

JUDICIAL COUNCIL OF GEORGIA

General Session

Tuesday, December 5, 2006

Wyndham Vinings Hotel

9:00 a.m.

Overlook A & B



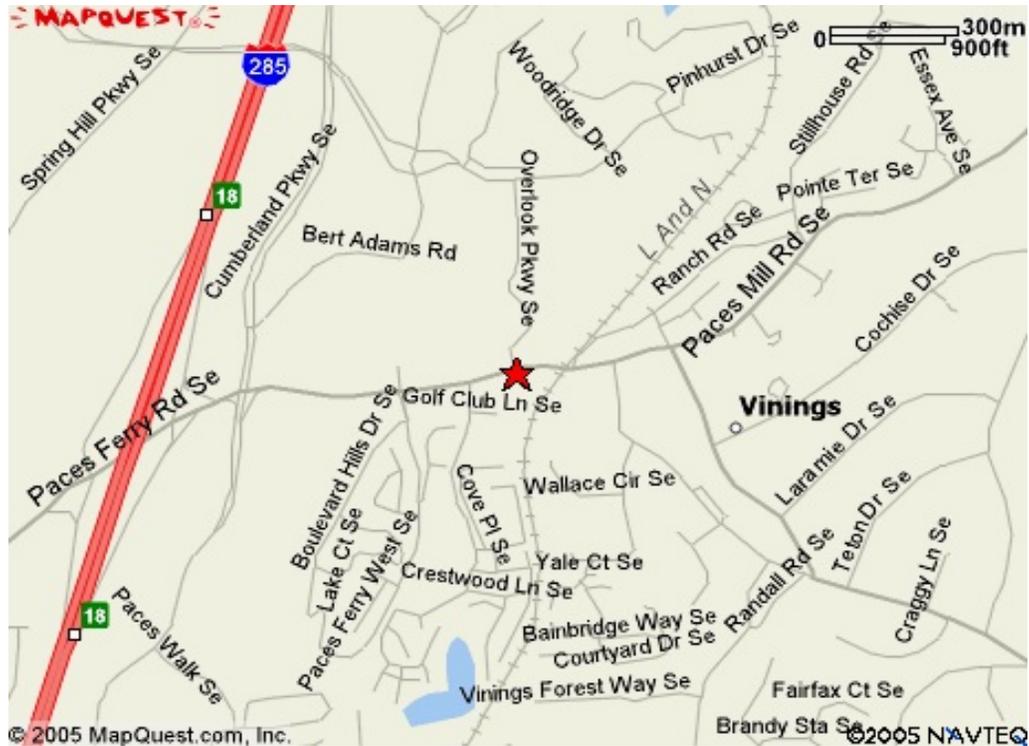
Luncheon

12 Noon

Fireplace Lounge

*2857 Paces Ferry Road
Atlanta, GA 30339*

Driving Directions to the Wyndham Vinings Hotel
2857 Paces Ferry Road
Atlanta, GA 30339
770-432-5555



Traveling South on I-75

Take I-285 Westbound (Birmingham) and travel 1.5 miles to Paces Ferry Road (Exit 18). Turn left onto Paces Ferry Road and travel ½ mile; hotel is on the left.

Traveling South on I-85

Take I-285 Westbound and continue past the I-75 interchange. Exit at Paces Ferry Road (Exit 18). Turn left onto Paces Ferry Road and travel ½ mile; hotel is on the left.

Traveling North on I-75

Travel toward Atlanta and take I-285 Westbound, then continue on I-285 Northbound pass the I-20 interchange proceeding to Paces Ferry Road (Exit 18). The exit ramp will have 3 or 4 different turn lanes. Turn right onto Paces Ferry Road East, crossing Cumberland Parkway then crossing Boulevard Hills, hotel is on the left.

Traveling North on I-85

Take I-285 North, pass the I-20 interchange and proceed to Paces Ferry Road (Exit 18). The exit ramp will have 3 or 4 different turn lanes. Turn right onto Paces Ferry Road East, crossing Cumberland Parkway then crossing Boulevard Hills, hotel is on the left.

Whether traveling I-20 Eastbound OR traveling I-20 Westbound

Take Exit 51B (285 North) and proceed to Paces Ferry Road (Exit 18). The exit ramp will have 3 or 4 different turn lanes. Turn right onto Paces Ferry Road East, crossing Cumberland Parkway then crossing Boulevard Hills, hotel is on the left.

Judicial Council of Georgia
Wyndham Vinings Hotel
2857 Paces Ferry Road
Atlanta, GA 30339

Tuesday, December 5, 2006

9:00 a.m.

Continental Breakfast will be served beginning at 8:00 a.m.

1. **Introductions and Preliminary Remarks**
(Chief Justice Leah Ward Sears, Est. Time—5 Min.)
2. **Approval of August 24, 2006 Minutes** Tab 1
(Chief Justice Sears, Est. Time—3 Min.)
3. **Approval of ICJE Curricula for Calendar Year 2007** Tab 2
(Mr. Reaves, Est. Time—10 Min.)
 - A. Magistrate Courts Training Council
 - B. Municipal Courts Training Council
4. **Reports:**
 - A. **County and Municipal Probation Advisory Council** Tab 3
Written report for information purposes only
No action required by the Council
 - B. **Georgia Courts Automation Commission** Tab 4
Written report for informational purposes only.
No action required by the Council
 - C. **Justice for Children Committee Report** Tab 5
Formerly known as the Child Placement Project
(Justice Hines and Michelle Barclay, Est. Time—10 Min.)
 - D. **Records Retention Committee** Tab 6
(Judge Whittemore, Est. Time—10 Min.)
 - E. **Standing Committee on Policy** Tab 7
(Justice Hunstein, Est. Time—10 Min.)
 - F. **Standing Committee on Drug Courts** Tab 8
(Judge Kreeger &/or Ms. Nesbit, Est. Time—10 Min.)
 - G. **Workload Assessment Committee** Tab 9
(Judge Bishop, Est. Time—10 Min.)

5. **Legislative Update**
(Ms. Nesbit, Est. Time—10 Min.)

6. **Report from AOC Director** Tab 10
(Mr. Ratley, Est. Time—10 Min.)

* * * * * **15 Minute Break** * * * * *

7. **Budget Matters** Tab 11
(Judge Carriere & Mr. Harris, Est. Time—10 Min.)
FY 2007 Judicial Branch Supplemental Request
FY 2008 Judicial Branch General Appropriations Request

8. **Reports from Appellate Courts and Trial Court Councils**

- A) Supreme Court
(Chief Justice Sears, Est. Time—5 Min.)
- B) Court of Appeals
(Chief Judge Ruffin, Est. Time—5 Min.)
- C) Council of Superior Court Judges
(Judge Boyett, Est. Time—5 Min.)
- D) Council of State Court Judges
(Judge Studdard, Est. Time—5 Min.)
- E) Council of Juvenile Court Judges
(Judge Andrews, Est. Time—5 Min.)
- F) Council of Probate Court Judges
(Judge Cason, Est. Time—5 Min.)
- G) Council of Magistrate Court Judges
(Judge Bobbitt, Est. Time—5 Min.)
- H) Council of Municipal Court Judges
(Judge Cielinski, Est. Time—5 Min.)

9. **Old/New Business**
(Chief Justice Sears, Est. Time—15 Min.)

A. Date and Place of Next Regular Council Meeting
Date: Tuesday, June 12, 2007
Place: Jekyll Island Club Hotel

10. **Concluding Remarks and Adjournment**
(Chief Justice Sears, Est. Time—5 Min.)

