



# Fulton County Court Improvement Task Force

Final Report and Recommendations  
September 2012



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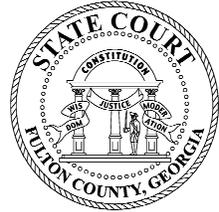
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Superior and State Courts of Fulton County  
Atlanta Judicial Circuit



September 28, 2012

Dear Reader,

Over the past year, members of the Fulton County Court Improvement Task Force have worked diligently to create a more performance driven, customer friendly, and accessible superior, state, and magistrate court system. The primary products of the Task Force's work are the recommendations contained within this report. However, the byproducts of this process – improved relationships among the three branches of government, lasting personnel changes, and invigorated judicial leadership between the state and superior court benches – should be noted as equally meaningful Task Force successes.

As the busiest court system in Georgia, Fulton County faces many demands and challenges. Historically, the courts of this county have successfully provided justice for its citizens and implemented meaningful innovations. However, as economic hardships persist and budgets are tightened, we know that the Fulton County courts must take a hard look at inefficiencies that exist in our system. Citizens have a right to demand accountability from their justice system, and we hope to increase the public's trust through transparency and efficiency.

The process of county leaders meeting, examining existing problems, and coming to consensus about solutions has been a remarkable one. Relationships among the executive, legislative, and judicial branch leadership have been enhanced; additionally, judges from the superior and state courts held an unprecedented joint leadership meeting and will continue working together on ways to improve the overall operation of our courts. This report outlines the current state of our court systems, the improvements we are implementing, and changes necessary to adequately prepare for future demands.

We initiated the Fulton County Court Improvement Task Force with the intention of improving business practices, eliminating systemic inefficiencies, and identifying duplication of services in the superior, state, and magistrate courts. Many leaders in Fulton County have vetted these recommendations, but it will take the continued work of a broad range of stakeholders to realize these organizational, logistical, operational, and jurisdictional improvements. We hope that you review the recommendations and join us in our continuing effort to advance public safety and to ensure access to justice while remaining fiscally responsible.

Sincerely,

Chief Judge Cynthia D. Wright  
Fulton County Superior Court

Chief Judge Patsy Y. Porter  
Fulton County State Court

## **Statement of Need and Membership**

### ***Statement of Need***

The Fulton County court system faces ongoing operational demands, and the resources needed to achieve these demands have diminished due to a stagnant economy and shrunken tax base. Both state and county budget reductions, along with an outdated organizational infrastructure, have hindered the courts' ability to deal with the growing population and backlog of civil and criminal cases. By anticipating and planning business process improvements and appropriate applications of technology, the Task Force will meet the requirements of its users, identifying needed changes to address current and future performance of the court system.

### ***Membership***

Task Force members, appointed by Chief Judge Cynthia D. Wright in consultation with Chief Judge Patsy Y. Porter and other elected officials include:

- Mr. William Barwick, Esq., Former President of the State Bar of Georgia, Duane Morris LLP, and Chair of the Task Force
- Ms. Rita Sheffey, Esq., Hunton & Williams LLP, Immediate Past-President of the Atlanta Bar Association, and Vice-Chair of the Task Force (ex officio)
- Ms. Cicely Barber, Fulton County State Court Administrator
- Mr. John H. Eaves, Chairman, Fulton County Board of Commissioners
- Reverend Darrell Elligan, President, Lighthouse Community Development Corporation
- Ms. Joan P. Garner, District 6, Fulton County Board of Commissioners
- Ms. Liz Hausmann, District 3, Fulton County Board of Commissioners
- Ms. Harriet Isenberg, Esq., Isenberg & Hewitt PC
- Mr. Thomas M. LaDow, Business Consultant and Founder, ICM Strategies
- Mr. George Lawson, Esq., Lawson and Thornton PC
- Ms. Yolanda Lewis, Fulton County Superior Court Administrator and Fifth District Court Administrator
- Chief Judge Patsy Y. Porter, State Court of Fulton County
- Mr. A. J. Robinson, President, Central Atlanta Progress
- Ms. Cathelene "Tina" Robinson, Clerk of Fulton County Superior Court
- Representative Wendell Willard, Chairman, House Judiciary Committee
- Chief Judge Cynthia D. Wright, Superior Court, Atlanta Circuit and Fifth District Administrative Judge

## Executive Summary

With the largest court system in Georgia, Fulton County must meet court user needs in an accessible, efficient, and fair manner. But, like trial courts throughout the state and the nation, the Fulton County courts<sup>1</sup> struggle to deliver optimal services under tightening budgets. A December 2005 U.S. District Court order settling an inmate class action lawsuit and delineating explicit improvements to overcrowded conditions at the county jail also places constant pressure on the courts.

An analysis of county and justice system budgets and expenditures during the period 2002-2012 indicates the variable environment the courts face and shows the importance of the justice system. Expenditures for the total justice system and combined superior and state courts increased substantially overall but more marginally in the last few years. Justice system and court funding is unlikely to be sustained at current percentages, and these budget units may see county budget reductions similar to or greater than those experienced in 2009.

Realizing the need for modernization and more cost-effective processes and systems, Fulton County Superior Court Chief Judge Cynthia D. Wright and State Court Chief Judge Patsy Y. Porter agreed that the courts could use help in charting a path for the future. In November 2011, the judges gathered a group of knowledgeable, trusted stakeholders to form the Fulton County Court Improvement Task Force. The Task Force's primary goal was to anticipate demands on the judicial system and recommend how best to prepare for those demands with respect to court organization, jurisdiction, and operations. The Task Force and its three committees<sup>2</sup> held thirty-two meetings over eleven months to assess progress made from prior recommendations, study core court functions, gather environmental and comparative data, and evaluate potential solutions.

Throughout the process, Task Force members emphasized the need to rely on data and best practices in well-performing courts. Research and background inquiries were directed to recognized resources like the National Center for State Courts, and the Task Force contacted urban counties in and outside of Georgia for comparative data. An online questionnaire was made available to metropolitan Atlanta attorneys, court employees, and the public to gauge their opinions about the courts and to inform the Task Force about primary issues of concern to court users.

As the Task Force set out to analyze court functions and culture, it found previous improvement efforts to be instructive. For example, the merger of the state and superior courts' pretrial services programs in 2009 achieved efficiencies and improved services, but the process also revealed a main barrier to organizational change – county personnel policies and practices severely limited the courts' ability to achieve business transformation. The Task Force

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<sup>1</sup> For the duration of this report, the term *court(s)* will be used to refer to the superior, state, and magistrate courts of Fulton County. The Task Force studied only these judicial bodies within the county.

<sup>2</sup> Court Administration, Court Operations, and Governance

proceeded from this earlier learned lesson to examine and recommend elimination of many systemic barriers blocking business process improvement.

Encouraged by the Task Force, the chief judges convened the Joint Bench Leadership Session on May 3, 2012, to build consensus around enterprise management of court functions. Twenty-two of the thirty state and superior court judges participated in at least part of the day-long assembly that encompassed informational presentations and planning activities. The event was the first of its kind in the history of the courts. An outcome of the session was the formation of a Joint Governance Committee comprised of ten judges – an equal number from the superior and state courts – to develop a list of shared priorities and responsibilities. To date, the Committee and its subcommittees have held fifteen meetings.

Also affecting the courts' capacity for change is the new justice information management system for the superior court clerk, district attorney, and sheriff, which is expected to improve access to and reduce delay in sharing case information among the county's justice system partners once the system is fully implemented in 2014. The tools necessary for judges to manage their individual caseloads may not be available under the new application – providing these tools to the judges will allow for more accountability and transparency.

The courts' initial steps during the Task Force study indicate an understanding of their challenges as well as a willingness to take action. The courts likely will be faced with significant budget reductions in 2013, and their interim innovations and improvements do not yet position them for long-term success in meeting the needs of their users. The Task Force's work should serve as a foundation for the courts to eliminate redundancies and plan for needed improvements. The Task Force hopes the recommendations on the following pages will help in the courts' consideration of next steps.

## ***Overview of Recommendations***

The summary recommendations below are discussed in greater detail on pages 17-42.

### 1. Juror and Interpreter Management

Operate one jury pool and one court interpreter office to serve the courts efficiently by maximizing the use of technology and personnel management. (See 1.1-1.3, pp. 22-24.)

### 2. Governance

Establish a joint governance structure for the courts to coordinate and improve the delivery of court services, demonstrate a commitment to accountability and transparency, and operate an effective, customer-focused business enterprise. (See 2.1-2.6, pp. 25-29.)

### 3. Personnel Management

Provide the courts and superior court clerk with greater autonomy over management of their human resources by implementing an unclassified system of personnel administration and other personnel system changes. (See 3.1-3.2, pp. 30-32.)

### 4. Production of Court Records

Jointly manage court reporting personnel and transcript production to reduce costs, utilize state of the art technologies, preserve retention of court records, and facilitate sharing of records among justice system partners. (See 4.1-4.9, pp. 33-38.)

### 5. Financial Management

Grant budget independence to the courts upon demonstrated coordination and improvement in the delivery of services and efficiencies. (See 5.1, p. 39.)

### 6. Intake and Filing

Ensure the public cost-effective and easy access to the courts by implementing an electronic case filing and access application. (See 6.1-6.2, p. 40.)

### 7. Customer Experience

Improve court users' experiences in the courts by providing customer service desks, updating court forms, and conducting a rigorous, biennial survey. (See 7.1-7.3, pp. 41-42.)

## Summary of Prior Recommendations

As a starting point, the Fulton County Court Improvement Task Force examined previous efforts to improve the county's criminal justice system. These included the 2006 Interim Recommendations of the Fulton County Criminal Justice Blue Ribbon Commission, established by the Board of Commissioners in 2004, and the 2007 Final Report of the Georgia General Assembly Joint Study Committee on Fulton County (Appendix A, B). The relevant recommendations are listed below with a brief summary of the Task Force's focus.

### Priority

	Prior Recommendation	Task Force Focus
1	Increase jail space and process detainees onsite.	The issue of limited jail space is of primary importance to Fulton County. Instead of pursuing increased jail space, the Task Force looked for ways to mitigate this problem through increased efficiencies in the courts.
2	Consolidate the Fulton County courts, including a single jury pool.	The Task Force focused on consolidating core court functions of the court systems starting with juror and interpreter management.
3	Restructure magistrate courts to mirror all other magistrate courts in Georgia.	The Task Force agreed that the chief magistrate should be a non-partisan elected position; all other magistrates should be full-time judges appointed by a majority of the state and superior court benches.
4	Grant chief judge the authority to govern and administer the budget of superior court.	The Task Force recommended a courts' governance body review, revise, and submit new rules for the authority of chief judges. Additionally, the courts should gain budget independence upon improved service delivery.
5	Use accountability courts or diversion programs for special needs populations.	Mental health, DUI, and drug courts are active in Fulton County. The Task Force discussed judicial succession planning to ensure orderly transitions and continued success of these programs.
6	Collect and publicize uniform case processing data and caseloads.	The courts' new case information management system will allow the courts to report and publish accurate caseload data, which the Task Force supports for increased accountability.

### Supported

	Prior Recommendation	Task Force Focus
7	Establish an integrated criminal justice information management system.	The courts are implementing a new case information management system that should be fully active by mid-2014.

### Unexamined

	Prior Recommendation
8	Conduct first appearance hearings at jail twenty-four hours a day, seven days a week.
9	Require that speedy trial requests be granted a trial within six months.

## Jurisdiction and Organization

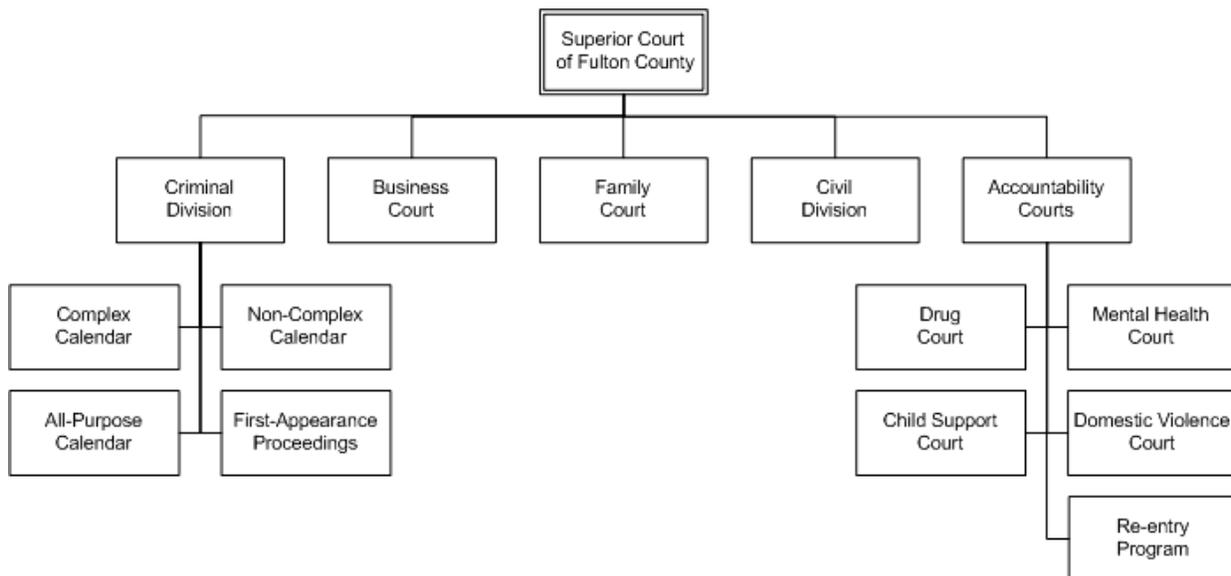
All counties in Georgia have four constitutionally-mandated courts – superior, magistrate, juvenile, and probate. Some counties, like Fulton, have created state courts. Additionally, cities across Georgia operate municipal courts, several of which are located within Fulton County.

The following is a textual summary of the jurisdiction and a visual representation of the organization of the three courts studied by the Task Force, including the clerks of court and court administration. The Task Force limited its scope to the superior, state, and magistrate courts. However, future efforts may incorporate a study of other Fulton County courts and other criminal justice agencies. (A more detailed graphical description of the courts' jurisdictions can be found in Appendix C.)

### **Superior Court**

Court: Superior courts are established by the Georgia Constitution in each county; therefore when Fulton County was created in 1853, the superior court began operating. Superior courts are Georgia's general jurisdiction trial courts, with exclusive jurisdiction over felony cases not involving juveniles, cases involving title to land, divorce cases, and equity cases.

The superior court is organized as follows:



Georgia law authorizes twenty non-partisan elected judges for the Fulton County superior court. The chief judge of the superior court, who is responsible for the administration and expeditious disposition of the business of the court, is elected by a majority of his or her peers.

Judicial officers, who perform judicial functions exclusively in the family court division, work under the supervision of the superior court. Judicial officers are attorneys with specialized training who are recommended by the local bar associations and appointed as provided by Supreme Court Order.

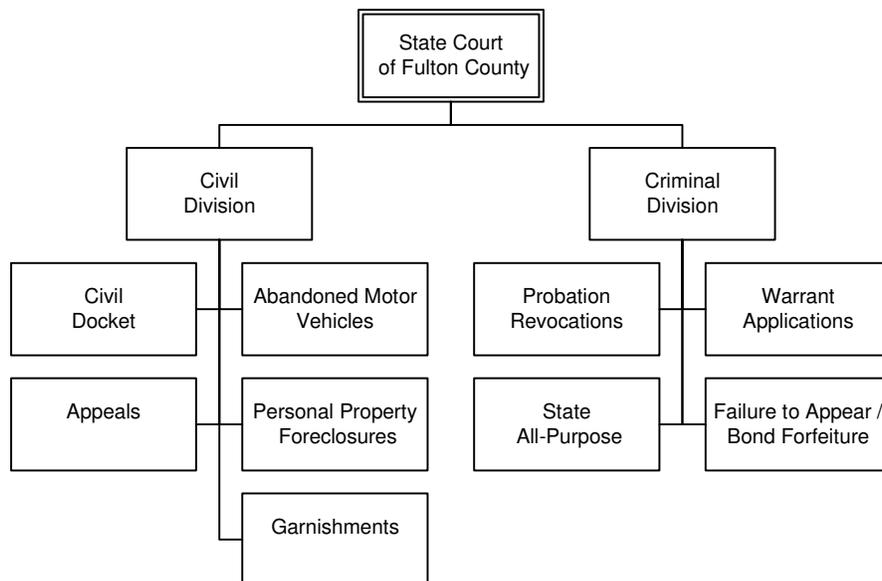
Clerk: The General Assembly created the position of superior court clerk for each county in 1853. The clerk is an elected official with responsibility for maintaining a comprehensive record of all civil and criminal actions of the superior court; preparing papers of accusations, indictments, and disposition of cases; recording and maintaining deeds and property titles; and preparing records for appellate courts. All records maintained by the clerk are arranged to facilitate research and review by judicial agencies, attorneys, title examiners, and the general public. The clerk's office is divided into the following divisions: court services, fiscal services, real estate recording, board of equalization, and administrative services.

Court Administration: A superior court administrator is appointed by and serves at the pleasure of the superior court judges. The administrator is responsible for all administrative and executive operations of the superior court, including the management of caseflow, human resources, financial administration, technology, information systems, and numerous additional functions.

**State Court**

Court: The state court was created as a limited jurisdiction court in 1976 by local legislation that consolidated the former civil and criminal courts. The state court has jurisdiction concurrent with the superior court over criminal cases below the grade of felony and civil actions without regard to the amount in controversy, such as attachments, garnishments, proceedings against tenants, foreclosures, and all other actions, except those actions in which exclusive jurisdiction is vested in the superior courts.

The state court is organized as follows:



Legislation authorizes ten state court judges, and the chief judge of the state court is designated by his or her peers based on seniority.

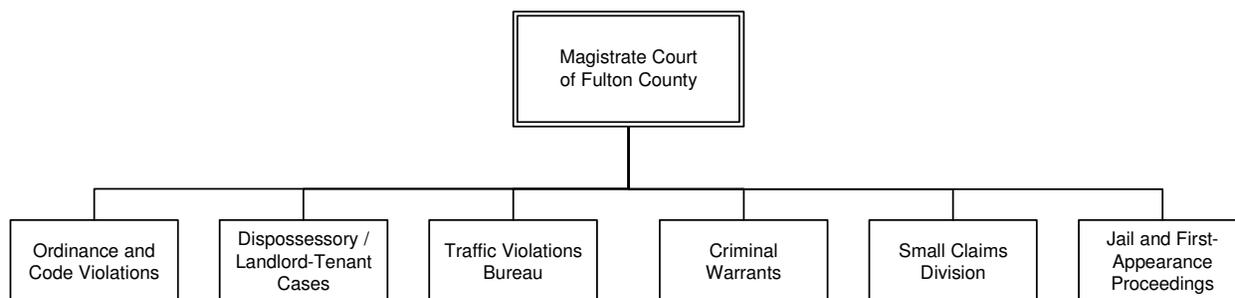
Clerk: The clerk of state court was created simultaneously with the court in 1976. The clerk is appointed by and serves at the pleasure of the judges of the court. The powers and duties of the clerk include directing the executive and financial functions of the state and magistrate courts; developing, monitoring, and facilitating the implementation of state and magistrate court procedures; implementing policies for court system operations; preparing court orders and issuing legal opinions; providing oversight of the automated case management system; and forecasting future trends in court operations.

Court Administration: A state court administrator assists the chief judge and is appointed by and serves at the pleasure of the state court judges. The administrator is responsible for all administrative and executive operations of the state and magistrate courts, including the management of caseload, human resources, financial administration, technology, information systems, and numerous additional functions.

### ***Magistrate Court***

Court: The office of magistrate within the state court was created in 1980 by local legislation. Magistrate courts were established statewide by the Georgia Constitution of 1983 as limited jurisdiction courts. Unlike other counties, the magistrate court is a division of the state court in Fulton County. The magistrate court has jurisdiction over traffic cases, ordinance and code violations, jail and warrant first-appearance proceedings, and warrant applications. The magistrate court also has jurisdiction in dispossessory/landlord-tenant cases and small claims actions involving \$15,000 or less.

The magistrate court is organized as follows:



There are nine full-time judges (“magistrates”) in the magistrate court. The full-time magistrates, including the chief magistrate, are appointed by a majority of the state court judges. Fulton County is the only county in Georgia where state court judges appoint the chief magistrate. The chief judge of the state court may appoint part-time magistrates to assist with the magistrate court’s workload.

Clerk: Because the magistrate court is a division of the state court, the clerk of the state court serves both the state and magistrate courts. The duties of the chief clerk can be found above in the description of the state court.

Court Administration: The state court administration staff serves both the state and magistrate courts. The duties of the state court administrator can be found above in the description of the state court.

## Caseload

Fulton County's superior, state, and magistrate courts handle the largest combined caseload of any county in Georgia. Since 2006, these courts have averaged over 250,000 case filings per year. During this period, no other superior or magistrate court received more case filings, and Fulton's state court had the second highest number of filings among all counties. With fifty-nine judges<sup>3</sup>, Fulton also has the state's largest combined bench.

Table 1 shows the Fulton courts' total caseload, caseload per judge, and the statewide average caseload per judge. The state and magistrate courts receive many more cases per judge than judges in other Georgia counties. Fulton's superior court judges receive fewer cases per judge than judges in other superior courts; however, the cases the court sees are often complex due to Fulton County's size, density, demographic makeup, and status as seat of Georgia's capital. The superior court also manages adult drug and mental health courts, which require additional time to process cases. To deal with its large, complex workload the superior court created specialized divisions, instituted differentiated caseload management, and designates magistrate judges to hear certain types of cases.

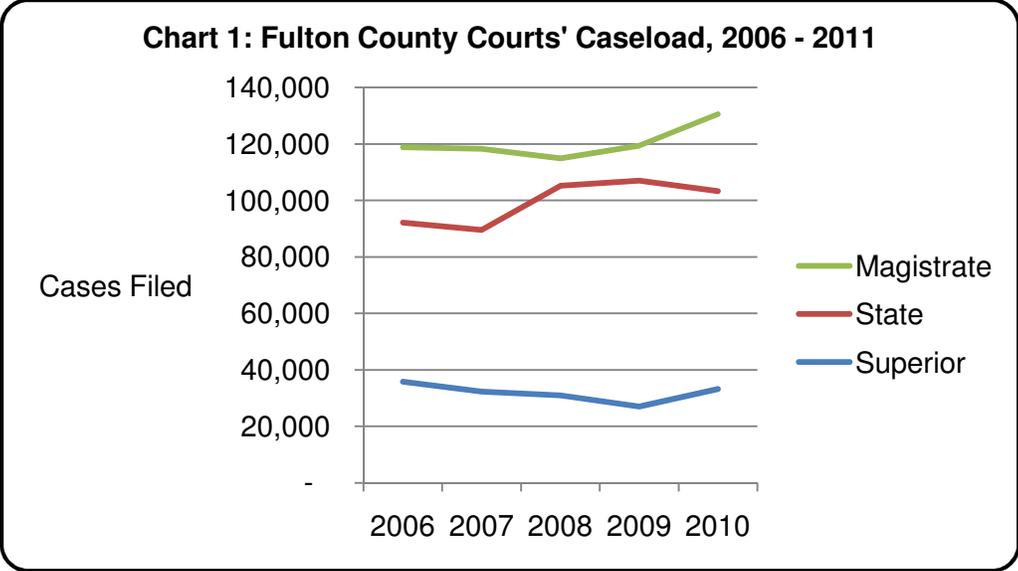
**Table 1: 2010 Fulton County Caseload and Caseload per Judge**

<b>Court</b>	<b>Total Fulton County Caseload</b>	<b>Fulton County Caseload per Judge</b>	<b>Statewide Average Caseload per Judge</b>
Superior	33,206	1,660	2,166
State	103,255	10,326	6,862
Magistrate	130,525	4,501	1,978

Chart 1 (p. 14) shows five years of case filings for Fulton County's magistrate, state, and superior courts. For the years examined, state and magistrate court filings fluctuate more than that of the superior court. Since 2006, Fulton County's total caseload has remained relatively constant, never changing more than 10 percent between any two years. The National Center for State Courts' 2009 report *Examining the Work of State Courts*<sup>4</sup> illustrates that Georgia's caseload changes are consistent with national trends.

