JUDICIAL COUNCIL OF GEORGIA

General Session

Friday, February 27, 2015
1:00 p.m. – 3:00 p.m.

The Georgia Freight Depot
The Blue Room
65 Martin Luther King, Jr. Drive
Atlanta, GA 30334

Judicial Council of Georgia

Georgia Freight Depot - The Blue Room
65 Martin Luther King Drive, S.E.
Atlanta, GA 30334

Friday, February 27, 2015
1:00 p.m. - 3: 00 p.m.
(Lunch will be served at noon)

1. **Preliminary Remarks and Introductions**
   (Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)
   New Member, Judge Tangela Barrie

2. **Older Drivers Safety: Resources and Training** **TAB 1**
   (Ms. Elizabeth Head, Est. time – 10 Min.)

3. **Emerging Trends in Addressing Adult Abuse in Georgia** **TAB 2**
   (Patricia S. King, Est. time – 5 Min.)

4. **Approval of Minutes, February 27, 2015 (Action Item)** **TAB 3**
   (Chief Justice Hugh P. Thompson, Est. time – 2 Min.)

5. **Judicial Council Committee Reports**
   A. **Policy and Legislative Committee** *(Action Item)* **TAB 4**
      (Presiding Justice P. Harris Hines, Est. Time – 8 Min.)

   B. **Strategic Plan Implementation Committee** **TAB 5**
      (Presiding Judge Sara Doyle, Est. Time – 5 Min.)

   C. **Court Reporting Matters Committee** **TAB 6**
      (Presiding Judge Sara Doyle, Est. Time - 15 Min.)

   D. **Accountability Court Committee** **TAB 7**
      (Judge Brenda Weaver, Est. Time - 5 Min.)

   E. **Access, Fairness, and Public Trust and Confidence Committee** **TAB 8**
      (Ms. Marla S. Moore, Est. Time - 5 Min)

6. **ICJE Implementation of Recommendations of Next Generation Courts Commission** **TAB 9**
   (Ms. Marla S. Moore, Est. Time - 2 Min)

7. **Report from AOC** **TAB 10**
   (Ms. Marla S. Moore, Est. Time – 30 Min.)

   A. **Customer Service Baseline Survey**
   B. **January 31 Financial Report**
   C. **Tax Revenue Intercept Program (TRIP)**

D. **Registrar Update (Court Services Overview)**
E. **Lawyers for Equal Justice – Update**
F. **Development, Implementation, and Maintenance Of a Juvenile Justice Case Management Repository**

8. **Written Reports from Appellate Courts and Trial Court Councils** **TAB 11**
(Est. Time – 10 Min.)

A. **Supreme Court**

B. **Court of Appeals**

C. **Council of Superior Court Judges**

D. **Council of State Court Judges**

E. **Council of Juvenile Court Judges**

F. **Council of Probate Court Judges**

G. **Council of Magistrate Court Judges**

H. **Council of Municipal Court Judges**

9. **Council of Superior Court Clerks** **TAB 12**
(Ms. Cinda Bright, Est. Time – 5 Min)

10. **Old/New Business**
(Chief Justice Hugh P. Thompson, Est. Time – 2 Min.)

11. **Outgoing Members**
(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)
Judge Chase Daughtrey

12. **Concluding Remarks and Adjournment**
(Chief Justice Hugh P. Thompson, Est. Time – 2 Min.)

<u>The Judicial Council Meeting Calendar</u>

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

Judicial Council Members

As of February, 2015

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Chair, Judicial Council
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Presiding Justice P. Harris Hines
Vice-Chair, Judicial Council
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Court of Appeals
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Presiding Judge Sara Doyle
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Eastern Judicial Circuit, 1st JAD
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Chief Judge Harry J. Altman II
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Judge Edward D. Lukemire
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Chief Judge Tangela M. Barrie
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Judge Wayne M. Purdom
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Judge Robert "Bob" Turner
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Municipal Courts
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DIRECTIONS TO THE GEORGIA FREIGHT DEPOT
65 Martin Luther King, Jr., Drive
Atlanta, GA 30334

The Georgia Freight Depot is located between Washington Street and Central Avenue, next to the old World of Coca Cola building.

