report of February 27, 2012.

GWINNETT COUNTY JUVENILE COURT

We will provide assistance to the judges and support organizations of the Gwinnett County Juvenile Court in the following areas:

- Providing training for Juvenile Court Judges and court administrative and clerical staff in Gwinnett County, with CJE credit, on the requirements for and barriers to Special Immigrant Juvenile (SIJ) status, T (human trafficking victim) visas, U (crime victim) visas, and naturalization, and on issues surrounding the need for advising juveniles in delinquency cases;
- Developing best practice guides for identifying juveniles who might be potentially eligible for SIJ status, T visas, and U visas; and
- Providing training based on the best practice guides for court and related agency staff, including probation officers, DFACS caseworkers, SAAG attorneys, and GALs on the requirements for SIJ status, T visas, and U visas.

Provide Training for Juvenile Court Judges and Court Administrative and Clerical Staff

We will develop and present a training session for the judges and court administrative and clerical staff of the Gwinnett County Juvenile Court aimed at describing the requirements for and potential barriers to obtaining legal immigration status for undocumented juveniles involved in delinquency or deprivation cases, including:

- Special Immigrant Juvenile (SIJ) status for deprived children who cannot be reunited with one or both parents due to abuse, neglect, or abandonment;
- T visa status for juveniles who are the victims of human trafficking;
- U visa status for juveniles who are victims of certain crimes and have been or are likely to be of assistance to authorities prosecuting the offenders; and

- Naturalization after a juvenile reaches the age of 18.

Learning objectives: As a result of the training the participants will be able to:

- Explain each of the above types of immigration benefits and the Federal requirements for eligibility;
- Identify juveniles who might be eligible for relief arising from a deprivation or delinquency case;
- Identify what court findings are required by Federal immigration law to make a juvenile eligible for each type of immigration benefit;
- Identify the need for and obtain the required certifications for T and U visas;
- Explain the potential barriers to eligibility for each type of immigration benefit;
- Identify actions in a delinquency or deprivation hearing that might pose immigration risks for a juvenile; and
- Appropriately assure that juveniles have received immigration advice before taking actions in a delinquency or deprivation case.

Topics: The training will discuss the requirements for each of the above pathways to legal status and the roles for the court or other justice agency, including:

- The definitions of each type of benefit and eligibility requirements under Federal immigration law;
- The required findings or actions by the juvenile court in the context of a deprivation or delinquency case for SIJ status, T visas, and U visas;
- Requirements for certification by a justice system official for T and U visas;
- Potential barriers to eligibility for SIJ status, T visas, and U visas that might arise in the context of a delinquency case;
- Potential effects on the ability of a juvenile to naturalize after attaining the age of 18 that may arise from a delinquency proceeding;
- Strategies for identifying juveniles who may be eligible for each type of immigration benefit; and
- Strategies for advising juveniles in delinquency proceedings of potential immigration risks stemming from pleas or admissions.

Next steps:

We will develop a proposed curriculum and materials for the training and work with the AOC and the juvenile court judges in Gwinnett County to review the contents and length of the curriculum, obtain CLE or CJE certification if possible, and set a date and place for the training.

Develop Best Practice Guides

We will work with the juvenile court judges, juvenile probation officers, and representatives from the state and local agencies that deal with juvenile delinquency or deprivation cases to develop best practice guides for identifying and assisting juveniles who might be eligible for SIJ status, T visas, and U visas. As part of this effort, the guidelines will include a focus on locating resources, including counseling and treatment, for juveniles without lawful immigration status.

Next steps:

As a first step in this task, we will conduct detailed interviews with juvenile court probation officers, DFACS caseworkers, SAAG attorneys, and GALs in Gwinnett County to develop case processing flow charts and task descriptions and determine present practices in identifying and assisting juveniles who might be eligible for SIJ status, T visas, or U visas.

Provide Training for Court and Related Agency Staff

We will develop and present a training session, based on the best practice guides discussed above, for juvenile court probation officers, DFACS caseworkers, SAAG attorneys, and GALs on the requirements for SIJ status, T visas, and U visas. The training will focus on identifying juveniles who might be eligible for each type of immigration benefit and assisting juveniles in meeting the requirements for eligibility.

Learning objectives: As a result of the training the participants will be able to:

- Explain each of the above types of immigration benefit and the Federal requirements for eligibility;
- Identify juveniles who might be eligible for each type of benefit arising from a deprivation or delinquency case;
- Identify what court findings are required by Federal immigration law to make a juvenile eligible for each type of immigration benefit;
- Identify the appropriate role of each type of participant in assisting the court to make appropriate findings and obtain any required certifications; and
- Identify actions in a delinquency or deprivation hearing that might make a juvenile ineligible for benefits.

Topics: The training will discuss the requirements for each of the above pathways to legal status and the roles for the court or other justice agency, including:

- The definitions of each type of benefit and eligibility requirements under Federal immigration law;

- The required findings or actions by the juvenile court in the context of a deprivation or delinquency case for SIJ status, T visas, and U visas;
- Requirements for certification by a justice system official for T and U visas;
- Potential barriers to eligibility for SIJ status, T visas, and U visas that might arise in the context of a delinquency case; and
- Strategies for identifying juveniles who may be eligible for each type of immigration benefit.

Next steps:

We will develop a proposed curriculum and materials for the training and work with the AOC, the juvenile court judges, and representatives from the other target participant groups in Gwinnett County to review the contents and length of the curriculum and set a date and place for the training.

GEORGIA AOC COLLABORATIVE TRAINING PROGRAM WITH USCIS

We will work the State AOC, in collaboration with USCIS, to develop and present the following joint training programs:

- Training for USCIS officers on Georgia state court criminal, juvenile, family, and domestic violence case processing and the contents of court records, especially aimed at USCIS information needs for decisions regarding naturalization and adjustment to LPR status; and
- Training for Georgia state court judges and court administrative and clerical staff on USCIS procedures, decision processes, criteria, and forms, especially focusing on naturalization, adjustment to Lawful Permanent Resident (LPR) status, T visas, U visas, VAWA self petitioners, SIJ, and work permits.

Training for USCIS Officers on Georgia Court Procedures

We will develop training to be presented under the auspices of the Georgia AOC for USCIS officers on Georgia state court criminal, juvenile, family, and domestic violence case processing and the contents of court records, especially aimed at USCIS information needs for decisions regarding naturalization and adjustment to LPR status.

Learning objectives: As a result of the training, participants will be able to:

- Explain the key court processes in criminal, juvenile, and family cases in the Georgia courts;

- Interpret criminal, juvenile, and family court records from all six types of courts in Georgia, Superior, State, Juvenile, Magistrate, Probate, and Municipal; and
- Assess how findings, practices, dispositions, and sentences in criminal, family, and juvenile cases under Georgia law relate to the eligibility criteria for different discretionary immigration benefits under the jurisdiction of USCIS.

Next steps:

We will first work with USCIS to identify the key court records relied upon by USCIS for making the determinations of different immigration benefits and then work with the AOC to assemble examples of each type of record from the Georgia courts. We will then work with USCIS and the AOC to:

- Develop a draft course curriculum and suggested supporting materials;
- Identify faculty from the Georgia judiciary;
- Review the contents and length of the proposed training;
- Set a time and place for the training; and
- Prepare the materials and conduct the training.

Training for Judges on USCIS Procedures

We will work with USCIS to develop and present training for Georgia state court judges and court administrators on USCIS procedures, decision processes, criteria, and forms, especially focusing on naturalization, adjustment to Lawful Permanent Resident (LPR) status, T visas, U visas, VAWA self-petitioners, SIJ status, and work permits.

Learning objectives:

As a result of the training, participants will be able to:

- Identify the various USCIS forms that need to be submitted by applicants for the above immigration benefits falling under USCIS jurisdiction;
- Explain how state court findings and outcomes will be considered by USCIS officials in determining eligibility for benefits; and
- Identify court records that are covered by request letters sent by USCIS to applicants for immigration benefits.

Next steps:

We will work with USCIS to identify the key court records relied upon by USCIS for making the determinations of different immigration benefits and the range of requests

that may be made by USCIS to applicants for immigration benefits. We will then work with USCIS and the AOC to:

- Develop a draft course curriculum and suggested supporting materials;
- Identify faculty from USCIS;
- Review the contents and length of the proposed training;
- Set a time and place for the training; and
- Prepare the materials and conduct the training.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice George H. Carley
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Ms. Marla Moore
Director, AOC

RE: Conditioned for Success: Investing in Georgia's Children

DATE: May 31, 2012

In March of 2011, representatives of Georgia's judicial and education systems attended the National Summit on School-Justice Partnerships in New York, New York. From this initiative grew a strategic plan developed by the team of individuals in attendance, entitled "Conditioned for Success: Investing in Georgia's Children." Enclosed you will find a listing of attendees, a sample program, and an overview of Georgia's resulting initiative.

Separately, Georgia's leaders are conducting a state summit on school-justice partnerships. The theme of Georgia's Educational Summit is "Conditioned for Success, Improving Educational Outcomes for Court-Involved Offenders." The summit will convene on July 19-20, 2012, and expects twenty-five teams made up of 125 attendees, representative of the state's regional diversity. Judge Deborah Edwards will report to the Council on each initiative at the upcoming meeting.



