

JUDICIAL COUNCIL OF GEORGIA

General Session

Wednesday, July 22, 2009

State Bar of Georgia

1:30 p.m.

*Conference Center
Room ABCD*



Luncheon

12:30 p.m.

Auditorium

*104 Marietta Street
Atlanta, GA 30303-2743*

**Directions to State Bar of Georgia
104 Spring Street, N.W.
Atlanta, GA 30303**



From the North on 75-85

Take the Williams Street Exit - 249-C and veer to right. Follow approximately one mile until it dead ends into Andrew Young International Boulevard. Turn right onto Andrew Young International Boulevard. Go one block and turn left at next light which is Centennial Olympic Drive. Go to Martin Luther King, Jr. Drive and turn left. Go to Spring Street and turn left. Parking deck entrance is off of Spring Street BEFORE you get to Marietta Street.

From the East on 1-20

Take the Windsor-Spring Exit - 56-B. Turn right onto Windsor Street which becomes Spring Street. Parking deck entrance is off of Spring Street BEFORE you get to Marietta Street.

From the West on 1-20

Take the Windsor-Spring Exit. Turn left on Spring Street. Parking deck entrance is off of Spring Street BEFORE you get to Marietta Street.

From the South on 75-85

--At Turner Field, exit right at Exit 246 (Capital Avenue/South Fulton). At first traffic light, turn left on Fulton Street. At 5th traffic signal, turn right on Windsor Street, which becomes Spring Street. Parking deck entrance is off of Spring Street BEFORE you get to Marietta Street.

Judicial Council of Georgia
State Bar of Georgia
Atlanta, Georgia

Wednesday, July 22, 2009

1:30 p.m.

Lunch will be served at 12:30 p.m.

1. **Introductions and Preliminary Remarks**
(Chief Justice Carol W. Hunstein, Est. Time — 5 Min.)

2. **Approval Minutes** Tab 1
(Chief Justice Hunstein, Est. Time — 5 Min.)
 - A. **December 8, 2008**
 - B. **June 5, 2009**

3. **Reports:**
 - A. **Nominating Committee** Tab 2
(Chief Judge Lawton Stephens, Est. Time — 5 Min.)

 - B. **Committee on Court Reporting Matters** Tab 3
(Chief Judge William Boyett, Est. Time — 10 Min.)

 - C. **Standing Committee on Drug Courts** Tab 4
(Debra Nesbit, Est. Time — 5 Min.)

 - D. **Standing Committee on Policy & Legislative Update** Tab 5
(Debra Nesbit, Est. Time — 5 Min.)

 - E. **Judicial Workload Assessment Committee** Tab 6
(Kevin Tolmich, Est. Time — 15 Min.)

 - F. **Georgia Commission on Dispute Resolution** Tab 7
(Shinji Morokuma, Est. Time — 15 Min.)

 - G. **Justice for Children Committee Report** Tab 8
(Michelle Barclay, Est. Time — 5 Min.)

 - H. **Child Support Commission** Tab 9
(Jill Radwin, Est. Time — 5 Min.)

 - I. **Civil Justice Committee** Tab 10
(Jill Radwin, Est. Time — 5 Min.)

*******Break – 10 Min.*******

- J. Budget Matters** Tab 11
(Justice P. Harris Hines, Est. Time — 5 Min.)
 - K. Board of Court Reporting** Tab 12
(For Informational Purposes Only)
No Action Required by the Council
 - L. Domestic Violence Committee Report** Tab 13
(For Informational Purposes Only)
No Action Required by the Council
 - M. Court Emergency Management Committee** Tab 14
(For Informational Purposes Only)
No Action Required by the Council
 - N. Records Retention Committee Report** Tab 15
(For Informational Purposes Only)
No Action Required by the Council
- 4. Report from AOC Director**
(Mr. David L. Ratley, Est. Time — 20 Min.)
- 5. Reports from Appellate Courts and Trial Court Councils**
- A. Supreme Court**
(Chief Justice Hunstein, Est. Time — 5 Min.)
 - B. Court of Appeals**
(Chief Judge M. Yvette Miller, Est. Time — 5 Min.)
 - C. Council of Superior Court Judges**
(Judge Melvin K. Westmoreland, Est. Time — 5 Min.)
 - D. Council of State Court Judges**
(Judge Ronald E. Ginsberg, Est. Time — 5 Min.)
 - E. Council of Juvenile Court Judges**
(Judge Robert V. Rodatus, Est. Time — 5 Min.)
 - F. Council of Probate Court Judges**
(Judge Tammy Brown, Est. Time — 5 Min.)
 - G. Council of Magistrate Court Judges**
(Judge Richard T. Alexander, Jr., Est. Time — 5 Min.)
 - H. Council of Municipal Court Judges**
(Judge C. David Strickland, Est. Time — 5 Min.)

- 6. Old/New Business**
(Chief Justice Hunstein)
- A. Supreme Court Order Sunsetting All Local Rules, Standing Orders, and Internal Operating Procedures** Tab 16
(Judge David Emerson, Est. Time — 10 Min.)
- B. Accommodation of Religious Attire in Courts** Tab 17
(Chief Justice Hunstein, Est. Time — 5 Min.)
- C. Development of a Uniform Recusal Rule**
(Chief Justice Hunstein, Est. Time — 5 Min.)
- D. Presentation of the Georgia Uniform Magistrate Court Rule 16 Concerning Clerical Assistance for Pro Se Litigants** Tab 18
(Chief Justice Hunstein, Est. Time — 5 Min.)
- E. Selection Committee recommendations for AOC Director**
(Chief Justice Hunstein, Est. Time — 5 Min.)
- F. Date and Place of Next Regular Council Meeting**
Date: Friday, December 4, 2009
Place: Twin Towers, Floyd Room
- 7. Concluding Remarks and Adjournment**
(Chief Justice Hunstein, Est. Time — 5 Min.)

GROUP PHOTOGRAPH WILL BE TAKEN

Judicial Council of Georgia
Membership
July 1, 2009

Chief Justice Carol W. Hunstein
Supreme Court
Chief Justice
507 State Judicial Building
Atlanta, GA 30334
Phone:

Presiding Justice George H. Carley
Supreme Court
Presiding Justice
536 State Judicial Building
Atlanta, GA 30334
Phone: 404-656-3471

Judge Richard Alexander
Council of Magistrate Court Judges
President
Magistrate Court
Gwinnett County
Gwinnett Justice & Administration Center
75 Langley Drive
Lawrenceville, GA 30045-6900
Phone: 770-822-8081

Chief Judge John D. Allen
District 3 - Chattahoochee Circuit
Administrative Judge
Superior Court
Chattahoochee Judicial Circuit
PO Box 1340
Columbus, GA 31902-1340
Phone: 706-653-4277

Judge A. Quillian Baldwin, Jr.
District 6 - Coweta Circuit
Administrative Judge
Superior Court
Coweta Judicial Circuit
PO Box 1364
LaGrange, GA 30241
Phone: 706-883-1633

Judge John W. Bass, Sr.
Council of State Court Judges
President Elect
State Court
311 N. Broad Street
PO Box 88
Cairo, GA 39828-0088
Phone: 229-377-2424

Judge Cynthia J. Becker
District 4 - Stone Mountain Circuit
Administrative Judge
Superior Court
Stone Mountain Circuit
556 N. McDonough Street
Room 7240
Decatur, GA 30030
Phone: 404-371-2691

Judge Tammy S. Brown
Council of Probate Court Judges
President
Probate Court
Barrow County
30 N. Broad Street
Winder, GA 30680
Phone: 770-307-3045

Judge Michael C. Clark
District 9 - Gwinnett Circuit
Administrative Judge
Superior Court
Gwinnett Judicial Circuit
Gwinnett Justice & Administration Center
75 Langley Drive
Lawrenceville, GA 30045
Phone: 770-822-8609

Judge Doris L. Downs
District 5 - Atlanta Circuit
Administrative Judge
Superior Court
Atlanta Judicial Circuit
T7955 Justice Center Tower
185 Central Avenue, SW
Atlanta, GA 30303
Phone: 404-730-4991

Judicial Council of Georgia
Membership
July 1, 2009

Judge John Ellington
Court of Appeals
Presiding Judge
47 Trinity Avenue
Suite 501
Atlanta, GA 30334
Phone: 404-463-3026

Judge David T. Emerson
District 7 - Douglas Circuit
Administrative Judge
Superior Court
Douglas Judicial Circuit
Douglas County Courthouse
8700 Hospital Drive
Douglasville, GA 30134
Phone: 770-920-7227

Judge Ronald E. Ginsberg
Council of State Court Judges
President
State Court
Chatham County
Chatham County Courthouse
133 Montgomery Street, Rm 209
Savannah, GA 31401
Phone: 912-652-7556

Judge Kathlene F. Gosselin
Council of Superior Court Judges
President Elect
Superior Court
Northeastern Judicial Circuit
PO Box 1778
Gainesville, GA 30503
Phone: 404-531-6990

Judge F. Bryant Henry, Jr.
Council of Juvenile Court Judges
President Elect
PO Box 601
LaFayette, GA 30728-0601
Phone: 706-638-3044

Judge Lynwood D. Jordon, Jr.
Council of Probate Court Judges
President Elect
Probate Court
Forsyth County
112 W. Maple Street
Suite 101
Cumming, GA 30040
Phone: 770-781-2140

Judge Ronnie Joe Lane
District 2 - Pataula Circuit
Administrative Judge
Superior Court
Pataula Judicial Circuit
PO Box 636
Donalsonville, GA 39845-0636
Phone: 229-524-2149

Chief Judge M. Yvette Miller
Court of Appeals
Chief Judge
47 Trinity Avenue
Suite 501
Atlanta, GA 30334
Phone: 404-463-3032

Judge Robert V. Rodatus
Council of Juvenile Court Judges
President
Juvenile Court
Gwinnett Judicial Circuit
115 Stone Mountain Street
Lawrenceville, GA 30045
Phone: 770-619-6188

Judge Charles Paul Rose, Jr.
District 1 - Atlantic Circuit
Administrative Judge
Superior Court
Atlantic Judicial Circuit
PO Box 1246
Hinesville, GA 31310
Phone: 912-877-4770

Judicial Council of Georgia
Membership
July 1, 2009

Judge J. Stanley Smith
District 8 - Dublin Circuit
Administrative Judge
Superior Court
Dublin Judicial Circuit
PO Box 2069
Dublin, GA 31040-2069
Phone: 478-272-4131

Judge Lawton E. Stephens
District 10 - Western Circuit
Administrative Judge
Superior Court
Western Judicial Circuit
PO Box 8064
Athens, GA 30603-8064
Phone: 706-613-3175

Judge C. David Strickland
Council of Municipal Court Judges
President
Recorder's Court of Newton County
PO Box 70
Covington, GA 30015-0070
Phone: 770-786-5460

Judge Melvin K. Westmoreland
Council of Superior Court Judges
President
Superior Court
Atlanta Judicial Circuit
T4655 Justice Center Tower
185 Central Avenue, SW
Atlanta, GA 30303
Phone: 404-335-2570

Judge William A. Willis
Council of Magistrate Court Judges
President Elect
Magistrate Court
Dooley County
PO Box 336
Vienna, GA 31092-0336
Phone: 229-268-4324

Judicial Council of Georgia
Atlanta Marriott Gwinnett Place
Duluth, Georgia
December 8, 2008

Members Present:

Chief Justice Leah Ward Sears
Presiding Justice Carol Hunstein
Chief Judge Anne Elizabeth Barnes
Judge John Allen
Judge Richard Alexander
Judge Quillian Baldwin
Judge Tammy Brown
Judge John Carbo
Judge Michael Clark
Judge Doris Downs
Judge David Emerson
Judge Stephen Goss
Judge Ronald Ginsberg
Judge Connie Holt
Judge Ronnie Joe Lane
Judge Yvette Miller
Judge Paul Rose
Judge Stan Smith
Judge Lawton Stephens
Judge Tammy Stokes
Judge Steve Teske
Judge Velma Tilley for Judge Rodatus
Judge Melvin Westmoreland
Judge Anne Workman

Members Absent:

Judge Lillis Brown
Judge Robert Rodatus

Staff Present:

Mr. David Ratley
Ms. Debra Nesbit
Ms. Ashley Stollar
Debra Oliver

Ms. Billie Bolton
Ms. Elaine Johnson
Ms. Linda Smith
Ms. Jane Martin
Ms. Cynthia Clanton
Ms. Michelle Barclay
Ms. Terry Cobb
Mr. Vince Harris
Mr. Kevin Tolmich
Ms. Vonetta Pryor
Mr. Bob Bray

Guests Present:

Ms. Therese Barnes, Clerk, Supreme Court of Georgia
Judge C.J. Becker, Stone Mtn. Judicial Circuit
Judge William Boyett, Conasauga Judicial Circuit
Mr. Jeff Bramlett, State Bar of Georgia
Ms. Michelle Calhoun, Council of Superior Court Judges
Mr. Bryan Cavan, State Bar of Georgia
Mr. John Cowart, Second Judicial District Court Administrator
Judge Linda Cowen, State Court of Clayton County
Ms. Judith Cramer, Fifth Judicial District Court Administrator
Mr. Danny DeLoach, First Judicial District Court Administrator
Ms. Marsha Elzey, Council of Superior Court Judges
Mr. Steve Ferrell, Ninth Judicial District Court Administrator
Mr. Tripp Fitzner, Eighth Judicial District Court Administrator
Judge Ken Followill, Chattahoochee Judicial Circuit
Judge Kathlene Gosselin, Northeastern Judicial Circuit
Mr. Tom Gunnels, Tenth Judicial District Court Administrator
Mr. Steve Hagen, North Highland Group
Dr. Lynda Hanscome, Institute of Continuing Judicial Education
Justice Harris Hines, Supreme Court of Georgia
Mr. Eric John, Council of Juvenile Court Judges
Mr. Greg Jones, Third Judicial District Court Administrator
Ms. Sandy Lee, Council of Superior Court Judges
Ms. Cathy McCumber, Fourth District Court Administrator
Judge Arch McGarity, Flint Judicial Circuit
Justice Harold Melton, Supreme Court of Georgia
Mr. Charles Miller, Council of Superior Court Judges
Ms. Tia Milton, Chief of Staff, Chief Justice Leah Ward Sears
Mr. Shinji Morokuma, Office of Dispute Resolution

Mr. George Nolan, Georgia Courts Automation Commission
Ms. Lois Oakley, State Office of Administrative Hearings
Ms. Jody Overcash, Seventh Judicial District Court Administrator
Judge Tim Pape, Juvenile Court of Floyd County
Mr. Jim Poulakos, North Highland Group
Ms. Sharon Reiss, Council of Magistrate Court Judges
Mr. Will Simmons, Sixth Judicial District Court Administrator
Judge David Strickland, Council of Municipal Court Judges
Ms. Kirsten Wallace, Council of Juvenile Court Judges
Mr. Shannon Weathers, Council of Superior Court Judges

Call to Order

Chief Justice Sears called the meeting to order at 1:30 p.m. Welcoming all present, she acknowledged guests: Judge C.J. Becker, Judge Kathlene Gosselin, Judge Arch McGarity, Judge Velma Tilley, Justice Harold Melton and Dr. Lynda Hanscome. She asked that Council members introduce themselves followed by those seated in the audience.

Approval of Minutes

Referring to the minutes of the meeting held August 26, 2008, Chief Justice Sears asked if there were any additions or corrections. Judge Baldwin moved approval of the minutes. Judge Holt seconded. The motion carried.

Approval of ICJE Curricula

Mr. Ratley referred members to the proposed 2009 curricula for the Magistrate Courts Training Council and the Municipal Courts Training Council as submitted by the Institute of Continuing Judicial Education. Judge Lane moved approval of the training curricula. Judge Carbo seconded. The motion carried.

Reports from Judicial Council Committees

Nominating Committee. Judge Stephens, reporting for the committee, recommended that Mr. John Larkins be reappointed to the Board of Court Reporting. Judge Workman seconded. The motion carried.

Court Reporting Matters. Judge Boyett reported two proposed changes to the Bylaws, Article V, Section 2, that require action by the Judicial Council: 1) "A majority of voting

members then on the Board shall constitute a quorum;" and 2) "The voting members of the Board present, not less than five, shall constitute a quorum." Judge Downs moved that the changes be approved. Judge Baldwin seconded. The motion carried.

Board of Court Reporting. Judge Cowen stated there was no further business requiring Council consideration.

Standing Committee on Policy. Ms. Nesbit stated that a written report from the Policy Committee meeting held in November could be found in the agenda. The committee, chaired by Presiding Justice Hunstein, includes the presidents of the trial court councils and the Chief Judge of the Court of Appeals. The committee has reviewed pending and proposed legislation that may affect the judiciary and supports those measures listed in the written report. Ms. Nesbit stated that a committee meeting may be scheduled after the General Assembly convenes in January, 2009. She reported that a bill moving the employer share of retirement costs for state court judges and juvenile court judges out of the superior court budget document is planned. Judge Miller asked about legislation lowering the retirement age for appellate judges. Ms. Nesbit stated she was not aware of any proposed action in that area.

Judicial Workload Assessment Committee. Presiding Justice Hunstein called attention to a written report of two recent committee meetings where topics discussed included: definition of case-types for superior court caseload; criminal caseload totals to be supplied by superior court clerks; elimination of the Four Factor Chart; modification of judgeship request deadlines.

At the December 5 meeting, Ms. Mary McQueen and Ms. Susan Tallarico of the National Center for State Courts presented an overview of casecount methodologies used by other states. Members of the House and Senate Judiciary committees also attended the meeting. Two subcommittees were created: 1) data collection issues, chaired by Judge Phillip Brown and 2) case weight issues chaired by Judge David Emerson.

Justice Hunstein presented the following motion for Judicial Council consideration: suspend the 2009 judgeship study; no new judgeships recommendations for 2010; judgeships approved in 2008 to carry over for an additional year. Justice Hunstein noted that Rep. Wendell

Willard stated that a moratorium on new judgeships would be viewed favorably by the House Judiciary committee. She moved approval of the motion. Judge Miller seconded. The motion carried.

Georgia Courts Automation Commission. Judge Pape reviewed recent activities regarding a consensus technology plan for the courts. GCAC has been assisting each trial court council with strategic IT plans. He requested endorsement of these activities by the Judicial Council to demonstrate cooperation of all components of the judicial branch. Mr. Ratley asked if Council approval is needed for an already completed plan. Judge Pape stated that support is needed to insure continued funding of GCAC initiatives; however, all plans have not been finalized. Mr. Ratley suggested that the Council might voice support of the planning process.

Judge Workman moved that the Council endorse the GCAC IT planning process. Judge Holt seconded. The motion carried.

Justice for Children. Michelle Barclay reported that since 1994 the Justice for Children project, funded through federal and private funds, has been leading improvement efforts in juvenile court procedures for abused and neglected children. More recently, the project has addressed services to delinquent children as well. The project now administers \$1,000,000 to remedy failures in the state's protective services network brought to light in the Terrell Peterson case. She noted that Judge Lawton Stephens, Judge Anne Barnes, and former Judge Tom Rawlings have lent their support to the project. Today DFACS shares data regarding children in foster care, agency decision-making processes and duration of stay in foster care. Problems remain, but the commission continues to push for improvements that can make a difference in the lives of Georgia's children.

Child Support Commission. Elaine Johnson, Guidelines Coordinator, reported on current initiatives including: enhancements to the electronic guidelines calculator and a redesign of the Excel worksheet and schedules. Use of the former Web-based calculator will be phased out. Ms. Johnson stated that training for judges will be available locally through an arrangement with the DCAs. Commission staff will make a presentation at the Superior Court Judges winter meeting.

Mental Health Collaborative. Ms. Martin noted that the final report of the task force could be found in the agenda. Funded through a grant from the Council of State Governments, the collaborative seeks to improve court responses to mentally-ill defendants. Judges John Allen and Winston Bethel head the executive steering committee. The collaborative recommends that mentally-ill defendants be diverted from the criminal justice system to social services agencies for medical, housing and job training assistance. DHR is now providing a mental health training curriculum for sheriff's deputies in cooperation with the Georgia Sheriffs Association and the Association of County Commissioners of Georgia.

Budget Matters

Justice Hines noted that the economic downturn is affecting governments at all levels: county, state and national. The 09 and 10 budget requests, submitted in the fall, may sustain another six percent reduction, depending on the extent of the Federal stimulus package. Justice Hines stated that a Senate study committee is asking that each agency protect its core functions, but eliminate tangential functions and programs. He will be discussing Judicial Council budget issues with Lt. Gov. Cagle, Sen. Preston Smith and members of the House Budget Committee.

Director's Report

Mr. Ratley expressed appreciation to Justice Hines for his service as chair of the Budget Committee. He also commended Presiding Justice Hunstein and Justice Melton for taking on Judicial Council committee responsibilities. He announced launch of a Child Support Problem-Solving court in Coweta County under Judge John Simpson. The court will offer intensive services to noncustodial parents who owe child support.

Turning to the AOC, Mr. Ratley noted that the National Center for State Courts review of AOC constituent services had recently been mailed to all council members. The review determined that our agency's operations including programs focusing on Children, Family and the Courts are consistent with services provided by similar offices in other states. He expressed his appreciation to the senior staff of the AOC who keep the agency functioning smoothly.

Reports from Appellate Courts & Trial Court Councils

Supreme Court. Chief Justice Sears commended staff members who organized the recent Summit on Children, Marriage & the Family: Tia Milton, Debra Nesbit and Jane Martin. She noted that the University of Chicago recently found the Supreme Court of Georgia to be the most productive supreme court in the US, issuing more written opinions than any other.

Court of Appeals. Chief Judge Barnes reported that Judge Yvette Miller will be sworn-in as the new Chief Judge of the Court of Appeals on January 6, 2009. Judge Barnes continues recovery from surgery at home; she attended the recent retirement dinner for Judge Ruffin. Judge Sarah Doyle begins her first term on the court on January 8. Judge Barnes thanked everyone for their support during her tenure as chief judge.

Superior Courts. Judge Goss, citing the difficulties resulting from budget shortfalls, reported that elimination of funding for use of senior judges has made managing superior court caseloads difficult. Seventeen new superior court judges take office in January and will be attending the Winter Conference in Athens.

State Courts. Judge Carbo reported their council, now at the end of a three-year strategic plan, has met many of its goals. New state court judges will attend orientation in January. The combined caseload of all state courts in Georgia now exceeds 1,000,000 cases. He encouraged judges to participate in the National Mock Trial Championship in May.

Juvenile Courts. Judge Teske reported their strategic planning effort has been facilitated by the North Highland Group. The council recently established annual awards patterned after the state court judges Ogden Doremus Award. The Aaron Cohn Award was presented to Judge Tim Pape of Rome. The Martha K. Glaze Award will also be presented annually for service to the juvenile courts by a group or individual, not a judge. The first Glaze award recognized Mr. Eric John and the staff of the Council of Juvenile Court Judges. The council is working on a centralized juvenile court data reporting system.

Probate Courts. Judge Tammy Brown called attention to the one-page written report distributed to council members. She noted that two new guardianship videos had recently been completed; these are available in both English and Spanish versions. The probate judges are

working with ACCG on a video designed to encourage collaboration between county officers and constitutional officers. Training will take place in January for 26 newly-elected judges.

Magistrate Courts. Judge Holt noted they are working toward long and short-term goals established by their strategic plan. The council is cutting costs where feasible and will now rely on electronic meeting agendas, etc. New chief magistrates will attend Boot Camp training in January. A committee made up of Justice Hunstein, Judge Dave Wood, Judge Wade Padgett and Judge Wayne Purdom has drafted a Uniform Rule for Assisting Pro Se Litigants. The rule will be discussed at the magistrate's January quarterly meeting.

Municipal Courts. Judge Stokes stated the council is reviewing their proposed Uniform Rules of Court; when adopted the rules will apply to full and part-time municipal courts. Kevin Tolmich of the AOC is assisting with performance measures based on the NCSC CourTools pertaining to disposition rates for municipal courts and issues of access and fairness.

Old/New Business

The next meeting of the Judicial Council will take place on Wednesday, July 22, 2009 at the State Bar Headquarters in Atlanta.

Adjournment

Chief Justice Sears presented certificates to judges who will be leaving the Judicial Council prior to the July meeting: Chief Judge Barnes, Judge Lillis Brown, Judge Carbo, Judge Goss, Judge Holt, Judge Workman, Judge Stokes and Judge Teske.

Presiding Justice Hunstein presented a certificate of appreciation to Chief Justice Sears who plans to leave the court on June 30, the end of her term as Chief.

Respectfully submitted:



Billie Bolton, Assistant Director

The above and foregoing minutes were approved at the meeting held on _____ day of _____, 200_.

Judicial Council of Georgia

June 5, 2009

State Bar of Georgia

Members Present:

Chief Justice Leah Ward Sears
Chief Judge Yvette Miller
Judge John Allen
Judge Quillian Baldwin
Judge William Bass
Judge Tammy Brown
Judge John Carbo (for Judge Ginsberg)
Judge Michael Cielinski (for Judge Stokes)
Judge Michael Clark
Judge Dan Coursey (for Judge Becker)
Judge David Emerson
Judge Kathlene Gosselin
Judge Bryant Henry
Judge Connie Holt
Judge Woody Jordan
Judge Ronnie Joe Lane
Judge Robert Rodatus
Judge Paul Rose
Judge Stan Smith
Judge Lawton Stephens
Judge Kim Warden (for Judge Alexander)
Judge Melvin Westmoreland
Judge Cynthia Wright (for Judge Downs)

Members Absent:

Presiding Justice Carol Hunstein
Judge John Ellington
Judge Richard Alexander
Judge C.J. Becker
Judge Ronald Ginsberg
Judge Doris Downs
Judge Tammy Stokes

Staff Present:

Mr. David L. Ratley
Ms. Billie Bolton
Ms. Ashley Stollar
Ms. Debra Oliver
Ms. Debra Nesbit
Ms. Vonnetta Pryor
Ms. Jane Hansen
Ms. Tia Milton
Ms. Cynthia Clanton
Ms. Tee Barnes
Mr. Bill Martin

Call to Order:

Chief Justice Sears convened the meeting at 1:00 p.m. by introducing herself and asking the Council members and others present to introduce themselves.

The Chief Justice distributed a letter delivered earlier in the day to Governor Perdue in which she proposed a compromise on the June 2009 budget impasse (see attachment). She stated that the Governor had agreed to the compromise just prior to the meeting.

Discussion ensued regarding the telephone calls and other events of the morning, as well as the terms of the proposed agreement. Some judges expressed concern that only the Judicial Council itself had the authority to reach an agreement with the Governor. Some noted that promises made to the judicial branch by this governor had seldom been honored during his six years in office. Members opposed any furloughs or staff reductions for judicial branch personnel.

Judge Rose moved that the Council vote to endorse or reject the compromise agreement between the Governor and the Chief Justice. Judge Miller seconded the motion.

Before calling for a vote Chief Justice Sears asked the superior court judges to caucus on the compromise agreement. She recessed the meeting for one-half hour.

When the Council reconvened Judge Rose asked to withdraw his motion stating that the superior court judges had determined that a vote was unnecessary. Judge Miller agreed to withdraw her second.

Judge Lane moved to adjourn. Chief Justice Sears adjourned the meeting at 2:45 p.m.

Respectfully submitted:



Billie Bolton, Assistant Director

The above and foregoing minutes were approved at the meeting held on _____ day of _____, 200_.



SUPREME COURT OF GEORGIA

STATE JUDICIAL BUILDING
ATLANTA, GEORGIA 30334

LEAH WARD SEARS
CHIEF JUSTICE

(404) 656-3474

June 5, 2009

VIA HAND DELIVERY

The Honorable Sonny Perdue
Governor of Georgia
Office of the Governor
Georgia State Capitol
Atlanta, Georgia 30334

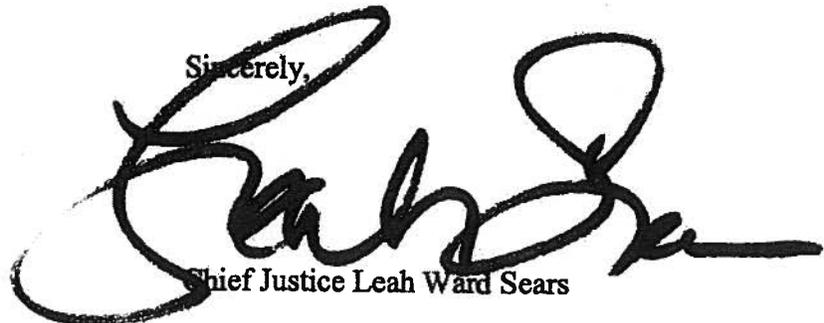
Dear Governor Perdue:

In an effort to resolve the looming fiscal/constitutional crisis that today threatens our state, I am pleased that you have withdrawn your demand to withhold 25 percent from the judicial branch's June budget allotment, and I am pleased that we are able to voluntarily accede to your request to do the same.

Please understand that to get to the 25 percent figure, we necessarily have to defer some current obligations and expenses until FY 2010, and, in some instances, we will have to make a request for those funds during the FY 2010 Amended Budget process.

I know that we are both confident in the strength of our legal positions, but I also know that as public servants our primary mandate is to do all we can on behalf of this state we both love so much. Thank you for your willingness to work with me in a way that constructively addresses a very real fiscal problem while avoiding an equally important constitutional dilemma. It is my hope that our state will be better off with this compromise.

Sincerely,



Chief Justice Leah Ward Sears

cc: Judicial Council of Georgia

Judicial Council of Georgia
Administrative Office of the Courts

David L. Ratley
Director

Memorandum

To: Judicial Council of Georgia Members

From: Judge Lawton Stephens
Chair, Judicial Council Nominating Committee

Date: June 30, 2009

Re: Board of Court Reporting Vacancies

CC: Judicial Council Nominating Committee
Judge Linda Cowen, BCR Chair
Cynthia Clanton, AOC
Stephanie Chambliss Hines, AOC
Aquaria R. Smith, AOC and BCR

The Judicial Council Nominating Committee is charged with the responsibility of reviewing all applicant resumes and recommending future Board of Court Reporting members for openings on the Board. The members of the Nominating Committee are Judge Connie Holt and Judge John D. Allen; I serve as the Committee Chair.