SOUTHBOUND ON I-75-85:

At Exit 248A (Martin Luther King Jr. Drive/State Capitol). Follow MLK Jr. Drive through the third traffic light to Washington Street. Cross Washington Street and The Depot will be on the right on the corner of Washington Street and Martin Luther King, Jr. Drive. Park in Lanier Parking lot which is also on the corner of Washington Street and Martin Luther King, Jr. Drive. If Lanier Parking lot is full, continue to Central Avenue and park in the parking garage on the corner of Central Avenue and Martin Luther King, Jr. Drive.

NORTHBOUND ON 1-75/85:

At Exit 246 (Central Avenue/Fulton Street Exit) follow Central Avenue to Memorial Drive. Turn right on Memorial Drive. At Capitol Avenue, turn left. Follow Capitol Avenue to Martin Luther King, Jr. Drive. Turn left onto MLK, Jr. Drive. Get into the far right lane and go across Washington Street. The Depot will be on the immediate right, on the corner of Washington Street and Martin Luther King, Jr. Drive. Park in Lanier Parking lot which is also on the corner of Washington Street and Martin Luther King, Jr. Drive. If Lanier parking lot is full, continue to Central Avenue and park in the parking garage on the corner of Central Avenue and Martin Luther King, Jr. Drive.

1-20 WESTBOUND:

Exit at Capitol Avenue EXIT 58A. From the exit ramp, turn right onto Capitol Avenue. Follow it to Martin Luther King, Jr. Drive (this is the corner beside the State Capitol). Turn left onto MLK Drive, get into the far right lane. The Depot will be on the immediate right on the corner of Washington Street and Martin Luther King, Jr. Drive. Park in Lanier parking lot which is also on the corner of Washington Street and Martin Luther King, Jr. Drive. If Lanier Parking lot is full, continue to Central Avenue and park in the parking garage on the corner of Central Avenue and Martin Luther King, Jr. Drive.

1-20 EASTBOUND:

Exit at Exit 56B (Windsor/Spring Street exit). Travel straight until street ends. At the light - turn left onto Central Avenue. Turn right onto Memorial Drive. Go to the traffic light which will be Capitol Avenue -turn left onto Capitol Avenue. Go to the second light - turn left onto Martin Luther King, Jr. Drive and get into the far right lane. The Depot will be on the immediate right, on the corner of Washington Street and Martin Luther King, Jr. Drive. Park in Lanier parking lot which is also on the corner of Washington Street and Martin Luther King, Jr. Drive. If Lanier Parking lot is full, continue to Central Avenue and park in the parking garage on the corner of Central Avenue and Martin Luther King, Jr. Drive.

Judicial Council of Georgia

Administrative Office of the Courts

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Council of Magistrate Court Judges

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Elizabeth Head
Georgia Department of Public Health

Elizabeth Head is a program coordinator at the Georgia Department of Public Health's Injury Prevention Program. She coordinates the GOHS-funded Older Driver Safety Program and co-chairs the state-wide Falls Prevention Coalition with partners in the Division of Aging Services. She has worked with the State for three years. Prior to joining the Injury Prevention Program, Elizabeth contracted for eight years at the CDC's National Center for Injury Prevention and Control. She has worked with national, state, and local partners on a variety of injury prevention topics including: fire prevention, drowning prevention, older driver safety, and fall prevention. Other professional experiences include research on bathroom injuries for children and adults, evaluation of fire safety education programs, and policy development for driver safety.

Pat S. King
Georgia Department of Human Services
Division of Aging Services

Pat S. King, R.N., a POST certified forensic nurse, is the Team Leader of the Forensic Special Investigations Unit (FSIU) in the Georgia Department of Human Services (DHS), Division of Aging Services (DAS). She was introduced to adult abuse 15 years ago while working as an investigator in the Gwinnett County Solicitor's office. Since that time, she has authored several articles related to the training needs of primary responders and on financial exploitation.