* * * * *

12 Noon — Lunch Served in the Fireplace Lounge

JUDICIAL COUNCIL OF GEORGIA

Chief Justice Leah Ward Sears
Chairperson
Supreme Court of Georgia
507 State Judicial Building
Atlanta, GA 30334
404-656-3474/FAX 657-6997

Presiding Justice Carol W. Hunstein
Vice Chairperson
Supreme Court of Georgia
501 State Judicial Building
Atlanta, GA 30334
404-656-3475/FAX 657-9586

Judge Stephen H. Andrews
Juvenile Court of the
Southern Judicial Circuit
P. O. Box 70
Thomasville, GA 31799
229-226-5308/FAX 228-9108

Judge A. Quillian Baldwin, Jr.
Superior Courts
Coweta Judicial Circuit
100 Ridley Avenue
P. O. Box 1364
LaGrange, GA 30241
706-883-1633/FAX 883-1639

Judge Anne Elizabeth Barnes
Court of Appeals of Georgia
334 State Judicial Building
Atlanta, GA 30334
404-656-3454/FAX 463-8303

Judge David E. Barrett
Superior Courts
Enotah Judicial Circuit
59 South Main Street, Suite K
Cleveland, GA 30528-4501
706-865-6135/FAX 865-2682

Judge Thomas C. Bobbitt, III
Magistrate Court of Laurens County
308 Roosevelt Street
P. O. Box 1676
Dublin, GA 31040-1676
478-272-5010/FAX 275-0035

Judge William T. Boyett
Superior Courts
Conasauga Judicial Circuit
P. O. Box 2582
Dalton, GA 30722-2582
706-278-3340/FAX 275-7567

Judge Betty B. Cason
Probate Court of Carroll County
Carroll County Courthouse, Room 204
Carrollton, GA 30117
770-830-5840/FAX 830-5995

Judge Walter J. Clarke, II
Probate Court of Gwinnett County
Gwinnett Justice &
Administration Center
75 Langley Drive
Lawrenceville, GA 30045-6900
770-822-8250/FAX 822-8267

Judge Brenda H. Cole
State Court of Fulton County
T3905 Justice Center Tower
185 Central Avenue, S. W.
Atlanta, GA 30303
404-730-4311/FAX 730-8182

Judge Doris L. Downs
Superior Court
Atlanta Judicial Circuit
T-7955 Justice Center Tower
185 Central Avenue, S. W.
Atlanta, GA 30303
404-730-4991/FAX 335-2828

Judge Gail C. Flake
Superior Court
Stone Mountain Judicial Circuit
Judicial Tower, Suite 6240
556 N. McDonough Street
Decatur, GA 30030
404-371-2909/FAX 371-2788

Judge Shepherd Lee Howell
Superior Courts
Cherokee Judicial Circuit
135 W. Cherokee Avenue, Suite 322
Cartersville, GA 30120
770-387-5124/FAX 606-2397

Judge Ronnie Joe Lane
Superior Courts
Pataula Judicial Circuit
P. O. Box 636
Donalsonville, GA 39845-0636
229-524-2149/FAX 524-8817

Judge Arch W. McGarity
Superior Court
Flint Judicial Circuit
Henry County Courthouse
One Courthouse Square
McDonough, GA 30253-3293
770-954-2118/FAX 954-2947

Judge John M. Ott
Superior Courts
Alcovy Judicial Circuit
Walton County Government Building
303 South Hammond Drive, Suite 221
Monroe, GA 30655
770-267-1339/FAX 266-1630

Judge F. Gates Peed
Superior Courts
Ogeechee Judicial Circuit
P. O. Box 967
Statesboro, GA 30459
912-764-6095/FAX 489-3148

Chief Judge John H. Ruffin, Jr.
Court of Appeals of Georgia
334 State Judicial Building
Atlanta, GA 30334
404-656-3458/FAX 651-8139

Judge J. Stanley Smith
Superior Courts
Dublin Judicial Circuit
P. O. Box 2069
Dublin, GA 31040-2069
478-272-4131\FAX 272-1639

Judge R. Rucker Smith
Superior Court
Southwestern Judicial Circuit
P. O. Box 784
Americus, GA 31709-0784
229-928-4555/FAX 928-4552

Judge Ben Studdard, III
State Court of Henry County
40 Atlanta Street, Suite 200
One Judicial Center, Suite 310
McDonough, GA 30253
770-898-7612/FAX 898-7616

Judge Velma Tilley
Juvenile Court of Bartow County
Cherokee Judicial Circuit
135 W. Cherokee Avenue, Suite 333
Cartersville, GA 30120-3181
770-387-5039/FAX 387-5044

Judge Kimberly Warden
Magistrate Court of Fulton County
T1605 Justice Center Tower
185 Central Avenue, S. W.
Atlanta, GA 30303
404-730-5390/FAX 893-6853

Judicial Council of Georgia
August 29, 2006
Atlanta, GA

DRAFT

Members Present:

Chief Justice Leah Ward Sears
Presiding Justice Carol W. Hunstein
Judge Anne E. Barnes
Judge Stephen H. Andrews
Judge A. Quillian Baldwin, Jr.
Judge David E. Barrett
Judge Thomas C. Bobbitt, III
Judge William T. Boyett
Judge Betty B. Cason
Judge Jim Clarke
Judge Brenda H. Cole
Judge Doris L. Downs
Judge Gail C. Flake
Judge Shepherd Lee Howell
Judge Ronnie Joe Lane
Judge Arch McGarity
Judge John M. Ott
Judge F. Gates Peed
Chief Judge John H. Ruffin, Jr.
Judge J. Stanley Smith
Judge R. Rucker Smith
Judge Ben Studdard, III
Judge Velma Tilley
Judge Kimberly Warden

Staff Present:

Mr. David L. Ratley
Dr. Greg Arnold
Ms. Billie Bolton
Mr. Justin Brady
Mr. Byron Branch
Mr. Bob Bray
Ms. Cynthia Clanton
Ms. Terry Cobb
Ms. Ashley Garner
Ms. Patricia Gavel
Mr. Vince Harris
Mr. Michael Kendrick

Ms. Yolanda Lewis
Ms. Marla Moore
Ms. Debra Nesbit
Mr. George Nolan
Ms. Aquaria Smith
Ms. Ashley Stollar
Mr. Julius Tolbert
Mr. Kevin Tolmich

Guests Present:

Ms. Tee Barnes, Clerk, Supreme Court of Georgia
Mr. Phil Boudwyns, Gwinnett County Court Administrator
Judge Jim Burton, Probate Court of Wilkes County
Judge Ed Carriere, State Court of DeKalb County
Judge Michael Cielinski, Municipal Court of Columbus
Judge Bill Clifton, Municipal Court of Forsyth
Mr. John Cowart, 2nd District Court Administrator
Ms. Judy Cramer, 5th District Court Administrator
Ms. Cheryl Fisher Custer, Judicial Qualifications Commission
Mr. Danny DeLoach, 1st District Court Administrator
Ms. Marsha Elzey, Council of Superior Court Judges
Mr. Steve Ferrell, 9th District Court Administrator
Mr. Tripp Fitzner, 8th District Court Administrator
Judge Ronald Ginsberg, State Court of Chatham County
Mr. Tom Gunnels, 10th District Court Administrator
Judge Tim Hamil, Gwinnett County Superior Court
Justice Harris Hines, Supreme Court of Georgia
Ms. Lorraine Hoffman-Polk, Council of Superior Court Judges
Judge Dawson Jackson, Gwinnett County Superior Court
Mr. Eric John, Council of Juvenile Court Judges
Mr. Greg Jones, 3rd District Court Administrator
Ms. Sandy Lee, Council of Superior Court Judges
Mr. Nolan Martin, Georgia Public Defender Standards Council
Mr. Tom Merriam, Council of Superior Court Judges
Ms. Callie Michael, Senate Budget Office
Ms. Tia Milton, Staff, Supreme Court of Georgia
Mr. Shinji Morokama, Office of Dispute Resolution
Ms. Jody Overcash, 7th District Court Administrator
Judge Tim Pape, Juvenile Court of Floyd County
Mr. Michael Parkerson, House Budget Office
Ms. Molly Perry, Criminal Justice Coordinating Council
Mr. Rich Reaves, Institute of Continuing Judicial Education
Mr. Fred Roney, 6th District Court Administrator

Call to Order

Chief Justice Sears called the meeting to order at 9:00 a.m. She welcomed Council members and guests to the second summer meeting of the Judicial Council. She asked that members of the Council introduce themselves, followed by those seated in the audience.

Approval of Minutes

Chief Justice Sears called attention to the minutes of the June 7, 2006 meeting of the Judicial Council found in the agenda. She asked for any additions or corrections to the minutes. A correction should be made to the final line on page 13, where the date should read August 29, 2006, rather than August 20. Judge Downs moved approval of the minutes as corrected. Judge Flake seconded. The motion carried.

