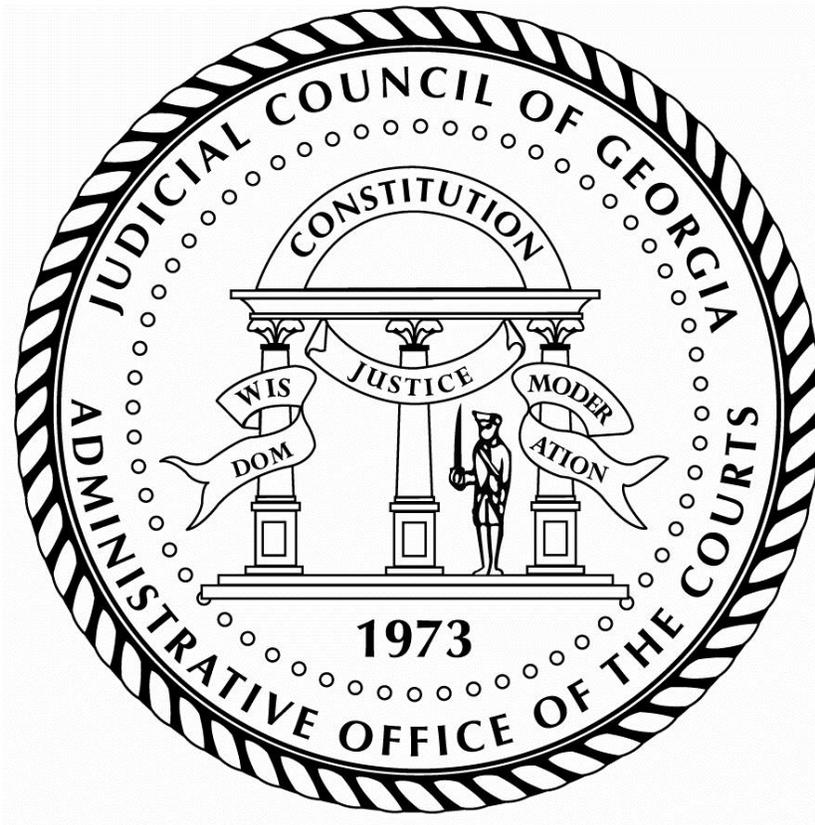


JUDICIAL COUNCIL OF GEORGIA

General Session

Tuesday, December 16, 2014

10:00 a.m. – 1:00 p.m.

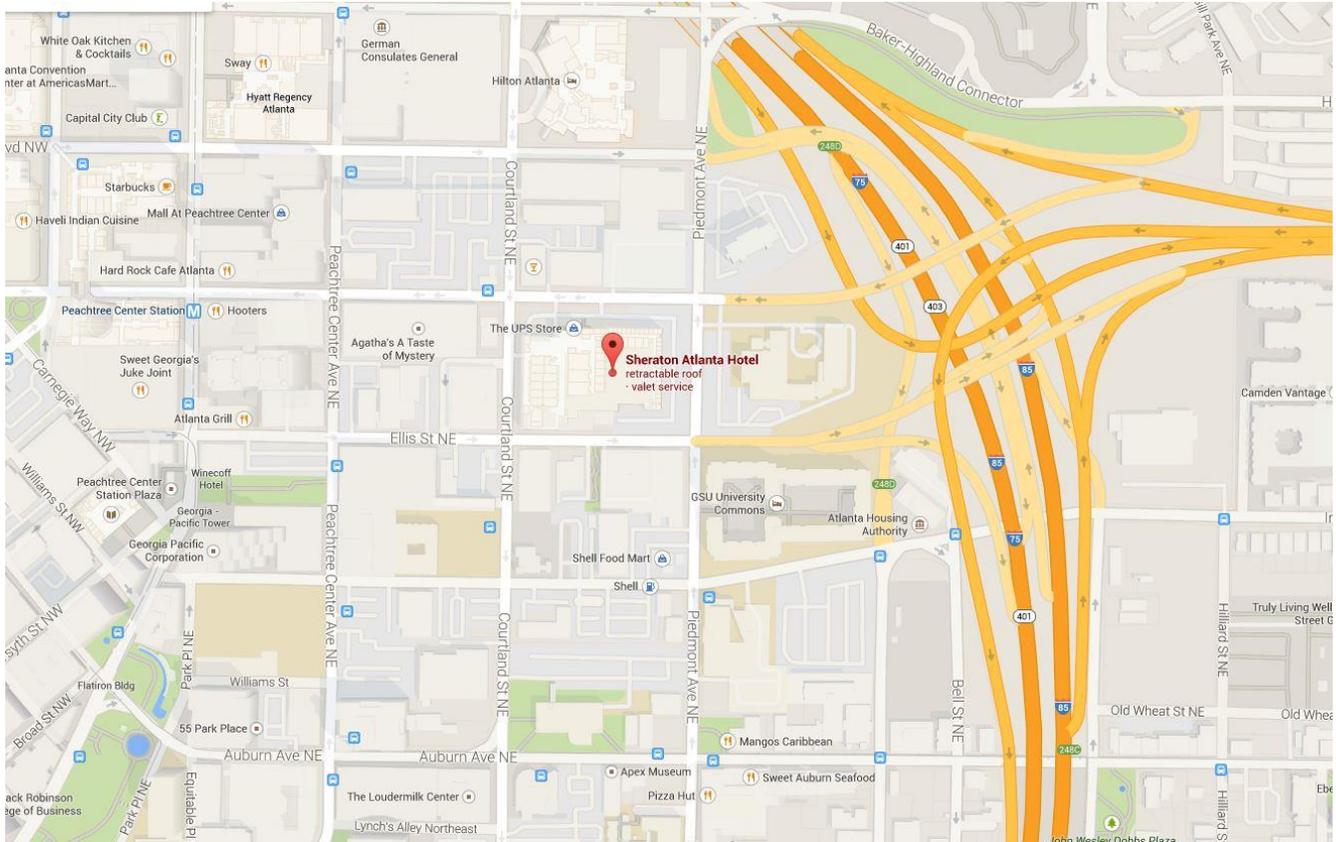


Sheraton Atlanta
165 Courtland Street NE
Atlanta, GA 30303

Directions to Sheraton Atlanta

165 Courtland Street NE

Atlanta, GA 30303



From Interstate 75 South Bound (From North of Atlanta)

Following I-75 going south from the north, follow into Downtown Atlanta. Take exit number 249A Courtland Street. You will merge onto Courtland Street going one way. The hotel will be on the left just after the third traffic, crossing Andrew Young International Boulevard. The hotel entrance will be the second driveway on the left.

From Georgia 400 (GA 400) going south bound (North of Atlanta)

Following GA 400 South, you will merge onto I-85 South. Continue traveling south into Downtown Atlanta. You will merge again with I-75 South. Continue south on I-75/85. Take exit number 249A Courtland Street. You will merge onto Courtland Street going one way. The hotel will be on the left just after the third traffic, crossing Andrew Young International Boulevard. The hotel entrance will be the second driveway on the left.

From Interstate 20 East going west bound (east of Atlanta)

Following I-20 west bound toward Downtown Atlanta, exit to I-75/85 Northbound toward Chattanooga/Greenville. Following I-75/85 North, Take exit number 248C – Andrew Young International Boulevard, GA Aquarium, Centennial Olympic Park. Go to the second traffic light and turn left onto Andrew Young International Boulevard. Go to the second traffic light. Turn left onto Courtland Street. The hotel entrance will be the second driveway on the left.

From Interstate 20 West going east bound (west of Atlanta)

Following I-20 east bound toward Downtown Atlanta, exit to I-75/85 Northbound toward Chattanooga/Greenville. Following I-75/85 North, Take exit number 248C – Andrew Young International Boulevard, GA Aquarium, Centennial Olympic Park. Go to the second traffic light and turn left onto Andrew Young International Boulevard. Go to the second traffic light. Turn left onto Courtland Street. The hotel entrance will be the second driveway on the left.

Traveling via MARTA (the underground rail system)

Take Airport Station Red or Gold Line (Head Northbound) to Peachtree Center Station, exactly 8 stops. Exit Peachtree Center station by following the exit signs leading you to Peachtree Center Avenue NE. Once above ground on Peachtree Center Ave. Ne, head north. Take your next right onto John Portman BLVD NE. Once you come to Courtland Street NE (about 2 blocks), take a right. Sheraton Atlanta Hotel will be .2 miles down on Courtland Street NE on your left. Destination is 165 Courtland Street NE Atlanta, GA 30303.

Judicial Council of Georgia

Sheraton Atlanta Hotel
165 Courtland Street, NE
Atlanta, GA 30303

Tuesday, December 16, 2014
10:00 a.m. - 1:00 p.m.

- 1. Preliminary Remarks and Introductions**
(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)
- 2. Approval of Minutes, September 25, 2014** (*Action Item*) **TAB 1**
(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)
- 3. Judicial Council Committee Reports**
 - A. Policy and Legislative Committee** (*Action Item*) **TAB 2**
(Presiding Justice P. Harris Hines, Est. Time – 15 Min.)
 - B. Strategic Plan Implementation Committee** **TAB 3**
(Presiding Judge Sara Doyle, Est. Time – 5 Min.)
 - C. Accountability Court Committees** (Written Reports) **TAB 4**
 - D. Judicial Workload Assessment Committee** (*Action Item*) **TAB 5**
(Judge David Emerson, Est. Time – 10 Min.)
 - E. Access, Fairness, and Public Trust and Confidence Committee** **TAB 6**
- 4. Review and Approval of Training Curricula for Georgia Magistrate Courts and Georgia Municipal Courts Training Councils** (*Action Item*) **TAB 7**
(Mr. Rich Reaves, Institute of Continuing Judicial Education, Est. Time – 5 Min)
- 5. Audit Report** **TAB 8**
(Chief Justice Hugh P. Thompson, Est. Time – 30 Min.)
- 6. Senate Unified Court Technology Study Committee** **TAB 9**
(Judge David Emerson)

7. Report from AOC

TAB 10

(Ms. Marla S. Moore, Est. Time – 30 Min.)

- A. November 30 Financial Report**
- B. Tax Intercept**
- C. IT Overview**
- D. Lawyers for Equal Justice**
(Written Report by Hulett Askew)

8. Reports from Appellate Courts and Trial Court Councils

TAB 11

- A. Supreme Court**
- B. Court of Appeals**
- C. Council of Superior Court Judges**
- D. Council of State Court Judges**
- E. Council of Juvenile Court Judges**
- F. Council of Probate Court Judges**
- G. Council of Magistrate Court Judges**
- H. Council of Municipal Court Judges**

9. Old/New Business

(Chief Justice Hugh P. Thompson, Est. Time – 15 Min.)

10. Outgoing Members

(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)

11. Concluding Remarks and Adjournment

(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)

The Judicial Council Meeting Calendar:

February 27, 2015:	10a.m.-1p.m.	Georgia Freight Depot, The Blue Room
April 23, 2015:	10a.m.-1p.m.	The Sheraton Atlanta Hotel
June 17, 2015:	Noon– 5p.m.	Sloppy Floyd Building, The Empire Room
August 6, 2015:	10a.m.–2p.m.	The Loudermilk Center
September 30, 2015:	Noon – 5p.m.	Macon Marriott Center, Macon, GA
December 9, 2015:	10a.m.–2p.m.	The Carter Center

Judicial Council Members

As of December 2014

Supreme Court

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

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

Court of Appeals

Chief Judge Herbert E. Phipps
47 Trinity Avenue, Suite 501
Atlanta, GA 30334
404-656-3457/F 657-8945
phippsh@gaappeals.us

Presiding Judge Sara Doyle
47 Trinity Avenue, Suite 501
Atlanta, GA 30334
404-656-3458/F 657-9764
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Superior Court

Judge Mary Staley
President, CSCJ
Cobb Judicial Circuit
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Marietta, GA 30090
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Chief Judge Brenda Weaver
President-Elect, CSCJ
Appalachian Judicial Circuit
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Judge John E. Morse Jr.
Eastern Judicial Circuit, 1st JAD
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Chief Judge Harry J. Altman II
Southern Judicial Circuit, 2nd JAD
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Thomasville, GA 31799
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Judge Edward D. Lukemire
Houston Judicial Circuit, 3rd JAD
201 Perry Parkway
Perry, GA 31069
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Chief Judge Gregory A. Adams
Stone Mountain Judicial Circuit, 4th JAD
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gail.tusan@fultoncountyga.gov

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Harold R. Banke Justice Center
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Judge S. Lark Ingram
Cobb Judicial Circuit, 7th JAD
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Chief Judge Kathy Palmer
Middle Judicial Circuit, 8th JAD
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478-237-3260/F 237-0949
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Judge Kathlene Gosselin
Northeastern Judicial Circuit, 9th JAD
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kgosselin@hallcounty.org

Chief Judge J. Carlisle Overstreet
Augusta Judicial Circuit, 10th JAD
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Judge Wayne M. Purdom
President-Elect, CSCJ
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Juvenile Court

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Judge John Sumner
President-Elect, CJ CJ
Blue Ridge Judicial Circuit
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Judge Don Wilkes
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Magistrate Court

Judge W. Allen Wigington
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awigington@pickenscountyga.gov

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bturner@houstoncountyga.org

Municipal Court

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Municipal Court of Monticello
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erlanier@aol.com

Judge Leslie Spornberger-Jones
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Herbert Gordon
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Matthew Kloiber
404-463-1319

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Linda Smith
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Office of Dispute Resolution

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404-463-3785

Tynesha Manuel
404-463-3788

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404-463-3927

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404-463-4266

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404-463-0044

Araceli Jacobs
404-656-6703

Elaine Johnson
404-463-6383

Paula Myrick
404-463-6480

Bruce Shaw
404-463-6106

Commission on Family**Violence**

Vacancy
404-463-6230

Jenny Aszman
404-232-1830

Jameelah Ferrell
404-656-5586

Jennifer Thomas
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Alexis Champion
404-463-3178

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404-463-6298

Kimberly Miller
404-463-6887

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Wendy Hosch
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Desktop*

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Gilberto Alcantara
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Bradley Allen
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Angela He
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Pete Tyo
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Software Maintenance/Support

Michael Neuren
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Richard Denney
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Wanda Paul
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Kriste Pope
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Tajsha Dekine
404-656-3479

Kevin Kirk
404-275-8372

Rory Parker
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Arnold Schoenberg
404-463-6343

**Council of State Court
Judges**

Bob Bray
404-651-6204

**Council of Magistrate Court
Judges**

Sharon Reiss
404-463-4171

All email addresses follow this format: firstname.lastname@georgiacourts.gov.

Judicial Council of Georgia
Carter Center • Cyprus Room
Atlanta, GA
September 25, 2014 • 10:00 a.m.

Members Present

Chief Justice Hugh P. Thompson, Chair
Judge Gregory A. Adams
Judge Harry J. Altman
Judge Sara L. Doyle
Judge Kathlene Gosselin
Judge S. Lark Ingram
Judge Edward D. Lukemire
Judge J. Carlisle Overstreet
Judge Alice Padgett (for Judge L. Chase Daughtrey)
Judge Kathy Palmer
Judge Wayne M. Purdom
Judge Matthew O. Simmons
Judge Leslie Spornberger-Jones
Judge John Sumner
Judge Gail Tusan
Judge Robert Turner
Judge W. Allen Wigington
Judge Don Wilkes
Judge Brenda S. Weaver
Judge Charles Wynne

Members Absent

Judge J. Lane Bearden
Judge L. Chase Daughtrey
Justice P. Harris Hines
Judge E.R. Lanier

Judge John E. Morse Jr.
Chief Judge Herbert E. Phipps
Judge Mary Staley

Non-Member Committee Chairs Present

Justice Harold Melton, Budget Committee

Staff Present

Ms. Marla S. Moore, Director
Mr. Joshua Becker
Ms. Cynthia Clanton
Mr. Michael Cuccaro
Mr. Jordan Dasher
Mr. Randy Dennis
Ms. Shevondah Fields
Ms. Rachel Gage
Ms. Ashley Garner
Mr. Christopher Hansard
Ms. Wendy Hosch
Ms. Tracy Mason
Ms. Kimberly Miller
Ms. Erin Oakley
Ms. Molly Perry
Ms. Aquaria R. Smith
Ms. Ashley Stollar

Guests (Appended)

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 10:03 a.m. by Chief Justice Thompson. All guests were asked to sign-in and Council members and staff introduced themselves. Chief Justice Thompson welcomed Judge Padgett, who was in attendance for Judge Daughtrey, but did not hold voting privileges.

Chief Justice Thompson recognized the Council's new members: Judge Simmons, Judge Ingram, Judge Purdom, Judge Turner, and Judge Spornberger-Jones. The Chief Justice stated

that he was going to ask all members to stand and take an oath of service to the Judicial Council. In the future, the oath will be administered to new members as they come onto the Council.

Adoption of Minutes, June 4, 2014

Chief Justice Thompson directed the Council's attention to the minutes of the June 4, 2014 meeting. A motion to approve was offered by Judge Adams, followed by a second from Judge Weaver. The motion passed unanimously.

Implementation of Principles of Effective Criminal Justice Responses to the Challenges and Needs of Drug-Involved Individuals

Ms. Moore provided background on Georgia's work with the Justice Management Institute (JMI) over the past year. Three judicial circuits (Appalachian, Bell-Forsyth, and Pataula) participated in a pilot project to implement and evaluate the use of the *Principles of Effective Criminal Justice Responses to the Challenges and Needs of Drug-Involved Individuals* (Principles) in their respective accountability court programs. Ms. Moore introduced Mr. Franklin Cruz, JMI, to report on the project and findings. Mr. Cruz referred to the "Principles document¹," which was provided to each member. Mr. Cruz reviewed the ten Principles and summarized findings in seven areas: screening and assessment; drug court teams; provision of training to balance perception; individualization of treatment plans; certification in practice; program success beyond graduation; and, the specialized challenges and needs of rural communities. Chief Justice Thompson presented certificates of recognition to the judges in the participating circuits.

Recommendations for Additional Superior Court Judgeships and Circuit Boundary Alterations

Mr. Hansard referred members to the materials provided, which included the Judicial Workload Assessment Guide, a memo and corresponding data on the superior court judgeship recommendation and circuit boundary study. The Council received requests for new judgeships from four judicial circuits: Alapaha, Clayton, Lookout Mountain, and Western. The Western Judicial Circuit was the sole applicant qualified for a judgeship recommendation under Council policy. Mr. Hansard summarized the assessment data for the Western Circuit, including per judge caseload data, population figures, and other circuit highlights.

¹ www.judges.org/pdf/DIO-monograph0113.pdf

Chief Justice Thompson recognized Judge David Sweat to speak on behalf of the judgeship request. Judge Sweat explained that the Western Circuit had qualified for a judgeship since 2009 but, in light of the recession and limits on state funding, had not applied until this year. He described the circuit as a unique community, touching on demographics, crime and poverty rates, and the court's many ancillary programs that, while improving outcomes, add obligations to the judges' time. Chief Justice Thompson recognized the legislators in attendance (Rep. Wendell Willard, Rep. Barry Fleming, and Rep. Regina Quick) for any remarks. Rep. Quick (R – Athens) stated that the legislators in the Western Judicial Circuit support the judgeship request. Hearing no additional discussion, staff distributed ballots to Council members; upon completion, staff collected the ballots and Judge Doyle supervised the tally in a separate room.

Mr. Hansard spoke to the request from legislators for information on a Circuit Boundary Alteration for the Coweta Judicial Circuit. Mr. Hansard noted that the new judgeship created during the 2014 legislative session (effective January 1, 2015) was not considered in the analysis. The analysis found two optimal scenarios if boundaries were adjusted: 1) A single-county circuit consisting of Coweta County, and the formation of a new circuit made up of Carroll, Heard, Troup, and Meriwether counties; and, 2) a two-county circuit made up of Coweta and Meriwether counties, and a second circuit consisting of Carroll, Heard and Troup counties. Judge Overstreet asked if the legislators had expressed support for a circuit boundary alteration; Mr. Hansard emphasized the request sought analysis of data only. Chief Justice Thompson thanked the legislators present for considering the resources and expertise of the Council.

Judge Doyle reported that the Council had voted in favor of the new judgeship for the Western Judicial Circuit.

Statewide Judiciary Civil E-filing Steering Committee

Justice Harold D. Melton referenced the written report provided in the materials. The Proposed Uniform Superior Court Rules (Exhibit A) were approved by the Council of Superior Court Judges in July for the purposes of notice and comment. Exhibit B, presented for the Council's consideration, provides minimum standards for courts and E-filing Service Providers. Justice Melton reviewed the provisions and recommended the Council's adoption of the "Proposed Statewide Minimum Standards for Electronic Filing." Chief Justice Thompson stated the Committee's recommendation served as a motion and did not require a second. Judge

Adams inquired as to when these standards would become effective; Justice Melton replied they would be effective immediately upon adoption. Judge Wigington called the question, and Chief Justice Thompson closed the discussion. Hearing no opposition, the motion was approved unanimously.

