

JUDICIAL COUNCIL OF GEORGIA

General Session

Thursday, September 25, 2014

10:00 a.m. – 3:00 p.m.



Carter Center Cyprus Room

One Copenhill
453 Freedom Parkway
Atlanta, GA 30307

Directions to The Carter Center

453 Freedom Parkway
Atlanta, Georgia 30307

From North of Atlanta

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

From South of Atlanta & Hartsfield-Jackson Atlanta International Airport

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

From West of Atlanta

Follow the same directions as above or:

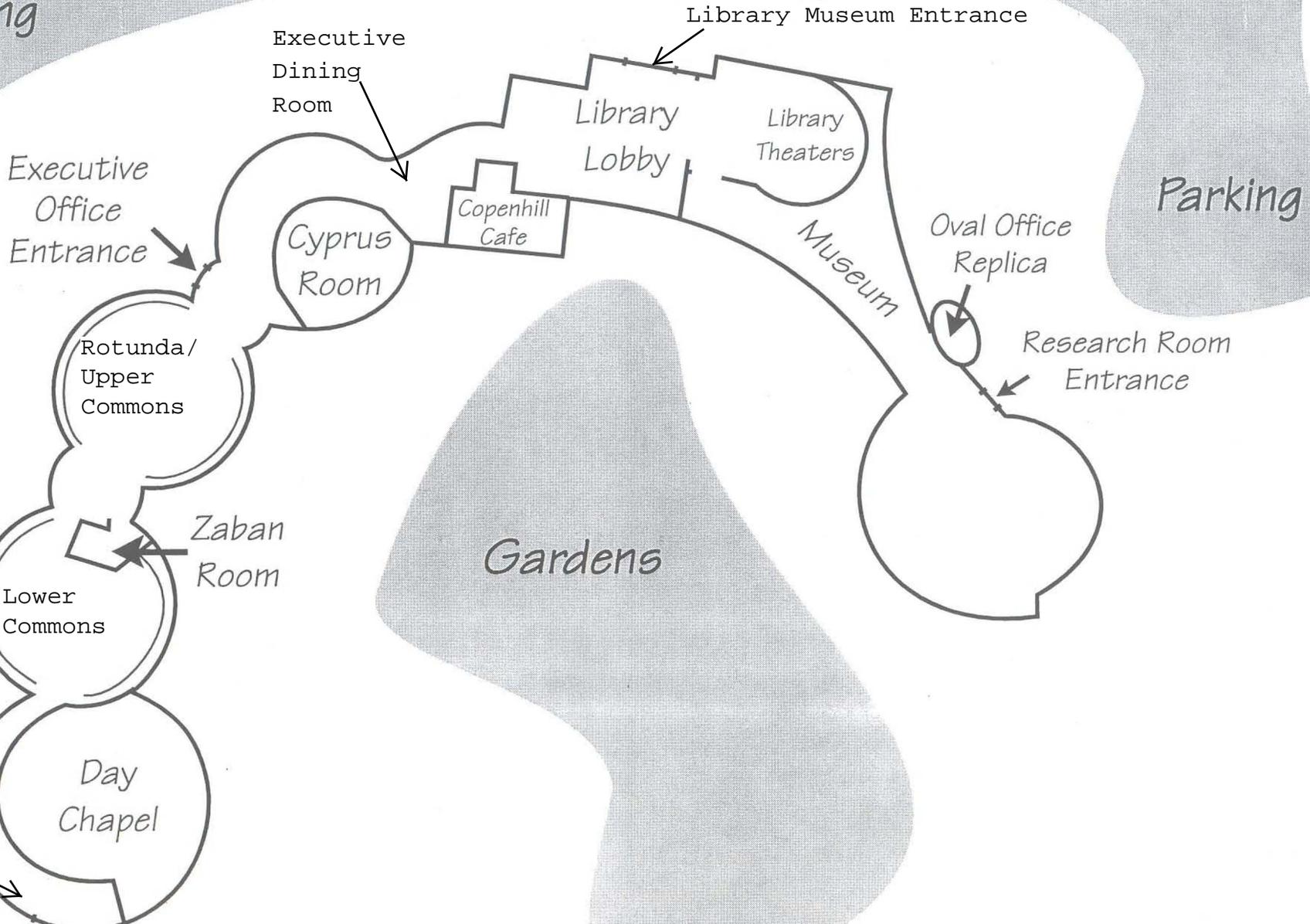
1. Begin on North Avenue.
2. Continue east (toward Decatur) on North Avenue until you come to N. Highland Avenue. You will see a neon art gallery, a gas station, and Manuel's Tavern at this intersection.
3. Turn right onto N. Highland Avenue.
4. Go to the next light at Freedom Parkway and turn right.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

From East of Atlanta

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

The Carter Presidential
Parking

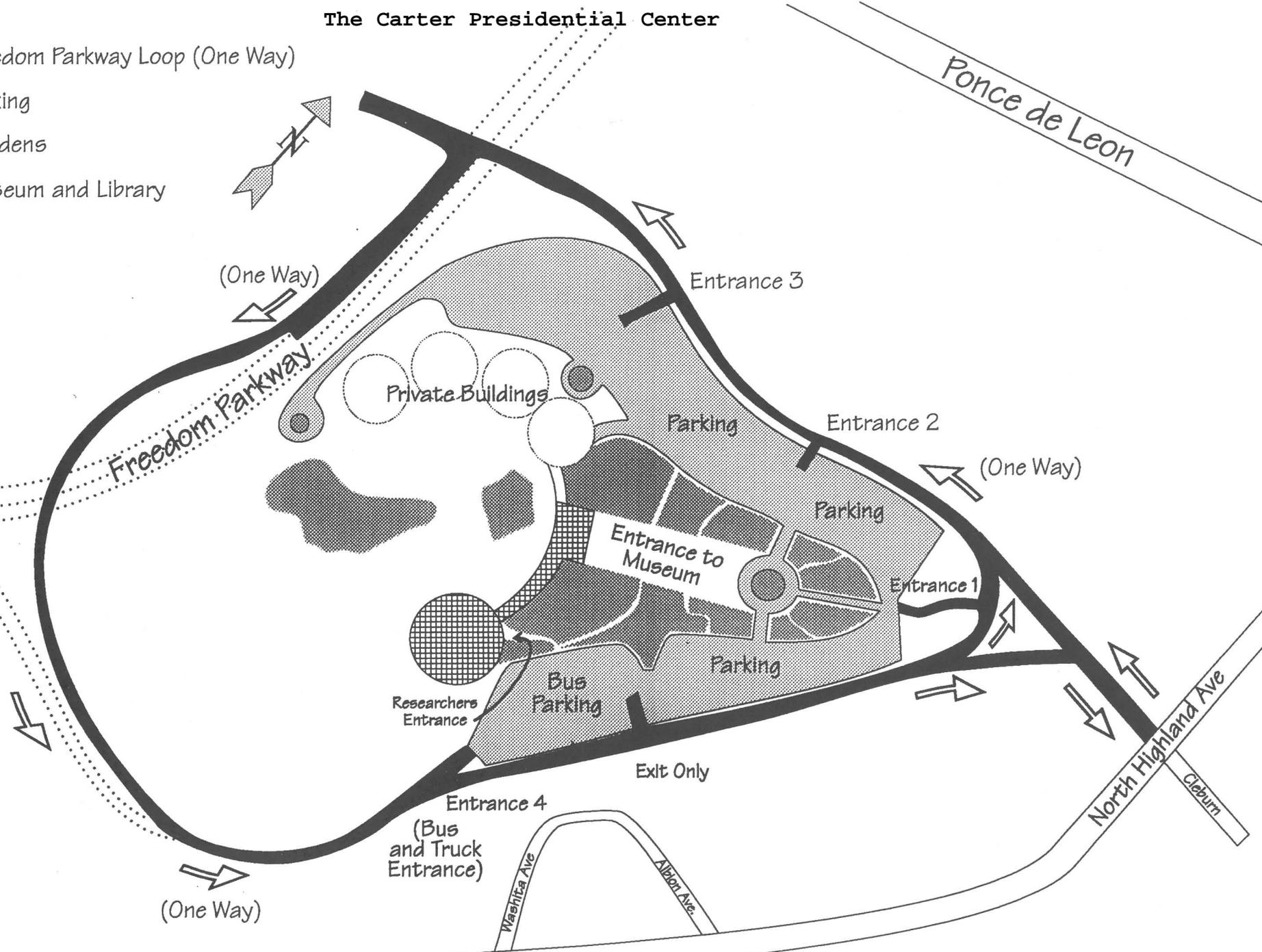
Orientation Map



The Carter Presidential Center

- Freedom Parkway Loop (One Way)
- Parking
- Gardens
- Museum and Library

DOWNTOWN ATLANTA



* This map is NOT to scale

Judicial Council of Georgia

Carter Center Cyprus Room

One Copenhill
453 Freedom Parkway
Atlanta, GA 30307

Thursday, September 25, 2014

10:00 a.m. – 3:00 p.m.

A group photograph will be taken at the break.

1. **Preliminary Remarks and Introductions**
(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)
2. **Approval of Minutes, June 4, 2014** (*Action Item*) **TAB 1**
(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)
3. **Implementation of Principles of an Effective Criminal Justice Response to the Challenges and Needs of Drug Involved Individuals** (Est. Time – 45 Min.)
 - A. **Presentation by Mr. Franklin Cruz, Justice Management Institute**
 - B. **Presentation of Certificates of Appreciation**
4. **Recommendations for Additional Superior Court Judgeships and Circuit Boundary Alterations** (*Action Item*) **TAB 2**
(Mr. Christopher Hansard, Est. Time – 30 Min.)
 - A. **Presentation of Study**
 - B. **Vote**
5. **Statewide Judiciary Civil E-Filing Steering Committee** (*Action Item*) **TAB 3**
(Justice Harold D. Melton, Est. Time – 5 Min.)
6. **Judicial Council Committee Reports**
 - A. **Policy and Legislative Committee** (*Action Item*) **TAB 4**
(Presiding Justice P. Harris Hines, Est. Time – 15 Min.)
 - B. **Court Reporting Matters Committee** (*Action Item*) **TAB 5**
(Presiding Judge Sara Doyle, Est. Time – 30 Min.)
 - C. **Strategic Plan Implementation Committee** **TAB 6**
(Presiding Judge Sara Doyle, Est. Time – 5 Min.)
 - D. **Accountability Court Committees** (Written Report) **TAB 7**
 1. Judge Brenda Weaver
 2. Judge Jack Partain
 - E. **Judicial Workload Assessment Committee** (*Action Item*) **TAB 8**
(Judge David Emerson, Est. Time – 10 Min.)
 - F. **Budget Committee** (*Action Item*) **TAB 9**
(Justice Harold D. Melton, Est. Time – 15 Min.)
 - G. **Domestic Violence Committee** (Written Report) **TAB 10**

- 7. Report from AOC** **TAB 11**
(Ms. Marla S. Moore, Est. Time – 30 Min.)
- 8. Reports from Appellate Courts and Trial Court Councils** **TAB 12**
- A. Supreme Court**
 - B. Court of Appeals**
 - C. Council of Superior Court Judges**
 - D. Council of State Court Judges**
 - E. Council of Juvenile Court Judges**
 - F. Council of Probate Court Judges**
 - G. Council of Magistrate Court Judges**
 - H. Council of Municipal Court Judges**
- 9. Old/New Business**
(Chief Justice Hugh P. Thompson, Est. Time – 15 Min.)
- 10. Outgoing Members**
(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)
- 11. Concluding Remarks and Adjournment**
(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)

The next meeting of the Judicial Council of Georgia will be held in Atlanta on January 7, 2015, in conjunction with the Mid-Year Meeting of the State Bar.

Judicial Council Members

As of September 2014

Supreme Court

Chief Justice Hugh P. Thompson
Chair, Judicial Council
507 State Judicial Building
Atlanta, GA 30334
404-656-3475/F 657-9586
thompsoh@gasupreme.us

Presiding Justice P. Harris Hines
Vice-Chair, Judicial Council
501 State Judicial Building
Atlanta, GA 30334
404-656-3472/F 651-8642
hinesph@gasupreme.us

Court of Appeals

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

Presiding Judge Sara Doyle
47 Trinity Avenue, Suite 501
Atlanta, GA 30334
404-656-3458/F 657-9764
doyles@gaappeals.us

Superior Court

Judge Mary Staley
President, CSCJ
Cobb Judicial Circuit
70 Haynes Street
Marietta, GA 30090
770-528-1816/528-1821
mary.staley@cobbcounty.org

Chief Judge Brenda Weaver
President-Elect, CSCJ
Appalachian Judicial Circuit
PO Box 545
Jasper, GA 30143
706-253-8729/F 253-8734
basw54@gmail.com

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

Chief Judge Harry J. Altman II
Southern Judicial Circuit, 2nd JAD
PO Box 1734
Thomasville, GA 31799
229-228-6278/F 225-4128
thosct@rose.net

Judge Edward D. Lukemire
Houston Judicial Circuit, 3rd JAD
201 Perry Parkway
Perry, GA 31069
478-218-4850/F 218-4855
elukemire@houstoncountyga.org

Chief Judge Gregory A. Adams
Stone Mountain Judicial Circuit, 4th JAD
5240 DeKalb County Courthouse
556 N. McDonough Street
Decatur, GA 30030
404-371-2211/F 371-3062
gaadams@dekalbcountyga.gov

Chief Judge Gail S. Tusan
Atlanta Judicial Circuit, 5th JAD
T8955 Justice Center Tower
185 Central Avenue SW
Atlanta, GA 30303
404-612-8520/F 302-8524
gail.tusan@fultoncountyga.gov

Chief Judge Matthew O. Simmons
Clayton Judicial Circuit, 6th JAD
Harold R. Banke Justice Center
9151 Tara Boulevard
Jonesboro, GA 30236
770-477-3484/F 477-3487
matthew.simmons@co.clayton.ga.us

Judge S. Lark Ingram
Cobb Judicial Circuit, 7th JAD
70 Haynes Street
Marietta, GA 30090
770-528-1831/F 528-1834
larkingram@mindspring.com

Chief Judge Kathy Palmer
Middle Judicial Circuit, 8th JAD
PO Box 330
Swainsboro, GA 30401
478-237-3260/F 237-0949
kspalmer@bellsouth.net

Judge Kathlene Gosselin
Northeastern Judicial Circuit, 9th JAD
PO Box 1778
Gainesville, GA 30503-1778
706-253-8729/F 253-8734
kgosselin@hallcounty.org

Chief Judge J. Carlisle Overstreet
Augusta Judicial Circuit, 10th JAD
735 James Brown Blvd., Suite 4203
Augusta, GA 30901
706-821-2347/F 721-4476
batkins@augustaga.gov

State Court

Judge Charles Wynne
President, CSCJ
Hall County
PO Box 737
Gainesville, GA 30503-0737
770-531-7007/F 531-3975
cwynne@hallcounty.org

Judge Wayne M. Purdom
President-Elect, CSCJ
DeKalb County
556 N. McDonough St, Suite 3220
Decatur, GA 30030
404-687-7180/F 687-7185
wpurdom@dekalbcountyga.com

Juvenile Court

Judge J. Lane Bearden
President, CJ CJ
Cherokee Judicial Circuit
100 Court Street
Calhoun, GA 30701
706-625-6959/F 602-2337
beardenlaw@aol.com

Judge John Sumner
President-Elect, CJ CJ
Blue Ridge Judicial Circuit
90 North Street, Suite 310
Canton, GA 30114
678-293-6250/F 493-6255
jbsumner@cherokeega.com

Probate Court

Judge Chase Daughtrey
President, CPCJ
Cook County
212 N. Hutchinson Avenue
Adel, GA 31620
229-896-3941/F 896-6083
chase.daughtrey@cookcountyga.us

Judge Don Wilkes
President-Elect, CPCJ
Emanuel County
PO Box 70
124 S. Main Street
Swainsboro, GA 30401
478-237-7091/F 237-2633
judgewilkes@yahoo.com

Magistrate Court

Judge W. Allen Wigington
President, CMCJ
Pickens County
35 W. Church Street
Jasper, GA 30143
706-253-8747/F 253-8750
awigington@pickenscountyga.gov

Judge Robert "Bob" Turner
First Vice-President, CMCJ
Houston County
89 Cohen Walker Drive
Warner Robins, GA 31088
478-987-4695/F 987-5249
bturner@houstoncountyga.org

Municipal Court

Judge E.R. Lanier
President, CMCJ
Municipal Court of Monticello
PO Box 269
Monticello, GA 31064
706-468-0129/F 468-0129
erlanier@aol.com

Judge Leslie Spornberger-Jones
President-Elect, CMCJ
PO Box 1705
Athens, GA 30603
706-613-3695/F 613-3696
leslie.jones@athensclarkecounty.com

Administrative Office of the Courts

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

Marla S. Moore, Director

404-656-5171

Director's Office

Bianca Bennett
404-656-5171

Yolanda Mashburn
404-657-6269

Erin Oakley
404-463-3820

Budget
Ashley Garner
404-656-6404

Communications
Ashley G. Stollar
404-656-6783

Derrick Bryant
404-656-6784

*Governmental & Trial Court
Liaison*
Michael Cuccaro
404-651-7616

Christopher Causey
404-463-6296

Catherine Fitch
404-463-1023

Tracy Mason
404-463-0559

LaShawn Murphy
404-651-6325

Human Resources
Stephanie Hines
404-657-7469

Jacqueline Booker
404-463-0638

General Counsel

Cynthia H. Clanton
404-656-6692

Jessica Farah
404-463-3805

Court Services

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

Maggie Reeves
404-463-0350

Accountability Courts & Grants Management

Lateefah Thomas
404-463-1906

Joshua Becker
404-463-6298

Rachel Gage
404-463-1453

Stacey Seldon
404-463-0043

Certification and Licensing

Herbert Gordon
404-232-1409

Bernetha Hollingsworth
404-656-0371

Board of Court Reporting
Aquaria R. Smith
404-651-8707

Matthew Kloiber
404-463-1319

Language Access

Linda Smith
404-657-4219

Office of Dispute Resolution
Shinji Morokuma
404-463-3785

Tynesha Manuel
404-463-3788

Probation Advisory Council
Shevondah Fields
404-656-6447

Mary Interiano
404-463-5001

Shawn DeVaney
404-463-3927

LaDonna Varner
404-463-4266

Children, Families, & the Courts

Michelle Barclay
404-657-9219

Patricia Buonodono
404-463-0044

Araceli Jacobs
404-656-6703

Elaine Johnson
404-463-6383

Paula Myrick
404-463-6480

Bruce Shaw
404-463-6106

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

*Commission on Family
Violence*

Greg Loughlin
404-463-6230

Jenny Aszman
404-232-1830

Jameelah Ferrell
404-656-5586

Jennifer Thomas
404-463-1662

Alexis Champion
404-463-3178

*Research, Planning, &
Data Analysis*

Christopher Hansard
404-463-1871

Joshua Becker
404-463-6298

Kimberly Miller
404-463-6887

Jordan Dasher
404-656-0371

Wendy Hosch
404-656-6413

Financial Administration

Randy Dennis
Division Director
404-651-7613

Amy Bottoms
404-463-2493

Roxanne Harkcom
404-463-9016

Kim Burley
404-463-3816

Monte Harris
404-656-6691

Nancy Nevels
404-463-1907

Tanya Osby
404-463-0237

Andrew Theus
404-463-5177

Information Technology

Jorge Basto
Division Director
404-657-9673

*Network Administration/
Desktop*

Tony Mazza
404-657-4006

Gilberto Alcantara
404-463-0016

Bradley Allen
404-657-1770

Carl Carey
404-656-7694

Application/Web Development

Christina Liu
404-651-8180

Angela He
404-651-8169

Software Maintenance/Support

Michael Neuren
404-657-4218

Pete Tyo
404-731-1357

Wanda Paul
404-538-0849

Kriste Pope
404-731-1358

*Georgia Judicial
Exchange*

Michael Alexandrou
404-656-7788

Tajsha Dekine
404-656-3479

Kevin Kirk
404-275-8372

Rory Parker
404-656-3478

Arnold Schoenberg
404-463-6343

**Council of State Court
Judges**

Bob Bray
404-651-6204

**Council of Magistrate Court
Judges**

Sharon Reiss
404-463-4171



Judicial Council Committees
As of September 2014
Advisory members are denoted in italics.

Accountability Court Committee

The Accountability Court Committee recommends policies and rules governing accountability courts and local funding priorities for grants; oversees evaluation of programs; monitors best practices; sponsors annual conferences; and provides for continuing education of accountability court coordinators.

AOC Staff Contact: Ms. Lateefah Thomas

Chief Judge Brenda S. Weaver, Chair
Judge Jason J. Deal, Vice Chair
Judge Charles Auslander, III
Chief Judge Jeffrey S. Bagley
Judge James Bass
Judge Cynthia J. Becker
Chief Judge Joe C. Bishop
Judge Linda S. Cowen
Judge Stephen Goss
Judge Kathlene F. Gosselin
Judge Cliff L. Jolliff
Judge Jeannette L. Little
Judge T. Russell McClelland, III
Chief Judge Murphy C. Miller
Judge Jack Partain
Judge D. Scott Smith
Judge Juanita Stedman
Judge Patricia Stone
Judge Susan P. Tate

Budget Committee

The Budget Committee handles the initial review of Council, AOC, and all subprogram budgets and recommends continuation funding and enhancement requests to the full Council for approval.

AOC Staff Contact: Ms. Ashley Garner

Justice Harold D. Melton, Chair
Judge J. Lane Bearden
Judge Chase Daughtrey
Judge E.R. Lanier
Judge Mary E. Staley
Judge Allen Wigington
Judge Charles Wynne

Court Reporting Matters Committee

The Court Reporting Matters Committee acts on behalf of the Council in handling appeals from decisions of the Board of Court Reporting; approves rules changes, opinions of the Board, and proposed changes to fee schedules; and recommends candidates for Board membership.

AOC Staff Contact: Ms. Aquaria Smith

Presiding Judge Sara Doyle, Chair
Judge Linda S. Cowen
Judge Edward D. Lukemire
Chief Judge Kathy S. Palmer

Domestic Violence Committee

The Domestic Violence Committee reviews grant applications from nonprofits offering to provide civil legal services to victims of domestic violence. Each year the General Assembly appropriates approximately \$2.1 million for this grant which serves over 5,200 low-income victims statewide.

AOC Staff Contact: Ms. Cynthia Clanton

Chief Judge William T. Boyett, Chair
Judge Anne E. Barnes
Judge William Bartles
Chief Judge Thomas C. Bobbitt, III
Judge Maria B. Golick
Judge Divida Gude
Judge Horace J. Johnson
Ms. Linda A. Klein
Ms. Allegra Lawrence
Chief Judge J. Carlisle Overstreet
Judge Tilman Self, III
Ms. Jody Overcash
Mr. Greg Loughlin

Judicial Workload Assessment Committee

The Judicial Workload Assessment Committee determines the methodology for analysis of data collected through annual trial court case counts. Additionally, based on staff studies, they make recommendations to the Council as to the need for additional judicial personnel.

AOC Staff Contact: Mr. Christopher Hansard

Judge David T. Emerson, Chair
Judge Cynthia J. Becker
Chief Judge Joe C. Bishop
Chief Judge William T. Boyett
Judge Leroy Burke
Judge Michael P. Cielinski
Judge Doris L. Downs
Judge Annie Doris Holder
Chief Judge T. Russell McClelland
Judge Eric Norris
Judge Bonnie C. Oliver
Judge Stephen D. Kelley
Chief Judge Kathy Palmer
Judge Sheryl B. Jolly
Mr. Bart W. Jackson
Ms. Cinda Bright
Mr. Philip M. Boudewyns
Mr. Bob Nadekow
Mr. Will Simmons

Policy and Legislative Committee

The Policy and Legislative Committee reviews the Council, AOC, and sub-program policies; reviews legislation affecting the judicial branch; and develops positions where appropriate.

AOC Staff Contact: Mr. Michael Cuccaro

Presiding Justice P. Harris Hines, Chair
Chief Judge Herbert E. Phipps, Vice Chair
Judge J. Lane Bearden
Judge Chase Daughtrey
Judge E.R. Lanier
Chief Judge Brenda S. Weaver
Judge W. Allen Wigington
Judge Charles Wynne
Mr. Bob Bray
Mr. Eric J. John
Ms. Sandy Lee
Ms. Marla S. Moore
Ms. Sharon Reiss

Strategic Plan Implementation Committee

The Strategic Plan Implementation Committee is responsible for implementing the Judicial Council/Administrative Office of the Courts Strategic Plan for FY 2014 – FY 2016.

AOC Staff Contact: Ms. Cynthia Clanton

Presiding Judge Sara Doyle, Chair
Judge J. Lane Bearden
Judge Chase Daughtrey
Judge E.R. Lanier
Judge Mary E. Staley
Judge W. Allen Wigington
Judge Charles Wynne

Inactive Committees:

Judicial Council Administration Committee
Judicial Council Nominating Committee
Judicial Records Retention Committee

Judicial Council of Georgia
Jekyll Island Club • Morgan Center
Jekyll Island, GA
June 4, 2014 • 1:00 p.m.

Members Present

Chief Justice Hugh P. Thompson, Chair
Presiding Justice P. Harris Hines, Vice Chair
Chief Judge Gregory A. Adams
Chief Judge Harry J. Altman
Judge James G. Bodiford
Judge Linda S. Cowen
Judge Chase Daughtrey
Presiding Judge Sara L. Doyle
Judge Kathlene Gosselin
Judge Betsey Kidwell
Judge Edward D. Lukemire
Chief Judge Arch McGarity
Judge John Morse
Chief Judge J. Carlisle Overstreet
Chief Judge Kathy Palmer
Judge Mary Staley
Judge John Sumner
Judge Gail Tusan
Judge W. Allen Wigington
Judge Don Wilkes
Chief Judge Brenda S. Weaver
Judge Charles Wynne

Guests Present

Mr. Bill Abel, Georgia Shorthand Reporters Association
Ms. Kerry Anderson, Georgia Shorthand Reporters Association
Rep. Alex Atwood, Georgia House of Representatives
Mr. Joe Baden, Third Judicial Administrative District
Ms. Tee Barnes, Supreme Court of Georgia
Justice Robert Benham, Supreme Court of Georgia
Mr. Bob Bray, Council of State Court Judges
Ms. Emily Denis, Georgia Department of Audits and Accounts
Mr. Steve Ferrell, Ninth Judicial Administrative District
Ms. Cheryl Gilliam, Georgia Shorthand Reporters Association
Judge S. Lark Ingram, Cobb Judicial Circuit, Seventh Judicial Administrative District
Judge Horace J. Johnson, Jr., Alcovy Judicial Circuit, Tenth Judicial Administrative District
Ms. Sandy Lee, Council of Superior Court Judges
Sen. William T. Ligon, Georgia State Senate
Trooper Moses Little, Georgia State Patrol
Ms. Cathy McCumber, Fourth Judicial Administrative District

Members Absent

Judge J. Lane Bearden
Judge E.R. Lanier
Chief Judge Herbert E. Phipps

Non-Member Committee Chairs Present

Justice Harold Melton, Budget Committee
Judge David T. Emerson, Judicial Workload Assessment Committee

Staff Present

Ms. Marla S. Moore
Mr. Jorge Basto
Mr. Mike Cuccaro
Mr. Richard Denney
Mr. Randy Dennis
Ms. Ashley Garner
Ms. Tracy Mason
Mr. Tony Mazza
Ms. Erin Oakley
Ms. Aquaria Smith

Sen. Josh McKoon, Georgia State Senate
Mr. Charles Miller, Council of Superior Court Judges
Ms. Tia Milton, Supreme Court of Georgia
Mr. David Mixon, Second Judicial Administrative District
Ms. Debra Nesbit, Association County Commissioners of Georgia
Ms. Meagan O’Leary, Tyler Technologies
Mr. Matt Ogles, Governor’s Office of Planning and Budget
Judge Jack Partain, Accountability Court Funding Committee
Rep. Jay Powell, Georgia House of Representatives
Mr. George Ray, Hall Booth Smith, P.C.
Ms. Sharon Reiss, Council of Magistrate Court Judges
Mr. Ray Samnani, Tyler Technologies
Mr. Wayne Satterfield, Hall Booth Smith, P.C.
Sen. Jesse Stone, Georgia State Senate
Mr. Chuck Spahos, Prosecuting Attorneys’ Council
Mr. Matt Taylor, Georgia Department of Audits and Accounts
Judge Robert Turner, Magistrate Court of Houston County
Mr. Shannon Weathers, Council of Superior Court Judges
Ms. Elizabeth Wharton, Hall Booth Smith, P.C.

Call to Order and Welcome

The meeting was called to order at 1:00 p.m. by Chief Justice Hugh P. Thompson. He thanked everyone for attending, and recognized the legislators in attendance: Rep. Alex Atwood Rep. Jay Powell, Sen. William T. Ligon, Sen. Jesse Stone and Sen. Josh McKoon. Each legislator was invited to make remarks to the Council. First, the local legislators, Sen. Ligon and Rep. Atwood welcomed the Council to Jekyll Island. Rep. Jay Powell spoke to the appropriations process during the 2014 legislative session, specifically noting the House Appropriations Committee’s request for the Department of Audits and Accounts to examine the current structure of the Judicial Council (Council) and Administrative Office of the Courts (AOC). Rep. Powell assured the Council that the sole purpose of this request is to make sure the legislature is using state funds as efficiently as possible while providing each Council with adequate staffing and resources. Senators McKoon and Stone talked about funding for court technology information systems and the upcoming study committee to examine the need for infrastructure improvement. Chief Justice Thompson expressed his deep appreciation for the legislature’s work in support of the judiciary. Council members, staff and guests introduced themselves.

Adoption of Minutes, February 18, 2014

Chief Justice Thompson directed the Council's attention to the minutes of the February 18, 2014 Judicial Council meeting. A motion to approve was offered by Chief Judge Gregory A. Adams, followed by a second from Judge Betsey Kidwell. The motion passed with no opposition.

Chief Justice Thompson asked the representatives from the Department of Audits and Accounts to speak to the status of the ongoing special examination. Mr. Matt Taylor reported that the planning period is complete and work will continue over the next four to five months. The final objectives were shared with the Chief Justice and each court council President and President-Elect last week. Each council will be given the opportunity to review and respond to a draft report, with the final report scheduled to be published in November. Chief Justice Thompson expressed his confidence in the objectivity of this inquiry. He encouraged the Council to cooperate with the examination, reminding members that the legislature has chosen to engage, rather than exclude, the judiciary in this process.

Committee Reports

Policy and Legislative Committee. Presiding Justice P. Harris Hines referred to the written committee report provided in the materials. He reviewed the final status of each item in the Council's 2014 legislative package, and highlighted several additional items of interest. He thanked the legislators in attendance for their support of the Council's policy initiatives. Presiding Justice Hines stated the Council had a good session overall, continuing to build trust and cooperation with the executive and legislative branches.

Court Reporting Matters Committee. Presiding Judge Sara Doyle directed members' attention to a memo (distributed at the meeting)¹ listing four nominees to the Board of Court Reporting for a two-year term beginning July 1, 2014: Ms. Tiffany Alley, Ms. Julie Brackett, Attorney Elizabeth Fite, and Judge M. Cindy Morris. Chief Justice Thompson entertained any other nominations; hearing none, the nominations were closed. The nominees were approved unanimously.

Presiding Judge Doyle took up the matter of the proposed court reporting policies and fee schedule. She reviewed the timeline of development for this proposal, and clarified that the

¹ Appended.

Committee is asking for the Council's approval to release the proposal for a two month public comment period. After this period, the Committee will compile all comments, make any necessary changes, and present the final document for approval at the September Council meeting. The General Assembly requires 30 days' notice of any changes to the fee schedule prior to implementation. Presiding Judge Doyle reviewed each item in the proposed document, and stressed that the Committee's goal was to develop the best possible solution for courts today and in the future, by both protecting the integrity of the court system and considering the realities of doing business. Discussion took place regarding several of the proposed items; Chief Judge Harry J. Altman expressed concerns and urged the Council to carefully consider the issue. Presiding Judge Doyle stated this discussion was the very reason a public comment period is being sought. Chief Judge Adams recommended the final vote in September be done by section, rather than by the document as a whole. Chief Justice Thompson called for a vote; the motion to approve the document to be released for public comment was approved, with one dissent (Chief Judge Harry J. Altman).

Strategic Plan Implementation Committee. Presiding Judge Doyle referenced the written report provided in the materials and summarized the Committee's recent activities. The Committee held a working session in April to discuss Priority Initiative #4 (new approaches to preparing for the legislative session). It will meet on Tuesday, June 10 to discuss Priority Initiatives #1 (baseline evaluation of current customer experience), #2 (performance measurement), & #7 (research priorities), and will meet in August to focus on written bylaws and analyze the governance structure of the Judicial Council (Priority Initiative #6).

Accountability Court Funding Committee. Judge Jack Partain delivered a report on the history and activities of the Accountability Court Funding Committee. The Committee approved 113 of 115 funding applications for Fiscal Year (FY) 2015, for an expected total of \$13.5 million. The Committee is working to develop a comprehensive training schedule, a technical assistance program, and has recently issued a Request for Proposals for a unified case management system. A handout was prepared for this meeting and distributed to members.²

Accountability Court Committee. A written report was included in the materials.

Judicial Workload Assessment Committee. A written report was included in the materials.

² Appended.

Chief Justice Thompson called for a ten minute break.

Budget Committee. Justice Harold Melton referenced the written report provided in the materials, and reviewed the outcome of the Council's FY 2015 state budget requests. Enhancement requests were funded for civil legal services to victims of domestic violence, the County and Municipal Probation Advisory Council and accountability courts. The enhancements requested for the Council of Probate Court Judges, the Institute of Continuing Judicial Education, the Family Law Information Center in the Pataula Judicial Circuit, and civil e-filing were not funded. Six white papers have been received for FY 2016 enhancement requests; the window to submit these requests closed on May 30. Justice Melton informed the Council that several more are pending. As the Budget Committee is not scheduled to meet until August, Justice Melton asked for the Council's approval for flexibility to accept additional requests, and submit the budget request on behalf of the Council. Chief Judge Altman moved to approve the motion, and a second was offered by Chief Judge Kathy Palmer. The motion was approved unanimously.

Statewide Judiciary Civil E-filing Steering Committee. Justice Melton referenced the written report provided in the materials. He moved for the Council's adoption of "the latest version of OASIS LegalXML Electronic Court Filing as a standard for e-filing in Georgia." Chief Justice Thompson called for a vote, and the motion was approved unanimously.

Domestic Violence Committee. A written report was provided in the materials. The Committee will meet on June 13, 2014 to allocate the FY 2015 funds.

Council of Magistrate Court Judges Access to Courts Project Update

Ms. Sharon Reiss reported on the status of the Access to Courts Wizard, which was presented at the February meeting. A public relations strategy for the Wizard is in place, as well as a plan for ongoing improvements. Pilot sites are being explored and a variety of performance measurement tools will be used to evaluate the Wizard, include analytics, user surveys, testing groups and judicial input. The link will be sent to Judicial Council members for review and feedback in three areas: publicity, system design and measuring tools. Chief Justice Thompson stated he was impressed with the demonstration of the Wizard, and encouraged all Council members to participate in the testing and feedback.

Report from AOC Director

Ms. Marla Moore, AOC Director, spoke to recent and current activities involving the AOC. Each member received several updated AOC publications at their seats, which are available upon request.

The Chief Justice, Presiding Justice Hines and Ms. Moore attended the Southern Region High Court Conference in Kentucky on May 15-17. The conference focused on judicial budgets. Each Council member was given a National Center for State Courts publication entitled “Funding Justice” which Ms. Moore believes will be a valuable resource on messaging and communicating with funding agents.

Ms. Moore recognized AOC staff, and expressed her appreciation for everything they contribute to the agency.

Ms. Moore directed members’ attention to the memorandum distributed at the meeting regarding Workload Assessment and Circuit Boundary Studies³, and requested the Council’s approval to conduct the requested studies. The results will be presented for the Council’s consideration at the September meeting. Judge W. Allen Wigington moved to approve the requests; a second was offered by Chief Judge Adams, and the requests were approved with no opposition.

The civil e-filing structure that supports the Child Support Georgia Judicial E-filing (GAJE) System was recently certified by the Integrated Justice Information Systems Institute, making it the first judicial program to receive the distinction. Ms. Moore recognized Mr. Jorge Basto, project managers Michael Alexandrou and Navaneeth Jogi and team for this work, and reported that the system expects its one hundredth court to come online shortly. Ms. Moore stressed the awareness of the Judicial Council’s Strategic Plan in all of the work the AOC is doing. The GAJE System fits into Priority Initiative #9 (identify and share innovations and best practices across Georgia’s courts). Progress has been made with Priority Initiative #1 regarding the baseline survey of customer experience in Georgia’s courts. Related to Priority Initiative #2, the *CourTools* faculty has been presenting to each class of courts in anticipation of the full certification course to be held in November.

³ Appended.

The AOC is partnering with Georgia Legal Services Program to apply for funding through the Legal Services Corporation's Technology Initiative Grant program to develop an online triage portal for self-represented litigants in the southwest region of the state.

A summary of the state audit of misdemeanor probation operations (issued in April) was provided in the materials, and the AOC plans to work with the Institute of Continuing Judicial Education (ICJE) to develop training modules in reference to the audit's recommendations. The Georgia Courts Registrar project is moving forward with great success; an agreement with ICJE will integrate the magistrate and municipal court databases under the Registrar. This module is scheduled for release January 1, 2015. AOC staff has met with the Department of Revenue to move forward with the state income tax setoff program authorized by House Bill 1000, and also will be participating in the work of the Senate Unified Courts Technology Study Committee created by Senate Resolution 986. Ms. Moore announced that Judge Todd Markle (Superior Court, Atlanta Judicial Circuit) was appointed by Chief Justice Thompson to represent the Judicial Council on the Returning Veterans Task Force, administered through the Georgia Department of Veterans Service.

Reports from Appellate Courts and Trial Court Councils

Supreme Court. Chief Justice Thompson referred members to the written report distributed at the meeting.⁴ The Court's budget requests were very well-received by the legislature this year; the priority next year will be judicial salary increases. Chief Justice Thompson commended the continuing partnership of the Supreme Court and the Court of Appeals in addressing some common issues.

Court of Appeals. Presiding Judge Doyle referred members to the written report provided in the materials. She highlighted the Court's acceptance of all emergency motions via electronic filing. She echoed the Chief Justice's remarks about coordination between the two appellate courts.

Council of Superior Court Judges. Judge Mary Staley referred members to the written report provided in the materials. She highlighted the continued expansion of accountability courts, to a current total of 76, and recognized the judges who dedicate a great deal of extra time and effort to these programs.

⁴ Appended

Council of State Court Judges. Judge Linda Cowen referred members to the written report provided in the materials. She noted the Council is working with the Judicial Workload Assessment Committee to study whether the increase in complex civil cases is having a significant impact on workload assessment and case count. A committee has been named to work on suggested best practices for misdemeanor probation, and will work with the AOC and ICJE on this issue.

Council of Juvenile Court Judges. Judge Sumner noted this was his first Judicial Council meeting. The juvenile courts have been focused on learning the new Juvenile Code, which took effect January 1. While it has provided a number of benefits, including additional state funding for community-based programs, there are two major challenges: the creation of the new Child In Need of Services (CHINS) population has placed a great burden on local courts, as there is no state agency responsible for that population; county funding struggles have resulted as they work to develop policies and processes for handling these cases. This year's effort to privatize the child welfare system has led to a pilot project in the Division of Family and Children Services Region 3, to test privatization for placement.

Council of Probate Court Judges. Judge Daughtrey referred members to the written report provided in the materials, and distributed a postcard advertising the Council's internal READY Campaign. The Council is working with federal and state law enforcement agencies to clarify the provisions in House Bill 60 that affect probate courts, to be ready for the July 1 effective date. Judge Daughtrey thanked Judge Cowen and the Council of State Court Judges for their great amount of work on House Bill 837.

Council of Magistrate Court Judges. Judge Kidwell referred members to the written report provided in the materials. She noted that technology had been a major focus of the Council during her year as President, with the Access to Courts Wizard and review of the Council website and standard forms.

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

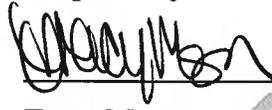
Chief Justice Thompson commended the Councils for their work.

Adjournment

Hearing no further business, Chief Justice Thompson recognized the outgoing Council members (Judge James G. Bodiford, Judge Linda Cowen, Judge Betsey Kidwell, and Chief Judge Arch McGarity) and presented each with a certificate of appreciation.

The next Council meeting will be held on September 25, 2014 at the Carter Center in Atlanta. The meeting was adjourned at 3:37 p.m.

Respectfully submitted:



Tracy Mason
Program Administrator, AOC

The above and foregoing minutes were
Approved at the meeting held on the _____
day of _____, 2014.

DRAFT



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

To: Judicial Council Members

From: Presiding Judge Sara L. Doyle
Chair, Court Reporting Matters Committee

Re: Prospective Nominees for Appointment to the Board of Court Reporting

Date: June 2, 2014

The Judicial Council Court Reporting Matters Committee represents the Council on all matters relating to court reporting to include recommending qualified individuals for membership to the Board of Court Reporting, and pursuant to O.C.G.A. § 15-14-24, the Judicial Council appoints the members of the Board for two year terms.

As a result of the meeting held May 30, the Judicial Council Court Reporting Matters Committee determined to present for Board membership the following candidates for appointment and reappointment. The two-year term of office begins July 1, 2014.