Judgeship Requests

Dr. Arnold reviewed the agenda materials relating to the judgeship study. A cover memorandum following the Table of Contents describes each separate document prepared by the Research staff. The updated Judicial Council policy on voting, found on page 6, reflects recent changes to procedures for requesting judgeships and balloting. Caseload reports for 2005 for the state, juvenile, probate and magistrate courts are found on pages 13-35. Dr. Arnold asked Ms. Lewis, AOC Senior Research Associate, to comment on data collection for the limited jurisdiction courts.

Ms. Lewis noted that the 2005 trial court data was more comprehensive than in any previous year: 100% of the superior, state and juvenile courts reported their caseload to the AOC; reporting for the probate and magistrate courts stands at 92%, and 98%, respectively. Ms. Lewis acknowledged the diligent efforts of the clerks of court, district

court administrators and judges who greatly assisted the research staff and made a more comprehensive case count possible. She stated that the trial court case count reflects the work of 700 separate courts for a total of 2.2 million cases filed.

Dr. Arnold resumed presentation of the judgeship data for each superior court circuit. While supplemental documentation was distributed, he reviewed the actual case weight scores for each requesting circuit and the qualifying values for each. The Atlanta Circuit (21.25) and the Atlantic Circuit (3.88) fell short of the qualifying thresholds; therefore, these circuits will require a two-thirds majority vote to gain approval. Similarly, the Mountain Circuit (2.62), the Piedmont Circuit (3.83) and the Waycross Circuit (3.68) require a two-thirds majority to gain approval. Three circuits met or exceeded the required values: Brunswick (5.46), Cordele (2.70) and Gwinnett (12.36) require a simple majority to gain approval.

Judge Downs asked if the Atlanta Circuit would have met the threshold value under the old system before the Workload Assessment Committee adjusted the thresholds. Dr. Arnold stated that it would have had the necessary value to qualify. Chief Justice Sears noted that the current Atlanta Circuit request could be approved, if it received the required two-thirds majority vote. Judge Downs asked if it would be correct to say that the new system works a hardship on larger circuits. Dr. Arnold stated that in gross terms that would be correct.

Judge Downs pointed out several factors that create pressure for urban judges including demands for speedy trial which require action during the next term of court. This means Atlanta judges have only four months at most to resolve such cases. She asked the Council to approve the Atlanta request for an additional judgeship.

Discussion regarding the lack of resources, jail overcrowding and other systemic problems affecting judicial workloads continued as approval ballots listing each circuit requesting a new judgeship were distributed to the Council members.

Dr. Arnold noted that establishment of a fairer method of determining need for new judgeships will be a focus when the Workload Assessment Committee begins revisions to the judgeship methodology. He reviewed the Four Factor Chart on page 45; based on key data for each requesting circuit, the chart quantifies the circuits that are in greatest need of a judgeship. It reveals the Gwinnett Circuit first in terms of need; the Atlanta Circuit is tied with the Mountain Circuit for ninth and tenth.

In reference to Factor Two, Judge Downs noted that the Atlanta Circuit ranks highest in total number of felony cases per judge. She asked if under the current policy, a rape case and a car theft case are given the same weight in minutes. Dr. Arnold stated that all felonies, other than murders, are given the same weight. Judge Downs stated her belief that the complexity of many felony cases requires some differentiation in terms of minutes of judge-time assigned to try these felonies.

Dr. Arnold again acknowledged problems with the current methods. He stated that the Workload Assessment Committee foresees calculation of more precise weights, based on the data from the 2006 time and motion study which is currently being tabulated. A detailed committee report will be on the agenda for the June meeting.

Judge Barnes reported the results of the vote as follows: the **Atlanta, Brunswick, Cordele and Gwinnett Circuits** received the necessary votes for approval of their judgeship requests.

As ranking ballots were distributed, Dr. Arnold noted that four circuits approved for judgeships last year: Alapaha, Dublin, Enotah, and Southern are found on the ranking ballot. The Cobb Circuit, also approved last year, should be marked off the ballot at the request of the Cobb superior court judges. He asked the council members to also mark through circuits that had not gained approval (Atlantic, Mountain, Piedmont and Waycross), and rank the remaining circuits 1-8 in terms of need.

At a later time Judge Barnes announced the ranking results as follows:

- 1. Gwinnett (10th judge); 2. Dublin (3rd judge); 3. Enotah (3rd judge);**
- 4. Cordele (3rd judge); 5. Southern (6th judge); 6. Brunswick (5th judge),**
- 7. Atlanta (20th judge); 8. Alapaha (3rd judge).**

Director's Report

Mr. Ratley announced staff promotions as follows: Ms. Debra Nesbit, Acting Deputy Director; Dr. Greg Arnold, Senior Assistant Director, Mr. Michael Kendrick, Assistant Director for Human Resources and EEOC Compliance Monitor; and Mr. Julius Tolbert, Assistant Director for Legal Affairs.

Steps are being taken to convert the AOC pay schedule to a formalized pay plan. Mr. Ratley stated that an evaluation component will be part of the proposal he hopes to bring to the Council at the December meeting. Eventually there may be a need for a Judicial Council Committee on Human Resources.

In cooperation with the District Court Administrators, the Committee on Access and Fairness has provided local training sessions for American Sign Language Interpreters. The sessions included: orientation to the court system, professionalism,

ethics and legal terminology. The DCA's have also provided ten scholarships to send Georgia interpreters to the National Conference for Court Interpreters.

Mr. Ratley distributed dashboard-style activities reports from the AOC Information Technology section, and others.

Budget Matters

Judge Carriere reviewed Judicial Council budget requests for the 07 supplemental appropriations and the '08 general budget already approved by the budget committee. Breakdowns of specific requests for each program area were presented on pages 18 and 19 in the budget materials.

The Council's total '07 enhancement request (including COLA and annualizers) is \$465,000. The increase includes: \$173,857, matching funds for the Child Placement Project federal grant; \$112,106, for probation advisory council staff needed to implement SB 444; and \$74,330, to GCAC for data sharing implementation.

For FY08 the Council's enhancement request totals \$3,486,703. A portion of this amount (\$2.1 million) provides for additional funding to local drug courts; GCAC is seeking \$371,688 to fund a data sharing project; the AOC is requesting a total of \$788,000 which includes: three additional research positions (\$83,603); in the IT division, a database administrator (\$86,455), and three software support positions (\$245,234); the traffic citation automation project (\$161,566) and Child Support Guidelines staff (\$101,764).

Judge Carriere moved approval of the budget recommendations by the Judicial Council Budget Committee as presented. Judge Downs seconded. The motion carried.

Reports from Judicial Agencies

Written reports for the Committee on Domestic Violence and the Committee on Access and Fairness in the Courts were included in the agenda materials.

Georgia Courts Automation Commission. Judge Pape gave a powerpoint presentation on the current mission of GCAC. He stated that GCAC is no longer involved in the development and support of software, rather, they are focusing on automation guidelines and policy-making. In recent months GCAC has consulted with judges from each class of court regarding data collection standards specific to their courts. The efforts have also been directed to enabling exchanges of electronic information for the purposes of data collection. Through collaboration GCAC hopes to meet local court needs and smooth the way for court data exchanges. Their strategic planning process has helped to identify specific long-term objectives.

Records Retention Committee. Dr. Arnold, reporting for Judge Whittemore, noted that the proposed uniform rule for handling evidence has been submitted to the various judges' councils for review. Each group will discuss proposed changes to be referred back to the committee. Dr. Arnold stated that more information should be available at the December Judicial Council meeting.

Workload Assessment Committee. Judge Bishop reported that the "timekeeping" phase of the study was completed on August 23. He thanked the superior court judges for their participation and cooperation. All the data has been forwarded to the AOC Research staff for entry into the computer. As it will require several months to complete the data entry, no preliminary reports will be available before the December Council meeting. At the meeting in June, 2007, the committee hopes to have devised the new case values for

presentation to the Council. Judge Bishop noted that the concerns voiced by Judge Downs and others will be taken into consideration.

Committee on Court Reporting Matters. Judge Boyett reported for the committee which is composed of himself and Judges Phipps, Craig and Salter. The Board has requested three changes to the rules which have been approved by the committee. He referred to the agenda supplement where the proposed changes are detailed.

Judge Boyett moved approval of the changes as submitted. Judge Cason seconded. The motion carried.

Reports from Appellate Courts and Trial Court Councils

Supreme Court. Chief Justice Sears introduced Ms. Therese (Tee) Barnes who has been appointed Clerk of the Supreme Court. Ms. Barnes has worked as a legal assistant to Justice Hunstein for many years.