**National Leadership Summit on School-Justice Partnerships:
State Team Members (Georgia)**

Brad Bryant

Executive Director
Georgia Department of Education
2052 Twin Towers East
Atlanta, GA 30334
404-463-1537
bradbryant@doe.k12.ga.us

Judge Michael Key

Judge
Juvenile Court, Coweta Circuit
308 Ridley Avenue
LaGrange, GA 30240
706-883-1735
michael@keylaw.net

Dr. Garry McGiboney

Associate Superintendent, Policy
Division
Georgia Department of Education
2053 Twin Towers East, 205 Jesse
Hill Jr. Drive SE
Atlanta, GA 30334
404-656-0619
gmcgiboney@doe.k12.ga.us

Marla S. Moore

Director
Administrative Office of the Courts
244 Washington St. SW, Suite 300
Atlanta, GA 30334
404-651-5171
marla.moore@gaaoc.us

Judge Steve Teske

Judge
Juvenile Court, Clayton Circuit
Clayton County Courthouse, Annex 3
121 S. McDonough St., 3rd Floor
Jonesboro, GA 30236
770-477-3260
steve.teske@co.clayton.ga.us



SUMMIT PROGRAM

Date/Time	Activity	Location
<i>Sunday, March 11, 2012</i>		
2:30 – 4:30 p.m.	EARLY REGISTRATION AT HOTEL	Lobby Second Floor
6:00 – 8:00 p.m.	WELCOME RECEPTION JUDITH S. KAYE, Former Chief Judge of the State of New York	Skadden Arps
<i>Monday, March 12, 2012</i>		
7:15 – 8:15 a.m.	REGISTRATION AND CONTINENTAL BREAKFAST	Grand Ballroom Foyer Mezzanine
8:15 a.m.	OFFICIAL OPENING JUDITH S. KAYE, Former Chief Judge of the New York State WELCOME MICHAEL BLOOMBERG, Mayor of New York City JONATHAN LIPPMAN, Chief Judge of the State of New York	Grand Ballroom Mezzanine
8:45 a.m.	KEYNOTE Speakers MELODEE HANES, Acting Administrator, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice RUSSLYNN H. ALI, Assistant Secretary, Office for Civil Rights, U.S. Department of Education Remarks ERIC H. HOLDER, JR., United States Attorney General ARNE DUNCAN, United States Secretary of Education	Grand Ballroom Mezzanine
9:15 a.m.	PLENARY 1: REACHING A CRITICAL JUNCTURE FOR OUR KIDS: THE NEED TO REASSESS SCHOOL- JUSTICE PRACTICES Speaker RUSSELL SKIBA, PH.D., Director of the Equity Project at the Center for Evaluation and Education Policy at Indiana University	Grand Ballroom Mezzanine
10:00 a.m.	COFFEE BREAK	Grand Ballroom Foyer Mezzanine

Date/Time	Activity	Location
<i>Monday, March 12, 2012 cont'd</i>		
10:15 a.m.	PLENARY 2: BREAKING SCHOOLS' RULES: A STATEWIDE STUDY ON HOW SCHOOL DISCIPLINE RELATES TO STUDENTS' SUCCESS AND JUVENILE JUSTICE INVOLVEMENT	Grand Ballroom Mezzanine
	Moderator/Speaker	
	MICHAEL THOMPSON, Director, Council on State Governments Justice Center	
	Speakers	
	WALLACE JEFFERSON, Chief Justice, Texas Supreme Court	
	JOHN E. HUDSON, Supervisor of Attendance, Truancy, Dropout Prevention and Recovery, Waco Independent School District, Texas	
11:15 a.m.	PLENARY 3: LOOKING AT THE FACTS: STATE-SPECIFIC DATA PACKETS	Grand Ballroom Mezzanine
	Speaker	
	REBECCA FITCH, Project Manager for the United States Department of Education's Civil Rights Data Collection	
11:30 a.m.	STATE TEAM DISCUSSION 1: PRIORITIES AND DATA	Grand Ballroom Mezzanine
12:15 p.m.	PLENARY 4: STUDENT BEHAVIOR IN THE CONTEXT OF EMERGING RESEARCH	Grand Ballroom Mezzanine
	Moderator	
	SHAWN MARSH, PH.D., Director of the Juvenile and Family Law Department of the National Council of Juvenile and Family Court Judges	
	Speakers	
	CHERYL SMITHGALL, PH.D., Researcher Fellow, Chapin Hall at the University of Chicago	
	GRETCHEN CUSICK, PH.D., Senior Researcher, Chapin Hall at the University of Chicago	
	Responders	
	CAMI ANDERSON, M.ED., State District Superintendent Newark Public Schools, New Jersey	
	ERNESTINE GRAY, Chief Judge New Orleans Parish Juvenile Court, Louisiana	
1:00 p.m.	LUNCH	Grand Ballroom Foyer Mezzanine

Date/Time	Activity	Location
<i>Monday, March 12, 2012 cont'd</i>		
1:45 p.m.	PLENARY 5: DISCIPLINE POLICIES, SUCCESSFUL SCHOOLS AND RACIAL JUSTICE	Grand Ballroom Mezzanine
	<p>Moderator RUSSELL SKIBA, PH.D., Director of the Equity Project at the Center for Evaluation and Education Policy, Indiana University</p> <p>Speaker DANIEL J. LOSEN, J.D., M.ED., Director, Center for Civil Rights Remedies, The Civil Rights Project/Proyecto Derechos Civiles at UCLA</p> <p>Responders TANI CANTIL-SAKAUYE, Chief Justice Supreme Court of California KATHLEEN GRIMM, Deputy Chancellor New York City Department of Education</p>	
2:45 p.m.	BREAKOUT SESSIONS 1	
	<p>A. USING FEDERAL, STATE AND LOCAL DATA TO INFORM CHANGE</p> <p>Learn how other states are using the Texas study; how Delaware courts use school arrests and court data; and dig deeper into the State Data Packets.</p> <p>Moderator/Speaker MICHAEL THOMPSON, Director, Justice Center, Council on State Governments</p> <p>Speakers REBECCA FITCH, Project Manager, Civil Rights Data Collection, United States Department of Education Office of Civil Rights KERRIN WOLF, Public Policy Teaching Fellow and Doctoral Candidate from the University of Delaware, School of Public Policy and Administration CHANDLEE JOHNSON KUHN, Chief Judge, Delaware Family Court</p>	Plaza Suite Mezzanine
	<p>B. MEETING THE NEEDS OF STUDENTS FROM AMERICAN INDIAN AND ALASKA NATIVE BACKGROUNDS</p> <p>Hear the findings of a study on the disciplinary exclusions of students from American Indian and Alaska Native backgrounds and take part in a panel discussion of the issues and solutions regarding the educational needs of American Indian and Alaska Native Students.</p> <p>Moderator JOAN OHL, Senior Director, Strategic Consulting, Casey Family Programs</p> <p>Speakers CLAUDIA G. VINCENT, PH.D., Research Assistant, Institute on Violence and Destructive Behavior and Educational and Community Supports at the University of Oregon ANITA FINEDAY, J.D., M.P.A., Managing Director of the Indian Child Welfare Program Casey Family Programs COLIN KIPPEN, Executive Director, National Indian Education Association</p>	Hudson Suite Mezzanine

Date/Time**Activity****Location**

Monday, March 12, 2012 cont'd

2:45 p.m.

BREAKOUT SESSIONS 1 cont'd

C. MEETING THE NEEDS OF STUDENTS RECEIVING SPECIAL EDUCATION SERVICES AND STUDENTS INVOLVED WITH CHILD WELFARE

**Vanderbilt Suite
Second Floor**

Learn about the latest research and recommendations regarding the disciplinary exclusions of students receiving special education services and students involved with the child welfare system and hear a panel discussion of the issues and solutions regarding their educational needs.

Moderator

DEBBIE STAUB, PH.D., Education Advisor for Casey Family Programs

Speakers

JEFFREY SPRAGUE, PH.D., Professor of Special Education and Director of the University of Oregon Institute on Violence and Destructive Behavior

ANNE GALLEGOS, Court Research Analyst, National Center for State Courts

D. INFORMATION SHARING AROUND SILOS AND STATUTES

**Broadway Suite
Second Floor**

Hear an overview of FERPA, HIPPA and child welfare and juvenile justice confidentiality laws and a panel discussion of strategies to appropriately share information to facilitate the best outcomes for students.

Moderator/Speaker

JESSICA FEIERMAN, ESQ., Supervising Attorney, Juvenile Law Center

Speakers

KATHLEEN STYLES, Chief Privacy Officer, United States Department of Education

KATHLEEN MCNAUGHT, J.D., Assistant Director Child Welfare, American Bar Association Center on Children and the Law

E. TRUANCY THROUGH THE LENS OF SCHOOL ENGAGEMENT AND RE-ENGAGEMENT

**Sutton Suite
Second Floor**

Hear how truancy is a symptom of underlying issues and an early indicator of student disengagement. Hear about strategies that are working to keep students engaged and successfully re-engage them.

