

JUDICIAL COUNCIL OF GEORGIA

General Session

Friday, January 21, 2011

*University of Georgia
The Georgia Center for Continuing Education*

1:00 p.m. – 4 p.m.

Mahler Auditorium



*Luncheon
12:00 p.m.*

*1197 S. Lumpkin Street
Athens, GA 30602-3603*

**Judicial Council of Georgia
Mahler Auditorium
Georgia Center for Continuing Education
University of Georgia
1197 S. Lumpkin Street
Athens, Georgia 30602-3603**

**Friday, January 21, 2011
1:00 p.m. – 4:00 p.m.**
*Lunch will be served at 12:00 p.m.
Group Photograph Will Be Taken at 12:45 p.m.*

- 1. Introductions and Preliminary Remarks**
(Chief Justice Hunstein, Est. Time — 10 Min.)
- 2. Legislative Session Forecast**
Invited Panelists: Senator Hamrick, Senator Cowser, Rep. Golick, Rep. Willard, Mr. Boller
- 3. Approval of Minutes**
(Chief Justice Hunstein, Est. Time — 5 Min.)

September 17, 2010

- 4. Committee Reports:**
 - A. Standing Committee on Policy & Legislative Update**
(Justice Carley, Mr. Cuccaro, Est. Time — 10 Min.)
 - B. Judicial Workload Assessment Committee**
(Judge Emerson, Ms. Perry, Est. Time — 30 Min.)
 - 1) Case Count and Judgeship Study 2010
 - 2) Time/Motion Studies
 - C. Judicial Council Process Server Certification Committee**
(Chief Judge Pridgen, Mr. Cuccaro, Est. Time — 10 Min.)
 - D. Judicial Council IT Committee**
(Justice Melton, Mr. Basto, Est. Time – 10 Min.)
 - E. Jury Composition Committee**
(Justice Thompson, Mr. Cuccaro, Est. Time — 10 Min.)
 - F. Judicial Council Recusal Rule Committee**
(Justice Melton, Ms. Steele, Est. Time – 10 Min.)
 - 1) Revision of Judicial Code of Conduct

G. Judicial Council Budget Committee

Written Report Attached

H. Judicial Council Committee on Drug Courts

Will be provided at the meeting

I. Judicial Council Court Reporting Matters Committee

Written Report Attached

J. Domestic Violence Grant Committee

Written Report Attached

*****Break – 10 Min.*****

5. Report from AOC Director

(Ms. Moore, Time — 15 Min.)

A. New Organization Chart

B. Introduction of New Employees

C. Description of Grants

6. Reports from Appellate Courts and Trial Court Councils

A. Supreme Court

(Chief Justice Hunstein, Est. Time — 5 Min.)

B. Court of Appeals

(Chief Judge Ellington, Est. Time — 5 Min.)

C. Council of Superior Court Judges

(Judge Gosselin, Est. Time — 5 Min.)

D. Council of State Court Judges

(Judge Bass, Sr., Est. Time — 5 Min.)

E. Council of Juvenile Court Judges

(Judge Henry, Jr., Est. Time — 5 Min.)

F. Council of Probate Court Judges

(Judge Jordan, Jr., Est. Time — 5 Min.)

G. Council of Magistrate Court Judges

(Judge Willis, Jr., Est. Time — 5 Min.)

H. Council of Municipal Court Judges

(Judge Withers, Est. Time — 5 Min.)

7. **Old Business**
(Ms. Moore, Est. Time — 5 Min)

Update on DOJ Requirements for Language Interpreters

8. **New Business**
(Chief Justice Hunstein, Est. Time — 5 Min.)

Evidence-based Sentencing

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

A. Hold the Dates for the Next Judicial Council Meetings

Date: Friday, April 22, 2011

Date: Friday, August 26, 2011

Time: 1:00 p.m. – 4:00 p.m.

Judicial Council Meeting Handouts - Will Be Provided at the Meeting
Annual Report 2009-2010
Records Retention Report

Judicial Council of Georgia
Membership
January, 21, 2011

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

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

Judge Louisa Abbot
District 1 - Eastern Circuit
Administrative Judge
Superior Court
Eastern Judicial Circuit
203 Chatham Co. Courthouse
133 Montgomery Street
Savannah, GA 31401
Phone: 912-652-7162

Judge John W. "Bill" Bass, Sr.
Council of State Court Judges
President
State Court
Grady County
311 N. Broad Street
PO Box 800
Cairo, GA 39828-0800
Phone: 229-377-2424

*Chief Judge Mark Anthony Scott
District 4 - Stone Mountain Circuit
Administrative Judge
Superior Court
Stone Mountain Judicial Circuit
556 N. McDonough Street
Suite 6210
Decatur, GA 30030
Phone: 404-371-7010

Judge Todd A. Blackwell
Council of Probate Court Judges
President Elect
Probate Court
Baldwin County
Baldwin County Courthouse
121 N. Wilkinson Street, Suite 109
Milledgeville, GA 31061
Phone: 478-445-4807

Chief Judge Martha C. Christian
District 3 - Macon Circuit
Administrative Judge
Superior Court
Macon Judicial Circuit
310 Bibb County Courthouse
Macon, GA 31201
Phone: 478-621-6620

Judge Deborah A. Edwards
Council of Juvenile Court Judges
Vice President
Houston Circuit
206 Carl Vinson Parkway
Warner Robins, GA 31088
Phone: 478-542-2060

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

Chief Judge C. Andrew Fuller
District 9 - Northeastern
Administrative Judge
Northeastern Judicial Circuit
PO Box 3362
Gainesville, GA 30503-3362
Phone: 770-531-6862

Judicial Council of Georgia
Membership
January, 21, 2011

Judge Kathlene F. Gosselin
Council of Superior Court Judges
President
Superior Court
Northeastern Judicial Circuit
PO Box 1778
Gainesville, GA 30503
Phone: 770-531-6990

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

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

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

Chief Judge Arch W. McGarity
District 6 - Flint Circuit
Administrative Judge
Superior Court
Flint Judicial Circuit
Henry County Courthouse
One Courthouse Square
McDonough, GA 30253-3293
Phone: 770-288-7907

Judge Larry B. Mims
Council of State Court Judges
President Elect
State Court
Tift County
PO Box 1
Tifton, GA 31793
Phone: 229-386-7921

Judge Mary Kathryn Moss
Council of Magistrate Court Judges
President Elect
Magistrate Court
Chatham County
133 Montgomery Street
Room 300
Savannah, GA 31401
Phone: 912-652-7187

Chief Judge H. Frederick Mullis, Jr.
District 8 - Oconee Circuit
Administrative Judge
Superior Court
Oconee Judicial Circuit
PO Box 4248
Eastman, GA 31023-4248
Phone: 478-374-9800

*Judge Herbert E. Phipps
Court of Appeals
Presiding Judge
47 Trinity Avenue
Suite 501
Atlanta, GA 30334
404-656-3457

Chief Judge John C. Pridgen
Council of Superior Court Judges
President Elect
Superior Court
Cordele Judicial Circuit
PO Box 5025
Cordele, GA 31010-5025
Phone: 229-276-2619

Judicial Council of Georgia
Membership
January, 21, 2011

Judge Mary E. Staley
District 7 - Cobb Circuit
Administrative Judge
Superior Court
Cobb Judicial Circuit
30 Waddell Street
Marietta, GA 30090
Phone: 770-528-1816

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

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

Judge Nelly F. Withers
Council of Municipal Court Judges
President
Municipal Court
DeKalb County
3630 Camp Circle
Decatur, GA 30032-1394
Phone: 404-294-2848

Chief Judge Cynthia D. Wright
District 5 - Atlanta Circuit
Administrative Judge
Superior Court
Atlanta Judicial Circuit
T8855 Justice Center Tower
185 Central Avenue, SW
Atlanta, GA 30303
Phone: 404-730-4185

* New 2011 Judicial Council Members

Judicial Council of Georgia
State Offices South at Tift College
Forsyth, Georgia
September 17, 2010

Members Present:

Chief Justice Carol W. Hunstein
Judge John J. Ellington
Judge Louisa Abbot
Judge Bill Bass
Judge Martha C. Christian
Judge C. Andrew Fuller
Judge Kathlene F. Gosselin
Judge Lynwood D. Jordan, Jr.
Judge Ronnie Joe Lane
Judge Arch W. McGarity
Judge Mary Kathryn Moss
Judge H. Fredrick Mullis, Jr.
Judge John C. Pridgen
Judge Mary E. Staley
Judge Steve Teske (for Judge Henry)
Judge Al Willis
Judge Nelly F. Withers
Judge Cynthia D. Wright

By Conference Telephone:

Judge C. J. Becker
Judge Lawton E. Stephens

Members Absent:

Presiding Justice George H. Carley
Chief Judge M. Yvette Miller
Judge Todd A. Blackwell
Judge Deborah A. Edwards
Judge F. Bryant Henry, Jr.
Judge Larry B. Mims

Staff Present:

Ms. Marla S. Moore
Dr. Greg Arnold
Ms. Ashley Stollar

Ms. Billie Bolton
Mr. Byron Branch
Mr. Randy Dennis
Ms. Kelly Steele
Mr. Kevin Tolmich
Mr. Mike Cuccaro
Ms. Michelle Daza

Guests Present:

Ms. Dena Adams, White County Superior Court Clerk
Ms. Tee Barnes, Clerk, Supreme Court of Georgia
Mr. Tracey BeMent, Tenth District Court Administrator
Mr. Robert Bray, Council of State Court Judges
Mr. John Cowart, Second District Court Administrator
Ms. Judy Cramer, Fifth District Court Administrator
Mr. Mack Crawford, Griffin Judicial Circuit
Judge Jeff Davis, Chief Magistrate, Monroe County
Mr. Jeff Davis, Director, Judicial Qualifications Commission
Mr. Danny DeLoach, First District Court Administrator
Judge David Emerson, Douglas Judicial Circuit
Mr. Steve Ferrell, Ninth District Court Administrator
Justice Harris Hines, Supreme Court of Georgia
Ms. Tara Holder, Senate Budget Office
Mr. Greg Jones, Third District Court Administrator
Ms. Sandy Lee, Council of Superior Court Judges
Ms. Cathy McCumber, Fourth District Court Administrator
Mr. Charles Miller, Council of Superior Court Judges
Ms. Tia Milton, Chief of Staff, Office of Chief Justice
Ms. Kendra Mitchell, House Budget Office
Mr. Robert Nadekow, Eighth District Court Administrator
Mr. George Nolan
Ms. Angela Norris, Georgia Public Standards Council
Ms. Jody Overcash, Seventh District Court Administrator
Mr. Brian Owens, Georgia Department of Corrections
Mr. Andy Peters, Fulton Daily Report
Mr. Rich Reaves, Institute of Continuing Judicial Education
Ms. Sharon Reiss, Director, Council of Magistrate Court Judges
Judge Mark Anthony Scott, Stone Mountain Judicial Circuit
Mr. Will Simmons, Sixth District Court Administrator
Ms. Kirsten Wallace, Council of Juvenile Court Judges
Ms. Rene Weatherford, Court Reporter
Mr. Shannon Weathers, Council of Superior Court Judges
Ms. Rhonda Womack, Council of Superior Court Judges
Chief Judge Max Wood, Office of State Administrative Hearings

Call to Order

Chief Justice Hunstein called the meeting to order at 1:00 p.m. Ms. Jeannie Davis welcomed the Judicial Council members to the State Offices South Campus on behalf of Ms. Sharon Shaver, Superintendent, Operations, Planning, & Training Division of the Georgia Department of Corrections. She stated that the staff was honored to have the judges of the Judicial Council as their guests and expressed the hope that future council meetings might be held at the site as well.

Chief Justice Hunstein asked each member of the Council to introduce him/herself, noting that Judge Lawton Stephens and Judge C.J. Becker were participating by conference telephone. Following introductions by the Council members, the Chief Justice asked guests seated in the audience to introduce themselves.

After the meeting was underway Chief Justice Hunstein welcomed Mr. Brian Owens, Commissioner of the Department of Corrections, and Mr. Mack Crawford, newly-appointed superior court judge in the Griffin Judicial Circuit. She also welcomed Judge Steve Teske, representing Council member Judge Bryant Henry of the Walker County Juvenile Court.

Approval of Agenda & Minutes

Prior to consideration of the minutes Chief Justice Hunstein asked for approval of the meeting agenda. Judge Bass moved adoption of the meeting agenda as presented. Judge Gosselin seconded. The motion carried.

The Chief Justice asked for any additions or corrections to the minutes of the June 11, 2010 meeting. Judge Gosselin moved approval of the minutes as prepared. Judge Ellington seconded. The motion carried.

Committee Reports

Standing Committee on Policy. Mr. Cuccaro, reporting on behalf of Presiding Justice Carley, noted that the committee will welcome new members and those continuing at a meeting planned for early November. Policy Committee updates were sent out prior to today's meeting regarding past committee endorsements, matters likely to be reintroduced in 2011 and ongoing legislative initiatives such as the Evidence Code revision. The State Bar Advisory Committee on Legislation recently voted to recommend that the State Bar support the budget requests of the Georgia Resource Center and Legal Services to Victims of Domestic Violence. The AOC will continue to invite judicial branch staff to weekly meetings during the 2011 session for discussion of court-related legislation and other matters relating to the General Assembly.

Judicial Workload Assessment Committee. Judge Emerson reported that a conference call meeting and discussion had resulted in a decision to withdraw new judgeship requests already presented during the 2010 General Assembly. Although eleven judicial circuits meet the current threshold criteria for a new judgeship, no new recommendations will be made for the 2011 Session. In preparation for future recommendations the committee voted to conduct separate time and motion studies for the superior courts and for accountability courts. In closing Judge Emerson requested cooperation from all superior court judges as this complex timekeeping effort gets underway.

Budget Committee. Justice Hines began by thanking the staff of the House and Senate Budget Offices and the AOC fiscal staff for their able assistance. He stated that, as everyone knows, these are difficult economic times. He reviewed the handout showing the Judicial Council FY2011 Amended Budget Request, now totaling \$13,773, 223. The amended request reflects reductions by the Legislature totaling \$1,927,961. A few increases were added as well,

primarily \$36,083 to the Georgia Resource Center and \$106,734 for the Judicial Qualifications Commission and a total of \$181,557 to the AOC and the Legal Services to Victims of Domestic Violence grants. These increases were explained in a separate chart which Justice Hines also reviewed.

Similarly the FY2012 Judicial Council budget request was reviewed beginning with the base budget amounts, the FY12 requested increases, and the revised total request of \$14,224,807. Justice Hines reviewed the requested increases as follows: Georgia Resource Center, \$234,000; JQC, \$50,000; AOC, \$392,134; and Legal Services to Victims of Domestic Violence, \$99,324. A chart explaining the purpose of each increase was also reviewed.

Justice Hines noted that the Judicial Council Budget Committee had carefully considered the FY11 and FY12 requested increases. Each class of court is represented on the budget committee and all participated in the discussions. While there has been some discussion among judges that all judicial branch units should withhold increase requests, the budget committee felt that the requests presented here should go forward as statements of need. Obviously there are other judicial branch needs that are going unmet, but the committee has given approval to both the FY11 Amended Request and the FY12 Request.

Justice Hines requested the Judicial Council adopt the FY11 and FY12 budgets as approved by the budget committee; he also asked that the Council give the budget committee authority to make budget decisions during the 2012 session of the General Assembly. After some discussion regarding the need for increased funding for the Institute of Continuing Judicial Education, the motion carried with three members abstaining.

Jury Composition Committee. Mr. Cuccaro reported on the status of the jury source list study and the work of the committee chaired by Justice Hugh P. Thompson. The committee is

seeking a method for creating a statewide juror source list that would produce an inclusive list of eligible jurors to replace the balanced box system now used in Georgia. The study, conducted by Dr. John Speir of Applied Research Services, Inc., describes the methodology for creating a statewide list using the Georgia voter registration and driver's license databases. Together these two databases total more than 16 million records. The findings detail how these combined databases can be cleaned of duplicates and out-of-date records with an end result that reflects the state's actual eligible voter population of approximately 7,000,000. The committee is now working with the Council of Superior Court Clerks to estimate the annual cost of preparing such a list and distributing it for use in the 159 counties in the state.

Mr. Cuccaro reviewed a flow chart showing the basic steps in the proposed new process. He also presented a motion from the committee asking for Judicial Council endorsement of the ongoing work, specifically: jury reform legislation; production of an inclusive juror source list and promulgation of Supreme Court Rules for compiling the required source list.

Judge Stephens moved for endorsement of the committee's work as stated. Judge Gosselin seconded. The motion carried.

Process Server Certification. Following the legislative session, Chief Justice Hunstein appointed a Judicial Council committee to recommend rules and regulations for Court Process Server certification as required by passage of SB 491. Mr. Cuccaro, reporting for Judge Becker, committee chair, informed the Council that staff of the County and Municipal Probation Advisory Council, the AOC and the Georgia Sheriffs' Association worked with interested parties to draft the required rules. These have been submitted to Judge Becker's committee for review and finalization prior to submission to the Judicial Council in January, 2011.

Records Retention Committee. Dr. Arnold noted that, as authorized by the Judicial Council in June, the draft judicial branch records retention schedules have been submitted to the State Records Committee for review at their October, 2010 meeting. Following approval by the SRC and with authorization from the Judicial Council, the retention schedules will be submitted to the Supreme Court for adoption.

Dr. Arnold stated that since the June meeting the retention schedules for the Prosecuting Attorneys Council have been added to others for the judicial branch. After addressing questions regarding retention of electronic records generated by court reporters and municipal court records retention schedules, he requested Judicial Council approval of the judicial branch schedules.

Judge Staley moved approval of the committee's work. Judge Wright seconded. The motion carried.

Report from AOC Director

Ms. Moore began by reporting on national conferences recently held in or planned for Atlanta. In August the annual meeting of the Conference of Court Public Information Officers was hosted in Atlanta at the Georgian Terrace Hotel. The conference planning committee included: Ashley Stollar and Billie Bolton, AOC; Jane Hansen, Supreme Court PIO; Don Plummer, Fulton Superior Court; and Cathy McCumber, Fourth District Court Administrator. She commended the good work of each of these individuals. For the next twelve months Ms. Moore, other AOC staff members and Georgia court administrators will be planning the August, 2011, Conferences of Chief Justices and State Court Administrators to be held at the Buckhead Ritz Carlton in Atlanta. In October, 2011, the Child Abuse and Neglect Institute will hold a regional meeting in Georgia. Next month a Public Health Law training conference for judges

will take place at the CDC; both Justice Melton and Mr. Bob Bray have been extensively involved in the planning. Ms. Moore noted that each of these efforts speaks well for the Georgia courts.

Ms. Moore stated that the AOC's Elder Law Initiative to provide training for attorneys had been well-received. Attorneys earned CLE credit for attendance and agreed to provide pro bono representation in two cases involving seniors. Plans are now being made for a half-day CLE curriculum on guardianships for probate court judges.

Ms. Moore briefly reviewed the findings of a drug courts performance audit conducted by the Department of Audits and Accounts. The AOC is drafting a response to address the report's major points: need for better evaluation data; need to lower costs; need to target offenders most likely to succeed. The drug court committee is looking for appropriate risk assessment tools for offenders entering drug court programs. Ms. Moore announced that the AOC will hire an accountability courts coordinator this fall who will oversee performance standards and other operational issues specific to accountability courts.

Turning to Justice Melton's Information Technology Committee, Ms. Moore said the defunding of GCAC had necessitated decisions regarding technical assistance to the 300 courts that rely on the agency for data storage, case records and reports. IT is exploring affordable, short-term solutions. Other areas of concern for IT include: case count certification for the superior court clerks; collaboration with the Office of Child Support re e-filing of child support orders; and enhancement of functions that can be accessed through the AOC portal. In addition existing AOC paper records are being destroyed as they are transferred to electronic formats.

The need for qualified court interpreters for non-English speakers and hearing-impaired litigants continues to grow in Georgia. The state now has 143 court interpreters who have

attained at least minimum certification in a number of foreign languages, primarily Spanish. AOC continues to offer training and skill-building to those preparing to sit for certification exams. Georgia's membership in the National Consortium governing court interpreter certification guarantees access to their certification tests and other services. However, since Georgia's dues are based on our non-English speaking population, the cost of membership has recently increased.

In closing Ms. Moore recommended that judges look into the iCivics curriculum, a project spearheaded by former US Supreme Court Justice Sandra Day O'Connor that provides on-line civics education for middle school students. Schools in Fulton, DeKalb and Rockdale counties are now using the curriculum locally.

Reports from Appellate & Trial Court Councils

Supreme Court. Chief Justice Hunstein stated that budget cuts have strained Supreme Court operations. The court is managing with greatly reduced staffing in the Clerk's Office, while the justices are diligently trying to keep up with a growing caseload. The past term was extended to handle three cases that otherwise would have been affirmed by action of law, an unusual circumstance for the court. Supreme Court e-filing capabilities now extend to case origination, certiorari and other motions; electronic transfer of records from trial courts will be possible in the near future.

The Chief Justice asked Ms. Milton to distribute copies of the booklet, Speak to American Values, which she recommended to the Council members as an excellent resource for speaking to civic groups on fair and impartial courts.

Along with Ms. Moore and Rep. Wendell Willard, the Chief Justice recently attended a judicial conference in Alabama on the topic of evidence-based sentencing. Low-risk offenders

now incarcerated in Georgia could benefit from these less-costly alternative programs. Judge McGarity and DOC Commissioner Owens are part of a task force exploring use of the evidence-based sentencing program.

In closing Chief Justice Hunstein expressed pride in the judges for meeting the state budget crisis head-on. It has been a difficult year. She feels strongly that the courts simply cannot take further cuts without grave damage to our system of justice.

Court of Appeals. Judge Ellington, reporting for Chief Judge Miller, noted that by January 1, 2011, the court will have three new judges: two by appointment of the Governor and one vacant seat to be filled by election. In addition Mr. Bill Martin, the longtime clerk of court, retired this summer. Their popular e-filing capability will continue to be expanded as they work to update their docketing system. He stated that the court rule governing appellate filing fees has been effective in circumventing the ten-fold increase that was inadvertently authorized by passage of HB 1055. Speaking to the budget cut backs, Judge Ellington stated furlough days are still in effect for Court of Appeals staff and judges. In closing he stated his belief that without full funding for the courts our democracy is at risk.

Superior Courts. Judge Gosselin reported that although the superior courts need more judges, the consensus is that being team players regarding budget deficits takes precedence over the need for additional judgeships. For this reason the superior court executive council voted to defer any new requests for judgeships for one year, however, study of the methodology used in the workload assessment of the 49 judicial circuits will continue. The council hopes to prevent curtailment of training hours for superior court judges because continuing judicial education is of enormous value to judges, courts and citizens.

State Courts. Judge Bass stated that eight new state court judges have been appointed recently. He expressed appreciation to Mr. Rich Reaves and Mr. Bob Bray for their work on the curriculum for new judge training which will be presented in January. He reported that Judge Larry Mims of Tift County is absent today because he is sitting by designation as a superior court judge. A “Day on the Bench” for local legislators is being hosted by Judge Ben Studdard of the State Court of Henry County later this month. The program will include stops at each level of the trial courts. As to the budget situation, Judge Bass voiced solid support among state court judges for increased funding for programs of the Institute of Continuing Judicial Education.

Juvenile Courts. Judge Teske, reporting for Judge Henry, noted with pride that Judge Michael Key, Troup County Juvenile Court, has taken office as President of the National Council of Family and Juvenile Court Judges and Judge Peggy Walker, Douglas County Juvenile Court, is now on the board of the organization. Judge Key was instrumental in bringing the 2011 meeting of the Child Abuse and Neglect Institute to our state. The Court Improvement Project’s efforts to upgrade delinquency and foster care proceedings continues to make a positive impact in Georgia courts. Juvenile Court judges are participating in a Data Integrity Project with the GBI, Office of the Governor and DHR to develop a central repository for information on children in foster care.

Probate Courts. Judge Jordan reported on the success of the AOC’s elder law project headed by Ms. Jill Radwin. The probate judges are working with the Department of Behavioral Health to make hearings more efficient. Stetson University Law School is working with the National College of Probate Court Judges on a study of minors who inherit estates valued at over \$100,000. In many cases these young people are out of money within a few years. The probate judges are instituting regional training sessions for probate court clerks to make better use of

continuing education funds. A mentoring program for new probate judges patterned on the magistrate court judges successful program will be implemented.

Magistrate Courts. Judge Willis reported that new officers for the council were installed in June. They continue to work on updating and expanding their electronic benchbook which is provided to 500 judges. The magistrates will hold a strategic planning session later in September at the AOC office in Atlanta.

Municipal Courts. Judge Withers reported the municipal judges will be modifying their strategic plan as the year progresses. The Uniform Rules of Municipal Court are now in effect; a huge achievement for their judges. The council has produced a video for citizens explaining first appearance procedures and Constitutional rights. The municipal court judges are cooperating with the AOC on caseload reporting; annually 900,000 citations are processed by Georgia's 300 municipal courts. Their proposal to require State Bar membership for municipal court judges will be reintroduced in the 2011 Session of the General Assembly. The bill provides that non-lawyer judges be grandfathered in and exempted from this statutory change. They also hope to correct the omission of Recorder's Courts from the continuing judicial education requirements set forth in the statutes.

Council of Superior Court Clerks. Ms. Dena Adams, president of the Council of Superior Court Clerks, noted they are working on implementing e-filing and case management systems.

Old/New Business

Limited English Proficiency. Chief Justice Hunstein expressed her concern regarding cost to the courts of providing interpreters for non-English speaking litigants. She has recently received a letter from the Department of Justice stating that trial courts must provide interpreters in civil and criminal matters without charge to the participants for the service. She noted that

Georgia counties are hard pressed to afford the growing expense but a means of financing these services must be found in the near future.

Chief Justice Hunstein then recognized Judge Wright for a brief tribute to Ms. Judy Cramer, Fifth District Court Administrator, who is retiring after thirteen years with the Atlanta Judicial Circuit. Ms. Cramer's immediate plans are to enter the ministry.

The Chief Justice urged members of the Council to support increased funding for ICJE. The superior court judges, in particular, want legislators to understand the importance of bringing judges together for ICJE training and interaction with other judges.

Adjournment

Chief Justice Hunstein adjourned the meeting at 3:34 p.m.

Respectfully submitted:

Billie Bolton, Assistant Director

The above and foregoing minutes were approved at the meeting held on the ___ day of _____, 2011.



Judicial Council of Georgia

Standing Committee on Policy

Presiding Justice George H. Carley
Chair

Reply to:
Mike Cuccaro
Governmental Affairs

Memorandum

TO: Judicial Council Members

FROM: Presiding Justice George H. Carley

RE: Policy Committee Report

DATE: January 21, 2011

I. **The Policy Recommends the Judicial Council SUPPORT the following legislation:**

a. **Judicial Council**

O.C.G.A Title 24

Rewrite of the Evidence Code of Georgia, Title 24, to provide that Georgia law track federal evidence rules more closely. The bill includes a provision on court foreign language interpreters and interpreters for the hearing impaired. This bill was supported by the Judicial Council in the last session.

b. **Judicial Council**

O.C.G.A § 38-3-61

Last year the Judicial Council supported legislation that would allow the Chief Justice to extend the duration of a judicial emergency order when a public health emergency exists. Currently, an order has a limited duration of 30 days however, that order may be modified or extended for no more than two periods not exceeding 30 days each.

c. Superior Court

O.C.G.A § 15-21-100 & 15-21-101

Increases the offenses on which DATE fines may be assessed to include:

- (1) Furnishing, purchasing, attempting to purchase, or possession of alcoholic beverages by, a person under 21
- (2) DUI
- (3) Homicide by vehicle or
- (4) Serious injury by vehicle

The funds from penalties may be used for drug court division purposes, as well as for previously authorized purposes.

d. Superior Court

O.C.G.A § 15-1-16

Creates enabling legislation for mental health courts and provides for the Judicial Council of Georgia to create standards for mental health courts.

e. Juvenile Court

O.C.G.A § 15-11-21

Remove the requirement for rehearing of associate juvenile court judges' decisions.

f. Juvenile Court

O.C.G.A § 15-11-40 & 15-11-63

The proposal would allow for modification of restrictive custody orders. An order for restrictive custody in the case of a child found to have committed a designated felony act may be modified to shorten the length of confinement in a youth development center.

g. Magistrate Court

O.C.G.A § 15-10-137

In 2009 a provision for Magistrate training to be reduced from 20 hours to 12 - for years 2009 and 2010. In 2011 the hours return to 20. This request would give the Magistrate Court Training Council the flexibility to decide on a yearly basis of what training hours would be required. The window is 12 to 20 hours.

h. Magistrate Court

O.C.G.A § 17-6-4

Allows a magistrate to issue a notice for a show cause hearing concerning a Good Behavior application and provides that a magistrate to issue an arrest warrant, if justified, with a hearing to follow within 24 hours.

- II. The Policy Committee of the Judicial Council recommends to the Judicial Council that it adopt a policy to oppose, by default, any legislation affecting the subject matter jurisdiction of any class of court which has not been brought before the Policy Committee for consideration. The new policy would authorize judicial branch staff to react to legislation affecting subject matter jurisdiction without the need for specific direction from the Policy Committee, however, staff may wish to check with the various councils on their position. The purpose is to discourage attempts to circumvent the Policy Committee and Judicial Council.

III. **Jury Composition Proposal**

The Jury Composition Committee has been socializing the proposal with interested parties such as prosecutors and defense attorneys. The proposal will be submitted to the State Bar Board of Governors to become part of the Bar's legislative agenda. The proposal has been re-drafted by legislative counsel and legislators have been approached about sponsoring the legislation.

**Minutes of the
Judicial Workload Assessment Committee
of the Judicial Council of Georgia
5th Floor Judicial Conference Room, 244 Washington Street, SW, Atlanta
December 10, 2010**

Members Present

Judge David Emerson, Chair
Ms. Deana Adams
Judge David Barrett
Judge Joe Bishop
Judge William Boyett
Ms. Cinda Bright
Mr. John Cowart
Mr. Tom Gunnels
Ms. Yolanda Lewis (for Judge Dee Downs)
Judge Bonnie Oliver
Ms. Jody Overcash
Judge Stephen Scarlett
Judge Lawton Stephens

Staff Present

Mr. Greg Arnold
Mr. Justin Brady
Ms. Pam Dixon
Mr. Christopher Hansard
Ms. Bernetha Hollingsworth
Ms. Molly Perry
Mr. Kevin Tolmich

Guests Present

Mr. Michael Cuccaro
Mr. Michael Holiman
Ms. Sandy Lee

Call to Order

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

Approval of Minutes

The minutes of the September 16, 2011 meeting were approved.

Superior Court Case Count and Workload Assessment

Mr. Tolmich, Mr. Brady and Mr. Hansard presented by PowerPoint a history and background information regarding the annual superior court case count, workload assessment and forthcoming time and motion study (Attachment 1).

Following the presentation and further discussion, the committee divided into three work groups (Case Types and Definitions, Case Count Process, Specialty Court Cases) to address issues arising from a stakeholder criminal case count forum August 20, 2010 and matters related to the time and motion study.

Old Business

Death Penalty Habeas Corpus Cases

Judge Emerson recalled the committee's interest in modifying how death penalty habeas corpus cases should be counted. A motion to assign credit for the case work to the judge presiding over an assigned case rather than to the Towaliga Circuit was adopted.

There was some discussion about how the time to disposition for these cases would be measured, which would involve gathering information from judges assigned such cases in recent years.

Atlanta Circuit Request for Pilot Workload Assessment Study

Judge Emerson related that the committee previously had been asked to consider piloting a new approach to workload assessment for the Atlanta Judicial Circuit. Since there was no one present to speak to the issue at this point in the meeting, the request was tabled until a subsequent date.

New Business

There was some preliminary discussion of the various items covered in the work group sessions earlier in the day. It was determined that staff would summarize the work group recommendations for the next meeting, tentatively scheduled for January 18, 2011 in Athens. Judge Emerson requested that the summary be provided to the committee members before that meeting.

Mr. Tolmich reported that a Listserv will be set up to facilitate ongoing committee discussion.

The meeting was adjourned at 3:10 p.m.