The Board of Court Reporting of the Judicial Council of Georgia is composed of nine members: five certified court reporters, two representatives from the State Bar of Georgia, and two members of the judiciary (one Superior Court judge and one State Court judge). The Board seats for three certified court reporters and one state court judge are currently open for appointment for terms beginning August 1, 2009. Pursuant to O.C.G.A. §15-14-24, the Judicial Council of Georgia appoints the members of the Board of Court Reporting for two year terms. Persons appointed to the Board must possess at least five years of experience in their respective professions of court reporting or law.

The individuals considered for the vacancies were as follows:

CERTIFIED COURT REPORTERS

1. **Janice S. Baker**, Certified Court Reporter and owner of Janice S. Baker & Associates, Inc., a court reporting firm. Ms. Baker has been a member of the court reporting profession since the early eighties. Ms. Baker has served as an official court reporter for 15 years in the Clayton

Judicial Circuit, first hired by the Honorable Kenneth Kilpatrick and upon his retirement, the Honorable Albert Collier. Ms. Baker served as President of the Georgia Certified Court Reporters Association and chaired its Legislative Action Committee. She was instrumental in implementing continuing education requirements for licensed reporters in Georgia. In 2000 Ms. Baker retired from Clayton County and currently works full-time as a freelance reporter.

2. **Elizabeth Cohn**, Official Court Reporter for Chief Judge Doris Downs of the Atlanta Judicial Circuit. Ms. Cohn became a Georgia certified court reporter in 1983. She obtained her Registered Merit Reporter certificate and a Certified Real-time Reporter license from the National Court Reporter Association (NCRA). Ms. Cohn has served on the Board of Directors of the Georgia Shorthand Association and is a member of the National Court Reporters Association.

3. **Linda Drake**, Official Court Reporter for municipal court of Tybee Island, GA. Ms. Drake became a Georgia certified court reporter in 1982. She obtained her Certified Verbatim Reporter license from the National Verbatim Reporter Association (NVRA) in 1994. Subsequently, she became a member to its board of directors in 1999, and president from 2003-2005. Ms. Drake has served as editor of "On the Record" newsletter for the Georgia Certified Court Reporter Association for approximately seven years.

4. **Diane Gaffoglio**, Freelance Reporter. Ms. Gaffoglio attended Brown College of Court Reporting and is a Nationally Certified Merit Reporter. Ms. Gaffoglio served on the Advisory Board of Brown College of Court Reporting and is a member of the Georgia Certified Court Reporters Association. She served as a Continuing Legal Education speaker at the State Bar of Georgia and has worked with the Testing Committee of the Board of Court Reporting as a test proctor and grade examiner.

5. **Carol Glazier**, Official Court Reporter for Chief Judge David E. Barrett of the Enotah Judicial Circuit and a partner of Appalachian Court Reporting, a court reporting firm. Ms. Glazier has been a member of the court reporting profession for more than 30 years. She served as president, treasurer, and general director of the Georgia Shorthand Reporters Association and is a member of the National Court Reporters Association.

6. **Tina Harris**, Official Court Reporter in the Atlanta Judicial Circuit. Ms. Harris has worked in Georgia superior and state courts as a freelance reporter for several years. Ms. Harris has served on the Executive Committee of the Court Reporters' Training Council of the Board of Court Reporting and is a member of the Georgia Shorthand Reporters Association.

7. **Cindy Mason**, Freelance Court Reporter and Clerk of Superior and Juvenile Court of Columbia County. Ms. Mason has been a member of the court reporting profession for ten years. During her tenure she has worked as a freelance and official court reporter for the superior, state, juvenile, and magistrate courts. In 2001, Ms. Mason was elected Clerk of Superior and Juvenile Courts of Columbia County. She is a member of the Georgia Superior Clerk's Authority Board and the Advisory Board of First Bank. Ms. Mason served as chairman of the Legislative Committee of the Superior Court Clerks Association and is a member of the Council of Superior Court Clerks of Georgia.

8. **Anita Moore**, Official Court Reporter for Judge James E. Cornwell, Jr. of the Mountain Judicial Circuit. Ms. Moore has studied at Anderson University and the University of Georgia

Continuing Legal Education Division. She has been a certified court reporter in Georgia since 1987. Ms. Moore has worked in superior, state, and magistrate courts as a freelance reporter.

STATE COURT JUDGE

9. **Judge Philip C. Smith**, Chief Judge of State Court of Forsyth County. The Honorable Philip Smith has served as a judge in the State Court of Forsyth County since 2003. Judge Smith is a member of the State Bar of Georgia and the State Board of Governors. He served on the Council of State Court Judges in 2003, as the District Attorney for Bell-Forsyth Judicial Circuit, juvenile court judge of the Blue Ridge Judicial Circuit and city court judge of Canton, GA. Judge Smith received his J.D. from the University of Georgia.

RECOMMENDATIONS

The Board of Court Reporting recommended the following individuals to fill the vacancies: Chief Judge Phillip C. Smith; Janice Baker; Carol Glazier; and Tina Harris.

On May 11, 2009, the Judicial Council Nominating Committee thoroughly considered all of the applicants and the Board's recommendation. I will announce the Nominating Committee's decision at the July 22, 2009, Judicial Council meeting.

Judicial Council of Georgia
Administrative Office of the Courts

David L. Ratley
Director

Memorandum

To: Judicial Council of Georgia Members

From: Judge William T. Boyett, Chair
Judicial Council Committee on Court Reporting Matters

Date: July 22, 2009

Re: Judicial Council Committee on Court Reporting Matters Report

CC: Judicial Council Committee on Court Reporting Matters
Judge Linda Cowen, Chair, Board of Court Reporting
Cynthia Clanton

The Judicial Council delegated to its Committee of Court Reporting Matters the responsibility of reviewing all appeals from the Board of Court Reporting and recommended rules changes. The Committee on Court Reporting Matters met twice since its last report to discuss 3 appeals from court reporters and a rule change recommended by the Board of Court Reporting. The members of the Committee were as follows: Judge Herbert Phipps; Judge Hal Craig; Judge John Salter; and Judge Billy Boyett, Chair.

Appeals

Three different court reporters appealed the revocation of their court reporting certificates by the Board of Court Reporting (BCR). The appellants were Kimberly Nixon, Yvonne Law, and Tammy Hightower. Each appellant failed to pay their court reporting licensing fees by April 1, 2008. All were given proper notice by the Board's staff. Accordingly, the Committee determined that these individuals were properly revoked on January 1, 2009, and affirmed the administrative action of the BCR.

Revised Rule

Article 9(B) of the BCR's Rules and Regulations addresses the administrative revocation of a court reporter's certificate for their failure to pay their renewal fee by April 1 or complete their continuing education hours. The Committee considered the BCR's revisions to this Article.

The current provision, which requires a revoked reporter to wait 2 years before reapplying for certification, was reduced to 3 months in the new version. According to the revised Article, revoked reporters will need to pay a penalty fee and meet current BCR certification requirements before being reinstated. A provision allowing the reinstatement of court reporters revoked after January 1, 2009 was added.

The current version of Article 9(C) allows the BCR to discipline reporters for failing to complete the required continuing education hours. The BCR recommended the deletion of Article 9(C) as it stated the obvious.

On June 22, 2009, the Committee thoroughly reviewed and discussed the revisions recommended by the BCR. It was the unanimous decision of the Committee that the revised Article should be adopted with one minor change to clarify the language about recertification. Accordingly, the words "on or" should be inserted before the phrase, "after January 1, 2009" so there is no confusion.

It should be noted that if the Judicial Council adopts the revised Article 9 at its July meeting, then the appellants referenced above may immediately apply for reinstatement of their certificates after meeting current BCR certification requirements and paying the penalty fee of \$500 plus the \$125 application fee.

The original Article and revisions approved by the Committee are attached for your information.

Action Requested

The Judicial Council is requested to ratify the aforementioned actions of this Committee by voting to adopt the revised Article 9 as presented to the Council.

I am available to answer any questions you may have during the Judicial Council meeting.

Attachments

Current Article 9

ARTICLE 9. SUSPENSION AND REVOCATION FOR DUES AND CONTINUING EDUCATION

A. Suspension.

A certificate is *automatically* suspended for:

1. Failure to pay the renewal fee by April 1st each year, or
2. Failure to meet annual CE requirements.

Suspension is effective immediately upon noncompliance.

A suspended certificate may be reinstated by curing the cause of the suspension before December 31st of the year in which the suspension occurs.

A. Revocation

If the suspension is not cured by December 31st of the year in which the suspension occurs, the certificate is *automatically* revoked.

If the certificate is revoked, the reporter may become certified again only by taking and passing the Georgia certified court reporters exam after revocation, and no sooner than two years after revocation.

C. Discipline for Failure to Comply

Failure to comply with the continuing education requirements shall also be grounds for disciplinary action under Article 11 of these Rules. Sanctions may be imposed for the following reasons:

1. Failure to complete required credits within specified time period;
2. Failure to submit required reporting form or proof of compliance; or
3. False information on a reporting form.

Revised Markup of Article 9 – Approved by the Board on June 10, 2009

ARTICLE 9. SUSPENSION AND REVOCATION FOR DUES AND CONTINUING EDUCATION

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B. Revocation

If the suspension is not cured by December 31st of the year in which the suspension occurs, the certificate is *automatically* revoked.

If the certificate is revoked, the reporter may become certified again only by ~~taking and passing the Georgia certified court reporters exam after revocation~~ meeting current certification requirements, and no sooner than ~~two years after~~ the first day of April following the date of revocation. The revoked reporter must also pay a penalty fee as established by the Board.

This Article shall govern recertification of a reporter whose certificate was revoked under the prior Article 9 of these Rules after January 1, 2009.

~~C. Discipline for Failure to Comply~~

~~Failure to comply with the continuing education requirements shall also be grounds for disciplinary action under Article 11 of these Rules. Sanctions may be imposed for the following reasons:~~

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- ~~3. False information on a reporting form.~~

Proposed Revised Article 9 for Judicial Council Consideration

ARTICLE 9. SUSPENSION AND REVOCATION FOR DUES AND CONTINUING EDUCATION

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If the suspension is not cured by December 31st of the year in which the suspension occurs, the certificate is *automatically* revoked.

If the certificate is revoked, the reporter may become certified again only by meeting current certification requirements, and no sooner than the first day of April following the date of revocation. The revoked reporter must also pay a penalty fee as established by the Board.

This Article shall govern recertification of a reporter whose certificate was revoked under the prior Article 9 of these Rules on or after January 1, 2009.



Judicial Council of Georgia

Standing Committee on Drug Courts

Judge George H. Kreeger
Chair

Reply to:
Tonya L. Griesbach
Governmental Affairs

Memorandum

TO: Judicial Council Members

FROM: Judge George Kreeger

RE: Drug Court Committee Report

DATE: July 1, 2009

2009 Drug, DUI and Mental Health Court Conference

The 2009 Drug, DUI and Mental Health Court Conference was held on May 26 - 28 at the Westin Buckhead Atlanta Hotel. Nearly 600 people attended the Conference, including 74 drug court teams from throughout the State of Georgia. The Conference has gained national attention, and courts from other states, including a team from Kalamazoo, Michigan, attended.

Breakout workshop sessions were provided on topics specific to the needs of Felony, Juvenile, DUI, Family Drug Courts and Mental Health Courts. Topical workshops on criminal thinking, understanding and treating trauma, evidence-based case management and treatment practices, judicial independence and separation of powers, drug testing, and drug court evaluation were offered. A breakout session by role was offered for drug and mental health court team members, so that colleagues from around the state – judges, prosecutors, defense attorneys, treatment providers, law enforcement and probation officers and drug court administrators - can network and learn from each other. Professional credit hours were offered for attorneys, judges, law enforcement officers and counselors.

The following were members of the Conference Planning Subcommittee that planned, organized and executed the Conference: Judge Jeff Bagley, Judge Jason Deal, Judge Jack Partain, Judge Joseph Iannazzone, Judge Kent Lawrence, Steve Ferrell, Cathy McCumber, Jody Overcash, John Cowart, Scott Maurer (Dept. of Corrections), Scott Dunbar (Dept. of Human Resources), Dawn Tyus (Southeast Addiction Technology Transfer Center), Grady Moore (Cobb County District Attorney Office) Mary Bode, Lynn Epps, Jennifer King, Larry Love, Debbie Mott.

The Conference was staffed by the AOC.

FY 2010 State Drug Court Funding

The Standing Committee on Drug Courts has developed a funding formula for the distribution of the State of Georgia Accountability Courts grant funds. For fiscal year (FY) 2010, the funds were distributed using the below formula.

- Is the court receiving the best value for the money? (50%)
[This measure is based strictly on the number of active participants in the court as of January 1, 2009.]
- Is the court using all available resources? (10%)
- Is the court providing quality treatment and other basic services? (25%)
- Are there any viable additional needs or extenuating circumstances? (5%)
- What is the economic ranking of the service area? (10%)

The application kit for courts to complete and submit was released in January 2009, with five trainings held to provide guidance to the courts on how to complete their applications. Two trainings were held in-person (one in Dalton and the other in Macon). For the first time, three trainings were also offered via webinar, allowing participants to log in from their office or home and eliminating travel costs.

After the applications were submitted, staff compiled the applications and sent each member of the Funding Standards Subcommittee a package of information containing a CD with a copy of each application and scorecards for each application. Each application is evaluated and scored by a committee of judges who are sitting drug or DUI court judges. This was accomplished in a daylong meeting (May 15, 2009 for Adult Felony and Juvenile Courts; May 22, 2009 for DUI Courts) at the Atlanta office of the Administrative Office of the Courts. Following these meetings, the Subcommittee's recommendations were presented to the Standing Committee on Drug Courts for their review and approval.

For FY2010, a total of \$1,763,744 was awarded through 62 grants to courts across the state. These awards were approved with the instruction that courts should withhold 10% of their total award in anticipation of future budget reductions. Since that time, courts have been instructed to be prepared to withhold an additional 15%, for a total possible reduction of 25%.

Judicial Council Standing Committee on Drug Courts				
FY2010 Grant Applications				
	Court	Court Type	Application Type	Final Recommendation
1	Clayton Adult Felony Drug Court	Adult Felony	Implementation	\$ 79,000
2	Appalachian Judicial Circuit Adult Drug Court	Adult Felony	Operational	\$ 37,481
3	Augusta Judicial Circuit Drug Court	Adult Felony	Operational	\$ 26,144
4	Bibb County Drug Court Program	Adult Felony	Operational	\$ 26,756
5	Carroll County Drug Court	Adult Felony	Operational	\$ 26,078
6	Cherokee Circuit Drug Court	Adult Felony	Operational	\$ 29,231
7	Cobb County Drug Treatment Court	Adult Felony	Operational	\$ 42,044
8	Conasauga Drug Court	Adult Felony	Operational	\$ 38,128
9	DeKalb County Drug Court	Adult Felony	Operational	\$ 34,310
10	Dublin Judicial Drug Court	Adult Felony	Operational	\$ 23,140
11	Enotah Drug Treatment Court	Adult Felony	Operational	\$ 28,302
12	Forsyth County Drug Court	Adult Felony	Operational	\$ 37,016
13	Fulton County Adult Drug Court	Adult Felony	Operational	\$ 57,161
14	Glynn/Camden County Drug Court	Adult Felony	Operational	\$ 59,367
15	Griffin Judicial Circuit Drug Court	Adult Felony	Operational	\$ 22,210
16	Gwinnett County Drug Court	Adult Felony	Operational	\$ 33,497
17	Habersham County Drug Court	Adult Felony	Operational	\$ 30,577
18	Hall County Drug Court	Adult Felony	Operational	\$ 42,957
19	Liberty County Drug Court	Adult Felony	Operational	\$ 21,547
20	Muscogee County Adult Felony Drug Court	Adult Felony	Operational	\$ 26,874
21	Ocmulgee Judicial Circuit Drug Court	Adult Felony	Operational	\$ 33,398
22	Pataula Judicial Circuit Drug Court	Adult Felony	Operational	\$ 29,995
23	Savannah-Chatham County Drug Court	Adult Felony	Operational	\$ 39,522
24	Tallapoosa Drug Intervention Program	Adult Felony	Operational	\$ 38,229
25	Towaliga Judicial Circuit Special Drug Court	Adult Felony	Operational	\$ 27,655
26	Waycross Judicial Circuit Drug Court Program, Inc	Adult Felony	Operational	\$ 36,801
27	Western Judicial Circuit Felony Drug Court	Adult Felony	Operational	\$ 32,103
28	Henry County DUI Court	DUI	Implementation	\$ 79,000
29	Athens Clarke County DUI/Drug Court	DUI	Operational	\$ 20,344
30	Burke County State Court	DUI	Operational	\$ 15,903
31	Chatham County DUI Court	DUI	Operational	\$ 22,887
32	Cherokee County DUI/Drug Court	DUI	Operational	\$ 20,410
33	Clayton County DUI Court	DUI	Operational	\$ 17,185
34	Cobb County DUI Court	DUI	Operational	\$ 12,809
35	DeKalb County DUI Court Supervised Treatment Pro	DUI	Operational	\$ 18,091
36	Forsyth County DUI Court	DUI	Operational	\$ 17,054

	Court	Court Type	Application Type	Final Recommendation
37	Fulton County DUI Court	DUI	Operational	\$ 13,258
38	Gwinnett County DUI Court	DUI	Operational	\$ 15,951
39	Hall County DUI Court	DUI	Operational	\$ 24,271
40	Rockdale County DUI Court	DUI	Operational	\$ 12,267
41	Troup County DUI/Drug Court	DUI	Operational	\$ 16,418
42	Appalachian Judicial Circuit Family Drug Court	Family	Operational	\$ 30,858
43	Bartow County Family Drug Treatment Court	Family	Operational	\$ 18,824
44	Chatham County Family Dependency Treatment Court	Family	Operational	\$ 25,281
45	Cobb County Family Dependency Treatment Court	Family	Operational	\$ 36,353
46	Douglas County Juvenile Court	Family	Operational	\$ 17,380
47	Enotah Family Drug Court- North	Family	Operational	\$ 21,812
48	Enotah Family Drug Court- South	Family	Operational	\$ 22,277
49	Fulton County Juvenile Court Family Drug Court	Family	Operational	\$ 10,490
50	Hall County Family Treatment Court	Family	Operational	\$ 27,174
51	Paulding County Family Treatment Court	Family	Operational	\$ 17,114
52	Dawson County Treatment Court- Drug	Hybrid	Operational	\$ 34,643
53	Dawson County Treatment Court- DUI	Hybrid	Operational	\$ 13,445
54	Rockdale County Juvenile Drug Court	Juvenile	Implementation	\$ 39,500
55	Appalachian Juvenile Drug Court	Juvenile	Operational	\$ 28,568
56	Carroll County Juvenile Drug Court	Juvenile	Operational	\$ 12,350
57	Cobb County Juvenile Drug Treatment Court	Juvenile	Operational	\$ 39,305
58	Columbus/Muscogee County Juvenile Drug Court	Juvenile	Operational	\$ 28,650
59	DeKalb County Juvenile Drug Court	Juvenile	Operational	\$ 5,510
60	Dublin Circuit Juvenile Drug Court	Juvenile	Operational	\$ 8,366
61	Forsyth County Juvenile Accountability & Substance	Juvenile	Operational	\$ 16,334
62	Newton County Juvenile Drug Court	Juvenile	Operational	\$ 17,579
63	Ocmulgee Circuit Juvenile Drug Court	Juvenile	Operational	\$ 16,915
				\$ 1,754,100
	Committee expressed concerns with application which must be resolved prior to official award.			

**Judicial Council of Georgia
Standing Committee on Drug Courts
2009 Members**

Leadership

Judge George H. Kreeger, Cobb Judicial Circuit (Adult/Felony) – Chair
Term Ends: June, 2012, Chair Ends: June, 2010

Chief Judge Jeffrey S. Bagley, Bell-Forsyth Judicial Circuit (Adult/Felony) – Vice-Chair
Term Ends: June, 2013, Vice-Chair Ends: June, 2010

Members

Judge Nancy Bills, State Court of Rockdale County (DUI)
Term Ends: June, 2013

Judge Michael P. Boggs, Waycross Judicial Circuit (Adult/Felony)
Term Ends: June, 2013

Judge Robert J. Castellani, Stone Mountain Judicial Circuit (Adult/Felony)
Term Ends: June, 2012

Judge Jason J. Deal, Northeastern Judicial Circuit (Adult/Felony)
Term Ends: June, 2013

Chief Judge Doris L. Downs, Atlanta Judicial Circuit (Adult/Felony)
Term Ends: June, 2012

Judge Frank J. Jordan, Jr., Chattahoochee Judicial Circuit (Adult/Felony)
Term Ends: June, 2013

Judge Warner L. Kennon, Sr., Chattahoochee Judicial Circuit (Juvenile)
Term Ends: June, 2013

Chief Judge N. Kent Lawrence, State Court of Clarke County (DUI)
Term Ends: June, 2012

Judge Jeannette L. Little, State Court of Troup County (DUI)
Term Ends: June, 2012

Judge Sandra W. Miller, Paulding Judicial Circuit (Family Dependency Treatment Court)
Term Ends: June, 2013

Judge Jack Partain, Conasauga Judicial Circuit (Adult/Felony)
Term Ends: June, 2012

Judge Juanita Stedman, Cobb Judicial Circuit (Juvenile)
Term Ends: June, 2012

Judge Patricia Stone, Eastern Judicial Circuit (Family Dependency Treatment Court)
Term Ends: June 2013

Chief Judge Amanda F. Williams, Brunswick Judicial Circuit (Adult/Felony)
Term Ends: June, 2012

Chief Judge Charles S. Wynne, State Court of Hall County (DUI)
Term Ends: June, 2013

Advisory Members

Mr. Rick Malone, Prosecuting Attorneys Council

Mr. Scott Maurer, Department of Corrections

Sheriff Neil Warren, Cobb County Sheriffs Association

Chief David Lyons, Garden City Police Department

Dr. Scott Dunbar, Dept. of Human Resources

Mr. Danny DeLoach, District 1 Court Administrator

Mr. John Cowart, District 2 Court Administrator

Mr. Greg Jones, District 3 Court Administrator

Ms. Cathy McCumber, District 4 Court Administrator

Ms. Judith Cramer, District 5 Court Administrator

Mr. William T. Simmons, District 6 Court Administrator

Ms. Jody Overcash, District 7 Court Administrator

Mr. Bob Nadekow, District 8 Court Administrator

Mr. Steve Ferrell, District 9 Court Administrator

Mr. Andrew Cummings, Coordinator Representative

Judicial Council of Georgia Standing Committee on Drug Courts

By-Laws

2008

ARTICLE I TITLE

This Committee shall be known as the Judicial Council of Georgia Standing Committee on Drug Courts ("Standing Committee on Drug Courts").

ARTICLE II PURPOSE AND MISSION

Section 1. In accordance with O.C.G.A. § 15-1-15, the Judicial Council of Georgia shall adopt standards each drug court shall adopt into their policies and procedures.

Section 2. The Standing Committee on Drug Courts was established to encourage, promote, and strengthen new and existing accountability courts through mentoring, training, technical assistance, and developing statewide standards.

Section 3. The mission of the Standing Committee on Drug Courts is to establish accountability courts in each of the 49 judicial circuits, expand capacity of accountability courts and provide training to all levels of courts.

ARTICLE III COMMITTEE MEMBERSHIP

Section 1. Membership

a. The Standing Committee on Drug Courts shall consist of eighteen voting members, and at least seventeen non-voting members:

1. Voting Members:

- i. 10 adult/felony drug court judges
- ii. 4 DUI court judges (State Court)
- iii. 2 juvenile drug court judges
- iv. 2 family dependency drug treatment court judges

2. Non-voting Members:

- i. Representative of Department of Human Resources
- ii. Representative of the Department of Corrections
- iii. Representative of the Sheriffs Association
- iv. Representative of the Chiefs of Police
- v. Representative of the Public Defenders Standards Council
- vi. Representative of the Prosecuting Attorneys Association
- vii. District Court Administrator from each district
- viii. Representative from the Drug Court Coordinators Group

b. Alternates or designees are not permitted for voting members

- c. Non-voting members may have an alternate or designee once approved by the Chair of the Standing Committee on Drug Courts
- d. The composition of the Standing Committee on Drug Courts may be changed at any time by the Chief Justice of the Supreme Court

Section 2. Appointment of Members and Alternates

- a. Voting Members will be appointed by the Chief Justice of the Georgia Supreme Court on staggered four-year terms
- b. Non-voting Members will be appointed by the Chair of the Standing Committee on Drug Courts, and serve at the pleasure of the Chair.

**ARTICLE IV
MEETINGS, CONDUCT OF MEETINGS AND QUORUM**

- a. A quarterly meeting date, time and place of the Standing Committee on Drug Courts shall be established by the Chair.
- b. Eight members shall constitute a quorum for the conduct of business. The act of a majority of those voting members present at meetings at which a quorum is present shall be the act of the Standing Committee on Drug Courts.
- c. Standards for accountability courts approved by the Standing Committee on Drug Courts shall be ratified by the Judicial Council of Georgia.
- d. Subcommittees may be appointed by the Chair of the Standing Committee on Drug Courts.
- e. There shall be at least two Standing Subcommittees consisting of a Funding Subcommittee and a Conference & Training Subcommittee. The Chair of the Standing Committee on Drug Courts may appoint any subcommittee to be a Standing Subcommittee.

**ARTICLE V
OFFICERS AND DUTIES**

- a. A Chair and Vice-Chair shall be appointed by the Chief Justice of the Georgia Supreme Court for a two-year term ending in June of each even year.
- b. The Chair shall set the agenda of and preside at all meetings, and shall be responsible for the expeditious conduct of business.
- c. In the absence of the Chair, the Vice-Chair shall assume the duties of the Chair.

**ARTICLE VI
AMENDMENTS**

- a. These by-laws may be amended by a majority vote of the Standing Committee on Drug Courts and ratified by the Judicial Council of Georgia.
- b. A written notice must be sent to all members at least 30 days prior to any proposed action to amend the by-laws.



Judicial Council of Georgia

Standing Committee on Policy

Presiding Justice Carol W. Hunstein
Chair

Reply to:
Tonya L. Griesbach
Governmental Affairs

Memorandum

TO: Judicial Council Members

FROM: Presiding Justice Carol W. Hunstein

RE: Policy Committee Report

DATE: June 30, 2009

The following bills are SUPPORTED by the Judicial Council and have either passed or are active for the 2010 Legislative Session:

- I. **HB 323 - Death penalty cases; Supreme Court; pretrial proceedings; extend review period**
Judicial Council - O.C.G.A § 17-10-35.1
Extends the period of review for the Supreme Court's consideration of applications for pretrial proceedings in death penalty cases from 20 to 45 days of the date on which the case was received.
STATUS: Senate Judiciary Committee
- II. **HB 185 - Chief Justice of the Supreme Court; emergency powers; provisions**
Judicial Council - O.C.G.A § 38-3-61
Allows the Chief Justice of the Supreme Court of Georgia to extend the duration of a judicial emergency order when a public health emergency exists. Currently, an order has a limited duration of 30 days, however, that order may be modified or extended for no more than two periods not exceeding 30 days each.
STATUS: Senate Judiciary Committee
- III. **HB 235 - Court reports; publishing a volume of rules; remove requirement**
Judicial Council - O.C.G.A § 50-18-2
Removes the requirement of publishing a volume of rules from the definition of reports. It defines "rules compilation" as a compilation of rules applicable in the courts of Georgia. The rules compilation is to be contained in an electronic database that is made assessable to the public through the Internet or other suitable methods.
STATUS: Senate Special Judiciary

- IV. SB 180 - Driving Permits; allow issuance of a limited driving permit; person convicted of driving under the influence subject to certain conditions**
State Court - O.C.G.A § 40-5-64
SB 180 allows 2nd DUI offenders to apply for a limited driving permit after 120 day hard suspension under the discretion of the sentencing judge providing that an interlock device is installed in the offender's vehicle and they participate in a DUI or Drug Court program or a DHR multiple offender program. A substitute to SB 180 passed the Senate that includes 2nd DUI offenders, age 18 – 21, to apply for a limited driving permit. In addition, offenders age 18 – 21 who have had their license suspended due to driving violations accumulation to four or more points may apply for a limited driving permit. The substitute to SB 180 also increases the DUI Alcohol or Drug Use Risk Reduction program fee by \$7.
STATUS: House Judiciary Non-Civil Committee
- V. HB 817 - Georgia Judicial Retirement System; juvenile judges; provide**
Juvenile Court - O.C.G.A § 47-23-64
Provides that a Juvenile Court Judge who is a member of the Georgia Judicial Retirement System may obtain creditable service for prior service as an active member of the Employee's Retirement Systems of Georgia.
STATUS: House Retirement Committee
- VI. Juvenile Court - O.C.G.A § 47-23-65**
Allows for any juvenile court judge who is an active member of the Georgia Judicial Retirement System to receive up to five years of creditable service for his or her past service as a associate juvenile court judge who did not vest in a local retirement plan upon payment to the board of trustees of an amount which will allow such creditable service without creating any accrued actuarial unfunded liability as to this retirement system.
STATUS: Has not been introduced
- VII. HB 495 - Probate courts; associate probate court judges; provisions**
Probate Court - O.C.G.A § 15-9-2.1
Allows a probate court judge to appoint an associate judge in probate matters on a full-time or part-time basis. The associate probate court judge must be a member in good standing of the State Bar of Georgia and meet the same qualifications required of the elected judge which made the appointment. The associate probate court judge shall serve at the pleasure of the judge.

Probate Court - O.C.G.A § 15-9-11
If a vacancy in the office of a judge of the probate court occurs after January 1st in the last year of the term of the judge whose position has been vacated, the person assuming the duties of the judge shall be allowed to complete the term of the vacated judge.