Committee Reports

Policy and Legislative Committee. Mr. Cuccaro was recognized by Chief Justice Thompson to deliver the Committee report on behalf of Justice Hines. Mr. Cuccaro referred to the written committee report provided in the materials, and stated the Committee would meet on December 11 to consider any additional legislative items that may be recommended to the Council.

Mr. Cuccaro summarized the recommendation to amend O.C.G.A. § 15-9-30.3, to clean up contradictory language and to clarify jurisdiction of the probate courts as it relates to Fish and Game violations. Chief Justice Thompson asked for any opposition; hearing none, the recommendation was unanimously approved.

Mr. Cuccaro summarized the Order to Apprehend recommendation, to amend O.C.G.A. § 24-12-21. Chief Justice Thompson asked for any opposition; hearing none, the recommendation was unanimously approved.

Mr. Cuccaro summarized the recommendation to amend O.C.G.A. § 15-10-2, to increase contempt penalties in magistrate courts from a maximum of \$200 to \$500, as was sought in Senate Bill 332 during the 2014 legislative session. Chief Justice Thompson asked for any opposition; hearing none, the recommendation was unanimously approved.

Mr. Cuccaro summarized the recommendation to amend O.C.G.A. § 17-5-21.1 to eliminate the requirement that a video recording be made of video conference applications for search warrants. Chief Justice Thompson asked for any opposition; Chief Judge Harry J. Altman indicated his reluctance to support the recommendation. Hearing no other opposition, the measure was approved with one dissent.

Mr. Cuccaro summarized the recommendation to amend O.C.G.A. § 36-32-2 to provide for uniform term lengths and removal for cause protections for appointed municipal court judges. Judge Spornberger-Jones explained that the Council of Municipal Court Judges recommended this legislation to provide a standard measure that judges may not be removed for reasons other than cause. Discussion followed regarding the fact that many of the newer cities provide for a

fixed term in their charter, as well as the possibility of providing terms coincident with those of city councils. Judge Weaver stated that the Committee understood the recommendation would be voted on in principle; Mr. Cuccaro explained that proposed language would be developed and brought back to the Council. Judge Spornberger-Jones noted that the immediate goal was to assess the level of support for this idea, and then to define the details based on the discussion. In light of this plan, Judge Adams moved to table the recommendation; Judge Wigington provided a second. Chief Justice Thompson asked for any opposition; Judge Altman indicated his opposition. Hearing no other opposition, the item was tabled and will be re-introduced at the next meeting.

Mr. Cuccaro briefly spoke to the staff's work with the Senate Unified Courts Technology Study Committee and the House DUI Recidivism & Drivers' License Suspension/Reinstatements Study Committee, as well as the ongoing work around misdemeanor probation issues. Judge Wigington inquired about Item 6 on the written report, regarding the statutory reassignment of the Georgia Commission on Family Violence (GCFV). Ms. Moore stated that the GCFV was forming a task force to study the entire statute; no action was required as this issue will not be brought up this legislative session.

Strategic Plan Implementation Committee. Judge Doyle referenced the written report provided in the materials. Priority Initiative #1 (baseline evaluation of current customer experience) has been rolled out among various courts, including those of Council members. Progress on Priority Initiative #2 (performance measurement) has continued with the statewide outreach of *CourTools*, which will culminate with the three-day course offering in Macon on November 5-7. The Committee met in August to focus on Priority Initiative #6 (bylaws, committee structure, and leadership continuity). A major focus of this item is to provide more continuity and consistency in Council membership, which may be accomplished through longer member terms. The Committee will hold two more meetings in 2014.

Chief Justice Thompson called for the lunch break.

Court Reporting Matters Committee. Judge Doyle presented the committee's report on court reporting policies and fees. She thanked the Committee members and staff – Judge Linda Cowen, Judge Lukemire, Judge Palmer, Ms. Perry and Ms. Smith – and reviewed the proposal's development timeline. The most recent recommendations were released for a two-month public comment period ending August 1. The Committee met on August 8 to review all comments and

consider revisions to the policies. Judge Doyle expressed the Committee's appreciation of the constructive and thoughtful commentary and noted that the revised policies increase flexibility and discretion for judges to apply best practices in their jurisdictions. Following a presentation to the Board of Court Reporting, the Committee's final recommendations were submitted for the Council's consideration and adoption.

Judge Doyle highlighted revisions made in response to the comments and reviewed the changes made to Appendix A (*Judicial Council of Georgia Fees for Services by Official Court Reporters*). Chief Justice Thompson indicated each section would be voted on individually.

Judge Doyle read Policy 1.1 and recommended its adoption by the Council as presented. Judge Weaver offered two substitute appendices (titled "Appendix A-3" and "Appendix A-4") which, if passed, may require an amendment to the reference in Policy 1.1; this proposal was distributed to all members during the lunch break². Chief Justice Thompson asked that consideration of any revised appendix be held until the appropriate time. No further comment was offered. Chief Justice Thompson asked for any opposition; hearing none, the recommendation was unanimously adopted.

Judge Doyle read Policy 1.2 and recommended its adoption by the Council. No comment or discussion was offered. Chief Justice Thompson asked for any dissent; hearing none, the recommendation was unanimously adopted.

Judge Doyle read Policy 1.3 and recommended its adoption by the Council. No comment or discussion was offered. Chief Justice Thompson asked for any dissent; hearing none, the recommendation was unanimously adopted.

Judge Doyle read Policy 1.4 and recommended its adoption by the Council. No comment or discussion was offered. Chief Justice Thompson asked for any opposition; hearing none, the recommendation was unanimously adopted.

Judge Doyle read Policy 2.1 and recommended its adoption by the Council. Judge Wigington asked if probate courts with traffic jurisdiction would be subject to these provisions, as the section addressed take down of misdemeanor pleas. Judge Cowen stated that the rule reflects the current state of law. Judge Wigington also noted that this would affect magistrate courts, as provided in Policy 2.1(A)(3); magistrate courts have a uniform rule that requires a court reporter, but under this proposed rule magistrate court would be exempt. Judge Weaver

² Appended.

asked if the intent was for this provision to apply to all guilty pleas in misdemeanor cases in municipal courts, as well. Chief Justice Thompson stated this rule would yield to the law. Judge Purdom stated that Policy 2.1(A)(3) would ultimately yield to Policy 2.1(A)(1)(4). To clarify this issue, the Council agreed to amend Policy 2.1(A)(3) to read: “No proceeding in magistrate court other than otherwise required by law shall be taken down unless requested by the court, counsel, or defendant.”³ No other comment was offered. Chief Justice Thompson asked for any opposition; hearing none, the recommendation was unanimously adopted as amended.

Judge Doyle read Policy 2.2 and recommended its adoption by the Council. No comment or discussion was offered. Chief Justice Thompson asked for any opposition; hearing none, the recommendation was unanimously adopted.

Judge Doyle read Policy 2.3 and recommended its adoption by the Council. Judge Simmons sought clarification on the “applicable page rate” (provided in Policy 2.3(C)). Judge Doyle stated the intention was to provide general guidance but leave the decision to the judge, based on the circumstances. Judge Turner suggested language making the judges’ discretion clear. Judge Cowen explained that the varying page rates are intended to provide an incentive for court reporters to complete the transcripts within the prescribed time period. Judge Palmer offered language to amend the provision to read as follows: “If the judge authorizes an extension for filing a transcript beyond the 120-day time period or the time period otherwise adopted by the court, the judge shall have discretion to determine and enter the applicable page rate in the order approving the request, but shall be bound by approving any of the fees listed in the fee schedule [See *Judicial Council of Georgia Fees for Services by Official Court Reporters, Criminal Cases.*]”⁴ Chief Justice Thompson asked for any opposition to the amended language; hearing none, the recommendation was unanimously adopted as amended.

Judge Doyle read Policy 2.4 and recommended its adoption by the Council. Judge Wigington inquired as to whether this issue is already addressed in retention schedules; Judge Doyle stated the intent is to leave the specific decisions in this area up to each class of court, and physical maintenance of records is based on court resources and preferences. There are existing

³ Final language: “No proceeding in magistrate court other than required by law shall be taken down unless requested by the court, counsel, or defendant.”

⁴ Final language: “If the judge authorizes an extension for filing a transcript beyond the 120-day time period or the time period otherwise adopted by a court, the judge shall determine, in his or her discretion, the appropriate page rate and include it in the order approving the request. Such discretion, however, shall be limited to a page rate published in the *Judicial Council of Georgia Fees for Services by Official Court Reporters, Criminal Cases.*”

retention schedules for each class of court, based on type of proceeding. Chief Justice Thompson asked for any opposition; hearing none, the recommendation was unanimously adopted.

Judge Doyle reviewed Policy 3.1 and recommended its adoption by the Council. There followed discussion of potential amendments to Policy 3.1(I)(C) regarding language to require a determination that certified reporters are unavailable before death penalty and other felony cases could be digitally recorded. Judge Lukemire encouraged the Council not to amend this language, as it would take discretion away from the judge and possibly lead to itemization for each type of case in this policy; he voiced his confidence that judges would make the right call in these cases. Judge Gosselin explained concerns expressed by judges in her district about the use of digital recording and supported elimination of the language making the use of digital recording discretionary. Judge Overstreet echoed the argument presented by Judge Lukemire and urged the Council to leave the language as written. Judge Doyle indicated that the Committee does not recommend the use of digital monitors in death penalty cases, but the rule simply emphasizes discretion. Judge Lukemire stressed to the Council the complexity of the issues involved in death penalty cases and that the judge should have the responsibility to make, and stand by, the appropriate decision. After thorough discussion and clarification of the intent behind the language, the Council agreed to leave the language as presented. Chief Justice Thompson asked for any opposition; hearing none, the recommendation was unanimously adopted.

Judge Doyle recommended the withdrawal of Policy 3.2 for further consideration by the Committee and presentation at a later date. Judge Gosselin inquired as to whether the Committee would work with court reporter organizations on this policy; Presiding Judge Doyle indicated it would. No opposition was voiced, and Policy 3.2 was withdrawn.

Judge Doyle reviewed Appendix A and recommended its adoption by the Council. In reference to the earlier discussion regarding extensions for transcripts and applicable page rates in Policy 2.3(C), Judge Doyle suggested clarifying language be added to Footnote 3. Judge Weaver requested the Council's consideration of Appendix A-3 or Appendix A-4. She noted some court reporters had concerns that the proposed rates for producing a realtime feed and eliminating supplemental takedown fees for opening statements, closing arguments and voir dire would negatively impact the income of court reporters, particularly in state court.

Judge Doyle and Judge Cowen discussed comments and other feedback received in regard to supplemental takedown fees, and the Committee's best efforts to assess the impact of eliminating the voir dire fees. The Committee recognized that there may be an impact on reporters in state courts since they are compensated more for criminal takedown than transcripts. Judge Cowen had concluded from information provided to the Committee that the increase in court attendance fees would offset the decrease in supplemental takedown fees. Judge Cowen also noted that the substitute appendices address civil and juvenile cases, but the original charge to the Committee pertained to criminal cases. The Committee had not been provided the substitute appendices and so could not make an informed recommendation. Judge Cowen urged the Council not to pass the substitute appendices.

Taking into account this discussion, Judge Gosselin stated she could not support Appendix A-3; but based on feedback from judges in her district, some rates in Appendix A were too low. Judge Gosselin moved to increase the rates for Court Attendance with Realtime Feed to \$260 for attendance up to eight hours, and \$290 for attendance greater than eight hours. Judge Tusan voiced concern that the proposed rates would not offset the loss of compensation for supplemental takedown.

Judge Doyle stated the Committee worked with the information available in the best way possible. This is a starting point that may be revisited over the course of the next year, if it is found to be too detrimental. Further analysis is planned and the Committee welcomes the submission of data as these rates are implemented.

Judge Weaver agreed that the civil and juvenile rates should not be considered, and voiced concern that the proposed changes would affect the income of independent contractor reporters. Starting with the suggested rates offered by Judge Gosselin, Judge Weaver asked that the issue be studied and examined further. Judge Gosselin explained that the rates she suggested are lower than what she has heard from judges in her district; however, based on the discussion, the suggested numbers seem reasonable. Judge Doyle stated she was comfortable with these proposed rates, and repeated her suggestion to amend Footnote 3. Judge Gosselin reiterated her motion to amend the Court Attendance Rates with Realtime Feed to \$260 and \$290; Judge Altman offered a second. Chief Justice Thompson asked for any opposition; hearing none, the amendment was unanimously approved.

Judge Doyle reiterated her amendment to Footnote 3 on Appendix A, to move the placement of the footnote to coincide with “> 120 days = \$5.00”, and to read: “See Policy 2.3(C), Time Period for Filing Transcript, for discretion of judge in determining applicable page rate.”⁵

Chief Justice Thompson stated the Council’s motion on Appendix A as amended, and asked for any dissent. The motion passed with four dissenting votes.

Chief Justice Thompson called for a ten minute break.

Accountability Court Committee. Judge Weaver referred to the written report provided in the materials, and noted the additional handout distributed prior to the meeting regarding the Peer Review Update⁶. She recognized the success of the annual Statewide Accountability Court Conference and thanked Ms. Moore and Accountability Courts staff for their planning and coordination.

Accountability Court Funding Committee. Judge Jack Partain delivered a report on the activities of the Accountability Court Funding Committee. The Committee distributed a grant solicitation on September 24 to allocate unused funds from Quarter 1 of Fiscal Year 2015. Two vendors (Five Points Solutions and iMs Connexis) have been selected for the statewide case management software. A federal grant received by the Criminal Justice Coordinating Council to fund veterans courts in Georgia will be administered by the Committee; it is anticipated to fund 12-15 programs. Judge Partain referred to the Committee newsletter that had been distributed prior to the meeting⁷.

Judicial Workload Assessment Committee. A written report was included in the materials.

Budget Committee. Justice Melton referenced the written report provided in the materials. Two changes were requested and approved by the Committee for the Amended Fiscal Year (FY) 2015 budget: an adjustment to the Council of State Court Judges retirement fund, and an enhancement for the County and Municipal Probation Advisory Council. The total enhancement and adjustment request for Amended FY 2015 is \$205,842. Justice Melton recommended the adoption of the Amended FY 2015 budget request by the Council. Chief

⁵ Final language: “See Policy 2.3 (C), Time Period for Filing Transcript, for discretion of judge in determining page rate for extensions.”

⁶ Appended.

⁷ Appended.

Justice Thompson asked for any opposition; hearing none, the recommendation was unanimously adopted.

Justice Melton summarized the eight enhancement requests for FY 2016: the Supreme Court Committee on Justice for Children; Civil Legal Services for Victims of Domestic Violence; Council of Magistrate Court Judges; Council of Probate Court Judges (pending the outcome of the Special Examination by the Department of Audits and Accounts); County and Municipal Probation Advisory Council; Georgia Council of Court Administrators; and, the Institute of Continuing Judicial Education. The Council of State Court Judges retirement adjustment is also included in the FY 2016 request. The total enhancement and adjustment request is \$2,089,415 bringing the Council's total budget request to \$15,550,528. Clarification was sought on the need for the retirement adjustment, to which it was explained that it is an actuarial adjustment based on notification by the Judicial Retirement System and the Employees Retirement System of Georgia. Justice Melton recommended the adoption of the FY 2016 budget request by the Council. Chief Justice Thompson asked for any opposition; hearing none, the recommendation was unanimously adopted.

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

Report from AOC Director

Ms. Moore spoke to recent and current Judicial Council/AOC activities, and thanked agency staff for their work to prepare and coordinate the meeting.

Ms. Moore reported on the progress of the Georgia Courts Registrar project, indicating work would begin soon with the Institute of Continuing Judicial Education. She noted the inclusion of the *Final Report of the Remote Interpreting Pilot Project* in the materials, and spoke to a grant received by the National Center for State Courts to develop a national interpreter registry. The Judicial Council/AOC has organized several events to support the Statewide Charitable Contributions Program (SCCP); Ms. Moore invited Council members to attend the cookout on October 23. All proceeds will go to the SCCP.

Ms. Moore expressed her sadness for the recent passing of Judge Alec Glenn Dorsey, Magistrate of Wilcox County, and recognized his dedication and commitment to the courts of Georgia for over thirty-one years. Ms. Moore also recognized the passing of Ms. Judy Brentano, Court Reporter from Cobb County, who had done much to enhance the profession of court reporting in Georgia.

Reports from Appellate Courts and Trial Court Councils

Supreme Court. Chief Justice Thompson referred members to the written report provided in the materials. He spoke to the Court's recent technology advances, as well as the Court's public outreach efforts. The Court will hold oral arguments at Emory University on October 7.

Court of Appeals. Judge Doyle referred members to the written report provided in the materials, and briefly highlighted several of the Court's recent efforts.

Council of Superior Court Judges. Judge Weaver referred members to the written report provided in the materials. She highlighted the continued expansion of accountability courts, to a current total of 84. Judge Weaver expressed the Council's sadness for the passing of Judge Jim Cline and of Judge William Chason.

Council of State Court Judges. Judge Wynne referred members to the written report provided in the materials. He noted the work of a subcommittee to look at best practices for misdemeanor probation, as well as work to update the Council's strategic plan.

Council of Juvenile Court Judges. Judge Sumner spoke to the ongoing implementation of the new Juvenile Code, which took effect January 1. Local courts continue to face hurdles in handling the new Child In Need of Services (CHINS) cases. The Foster Care Pilot Project will be announced soon. The Council held a strategic planning retreat to look at the future of juvenile courts in Georgia.

Council of Probate Court Judges. Judge Wilkes referred members to the written report provided in the materials. The Council has asked the Attorney General for a formal opinion on provisions regarding the weapons carry license renewal process, to clarify those provided in House Bill 60. The Council is working with the Georgia Bureau of Investigation to provide training on case disposition reporting on certain case types, and continues to pursue its READY Campaign.

Council of Magistrate Court Judges. Judge Wigington expressed the Council's appreciation for the opportunity to participate in the meeting of the Senate Unified Courts Technology Committee on September 4; following that meeting, the Council executed a contract with Tyler Technologies for the Access to Courts Wizard. A master contract for statewide e-filing ability has also been executed, and the Council is willing to share that contract with other classes of court. Echoing Ms. Moore's earlier comments, the Council celebrates the life of Judge Dorsey.

Council of Municipal Court Judges. Judge Spornberger-Jones referred members to the written report in the materials, and thanked Ms. LaShawn Murphy and Mr. Cuccaro for their work in support of the Council. She too expressed sadness at the passing of Judge Dorsey. The Council celebrated its twentieth anniversary this year, and focus areas moving forward include open courtrooms, immigration, veterans issues, and performance measurement using *CourTools*.

Ms. Cinda Bright was recognized to deliver a report on behalf of the Council of Superior Court Clerks. Ms. Bright reported the delivery of the third jury pool list, the Council's work with the AOC Office of Research, Planning and Data Analysis to improve caseload reporting, and announced the rollout of e-filing in Fayette County on September 26.

Chief Justice Thompson commended the councils for their work.

Adjournment

There being no further old or new business, Chief Justice Thompson announced the next meeting will take place on December 16, and presented a proposed meeting schedule⁸ through Calendar Year 2015. The expanded schedule was developed in line with the recommendations of the Judicial Council/AOC Strategic Plan. Council members were asked to contact Ms. Moore with any significant conflicts to this proposed schedule.

Chief Justice Thompson thanked everyone for a very productive meeting. The meeting was adjourned at 3:42 p.m.

Respectfully submitted:

Tracy Mason
Program Administrator, AOC

⁸ Appended.

Judicial Council of Georgia
Carter Center • Cyprus Room
Atlanta, GA
September 25, 2014 • 10:00 a.m.