Judicial Workload Assessment Committee Meeting



10:30 AM – 3:00 PM
DECEMBER 10, 2010

ADMINISTRATIVE OFFICE OF THE COURTS
5TH FLOOR JUDICIAL CONFERENCE ROOM
244 WASHINGTON ST., SW
ATLANTA, GA



Agenda



1. AUTHORITY FOR AND HISTORY OF JUDICIAL WORKLOAD ASSESSMENT COMMITTEE
2. SUPERIOR COURT CASE COUNT
3. JUDICIAL WORKLOAD ASSESSMENT

Duties of the AOC

O.C.G.A. §15-5-24

(3) Compile statistics and financial data and other information on the judicial work of the courts and on the work of other offices related to and serving the courts, which data and information shall be provided by the courts

(4) Analyze data relating to civil cases collected pursuant to subsection (b) of §9-11-3 and subsection (b) of §9-11-58 and provide such data, analysis, or both data and analysis to the courts and agencies of the judicial branch, agencies of the executive branch, and the General Assembly

(5) Examine the state of the dockets and practices and procedures of the courts and make recommendations for the expedition of litigation

(9) Prepare and publish an annual report on the work of the courts and on the activities of the Administrative Office of the Courts

History of Judicial Workload Assessment

1974 First annual trial court case count
Case Count Committee was ad hoc

1975 Gov. Busbee requests Judicial Council rank judgeship requests

1978 First superior court workload assessment conducted

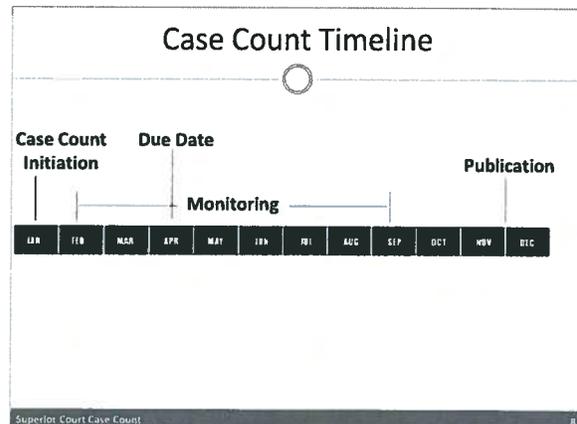
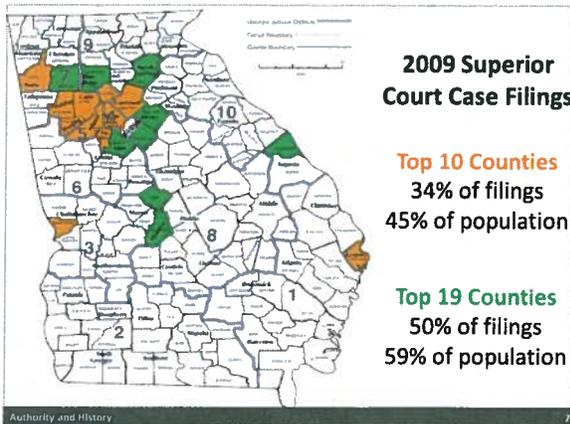
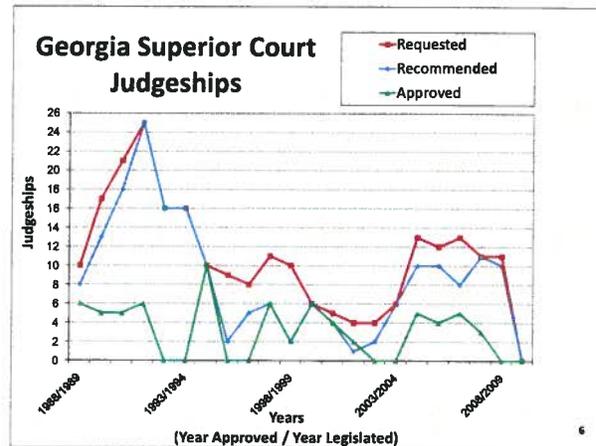
1999 Case Count Committee designated a Judicial Council standing committee

2006 Case Count Committee renamed Judicial Workload Assessment Committee

JWAC Charge and Policy

- The Committee deals with all aspects of the policies, processes, and procedures related to the annual recommendations for additional superior court judgeships or alteration of circuit boundaries
- See *Judicial Council Policy for Judgeship and Circuit Boundary Studies*

Authority and History



History of Data Collection

Pre-2002 AOC contracted with District Court Administrators	Post 2002 AOC conducts case count
<ul style="list-style-type: none"> • Felony and Misdemeanor Dockets, Defendants, and Counts: Open, Filed, and Disposed • General Civil and Domestic Relations Cases: Open, Filed, and Disposed • Disposition Methods: Pre-Trial, Bench Trial, Jury Trial 	<ul style="list-style-type: none"> • Felony and Misdemeanor Dockets and Defendants Filed • General Civil and Domestic Relations Cases Filed • Clerks submit via <ul style="list-style-type: none"> ○ AOC Portal (criminal) ○ Superior and State Court Information System (civil)

Superior Court Case Count 9

Civil Data Collection

- **Case initiation/disposition form data entered into case management system**
 - Completeness of forms vital for success of SSCIS transmission
 - O.C.G.A §9-11-3 requires initiation/disposition form for each case
- **Aggregated through SSCIS**
 - 21 General Civil case types
 - 18 Domestic Relations case types
- **SSCIS generally conforms to Uniform Rule 39.9 (docketing)**

Superior Court Case Count 10

SSCIS Data Flow

<p style="text-align: center; font-weight: bold; background-color: #333; color: white; padding: 5px;">Superior Court</p> <ul style="list-style-type: none"> • Data entered and transmitted 	<p style="text-align: center; font-weight: bold; background-color: #333; color: white; padding: 5px;">Georgia Superior Court Clerks' Cooperative Authority</p> <ul style="list-style-type: none"> • Data entry completed for non-electronic counties • Data transmitted 	<p style="text-align: center; font-weight: bold; background-color: #333; color: white; padding: 5px;">Administrative Office of the Courts</p> <ul style="list-style-type: none"> • Data received for analysis
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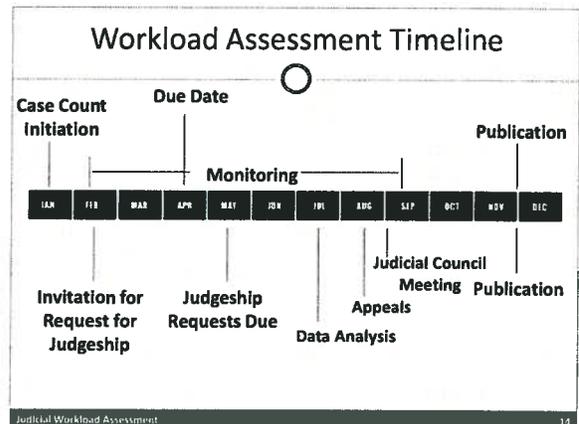
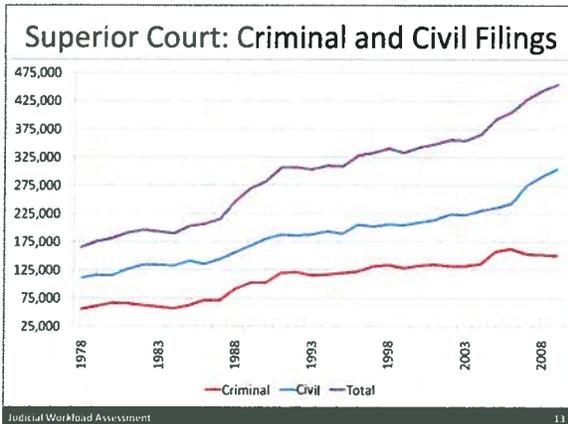
Superior Court Case Count 11

Criminal Data Collection

- **Case information retrieved from charging document in clerk's office**
- **Dockets and Defendants for 6 case types**

Serious Felony	Misdemeanor	Probation Revocation
Felony	Unified Appeal	
- **AOC Portal was implemented in 2010 for the CY2009 trial court case counts**
 - Allows for clerks or designated staff to report criminal caseload totals online
 - Easy to verify or edit totals

Superior Court Case Count 12



Workload Assessment History

- Pre-1992 Weighted caseload and Delphi approach utilized for workload assessment
- 1992 Updated weights based on committee deliberations
- 2000 Council applied findings from the National Center for State Courts time and motion study
- 2009 Council implemented revised average time to disposition for expanded case types

Judicial Workload Assessment 15

Why Use a Time and Motion Study?

- Considered best practice for judicial workload assessment by the NCSC
 - Minnesota (2002)
 - Wisconsin (2004)
- Other Methodologies
 - Time and motion dominates
 - Weighted caseload
 - Predictive modeling

Judicial Workload Assessment 16

What is a Time and Motion Study?

- Widely accepted scientific method used to study systems
- Measures duration of work-related activities (bench, chambers, and administrative time)
- Time forms periodically sent to AOC for analysis
- Judge time and clerk disposition reports determine average time to disposition for all case types

Judicial Workload Assessment 17

Critical Elements of Time and Motion Study

1. Maximize judge participation
 - Representative sample of judges
2. Sufficient instances of less frequent events
 - e.g. Habeas corpus, preliminary proceedings
3. Accurate recording of data
 - Judge time forms and disposition reports
 - Electronic data collection
4. Consistent, uniform training

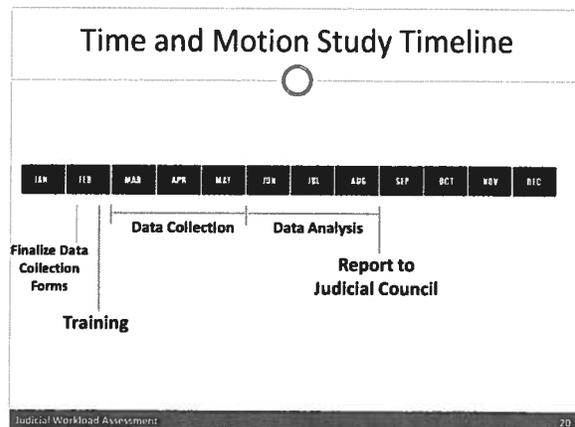
Judicial Workload Assessment 18

2011 Study Options

Data Collection Period: March through May

	Judges	Duration	Margin of Error	Confidence Level
Option 1	205	1 month	0%	99.99%
Option 2	157	2 months	5%	99%
Option 3	134	3 months	5%	95%
Option 4	117	4 months	5%	90%

Judicial Workload Assessment 19



Judge-Year Value Calculation

Judge-Year Value Number of superior court judges needed in a judicial circuit

compared with

Threshold Minimum value needed to qualify additional judgeship recommendation

Calculation of Judge-Year Value

case filings × average time to disposition = total circuit minutes

$$\frac{\text{total circuit minutes}}{\text{standard judge} \times \text{year time}} = \text{Judge} - \text{year value}$$

Judicial Workload Assessment 71

Judge-Year Value Threshold Issues

- Thresholds have been used since 1978
- 2000 NCSC Workload Assessment Study discontinued thresholds
 - Disparity in the assessment of the need for additional judgeships
- Stratification – Classification of circuits with common characteristics
- 3 Current Classifications
 - Large Urban Circuit = single county circuit with at least 7 judges
 - Suburban Circuit = number of judges ≥ number of counties in circuit
 - Rural Circuit = number of judges < number of counties in circuit

Judicial Workload Assessment 72

Judge-Year Value Thresholds

- 2004 thresholds intended to create parity in workload assessment process

Judges in Circuit	Judge Years to Qualify	Judge Years / Judge	Percent Increase in Judge Work Needed to Qualify
2	3	1.50	50%
10	11	1.10	10%
20	21	1.05	5%

Judicial Workload Assessment 73

Judge-Year Value Threshold's Future

- 2004 thresholds intended to be temporary solution while stratification and other study components were completed
- 2006 time and motion study was tabled by the Judicial Council
- New time and motion studies to be completed
 - Superior Courts
 - Accountability Courts
- New circuit stratification study underway
 - Could be considered for use in the workload assessment

Judicial Workload Assessment 74

**Potential Civil Data Issues
for Consideration by Workgroups**

- **Data Entry and Transmission**
 - Completeness of civil initiation/disposition forms in clerk's office
 - Entry of information from civil initiation/disposition forms into individual case management systems
 - Certification of electronic data transmission between courts and GSCCCA
 - Quality control of data transmitted from GSCCCA to AOC

Judicial Workload Assessment 25

**Potential Criminal Data Issues
for Consideration by Workgroups**

- **Data Sources and Collection**
 - Superior court clerk as sole source with verification
 - Distinction between serious felonies and felonies
 - Counties often require assistance from AOC to count criminal filings and defendants

Judicial Workload Assessment 26

Questions

Judicial Workload Assessment 27

RULES AND REGULATIONS

GEORGIA

CERTIFIED PROCESS SERVER PROGRAM



Administrative Office of the Courts
244 Washington Street SW, Suite 300
Atlanta, GA 30334
Effective Date: January XX, 2011

Index

Article 1	Purpose
Article 2	General Provisions
Article 3	Certification
Article 4	Renewal
Article 5	Training
Article 6	Examination and Testing
Article 7	Criminal Background Requirements
Article 8	Oath
Article 9	Certified Process Server Conduct
Article 10	Ethics
Article 11	Suspension, Revocation, and Appeal
Article 12	Fee Schedule

ARTICLE 1: Purpose

To improve the standards of practice for private service of process and to provide a list of persons eligible to serve process in courts statewide, the Georgia General Assembly amended O.C.G.A. § 9-11-4.1, effective July 1, 2010, to permit civil process to be served in Georgia by persons deemed by Sheriffs of any county in Georgia to have met the criteria to be certified to serve process in addition to Sheriffs, marshals, and permanent process servers. The Judicial Council of Georgia hereby promulgates these rules to implement and explain specific procedures regarding certified process servers in Georgia.

ARTICLE 2: General Provisions

A. Legal Authority

O.C.G.A. § 9-11-4.1(a) authorizes the Judicial Council of Georgia to promulgate rules and regulations regarding certified process servers in Georgia by requiring all those desiring to become certified process servers in Georgia to comply with O.C.G.A. § 9-11-4.1 “and any procedures and requirements set forth in any rules or regulations promulgated by the Judicial Council of Georgia regarding this Code section.”

B. Location of Offices

The address of the principal office of both the Judicial Council of Georgia and the Administrative Office of the Courts of Georgia is: 244 Washington Street, S.W., Suite 300, Atlanta, Georgia 30334-5900. The address of the principal office of the Georgia Sheriffs’ Association, Inc. is: 3000 Highway 42 N., Stockbridge, GA 30281.

C. Definitions

For the purpose of these rules:

1. “*Council*” means the Judicial Council of Georgia;
2. “*AOC*” means the Administrative Office of the Courts of Georgia;
3. “*GSA*” means the Georgia Sheriffs’ Association, Inc.;
4. “*GCPS*” means Georgia Certified Process Server;
5. “*Coordinator*” means the program coordinator of the Georgia certified process server program; and
6. “*Exam*” means the Georgia Certified Process Server Examination.
7. “*Identification Card*” means the non-law enforcement credentials issued to certified process servers by the certifying Sheriff.

D. Administration

1. The Director of the AOC shall designate the Coordinator. The Coordinator shall assist the Judicial Council in its promulgation of rules and regulations, approval of training and testing programs, and coordination with the GSA and others involved in the certification process.

2. The Sheriff of each county shall accept certification applications as outlined within the law and these rules. A Sheriff retains the discretion to permit or deny operation of certified process server operation in the county in which he serves.
3. Service in Georgia Counties
 - a. Prior to the first time that a certified process server serves process in any county he shall file with the sheriff of the county a written notice, in such form as shall be prescribed by the GSA, of his or her intent to serve process in that county.
 - b. Such notice shall be effective for a period of one year; and a new notice shall be filed before the certified process server again serves process or who was appointed as a permanent process server by a court.
 - c. This provision does not apply to a certified process server who was appointed by the court to serve process or who was appointed as a permanent process server by the court.

E. Tenses, Gender, and Number

As used in these rules, the present tense includes the past and future tenses, and the future tense includes the present; the masculine gender includes the feminine, and the feminine includes the masculine; the singular includes the plural, and the plural includes the singular.

F. Effect of these Rules on Persons Permitted to Serve Process by Other Law

These rules pertain to only process servers certified pursuant to O.C.G.A. § 9-11-4.1(a).

ARTICLE 3: Certification

A. General Requirements

1. To be a certified process server in Georgia, an individual must:
 - a. Be at least 18 years of age;
 - b. Be a citizen of the United States or a repatriated or naturalized citizen of the United States as of the date employment commences as evidenced by a certified copy of applicant's birth certificate.
 - c. Not have:
 1. Been convicted of or entered a plea of nolo contendere to a felony or of impersonating a peace officer or other public employee under O.C.G.A. § 16-10-23;
 2. An outstanding warrant for his arrest; or
 3. A pending criminal charge in the following areas: felony, domestic violence, or misdemeanor involving moral turpitude.

B. Application; Review

1. A person seeking certification must file with the Sheriff of any county in Georgia a completed, sworn GCPS application packet.
2. For an application packet to be complete, it must contain the following:
 - a. A complete GCPS application as required by the packet;
 - b. A certified copy of applicant's birth certificate;
 - c. Results of a fingerprint-based criminal background check conducted in accordance with Article 7 of these Rules;
 - d. A certificate of successful completion of pre-certification training, given to the applicant by the approved training provider, as detailed in Article 5.D. of these Rules;
 - e. A certificate of successful completion of the GCPS Exam as detailed in Article 6 of these Rules;
 - f. An insurance binder demonstrating that applicant has obtained, and maintains a commercial surety bond or policy of commercial insurance in the amount of \$25,000 or greater. as required by O.C.G.A. § 9-11-4.1 (b)(1)(D) to protect members of the public and persons employing the certified process server against any damage arising from

any actionable misconduct, error, or omission on the part of the applicant while acting as a certified process server;

- g. An \$80 application fee in the form of money order or cashier's check made payable to the Sheriff's office that receives the application; and
 - h. Other fees that the Council may establish from time to time.
3. Sheriffs shall not accept incomplete application packets.

C. Application Review; Rejection; Approval; Identification card; Oath; List

- 1. Complete application packets shall be reviewed and either approved or rejected for cause by the receiving Sheriff, within 15 business days of their receipt.
- 2. When the receiving Sheriff approves an application, he shall issue the Identification Card to the applicant, who, upon his receipt of the Identification Card and writing of the Oath as specified in Article 8, will be a certified process server in Georgia.
- 3. An applicant who is dissatisfied with the receiving Sheriff's decision regarding his application may appeal the Sheriff's decision as provided for in Article 11.A. of these Rules.

D. List of Certified Process Servers

In accordance with O.C.G.A. § 9-11-4.1(e) the GSA shall maintain a registry of all certified process servers in Georgia.

E. Length of Certification

- 1. Certification is effective for three years from the certification date indicated on the process server's Identification Card, unless the certification is revoked or suspended as provided by O.C.G.A. § 9-11-4.1(c) and these Rules.
- 2. All certificates expire at midnight on the expiration date indicated on the process server's Identification Card as provided by Article 9.B. of these Rules.

F. Withdrawal

- 1. A certified process server may withdraw certification in lieu of permitting certification to lapse, which would otherwise result in suspension for non-renewal. See Article 4C.
- 2. A certified process server may not withdraw his certification if he is under investigation.

ARTICLE 4: Renewal

A. Generally

A certified process server desiring to renew an existing certification must file with any Georgia Sheriff an application for renewal in the form available from the AOC and the GSA.

B. Renewal Process

1. When a certified process server has filed a completed application for renewal prior to the expiration of the existing certification, the existing certification does not expire until the certifying Sheriff has approved or denied the application. It is the responsibility of each process server to ensure, prior to serving process under certification, that his certification remains in effect.
2. If the certifying Sheriff denies the renewal application, the existing certification does not expire until the last day to file an appeal as identified by Article 11.

C. Inactive Status

1. A certified process server who wishes to cease serving process in Georgia may elect to withdraw his certification and become inactive by submitting written notice to the GSA and the certifying Sheriff.
2. An inactive certified process server shall not be required to obtain continuing education hours if they remain inactive for greater than 26 weeks during a calendar year.
3. An inactive certified process server who wishes to again become an active certified process server in Georgia must:
 - a. Become certified through testing in the manner prescribed by Article 6.
 - b. Pay a renewal / reactivation fee established within Article 12 of these rules with \$30 of the fee to be disbursed by the certifying Sheriff to the GSA.

ARTICLE 5: Training

A. Generally

1. Educational activity shall address the areas of proficiency, competency and performance of and impart knowledge and understanding of the service of process, the Georgia judiciary and the legal process, and increase the participant's understanding of the responsibilities of a certified private process server and the process server's impact on the judicial process.

B. Approved Training Programs

1. Individuals and entities wishing to administer a training activity shall submit the proposed training activity on the approved form to the Coordinator for consideration prior to conducting the activity. Applications submitted after the training activity has been completed or conducted will be rejected.
2. The Coordinator, in consultation with GSA, will review and approve pre-certification training curriculum.
3. At a minimum, the proposal shall meet all requirements of this policy and shall include the following:
 - a. Course content, objectives, teaching methods and the evaluation method;
 - b. Names and qualifications of the faculty;
 - c. Written materials for the participants (a copy of the materials shall be included with the proposal); and
 - d. Number of CE credits the sponsoring entity is recommending the AOC grant for completion of the activity.
 - e. A statement that the sponsor agrees to assume responsibility for the following:
 - i. Verifying attendance of the participants;
 - ii. Providing a certificate of attendance for each participant who successfully completes the activity; and
 - iii. Maintaining registration and attendance documents for a period of three (3) years.
 - iv. Submitting an electronic copy of the following to the GSA:
 - a. Sign In/Attendance log containing the applicants signature; and
 - b. Comprehensive list of all attendees and their corresponding test scores.

- v. Upon request of the AOC, providing any additional information requested to assist the AOC in evaluating whether to approve the activity or to ensure compliance with this policy.

C. Trainer Standards

1. Individuals presenting a training activity should possess experience and expertise in the service of process, legal and judicial communities. Faculty from other disciplines is permissible when their expertise will contribute to the goals of a specific program.
2. The individual or entity that received approval for the training curriculum shall retain a resume on file for all trainers for a period of three (3) years after the delivery of each training session.
3. The individual or entity that received approval for the training curriculum maintains liability and responsibility for the quality of the training provided.

D. Precertification Training

1. To submit a complete application packet, an applicant must first successfully complete a 12-hour course of instruction as approved by the AOC.
2. Upon successful completion of the 12-hour course of pre-certification instruction, the applicant will receive a certificate of completion from the instructor.
3. Pre-certification training curriculum (12 hour) shall include:
 - a. Regulation of Process Serving (.5 hour): an overview of O.C.G.A. § 9-11-4.1 and these rules
 - b. Ethics and Professionalism (1.5 hours)
 - c. Process Server Liabilities and Responsibilities (1 hour):
 - i. All work shall be performed in a lawful, professional and ethical manner and a certified process server shall do all things possible to protect the rights and confidentiality of a client and of any person to whom legal process is directed.
 - ii. A certified process server shall maintain high personal standards that do not impugn upon the reputation of the process service profession.
 - iii. A certified process server must be a citizen of the United States, at least 18 years of age and not a party to the case. The process server must not have an interest in the outcome of the case or be related by blood or marriage to someone who has such an interest.

- iv. A certified process server shall attempt to perfect service within five days from receipt of a summons and complaint, but if unable to do so, shall engage in diligent efforts to perfect service.
- v. A certified process server must supply and file a proof of service with the court in the county in which the action is pending within five business days of the service date. A certified process server shall not falsify or misrepresent the facts surround the delivery of legal process to any person or entity. The proof of service must be signed in the presence of a notary public and should never be signed in blank.
- vi. A certified process server shall display his or her credentials at all times while engaged in service of process and shall report lost or stolen credentials to the certifying County Sherriff's Office within three days of discovery of the loss.
- vii. A certified process server shall not hold himself or herself out as a peace officer or public officer or employee.
- viii. A certified process server shall immediately notify the Sheriff of the county in which the process server's certification was issued of any arrest for an alleged felony during the three-year period of certification.
- ix. A certified process server shall immediately notify the Sheriff of the county in which the process server's certification was issued of any conviction of a felony.
- x. A certified process server must maintain a commercial surety bond in an amount not less than the amount required by the rules set forth by the Judicial Council.

d. Constitutional Law and Georgia Law relevant to service of process (6 hours):

Knowledge and understanding of applicability of the relevant code sections.

- i. O.C.G.A. § 9-11-4 Process
- ii. O.C.G.A. § 9-11-4.1 Certified process servers
- iii. O.C.G.A. § 9-11-45 Subpoena for taking depositions
- iv. O.C.G.A. § 9-10-72 Issuance of second original
- v. O.C.G.A. § 9-10-94 Service outside of Georgia
- vi. O.C.G.A. § 19-6-28 Service of Rule Nisi by mail in alimony or child support
- vii. O.C.G.A. § 15-10-43 Statement of claim; service of process in magistrate court

- viii. O.C.G.A. § 18-4-23 Manner of Service, garnishment on corporations
 - ix. O.C.G.A. § 18-4-62 Service of summons on garnishment
 - x. O.C.G.A. § 18-4-64 Service of copy of summons of garnishment upon defendant
 - xi. O.C.G.A. § 24-10-21 Subpoena for attendance of witnesses, where served
 - xii. O.C.G.A. § 24-10-23 Service of subpoenas
 - xiii. O.C.G.A. § 24-10-24 Fees and mileage; when tender required
 - xiv. O.C.G.A. § 24-10-96 Exemption of witnesses from arrest and service of process
 - xv. O.C.G.A. § 24-10-111 How foreign depositions taken
 - xvi. O.C.G.A. § 44-7-51 Dispossessory proceedings
 - xvii. O.C.G.A. § 44-14-232 Summons; service on defendant for foreclosure on personalty
- e. Personal Safety (1 hour)
 - f. Best Practices: Practical Exercises on Process Serving (2 hours)

E. Annual Renewal Training

1. Each certified process server shall complete a minimum of 5 hours of training per calendar year relevant to the performance of duties as a certified process server, including, but not limited to the following:
 - a. Ethics
 - b. Updates to law relevant to serving process.
2. The failure to obtain the requisite annual training shall result in suspension of certificate.
3. The certificate of training issued by the approved vendor shall be submitted to the certifying Sheriff during the month of January, for training received during the preceding calendar year.

ARTICLE 6: Examination and Testing

A. Certification Examination

1. The AOC shall provide for an exam to be administered to an applicant, pursuant to a written protocol established by the AOC from time to time.
2. The exam shall be designed to test the competency of the applicant as a process server in Georgia by testing the applicant's knowledge of the laws, rules, and regulations governing serving process in Georgia in the following areas and shall reflect the information presented within Article 5.D. and Article 10 of these rules.
 - a. Regulation of Process Serving
 - b. Ethics and Professionalism
 - c. Process Server Liabilities and Responsibilities
 - d. Constitutional law and Georgia law relevant to Process Serving
 - e. Personal Safety
 - f. Best Practices: Practical Exercises on Process Serving

B. Testing

1. For a complete application, an applicant must complete successfully an exam as approved by the AOC.
2. Upon successful completion of the exam, applicant will receive from the tester a certificate of completion.
3. Applicants who fail to achieve a passing score of 70% on the exam may not retest for a period of 30 calendar days.
4. Applicants must repeat the 12-hour pre-certification training, at their own expense, should they test three (3) consecutive times and fail to achieve a passing examination score.

ARTICLE 7: Criminal Background Requirements

A. Criminal Background Check; Fingerprinting

1. As per Article 3.B.2.d. of these Rules, each application to become a certified process server shall contain a criminal background fingerprint check.
2. The applicant shall have his fingerprinting completed electronically by the office of the certifying Sheriff no more than two weeks prior to submittal of his application packet to a Georgia Sheriff to ensure current criminal history information is presented.
3. Each Sheriff shall set the cost of obtaining a fingerprint-based criminal history.
4. The applicant shall bear the cost of obtaining the applicant's criminal history.

B. Ongoing Qualifications

1. No certified process server shall be employed who has been convicted of or pled guilty to or nolo contendere to any felony offense, impersonating a peace officer or other public employee under O.C.G.A. § 16-10-23, or any misdemeanor involving moral turpitude.
2. Each certified process server shall notify the GSA and the certifying Sheriff in writing if he has been charged, arrested or pled guilty or nolo contendere to, or has been convicted of any felony or a misdemeanor involving moral turpitude, within three business days of any such event.
3. Failure to submit notification within three business days of any such event will result in immediate suspension of certification and may result in prosecution if the event violates Georgia's criminal statutes.
4. Suspension of certification results in the process server's inability to operate in any county within Georgia until the suspension is lifted or the term of suspension expires.

ARTICLE 8: Oath

Upon completion of the certification process, the certifying Sheriff will present each applicant with the following oath. The certifying Sheriff shall retain the original written oath and provide a copy to the certified process server.

"I do solemnly swear (or affirm) that I will conduct myself as a process server truly and honestly, justly and uprightly, and according to law; and that I will support the Constitution of the State of Georgia and the Constitution of the United States. I further swear (or affirm) that I will not serve any papers or process in any action where I have a financial or personal interest in the outcome of the matter or where any person to whom I am related by blood or marriage has such an interest."

CERTIFIED PROCESS SERVER

DATE

SHERIFF

DATE

COUNTY, GEORGIA

ARTICLE 9: Certified Process Server Conduct

A. Punishment for False Representation

1. Certified process servers are not employees of the State or of any State agency, and may not in any way represent themselves as such.
2. Any certified process server who holds himself out to be a peace officer or public officer shall be punished in accordance with O.C.G.A. § 16-10-23.
3. It is unlawful for any person who is not a certified process server to hold himself out as being a certified process server. Any person convicted of such is guilty of a misdemeanor.

B. Identification card

1. A certified process server shall carry and prominently display the Identification Card issued to them by the certifying Sheriff at all times when serving process. This Identification Card will serve as the certified process servers credentials as required by O.C.G.A. 9-11-(h)(2)(i).
2. Certified process servers shall report lost or stolen Identification Card to the certifying Sheriff within three days of discovery of the loss. Upon filing a loss form with the certifying Sheriff and payment of a replacement fee, the certifying Sheriff shall request and issue a replacement credential.
3. Failure of a certified process server to notify the certifying Sheriff of a lost or stolen credential may result in suspension of certification or prosecution.
4. Immediately upon withdrawal, suspension, or revocation of certification for any reason, a process server must surrender his Identification Card to the certifying Sheriff in person or via certified mail within three business days of such event.

ARTICLE 10: Ethics

A. Generally

A certified process server shall perform services in a manner consistent with legal and ethical standards.

1. A certified process server, having located the sought-after party or persons receiving process for those parties intended for service, shall serve process in a professional manner, utilizing sound judgment and avoiding rudeness and unprofessional conduct.
2. A certified process server shall serve process in an objective, nonjudgmental manner.
3. A certified process server shall not misrepresent the certified process server's qualifications, fees, or any other information relating to the role of the server as a certified process server.
4. A certified process server shall not in any manner utilize his standing as a certified process server to gain access to information or services for purposes other than those authorized by the applicable statutory, case law, administrative orders, and these Rules.
5. A certified process server shall act in the best interests of the client by maintaining a high standard of work and reporting to the client the full facts determined as a result of the work and effort expended, whether they are advantageous or detrimental to the client.
6. A certified process server shall file promptly an affidavit of service or certificate of service or return the unserved documents.

B. Compliance with Rules and Applicable Laws

Certified process servers shall perform all services and discharge all obligations in accordance with current Georgia and federal law, Georgia rules of civil procedure, administrative orders, and these Rules.

C. Professionalism

Certified process servers shall exercise the highest degree of professionalism in all interactions with clients, the party located, and others they come into contact with during the service. Certified process servers shall utilize professional judgment and discretion at all times.

1. A certified process server shall handle all legal documents with care and maintain required records in a professional manner.