Probate Court - O.C.G.A § 15-9-30
Regarding effect of incapacity of principal on power of attorney. Adds "conservator" to "guardian of property."
STATUS: SIGNED BY GOVERNOR ON MAY 5, 2009. EFFECTIVE DATE JULY 1, 2009.
- VIII. Probate Court - O.C.G.A § 15-9-83**
Provides that the hours of operation for public accessibility be not less than forty hours per week, but does not require the court to operate five days.
STATUS: Has not been introduced
- IX. Probate Court – Reporting requirement of Adult Guardianships to GBI/GCIC**
Pursuant to 18 U.S.C. 922 a person who is mentally defective is not eligible for a firearms permit. This allows the court's findings to be submitted to GBI/GCIC'C data base.
STATUS: Has not been introduced

X. Probate Court - O.C.G.A § 25-10-14

In reference to fireworks displays, eliminates the use or option of a \$10,000 bond and changes the filing fee from \$10 to \$100. In addition, there is an increase in liability insurance.

STATUS: *Has not been introduced*

XI. HB 324 - State courts; require payment of costs of an appeal; provisions

Magistrate Court - O.C.G.A § 5-3-22

Adds the requirement that all costs accrued in court be paid before an appeal is heard in state court. The law previously required all costs be paid to superior courts only prior to an appeal being heard.

STATUS: *SIGNED BY GOVERNOR ON MAY 4, 2009. EFFECTIVE DATE JULY 1, 2009.*

XII. SB 73 - Criminal Procedure; provide a magistrate court judge with certain authority regarding the issuance of certain warrants

Magistrate Court - O.C.G.A § 17-4-40

Allows a judge of the magistrate court to issue a warrant for the arrest of a peace officer, law enforcement officer, teacher, or school administrator who commits an offense while in the performance of his or her duties. The magistrate judge has to be delegated such authority by written order of a Superior Court Judge of the circuit in which the magistrate court judge holds office.

STATUS: *Senate Special Judiciary Committee*

**Judicial Council of Georgia
Standing Committee on Policy**

2009 – 2010 Members

Presiding Justice George H. Carley, Chair

Supreme Court of Georgia

Chief Judge M. Yvette Miller, Vice-Chair

Court of Appeals of Georgia

Judge Kathlene F. Gosselin

President-Elect

Judge Ronald E. Ginsberg

President

Presiding Judge Robert V. Rodatus

President

Council of Juvenile Court Judges

Judge Tammy Brown

President

Council of Probate Court Judges

Judge Richard T. Alexander, Jr.

President

Council of Magistrate Court Judges

**Judicial Council of Georgia Standing Committee on Policy
Policies and Procedures
Legislative Review- Adopted December 9, 2004**

Composition of Committee

Presiding Justice of the Supreme Court (Chair)
Chief Judge of the Court of Appeals (Vice-Chair)
President Elect of the Council of Superior Court Judges
President of the Council of Juvenile Court Judges
President of the Council of State Court Judges
President of the Council of Probate Court Judges
President of the Council of Magistrate Court Judges

History (Legislative Review)

On June 13, 2001, at the Judicial Council Meeting held at Kiawah Island the Council adopted two Resolutions.

Resolution #1

Resolved, that there be a Secretary and Treasurer elected by the Judicial Council from the active membership for a two-year term beginning July 1.

Resolution #2

Resolved, that each court which is a member of the Judicial Council and each court or agency seeking funding whose budget is administered through the Council submit a summary of all general legislation it will seek to have introduced or will support in the upcoming legislative session; that each such piece of legislation be submitted to the Administrative Office of the Courts; that the Administrative Office of the Courts render a "Judicial Impact Statement" to the full Judicial Council; that such "Judicial Impact Statement" shall address such issues as may be directed by the Judicial Council; and that the Judicial Council of Georgia thereafter make such recommendations to the Executive and Legislative Branches of Georgia regarding such proposed legislation as it shall see fit.

On August 29, 2001, Chief Justice Fletcher designated the Standing Committee on Policy as the committee to review legislation and make recommendations to the Judicial Council.

Purpose of Policy Committee

The Policy Committee shall consider and comment on legislation that proposes to affect:

- a. The statutory duties and responsibilities of the Judicial Council;

- b. Programs and services delivered by the AOC;
- c. Uniform rules of court; and
- d. Administrative processes and procedures affecting multiple courts (trial and appellate).
- e. Jurisdictional Issues

The Policy Committee can utilize information gathered by the Advisory Group (described below) and Judicial Impact Statements developed from legal research and input from Advisory Group – to make recommendations to the full Judicial Council on potential positions on legislative matters.

Legislative Advisory Group

- 1. A representative from the following groups:
Each Judge Council (Superior, State, Juvenile, Probate, Magistrate, Municipal) to be appointed by the President of each council.
District Court Administrator to be appointed by the Chair of the DCA's
County Level Court Administrator, to be appointed by GCCA President
Executive Directors/Legislative Liaisons from Judicial Branch Agencies. The Advisory Group will be appointed and asked to serve by December 20, 2004.
- 2. The Advisory Committee will work with AOC to review and analyze legislation for Standing Committee on Policy.
- 3. The Legislative Advisory Group responses and analysis will be utilized for the development of Judicial Impact Statements for the Policy Committee deliberations.

Policy Committee Operating Procedures:

- 1. The Policy Committee will meet in conjunction with the Judicial Council at each regularly scheduled meeting, prior to the full council meeting or as necessary to prepare for the legislative session. During the session the committee should meet at least bi-weekly via conference call during or as necessary during the legislative session. The committee will be staffed by the Administrative Office of the Courts.
- 2. The Policy Committee shall review all relevant legislative initiatives of judicial branch agencies identified by the AOC and the Advisory Group, to make a recommendations to the full Judicial Council as to whether the legislation should be supported, opposed or no position taken.
- 3. During the legislative session the Policy Committee will review legislation introduced that affects the judicial branch and any amendments to legislation previously introduced to make recommendations to the full Judicial Council on the position, if any, to be taken.

4. The AOC will develop an email/fax list to communicate quickly with members of the Judicial Council for a voting procedure.
5. Upon request of the Policy Committee, Advisory Group, Legislators, Judges, or other relevant groups, the AOC will prepare an analysis of legislation and/or Judicial Impact Statements that will include fiscal notes where needed.
6. Once the Judicial Council has taken a position on legislation the Advisory Committee will be advised and asked to develop a strategy to communicate the position of the Judicial Council when necessary. The AOC will provide the administrative support for the publishing of legislative agendas, positions, Judicial Impact Statement, Analysis, or any other communication tools as directed by the Policy Committee on behalf of the Judicial Council.

TAB 6

JUDICIAL WORKLOAD ASSESSMENT COMMITTEE

**MATERIALS FOR THIS TAB WERE NOT AVAILABLE
AT THE TIME OF THE AGENDA MAILING**

MATERIALS WILL BE DISTRIBUTED AT THE MEETING



GEORGIA OFFICE OF DISPUTE RESOLUTION

244 WASHINGTON STREET, S.W., SUITE 300

ATLANTA, GEORGIA 30334-5900

OFFICE: 404-463-3788

FAX: 404-463-3790

www.godr.org

SHINJI MOROKUMA
DIRECTOR

WRITER'S E-MAIL:
morokumas@godr.org

TO: Members of the Judicial Council of Georgia

RE: Funding for Georgia Office of Dispute Resolution

Background

In 1993, the Supreme Court of Georgia, in partnership with the State Bar of Georgia, created the court-connected alternative dispute resolution system to accomplish two important goals:

- Help manage the burgeoning caseload in the trial courts;
- Offer litigants true and effective alternatives to litigation.

The Georgia Commission on Dispute Resolution and its staffing arm, the Georgia Office of Dispute Resolution, were created by Supreme Court rule as the sole statewide entities to regulate the quality and quantity of alternative dispute resolution (ADR) services available through the courts. The Commission and the Office not only help develop new court ADR programs, but also support existing programs through policy, ethics, professional standards, and training. Under the leadership of the Commission and the Office, the state court ADR system has grown from three counties in 1993 to 111 counties today, and is still growing. Since 1997, the ADR system has settled more than 137,000 civil cases. In FY2008 alone, an estimated 20,000 cases were settled statewide through the courts' ADR system. About 2,200 ADR professionals or "neutrals" – about half of them lawyers, half of them non-lawyers – are vetted and registered with the Office.

Since its creation, the Office has been funded by state appropriation and by registration fees paid by neutrals who are approved by the Office to serve in the court system. Annual state funding for the Office has been cut by more than 80 percent in the last three years – from less than \$400,000 in FY2007 to just \$73,000 in FY2010. Further cuts are expected in the General Assembly in fall 2009 and Spring 2010.

The General Assembly's demand is that the Office support itself entirely by fees and with no state appropriation. While the Office has significantly increased the fees paid by registered neutrals and doubled its annual fee income, neutral registration fees alone cannot support the Office's operations without discouraging the registration of volunteer neutrals that many of the smaller court ADR programs rely on.

Funding Plan

To secure additional adequate and reliable funding for the Office, the Commission has authorized the submission of a bill in the Spring 2010 legislative session to amend the Georgia Court-Connected Alternative Dispute Resolution Act (O.C.G.A. §§ 15-23-1 through 12), otherwise known as the filing-fee statute.

The current filing-fee statute, enacted in 1993, permits approved court ADR programs to collect an ADR filing fee of up to \$7.50 per civil filing (see § 15-23-7 attached). Some courts are charging less than \$7.50, while others are charging the maximum.

The bill would propose two important changes to the statute:

- Raise the ADR filing-fee cap from \$7.50 significantly;
- Require, for the first time, that a small percentage of ADR fees collected to be remitted to the Office to support its statewide operations.

The bill would permit the Office to be funded through fees alone – registration fees and local user fees – and eliminate its need for state appropriation. It would also allow local court ADR programs that are already charging the maximum fee to raise their ADR fee as necessary to pay for future increased local costs and to accommodate the small percentage remitted to the state Office.

The state court-connected ADR system has grown, and the time is right to implement this funding scheme. In the past, there were not enough registered neutrals paying fees and not enough ADR programs collecting filing fees to consider anything other than state appropriation to support the Office operations. Today, a combination of neutral registration fees and some local ADR fees can generate enough funding to adequately fund the Office to provide maximum services to the courts, new and existing court programs and registered neutrals.

Because the Office has only minimal funds, the Dispute Resolution Section of the State Bar of Georgia is in the process of hiring a private lobbyist to help draft the bill, manage its submission to the legislature, and assure its passage. The lobbyist will work closely with the legislative leadership, the Commission, the Office, the Administrative Office of the Courts, the State Bar, and other stakeholders to help pass a bill that will ensure adequate funding for the Office and local court ADR programs.

We ask the Judicial Council and all Georgia judges to support the passage of the bill to amend the filing-fee statute so that the Office of Dispute Resolution can be adequately funded without reliance on the unpredictable annual political process. Please help the Commission and the Office continue to fulfill their mandate to help your courts run more efficiently and effectively.

O.C.G.A. § 15-23-7. Costs

(a) For the purposes of providing court-connected or court-referred alternative dispute resolution programs, a sum not to exceed \$7.50, in addition to all other legal costs, may be charged and collected in each civil action or case filed in the superior, state, probate, and magistrate courts and other courts within the county that have the same powers and jurisdiction as state or magistrate courts.

(b) A case, within the meaning of this Code section, shall mean and be construed as any matter which is docketed upon the official dockets of the enumerated courts and to which a number is assigned, whether such matter is contested or not.

(c) The amount, if any, to be collected in each case shall be fixed in an amount not to exceed the applicable amount set out in subsection (a) of this Code section by the chief judge of the superior court or, if there is no chief judge, by the superior court judge with the longest service, who shall, after advising and notifying the chairperson of the county governing authority, order the clerk to collect said fees and remit them to the treasurer of the county fund for the administration of alternative dispute resolution programs. No such additional costs shall be charged and collected unless the chief judge of the superior court or such chief judge's designee, or if there is no chief judge, the superior court judge with the longest service or such judge's designee first determines that a need exists for an alternative dispute resolution program in one or more of the courts within the county. The chief judge of the superior court or the designee of the chief judge or, if there is no chief judge, the superior court judge with the longest service or the designee of such judge may propose, as to a given court, the collection of an amount exceeding \$7.00, but in no event to exceed the applicable amount set out in subsection (a) of this Code section; provided, however, that approval of the board member representing the affected court is necessary before imposition upon litigants of that court of costs authorized by this chapter exceeding \$7.00.

(d) The clerk of each and every such court in such counties shall collect such fees and remit the same to the treasurer of the board of the county in which the case was brought, on the first day of each month. No change in the amount collected pursuant to this Code section may be made within a period of 12 months from the date of a previous change.

(e) Juvenile court supervision fees collected pursuant to Code Section 15-11-71 may be used for mediation services provided by court programs pursuant to this chapter.

Judicial Council of Georgia
Administrative Office of the Courts

David L. Ratley
Director

Reply to:
*Committee on
Justice for Children*

**Supreme Court of Georgia's Commission on Children, Marriage and Family Law
Committee on Justice for Children
Judicial Council Report, July 2009**

On October 4, 2006, The Supreme Court of Georgia renamed the Child Placement Project the Committee on Justice for Children (J4C). This committee works as part of the Supreme Court Commission on Children, Marriage and Family Law. The Committee on J4C was refunded by Congress to continue its work for an additional 5 years to end in October 2011. For the last 13 years, the mission of this work has remained constant, which is to improve the legal process of child deprivation cases.

Justice P. Harris Hines serves as the current chair of the Committee on J4C. Committee members representing the judiciary, the state bar, the Department of Family and Children Services, as well as the community, include: Ms. Isabel Blanco, Deputy Director of the Division of Family and Children Services; Mr. Duaine Hathaway, Executive Director of Georgia CASA; Judge Michael Key, Troup County Juvenile Court; Dr. Normer Adams, Executive Director of the Georgia Association of Homes and Services for Children; Attorney Kathleen Dumitrescu, Atlanta Volunteer Lawyer Foundation; Judge Peggy Walker, Douglas County Juvenile Court; Judge Jackson Harris, Superior Court Judge, Blue Ridge Judicial Circuit; Senior Juvenile Court Judge James Morris; Judge Desiree Peagler, DeKalb County Juvenile Court; Attorney Robert Grayson, Cobb County, Special Assistant Attorney General; Judge Lawton Stephens, Western Judicial Circuit; W. Terrence Walsh, Alston & Bird, Chair of the State Bar Committee on Children and the Courts; Ms. Lisa Lariscy, Gwinnett County DFCS Director; Judge Kevin Guidry, Juvenile Court of the Piedmont Circuit, and former Juvenile Court Judge Tom Rawlings, now Director of the Office of the Child Advocate. An extensive list of Committee advisors has also been formed and is listed on the website below.

Georgia has approximately 9000 children in state custody due to child abuse or neglect. The number of children in foster care has been dropping steadily since 2004. Priority goals for J4C in 2009 include: improving the process of appealing termination of parental rights cases; improving the quality of representation of children, parents and the agency; defining and implementing a set of child outcome measures for courts in deprivation cases; hosting community J4C summits in over 27 judicial circuits (66 counties); and exploring the judiciary's role in family preservation.

Improvement goals for the past 9 years have included: automation of the deprivation case records; cross-training and setting standards of practice for all participants in juvenile court; increasing the representation of parents and children in juvenile court; and obtaining state funding for juvenile court judges. Benchmarks for some of these goals have been reached, while others have needed refinement.

For 2009, J4C will especially focus on quality assurance for continuous improvement with reviewing children's case files, particularly of children who have been in foster care for long periods of time. These reviews will focus on timeliness of hearings, court order legal requirements, due process measures and quality of representation. J4C has a web site hosted by the AOC with regular progress reports and publications as well as a list serve open to all interested. (See: www.gajusticeforchildren.org)

REPORT ON THE CHILD SUPPORT COMMISSION

Judicial Council Meeting

July 22, 2009

- I. Low Income Deviation Revisions
- II. Other Statutory Changes found in House Bill 145
- III. Child Support Calculator Enhancements
- IV. Child Support Calculator Trainings
- V. Other Commission News

Child Support Commission

I. *Low Income Deviation Revision*

House Bill 145 makes revisions to the Child Support Guidelines, §19-6-15, and was passed by the 2009 Legislature. Even though the governor signed the bill in May, it will not go into effect until September 1, 2009.

The most substantive change involves the low income deviation provision [See section four of HB 145]. The revision, when it goes into effect, will remove the current formula, including a self support reserve and an income requirement. In its place, the court at its discretion may determine the deviation amount using the following as guidance: “[f]or the purpose of calculating a low income deviation, the noncustodial parent’s minimum child support for one child shall be not less than \$100 per month, and such amount shall be increased by at least \$50 for each additional child...” While the new low income deviation would be at the court’s discretion, the provision guides the court or jury in examining the noncustodial parent’s attributable and excluded sources of income. The court or jury shall also review the custodial parent’s economic situation. After a review of the noncustodial parent’s gross income and expenses, and “taking into account each parent’s adjusted child support obligation and the relative hardships on the parents and the child, the court or jury may consider a downward deviation to attain an appropriate award of child support which is consistent with the best interest of the child.”

The bill was recommended to the legislature by the Child Support Commission and was sponsored by Representative Ed Lindsey, who is also a member of the Child Support Commission. However, the suggested low income deviation language came from a task force assembled by the Commission to study this issue. The task force, chaired by Court of Appeals Judge Debra Bernes, included five superior court judges. The task force met for six months prior to submitting a recommendation to the Child Support Commission.

II. *Other Statutory Changes found in House Bill 145*

House Bill 145 also contains several “clean up provisions” to the child support guidelines pertaining to the worksheet subsection, parenting time and inclusion of the life insurance deviation under subsection (b) of the guidelines. [See attached article that appeared in the Spring issue of *The Family Law Review*.]

III. *Child Support Calculator Enhancements*

While the Georgia Legislature was enacting new revisions to the Child Support Guidelines, §19-6-15, the Child Support Commission was releasing new enhancements to the child support calculators, the apparatus used to calculate the child support. The impetus for the new enhancements came from the creation of Child Support Electronic Worksheet Task Force. At the request of the Office of Child Support Services, who was originally hosting all of the child support electronic calculators, the Child Support Commission tasked twenty selected individuals, including two superior court judges, private attorneys, CPA, representatives from the Office of Child Support Services, Georgia Legal Services, and Atlanta Legal Aid representatives, to recommend changes to the calculators. Approximately twenty recommendations were made and approved by the Child Support Commission. However, when allocating funding for the enhancements, there was not enough funding to make the revisions to the web-based calculator. Due to the overwhelming popularity of the Excel software versions, the

enhancements were only made to Excel versions. The AOC is now hosting the calculators, and two new Excel enhanced versions were released in late April. One of the versions is called "data entry" form and allows the person entering the information to do so on one continuous page. The worksheet and schedules are automatically populated by these responses. This version replaces the web based guided version that was created with pro se litigants in mind.

At the same time, new worksheets were also introduced in which one could manually calculate the child support. The two manual worksheets are for those who do not have access to a computer. One of these versions is called "the EZ worksheet" and was created at the suggestion of several superior court judges. The concern was that when one seeks a Domestic Violence Protective Order, the victim often does not have the family's financial information to fill out a full worksheet but is in dire need of support. This EZ version is a very simplistic two page worksheet to fit this need.

IV. Child Support Calculator Trainings

To ensure that the courts and attorneys possessed a good working knowledge on how to use the electronic calculators, the Commission Staff conducted a number of training sessions throughout the state. On April 24, the Child Support Commission sponsored an ICLE seminar along with the Family Law Section and Georgia Office of Dispute Resolution on the new calculator enhancements. Jill Radwin, Staff Attorney of the Child Support Commission, served as the chair of the event which had about two-hundred attendees. Jill and her staff also trained the courts in a number of seminars arranged by many of the state's District Court Administrators. These were held in April through early June in a variety of locations.

V. Other Child Support Commission News

Governor Perdue recently appointed State Senator James B. Butterworth to fill one of the State Senate seats on the Commission. Senator Butterworth, who resides in Habersham County, will be introduced to the full Commission during August 2009. Prior to that date, the plan is for the Economic Study Subcommittee to convene for a short meeting to review whether the Child Support Obligation Tables need to be updated.

The Child Support Commission is staffed by the AOC. Jill Radwin serves as Staff Attorney and Elaine Johnson as Guidelines Coordinator. They are assisted by Debra Oliver.

Introducing New Child Support Calculator Enhancements and Legislative Changes

by Jill Radwin
radwinj@gaaoc.us

A collective groan was heard around the state when it was announced that the Child Support Commission was releasing a new set of child support calculators and worksheets. Please do not despair. We believe all of the revisions, or as we like to phrase it- “enhancements,” will be to your liking. After all, many of the enhancements came from suggestions generated by members of the Family Law Section.

Background.

Over a year ago, the Child Support Commission, chaired by Sen. Seth Harp (R- Midland), member of the Family Law Section, created a 20 member task force to review the child support electronic calculators or worksheets. The Commission tasked the group with the responsibility of making recommendations for revisions to the calculators. Those involved with the design and development of the electronic calculators felt this would be a systematic and organized method for the revisions. Previously, the Office of Child Support Services (OCSS), who was hosting the various forms of the electronic calculators, found themselves bombarded with suggestions to make revisions. In trying to be compliant, OCSS was making constant changes and receiving hefty invoices from their outside vendor. In only two years of existence, the calculators have been revised six times.

The task force included the following representatives from the Family Law Section: Ed Coleman, Katie Connell, Rebecca Crumrine, Dennis Dozier, Paul Johnson, Deborah Johnson, Johanna Kiehl, Vicky Kimbrell, Jeff Morrow, Regina Quick and Shirley Champa. The task force met on several occasions and communicated via e-mail. The group, chaired by Paul Johnson of Savannah, came up with a list of recommendations. All of which were adopted and accepted by the Child Support Commission.

While the staff of the Child Support Commission, housed at the Administrative Office of the Courts, was provided a one-time allocation of funding from the Georgia legislature to enhance the calculators, this money would not be enough to make all of the revisions needed and maintain both the Excel™ and web-based calculator versions. After much thought and discussion with the OCSS, a joint decision was made to phase out the web-based calculators. Effective June 2, 2009, users will no longer be able to initiate one of the web-based versions (the guided, attorneys’ or judges version of the web based calculators.) However, if one has saved their worksheet and has their confirmation number, one can still make changes and re-save their worksheet until June 1, 2010. Judges will also be able to retrieve a submitted web-based worksheet until June 1, 2010. Following that date, no one will be able to retrieve or submit any worksheets calculated using the web-based calculators.

Enhancements to the Calculator

The calculators employing the Excel™ software will still be available, boasting a number of new features—“the enhancements,” including: Data Entry Form—Substituting for the web-based guided version of the calculator, this enhancement provides a second form that one may use to calculate child support. This form will be available in addition to the Standard Excel™ form. The Data Entry form consists of one continuous page for the entry of all case and calculation related information. Information entered on the Data Entry Form will automatically populate the worksheet and applicable schedules with calculations and other appropriate information. Information cannot be entered on the worksheet or schedules if the user chooses to use the Data Entry Form.

Opt in/Opt out Box for the Low Income Deviation— Because the current low income deviation formula is so complex, the electronic calculators currently automatically calculate whether one qualifies or not for a low income deviation. While this has been helpful to litigants, it has also provided a false appearance that this calculation was automatic rather than discretionary. To resolve this, a design change was added as an enhancement to allow the noncustodial parent to opt- in or out for the deviation utilizing a check box. If the court or the parties fail to check this box, the low income deviation amount will not be included in the total deviation amount, possibly affecting the final child support obligation amount found on the worksheet. The judge or one of the parties may also select an opt-out feature that will counter the checked box to disallow the deviation.

Addition of a Comment Box to the Worksheet— A box has been added to the top of the Worksheet on the Excel™ calculators allowing for an explanatory comment. When printed, the comment will appear on the face of the worksheet and will provide helpful comments to either the opposing counsel or the court. This section is not meant for ex parte communications but simple guidance, such as “the mother’s initial worksheet,” etc. The Data Entry form will also have a place for the comment box to populate the worksheet.

Footnotes to the Worksheet— In addition, both Excel™ worksheets will include a spreadsheet page or space to write explanatory footnotes about a particular line or piece of information entered on either version of the worksheets and schedules. Again, the Task Force recommended this enhancement to provide guidance to the court or opposing counsel as to why certain information or sums were entered.

Specify Type of Deviation on Line 10 of the Worksheet— The type of deviations selected on Schedule E will now be identified under the instructions on line 10 of the

worksheet. Line 10 of the worksheet displays whether deviations, coming over from Schedule E, are added or subtracted from the presumptive amount of child support. For example, the parties select a low income deviation and extraordinary educational expenses as desired deviations. Line 10 will specify that the deviations chosen are “low income deviation” and “extraordinary educational expenses.” This will provide the court with a quick view of the deviations being requested by the parties.

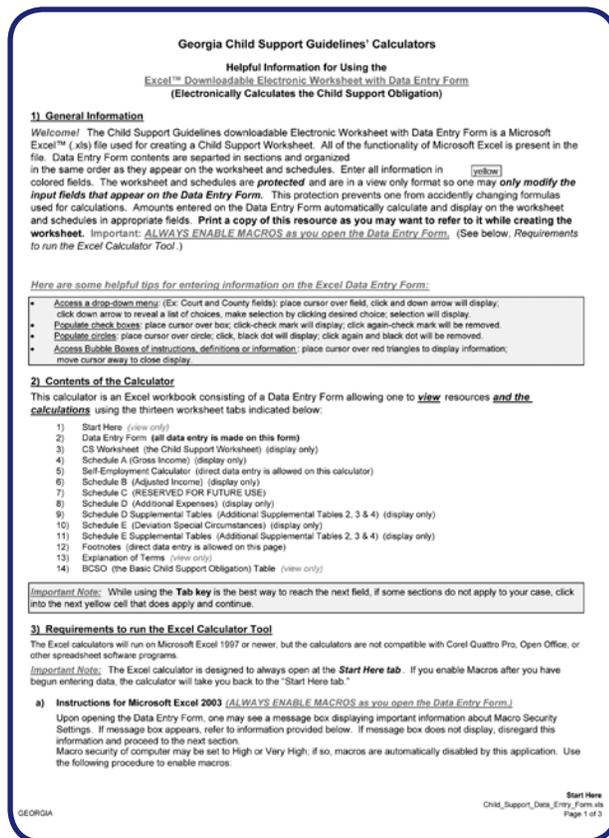
Bubble Boxes to Provide Instructions or Information throughout the Excel™ Worksheet, Schedules and Data Entry Form— Pop up bubble boxes, a feature available with Excel™ software will be accessible in designated locations throughout the worksheet, schedules and data entry form by the user when pointing the computer’s mouse

at a red triangular shape located in the top right corner of a data field. The boxes will open to display information, helpful hints, definitions and/or instructions that relate to that data field.

Self-Employment Calculator— Many self-employed litigants are not clear on how to calculate one’s self-employment income pursuant to the statute. To allow ease of calculation, a self-employment calculator was created. After entering data on the self-employment calculator, the resulting self-employment income will populate in the self-employment income field on Schedule A or the Data Entry form. If one chooses not to use the calculator, the user has the option of just entering the self-employment income directly on Schedule A or Data Entry form.

Parenting Time Deviation Calculates with the Other Deviations on Schedule E— The parenting time deviation which used to adjust line 5 of the worksheet (the noncustodial parent’s basic child support obligation), will now calculate on Schedule E or with all of the other deviations on the Data Entry form. As a result, there is no longer a need for lines 9a and 9b regarding the presumptive amount of child support with and/or without a parenting time deviation. Line 9 of the worksheet now replaces former Lines 9a and 9b and reflects the presumptive amount of child support.

Other enhancements also reduce the verbiage throughout the worksheet and schedules to decrease the number of printed pages; revise and clarify instructions; allow the Excel™ calculator to be compatible with versions of Excel 97 and later; round off the final child support obligation amount to an even dollar amount (i.e., an obligation amount of \$501.25 is rounded off to \$501.00); and, add DHR, ex rel if applicable to reflect that DHR has filed the action on behalf of the children.



The revised calculators became available late-April and the new versions (Version 7) can be accessed from the following website: www.georgiacourts.org/csc. At this Child Support Commission web page, one will click the link that will take them to the download page. Also, on the download page, one will find available the two new paper and pen versions of the worksheets. There is an existing paper version of the worksheet and schedules that has been edited to provide more user friendly instructions and to reduce the number of printed pages, which is specifically designed and tailored to allow a user to manually calculate child support. Moreover, there is now a new EZ form available. The EZ form set comes with definitions and a table for calculation purposes. The EZ was specifically created for emergency situations, such as with Temporary Protective Orders, when there is a need for child support without lengthy calculations. The EZ form consists of two pages and does not provide space for adjusted child support (self-employment taxes, preexisting orders and qualified children) and deviations. Both paper versions of the worksheet/schedules and the EZ form are available now for downloading.

Even though the electronic calculators and the paper versions can be downloaded to one's hard drive, it is recommended that users return to the Child Support Commission website periodically to check for new versions of the calculators and worksheets. In particular, new versions of the electronic calculator and paper worksheet will be available Sept. 1, 2009. New legislative changes to the guidelines are expected to go into effect on that date.

New Legislative Changes

The 2009 Legislature passed House Bill 145 which contained revisions to child support guidelines, §19-6-15. Revisions or clean up language in the bill pertain to the worksheet subsection, parenting time and inclusion of the life insurance deviation under subsection (b) of the guidelines. The language regarding the worksheet clarified that if there are no deviations requested, then Schedule E need not be attached to the worksheet and final order. This will be especially pertinent if one is using the EZ form which does not include schedules. The parenting time revision clarifies that when calculating the deviation, this downward deviation shall be added with all other deviations granted by the court or jury. Also, subsection b of the guidelines, which provides a road map to the child support calculation, left out any reference to a possible deviation when the parties have life insurance and the child is the beneficiary. It is already listed as a possible deviation under the deviation subsection (subsection i). The bill provides for that correction.