Moderator/Speaker

KEN SEELEY, PH.D., President, National Center for School Engagement

Speakers

BARBARA BABB, M.S., J.D., Director and Association Professor, Center for Families, Children and the Courts, University of Baltimore School of Law

THOMAS GEORGE, Senior Research Associate from Washington State Center for Court Research

Date/Time	Activity	Location
<i>Monday, March 12, 2012 cont'd</i>		
2:45 p.m.	BREAKOUT SESSIONS 1 cont'd	
	<p data-bbox="358 289 792 321">F. POLICING IN SCHOOLS</p> <p data-bbox="358 331 1198 436">Hear and discuss the impact of the dramatically increased presence of police in schools and how to shift from zero tolerance to culturally competent school community police.</p> <p data-bbox="358 447 496 478">Moderator</p> <p data-bbox="391 489 1159 552">ROBERT G. SCHWARTZ, ESQ., Executive Director, Juvenile Law Center</p> <p data-bbox="358 562 475 594">Speakers</p> <p data-bbox="391 604 1138 667">AMANDA PETTERUTI, M.A., Associate Director, Justice Policy Institute:</p> <p data-bbox="391 678 1027 716">LISA H. THURAU, J.D., Founder, Strategies for Youth</p>	Promenade Suite Mezzanine
4:00 p.m.	<p data-bbox="358 737 1097 800">PLENARY 6: COURT LEADERSHIP TO IMPROVE OUTCOMES FOR STUDENTS</p> <p data-bbox="358 810 607 842">Moderator/Speaker</p> <p data-bbox="391 852 1159 915">HON. STEVEN C. TESKE, Chief Judge, Juvenile Court of Clayton County, Georgia</p> <p data-bbox="358 926 464 957">Speaker</p> <p data-bbox="391 968 1127 1041">CHRISTINE PATTERSON, DMC Research Analyst, Office of Missouri's State Courts Administrator</p>	Grand Ballroom Mezzanine
5:00 – 6:00 p.m.	<p data-bbox="358 1062 919 1125">STATE TEAM DISCUSSION 2: SYNTHESIZING THE INFORMATION</p>	Grand Ballroom Mezzanine
6:00 – 8:00 p.m.	<p data-bbox="358 1146 919 1209">NETWORKING RECEPTION AT THE ROOSEVELT HOTEL</p> <p data-bbox="358 1220 1149 1325">State Teams can network with the speakers and the Legal Strategies Collaborative: Partners to Keep Kids in School and Out of Court Representatives</p>	Terrace Room Lobby Level

Date/Time	Activity	Location
Tuesday, March 13, 2012		
7:30 – 9:00 a.m.	CHECK-OUT AND BAGGAGE STORAGE IN DESIGNATED AREA FOR EASY DEPARTURE	York Suite Second Floor
7:30 -9:00 a.m.	STARBUCKS CONTINENTAL BREAKFAST	Grand Ballroom Foyer Mezzanine
9:00 a.m.	PLENARY 7: SCHOOL ENVIRONMENT AND DISCIPLINE: MODEL APPROACHES	Grand Ballroom Mezzanine
Moderator/Speaker		
DAVID OSHER, PH.D., Vice President, American Institutes for Research; Co-Director of AIR’s Human and Social Development Program		
Speakers		
JEFFREY SPRAGUE, PH.D., Professor of Special Education and Director of the University of Oregon Institute on Violence and Destructive Behavior		Grand Ballroom Mezzanine
MARA SCHIFF , PH.D., Associate Professor, School of Criminology and Criminal Justice, Florida Atlantic University		
GORDON BAZEMORE, PH.D., Professor, School of Criminology and Criminal Justice, Florida Atlantic University		
10:00 a.m.	PLENARY 8: STATE AND LOCAL ACTION: REFORMING SCHOOL-JUSTICE POLICIES	Grand Ballroom Mezzanine
Moderator/Speaker		
JESSICA FEIERMAN, ESQ., Supervising Attorney, Juvenile Law Center		
Speakers		
JULIA O’LEARY, Deputy Director of Juvenile Probation, Court Support Services Division of the Connecticut Judicial Branch		
JEANA BRACEY, PH.D., Senior Associate, Connecticut Center for Effective Practice of the Child Health and Development Institute		
LARA HERSCOVITCH, Senior Policy Analyst, Connecticut Juvenile Justice Alliance		
LAURA FAER, Education Rights Director, Public Counsel Law Center		
MANUEL CRIOLLO, Director of Organizing, Labor/Community Strategy Center		
11:00 a.m.	BREAKOUT SESSIONS 2	
A. DIVERSION MODELS TO KEEP KIDS ON TRACK		Promenade Suite Mezzanine
Hear about school-based diversion programs that help keep at-risk students in their school community.		
Moderator		
ROBERT G. SCHWARTZ, ESQ., Executive Director, Juvenile Law Center		
Speakers		
NANCY FISHMAN, J.D., Project Director, Youth Justice Programs, Center for Court Innovation		
JACQUI GREENE, ESQ., Director of Juvenile Justice Policy from New York State Division of Criminal Justice Services		

Tuesday, March 13, 2012 cont'd

11:00 a.m.	BREAKOUT SESSIONS 2 cont'd	
	B. RE-ENTRY PROGRAMS TO GET KIDS BACK ON TRACK	Sutton Suite Second Floor
	Hear about the most promising programs and statutes states have passed to facilitate students' re-entry to school.	
	Moderator	
	JESSICA FEIERMAN, ESQ., Supervising Attorney, Juvenile Law Center	
	Speakers	
	DAVID OSHER, PH.D., Vice President, American Institutes for Research, Co-Director, AIR's Human and Social Development Program	
	LAURI GOLDKIND, PH.D., Professor, Fordham's Graduate School of Social Service	
	C. WORKING WITH ADVOCATES TO EFFECT CHANGE	Hudson Suite Mezzanine
	Hear about the on-the-ground work of advocates from Los Angeles and New Orleans and join a discussion about working with advocates in your community to move a school-justice agenda forward.	
	Moderator	
	DAMON HEWITT, ESQ., Director, Education Practice Group, NAACP Legal Defense and Educational Fund, Inc.	
	Speakers	
	LAURA FAER, ESQ., Education Rights Director, Public Counsel Law Center	
	MANUEL CRIOLLO, Director of Organizing from Labor/Community Strategy Center	
	DAMEKIA MORGAN, Statewide Education Policy and Campaign Director from Family and Friends of Louisiana's Incarcerated Children	
	D. MODEL SCHOOL DISCIPLINE CODES	Vanderbilt Suite Second Floor
	Hear how communities in Denver, Colorado and Clayton County, Georgia are working together to reform school discipline codes. Learn about the soon to be released Dignity in Schools Model School Discipline Code.	
	Moderator/Speaker	
	STEVEN C. TESKE, Chief Judge, Juvenile Court of Clayton County, Georgia	
	Speakers	
	LIZ SULLIVAN, Human Right to Education Program Director, NESRI	
	SARAH BROWN, Padres y Jovenes Unidos, Denver	
	E. SCHOOL DISTRICTS THAT CHANGED SCHOOL CULTURE	Plaza Suite Mezzanine
	Hear and discuss the ground-breaking work of Los Angeles Unified School District in implementing PBIS and Baltimore City School District in reducing suspensions.	
	Moderator	
	JIM FREEMAN, ESQ., Senior Attorney, Advancement Project	
	Speakers	
	NANCY FRANKLIN, Director of LRE Programs, Division of Special Education for Los Angeles Unified School District	
	KAREN WEBBER-NDOUR, Executive Director of Student Support for Baltimore City School District	

Date/Time	Activity	Location
Tuesday, March 13, 2012 cont'd		
11:00 a.m.	BREAKOUT SESSIONS 2 cont'd	
	F. EFFECTIVE EDUCATORS AND SUPPORT STAFF WORKING WITH STUDENTS	Broadway Suite Second Floor
	Hear and discuss what educators and support staff are doing, and need to be doing, to support students in school.	
	Moderator	
	MARY LOUISE EMBREY, Director of Government Affairs, National Association of School Nurses	
	Speakers	
	JANE COGSHALL, PH.D., Senior Researcher, AIR	
	JUDITH MORGITAN, R.N., B.S.N., M.ED., Certified Pennsylvania School Nurse, Perkiomen Valley High and Coordinator of Perkiomen Valley School District Health Services, Collegeville, PA	
	KELLY VAILLANCOURT, M.A., C.A.S., Director of Government Relations, National Association of School Psychologists	
12:15 p.m.	LUNCH	Grand Ballroom Foyer Mezzanine
	VOICES FROM THE HALLWAYS	Grand Ballroom Mezzanine
	Parent and youth representatives from community-led campaigns describe their experiences with exclusionary discipline and insights on implementing disciplinary reforms.	
	Moderator	
	MATT CREGOR, Assistant Counsel, NAACP Legal Defense and Educational Fund, Inc.	
	Speakers	
	MANUEL CRIOLLO, Director of Organizing, Labor Community Strategy Center, Los Angeles, CA	
	ASHANA BIGARD, Representative, Parent, Families and Friends of Louisiana's Incarcerated Children (FFLIC), New Orleans, LA	
	FRANK RIVERS, Student and Peer Mediator, Morris Academy, Bronx, NY; Member, Sistas and Brothas United, Bronx, NY	
	YOUTH REPRESENTATIVE, Dignity in Schools-New York	
1:15 p.m.	STATE TEAM DISCUSSION 3: MOVING FORWARD	Grand Ballroom Mezzanine
2:15 p.m.	CONVENER'S CLOSING COMMENTS JUDITH S. KAYE	Grand Ballroom Mezzanine
2:20 p.m.	CALL TO ACTION MARIAN WRIGHT EDELMAN, Founder and President, Children's Defense Fund	Grand Ballroom Mezzanine
3:00 p.m.	LUGGAGE PICK UP	York Suite Second Floor
3:00 p.m.	FIRST BUS CALL	Main Lobby