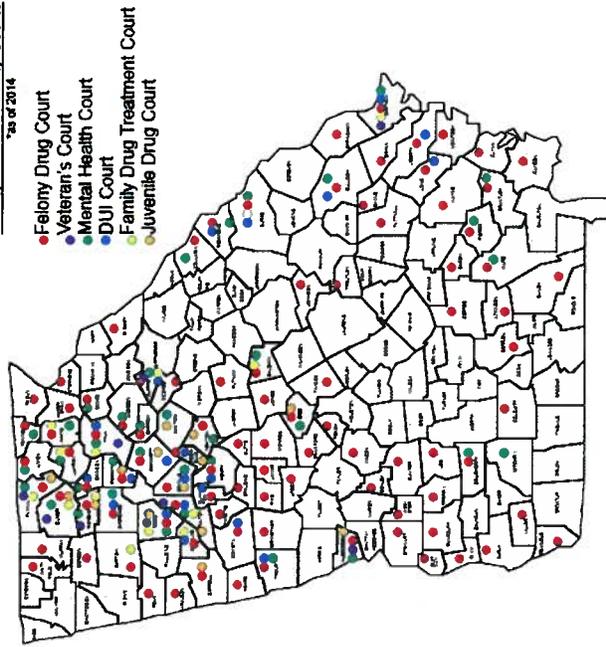
1. Ms. Tiffany Alley, Machine Shorthand, Alpharetta (Atlanta Judicial Circuit)
2. Ms. Julie Brackett, Voice Writer, Augusta (Augusta Judicial Circuit)
3. Attorney Elizabeth Fite, Atlanta (Atlanta Judicial Circuit)
4. Judge M. Cindy Morris, Dalton (Conasauga Judicial Circuit)

Georgia Accountability Court Funding Committee

www.gaaccountabilitycourts.org

FY'15

Georgia Accountability Courts
as of 2014



Currently, there are 111 operational Accountability Courts in Georgia with 4 scheduled to open the second half of 2014. Each court is comprised of a team which is led by a judge and includes a coordinator, treatment staff, a prosecutor, an attorney, law enforcement and others who work together to ensure that the program operates according to all applicable standards and policies.

Georgia's Accountability Courts are demanding programs that require frequent drug testing, intensive treatment, judicial oversight, and community supervision and support to ensure the best possible outcomes for offenders with addiction or mental health problems.

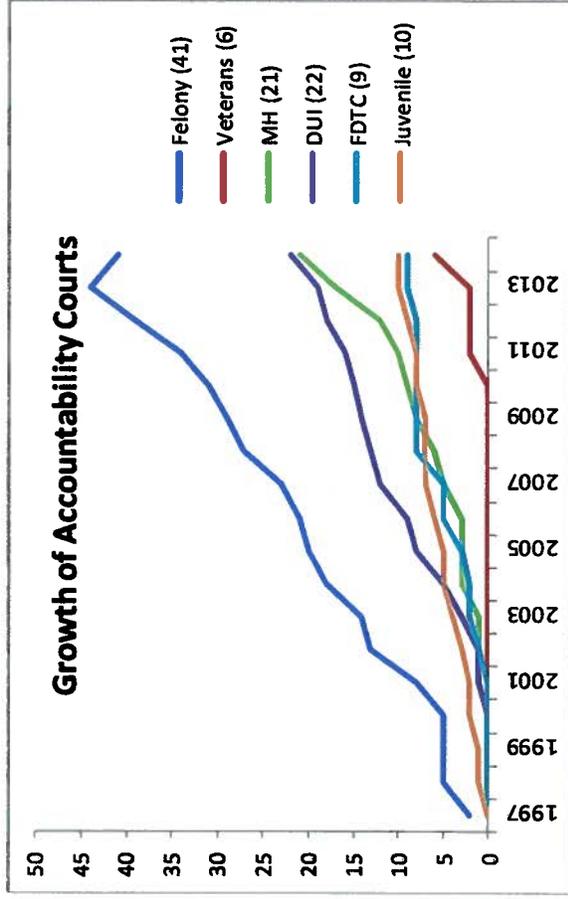
Comprehensive funding was generously given to Accountability Courts beginning in FY'13 by the State Legislature and Governor

PARTICIPANT INFORMATION FY'13/FY'14	
Participants Screened	9,337
Participants Admitted	3,935
Total Number of Participants	4,760
Total Capacity	7,692
Treatment Hours Administered	742,248
Drug Tests Administered	352,789
Number Terminated	1,368
Number of Graduates in Past Yr	2,840
Total Number of Graduates Since Inception	10,488

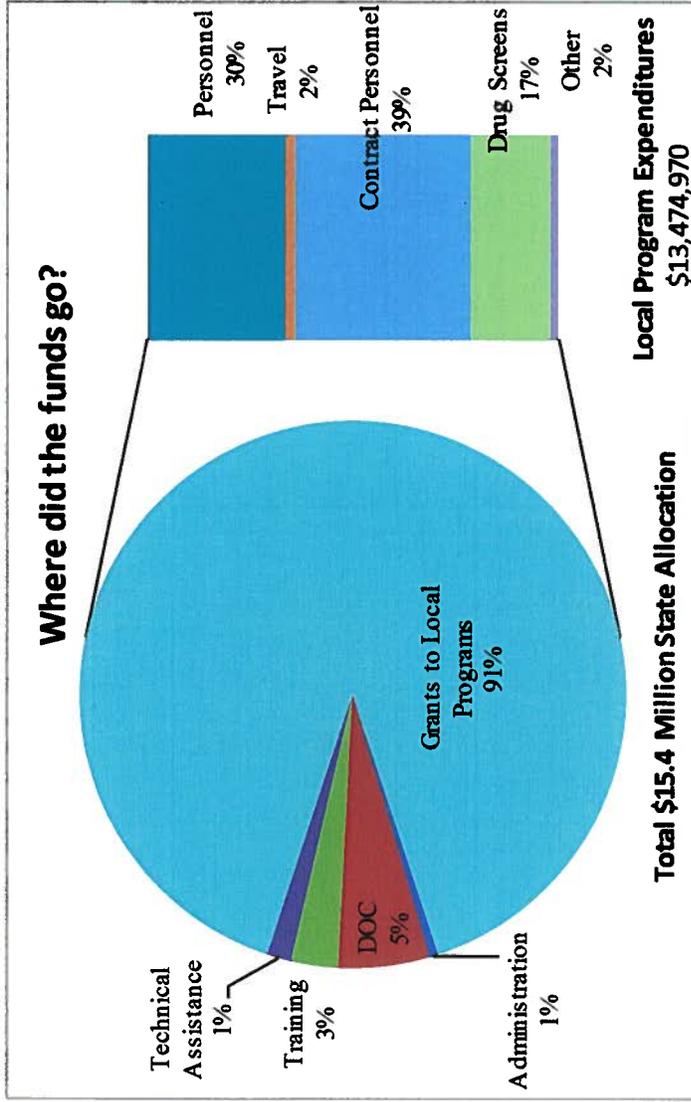
Nathan Deal. The Criminal Justice Coordinating Council administers the funds which are overseen by the Accountability Court Funding Committee.

PROGRAM SUCCESSES

Employment Rate 81% employment	Upon graduation from Accountability Courts, 81% of participants are employed, up from 30% upon entry.
Recidivism Rate 7.3% after 3 years	Three years after graduation, 92.7% of all Accountability Court participants remain free of new criminal charges.
Direct Cost Savings \$81,600 per day	At any given time, approximately 1,600 Accountability Court participants would be in the state prison system without the Accountability Court alternative. At a cost of \$51 per day for incarceration, Accountability Courts are saving the state prison system a minimum of \$61,600 per day (almost \$30 million annually).
Added Benefits	Reunification of families, birth of 444 drug-free babies, participants required to earn GED's, performance of community outreach hours, payment of child support, save healthcare costs, save lives.



FY 2015 Accountability Court Expenditures



In FY'15, the Georgia Legislature, in cooperation with Governor Nathan Deal, allocated \$15.4 million to the Accountability Courts in Georgia. Local court programs received 91% of these funds to operate their programs (up \$4.4M from FY'13). An additional 4% (\$595,400) will be used to train local program staffs on best practices and effective program operations, and 5% (\$750,000) will be utilized by the Department of Corrections for pilot projects in rural areas.

Accountability Court Funding Committee

Judge Jack Partain, Chairman, Conasauga Judicial Circuit

Chief Judge Jeff Bagley, Vice-Chairman, Bell-Forsyth Judicial Circuit

Judge Charles Edward Auslander, State Court of Athens-Clarke County

Chief Judge Chan Caudell, Mountain Judicial Circuit

Judge Kathy Gosselin, Northeastern Judicial Circuit

Chief Judge Horace Johnson, Alcovy Judicial Circuit

Mr. Avery Niles, Commissioner, Department of Juvenile Justice

Chief Judge George Nunn, Houston Judicial Circuit

Senior Judge Tommy Day Wilcox, Macon Judicial Circuit



JAIL/RECIDIVISM INFORMATION

	CY'12	CY'13
Number of Active Participants Who Would be Incarcerated in a County Jail or YDC if They Did Not Participate in an Accountability Court	2,885	2,961
Number of Active Participants Who Would be Incarcerated in a State Corrections Facility if They Did Not Participate in an Accountability Court	1,098	1,600
Number of Active Participants With New Convictions/Adjudications Since Entering the Program	145	208
Number of Graduates With New Convictions/Adjudications Within Three Years Since Graduating From the Program	568	458



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

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council
FROM: Marla Moore, Director
RE: Workload Assessment and Circuit Boundary Studies
DATE: June 4, 2014

1. As of June 1, the following circuits have requested workload assessment studies to determine their need for an additional superior court judge.

- Alapaha
- Clayton
- Lookout Mountain
- Western

2. As of June 1, the following circuits have requested circuit boundary studies to determine their need for a circuit division.

- Coweta

With your approval, workload and circuit boundary studies will be conducted and presented to the Council in September.



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Chief Justice Hugh P. Thompson *HPT*

RE: Report on Activities of the Supreme Court

DATE: May 29, 2014

The Supreme Court for some time has been able to accept electronic filings of all matters from attorneys in an e-filing application. We are ready to expand the scope of our e-filing capability. Shortly after the first of the fiscal year, the Court will be piloting its Electronic Records Project. This project will allow e-filing of digitized appeal records to be sent to the Supreme Court from the Court Clerk's offices. The complete record will be required to be e-filed. The purpose of the pilot is to insure that the system is user friendly for the Clerks of Courts and maintains the integrity of the record. Anticipating a successful pilot, it is anticipated that the system will be expanded statewide in the fall.

Concurrent with this project, the Supreme Court is moving away from the Novell world and into the Microsoft world. While Novell has served the court well, the functionality of the Microsoft products will allow more flexibility in the Court's ability to manage its records. Additionally, paper records stored in the Court's records room are about half-way to being digitized and stored which frees up space but also allows easy access for the Clerk's staff to retrieve and provide copies of records.

April 17 the Court held oral arguments in Columbus. About 600 people attended with many high school students involved. The cooperation of the local judges and bar association in the circuit helped make this a huge success. The Court will hold oral arguments in the fall at Emory Law School but we are looking for other destinations, if your court or circuit would like to host us.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Molly Perry
Division Director, Court Services

RE: Recommendations for Additional Superior Court Judgeships and Circuit
Boundary Alterations

DATE: September 9, 2014

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

Requests for workload studies were received from four circuits - Alapaha, Clayton, Lookout Mountain, and Western - by the June 1 deadline. The Western Circuit was the only jurisdiction that qualified for an additional judgeship under Judicial Council policy. As permitted by the policy, the Alapaha Circuit initially filed an appeal for hearing by the Judicial Workload Assessment Committee, but later withdrew it. The Coweta Circuit requested a circuit boundary study.

The following pages present the results of examinations of Western Circuit workload and a circuit boundary alteration for the Coweta Circuit. The Western Circuit qualifies for a recommendation based on 2013 workload calculations. Please see the *Judicial Workload Assessment Guide* in the following pages for an explanation of the process and methodology used to arrive at the recommendations.

Following Judicial Council recommendations last year, the General Assembly approved judgeships for the Coweta and Waycross circuits in 2014. There are no carryover recommendations.

Included in the associated materials are: Circuit Judgeship Study, Circuit Characteristics and Caseload, Circuit Boundary Study, Number of Authorized Superior Court Judgeships 2006 – 2015, and the *Judicial Workload Assessment Guide*.

Circuit Judgeship Study

Table A. Jurisdiction, Numbers of Judges, and Active Attorneys

Circuit	Number of							Active Attorneys
	Counties	Superior	State	Juvenile	Probate Hearing Traffic	Other Probate	Magistrate	
Western	2	3	2	2	1	1	4	480

Table B. Total Cases Filed per Judge with Five-Year Percentage Change, Judge Workload Value,¹ and Judge Threshold Value²

Circuit	Total Cases Filed	Percentage Change 2009-2013	Judge Workload Value	Judge Threshold Value
Western	6,238	-18%	4.15	4.02

Table C. Criminal Defendants per Judge with Five-Year Percentage Change

Circuit	Death Penalty	Felony	Misdemeanor	Probation Revocation	Accountability Court Participants ³	Total Criminal	Percentage Change 2009-2013
Western	0.33	398	158	457	10	1,013	-2%

Table D. Civil Dockets per Judge with Five-Year Percentage Change

Circuit	General Civil	Percentage Change 2009-2013	Domestic Relations	Percentage Change 2009-2013	Total Civil	Percentage Change 2009-2013
Western	363	-53%	693	-1%	1,056	-29%

Table E. Circuit and State Population Percentage Change by Decade⁴

	1980-1990	1990-2000	2000-2010	2010-2020	1980-2020
Western	21%	21%	17%	16%	100%
Georgia	19%	26%	18%	17%	107%

¹ See Judicial Workload Assessment Guide

² See Judicial Workload Assessment Guide

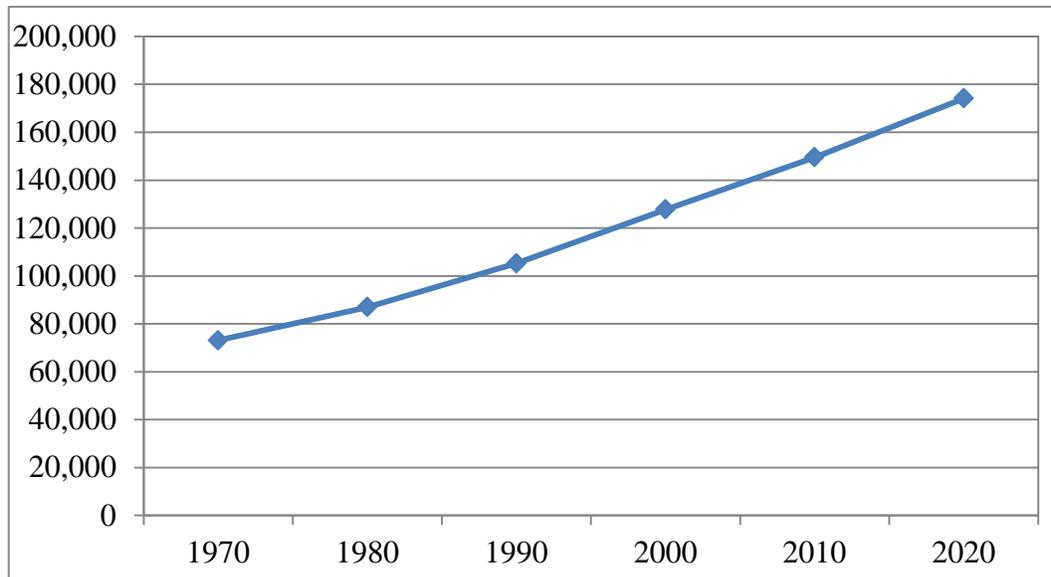
³ Includes only participants admitted to felony programs during CY 2013

⁴ Population projections provided by the Governor's Office of Planning and Budget.

Circuit Characteristics and Caseload

Western Judicial Circuit

Graph 1. Western Circuit Population by Decade⁵

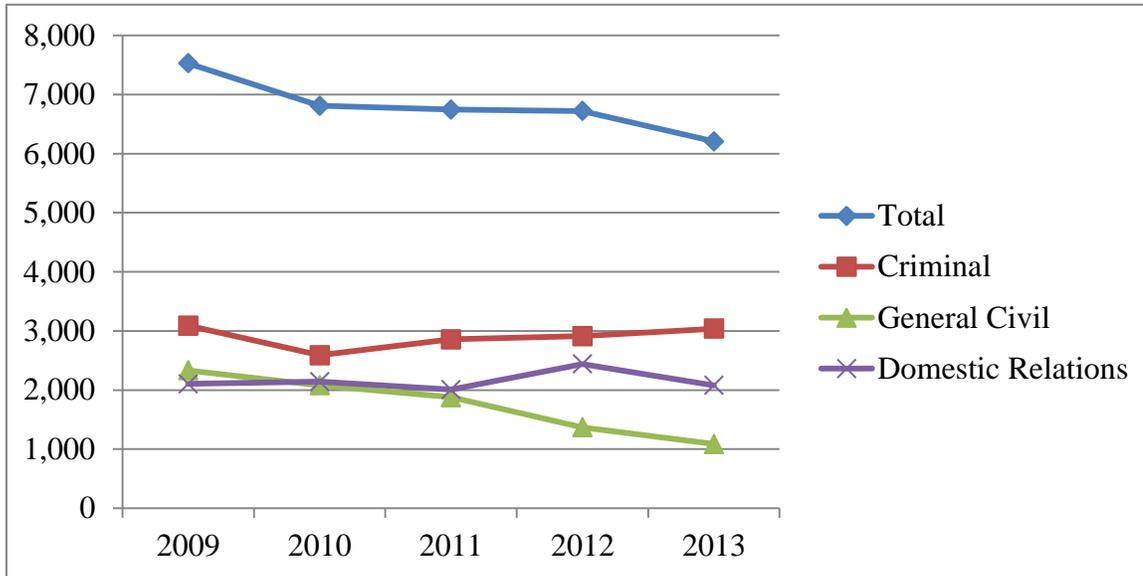


Circuit Characteristics

1. The Western Circuit is located in the northeastern part of the state and includes Clarke and Oconee counties. The Judicial Council classifies the circuit as “Suburban Multi-County.” The counties in the circuit have a combined area of 310.8 square miles, averaging 103.6 square miles per judge.
2. The University of Georgia is located within the circuit, presenting a unique challenge from an influx of student populations every fall and departure in late spring. The two counties that comprise Western Circuit are markedly different in terms of racial and socioeconomic demographics, education, and poverty level.
3. Graph 1 shows the U.S. Census and Office of Planning and Budget (OPB) projected population from 1970 to 2020. Table E shows the percentage change in population for the circuit and for Georgia. Western Circuit is projected to maintain a population growth rate commensurate with the state as a whole through 2020.

⁵ Population projections provided by the Governor’s Office of Planning and Budget.

Graph 2. Western Circuit Caseload CY 2009-2013



Court Characteristics

1. The number of total filings peaked in 2009 and declined by 17 percent in subsequent years (Table B). General civil filings have decreased by more than half since 2009. Both criminal and domestic relations filings have dropped by less than 2 percent over the five-year period.
2. The Western Circuit maintains three felony accountability courts and reported a total of ten new participants per judge, thirty total, in 2013.
3. Western Circuit possessed the highest judge workload value among all three-judge circuits and the fourth highest judge workload value among all circuits, as measured by ratio of judge workload value to judge threshold value.

Supplemental Data and Analysis

The information below was contributed by the Western Circuit as supplementary data. Judicial Council staff is unable to determine how these data compare to other circuits.

1. Senior Judge Usage

Table F.

Fiscal Year	Percent Change Hours Allotted	Percent Change Hours Used
2011 – 2012	0%	171%
2012 – 2013	139%	52%
2013 – 2014	6%	30%

Graph 3.

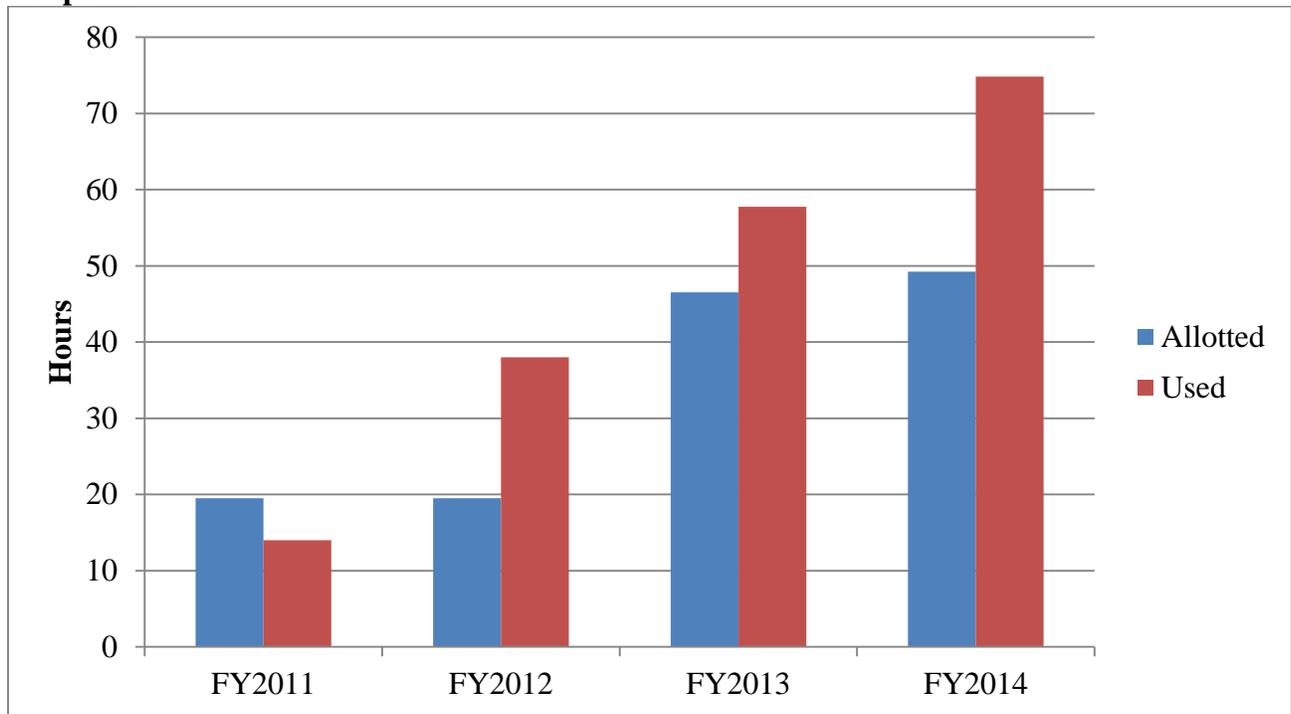


Table F and Graph 3 above show increased usage of senior judge hours over the past four fiscal years. In three of the last four years, the Western Circuit used more senior judge hours than allotted through state funds.

2. CourTools

Although court performance measurement data, including CourTools Measure 2 (clearance rate), Measure 3 (time to disposition), and Measure 4 (age of active pending caseload), are being collected, the data were not available for inclusion in this report due to the length of time required to process the data.

Summary of Circuit Officials' Submissions

Letters Requesting Workload Assessment

Circuit	Name	Affiliation
Western	David R. Sweat	Chief Judge, Superior Court

Letters of Support⁶

Circuit	Name	Affiliation	Supportive
Western	Fortson, Bentley and Griffin, P.A.	Fortson, Bentley and Griffin, P.A.	Yes
Western	Andrew J. Hill, III	Blasingame, Burch, Garrard, and Ashley, P.C.	Yes
Western	Joseph H. Lumpkin, Sr.	Chief of Police	Yes
Western	Chuck Williams	Representative, District 119	Yes
Western	Ira Edwards, Jr.	Sheriff	Yes
Western	E. Davison Burch	Blasingame, Burch, Garrard, and Ashley, P.C.	Yes
Western	Judges Sweat, Stephens, and Haggard	Western Judicial Circuit	Yes
Western	M. Kim Michael	M. Kim Michael, P.C.	Yes
Western	Nancy B. Denson	Mayor	Yes
Western	Spencer Frye	Representative, District 118	Yes
Western	Sara Schramm	Western Circuit Bar Association	Yes
Western	Frank Ginn	Senator, District 47	Yes
Western	Melvin Davis	Chairman, Oconee Board of Commissioners	Yes

⁶ Letters of support are available upon request.

Circuit Boundary Study

A. Introduction

The Judicial Council received a request to study the circuit boundary of the Coweta Judicial Circuit from Representative Dustin Hightower (District 68), Representative Kevin Cooke (District 18), and Senator Mike Dugan (District 30). The request suggested two potential circuit alterations: (1) a new circuit comprised of Carroll and Coweta counties and (2) a new circuit comprised of Carroll, Coweta, and Heard counties.

The Coweta Circuit is currently composed of five counties (Carroll, Coweta, Heard, Meriwether, and Troup) and has six superior court judgeships, with an additional judgeship authorized for January 1, 2015.

One superior court judge is based in Troup County, two are based in Coweta County, and three based in Carroll County. Staff is unable to predict where the seventh judgeship for the existing Coweta Circuit will be based. Therefore, judge workload values were evaluated using the six current judgeships and their locations.

Based on criteria set forth in Judicial Council policy, the optimum scenarios for a circuit boundary alteration involves the formation of a new circuit comprised of Carroll, Heard, and Troup counties or of a single-county Coweta circuit. These alternatives, however, are two of five possible scenarios examined and should be considered alongside the others. Additionally, the potential scenarios for seating a new judge in January must be considered before a circuit boundary alteration is recommended.

B. Fiscal Impact

Creation of a new circuit comes at significant cost to the state and was last estimated in 2007 to have an annual fiscal impact of approximately \$890,000, constituted primarily of personnel costs.⁷ Additional costs for office space, equipment, and other operating costs would be at the expense of the county(ies) that make up the circuit. Current salary supplements provided by the circuit are made of individual county contributions, and individual counties would be responsible for adjusting their supplements if circuit boundaries are altered.

C. Methodology

Potential scenarios were developed based on caseload and geographic characteristics. Population projections were provided by the Governor's Office of Planning and Budget (OPB), and caseload forecasting was performed using a linear forecast of three-year average filings. Judge Workload Values were calculated using 2013 caseloads, with current judgeships based on existing judge locations shown

⁷ Department of Audits and Accounts – 2007 memo regarding House Bill LC 28 3176.

in parentheses. Circuit split scenarios are as follows where the counties listed below would form a “new” circuit and the other counties would be the “residual” circuit.

Scenario 1: Carroll and Coweta counties form new circuit.

Scenario 2: Carroll, Coweta, and Heard counties form new circuit.

Scenario 3: Coweta County forms single-county circuit.

Scenario 4: Carroll and Heard counties form new circuit.

Scenario 5: Carroll, Heard, and Troup counties form new circuit.

Each scenario was analyzed in terms of population growth, judicial travel time (courthouse to courthouse)⁸, equitable caseload distribution, cost, characteristics of the inhabitants⁹, and a judge workload value (JWV) based on the most recent caseload statistics. Each was then compared to the circuit as it exists today and ranked accordingly using a criteria alternative matrix (CAM).

Criteria Alternative Matrix

Criteria	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5
Population Growth	2	1	3	5	4
Caseload Distribution	2	1	4	3	5
Cost	1	2	5	3	4
Judicial Travel Time	4	5	1	3	2
Demographics	2	1	5	3	4
Judge Workload Value	1	2	5	3	4
Total Score	12	12	23	20	23

The above matrix ranks the five boundary alteration scenarios according to six criteria and compares them against the current circuit criteria. The higher the total score, the more consistent the new circuit is with Judicial Council policy.

The matrix shows Scenarios 3 and 5 as having the highest scores, meaning they would be the most closely aligned with Judicial Council policy. Scenario 4 follows as the next highest scoring alternative with Scenarios 1 and 2 receiving the lowest score.

⁸ Mileage provided by Google Maps.

⁹ Based on 2014 cluster analysis performed by Office of Research, Planning, and Data Analysis.

Explanation of Scoring

*Population Growth:*¹⁰

Scenario 4 mirrors the existing Coweta Circuit most closely in terms of population growth and also provides the most equitable rates of growth between new and residual circuits. Scenarios 1 and 2 show the least equitable splits based on growth projections in terms of both raw numbers and rates of development.

Caseload Distribution

Scenario 5 offers the most equitable growth rates between the new and residual circuits (10.6 percent and 18.0 percent, respectively) as well as a projected growth rate most similar to the existing circuit (13.6 percent). Scenario 3 received the next highest score due to its caseload projections showing the most similar rates of growth between the new and residual circuits. Scenarios 1 and 2 are projected to show a decline in caseload in the residual circuits through 2020.

Cost

Though any circuit split would incur a baseline cost, inequitable caseload distributions in Scenarios 1 and 2 would necessitate addition of a judge to the residual circuit to comply with Judicial Council policy. Scenario 3 received the highest rank for the *Cost* criterion due to its even caseload distribution and the locations of existing judgeships.

Judicial Travel Time

Scenario 2 offers the most even distribution of travel time in both new and residual circuits, ranging from 19.7 to 23.3 miles between courthouses. Scenario 3 is the least equitable alternative in terms of judicial travel because judges in a single-county circuit would have only a single courthouse out of which to work.

Demographics

Demographic analysis includes population growth rate, age, race, ethnicity, education level, household income, and crime rates. Scenario 3 received the highest rank as it isolates the county most dissimilar from the rest of the circuit. Scenario 5 was scored higher than Scenario 4 because the addition of Troup County would provide a more homogenous demographic base than Carroll and Heard counties alone. Scenario 2 incorporates three counties from three different demographic clusters for the new circuit and leaves the residual circuit with two similar counties, resulting in disproportionate population characteristics between the two.

¹⁰ Population projections for 2020 used for scoring.

Judge Workload Value

Scenario 3 received the highest rank when using 2013 caseload to determine the appropriate number of judges. The hypothetical per judge caseload is also the most evenly split, at 2,354 for the new circuit and 2,729 for the residual circuit. Scenarios 4 and 5 follow closely behind but leave the residual circuit under judged. Scenarios 1 and 2 have the largest differences between the new and residual circuit with respect to per judge caseload. Again, because staff is unable to predict where the seventh judgeship for the existing Coweta Circuit will be based, judge workload values were evaluated using the six current judgeships and their locations.

D. Analysis

Status Quo: No Change to Existing Circuit Boundary

1. Population Growth – The Coweta Circuit is projected to increase in population at a rate higher than the state’s rate of growth. All counties are expected to experience positive growth through 2030 with the most concentrated growth anticipated in Coweta County.
2. Caseload Growth/Distribution – A growth rate of 13.6 percent in total caseload is expected for the Coweta Circuit through 2020 with Carroll and Coweta counties forecasted to show the largest increase in per judge caseload. The highest rate of growth belongs to domestic relations filings with criminal and general civil filings contracting.
3. Cost – This scenario would be the most cost-effective option, as it would not call for any additional funding from the state.
4. Judicial Travel Time – Travel distances between courthouses would remain unchanged at a minimum of 19.1 miles (Coweta to Meriwether) and a maximum of 50.9 miles (Carroll to Meriwether).
5. Judge Workload Value: Coweta Circuit (6 judges) **7.78**
The Coweta Circuit is ranked seventh in the state in caseload filings per judge and second among circuits with more than six judgeships.

Scenario 1

New: Carroll/Coweta

Residual: Heard/Meriwether/Troup

1. Population Growth – A new circuit composed of Carroll and Coweta counties would have a population of more than twice that of Heard, Meriwether, and Troup counties and a growth rate of more than double.
2. Caseload Growth/Distribution – Formation of this circuit would isolate the two counties with the fastest growing caseload rates with the residual circuit predicted to experience a decline in caseload filings. Based on current judicial placement, the residual circuit would only have one superior court judge, which is inconsistent with Judicial Council policy¹¹. An additional judgeship would need to be added to the residual circuit or a judge from the new circuit would need to move to comply with Judicial Council policy.
3. Judicial Travel Time – Maximum distance between courthouses in the proposed circuits is 31.7 miles, and a minimum distance is 19.1 miles.
4. Demographics – Carroll and Coweta counties are the most similar in terms of population demographics and caseload projections. This scenario offers the least equitable division of caseload between the circuits and would have the most uneven distribution of existing judgeships but would provide the greatest solidarity of demographic characteristics among multiple counties within the same circuit.
5. Judge Workload Value:

New Circuit (5 judges)	5.16
Residual Circuit (1 judges)	2.62

Scenario 2

New: Carroll/Coweta/Heard

Residual: Meriwether/Troup

1. The creation of a new circuit composed of Carroll, Coweta, and Heard counties is the most inequitable scenario. Both Carroll and Coweta feature the highest current and projected growth of population and caseload (see Scenario 1) and the addition of Heard County will exacerbate the inequality between the two potential circuits. All analysis from Scenario 1 applies to Scenario 2 as well.

¹¹ Judicial Council Policy for Judgeship and Circuit Boundary Studies, p. 3.

Scenario 3

New: Coweta

Residual: Carroll/Heard/Meriwether/Troup

1. Population Growth – Coweta County is projected to exhibit a growth rate higher than any of the counties, individually and combined, that currently make up the circuit.
2. Caseload Growth/Distribution – Caseload filings are expected to grow Coweta County consistently through 2030. Removing Coweta County from the rest of the circuit would remove roughly one-third of the circuit’s caseload, a trend expected to continue through at least 2025. Caseload distribution concerns may present additional challenges if a conflict of interest is present that prevents a judge from hearing specific types of cases.
3. Judicial Travel Time – Maximum and minimum distances would remain unchanged if Coweta County became its own circuit.
4. Demographics – Coweta County is unique when compared to the other counties in terms of demographics. It has the lowest proportion of residents living below the poverty level and the highest concentration of residents with college degrees. Coweta’s population is reflective of suburban white growth.
5. Judge Workload Value:

New Circuit (2 judges)	2.66
Residual Circuit (4 judges)	5.12

Scenario 4

New: Carroll/Heard

Residual: Coweta/Meriwether/Troup

1. Population Growth – The proposed circuit of Carroll and Heard counties would make up about half the current population of the remaining counties and has the most equitable growth rates among all scenarios (20.8 and 28.2 percent through 2025, respectively). After 2025, the growth rate for Coweta, Meriwether, and Troup counties will outpace that of Carroll and Heard counties by over 10 percent.
2. Caseload Growth/Distribution – Lower caseload growth rates for Meriwether and Troup counties help balance the substantial growth predicted for Coweta County, resulting in the most equitable long-range estimate of filings per judge.
3. Judicial Travel Time – Maximum distance between courthouses in the new circuit is shortened to 23.3 miles and 30.2 miles in the residual circuit. Minimum distance for the residual circuit would be 24.9 miles.

4. Demographics – Carroll and Heard both exhibit high populations of persons over 65 years old with comparable proportions of residents with college degrees and those living below the poverty level. While both counties are relatively similar, there is a noticeable contrast in the racial makeup of the two counties. The residual circuit made up of Coweta, Meriwether, and Troup counties would present the greatest distinction between population clusters (urban and agrarian).
5. Judge Workload Value:

Carroll/Heard (3 judges)	2.76
Residual Circuit (3 judges)	5.02

Scenario 5

New: Carroll/Heard/Troup

Residual: Coweta/Meriwether

1. Population Growth – While Scenario 4 offers the most equitable division based on expected population growth rate, Scenario 5 provides a more even distribution in terms of current numbers of persons.
2. Caseload Growth/Distribution – Lower caseload growth rates for Meriwether County helps balance the substantial growth predicted for Coweta County, but Scenario 4 still provides the most equitable long-range estimate of filings per judge.
3. Judicial Travel Time – The maximum distance between courthouses in the new circuit is 41.6 miles; the minimum distance is 23.3 miles. The residual circuit has a maximum distance of 24.9 miles between courthouses.
4. Demographics – Troup County belongs to the same demographics cluster as Carroll County and would exhibit similar characteristics to Scenario 4 but with more diversity.
5. Judge Workload Value:

Carroll/Heard/Troup (4 judges)	4.49
Residual Circuit (2 judges)	3.29

E. Conclusion

Caseload projections and population growth estimates are not exact and can be influenced by a number of external sources, presenting additional difficulty when attempting to make accurate long-term decisions. Scenarios 3 and 5 have the highest overall scores (23) among the alternatives, indicating they may be the most equitable partition of counties within the existing circuit. Scenario 4 has a total score three points less (20) than that of Scenarios 3 and 5 and therefore should also be considered in determining a preferred approach to splitting the circuit, if at all.

Number of Authorized Superior Court Judgeships 2006 - 2015

Circuit	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Alapaha	2	2	2	2	2	2	2	2	2	2
Alcovy	4	4	4	5	5	5	5	5	5	5
Appalachian	3	3	3	3	3	3	3	3	3	3
Atlanta	19	19	19	20	20	20	20	20	20	20
Atlantic	4	4	4	4	4	4	4	4	4	4
Augusta	8	8	8	8	8	8	8	8	8	8
Bell-Forsyth	2	2	2	2	2	2	2	3	3	3
Blue Ridge	2	3	3	3	3	3	3	3	3	3
Brunswick	4	4	4	5	5	5	5	5	5	5
Chattahoochee	6	6	6	6	6	6	6	6	7	7
Cherokee	4	4	4	4	4	4	4	4	4	4
Clayton	4	4	4	4	4	4	4	4	4	4
Cobb	9	10	10	10	10	10	10	10	10	10
Conasauga	4	4	4	4	4	4	4	4	4	4
Cordele	2	2	3	3	3	3	3	3	3	3
Coweta	5	6	6	6	6	6	6	6	6	7
Dougherty	3	3	3	3	3	3	3	3	3	3
Douglas	3	3	3	3	3	3	3	3	3	3
Dublin	2	3	3	3	3	3	3	3	3	3
Eastern	6	6	6	6	6	6	6	6	6	6
Enotah	2	2	3	3	3	3	3	3	3	3
Flint	3	3	3	3	3	3	3	3	3	3
Griffin	4	4	4	4	4	4	4	4	4	4
Gwinnett	9	9	10	10	10	10	10	10	10	10
Houston	2	3	3	3	3	3	3	3	3	3
Lookout Mountain	4	4	4	4	4	4	4	4	4	4
Macon	5	5	5	5	5	5	5	5	5	5
Middle	2	2	2	2	2	2	2	2	2	2
Mountain	2	2	2	2	2	2	2	2	2	2
Northeastern	4	4	4	4	4	4	4	4	4	4
Northern	3	3	3	3	3	3	3	3	3	3
Ocmulgee	5	5	5	5	5	5	5	5	5	5
Oconee	2	2	2	2	2	2	2	2	3	3
Ogeechee	3	3	3	3	3	3	3	3	3	3
Pataula	2	2	2	2	2	2	2	2	2	2
Paulding	2	3	3	3	3	3	3	3	3	3
Piedmont	3	3	3	3	3	3	3	4	4	4
Rockdale	2	2	2	2	2	2	2	2	2	2
Rome	4	4	4	4	4	4	4	4	4	4
South Georgia	2	2	2	2	2	2	2	2	2	2
Southern	5	5	5	5	5	5	5	5	5	5
Southwestern	3	3	3	3	3	3	3	3	3	3
Stone Mountain	10	10	10	10	10	10	10	10	10	10
Tallapoosa	2	2	2	2	2	2	2	2	2	2
Tifton	2	2	2	2	2	2	2	2	2	2
Toombs	2	2	2	2	2	2	2	2	2	2
Towaliga	2	2	2	2	2	2	2	2	2	2
Waycross	3	3	3	3	3	3	3	3	3	4
Western	3	3	3	3	3	3	3	3	3	3
Totals	193	199	202	205	205	205	205	207	209	211

Judicial Workload Assessment Guide

A Description of the Process of Evaluating
the Need for Additional Superior Court Judgeships



**Administrative Office of the Courts
Office of Research, Planning, and Data Analysis**

September 2014

Table of Contents

Introduction	3
Historical Overview	3
Caseload Study.....	4
Workload Assessment Methodology	5
Appendix A: Judicial Council Policy for Judgeship and Circuit Boundary Studies.....	11

Introduction

The purpose of this Guide is to provide Judicial Council members an understanding of the methodology and activities that precipitate recommendations to the Governor and General Assembly for additional superior court judgeships. The Guide presents the policies, procedures, and fundamental concepts used by the Judicial Council and Administrative Office of the Courts in their work. We hope you will find that the information enhances your knowledge of the entire judicial workload assessment process, and we are grateful for your questions and comments to improve its usefulness.

Historical Overview

Legislation establishing the Administrative Office of the Courts (AOC) as the administrative arm of the Judicial Council of Georgia was enacted in 1973 as a result of a national initiative¹ to combat crime that encouraged states to examine their court structure, organization, and management. Governor Jimmy Carter's subsequent Commission on Judicial Processes evaluated the state's court system and endorsed creation of a court administrative structure to support court modernization.

A critical element of applying business management practices to the courts has been the collection and analysis of caseload data. A specific responsibility of the AOC is to "compile statistical and financial and other information on the judicial work of the courts and on the work of other offices related to and serving the courts, which data and information shall be provided by the courts." (OCGA §15-5-24 (3))

The first statewide caseload collection was initiated in June 1974 and encompassed superior, state, juvenile and probate courts. Because the task proved difficult due to inadequate records across the state, the AOC did not complete its calendar year 1973 caseload study until after June 1975. The initial presentation of superior, state, juvenile and probate court data was included in the AOC's third annual report (fiscal year 1976).

While the AOC still oversees the collection of data, it is the efforts of countless state and local officials that have contributed to valid and reliable results over the years. These officials include trial court judges, clerks, court administrators, prosecutors, probation personnel, and others.

In early years, AOC staff, court administrators, and seasonal employees fanned out across the state to count cases manually from handwritten docket books kept by court clerks. As information technology developed and was employed to manage court case information, electronic reporting began to replace manual data collection. Government budget constraints have created increasing reliance on technology to furnish accurate compilations of criminal and civil data.

Now, the preferred collection method is reporting case data to the Administrative Office of the Courts via its Internet Portal. As of August 2013, 86 percent of superior courts reporting 2012 caseload used the Portal to input data. This represents a two percent increase over the number of courts reporting 2011 caseload data via the Portal. Superior court clerks compile general civil and domestic relations filings through the Georgia Superior Court Clerks' Cooperative Authority (GSCCCA) by electronic or paper based reports, and these totals are uploaded to an AOC database.

¹ The President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society*, Washington, DC: Government Printing Office, February 1967.

The AOC reports statewide caseload activity annually to the National Center for State Courts and other national organizations to inform court and criminal justice system stakeholders about Georgia courts. Case information also serves as a historical description of the courts. The published data are used by a number of judicial branch agencies, state and local executive agencies, project and program managers, and grant applicants to support ongoing process and operational improvements.