Guests Present

Mr. Bill Abel, Court Reporter
Ms. Marcia Aberman, Freelance Court Reporter
Ms. Kerry Anderson, Freelance Court Reporter, Professional Court Reporters LLC
Mr. David Archibald, Gwinnett County
Ms. Linda Archibald, State Court of Gwinnett County
Ms. Jennifer Avery, Official Court Reporter, Ocmulgee Judicial Circuit
Mr. Joseph Baden, Third Judicial Administrative District
Ms. Penny Baggett, RVA
Ms. Tee Barnes, Supreme Court
Mr. James Beal, Office of the Governor
Mr. Tracy J. BeMent, Tenth Judicial Administrative District
Ms. LaTasha Bethel, Freelance Court Reporter
Judge Joe Bishop, Superior Courts, Pataula Judicial Circuit
Chief Magistrate Kristina Hammer Blum, Magistrate Court of Gwinnett County
Ms. Caryn Boone, Freelance Court Reporter
Mr. Philip Boudewyns, Gwinnett County
Ms. Cherrie L. Bowen, Official Court Reporter, Superior Court, Fulton County
Mr. Bob Bray, Council of State Court Judges
Ms. Cinda Bright, Council of Superior Court Clerks
Mr. Les Brock
Ms. Melissa Brock, Court Reporter
Ms. Dana R. Brooks, Official Court Report, Northern Judicial Circuit
Ms. Jacqueline Bunn, Criminal Justice Coordinating Council
Ms. Kate Bush, Court Reporting Student
Mr. Peter Canfield, Jones Day
Ms. Krista Capik, Freelance Court Reporter
Ms. Marita Carey, Brown College of Court Reporting
Mr. Brad Carver, Hall Booth Smith
Ms. Jeannette V. Cathey, Official Court Reporter, Ocmulgee Judicial Circuit
Ms. Beth Celerchi, Official Court Reporter, Southern Judicial Circuit
Mr. Richard Chambers, Freelance Court Reporting Firm
Ms. Christine Clark, Superior Court, Gwinnett Judicial Circuit
Ms. Dan-Neika Clay, Official Court Reporter, State Court of DeKalb County
Ms. Kate Cochran, Freelance Court Reporter
Mr. Jack Couch, Court Reporter, Meriwether County
Ms. Keisha Crump, Freelance Court Reporter
Ms. Kelly D'Amico, Freelance Court Reporter
Ms. Debra Deberry, Superior Court, DeKalb County
Ms. Emily Denis, Georgia Department of Audits and Accounts
Mr. Richard Denney, First Judicial Administrative District

Ms. Barbara Ellen Durham, Southwestern Judicial Circuit
Ms. Kimberly Elias, Court Reporter, Superior Court, Cobb Judicial Circuit
Mr. Joel Epps, Official Court Reporter, Northeastern Judicial Circuit
Ms. Rhonda Eubanks, Superior Court, Cobb Judicial Circuit
Mr. Steven Ferrell, Ninth Judicial Administrative District
Ms. Jo Fischer, Freelance Court Reporter
Rep. Barry Fleming, Georgia House of Representatives
Ms. Diana Flores Nuchurch, Steno. Mach. Court Reporting Student
Ms. Michelle Fuller, Freelance Court Reporter
Ms. Alecia Gelb, Freelance Court Reporter
Mr. Amo Gerard, Official Court Reporter, State Court of Jackson County
Ms. Cheryl Gilliam, Official Court Reporter
Ms. Geraldine Glover, Court Reporter
Ms. Michele Goodyear, Official Court Reporter, Appalachian Judicial Circuit
Ms. Kathy Guidry, Official Court Reporter, Gwinnett County
Ms. Laura Gura, Jones Day
Judge Patrick Haggard, Superior Courts, Western Judicial Circuit
Ms. Deborah Halley, Official Court Reporter, State Court of DeKalb County
Ms. Layena Hill, Superior Court, Gwinnett Judicial Circuit
Mr. Mike Holiman, Council of Superior Court Clerks
Ms. Kim Hunnicutt, Official Court Reporter
Ms. Barbara Jackson, Freelance Court Reporter
Mr. Eric John, Council of Juvenile Court Judges
Ms. Amie Johnson, Certified Court Reporter, Alcovy Judicial Circuit
Judge C. Michael Johnson, Superior Courts, Oconee Judicial Circuit
Ms. Carol Johnson, Official Court Reporter, State Court of Fulton County
Judge Horace Johnson, Superior Courts, Alcovy Judicial Circuit
Ms. Kathleen Joyner, Fulton County Daily Report
Ms. Cathy R. Leach, Official Court Reporter, Griffin Judicial Circuit
Ms. Sandy Lee, Council of Superior Court Judges
Ms. Sheila Leicht, Official Court Reporter, Gwinnett County
Ms. Yolanda Lewis, Fifth Judicial Administrative District
Ms. Peggy Little, Official Court Reporter, Muscogee County
Mr. Rene Loizou, Official Court Reporter, Southwestern Judicial Circuit
Ms. Sandy Lyon, Freelance Court Reporter
Ms. Cindy Mason, Superior Court, Columbia County
Ms. Felisha B. Mason, Official Court Reporter, Cherokee County
Ms. Angela K. Matthews, Official Court Reporter, Appalachian Judicial Circuit
Ms. Lizabeth Bon McClain, Official Court Reporter, State Court of Cobb County
Ms. Cathy McCumber, Fourth Judicial Administrative District
Mr. Charles Miller, Council of Superior Court Judges
Judge Kristin Miller, Office of State Administrative Hearings
Ms. Tia Milton, Supreme Court
Mr. Emanuel Mines, Student, Brown College of Court Reporting
Mr. David Mixon, Second Judicial Administrative District
Ms. Frances Moore, Superior Court, Gwinnett Judicial Circuit

Mr. Alan Morris, Magistrate Court of Pickens County
Mr. Bob Nadekow, Eighth Judicial Administrative District
Ms. Debra Nagy, Official Court Reporter, Southern Judicial Circuit
Ms. Debra Nesbit, Association County Commissioners of Georgia
Judge Henry Newkirk, Superior Court, Atlanta Judicial Circuit
Ms. Susan Nunnally, Institute of Continuing Judicial Education
Mr. Matt Ogles, Governor's Office of Planning and Budget
Ms. Jody Overcash, Seventh Judicial Administrative District
Ms. Margaret Palmer, Official Court Reporter
Ms. Evelyn Parker, Court Reporter, Superior Court, Fulton County
Ms. Roni Parks, Freelance Court Reporter
Ms. Diane Parmell, Freelance Court Reporter
Judge Jack Partain, Superior Courts, Conasauga Judicial Circuit
Ms. Becky Pearrow, Official Court Reporter
Ms. Charna Perloe, Freelance Court Reporter
Ms. Kayla Peters, Freelance Court Reporter
Ms. Karla T. Pittman, Official Court Reporter, Gwinnett County
Ms. Jennifer Pope, Freelance Court Reporter
Ms. Jannette Price, Freelance Court Reporter
Ms. Angela Pylant, Coweta Judicial Circuit
Rep. Regina Quick, Georgia House of Representatives
Ms. Melanie Reed, Court Reporter, Superior Court of Fulton County
Ms. Sharon Reiss, Council of Magistrate Court Judges
Ms. Lynn Rojani, Court Reporter, State Court of Gwinnett County
Mr. Wayne Sharp, Official Court Reporter
Ms. Kathy Sherwood, Official Court Reporter, Cobb County
Ms. Aggie Smith, Freelance Court Reporter
Judge Pamela South, State Court of Gwinnett County
Judge David R. Sweat, Superior Courts, Western Judicial Circuit
Mr. Shannon Weathers, Council of Superior Court Judges
Ms. Tina Rice, Court Reporter, Superior Court, Hall County
Ms. Gina Ritchie, Official Court Reporter, Griffin Circuit
Mr. Chuck Spahos, Prosecuting Attorneys' Council of Georgia
Judge Lawton Evans Stephens, Superior Courts, Western Judicial Circuit
Ms. Ionie Taylor, Official Court Reporter
Mr. Matt Taylor, Georgia Department of Audits and Accounts
Ms. Diane Thompson, Freelance Court Reporter
Ms. Haley Tidwell, RVA
Ms. Renee Tomlinson, Freelance Court Reporter
Ms. Dessa Van Schuyver
Mr. Mark Van Shuyver
Ms. Marianne Vargas, Freelance Court Reporter
Ms. Shannon R. Welch, Official Court Reporter
Rep. Wendell Willard, Georgia House of Representatives
Ms. Nancy Williams, Lankford Court Reporting
Ms. Susan S. Williams, Official Court Reporter, Northern Judicial Circuit

Ms. Maribeth Williams, Court Reporter, Superior Court, Cobb Judicial Circuit
Ms. Octavia Winfrey, Official Court Reporter, State Court of Fulton County

DRAFT

COMPENSATION CHART FOR COURT REPORTERS APPEARING IN COURT PROCEEDINGS

PROCEEDINGS Type of Case/Action	PER DIEM		REALTIME	TAKEDOWN		TRANSCRIPT PRODUCTION COMPENSATION				
	Per Diem Rate Hours: 0-8	Paid By:	Additional Per Diem Rate For Realtime Feed	Additional Compensation for Takedown	Takedown Rate, If Applicable	Requirement to Transcribe	Per Page	Paid By:	Per Page Costs for Extra Copies	Paid By:
Criminal	\$200 Plus \$20 Per Hour After 8 Hours - or Salary -	County	\$100 or \$1.50 pp - Dirty Copy	Felony - No, Except VoiR Dire Misdemeanor - Yes, Unless Ordered by Judge	\$45.00/hr.	Yes, Felony Convictions	\$5.00 pp Electronic Transcript	County or Requesting Party	Printed Copies \$0.50 pp	Requesting Party or County, if Indigent
Civil	\$200 Plus \$20 Per Hour After 8 Hours - or Salary -	County or Civil Parties	\$100 or \$1.50 pp - Dirty Copy	Yes	\$45.00/hr.	No, Except for Habeas	\$4.00 pp Electronic Transcript	Requesting Party	\$1.75 pp	Requesting Party or County, if Indigent Habeas
Juvenile	\$200 Plus \$20 Per Hour After 8 Hours - or Salary -	County	\$100 or \$1.50 pp - Dirty Copy	No, Except Private Cases	\$45.00/hr.	Not transcribed w/o Order of the Court.	\$5.00 pp Electronic Transcript	Requesting Party by Order of Judge	Printed Copies \$0.50 pp	Requesting Party or County, if Indigent

- Edited daily copy is furnished within 24 hours from the close of court at an additional \$5.00 pp. Edited expedited copy is furnished within 48 hours from the close of court at an additional \$2.50 pp.
- If evidence is not tendered digitally, the rate will be \$0.50 pp.
- Transcripts produced within 120 days shall be at the rate of \$5.00 pp. Transcripts produced over 120 days shall be at the rate of \$4.75 pp. (See 2.3C, Time Period for Filing Transcript)
- No additional fee for duplicate original transcripts may be charged.

APPENDIX A-4
JUDICIAL COUNCIL OF GEORGIA
FEES FOR SERVICES BY OFFICIAL COURT REPORTERS
EFFECTIVE JANUARY 1, 2015

PROCEEDINGS Type of Case/Action	PER DIEM		REALTIME	TAKEDOWN		TRANSCRIPT PRODUCTION COMPENSATION				
	Per Diem Rate Hours: 0-8	Paid By:	Additional Per Diem Rate For Realtime Feed	Additional Compensation for Takedown	Takedown Rate, If Applicable	Requirement to Transcribe	Per Page	Paid By:	Per Page Costs for Extra Copies	Paid By:
Criminal	\$200 (Superior Court) \$300 (State Court) Plus \$20 Per Hour After 8 Hours - or Salary -	County	\$100 or \$1.50 pp - Dirty Copy	No	---	Yes, Felony Convictions	\$5.00 pp Electronic Transcript	County or Requesting Party	Printed Copies \$0.50 pp	Requesting Party or County, if Indigent
Civil	\$200 Plus \$20 Per Hour After 8 Hours - or Salary -	County or Civil Parties	\$100 or \$1.50 pp - Dirty Copy	Yes	\$45.00/hr.	No, Except for Habeas	\$4.00 pp Electronic Transcript	Requesting Party	\$1.75 pp	Requesting Party or County, if Indigent Habeas
Juvenile	\$200 Plus \$20 Per Hour After 8 Hours - or Salary -	County	\$100 or \$1.50 pp - Dirty Copy	No, Except Private Cases	\$45.00/hr.	Not transcribed w/o Order of the Court.	\$5.00 pp Electronic Transcript	Requesting Party by Order of Judge	Printed Copies \$0.50 pp	Requesting Party or County, if Indigent

- Edited daily copy is furnished within 24 hours from the close of court at an additional \$5.00 pp. Edited expedited copy is furnished within 48 hours from the close of court at an additional \$2.50 pp.
- If evidence is not tendered digitally, the rate will be \$0.50 pp.
- Transcripts produced within 120 days shall be at the rate of \$5.00 pp. Transcripts produced over 120 days shall be at the rate of \$4.75 pp. (See 2.3C, Time Period for Filing Transcript)
- No additional fee for duplicate original transcripts may be charged.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Chief Judge Brenda S. Weaver
Chair, Accountability Court Committee

RE: Peer Review Update

DATE: September 25, 2014

I. Adult Mental Health Court Peer Review

- a. **June:** The Mental Health Court Certification and Peer Review Subcommittee selected eight (8) peer review teams consisting of an adult mental health court judge, treatment provider, and coordinator.
- b. **July:** Two (2) courts agreed to serve as pilot peer review teams: Appalachian Judicial Circuit Mental Health Court and Hall County Mental Health Court.
- c. **August 8:** NPC Research led a video training for the pilot teams.
- d. **September 3-4:** The Appalachian team conducted a pilot site visit in Hall County.
 - i. The site visit was successful. There were some lessons learned and information from the pilot visit was used in the full peer review training.
- e. **September 18:** The full peer review training for all selected peer review team members was held following the accountability court conference. A make-up training will be scheduled for those who could not attend.
- f. **October 20-21 (upcoming):** The Hall County team will visit the Appalachian Circuit.
- g. Peer reviews are expected to begin November 2014.
 - i. All peer review teams will be divided into pairs to conduct site visits at one another's court. This will provide hands on experience with the materials.
- h. Staff will attempt to schedule peer reviews in the latter part of this year.
 - i. To ensure scheduling is not an issue, staff distributed a letter signed by Judge Weaver informing all Mental Health Courts that peer reviews are part of the mandate by HB 1176, and that it is very important to be flexible with schedules, if at all possible. Staff will assist as directed.

II. Adult Felony Drug Court Peer Review

- a. **June 26-27:** The Gwinnett County Adult Felony Drug Court team and AOC staff conducted a peer review of the Henry County Resource Court. Staff is finalizing the report.
- b. **September 4:** The Savannah-Chatham Adult Felony Drug Court team and AOC staff conducted a peer review of the Ogeechee Judicial Circuit Adult Felony Drug Court. Staff is drafting the report.
- c. **September 18:** A make-up peer review training was held for all review team members that were unable to attend the initial training in April. This followed the annual accountability court conference.
- d. All peer review teams will be divided into pairs to conduct site visits at one another's court. This will provide hands on experience with the materials.
- e. Staff has been attempting to schedule peer reviews, but scheduling is proving to be an issue.
 - i. Staff distributed a letter signed by Judge Weaver informing all Adult Drug Courts that peer reviews are part of the mandate by HB 1176, and that it is very important to be flexible with schedules, if at all possible. Staff will assist as directed.

Georgia Accountability Courts Funding Committee

FALL 2014

Committee Members

Judge Jack Partain
Chairman
Conasauga Judicial
Circuit

Chief Judge Jeff Bagley
Vice-Chairman
Bell-Forsyth Judicial
Circuit

Judge Charles Edward
Auslander
State Court of Athens-
Clarke County

Chief Judge Chan
Caudell
Mountain Judicial Circuit

Judge Jason Deal
Northeastern Judicial
Circuit

Judge Kathy
Gosselin
Northeastern Judicial
Circuit

Chief Judge Horace
Johnson
Alcovy Judicial Circuit

Mr Avery Niles,
Commissioner
Department of
Juvenile Justice

Chief Judge Brenda
Weaver
Appalachian Judicial
Circuit

Upcoming Training: MRT October 20-23, 2014

Moral Reconciliation Therapy is a cognitive-behavioral treatment approach for substance abuse treatment and criminal justice offenders. MRT studies and reports have shown lower recidivism for periods as long as twenty years.

The program uses group and individual counseling and structured exercises that are combined with education. It helps the participants to be able to make better judgment calls about what is right and wrong in given situations.

Seven Basic Treatments of MRT focus:

1. Confrontation of beliefs, attitudes & behaviors

2. Assessment of current relationships
3. Reinforcement of positive behavior and habits
4. Positive identity formation
5. Enhancement of self-concept
6. Decrease in hedonism and development of frustration tolerance
7. Development of higher stages of moral reasoning

References:

<https://www.ccimrt.com/mrt>

<http://www.nrepp.samhsa.gov/Viewintervention.aspx?id=34>

<http://www.moral-reconciliation-therapy.com>



All treatment providers are encouraged to attend.

Training will be held in Peachtree City at the Wyndham Hotel.

A training notice will be sent through email to all coordinators several weeks prior to the event. Your notice will contain specific instructions on how to register for the training.

In November...

Veteran's Court Implementation Training

When:
November 12-14

Where:
Peachtree City

Fall Grant Submission

Grant Period will be January thru June 2015

- Grants released September 22nd
- Grants Due: October 31st by 5:00 PM
- Award notices will be mailed out at the end of November

LIMITED FUNDS WILL BE AVAILABLE.

GRADUATION

Congratulations to the recent graduates from the following courts:

Conasauga Drug Court
Athens-Clark County Family Treatment Court
Richmond County State Accountability Court (DUI)

Contact Us
Erica Cawood
Accountability Court Funding Committee
gafundingcmte@gmail.com
770-387-5480

Website:
www.gaaccountabilitycourts.org

WEBSITE MAKEOVER!

Not only did the website receive a mini make over, but it changes daily with new and updated information.

Here are just a few things it provides:

- A view upcoming news
- Sign up for training
- Request for additional MRT/PFL books
- A view the FY'15 Training Calendar
- A view the GA Accountability Court directory
- A view the latest Newsletter
- News from other courts
- A view of the Accountability Courts Standards

Want us to post something awesome about your court?
Have any suggestions of things to add?
Send us an email.

MARK YOUR CALENDARS

ACCOUNTABILITY COURT FUNDING COMMITTEE -- FY15 Training Calendar --

Training Date	Training Name	Location	Who Should Attend	DC/VET	MH/VET	FDTC	DUI	JUV
Oct 20-23, 2014	MRT	Peachtree City	Treatment Provider(s)	O	O	O	O	O
Nov 12-14, 2014	Veteran's Court Implementation Training	Peachtree City	Entire Team	R - Vet's Ct Only	R - Vet's Cts Only			
Jan 12, 2015	DUI Court Operational Tune-Up**	Peachtree City	Entire Team				R	
Jan 20-21, 2015	Case Manager Training	Peachtree City	Case Managers or Coordinators	O	O	O		O
Feb 2, 2015	Incentives and Sanctions Training - Felony Drug Court	Peachtree City	Team	O				
Feb 17, 2015	Incentives and Sanctions Training - Mental Health Court	Peachtree City	Team		O			
March 17, 2015	Incentives and Sanctions Training - Family Court	Peachtree City	Team			O		
March 23, 2015	Incentives and Sanctions Training - Juvenile Court	Peachtree City	Team					O
March 30-31, 2015	Felony Court Operational Tune-Up*	Peachtree City	Entire Team	R				

**Judicial Council of Georgia
Proposed Meeting Schedule**

December 16, 2014

February 27, 2015

April 23, 2015

June 17, 2015

August 6, 2015

October 8, 2015

December 9, 2015



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

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

RE: Committee Report

DATE: December 12, 2014

On December 11, 2014, the Policy and Legislative Committee (the “Committee”) met to discuss potential legislative items for the 2015 Session of the General Assembly. The Committee makes the following recommendations to the Judicial Council:

I. Municipal court; removal for cause (O.C.G.A. § 36-32-2)

Proposal: To amend O.C.G.A. § 36-32-2 to provide defined procedures for removal (“removal for cause” provisions) of municipal court judges. While many municipal charters already contain provisions to either provide for a defined term or provide that judges be removed only for cause, current state law provides that all municipal court judges serve at the pleasure of the municipal governing authority. (*Proposed legislation attached*)

The Committee recommends that the Judicial Council **support** legislation to amend O.C.G.A. § 36-32-2 to provide defined procedures for removal of municipal court judges.

II. Municipal court; “court of record” designation (O.C.G.A. § 36-32-1)

Proposal: To amend § O.C.G.A. 36-32-1 to designate the municipal courts of Georgia as “courts of record.” (*Proposed legislation attached*)

The Committee recommends that the Judicial Council **support** legislation to amend O.C.G.A. § 36-32-1 to designate municipal courts in Georgia as “courts of record.”



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Members of the Judicial Council

FROM: Presiding Judge Sara Doyle, Chair
Strategic Plan Implementation Committee

RE: Update

DATE: December 3, 2014

The Judicial Council's Strategic Planning Implementation (SPI) Committee is responsible for implementing the Judicial Council/Administrative Office of the Courts (JC/AOC) Strategic Plan for FY 2014-FY 2016. The Strategic Plan contains nine priority initiatives that guide our work and align with the following strategic objectives:

- Improve Citizen Experience with Georgia Courts
- Improve Collaboration and Planning
- Build Thought Leadership

Priority Initiative 3 of the Strategic Plan directs that the JC/AOC shall "implement ongoing strategic planning." The Committee has met this initiative by meeting seven dates this year to implement the remaining eight priority initiatives. Most recently, the Committee met on October 22 and December 2, 2014 about the following:

Priority Initiative 1: Baseline Customer Experience Survey

Last July, work began to implement Priority Initiative 1 by conducting a survey designed to measure the public's experience in a random sampling of Georgia's courts. Kennesaw State University's Burruss Institute is conducting the survey and as of December 1, 2014, approximately 2,500 individuals leaving local courthouses participated (yielding a 10% response rate). Of the potential 100 county courts in the random sampling, 82 have participated or are currently scheduled. Surveying will be completed mid-December with a final draft report due to JC/AOC staff by February 28. After the state level report has been completed, survey results will be sent to the local courts, through the court contacts.