Besides these clean up provisions, HB 145, sponsored by Child Support Commission member and Rep. Edward Lindsey (R-Atlanta), included a substantive change to the low income deviation. The formula which had an income

requirement and self support reserve was removed. In its place, the court at its discretion may determine the deviation amount, using the following as guidance: "[f] or the purpose of calculating a low income deviation, the noncustodial parent's minimum child support for one child shall be not less than \$100 per month, and such amount shall be increased by at least \$50 for each additional child..." While the new low income deviation would be at court's discretion, the provision guides the court or jury in examining the noncustodial parent's attributable and excluded sources of income. The court or jury shall also review the custodial parent's economic situation. After a review of the noncustodial parent's gross income and expenses, and "taking into account each parent's adjusted child support obligation and the relative hardships on the parents and the child, the court or jury may consider a downward deviation to attain an appropriate award of child support which is consistent with the best interest of the child."

This completely redrafted low income deviation is the result of another Child Support Commission task force. Judge Louisa Abbot, Chatham County Superior Court, and the Guidelines' Statute Review Subcommittee chair assigned a Study Committee to review problems with the current low income deviation provision. She appointed Commission member and Court of Appeals of Georgia Judge Debra Bernes to chair the Study Committee. The Study Committee included Superior Court Judges Cindy Morris, Joe Bishop, Thomas Hodges, Quillian Baldwin and Sheryl Jolly, as well as Family Law Section member and private attorney Regina Quick, representatives from Atlanta Legal Aid and Georgia Legal Services, Commission on Family Violence, and the OCSS. The Committee met and discussed the issue for 6 months prior to submitting a recommendation to the Child Support Commission. The Commission's final recommendations became House Bill 145. It passed the General Assembly in March and is expected that the Governor will sign the bill shortly. However, the bill will not go into effect until Sept. 1, 2009.

If you have any further questions or comments about the changes to the calculators and the legislation passed during the 2009 Legislative Session, please contact Jill Radwin, at radwinj@gaaoc.us. *FLR*



Jill Radwin works for the Georgia Administrative Office of the Courts, where she serves as the Staff Attorney to the Child Support Commission and is the Executive Director of the Georgia Supreme Court Committee on Civil Justice. She is a graduate of the University of Alabama School of Law, and is a member of the Family Law Section. She can be contacted at radwinj@gaaoc.us.

REPORT ON THE
SUPREME COURT COMMITTEE ON CIVIL JUSTICE

Judicial Council Meeting

July 22, 2009

- I. Georgia Legal Needs Study
- II. Final Report of the Georgia Legal Needs Study
- III. Round Table Discussions
- IV. Committee's Pilot Projects

Supreme Court Committee on Civil Justice

During the first half of 2009, the Committee on Civil Justice (“Committee”) further developed its mission and objectives and proceeded with special projects to fulfill its mission. The Committee’s mission is envisioning Georgia as a state in which everyone is informed about and has meaningful access to a civil justice system that provides due process of law. To this end, the Committee envisions that there [will be] a statewide, broad-based, publicly known and supported, coordinated system for the delivery of civil legal assistance that: empowers people of low income; provides education, information, advice, tools, and quality legal representation; and efficiently and effectively addresses legal needs and resolves or prevents legal problems.

I. Georgia Legal Needs Study

The hallmark of the Committee, the comprehensive Georgia Legal Needs Study, was finally complete in mid-2009. To assess and determine the current state of Georgia’s civil legal delivery system and the unmet civil legal needs of low and moderate income Georgians, the Committee contracted with the A.L. Burruss Institute of Public Service and Research at Kennesaw State University (“Burruss”) in 2007 and 2008. Burruss’ assessment for the Committee included telephone surveys of low and moderate income Georgians, as well as state attorneys as to the extent each provides pro bono representation. Personal interviews and focus groups were conducted for selected hard-to-reach populations and those with special needs. Further, focus groups were conducted of legal services providers and court personnel. Upon receipt of the data, the Committee contracted with D. Michael Dale, an attorney and legal needs study expert from Oregon, to analyze and draft a final report. The Committee reviewed the report and released it to the public in June 2009.

II. Final Report of the Georgia Legal Needs Study

While the findings did not pose any major surprises, the Committee can now proceed with its mission with more confidence and certainty as to the true status of unmet needs and how litigants are resolving the issues. Among the findings was that Georgia’s total population in 2008 was approximately 9,685,744. Of this total, 1.9 million persons live at or below 150% (\$30,000) of the poverty rate, or approximately 769,000 households. More than 60% of the low and moderate income households in Georgia experience one or more civil legal needs a year. Low income households in Georgia experience over 2.3 million legal problems in a year, and moderate income households have another 4.3 million legal problems each year. Of all of the legal problems reported, consumer problems represented 22.3%, followed by housing (15.8%). Family law ranked as the seventh most pressing legal needs. Yet, the survey of court personnel perceived family law as the most common legal needs confronted by low and moderate income households. [See the attached Key Points Fact Sheet for more details and findings. Final report will be available at Judicial Council of Georgia meeting.]

These findings were presented on June 24, 2009, at the Georgia Civil Legal Needs Summit, hosted by the Committee and held at the State Bar Headquarters in Atlanta. It was also simulcast to the Bar Centers in Tifton and Savannah, as well as via webinar to those who did not have convenient access to any of these locations. Attorneys Anne

Lewis and Teri McClure, the two co-chairs of the Committee, moderated the Summit. Former Chief Justice Sears delivered the welcoming address and closing remarks. Charles Lester, the Delivery Coordination and Needs Assessment Subcommittee Chair, presented the results of the survey of the low and moderate income Georgians. Federal Court Judge William Duffey, who is also a Committee member, spoke about the results of the attorney survey and the level of pro bono involvement in the state. One of the Committee's Advisors, Phyllis Holmen, Executive Director of Georgia Legal Services, spoke about the barriers to the courts perceived by both legal aid providers and court personnel. There was also a panel discussion that focused on what is currently being done in regard to access to justice. Among the panelists were Superior Court Judges Mary Staley and Brenda Weaver, both of whom are involved in two of the Committee's pilot projects.

III. Round Table Discussions

The Committee's goal is to continue the discussion which was started in the panel discussion at the Summit. To achieve this, the plan is to convene eleven "Round Table Discussions" at various sites around the state. Each of these will be hosted by a local superior court judge. The agenda will include a brief introduction about the Committee, the Legal Needs Study, and the Study's findings; what is being done locally about access to justice; what both the court and the community sees as obstacles to access to justice; and, ideas on how to address this issue. The locations and dates for these Round Tables are: Albany (July 31); Lawrenceville (August 7); Brunswick (August 21); Ellijay (August 28); Carrollton (September 4); Augusta (September 18); Decatur (September 23); Rome (September 25); Macon (October 1); Jefferson (October 9); and Columbus (date to be determined). The goal is to engage many levels of the community with these Round Tables from possible litigants, attorneys, judiciary, and the state and local bar organizations to the business community and legislators/government officials. The suggestions generated and recommendations for future Committee pilot projects will be published as an addendum to the Final Report and will be distributed to policy makers and legislators.

IV. Committee's Pilot Projects

The Committee, prior to the release of the Legal Needs Study, had already initiated several pilot projects. The Appalachian Family Law Information Center, providing family law assistance to low income Georgians in the three county judicial circuit, has continued to show much promise and early success. From all accounts and the statistics gathered, the court and the litigants have found the court process much more smooth and efficient. Superior Court Judge Brenda Weaver is the chief judge in the Appalachian Circuit and has provided much of the inspiration for the Center. [See attached PowerPoint for statistics on the Center.] In addition, the Committee has just started working with Superior Court Judge Mary Staley in Cobb County on a limited scope representation project. A local rule that provides guidance to the attorneys, court and litigants has been drafted and will be submitted shortly to the Supreme Court for approval.

Jill Radwin serves as the Executive Director of the Committee on Civil Justice, and Tracy Powell serves as the Project Coordinator. The administration of the Committee is housed at the Administrative Office of the Courts.



The Georgia Civil Legal Needs Summit

Key Points Fact Sheet

Based on 2007 figures, the percentage of families in Georgia living below the poverty level (14.7%) is higher than that of the United States overall (13.3%). Georgia ranks 13th among the states for persons living in poverty, and remains below the national average in terms of per capita income.

Number of legal needs of low and moderate income Georgians per year

- » Georgia's population in 2008 was approximately 9,685,744. Of this total, 1.9 million persons live at or below 150% (\$30,000) of the poverty rate, or- approximately 769,000 households.
- » More than 60% of low and moderate income households in Georgia experience one or more civil legal needs a year.
- » Low income households in Georgia experience over 2.3 million legal problems in a year, and moderate income households have another 4.3 million legal problems each year.

What are the substantive legal needs of low and moderate income households in Georgia?

Of all the legal problems reported, consumer problems represented 22.3%, followed by housing (15.8%), health (8.9%), employment (8.4%), public benefits (7.7%), education (6.3%), family law (5.8%), estates (4.1%), torts (3.5%) and other problems.

Similarly, those identified as "hard to reach" and interviewed in person, rather than via the telephone, also reported consumer problems as one of the major area of legal needs (19.6%), but as expected, housing was an even larger area of legal problems (21.8%). Other legal problems reported by the hard to reach population segment include: health (6.1%); employment (11.4%); family law (7.8%); civil rights (3.3%); torts (2.3%); and, education (3.6%).

Interestingly, court personnel perceived that the most common legal needs confronted by low and moderate income households were family law, followed by housing and consumer problems.

What happens when a low or moderate income household in Georgia experiences a civil legal need?

- » Over ninety percent of respondents to the public telephone survey and personal interviews stated they did not obtain legal help for their issue.
- » Nearly three quarters of those interviewed said they tried to resolve the issue by themselves without legal help.
- » Nearly 75% of respondents who did not seek help said they did not realize that their problem could be remedied with legal assistance. Others reported not knowing where they could go to seek legal assistance.
- » Only 9.1% were able to obtain some form of help from an attorney.
- » Although over two-thirds of households participating in the survey reported that they had access to the Internet, over 94% of all households reported that they have not used it to access online resources and legal forms.

What barriers to access to the justice system were identified in the survey?

- » 95.5% of court personnel identified "lack of understanding the court system," another 90.7% named "pro se expectations for assistance," and 88.7% said "lack of *pro bono* or low cost services."
- » Providers of legal and social services reported that the most serious obstacles derived from the nature of poverty itself, such as difficulties with finances and credit, health issues, housing, transportation, education and literacy, and job loss and job training.

The Georgia Civil Legal Needs Summit



- » A key obstacle noted by court personnel is the low level of awareness of those resources that are available to help with resolution of legal problems. Less than 20 % of respondents were aware of mediation services, and nearly half did not know about a legal services program or attorney referral service.

Barriers Experienced by Legal Service Providers in Meeting Legal Needs

- » The four most significant factors identified were “caseload/time constraints” (87.1%); “lack of budgetary resources” (88.6%); “lack of available attorneys” (81.4%) and “lack of staff/personnel” (81.5%).

Who is providing pro bono or low cost services?

- » A higher proportion of attorneys from small firms (49.5%) and solo practitioners (47.7%) reported being engaged in *pro bono*, while the largest firms reported a much lower participation rate (27.1%).
- » Although a smaller percentage of attorneys in the largest firms are engaged in *pro bono*, those who do provide this service contribute more hours per year – over twice the number of hours reported by sole practitioners.
- » Those who engage in *pro bono* representation cited the motivation for doing so was a sense of professional responsibility. Also reported as important was knowledge of the needs of low and moderate income clients, requests by the court, and faith based motivation.

What are the barriers to doing pro bono?

- » Non-*pro bono* attorneys identified lack of time, family obligations, small firm economics, reliable screening referrals, and lack of skills or experience in practice areas as barriers to their participation in *pro bono*.
- » For 39.1% of non-*pro bono* attorneys, the failure to provide some form of group malpractice insurance for *pro bono* practitioners was an actual obstacle to participation. Over three-fourths of the non-*pro bono* attorneys surveyed said that free malpractice insurance would be a motivating factor to encourage their participation with *pro bono* activities.
- » The disparity between the substantive expertise of most private attorneys and the legal needs of low and moderate income households is a major reason attorneys may not participate in *pro bono*. 60% of the respondents most commonly practice in three areas: business/corporate/tax (24.2%), real estate (17.4%), and personal injury (14.5%). None of those areas were identified in the study as being particularly relevant to the most serious legal needs of low and moderate income families.
- » By contrast, the number of attorneys who commonly practiced in areas more in demand, such as housing/landlord tenant law (2.4%), public benefits (1.6%), civil rights (2.7%) and elder law (1.6%), is quite small.
- » Respondent attorneys identified particular areas of substantive law that they would specifically decline to accept for representation. Family law, a key legal need for low and moderate income families, is specifically avoided by 22.1% of the survey sample. Consumer law is avoided by 6.3% of respondents. 16.1% of respondents reported not accepting any cases that were outside of their area of specialization.
- » Almost 40% of the attorneys in the survey who were limiting their practice responded that they would accept cases outside of their comfort zone if free training were available.
- » 59.6% of non-*pro bono* attorneys answered “the opportunity to work on a discrete task” would be important in encouraging non-*pro bono* attorneys to engage in *pro bono* work.

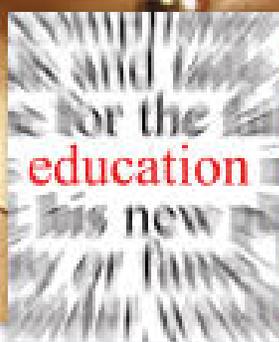


Supreme Court of Georgia – Equal Justice Commission | Committee on Civil Justice

244 Washington Street, SW | Suite 300 | Atlanta, GA 30334-5900 | www.gaccj.org

Civil Legal Needs of Low and Moderate Income Households in Georgia

A Report Drawn from the 2007/2008 Georgia Legal Needs Study



Sponsored by the
Committee on Civil Justice – Supreme Court of Georgia Equal Justice Commission

Conducted by the A.L. Burness Institute of Public Service and Research – Kennesaw State University
Additional analysis, reporting and organization by D. Michael Dale

June 2009

FY 2010 Amended Judicial Council Budget Request

Budget Unit	FY 09 Spread	Pay Package Reduction & Merit System	Adjusted Base	Budget Reductions	FY 10 Base Budget	FY 10 Amended Request	Balance
Georgia Appellate Resource Center	580,000	0	580,000	-	580,000	-	580,000
Office of Dispute Resolution	196,638	(3,117)	193,521	(120,317)	73,204	-	73,204
Institute of Continuing Judicial Education	1,298,000	(6,105)	1,291,895	(257,054)	1,034,841	-	1,034,841
Judicial Qualifications Commission	299,040	(2,226)	296,814	(20,065)	276,749	90,356	367,105
Total	2,373,678	(11,448)	2,362,230	(397,436)	1,964,794	90,356	2,055,150

Judicial Council

Administrative Office of the Courts	7,402,532	(70,898)	7,331,634	(529,990)	6,801,644	-	6,801,644
Council of State Court Judges	265,526	0	265,526	(28,428)	237,098	-	237,098
Judicial Council Standing Committee on Drug Courts	2,322,101	(530)	2,321,571	(460,962)	1,860,609	-	1,860,609
Child Support Guidelines Commission	111,102	(928)	110,174	(7,360)	102,814	-	102,814
County and Municipal Probation Advisory Council	296,168	(2,393)	293,775	(19,829)	273,946	-	273,946
Legal Services to Victims of Domestic Violence	2,134,626	0	2,134,626	(148,143)	1,986,483	-	1,986,483
Committee on Access and Fairness	112,784	(539)	112,245	(36,055)	76,190	-	76,190
Council of Probate Court Judges	78,110	0	78,110	(5,421)	72,689	-	72,689
Council of Municipal Court Judges	19,000	0	19,000	(1,319)	17,681	-	17,681
Council of Magistrate Court Judges	203,847	(837)	203,010	(13,843)	189,167	-	189,167
Georgia Council of Court Administrators	4,762	0	4,762	(331)	4,431	-	4,431
Georgia Law School Consortium	176,416	0	176,416	(176,416)	-	-	-
Georgia Courts Automation Commission	844,669	(1,087)	843,582	(257,930)	585,652	-	585,652
Total Judicial Council	13,971,643	(77,212)	13,894,431	(1,686,027)	12,208,404	-	12,208,404
Total Judicial Council Section	16,345,321	(88,660)	16,256,661	(2,083,463)	14,173,198	90,356	14,263,554

FY 2010 Amended Enhancement Requests

Program	State Funds Requested	Details of Request	Budget Committee Recommendation	Notes
Georgia Appellate Practice and Educational Resource Center, Inc.	\$349,700	Compensate for the loss of the Georgia Bar Foundation funding and the decreased federal court compensation, and to allow the Center to continue to maintain minimum staff necessary to provide adequate services to its clients and take on additional cases that will ender the system in FY 2010 and 2011.	No	unanimous vote
Judicial Qualifications Commission	\$90,356	For funds to pay outside legal fees owed for the past investigation and prosecution of two judges.	Yes	unanimous vote

\$440,056

\$90,356

FY 2010 Budget - \$14,173,198

% Enhancement Increase - 0.01%

JUDICIAL BRANCH OF GEORGIA FY 2010 AMENDED REQUEST FORM

SECTION A. GENERAL INFORMATION

BUDGET UNIT: Amended FY 2010

Program: Georgia Appellate Practice and Educational Resource Center, Inc.

FISCAL YEAR: Amended FY 2010 or FY 2011 Enhancement

Enter the net change in state funds requested for the program: \$349,700

Judicial Council Budget Committee Recommendation: \$0

Describe the impact the request has on any other program fund sources (federal and/or other funds). During the past several years, the pace of state habeas litigation has increased exponentially as demonstrated by the threefold increase in the number of state habeas evidentiary hearings held per year. Despite yearly pleas for increased funding from the State of Georgia, funding remained stagnant at \$800,000 from FY 2002 until FY 2008. In 2002, the Georgia Resource Center (Center) received funding from two outside sources – the American Bar Association and the National Association of Public Interest Lawyers – which supported three attorney positions. For the first time since the loss of federal funding in 1995, the Georgia Resource Center functioned at full capacity. Since the expiration of those fellowship positions in 2003, the Center has repeatedly sought increased funding from the State to reinstate those positions. In FY 2006, the Center sought and was awarded funds from the Georgia Bar Foundation to supplement the state funding. Finally, in FY 2008 with increased funding from the Georgia Bar Foundation, the Center was once again at its FY 2002 staffing level. The response from the State of Georgia was to then cut funding by not only the 2.5% mandatory for most agencies, but to decrease the overall funding by an additional 25%, reducing it to \$580,000. For FY 2009, the State decreased the overall grant even further, to \$528,963, and has recently requested a rebate of \$8,908 already disbursed pursuant to that grant. For FY 2010, the State has brought the overall grant back to \$580,000. However, at the same time, due to the downturn in the economy, the Georgia Bar Foundation will be unable to fund the Center at the level of its FY 2009 grant of \$792,700. It is unclear what, if any, funding will be available from the Bar Foundation in FY 2010.¹ This request is intended to partially compensate for the loss of Bar Foundation funding, bringing the overall grant from the State of Georgia to \$929,700.

¹ The Center will not know until approximately July 1, 2009, the amount of the Bar Foundation grant for FY 2010.

JUDICIAL BRANCH OF GEORGIA FY 2010 AMENDED REQUEST FORM

SECTION B.

PART 1: EXPLANATION OF REQUEST

- 1. Proposal:** Describe the request, the need, and the number of constituents or constituencies impacted, as applicable. For enhancements and certain base adjustments, if this request were not funded, what would be the consequence? In FY 2009, the Georgia Resource Center's State funding was cut by over twenty five percent from \$800,000 to \$580,000 despite the tremendous increase in the pace of litigation over the past several years. During the fiscal year, the FY 2009 State grant was cut down to \$528,963, and the Center has just been informed that the State requires a rebate of \$8,908 of that remaining grant amount, which has already been disbursed.

Because the Center's State funding was frozen from 2002 to 2006, it was impossible to keep pace with inflationary costs on any level. Despite years of service, professional staff continued to be grossly underpaid in comparison to their counterparts in other public service offices as well as the Attorney General's office. As a result of stagnant state funding and significantly increased litigation, the Georgia Resource Center sought and was awarded grants in FY 2006 – 2009 from the Georgia Bar Foundation to supplement state funding. This funding allowed the Center to operate at full capacity in FY 2008 for the first time since 2002. The State then cut its grant to the Center by 27.5 percent, to \$580,000, and, as discussed above, made further cuts during FY 2009.

Additionally, in FY 2010, the Georgia Bar Foundation will be unable to fund the Center at the same level as its FY 2009 grant, and it is unclear what level of funding, if any, will be available. Should the Bar Foundation be unable to offer the Center adequate funding, and the Center not receive a supplemental grant from the State, a catastrophic downsizing of the Center would have to occur, jeopardizing the Center's ability to continue its mission. Specifically, the Center would not be able to fund the departing executive director's position and would have to lay off half of its attorneys and one quarter of its investigators. Such a devastating round of layoffs would prevent the Center from representing some of its current clients and from taking on new cases. This request is intended to compensate for the loss of the Georgia Bar Foundation funding and allow the Center to maintain the minimum staff necessary to provide services to its clients and take on additional cases that will enter the system in FY 2010 and 2011.

- 2. Geographic Impact:** Where does the request impact the state?
 Statewide or list counties below:

JUDICIAL BRANCH OF GEORGIA FY 2010 AMENDED REQUEST FORM

- 3. Current Status: What is the budget unit currently doing to address this issue? Will those activities continue if this request is approved?** In FY 2009, the Georgia Resource Center received a grant from the Georgia Bar Foundation for \$792,000, bringing our FY 2009 budget to \$1,321,000. Due to the downturn in the economy, the Center is reducing its budget for FY 2010 to \$1,244,700, reflecting the elimination of an investigator position and voluntary cuts to the Center's budgets for core services such as investigation, expert assistance and litigation expenses. In order to further compensate for the loss of Bar Foundation funding in FY 2010, the Center is counting on charitable donations of \$15,000 and federal habeas court voucher revenue of \$300,000.² For FY 2010, the Center has also applied to the Georgia Bar Foundation for a grant of \$349,700, in response to the reported 71% decrease in Bar Foundation IOLTA revenues. The Bar Foundation will *not* be able to fund the Center at the FY 2009 level, and it is unclear what, if any, funding will be available in FY 2010.³
- 4. Supporting Data: Provide any supporting data, evaluations, and/or research for this request. Include any information you have on similar successful programs or evaluations in other jurisdictions that are relevant to this request.** During the past nine years there has been a forty percent (40%) increase in the number of cases entering into state habeas corpus proceedings. Currently there are forty-four (44) cases in state habeas corpus proceedings. The Center directly represents as sole counsel of record seventeen (17) of those cases, is co-counsel of record in twenty (20) cases, and is consulting with volunteer counsel on the remaining seven (7) cases. Thus, the Center is counsel or co-counsel in over eighty-four percent (84%) of the cases and provides some assistance on the remainder. The rate of new cases entering habeas corpus proceedings in FY 2010 and 2011 will continue to add to the already overwhelming caseload. A recent performance audit requested by the Senate Appropriations Committee and conducted by the Department of Audits found that Center attorneys handled more cases and expended less money per case than similar organizations in other states. The Georgia Resource Center is the most cost effective and efficient model of ensuring that death sentenced inmates are represented in state habeas proceedings and in assuring that only those deserving of death are actually executed.

² Federal court compensation is received in periodic amounts that vary substantially according to the number of federal habeas cases which are approaching resolution at any given time, and the time it takes the courts to fulfill payment vouchers. Therefore, the anticipated \$300,000 for FY 2010, reflecting billing for federal work completed during 2004-10, will not be replicated in FY 2011, for which anticipated federal revenues amount to only \$80,000, given the smaller number of cases expected to come to resolution. Federal payments fund only litigation in federal habeas corpus cases involving Georgia state prisoners under death sentence. If the Center were to receive more federal funds in FY 2010 than anticipated, it would be able to reduce the corresponding amount of State funds requested.

³ However, if the Bar Foundation awards the Georgia Resource Center grant money for FY 2010, then the Center may be able to partially or completely withdraw its request for an amended State grant for FY 2010.

JUDICIAL BRANCH OF GEORGIA FY 2010 AMENDED REQUEST FORM

- 5. Measures: What measures are or will be used to evaluate the impact of this change? If an enhancement, what is the projected return on investment?** The principal measures will be the Center's caseload, the rate of direct representation, and the pace at which capital habeas cases proceed through the system to final resolution.

- 6. Stakeholders/Constituents/Constituencies: Describe the constituent and stakeholder groups affected by this change and whether they are likely to support or oppose this request (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).** In 1988, the State Bar and the state and federal courts worked together to address the problem of the lack of counsel for death-sentenced inmates in habeas corpus proceedings. The solution to this problem was the establishment of the Georgia Appellate Practice and Educational Resource Center, Inc.. The Center is an integral part of Georgia's death penalty system, is the most efficient and cost effective means to move the cases to final adjudication, and is a necessary safeguard to wrongful execution. The State Bar of Georgia and the Administrative Office of the Courts have supported the Center's request for increased funding in the past and will likely support this request.

- 7. Legislation or Rule Change (a): Is legislation or a Rule change required to be passed or changed if this request is implemented? If so, please explain.** No

- 8. Legislation or Rule Change (b): Is this request a result of a legislation or rule change? If so, please explain.** No.

- 9. Alternatives: Explain what other alternatives were considered and why they were not viable.** The Georgia Resource Center has requested funding from the Georgia Bar Foundation for FY 2010, but due to the economic downturn, the Bar Foundation's IOLTA revenues have plummeted. The Bar Foundation will not be able to fund the Center at the FY 2009 level, and it is unclear what, if any, funds will be available for FY 2010.

JUDICIAL BRANCH OF GEORGIA FY 2010 AMENDED REQUEST FORM

PART 2: BUDGET

- 10. Requested and Projected Resources:** For enhancements and certain base adjustments, what additional resources are you requesting? What are your out-year projections?
- 11. Methodology/Assumptions:** Provide the methodology and assumptions behind the requested amount and out-year projections. How did you arrive at the amounts? What time period does the request cover (i.e., the number of months)? The requested grant increase for the twelve month period of FY 2010 (July 1, 2009 to June 30, 2010) would enable the Center to maintain the minimum staff and litigation resources necessary to provide current clients with adequate representation and to handle new clients entering the state habeas system in FY 2010. The overall budget for FY 2010 represents a reduction in staffing and funding levels from FY 2009.
- 12. Federal and Other Funds:** Describe the impact on federal and/or other funds related to this request (amount, policy etc). Revenues received as compensation for work representing clients in federal capital habeas corpus proceedings pay for litigation in federal court only, and are included in the Center's FY 2010 budget.

(The information on the next page is a spreadsheet from the FY10 Amended FY11 Enhancement Budget Development Excel spreadsheet completed for this request. Please review the instruction document on how to update the information below.)

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM**

Budget Categories:	FY2010 Amended Budget Request	FY2011 Enhancement Budget Request
Personal Services	\$ 267,200	\$ 437,460
Operating Costs		
Postage	\$ 560	\$ 920
Motor Vehicle Expenses	\$ -	\$ -
Printing, Publications, Media	\$ 1,970	\$ 3,220
Supplies and Materials	\$ 2,530	\$ 4,140
Repairs and Maintenance	\$ 850	\$ 1,400
Equipment <\$5,000	\$ -	\$ -
Water/Sewage	\$ -	\$ -
Energy	\$ 1,550	\$ 2,530
Rents Other Than Real Estate	\$ 110	\$ 190
Insurance and Bonding	\$ 2,650	\$ 4,320
Freight	\$ 450	\$ 740
Other Operating	\$ 1,160	\$ 1,840
Travel - Employee	\$ 19,700	\$ 32,200
Real Estate Rentals	\$ 18,640	\$ 31,050
Professional Services (Per Diem and Fees)	\$ 28,830	\$ 47,380
Professional Services - Expenses	\$ -	\$ -
Other Contractual Services (Non-State)	\$ -	\$ -
Contracts - State Organizations	\$ -	\$ -
Information Technology Related Expenses	\$ 1,700	\$ 2,760
Voice/Data Communications	\$ 1,800	\$ 2,940
Grants	\$ -	\$ -
Indirect Costs	\$ -	\$ -
Transfers From Other Government Agencies	\$ -	\$ -
TOTAL OPERATING BUDGET	\$ 82,500	\$ 135,630
TOTAL OVERALL BUDGET	\$ 349,700	\$ 573,090
State Funds	\$ 349,700	\$ 573,090
	\$ -	

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM**

PART 3: OTHER INFORMATION

13. Discuss any other relevant factors that should be considered.

The Georgia Resource Center's Amended FY 2010 grant request is attached.

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

SECTION A. GENERAL INFORMATION

BUDGET UNIT: **Judicial Qualifications Commission**

Program:

FISCAL YEAR: Amended FY 2010 or FY 2011 Enhancement

Enter the net change in state funds requested for the program: \$90,356
Approved by the Judicial Council Budget Committee

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

This request will not have any impact on any other funding source.

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

SECTION B.

PART 1: EXPLANATION OF REQUEST

- 1. Proposal:** Describe the request, the need, and the number of constituents or constituencies impacted, as applicable. For enhancements and certain base adjustments, if this request were not funded, what would be the consequence?

This request is for funds to pay outside legal fees owed for the past investigation and prosecution of two judges.

- 2. Geographic Impact:** Where does the request impact the state?
[X] Statewide or list counties below:

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

This is an outstanding debt owed by the Commission for work performed in FY08.

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

N/A

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

N/A

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

N/A

- 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

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

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

N/A

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

N/A

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

PART 2: BUDGET

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

There are no additional resources.

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

We are billed monthly for our past due bills. Each month interest is added to the amount due.

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

N/A

(The information on the next page is a spreadsheet from the FY10 Amended FY11 Enhancement Budget Development Excel spreadsheet completed for this request. Please review the instruction document on how to update the information below.)