The first data-driven analysis of the need for additional superior court judgeships was undertaken in response to requests for seven circuit studies in preparation for General Assembly consideration in 1974. These special studies were conducted according to a methodology dependent on comparisons of geographic, demographic, caseload, and practicing attorney data. However, the goal was to craft a methodology in line with the following premise articulated by the Judicial Council: *“The single most important determinant of the number of judges required in a judicial circuit is the current and anticipated caseload in that circuit. Techniques . . . generally known as ‘weighted case averaging’ provide an informed basis for comparing different trial courts within a system and determining which ones may be overloaded and therefore in need of additional judicial manpower. Experience suggests that this type of caseload measure is a much better indicator of the need for new judgeships than other measures such as the simple number of case filings or changes in community population.”*

The Judicial Council has employed various models to assess superior court workload and recommend additional judgeships to the Governor and the General Assembly. Although it has been modified over the succeeding 36 years to account for changing resources and technology, the methodology has always taken into account differing case types and their average time requirements. The Council’s Judicial Workload Assessment Committee is assigned the responsibility of reviewing and suggesting improvements to the methodology and potential changes to the Judicial Council policy governing additional superior court judgeships.

Caseload Study

The Judicial Council/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. Two new case types were added for the 2011 caseload study – death penalty habeas corpus and adult felony accountability court cases. The remaining case types have been in effect since 2010. The filing and case types are listed in Table 1 below:

Table 1. Superior Court Filing and Case Types

General Civil	Domestic Relations	Criminal
<ol style="list-style-type: none"> 1. Appeals/Reviews 2. Contract/Account 3. Dispossessory/Distress 4. Forfeiture 5. Habeas Corpus 6. Non-Domestic Contempt 7. Other General Civil 8. Post-Judgment/Garnishment 9. Real Property 10. Tort/Negligence 11. Death Penalty Habeas Corpus 	<ol style="list-style-type: none"> 1. Adoption 2. Child Support Enforcement 3. Contempt 4. Divorce/Alimony 5. Family Violence 6. Legitimation 7. Modification 8. Non-Child Support Enforcement 9. Custody 10. Other Domestic 	<ol style="list-style-type: none"> 1. Serious Felony 2. Felony 3. Misdemeanor 4. Unified Appeal 5. Probation Revocation 6. Adult Felony Accountability Court

In December 2001, the Council suspended the collection of open and disposed cases. At that time, budget and personnel resources were constrained and remain so. In the future, the Council may reconsider the collection of these data elements.

Caseload Reporting

In the beginning of March, communication is initiated with superior court judges and clerks requesting criminal case filings from the prior year. For the 2012 data collection, the AOC provided clerks the *Caseload Reporting Guide CY 2012* with instructions for submitting data through the AOC Portal. Along with civil data uploaded from the GSCCCA, data received by the AOC is later furnished to these officials for verification. Staff continuously monitors receipt of data to ensure it is ready for analysis and eventual publication in the *Annual Report of Georgia Courts*.

Workload Assessment Methodology

Each spring, the Chair of the Judicial Council formally advises the Governor, Lieutenant Governor, General Assembly, and chief superior court judges that they may request a study to assess the need for an additional judgeship. Before a request is contemplated, other means to address increased workload or improve efficiency should be implemented, such as caseload management, optimizing use of supporting courts and senior and visiting judges, and upgrading case management technology. An official request made to the AOC by the deadline on the first working day of June triggers a series of analyses resulting in a comparison of a circuit's available judge time against the standard judge time needed to process its caseload.

Integral to the workload assessment process is the quantitative analysis based on data produced from a time and motion study of superior court judge work activities. A time and motion study is a scientifically developed method of tracking an activity over a period of time. Superior court judges record time spent on their work during a certain period, and these time data are joined with disposition data from the same interval to arrive at average times to disposition and judge year values. Three time and motion studies have been conducted in Georgia – in 2000, 2006, and 2011 – to refresh the average time to disposition values as needed. Two additional studies were conducted in 2012 to create average time to disposition values for death penalty habeas corpus cases and adult felony accountability court cases.

The 2011 Time and Motion Study contained two data collection components. The first component is judge time spent on case and non-case related activities. Data collection took place during March 2011 with 147 of 205 superior court judges representing 46 circuits documenting time on printed or electronic forms. These judges, along with nine magistrates designated to preside in superior court, submitted 1,562,117 minutes of case and administrative activity data to the AOC.

The second data collection component is disposition data. Superior court clerks in circuits with participating judges were asked to complete a summary report of dispositions for the month of March and submit it to the Council of Superior Court Clerks. The Council compiled data furnished by 126 clerks and forwarded a report totaling 32,742 criminal, general civil and domestic relations defendants and dockets to the AOC.

Once statewide data were synthesized, the following formula was applied to case related data to determine each case type's average time to disposition value:

$$\sum \left(\frac{\sum \text{Judge Minutes} - \sum \text{Judge Minutes from counties without disposition data}}{\sum \text{County disposition reports} \times \frac{\text{Participating judges in the circuit}}{\text{Total judges in the circuit}}} \right) \quad \text{for all circuits} =$$

Average Time to Disposition

To ensure a valid and reliable calculation, the AOC removed the judge time recorded in counties for which no disposition data was furnished, and disposition reports for circuits where not all judges recorded time were adjusted proportionally to the number of judges participating.

Each case type is multiplied by its corresponding average time to disposition value as determined in the 2011 Time and Motion Study and the resulting products are summed for each circuit. An example of this process for two fictional circuits is shown in Table 2.

Table 2. Sample Calculations of Caseload Minutes

Case Type	Average Time to Disposition	Multiplied by number of cases (X)	Gamma Circuit (caseload)	Delta Circuit (caseload)
SF	353.79	x	73	324
F	49.30	x	852	1305
M	13.17	x	1398	209
UA	7200.00	x	0	0
PR	19.34	x	1512	451
DPHC	7640.40	x	1	0
AFAC	207.23	x	0	20
T/N	125.31	x	33	103
HC	134.34	x	4	3
A/R	54.58	x	16	10
RP	154.20	x	7	66
FF	66.75	x	37	4
C/A	15.80	x	1003	427
PJG	3.31	x	124	103
D/D	27.02	x	4	1
NDC	76.57	x	1	1
OGC	38.01	x	145	480
C	26.22	x	15	324
LEG	323.14	x	38	42
MOD	58.03	x	70	88
FV	24.32	x	142	249
CSE	10.07	x	1207	95
CUS	187.67	x	18	86
A	52.51	x	19	67
D/A	45.92	x	426	773
ODR	11.67	x	29	113
Total Minutes			199,734	322,757

The total minutes figure (in red) represents the amount of time all judges in the circuit spent on case related work. To determine if their time qualifies them for an additional judge, another calculation is made.

A circuit's *Judge Year Value* is calculated to determine the number of minutes that judges in each circuit should have available for case related work. Total work hours available in a year are estimated to be 2,920. From this number, non-work standard deductions were identified and are displayed in Table 3.

Table 3. Non-Work Standard Deductions and Hours

Non-Work Standard Deductions	Hours
Weekends	832
Holidays	96
Annual Leave	120
Sick Leave	72
CJE	40
Total	1,160

Total Work Hours [2,920] – Standard Deductions [1,160] = Average Work Hours [1,760]

To complete the analysis, additional deductions are made based on circuit demographics and the administrative activity data submitted by judges. All times are in hours.

Table 4. Work Hours Deductions by Circuit

Non-Case Activities	Urban	Suburban Single County	Suburban Multi-County	Rural
Travel	0	0	104	160
Administration	181	208	293	247
Community Activities	68	53	49	44
Total	249	261	446	451

Circuits are classified into four categories – urban, suburban single county, suburban multi-county and rural – as presented in Table 5. Note the *Judge Year Values* are in minutes.

Table 5. Circuit Classifications and Judge Year Values

Circuit	Classification	Judge Year Value (minutes)
Alapaha	Rural	78,540
Alcovy	Suburban Multi-County	78,900
Appalachian	Suburban Multi-County	78,900
Atlanta	Urban	90,660
Atlantic	Rural	78,540
Augusta	Suburban Multi-County	78,900
Bell-Forsyth	Suburban Single County	89,940
Blue Ridge	Suburban Multi-County	78,900
Brunswick	Suburban Multi-County	78,900
Chattahoochee	Suburban Multi-County	78,900
Cherokee	Suburban Multi-County	78,900
Clayton	Suburban Single County	89,940
Cobb	Urban	90,660
Conasauga	Suburban Multi-County	78,900
Cordele	Rural	78,540
Coweta	Suburban Multi-County	78,900
Dougherty	Suburban Single County	89,940
Douglas	Suburban Single County	89,940
Dublin	Rural	78,540
Eastern	Suburban Single County	89,940
Enotah	Rural	78,540
Flint	Suburban Single County	89,940
Griffin	Suburban Multi-County	78,900
Gwinnett	Urban	90,660
Houston	Suburban Single County	89,940
Lookout Mountain	Suburban Multi-County	78,900
Macon	Suburban Multi-County	78,900
Middle	Rural	78,540
Mountain	Rural	78,540
Northeastern	Suburban Multi-County	78,900
Northern	Rural	78,540
Ocmulgee	Rural	78,540
Oconee	Rural	78,540
Ogeechee	Rural	78,540
Pataula	Rural	78,540
Paulding	Suburban Single County	89,940
Piedmont	Suburban Multi-County	78,900
Rockdale	Suburban Single County	89,940
Rome	Suburban Single County	89,940
South Georgia	Rural	78,540
Southern	Suburban Multi-County	78,900
Southwestern	Rural	78,540
Stone Mountain	Urban	90,660
Tallapoosa	Suburban Multi-County	78,900
Tifton	Rural	78,540
Toombs	Rural	78,540
Towaliga	Rural	78,540
Waycross	Rural	78,540
Western	Suburban Multi-County	78,900

A circuit's minutes total is divided by its *Judge Year Value* to arrive at a *Judge Workload Value*. If this judge workload value is greater than or equal to the *Threshold Value to Qualify*, then the circuit meets the minimum requirement to receive a Judicial Council recommendation for an additional judgeship. Below is the completion of the analysis of Gamma and Delta circuits. One circuit qualifies for an additional judgeship whereas the other does not.

Table 6. Judgeship Analysis for Fictional Circuits

	Gamma Circuit	Delta Circuit
Total Minutes	199,734	322,757
Judge Year Value	1,309	1,499
Judge Workload Value	2.54	3.59
Threshold Value to Qualify	2.7	2.7
Qualification Status	Not Qualified	Qualified

Threshold Values to Qualify are based on the number of judges in a circuit as shown in the table below.

Number of Judges in Circuit	Threshold Value to Qualify
2	2.70
3	4.02
4	5.32
5	6.60
6	7.86
7	9.10
8	10.32
9	11.52
10	12.70
11	13.86
12	15.00
13	16.12
14	17.22
15	18.30
16	19.36
17	20.40
18	21.42
19	22.42
20	23.40

A requesting circuit whose *Judge Workload Value* does not meet or exceed the appropriate threshold is entitled by Judicial Council policy to appeal to the Judicial Workload Assessment Committee for reconsideration based on factors other than caseload. 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. At the Judicial Council meeting in late summer, the AOC presents its analysis and findings.

The *Judicial Council Policy for Judgeship and Circuit Boundary Studies* (see following pages) guides the Council's deliberations and voting. A majority must approve qualified circuits via secret ballot voting. If a circuit does not meet or exceed the threshold value, it must obtain a two-thirds majority vote to receive a recommendation. The Council Chair votes in the event of a tie. A second secret ballot vote occurs to rank the qualified circuits in order of priority need.

The votes are counted and tallied in secret by the Presiding Judge of the Court of Appeals and AOC staff. The Chair notifies pertinent state and local officials of the recommendations and a press release is issued. Legislators representing the recommended circuits are responsible for presenting and passing bills to implement any judgeships and generally do so at the General Assembly session subsequent to the recommendations. Common practice is to make new judgeships effective on July 1 of the same year.

Appendix A

Judicial Council Policy for Judgeship and Circuit Boundary Studies

Initiation

Recommendations to the Governor and the General Assembly for judicial personnel allocations for the superior courts shall be made annually prior to the beginning of the regular session of the General Assembly. Studies by the Administrative Office of the Courts of the need for judgeships or of the need for changes in circuit boundaries may be authorized by the Judicial Council upon the request of the governor, members of the General Assembly, or by a judge of the county or counties affected. Such requests shall be submitted in writing by June 1, prior to the session of the General Assembly during which the judgeship or change in circuit boundaries is sought. Any request received after June 1 shall not be considered until the following year. Any judge who intends to make a request for a study must notify the Judicial Council of any special circumstances or data of the courts involved in the request by June 1 so that these special circumstances may be investigated during the studies conducted by the Administrative Office of the Courts (AOC). (12/7/2005) (6/11/2010)

Purpose

The Judicial Council seeks to achieve a balanced and equitable distribution of case load among the judges of the state to promote speedy and just dispositions of citizens' cases. The Judicial Council recognizes that the addition of a judgeship is a matter of great gravity and substantial expense to the counties and the state and should be approached through careful inquiry and deliberate study before action is taken. (10/27/1981)

Policy Statements

The Judicial Council will recommend the creation of additional judgeships or changes in circuit boundaries based only upon needs demonstrated through comparative "objective"

studies. The Judicial Council will not recommend the addition of a judgeship not requested by the circuit under study unless there is clear and convincing evidence that an additional judgeship is needed. (10/27/1981)

As a matter of policy, the Judicial Council recommends that no new part-time judgeship be created. Because of the advantages of multi-judge circuits, the Judicial Council generally will not recommend the creation of additional circuits. (10/27/1981)

Judgeships

1. Part-time judgeships

As a general rule, part-time judgeships are not an effective method of handling judicial workload. The disadvantages of part-time judgeships are many; a few specific ones are:

a. The cost of training a part-time judge is the same as that of training a full-time judge, but the benefits to the state or local government of training a part-time judge are only a fraction of those realized by training a full-time judge, since a part-time judge will hear only a fraction of the cases heard by a full-time judge receiving the same training. Additionally, part-time judges are generally not paid for the time they spend in continuing education. This creates a financial disincentive for part-time judges to attend continuing education, whom might ordinarily spend time practicing law or conducting law or conducting other business. (10/27/1981)

b. Conflicts of interest often arise in professional relationships for part-time judges. It is often difficult for other attorneys to litigate against an attorney and have to appear before the same attorney, sitting as judge, the next day. Additionally, cases in which part-time judges are disqualified usually arise in their own court, thus eliminating a large potential portion of their law practice. (10/27/1981)

2. Promotion of Multi-Judge Circuits

Multi-judge courts are more effective organizations for administrative purposes. Some specific advantages of multi-judge courts are:

- a. Accommodation of judicial absences. Multi-judge circuits allow better management in the absence of a judge from the circuit due to illness, disqualification, vacation, and the demands of other responsibilities such as continuing legal education. (10/27/1981)
- b. More efficient use of jurors. Better use of jury resources can be effected when two judges hold court simultaneously in the same county. One judge in a multi-judge circuit may use the other judge's excess jurors for a trial of a second case rather than excusing them at an added expense to the county. Present courtroom space in most counties may not permit two trials simultaneously; but such a practice, if implemented, may justify the building of a second smaller courtroom by the county affected, or the making of other arrangements. (10/27/1981) (6/11/2010)
- c. Accommodation of problems of impartiality or disqualification. A larger circuit with additional judges may permit hometown cases where acquaintances are involved to be considered by an out-of-town judge without the appearance that the local judge is avoiding responsibility. (10/27/1981)
- d. Improves court administration. Multi-judge circuits tend to promote impartiality and uniformity of administrative practices and procedures by making court administration something more than the extension of a single judge's personality. Multi-judge circuits also permit economies in the deployment of auxiliary court personnel. (10/27/1981)
- e. Expedites handling of cases. Probably most important of all, under the arithmetic of calendar management, the judges of a multi-judge court can handle substantially more cases

than an equal number of judges operating in separate courts. Besides the advantage of improved efficiency to be realized through the use of multi-judge circuits, there are also a number of other reasons as to why this approach should be taken. Under the existing law, a new judgeship may be created without the addition of another elected district attorney, although an assistant district attorney is added. However, when the circuit is divided and a new circuit thereby created, another elected district attorney is needed. A second reason supporting the use of multi-judge circuits is that upon division of an existing circuit into two new ones, one new circuit may grow disproportionately to the other, or population or other factors suggesting division may diminish, thus negating the factors which initially led to the division and compounding future problems of adjustment. (10/27/1981)

Methodology

1. Criteria for Superior Court Judgeship Requests

In establishing the need for additional superior court judgeships, the Judicial Council will consider weighted caseloads per judge for each circuit. If the per judge weighted caseload meets the threshold standards established by the Council for consideration of an additional judgeship, additional criteria will be considered. The threshold standard is a value set by the Judicial Council in open session. (06/08/2005) No study will be conducted when a requesting circuit does not meet the threshold criteria established by the Judicial Council. When the AOC determines that a requesting circuit does not meet the minimum criteria, the chief judge of the circuit will be so notified along with information as to how to appeal to the Council's Judicial Workload Assessment Committee and the time frame for such appeal. (6/11/2010)

Additional criteria considered may include, but are not limited to, the following and are not necessarily in the order of importance as listed below:

- a. Filings per judge
- b. Growth rate of filings per judge

- c. Open cases per judge
- d. Case backlog per judge
- e. Population served per judge
- f. Population growth
- g. Number and types of supporting courts
- h. Availability and use of senior judge assistance
- i. Number of resident attorneys per judge
- j. Responses to letters to legislators, county commissioners, presidents of local bar associations, district attorneys, and clerks of superior court asking for their input. (8/25/2000)

2. Criteria for Studying Requests to Alter Circuit Boundaries

The criteria used by the Judicial Council in reviewing proposals to alter circuit boundaries will include the following criteria:

a. **Weighted Caseload per Judge.** After the proposed change in circuit boundaries, caseload should be more evenly distributed. In addition, a proposed circuit's workload should not vary significantly from the statewide average weighted caseload per judge. (10/27/1981)

b. **Caseload Growth Trends.** Caseload growth trends should be examined so that an imbalance in growth rates when a circuit boundary is changed will not necessitate a reallocation of resources or alteration of circuit boundaries again in the near future. Such continual shifts in circuit boundaries or resources could be very unsettling and, thereby, significantly reduce judicial efficiency. If a reliable caseload projection method is available, this technique will be used to determine future case filings; if one is not available, caseload growth rates, increases in the number of attorneys per capita and population projections will be analyzed.

The population per judge should be evenly divided among the geographical areas affected by the proposed circuit boundary change if a

recommendation is to be made. Secondly, population projections should be examined to insure that disparate population growth rates will not create a great imbalance in the population to be served by each judge within a short period of time from the date of the alteration of the circuit boundaries. Lastly, the population per judge of the altered circuit should not be substantially different from the statewide average population per judge. (10/27/1981) (6/11/2010)

c. **Changes in Judicial Travel Time.** Travel time diminish total judicial time available for case processing; therefore, travel time should not be significantly increased for judges in circuits affected by a change in circuit boundaries before such a change should be recommended. Terms of court in and the number of times each county was visited on case-related business by the judges should be determined and these trips should be translated into travel time by using official distances between courthouses and road conditions determined by the Georgia Department of Public Safety. (10/27/1981)

d. **Projected Changes in Cost to State and Local Government.** Cost savings or additional expenditures required of local and state governing authorities should be determined. Changes in cost for personnel, facilities, and travel should be considered. A recommendation for change should not be made unless additional expenditures required are minimal or balanced by equivalent cost savings. (10/27/1981)

e. **Characteristics of populace in areas of circuits sought to be separated,** such as rural or urban. (12/11/1981)

f. **Operational policies of circuit as presently constituted as might involve inattention to smaller counties in circuit.** (12/11/1981)

g. **Whether creation of new circuit would obviate necessity of one or two additional judges in parent circuit.** (12/11/1981)

h. **Travel and other expenses incident to serving smaller counties.** (12/11/1981)

i. Alleviation of case assignment problems in larger counties of circuit. (12/11/1981)

j. Population growth of counties of circuit which would reflect need for new circuit. (12/11/1981)

k. Comparison population per judge in new circuit with standards approved by Judicial Council in recent years. (12/11/1981)

l. The Judicial Council will presume that a multi-judge circuit is preferred over a single-judge circuit. (12/11/1981)

m. If a county is to be split off from the circuit of which it is a part, the possibilities of adding that county to another circuit should be exhausted prior to the council's recommending a single-judge circuit. (12/11/1981)

Judicial Council Deliberations

1. Testimony

Judges, legislators, and others deemed appropriate by the chair shall be invited to make written remarks or present data regarding the need for judgeships or to alter circuit boundaries. Any special circumstance or data of a circuit for which a request is to be made must be brought to the attention of the Judicial Council by a judge of the requesting circuit by June 1 of the year prior to the year of the legislative session during which the judgeship or change in circuit boundaries will be considered. Any request submitted after the stated deadline will not be considered until the following year. The written testimony of the judges, legislators and other persons shall be reviewed and considered by the Judicial Council in their deliberations regarding judicial resources. Oral arguments will not be made. (6/6/1984) (6/6/2006) (6/11/2010)

2. Final Deliberations

After all written presentations, the Judicial Council and key (AOC) staff, in open session, will discuss the merits of each request. (6/6/1984) (6/11/2010)

3. Staff Presentations

The AOC will present data evaluating the need to add judgeships or to alter circuit boundaries based on council approved criteria and will make staff recommendations. (10/27/1981)

4. Vote

After final deliberations, the Council will, in open session, approve or disapprove recommended changes in judicial resource allocations. Votes on such motions shall be by secret written ballot. A two-thirds vote of the council membership present at the session will be required to override an unfavorable recommendation based on the criteria contained in these by-laws (policy). After determining those circuits in which the council recommends an additional judgeship, the council will rank the recommendations based on need. Any ranking ballot that does not rank each and every judgeship recommendation presented on the secret ballot shall not be counted. (12/07/2005) (6/11/2010)

5. Length of Recommendations

Upon a recommendation of an additional judgeship or to alter circuit boundaries for a judicial circuit by the council, the recommendation shall remain approved by the council for a period of three years, unless the caseload of that circuit decreases ten percent or more. (Rev. 12/13/1996) (6/11/2010)

6. Disqualifications

Any council member in a circuit or county affected by a council recommendation shall be eligible to vote by secret ballot on motions affecting that circuit, but shall not be present or participate in the council's final deliberations regarding his or her circuit. (Rev. 6/6/1984)

Dissemination of Recommendations

1. Study of the Need for Additional Superior Court Judgeships

The AOC shall prepare a report, including data required by the council for their deliberations and council policy statement, on

the Judicial Council's recommendations as to the need for additional superior court judgeships. Such report shall be distributed to the governor, members of the judiciary and special judiciary committees of the Senate and House, all superior court judges and other interested parties approved by the director of the AOC. Additionally, the AOC shall prepare and distribute a press release summarizing the council's recommendations.
(10/27/1981)(6/11/2010)

2. Special Studies of Judicial Resources, Including Alteration of Circuit Boundaries

a. The AOC shall prepare reports on the Judicial Council's recommendations for special studies, including reports on requests to alter circuit boundaries and for judgeships of courts other than the superior court and shall distribute them to the requestor, and, in the discretion of the director, to other interested parties.
(10/27/1981)

b. In preparing special reports, written remarks of judges, legislators, and others deemed appropriate by the chairperson shall be solicited by the AOC and considered by the Judicial Council. (12/11/1986) (6/11/2010)

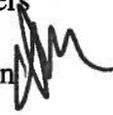


Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members
FROM: Justice Harold D. Melton 
RE: Report – Statewide Judiciary Civil E-filing Steering Committee
DATE: September 4, 2014

The Statewide Judiciary Civil E-filing Steering Committee (Committee) met on July 11, 2014, to review and adopt proposed amendments to the Uniform Rules of Superior Court and proposed minimum standards for consideration by the Judicial Council to govern the process of e-filing.

The proposed amendments were approved for first reading by the Council of Superior Court Judges Uniform Rules Committee on July 28, 2014, and were subsequently approved by the full Council on July 30, 2014. The proposed rules are now in a comment period and will be taken up for second reading in January 2015, where comments will be considered and any changes made accordingly. Proposed Rule 36.16 (Electronic Filing) and Rule 36.17 (Sensitive Information) are attached for your reference.

The Committee submits for your consideration “Proposed Statewide Minimum Standards for Electronic Filing,” to supplement the Judicial Council’s previous adoption of the latest version of OASIS LegalXML Electronic Court Filing as a statewide technical standard. See Exhibit B of the proposed resolution, attached.

**PROPOSED AMENDMENTS TO THE
UNIFORM RULES OF SUPERIOR COURT
APPROVED FOR FIRST READING, JULY 30, 2014**

Proposed Amendments Approved for First Reading	page 2
Rule 5.4 Form of Discovery	page 2
Rule 5.5 Scope of Discovery	page 2
Rule 5.6 Privilege	page 3
Rule 5.7 Protective Orders	page 4
Rule 5.8 Non-Party Discovery	page 4
Rule 5.9 Early Planning Conference and Discovery Plan	page 5
Rule 21.6 Redaction of Protected Identifiers and Filings Under Seal	page 7
Rule 24.2 Financial Data Required; Scheduling and Notice of Temporary Hearing	page 8
Rule 24.10 Parenting Plan	page 16
Rule 24.12 Required Income Deduction Form	page 24
Rule 31.1 Time for Filing; Requirements	page 28
Rule 31.3 Notice of Prosecution’s Intent to Present Evidence of Similar Transactions	page 29
Rule 36.16 Electronic Filing	page 30
Rule 36.17 Sensitive Information	page 31
Rule 39.7 Required Forms	page 32
Rule 46 Special Masters	page 34

Rule 36.16 Electronic Filing

(A) Availability. Electronic filing may be made available in a court, or certain classes of cases therein, in conformity with statewide minimum standards for electronic filing adopted by the Judicial Council.

(B) Documents that may be filed electronically. Where electronic filing is available, a document may be electronically filed in lieu of paper by the court, the clerk and any registered filer unless electronic filing is expressly prohibited by law, these rules or court order. Electronic filing is expressly prohibited for documents that according to law must be filed under seal or presented to a court in camera, or for documents to which access is otherwise restricted by law or court order.

(C) Signatures. An electronically filed document is deemed signed by the registered filer submitting the document as well as by any other person who has authorized signature by the filer. By electronically filing the document, the filer verifies that the signatures are authentic.

(D) Time of filing. An electronic document is presumed filed upon its receipt by the electronic filing service provider, which provider must automatically confirm the fact, date and time of receipt to the filer. Absent evidence of such confirmation, there is no presumption of filing.

(E) Electronic service. An electronically filed document is deemed served upon filing to all parties and counsel who have waived any other form of service by registering with the electronic filing system to receive electronic service in the case and who receive notice via the system of the document's filing.

(F) System or user filing errors. If electronic filing or service is prevented or delayed because of a failure of the electronic filing system, a court will enter appropriate relief such as the allowance of filings nunc pro tunc or the provision of extensions to respond.

(G) Force and Effect. Electronically filed court records have the same force and effect and are subject to the same right of public access as are documents filed by traditional means.

Rule 36.17 Sensitive Information

(A) In accord with OCGA § 9-11-7.1 and in order to promote public electronic access to case files while also protecting sensitive information, pleadings and other papers filed with a court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court shall include only:

- (1) The last four digits of a social security number;
- (2) The last four digits of a taxpayer identification number;
- (3) The last four digits of a financial account number; and
- (4) The year of an individual's birth.

(B) The responsibility for omitting or redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review filings for compliance with this rule.

(C) A party having a legitimate need for the above information may obtain it through the ordinary course of discovery without further order of the court.

(D) This rule in no way creates a private right of action against a court, a clerk, counsel or any other individual or entity that may have erroneously included identifying information in a filed document that is made available electronically or otherwise.

(E) This rule in no way amends or modifies Uniform Superior Court Rule 21, Limitation of Access to Court Files.

**PROPOSED RESOLUTION OF THE
STATEWIDE JUDICIARY CIVIL E-FILING STEERING COMMITTEE**

WHEREAS, the statewide judiciary civil e-filing steering committee was created in June 2012 and charged with facilitating the development and implementation of civil e-filing in all classes of court throughout the judiciary; and

WHEREAS, consistent with its charge, the committee seeks to encourage ongoing and future local and group e-filing initiatives but also seeks to ensure that the e-filing systems that develop have sufficient capacity, compatibility and integrity to interconnect to form a reliable statewide electronic filing and retrieval system; and

WHEREAS, the committee believes that it is vital to these goals to develop and promulgate certain common amendments to the uniform rules of court to accommodate e-filing and certain minimum standards for e-filing courts and electronic filing service providers suitable for imposition statewide; and

WHEREAS, a subcommittee of the committee has considered for this purpose various existing and proposed e-filing rules, standards and procedures in this and other jurisdictions;

NOW THEREFORE, as a result of this review, the subcommittee proposes and the committee after consideration adopts the following recommendations:

1) That, for the purpose of facilitating the development and implementation of civil e-filing in all classes of court throughout the judiciary, the Council of Superior Court Judges as well as the other classes of court, pursuant to their power and authority to recommend to the Supreme Court such changes and additions to their rules as may from time to time appear necessary or desirable, expeditiously consider and recommend certain changes to their uniform rules in the form attached hereto as Exhibit A; and

2) That, for the same purpose, consistent with current Uniform Superior Court Rule 1.2(E) and as contemplated by proposed Uniform Superior Court Rule 48 (see Exhibit A), that the Judicial Council supplement its previous adoption of a statewide e-filing technical standard by expeditiously considering and adopting certain statewide minimum standards for e-filing in the form attached hereto as Exhibit B.

STATEWIDE JUDICIARY CIVIL E-FILING STEERING COMMITTEE
RESOLUTION
EXHIBIT A

**PROPOSED AMENDMENTS TO THE UNIFORM RULES OF SUPERIOR COURT
DRAFT PROPOSED BY STATEWIDE JUDICIARY CIVIL E-FILING STEERING
COMMITTEE**

Rule 48. Electronic Filing

(A) *Availability.* Electronic filing may be made available in a court, or certain classes of cases therein, in conformity with statewide minimum standards for electronic filing adopted by the Judicial Council.

(B) *Documents that may be filed electronically.* Where electronic filing is available, a document may be electronically filed in lieu of paper by the court, the clerk and any registered filer unless electronic filing is expressly prohibited by law, these rules or court order. Electronic filing is expressly prohibited for documents that according to law must be filed under seal or presented to a court in camera, or for documents to which access is otherwise restricted by law or court order.

(C) *Signatures.* An electronically filed document is deemed signed by the registered filer submitting the document as well as by any other person who has authorized signature by the filer. By electronically filing the document, the filer verifies that the signatures are authentic.

(D) *Time of filing.* An electronic document is presumed filed upon its receipt by the electronic filing service provider, which provider must automatically confirm the fact, date and time of receipt to the filer. Absent evidence of such confirmation, there is no presumption of filing.

(E) *Electronic service.* An electronically filed document is deemed served upon filing to all parties and counsel who have waived any other form of service by registering with the electronic filing system to receive electronic service in the case and who receive notice via the system of the document's filing.

(F) *System or user filing errors.* If electronic filing or service is prevented or delayed because of a failure of the electronic filing system, a court will enter appropriate relief such as the allowance of filings nunc pro tunc or the provision of extensions to respond.

(G) *Force and Effect.* Electronically filed court records have the same force and effect and are subject to the same right of public access as are documents filed by traditional means.

Rule 49. Sensitive Information

(A) In accord with OCGA § 9-11-7.1 and in order to promote public electronic access to case files while also protecting sensitive information, pleadings and other papers filed with a court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court shall include only:

- (1) The last four digits of a social security number;

- (2) The last four digits of a taxpayer identification number;
- (3) The last four digits of a financial account number; and
- (4) The year of an individual's birth.

(B) The responsibility for omitting or redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review filings for compliance with this rule. Counsel and the parties are cautioned that failure to redact these personal identifiers constitutes a contempt of court and may subject them to sanctions or other disciplinary proceedings as appropriate.

(C) A party having a legitimate need for the above information may obtain it through the ordinary course of discovery without further order of the court.

(D) This rule in no way creates a private right of action against a court, a clerk, counsel or any other individual or entity that may have erroneously included identifying information in a filed document that is made available electronically or otherwise.

(E) This rule in no way amends or modifies Uniform Superior Court Rule 21, Limitation of Access to Court Files.

STATEWIDE JUDICIARY CIVIL E-FILING STEERING COMMITTEE
RESOLUTION
EXHIBIT B

**PROPOSED STATEWIDE MINIMUM STANDARDS FOR ELECTRONIC FILING
DRAFT PROPOSED BY STATEWIDE JUDICIARY CIVIL E-FILING STEERING
COMMITTEE FOR CONSIDERATION AND ADOPTION BY THE JUDICIAL
COUNCIL**

1. Title and Purpose.

For the purpose of facilitating the development and implementation of civil e-filing in all classes of court throughout the judiciary, the Judicial Council hereby supplements its previous adoption of a statewide technical standard for e-filing by adopting, effective immediately, the following statewide “Minimum Standards for Electronic Filing.”

2. Definitions.

For purposes of these standards:

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

3. Minimum Standards for Courts Making Available E-Filing.

A court may make electronic filing available only if:

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

4. Minimum Standards for Electronic Filing Service Providers.

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

(a) *Technical Standards and Approval by Judicial Council.* The EFSP complies with all Judicial Council e-filing standards, including use of the latest version of OASIS LegalXML Electronic Court Filing for legal data exchange and such technical and other standards as the Council may adopt in the future to facilitate the establishment of a reliable and effective statewide electronic filing and retrieval system for judicial records (including provision for electronic judicial signatures, uniform document index fields, interchangeable registered user names and passwords, etc.);

(b) *Disclaimer of Ownership.* The EFSP disclaims any ownership right in any electronic case or document or portion thereof, including any commercial right to resell, recombine, reconfigure or retain any database, document or portion thereof transmitted to or from the court;

(c) *Minimum Standards for Courts.* The EFSP agrees to commit its best efforts to ensure that the court and its electronic filing system and procedures are in compliance at all times with the rules and requirements referenced in the minimum standards set forth in paragraph 3 above;

(d) *Other Requirements.* The EFSP likewise agrees to comply with other reasonable requirements imposed or agreed upon with respect to such issues as registration procedures, fees, hours of operation, system maintenance, document storage, system and user filing errors, etc.; and

(e) *Terms of Use.* The EFSP develops, maintains and makes available, to registered users and the public, terms of use consistent with the foregoing.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Presiding Justice P. Harris Hines *P. Hines*
Chair, Policy and Legislative Committee

RE: Recommendations for Legislative Positions

DATE: September 8, 2014

On August 14, 2014, the Policy and Legislative Committee (the "Committee") met to discuss potential legislative items for the 2015 session of the General Assembly. The Committee makes the following recommendations to the Judicial Council:

I. Fish and Game law (O.C.G.A. § 15-9-30.3)

Proposal: Amend O.C.G.A. § 15-9-30.3 to clean up contradictory language and to clarify jurisdiction of the probate courts as it applies to Fish and Game violations. Probate courts currently have concurrent jurisdiction over these violations with state and superior courts, and this change would not affect or impede the jurisdiction of those courts. (*Attached*)

The Committee recommends that the Judicial Council **support** legislation to amend O.C.G.A. § 15-9-30.3 to clean up contradictory language and to clarify jurisdiction of the probate courts as it applies to Fish and Game violations.

II. Order to Apprehend law (O.C.G.A. § 24-12-21)

Proposal: Amend O.C.G.A. § 24-12-21 to exempt probate courts from the processes in this Code Section for authority to disclose AIDS confidential information related to an order to apprehend a person needing a mental health evaluation under O.C.G.A. § 37-3-41. The present process greatly impedes the time sensitive procedure under O.C.G.A. § 37-3-41 and results in potential harmful delay to the person alleged to be in need of a mental health evaluation and to the community. (*Attached*)

The Committee recommends that the Judicial Council **support** legislation to exempt probate courts from the processes under O.C.G.A. § 24-12-21 in connection with the procedure under O.C.G.A. § 37-3-41.

**III. Increase contempt penalties in Magistrate Court
(O.C.G.A. § 15-10-2)**

Proposal: Amend O.C.G.A. § 15-10-2 to raise the maximum fine for contempt in magistrate courts from \$200 to \$500. This was sought last year in Senate Bill 332 (see attached), which passed the Senate but stalled in the House Rules Committee.

The Committee recommends that the Judicial Council **support** legislation allowing the penalty for contempt in magistrate courts to be increased to fines not exceeding \$500.

**IV. Video applications for search warrants
(O.C.G.A. § 17-5-21.1)**

Proposal: Amend O.C.G.A. § 17-5-21.1 to eliminate the requirement that a video recording be made of an application for a search warrant made by video conference. There is no video requirement if the application is made in person, or for video applications for arrest warrants. This change would reduce electronic storage needs. (*Attached*)

The Committee recommends that the Judicial Council **support** legislation to eliminate the video recording requirement for search warrant applications made by video conference.

**V. Fixed terms and “removal for cause” provisions for municipal court judges
(O.C.G.A. § 36-32-2)**

Proposal: Amend O.C.G.A. § 36-32-2 to provide for uniform term lengths and “removal for cause” protections for appointed municipal court judges.

The Committee recommends that the Judicial Council **support** legislation to create uniform term lengths and “removal for cause” protections for appointed municipal court judges.

**VI. Georgia Commission on Family Violence statutory reassignment
(O.C.G.A. § 19-13-31)**

Ms. Marla Moore, Director of the Administrative Office of the Courts (AOC), brought to the Committee a request to consider changing the statutory assignment of the Georgia Commission on Family Violence (Commission). Originally assigned to the AOC from 1997-2002, the Commission was moved to the Department of Corrections (Department) and later budgetarily reassigned to the AOC in 2010 by virtue of an agreement between the Commission, the Department and the AOC. The Commission is housed at the AOC and is supported by the Judicial Branch, and therefore Ms. Moore has requested permission to discuss the statutory reassignment with GCFV and the Department to increase the synergy between the AOC and the Commission and to streamline the Commission rulemaking process related to Family Violence Intervention Programs.

Pending a decision by the Commission whether to seek legislation, the Committee recommends that the Judicial Council **support** the reassignment of the Commission on Family Violence to the Administrative Office of the Courts.

Fish and Game Law Change – 7/21/2014

15-9-30.3. Jurisdiction over Game and Fish Code misdemeanor violations

(a) Subject to the provisions of subsection (b) of this Code section, in addition to any other jurisdiction vested in the probate courts, such courts shall have the right and power to conduct trials, receive pleas of guilty, and impose sentence upon defendants for violating any law specified in Title 27 which is punishable for its violation as a misdemeanor. Such jurisdiction shall be concurrent with other courts having jurisdiction over such violations; ~~provided, however, that such courts shall not have the right and power to conduct trials, receive pleas of guilty, and impose sentence upon defendants who are charged with:~~

~~(1) Violations of any such laws which are specified as being of a high and aggravated nature; or~~

~~(2) A first violation of hunting deer at night with the aid of a light under Code Section 27-3-2.~~

(b) A probate court shall not have the power to dispose of misdemeanor cases as provided in subsection (a) of this Code section unless the defendant shall first waive in writing a trial by jury. If the defendant does not waive a trial by jury, the defendant shall notify the court and, if reasonable cause exists, the defendant shall be immediately bound over to a court in the county having jurisdiction to try the offense wherein a jury may be impaneled.

July 9, 2014

RE: Amendment to O.C.G.A. § 24-12-21. Disclosure of AIDS Information

Under O.C.G.A. § 37-3-41, the probate court may order law enforcement to apprehend a person and bring that person to an emergency receiving facility for a mental health evaluation. The order obtained under O.C.G.A. § 37-3-41 is referred to as an “order to apprehend”. The order to apprehend is granted based upon the affidavits of at least two persons who attest that they have seen the person within the last 48 hours and the person is a mentally ill person in need of involuntary treatment. If the affiants disclose that the person has AIDS, then the probate court must follow the procedure in O.C.G.A. § 24-12-12 regarding disclosure of AIDS information to third persons. (see subsections (s) and (bb))

O.C.G.A. § 24-12-21(bb) mandates that the probate court shall either obtain the person’s written authorization to disclose the AIDS, return the petition, or delete the AIDS information, or seek an order from the superior court allowing disclosure of the AIDS information. The requirements of O.C.G.A. § 24-12-21(bb) greatly impede the time sensitive procedure under O.C.G.A. § 37-3-41 and results in a potentially harmful delay to the person alleged to be a threat to themselves and to the community.

The proposed language would create an exception for the order to apprehend procedure pursuant to O.C.G.A. § 37-3-41.

O.C.G.A. § 24-12-21 (bb) should be amended as followed:

(bb) AIDS confidential information may be disclosed as a part of any proceeding or procedure authorized or required pursuant to Chapter 3, 4, or 7 of Title 37, regarding a person who is alleged to be or who is mentally ill, developmentally disabled, or alcoholic or drug dependent, or as a part of any proceeding or procedure authorized or required pursuant to Title 29, regarding the guardianship of a person or that person's estate, as follows:

(1) Any person who files or transmits a petition or other document which discloses AIDS confidential information in connection with any such proceeding or procedure shall provide a cover page which contains only the type of proceeding or procedure, the court in which the proceeding or procedure is or will be pending, and the words “CONFIDENTIAL

INFORMATION” without in any way otherwise disclosing thereon the name of any individual or that such petition or other document specifically contains AIDS confidential information;

(2) AIDS confidential information shall only be disclosed pursuant to this subsection after disclosure to and with the written consent of the person identified by that information, or that person's parent or guardian if that person is a minor or has previously been adjudicated as being incompetent, or by order of court obtained in accordance with subparagraph (C) of paragraph (3) of this subsection;

(3) If any person files or transmits a petition or other document in connection with any such proceeding or procedure which discloses AIDS confidential information without obtaining consent as provided in paragraph (2) of this subsection, the court receiving such information shall either obtain written consent as set forth in that paragraph (2) for any further use or disclosure of such information or:

(A) Return such petition or other document to the person who filed or transmitted same, with directions against further filing or transmittal of such information in connection with such proceeding or procedure except in compliance with this subsection;

(B) Delete or expunge all references to such AIDS confidential information from the particular petition or other document; or

(C)(i) If the court determines there is a compelling need for such information in connection with the particular proceeding or procedure, petition a superior court of competent jurisdiction for permission to obtain or disclose that information. If the person identified by the information is not yet represented by an attorney in the proceeding or procedure in connection with which the information is sought, the petitioning court shall appoint an attorney for such person. The petitioning court shall have both that person and that person's attorney personally served with notice of the petition and time and place of the superior court hearing thereon. Such hearing shall not be held sooner than 72 hours after service, unless the information is to be used in connection with an emergency guardianship proceeding under [Code Section 29-4-14](#), in which event the hearing shall not be held sooner than 48 hours after service.