<sup>3</sup> Includes full-time and part-time judges

<sup>4</sup> National Center for State Courts, "Examining the Work of State Courts: An Analysis of 2009 State Court Caseloads [www.courtstatistics.org/FlashMicrosites/CSP/images/CSP2009.pdf](http://www.courtstatistics.org/FlashMicrosites/CSP/images/CSP2009.pdf) (2012).



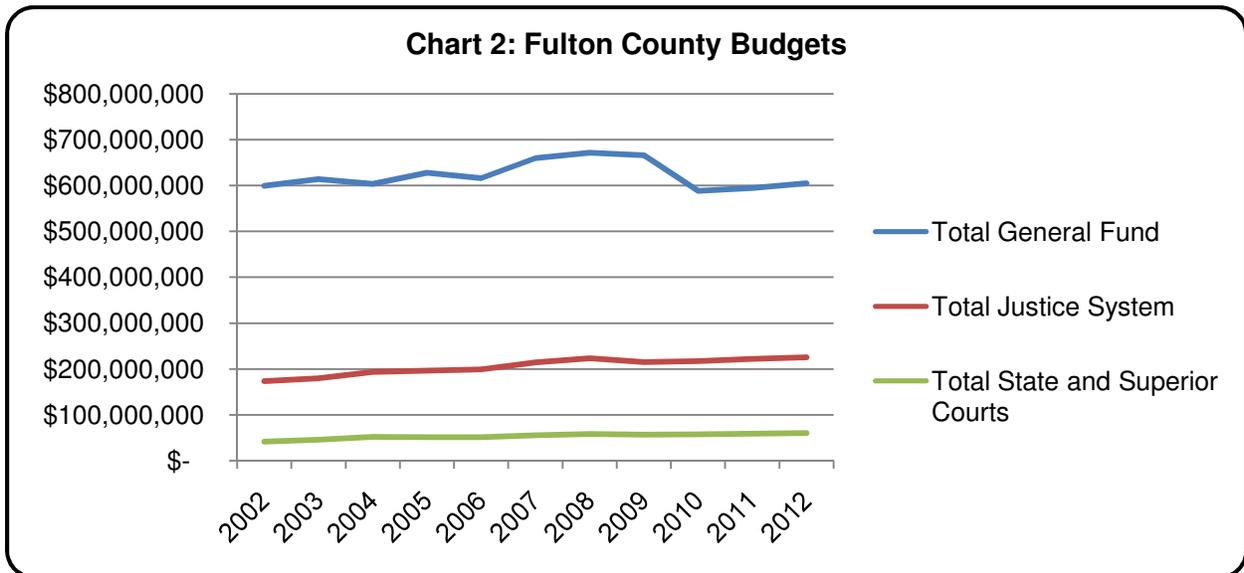
The Task Force was unable to draw comprehensive conclusions from caseload data due to concerns about its validity. The Fulton County courts use a case information system to electronically manage their cases. Its technical limitations hinder the courts' ability to manage cases and report reliable data. Because it no longer meets the county's case input, management, and reporting needs, Fulton County purchased a new web-based system in 2010.

Fulton County's court administration, clerks, prosecutors, and jail will utilize the new case information management system to allow for integrated content management across agencies, real-time data viewing, and reporting. Fulton County believes the new system will increase the transparency of the justice system and will give the courts the tools necessary to analyze and report their workload to internal and external stakeholders. It is scheduled to be fully implemented by mid-2014.

## Budget

The Fulton County courts are primarily funded through the county's general fund. For the period 2002-2012, the courts' expenditures represented 7-10 percent of all general fund expenditures (Appendix H). For management and reporting purposes, the county considers the courts' budgets as part of the larger justice system budget, which accounts for approximately one-third of all general fund expenditures. In Fulton County, the justice system budget unit includes the superior court, state court, magistrate court, probate court, juvenile court, district attorney, solicitor general, public defender, sheriff, county marshal, and medical examiner.

As illustrated in Chart 2, the county's general fund budget declined by one percent from 2002-2012, peaking in 2008 and falling drastically after 2009. Factors such as the incorporation of three new cities, a threefold increase in the homestead exemption, the recession, and a static millage rate contributed to these changes. Meanwhile, the total justice system budget and the total state and superior courts budget increased.



As shown in Table 2, expenditures for total justice and combined superior and state courts increased substantially from 2002 but more marginally since 2007.

**Table 2: Fulton County Budgets and Expenditures**

	<b>% Change, 2002-11</b>	<b>% Change, 2007-11</b>
Justice Expenditures	19	4
Court Expenditures	31	5
Court Budget		
Personnel	45	10
Operating	30	- 7

The Fulton County court budgets have weathered recent difficulties relatively well, but court leaders are preparing for challenges in the coming years. The Fulton County commissioners voted in July 2012 to maintain the county’s current millage rate. Justice system and court funding is unlikely to remain steady, but at this time it is unknown how budget cuts will impact the courts.

## Recommendations

Set out below in table form are thirty-two recommendations made by the Task Force. The recommendations are organized by category and are linked to specific challenges facing the courts. Each recommendation is introduced with language from the National Center for State Courts' *Principles for Judicial Administration*. These principles, adopted in July 2012 by the Conference of State Court Administrators and the Conference of Chief Justices, represent national best practices in judicial administration. Each recommendation also includes a designation of a "Responsible Party" for implementation.

Challenge to the Courts	Task Force Recommendation		Responsible Party
<b>Juror and Interpreter Management</b>			
<p><b><i>Court procedures should be simple, clear, streamlined, and uniform to facilitate expeditious processing of cases with the lowest possible costs.</i></b></p> <p>The courts operate two jury pools, which leads to duplication in jury management tasks and creates inconveniences for citizens.</p> <p>The courts realize there is a need to improve customer service for citizens called to jury duty.</p>	1.1	The courts should operate one jury pool in an efficient and customer-friendly manner, adopt policies mandating that judges use as few jurors as possible, and use technology to avoid people appearing for jury duty unnecessarily.	Joint Governance Committee
	1.2	The Joint Governance Committee should establish a juror advisory panel by January 1, 2013, that consults with private industry to improve the juror experience and customer service to jurors.	
<p><b><i>Court procedures should be simple, clear, streamlined, and uniform to facilitate expeditious processing of cases with the lowest possible costs.</i></b></p> <p>Court interpreters who serve in the superior, state, and magistrate courts are scheduled by multiple personnel in either superior or state court administration. This inadvertently results in competition among the courts in obtaining interpreters from a limited pool.</p>	1.3	By January 1, 2014, the courts should operate one office that is responsible for recruiting interpreters, maintaining a roster of certified interpreters, scheduling and assigning interpreters to court proceedings, analyzing patterns of interpreter usage, and consulting with judges on how to use interpreters most efficiently.	

Challenge to the Courts	Task Force Recommendation		Responsible Party
<b>Governance</b>			
<p><b><i>The court system should be organized to minimize the complexities and redundancies in court structures and personnel. Effective court governance requires a well-defined governance structure for policy formulation and administration for the entire court system.</i></b></p> <p>Concurrent jurisdiction among the courts and prior recommendations imply that consolidation of the courts can result in cost and process efficiencies, leading to improved delivery of services to court users. Managing the jail population under a federal court order drives persistent cost consciousness and allocation of judicial resources.</p>	2.1	By court rule, the superior and state courts should authorize the Joint Governance Committee as their formal long-range planning group with a goal of coordinating and improving the delivery of court services.	Joint Governance Committee
	2.2	To minimize unnecessary duplication of administrative processes and procedures, the Joint Governance Committee should address the following business enterprise functions: production of court records; language access services; and personnel, juror, financial, information technology, and caseflow management.	
	2.3	The Joint Governance Committee should issue a progress report outlining its work on the Task Force recommendations by December 2013 and every year thereafter to the Board of Commissioners and General Assembly delegation.	
<p><b><i>The court system should be organized to minimize the complexities and redundancies in court structures and personnel.</i></b></p> <p>Fulton County is the only Georgia county where the magistrate court is operated and administered under the state court and the chief magistrate is appointed by the state court judges.</p>	2.4	The chief magistrate should be a nonpartisan, elected position. Appointed, full-time magistrates, excluding judicial officers, should be approved by a majority of the superior and state court judges and should work under the direction of the chief magistrate. Judicial officers should continue to be appointed as provided by Supreme Court Order, work under the supervision of the superior court, and perform family court related duties as assigned by superior court.	Fulton County Legislative Delegation
<p><b><i>Judicial leaders should be selected based on competency.</i></b></p> <p>The courts' cultures and policies do not ensure selection of a chief judge possessing management skills and experience required to govern complex organizations.</p>	2.5	The Joint Governance Committee should review all laws and policies pertaining to the selection, term, and duties of the superior and state courts' chief judges and propose to the two benches well-defined governance policies that create a managerial culture conducive to improved, customer-focused court performance.	Joint Governance Committee
<p><b><i>The court system should be transparent and accountable through the use of performance measures and evaluation at all levels of the organization.</i></b></p> <p>Transparency and accountability require continual evaluation of policies, practices, and new initiatives, which in turn depend on the collection and use of relevant, timely, and accurate data.</p> <p>Limitations of the courts' current case management system impede their ability to compile and analyze case data for assessment purposes.</p>	2.6	The courts should demonstrate a commitment to accountability and transparency by implementing performance measures and case processing standards and reporting annually on court and individual performance to the Board of Commissioners and the public. To accomplish this, the superior and state court judges should be furnished appropriate information management tools to achieve effective judicial management of their dockets.	

Challenge to the Courts	Task Force Recommendation		Responsible Party
<b>Personnel Management</b>			
<p><b><i>Court leadership should ensure that the court system has a highly qualified, competent, and well-trained workforce.</i></b></p> <p>The county's personnel system hinders the courts' ability to discharge their duties as a separate and co-equal branch of government. The classified system's shortfalls have been demonstrated through hiring and grievance process delays, poor candidate selection, and inflexible job descriptions.</p>	3.1	The Fulton County government and Board of Commissioners should provide the courts, as well as the clerk of the superior court, with greater autonomy over their personnel system by allowing the courts to:	Board of Commissioners  and/or  Fulton County Legislative Delegation
	3.1.1	Implement an unclassified system of personnel administration for new and existing positions as they become vacant;	
	3.1.2	Develop and implement standard personnel policies and procedures for unclassified court staff consistent with state and federal laws;	
	3.1.3	Fill Board-approved and funded positions at the courts' discretion to maintain efficiency and order in the justice system without undue delays resulting from the county's current hiring freeze-lift process, which requires county manager approval before advertising;	
	3.1.4	Handle all advertising, recruiting, and selection independently;	
	3.1.5	Authorize salaries within appropriate ranges for all court positions in the unclassified service without undue delays resulting from the current hiring freeze-lift process required by the county manager; and	
3.1.6	Continue to work in cooperation with the personnel department in matters involving classified staff and where otherwise applicable.		
<p><b><i>The court system should be organized to minimize the complexities and redundancies in court structures and personnel.</i></b></p> <p>The superior and state court administration offices perform similar functions for the different courts.</p>	3.2	By January 1, 2014, the Joint Governance Committee should complete an organizational analysis of the superior and state court administration offices to determine the efficacy of forming one court administration entity that is responsible for serving the superior, state, and magistrate courts. The organizational analysis should consist of a cost-benefit analysis, recommended organizational structure(s), and a detailed project plan and timeline for implementation.	Joint Governance Committee

Challenge to the Courts	Task Force Recommendation		Responsible Party
<b>Production of Court Records</b>			
<p><b><i>Court leadership should allocate resources throughout the court system so as to provide an efficient balance of workload among judicial officers and court staff.</i></b></p> <p>The superior court employs some court reporters on a salaried basis who are assigned to individual judges. This leads to inefficiency in the use of court reporting resources because the assigned court reporter's schedule is usually determined by the judge as opposed to the business needs of the courts.</p>	4.1	The courts should combine the state court reporters' pool with the superior court reporters' floating pool by January 2013. Court reporters supervised by a single, assigned judge should join the combined court reporting pool by April 1, 2013.	Joint Governance Committee
	4.2	The courts should designate a position to coordinate court reporter scheduling. The Joint Governance Committee should develop a conflict resolution policy for scheduling.	
	4.3	The courts should mandate that all new court reporters are independent contractors, as opposed to salaried employees with benefits.	
	4.4	By January 1, 2014, the courts should only compensate court reporters for preparing transcripts for criminal proceedings required by law.	
<p><b><i>Court procedures should be simple, clear, streamlined, and uniform to facilitate expeditious processing of cases with the lowest possible costs.</i></b></p> <p>The courts do not effectively control their court reporter personnel and transcript costs.</p>	4.5	By January 1, 2014, the courts should assess and strongly consider any possible technological solutions that will save on transcript costs by sharing access to transcripts with other county offices.	
<p><b><i>Court leadership should exercise management control over all resources that support judicial services within their jurisdiction.</i></b></p> <p>The courts have limited oversight and accountability in the transcript production and filing process.</p>	4.6	By January 1, 2014, the courts should track transcripts by expanding current protocols to mandate that transcripts are filed by certain deadlines, declining to compensate court reporters for transcripts filed past those deadlines.	
	4.7	By January 1, 2014, the courts should establish a policy that all court reporters must upload criminal proceeding transcripts to a court-owned server.	
	4.8	The courts should require real-time reporting capability for all new court reporters.	
	4.9	Subject to an opinion from the Georgia Attorney General, the courts should devise a one-year pilot project, to begin in 2014, to explore the use of digital recording in civil cases and non-felonies.	

Challenge to the Courts	Task Force Recommendation		Responsible Party
<b>Financial Management</b>			
<p><b><i>Courts are a separate branch of government responsible for executing their constitutional mandates.</i></b></p> <p>The courts' incomplete control over their county-appropriated budgets impacts their ability to address unanticipated challenges in an agile, efficient, and effective manner.</p>	5.1	Budget independence should be granted to the courts upon demonstrated coordination and improvement in the delivery of services and efficiencies.	Board of Commissioners
<b>Intake and Filing</b>			
<p><b><i>The court system should be funded to provide technologies needed for the courts to operate efficiently and effectively and to provide the public services comparable to those provided by the other branches of government and private businesses.</i></b></p> <p>Parties to court proceedings must physically travel to the courthouse to file documents with the courts at each stage of a court proceeding. These documents are not viewable online to the parties or to the public.</p>	6.1	The Task Force endorses the work of the State Bar of Georgia Committee on Electronic Court Filing.	State Bar of Georgia Committee on E-Filing
	6.2	The courts should explore a joint request for proposal to secure a new, uniform e-filing and e-payment system that will allow electronic access to court records and multiple payment options for court users.	Joint Governance Committee
<b>Customer Experience</b>			
<p><b><i>Responsible funding entities should ensure that courts have facilities that are safe, secure, and accessible; they should be designed, built, and maintained according to adopted courthouse facilities guidelines.</i></b></p> <p>Court users have expressed that customer service is one of their primary concerns in dealing with the courts. The courts seek to improve customer service in and outside the courthouse.</p> <p><b><i>The court system should be transparent and accountable through the use of performance measures and evaluation at all levels of the organization.</i></b></p> <p>The courts have never conducted a rigorous survey to fully evaluate their performance from the perspectives of court users.</p>	7.1	The courts should establish a concierge desk and kiosk at each major entrance to the courthouse. The concierge desks should be staffed by court employees trained in customer service.	Joint Governance Committee
	7.2	The courts should continually evaluate court forms to increase ease of use for parties, particularly self-represented litigants.	
	7.3	A rigorous baseline survey should be conducted on the status of the courts' operations by January 1, 2014, and every two years thereafter.	

## Explanation of Recommendations

On pages 22-42, the Task Force recommendations are presented individually with commentary gleaned from environmental scans, background research, best practices, and data (if available). The commentary also includes an implementation method for each recommendation.

Juror and Interpreter Management	
Challenge to the Courts	Task Force Recommendation
<p><b><i>Court procedures should be simple, clear, streamlined, and uniform to facilitate expeditious processing of cases with the lowest possible costs.</i></b></p> <p>The courts operate two jury pools, which leads to duplication in jury management tasks and creates inconveniences for citizens.</p> <p>The courts realize there is a need to improve customer service for citizens called to jury duty.</p>	<p>1.1</p> <p>The courts should operate one jury pool in an efficient and customer-friendly manner, adopt policies mandating that judges use as few jurors as possible, and use technology to avoid people appearing for jury duty unnecessarily.</p>

### Background

The superior court and the state and magistrate courts draw two separate jury pools from the same list of eligible jurors. As a result, a citizen may be called for jury duty in superior court one month and in state court the next month.

The courts want to make jury duty as convenient as possible. In addition to operating one jury pool, the courts should mandate that judges use as few jurors as necessary and institute appropriate technology to avoid calling persons unnecessarily for jury duty. Georgia law identifies the minimum number of jurors who must be impaneled for a felony case<sup>5</sup> and the maximum number of jurors that may be impaneled in a civil case<sup>6</sup>. The courts should establish policies that require judges to work within this legal framework, minimizing the number of jurors called.

New technology should be investigated to streamline processes for potential and selected jurors. Web-based applications, including online responses to juror summons and digital check-in systems, allow jurors to report for jury duty via a mobile device. Jurors also can receive instructions and other messages from the courts on that same device.

### Implementation

In July 2012, the state and superior courts began using one master jury list provided by the superior court clerks in accordance with a new Georgia law. The Joint Governance Committee should consolidate any duplicative jury management staff between the state and superior court administrations. The Committee also should draft bench policies directing judges to use as few jurors as possible and investigating technology to increase the convenience of jury duty.

<sup>5</sup> O.C.G.A. § 15-12-160.1 (2012)

<sup>6</sup> O.C.G.A. § 15-12-122 (2012)

Juror and Interpreter Management		
Challenge to the Courts	Task Force Recommendation	
<p><b><i>Court procedures should be simple, clear, streamlined, and uniform to facilitate expeditious processing of cases with the lowest possible costs.</i></b></p> <p>The courts realize there is a need to improve customer service for citizens called to jury duty.</p>	1.2	The Joint Governance Committee should establish a juror advisory panel by January 1, 2013, that consults with private industry to improve the juror experience and customer service to jurors.

Background

In March 2012, the Task Force disseminated a questionnaire to the public, court personnel, and area lawyers soliciting feedback about the courts. One of the main themes from the public’s commentary was the desire for improved customer service. The Task Force seeks to act upon this feedback and improve customer service in all areas of the courts, particularly jury duty.

Juror advisory panels, commissions, and committees have been recognized by the National Center for State Courts for their role in significantly improving jury procedures, operations, and/or practices. Within the last ten years, two-thirds of states have appointed statewide commissions or task forces to examine issues related to jury operations. These commissions have spurred the growth of local jury improvement efforts and have resulted in improvements such as enhanced judicial communications with jurors during trial, jury note-taking, and increased responsiveness to the needs of deliberating juries.

Implementation

The Joint Governance Committee should establish a juror advisory panel by January 1, 2013, to address and make recommendations to improve the juror experience. This panel should consist of at least one judge, a court administration staff member, and citizens. The panel should solicit partnerships with hospitality companies in the Atlanta area to improve customer service for jurors.

Juror and Interpreter Management	
Challenge to the Courts	Task Force Recommendation
<p><b><i>Court procedures should be simple, clear, streamlined, and uniform to facilitate expeditious processing of cases with the lowest possible costs.</i></b></p> <p>Court interpreters who serve in the superior, state, and magistrate courts are scheduled by multiple personnel in either superior or state court administration. This inadvertently results in competition among the courts in obtaining interpreters from a limited pool.</p>	<p>1.3</p> <p>By January 1, 2014, the courts should operate one office that is responsible for recruiting interpreters, maintaining a roster of certified interpreters, scheduling and assigning interpreters to court proceedings, analyzing patterns of interpreter usage, and consulting with judges on how to use interpreters most efficiently.</p>

**Background**

There is a lack of coordination between superior and state court administration offices in scheduling foreign and sign language interpreters to serve in the courts. Each office maintains its own roster of interpreters, and no one person or office coordinates the process. By creating a centralized interpreter services office, the courts will be able to better respond to federal directives regarding language access and serve the growing population of limited-English proficient and hearing-impaired court users.

Best practices in interpreter management suggest establishing a centralized interpreter services office at the trial court level, which can greatly enhance the quality of interpreter services provided. A dedicated office will allow staff to coordinate scheduling for all courts and execute additional value-added activities. These activities include giving preferential status to the most professional, experienced, and courteous interpreters; collecting data on interpreter usage to accurately budget for future needs; and evaluating technology to increase access to qualified interpreters.

**Implementation**

The Joint Governance Committee should determine the number of staff necessary for the new interpreter services office and create the job descriptions for these positions. The Committee then should take the necessary human resource actions to establish the office.

Governance		
Challenge to the Courts	Task Force Recommendation	
<p><b><i>The court system should be organized to minimize the complexities and redundancies in court structures and personnel. Effective court governance requires a well-defined governance structure for policy formulation and administration for the entire court system.</i></b></p> <p>Concurrent jurisdiction among the courts and prior recommendations imply that consolidation of the courts can result in cost and process efficiencies, leading to improved delivery of services to court users. Managing the jail population under a federal court order drives persistent cost consciousness and allocation of judicial resources.</p>	2.1	By court rule, the superior and state courts should authorize the Joint Governance Committee as their formal long-range planning group with a goal of coordinating and improving the delivery of court services.
	2.2	To minimize unnecessary duplication of administrative processes and procedures, the Joint Governance Committee's planning should address the following business enterprise functions: production of court records; language access services; and personnel, juror, financial, information technology, and caseload management.
	2.3	The Joint Governance Committee should issue a progress report outlining its work on the Task Force recommendations by December 2013 and every year thereafter to the Board of Commissioners and General Assembly delegation.

### Background

The Fulton County court system is a striking example of the overlapping jurisdictions of trial courts characterizing the Georgia system. The general jurisdiction superior court and the limited jurisdiction state court exercise concurrent jurisdiction in general civil and misdemeanor cases, with separate administrative organizations supporting each court. Unlike other counties, the magistrate court is administered by the state court, and the chief magistrate is appointed by the state court judges.

Prior study initiatives (Appendix A, B) identified consolidation of the city and county criminal justice systems and joint meetings of court officials as possible solutions to a fragmented system. The Task Force looked more closely at the courts' role in the justice system to identify challenges that could be addressed under existing, supplemental, or revamped authority.

The Task Force investigated the jurisdictions of the superior, state, and magistrate courts; core and affiliated court functions (Appendix J); and court management best practices. It observed that the courts had no joint leadership, planning, or governance process to assess and improve the delivery of services to court users. Recent cultural changes have prepared the way for new thinking about governance, but vestiges of suspicion among the independent, elected judges and misinformation remain.

The Task Force encouraged the chief judges to convene a forum for the state and superior court judges to build consensus, improve relations, and begin court system planning. On May 3, 2012, two-thirds of the superior and state courts' judges participated in a leadership and planning session. This session resulted in a recommendation for the chief judges to establish a Joint Governance Committee to facilitate ongoing collaboration, planning, and development of shared priorities.

## Implementation

Shortly after the joint bench leadership session, the chief judges appointed themselves and four additional judges from the superior and state courts to the Joint Governance Committee. The Committee and its three subcommittees have met fifteen times through September 2012 to draft a charter and initiate planning in the following areas: jury service, juror management, technology, data collection and reporting, accountability courts, and personnel management.

The Joint Governance Committee should formalize its organization and report on its work.