Pat is a frequent presenter at state and national conferences on the topic of abuse of older adults and adults with disabilities. Pat has co-authored several articles on various aspects of at-risk adult abuse including suspicious deaths. FSIU took the lead along with other state agencies representing the criminal justice system to develop the two-day course, *At-Risk Adult Crime Tactics (ACT).* Pat is one of the primary instructors providing ACT training and technical assistance to professionals who are primary and secondary responders to crimes against at-risk adults.

Additionally, Pat facilitates a multi-departmental forum of non-law enforcement state agencies addressing issues related to abuse of at-risk adults. Pat is a charter member of the At-Risk Adult Abuse, Neglect and Exploitation Work Group lead by the GBI. The GBI-lead work group is comprised of state, local and federal agencies tasked with investigations involving allegations of abuse, neglect & exploitation of at-risk adults. The GBI-lead work group has been instrumental in changing laws, policy and practices specific to adult abuse in Georgia.

Pat is a member of the International Association of Forensic Nurses, the Committee for the Prevention of Elder Abuse and she is currently working on her Masters in Nursing.

Judicial Council of Georgia
General Session
Sheraton Atlanta Atlanta, GA
December 16, 2014 • 10:00 a.m.

Members Present
Chief Justice Hugh P. Thompson, Chair
Judge Harry J. Altman
Judge J. Lane Bearden
Judge Kristina Hammer Blum
(for Judge W. Allen Wigington)
Judge L. Chase Daughtrey
Judge Sara L. Doyle
Judge Kathlene Gosselin
Justice P. Harris Hines
Judge S. Lark Ingram
Judge E.R. Lanier
Judge Edward D. Lukemire
Judge John E. Morse, Jr.
Judge J. Carlisle Overstreet
Judge Kathy Palmer
Judge Wayne M. Purdom
Judge Matthew O. Simmons
Judge Leslie Spornberger-Jones
Judge Mary Staley
Judge John Sumner
Judge Robert Turner
Judge Gail Tusan
Judge Brenda S. Weaver
Judge Don Wilkes
Judge Charles Wynne

Members Absent
Judge Gregory A. Adams
Chief Judge Herbert E. Phipps
Judge W. Allen Wigington

Non-Member Committee Chairs Present
Judge David T. Emerson, Judicial Workload Assessment Committee
Justice Harold Melton, Budget Committee

Staff Present
Ms. Marla S. Moore, Director
Mr. Jorge Basto
Mr. Derrick Bryant
Ms. Cynthia Clanton
Mr. Michael Cuccaro
Ms. Betty Daniels
Mr. Randy Dennis
Ms. Ashley Garner
Mr. Christopher Hansard
Ms. Stephanie Hines
Ms. Tracy Mason
Mr. Tony Mazza
Ms. Erin Oakley
Ms. Molly Perry
Ms. Ashley Stollar
Ms. Jennifer Thomas
Ms. Lateefah Thomas

Guests (Appended)

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 10:01 a.m. by Chief Justice Thompson. Chief Justice Thompson welcomed Judge Kristina Hammer Blum, who was in attendance for Judge Wigington. He noted that under the Council's guidelines Judge Blum could participate in discussions but would not have voting privileges. Council members, staff and guests introduced themselves.

Adoption of Minutes, September 25, 2014

Chief Justice Thompson directed the Council's attention to the minutes of the September 25, 2014 meeting. A motion to approve was offered by Judge Morse, followed by a second from Judge Staley. The motion passed unanimously.

Committee Reports

Policy and Legislative Committee. Justice Hines referred to the written committee report provided in the materials, and stated the Committee met on December 11 to consider legislative items for recommendation to the Council.

Justice Hines summarized the recommendation to amend O.C.G.A. § 36-32-2, to provide defined procedures for removal of municipal court judges. Judge Purdom moved that the reference to the Judicial Qualifications Commission be moved from subsection (c) in the original proposal to a new subsection (e), as reflected in the revised proposal (provided to members prior to the start of the meeting[1]). A second was offered by Judge Daughtrey, and the amendment was adopted without opposition. Justice Hines restated the Committee's recommendation; hearing no opposition, the recommendation was approved as amended.