Court of Appeals. Chief Judge Ruffin reported as follows: work on improving security at the Judicial Building continues; renovation of Health Building office space for the Clerk of Court and staff is nearing completion; plans are underway to remodel the space on the third floor of the Judicial Building so that two judges now housed off-site can be accommodated. The court's centennial year events have gone well including a number of off site oral arguments in localities across the state. The Centennial Dinner to take place at the Aquarium in early October.

Council of Superior Court Judges. Judge Boyett reported that Judge Sammy Ozburn and others are working on security plans for courthouses in each county. The General Assembly appropriated \$1.5 million to assist sheriffs and judges in this effort.

A salary increase for superior court and appellate judges of 20% has been proposed by the State Bar Committee on Judicial Service. Initially, the council's executive committee passed a resolution in support of requesting this increase in the FY08 budget. More recent discussions by that committee have resulted in agreement not to ask for funds in the budget request, but to seek a judicial pay increase through separate legislation.

Council of State Court Judges. Judge Studdard stated that the council had invited the presidents of other judges' councils to their fall meeting at the Jekyll Island Club. The Henry County DUI Court begins operation this fall. The state court judges will be hosting the 2009 National Mock Trial event for high school students. In closing, Judge Studdard extended congratulations to Chief Justice Sears on being named to the Board of Directors for the Conference of Chief Justices.

Council of Juvenile Court Judges. Judge Andrews reported that the Juvenile Code Revision Committee continues its work. There have been some questions about need for interpreters in juvenile court proceedings. One problem lies in determining whether the child should be considered a "party" in deprivation cases. Judge Andrews noted there are some appellate court decisions that speak to this issue.

Council of Probate Court Judges. Judge Cason reported on their recent executive committee planning meeting held in Milledgeville. Mental health issues are increasingly seen in probate court and the council is learning more about mental health courts and how these can be instituted. A new video regarding the guardianship law revisions is now available. The probate council recently adopted the uniform rule on evidence retention.

Council of Magistrate Court Judges. Judge Bobbitt stated that commissioners of the Magistrate Retirement Board have been appointed by Gov. Perdue. The executive

committee is well underway in their search for an executive director. Their next quarterly meeting will be held on September 29.

Council of Municipal Court Judges. Judge Cielinski reported that two initiatives had emerged from their strategic planning efforts: 1) the need for more effective training and education and 2) concerted efforts at public outreach. He stated that one of their members Judge David Pearce had recently passed away.

Old/New Business

Judge Boyett moved to rescind the Judicial Council resolution approved in June asking the Governor and General Assembly for a 20% pay increase. Instead, he stated, the superior court judges are asking for “a meaningful and long overdue” pay increase. Judge Stan Smith seconded. The motion carried.

Adjournment

Chief Justice Sears announced the next meeting of the Council to be held December 5, 2006, at the Wyndham Vinings Hotel. She expressed appreciation to the municipal court judges for hosting the Monday evening reception for Council members. She asked the Council members to gather downstairs for a group photograph.

The meeting adjourned at 12:00 noon.

Respectfully submitted:

Billie Bolton, Assistant Director

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

TAB 2

ICJE CURRICULA FOR CALENDAR YEAR 2007

NOT AVAILABLE AT THE TIME OF AGENDA MAILING

CURRICULA WILL BE PROVIDED AS A HANDOUT AT THE MEETING



Sheriff Steve Cronic
Chairperson

County and Municipal Probation Advisory Council

Mr. Michael Nail
Vice Chairperson

November 9, 2006

TO: Members of the Judicial Council of Georgia

FROM: Sheriff Steve Cronic, Chairperson
County and Municipal Probation Advisory Council

SUBJECT: Annual Report of Activities

The attached report is to keep the Judicial Council of Georgia apprised of the activities of the probation advisory council and the status of misdemeanor probation in the state. The council is appreciative of the assistance provided by the Administrative Office of the Courts in staffing and supporting our efforts.

The other members of the council are the Vice Chair, Mr. Michael Nail representing the Department of Corrections; Judge Jim Burton representing the probate courts; Mr. Stan Cooper representing public probation; Judge Neal Dettmering representing state courts; Judge John Ott representing superior courts; Mr. Steve Page representing the private probation industry; Commissioner Alan Poole of Haralson County; Mayor William Trapnell of Metter; Judge Jim Thurman representing magistrate courts; and Judge Frost Ward representing municipal courts.

Please do not hesitate to contact me or other members of the council if you have any questions or concerns.

COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL

Background

The County and Municipal Probation Advisory Council (OCGA §§ 42-8-100 through 108) was created in 1991 and reconstituted in 1996. Its mission was expanded in July of 2006 to ensure that uniform professional standards for probation officers and uniform contract standards are maintained by both private companies and governmental probation entities that provide general misdemeanor probation supervision, counseling and collection services to the courts. All private probation companies contracting with courts submit quarterly activity reports to the Council for aggregate data purposes. Governmental entities have been located and registered with the Council and will begin submitting quarterly activity reports during January 2007 for the 4th quarter of 2006. This will be the first reporting period which will include comprehensive reporting information for all misdemeanor probation entities in Georgia. The Council's responsibilities include:

- providing for administration of the Council;
- reviewing uniform professional standards and uniform contract standards and reporting to the General Assembly;
- establishing a 40-hour program of orientation for new public and private probation officers and a 20-hour program of annual continuing education;
- promulgating rules and regulations for the operation of misdemeanor probation services;
- promulgating rules and regulations for the registration of all misdemeanor probation entities;
- producing an annual report;
- promulgating rules and regulations requiring criminal records checks of all private and governmental probation officers and office staff.

Eleven voting members comprise the Council: a representative from each of the superior, state, probate, magistrate, and municipal courts, each representing a judicial circuit, county or municipality contracting with a private probation company; a sheriff; a mayor or member of a municipal governing authority; a county commissioner; a public probation officer; a private

probation officer or individual with expertise in the field; and the Commissioner of Corrections or a designee.

The Council's rules include regulations governing the uniform standards for the professionalism of misdemeanor probation entities, contract and agreement terms for probation services, conflicts of interest, confidentiality, registration and training. The Council is also responsible for sanctions against probation entities where violations of rules and regulations occur. Staff monitors the quarterly reporting and will resume conducting site visits to ensure that the Council's rules and uniform contract standards are being upheld when fiscal resources are made available.

Quarterly Meetings

During fiscal year 2006, the Council held quarterly meetings and approved the registration of four new private probation providers. One provider withdrew its registration with the Council in lieu of participation in a site visit. The Council also imposed a three year registration suspension on one provider whose owner failed to turn over records in accordance with Council Rules. Two additional companies incurred financial sanctions for non-compliance with Council Rules. Administrative fines totaling \$3,000 were remitted to the State Treasury in accordance with Council Rules. Staff conducted seven site visits due to budget constraints during this time period. During these site visits, minor violations of CMPAC rules were identified and corrected by the providers under review.

Personnel changes were made within the Administrative Office of the Courts which staffs the Council. The Staff Director for CMPAC is Ms. Ashley Garner. This Council was relocated from the Court Services Division of the AOC to the Regulatory Section within the Legal Division.

Implementation of Senate Bill 44

Since the signing of Senate Bill 44, the primary focus of the Council has been to coordinate comprehensive rule revisions to include the mandates of SB 44 as well as establish a registration process for governmental systems. No central depository of information existed on governmental probation systems. Contact was made with over 315 courts in Georgia to collect the necessary data and ensure that the affected entities received proper registration notice and information. With minimal contact information available for governmental probation systems,

the Council mailed approximately 720 rule revision public comment packets; one packet was sent to each Mayor and County Commission Chair in Georgia, as well as to the Georgia Municipal Association, Association of County Commissioners of Georgia, all private probation providers, interested parties and the Office of the Legislative Counsel. Council Rules were amended in accordance with Administrative Procedures Act requirements, filed with the Secretary of State, and became effective on August 10, 2006. By October 1, 2006, registration packets were mailed to 91 city and county probation systems which provide probation services to 154 courts. The deadline for registration is December 31, 2006. Consequently, statistical information is not yet available. However, conservative preliminary data reflects a 200% increase in the number of registered and regulated probation entities.