Governance	
Challenge to the Courts	Task Force Recommendation
<p><b><i>The court system should be organized to minimize the complexities and redundancies in court structures and personnel.</i></b></p> <p>Fulton County is the only Georgia county where the magistrate court is operated and administered under the state court and the chief magistrate is appointed by the state court judges.</p>	<p>2.4</p> <p>The chief magistrate should be a nonpartisan, elected position. Appointed, full-time magistrates, excluding judicial officers, should be approved by a majority of the superior and state court judges and should work under the direction of the chief magistrate. Judicial officers should continue to be appointed as provided by Supreme Court Order, work under the supervision of the superior court, and perform family court related duties as assigned by superior court.</p>

## Background

Chief magistrates across Georgia are elected in countywide elections to four-year terms. However, in Fulton County, the chief magistrate is appointed as provided by local legislation. Prior to the 1983 constitutional revision that converted small claims courts and justices of the peace to magistrate courts, Fulton County local legislation authorized the office of magistrate within the state court. Once a separate magistrate court was established statewide, local legislation in Fulton County provided for the appointment of full-time magistrates and the chief magistrate by a majority of state court judges. In 1996, local legislation authorized the chief judge of the state court to appoint part-time magistrates.

In the vast majority of Georgia counties, the chief magistrate assigns cases, sets court sessions, appoints other magistrates (with the consent of the superior court judges), and sets policy for the magistrate court. The number of magistrates is usually set by majority vote of the county's superior court judges.

As of July 1, 2012, there were nine full-time and twelve part-time magistrates in Fulton County. Presently, the state and superior courts cooperate in the assignment of magistrates to superior court special calendars and in the designation of judicial officers (eight) serving the superior court's family division.

The state and magistrate courts should improve and clarify their individual accountability to the county, residents, and court users through the creation of the office of chief magistrate as a nonpartisan, elected position. To emphasize the cooperative approach expected of the state

and superior courts, the Task Force also recommends that the two courts' judges jointly approve the appointment of full-time magistrates who will work under the direction of the chief magistrate. Whereas other counties' magistrates are approved by superior court judges only, requiring consensus of both state and superior court benches supports a joint governance model. However, a distinction should be made in the designation of judicial officers – those specially-appointed magistrates who are selected for the superior court's family court division – such that they continue to be accountable to the superior court.

Implementation

The Fulton County delegation of the Georgia General Assembly should repeal and/or revise the following local legislation establishing the current framework of the magistrate court and selection of the chief magistrate: Georgia Laws 1983, p. 4373; Georgia Laws 1996, p. 4368; Georgia Laws 2005, p. 3844.

Governance	
Challenge to the Courts	Task Force Recommendation
<p><b><i>Judicial leaders should be selected based on competency.</i></b></p> <p>The courts' cultures and policies do not ensure selection of a chief judge possessing management skills and experience required to govern complex organizations.</p>	<p>2.5</p> <p>The Joint Governance Committee should review all laws and policies pertaining to the selection, term, and duties of the superior and state courts' chief judges, and propose to the two benches well-defined governance policies that create a managerial culture conducive to improved, customer-focused court performance.</p>

Background

Court consolidation has emerged in studies over several decades as a way to model the efficiency of private sector organizations in the public sector. Not until the selection of the current state court chief judge has there been a potential opportunity for the two courts to reevaluate their responsibilities and shine a light on their management practices. The conversation around joint governance holds much promise as a substitute for consolidation, especially if the chief judges possess management skills and experience required to govern complex organizations.

Potential progress in joint governance, as well as progress in adopting best practices and streamlining operations, will depend on the authority and ability of the chief judges to lead their benches. Although the election of Georgia judges implies independent and individual accountability to the electorate, the claim that responsibility to voters is paramount to measurable performance is no longer convincing.

The superior court chief judge is elected by the entire bench for a maximum of two, two-year terms. The state court chief judge is selected based on seniority. The Task Force Governance Committee contemplated the need for statutory guidance on the role and power of chief judges but decided that the Joint Governance Committee should address this issue.

The Task Force agrees that the courts should be offered the opportunity to define the appropriate authority and selection method for chief judges that emphasizes a strong management culture where all judges contribute to an improved customer experience. Each bench should adopt the necessary rules and bench policies, which the chief judges should enforce.

Implementation

The Joint Governance Committee should determine the desirable governance structure and policies and furnish them to the superior and state court benches for implementation.

Governance	
Challenge to the Courts	Task Force Recommendation
<p><b><i>The court system should be transparent and accountable through the use of performance measures and evaluation at all levels of the organization.</i></b></p> <p>Transparency and accountability require continual evaluation of policies, practices, and new initiatives, which in turn depend on the collection and use of relevant, timely, and accurate data.</p> <p>Limitations of the courts' current case management system impede their ability to compile and analyze case data for assessment purposes.</p>	<p>2.6</p> <p>The courts should demonstrate a commitment to accountability and transparency by implementing performance measures and case processing standards and reporting annually on court and individual performance to the Board of Commissioners and the public. To accomplish this, the superior and state court judges should be furnished appropriate information management tools to achieve effective judicial management of their dockets.</p>

Background

The Fulton County justice system partners are preparing for the implementation of a new criminal justice information system in mid-2014. The new case information management system encompasses three modules – one each for the superior and state court clerks, district attorney and solicitor general, and sheriff – to address the business processes for clerk case management, prosecution, and jail management, respectively. It includes report generation capabilities using data entered through the modules. Judges will be able to access appropriate information contained in the system to inform their work; however, as currently configured, it will not equip judges with the tools needed to manage their own business processes and caseflow.

According to the National Center for State Courts<sup>7</sup>,

[C]aseflow management is the coordination of court processes and resources so that court cases progress in a timely fashion from filing to disposition. Judges and administrators can enhance justice when a court supervises case progress from the time of filing, sets meaningful events and deadlines throughout the life of a case, and

<sup>7</sup> National Center for State Courts, "Caseflow Management Resource Guide." [www.ncsc.org/Topics/Court-Management/Caseflow-Management/Resource-Guide.aspx](http://www.ncsc.org/Topics/Court-Management/Caseflow-Management/Resource-Guide.aspx) (2012).

provides credible trial dates. Proven practices in caseload management include case-disposition time standards, early court intervention and continuous court control of case progress, use of differentiated case management, meaningful pretrial events and schedules, limiting of continuances, effective calendaring and docketing practices, use of information systems to monitor age and status of cases, and control of post-disposition case events.

Performance measurement relies on recognized processes and outcomes for which benchmarks can be identified and monitored. Although time standards have been adopted by the Conference of Chief Justices and Conference of State Court Administrators as aspirational guidelines for courts across the United States, the Fulton courts have not yet formulated time standards. The superior court tracks a limited amount of case processing information through reports prepared outside the current case information management system.

The courts should implement performance measures and case processing standards, but the Task Force realizes there must be a way to monitor performance once they are established. To effect the collection and analysis of data related to performance, the courts should acquire a judicial workflow management application.

#### Implementation

Since the agreement with the new system's vendor does not include development of an application to manage the workflow process within a judge's office, additional funding may be required. The Joint Governance Committee should investigate application vendors and provide the software to all of the judges.

Personnel Management		
Challenge to the Courts	Task Force Recommendation	
<p><b><i>Court leadership should ensure that the court system has a highly qualified, competent, and well-trained workforce.</i></b></p> <p>The county's personnel system hinders the courts' ability to discharge their duties as a separate and co-equal branch of government. The classified system's shortfalls have been demonstrated through hiring and grievance process delays, poor candidate selection, and inflexible job descriptions.</p>	3.1	The Fulton County government and Board of Commissioners should provide the courts, as well as the clerk of the superior court, with greater autonomy over their personnel system by allowing the courts to:
	3.1.1	Implement an unclassified system of personnel administration for new and existing positions as they become vacant;
	3.1.2	Develop and implement standard personnel policies and procedures for unclassified court staff consistent with state and federal laws;
	3.1.3	Fill Board-approved and funded positions at the courts' discretion to maintain efficiency and order in the justice system without undue delays resulting from the county's current hiring freeze-lift process, which requires county manager approval before advertising;
	3.1.4	Handle all advertising, recruiting, and selection independently;
	3.1.5	Authorize salaries within appropriate ranges for all court positions in the unclassified service without undue delays resulting from the current hiring freeze-lift process required by the county manager; and
	3.1.6	Continue to work in cooperation with the personnel department in matters involving classified staff and where otherwise applicable.

Background

The courts' personnel management system is the same as is operated for all other county departments. To identify issues with the current system, the Court Administration Committee collected feedback from the courts, clerks, and other justice system partners. The Committee also interviewed the county's personnel director and reviewed documents supplied by the personnel department and county attorney's office.

Based on the feedback and interviews, the Task Force determined that the current personnel system does not support the infrastructure and operational needs of the courts. Further, it found that the system hinders the courts' ability to discharge their mandated duties as a separate and co-equal branch of government. The shortfalls of the personnel system are demonstrated through:

- The amount of time that court administration devotes to participating in the grievance process for current classified employees who have been dismissed for cause;
- The long waiting period that the courts experience when attempting to fill a vacant position; and
- The personnel department's approval of candidates for advertised positions within the courts for which the candidates are not qualified.

Quantitative study of human resource management within the state’s urban courts provided the Task Force with little data (e.g., average time from vacancy to hiring and turnover rate). Therefore, the Task Force relied on interviews and best practices for its recommendations. The Task Force found that for almost all similarly-situated counties, courts utilize an unclassified workforce (Appendix D).

Implementation

On June 20, 2012, the Board of Commissioners implemented the first part of this recommendation by passing Resolution 12-0-501 (Appendix E). The Resolution provides,

[W]ith respect to the Fulton County Superior Court Clerk’s Office and Superior and State Court Administration Departments, the following positions shall be placed into the unclassified service: (1) all positions created in those Departments in the future, (2) all currently vacant, permanent positions in those Departments, and (3) all current permanent positions in those Departments at such time as each becomes vacant in the future.

The Task Force views the passing of this resolution as a positive step toward full implementation of its personnel management recommendations. The courts’ and clerk’s office need to develop a plan for an independent personnel management system for review and approval by the either the Board of Commissioners or the Fulton County legislative delegation.

Personnel Management	
Challenge to the Courts	Task Force Recommendation
<p><b><i>The court system should be organized to minimize the complexities and redundancies in court structures and personnel.</i></b></p> <p>The superior and state court administration offices perform similar functions for the different courts.</p>	<p>3.2</p> <p>By January 1, 2014, the Joint Governance Committee should complete an organizational analysis of the superior and state court administration offices to determine the efficacy of forming one court administration entity that is responsible for serving the superior, state, and magistrate courts. The organizational analysis should consist of a cost-benefit analysis, recommended organizational structure(s), and a detailed project plan and timeline for implementation.</p>

Background

According to the National Center for State Courts’ *Principles for Judicial Administration*, the Fulton courts can create a more efficient system by centralizing business functions, similar to private sector organizations. In at least seven<sup>8</sup> Georgia counties, one court administration office serves the superior and the state or magistrate courts. In Fulton County, the superior court administration office was established in 1976 through general legislation, and the state court administration office was created in 1999 through local legislation.

<sup>8</sup> Chatham, Clarke, Clayton, Forsyth, Gwinnett, Hall, and Troup counties

Many of the Task Force's recommendations include combining mirrored functions of the superior and state courts' administrative offices. Centrally managing organizational functions such as human resources, information technology, facilities management, security, and procurement can help push loosely coupled organizations toward unity. The National Center for State Courts advises that the best way to determine whether merging court administrative services will improve efficiency or effectiveness is to conduct a cost-benefit analysis.

#### Implementation

The Joint Governance Committee should complete a full-scale cost-benefit analysis of combining the superior and state court administration offices, and it should use this analysis to determine further action items.

Production of Court Records	
Challenge to the Courts	Task Force Recommendation
<p><b><i>Court leadership should allocate resources throughout the court system so as to provide an efficient balance of workload among judicial officers and court staff.</i></b></p> <p>The superior court employs some court reporters on a salaried basis who are assigned to individual judges. This leads to inefficiency in the use of court reporting resources because the assigned court reporter's schedule is usually determined by the judge as opposed to the business needs of the courts.</p>	4.1 The courts should combine the state court reporters' pool with the superior court reporters' floating pool by January 2013. Court reporters supervised by a single, assigned judge should join the combined court reporting pool by April 1, 2013.
	4.2 The courts should designate a position to coordinate court reporter scheduling. The Joint Governance Committee should develop a conflict resolution policy for scheduling.
	4.3 The courts should mandate that all new court reporters are independent contractors, as opposed to salaried employees with benefits.

**Background**

In the Fulton County Superior Court, there are twenty-three full-time, salaried court reporters; seventeen are assigned to and supervised by individual judges, and six, who serve various judges, are assigned to a pool and managed by the court administration office. In the Fulton County State Court, ten independent contractors are part of a pool and are managed by a senior court reporter within that pool.

The Task Force considered best practices in managing court reporters and reviewed court reporter personnel costs per judge in five of Georgia's busiest judicial circuits, finding five different models of court reporter management (Appendix F). The comparison of management models revealed that pure pooling – the pooling of independent contractor court reporters – is the most cost-effective model of court reporter management.

From a cost standpoint only, the courts should immediately adopt the most effective model of pooling of independent contractor court reporters. However, this is not feasible because most of the court reporters are salaried employees.

The Task Force recommends the implementation of a joint court pool system. It estimates that this change will lead to cost savings as the courts will not need to utilize temporary, per diem contractors who are called when the courts lack a sufficient number of salaried or independent contractor court reporters to cover proceedings. The Task Force estimates that sharing a larger pool of court reporters will reduce each court's individual reliance on per diem court reporters – in 2012, the superior court saved an estimated \$70,000 by pooling some of its court reporters. Both courts could expect to see significant cost savings by pooling the state and superior court reporters together. Elimination of the courts' per diem court reporter expenses will save the courts approximately \$240,000 annually.

Personnel costs for court reporters in Fulton County include salary and benefits for employees, payments to regularly-utilized independent contractors, and/or per diem costs for court reporters used on a temporary basis. As with other county employees, the county contributes an amount equal to approximately 40 percent of each employee's salary toward fringe benefits. When the

Task Force reviewed personnel costs per judge in five other Georgia judicial circuits, it found that the most cost effective practice for managing court reporters is to utilize independent contractors only. Therefore, all new court reporters should be independent contractors, rather than salaried employees with benefits. This will allow for implementation of the independent contractor model by attrition.

Implementation

As an initial step, the courts should combine the state court’s pool with the superior court’s floating pool in January 2013. Between January 2013 and April 2013, the superior and state court administrations should designate or create a position to handle all court reporter scheduling. In the same time frame, the Joint Governance Committee should develop a conflict resolution policy for court reporter scheduling. Court reporter positions reporting to a single, assigned judge should join the combined court reporting pool by April 1, 2013.

While updating its human resource policies (pp. 30-31), the courts should establish a policy mandating that all new court reporters be independent contractors, rather than salaried employees with benefits.

Production of Court Records		
Challenge to the Courts	Task Force Recommendation	
<p><b><i>Court procedures should be simple, clear, streamlined, and uniform to facilitate expeditious processing of cases with the lowest possible costs.</i></b></p> <p>The courts do not effectively control their court reporter personnel and transcript costs.</p>	4.4	By January 1, 2014, the courts should only compensate court reporters for preparing transcripts for criminal proceedings required by law.
	4.5	By January 1, 2014, the courts should assess and strongly consider any possible technological solutions that will save on transcript costs by sharing access to transcripts with other county offices.

Background

During the course of the Task Force’s work, the Judicial Council of Georgia<sup>9</sup> – the state body responsible for setting court reporter fees and regulations – and the Association County Commissioners of Georgia began scrutinizing court reporter compensation. In addition, due to declining revenues and technological advancements, states across the nation are beginning to implement electronic recording of cases.

In Fulton County, court reporters receive compensation in two ways – personnel-related compensation for attending and recording court proceedings and compensation for producing the record, or transcript. Georgia law governs which proceedings must be recorded, and these include testimony and proceedings during felony pleas, motions, and trials.

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<sup>9</sup> The Judicial Council of Georgia is expected to consider recommendations for a revised court reporter compensation model at its January 2013 meeting.

The courts spend approximately \$1 million each year to pay for the production of criminal proceeding transcripts of both felony and non-felony proceedings. To realize cost savings, the courts should enact a policy stating that court reporters will not be compensated by the courts for preparing transcripts in non-felony proceedings, where these non-felony proceedings are generally not required by law to be transcribed.

The courts can choose to make available their court reporters for non-required proceedings as a service to court users. If these proceedings are recorded at the discretion of the judge or parties to a case, the expense of the transcript should be borne by the requesting party.

The courts should assess and strongly consider technological solutions that will save on transcript costs by sharing access to transcripts with other county offices. When a court reporter completes a transcript, it is filed with the superior or state court clerk. When other Fulton County entities (e.g., public defenders, prosecutors) request copies of transcripts, the clerk's office must contact the court reporter to request that he or she creates a certified copy of the transcript. When the court reporter prepares the certified copy, the clerk's office is invoiced for the copy.

At least one Georgia county has markedly reduced its cost for certified transcript copies by requiring that the original certified copy be uploaded into the county's court case management system; the court administrator then shares access to the transcript with other county entities via the case management system.

#### Implementation

The Joint Governance Committee should establish a policy, effective January 1, 2014, mandating that court reporters be compensated by the courts only for preparing transcripts required by law. By January 1, 2014, the Joint Governance Committee also should determine how the implementation of its new case management system should be configured so that other county entities have access to certified transcripts.

Production of Court Records		
Challenge to the Courts	Task Force Recommendation	
<p><b><i>Court leadership should exercise management control over all resources that support judicial services within their jurisdiction.</i></b></p> <p>The courts have limited oversight and accountability in the transcript production and filing process.</p>	4.6	By January 1, 2014, the courts should track transcripts by expanding current protocols to mandate that transcripts are filed by certain deadlines, declining to compensate court reporters for transcripts filed past those deadlines.
	4.7	By January 1, 2014, the courts should establish a policy that all court reporters must upload criminal proceeding transcripts to a court-owned server.

Background

Georgia law mandates that a transcript be filed with the clerk before a case is appealed, but very few deadlines are specified. Attorneys often must wait for court reporters to file transcripts before they can pursue appeals on behalf of their clients.

To mitigate wait time for certain transcripts, the superior court already implemented a policy that prevents court reporters from being compensated if they file transcripts of felony pleas after a certain deadline (Appendix G). Another circuit in Georgia addressed this issue by court order outlining numerous deadlines covering both civil and criminal cases. The Fulton courts should expand existing protocols to mandate deadlines for all transcript filing and should tie court reporter compensation to these deadlines.

To improve its transcript tracking efforts, the courts should establish a policy that all court reporters must upload criminal proceeding transcripts – even in a draft or incomplete stage – to a court-owned server. Court reporters in Fulton County save transcripts to their own media, leaving the courts – and the public – without ownership of or access to essential court records. This change will establish business continuity and minimize transcripts of court proceedings from being lost or damaged.

The policy should be expanded to mandate that court reporters upload their notes to the server as well. With this process, the courts will have access to a court reporter’s notes if anything prevents the court reporter from producing a transcript.

Implementation

The Joint Governance Committee should designate a subcommittee to draft a new transcript tracking protocol that mandates transcripts be filed by certain deadlines, prevents court reporters from being compensated for filing criminal transcripts after the stated deadlines, and requires that court reporters promptly upload criminal transcripts to a court-owned server. The state and superior court administration offices should investigate whether an existing server can be designated to house transcripts. If not, they should request funds to purchase an additional server.

Production of Court Records	
Challenge to the Courts	Task Force Recommendation
<p><b><i>Court leadership should ensure that the court system has a highly qualified, competent, and well-trained workforce.</i></b></p> <p>Increasingly, judges are demanding the services of court reporters certified to use real-time technology, yet the courts have a shortage of these court reporters.</p>	<p>4.8</p> <p>The courts should require real-time reporting capability for all new court reporters.</p>

Background

A small minority of court reporters employed by the courts are certified in real-time reporting, which allows judges to view instantaneously the typed record. Increasingly, judges demand the services of court reporters who are certified to use real-time technology. This technology helps avoid errors, supports prompt rulings on motions, and allows judges to clarify the reasoning behind rulings and have the record reflect these clarifications.

The Task Force recommends that the courts increase the number of certified real-time court reporters to meet the increased demand of their judges. Specifically, the courts should require real-time certification for all new court reporters.

Implementation

The Joint Governance Committee and courts should establish a human resource policy mandating that all incoming court reporters are real-time certified.

Production of Court Records	
Challenge to the Courts	Task Force Recommendation
<p><b><i>The court system should be funded to provide technologies needed for the courts to operate efficiently and effectively and to provide the public services comparable to those provided by the other branches of government and private businesses.</i></b></p> <p>Digital recording is generally thought of as a best practice in court reporting but is not being deployed in the courts.</p>	<p>4.9</p> <p>Subject to an opinion from the Georgia Attorney General, the courts should devise a one-year pilot project, to begin in 2014, to explore the use of digital recording in civil cases and non-felonies.</p>

Background

The Task Force’s research identified digital recording (also known as electronic court reporting) as the best practice in court reporting. Studies published by the National Center for State Courts and the Conference of State Court Administrators have described the practice as the future of court reporting. Digital recording offers benefits beyond those possible from one court individual

in a courtroom. Digital recording also allows for an independent review of the accuracy of any language translations in the courtroom.

Digital recording can address many challenges faced by the courts, including: the limited ability to provide instant access to the record, transcript preparation backlogs, and the lack of qualified court reporters to cover each proceeding. Over time, digital recording is a more cost-effective means to record proceedings that are not required by law to be transcribed (pp. 34-35). Digital recording can also increase the efficiency of processing appeals – by preparing transcripts faster, appeals also can be processed more expediently (p. 36).

Though digital recording can address many concerns, there are legal impediments to its full-scale implementation in the courts. Georgia law defines court reporting as,

[T]he making of a verbatim record by means of manual shorthand, machine shorthand, closed microphone voice dictation silencer, or by other means of personal verbatim reporting of any testimony given under oath before, or for submission to, any court, referee, or court examiner or any board, commission, or other body created by statute, or by the Constitution of this state or in any other proceeding where a verbatim record is required.<sup>10</sup>

This results in a question as to whether digital recording fits within this legal definition. Therefore, this recommendation is subject to an opinion from the state Attorney General clarifying the permissibility of a pilot project under Georgia law. Depending on that opinion, the courts may want to consider seeking a change in the law to facilitate the future use of digital recording.

#### Implementation

The chief judge of the superior court should request an opinion from the Georgia Attorney General regarding the permissibility of a digital recording pilot project. Once an opinion is secured, the Joint Governance Committee should devise a detailed project plan for the pilot project.

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<sup>10</sup> O.C.G.A. § 15-14-22 (2012)

Financial Management	
Challenge to the Courts	Task Force Recommendation
<p><b><i>Courts are a separate branch of government responsible for executing their constitutional mandates.</i></b></p> <p>The courts' incomplete control over their county-appropriated budgets impacts their ability to address unanticipated challenges in an agile, efficient, and effective manner.</p>	<p>5.1</p> <p>Budget independence should be granted to the courts upon demonstrated coordination and improvement in the delivery of services and efficiencies.</p>

Background

As is the case in federal and state government, the courts operate independently of the executive and legislative branches. However, budgetary independence is not as clearly delineated in lean budget times. Typically, courts are asked to participate in budget reductions like the executive and legislative branches and often do so out of an obligation to their joint constituencies.

A review of the 2002-2012 budgets and expenditures for the courts and justice system partners reveals they have been impacted less by recent economic pressures than the county as a whole (Appendix H). While the general fund budget declined by 1 percent during this period, the total justice budget rose 28 percent. The justice budget as a percentage of the general fund budget increased from 29 percent in 2002 to 37 percent in 2012.