(ii) The superior court in which a petition is filed pursuant to division (i) of this subparagraph shall hold an in camera hearing on such petition. The purpose of the hearing shall be to determine whether there is clear and convincing evidence of a compelling need for the AIDS confidential information sought in connection with the particular proceeding or procedure which cannot be accommodated by other means. In assessing compelling need, the superior court shall weigh the public health, safety, or welfare needs or any other public or private need for the disclosure against the privacy interest of the person identified by the information and the public interest which may be disserved by disclosures which may deter voluntary HIV tests. If the court determines that disclosure of that information is authorized under this subparagraph, the court

shall order that disclosure and impose appropriate safeguards against any unauthorized disclosure. The records of that hearing otherwise shall be under seal; and

(4) The court having jurisdiction over such proceeding or procedure, when it becomes apparent that AIDS confidential information will likely be or has been disclosed in connection with such proceeding or procedure, shall take such measures as the court determines appropriate to preserve the confidentiality of the disclosed information to the maximum extent possible. Such measures shall include, without being limited to, closing the proceeding or procedure to the public and sealing all or any part of the records of the proceeding or procedure containing AIDS confidential information. The records of any appeals taken from any such proceeding or procedure shall also be sealed. Furthermore, the court may consult with and obtain the advice of medical experts or other counsel or advisers as to the relevance and materiality of such information in such proceedings or procedures, provided that the identity of the person identified by such information is not thereby revealed.

(5) A probate court is authorized to disclose AIDS confidential information in connection with the procedure for ordering the apprehension and delivery of a person to an emergency evaluating facility pursuant to O.C.G.A. § 37-3-41(b) and (c) and a probate court is exempted from complying with this subsection.

(a) Any term used in this Code section and defined in [Code Section 31-22-9.1](#) shall have the meaning provided for such term in [Code Section 31-22-9.1](#).

(b) Except as otherwise provided in this Code section:

(1) No person or legal entity which receives AIDS confidential information pursuant to this Code section or which is responsible for recording, reporting, or maintaining AIDS confidential information shall:

(A) Intentionally or knowingly disclose that information to another person or legal entity; or

(B) Be compelled by subpoena, court order, or other judicial process to disclose that information to another person or legal entity; and

(2) No person or legal entity which receives AIDS confidential information which that person or legal entity knows was disclosed in violation of paragraph (1) of this subsection shall:

(A) Intentionally or knowingly disclose that information to another person or legal entity; or

(B) Be compelled by subpoena, court order, or other judicial process to disclose that information to another person or legal entity.

(c) AIDS confidential information shall be disclosed to the person identified by that information or, if that person is a minor or incompetent person, to that person's parent or legal guardian.

(d) AIDS confidential information shall be disclosed to any person or legal entity designated to receive that information when that designation is made in writing by the person identified by that

information or, if that person is a minor or incompetent person, by that person's parent or legal guardian.

(e) AIDS confidential information shall be disclosed to any agency or department of the federal government, this state, or any political subdivision of this state if that information is authorized or required by law to be reported to that agency or department.

(f) The results of an HIV test shall be disclosed to the person, or that person's designated representative, who ordered such tests of the body fluids or tissue of another person.

(g) When the patient of a physician has been determined to be infected with HIV and that patient's physician reasonably believes that the spouse or sexual partner or any child of the patient, spouse, or sexual partner is a person at risk of being infected with HIV by that patient, the physician may disclose to that spouse, sexual partner, or child that the patient has been determined to be infected with HIV, after first attempting to notify the patient that such disclosure is going to be made.

(h)(1) An administrator of an institution licensed as a hospital by the Department of Community Health or a physician having a patient who has been determined to be infected with HIV may disclose to the Department of Public Health:

(A) The name and address of that patient;

(B) That such patient has been determined to be infected with HIV; and

(C) The name and address of any other person whom the disclosing physician or administrator reasonably believes to be a person at risk of being infected with HIV by that patient.

(2) When mandatory and nonanonymous reporting of confirmed positive HIV tests to the Department of Public Health is determined by that department to be reasonably necessary, that department shall establish by regulation a date on and after which such reporting shall be required. On and after the date so established, each health care provider, health care facility, or any other person or legal entity which orders an HIV test for another person shall report to the Department of Public Health the name and address of any person thereby determined to be infected with HIV. No such report shall be made regarding any confirmed positive HIV test provided at any anonymous HIV test site operated by or on behalf of the Department of Public Health.

(3) The Department of Public Health may disclose that a person has been reported, under paragraph (1) or (2) of this subsection, to have been determined to be infected with HIV to the board of health of the county in which that person resides or is located if reasonably necessary to protect the health and safety of that person or other persons who may have come in contact with the body fluids of the HIV infected person. The Department of Public Health or county board of health to which information is disclosed pursuant to this paragraph or paragraph (1) or (2) of this subsection:

(A) May contact any person named in such disclosure as having been determined to be an HIV infected person for the purpose of counseling that person and requesting therefrom the name of any other person who may be a person at risk of being infected with HIV by that HIV infected person;

(B) May contact any other person reasonably believed to be a person at risk of being infected with HIV by that HIV infected person for the purposes of disclosing that such infected person has been determined to be infected with HIV and counseling such person to submit to an HIV test; and

(C) Shall contact and provide counseling to the spouse of any HIV infected person whose name is thus disclosed if both persons are reasonably likely to have engaged in sexual intercourse or any other act determined by the Department of Public Health likely to have resulted in the transmission of HIV between such persons within the preceding seven years and if that spouse may be located and contacted without undue difficulty.

(h.1) The Department of Public Health may disclose AIDS confidential information regarding a person who has been reported, under paragraph (1) or (2) of subsection (h), to be infected with HIV to a health care provider licensed pursuant to Chapter 11, 26, or 34 of Title 43 whom that person has consulted for medical treatment or advice.

(i) Any health care provider authorized to order an HIV test may disclose AIDS confidential information regarding a patient thereof if that disclosure is made to a health care provider or health care facility which has provided, is providing, or will provide any health care service to that patient and as a result of such provision of service that health care provider or facility:

(1) Has personnel or patients who may be persons at risk of being infected with HIV by that patient, if that patient is an HIV infected person and such disclosure is reasonably necessary to protect any such personnel or patients from that risk; or

(2) Has a legitimate need for that information in order to provide that health care service to that patient.

(j) A health care provider or any other person or legal entity authorized but not required to disclose AIDS confidential information pursuant to this Code section shall have no duty to make such disclosure and shall not be liable to the patient or any other person or legal entity for failing to make such disclosure. A health care provider or any other person or legal entity which discloses information as authorized or required by this Code section or as authorized or required by law or rules or regulations made pursuant thereto shall have no civil or criminal liability therefor.

(k) When any person or legal entity is authorized or required by this Code section or any other law to disclose AIDS confidential information to a person at risk of being infected with HIV and that person at risk is a minor or incompetent person, such disclosure may be made to any parent

or legal guardian of the minor or incompetent person, to the minor or incompetent person, or to both the minor or incompetent person and any parent or legal guardian thereof.

(l) When an institutional care facility is the site at which a person is at risk of being infected with HIV and as a result of that risk a disclosure of AIDS confidential information to any person at risk at that site is authorized or required under this Code section or any other law, such disclosure may be made to the person at risk or to that institutional care facility's chief administrative or executive officer, or such officer's designee, in which case that officer or designee shall be authorized to make such disclosure to the person at risk.

(m) When a disclosure of AIDS confidential information is authorized or required by this Code section to be made to a physician, health care provider, or legal entity, that disclosure may be made to employees of that physician, health care provider, or legal entity who have been designated thereby to receive such information on behalf thereof. Those designated employees may thereafter disclose to and provide for the disclosure of that information among such other employees of that physician, health care provider, or legal entity, but such disclosures among those employees shall only be authorized when reasonably necessary in the ordinary course of business to carry out the purposes for which that disclosure is authorized or required to be made to that physician, health care provider, or legal entity.

(n) Any disclosure of AIDS confidential information authorized or required by this Code section or any other law and any unauthorized disclosure of such information shall in no way destroy the confidential nature of that information except for the purpose for which the authorized or required disclosure is made.

(o) Any person or legal entity which violates subsection (b) of this Code section shall be guilty of a misdemeanor.

(p) Nothing in this Code section or any other law shall be construed to authorize the disclosure of AIDS confidential information if that disclosure is prohibited by federal law, or regulations promulgated thereunder, nor shall anything in this Code section or any other law be construed to prohibit the disclosure of information which would be AIDS confidential information except that such information does not permit the identification of any person.

(q) A public safety agency or prosecuting attorney may obtain the results from an HIV test to which the person named in the request has submitted under [Code Section 15-11-603](#), [17-10-15](#), [42-5-52.1](#), or [42-9-42.1](#), notwithstanding that the results may be contained in a sealed record.

(r) Any person or legal entity required by an order of a court to disclose AIDS confidential information in the custody or control of such person or legal entity shall disclose that information as required by that order.

(s) A probate court is authorized to disclose AIDS confidential information in connection with the procedure for ordering the apprehension and delivery of a person pursuant to O.C.G.A. 37-3-41(b) and (c).

(s) AIDS confidential information shall be disclosed as medical information pursuant to [Code Section 24-12-1](#) or pursuant to any other law which authorizes or requires the disclosure of medical information if:

(1) The person identified by that information:

(A) Has consented in writing to that disclosure; or

(B) Has been notified of the request for disclosure of that information at least ten days prior to the time the disclosure is to be made and does not object to such disclosure prior to the time specified for that disclosure in that notice; or

(2) A superior court in an in camera hearing finds by clear and convincing evidence a compelling need for the information which cannot be accommodated by other means. In assessing compelling need, the court shall weigh the public health, safety, or welfare needs or any other public or private need for the disclosure against the privacy interest of the person identified by the information and the public interest which may be disserved by disclosures which may deter voluntary HIV tests. If the court determines that disclosure of that information is authorized under this paragraph, the court shall order that disclosure and impose appropriate safeguards against any unauthorized disclosure. The records of that hearing otherwise shall be under seal.

Probate court proceedings pursuant to O.C.G.A. §37-7-41 shall be exempt from these requirements

(Or

(3) A probate court is authorized to disclose AIDS confidential information in connection with the procedure for ordering the apprehension and delivery of a person pursuant to O.C.G.A. § 37-3-41(b) and (c) and is exempt from complying with this subsection.)

(t)(1) A superior court of this state may order a person or legal entity to disclose AIDS confidential information in its custody or control to:

(A) A prosecutor in connection with a prosecution for the alleged commission of reckless conduct under subsection (c) of [Code Section 16-5-60](#);

(B) Any party in a civil proceeding; or

(C) A public safety agency or the Department of Public Health if that agency or department has an employee thereof who has, in the course of that employment, come in contact with the body fluids of the person identified by the AIDS confidential information sought in such a manner reasonably likely to cause that employee to become an HIV infected person and provided the disclosure is necessary for the health and safety of that employee,

and, for purposes of this subsection, the term “petitioner for disclosure” means any person or legal entity specified in subparagraph (A), (B), or (C) of this paragraph.

(2) An order may be issued against a person or legal entity responsible for recording, reporting, or maintaining AIDS confidential information to compel the disclosure of that information if the petitioner for disclosure demonstrates by clear and convincing evidence a compelling need for the information which cannot be accommodated by other means. In assessing compelling need, the court shall weigh the public health, safety, or welfare needs or any other public or private need for the disclosure against the privacy interest of the person identified by the information and the public interest which may be disserved by disclosures which may deter voluntary HIV tests.

(3) A petition seeking disclosure of AIDS confidential information under this subsection shall substitute a pseudonym for the true name of the person concerning whom the information is sought. The disclosure to the parties of that person's true name shall be communicated confidentially, in documents not filed with the court.

(4) Before granting any order under this subsection, the court shall provide the person concerning whom the information is sought with notice and a reasonable opportunity to participate in the proceedings if that person is not already a party.

(5) Court proceedings as to disclosure of AIDS confidential information under this subsection shall be conducted in camera unless the person concerning whom the information is sought agrees to a hearing in open court.

(6) Upon the issuance of an order that a person or legal entity be required to disclose AIDS confidential information regarding a person named in that order, that person or entity so ordered shall disclose to the ordering court any such information which is in the control or custody of that person or entity and which relates to the person named in the order for the court to make an in camera inspection thereof. If the court determines from that inspection that the person named in the order is an HIV infected person, the court shall disclose to the petitioner for disclosure that determination and shall impose appropriate safeguards against unauthorized disclosure which shall specify the persons who may have access to the information, the purposes for which the information shall be used, and appropriate prohibitions on future disclosure.

(7) The record of the proceedings under this subsection shall be sealed by the court.

(8) An order may not be issued under this subsection against the Department of Public Health, any county board of health, or any anonymous HIV test site operated by or on behalf of that department.

(u) A health care provider, health care facility, or other person or legal entity who, in violation of this Code section, unintentionally discloses AIDS confidential information, notwithstanding the maintenance of procedures thereby which are reasonably adopted to avoid risk of such

disclosure, shall not be civilly or criminally liable, unless such disclosure was due to gross negligence or wanton and willful misconduct.

(v) AIDS confidential information may be disclosed when that disclosure is otherwise authorized or required by [Code Section 42-1-6](#), if AIDS or HIV infection is the communicable disease at issue, or when that disclosure is otherwise authorized or required by any law which specifically refers to “AIDS confidential information,” “HIV test results,” or any similar language indicating a legislative intent to disclose information specifically relating to AIDS or HIV.

(w) A health care provider who has received AIDS confidential information regarding a patient from the patient's health care provider directly or indirectly under the provisions of subsection (i) of this Code section may disclose that information to a health care provider which has provided, is providing, or will provide any health care service to that patient and as a result of that provision of service that health care provider:

(1) Has personnel or patients who may be persons at risk of being infected with HIV by that patient, if that patient is an HIV infected person and such disclosure is reasonably necessary to protect any such personnel or patients from that risk; or

(2) Has a legitimate need for that information in order to provide that health care service to that patient.

(x) Neither the Department of Public Health nor any county board of health shall disclose AIDS confidential information contained in its records unless such disclosure is authorized or required by this Code section or any other law, except that such information in those records shall not be a public record and shall not be subject to disclosure through subpoena, court order, or other judicial process.

(y) The protection against disclosure provided by [Code Section 24-12-20](#) shall be waived and AIDS confidential information may be disclosed to the extent that the person identified by such information, his or her heirs, successors, assigns, or a beneficiary of such person, including, but not limited to, an executor, administrator, or personal representative of such person's estate:

(1) Files a claim or claims other entitlements under any insurance policy or benefit plan or is involved in any civil proceeding regarding such claim;

(2) Places such person's care and treatment, the nature and extent of his or her injuries, the extent of his or her damages, his or her medical condition, or the reasons for his or her death at issue in any judicial proceeding; or

(3) Is involved in a dispute regarding coverage under any insurance policy or benefit plan.

(z) AIDS confidential information may be collected, used, and disclosed by an insurer in accordance with the provisions of Chapter 39 of Title 33.

(aa) In connection with any judicial proceeding in which AIDS confidential information is disclosed as authorized or required by this Code section, the party to whom that information is

thereby disclosed may subpoena any person to authenticate such AIDS confidential information, establish a chain of custody relating thereto, or otherwise testify regarding that information, including, but not limited to, testifying regarding any notifications to the patient regarding results of an HIV test. The provisions of this subsection shall apply to records, personnel, or both of the Department of Public Health or a county board of health notwithstanding [Code Section 50-18-72](#), but only as to test results obtained by a prosecutor under subsection (q) of this Code section and to be used thereby in a prosecution for reckless conduct under subsection (c) of [Code Section 16-5-60](#).

(bb) AIDS confidential information may be disclosed as a part of any proceeding or procedure authorized or required pursuant to Chapter 3, 4, or 7 of Title 37, regarding a person who is alleged to be or who is mentally ill, developmentally disabled, or alcoholic or drug dependent, or as a part of any proceeding or procedure authorized or required pursuant to Title 29, regarding the guardianship of a person or that person's estate, as follows:

(1) Any person who files or transmits a petition or other document which discloses AIDS confidential information in connection with any such proceeding or procedure shall provide a cover page which contains only the type of proceeding or procedure, the court in which the proceeding or procedure is or will be pending, and the words “CONFIDENTIAL INFORMATION” without in any way otherwise disclosing thereon the name of any individual or that such petition or other document specifically contains AIDS confidential information;

(2) AIDS confidential information shall only be disclosed pursuant to this subsection after disclosure to and with the written consent of the person identified by that information, or that person's parent or guardian if that person is a minor or has previously been adjudicated as being incompetent, or by order of court obtained in accordance with subparagraph (C) of paragraph (3) of this subsection;

(3) If any person files or transmits a petition or other document in connection with any such proceeding or procedure which discloses AIDS confidential information without obtaining consent as provided in paragraph (2) of this subsection, the court receiving such information shall either obtain written consent as set forth in that paragraph (2) for any further use or disclosure of such information or:

(A) Return such petition or other document to the person who filed or transmitted same, with directions against further filing or transmittal of such information in connection with such proceeding or procedure except in compliance with this subsection;

(B) Delete or expunge all references to such AIDS confidential information from the particular petition or other document; or

(C)(i) If the court determines there is a compelling need for such information in connection with the particular proceeding or procedure, petition a superior court of competent jurisdiction for

permission to obtain or disclose that information. If the person identified by the information is not yet represented by an attorney in the proceeding or procedure in connection with which the information is sought, the petitioning court shall appoint an attorney for such person. The petitioning court shall have both that person and that person's attorney personally served with notice of the petition and time and place of the superior court hearing thereon. Such hearing shall not be held sooner than 72 hours after service, unless the information is to be used in connection with an emergency guardianship proceeding under [Code Section 29-4-14](#), in which event the hearing shall not be held sooner than 48 hours after service.

(ii) The superior court in which a petition is filed pursuant to division (i) of this subparagraph shall hold an in camera hearing on such petition. The purpose of the hearing shall be to determine whether there is clear and convincing evidence of a compelling need for the AIDS confidential information sought in connection with the particular proceeding or procedure which cannot be accommodated by other means. In assessing compelling need, the superior court shall weigh the public health, safety, or welfare needs or any other public or private need for the disclosure against the privacy interest of the person identified by the information and the public interest which may be disserved by disclosures which may deter voluntary HIV tests. If the court determines that disclosure of that information is authorized under this subparagraph, the court shall order that disclosure and impose appropriate safeguards against any unauthorized disclosure. The records of that hearing otherwise shall be under seal; and

(4) The court having jurisdiction over such proceeding or procedure, when it becomes apparent that AIDS confidential information will likely be or has been disclosed in connection with such proceeding or procedure, shall take such measures as the court determines appropriate to preserve the confidentiality of the disclosed information to the maximum extent possible. Such measures shall include, without being limited to, closing the proceeding or procedure to the public and sealing all or any part of the records of the proceeding or procedure containing AIDS confidential information. The records of any appeals taken from any such proceeding or procedure shall also be sealed. Furthermore, the court may consult with and obtain the advice of medical experts or other counsel or advisers as to the relevance and materiality of such information in such proceedings or procedures, provided that the identity of the person identified by such information is not thereby revealed.

Senate Bill 332

By: Senators Stone of the 23rd and Crosby of the 13th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 15-10-2 of the Official Code of Georgia Annotated, relating to the
2 jurisdiction of magistrate courts, so as to increase the fine amount for contempt of court; to
3 provide for related matters; to repeal conflicting laws; and for other purposes.

4 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

5 **SECTION 1.**

6 Code Section 15-10-2 of the Official Code of Georgia Annotated, relating to the jurisdiction
7 of magistrate courts, is amended by revising paragraph (7) as follows:

8 "(7) The punishment of contempts by fine not exceeding ~~\$200.00~~ \$500.00 or by
9 imprisonment not exceeding ten days or both;"

10 **SECTION 2.**

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

§ 17-5-21.1. Issuance of search warrants by video conference

(a) A judge of any court in this state authorized to issue search warrants pursuant to Code Section 17-5-21 may, as an alternative to other laws relating to the issuance of search warrants, conduct such applications for the issuance of search warrants by video conference. The issuance of a search warrant by video conference shall be valid irrespective of the physical location of the judge at the time of the video conference, provided that the judge issuing the warrant is authorized by law to issue such warrant, and, at the time such warrant is issued, he or she is physically located within this state.

(b) Search warrant applications heard by video conference shall be conducted in a manner to ensure that the judge conducting the hearing has visual and audible contact with all affiants and witnesses giving testimony.

(c) The affiant participating in a search warrant application by video conference shall sign the affidavit for a search warrant and any related documents by any reasonable means which identifies the affiant, including, but not limited to, his or her typewritten name, signature affixed by electronic stylus, or any other reasonable means which identifies the person signing the affidavit and any related documents. The judge participating in a search warrant application by video conference shall sign the affidavit for a search warrant, the search warrant, and any related documents by any reasonable means which identifies the judge, including, but not limited to, his or her typewritten name, signature affixed by electronic stylus, or any other reasonable means which identifies the judicial officer signing the affidavit and warrant and any related documents. Such applications shall be deemed to be written within the meaning of Code Section 17-5-21. Such authorization shall be deemed to comply with the issuance requirements provided for in Code Section 17-5-22.

(d) A judge hearing matters pursuant to this Code section shall administer an oath to any person testifying by means of a video conference.

~~(e) A video recording of the application hearing and any documents submitted in conjunction with the application shall be maintained as part of the record.~~



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Presiding Judge Sara L. Doyle, Chair
Court Reporting Matters Committee

RE: Court Reporting Matters Committee Report

DATE: September 5, 2014

Following the June Judicial Council meeting, the Court Reporting Matters Committee (CRMC) widely distributed the proposed court reporting policies and fees for public comment. Attached is an August 6, 2014 memorandum summarizing the number and type of comments received. Most comments related to digital recording, followed by formatting, certified transcript as a public record, realtime reporting, then takedown and transcript filing. Nominal comments were received on the other policies.

The Committee was pleased with the number of comments and the fact that numerous judges, counties, court reporters, attorneys, and other interested groups provided thoughtful and well-reasoned comments.

The CRMC met on August 8, 2014, and September 5, 2014, to review the comments and revise the policies and fees as attached. You will note that the policies now generally provide more flexibility for judges to apply best practices in their jurisdictions. In particular, the revisions involve (1) elimination of a second witness index, (2) a response to a concern over quotations in indentations, (3) adjustment of fees and rates, (4) extension of and authority for modifying deadlines for preparing and filing transcripts, and (5) withdrawal of Policy 3.2 regarding realtime reporting initially submitted by court reporters. The CRMC feels that more study is needed of realtime reporting and its value to the courts.

At the September 25 Judicial Council meeting, we will review each proposed policy in more detail, explaining the modifications, if any, that were made and the reasoning therefore. The April 2013 Judicial Council action items to which these policies and fees respond are also enclosed for your reference.

I want to thank the Committee members – Judge Linda Cowen, Judge Ed Lukemire, and Judge Kathy Palmer - for their very dedicated work during the past year as well as all of the judges, lawyers, court reporters, and others who provided feedback to the committee to aid this process.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Judicial Council of Georgia

Appellate Courts

Chief Justice Hugh P. Thompson
Presiding Justice P. Harris Hines
Chief Judge Herbert E. Phipps
Presiding Judge Sara L. Doyle

Trial Court Councils

Judge Mary Staley
Judge Brenda Weaver
Judge Charles Wynne
Judge Wayne M. Purdom
Judge J. Lane Bearden
Judge John Benjamin Sumner
Judge Chase Daughtrey
Judge Don Wilkes
Judge W. Allen Wigington
Judge Robert Turner
Judge E.R. Lanier
Judge Leslie Spornberger-Jones

Judicial Administrative Districts

Judge John E. Morse Jr.
Judge Harry J. Altman, II
Judge Edward D. Lukemire
Judge Gregory A. Adams
Judge Gail Tusan
Judge Matthew O. Simmons
Judge S. Lark Ingram
Judge Kathy Palmer
Judge Kathleen Gosselin
Judge J. Carlisle Overstreet

Memorandum

TO: Ms. Molly Perry, Division Director, Court Services
Ms. Aquaria Smith, Program Manager, Board of Court Reporting

FROM: Ms. Kimberly Miller, Statistical Analyst
Ms. Wendy Hosch, Statistical Analyst

RE: Public Comment Findings

DATE: August 6, 2014

The AOC was asked to provide the Court Reporting Matters Committee with qualitative and quantitative data concerning public comments on proposed court reporting policies and fees. Please find below the summary data.

As of August 5, 2014, 192 individuals provided commentary (Appendix A). The majority of correspondence was obtained from official court reporters, judges, and freelance court reporters based in urban, suburban multi-county and rural circuits.¹

1.1 Application of Fee Schedule for Court Reporting Services

- 10 comments received
- No opposition or disagreement received.

1.2 Contingent Expense and Travel Allowance

- 10 comments received
- No opposition or disagreement received.

1.3 Billing Practices and Form

- 24 comments received
- The largest number of respondents felt the language referring to the felony penalty for false billing was unnecessary (8 comments).
 - The Georgia State Accounting Office Travel Expense Statement for state employees reflects similar wording.
- There were mixed opinions about how often to submit invoices (6 comments).

¹ Urban: Circuits with one county and seven or more judges. Suburban Single-County: Circuits with one county and fewer than seven judges. Suburban Multi-County: Circuits with multiple counties and a number of judges greater than or equal to the number of counties in the circuit. Rural: Circuits with a number of judges fewer than the number of counties in a circuit.

1.4 Format and Page Rate

- 85 comments received

The majority of responses related to the index and indentations of court transcripts and revised page rates.

A. Indentations

- Comments opposed using quotations marks in a transcript when a deposition is being read (6 comments).

B. Index

- Responses recommended eliminating the additional alphabetical index for witnesses (22 comments).

C. Page Rate

- Various page rates were suggested to replace the proposed \$5.00 rate without providing a cost analysis to support the suggested rates, including:
 - \$4.20 (1 comment)
 - \$4.28 (1 comment)
 - \$5.29 (9 comments)
 - \$5.30 (14 comments)
 - \$5.44 (1 comment)
 - \$5.50 (1 comment)
 - \$6.00 (2 comments).
- Numerous remarks sought extension of the 30-day transcript deadline and elimination of the reduced page rates for extended transcript filing deadlines.
- There was confusion as to when the 30-day deadline began.

2.1 Takedown and Transcript Filing in Criminal Proceedings

- 55 comments received

A. Takedown

- There were questions about proposed additional mandatory takedown (12 comments).
- Numerous comments sought to adhere to current practices (25 comments).

B. Preparation and Filing of Transcript

- Comments sought to adhere to current practices to prepare and file transcripts; however, there were many misunderstandings of the proposal (10 comments).

C. Habeas Corpus

- There was misunderstanding about the rate for habeas takedown (3 comments).

2.2 Documentation of Evidence

- 14 comments received

No substantive feedback provided.

2.3 Certified Transcript is a Public Record

- 68 comments received

A. Electronically Certified Transcript

- Comments sought to adhere to court reporters retaining ownership of the transcript (work product).
- Questions on how to certify an electronic transcript were highlighted.

B. Time Period for Filing Transcript

- The prevailing theme for this policy was the unrealistic transcript deadline. Suggestions for a revised deadline included:
 - 90 days (7 comments)
 - 120 days (13 comments)
 - 150 days (2 comments).

No analysis was provided with the suggested deadline extension. Not all comments proposed a suggested deadline.

2.4 Business Continuity

- 24 comments received

The majority of statements dealt with storage and space issues when delivering electronic transcripts to courts on a daily basis.

3.1 Digital Recording

- 145 comments received

A. Digital Recording of Court Proceedings

- Major misunderstandings were indicated such as replacing court reporters with digital recorders (62 comments) and requiring digital recording (33 comments).
- There was some opposition to using digital recording in an emergency (5 comments).

B. Licensing of Digital Monitors

1. Preliminary Qualifications

- Numerous statements indicated misunderstandings of the education qualifications and its parallel to the court reporters requirements, see O.C.G.A. §15-14-29 (13 comments).
- Numerous remarks questioned the production of transcripts by digital monitors (54 comments).

3.2 Realtime Reporting

- 85 comments received

A. Certification of Realtime Reporters

- A significant misunderstanding of the policy was that current court reporters would be required to become certified in realtime reporting (38 comments).
- Numerous comments recommended a “realtime capable” designation that would not require a certification in realtime (13 comments).

Additionally, the largest concentration of judge and court reporter comments were seen in 3.1 Digital Recording. Among all judge comments, 33% were received from one urban circuit. Among official and freelance court reporters, 32% were obtained from three circuits. To comply with the statutory authority that promulgates compensation for court reporting services and transcripts, an analysis of O.C.G.A. § 15-5-21 is recommended to ensure the proposed changes are within scope.

**Appendix A
BCR Public Comments Demographics**

	Judges	Official Court Reporters	Freelance Court Reporter	Official/Freelance Court Reporter	Electronic Court Reporter	Court Administrators	District Attorneys	Solicitors	Public Defenders	Attorneys	Paralegals	Judiciary Member	Other	Total
Georgia Court Officials ¹														
Rural	11	24	2											37
Urban	12	35	14	2						16		1		80
Suburban Single County	3	9	5											17
Suburban Multi-County	10	31	5	1	1		1			1			1	51
Out of State Court Officials		1			1									2
State and National Organizations ²													6	6
Location Unknown														0
Total	36	100	26	3	2	0	1	0	0	17	0	1	7	193

¹Urban: Circuits with one county and seven or more judges. Suburban Single-County: Circuits with one county and fewer than seven judges. Suburban Multi-County: Circuits with multiple counties and a number of judges greater than or equal to the number of counties in the circuit. Rural: Circuits with a number of judges fewer than the number of counties in a circuit.

²State and National Organizations include: Association County Commissioners of Georgia, Georgia Board of Court Reporting, Georgia Certified Court Reporters Association, Georgia Shorthand Reporters Association, National Court Reporters Association, National Verbatim Reporters Association, and Association County Commissioners of Georgia.

As of August 5, 2014



Judicial Council Policy Action Items on Court Reporting Fees and Processes Adopted April 12, 2013

1.1 Application of Official Fee Schedule

Recommendation

The Official Fee Schedule applies to court reporters who are independent contractors. Counties that hire court reporters as employees shall arrange compensation and scope of work for them under their terms of employment, similar to other employees.

Implementation

The Board of Court Reporting shall clarify that the Fee Schedule applies to independent contractors and may be used as a guide in establishing personnel salaries.

1.2 Contingent Expense and Travel Allowance

Recommendation

To better reflect typical travel guidelines that disallow expense reimbursement for travel between home and place of employment, O.C.G.A. §15-14-6 should be amended to remove the contingent expense and travel allowance for official court reporters serving a single-county jurisdiction.

Implementation

The ACCG or other interested organization should propose legislation to amend the statute clarifying that the contingency travel fee does not apply to single county circuits.

1.3 Billing Practices and Forms

Recommendation

Court reporters shall clearly document work performed on invoices or requests for payment developed by the Board of Court Reporting to ensure accountability to the county fiscal office, which estimates budgets, processes payments, and is subject to audit.

Implementation

At a minimum, the Board of Court Reporting shall adopt model invoice forms to include the name of the court, style of case and case number, presiding judge, attorney(s), date(s) of service, type(s) of service, number of transcript pages, and fee rates for service and/or transcript. Deadlines to tender invoices for court attendance, recordation/takedown, and transcripts shall also be prescribed.

1.4 Format and Page Rate

Recommendation

By January 1, 2014, transcripts shall be produced utilizing current information technology and filed in searchable .pdf (portable document format), or as determined by the Judicial Council, that is accessible to all court users. The Judicial Council shall determine the page rate for electronic documents including transcripts, exhibits, and specialized exhibits.

Implementation

In conjunction with Recommendation 2.3, the Judicial Council shall require transcripts to be filed in searchable .pdf (portable document format), stipulate that the Board of Court Reporting issue written instructions for transcript format and style, and determine fair compensation that will substitute for the current paper-based scheme. (A page rate of \$5.00 will approximate the current average payment for an original and copies typically requested by court officials.)

2.1 Taking Down and Transcribing Court Proceedings

Recommendation

Because there are inconsistent interpretations of the laws addressing the takedown and transcription of court proceedings, the Judicial Council shall clarify (1) which proceedings must be taken down and/or transcribed, and (2) which proceedings and transcripts must be authorized by a judge. Also, since the majority of complaints filed with the Board of Court Reporting against certified court reporters allege failure to produce a transcript in a reasonable period of time, the Judicial Council shall address time limits for transcript filing.

Implementation

The Judicial Council shall draft rules clarifying the court proceedings required to be taken down and transcribed and pertinent time periods for filing transcripts by December 31, 2013.

2.2 Documentation of Evidence

Recommendation

Appellate court protocols for the transmission of physical evidence by photograph, videotape, or audiotape in lieu of the original evidence have already been established. Documenting evidence and exhibits in a transcript shall consist of visual recording by photograph or scan, or digital video or audio if necessary, by January 1, 2014, concurrent with Recommendation 1.4.

Implementation

The custodian of the physical evidence shall scan the evidence into digital format and transmit the images to the court reporter for incorporation into the transcript. The archiving policies established by the trial courts shall require physical evidence to be indexed and cataloged for easy retrieval.

2.3 Certified Transcript is a Public Record

Recommendation

The court reporter shall file the certified criminal transcript with the clerk of court prior to releasing any certified copies. Once filed, the transcript becomes a public record (O.C.G.A. §50-18-70) and shall be accessible to the judge, prosecutor, and defendant without charge.

Implementation

The Judicial Council shall clarify that the criminal transcript must be filed first with the court clerk, is a public record, and, in digital format, is reproducible in certified form. An interested organization should introduce legislation to include transcripts under O.C.G.A. §15-6-77.

2.4 Business Continuity

Recommendation

To minimize disruption in judicial process due to missing, lost, or incomplete records and transcripts and ensure business continuity, court reporters shall maintain a backup recording system that serves as a repository of all criminal court proceedings by January 1, 2015.

Implementation

The Judicial Council shall adopt standards that delineate the management of electronic files and digital recordings in preserving court testimony. The written protocols will guide courts on the use of remote or stand-alone systems that provide direct and secure access to recordings by court officials.

3.1 Electronic/Digital Reporting

Recommendation

The Judicial Council shall recognize electronic/digital reporting as a means of capturing the record for certain types of trial court proceedings and shall direct the Board of Court Reporting to develop rules and regulations for a separate classification and certification for digital monitors using electronic/digital methods by July 1, 2014.

Implementation

The Judicial Council shall determine the types of trial court proceedings for which electronic/digital reporting is authorized to capture the record. The Board of Court Reporting shall establish certification requirements for electronic/digital reporting and develop standard operating procedures and rules for implementation and use of electronic/digital reporting.

3.2 Real Time Court Reporting

Recommendation

The Judicial Council recognizes the benefits and efficiencies of real time reporting and acknowledges it as the best practice of court reporting.

Implementation

The Board of Court Reporting shall establish a date certain and minimum requirements for certified court reporters having real time capability in superior and state courts.

Judicial Council of Georgia
Policies and Fees for Court Reporting Services in Criminal Cases
Revised as of August 26, 2014

Under O.C.G.A. Title 15, Chapter 14, the Judicial Council is authorized to define and regulate the practice of court reporting to uphold the administration of justice. Production of the official court record is an essential business process contributing to court users' access to and fairness in Georgia courts, and each court has the responsibility to effectively manage that process. Through the following policies and fees, as well as the certification and regulation of court reporters, the Judicial Council identifies best practices and policies to assist judges in executing this responsibility to the citizens of the state.

1.1 Application of Fee Schedule for Court Reporting Services

The Judicial Council of Georgia *Fees for Services by Official Court Reporters* (Appendix A) applies to court reporters who are independent contractors. Courts that hire court reporters as employees shall arrange compensation and scope of work for them under their terms of employment, similar to other employees, using the fee schedule as a guide for salaries.

1.2 Contingent Expense and Travel Allowance

[Note: To better reflect typical travel guidelines that disallow expense reimbursement for travel between home and place of employment, O.C.G.A. §15-14-6 should be amended to remove the contingent expense and travel allowance for official court reporters serving a single-county jurisdiction. The ACCG or other interested organization should propose legislation to amend the statute clarifying that the contingency travel fee does not apply to single county circuits.]

1.3 Model Invoice for Services by Official Court Reporters

The Judicial Council recommends use of the model invoice contained in Appendix B to be submitted no less than once per month. Invoices incorporating substantially the same information may be used if approved by the court.

1.4 Format and Style of Transcripts

Standards for transcripts assure fair, equitable, and uniform treatment of parties. In all criminal cases filed after January 1, 2015, case transcripts shall be produced in searchable portable document format (.pdf), or another approved electronic format with document search capability, and filed with the clerk of court in a medium that can be stored electronically.

The following format and style shall be used for the production of all transcripts in Georgia courts. (See Sample Transcript, Appendix C.)

A. Margins

Preprinted solid left and right marginal lines shall be placed on the transcript page so that text begins 1-3/4 inches from the left side of the page and ends 3/8 inch from the right side of the page.

B. Character Spacing

The letter character size shall be 10 letters to the inch, providing for approximately 63 characters per line.

C. Lines and Line Numbering

Each page shall include numbers indicating each line of transcription on the page and shall contain 25 lines of double-spaced text. If a page contains less than 13 lines, no charge shall be assessed. A page containing 13 or more lines will be charged as a full page. The last page will be charged as a full page, regardless of the number of lines.

Page numbers or notations are not considered lines of text.

D. Indentations

1. Question and Answer (Q&A)

For Q&A, indentation from the left margin shall be five spaces for the first line and none for subsequent lines.

2. Colloquy

On the first line, indentation from the left margin shall be ten spaces, followed by speaker identification and a colon, with the statement beginning two spaces after. Subsequent lines shall be indented five spaces from the left margin.

3. Additional Testimony

Depositions read at trial, if taken down as part of the trial transcript, shall be formatted the same as oral testimony, with the same indentations as Q&A. In a transcript, each question and answer read verbatim from a deposition shall be preceded by a quotation mark. At the conclusion of the reading, there shall be a closing quotation mark.

E. Page Numbering

Transcript page numbers shall be printed at the bottom right of each page. Pages shall be numbered consecutively beginning with page "1."

F. Cover Page

Each transcript shall include a cover page indicating:

- (1) court name;
- (2) case name and number;
- (3) name and title of judge;
- (4) type, date, location, and time of proceeding;
- (5) name and address of each attorney and party represented;
- (6) whether jury was present;
- (7) court reporter's name, address, and contact information;
- (8) volume number if multi-volume transcript (ex: Volume 1 of 3 in Arabic numerals).

G. Index

Each transcript shall contain a general index, a witness index, and an exhibit index. When a transcript has more than one volume, each volume shall contain a general index, a witness index, and an exhibit index.

- (1) The general index shall list all occurrences in chronological order, including the charge of the court.
- (2) The witness index shall list all witnesses in the order of their appearance with associated page numbers of their testimony on direct, cross, redirect, and re-cross examinations.
- (3) The exhibit index shall list each exhibit received into evidence with its description and associated page numbers when tendered and admitted.

H. Parenthetical Notations

Parenthetical notations, when appropriately separate from dialogue, must begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin.

I. Exhibits

Documents, photographs, and physical evidence must comport with Rules 71 to 74 of the Supreme Court of Georgia and Rule 17 of the Court of Appeals of Georgia. Audio/video recordings played in court entered as an exhibit in a proceeding need not be transcribed unless ordered by the court.

2.1 Takedown and Transcript Filing in Criminal Proceedings

A. Takedown

1. The following shall be taken down:
 - (1) All proceedings in death penalty cases.
 - (2) All habeas corpus proceedings.
 - (3) Felony cases
 - (a) Guilty pleas.
 - (b) During trial, all evidence including testimony, objections and rulings, motions and rulings thereon, jury charge, and sentencing.
 - (c) Motion for new trial hearings.
 - (4) Guilty pleas in misdemeanor cases.
2. All other proceedings in felony or misdemeanor cases, such as pretrial motions, voir dire, opening statements, colloquies, closing arguments, and probation revocation hearings shall be taken down only when requested by the court, counsel, or defendant.
3. No proceeding in magistrate court shall be taken down unless requested by the court, counsel, or defendant.

B. Preparation and Filing of Transcript

1. A transcript shall be prepared and filed in:
 - (1) All death penalty case proceedings.
 - (2) Felony trials, jury or non-jury, resulting in a guilty verdict.
2. When requested by the court, counsel, defendant, or petitioner, a transcript shall be prepared and filed in all other proceedings.

2.2 Documentation of Evidence

To comport with appellate court requirements and other Judicial Council rules and policies, the case transcript shall include all evidence (exhibits) in digital format. Documentary evidence, photographs of physical evidence, and video and audio recordings shall be provided to the court reporter in digital format at the time of tender, unless otherwise ordered by the court.

2.3 Certified Transcript is a Public Record

A. Certification and Filing of Transcript

In all criminal cases, when a transcript is required or requested to be prepared, it shall be filed with the clerk of court immediately upon completion and certification. The court reporter shall notify the court, prosecutor, defense attorney(s), and/or self-represented defendants(s) of the date the transcript is filed with the clerk of court and provide each with a digital copy of the transcript at no charge.

Once filed, the transcript is a public record (O.C.G.A. § 50-18-70), and copies may be provided at the rate determined by the clerk or by law as any other public record.

B. Electronically Certified Transcript

Transcripts may be electronically certified. Any transcript electronically certified must include a certificate as described by O.C.G.A. § 15-14-5 and must include the electronic signature of the court reporter. The electronic signature shall be unique to and under the sole control of the court reporter using it and constitute evidence of a legal signature of the court reporter.