Justice Hines summarized the recommendation to amend O.C.G.A. § 36-32-1, to designate municipal courts as courts of record, and moved for its approval. A second was offered by Judge Lanier and the recommendation was approved without opposition.

Justice Hines summarized the recommendation to amend O.C.G.A. § 15-18-91 & 15-18-95, to provide for prosecuting attorneys in municipal courts. A motion to approve was offered by Judge Turner, followed by a second from Judge Spornberger-Jones. Judge Wynne voiced concerns on behalf of the Council of State Court Judges about potential conflicts of interest for part-time state court judges whose firms act as city attorney, and suggested language be added to

[1] Appended.

give city attorneys the ability to decline the role of prosecuting attorney in a municipal court if such a conflict exists. Judge Lanier agreed and offered the following language: "In the event that the city attorney or the city attorney's firm has a conflict of interest, the Judge of the Municipal Court shall appoint a prosecuting attorney pro hac vice." The amendment was accepted without opposition. Justice Hines called the question; the recommendation was approved as amended without opposition.

Justice Hines summarized the proposal to work with the Criminal Justice Reform Council on the issue of misdemeanor probation, which includes the issue of tolling. A motion to approve was offered by Judge Staley, followed by a second from Judge Weaver. Following discussion, Justice Hines called the question. The recommendation was approved with one dissent.

Justice Hines summarized the recommendation to amend O.C.G.A. § 15-1-8, to restore the third-degree standard for judicial disqualification based on degrees of relationship with parties. A motion to approve was offered by Judge Gosselin, followed by a second from Judge Lanier. The recommendation was approved without opposition.

Justice Hines summarized the proposal to work with the Criminal Justice Reform Council to restore jurisdiction from juvenile courts to other courts to hear cases involving 17-year-old drivers. A motion to approve was offered by Judge Altman, followed by a second from Judge Spornberger-Jones. Judge Bearden explained that the juvenile court judges are seeking clarification on the intentions of the jurisdiction change made by House Bill 242 (2013), indicating it may have been done unintentionally. Justice Hines called the question, and the recommendation was approved without opposition.

Justice Hines asked the Council to authorize the Committee to make decisions/take positions on legislation and related policy issues on behalf of the Council during the 2015 legislative session. Discussion took place regarding how this authority will be implemented and communicated to the Council. A motion to approve was offered by Judge Spornberger-Jones, followed by a second from Judge Purdom. The request was approved with one dissent.

Strategic Plan Implementation Committee. Judge Doyle referenced the written report provided in the materials. Work is continuing on Priority Initiative #1 (baseline evaluation of current customer experience) and a report is expected for the Council's February meeting. The Committee has dedicated significant attention to Priority Initiative #6 (bylaws, committee

structure, and leadership continuity) and hopes to present draft bylaws to the Council within the next six months.

Judge Doyle added that the Court Reporting Matters Committee is still meeting and has focused attention on the realtime reporting requirements adopted in September as part of the *Judicial Council Policies and Fees for Court Reporting Services in Criminal Cases*.

Accountability Court Committee. Judge Weaver referred to the written report provided in the materials. She noted the collaboration between stakeholders to develop data elements and a uniform reporting mechanism to cover all statutory and grant requirements; the Committee hopes to present this to the Council for approval at the February meeting.

Judicial Workload Assessment Committee. Judge David Emerson referred to the written report provided in the materials, and recognized Mr. Christopher Hansard and the staff of the AOC Office of Research, Planning and Data Analysis for their support of the Committee's work. The Committee has submitted for the Council's approval the revised *Policy on the Study of Superior Court Judgeships and Circuit Boundaries*. The revisions accomplish three goals: 1) obsolete sections have been removed and informal practices have been codified; 2) the workload assessment methodology has been updated to conform to national best practices; and, 3) definitions have been provided for the terms and values used in workload and boundary studies. Chief Justice Thompson called the question; a motion to approve was offered by Judge Staley, followed by a second from Judge Palmer. The recommendation was approved with no opposition.

Access, Fairness and Public Trust and Confidence Committee. Chief Justice Thompson referred to the written report provided in the materials. He summarized the Committee's goal and noted Justice Carol Hunstein and Justice Robert Benham will serve as co-Chairs to this new Committee.