2. A certified process server may act as a mentor to assist an inexperienced certified process server to increase skill level and successful service of process.
3. A certified process server shall not provide or offer legal advice.
4. Certified process servers shall not violate any rules adopted by the Judicial Council, or conduct themselves in a manner that would reflect adversely on the Judicial Council, the judiciary, law enforcement, or other agencies involved in the administration of justice.
5. A certified process server shall respect the confidentiality of information and shall preserve the confidences of all parties before, during, and following the formal relationship with the client.
6. A certified process server shall maintain a professional appearance at all times.
7. A certified process server shall be courteous and polite in all dealings and shall abstain from using profanity or vulgarity in contact with others.
8. A certified process server shall never attempt to decide the merits of a lawsuit. A certified process server shall never engage in discussions regarding the action being taken with the persons being served except those discussions necessary for the certified process server to successfully, professionally serve process on the party.
9. A certified process server shall know the protocol in a court building before proceeding with service and shall take appropriate steps to avoid impairing security or creating a security issue in a court building.

D. Skills and Knowledge

Certified process servers shall demonstrate adequate skills and knowledge to perform the work of a private process server, and shall seek training opportunities to maintain professional competency and growth.

1. A certified process server has an obligation to have knowledge and keep informed of all current and applicable laws regarding the service of process in Georgia.
2. A certified process server has a responsibility to maintain a working knowledge of proper method of service of process.
3. A certified process server shall possess the necessary verbal and written communication skills sufficient to perform the private process server role.
4. A certified process server shall manage service proficiently, including skills necessary to be a competent process server, which skills include, but are not limited to those necessary to serve process, maintain records, and communicate with clients in a timely manner.

5. A certified process server shall keep clients, court personnel, and other relevant public officers reasonably informed about the status of the service and promptly comply with reasonable requests.
6. A certified process server shall ensure all affidavits and certificates prepared by the certified process server are complete, accurate, understandable, and are filed with the court in a timely manner.

ARTICLE 11: Denial, Suspension, Revocation, and Appeals

A. Denial of Certification

Any certified process server applicant whose application is denied by the receiving sheriff pursuant to Article 3.C.1. of these Rules may dispute the receiving sheriff's decision by filing suit against the receiving sheriff pursuant to the Georgia Civil Practice Act, codified at O.C.G.A. § 9-11-1 *et. seq.*

B. Suspension and Reinstatement

1. A process server's certification is suspended automatically if the server in question:
 - a. Fails to submit the renewal application and/or pay the renewal fee by midnight on the expiration date of the term of certification;
 - b. When the expiration date falls on a non-business day, renewal applications are due on the next business day after expiration.
 - c. Fails to meet annual continuing education requirements as required by Article 5.E.;
 - d. Has his certification revoked by order of a Superior Court Judge as per Article 11.C.;
 - e. Is convicted of or entered a plea of nolo contendere to a felony, impersonating a peace officer or other public employee under O.C.G.A. § 16-10-23, a charge involving domestic violence, or a misdemeanor involving moral turpitude. Upon suspension of certification, a process server must surrender his Identification Card immediately to the certifying Sheriff.
2. Upon a showing that the process server has achieved full compliance with requirements and reinstatement requirements of (B.1.a.) and (B.1.b.) above, the certifying Sheriff shall consider renewal of certification.

C. Suspension or Revocation and Appeal via Judicial Process

1. A Sheriff or member of the public may file a complaint against a certified process server for violation of law or these Rules.
2. Actions for suspension or revocation of a certified process server's certificate shall take place before a Georgia Superior Court and shall be in the form of and comply with all provisions of filings and proceedings under the Georgia Civil Practice Act.
3. A process server's suspension or revocation becomes effective immediately on the date indicated by the Judge's order.

4. Any appeal by a process server of the revocation or suspension of his certification by a Superior Court Judge shall be in accordance with the Georgia Civil Practice Act.
5. Any process server whose certification has been revoked may not reapply for certification for a period of five (5) years from the date of revocation.
6. Suspension of certification shall be for a set term of months or years, not to exceed 5 years.

ARTICLE 12: Fee Schedule

A. Georgia Certified Process Server (GCPS) Application Fee:	\$80
B. GCPS Certification Renewal Fee:	\$80
C. GCPS Reinstatement Fee:	\$80
D. Pre-certification and Continuing Education Fee:	\$15 per credit hour
E. GCPS Test Administration Fee:	\$250
F. GCPS Identification Card and Replacement Fee:	\$15
G. Fingerprint processing fee:	set by each Sheriff

**Supreme Court of Georgia
Jury Composition Committee**

In 2003 the Jury Composition Committee was appointed by the Supreme Court to study whether an inclusive juror source list could replace Georgia's balanced box juror selection system. Since the 1960s, Georgia courts have used "forced balancing" to ensure that demographic groups within the county are proportionally represented within the jury pool.

Reform Proposals:

I. Jury List Methodology

The Committee investigated whether an inclusive list method can replace the balanced box method. The study considered three questions:

1. Is the inclusiveness standard a feasible alternative to the balanced box? Does it reflect a fair cross-section of the community?
2. Is it possible to centralize and pre-process a statewide list efficiently and cost-effectively?
3. What additional procedures, policies, data, or technology are required to compile an inclusive statewide juror source list?

The Committee's research has shown that the answer to each of these questions is "yes." Research supports a series of procedures and rules to compile a statewide, inclusive source list. Millions of drivers' license and voter registration records are screened in a process that eliminates errors and duplicates in the merged source lists. Properly screened, the drivers' license data and vital records augment voter registration records to create an inclusive list of people eligible for jury duty. A byproduct of this effort is that address information for prospective jurors can be far more accurate, which should increase the overall efficiency of the local jury process.

II. Draft Jury Reform Legislation

The Supreme Court Jury Composition Committee proposes amending OCGA §§15-6-50.2; 15-12-1, et seq. Records provided by the Georgia Secretary of State Election Division, the Department of Driver Services, Vital Records, etc. will make up a consolidated database that will be cleaned of duplicates, bad addresses, names of felons and deceased persons, and then sorted for transmittal to each county in Georgia.

The Council of Superior Court Clerks will be responsible for creating the statewide jury list and taking the lead on funding proposals for this important reform. Under the proposed legislation, the Council will also prepare, certify and distribute an inclusive list to each individual county's Board of Jury Commissioners. Thereafter, a new list will be prepared and distributed annually. The quality and integrity of these jury lists will be regulated by Georgia Supreme Court Rule.

III. Intended Results

This process will end forced balancing of the jury box and will make jury lists as inclusive as possible of all eligible citizens. Local procedures for clerks of court, judges, jury commissioners and court administrators will otherwise remain the same. The statutory changes will provide local court officials with an inclusive jury list consistent with the intent behind our constitutional right to equal protection and a jury of our peers.

IV. Committee Members as of August 2010

Justice Hugh P. Thompson, chair	Judge Ben Studdard
Ms. Patricia Baker	Mr. Ed Tolley
Mr. John Cowart	Mr. Dan Massey
Prof. Richard Creswell	Judge Lawton Stephens
Ms. Sara Crow	Ms. Marla Moore
Mr. David Hutchings	Mr. Bart Jackson
Mr. Robert Keller	Mr. Tom Lawler
Ms. Linda Miller	Ms. Mary McCall Cash
Ms. Patty Morelli	Mr. Michael Frankson
Judge Carlisle Overstreet	Ms. Billie Bolton

DRAFT JURY COMPOSITION BILL (9-30-10)

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 15, 21, 40, and 50 of the Official Code of Georgia Annotated, relating to courts,
2 crimes and offenses, elections, and state government, respectively, so as to provide for a
3 modernized and uniform system of compiling, creating, maintaining, and updating jury lists in
4 this state; to provide for a short title; to provide for state-wide compilation of jury source lists
5 and the management of jury source lists by the Council of Superior Court Clerks of Georgia; to
6 end forced balancing of county jury pools by race, gender, and ethnicity for the purpose of
7 complying with the federal and state constitutions and the Unified Appeal process; to remove
8 population features and nonmechanical procedures relative to selecting persons for jury service;
9 to standardize the size of county boards of jury commissioners; to change eligibility
10 requirements for grand jurors; to prohibit public disclosure of jury source lists except under
11 certain circumstances; to provide for related matters; [to provide for a contingent effective date
12 and applicability;] to repeal conflicting laws; and for other purposes.

13
14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15
16 Section ____.

17
18 § 15-6-50.2.

19
20 (a) There is created a superior court clerks' council to be known as "The Council of Superior
21 Court Clerks of Georgia." The council shall be composed of the clerks of the superior courts of
22 this state. The council is authorized to organize itself and to develop a constitution and bylaws.

23
24 (b) It shall be the purpose of the council to effectuate the constitutional and statutory
25 responsibilities conferred upon it by law, to further the improvement of the superior courts and
26 the administration of justice, to assist the superior court clerks throughout the state in the
27 execution of their duties, and to promote and assist in the training of superior court clerks.

28
29 (c) Expenses of the administration of the council shall be paid from state funds appropriated for
30 that purpose, from federal funds available to the council for that purpose, or from other
31 appropriate sources.

32
33 (d) The Council of Superior Court Clerks of Georgia shall be a legal entity and an agency of the
34 State of Georgia; shall have perpetual existence; may contract; may own property; may accept
35 funds, grants, and gifts from any public or private source for use in defraying the expenses of the
36 council; may adopt and use an official seal; may establish a principal office; may employ such
37 administrative or clerical personnel as may be necessary and appropriate to fulfill its necessary
38 duties; shall establish, maintain and revise the state-wide master jury list as provided in Chapter
39 12 of this title; shall distribute to the board of jury commissioners of each county the county
40 master jury list as provided in Chapter 12 of this title; and shall have other powers, privileges,

41 and duties as may be reasonable and necessary for the proper fulfillment of its purposes and
42 duties.

43
44 (e) Notwithstanding any other law, a member of the council shall not be ineligible to hold the
45 office of clerk of a superior court by virtue of his or her position as a member of the council or
46 its executive committee.

47
48
49 § 15-6-61.

50
51 (a) It is the duty of a clerk of superior court:

52
53 (1) To keep the clerk's office and all things belonging thereto at the county site and at the
54 courthouse or at such other place or places as authorized by law;

55
56 (2) To attend to the needs of the court in the performance of the duties of the clerk;

57
58 (3) To issue and sign every summons, writ, execution, process, order, or other paper under
59 authority of the court and attach seals thereto when necessary. The clerk shall be authorized to
60 issue and sign under authority of the court any order to show cause in any pending litigation and
61 any other order in the nature of a rule nisi, where no injunctive or extraordinary relief is granted;

62
63 (4) To keep in the clerk's office the following dockets or books:

64
65 (A) An automated civil case management system which shall contain separate case number
66 entries for all civil actions filed in the office of the clerk, including complaints, proceedings,
67 Uniform Interstate Family Support Act actions, domestic relations, contempt actions, motions
68 and modifications on closed civil actions, and all other actions civil in nature except adoptions;

69
70 (B) An automated criminal case management system which shall contain a summary record
71 of all criminal indictments in which true bills are rendered and all criminal accusations filed in
72 the office of the clerk of superior court. The criminal case management system shall contain
73 entries of other matters of a criminal nature filed with the clerk, including quasi-civil
74 proceedings and entries of cases which are ordered dead docketed at the discretion of the
75 presiding judge and which shall be called only at the judge's pleasure. When a case is thus dead
76 docketed, all witnesses who may have been subpoenaed therein shall be released from further
77 attendance until resubpoenaed; and

78
79 (C) A docket, file, series of files, book or series of books, microfilm records, or electronic
80 data base for recording all deeds, liens, executions, lis pendens, maps and plats, and all other
81 documents concerning or evidencing title to real or personal property. When any other law of
82 this state refers to a general execution docket, lis pendens docket, or attachment docket, such
83 other law shall be deemed to refer to the docket or other record or records provided for in this
84 subparagraph;

85
86 (5) To keep all the books, papers, dockets, and records belonging to the office with care and

87 security and to keep the papers filed, arranged, numbered, and labeled, so as to be of easy
88 reference;

89

90 (6) To keep at the clerk's office all publications of the laws of the United States furnished by
91 the state and all publications of the laws and journals of this state, all statute laws and digests,
92 this Code, the Supreme Court and Court of Appeals reports, and all other law books or other
93 public documents distributed to him, for the public's convenience; provided, however, the clerk
94 may consent that these publications be maintained in the public law library;

95

96 (7) To procure a substantial seal of office with the name of the court and the county inscribed
97 thereon, if this has not already been done;

98

99 (8) To make out and deliver to any applicant, upon payment to the clerk of legal fees, a correct
100 transcript, properly certified, of any minute, record, or file of the clerk's office except for such
101 records or documents which are, by provision of law, not to be released;

102

103 (9) Upon payment of legal fees to the clerk, to make out a transcript of the record of each case
104 to be considered by the Supreme Court or the Court of Appeals and a duplicate thereof numbered
105 in exact accordance with the numbering of the pages of the original transcript of the record to be
106 transmitted to the Supreme Court and the Court of Appeals;

107

108 (10) To make a notation on all conveyances or liens of the day they were left to be recorded,
109 which shall be evidence of the facts stated. Beginning July 1, 1998, all liens or conveyances left
110 to be filed shall have a three-inch margin at the top to allow space for the clerk's notation
111 required by this paragraph. If any lien or conveyance shall be presented for filing without
112 sufficient margin, the clerk shall attach a piece of paper sufficient to give such margin at the top
113 of the filing. Such notation may be made by the clerk or the clerk's deputy or employee by
114 written signature, facsimile signature, or mechanical printing;

115

116 (11) To attest deeds and other written instruments for registration;

117

118 (12) To administer all oaths required by the court and to record all oaths required by law;

119

120 (13) To transmit to the Georgia Superior Court Clerks' Cooperative Authority or its designated
121 agent within 24 hours of filing of any financing statement, amendment to a financing statement,
122 assignment of a financing statement, continuation statement, termination statement, or release of
123 collateral, by facsimile or other electronic means, such information and in such form and manner
124 as may be required by the Georgia Superior Court Clerks' Cooperative Authority, for the purpose
125 of including such information in the central indexing system administered by such authority;
126 provided, however, that weekends and holidays shall not be included in the calculation of the 24
127 hour period;

128

129 (14) To remit to the Georgia Superior Court Clerks' Cooperative Authority a portion of all fees
130 collected with respect to the filings of financing statements, amendments to financing statements,
131 assignments of financing statements, continuation statements, termination statements, releases of
132 collateral, or any other documents related to personal property and included in the central index,

133 in accordance with the rules and regulations of such authority regarding the amount and payment
134 of such fees; provided, however, that such fees shall be remitted to the authority not later than
135 the tenth day of the month following the collection of such fees, and the clerk shall not be
136 required to remit such fees more often than once a week;

137
138 (15) To participate in the state-wide uniform automated information system for real and
139 personal property records, as provided for by Code Sections 15-6-97 and 15-6-98, and any
140 network established by the Georgia Superior Court Clerks' Cooperative Authority relating to the
141 transmission and retrieval of electronic information concerning real estate and personal property
142 data for any such information systems established by such authority so as to provide for public
143 access to real estate and personal property information, including liens filed pursuant to Code
144 Section 44-2-2 and maps and plats. Each clerk of the superior court shall provide to the authority
145 or its designated agent in accordance with the rules and regulations of the authority such real
146 estate information concerning or evidencing title to real property and such personal property
147 information or access to such information which is of record in the office of clerk of the superior
148 court and which is necessary to establish and maintain the information system, including
149 information filed pursuant to Code Section 44-2-2 and maps and plats. Each clerk of the superior
150 court shall provide and transmit real estate and personal property information filed in the office
151 of the clerk of superior court, including information required by Code Section 44-2-2 and maps
152 and plats, to the authority for testing and operation of the information system at such times and in
153 such form as prescribed by the authority;

154
155 (15.1) To participate in any network established by the Georgia Superior Court Clerks'
156 Cooperative Authority relating to the transmission and retrieval of electronic information
157 concerning carbon sequestration results and related transactions for any such information
158 systems established by such authority for purposes of the carbon sequestration registry
159 established pursuant to Article 5 of Chapter 6 of Title 12, so as to provide for public access to
160 carbon sequestration registry information. Each clerk of the superior court shall provide to the
161 authority or its designated agent in accordance with the rules and regulations of the authority
162 such information evidencing carbon sequestration results and related transactions and access to
163 such information which is of record in the office of clerk of the superior court and which is
164 necessary for purposes of the carbon sequestration registry. Each clerk of the superior court shall
165 provide and transmit carbon sequestration results and related transaction information filed in the
166 office of the clerk of superior court to the authority for testing and operation of the electronic
167 information system for the carbon sequestration registry at such times and in such form as
168 prescribed by the authority. Each clerk shall charge and collect such fees as may be established
169 by the Georgia Superior Courts Clerks' Cooperative Authority, which shall be paid into the
170 county treasury less and except any sums as are otherwise directed to be paid to the authority, all
171 in accordance with rules and regulations adopted by the authority pursuant to Code Section 15-6-
172 97.2;

173
174 (16) To file and transmit all civil case filing and disposition forms required to be filed pursuant
175 to subsection (b) of Code Section 9-11-3 and subsection (b) of Code Section 9-11-58;

176 (17)(A) To transmit to the Superior Court Clerks' Cooperative Authority within 30 days of
177 filing the civil case filing and disposition forms prescribed in Code Section 9-11-133.

178

179 (B) To electronically collect and transmit to the Georgia Superior Court Clerks' Cooperative
180 Authority all data elements required in subsection (g) of Code Section 35-3-36 in a form and
181 format required by the Superior Court Clerks' Cooperative Authority and The Council of
182 Superior Court Clerks of Georgia. The electronic collection and transmission of data shall begin
183 no later than January 1, 2002. The data transmitted to the authority pursuant to this Code section
184 shall be transmitted to the Georgia Crime Information Center in satisfaction of the clerk's duties
185 under subsection (g) of Code Section 35-3-36 and to the Georgia Courts Automation
186 Commission who shall provide the data to the Administrative Office of the Courts for use of the
187 state judicial branch. Public access to said data shall remain the responsibility of the Georgia
188 Crime Information Center. No release of collected data shall be made by or through the
189 authority;

190
191 (18) To participate in agreements, contracts, and networks necessary or convenient for the
192 performance of the duties provided in paragraphs (16) and (17) of this subsection; ~~and~~

193
194 (19) To perform such other duties as are or may be required by law or as necessarily appertain
195 to the office of clerk of the superior court.; and

196
197 (20) To keep an automated, computer based jury management system that facilitates the
198 maintenance of the county master jury list pursuant to the provisions of Chapter 12 of this title.

199
200
201 (b) Nothing in this Code section shall restrict or otherwise prohibit a clerk from electing to store
202 for computer retrieval any or all records, dockets, indices, or files; nor shall a clerk be prohibited
203 from combining or consolidating any books, dockets, files, or indices in connection with the
204 filing for record of papers of the kind specified in this Code section or any other law, provided
205 that any automated or computerized record-keeping method or system shall provide for the
206 systematic and safe preservation and retrieval of all books, dockets, records, or indices. When the
207 clerk of superior court elects to store for computer retrieval any or all records, the same data
208 elements used in a manual system shall be used, and the same integrity and security maintained.
209 Regardless of the automated or computerized system elected, each clerk shall maintain and make
210 readily available to the public complete, printed copies of the real estate grantor and grantee
211 indices updated regularly, prepared in compliance with paragraph (15) of subsection (a) of this
212 Code section and Code Section 15-6-66.

213
214
215 § 15-12-1.

216
217 ~~—(a) (1) Any person who shows that he or she will be engaged during his or her term of jury~~
218 ~~duty in work necessary to the public health, safety, or good order or who shows other good cause~~
219 ~~why he or she should be exempt from jury duty may be excused by the judge of the court to~~
220 ~~which he or she has been summoned or by some other person who has been duly appointed by~~
221 ~~order of the chief judge to excuse jurors. Such a person may exercise such authority only after~~
222 ~~the establishment by court order of guidelines governing excuses. Any order of appointment~~
223 ~~shall provide that, except for permanently mentally or physically disabled persons, all excuses~~
224 ~~shall be deferred to a date and time certain within that term or the next succeeding term or shall~~

225 be deferred as set forth in the court order.
226

227 ~~—(2) Notwithstanding paragraph (1) of this subsection, any person who is a full-time student at a
228 college, university, vocational school, or other postsecondary school who, during the period of
229 time the student is enrolled and taking classes or exams, requests to be excused or deferred from
230 jury duty shall be excused or deferred from jury duty.~~

231
232 ~~—(3) Notwithstanding paragraph (1) of this subsection, any person who is the primary caregiver
233 having active care and custody of a child six years of age or younger, who executes an affidavit
234 on a form provided by the court stating that such person is the primary caregiver having active
235 care and custody of a child six years of age or younger and stating that such person has no
236 reasonably available alternative child care, and who requests to be excused or deferred shall be
237 excused or deferred from jury duty. It shall be the duty of the court to provide affidavits for the
238 purpose of this paragraph and paragraph (4) of this subsection.~~

239
240 ~~—(4) Notwithstanding paragraph (1) of this subsection, any person who is a primary teacher in a
241 home study program as defined in subsection (c) of Code Section 20-2-690 who, during the
242 period of time the person is teaching, requests to be excused or deferred from jury duty and
243 executes an affidavit on a form provided by the court stating that such person is the primary
244 teacher in a home study program and stating that such person has no reasonably available
245 alternative for the child or children in the home study program shall be excused or deferred from
246 jury duty.~~

247
248 ~~—(5) Notwithstanding paragraph (1) of this subsection, any person who is the primary unpaid
249 caregiver for a person over the age of six; who executes an affidavit on a form provided by the
250 court stating that such primary caregiver is responsible for the care of a person with such
251 physical or cognitive limitations that he or she is unable to care for himself or herself and cannot
252 be left unattended and that the primary caregiver has no reasonably available alternative to
253 provide for the care; and who requests to be excused or deferred shall be excused or deferred
254 from jury duty. Any person seeking the exemption shall furnish to the court, in addition to the
255 aforementioned affidavit, a statement of a physician, or other medical provider, supporting the
256 affidavit's statements related to the medical condition of the person with physical or cognitive
257 limitations. It shall be the duty of the court to provide affidavits for the purpose of this
258 paragraph.~~

259
260 ~~(b) Any person who is 70 years of age or older shall be entitled to request the board of jury
261 commissioners to remove such person's name from the jury list of the county. Upon such request
262 the board of jury commissioners shall be authorized and directed to remove the person's name
263 from the jury list. The request shall be made to the board or its clerk in writing and shall be
264 accompanied by an affidavit giving the person's name, age, and such other information as the
265 board may require. The board of jury commissioners of each county shall make available
266 affidavit forms for the purposes of this subsection.~~

267
268 ~~(c) (1) As used in this subsection, the term:~~

269
270 ~~—(A) "Ordered military duty" means any military duty performed in the service of the state or~~

271 of the United States including but not limited to attendance at any service school or schools
272 conducted by the armed forces of the United States which requires a service member to be at
273 least 50 miles from his or her home.

274
275 ~~—(B) "Service member" means an active duty member of the regular or reserve component of~~
276 ~~the United States Armed forces, the United States Coast Guard, the Georgia National Guard, or~~
277 ~~the Georgia Air National Guard who was on ordered federal duty for a period of 90 days or~~
278 ~~longer.~~

279
280 ~~—(2) Any service member on ordered military duty and the spouse of any such service member~~
281 ~~who requests to be excused or deferred shall be excused or deferred from jury duty upon~~
282 ~~presentation of either a copy of the official military orders or a written verification signed by the~~
283 ~~service member's commanding officer of such duty.~~

284
285 As used in this chapter, the term:

286
287 (1) 'Array' means the body of persons subject to voir dire from which the final jury and alternate
288 jurors are selected.

289
290 (2) 'Clerk' means the clerk of the superior court.

291
292 (3) 'Council' means the Council of Superior Court Clerks of Georgia.

293
294 (4) 'Defer' means to postpone a person's jury service until a later date.

295
296 (5) 'Excuse' means to grant a person's request for temporary exemption from jury service.

297
298 (6) 'Inactivate' means to remove a person identified on the county master jury list who is
299 permanently prevented from being selected as a trial or grand juror because such person is
300 statutorily ineligible or incompetent to serve.

301
302 (7) 'Jury commissioner' means a member of a county board of jury commissioners.

303
304 (8) 'County master jury list' means the list of names of persons eligible for jury service,
305 compiled by the Council, and distributed to the local board of jury commissioners.

306
307 (9) 'Venire' means the list of persons summoned to serve as jurors for a particular term of court.

308
309
310 15-12-1.1

311
312 (a)(1) Any person who shows that he or she will be engaged during his or her term of jury duty
313 in work necessary to the public health, safety, or good order or who shows other good cause why
314 he or she should be exempt from jury duty may be deferred or excused by the judge of the court
315 to which he or she has been summoned or by some other person who has been duly appointed by
316 order of the chief judge to excuse jurors. Such a person may exercise such authority only after

317 the establishment by court order of guidelines governing excuses. Any order of appointment
318 shall provide that, except for permanently mentally or physically disabled persons, all excuses
319 shall be deferred to a date and time certain within that term or the next succeeding term or shall
320 be deferred as set forth in the court order.

321

322 (2) Notwithstanding paragraph (1) of this subsection, any person who is a full-time student at a
323 college, university, vocational school, or other postsecondary school who, during the period of
324 time the student is enrolled and taking classes or exams, requests to be excused or deferred from
325 jury duty shall be excused or deferred from jury duty.

326

327 (3) Notwithstanding paragraph (1) of this subsection, any person who is the primary caregiver
328 having active care and custody of a child six years of age or younger, who executes an affidavit
329 on a form provided by the court stating that such person is the primary caregiver having active
330 care and custody of a child six years of age or younger and stating that such person has no
331 reasonably available alternative child care, and who requests to be excused or deferred shall be
332 excused or deferred from jury duty. It shall be the duty of the court to provide affidavits for the
333 purpose of this paragraph and paragraph (4) of this subsection.

334

335 (4) Notwithstanding paragraph (1) of this subsection, any person who is a primary teacher in a
336 home study program as defined in subsection (c) of Code Section 20-2-690 who, during the
337 period of time the person is teaching, requests to be excused or deferred from jury duty and
338 executes an affidavit on a form provided by the court stating that such person is the primary
339 teacher in a home study program and stating that such person has no reasonably available
340 alternative for the child or children in the home study program shall be excused or deferred from
341 jury duty.

342

343 (5) Notwithstanding paragraph (1) of this subsection, any person who is the primary unpaid
344 caregiver for a person over the age of six; who executes an affidavit on a form provided by the
345 court stating that such primary caregiver is responsible for the care of a person with such
346 physical or cognitive limitations that he or she is unable to care for himself or herself and cannot
347 be left unattended and that the primary caregiver has no reasonably available alternative to
348 provide for the care; and who requests to be excused or deferred shall be excused or deferred
349 from jury duty. Any person seeking the exemption shall furnish to the court, in addition to the
350 aforementioned affidavit, a statement of a physician, or other medical provider, supporting the
351 affidavit's statements related to the medical condition of the person with physical or cognitive
352 limitations. It shall be the duty of the court to provide affidavits for the purpose of this
353 paragraph.

354

355 (b) Any person who is 70 years of age or older shall be entitled to request that the board of jury
356 commissioners to remove such person's name from the jury list of the county excuse such person
357 from jury service in the county. Upon such request the board of jury commissioners shall ~~be~~
358 ~~authorized and directed to remove the person's name from the jury list~~ inactivate such person
359 from the county master jury list. The request shall be made to the board or its clerk in writing and
360 shall be accompanied by an affidavit giving the person's name, age, and such other information
361 as the board may require. The board of jury commissioners of each county shall make available
362 affidavit forms for the purposes of this subsection.

363

364 (c)(1) As used in this subsection, the term:

365

366 (A) "Ordered military duty" means any military duty performed in the service of the state or of
367 the United States including but not limited to attendance at any service school or schools
368 conducted by the armed forces of the United States which requires a service member to be at
369 least 50 miles from his or her home.

370

371 (B) "Service member" means an active duty member of the regular or reserve component of the
372 United States Armed forces, the United States Coast Guard, the Georgia National Guard, or the
373 Georgia Air National Guard who was on ordered federal duty for a period of 90 days or longer.

374

375 (2) Any service member on ordered military duty ~~and~~ or the spouse of any such service member
376 who executes an affidavit on a form provided by the court; who provides a copy of a valid
377 military identification card, and who requests to be excused or deferred shall be excused or
378 deferred from jury duty ~~upon presentation of either a copy of the official military orders or a~~
379 ~~written verification signed by the service member's commanding officer of such duty.~~

380

381

382 § 15-12-4.

383

384 (a) Any ~~juror~~ person who has served as a ~~grand or trial~~ juror at any session of the superior
385 ~~courts, or state courts, or city courts~~ shall be ineligible for duty as a juror at the next succeeding
386 term of the superior or state courts, in which he has previously served. ~~Nothing contained in this~~
387 ~~subsection shall prevent any trial juror from serving as a grand juror at the next term of the~~
388 ~~superior court of his county. This subsection shall not apply to any court in any county wherein~~
389 ~~the grand jury box contains not exceeding 100 names and the trial jury box contains not~~
390 ~~exceeding 350 names.~~

391

392 (b) ~~When the name of any juror who is disqualified by subsection (a) of this Code section is~~
393 ~~drawn, the same shall not be recorded as a juror but shall be returned to the box from which it~~
394 ~~was drawn; and the drawing shall be continued until the jury is secured.~~

395

396

397 § 15-12-11.

398

399 (a) In all counties having a population of 600,000 or more according to the United States
400 decennial census of 1990 or any future such census, the judges of the superior court of such
401 counties, by a majority vote of all of them, shall have the power to appoint a jury clerk and such
402 other personnel as may be deemed necessary or advisable to dispatch the work of the court. The
403 appointments to such positions and the compensation therefor shall be determined by the judges
404 without regard to any other system or rules, such personnel to serve at the pleasure of the judges.
405 The salaries and expenses of the personnel and any attendant expense of administration of the
406 courts are determined to be contingent expense of court and shall be paid as provided by law for
407 the payment of contingent expenses. The duties of the personnel shall be as prescribed by the
408 judges.

409

410 (b) All prospective jurors in all counties may be required to answer written questionnaires, as
411 may be determined and submitted by the judges of such counties, concerning their qualifications
412 as jurors. In propounding the questions, the judges may consider the suggestions of counsel. In
413 the questionnaire and during voir dire examination, judges should ensure that the privacy of
414 prospective jurors is reasonably protected and that the questioning by counsel is consistent with
415 the purpose of the voir dire process.

416

417 (c) Juror questionnaires shall be confidential and shall be exempt from public disclosure pursuant
418 to the provisions of Code Section 50-18-70; provided, however, that the court may order the
419 clerk in writing to release jury questionnaire data to parties and their counsel in preparation for a
420 challenge to the array of the grand or trial jury pursuant to Code Section 15-12-162 or in
421 preparation for the conduct of voir dire pursuant to Code section 15-12-133. The court's order
422 shall specifically prohibit usage of data derived from a jury questionnaire for any other purpose
423 other than a challenge to the array.

424

425 (c) (d) In the event any prospective juror fails or refuses to answer the questionnaire, the jury
426 clerk shall report the failure or refusal to the court together with the facts concerning the same,
427 and the court shall have such jurisdiction as is provided by law for subpoena, attachment, and
428 contempt powers.

429

430 (d) (e) This Code section shall be supplemental to other provisions of law, with a view toward
431 efficient and orderly handling of jury selection and the administration of justice.

432

433

434 § 15-12-20.

435

436 (a) In each county there shall be a six-member board of jury commissioners, whose members
437 shall be appointed by the chief judge of the superior court. The members of such board shall be
438 discreet persons who are not practicing attorneys at law nor or county officers.