**JUDICIAL BRANCH OF GEORGIA
 FY 2010 AMENDED REQUEST FORM
 FY 2011 ENHANCEMENT REQUEST FORM**

Budget Categories:	FY2010 Amended Budget Request	FY2011 Enhancement Budget Request
Personal 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 and Fees)	\$ 90,356	\$ -
Professional Services - Expenses	\$ -	\$ -
Other Contractual Services (Non-State)	\$ -	\$ -
Contracts - State Organizations	\$ -	\$ -
Information Technology Related Expenses	\$ -	\$ -
Voice/Data Communications	\$ -	\$ -
Grants	\$ -	\$ -
Indirect Costs	\$ -	\$ -
Transfers From Other Government Agencies	\$ -	\$ -
TOTAL OPERATING BUDGET	\$ 90,356	\$ -
TOTAL OVERALL BUDGET	\$ 90,356	\$ -
State Funds	\$ 90,356	\$ -
Other Budgeted Funds	\$ -	\$ -

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

PART 3: OTHER INFORMATION

13. Discuss any other relevant factors that should be considered.

FY 2011 Judicial Council Budget Request

Budget Unit	FY 09 Spread	Pay Package Reduction & Merit System	Adjusted Base	Budget Reductions	FY 10 Base Budget	FY 11 Request	Balance
Georgia Appellate Resource Center	580,000	0	580,000	-	580,000	-	580,000
Office of Dispute Resolution	196,638	(3,117)	193,521	(120,317)	73,204	-	73,204
Institute of Continuing Judicial Education	1,298,000	(6,105)	1,291,895	(257,054)	1,034,841	-	1,034,841
Judicial Qualifications Commission	299,040	(2,226)	296,814	(20,065)	276,749	-	276,749
Total	2,373,678	(11,448)	2,362,230	(397,436)	1,964,794	-	1,964,794

Judicial Council

Administrative Office of the Courts	7,402,532	(70,898)	7,331,634	(529,990)	6,801,644	-	6,801,644
*Council of State Court Judges	265,526	0	265,526	(28,428)	237,098	1,130,752	1,367,850
Judicial Council Standing Committee on Drug Courts	2,322,101	(530)	2,321,571	(460,962)	1,860,609	143,962	2,004,571
Child Support Guidelines Commission	111,102	(928)	110,174	(7,360)	102,814	-	102,814
County and Municipal Probation Advisory Council	296,168	(2,393)	293,775	(19,829)	273,946	-	273,946
Legal Services to Victims of Domestic Violence	2,134,626	0	2,134,626	(148,143)	1,986,483	-	1,986,483
Committee on Access and Fairness	112,784	(539)	112,245	(36,055)	76,190	-	76,190
Council of Probate Court Judges	78,110	0	78,110	(5,421)	72,689	-	72,689
Council of Municipal Court Judges	19,000	0	19,000	(1,319)	17,681	-	17,681
Council of Magistrate Court Judges	203,847	(837)	203,010	(13,843)	189,167	-	189,167
Georgia Council of Court Administrators	4,762	0	4,762	(331)	4,431	-	4,431
Georgia Law School Consortium	176,416	0	176,416	(176,416)	-	-	-
Georgia Courts Automation Commission	844,669	(1,087)	843,582	(257,930)	585,652	-	585,652
Total Judicial Council	13,971,643	(77,212)	13,894,431	(1,686,027)	12,208,404	1,274,714	13,483,118
Total Judicial Council Section	16,345,321	(88,660)	16,256,661	(2,083,463)	14,173,198	1,274,714	15,447,912

* Includes transfer in the amount of \$1,110,190 and an enhancement of \$19,842.

FY 2011 Enhancement Requests

Program	State Funds Requested	Details of Request	Budget Committee Recommendation	Notes
Judicial Council Standing Committee on Drug Courts	\$460,962	For implementation of three new drug courts and sustainability funding for four new courts started in FY 09 and FY 10.	Yes, with adjustments	Reduced to \$143,962 for sustainability of existing courts only.
Council of State Court Judges	\$19,842	To fund mandated adjustments to employers contribution to the retirement fund.	Yes to enhancement and transfer request.	Transfer \$1,110,910 of the JRS as the Employer contribution of state court judge members and state court judicial employees who are members of ERS from the Council of Superior Court Judges.
Legal Services to Victims of Domestic Violence	\$713,517	To provide more civil legal services to low income victims of domestic violence	No	unanimous vote
Georgia Appellate Practice and Educational Resource Center, Inc.	\$570,850	Compensate for the loss of the Georgia Bar Foundation funding and the decreased federal court compensation, and to allow the Center to continue to maintain minimum staff necessary to provide adequate services to its clients and take on additional cases that will enter the system in FY 2010 and 2011.	No	unanimous vote

\$1,765,171

\$163,804

FY 2010 Base Budget - \$14,173,198

% Enhancement Increase - 1.15%

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

SECTION A. GENERAL INFORMATION

BUDGET UNIT: **Judicial Council Standing Committee on Drug Courts**

Program: **Felony, Juvenile and Family Drug Courts**

FISCAL YEAR: [] Amended FY 2010 or [X] FY 2011 Enhancement

Enter the net change in state funds requested for the program: \$460,962

Judicial Council Budget Committee Recommendation: \$143,962

Funding for sustainability of courts started in FY 09 and FY 10 approved.

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

Several drug courts have received federal two - three-year grants for implementation. Courts have also received federal scholarships from the U.S. Department of Justice (DOJ) for state-of-the-art Drug Court Planning Initiative Team Training. These grants and scholarships are very limited in number and duration. To be eligible for these grants the AOC and the courts have provided Sustainability Plans for continuing the programs after grant funds end. Federal drug court grants and training scholarships from DOJ were very limited in the FFY 08 and 09 budgets and the pending FFY 10 budget. State funds will be needed to continue the implementation of the very successful drug court model in Georgia.

The Judicial Council of Georgia has appointed a Standing Committee on Drug Courts. The Standing Committee, a court-appointed committee, consists of judges from Felony Adult Drug Court, Juvenile Drug Courts, Family Dependency Treatment Courts, and DUI Courts, as well as advisory members including district court administrators, and stakeholders in the drug court process. Stakeholders include prosecutors, public defenders, treatment providers, and probation and law enforcement officers. The committee encourages and supports the implementation of drug courts in all 49 judicial circuits. They also work to set practices and standards for all of Georgia's drug courts. In fiscal year 2009, grant funding was awarded to 44 felony and juvenile drug courts. The Administrative Office of the Courts administers the grant program in accordance with the policies set forth by the committee. Grants will continually be awarded as money is appropriated by the legislature.

All available federal grants require state matching funds. State funds allocated for drug courts will be used to leverage federal dollars for any eligible federal grant funds.

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

SECTION B.

PART 1: EXPLANATION OF REQUEST

- 1. Proposal:** Describe the request, the need, and the number of constituents or constituencies impacted, as applicable. For enhancements and certain base adjustments, if this request were not funded, what would be the consequence?

The AOC is requesting funding to provide:

- 1) Implementation for three (3) new drug courts:
- 2) Sustainability funding for four (4) new courts started in FY 09 and FY 10.

If this enhancement is not funded, the implementation of new drug courts and the development of a statewide system of effective alternatives to incarceration and foster care will be delayed, which could result in higher costs to taxpayers in increased prison costs, increased child protective services and welfare costs, reduced collection of child support, and other costs associated with substance abusing offenders.

- 2. Geographic Impact:** Where does the request impact the state?
 Statewide or list counties below:

Implementation grants will be awarded to three (3) new judicial circuits through a competitive grant process. Sustainability funding will be awarded to 3-4 newly established courts through a competitive grant process.

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

The AOC educates superior and juvenile courts about the drug court model and identifies courts that are interested in implementing a drug court. We provide technical assistance, training, advocacy, grant identification, grant writing, and sustainability planning. The AOC staffs the Standing Committee on Drug Courts and administers the committee drug court grant program. On behalf of the committee we have facilitated the development of in-house drug testing labs at local drug courts and case management systems; in addition, data collection efforts will be established with the goal of producing effective evaluations at the local and state level. These activities will continue if this request is approved.

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
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- 4. Supporting Data:** Provide any supporting data, evaluations, and/or research for this request. Include any information you have on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

The Judicial Council Standing Committee on Drug Courts and the Administrative Office of the Courts is fully cooperating with a programmatic audit of adult felony drug courts being conducted by the State of Georgia Office of Audits. Data from that audit will be available in Fall, 2009. Supporting data for Georgia is included on the attached *The Time is Now, Georgia Drug and DUI Courts* flyer.

Painting the Current Picture: A National Report Card on Drug Courts, a report published by the National Drug Court Institute and the Bureau of Justice Assistance (December 2008) provided results on the most comprehensive drug court research that has taken place over the past two decades.

“No other justice intervention brings to bear such an intensive response with such dramatic results—results that have been well documented through the rigors of scientific analysis. From the earliest evaluations, researchers have determined that drug courts provide ‘closer, more comprehensive supervision and much more frequent drug testing and monitoring during the program than other forms of community supervision. More importantly, drug use and criminal behavior are substantially reduced while offenders are participating in drug court’ (Belenko, 1998; 2001). To put it bluntly, we know that drug courts outperform virtually all other strategies that have been attempted for drug involved offenders...” (Marlowe, DeMatteo, & Festinger, 2003).

“Drug Courts produce a national average of \$2.21 benefit for every \$1.00 invested” (Urban Institute). This study provides a conservative average that only includes direct cost savings to the criminal justice system. Other cost-benefit analyses that include costs such as taxes paid by offenders who would have been incarcerated and payment of child support and other child rearing and social costs, the benefits are as high as \$7-\$10 for every \$1 invested.

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

The program measures and effects are:

- 1) Retention rate – Drug court participants will remain in the program at a higher rate than similarly situated offenders who are referred to treatment outside of the drug court model, which research shows leads to better outcomes.

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

- 2) Post-program recidivism (measured by re-arrest and conviction) - Recidivism for drug court participants will be reduced as compared to similarly situated offenders who are not in drug court.
- 3) Cost effectiveness - Costs for drug court participants will be lower than similar offenders who are sentenced to prison.

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

Drug courts have wide bi-partisan support from state legislators, the Association of County Commissioners of Georgia, the Georgia Department of Corrections, state and local law enforcement, local communities and many advocacy groups. The legislature has provided a state appropriation for drug courts since FY 2005.

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.

Legislative or rule change is not required.

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

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

Federal grants were used to support the initiation of the drug court model in Georgia. However, those funds have been exhausted for existing courts and are very limited for new courts. Local funds, including participant fees, can be used to sustain drug courts once they are operational for a few years and effectiveness is demonstrated at the county level and community support is generated. Only "seed" monies to implement new courts and sustain newly created courts are being requested.

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

PART 2: BUDGET

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

We are requesting restoration of the drug court funds back to the FY 2009 appropriation of \$2,322,101- \$460,962 to be restored. We are not requesting any enhancement funds, only restoration of the funds that have been cut.

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

A detailed sample implementation budget for year one of a new drug court is attached. This budget is based on actual implementation costs for existing Georgia drug courts.

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

These funds will not be used to supplant any federal or other funds. These funds can be used as state "match" funds for any federal competitive grants that may become available. The AOC will identify and apply for any available federal grant funds for drug courts.

(The information on the next page is a spreadsheet from the FY10 Amended FY11 Enhancement Budget Development Excel spreadsheet completed for this request. Please review the instruction document on how to update the information below.)

**JUDICIAL BRANCH OF GEORGIA
 FY 2010 AMENDED REQUEST FORM
 FY 2011 ENHANCEMENT REQUEST FORM**

Budget Categories:	FY2010 Amended Budget Request	FY2011 Enhancement Budget Request
Personal 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 and Fees)	\$ -	\$ -
Professional Services - Expenses	\$ -	\$ -
Other Contractual Services (Non-State)	\$ -	\$ -
Contracts - State Organizations	\$ -	\$ -
Information Technology Related Expenses	\$ -	\$ -
Voice/Data Communications	\$ -	\$ -
Grants	\$ -	\$ 460,962
Indirect Costs	\$ -	\$ -
Transfers From Other Government Agencies	\$ -	\$ -
TOTAL OPERATING BUDGET	\$ -	\$ 460,962
TOTAL OVERALL BUDGET	\$ -	\$ 460,962
State Funds	\$ -	\$ 460,962
Other Budgeted Funds	\$ -	\$ -

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

PART 3: OTHER INFORMATION

13. Discuss any other relevant factors that should be considered.

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

SECTION A. GENERAL INFORMATION

BUDGET UNIT: JUDICIAL COUNCIL

Program: COUNCIL OF STATE COURT JUDGES - JRS

FISCAL YEAR: Amended FY 2010 or FY 2011 Enhancement

Enter the net change in state funds requested for the program:

An increase in the amount of **\$1,110,910 (TRANSFER)**

Transfer Approved by Judicial Council Budget Committee.

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

There is no impact on other funding sources for this budget request. JRS “employer” contributions for state court judges and certain state court employees have in the past been handled through the Council of Superior Court Judges. During the 2009 Legislative Session, Senate Bill 109 changed this requirement and imposes a fiscal responsibility upon the Council of State Court Judges. Since the bill becomes effective on July 1, 2010 – the beginning of the FY 2011, Judicial Council is requesting the state funds for the state court judges/employees share. These funds will be handled as a flow through from state appropriations to the Judicial Council and then to the Georgia Judicial Retirement System (JRS) to cover the “Employer” contributions of all state court judge members and state court judicial employees for the State Courts of Bibb, Chatham, and DeKalb Counties who are members of the Georgia Employee Retirement System (ERS).

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

SECTION B.

PART 1: EXPLANATION OF REQUEST

1. **Proposal:** Describe the request, the need, and the number of constituents or constituencies impacted, as applicable. For enhancements and certain base adjustments, if this request were not funded, what would be the consequence?

The amount requested is to flow through to JRS as the Employer contribution of state court judge members and state court judicial employees who are members of the Georgia Employee Retirement System (ERS). If this item is not funded then there will not be any Employer contributions made to JRS and ERS on behalf of the state court judicial members even though it is required per statute.

2. **Geographic Impact:** Where does the request impact the state?
[] Statewide or list counties below:

N/A

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

The Council of State Court Judges and the Judicial Council cannot address the issue without appropriate funding. Prior to FY 2011, these funds have been placed in the Council of Superior Court Judges' budget to pass through to JRS. Since Senate Bill 109 changed this responsibility, the Councils will risk being in non-compliance if funds are not appropriated.

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

Senate Bill 109 as passed by the General Assembly in 2009 is attached and incorporated herein by reference.

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

Compliance and Non-Compliance with provision of SB 109.

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

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

All state court judges that are members of JRS and all court employees of the State Court of Bibb County, State Court of Chatham County, and the State Court of DeKalb County.

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

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

Senate Bill 109 imposes a fiscal responsibility upon the Council of State Court Judges which was previously handled by the Council of Superior Court Judges. This Bill becomes effective on July 1, 2010 – the beginning of the FY 2011. These funds are a flow through from state appropriations to the Council of State Court Judges (through the Judicial Council Program) and then to the Georgia Judicial Retirement System (JRS) to cover the “Employer” contributions of all state court judge members and state court judicial employees for the State Courts of Bibb, Chatham, and DeKalb Counties who are members of the Georgia Employee Retirement System (ERS).

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

N/A

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

PART 2: BUDGET

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

This request is a transfer from the Council of Superior Court Judges budget. Enhancements which include a 2% adjustment is requested through a different white paper.

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

The estimated administration cost that JRS charges for all members is \$175,000. The State Court Judges and staff make up 44% of the total JRS membership. The administration fee added to this request is \$77,000 (44% of \$175,000)

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

N/A

(The information on the next page is a spreadsheet from the FY10 Amended FY11 Enhancement Budget Development Excel spreadsheet completed for this request. Please review the instruction document on how to update the information below.)

**JUDICIAL BRANCH OF GEORGIA
 FY 2010 AMENDED REQUEST FORM
 FY 2011 ENHANCEMENT REQUEST FORM**

Budget Categories:	FY2010 Amended Budget Request	FY2011 Enhancement Budget Request
Personal Services	\$ -	\$ 1,110,910
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 and Fees)	\$ -	\$ -
Professional Services - Expenses	\$ -	\$ -
Other Contractual Services (Non-State)	\$ -	\$ -
Contracts - State Organizations	\$ -	\$ -
Information Technology Related Expenses	\$ -	\$ -
Voice/Data Communications	\$ -	\$ -
Grants	\$ -	\$ -
Indirect Costs	\$ -	\$ -
Transfers From Other Government Agencies	\$ -	\$ -
TOTAL OPERATING BUDGET	\$ -	\$ -
TOTAL OVERALL BUDGET	\$ -	\$ 1,110,910
State Funds	\$ -	\$ 1,110,910
Other Budgeted Funds	\$ -	\$ -

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

PART 3: OTHER INFORMATION

13. Discuss any other relevant factors that should be considered.

The requested funds are strictly flow-through funds. The appropriation is based on current members in the fund with modest anticipation of new members by the creation of new judgeships. Any other judgeships created from vacancies in office are unanticipated and will require amendments to the initial appropriation throughout the fiscal year. State court employees are based upon current members and any changes in the local court staffing is unanticipated and will require amendments to the initial appropriation throughout the fiscal year.

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

SECTION A. GENERAL INFORMATION

BUDGET UNIT: JUDICIAL COUNCIL

Program: COUNCIL OF STATE COURT JUDGES - JRS

FISCAL YEAR: Amended FY 2010 or FY 2011 Enhancement

Enter the net change in state funds requested for the program:

An increase is requested in the amount of **\$19,842.**

Approved by Judicial Council Budget Committee.

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

There is no impact on other funding sources for this budget request. JRS “employer” contributions for state court judges and certain state court employees have in the past been handled through the Council of Superior Court Judges. During the 2009 Legislative Session, Senate Bill 109 changed this requirement and imposes a fiscal responsibility upon the Council of State Court Judges. Since the bill becomes effective on July 1, 2010 – the beginning of the FY 2011, Judicial Council is requesting the state funds for the state court judges/employees share. These funds will be handled as a flow through from state appropriations to the Judicial Council and then to the Georgia Judicial Retirement System (JRS) to cover the “Employer” contributions of all state court judge members and state court judicial employees for the State Courts of Bibb, Chatham, and DeKalb Counties who are members of the Georgia Employee Retirement System (ERS).

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
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SECTION B.

PART 1: EXPLANATION OF REQUEST

1. **Proposal:** Describe the request, the need, and the number of constituents or constituencies impacted, as applicable. For enhancements and certain base adjustments, if this request were not funded, what would be the consequence?

This amount is for a 2% cost of living adjustment to the funds transferred for JRS. The transfer is a flow through to JRS as the Employer contribution of state court judge members and state court judicial employees who are members of the Georgia Employee Retirement System (ERS). If this item is not funded then there will not be any Employer contributions made to JRS and ERS on behalf of the state court judicial members even though it is required per statute.

2. **Geographic Impact:** Where does the request impact the state?
[] Statewide or list counties below:

N/A

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

The Council of State Court Judges and the Judicial Council cannot address the issue without appropriate funding. Prior to FY 2011, these funds have been placed in the Council of Superior Court Judges' budget to pass through to JRS. Since Senate Bill 109 changed this responsibility, the Councils will risk being in non-compliance if funds are not appropriated.

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

Senate Bill 109 as passed by the General Assembly in 2009 is attached and incorporated herein by reference.

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

Compliance and Non-Compliance with provision of SB 109.

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
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6. **Stakeholders/Constituents/Constituencies:** Describe the constituent and stakeholder groups affected by this change and whether they are likely to support or oppose this request (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).

All state court judges that are members of JRS and all court employees of the State Court of Bibb County, State Court of Chatham County, and the State Court of DeKalb County.

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

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

Senate Bill 109 imposes a fiscal responsibility upon the Council of State Court Judges which was previously handled by the Council of Superior Court Judges. This Bill becomes effective on July 1, 2010 – the beginning of the FY 2011. These funds are a flow through from state appropriations to the Council of State Court Judges (through the Judicial Council Program) and then to the Georgia Judicial Retirement System (JRS) to cover the “Employer” contributions of all state court judge members and state court judicial employees for the State Courts of Bibb, Chatham, and DeKalb Counties who are members of the Georgia Employee Retirement System (ERS).

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

N/A

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
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PART 2: BUDGET

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

In subsequent years an anticipated increase of 2% of this amount will be needed to cover the cost of living increases in salaries that directly increase the Employer contributions of the members.

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

Cost of living increases in members' salaries are estimated at 2% which is considered to be an actuarial sound estimate to keep the fund solvent.

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

N/A

(The information on the next page is a spreadsheet from the FY10 Amended FY11 Enhancement Budget Development Excel spreadsheet completed for this request. Please review the instruction document on how to update the information below.)

**JUDICIAL BRANCH OF GEORGIA
FY 2010 AMENDED REQUEST FORM
FY 2011 ENHANCEMENT REQUEST FORM**

Budget Categories:	FY2010 Amended Budget Request	FY2011 Enhancement Budget Request
Personal Services	\$ -	\$ 19,842
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 and Fees)	\$ -	\$ -
Professional Services - Expenses	\$ -	\$ -
Other Contractual Services (Non-State)	\$ -	\$ -
Contracts - State Organizations	\$ -	\$ -
Information Technology Related Expenses	\$ -	\$ -
Voice/Data Communications	\$ -	\$ -
Grants	\$ -	\$ -
Indirect Costs	\$ -	\$ -
Transfers From Other Government Agencies	\$ -	\$ -
TOTAL OPERATING BUDGET	\$ -	\$ -
TOTAL OVERALL BUDGET	\$ -	\$ 19,842
State Funds	\$ -	\$ 19,842
Other Budgeted Funds	\$ -	\$ -

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PART 3: OTHER INFORMATION

13. Discuss any other relevant factors that should be considered.

The appropriation is based on current members in the fund with modest anticipation of new members by the creation of new judgeships. Any other judgeships created from vacancies in office are unanticipated and will require amendments to the initial appropriation throughout the fiscal year. State court employees are based upon current members and any changes in the local court staffing is unanticipated and will require amendments to the initial appropriation throughout the fiscal year.

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SECTION A. GENERAL INFORMATION

BUDGET UNIT: General Counsel/Regulatory

Program: Legal Services for Victims of Family Violence

FISCAL YEAR: Amended FY 2010 or FY 2011 Enhancement

Enter the net change in state funds requested for the program: \$713,517.00

Judicial Council Budget Committee Recommendation: \$0

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

The requested funds will have no impact on any other program fund sources.

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SECTION B.

PART 1: EXPLANATION OF REQUEST

- 1. Proposal:** Describe the request, the need, and the number of constituents or constituencies impacted, as applicable. For enhancements and certain base adjustments, if this request were not funded, what would be the consequence?

The Judicial Council Domestic Violence Committee requests increased funding in the amount of \$713,517.00 (for a total appropriation of \$2.7 million) in order to provide more civil legal services to low-income victims of domestic violence. Funding was decreased due to significant budget cuts over the last two years, and service providers are unable to maintain the level of services provided in 1999, and fewer victims have been assisted.

In FY08, 4,199 clients were assisted with these grant funds. This is approximately 4.27% of eligible Georgians who could request these necessary legal services to preserve their safety. As grant funds for FY 2009 were reduced by 9% and 7% in FY 2010, significantly fewer victims will receive legal services. Of the 4,199 clients served, 638 children benefited from the services as they were safely able to stay in with a caregiver and not enter foster care. This is an estimated cost savings of over \$10,000,000 to the state.

Domestic violence continues to be a life and death issue in Georgia for victims as studies show that one out of four women will be a victim of domestic violence. Funding from the Judicial Council grant provides legal representation for low-income victims of family violence in Temporary Protective Order and Permanent Protective Order cases, and other legal matters that involve safety, custody, support, healthcare, housing, and property issues. Only through court-ordered relief can victims achieve the security that allows them to break free from their abusers and re-establish their own households for themselves and their children.

Domestic violence is not just the physical abuse of a victim, but it affects every aspect of family and community life. In many communities, survivors, family members, judges, lawyers, law enforcement, hospitals, and social service agencies collaborate to keep victims safe, hold abusers accountable, and safeguard communities.

National studies show that the most important element in keeping victims and communities safe from domestic violence is providing legal representation for victims. [Explaining the Decline in Domestic Violence, Farmer, A & Tiefenthaler, *Contemporary Economic Policy*, 2003, vol. 21, issue 2, pages 158-172]. Legal services is also critical to keeping the children in these families safe so that the children are not in foster care--a devastating and expensive alternative to keeping

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children safe in their own homes. [Keep Kids Out of the System, Creative Legal Practice as a Community Child Protection Strategy, ABA Center on Children and the Law, www.abanet.org/child]. The State's continuing support for Judicial Council funding for legal services to victims is pivotal to these efforts.

Without additional funding to at least approach the inflationary rise in costs to maintain the same level of legal representation, victims will be turned away when seeking help in navigating the legal system. Obtaining protective orders, custody orders, assuring economic security, and enforcing court mandates are all key components to stopping the violence. It is important to note that a low-income individual accused of domestic violence will be able to get access to legal representation from the state. This same level of service is not guaranteed to the victim of the domestic violence.

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

Statewide or list counties below:

Statewide impact

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

The Judicial Council Domestic Violence Committee uses the funding to provide grantees with funds to represent victims. Victims are unable to obtain their own legal counsel and their income may not exceed 200% of the federal poverty guidelines. Costs associated with assisting victims, including transportation costs to reach rural, isolated clients, have skyrocketed. The number of attorneys available to provide legal representation to victims will continue to erode without funding to meet the need and victims will be forced to represent themselves pro se which impacts negatively on the judicial system.

In FY 2009 the Judicial Council distributed just over \$2,000,000 to 9 grantees, including the two statewide legal services providers and 6 shelters. This amount was subsequently reduced by 9% which dramatically impacted on the amount of services for needy victims. While providers have struggled to maintain comparable levels of services, the number of victims served has decreased and will continue to decrease. Only with the requested increase for legal services can providers hope to maintain the minimal access to legal representation for victims and keep over 600 children a year from entering the foster care system.

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

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The Department of Human Resources published revised figures in February 2008 showing that 96,110 crisis calls were made to the Domestic Violence Hotline in Georgia. DHR has also documented that domestic violence is a leading cause of injury for girls and women between the age of 15 and 44. The following link will direct you to the data:

http://dhr.georgia.gov/DHR/DHR_FactSheets/Domestic%20Violence%20Fact%20Sheet%2008.pdf

The Georgia Commission on Family Violence and Georgia Coalition Against Domestic Violence published the 2008 Fatality Review Project Annual Report which showed 118 domestic violence deaths in 2007. The entire Report may be located at the following: <http://gcfv.org/docs/2008%20Fatality%20Review%20Report.pdf>

In 2009 Georgia's rank improved from 7th to 14th in the country for the rate at which men kill women in intimate partner homicides. Children were present in 44% of the cases where a fatality resulted. In 2007, the most recent statistics available show that law enforcement responded to more than 61,464 calls resulting in 19,654 arrests for family violence.

<http://services.georgia.gov/gbi/crimestats/displayFamilyViolenceStatForm.do>

According to a 2007-2008 Families First report, the average cost of placing a child in foster care in Georgia is \$40.00.

http://www.Familiesfirst.org/document/content/259/FC_final.pdf

Unfortunately, once a child enters foster care the average stay is 13 months or 395 days.

http://www.fosteringcourtimprovement.org/ga/coounty/incare_summary.html

Accordingly, the cost on average of placing one child in foster care is \$15,800.

Many of the judges in Georgia have recognized that the legal system is the cornerstone of the effort to protect our communities from domestic violence. The Council of Superior Court Judges has developed the *Superior Court Domestic Violence Benchbook, a Guide to Civil and Criminal Proceedings*, setting out the laws and procedures that have shown to be most effective in reducing domestic violence through the courts. In his introduction to the *Benchbook*, Judge Robert W. Adamson reminds us: "Domestic violence cuts across social, economic, cultural, and ethnic grounds. . . . (and) is costly to law enforcement, health care, social services, education, families and to our judicial system. . . . The personal harm to the victim is overwhelming." The *Benchbook* is an invaluable source of data and resources for best practices for courts to protect Georgians who are victims; including data on lethality factors, the dangers of gun possession by batterers, the risks of mediation, and mutual protective orders. See <http://www.uga.edu/icje/DVBenchbook.html>

Research has also shown that those with the fewest economic resources and living in the most disadvantaged areas are also at the most risk of severe violence. Resources

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are seriously limited in rural areas, since only 8.5% of Georgia's attorneys practice in those areas. www.gabar.org. Lack of transportation, lack of jobs, fewer shelters, higher poverty rates all raise the risks to the safety of survivors in rural Georgia.

Studies also show that support of legal services for victims saves money. The Texas Access to Justice Commission sponsored an independent study showing that spending on civil legal services provides a "sizeable stimulus to the economy," by creating increases in consumer spending, personal income, and gross product output. The study, "The Impact of Legal Aid Services on Economic Activity in Texas" found, among other things, that "[f]or every direct dollar expended in the state for indigent civil legal services, the overall annual gains to the economy are found to be \$7.42 in total spending, \$3.56 in output (gross product), and \$2.20 in personal income http://www.lsc.gov/press/updates_2009_detail_T246_R4.php

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

There are several key measures that can be used to show the success of the program. Some of these are:

- Total number of victims served (including children)
- Percentage of eligible victims who receive services through grant funding
- Cost savings per victims by providing services through the grant program
- Decrease in the percentage of repeat users of grant funding
- Percentage of counties in which a victim is provided services with grant funding

The Administrative Office of the Courts manages this grant and requires semi-annual reports from all grantees that provide data upon which to evaluate the level of services provided to victims. Providers report the numbers of victims served, demographic data including gender, race, the number of children impacted, the type of legal representation provided, type of outreach, and type of legal training provided. Depending on the amount of funds available, between 4,000-4,500 victims (including 600 children) are assisted statewide each year. This is less than 5% of the victims who would qualify for this type of assistance in Georgia.

This funding increase will assure that there is legal representation for additional victims who need it to seek the protection of the courts to restrain the abuser, order supervised or restricted visitation, compel law enforcement intervention, remove guns from an abuser, and provide economic stability, housing, or healthcare access.

