

JUDICIAL COUNCIL OF GEORGIA

General Session

Wednesday, September 30, 2015

12 noon – 5:00 p.m.



Macon Marriott City Center

240 Coliseum Drive

Macon, GA 31217

Judicial Council of Georgia

Macon Marriott City Center
240 Coliseum Drive
Macon, GA 31217

Macon Centreplex Convention Center Entrance, Room 306

Wednesday, September 30, 2015

12 noon - 5 p.m.

Lunch will be served at 12 noon, to be immediately followed by the Council meeting at 1 p.m.

- 1. Preliminary Remarks and Introductions**
(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)
- 2. Approval of Minutes, August 6, 2015** *(Action Item)* **TAB 1**
(Chief Justice Hugh P. Thompson, Est. Time – 2 Min.)
- 3. Criminal Justice Reform in Georgia**
(Mr. Thomas Worthy, Est. Time – 10 Min.)
- 4. Council of Superior Court Judges Security Committee**
(Judge Samuel D. Ozburn, Est. Time – 5 Min.)
- 5. Recommendation for Superior Court Judgeship** **TAB 2**
(Mr. Christopher Hansard, Est. Time – 15 Min.)
- 6. Judicial Council Committee Reports**
 - A. Judicial Workload Assessment Committee** *(Written Report)* **TAB 3**
 - B. Court Reporting Matters Committee** *(Written Report)* **TAB 4**
 - C. Strategic Plan Implementation Committee** **TAB 5**
(Chief Judge Sara Doyle, Est. Time – 5 Min.)
 - D. Budget Committee**
(Justice Harold D. Melton, Est. Time – 5 Min.)
 - E. Policy and Legislative Committee** *(Action Item)* **TAB 6**
(Presiding Justice P. Harris Hines, Est. Time – 10 Min.)
- 7. Judicial Council/AOC Director Search Committee**
(Presiding Justice P. Harris Hines, Est. Time – 5 Min.)

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

Next Judicial Council Meeting

December 9, 2015 10:00 a.m. - 2 p.m. The Carter Center, Atlanta, GA

Proposed Judicial Council Meeting Calendar - 2016

Friday, February 26, 2016	10 a.m. - 2 p.m.	Atlanta, GA
Friday, April 22, 2016	12 p.m. - 5 p.m.	Macon, GA
Wednesday, June 15, 2016	12 p.m. - 5 p.m.	Jekyll Island, GA
Wednesday, August 31, 2016	10 a.m. - 2 p.m.	Atlanta, GA
Friday, October 21, 2016	10 a.m. - 2 p.m.	Macon, GA
Friday, December 9, 2016	10 a.m. - 2 p.m.	Atlanta, GA

Judicial Council Members

As of August, 2015

Supreme Court

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

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

Court of Appeals

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

Judge Stephen Louis A. Dillard
47 Trinity Avenue, Suite 501
Atlanta, GA 30334
404-657-9405/ F 657-8893
dillards@gaappeals.us

Superior Court

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

Judge Horace J. Johnson, Jr.
President-Elect, CSCJ
Alcovy Judicial Circuit
1132 Usher Street, NW
Covington, GA 30014
770-784-2080/F 784-2130
hjohnson@co.newton.ga.us

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

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

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

Chief Judge Tangela M. Barrie
Stone Mountain Judicial Circuit, 4th JAD
5230 DeKalb County Courthouse
556 N. McDonough Street
Decatur, GA 30030
404-371-2338/F 371-3081
tbarrie@dekalbcountyga.gov

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

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

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

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

Chief Judge Melodie Snell Conner
Gwinnett Judicial Circuit, 9th JAD
75 Langley Drive
Lawrenceville, GA 30046
770-822-8660/F 822-8662
melodie.conner@gwinnettcountry.com

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

State Court

Chief Judge Wayne M. Purdom
President, CSCJ
DeKalb County
556 N. McDonough St, Suite 3220
404-687-7180/ F 687-7185
wmpurdom@dekalbcountyga.gov

Chief Judge Richard A. Slaby
President-Elect, CSCJ
Richmond County
735 James Brown Boulevard
Suite 4105
Augusta, GA 30901-2974
706-821-2582/ F 821-1177
rsaby@augustaga.gov

Juvenile Court

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

Chief Judge Benjamin P. Brinson
President-Elect, CJCJ
Atlantic Judicial Circuit
P.O. Box 667
Claxton, GA 30417
912-739-2533/F 739-2513
bpbrinson@aol.com

Probate Court

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

Judge Alice Padgett
President-Elect, CPCJ
Columbia County
P.O. Box 1520
Evans, GA 30809
706-312-7254/F 312-7251
apadgett@columbiacountyga.gov

Magistrate Court

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

Judge Kristina Hammer Blum
First Vice-President, CMCJ
Chief Magistrate
Gwinnett County
75 Langley Drive
Lawrenceville, GA 30045-6900
770-822-8081/F 822-8075
kristina.blum@gwinnettcountry.com

Municipal Courts

Judge Leslie Spornberger Jones
President, CMCJ
Municipal Court of Athens-Clarke County
P.O. Box 1705
Athens, GA 30603
706-613-3695/F 613-3696
leslie.jones@athensclarkecounty.com

Judge Gary E. Jackson
President-Elect, CMCJ
Municipal Court of Atlanta
150 Garnett Street, SW
Atlanta, GA 30303-6372
404-658-6930/F 658-7488
gejackson@atlantaga.gov

Directions
Macon Marriott City Center & Macon Centreplex Convention Center
240 Coliseum Drive
Macon, GA 31217

Meeting Location: Macon Centreplex Convention Center : Room 306

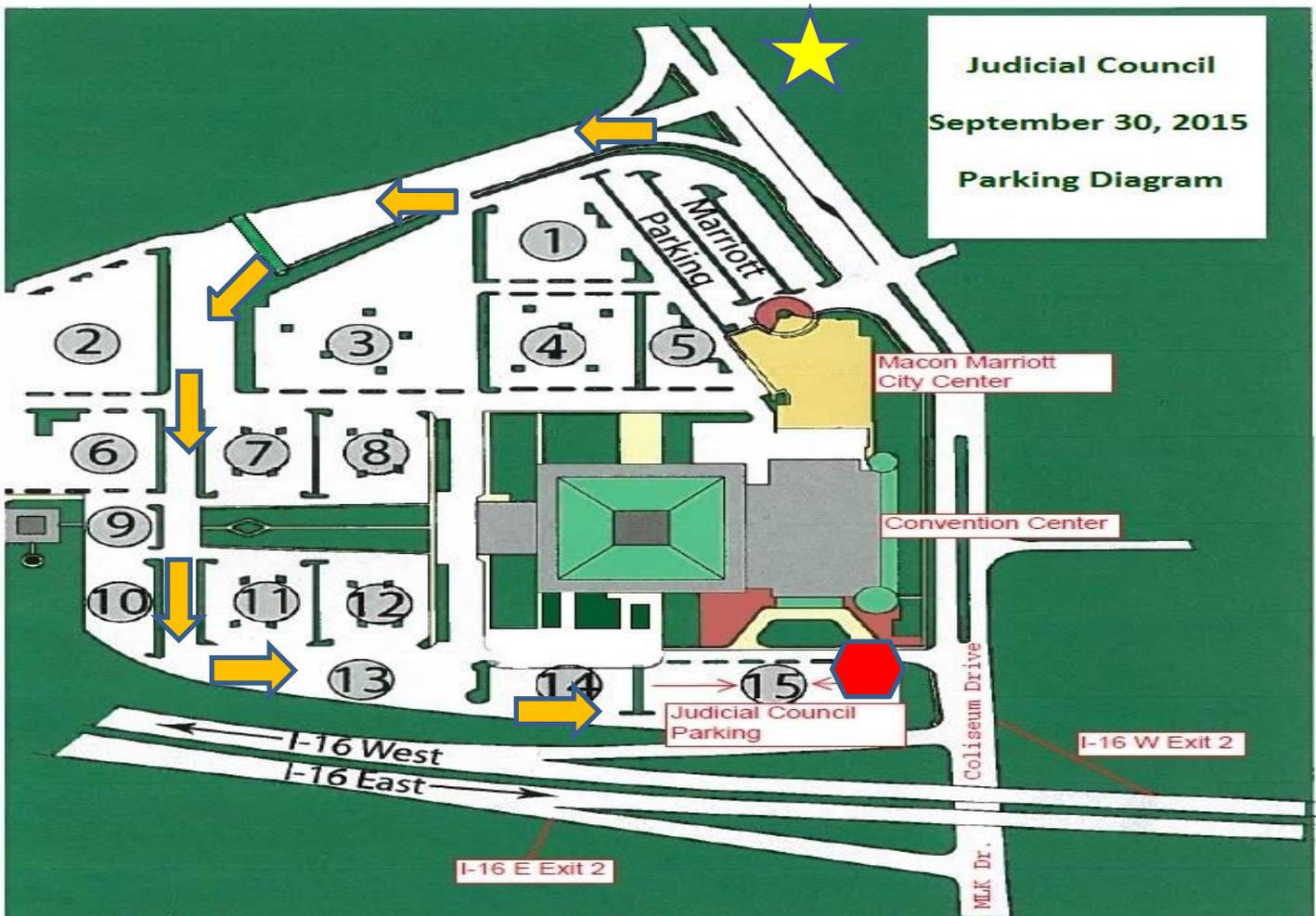
The meeting will take place at the Macon Centreplex Convention Center, which is adjacent to the Macon Marriott City Center. You may access the meeting space from the hotel, but for more direct access Judicial Council attendees should park in **Parking Lot 15**.

Please see parking diagram below.

From I-75 Northbound: Merge onto I-16 East; take Exit 2 and turn left onto Coliseum Drive/Martin Luther King Drive. The Macon Centreplex Convention Center will be on your left.

From I-75 Southbound: Merge onto I-16 East; take Exit 2 and turn left onto Coliseum Drive/Martin Luther King Drive. The Macon Centreplex Convention Center will be on your left.

From I-16 West: Take Exit 2 and turn right onto Coliseum Drive/Martin Luther King Drive. The Macon Centreplex Convention Center will be on your left.



Turn Left Here



Park Here



Administrative Office of the Courts

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

Cynthia H. Clanton, Interim Director
404-656-5171

As of September 30, 2015

Director's Office

Budget

Ashley Garner
404-656-6404

Council of Probate Court Judges

Catherine Fitch
404-463-1023

Governmental and Trial Court Liaison

Tracy Mason
404-463-0559

Christopher Causey
404-463-6296

LaShawn Murphy
404-651-6325

James Rodatus
404-656-5453

Human Resources

Stephanie Hines
404-657-7469

Jacqueline Booker
404-463-0638

General Counsel

Jessica Farah
404-463-3805

Judicial Services

Certification and Licensing

Shinji Morokuma
404-463-3785

Bianca Bennett
404-463-6478

Herbert Gordon
404-232-1409

Tynesha Manuel
404-463-3785

Yolanda Mashburn
404-657-6269

Zan Patorgis
404-463-3821

Aquaria R. Smith
404-651-8707

Linda Smith
404-657-4219

Children, Families, & the Courts

Michelle Barclay
404-657-9219

Patricia Buonodono
404-463-0044

Elaine Johnson
404-463-6383

Paula Myrick
404-463-6480

Bruce Shaw
404-463-6106

Research and Data Management

Christopher Hansard
404-463-1871

Kimberly Miller
404-463-6887

Wendy Hosch
404-656-6413

Robert Aycock
404-656-0371

Communications

Ashley G. Stollar
404-656-6783

Financial Administration

Randy Dennis
Division Director
404-651-7613

Kim Burley
404-463-3816

Roxanne Harkcom
404-463-9016

Monte Harris
404-656-6691

Matthew Kloiber
404-463-5177

Nancy Nevels
404-463-1907

Tanya Osby
404-463-0237

Information Technology

Jorge Basto
Division Director
404-657-9673

Gilberto Alcantara
404-463-0016

Bradley Allen
404-657-1770

Michael Cuccaro
404-656-7780

Angela He
404-651-8169

Christina Liu
404-651-8180

Tony Mazza
404-657-4006

Michael Neuren
404-657-4218

Wanda Paul
404-538-0849

Kriste Pope
404-731-1358

Pete Tyo
404-731-1357

Georgia Judicial Exchange

Tajsha Dekine
404-656-3479

Kevin Kirk
404-275-8372

Arnold Schoenberg
404-463-6343

Other Agencies

**Georgia Commission on
Family Violence**

Jennifer Thomas
404-657-3412
404-683-9101

Jenny Aszman
404-657-3412

Jameelah Ferrell
404-657-3412

Accountability Courts

Joshua Becker
404-463-6298

Stacey Seldon
404-463-0043

Judicial Council of Georgia
General Session
The Loudermilk Center Atlanta, GA
August 6, 2015 • 9:30 a.m.

Members Present

Chief Justice Hugh P. Thompson, Chair
Presiding Justice P. Harris Hines
Judge Harry J. Altman, II
Judge Tangela Barrie
Judge T. Jackson Bedford (for Judge Gail S. Tusan)
Judge Benjamin P. Brinson
Judge Melodie Snell Conner
Judge Stephen Louis A. Dillard
Chief Judge Sara L. Doyle
Judge James Griner (for Judge Kristina Hammer Blum)
Judge S. Lark Ingram
Judge Gary E. Jackson
Judge Horace J. Johnson, Jr.
Judge Leslie Spornberger Jones
Judge John E. Morse, Jr.
Judge J. Carlisle Overstreet
Judge Alice Padgett
Judge Kathy Palmer
Judge Wayne M. Purdom
Judge Matthew O. Simmons
Judge Richard A. Slaby
Judge Rucker Smith (for Judge Edward D. Lukemire)
Judge John Sumner
Judge Robert Turner
Judge Brenda S. Weaver
Judge Don Wilkes

Members Absent

Judge Kristina Hammer Blum
Judge Edward D. Lukemire
Judge Gail Tusan

Non-Member Committee Chairs Present

Justice Harold Melton, Budget Committee

Staff Present

Ms. Cynthia H. Clanton, Interim Director
Ms. Michelle Barclay
Mr. Jorge Basto
Ms. Bianca Bennett
Mr. Randy Dennis
Ms. Catherine Fitch
Ms. Ashley Garner
Mr. Christopher Hansard
Ms. Tracy Mason
Mr. Tony Mazza
Ms. LaShawn Murphy
Ms. Ashley Stollar

Guests (Appended)

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 9:37 a.m. by Chief Justice Thompson. He welcomed all in attendance and expressed his gratitude for the condolences extended to him in recent weeks. Chief Justice Thompson recognized the Council's newest members – Judge Dillard, Judge Conner, Judge Brinson, Judge Slaby, and Judge Jackson – and administered the Council's oath. The following judges were recognized as designees for absent members: Judge T. Jackson Bedford (for Judge Gail Tusan); Judge James Griner (for Judge Kristina Hammer Blum); and, Judge Rucker Smith (for Judge Edward D. Lukemire). Members and designees identified themselves for the purposes of roll call, followed by staff and guests.

Adoption of Minutes – June 17, 2015

Chief Justice Thompson directed the Council's attention to the minutes of the June 17, 2015, meeting. A motion to approve was offered by Judge Weaver, followed by a second from Judge Palmer. No discussion was offered and the motion passed unanimously.