C. Time Period for Filing Transcript

Unless other time periods are adopted by a court, the following shall be the time periods for filing transcripts.

1. Other than in a death penalty case governed by the Unified Appeal procedures, any transcript required to be prepared shall be filed with the clerk of court no later than 120 days from the date of conclusion of the proceeding for which the transcript is required to be prepared.
2. Any transcript to be prepared only upon request shall be filed with the clerk of court no later than 120 days from the date of the request for transcript. The request for transcript shall be made in writing to the court reporter and a copy sent to the clerk of court by the requesting party.

A maximum of one 60-day extension for filing a transcript may be granted by the court. An extension shall be requested in writing and signed by the judge, with a copy sent to the clerk of court. For good cause shown by the court reporter, the judge may extend the time for filing beyond 180 days.

If the judge authorizes an extension for filing a transcript beyond the 120-day time period or the time period otherwise adopted by a court, the judge shall determine and enter the applicable page rate in the order approving the request. [See *Judicial Council of Georgia Fees for Services by Official Court Reporters, Criminal Cases.*]

2.4 Business Continuity

Each court is responsible for ensuring that an accurate record of court proceedings is produced as an essential requirement of due process of law.

To ensure business continuity, the court shall maintain a record of court proceedings irrespective of the production of the official record. The record maintained by the court is owned by the court and shall be made available to the public as required by law.

In addition to official reporting of court proceedings, it is recommended that the court require a digital recording of proceedings where transcripts are required or the court determines it is otherwise necessary to ensure business continuity. Courts utilizing digital recording for business continuity should follow the policies and procedures set forth in 3.1 for the management of digital recording equipment and personnel assigned to its operation. Digital recordings should be stored in a secure, accessible location; indexed for convenient retrieval; and retained according to applicable retention schedules.

As an alternative to digital recording, it is recommended that the court designate as the business continuity recording a backup recording generated by a court reporter who takes down assigned court proceedings. If so designated, a court reporter who takes down an assigned court proceeding shall generate a backup recording and provide it to the court on a periodic schedule (daily, weekly or monthly) as ordered by the court.

3.1 Digital Recording

I. Digital Recording of Court Proceedings

A. Digital recording is a sound recording process that converts audio or analog signals to electronic format for storage and integration with other digital applications, such as case management and calendaring systems.

B. Digital recordings and related materials are part of a comprehensive transcript management system that governs the life cycle of the court record from the initial court proceeding through the filing of a transcript. These recordings and materials are preliminary to the transcript and are owned by the court.

C. Digital recording may not be used as the verbatim recording in death penalty and other felony trials unless (1) authorized by the court and operated according to this policy or (2) as a secondary record of proceedings under a pilot project of limited duration to study the feasibility of a recording system.

II. Licensing of Digital Monitors

A. Preliminary Qualifications

To apply for licensure as a digital monitor, a candidate shall meet the following qualifications:

- (1) At least 18 years of age,
- (2) High school graduate or equivalent, and
- (3) Good moral character.

B. Application for License

A candidate for initial licensure as a digital monitor shall:

- (1) Apply for, pass, and receive notice of passing an exam offered by the American Association of Electronic Reporters and Transcribers (AAERT) for Certified Electronic Court Reporter, Certified Electronic Court Transcriber, or both;
- (2) Complete the Board of Court Reporting's application for a licensed digital monitor; and
- (3) Pass the Georgia Written Test that assesses knowledge of the laws, rules, and regulations pertaining to court processes and court reporting in Georgia.

C. Initial and Continuing Education

Within twelve months of initial licensure, a digital monitor shall complete the Board-sponsored educational program for new digital monitors.

To qualify for licensure renewal, a digital monitor shall complete and submit a certificate for a minimum of ten hours of Board-approved continuing education each year.

D. Disqualification for Act of Dishonesty

Any applicant who commits any act of dishonesty with respect to any portion of the exam shall immediately be disqualified and will not be eligible to take the exam again for a period of two years from the date of the exam on which the applicant was disqualified.

E. License

After an applicant has met all requirements for licensing, the Board shall issue a license with a unique identification number to the digital monitor. The license shall designate the proficiency in which the digital monitor is licensed to practice from the following:

- (1) Licensed electronic recorder (LER),
- (2) Licensed electronic transcriber (LET), or
- (3) Licensed electronic recorder and transcriber (LERT).

F. Right to Review

The Board reserves the right to refuse to allow testing or licensing of any applicant for good cause.

III. Standard Operating Procedures and Rules

A. Supervision of Digital Monitors

1. The chief judge of each court may designate an administrator or a managing court reporter to oversee the digital audio recording of court proceedings.
2. The administrator or managing court reporter shall be responsible to:
 - a. Appoint, schedule, and supervise digital monitors for the purpose of equitably distributing workload and assuring the lowest overall cost to the court.
 - b. Verify certification records for all digital monitors working in the court's jurisdiction.
 - c. Review the work and work product of digital recording monitors and report regularly to the chief judge.
 - d. Manage the preparation of transcripts of digitally recorded proceedings.
 - e. Coordinate requests and orders for digital recordings and transcripts and review related invoices for payment.

IV. Procedures and Best Practices for the Use of Digital Recording Technology

A. Signage

Signage provides important reminders to litigants, staff, and the public that the proceedings are being recorded and that anything spoken may be recorded.

1. The following is suggested language for signs placed at each table microphone, podium, and on the judge's bench:

- (1) *The court may be electronically recording proceedings.*
- (2) *Speak clearly and slowly into the microphone.*
- (3) *Speak in normal conversational tone. Do not whisper.*
- (4) *Do not speak over another person.*
- (5) *Remain seated or at the podium.*
- (6) *Mute microphone for private conversations.*

2. The following is suggested language for a sign posted at the courtroom entrance door:

The court may be electronically recording proceedings. Silence in the gallery and litigation area is required. Remain seated and do not approach the bench until instructed to do so.

Courtroom participants may also need to be informed that the recording system may purposely or inadvertently remain operational between proceedings and/or after the proceeding has ended.

B. Opening Colloquy

For some or all proceedings, the judge may choose to supplement signage by opening the court session with an opening colloquy similar to the following:

These proceedings are being electronically recorded. Please clearly state your name and appearance for the recording. Speak clearly and directly into the microphone. Do not speak over each other. All responses must be made orally. Avoid gesturing or head nodding, as these gestures will not be captured for the record.

C. Procedures for Digital Monitors

The digital monitor (monitor) is responsible for producing backed up recordings of court proceedings using a digital recorder. The monitor produces log notes and other material containing the spelling of proper names, unusual terms, and beginning and end times enabling systematic playback.

In general, responsibilities include:

- (1) Assisting in identifying the best placement of microphones in the courtroom to achieve the goal of maximizing channel-to-channel voice separation for all speaking participants;
- (2) Monitoring the recording through headphones to ensure that the proceedings are being properly recorded by the digital recording equipment;
- (3) Taking and maintaining log notes and relevant lists of attorneys' names and addresses, witnesses, exhibits, and other information;
- (4) Playing back recorded court proceedings, as directed by the judge; and
- (5) Ensuring that the recording is properly stored and archived at the court.

1. Case Management System Entries

When appropriate, the monitor may be assigned responsibility for making entries into the court's case management system (CMS) for proceeding start and end times, appearances, court orders, and next hearing dates. For example, at arraignment or change of plea sessions, the digital monitor may be assigned responsibility for entering conditions of release, fine amounts, and conditions of probation into the court's CMS.

2. Practices and Procedures

a. Preparation for proceedings

i. Supplies

Make sure that all necessary supplies for producing a recording, making log notes, marking exhibits, and preserving the record are available and accessible. Supplies could include headphones, the court calendar and docket, pens, pencils, legal pads, blank appearance sheets, witness and exhibit lists, and compact disks used for archiving the recording.

ii. Daily Testing

- (1) Test the recording and log notes software for operating functionality.
- (2) Check the microphone and camera placement in the courtroom according to the type of case and the flow and movement of the participants.
- (3) Test the recording quality of each microphone and the wiring by speaking into each microphone and listening to the recorded result on each audio channel.
Problems could be caused by the microphones not being plugged into the proper channels or equipment or not being set on “Record” mode. Report any problems so that they can be fixed prior to the day’s proceedings.

iii. Default Settings

If default settings are used, check whether the system has been set back to the appropriate default setting and, in particular, that the setting accurately identifies the name of the judge presiding over the recorded proceeding.

iv. Communication with Judge

Determine how the judge would like to be notified or interrupted by the monitor during the court proceeding if the record is not being captured.

b. During Proceedings

i. Operation

The recording system should be operated at the direction of the judge.

ii. Confidential Communications

- a. The court should post signs providing notice that any conversations occurring in the room and, in particular any conversations at the attorney/party tables, may be recorded at any time.
- b. The court should install microphones with “hold to mute” buttons for microphones used by attorneys and the judge.

iii. Monitor Through Headphones

Using headphones, monitor what is being recorded onto the audio channels, not what is being said into the microphones, ensuring that the proceedings are being adequately and intelligibly recorded (known as “confidence monitoring”).

iv. Interrupting Proceedings

- a. The digital monitor should strive for an unobtrusive presence interrupting proceedings only as necessary and in accordance with protocols established with the judge. Monitors must use their best judgment before interrupting, since an interruption may not be desirable at a critical point in testimony. It may be necessary to interrupt proceedings to:

- (1) Request the correct spelling of names or technical or unfamiliar names;
- (2) Request that a party move closer to the microphone;
- (3) Request that a person stop tapping a microphone or shuffling papers too close to it;
- (4) Request that a non-verbal response be made audible; or
- (5) Request that a party slow down his or her speech pattern.

b. Interrupt the proceeding and notify the judge when a record is not being made.

Examples include:

- (1) Technical failure of the equipment
- (2) The speaker's words are inaudible for reasons including:
- (3) Audio level of the recording is not adequate
- (4) Parties are speaking too softly or too rapidly
- (5) Parties are talking simultaneously over each other
- (6) Excessive shuffling of papers
- (7) A microphone remains muted
- (8) Excessive gallery or extraneous noise.

c. Monitors must use their best judgment before interrupting. An interruption may not be desirable at a critical point in testimony.

v. Off the Record Discussions

The recording should be stopped for “off the record” discussions only at the direction of the judge and only as long as the judge directs that the discussions not be recorded.

vi. Sidebar or Bench Conferences

Sidebar or bench conferences are part of the official record and need to be recorded unless the judge orders otherwise. Because these conferences are often whispered, it is important to monitor the volume and to ensure that the log notes identify each speaker.

vii. Jury Voir Dire

Creative microphone placement and/or the use of wireless microphones can help avoid problems with voir dire. The judge and attorneys should address jurors by name or number for proper identification during questioning. Monitors may need to be particularly vigilant at asking potential jurors to speak up.

viii. Language Interpreters

Digital recording preserves both the English and the foreign-language interpretation making it possible to confirm accuracy. The interpreter must be provided with a microphone assigned to a channel that is not the same as the channel assigned to the witness in order to ensure that the witness is not speaking over the interpreter. Log notes on when the interpreter is interpreting and the identity of the speaker whose words are interpreted are particularly important.

ix. Log Notes

Log notes allow for a simplified search of the electronic record for the playback of testimony during and after court proceedings.

- a. For all court proceedings, log notes must contain:
 - (1) Names/Identifiers - the full name of the judge, parties, and attorneys present and not present; case caption; and case number; and
 - (2) Time - the beginning and end times of each proceeding.

[Note: The digital recording software should automatically insert the beginning and end times along with any time that the recording is paused, started, or stopped. In court sessions where proceedings overlap, the monitor will need to be particularly diligent at logging start and stop times and may not be able to rely on the software to do so.]

- b. For trials and evidentiary proceedings, log notes must contain:
 - (1) Names/Identifiers - the full name of the judge, monitor, parties, and attorneys present and not present; case caption; and case number;
 - (2) Time - the beginning and end times of each proceeding;

[Note: Log notes should also identify the time that each type of examination (direct, cross, *voir dire*) begins, the time that any off the record discussion begins, and the time that the jury enters or leaves the courtroom.]

- (3) Spelling/Unusual Names and Terminology - uncommon words, proper nouns, unusual phrases or jargon, events occurring on the record, attorney objections, and court rulings; consider a separate word list with the spelling of proper nouns and technical jargon;
- (4) Trial Events - the calling and swearing in of witnesses, the beginning of each type of examination, all attorney objections and court rulings, exhibit marking and identifying, motions for admission of evidence, references to statutes and rules and any other information that would assist transcription; commonly used abbreviations may be useful;
- (5) Identifying Speakers by Channel - speakers may move between multiple microphones during a proceeding, so it may be useful to develop a code to identify a speaker on a particular channel at a particular time.

[Note: A standard setup for channel allocation could serve as a useful guide in the majority of cases. For example:

- ① Judge/Jury/Bench or Well
- ② Witness
- ③ Defendant
- ④ Plaintiff]

- (6) Nonverbal occurrences - such as “witness nodded head” and could indicate times when attorneys are conferring off the record;
- (7) Abbreviations – for commonly understood standard terms, such as “YH” for “Your Honor;”
- (8) Shortcuts - as needed to identify speakers in the log notes during rapid fire colloquy with the judge, such as “Jones, then Smith, then Judge, Jones again, then Smith, etc.;

x. Appearance/Information Sheet

- a. For indexing case information, enter case information onto a digital or paper appearance/information sheet identifying the case along with the judge’s name and the names and spellings of the attorney(s) representing the parties in the case.

[Note: In some recording systems, this information can be entered when a recording is initiated, preserving it in a searchable format directly associated with the recording.]

- b. For most hearings, the sheet should contain the:
 - (1) date of the hearing;
 - (2) full name of the judge and monitor;
 - (3) case number, case name, and type of hearing;
 - (4) full names and spellings of attorneys and self-represented litigants;
 - (5) speaker identification codes selected for the log notes;
 - (6) channel designation and seating arrangement for all parties.

[Note: In some recording systems, monitors can create name macros for all parties present for a case, enabling the monitor to quickly insert the full name of a party or an attorney by a single mouse click, entry, or keystroke combination.]

- c. For trials and evidentiary hearings, the sheet should contain items (1)-(6), above, and the:
 - (1) law firm and/or government agency names, street addresses, e-mail addresses, and business and cell phone numbers;
 - (2) names of all witnesses;
 - (3) description and number for all exhibits.

xi. Playback

- a. As directed by the judge, locate the requested portion and play it back, using the courtroom public address system or sound reinforcement system such as a set of speakers connected to the recording personal computer.
- b. After the playback, ask the participants to provide time for the monitor to resume duties before resuming the hearing.

[Note: The recording system should support immediate resumption after playback, with no interruption in the proceedings.]

- c. At the conclusion of the day's proceedings
Follow court practice to properly store and archive the recording at the court. This could include:
 - (1) backing up the day's recordings to the court's electronic network,

[Note: If the system does not enable backup onto a network, back up the day's recordings onto a compact disk.]

- (2) labeling the recordings to enable their retrieval during the retention period,
- (3) setting the system on the appropriate default setting for the next day's proceedings, and
- (4) shutting down the recording system.

D. Procedures for Judges

- (1) Verify with the monitor that the system is operational.
- (2) Make participants aware that the court proceeding is being electronically recorded.
- (3) Remind participants to speak loudly and clearly.
- (4) State each case by name and number and type of proceeding each time a case is called.
- (5) Remind all participants to properly identify themselves when making their appearance at the beginning of each proceeding and to spell their names for the record.
- (6) Request attorneys to give their appearances at the start of each day of a continuous, multi-day trial.

- (7) Remind attorneys to take necessary precautions (i.e. cover the microphone or use the mute button) when they wish to consult with clients during the hearing.
- (8) Point out to those present that coughing or sneezing near a microphone will adversely affect the recording.
- (9) Permit attorneys to remain seated during proceedings and make sure that they are speaking into a microphone.
- (10) Remind participants that only one person should speak at a time. Discourage overlapping questions and answers or colloquy.
- (11) Discourage speakers wandering around the courtroom unless wireless microphones are used.
- (12) Hold on the record bench conference conversations at the bench conference microphone.
- (13) Leave the judge's bench microphone turned on while in session.

E. Procedures for Attorneys and Courtroom Participants

- (1) Attorneys should inform their clients of the method of recording being utilized and take necessary precautions to protect disclosure of confidential communications during proceedings.
- (2) Upon speaking for the first time, identify yourself for the record. Spell your name and state whom you represent.
- (3) Provide the monitor with the correct spellings of unusual or technical names and words to be used.
- (4) Avoid moving microphones.
- (5) Always remain within arm's reach of a microphone. If you approach the bench, wait until you are within arm's reach of a microphone before speaking again.
- (6) For the benefit of the written record, avoid speaking while witnesses or other counsel are speaking. Only one person should speak at a time.
- (7) Address jurors by name or number for proper identification during voir dire.
- (8) Solicit verbal responses from all witnesses since the recording system can only pick up spoken words. Avoid "uh huh," head nods, and gestures.
- (9) Avoid shuffling papers or making other noises when people are talking. Move away from the microphone before coughing or sneezing.
- (10) Use the mute button to consult with a client or make statements that should not be recorded. Be sure the mute button is off and the microphone is on before proceeding.
- (11) When at a bench conference, avoid blocking the microphone with documents and speak one at a time into the sidebar microphone.
- (12) When there are multiple cases set for hearing, hold discussions outside the courtroom or away from microphones.

3.2 Realtime Reporting

(as adopted April 12, 2013)

Recommendation

The Judicial Council recognizes the benefits and efficiencies of real time reporting and acknowledges it as the best practice of court reporting.

Implementation

The Board of Court Reporting shall establish a date certain and minimum requirements for certified court reporters having real time capability in superior and state courts.

The Committee requests withdrawal of this policy pending further consideration.

APPENDIX A

Judicial Council of Georgia
Fees for Services by Official Court Reporters
Effective January 1, 2015

CRIMINAL CASES

Takedown		Preliminary Unedited Copy ¹		Certified Transcript	
Court Attendance ¹	Court Attendance with Realtime Feed ¹	Daily Copy ²	Expedited Copy ²	Per page ³	Per exhibit page ⁴
≤ 8 hrs. = \$200.00 > 8 hrs. = \$235.00	≤ 8 hrs. = \$225.00 > 8 hrs. = \$260.00	\$7.60/page	\$5.70/page	≤ 120 days = \$6.00 > 120 days = \$5.00	\$0.50

*[See **Judicial Council Policies and Fees for Court Reporting Services in Criminal Cases, 2.1 Takedown and Transcript Filing in Criminal Proceedings, for mandatory and discretionary takedown and transcript filing.]***

¹ As authorized by the court.

² Daily copy is furnished within 24 hours from the close of court. Expedited copy is produced within 48 hours from the close of court. The transcript page rage is in addition to these fees.

³ See Policy 2.3 (C), Time Period for Filing Transcript.

⁴ If evidence not tendered digitally to court.

Appendix C
Sample Transcript

THE SUPERIOR COURT OF LOWNDES COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,)	
)	
)	
-VS-)	CASE NO. 2011-CR-0359-5-RWS
)	
JOSE ANTONIO AYVAR-SOBERANIS,)	
)	
DEFENDANT.)	

TRANSCRIPT OF GUILTY PLEA PROCEEDINGS
BEFORE THE HONORABLE RICHARD W. STILL
SUPERIOR COURT JUDGE
WEDNESDAY, APRIL 20, 2011
8:30 A.M.

APPEARANCES:

ON BEHALF OF THE STATE:
MICHAEL V. HERSKOWITZ, ESQ.
ASSISTANT DISTRICT ATTORNEY
LOWNDES COURTHOUSE
123 ASHLEY STREET
VALDOSTA, GA

ON BEHALF OF DEFENDANT:
CRISPIN J. QUINTANILLA, ESQ.
ATTORNEY AT LAW
3001 DOWNTOWN DRIVE
VALDOSTA, GA

ALSO PRESENT:
DAVID HOOVER, COURT INTERPRETER
312 WEST STREET
VALDOSTA, GA

LISA SMITH, RMR, CRR
OFFICIAL COURT REPORTER
POST OFFICE BOX 2010
VALDOSTA, GEORGIA 3001

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Guilty Plea)

THE COURTROOM DEPUTY CLERK: Court calls the case of State vs. Ayvar-Soberanis, case 2011-CR-0359-5-RWS.

THE COURT: All right. If counsel and defendant will approach the podium, Mr. Goss will administer the oath to the defendant

JOSE ANTONIO AYVAR-SOBERANIS,
having been duly sworn, was examined and testified through the interpreter as follows:

MR. QUINTANILLA: Good afternoon.

THE COURT: Mr. Herskowitz, you may proceed.

MR. HERSKOWITZ: Thank you, Your Honor. Mr. Ayvar-Soberanis, I'm showing you a Guilty Plea and Plea Agreement in this case. Turning your attention to page 13, is that your signature on the right side of the page by the name Jose Antonio Ayvar-Soberanis?

THE DEFENDANT: Yes.

MR. HERSKOWITZ: Mr. Quintanilla, did you sign as his counsel?

MR. QUINTANILLA: I did.

Your Honor, for the record, Crispin Quintanilla. I am his counsel, Your Honor.

THE COURT: Thank you.

MR. HERSKOWITZ: On page 14, sir, is that your signature given over the name Jose Antonio Ayvar-Soberanis?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA)
)
vs.) CASE NO: 2015-CR-0001-Z
)
JOSEPH O. SMITH,)
)
DEFENDANT.) VOLUME 1 OF 6

JURY TRIAL
HEARD BEFORE THE HONORABLE GEORGE JEFFERSON
SUPERIOR COURT JUDGE
JANUARY 13, 14, 15, 16, 17; SENTENCING ON JANUARY 20, 2015
COMMENCING AT 8:30 A.M.

APPEARANCES:

JANE F. SMITH, ASSISTANT DISTRICT ATTORNEY
1000 WEST STREET, SUITE 200
ATLANTA, GEORGIA 30001

FOR THE STATE

JOSEPH F. DOE, ESQUIRE
JENNIFER SMITH, ESQUIRE
ATTORNEYS AT LAW
DOE & DOE, ATTORNEYS AT LAW
100 JONES STREET, ATLANTA, GEORGIA 30001

FOR THE DEFENDANT

BOB SMITH, RPR
COURT REPORTER, ATLANTA JUDICIAL CIRCUIT
100 HOLIDAY DRIVE
ATLANTA, GEORGIA 31000
(770) 000-0000

1 THE COURT: Good morning. And, Mr. Doe.

2 MR. DOE: My expert tells me that people might be more
3 willing to answer completely in writing more than open voice
4 in front of 40 or 50 other people. I've made copies in
5 advance in case you're willing to go along with it and it
6 asks about prior experiences with cases involving
7 molestation.

8 THE COURT: All right. Thank you for letting me know
9 that, and I'll let you know how we'll proceed.

10 (Whereupon, a recess was taken)

11 THE COURT: All right, Mr. Doe, I've looked at your
12 jury questionnaire.

13 Ms. Smith, do you have an objection to that? Don't
14 have an objection?

15 ASSISTANT D.A. DOE: Having just been handed that,
16 your Honor, I haven't had an opportunity to review all five
17 of the ques tions. It looked like these would be similar to
18 what the State would ask in general questioning, so I don't
19 have an objection to this as long as, of course, the State
20 is provided the answers as well as the defense.

21 (Pause in the proceedings)

22 THE COURT: And Kenny, how many jurors are in the jury
23 assembly room?

24 THE CLERK: We have some taken out already. You have
25 45 to come up here for you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Mr. HENRY JONES,
was called, and upon being first duly sworn,
was examined and testified as follows on

DIRECT EXAMINATION

BY ASSISTANT D.A. DOE:

Q. Now, I know you're sitting in the chair and you have a microphone in front of you. Can you talk in front of the microphone for everybody? And when you answer a question, if your answer is yes, if you'll say into the microphone "yes" or if it's no, if you'll say "no" because the guy sitting right here has to take everything down. So if you just nod he can't write that, okay?

Can you say it?

A. Yes.

Q. There you go, good job.

All right. Can you tell the jury your name?

A. Henry.

Q. What's your full name?

A. Henry Keith Jones.

Q. How old are you, Henry?

A. Seven.

Q. What school do you go to?

A. I don't know because I'm a new student.

Q. You just started at a new school?

1 (Charge of the Court)

2 THE COURT: And good afternoon, ladies and gentlemen
3 of the jury, we're now ready to move into the legal charge
4 phase of the case. During this phase of the case, the Court
5 will read to you the legal principles of law that you will
6 utilize during the deliberation process. As I've mentioned
7 and will again mention, it is your sole responsibility to
8 determine the facts of this case based upon the evidence
9 that you heard. You then apply the law that I provide to
10 you in these legal principles to the facts of the case as
11 you find the facts of the case to be, and that's the way
12 that you reach your unanimous verdict.

13 In order to do so and for perfection of the record
14 I'm required to read these to you, and I will start to read
15 these to you now.

16 You are considering the case of the State of
17 Georgia versus Joseph Smith as styled in Fulton County
18 Superior Court, Case Number 2015-CR-0001-Z. Mr. Smith in
19 this case has been charged with the offense of child
20 molestation. Mr. Smith is charged as follows: Joseph Smith
21 is charged with the offense of child molestation for that
22 the said accused in the County of Fulton and the State of
23 Georgia on or between August 12, 2014, and August 15, 2014,
24 the exact date being unknown to the State of Georgia, did
25 perform an immoral and indecent act in the presence of Henry

INDEX TO PROCEEDINGS

	PAGE
1	
2	
3	
4	VOIR DIRE EXAMINATION 15
5	OPENING STATEMENT BY MS. DOE 380
6	OPENING STATEMENT BY MR. DOE 390
7	MOTION FOR DIRECTED VERDICT 853
8	RENEWED MOTION FOR DIRECTED VERDICT 954
9	CHARGE CONFERENCE 910
10	CLOSING ARGUMENT BY MS. DOE 958
11	CLOSING ARGUMENT BY MR. DOE 962
12	FINAL CLOSING ARGUMENT BY MS. DOE 987
13	JURY CHARGE 1010
14	VERDICT 1047
15	SENTENCING 1172

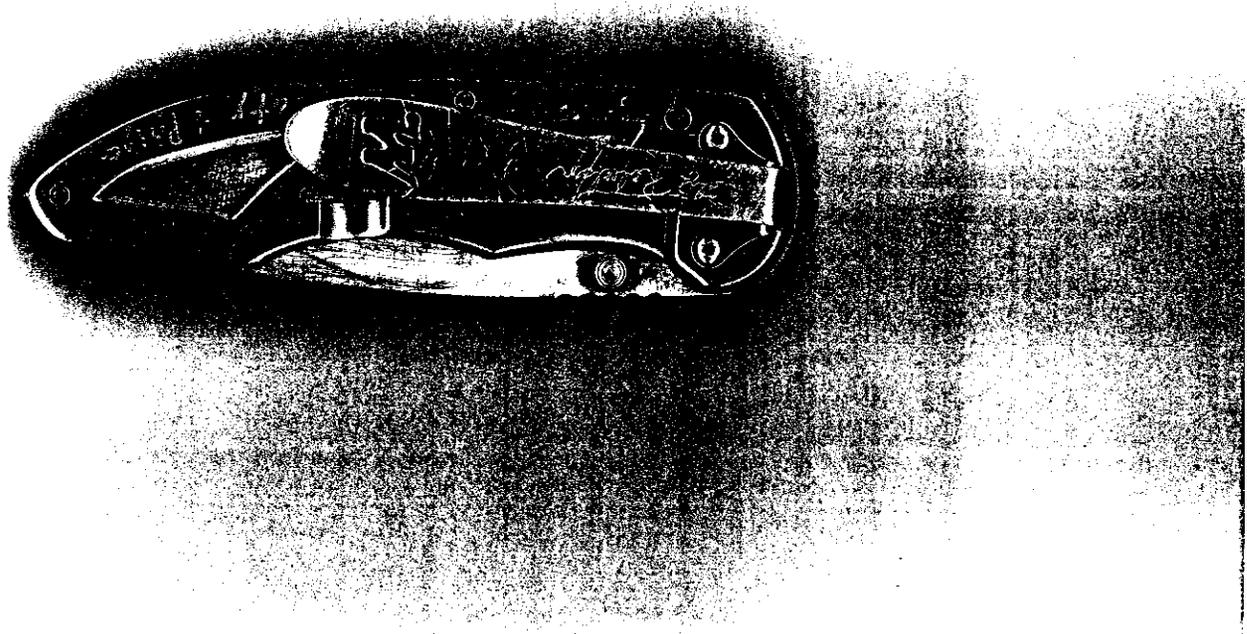
16
17
18
19
20
21
22
23
24
25

1	LIST OF WITNESSES - CHRONOLOGICAL ORDER	
2		PAGE
3	WITNESSES:	
4	HENRY JONES	
5	DIRECT EXAMINATION BY MS. DOE	552
	CROSS-EXAMINATION BY MR. DOE	597
6	REDIRECT EXAMINATION BY MS. DOE	669
	RECROSS-EXAMINATION BY MR. DOE	673
7		
8	JULIE SMITH	
9	DIRECT EXAMINATION BY MS. DOE	859
	CROSS-EXAMINATION BY MR. DOE	888
10		
11	JORGE EDUARDO ANNASKI	
12	DIRECT EXAMINATION BY MR. DOE	937
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX TO EXHIBITS

FOR THE STATE				
EXHIBIT NO.	DESCRIPTION	TENDERED	ADMITTED	
1	PHOTOGRAPH OF KNIFE	865	888	
2	GBI CERTIFICATE	900	901	



Georgia Bureau of Investigation
Division of Forensic Sciences

Hereby Declares That

is certified to conduct analyses of breath specimens for their alcohol content pursuant to all provisions of the Official Code of Georgia Annotated authorizing the Georgia Bureau of Investigation, Division of Forensic Sciences to approve methods and issue permits to perform volumetric analyses. This certification is subject to the rules and regulations of the Georgia Bureau of Investigation. This authorization is applicable to analyses utilizing the Intoxilyzer Model 5000 only.

This permit number, 39361
is effective July 19, 2011


Christopher S. Tilson, B.S.
Manager
Implied Consent Section

This permit expires July 18, 2015.

Agency # 4200



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Presiding Judge Sara Doyle, Chair
Strategic Plan Implementation Committee

RE: Update

DATE: September 2, 2014

The Judicial Council's Strategic Planning Implementation (SPI) Committee is responsible for implementing the Judicial Council/Administrative Office of the Courts Strategic Plan for FY 2014-FY 2016. The Strategic Plan contains nine priority initiatives that guide our work and align with the following strategic objectives:

- Improve Citizen Experience with Georgia Courts
- Improve Collaboration and Planning
- Build Thought Leadership

Since the last Judicial Council meeting, the Committee met on June 10, 2014, and August 6, 2014, to address the priority initiatives below.

Priority Initiative 1: Baseline Customer Experience Survey

At the June 10 meeting, the AOC staff requested input from the Committee on how best to engage courts so they would participate in a survey designed to measure the public's experience in a random sampling of Georgia courts. Regional and court diversity was captured in the survey. A discussion took place about the validity of the proposed survey instrument and the importance of court council leadership reaching out to targeted courts to invite participation. An invitation to participate in the survey was sent out by email to the courts designated in the sampling with a summary memo of explanation signed by Chief Justice Thompson and me as Committee Chair. Kennesaw State University has begun surveying, and we appreciate your continued support as the surveyors contact your courts to schedule appointments. It is anticipated that a draft report of the survey results will be reviewed by December 20, 2014, and a final report will be submitted to the Committee by February 28, 2015.

Priority Initiative 2: Georgia Courts' Performance Assessment

CourTools is a court performance measurement system offered through National Center for State Courts. Ten criteria or "tools" are used to objectively assess court operations and allow courts to

use gathered data to implement changes. At the June 10 meeting, the Committee discussed why CourTools was a best practice to assess court performance. Members of the Georgia CourTools faculty will be available to train court staff around the state. Training on CourTools will be offered in November 2014. Committee members were requested to invite a team of three people from their class of court, who are interested in performance measurement, to attend the training. Georgia faculty members providing this training include AOC staff as well as three local trial court administrators.

Priority Initiative 7: Define Research Priorities & Schedule for FY14 – FY 16

Court council representatives on the Judicial Workload Assessment Committee are examining caseload reporting to update data collections and encourage critical thinking about research needs. Accountability court data reporting is a joint effort with the Criminal Justice Coordinating Council, and three quarters of information about these courts have been gathered. Committee members suggested collaboration with court council leadership to establish future priorities and initiatives.

Priority Initiative 6: Develop Judicial Council bylaws, committee structure and ongoing leadership continuity

On August 6, 2014, Mary McQueen, the President of the National Center for State Courts, led the Committee, invited council leaders, and staff in a robust discussion of the ultimate purpose and composition of a future Judicial Council. Representatives from every level of court, including the Supreme Court of Georgia, were present and participated in brainstorming exercises. Concern was expressed about the lack of a uniform date for council leadership changes which resulted in new leaders at every Judicial Council meeting. Electing representatives from each level of court who would serve longer terms on the Judicial Council was discussed as a possible solution. It was agreed that the Judicial Council, as the policy making body of the judiciary, should meet more frequently. Bylaws capturing the agreed upon changes are being drafted and will be presented to the Judicial Council for consideration and approval later in the year.

The next meeting of the SPI Committee will be held on October 22, 2014. Presentations will include a follow-up on the above-listed recommendations as well as reports from the AOC on priority initiatives 5, 8, and 9.

Thank you to the members of this Committee and the AOC staff for their work moving our strategic plan forward.

SPI Committee

Presiding Judge Sara Doyle, Chair
Judge Mary Staley
Judge Charles Wynne
Judge J. Lane Bearden
Judge W. Allen Wigington
Judge Chase Daughtery
Judge E.R. Lanier

Attachment: Strategic Plan

Mission

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

Vision

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

Guiding Principles

- Uphold the independence and integrity of the judiciary
- Promote efficient and effective administration of justice
- Support informed, fact-based decisions that affect the courts
- Collaborate with key stakeholders in judicial, executive, and legislative branches

Roles and Capabilities

Leaders in Statewide Judicial Policy Formulation

Collaborative Forum for All Classes of Courts

Georgia's Premier Judicial Information Resource

Strategic Objectives

Improve Citizen Experience with Georgia Courts

Improve Collaboration and Planning

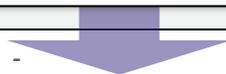
Build Thought Leadership

Priority Initiatives

1. Establish a baseline evaluation of current customer experience with Georgia courts, focusing on Access and Fairness measures
2. Encourage Georgia Courts to assess performance and develop improvement plans

3. Implement ongoing strategic planning by the Judicial Council and AOC
4. Implement new approaches to engage the Judicial Council in preparation for legislative sessions
5. Develop and implement new two-way communication strategies for Judicial Council/AOC to engage with judges
6. Solicit input and develop recommendations for Judicial Council bylaws, committee structure, and leadership continuity

7. Define research priorities and schedule for FY 2014, FY 2015, FY 2016
8. Create open repository of information for all classes of court
9. Identify and share innovations and best practices across Georgia's courts





Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Georgia Accountability Courts Program Data Report: April – June 2014 September 2014

Introduction

As a result of 2012 criminal justice reform legislation and Judicial Council policy directives, Georgia accountability courts funded in part by state grants must submit detailed, quantitative program data to support a longitudinal study of the relationship between treatment programs and criminality. Quarterly data reports serve as interim snapshots of program activity and lay the foundation for measuring court performance and analyzing reform initiatives over time. The importance of accurate, reliable, and valid data cannot be overstated if policy makers are to draw realistic conclusions from the long term study.

Programs Analysis

All Courts	Q1	Q2	Q3	Q4	% Change Q1-Q4
Courts reporting	75	79	89	91	21.3%
Participants ¹	3,786	3,872	4,184	4,505	19.0%
Reviewed	1,920	1,708	1,866	2,220	13.5%
Accepted ²	761	640	662	737	-3.1%

The number of courts reporting quarterly data increased each quarter in FY2014 ending with 91 courts submitting reports. The 21 percent increase in courts reporting corresponds with a 19 percent increase in active participants. Across all quarters the average number of participants per court ranges from 47-50. Courts also show an increase in the number of offenders reviewed for entry into a program, both in raw numbers and as a percentage of the existing population. Over 2,000 offenders were reviewed in Q4, which is 53 percent of the participant population reported in Q3. The number of offenders accepted into a program, however, has fluctuated across quarters.

¹ Includes new and existing participants.

² Offenders reviewed that accepted entry into a program.

All Courts	Q1	Q2	Q3	Q4	% Change Q1-Q4
Accepted	761	640	662	737	-3.1%
High Risk	439	275	269	417	-5.0%
Moderate Risk	194	169	296	219	12.9%
Rejected	873	805	765	1116	27.8%
Prior history	223	313	275	503	125.6%
Other	650	492	490	613	-5.7%
Declined	286	215	293	300	4.9%

Acceptance/Rejection Analysis

While the number of offenders accepted into a program has varied during FY2014, the overall change from Q1 to Q4 has been minimal. Fourth quarter saw a substantial rise over Q2 and Q3 in the number of high risk offenders accepted into programs, important to note as this population typically receives the most benefit from accountability court programs. As the number of offenders reviewed has grown, so has the number of applicants being rejected. Each quarter saw an average of 40-50 percent of applicants rejected, either due to prior criminal history or other reasons. The number of offenders declining to receive services from a program has remained consistent across quarters.

All Courts	Q1	Q2	Q3	Q4	% Change Q1-Q4
Exited	572	491	566	651	13.8%
Graduates	358	296	308	385	7.5%
Released	214	195	258	266	24.3%
Non-compliance	183	154	224	233	27.3%
Discharged	23	26	22	26	13.0%
Dismissed	8	15	12	7	-12.5%

Participants Exiting Programs

Over 15 percent of the third quarter population exited programs during Q4, over half of whom graduated from their respective programs. The average graduation rate among all programs has risen from just under 8 percent in the second quarter to over 9 percent in the fourth quarter.

Of those offenders that were released from programs prior to graduation, the vast majority were removed for non-compliance, consistently 80 percent or more of all participant releases.

Recidivism

Current Participants

Fourth quarter saw 198 arrests for program participants, half of which were attributed to probation violations. There were 65 new felony and misdemeanor convictions for participants.

Graduates

Of those courts that track graduate recidivism at least three years, 912 arrests were reported for participants within 36 months of graduation, with the greatest number of arrests occurring 25-36 months post-graduation. Courts that track recidivism beyond 36 months, however, show a decrease in the number of graduate arrests beginning in the fourth year after graduation and carrying through to the 5+ year mark.

Of courts tracking recidivism 36 months or more post-graduation, 271 program graduates were convicted of misdemeanor charges, 120 convicted of felony charges, and 172 convicted of probation violations. Five hundred forty graduates received at least some jail time, and only 15 were admitted to prison. The data exhibited the same trend as arrests, peaking 25-36 months after graduation and then decreasing dramatically.

It is important to note that these recidivism figures extend beyond the one year of participant data that has been received for FY2014. Any arrests, convictions, or jail admissions of participants that graduated prior to FY2014 cannot be accurately compared to the current years' data.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Judge David Emerson, Chair
Judicial Workload Assessment Committee

RE: Judicial Workload Assessment Charge Update

DATE: September 25, 2014

The Judicial Workload Assessment Committee determines the methodology for the Judicial Council's annual superior court workload assessment which serves as the basis for recommendations for additional judgeships or circuit boundary adjustments to the Governor and General Assembly. The Committee also guides discussion and activity related to improvements in caseload data collection and analysis.

The Judicial Workload Assessment Committee membership is composed of the Chief Justice, nine superior court judges, and one judge from each class of limited jurisdiction court. Two court clerks and three court administrators serve as advisory members.

On September 23, 2013, the Chief Justice charged the Judicial Workload Assessment Committee with four items. Listed below are those items with updates on their status. Also included are unapproved minutes from the Committee's most recent meeting.

1. Identify data elements from all classes of court for annual caseload study.

The Committee has identified updates to caseload reporting forms. These updates take into account feedback from judge and clerk councils as well as best practices from the National Center for State Courts (NCSC). Among others, changes to the forms include: (1) case status categories of open, filed, and disposed for all case types, (2) case characteristic categories of self-represented litigants and limited English proficiency, and (3) updates to reflect changes in statutes, particularly for juvenile courts. Updated forms will be in place for calendar year 2014 caseload reporting beginning in early 2015.

2. Recommend a new, electronic approach for collecting caseload and other data from all courts which will include criminal and civil filing and disposition information.

At the direction of the Committee and in consultation with the leadership of the Council of Superior Court Clerks, the AOC has engaged IT staff and a vendor in a project to enable electronic reception of all trial court caseload data directly from case management systems. The goal is to enable electronic caseload reporting beginning in early 2015.

3. Update the methodology and policy used to analyze the need for superior court judgeships, including (1) re-establishing collection of open and disposed cases, (2) establishing a regular schedule for updating Georgia's case weights, and (3) studying the need for workload analysis of limited jurisdiction courts.

After reviewing current policy, judge and staff recommendations, and NCSC best practices, the Committee is in the process of approving a final draft of its 'Policy on the Study of Superior Court Judgeships and Circuit Boundaries.'

4. Develop statewide performance standards for all classes of courts to aid in their court management.

After reviewing the NCSC 'Model Time Standards' and soliciting feedback from court councils of all classes of courts, the Committee is currently considering draft Georgia Time Standards.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Meeting of the Judicial Workload Assessment Committee

Ratley Training Room, Administrative Office of the Courts

244 Washington Street SW, Suite 300

Atlanta, GA 30334

July 18, 2014

10:00 AM to 12:00 PM

Members Present:

Judge David Emerson, Chair
Chief Judge William Boyett
Ms. Cinda Bright
Judge LeRoy Burke III
Judge Doris L. Downs
Chief Judge T. Russell McClelland (*via telephone*)
Mr. Bart Jackson (*via telephone*)
Judge Sheryl B. Jolly (*via telephone*)
Judge Stephen D. Kelley
Judge Eric Norris
Mr. Bob Nadekow (*via telephone*)
Judge Bonnie Oliver
Chief Judge Kathy Palmer (*via telephone*)

Guest Present:

Ms. Sandy Lee

Staff Present:

Mr. Jordan Dasher
Mr. Christopher Hansard
Ms. Wendy Hosch
Ms. Kimberly Miller
Ms. Molly Perry
Mr. Michael Pizarek

Call to Order

Judge Emerson called the meeting to order at 10:04 a.m.