439

440 ~~(b) Absent promulgation of a court rule pursuant to subsection (c) of this Code section specifying~~
441 ~~a lesser number, the board of jury commissioners shall be composed of six members. When the~~
442 ~~board is composed of six members, on the first appointment two shall be appointed for two~~
443 ~~years, two for four years, and two for six years. Their successors shall be appointed for a term of~~
444 ~~six years. The first appointments to the board shall be fixed in such a manner that not more than~~
445 ~~two members' terms shall expire during any calendar year. The chief judge shall adjust the~~
446 ~~composition and terms of members of the board in office if more than two members' terms~~
447 ~~expire during any calendar year. Successors to members of the board originally appointed shall~~
448 ~~be appointed for a term of six years. No person who has served for more than three years as a~~
449 ~~jury commissioner shall be eligible or shall be appointed to succeed himself or herself as a~~
450 ~~member of the board of jury commissioners.~~

451

452 (c) ~~In any county the chief judge of the superior court may establish by court rule duly published~~
453 ~~and filed a board of jury commissioners composed of not less than three nor more than five~~
454 ~~members. In counties in which the numerical composition of the board has been established by~~

455 ~~court rule, the first appointments to the board shall be fixed in such a manner that not more than~~
456 ~~one member's term shall expire during any calendar year. The chief judge shall adjust the~~
457 ~~composition and terms of members of the board in office at the time of the publication of the~~
458 ~~court rule. Successors to members of the board originally appointed under the provisions of a~~
459 ~~court rule shall be appointed for a term of six years.~~

460
461 ~~(d) In all cases, the~~ The chief judge shall have the right authority to remove the jury
462 commissioners at any time, ~~in his discretion, for cause and~~ appoint successors. ~~However, no~~
463 ~~person who has served for more than three years as a jury commissioner shall be eligible or shall~~
464 ~~be appointed to succeed himself as a member of the board of jury commissioners.~~

465
466
467 § 15-12-24.

468
469 Jury commissioners shall receive \$50.00 for each day's service in revising the county master
470 jury lists, to be paid from the county treasury. The clerk of the board shall receive \$50.00 to be
471 paid in like manner. The chief judge of the superior court of the judicial circuit in which the
472 county lies shall have the right, subject to the approval of the governing authority of the county,
473 to increase the compensation provided by this Code section for the commissioners and clerk in
474 an amount not exceeding \$100.00 for each day's service, to be paid in like manner.

475
476
477 § 15-12-40.

478
479 ~~(a) Nonmechanical procedure.~~

480
481 ~~—(1) At least biennially, unless otherwise directed by the chief judge of the superior court, the~~
482 ~~board of jury commissioners shall compile, maintain, and revise a trial jury list of upright and~~
483 ~~intelligent citizens of the county to serve as trial jurors and a grand jury list of the most~~
484 ~~experienced, intelligent, and upright citizens of the county to serve as grand jurors. In composing~~
485 ~~the trial jury list, the board of jury commissioners shall select a fairly representative cross section~~
486 ~~of the intelligent and upright citizens of the county. In composing the grand jury list, the board of~~
487 ~~jury commissioners shall select a fairly representative cross section of the most experienced,~~
488 ~~intelligent, and upright citizens of the county. In carrying out revisions of the trial jury list and~~
489 ~~grand jury list on or after July 1, 2002, the board of jury commissioners shall make use of all of~~
490 ~~the following:~~

491
492 ~~—(A) A list of all residents of the county who are the holders of drivers' licenses or personal~~
493 ~~identification cards issued by the Department of Driver Services pursuant to the provisions of~~
494 ~~Chapter 5 of Title 40; and the Department of Driver Services shall periodically make such a list~~
495 ~~available to the board of jury commissioners of each county;~~

496
497 ~~—(B) The registered voters list in the county; and~~

498
499 ~~—(C) Any other list of persons resident in the county as may be deemed appropriate by the~~
500 ~~board of jury commissioners.~~

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~~The Department of Driver Services shall provide a list, which includes the name, address, date of birth, gender, driver's license or personal identification card number issued pursuant to the provisions of Chapter 5 of Title 40, and, whenever racial and ethnic information is collected by the Department of Driver Services for purposes of voter registration pursuant to Code Section 21-2-221, racial and ethnic information, to the board of jury commissioners of each county. No jury list compiled prior to July 1, 2002, shall be rendered invalid by the use of or a failure to make use of the sources specified in this Code section; but each revision of the jury list on or after that date shall make use of all such sources to the extent actually available to the board of jury commissioners.~~

~~—(2) The grand jury list shall not exceed two fifths of the number of citizens on the county's most recent trial jury list.~~

~~—(3) Once filed, the lists so created shall constitute the body of trial and grand jurors for the county, respectively. Except as otherwise provided in this article, no new names shall be added to either list until those names originally selected have been completely exhausted or until a revised list has been properly created.~~

~~(b) *Mechanical or electronic procedure.*~~

~~—(1) In any county using a plan for the selection of persons to serve as jurors by mechanical or electronic means in conformance with paragraphs (1) and (2) of subsection (b) of Code Section 15-12-42, the board of jury commissioners shall compile and maintain a trial jury list and a grand jury list in conformance with paragraph (1) of subsection (a) of this Code section.~~

~~—(2) Once the trial or grand jury lists, or both, are established, the board of jury commissioners may revise such lists from time to time by adding new names to the lists, correcting names and other data on the lists, and deleting names from the lists by reason of death or other legal cause.~~

~~—(3) The trial jury box for the county shall be taken from the trial jury list established by the board of jury commissioners, and the grand jury box for the county shall be taken from the grand jury list established by the board of jury commissioners. The information contained in the trial and grand jury boxes shall be stored in a security data processing storage bank from which all trial or grand juries in the county shall be selected as provided in the plan adopted pursuant to Code Section 15-12-42.~~

~~—(4) The number of citizens in the grand jury box shall be established by the board of jury commissioners but shall contain, as a minimum, a number equal to four times the number of grand jurors required to be drawn in the county annually, but not to exceed 5,000 grand jurors.~~

~~—(5) At each selection of trial or grand jurors, the computer shall be programmed to scan the entire appropriate jury box under the formula and plan adopted by the court pursuant to Code Section 15-12-42.~~

~~—(6) In any county utilizing a plan for the selection of persons for the trial and grand jury boxes~~

547 by mechanical or electronic means in conformance with paragraph (4) of subsection (b) of Code
548 Section 15-12-42, the trial or grand jury box for the county may be compiled from the trial or
549 grand jury list of the county by mechanical or electronic means as provided for in the plan.

550
551 ~~(e) Other disposition or transfer.~~ In any county in which more than 70 percent of the population
552 of the county according to the United States decennial census of 1980 or any future such census
553 resides on property of the United States government which is exempt from taxation by this state,
554 the population of the county for the purpose of this Code section shall be deemed to be the total
555 population of the county minus the population of the county which resides on property of the
556 United States government other than persons who reside on property of the United States
557 government within such county who are registered voters according to the official registered
558 voters list of the county as most recently revised by the county board of registrars or other county
559 election officials and any persons who reside on property of the United States government within
560 such county who are not registered voters and who have requested in writing to the board of jury
561 commissioners that their names be included on the list from which citizens are selected to serve
562 as jurors and grand jurors by the board of jury commissioners.

563
564 ~~(d) Assistance of the Administrative Office of the Courts.~~

565
566 ~~—(1) The Administrative Office of the Courts may assist the clerk of the superior court or the~~
567 ~~jury clerk, whichever is applicable, by providing a list of county citizens who the Administrative~~
568 ~~Office of the Courts certifies are prima facie eligible persons for consideration as jurors on the~~
569 ~~traverse and grand jury pools.~~

570
571 ~~—(2) The Department of Driver Services shall provide the Administrative Office of the Courts~~
572 ~~the list required by subparagraph (a)(1)(A) of this Code section and the information set forth in~~
573 ~~the undesignated text of paragraph (1) of subsection (a) of this Code section.~~

574
575 ~~—(3) The Secretary of State shall provide the Administrative Office of the Courts the list of~~
576 ~~registered voters and list of convicted felons.~~

577
578 (a) The council shall compile, consistent with the rules promulgated by the Supreme Court of
579 Georgia, a state master jury list that identifies every person of this state who can be determined
580 to be prima facie qualified to serve as a juror. Each calendar year, the council shall disseminate
581 the county master jury list in electronic format to each county board of jury commissioners of
582 this state. The council shall facilitate electronic updating of all information relative to jurors on
583 the state and county master jury lists.

584
585 (b) In every county, upon court order, the board of jury commissioners shall draw a random list
586 of persons from the county master jury list to comprise the venire.

587
588 (c) Upon request, the Department of Driver Services shall provide to the council and to the
589 Administrative Office of the Courts a list, which includes the name, address, date of birth,
590 gender, driver's license or personal identification card number issued pursuant to the provisions
591 of Chapter 5 of Title 40, and, whenever racial and ethnic information is collected by the
592 Department of Driver Services for purposes of voter registration pursuant to Code Section 21-2-

593 221, racial and ethnic information. The Department of Driver Services shall also provide the
594 address, effective date, document issue date, and document expiration date; shall indicate
595 whether the document is a driver's license or a personal identification card; and shall exclude
596 persons whose driver's license has been suspended or revoked due to a felony conviction. Such
597 lists shall be in electronic format as required by the council.

598
599 (d) Upon request, the Secretary of State shall provide to the council and the Administrative
600 Office of the Courts, without cost, the list of registered voters.

601
602
603

604 ~~—It shall be the duty of the county board of registrars to provide the board of jury commissioners~~
605 ~~with a copy of the lists of persons who have been convicted of felonies in state or federal courts~~
606 ~~or who have been declared mentally incompetent and whose voting rights have been removed,~~
607 ~~which lists are provided to the county board of registrars by the Secretary of State pursuant to~~
608 ~~Code Section 21-2-231. Upon receipt of such list, it shall be the duty of the board of jury~~
609 ~~commissioners to remove such names from the trial and grand jury lists and to mail a notice of~~
610 ~~such action and the reason therefor to the last known address of such persons by first class mail.~~

611

612 (e) It shall be the duty of the Secretary of State to provide the council and the Administrative
613 Office of the Courts, in electronic format, with a copy of the lists of persons who have been
614 convicted of felonies in state or federal courts or who have been declared mentally incompetent
615 and whose voting rights have been removed, which lists are provided to the county board of
616 registrars by the Secretary of State pursuant to Code Section 21-2-231.

617

618

619 § 15-12-41.

620

621 ~~—On failure of the commissioners of any county to revise the jury list as provided in Code~~
622 ~~Section 15-12-40, the judge of the superior court of the county shall order the revision made at~~
623 ~~such time as he may direct.~~

624

625 *This Code section shall stand reserved.*

626

627

628

629 § 15-12-42.

630

631 ~~—(a) *Nonmechanical procedure.*~~

632

633 ~~—(1) The jury commissioners shall place tickets containing all the names of grand jurors in a box~~
634 ~~to be provided at public expense, which box shall contain compartments marked number "one"~~
635 ~~and number "two," from which grand jurors shall be drawn; the commissioners shall place the~~
636 ~~tickets containing all the names of trial jurors in a separate box from which trial jurors shall be~~
637 ~~drawn, the box having two separate compartments similar in design to the grand jurors' box. The~~
638 ~~tickets with the jurors' names shall be placed in compartment number "one." When each ticket is~~

639 drawn and the name thereon is recorded on the proper form or list, the ticket so drawn shall be
640 placed in compartment number "two." Only when all the tickets have been drawn from
641 compartment number "one" may the process of drawing jurors' names from compartment number
642 "two" begin, and then only when all the tickets have been drawn from compartment number
643 "two" may the process of drawing jurors' names from compartment number "one" begin again.

644

645 ~~—(2) There shall only be one trial jury box for each county, that being the trial jury box prepared~~
646 ~~for the use of the superior court of each county.~~

647

648 ~~—(3) All trial jurors' names for use in any court in the county shall be drawn from the one trial~~
649 ~~jury box. The judge of any court shall draw the jurors' names as the need for the services of~~
650 ~~jurors shall arise in his court. The judge of any court held outside of the county courthouse using~~
651 ~~the trial jury box shall draw his juries in the courthouse and in the presence of the clerk or a~~
652 ~~deputy clerk of the superior court.~~

653

654 ~~(b) *Mechanical or electronic procedure.*~~

655

656 ~~—(1) In lieu of the procedure set forth in subsection (a) of this Code section, the chief judge of~~
657 ~~the superior court in any county having facilities available for the implementation of this~~
658 ~~subsection, with the concurrence of the other judge or judges of the superior court, may establish~~
659 ~~a plan for the selection of persons to serve as jurors in such county by mechanical or electronic~~
660 ~~means. The plan shall be established by a duly published and filed rule of the court. The clerk of~~
661 ~~the superior court, as clerk of the board of jury commissioners, shall implement and maintain the~~
662 ~~jury selection process established by the plan.~~

663

664 ~~—(2) The plan:~~

665

666 ~~—(A) Shall provide for a fair, impartial, and objective method of selecting persons for jury~~
667 ~~service with the aid of mechanical or electronic equipment, using the jury boxes compiled in~~
668 ~~accordance with Code Section 15-12-40;~~

669

670 ~~—(B) Shall contain adequate safeguards relative to the creation, handling, maintenance,~~
671 ~~processing, and storage of magnetic tapes, data banks, and other materials and records used in~~
672 ~~the selection process;~~

673

674 ~~—(C) Shall contain such other regulations and guidelines as are necessary to fully implement~~
675 ~~this subsection and to facilitate the use of the plan for the selection of persons for jury service by~~
676 ~~all of the courts in such county; and~~

677

678 ~~—(D) May be amended from time to time as necessary to keep the entire jury selection process~~
679 ~~updated.~~

680

681 ~~—(3) In any county in which a plan has been established under this subsection such plan shall~~
682 ~~conform as nearly as practicable to paragraphs (2) and (3) of subsection (a) of this Code section.~~
683 ~~However, where the computer data storage cell is used as the jury box, the provisions contained~~
684 ~~in such paragraphs shall not apply.~~

685

686 ~~—(4) In any county having facilities available for the implementation of this subsection, the chief~~
687 ~~judge of the superior court, with the concurrence of the other judge or judges of the superior~~
688 ~~court, may establish a plan by a duly published and filed rule of court for the trial and grand jury~~
689 ~~boxes for the county to be taken from the trial or grand jury lists established by the board of jury~~
690 ~~commissioners by mechanical or electronic procedures. Such plan:~~

691

692 ~~—(A) Shall provide for a fair, impartial, and objective method of selecting persons for inclusion~~
693 ~~in the trial or grand jury box with the aid of mechanical or electronic equipment and for a system~~
694 ~~of allowing jurors the greatest opportunity to serve, using the jury lists compiled by the board of~~
695 ~~jury commissioners in accordance with Code Section 15-12-40;~~

696

697 ~~—(B) Shall contain adequate safeguards relative to the creation, handling, maintenance,~~
698 ~~processing, and storage of magnetic tapes, data banks, and other materials and records used in~~
699 ~~the process of composing and maintaining the trial and grand jury boxes;~~

700

701 ~~—(C) Shall contain such other regulations and guidelines as are necessary to fully implement~~
702 ~~this subsection; and~~

703

704 ~~—(D) May be amended from time to time as necessary to keep the trial and grand jury box~~
705 ~~composition process updated.~~

706

707 ~~(e) Contract for mechanical or electronic juror selection. A county utilizing mechanical or~~
708 ~~electronic means for the selection of jurors may, under proper court rule, contract for the drawing~~
709 ~~of their respective trial and grand jurors with any entity with which a county may contract under~~
710 ~~Article IX, Section III, Paragraph I, subparagraph (a) of the Constitution and with any private~~
711 ~~business or entity within this state, but any such contract shall ensure that proper safeguards are~~
712 ~~maintained as provided in paragraph (2) of subsection (b) of this Code section. The drawing may~~
713 ~~be held outside of the county so contracting by a judge of the circuit or his designee upon proper~~
714 ~~posting and advertising in the county legal organ of the rule of court allowing this service to be~~
715 ~~performed for the county.~~

716

717 *This Code section shall stand reserved.*

718

719

720 § 15-12-43.

721

722 ~~—(a) The clerk of the superior court shall make out, in a book, lists of the names contained in the~~
723 ~~grand jury box and in the trial jury box, respectively, alphabetically arranged, and shall place the~~
724 ~~book in his office after the lists therein have been certified by the clerk and commissioners to~~
725 ~~contain, respectively, all the names placed in the jury boxes.~~

726

727 ~~(b) In counties utilizing mechanical or electronic means for the selection of trial and grand jurors,~~
728 ~~a computer printout, alphabetically arranged, shall constitute the official jury list. The clerk of~~
729 ~~the superior court shall bind such list after it has been certified by the clerk and the jury~~
730 ~~commissioners to contain, respectively, all of the names in the electronic data cell comprising the~~

731 jury boxes.

732

733 ~~(e) Each time the jury box is updated by the board of jury commissioners, an amended list shall~~
734 ~~be made out by the clerk showing all changes contained in the subsequent list.~~

735

736 Upon the request of a party or his or her attorney, the clerk shall make available for review by
737 such persons the county master jury list, which shall include only the potential jurors' names,
738 cities of residence, dates of birth, and genders.

739

740

741 § 15-12-44.

742

743 ~~—(a) *Nonmechanical procedure.* When the jury list and jury box, or either, are lost or destroyed~~
744 ~~between the time of drawing juries and the beginning of the term for which the drawing was~~
745 ~~made, or before the service of the precepts on the persons named therein, the chief judge of the~~
746 ~~circuit in which such loss or destruction occurs, immediately on being informed thereof, shall~~
747 ~~issue an order to the jury commissioners of the county to meet at the county site and prepare a~~
748 ~~list of citizens eligible to serve as jurors under the Constitution of the state, which list shall~~
749 ~~contain the names of not less than two thirds of the upright and intelligent citizens of the county.~~
750 ~~From this list the commissioners shall select a sufficient number, not exceeding two fifths of the~~
751 ~~whole, taking for this purpose the names of the most experienced, intelligent, and upright~~
752 ~~citizens, and, from the list so selected, shall at once proceed to draw 30 names of persons to~~
753 ~~serve as grand jurors at the next term of the court. From the remaining three fifths of the names~~
754 ~~on the list, the commissioners shall then proceed to draw, in the same manner, not less than 36 to~~
755 ~~serve as trial jurors at the next term of the court. When the drawings have been completed, the~~
756 ~~commissioners shall immediately make out and deliver to the clerk of the superior court correct~~
757 ~~lists of the grand and trial jurors so drawn, and the clerk shall at once deliver to the sheriff, or to~~
758 ~~the coroner in case the sheriff shall be disqualified, proper precepts containing the names of the~~
759 ~~persons drawn to serve as grand and trial jurors, respectively, to be served personally, as required~~
760 ~~by law. The persons so drawn and served, if otherwise eligible, shall be competent to serve as~~
761 ~~jurors during the term for which they were drawn, without regard to the time of the preparation~~
762 ~~of the list, the drawing of the jurors, or the date of the service of the venire on the persons whose~~
763 ~~names are contained therein.~~

764

765 ~~(b) *Mechanical or electronic procedure.* In counties utilizing mechanical or electronic means for~~
766 ~~the selection of jurors, all the information contained on the jury lists and in the jury box shall be~~
767 ~~recorded on microfilm and stored in the vault by the superior court clerk. In the event the~~
768 ~~information in the storage cell is destroyed or otherwise lost, the microfilm shall be used to~~
769 ~~reprogram the computer and to create a new storage cell.~~

770

771 The state-wide and county jury source lists shall be safeguarded against catastrophic, routine, or
772 any other form of loss or destruction, and on and after six months after the effective date of this
773 Act, the council shall develop, implement, and provide a state-wide system to ensure that jury
774 data for all counties of this state is systematically preserved in perpetuity and that all electronic
775 jury source lists data can be restored in the event of loss.

776

777

778 § 15-12-45.

779

780 ~~—(a) In case the precepts containing the names of grand and trial jurors drawn for any term of the~~
781 ~~court, or either of such precepts, are lost or destroyed before the persons named in them, or in~~
782 ~~either of them, have been served and there is no record or official list of the names contained in~~
783 ~~the original precepts so lost or destroyed, the jury commissioners of the county shall meet~~
784 ~~immediately on being informed of such loss or destruction and shall draw and deliver to the clerk~~
785 ~~of the court lists of the jurors so drawn. The clerk shall forthwith prepare and deliver to the~~
786 ~~proper officer new precepts to be served personally. The persons so drawn, listed, and served, if~~
787 ~~otherwise competent under the Constitution of this state, shall be competent and compellable to~~
788 ~~serve as jurors for the term for which they were drawn, without regard to the date of the drawing~~
789 ~~and delivering of the lists to the clerk or the date of the issuing or service of the precepts.~~

790

791 ~~(b) In counties utilizing mechanical or electronic means for the selection of jurors, subsection (b)~~
792 ~~of Code Section 15-12-44 shall be applied in the event the precepts described in subsection (a) of~~
793 ~~this Code section are lost or destroyed prior to service on the persons named therein.~~

794

795 *This Code section shall stand reserved.*

796

797

798 § 15-12-60.

799

800 (a) Except as provided in subsection (b) of this Code section, all citizens of this state 18 years
801 of age or older who are not incompetent because of mental illness or mental retardation, and who
802 have resided in the county for at least six months preceding the time of service, ~~and who are the~~
803 ~~most experienced, upright, and intelligent persons are~~ shall be qualified and liable to serve as
804 grand jurors unless exempted by law.

805

806 (b) The following persons ~~are incompetent~~ shall not be eligible to serve as grand jurors:

807

808 (1) Any person who holds any elective office in state or local government or who has held any
809 such office within a period of two years preceding the time of service as a grand juror; and

810

811 (2) Any person who has been convicted of a felony and who has not been pardoned or had his
812 or her civil rights restored.

813

814

815 § 15-12-62.

816

817 ~~—(a) The judges of the superior courts, at the close of each term, in open court, shall unlock the~~
818 ~~box and break the seal and shall cause to be drawn from compartment number "one" not less than~~
819 ~~18 nor more than 75 names to serve as grand jurors at the next term of the court, all of which~~
820 ~~names shall be deposited in compartment number "two." When all the names have been drawn~~
821 ~~out of compartment number "one," then the drawing shall commence from compartment number~~
822 ~~"two," and the tickets shall be returned to number "one," and so on alternately. No name so~~

823 ~~deposited in the box shall, on any pretense whatever, be thrown out of it or destroyed except~~
824 ~~when it is satisfactorily shown to the judge that the juror is dead, removed out of the county, or~~
825 ~~otherwise disqualified by law.~~

826

827 ~~(b) In those counties utilizing mechanical or electronic means for the selection of jurors,~~
828 ~~subsection (a) of this Code section shall not apply. Rather, the judges of the superior court shall~~
829 ~~draw a grand jury from the "electronic jury box" in the same manner and under the same plan~~
830 ~~that trial juries are drawn. They shall draw not less than 18 nor more than 75 names to serve as~~
831 ~~grand jurors at the next term of court.~~

832

833 Using the county's jury management system, a sufficient number of persons shall be drawn to
834 serve as grand jurors. The clerk, not less than 20 days before the commencement of each term of
835 court at which a regular grand jury is impaneled, shall issue summonses to the persons selected
836 for grand jury service and shall mail such summonses. The grand jurors shall be selected by
837 electronic means in the manner and in accordance with the rules and regulations adopted by the
838 Supreme Court.

839

840

841 § 15-12-63.

842

843 When the superior court is held for longer than one week, the presiding judge may draw separate
844 panels of grand jurors juries for each week if, in his opinion, the public interest requires it.

845

846

847 § 15-12-64.

848

849 ~~—Whenever from any cause the judge fails to draw a grand jury as provided in Code Section 15-~~
850 ~~12-62, the judge of the probate court of the county in which such failure occurred, together with~~
851 ~~the jury commissioners and the clerk of the superior court, shall meet at the courthouse at least~~
852 ~~20 days prior to the next ensuing term of the court, whether such term is a regular or special~~
853 ~~term, and then and there shall draw grand jurors to serve at that term, which proceedings shall be~~
854 ~~duly entered by the clerk on the minutes of the court and shall be signed by the judge of the~~
855 ~~probate court.~~

856

857 *This Code section shall stand reserved.*

858

859

860 § 15-12-66.

861

862 ~~—When from challenge or from any other cause there are not a sufficient number of persons in~~
863 ~~attendance to complete the panel of jurors, the judge shall draw tales jurors from the jury boxes~~
864 ~~of the county and shall order the sheriff to summon the jurors so drawn. When the sheriff or his~~
865 ~~deputy is disqualified to summon tales jurors, they may be summoned by the coroner or such~~
866 ~~other person as the judge may appoint.~~

867

868 *This Code section shall stand reserved.*

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§ 15-12-82.

(a) The judges of the superior courts are authorized and empowered to transfer the investigation by a grand jury from the county where the crime was committed to the grand jury in any other county in ~~the~~this state when it appears that a qualified grand jury cannot be had for the purpose of such investigation in the county where the crime was committed. The grand jury ~~box~~master list shall be exhausted in trying to secure a qualified jury before a transfer of the investigation shall be made, unless the accused consents to a transfer.

(b) In order to secure a transfer under this Code section, the district attorney shall file a written motion asking for the transfer, stating the reason for transfer, and naming the day and hour when the motion is to be heard. He shall serve the accused with a copy of the motion at least one day before the hearing of the motion if the accused is in the custody of the officers of the court. In the event the accused is not in the custody of the officers of the court, service may be perfected in any manner reasonably calculated to give notice to the accused. In the event that the accused cannot be located, notice by publication may be used, as ordered by the court.

(c) The district attorney and the counsel for the accused may, by agreement, determine the county to which the transfer of the investigation shall be made, but in the event they do not agree it shall be the duty of the presiding judge to name the county to which the transfer shall be made.

(d) The sheriff and the clerk of the superior court of the county in which the crime was committed shall be qualified and authorized to perform the duties of such officers in the same manner as if there had been no change of venue. Any order or summons issued in connection with the investigation or trial shall be as binding as if no change of venue had been made.

(e) The expenses of the investigation and trial shall be paid by the county in which the crime was committed, and no greater amount shall be paid as per diem or for mileage than would have been paid in the event the investigation and trial had been in the county where the crime was committed. However, no change of venue shall be had for the trial of the accused except as provided by law, unless by consent of the accused.

§ 15-12-120.

~~Trial juries shall be selected as provided in Code Sections 15-12-40 and 15-12-42 by electronic means in the manner and in accordance with the rules and regulations adopted by the Supreme Court. At the same time and in the same manner that grand juries are drawn, the judge of the superior court shall draw names to serve as trial jurors for the trial of civil and criminal cases in the court. Such trial jurors shall be summoned in the same manner as is provided in Code Section 15-12-65 for summoning grand jurors.~~

914 § 15-12-121.

915

916 —Whenever the presiding judge of the superior court fails to draw juries at any regular term of
917 the court, the jury commissioners may draw trial jurors at the same time and in the same manner
918 as grand jurors are drawn in such cases.

919

920 This Code section shall stand reserved.

921

922

923 § 15-12-124.

924

925 —When from challenge or from any other cause there is not a sufficient number of persons in
926 attendance to complete a panel of trial jurors, the judge shall draw tales jurors from the jury box
927 of the county and shall order the sheriff to summon the jurors so drawn. When the sheriff or his
928 deputy is disqualified to summon tales jurors, they may be summoned by the coroner or such
929 other person as the judge may appoint after their names have first been drawn from the jury box
930 by the judge as above provided.

931

932 This Code section shall stand reserved.

933

934

935 § 15-12-126.

936

937 —When the regular panels of trial jurors cannot be furnished to make up panels of the correct
938 number from which to take juries in misdemeanor cases because of the absence of any of such
939 panels, where they, or any part of them, are engaged in the consideration of a case, the presiding
940 judge may cause the panels to be filled by summoning such numbers of persons who are
941 competent jurors as may be necessary to fill the panels. Such panels shall be used as the regular
942 panels are used. The presiding judge shall draw the additional competent and impartial jurors
943 from the jury box of the county and shall order the sheriff to summon them in the event that there
944 are not sufficient jurors.

945

946 This Code section shall stand reserved.

947

948

949 § 15-12-129.

950

951 —Whenever the session of any court of record is prolonged beyond the week or period for which
952 juries were drawn at the close of the preceding term, or where the judge anticipates that the same
953 is about to be so prolonged, or where from any other cause the court has convened or is about to
954 convene and there have been no juries drawn for the same, the judge, in the manner prescribed
955 for drawing juries at the close of the regular term, shall draw such juries as may be necessary and
956 shall cause them to be summoned.

957

958 This Code section shall stand reserved.

959

960
961 § 15-12-130.

962
963 (a) In any county of this state where there is located any court or courts having county-wide
964 jurisdiction concurrent with the superior courts of this state to try any, all, or any type of case not
965 within the exclusive jurisdiction of the superior courts of this state, any trial juror drawn,
966 selected, and summoned for service in the trial of civil and criminal cases in the superior court of
967 such county shall be legally competent and qualified to serve as a juror in any such other court or
968 courts located in the county for the same period of time as he is competent and qualified to serve
969 as a trial juror in the superior court of the county.

970
971 (b) Subsection (a) of this Code section shall be applicable only if:

972
973 ~~—(1) At the time the names of trial jurors are drawn by the judge of the superior court in~~
974 ~~accordance with Code Section 15-12-120, the judge who draws the jurors shall announce in open~~
975 ~~court the name or names of the court or courts other than the superior court wherein the jurors~~
976 ~~shall be competent and qualified to serve by virtue of this Code section;~~

977
978 ~~—(2) The precept issued by the clerk of the superior court in accordance with Code Section 15-~~
979 ~~12-65 shows that the jurors listed thereon are qualified and competent to serve as jurors in courts~~
980 ~~other than the superior court and shows the name of such court or courts; and~~

981
982 ~~—(3) The summons served upon or sent to each of the jurors pursuant to Code Section 15-12-65~~
983 ~~affirmatively shows the name of all the courts wherein the juror is eligible to serve an order is~~
984 ~~entered by the judges of the affected courts, identifying the courts in which the jurors may serve.~~

985
986
987 § 15-12-160.

988
989 ~~—When any person stands indicted for a felony, the court shall have impaneled 30 jurors from~~
990 ~~which the defense and prosecution may strike jurors; provided, however, that in any case in~~
991 ~~which the state announces its intention to seek the death penalty, the court shall have impaneled~~
992 ~~42 jurors from which the defense and state may strike jurors. If, for any reason, after striking~~
993 ~~from the panel there remain less than 12 qualified jurors to try the case, the presiding judge shall~~
994 ~~summon such numbers of persons who are competent jurors as may be necessary to provide a~~
995 ~~full panel. In making up the panel or successive panels, the presiding judge shall draw the tales~~
996 ~~jurors from the jury box of the county and shall order the sheriff to summon them.~~

997
998 *This Code section shall stand reserved.*

999
1000
1001 § 15-12-169.

1002
1003 ~~Alternate jurors must be drawn from the same source~~ shall be electronically selected from the
1004 same county master jury list and in the same manner and have the same qualifications as the
1005 jurors already sworn. They shall be subject to the same examination and challenges. The number

1006 of alternate jurors shall be determined by the court. The state and the defendant shall be entitled
1007 to as many peremptory challenges to alternate jurors as there are alternate jurors called. The
1008 peremptory challenges allowed to the state and to the defendant in such event shall be in addition
1009 to the regular number of peremptory challenges allowed in criminal cases to the defendant and to
1010 the state as provided by law. When two or more defendants are tried jointly, the number and
1011 manner of exercising peremptory challenges shall be determined as provided in Code Section 17-
1012 8-4.

1013
1014

Section ____.

1015
1016 § 21-2-211.

1017

1018 (a) The Secretary of State shall establish and maintain a list of all eligible and qualified
1019 registered electors in this state which shall be the official list of electors for use in all elections in
1020 this state conducted under this title.

1021

1022 (b)(1) As used in this subsection, the term "equipment" shall include, but not be limited to,
1023 computer hardware; computer software; modems, controllers, and other data transmission
1024 devices; data transmission lines; scanners and other digital imaging devices; and printers.

1025

1026 (2) The Secretary of State is authorized to procure and provide all of the necessary equipment
1027 to permit the county boards of registrars and the Council of Superior Court Clerks of Georgia to
1028 access and utilize the official list of electors maintained by the Secretary of State pursuant to this
1029 Code section, provided that funds are specifically appropriated by the General Assembly for that
1030 purpose.

1031

1032

1033 § 21-2-225.