Priority Initiative 5: Develop and Implement New Two-Way Communication Strategies for Judicial Council/AOC to Engage with Judges

Effective and efficient communication is of paramount importance to the JC/AOC. In October, JC/AOC staff member Catherine Fitch provided a brief update on the staff's analysis and

inventory of current communication strategies used by the JC/AOC to communicate internally and externally with judges, judicial branch entities, and other key stakeholders. Work on this initiative is ongoing.

Priority Initiative 6: Develop Judicial Council bylaws, committee structure and ongoing leadership continuity

At the October and December meetings, the Committee spent a significant amount of time drafting bylaws that define a model governance structure for effective policy-making by the Judicial Council. Creating a membership model that strengthens the institutional memory and effectiveness of the Council, while balancing the need for important leadership to be at the table, was thoroughly debated. Committee members suggested new standing and ad hoc committees that have clearly defined missions, membership, and terms. A draft of the proposed bylaws, suggested membership, and committee structure should be ready for the Judicial Council to review at its meeting on February 27, 2015.

The next meeting of the SPI Committee will be held on February 10, 2015. A majority of this meeting will be devoted to finalizing the draft bylaws.

Thank you to members of this Committee for their tireless efforts moving our strategic plan forward.

SPI Committee

Presiding Judge Sara Doyle, Chair
Judge Mary Staley
Judge Charles Wynne
Judge J. Lane Bearden
Judge W. Allen Wigington
Judge Chase Daughtrey
Judge E.R. Lanier

Marla Moore, JC/AOC Director
Cynthia Clanton
Randy Dennis
Molly Perry
Mike Cuccaro
Jorge Basto
Erin Oakley

Attachment: Strategic Plan

**Minutes of the Meeting of the
Judicial Council, Accountability Court Committee
Pickens County Courthouse, Jasper
July 24, 2014 • 10:00 a.m.**

Members Present

Chief Judge Brenda Weaver, Chair
Judge Jason Deal, Vice-Chair
Judge Charles Auslander, III
Chief Judge Jeffrey S. Bagley
Judge Stephen Goss (via teleconference)
Judge Kathlene F. Gosselin
Judge Cliff L. Jolliff
Judge Jeannette L. Little
Judge T. Russell McClelland, III
Chief Judge Murphy C. Miller
Judge Jack Partain
Judge D. Scott Smith
Judge Patricia Stone (via teleconference)

Guests Present

Mr. T.J. BeMent
Mr. Bob Bray
Mr. Steve Ferrell
Mr. Joe Hood
Mr. Chris Holt
Judge Horace Johnson
Ms. Jody Overcash
Ms. Tammy Skaggs
Ms. Betsy Thomas
Ms. Natasha Nankali

Staff Present

Mr. Jordan Dasher
Ms. Rachel Gage
Ms. Marla Moore (via teleconference)
Ms. Lateefah Thomas

Call to Order

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

Discussion of 2014-2015 Committee Charges

Develop and implement a plan for certification of supplementary court programs in SFY'15

Judge McClelland discussed DUI standards and best practices, noting that DUI courts have standards and take as guidelines best practices from drug courts. He proposed an 18-month timeframe for certification, but the details will be ironed out at the next DUI Subcommittee meeting scheduled during the State Court Judges Conference in October. He recognized the biggest challenge to be resources, as state courts are much smaller than superior courts, with the lack of funds and staff heavily impacting the certification process.

The consensus of the Committee is to target DUI courts next in terms of developing and implementing plans for certification in calendar year 2015. Ms. Thomas confirmed staff is available to support this process in 2015.

Continue to implement the plan for certification and peer review of adult drug and mental health court programs in SFY'15.

Judge Bagley updated the Committee on the peer review process on behalf of the Standards, Certification, and Peer Review, Adult Drug Courts Subcommittee. He also provided the Committee with a timeline and process to assure no state funds would be awarded to courts not certified or receiving the waiver, as stated per statute. The Subcommittee will also make provisions to the certification and waiver application in the fall, with the expectation that it will be soon finalized.

Judge Weaver spoke to the benefits of the peer review process; despite the time consumption required, it is very favorable. Peers offering advice and strengthening courts are extremely important as Georgia remains a leader in innovations related to accountability courts. It is an amicable process, with teams working together to improve both the court being reviewed as well as the court reviewing.

Judges Weaver and Deal reminded the Committee everyone must be peer reviewed at some point every three years, although lack of funding and staff currently limit the ability to do so. The Committee has focused the peer reviews on the problem spots first to best utilize time and resources.

The Committee is to schedule an additional peer review training class for those interested.

Judge Auslander praised the Conference Planning Subcommittee and Ms. Thomas' staff for their hard work as evidenced by the success of the NADCP annual conference and the session highlighting Georgia's work on peer review and certification. He commented that Georgia has surpassed other states in the peer review process, standards, and certification.

Review existing and anticipated sources of accountability court data and data elements to (a) analyze and modify program performance measures, (b) identify policy issues for study, and (c) consider development of statewide evaluation of processes and outcomes.

Judge Partain and Mr. TJ BeMent spoke about the case management and reporting system options. Summary of discussion is as follows: it will be necessary that there be one system desired to collect all data necessary to report data to all entities who request it and data to be collected needs to be discussed with coordinators to ensure they can, will, and are able to keep up with the data entry. Judge Weaver requested that the Judicial Council/AOC, Office of Research staff be included in all meetings pertaining to research and data repositories moving forward.

Update accountability court standards, best practices and risk/needs assessment tools for all programs based on national research, guidance and principles.

Judge Bagley recognized that our state standards have more detail than most national standards, which is commendable. The Subcommittee will continue to look at the comparison of standards on the state and national level to see where improvements can be made.

Pursuant to an issue on risk/needs assessment tools particular to mental health courts, Judges Goss and Gosselin expressed concern about the Funding Committee's refusal to allow mental health courts to use the START assessment tool but instead requires courts to use the LSI-R to assess risk/need. The key points were as follows: (1) functionality is critical to mental health

courts' assessments, and cannot be assessed with the LSI-R, but can with START; (2) START tool is recommended by clinicians over the LSI-R for mentally ill persons; (3) LSI-R is self-reported, which works well for those who are functional, but not for those who are largely within the mental health court population; (4) START allows for outside influence to the assessment, such as nurses' notes, conversations with family members, all of which determine the functionality of the person; (5) START has scores much like LSI-R, but uses a different methodology, (6) there is no current research to date suggesting LSI-R is a reliable tool for mental health courts; (7) START, like the LSI-R, allows for the identification of criminogenic need based on the reduction of recidivism; (8) START is an efficient tool and does not require a licensed provider to administer the assessment like the LSI-R does; thus resourceful and less time consuming.

Judge Goss proposed a motion for the Committee to propose the Funding Committee readdress and reevaluate the risk/needs assessment tool for mental health courts and allow for the determination of the appropriateness of the tool for specific courts based on clinicians' recommendations before they require them to use the LSI-R due to the difficulty standardizing mental health courts as the needs of the participants are much different than those of drug courts.

Judge Deal offered an amendment to Goss' motion and recommended that the Standards, Certification and Peer Review Subcommittee review certification processes for adult mental health courts, determine the primary risk/needs assessment tool used, communicate the findings with the Funding Committee and that tool will then be used as the risk/needs assessment tools for mental health courts in Georgia.

The Committee voted unanimously in favor of the amended motion.

Judge McClelland reported that he will continue to review and identify items related to DUI courts as the Subcommittee determines a need for standards specific to DUI misdemeanor courts. Work will continue through 2014.

Cultivate and implement a training and professional development plan to address priorities and technical assistance requests for accountability court teams, judges, and professionals.

Judge Deal delivered updates and requested discussion from members about the need for an annual conference. It was of consensus that the annual conference is a value to all courts and its teams. He suggested that all mandatory technical assistance and training be incorporated into the conference, requiring collaboration with the Funding Committee earlier.

Some recommendation for the conference include: different court training sessions, integration of mandatory training to conference, expansion of location to convocation center, lengthen days of conference, and separate conferences for north and south Georgia courts.

Judge Gosselin requested a qualitative section be placed in the conference evaluations to include comments on these recommendations. Staff will comply.

Accountability Courts Data Presentation, July 2013 – July 2014

Mr. Jordan Dasher presented research updates to the committee. He highlighted the changes to the SFY'15 Reporting Form, noting checks to internal validity and court-specific analysis.

Mr. Jordan Dasher provided an infographic handout with preliminary statistics with data from SFY'14. He also provided the Committee with maps of Georgia's accountability courts, showing which counties are served by each type of court.

Subcommittee Discussion and Updates

Standards, Certification & Peer Review, Mental Health Court

Judge Gosselin provided a Subcommittee update during the discussion of charges at the beginning of the meeting. She noted they are behind drug courts in the peer review process. Judge Goss and Gosselin discussed the issues relating to assessment tools for mental health courts earlier in the meeting. Judge Gosselin stated there is a mental health court training session for all peer reviewers on September 18, after the annual conference concludes.

Standards, Juvenile and Family Treatment Drug Court

Judge Stone updated the Committee on the expansion of family treatment courts, their support from the Casey Foundation, as well as upcoming trainings. The family treatment courts instituted a strategic plan for regular outreach in effort to build statewide partnerships, planned to meet with new DCFCS Director, decided on exact data elements to be recorded, determined the case management system to be used by most family treatment courts, and are focusing on improving treatment through consultation, specifically in effort to reduce relapse with guidance from evidence-based curriculum.

Funding Committee Grants Update

Judge Partain provided the following updates to the Committee: (1) more than \$9 million awarded in FY13, (2) approximately \$9.5 million awarded in FY14, and (3) it is anticipated that \$13.5 million will be awarded to 113 courts in FY15. He also discussed his Committee's process of the standardized case management systems: LMS Connexis and 5 Point Solutions.

Old Business

None.

Adjournment

The meeting adjourned at 1:20 p.m.

**FY'15 Accountability Court Rolling Application Awards approved by the Funding Committee
November 14, 2014**

This list contains awards approved by the Accountability Funding Committee to fund existing and new court programs

Court Name	Court Type	Award Amount
Atlantic Judicial Circuit Drug Court	Adult Felony Drug Court	\$50,000
Blue Ridge Circuit Drug Court	Adult Felony Drug Court	\$8,800
Dawson County Felony Drug Court	Adult Felony Drug Court	\$7,339
Enotah Drug Court-North	Adult Felony Drug Court	\$300
Gwinnett County Drug Court	Adult Felony Drug Court	\$15,912
Muscogee Circuit Drug Court	Adult Felony Drug Court	\$7,500
Pataula Circuit Drug Court	Adult Felony Drug Court	\$5,750
Rockdale County Drug Court	Adult Felony Drug Court	\$7,183
Towaliga Circuit Drug Court	Adult Felony Drug Court	\$9,000
Troup County Drug Court	Adult Felony Drug Court	\$15,000
Western Circuit Felony Drug Court	Adult Felony Drug Court	\$5,000
Appalachian Mental Health Court	Mental Health Court	\$11,700
Macon-Bibb County Mental Health Court	Mental Health Court	\$16,930
Forsyth County Mental Health Court	Mental Health Court	\$53,092
Alcovy Mental Health Court	Mental Health Court	\$23,538
Western Circuit Mental Health Court	Mental Health Court	\$5,000
Cobb County Family Drug Court	Family Drug Court	\$7,800
Douglas County Family Drug Court	Family Drug Court	\$5,000
Appalachian Veterans Court	Veterans Court	\$11,749
Macon-Bibb County Veterans Court (New)	Veterans Court	\$18,770
Cobb County Veterans Court (New)	Veterans Court	\$43,802
Gwinnett County Veterans Court(New)	Veterans Court	\$59,706



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Judge David Emerson, Chair
Judicial Workload Assessment Committee

RE: Judicial Council Policy for Judgeship and Circuit Boundary Studies

DATE: December 1, 2014

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

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

On September 23, 2013, the Chief Justice charged the Judicial Workload Assessment Committee with four items. One of those items was to update the methodology and policy used to analyze the need for superior court judgeships and circuit boundary alterations. The Committee has completed its work and now presents the revised policy to the Judicial Council for approval. Also included are unapproved minutes from the Committee's last meeting.

The revised policy accomplishes several goals. (1) Obsolete sections of the policy have been removed, and informal practices have been codified. (2) The workload assessment methodology has been updated to conform to National Center for State Courts best practices. (3) The terms and values used in workload and boundary studies are officially defined.

I want to thank the Committee for their hard work in updating this policy. Their dedication to the Committee helps ensure a fair, transparent judicial workload assessment process.

Policy on the Study of Superior Court Judgeships and Circuit Boundaries

Section 1 – Policy

1.1 – Introduction

This policy governs the processes, procedures, and methodology used by the Judicial Council when considering requests for additional judgeships and circuit boundary alterations. The Judicial Council recognizes that the addition of a judgeship or circuit boundary alteration is a matter of great gravity and substantial expense to the state’s citizens. Therefore, careful inquiry and deliberate study according to a rigorous methodology will lay the foundation for any recommended changes to circuit judgeships or boundaries.

The Judicial Council acknowledges the National Center for State Courts’ subject matter expertise in case processing and workload methodology and its documented best practices for assistance in this policy (see Appendix B).

1.2 – Policy Statements

1. The Judicial Council will recommend additional judgeships based only upon need demonstrated through the methodology contained herein.
2. The Judicial Council will recommend circuit boundary alterations based only upon need demonstrated through the methodology contained herein.
3. The Judicial Council will not recommend part-time judgeships.

Section 2 – Judgeship and Circuit Boundary Study

2.1 – Initiation

1. The Governor, members of the General Assembly, and superior court judges have standing to initiate judgeship and circuit boundary studies.
2. The AOC will notify the Governor, General Assembly, and superior court judges no later than April 1 that they may request studies in writing by June 1, or the next business day thereafter, prior to the session of the General Assembly during which the judgeship or change in circuit boundaries is sought. Any request received after June 1 will not be considered until the following year.

3. Requests for studies will be sent to the Director of the AOC. If a superior court judge, other than a chief judge, requests a judgeship or circuit boundary study, the AOC will inform the chief judge of the same circuit that a request has been made.

2.2 – Judgeship Study Methodology

The Judicial Council approves the methodology and all values associated with it in open session. (See Appendix A for definitions of italicized terms and a list of all values.)

1. The most recent three-year average of civil case filings and criminal case defendants, for each case type listed in Appendix A, will serve as the *total circuit caseload* for each case type. Each case type's caseload will be multiplied by its respective *case weight*. The resulting figure represents the *total circuit workload*.
2. The *total circuit workload* will be divided by the *judge year value* assigned to the circuit based on its *classification*. The resulting figure represents the *judge workload value*. If the *judge workload value* meets or exceeds the *judge threshold value*, then the circuit is qualified for an additional judgeship. If the *judge workload value* does not meet the *judge threshold value*, then the circuit is not qualified for an additional judgeship.
3. The AOC will notify the requestor and the circuit's chief judge of the circuit's qualification status.
4. A circuit that qualifies for an additional judgeship will have its judgeship study prepared and presented at the next Judicial Council meeting as described in Section 3.
5. A circuit not qualified for an additional judgeship has the right to appeal its status to the Judicial Workload Assessment Committee. If the appeal is approved, then the appealing circuit will have a judgeship study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.

2.3 – Circuit Boundary Study Methodology

A proposed circuit boundary alteration will cause study of the requesting circuit and all adjacent circuits. A circuit is qualified for a boundary alteration if, after the proposed alteration, the following conditions are met.

1. Caseload and Workload

- a. Caseload is more evenly distributed across all circuits impacted by the alteration.
- b. Workload in altered circuits does not vary significantly from the statewide average workload.
- c. Caseload trend analysis of altered circuits does not project an imbalance in growth rates that would necessitate a reallocation of resources or alteration of circuit boundaries again in the near future.

2. Population

- a. Per judge population is more evenly distributed among circuits impacted by altered boundaries.
- b. Per judge population does not vary significantly from the statewide average in altered circuits.
- c. Population trend analysis of altered circuits does not show an imbalance in growth rates that would necessitate a reallocation of resources or alteration of circuit boundaries again within ten years.
- d. The population of altered circuits is more evenly distributed than the original circuits.

3. Judges

- a. The number of additional judges needed to serve altered circuits is not significantly greater than the original number.
- b. Judges' travel time and/or distance between courthouses decreases in altered circuits.

4. Administrative

- a. The one-time and recurring costs to altered circuits are not overly burdensome to the state or local governments. Changes in cost for personnel services and operations will be considered.

- b. The operational and case assignment policies are not negatively impacted in altered circuits.
5. The preceding conditions (1-4) will be considered for all potential circuit boundary alterations before qualification status is determined.
6. If a circuit meets a significant number of the preceding conditions, then the circuit is qualified for a boundary alteration. If a circuit does not meet a significant number of the preceding conditions, then the circuit is not qualified for a boundary alteration.
7. The AOC will notify the requestor and the circuit's chief judge of the circuit's qualification status.
8. A circuit that qualifies for a boundary alteration will have its judgeship study prepared and presented at the next Judicial Council meeting as described in Section 3.
9. A circuit not qualified for a boundary alteration has the right to appeal its status to the Judicial Workload Assessment Committee. If the appeal is approved, then the appealing circuit will have a boundary study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.

Section 3 - Judicial Council Procedure

The Judicial Council will make recommendations to the Governor and the General Assembly for judicial personnel allocations and circuit boundary alterations annually prior to the beginning of the regular session of the General Assembly.

1. The AOC will prepare and present a judgeship and/or boundary study for all qualified circuits and non-qualified circuits with successful appeals that requested judgeship and/or boundary studies. The report will include the results of the judgeship and/or boundary studies, any letters of support from requesting circuits, any available *CourTools* data, and other information the AOC may deem beneficial to Judicial Council deliberations.
2. After reviewing the judgeship and/or boundary study, the Judicial Council, in open session, may discuss the merits of each request. Any Judicial Council member in a circuit or county affected by a study will be eligible to vote on motions affecting that circuit but will not be present or participate in deliberations regarding the circuit. Non-Judicial Council members offering support or opposition may be recognized to speak by the Chief Justice.

3. After deliberations, the Judicial Council will, in open session, approve or disapprove the judgeship and boundary changes presented in the judgeship and/or boundary study. Votes on such motions will be by secret, written ballot. Non-qualified circuits with successful appeals must have a two-thirds (2/3) majority to receive approval. Each ballot must be complete to be counted. The presiding judge of the Court of Appeals will oversee ballot counting.
4. After determining the circuits recommended for an additional judgeship, the Judicial Council will rank the circuits based on need. Votes on such motions will be by secret, written ballot. Each ballot must be complete to be counted. The presiding judge of the Court of Appeals will oversee ballot counting.
5. Upon Judicial Council recommendation of an additional judgeship or circuit boundary alteration, the recommendation will remain for a period of three years unless (1) the total caseload of that circuit decreases 10 percent or more or (2) the circuit withdraws the request. In either case, the circuit must requalify before being considered again by the Judicial Council.
6. The AOC will prepare and distribute letters notifying requestors and chief judges of the Judicial Council's actions and distribute a press release summarizing the Judicial Council's recommendations.

Appendix A

Definitions

Total circuit caseload – The average (arithmetic mean) of the most recent three-years of civil case filings and criminal case defendants for each case type.

Case weight – The average number of minutes needed to dispose of a particular case type.

Total circuit workload – The sum of the total circuit workload for each case type multiplied by the case type's corresponding case weight.

Judge year value – The average number of minutes per calendar year a judge is available to do case work.

Classification – The category of circuits based upon the following formula. (1) Urban circuits are circuits with one county and seven or more judges. (2) Suburban Single-County circuits are circuits with one county and fewer than seven judges. (3) Suburban Multi-County circuits are circuits with multiple counties and a number of judges greater than or equal to the number of counties in the circuit. (4) Rural circuits are circuits with a number of judges fewer than the number of counties in the circuit.

Judge workload value – The total circuit workload divided by the judge year value, representing the number of judges needed to do the work of the circuit during a year.

Judge threshold value – The value a circuit's judge workload value must meet or exceed to be qualified for an additional judgeship.