Approval of February 28, 2014 Minutes

The committee unanimously approved the minutes without amendment.

Superior Court Workload Assessment Update/Appeals

Mr. Dasher informed the Committee that the caseload reporting period is complete and presented the reporting percentages for all trial courts. He notified the Committee that the Alapaha, Clayton, Lookout Mountain, and Western circuits requested an additional judgeship but only the Western Circuit qualified. The Coweta Circuit requested a circuit boundary study. The workload assessment results will be presented at the September Judicial Council meeting. The

Committee requested the Judicial Council presentation include the map of Georgia showing how close each circuit is to qualifying for an additional judgeship.

Following earlier polling, the Committee had voted to permit the Alapaha Circuit an appeal to its unqualified status. The Committee discussed the importance of affording circuits an opportunity to appeal because of factors that typically may not be reflected in the workload assessment methodology. After discussion, the Committee agreed to hear the appeal in Savannah on Monday, July 28 at 9:00 a.m. Judge Emerson encouraged any committee member or staff unable to attend to participate by telephone.

Judicial Council Policy for Judgeship and Circuit Boundary Studies

Mr. Hansard presented the proposed “Policy on the Study of Superior Court Judgeships and Circuit Boundaries.” He explained how the current draft had been revised based on best practice updates, process improvements, and Committee and staff comments. The Committee discussed the existing threshold values, and Judge Emerson requested staff provide a report on the history and methodology of the current values along with potential adjustments based on Committee comments. The Committee requested adjusting the draft policy to clarify that circuits with successful appeals would have judgeship studies conducted and presented to the Judicial Council. Mr. Hansard said he would make those changes, and Judge Emerson agreed that the final document could be emailed to the Committee for its approval.

Trial Court Time Standards Update and Proposal

Mr. Hansard presented feedback from trial court councils on the NCSC Model Time Standards. Judge Emerson explained how Georgia is one of a minority of states lacking case processing time standards. He suggested there should be, at a minimum, voluntary time standards. The Committee agreed and discussed potential external pressure from the legislature on the issue. The Committee also discussed the need for buy-in from the Council of Superior Court Judges. Judge Emerson told the Committee he had presented the model time standards to the Executive Committee and that he would do so again after this Committee reached agreement on proposed time standards. He agreed to provide recommendations for superior court time standards to the Committee and suggested other members do the same for their respective classes of court.

Other Business

Mr. Hansard updated the Committee on caseload reporting and discussed how staff is working to revise reporting forms based on feedback from the Committee, other judges, and clerks. The goal is for full implementation by February 2015. Judge Emerson suggested the Committee engage the leadership of the Prosecuting Attorney’s Council to consider implementation of criminal case filing and disposition sheets, similar to the existing civil case forms. The Committee agreed.

Adjourn

Judge Emerson adjourned the meeting at 11:54 a.m.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Justice Harold D. Melton

RE: Budget Committee Report

DATE: September 25, 2014

The Judicial Council Budget Committee met on August 14, 2014 in Judicial Conference Room to give consideration to eight (8) enhancement requests submitted by various programs under the fiscal authority of the Judicial Council as enumerated within Section 6 of Legislative Appropriation documents. One adjustment request was acknowledged by the Committee and is carried forward.

All enhancement requests and corresponding total budget requests were granted approval by unanimous vote of the Committee for submission to the Legislature for the Amended FY 15 and FY 16 budget periods. A white paper for each enhancement request is attached.

AFY 2015 Judicial Council State Appropriation (*requested*)

FY 2015 Appropriation	\$	13,461,113
Enhancement/Adjustments	\$	<u>205,482</u>
AFY 2015 Requested	\$	13,666,595

Judicial Council Program	Changes	Continuation	Adjustment	Enhancement	AFY 2015 Requested
Supreme Court Committee on Justice for Children (J4C)	Institutionalization of Cold Case Project	\$ 6,316,077			\$ 6,316,077
Judicial Council Subprograms					
County and Municipal Probation Advisory Council	3 Compliance positions, vehicle, operating funds	\$ 322,920		\$ 88,217	\$ 411,137
Council of State Court Judges	Retirement Adjustment	\$ 1,739,203	\$ 117,265		\$ 1,856,468
Judicial Council Subprograms (No Changes)					
Accountability Courts Committee		\$ 438,057			\$ 438,057
Child Support Collaborative		\$ 109,578			\$ 109,578
Civil Legal Svs DV		\$ 2,113,749			\$ 2,113,749
Council of Magistrate Court Judges		\$ 170,355			\$ 170,355
Council of Municipal Court Judges		\$ 16,185			\$ 16,185
Council of Probate Court Judges		\$ 61,216			\$ 61,216
Georgia Commission on Family Violence		\$ 370,221			\$ 370,221
Georgia Council of Court Administrators		\$ 4,057			\$ 4,057
Institute of Continuing Judicial Education		\$ 471,789			\$ 471,789
Judicial Qualifications Commission		\$ 527,706			\$ 527,706
Resource Center		\$ 800,000			\$ 800,000
Total:		\$ 13,461,113	\$ 117,265	\$ 88,217	\$ 13,666,595

FY 2016 Judicial Council State Appropriation (*requested*)

FY 2015 Appropriation	\$	13,461,113
Enhancement/Adjustments	\$	<u>2,089,415</u>
FY 2016 Requested	\$	15,550,528

<i>Judicial Council Program</i>	Changes	<u>Continuation</u>	<u>Adjustment</u>	<u>Enhancement</u>	<u>FY 2016 Requested</u>
Supreme Court Committee on Justice for Children (J4C)	Institutionalization of Cold Case Project	\$ 6,316,077		\$ 175,000	\$ 6,491,077
 <i>Judicial Council Subprograms</i>					
Civil Legal Svs DV	Increase grant funds	\$ 2,113,749		\$ 386,251	\$ 2,500,000
Council of Magistrate Court Judges	Wizard hosting fee	\$ 170,355		\$ 10,000	\$ 180,355
Council of Municipal Court Judges	Operating Expenses, Member Expenses, Contracts	\$ 16,185		\$ 21,795	\$ 37,980
Council of Probate Court Judges	Executive Director	\$ 61,216		\$ 113,642	\$ 174,858
County and Municipal Probation Advisory Council	3 Compliance positions, vehicle, operating funds	\$ 322,920		\$ 277,167	\$ 600,087
Georgia Council of Court Administrators	Operational expenses, training support & logistics	\$ 4,057		\$ 7,500	\$ 11,557
Institute of Continuing Judicial Education	Operating Expenses, Curricula Specialist, Conference Contract	\$ 471,789		\$ 123,020	\$ 594,809
Council of State Court Judges	Retirement Adjustment	\$ 1,739,203	\$ 975,040		\$ 2,714,243
 <i>Judicial Council Subprograms (No Changes)</i>					
Accountability Courts Committee		\$ 438,057			\$ 438,057
Child Support Collaborative		\$ 109,578			\$ 109,578
Georgia Commission on Family Violence		\$ 370,221			\$ 370,221
Judicial Qualifications Commission		\$ 527,706			\$ 527,706
Resource Center		\$ 800,000			\$ 800,000
 Total:		<u>\$ 13,461,113</u>	<u>\$ 975,040</u>	<u>\$ 1,114,375</u>	<u>\$ 15,550,528</u>



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Judicial Council of Georgia Budget Committee

August 14, 2014

11:00 a.m.

Supreme Court of Georgia Judicial Conference Room

Teleconference Line: 1-877-273-4202

Conference ID: 9721074

I. Welcome & Introduction

(Justice Harold D. Melton, Chair)

II. Old Business

AFY 15 & FY 16 Enhancement Requests

- | | |
|--|------------------|
| 1. Supreme Court Committee on Justice for Children (J4C) | page 2 |
| 2. Civil Legal Services to Victims of Domestic Violence | page 7 |
| 3. Council of Magistrate Court Judges | page 13 |
| 4. Council of Municipal Court Judges | page 18 |
| 5. Council of Probate Court Judges | page 23 |
| 6. County and Municipal Probation Advisory Council | page 27 |
| 7. Georgia Council of Court Administrators | page 32 |
| 8. Institute of Continuing Judicial Education (3) | pages 39, 43, 47 |

III. New Business

IV. Adjournment

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Budget Unit & Program Requesting Enhancement

Judicial Council - Administrative Office of the Courts

FISCAL YEAR	Net Change in State Funds requested for the program
<input type="checkbox"/> Amended FY 2015	\$
<input checked="" type="checkbox"/> FY 2016	\$ 175,000

Part 1 - Explanation of Request

1. Proposal:

Funds are requested to institutionalize the Cold Case Project within the Administrative Office of the Courts (AOC) in partnership with multiple Georgia agencies serving children in state custody. The Cold Case Project uses a statistical predictive model using GA DFCS data to find children most likely to age out of foster care without a family. Once a list of the children is made, a team of experts works each case to try and improve the child's outcome. Four years' worth of data indicates that the project works.

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

Statewide or list counties below:

3. Current Status:

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

Currently the Cold Case Project is funded by a grant from Casey Family Programs. The last year of funding from Casey is Calendar Year 2014.

b. Will those activities continue if this request is approved?

The activities will not continue there are no funds to pay for the required experts.

4. Supporting Data:

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

We have three annual reports with data analysis indicating the project's success. Please see www.gajusticeforchildren.org

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

5. Performance Measures:

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

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

The project measures the numbers of children on the list who leave foster care to permanent families as well as increased access to education, health and visitation resources

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

The return on investment is beyond cost savings in that many of these children on the Cold Case list are really struggling in educational outcomes and socially. These children usually with severe trauma backgrounds are often in group homes or institutions, disconnected from people and communities other than people paid to take care of them. These are the children most likely to be homeless, on public assistance and/or often have contact with law enforcement and prison time. The average cost of per diem of the Cold Case list is over 150 dollars. Often the funding stream follows the child to a legal permanent placement, but studies show that legal permanency improves a child's chance to become a productive citizen and thus increasing the return on this investment.

http://www.acf.hhs.gov/sites/default/files/cb/congress_adopt.pdf

This investment also improves Georgia's child welfare outcome measures which matters for federal funding streams and federal audits. Georgia once paid a 6 million dollar fine for failing a child welfare audit. Today, Georgia's permanency outcomes measures are meeting federal standards.

- How is this calculated?

Five years' worth of data from the Cold Case Project has shown a 25% improvement in achieving legal permanency when compared to a similarly situated group of children who were not reviewed.

- c. What efficiencies will be realized?

This quality assurance like program brings in expertise to check on whether everything has been done for the child, all due process measures met, the quality of legal representation for the children. In addition, the Project works to get an outside expert review medical issues (such as psychotropic drug intake) and educational issues (many of the children are failing school). The project also works to assist children to extend foster care which the law now allows beyond 18 to 21 giving the child more time to get ready for adult life.

- How is this calculated?

Five years' worth of data from the Cold Case Project shows an increase in improvement of educational and health goals as well as more children extending their stays in foster care compared to a similar group of children not reviewed.

6. Stakeholders/Constituents/Constituencies:

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).
Children in Georgia's foster care system, Georgia Department of Family and Children Services both at the state and local levels, local juvenile courts, Georgia foster care group homes and institutional care facilities, Georgia CASA, local and state child welfare attorneys.
- b. Which are likely to support this request?
The constituent and stakeholder groups consist of all the executive branch government and non-profit agencies that serve children in foster care. The project has been working with all these groups for four years, developing strong working relationships and good reports.
- c. Which are likely to oppose this request? None
- d. Which have not voiced support or opposition?

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

8. Alternatives:

What alternatives were considered and why are they not viable?

The AOC obtained grant funding to experiment with a new approach to serving the state's most complex foster child cases. The project which has existed for 5 years on grant funding shows that it works and should be institutionalized.

Part 2 - BUDGET

9. Requested and Projected Resources:

- a. For enhancements and certain base adjustments, describe the additional resources are you requesting (positions, salaries and operational needs).
We are seeking funds to continue the Cold Case Project with expert reviewers hired on an hourly contract basis.
- b. What are your out-year projections?
\$175,000 annually / recurring

10. Methodology/Assumptions:

- a. Provide the methodology and assumptions behind the requested amount and out-year projections.
We have been managing this project with foundation funds for five years and have a good handle on costs. \$175K allows us to review between 225 and 250 children's cases per year at a cost of approximately \$700 per case.

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

- b. How did you arrive at the amounts?
The amount is based on the past five years' actual costs.
- c. What time period does the request cover (i.e., the number of months)?
12 months

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

Part 3 - OTHER INFORMATION

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

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Budget Categories	FY 15 Amended Request	FY 16 Enhancement Request
Personnel Services:		
Operating Costs:		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		\$ 175,000.00
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		
Grants		
Indirect Costs		
Transfers		
Total Operating Budget	0	\$ 175,000.00
TOTAL OVERALL BUDGET	0	\$ 175,000.00
State Funds		
Other Budgeted Funds		

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Budget Unit & Program Requesting Enhancement

Judicial Council - Administrative Office of the Courts

FISCAL YEAR	Net Change in State Funds requested for the program
<input type="checkbox"/> Amended FY 2015	\$
<input checked="" type="checkbox"/> FY 2016	\$ 386,251

Part 1 - Explanation of Request

1. Proposal: The Judicial Council asks for a budget increase of \$386,251 to fund grants to Providers of Civil Legal Services for Victims of Family Violence for civil legal representation to victims of family violence. This increase will allow civil legal services providers to increase the number of clients who are able to obtain Protective Orders to escape the abuse, and other needed relief to achieve financial stability and safe homes.

2. Geographic Impact: Where does the request impact the state?
 - Statewide: The Grant to Providers of Civil Legal Services to Victims of Family Violence covers the entire state. The funding is appropriated to the Judicial Council of Georgia to award grants to qualified non-profits that provide legal services to victims of family violence throughout Georgia. The majority of the funding is provided to the two legal services organizations that together provide coverage to every county in the State.

3. Current Status:
 - a. What is the budget unit currently doing to address this issue? The Judicial Council awards funding based on both the poverty population and on the areas of special needs for victims of family violence, including homelessness, rural counties, or areas with a disproportionately high rate of death from domestic violence. Current funding supports legal services attorneys to represent victims in 12-month temporary protective order cases to protect their safety and to secure family financial stability. Special needs funding is also provided through domestic violence agencies to pay private attorneys to represent victims in TPO cases in certain areas of special needs in rural Georgia.

 - b. Will those activities continue if this request is approved? All legal services activities will continue. Both legal services agencies in Georgia, Georgia Legal Services Program and Atlanta Legal Aid, will be able to increase capacity by increasing the number of lawyers available to represent survivors to secure safety

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

and economic stability while they escape from family violence with the funding provided by this grant increase.

4. Supporting Data:

- a. Provide any supporting data, evaluations, and/or research for this request. In the past three years the number of victims assisted under this grant increased every year: 4,557 in 2011; 4,904 in 2012; and 5,265 in 2013. Yet, the GBI reported 72,870 family violence reports were filed in 2012. <http://services.georgia.gov/gbi/crimestats/displayFamilyViolenceStatForm.do> In addition, 65,788 victims made a crisis call to Georgia's certified domestic violence agencies in 2012. The need for representation outstrips the resources available to provide attorneys to these victims. This critical need was highlighted in the Georgia Commission on Family Violence's "State Plan for Ending Family Violence" as enhancing the availability of legal services provided to domestic violence victims was identified as an important strategy area. GEORGIA COMM'N ON FAMILY VIOLENCE, GEORGIA STATE PLAN FOR ENDING FAMILY VIOLENCE, at iv, 28 (December 2012), available at <http://www.gcfv.org/>
- b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

A study done in Kentucky of the impact of TPOs analyzed the results of providing access to civil protective orders in rural and urban areas. Key findings of the study conclude that civil protective orders were effective in reducing violence, and that they are a relatively low cost way of ending family violence in that for every \$1 spent on protective orders, the public saves \$30.75. The study concluded that in it is critical to reduce barriers to obtaining TPOs that save victim lives. See, <http://www.carseyinstitute.unh.edu/publications/IB-Logan-Civil-Protective-Order.pdf>. Another study showed that legal representation in TPO cases was one of the most effect tools in ending family violence for victims. While all types of community resources are necessary, by providing victims with legal access to the courts and the TPO process, researchers were able to show a direct relationship between the provision of legal services and a significant decline in domestic violence in their area. See, "Explaining the Decline in Domestic Violence" (2003) Amy Farmer and Jill Tiefenthaler, Contemporary Policy Issues 21(2):158-172

5. Performance Measures:

- a. What measures are or will be used to evaluate the impact of this change? Grantees report semi-annually to the AOC on the numbers of clients served; the types of legal problems addressed, such as Temporary Protective Orders, child custody, visitation, and financial problems; the geographic areas of clients; the gender and racial breakdown of clients; outreach activities, numbers of children

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

and household members in the families assisted; and the amount of financial resources including family support secured for clients in these cases.

- b. If an enhancement, what is the projected cost savings or return on investment? Protective orders reduce costs to the public by reducing law enforcement, incarceration, courts, emergency room and other health costs, as well as public costs for shelters, child protective services, and public benefits which are needed when family violence is allowed to continue unchallenged. Establishing safety for families also improves community well-being.

- How is this calculated? The Kentucky study mentioned above demonstrated the cost saving in providing legal representation to victims of family violence in TPO cases versus the public costs of allowing this violence to go unchecked. These studies compared the public costs in law enforcement, incarceration, medical costs, shelter costs, prosecution and other community outlays in Domestic Violence incidents to show that TPOs are an effective way of combatting violence and saving money for the community.

- c. What efficiencies will be realized? Public resources will be used in responding to abuse early on, rather than waiting for inevitable escalation. Victims who would otherwise suffer silently with their children will have options and resources to escape the violence through the legal system. Fewer families will be forced to remain in violent households with no place to turn and fewer deaths will occur when adequate legal resources exist for victims to hold batterers accountable.

How is this calculated? Grantees will continue to report on their use of the funding to the Judicial Council grant and to provide required information. Grantees will explore additional methods to analyze efficiencies and outcomes.

6. Stakeholders/Constituents/Constituencies:

- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities). Constituents and stakeholders include survivors, law enforcement, faith organizations, legislators, community leaders, the private bar and judges, domestic violence coalitions and agencies. All of these stakeholders are potentially affected by this increase. All have expressed a need for resources to refer victims to for legal representation when they have reached out for help and have provided support for this funding. This grant responds to their need and we expect their support to continue

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

- b. Which are likely to support this request? We expect all those who supported the prior year's funding increase will continue to provide support. The private bar throughout the state, including the State Bar of Georgia, has been supportive of this request and we expect that they will continue their strong support. The Georgia Commission on Family Violence (www.gcfv.org) also supported past requests for increased state funding. The request from last session received overwhelming support in the legislature, but was halved as a result of competing budget priorities. As Hugh Thompson, Chief Justice of the Supreme Court of Georgia put it to the General Assembly in February 2014, "we must guarantee access to justice for all people, as our laws were not made for just a few. Too many Georgians cannot afford legal representation, and too many go without civil legal services."
- c. Which are likely to oppose this request? The Council does not anticipate any substantive opposition to the request. Entities listed above have a history of providing support.
- d. Which have not voiced support or opposition? Unknown.

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

8. Alternatives:

What alternatives were considered and why are they not viable? Victims have few alternatives when seeking a lawyer in a domestic violence action. Experience has demonstrated that representation by an attorney is an effective response to domestic violence. In fact, at least one study has indicated that one factor that directly correlates with the decline of domestic violence is having an attorney. "Explaining the Decline in Domestic Violence" supra. Yet both legal services organization in the State have limited resources to provide attorneys for victims. Both have sought additional funding, but in fact have suffered funding reductions over the last five years, especially with massive cuts in funding from the Georgia Bar Foundation due to extremely low interest paid on Interest on Lawyer Trust Funds.

In addition, poverty rates have soared in Georgia. Census data demonstrates that between the 2000 and 2010 census, the number of poor people in the state increased by over 60%. As a result both legal aid programs have seen an increased demand for services by low income victims which they have been unable to meet.

While domestic violence occurs in all economic strata, low-income survivors have fewer resources to escape the violence. GEORGIA COMM'N ON FAMILY VIOLENCE, GEORGIA STATE PLAN FOR ENDING FAMILY VIOLENCE, at 17. As a result they are more entrenched and less likely to be able to escape without legal assistance. For these survivors, legal representation by a private attorney is financially out of reach, and for some who live in rural areas, there

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

simply are no lawyers. In most places, a legal aid attorney is the only option to provide legal assistance to represent survivors.

Part 2 – BUDGET

9. Requested and Projected Resources:
 - a. For enhancements and certain base adjustments, describe the additional resources are you requesting (positions, salaries and operational needs).
 - b. What are your out-year projections?

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

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

Part 3 - OTHER INFORMATION

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

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Budget Categories	FY 15 Amended Request	FY 16 Enhancement Request
Personnel Services:		
Operating Costs:		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		\$ 386,251.00
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		
Grants		
Indirect Costs		
Transfers		
Total Operating Budget	0	\$ 386,251.00
TOTAL OVERALL BUDGET	0	\$ 386,251.00
State Funds		
Other Budgeted Funds		

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Budget Unit & Program Requesting Enhancement

Judicial Council - Council of Magistrate Court Judges

FISCAL YEAR	Net Change in State Funds requested for the program
<input type="checkbox"/> Amended FY 2015	\$
<input checked="" type="checkbox"/> FY 2016	\$10,000.00

Part 1 - Explanation of Request

1. Proposal: The Council of Magistrate Court Judges (CMCJ) is requesting \$10,000 to support a web hosting fee for its “Access to Courts Filing Wizard” (the “Wizard”) that will be launched during the summer of 2014. The Wizard is an internet based tool that enables litigants to complete and print various forms required for filing in Magistrate Court, via an interview process similar to popular tax return programs. The Wizard will be free for public use, including attorneys. At project launch, four forms will be available: a statement of claim for civil small claims, a general answer for small claims, a dispossessory affidavit and a dispossessory answer.

The Wizard has been previewed by the Georgia Legal Services Program, the Judicial Council, and other interested groups. It has been enthusiastically received. It is anticipated that additional forms will be added to the program. While each form will cost approximately \$5,000 to develop, the annual website hosting costs will be \$10,000. An appropriation of \$10,000 will ensure that the product can be offered to the public for free, without any user fees.

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

3. Current Status:

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

The CMCJ strategically planned this project over several years and carefully budgeted so that it was completed in stages, using available funds each year. No funds have been appropriated or allocated for website hosting beyond its first year of operation. The Council needs to ensure that sufficient funding will be in place to continue to provide for website hosting for this project. The Council has been requested to create additional forms for the Wizard by stakeholder groups. It is exploring other funding options such as grants, but none have been found that would apply to this project as of yet.

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

- b. Will those activities continue if this request is approved? We plan to work with Legal Aid to identify grant opportunities available to expand this program.

4. Supporting Data:

- a. Provide any supporting data, evaluations, and/or research for this request. (see invoice attached)
- b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request.
- c. This project is the first of its kind in the nation, to our knowledge. It is unique because we are not charging, nor are we allowing the vendor to charge, any fees for use of the program.

5. Performance Measures:

- a. What measures are or will be used to evaluate the impact of this change?
A brief survey of 3 mandatory questions must be completed by each user before they are able to complete the form. The Council will also receive feedback from the survey questions from select pilot courts during the first 6 to 12 months, so some subjective critiques will be available. We also plan to use analytics (either Google analytics or similar) to measure the user traffic coming through the program and where users may stop and/or get stuck when using the program.
- b. If an enhancement, what is the projected cost savings or return on investment?
First, without a site to host the project it will not be functional. While exact data for cost savings is unknown/unmeasured at this time, it is expected that significant time and effort will be saved by court clerks and judicial personnel due to the use of the Wizard program.
 - How is this calculated?N/A
- c. What efficiencies will be realized? As indicated above, the time spent by litigants at a courthouse during the actual filing process (asking clerks how to fill out forms, time spent completing forms, etc.) should be significantly reduced, as litigants will be able to prepare forms in advance of filing at court offices. In addition, the Wizard will provide basic instructions to litigants regarding documents and other evidence needed at their hearings, so that they will be prepared to proceed without the need for continuances. The uniformity of the forms provided by the program will make the process of pre-trial review of pleadings by clerks and judges more efficient as well. This will make the actual hearings more efficient, as less time will be needed during the hearing for a judge to understand the basics of a litigant's claim.

It is also hoped that repeat filers (businesses, commercial landlords, etc.) will be educated with continual use of the Wizard by having more information readily available. Likewise, the Wizard should reduce the frustration experienced by many pro-se litigants who are not properly prepared.

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

- How is this calculated?

Feedback from court users, and clerks and judges will provide information on time efficiency, and caseload numbers will help provide data for future evaluation.

6. Stakeholders/Constituents/Constituencies:

- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities). All Magistrate Courts, judges, and clerks. State Bar of Georgia. Georgia Legal Services, Atlanta Legal Aid and other groups supporting improved public access to the court system. Pro se litigants.
- b. Which are likely to support this request? The Council believes that all stakeholders are generally supportive of this project. The nature and purpose of this program fits with the Judicial Council's and State Bar of Georgia's stated strategies of improving public access to the courts.
- c. Which are likely to oppose this request? The Council is unaware of any expected opposition to the project at this time. Some attorneys may feel it imposes on their potential clientele, but due to the nature of Magistrate cases, opposition is not expected to be significant. The program will also be free for attorneys to use as they desire.
- d. Which have not voiced support or opposition? The Superior Court Clerk's Council. However the project has not been formally presented or previewed by this Council. The project will be previewed to the Magistrate Court Clerks in June and it is expected they will be supportive. Clerks who viewed the demonstration of the Wizard in February have stated support of the project.

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
- b. Is this request a result of a legislation or rule change? NO. If so, please explain.

8. Alternatives:

What alternatives were considered and why are they not viable?

This is a new project and unique in the state of Georgia.

Part 2 - BUDGET

9. Requested and Projected Resources:

- a. For enhancements and certain base adjustments, describe the additional resources you are requesting (positions, salaries and operational needs).
The \$10,000 request is for web-site hosting fees only; no other personnel or operational expenses will be incurred.
- b. What are your out-year projections? \$10,000 per year.

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

10. Methodology/Assumptions:

- a. Provide the methodology and assumptions behind the requested amount and out-year projections. Annual cost charged by Tyler Tech for web hosting.
- b. How did you arrive at the amounts? Invoice
- c. What time period does the request cover (i.e., the number of months)? Ongoing request – \$10,000 annually.

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

Part 3 - OTHER INFORMATION

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

This is a new project that will provide Georgians increased access into the “ground floor” of Georgia’s court system, the Magistrate Courts. This project should be especially helpful for low-income and indigent citizens in filing and responding to small claims and dispossessory cases in Georgia’s Magistrate Courts. Although electronic filing is not a component of the program at this time, the program software is compatible with the ECF filing standards approved by the Judicial Council and will be compatible with future e-filing programs.

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Budget Categories	FY 15 Amended Request	FY 16 Enhancement Request
Personnel Services:		
Operating Costs:		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		\$ 10,000.00
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		
Grants		
Indirect Costs		
Transfers		
Total Operating Budget	0	\$ 10,000.00
TOTAL OVERALL BUDGET	0	\$ 10,000.00
State Funds		
Other Budgeted Funds		

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Budget Unit & Program Requesting Enhancement

Judicial Council - Council of Municipal Court Judges

FISCAL YEAR	Net Change in State Funds requested for the program
<input type="checkbox"/> Amended FY 2015	\$
<input checked="" type="checkbox"/> FY 2016	\$21,795

Part 1 - Explanation of Request

1. Proposal: The Council of Municipal Court Judges seeks an enhancement to fund:
 - a. travel for executive committee and district representative travel/per diem related to district functions;
 - b. editing, printing and dissemination of Standard Operating Procedures publications to all municipal courts in Georgia; and
 - c. continued strategic business and information technology planning.

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

Statewide

3. Current Status:

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

The projects and business listed cannot be continued without additional funding.

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

The annual appropriation of approximately \$16,000 is insufficient to continue progress on these projects.

There will be a need for continuous update of the Standard Operating Procedures and issuance of the updates to cities.

The business and information technology planning efforts alternate year-to-year on a biennial cycle. A continuing enhancement is needed to sustain the technology and business planning.

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

4. Supporting Data:
- a. Provide any supporting data, evaluations, and/or research for this request.
 - b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request.
5. Performance Measures:
- a. What measures are or will be used to evaluate the impact of this change?
 - b. If an enhancement, what is the projected cost savings or return on investment?
 - How is this calculated?
 - c. What efficiencies will be realized?
 - How is this calculated?

The return on investment would be more professional and uniformly run municipal courts throughout the State.

Strategic Planning facilitation – The value of strategic planning is shown in the continued development and professional standards of the Council of Municipal Court Judges. Participating in this process will assist in the continuity and continuation of growth of the Council from a business and technological prospective.

Travel/Per Diem – The Council of Municipal Court Judges will need to rely on its districts and the Council of Municipal Court Clerks for continued improvements across courts and across the State. This requires more consistent communication between Council leadership and the judges and clerks of the districts.

Standard Operating Procedures - The development and promulgation of directives for each court will result in greater professionalism of court staff and confidence from the public.

6. Stakeholders/Constituents/Constituencies:
- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).
 - b. Which are likely to support this request?
 - c. Which are likely to oppose this request?
 - d. Which have not voiced support or opposition?
- (a) The Municipal Court clerks will gain important education regarding how the Courts should generally be ran in a lawful and standard manner.
- (b) Georgia Municipal Association would likely support the Councils efforts towards increased use of best practices.
- (c) We do not foresee any opposition.

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

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.

None is required.

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

No.

8. Alternatives:

What alternatives were considered and why are they not viable?

The Council of Municipal Court Judges has no other viable source of funding for these projects and is reliant on state appropriations for support of Council efforts.

Part 2 - BUDGET

9. Requested and Projected Resources:

- a. For enhancements and certain base adjustments, describe the additional resources are you requesting (positions, salaries and operational needs).
b. What are your out-year projections?

These would be an ongoing annual costs requiring annual state appropriations.

10. Methodology/Assumptions:

- a. Provide the methodology and assumptions behind the requested amount and out-year projections.
b. How did you arrive at the amounts?

Travel/Per Diem. Staff arrived at an average amount of travel reimbursements for judges' attendance of executive committee meetings and used that as a basis for estimating annual travel costs.

Standard Operation Procedures. Quotes for duplication of the product on CD and binder format from printer companies. Publication online is in addition to, not in lieu of, CDs and binders.

Strategic Planning Facilitation. Staff researched the costs of average cost of strategic planning by several councils, to include facilitation and reporting services.

- c. What time period does the request cover (i.e., the number of months)? Annually, 12 months.

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

Annual – twelve months.

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

None

Part 3 - OTHER INFORMATION

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

From its inception, the municipal council's State appropriations have been the least among trial court councils and have not obtained any increase in many years.

The Council of Municipal Court Judges has a demonstrable record of success serving its judges and the citizens of Georgia by enhancing the professionalism of its membership and courts. As a critical component to the yearly development of the Council of Municipal Court Judges and the services and representation it provides its membership, there is an pertinent need to set strategic goals, re-examine those strategic goals, assess the progress in implementing them and set goals for accomplishing those parts of the plan which have not yet been implemented.

With the creation of general Standard Operating Procedures and the implementation of recommended practices from them, this will encourage greater professionalism of court staff and confidence from the public.

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Budget Categories	FY 15 Amended Request	FY 16 Enhancement Request
Personnel Services:		
Operating Costs:		
Postage		\$ 495.00
Motor Vehicle Expenses		
Printing, Publications, Media		\$ 1,300.00
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		\$ 10,000.00
Professional Services (Expenses)		
Other Contractual Services (Non State)		\$ 10,000.00
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		
Grants		
Indirect Costs		
Transfers		
Total Operating Budget	0	\$ 21,795.00
TOTAL OVERALL BUDGET	0	\$ 21,795.00
State Funds		
Other Budgeted Funds		

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Budget Unit & Program Requesting Enhancement

Judicial Council - Council of Probate Court Judges

FISCAL YEAR	Net Change in State Funds requested for the program
<input type="checkbox"/> Amended FY 2015	\$
<input checked="" type="checkbox"/> FY 2016	\$113,642

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
3. Current Status:
 - a. What is the budget unit currently doing to address this issue?
 - b. 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:
 - a. Provide any supporting data, evaluations, and/or research for this request.
 - b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

The 2013 Strategic Plan Update of the Council of Probate Court Judges calls for the Council to investigate the hiring of an executive director

5. Performance Measures:
 - a. What measures are or will be used to evaluate the impact of this change?
 - b. If an enhancement, what is the projected cost savings or return on investment?
 - How is this calculated?
 - c. What efficiencies will be realized?

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

- How is this calculated?

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:
- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).
 - b. Which are likely to support this request?
 - c. Which are likely to oppose this request?
 - d. Which have not voiced support or opposition?

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.

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

8. Alternatives:
What alternatives were considered and why are they not viable?

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

9. Requested and Projected Resources:
- a. For enhancements and certain base adjustments, describe the additional resources are you requesting (positions, salaries and operational needs).

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

- b. What are your out-year projections?

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

10. Methodology/Assumptions:

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

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

Salary: \$66,000 plus benefits (60.064%) = 105,642

Travel and additional operating: \$8,000

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

None

Part 3 - OTHER INFORMATION

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

The Council of Probate Court Judges make this request knowing that a current performance audit that is currently in progress could determine how the General Assembly responds to this request. I would like to note that our Council has appointed a special committee to look at creating a possible authority or expanding the roles and responsibilities of our council to issues as it related to forms and weapons carry license. The finding of that committee will play a role in our council moves forward with regards to staffing.

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Personnel Services:		\$	105,642.00
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		\$	6,000.00
Travel – Employee		\$	2,000.00
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	\$	8,000.00
TOTAL OVERALL BUDGET	0	\$	113,642.00
State Funds			
Other Budgeted Funds			

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Budget Unit & Program Requesting Enhancement

Judicial Council - County and Municipal Probation Advisory Council

FISCAL YEAR	Net Change in State Funds requested for the program
x Amended FY 2015	\$88,217
x FY 2016	\$277,167

Part 1 - Explanation of Request

1. Proposal:

The County and Municipal Probation Advisory Council desires to hire and retain subject matter experts in the field of community corrections, specifically probation. We are requesting to fully fund three (3) compliance positions, adjust the salary of current CMPAC staff so that it will be comparable to that of their counterparts within the Administrative Office of the Courts (AOC) and other state agencies with similar duties and responsibilities, and establish sufficient operating funds to fulfill the Council's mission.

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?

Currently, compliance visits and CMPAC training have been reduced; however, a prolonged reduction affects the Council's ability to effectively regulate in an industry that provides services to many citizens of Georgia (over 770 courts and 348,000 probationers). With three new compliance positions CMPAC staff will be able to conduct more compliance visits and facilitate training opportunities, which will result in enhancing services being provided by CMPAC staff such as education and oversight/regulatory services.

a. Will those activities continue if this request is approved?

CMPAC Staff will be able to provide more oversight through an increase in compliance visits targeting misdemeanor probation providers' compliance with GA Statute and Council Rules. Like wise staff will be able to utilize information gleaned from compliance visits, GA statutes, Council Rules, and the Department

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

of Audits' recommendations in efforts to enhance areas that require improvement and reduce liability.

4. Supporting Data:

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

In FY08, CMPAC staff consisted of four (4) full-time compliance positions. CMPAC staff conducted forty nine (49) compliance visits and two statewide trainings facilitated by CMPAC staff. However, in FY2013 CMPAC staff consisted of two (2) full-time compliance positions and one (1) part-time compliance position. Staff only completed 21 compliance visits and staff was unable to facilitate needed training due to limited resources. A copy of the Department of Audits audit has also been attached.

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

5. Performance Measures:

- a. What measures are or will be used to evaluate the impact of this change? See below
- b. If an enhancement, what is the projected cost savings or return on investment? See below
- How is this calculated?
- c. What efficiencies will be realized? See below
- How is this calculated?

A few of the key measures that will be utilized to reflect the impact this change will have are:

of compliance site visits conducted

of misdemeanor probation entities monitored for compliance

of probation provider staff monitored

of trainings facilitated by CMPAC staff

6. Stakeholders/Constituents/Constituencies:

- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities). See below
- b. Which are likely to support this request? All
- c. Which are likely to oppose this request? None
- d. Which have not voiced support or opposition? Unknown

Our Stakeholders/Constituents/Constituencies consist of:

Citizens of Georgia

Eleven (11) Members of the County and Municipal Probation Advisory council

(5 Judicial Designees, 5 Executive Appointees, and the Commissioner of Corrections or His designee)

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Local governments and local courts utilizing the services of private probation providers or providing in house governmental probation programs.
 Southern Center for Human Rights as well as a host of various advocates groups
 Administrative Office of the Courts
 CMPAC Staff

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. N/A
 - b. Is this request a result of a legislation or rule change? If so, please explain. No

8. Alternatives:
 What alternatives were considered and why are they not viable?
 Though grants have been considered, most focus on service providers not the regulation and oversight of providers. With 1 in 13 Georgians under community correction supervision, the foot print of Misdemeanor probation is massive. The issue of misdemeanor probation operations, the oversight of providers, and impact it has on our citizens has received an increase in the amount of attention both locally and nationally. Without additional resources the Council's ability to effectively provide oversight would be at the detriment of the citizens of Georgia.

Part 2 - BUDGET

9. Requested and Projected Resources:
- a. For enhancements and certain base adjustments, describe the additional resources are you requesting (positions, salaries and operational needs).

FY 2016

▪ 3 Positions:	\$206,484	(AFY 15 - \$51,621)
▪ Salary Adj.:	\$41,283	(AFY 15 - \$10,321)
▪ Vehicle:	\$0	(AFY 15 - \$18,925)
▪ Operating:	\$29,400	(AFY 15 - \$7,500)
Total:	\$277,167	\$88,217

- b. What are your out-year projections? Vehicle cost will be a one-time increase. Personnel and operating will carry forward.

10. Methodology/Assumptions:
- a. Provide the methodology and assumptions behind the requested amount and out-year projections.
 - Salary \$43,000 (60.064% Benefit Rate) = 68,828 per position.
 - Salary parity for existing positions: \$41,282.73
 - Vehicle cost equivalent to current year State Contract Impala.
 - Operating cost is an average of additional cost associated with new staff.
 - b. How did you arrive at the amounts? Salary comparison
 - c. What time period does the request cover (i.e., the number of months)? 12

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

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

Part 3 - OTHER INFORMATION

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

The County and Municipal Probation Advisory Council (CMPAC) is an eleven member Council that was established pursuant to O.C.G.A. § 42-8-100 through § 42-8-100 to regulate and register all (private and public/governmental) misdemeanor probation providers, who provide services in the state of Georgia. The eleven member Council, which is administratively attached to the Administrative Office of the Courts (AOC), consists of: five judges (Superior Court, State Court, Probate Court, Magistrate Court, and Municipal Court) designated by their respective councils, five individuals (Sheriff, Mayor, County Commissioner, Public Probation Officer, and Private Probation Officer) appointed by the Governor, and the Commissioner of Corrections or his designee. CMPAC's duties include: registering providers, collecting quarterly reports, promulgating and enforcing rules to include that of contracts or agreements for the provision of probation services, and establishing requirements for initial training and continuing education for providers and their staff.

The Department of Audits released (April 25, 2014) a sixty-eight (68) page audit report on Misdemeanor Probation Operations. It included fifty-four recommendations for improvements. While, most of the recommendations were addressed to the court and providers there were a couple directed to CMPAC. The auditors advised that while some areas exceeded CMPAC's statutory requirements there were a couple areas that CMPAC could impact but made note that this Council and staff do not have the resources to ensure compliance.

It is CMPAC's vision and mission to have every provider in compliance with Georgia law and Council rules and to ensure the provision of quality, ethical and professional misdemeanor probation service to the courts and citizens of Georgia through evaluation, education, and regulation. To assist in achieving this CMPAC is in need of additional resources.

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Budget Categories	FY 15 Amended Request	FY 16 Enhancement Request
Personnel Services:	\$ 61,942.00	\$ 247,767.00
Operating Costs:		
Postage	\$ 1,500.00	\$ 6,000.00
Motor Vehicle Expenses	\$ 18,925.00	
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	\$ 900.00	\$ 3,600.00
Travel – Employee	\$ 2,250.00	\$ 9,000.00
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		
Contracts – State Orgs		
IT Expenses	\$ 1,500.00	\$ 6,000.00
Voice/Data Communications	\$ 1,200.00	\$ 4,800.00
Grants		
Indirect Costs		
Transfers		
Total Operating Budget	\$ 26,275.00	\$ 29,400.00
TOTAL OVERALL BUDGET	\$ 88,217.00	\$ 277,167.00
State Funds	\$ 88,217.00	\$ 277,167.00
Other Budgeted Funds		

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Budget Unit & Program Requesting Enhancement

Judicial Council – Georgia Council of Court Administrators

FISCAL YEAR	Net Change in State Funds requested for the program
<input type="checkbox"/> Amended FY 2015	\$
<input checked="" type="checkbox"/> FY 2016	\$7,500

Part 1 - Explanation of Request

1. Proposal:

Increase funding for general operational expenses, training support and logistics.

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

Statewide or list counties below:

Statewide

3. Current Status:

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

The Georgia Council of Court Administrators (GCCA) was created by statute in 1997 to promote the profession of court management in the state. Seminars and conferences are open to any individual interested in this field. Membership is open to all court managers, administrators and directors who are appointed, rather than elected, to their positions. The primary focus of GCCA is to train court managers in the ten core competencies identified by the Institute for Court Management (ICM) and the National Association for Court Management (NACM). GCCA is a state association affiliate of NACM. Each year GCCA offers two educational conferences, open to all individuals with an interest in court management on topics ranging from caseflow management to finance to information technology management and all areas in-between.

Georgia's courts and government probation departments have been investing in the development of a highly-trained, professional team of managers and leaders. In Spring 2009, the leadership of GCCA established its certified Georgia Court Manager program to provide leadership skills, knowledge, and performance improvement resources to current and emerging court leaders in Georgia.

b. Will those activities continue if this request is approved?