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

Mr. Richard Reaves reviewed the proposed training curricula provided in the materials. The proposals fulfill the statutory requirements for annual training for magistrate court judges, and municipal court judges and clerks. Chief Justice Thompson called the question; a motion to approve was offered by Judge Altman, followed by a second from Judge Wilkes. The recommendation was approved with no opposition.

Senate Unified Courts Technology Study Committee

Judge Emerson provided a brief overview of the Senate Unified Courts Technology Committee, which held five meetings and heard from a variety of stakeholders regarding data sharing and court technology needs. The Committee's final report (included in the materials) provided three recommendations. Primarily, the Committee has recommended the creation of a Technology Authority to assist local jurisdictions in building data exchanges. Additionally, the Committee has endorsed the e-filing model proposed by the Statewide Judiciary Civil E-filing Steering Committee (chaired by Justice Harold Melton) and has recommended the state create or identify a funding mechanism to support the development of local data exchanges and a statewide e-filing portal.

Report from AOC Director

Ms. Moore spoke to the FY 2014 Judicial Council/AOC Annual Report. Each member received a preview copy at their seats; final copies will be published by the start of the legislative session. Ms. Moore thanked staff members Ashley Garner, Catherine Fitch and Derrick Bryant for their work on this project.

Ms. Moore referred to the written financial report included in the materials, reflecting Judicial Council budget unit accounts as of November 30, 2014. On behalf of Justice Melton and the Budget Committee, Ms. Moore asked the Council to authorize the Committee to work with the House and Senate Appropriations Committees on behalf of the Council during the 2015 legislative session. A motion to approve was offered by Judge Altman, followed by a second from Judge Palmer. The request was approved with no opposition.

Ms. Moore reported on the progress of the Georgia Courts Registrar, stating that the application is currently supporting five user groups for a total of over 4,000 active users. The Judicial Council/AOC and the Institute of Continuing Judicial Education have collaborated to bring the magistrate court judges, municipal court judges and municipal court clerks online in January.

The Judicial Council has been contacted by the U.S. Department of State to request assistance from judges to participate in international judicial trainings. A list of judges has been compiled and they will be contacted as opportunities arise. Ms. Moore encouraged Council members to review policy papers recently released by the Conference of State Court Administrators. The National Judicial College (NJC) will provide two scholarships in 2015 for

judges to attend training at the NJC headquarters. In closing, Ms. Moore invited Council members to the AOC staff meeting and luncheon on Friday, December 19.

Mr. Mike Cuccaro provided an update on the Tax Intercept program authorized by House Bill 1000 during the last legislative session; the launch of pilot programs is anticipated in the coming months, and all stakeholders involved are excited to see this project succeed.

Mr. Jorge Basto provided an overview of Judicial Council/AOC Information Technology work during Calendar Year 2014. He mentioned the Council's national recognition and activity, including certification with the International Justice Information Systems Institute for use of the OASIS LegalXML Electronic Court Filing Standard, participation in National Center for State Courts' annual conferences, and its current term as Chair to the Court Information Technology Officer Consortium.

Chief Justice Thompson thanked Ms. Moore and AOC staff for their work and support of the Council.

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 public outreach efforts, including oral arguments held at Emory University on October 7, and encouraged courts to submit information for the State of the Judiciary Address.

Court of Appeals. Judge Doyle briefly highlighted the Court's efforts to implement e-filing for emergency motions.

Council of Superior Court Judges. Judge Staley referred members to the written report provided in the materials. She highlighted recent judgeship changes, and expressed sadness at the passing of Senior Judge George B. Culpepper, III, and of retired Senior Judge Watson White.

Council of State Court Judges. Judge Wynne referred members to the written report provided in the materials. The Council continues to be proactive in addressing issues raised in the performance audit of misdemeanor probation operations, including the promulgation of a Uniform State Court Rule.

Council of Juvenile Court Judges. Judge Bearden spoke to the ongoing implementation of the new Juvenile Code, which took effect January 1. The Council continues to collaborate with the Criminal Justice Reform Council, the Department of Juvenile Justice, and the Division of Family and Children Services.