Supreme Court Commission on Interpreters

Justice Keith Blackwell provided an update on the recent initiatives undertaken by the Commission on Interpreters. He summarized the Commission's charge and background and thanked Justice Harold Melton and the staff of the Judicial Council/Administrative Office of the Courts (JC/AOC) for their work over the years to establish the system currently in place. The Commission is focused on judicial education regarding interpreters and is working to increase data collection. The Commission recently produced a bench card, "Working with Deaf or Hard of Hearing Persons and Sign Language Interpreters in the Courtroom," which is being distributed to all classes of court and was provided to the Judicial Council in the materials. A similar bench card will be produced for using foreign language interpreters and interacting with Limited English Proficient court users. The Commission hopes the bench card will be a useful tool and welcomes any feedback. Chief Justice Thompson thanked the Commission and staff for their dedicated work in this area.

JDEX - Juvenile Data Exchange

Mr. Gerald Bruce presented on the Juvenile Data Exchange project, a partnership between the Governor's Office of Planning and Budget, the Council of Juvenile Court Judges, the Department of Juvenile Justice and the JC/AOC to create a statewide database for juvenile

court data. Mr. Bruce provided an overview of the current landscape of data management within Georgia's juvenile court system, describing juvenile courts being in a unique position in that they collect a large amount of data, but lack a statewide database or record-keeping mechanism. The project seeks to assist informed decision making and to provide a uniform juvenile justice experience. The project has recently launched a website¹ to be updated as the project progresses.

Supreme Court Statewide Judiciary Civil E-filing Steering Committee

Justice Melton referred members to the Draft Order provided in the materials behind the Supreme Court written report. He stated the Committee is continuing work on the development of a statewide e-filing portal, with a report from the vendor expected in the next two weeks. In reference to the Draft Order, Justice Melton explained that there is recurring discussion of the need for coordinated court technology and a committee to administer it. As provided by the Draft Order to be presented to the Supreme Court in September, the existing Statewide Judiciary Civil E-filing Steering Committee will be converted to a Standing Judicial Council Committee to address judicial technology statewide. The membership will remain the same, with the addition of a member from the Court of Appeals, to fulfill the membership requirements provided by the Judicial Council bylaws.

Committee Reports

Budget Committee. Justice Melton reported that the Committee met on July 16, 2015, to consider a total of twelve enhancement requests for Amended Fiscal Year 2016 (AFY 2016) and Fiscal Year 2017 (FY 2017). The initial requests represented a twenty percent increase, which conflicted with the general instructions received from the Governor's Office of Planning and Budget that budgets remain static. In the end, total enhancements adopted by the Committee totaled just a six percent increase. Justice Melton thanked the Committee members and all guests who spoke on behalf of the enhancement requests.

Justice Melton briefly reviewed each of the enhancement requests for FY 2017: Council of Municipal Court Judges – operating funds (\$21,795); Council of Probate Court Judges – Executive Director (\$115,464) and Records Accessibility Project (\$40,000); Georgia Council of Court Administrators – Certified Court Manager Program (\$7,500); Civil Legal Services for Victims of Domestic Violence (\$193,125); Institute of Continuing Judicial Education – Merit

¹ jdex.georgiacourts.gov

based pay adjustments (\$4,718), IT equipment & associated operating expenses (\$24,000), Events Air Software Upgrade (\$43,000), Electronic Media Curriculum Designer (\$52,000); Judicial Council/AOC – Cold Case Project (\$75,000); Judicial Council Child Support Collaborative – Parental Accountability Court Coordinators (\$247,267). The original proposal included an enhancement request of \$580,000 for the ECourts Case Management System update and licensing; following the July 16 meeting of the Committee, the Governor’s Office of Planning and Budget presented an alternative proposal to roll that request into a bond package request for the Criminal Justice Coordinating Council. The Committee approved that concept and withdrew the original amount from the total request.

Justice Melton stated there is one enhancement request for AFY 2016 for the Institute of Continuing Judicial Education (Electronic Media Curriculum Designer - \$13,000). Judge Altman moved for acceptance of the AFY 2016 budget request (\$13,000) and a second was offered by Judge Palmer. The motion was approved unanimously.

Justice Melton stated the Council’s total budget request for FY 2017 and noted an adjustment to the total is expected once the Council of Accountability Court Judges finalizes its staffing arrangements; one position and associated peer review funding is expected to remain with JC/AOC and two positions, conference planning and operations are expected to be placed within the Criminal Justice Coordinating Council.

Discussion ensued regarding the Council of Probate Court Judges’ enhancement request for an Executive Director and a motion was made by Judge Weaver to remove this request from the total package and vote on it as a separate item. A second was offered by Judge Altman. The motion carried by a vote of 15 - 10. A motion was offered by Judge Palmer to approve the FY 2017 budget request without the Council of Probate Court Judges’ Executive Director request, followed by a second. The motion was approved unanimously. Judge Jones moved that the Council approve the request for \$115,464 for the Council of Probate Court Judges Executive Director; a second was offered by Judge Jackson. Brief discussion took place regarding the Council’s role in approving personnel decisions and the impact this request may have on the AOC’s budget. The motion to approve the Council of Probate Court Judges’ Executive Director request carried by a vote of 15-10.

Justice Melton requested the Council designate the Budget Committee authority to act on its behalf during the budget process and legislative session. A motion was offered by Judge Altman, followed by a second from Judge Padgett, and the motion was approved unanimously.

Policy and Legislative Committee. Justice Hines reported that the Committee met on July 16, 2015, to consider legislative proposals for the 2016 session.

Justice Hines summarized the recommendation to amend O.C.G.A. § 36-32-2, to provide defined procedures for removal of municipal court judges. This is a carryover item from the 2015 session and is currently in the form of House Bill 691, sponsored by Rep. Kevin Tanner. No opposition was voiced and the recommendation was approved unanimously.

Justice Hines summarized the recommendation to amend O.C.G.A. § 36-32-1, to designate municipal courts as courts of record. This is a carryover item from the 2015 session and is currently in the form of Senate Bill 205, sponsored by Sen. Charlie Bethel. No opposition was voiced and the recommendation was approved unanimously.

Justice Hines summarized the recommendation to amend O.C.G.A. § 15-18-91 & 15-18-95, to provide for prosecuting attorneys in municipal courts. This is a carryover item from the 2015 session and is currently in the form of House Bill 480, sponsored by Rep. Bert Reeves. No opposition was voiced and the recommendation was approved unanimously.

Justice Hines summarized the recommendation to amend O.C.G.A. § 19-3-30, to delete the statutory provision that marriage licenses be issued by a probate court judge or clerk between the hours of 8 a.m. and 6 p.m. Monday through Saturday. This change is intended to clean up the statute, as courthouses are not open on Saturdays and many probate courts are not open after 5 p.m. No opposition was voiced and the recommendation was approved unanimously.

Justice Hines summarized the recommendation to amend O.C.G.A. § 15-9-7, to increase the required bond amount for probate court judges and clerks from \$25,000 to \$100,000. No opposition was voiced and the recommendation was approved unanimously.

Justice Hines summarized the recommendation to amend O.C.G.A. § 15-1-15, to include DUI courts in the definition of “drug court division” and to add “alcohol” as a substance. Judge Purdom reported that the Council of State Court Judges (CStCJ) had received feedback from the Council of Superior Court Judges on this proposed legislation; the CStCJ has had some preliminary discussion of withdrawing this proposal and instead asking for a resolution from the Judicial Council to recognize DUI Courts as part of the Council of Accountability Court Judges

(CACJ). There was previous discussion of requesting an opinion from the Attorney General's office as to whether DUI Courts are contemplated in the current statutory definition of drug courts, but a final decision has not been made as to whether that opinion will be requested. Judge Weaver indicated the CACJ has included DUI Courts in its Constitution and has no opposition to pursuing legislation. Justice Hines stated the motion from the Committee is to approve this recommendation in concept, and it is subject to further development. No opposition was voiced and the recommendation was approved unanimously.

Justice Hines summarized the recommendation to amend O.C.G.A. § 15-1-8, to restore the third-degree standard for judicial disqualification based on the degrees of relationship with parties, to correspond with the revised Georgia Code of Judicial Conduct effective January 1, 2016. This is a carryover item from the 2015 session and is currently in the form of House Bill 207, sponsored by Rep. Beth Beskin. A Senate version of the bill will be sought, as well. No opposition was voiced and the recommendation was approved unanimously.

Justice Hines thanked the Committee and AOC staff for their work.

Chief Justice Thompson called for a recess at 11:13 a.m. The meeting reconvened at 11:27 a.m.

Judicial Council/AOC Director Search Committee. Justice Hines provided an update on the search for a Judicial Council/AOC Director. He reviewed the names of the judges serving on the Committee, and noted that Ms. Tee Barnes is serving as the Committee's Reporter and Justice Keith Blackwell as an advisor. The job posting closes today and the Committee expects to have a final recommendation at the December 9, 2015, Council meeting for a start date of January 1, 2016. Ms. Barnes indicated all members have been updated on the status of the applications. Chief Justice Thompson asked that feedback or questions be conveyed to Justice Hines or Ms. Barnes.

Domestic Violence Grant Committee. A written report was provided in the materials.

Report from Judicial Council/AOC Director

Ms. Clanton noted that she has served in the role of Interim Director for 90 days and noted the efforts of the JC/AOC staff to work together to serve the Council and Georgia's courts. Ms. Clanton highlighted three examples over the past few months of how teamwork has been the key to the AOC's service: staff support provided to the Council of Probate Court Judges to prepare for the U.S. Supreme Court decision on same-sex marriage yielded excellent results,

with no negative media attention; successful collaboration with the Executive Branch to transfer Accountability Courts, and the Georgia Commission on Family Violence and the County and Municipal Probation Advisory Council to the Georgia Department of Community Supervision; and, successful negotiations with the Georgia Department of Revenue on the Tax Refund Intercept Program. Ms. Clanton noted several key staff transitions, including the naming of Ms. Catherine Fitch as inaugural Executive Director of the Council of Probate Court Judges, effective August 16, to clarify the role she is currently filling and to ensure the Council receives the services they need. Additionally, Ms. Clanton highlighted the successful launch of the new Judicial Council/AOC website, the successful close out of Fiscal Year 2015 by the AOC Financial Administration Division, the work being done by the Court Reporting Matters Committee and completion of work on the Fulton Family Division Task Force. Ms. Clanton reiterated that, as a service agency, the AOC is working to build customers' trust and confidence.

Reports from Appellate Courts and Trial Court Councils

Supreme Court. Chief Justice Thompson referred members to the written report provided in the materials. He highlighted Justice Hines' work with the Office of Bar Admissions, Justice Blackwell's appointment as the court's liaison to the State Bar and his work with the Commission on Interpreters, and Ms. Clanton's leadership as Interim Director of the AOC. The Chief Justice commended the Council of Probate Court Judges for their preparation for the U.S. Supreme Court's decision on same-sex marriage.

Court of Appeals. Judge Doyle reported that since the last Council meeting, she has become Chief Judge and Judge Dillard is the Court's newest representative on the Council. The Court has a full-day off site banc meeting scheduled to overhaul internal operations in advance of the new panel of judges coming on board in January.

Council of Superior Court Judges. Judge Weaver referred members to the written report provided in the materials and noted the Council's successful conference the previous week.

Council of State Court Judges. Judge Purdom referred members to the written report provided in the materials. He expressed his appreciation of the cooperative spirit in which the Council of Accountability Court Judges has been launched and noted the organization of a committee to update the State Court benchbook.

Council of Juvenile Court Judges. Judge Sumner referred members to the written report provided in the materials. He thanked Mr. Bruce for his presentation on the juvenile data

exchange and stated the Council has convened an ad hoc advisory committee to look at system improvements for juvenile courts.

Council of Probate Court Judges. Judge Wilkes referred members to the written report provided in the materials. He thanked the AOC for its support in preparation of the same-sex marriage decision and commended the leadership of the Attorney General as well. Judge Wilkes noted that dealing with the media does take time and it could not have been done without the support of Ms. Clanton, Ms. Fitch and other AOC staff. The Council recently made some necessary revisions to its Strategic Plan. Judge Wilkes spoke briefly to the misunderstanding around involuntary commitments and orders to apprehend, and expressed support for accountability courts for helping those people whom the probate courts cannot.

Council of Magistrate Court Judges. Judge Turner referred members to the written report provided in the materials. He noted the selection of the Council's Free Forms Generator Project as a finalist for the State Transformation in Action Recognition (STAR) Award by the Southern Legislative Conference at its annual meeting in Savannah on July 18-21. The Council will apply for the award again next year, when supporting data from the Generator will be available. The Generator will be presented at the National Center for State Courts' Court Technology Conference in September. Judge Turner thanked Ms. Clanton for allowing Ms. Fitch to attend the conference in support of the Council.

Council of Municipal Court Judges. Judge Jones referred members to the written report in the materials. She spoke to the Council's growing relationship with the Georgia Municipal Association and its work with the Georgia Department of Driver Services. The Council will hold its Fall Meeting on October 7-9 and invited all to attend.

Written Report from the Council of Superior Court Clerks.

A written report was provided in the materials. Chief Justice Thompson recognized Ms. Cindy Mason representing the Council of Superior Court Clerks.

Chief Justice Thompson commended the councils for their work.

New Business

Judge Weaver delivered an update on the Council of Accountability Court Judges (CACJ). The Council's bylaws were approved by a committee of judges on June 26, and on July 27 the Executive Committee and Officers were elected. The CACJ met this week to make decisions on staffing; staff will be housed at the AOC offices and divided in the budget as

reported earlier by Justice Melton. A job description for the Executive Director has been finalized and will be posted; interviews will be held on September 2 with the goal of having an employee in place by October 1. Judge Weaver thanked Ms. Clanton and Ms. Michelle Barclay for their support during this process, and noted that peer reviews have continued successfully thanks to the work and support of Mr. Josh Becker. The Chief Justice thanked Judge Weaver and wished the CACJ success.

Adjournment

Hearing no further business, Chief Justice Thompson led a brief discussion on the Council meeting schedule for 2016. A proposed schedule will be presented at the September 30 meeting, and he asked that feedback on dates and locations be provided to AOC staff. The Chief Justice took a moment to remember former Court of Appeals Judge A. Harris Adams, who passed away the day prior. Chief Justice Thompson adjourned the meeting at 3:08 p.m.

Respectfully submitted:

Tracy Mason
Assistant Director, AOC

The above and foregoing minutes
were approved on the _____ day of
_____, 2015.

Hugh P. Thompson
Chief Justice

Judicial Council of Georgia
General Session
The Loudermilk Center Atlanta, GA
August 6, 2015 • 9:30 a.m.