Values

Case Type	Case Weight (in minutes)	Judges in Circuit	Per Judge Value Needed to Qualify for Next Judge	Judge Threshold Value
Serious Felony	353.79	2	1.350	2.700
Felony	49.30	3	1.340	4.020
Misdemeanor	13.17	4	1.330	5.320
Unified Appeal	7,200.00	5	1.320	6.600
Probation Revocation	19.34	6	1.310	7.860
Felony Accountability Court	207.23	7	1.300	9.100
Appeals/Review	54.58	8	1.290	10.320
Contract/Account	15.80	9	1.280	11.520
Dispossessory/Distress	27.02	10	1.270	12.700
Forfeiture	66.75	11	1.260	13.860
Habeas Corpus	134.35	12	1.250	15.000
Non-Domestic Contempt	76.57	13	1.240	16.120
Other General Civil	38.01	14	1.230	17.220
Post Judgment/Garnishment	3.31	15	1.220	18.300
Real Property	154.20	16	1.210	19.360
Tort/Negligence	125.31	17	1.200	20.400
Adoption	52.51	18	1.190	21.420
Child Support Enforcement	10.07	19	1.180	22.420
Contempt	26.22	20	1.170	23.400
Divorce/Alimony	45.92	21	1.160	24.360
Family Violence	24.32	22	1.150	25.300
Legitimation	32.14	23	1.140	26.220
Modification	58.03	24	1.130	27.120
Non-CSE/Custody	187.67	25	1.120	28.000
Other Domestic	11.67			
Death Penalty Habeas Corpus	7,640.40			

Classification	Judge Year Value (in minutes)
Urban	90,660
Suburban Single County	89,940
Suburban Multi County	78,900
Rural	78,540

Appendix B

Judicial Council Workload Assessment Methodology

The first data-driven analysis of the need for additional superior court judgeships was undertaken in response to requests for seven circuit studies in preparation for General Assembly consideration in 1974. These special studies were conducted according to a methodology dependent on comparisons of geographic, demographic, caseload, and practicing attorney data. However, the goal was to craft a methodology in line with the following premise articulated by the Judicial Council.

“The single most important determinant of the number of judges required in a judicial circuit is the current and anticipated caseload in that circuit. Techniques . . . generally known as ‘weighted case averaging’ provide an informed basis for comparing different trial courts within a system and determining which ones may be overloaded and therefore in need of additional judicial manpower. Experience suggests that this type of caseload measure is a much better indicator of the need for new judgeships than other measures such as the simple number of case filings or changes in community population.”

The Judicial Council has employed various models to assess workload and recommend additional judgeships to the Governor and the General Assembly. Although it has been modified over the years to account for changing resources and technology, the methodology has always taken into account differing case types and their average time requirements. The Council’s Judicial Workload Assessment Committee is assigned the responsibility of reviewing and suggesting improvements to the methodology and potential changes to the Judicial Council policy governing additional superior court judgeships.

Integral to the workload assessment process is the quantitative analysis based on data produced from a time and motion study of judge work activities. A time and motion study is a scientifically developed method of tracking an activity over a specific period. Superior court judges record time spent on their work during a certain period, and these time data are joined with disposition data from the same interval to arrive at average times to disposition and judge year values. Three time and motion studies have been conducted in Georgia, in 2000, 2006, and 2011 to refresh the average time to disposition values as needed. Two additional studies were conducted in 2012 to create average time to disposition values for death penalty habeas corpus cases and adult felony accountability court cases.

The 2011 Time and Motion Study contained two data collection components. The first component is judge time spent on case and non-case related activities. Data collection took place during March 2011, with 147 of 205 superior court judges, representing 46 circuits, documenting time on printed or electronic forms. These judges, along with nine magistrates designated to preside in superior court, submitted 1,562,117 minutes of case and administrative activity data to the AOC.

The second data collection component is disposition data. Superior court clerks in circuits with

participating judges were asked to complete a summary report of dispositions for the month of March and submit it to the Council of Superior Court Clerks. The Council compiled data furnished by 126 clerks and forwarded a report totaling 32,742 criminal, general civil and domestic relations defendants and dockets to the AOC.

Once statewide data were synthesized, the following formula was applied to case related data to determine each case type’s average time to disposition value:

$$\sum \left[\frac{\sum \text{Judge Minutes} - \sum \text{Judge Minutes from counties without disposition data}}{\sum \text{County disposition reports} \times \frac{\text{Participating judges in the circuit}}{\text{Total judges in the circuit}}} \right] \text{ for all circuits} = \text{Average Time to Disposition}$$

To ensure a valid and reliable calculation, the AOC removed the judge time recorded in counties for which no disposition data was furnished, and disposition reports for circuits where not all judges recorded time were adjusted proportionally to the number of judges participating.

To determine judge year values, total eight-hour work periods in a year are estimated to be 2,920. From this number, the following standard deductions were identified:

Standard Deductions	Hours
Weekends	832
Holidays	96
Annual Leave	120
Sick Leave	72
CJE	40
Total	1,160

Total Hours [2,920] – Standard Deductions [1,160] = Average Work Hours [1,760]

To complete the analysis, additional deductions are made based on circuit demographics and the administrative activity data submitted by judges. All times are in hours.

Non-Case Activities	Urban	Suburban Single County	Suburban Multi-County	Rural
Travel	0	0	104	160
Administration	181	208	293	247
Community Activities	68	53	49	44
Total	249	261	446	451



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Meeting of the Judicial Workload Assessment Committee

Ratley Training Room, Administrative Office of the Courts
244 Washington Street SW, Suite 300
Atlanta, GA 30334
November 21, 2014
10:00 AM to 12:00 PM

Members Present:

Judge David Emerson, Chair (*via telephone*)
Judge C.J. Becker
Chief Judge William Boyett
Judge LeRoy Burke, III
Judge Doris Downs
Judge Annie Holder (*via telephone*)
Judge Sheryl B. Jolly
Chief Judge Russell T. McClelland (*via telephone*)
Judge Kathy S. Palmer
Ms. Cinda Bright
Mr. Bart Jackson (*via telephone*)
Mr. Bob Nadekow (*via telephone*)

Guests Present:

Mr. Todd Ashley
Ms. Tina Blankenship

Staff Present:

Marla Moore
Molly Perry
Christopher Hansard
Wendy Hosch
Kimberly Miller

Call to Order

Chief Judge William Boyett called the meeting to order at 10:06 a.m.

Approval of July 18 and July 28, 2014 Minutes

The committee unanimously approved the minutes without amendment. Minutes for the cancelled judgeship appeal meeting were included as an attachment.

2014 Reporting Excellence Award

Mr. Christopher Hansard announced that the Judicial Council/AOC was awarded the 2014 Reporting Excellence Award for its work with the National Center for State Courts' Court Statistics Project. Ms. Marla Moore will accept the award at the upcoming Conference of State Court Administrators meeting in Savannah this February.

Annual Report – Data Presentation

Mr. Hansard presented and reviewed the data elements, charts, and tables that will be included in the Fiscal Year 2014 Judicial Council Annual Report. He noted that the presentation format was different yet more appropriately reflected the courts' workload.

2013 Workload Assessment

Mr. Hansard announced that the 2013 Workload Assessment had been completed and published on the Judicial Council/AOC website. He noted that improvements were made in reporting accuracy but that there was still some disparity in reporting habits across courts. Staff will continue to reach out to courts to improve consistency in reporting caseloads accurately and in conformance with published definitions.

Threshold Value to Qualify Report

Mr. Hansard followed up on previous discussions on the threshold value to qualify for new judgeships. The Committee discussed ways to improve reporting and move towards a scientifically validated model for threshold values. The Committee agreed to approve the revised policy as presented and further evaluate the thresholds at its next meeting.

Policy on Study of Superior Court Judgeship

After discussion, the policy was approved for submission to the Judicial Council for its December 2014 meeting.

Caseload Reporting and Serious Felony

The Committee discussed ways to improve serious felony identification by court clerk staff. Guest Todd Ashley, Deputy Director of the Prosecuting Attorneys' Council, was present to provide insight from the prosecutors' point of view. After discussion, the Committee agreed to amend the definition of serious felonies to include: (1) all charges with a mandatory minimum sentence of ten years or greater, and (2) all repeat offenders as defined by OCGA §17-10-7. Mr. Ashley and Ms. Cinda Bright, president of the Georgia Superior Court Clerks' Council, agreed that prosecuting attorneys would work with court clerks to develop and provide training to streamline the process for appropriately identifying language cues on case filing documents.

Georgia Draft Time Standards

The Committee reviewed the Draft Time Standards authored by Judge Emerson and the statutorily required juvenile court time standards provided by Judge Burke. The Committee agreed to present the standards to justice system stakeholders, including judge councils, public defenders, prosecutors, state bar, law enforcement, and clerks for review and comment. The Committee requests feedback before its next meeting in March 2015.

Next Meetings

The Committee agreed to meet next on March 6, 2015 and July 24, 2015.

Adjournment

Chief Judge William Boyett adjourned the meeting at 12:05 p.m.



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Members of the Judicial Council

FROM: Justice Carol W. Hunstein, Co-Chair
Justice Robert Benham, Co-Chair
Access, Fairness, and Public Trust and Confidence Committee

RE: Update

DATE: December 5, 2014

The Judicial Council Access, Fairness, and Public Trust and Confidence Committee will meet on Wednesday, January 7, 2015.

This committee's goal is to improve the public's trust by focusing on access and fairness through the elimination of systemic barriers related to gender, race, ethnicity, disability, and language.

Committee membership and potential committee projects are listed below for your information. We appreciate any feedback from Council members on Committee activities.

Committee Membership

Justice Robert Benham, Co-Chair	Supreme Court of Georgia
Justice Carol W. Hunstein, Co-Chair	Supreme Court of Georgia
Judge Sara L. Doyle	Court of Appeals of Georgia
Judge Horace J. Johnson, Jr.	Superior Court, Alcovy Circuit
Judge Gail Tusan	Superior Court, Atlanta Circuit
Judge Cassandra Kirk	Juvenile Court, Atlanta Circuit
Judge Jason Troiano	State Court of Fayette County
Judge Sherry Moore	Probate Court of Jackson County
Judge La'Tisha Dear	Recorders Court of DeKalb County
Ms. V. Sharon Edenfield	State Bar of GA Young Lawyers Division
Ms. Joy Lampley-Fortson	GA Association of Black Women Attorneys

Ms. Lori Gelchion
Mr. Coy Johnson, Jr.
Ms. Monica Khant
Mr. David M. Sneed

GA Association of Women Lawyers
Gate City Bar Association
GA Asian Pacific American Bar Assoc.
State Bar of Georgia

Committee Activities

Strategic Plan Priority Initiative 1: Baseline Customer Experience Survey

Through the efforts of the JC/AOC Strategic Plan Implementation Committee and in alignment with the identified priorities in the Strategic Plan (see enclosed), JC/AOC staff will utilize the National Center for State Courts' *Access and Fairness Survey* to establish a statewide baseline for customer experience.

Partnership with State ADA Coordinator's Office

ADA Handbook Revision

Staff is working with the State ADA Coordinator's Office to complete a comprehensive revision and update to the 2004 publication *A Meaningful Opportunity to Participate: A Handbook for Georgia Court Officials on Courtroom Accessibility for Individuals with Disabilities* ("ADA Handbook"). JC/AOC staff has been collaborating with the State ADA Coordinator's Office to prepare the project's goals. Revisions have begun and staff will rely on the Committee's guidance in editing and finalizing the document.

AccessIT

In conjunction with the State ADA Coordinator's AccessIT Initiative, the JC/AOC will research, pilot test products (i.e. website, training material) for, and train internal staff on developing accessible digital content for persons with disabilities. The AccessIT project's resources have been developed and will be distributed to staff and offered as a resource to court personnel in the state of Georgia. Additionally, a portion of the ADA Handbook will address developing accessible digital content.

Partnership with the Center for Public Policy Studies and Center for Court Innovation

Immigration and the State Courts Initiative

From September 2011 through October 2013, Georgia hosted the Center for Public Policy Studies' (CPPS) Immigration and the State Courts Initiative. Through this national project, CPPS and JC/AOC staff met with judges, clerks, and other court personnel to discuss the impacts of federal and state immigration law, policy, and practice on case processing and operations in Georgia courts. Comprehensive training was delivered to judges of each trial court at their respective ICJE-sponsored conference. The Immigration and the State Courts Initiative was finalized in October 2013, but CPPS staff continue to provide technical guidance when questions arise.

Human Trafficking and the State Courts Collaborative

Building on the work with the Immigration and the State Courts Initiative, Georgia was selected to participate as one of three pilot sites in the Human Trafficking and the State Courts Collaborative. This collaborative, made up of the Center for Public Policy Studies (CPPS), the Center for Court Innovation (CCI), and the National Judicial College (NJC), is designed to assess the scope of human trafficking-related challenges faced by state courts and to develop resources and capacity to address them. In April 2013, a diverse group of stakeholders was convened to inform this work, and project staff is collaborating with selected partners to bring awareness and understanding about human trafficking to judges and court personnel.

In June 2014, consultants from CPPS met with the Georgia working group to engage in conversation about the training needs of Georgia's judiciary and local practitioners. Curriculum is being developed and will be implemented in future training sessions with each class of court.

Human Trafficking Court Pilot Project

Staff from CPPS and CCI approached JC/AOC staff in October with a proposal for a human trafficking court pilot project. The JC/AOC is interested in pursuing the creation of a specialized human trafficking court in a county (or multiple counties) in Georgia.

Status: Courtney Bryan with CCI met with Justice Hunstein and JC/AOC staff to discuss the proposal and potential sites for the pilot project.

State Bar of Georgia Access to Justice Committee

JC/AOC staff serve as representatives from the judicial branch to the State Bar Access to Justice Committee. The committee convened the Collaboration for Access subcommittee, whose objectives have been defined as:

- Work with the JC/AOC to replicate the Appalachian Circuit Family Law Information Center (FLIC) in other judicial circuits;
- Establish a listserv for self-help center administrators and develop a "Tool Kit" for self-help centers, and
- Educate the public about www.legalaid-ga.org.

In 2013 the JC/AOC developed and administered a survey of court-based self-help program administrators in the state. Their responses will inform the development of a "Tool Kit" that can be used by other courts seeking to establish such programs.

Status: The State Bar of Georgia's Access to Justice Committee leadership has recently altered, and JC/AOC staff will revisit these goals as the goals of the Access, Fairness and Public Trust and Confidence Committee develop.

Other Projects

Sign Language Interpreters Directory

The JC/AOC maintains a directory of certified sign language interpreters in the state and responds to inquiries regarding sign language interpreters in court proceedings. The directory was updated and revised in 2013 to ensure an accurate listing of interpreters.

Status: This project began as a project of JC/AOC staff and recently became a statutory duty of the Supreme Court Commission on Interpreters.

Additional projects related to enhancing access and fairness are under discussion and include the following:

Court Clerks' Guidelines for Self Represented Litigants

Limited Scope Representation Rules/Forms

Model Language Access Policy

Model ADA Policy

National Association of Women Judges 2017 Conference Planning

Liaison

The Committee will provide support to and liaison with the following groups whose priority areas intersect with the goals of the Committee:

Georgia Commission on Family Violence

Judicial Council Domestic Violence Committee

Supreme Court Commission on Interpreters



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Memorandum

TO: Judicial Council Members

FROM: Marla S. Moore, Director

RE: Review and Approval of Training Curricula for Georgia Magistrate and Georgia Municipal Courts Training Councils

DATE: December 5, 2014

The Judicial Council is required under OCGA § 15-10-131 (3) and 36-32-21 (5) to approve curricula of the magistrate and municipal courts training councils. The 2015 curricula for both have been approved by their respective training councils and are enclosed for your review and approval.

Mr. Richard Reaves, Executive Director of the Institute of Continuing Judicial Education, will be in attendance at the Judicial Council meeting and will answer any questions you may have.

As of October 27, 2014

2015 ICJE COURSES

Magistrate Court

COURSE	SEATS	DATE	VENUE
CERTIFICATION			
40-Hr. (Criminal Law) Basics* for New, Non-Attorney Magistrates	40	Feb. 22-27	UGA Hotel & Conference Center, Athens
6-Hr. Mentor Certification* for New Mentor Judges	20	Mar. 6	Holiday Inn, Athens
40-Hr. (Civil Law) Basics* for New, Non-Attorney Magistrates	40	Aug. 30 - Sept. 4	UGA Hotel & Conference Center, Athens
RECERTIFICATION			
12-Hr. Domestic Violence* (e-Learning) <i>No Travel!</i>	30	April 6-24	Online (3 hrs. ONLINE each week PLUS 3 hrs. advance reading)
12-Hr. Recertification Survey & Council Meetings (May 30)	175	May 18-19	Legacy Lodge & Conf. Ctr. at Lake Lanier Islands, Buford
12-Hr. Magistrate Court Clerks	75	June 18-19	Legacy Lodge & Conf. Ctr. at Lake Lanier Islands, Buford
12-Hr. Jail Diversion* (e-Learning) <i>No Travel!</i>	30	July 6-24	Online (3 hrs. ONLINE each week) PLUS 3 hrs. advance reading)
12-Hr. Local Ordinances* (e-Learning) <i>No travel!</i>	30	Aug. 3-21	Online (3 hrs. ONLINE each week) PLUS 3 hours advance reading)
12-Hr. Recertification Survey & Council Meetings (Oct. 4)	175	Oct. 5-6	Jekyll Island Club Hotel, Jekyll Island
12-Hr. Ethics Boot Camp* (e-Learning) <i>No travel!</i>	30	Nov. 2-20	Online (3 hrs. ONLINE each week) PLUS 3 hours advance reading)

Council of Magistrate Court Judges

Council Meetings are combined/blended
with ICJE Recertification Courses

See related courses above

Specialty Courses

(Open to Judges from All Classes of Court)**

COURSE	SEATS	DATE	VENUE
12-Hr. Faculty Development*	30 (Any)	Feb. 11-12	Holiday Inn, Athens
12-Hr. Humanities*	5 (Mag.)	Mar. 13	Holiday Inn, Athens
18-Hr. Firearms Safety & Awareness*	25 (Mag.)	Oct. 29-30	GLOCK, Inc., Smyrna
12-Hr. Spanish* (Face-to-face)	25 (Mag.)	Nov. 13	KSU Conference Center - Kennesaw
12-Hr. Spanish* (Online) <i>No travel!</i>	25 (Any)	Ongoing	Online
1-Hr. ICJE Online Webinar Series (No Travel!)	TBA	TBA	Online: Request Enrollment via Rich Reaves, ICJE

* Full attendance and participation required for MCJE credit.

2015 MUNICIPAL COURT TRAININGS
BY ICJE STAFF: Kathy Adams & Missy Tolbert

MUNICIPAL COURT JUDGES:

<u>COURSE NAME</u>	<u>DATES</u>	<u>LOCATION</u>
Faculty Development	February 11-12	Holiday Inn Athens
Humanities	March 13	Holiday Inn Athens
20 Hr / 12 Hr. Law & Practice Update	June 23-26	Jekyll Island Club
Toxicology / DUI	September 10-11	Holiday Inn Athens
20 Hr / 12 Hr. Law & Practice Update	October 7-9	UGA Hotel& Conference Center
Spanish	November 13	KSU Center, Kennesaw

MUNICIPAL COURT CLERKS:

<u>COURSE NAME</u>	<u>DATES</u>	<u>LOCATION</u>
16 Hour Certification	February 4-5	Holiday Inn Athens
Recertification Course	April 22-23	UGA Hotel & Conference Center
Online Recertification Course	May 11-22	eLearning Commons-Online Training
Recertification Course	June 3-4	Nessmith-Lane Conference Center, Statesboro
Recertification Course	August 12-13	KSU Center, Kennesaw
16 Hour Certification	September 23-24	UGA Conference Center, Tifton
Recertification Course	November 4-5	UGA Conference Center, Tifton
Online Recertification Course	November 9-20	eLearning Commons-Online Training



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FINAL REPORT OF THE SENATE UNIFIED COURTS TECHNOLOGY STUDY COMMITTEE

COMMITTEE MEMBERS:

Senator Josh McKoon, Chairperson
District 29

Senator Vincent Fort
District 39

Senator William T. Ligon, Jr.
District 3

Senator Jesse Stone
District 23

Senator Curt Thompson
District 5

The Honorable David Emerson
Superior Court Judge, Douglas Judicial Circuit

The Honorable Stephen Kelley
Superior Court Judge, Brunswick Judicial Circuit

Prepared by the Senate Research Office
November 25, 2014

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INTRODUCTION

The Senate Unified Courts Technology Study Committee (the “Committee”) was created by Senate Resolution 986 during the 2014 Legislative Session of the Georgia General Assembly. The Committee was charged with undertaking a study of the conditions, needs, issues, and problems associated with data sharing between justice system agencies, including data relating to civil, criminal, and domestic relations matters. Senate Resolution 986 expressed the sense of the Senate that efficient sharing of data would be based on upgrades to existing technology systems based on mandatory statewide standards. The resolution further expressed the Senate’s sense that the efficient function of the judiciary system is of utmost importance to the State of Georgia and that the key to such efficiency is the real-time sharing of information between the court agencies.