As a planning tool, the budget must be certain so that the courts can plan and prioritize their programs accordingly. The courts' ratio of actual expenditures to budget has remained at about 96 percent during the last five years. However, the courts experience a recurring challenge as their budgets are reduced by the county through hiring freezes rather than by mid-year adjustments. When reductions are effected through inconsistent or piecemeal approaches and the courts are prohibited from transferring funds between categories within their budgets to address changing priorities, the courts' independence is marginalized and accountability becomes less feasible.

The Task Force recommends that the courts gain greater budget independence to ensure their constitutional independence as a separate branch of government and to enable improved accountability. However, the Task Force conditions that independence on the courts demonstrating their willingness to improve service delivery by addressing several of the other recommendations in this report.

Implementation

The Joint Governance Committee should determine how to prioritize and accomplish changes that support increased budgetary and financial independence. Once the courts outline and make progress in achieving these changes, the courts should negotiate budgetary independence with the Board of Commissioners.

Intake and Filing		
Challenge to the Courts	Task Force Recommendation	
<p><b><i>The court system should be funded to provide technologies needed for the courts to operate efficiently and effectively and to provide the public services comparable to those provided by the other branches of government and private businesses.</i></b></p> <p>Parties to court proceedings must physically travel to the courthouse to file documents with the courts at each stage of a court proceeding. These documents are not viewable online to the parties or to the public.</p>	6.1	The Task Force endorses the work of the State Bar of Georgia Committee on Electronic Court Filing.
	6.2	The courts should explore a joint request for proposal to secure a new, uniform e-filing and e-payment system that will allow electronic access to court records and multiple payment options for court users.

### Background

There are differences in the intake and filing of court cases in the superior, state, and magistrate courts. The state court, which employs an appointed clerk, mandated electronic filing (“e-filing”) of certain civil cases through a contract vendor in 2006 following a pilot project. A plaintiff (party who initiates a civil case) is required to e-file its case documents by paying a fee to access the vendor’s technology. The elected superior court clerk has not yet implemented e-filing. While e-filing improves access to the courts for many attorneys and individuals, some claim<sup>11</sup> it limits access due to the additional fee required.

The vendor for the county’s new criminal justice information management system has an e-filing component available, but the county has not yet procured this feature. At the state level, discussions about e-filing are occurring through the Statewide Judiciary Civil E-Filing Steering Committee established by Supreme Court Order on June 13, 2012, and the State Bar of Georgia Committee on Electronic Court Filing.

Task Force research highlighted electronic filing and electronic viewing (“e-viewing”) of court cases as best practices in the delivery of court services. E-filing and e-viewing offer benefits such as physical space savings at the courthouse and added convenience for court users who do not have to visit the courthouse to view and file case documents. The Task Force believes that e-filing, e-payments, and e-access will improve users’ experiences with the courts while increasing court efficiency. It recommends that the courts explore a joint request for proposal to secure a new, uniform e-filing and e-payment system that will allow electronic access to court records and multiple payment options for court users.

### Implementation

In conjunction with the Joint Governance Committee, the courts and clerks’ offices should work with the relevant county departments to procure a joint e-filing and e-access system. The Task Force also endorses the work of the State Bar of Georgia Committee on Electronic Court Filing, and the courts should stay apprised of its work and recommendations.

<sup>11</sup> Four lawsuits have been filed contesting the e-filing requirement. Two federal actions filed in 2007 and 2008 were dismissed; two superior court actions filed in 2009 and 2010 are pending.

Customer Experience	
Challenge to the Courts	Task Force Recommendation
<p><b><i>Responsible funding entities should ensure that courts have facilities that are safe, secure, and accessible; they should be designed, built, and maintained according to adopted courthouse facilities guidelines.</i></b></p> <p>Court users have expressed that customer service is one of their primary concerns in dealing with the courts. The courts seek to improve customer service in and outside the courthouse.</p>	<p>7.1</p> <p>The courts should establish a concierge desk and kiosk at each major entrance to the courthouse. The concierge desks should be staffed by court employees trained in customer service.</p>
	<p>7.2</p> <p>The courts should continually evaluate court forms to increase ease of use for parties, particularly self-represented litigants.</p>

Background

High quality customer service is critical to ensure public trust and confidence in the courts. As a result of feedback from the court user questionnaire and Task Force members’ encounters with the courts, the Task Force became aware of problems that many court users experience.

Court users have a difficult time locating the courthouse and appropriate offices once inside due to a lack of signage or personnel to assist them. Inside the courthouse, court users rely on courthouse security, provided by the sheriff’s and marshal’s offices, to direct them to the appropriate location. These officers’ primary duty is to ensure court security, and they are not trained in customer service. A courthouse concierge desk will improve the courts’ customer service by providing personnel to greet and direct people to appropriate services. This resource will also allow security officers to remain focused on their mandated duties.

An increasing number of court users must handle their legal business without attorney assistance. Equipping these court users with the basic knowledge and tools to navigate court processes allows them to access justice and ensures court business is not impeded. To best serve these pro se court users, the courts should provide clearly-written, easy-to-use court forms in the courthouse and on the Internet.

Implementation

The courts’ and clerks’ offices should work with the relevant county departments to allocate resources for concierge desks, electronic information monitors, and self-service kiosks in the courthouse. The courts should also partner with the local hospitality industry to develop and provide customer service training for court personnel.

The Joint Governance Committee should establish a committee or assign an administrative entity to take responsibility for developing and updating frequently used court forms.

Customer Experience	
Challenge to the Courts	Task Force Recommendation
<p><b><i>The court system should be transparent and accountable through the use of performance measures and evaluation at all levels of the organization.</i></b></p> <p>The courts have never conducted a rigorous survey to fully evaluate their performance from the perspectives of court users.</p>	<p>7.3</p> <p>A rigorous baseline survey should be conducted on the status of the courts' operations by January 1, 2014, and every two years thereafter.</p>

Background

The Task Force requested that the Administrative Office of the Courts develop, distribute, and analyze a web-based questionnaire to ensure that the Task Force had identified the critical issues to court users and employees (Appendix I). Notice of the questionnaire was distributed to attorneys, court employees, and the public through the media, email, and court-related websites. Over 800 responses were received during March 2012. After analyzing the questionnaire responses and best practices from other trial courts and the National Center for State Courts, the Task Force concluded that it was focusing on the proper issues.

It also decided that a methodologically rigorous survey of the entire court system is necessary to establish baseline data about the courts and their services. Such a survey will allow for yearly evaluation and performance measurement.

Implementation

The Joint Governance Committee should investigate contracting with a vendor to develop and regularly administer a rigorous survey on court operations. Universities and professional organizations frequently offer these types of services at discounted cost to government entities.

## **Conclusion**

The Fulton County courts are not an exception to the ongoing situation facing public and private sector organizations across the United States. A slow economic recovery from the Great Recession will frame the business environment for years to come. How the courts, justice system stakeholders, and funding authority choose to operate in this environment, however, will determine whether the courts are rendered the abilities to provide access to justice and to focus on court users. While federal supervision and resource needs of the jail may obscure any marginal savings gleaned from court improvement initiatives, county residents should be encouraged that their leaders are seeking opportunities for meaningful change.

The importance of the Task Force study should not be understated, as its analysis of court organization and management charts a course toward transparency and accountability sought by the chief judges. The members invested deeply in learning about core and affiliated court functions and responsibilities of court officials and executives. Their knowledge and experience in outside organizations lent great value in comparing and contrasting the court experience to other business processes. The Task Force also prompted a unique Joint Bench Leadership Session at which superior and state court judges expressed support for and quickly instigated a cooperative governance relationship. In depth briefings on a variety of court-related matters increased members' understanding of court operations, challenges, and potential solutions – promoting shifts in their perspectives.

The Task Force members spent countless hours in arriving at the recommendations in this report. Yet, the report is just the beginning of the journey for the court leaders who must take responsibility for orchestrating positive change. Task Force members hope their work is valued by court and county leaders and will prompt decisive action and further vision. They know meaningful cooperation among the judges' Joint Governance Committee, the Board of Commissioners, and the Legislative Delegation is required for any measure of success – and for Fulton County residents to realize improved services and other benefits.

## Appendices

**Appendix A:**  
**2006 Interim Recommendations of the Fulton County Criminal Justice Blue  
Ribbon Commission**

**Interim Recommendations  
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**ISSUE ONE: ADDITIONAL JAIL CAPACITY/ADJACENT COURTROOMS**

**RECOMMENDATION**

Provide additional jail beds and adjacent courtrooms by Fulton County leasing or purchasing both the Atlanta City Jail and the former Municipal Courthouse. The Atlanta City jail would be the principal intake facility for the booking and processing of detainees with the Municipal Court being the site of First Appearance Hearings, All Purpose Hearings, Plea and Arraignment and any other hearings other than trials.

**BACKGROUND/DISCUSSION**

In June of 2005, the Justice Blue Ribbon Commission began looking at the issue of acquiring the City Jail and former Municipal Courthouse. The commission heard testimony from a number of the justice agencies that the jail is one of the single biggest problems faced by the criminal justice system due to its size and location in relation to the courts. The commission determined that Fulton County is in need of additional jail capacity, and also needs additional courtrooms located in or near the jail to reduce prisoner transport and process inmates in a more expedient fashion. The acquisition of the leased beds and the courthouse would enable the County to set up an effective intake center in downtown Atlanta that would dramatically reduce overcrowding at the Fulton County jail, improve courthouse security, and reduce delays in resolving criminal cases.-

In August of 2005, Chair of the Blue Ribbon Commission on Justice Reform sent letters on behalf of the Commission to the Fulton County Board of Commissioners, Mayor of the City of Atlanta, and the Federal Judge overseeing the jail overcrowding lawsuit involving the County urging immediate action on this recommendation as the City had plans to use the site of the former Municipal Court for a new City Public Safety Building. In November of 2005, the Chair of the Justice Commission, Chief Judge of Superior Court and the Fulton County Sheriff made a presentation to the Fulton County Board of Commissioners recommending that the County acquire additional jail beds and the former Municipal Courthouse. The Board of Commissioners then directed the County Manager to begin negotiations for the potential sale or lease of the former Atlanta Municipal Court building and the City Detention facilities.

On December 30, 2005, the County offered to lease no less than 800 beds at the City Detention Center for a period of five years and purchase the former Municipal Court Building for the sum of \$13.1 million which was based on the appraised price of \$11.1

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million increased by \$1 million to compensate the City for the design work on the proposed Public Safety site and \$1 million to buy out the City's contract with the US Marshals Service which would repay the 1994 jail improvement grant from the Federal Government.

On January 18, 2006, the City sent a counter-offer to sell the courthouse and to lease 500 jail beds to the County if the federal government would agree to reduce the number of beds it leases. The County could have moved forward with 500 jail beds but on February 1, 2006, the City notified the County that the US Marshal Service insisted that 500 jail beds at the City Jail be reserved for the exclusive use of the federal government. The City has since taken the position in light of the refusal of the Marshals Service to reduce its demand for bed space that the most it can offer the County is 175 jail beds, which is insufficient to enable the County to use the Municipal Courthouse/City Jail as an effective intake and processing center. While acquisition of the Atlanta Municipal Courthouse would provide additional courtroom space and holding capacity for inmates while they are awaiting court hearings in the Municipal Court building, it will do nothing to alleviate the overcrowded conditions at the Rice Street Jail, nor will it eliminate the inconvenience, manpower, expense and security problems associated with the daily burden of transporting hundreds of inmates.

On April 19, 2006, the Board of Commissioners approved as part of the terms and conditions of the sale of the Bellwood Quarry that the City urge Immigration and Customs Enforcement to seek alternate space for its inmates at the City Detention Center, within 90 days, and should those beds become available, the City will give the County the right of first refusal to these beds or any other beds that might become available, at the same rate now currently being paid by the County. Additionally, the Board of Commissioners urges the Mayor and the City Council to implement Article 5 of the City's Agreement with the U.S. Marshals Service to terminate its bed allocation and to enter into a contract with the County for the same number of beds and at the same rate, thus ensuring the City will have continued revenue.

On April 20, 2006, Chair Bondurant sent a letter to the Georgia Congressional Delegation requesting immediate assistance to identify the appropriate federal officials who have the authority to intervene with the regional U.S. Marshals office to terminate the agreement between the City of Atlanta and the U.S. Marshals Service for the boarding of inmates at the Atlanta Detention Center.

On May 1, 2006, the Atlanta City Council unanimously approved a resolution affirming the City of Atlanta Mayor's April 18, 2006 letter to Immigration and Customs enforcement asking them "to consider a review of ICE's needs and the possibility of

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finding alternative space for some or all its allocation with the City Detention Center. The resolution further requests that our Congressional Delegation encourage the appropriate federal agencies to identify alternate spaces for jail beds currently in their use at the Atlanta Detention Center so that the beds can be leased to Fulton County.

Correspondence and documents relating to the purchase/lease of city facilities are contained in Appendix 1.

**FUTURE ACTIONS**

The Commission still remains concerned regarding the issue of additional jail beds and adjacent courtrooms as the work of the Commission has revealed a metro-Atlanta criminal justice system in a dire state of crisis and is committed to working out a solution between the City of Atlanta, Fulton County and the federal agencies.

Given the recent completion of the third courtroom at the jail, the Justice Commission recommends that the justice agencies ensure that maximum use is made of the courtrooms in order to facilitate the processing of inmates and reduce prisoner transport. Due to the construction of the third courtroom and scheduling changes, State Court has been able to move First Appearance and All Purpose Hearings from downtown to the jail. Superior Court plans to have non-complex jail plea and arraignment at the jail. Felony First Appearance and Probation Revocation hearings will continue to be heard at the jail. The Justice Commission supports these efforts and further recommends the agencies implement 24/7 hearings which are presented as a separate recommendation.

The Justice Commission supports the County in the recent issuance of a Request for Proposal to determine both the short and long term jail bed needs for the Fulton County Jail which will provide the County information necessary to make programmatic, construction and budgetary decisions regarding the jail population. According to the proposal, the project involves reviewing historical and current jail data, projecting inmate and county population projections, assessing programs and inmate case processing, examining construction and renovation options and estimating construction and operating cost. The Justice Commission should meet with the consultants once selected in order to provide the information and data that has been gathered through the Commission's work.

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**ISSUE TWO: FIRST APPEARANCE HEARINGS**

**RECOMMENDATION**

Magistrates conduct First Appearance Hearings at the Fulton County Jail on a twenty four hour basis seven days a week instead of the current schedule so as to expedite the release of detainees.

**BACKGROUND/DISCUSSION**

Prior to January 2003, the City of Atlanta and other jurisdictions provided “front end” detention and court processing for those arrested and charged with state offenses. On January 6, 2003, the county began accepting City of Atlanta detainees charged with state offenses. Starting February 10, 2003, all other Fulton County municipalities with the exception of Roswell began bringing detainees charged with state offenses directly to the Fulton County Jail. With the transfer of detainees from the municipalities, the county became the booking facility for the vast majority of felony and misdemeanor defendants. Pursuant to statute, this transfer also necessitated that the county provide a First Appearance Hearing within 48 hours of arrest to the detainee unless indicted or accused by the prosecuting agency.

In order to comply with legal requirements, State Court and Superior Court began conducting First Appearance Hearings. Beginning in January of 2003, Felony First Appearance Hearings were held in a courtroom at the jail from 11:00 am until 3:00 pm and Misdemeanor First Appearance Hearings were scheduled twice a day (11 am and 3 pm) Monday through Friday at the Courthouse downtown. Additionally, both State Court and Superior Court implemented All Purpose Calendars in order to better process criminal cases. As a result, 3 00-400 inmates had to be transported by bus to and from the Fulton County Jail to the County Courthouse *daily* in order to meet the mandated statute for timely first appearance hearings and other “front end” hearings necessary to dispose of the cases in a timely manner.

The commission reviewed a sampling of the booking activity at the jail which revealed that a significant number of inmates were being held longer than necessary. Some of the delay appeared to be related to the time required in transporting the defendant between the jail and downtown Courthouse for the required hearings and some delay related to the frequency of the First Appearance Hearings. The Commission held a meeting with the criminal justice agencies on August 4, 2005 to discuss conducting First Appearance Hearings on a twenty four seven basis seven days a week in order to expedite the release

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of detainees. The agencies indicated additional staff would be needed to move to a twenty four seven schedule and the volume of cases may not dictate the need.

In the latter half of 2005, the County began to develop and implement initiatives to conduct Misdemeanor First Appearance Hearings at Rice Street and expand the hours when the hearings are held. These initiatives included the build out of a third courtroom space and the implementation of a video conferencing system.

As of January 17, 2006, all Misdemeanor First Appearance Hearings have been held at the jail and the hours have been expanded. The hours of the First Appearance are 7:00 am until 11:30 am and 5:00 pm until 8:00 am Monday through Saturday. State Court All Purpose Hearings have been moved to the jail as of May 15, 2006.

**FUTURE ACTIONS**

The BRC will review booking data after January 17, 2006 to evaluate the impact of the implementation of the expanded first appearance hours and the additional calendars being heard at the jail. The Justice Commission still recommends the expansion of Felony First Appearance hours and recommends the agencies look at redeploying staff and using overtime in order to accommodate expanded hours.

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**ISSUE THREE: BACKLOG AND DELAYS**

**RECOMMENDATION**

Endorse the development, implementation and evaluation of a case management system that ensures the active management of cases from filing to disposition and establishes case processing time standards depending on the complexity of the case.

**BACKGROUND/DISCUSSION**

There is clearly concern about “old” felony cases —especially cases involving defendants in the jail- on the part of Superior Court, District Attorney and Circuit Defender. The lengthy delays in bringing cases forward for action and bringing cases to final adjudication have enormous implications for every aspect of the criminal justice system. In addition to the obvious impact on the jail population of lengthy case processing times for defendants who are in detention, large numbers of “old” pending cases involving defendants who are on bond or released on their own recognizance can also pose serious problems. They result in the snowballing of failures to appear, outstanding warrants, new arrests on these warrants, and even more cases on pre-trial supervision and on the overloads of courts, prosecutors and defenders-in short, a massive logjam and a great deal of unproductive wheel - spinning.

While there is recognition of the problem, there has not been a consensus among the justice agencies as how to best address the problem. The Superior Court is recommending the adoption of a non complex case management system while the District Attorney, Circuit Defender and Clerk of Superior Court are urging the adoption of a more comprehensive case management system that will address all case types not just the Non Complex. The Justice Commission heard presentations on both proposals.

The Chief Judge of Superior Court indicated she is in favor of a comprehensive case management system involving all case types, but the judges feel the system needs to be implemented in phases. Beginning May 1, 2006, the Superior Court started the Criminal Non Complex Calendar.

**FUTURE ACTIONS**

The Justice Commission supports the justice agencies in their goal to institute a case management plan that utilizes industry best practices and includes the adoption of time

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standards to ensure prompt case processing appropriate to the type and complexity of the case.

The Justice Commission supports the recent implementation of the Non Complex Calendar System and recommends that the justice system agencies work together to implement a system that encompasses all case types. The goal should be to have a comprehensive plan operational no later than January 1, 2007. The Justice Commission will facilitate meetings in order to resolve any differences and help move the implementation forward.

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**ISSUE FOUR: UNIFORM CASE PROCESSING DATA**

**RECOMMENDATION**

Endorse the collection and publication of uniform case processing data from the filing of a case to final disposition.

**BACKGROUND/DISCUSSION**

The justice agencies provided the Justice Commission with data on the age and status of cases currently in the system, but organized in different ways and drawn from different information systems. In some instances, the data among the agencies was conflicting. There seemed to be no uniform method of collecting and presenting the data. The lack of standardized and reliable data leads to a lack of accountability by the agencies and to a certain extent an inability to correctly diagnose problems and bottlenecks in the processing of cases.

At the end of 2005, the Justice Commission sent letters to the Chief Judges of State and Superior Courts and the District Attorney requesting monthly reports by judges with specific case data including number of cases, jail status, case age, and court status. The Commission provided a standardized format for providing the data. The Commission also requested the District Attorney provide a copy of the report that he files under Superior Court Rule 26.3 (“Delayed Indictments”) listing the names of all persons who have been in custody under criminal charges more than 45 days without the filing of an indictment. **(Copies of the letters are contained in Appendix 2).**

Superior Court furnished some data in response to the request. Superior Court indicated that some of the data requested by the Justice Commission could not be provided as the court could not get the data from the information system as the data is not reliable and it is too time-consuming a task to manually retrieve the data from case files or other sources. State Court and District Attorney did not respond to the request.

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**FUTURE ACTIONS**

The Justice Commission recommends that as part of the implementation of a case management system statistics be maintained and published that would show whether the calendar system is effective and what areas may need improvement.

The Commission further recommends that monthly statistics should be published in the Fulton County Daily Report and if possible also in the AJC and the community newspapers, that provide a fair and accurate summary of the backlog of criminal and civil cases pending before each judge for more than six months for criminal cases (excluding death notices cases) and 12 months for civil cases.

The Commission also recommends that similar data for the District Attorneys Office is published that show the backlog of untried murder and other felony cases that have been pending more than six months, one year, 18 months and 2 years.

Similar data should be published for the State Court judges and Solicitor General.

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**ISSUE FIVE: INFORMATION SYSTEMS**

**RECOMMENDATION**

Establish as soon as possible an integrated and operational criminal justice information system

**BACKGROUND/DISCUSSION**

The current state of the information systems in use by the courts and other criminal justice agencies in Fulton County is universally acknowledged to be a major impediment to the efficient and effective operation of the system, and the swift and just processing of cases through it. For a criminal justice system to function effectively, all of the entities involved must have timely and accurate information, the information should be consistent across agencies, users must have confidence that the data is reliable, and the different information systems used by the different agencies should be able to transfer data to each other instantaneously.

Increasing attention is being given to investing prudently in information technology as a key enabler for implementing change and improving information sharing across the justice enterprise. Major improvements, and updates in the existing information systems are needed if progress is to be made to the overall functioning of the county's criminal justice system. Movement in this area is best accomplished with a forward-looking approach that focuses on the future operation of the system, recognizing the need for continual upgrading the technology in justice system operations, just as in the business world.

The Justice Commission heard from a number of the justice agencies regarding the problems with the current information systems. The Commission also received a presentation from the CJIS Director regarding several approaches to moving forward in addressing the problems. Based on the integration framework and analysis of the current business and technology environment, the following high-level requirements were identified to meet the needs of the Fulton County criminal justice community and its stakeholders. These requirements are summarized below:

**INFRASTRUCTURE**

The computing network and desktop/server infrastructure must be improved to minimize overall costs and provide a robust technical environment for CJIS. This includes

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expanding use of the County's Information Technology Department's shared communications infrastructure and services, improving security, providing for remote/mobile information access, and migrating to a single data center approach for primary criminal justice systems.

**APPLICATIONS**

Major requirements include acquiring an integrated jail and justice management system.

**INTEGRATION**

The key requirement in this area is to provide a standard technical architecture for structuring and exchanging data to minimize redundant data capture and improve the timeliness and accuracy of information. It should provide a single point of access that eliminates the need for the user to go to multiple systems for information, defining and implementing standard data definitions, cleaning up existing data to conform to the defined standards, and creating link between systems for propagating data.

**FUTURE ACTIONS**

The Justice Commission recommends investing in an information system that allows for integrated data sharing across courts, sheriff, prosecutors, defense, other justice agencies, relevant support agencies and those conducting business with the courts. The key requirement in this area is to provide a standard technical architecture for structuring and exchanging data to minimize redundant data capture and improve the timeliness and accuracy of information.

The Justice Commission recommends that a governance process be firmly in place so that cost effected and strategically aligned investments in technology are provided. Appropriate policy, administration, and support mechanisms should be in place to deliver the desired improvements in information sharing.

The commission recommends software package be selected that will best meet the comprehensive requirements of the criminal justice system.

The commission recommends that steps be taken by each justice agency to ensure data entered is reliable and accurate and that the quality of the data is monitored on a routine basis.

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The commission recommends a long-term funding plan incorporating and integrating federal, state, and local funding sources along with equitable cost-sharing mechanisms that must be developed and actively managed.