STRATEGIC INITIATIVE FOR SCHOOL-JUSTICE PARTNERSHIP

POSSIBLE S.I. NAMES : “GEORGIA GOES TO SCHOOL”
“KEEPING KIDS IN SCHOOLS, SAFELY” (KISS)

THE PROBLEM: GADOE research confirms that students who miss more than five days of school a year, excused or unexcused, are at risk of decreased student achievement. For those students who miss fifteen days or more, whether that absence is excused, unexcused or as a result of suspension, the result is even more dramatic with only one in four students making it to high school graduation. Students who do not, at a minimum, receive a high school diploma are more likely to: enter the state correctional system, engage in risky behaviors, and earn less income over their lifetime. The bottom line is that chronic absenteeism is both a financial and human capital liability for the State of Georgia. Keeping Georgia’s kids in school increases their chances for success as well as Georgia’s.

THE NEED: At no time in Georgia’s history has it been more critical that state and local leaders who support healthier outcomes for Georgia’s youth join together in an outcomes-based support network that demands clarity over the long-term outcomes for its youth, an alignment of the measures needed to attain the long-term outcomes, and the capacity and collective will to deliver, efficiently and effectively, the comprehensive services and supports needed to achieve those outcomes. Similar to the conclusions reached by the Harlem Children’s Zone, our leaders need to recognize that: (a) the outcome that matters most is the percentage of young adults who finish college or get a good job, and (b) moving the needle on this long-term outcome is beyond the reach of any single agency, organization or individual, no matter how good its intent or programs.

THE ALIGNED PRIORITIES: Following is a suggested starting point for state school justice partnership priorities. The priority list was developed on March 12-13, 2012, in New York City, at the national School-Justice Partnership Summit by a team of Georgia leaders and it builds upon the emerging work between the partners. The Georgia Team members included representation from the Juvenile Judges of Georgia, the Administrative Office of the Courts and Georgia Department of Education. **The State Priorities** (in no particular order) are:

- Develop An Effective School-Justice Consortium at the State Level, with a Long-term Plan to Convene Similar Consortia at the Regional and Local Level ;
- Expand Positive Behavioral Intervention and Supports (PBIS) in Georgia Schools;
- Increase attendance within Georgia Schools;
- Implement Restorative Justice Models in Pilot Schools in Georgia;
- Develop Exclusionary Guidelines which Promote an end to non-discretionary Zero Tolerance Practices that result in automatic suspension or expulsion in all but limited and federally-mandated circumstances;
- Develop more (both quality and diversification) Diversion Programs with schools;
- Develop Quality Transition “Back-to-School from Incarceration” Programs;
- Develop School Resource Officer (SRO) Training Modules (virtual and blended) Related to Student Behavior and Responses;
- Create More Pathways to Mental Health Services for Youth;
- Develop Effective “Re-Entry to Education” Strategies for our Dropout, Aged-Out and Disengaged Youth Populations;
- Train Stakeholders and Advocates at All Levels, but most particularly the Local Level, to Encourage Positive Solutions-Based Change at the Local School and Courts Level;

- Add Student Discipline to the Student Attendance Protocol Committee; and,
- Expand Student Data System Access to Juvenile Courts in a Manner Which Increases Informed Decision-Making Practice.

EXPECTED OUTCOMES: Implementation, with fidelity, of the above state priorities would result in significant short and long term measurable outcomes:

- ❖ Increased student achievement and graduation rates;
- ❖ Safer and healthier climates for schools and communities;
- ❖ Reduced out of school suspensions within Georgia Schools;
- ❖ Elimination of the racial disparity in discipline practice within Georgia Schools;
- ❖ Reduced case loads for Georgia's juvenile justice systems at the disposition phase with an increased repurposing of juvenile justice resources dedicated to educational interventions and transitions;
- ❖ Greater return on investment of resources at all levels: local, state and federal tax investments, philanthropic investments and corporate/community investments;
- ❖ Increased transparency of decision-making and information required to make investment decisions; and,
- ❖ Increased emphasis on adults serving children rather than adults serving adults. It is the right thing to do.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice George H. Carley
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Ms. Marla Moore
Director, AOC

RE: Statewide Jury List

DATE: May 31, 2012

Mr. Bart Jackson, President-Elect of the Council of Superior Court Clerks, will be making a presentation on the preparations made by the Council to implement the Statewide Jury List mandated under The Jury Reform Act (HB 415) of the 2011 General Assembly. He will also be discussing the Sample Order template enclosed here. Also enclosed are the amendments to the Uniform Superior Court Rule 34, Unified Appeal Rule II (C) (6) and (E).

Jury Reform 2012

- In December 2011, the Supreme Court approved two orders related to jury venire: (1) the Supreme Court Jury Composition Rule and (2) amendments to the Unified Appeal Rule. These orders were drafted by the Jury Composition Committee with the assistance of John Speir (Applied Research Services, Inc.) and Gary Yates, working on behalf of the Council of Superior Court Clerks. The effective date of these new rules will be July 1, 2012, to correspond with changes in the law.
- The Jury Composition Rule primarily gives technical guidance on how to develop the statewide jury list.
- There are provisions of the composition rule that are important for local treatment of the county master jury lists.
 - The Council of Superior Court Clerks or its vendor shall certify to the Supreme Court and the county that it has complied with the rules for list preparation and whether or not a county list meets the inclusiveness threshold of 85%, which is the new standard for constitutionality.
 - No names should be added or deleted from the county master jury list except those who are ineligible or incompetent to serve as provided by law. The clerk shall keep a list of the names of those who are excused, deferred or inactive.
 - All issues of local jury management shall be as authorized by law or local court order.
- The Unified Appeal Rule will no longer require a court to certify the demographic percentages as part of the trial judges' report. Instead, there is a new provision for the use of the inclusiveness certificate that will be provided to the county by the Clerks' Council or the vendor after the subscription fee is paid. Inclusiveness is now the standard for measuring whether a jury venire is a "fair cross-section of the community."
- While the bulk of the jury reform legislation passed in 2011, two additional technical amendments were passed by the 2012 General Assembly. These are:
 - Language clarifying that felons may not serve on jury trials; and
 - a provision that jurors summoned prior to July 1, 2012 may still serve after July 1 – this allows for a transition to using the new master lists instead of a "hard stop."
- The Council of Superior Court Clerks hired a company called ACS to prepare the master lists. ACS is a subsidiary of Xerox and has considerable experience in compiling jury lists. ACS has committed to supporting their work if called into question in court.



Sample Order Template

The following is a sample of a possible order that might be employed in connection with local jury management issues.

This is only a sample of some possible provisions. Usage is not mandated. Usage of any particular provision is not mandated. Other or different provisions may be more appropriate for your local jury management.

Items in italics provide additional options that might be considered.

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

:

:

In re: Jury Management

:

:

Pursuant to the authority of Title 15 of the Official Code of Georgia Annotated and the Rules of the Supreme Court of Georgia, this Order is established to provide for the efficient and orderly management of jury operations in the Superior (and State) Courts of _____ County, Georgia, (hereafter referred to as "County").

1.

Clerk of the Board of Jury Commissioners

The Clerk of Superior court shall serve as Clerk of the Board of Jury Commissioners and shall implement and maintain the jury selection and jury drawing process in accordance with the law and the orders of this court.

2.

Funding for Jury Operations

The County shall provide necessary funding for adequate staff, equipment, supplies, a jury management computer system and the Master Jury List to insure expeditious implementation and continuation of the provisions of this Order through operations of the Clerk's Office on a year to year basis.

3.

County Master Jury List

(a) Effective July 1, 2012 the Board of Jury Commissioners shall receive the County Master Jury List annually from the Council of Superior Court Clerks of

Georgia. Such lists shall constitute the jury list of the County effective as of July 1 of each such year.

(b) The Board of Jury Commissioners and the county governing authority shall cause the annual subscription invoice for the County Master Jury List to be promptly paid so as to facilitate certification of the Master List.

(c) Neither the Jury Commissioners nor the Clerk to the Board shall add or delete names for the Master List.

(d) Effective July 1, 2012 all juries in all the courts of the County shall be drawn from the Master List.

4.