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

The constituencies affected by this request support an increase in resources for victims including:

a. Victims of domestic violence and their children in each of the 159 counties throughout Georgia are served through this grant.

b. The two legal services agencies that provide lawyers for representation for low income victims of family violence in the 159 counties in Georgia are Georgia Legal Services and Atlanta Legal Aid. The Georgia Law Center for the Homeless provides legal representation to homeless victims through this grant.

c. The ten shelter groups that provide shelter and support services for victims also receive supplemental funding from this grant to access local attorneys in communities when legal services are not otherwise available. The Georgia Coalition Against Domestic Violence provides funding through this grant to obtain local attorneys to assist victims housed in the 46 DHR certified shelters that make up the Coalition.

d. Courts, law enforcement, legislators, public health agencies, hospitals, social service and protective services agencies, mental health agencies, schools, the faith communities, community leaders, and ordinary citizens who understand that any violence threatens their communities. They understand they all benefit from a resource in the community to assist victims by providing legal representation. The Judicial Council received more than 200 letters of support across Georgia for grantees from legislators, judges, law enforcement, political leaders, shelters, child advocacy groups, health care agencies, housing coalitions, and local social service agencies.

- 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 needed.

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

No.

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

Because of domestic violence and the deepening economic crisis, many victims are not able to hire attorneys for legal representation in these cases. “In any given year nearly 40% of our middle and lower income citizens have at least one civil legal need. But only one in every ten is able to secure legal representation. This means that 90% of our most vulnerable citizens have no one to represent them while they are trying to handle some of the most important issues of their lives. . . .” Chief Justice Leah Ward Sears, 2007 State of the Judiciary Address (2007).

Both statewide legal services agencies have actively sought out other funding to supplement their budgets. However, in these difficult economic times, funding from other sources is shrinking. The State Bar IOLTA funding which is traditionally awarded to the legal services agencies has fallen 72% this year.

Low or no-cost legal services are the only alternative that most victims have to access the justice system. Each of the providers has stretched their resources to the limits in trying to meet the need. The agencies on the frontline, who see victims each day, do not want to be forced to turn victims away.

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PART 2: BUDGET

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

The Committee is requesting an increase of \$713,517.00 in the current appropriation. It is requested that this increase be made a part of the continuation budget and not be considered one time funds.

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

The requested amount was derived by examining the total amount requested by grantees in FY 2009 and FY 2010 which exceeded the available amount by over \$400,000. The appropriated funds were reduced in both of these years due to state budget cuts. Furthermore, the cost-savings to state of keeping more children out of foster care by providing their caregiver legal assistance was also considered.

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

Funding for legal services for victims of family violence from the Judicial Council has allowed grantees to collaborate with state agencies including the Council of Superior Court Judges and the Criminal Justice Coordinating Council to assure that Georgia policies meet the federal requirements to secure federal domestic violence funding under the Violence Against Women Act. For example, recipients of these state funds worked with the Criminal Justice Coordinating Council in 2007 to put protocols in place for criminal and civil domestic violence cases in Georgia that were required for Georgia to receive federal STOP grants.

However, both legal aid agencies have completed their cycles of federal Legal Assistance to Victims funding from the Department of Justice. This loss of over a million dollars in civil legal assistance funding to the state will reduce the number of victims that can be protected through legal representation.

(The information on the next page is a spreadsheet from the FY10 Amended FY11 Enhancement Budget Development Excel spreadsheet completed for this request. Please review the instruction document on how to update the information below.)

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Budget Categories:	FY2010 Amended Budget Request	FY2011 Enhancement Budget Request
Personal 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 and Fees)	\$ -	\$ -
Professional Services - Expenses	\$ -	\$ -
Other Contractual Services (Non-State)	\$ -	\$ -
Contracts - State Organizations	\$ -	\$ -
Information Technology Related Expenses	\$ -	\$ -
Voice/Data Communications	\$ -	\$ -
Grants	\$ -	\$ 713,517
Indirect Costs	\$ -	\$ -
Transfers From Other Government Agencies	\$ -	\$ -
TOTAL OPERATING BUDGET	\$ -	\$ 713,517
TOTAL OVERALL BUDGET	\$ -	\$ 713,517
State Funds	\$ -	\$ 713,517
Other Budgeted Funds	\$ -	\$ -

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PART 3: OTHER INFORMATION

13. Discuss any other relevant factors that should be considered.

Funding for legal services for victims of domestic violence has widespread support among the citizens of Georgia. In 1997 a poll of Georgians was commissioned that asked the following question:

“Currently the state will provide an attorney for a low-income person accused of domestic violence, but this service is not available to victims of domestic violence. Would you support or oppose state funding for low-income victims of domestic violence, so they can obtain necessary legal assistance on matters related to restraining orders, housing, child custody, and child support?”

The results of the poll showed that Georgians overwhelmingly supported such funding (79% in support to 17% opposed). Overwhelming support was shown in all demographics: regional, urban/suburban/rural, political party, race, age, and gender. A copy of those poll results is attached. The State Bar of Georgia recently commissioned a new poll that included this question. The results of this poll are even more supportive. Eighty percent of those surveyed would support state funding of legal assistance for low income victims of domestic violence. Only 9% would oppose such funding with 11% not sure.

The funding saves other state funds in that most of the cases where a protective order is entered also establish a child support obligation that keeps the case out of the Office of Child Support Services caseload. One grantee showed that the TPO orders established \$5.84 of monthly support for every \$1.00 of the grant that was spent.

This request for an increase is supported by the Georgia Coalition Against Domestic Violence and the Georgia Commission Against Family Violence.

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SECTION A. GENERAL INFORMATION

BUDGET UNIT: FY 2011 Enhancement

Program: Georgia Appellate Practice and Educational Resource Center, Inc.

FISCAL YEAR: [] Amended FY 2010 or [X] FY 2011 Enhancement

Enter the net change in state funds requested for the program: \$570,850

(This FY 2011 Enhancement Request assumes a baseline grant amount equivalent to the initial FY 2010 grant of \$580,000. Federal court revenues in excess of the anticipated \$80,000 for FY 2011, or any funds received from the Georgia Bar Foundation for FY 2011, would cause a corresponding reduction in the amount of this enhancement request.)

Judicial Council Budget Committee Recommendation: \$0

Describe the impact the request has on any other program fund sources (federal and/or other funds). During the past several years, the pace of state habeas litigation has increased exponentially as demonstrated by the threefold increase in the number of state habeas evidentiary hearings held per year. Despite yearly pleas for increased funding from the State of Georgia, funding remained stagnant at \$800,000 from FY 2002 until FY 2008. In 2002, the Georgia Resource Center (Center) received funding from two outside sources – the American Bar Association and the National Association of Public Interest Lawyers – which supported three attorney positions. For the first time since the loss of federal funding in 1995, the Georgia Resource Center functioned at full capacity. Since the expiration of those fellowship positions in 2003, the Center has repeatedly sought increased funding from the State to reinstate those positions. In FY 2006, the Center sought and was awarded funds from the Georgia Bar Foundation to supplement the state funding. Finally, in FY 2008 with increased funding from the Georgia Bar Foundation, the Center was once again at its FY 2002 staffing level. The response from the State of Georgia was to then cut funding by not only the 2.5% mandatory for most agencies, but to decrease the overall funding by an additional 25%, reducing it to \$580,000. For FY 2009, the State decreased the overall grant even further, to \$528,963, and has recently requested a rebate of \$8,908 already disbursed pursuant to that grant. For FY 2010, the State brought the overall grant back to \$580,000. However, at the same time, due to the downturn in the economy, the Georgia Bar Foundation will be unable to fund the Center at the level of its FY 2009 grant of \$792,700. It is unclear what, if any, funding will be available from the Bar Foundation in FY 2010 or FY 2011. In order to make it through FY 2010, therefore, the Center has applied for an amended State grant for FY 2010 to cover the loss of Bar Foundation funding. Although the Center has budgeted in FY 2010 for \$300,000 in federal habeas court vouchers (representing accumulated compensation for work performed in federal habeas cases during 2004-10), anticipated revenues from the Center's federal habeas court work are

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projected at only \$80,000 for the FY 2011 budget.¹ This FY 2011 enhancement request is intended to compensate for the loss of Bar Foundation and federal court revenues, bringing the overall grant from the State of Georgia to \$1,150,850.²

SECTION B.

PART 1: EXPLANATION OF REQUEST

- 1. Proposal: Describe the request, the need, and the number of constituents or constituencies impacted, as applicable. For enhancements and certain base adjustments, if this request were not funded, what would be the consequence?**

In FY 2009, the Georgia Resource Center's funding was cut by over twenty five percent from \$800,000 to \$580,000 despite the tremendous increase in the pace of litigation over the past several years. During the fiscal year, that FY 2009 grant was cut down to \$528,963, and the Center has just been informed that the State requires a rebate of \$8,908 of that remaining grant amount. Because the Center's State funding was frozen from 2002 to 2006, it was impossible to keep pace with inflationary costs on any level. Despite years of service, professional staff continued to be grossly underpaid in comparison to their counterparts in other public service offices as well as the Attorney General's office. As a result of stagnant state funding and significantly increased litigation, the Georgia Resource Center sought and was awarded grants in FY 2006 – 2009 from the Georgia Bar Foundation to supplement state funding. This funding allowed the Center to operate at full capacity in FY 2008 for the first time since 2002. The State then cut its grant to the Center by 27.5 percent, to \$580,000, and, as discussed above, made further cuts during FY 2009.

Additionally, due to the dramatic decrease in IOLTA revenues, the Georgia Bar Foundation will be unable to fund the Center in FY 2010 at the same level as FY 2009. It is unclear what funding, if any, will be available from the Bar Foundation for FY 2010 or 2011. Furthermore, federal habeas court voucher revenue is expected

¹ Federal court compensation is received in periodic amounts that vary substantially according to the number of federal habeas cases which are approaching resolution at any given time, and the time it takes the courts to fulfill payment vouchers. Therefore, the anticipated \$300,000 for FY 2010, reflecting billing for federal work completed during 2004-10, will not be replicated in FY 2011, for which anticipated federal revenues amount to only \$80,000, given the smaller number of cases expected to come to resolution. Federal payments fund only litigation in federal habeas corpus cases involving Georgia state prisoners under death sentence. If the Center were to receive more federal funds in FY 2011 than anticipated, it would be able to reduce the corresponding amount of State funds requested.

² This grant figure assumes that the State maintains a FY 2011 baseline grant level equivalent to the initial FY 2010 grant of \$580,000. Should the Bar Foundation provide funds, or the Center receive more than the anticipated \$80,000 in federal court voucher revenues, the FY 2011 enhancement request would be correspondingly reduced.

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to amount to only \$80,000 in FY 2011, due to the smaller number of federal habeas cases expected to reach resolution during 2009-10. Without the enhanced State grant for FY 2011, the Center will be unable to fulfill its mandate to provide adequate legal services to indigent death sentenced clients. This request is intended to compensate for the loss of the Georgia Bar Foundation funding and the decreased federal court compensation, and to allow the Center to continue to maintain the minimum staff necessary to provide adequate services to its clients and take on additional cases that will enter the system in FY 2010 and 2011.

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

Statewide or list counties below:

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

In FY 2009, the Georgia Resource Center received a grant from the Georgia Bar Foundation for \$792,000, bringing the total FY 2009 budget to \$1,321,000. For FY 2010 and FY 2011, the Center eliminated an investigator position and voluntarily cut back on core expenses associated with investigation, expert assistance and litigation, reducing its budget for FY 2011 to \$1,245,850. The Center has applied to the Georgia Bar Foundation for a FY 2010 grant of only \$349,700, in response to the reported 71% decrease in Bar Foundation IOLTA revenues. It is unclear what, if any, funding will be available from the Bar Foundation in FY 2010 or 2011, due to projected catastrophic declines in IOLTA revenues throughout FY 2010. For FY 2011, the Center has budgeted for an expected \$80,000 in federal court compensation for work representing Georgia state prisoners in federal capital habeas cases. The Center has also projected revenues of \$15,000 in charitable donations for FY 2011. Should the Bar Foundation provide funds, or the Center receive more than the anticipated \$80,000 in federal court voucher revenues, the FY 2011 enhancement request would be correspondingly reduced.

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

During the past nine years there has been a forty percent (40%) increase in the number of cases entering into state habeas corpus proceedings. Currently there are forty-four (44) cases in state habeas corpus proceedings. The Center directly represents as sole counsel of record seventeen (17) of those cases, is co-counsel of record in twenty (20) cases, and is consulting with volunteer counsel on the remaining seven (7) cases. Thus, the Center is counsel or co-counsel in over eighty-four percent (84%) of the cases and provides some assistance on the remainder. The rate of new cases entering habeas corpus proceedings in FY 2010 and 2011 will continue to add to the already overwhelming caseload. A recent performance audit requested by the Senate Appropriations Committee and conducted by the Department of Audits found

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that Center attorneys handled more cases and expended less money per case than similar organizations in other states. The Georgia Resource Center is the most cost effective and efficient model of ensuring that death sentenced inmates are represented in state habeas proceedings and in assuring that only those deserving of death are actually executed.

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

The principal measures will be the Center's caseload, the rate of direct representation, and the pace at which capital habeas cases proceed through the system to final resolution.

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

In 1988, the State Bar and the state and federal courts worked together to address the problem of the lack of counsel for death-sentenced inmates in habeas corpus proceedings. The solution to this problem was the establishment of the Georgia Appellate Practice and Educational Resource Center, Inc.. The Center is an integral part of Georgia's death penalty system, is the most efficient and cost effective means to move the cases to final adjudication, and is a necessary safeguard to wrongful execution. The State Bar of Georgia and the Administrative Office of the Courts have supported the Center's request for increased funding in the past and will likely support this request.

- 7. Legislation or Rule Change (a): Is legislation or a Rule change required to be passed or changed if this request is implemented? If so, please explain. No.**
- 8. Legislation or Rule Change (b): Is this request a result of a legislation or rule change? If so, please explain. No.**
- 9. Alternatives: Explain what other alternatives were considered and why they were not viable.**

The Georgia Resource Center will request funding from the Georgia Bar Foundation for FY 2011, but due to the economic downturn, the Bar Foundation's IOLTA revenues have plummeted and are projected to be even worse in FY 2011. It is unclear whether the Foundation will be able to provide adequate financial support in FY 2010 or 2011. Federal billing for representation of Georgia state prisoners in federal capital habeas proceedings is projected to amount to only \$80,000 of the FY 2011 budget, corresponding to the smaller number of federal habeas cases expected to achieve resolution during the relevant time period.

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PART 2: BUDGET

- 10. Requested and Projected Resources:** For enhancements and certain base adjustments, what additional resources are you requesting? What are your out-year projections?
- 11. Methodology/Assumptions:** Provide the methodology and assumptions behind the requested amount and out-year projections. How did you arrive at the amounts? What time period does the request cover (i.e., the number of months)?

The requested grant increase of \$570,850 for the twelve month period of FY 2011 (July 1, 2010 to June 30, 2011) represents an amount over and above an assumed FY 2011 baseline grant of \$580,000, which is equivalent to the total initial FY 2010 State grant. This would enable the Center to compensate for the loss of Bar Foundation and federal court voucher funding and maintain the minimum staff and litigation resources necessary to provide current clients with adequate representation and to handle new clients entering the state habeas system in FY 2010 and FY 2011.

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

Revenues from work in the federal courts fund only litigation in federal habeas courts involving Georgia state prisoners under death sentence, and are included in the Center's FY 2011 budget.

(The information on the next page is a spreadsheet from the FY10 Amended FY11 Enhancement Budget Development Excel spreadsheet completed for this request. Please review the instruction document on how to update the information below.)

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Budget Categories:	FY2010 Amended Budget Request	FY2011 Enhancement Budget Request
Personal Services	\$ 267,200	\$ 437,460
Operating Costs		
Postage	\$ 560	\$ 920
Motor Vehicle Expenses	\$ -	\$ -
Printing, Publications, Media	\$ 1,970	\$ 3,220
Supplies and Materials	\$ 2,530	\$ 4,140
Repairs and Maintenance	\$ 850	\$ 1,400
Equipment <\$5,000	\$ -	\$ -
Water/Sewage	\$ -	\$ -
Energy	\$ 1,550	\$ 2,530
Rents Other Than Real Estate	\$ 110	\$ 190
Insurance and Bonding	\$ 2,650	\$ 4,320
Freight	\$ 450	\$ 740
Other Operating	\$ 1,160	\$ 1,840
Travel - Employee	\$ 19,700	\$ 32,200
Real Estate Rentals	\$ 18,640	\$ 31,050
Professional Services (Per Diem and Fees)	\$ 28,830	\$ 47,380
Professional Services - Expenses	\$ -	\$ -
Other Contractual Services (Non-State)	\$ -	\$ -
Contracts - State Organizations	\$ -	\$ -
Information Technology Related Expenses	\$ 1,700	\$ 2,760
Voice/Data Communications	\$ 1,800	\$ 2,940
Grants	\$ -	\$ -
Indirect Costs	\$ -	\$ -
Transfers From Other Government Agencies	\$ -	\$ -
TOTAL OPERATING BUDGET	\$ 82,500	\$ 135,630
TOTAL OVERALL BUDGET	\$ 349,700	\$ 573,090
State Funds	\$ 349,700	\$ 573,090
	\$ -	

**JUDICIAL BRANCH OF GEORGIA
FY 2011 ENHANCEMENT REQUEST FORM**

PART 3: OTHER INFORMATION

13. Discuss any other relevant factors that should be considered.

The Georgia Resource Center's FY 2011 Enhancement grant request is attached.

Judicial Council of Georgia Board of Court Reporting

The Board of Court Reporting of the Judicial Council of Georgia is the governing body that defines and regulates the practice of verbatim court reporting in the state. The Board ensures the proficiency and competency of reporters by creating and enforcing standards for court reporters, overseeing the certification process, and mandating continuing education requirements. In accordance with O.C.G.A. §15-14-27, the administrative operations are performed by the Administrative Office of the Courts (AOC). The AOC provides staff to the Board for the primary responsibilities of administering certification exams, licensure of court reporters, registration of court reporting firms, compliance of mandated continuing education, and processing of grievances filed against court reporters. The Board encourages growth of the profession by promoting involvement in associations for the exchange of ideas and educational services.

Nine members comprise the Board of Court Reporting of the Judicial Council of Georgia: five certified court reporters, two attorney representatives from the State Bar of Georgia, one superior court judge, and one state court judge. The Judicial Council of Georgia ratifies the Board's rules, hears appeals from disciplinary proceedings, and appoints members annually.

Board of Court Reporting FY09 Activities

Meetings Held. The **Board of Court Reporting** meetings this year included the required quarterly meetings, standing committee meetings, training seminars, continuing education meetings, strategic planning sessions, and a test planning session. The purpose of the test planning session was to create the certification exam administered in Fall '09 and a depository of the Georgia Test for FY09 and FY10. **The Court Reporters' Training Council** created by the Board for the purpose of developing and implementing procedures and standards for mandated continuing education, met in the Spring and Fall of FY09.

Judicial Council of Georgia

Board of Court Reporting

Complaints. During this fiscal year, the Board of Court Reporting received 37 Formal Complaints; 28 grievances were dismissed and nine are pending additional actions.

Disciplinary Sanctions. The Board imposed sanctions of suspensions or revocations on 173 court reporters for failure to either (i) renew license by April 1; (ii) obtain mandatory continuing education requirements; or (iii) to attend the required Learning Essentials About Professionalism (LEAP) seminar. Fourteen registered court reporting firms received an inactive designation for failure to submit the annual registration fee by April 1st.

Certifications. Court reporters are certified by meeting the current eligibility criterion and testing requirements. In FY09, 28% of the prospective applicants successfully passed the Georgia Certified Court Reporter exam. Two certification exams were administered by the Board, with the help of AOC Staff. Sixteen applicants were approved for certification by testing or a temporary judicial permit. The state of Georgia has 1,108 active court reporters and 120 registered court reporting firms.

Training. The Board offered a test prep seminar, “TIPS for the Test,” to candidates preparing for the certification exam. This preparatory course provided technique and strategies on what to expect and how to best prepare for the certification exam. Another training seminar offered by the Board was the LEAP (“Learning Essentials About Professionalism”) seminar. Every newly certified court reporter is required to successfully complete the LEAP seminar within the first year of certification. The Board trained 51 persons in FY09.

Board Goals and Accomplishments for Fiscal Year 2009. The Board modified its eligibility criteria on the application process for certification. Prospective applicants must attain a passing score on either the National Court Reporters Association (NCRA) exam or the National Verbatim Reporters Association (NVRA) exam prior to applying for

Judicial Council of Georgia Board of Court Reporting

licensure in Georgia. A three-year Strategic Business Plan was created to guide the Board in identifying its mission, strategies, and goals. Lastly, the Board, with the assistance of the AOC staff, enhanced its website to answer routine inquiries on certification, license renewals, annual registrations, testing, disciplinary procedures, training, and continuing education requirements. The above-mentioned goals and accomplishments reduced the Board's expenditures by almost 10%.

Mid-Year Board Initiatives for Fiscal Year 2010. The mid-year performance initiatives include:

- ❖ Implementation of the Board's three-year Strategic Business Plan.
- ❖ Update the code sections, case law, Board opinions, retention schedule, and fee schedule of the Georgia Certified Court Reporters' Resource Guide, formerly called the Georgia Certified Court Reporter's Handbook.
- ❖ Conversion of the Board's certification records from a paper copy to an electronic copy.
- ❖ Issue Board Opinions to formally advise court reporters and court reporting firms on the interpretation of its Rules and Regulations.

Respectfully submitted,



Judge Linda Cowen
Chair, Board of Court Reporting of the Judicial Council

Judicial Council of Georgia
Administrative Office of the Courts

David L. Ratley
Director

Reply to:
Cynthia H. Clanton, General Counsel

Memorandum

To: Judicial Council of Georgia Members

From: Cynthia H. Clanton *CHC*
General Counsel and Associate Director for Regulatory

Date: July 22, 2009

Re: Judicial Council Domestic Violence Committee Annual Report

CC: Judge William T. Boyett, Chair, Judicial Council DV Committee

On June 1, 2009 the Judicial Council Domestic Violence Committee met to discuss twelve grant applications for funds to provide civil legal services to impoverished victims of family violence. Awards were made to six agencies.

Attached for your information is the annual report from the Committee. It includes updates on FY 2009 and FY 2010. I am available to answer any questions you may have during the Judicial Council meeting.

Attachment

**Judicial Council Committee on Domestic Violence
Annual Report to the Judicial Council of Georgia
July 22, 2009**

FY 2009 Report (Final)

The Judicial Council Domestic Violence Committee annually grants to Georgia nonprofits funds to provide free civil legal services to over 4,500 impoverished victims of family violence and their children. The Legislature appropriates funds each year for this purpose. For fiscal year 2009, the amount of \$2,134,626 in state funds was appropriated to the Judicial Council and nine nonprofit agencies received grants after a competitive grant process. The grant recipients were as follows:

<u>FY 2009 Grant Recipients</u>	<u>Area(s) Covered</u>
Amity House	Glynn county
Atlanta Legal Aid, Inc.	Metro Atlanta (5 counties)
Cherokee Family Violence Center	Cherokee county
Gateway House, Inc.	Hall county
Georgia Law Center for the Homeless	Fulton and DeKalb counties
Georgia Legal Services	All counties outside metro Atlanta
Harmony House	Troup and Meriwether counties
The Refuge	Toombs, Montgomery, Wheeler, Treutlen, and Emanuel counties
Northeast Georgia Shelter Collaborative	11 counties in north Georgia served by 5 shelters

Unfortunately, due to the severe drop in state revenues, the FY 2009 grants were reduced by 25% after June 5, 2009, which was long after the grant awards were made and the funds expended. Furthermore, two of the new grantees (Harmony House and the Refuge) returned funds earlier in the year (as they were unable to fulfill all the terms of the grant agreements) but these funds were promptly reallocated to the other grantees. Accordingly, grantees for FY 2010 will receive a reduced grant award in order to cover the unanticipated FY 2009 shortfall of funds.

At its June 13, 2008 meeting the Judicial Council Domestic Violence Committee previously voted to request an increase in the FY 2010 appropriation to bring the total to \$2.7 million. The increased funds would have allowed the program to keep pace with inflation and reverse the trend of fewer victims being served each year because of flat funding and budget cuts. This request for an increase was supported by the State Bar of Georgia's Women and Minority Section, the Georgia Commission on Family Violence, and the Georgia Coalition Against Domestic Violence (which has a membership of 46 DHR certified shelters in Georgia). Despite the best efforts of Committee member Linda Klein and

**Judicial Council Committee on Domestic Violence
Annual Report to the Judicial Council of Georgia
July 22, 2009**

the strong advocacy of the State Bar of Georgia, the additional funding request was unsuccessful because of the state budget crisis.

FY 2010 Report (Preliminary)

The Judicial Council Domestic Violence Committee met on June 1, 2009 and considered 12 applications for funds from agencies throughout Georgia. The total amount requested from these agencies was \$2,357,085. The total amount available for grantees for FY 2010 was \$1,942,696. After much deliberation, grant awards were made to the following agencies:

FY 2010 Grant Recipients

Amity House	\$ 7,000
Atlanta Legal Aid, Inc.	\$ 505,000
Gateway House, Inc.	\$ 16,868
Georgia Law Center for the Homeless	\$ 22,000
Georgia Legal Services	\$1,356,828
Northeast Georgia Shelter Collaborative	\$ 35,000

These above-listed awards will be reduced due to budget reductions sustained in FY 2009 and new reductions in FY 2010.

The Committee members voted again to request an increase in the appropriation for legal services funds so that the total appropriation for FY 2011 would equal \$2.7 million. This request was based upon public support for funds to provide legal services to victims of family violence, the tremendous increase in the demand for legal services for victims, and it is a well-established fact that initial provision of initial legal assistance saves the state money as victims will not need to utilize other state services (i.e., foster care, public housing and hospitals, TANF, etc.). The Judicial Council Budget Committee did not endorse this request due to projected dropping state revenues and budget cuts.

The 2009-2010 Judicial Council Domestic Violence Committee members are:

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
Kirsten Rambo, advisor	

Respectfully submitted,

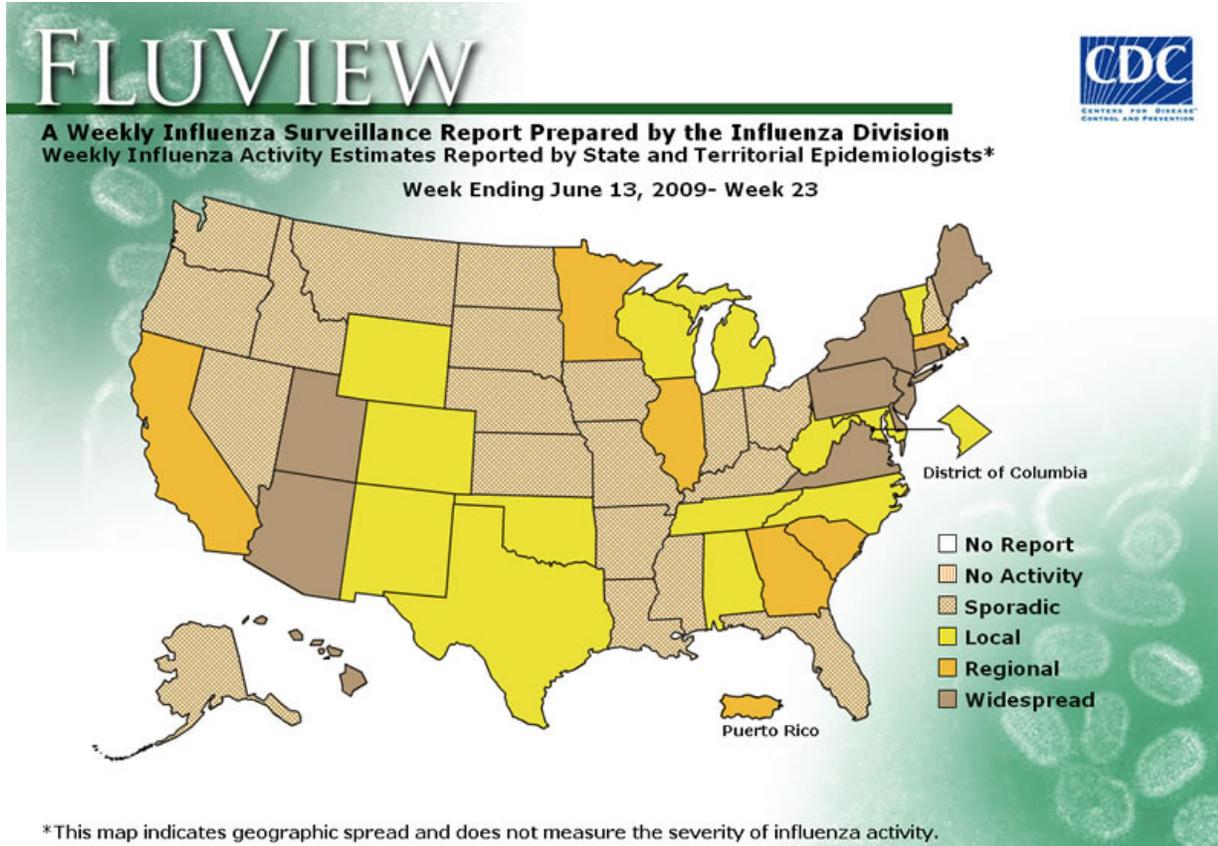
The Honorable William T. Boyett
Chair, Judicial Council Committee on Domestic Violence



Judicial Council of Georgia

Court Emergency Management Committee: July 2009 Update

The Court Emergency Management Committee and AOC staff dealt with a real life test of the activities that they engaged in over the last year with the outbreak of the (A) H1N1 (swine originating influenza virus) pandemic outbreak. In response to the pandemic, the AOC staff updated the Georgia Courts website daily with (A) H1N1 SOIV information and also participated in daily conference calls with GEMA's public information group on behalf of the committee. AOC staff also participated in the GEMA after action report group to address lessons learned from Georgia's response to the pandemic. Currently the committee is reviewing model court orders and beginning the process for updating the Public Health Law Bench Book. In addition, the committee has arranged for national experts to conduct a pandemic planning training at the Georgia Council of Court Administrators conference this fall. The committee hopes to sponsor two additional trainings this year.