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

GCCA will continue its operations limited to the amount of services and member support that its volunteer board members can provide.

4. Supporting Data:

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

The Georgia Council of Court Administrators is statutorily charged with providing educational opportunities to its members. Per the Official Code of Georgia § 15-5-100:

“It shall be the purpose of the council to effectuate the responsibilities conferred upon it by law, to further the improvement of the courts and the administration of justice, to assist the court administrators and managers throughout the state in the execution of their duties, and to promote and assist in the training of court administrators, managers, and support personnel.”

Through an analysis of court supervisory, management and executive leadership needs, GCCA has developed an educational plan to focus on identifying critical knowledge, skills and abilities for each of NACM’s Core Competencies. The NACM core competencies are incorporated into discussions on specific Georgia management roles and responsibilities. GCCA attempts to ensure that training is of a consistent quality and directly related to the needs of court and probation department managers.

The Georgia Court Manager (GC)M program has two tiers of certification – a 40-hour certificate and 100-hour certificate. The early career certificate requires the GCCA member to complete 40 contact hours of GCCA training within five (5) years. These courses are offered at the bi-annual GCCA conferences and could be completed within as little as two (2) years. To maintain this certification, the GCCA member must complete a minimum of sixteen (16) hours of approved training every two (2) calendar years after receipt of the certification. The 100-hour certificate can be obtained after completion of the 40-hour certification. The participant will successfully complete 60 additional hours of GCCA-approved and sponsored training for a total of 100 hours. Up to twenty-five (25) of the sixty 60 hours beyond the GCCA Certificate may be obtained from non-GCCA courses such as the National Association for Court Management, the Institute for Court Management, the National Judicial College and similar organizations. To maintain this certificate, sixteen (16) hours of approved training must be completed every two (2) calendar years and the candidate must be available to serve as a mentor to a new court administrator.

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

As of Spring 2014, 105 members have been awarded 40-hour certificates of which 42 members have continued on to receive their 100-hour certificate. GCCA has had great success with this program initially graduating approximately fifteen 40-hour certificate members per year while current rates are now approximately 8-10 per year. Likewise, GCCA graduates 8-10 100-hour certificate members per year. GCCA's active membership used to be approximately 250-275 when the certification program started. However, as a voluntary membership organization, due to local and state budget cuts over the last several years, the organization's active membership over the past three years has been approximately 150-175. Of GCCA's current membership, approximately one-half (74) have obtained their 40-hour certificate while approximately one-fourth (36) have obtained their 100-hour certificate. Only eight (8) current GCCA members have obtained ICM Fellows status with only two (2) CCM or CMP graduates amongst its current members.

To carry out this expanded mission, GCCA along with the AOC has entered into a partnership with the National Center for State Courts (NCSC) to adopt ICM classes so that they can be conducted locally. Upon renewal, GCCA will be signing on to that agreement as a partner organization. The leadership of the AOC and GCCA has developed a sustainable program model for delivery of the classes within Georgia using local Georgia faculty in an effort to bring national-level training to court management in Georgia. The expanded Georgia Court Manager (GCM) program will continue to provide the Georgia judicial system with highly qualified and well-trained court managers that are prepared to advance within the field.

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

Not applicable at this time.

5. Performance Measures:

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

GCCA recognizes the need for an innovative approach to business process management. The funding request would enable GCCA to:

- Identify and implement needed training logistics improvements thus saving time and lowering expenses over a multi-year period;
- Pursue greater depth and breadth of course design enriching educational products for stronger impacts on the operation of the State's courts, and develop more State-based intellectual capital;
- Implement critical educational services to our members that improve service delivery to Georgia's citizenry, create process efficiencies and reduce operational costs.

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

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

The return on investment will be the continued expansion of educational services to our members.

- c. What efficiencies will be realized?
▪ How is this calculated?

Efficiencies will be realized by a decrease in the amount of volunteer hours given by Board members and other member volunteers while realizing an overall increase in educational services provided.

6. Stakeholders/Constituents/Constituencies:

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

GCCA has an annual membership of 125 to 175 court administrators, managers and program personnel from around the state. GCCA's membership touches every level of trial courts in the state and the AOC. The work of these professionals affect the day-to-day operations of the courts of Georgia. GCCA is working with the Institute for Continuing Judicial Education (ICJE) to develop possible efficiencies in training logistics.

- b. Which are likely to support this request?

All members, AOC, ICJE and the various judge councils are likely to support this request.

- c. Which are likely to oppose this request?

None

- d. Which have not voiced support or opposition?

None have voiced opposition at this time.

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
b. Is this request a result of a legislation or rule change? If so, please explain. NO

8. Alternatives:

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

What alternatives were considered and why are they not viable?

The only alternative is to continue to pass the cost of these enhancements on to our membership. Our members and training attendance has already suffered over the last several years due to local and state budget cuts. Increasing membership dues and conference fees will further limit court personnel from receiving the necessary training.

Part 2 - BUDGET

9. Requested and Projected Resources:

- a. For enhancements and certain base adjustments, describe the additional resources are you requesting (positions, salaries and operational needs).

The requested funds will offset:

- o Training costs (costs of speakers, per diems, etc.)
- o Conference Logistics costs (with assistance of ICJE)
- o Administrative Expenses (website, member certification tracking, etc.)

The most notable additional expense is to enhance the tracking of certification. Currently, certification is tracked manually and would benefit from automation. Members also seek to be updated regularly as to their certification status (hours needed, hours logged, etc.), which is also done manually. Additionally, GCCA is in discussions with ICJE to possibly shift its conference and training planning to its highly trained staffed thus freeing the member volunteers who currently conduct these activities. GCCA also seeks to continually offer the best, most cost effective training. While GCCA relies heavily on in-state, volunteers from within and outside the judiciary, occasional national speakers or presenters from within the state whom we must cover travel expenses and per diems for are desired. GCCA has also partnered with the AOC to bring the Institute for Court Management's Certified Court Manager (CCM) program to Georgia. The initial training of faculty in these courses would be covered, in part, by GCCA after which GCCA and the AOC would have several faculty around the state to provide these trainings cost effectively.

- b. What are your out-year projections?

Most of the enhancements noted are ongoing costs and would continue. Some efficiency would be realized in out-year in which case the additional funds would further offset training costs thereby making the outlay for members less and encouraging greater participation.

10. Methodology/Assumptions:

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

Estimates of additional expenses are based on past expenditures over the last 5 years.

- b. How did you arrive at the amounts? Estimate
c. What time period does the request cover (i.e., the number of months)? Annual

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

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

GCCA has applied for multi-year grant funding from the State Justice Institute that requires a cash match. That match will be passed on to members seeking the enhanced certification. GCCA would prefer to absorb that match from its own funds.

Part 3 - OTHER INFORMATION

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

In 2012-2013, a statewide survey of stakeholders in the Georgia court system was conducted asking about future challenges. With regards to education, the survey noted the need for continuing education of clerks and court managers. While the economy has delayed the retirement of some, the need to plan for future court leadership remains a pressing matter. Additionally staffing cuts throughout the court system have required managers to maintain levels of service with a fraction of the staff. These trends highlight the reliance on effective management to meet the ongoing and emerging challenges in Georgia courts.

Many GCCA members have been asking what they can do next. Members were recently polled and they overwhelmingly supported exploring bringing the Certified Court Manager program to Georgia. With limited local and state funding, court managers in Georgia can generally not afford national-level educational opportunities. The AOC is exploring agreements with other states to offer this training to staff from their courts.

Graduates of the CCM program are eligible to attend the Certified Court Executive (CCE) level classes and to then seek ICM Fellowship status. Participant evaluations indicated a high value in having the classes focus on Georgia courts and on the relevance of the curriculum to their daily management duties.

This request supports the recommendation of the Next Generation Courts Commission with regard to both greater state-based support for judicial education.

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Budget Categories	FY 15 Amended Request	FY 16 Enhancement Request
Personnel Services:		
Operating Costs:		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		\$ 1,000.00
Professional Services (Expenses)		\$ 1,500.00
Other Contractual Services (Non State)		
Contracts – State Orgs		\$ 4,000.00
IT Expenses		
Voice/Data Communications		
Grants		\$ 1,000.00
Indirect Costs		
Transfers		
Total Operating Budget	0	\$ 7,500.00
TOTAL OVERALL BUDGET	0	\$ 7,500.00
State Funds		\$ 4,023.00
Other Budgeted Funds		\$ 60,000.00

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Budget Unit & Program Requesting Enhancement

Institute of Continuing Judicial Education

FISCAL YEAR	Net Change in State Funds requested for the program
<input type="checkbox"/> Amended FY 2015	\$
<input checked="" type="checkbox"/> FY 2016	\$21,230

Part 1 - Explanation of Request

1. Proposal: ICJE Operating Expenses

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

Statewide or list counties below:

3. Current Status:

- a. What is the budget unit currently doing to address this issue? Since FY 2008, the operation has eliminated three positions as well as reduced delivered services, in order to have access to funds to cover ordinary operating expenses. The one-time, FY 2014, infrastructural enhancement was used to pay for items that do not recur as monthly operating expenses, or do not occur as costs attributable to a particular class-of-court. For example, it would include expenditures for items such as: a replacement tape drive for the network server, IT tablets and Mi-Fi Jet Packs used by staff in connection with all classes-of-court, a table for the office conference room, or the contract with AOC to participate in the GA Courts Registrar project.
- b. Will those activities continue if this request is approved? Mandated, expected and desired judicial educational services cannot continue to be delivered without the necessary infrastructural operating support here-sought. Since the very significant loss of State-appropriated financial support beginning around 2008-2009, the management policy of the ICJE has been to fund the direct cost of delivery of CJE products through fees charged to constituents - - - but not to allocate general administrative operating expenses from this fund source. A consistent effort has been made to contain allotment of operating expenses to fees only to those costs directly associated with the delivery of CJE products. At the same time, general administrative or operating expenses (those associated with items serving multi-classes-of-court, or the general operation of the ICJE in total) are allocated to an administrative category in the ICJE's annual operating budget - - - and it is to these types of costs that this funding request is directed as a portion of the general appropriation for the ICJE. It has been the steadfast hope and aspiration of the

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

ICJE Board of Trustees, not to mention the Judicial Council that the ICJE eventually would once again become a state-funded component of the judicial branch, which explains the motivation for operating with the policy described.

4. Supporting Data:

- a. Provide any supporting data, evaluations, and/or research for this request. The Next Generation of Courts Study Commission for the State Bar of Georgia recommends implementation of innovative learning technologies in judicial education, along with development of new judicial educational products for multiple classes of court, the accomplishment of which requires addition of the routine operating expenses.
- b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request. Judicial education offices in other states similar-in-size to Georgia (e.g., Ohio, New Jersey, North Carolina, Florida) reflect more adequate and realistic funding for design and delivery of state-based judicial education.

5. Performance Measures:

- a. What measures are or will be used to evaluate the impact of this change? Served constituencies will engage with the ICJE on product design and delivery, and these relationships are subject to ongoing evaluation. Post-participation assessment by constituents will occur to evaluate the effectiveness of respective projects.
- b. If an enhancement, what is the projected cost savings or return on investment? Court officials serving the public will function with more confidence as well as receive access to a greater number of up-to-date reference materials and learning experiences.
 - How is this calculated?
- c. What efficiencies will be realized?
 - How is this calculated?

6. Stakeholders/Constituents/Constituencies:

- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities). Trial court judges in all areas of the State's judicial branch of government (Superior Courts, Juvenile Courts, State Courts, Probate Courts Magistrate Courts and Municipal Courts), regional and trial court administrators, legal research staff attorneys to trial court judges, judicial assistants or secretaries for trial court judges, not to mention the training councils and educational planning committees for trial judges associations, the Judicial Council: all will be positively impacted by this change.

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

- b. Which are likely to support this request? Judges served as well as impacted court support personnel.
- c. Which are likely to oppose this request? No opposition has been noted / voiced to this request.
- d. Which have not voiced support or opposition?

7. Legislation or Rule Change:

- a. Is legislation or a rule change required to be passed or changed if this request is implemented? No new legislation or change in agency rules is required to implement this request. If so, please explain.
- b. Is this request a result of a legislation or rule change? This request does not result from new legislation or change in agency rules. If so, please explain.

8. Alternatives:

What alternatives were considered and why are they not viable? What alternatives were considered and why are they not viable? Federal grant money sometimes may be made available to pay for specifically targeted special projects; however it is not available to provide for infrastructural organizational personnel or program operating costs. Other departments in the judicial branch do not possess routine funding or residual assets from which to contract with the ICJE to pay for the capability embraced by this position. Local governing authorities at the county or municipal level cannot pay for this request, because they lack access to court fee revenues flowing to the state from increased filing fees that were enacted several years ago.

Since the very significant loss of State-appropriated financial support beginning around 2008-2009, the management policy of the ICJE has been to fund the direct cost of delivery of CJE products through fees charged to constituents - - - but not to allocate general administrative operating expenses from this fund source. A consistent effort has been made to contain allotment of operating expenses to fees only to those costs directly associated with the delivery of CJE products. At the same time, general administrative or operating expenses (those associated with items serving multi-classes-of-court, or the general operation of the ICJE in total) are allocated to an administrative category in the ICJE's annual operating budget - - - and it is to these types of costs that this funding request is directed as a portion of the general appropriation for the ICJE. It has been the steadfast hope and aspiration of the ICJE Board of Trustees, not to mention the Judicial Council, that the ICJE eventually would once again become a state-funded component of the judicial branch, which explains the motivation for operating with the policy described.

Part 2 - BUDGET

9. Requested and Projected Resources:

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

- a. For enhancements and certain base adjustments, describe the additional resources are you requesting (positions, salaries and operational needs). Various designated operating expenses. The sum sought by this request is arrived at by looking at general operating expenses (those associated with items serving multi-classes-of-court, or the general operation of the ICJE in total) allocated to an administrative category in the ICJE's annual operating budget. It includes costs for items such as:
 - postage and shipping, and utilities like telephone, electrical power, water and sewage;
 - routine IT maintenance of computers, their software upgrades, as well as equipment and software for the office network;
 - reference and research materials pertinent to general application;
 - employee travel to ICJE Board Meetings and other business-related activities not allocable to a specific class-of-court; and
 - regular support of office equipment and supplies like copier, printers, scanners, paper, writing instruments, ink and toner, as well as custodial services.
- b. What are your out-year projections? Continued support yearly for these at this base, plus periodic reasonably warranted increases.

10. Methodology/Assumptions:

- a. Provide the methodology and assumptions behind the requested amount and out-year projections. Past incurred costs and projected needs were assessed.
- b. How did you arrive at the amounts? Past incurred costs and projected needs were assessed.
- c. What time period does the request cover (i.e., the number of months)? The request covers 12 months.

11. Federal and Other Funds: Describe the impact on federal and/or other funds related to this request (amount, policy etc). Not applicable; apart from reference in question 8 above.

Part 3 - OTHER INFORMATION

12. Discuss any historical or other relevant factors that should be considered. Since the end of 2008, the ICJE of Georgia has down-sized it's staffing as well as product and services design and delivery, i.e., is operations generally. The state's judiciary has earnestly and patiently merited the restoration of its judicial educational capacity, for which these requested operating expenses reflect an important part.

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

Budget Unit & Program Requesting Enhancement

Institute of Continuing Judicial Education

FISCAL YEAR	Net Change in State Funds requested for the program
<input type="checkbox"/> Amended FY 2015	\$
<input checked="" type="checkbox"/> FY 2016	\$ 49,990 (includes salary plus fringe benefits)

Part 1 - Explanation of Request

1. Proposal: Employment of “Curricula Specialist”
2. Geographic Impact: Where does the request impact the state?
 - Statewide or list counties below:
3. Current Status:
 - a. What is the budget unit currently doing to address this issue? Due to the absence of this position, the ICJE currently lacks the ability to meet the educational demands sought across the State’s judiciary for professional development of judges and court staff. Addition of the position will help address this deficiency in Georgia’s judicial branch of government.
 - b. Will those activities continue if this request is approved? When this request is approved, judicial educational services for existing constituencies will be strengthened and service to formerly served constituencies will be resumed.
4. Supporting Data:
 - a. Provide any supporting data, evaluations, and/or research for this request. The Next Generation of Courts Study Commission for the State Bar of Georgia recommends implementation of innovative learning technologies in judicial education, along with development of new judicial educational products for multiple classes of court, the accomplishment of which requires addition of the requested position. The Georgia Council of Court Administrators seeks the ICJE’s aid in curriculum design and product delivery. New judge orientation for Juvenile Court Judges that has been non-operational the past half-decade can be resumed with satisfaction of this request. Similarly, training for the law clerks of trial judges (i.e., staff attorneys / legal research aides) can be strengthened. Full-service continuing education targeted to judicial assistants for trial judges can be contemplated.
 - b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request. Judicial education offices in other states of similar-in-size to Georgia (e.g., Ohio, New Jersey, North Carolina, Florida) reflect more adequate and realistic staffing for design and delivery of state-based judicial education.

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

5. Performance Measures:

- a. What measures are or will be used to evaluate the impact of this change? Served constituencies will engage with the ICJE on product design and delivery, and these relationships are subject to ongoing evaluation. Post-participation assessment by constituents will occur to evaluate the effectiveness of respective projects.
- b. If an enhancement, what is the projected cost savings or return on investment? Court officials serving the public will function with more confidence as well as receive access to a greater number of up-to-date reference materials and learning experiences.
 - How is this calculated?
- c. What efficiencies will be realized? The expense occasioned when courts lack competency in serving the public will be diminished.
 - How is this calculated?

6. Stakeholders/Constituents/Constituencies:

- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities). Trial court judges, regional and trial court administrators, legal research staff attorneys to trial court judges, judicial assistants or secretaries for trial court judges, not to mention the training councils and educational planning committees for trial judges associations, the Judicial Council: all will be positively impacted by this change. Which are likely to support this request? Judges served as well as impacted court support personnel.
- b. Which are likely to oppose this request? No opposition has been noted / voiced to this request.
- c. Which have not voiced support or opposition?

7. Legislation or Rule Change:

- a. Is legislation or a rule change required to be passed or changed if this request is implemented? No new legislation or change in agency rules is required to implement this request. If so, please explain.
- b. Is this request a result of a legislation or rule change? This request does not result from new legislation or change in agency rules. If so, please explain.

8. Alternatives:

What alternatives were considered and why are they not viable? Federal grant money sometimes may be made available to pay for specifically targeted special projects; however it is not available to provide for infrastructural organizational personnel or program operating costs. Other departments in the judicial branch do not possess routine funding or residual assets from which to contract with the ICJE to pay for the capability embraced by this position. Local governing authorities at the county or municipal level cannot pay for this

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

request, because they lack access to court fee revenues flowing to the state from increased filing fees that were enacted several years ago.

Part 2 - BUDGET

9. Requested and Projected Resources:

- a. For enhancements and certain base adjustments, describe the additional resources are you requesting (positions, salaries and operational needs). One position; denominated a “curricula specialist”.
- b. What are your out-year projections? Continued support yearly for this personnel position at the base cost, plus periodic reasonably warranted and earned compensation increases.

10. Methodology/Assumptions:

- a. Provide the methodology and assumptions behind the requested amount and out-year projections. Assessment of personnel system positions relevant to the duties envisioned.
- b. How did you arrive at the amounts? Assessment of personnel system pay scales relevant to the duties envisioned, stated for an initial years and multiplied by subsequent year/s.
- c. What time period does the request cover (i.e., the number of months)? The request covers 12 months.

11. Federal and Other Funds: Describe the impact on federal and/or other funds related to this request (amount, policy, etc). Not applicable; apart from reference in question 8 above.

Part 3 - OTHER INFORMATION

12. Discuss any historical or other relevant factors that should be considered. Since the end of 2008, the ICJE of Georgia has down-sized it’s staffing as well as product and services design and delivery, i.e., its operations generally. The state’s judiciary has earnestly and patiently merited the restoration of its judicial educational capacity, for which this requested personnel position reflects an important part.

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

Personnel Services:		\$	49,990.00
Operating Costs:			
Postage			
Motor Vehicle Expenses			
Printing, Publications, Media			
Supplies and Materials			
Repairs and Maintenance			
Equipment < \$5,000			
Water/Sewage			
Energy			
Rents Other Than Real Estate			
Insurance and Bonding			
Freight			
Other Operating			
Travel – Employee			
Real Estate Rentals			
Professional Services (Per Diem)			
Professional Services (Expenses)			
Other Contractual Services (Non State)			
Contracts – State Orgs			
IT Expenses			
Voice/Data Communications			
Grants			
Indirect Costs			
Transfers			
Total Operating Budget	0	\$	-
TOTAL OVERALL BUDGET	0	\$	49,990.00
State Funds		\$	49,990.00
Other Budgeted Funds			

**JUDICIAL BRANCH OF GEORGIA
 FY 2015 AMENDED REQUEST FORM
 FY 2016 ENHANCEMENT REQUEST FORM**

Budget Unit & Program Requesting Enhancement

Institute of Continuing Judicial Education

FISCAL YEAR	Net Change in State Funds requested for the program
<input type="checkbox"/> Amended FY 2015	\$
<input checked="" type="checkbox"/> FY 2016	\$51,800

Part 1 - Explanation of Request

1. Proposal: Provide a statewide Conference drawing in national level expertise to launch a long-term approach to strengthen court leadership, management and governance in Georgia’s court system.

2. Geographic Impact: Where does the request impact the state?
 - Statewide or list counties below:

3. Current Status:
 - a. What is the budget unit currently doing to address this issue? State funds are not available to support a cross-jurisdictional conference as envisioned by this proposal, because they are delimited to other more discretely defined court functions and top-down driven court management operational priorities. Moreover, the absence of funding to support access to nationally-based education of judicial and other court leaders during the past decade places the State at risk in measuring up to national standards for the public’s contemporary expectations of a modern state court system.

 - b. Will those activities continue if this request is approved? Yes, but it is envisioned that follow-up activities will occur among State of Georgia officials via on-line / internet information exchange as well as in accord with intra-state regional and state-based administrative and educational meetings.

4. Supporting Data:
 - a. Provide any supporting data, evaluations, and/or research for this request. Judges, court administrators and court clerks function in the same organizational space—the Georgia courts. Yet they come from different educational backgrounds, professional core competencies, customary terminologies and pre-court service skill sets. Courts cannot reach their full potential because the differences between these groups often lead to operational isolation within their respective knowledge,

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

skills, and attitudes silos of functioning. Additionally, there has been much turnover in personnel among Georgia judges, court administrators and court clerks, which has caused judges and court staffs to be less prepared to take on effective management of the complex personnel, information technology, law enforcement remedial and conflict-resolution systems that this State's courts have become. The Model Code of Judicial Conduct recently promulgated by the American Bar Association includes strengthened emphasis on the need for greater attentiveness to and accountability for the administrative responsibilities of judges in managing courts, which would be advanced by the implementation of a project such as this one.

- b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request. Georgia has a rich history of successful local and state-level innovation in court administration. This Conference could assist the ICJE and State court system with capitalizing on this rich heritage to better the system as a whole. By merging the resources of the Michigan State University Judicial Administration Program with Georgia resources we can advance each participating court official's knowledge of emerging best practices, both statewide and nationally, in order to provide new services, economies and efficiencies that will insure public funds are used to the best advantage and that our courts are better able to deliver the services expected by the public. Historically, the National Center for State Courts has researched and published trial court performance standards, which more recently have been complemented by nationally-tested and credentialed research and assessment methods for tracking the actual results of court management efforts. This new product is named CourTools, and illustrates just one of the emerging research and pilot-testing mechanisms for use by a State in determining the more useful directions to pursue in improving the operation of local courts and state court systems.

5. Performance Measures:

- a. What measures are or will be used to evaluate the impact of this change? The members of participating court circuits will identify a suitable arena for operational strengthening of their court services over the subsequent year, identify the appropriate leadership team, ascertain project progress tracking objectives from nationally-based activities offered as illustrations by this Conference or from other noteworthy state-based programs, and prepare follow-up goals and time-lines to report back on the leadership developments and accomplishments associated with these court service improving projects.
- b. If an enhancement, what is the projected cost savings or return on investment?
 - How is this calculated? This will vary and be a function of the court improvement project identified for each participating locale, which will be catalyzed by this unique Conference.

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

- c. What efficiencies will be realized?
 - How is this calculated? This will vary and be a function of the court improvement project identified for each participating locale, which will be catalyzed by this unique Conference.

- 6. Stakeholders/Constituents/Constituencies:
 - a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities). Judges, court administrators and court clerks.
 - b. Which are likely to support this request? Same
 - c. Which are likely to oppose this request? Unknown
 - d. Which have not voiced support or opposition? Unknown

- 7. Legislation or Rule Change:
 - a. Is legislation or a rule change required to be passed or changed if this request is implemented? No. If so, please explain.
 - b. Is this request a result of a legislation or rule change? If so, please explain. No.

- 8. Alternatives:

What alternatives were considered and why are they not viable? As one of the nation's largest states, which is experiencing litigation volume as well as adjudicatory legal issues that are second to none in this country, Georgia can benefit from a richer amalgam of court management intellectual capital, experience and perspective than is currently available from strictly relying upon the present internal leaders of the State court system to serve as the sole guide to its future service to the Georgia public as well as professional operational effectiveness. Outside nationally-based leadership that speaks to effective court management, as envisioned by this Conference, provides an over-arching as well as objective perspective not likely attainable from relying solely upon existing state-based resources. Acquainting the current as well as next generation of Georgia court system leaders to the court improvement trends emerging nationally is a key aim of this project, which cannot be accomplished by relying principally upon State-based personnel.

Part 2 - BUDGET

- 9. Requested and Projected Resources:
 - a. For enhancements and certain base adjustments, describe the additional resources are you requesting (positions, salaries and operational needs). N/A. See below.
 - b. What are your out-year projections? This is to be a one-time expense, with follow-up integrated into ongoing resources and activities.

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

10. Methodology/Assumptions:

- a. Provide the methodology and assumptions behind the requested amount and out-year projections.
The budget request assumes a contract with MSU (3 instructors, 2 days of preparation, 3 days of presentation at \$2000 each) \$30,000, lodging and meals for up to 100 participants and 3 instructors (lodging 100/night x3, meals 103 2 \$51/day \$15,800), and \$4,000 conference room and AV expense, plus miscellaneous operating expenses.
- b. How did you arrive at the amounts? By estimating the costs per night for lodging; the state per diem for meals, estimate contract price from Michigan State University and meeting room and AV expenses.
- c. What time period does the request cover (i.e., the number of months)? Will be completed in FY 16.

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

Part 3 - OTHER INFORMATION

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

**JUDICIAL BRANCH OF GEORGIA
FY 2015 AMENDED REQUEST FORM
FY 2016 ENHANCEMENT REQUEST FORM**

Budget Categories	FY 15 Amended Request	FY 16 Enhancement Request
Personnel Services:		
Operating Costs:		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		\$ 4,000.00
Insurance and Bonding		
Freight		
Other Operating		\$ 2,000.00
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		\$ 15,800.00
Professional Services (Expenses)		
Other Contractual Services (Non State)		\$ 30,000.00
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		
Grants		
Indirect Costs		
Transfers		
Total Operating Budget	0	\$ 51,800.00
TOTAL OVERALL BUDGET	0	\$ 51,800.00



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

CC: Judge William T. Boyett, Judicial Council DV Committee Chair

FROM: Cynthia H. Clanton
General Counsel

RE: Judicial Council Domestic Violence Committee Report

DATE: August 19, 2014

The Judicial Council Domestic Violence Committee is composed of judges, attorneys, a court administrator, and the Executive Director of the Georgia Commission on Family Violence.

Attached for your information is the Annual Report of the Committee for FY 2015.

**Judicial Council Committee on Domestic Violence
Annual Report to the Judicial Council of Georgia**

FY 2015

Since 1999, the Judicial Council Domestic Violence Committee has granted state funds to Georgia nonprofits in order to provide free civil legal services to impoverished victims of family violence and their children. The grant guidelines were revised this year to encourage more direct legal services in the southern rural part of Georgia especially since some areas have less than 10 practicing attorneys. The 2014 Committee members were:

Judge William T. Boyett, Chair	Judge Anne E. Barnes
Judge William P. Bartles	Judge Thomas Bobbitt
Judge Maria Golick	Judge Divida Gude
Judge Horace Johnson	Judge Tripp Self
Judge J. Carlisle Overstreet	Allegra Lawrence-Hardy
Linda A. Klein	Jody Overcash, advisor
Greg Loughlin, advisor	Cynthia Clanton, AOC staff

The Committee met on June 13, 2014 and considered nine grant applications. The application from the Southwestern Judicial Circuit was new this year and specifically addressed the provision of direct legal services to victims of domestic violence in Lee, Macon, Schley, Stewart, Sumter, and Webster counties. After considering each of the grant applications in detail, awards were made to the following agencies:

Atlanta Legal Aid Society	\$564,909
Gateway House	\$9,000
Georgia Law Center for the Homeless	\$25,000
Georgia Legal Services Program	\$1,393,065
Northeast Georgia Shelter Collaborative (SAFE)	\$35,000
Northwest Georgia Family Crisis Center, Inc.	\$25,000
Peace Place	\$3,000
Southwestern Judicial Circuit (FVC)	\$9,000
Wayne County Protective Agency/Fair Haven	<u>\$7,500</u>
TOTAL FUNDS AWARDS	\$2,071,474

The AOC staff will begin site visits of grantees in September and collect demographic data on the use of the grant funds during the year.

The Judicial Council Budget Committee recently approved a request from the State Bar of Georgia's Committee to Promote Justice to ask the Legislature for the additional appropriation of \$386,251 in FY 2016 in order to further expand these necessary legal services.

It has been an honor to continue to serve as Chair of this Judicial Council Committee for the last 10 years.

Respectfully submitted,

The Honorable William T. Boyett

Chair, Judicial Council Committee on Domestic Violence



Table of Contents

1. Supreme Court Committee on Justice for Children
2. Georgia Courts Registrar Update
3. Remote Interpreting Pilot Project Final Report
4. Georgia Crime Victims Compensation Fund



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Michelle Barclay, J.D., AOC Asst. Director

RE: Supreme Court of Georgia Committee on Justice for Children

DATE: September 2014

The mission of the Supreme Court of Georgia Committee on Justice for Children (J4C) is to improve Georgia's court process for civil child abuse and neglect cases. Formerly known as the Child Placement Project, J4C was created in 1995 and is staffed by the Administrative Office of the Courts. Presiding Justice P. Harris Hines serves as the current chair of J4C. Committee members and advisors represent the judiciary, the State Bar, the Department of Family and Children Services, and the community.

On October 1, 2011, J4C received notice of another multi-year Court Improvement Program (CIP) grant. The CIP federal grant, which was originally passed by Congress eighteen years ago, now funds projects in all fifty states. The J4C Committee has directed the funds toward the following priorities for 2012 through 2015:

- Improving the educational outcomes for children in foster care;
- Improving the quality of legal representation of children, parents, and the agency in child deprivation cases;
- Continuous refinement, monitoring and reporting of a set of child outcome measures for courts in deprivation cases;
- Hosting judicial and community J4C summits in chosen and requested judicial circuits; and
- Exploring the judiciary's role in preserving children's safety.

Through 2014, J4C also continued the Cold Case Project, a quality assurance program of reviewing children's cases who have been in foster care for long periods of time. Cold Case reviews explore all permanency options for the identified children, check on whether all legal requirements and due process measures have been met, and review the quality of representation for each child. After five years of foundation funding from Casey Family Programs, the data results show improved legal permanency outcomes when compared to a similar group of children's cases. Thus, state funding will be sought in 2015 to institutionalize this work within

the AOC and its project partner agencies. In addition, a Quality Improvement Center (QIC) grant given to J4C to participate in research administered by the University of Michigan to study the QIC legal representation model against existing attorney practices will be coming to an end in early 2015, with findings due in late 2015.

On any given day, Georgia has approximately 8,000 children in foster care due to child abuse or neglect. Balancing safety and permanency for children in foster care is the primary goal of any child welfare system. The J4C staff and committee members, along with the Division of Family and Children Services employees, closely review safety measures at both the statewide and county level and provide feedback regarding those measures to the counties through the local courts.

Improvement goals for the past eighteen years have included the automation of the deprivation case records; cross-training and setting standards of practice for all child welfare attorneys in juvenile court; increasing the representation of parents and children in child welfare cases; and obtaining state funding for juvenile court judges. Benchmarks for some of these goals have been reached, while others have needed alteration and steady work to make progress.

The Case Plan Report System (CPRS) has been a ten year effort to electronically share child specific information between the executive and judicial branches of government for civil child abuse and neglect cases. With 1800 users, CPRS now holds Department of Education data as well and will soon have Department of Juvenile Justice data for some pilot work data sharing.

For more information about J4C, please visit www.gajusticeforchildren.org



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Georgia Courts Registrar Project Update September 2014

Overview

The Georgia Courts Registrar and reorganized staff team now support the licensing of court reporters and court reporting firms, family violence intervention programs, misdemeanor probation providers, and court interpreters. Within the next three months, neutrals, magistrate judges, municipal judges, and municipal clerks will begin using the online credentialing system.

Progress by Business Unit

- Court Reporters and Court Reporting Firms
 - Over 1,100 applications have been processed through the Registrar.
 - Customer service survey results
 - After staff reorganization and Registrar implementation, satisfaction with customer service increased 21 percentage points.
 - Customers' ratings on staff accessibility also increased 19 percentage points after the Registrar was implemented.
- Family Violence Intervention Programs (FVIPs)
 - All FVIPs (99) currently use the Registrar to publish class schedules and submit monthly participant reports and payments.
 - Twenty-eight programs have been recertified through the Registrar as part of the two-year rolling renewal period.
- Misdemeanor Probation Providers
 - Eighty percent of the providers have logged their program information in the Registrar, and the renewal period begins on October 1.
 - The County and Municipal Probation Advisory Council has approved funding to add quarterly data reporting functionality to the Registrar. Providers will begin submitting their quarterly reports through the Registrar in early 2015.
- Interpreters
 - Annual renewals will occur during the month of September.
 - New interpreters will begin registering for orientations, tests, and licenses in the Registrar in early 2015.
- Neutrals
 - Annual renewals will occur October 1-December 31.
- Magistrate Judges, Municipal Judges, and Municipal Clerks
 - Profile registration will begin in fall 2014.
 - Registration for ICJE events and continuing education hours will begin in early 2015.

Contact Maggie Reeves at 404-463-0350 or maggie.reeves@gaaoc.us for additional information.

Remote Interpreting Pilot Project Final Report

July 2014

Administrative Office of the Courts



Administrative Office of the Courts
Project Team

Bradley Allen
Richard Denney
Christopher Hansard
Molly Perry
Maggie Reeves
Linda Smith



Judicial Council of Georgia
Administrative Office of the Courts
244 Washington Street SW, Suite 300
Atlanta, GA 30334
www.georgiacourts.gov
404-656-5171

Table of Contents

Executive Summary	2
Background	4
Purpose	4
Timeline	4
Funding	4
Human Resources	5
Equipment	5
National Scan of Remote Interpreting	6
Pilot Site Profiles	8
Site Preparation.....	9
Project Evaluation.....	10
Methodology.....	10
Findings.....	10
Cost Comparison.....	13
Findings Summary and Recommendations.....	14
Appendices	17
Appendix A: T3 Remote Interpreting System	18
Appendix B: Technological Requirements	20

Executive Summary

The Administrative Office of the Courts (AOC) undertook a remote interpreting pilot project to address a shortage of qualified foreign-language interpreters in rural and suburban Georgia courts. The goal of the pilot was to assess whether remote interpreting could be a viable, lower-cost alternative to live, on-site interpreting for Limited English Proficient (LEP) court users in non-metropolitan Georgia. Payment for interpreters usually includes a two-hour minimum charge and travel costs to and from the courthouse. Courts often weigh the cost and time necessary to obtain a certified interpreter against the need to move cases to disposition.

For the pilot, which ran from October 2012 to June 2014, three state-certified Spanish-language interpreters used a combination of video, phone, wireless, and Internet technologies to interpret non-jury trial events from the AOC offices in Atlanta. LEP court users received these services in three courts that were as far as 150 miles away – Richmond County superior and state courts; Sumter County superior court; and Polk County juvenile and magistrate courts and public defender’s office.

The Georgia General Assembly appropriated \$65,760 over two fiscal years to fund equipment purchases and interpreter services during the pilot. The pilot used the T3 Interpreter System, which supported simultaneous and consecutive interpretation and sight translation. The interpreter had the ability to manipulate the system’s audio component to communicate with the entire courtroom, LEP person only, or between the LEP person and his or her attorney.

Georgia is among several states that have piloted or implemented audio/visual remote interpreting systems as a way to contain costs while meeting increasing demand for language services in the courts. Use of remote interpreting is increasing nationwide, and the

technology to facilitate remote interpreting is becoming more sophisticated. Nonetheless, states are struggling with a variety of technical, political, training, monitoring, and feedback issues while attempting implementation. The AOC consulted with the National Center for State Courts, the Council of Language Access Coordinators, and other states’ court administrators to better understand remote interpreting solutions and processes.

To evaluate the pilot, AOC staff observed live interpretations of court proceedings; interviewed stakeholders; and collected data on hours of interpretation, clients served, costs, and type of court proceeding. The primary findings are:

1. A sophisticated remote interpreting system like the one used has the same quality as in-person interpreting;
2. The cost of an audio/visual system that maintains the service level of in-person interpreting is very expensive for courts that do not regularly serve LEP court users;
3. Court staff training and consistent use are necessary to maintain familiarity and deter errors with a remote interpreting system; and
4. Courts may need to analyze and change procedures to identify the need for an interpreter prior to court proceedings.

At the conclusion of the pilot project, the AOC recommends the following:

1. Courts and the AOC should track the number of court users that require language interpretation, which will give the AOC and counties a better picture of the need for interpreters;
2. Courts should examine process improvements that will ensure earlier notice of a need for interpreter services;
3. Rural courts should explore emerging, simplified technical solutions that allow for on-demand certified interpreters;
4. Courts using remote interpreting technology should undergo regular training and practice sessions to maintain familiarity with the technology; and
5. The Commission on Interpreters should encourage the training and certification of foreign-language interpreters in rural areas.

Background

Purpose

In Georgia, nearly 13 percent of the population speaks a language other than English at home, and more than 520,000 people speak English less than very well.¹ Under the guidance of the Georgia Supreme Court Commission on Interpreters, the Administrative Office of the Courts (AOC) works diligently to certify court interpreters statewide who assist people with Limited English Proficiency (LEP) navigate court proceedings. However, there is still a shortage of qualified interpreters in rural and suburban parts of the state.

To assist courts in providing qualified interpreters, the AOC received funding from the Georgia General Assembly to conduct a pilot project for video remote interpreting. The goal was to assess whether video remote interpreting provides Georgia courts with quality interpretation at reduced costs. The pilot project allowed certified interpreters, working from the AOC offices in Atlanta, to provide remote interpretation using a combination of video, phone, wireless, and Internet technologies for non-jury trial events in three non-metro counties.

Timeline

In FY12, the AOC:

- Received a state appropriation to purchase video remote interpreting equipment;
- Identified two initial pilot project sites; and
- Purchased the T3 Interpreting System for the project.

In FY13, the AOC:

- Received a state appropriation to pay for contract interpreters;
- Contracted with two state-certified Spanish interpreters;

- Delivered courthouse equipment to the pilot sites;
- Trained court staff at two locations; and
- Began evaluating the project.

In FY14, the AOC:

- Decided to extend the project and evaluation through FY14;
- Ended services to one of the sites;
- Moved equipment to a third pilot site; and
- Completed the evaluation of the project.

Funding

The Georgia General Assembly allocated \$65,760 over two fiscal years for the pilot. With this funding, the AOC purchased two video remote interpreting systems and one interpreter station system. It also paid for contract services for the two state-certified Spanish interpreters.

Amended FY12	\$20,000	Equipment Purchase
FY13	\$45,760	Interpreter Services
Total	\$65,760	

During the pilot, none of the pilot sites paid for project related interpreters or equipment. Two of the three courts incurred a small cost to install and maintain an analog phone line, which was required for the T3 Interpreting System.

Outside of the pilot's timeframe, the courts generally contracted with and paid directly for interpreters, some of whom are state-certified and some of whom are not. Courts typically pay interpreters a two-hour minimum for services, travel time, and mileage expenses.² This can be costly for courts located far from state-certified interpreters, most of whom reside around metropolitan Atlanta. The distance of the pilot

¹"Georgia: Selected Social Characteristics in the United States, 2007-2011 American Community Survey 5-Year Estimates." U.S. Census Bureau (2013). factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_5YR_DP02&prodType=table.

²Paying for travel time is not as common as paying for travel costs and a two-hour minimum.

sites from Atlanta ranged from 70 miles to 150 miles.

Human Resources

Each site had an individual or a small team that facilitated scheduling with the remote interpreters.³ These individuals were also responsible for operating the remote system and communicating with the AOC team. In some cases, they facilitated process changes to support the pilot project.

The AOC advertised the contract positions for Spanish-language certified court interpreters who had a minimum of two years' experience. The selection process involved a resume review, initial screening, and panel interviews. Over the course of the pilot, three professional interpreters provided interpreter and translation services: Paul Williamson, a state-certified Spanish interpreter, who was the primary interpreter in the first year; Clara Montoya, a state-certified Spanish interpreter, who was the primary interpreter in the second year; and Cathy McCabe, a federally-certified Spanish interpreter, who served as the backup interpreter during the entire pilot.

The AOC's staff team, whose skills include project management, research, information technology, and interpreter subject matter expertise, provided training and technical assistance to all sites throughout the pilot project. The AOC team also trained the interpreters to use the technology.

Equipment

After reviewing alternatives, the AOC selected the T3 Interpreter System due to its ability to support simultaneous and consecutive interpretation and sight translation. The system operates as a self-contained unit in a mobile cart, which allows court staff to move the station from one courtroom to another and set it up in minutes.⁴

The system consisted of two tiers of functionality – video and audio communication. The video, which shows the interpreter and the courtroom, was delivered over a broadband Ethernet connection and a third-party downloadable video application called VSee. Audio from the courtroom and interpreter came through a standard analog phone line and a proprietary audio control application that managed volume control and allowed the interpreter to communicate with the entire courtroom, LEP person only, or between the LEP person and his or her attorney. The system utilized wireless microphones and headsets for the LEP person and courtroom personnel.