Delegation of Authority to Defer, Excuse and Inactivate Jurors

Pursuant to OCGA 15-12-1.1, the authority to defer and excuse jurors according to the guidelines as set forth in this Order is hereby delegated to the Clerk of Superior Court, hereinafter referred to as the "Clerk", and to such members of the staff of the Clerk as may be designated by the Clerk from time to time.

5.

Guidelines for Deferral, Excusal and Inactivation of Jurors

(a) 'Defer' shall mean a postponement of a person's jury service until a later date.

(b) 'Excuse' shall mean the grant of a person's request for temporary exemption from jury service.

(c) 'Inactivate' shall mean removing a person's name and identifying information who has been identified, on the county master jury list as a person who is permanently prevented from being chosen as a trial or grand juror because such person is statutorily ineligible or incompetent to serve as a juror or who has requested inactivation pursuant to OCGA 15-12-1.1. Removal shall be accomplished by flagging such person in the Master List so as to exempt such person from being thereafter selected for jury service. A person who is statutorily ineligible and inactivated may subsequently become eligible for service by elimination of the statutory impediment.

(d) The Court hereby establishes the following guidelines for deferrals and excusals:

1. Except for permanently mentally or physical disabled persons all excusals shall be deferred unless as otherwise provided in paragraph 3. Below.

2. Any subsequent excusals shall be made based upon good cause shown at the time of the subsequent request for excusal or deferral.

3. The following listed reasons for temporary excusal and deferral are established.

i. Any person who shows that he or she will be engaged during his or her term of jury duty in work necessary to the public health, safety, or good order or who shows other good cause why he or she should be exempt from current jury duty may have his or her jury service deferred by the Clerk or excused by the Court. Such person shall execute an affidavit stating the facts substantiating such request.

ii. Any person who is a full-time student at a college, university, vocational school, or other postsecondary school who, during the period of time the student is enrolled and taking classes or exams, requests to be excused or deferred from jury duty shall be deferred until issuance of summons for the next available jury trial week that coincides with such person's availability, or excused if no date coincides with such person's availability over the following 12 months. Such person shall provide proof of enrollment and school calendar.

iii. Any person who is the primary caregiver having active care and custody of a child six years of age or younger and who executes an affidavit stating that such person has no reasonably available alternative child care shall be excused from jury duty.

iv. Any person who is a primary teacher in a home study program meeting the requirements as provided for by law who executes an affidavit stating that such person has no reasonably available alternative for the child or children in the home study program shall be deferred until issuance of summons for the next available jury trial week that coincides with such person's availability, or excused if no date coincides with such person's availability over the following 12 months. Such person shall provide proof of home study program and school calendar.

Any person who is the primary unpaid caregiver for a person over the age of six; who executes an affidavit stating that such person is responsible for the care of a person with such physical or cognitive limitations that he or she is unable to care for himself or herself and cannot be left unattended and that there is no reasonably available alternative to provide for the care shall be excused from jury duty. In addition such person shall furnish a statement of a physician, or other medical provider, supporting the affidavit's statements related to the medical condition of the person with physical or cognitive limitations.

- vi. Any person on ordered military duty which requires such person to be at least 50 miles from his or her home or the spouse of any such service member who requests to be excused or deferred shall be excused or deferred from jury duty upon presentation of a copy of a valid military identification card and execution of an affidavit for deferral or excusal. Such person shall be an active duty member of the regular or reserve component of the United States armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard who was on ordered federal duty for a period of 90 days or longer.
- vii. Any legislator in the General Assembly shall be excused from such service during attendance in the Legislature.
- viii. Any person who has a documented temporary medical condition that would prevent attendance on the dates for which presence is required for service shall be deferred until issuance of summons for the next available jury trial week that coincides with such person's availability, or excused if no date coincides with such person's availability over the following 12 months. A statement from a physician stating such fact shall be presented to the Clerk prior to deferral or excusal.
- ix. Any person who will be traveling out of the county having made travel or accommodation arrangements that cannot be reasonably altered shall be deferred from jury duty.
- x. Any person who is a sole proprietor whose business will suffer an extreme hardship without such person's presence for the dates required for jury service shall be deferred from jury duty.
- xi. The Clerk shall excuse any person summoned for grand jury duty that does not meet the additional statutory qualifications for grand jurors.
- xii. Any affidavits for excusal and deferral shall be as determined by the Clerk.

4. The following listed reasons for the inactivation are established.

- i. Any person who is 70 years of age or older shall be entitled to be inactivated from jury service. The request shall be accompanied by an affidavit providing such information as the board may require. The board of jury commissioners shall inactivate such person. The Clerk may temporarily grant such inactivation pending final inactivation by the board of jury commissioners.

- ii. Any person identified as being a noncitizen of the United States shall be inactivated.
- iii. Any person identified as not having attained the age of 18 years shall be inactivated.
- iv. Any person identified as a convicted felon who has not had their civil rights restored shall be inactivated.
- v. Any person identified as being declared mentally incompetent by a Court shall be inactivated.
- vi. Any person identified as a nonresident of the County shall be inactivated.
- vii. Any person identified as deceased shall be inactivated.
- viii. Any person who has a documented permanent medical condition that would prevent attendance for jury service shall be permanently inactivated. A statement from a physician stating such fact shall be presented to the Clerk prior to inactivation.
- ix. Any affidavits for inactivation shall be as determined by the Clerk.

6.

County Master List Maintenance

(a) The Clerk may perform local maintenance of the Master Lists by notation or flagging of jurors who have been excused, deferred or inactivated as provided by law or this Order. The reason for a permanent inactivation shall be included as a notation or flag. In the maintenance of the lists no names shall be actually removed or deleted from the lists.

(b) The Clerk may update residence or mailing address information of a person on the Master List.

(c) The Clerk may update the name of a person upon identifying such person has had a name change by virtue of marriage or judgment of a court.

Recurring and Repetitive Service

(a) No person shall serve on the trial jury for more than four weeks in any one year unless he or she is actually engaged in the trial of a case when the four weeks expire. *For purposes of this paragraph a year shall be any consecutive twelve month period.*

Or: *For purposes of this paragraph a year shall be the period of January 1 through December 31.*

Or: *For purposes of this paragraph a year shall be the period of July 1 through June 30.*

(b) Any person who has served as a juror in Superior Court shall be ineligible for the next succeeding term of the Superior Court. Such person shall be eligible to serve at the next succeeding term of the State Court.

Or: *Any person who has served as a juror in Superior Court or State Court shall be ineligible for the next succeeding term of the Superior Court or State Court.*

Or: *Any person who has served as a juror shall be ineligible for the next succeeding term of the Court.*

(c) No other restrictions shall be implemented so as to avoid or limit the recurring or repeat service of any person within any given period of time.

Or: *(not recommended) the following provisions shall be implemented to limit the recurring or repeat service of any person.*

1. *Names of persons drawn shall be coded or flagged so as to not be subject for subsequent drawings, until the current master list is exhausted, reset, or the court so orders.*

Or: *Other limiting language per the court.*

(Note: It is not suggested or recommended that limitations other than those provided by statute be employed to limit repeat service. The language is provided here in the event the court decides to further limit recurring service. It is suggested that the Clerk not limit repeat service other than as provided by statute unless specifically directed to by the Court.)

(d) If a term of court is not held for any reason jurors summoned shall serve at the next succeeding term.

Or: *If a term of court is not held for any reason jurors scheduled for appearance shall serve at the next succeeding term only if at least a 10 day advance notice has been given to such jurors prior to the original report date. If such a notice is not able to be provided then such jurors shall be excused but shall otherwise be subject to random selection as a part of the master list.*

Or: *If a term of court is not held for any reason jurors scheduled for appearance shall be excused and not be deferred but shall otherwise be subject to random selection as a part of the master list.*

(e) If jurors are summoned to a term of court and after the jurors appearance all cases scheduled to be tried have been settled, continued or are otherwise not subject to trial the jurors scheduled for appearance shall be excused from further service and not be deferred.

Or: *If jurors are summoned to a term of court and after the jurors appearance all cases scheduled to be tried have settled, been continued or are otherwise not subject to trial, the jurors scheduled for appearance shall (serve at the next succeeding term or other appropriate language as determined by the court)*

8.

Transitional Issues to Master Lists

(a) On and after July 1, 2012, upon court order, the Clerk shall choose a random list of persons from the county master jury list to comprise the venire for a term of court. Any jurors chosen and actually summoned prior to July 1, 2012, shall remain eligible to comprise the venire for a term of court commencing after July 1, 2012. The order directing a selection using the jury list in effect prior to July 1, 2012 for appearance subsequent to July 1, 2012 shall specifically provide for choosing jurors using the list in effect prior to July 1, 2012.

(b) Persons chosen and deferred prior to July 1, 2012 to a date certain after July 1, 2012 shall continue to be a part of the venire for the term to which they were reset.

OR *Persons chosen and deferred prior to July 1, 2012 to a date certain after July 1, 2012 shall be excused from such service and shall not be deferred but shall otherwise be subject to random selection as a part of the master list.*

(c) Persons chosen and deferred prior to July 1 of any given year following 2012 to a date certain after July 1 shall continue to be a part of the venire for the term to which they were reset.