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**ISSUE SIX: DIVERSION OF THE HOMELESS AND MENTALLY ILL**

**RECOMMENDATION**

Provide diversion programs for individuals who are homeless, mentally ill, or have substance abuse problems that have been charged with non-violent crimes. These individuals need clinically supportive community-based (i.e., not jail-based) crisis management, housing, and intervention services.

**BACKGROUND/DISCUSSION**

On any given night, one out of every ten persons who are homeless and seriously mentally ill with substance abuse problems in Atlanta is temporarily housed in jail. They frequently are arrested and incarcerated, generally while receiving no or inadequate mental health and substance abuse treatment. Though not the most appropriate or therapeutically beneficial, the criminal justice system has become their primary provider of crisis housing, psychiatric stabilization, mental health and substance abuse system's provisions through therapeutic psychiatric hospitalization, crisis stabilization, and crisis residential settings. The criminal justice system's physical, social, behavioral, and psychological environments inadequately address mental health and substance needs, and often create additional problems through associated victimization, stigmatization, separation, and isolation.

Instead of arresting persons who are having mental illness related acutely disruptive behaviors, train, arrange, and have police take such persons to a community-based receiving site. Community-based crisis stabilization units should be utilized where persons can be therapeutically stabilized instead of using the criminal justice system. Further, the use of assertive community treatment (ACT) teams are needed to specifically work with this population in the community

The Justice Commission's research has found that communities where the police identify and take acutely disturbing or disrupting individuals with a severe mental health illness to a mental health emergency receiving setting, where crisis stabilization and/or supportive transitional housing is provided, and where a range of in-the-environment treatment and management services are assertively provided, the criminal justice system is minimally used for this population, and often such persons become productive beneficial contributors to their communities and to their lives.

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**FUTURE ACTIONS**

The Justice Commission recommends the following comprehensive plan of action to fully implement this plan:

Train police to recognize mental illness and substance use signs and symptoms (Crisis Intervention Training- CIT), and to escort and drop-off identified individuals to designated emergency receiving sites.

Arrange and train emergency receiving site personnel to allow police to simply and rapidly drop off individuals at their site, and take the needed responsibility of freeing the officer at that point. Utilize a temporary observation holding area for brief stabilization, management, and transition. Have individuals needing 24-hour per day intensive mental health services admitted and treated in a community crisis stabilization unit. Have individuals temporarily housed in arranged supportive housing sites in the community. Support could include intensive, rehabilitation, or peer day services. Have individuals receive 24/7 available high intensity case management, integrated with rehabilitative, crisis, treatment, and community support services provided an interdisciplinary staff team (Assertive Community Treatment).

Identify 100 nonviolent currently jailed individuals who are homeless and seriously mentally ill with substance abuse problems. Assign each identified person to an ACT team that will assist in getting each person released from jail and into community treatment (perhaps using community court system), admitted into a therapeutic or supportive housing site, engaged in mental health substance use and other supportive treatment (chem., individual, group, family therapies; education, training, and rehabilitation; management). Elements of the ACT approach involves several systems including housing and residential, criminal justice, social support, mental health, substance, vocational, and social engagement. Develop a comprehensive proposal for this approach along with projected costs and benefits.

The commission recommends the Fulton County Departments of Mental Health (Developmental Disabilities and Addictive Diseases) and Human Services (Office of Emergency & Transitional Housing) assist to identify community based housing and programs, support services, federal grants, and other resources to implement this proposal.

Support the expansion of the Treatment Diversion Calendar for misdemeanors, establishment of a mental health court for felonies, and the development of a jail diversion program.

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**Issue Seven: Fragmentation of the Criminal Justice System**

**Recommendation:** Criminal Justice System consolidation! unification within the Fulton County and the City of Atlanta should be studied.

**Background/discussion**

While there is much variation in the organization of criminal justice systems around the country, the criminal justice system within Fulton County system is unusually fragmented. There are city courts and county courts and multiple courts within the county system. Magistrate judges are assigned to the different courts. There is a county solicitor general and a county district attorney, with separate offices, staffs, and cases, though both have essentially the same responsibilities- they just prosecute different categories of offenses and routinely transfer cases between the two agencies. There is a city solicitor's office, which also prosecutes some crimes within the city of Atlanta. There is a city police department, the county police, the marshal's office and the sheriff's office. There are two pre-trial service agencies -one for misdemeanors and one for felonies. The fragmentation and duplication are costly and counter-productive. They contribute significantly to the inefficiency, backlogs, and delays in case processing that everyone agrees are a huge problem system-wide.

Additionally, crime committed in the City of Atlanta has a major impact on the Fulton County criminal justice system. Most of the crime committed in the county occurs in the city, but many defendants arrested for crimes are detained in the county jail and are prosecuted in courts largely funded by the County. The City has its own policies, policymakers, and criminal justice agencies whose decisions and work affect the County and the County's system. The policies and decisions of the City and County entities appear to be uncoordinated, despite the impact of one system on the other.

There tend to be numerous arguments in favor of consolidation/unification of justice systems when other jurisdictions have studied the issue. These may include the following:

Unification or consolidation provides the public with the simplest and most efficient system possible. A more simplified justice system structure reduces confusion in the minds of the public respecting which court or which justice agency handles which matters.

Case delays are better alleviated by providing a larger pool of judges for scheduling and assignment purposes. A consolidated court provides greater flexibility in the assignment

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of all judges which results in a more equitable distribution of cases and workload, helps prevent “burnout” and generally promotes more efficient use of judicial time.

Consolidation promotes more efficient use of justice system related personnel along with more efficient use of justice facilities and a streamlining of administrative functions.

Cost containment may result due to more efficient scheduling, better use of court and attorney time.

Public and private agencies that deal with the justice agencies on a regular basis may have an easier time with single justice systems procedures rather a multi level tiered system.

**Recommendation:**

The issue of criminal justice system consolidation/unification within Fulton County should be studied with the goal being to propose a streamlined, effective, efficient and fair system.

**Appendix B:**  
**2007 Final Report of the Georgia General Assembly Joint Study Committee**  
**on Fulton County**

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*General Assembly*  
*Joint Study Committee on Fulton County*

**Final Report**

**Co-Chairman Edward Lindsey**  
**Representative, 54<sup>th</sup> District**

**Honorable Kathy Ashe**  
**Representative, 56<sup>th</sup> District**

**Honorable Harry Geisinger**  
**Representative, 48<sup>th</sup> District**

**Honorable Bob Holmes**  
**Representative, 61<sup>st</sup> District**

**Honorable Jan Jones**  
**Representative, 46<sup>th</sup> District**

**Honorable Joe Wilkinson**  
**Representative, 52<sup>nd</sup> District**

**Honorable Wendell Willard**  
**Representative, 49<sup>th</sup> District**

**Co-Chairman Dan Moody**  
**Senator, 56<sup>th</sup> District**

**Honorable Judson Hill**  
**Senator, 32<sup>nd</sup> District**

**Honorable Kasim Reed**  
**Senator, 35<sup>th</sup> District**

**Honorable Horacena Tate**  
**Senator, 38<sup>th</sup> District**

**Honorable Lynne Riley**  
**Commissioner, District 3, Fulton**  
**County Board of Commissioners**

**Mr. Brad Carver**  
**Attorney, Hall, Booth, Smith & Slover**

**Mr. Mark Hennessy**  
**President, Hennessy Automotive Group**

**Mr. Al Nash**  
**Executive Vice President, The Columns Group**

**2007**

Prepared by the House Research Office

## **I. Introduction**

The House Study Committee on Fulton County was created by House Resolution 351 during the 2007 Legislative Session of the Georgia General Assembly.

House Resolution 351 provided for the membership of the Committee consisting of 16 members, with eight to be appointed by the Lieutenant Governor, and eight appointed by the Speaker of the House of Representatives, with one cochairperson to be designated by each the Speaker of the House and the Lieutenant Governor. The Speaker of the House appointed Rep. Edward Lindsey (R-Atlanta), Rep Bob Holmes (D-Atlanta), Rep. Wendell Willard (R-Sandy Springs), Rep. Kathy Ashe (D-Atlanta), Representative Jan Jones (R-Alpharetta), Representative Margaret Kaiser (D-Atlanta), Representative Harry Geisinger (R-Roswell), and Rep. Joe Wilkinson (R-Sandy Springs). The Lieutenant Governor appointed Sen. Dan Moody (R-Alpharetta), Sen. Judson Hill (R-Marietta), Sen. Kasim Reed (D-Atlanta), and Sen. Horacena Tate (D-Atlanta), Fulton County Commissioner Lynne Riley, Mr. Brad Carver, Mr. Mark Hennessy, and Mr. Al Nash. Rep. Lindsey and Sen. Moody were designated as cochairmen. .

In order to best investigate the most pressing problems in Fulton County, the committee formed three subcommittees. The subcommittee on the Fulton County Commission Structure was chaired by Rep. Wilkinson and vice chaired by Rep. Ashe, with the subcommittee on the Courts system chaired by Rep. Willard and vice chaired by Senator Reed, and the subcommittee on the Office of the Sheriff was chaired by Commissioner Riley and vice chaired by Senator Reed. In total the committee and subcommittees met 11 times. The Office of the Sheriff subcommittee held meetings on September 17<sup>th</sup>, October 15<sup>th</sup>, and November 8<sup>th</sup>. The Courts subcommittee met on September 20<sup>th</sup>, October 18<sup>th</sup>, and November 15<sup>th</sup>. The County Commission Structure subcommittee met September 12 and October 25. The Full Committee convened on August 2<sup>nd</sup>, again on November 29<sup>th</sup> to hear recommendations from the three subcommittees and for a final time on December 17<sup>th</sup> to vote on recommendations and proposed legislation.

## **II. Background**

### **A. Fulton County Blue Ribbon Commission**

In creating the Joint Study Committee on Fulton County, House Resolution 351 stated “that the committee shall undertake a study of the conditions, needs, issues and uses of the Fulton County government structure and operations and the problems found by the Blue Ribbon Commission or related thereto...”<sup>1</sup>

In its January 31, 2006 report to the Fulton County Board of Commissioners, the Fulton County Blue Ribbon Commission on Fulton County Governance (BRC), made several recommendations to the Board for improvements to Fulton County. The first issue the BRC studied was delivery of various services. The BRC recommended that the county government structure was the “best mechanism for providing a wide range of services: Justice, Health, Human Services, Libraries, 911 Dispatch, Solid waste landfill, Storm water system planning and cooperative extension.”<sup>2</sup> The BRC also found “certain service functions that the BRC recommends be provided by municipalities and unincorporated areas through the SSD (Special Service Districts, at the time of the BRC report, the majority of which are now incorporated municipalities, ed.) roads, fire protection, law enforcement, ambulance services, parks and recreation, planning/permitting enforcement, stormwater system maintenance, solid waste, water collection, and housing and community development.”<sup>3</sup>

### **County Commission Structure**

The BRC studied the structure and size of the Fulton County Board of Commissioners and issued a recommendation that the “current County Commission structure be revised to include seven district commissioners instead of five and eliminate the county-wide at-large positions.”<sup>4</sup> In his testimony to the study committee during the August 2<sup>nd</sup> meeting, BRC Chairman Dr. Robert Eger III acknowledged that the seven member commission was based on a BRC subcommittee study of comparable metropolitan counties, and that seven was a good fit, but that there was support within the committee for both a nine member and five member commission. Dr. Eger further acknowledged that in the time since the BRC had delivered the report, Fulton County had incorporated three new cities, but in his view the final recommendations of the BRC report would be significantly changed due to the new incorporations, only that the county would be providing fewer services within the newly incorporated areas.

The BRC also recommended “major changes in the county’s transportation programs”<sup>5</sup> and some spending reductions through elimination of the arts program, the county

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<sup>1</sup> 07 HR 351/AP

<sup>2</sup> Fulton County Blue Ribbon Commission on Fulton County Governance, p.6 (hereafter BRC)

<sup>3</sup> Ibid

<sup>4</sup> BRC pp.6-7

<sup>5</sup> BRC, p.6

supplement for aging services, and improved benchmarking and performance standards.”<sup>6</sup>  
The committee did not study either of these recommendations in detail.

Additionally, the BRC “deferred action on or suggested no significant changes in several areas: Justice System (deferred pending the report on the Blue Ribbon Commission on Justice Systems), parks and recreation, and cooperative extension.”<sup>7</sup>

### **B. Criminal Justice Blue Ribbon Commission**

To provide a starting point for the Courts and Office of the Sheriff subcommittees, the committee reviewed the final recommendations of the Criminal Justice Blue Ribbon Commission (CJBRC), delivered September 20, 2006. The CJBRC made final recommendations on seven issues, of which, six were studied in detail by the study committee.

- **Issue One: Additional Jail Capacity/Adjacent Courtrooms:** The CJBRC recommended that the county “Provide additional jail beds and adjacent courtrooms by Fulton County leasing or purchasing both the Atlanta City Jail and the former Municipal Courthouse. The Atlanta City jail would be the principal intake facility for the booking and processing of detainees with the Municipal Court being the site of First Appearance Hearings, All Purpose Hearings, Plea and Arraignment and any other hearings other than trials.”<sup>8</sup>
- **Issue Two: First Appearance Hearings:** The CJBRC recommended that “Magistrates conduct First Appearance Hearings at the Fulton County Jail on a twenty four hour basis seven days a week instead of the current schedule so as to expedite the release of detainees.”<sup>9</sup>
- **Issue Three: Backlog and Delays:** The CJBRC endorsed “the development, implementation and evaluation of a case management system that ensures the active management of cases from filing to disposition and establishes case processing time standards depending on the complexity of the case.”<sup>10</sup>
- **Issue Four: Uniform Case Processing Data:** The CJBRC endorsed “the collection and publication of uniform case processing data from the filing of a case to final disposition.”<sup>11</sup>
- **Issue Five: Information Systems:** The CJBRC recommended that the county “Establish as soon as possible an integrated and operational criminal justice information system.”<sup>12</sup>
- **Issue Six: Diversion of the Homeless and Mentally Ill:** The CJBRC recommended that the county “Provide diversion programs for individuals who are homeless,

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<sup>6</sup> BRC, p.7

<sup>7</sup> Ibid

<sup>8</sup> Final Recommendations, Criminal Justice Blue Ribbon Commission, September 20, 2006 (CJBRC), p.1

<sup>9</sup> CJBRC, p.4

<sup>10</sup> CJBRC, p.6

<sup>11</sup> CJBRC, p.8

<sup>12</sup> CJBRC, p.10

mentally ill, or have substance abuse problems that have been charged with non-violent crimes. These individuals need clinically supportive community-based (i.e., not jail-based) crisis management, housing, and intervention services.”<sup>13</sup>

Note: This issue was not studied in detail by the committee.

- **Issue Seven: Fragmentation of the Criminal Justice System:** The CJBRC recommended “Criminal Justice System consolidation/unification with the Fulton County and City of Atlanta should be studied.”<sup>14</sup>

## **C. Current State of Fulton County**

### **County Commission Structure**

The Fulton County Board of Commissioners is currently comprised of seven commissioners, with five commissioners elected from districts and two, including the chairman, elected countywide to at-large posts. Commissioners are elected to four year terms and the entire commission is elected during the same election cycle.

The board meets twice monthly and a majority (4 votes) is required to pass any motion before the commission. The commission has no committee structure; all issues are heard before the full commission. All commission members have the ability to place items on the agenda at any meeting. The County Manager, County Attorney and County Clerk report to all seven commissioners. The prison and courts system operate independently of the county commission.

### **Size of Commission**

The study committee recognized that with several new cities incorporating in recent years to the point that Fulton is now over 95% incorporated, that the responsibilities of the county commission have significantly changed. The committee sought to determine if the Board might better serve the citizens of Fulton County with a different structure and thus sought input from current and former Commission chairmen and members.

### **Authority of Commission Chairman**

The committee recognized that relative to the Commission Chairman/Chief Executive in other large metro counties in Georgia, the Fulton Commission chairman has relatively little authority and sought input on strengthening the Chairman position.

### **Office of the Sheriff**

The Office of Sheriff of Fulton County is an elected office, as per the Constitution of the State of Georgia. The Fulton County Sheriff serves a four year term, and elections are held on presidential election years, through party primary and general elections. The Office of Fulton County Sheriff currently employs over 1,000 personnel, with responsibility for

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<sup>13</sup> CJBRC, p.13

<sup>14</sup> CJBRC, p.

management of the Fulton County Jail, Fulton County Courthouse security, and process delivery services. Total expenditures for the Office of Sheriff of Fulton County for the calendar year ended December 31, 2007 were \$90,347,583.

Fulton County Government is currently under a Federal consent decree to improve conditions at the Fulton County Jail. One of the terms of the consent decree limits maximum inmate population to 2,250 at the Fulton County Jail. Fulton County is currently budgeting \$10,000,000 annually for inmate outsourcing to other Georgia correctional facilities to maintain compliance with this mandate. Delayed transfer of state inmates to state correctional facilities has burdened the system capacity further, and insufficient reimbursements from the State of Georgia for state inmate housing have caused the cost to the taxpayers of Fulton County to increase accordingly. Fulton County has appropriated over \$50,000,000 for a multi-year contract to provide mechanical, electrical and plumbing improvements to the Fulton County Jail per the Federal consent decree. Minimum staffing levels within the Jail must also be maintained per the decree.

### **Fulton County Courts**

Fulton County is contained in a single judicial circuit, known as the Atlanta Judicial Circuit. The Superior Court of the circuit is assigned 19 Superior Court Judges. Also, Fulton has approved, by local legislation, 10 State Court Judges, and numerous part-time Magistrate Judges.

Funding of the Superior Court and parts of its staff is mainly through state funding, although the county does provide financial supplemental salary and additional support staff. State & Magistrate Court is fully funded by the county.

All Superior Court and State Court Judges are elected for four (4) year terms, and all Magistrate Judges are subject to appointment by the State Court Chief Judge.

### **County Court Officials**

As part of the Court System, there are numerous other elected or appointed officials serving the court and processing criminal and civil litigation.

1. Clerk of the Superior Court - an elected Constitutional officer, and the Clerk's staff, is the repository and recording office of all court filings and property title records.
2. District Attorney – An elected Constitutional officer, and appointed Assistant District Attorneys, have responsibility to review matters of criminal felony conduct within the circuit jurisdiction, seek indictments and accusations where appropriate, and prosecute the responsible parties before the Superior Court.
3. Sheriff – An elected Constitutional officer, and appointed staff, have responsibility of protection of courts and security of the courthouse. In addition to the Sheriff's other responsibilities related to law enforcement, and service of court papers, the

Sheriff maintains the jail of the county.

### **State Court of Fulton County**

The administration of the State Court is under the oversight of the Chief Judge of the Court.

1. Clerk of the State Court – An appointed official, and the Clerk’s staff, is the repository and recording office of all court filings.
2. Solicitor of the State Court - An elected officer, and appointed Assistant Solicitors, have responsibility to review matters of criminal misdemeanor conduct within the County, which may be assigned to the State Court by law, or transferred to it, seek accusations where appropriate, and prosecute the responsible parties before the State Court.
3. Marshall – An appointed official and appointed staff, have responsibility of protection of the State Courts in the courtroom, and service of State Court papers.

## **III. Study Committee Issues, Testimony & Findings**

### **A. County Commission Structure**

In an effort to determine its recommendation for the structure of the Board of Commissioners, the committee heard testimony from the current and former Chairmen and members of the County Commission, as well as former Atlanta Mayor and current President of the Buckhead Coalition Sam Massell, the Chairman of the BRC, as discussed above, and other interested parties.

Buckhead Coalition President Massell presented the committee with a six point plan for Fulton County Governance during his testimony to the County Commission Structure Subcommittee at its September 12 meeting. Chairman Massell’s plan included (1) Require that all members live in separate districts. (2) Elections for County Commission position should include a primary, in which the top two vote recipients in each district then run county-wide, so that every voter in the county would have an opportunity to elect every member of the commission. (3) That the commissioners have staggered terms to provide for some continuity and institutional knowledge within the commission. (4) That the Chairman continue to be elected as a county-wide at-large position, with the position becoming a full time position and increase the powers of the Chairman, to bring it more in line with other large, metro county Chairman positions. (5) Change elections to non-partisan elections. Chairman Massell felt that changing the City of Atlanta’s elections to non-partisan helped keep the focus on local issues. (6) Grant the county the power to provide specific services to local municipalities, such as traffic direction and enforcement.

Former Atlanta City Councilman and 2006 candidate for Fulton County Commission Chairman Lee Morris testified before the County Commission subcommittee at the September 12 meeting. Morris spoke in favor of Chairman Massell's proposal for non-partisan elections, stating that during his recent campaign, voters throughout the county were more focused on national issues, rather than county/local issues and provided data to the subcommittee that he felt supported his theory that votes were cast strictly on partisan lines down the entire ballot in the most recent (2006) election. Morris disagreed with Massell's proposal for the district primaries with county-wide runoffs (proposal 2 above).

Secretary of State and former Fulton County Commission Chairman Karen Handel provided testimony to the County Commission subcommittee. Secretary Handel stressed that the Board of Commissioners should be a policy making body, noting that during her tenure as Chairman that commissioners regularly become too involved in the day-to-day running of individual county departments.

### **Size of Commission**

In his testimony to the committee at the initial full committee meeting on August 2<sup>nd</sup>, current County Commission Chairman John Eaves stated that he opposed reducing the number of commissioners, on the basis that the districts would be too large.

Secretary Handel spoke in favor of a five member commission, with three districts and two members elected at-large, with one of the at-large members being the Chairman. Handel stated that prior to the county becoming nearly fully municipalized, there was a need for more commissioners, in order for the commissioners to be "closer" to their constituents for zoning issues, which occupied the majority of the commissioners' time. Since the incorporation of the new cities, which now handle their own zoning issues, Secretary Handel felt that now would be appropriate time to discuss reducing the size of the Board of Commissioners.

At the Full Committee meeting on November 29, Chairman Lindsey proposed reducing the size of the commission to 5 members with two options: (1) 3-2 Plan: 3 Districts with 1 member and the Chairman elected at-large and (2) 4-1 Plan: 4 Districts, with the Chairman elected at large.

Chairman Lindsey stated that the advantages of the 3-2 Plan are that every Fulton County voter would have the ability to vote for a majority (3; one district commissioner and both of the at-large members) of the commission members. In either proposal, the changes would be effective for 2010 election.

During the November 29 meeting, the committee held significant debate regarding the size of the commission. A second proposal, from Senator Reed, for a 6-1 plan, with six districts and the Chairman elected at-large had support from some committee members.

### **Authority of Commission Chairman**

Secretary Handel, in addressing the issue of the authority of the Chairman stated that there is probably less sense in electing the Chairman by popular vote, if the powers/authority of the Chairman position were not increased. Secretary Handel told the committee that she is in favor of increasing the authority of the Chairman. Her specific suggestions included giving the Chairman the ability to appoint county department heads, and the ability to hire and fire the County Manager and County Attorney.

Chairman Eaves, in his testimony before the full committee on November 29, gave the committee an overview of the authority that the Chairman position currently has, which he stated was not much more than every other member of the commission, outside of sitting on the Atlanta Regional Commission (ARC), transit planning boards and other boards, with little authority over the County Commission. Chairman Eaves stated that without additional authority, it is hard to articulate an executive vision, and felt that the Cobb and Gwinnett County Commissions were good models to base the Fulton Chairman's authority on.

In response to a question from Senator Reed during his testimony, Chairman Eaves stated that the three powers that he thought would make the position most helpful were: (1) Ability to set and control the County Commission agenda (2) Recommend County Manager and Department Director appointments (3) General oversight of county hiring processes.