Senator Josh McKoon of the 29th chaired the Committee, which held five public hearings at the State Capitol in Atlanta. Committee hearings¹ were held on the following dates:

- August 8, 2014;
- September 5, 2014;
- October 3, 2014;
- October 24, 2014; and
- November 7, 2014.

The other Senators who served as members of the Committee were Senator Vincent Fort of the 39th, Senator William T. Ligon, Jr. of the 3rd, Senator Jesse Stone of the 23rd, and Senator Curt Thompson of the 5th. The Senators were joined by two members of the state judiciary, The Honorable David Emerson, Superior Court Judge, Douglas Judicial Circuit, and The Honorable Stephen Kelley, Superior Court Judge, Brunswick Judicial Circuit.

BACKGROUND

In its final report dated December 31, 2013, the Senate Expungement Reform Study Committee (the “Expungement Committee”), as part of its study of ways to improve the process for expunging and restricting access to certain types of criminal history records, recommended that the state undertake to study the cost and feasibility of a significant investment in state and local information technology systems, the cost of training state and local employees on new systems,

¹ A list of witnesses who testified at each of the public hearings and a brief summary of their testimony is set forth in Appendix A to this Report.

and the feasibility of using add-on fees to fund systems upgrades. This recommendation was based on findings made by the Expungement Committee that:

- Omissions and inconsistencies are prevalent throughout the criminal history records maintained by key stakeholders in the state's criminal justice system, including those maintained by sheriffs' departments, court clerks, prosecuting authorities, and the Georgia Bureau of Investigation ("GBI"); and
- Information technology systems utilized by key stakeholders in the state's criminal justice system, particularly at the local level, are inadequate to properly process, correct, and update criminal history information.

Because of these findings and the recommendations of the Expungement Committee and the willingness expressed by key stakeholders to continue working to address these issues,² the Committee undertook further study of this issue, focusing on specific technology and data-sharing needs at all levels and classifications of the state's judicial system and within the law enforcement community, as well as an examination of current efforts aimed at improving data sharing between stakeholders. The Committee also examined programs, data-sharing platforms and systems, and governance models utilized by other states to improve data collection, entry, and dissemination within their criminal justice systems.

In addition to this specific focus on sharing of criminal justice data, the Committee received testimony regarding other current technology needs in the judicial and law enforcement communities, recognizing that technology integration, broadly speaking, remains a key issue throughout the state's justice system. The Committee took special note of efforts to expand public access to court records, ease the "customer" experience of interacting with the judicial system, and to promote the availability of electronic filing and case management in civil court proceedings as a way to both reduce the cost and burden of filing documents in civil matters and to provide greater access to the judicial system for pro se litigants.

FINDINGS

Based on the testimony presented, the Committee makes the following findings:

1. Georgia's disparate court and law enforcement structures present significant—but not unique—challenges in managing the timely and accurate collection, entry, and dissemination of judicial and law enforcement data and records among key stakeholders in the state's civil and criminal justice systems. Georgia does not have a "unified" court system as some states do, and the large number of courts³ and other agencies that are stakeholders in the state's justice system make collection and sharing of data across agencies and jurisdictions a difficult task.

² For instance, Senator Josh McKoon received a letter dated February 3, 2014 from Chief Justice Hugh Thompson of the Georgia Supreme Court expressing "strong support for the findings and recommendations of the [Expungement Committee] to study (1) the cost and feasibility of a significant investment in state and local information technology systems, (2) the cost of training state and local employees on new systems, and (3) the feasibility of using add-on fees to fund system upgrades." The Chief Justice's letter went on to note that "[c]ourts and their stakeholders and customers experience daily limitations resulting from incomplete information and records . . . [A]bsent statewide standards, funding, and legislative support, progress will be marginal."

³ According to data provided by the Administrative Office of the Courts of Georgia (AOC), the Judicial Council and the AOC currently serve 1,087 courts (including 381 Municipal Courts) comprised of 1,625 judges.

2. Numerous justice system agencies (broadly defined to include courts⁴ and court systems, including the clerks of each court; sheriffs' and police offices; prosecutors and solicitors; public defenders; the Georgia Department of Corrections (DOC); the Georgia Department of Juvenile Justice (DJJ); and GBI are currently engaged in data-sharing projects, including exchanges between and among local agencies, between local agencies and state-level entities, and between various state-level entities.⁵

The Committee heard testimony from the Council of Superior Court Clerks of Georgia regarding a series of local projects under the banner of "Georgia JDX." Work on Georgia JDX local justice system integration projects began in 2005 as an effort to improve data-sharing between various stakeholders in the justice system. The Georgia JDX projects involved specific efforts to align business processes in various agencies, harmonize data standards that would be used between agencies, and to align the state's data-sharing efforts with those being undertaken by the U.S. Department of Justice and the U.S. Department of Homeland Security to improve criminal justice data-sharing following the September 11, 2001 terrorist attacks. Georgia JDX's key goals were to improve data quality and accuracy for all users; improve record-keeping for purposes of budgetary and legislative analysis and action; and to create costs savings throughout the criminal justice system by reducing the need for multiple entries of the same information, with the ultimate goal of placing accurate and timely information about criminal offenders and their case dispositions into the Georgia Crime Information Center ("GCIC") database and records and reports used by policymakers. The basic approach of Georgia JDX was not to require the purchase of specific software or hardware by stakeholders, but instead to connect existing technology platforms maintained by various agencies. As Mike Holiman of the Council of Superior Court Clerks of Georgia indicated to the Committee, "there is no other practical way to coordinate [data sharing] across so many agencies and offices." Mr. Holiman indicated his view that the state needed a more formalized governance structure with high-level buy-in in order to successfully coordinate and fund statewide data-sharing initiatives.

Georgia JDX-based projects were on the cusp of being realized until the economic downturn from 2008 to 2010 forced the state to end funding for the projects. However, despite those cutbacks, a number of projects based on the Georgia JDX model continued based on local efforts and funding. One such project is ongoing in the Griffin Judicial Circuit. Sheila Studdard, the Clerk of Superior, State, and Magistrate Courts in Fayette County testified before the Committee regarding a data exchange she helped to coordinate in her county between the various criminal justice stakeholders there. After initial success, that model was scaled up to include the additional counties in the Griffin Circuit (Upson, Pike, and Spaulding). Ms. Studdard indicated that the project was funded by an initial grant of \$375,000 for the Circuit with annual maintenance costs being picked up initially through the Circuit's budget and eventually by funding from the county governments. Ms. Studdard attributed the success of the Griffin project to the independence that each agency was able to maintain, though they each agreed to certain standards through a memorandum of understanding that governed their exchange of data.

⁴ Here, the term "courts" refers not only to specific courts, but also to the Judicial Council of Georgia and the Administrative Office of the Courts of Georgia, which provide management, technological, and administrative support to courts in Georgia. For the specific statutory authorities governing these entities, see O.C.G.A. § 15-5-20 et seq. (Judicial Council of Georgia) and O.C.G.A. § 15-5-22 et seq. (Administrative Office of the Courts of Georgia).

⁵ As an example of the latter, the Prosecuting Attorneys' Council of Georgia indicated to the Committee that it currently receives arrest data from GBI, traffic citation data from the Georgia State Patrol, and parole notifications from the State Board of Pardons and Paroles.

3. Despite statutory mandates that certain criminal justice data be reported by justice system agencies to the Georgia Crime Information Center (GCIC) and the Administrative Office of the Courts, and despite the success of various local data-sharing projects between justice system agencies, buy-in to local data-sharing projects across the justice community has been sporadic, and significant gaps remain with respect to the accuracy and quality of data exchanged between local justice system agencies.

This finding is consistent with earlier findings of the Expungement Committee, which examined this issue specifically with respect to a former offender's ability to receive accurate information about his criminal history and to remove any information from that record that is not correct. Key factors driving this problem are the inconsistency with which data is initially entered into the various databases used by justice system stakeholders and the potential for mistakes that arises when multiple agencies input data regarding the same offender.

4. The lack of proper incentives (including consistent funding and the availability of state technical assistance and support) and the desire to retain ownership and control over data generated by a particular agency have been cited as key reasons why some justice system agencies have been unwilling or unable to pursue data-exchange projects. County commissions and cities currently foot the bill for court case management systems and other technologies utilized at the trial court level. The Committee received testimony indicating that additional investment from the state can supplement the investment being made by local governments and better enable local stakeholders to engage in data-sharing projects.

5. There is currently no formal state-level governance structure in place for coordination of information sharing between stakeholders in the justice system. Such a governance structure is not without precedent, however. In 1990, the General Assembly created the Georgia Courts Automation Commission ("GCAC").⁶ The GCAC's membership is comprised of the Chief Justice of the Supreme Court of Georgia and consists of ten other members, appointed by the Chief Justice. Such members include a judge of the Georgia Court of Appeals, three superior court judges, one superior court clerk, one state court judge, one juvenile court judge, one probate court judge, one magistrate court judge, and one municipal court judge.⁷ GCAC is assigned to the Judicial Branch for administrative purposes and was designed to address technology and automation needs specific to the judicial system.

In addition to its members, the GCAC is served by an advisory council consisting of the following individuals or their designees:

- Director of GBI;
- Commissioner of corrections;
- Commissioner of public safety;
- Chairman of the State Board of Pardons and Paroles;
- Director of the Administrative Office of the Courts;
- Director of the Criminal Justice Coordinating Council;
- Director of the Governor's Office of Children and Families; and
- Executive Director of the Georgia Technology Authority.⁸

⁶ See O.C.G.A. § 15-5-80 et seq.

⁷ O.C.G.A. § 15-5-80.1(b).

⁸ O.C.G.A. § 15-5-81(a).

Under current statute, members of the GCAC's advisory council are entitled to attend all GCAC meetings and to review and comment on all proposed official actions of the GCAC but are not voting members of GCAC.⁹

GCAC has the following duties under Title 15:

- “Define, implement, and administer a statewide courts automation system including data collection, networking, data storage, retrieval, processing, and distribution;
- Coordinate and cooperate with the state's chief information officer with regard to planning, implementation, and administration of a statewide courts automation system to take advantage of existing state resources where possible;
- Receive electronic data from the civil case filing and disposition forms that are required to be filed in civil cases pursuant to subsection (b) of Code Section 9-11-3 and subsection (b) of Code Section 9-11-58 and that are transmitted to the commission by the Georgia Superior Court Clerks' Cooperative Authority in a format and media agreed to by the commission and the authority;
- Compile the civil filings and dispositions data, and provide such data to the Administrative Office of the Courts;
- Participate in agreements, contracts, and networks necessary or convenient for the performance of the duties specified [above] and for the release of the information from civil case filing and disposition forms;
- Administer federal, state, local, and other public or private funds made available to it for implementation of the courts automation system;
- Coordinate statewide strategies and plans for incorporating county and local governments into the courts automation system, including review of requirements of the several state agencies for documents, reports, and forms and the consolidation, elimination, or conversion of such documents, reports, and forms to formats compatible with electronic transmittal media;
- Establish policies and procedures, rules and regulations, and technical and performance standards for county and local government access to the courts automation system network; and
- Offer advisory services to county and local governments to assist in guiding their efforts toward automating their court procedures and operations.”¹⁰

While the GCAC has been a formal entity for more than 20 years, it has not been in operation since budget cuts in the 2010 budget cycle defunded its work.¹¹ In addition, according to

⁹ O.C.G.A. § 15-5-81(b).

¹⁰ O.C.G.A. § 15-5-82.

¹¹ According to the Administrative Office of the Courts, a number of GCAC's responsibilities have since been fulfilled by the Judicial Council and the Administrative Office of the Courts with respect to certain technology needs of the courts, including providing technology systems to roughly 30 percent of the courts in Georgia.

testimony provided by Judge David Emerson, a member of the Committee, the GCAC in its current form lacks formal statutory authority to coordinate IT implementation and has little practical ability to aid local jurisdictions in addressing technology needs or implementing data-exchange projects between justice system agencies.¹² Even when funded, the GCAC did not formally address the technology and information-sharing needs of the courts in conjunction with other agencies in the justice system, and such agencies were not formally represented within GCAC, serving in an advisory capacity only.¹³

The Committee received significant testimony indicating that efforts to address data-sharing and coordination between justice-system entities must address some limitations imposed on GCAC by statute and by the significant budget cutbacks that ultimately resulted in the loss of state-level funding for most data-sharing projects.

6. A state-level governance structure and a consistent flow of state appropriations are necessary to shape and adequately incentivize data-sharing programs between justice system agencies across the state. In addition to enhancing the quality and accuracy of the criminal justice data that ultimately resides in state-level databases such as GCIC, state partnerships with local justice system agencies and between state-level agencies will enable such agencies to leverage state resources, including funds, intellectual property, and technical know-how, in creating sustainable data-sharing partnerships between agencies and with key technology vendors.

Based on the experience of successful data-exchange projects in Georgia, including the ongoing effort in the Griffin Judicial Circuit described above, the Committee has received significant evidence that such partnerships can yield benefits both to local law enforcement efforts and the state at-large. First, partnerships envisioned by the Committee would preserve the ability of justice system agencies to select and work with the vendor(s) of their choice, so long as such vendor(s) can commit to compliance with state-established standards. Second, such partnerships should maintain the ability of local justice system agencies to own and control the data they create and input into their own systems, even though such data is ultimately shared with other agencies. Third, these partnerships will enhance the ability of judges, prosecutors, and law enforcement to receive timely and accurate information about offenders and will equip law enforcement and the courts to make more informed judgments with respect to suspects and defendants in setting bail and sentencing. Fourth, enhanced data-sharing should improve the quality and accuracy of justice system data that flows to state-level databases such as GCIC by reducing the presence of outdated or inaccurate data about offenders. This can support improved state-level decision-making with regard to funding and operating the justice system. Finally, improving the accuracy of criminal justice data (including eliminating data that is extraneous, inaccurate, or outdated) supports ongoing criminal justice reform efforts in Georgia aimed at reintegrating former offenders into the community.

¹² It should be noted that the Judicial Council of Georgia, the policy-making body for the Judicial Branch, is a stakeholder in various criminal justice communities that surround each of the courts it serves. However, according to testimony offered by representatives of the Administrative Office of the Courts, the Judicial Council does not have a mandate to establish consensus or policy among stakeholders outside the Judicial Branch or the mechanisms or finances to foster agreement and participation among and between the courts, the executive branch agencies that are part of the justice system, or other elected officials.

¹³ Testimony from the Administrative Office of the Courts also indicated that disagreement and differing priorities among justice system stakeholders have limited, but not stopped, progress with respect to data exchange initiatives.

In addition to the successful experience in the Griffin Circuit and other implementing counties, the Georgia Department of Education's experience in creating a statewide longitudinal data system for students should inform the process of creating such a system in our criminal justice system and the role that GCAC can play in that process. According to testimony provided to the Committee by Bob Swiggum, Chief Information and Technology Officer of the Georgia Department of Education (DOE), his department was successful in implementing a data system across the state's 185 school districts in a relatively short period of time.

According to his testimony, the rollout of the longitudinal system was based on several key elements of success.

First, DOE allowed each local school district to contract with its own database vendor. This allowed the local school system to maintain existing software and hardware so long as such systems can comply with basic, DOE-established data standards and to establish relationships with vendors that could best meet their individual needs. According to Mr. Swiggum, this was a key element in gaining buy-in from local school systems.

Second, the DOE (not the local school districts) stores all data uploaded into the system in servers controlled by the state. This shifts considerable costs and risks away from the local systems and allows the state to take advantage of economies of scale in purchasing storage space.

Third, DOE paid for the creation of application program interfaces (APIs) between the localities' database systems. APIs are technological bridges which allow unique systems to interact with each other and specify how such systems will share information. APIs allow each individual database to communicate the data it contains into the larger longitudinal system and to, in turn, receive information back from the system, all in a common format and language. In DOE's case, such data was accessed by each system from a "dashboard" that was managed and designed by each local database vendor. The APIs provided by the state allowed data concerning an individual student, once input, to be immediately accessible by all users who were permitted to access such student's account. This has allowed administrators and teachers to have instant access to a student's records (including test scores, discipline history, attendance, etc.) simply by logging into the local database and searching a particular student's name. The state provided the APIs to the districts free of charge, and use of the APIs was voluntary. In addition, the API never became a visible, branded portion of the local database. It simply became a feature of each database.

Fourth, DOE funds and provides training to each school district on the use of the longitudinal data system. According to Mr. Swiggum, in addition to training new hires, DOE's training efforts are used to update users on changes to the system as it evolves and improves.

Mr. Swiggum indicated that the rollout of the system has had numerous benefits. First, teachers are given instant access to records and information regarding new students. This is particularly useful for students who are new to a school or district, as, in the past, a teacher would have needed to wait a significant amount of time to receive paper-based records on the student. That process has been greatly simplified. In addition, Mr. Swiggum indicated to the Committee that the use of the longitudinal data system has provided significant data-mining capacity for both local school districts and DOE. Such capacity is expected to yield considerable benefits to the state's educational system, both in terms of budgeting and in delivering coursework that best meets the needs of students.

Mr. Swiggum indicated to the Committee that the longitudinal data system cost roughly \$8.9 million over four years to construct and rollout. This process was funded through federal grants received by DOE. In addition, Mr. Swiggum indicates that DOE spends roughly \$1 million per year in supporting, maintaining, and updating the longitudinal data system.

7. Courts at all levels in Georgia continue to integrate technology into their day-to-day operations as funding and resources allow. Proper implementation of such technology, including digitized procedures for applying for and issuing criminal warrants, holding certain meetings and proceedings via video and teleconference, and providing public access to records, citations, and online payment processes, promotes the efficient use of judicial resources and has the potential to greatly enhance the public's convenience in interacting with the judicial system.

8. The Judicial Council has adopted E-filing standards, and a uniform Superior Court rule on E-filing has been tentatively approved. However, the State of Georgia does not currently provide support for a statewide electronic filing system for civil cases ("E-filing"), and E-filing in civil cases is currently available only in the Georgia counties that have independently adopted E-filing software, rules, and standards and in the 108 counties that have adopted E-filing in child-support matters. The Committee finds that this places Georgia behind numerous states which have adopted statewide E-filing programs and places attorneys and litigants (including pro se litigants) at a considerable disadvantage with respect to their ability to remotely file documents in civil court proceedings, review the current docket for a civil matter, and receive notice of orders or filings electronically rather than by use of costly in-person filing or the mail. The Committee finds that the experiences related to the Committee regarding the implementation of civil E-filing in the State of Texas, as discussed in several presentations made to the Committee in its public meetings, are instructive given the similarity between the justice systems in Georgia and Texas.

RECOMMENDATIONS

Based on the findings listed above, the Committee makes the following recommendations:

1. Dedicated Funding for Justice System Technology Projects.

The State of Georgia, by statute,¹⁴ currently charges the filing party in each civil matter filed in superior court a \$125.00 filing fee, which is collected by the clerk of court (state agencies are specifically exempted from paying this fee) (the "Judicial Operations Fee"). The Judicial Operations Fee applies broadly to all civil filings and "any matter which is docketed upon the official dockets of the superior court and to which a number is assigned [is] subject to such fee, whether such matter is contested or not."¹⁵ All sums generated by the Judicial Operations Fee are paid over monthly by the clerks of superior court to the Georgia Superior Court Clerks' Cooperative Authority (GSCCCA), which then deposits all such sums into the state's general fund. These funds become part of the state's general appropriations each year.

According to the Senate Budget and Evaluation Office, quarterly reports filed by the GSCCCA, indicate that the Judicial Operations Fee generated the following revenues in recent fiscal years:

¹⁴ See O.C.G.A. § 15-21A-6.1 (establishing judicial operations fee and providing for the collection and disbursement of such fee).

¹⁵ O.C.G.A. § 15-21A-6.1(a).

Fiscal Year	Revenue
2011	\$31,024,485.35
2012	\$24,842,001.34
2013	\$21,622,836.77
2014	\$19,128,853.07

The Committee recommends that a portion of the revenue generated by the Judicial Operations Fee should be moved from the state's general fund and dedicated to use by justice system to meet specific technology and data-sharing needs. The mechanism for ensuring that the revenue generated through the Judicial Operations Fee is used for these purposes is the enactment of an amendment to the Georgia Constitution which authorizes the General Assembly to create a trust fund to which a portion of the revenues generated by collection of the Judicial Operations Fee will be dedicated.