Guests Present

Mr. Joe Baden, Third Judicial Administrative District
Ms. Tee Barnes, Supreme Court of Georgia
Mr. Tracy J. BeMent, Tenth Judicial Administrative District
Justice Keith Blackwell, Supreme Court of Georgia
Mr. Bob Bray, Council of State Court Judges
Mr. Gerald Bruce, Juvenile Data Exchange
Ms. Jacqueline Bunn, Criminal Justice Coordinating Council
Ms. Connie Cheatham, Superior Court of McDuffie County
Mr. Andrew Cummings, Juvenile Data Exchange
Mr. Richard F. Denney, First Judicial Administrative District
Mr. Steven Ferrell, Ninth Judicial Administrative District
Mr. Liam Harbry, Juvenile Data Exchange
Mr. Joe Hood, Governor's Office of Planning and Budget
Ms. Jessica Johnson, Governor's Office of Planning and Budget
Judge Richard Kent, State Court of Colquitt County
Ms. Yolanda Lewis, Fifth Judicial Administrative District
Trooper Moses Little, Georgia State Patrol
Ms. Cindy Mason, Superior Court of Columbia County
Ms. Cathy McCumber, Fourth Judicial Administrative District
Mr. Charles Miller, Council of Superior Court Judges
Ms. Donna Nealey, Georgia State Senate
Ms. Debra Nesbit, Association County Commissioners of Georgia
Mr. Rich Reaves, Institute of Continuing Judicial Education
Ms. Sharon Reiss, Council of Magistrate Court Judges
Mr. Ryan Roenicek, PeachCourt
Ms. Rita Sheffey, State Bar of Georgia / Emory University School of Law
Mr. Will Simmons, Sixth Judicial Administrative District
Mr. Chuck Spahos, Prosecuting Attorneys' Council of Georgia
Judge Mary Staley, Superior Court, Cobb Judicial Circuit
Mr. Bryan Tyson, Georgia Public Defender Council
Mr. Brad Vaughan, Georgia State Senate
Ms. Kirsten Wallace, Council of Juvenile Court Judges
Mr. Shannon Weathers, Council of Superior Court Judges
Judge James Whitfield, Juvenile Court, Cobb Judicial Circuit
Judge Max Wood, Office of State Administrative Hearings
Mr. Thomas Worthy, State Bar of Georgia



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

Chief Justice Hugh P. Thompson
Chair

Cynthia H. Clanton
Interim Director

Judicial Council Meeting
Wednesday September 30th, 2015

Table of Contents

1. Additional Superior Judgeship Analysis
2. Clayton Judicial Circuit Workload Assessment
3. Clayton Judicial Circuit Appeal Document
4. Number of Authorized Superior Court Judgeships 2006 – 2015



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

Chief Justice Hugh P. Thompson
Chair

Cynthia H. Clanton
Interim Director

Memorandum

TO: Judicial Council Members

FROM: Christopher Hansard, Assistant Director of Research & Regulatory

RE: Recommendations for Additional Superior Court Judgeships

DATE: September 14, 2015

Introduction

The Judicial Council has forwarded recommendations regarding the need for superior court judicial resources to the Georgia General Assembly and the Governor annually since 1976. These recommendations are based on objective analyses of circuit caseload filings, types of cases, and available judge time. The analyses utilize a weighted caseload model, the standard for judicial workload assessment. The model is considered a best practice by the National Center for State Courts. Workload assessments now use a three-year caseload average when computing workloads. This change will make assessments less vulnerable to single year fluctuations.

Requests for workload assessments were received from three circuits; Griffin, Cherokee, and Clayton. Of these three circuits, none qualified for an additional judgeship. The Clayton Judicial Circuit appealed to the Judicial Workload Assessment Committee, and the appeal was approved. Because the workload assessment found the Clayton Judicial Circuit unqualified for an additional judgeship, the Judicial Council will have to approve the additional judgeship recommendation by a two-thirds majority.

The following memo will present data on the Clayton Judicial Circuit including its demographics, case characteristics, and other pertinent information. Additional materials include the Clayton workload assessment, and the Number of Authorized Superior Court Judgeships 2006 – 2015.

Workload Assessment

Table 1: Clayton Judicial Circuit Judgeships

Number of Counties	Superior Court Judges	State Court Judges	Juvenile Court Judges	Probate Court Judges Hearing Traffic	Magistrate Court Judges
1	4	5	3	0	6

Table 2: Three Year Average Workload Assessment (2012-2014)¹

Total Cases Filed	Judge Workload Value	Threshold Value
10,009	4.53	5.32

Table 3: Three Year Average Criminal Case Filings (2012-2014)

Serious Felony	Felony	Death Penalty	Probation Petition	Felony Accountability Court Participants	Total Criminal
210	2,360	1	1,327	26	4,222

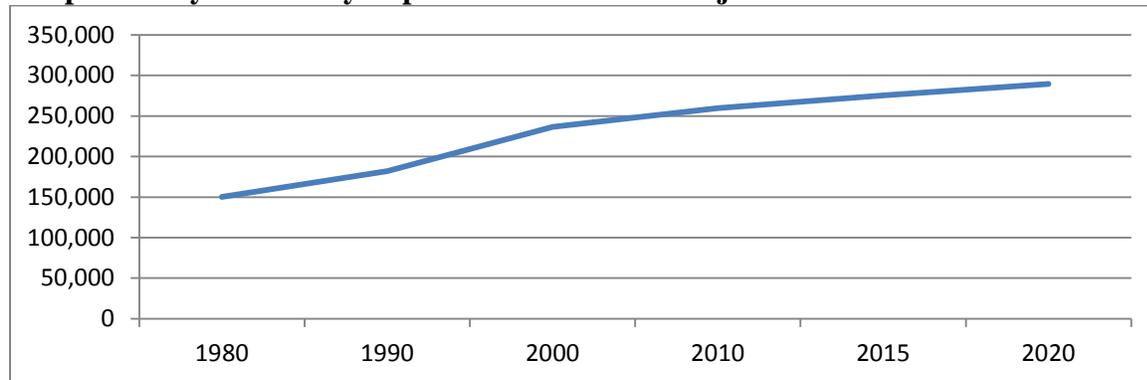
Table 4: Three Year Average Civil Case Filings (2012-2014)

General Civil	Domestic Relations	Total Civil
982	2,360	982

¹ Please see the Judicial Workload Assessment Guide for explanation of methodology.

Circuit Information

Graph 1: Clayton County Population 1930-2020 Projected²

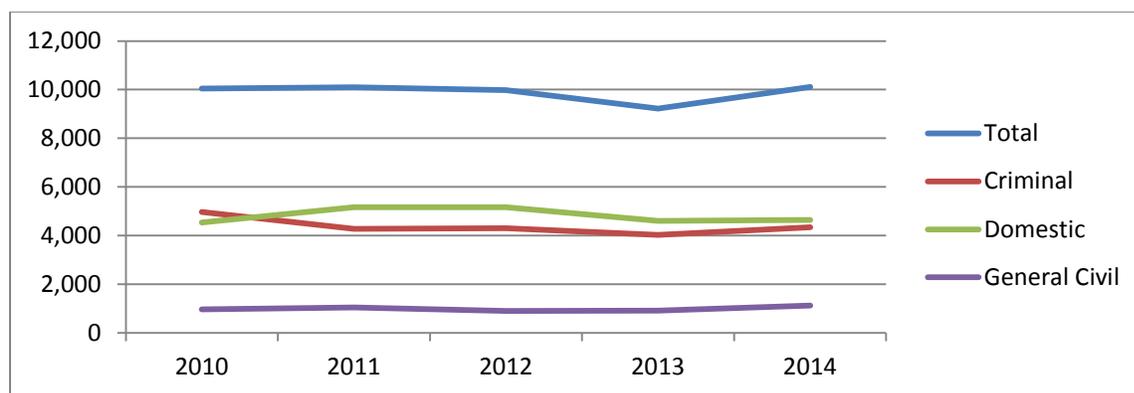


The Clayton Judicial Circuit is a single-county circuit comprised wholly by Clayton County. First founded in 1858, Clayton County is now considered part of the Atlanta metropolitan area.

As can be seen in the above graph, the Clayton Judicial Circuit has experienced substantial population growth over the past decades. In 1984, the last year the circuit received an additional judgeship, the population stood at 160,740. As of 2015, the population has increased to 275,409.

The Clayton Judicial Circuit has a median household income of \$40,606 which is the lowest of any metro-Atlanta county. Additionally, twenty-four percent of Clayton County residents live below the poverty line. Eighteen percent of adults in Clayton County hold a bachelors degree or higher. This is considerably beneath both state and metro-Atlanta averages.

Case Characteristics



The total caseload for the Clayton Judicial Circuit has remained relatively constant over the past five years. No yearly fluctuation was greater than ten percent, and the total caseload increase

² Population and demographic data was drawn from the 2010 U.S. Census. Population projects were provided by the Governor's Office of Budget & Planning.

between 2010 and 2014 is less than one percent. Criminal cases in 2014 are down 13 percent from their five-year peak in 2010 but do show an increase of 8 percent since 2013. Domestic relation cases have increased 2 percent between 2010 and 2015 while general civil caseload increased 16 percent in that same period.

According to caseload reports, 192 serious felony cases were filed in the Clayton Judicial Circuit in 2012. By 2014, this number increased 21 percent to 235.

Using the 2012-2014 caseload average, the Clayton Judicial Circuit has the second highest number of cases filed per judge. The Cherokee Judicial Circuit, which is also a four judge circuit, has the highest per judge caseload.

In 2014, the Clayton Judicial Circuit had a clearance rate of 91 percent for general civil cases and 97 percent for domestic relation cases. Criminal cases had a much lower clearance rate of 65 percent, suggesting that a backlog of criminal cases may be building.

Supplemental Materials

The following information was submitted by the Clayton Judicial Circuit during their appeal. Judicial Council staff are unable to fully verify this information or provide comparisons to other circuits.

1. Jury Trials

Table 2: Jury Trials CY 2010-2014

Year	Total Juries Impaneled	Percent Tried to Verdict
2010	107	65%
2011	102	60%
2012	92	62%
2013	102	64%
2014	93	68%

Between 2010 and 2014, the Clayton Judicial Circuit impanelled 496 juries. Of these jury trial cases, a total of 316 were tried to verdict. Per judge, this equates to an average of thirty-one impaneled juries each year with approximately nineteen being tried to verdict.

2. Senior Judges

According to the Clayton Judicial Circuit, senior judges were used in the superior court for 107 days in 2013 and 124 days in 2014. Over these two years, the use of these senior judges cost \$144,819.

Letters of Support

Below is a summarized list of letters written in support of an additional judgeship for the Clayton Judicial Circuit. The full text of the letters of support can be made available upon request.

Author	Affiliation	Supportive?
John Carbo III	Chief Judge, Clayton County State Court	Yes
William Ison	Senior Judge, Clayton Superior Court	Yes
Tracy Lawson	District Attorney, Clayton Judicial Circuit	Yes
Michael Register	Chief of Police, Clayton County	Yes
Sandra Smith	State Representative 76 th District	Yes
Steven Teske	Chief Judge, Clayton County Juvenile Court	Yes
Jacqueline Wills	Clerk, Clayton Superior Court	Yes



Clayton Judicial Circuit

Calculations to Qualify for an Additional Judgeship

	3 Year Avg Case Filing	Minutes per Filing	Total Minutes	Circuit Values
Criminal Defendants				
Serious Felony	210	353.79	74,295.90	Judges 4
Felony	2,360	49.30	116,348.00	Counties 1
Misdemeanor	298	13.17	3,924.66	Grand Total Minutes 407,503
Death Penalty	1	7,200.00	7,200.00	Judge Year Value 89,940
Probation Petition	1,327	19.34	25,664.18	Judge Workload Value 4.53
General Civil Cases				
Appeal/Review	74	54.58	4,038.92	Threshold Value to Qualify 5.32
Contract/Account	43	15.80	679.40	Status: Not Qualified
Dispossessory/Distress	0	27.02	0.00	
Forfeiture	137	66.75	9,144.75	
Habeas Corpus	16	134.35	2,149.60	
Non-Domestic Contempt	84	76.57	6,431.88	
Other General Civil	552	38.01	20,981.52	
Post Judgment/Garnishment	7	3.31	23.17	
Real Property	47	154.20	7,247.40	
Tort/Negligence	22	125.31	2,756.82	
Domestic Relations Cases				
Adoption	26	52.51	1,365.26	
Child Support Enforcement (CSE)	1,702	10.07	17,139.14	
Contempt	248	26.22	6,502.56	
Divorce/Alimony	1,190	45.92	54,644.80	
Family Violence	1,239	24.32	30,132.48	
Legitimation	168	32.14	5,399.52	
Modification	72	58.03	4,178.16	
Non-CSE Custody	0	187.67	0.00	
Other Domestic	160	11.67	1,867.20	
Special Cases				
Death Penalty Habeas Corpus	0	7,640.40	0.00	
Assignments				
Felony Accountability Court Pre/Post Adjudication Participants	26	207.23	5,387.98	
Felony Accountability Court Probation Revocation Participants	0	207.23	0.00	
Total	10,009.00	16,834.91	407,503.30	

NOTES

1. Case averages are rounded to the nearest full number, except Death Penalty Habeas.
2. Accountability Court Felonies and Probation Revocations are subtracted from the Felony and Probation Revocation numbers reported. Accountability Court cases are added back in at the higher judge minutes at the bottom of the worksheet.

2015

Clayton Judicial Circuit Superior Court

Albert B. Collier, Chief Judge

Deborah C. Benefield, Judge

Matthew O. Simmons, Judge

Geronda V. Carter, Judge

Matthew A. Sorensen, Court Administrator

GEORGIA JUDICIAL COUNCIL JUDGESHIP REQUEST

1. INTRODUCTION

The Clayton Judicial Circuit was last approved for a judgeship 31 years ago. In 1984, a fourth judgeship position was created by the Georgia Legislature and the Honorable Judge Kenneth Kilpatrick was appointed by the governor to fill that position. Since that time, there have been many major and significant changes that have occurred within Clayton County. In this request, the Superior Court Judges present these circumstances for consideration in the need for a fifth judgeship for this circuit.

2. Population and Socio-Economic Factors

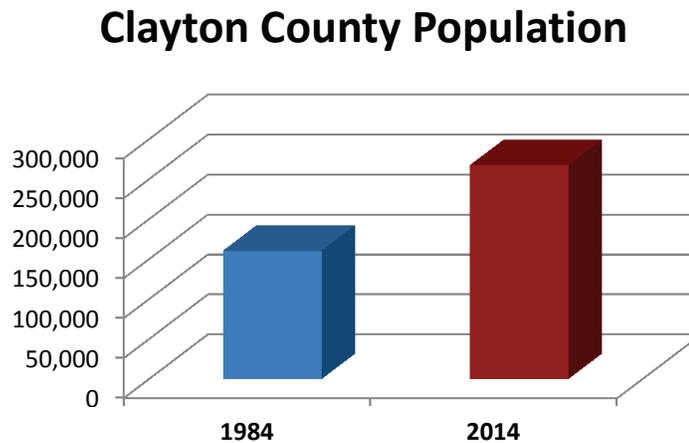
a. History and Population

When the Clayton Judicial Circuit Superior Court was awarded a fourth judgeship 31 years ago, the population of Clayton County was 160,740. The Clayton Judicial Circuit in 2015 is still operating with 4 Superior Court Judges while the population of the judicial circuit has grown by more than 65%.

To show a contrast with other courts that are within the Clayton Judicial Circuit, the State Court within the Clayton Judicial Circuit has grown from two judges in 1984 to

a fifth judgeship created in 2010. The Clayton Judicial Circuit Juvenile Court had a single judge in 1984 and has now increased to three judges presiding within that court. The Juvenile Court Judges are appointed by the Superior Court Judges. Both the State and Juvenile Court of this circuit have maintained pace with population and caseload growth while the Superior Court has fallen behind.

Table 1.



b. Income and Education

Socio-economic concerns have been presented with the population growth in Clayton County. Clayton County has the lowest household income, \$40,606 per year, in the metro-Atlanta area and the lowest per capita education, 82% of citizens 25 years and older hold a high school diploma and 18% of citizens 25 years and older hold a bachelor's degree or higher¹.