### **Staggered Terms for Commissioners**

Committee Member Lynne Riley stated that the concurrent terms of service of the seven members of the Fulton County Board of Commissioners is an anomaly among the 159 counties in the State at Georgia. Concurrent terms of service does not provide for a carry-forward of institutional knowledge should all commissioners fail to seek re-election or fail to win re-election to office. Staggered terms of office will provide for a continuity of policy oversight. Staggered terms will serve to allow an un-interrupted flow of public service to the citizens of Fulton County during election campaigns.

### **Future of South Fulton Area**

After the September vote in which the South Fulton area voted not to incorporate, the County Commission subcommittee heard testimony from South Fulton resident Andre Walker at the October 25 meeting on his plan, which would allow a four year window for South Fulton Residents to annex into existing municipalities, followed by the General Assembly annexing remaining unincorporated areas after the four year period.

Chairman Lindsey assigned Senator Reed to study the South Fulton issue to the full committee. At the November 29 meeting, Sen. Reed recommended a "cooling off" period for the residents of South Fulton and that there be no annexations or incorporations by the General Assembly. Sen. Reed noted that the South Fulton Reserve Fund will provides

services for the area through 2008, and that proposed township legislation pending in the General Assembly could potentially address land use concerns.

### **Non Partisan Elections**

Committee member Brad Carver presented a proposal to the full committee, similar to the proposals presented by Chairman Massell and Councilman Morris to change the Fulton County Commission elections from partisan to non-partisan elections. The committee elected not to consider the proposal as a recommendation at the final meeting.

### **Special Service Districts (SSD) Funds**

County Finance Director Pat O'Connor addressed the County Commission Subcommittee regarding the SSD funds held in reserve for areas that are now incorporated. In 2005, the County had one SSD, to provide municipal services (i.e. fire & police protection, parks, business license, zoning and permitting to the then unincorporated areas. The legislation created the new counties required the County to separate the budget for the SSD into three different areas, defined by the General Assembly: Northwest, Northeast, and South. The SSDs have "reserve" funds remaining in them, which cannot be used by the county, but cannot be transferred to the new cities, without specific legislation authorizing the transfers

### **Review of Authorities, Boards, Commissions**

During its review, the study committee found that Fulton has an usually high number of boards, authorities and commissions, some of which have not met for years. At the November 29 meeting, Chairman Lindsey assigned Representatives Kaiser, Ashe, and Holmes to review the boards and bring a recommendation to the committee. The report from Reps. Kaiser, Ashe and Holmes is printed in its entirety below. The full committee recommends that the Fulton County Commission give further study to all recommendations printed in this section. The recommendation passed by the full committee is printed is printed in Section IV.

It is the recommendation of the Fulton County Joint Study Committee that the Georgia General Assembly review the purpose with which Boards, Authorities, Commissions, and other entities to which appointments are made by the Fulton County Commission, hereinafter referred to as Boards, created in the service of the citizens of the County of Fulton, State of Georgia.

The Study Committee finds that appointments to any Board should be done so with limited terms and clear qualifications on the part of the appointee, and further that the appointee reside within the community/area affected by the decisions of such a body.

*The Study Committee further recommends:*

All Boards should be structured so that the membership of the Board is geographically representative of the community which the Board is designed to serve. Therefore, for those

Boards which have a county-wide function, such as the Library Board, representatives should be drawn from the entire county. However, for those Boards which have a more localized function the representatives should be drawn from the neighborhoods immediately affected. In this way, it is assured that a given Board will be responsive to the community which it is designed to serve.

Board members' terms should be staggered into at least three separate cycles of appointments so as to assure that expiring terms do not leave Board without continuity, but where Board still has a quorum;

Each Board shall have a Presiding Officer, selected by the other Board members on an annual basis, who is responsible for verifying that the Board is acting in compliance with all applicable laws and regulations, for making budget submissions, and for annual reporting of Board operations to County Commission;

That the Fulton County Commission appoint a special Commission every four years, made up of members who have never been members of any Fulton County Board or elected Official in Fulton County, which shall review the functioning of all Boards and report to the Fulton County Commission. The purpose of the report is to make recommendations which maximize the efficiency of the functioning of each Board. The report shall address whether any of the existing Boards should be combined with each other, whether any new Boards should be created, whether the number of members of any Boards should be increased or decreased, whether the terms of the members of Boards should be increased or decreased, whether the qualifications required of the members should be modified, and any other changes to the Boards which will maximize the efficiency of their functioning;

That all Boards have process and procedures in place to make verify they are in compliance with the Georgia Open Meetings Act (O.C.G.A. § 50-14-1 through 50-14-6) and Georgia Open Records Act (O.C.G.A. § 50-18-70 through 50-18-76);

That all Boards provide full disclosure on every financial transaction, and that financial reports be posted on the internet, and budgets are submitted and follow city or county budgeting guidelines;

That full disclosure of any conflict(s) of interest by any candidate for any Board vacancy is disclosed immediately upon consideration for Board appointment. If any such conflict should occur following appointment, Board member shall be required to announce the conflict and recuse him/herself any action with regard to that issue. If any conflict occurring after appointment requires recusal on a regular basis, the Board member shall be required to resign from appointment;

That any disbursement made to any Board is made payable to a corporate entity. Under no circumstances shall any disbursement, be made to any individual Board member by name;

[Additional Proposals for your Consideration]

That the agendas of all Boards be posted on the internet at least five (5) business days prior to the scheduled meeting of each Board and that minutes as well as any recordings of Board meetings are posted on the internet within five (5) business days of their ratification in the case of minutes and within five (5) business days of the meeting in the case of recordings;

That a listing of all Boards be posted on the Fulton County Website. For each Board, all members shall be listed showing the term of each member's appointment. No later than two months prior to the expiration of any Board member's term, a notice of vacancy shall be published which shall include all required qualifications and the contact information for submitting requests for nomination.

That each Board shall make any annual written report to the Fulton County Commission regarding its operations during the preceding year, which shall be posted to the Fulton County Website.

That an entity be created to assist and monitor all Boards. The entity shall make an annual report to the Fulton County Commission, which shall be posted on the Fulton County website, detailing compliance of all Boards with regard to their legal and reporting requirements. The entity shall conduct training sessions for all new Board members regarding the procedures of each Board, as well as any specific information necessary to the functioning of that particular Board, and any further training deemed necessary by the entity and/or any Board.

### **Regional Distribution of Funds**

The study committee recognized that certain regional planning boards, specifically the Atlanta Regional Commission's (ARC), funding and governance formulas were put in place over 40 years ago, and that most of the dynamics and demographics of Fulton County have changed since then. The committee believes that the governance and funding formulas should be reviewed to reflect the current nature of the municipalities that now make up the region. Chairman Lindsey assigned Mr. Al Nash to bring a recommendation to the committee.

### **B. Office of the Sheriff**

#### **County Authority to take Control of the Fulton County Jail**

Due to concerns for courthouse security, the committee researched the possibility of turning the authority for jail administration and security over to the Fulton County Board of

Commissioners. The subcommittee's research revealed Fulton County Code §1-122 which reads:

The governing authority of Fulton County is hereby authorized to maintain and operate facilities within or without the boundaries of said County for the detention, incarceration, or confinement of all persons (including juveniles) subject to detention, incarceration, or confinement under the laws of this State, under any County resolution or under any City ordinance. Such facilities, whether designated as a jail, public works camp or detention center, shall be under the control of such person or official as may be designated by the governing authority of Fulton County, and need not be used exclusively for any one class of prisoner or person.

"Code §1-122 is a local amendment to the Georgia Constitution and was promulgated in 1972, and continued in effect in 1986."<sup>15</sup>

The subcommittee also heard that even with this authority, the County Commission would be reluctant to take direct control over the jail absent the County Commission jailer have the same immunity protections afforded to the Sheriff under current law.

#### **Reimbursement for Housing of State Prisoners**

During his testimony, Fulton County Sheriff Myron Freeman provided the committee with evidence that the approximate daily cost of housing an inmate in the Fulton County Jail of \$78.00. A "snapshot" of the jail's population on September 27, 2007, shows 92 state inmates, 52 of which had been sentenced in the previous thirty days.

#### **Consolidation of Public Safety Departments and Process Service**

The subcommittee sought to determine the cost-effectiveness of having both the Fulton County Marshals and Sheriff's office performing similar functions, such as civil process service. The committee requested information on the cost of process service from each office and to study whether the entire process should be handled by one of the offices, or privatized. Marshal Johnson reported that the annual cost of civil process service for his office is \$600,000, with revenue of \$1.9 million. Sheriff Freeman did not provide cost or revenue data for the civil process service.

#### **Outsourcing of Prisoners**

The committee sought to determine the extent to which the Fulton County prisoners are outsourced and the costs associated with the outsourcing of prisoners. The Sheriff's office provided written information in a "snapshot" of its Daily Inmate Count on October 22, 2007. This snapshot revealed that of a total population of 2,797 inmates, 537 were being

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<sup>15</sup> Fulton County Attorney Gerry L. Clark October 9, 2007 memorandum to Deputy County Manager Suzanne Alliegro, provided to the Sheriff's Subcommittee for October 15, 2007 meeting

held at other facilities, including: Bellwood, Cook County, Marietta, Pelham City, Alpharetta, Decatur, Dekalb County, and the Atlanta Detention Center. The rates paid are negotiated on individual contract basis with each facility, and vary from \$35 to \$68/inmate/day, inclusive of transportation.

### **C. Courts System**

The Subcommittee finds the accessibility of the County's Courts, the speedy resolution of civil litigation and disposition in a timely manner of criminal cases is of the utmost importance to our citizens.

The Subcommittee further finds our county's numerous elected and appointed officials at all levels of our judicial system are dedicated to performance of their respective responsibilities, yet there is a disconnect, with a lack of communication and cooperation between the various offices and branches of the courts. The disconnect is apparent from various officials who have appeared before the Subcommittee and acknowledged problems within the overall court systems which could be readily improved by better cooperation among officials and direct communication between the elected and appointed officials.

The Subcommittee suggests representatives of the Courts and the other elected and appointed officials (i.e. District Attorney, Clerk of Superior Court, Sherriff, State Solicitor, Court Administrator, etc.) consider joint meetings periodically to review issues addressing the various court and judicial operations.

#### **Unification of Jury Pools**

The Courts subcommittee noted that Superior and State Courts of Fulton County separately manage jury pools although both jury pools report to the same assembly area.

#### **Court Case Load Tracking System**

In their testimony to the subcommittee, the Chief Judges of both State and Superior Court cited dramatic increases in case filed, and in turn, pending cases and backlogs. The Courts attribute much of the increase to population growth in Fulton County and noted that Fulton is projected to keep, or increase its population growth rate in the near future. Although both courts strive to keep accurately track of their Case Loads, both would benefit from implementation of a Comprehensive Justice Information System (CJIS).

#### **Speedy Trial Demands**

In testimony to the Subcommittee, the Fulton County District Attorney addressed a disparity which exists between court circuits in Georgia with defendants filing of demands for a speedy criminal trial. When a demand is filed in Fulton Superior Court, the case must be tried before the end of the next court term (court terms are two months in length). Some

court circuits have much longer court terms and this difference of length of terms results in a risk of having a defendant being set free of the charge for which he or she may be guilty.

### **Superior Court Chief Judge**

In her testimony to the subcommittee Chief Judge Downs demonstrated that the Superior Court Chief Judge's position has substantial administrative responsibilities for the court, but very limited statutory authority. Judge Downs specifically noted that having autonomy over personnel, budget (having control over how the money allocated to the Superior Court is spent on line items), automation and case management issues, as well as the ability to appoint magistrates, would be helpful to the overall operation of the court.

### **Greater Utilization of Magistrate Judges**

Fulton County is unique in that the Chief Magistrate position is an appointed, rather than elected position, as it is in the rest of the State. The Fulton County Chief Magistrate has limited statutory authority with respect to management of the magistrate court. In testimony to the committee, the Chief Judges of the State & Superior Courts agreed greater utilization of Magistrate Judges would help alleviate some of the backlog issues currently present in the courts.

### **Courthouse Security**

The courthouse shootings and tragic loss of life at the Fulton County Courthouse in March 2005 have highlighted the need for greater courthouse security. During Courts and Sheriff's subcommittee hearings, testimony revealed that a comprehensive security plan for the Fulton County Courthouse, with all stakeholders participating has yet to be authorized and funded. Currently, the county is paying millions of dollars annually for contract housing of prisoners in other detention facilities, including the City of Atlanta Detention Center, all of which are subject to contract. A major security concern is the daily transportation of prisoners over the lengthy distance from the County's Rice Street facility and the courthouse.

#### **IV. Study Committee Recommendations**

At its final meeting, on December 17, the Study Committee made recommendations from the three subcommittees as follows.

##### **From the County Commission Structure Subcommittee:**

A minority of the committee voted in favor of a seven commissioner plan, with six commissioners elected from districts and that only the chairman be elected countywide. The minority opinion is printed in the appendix.

##### **Authority of Chairman**

The committee recognized that in comparison to other large metro area counties, the position of Fulton Commission Chairman is significantly lacking in authority. The committee recommended that the position of chairman be strengthened by making the chairman a full-time position and allowing the chairman to nominate and terminate the County Manager and department heads (with majority consent of the commission), and to control the commission's agenda, subject to an override by a majority of the commission.

***Passed unanimously.***

##### **Staggered Terms for Commissioners**

In conjunction with the Joint Study Committee recommendation to reduce the number of Fulton County Commissioners from seven to five members, the Committee recommends that the terms of the Fulton County Board of Commissioners be staggered at the general election of 2010. The position of County Commission Chairperson and two district Commissioners shall be elected to serve terms of four years, and shall take office on January 1, 2011. The at-large Commissioner and the third district Commissioner shall be elected to serve terms of two years, and shall take office on January 1, 2011. Thereafter, the successors to all said commissioners shall be elected at the general election immediately preceding the expiration of their terms of office and shall take office on January 1 immediately following their election for terms of four years, or until their successors are elected and qualified.

***Passed unanimously.***

##### **Future of South Fulton**

The committee voted to recommend that the General Assembly not pass any legislation in 2008 relating to incorporations or annexations in South Fulton.

***Passed unanimously.***

**Process/Efficiency of County Fund Transfers**

The committee voted to recommend that local legislation be passed to permit Fulton County to transfer SSD funds to the newly incorporated cities for their use.

*Passed unanimously.*

**Makeup of Authorities and Boards**

It is the recommendation of the Fulton Study Committee that the General Assembly move to reform the standards for the Creation of all Boards, Authorities, Commissions, and any entity to whom the Fulton County Commission appointments members existing to service the County of Fulton and further recommend that the Fulton County Commission, under the leadership of the Fulton County Commission Chair and in collaboration with legal counsel, not to exclude counsel by the County Attorney.

The committee recommends that the Fulton County Commission give further study to the issues presented under this heading in Section III, above.

*Passed unanimously.*

**Regional Distribution of Funds**

It is the recommendation of the Fulton County Joint Study Committee that the General Assembly review how State funds are distributed to Fulton County for planning and transportation purposes and review the make up of Regional Planning Boards, such as the Atlanta Regional Commission (ARC).

The Study Committee finds that the make up of certain Planning Boards and funding procedures were set up a number of years ago when Fulton County was more of a rural county and was not heavily incorporated, and its population was low. Now, with Fulton County being almost entirely incorporated and a population of approaching over one million citizens, the current model for funding and representation does not work.

Therefore, it is the Study Committee's recommendation that the General Assembly move to reform the funding procedure and the make up of Regional Planning Boards in order to accommodate the current model for Fulton County. It is the Study Committee's opinion that these proposed changes will serve the citizens of Fulton County more efficiently and provide proper funding and representation to the citizens of Fulton County.

*Passed unanimously.*

**Size of Fulton County Commission:**

Recognizing that Fulton County is now over 95% municipalized and that many of the previous functions of county government are now handled by municipal governments, the committee voted to recommend reducing the size of the commission to five members, with three districts and two members, including the chairman, elected countywide. This recommendation allows each citizen to vote for a majority of the board members and saves Fulton County an estimated \$1million annually.

*Passed by vote of 6 to 5*

**Powers, Duties and Responsibilities of Fulton County Commission**

The study committee heard extensive testimony that the Commissioners were involved in the day-to-day operations of certain “pet” departments they were interested in and that this involvement was interfering with the operations of the Fulton County Government. The committee voted to affirm to the Fulton County Commission that their role is to be limited to a policy-making body only and to not interfere with day-to-day operations of county departments.

*Passed by vote of 7 to 4.*

A minority of the committee voted against this recommendation. The minority response is printed in the appendix.

**From the Office of the Sheriff Subcommittee:****County Authority to take Control of the Fulton County Jail**

The Study Committee recognized the authority of the County Commission to take over the operation of the jail under the Local Constitutional Amendment §1-122. The Study Committee recommends that the General Assembly pass legislation to give a jailer appointed by the County Commission the same immunity protection enjoyed by the Sheriff.

*Passed unanimously.*

**Courthouse Security**

The committee voted to recommend that the General Assembly enact legislation giving authority to the Fulton County Board of Commissioners to hire a qualified person other than the county sheriff to provide security at the Fulton County Courthouse.

*Passed unanimously*

**Reimbursement for Housing of State Prisoners**

The committee voted to recommend that the General Assembly enact legislation requiring the state to fully reimburse the county for actual and verifiable cost of housing state prisoners in the Fulton County Jail.

*Passed unanimously.*

## **Consolidation of Public Safety Departments and Process Service**

The committee determined that while the statutory authority exists to either appoint a single sole agency for process service, or privatize civil process servicing, further study is needed to determine the best, most cost effective course of action.

*Passed unanimously.*

## **From the Courts Subcommittee:**

### **Legislative Recommendations:**

#### **Unification of Jury Pools**

Superior and State Courts of Fulton County separately manage jury pools although both jury pools report to the same assembly area. A single, unified jury pool would reduce administrative efforts and costs on both courts and simplify the process for the courts and Fulton County residents.

The committee recommends that the General Assembly pass a General Law mandating that counties having a co-located Superior Court and State Court be required to have a single jury pool.

*Passed unanimously.*

#### **Court Case Load Tracking System**

Information is not readily available to gauge case load of civil and criminal cases filed, disposed of, and pending. This information is vital to determine court needs and work distribution for budgeting and personnel. The information is also lacking uniformity throughout the state.

The committee recommends that the General Assembly pass a General Law that requires all trial courts in the state to provide a monthly accounting of case load with uniform standards.

*Passed unanimously.*

#### **Speedy Trial Demands**

The committee recommends that the General Assembly pass a General Law that provides a speedy trial request requires a trial be granted within six (6) months, or by the end of the next court term, whichever is longer.

*Passed unanimously.*

#### **Superior Court Chief Judge**

The committee recommends that the General Assembly pass a Local Law to grant the Chief Judge authority to govern and administer the budget needs and day-to-day operation of the Superior Court, including re-assignment of cases between the judges and courts.

*Passed unanimously.*

**Greater Utilization of Magistrate Judges**

The committee recommends that the General Assembly pass a Local Law to bring Fulton County Magistrates into the same statutory provisions as other Magistrate Courts in Georgia. The Chief Magistrate would be an elected position, with the Chief Magistrate having the ability to appoint, assign, and re-assign and Magistrate Judges. Magistrate Court would become the original court of jurisdiction for misdemeanor cases in Fulton County, with the exception of jury trials, which would be tried in State Court.

*Passed unanimously.*

**Suggestions to the Fulton County Board of Commissioners:**

**Courthouse Security/Location of Detention Center**

To relieve issues associated with jail overcrowding, outsourcing, prisoner transport and security, the committee suggests that the Fulton County Commission build a detention center near the Courthouse of approximately 400 beds.

*Passed unanimously.*

Lieutenant Governor and Mr. Speaker, these are the findings and recommendations of the Joint Study Committee on Fulton County Governance.

We would like to thank the members of this study committee for their hard work and dedication to improving the lives of the people of Fulton County.

Respectfully submitted,

  
\_\_\_\_\_  
Representative Edward Lindsey  
Co-Chairman

  
\_\_\_\_\_  
Senator Dan Moody  
Co-Chairman

Prepared by:  
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**The State Senate**  
Atlanta, Georgia 30334

**COMMITTEES:**  
Ethics  
Judiciary  
Special Judiciary  
State & Local Governmental Operations  
Transportation  
Urban Affairs

January 14, 2008

**MEMORANDUM**

**TO:** Chairman Ed Lindsey  
**FROM:** Senator Kasim Reed   
**RE:** Minority Report Regarding the Size of the Fulton County Commission

I write to provide you and the members of the Committee with our view concerning the need to maintain a seven-member commission which shall consist of six (6) members from newly created districts with a Chairperson who shall be elected countywide. This approach will reform the current seven (7) member commission structure which currently consists of five (5) district commissioners, one (1) at-large commissioner, and the Chairman, who is also elected countywide.

While we are aware that Fulton County is now more than 95% municipalized, the Fulton County Commission remains responsible for the delivery of healthcare, human services, courts, corrections, and other mandated services. We do not believe that the five (5) member commission structure passed by a one vote margin will provide for effective and efficient delivery of all these services, for the following reasons:

1. A shift to a five (5) member commission under the proposed structure would consist of three (3) district commissioners. As a result, commission districts will have more than 300,000 constituents, and the two at-large members will be running for office in a county that has 900,000 residents. This is substantially larger than Congressional Districts, larger than several small states, and the District of Columbia. Indeed, Georgia House members represent only 45,000 constituents and a Georgia State Senator represents approximately 145,000 residents. It makes little sense for the citizens of Fulton County to be represented by Commissioners who serve much larger constituent populations, particularly when the Commissioners are responsible for the delivery of essential county governmental services. We submit that government serves our citizens best when it is closer to its citizens; and that creating these super-districts moves us away from this fundamental principle.

**MEMORANDUM**  
**Chairman Ed Lindsey**  
**January 14, 2008**  
**Page Two**

2. Expanding the size of the commission districts will act as a bar to ordinary citizens who wish to serve on the Fulton County Commission. Simply put, running for public office has become increasingly costly, and running for a position in a district with 300,000 residents will place public service out of the reach of many Fulton County Residents who have a great deal to offer, but who may not have the resources to mount an effective campaign. We should not make a lack of money a bar to government service. Those of us who have been fortunate to be elected to office should not forget the difficult work that it took to win our first elections, and we should not create a structure that prevents others from performing the noble work of public service.
  
3. Having commission districts with 300,000 residents would increase, not reduce the need for support staff. The assertion that reducing the size of the commission from five (5) to seven (7) members would increase efficiency is not supported by the experience of other jurisdictions. On the contrary, during our study we were not able to identify any county commission of similar size and budget which was governed under a five (5) member structure. Rather, we submit that the super-district concept will require an enhanced staff to respond to constituent inquiries and requests. Further, if the newly formed commission does not respond to constituent concerns after the restructuring, it is likely that citizens' frustrations with Fulton County government will increase, taking us back to the point that required the formation of this Study Committee in the first place.

Under your leadership, this Committee has worked on a broad range of issues in an overwhelmingly bi-partisan manner. You have led with a firm but fair hand. I do not believe that we should allow this issue to pull us away from the high ground on which this panel's recommendations have been based. Accordingly, we request that you give the six-one plan your strongest consideration.