Such an amendment should resemble the designated appropriations provisions currently set forth in Article III, Section X, Paragraph VI of the Georgia Constitution,¹⁶ which grants the General Assembly the authority to create specific trust funds and dedicate specific sources of revenue to such funds or to specified programs or purposes. Such amendment should also clarify that the fund is authorized to receive additional state appropriations in addition to funds generated by the dedicated portion of the Judicial Operations Fee. Finally, like several of the funds and designated appropriations authorized by Paragraph VI, the trust fund authorized by such amendment should be exempt from the general rule¹⁷ that annual appropriations to a specific agency, fund, or department lapse if unused by the end of the state's fiscal year.¹⁸

¹⁶ See, e.g., Dedication of motor fuel tax revenue to providing and maintaining roads and bridges (Para. VI(b)); trust fund for use in the reimbursement of a portion of an employer's workers' compensation expenses resulting to an employee from the combination of a previous disability with subsequent injury incurred in employment (Para. VI(c)); training of law enforcement officials and prosecuting officials with funds from additional penalties and fines assessed in criminal and traffic matters (Para. VI(d)); allocation of tax proceeds from sale of alcoholic beverages to programs for prevention, education, and treatment relating to alcohol and drug abuse (Para. VI(e)); State Children's Trust Fund for child abuse and neglect prevention programs (Para. VI(f)); creation of Seed-Capital Fund for investment in small firms engaged in technology, manufacturing, or agriculture (Para. VI(g)); funding of construction, operation, and staffing of jails with funds from additional penalties and fines assessed in criminal and traffic matters (Para. VI(h)); creation of Indigent Care Trust Fund for care of medically indigent citizens and children, expansion of Medicaid eligibility and services, and programs that serve the medically indigent (Para. VI(i)); creation of emerging crops fund enabling farmers to produce certain crops (Para. VI(j)); allocation of enhanced penalties for DUI offenders to Brain and Spinal Injury Trust Fund (Para. VI(k)); creation of roadside and beautification fund to be funded by revenue generated by tree removal permits, related assessments, and wildflower motor vehicle license plate fees (Para. VI(l)); creation of Department of Agriculture dog and cat reproductive sterilization program, funded by issuance of specially designated license plate (Para. VI(m)); and general authority to issue and renew special motor vehicle license plates and dedicate all or portion of revenue from sale of such plates to various programs.

¹⁷ See Ga. Const. Art. III, Sec. IX, Para. IV(c) (providing that "All appropriated state funds, except for the mandatory appropriations required by this Constitution, remaining unexpended and not contractually obligated at the expiration of such general appropriations Act shall lapse.")

¹⁸ Such funds and purposes designated under Paragraph VI include the State Children's Trust Fund, the Seed-Capital Fund, the Indigent Care Trust Fund, the emerging crops fund, the Brain and Spinal Injury Trust Fund, the roadside enhancement and beautification fund, the Department of Agriculture dog and cat reproductive sterilization support program, and, if provided by statute, any fund to support an agency, fund, or nonprofit corporation to implement or support special programs.

Dedication of a portion of the Judicial Operations Fee to these purposes will allow the state to establish a large and stable source of revenue to fund long-term technology planning and procurement, upgrades, and data-sharing projects throughout the state's justice system.

The Committee recognizes that the process of amending the Georgia Constitution will require both legislative action during the approaching biennium as well as approval by Georgia voters during the 2016 election. Based on that recognition, the Committee recommends that the General Assembly provide direct funding for justice system technology and data-sharing projects during the FY2016 and FY2017 budget cycles in anticipation of dedicated funding for such purposes, should the people of Georgia approve such a change to the Georgia Constitution.

2. Establishing the Georgia Justice System Technology Authority with Stakeholders Representing All Branches of Government to Coordinate Judicial and Justice System Technology Investment and Data-Sharing.

The Committee recommends the creation of a new entity to be known as the Georgia Justice System Technology Authority (the "JSTA"). The JSTA can and should play a critical role in enhancing the technological and data-sharing abilities of the agencies comprising the state's justice system. We believe that giving JSTA a mandate that is broader than that of GCAC—namely to include voting members from outside the judicial branch and to explicitly work with stakeholders represented by such members—will give the JSTA the authority and mandate it needs to bring these stakeholders together.

The Committee recommends that the membership of the JSTA be comprised of the following members or their designees:

- One member to be appointed by the Governor;
- One member to be appointed by the Lieutenant Governor;
- One member to be appointed by the Speaker of the House;
- One member to be appointed by the Judicial Council of Georgia;
- One member to be appointed by the Council of Superior Court Clerks of Georgia;
- Director of the GBI, or his or her designee;
- Commissioner of corrections, or his or her designee;
- Commissioner of public safety, or his or her designee;
- Commissioner of juvenile justice, or his or her designee;
- Commissioner of behavioral health and developmental disabilities, or his or her designee;
- Chairman of the State Board of Pardons and Paroles, or his or her designee;
- Director of the Criminal Justice Coordinating Council, or his or her designee;
- Director of the Governor's Office of Children and Families, or his or her designee;
- Executive Director of the Georgia Technology Authority, or his or her designee;
- Executive Director of the Prosecuting Attorneys' Council of the State of Georgia, or his or her designee;
- A Georgia sheriff, to be appointed by the Governor; and
- One member to be appointed by the Public Defender Standards Council.

In addition, the role and authority of the JSTA must be established in line with a broader perspective than that which inspired earlier technology coordination and data-sharing efforts, including those run by GCAC. First, the JSTA is the proper entity to receive and administer the

dedicated funds generated by the Judicial Operations Fee (see Recommendation 1, above). The perspective of representatives from various portions of the justice system in addition to members representing the Judicial Branch will place JSTA in a logical position to identify technology and data-sharing needs and to establish standards for meeting such needs.

In line with this approach, JSTA should be given the following duties and powers:

- In addition to funds generated by the dedicated portion of the Judicial Operations Fee, seeking annual state appropriations and other funds, including third-party grants, to be used for technology projects, including specific justice system data-exchange projects;
- Hiring dedicated staff with information technology, enterprise governance, and project planning and management experience;
- Establishing common data standards with which all data exchanged through a state-funded data exchange must comply;
- Establishing standard practices for entering into data-exchange contracts with technology vendors by local justice system agencies, including requiring that such contracts contain provisions (1) requiring compliance with state-mandated data standards and (2) granting ownership of intellectual property created by the locally selected vendor in building the exchange to the state;
- Communicating all mandated standards and contract requirements to local justice system agencies and potential vendors;
- Assisting local justice system agencies in identifying areas of need with respect to technology and data-sharing and potential solutions to such needs, including identifying potential partners, products, and vendors;
- Supporting local-level governance of data-exchange projects, including assisting in the development and execution of Memoranda of Understanding (MOUs) or similar governance documents between justice system entities;
- Receiving and reviewing applications from local justice system agencies for funding for specific, identifiable technology projects and/or data-exchange projects governed by an approved MOU or other agreement;
- Allocating funding to local state-approved technology or data exchange projects; and
- Evaluating the performance of such projects and reporting annually to the General Assembly and the Governor as to the use of all funds distributed by the JSTA and the outcomes of projects utilizing funds provided by JSTA.

The Committee believes that in order to best provide for the technology and data needs of the state's justice system as a whole, the formal participation of the officers and entities listed above in the decision-making process of the JSTA is necessary and desirable. In addition, a JSTA comprised of such members and vested with the powers and duties set forth above can move quickly to adopt high-priority data-sharing projects, including, for instance, the creation of a statewide misdemeanor database and statewide jail list, as recommended to the Committee by several witnesses.

3. Creation of Longitudinal System for Criminal Justice Data-Sharing.

As one of its key initial projects, the state, through the JSTA, should support the creation of a longitudinal data system that allows real-time updating of criminal record information regarding individual offenders. The absence of a unified data system regarding specific offenders that is created by and between various actors in Georgia's criminal justice system creates a critical blind spot in the state's ability to adequately and appropriately fund our justice system. In

addition, real-time data about specific offenders would better empower our law enforcement community in its handling of potential suspects and would give judges a better and more complete understanding of a defendant's history when making bail and sentencing decisions. Finally, creation of a longitudinal system that tracks specific offenders would reduce the need for repeated data entry on specific criminal suspects and offenders, as stakeholders at each stage of a prosecution would be responsible only for entering data generated by their specific actions. This solution specifically addresses findings made by the Expungement Committee in regard to problems caused by data-entry errors.

The Committee heard testimony from numerous vendors and technology consultants regarding the feasibility of launching such a system. The speakers highlighted the ability of such a system—much like the longitudinal data system employed by DOE—to include individualized access portals that have specific permission settings tailored to the needs of a specific agency. In addition, speakers highlighted the near-instant searchability of a unified longitudinal data system as one of its key strengths, as it would allow stakeholders to quickly access a wide range of information about a particular offender, based on data compiled from all participants in the data system.

In addition to the specific technical approaches taken by DOE in launching its statewide longitudinal data system (see Findings, above), the Committee believes DOE's experience highlights the critical role that a state-level entity can play in coordinating and financing the development of a multi-agency data system that tracks data on individual subjects. The recommendations above regarding the role of the proposed JSTA have been informed by DOE's experience, and we believe DOE can serve as a model for JSTA to follow in establishing a statewide longitudinal data system for the state's criminal justice system.

4. Civil E-filing and Court Access.

The state should support the implementation of a statewide E-filing system for all civil matters. Civil E-filing has a proven record of success and buy-in from courts and litigants at the federal level and in numerous state-court systems around the country, including in states such as Alabama and Texas. Specifically, the Committee supports the recommendations made by the Supreme Court Committee on Civil E-filing that the state's court systems should adopt a competitive market for local E-filing vendors centered on a single state-run portal. In addition to testimony offered by Justice Harold Melton regarding the Georgia Supreme Court's recommendations, the Committee also heard testimony from a number of vendors and consultants who indicated that the competitive model described in the Supreme Court's recommendation would best serve the needs of Georgia's courts and civil litigants in eventually establishing universal access to E-filing in Georgia.

In addition, the State, through the proposed JSTA, should support local efforts to expand public access to court records, automate citation processes, and enable online payment of fines, fees, and other amounts due as part of court proceedings, as local court systems move to adopt and expand access to these technologies. Additional investment by courts in these technologies has the potential to greatly enhance the "customer" experience, reduce wait times, and produce cost savings, and the state should actively support these efforts.

Appendix A

Summary of Witnesses and Testimony

Committee Meeting on August 8, 2014

Mike Holiman Council of Superior Court Judges of Georgia

Mr. Holiman provided extensive background information to the Committee regarding data-sharing efforts, including local data-sharing projects under the banner of "Georgia JDX." Mr. Holiman also highlighted the ways in which local and state data-sharing efforts are part of larger data-sharing and data-quality programs that have been implemented by the federal government since the September 11, 2001 terrorist attacks as a way to improve data gathering and sharing, particularly with respect to criminal justice data. Mr. Holiman also related the experience of his organization in participating in and managing technology and information-sharing projects, highlighting the key role that appropriate governance structures play in the success of such projects.

The Honorable David Emerson, Superior Court Judge Douglas Judicial Circuit

Judge Emerson, a member of the Committee, described his longstanding support for local data-sharing efforts and highlighted his previous work with the Georgia Courts Automation Commission to integrate technology and data-sharing specifically in the Judicial Branch. Judge Emerson noted the leading role that local governments play in funding courts and court technology and highlighted the key drivers of cost with respect to courts' current case management systems: personnel, hardware, and maintenance of storage and bandwidth capacity. He also highlighted current technology and data-sharing efforts underway that are supported by the Administrative Office of the Courts, including an E-filing program for child support cases, a citation delivery service in conjunction with the Georgia State Patrol, and an online access program for access to documents in death penalty cases. Judge Emerson emphasized his view that state funding paired with sustainable local funding for upkeep and maintenance of existing systems is the key to promoting technology use and data-sharing in the Judicial Branch.

Sheila Studdard, Clerk of Superior, State, and Magistrate Court Fayette County, Georgia

Ms. Studdard provided the Committee with an overview of her experience in launching and managing local data exchange projects in her circuit, the Griffin Judicial Circuit. She noted that a data exchange in the Griffin Circuit was launched with an initial grant of \$375,000 with annual maintenance costs paid by the circuit. She indicated that the counties comprising her circuit picked up the costs of the exchange in the outlying years. She also summarized her experience in developing sound memoranda of understanding (MOUs) that establish a workable governance model, data standards and formats, and agreed-upon financing.

Committee Meeting on September 5, 2014

The Honorable Harold Melton, Justice Supreme Court of Georgia

Justice Melton offered testimony regarding the Supreme Court Committee on Civil E-filing as well as the role of technology in improving the efficiency and accessibility of the Georgia court systems. According to Justice Melton, civil E-filing was deemed to be the first and highest court technology issue by the statewide committee. He indicated that the Supreme Court has focused on a model that creates a single statewide portal that is then compatible with the self-selected case management systems of each court, noting that this is the model that has been followed by the National Center for State Courts and the states of Texas and Michigan in bringing their civil E-filing systems online. He indicated his view that the success of the statewide E-filing project will require consistent, sustained funding at both the state and local levels.

The Honorable Leslie Spornberger Jones Chief Municipal Court Judge and Administrative Hearing Officer Athens-Clarke County Municipal Court

Judge Jones testified regarding technology needs and goals of the state's municipal courts. Specifically, she highlighted the ongoing need for instant data exchange between the municipal courts and issuers of citations, the Department of Driver Services, and GCIC. Due to the high volume of Georgians who interact with municipal courts, she also indicated the need for expanded "customer service" technologies, including online payment portals, interactive payment kiosks, video conferencing, electronic service of process, and E-filing. She also stressed the need for local technology procurement processes to attract smaller vendors that can readily serve the needs of local courts. Judge Jones also noted the key role that regular training plays in ensuring that court personnel are making the best use of available technology.

Judge W. Allen Wigington, Chief Magistrate Judge of Pickens County Judge Robert E. Turner, Chief Magistrate Judge of Houston County

Judge Wigington and Judge Turner testified on behalf of the Council of Magistrate Court Judges in regard to technology needs of Georgia's magistrate courts. The judges noted the high volume of cases that begin in magistrate court, noting specifically that numerous parties are pro se or are minimally represented in their interactions with the magistrate. Because of this, they indicated that the Council of Magistrate Court Judges has identified as a key priority the implementation of a statewide E-filing system for self-represented litigants in magistrate court.

Mike Cuccaro, Government and Trial Court Liaison Wendy Hosch, Research and Statistical Analyst Administrative Office of the Courts of Georgia

Mr. Cuccaro and Ms. Hosch provided testimony regarding data needs and solutions throughout the Georgia court system, noting that "courts and their stakeholders and customers experience daily limitations resulting from incomplete information and records." They reiterated views expressed by Chief Justice Hugh Thompson in previous correspondence to Senator McKoon that any upgrades to information systems should focus on real-time data exchanges based on mandatory, statewide standards that link justice system agencies together. Mr. Cuccaro and Ms. Hosch highlighted the role of local agencies in investing in their own technology, guided by statewide standards and data rules. They noted that the continued lack of funding, lack of state-

level enforcement standards, and lack of agreement between justice system agencies regarding data-exchange projects create risks for the state and its justice system.

Committee Meeting on October 3, 2014

Debra Nesbit

Associate Legislative Director, Health and Human Services, Public Safety, and the Courts Association of County Commissioners of Georgia

Ms. Nesbit discussed the role of Georgia's counties in implementing, operating, and funding justice system technology projects. She noted that, in most cases, although counties are responsible for paying for technology systems and products, the decision about what technology is purchased (particularly by constitutional officers) is not made by the county. She also noted that, besides day-to-day users, the state is the largest user of data from the systems the counties purchase. Ms. Nesbit suggested that a portion of the \$125 judicial operations fee paid for civil filings in superior court be dedicated to funding state funding of court technology projects in conjunction with local funding.

Mike Kraft, Director of Probation Operations, Department of Corrections

Jay Sanders, Spec. Asst. to Director of Probation Operations, Department of Corrections

Phil Sellers, Chief Information Officer, Georgia State Board of Pardons and Paroles

Messrs. Kraft, Sanders, and Sellers presented testimony regarding technology initiatives currently being undertaken by the Department of Corrections. Their testimony focused specifically on electronic sharing of sentencing packets and a pilot E-sentencing project underway in the Cherokee Judicial Circuit. They also discussed new programs regarding risk and needs assessments, the Department's probation reporting contact center, and the use of mobile technology to assist field officers. Mr. Sellers also specifically highlighted the implementation of mobile technology programs for field officers employed by the State Board of Pardons and Paroles and the use of an agency portal and teleconferencing technology to review case files and interview witnesses and prisoners.

John T. Smith, Director of Legislative Affairs

Georgia Department of Juvenile Justice

Mr. Smith discussed the Department's Juvenile Tracking System (JTS), which allows the Department and some courts to maintain case records on all youth that have come through the juvenile justice system. JTS is a web-based database that can be accessed and searched only by authorized personnel. In addition to showing juvenile criminal records, JTS is also equipped with software that generates risk assessments and recommendations for case disposition, based on algorithms developed by DJJ and its vendors.

Terri Fisher, GBI Deputy Director

Georgia Crime Information Center

Ms. Fisher updated the Committee on the state's computerized criminal history system, the Georgia Crime Information Center (GCIC) and provided a summary of the aggregate data held by the system. She also discussed the impact of several provisions of the state's criminal justice reform efforts on the work of GBI and the GCIC and GBI's pilot disposition recovery project, a

pilot underway in three Georgia counties to better match arrest and charging information in GCIC with the final dispositions in open cases.

**Chuck Spahos, Executive Director
Prosecuting Attorneys' Council of Georgia (PAC)**

Mr. Spahos discussed ongoing efforts to implement the use of TRACKER, the case management system used by the State's prosecutors. TRACKER is a centralized system operated by PAC and customized to the specific needs of each prosecutorial office. TRACKER is owned by PAC and funded through the annual budget it receives from the General Assembly. Mr. Spahos noted that one of TRACKER's key strengths is its ability to communicate with other systems at the local and state levels. TRACKER is currently a component of several data exchanges, including with GBI, the Georgia State Patrol, the State Board of Pardons and Parole, and with the clerks of court. Mr. Spahos indicated that a number of other data exchange projects are currently contemplated.

**J. Terry Norris, Executive Director
Georgia Sheriffs' Association**

Mr. Norris discussed the investment made by sheriffs across Georgia in information sharing and collection. He noted the sheriffs' association's willingness and desire to implement a statewide jail database and the creation of a misdemeanor/probation database.

Committee Meeting on October 24, 2014

**Bob Swiggum, Chief Information and Technology Officer
Georgia Department of Education (DOE)**

Mr. Swiggum offered testimony regarding DOE's experience in creating a statewide longitudinal data system incorporating data from each of the state's 185 school districts. Key portions of Mr. Swiggum's testimony have been summarized in the body of this Report.

**George Lawson, Chief Technology Officer
Marla Kosier, Project Manager
FivePoint Solutions**

Mr. Lawson and Ms. Kosier testified regarding their company's experience with data integration projects and the creation of data "dashboards" and federated search programs that access data on individuals from numerous sources. FivePoint Solutions is currently active in Georgia on a number of data exchange and search dashboard projects, including projects in 25 counties and municipalities and have worked with numerous state-level agencies on data-sharing projects, as well. Mr. Lawson and Ms. Kosier highlighted the capabilities of systems their company has designed and implemented, including the ability to have live, automatic updates of data as entered into various systems that feed into a searchable database, web-based and mobile access, and segregated access for various justice system stakeholders. They also demonstrated the use of a federated search program that is currently being tested live in Florida, pulling data from each of Florida's counties.

**Tammy Carter, Vice President of Government and Legal Services
File & ServeXPress**

Ms. Carter discussed implementation of statewide E-filing systems, specifically highlighting statewide mandates, funding, and support as key elements of success. She specifically discussed the implementation of E-filing in the State of Texas and recommended a "competitive" model for Georgia, noting that localities should be free to select their own E-filing service providers. She also discussed various funding models that have been utilized by states in implementing E-filing programs.

**M. Boyd Patterson, Subject Matter Leader for Connected Justice
Martin Zaworski, Solution Director for Public Safety and Justice
Jeff Corn, Architect, Public Safety and Justice
Cisco Systems**

Messrs. Patterson, Zaworski, and Corn related their company's experience and competency in developing information-sharing platforms between criminal justice agencies, focusing specifically on the need for sound statewide governance structures, sustained investment, and local flexibility. They specifically highlighted the desirability of having a state-level advisory and rule-making committee that can establish rules and standards and work with local agencies and governments to coordinate and develop data-sharing projects.

Committee Meeting on November 7, 2014

**Jeff McCord, Director of Intergovernmental Relations
Calvin Rhodes, State CIO and Executive Director
Tom Fruman, Senior Officer, Enterprise Governance and Planning
Georgia Technology Authority (GTA)**

Messrs. McCord, Rhodes, and Fruman discussed the role and competencies of GTA, including its role as a consultant to the Judicial Branch, as needed. The GTA representatives spoke at length about GTA's experience in large-scale enterprise technology projects, including planning, project management, and vendor relations.