Tables 2 and 3 below document the disparity in income and education between Clayton County and other metro-Atlanta area counties.

¹ <http://quickfacts.census.gov/qfd/states/13/13063.html>, accessed July 22, 2015

Table 2.

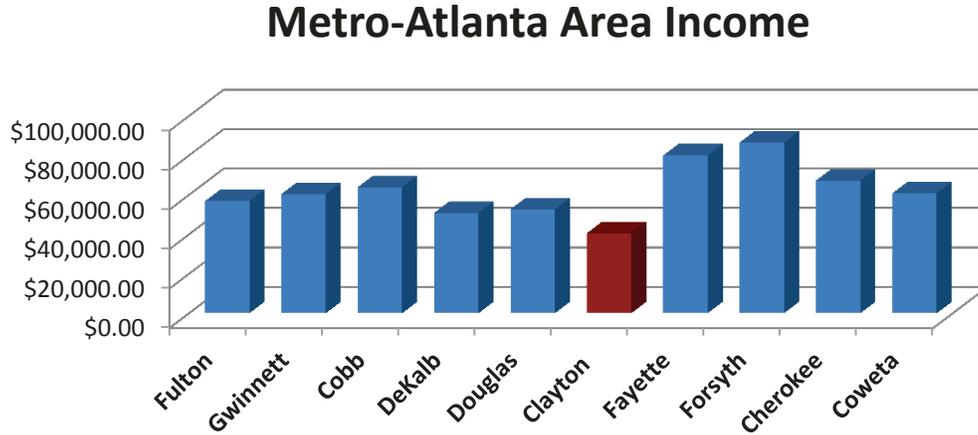
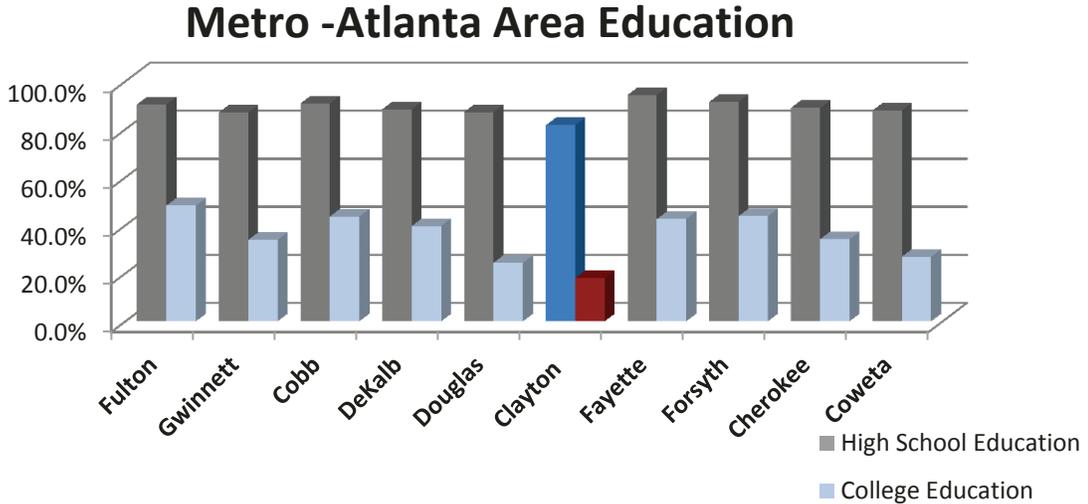


Table 3.



c. Cases Per Judge

The Georgia Judicial Council/Administrative Office of the Courts reported that in Calendar Year 2013 the circuit with the highest number of cases per judge was the Clayton Circuit with 5,817 cases for each of their 30 judges². The Clayton Judicial Circuit Superior Court hears more cases per judge than all other circuits in the metro-Atlanta area and across the state, excluding the Stone Mountain Circuit; however the difference between Clayton and Stone Mountain in cases per judge is

² Judicial Council of Georgia Administrative Office of the Courts, Annual Report, Georgia Courts, FY2014

only 1.8%. As the table below reflects, the Stone Mountain Circuit has ten judicial positions while the Clayton Circuit only has four.

Table 4.

Superior Court Circuit Population, and Caseload per Judge					
Circuit	Circuit or County Population	Number of Superior Court Judges	2013 Total Dockets	Cases per Judge	Population Per Judge
Stone Mountain	722,161	10	23,466	2,347	72,216
Clayton	267,542	4	9,215	2,304	66,886
Douglas	138,776	3	6,886	2,295	46,259
Cobb	730,981	10	22,422	2,242	73,098
Griffin*	217,692	4	8,394	2,099	54,423
Gwinnett	877,922	10	20,573	2,057	87,792
Northeastern*	213,718	4	7,907	1,977	53,430
Flint	213,869	3	5,784	1,928	71,290
Chattahoochee*	269,229	6	11,557	1,926	44,872
Coweta*	351,934	7	13,356	1,908	50,276
Macon*	193,214	5	8,555	1,711	38,643
Brunswick*	197,550	5	8,210	1,642	39,510
Western *	156,031	4	6,063	1,516	39,008
Atlanta	996,319	20	30,254	1,513	49,816
Augusta*	363,334	8	11,881	1,485	45,417
Eastern	283,379	6	8,742	1,457	47,230
Waycross*	139,912	4	5,363	1,341	34,978
*Multi County Circuit					
<i>Population determined by 2014 Census estimate (census.gov)</i>					
<i>Total dockets determined by 2013 Administrative Office of the Courts Caseload Report</i>					

Of the circuits shown above in table 4, the Coweta and Waycross Circuits were awarded an additional judgeship in 2014, and the Western Circuit was awarded an additional judgeship during the 2015 legislative session. The Clayton Circuit handles 21% more cases per judge than the Coweta Circuit, the next closest circuit in cases per judge that recently received an additional judgeship.

In calendar year 2013, 31 murder counts were filed involving 60 defendants, and 56 armed robberies involving 91 defendants. In calendar year 2014, 43 murder counts were filed involving 52 defendants, and 72 armed robberies involving 97 defendants. Attached, to this document, you will find a report detailing serious felony counts and number of defendants from calendar year 2010 through 2014. The Clayton Judicial Circuit saw a 39% increase in murder counts from 2013 to 2014 and a 29% increase in armed robbery counts from 2013 to 2014.

3. Jury Trials

a. 2010 – 2014

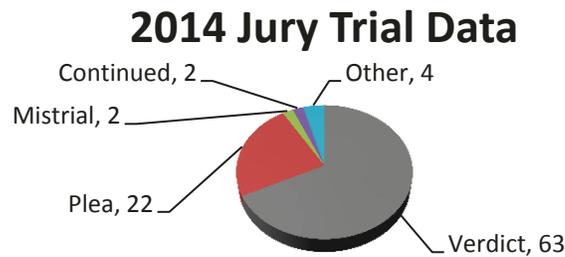
Over the last five years, 2010 – 2014, the Clayton Judicial Circuit has impaneled 496 juries. Of those impaneled 316, or 64%, have been tried to verdict. From 2010 through 2014, on average, each of our four judges presided over 79 jury trials to verdict and impaneled 124 juries each year. **That averages to just over 19 jury trials per judge each year that were tried to verdict with almost 31 juries impaneled per judge each year.** The attached document supplied by the Clerk of Superior Court reflects the number of jury trials heard by the Clayton County Superior Court for the time from 2010-2014.

b. 2014

The judges of the Clayton Judicial Circuit impaneled 93 juries in 2014. Of those trials that started with a jury, 63 of those cases resulted in a verdict. The remaining 30 cases accepted a plea, were continued, or ended in a mistrial. This shows that each judge started an average of just over 23 jury trials in 2014.

Table 5 below illustrates the breakdown of 2014 impaneled juries.

Table 5.



c. Forecasted Jury Trials

The average jury trial will take 4 days to complete; the Superior Court Judges of the Clayton Judicial Circuit collectively spent approximately 252 days on trial for the 63 verdicts reached during 2014. Many of the verdicts reached were for serious felony cases. 2014 saw a 20% increase in serious felonies filed, from 144 in 2013 to 173 in 2014. Many of those cases filed will have multiple defendants. A 20% increase

translates into a minimum of 116 more days of trial per year collectively for the judges of Clayton Judicial Circuit Superior Court.

d. Use of Senior Judges

Due to the volume of serious cases heard in the Clayton County Superior Court, senior judges must be used. In 2013 there were 107 days and in 2014 there were 126 days when a senior judge had to be used. The costs for a senior judge for those two years came at a cost of \$144,818.82. The implementation of a fifth judgeship would reduce the requirement to use senior judges.

4. Types of Cases

The attached document titled “Clayton County Serious Felony Count”, supplied by the Clayton County IT Department, reflects the number of defendants processed in the Superior Court between 2010 and 2014. During that time period, the most prevalent cases that would be likely to go to trial would be the Murder, Murder-Malice, Murder Felony, Armed Robbery and Aggravated Child Molestation cases. The attached document shows the number of Murder, Murder- Malice and Murder-Felony counts and defendants contained in the cases heard by the Superior Court as well as the number of Armed Robbery and Aggravated Child Molestation counts and defendants that were heard.

Based upon the increase in population in Clayton County as well as the current socio-economic status of the citizens of Clayton County, it is clear that the trend of serious crimes being committed in Clayton County will continue.

5. Conclusion

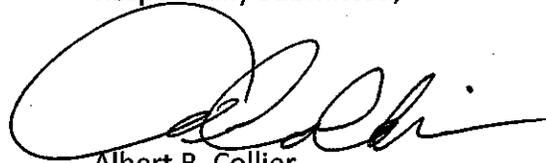
Attached to this document you will find letters of support from elected officials and justice system stakeholders working directly with and for citizens of the Clayton Judicial Circuit urging the addition of a 5th Superior Court Judge.

The judges of the Clayton Judicial Circuit Superior Court continue to do more with less; while other courts with smaller caseloads across the state are awarded resources. While there have been many issues that have taken place in Clayton County in the past that have hurt the reputation of the county, the judiciary of this county has continued to provide professional and high quality service to the legal community and the citizens of this county. We are honored that the excellent standing of the judiciary has not been

tarnished by the issues that have occurred within this county in the past. It is clear that the continued increase in the caseload as well as the expanding number of serious crimes will continue in the future. It is just as clear that the judges will continue to strive in the future to provide the same service to the citizens of Clayton County as they have done in the past. An additional judgeship would allow the judges of Clayton County to enhance the service the citizens and legal community deserve.

The strength of a community rests with a strong and stable judiciary that can efficiently resolve disputes and uphold the rule of law. Your favorable recommendation of the Clayton Judicial Circuit's appeal for an additional judgeship will provide much needed resources that will ensure an efficient administration of justice and strengthen the rule of law in our community.

Respectfully Submitted,



Albert B. Collier
Chief Judge, Clayton Judicial Circuit



Deborah C. Benefield,
Judge, Clayton Judicial Circuit



Matthew O. Simmons
Judge, Clayton Judicial Circuit



Geronda V. Carter
Judge, Clayton Judicial Circuit

CLAYTON COUNTY SUPERIOR COURT
SERIOUS FELONY COUNT

YEAR	CODE_SECTION	DESCRIPTION	CASE_COUNT	DEFENDANTS
2010	1605-44.1	HIJACKING A MOTOR VEHICLE	4	4
2010	160501	MURDER	11	17
2010	160501(A)	MURDER - MALICE	5	8
2010	160501(C)	MURDER - FELONY	18	25
2010	160540	KIDNAPPING	15	17
2010	1605441	HIJACKING A MOTOR VEHICLE	1	2
2010	160601	RAPE	11	11
2010	160602	AGGRAVATED SODOMY	12	12
2010	160603	STATUTORY RAPE	16	17
2010	160604C	AGGRAVATED CHILD MOLESTATION	21	22
2010	160605	ENTICING A CHILD FOR INDECENT PURPOSES	21	22
2010	160622	INCEST	4	4
2010	160622.2	AGGRAVATED SEXUAL BATTERY	7	7
2010	160841	ARMED ROBBERY	48	64
2010	161331E	TRAFFICKING-METHAMPHETAMINE OR AMPHETAMINE	4	6
TOTALS FOR 2010			198	238

YEAR	CODE_SECTION	DESCRIPTION	CASE_COUNT	DEFENDANTS
2011	1605-44.1	HIJACKING A MOTOR VEHICLE	5	9
2011	160501	MURDER	5	7
2011	160501(A)	MURDER - MALICE	6	10
2011	160501(C)	MURDER - FELONY	8	13
2011	160540	KIDNAPPING	17	26
2011	1605441	HIJACKING A MOTOR VEHICLE	4	7
2011	1606-03B	STATUTORY RAPE -PERSON CONVICTED >= 21	3	3
2011	160601	RAPE	17	18
2011	160602	AGGRAVATED SODOMY	12	12
2011	160603	STATUTORY RAPE	17	16
2011	160604C	AGGRAVATED CHILD MOLESTATION	14	15
2011	160605	ENTICING A CHILD FOR INDECENT PURPOSES	18	17
2011	160622	INCEST	5	6
2011	160622.2	AGGRAVATED SEXUAL BATTERY	10	10
2011	160841	ARMED ROBBERY	45	70
2011	161331E	TRAFFICKING-METHAMPHETAMINE OR AMPHETAMINE	10	23
TOTALS FOR 2011			196	262

CLAYTON COUNTY SUPERIOR COURT
SERIOUS FELONY COUNT

YEAR	CODE_SECTION	DESCRIPTION	CASE_COUNT	DEFENDANTS
2012	1605-44.1	HIJACKING A MOTOR VEHICLE	7	6
2012	160501	MURDER	8	13
2012	160501(A)	MURDER - MALICE	11	14
2012	160501(C)	MURDER - FELONY	18	31
2012	160540	KIDNAPPING	22	21
2012	1605441	HIJACKING A MOTOR VEHICLE	3	6
2012	1606-03B	STATUTORY RAPE -PERSON CONVICTED >= 21	1	1
2012	160601	RAPE	18	18
2012	160602	AGGRAVATED SODOMY	16	16
2012	160603	STATUTORY RAPE	13	13
2012	160604C	AGGRAVATED CHILD MOLESTATION	12	12
2012	160605	ENTICING A CHILD FOR INDECENT PURPOSES	16	16
2012	160622	INCEST	6	6
2012	160622.2	AGGRAVATED SEXUAL BATTERY	6	6
2012	160841	ARMED ROBBERY	46	70
2012	161331E	TRAFFICKING-METHAMPHETAMINE OR AMPHETAMINE	6	10
TOTALS FOR 2012			209	259

YEAR	CODE_SECTION	DESCRIPTION	CASE_COUNT	DEFENDANTS
2013	1605-44.1	HIJACKING A MOTOR VEHICLE	9	14
2013	160501	MURDER	9	20
2013	160501(A)	MURDER - MALICE	7	14
2013	160501(C)	MURDER - FELONY	15	26
2013	160540	KIDNAPPING	23	33
2013	1605441	HIJACKING A MOTOR VEHICLE	2	3
2013	1606-03B	STATUTORY RAPE -PERSON CONVICTED >= 21	1	1
2013	160601	RAPE	22	24
2013	160602	AGGRAVATED SODOMY	15	15
2013	160603	STATUTORY RAPE	14	12
2013	160604C	AGGRAVATED CHILD MOLESTATION	16	16
2013	160605	ENTICING A CHILD FOR INDECENT PURPOSES	11	10
2013	160622	INCEST	4	4
2013	160622.2	AGGRAVATED SEXUAL BATTERY	11	9
2013	160841	ARMED ROBBERY	56	91
2013	161331E	TRAFFICKING-METHAMPHETAMINE OR AMPHETAMINE	10	15
TOTALS FOR 2013			225	307