OR Persons chosen and deferred prior to July 1 of any given year following 2012 to a date certain after July 1 shall be excused from such service and shall not be deferred.

(d) Permanent excusals or inactivations granted following submission of the permanent excusal list to the Council of Superior Court Clerks in February and/or March 2012 shall be noted or flagged as inactivated in the county master list effective July 1, 2012 and shall be caused to not be subject to selection.

OR other language as determined by the court.

9.

Computer Jury Management System

(a) Pursuant to OCGA 15-6-61 the Clerk of Superior Court shall acquire, keep and maintain an automated computer based jury management system that facilitates the maintenance, operation and usage of the county master jury list and system.

(b) The County shall provide necessary funding for equipment, software, supplies and maintenance for such computer system to insure the effective continuation of the jury processes of the Court.

(c) The county master lists shall be entered into the jury management system under the direction and control of the Clerk.

(d) Adequate backup copies of the master lists shall be periodically saved to such media as directed by the Clerk and placed in the vault of the Clerk's office or other secure location for safekeeping or restoration in case of loss for any reason.

(e) Annually, following July 1 of each year, the Clerk shall create and store a backup copy of the List which was used for the previous year. Such copy shall be available for examination upon order of the Court.

(f) Potential jurors shall be chosen for appearance using the jury management system by randomly selecting names from the master list in a manner that does not deliberately or systematically exclude identifiable or distinct groups to serve at a particular term of court. Names shall be chosen for a term of court by the use of a random number generator computer program designed to provide each eligible person in the master list an equal chance of being selected unless such person is ineligible for service for such term as provided for by this Order.

(g) The selection process shall be conducted following an order of the court specifying the number of jurors required, the type of jurors, Grand or Trial, and the date and time of the required service. The Clerk is authorized to enter the required data and to start the selection process in accordance with the order of the court.

10.

Selection of grand jurors

(a) Grand jurors shall be chosen and summoned using the same methods as for selection of trial jurors following the issuance of an order.

(b) In the event that juror questionnaires are employed by the Clerk, potential grand jurors shall be asked the following questions relating to their qualification as grand jurors:

1. If such person has resided in the County for at least six months preceding the time of their proposed service.
2. If such person is the current holder of any elective office in state or local government or held any such office within two years preceding the time of their proposed service.
3. If such person is 18 years of age or older.
4. If such person has been convicted of a felony and has not had his or her civil rights restored.
5. If such person has been judicially determined to be mentally incompetent.

(c) The Clerk shall excuse any person summoned for grand jury duty that does not meet the additional statutory qualifications for grand jurors.

11.

Juror Information

(a) On and after July 1, 2012, upon the request of a party or his or her attorney, the clerk shall make available for review by such persons the county master jury list.

Optional: *The Clerk shall provide a listing of the master jury list providing the following information. (List the specific items of data that will be allowed to be viewed or appear on the list)*

(b) Except as provided for above, jury list data, including, but not limited to persons' names, dates of birth, addresses, ages, race, gender, telephone numbers, ethnicity or other confidential identifying information in the county master list shall not be required to be subject to public disclosure. The Clerk or jury

commissioners shall make such information available for examination pursuant to order by the Court in connection with a challenge to the array.

12.

Juror Questionnaires

(a) The Clerk shall determine if and when juror questionnaires shall be used and the content of same. In the event questionnaires are employed in connection with potential grand jurors the questions as provided in paragraph 10 shall be propounded.

(b) Juror questionnaires shall be confidential and shall be exempt from public disclosure. Any questionnaires shall be provided to the court and to the parties at any stage of the proceedings, including pretrial, trial, appellate, or post-conviction proceedings, and shall be made a part of the record under seal. The information disclosed to a party shall only be used by the parties for purposes of pursuing a claim, defense, or other issue in the case.

13.

Summoning Jurors

(a) The clerk shall be authorized to mail all summonses by first-class mail addressed to the prospective jurors' most notorious places of abode at least 25 days prior to the date of the court the prospective jurors shall attend.

(b) For any jurors chosen prior to July 1, 2012 for appearance and service after July 1, 2012 summons shall be issued and mailed prior to July 1, 2012.

IT IS SO ORDERED this _____ day of _____, 2012.

Chief Judge of Superior Court

Chief Judge of State Court
(optional)



SUPREME COURT OF GEORGIA

Atlanta December 8, 2011

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed:

It is ordered that Uniform Superior Court Rule 34, Unified Appeal Rule II (C) (6), relating to pre-trial proceedings and (E), relating to jury certificates, be revised, effective July 1, 2012, as follows:

Rule 34. UNIFIED APPEAL.

RULE II. PRE-TRIAL PROCEEDINGS

C. First Proceeding.

...

6. Whether or not a challenge is presented, the court shall nonetheless review the certificate provided with the county master jury list to determine that the inclusiveness percentage meets the threshold requirement established by the Jury Composition Rule. If the inclusiveness threshold is met in the certificate, that shall establish a prima facie case that the county master jury list represents a fair cross-section of the community. This rule shall not be construed to deprive the defendant of any rights under the constitutions of the United States and the State of Georgia or OCGA § 15-12-40. The court's findings shall be included in the trial judge's report in the form specified by Rule II (C).

...

E. Forms For Required Jury Certificates. (superseded by Jury Composition Rule)

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from
the minutes of the Supreme Court of Georgia

Witness my signature and the seal of said court hereto
affixed the day and year last above written.

Theresa A. Banne, Clerk



SUPREME COURT OF GEORGIA

Atlanta December 8, 2011

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed:

It is ordered that the Jury Composition Rule is hereby adopted by this Court, effective
July 1, 2012, as follows:

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from
the minutes of the Supreme Court of Georgia
Witness my signature and the seal of said court hereto
affixed the day and year last above written.

Theresa A. Barnes, Clerk

JURY COMPOSITION RULE

1. Purpose. The purpose of the rule is to set reasonable standards for the preparation, dissemination and improvement of inclusive statewide and county master jury lists.
2. Business Rules. The statewide and county master jury lists shall be compiled substantially in accordance with the business rules set forth in Appendix A.
3. Inclusiveness. Each county master jury list should be no less than 85% inclusive of the number of persons in the county population age (18) years or older as derived from the most recent decennial census or county population estimate (Table B01001 as of the date of this rule) from United States Census Bureau for the calendar year when the list is generated. The calculation shall be made by dividing the number of persons in such master list by the county population age (18) years or older according to the applicable census data. In the event that such percentage is less than 85%, the Council of Superior Court Clerks will provide the county data collected pursuant to OCGA § 15-12-40.1 and applicable census data so that the chief judge may make a prima facie determination whether the list is fairly representative based upon:¹
 - a. The findings of the Georgia Supreme Court in representativeness challenges;
 - b. The level of representativeness; and
 - c. The alternatives available to increase the inclusiveness of the list.
4. Certification.
 - a. Upon completion of the statewide and county master jury lists, the Council of Superior Court Clerks or its list vendor shall certify to the Supreme Court that it has complied with the business rules for preparation of the master jury list and that the county master jury lists do or do not meet the inclusiveness threshold.
 - b. The Council of Superior Court Clerks or its list vendor shall provide written certification of the county master jury list to each county after payment of the subscription invoice presented to the county in conjunction with the delivery of the county master jury list as provided by OCGA § 15-12-40.1. This certification shall include:
 - i. The year the list was created;
 - ii. The name of the county;
 - iii. Certification that the business rules established by this court rule have been followed; and
 - iv. The percentage inclusiveness of the county master jury list as certified to

¹See National Center for State Courts Trial Court Performance Standards, Measurement System Standard 3.2.3: Representativeness of Final Juror Pool (last modified January 2005).

the Supreme Court.

5. The written certificate shall be provided to the trial court and shall be included in the trial judge's report as required by OCGA § 17-10-35 (a).
6. Local clerks and jury commissioners shall not add or delete names from the county master jury list, but may excuse, defer, or inactivate names of jurors known to be ineligible or incompetent to serve pursuant to OCGA § 15-12-1.1. The clerk of the board of jury commissioners shall maintain a list of jurors excused, deferred or inactive who are not part of the eligible juror array derived from the county master jury list.
7. All other issues of local jury management shall be as authorized by law or by local court order.
8. In the promulgation of this rule, the Court does not express any advisory opinion on the legal sufficiency of compliance.

APPENDIX A: INCLUSIVE SOURCE LIST: PROCESS AND BUSINESS RULES

PRIMARY RECORDS SOURCES

The following shall be used as the two sources of data for the creation of the statewide and county master jury lists. Such sources are hereafter referred to as “Primary Records Sources.”

Department of Driver Services (DDS)

Records shall be secured from the Georgia Department of Driver Services (DDS). Such records shall include data relating to all persons (18) years of age and older with any of the following:

- a) valid and expired drivers’ licenses,
- b) state issued personal identification documents, or
- c) records of in-state and out-of-state convictions for driving without a license, revocations, and suspensions.

Secretary of State Voter Registration Records

Voter registration records shall be secured from the Georgia Secretary of State. Such records shall include data relating to all persons registered to vote within the state, including persons indentified by the Secretary of State as “active” and “inactive.”