**Jorge Basto, Chief Information Officer
Marla S. Moore, Executive Director
Administrative Office of the Courts, Judicial Council of Georgia**

Mr. Basto and Ms. Moore offered the Committee recommendations from the Judicial Council/AOC, including with regard to the stakeholders that should be involved in justice-system data exchange issues, the role of the Judicial Council as a standards-setting body, funding, incentives, and local involvement.

**Chris George, Managing Director
CDG Consulting**

Mr. George offered testimony regarding his experience in implementing large data governance projects in the private sector and how that experience can translate with respect to projects conducted by governmental entities.

Open Discussion on Recommendations

Following the conclusion of Mr. George's testimony, the Committee discussed potential findings and recommendations. This discussion included concluding testimony from Mike Holiman (Council of Superior Court Clerks of Georgia), Mike Cuccaro (Administrative Office of the Courts), Jorge Basto (Administrative Office of the Courts), and Lee Hampton (Prosecuting Attorneys' Council of Georgia).

Members' signature pages to follow

Signatures on file in Senate Research Office

Judicial Council Operations FY15

As of November 30, 2014

DEPARTMENT	BUDGET	YTD TOTAL EXPENSES	REMAINING	Budget Spent
Judicial Council - Administrative Office of The Courts	6,316,077	3,007,155	3,308,922	48%
County & Municipal Probation Advisory Council	322,920	143,062	179,858	44%
Child Support Collaborative	109,578	46,598	62,980	43%
Georgia Council of Court Administrators	4,057	100	3,957	2%
Council of Magistrate Court Judges	170,355	58,769	111,586	34%
Council of Probate Court Judges	61,216	34,272	26,944	56%
Council of State Court Judges	226,366	99,200	127,166	44%
Council of State Court Judges Ret.	1,512,837	321,340	1,191,497	21%
Council of Municipal Court Judges	16,185	4,116	12,069	25%
Civil Legal Services for Domestic Violence	2,113,749	2,071,474	42,275	98%
Georgia Commission on Family Violence	370,221	153,133	217,088	41%
Other Judicial Council Subprograms	4,907,484	2,932,062	1,975,422	60%
Accountability Courts Committee	318,057	116,070	201,987	36%
Accountability Courts Conference	120,000	118,248	1,752	99%
Appellate Resource Center	800,000	333,333	466,667	42%
Judicial Qualifications Commission	527,706	148,326	379,380	28%
Inst of Continuing Judicial Education	471,789	174,300	297,489	37%
Separate Judicial Council Programs	2,237,552	890,277	1,347,275	40%
TOTAL JUDICIAL COUNCIL	13,461,113	6,829,494	6,631,619	51%

LAWYERS FOR EQUAL JUSTICE (LEJ)*

A Plan for the Creation of a Collaborative Incubator Program for Georgia

An incubator is a post-graduate training and support program for recent law school graduates who are interested in solo or small firm practice and are committed to serving communities in need, both pro bono and for an affordable fee. This document is a draft plan for the creation of a Georgia-based incubator, tentatively called Lawyers for Equal Justice (LEJ), that will draw from the model of successful business incubators designed to assist micro entrepreneurs create economically viable businesses. While each participating attorney in LEJ will operate an independent practice, the incubator will enable those attorneys to share resources and receive training in an affordable and collegial setting. Once successfully established, the plan envisions that LEJ will be self-sustaining, the participants will provide high-quality and affordable legal services, and it will produce lawyers who are skilled and committed to representing low and moderate income clients and are able to establish and maintain successful law practices.

Georgia's State Bar, Supreme Court and five law schools all share a desire that recent law school graduates who are committed to solo, small firm or public interest practice get the post-graduate training and support they need not only to build sustainable and innovative practices but to handle their cases competently and in compliance with all the Georgia Rules of Professional Conduct. LEJ will create a supportive environment to introduce or expand the use of technology, alternative fee arrangements, and newer models of practice that will benefit the efficient delivery of legal services to a larger client base. The "graduating" participants will be well on their way to succeeding in building sustainable and technologically sophisticated practices responsive to unmet community needs; and as a result, the State Bar will benefit from the development of replicable models for delivering affordable legal services to otherwise unrepresented clients.

***Lawyers for Equal Justice (LEJ) is a name selected for purposes of this paper. The official name of the incubator will be selected at a later date.**

LEJ will recruit, train and support thirty recent law graduates in this program. Ten new participants will be selected every six months until the full complement of thirty participants are part of LEJ. Once the ten participants complete eighteen months in the program, they “graduate” from the incubator and continue their solo or small firm practices, which they have developed while in the program, in their own offices.

The target clients for LEJ will be persons of modest means with legal needs who believe that they cannot afford to pay the going rates and would not qualify for legal aid or pro bono programs. The basic goals of the project will be:

1. to expand access to affordable legal services for low and moderate income clients who make up a sizable gap in access to justice;
2. to help participant lawyers establish, maintain and grow sustainable practices that meet demonstrated community needs;
3. to develop innovative service delivery models that will support successful practices while also being broadly replicable; and
4. to improve the capacity of Georgia’s newly minted lawyers to meet the professional demands of solo and small firm practice.

Lawyers for Equal Justice will be a project of the State Bar of Georgia, in partnership with the five ABA-approved law schools in Georgia, housed in the State Bar headquarters. LEJ will provide administrative and infrastructure support to the project and will arrange training for the participants through the State Bar’s Law Practice Management Program and its Sections. A 501(c)3 entity (Lawyers for Equal Justice Foundation- LEJF) will be created, the board of which will be composed of representatives of the State Bar and its Younger Lawyers Division, the five Georgia law schools, the legal aid providers and other stakeholders in the project. The Foundation will raise and provide funding for the project, will retain the Director of the program and will select the ten new participants each six months from among the schools graduates. The State Bar, through a Standing Committee, and the LEJF will collaborate in adopting policies and procedures for the program and overseeing its operation. The Director and any other staff retained will be employees of the Foundation, not the State Bar.

The commitment of the State Bar to improving access to justice and providing for the effective transition into sustainable and innovative practices for its newest members can be married with the law schools' desire to support recent graduates as they begin their careers and to continuing the schools' educational mission after the granting of the JD. The exciting aspects of this model are that it furthers the goals of both the State Bar and the law schools: 1. to experiment with and develop new and innovative forms of practice; 2. to assist graduates in transition into practice and meeting the needs of unserved populations; 3. to build upon collaborative relationships among the bar, the law schools and other stakeholders in Georgia that are rare or even nonexistent in most U.S. jurisdictions; and 4. to be a national model of collaboration among all of the state's law schools. Many of these aspects of the program currently do not exist anywhere else in the country so in that respect LEJ will be unique and nationally noteworthy.

The Administrative was awarded a seed grant by the Chief Justice's Commission on Professionalism in September of 2014, the purpose of which is to facilitate and complete the planning process for the creation of this project. The grant of \$15,000 is for the period of October 1, 2014 to April 1, 2015. The grant falls under the purview of the Judicial Council's Access, Fairness, and Public Trust and Confidence Committee.



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**SUPREME COURT OF GEORGIA
STATE JUDICIAL BUILDING
ATLANTA, GEORGIA 30334**

HUGH P. THOMPSON
CHIEF JUSTICE

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**Supreme Court of Georgia
Report to Judicial Council
December 2014**

Each year, the Supreme Court hears cases at one of the five law schools for the purpose of making the Court's business and the judicial process more accessible to law students. On November 7, the Justices traveled to Emory University School of Law to hear oral arguments in two cases during a special session of oral arguments at the law school. Before the off-site session, the students were provided the parties' briefs and summaries of the cases that were argued.

Chief Justice Thompson put out a request to the State's judges for input into the annual state of the judiciary address he will deliver after the Legislature convenes. Specifically, he asked the judges to outline specific needs for the judicial system and their courts in particular. He asked for examples of accomplishments and challenges, as well as feedback on how the courts are faring budget-wise and with caseload growth.

The Court is experiencing growth in its own caseload. Compared to this time last year, direct appeals are up 54%. The electronic case management and e-filing system that has been in place for four years has been a way for the Clerk's Office to deal with the increased capacity. The Court also received funding during the last legislative session to add a central staff attorney to assist with the workload.

The Court launched the second significant development in the Court's information technology efforts. This major addition allows for filing of the appellate record from the trial courts. This new service is an innovation not readily offered by most appellate courts in other states.

Groups continue to come for tours of the Court, or to attend oral arguments. In the last month law enforcement recruits and school children have experienced the group tours. Last week judges from Brazil visited, and next week, the Court will host a group of lawyers/judges from Venezuela. Each time, a Justice meets with the group.

Chief Justice Hugh P. Thompson



Council of Superior Court Judges of Georgia

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Council of Superior Court Judges Report to Judicial Council December 2014

The Council of Superior Court Judges will meet for its annual conference and continuing education seminars in Athens, Georgia, January 20-23, 2015. The conference will provide training seminars on such family law topics as child custody, alimony, requirements for establishing paternity, and best interests of children. Other topics include restitution to crime victims, authorizing wiretaps, apportionment of damages in civil cases, and best practices in use of interpreters. Over 200 superior court judges and senior judges are expected to attend this conference.

Judge John Bailey of the Northern Judicial Circuit and Judge Hulane George of the Ocmulgee Judicial Circuit both recently announced retirements to take place at the end of 2014. Judge George's retirement creates a second vacancy in the Ocmulgee Judicial Circuit, the first being that of Judge Jim Cline, who passed away in August of this year. The Judicial Nominating Commission has recommended four names to Governor Deal to fill the two vacancies in the Ocmulgee Circuit.

The JNC also recommended three names for the vacancy in the Pataula Judicial Circuit. This vacancy was created by the July 2014 retirement of Judge Ronnie Joe Lane, who is now the executive director of the Judicial Qualifications Commission. Another three names have been recommended by the JNC for the vacancy in the Paulding Judicial Circuit, which was created by the retirement of Judge Jim Osborne in October of this year.

The JNC is currently soliciting applications for the vacant superior court judgeships in the Northern, Waycross, and Coweta judicial circuits. The Waycross and Coweta judgeships are new additions, created during the 2014 legislative session and funded to become effective in January 2015.

In addition to the filling of these seven vacancies, superior courts will also welcome five recently elected judges to the bench. Jane Barwick will replace Judge Cindy Wright of the Atlanta Circuit; Ann Harris will replace Judge Jim Bodiford of the Cobb Circuit; Brian McDaniel will replace Judge Frank Horkan of the Southern Circuit; Meng Lim will replace Judge Richard Sutton of the Tallapoosa Circuit; and Jim Wilbanks will replace Judge David Blevins of the Conasauga Circuit. Judge Wright, Judge Bodiford, Judge Horkan, and Judge Sutton are all retiring effective January 1, 2015.

Senior Judge George B. Culpepper, III, passed away on November 29, 2014. His initial term as a superior court judge began in August 1967. He took senior status in January 1983. He leaves behind a wife, Alice Culpepper, to whom he was married for 71 years, as well as four children, 12 grandchildren, and eight great-grandchildren.

As of July 2014, Superior Courts had 84 accountability courts, an increase of 38 courts since July 1, 2011. More courts continue to be added throughout 2014. Felony accountability courts saved Georgia taxpayers \$23 million in 2013.



Council of State Court Judges
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Report of the Council of State Court Judges
Judicial Council Meeting
December 16, 2014

The Council of State Court Judges continues to be proud of the work of our judges in the effective handling of the criminal and civil cases that are filed in our State Courts.

Our judges handle thousands of serious criminal misdemeanor cases, including driving under the influence, boating under the influence, homicide by vehicle (2nd degree), certain crimes of violence (including family violence offenses), and various theft and drug offenses. The State Courts also have jurisdiction over numerous traffic offenses (under Title 40) and offenses specified in the Georgia Boat Safety Act (under Title 52).

State Courts throughout Georgia preside over 20 DUI/Drug Courts, with three more in the planning stages, as well as two Misdemeanor Drug Courts and one Veterans Court. These accountability court programs are changing the lives of those addicted to alcohol and drugs.

Complex civil cases continue to be regularly filed in the State Courts for expeditious and effective handling of their litigation. Examples of such cases include products liability, medical malpractice, contract disputes, personal injury, premises liability and wrongful death cases.

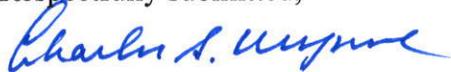
Our State Court Council has undertaken a review performance audit of probation, released by the State Department of Audits this past April and is finalizing the promulgation of a Uniform State Court Rule addressing specific concerns raised in the audit. The proposed Uniform Rule requires enhanced and uniform judicial supervision of misdemeanor probation by contracts of standing orders, establishes clear guidelines to fulfill the court's responsibility not to imprison for indigency, provides for certain specific disclosures by private probation companies, and guards against conflicts of interest in acting as a probation supervisor and service provider.

A major challenge now facing our State Courts throughout Georgia is the proper enforcement of misdemeanor sentences without any clear [or established] authority to toll probated sentences for absconding probationers, as a result of the Sentinel decisions. This challenge extends to our Courts' ability to enforce probation over cases including: repeat convicted DUI offenders ordered into DUI Court and ordered to undertake drug/alcohol treatment; defendants convicted of family violence offenses who are ordered to undertake domestic violence counseling; and defendants convicted of theft or property crimes who are ordered to pay restitution to victims.

Our State Court Council is requesting legislation in the 2015 legislative session to statutorily authorize tolling of misdemeanor sentences in appropriate circumstances, by court order, as presently allowed by statute in felony cases.

Recently, a new State Court judge has been appointed by Governor Deal to fill an existing vacancy in Burke County.

Respectfully submitted,



Charles S. Wynne
President, Council of State Court Judges

Council of Probate Court Judges

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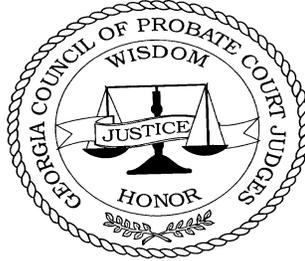
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Report to the Judicial Council of Georgia December 16, 2014

The following report is a summary of current initiatives by the Council of Probate Court Judges (CPCJ):

READY Campaign

The Council enthusiastically continues its campaign to incentivize probate judges moving forward while raising awareness of the role Probate Courts play in the lives of everyday Georgians. The READY campaign, the innovation of Judge Daughtrey, was unveiled at the Council's Spring Banquet. The components of the READY campaign are:

Respect
Education
Assemble
Determined
Yield Results

Legislation

As submitted to the Judicial Council Policy and Legislative Committee, the legislative initiatives of the Council for the upcoming legislative session are as follows:

- The Council of Probate Court Judges seeks to amend O.C.G.A. § 15-9-30.3 to clean up contradictory language and to clarify jurisdiction of the probate courts as it applies to Fish and Game violations.
- The Council of Probate Court Judges seeks to amend O.C.G.A. § 24-12-21 to exempt probate courts from the processes in this Code Section for authority to disclose AIDS confidential information related to an order to apprehend a person needing a mental health evaluation under O.C.G.A. § 37-3-41.

In addition, we will continue to support a bill that provides for a technology fee that is accessible by all the courts and we hope to work to finalize a Title 40 Reform bill that provides for more effectiveness and efficiency moving forward with the summary disposition of traffic offenses.

Judge Susan Tate of Clarke County is working with the JC/AOC to clarify provisions to HB 60, the "Safe Carry Protection Act," defining the potential effects on probate judges and their statutory duties.

Impact of Supreme Court Opinion

The Council and its members are carefully considering the impact of the Supreme Court's published opinion on private probation on probate court operations.

Legislative Day at Capitol

The Council of Probate Court judges will host legislators and legislative staff at the Capitol on January 28, 2015. We look forward to judges and legislators meeting and getting to know one another, and hope to have a number of judges in attendance from across the state.

Constitutional Officers Association of Georgia Scholarship/ Press Release

Each year, the Constitutional Officer's Association of Georgia (COAG) offers Georgia students a chance to win scholarships. This year, the Association will offer three scholarships, one each in the amounts of \$1,500, \$1,000 and \$500. To be eligible for this year's scholarship, students must be residents of Georgia, graduate high school by the spring of 2015 or be enrolled in an accredited Georgia college or university. Students must also seek a degree in a field related to government/law enforcement, political science, accounting/finance or business, or pre-law. Applicants must submit an 1000 word essay in response to a question for consideration.

To conform to an advisory opinion from the JQC written in 1992 with regards to judges and scholarships, the Council and JC/AOC staff are coordinating efforts with COAG to formulate a press release from our Council to announce the COAG Scholarship. The press release will be sent to every legal organ in the state.

Continuing Judicial Education

Judge Keith Wood, Probate Judges Training Council Chair, has been working with the Georgia Bureau of Investigation and the Georgia Crime Information Center (GCIC) to develop some regional training on loading criminal dispositions into GCIC. Several Probate judges have generously offered training space, and we anticipate publicizing training dates soon.

Newly Elected Probate Judges

Seven new judges were elected in the recent election cycle and its subsequent runoff. Council leadership intends to host a welcome luncheon for the new judges, and will invite the new judges' mentors, Council leadership, and Council committee chairs to participate. The intent of the luncheon is to educate new judges about the Council and its functions as well as to expose them to the wealth of resources available to them as they become familiar with their new roles. We look forward to welcoming our new judges.

Vital Records

President-Elect Judge Don Wilkes has been working extensively with the new Director of the State Office of Vital Records, Donna Moore. Council leadership will meet with Ms. Moore to attend to items raised by Council membership and establish efforts to answer these concerns.

Next Meeting Date

The next Executive Meeting is scheduled for February 24-25, 2015, in conjunction with the winter Conference of the Constitutional Officers Association of Georgia in Atlanta, Georgia.



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**Report to the Judicial Council of Georgia
December 16, 2014**

Among the current initiatives and projects of the Council of Municipal Court Judges are:

Legislation

For the 2015 session of the General Assembly, the following items have been distributed to the membership at large for commentary. However, several items of interest to the Municipal Court Council were introduced at the most recent Judicial Council Policy and Legislative Committee meeting.

Yet another major legislative initiative of the Council is to amend OCGA § 36-32-1, 2 regarding removal for cause of Municipal Court Judges. Municipal courts are the only class of court for which almost all of the judges are appointed officials serving at the pleasure of the political branches of government. This limits the independence of the municipal court judges, who are empowered to deprive offenders of their liberty for up to a year. The absence of a reasonable term of office also serves to dissuade otherwise qualified applicants from public service as municipal court judges. In order to promote service by qualified and experienced judges, protect the independence of the judiciary, to prevent the appearance of improper influence and ensure public confidence in municipal court, legislation aimed at providing defined procedures should be enacted. Draft legislation has already been prepared by the Council in this regard.

Additionally, the Council suggests that legislation be enacted to designate Municipal Courts as courts “of record.” Georgia’s Municipal Courts already possess characteristics of such courts in that their acts and judicial proceedings are enrolled or recorded and the Municipal Courts have power to fine or imprison for contempt. The courts’ judgments maybe appealed, and they possess a seal. Accordingly, our Council believes that a designation of Municipal Courts as courts “of record” is appropriate at this time.

Another area of legislative interest deals with the matter of prosecutors in Municipal Courts. In 2012, the statute was enacted which authorized the governing authority of a municipality to create the office of prosecuting attorney for municipal courts. O.C.G.A. § 15-18-91(a). The statute, however, does not mandate the creation of such office. A number of our municipal courts do not operate with a prosecutor and one of our municipal court judges has stated that his city council has informed him that it will not act to create the office, unless legally required to do so. This is an unfortunate situation, placing some of our judges in a particularly difficult posture, in light of the

requirements of our Uniform Municipal Court Rules which were promulgated in 2010. Indeed, the problem is particularly acute in matters of plea negotiations, wherein our Uniform Rules clearly contemplate the participation of a court prosecutor and without participation by the presiding judge. Our Council suggests that O.C.G.A. § 15-18-91(a) be amended, accordingly, to require the creation of the Office of Municipal Court Prosecutor.

Our Council also suggests that O.C.G.A. § 24-13-24, dealing with service of subpoenas, be amended so as to authorize subpoena service by electronic means to law enforcement officers in criminal cases. Our Council is of the opinion that such a procedure is patently feasible and merits serious consideration.

Moreover, the Council will monitor any future proposed legislation relating to modifying the requirements connected to the state-wide probation system and agreements for private probation services. This service is an integral part of criminal procedures in the Municipal Courts. Members have committed to working with all of the stakeholders in this process and resolve to continue to be involved in these efforts as it impacts the Municipal Courts of Georgia.

Next Meeting

The Municipal Judges Executive Committee is scheduled to meet January 2015 in Atlanta, Georgia.