This Council has been diligent in providing information and education to those affected by the implementation of SB 44 by offering five Orientation sessions for governmental probation providers. This diligence has been rewarded with a high level of cooperation from entities now reporting to the Council.

Quarterly Reporting

On behalf of the Council, the Administrative Office of the Courts helped develop, upgrade and maintain a database for misdemeanor private probation entities to submit quarterly reports on the following information: number and types of courts served, number of probationers under supervision, cases closed, active warrants, hours of community service, and amounts collected for restitution, fines, and the crime victims' fund. This reporting is now web-based and available to providers without cost. There are currently 43 registered private companies, 7 of whom hold no active contracts. As shown in the chart below, the other 36 companies contracted with 640 courts, supervised almost 230,000 offenders and reported collections of more than 78 million dollars during FY 2006. Statistics related to governmental probation entities are currently being gathered.

Chart #1: Total Court Collections – 10 year trend

FY 1997	\$ 28,564,006 (note: first full fiscal year data available)
FY 2001	\$ 64,037,026
FY 2006	\$ 78,299,611

Chart #2: Number of Courts Served by Private Probation - 10 year trend

	(Midpoint)		
	2 nd Qtr. 1996	2nd Qtr. 2001	2 nd Qtr. 2006
Superior	15	94	122
State	24	40	56
Probate	39	64	72
Magistrate	17	44	75
Municipal	144	228	312
Recorders	1	15	3
Traffic	0	0	0
Total	240	485	640

Chart #3: Private Probation Services¹ - 10 year trend

Probationers supervised	(Midpoint)		
	2 nd Qtr. 1996	2nd Qtr. 2001	2 nd Qtr. 2006
Superior	450	7,857	21,044
State	17,981	25,102	92,375
Probate	5,158	7,067	17,778
Magistrate	756	1,607	8,481
Municipal	21,657	60,586	77,458
Recorders	1,335	4,696	11,080
Traffic	0	0	0 ²
Total	47,337	106,915	228,216

Legislative Needs

During the 2006 Legislative Session, the General Assembly passed legislation (SB 44) requiring that all city, county, and private probation supervision services register with the County and Municipal Probation Advisory Council. No additional funding was made available by the Legislature to implement this new law. The Council is administratively attached to the Administrative Office of the Courts (O.C.G.A. §42-8-101(d) and §50-4-3), and the administrative services currently being provided to the Council are funded by an

¹ These numbers do not include municipalities or counties which supervise their own probationers

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appropriation to the AOC; however, the funds currently allocated to the AOC for this function are insufficient to provide the level of services necessary to fulfill the Council's obligations in accordance with the new law.

The County and Municipal Probation Advisory Council continues to work with the Judicial Council, Georgia Legislators, and the Governor's Office through the AOC, to request additional funding as a Supplemental Budget request for FY07 and for appropriate funding in FY08. The Council is working toward establishing three administrative fees which will begin offsetting some programmatic expenses during FY 09. The Council will work in tandem with the Legislature and Judiciary during this growth and implementation phase to ensure a smooth and effective transition from private probation oversight to the oversight of misdemeanor probation in Georgia.

The County and Municipal Probation Advisory Council is committed to providing quality oversight and regulatory services to misdemeanor probation in Georgia. It has provided oversight to private probation in Georgia for 10 years, raising standards and quality statewide to ensure the integrity of the supervision of misdemeanor probationers. Through adequate funding, this Council will be able to provide the same quality services to all entities as the implementation of SB 44 initiatives continues. This Council appreciates the opportunity to inform the members of the General Assembly and the Judicial Council of the work being done in the misdemeanor probation arena. We will be happy to respond to any questions the members of either group may have.

Respectfully submitted by:



The Honorable Jim Burton
Chairperson 2005-2006
County and Municipal Probation Advisory Council



Sheriff Steve Cronic
Chairperson 2006-2007

COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL

Background

The County and Municipal Probation Advisory Council (OCGA §§ 42-8-100 through 108) was created in 1991 and reconstituted in 1996. Its mission was expanded in July of 2006 to ensure that uniform professional standards for probation officers and uniform contract standards are maintained by both private companies and governmental probation entities that provide general misdemeanor probation supervision, counseling and collection services to the courts. All private probation companies contracting with courts submit quarterly activity reports to the Council for aggregate data purposes. Governmental entities have been located and registered with the Council and will begin submitting quarterly activity reports during January 2007 for the 4th quarter of 2006. This will be the first reporting period which will include comprehensive reporting information for all misdemeanor probation entities in Georgia. The Council's responsibilities include:

- providing for administration of the Council;
- reviewing uniform professional standards and uniform contract standards and reporting to the General Assembly;
- establishing a 40-hour program of orientation for new public and private probation officers and a 20-hour program of annual continuing education;
- promulgating rules and regulations for the operation of misdemeanor probation services;
- promulgating rules and regulations for the registration of all misdemeanor probation entities;
- producing an annual report;
- promulgating rules and regulations requiring criminal records checks of all private and governmental probation officers and office staff.

Eleven voting members comprise the Council: a representative from each of the superior, state, probate, magistrate, and municipal courts, each representing a judicial circuit, county or municipality contracting with a private probation company; a sheriff; a mayor or member of a municipal governing authority; a county commissioner; a public probation officer; a private

probation officer or individual with expertise in the field; and the Commissioner of Corrections or a designee.

The Council's rules include regulations governing the uniform standards for the professionalism of misdemeanor probation entities, contract and agreement terms for probation services, conflicts of interest, confidentiality, registration and training. The Council is also responsible for sanctions against probation entities where violations of rules and regulations occur. Staff monitors the quarterly reporting and will resume conducting site visits to ensure that the Council's rules and uniform contract standards are being upheld when fiscal resources are made available.

Quarterly Meetings

During fiscal year 2006, the Council held quarterly meetings and approved the registration of four new private probation providers. One provider withdrew its registration with the Council in lieu of participation in a site visit. The Council also imposed a three year registration suspension on one provider whose owner failed to turn over records in accordance with Council Rules. Two additional companies incurred financial sanctions for non-compliance with Council Rules. Administrative fines totaling \$3,000 were remitted to the State Treasury in accordance with Council Rules. Staff conducted seven site visits due to budget constraints during this time period. During these site visits, minor violations of CMPAC rules were identified and corrected by the providers under review.

Personnel changes were made within the Administrative Office of the Courts which staffs the Council. The Staff Director for CMPAC is Ms. Ashley Garner. This Council was relocated from the Court Services Division of the AOC to the Regulatory Section within the Legal Division.

Implementation of Senate Bill 44

Since the signing of Senate Bill 44, the primary focus of the Council has been to coordinate comprehensive rule revisions to include the mandates of SB 44 as well as establish a registration process for governmental systems. No central depository of information existed on governmental probation systems. Contact was made with over 315 courts in Georgia to collect the necessary data and ensure that the affected entities received proper registration notice and information. With minimal contact information available for governmental probation systems,

the Council mailed approximately 720 rule revision public comment packets; one packet was sent to each Mayor and County Commission Chair in Georgia, as well as to the Georgia Municipal Association, Association of County Commissioners of Georgia, all private probation providers, interested parties and the Office of the Legislative Counsel. Council Rules were amended in accordance with Administrative Procedures Act requirements, filed with the Secretary of State, and became effective on August 10, 2006. By October 1, 2006, registration packets were mailed to 91 city and county probation systems which provide probation services to 154 courts. The deadline for registration is December 31, 2006. Consequently, statistical information is not yet available. However, conservative preliminary data reflects a 200% increase in the number of registered and regulated probation entities.

This Council has been diligent in providing information and education to those affected by the implementation of SB 44 by offering five Orientation sessions for governmental probation providers. This diligence has been rewarded with a high level of cooperation from entities now reporting to the Council.

Quarterly Reporting

On behalf of the Council, the Administrative Office of the Courts helped develop, upgrade and maintain a database for misdemeanor private probation entities to submit quarterly reports on the following information: number and types of courts served, number of probationers under supervision, cases closed, active warrants, hours of community service, and amounts collected for restitution, fines, and the crime victims' fund. This reporting is now web-based and available to providers without cost. There are currently 43 registered private companies, 7 of whom hold no active contracts. As shown in the chart below, the other 36 companies contracted with 640 courts, supervised almost 230,000 offenders and reported collections of more than 78 million dollars during FY 2006. Statistics related to governmental probation entities are currently being gathered.