CLAYTON COUNTY SUPERIOR COURT
SERIOUS FELONY COUNT

YEAR	CODE_SECTION	DESCRIPTION	CASE_COUNT	DEFENDANTS
2014	1605-44.1	HIJACKING A MOTOR VEHICLE	8	13
2014	160501	MURDER	14	18
2014	160501(A)	MURDER - MALICE	12	14
2014	160501(C)	MURDER - FELONY	17	20
2014	160540	KIDNAPPING	39	43
2014	1605441	HIJACKING A MOTOR VEHICLE	2	2
2014	1606-03B	STATUTORY RAPE -PERSON CONVICTED >= 21	1	1
2014	160601	RAPE	28	33
2014	160602	AGGRAVATED SODOMY	23	28
2014	160603	STATUTORY RAPE	19	19
2014	160604C	AGGRAVATED CHILD MOLESTATION	14	14
2014	160605	ENTICING A CHILD FOR INDECENT PURPOSES	20	18
2014	160622	INCEST	4	4
2014	160622.2	AGGRAVATED SEXUAL BATTERY	14	14
2014	160841	ARMED ROBBERY	72	97
2014	161331E	TRAFFICKING-METHAMPHETAMINE OR AMPHETAMINE	11	21
TOTALS FOR 2014			298	359

**Clayton Judicial Circuit Superior Court
Jury Trials/Juror Utilization 2010-2014**

Year	Verdict	Mistrial	Settled	Plea	Cont	other	Total Impaneled	% to Verdict
2010	70	4	0	30	2	1	107	65%
2011	61	2	0	29	5	5	102	60%
2012	57	3	0	24	0	8	92	62%
2013	65	2	0	27	3	5	102	64%
2014	63	2	0	22	2	4	93	68%
Total	316	13	0	132	12	23	496	64%

Number of Authorized Superior Court Judgeships 2006 - 2015

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



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Cynthia H. Clanton
Interim Director

Memorandum

TO: Judicial Council of Georgia

FROM: Judge David Emerson

RE: Judicial Workload Assessment Committee Update

DATE: September 17, 2015

Introduction

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

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

Update

The Judicial Workload Assessment Committee met on August 21, 2015 to hear the Clayton Judicial Circuit's workload assessment appeal and for other matters. The Committee's vacancy has been filled by Judge Russell W. Smith of the Mountain Judicial Circuit. Attached to this memo are draft minutes of the meeting.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Cynthia H. Clanton
Interim Director

Judicial Workload Assessment Committee

Judicial Conference Room
244 Washington Street SW
Atlanta, GA 30334
August 21, 2015 • 10AM

Members Present

Judge David T. Emerson, Chair (*via telephone*)
Chief Judge William T. Boyett
Ms. Cindy Bright (*via telephone*)
Judge LeRoy Burke III
Chief Judge Michael P. Cielinski
Judge Doris L. Downs
Judge Annie Doris Holder
Judge Sheryl B. Jolly
Judge Stephen D. Kelly (*via telephone*)
Chief Judge Kathy S. Palmer
Mr. Will Simmons
Judge Russell W. Smith

Guest Present

Chief Judge Albert Collier
Mr. Matthew Sorenson
Judge Jason T. Harper

Staff Present

Mr. Christopher Hansard
Ms. Kimberly Miller
Ms. Wendy Hosch
Mr. Robert Aycock

Call to Order

Judge Boyett called the meeting to order at 10:12 a.m.

Approval of March 6, 2015 Minutes

The Committee unanimously approved the minutes without amendment.

Workload Assessment Appeal - Clayton Judicial Circuit

Mr. Christopher Hansard explained to the Committee that the workload assessment analysis, per policy, uses a three-year average of circuit caseload rather than one-year totals. Mr. Hansard then presented the workload assessment for the Clayton Judicial Circuit. A four-judge circuit must meet a threshold score of 5.32 to qualify for an additional judge. The Clayton Circuit received a score of 4.53. Mr. Hansard explained that, if the committee approved the appeal, their request for an additional judgeship recommendation would be considered by the Judicial Council at its September 30 meeting. Per policy, the Judicial Council would require a two-thirds vote to approve the judgeship recommendation because the circuit was not qualified.

Chief Judge Collier presented the Clayton Judicial Circuit appeal. The appeal centered on the assertion that the large number of serious felonies tried in the Clayton Circuit means that the true workload is higher than what is reflected in the assessment formula. Chief Judge Collier stated that the circuit had 93 jury trials in 2014, 63 of which were tried to verdict. Chief Judge Collier also stated that the circuit has had to bring in senior judges on numerous occasions to handle the less serious cases. Chief Judge Collier also explained that the Clayton Circuit was previously recommended for a fifth judge in 2008 but this was halted by state budget constraints. Chief Judge Collier also noted that probation revocations were not in the circuit's caseload report. Judge Burke asked Judge Collier if he believed the reported numbers were off enough to affect the assessment result. Judge Collier was unsure but believed the reported numbers could be wrong. Judge Collier was asked if the senior judges are used for civil cases. He replied that they were used in temporary protective orders and bond matters. Judge Smith asked if temporary hearings had been pushed back due to the number of jury trials. Judge Collier confirmed this was taking place.

After discussion, the appeal was unanimously approved.

2014 Caseload Presentation

Ms. Wendy Hosch provided the committee with an overview of the 2014 caseload results. Ms. Hosch presented caseload results broken down by both case type and jurisdiction. Ms. Hosch then presented the reported numbers of self-represented and limited English proficiency litigants. Ms. Hosch concluded her report by speaking to the challenges currently faced in caseload reporting as well as the upcoming changes to the reporting portal.

Reporting Requirements

Mr. Robert Aycock presented a summary of the reporting requirements found in both statutes and uniform court rules. Mr. Aycock also provided the Committee with an explanation of national reporting standards and recent changes to reporting practices.

Model Time Standards for Limited Jurisdiction Courts

Mr. Hansard updated the Committee on the passing of the superior court model time standards. He then requested the Committee's support to complete the same work for the limited jurisdiction courts. The Committee approved.

Next Meeting

Because staff is waiting for the 2016 Judicial Council meeting schedule, no date for the next meeting was scheduled.

Adjournment

Judge Boyett adjourned the meeting at 11:40 p.m.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Cynthia H. Clanton
Interim Director

Memorandum

TO: Judicial Council of Georgia

FROM: Judge Stephen Louis A. Dillard, Chair *SLAD/MS*
Court Reporting Matters Committee

RE: Committee Report

DATE: September 14, 2015

The Court Reporting Matters Committee met on June 25, 2015, to consider its final revisions of *The Judicial Council Policy Guide on Producing the Official Court Record* scheduled for publication on or before November 1, 2015. Additionally, the Committee discussed candidates to replace retiring members of the Committee, as well as the next phase of revising court-reporting policies and fees for civil cases.

As one of my first acts, I have recommended to Chief Justice Thompson that we increase the membership of the Court Reporting Matters Committee to five voting members to ensure that the Committee has representation from each and every court impacted by its work. Specifically, we hope to add a juvenile court judge to the Committee, which will provide the Committee with an additional and valuable perspective going forward. As you are no doubt all aware, the Court Reporting Matters Committee acts on behalf of the Judicial Council in handling appeals from decisions of the Board of Court Reporting, approves rules changes and opinions of the Board, proposes changes to fee schedules, and recommends candidates for Board membership.

I will submit to Chief Justice Thompson the names of candidates for Committee membership on or before October 1, 2015. Chief Justice Thompson, as the Chairperson of the Judicial Council, appoints the members of the Court Reporting Matters Committee.



Chief Justice Hugh P. Thompson
Chair

Judicial Council of Georgia
Administrative Office of the Courts

Cynthia H. Clanton
Interim Director

Memorandum

TO: Judicial Council of Georgia

FROM: Chief Judge Sara L. Doyle

RE: Strategic Plan Implementation Committee Report

DATE: September 30, 2015

On June 17, 2015, the Judicial Council of Georgia adopted inaugural bylaws for the Judicial Council developed by the Strategic Plan Implementation Committee (SPI). These bylaws were subsequently approved by the Supreme Court of Georgia on September 3, 2015. A copy of the order is attached.

The SPI Committee convened for a working session on August 18, 2015, to discuss priority initiatives 8 and 9 which address creating open repositories of information, and sharing innovations and best practices across courts. There were no voting items on the meeting agenda.

The next SPI Committee meeting is scheduled for 10:00 a.m. on October 20, 2015, at the State Bar of Georgia. The Committee will discuss priority initiative 5 and Jim Neal of North Highland Worldwide Consulting will lead a discussion about improved communications amongst stakeholders within the judicial branch. In addition, the SPI Committee will begin addressing the committees and membership of the Judicial Council, as well as next steps for the SPI Committee after the expiration of the current members' terms on June 30, 2016.

Thank you to all the SPI Committee members for their dedicated work on our strategic plan.

Attachments (Order)



SUPREME COURT OF GEORGIA

Atlanta September 3, 2015

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

Pursuant to the authority of OCGA § 15-5-20, and the authority of this Court, the “Bylaws of the Judicial Council of Georgia,” adopted by the Judicial Council on June 17, 2015, are hereby approved.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk 's Office, Atlanta

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

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

Therese A. Bame Clerk



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Cynthia H. Clanton
Interim Director

Memorandum

TO: Judicial Council Members

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

RE: Committee Report

DATE: September 17, 2015

On September 16, 2015, the Policy and Legislative Committee (the “Committee”) met to continue vetting potential legislative items for the 2016 Session of the General Assembly. The Committee makes the following recommendations to the Judicial Council:

**I. SB 64 – Repeal of Administrative Legitimation
(O.C.G.A. § 15-11-2, Title 19, and Chapter 10 of Title 31)**

Proposal: To repeal the process of administrative legitimation as set forth in O.C.G.A. § 19-7-21.1; to provide for better access to previously signed acknowledgements of legitimation and acknowledgements of paternity; and, to update sections to remove references to O.C.G.A. § 19-7-21.1. (*Legislation attached*)

The Committee recommends that the Judicial Council **support** legislation to repeal the process of administrative legitimation.

**II. Tax Refund Intercept Program
(O.C.G.A. Title 48 Chapter 7 Article7)**

Proposal: To amend Title 48 of the O.C.G.A. to simplify and strengthen the process controls in order for the Administrative Office of the Courts to efficiently transmit tax refund intercepts to participating courts by adding the courts as a fiduciary of funds pending appeal and to send final notifications of determination of the tax setoff. *(Proposed legislation attached)*

The Committee recommends that the Judicial Council **support** legislation to amend Title 48 of the O.C.G.A. to simplify and strengthen the process controls in order for the Administrative Office of the Courts to efficiently transmit tax refund intercepts to participating courts.

III. Adjustment of Appellate Court Terms

Proposal: To amend O.C.G.A. § 15-2-4 to adjust the terms of the Georgia appellate courts. The start of each term of court would be moved up by two to four weeks, and should create more efficiency in the operations of the appellate courts. The constitutional two-term rule would not be affected and appeals would still be decided in essentially the same amount of time. *(Proposed legislation attached)*

The Committee recommends that the Judicial Council **support** legislation to amend O.C.G.A. § 15-2-4 to adjust the terms of the Georgia appellate courts.

IV. Authority to Act

The Committee requests approval to make decisions or take positions on legislation and related policy issues on behalf of the Judicial Council during the 2016 Legislative Session, when time constraints prevent the convening of the full Judicial Council.

The House Committee on Rules offers the following substitute to SB 64:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-11-2, Title 19, and Chapter 10 of Title 31 of the Official Code
2 of Georgia Annotated, relating to definitions for the Juvenile Code, domestic relations, and
3 vital records, respectively, so as to repeal voluntary acknowledgments of legitimation; to
4 provide for conforming cross-references relating to the elimination of administrative
5 legitimation; to provide for and revise definitions; to clarify provisions relating to judicial
6 petitions for legitimation; to provide for witnesses to the signing of acknowledgments of
7 paternity; to provide for access to signed acknowledgments of paternity and voluntary
8 acknowledgments of legitimation; to change provisions relating to hospital programs for
9 establishing paternity; to provide for a savings clause; to amend Title 15 of the Official Code
10 of Georgia Annotated, relating to courts, so as to change provisions relating to when a judge,
11 judicial officer, grand juror, or trial juror may be disqualified from presiding or serving, as
12 applicable, due to being related by consanguinity or affinity to a party; to provide for related
13 matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **PART I**
16 **SECTION 1-1.**

17 Code Section 15-11-2 of the Official Code of Georgia Annotated, relating to definitions for
18 the Juvenile Code, is amended by revising paragraph (43) as follows:

19 "(43) 'Legal father' means a male who has not surrendered or had terminated his rights
20 to a child and who:

21 (A) Has legally adopted a such child;

22 (B) Was married to the biological mother of a such child at the time such child was
23 ~~conceived or~~ was born or within the usual period of gestation, unless paternity was
24 disproved by a final order pursuant to Article 3 of Chapter 7 of Title 19;

- 25 (C) Married the legal mother of a such child after such child was born and recognized
 26 such child as his own, unless paternity was disproved by a final order pursuant to
 27 Article 3 of Chapter 7 of Title 19; or
 28 ~~(D) Has been determined to be the father of a child by a final paternity order pursuant~~
 29 ~~to Article 3 of Chapter 7 of Title 19;~~
 30 ~~(E)~~(D) Has legitimated a such child by a final order pursuant to Code Section 19-7-22;
 31 or
 32 ~~(F) Has legitimated a child pursuant to Code Section 19-7-21.1."~~

33 **SECTION 1-2.**

34 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
 35 amended by repealing in its entirety Code Section 19-7-21.1, relating to acknowledgment of
 36 legitimation.

37 **SECTION 1-3.**

38 Said title is further amended by revising Code Section 19-7-22, relating to the petition for
 39 legitimation of a child, requirements therefor, the effect of such, claims for custody or
 40 visitation, and third-party actions for legitimation, as follows:

41 "19-7-22.

42 (a) As used in this Code section, the term:

43 (1) 'Biological father' means the male who impregnated the biological mother resulting
 44 in the birth of a child.

45 (2) 'Legal father' means a male who has not surrendered or had terminated his rights to
 46 a child and who:

47 (A) Has legally adopted such child;

48 (B) Was married to the biological mother of such child at the time such child was born
 49 or within the usual period of gestation, unless paternity was disproved by a final order
 50 pursuant to Article 3 of this chapter;

51 (C) Married the legal mother of such child after such child was born and recognized
 52 such child as his own, unless paternity was disproved by a final order pursuant to
 53 Article 3 of this chapter; or

54 (D) Has legitimated such child pursuant to this Code section.

55 ~~(a)~~(b) The biological A father of a child born out of wedlock may render his relationship
 56 with the child legitimate by petitioning the superior court of the county of the residence of
 57 the child's mother or other party having legal custody or guardianship of the child;
 58 provided, however, that if the mother or other party having legal custody or guardianship
 59 of the child resides outside ~~the~~ this state or cannot, after due diligence, be found within ~~the~~

60 this state, the petition may be filed in the county of the biological father's residence or the
 61 county of the child's residence. If a petition for the adoption of the child is pending, the
 62 biological father shall file the petition for legitimation in the county in which the adoption
 63 petition is filed.