Judicial Council of Georgia
Administrative Office of the Courts

David L. Ratley
Director

July 1, 2009

MEMORANDUM

TO: Each Member of the Judicial Council

FROM: Judicial Council Committee on Records Retention
Staff

RE: Committee Activities

The Committee met on July 5, 2009, and discussion of the charge to the Committee from Chief Justice Sears and other background issues led to the following decisions.

1. The Committee reviewed and discussed the Supreme Court Orders of June 20 and November 22, 1978. These two orders established the administrative and procedural background of the functioning of the creation and distribution of proposed changes, revisions, or new record retention schedules. The Committee is currently revising the Orders to bring them up to date.
2. The Committee discussed differences between the Official Judicial Branch Records Retention Schedules and the recent publication of judicial retention schedules by the Archives as Retention Schedules for Local Government Paper & Electronic Records. The Committee has sent a letter to the Director of the Archives to explain that the schedules, as promulgated by the Archives, has resulted in confusion, and to inform the Archives that it can resolve these issues as the Committee continues its work. By letter, staff is polling the clerks of courts as to which schedules are being used and whether they are judicial, local government, or local court schedules.
3. Members requested that a letter be sent to the Secretary of State to ascertain the status of its project to handle electronic record storage. The Committee also asked that any technical standards used in the project be sent to the Committee. Members requested that technical standards from other states, national organizations, and federal standards be researched and presented to the Committee.

The Committee will meet on July 17, 2009.



SUPREME COURT OF GEORGIA

Atlanta April 27, 2009

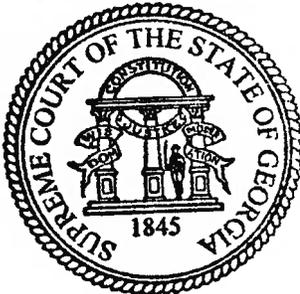
The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

It is hereby ordered that effective December 31, 2010 the terms “internal operating procedure,” “local rule” and “experimental rule” will no longer be used in the context of any Uniform Court Rules. All existing internal operating procedures, local rules and experimental rules shall sunset as of December 31, 2010. It is the intendment of this order that all rules which deviate from the Uniform Superior Court Rules be restricted.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta



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

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

Therese A. Bams, Clerk

Silvia Gaines

From: Azadeh N. Shahshahani [ashahshahani@acluga.org]
Sent: Wednesday, March 04, 2009 1:41 AM
To: Silvia Gaines
Subject: presentation on accomodation of religious attire in courts
Attachments: Adoption of Uniform Rules for Religious Accomodation in Attire.pdf

Dear Ms. Gaines,

I hope you are doing fine.

Attached, please find the summary of the presentation I hope to deliver before the Committee on Access & Fairness in the Courts next week regarding adoption of uniform rules for religious accommodation in attire; as discussed, we kept it short and sweet! Please let me know if I can help provide any additional information.

Now, in regards to the other topic, namely, immigrant access to court; I was hoping to focus my presentation on interpretation issues, based largely on conversations with advocates who work with immigrant and refugee communities and who have in the past voiced many complaints about the lack of qualified interpreters; we have completed the background research on Georgia law and the legal requirements, but we have unfortunately not been able to get a hold of the advocates in the past few days (some are currently out of town, but are due back next week); in light of this fact, I was wondering whether it would still be possible for me to do an oral presentation next Friday on this issue followed by a written report to be submitted to the immigrant subcommittee by March 17th? (I just received the notice today regarding the formation of this subcommittee and the request for information to be delivered to the subcommittee by that date; this is very exciting!)

Please advise.

Thank you very much again for providing me with this opportunity.

Sincerely,
Azadeh

Azadeh N. Shahshahani
National Security/Immigrants' Rights Project Director
ACLU Foundation of Georgia
75 Piedmont Ave., Suite 514
Atlanta, GA 30303
(404) 523-6201



AMERICAN CIVIL LIBERTIES UNION OF GEORGIA
75 Piedmont Avenue, Suite 514
Atlanta, Georgia 30303
info@acluga.org www.acluga.org

March 3, 2009

Georgia Committee on Access & Fairness in the Courts
Administrative Office of the Courts
244 Washington Street, S.W., Suite 300
Atlanta, Georgia 30334

Re: Adoption of Uniform Rules by Courts to Allow for Accommodation of Religious Attire

Dear Honorable Members of the Georgia Committee on Access & Fairness in the Courts:

We appear before you to ask for adoption of uniform rules by Georgia state courts, allowing for accommodation of religious attire. Below, we summarize the factual situation that gave rise to this request. A model policy is also included for your attention.

I. The Case of Mrs. Lisa Valentine

On December 16, 2008, Lisa Valentine was arrested after Judge Keith Rollins of the Douglasville Municipal Court found her in contempt of court for refusing to remove her headscarf and sentenced her to ten days in jail. Mrs. Valentine was accompanying her nineteen year old nephew to court on a traffic violation.¹ Mrs. Valentine was told by a security officer that it was against court policy to allow headgear to be worn in court.² She expressed to the officer that removing the *hijab* would be a violation of her faith. The officer then handcuffed her and presented the situation to Judge Rollins.³ Once she was taken into custody, Mrs. Valentine was forced to remove her *hijab*. Like Lisa Valentine, other adherents of religious doctrine

¹ Arrest Warrant for Shadeed Valentine, Municipal Court for the City of Douglasville, September 10, 2008; Notice to Appear for Shadeed Valentine, Douglasville Municipal Court, September 26, 2008.

² Dionne Walker, *Muslim Women Jailed over Headscarf in Georgia*, Huffington Post, Dec. 17, 2008, available at http://www.huffingtonpost.com/2008/12/17/muslim-woman-jailed-over-_n_151858.html?page=4.

³ Moni Basu, *Douglasville: Muslim's scarf leads to arrest at Courthouse*, Atlanta J. Const., Dec. 17, 2008, available at <http://www.ajc.com/services/content/printedition/2008/12/17/hijab.html>.

mandating headwear have been declined entrance to the courtroom if they chose not to remove their religious headwear.⁴

II. Arguments for Creating a Uniform Policy

The policy and practice at the Douglasville Municipal Court raises several questions regarding public access to courtrooms and the freedom to express one's religious beliefs. The average person has a constitutional right to attend court proceedings.⁵ Although order in the court is a legitimate state interest,⁶ some courts have established rules of decorum which reach beyond their legitimate interest of preserving order and the rule of law.⁷ Standards of courtroom etiquette do not necessarily prevail over an individual's right to the exercise of his or her religion, if the latter does not affect security or cause interference in courtroom procedures.⁸

Respecting religious or irreligious identity of individual citizens promotes a religiously inclusive political community. By denigrating the religious or irreligious identity of a citizen, governmental entities create an atmosphere of resentment and religious divisiveness that could then threaten the unity of the political community.⁹

III. Model policy

There are several local and state policies that exempt religious headgear from rules prohibiting headgear in courts.¹⁰ After controversy over a local court policy in Valdosta,

⁴ *Id.*

⁵ Goldschmidt, *supra* note 19, at 15.

⁶ *McMillan v. Maryland*, 258 Md. 147 (Md. 1970) (finding that order in the court is a legitimate state interest but that the wearing of headgear was not in violation of the decorum to which the court was entitled).

⁷ Goldschmidt, *supra* note 19, at 1.

⁸ Goldschmidt, *supra* note 19, at 68.

⁹ Daniel Conkle, *Religious Expression and Symbolism in the American Constitutional Tradition: Governmental Neutrality, but not Indifference*, 13 IND. J. GLOBAL LEGAL STUD. 417, 421 (2006).

¹⁰ Compare Loc.R. 1.11 (c), 8th Jud. Cir. (Ill.) (2000), available at www.co.adams.ill.us/courts/rulesofthecircuit.pdf (prohibiting "caps or hats . . . worn by males or females except for religious or medical purposes except that females may wear traditional formal hats) with Loc.R. 1:6 (b), Cir. Ct. of

Georgia, the court revised its policy. While the policy still prohibits head coverings, it provides that those people who cannot remove their head coverings should be given an opportunity for a security inspection by a same-sex officer in a private room in an effort to “provide a safe courtroom environment while simultaneously attempting to accommodate to the extent reasonably possible the varying religious practices of our increasingly diverse community.”¹¹ A suggested uniform policy for courts in Georgia might include the following language:

Head coverings are prohibited from the courtroom except in cases where the covering is worn for medical, religious, or cultural reasons. To the extent security requires a search of a person wearing a head covering for medical, religious, or cultural reasons, the individual has the option of having the inspection performed by a same-sex officer in a private area. The individual is allowed to put his or her own head covering back on after the inspection is complete.

IV. Conclusion

In conclusion, we hope that you would consider advocating for the adoption of uniform rules for Georgia courts, allowing for accommodation of religious attire. Georgia residents should not have to choose between gaining access to court and their right to free exercise of religion.

We thank you for your attention to this matter.

Sincerely,

Azadeh N. Shahshahani, Esq.
National Security/Immigrants' Rights Project Director

Fauquier Cty. (Va.) (2007), *available at* www.fauquiercounty.gov/documents/departments/circuitcourt/pdf/localrules.pdf (stating that headwear is permitted only for cases of recognized cultural or religious reasons).

¹¹ George Tally, Coleman Talley LLP, Letter to Ashley Baquero, Henderson & Hundley, PC, Dec. 30, 2008.



March 11, 2009

Georgia Committee on Access & Fairness in the Courts
Administrative Office of the Courts
244 Washington Street, Suite 300
Atlanta, GA 30334-5900

Attention: Silvia A. Gaines, Program Manager

To the Members of the Georgia Committee on Access & Fairness in the Courts:

The Anti-Defamation League supports a request before you from the ACLU to adopt uniform rules for the Georgia courts regarding accommodation for religious attire.

We are aware of the incident that occurred December 16, 2008, in Judge Keith Rollins courtroom in Douglasville municipal court. In this case a Muslim woman was arrested and detained for refusing to remove her head covering. At that time ADL sent a letter to Chief Justice Sears of the Georgia Supreme Court asking the Court to look into this issue.

The ACLU has presented a model policy to the Committee that would allow for an exemption for headgear worn for medical, religious or cultural reasons and includes recommendations on allowing for a private security screening if that is necessary.

We urge the Committee on Access and Fairness to the Courts to adopt this policy as a uniform practice for all courtrooms in Georgia. This would allow for the accommodation of religious attire so that individuals can freely observe their faith practice.

Sincerely,

A handwritten signature in black ink that reads "Bill Nigut". The signature is written in a cursive style with a prominent initial "B".

Bill Nigut
Regional Director

G.A.M.L.
Georgia Association of Muslim Lawyers
7705 Sleepy Lagoon Way
Flowery Branch, GA 30542

March 12, 2009

Georgia Committee on Access & Fairness in the Courts
Administrative Office of the Courts
244 Washington Street, Suite 300
Atlanta, GA 30334-5900

On behalf of the Georgia Association of Muslim Lawyers, we write you to express our concern regarding those incidents where individuals have been denied access to Georgia's courts due to their religious dress. Our organization has received reports of at least four incidents in the last two years, including the most recent one in Douglasville where Lisa Valentine was denied access to the City of Douglasville's courtroom. As you are aware, she was jailed when she protested the denial of her civil rights.

We urge that the Commission adopt a uniform policy regarding the accommodation of religious attire in the courtroom. Specifically, we have reviewed the proposal put forth by the ACLU of Georgia Foundation, and we believe that it strikes the proper balance between an individual's right to worship freely and a court's legitimate security interests.

To review the Douglasville matter, according to Douglasville's press release, the city proposed a solution that amounted to separate-but-equal treatment for Georgia's Muslim women who choose to cover their hair. The December 22, 2008 press release stated:

"The Judge has also made an accommodation for those people who, for legitimate health, religious, or other serious reasons, either cannot remove the headgear or, where doing so, would subject them to violating religious tenants or suffer extreme embarrassment or distress. In such cases, the Judge has heard cases involving those people outside the Courtroom at another location."

First, it is important to note that this issue has far reaching ramifications for not only the Georgia Muslim community, but it also affects Georgia's Apostolic Christians, Catholics, Jewish and Sikh communities just to name a few. Additionally, people with serious medical conditions are also affected by the policy. A Catholic nun should not have to remove her habit, no more so than a chemotherapy patient who has lost her hair. Nor should they have to go to another courtroom to have their cases adjudicated, essentially giving up their right to a public hearing.

Second, in the press release, the Douglasville's officials did not assert that public safety considerations are behind Judge Rollins' policy. However, the policy treats those who dress differently in accordance to their religious beliefs or on account of their medical

condition in a less favorable way than others because it denies those individuals access to a government facility for no reason other than their religious beliefs or health condition. There is no legitimate governmental interest that is served by such a policy as applied in this context.

Third, and perhaps most importantly, the “alternative procedure” would not have addressed the situation that led to Lisa Valentine’s arrest. Because she did not attend court that day as a litigant, the alternative procedure would not have applied and would have still denied her the ability to attend court with her relative for no reason other than her religious dress. Had she sought to attend as a litigant, she would have been denied equal protection of the law because she would have been required to attend court in another location.

When a similar situation arose in 2007 in Valdosta, we were able to meet with city officials who were receptive to our concerns and issued guidelines that addressed the court’s legitimate security concerns and balanced an individual’s right to practice her faith in the public sphere.

Unfortunately, Douglasville’s officials have not been as accommodating. Our organization reached out to both the Chief of Police and to Judge Keith Rollins, and neither responded to our request for a meeting. As Georgia lawyers, we believe that we can be an effective bridge between the judiciary and the Muslim community, and we hope to serve as a resource to any public institution in the state that seeks to provide equal access to all of Georgia’s citizens.

If I can be of any assistance, please contact me at (703)869-8028.

Sincerely,

M. Yusuf M. Mohamed

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DOUGLASVILLE: Muslim's scarf leads to arrest at courthouse

By [Moni Basu](#)

The Atlanta Journal-Constitution

Wednesday, December 17, 2008

A Douglasville woman was jailed Tuesday after a judge found her in contempt of court for refusing to remove her hijab, the head covering worn by Muslim women.

Lisa Valentine, also known by her Islamic name, Miedah, 40, was arrested at the Douglasville Municipal Court for violating a court policy of no headgear, said Chris Womack, deputy chief of operations for the Douglasville police.

Judge Keith Rollins ordered her held in jail for 10 days, but she was released Tuesday evening. The reason for the early release wasn't immediately clear.

"It was very humiliating, degrading," Valentine said from her home Tuesday evening. "I wear my hijab faithfully and for no reason I was asked to take it off. It was unreal."

Other Muslim women said the same judge has ordered them to remove their hijabs.

Sabreen Abdul Rahman, 55, said she was asked to take off her scarf when she went to the municipal court last week with her son. "I can't. I'm Muslim," she mouthed silently to the bailiff, who then removed her from the courtroom, Rahman said.

"This is a religious right," she said.

Halimah Abdullah, 43, said she spent 24 hours in jail in November 2007 after Rollins held her in contempt of court for refusing to remove her head covering. Rollins could not be reached for comment.

Many Muslim women cover their heads to comply with Islamic mandates of modesty. The practice has run afoul of policies aimed at maintaining decorum and security in courtrooms and other public places across the country.

Valentine said she was accompanying her 19-year-old nephew to address a citation Tuesday morning when she was stopped at the metal detector and told she would not be allowed to enter the courtroom with a head scarf.

Valentine, an insurance underwriter, told the bailiff that she had been in courtrooms before with a scarf on and that <http://ajc.printthis.clickability.com/pt/cpt?action=cpt&title=DOUGLASVILLE%3A+Muslim%27s+scarf...> 7/6/2009

removing it would be a religious violation.

Frustrated, she turned to leave and uttered an expletive. She said the bailiff then told her she could take the matter up in front of the judge. She said she was handcuffed and taken into Rollins' courtroom.

"They were putting me in there like I was some sort of criminal," she said.

The judge ordered her to serve 10 days in jail, where she was forced to remove her headscarf.

It was not clear whether Valentine's language contributed to her arrest.

"I can't believe someone would do this in America," said Valentine's husband, Omar Hall.

The Council on American-Islamic Relations, an advocacy group in Washington, denounced Valentine's arrest as a violation of civil liberties.

Spokesman Ibrahim Hooper called it "troubling."

"When somebody is denied access to our judicial system based on religiously mandated attire, then what does that say? No Muslim woman can have access to a courtroom in Douglasville, Georgia?" Hooper said.

"A judge does have the right to set decorum in a courtroom, but you can't use those standards to violate someone's legal rights."

Last year, CAIR officials met with city and court officials in Valdosta to discuss religious attire in courtrooms after Anissa Karim, a 20-year-old Muslim woman, was barred from entering a courtroom to settle a traffic ticket because of her hijab.

Hooper said he contacted the U.S. attorney general's office regarding the latest incident. He said Eric Treene, special counsel for religious discrimination, said his office would look into it.

Find this article at:

<http://www.ajc.com/services/content/printedition/2008/12/17/hijab.html>

Check the box to include the list of links referenced in the article.

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Culture clash: Diversity vs. security rules

By [Moni Basu](#)

The Atlanta Journal-Constitution

Sunday, December 21, 2008

Lisa Valentine shed her Baptist beliefs 11 years ago and adopted a faith she felt wholly served her: Islam.

She was no longer Lisa, but Miedah. She studied the Quran and donned a head covering, or hijab, because Islam mandates modesty for women.

She had not uncovered her head in a public place, in front of men she did not know — until Tuesday, when she was taken to jail and forced to take off the pants, blouse and printed green and beige scarf she was wearing in exchange for a prison jumpsuit.

Douglasville Municipal Court Judge Keith Rollins had held Valentine in contempt of court after she refused to remove her scarf outside his courtroom, then uttered an expletive.

The incident attracted the attention of civil liberties groups and reignited debate on religious rights vs. security, an issue that took center stage after the Sept. 11, 2001, attacks.

Many followers of several religions wear head coverings, including Islam, Sikhism and Judaism.

“In light of Georgia’s growing religious diversity, we urge the court system to thoroughly examine this issue and develop uniform standards on religious accommodation in the courtroom,” the Anti-Defamation League said in a letter to Georgia Supreme Court Justice Leah Sears.

The Douglasville incident was not the first in Georgia.

Last year, Aniiisa Karim, a Muslim, was barred from a Valdosta court unless she took off her scarf. In Lawrenceville, Jasmeen Singh Nanda, a Sikh, was told he could not address his traffic violation in court until he removed his turban.

Rabbi Binyomin Friedman of Congregation Ariel in Dunwoody said he has been asked to remove his kipa, a skullcap also known as a yarmulke, when entering a courtroom.

While Orthodox Jewish men wear kipas because of custom, women cover their heads as a matter of decency. For those women to uncover their heads, Friedman said, would be equivalent to disrobing.

<http://ajc.printthis.clickability.com/pt/cpt?action=cpt&title=Culture+clash%3A+Diversity+vs.+security+...> 7/6/2009

“It would be embarrassing to be exposed like that,” he said. “We always try to respect and defer to government agencies unless they’re asking us to violate traditions.”

Disputes over religious attire have sprung up across the nation, not just in courts of law but on basketball courts and even at swimming pools, where athletes insisted on meeting religious requirements.

“It’s an important issue,” said former U.S. Rep. Bob Barr of Georgia, a lawyer who was the Libertarian candidate for president this year. “I think the policy ought to be that in America, a person has every right to enter a courtroom and the court ought to prevent that [only] for extraordinary reasons.”

Valentine, 41, had gone to the Douglasville Municipal Court on Tuesday morning to accompany her 19-year-old nephew to settle a citation. She said she was stopped at the metal detector and told she could not go through without removing her hijab because court policy prohibited headgear of all sorts.

Valentine told the bailiff she could not take off the scarf because of her faith. She used an expletive as she turned to leave.

That’s when she was handcuffed and taken in front of the judge, who ordered her to spend 10 days in jail. It’s unclear why she was released later that night.

Repeated phone calls to the judge were not returned. Douglasville Mayor Mickey Thompson said the city was “gathering information” on what happened.

The American Civil Liberties Union of Georgia urged Douglasville to reconsider its policies.

That’s what Lawrenceville officials did in March 2007 after Nanda, the Sikh man, sought counsel from the Sikh American Legal Defense and Education Fund in Washington.

Police Chief Randy Johnson said Lawrenceville told its security personnel that people wearing religious attire would be allowed through the metal detector. If they failed, they would be subject to a security wand.

Johnson said if a person is still suspect, he or she might be asked to remove the headgear, or security personnel may notify the judge about the problem.

No procedure was outlined before the banning of Nanda, to whom city officials later apologized.

In DeKalb County, Sheriff Thomas Brown said all visitors to the courthouse go through metal detectors and are scanned by a wand if they set off the first device. But once inside the courtroom, judges hold sway.

“Any time you’re in a courtroom, a judge can impose, I guess you can call it a dress code,” Brown said.

U.S. Marshal Richard Mecum of the Northern District of Georgia said “there’s a certain courtroom decorum — with some judges it’s you take off your hat.

“It’s each judge’s bailiwick,” he said. “They carry a lot of weight.”

A brochure for the public published on the Web site of Georgia’s Council of Municipal Court Judges lists items that shouldn’t be worn into a courtroom. Among them are ripped jeans, baggy pants, sunglasses and T-shirts depicting profanity, sex or violence. The brochure says hats should be taken off, “except those worn for religious purposes.”

Judges must abide by the Georgia Code of Judicial Conduct, a manual approved by the state Supreme Court. Canon 3, Section B5 prohibits judges from executing any kind of bias based upon race, sex, religion, national origin, disability, age, sexual orientation or socio-economic status. “Judges who manifest bias on any basis in a proceeding impair the fairness of the proceeding and bring the judiciary into disrepute,” it says.

Each jurisdiction can set its own rules and regulations for courtroom decorum and security, said Steve Jones, former chairman of the Judicial Qualifications Commission, the panel that hears complaints about judges. But courtroom policies must meet the requirements of state law, Jones said.

Some Americans, especially after Sept. 11, felt laws were too accommodating to minority religions and that everyone should follow the same rules and regulations, no matter what their religion.

Azadeh Shahshahani, who specializes in national security and immigrants' rights issues for the ACLU Foundation of Georgia, said the Constitution recognizes the separation of church and state but Valentine's case presents a different issue.

"Our Constitution places great emphasis on the freedom to practice one's religion without any interference from the government."

Staff writer Bill Torpy contributed to this article.

Find this article at:

<http://www.ajc.com/services/content/printedition/2008/12/21/hijab.html>

Check the box to include the list of links referenced in the article.





SUPREME COURT OF GEORGIA

Atlanta January 7, 2009

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

It is ordered that the Georgia Uniform Magistrate Court Rules be hereby amended to add the following Rule 16 concerning clerical assistance for pro se litigants:

Rule 16. Clerical Assistance for Pro Se Litigants

Magistrate Court clerks may not practice law, but may provide basic information regarding procedures, routine legal forms, available forms, and proceedings in the Magistrate Court. Each Chief Magistrate may institute methods for clerks to assist litigants and may utilize Appendix A “Guidelines and Instructions for Clerks Who Assist Pro Se Litigants in Georgia’s Courts,” in directing the conduct of clerical personnel. Clerks may also, in the absence of contrary judicial direction, rely on Appendix A for guidance in avoiding unlawful practice of law. Said Appendix shall not be considered a directory rule, nor as binding authority, but may be considered by Magistrates and the Supreme Court as persuasive authority on the scope of lawful provision of legal information by clerks; further such guidelines shall be admissible in showing good faith by clerks in providing information and assistance to the public.

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

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

Theresa A. Bannister, Clerk

***Guidelines & Instructions
for Clerks Who Assist
Pro Se Litigants in
Georgia's Magistrate Courts***



Prepared by:

**THE COUNCIL OF MAGISTRATE COURT JUDGES,
RULES COMMITTEE**

**Approved by the Supreme Court of Georgia
January 2009**

Printed by:

The Supreme Court of Georgia Equal Justice Commission
Committee on Civil Justice
For use by the Clerks of the Magistrate Court of Georgia

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INTRODUCTION

Throughout the United States an increasing number of litigants are bringing their legal problems before the courts without the assistance of lawyers (*pro se*). Court users who are not attorneys often ask court clerks for information or advice that requires some legal expertise. Court staff knows the maxim that they may not give legal advice, but in many situations it is difficult to discern what constitutes "legal advice". Some clerks, due to fear of stepping over the line and providing legal advice, might be overly cautious in providing assistance and information. In these situations, some court users might leave the courts unnecessarily frustrated and may lose confidence in the court system. This training and reference manual is intended to help clerks determine the appropriate way to respond to most questions from *pro se* litigants, thereby providing the best service possible within the limits of their responsibilities.

This manual contains two general sections: 1) *Guidelines for Clerks Who Assist Pro Se Litigants*, and 2) *Suggested Responses to FAQs from Pro Se Litigants*.

The *Guidelines* section provides both general policy principles and specific directions for staff for determining when and how to respond to requests for assistance or information. Subsection C.2 of the *Guidelines* may be of particular interest to clerk's office staff. It provides 15 specific examples of "legal advice" that court staff should avoid. The comments following some of the guidelines clarify their meaning or discuss exceptions. Together, the *Guidelines* and comments should provide a substantial degree of clarity for court and clerks' office staff regarding the appropriate level of assistance to provide *pro se* litigants.

Section 2 of the manual, *Suggested Responses to FAQs from Pro Se Litigants* (hereafter, *FAQs*), provides a long list of frequently asked questions from *pro se* litigants and appropriate responses for clerks. Clerks' staff should become very familiar with the *Guidelines* and *FAQs* as soon as possible. Clerks may refer *pro se* litigants to the reference manual, which could be placed at the counter where *pro se* litigants are likely to appear to ask questions.

Naturally, this manual cannot anticipate all the possible questions that *pro se* litigants might ask clerks. When new questions raise concerns about giving legal advice, clerk's staff should refer to the general principles set forth in the *Guidelines*. If they refer to the *Guidelines* but still are not clear about how to respond to the question, they should consult with their supervisor. If a supervisor is not available, or if the question clearly calls for legal advice, the clerk should explain to the *pro se* litigant that clerks are not allowed to provide legal advice. Remember, litigation can be a mine field for those who do not know what they are doing. Most litigants may benefit from consulting with legal counsel. So **when in doubt suggest that the *pro se* litigant consult an attorney, but do not recommend specific attorneys.** You may refer parties to the **Georgia Lawyer Referral Program; see Exhibit A, attached for a full listing of potential referral sources (or a local referral service approved by the Chief Magistrate).**

There are other sources of information that might be helpful to *pro se* litigants. The State Bar of Georgia provides several pamphlets in a variety of areas of the law. They may be obtained through the State Bar of Georgia. They are written in easy to understand language and would be very helpful to *pro se* litigants. You can find the pamphlets on the State Bar of Georgia website or you may call the State Bar of Georgia. (See Exhibit A)

The **Georgia Landlord and Tenant Hotline (Exhibit A)** also provides a helpful guide on landlord/tenant cases.

Finally, some of the responses to the FAQs include references to chapters of the Georgia Code or rules of procedure. These may be offered to the litigant. You should also consider having the most recent version of the Georgia Code available for public use, to make it easier for people to follow up on these references. If the most recent version is not available, clerks should caution *pro se* litigants that the Georgia Code section may have been amended by subsequent legislation. ***Clerks should caution each pro se litigant that in addition to the Georgia Code sections cited in this manual, there may be other code sections or case law (Supreme Court or Court of Appeals decisions) that apply in a particular case. Parties should not rely solely on the information provided by the clerk's office. In most cases, litigants should consult an attorney.***

Guidelines for Clerks Who Assist *Pro Se* Litigants

A. The primary goal of court and clerk's staff is to provide high quality service to court users.

Court staff strives to provide accurate information and assistance in a prompt and courteous manner. However, in many or most situations involving *pro se* litigants (or represented litigants who come to the clerk's office without their attorneys), the best customer service might be to advise the litigant to seek the assistance of an attorney.

B. Absolute duty of impartiality.

Court staff must treat all litigants fairly and equally. Court staff must not provide assistance for the purpose of giving one party an advantage over another, nor give assistance to one party that they would not give to an opponent. It is important to avoid even an appearance of partiality or favoritism in all circumstances.

C. Prohibition against giving legal advice.

Court staff shall not provide legal advice. (See *Guideline C.2* for examples of legal advice.)

1. If a court user asks for legal advice, court staff should advise the person to seek the assistance of an attorney.
2. Court staff should not apply the law to the facts of a given case, nor give directions regarding how a litigant *should* respond or behave in any aspect of the legal process. For example, court or clerks' staff **shall not**:¹
 - a. Recommend whether to file a petition or other pleading.
 - b. Recommend phrasing or specific content for pleadings.²
 - c. Fill in a form for the *pro se* litigant.

(**Exception:** If a litigant has a physical disability or is illiterate and therefore unable to complete a form, and the litigant explains the disability to a clerk's staff member and requests appropriate assistance, then the staff member may complete the form. However, the clerk's staff member must write own

¹COMMENT on C. 2: This list provides examples of prohibited types of assistance. It is not comprehensive. In general, clerks must avoid advising litigants that they *should* include specific content in what they write or say or that they *should* take a particular course of action.

²COMMENT on C. 2. b: Clerks may inform litigants that some *general content* may be required in a pleading (*i.e.*, identification of the other parties involved in the incident; a description of the facts surrounding the incident). But clerks may not tell a litigant whom to identify or which particular facts might be relevant in the pleading. If there is a form generally used by the Court, the clerk may offer such form to the litigant but cannot require a specific form be utilized.

the *exact words* provided by the litigant, and another staff member must witness the action.)

- d. Recommend specific people against whom to file petitions or other pleadings.
- e. Recommend specific types of claims or arguments to assert in pleadings or at trial.
- f. Recommend what types or amount of damages to seek or the specific litigants from whom to seek damages.
- g. Recommend specific questions to ask witnesses or other litigants.
- h. Recommend specific techniques for presenting evidence in pleadings or at trial.³
- i. Recommend which objections to raise to an opponent's pleadings or motions at trial or when and specifically how to raise them.
- j. Recommend when or whether a litigant should request or oppose a continuance.
- k. Recommend when or whether a litigant should settle a dispute.
- l. Recommend whether a litigant should appeal a judge's decision.
- m. Interpret the meaning or implications of statutes or appellate court decisions as they might apply to an individual case.
- n. Perform legal research.⁴
- o. Predict the outcome of a particular case, strategy, or action.