1034

1035 (a) Neither the original applications for voter registration nor any copies thereof shall be open
1036 for public inspection except upon order of a court of competent jurisdiction.

1037

1038 (b) ~~Except as provided in Code Section 21-2-225.1, all~~ All data collected and maintained on
1039 electors whose names appear on the list of electors maintained by the Secretary of State pursuant
1040 to this article shall be available for public inspection with the exception of bank statements
1041 submitted pursuant to subsection (c) of Code Section 21-2-220 and subsection (c) of Code
1042 Section 21-2-417, ~~the month and day~~ date of birth, the social security numbers, and driver's
1043 license numbers of the electors, and the locations at which the electors applied to register to vote,
1044 which shall remain confidential and shall be used only for voter registration purposes; provided,
1045 however, that any and all information relating to the dates of birth, social security numbers, and
1046 driver's license numbers of electors may be made available to other ~~agencies of this state~~
1047 agencies, agencies of other states and territories of the United States, and to agencies of the
1048 ~~federal government~~ if the agency is authorized to maintain such information and the information
1049 is used only to identify the elector on the receiving agency's data base and is not disseminated
1050 further and remains confidential. ~~Information regarding an elector's year of birth shall be~~
1051 available for public inspection. Any and all information relating to the dates of birth and driver's

1052 license numbers of electors shall be made available to the Council of Superior Court Clerks of
1053 Georgia, who shall be authorized to provide such data to county boards of jury commissioners
1054 for use in county master jury lists as provided in Chapter 12 of Title 15.
1055

1056 (c) It shall be the duty of the Secretary of State to furnish copies of such data as may be collected
1057 and maintained on electors whose names appear on the list of electors maintained by the
1058 Secretary of State pursuant to this article, within the limitations provided in this article, on
1059 electronic media or computer run list or both. Notwithstanding any other provision of law to the
1060 contrary, the Secretary of State shall establish the cost to be charged for such data but shall not
1061 charge the Council of Superior Court Clerks for such data. The Secretary of State may contract
1062 with private vendors to make such data available in accordance with this subsection. Such data
1063 ~~may~~shall not be used by any person for commercial purposes. The Secretary of State shall
1064 provide such data to the Council of Superior Court Clerks of Georgia in the electronic media
1065 format required by such council.
1066

1067
1068 § 21-2-231.
1069

1070 (a) Unless otherwise notified by the Secretary of State, the ~~clerk of the superior court of each~~
1071 ~~county~~ Georgia Crime Information Center shall, on or before the tenth day of each month,
1072 prepare and transmit to the Secretary of State, in a format as prescribed by the Secretary of State,
1073 a complete list of all persons, including addresses, ages, and other identifying information as
1074 prescribed by the Secretary of State, who were convicted of a felony involving moral turpitude
1075 during the preceding calendar month in ~~that county~~ this state. The Secretary of State may, by
1076 agreement with the commissioner of ~~the Department of Corrections~~ corrections, obtain criminal
1077 information relating to the conviction, sentencing, and completion of sentencing requirements of
1078 felonies involving moral turpitude. Additionally, the Secretary of State shall be authorized to
1079 obtain such criminal information relating to Georgia electors convicted of felonies involving
1080 moral turpitude, if possible, from other states.
1081

1082 (a.1) The clerk of the superior court of each county shall, on or before the tenth day of each
1083 month, prepare and transmit to the Secretary of State, in a format as prescribed by the Secretary
1084 of State, a complete list of all persons, including addresses, ages, and other identifying
1085 information as prescribed by the Secretary of State, who identify themselves as not being citizens
1086 of the United States during their qualification to serve as a juror during the preceding calendar
1087 month in that county.
1088

1089 (b) The judge of the probate court of each county shall, on or before the tenth day of each month,
1090 prepare and transmit to the Secretary of State, in a format as prescribed by the Secretary of State,
1091 a complete list of all persons, including addresses, ages, and other identifying information as
1092 prescribed by the Secretary of State, who were declared mentally incompetent during the
1093 preceding calendar month in the county and whose voting rights were removed.
1094

1095 (c) Upon receipt of the lists described in subsections (a), (a.1), and (b) of this Code section and
1096 the lists of persons convicted of felonies in federal courts received pursuant to 42 U.S.C. Section
1097 1973gg-6(g), the Secretary of State shall transmit the names of such persons whose names

1098 appear on the list of electors to the appropriate county board of registrars who shall remove all
1099 such names from the list of electors and shall mail a notice of such action and the reason therefor
1100 to the last known address of such persons by first-class mail.

1101

1102 (d) Unless otherwise notified by the Secretary of State, the local registrar of vital statistics of
1103 each county shall, on or before the tenth day of each month, prepare and transmit to the Secretary
1104 of State, in a format as prescribed by the Secretary of State, a complete list of all persons,
1105 including addresses, ages, and other identifying information as prescribed by the Secretary of
1106 State, who died during the preceding calendar month in the county. The Secretary of State may,
1107 by agreement with the commissioner of community health, obtain such information from the
1108 state registrar of vital statistics. Additionally, the Secretary of State is authorized to obtain such
1109 lists of deceased Georgia electors, if possible, from other states.

1110

1111 (e) Upon receipt of the lists described in subsection (d) of this Code section, the Secretary of
1112 State or his or her designated agent shall remove all such names of deceased persons from the list
1113 of electors and shall notify the registrar in the county where the deceased person was domiciled
1114 at the time of his or her death.

1115

1116 (f) County registrars shall initiate appropriate action regarding the right of an elector to remain
1117 on the list of qualified registered voters within 60 days after receipt of the information described
1118 in this Code section. Failure to take such action may subject the registrars or the county
1119 governing authority for whom the registrars are acting to a fine by the State Election Board.

1120

1121 (g) The Secretary of State shall provide to the Council of Superior Court Clerks of Georgia not
1122 later than the last day of each month all information enumerated in subsections (a) through (d) of
1123 this Code section and Code Section 21-2-232 and a list of voters who have failed to vote and
1124 inactive voters, as identified pursuant to Code Sections 21-2-234 and 21-2-235. Such data shall
1125 be used by the council and county boards of jury commissioners only for maintenance of state-
1126 wide and county master jury lists. Such data shall be provided to the council in the electronic
1127 format required by the council for such purposes.

1128

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Section ____.

1132

§ 40-5-2.

1133

1134 (a) The department shall maintain records regarding the drivers' licenses and permits issued by
1135 the department under this chapter. The drivers' records maintained by the department shall
1136 include:

1137

1138 (1) A record of every application for a license received by it and suitable indexes containing:

1139

1140 (A) All applications granted; and

1141

1142 (B) The name of every licensee whose license has been canceled, suspended, or revoked by
1143 the department and after each such name shall note the reasons for such action;

1144

1145 (2) Drivers' records received from other jurisdictions. Upon receipt of such driver's record, it
1146 shall become a part of such driver's record in this state and shall have the same force and effect
1147 as though entered on the driver's record in this state in the original instance; and

1148

1149 (3) Records of all accident reports and abstracts of court records of convictions of any offense
1150 listed in subsection (a) of Code Section 40-5-20, subsection (a) of Code Section 40-5-54, Code
1151 Section 40-6-10, driving on a suspended license in violation of Code Section 40-5-121,
1152 administrative license suspension pursuant to Code Sections 40-5-67 through 40-5-67.2, Code
1153 Section 40-5-75, Chapter 9 of this title, the "Motor Vehicle Safety Responsibility Act," and
1154 Chapter 34 of Title 33, the "Georgia Motor Vehicle Accident Reparations Act," any felony
1155 offense under this title, any offense committed while operating a commercial motor vehicle,
1156 serious traffic offenses, or other offenses requiring the assessment of points on the driving record
1157 that are received by it under the laws of this state and in connection therewith maintain
1158 convenient records or make suitable notations in order that an individual record of each licensee
1159 or individual showing the convictions of such licensee or individual and the traffic accidents in
1160 which such licensee or individual has been involved shall be readily ascertainable and available
1161 for the consideration of the department upon any application for, or application for renewal of
1162 license and at other suitable times. For purposes of issuing a driver's operating record to the
1163 public as provided in this Code section, the period of calculation for compilation of such report
1164 shall be determined by the date of arrest.

1165

1166 (b) The records maintained by the department on individual drivers are exempt from any law of
1167 this state requiring that such records be open for public inspection; provided, however, that initial
1168 arrest reports, incident reports, and the records pertaining to investigations or prosecutions of
1169 criminal or unlawful activity shall be subject to disclosure pursuant to paragraph (4) of
1170 subsection (a) of Code Section 50-18-72 and related provisions. Georgia Uniform Motor Vehicle
1171 Accident Reports shall be subject to disclosure pursuant to paragraph (4.1) of subsection (a) of
1172 Code Section 50-18-72. The department shall not make records or personal information available
1173 on any driver except as otherwise provided in this Code section or as otherwise specifically
1174 required by 18 U.S.C. Section 2721.

1175 (c)(1) The driver's record provided by the department shall include an enumeration of any
1176 accidents in which the individual was convicted of a moving traffic violation, such moving
1177 traffic violation convictions, and information pertaining to financial responsibility. The
1178 department shall furnish a driver's operating record or personal information from a driver's
1179 record under the following circumstances:

1180

1181 (A) With the written instructions and consent of the driver upon whom the operating record
1182 has been made and compiled; such instructions and consent shall be signed by the driver but
1183 shall not be required to be notarized;

1184 (B)(i) Pursuant to a written request or a request made in accordance with a contract with
1185 the Georgia Technology Authority for immediate on-line electronic furnishing of information,
1186 for use by any insurer or insurance support organization, or by a self-insured entity, or its agents,
1187 employees, or contractors, in connection with claims investigation activities, antifraud activities,
1188 rating, or underwriting involving the driver; provided, however, that notwithstanding the
1189 definition of personal information under Code Section 40-5-1, personal information furnished

1190 under this division shall be limited to name, address, driver identification number, and medical
1191 or disability information. The person who makes a request for a driver's operating record shall
1192 identify himself or herself and shall have certified or affirmed that the information contained in
1193 the record will be used only for the purpose specified in the request. Further, the person making
1194 the request shall certify or affirm that he or she has on file an application for insurance or for the
1195 renewal or amendment thereof involving the driver or drivers; or
1196

1197 (ii) For the purpose of ascertaining necessary rating information by an insurance agent
1198 pursuant to an insurer's contract with the Georgia Technology Authority for the immediate on-
1199 line electronic furnishing of limited rating information to such insurer's agents. Limited rating
1200 information furnished under this division shall include only the number of violations of Code
1201 Section 40-6-391, relating to driving under the influence of alcohol, drugs, or other intoxicating
1202 substances, and the number and type of other moving traffic violations which were committed by
1203 the proposed insured driver or drivers within the immediately preceding three or five years,
1204 which period shall be specified by the person making the request. The provisions of division (i)
1205 of this subparagraph notwithstanding, no other information concerning a driver's operating
1206 record shall be released to such agents for purposes of rating;
1207

1208 (B.1) The department shall implement a pilot program for 12 months to determine the
1209 revenue feasibility of supplying limited rating information to agents, insurers, and insurance
1210 support organizations. The department shall report the results of such pilot program to the Office
1211 of Planning and Budget. Unless the Office of Planning and Budget determines that the pilot
1212 program is not successful, the department shall continue the program on a year-to-year basis and
1213 furnish limited rating information to insurance support organizations for the same purposes as
1214 provided in division (ii) of subparagraph (B) of this paragraph, pursuant to a contract with the
1215 Georgia Technology Authority, provided that all other necessary requirements of this subsection
1216 have been met;
1217

1218 (C) In accordance with Article 7 of this chapter, the "Georgia Uniform Commercial Driver's
1219 License Act";
1220

1221 (D) To a judge, prosecuting official, or law enforcement agency for use in investigations or
1222 prosecutions of alleged criminal or unlawful activity, or to the driver's licensing agency of
1223 another state;
1224

1225 (E) Pursuant to a request from a public or private school system concerning any person
1226 currently employed or an applicant for employment as a school bus driver who agrees in writing
1227 to allow the department to release the information;
1228

1229 (F) With the written release of the driver, to a rental car company for use in the normal
1230 course of its business; provided, however, that notwithstanding the definition of personal
1231 information under Code Section 40-5-1, personal information furnished under this subparagraph
1232 shall be limited to name, address, driver identification number, and medical or disability
1233 information. Such access shall be provided and funded through the GeorgiaNet Division of the
1234 Georgia Technology Authority, and the department shall bear no costs associated with such
1235 access; and

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(G) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

(i) To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

(ii) If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual;

provided, however, that notwithstanding the definition of personal information under Code Section 40-5-1, personal information furnished under this subparagraph shall be limited to name, address, and driver identification number and shall not include photographs, fingerprints, computer images, or medical or disability information. The personal information obtained by a business under this subparagraph shall not be resold or redisclosed for any other purpose without the written consent of the individual. Furnishing of information to a business under this subparagraph shall be pursuant to a contract entered into by such business and the state which specifies, without limitation, the consideration to be paid by such business to the state for such information and the frequency of updates.

(2) Nothing in this Code section shall preclude the department from confirming or verifying the status of a driver's license or permit.

(d)(1) The commissioner shall designate members of the department to be the official custodians of the records of the department. No disclosure or release of operating records or personal information shall be made without the signed written approval of a designated custodian; except that such approval shall not be required for any release or disclosure through the GeorgiaNet Division of the Georgia Technology Authority pursuant to the signed written consent of the driver, provided that any such signed written consent shall be retained for a period of not less than four years by the party requesting the information; and except that such approval shall not be required for any release or disclosure of information made electronically through the GeorgiaNet Division of the Georgia Technology Authority in accordance with a contract authorized by subparagraph (c)(1)(B) of this Code section. The custodians may certify copies or compilations, including extracts thereof, of the records of the department. When so certified, such records shall be admissible as evidence in any civil or criminal proceeding as proof of the contents thereof.

(2) In response to a subpoena or upon the request of any judicial official, the department shall provide a duly authenticated copy of any record or other document. This authenticated copy may consist of a photocopy or computer printout of the requested document certified by the commissioner or the commissioner's duly authorized representative.

(e) Upon written request, the department may provide copies of any record or personal information from any driver's record for use by any appropriate governmental official, entity, or agency for the purposes of carrying out official governmental functions or legitimate governmental duties; provided, however, that notwithstanding the definition of personal information under Code Section 40-5-1, personal information furnished under this subsection

1282 shall be limited to name, address, driver identification number, and medical or disability
1283 information.

1284

1285 (f) The department is specifically authorized to disseminate the following records and
1286 information:

1287

1288 (1) To the United States Selective Service System and the Georgia Crime Information Center,
1289 compilations of the names, most current addresses, license or identification card numbers, and
1290 dates of birth of licensees or applicants for licenses or applicants for or holders of identification
1291 cards issued under this chapter, or, in the case of the United States Selective Service System, any
1292 other information from the license or identification card application as necessary for purposes of
1293 registration of persons therewith. Such information shall only be used in the fulfillment of the
1294 legitimate governmental duties of the United States Selective Service System and the Georgia
1295 Crime Information Center and shall not be further disseminated to any person. Information
1296 transmitted to the United States Selective Service System pursuant to this paragraph shall be
1297 provided in an electronic format;

1298

1299 (2) To the military branches of the United States Department of Defense, compilations of the
1300 names, dates of birth, sex, and most current addresses of licensees between the ages of 16 and 24
1301 for the sole purpose of mailing recruiting and job opportunity information, provided that the
1302 department shall not be required to provide such a compilation more than once every two
1303 months;

1304

1305 (3) To the Department of Human Services, compilations of the names, dates of birth, and most
1306 current addresses of licensees or applicants for licenses. Any information provided pursuant to
1307 this subsection shall only be used by the Department of Human Services in connection with the
1308 recovery of delinquent child support payments under Article 1 of Chapter 11 of Title 19, known
1309 as the "Child Support Recovery Act";

1310

1311 (4) To a local fire or law enforcement department, a copy of the abstract of the driving record
1312 of any applicant for employment or any current employee and to the Georgia Bureau of
1313 Investigation for the purpose of providing a local fire or law enforcement department with the
1314 abstract through the Criminal Justice Information System. It shall be unlawful for any person
1315 who receives an abstract of the driving record of an individual under this subsection to disclose
1316 any information pertaining to such abstract or to make any use thereof except in the performance
1317 of official duties with the local fire or law enforcement department;

1318

1319 (5) The information required to be made available to organ procurement organizations pursuant
1320 to subsection (d) of Code Section 40-5-25 and for the purposes set forth in such Code section;

1321 (6)(A) The information required to be made available regarding voter registration pursuant to
1322 Code Section 21-2-221 and for the purposes set forth in such Code section; and

1323

1324 (B) Information sufficient for use in verifying a registered voter's identity by the Secretary of
1325 State, the county election superintendent, or the county registrar, including name, address, date
1326 of birth, gender, driver identification number, photograph, and signature; and

1327

1328 (7) The lists required to be made available to boards of jury commissioners and the Council of
1329 | Superior Court Clerks of Georgia and the Administrative Office of the Courts pursuant to Code
1330 Section 15-12-40 regarding county residents who are the holders of drivers' licenses or personal
1331 identification cards issued pursuant to this chapter. Such lists shall identify each such person by
1332 name, address, date of birth, and gender, and, whenever racial and ethnic information is collected
1333 by the department for purposes of voter registration pursuant to Code Section 21-2-221, the
1334 department shall also provide such information. The department shall also provide the address,
1335 effective date, document issue date, and document expiration date and shall indicate whether the
1336 document is a driver's license or a personal identification card. Such information shall be
1337 provided to the Council of Superior Court Clerks of Georgia and the Administrative Office of the
1338 Courts upon request in the electronic format required by the council for such purposes and
1339 without any charge for such data.
1340

1341 (g) The drivers' records and personal information disseminated by the department pursuant to
1342 this Code section may be used only by the authorized recipient and only for the authorized
1343 purpose. It shall be unlawful to disclose, distribute, or sell such records or information to an
1344 unauthorized recipient or for an unauthorized purpose. It shall be a violation of this Code section
1345 to make a misrepresentation or false statement in order to obtain access to or information from
1346 the department's records. Any person who knowingly and willfully violates the provisions of this
1347 Code section shall be guilty of a misdemeanor of a high and aggravated nature and, upon
1348 conviction thereof, shall be punished as provided in Code Section 17-10-4.
1349

1350 (h) The department shall maintain for four years a record of each release of a driver's operating
1351 record or personal information, including the name and address of the requesting party, the date
1352 of the release, and the provision of law authorizing the release. Such record of releases shall be
1353 reported to the affected driver upon written application by the driver, except that the department
1354 shall not report any information about the existence of a release made in connection with a
1355 criminal investigation which is ongoing and which involves, though not necessarily focuses
1356 upon, such driver. Upon receipt of an application from a driver for such record of releases, the
1357 department shall have three business days to determine whether an ongoing criminal
1358 investigation is involved, and such determination shall be in the discretion of the commissioner.
1359 Where a release is not reported to a driver because the underlying release involved an ongoing
1360 criminal investigation, the records concerning the underlying release shall be maintained for four
1361 years after the criminal investigation is closed and such records shall during such period after
1362 closure of the investigation be subject to disclosure upon application by the driver.
1363

1364 (i) The provisions of this Code section shall apply, where relevant, to the maintenance and
1365 disclosure of the department's records regarding state identification cards issued under Article 5
1366 of this chapter.
1367

1368 (j) The commissioner is authorized to promulgate any rules, regulations, or policies as are
1369 necessary to carry out the provisions of this Code section, including the promulgation of
1370 regulations limiting the retention of conviction and withdrawal information on a driving record.
1371 Notwithstanding the foregoing, any regulation relating to the retention of conviction and
1372 withdrawal information on a driving record shall apply the same retention schedule to both
1373 commercial and noncommercial drivers. In accordance with paragraph (6) of subsection (a) of

1374 Code Section 50-25-4, reasonable fees shall be assessed for furnishing information from records
1375 or data bases pursuant to provisions of this Code section; provided, however, that the fee for
1376 furnishing an abstract of a driver's record shall not exceed \$10.00.

1377 (k)(1) The department, pursuant to rules and regulations promulgated by the commissioner,
1378 may periodically review all records maintained pursuant to this Code section and shall correct
1379 those records which contain known improper, false, fraudulent, or invalid information.

1380
1381 (2) Not later than July 31, 2006, the department shall destroy all records of fingerprints
1382 obtained on and after April 15, 1996, and prior to July 1, 2006, from applicants for drivers'
1383 licenses, identification cards, and identification cards for persons with disabilities issued by the
1384 department and shall compile and make available for public inspection a list of all persons or
1385 entities to whom the department provided such fingerprint records. Notwithstanding the
1386 provisions of this paragraph, fingerprint images electronically stored on existing drivers' licenses
1387 will be destroyed upon application for a renewal of the driver's license.

1388
1389 (l) In any case in which the release or transmittal of one or more driver's records is authorized
1390 under this Code section or any other provision of law, the commissioner may determine the
1391 method of release or transmittal of the record or records, including without limitation release or
1392 transmittal by mail or by means of the Internet or other electronic means.

1393
1394

1395 Section ____.

1396 § 50-18-72.

1397

1398 (a) Public disclosure shall not be required for records that are:

1399

1400 (1) Specifically required by federal statute or regulation to be kept confidential;

1401

1402 (2) Medical or veterinary records and similar files, the disclosure of which would be an
1403 invasion of personal privacy;

1404

1405 (3) Except as otherwise provided by law, records compiled for law enforcement or prosecution
1406 purposes to the extent that production of such records would disclose the identity of a
1407 confidential source, disclose confidential investigative or prosecution material which would
1408 endanger the life or physical safety of any person or persons, or disclose the existence of a
1409 confidential surveillance or investigation;

1410

1411 (4) Records of law enforcement, prosecution, or regulatory agencies in any pending
1412 investigation or prosecution of criminal or unlawful activity, other than initial police arrest
1413 reports and initial incident reports; provided, however, that an investigation or prosecution shall
1414 no longer be deemed to be pending when all direct litigation involving said investigation and
1415 prosecution has become final or otherwise terminated;

1416

1417 (4.1) Individual Georgia Uniform Motor Vehicle Accident Reports, except upon the
1418 submission of a written statement of need by the requesting party, such statement to be provided
1419 to the custodian of records and to set forth the need for the report pursuant to this Code section;

1420 provided, however, that any person or entity whose name or identifying information is contained
1421 in a Georgia Uniform Motor Vehicle Accident Report shall be entitled, either personally or
1422 through a lawyer or other representative, to receive a copy of such report; and provided, further,
1423 that Georgia Uniform Motor Vehicle Accident Reports shall not be available in bulk for
1424 inspection or copying by any person absent a written statement showing the need for each such
1425 report pursuant to the requirements of this Code section. For the purposes of this subsection, the
1426 term "need" means that the natural person or legal entity who is requesting in person or by
1427 representative to inspect or copy the Georgia Uniform Motor Vehicle Accident Report:

1428

1429 (A) Has a personal, professional, or business connection with a party to the accident;

1430

1431 (B) Owns or leases an interest in property allegedly or actually damaged in the accident;

1432

1433 (C) Was allegedly or actually injured by the accident;

1434

1435 (D) Was a witness to the accident;

1436

1437 (E) Is the actual or alleged insurer of a party to the accident or of property actually or
1438 allegedly damaged by the accident;

1439

1440 (F) Is a prosecutor or a publicly employed law enforcement officer;

1441

1442 (G) Is alleged to be liable to another party as a result of the accident;

1443

1444 (H) Is an attorney stating that he or she needs the requested reports as part of a criminal case,
1445 or an investigation of a potential claim involving contentions that a roadway, railroad crossing,
1446 or intersection is unsafe;

1447

1448 (I) Is gathering information as a representative of a news media organization;

1449

1450 (J) Is conducting research in the public interest for such purposes as accident prevention,
1451 prevention of injuries or damages in accidents, determination of fault in an accident or accidents,
1452 or other similar purposes; provided, however, this subparagraph will apply only to accident
1453 reports on accidents that occurred more than 30 days prior to the request and which shall have
1454 the name, street address, telephone number, and driver's license number redacted; or

1455

1456 (K) Is a governmental official, entity, or agency, or an authorized agent thereof, requesting
1457 reports for the purpose of carrying out governmental functions or legitimate governmental duties;

1458

1459 (4.2) Jury list data, including, but not limited to, persons' names, dates of birth, addresses,
1460 ages, race, gender, telephone numbers, social security numbers, and other confidential
1461 identifying information that is collected and used by the Council of Superior Court Clerks of
1462 Georgia for creating, compiling, and maintaining county master jury lists pursuant to the
1463 provisions of Chapter 12 of Title 15; provided, however, that when ordered by the judge of a
1464 court having jurisdiction over a case in which a challenge to the array of the grand or trial jury
1465 has been filed, the Council of Superior Court Clerks of Georgia or the clerk of the county board

1466 of jury commissioners of any county shall provide data within the time limit established by the
1467 court for the limited purpose of such challenge. Neither the Council of Superior Court Clerks of
1468 Georgia nor the county board of jury commissioners shall be liable for any use or misuse of such
1469 data;

1470

1471 (5) Records that consist of confidential evaluations submitted to, or examinations prepared by,
1472 a governmental agency and prepared in connection with the appointment or hiring of a public
1473 officer or employee; and records consisting of material obtained in investigations related to the
1474 suspension, firing, or investigation of complaints against public officers or employees until ten
1475 days after the same has been presented to the agency or an officer for action or the investigation
1476 is otherwise concluded or terminated, provided that this paragraph shall not be interpreted to
1477 make such investigatory records privileged;

1478 (6)(A) Real estate appraisals, engineering or feasibility estimates, or other records made for
1479 or by the state or a local agency relative to the acquisition of real property until such time as the
1480 property has been acquired or the proposed transaction has been terminated or abandoned; and

1481

1482 (B) Engineers' cost estimates and pending, rejected, or deferred bids or proposals until such
1483 time as the final award of the contract is made or the project is terminated or abandoned. The
1484 provisions of this subparagraph shall apply whether the bid or proposal is received or prepared
1485 by the Department of Transportation pursuant to Article 4 of Chapter 2 of Title 32, by a county
1486 pursuant to Article 3 of Chapter 4 of Title 32, by a municipality pursuant to Article 4 of Chapter
1487 4 of Title 32, or by a governmental entity pursuant to Article 2 of Chapter 91 of Title 36;

1488

1489 (7) Notwithstanding any other provision of this article, an agency shall not be required to
1490 release those portions of records which would identify persons applying for or under
1491 consideration for employment or appointment as executive head of an agency as that term is
1492 defined in paragraph (1) of subsection (a) of Code Section 50-14-1, or of a unit of the University
1493 System of Georgia; provided, however, that at least 14 calendar days prior to the meeting at
1494 which final action or vote is to be taken on the position, the agency shall release all documents
1495 which came into its possession with respect to as many as three persons under consideration
1496 whom the agency has determined to be the best qualified for the position and from among whom
1497 the agency intends to fill the position. Prior to the release of these documents, an agency may
1498 allow such a person to decline being considered further for the position rather than have
1499 documents pertaining to the person released. In that event, the agency shall release the
1500 documents of the next most qualified person under consideration who does not decline the
1501 position. If an agency has conducted its hiring or appointment process open to the public, it shall
1502 not be required to delay 14 days to take final action on the position. The agency shall not be
1503 required to release such records with respect to other applicants or persons under consideration,
1504 except at the request of any such person. Upon request, the hiring agency shall furnish the
1505 number of applicants and the composition of the list by such factors as race and sex. The agency
1506 shall not be allowed to avoid the provisions of this paragraph by the employment of a private
1507 person or agency to assist with the search or application process;

1508

1509 (8) Related to the provision of staff services to individual members of the General Assembly
1510 by the Legislative and Congressional Reapportionment Office, the Senate Research Office, or the
1511 House Research Office, provided that this exception shall not have any application with respect

1512 to records related to the provision of staff services to any committee or subcommittee or to any
1513 records which are or have been previously publicly disclosed by or pursuant to the direction of
1514 an individual member of the General Assembly;

1515
1516 (9) Records that are of historical research value which are given or sold to public archival
1517 institutions, public libraries, or libraries of a unit of the Board of Regents of the University
1518 System of Georgia when the owner or donor of such records wishes to place restrictions on
1519 access to the records. No restriction on access, however, may extend more than 75 years from the
1520 date of donation or sale. This exemption shall not apply to any records prepared in the course of
1521 the operation of state or local governments of the State of Georgia;

1522
1523 (10) Records that contain information from the Department of Natural Resources inventory and
1524 register relating to the location and character of a historic property or of historic properties as
1525 those terms are defined in Code Sections 12-3-50.1 and 12-3-50.2 if the Department of Natural
1526 Resources through its Division of Historic Preservation determines that disclosure will create a
1527 substantial risk of harm, theft, or destruction to the property or properties or the area or place
1528 where the property or properties are located;

1529
1530 (10.1) Records of farm water use by individual farms as determined by water-measuring
1531 devices installed pursuant to Code Section 12-5-31 or 12-5-105; provided, however, that
1532 compilations of such records for the 52 large watershed basins as identified by the eight-digit
1533 United States Geologic Survey hydrologic code or an aquifer that do not reveal farm water use
1534 by individual farms shall be subject to disclosure under this article;

1535
1536 (10.2) Agricultural or food system records, data, or information that are considered by the
1537 Georgia Department of Agriculture to be a part of the critical infrastructure, provided that
1538 nothing in this paragraph shall prevent the release of such records, data, or information to
1539 another state or federal agency if the release of such records, data, or information is necessary to
1540 prevent or control disease or to protect public health, safety, or welfare. As used in this
1541 paragraph, the term "critical infrastructure" shall have the same meaning as in 42 U.S.C. Section
1542 5195c(e). Such records, data, or information shall be subject to disclosure only upon the order of
1543 a court of competent jurisdiction;

1544
1545 (10.3) Records, data, or information collected, recorded, or otherwise obtained that is deemed
1546 confidential by the Georgia Department of Agriculture for the purposes of the national animal
1547 identification system, provided that nothing in this paragraph shall prevent the release of such
1548 records, data, or information to another state or federal agency if the release of such records,
1549 data, or information is necessary to prevent or control disease or to protect public health, safety,
1550 or welfare. As used in this paragraph, the term "national animal identification program" means a
1551 national program intended to identify animals and track them as they come into contact with or
1552 commingle with animals other than herdmates from their premises of origin. Such records, data,
1553 or information shall be subject to disclosure only upon the order of a court of competent
1554 jurisdiction;

1555
1556 (11) Records that contain site specific information regarding the occurrence of rare species of
1557 plants or animals or the location of sensitive natural habitats on public or private property if the

1558 Department of Natural Resources determines that disclosure will create a substantial risk of
1559 harm, theft, or destruction to the species or habitats or the area or place where the species or
1560 habitats are located; provided, however, that the owner or owners of private property upon which
1561 rare species of plants or animals occur or upon which sensitive natural habitats are located shall
1562 be entitled to such information pursuant to this article;

1563

1564 (11.1) An individual's social security number and insurance or medical information in
1565 personnel records, which may be redacted from such records;

1566

1567 (11.2) Records that would reveal the names, home addresses, telephone numbers, security
1568 codes, e-mail addresses, or any other data or information developed, collected, or received by
1569 counties or municipalities in connection with neighborhood watch or public safety notification
1570 programs or with the installation, servicing, maintaining, operating, selling, or leasing of burglar
1571 alarm systems, fire alarm systems, or other electronic security systems; provided, however, that
1572 initial police reports and initial incident reports shall remain subject to disclosure pursuant to
1573 paragraph (4) of this subsection;

1574

1575 (11.3) (A) An individual's social security number, mother's birth name, credit card information,
1576 debit card information, bank account information, account number, including a utility account
1577 number, password used to access his or her account, financial data or information, and insurance
1578 or medical information in all records, and if technically feasible at reasonable cost, day and
1579 month of birth, which shall be redacted prior to disclosure of any record requested pursuant to
1580 this article; provided, however, that such information shall not be redacted from such records if
1581 the person or entity requesting such records requests such information in a writing signed under
1582 oath by such person or a person legally authorized to represent such entity which states that such
1583 person or entity is gathering information as a representative of a news media organization for use
1584 in connection with news gathering and reporting; and provided, further, that such access shall be
1585 limited to social security numbers and day and month of birth; and provided, further, that this
1586 news media organization exception for access to social security numbers and day and month of
1587 birth and the other protected information set forth in this subparagraph shall not apply to
1588 teachers, employees of a public school, or public employees as set forth in paragraph (13.1) of
1589 this subsection. For purposes of this subparagraph, the term "public employee" means any
1590 nonelected employee of the State of Georgia or its agencies, departments, or commissions or any
1591 county or municipality or its agencies, departments, or commissions.