LIMITING RECORDS SOURCES

The following record sources shall be used as sources of data to be applied to the Primary Records Sources to purge persons from the Primary Records Sources as indicated:

Department of Public Health Death Certificates

Death certification data shall be obtained from the Department of Public Health including data relating to all current and past (15 years) Georgia death certificates. The certificates include first name, last name, middle name, gender, date of birth, address/county of death, and county/address of residence.

Records shall be purged from the Primary Records Sources relating to all persons found

in the death certificate file when such records match on each of the six fields stated below. Matching shall be made using deterministic matching methods and the following fields:

1. County of Residence
2. Last Name
3. First Name (or use first four characters of name)
4. Middle Initial
5. Sex
6. Date of Birth

Secretary of State: List of Convicted Felons

A list of persons shall be obtained from the Secretary of State for all persons who have been convicted of felonies in state or federal courts and who have not had their civil rights restored. Felons shall be purged from the merged source file.

County Permanent Excusals

A request shall be made of each Superior Court Clerk or county jury clerk for an electronic listing of all persons within such county who have been permanently excused or inactivated from jury service as follows:

- (a) such persons who have been permanently excused or inactivated due to mental and/or physical disability; and
- (b) such persons who are 70 years of age or older and who have requested and been granted permanent excusals or inactivation from jury service as the result of their age.

Such listing shall include such data elements as specified by the Council of Superior Court Clerks. Such listings shall be submitted by such reasonable deadlines as determined by the Council.

Persons appearing on such lists presented in a timely manner shall be inactivated from the county master jury list prior to delivery to each county; to the extent that local listings are not timely submitted to the Council, the Council shall still provide a county master jury list.

This provision shall not limit the authority of the court to excuse or inactivate such persons locally.

Source List Preparation and Business Rules

Compiling the sources is conducted sequentially after receiving the DDS, voter registration, and death certificates. The following sections provide specific business and process description.

Data Filters

Prior to standardizing and clearing the eligible source list records, the first step is to purge records from the DDS source data. The specific business rules guide pre-merge record purging. Six fields are used to purge ineligible DDS records:

1. License Status
2. Personal ID Flag indicating (1) License or (2) Personal State Issued Identification.
3. DDS Driver's License #
4. Address Date
5. Date of Document Expiration (License/ID)
6. DDS extraction date

The DDS data extraction date is not included as a data field but is needed to filter expired licenses.

DDS Source Data Filter Rule #1:

Purge from the DDS data any record where the License Status equals "No License" and the Personal ID/Licenses Flag equals "License."

Do not purge records where the Personal/ID field equals "I".

DDS Source Data Filter Rule #2:

Purge from the DDS data any record where:

- a) License Status = Expired and days since the expiration date is greater than 730 days, and
- b) Personal ID/License Field = "L" (License)

DDS Source Data Filter Rule #3:

Do not purge from the DDS data any record of a state issued ID even if it appears expired.

DDS Source Data Filter Rule #4:

Purge from the DDS data duplicate record(s) when two or more records have the same Driver's License ID #.

The single record retained shall be the record containing the most recent:

- (a) address date, or
- (b) expiration date, or
- (c) document issue date.

Voter Registration Filter Rule #5:

No filters are applied to the voter registration records (inactive voters remain in the final list).

Address Standardization and Cleaning

Name and address standardization procedure shall be performed prior to submission to the National-Change-of-Address (NCOA) vendor or the vendor can authorize NOCA vendor to perform these data cleaning services.

1. Apply software algorithms to extract, parse, and standardize voter/driver address from text fields to ensure the address is consistent with the national United States Postal Service Address Information System (Postal Addressing Standards Publication # 28, April 2010).
2. Standardized addresses are matched to the USPS Address Information System to identify potentially invalid addresses. Invalid addresses shall be identified but shall be retained.
3. If the address is missing a ZIP code or has the wrong county code, the USPS Automated Address System is used to correct address components if possible (5-digit ZIP Code, add 4-digit ZIP Code suffix, correct county code).
4. Although voter/driver records have separate first, last, and middle data elements, standardization algorithms standardize special cases (hyphenation, apostrophes).

5. Ensure Georgia DDS county codes correspond to Georgia voter registration County codes. Assign the Federal Information Processing Standards (FIPS) codes to all records (required in subsequent steps to reconcile NCOA returns to DDS/Voter county codes).

National-Change-of-Address (NCOA) Processing

NCOA Rule #1: NCOA Service

1. The NCOA vendor must use the 48-month USPS NCOA database.
2. The selected NCOA vendor must do all processing in-house and cannot outsource any or part of the DDS or voter file matching to other companies or entities.

NCOA Rule #2: NCOA Service

The NCOA vendor shall report whether a residence move is an out-of-state, intra-county, or inter-county move. All records indicating out-of-state moves shall be purged. All records indicating corrected intra-county moves shall be retained.

NCOA Rule #3: NCOA Service

Keep all records even if the NCOA match to the USPS valid address database flags the record as invalid. This USPS address validity flag will be retained in the master source list for clerks to verify accuracy over time using manual checks or returned jury summons. After one year, the clerks can evaluate the accuracy of the undeliverable flag to determine whether to purge these records prior to compiling the list.

Identifying Duplicate Records

Apply “Probability Linking Methods” as described below.

Unlike the deterministic approach which requires an exact match on some or all fields, Probability Records Linkage (PRL) methods use the statistical properties of a record pair to calculate the probability that the records apply to the same person. Exact matches on all the fields are therefore not required. The PRL method allows for both agreements and disagreements among matching fields between two

records. PRL takes into account the probability that the matching field, such as the birth month, agrees by chance alone, even if the record pair is not the same person.

For example, suppose birth month is used as one of the matching fields. What is the chance that any pair of records from the voter and driver's license files will have same birth month, even if the two records are not the same person? For the sake of simplicity, let's say that there is an 8% (1/12) chance of agreement on birth month by chance alone, even if the records belong to different people. The power behind PRL becomes more apparent when using a combination of matching fields, such as the surname. The somewhat unusual name "Wilenski" will carry a much higher matching weight than "Smith," which is a very common name. For both the voter and driver's license databases, the frequencies (probabilities) are computed for each value in each of the matching fields. When all agreements and disagreements among these fields and their corresponding weights are computed for each record pair, it is possible to make statements as to the likelihood that the record pair in fact represents the same person.

Identifying Duplicate Records: Methodology

The PLM methods to be used rely on the Fellegi-Sunter (1969) framework to compute odds ratios (see Section 2.1 in the attached article) and a limited Bayesian Model (see Section 3.1). The matching methodology does not apply the full Bayesian Model as described in Section 4.1.

Although the Fellegi-Sunter framework will provide an odds-ratio, it is very difficult to identify an optimal cutting point in terms of successful and unsuccessful matches without manual review. Additionally, odds-ratios do not translate easily into practical interpretation, making it difficult to describe record matching success.

For this reason, the limited Bayesian Model shall be used to convert likelihood ratios (match weights) by converting these estimates into Bayesian posterior probabilities. The limited Bayesian formulae permit computation of an actual probability stating the likelihood that the record pair is indeed a link.

For a complete description, see the attached article: McGlincy, *A Bayesian Record Linkage Methodology for Multiple Imputation of Missing Links*. The references in this article also provide the citations for the supporting matching research (Fellegi-Sunter, Newcombe, and Winkler).

Identifying Duplicate Records: PLM Model Parameters

Blocking Fields:

1. County
2. Gender
3. Last Name (Soundex)
4. Year of Birth

Matching Fields

1. Last Name
2. First Name (with one typo permitted)
3. Middle Name (first three characters)
4. Birth Day
5. Birth Month
6. Birth Year

Probability Level: 90% or higher

Identifying Duplicate Records: Selecting the DDS or Voter Registration Records between Two Linked Records

Among record pairs that meet or exceed the 90% probability level, the following business rules are used to select the record (DDS or voter) with the best information. In most cases, the voter registration record will have the most recent and complete data in terms of street address so the voter registration record will be selected as the primary record among duplicates. However, this may not always be the case. If so, the following rules apply.

1. Conduct a field-to-field comparison between the two linked records to identify missing data and inconsistent data, such as different addresses.
2. Use DDS address-change date and/or date of license issue and compare these dates to the address and voter date-of-last-contact date. The source record with the most-current dates will dictate what address is used as the selected address.