64 ~~(b)~~(c) A legitimation ~~The~~ petition shall set forth the name, age, and sex of the child, the
 65 name of the mother, and, if the biological father desires the name of the child to be
 66 changed, the new name. If the mother is alive, she shall be named as a party and shall be
 67 served and provided an opportunity to be heard as in other civil actions under Chapter 11
 68 of Title 9, the 'Georgia Civil Practice Act.' If there is a legal father who is not the
 69 biological father, he shall be named as a party by the petitioner and shall be served and
 70 provided an opportunity to be heard as in other civil actions under Chapter 11 of Title 9,
 71 the 'Georgia Civil Practice Act.'

72 ~~(c)~~(d) Upon the presentation and filing of ~~the~~ a legitimation petition, and after a hearing
 73 for which notice was provided to all interested parties, the court may pass issue an order
 74 declaring the biological father's relationship with the child to be legitimate, ~~and that the~~
 75 provided that such order is in the best interests of the child. If such order is issued, the
 76 biological father and child shall be capable of inheriting from each other in the same
 77 manner as if born in lawful wedlock ~~and specifying.~~ Such order shall specify the name by
 78 which the child shall be known.

79 ~~(d)~~(e) A legitimation petition may be filed, pursuant to Code Section 15-11-11, in the
 80 juvenile court of the county in which a dependency proceeding regarding the child is
 81 pending; provided, however, that if either parent has demanded a jury trial as to child
 82 support, that issue of the case shall be transferred to superior court for a jury trial. Such
 83 petition shall contain the same information and require the same service and opportunity
 84 to be heard as set forth in subsection (c) of this Code section. After a hearing, the juvenile
 85 court may issue the same orders as set forth in subsection (d) of this Code section.

86 ~~(e)~~(f) A superior ~~Except as provided by subsection (f) of this Code section, the court shall,~~
 87 ~~upon notice to the mother further establish such duty as the father may have to support the~~
 88 ~~child, considering the facts and circumstances of the mother's obligation of support and the~~
 89 ~~needs of the child~~ after notice and hearing, enter an order establishing the obligation to
 90 support a child as provided under Code Section 19-6-15.

91 ~~(f)~~ ~~After a petition for legitimation is granted, if a demand for a jury trial as to support has~~
 92 ~~been properly filed by either parent, then the case shall be transferred from juvenile court~~
 93 ~~to superior court for such jury trial.~~

94 ~~(f.1)~~(g) A ~~The~~ petition for legitimation petition may also include claims for visitation,
 95 parenting time, or custody. If such claims are raised in the legitimation action, the court
 96 may order, in addition to legitimation, visitation, parenting time, or custody based on the

97 best interests of the child standard. In a case involving allegations of family violence, the
 98 provisions of paragraph (4) of subsection (a) of Code Section 19-9-3 shall also apply.

99 ~~(g)(1)(h)~~ In any petition to establish paternity pursuant to paragraph (4) of subsection (a)
 100 of Code Section 19-7-43, the alleged biological father's response may assert a third-party
 101 action for the legitimation of the child born out of wedlock if the alleged biological father
 102 is, in fact, the biological father. Upon the determination of paternity or if a voluntary
 103 acknowledgment of paternity has been made and has not been rescinded pursuant to Code
 104 Section 19-7-46.1, the court or trier of fact as a matter of law and pursuant to the provisions
 105 of Code Section 19-7-51 may enter an order or decree legitimating a child born out of
 106 wedlock, provided that such is in the best ~~interest~~ interests of the child. In determining the
 107 best interests of the child, the court should insure that the petitioning alleged biological
 108 father is, in fact, the biological father and may order the mother, the alleged father, and the
 109 child to submit to genetic testing in accordance with Code Section 19-7-45. Whenever a
 110 petition to establish the paternity of a child is brought by the Department of Human
 111 Services, issues of name change, visitation, and custody shall not be determined by the
 112 court until such time as a separate petition is filed by one of the parents or by the legal
 113 guardian of the child, in accordance with Code Section 19-11-8; if the petition to establish
 114 paternity is brought by a party other than the Department of Human Services or if the
 115 alleged biological father seeks legitimation, the court may determine issues of name
 116 change, visitation, and custody in accordance with subsections ~~(b) and (f.1)~~ (c) and (g) of
 117 this Code section. Custody of the child shall remain in the mother unless or until a court
 118 order is entered addressing the issue of custody.

119 ~~(2) In any voluntary acknowledgment of paternity which has been made and has not been~~
 120 ~~rescinded pursuant to Code Section 19-7-46.1, when both the mother and father freely~~
 121 ~~agree and consent, the child may be legitimated by the inclusion of a statement indicating~~
 122 ~~a voluntary acknowledgment of legitimation."~~

123 SECTION 1-4.

124 Said title is further amended by revising Code Section 19-7-25, relating to in whom parental
 125 power over a child born out of wedlock lies, as follows:

126 "19-7-25.

127 Only the mother of a child born out of wedlock is entitled to custody of the child, unless
 128 the father legitimates the child as provided in Code Section ~~19-7-21.1~~ or 19-7-22.
 129 Otherwise, the mother may exercise all parental power over the child."

130

SECTION 1-5.

131 Said title is further amended by revising Code Section 19-7-27, relating to hospital program
 132 for establishing paternity, as follows:

133 "19-7-27.

134 (a) Except in the event of a medical emergency, prior to ~~Upon~~ the birth of a child to an
 135 unmarried woman in a public or private hospital, the hospital that provides perinatal labor
 136 and delivery services shall:

137 ~~(1) Provide the child's mother and alleged father if he is present at the hospital the~~
 138 ~~opportunity to acknowledge paternity consistent with the requirements of Code Section~~
 139 ~~19-7-46.1; and~~

140 ~~(2) Provide~~ provide to the mother and alleged father:

141 ~~(A)(1)~~ (1) Written materials about administratively establishing paternity establishment;

142 ~~(B)(2)~~ (2) The forms necessary to voluntarily acknowledge paternity;

143 ~~(C)(3)~~ (3) A written description of the rights and responsibilities of voluntarily
 144 acknowledging paternity, the differences between paternity and legitimation, and the duty
 145 to support a child upon acknowledgment of paternity; and

146 ~~(D)(4)~~ (4) The opportunity, prior to discharge from the hospital, to speak with staff, either
 147 by telephone or in person, who are trained to clarify information and answer questions
 148 about administratively establishing paternity establishment and the availability of judicial
 149 determinations of paternity.

150 (b) Providing the written materials describing rights and responsibilities shall not
 151 constitute the unlawful practice of law.

152 (c) After the birth of a child to an unmarried woman in a public or private hospital, the
 153 hospital that provides labor and delivery services shall:

154 (1) Provide the child's mother and alleged father if he is present at the hospital the
 155 opportunity to execute a voluntary acknowledgment of paternity consistent with the
 156 requirements of Code Section 19-7-46.1;

157 (2) File the signed voluntary acknowledgment of paternity with the State Office of Vital
 158 Records within 30 days of its execution; and

159 (3) Provide to the child's mother and alleged father copies of the signed voluntary
 160 acknowledgment of paternity."

161

SECTION 1-6.

162 Said title is further amended by revising subsection (d) of Code Section 19-7-43, relating to
 163 petition to establish paternity and genetic testing, as follows:

164 "(d) In any case in which the paternity of a child or children has not been established, ~~any~~
 165 ~~party may make a motion for the court to~~ the court, either on its own motion or on the

166 motion of any party, may order the mother, the alleged father, and the child or children to
 167 submit to genetic tests as specified in Code Section 19-7-45. Such motion, if made by a
 168 party, shall be supported by a sworn statement ~~(1)~~ alleging paternity and setting forth facts
 169 establishing a reasonable possibility of the requisite sexual contact between the parties; or
 170 ~~(2)~~ denying paternity and setting forth facts establishing a reasonable possibility of the
 171 nonexistence of sexual contact between the parties. Appropriate orders shall be issued in
 172 ~~accordance with the provisions of this article~~ by the court. The court shall grant ~~the a~~
 173 party's motion unless it finds ~~good cause as defined by the federal Social Security Act or~~
 174 ~~if other~~ a good excuse for noncooperation is established."

175 **SECTION 1-7.**

176 Said title is further amended by revising Code Section 19-7-46.1, relating to name or social
 177 security number on birth certificate or other record as evidence of paternity and signed
 178 voluntary acknowledgment of paternity, as follows:

179 "19-7-46.1.

180 (a) The appearance of the name or social security account number of the father, entered
 181 with his written consent, on the certificate of birth or a certified copy of such certificate or
 182 records on which the name of the alleged father was entered with his written consent from
 183 the vital records department of another state or the registration of the father, entered with
 184 his written consent, in the putative father registry of this state, pursuant to subsection (d)
 185 of Code Section 19-11-9, shall constitute a prima-facie case of establishment of paternity
 186 and the burden of proof shall shift to the putative father to rebut such in a proceeding for
 187 the determination of paternity.

188 (b) When both the mother and father have signed a voluntary acknowledgment of paternity
 189 in the presence of a notary public or other witness swearing or affirming the statements
 190 contained in the acknowledgment are true and such acknowledgment is filed with the State
 191 Office of Vital Records within 30 days of its execution and ~~the acknowledgment~~ is
 192 recorded in the putative father registry established by subsection (d) of Code Section
 193 19-11-9, the acknowledgment shall constitute a legal determination of paternity, subject
 194 to the right of any signatory to rescind the acknowledgment prior to the date of the support
 195 order, any other order adjudicating paternity, or 60 days from the signing of the agreement,
 196 whichever is earlier. Recording such information in the putative father registry shall
 197 constitute a legal determination of paternity for purposes of establishing a future order for
 198 support, ~~visitation privileges,~~ and other matters under Code Section 19-7-51.
 199 Acknowledgment of paternity shall establish the biological father, as such term is defined
 200 in Code Section 19-7-22, but shall not constitute a legal determination of legitimation
 201 pursuant to Code Section ~~19-7-21.1~~ or 19-7-22.

202 (c) After the 60 day rescission period specified in subsection (b) of this Code section, the
 203 signed voluntary acknowledgment of paternity may be challenged in court only on the basis
 204 of fraud, duress, or material mistake of fact, with the burden of proof on the person
 205 challenging the acknowledgment. The legal responsibilities of any signatory, including
 206 child support obligations, arising from the acknowledgment may not be suspended during
 207 the challenge, except for good cause shown.

208 (d) A copy of a signed voluntary acknowledgment of paternity shall be provided to any
 209 signatory upon request.

210 (e)(1) As used in this subsection, the term:

211 (A) 'Child-placing agency' means an agency licensed as such pursuant to Chapter 5 of
 212 Title 49.

213 (B) 'Legal custodian' shall have the same meaning as set forth in Code Section 15-11-2.

214 (C) 'Local custodian' shall have the same meaning as set forth in Code Section 31-10-1.

215 (D) 'State registrar' shall have the same meaning as set forth in Code Section 31-10-1.

216 (2) The state registrar or local custodian, upon receipt of a written application, shall issue
 217 a certified copy of voluntary acknowledgment of paternity in the state registrar's or local
 218 custodian's custody to:

219 (A) The person who signed such acknowledgment and his or her guardian or temporary
 220 guardian;

221 (B) The person whose paternity was acknowledged, if he or she is at least 18 years of
 222 age;

223 (C) The guardian, temporary guardian, or legal custodian of the person whose paternity
 224 was acknowledged;

225 (D) The living legal spouse or next of kin, the legal representative, or the person who
 226 in good faith has applied and produced a record of such application to become the legal
 227 representative of the person whose paternity is registered;

228 (E) A court of competent jurisdiction upon its order or subpoena;

229 (F) Any governmental agency, state or federal, provided that such certificate shall be
 230 needed for official purposes;

231 (G) A member in good standing of the State Bar of Georgia, provided that such
 232 certificate shall be needed for purposes of legal investigation on behalf of a client; and

233 (H) A child-placing agency, provided that such certificate shall be needed for official
 234 purposes."

235 SECTION 1-8.

236 Said title is further amended by revising Code Section 19-7-51, relating to order of support,
 237 visitation privileges, and other provisions, as follows:

238 "19-7-51.

239 The decree or order establishing paternity may contain any other provisions concerning the
 240 duty to support the child by periodic or lump sum payments, ~~visitation privileges with the~~
 241 ~~child as provided in Code Section 19-6-15~~, or any other matter in the best ~~interest~~ interests
 242 of the child."

243 **SECTION 1-9.**

244 Said title is further amended by revising paragraph (6) of Code Section 19-8-1, relating to
 245 definitions relating to adoption, as follows:

246 "(6) 'Legal father' means a male who has not surrendered or had terminated his rights to
 247 a child and who:

248 (A) Has legally adopted a such child;

249 (B) Was married to the biological mother of ~~that~~ such child at the time ~~that~~ such child
 250 ~~was conceived or was born~~ or within the usual period of gestation, unless ~~such~~ paternity
 251 was disproved by a final order pursuant to Article 3 of Chapter 7 of this title;

252 (C) Married the legal mother of ~~the~~ such child after ~~the~~ such child was born and
 253 recognized ~~the~~ such child as his own, unless ~~such~~ paternity was disproved by a final
 254 order pursuant to Article 3 of Chapter 7 of this title; or

255 (D) Has legitimated ~~the~~ such child by a final order pursuant to Code Section 19-7-22;
 256 or

257 ~~(E) Has legitimated the child pursuant to Code Section 19-7-21.1~~

258 ~~and who has not surrendered or had terminated his rights to the child."~~

259 **SECTION 1-10.**

260 Said title is further amended by revising subparagraph (e)(3)(D) of Code Section 19-8-4,
 261 relating to when surrender or termination of parental or guardian's rights is required, as
 262 follows:

263 "(D) The pre-birth surrender shall not be valid for use by a legal father as defined under
 264 paragraph (6) of Code Section 19-8-1 or for any man who has executed ~~either a~~
 265 ~~voluntary acknowledgment of legitimation pursuant to the provisions of paragraph (2)~~
 266 ~~of subsection (g) of Code Section 19-7-22~~ or a voluntary acknowledgment of paternity
 267 pursuant to the provisions of Code Section 19-7-46.1."

268 **SECTION 1-11.**

269 Said title is further amended by revising subparagraph (e)(3)(D) of Code Section 19-8-5,
 270 relating to surrender or termination of parental or guardian's rights when child to be adopted
 271 by a third party, as follows:

- 305 (1) A petition to legitimate the child pursuant to Code Section 19-7-22 ~~or an~~
 306 ~~acknowledgment of legitimation pursuant to Code Section 19-7-21.1; and~~
 307 (2) Notice of the filing of the petition to legitimate ~~or acknowledgment of legitimation~~
 308 with the court in which the action under this Code section, if any, is pending and to the
 309 person who provided such notice to such biological father."

310 SECTION 1-15.

311 Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records,
 312 is amended by revising subsections (a) and (d) of Code Section 31-10-25, relating to
 313 disclosure of information contained in vital records, as follows:

314 "(a) To protect the integrity of vital records, to ensure their proper use, and to ensure the
 315 efficient and proper administration of the system of vital records, it shall be unlawful for
 316 any person to permit inspection of, or to disclose information contained in vital records or
 317 to copy or issue a copy of all or part of any such record except as authorized by this
 318 chapter, Code Section 19-7-46.1, and ~~by~~ regulation or by order of a court of competent
 319 jurisdiction. Regulations adopted under this Code section shall provide for adequate
 320 standards of security and confidentiality of vital records. The provisions of this subsection
 321 shall not apply to court records or indexes of marriage licenses, divorces, and annulments
 322 of marriages filed as provided by law."