1592

1593 (B) This paragraph shall have no application to:

1594

1595 (i) The disclosure of information contained in the records or papers of any court or derived
1596 therefrom including without limitation records maintained pursuant to Article 9 of Title 11;

1597

1598 (ii) The disclosure of information to a court, prosecutor, or publicly employed law
1599 enforcement officer, or authorized agent thereof, seeking records in an official capacity;

1600

1601 (iii) The disclosure of information to a public employee of this state, its political
1602 subdivisions, or the United States who is obtaining such information for administrative purposes,
1603 in which case, subject to applicable laws of the United States, further access to such information

1604 shall continue to be subject to the provisions of this paragraph;

1605

1606 (iv) The disclosure of information as authorized by the order of a court of competent
1607 jurisdiction upon good cause shown to have access to any or all of such information upon such
1608 conditions as may be set forth in such order;

1609

1610 (v) The disclosure of information to the individual in respect of whom such information is
1611 maintained, with the authorization thereof, or to an authorized agent thereof; provided, however,
1612 that the agency maintaining such information shall require proper identification of such
1613 individual or such individual's agent, or proof of authorization, as determined by such agency;

1614

1615 (vi) The disclosure of the day and month of birth and mother's birth name of a deceased
1616 individual;

1617

1618 (vii) The disclosure by an agency of credit or payment information in connection with a
1619 request by a consumer reporting agency as that term is defined under the federal Fair Credit
1620 Reporting Act (15 U.S.C. Section 1681, et seq.);

1621

1622 (viii) The disclosure by an agency of information in its records in connection with the
1623 agency's discharging or fulfilling of its duties and responsibilities, including, but not limited to,
1624 the collection of debts owed to the agency or individuals or entities whom the agency assists in
1625 the collection of debts owed to the individual or entity;

1626

1627 (ix) The disclosure of information necessary to comply with legal or regulatory
1628 requirements or for legitimate law enforcement purposes; or

1629

1630 (x) The disclosure of the date of birth within criminal records.

1631

1632 (C) Records and information disseminated pursuant to this paragraph may be used only by
1633 the authorized recipient and only for the authorized purpose. Any person who obtains records or
1634 information pursuant to the provisions of this paragraph and knowingly and willfully discloses,
1635 distributes, or sells such records or information to an unauthorized recipient or for an
1636 unauthorized purpose shall be guilty of a misdemeanor of a high and aggravated nature and upon
1637 conviction thereof shall be punished as provided in Code Section 17-10-4. Any person injured
1638 thereby shall have a cause of action for invasion of privacy. Any prosecution pursuant to this
1639 paragraph shall be in accordance with the procedure in subsection (b) of Code Section 50-18-74.

1640

1641 (D) In the event that the custodian of public records protected by this paragraph has good
1642 faith reason to believe that a pending request for such records has been made fraudulently, under
1643 false pretenses, or by means of false swearing, such custodian shall apply to the superior court of
1644 the county in which such records are maintained for a protective order limiting or prohibiting
1645 access to such records.

1646

1647 (E) This paragraph shall supplement and shall not supplant, overrule, replace, or otherwise
1648 modify or supersede any provision of statute, regulation, or law of the federal government or of
1649 this state as now or hereafter amended or enacted requiring, restricting, or prohibiting access to

1650 the information identified in subparagraph (A) of this paragraph and shall constitute only a
1651 regulation of the methods of such access where not otherwise provided for, restricted, or
1652 prohibited;

1653

1654 (12) Public records containing information that would disclose or might lead to the disclosure
1655 of any component in the process used to execute or adopt an electronic signature, if such
1656 disclosure would or might cause the electronic signature to cease being under the sole control of
1657 the person using it. For purposes of this paragraph, the term "electronic signature" has the same
1658 meaning as that term is defined in Code Section 10-12-2;

1659

1660 (13) Records that would reveal the home address or telephone number, social security number,
1661 or insurance or medical information of employees of the Department of Revenue, law
1662 enforcement officers, firefighters as defined in Code Section 25-4-2, judges, emergency medical
1663 technicians and paramedics, scientists employed by the Division of Forensic Sciences of the
1664 Georgia Bureau of Investigation, correctional employees, and prosecutors or identification of
1665 immediate family members or dependents thereof;

1666

1667 (13.1) Records that reveal the home address, the home telephone number, the e-mail address,
1668 or the social security number of or insurance or medical information about public employees or
1669 teachers and employees of a public school. For the purposes of this paragraph, the term "public
1670 school" means any school which is conducted within this state and which is under the authority
1671 and supervision of a duly elected county or independent board of education. Public disclosure
1672 shall also not be required for records that reveal the home address, the home telephone number,
1673 the e-mail address, or the social security number of or insurance or medical information about
1674 employees or teachers of a nonpublic school;

1675

1676 (13.2) Records that are kept by the probate court pertaining to guardianships and
1677 conservatorships except as provided in Code Section 29-9-18;

1678

1679 (14) Acquired by an agency for the purpose of establishing or implementing, or assisting in the
1680 establishment or implementation of, a carpooling or ridesharing program, to the extent such
1681 records would reveal the name, home address, employment address, home telephone number,
1682 employment telephone number, or hours of employment of any individual or would otherwise
1683 identify any individual who is participating in, or who has expressed an interest in participating
1684 in, any such program. As used in this paragraph, the term "carpooling or ridesharing program"
1685 means and includes, but is not limited to, the formation of carpools, vanpools, or buspools, the
1686 provision of transit routes, rideshare research, and the development of other demand
1687 management strategies such as variable working hours and telecommuting;

1688

1689 (15)(A) Records, the disclosure of which would compromise security against sabotage or
1690 criminal or terrorist acts and the nondisclosure of which is necessary for the protection of life,
1691 safety, or public property, which shall be limited to the following:

1691

1692 (i) Security plans and vulnerability assessments for any public utility, technology
1693 infrastructure, building, facility, function, or activity in effect at the time of the request for
1694 disclosure or pertaining to a plan or assessment in effect at such time;

1695

1696 (ii) Any plan for protection against terrorist or other attacks, which plan depends for its
1697 effectiveness in whole or in part upon a lack of general public knowledge of its details;
1698

1699 (iii) Any document relating to the existence, nature, location, or function of security
1700 devices designed to protect against terrorist or other attacks, which devices depend for their
1701 effectiveness in whole or in part upon a lack of general public knowledge; and
1702

1703 (iv) Any plan, blueprint, or other material which if made public could compromise security
1704 against sabotage, criminal, or terroristic acts.
1705

1706 (B) In the event of litigation challenging nondisclosure pursuant to this paragraph by an
1707 agency of a document covered by this paragraph, the court may review the documents in
1708 question in camera and may condition, in writing, any disclosure upon such measures as the
1709 court may find to be necessary to protect against endangerment of life, safety, or public property.
1710

1711 (C) As used in divisions (i) and (iv) of subparagraph (A) of this paragraph, the term
1712 "activity" means deployment or surveillance strategies, actions mandated by changes in the
1713 federal threat level, motorcades, contingency plans, proposed or alternative motorcade routes,
1714 executive and dignitary protection, planned responses to criminal or terrorist actions, after-action
1715 reports still in use, proposed or actual plans and responses to bioterrorism, and proposed or
1716 actual plans and responses to requesting and receiving the National Pharmacy Stockpile;
1717

1718 (16) Unless the request is made by the accused in a criminal case or by his or her attorney,
1719 public records of an emergency 9-1-1 system, as defined in paragraph (3) of Code Section 46-5-
1720 122, containing information which would reveal the name, address, or telephone number of a
1721 person placing a call to a public safety answering point, which information may be redacted from
1722 such records if necessary to prevent the disclosure of the identity of a confidential source, to
1723 prevent disclosure of material which would endanger the life or physical safety of any person or
1724 persons, or to prevent the disclosure of the existence of a confidential surveillance or
1725 investigation;
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1727 (17) Records of athletic or recreational programs, available through the state or a political
1728 subdivision of the state, that include information identifying a child or children 12 years of age
1729 or under by name, address, telephone number, or emergency contact, unless such identifying
1730 information has been redacted;
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1732 (18) Records of the State Road and Tollway Authority which would reveal the financial
1733 accounts or travel history of any individual who is a motorist upon such toll project. Such
1734 financial records shall include but not be limited to social security number, home address, home
1735 telephone number, e-mail address, credit or debit card information, and bank account
1736 information but shall not include the user's name;
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1738 (19) Records maintained by public postsecondary educational institutions in this state and
1739 associated foundations of such institutions that contain personal information concerning donors
1740 or potential donors to such institutions or foundations; provided, however, that the name of any
1741 donor and the amount of donation made by such donor shall be subject to disclosure if such

1742 donor or any entity in which such donor has a substantial interest transacts business with the
1743 public postsecondary educational institution to which the donation is made within three years of
1744 the date of such donation. As used in this paragraph, the term "transact business" means to sell or
1745 lease any personal property, real property, or services on behalf of oneself or on behalf of any
1746 third party as an agent, broker, dealer, or representative in an amount in excess of \$10,000.00 in
1747 the aggregate in a calendar year and the term "substantial interest" means the direct or indirect
1748 ownership of more than 25 percent of the assets or stock of an entity;

1749

1750 (20) Records of the Metropolitan Atlanta Rapid Transit Authority or of any other transit system
1751 that is connected to that system's TransCard or SmartCard system which would reveal the
1752 financial records or travel history of any individual who is a purchaser of a TransCard or
1753 SmartCard or similar fare medium. Such financial records shall include, but not be limited to,
1754 social security number, home address, home telephone number, e-mail address, credit or debit
1755 card information, and bank account information but shall not include the user's name;

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1757 (21) Building mapping information produced and maintained pursuant to Article 10 of Chapter
1758 3 of Title 38;

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1760 (22) Notwithstanding the provisions of paragraph (4) of this subsection, any physical evidence
1761 or investigatory materials that are evidence of an alleged violation of Part 2 of Article 3 of
1762 Chapter 12 of Title 16, which are in the possession, custody, or control of law enforcement,
1763 prosecution, or regulatory agencies; or

1764

1765 (23) Records that are expressly exempt from public inspection pursuant to Code Sections 47-1-
1766 14 and 47-7-127.

1767

1768 (b) This article shall not be applicable to:

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1770 (1) Any trade secrets obtained from a person or business entity which are of a privileged or
1771 confidential nature and required by law to be submitted to a government agency or to data,
1772 records, or information of a proprietary nature, produced or collected by or for faculty or staff of
1773 state institutions of higher learning, or other governmental agencies, in the conduct of, or as a
1774 result of, study or research on commercial, scientific, technical, or scholarly issues, whether
1775 sponsored by the institution alone or in conjunction with a governmental body or private
1776 concern, where such data, records, or information has not been publicly released, published,
1777 copyrighted, or patented;

1778

1779 (2) Any data, records, or information developed, collected, or received by or on behalf of
1780 faculty, staff, employees, or students of an institution of higher education or any public or private
1781 entity supporting or participating in the activities of an institution of higher education in the
1782 conduct of, or as a result of, study or research on medical, scientific, technical, scholarly, or
1783 artistic issues, whether sponsored by the institution alone or in conjunction with a governmental
1784 body or private entity, until such information is published, patented, otherwise publicly
1785 disseminated, or released to an agency whereupon the request must be made to the agency. This
1786 subsection applies to, but is not limited to, information provided by participants in research,
1787 research notes and data, discoveries, research projects, methodologies, protocols, and creative

1788 works; or

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1790 (3) Unless otherwise provided by law, contract, bid, or proposal, records consisting of
1791 questions, scoring keys, and other materials, constituting a test that derives value from being
1792 unknown to the test taker prior to administration, which is to be administered by the State Board
1793 of Education, the Office of Student Achievement, the Professional Standards Commission, or a
1794 local school system, if reasonable measures are taken by the owner of the test to protect security
1795 and confidentiality; provided, however, that the State Board of Education may establish
1796 procedures whereby a person may view, but not copy, such records if viewing will not, in the
1797 judgment of the board, affect the result of administration of such test.

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1799 These limitations shall not be interpreted by any court of law to include or otherwise exempt
1800 from inspection the records of any athletic association or other nonprofit entity promoting
1801 intercollegiate athletics.

1802 (c)(1) All public records of hospital authorities shall be subject to this article except for those
1803 otherwise excepted by this article or any other provision of law.

1804

1805 (2) All state officers and employees shall have a privilege to refuse to disclose the identity or
1806 personally identifiable information of any person participating in research on commercial,
1807 scientific, technical, medical, scholarly, or artistic issues conducted by the Department of
1808 Community Health, the Department of Behavioral Health and Developmental Disabilities, or a
1809 state institution of higher education whether sponsored by the institution alone or in conjunction
1810 with a governmental body or private entity. Personally identifiable information shall mean any
1811 information which if disclosed might reasonably reveal the identity of such person including but
1812 not limited to the person's name, address, and social security number. The identity of such
1813 informant shall not be admissible in evidence in any court of the state unless the court finds that
1814 the identity of the informant already has been disclosed otherwise.

1815

1816 (d) This article shall not be applicable to any application submitted to or any permanent records
1817 maintained by a judge of the probate court pursuant to Code Section 16-11-129, relating to
1818 weapons carry licenses, or pursuant to any other requirement for maintaining records relative to
1819 the possession of firearms. This subsection shall not preclude law enforcement agencies from
1820 obtaining records relating to licensing and possession of firearms as provided by law.

1821

1822 (e) This article shall not be construed to repeal:

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1824 (1) The attorney-client privilege recognized by state law to the extent that a record pertains to
1825 the requesting or giving of legal advice or the disclosure of facts concerning or pertaining to
1826 pending or potential litigation, settlement, claims, administrative proceedings, or other judicial
1827 actions brought or to be brought by or against the agency or any officer or employee; provided,
1828 however, attorney-client information may be obtained in a proceeding under Code Section 50-
1829 18-73 to prove justification or lack thereof in refusing disclosure of documents under this Code
1830 section provided the judge of the court in which said proceeding is pending shall first determine
1831 by an in camera examination that such disclosure would be relevant on that issue;

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1833 (2) The confidentiality of attorney work product; or

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(3) State laws making certain tax matters confidential.

(f)(1) As used in this article, the term:

(A) "Computer program" means a set of instructions, statements, or related data that, in actual or modified form, is capable of causing a computer or computer system to perform specified functions.

(B) "Computer software" means one or more computer programs, existing in any form, or any associated operational procedures, manuals, or other documentation.

(2) This article shall not be applicable to any computer program or computer software used or maintained in the course of operation of a public office or agency.

(g) This Code section shall be interpreted narrowly so as to exclude from disclosure only that portion of a public record to which an exclusion is directly applicable. It shall be the duty of the agency having custody of a record to provide all other portions of a record for public inspection or copying.

(h) Within the three business days applicable to response to a request for access to records under this article, the public officer or agency having control of such record or records, if access to such record or records is denied in whole or in part, shall specify in writing the specific legal authority exempting such record or records from disclosure, by Code section, subsection, and paragraph. No addition to or amendment of such designation shall be permitted thereafter or in any proceeding to enforce the terms of this article; provided, however, that such designation may be amended or supplemented one time within five days of discovery of an error in such designation or within five days of the institution of an action to enforce this article, whichever is sooner; provided, further, that the right to amend or supplement based upon discovery of an error may be exercised on only one occasion. In the event that such designation includes provisions not relevant to the subject matter of the request, costs and reasonable attorney's fees may be awarded pursuant to Code Section 50-18-73.

SECTION ____.

This Act shall become effective . . .

Amendments to Code of Judicial Conduct

Amend the definitions in “TERMINOLOGY”¹ as follows:

“Aggregate,” in relation to contributions# for a candidate,* means not only contributions# in cash or in kind made directly to a candidate* or the candidate’s* campaign committee# within the current or immediately preceding election cycle# but also all contributions# made indirectly or independently with the knowledge* that they will be used to influence the election of the judge.

“Campaign Committee” is defined as that term is defined by the “Georgia Ethics in Government Act” (O.C.G.A. § 21-5-3), as may be amended from time to time.

“Campaign support” is defined as including contributions# and other non monetary assistance to a candidate.

“Contribution” is defined as that term is defined by the “Georgia Ethics in Government Act” (O.C.G.A. § 21-5-3), as may be amended from time to time.

“Election cycle” is defined as that term is defined by the “Georgia Ethics in Government Act” (O.C.G.A. § 21-5-3), as may be amended from time to time.

“Maximum Allowable Contribution” is defined as such limitations are defined by the “Georgia Ethics in Government Act” (O.C.G.A. § 21-5-41), as may be amended from time to time.

“Support” is defined as non-monetary assistance to a candidate.

Canon 3

E. Disqualification

(1) Judges shall disqualify themselves in any proceeding in which their impartiality might reasonably be questioned, including but not limited to instances where:

¹ * denotes “Terminology” currently defined in the Code of Judicial Conduct

#denotes “Terminology” proposed for inclusion in the Code of Judicial Conduct

Commentary: Under this rule, judges are subject to disqualification whenever their impartiality might reasonably be questioned, regardless of whether any of the specific rules in Section 3E(1) apply. For example, if a judge were in the process of negotiating for employment with a law firm, the judge would be disqualified from any matters in which that firm appeared, unless the disqualification was waived by the parties after disclosure by the judge. Judges should disclose on the record information that the court believes the parties or their lawyers might consider relevant to the question of disqualification, even if they believe there is no legal basis for disqualification. The rule of necessity may override the rule of disqualification. For example, a judge might be required to participate in judicial review of a judicial salary statute, or might be the only judge available in a matter requiring immediate judicial action, such as a hearing on probable cause or a temporary restraining order. In the latter case, the judge must disclose on the record the basis for possible disqualification and use reasonable efforts to transfer the matter to another judge as soon as possible.

(a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge* of disputed evidentiary facts concerning the proceeding;

Commentary: A lawyer in a government agency does not ordinarily have an association with other lawyers employed by that agency within the meaning of Section 3E(1)(b); judges formerly employed by a governmental agency, however, should disqualify themselves in a proceeding if their impartiality might reasonably be questioned because of such association.

(b) the judge served as a lawyer in the matter of controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge has been ~~an~~ material witness or party concerning it in the matter of controversy,

(c) the judge or the judge's spouse, or a person within the ~~third~~ sixth² degree of relationship* to either of them, or the spouse of such a person, or any other member of the judge's family residing in the judge's household*:

(i) is a party to the proceeding, or an officer, director, or trustee of a party;

² O.C.G.A. § 15-1-8(a)(2), which statutorily governs judicial disqualification, provides for a sixth degree of separation. For the sake of consistency between the Canons and the statutory law, the JQC recommends that this provision be changed to reflect state law.

(ii) is acting as a lawyer in the proceeding;

(iii) is known* by the judge to have a more than de minimis* interest that could be substantially affected by the proceeding;

(iv) is to the judge's knowledge* likely to be a material witness in the proceeding.

Commentary: The fact that a lawyer in a proceeding is affiliated with a law firm with which a relative of the judge is affiliated does not of itself disqualify the judge. Under appropriate circumstances, the fact that "the judge's impartiality might reasonably be questioned" under Section 3E(1), or that the relative is known by the judge to have an interest in the law firm that could be "substantially affected by the outcome of the proceeding" under Section 3E(1)(c)(iii) requires the judge's disqualification.

(d) the judge has received or benefited from an aggregate# amount of campaign contributions# or support# so as to create a reasonable question as to the judge's impartiality. When determining impartiality with respect to campaign contributions# or support,# the following may be considered:

(i) amount of the contribution# or support#;

(ii) timing of the contribution# or support#;

(iii) contributor's or supporter's relationship to the parties;

(iv) impact of contribution# or support#;

(v) nature of contributor's prior political activities or support# and prior relationship with the judge;

(vi) nature of case pending and its importance to the parties or counsel;

(vii) contributions# made independently in support# of the judge over and above the maximum allowable contribution# amount which may be contributed# directly to the candidate*; and

(viii) any factor relevant to the issue of campaign support# that causes the judge's impartiality to be questioned.

(e) the judge has made pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office, or statements that commit or appear to commit the candidate* with respect to issues likely to come before the court.

(2) Judges shall keep informed about their personal and fiduciary* economic interests*, and make a reasonable effort to keep informed about the personal financial interests of their spouses and minor children residing in their households.

Commentary: A judge shall recuse when the judge knows* or learns by means of a timely motion that a party, a party's lawyer, or the law firm of a party's lawyer has within the current or immediately preceding election cycle# of a judicial campaign for public election* made aggregate# contributions# in an amount that is greater than the maximum allowable contribution# permitted by law.

There is a rebuttable presumption that there is *no per se* basis for disqualification where the aggregate# contributions# are equal to or less than the maximum allowable contribution# permitted by law. However, because the presumption is rebuttable, a judge who knows* or learns by means of a timely motion that a party, a party's lawyer, or the law firm of a party's lawyer has within the current or immediately preceding election cycle# of a judicial campaign for public election* made aggregate# contributions# permitted by law, should weigh the considerations in subsection 1(d) of Canon 3E in deciding whether recusal may be appropriate.

Where a motion to recuse is based upon campaign contribution# to the judge and the aggregate# of contributions# alleged would result in a rebuttable presumption that there is no *per se* basis for disqualification under the provisions of this Canon Any motion to recuse must specify additional facts demonstrating a basis for disqualification pursuant to the considerations set forth in subsection(1)(d) of Canon 3E. In the absence of such additional facts, the motion shall not be deemed legally sufficient to require assignment to another judge under applicable court rules.

In summary, Canon 3E provides that:

(1) If contributions# made to a judicial candidate* or to that candidate's* campaign committee# are permitted by the law and do not exceed the maximum allowable contribution#, then there is no mandatory requirement that the judge recuse.

(2) If (a) a judicial candidate* has knowledge* of a contribution# made to the candidate* or the candidate's* campaign committee# that exceeds the maximum allowable contribution# permitted by law and, (b) after having such knowledge,*

the violation is not corrected in a timely manner (i.e., usually accomplished by returning the contribution#); then the judge shall recuse.

(3) If a judge has knowledge* of a pattern of contributions# made by a party, a party's lawyer, or the law firm of a party's lawyer that include contributions# (a) made to a judicial candidate* or to that candidate's* campaign committee# and/or (b) made to a third party attempting to influence the election of the judicial candidate,* then the judge should consider whether recusal is appropriate in accordance with the considerations in subsection 1(d) of Canon 3E

F. Remittal of Disqualification.

Judges disqualified by the terms of Section 3E may disclose on the record the basis of their disqualification and may ask the parties and their lawyers to consider, out of the presence of the judge, whether to waive disqualification. If following disclosure of any basis for disqualification other than personal bias or prejudice concerning a party, the parties and lawyers, without participation by the judge, all agree that the judge should not be disqualified, and the judge is then willing to participate, the judge may participate in the proceeding. The agreement shall be incorporated in the record of the proceeding.

Commentary: A remittal procedure provides the parties an opportunity to proceed without delay if they wish to waive the disqualification. To assure that consideration of the question of remittal is made independently to the court, judges must not solicit, seek or hear comment on possible remittal or waiver of the disqualification, unless the lawyers jointly propose remittal after consultation as provided in Section 3F. A party may act through counsel, if counsel represents on the record that the party has been consulted and consents. As a practical matter, judges may wish to have all parties and their lawyers sign a remittal agreement.



Judicial Council of Georgia
Recusal Rule Committee
January 4, 2010
Judicial Conference Room
2:00pm

Minutes

I. Members Present

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|----------------------------------|--|
| a. Judge James Anderson | Municipal Court of Sandy Springs |
| b. Judge Debra Bernes | Court of Appeals |
| c. Ms. Cheryl Custer | Executive Director, Judicial Qualifications Commission |
| d. Judge Pam Ferguson | Probate Court, Clayton County |
| e. Chief Justice Carol Hunstein | Supreme Court |
| f. Representative Edward Lindsey | House of Representatives, District 54 |
| g. Mr. W. Jackson Winter, Jr. | Judicial Qualifications Commission |
| h. Presiding Judge Robin Shearer | Juvenile Court, Clarke County |

II. Excused

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|----------------------------|---|
| a. Chief Judge John Allen | Superior Court, Chattahoochee Judicial Circuit |
| b. Judge Michael Clark | Superior Court, Gwinnett Judicial Circuit Chief Judge |
| c. Judge H. Gregory Fowler | State Court, Chatham County |
| d. Chief Judge Bob Turner | Magistrate Court, Houston County |

III. Staff

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|-----------------|-------------------------------------|
| a. Marla Moore | Director, AOC |
| b. Bob Bray | Associate Director, AOC |
| c. Tia Milton | Chief of Staff to the Chief Justice |
| d. Kelly Steele | AOC |

IV. Call to Order

The meeting was called to order by Kelly Steele at 2:05pm. Kelly explained that Chief Justice Hunstein would be joining the meeting after she was finished at Mayor Reed's swearing in ceremony. After introductions Kelly Steele invited the members to review the minutes from the previous meeting. Judge Shearer pointed out that her title had changed from Associate to Presiding Judge, and Kelly Steele said that the change would be reflected in the official minutes. With that change the minutes were unanimously approved.

V. Discussion of Draft Recusal Rules

The first draft procedural recusal rule discussed was from the municipal court. Judge Anderson agreed that some of the points brought up in the previous meeting about keeping assignment of new judges

within the class of court or within the district was worth exploring. Marla Moore asked if the council had district representatives on the Executive Committee to which Judge Anderson answered in the affirmative. Bob Bray then commented that using district representatives is the route that the state court judges chose to take. Judge Anderson said that he would discuss these points with the executive committee at their next meeting at the end of the month. If more than technical changes should be necessary the municipal court judges could address them at their summer meeting. Jack Winter then asked if compensation for judges being brought in for these cases was an issue. Judge Anderson said he didn't think so because most courts have a procedure for paying visiting or pro hac judges.

The next draft rule reviewed by the committee was from the probate judges. Judge Ferguson explained that assignment of a new judge in their draft rule goes to the Chief Superior Court judge because a lot of probate courts have a de novo appeal to Superior court anyway except for Article 6 courts. The Council has been discussing putting something in the rule stating that the judge being asked to recuse can consider timeliness and sufficiency of the motion. Judge Anderson commented that there needs to be a uniform answer to the question "does the judge who is the subject of the disqualification motion have the initial power to rule on timeliness and sufficiency?" The municipal rule allows the judge who is subject to the motion to rule on its timeliness and sufficiency because they deal with mostly pro se litigants who have a tendency to file motions that are spurious and untimely on their face. The process that would be required for every spurious motion is rife for abuse. Representative Lindsey pointed out that lawyers could abuse such a process as well. It was the consensus of the group that each class of court should allow the judge who is the subject of a disqualification motion to still rule on the timeliness and sufficiency of the motion. Judge Bernes pointed out that this would be the case for all but the appellate courts because their internal procedures are different.

Representative Lindsey brought up for discussion the possibility of including a 'bright line' contribution amount within the substantive part of the recusal rules. A 'bright line' contribution amount might make 'what is okay' more clear; that a judge wouldn't have to worry about a recusal motion if the contributions were under a specific amount. Marla Moore pointed out that the specific 'bright line' would necessarily be different for each class of court. One bright line that Representative Lindsey proposed was that any contribution over and above the individual contribution amount allowable made to an independent organization might be grounds for recusal. Representative Lindsey proposed adding an eighth factor to the criteria listed in the substantive section of the probate court's draft recusal rule stating that "any contribution made independently in support of a judicial candidate over and above the maximum amount which may be contributed directly to the candidate" could be considered in a motion for recusal. Cheryl Custer noted that the Georgia Code of Judicial Conduct would have to be amended to address financial contributions, but it is a little early to discuss exactly how. Cheryl also noted that the canons would also have to be amended to reflect the new recusal rule. Judge Anderson noted that the criteria (1-7, plus the eighth added during the meeting) really speak to subsection (E) in the probate judges draft rule and could be moved there so that readers will know what the criteria are being utilized in regards to. The general consensus of the group was that the substantive portion of each class of court's recusal rule should be the same and drafted by the committee. In addition, the substantive portion of the probate court judges' draft recusal rule will be used as a starting point. Finally, the group also determined that the rules and the judicial canons should be modified to address recusal related to financial contributions keeping in mind that recusal is also addressed by statute.

Bob Bray explained to the group that the state court judges' rule mirrors the Superior court rule except for 25.4 which allows the district chairperson to make the assignment. The state court judges will add the substantive portion of the rule once the committee has drafted it.

The Supreme Court rule was then reviewed and presented by Chief Justice Hunstein. This rule states that if a formal motion is filed then all of the Justices, other than the one who is the subject of the motion, will make the decision about recusal. It is an unwritten rule that, as soon as practicable, the recused Justice gets no paperwork regarding the case and doesn't sit in on any meeting related to the case. Judge Bernes stated that this was the same as the Court of Appeals process for the most part. Jack Winter asked how the replacement judge is chosen. Justice Hunstein explained that each Justice contributes three names of judges to a list that is held in the clerk's office. When a judge is needed, the next person on the list is called upon; you cannot predict which judge will be selected.

VI. Adjournment

The meeting was adjourned at 2:57 pm. Each representative was asked to complete their procedural rules and then review the draft substantive rule provided via email by Kelly Steele with their respective Councils for discussion at the next meeting.



Judicial Council of Georgia
Recusal Rule Committee
December 7, 2010
Judicial Conference Room
1:00pm

Minutes

I. Members Present

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|----------------------------------|--|
| a. Chief Judge John Allen | Superior Court, Chattahoochee Judicial Circuit |
| b. Judge James Anderson | Municipal Court of Sandy Springs |
| c. Judge J.D. Smith | Court of Appeals |
| d. Mr. Jeff Davis | Director, Judicial Qualifications Commission |
| e. Judge Pam Ferguson | Probate Court, Clayton County |
| f. Chief Justice Carol Hunstein | Supreme Court |
| g. Representative Edward Lindsey | House of Representatives, District 54 |
| h. Mr. W. Jackson Winter, Jr. | Judicial Qualifications Commission |
| i. Presiding Judge Robin Shearer | Juvenile Court, Clarke County |
| j. Judge H. Gregory Fowler | State Court, Chatham County |

II. Excused

- | | |
|---------------------------------|---|
| a. Chief Judge Bob Turner | Magistrate Court, Houston County |
| b. Judge Michael Clark
Judge | Superior Court, Gwinnett Judicial Circuit Chief |

III. Guests

- | | |
|--------------------------|---|
| a. Justice Harold Melton | Supreme Court |
| b. Judge Wayne Purdom | State Court, Dekalb County |
| c. Charles Miller | Council of Superior Court Judges |
| d. Marla Moore | Director, AOC |
| e. Chris Patterson | Associate Director, AOC |
| f. Bob Bray | Executive Director, Council of State Court Judges |
| g. Tia Milton | Supreme Court |
| h. Kelly Steele | AOC |

IV. Call to Order

The meeting was called to order by Chief Justice Hunstein at 1:05pm. After introductions, Chief Justice Hunstein invited the members to review the minutes from the previous meeting. The minutes were approved without opposition. Following the approval of the minutes, Chief Justice Hunstein asked each class of court to review their procedural recusal rule beginning with

the municipal court rule.

Judge Anderson explained that the municipal court rule originally tracked the superior court rule, but was tweaked after the last recusal rule committee meeting to keep the appointment process post recusal within the municipal courts instead of bleeding over into superior court districts. The Supreme Court adopted the rule in April.

Next, Chief Justice Hunstein asked the magistrate courts to present their rule. No representative was present so Chris Patterson and Kelly Steele explained that they were not aware of any substantial differences between the magistrate court rule and the procedures presented by the other classes of court.