Council of Probate Court Judges. Judge Daughtrey referred members to the written report provided in the materials. The Council will host its Legislative Day at the State Capitol on January 28 and will host nine new probate judges at a luncheon with Council leadership and the new judges' mentors.

Council of Magistrate Court Judges. Judge Turner spoke to the Council's technology projects, including the redesign of the Council website, the success of the Access to Courts Filing Wizard and e-filing component, and the new electronic bench book. Judge Turner was one of three judges from Georgia selected by the Southern Legislative Conference of the Council State Governments to attend the 2014 Center for the Advancement of Leadership Skills. The conference was held in early October in Arkansas, and included judges and legislators from all over the country.

Council of Municipal Court Judges. Judge Lanier 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. The Council is exploring the creation of an Auxiliary/Retired Judge Advisory Body, and is in the process of updating its bench book. The Council's Executive Committee will meet in January.

Council of Superior Court Clerks. Ms. Cinda Bright was recognized to deliver a report on behalf of the Council of Superior Court Clerks. Ms. Bright spoke of the work to refine jury lists, to implement e-filing and to develop a portal and guidelines for submitting criminal transcripts in line with the *Judicial Council Policies and Fees for Court Reporting Services in Criminal Cases*.

Chief Justice Thompson commended the councils for their work.

Adjournment

There being no further business, Chief Justice Thompson recognized Judge Gregory A. Adams' service to the Council as his term ends. The next Council meeting will take place on February 27.

Chief Justice Thompson thanked everyone for a very productive meeting and wished all a very happy holiday season. The meeting was adjourned at 12:13 p.m.

Respectfully submitted:

_____
Tracy Mason
Program Administrator, AOC

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

_____
Hugh P. Thompson
Chief Justice

Judicial Council of Georgia
General Session
Sheraton Atlanta Atlanta, GA
December 16, 2014 • 10:00 a.m.

Guests Present
Mr. Joe Baden, Third Judicial Administrative District
Ms. Tee Barnes, Supreme Court of Georgia
Mr. Tracy J. BeMent, Tenth Judicial Administrative District
Judge Rooney Bowen, Council of Probate Court Judges
Mr. Bob Bray, Council of State Court Judges
Ms. Cinda Bright, Council of Superior Court Clerks
Ms. Debra DeBerry, Superior Court of DeKalb County
Mr. Richard F. Denney, First Judicial Administrative District
Mr. Steven Ferrell, Ninth Judicial Administrative District
Ms. Elizabeth Head, Georgia Department of Public Health
Mr. Mike Holiman, Council of Superior Court Clerks
Mr. Eric John, Council of Juvenile Court Judges
Ms. Kathleen Joyner, Fulton County Daily Report
Ms. Sandy Lee, Council of Superior Court Judges
Ms. Yolanda Lewis, Fifth Judicial Administrative District
Ms. Cindy Mason, Council of Superior Court Clerks
Judge Darin McCoy, Probate Court of Evans County
Ms. Cathy McCumber, Fourth Judicial Administrative District
Mr. Charles Miller, Council of Superior Court Judges
Ms. Tia Milton, Supreme Court of Georgia
Mr. David Mixon, Second Judicial Administrative District
Ms. Debra Nesbit, Association County Commissioners of Georgia
Mr. Matt Ogles, Governor's Office of Planning and Budget
Ms. Jody Overcash, Seventh Judicial Administrative District
Judge Alice Padgett, Council of Probate Court Judges
Mr. Richard Reaves, Institute of Continuing Judicial Education
Ms. Sharon Reiss, Council of Magistrate Court Judges
Mr. Chuck Spahos, Prosecuting Attorneys' Council of Georgia
Ms. Kirsten Wallace, Council of Juvenile Court Judges
Mr. Shannon Weathers, Council of Superior Court Judges
Mr. Thomas Worthy, State Bar of Georgia

§ 36-32-2. Appointment of judges

(a) Notwithstanding any other provision of this chapter or any general or local Act, the governing authority of each municipal corporation within this state having a municipal court, as provided by the Act incorporating the municipal corporation or any amendments thereto, is authorized to appoint a judge of such court. Any person appointed as a judge under this Code section shall possess such qualifications and shall receive such compensation as shall be fixed by law.