The statewide master jury list and the county master jury lists shall contain at least the following fields:

1. Last Name
2. First Name
3. Middle Name
4. Birth Day
5. Birth Month
6. Birth Year
7. Residence Address (including City, ZIP Code and County)
8. Mailing Address (including City, ZIP Code and County) if not the same



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Center for
HEALTH & JUSTICE
at TASC

NATIONAL JUDICIAL LEADERSHIP SYSTEMS CHANGE INITIATIVE EXPERT PANEL UPDATE

2011 OVERVIEW

The National Judicial College (NJC) and the Center for Health & Justice (CHJ) at TASC held three symposia in 2011. A total of 117 justice professionals attended these symposia. The first symposium was the 2nd symposium of presiding judges from across the United States. It was held at the NJC in Reno, Nevada in September 2011. Twenty-two presiding judges attended the symposium from seventeen different states. This two-day event was very well received by the judges. **The course received an overall average score of 6.5 [based on a scale of 1 being the lowest and 7 being the highest]. The expert faculty received averaged range of scores from 5.8 to a perfect 7 (which requires each student to rate that faculty as a 7).**

The second and third symposia were developed specifically for the states of Georgia and Texas. The content of these symposia was similar but adapted to fit the specific problems and needs of these two states. Another difference is that teams were assembled to attend each of these two trainings. The teams were selected from different jurisdictions through the two states and were comprised of a leader judge, prosecuting attorney and defense attorney. Additionally, each team had 2-3 more members which varied between state symposia and amongst teams. Those team members consisted of leader limited jurisdiction judges, probation officers, court administrators, treatment providers, and others in the criminal justice system that the team felt were important members to attend the training. For the Georgia symposium, an additional state leader team was assembled and attended as well. Both these symposia were extremely well received and educated a total of 95 justice professionals in the two states. **The participants of the Georgia symposium rated the course as an overall score of 6.6 and the faculty members received scores between 6.1-6.8. The participants of the Texas symposium rated the course as an overall score of 6.4 and the faculty members received scores between 6.1-6.6.** Comments made by the participants from the three symposia are below.

One of the most important portions of the symposia was working with the participants to propose plans for change and implementation when they return to their jurisdictions. For the national symposium, these were individual plans; for the state symposia, they were team-created plans. Action steps were identified by the presiding judges and teams the predominately consisted of convening collaborative meeting to determine how best to proceed, developing resources and contacts with treatment providers and others outside of the justice system to assist with making improvements, reviewing screening and assessment tools and ensuring that they are occurring at the best time and that the information is used for its best purpose, and ensuring all stakeholders, partners, and the community receive education on substance abusing offenders.

To continue the momentum and energy with which these symposia ended, technical assistance and webinars need to be conducted in order to assist participants and members of their jurisdictions in implementing their action plans and ensuring the systems change occur.



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2011 OVERVIEW

COMMENTS FROM THE EVALUATIONS OF THE THREE SYMPOSIA

"This is the kind of education we need across the state in order to reverse a decade-long trend at punishing a disease rather than treating the disease and punishing addiction-driven behaviors only when needed for public safety."

"Excellent – discussions were not left in the conference room." We were networking and exchanging ideas during meals and other meeting areas."

"This was a wonderful program to help re-ignite my efforts to reform our system to promote better outcomes."

"Has done a great job of getting thought processes going."

"Made a potentially difficult topic understandable."

"Excellent – interesting and most helpful in practical application and gradual steps along the way."

"Great information presented well and in a manner we could understand."

"Very good stuff!!!" The best block. Every judge/criminal justice player should hear this."

"Excellent presentation. Concise and to the point."

"Very informative and educational; very beneficial for judges."

"Knowledge base is incredible and this is a communicator."

"Great session that helps demystify the neuroscience as it relates to addiction & treatment."

"Presenter has caused me to rethink medication-assisted treatment and how it may be a tool in my toolkit that I have overlooked."

"This helps a very good session which was one of the best I have ever participated in. Really understanding what we should be doing to effectively use our resources."

Representative Action Plan from the Three Symposia

Stage 1 (short term): What do you plan to do differently Monday morning and for the next three months?

1. Circuit-wide collaborative meeting for all court-related personnel
2. Assess resources currently in place in our circuit or available to our circuit
3. Meeting for key personnel to determine goals for our circuit or what direction we want to go (includes visiting other circuits with DRC vs. new drug court expanding DRC)
4. Assign someone to monitor grant emails, deadlines, etc.

Stage 2 (long term): What do you plan to do differently after three months and through next year?

1. Set program parameters – target population
2. Implement process for proper evaluations/assessments of potential program participants (which includes mental health)
3. Develop budgets & obtain data to back up program success
4. Funding process initiated
5. Go to county leaders
6. Develop contacts/contracts with service providers to meet needs of targeted individuals



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NATIONAL JUDICIAL LEADERSHIP SYSTEMS CHANGE INITIATIVE EXPERT PANEL UPDATE

2012 OVERVIEW

Post-Symposia Evaluations

To follow-up with our work in 2011, NJC and CHJ reached out to those who attended the three symposia to find out what work they had done on their action plans. Here is some of the answers that we received:

Two questions were asked on the post-course evaluations:

- As a result of your participant in this course, have you integrated any of the information shared into your work activities?
- Do you believe the information gained or skills learned at the course have made you better equipped for your position?

Those answering the evaluations unanimously answered these two questions in the affirmative.

In follow-up to steps taken to accomplish their action plans, participants provided the following responses:

I started more evidence-based evaluations to determine the needs of clients. I have moved away from a one-size-fits-all plan when dealing with clients. I started negotiating more open-ended sentences to allow for differing needs of clients.

We have secured funding in the FY 13 budget to research and propose a presentence risk assessment to assist judges and prosecutors in determining a proper sentence for offenders.

I have re-evaluated how I look at sentencing drug offenders. I am exploring with my probation companies the opportunities available for treatment and rehabilitation. Through our public defender we are working with a project that he set up to target dual diagnosis inmates. They are screened and worked through our system with an eye toward getting them out of jail and into treatment and counseling programs. He set this program up and is working with me and all of our local judges to implement it. I continue to meet with probation officers to discuss what options are available with long term care.

1. Educated staff on Ohio's evidence-based screening assessment tool. 2. Inculcated expectation that treatment must be given sufficient (more) time to work before punitive measures are considered and imposed. 3. Closer partnership with local substance abuse agencies. Developing relationship with medical treatment agency regarding holistic treatment of substance abusers. 4. Conduct risk assessments immediately upon offenders' entrance into justice system -- not when convicted -- to more quickly identify and treat substance abuse issues. 5. Educating law enforcement agencies that emphasis on "treatment" programs still includes use of accountability measures. 6. Applied for and received state funding for increased probation services based on evidence-based practices. 7. (New paradigms are the norm and we are constantly examining former practices...)

We are scheduling an in-depth training for attorneys on drug treatment, recovery and how that applies to our cases.

We are submitting a proposal for a grant that will allow us to more proactively identify persons entering our jail who are appropriate for referral to one of our many diversion or intervention programs.



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**NATIONAL JUDICIAL LEADERSHIP SYSTEMS CHANGE INITIATIVE
EXPERT PANEL UPDATE**

2012 OVERVIEW

Symposia Plans – 2012

Thanks to funding from BJA, CSAT, and NIDA, NJC and CHJ will be presenting two more symposia this year. NJC and CHJ have partnered with the Ohio Judicial College to present a team-based symposium on August 20-22, 2012. The symposia will be held in Columbus, Ohio. Ohio is starting to assemble the teams which will include the following members: judge, prosecutor, defense attorney, treatment representative, and probation. Ohio is also hoping to have a team with state-level members.

NJC and CHJ will also be holding its third national symposium for presiding judges, *Presiding Judges Symposium: Enhancing Court Efficiency through Emerging Addiction Science*. This will occur on November 5-6, 2012 at NJC's campus in Reno, Nevada. It will be similar to the symposium offered in 2011 with minor adjustments based on feedback from the participants and faculty from the 2011 offering.

Besides the symposia, NJC and CHJ have begun to respond to requests from judges who attended the three symposia. These technical assistance requests have ranged from a few phone calls to provide assistance to supporting education and technical assistance initiatives within the state. NJC and CHJ have begun to provide assistance to multiple jurisdictions in Texas, Indiana, and potentially Vermont.

Council of Probate Court Judges

244 Washington Street, S.W., Suite 300

Atlanta, Georgia 30334

Phone (404) 656-5171

Fax (404) 651-6449

President – MARY JO BUXTON,
Johnson County, Wrightsville, GA 31096
Phone (478) 864-3316
Fax (478) 864-0828

Secretary-Treasurer – DARIN MCCOY
Evans County, Claxton, GA 30417



President-Elect – KELLEY POWELL
Henry County, McDonough, GA 30253

1st Vice President – CHASE DAUGHTREY
Cook County, Adel, GA 31620

Immediate Past President – TODD BLACKWELL
Baldwin County, Milledgeville, GA 31061

May 17, 2012

Honorable Carol W. Hunstein
Chief Justice
Supreme Court of Georgia
507 State Judicial Building
Atlanta, Georgia 30334

Dear Chief Justice Hunstein,

This letter is written in reference to the FY14 budget request the Council of Probate Court Judges has made. The requested increase in the budget is to fund an Executive Director's position. As you know, the Probate and Municipal Councils are the only members of the Judiciary that do not have an Executive Director.

The complexity of Council operations and requirements dictates that an executive director assist the Judges in relations with other Judicial entities such as the AOC, JQC, Judicial Council, Reporter of Opinions, etc. Communication assistance is also necessary between Judges and outside entities such as ICJE, The Carl Vinson Institute and others. Communication content creation and dissemination whether educational, administrative or financial is critical.

Thank you in advance for the Judicial Council's consideration of this request.

Sincerely,

Mary Jo Buxton, President
Council of Probate Court Judges