323 "(d) Information in vital records indicating that a birth occurred out of wedlock shall not
 324 be disclosed except as ~~provided by regulation or upon the~~ authorized by this chapter, Code
 325 Section 19-7-46.1, and regulation or by order of a court of competent jurisdiction."

326 SECTION 1-16.

327 Said chapter is further amended by revising subsection (a) of Code Section 31-10-26, relating
 328 to certified copies of vital records, issuance, and use for statistical purposes, as follows:

329 "(a) In accordance with Code Section 31-10-25 and the regulations adopted pursuant
 330 thereto:

331 (1) The state registrar or local custodian, ~~of vital records appointed by the state registrar~~
 332 ~~to issue certified copies~~ upon receipt of a written application, shall issue:

333 (A) A a certified copy of a vital record in that registrar's or custodian's custody or
 334 abstract thereof to any applicant having a direct and tangible interest in the vital record;
 335 ~~except that certified;~~

336 (B) Certified copies of voluntary acknowledgments of paternity as provided in
 337 subsection (e) of Code Section 19-7-46.1;

338 (C) Certified copies of voluntary acknowledgments of legitimation executed on or
 339 before June 30, 2015, to the same individuals and entities specified in subsection (e) of
 340 Code Section 19-7-46.1; and

341 (D) Certified copies of certificates shall only be issued to:

342 ~~(A)~~(i) The person whose record of birth is registered;

343 ~~(B)~~(ii) Either parent, guardian, or temporary guardian of the person whose record of
 344 birth or death is registered;

345 ~~(C)~~(iii) The living legal spouse or next of kin, ~~or~~ the legal representative, or the
 346 person who in good faith has applied and produced a record of such application to
 347 become the legal representative of the person whose record of birth or death is
 348 registered;

349 ~~(D)~~(iv) ~~A~~ The court of competent jurisdiction upon its order or subpoena; or

350 ~~(E)~~(v) Any governmental agency, state or federal, provided that such certificate shall
 351 be needed for official purposes; and

352 (2) Each certified copy issued shall show the date of registration and duplicates issued
 353 from records marked 'delayed' or 'amended' shall be similarly marked and show the
 354 effective date. The documentary evidence used to establish a delayed certificate of birth
 355 shall be shown on all duplicates issued. All forms and procedures used in the issuance
 356 of certified copies of vital records in this state shall be provided or approved by the state
 357 registrar."

358 **SECTION 1-17.**

359 This part of this Act shall not be construed to affect a voluntary acknowledgment of
 360 legitimation that was valid under the former provisions of Code Section 19-7-21.1, nor any
 361 of the rights or responsibilities flowing therefrom, if it was executed on or before June 30,
 362 2015.

363 **PART II**

364 **SECTION 2-1.**

365 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
 366 paragraph (2) of subsection (a) of Code Section 15-1-8, relating to when a judge or judicial
 367 officer is disqualified, as follows:

368 "(2) Preside, act, or serve in any case or matter when such judge is related by
 369 consanguinity or affinity within the ~~sixth~~ third degree as computed according to the civil
 370 law to any party interested in the result of the case or matter; or"

371 **SECTION 2-2.**

372 Said title is further amended by revising Code Section 15-12-70, relating to disqualification
373 for relationship to interested party, as follows:

374 "15-12-70.

375 All grand jurors in the courts of this state shall be disqualified to act or serve in any case
376 or matter when such jurors are related by consanguinity or affinity to any party interested
377 in the result of the case or matter within the ~~sixth~~ third degree as computed according to
378 the civil law. Relationship more remote shall not be a disqualification."

379 **SECTION 2-3.**

380 Said title is further amended by revising subsection (a) of Code Section 15-12-135, relating
381 to disqualification for relationship to interested party, as follows:

382 "(a) All trial jurors in the courts of this state shall be disqualified to act or serve in any case
383 or matter when such jurors are related by consanguinity or affinity to any party interested
384 in the result of the case or matter within the ~~sixth~~ third degree as computed according to
385 the civil law. Relationship more remote shall not be a disqualification."

386 **PART III**

387 **SECTION 3-1.**

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

Title 48, Chapter 7, Article 7 changes

48-7-162.1.

(a) Submission of debts through the Administrative Office of the Courts shall be the sole manner through which debts owed to courts may be submitted to the department for collection under this article. The Administrative Office of the Courts shall be authorized to enter into written contracts for the performance of administrative functions and duties under this article by one or more administrative entities consisting of nonprofit Georgia corporations, except for a public utility, in existence on or before January 1, 2012, whose income is exempt from federal income taxation pursuant to Section 115 of the ~~Internal~~Internal Revenue Code of 1986, or third party vendors approved by the department.

(b) Any claim submitted by a court through the Administrative Office of the Courts shall be subordinate to all claims submitted by claimant agencies.

48-7-164.

(a) (1) Within a time frame specified by the department, a claimant agency seeking to collect a debt through setoff shall supply the information necessary to identify each debtor whose refund is sought to be set off, including but not limited to such debtor's social security number, and shall certify the amount of the debt or debts owed by each debtor.

(2) The Administrative Office of the Courts shall supply the information necessary to identify each debtor whose refund is sought to be set off, including but not limited to such debtor's social security number, and shall certify the amount of the debt or debts owed by each debtor.

(3) The department may rely upon the certification by a claimant agency or the Administrative Office of the Courts that the debt is valid and owed by the debtor and that such debt may be validly collected by the department under this article. No employee or agent of the department shall be liable to any person for collecting any such debt that was not valid and owed by the debtor.

(b) (1) If a debtor identified by a claimant agency or the Administrative Office of the Courts is determined by the department to be entitled to a refund of at least \$25.00, the department shall transfer an amount equal to the refund owed, not to exceed the amount of the claimed debt certified, to the claimant agency or the Administrative Office of the Courts. The Administrative Office of the Courts may transfer such amount to the court to whom the debt is owed, excluding the administrative collection assistance fee. When the refund owed exceeds the claimed debt and

administrative collection assistance fee, the department shall send the excess amount to the debtor within a reasonable time after the excess is determined.

(2) When the amount of the setoff available for claims is insufficient for the combined total of the claims filed by courts, distribution of the available setoff funds shall be made in the order of the date each court claim is received by the Administrative Office of the Courts. Such claim shall remain active until sufficient additional setoff funds become available to set off the remainder of the debt or until the claims themselves expire by law.

(3) If the department is able to collect only part of a debt through setoff under this article, the administrative collection assistance fees shall have priority over the remainder of the debt.

(c) At the time of the transfer of funds to a claimant agency or the Administrative Office of the Courts pursuant to this Code section, the department shall notify the taxpayer or taxpayers whose refund is sought to be set off and the claimant agency or the Administrative Office of the Courts that the transfer has been made. The notice shall clearly set forth the name of the debtor, the manner in which the debt arose, the amount of the claimed debt, the transfer of funds to the claimant agency or the Administrative Office of the Courts pursuant to this Code section and the intention to set off the refund against the debt, the amount of the refund in excess of the claimed debt, the taxpayer's opportunity to give written notice to contest the setoff within 30 days of the date of mailing of the notice, the name and mailing address of the claimant agency or the Administrative Office of the Courts to which the application for a hearing must be sent, and the fact that failure to apply for a hearing in writing within the 30 day period will be deemed a waiver of the opportunity to contest the setoff. In the case of a joint return, the notice shall also state the name of any taxpayer named in the return against whom no debt is claimed, the fact that a debt is not claimed against such taxpayer, the fact that such taxpayer is entitled to receive a refund if it is due him or her regardless of the debt asserted against his or her spouse, and that in order to obtain a refund due him or her such taxpayer must apply in writing for a hearing with the claimant agency or the Administrative Office of the Courts named in the notice within 30 days of the date of the mailing of the notice. If a taxpayer fails to apply in writing for a hearing within 30 days of the mailing of the notice, he or she will have waived his or her opportunity to contest the setoff.

(d) Upon receipt of funds transferred from the department pursuant to this Code section, the claimant agency, ~~or~~ the Administrative Office of the Courts, or the court to whom the debt is owed that has received the funds from the Administrative Office of the Courts pursuant to subsection (b) of this Code section shall deposit and hold the funds in an escrow account until a final determination of the validity of the debt. Any interest accruing on proceeds in such escrow

account shall not constitute any part of the setoff funds being held in escrow and shall be retained by the claimant agency, ~~or the Administrative Office of the Courts, or the court to whom the debt is owed, if the court is in possession of such funds pursuant to subsection (b) of this Code section,~~ to cover administrative costs.

(e) The claimant agency shall pay the department for all costs incurred by the department in setting off debts in the manner provided in this article.

48-7-165.1.

(a) (1) ~~Except as otherwise provided in subsection (d) of this Code section,~~ If the Administrative Office of the Courts receives written notice from the debtor contesting the setoff or the sum upon which the setoff is based within 30 days of the debtor being notified of the debt setoff, the Administrative Office of the Courts shall notify the court to whom the debt is owed that the sum due and owing shall not be disbursed pursuant to this article until the court to whom the debt is owed has granted a hearing to the debtor and obtained a final determination on the debt under this Code section and provided evidence of such final determination to the Administrative Office of the Courts. Such sum due and owing shall not be disbursed to the debtor ~~or the court to whom the debt is owed~~ prior to such final determination.

(2) The hearing required under this Code section shall be conducted after notice of such hearing is provided to the debtor by certified mail or personal service. When personal service is utilized, such personal service shall be made by the officers of the court designated by the judges of that court or any other officers authorized by law to serve process.

(b) (1) The officers of the court designated by the judges of that court submitting debts to the Administrative Office of the Courts shall appoint a hearing officer for the purpose of conducting hearings under this Code section. The officers of the court shall adopt appropriate procedures to govern the conducting of hearings by the hearing officer. A written or electronic copy of such procedures shall be provided to a debtor immediately upon the receipt of notice from a debtor under subsection (a) of this Code section.

(2) Issues that have been previously litigated shall not be considered at a hearing. The hearing officer shall determine whether the debt is owed to the court and the amount of the debt. Such determination shall be in writing and shall be provided to the debtor and the Administrative Office of the Courts within five days after the date the hearing is conducted.

(3) If the debtor or the court disagrees with the determination of the hearing officer, either party may appeal that determination by filing a petition in the superior court not later than ten days

following the date of the hearing officer's written determination. The superior court judge shall conduct a hearing and shall render a final determination in writing and shall transmit a copy to the hearing officer, the debtor, the court to whom the debt is owed, and the Administrative Office of the Courts not later than ten days after the date of that hearing.

(4) The losing party to such proceeding as provided for in paragraph (3) of this subsection shall pay any filing fees and costs of service, except that the officers of the court designated by the judges of that court shall be authorized to waive such fees and costs. The court submitting the debt to the Administrative Office of the Courts shall be responsible for attorneys' fees of the debtor who is contesting the setoff in cases where the superior court finds in favor of the debtor.

(c) If a court submits a debt for collection under this article following final determination of the debt in accordance with this Code section and the Administrative Office of the Courts is notified by the department that no refund proceeds are available or sufficient for setoff of the entire debt, such claim shall remain valid until sufficient refund proceeds are available for setoff as provided in subsection (b) of Code Section 48-7-164 and are not subject to further appeal.

48-7-166.

(a) (1) Upon final determination of the amount of the debt due and owing by means of the hearing provided by Code Section 48-7-165 or by the taxpayer's default through failure to comply with subsection (c) of Code Section 48-7-164, the claimant agency shall remove the amount of the debt due and owing from the escrow account established pursuant to Code Section 48-7-164 and shall credit the amount to the debtor's obligation.

(2) Upon final determination of the amount of the debt due and owing as provided by Code Section 48-7-165.1, or by the taxpayer's default through failure to comply with subsection (c) of Code Section 48-7-164, the Administrative Office of the Courts or the court to whom the debt is owed, if the court is in possession of such funds pursuant to Code Section 48-7-164, shall remove the amount of the debt due and owing from the escrow account established pursuant to Code Section 48-7-164 and shall credit the amount to the debtor's obligation.

(b) Upon transfer of the debt due and owing from the escrow account to the credit of the debtor's account, the claimant agency or the court to whom the debt is owed~~Administrative Office of the Courts~~ shall notify the debtor in writing of the finalization of the setoff. The department shall prepare a notice for use by the claimant agency or the court to whom the debt is owed~~Administrative Office of the Courts~~. Such notice shall include a final accounting of the refund which was set off, including the amount of the refund to which the debtor was entitled

prior to setoff, the amount of the debt due and owing, the amount of the refund in excess of the debt which has been returned to the debtor by the department pursuant to Code Section 48-7-164, and the amount of the funds transferred to the claimant agency or the Administrative Office of the Courts pursuant to Code Section 48-7-164 in excess of the debt finally determined to be due and owing at a hearing held pursuant to Code Section 48-7-165 or 48-7-165.1, if such a hearing was held or the amount of the funds transferred to the Administrative Office of the Courts pursuant to Code Section 48-7-164 is in excess of the debt finally determined to be due and owing pursuant to Code Section 48-7-165.1 as determined in the filing of an appeal. At such time, the claimant agency, ~~or~~ the Administrative Office of the Courts, or the court to whom the debt is owed, if the court is in possession of such funds pursuant to Code Section 48-7-164, shall refund to the debtor the amount of the claimed debt originally certified and transferred to it by the department in excess of the amount of debt finally found to be due and owing.

(c) Following finalization of the setoff pursuant to subsection (b) of this Code section, the Administrative Office of the Courts shall transfer the funds to the court if the court was not previously transferred the funds pursuant to Code Section 48-7-164. Any funds ~~so~~ transferred by the Administrative Office of the Courts to the court shall be disbursed by the court in the same manner as if such funds had been originally collected by such court without having resorted to collection under this article.

OCGA § 15-2-4. Time and place of sessions

(a) The Supreme Court shall sit at the seat of government.

(b) Unless the Supreme Court by rule or order chooses to extend its terms of court, the terms shall be as follows:

(1) ~~January~~December term beginning the first Monday in ~~January~~December;

(2) April term beginning the ~~third~~first Monday in April; and

(3) ~~September~~August term beginning the first Monday in ~~September~~August.

(c) Each term shall continue until the business for that term has been disposed of by the court, provided that, unless sooner closed by order of the court, the ~~September~~August term shall end on ~~December 16~~ November 18, the ~~January~~December term shall end on ~~April 14~~ March 31, and the April term shall end on July ~~31~~17. No judgment in a second-term case, other than a judgment on a motion for reconsideration in such case, shall be rendered during the last 15 days of any term. Disposition of first-term cases may be made during nonterm periods.

Effective Date: The effective date of this amendment shall be December 1, 2015, on which date the December 2016 term will begin. The September 2016 term will still end on December 16, 2016.