(b) This Code section shall not be construed to require the governing authority of any municipal corporation to appoint a judge; but such governing authority may appoint a judge if, acting in its sole discretion, the governing authority determines that such appointment would be in the best interest of the municipal corporation.

(c) Appointed judges not subject to a public election may be removed from the position by a two-thirds vote of the entire membership of the governing authority for (1) willful misconduct in office; (2) willful and persistent failure to perform duties; (3) habitual intemperance; (4) conduct prejudicial to the administration of justice which brings the judicial office into disrepute or (5) disability seriously interfering with the performance of duties, which is, or is likely to become, of a permanent character.

(d) Removal proceedings pursuant to subsection (c) may be initiated only in writing setting out the grounds for removal signed by one or more members of the governing authority. Removal proceedings shall consist of an open and public hearing held by the governing authority, provided that the judge against whom such charges have been brought shall be furnished a copy of the charges at least ten days prior to the hearing. At the conclusion of the hearing, the governing authority shall determine whether or not to remove the judge. The local government authority may adopt rules governing the procedures at such hearings provided that such hearings comport with due process. The right of certiorari from the decision to remove a judge shall exist, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of the county in which the local government authority is situated.

(e) This Code section shall not affect the power and authority of the State Judicial Qualifications Commission to discipline, remove, or cause the involuntary retirement of judges.

(f) Any vacancy in a judgeship covered under this Code section, may be temporarily filled by the governing authority for any period no longer than 90 days by any person that possesses the same qualifications fixed by the governing authority for the vacant judgeship.

(g) The provisions of this Code section shall expressly supersede any conflicting local law of this state.

Judicial Council of Georgia
2015 Legislative Positions and Budget Requests

As of February 6, 2015

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Position Papers

- Fish and Game Law
- Order to Apprehend Law; eliminate waiver requirement
- Increased Contempt Penalties in Magistrate Court
- Provision of Prosecuting Attorneys in Municipal Court
- For Cause Removal of Municipal Court Judges
- Recognize Municipal Courts as "Courts of Record"
- Judicial Disqualification Based on Degrees of Relationship with Parties

Judicial Council Judgeship Recommendation

AFY 2015 & FY 2016 Budget Enhancement Requests

The Judicial Council of Georgia is the policy-making body for the Judicial Branch, comprised of representatives from the:

- Supreme Court,
- Court of Appeals,
- Superior Courts,
- State Courts,
- Juvenile Courts,
- Probate Courts,
- Magistrate Courts, and
- Municipal Courts.

For Georgia courts and court-related information, please visit www.georgiacourts.gov.

Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Fish and Game Law – Senate Bill 62
O.C.G.A. § 15-9-30.3

The Judicial Council supports legislation 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. § 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.

O.C.G.A. § 15-9-30.3(a)(2) states that probate courts cannot hear any violation of Hunting Deer at Night with Aid of Light, however, O.C.G.A. § 27-3-48 states the probate courts can hear violations of Hunting Deer at Night without Aid of Light. O.C.G.A. § 15-9-30.3(a)(1) states that probate courts cannot hear violations that are high and aggravated in nature, which includes all baiting offenses. The Georgia Department of Natural Resources Law Enforcement Division has historically filed these offenses with the probate courts. Probate courts currently have concurrent jurisdiction over these violations with state and superior courts, and this change would not affect or impede the jurisdiction of those courts.

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Judicial Council of Georgia
Administrative Office of the Courts

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Order to Apprehend Law; eliminate waiver requirement – House Bill 119
O.C.G.A. § 24-12-21

The Judicial Council supports legislation to exempt probate courts from the processes under O.C.G.A. § 24-12-21 in connection with the procedure under O.C.G.A. § 37-3-41.

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.

Pursuant to O.C.G.A. § 37-3-41, a probate court may issue an order to apprehend and transport a person to an emergency receiving facility upon the affidavits of at least two persons who attest that they have seen the person within the last forty-eight hours and that the person is believed to be mentally ill and requiring involuntary treatment. The probate court order expires in seven days.