Chart #1: Total Court Collections – 10 year trend

FY 1997	\$ 28,564,006 (note: first full fiscal year data available)
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Respectfully submitted by:



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County and Municipal Probation Advisory Council



Sheriff Steve Cronic
Chairperson 2006-2007



GEORGIA COURTS AUTOMATION COMMISSION

244 Washington Street, SW, Suite 300
Atlanta, Georgia 30334

December 2006
Report to the Judicial Council

Georgia Courts Automation Commission Report to the Judicial Council December 2006

Administrative Activity

Members

The Commission welcomes Forsyth County State Court Judge T. Russell McClelland, III to its membership as the representative for the State Courts. Chief Justice Sears appointed Judge McClelland to serve a two year term beginning October 26, 2006.

The Commission said good-bye to Walker County State Court Judge C. Donald (Donnie) Peppers who completed four years of service to the Commission as its State Court Representative. Judge Peppers served on the Commission from September 2002 through August 2006.

Newsletter

The Commission launched its official newsletter in late August 2006 “as an effective way to stay in touch with those its serves and those with an interest in its activities.” A copy is provided as an addendum to this report. The newsletter provides brief, concise, non-technical information relative to the work of the Commission.

August 2006 Report to Judicial Council

The presentation made to the Council by Commission Chair Judge Timothy Pape provided insight on how the Commission operates using a strategic business plan with defined objectives and established time tables and a consistent focus on meeting established objectives within those time tables. Charts representing high level **Key Objectives** for fiscal years 2006, 2007, 2008 and 2009 were presented as well as a chart of high level **Key Initiatives by Council**. An overview chart of **Technology Strategic Planning Initiatives** for FY05-FY06 was presented along with a chart for **Prioritized GCAC and Judiciary-wide Initiatives** for FY07 through FY09.

The Commission’s **Vision, Mission and Guiding Principles** serve as the “drivers” for the work of the Commission. The **Articulation Map** included within the Business Plan serves as a one page tracking and check list for the Commission’s **Strategic Objectives**, the **Key Initiatives** and the **Measures of Success** of the key initiatives.

Budget

The FY07 \$326,347 Operating Budget for the Commission fell \$74,330 short of total funds needed to continue operating at a level concurrent with the past two years. This shortfall in funds was caused by the transfer of fiscal responsibility of the Commission’s Executive Director salary from AOC to GCAC. A supplemental request has been submitted for the additional funds needed to continue full support of the Commissions projects. Meanwhile, the shortfall is being absorbed temporarily in the Software Certification project area. It is hopeful that either supplemental appropriations, grant assistance, or the FY08 budget process will return the Commission’s budget to full funding level.

Georgia Courts Automation Commission Report to the Judicial Council of Georgia December 2006

Administrative Support Services from the Administrative Office of the Courts

The Commission again finds itself without the services of an Administrative Assistant. Patricia Gavel, whom we shared with the AOC IT Division, accepted a full time position with the Georgia Alliance for Drug Endangered Children and began her service there on November 1st. It is anticipated that AOC IT will interview and hire a replacement person for this position soon. Meanwhile, we continue to march using the resources we have.

Project Status Reports

Strategic Planning and Implementation

Strategic Technology Planning continues as a primary objective of the commission.

Judiciary-wide Strategic Technology Planning

Development of an Information Technology Strategic Plan for the Judiciary of Georgia is next up as the priority on the initiatives list. Facilitated sessions with the six Council's designees and Council stakeholder groups are planned for the development phase of this initiative. Achieving consensus on strategic direction for IT for Georgia Judiciary is essential to the success of this effort.

Judges Councils Strategic Planning Implementation

The Commission continues to assist the Councils in managing the implementation of their IT Strategic Goals and Initiatives. Upcoming initiatives call for development of a Project Charter for each Council to define: Scope, Deliverables, Implementation Plan, Risks, and a Communication Plan. Web meetings/conference calls (approximately monthly) will be conducted with IT Committees of each Council to measure progress, discuss hurdles, define issues and risks, and assign next steps. The Councils will be assisted with research and provided recommendations for consideration on various topics of interest. The Commission will liaise with the AOC and other stakeholders to identify and leverage solutions/approaches proven and in place and facilitate cross-Council discussions.

Council IT Committee leads will be assisted with development of IT Committee Agendas for Semi-Annual meetings to structure meetings, measure status and plan next steps. Commission staff will attend each Council's spring meeting (total of 6), assist each Council IT Committee with refreshing their IT Strategic Plan with renewed prioritized initiatives every 6 months (at set Council meetings), and continue individual assistance with initial council strategic plans.

Data Exchange

The effort to use of the data flow diagrams developed by each class of court during their planning sessions is also a priority of the Commission. These data flow diagrams will be used to identify the data exchange points for potential data to be shared between and within the individual classes of courts. This work will require meetings with representative groups of judges from these courts regarding information that should and should not be shared. The goal of

Georgia Courts Automation Commission Report to the Judicial Council of Georgia December 2006

the Commission's Strategic Technology Planning project remains the achievement of Integrated Justice through the sharing of valid information using standards developed and approved by the judges, the councils and the courts.

Court Software Certification

The certification of the software for the Traffic Courts of Georgia continues at Columbus State University. The downtime for students during the summer months delayed some desired progress but additional emphasis and effort has been placed on this project in an attempt to achieve an acceptable level of certification by 2006 year end. The web site for this project established and supported by CSU is <http://csc.colstate.edu/softwaretest/Traffic/>. Specific certification requirements approved by the vendors for 2006 through 2008 can be found there including the criteria published in the May 2004 Verti-Ware International, Inc. report to the Georgia Courts Automation Commission on the *Traffic Court Certification Program*, as well as links to the *Functional Requirement Standards for Traffic Case Management Systems* developed by the COSCA/NACM Joint Technology Committee for the National Center for State Governments and used in this program, and the Global Justice XML Data Model (GJXDM) provided through the U.S. Department of Justice, Office of Justice Programs, also used in this program.

Historical Document Preservation Project

Organization of the sixteen year paper history of the Commission's minutes, filed documents, bound documents, charts, etc. has been halted temporarily. The boxes of documents and other papers were being reviewed and organized as time permitted in preparation for their scanning and archiving to insure proper historical preservation. Completion of this project has been rescheduled for calendar year 2007. The temporary space provided by the AOC for the sorting and organization of these documents and papers was relinquished at their request.

Key Points In This Issue

- The inaugural issue of the **GCAC** Newsletter
- The Mission of the Commission
- Strategic Planning Assistance to the Judges Councils

MEMBERS OF THE COMMISSION

Supreme Court Chief Justice
Leah Ward Sears

Court of Appeals Judge A. Harris
Adams

Superior Court Judge R. Rucker
Smith, *Southwestern Circuit*
(GCAC Secretary)

Superior Court Judge N. Jackson
Harris, *Blue Ridge Circuit*

Superior Court Judge Samuel D.
Ozburn, *Alcovy Circuit*

Juvenile Court Judge Timothy A.
Pape, *Rome Circuit* (GCAC Chair)

Probate Court Judge Kenneth
Van Horn, *Chattahoochee
County*, (GCAC Vice Chair)

Magistrate Court Judge Jerry
Day, *Walker County*

Municipal Court Judge A. David
Strickland, *Cities of Covington
and Porterdale*

Inaugural Issue of the GCAC Newsletter

The Commission is delighted to provide this newsletter as an effective way to stay in touch with those it serves and those with an interest in its activities. This new communication link between you and the Courts Automation Commission will keep the activities of the Commission fresh in the minds of the reader, and perhaps just as importantly, serve as a point of reference for information that might be helpful to the courts and the entire judicial community.

The articles contained in this and future newsletters will be brief and yet concise in content. The intent is to provide as much information as possible regarding specific automation efforts of the Commission.

The newsletter will be published periodically and will contain updates and status reports on current programs and projects of the Commission. This first issue provides information on the recently completed **Strategic Technology Plans** for all six individual classes of Georgia courts.

Future issues of this newsletter will be available via the GCAC website and the AOC's Subscription and Notification service.

The Mission of the Commission



To facilitate the automation and integration of court information for the benefit of each class of court and the citizens of Georgia.