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice **Hugh P. Thompson**
Chair

Cynthia H. Clanton
Interim Director

Memorandum

TO: Judicial Council of Georgia

FROM: Michelle Barclay, Assistant Director, JC/AOC Office of Children, Families and the Courts

RE: Office of Children, Families and the Courts

DATE: September 30, 2015

In alignment with the strategic plan of the Judicial Council of Georgia to improve the administration of justice, the AOC, under Interim Director Cynthia Clanton, reorganized AOC's Office of Children, Families the Courts in an effort to include all staff working with vulnerable populations in Georgia. The Office of Children, Families and the Courts already included the staff for the Supreme Court of Georgia Committee on Justice for Children, chaired by Presiding Justice P. Harris Hines; the Georgia Commission on Family Violence, chaired by Holly Tuchman; and the Georgia Commission on Child Support, chaired by Superior Court Judge Louisa Abbott.

As of May 15, 2015, the Office of Children, Families and the Courts expanded to include the staff for the Accountability Courts (which is in transition to serve the Accountability Court Council); the Judicial Council of Georgia's Access, Fairness, and Public Trust and Confidence Committee, which is co-chaired by Justice Robert Benham and Justice Carol Hunstein; and the AOC Communications Office.

Following is a brief synopsis of the work the Office of Children, Families and the Courts is doing.

- **Committee on Justice for Children:** The staff of the J4C are working in partnership with many executive branch agencies on the Cold Case Project, which provides expert attorney reviewers for children who have been in Georgia's foster care system for many years, to see what legal or due process problems exist in each case which could be resolved to help these children achieve legal permanency. The staff is also working to set up judicial summits around Georgia for both child welfare outcome measures and school climate initiatives, as well as supporting the Case Process Report System (a shared child specific data information system between the judicial and executive branch). A J4C Committee meeting occurred on September 17, 2015. A new Supreme Court order for J4C's work will go into effect on October 3, 2015.

- **Communications:** Improving communications for internal and external judicial branch audiences is a priority under the Judicial Council Strategic plan and a consultant has been engaged for helping the AOC develop a stronger communications plan and to provide coaching for the staff. In the meantime, the daily tasks of the Communications department include working on the next Courts Journal; updating the Georgia Courts Directory; assisting with drafting and distribution of press releases; updating Judicial Council outgoing certificates and letterhead; updating Facebook/Twitter; uploads to georgiacourts.gov; updated agency organizational chart; taking photos and drafting communications.
- **Child Support Commission:** The Statute Review Committee of the Child Support Commission met recently to discuss its proposed legislation that did not pass last session, and other issues for staff to research for the next session of the General Assembly. The Commission is in the process of building an alternative child support calculator, which will be web-based. Staff attorney Pat Buonodono presented at the Family Law Institute last month with Commission member Katie Connell. Pat Buonodono and Elaine Johnson are participating in the Council of Superior Court Judges' Subcommittee on Problem Solving Courts. We continue to present trainings to judges, attorneys, and Division of Child Support Services employees throughout the state. We have made videos on how to prepare a child support worksheet and how to prepare income withholding documentation that are available to the public on the Commission's website. Staff responds to telephone calls every day from judges, attorneys and the public with child support worksheet questions, as well as to questions submitted through our website from the public.
- **Access, Fairness, and Public Trust and Confidence Committee:** A decision was made recently to staff this Committee with a contract attorney, Karlise Grier, which is just getting started. The Committee had a short conference call on September 17 and set a date for a full meeting in October of 2015.
- **Georgia Commission on Family Violence:** The Commission held its 21st Annual Statewide Family Violence Conference at the Classic Center in Athens on September 27-30. Over 350 participants from across Georgia registered to attend the conference. Judge Peggy Walker, Juvenile Court Judge in Douglas County, was presented the 2015 Gender Justice Award for her efforts and contributions to the family violence community in Georgia and nationwide.



Table of Contents

1. Supreme Court of Georgia
2. Council of Superior Court Judges
3. Council of Probate Court Judges
4. Council of Municipal Court Judges



SUPREME COURT OF GEORGIA
STATE JUDICIAL BUILDING
ATLANTA, GEORGIA 30334

HUGH P. THOMPSON
CHIEF JUSTICE

(404) 656-3472

SUPREME COURT REPORT
September 30, 2015

I am pleased to announce that I have appointed Presiding Justice Hines to serve on the new statewide Compensation Commission, formally known as the "Judicial, District Attorney and Circuit Public Defender Compensation Commission." This is the commission created during the last legislative session to review and recommend the salaries paid to judges, district attorneys and circuit public defenders. There are five voting members on the commission and the Chief Justice was granted one appointment. I am confident that Presiding Justice Hines will be an enormous asset to this commission, and to the entire judicial branch, and I appreciate his willingness to serve in this critical position.

Since the August meeting of the Judicial Council, the Supreme Court has appointed 11 new members to the Committee on Justice for Children. Among them are Ashley Willcott; Judge Michael Boggs; Judge Benjamin Brinson; Judge James Whitfield; Judge Philip Spivey; Judge Juliette Scales; Bobby Cagle; Dr. Jordan Greenbaum; Lindsay Caulfield; Betsy Imes; and Marie Watson. This enormously successful committee, which Presiding Justice Hines has chaired for the last 15 years, has been a leader in the state in reforming the way the judiciary handles child abuse and neglect cases.

The Supreme Court appointed State Court Judge Dax Lopez to the Commission on Interpreters, which Justice Keith Blackwell chairs, and also approved numerous appointments to the State Bar's Fee Arbitration and Unlicensed Practice of Law Committees.

The Supreme Court approved changes to the Judicial Council Technology Committee chaired by Justice Melton, including adding a representative from the Court of Appeals. It will now be known as the Judicial Council Standing Committee on Technology and will offer comprehensive guidance to the Judicial Council on technology initiatives.

Finally, our Court has granted review of two Judicial Qualification Commission Formal Advisory Opinions: one addressing when under Georgia law and the Georgia Code of Judicial Conduct individual judges or groups of judges can file amicus curiae briefs in pending cases, and the other addressing issues related to the public's access to judicial proceedings. Oral argument in both cases will take place in November.



Council of Superior Court Judges of Georgia

Suite 104, 18 Capitol Square, Atlanta, Georgia 30334

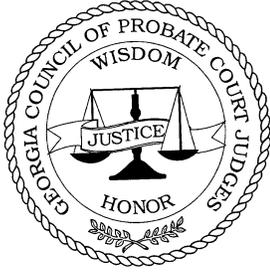
(404) 656-4964 Fax (404) 651-8626

Council of Superior Court Judges Report to Judicial Council September 2015

The Council of Superior Court Judges met for its semi-annual conference and continuing education seminars in St. Simons Island, Georgia, July 26-30, 2015. The conference provided training seminars on such topics as court technology; changes to the Code of Judicial Conduct; the implications of social media for courts, including accessing cell phone information and internet accounts in relation to criminal activity; and updates on case law, evidence code changes, and other legislative enactments. Approximately 250 superior court judges and senior judges attended the conference. Georgia House Speaker David Ralston was the guest speaker at the final day's luncheon.

On June 29, 2015, CSCJ welcomed new Judge Jean-Paul "JP" Boulee as a superior court judge for the Stone Mountain Judicial Circuit. Judge Boulee was previously a partner with Jones Day in Atlanta and served as a captain in the U.S. Army Judge Advocate General's Corps. Judge Boulee earned a bachelor's degree from Washington and Lee University and a law degree from the University of Georgia School of Law. The swearing in of Judge Boulee marks the first time all year that all 211 superior court judgeships have been filled. There are currently no vacancies in any judicial positions.

As of July 2015, Superior Courts had 84 accountability courts, an increase of 38 courts since July 1, 2011. More courts continue to be added throughout 2015. Felony accountability courts saved Georgia taxpayers \$23 million in 2013. The Department of Corrections has estimated they saved \$30 million in 2014. During this year's grant cycle, an addition six judicial circuits were awarded grants to start new accountability courts, bringing the total number of circuits participating to 44 of 49 judicial circuits.



Council of Probate Court Judges

Judge Don Wilkes
President (Emanuel)

Judge Alice W. Padgett
President Elect (Columbia)

Judge Rooney Bowen, III
First Vice President (Dooly)

Judge Darin McCoy
Secretary- Treasurer (Evans)

Judge L. Chase Daughtrey
Immediate Past President (Cook)

<p>Report to Judicial Council of Georgia Sept. 18, 2015</p>
--

Accreditation Program

On Sept. 14, the Accreditation Committee met with representatives of ICJE and the Carl Vinson Institute of Government to discuss the future of the Probate Judges Accreditation Program. Begun four years ago, the program has been hugely successful in achieving its goal of providing in-depth legal education to the state's probate judges on core areas of probate law, as well as civil procedure, legal research and other fundamental law school course topics. With most probate judges having earned accreditation this summer, and many more about to satisfy the requirements, the future of the program must be determined. Going forward, the CPCJ Training Council will work with ICJE and CVIQG to continue providing this education to new judges.

Probate Court Forms

On Sept. 4, the Court Rules and Forms Committee met with interested stakeholders to revise the probate court standard forms.

Records

The probate judges have continued discussions with the State Office of Vital Records about what data must be collected for the issuance of a marriage license application. The State Registrar is now requiring the collection of gender data for statistical purposes.

The Council has also developed and disseminated a form for judges to use when notifying the Georgia Crime Information Center of weapons carry license revocations. This was done to comply with the revocation reporting requirements of last session's HB 492.

Next Executive Committee Meeting

Finally, the Constitutional Officers' Association of Georgia Fall Conference will take place Oct. 5-8 in Savannah. More than 50 of our judges are registered for ICJE training, and the Council's Executive Committee and Training Council will meet.

Respectfully submitted,
Don E. Wilkes
President, Council of Probate Court Judges



Council of Municipal Court Judges

**Judge, Leslie Spornberger Jones
President**

Athens-Clarke County
P.O. Box 1705
Athens, GA 30603
706-613-3690
Leslie.Jones@athensclarkecounty.com

**Judge Gary E. Jackson
President-Elect, City of Atlanta**
gejackson@Atlantaga.gov

**Judge Douglas G. Andrews
Vice President, City of Pooler**
doug347@bellsouth.net

**Judge LaTisha Dear Jackson
Secretary**
City of Stone Mountain
latishadear@me.com

**Judge John Clayton Davis
Treasurer**
City of Lovejoy
claydavis@claydavislaw.com

**Judge E.R. Lanier
Immediate Past President**
City of Norcross
erlanier@aol.com

District One
Judge Keith Barber
Judge W. Scott Brannen

District Two
Judge Jason Moon
Judge Willie Weaver, Sr.

District Three
Judge Michael P. Cielinski
Judge Jim Thurman

District Four
Judge Garland "Gary" C. Moore
Judge John Roberts

District Five
Judge Rashida Oliver
Judge Christopher Ward

District Six
Judge J. Kristi Lovelace
Judge Christopher E. Chapman

District Seven
Judge Timothy McCreary
Judge Roger Rozen

District Eight
Judge Richard Michael Gailey
Judge Tommy J. Smith

District Nine
Judge William F. Brogdon
Judge Margaret Gettle Washburn

District Ten
Judge Lori Duff
Judge Dale Samuels

Report to the Judicial Council of Georgia September 30, 2015

The Council of Municipal Court Judges has had a busy summer! Here is an overview of recent Council events, programs, and activities:

The Council of Municipal Court Judges has had a busy summer! Here is an overview of its recent events, programs, and activities:

Training Initiatives and Strengthening the Council

A new series of Lunch 'n' Learns will begin in October, and will be focused on the Ferguson Report, failure to appear procedures, and community based policing and supervision.

The executive leadership met on August 14, 2015, in Athens to train new officers and district representatives on current and ongoing Council initiatives. While in attendance, participants received presentations on: Dealing with the Media and Public Relations by Ashley Stollar, Communications/Outreach Specialist, Judicial Council/AOC; the Legislative Process, Procedures & Etiquette by Tracy Mason, Assistant Director for Governmental and Trial Court Liaison, Judicial Council/AOC; and received updates on Council projects.

The Council held a Committee Chairs and Co-Chairs Planning Meeting via GoTo Meeting on September 11, 2015, to train committee leadership on overall Council goals, provide an overview of committees and establish the work of each committee to accomplish goals.

Meeting With the Department of Driver Services (DDS)

As a follow-up to the June 30 meeting regarding areas of possible collaboration between the Council, municipal courts, and the DDS, Council representatives met with Mr. Michael Mitchell, Legislative Liaison; Angelique McClendon, General Counsel; Ms. Vicki Judd, Assistant General Counsel, and other key DDS personnel in Conyers at the DDS offices. Participants present also included Mr. Bob Bray, Executive Director of the Council of State Court Judges; Tracy Mason, Assistant Director for Governmental and Trial Court Liaison; James Rodatus, Policy Analyst; and, Judge Leslie Spornberger Jones, CMuJ President.

The group discussed failure to appear suspensions; streamlining the license reinstatement process; automatic license suspensions and identity theft/ false identification. The Council will continue to maintain an open dialogue and partnership with the DDS.

Council of Municipal Court Judges

Continuing Judicial Education

The Council is scheduled to hold its annual Fall Law and Practice Seminar October 7-9, 2015, in Athens, Georgia, conducted through the Institute of Continuing Judicial Education (ICJE). The three day program will provide accreditation for those serving as of January 1, 2015, in addition to recertifying judges. The curriculum will include JQC Issues; The 2015 Probation Bill-What you need to Know; Social Media; Toxicology-A General Overview; Technology in the Courts; DDS; Revised Judicial Code of Conduct; Immigration Issues; Domestic Violence Issues; 17-18 Year Olds in Municipal Court; Case Law Update and Evidence. Additional subject matter tracks will be provided to new judges as well.

The Council will also hold its Executive Committee, Business Update and Training Council meetings during this conference.

Benchbook Update

Updating of the Municipal Judges Benchbook with legislation enacted through the 2015 session is nearly complete. The resource is set for completion and distribution in November. The Council thanks Judge Glen Ashman, Judge of East Point Municipal Court, who has dedicated so many hours to this project for years, including this year, even while recovering from an extended hospitalization and illness. He has tirelessly worked on our Benchbook, and we are especially grateful for his dedicated service!

Next Meeting: Executive Committee Meeting, October 6, 2015 in Athens, GA and via GoTo Meeting.



1231 COLLIER RD. NW, STE. J • ATLANTA, GA 30318
PHONE • 678-222-4232 • FAX 404-249-8831

COUNCIL OF SUPERIOR COURT CLERKS OF GEORGIA

Report to Judicial Council
September 30, 2015

The Council will hold a general business meeting next month in Savannah, GA. This is our annual meeting held in conjunction with the Constitutional Offices Association fall gathering.

Our Council's portal for civil eFiling has 73 Superior Courts and 10 State Courts currently accepting eFiling's from any filer. There are 115 counties signed up for the transcript portal that includes 115 Superior and 9 State Courts.

We have initiated our 'Document Access Portal (DAP)' and have begun testing electronic delivery of court records to judges, attorneys and the public in a limited number of courts.

When fully implemented, judges may use the system to view any document, circuit-wide. Of course there will be no charge for judges to use this system and access is independent of the individual clerk's case management system.

All registered users will have the ability to search the DAP, using a variety of search criteria, returning results from all participating courts.

Finally, the Council has begun discussions with jury clerks on possible enhancements to the master jury list compilation process. If we are able to develop a consensus, we will bring a recommendation to the Supreme Court for consideration.

Thank you for the opportunity to update you on our work.

Cinda Bright President
Council of Superior Court Clerks
and
Clerk of Superior Court
Wilkinson County

Mike Holiman
Executive Director
Council of Superior Court Clerks
1231 Collier Road, NW
Suite J
Atlanta, GA 30318