## **A Minority Report to the General Assembly Fulton County Study Committee**

**This report is being written to explain why I believe many of the actions and decisions made by a majority of the Study Committee were inappropriate and seemed to be based on preconceived positions that are devoid of any factual bases for decision making. From its inception, the process was fatally flawed and the outcome reflected this fundamental, major defect.**

**First, there were no funds to conduct the basic research needed to provide a detailed and factual analysis on many important aspects of the three major areas of purview. ( I served on a Blue Ribbon Task Force in 1977 – 78 which examined how to improve service delivery in Atlanta and Fulton County, and a budget of \$200,000 was available to contract with the Carl Vinson Institute of Government of the University of Georgia and other experts to conduct research on issue areas identified by the various committees). The 2007 Study Committee had no such funds or any research staff assigned to it. Consequently, the major decisions were based on hearsay, ideology, opinions, partisan and racial considerations by default since there was no factual or objective basis for key votes. For example, in a 6 to 5 vote to reduce the size of the commission from 7 to 5, there was no data or analysis of comparable counties presented to substantiate the assertion that this configuration was best for the county. No data were presented comparing the performance of 2 at-large and 3 district commissions as being more effective or efficient than either the alternative proposal of 6 districts and 1 at-large or retaining the current 5 district and 2 at-large forms. The Fulton County Commissioner on the Committee asserted the 3 – 2 format would save \$1 million per position, but she provided no study or any data to substantiate her claim. I provided a comparative study of 8 comparable Southern County Commissions in Florida, Maryland, Tennessee, Texas and Virginia with populations from 801,515 to 998,948, and pointed out 3 had 9 member commissions, 3 had 7 on their Board, 1 had 5 (all elected by districts) and 1 had 4 members ( all elected by districts). In each of the 7 and 9 member commissions, a majority was elected from the districts. In summary, the data show none had the form adopted by the Study Committee.**

**Second, the composition of the Study Committee was not reflective of the demographics of Fulton County by race or the legislative members by political party. For example, only 3 of the 16 members of the Committee were African Americans in a county which is almost 50 percent Black. No citizen member selected was an African American. Neither of the African American Chairs of the House and the Senate Fulton County legislative delegations was consulted before appointments were made of the 8 legislators on the Committee. The House delegation has 14 Democrats and 8 Republicans, but only 3 legislative appointments were Democrats and 5 were Republicans. In the Senate Fulton delegation, there are 4 Democrats and 3 Republican members, but of the 8 appointed from the Senate, 2 were Republicans, 2 were Democrats and all four citizens' members were Republicans. In short, it appears that a conscious and deliberate effort was made in**

the appointments by the Republican leadership to “stack” the commission with a white Republican majority. Thus, the outcome on critical decisions was “preordained.”

Third, on the above mentioned, 1977-78 Blue Ribbon Commission, subcommittees were appointed and during their second meeting a schedule of dates and times for all subsequent meetings during the 1 year life of the commission were determined in the first month to accommodate as many members as possible. However, no input was sought in 2007 to ensure maximum attendance at all meetings. Despite several attempts by me to get the Co-Chair to follow this same procedure, the Co-Chairs of the full committee and subcommittees made no such effort to set a schedule --- except for the final meeting on December 17<sup>th</sup>. Therefore, some members had prior personal and professional commitments and were unable to attend some meetings. In my personal situation, I contacted the Sheriff Subcommittee Chair the day after she selected the final meeting if she could poll the members to find another date. I was told by the Committee Secretary that during the next three week period that the Chair was available to meet only on that one day that she had selected.

These three fatal flaws resulted in debates and decisions that lacked concrete data, and were based on hearsay and opinions devoid of facts and objective data. For example, the Chairs of the Courts Subcommittee, of which I was not a member asserted the Marshall’s Office was much more efficient than the Sheriff’s Office in delivering summons and warrants, and the committee should consider having only the Marshall’s’ Office to do this task. I ask if there were any`time-line studies which examined the two offices and reached this conclusion. No such study had been done, but a person from the Marshal’s Office had told the Committee that their office did things faster and better. This is a typical example of how discussion occurred in the absence of data. Another example is that, a Committee Member said the Fulton Commission should be non-partisan because national issues were intruding into the elections. When I asked him for evidence of this in commission elections, he could not cite a single election. At best, this Committee should have confined its efforts to identifying areas in need of research and then make sure critical decisions were based on objective data and facts gathered by professional researchers.

Therefore, I must dissent from this report because it appears that some discussions and major decisions were politically and racially biased and other decisions were made without any documentation based on objective, professional research findings.

Submitted by:



Bob Holmes

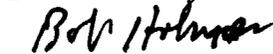
Representative, District 61

## Minority Report on Reprimanding Fulton County Commissioners for Contacting Department Personnel

I oppose the inclusion of the recommendation to reprimand the Fulton County Commission to remind it that it is a policy making body and should not interfere in the day-to-day operations of county agencies and departments. It is an insult and a “political slap in the face” to a constitutional governing authority like the Board of Commissioners to reprimand them in using such language. Every governing authority knows they are a policy making body, but we all know that at times public agency personnel do not respond in an efficient and timely manner and that elected officials/policy makers at all levels of government (national, state and local) have contacted these personnel in an effort to assist our constituents in solving their problems concerning which there has not been either a timely or appropriate response. This is a responsibility of their offices.

Such a personal reprimand goes far beyond the purview of this Study Committee in implying with no data or facts cited that such “interference” is so rampant that it prevents county employees from doing their job. Sometimes, Commissioners do what probably every single State Legislator does who has served more than one term in the General Assembly- to contact an agency to assist a constituent. To formally reprimand the Fulton County Commission for doing the same thing reflects arrogance, a double standard and an inappropriate action by this Study Committee.

Submitted by



Bob Holmes

Representative, District 61

## **Minority Report on Vote to Change the Size of the County Commission**

**The 6 to 5 vote to adopt the proposal to reduce the size of the Fulton County Commission from 7 to 5 was an example of a policy decision based on partisan politics, ideological considerations and subjective judgment devoid of any facts or documentation to substantiate the objective basis for the majority's vote on this matter. I conducted some research on 8 Southern Counties comparable in size (800,000 to 1,000,000 in population) to Fulton County and reported that 3 had commissions with 9 members, 3 had 7 member bodies, one had 5 commissioners ( all elected by districts), and one had 4 members ( also elected by districts). Those with 7 and 9 members had a majority elected from districts and in some cases a Chair elected at-large. Also, the large size of the districts would result in very expensive campaign costs that are unaffordable for middle income candidates for the commission having to run in such large districts.**

**There was no written information or data presented by the proponents of the 5 and 2 member at-large and 3 district plan. No studies were provided with any evidence to support the reduction. Commissioner Riley said it would save \$1 million, but presented no study/report or data to substantiate the claim. No report was presented on the greater efficiency or effectiveness of 5 versus 7 member commission bodies. In short, the decision was based clearly on subjective criteria with no data to substantiate the position.**

**Finally, the votes cast were based along racial and partisan party lines with Republicans and whites in the majority who had an ideological orientation to reduce the size of the Commission despite having no objective data or facts to substantiate their decision.**

Submitted by:



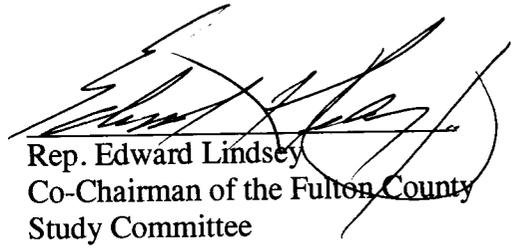
Bob Holmes

Representative, District 61

## **Chairman's Response to Representative Holmes' General Minority Report**

In response to Rep. Bob Holmes' general criticisms to the operation of the Fulton County Study Committee, the following should be pointed out:

1. Rep. Holmes criticizes the fact that the Committee was not given funding to hire outside sources to assist in our investigation and claims that because of that we were not given sufficient data to reach our conclusions. In doing so he ignores the resources made available to us by legislative counsel, the Fulton County Attorney's office, the Fulton County budget office, the Fulton County Commission Chairman's office, the Fulton County Commission, the Fulton County Manager's office, the Fulton County Courts, the Fulton County Marshall's office, and the Fulton County Sheriff's office. In deed I would be remiss if I did not thank all of these offices for their help and cooperation. We could not have completed our work without their assistance. Combined they provided the Study Committee with thousands of pages of documentation and to my knowledge all of the information asked for by members of the Study Committee was provided. In addition, we heard over 30 hours of testimony from County officials, former officials, experts, and citizens of Fulton County. I thank them as well for their assistance.
2. Rep. Holmes criticizes the scheduling of the committee and sub committee hearings. He is correct that additional efforts were made to get full attendance at the critical first and last hearing dates. In regards to the other nine hearing dates, every attempt was made to give several weeks notice of hearing dates to committee members and to ask for members to notify us if they could not participate. On at least one occasion we rescheduled a sub committee meeting in order to maximize participation. This procedure allowed for overwhelming participation by committee members and I thank them for their dedication. (I must also add a personal note that in two terms in the General Assembly in which I have served under Representative Holmes in his capacity as Chairman of the Fulton County House Delegation, this is the same scheduling procedure adopted by Rep. Holmes.)
3. Rep. Holmes also criticizes the composition of the study committee. Every attempt was made to maximize participation across political, geographic, and demographic lines as evidenced by the fact that the vice chairs of the sub committees were Representative Kathy Ashe, Senator Horacena Tate, and Senator Kasim Reed. I thank them for their hard work in on each of the sub committees. In addition, it should be noted that over 90% of our conclusions and recommendations were made with the unanimous consent of the committee members. This unanimity across political, racial, and geographic lines reflects the need for changes in Fulton County.



Rep. Edward Lindsey  
Co-Chairman of the Fulton County  
Study Committee

**Appendix C:  
Courts' Jurisdiction Graphic**

# Superior, State, and Magistrate Courts' Jurisdiction

## Superior Court

- Trial of misdemeanor criminal cases not mentioned below
- Trial of civil actions without regard to amount in controversy, except those actions in which exclusive jurisdiction is vested in the superior courts
- The punishment of contempts by fine of amount between \$200.00 and \$500.00 or by imprisonment between 10 and 20 days
- Review of decisions made by other courts as provided by law

## State Court

- All other cases not specifically mentioned
- Felony cases (except in the case of juvenile offenders)
- Cases respecting title to land
- Divorce cases
- Equity cases
- General supervision over all inferior tribunals

## Magistrate Court

- Trial of charges of violations of county ordinances
- Trial of civil claims, including garnishment and attachment in which exclusive jurisdiction is not vested in the superior court and the amount demanded does not exceed \$15,000
- The issuance of summons, trial of issues and issuance of writs and judgments in dispossessory proceedings and distress warrant proceedings as provided in Articles 3 and 4 of Chapter 7 of Title 44
- The holding of courts of inquiry (preliminary hearings)
- The hearing of applications for and the issuance of arrest and search warrants
- Issuance of warrants and related proceedings as provided in Article 4 of Chapter 6 of Title 17, relating to bonds for good behavior and bonds to keep the peace
- Punishment of contempts by fine not exceeding \$200.00 or by imprisonment not exceeding ten days or both
- The trial and sentencing of misdemeanor violations of Code Section 16-9-20, relating to criminal issuance of bad checks
- The execution or subscribing and the acceptance of written waivers of extradition in the same manner provided for in Code Section 17-13-46
- Trials of misdemeanor violations of Code Sections 16-13-30 and 16-13-2, relating to possession of less than one ounce of marijuana; Code Section 16-8-14, relating to theft by shoplifting of \$300.00 or less; Code Section 3-3-23, relating to furnishing alcoholic beverages to, and purchase and possession of alcoholic beverages by, a person under 21 years of age; and Code Section 16-7-21, relating to criminal trespass.

- The issuing of subpoenas to compel attendance of witnesses in the magistrate court and subpoenas for the production of documentary evidence before the magistrate court

**Appendix D:  
Courts' Human Resource Practices**

## Appendix D: Courts' Human Resource Practices

Table 1 represents the number of employees in the superior and state courts within each county and the percentage of employees in unclassified, at-will positions.

**Table 1**

	<b>Chatham County</b>	<b>Clayton County</b>	<b>Cobb County</b>	<b>DeKalb County</b>	<b>Fulton County</b>	<b>Gwinnett County</b>
<b>Court Employees</b>	71	34	163	173	300	67
<b>Percent Unclassified</b>	100%	24%	100%	100%	50%	100%

Table 2 summarizes the number of personnel functions controlled by each branch of government in the given courts. The functions include various aspects of personnel management such as: job descriptions, job classification, recruiting, screening resumes, hiring, performance evaluation, grievance process, and termination.

**Table 2**

<b>County</b>	<b>Chatham</b>		<b>Clayton</b>		<b>Cobb</b>		<b>DeKalb</b>		<b>Fulton</b>		<b>Gwinnett</b>	
<b>Court</b>	<b>Superior</b>	<b>State</b>										
<b>Executive Functions</b>	0	4	7	7	2	5	1	2	8	8	5	5
<b>Mixed Functions</b>	4	2	1	1	0	3	4	3	5	5	5	5
<b>Judicial Functions</b>	10	8	6	6	12	6	9	9	1	1	4	4

All data were gathered through telephone interviews with the administrators of each court.

**Appendix E:**  
**Board of Commissioners' Resolution 12-0-501**

1                   **RESOLUTION TO PROVIDE AN EXCEPTION, SOLELY FOR THE**  
2                   **OFFICE OF THE SUPERIOR COURT CLERK AND THE SUPERIOR AND**  
3                   **STATE COURT ADMINISTRATION DEPARTMENTS, TO THE BOARD OF**  
4                   **COMMISSIONERS' POLICY REGARDING THE CLASSIFICATION OF**  
5                   **POSITIONS SO AS TO PLACE ALL FUTURE POSITIONS AND ALL**  
6                   **EXISTING PERMANENT POSITIONS, AS SUCH POSITIONS BECOME**  
7                   **VACANT, INTO THE UNCLASSIFIED SERVICE**  
8

9                   **WHEREAS**, it is the policy of Fulton County that the personnel management  
10 system and personnel practices of the County be fair and equitable to all employees;  
11 and

12                   **WHEREAS**, the Board of Commissioners desires to maintain the effectiveness  
13 and efficiency of the Fulton County Superior Court Clerk's Office, and Superior and  
14 State Court Administration Departments; and

15                   **WHEREAS**, on September 20, 2000, the Board of Commissioners voted to  
16 amend the 2000 Pay Schedule and Compensation Plan so that vacant, permanent  
17 positions in Decision Band Method ("DBM") classification C52 and below would be  
18 classified and vacant, permanent positions in DBM classification D61 and above would  
19 be unclassified; and

20                   **WHEREAS**, the amendment to the 2000 Pay Schedule and Compensation Plan  
21 provided that exceptions to this policy would be authorized by the Board of  
22 Commissioners for cause as required by business necessity, law or regulation; and

23                   **WHEREAS**, the Board of Commissioners hereby determines that an exception to  
24 this policy should be made for the Fulton County Superior Court Clerk's Office and the  
25 Superior and State Court Administration Departments ("Departments") to require the  
26 placement into the unclassified service of (1) all positions created in those Departments  
27 in the future, (2) all currently vacant, permanent positions in those Departments, and (3)

28 all current, permanent positions in those Departments at such time as each becomes  
29 vacant in the future; and

30 **WHEREAS**, the placement of the above positions in the Superior Court Clerk's  
31 Office and Superior and State Court Administration Departments in the unclassified  
32 service will ensure that the Departments maintain their effectiveness and efficiency;

33 **NOW, THEREFORE, BE IT RESOLVED**, that, with respect to the Fulton County  
34 Superior Court Clerk's Office and Superior and State Court Administration Departments,  
35 the following positions shall be placed into the unclassified service:

- 36 (1) all positions created in those Departments in the future,  
37 (2) all currently vacant, permanent positions in those Departments, and  
38 (3) all current, permanent positions in those Departments at such time as each  
39 becomes vacant in the future.

40 **BE IT FURTHER RESOLVED**, that the County Manager and Personnel Director  
41 are hereby directed to take all such steps as are necessary to implement the terms of  
42 this Resolution.

43 **BE IT FURTHER RESOLVED**, that this Resolution shall become effective upon  
44 its adoption, and that all resolutions and parts of resolutions in conflict with this  
45 Resolution are hereby repealed to the extent of the conflict.

46 **SO PASSED AND ADOPTED**, this \_\_\_ day of \_\_\_\_\_, 2012.

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**SPONSORED BY:**  
  
Liz Hausmann, Commissioner  
District 3

12-0501  
RECESS MEETING PCS 6/20/12

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John H. Eaves, Chairman  
District 1, At-Large



Tom Lowe, Commissioner  
District 4



Joan P. Garner, Commissioner  
District 6

ATTEST:

APPROVED AS TO FORM:



Mark Massey, Clerk to the Commission



David Ware, County Attorney

P:\CALegislation\BOC\Resolutions\2012 Resolutions\Commissioner Hausmann\06.20.2012 State and Superior Court and Superior Court Clerk-Change to Unclassified Service (AP).docx

ITEM # 12-0501 RCS 6/28/12  
RECESS MEETING

**Appendix F:  
Court Reporter Management Models**

## Models of Court Reporter Management in Georgia

<b>Model</b>	<b>Description</b>	<b>Example Jurisdictions</b>
<b>Per diem court reporters assigned to judges</b>	<ul style="list-style-type: none"> <li>• Court reporters are assigned to and supervised by a judge, but scheduled to work on a per diem basis</li> <li>• 1-2 court reporters may serve one judge</li> </ul>	<ul style="list-style-type: none"> <li>• Gwinnett Superior and State Courts</li> </ul>
<b>Salaried court reporters assigned to judges</b>	<ul style="list-style-type: none"> <li>• Court reporters are employed by Court Administration on a full-time basis and are eligible for salaries and benefits</li> <li>• Court reporters are assigned to and supervised by judges</li> <li>• Court reporters' schedules are determined by their assigned judges</li> </ul>	<ul style="list-style-type: none"> <li>• Augusta Superior Court</li> <li>• Stone Mountain Superior and State Court of DeKalb County</li> <li>• State Court of Cobb County</li> </ul>
<b>Pure pooling</b>	<ul style="list-style-type: none"> <li>• Court reporters are scheduled by Court Administration on a per diem basis to cover different courts as needed</li> </ul>	<ul style="list-style-type: none"> <li>• Eastern Superior Court and State Court of Chatham County</li> <li>• State Court of Richmond County</li> </ul>
<b>Modified pooling</b>	<ul style="list-style-type: none"> <li>• Court reporters are employed by Court Administration on a full-time basis and are scheduled to cover different courts as needed</li> </ul>	<ul style="list-style-type: none"> <li>• State Court of Fulton County</li> </ul>
<b>Hybrid</b>	<ul style="list-style-type: none"> <li>• Court reporters are employed by Court Administration</li> <li>• Some court reporters are assigned to judges and others are "pooled" and scheduled by Court Administration</li> </ul>	<ul style="list-style-type: none"> <li>• Atlanta Superior Court</li> <li>• Cobb Superior Court</li> </ul>

**Appendix G:  
Superior Court Transcript Policy**

MANUAL FOR OFFICIAL  
COURT REPORTERS

FULTON SUPERIOR COURT  
ATLANTA JUDICIAL CIRCUIT

2011 EDITION

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**B. TRANSCRIPTION AND BILLING PROCEDURES FOR ALL REPORTERS**

1. Criminal Matters:

Always ascertain whether the attorney is retained (hired) or appointed, and require all retained attorneys to pay in advance for transcripts.

(a) Pleas and Probation Revocations: Pleas and probation revocations must be transcribed and filed with the Clerk's office, Criminal Division. Only one copy of a plea/probation revocation is to be filed, and it should be stapled at the top with no outer cover.

Pleas/probation revocations are to be charged at the fee schedule rate that is in place at the time of the taking. The County is not required to pay for pleas that are transcribed more than a year from the date of taking. The County will pay for probation revocations transcribed after one year. Fulton County will only pay for plea transcripts over one year old with documentation provided from the requesting party.

Although only one plea/probation revocation is filed, the payment for the plea includes a copy for the defendant. If defendant or counsel for defendant requests a copy, they are entitled to that copy at no extra charge.

Your goal should be to file these transcripts within six (6) months of takedown.

(b) Other Criminal Matters: All motions, hearings, trials, etc., the outcome of which is adverse to the Defendant, are to be transcribed and filed, except bond motions and preliminary hearings. Bond motions and preliminary hearings are only transcribed upon request. Bill for the original-plus-two copies rate as set forth in the prevailing fee schedule at the time of taking. File an original and one copy and set aside a copy for the Defendant.

If the attorney for the Defendant is a public defender, conflict defender, or appointed counsel, bill the County through Court Administration for the transcript. If the attorney is retained by the Defendant, the Defendant's attorney is responsible for payment. After a trial, the reporter needs to contact the attorney, if retained, and request a deposit before you begin the transcript, and it is permissible to ask for the total anticipated amount. If the Court appoints an attorney to represent the

Defendant after the trial, the transcript is to be billed to the County.

(c) Mistrials: If a transcript of a trial that ended in a mistrial or not guilty verdict is ordered, the rate to be charged for that transcript will be the prevailing rate at the time the transcript is ordered, and not the rate in place at the time it was taken down. These are sometimes ordered years later when the Defendant or a co-defendant is tried.

If a public defender or retained attorney orders a transcript from a mistrial or not guilty verdict, get the request in writing. If it is a long transcript, over 500 pages, get an Order from the Judge directing you to transcribe and the County to pay. File the Order with the Clerk's office and keep a stamped filed copy to attach to your invoice. Then transcribe as usual and bill the County through Court Administration for the original plus two, providing a copy to the Defendant's attorney.

If an Assistant District Attorney orders a transcript from a mistrial or not guilty verdict that would not otherwise be transcribed, get the request in writing. If it is a new ADA or the transcript is over 500 pages, make sure they are aware what the cost will be. Then transcribe and charge the District Attorney's Office for the original plus two, providing the copy to the ADA. Take the ADA's bill to the window on the third floor in old Superior Court building on Pryor Street. List the ADA's name who requested the transcript and your Fulton County Vendor Number and Tax I.D. Number on the invoice. Include a copy of the written request.

(d) ASCIIs and CD's to DA's Office: ALL guilty trial transcripts are to be put on non-rewritable (CD-R) CDs for the DA's office and billed at .35 per page (or current exhibit rate). Put the CDs in a paper sleeve with the cover page of the trial inside and deliver to the Third Floor window in the FCC building. Follow the log-in procedure for Sonia Santiago (or her position). She will forward your invoice for payment. Include your vendor number and tax I.D. no. on your invoice.

## 2. Civil Matters:

(a) Civil Takedown: The reporter bills takedown per hour, divided by the number of participating attorneys. Do not bill the hourly rate per party or per attorney. The hourly rate is multiplied by the number of hours of takedown and is prorated by quarter hours. For example: Per hour rate X hours. If two parties are sharing takedown, you would divide by 2. Divide the

total takedown by the number of parties or attorneys participating and charge them accordingly. It is a good idea to round to the nearest dollar, as the attorneys usually would rather not have to deal with change.

The takedown fee is due at the end of the matter being taken down. This needs to be conveyed to counsel before any takedown begins. The court reporter may bill for the takedown if desired, but it is customary for most reporters to request payment before the parties leave the courtroom.

For a trial you may want to advise that you expect takedown to be paid when the case goes to the jury, and give an estimate of the amount due the day before the jury is expected to get the case, so they can bring a check the next day. On trials that go on for weeks, you may request takedown be paid at the end of each week.

(b) Civil Transcripts: A civil matter is only transcribed if requested by one of the parties. The party must have participated in the takedown, and the takedown must have been paid. It is advisable to request a deposit before commencing work on the transcript. Some reporters request 100 percent of the transcript amount prior to working on it, which is acceptable, but it is the reporter's choice as to how to handle this.

The cost of the original plus two copies is determined by the fee schedule and is dictated by the fee schedule in place at the time the transcript is ordered and not the price at the time it was taken down.

Usually the party who is appealing will order the original (which means 0+2), and the other party orders a copy. If both parties or multiple parties wish to participate in the original transcript, add the extra copy costs to the 0+2 and divide accordingly, so that all parties pay the same amount and all receive a copy.

The original plus one copy are to be filed with the Clerk's office, Civil Division, 1<sup>st</sup> floor in the Slaton building (136 Pryor Street) and one copy goes to each party ordering the transcript.

### 3. Daily Copies:

(a) Criminal: If a judge orders that a transcript be prepared overnight in a criminal matter, the reporter will charge the prevailing daily copy rate and must submit an order signed by the judge along with the bill for the transcript.