3. If you are uncertain whether the advice or information constitutes "legal advice", seek the assistance of a supervisor. If a supervisor is not available, inform the litigant that you are not able to provide the information and that the litigant should seek help from an attorney.

³ COMMENT on C.2.h.: Clerks should provide, or identify the place where someone can obtain, pamphlets or other documents that address the issue and that have been prepared for general distribution to the public, (i.e., pamphlets, prepared by the State Bar of Georgia)

⁴ COMMENT on C.2.n.: Clerks may refer litigants to Georgia court rules or Georgia Code for rules or statutes that govern matters of routine administration, practice, or procedure; and they may give definitions of common, well-defined legal terms used in those Code sections. However, clerks may not *interpret* the meaning of statutes or rules.

D. Authorized information and assistance. When a *pro se* court user seeks help; excluding legal advice; court or clerks' staff should respond to questions to the best of her or his ability. Court and clerks' staff are authorized to:

1. Provide public, non-privileged, information contained in:
 - a. dockets or calendars,
 - b. case files,
 - c. indexes, and
 - d. other reports.

2. Recite common, routinely employed:⁵
 - a. court rules,
 - b. court procedures, and
 - c. administrative practices.

3. Tell the *pro se* litigant that Georgia statutes can be found in the official Code of Georgia and rules of procedure can be found in the Uniform Magistrate Court Rules. The Clerk should not perform legal research or point the litigant to any specific Title or Rule.

4. Identify forms that might meet the needs of the *pro se* litigant, and provide forms that the Court has prepared for use.⁶

5. Answer questions about how to complete forms (*i.e.*, where to write in particular types of information), but not questions about how the litigant *should* phrase his or her responses on the forms.

⁵ COMMENT on D.2: Reciting a common rule is permissible, but court staff should not attempt to apply the rule to the facts in the litigant's case. Sometimes, after a clerk recites a rule (*i.e.*, "After a judge enters a judgment in your small claims case, you have ____ days to file an appeal."), a *pro se litigant* will ask whether or how the rule would apply, or if the rule might be applied differently, given the facts in his or her case. This calls for an *interpretation* of the law or rule of procedure. *Court and clerk's office staff must avoid offering interpretations of laws or rules.*

⁶ COMMENT on D.4.: when a clerk is reasonably certain about which form is most appropriate for use by a given litigant, the clerk should identify the appropriate form. However, clerks should avoid telling litigants that they *should* or *must* use a particular form. The appropriate approach in most situations is to tell the litigant: a) a particular form probably will meet the individual's needs; b) clerks *cannot guarantee* that this is the correct form; and c) the litigant should read the form very closely or consult an attorney to determine the appropriateness of the form for the litigant's purposes.

6. Define terms commonly used in court processes.

7. Provide phone numbers for lawyer referral services. (See Exhibit A.)

E. Prohibition against revealing the outcome of a case before the information is officially released to the litigants or public.

Court or clerk's staff shall not disclose the outcome of a matter submitted to a judge for decision until the outcome is part of the public record, or until the judge directs disclosure of the matter.

F. *Ex parte* communications. As a general rule, parties are prohibited from having *ex parte* communication with a judge. However, there may be limited occasions when *ex parte* communication may be allowed. (Conflicts, continuances, etc. No "substantive" communications allowed.)

1. If a litigant or attorney submits an *ex parte* **written** communication for a judge (*i.e.*, to grant a continuance; to stop or limit a garnishment), court staff **must** deliver it to a judge who should decide what action, if any, is appropriate.

2. If a party makes a **verbal** request that a judge take some type of action in a case, the clerk should tell the litigant to **put the request in writing** and:

- a. address the request to the court;
- b. include the case number (if any) on the document;
- c. write the date on the document;
- d. sign the written document;
- e. print the person's name under the signature;
- f. write the person's address and telephone number on the document;
- g. deliver the written request to the clerk's office; and
- h. ensure that a copy of the document is served on the opposing litigant or litigant's attorney as required by Georgia law.

3. If a party or attorney contacts a clerk by telephone with a verbal request for judicial action and there is **insufficient time to deliver a written request** to the clerk's office (*i.e.*, an **emergency situation**), the clerk **shall** communicate the request to a judge in accordance with rules established by the Chief Magistrate for handling such communications. The clerk, however, should tell the caller that the clerk cannot guarantee that the judge will grant or even consider the request.

Suggested Responses to FAQs from *Pro Se* Litigants

A. General Questions

1. Issues That Are Common to All Types of Cases

a. Assistance from Clerks

I have asked you several questions and you won't answer them. Why aren't you more helpful?

The clerk should **politely** advise that, first, many questions require the clerk to explain or interpret the law or how the law would apply in the litigant's case. This constitutes legal advice, and **the law prohibits clerks from providing legal advice to litigants**. Second, if a litigant misunderstands a clerk's statement, or a clerk gives an incorrect answer to a question and the litigant loses his or her case as a consequence the litigant might blame the clerk. For these reasons, clerks must refrain from answering many questions that people ask and refer people to competent legal counsel.

b. Attorneys (Recommending One)

What attorney should I call to handle my case? Who would be good?

Clerks are not allowed to recommend specific attorneys or law firms. Parties should contact the **Georgia Lawyer Referral Program (see Exhibit A)**. Parties may also check the yellow pages in the phone book or ask their friends for a recommendation. The local bar association may also have an attorney referral service.

c. Communication with Judges

Can I talk to a judge?

Clerks must be cautious about allowing people to talk to a judge because judges must avoid ***ex parte*** contacts with litigants. For guidance on this issue, *see Guideline F*. The clerk should ask for the person's name and why she or he needs to talk to the judge.

If the issue is unrelated to any case before the court, the clerk should refer the question to the judge, if available.

If the issue involves an **emergency scheduling matter** (i.e., request for a continuance due to car problems on the morning of a hearing), the clerk should write down the request and contact the judge in a manner that has been set by the Chief Magistrate. The Clerk cannot tell the litigant whether the request will be granted.

If the issue involves a **non-emergency request for a continuance**, most judges

require the request to be submitted in writing. (This might vary by county or judge.) But the clerk should refer the question to the judge, if available.

If the person wants to talk to a judge about issues under litigation, the judge usually cannot allow such communication unless all parties involved in the case are present (i.e., at a hearing). If the person wants to give the judge information pertinent to a case or wants the judge to take some *action* related to a case, the person must: 1) put the request *in writing*; 2) file it in the clerk's office; and 3) provide copies to the other parties in the case. (See *Guideline F.2*).

Georgia has a specific Warrant Application procedure when non-law enforcement litigants seek the arrest of other persons. The procedure for such warrant applicants shall be set by the Chief Magistrate and may involve direct contact between a litigant and a judge in an *ex parte* fashion.

d. Judicial Decisions

What will the judge say?

Clerks may not speculate on what a judge might say or do. Clerks should avoid telling anyone what a judge *usually does* or otherwise guessing what may happen in any individual matter as the facts may dictate an unusual or extraordinary result.

e. Legal Research

Georgia's statutes (laws passed by the state legislature) are in the official Code of Georgia (also known as the Georgia Code). The Georgia Magistrate Court Rules contain the procedures that litigants must follow in Georgia's Magistrate courts. Your county law library should have copies of these volumes. Every Georgia county has a law library. ****Many legal materials are available on the internet. However, the clerk cannot verify the authenticity or accuracy of any website. It is always ultimately the litigant's responsibility to determine that they have researched the most recent law or case.**

Further, in some circumstances a litigant might have to examine decisions by the Georgia Supreme Court or Georgia Court of Appeals to see how these courts have interpreted the laws and rules. A person might have to go to a law library to find up-to-date research materials on appellate court decisions. Ask a librarian for assistance with these materials.

It can be difficult to know and understand all the laws and procedures that might apply in a particular case. If a person is uncertain about the laws or procedures involved in the case, the person should consult an attorney.

f. Scheduling & Court Appearances

1. Do I have to be in court today?

The clerk may review whatever notice the party has to determine whether the party must appear in court and where the hearing (if any) will be held.

2. Can I reschedule (continue) my hearing to a later date?

Only the judge can continue a hearing. If the party files a written request with the clerk and provides a copy of the request to the other parties (or the prosecuting attorney in a criminal case), the judge will consider the request. (See Guidelines F & 1.c. above for guidance on emergency scheduling requests.)

3. My car won't start, so I can't get to the hearing today. Can you tell the judge?

The answer to this question depends on local custom. Some clerk's offices will convey a message regarding case scheduling to a judge, but others prefer that the party speak directly to the judge.

g. Sealed Records

Can I see my sealed file? (e.g., adopted person seeking information)

Magistrate Courts in Georgia have a limited jurisdiction and do not handle all types of legal matter. All information concerning adoptions can be found in the Superior Court, not the Magistrate Court. Matters involving juvenile matters may be found in the Juvenile Court. Any records sealed by the Magistrate Court are addressed within Uniform Magistrate Court Rule 6.

B. Civil Cases

1. General Civil Matters

a. Filing a Petition

1. How long do I have to file my petition?

The party should consult an attorney concerning the relevant statute of limitations.

2. How do I serve my petition on the opposing party?

The clerk may point out the various means of service that are set out in Georgia law. The inquirer should consult an attorney to determine the proper means of service for the party's particular case.

3. \$ _____ (county specific) seems like a high filing fee? Why is it so steep?

Filing fees are set by the legislature, not by the court or clerk's office. There are several agencies that are partially or fully funded by court fees.

4. In what county or state do I file my case? (How do I know where venue lies?)

The answer to this question depends on the type of case that is being filed, where litigants live, whether a corporation is a party and where events took place. Sorting out the impact of these factors would constitute legal advice. The clerk should advise the party to consult an attorney.

b. Answering a Petition

1. How do I file an answer?

A litigant's answer must be in writing and filed with the clerk within a certain number of days after the petition was served on the party. Understand that certain types of civil actions have different limitations, i.e. dispossessory actions vs. tort cases, and the litigant **must** provide a copy to the opposing party. The clerk may point out the various means of service. The answer includes a response to each specific allegation or paragraph in the petition or pleading to which the defendant is responding. Since the answer should also incorporate any affirmative defenses, the clerk should suggest that the party consult with an attorney. Georgia law allows the clerk to write the answer for a litigant who is incapable of writing his/her own answer.

2. A petition was filed on me _____ days ago, now here I am to make my appearance.

A **written answer** must be filed in the clerk's office within ____ days after the petition was served on the party. (See response in b.1 above.) The answer also must be served on the other parties in the case. A defendant may file an answer after the ____ day period, but the clerk cannot guarantee what effect the answer will have in the case. This is an administrative question, which may be answered by the clerk. Once a petition is filed it must be served upon the opposing party who is then given a specific time to respond, usually 30 days from date of service, however dispossessory actions and personal property foreclosures must be answered within 7 days. If an answer is filed denying the claim, the magistrate clerk will set the case for hearing according to the magistrate's schedule and notice will be mailed to all parties. In some counties, unless waived by court order, *mediation* is required prior to setting the case for hearing. In those counties the clerk should inform the party about that requirement and that notice for the mediation will be sent to all parties the same as the notice for the hearing.

3. A petition was filed on me more than _____ days ago. Can I still file an answer?

The clerk can accept an answer at any time, even if it is late. But the clerk cannot speculate about the legal consequences of filing the answer late. If the plaintiff has already filed an application for default judgment or has obtained a default judgment, the defendant should definitely consult an attorney for options. Georgia law requires the payment of certain costs to open a default and the Chief Magistrate will direct the procedure for such instances.

In dispossessory/distress actions, the rules are different and the litigant seeking to file an answer more than 7 days after service, should be advised to seek legal counsel.

c. Bankruptcy

If I file bankruptcy will my debts go away?

The clerk should not speculate about how bankruptcy laws would apply in a particular case, which would be a clear example of providing legal advice. In addition, bankruptcy is a complicated area of the law. Strongly recommend that the party consult an attorney. The defendant should advise the court if he or she is under Bankruptcy protection. (With stays, encourage party to provide a case number.)

d. Collection/Enforcement of Judgments (Liens, etc.)

1. Are there any liens on my property?

Magistrate Courts in Georgia have a limited jurisdiction and do not handle all types of legal matters. Property liens are generally recorded in Superior Court.

2. How do I collect my judgment?

Litigants seeking to collect a judgment issued by the Court should be advised to seek the advice of an attorney concerning the collection of the judgment. The Chief Magistrate may establish procedures for collection of its judgments, issuance of FiFa's or similar matters. A party may file statutory post-judgment interrogatories as allowed by Georgia law.

e. Eviction: Dispossessory Actions

How do I evict someone who has failed to pay rent, violated the terms of the lease or is holding the premises over past the end of the term of the lease?

The clerk may provide to the litigant the appropriate form necessary to initiate a dispossessory action. There are several complicated issues that are connected with the dispossessory actions which should not be addressed by the clerk (i.e., when a security deposit has to be returned; should the landlord request damages in addition to the back due rent; was notice required prior to filing the dispossessory action, etc.). Therefore, it is important that the clerk not get involved with telling the litigant whether the form is correct because every fact pattern is different.

f. Name Change

How do I change my name? (Not part of divorce case.)

Magistrate Courts in Georgia have a limited jurisdiction and do not handle all types of legal matters. Name changes are generally handled by Superior Court.

g. Real Estate Issues

Magistrate Courts in Georgia have a limited jurisdiction and do not handle all types of legal matters. Real estate records are generally maintained by Superior Court.

h. Dismissals

If the plaintiff no longer wants to continue with the case for whatever reason (i.e., the case is settled, the plaintiff has changed the position, the plaintiff simply does not want to pursue the matter any further), the plaintiff can seek a dismissal form from the clerk's office. Understand that the filing and dismissal of a civil case is an important event. If the dismissal is done "with prejudice", the plaintiff could not later

re-file that same action. If the petition is dismissed “without prejudice” then the case could be reinitiated within certain time limitations by the plaintiff.

It is also important to understand that the dismissal of the case by the plaintiff will not dismiss the counterclaim of the defendant, if any. The defendant is also authorized to dismiss the counterclaim on many of the same principles addressed above.

2. Domestic Abuse

a. Process

How do I get a restraining order against someone?

Magistrate Courts in Georgia have a limited jurisdiction and do not handle all types of legal matters. Restraining Orders are generally handled by Superior Court.

Many people incorrectly believe that the Magistrate Court has the authority to issue a restraining order, domestic violence protective order, temporary protective order, or similar “restraining orders”. The Magistrate Court does not have the authority to do so unless it has been specifically appointed to do so by a Superior Court Judge. Therefore, it is important that the party seeking a protective order or domestic violence order seek assistance through Superior Court which has the authority to consider a “restraining order.”

Other restraining orders: For other types of restraining orders the clerk should suggest the party consult with an attorney. The party might also seek assistance from a local domestic abuse assistance center. However, in some Magistrate Courts, Good Behavior Bonds are used in the same manner but they are only authorized for the particular county in which the Good Behavior Bond is issued.

b. Appointment of Attorney

1. Will the County Attorney represent me?

The County Attorney or District Attorney usually represents the state in **criminal** cases.

2. Can you appoint an attorney for me?

Only a judge can appoint an attorney, and a judge may appoint an attorney only in certain criminal cases. In most civil cases there is no provision for the appointment of counsel, but the clerk may refer the party to Legal Aid, which may assist civil litigants who cannot afford to hire an attorney.

3. What other legal assistance can be provided for me?

Georgia Legal Aid Services around the state of Georgia, through Volunteer Lawyers Foundations or other legal services per direction of chief judge.

3. Domestic: Divorce, Modifications and Support

a. Filing and Modification Issues

1. How do I file a divorce?

Magistrate Courts in Georgia have a limited jurisdiction and do not handle all types of legal matters. Domestic relations matters (divorces, modifications, legal separations, contempt's) are handled by Superior Court.

b. Child Support

1. How do I get my ex-spouse to pay child support?

The establishment and modification of child support is generally a matter for Superior Court determination in a civil case. If you desire to request an arrest warrant for abandonment of child or similar crime, please see the process set forth under the criminal section of this pamphlet.

2. Can I get my ex-spouse's wages garnished for not paying child support?

It depends upon the circumstances of the case. Does the ex-spouse have a court-ordered child support obligation that is in arrears? If the answer to this question is "Yes", then the person might be able to obtain garnishment of the ex-spouse's wages. However, the clerk should explain that garnishing wages can be a complicated process, and that further assistance from the clerk could be interpreted as providing legal advice (aside from providing forms), which the clerk may not do. The party should seek assistance from a private attorney, from Legal Aid or Legal Services offices (if he or she cannot afford an attorney), or from the Child Support Recovery Unit.

c. Custody & Visitation

Where do I go for custody battles?

Superior Court handles all domestic relations matters.

4. Probate

1. Can I file my own guardianship and conservatorship?

Magistrate Courts in Georgia have a limited jurisdiction and do not handle all types

of legal matters. Probate Court has jurisdiction over such matters.

2. Do you have my will?

Magistrate Courts in Georgia have a limited jurisdiction and do not handle all types of legal matters. Probate Court would be the appropriate referral for all probate matters.

5. Small Claims

a. Filing a Small Claim Case

1. How do I file a small claim?

See B.1.a.

2. Whom do I file against?

This question requires the clerk to offer legal advice, which a clerk may not provide. Advise the plaintiff to consult with competent legal counsel.

3. Do I have a case against this guy?

This question requires a clerk to interpret how the law will apply in a particular litigant's case, which would constitute legal advice. Clerks cannot provide legal advice. The party should ask an attorney this question.

4. I live in Georgia and the defendant lives in ANOTHER STATE. Where do I file?

The answer to this question depends on the particular circumstances of the case. The clerk should advise the plaintiff to consult with competent legal counsel.

5. I live in this county and the person I want to sue lives in ANOTHER COUNTY in Georgia. Where do I file?

The answer to this question depends on the particular circumstances of the case. The clerk should advise the plaintiff to consult with competent legal counsel.

6. Once I file my claim, how long before I go to court?

This is an administrative question, which may be answered by the clerk. Once a petition is filed it must be served upon the opposing party who is then given a specific time to respond, usually 30 days from date of service, however distress/dispossessory actions and personal property foreclosures must be answered within 7 days. If an answer is filed denying the claim, the magistrate clerk will set the case for hearing according to the magistrate's schedule and notice

will be mailed to all parties. In some counties, unless waived by court order, *mediation* is required prior to setting the case for hearing. In those counties the clerk should inform the party about that requirement and that notice for the mediation will be sent to all parties the same as the notice for the hearing.

7. My case was dismissed a year ago. Can I re-file?

The answer depends upon how the case was dismissed (i.e., with or without prejudice) and whether the statute of limitations has expired, which can be a complicated issue. The party should seek advice from competent legal counsel.

8. Will you mail me thirty small claims forms?

Most clerks' offices will not do this. Clerks will mail one copy free of charge. The recipient is allowed to make copies from the original. Some courts also have forms available via the internet.

b. Answering a Small Claim Petition

1. I received a small claim notice in the mail. What do I do now?

The defendant should follow the instructions on the notice and perhaps seek advice from an attorney. The clerk cannot tell the defendant whether to admit or deny the claim or how to respond to the notice; this would be legal advice, which clerks cannot provide. (Clerks may provide an answer form.)

2. How do I file a counterclaim?

The clerk may provide the appropriate forms and indicate where the information should be placed on the form, but cannot suggest phraseology or whether a counterclaim should be filed.

c. Bankruptcy and Its Impact

I filed a debt collection case against a person. After that, the person filed for bankruptcy. How will the bankruptcy case affect my case against that person?

The answer to this question can be complicated. It requires legal advice, which clerks cannot provide. From a procedural standpoint the clerk may advise that the filing of bankruptcy generally suspends ("stays") the state court proceedings. The party should seek advice from competent legal counsel as to how the bankruptcy might affect the plaintiff's claim. However, litigants should advise the Magistrate Court if they believe bankruptcy has a bearing on the case and provide case number if known.

d. Collecting on a Judgment

1. Once a judgment is obtained, how long before I get my money? Can I have the defendant arrested until he/she pays?

This question requires *caution* by the clerk. A judgment coupled with a Fi Fa gives the judgment creditor a **lien** against the defendant, but the judgment and lien do not guarantee voluntary payment. The judgment creditor may pursue collection through various legal forms of **execution**, but these can be complicated. The party should seek advice from an attorney.

United States law does not allow for a party to be arrested for non-payment of a debt, including a judgment.

2. How do I obtain garnishment?

The clerk may provide appropriate forms that are available for this process and point out where information should be placed on the forms, but the clerk should not give any advice as to how the garnishment should be pursued.

3. How do I find out where the defendant works?

Georgia law allows for post-judgment interrogatories and some courts have forms for such a process. The litigants should be encouraged to seek legal counsel in this circumstance. Clerks may provide the standard interrogatory form.

4. I tried an execution, but it didn't work. What do I do now?

The clerk cannot tell the person what he or she should do in this circumstance.

5. How do I stop a garnishment?

The clerk may provide the defendant with appropriate forms for requesting a hearing, if such forms are available. Otherwise, the clerk should advise the defendant that a traverse needs to be filed with the clerk's office with notice to the garnishing party. A hearing will then be scheduled before a judge.

6. Why can't the judge just put the defendant in jail?

The clerk may advise that jail is not a legal remedy available in civil proceedings. The plaintiff may wish to consult competent legal counsel to explore other available options.

7. Can the defendant make installment payments on the judgment?

The judgment order **may** provide for installment payments, or the defendant may

petition the court for installment payments. The judgment creditor may also accept partial payments even if they are not explicitly authorized in the judgment, but the defendant should seek advice from an attorney as to whether the judgment creditor who has accepted partial payments will be prevented from seeking accelerated collection of the judgment through other legal means. The parties are free to contact one another.

8. The other party paid me just the judgment and not court costs. How do I collect the court costs?

If the judgment required the defendant to pay court costs, the judgment lien does not have to be released until those costs are paid. The plaintiff may pursue payment through **execution** and the clerk should provide forms for doing so, if available.

e. Landlord and Tenant Cases

1. Does a three-day “notice to quit” include weekends and holidays?

Yes.

2. Other questions about dispossessory cases.

This can be a very complicated area of the law, so the party should consult an attorney on almost all other questions. Legal Aid may provide free or low cost legal services for low-income residents who cannot afford an attorney.

f. Satisfying and Releasing the Judgment

1. I paid my judgment in full and the plaintiff has not released it. How do I get the judgment released?

There is a procedure for this contingency found in the Georgia Code, but the party should seek advice from competent legal counsel on this issue.

2. I paid my judgment so why don't you satisfy it?

The judgment creditor (the person who was owed the money) is responsible for satisfying the judgment, not the clerk.

C. Criminal and Traffic Cases

1. General Criminal Matters

a. Appeals

How do I file a notice of appeal?

An appeal of a criminal matter is complicated and time-limited. The Clerk may provide a form, if available, but the clerk cannot tell a litigant what information the appeal should include.

b. Attorneys

1. How do I get an appointed attorney?

Parties have the right to hire their own attorney. If financially unable to do so, a party may apply for a court-appointed attorney, and the clerk should provide the appropriate forms, if available in a criminal case. The judge will then consider the request and, based on criteria established by the state legislature, determine whether the party is eligible for court-appointed counsel. Some counties have an Indigent Defense Office that addresses appointment of counsel. As rules and guidelines may change, the clerk should not attempt to advise the person whether they qualify as indigent.

2. Why do I have to reimburse the state for court-appointed attorney fees?

The legislature passed a law that may require courts to order such reimbursement.

3. Why can't I have a court-appointed attorney?

Clerks do not play a role in determining who gets a court-appointed attorney.

c. Bond

1. How do I get a friend out of jail (out on bond)?

If bond has been set, advise the party to contact the appropriate law enforcement agency concerning bond.

2. When will I get my bond money back?

Bonds are only released upon order by a judge or final resolution of the charges. Furthermore, the bond is returned only to the party posting it, and the bond is subject to the clerk's procedures for returning cash bonds. Any monies paid to a professional bail bondsman would have to be addressed between the surety and the bail bondsman.

d. Charges and Charging Issues

1. What have I been charged with?

The clerk may show the defendant the file assuming it is not confidential or sealed consistent with Uniform Magistrate Court Rule 6. Ensure the information to be released is approved by the Judge pursuant to Uniform Magistrate Court Rule 6. If the defendant has further questions, the clerk should suggest that the party consult with an attorney or with the prosecutor's office.

2. It wasn't my car so why did I get a ticket for _____?

Clerks are not authorized to speak for law enforcement officers or to speculate as to why an officer did or did not issue a ticket. Encourage the party to seek advice from competent legal counsel or ask the prosecuting attorney.

e. Complaints (Regarding Police Officers)

How do I file a complaint about a police officer?

The clerk may refer the party to the relevant law enforcement agency.

f. Court Costs

1. Why are my court costs so high?

Court costs are established by the legislature; the clerk's duty is merely to assess and collect those costs.

2. Why do I have to pay court costs when I didn't go to court?

Court costs are established by the legislature and they are fees for the filing and processing of the case rather than a fee for personal appearances.

3. Why are there so many surcharges on my fine?

The Georgia legislature has established several different surcharges that apply to all criminal fines in Georgia. Those surcharges are used to fund a variety of different operations and agencies throughout the state, specifically including but not limited to indigent defense. The fines set by the court have automatic surcharges that are applied to them and are not within the discretion of the court whether to assess them or not.

g. Fines

Magistrate Courts in Georgia have a limited jurisdiction and do not handle all types of legal matters. The Probate Court, State Court, Juvenile Court or Superior Court may have jurisdiction over certain fines.

On any fine assessed by the Magistrate Court, the clerk may refer the party to the appropriate probation office or clerk who accepts the payment of fines. Consult with supervisors as to whether your court allows for the payment of the fine without a formal hearing being conducted. In most cases, the payment of a fine constitutes a waiver of certain constitutional rights and may, in some circumstances, constitute an admission of guilt. Therefore, simply “paying the fine”, is likely to be a matter that needs to be addressed between the party and their attorney to ensure that the party understands all of the consequences of a payment of a fine.

1. When do I have to pay my fine?

Fines are usually due at sentencing unless additional time to pay is granted by the court.

2. Why won't you take my check?

Procedures for accepting fine payments are set by the Chief Magistrate.

3. Will you give me an extension to pay my fine?

Only a judge may grant an extension. The defendant should file a request in writing with the clerk who will then give the request to the judge for consideration.

4. What do the police do with all the money I pay?

Fine payments do not go to officers or law enforcement agencies directly, but are paid to the general fund of the cities or counties of the jurisdiction.

h. Guilty Pleas

How do I plead guilty?

Generally, guilty pleas are only accepted in open court after proper waiver of certain Constitutional rights. The Chief Magistrate shall set all criminal procedures for the Court and the clerks then draft a court calendar

i. License Suspension

Why is my license suspended when I paid my ticket?

Magistrate Courts in Georgia have a limited jurisdiction and do not handle all types of legal matters. The Legislature sets rules for license suspensions and clerks are not given discretion over such matters.

j. Notices - Missed Court Dates

1. I missed my court date. What happens now?

A defendant is responsible for being in court on the date that is appointed for court. If the defendant believes he or she have an appropriate excuse for not being present, he or she should present that excuse in writing to the clerk for consideration by the judge. A missed court date may result in either an order for arrest (bench warrant for failure to appear) or some sort of Rule Nisi or other order requiring the defendant to come to court on another court date to show because why he or she should not be held in contempt for failure to appear. Again, recommending that the defendant hire a lawyer to look into this matter for them may be advisable.

2. I've moved since the matter began. What do I do now?

It is always the responsibility of the party to an action, whether it be civil or criminal, to keep the court notified of any changes of address. It is not the court's responsibility to "find" any party to either a civil or criminal action. It is the responsibility of the clerk to notify a litigant of his or her relevant court dates or other matters at the last known address. If that address has changed and the litigant failed to notify the court, a failure to timely respond or be present for a hearing may have repercussions to the litigant and his or her case which cannot all be summarized in this response.

k. Records and Warrants

1. Why won't you do a record check for me?

The clerk's office is required to keep the records open and accurate. Due to staffing and liability considerations, however, the clerk does not conduct record searches. Notify the person requesting the document of the times and dates when records may be received (see Uniform Magistrate Court Rule 6).

2. This isn't supposed to be on my record. Why is it showing up?

The clerk should first determine if the matter was recorded properly and, if so, advise the party to seek advice and assistance from competent legal counsel.

3. Is there a warrant out for my arrest?

The party should check with local law enforcement; clerks are not authorized to provide this information.

I. Sentences: Outcomes and Options

1. What will my sentence be?

The judge imposes the sentences and it would be inappropriate for the clerk to speculate.

2. Am I going to jail?

Sentencing depends on a variety of factors and it would be inappropriate for the clerk to speculate on what the judge might do.

3. How do I get probation?

Because this is such an important issue, the clerk should emphasize that the best option would be to consult with competent legal counsel. However, if the defendant is not going to contact an attorney, the clerk may suggest that the defendant could make the request to the judge at sentencing. But the clerk may not tell the defendant the likelihood of probation following a hearing.

*If the court provides informational pamphlets or websites for pro se litigants, the clerk may provide the relevant pamphlet or point out a portion of the website or pamphlet that addresses their question.

EXHIBIT A

Helpful Resources for People Who Need Legal Assistance or Information

State Bar of Georgia- 1-800-334-6865, www.gabar.org

Council of Magistrate Court Judges (Georgia)- www.georgiacourts.org/councils/magistrate

Administrative Office of the Courts of Georgia- 404-656-5171

Georgia Supreme Court- 404-656-3470

Child Support Recovery- ocss.dhr.georgia.gov/

Safe Homes of Augusta (National Crisis Hotline)- 1-800-334-2836

Legal Aid- legalaids-ga.org

GBI- 404-244-2600

Georgia Lawyer Referral Program- 1-800-215-1644

Georgia Landlord and Tenant Hotline- 1-800-369-4706, www.georgialawyerreferral.com

***Information is subject to change.**