Judge Ferguson presented the probate court rule explaining that they followed what was proposed in the previous meeting and that because most circuits only have one probate judge, the Chief Superior Court Judge would make the determination on appointment if recusal was necessary.

Next, Chief Justice Hunstein asked the juvenile courts to present their rule. Judge Shearer explained that the juvenile court procedure was not modified and that the Council of Juvenile Court Judges' president would make an appointment in a single judge circuit where recusal was necessary. She then stated that changes were made to the substantive portion of the juvenile courts' recusal rule.

Judge Fowler and Judge Purdom presented the state court rule. The explained that the state courts modified superior court rule 25 using district representatives and the Executive Committee of their Council to appoint when recusal of all judges in the county is necessary.

Judge Allen stated that it was not necessary for the superior courts to modify their existing recusal rule as it was the standard by which most other classes of court modeled their procedural rules. Committee members were in agreement that the superior court rule as it stands is more than sufficient.

Judge Smith stated that the Court of Appeals made no modifications to their Rule 44 but that the court had problems with frequent voluntary recusal and its effects on the distribution of workload. Judge Smith has made the suggestion to the Court of Appeals that it be made clear in Rule 44 who decides the motion (by 3 or 7 or 12 judge panel?). He expects that the Court of Appeals will have modifications in place by the end of next January.

Finally, Chief Justice Hunstein and Justice Melton explained that the Supreme Court did make some changes to their procedural rule and that they had already been approved.

After each class of court presented their procedural rule, Chief Justice Hunstein asked Jeff Davis from the Judicial Qualifications Commission (JQC) to present the proposed Canon changes dealing with recusal. The JQC chose to provide commentary; interpretive guidance and definitions of terms within the Code in an effort clarify the intent of the proposed Canon changes. Mr. Davis pointed out that there was an issue with leaving the undefined term 'support'

in the Canon, if the term is left in then a definition would be helpful. The JQC is hopeful that the commentary provided will make it more clear as to what is appropriate and what is not in relation to campaign contributions. Jeff Davis then asked Judge Allen and Mr. Winter if they had any further comments and both said they did not.

Justice Harold Melton summarized comments received by the other classes of court. Some asked the question “why are we doing anything at all”? Justice Melton pointed out that the landscape is changing in terms of how campaigns are run with the addition of 527 organizations and the Caperton case; this change is reflected through concerns raised by the Georgia General Assembly and that's why we're trying to get ahead of the issue. Justice Melton concluded by stating that there will be judges who are opposed to doing anything and that reasonable minds will differ on the issue. Additional commentary from judges desired a bright line on what kinds of contributions will be cause for recusal and which ones will not? Justice Melton stated that a bright line almost impossible; what is big in one race won't be big in another, but JQC's comments do help. If the contribution is legal then we will assume that recusal will not be required which is as close as we can come to a bright line.

Judge Purdom pointed out that he didn't see presumption of allowable within the legal limit. There was discussion about modifying the Canon so that it would be a presumption and not a rebuttable presumption. Mr. Davis stated that the reason for rebuttable presumption is because there may be an instance when a legal contribution was made that might create an issue as to whether a judge is impartial (contribution made day before hearing). The committee resolved that this issue would best be addressed through a modification of rule 25.2 relating to affidavits. Judge Purdom provided the commentary below to further explain the point:

“There were numerous letters raising concerns about there being no safe harbor amount a judge could receive without triggering this type of disqualification challenge in any case in which a lawyer making a contribution was involved. This would have a chilling effect on campaign contributions as well as delay and consumption of court resources. In response to this, under revised Canon 3E, the commentary at least, would provide that aggregate contributions (campaign and independent) under the legal maximum limit would be subject to a rebuttable presumption that this did not create a basis for disqualification. This alone is insufficient to address the concerns expressed however.

Under the procedural rules for Superior Court (with most others having parallel provisions), 25.3 provides that when a recusal motion is received, the judge must cease to act, immediately determine the “timeliness and legal sufficiency of the affidavit” and send the case for reassignment for resolution of the motion to recuse by another judge if the affidavit is legally sufficient. Under normal rules of pleading, the fact that there is a rebuttable presumption operating against you does not make an allegation legally insufficient. Thus a normal construction of 25.3 would require reassignment of the case for resolution of a disqualification challenge whenever the judge had received any campaign support from a lawyer or party in the litigation. One way to address this problem is to expand the legal sufficiency requirements of the affidavit set forth in paragraph 25.2

Here's a rough draft of an addendum to 25.2 for consideration more fully worded than my

spontaneous incomplete comment at the meeting:

Where a motion to recuse is based upon campaign contributions and the amount of contributions alleged would result in a rebuttable presumption that there is no per se basis for disqualification under the commentary to Canon 3E of the Code of Judicial Conduct, the affidavit must specify additional facts demonstrating bias or prejudice. In the absence of such additional facts, the affidavit shall not be deemed legally sufficient to require assignment to another judge under section 25.3.

This new language is unneeded until 3E is actually amended which will be a process, so added amendments should hopefully be effective at the same time that the revisions to Canon 3E are adopted.”

After discussion on the rebuttable presumption issue the committee moved back to definitions. It was determined that the term ‘support’ would need to be defined. The committee offered suggestions stating that the term would be subjective and perhaps defined to include non-monetary assistance to a candidate aggregated within an election cycle.

Judge Shearer pointed out that it was worth recognizing that including non-monetary support may have a chilling effect on support to judges by the local bar and attorneys. Both Mr. Winter and Representative Lindsey commented that with the affidavit changes this kind of support would not necessarily trigger recusal. Judge Purdom then asked if anything in the proposed language changes the legal environment in which judges must run their elections now. The general conclusion was that it did not, but it does bring the issue it to the forefront and may trigger more recusal.

Representative Lindsey stated that by in large he through the rule was pretty close to right. JQC will provide the committee with an updated version of the proposed changes taking into account the committee’s suggestions on the definition of the terms ‘support’ and ‘aggregate’ adding election cycle and contributions made indirectly/independently in the current or immediately preceding election cycle. Chief Justice Hunstein stated that she was comfortable with each class of courts’ procedural rules with the exception of necessary modifications to the affidavit sections and that at the next meeting the committee members should be prepared to vote on the proposed Canon changes. After no further discussion the meeting was adjourned at 2:15.



Judicial Council of Georgia
Recusal Rule Committee
November 4, 2009
Judicial Conference Room
1:30pm

Minutes

I. Members Present

- | | |
|----------------------------------|--|
| a. Chief Judge John Allen | Superior Court, Chattahoochee Judicial Circuit |
| b. Judge James Anderson | Municipal Court of Sandy Springs |
| c. Judge Debra Bernes | Court of Appeals |
| d. Judge Michael Clark | Superior Court, Gwinnett Judicial Circuit |
| e. Ms. Cheryl Custer | Executive Director, Judicial Qualifications Commission |
| f. Judge Pam Ferguson | Probate Court, Clayton County |
| g. Chief Judge H. Gregory Fowler | State Court, Chatham County |
| h. Chief Justice Carol Hunstein | Supreme Court |
| i. Representative Edward Lindsey | House of Representatives, District 54 |
| j. Chief Judge Bob Turner | Magistrate Court, Houston County |
| k. Mr. W. Jackson Winter, Jr. | |

II. Excused

- | | |
|----------------------------------|-------------------------------|
| a. Presiding Judge Robin Shearer | Juvenile Court, Clarke County |
|----------------------------------|-------------------------------|

III. Guests

- | | |
|------------------|-------------------------------------|
| a. Marla Moore | Director, AOC |
| b. Bob Bray | Associate Director, AOC |
| c. Billie Bolton | Assistant Director, AOC |
| d. Tia Milton | Chief of Staff to the Chief Justice |
| e. Kelly Steele | AOC |

IV. Call to Order

The meeting was called to order by Chief Justice Hunstein at 1:30pm. The Chief explained that the purpose of the committee was to work together to develop recusal rules that will apply to all classes of court being mindful of their differences. There was general consensus that the current Superior Court recusal rule works well procedurally. The Chief expressed support for the superior court process of allowing the judge at issue to make an initial determination as to whether the recusal motion is timely and legally sufficient. However, she questioned whether this procedure was appropriate on the appellate level.

There was general consensus that there was no need to have other judges review spurious claims. If there is no possibility of merit on the face of the motion, then the case doesn't need to be passed on to another judge. There was limited discussion about the current practice in some superior courts of

automatically sending a case to another judge to make the initial determinations so as to remove any possibility of an appearance of partiality; case law supports allowing another judge to make the decision. However, if the case is spurious on its face, the judge will rule on it; if there is merit, then the case is sent to another judge.

Most classes of court do not have a procedure for reassigning cases when the presiding judge is disqualified. Magistrates were discussed as an example. If a magistrate judge recuses herself from a case but then personally calls another judge to replace her, it can be construed by the defendant as unfair. The municipal courts also face some issues related to recusal procedure and have drafted a recusal rule (4.2). Currently, the municipal court procedure in motions for disqualification calls for the motion to be assigned to another judge who is selected either by the district administrative judge or the other judge in the court, unless he or she is also disqualified. There was some discussion about drafting rules to keep the selection procedure for a new judge within each respective class of court by giving responsibility for reassignment to that court's chief judge, district court representative, council president, or the executive director of the council. The procedure in each class of court will likely be different.

The Chief requested that each class of court draft a rule with procedural mechanisms for recusal that appropriate to that class and bring it to the next meeting. Before it is presented to the committee it should be vetted within each class of court's council and executive committee.

The Chief then proceeded to discuss recusal reform currently underway in other states using Tab 8 as a guide. It was noted that Georgia's judicial canons and expanded disqualification procedures put it ahead of the curve on dealing with recusal. Education is important in teaching judges that they need to be careful not to take political positions. This is hard to do sometimes because organizations will often push to get a judicial candidate to take a position on hot button issues. However, *Caperton, et al vs. Massey Coal, Co. Inc. et al*, 129 S. Ct. 2252, 173 L. Ed. 2d. 1208, decided on June 8, 2009, is clear that states can be more restrictive, not in what you say, but in the consequences meted out for one's exercise of the right to free speech. That's the point that needs to get out. You can take a position on issues, but you won't be immunized from being disqualified from hearing a case; it's a balancing act. It is also important to remind judges that the majority of candidates who have refused to take a position have prevailed; tell other judges that you can win without expressing personal feelings.

The Chief then reviewed the *Setting Recusal Rules after Caperton* document found behind Tab 3. Procedural and substantive proposals discussed included: campaign disclosures, *de novo* review, recusal advisory bodies, peremptory disqualification, independent adjudication of disqualification motions, effective mechanisms for replacing disqualified judges, *per se* rules for campaign contributors, expanded commentary in the canons, judicial education, enhanced disclosure by judges, enhanced disclosure by litigants, transparent and reasoned decision-making and increased and uniform data collection and dissemination.

The group felt that the current disclosure requirements in Georgia as far as campaigns are concerned are sufficient. However, *Caperton* presents interesting questions about quantity of contributions either as whole dollar amounts or as percentages of the whole amount contributed to a campaign. It was discussed that it is best not to know who and how much was contributed for a judicial election. It was also pointed out that there is a big distinction between a donation to a campaign made by a lawyer versus one made by a business. It is not clear if the public fully understands that difference.

The group determined that having a list of factors for consideration might be best addressing contributions on a case by case basis. That list would include: the donation as a percentage of all donations (direct and/or indirect), the whole dollar amount, perception of impropriety and other pertinent factors (see Tab 5, for ABA suggestions).

Representative Lindsey joined the meeting by conference call and stated that it was his belief that it's far better for courts to adopt a judicial recusal rule than the legislature and that he was very appreciative of the committee for addressing this need. He also stated that the dollar amount caps within the bill were a way to try and curb excesses of independent committees but that a percentage or other standard can be examined as well.

The committee determined that preemptory disqualification, recusal advisory bodies and data collection and dissemination were not necessary.

V. Adjournment

The meeting was adjourned at 2:57 pm.

Judicial Council Budget Committee

Judicial Council Budget is Section 6 of the Appropriations bill and contains 5 programs:

1. Georgia Office of Dispute Resolution
2. Institute of Continuing Judicial Education
3. Judicial Council
4. Judicial Qualifications Commission
5. Georgia Resource Center

Within the Judicial Council program there are 12 subprograms:

1. AOC
2. Civil Legal Services to Victims of Domestic Violence
3. Committee on Access and Fairness
4. Georgia Council of Court Administrators
5. Council of Municipal Court Judges
6. Child Support Attorney
7. County and Municipal Probation Advisory Council
8. Statewide Drug Court Program
9. Council of Magistrate Court Judges
10. Council of Probate Court Judges
11. Council of State Court Judges
12. Georgia Commission on Family Violence

State of Georgia's Budget Process

The State Budget process begins with the formation of agency budget requests, which represent a comprehensive collection of funding needs and strategies designed to meet the service level needs for their respective programs and initiatives. The agency request deadline is September 1. A series of meetings between the governor and his staff are held in October and November, during which the OPB analysts brief the governor on agency requests, and make preliminary recommendations based upon these analyses. The governor then formulates his tentative recommendations. The final phase of the development process begins following the delivery of the Governor's Budget Report. This document represents the entirety of the Governor's budget recommendations as presented to the General Assembly. State law requires that this publication be provided to the General Assembly within five days of the legislature's convening in January. The Assembly begins their review of the recommendations by developing an Appropriations Act which must be approved by both the House and Senate. Once this uniform bill has passed, it is sent to the Governor for his signature, who then has 40 days to sign the legislation before it automatically passes into law. The Governor is able to affect the Appropriations Act through the constitutional right of line-item veto. After the fiscal year ends, the State Auditor is responsible for auditing all expenditures of every state agency and operation, including all colleges and universities, authorities and school districts.

There are generally two types of budgets passes as Appropriation Acts each year: an "amended" fiscal year budget, and a separate budget that refers only to the upcoming fiscal year. As the Assembly's session ends prior to the closure of that current fiscal year (June 30), amendments to the prior year's

Appropriation Act can be made, and are known collectively as the “amended” budget. The upcoming fiscal year’s budget begins following the closure of session, and represents a spending plan containing the best estimate of state revenues available beginning July 1, and the expenditures authorized by the General Assembly and Governor.

Judicial Council of Georgia’s Budget Process

The Administrative Office of the Courts (AOC) manages the budgets for Judicial Council programs and subprograms, in close coordination with program managers and directors, as approved by the Judicial Council. The process begins upon receipt of the Budget Instructions document from the Office of Planning and Budget in June. After instructions have been released, the AOC requests that each program and subprogram manager or director submit a white paper addressing any desired funding increase requests. After the white papers are submitted to the AOC they are presented to the Judicial Council Budget Committee for consideration. The Budget Committee may approve, disapprove or modify any of the white paper requests. During this meeting the Budget Committee approves funding requests, by program and subprogram, for the amended budget and the new fiscal year’s budget which are then presented at the next Judicial Council meeting. The Judicial Council then votes on the Amended Budget and new Fiscal Year budget and makes any desired modifications. The finalized Amended and new Fiscal Year budget are presented to the legislative budget offices and sent to OPB as the formal budget request of the full Judicial Council section by September 1.

Budget Information Available to the Judicial Council

At any point in time, any Judicial Council member may contact the AOC and request any budget information available. The AOC tracks all expenditures and revenues for each program and subprogram including all projects within the subprogram. The AOC also manages over 50 funding sources including grants, fees and other funds across programs, subprograms and projects. Information relating to budget by funding source is readily available.

**Judicial Council of Georgia
Budget Committee Meeting
September 9, 2010 at 3:00pm
Conference Call and GoToMeeting**

Conference Call Information

Dial In: (866) 200-5786

Conference Id: 7812113

GoToMeeting

Please go to the following link:

<https://www2.gotomeeting.com/join/817664131>

Meeting ID: 817-664-131

I. Members Present

Justice P. Harris Hines, Co-Chair, Supreme Court

Jan Kelley, Court of Appeals on behalf of Chief Judge M. Yvette Miller, Court of Appeals

Judge Kathy Gosselin, President, Council of Superior Court Judges

Judge Bill Bass, President, Council of State Court Judges

Kirsten Wallace, Council of Juvenile Court Judges on behalf of Judge Bryant Henry, President, Council of Juvenile Court Judges

Judge Lynwood Jordan, President, Council of Probate Court Judges

Judge William Willis, President, Council of Magistrate Court Judges

Judge Nelly Withers, President, Council of Municipal Court Judges

Guests Present

Judge Rashida Oliver, President-Elect, Council of Municipal Court Judges

Charles Miller, Council of Superior Court Judges

Brian Kammer, Georgia Resource Center

Jeff Davis, Judicial Qualifications Commission

Bob Bray, Council of State Court Judges

Sharon Reiss, Council of Magistrate Court Judges

Randy Dennis, AOC

Mike Cuccaro, AOC

Chris Patterson, AOC

LaShawn Murphy, AOC

Kelly Steele, AOC

II. Welcome

Justice Hines called the meeting to order at 3:00pm and asked those present to introduce themselves. After introductions Justice Hines presented the Fiscal Year 2011 Amended and Fiscal Year 2012 budget requests for the Judicial Council.

III. FY11 Amended Budget Request

The Budget Committee received four enhancement requests for the FY2011 Amended Budget (AFY11).

The first request came from the Georgia Appellate Resource Center in the amount of \$36,083. This request is for funds to offset an unanticipated decrease in Georgia Bar Foundation funding related to decreased IOLTA collections. These funds would be spent on personnel and operating expenses.

The second request for AFY11 came from the Judicial Qualifications Commission in the amount of \$106,734. This request for funds was made to pay outstanding debt on past due legal fees associated with the formal hearing/trial of a judge.

The third request for AFY11 came from the Administrative Office of the Courts in the amount of \$82,233. This was a request for funds to cover increased operating expenses related to an increase in PeopleSoft billing from the State Accounting Office in the amount of \$24,916; an increase in rent of space and equipment in the amount of \$50,627; and an increase in the Georgia Commission on Interpreter's Consortium membership bill in the amount of \$6,691.

The fourth request for AFY11 came from the Civil Legal Services for Victims of Domestic Violence program in the amount of \$99,324. This was a request for state funds that are then granted to service providers.

IV. FY12 Budget Request

The Budget Committee also received four enhancement requests for the FY2012 Budget (FY12).

The first request for FY12 came from the Georgia Appellate Resource Center in the amount of \$234,500. This request for funds was made to compensate for an anticipated decrease in Georgia Bar Foundation funding related to a further decrease in IOLTA fund. These funds would be spent on personnel and operating expenses. Brian Kammer, the Executive Director of the Georgia Appellate Resource Center, spoke briefly about the request and confirmed that the organization is expecting significantly less money from the Georgia Bar Foundation in FY 2012 than what they expect to receive in AFY 2011.

The second request for FY12 came from the Judicial Qualifications Commission in the amount of \$50,000. This was a request for funds to pay for ongoing investigations. Jeff Davis, the Executive Director of the Judicial Qualifications Commission spoke briefly about the request stating that if investigations keep up at the current rate, his agency will need additional funds to complete anticipated future investigations.

The third request for FY12 came from the Administrative Office of the Courts in the total amount of \$392,134. This was a request for funds to cover increased operating expenses related to an increase in PeopleSoft billing from the State Accounting Office in the amount of \$24,916; an increase in rent of space and equipment in the amount of \$50,627; an increase in the Georgia Commission on Interpreter's Consortium membership bill in the amount of \$6,691; and funds for Access to Justice programs in the amount of \$83,900. This request also encompasses \$226,000 to fill critical personnel vacancies.

The fourth request for FY12 comes from the Civil Legal Services for Victims of Domestic Violence program in the amount of \$99,324. This was a request for state funds that are then granted to service providers.

V. Motions

After presenting the AFY11 enhancement requests and the FY12 requests Justice Hines asked the Committee for any comment or discussion. Judge Gosselin asked if, philosophically, this was the best course of action-to present enhancements, given that we knew the budget was going to be a very tight. Justice Hines answered by stating that the Supreme Court viewed this as a statement of need rather than an actual expectation of more money. Kelly Steele added that through the AOCs presentation of the budget requests and conversations with the Legislative Budget Offices the view has been expressed that these enhancements represent critical needs but will not be sought to the detriment of any other programs or attached agencies. She went on to state that the number one priority this year is holding on to the appropriations that we currently have rather than trying to seek enhancements.

With no further discussion Justice Hines presented the following motions which all passed without opposition:

The Budget Committee moves to recommend to the Judicial Council to adopt the FY 11 Amended Budget Request reflecting requests of \$324,374 across the Georgia Appellate Resource Center, Judicial Qualifications Commission, Administrative Office of the Courts and Legal Services to Victims of Domestic Violence Grant programs.

The Budget Committee moves to recommend to the Judicial Council to adopt the FY 12 Budget Request reflecting requests of \$775,958 across the Georgia Appellate Resource Center, Judicial Qualifications Commission, Administrative Office of the Courts and Legal Services to Victims of Domestic Violence Grant programs.

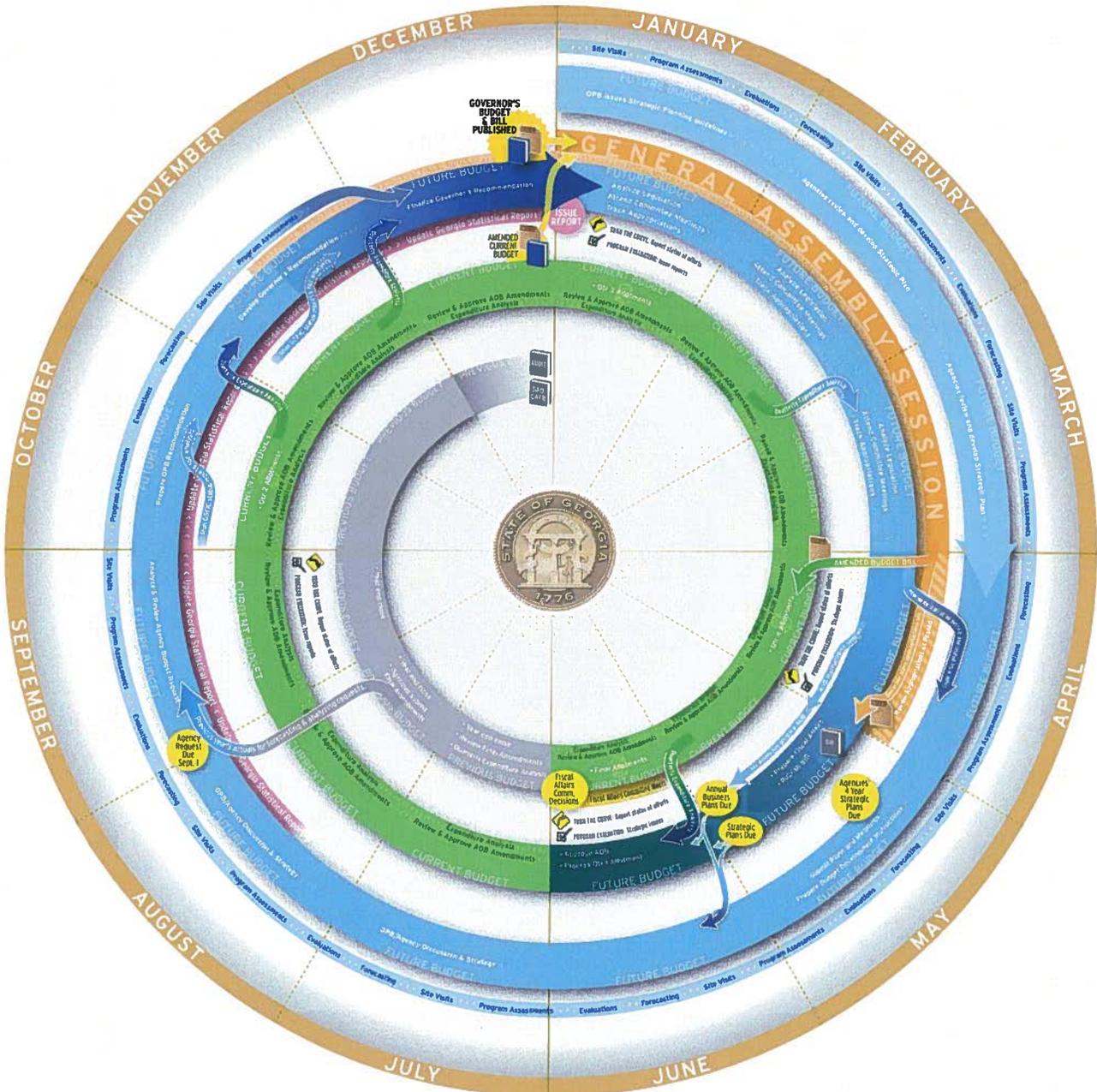
The Budget Committee moves that a motion be made to the Judicial Council giving the Budget Committee the authority to make decisions regarding the budget during the upcoming budget process for the 2011 Legislative Session.

VI. Adjournment

Justice Hines asked for a motion for adjournment which passed without opposition at 3:50pm.

State of Georgia Budget Cycle

GOVERNOR'S OFFICE OF PLANNING & BUDGET



Legend for Budget Cycle: FUTURE BUDGET, CURRENT BUDGET, PREVIOUS BUDGET

GLOSSARY

ADP: Annual Business Plan: Details an agency's implementation of the current year's strategic plan. Agencies submit their annual business plans as part of their annual operating budget.

Agency Budget Request: A proposal for spending for the next fiscal year, excluding how the agency will finance new or expanded programs. Agencies submit their budget requests by September 15th to the Governor's Office of Planning & Budget.

Amended Budget Bill: An amended appropriations bill that reflects changes to or agencies' requests for changes to the current year's budget, typically to accommodate changes to an expanded school enrollment.

Amended Current Budget: The Governor's amendments to the current year's budget, typically to accommodate changes to an expanded school enrollment.

Alignment: The relationship between a state agency's budget and the state's overall strategic plan.

Analyze Legislation: The process of examining proposed legislation for fiscal and policy impacts.

ADD: Annual Departmental Budget: Each agency's annual plan for annual expenditures, based on the appropriations bill submitted to the General Assembly.

ADD Amendments: An agency's proposed revisions to the annual operating budget which must be submitted to the Governor's Office of Planning & Budget.

Appropriations Bill: Legislation that authorizes a specific amount of state and federal funds during a given fiscal year.

APRIS: A risk calculator that agencies use to submit to the budget in order to determine the appropriateness of generally accepted accounting principles, state policy and law. Prepared by the Department of Audits.

BR: Budget Request Brief. A summary of the appropriations are as signed by the Governor.

CAFR: Comprehensive Annual Financial Report. A publication of the State Accounting Office, detailing the financial position of the state. Due by December 31st each year.

Current Budget: The annual operating budget as amended for the current year.

Expenditure Analysis: Examination of agency expenditures for the purpose of understanding the agency's business, monitoring budget compliance and assisting in planning.

Fiscal Amendments: The last amendment submitted by an agency to the current year's budget.

Forecast: A projection of future expenditures and/or revenues that will occur in the result of a proposed change to a program and/or policy.

Fiscal Affairs Committee: A committee established to assist the Governor in the process of reviewing and approving the Governor's Budget Report and the Governor's Office of Planning & Budget's recommendations.

Fiscal Note: A document signed by the state auditor and the director of the Office of Planning & Budget of proposed legislation.

Georgia Statistical Report: An overview of State demographics and key indicators by county area. Content is published annually by the Governor's Office of Planning & Budget.

Governor's Budget: An executive report that details the Governor's budget recommendations and the state's strategic plan, financial status, revenue sources and agency budgets for the state. The Governor is required to provide the Governor's Budget to the General Assembly by the 15th day of the annual legislative session.

Governor's Budget Bill: The Governor's budget recommendations in the form of a recommended appropriations bill.

GPB Budget Report: A historical summary of spending by major policy projects issued by the Georgia State Finance and Investment Commission.

Plans and Measures: Agency updates to their most vital strategic plans, annual business plans and essential program performance measures and targets.

Program Assessment: A review of a program by a higher authority that may include an analysis of program goals and trends, from a non-budgetary perspective.

Program Evaluation: A comprehensive study of a program or policy to assess its effectiveness, including its intended outcomes, decision makers, historical trends and analysis, best practices, quality control, program and other performance or best practice assessments.

Turning the Curve Initiative: A political process created by Matt Vinson, former Governor. Under this initiative, the Governor's Office of Planning & Budget works with various stakeholders to identify the underlying causes of the problem, identifying partners with a role to play, articulating what needs to be done, then developing an action plan with a targeted budget.

SAB: State Accounting Office

Site Visits: The use of agency staff, consultants, work sites or others for the purpose of developing relationships and understanding programs, services, delivery and other needs.

Strategic Plan: The long-term vision of what the agency or state intends to accomplish.

Strategic Planning Guidelines: The framework provided by the Governor's Office of Planning & Budget to assist agencies in developing and implementing their strategic plans.

Track Appropriations: The process by which the Governor's Office of Planning & Budget monitors and reports on any changes to the budget in the House. See also the Governor's Office of Planning & Budget.