The reporter should bill Fulton County for a daily copy rate for the original transcript provided to the defense attorney, if ordered by the Judge. If more than one Defendant, a copy rate (not daily) should be billed for each additional Defendant. A copy rate (not daily) should be billed to Fulton County for the State's copy. A copy rate (not daily) should be billed to Fulton County for the judge's copy, if one is requested. However, the Court should be aware that there will be a bill for their copy so they can take that into consideration. This will affect some judges' decision on whether to have their own copy.

See the Death Penalty section for more information on how to file daily copy transcripts.

(b) Civil: If an attorney who is retained or in a civil case requests overnight transcription, that attorney is required to pay the daily copy rate, and the reporter should request payment in advance.

4. Expedited Copies:

(a) If a transcript in a criminal matter is ordered by the court to be done over the weekend or within 48 hours of the close of court, then an order from the judge must be submitted with the bill for that transcript, and the expedited rate can be charged.

(b) If an attorney who is retained or in a civil case requests a transcript within 48 hours or over a weekend, that attorney is required to pay the expedited rate, and the reporter should request payment in advance.

**Appendix H:  
Budget-Actual Expenditures, 2002-2012**

**General Fund Budget  
Historical Trend**

**FULTON COUNTY JUSTICE BUDGETS/ACTUALS: 2002-2012**

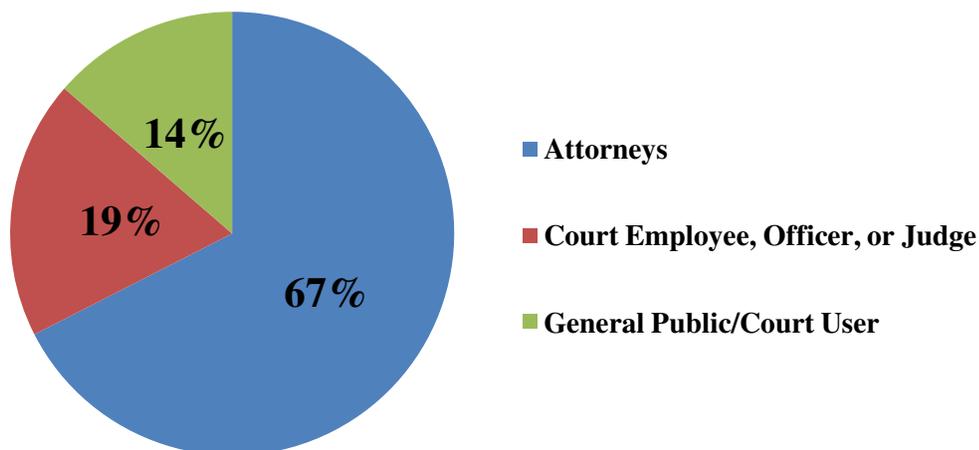
EXPENDITURES	2002		2003		2004		2005		2006		2007		2008		2009		2010		2011		2012		% Change Budget 2002-2011	% Change Actual 2002-2011	% Change Budget 2007-2011	% Change Actual 2007-2011	% of Justice Budget 2012
	Budget	Actual																									
<b>Criminal Justice</b>																											
County Marshal	\$ 5,099,212	\$ 4,820,614	\$ 5,250,004	\$ 4,678,201	\$ 5,112,215	\$ 4,694,826	\$ 5,163,500	\$ 4,664,853	\$ 4,958,096	\$ 4,762,393	\$ 5,383,776	\$ 5,247,619	\$ 5,784,059	\$ 5,725,940	\$ 5,510,187	\$ 5,280,046	\$ 5,464,134	\$ 5,433,732	\$ 5,728,544	\$ 5,557,648	\$ 5,975,910	12%	15%	6%	6%	3%	
District Attorney	\$ 16,084,746	\$ 16,223,578	\$ 17,597,707	\$ 17,025,187	\$ 19,093,296	\$ 17,835,732	\$ 19,561,000	\$ 19,023,440	\$ 19,340,096	\$ 19,597,891	\$ 20,373,083	\$ 19,466,307	\$ 21,876,247	\$ 21,462,509	\$ 20,911,797	\$ 20,611,165	\$ 21,266,871	\$ 20,882,310	\$ 21,206,014	\$ 20,022,701	\$ 22,020,651	32%	23%	4%	3%	10%	
Juvenile Court	\$ 12,988,775	\$ 13,129,867	\$ 13,426,872	\$ 13,247,703	\$ 13,816,479	\$ 13,187,001	\$ 14,243,000	\$ 13,363,929	\$ 13,812,072	\$ 13,953,129	\$ 14,331,053	\$ 13,524,780	\$ 15,020,135	\$ 14,270,831	\$ 14,307,782	\$ 13,247,470	\$ 14,461,673	\$ 12,999,863	\$ 14,009,511	\$ 12,881,379	\$ 13,982,508	8%	-2%	-2%	-5%	6%	
Medical Examiner	\$ 3,131,259	\$ 3,049,530	\$ 3,374,766	\$ 3,155,582	\$ 3,483,620	\$ 3,122,937	\$ 3,540,000	\$ 3,206,569	\$ 3,318,782	\$ 3,179,902	\$ 3,495,687	\$ 3,436,805	\$ 3,732,535	\$ 3,478,267	\$ 3,583,747	\$ 3,438,052	\$ 3,457,457	\$ 3,433,074	\$ 3,678,604	\$ 3,498,626	\$ 3,784,793	17%	15%	5%	2%	2%	
Probate Court	\$ 2,174,173	\$ 2,113,856	\$ 2,282,274	\$ 2,138,617	\$ 2,380,224	\$ 2,175,922	\$ 2,435,000	\$ 2,230,254	\$ 2,465,735	\$ 2,382,929	\$ 2,703,655	\$ 2,531,490	\$ 2,870,736	\$ 2,599,418	\$ 2,732,261	\$ 2,518,054	\$ 2,618,425	\$ 2,540,427	\$ 2,584,050	\$ 2,497,826	\$ 2,812,237	19%	18%	-4%	-1%	1%	
Public Defender	\$ 8,374,029	\$ 8,702,100	\$ 9,238,558	\$ 8,887,474	\$ 10,774,976	\$ 9,418,752	\$ 10,861,000	\$ 10,125,153	\$ 11,276,058	\$ 10,723,176	\$ 12,296,595	\$ 10,359,623	\$ 11,584,169	\$ 10,580,301	\$ 11,943,460	\$ 10,439,158	\$ 11,781,338	\$ 10,732,040	\$ 12,674,455	\$ 11,803,171	\$ 13,067,023	51%	36%	3%	14%	6%	
Sheriff	\$ 79,295,012	\$ 82,970,680	\$ 78,103,432	\$ 78,887,640	\$ 80,998,931	\$ 80,980,042	\$ 83,869,085	\$ 86,555,612	\$ 86,433,139	\$ 87,563,065	\$ 94,466,793	\$ 90,347,583	\$ 98,000,000	\$ 97,453,299	\$ 93,460,186	\$ 93,383,515	\$ 95,018,176	\$ 96,212,731	\$ 97,556,314	\$ 93,216,173	\$ 97,095,638	23%	12%	3%	3%	43%	
State Court - Solicitor General	\$ 4,507,842	\$ 4,320,323	\$ 4,736,057	\$ 4,828,572	\$ 5,550,613	\$ 4,940,147	\$ 5,493,000	\$ 5,091,323	\$ 5,712,854	\$ 5,323,476	\$ 5,853,836	\$ 5,686,687	\$ 6,324,108	\$ 5,964,232	\$ 6,084,094	\$ 5,806,259	\$ 6,010,063	\$ 5,885,665	\$ 5,863,244	\$ 5,647,452	\$ 6,314,762	30%	31%	0%	-1%	3%	
State Court - General	\$ 8,004,589	\$ 8,545,920	\$ 9,501,757	\$ 10,548,071	\$ 11,476,851	\$ 10,937,893	\$ 11,861,000	\$ 11,353,397	\$ 12,409,365	\$ 12,287,830	\$ 12,874,610	\$ 12,857,655	\$ 13,823,297	\$ 13,344,814	\$ 13,702,730	\$ 13,240,799	\$ 14,293,140	\$ 13,672,021	\$ 13,806,241	\$ 13,148,272	\$ 13,851,941	72%	54%	7%	2%	6%	
State Court - Judges	\$ 2,918,428	\$ 2,796,279	\$ 3,195,126	\$ 3,000,390	\$ 3,606,145	\$ 3,429,290	\$ 3,705,000	\$ 3,422,370	\$ 3,515,764	\$ 3,515,808	\$ 3,864,945	\$ 3,736,164	\$ 4,136,659	\$ 3,825,517	\$ 3,978,355	\$ 3,728,164	\$ 4,182,867	\$ 3,993,971	\$ 4,203,271	\$ 4,081,103	\$ 4,438,058	44%	46%	9%	9%	2%	
State Court (w/o SG) - Total	\$ 10,923,017	\$ 11,342,199	\$ 12,696,883	\$ 13,548,461	\$ 15,082,996	\$ 14,367,183	\$ 15,566,000	\$ 14,775,767	\$ 15,925,129	\$ 15,803,638	\$ 16,739,555	\$ 16,593,819	\$ 17,959,956	\$ 17,170,331	\$ 17,681,085	\$ 16,968,963	\$ 18,476,007	\$ 17,665,992	\$ 18,009,512	\$ 17,229,375	\$ 18,289,999	65%	52%	8%	4%	8%	
Superior Court - Clerk	\$ 11,286,844	\$ 11,564,743	\$ 11,836,413	\$ 12,578,013	\$ 14,007,530	\$ 12,897,963	\$ 14,060,000	\$ 13,426,103	\$ 13,771,125	\$ 13,766,008	\$ 14,411,858	\$ 14,074,361	\$ 15,300,255	\$ 14,473,391	\$ 14,792,160	\$ 14,105,670	\$ 14,816,769	\$ 14,508,567	\$ 15,930,363	\$ 14,920,210	\$ 16,582,852	41%	29%	11%	6%	7%	
Superior Court - General	\$ 16,013,330	\$ 16,326,599	\$ 17,341,225	\$ 17,384,650	\$ 19,030,804	\$ 18,334,958	\$ 17,622,000	\$ 17,604,453	\$ 17,935,683	\$ 17,399,194	\$ 19,899,649	\$ 18,290,374	\$ 19,921,077	\$ 19,634,340	\$ 19,640,631	\$ 18,548,888	\$ 19,219,858	\$ 18,311,184	\$ 20,083,127	\$ 18,987,921	\$ 20,517,297	25%	16%	1%	4%	9%	
Superior Court - Judges	\$ 3,483,939	\$ 3,514,847	\$ 4,041,898	\$ 3,754,967	\$ 4,260,836	\$ 3,952,040	\$ 4,301,000	\$ 4,042,094	\$ 4,224,534	\$ 4,159,649	\$ 4,626,206	\$ 4,419,214	\$ 5,109,572	\$ 4,744,716	\$ 4,877,663	\$ 4,584,687	\$ 5,124,095	\$ 4,832,745	\$ 5,124,299	\$ 5,006,666	\$ 5,320,092	47%	42%	11%	13%	2%	
Superior Court - Total	\$ 30,784,113	\$ 31,406,189	\$ 33,219,536	\$ 33,717,630	\$ 37,299,170	\$ 35,184,961	\$ 35,983,000	\$ 35,072,650	\$ 35,931,342	\$ 35,324,851	\$ 38,937,713	\$ 36,783,949	\$ 40,330,904	\$ 38,852,447	\$ 39,310,454	\$ 37,239,245	\$ 39,160,722	\$ 37,652,496	\$ 41,137,789	\$ 38,914,797	\$ 42,420,241	34%	24%	6%	6%	19%	
<b>Total Justice</b>	\$ 173,362,178	\$ 178,078,936	\$ 179,926,089	\$ 180,115,067	\$ 193,592,520	\$ 185,907,503	\$ 196,714,585	\$ 194,109,550	\$ 199,173,303	\$ 198,614,450	\$ 214,581,746	\$ 203,978,662	\$ 223,482,849	\$ 217,557,575	\$ 215,525,053	\$ 208,931,927	\$ 217,714,866	\$ 213,438,330	\$ 222,448,037	\$ 211,269,148	\$ 225,763,762	28%	19%	4%	4%		
<b>Total General Fund Budget</b>	\$ 599,878,147		\$ 614,393,958		\$ 603,453,265		\$ 627,942,826		\$ 615,992,058		\$ 659,968,069		\$ 671,469,078		\$ 665,839,742		\$ 588,501,410		\$ 594,968,519		\$ 605,364,427	-1%		-10%			
<b>Total Justice as % of General Fund</b>	29%		29%		32%		31%		32%		33%		33%		32%		37%		37%		37%						
<b>Total Courts as % of Justice</b>	24%		26%		27%		26%		26%		26%		26%		26%		26%		27%		27%						
<b>Total State and Superior Courts % Actual:Budget</b>	\$ 41,707,130	\$ 42,748,388	\$ 45,916,419	\$ 47,266,091	\$ 52,382,166	\$ 49,552,144	\$ 51,549,000	\$ 49,848,417	\$ 51,856,471	\$ 51,128,489	\$ 55,677,268	\$ 53,377,768	\$ 58,290,860	\$ 56,022,778	\$ 56,991,539	\$ 54,208,208	\$ 57,636,729	\$ 55,318,488	\$ 59,147,301	\$ 56,144,172	\$ 60,710,240	42%	31%	6%	5%	27%	
<b>Personnel</b>	\$ 32,986,883		\$ 35,202,231		\$ 40,926,833		\$ 40,739,636		\$ 41,003,430		\$ 43,512,919		\$ 46,667,600		\$ 44,814,721		\$ 46,562,257		\$ 47,797,116		\$ 49,998,754	42%		6%		27%	
<b>Operating</b>	\$ 8,720,247		\$ 10,714,188		\$ 11,455,333		\$ 10,809,364		\$ 10,853,041		\$ 12,164,349		\$ 11,623,260		\$ 12,176,818		\$ 11,074,472		\$ 11,350,185		\$ 10,711,486	30%		-7%		5%	

**Appendix I:  
Task Force Questionnaire Summary**

## Task Force Questionnaire Summary

The Task Force administered an online questionnaire open to metropolitan Atlanta attorneys, court employees, and the public. The questionnaire gauged their opinions about the Fulton County courts, ensuring the Task Force focused on court users' concerns. A link to the questionnaire was distributed to metropolitan Atlanta lawyers and court employees via email, and the public was able to access the questionnaire through any of the courts' or clerks' websites and the State Bar of Georgia's website. A Spanish version of the questionnaire was also available for general public respondents. Graph 1 shows a summary of all respondents.

### Graph 1: Questionnaire Respondents



One thousand three hundred fifty six people took the survey, including four Spanish respondents. The large number of attorney responses is likely due to the mass email sent to all metropolitan area lawyers informing them of the survey.

The questionnaire asked respondents' opinions on a wide range of court issues. It also gave them the opportunity to list their major areas of concern. After analyzing their responses, AOC staff reported these primary areas of concern for all respondents groups.

1. Professionalism and Customer Service
2. Technology Utilization
  - a. E-filing
  - b. Online access to records
  - c. Electronic hearings
3. Court Efficiency and Effectiveness

The Task Force believes its recommendations respond to all of these areas of concern, and therefore, if implemented, all court users' experiences will improve.

Recommendation 7.2 details the Task Force's wish that an official survey of the Fulton County Courts be conducted on a regular basis to establish a baseline and track progress towards goals.

**Appendix J:  
Core and Affiliated Court Functions**

*Fulton County Court Improvement Task Force  
Analysis of Operational and Administrative Functions*

Core Court Functions		Superior Court	State Court	Magistrate Court
<b>Intake / Filing</b>	Formal Name	<b>Clerk</b>	<b>Chief Clerk</b>	
	Duties	<p>Receives all court costs; Charges and collects in advance fees for recording deeds, mortgages, and other instruments which are legally entitled to be recorded on the deed and mortgage records; Issues and signs every summons, writ, execution, process, order or other paper under authority of court; Maintains the clerk's automated civil and criminal case management systems; Keeps an electronic database for recording all deeds, liens, executions, lis pendens, maps and plats, and all other documents concerning or evidencing title to real or personal property; Generates a transcript of the record for appeals to the Supreme Court or Court of Appeals</p>	<p>Plans and programs overall operations; Directs executive and financial functions, including budgeting, staffing, strategic planning, and the allocation of resources and court services; Manages human resources; Develops, monitors, and facilitates implementation of policies and procedures; Oversees the automated case management system; Prepares reports on court operations and programs; Forecasts future trends in court operations; Advises assigned staff on legal issues that impact court operations; Prepares court orders and issues legal opinions as required</p>	
	Authority for Position	General Law / O.C.G.A. § 15-6-50.	Local Law / Ga. L. 1976, p. 3023.	Local Law / Ga. L. 1980, p. 3735.
	Method of Selection	Elected by the public	Appointed by State Court judges	

*Fulton County Court Improvement Task Force  
Analysis of Operational and Administrative Functions*

Core Court Functions		Superior Court	State Court	Magistrate Court
<b>Judicial Administration</b>	Formal Name	<b>Chief Judge</b>	<b>Chief Judge</b>	<b>Chief Magistrate</b>
	Duties	<p>Responsible for the administration and the expeditious disposition of the business of the court; Establishes court procedures; Appoints the six-member board of jury commissioners; Employs court administrator; Requests the assistance of judges from either inside or outside of the county; When necessary, authors written order for session of Superior Court to be held outside county site; Certifies to the Council of Superior Court Judges of Georgia the names and addresses of all persons appointed as court reporters for the superior courts</p>	<p>Responsible for the administration and expeditious disposition of the business of the court; Makes rules necessary for the purpose of administration; Allocates the jurisdiction and power of the court and the duties of the judges, provided that any assignment of cases to or among the other judges shall be in accordance with a published rule of the court; Assigns to the judges of the court the business of the court; Makes and publishes calendars; Appoints part-time magistrates upon the recommendation of the chief magistrate on an annual basis; Appoints full-time magistrates</p>	<p>Recommends the appointment of part-time magistrates on an annual basis; Assigns cases among the several magistrates and decides any disputes between magistrates</p>
	Authority for Position	Local Procedure of Atlanta Judicial Circuit R. 120	Local Law / Ga. L. 1976, p. 3023.	Local Law / Ga. L. 1983, p. 4373.
	Method of Selection	Elected by Superior Court judges	Appointed by State Court judges	

*Fulton County Court Improvement Task Force  
Analysis of Operational and Administrative Functions*

Core Court Functions		Superior Court	State Court	Magistrate Court
<b>Court Administration</b>	Formal Name	<b>Court Administrator</b>	<b>Court Administrator</b>	
	Duties	Responsible for all administrative and executive operations of the respective courts including the management of caseload, human resources, fiscal administration, technology, information systems, and office space; intergovernmental liaison, community relations and public information, research and advisory services, and secretarial services.		
	District Court Administrator Duties	<p style="text-align: center;">Under O.C.G.A. § 15-5-6, assist the district administrative judge in (1) requesting, collecting and evaluating information from the courts of record within the judicial administrative district and (2) authorizing and assigning visiting superior court judges;</p> <p>Provide general court administrative services and other duties as assigned, e.g. recommends and implements innovative programs and procedures to improve court operations;</p> <p style="text-align: center;">cooperates with governmental officials, bar associations and court related agencies and officials on a local, regional and state level; prepares grant applications;</p> <p>assigns civil actions against judicial officers to superior court judges of the circuit</p>	N/A	
	Authority for Position	General Law / O.C.G.A. §§ 15-6-28; 15-5-6	Local Law / Ga. L. 1999, p. 3781.	
	Method of Selection	Appointed by Chief Judge with majority consensus of the judges	Appointed by State Court judges	

*Fulton County Court Improvement Task Force  
Analysis of Operational and Administrative Functions*

Core Court Functions		Superior Court	State Court	Magistrate Court
<b>Court Interpreters</b>	Duties	Interpret from foreign or sign language into English in court proceedings		
	Organization	Requested by Court Administration	Requested by Court Administration	
	Authority for Position	General Laws / O.C.G.A. § 15-1-14; O.C.G.A. § 24-9-102 (effective until January 1, 2013); Georgia Supreme Court Order on the Use of Interpreters		
<b>Jury Clerks / Juror Management</b>	Duties	Oversee processes and requirements related to juries, including administering questionnaires or summonses to prospective jurors and facilitating jury selection		N/A
	Organization	Independently select jurors for Superior and Probate Courts from county jury pool	Independently select jurors for State Court from county jury pool	
	Authority for Position	General Law / O.C.G.A. § 15-12-23.		
	Method of Selection	Appointed by Chief Judge	Hired by Court Administration with consent of the judges	
<b>Court Reporters</b>	Duties	Attend court and, when directed by the judge, record testimony and proceedings in a criminal or civil case		
	Organization	Generally, a court reporter is assigned to a judge, although some court reporters are shared and assigned by Court Administration	Pool of shared court reporters; assigned by senior court reporter	N/A
	Authority for Position	General Law / O.C.G.A. § 15-14-1.	General Law / O.C.G.A. § 15-7-47.	
	Method of Selection	Hired by assigned judge or Court Administration	Hired by Court Administration	Provided by parties

*Fulton County Court Improvement Task Force  
Analysis of Operational and Administrative Functions*

Affiliated Court Functions		Superior Court	State Court	Magistrate Court
<b>Law Enforcement and Security</b>	Formal Name	<b>Sheriff's Department</b>	<b>Marshal's Department</b>	
	Duties	Acts as general law enforcement officer; Provides security in Superior Court; Executes and returns the processes and orders of the courts;  Publishes sales, citations, and other proceedings as required by law and keeps a file of all newspapers in which official advertisements appear; Keeps an execution docket; Keeps record of all sales made by process of court or by agreement of the parties under the sanction of the court	Acts as general law enforcement officer; Serves civil process; Executes eviction writs; Executes Probation and Magistrate Court warrants; Enforces writs of possession (turn over orders); Conducts Judicial Sales; Serves dispossessory warrants; Provides security in State and Magistrate Courts	
	Authority for Position	General Law / O.C.G.A. § 15-16-1.	Local Law / Ga. L. 1976, p. 3023.	Local Law / Ga. L. 1981, p. 3262.
	Method of Selection	Elected by the public	Appointed by the State Court judges	
<b>Prosecution</b>	Formal Name	<b>District Attorney</b>	<b>Solicitor</b>	
	Duties	Prosecutes all felony crimes on behalf of the citizens of Fulton County; Advises law enforcement officers concerning the sufficiency of evidence, warrants, and similar matters relating to the investigation and prosecution of criminal offenses; Prosecutes and defends any civil action where the state is an interested party*	Investigates, charges, and prosecutes misdemeanor violations of Georgia statutes and county ordinances;  Handles administrative hearings for welfare fraud and child abandonment cases	
	Authority for Position	General Law / O.C.G.A. § 15-18-1.	General Law / O.C.G.A. § 15-18-60.	
	Method of Selection	Elected by the public	Elected by the public	
<b>*Note that in the case of civil matters, the District Attorney would represent Fulton County in State or Magistrate Court. O.C.G.A. § 15-18-6.</b>				

*Fulton County Court Improvement Task Force  
Analysis of Operational and Administrative Functions*

Affiliated Court Functions		Superior Court	State Court	Magistrate Court
<b>Public Defense</b>	Formal Name	<b>Public Defender</b>		
	Duties	Provides representation to indigent defendants		
	Authority for Position	General Law / O.C.G.A. § 17-12-20.		
	Method of Selection	Nominated by Public Defender Supervisory Panel; Appointed by Director of Panel		
	Formal Name	<b>Metro Conflict Defender Office</b>		
	Duties	Provides representation to defendants when the Public Defender already represents one defendant in a case; Handles excess cases from Public Defender's Office		
	Authority for Position	General Law / O.C.G.A. §§ 17-12-12.1; 17-12-22		
	Method of Selection	Privately run; Appointed by Judge, Court Administrator, or Public Defender on a case-by-case basis		