Strategic Planning Assistance to Judges' Councils

The Georgia Courts Automation Commission is investing money in the future of the courts through its funding of the Strategic Planning initiatives with the hope that planning well ahead for the future will provide a better quality of professional life for people who serve the courts and the people who depend on well run courts.

The Commission has recently completed **Data Definition and Strategic Technology Planning** for the six classes of Georgia courts. Judges, clerks, and court administrators from across the state, representing every class of court,



Pictured above are some of the participants of a work group session of the Council of State Court Judges.

"It's better to be prepared for an opportunity and not have one than to have an opportunity and not be prepared."

Whitney Young, Jr.

Next Meeting of the Commission:

December 6, 2006
9:00 am till 12:00 noon
Wyndham Vinings Hotel
Atlanta, GA.

Contact Us:

On the Web at:
<http://gcacommission.org>

By e-mail at:
GCAC@gcacommission.org

volunteered their time and contributed from their wealth of talents to guarantee the success of these efforts.

The **Data Definition sessions** saw the creation of standard data definitions and information flow charts for the courts. The **Strategic Technology Planning sessions** saw the development of technology plans for each class of court.

As one of its FY05 and FY06 Strategic Objectives the Commission agreed to assist all six classes of Georgia courts with the development of Individual Strategic Technology Plans. These plans are now completed and in the hands of the Councils of Judges and volunteers from the courts who attended the work sessions facilitated by GCAC. Both the Data Definition and Strategic Technology documents are available from the Commission's web site

<http://www.gcacommission.org>.

These reports represent the proactive, forwarding thinking action of dedicated Councils willing to take the lead and plan the future of their own courts. A majority of the information captured for these documents would not have been possible without the dedication of the volunteers from each level of court representing each Council, giving unselfishly of their time and talents to make it so.

The work in the Data Definition Sessions began at the grass roots level of defining a majority of the data elements required to support the day-to-day efforts of the Courts, and escalated to the extremely high level of planning the anticipated technology for the courts in the coming years. The follow-on to this effort will require the leadership of the Councils to advance the momentum begun in those sessions. The Commission is ready to support the Councils in this effort.

The Data Definitions exercise helped identify the mandatory data elements used by the courts and mapped their importance to other stakeholders. The next steps for GCAC in this process will be the mapping of these data elements to an adopted standard to help ease the "translation" between disparate systems and across the levels of courts. An additional and equally important goal of this process will be to minimize or even eliminate the need to impact existing software through this translation.

Each Council will share their reports with their peers and other stakeholders and use them to continue to build the foundation needed to support their individual Information Technology and automation needs of their courts.

New thoughts and ideas will surface from the sharing of these documents, resulting in additional guidance and direction for GCAC as it broadens its support for each Council's success in achieving their strategic goals.

The plans are in place and the implementation can now begin. Each plan includes clearly defined objectives, initiatives, and next steps to aide the Councils with launching their individual actions to drive the implementation. The focus for the Commission is now on the coordination with the Judges' Councils to participate and lead the development of a judiciary-wide IT Strategic Plan.

TAB 5

REPORT FROM THE JUSTICE FOR CHILDREN COMMITTEE

NOT AVAILABLE AT THE TIME OF AGENDA MAILING

REPORT WILL BE PROVIDED AS A HANDOUT AT THE MEETING

TAB 6

REPORT FROM THE JUDICIAL COUNCIL RECORDS RETENTION COMMITTEE

NOT AVAILABLE AT THE TIME OF AGENDA MAILING

TAB 7

REPORT FROM THE JUDICIAL COUNCIL STANDING COMMITTEE ON POLICY

NOT AVAILABLE AT THE TIME OF AGENDA MAILING

Memorandum

TO: Judicial Council Members
FROM: Judge George H. Kreeger
RE: Drug Court Committee Report
DATE: December 5, 2006

New Advisory Members

The Judicial Council Standing Committee on Drug Courts, which consists of Drug Court Judges from Felony Adult, Juvenile, and DUI Courts, added the following advisory members to the Committee:

Mr. John Cowart
District Court Administrator

Ms. Coretta Pearson
Department of Corrections

Mr. Mike Devine
Director, Hall County Drug Court
Representing Drug Court Coordinators

Fiscal Year 2007 Grant Process

The General Assembly appropriated \$1 million in continuation money to Drug Courts in Fiscal Year 2007. The Standing Committee appointed a Grant Review Committee to oversee the grant process. A total of 41 grants were awarded.

2007 Drug and DUI Court Conference

The Judicial Council Standing Committee on Drug Courts appointed a Drug Court Conference Subcommittee to oversee the planning of the 2007 Drug and DUI Court Conference. The Conference is scheduled for May 30 – June 1, 2007 at the Wyndham Peachtree Conference Center, with expected attendance of over 250 people.

Strategic Planning

The Judicial Council Standing Committee on Drug Courts held a two-day strategic planning meeting facilitated by the National Center for State Courts on August 31 – September 1, 2006. Among the top priorities set forth by the Committee was the need to work towards setting standards for funding, drug testing, and data collection.

Sustainability

Under House Bill 254, Drug Courts are allowed to earn and collect program income to provide a sustainable source of revenue for program operations. In order to be eligible for grant funding, the Judicial Council Standing Committee on Drug Courts requires comprehensive training for all drug courts, leading to the implementation of a long-term sustainability plan.

In the interest of sustainability, Judge George Kreeger, Judge Jack Partain, and staff recently visited the Marshall County Drug Court Program in Alabama to observe the Dade Behring drug testing and data collection system. The Judges reported they were favorably impressed by the Dade Behring system, which will allow participating courts to charge a fee for drug testing on non Drug and DUI Court participants. The Committee voted to move forward with pursuing a Statewide contract with Dade Behring for drug testing and data collection. The Committee also voted to have seven pilot sites for Dade Behring, which encompasses all types of Drug and DUI Courts.

Currently, Georgia has 50 Drug Courts with several more in the planning stages. The Judicial Council Standing Committee on Drug Courts encourages and supports the implementation of drug courts in all 49 Judicial Circuits.

**Workload Assessment Committee
of the
Judicial Council of Georgia**

David L. Ratley
Director

November 16, 2006

To: All Members
Judicial Council of Georgia

From: Staff
Judicial Workload Assessment Committee

RE: Workload Assessment Progress Report

1. The following four (4) pages are a summarized report on the data collected by the judges participating in the workload assessment project over the summer.
2. There are two (2) major sections of data. The first section, pages 1 through 3, presents judges workload in the courtroom. The second section, page 4, presents case and non-case related judge workload performed out of the courtroom.
3. Pages 1, 2, and 3 present, the number of case type observations, and the number of specific events recorded. The last line shows the total time for each case type. On each page, the number of case types observed and the events recorded are not the same. For example, an observation for a felony case might start first with a calendar call and move to a jury trial. This would represent one (1) case observation with two (2) event types.
4. Page four (4) presents the number of events associated with each activity.
5. The database will be closed on November 21, 2006.
6. Data analysis results will be presented to the Committee in early 2007.

Abbreviations

Criminal

Case Types	
UA	Unified Appeal
SFEL	Serious Felony
FEL	Felony
SMISD	Serious Misdemeanor

General Civil

Case Types	
T/N	Tort / Negligence
HC	Habeas Corpus
A/R	Appeals / Review
T/C	Title to Land / Condemnation
C/A	Contract / Account
PF/G	Post-Judgment / Garnishment
C/F	Condemnation / Foreclosure
D/D	Dispossessory / Distress
NDC	Non-Domestic Contempt
OC	Other Civil

Domestic Relations

Case Types	
A	Adoption
D/A	Divorce / Alimony
S/C	Support / Custody
M	Modification
FV	Family Violence
L	Legitimation
C	Contempt
OD	Other Domestic

Criminal Courtroom Activities

Criminal Case Type Observations

Case Type	UA	SFEL	FEL	SMISD	MISD	PR	Total
Total Cases	47	1,436	4,480	151	827	1,201	8,142
Pro Se	4	5	57	6	44	136	252
Contested	18	592	1,778	53	223	410	3,074
Pro Se / Contested	4	5	57	6	44	136	252
Prosecutors	53	1,061	3,537	131	738	1,053	6,573
Attorney for Defendants	75	1,084	3,566	119	714	873	6,431
Other	UA	SFEL	FEL	SMISD	MISD	PR	Total
Drug Court	0	0	19	0	0	6	25
ADR	0	0	1	0	0	0	1