³Courts submitted requests for remote interpreter services via email to the primary interpreter at least forty-eight hours prior to the proceeding. The primary interpreter submitted an email response confirming availability or forwarded the request to the backup interpreter. All appointments and cancellations were managed through a shared Google calendar accessible to the courts and AOC.

⁴See Appendix A for a picture of the T3 System.

National Scan of Remote Interpreting

As court budgets remain constrained and the demand for language services increases, several states have piloted or implemented audio/visual remote interpreting systems. Georgia is one of the few states without a unified court system to do so.

Throughout the project, the AOC participated in an ongoing national discussion about remote interpreting best practices, technology, and innovation.⁵ The AOC relied on resources from the National Center for State Courts, the Council of Language Access Coordinators, and other states' court administrators to understand alternative remote interpreting solutions and processes. To contextualize and inform Georgia's effort, the AOC contacted other states that have used remote interpreting systems. Through these interviews, the AOC discovered numerous similarities between Georgia and other states' experiences.

Florida (Virtual Centralized Remote Interpreting Initiative) – Florida's Ninth Judicial Circuit uses existing, unified courtroom technology to provide video remote interpreting from eight remote workstations. Interpreters use simultaneous interpretation and control the audio in any courtroom in the circuit from their computers or touch tone telephones. The Florida system works well, but technological limitations restrict where remote interpreters can be located.

Minnesota (Bi Amp Commercial Audio System) – Minnesota's goal was to reduce interpreting costs and travel time associated with brief, uncontested hearings. Many counties piloted an audio system, but one county also piloted video capability. The system was well received, but it is not being used now due to technical problems.

New York (Polycom) – New York provides interpreting services from a central location in areas where finding an interpreter is difficult. Most of its courts already had a uniform audio/visual system, so the state was able to utilize this technology with interpreters located in a central office. Uniform technology was an important part of the state's success.

North Carolina (Bi Amp Commercial Audio System) – North Carolina sought to increase its use of qualified interpreters. The state utilized an audio-only system in fewer than ten counties. Like Minnesota, stakeholders were enthusiastic about remote interpreting, but technical problems prevented its continued use.

Oregon (Polycom) – Oregon began using telephone remote interpreting in 2002, and it currently uses a Polycom system over a private statewide network. While its program is successful, Oregon faces challenges in ease of technology use and attorney-client communications.

Texas (MegaMeeting) – The Texas environment is perhaps most similar to Georgia's, since 75 percent of its counties have no state-certified interpreters. Texas purchased an audio-only remote system through a federal grant that limited its use to domestic violence cases. Texas reported difficulty in achieving court adoption of the system, but when used, courts were pleased.

After two years and fewer than twenty cases interpreted, the Texas Office of Court Administration (OCA) received a state appropriation to hire Spanish interpreters for all case types. These interpreters are available to provide remote interpreting through teleconference phones. In the first four months of the

⁵The National Center for State Courts Language Access Services Section's "Remote Interpreting Guide for Courts and Court Staff" (July 2014) is a practical reference guide including recommended best practices, an overview of existing technologies, remote interpreting system requirements, and factors to consider when providing remote interpreting.

OCA providing this service, interpreters served in 157 proceedings.

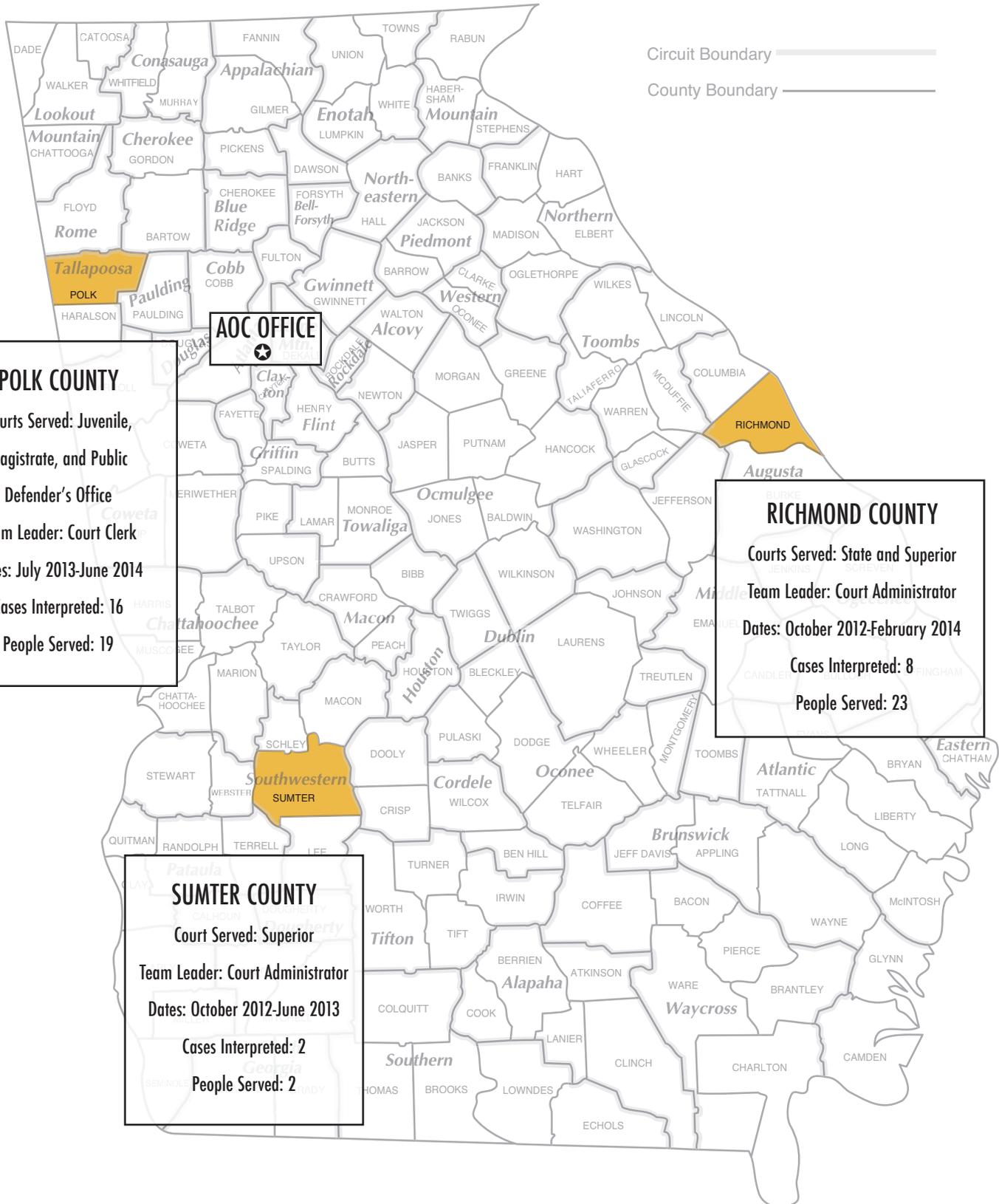
Utah (de la Mora Audio⁶) – Utah uses five audio-only remote interpreting units in rural courtrooms. The remote interpreters are located in a central, urban courthouse. Utah has been pleased with the service for short hearings, but Internet bandwidth had to be upgraded in several rural locations. Utah provides training for judges, attorneys, and clerks but continues to experience reluctance in the use of this technology.

West Virginia (QDX 6000, CMA 4000) – West Virginia’s video remote interpreting system utilizes an adapted video arraignment system linking jails to courthouses statewide. Unfamiliarity due to its use in fewer than ten cases during 2012 led to high user error with the system.

Many of the goals, program requirements, and problems described by these states are similar to Georgia’s experience. The environmental scan demonstrates that while remote interpreting is desirable, many states are still struggling to perfect its implementation.

⁶de la Mora Audio also produces the T3 Interpreting System that Georgia used. The systems’ audio functions are identical, but Utah’s technology does not include video or sight translation capabilities.

Pilot Site Profiles



Site Preparation

Before the pilot began, participating courts completed a questionnaire to determine their level of need. The AOC questioned courts about the frequency of LEP court users and the availability of certified court interpreters. Additionally, stakeholders in participating counties provided information regarding the current state of their courts' interpreting programs and their feelings about remote interpreting.

The AOC required the courts to undergo information technology consultation and staff training before they could use the remote interpreting system.

This ensured that the courts met all technical requirements and that staff had adequate knowledge to operate the system without AOC assistance. After installation, each court was required to conduct a training session with its staff, the AOC, the interpreters, and the vendor. The training demonstrated how to use the system, and court staff participated in a mock court hearing with an LEP court user. The sessions provided an opportunity for information technology staff to work through any remaining technical issues and for interpreters and staff to become familiar with the equipment in a relaxed atmosphere.

Table 1: Pilot Sites Demographics and Caseload, 2012⁷

	Richmond County		Sumter County Superior Court	Polk County Juvenile Court
	Superior Court	State Court		
Total Population	202,587		31,554	41,188
Spanish Speaking Population	11,750 (5.8%)		2,177 (6.9%)	5,149 (12.5%)
Case Filings	7,670	31,221	1,660	519

⁷The United States Census provided population data for the three counties, while local court clerks reported caseload data directly to the AOC.

Project Evaluation

Methodology

The AOC collected data through:

1. Directly observing interpreted court proceedings from the AOC office and at the county courthouses;
2. Interviewing the stakeholders who interacted with the remote system, including judges, interpreters, clerks, prosecutors, public defenders, and information technology staff; and
3. Collecting invoices completed by interpreters detailing the number of hours interpreted, clients served, and type of court proceeding.

Findings

Courthouse stakeholder feedback from questionnaires, observations, and interviews is summarized thematically below.

Quality of Interpretation

1. Some courts occasionally used non-certified interpreters prior to the pilot when they could not obtain a certified interpreter without further delaying the case. Non-certified interpreters included probation officers, sheriff's deputies, family members of court users, and lay people from local restaurants. An *Atlanta Journal-Constitution* article shows that this practice is not uncommon, even in the Atlanta metropolitan area.⁸
2. Courts reported using telephonic interpreting services instead of in-person interpreters. These on-demand services can be low cost, but the court does not know the training or qualifica-

tions of the interpreter. The court also must use any interpreter who is available to answer the call, prohibiting the court from becoming familiar with the interpreter. Courts appreciated that the pilot project provided them with one primary interpreter, allowing them to become comfortable with the interpreter.

3. Court administrators noted that the remote system prevented conflicts of interest that often arise in cases involving LEP persons. AOC staff observed court proceedings where LEP court users would bring a family member to interpret for them. Having the remote system allowed courts to utilize a neutral, certified interpreter without rescheduling the case.
4. Some judges were frustrated by what they view as hyper-regulation of court interpreting, requiring state-certified interpreters for all court proceedings. They believe that local, non-certified interpreters perform their work adequately even though they may not have the knowledge or resources to pass the state certification tests.

Technology

1. For the video technology to work seamlessly and not freeze, AOC and county IT departments had to isolate computer network bandwidth for the remote interpreting system. While video quality never affected court proceedings, the interpreters did express frustration with interrupted video. A lack of video prevented the interpreter from seeing the LEP person's body language and expressions, which they believe are integral to accurate interpretation.

⁸Fox, Pat. "High cost of interpreters hits local courts." *Atlanta Journal Constitution*, July 30, 2010. www.ajc.com/news/news/local/high-cost-of-interpreters-hits-local-courts/nQh2n/.

2. The T3 audio worked without interruption but required a dedicated analog phone line, which is not typically available in newer courthouses. Two locations had to install an additional analog line before the system could be used.
3. The T3 system required minor adjustments throughout the project, e.g., tightening screws, securing wires, and adjusting camera angles. In some instances, local court personnel could resolve the issues, but AOC IT personnel assisted in others.

Training and Ease of Use

1. Judges, clerks, administrators, attorneys, interpreters, and IT staff unanimously agreed that, with proper training, anyone could use the remote interpreting system. Judges in particular were concerned that they would need technical knowledge of the system, but after training and several uses, their fears subsided.
2. Training is a critical part of implementing a remote interpreting system to ensure all parties understand the technology. Even after implementation, written instructions and procedures increased effectiveness and satisfaction.
3. The T3 system easily accommodated simultaneous and consecutive modes of interpreting with one attorney and one LEP court user. On several occasions, courts used the equipment with multiple LEP parties and their attorneys, requiring consecutive interpretation over the courtroom speakers. Some judges also requested the interpreter to use only the consecutive mode of interpretation.

Utilization and Business Process

1. The AOC team used demographic and survey data to locate counties that needed interpreting services, led stakeholder meetings, and offered training and continuous support to each remote site. Despite these efforts, system usage never achieved levels anticipated at the project's inception. During the two years of the pilot, the remote system was used fewer than twenty times. Richmond and Sumter counties did not have the volume of LEP court users they anticipated when selected for the project. This may be due to shifting demographics or other factors outside the courts' control. Although it had greater usage than the other locations, Polk County rarely used the system more than once per month.
2. Frequent system use is critical for familiarity and prevention of user errors. The system was underutilized, increasing cost per use and preventing familiarity and efficiency.
3. Courts experienced challenges adjusting their business practices to take full advantage of the remote system. Not identifying a need for an interpreter early in the process perpetuated rescheduling and case delays.
4. During the pilot, courts arranged interpreting sessions directly with the interpreters. Scheduling required them to have advance notice that a court user required interpretation. While this worked well in most cases, court staff expressed the desire for a truly on-demand system, eliminating the need for advanced scheduling.

Cost

1. Though agreeing on the need for interpreting services and being supportive of the pilot, some judges lamented that their counties do not have enough resources to afford certified interpreters. They noted the lack of local, qualified interpreters and the inability to know when an interpreter will be needed. They explained how non-certified alternatives help avoid delays that can unnecessarily keep people in jail or without protection orders.
2. When courts used certified interpreters, they were often doing so at great expense. Due to the lack of certified interpreters in parts of Georgia, courts often paid for certified interpreters' mileage and travel time in addition to direct services. Even in urban locations, interpreting services can be costly.

Cost Comparison

Using pilot interpreter invoices and Polk County's pre-pilot interpreter invoices, staff compared the costs of the two systems.⁹ For the purpose of the cost comparison, the costs below indicate what Polk would have paid for the remote system and interpreters without the state appropriation and AOC financial assistance. The table compares only interpreting costs and remote system costs; it does not include the cost of court and AOC personnel, training, utilities, and other items.

Table 2 shows Polk County Juvenile Court's interpreting costs for June 2012 to February 2013 and for the same period in 2013 and 2014. Mileage and travel

reimbursement made up more than 34 percent of Polk's pre-pilot interpreting costs. Polk paid over twice as much for mileage and travel pre-pilot than all interpreting services costs during the pilot.

Due to initial equipment costs, the remote system costs more to operate in the first year of use than the cost of paying interpreters to travel to court when needed. Assuming Polk County averages more than \$4,000 per year in costs for interpreters' time, mileage, and travel, the county would recoup the cost of purchasing a remote system in approximately seven years.

Table 2: Pilot Project Cost Comparison

Polk County	Pre-Pilot Project (2012-2013)	Remote Interpreting (2013-2014)
Interpreting Time	\$2,860	\$630
Mileage	\$715	\$0
Travel Time	\$790	\$0
Remote System	\$0	\$29,846
Total Cost	\$4,365	\$30,476

⁹The AOC utilized Polk County data because it was the only county with sufficient use of the remote system to justify an analysis, and it was the only county with detailed records on the cost of previously interpreted cases.

Findings Summary and Recommendations

Stakeholders in all three counties unanimously agreed that interpreting services are essential to LEP people's access and fairness in the courts. Judges, clerks, and administrators in each county were supportive of the pilot project and believed it could help their courts. The interpreters contracted by the AOC also felt strongly about the remote system and its potential to address inadequate court services. All stakeholders were satisfied with the remote interpreting system and agreed that: given the proper training, the system was easy to use despite minor technical issues; and remote interpreting provided the same service level as in-person interpreting to the court user.

However, the benefits of the technology used in the pilot may not be offset by the cost. Without significant usage, courts will find it difficult to justify the purchase of the equipment. Lower cost equipment and on-demand services for remote interpreting are entering the market; however, these alternatives do not allow for the multiple modes of interpretation or the audio control that the T3 does.

Based on observations, interviews, and data collection, AOC staff concludes that Georgia's courts are not ready for widespread adoption of video remote interpreting. The pilot demonstrated that remote interpreting provides quality services to courts but not at a lower cost than they were previously paying (if equipment is not provided by the AOC).¹⁰ Before the state or local courts invest more resources into remote interpreting technology, the AOC recommends the following items be considered.

1. Utilization – Most courts' case management systems do not track the number of cases in which an interpreter is needed. This prevents courts from making data-driven decisions about budgets and resources needed for interpretation. Without clear numbers of LEP court users and their primary languages, courts and the state will not be able to recommend solutions. Courts cannot rely on anecdotal evidence or best estimates. Courts must work with all stakeholders to ensure better data at the local level.
2. Business Processes – Courts must be willing to consider and adopt new business processes to prevent case delays when a court user needs an interpreter. Courts should identify a litigant's or witness's need for an interpreter at the earliest possible time to allow efficient scheduling, whether using in-person or remote services.
3. Cost – Most remote interpreting systems, like many new technologies, require significant initial investment in equipment and training or in uniform court technology. Courts must be able to evaluate costs and benefits prior to purchasing a remote interpreting system as a primary method to provide language services.
4. Alternative Technology – Courts may wish to explore the new, on-demand, remote interpreting technologies that provide audio/video interpretation through iPads and similar devices. These products do not have the advanced audio capabilities that the T3 does, but most employ existing (or easily purchased)

¹⁰This analysis is based on use of the T3 Interpreting System.

technology. Additionally, vendors that charge based on time increments will build an on-demand pool of state-certified interpreters.

5. State-funded Interpreters – The AOC should explore any state or federal funding options to pay for interpreters who could be available to courts remotely. Texas has demonstrated that courts are willing and pleased to use state-certified interpreters through teleconference capabilities.
6. Availability of Interpreters – Courts outside the metropolitan Atlanta area struggle to find state-certified interpreters near their courts. The Commission on Interpreters should explore outreach to rural and suburban areas to encourage bilingual people to become trained and certified as interpreters. While technology is improving, certified, in-person interpreters will always be the preferred method for court interpretation.¹¹

¹¹The National Center for State Courts will produce a national directory of interpreters who can work remotely by January 2015.



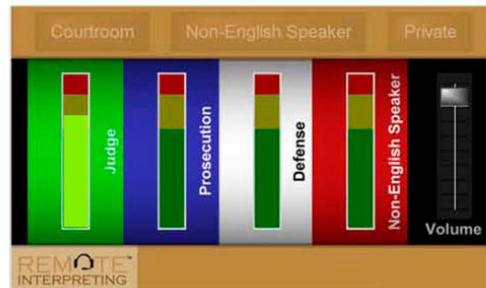
Appendices

APPENDIX A: T3 Remote Interpreting System



QUICK SETUP GUIDE

T3 MULTI-ROOM REMOTE INTERPRETATION CART



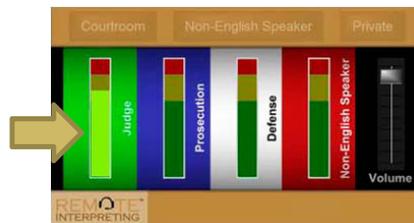
1. PLUG IT IN

Make sure that the T3 is plugged into a wall outlet, and that the phone jack in the back is plugged into a dedicated analog telephone line. The T3 HD also needs a wired connection to the internet for the video mode. The handset should produce a dial tone when lifted. Press the power button on the lower right-hand corner of the interface to activate it.

2. PASS THE MICS

The display should correspond to the cutout below. Remove each microphone and activate using the button on the front.

The corresponding VU meter will move on the screen.



Connect the lapel microphones to the corresponding headsets as pictured. After clipping the mic to the metal frame, make sure to connect the cable securely. Put the green mic near the judge's bench, and the white headset on the table near the defense. Put



APPENDIX A: T3 Remote Interpreting System

the red headset near the podium where the NES will have easy access to it, then place the blue mic near the prosecution.

3. PLACE THE CALL

You are now ready to begin remote interpretation. Lift the handset and dial the interpreter's number. After confirming the interpreter is on the line and ready, press the star (*) key and replace the handset. The interpreter will now conduct the remainder of the session remotely.

4. CONNECT WITH VIDEO

Touch the larger screen on the front of the machine to activate it. Tap on the video icon in the upper right hand corner of the screen to open the address book. Select the desired contact and click the video icon to initiate a video call. Please note that the audio is still being transmitted independently through the phone system.

UPON COMPLETION

The session is terminated when the interpreter disconnects the call. BEFORE HANGING THE HEADPHONES ON THE PROVIDED HOOKS, BE SURE TO RETURN ALL FOUR MICS TO THEIR CHARGING STATION TO ENSURE A FULL CHARGE. The T3 Multi-room unit must be left plugged in at all times. If the unit needs to be moved, be sure to reconnect it once it has been relocated.

APPENDIX B: Technological Requirements

For the interpreter:

- Laptop
- HD web cam
- Standard phone line with headset

For the court:

- Dedicated broadband Internet connection
- Analog phone line
- Power source

Included with the T3 System:

- Two laptops
- A sound mixer
- A wireless transmitter
- Four wireless microphones
- Two headsets



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Marla S. Moore
Director

RE: CJCC

DATE: September 10, 2014

Attached for your information is a notice from the Criminal Justice Coordinating Council (CJCC) about the Georgia Crime Victims Compensation Program. Please contact Nicole Jenkins, CJCC's Victim Services Division Director at nicole.jenkins@cjcc.ga.gov or at 404-657-2212 for more information about the referenced training.



YOU'RE THE KEY!

Victims Compensation Training Coming Soon! As you know victims, including the most vulnerable in our society are touched by violent crime every day, and thousands of Georgians become victims of crime each year. Unfortunately, many are unaware of the resources available to them through the Georgia Crime Victims Compensation Program (CVCP).

We need your help! You are the key to identifying eligible victims and making sure that victims and their families are successfully connected to the CVCP! For instance, did you know that:

- Immediate family members of a homicide victim can receive up to \$3,000 for counseling to cope with the loss of their loved one?
- Someone who witnessed a crime or was threatened with a physical injury or death can receive up to \$3,000 for counseling to help them to deal with the trauma associated with that experience?
- The next of kin to victims of vehicular homicide caused by a DUI may request a memorial sign be placed at the crash site or in close proximity of the crash site?
- The Georgia Crime Victims Compensation Program can pay for Forensic Medical Examinations and Forensic Interviews?
- The Georgia Crime Victims Compensation Program has new statutes that allow victims longer timelines to file a claim?
- The Georgia Crime Victims Compensation Program helps victims obtain their restitution monies in cases where a victim of a violent crime was awarded restitution but has not been claimed within 2-years of being ordered?
- Last year the Georgia Crime Victims Compensation Program paid over \$17.5 million dollars to victims and their families?

Unfortunately, many crime victims are not aware of CVCP's services. In an effort to ensure eligible crime victims are made aware of services, the CVCP will soon be hosting a training and networking event that will 1) provide an overview of the CVCP and 2) introduce you to some exciting program changes. The CVCP is looking to partner with you in a stronger way, and we believe this event will be a catalyst for joining efforts with victim advocates, law enforcement and others that advocate on the behalf of victims!

We will announce a training date soon! Until then, if you have any questions about this opportunity, please contact Nicole Jenkins, Division Director of the Victim Services Division of the Criminal Justice Coordinating Council at 404-657-2212 or by email at Nicole.Jenkins@cjcc.ga.gov.



Court of Appeals

Memorandum

To: Judicial Council of Georgia

From: Chief Judge Herbert E. Phipps 

Subject: Report of the Court of Appeals of Georgia

Date: September 25, 2014

Since the last Judicial Council Meeting in June, the Court of Appeals has filled a new Central Staff attorney position and has hired another staff person in our Clerk's office. These hires were long overdue and were critical additions to our staff.

Our Rules Committee is continuing its work. We made rule changes regarding Pro Hac Vice - that's "Courtesy Appearance." We have coordinated closely with the Supreme Court on this rule change. Once passed, those applying for Pro Hac Vice admittance will pay \$200 directly to the State Bar Foundation's Indigent Defense Fund. Other rules that went into effect during the last couple of months concern fee waivers for incarcerated pro se applicants or appellants.

We have digitized our Emergency Motions process. The Court has approved electronic filing of emergency motions and we anticipate rolling out the process by year end. Currently, all emergency motions are scanned in and the Court uses no paper in the process.

We have reviewed and revised our records retention and management processes. We previously held records after an appeal for as long as anyone requested. Our new remittitur notice and process has changed so that we now only hold a record for longer than a year if there is a special request, and then only for an additional six months. We will hold it longer, but there must be continuing requests every six months. We also have eliminated any paper storage of emergency motions.

We are presently re-writing the Citizen's Guide to Appeals to make it more "user friendly." Similarly, we are re-writing our "Guide for Trial Court Clerks in Preparing and Transmitting Records to the Court of Appeals of Georgia." Additionally, we are beginning to prepare checklists for practitioners to help them avoid common mistakes.

This year's budget request will include money to digitize about 1,000 rolls of microfilm that contain docket data. Our goal is to put that data into .pdf searchable form. It will eliminate the need for antique film readers and printers and make research quicker and easier.

Upcoming rule changes will include: reducing the need for an original and two copies of applications and requiring only an original and one copy; requiring all Georgia attorneys to e-file; allowing e-filings of applications, and many more.

Our IT section is constantly improving our web page and docket. Most recently they digitized the method by which media outlets apply to record our oral arguments. We have embraced technology and will continue to move from paper to digits.



Council of Superior Court Judges of Georgia

Suite 104, 18 Capitol Square, Atlanta, Georgia 30334

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

Council of Superior Court Judges Report to Judicial Council September 2014

The Council of Superior Court Judges met for its semi-annual conference and continuing education seminars in Savannah, Georgia, July 28-31, 2014. Guest speakers included the Lieutenant Governor Casey Cagle and Georgia House of Representatives member Jay Powell, who chairs the House Appropriations Subcommittee over the Judicial Branch's budget. Almost 200 superior court judges and senior judges registered for the conference, which provided training seminars on such topics as managing high-conflict people in court, sealing of court records, screening domestic violence indicators, and updates on evidence code changes. Judges were also trained on how best to implement court performance measures developed by the National Center for State Courts. A special treat was a humanities presentation by Savannah attorney Sonny Seiler.

Superior courts welcome five new recently elected judges to the bench. Jane Barwick will replace Judge Cindy Wright of the Atlanta Circuit; Ann Harris will replace Judge Jim Bodiford of the Cobb Circuit; Brian McDaniel will replace Judge Frank Horkan of the Southern Circuit; Meng Lim will replace Judge Richard Sutton of the Tallapoosa Circuit; and Jim Wilbanks will replace Judge David Blevins of the Conasauga Circuit. Judge Wright, Judge Bodiford, Judge Horkan, and Judge Sutton are all retiring effective January 1, 2015.

Former Superior Court Judge Ronnie Joe Lane also retired effective July 1, 2014. Upon his retirement, he took the position of Executive Director of the Judicial Qualifications Commission. Judge Jim Osborne has also announced his retirement to be effective October 1, 2014.

Judge Jim Cline passed away on August 21, 2014. Judge Cline was a devoted judge and an avid outdoorsman whose undergraduate degree was in wildlife management. Judge Cline graduated from Walter F. George Law School at Mercer University and became a judge in 1995. He left behind one adult son and many friends. He was 62 years old.

Senior Judge William Chason also passed away on July 16, 2014. He became a judge in 1982 and took senior status in 1997. He was 89 years old.

As of July 2014, Superior Courts had 84 accountability courts, an increase of 38 courts since July 1, 2011. More courts continue to be added throughout 2014. Felony accountability courts saved Georgia taxpayers \$23 million in 2013.

The State Bar of Georgia and Institute of Continuing Judicial Education provided a two-day continuing education seminar for law clerks on August 26-27, 2014. Topics included recent developments in the enforcement of traffic laws, updates to calculators and worksheets for Georgia's child support guidelines, new developments in animal cruelty laws, legal and practical issues relating to the appointment of court interpreters, and updates on the new evidence code.



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

244 Washington Street, S.W.
Suite 300
Atlanta, GA 30334
404-651-6204 • FAX 404-463-5173

Staff

Bob Bray
Executive Director

Executive Committee

Judge Charles S. Wynne
President (Hall)

Judge Wayne M. Purdam
President Elect (DeKalb)

Judge Richard A. Slaby
Secretary (Richmond)

Judge J. Kelly Brooks
Treasurer (Charlton)

Judge Linda S. Cowan
President (Clayton)

District 1
Judge Leon M. Braun, Jr. (Liberty)

District 2
Judge J. Kelly Brooks (Charlton)

District 3
Judge Richard T. Kent (Colquitt)

District 4
Judge Aaron Mason (Clayton)

District 5
Alan W. Thrower (Baldwin)

District 6
Judge Joseph C. Iannazzano (Gwinnett)

District 7
Judge Wesley B. Taylor (Fulton)

District 8
Judge T. Russell McClelland (Forsyth)

Report of the Council of State Court Judges
Judicial Council Meeting
September 25, 2014

The Council of State Court Judges continues to be proud of the work of our judges in the effective handling of the criminal and civil cases that are filed in our State Courts.

Our judges handle thousands of serious criminal misdemeanor cases, including driving under the influence, boating under the influence, homicide by vehicle (2nd degree), certain crimes of violence (including family violence offenses), and various theft and drug offenses. The State Courts also have jurisdiction over numerous traffic offenses (under Title 40) and offenses specified in the Georgia Boat Safety Act (under Title 52).

There are now 20 DUI/Drug Courts, and three more in the planning stages. There are also two Misdemeanor Drug Courts. These accountability court programs are changing the lives of those addicted to alcohol and drugs. Additionally, the Hall County State Court Veterans Court is scheduled to begin operation in October, 2014.

Complex civil cases continue to be regularly filed in the State Courts for expeditious and effective handling of their litigation. Examples of such cases include products liability, medical malpractice, contract disputes, personal injury, premises liability, and wrongful death cases.

A committee of our State Court Council is presently reviewing a performance audit of probation, released by the State Department of Audits this past April, and is working on suggested "best practices" for dealing with probation, and misdemeanor sentences and enforcement in general. A presentation on these suggested best practices, as well as issues addressed in the audit, will be made at our next judicial conference of the Council of State Court Judges, which will be held from October 14 – 17, at Lake Blackshear. Additionally, a wide range of other educational topics will be presented at this conference.

Recently, three new State Court judges have been appointed by Governor Deal - - two of whom fill existing vacancies in Gwinnett and Worth counties, and one appointment filling a newly created second judgeship for Lowndes County.

From August 20 – 22, 2014, with the valuable assistance of the Carl Vinson Institute of the University of Georgia and of our Executive Director, Bob Bray, the Strategic Planning Committee of our State Court Council met to re-examine our existing Strategic Plan. Our existing Strategic Plan has served our Council well over many years; however, this three day session provided us the opportunity to explore new ideas and fresh perspectives. The revised Strategic Plan is being formalized for presentation to our Council at the Fall meeting. While

this session produced many new thoughts, our Council's basic mission, supporting the State Courts throughout Georgia in furtherance of the administration of justice, remains unchanged.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Charles S. Wynne", with a long, sweeping flourish extending to the right.

Charles S. Wynne

President, Council of State Court Judges

Council of Probate Court Judges

244 Washington Street, S.W., Suite 300

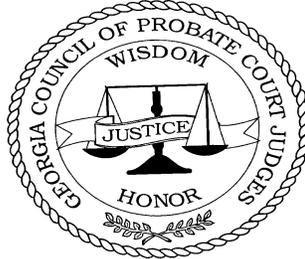
Atlanta, Georgia 30334

Phone (404) 656-5171

Fax (404) 651-6449

President - L. CHASE DAUGHTREY
Cook County, Adel, GA 31620
Phone (229) 896-3941
Fax (229) 896-6083

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



President-Elect – DON WILKES
Emanuel County, Swainsboro, GA 30401

1st Vice President – ALICE W. PADGETT
Columbia County, Evans, GA 30809

Immediate Past President – KELLEY POWELL
Henry County, McDonough, GA 30253

Report to the Judicial Council of Georgia September 25, 2014

The following report is a summary of current initiatives by the Council of Probate Court Judges (CPCJ):

READY Campaign

The Council of Probate Court Judges (CPCJ) launched a campaign to incentivize its judges moving forward while raising awareness of the role Probate Courts play in the lives of everyday Georgians. The READY campaign, the innovation of Judge Daughtrey, unveiled at the Council's spring conference in April is still moving forward. The components of the READY campaign are:

Respect

Education

Assemble

Determined

Yield Results

Probate Judges Benchbook, Criminal Benchbook, and the Revised Probate Judges Handbook

The updates of the Probate Judges Benchbook and Revised Handbook for Probate Judges are complete with statutory changes resulting from legislation in the 2014 session. The resources are available on CD and in binder format for Council members. The Handbook is available for purchase by the public.

Additionally, the Council has contracted for the revision of the Criminal Benchbook for probate judges with traffic and criminal jurisdiction. It too will be updated thru the CY14 session.

Strategic Planning Meeting

As an essential element to assuring the solidity and yearly development of the CPCJ and the services and representation it provides its membership, executive committee members and committee chairs met to examine the changing role of the court as well as the changing needs of the public and to structure initiatives to meet these needs. Several items on the agenda included Public Relations, Committees, Legislative Initiatives, the Viability of the Probate Courts and Council Staffing. Participants met August 27th -29th in St. Simons, Georgia.

Standard Forms Amendments (GPCSF)

The Council continues to revise its standard forms so that they reflect current law and are compatible with current word processing standards. The CPCJ Rules and Forms Committee met September 5th to discuss and review amendments to Georgia Probate Court Standard Forms [4, 5, Supplement 5 and Cumulative List], that are scheduled to take affect January 1, 2015, for presentation to its membership for approval at the Council Business meeting in October. Members also reviewed and discussed amendments to GPCSF's [6, 10, 19, 28, 30, 35, 65, Supplements 1, 2, 3, 4, 6, 7 and Cumulative List], scheduled to take affect July 15, 2015.

Legislation

The Council is currently in the process of solidifying its 2015 legislative initiatives and has presented a tentative legislation to the Judicial Council Policy Committee. Items of interest to the Council are as follows:

Fish and Game OCGA§ 15-9-30.3

The purpose is to clean up language that is contradictory and to clarify the jurisdiction of the probate court as it relates to Fish and Game violations and the roles that probate courts play in processing those cases. The CPCJ has been working with the Law Enforcement Division of the Department of Natural Resources on this matter.

Disclosure of AIDS Information OCGA§: 24-12-21

The purpose is to exempt the probate courts from the processes under O.C.G.A. § 24-12-21 for authority to disclose AIDS confidential information related to an order to apprehend a person needing a mental health evaluation under O.C.G.A. § 37-3-41. The present process under O.C.G.A. §24-12-21 greatly impedes the time sensitive procedure under O.C.G.A §37-3-41 and results in a potential harmful delay to the person alleged to be in need of a mental health evaluation and the community.

As the 2015 legislative session approaches, we anticipate still being watchful on a number of issues. We will continue to support a bill that provides for a technology fee that is accessible by all the courts.

Attorney Generals Official Opinion Request

The Council has requested an *official* opinion as it relates to the issuance of Weapons Carry Licenses in House Bill 60 (O.C.G.A. § 16-11-129). There are three areas where ambiguous language is contained and the Council has requested clarity:

1. When a person applies for a renewal license, but the current license was issued in another county, should the application be treated as a new weapon's carry license?
2. Must the probate court request a fingerprint based background check for people applying for renewal licenses?
3. Subsection (b)(2) prohibits weapons carry licenses for any person under 21 years of age, unless he or she is at least 18 years old, has completed basic training in the U.S. armed forces, and is actively serving in the armed forces (or has been honorably discharged). Does this subsection prohibit members of the (1) Army National Guard, (2) Army Reserve, (3) Navy Reserve, (4) Marine Corps Reserve, (5) Air National Guard (6) Air Force Reserve, or (7) Coast Guard Reserve from being issued a license, if they are at least 18 years old and have completed basic training in the U.S. armed forces?

Issuance of Weapons Carry Licenses and Police & Sheriffs Press Inc. Integration

The CPCJ and PASP is currently working on integrating the courts case management systems with their

system in an effort to reduce the duplicate entry of data when processing a WCL Applications. They full implementation should completed by years end.

Continuing Judicial Education

The Council is scheduled to hold its annual fall training in Savannah, Georgia from October 13-16, 2014 in conjunction with the County Officers Association of Georgia (COAG). The training sessions are conducted through ICJE, probate topics being presented are as follows:

1. Update on addressing questions associated with weapons carry license issuance and conflicts created by new GA legislation, to include anomalies confronted when handling data from the FBI's National Instant Criminal Background Check Services
2. Update on recent developments in GA Elder Abuse investigations, support resourcing, and appropriate intervention
3. Review of how a bill becomes a law according to GA legislative procedure; and introduction to visitation program for wards where guardian is Adult Protective Services.

Next Meeting Date

The next Executive Meeting is scheduled for October 14, 2014, in conjunction with the Fall Conference of the County Officers Association of Georgia in Atlanta, Georgia.



Georgia Council of Municipal Court Judges
244 Washington St., S.W., Suite 300
Atlanta, GA 30334-5900
(404) 656-5171
Fax (404) 651-6449

**Report to the Judicial Council of Georgia
September 25, 2014**

Among the current initiatives and projects of the Council of Municipal Court Judges are:

Leadership Session

As a critical component in assuring continuity in leadership and the yearly development of the CMuniCJ and the services and representation it provides its membership, representatives from the Council met in Eatonton, Georgia, for a two day session in July. Held annually following the election of new leadership, its purpose is for the President and other officers of the Council to share their vision for the upcoming year and to hold discussions regarding any pertinent association initiatives from the previous year(s) and those moving forward.

20th Year Anniversary

The Council of Municipal Court Judges which was created by law in 1994 celebrated its 20th year of existence in June during the annual summer ICJE Law and Practice Update Conference. Members memorialized the occasion by holding a reception with invitations being extended to Judicial Council members, the Supreme Court of Georgia, The Court of Appeals, Past Presidents of the Municipal Judges Council and Georgia Municipal Association (GMA) representatives. Presiding Judge John J. Ellington of the Georgia Court of Appeals spoke to the assembled judges at the event. Special guests present included Judge Chase Daughtrey, President, Council of Probate Court Judges; Judge Betsey Kidwell, Immediate Past President, Council of Magistrate Court Judges (CMagCJ); Judge Allen Wigington, President, CMagCJ; and Representative-Elect Jeff Jones (R-167).

Continuing Judicial Education

The Council is scheduled to hold its annual fall Law and Practice Seminar October 8-10, 2015, in Athens, Georgia, conducted through the Institute of Continuing Judicial Education (ICJE). The three day program will provide training for those serving as of January 1, 2014, in addition to recertifying judges. The curriculum will include Ethics and Professionalism, including Disqualification and Waiver; Maintaining Open Courtrooms; CourTools; Treatment Court 101; Department of Drivers Services (DDS) Update; Case Law Update; Pre-Trial Diversion-Conditional Release-Expungement; Drugged Driving Issues; Pharmacological Effects of Alcohol; Immigration Issues; Veteran Issues; Probation Issues & Revocation; Bond Forfeitures-Benchbook Update; Judicial Ethics and Uniform Rules; an Evidence Code Update; and *Community Outreach: What can you do?*

The Council will also hold its Executive Committee, Business Update and Training Council meetings during this conference.

Legislation

For the 2015 session of the General Assembly, a final legislative agenda of the Council awaits action by the Executive Committee of the Council at its meeting on October 10, 2014. However, several items of interest to the Municipal Court Council were introduced at the most recent Judicial Council Policy and Legislative Committee meeting. The Council of Municipal Court Judges has expressed an interest for examination of a statutory initiative to establish a writ of remittitur or remand in cases which have been transferred from Municipal Courts, subsequent to a defendant's jury demand, when following such transfer the defendant then waives the right to a jury trial in the transferee court. Such legislation would serve to address problems related to forum shopping and would hopefully be of assistance to transferee courts in the management of their calendars. This initiative, per the request of the Judicial Council Policy and Legislative Committee, is currently being revised and edited.

Yet another major legislative initiative of the Council is the statutory establishment of uniform fixed terms of service for Municipal Court Judges. Draft legislation has already been prepared by the Council in this regard.

Additionally, the Council suggests that legislation be enacted to designate Municipal Courts as courts "of record." Georgia's Municipal Courts already possess characteristics of such courts in that their acts and judicial proceedings are enrolled or recorded and the Municipal Courts have power to fine or imprison for contempt. The courts' judgments maybe appealed, and they possess a seal. Accordingly, our Council believes that a designation of Municipal Courts as courts "of record" is appropriate at this time.

Another area of legislative interest deals with the matter of prosecutors in Municipal Courts. In 2012 a statute was enacted which authorized the governing authority of a Georgia municipality to create the office of prosecuting attorney for Municipal Courts. O.C.G.A. §15-18-91(a). That statute however does not mandate the creation of such office. Our Council suggests that O.C.G.A. § 15-18-91(a) be amended accordingly to require the creation of the Office of Municipal Court Prosecutor.

Our Council also suggests that O.C.G.A. § 24-13-24, dealing with service of subpoenas, be amended so as to authorize subpoena service by electronic means to law enforcement officers in criminal cases. Our Council is of the opinion that such a procedure is patently feasible and merits serious consideration.

Moreover, the Council will monitor any future proposed legislation relating to modifying the requirements connected to the state-wide probation system and agreements for private probation services. This service is an integral part of criminal procedures in the Municipal Courts. Members have committed to working with all of the stakeholders in this process and resolve to continue to be involved in these efforts as it impacts the Municipal Courts of Georgia.

Next Meeting

The Municipal Judges Executive Committee is scheduled to meet October 10, 2014 in Athens, Georgia, in conjunction with the ICJE Law and Practice Update.