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Judicial Council Section Y TD Expenditures as of 12/31/2010

Program/Project	FY2011				Budget	Exp	% AOB	Balance
	Dept #	Program	Fund. Src.	Pjct.				
Georgia Resource Center	4300340070	5510101	SF	500	\$ 565,500	\$ 329,875	58%	\$ 235,625
ODR	4300343900	5510201	SF	104	\$ 65,013	\$ 65,013	100%	\$ -
ODR Conference Fees	4300343900	5510201	OF	104	\$ 5,809	\$ -	0%	\$ 5,809
ODR Registration Fees	4300343900	5510201	OF	104	\$ 205,086	\$ 82,520	40%	\$ 122,566
ODR Conference and Registration Fees	4300343900	5510201	OF	104	\$ 11,585	\$ -	0%	\$ 11,585
Total					\$ 287,492	\$ 147,633	51%	\$ 139,960
ICJE								
Administration	4300343500	5510301	SF	300	\$ 507,072	\$ 15,367	3%	\$ 491,705
Juvenile Court Clerks	4300343500	5510301	OF	306	\$ 9,000	\$ -	0%	\$ 9,000
Juvenile Court Judges	4300343500	5510301	OF	308	\$ 50,400	\$ 6,683	13%	\$ 43,717
Probate Court Clerks	4300343500	5510301	OF	314	\$ 10,000	\$ -	0%	\$ 10,000
Probate Court Judges	4300343500	5510301	OF	315	\$ 54,000	\$ 1,829	3%	\$ 52,171
State Court Judges	4300343500	5510301	OF	319	\$ 43,200	\$ 12,261	28%	\$ 30,939
Superior Court Judges	4300343500	5510301	OF	323	\$ 212,000	\$ 81,699	39%	\$ 130,301
Magistrate 40 hr Basic Civil	4300343500	5510301	OF	327	\$ 11,020	\$ 10,168	92%	\$ 852
Magistrate 40 hr Basic Criminal	4300343500	5510301	OF	328	\$ 11,887	\$ -	0%	\$ 11,887
Magistrate 20 hr Recertification	4300343500	5510301	OF	329	\$ 60,593	\$ 25,800	43%	\$ 35,793
Mag. Sec. and Clerks Specialty Course	4300343500	5510301	OF	331	\$ 14,000	\$ 10,638	76%	\$ 3,362
Mag. Faculty Training and Course Dev.	4300343500	5510301	OF	332	\$ 10,000	\$ -	0%	\$ 10,000
Magistrate Bench Book	4300343500	5510301	OF	333	\$ 40,000	\$ 2,540	6%	\$ 37,460
Magistrate Newsletter	4300343500	5510301	OF	334	\$ 5,000	\$ -	0%	\$ 5,000
Magistrate Mentor/Coaching Orientation	4300343500	5510301	OF	335	\$ 10,000	\$ 685	7%	\$ 9,315
Magistrate Other	4300343500	5510301	OF	336	\$ 5,000	\$ -	0%	\$ 5,000
Magistrate Ancillary	4300343500	5510301	OF	337	\$ 17,500	\$ -	0%	\$ 17,500
Municipal 20 hr Basic Course	4300343500	5510301	OF	339	\$ 29,340	\$ -	0%	\$ 29,340
Municipal 12 hr Recertification	4300343500	5510301	OF	340	\$ 34,910	\$ 34,910	100%	\$ -
Mun. Faculty Training and Course Dev.	4300343500	5510301	OF	341	\$ 10,000	\$ -	0%	\$ 10,000
Municipal Bench book	4300343500	5510301	OF	342	\$ 10,000	\$ 1,383	14%	\$ 8,617
Municipal Other	4300343500	5510301	OF	343	\$ 1,000	\$ 662	66%	\$ 339
Municipal Ancillary	4300343500	5510301	OF	344	\$ 1,000	\$ 105	11%	\$ 895
Municipal Court Clerks	4300343500	5510301	OF	345	\$ 50,000	\$ 19,598	39%	\$ 30,402
Family Violence Bench Book	4300343500	5510301	GF	353	\$ 32,900	\$ 12,528	38%	\$ 20,373
CDC Public Health Law	4300343500	5510301	OF	359	\$ 3,023	\$ 3,023	100%	\$ -
Total					\$ 1,242,845	\$ 239,876	19%	\$ 1,003,968
Judicial Qualifications Commission								
Judicial Qualifications Commission	4300343300	5510501	SF	400	\$ 251,749	\$ 147,570	59%	\$ 104,179
Total					\$ 251,749	\$ 147,570	59%	\$ 104,179

SF State Funds
OF Other Funds
GF Grant Funds

Judicial Council

Administrative Office of the Courts

Director's Division	4300340010	5510401	SF	101	\$ 1,127,297	\$ 571,811	51%	\$ 555,486
Judicial Council Operations	4300340010	5510401	SF	102	\$ 17,183	\$ 483	3%	\$ 16,700
AOC Operations	4300340010	5510401	SF	110	\$ 734,784	\$ 458,665	62%	\$ 276,119
Finance and Accounting Division	4300340010	5510401	SF	111	\$ 712,706	\$ 341,917	48%	\$ 370,789
Finance and Accounting Div. Other Funds	4300340010	5510401	OF	111	\$ 2,449	\$ 2,448	99%	\$ 1
AOC Administration	4300340010	5510401	SF	112	\$ 32,282	\$ 11,988	37%	\$ 20,294
Planning, Data Analysis and Research	4300340010	5510401	SF	130	\$ 622,555	\$ 285,111	45%	\$ 337,444
Court Services Division	4300340010	5510401	SF	143	\$ 487,491	\$ 177,041	36%	\$ 310,449
Courts Directory	4300340010	5510401	OF	150	\$ 5,938	\$ 3,321	56%	\$ 2,617
Children, Family and the Courts	4300340010	5510401	SF	172	\$ 77,582	\$ (13,216)	-17%	\$ 90,799
CMFL - Other	4300340010	5510401	OF	172	\$ 42,729	\$ 17,235	40%	\$ 25,494
Justice for Children Cash Match	4300340010	5510401	SF	173	\$ 360,402	\$ 208,941	58%	\$ 151,461
J4C Community Foundation	4300340010	5510401	OF	173	\$ 33,319	\$ -	0%	\$ 33,319
FLIC Project	4300340010	5510401	SF	176	\$ 39,000	\$ -	0%	\$ 39,000
Board of Court Reporting	4300340010	5510401	SF	182	\$ 55,086	\$ 26,486	48%	\$ 28,600
Board of Court Reporting Other Funds	4300340010	5510401	OF	182	\$ 178,652	\$ 79,971	45%	\$ 98,681
Commission on Interpreters	4300340010	5510401	SF	183	\$ 92,330	\$ 37,364	40%	\$ 54,966
Commission on Interpreters Grant	4300340010	5510401	OF	183	\$ 5,677	\$ -	0%	\$ 5,677
Commission on Interpreters Other Funds	4300340010	5510401	OF	183	\$ 110,001	\$ 3,974	4%	\$ 106,027
Information Technology Division	4300340010	5510401	SF	190	\$ 464,556	\$ 239,801	52%	\$ 224,755
Data Management Services	4300340010	5510401	SF	191	\$ 651,279	\$ 309,206	47%	\$ 342,073
Technology Infrastructure	4300340010	5510401	SF	192	\$ 165,103	\$ 24,957	15%	\$ 140,146
Technology Support Services	4300340010	5510401	SF	193	\$ 361,800	\$ 176,430	49%	\$ 185,370
Committee on Civil Justice	4300340010	5510401	OF	10003	\$ 7,277	\$ 2,433	33%	\$ 4,844
Criminal Justice and Mental Health	4300340010	5510401	OF	10003	\$ 49	\$ 49	100%	\$ -
SJI Committee on Civil Justice	4300340010	5510401	GF	10003	\$ 31	\$ -	0%	\$ 31
Tallapoosa Meth Intervention	4300340010	5510401	GF	14012	\$ 98,573	\$ 98,573	100%	\$ -
Family Treatment Systems Collaborative	4300340010	5510401	GF	14013	\$ 271,987	\$ 138,593	51%	\$ 133,393
FTSC Appalachian	4300340010	5510401	GF	14014	\$ 140,000	\$ -	0%	\$ 140,000
Juv. Justice and Del. Prev. Cobb	4300340010	5510401	GF	14015	\$ 120,681	\$ 69,691	58%	\$ 50,990
FTSC Douglas	4300340010	5510401	GF	14016	\$ 140,000	\$ -	0%	\$ 140,000
FTSC APS	4300340010	5510401	GF	14017	\$ 15,000	\$ -	0%	\$ 15,000
STOP-VAWA	4300340010	5510401	GF	14106	\$ 57,793	\$ 39,489	68%	\$ 18,304
Child Support Collaborative Pr	4300340010	5510401	GF	14431	\$ 202,054	\$ 95,165	47%	\$ 106,889
Child Support E filing 2	4300340010	5510401	GF	14434	\$ 400,099	\$ 205,534	51%	\$ 194,564
SJI AOC Assessment	4300340010	5510401	GF	16192	\$ 1	\$ -	0%	\$ 1
State Court Improvement Data Sharing	4300340010	5510401	GF	18206	\$ 375,380	\$ 166,955	44%	\$ 208,426
State Court Improvement Training	4300340010	5510401	GF	18207	\$ 298,583	\$ 128,148	43%	\$ 170,435
Casey Family Programs Grant	4300340010	5510401	OF	18208	\$ 109,000	\$ 83,325	76%	\$ 25,675
State Court Improvement CPP/J4C	4300340010	5510401	GF	18996	\$ 173,149	\$ 109,642	63%	\$ 63,506
Drug Endangered Children	4300340010	5510401	GF	14440C	\$ 66,608	\$ 16,804	25%	\$ 49,803
Drug Endangered Children	4300340010	5510401	GF	14440C	\$ 46,045	\$ 2	1%	\$ 46,043
Total					\$ 8,902,512	\$ 4,118,339	46%	\$ 4,784,172

SF State Funds
OF Other Funds
GF Grant Funds

Legal Services for DV Grant	4300341200	5510406	SF	103	\$ 1,887,159	\$ 1,887,159	100%	\$ -
Committee on Access and Fairness	4300340015	5510412	OF	140	\$ 1,500	\$ 39	3%	\$ 1,461
Georgia Council of Court Administrators	4300340026	5510413	SF	141	\$ 4,431	\$ 4,431	100%	\$ -
Council of Municipal Court Judges	4300340024	5510409	SF	142	\$ 17,681	\$ 4,485	25%	\$ 13,196
Child Support Attorney	4300340030	5510411	SF	174	\$ 105,575	\$ 54,964	52%	\$ 50,611
CMPAC	4300340027	5510410	SF	184	\$ 252,225	\$ 112,412	45%	\$ 139,792
Statewide Drug Court Program	4300340022	5510402	SF	195	\$ 1,909,878	\$ 1,605,522	84%	\$ 304,356
Statewide Drug Court Program	4300340022	5510402	OF	195	\$ 44,741	\$ 44,741	100%	\$ -
BJA Drug Court Training Grant	4300340022	5510402	GF	195	\$ 399,754	\$ 104,146	26%	\$ 295,608
Byrne JAG	4300340022	5510402	GF	195	\$ 44,717	\$ -	0%	\$ 44,717
Total					\$ 2,399,090	\$ 1,754,409	73%	\$ 644,681
Council of Magistrate Court Judges	4300340040	5510403	SF	204	\$ 174,119	\$ 66,439	38%	\$ 107,680
Council of Probate Court Judges	4300340050	5510404	SF	205	\$ 66,874	\$ 20,913	31%	\$ 45,961
Council of Probate Court Judges	4300340050	5510404	OF	205	\$ 14,346	\$ 896	6%	\$ 13,450
Total					\$ 81,220	\$ 21,809	27%	\$ 59,411
Council of State Court Judges	4300340060	5510405	SF	206	\$ 217,614	\$ 52,870	24%	\$ 164,744
Council of State Court Judges Retirement	4300340060	5510405	SF	207	\$ 1,053,752	\$ 215,202	20%	\$ 838,550
Total					\$ 1,271,366	\$ 268,072	21%	\$ 1,003,294
Georgia Commission on Fam. Violence	4300341100	5510414	SF	700	\$ 368,771	\$ 122,258	33%	\$ 246,513
GCFV Fatality Review Project	4300341100	5510414	GF	700	\$ 30,000	\$ 18,222	61%	\$ 11,778
FVIP	4300341100	5510414	OF	700	\$ 90,000	\$ 34,771	39%	\$ 55,229
Family Violence Conference	4300341100	5510414	OF	700	\$ 5,724	\$ (29,622)	-518%	\$ 35,346
Total					\$ 494,495	\$ 145,629	29%	\$ 348,866

SF State Funds
OF Other Funds
GF Grant Funds



Judicial Council of Georgia Administrative Office of the Courts

Marla Moore
Director

Memorandum

To: Judicial Council of Georgia Members

From: Presiding Judge Herbert Phipps, Chair
Judicial Council Committee on Court Reporting Matters

Date: December 29, 2010

Re: Complaint and Injunctive Relief regarding Ms. Yvonne Law

CC: Judicial Council Committee on Court Reporting Matters
John Larkins, Chair, Board of Court Reporting
Cynthia Clanton

The Judicial Council delegated to its Committee on Court Reporting Matters the responsibility of representing the Council on all matters relating to court reporting including, but not limited to, the review of all disciplinary appeals.

The disciplinary matter described below was considered by this Committee as it clearly related to its previous denial of the appeal filed by Ms. Yvonne Law requesting reconsideration of the revocation of her court reporting certification on January 1, 2009, for failure to renew her certification in 2008.

Injunction against Violations of The Georgia Court Reporting Act

O.C.G.A. §15-14-35 provides that the Board of Court Reporting may file a complaint alleging that a person has violated The Georgia Court Reporting Act and seeking equitable relief in the form of a restraining order or injunction. The Board must receive the Judicial Council's consent prior to proceeding.

On December 7, 2010, the Committee met by conference call to consider a request from the Board that the Committee consent to the filing of a complaint requesting an injunction against Ms. Law who continues to hold herself out as a certified court report despite the revocation of

her certification. Ms. Law's actions are in direct violation of The Georgia Court Reporting Act and appear to constitute a misdemeanor pursuant to O.C.G.A. §15-14-36.

The Committee thoroughly considered the evidence indicating that Ms. Law practiced under the revoked certificate #B-830 in the capacity of an official reporter in the Superior Court of Houston County on January 25, 2010 and in the capacity of a freelance reporter in a series of nine depositions held June 21-22, 2010 and July 1-2, 2010.

It was the unanimous decision of the Committee that it consent to the filing of a complaint seeking injunctive relief in the superior court against Ms. Law in order to restrain her from further violating Georgia law. Accordingly, as Chair of the Committee, I signed the attached Resolution on behalf of the Judicial Council.

Assistant Attorney General Meron Dagnev was assigned to file the complaint on behalf of the Board of Court Reporting and it is proceeding.

Attachments

**STATE OF GEORGIA
BOARD OF COURT REPORTING
OF THE JUDICIAL COUNCIL OF GEORGIA**

**RESOLUTION OF CONSENT FOR THE FILING OF A COMPLAINT IN SUPERIOR
COURT SEEKING INJUNCTIVE RELIEF AGAINST YVONNE D. LAW FOR
VIOLATIONS OF THE GEORGIA COURT REPORTING ACT**

WHEREAS, O.C.G.A. § 15-14-20 et. seq. (2010), is known and may be cited as “The Georgia Court Reporting Act”; and

WHEREAS, the Judicial Council of Georgia is declared to be an agency of the judicial branch of the state government for the purpose of defining and regulating the practice of court reporting in this state (O.C.G.A. § 15-14-23 (2010)); and

WHEREAS, the Board of Court Reporting of the Judicial Council is appointed by the Judicial Council to define and regulate the practice of court reporting in this state pursuant to The Georgia Court Reporting Act and the Rules and Regulations of the Board (O.C.G.A. §§ 15-14-20, 24, 26 (2010)); and

WHEREAS, no person shall engage in the practice of verbatim court reporting in this state unless the person is the holder of a certificate as a certified court reporter or is the holder of a temporary permit issued by the Board of Court Reporting (O.C.G.A. § 15-14-28 (2010); Article 3 and Article 6 of the Rules and Regulations of the Board); and

WHEREAS, Ms. Yvonne D. Law was formerly the holder of a certificate as a certified court reporter (certificate #B-830) in the state of Georgia; and

WHEREAS, every certified court reporter who continues in the active practice of verbatim court reporting shall annually renew their certificate on or before April 1st following the date of issuance of the certificate under which the court reporter is then entitled to practice, upon the payment of a fee established by the Board (O.C.G.A. § 15-14-31 (2010)); and

WHEREAS, every certificate which has not been renewed on April 1st shall expire on that date of that year and shall result in the suspension of the court reporter's right to practice under The Georgia Court Reporting Act, which suspension shall not be terminated until all delinquent fees have been paid or the court reporter has re-qualified by testing (O.C.G.A. § 15-14-31 (2010)); and

WHEREAS, if the suspension of a certificate for failure to timely renew is not cured by December 31st of the year in which the suspension occurs, such suspended certificate is automatically revoked and may not be reinstated without meeting current certification requirements. (O.C.G.A. § 15-14-31 (2010); Article 9.B. of the Rules and Regulations of the Board); and

WHEREAS, in 2008, Ms. Law failed to annually renew court reporter certificate #B-830 by April 1, 2008, and as result, Ms. Law's right to practice under The Georgia Court Reporting Act was suspended as of that date; and

WHEREAS, from April 1, 2008, until December 31, 2008, Ms. Law failed to cure the suspension of certificate #B-830; and

WHEREAS, Ms. Law's failure to cure the suspension of certificate #B-830 by December 31, 2008, resulted in the automatic revocation of certificate #B-830 on January 1, 2009; and

WHEREAS, on or about May 28, 2009, Ms. Law appealed the Board's revocation of certificate #B-830 to the Judicial Council Committee on Court Reporting Matters; and

WHEREAS, on June 22, 2009, the Judicial Council Committee on Court Reporting Matters voted unanimously to affirm the administrative action of the Board in the revocation of certificate #B-830; and

WHEREAS, any person who continues to practice as a court reporter in this state or uses the title "certified court reporter," the abbreviation "C.C.R." or any other such title or abbreviation indicating that he or she is a certified court reporter, after his or her certificate has been revoked, is guilty of a misdemeanor, where each day of the offense is a separate misdemeanor (O.C.G.A. §§ 15-14-32, 36(2) (2010)); and

WHEREAS, in June 2010 the Board of Court Reporting received verbal information that Ms. Law continues to practice as a court reporter in this state and continues to use a title or abbreviation indicating that she is a certified court reporter in that Ms. Law performed as an official court reporter on January 25, 2010, in the Superior Court of Houston County; and

WHEREAS, on June 14, 2010, the Board of Court Reporting sent a letter to the Solicitor-General of Houston County advising the Solicitor-General of the information the Board received regarding Ms. Law's purported court reporting activities in Houston County using a revoked certificate; and

WHEREAS, on June 14, 2010, the Board of Court Reporting also sent a letter via certified mail to Ms. Law at her last known address on file with the Board (P.O. Box 814, Macon, Georgia, 31202-0814) advising Ms. Law of the information the Board has received and demanding that Ms. Law cease and desist from court reporting if she was indeed engaged in such activity; and

WHEREAS, the Board of Court Reporting's June 14, 2010, letter to Ms. Law was returned to the Board marked "unclaimed"; and

WHEREAS, on or about October 14, 2010, the Board of Court Reporting received the cover page of the January 25, 2010, transcript taken down and reported by Ms. Law using the title "certified court reporter" and certificate #B-830, as filed in the matter of Rodney Norwood v. Sheangela Brown-Norwood, Case No. 2008-V-092157-N, in the Superior Court of Houston

County, Georgia (*See attached Exhibit A*); and

WHEREAS, on or about October 6, 2010, and on or about October 22, 2010, the Board of Court Reporting received pages of transcripts taken down, reported, and signed by Ms. Law using the title "Certified Court Reporter" and certificate #B-830 for a series of nine depositions on June 21-22 and July 1-2, 2010, in the matter of James Hughlon, et. al. v. BFP Agricultural 3, LLC, Civil Action No. 09V-0356, in the Superior Court of Bleckley County, Georgia (*See attached Exhibits B - J*); and

WHEREAS, Exhibits A through J offer evidence that Ms. Law has violated The Georgia Court Reporting Act, including, but not limited to, O.C.G.A. §§ 15-14-32, 36 (2010), by engaging in the practice of court reporting without a certificate while holding herself out to be a certified court reporter; and

WHEREAS, Ms. Law's repeated and continuous practice of court reporting after her certificate has been revoked is conduct harmful to the public in that Ms. Law purports to take down and certify transcripts -- which are actions for which Ms. Law has no certificate or authority in law to perform; and

WHEREAS, Ms. Law's actions constitute a fraud on the courts, on parties to cases, and on the public in general; and

WHEREAS, Ms. Law's actions are of a nature likely to jeopardize the interests of the public in that any transcript taken down and certified by Ms. Law after April 1, 2008, is in fact not a certified transcript unbeknownst to parties relying upon such transcripts produced by Ms. Law; and

WHEREAS, by motion of the Board that any person has violated any provision of The Georgia Court Reporting Act, the Board, with the consent of the Judicial Council, may file a complaint seeking equitable relief in its own name in the superior court of any county in this state having jurisdiction of the parties, alleging the facts and praying for a temporary restraining order and temporary injunction or permanent injunction against such person, firm, or corporation, restraining them from violating The Georgia Court Reporting Act (O.C.G.A. § 15-14-35 (2010)); and

WHEREAS, the Committee on Court Reporting Matters of the Judicial Council has been delegated the authority by the Judicial Council to act on behalf of the Judicial Council in matters pertaining to court reporting.

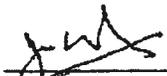
NOW, THEREFORE, BE IT RESOLVED:

- A. By majority vote of the Board of Court Reporting, the Board hereby finds cause to hold and hereby concludes (i) that Yvonne D. Law, whose last known address of record with the Board is P.O. Box 814, Macon, Georgia, 31202-0814, is engaging in repeated and continuous violations of The Georgia Court Reporting Act, (ii) that such conduct is immediately harmful to the public and of a nature likely to jeopardize the interests of the

public, (iii) that, pursuant to O.C.G.A. § 15-14-35 (2010), the Board shall file a complaint seeking equitable relief in its own name in any superior court of any county in this state having jurisdiction of the parties, alleging the facts and praying for an injunction of any type necessary against said Yvonne Law restraining her from further violating The Georgia Court Reporting Act, and (iv) that, pursuant to O.C.G.A. § 15-14-35 (2010), the Board may file, or cause to have filed, any criminal complaint against said Yvonne D. Law for criminal prosecution provided by law for violations of The Georgia Court Reporting Act.

THE FOREGOING RESOLUTION WAS ADOPTED BY VOTE OF THE BOARD OF COURT REPORTING UPON MOTION MADE AND SECONDED, THIS 3rd DAY OF November, 2010.

Attest:



John K. Larkins, Jr., Esq.
Chair, Board of Court Reporting of the Judicial Council

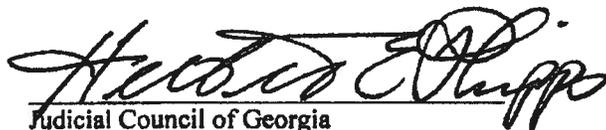


Marla S. Moore
Secretary, Board of Court Reporting of the Judicial Council
(Director, Administrative Office of the Courts of Georgia)

- B. By majority vote of the Committee on Court Reporting Matters of the Judicial Council of Georgia, the Judicial Council accepts the findings of the Board of Court Reporting in this matter and hereby consents, pursuant to O.C.G.A. § 15-14-35 (2010), to the Board of Court Reporting filing a complaint seeking equitable relief in its own name in any superior court of any county in this state having jurisdiction of the parties, alleging the facts and praying for an injunction of any type necessary against said Yvonne D. Law restraining Ms. Law from further violating The Georgia Court Reporting Act.

This 7th day of December 2010

Attest:



Judicial Council of Georgia

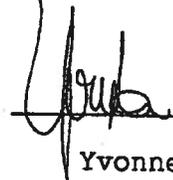
CERTIFICATE OF REPORTER

GEORGIA, BIBB COUNTY:

I, Yvonne D. Law, Certified Court Reporter, State of Georgia, CERTIFY that acting in such capacity I reported the foregoing deposition of HAROLD DAVIS and on the foregoing pages numbered 2 to 33, have transcribed a true and correct transcript thereof.

FURTHER I CERTIFY that I am not counsel for nor related to any party to the captioned case nor am I interested in the event or outcome thereof.

WITNESS my hand and official seal as Certified Court Reporter, State of Georgia, Certificate Number B-830 this 28 day of June 2010.


Yvonne D. Law, CCR

CERTIFICATE OF REPORTER

GEORGIA, BIBB COUNTY:

I, Yvonne D. Law, Certified Court Reporter, State of Georgia, CERTIFY that acting in such capacity I reported the foregoing deposition of CAR BRIAN LEVI and on the foregoing pages numbered 2 to have transcribed a true and correct transcript thereof.

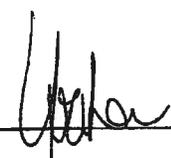
FURTHER I CERTIFY that I am not counsel for nor related to any party to the captioned case nor am I interested in the event or outcome thereof.

WITNESS my hand and official seal as Certified Court Reporter, State of Georgia, Certificate Number B-830

this 21st day of

June

2010.



Yvonne D. Law, CCR

DISCLOSURE

STATE OF GEORGIA:
BIBB COUNTY:
DEPOSITION OF: D.C. MULLIS, III

PURSUANT TO ARTICLE 8.B. OF THE RULES AND REGULATIONS OF THE BOARD OF COURT REPORTING OF THE JUDICIAL COUNCIL OF GEORGIA, I MAKE THE FOLLOWING DISCLOSURE:

I AM A GEORGIA CERTIFIED COURT REPORTER. I WAS CONTACTED BY THE OFFICES OF, BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC TO PROVIDE COURT REPORTING SERVICES FOR THIS DEPOSITION. I, NOR THE FIRM WILL NOT BE TAKING THIS DEPOSITION UNDER ANY CONTRACT THAT IS PROHIBITED BY O.C.G.A. 15-14-37 (A) AND (B).

I HAVE NO CONTRACT\AGREEMENT TO PROVIDE REPORTING SERVICES WITH ANY PARTY TO THE CASE, ANY COUNSEL IN THIS CASE, OR ANY REPORTER OR REPORTING AGENCY FROM WHOM A REFERRAL MIGHT HAVE BEEN MADE TO COVER THIS DEPOSITION. I WILL CHARGE USUAL AND CUSTOMARY RATES TO ALL PARTIES IN THE CASE, AND A FINANCIAL DISCOUNT WILL NOT BE GIVEN TO ANY PARTY TO THIS LITIGATION.



YVONNE D. LAW, CCR, B-830

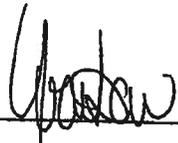
CERTIFICATE OF REPORTER

GEORGIA, BIBB COUNTY:

I, Yvonne D. Law, Certified Court Reporter, State of Georgia, CERTIFY that acting in such capacity I reported the foregoing testimony and on the foregoing pages numbered 2 to 33 have transcribed a true and correct transcript thereof.

FURTHER I CERTIFY that I am not counsel for nor related to any party to the captioned case nor am I interested in the event or outcome thereof.

WITNESS my hand and official seal as Certified Court Reporter, State of Georgia, Certificate Number B-830 this 30th day of June, 2010.



Yvonne D. Law, CCR

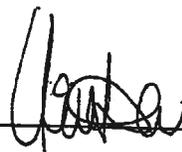
CERTIFICATE OF REPORTER

GEORGIA, BIBB COUNTY:

I, Yvonne D. Law, Certified Court Reporter, State of Georgia, CERTIFY that acting in such capacity I reported the foregoing deposition of PARKER LEE STUCKEY and on the foregoing pages numbered 2 to 14 have transcribed a true and correct transcript thereof.

FURTHER I CERTIFY that I am not counsel for nor related to any party to the captioned case nor am I interested in the event or outcome thereof.

WITNESS my hand and official seal as Certified Court Reporter, State of Georgia, Certificate Number B-830 this 18th day of July, 2010.



Yvonne D. Law, CCR

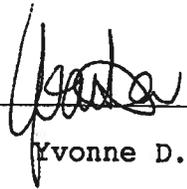
CERTIFICATE OF REPORTER

GEORGIA, BIBB COUNTY:

I, Yvonne D. Law, Certified Court Reporter, State of Georgia, CERTIFY that acting in such capacity I reported the foregoing deposition of WILLIE JONES and on the foregoing pages numbered 2 to 50 have transcribed a true and correct transcript thereof.

FURTHER I CERTIFY that I am not counsel for nor related to any party to the captioned case nor am I interested in the event or outcome thereof.

WITNESS my hand and official seal as Certified Court Reporter, State of Georgia, Certificate Number B-830
this *26* day of *July* 2010.



Yvonne D. Law, CCR

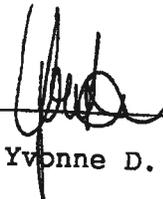
CERTIFICATE OF REPORTER

GEORGIA, BIBB COUNTY:

I, Yvonne D. Law, Certified Court Reporter, State of Georgia, CERTIFY that acting in such capacity I reported the foregoing deposition of LLOYD MITCHELL and on the foregoing pages have transcribed a true and correct transcript thereof.

FURTHER I CERTIFY that I am not counsel for nor related to any party to the captioned case nor am I interested in the event or outcome thereof.

WITNESS my hand and official seal as Certified Court Reporter, State of Georgia, Certificate Number B-830 this 20 day of July 2010.



Yvonne D. Law, CCR

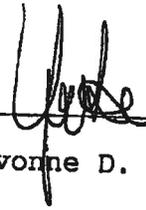
CERTIFICATE OF REPORTER

GEORGIA, BIBB COUNTY:

I, Yvonne D. Law, Certified Court Reporter, State of Georgia, CERTIFY that acting in such capacity I reported the foregoing deposition of BRITT PARKER, and on the foregoing pages numbered have transcribed a true and correct transcript thereof.

FURTHER I CERTIFY that I am not counsel for nor related to any party to the captioned case nor am I interested in the event or outcome thereof.

WITNESS my hand and official seal as Certified Court Reporter, State of Georgia, Certificate Number B-830 this 20 day of July 2010.


Yvonne D. Law, CCR

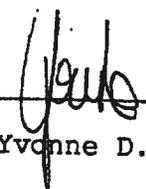
CERTIFICATE OF REPORTER

GEORGIA, BIBB COUNTY:

I, Yvonne D. Law, Certified Court Reporter, State of Georgia, CERTIFY that acting in such capacity I reported the foregoing deposition of Wayne Sirmons, and on have transcribed a true and correct transcript thereof.

FURTHER I CERTIFY that I am not counsel for nor related to any party to the captioned case nor am I interested in the event or outcome thereof.

WITNESS my hand and official seal as Certified Court Reporter, State of Georgia, Certificate Number B-830 this 20 day of July 2010.



Yvonne D. Law, CCR

DISCLOSURE

STATE OF GEORGIA:
BIBB COUNTY:
DEPOSITION OF: WAYNE ROGERS

PURSUANT TO ARTICLE 8.B. OF THE RULES AND REGULATIONS OF THE BOARD OF COURT REPORTING OF THE JUDICIAL COUNCIL OF GEORGIA, I MAKE THE FOLLOWING DISCLOSURE:

I AM A GEORGIA CERTIFIED COURT REPORTER. I WAS CONTACTED BY THE OFFICES OF, BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC TO PROVIDE COURT REPORTING SERVICES FOR THIS DEPOSITION. I, NOR THE FIRM WILL NOT BE TAKING THIS DEPOSITION UNDER ANY CONTRACT THAT IS PROHIBITED BY O.C.G.A. 15-14-37 (A) AND (B).

I HAVE NO CONTRACT\AGREEMENT TO PROVIDE REPORTING SERVICES WITH ANY PARTY TO THE CASE, ANY COUNSEL IN THIS CASE, OR ANY REPORTER OR REPORTING AGENCY FROM WHOM A REFERRAL MIGHT HAVE BEEN MADE TO COVER THIS DEPOSITION. I WILL CHARGE USUAL AND CUSTOMARY RATES TO ALL PARTIES IN THE CASE, AND A FINANCIAL DISCOUNT WILL NOT BE GIVEN TO ANY PARTY TO THIS LITIGATION.



YVONNE D. LAW, CCR, B-830



Office of the General Counsel
Administrative Office of the Courts

Marla S. Moore
Director

Memorandum

To: Judicial Council of Georgia Members

From: Cynthia H. Clanton *CHC*
General Counsel

Date: August 18, 2010

Re: Judicial Council Domestic Violence Committee Report (FY 2010-11)

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

On June 29, 2010, the Judicial Council Domestic Violence Committee met to discuss six grant applications for funds to provide civil legal services to victims of family violence. Awards were made to each of the agencies totaling \$1,849,415.

Attached for your information is the annual report from the Committee.

**Judicial Council Committee on Domestic Violence
Annual Report to the Judicial Council of Georgia**

FY 2010 Report (Final)

The Judicial Council Domestic Violence Committee annually grants to Georgia nonprofits funds to provide free civil legal services to approximately 4,500 impoverished victims of family violence and their children. The Legislature appropriates funds each year for this purpose. For fiscal year 2010, the amount of \$1,942,696.00 in state funds was appropriated to the Judicial Council and six nonprofit agencies received grants after a competitive grant process. The grant recipients were as follows:

<u>FY 2010 Grant Recipients</u>	<u>Area(s) Covered</u>
Amity House	Glynn county
Atlanta Legal Aid, Inc.	Metro Atlanta (5 counties)
Gateway House, Inc.	Hall county
Georgia Law Center for the Homeless	Fulton and DeKalb counties
Georgia Legal Services Program	All counties outside metro Atlanta
Northeast Georgia Shelter Collaborative	11 counties in north Georgia served by 5 shelters

FY 2011 Report (Preliminary)

The Judicial Council Domestic Violence Committee met on June 29, 2010, and considered applications for funds from agencies throughout Georgia. The total amount requested from these agencies was \$1,815,000. The total amount available for grantees for FY 2011 was \$1,849,415 (which was slightly more than the requested amounts). After much deliberation, grant awards were made to the following agencies:

FY 2011 Grant Recipients*

Amity House	\$ 8,323.70
Atlanta Legal Aid, Inc.	\$ 473,489.00
Gateway House, Inc.	\$ 17,000.00
Georgia Law Center for the Homeless	\$ 30,000.00
Georgia Legal Services Program	\$1,270,602.30
Northeast Georgia Shelter Collaborative	\$ 50,000.00

*These awards may be reduced due to budget reductions sustained in FY 2011.

The 2010-2011 Judicial Council Domestic Violence Committee members were:

Judge William T. Boyett, Chair	Judge Anne E. Barnes
Judge William P. Bartles	Judge Thomas Bobbitt
Judge Maria Golick	Judge Divida Gude
Judge Horace Johnson	Judge Tripp Self
Judge J. Carlisle Overstreet	Allegra Lawrence-Hardy
Linda A. Klein	Jody Overcash, advisor
Kirsten Rambo, advisor	Cynthia Clanton and Deborah Boddie, AOC

Respectfully submitted,

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

September 17, 2010