Criminal Event Type Observations

Case Events	UA	SFEL	FEL	SMISD	MISD	PR	Total
Preliminary Proceedings	14	554	1,041	31	196	125	1,961
Calendar Call	2	114	598	4	77	11	806
Pleas	1	506	2,147	62	433	187	3,336
Hearings / Motions	33	216	790	42	100	528	1,709
Jury Trials	1	163	133	9	13	1	320
Bench Trials	0	14	31	0	27	66	138
Disposition / Sentencing	1	68	522	37	137	218	983
Contempt Hearing	0	1	4	0	0	87	92
Post Judgement	0	38	155	4	7	138	342
Total Events	52	1,674	5,421	189	990	1,361	9,687
Total Time	53:29:00	1148:51:00	1219:34:00	62:52:00	173:36:00	225:07:00	2883:29:00

Judicial Workload Assessment Committee

November 15, 2006

Page 1 of 4

General Civil Courtroom Activities

General Civil Case Type Observations

Case Type	T/N	HC	A/R	T/C	C/A	PJ	C/F	D/D	NDC	OC	Total
Total Cases	207	42	54	61	355	46	50	7	3	226	1,051
Pro Se by Case Type	18	18	15	16	57	16	7	2	2	46	197
Pro Se											197
Contested											407
Contested by Case Type	123	10	26	32	96	6	21	1	1	91	287
Pro Se/ Contested	18	18	15	16	57	16	7	2	2	46	197
Attorney for Plaintiffs	240	21	40	59	390	43	42	6	2	165	1,008
Attorney for Defendants	241	31	43	40	188	6	24	3	0	234	810

General Civil Case Event Observations

Case Event	T/N	HC	A/R	T/C	C/A	PJ	C/F	D/D	NDC	OC	Total
Preliminary Proceedings	68	3	5	21	62	7	5	1	0	27	199
Calendar Call	17	1	5	6	105	1	8	0	1	26	170
Pleas	1	0	0	1	19	0	5	0	0	1	27
Hearings / Motions	63	38	29	14	192	18	12	3	2	121	492
Jury Trials	47	0	0	1	13	1	1	0	0	12	75
Bench Trials	11	0	15	4	20	0	17	2	0	36	105
Disposition / Sentencing	0	0	0	0	1	0	0	0	0	0	1
Contempt Hearing	3	0	0	0	1	0	0	0	0	2	6
Post Judgement	4	0	1	14	32	19	3	1	0	2	76
Total Events	214	42	55	61	445	46	51	7	3	227	1151
Total Time	261:33:00	14:52:00	28:01:00	28:01:00	166:23:00	4:13:00	42:04:00	3:15:00	1:01:00	153:54:00	703:17:00

Domestic Relations Courtroom Activities

Domestic Relation Case Type Observations

Case Type	A	D/A	S/C	M	FV	L	C	OD	Total
Total Cases	139	1,427	925	178	471	82	212	144	3,578
Pro Se	8	403	396	37	322	27	62	56	1,311
Contested	25	531	253	100	111	28	102	33	1,183
Pro Se/ Contested	8	403	396	37	322	27	62	56	1,311
Attorney for Plaintiffs	120	1,055	741	138	93	53	160	69	2,429
Attorney for Defendants	29	676	251	112	72	34	99	42	1,315

Domestic Relation Case Event Observations

Case Event	A	D/A	S/C	M	FV	L	C	OD	Total
Preliminary Proceedings	22	204	140	18	151	10	21	21	587
Calendar Call	10	70	56	3	26	3	14	7	189
Pleas	1	46	89	2	3	1	0	4	146
Hearings / Motions	56	739	433	93	191	43	99	91	1,745
Jury Trials	11	11	6	0	6	1	0	0	35
Bench Trials	38	353	124	48	97	23	38	22	743
Disposition / Sentencing	3	14	16	1	4	0	2	3	43
Contempt Hearing	0	19	132	12	1	3	41	8	216
Post Judgement	1	26	22	5	5	0	9	6	74
Total Events	142	1,482	1,018	182	484	84	224	162	3,778
Total Time	121:12:00	833:38:21	501:11:00	194:41:33	170:29:50	39:46:24	139:05:33	80:03:12	2080:07:53

Judicial Workload Assessment Committee

November 15, 2006

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Out of Courtroom Event and Time Observations

<u>Case Related Activities</u>	<u>Events</u>	<u>Time</u>
Contact with Counsel	343	273:37:00
Orders	797	756:34:00
Drug Court Administration	69	90:11:00
Legal Research	510	942:20:00
Assigning Judicial Officers	10	6:45:00
Assigning Presiding Judges	6	2:01:00
Other	675	617:08:00
Total Case Related Time		2688:36:00
<u>Non-Case Related Activities</u>	<u>Events</u>	<u>Time</u>
Adminstration	742	679:30:00
Judicial Education and Training	186	601:18:00
Community Activities	133	601:18:00
Vacation	866	260:15:00
Travel	458	929:52:00
Meetings	117	580:25:00
Illness	69	787:39:00
Other	289	231:57:00
Total Non-Case Related Time		4672:14:00
Total Out of Courtroom Time		7360:50:00



Judicial Council of Georgia
Administrative Office of the Courts

David L. Ratley
Director

November 16, 2006

The Honorable Leah Ward Sears
Chief Justice
Supreme Court of Georgia
507 State Judicial Building
Atlanta, GA 30334

RE: Creation of a Court Emergency Management Committee
to address court preparedness during a public health emergency

Dear Chief Justice Sears:

Federal and state public health officials are flooding the media with information and articles about the likelihood of an imminent threat to our citizens caused by a predicted pandemic of influenza. The current outbreaks of avian flu virus H5N1 on the Asian continent are demonstrating characteristics similar to past pandemic viruses by rapidly mutating and eventually becoming capable of being transmitted from person to person. Because influenza viruses mutate, we are told that it is difficult to isolate an effective vaccine, which is why we must currently be vaccinated against outbreaks of seasonal flu each year. Should pandemic influenza occur, it will rapidly spread around the world. Not enough vaccines can be produced to protect the majority of the public. Officials predict that as many as 40% of our work force will be lost due to death, illness, or providing care to a relative. It is predicted that others will not come to work for fear of becoming infected.

More frequently than I would like, we are being asked how the courts of Georgia will continue to operate when 40% of its judges, staffs, attorneys, and public are not available? We are also being asked "what is our plan"? That question obviously deserves an answer.

Unlike natural disasters or man-made acts of terrorism which are usually concentrated in local areas, a public health emergency will affect large numbers of people across large geographic areas. As a result of the widespread nature of a public health emergency, it is obvious that we will not be able to call upon our neighbors for help—we will have no one to depend upon but ourselves. Experts predict that for the first 72 hours, we will be on our own. Even so, during this crisis, the courts must be available to preserve the rights of our citizens and promote societal order in the face of potential chaos.

In order for the courts to remain open, it is essential that they develop plans that allow them to continue operating. To maintain continuity of operations, courts must identify the essential functions to be handled. Changes in the types of cases that might occur should be considered depending on the severity of the pandemic. History indicates that a pandemic could occur in three waves lasting 6 to 8 weeks over a period of 18 months to three years. Alternate staffing needs should adequately address the requirement to meet our essential functions.

All classes of courts will be looking to the Supreme Court of Georgia and the Judicial Council to provide leadership and guidance in assisting them with the development of their plans during such a menacing public health emergency. To meet this challenge, we at the AOC recommend that the Judicial Council create a special committee to address the unique challenges associated with a public health emergency, and provide strategies to:

- Protect the safety of everyone at any court facility;
- Explore ways to improve communication before, during, and after a public health crisis;
- Determine mission essential functions for courts in emergency situations during the short and long term;
- Anticipate and develop tools to create continuity of operations plans;
- Develop training and education materials; and
- Evaluate and validate plans as they are created.

It would be our hope that proper planning along with communication, education and training will allow the judicial branch to ensure that the courts of Georgia are open and allow the people to conduct their affairs with societal stability.

Respectfully,



David L. Ratley

DLR/tec

TAB 11

REPORT ON BUDGET MATTERS

NOT AVAILABLE AT THE TIME OF AGENDA MAILING