The AIDS information may be stated in the affidavits supporting the grant of an order, but the process under O.C.G.A. § 24-12-21 to authorize the disclosure of this information legally requires a minimum of 72 hours of notice, usually resulting in a practical delay of at least 4 days. The present process greatly impedes the time sensitive procedure under O.C.G.A. § 37-3-41 and results in potential harmful delay to the person alleged to be in need of a mental health evaluation and to the community.

This amendment would afford all parties the ability to comply with the time requirements of O.C.G.A. § 37-3-41, to take necessary precautions, and to ensure public safety.

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Increased Contempt Penalties in Magistrate Court – House Bill 154
O.C.G.A. § 15-10-2

The Judicial Council supports legislation allowing the penalty for contempt in magistrate courts to be increased from $200 to $500.

The Council of Magistrate Court Judges seeks an increase in the maximum fine for contempt in magistrate courts from $200 to $500. This was sought during the 2014 legislative session in Senate Bill 332, which passed the Senate but did not make it to the House floor. This change would make the contempt penalty in magistrate court consistent with other courts that do not hold jury trials and provide uniformity across jurisdictions.

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Judicial Council of Georgia
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Provision of Prosecuting Attorneys in Municipal Court
O.C.G.A. § 15-18-91 & O.C.G.A. § 15-18-95

The Judicial Council supports legislation to provide for prosecuting attorneys in municipal courts.

In the United States, citizens expect judges to be impartial and neutral, without arguing or favoring either side. However, municipal court judges face a troubling dilemma when the state has no representative to press or negotiate cases against defendants.

In 2012, a statute was enacted allowing the governing authority of a municipality to create the office of prosecuting attorney for municipal courts. O.C.G.A. § 15-18-91(a). But that statute does not *mandate* the creation of such office. **Currently, municipal courts without prosecutors are operating in conflict with Georgia's Uniform Municipal Court Rules.**

Despite the court efficiencies offered by having a prosecutor, some municipalities have failed to provide prosecutors in their courts. An informal survey conducted by the AOC in January 2015 found that more than 60 municipal courts may be operating without a prosecutor. **The Judicial Council supports requiring city attorneys to act as municipal court prosecutors, or to hire a prosecutor when needed to dispose of cases.**

The benefits of this legislation are:

- Ending dismissals based on not having a prosecutor in court;
- More efficient processing of cases;
- Implementation of best practices as outlined in the Uniform Municipal Court Rules; and
- Reduce potential of significant local government liability arising from taking pleas or conducting trials and hearings without a prosecutor present.

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Judicial Council of Georgia
Administrative Office of the Courts

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For Cause Removal of Municipal Court Judges
O.C.G.A. § 36-32-2

The Judicial Council supports legislation to provide defined procedures for the removal of municipal court judges.

The Council of Municipal Court Judges, with the support of the Judicial Council of Georgia, seeks to amend O.C.G.A. § 36-32-2 to provide a general law that protects municipal court judges from political pressure and arbitrary dismissal.

Municipal courts are the only class of court in which judges may be appointed officials serving at the pleasure of another political branch of government. This limits the independent judgment of the municipal court judges, who are responsible for protecting the individual rights of the accused and empowered as judges to deprive offenders of their liberty for up to a year. A review of thirteen states with municipal court jurisdictions similar to Georgia found ten to have statutes providing just cause removal processes for municipal court judges; two others provide for just cause removal if the judges were elected. In Georgia, removal for cause provisions are included in the judicial article of modern city charters, such as Johns Creek and Brookhaven.

Municipal court judges preside over traffic cases, ordinance violations and other minor crimes. The municipal courts disposed of more than one million cases in 2013.

This proposal will:

- Promote service by qualified and experienced judges;
- Protect the independence of the judiciary;
- Prevent the appearance of improper influence;
- Increase uniformity and professionalism among the municipal courts; and,
- Ensure public confidence in municipal courts.

This proposal will not:

- In and of itself create extra costs (in fact some municipal charters already contain protections for municipal judges);
- Create a property interest in the position of municipal judge; or,
- Extend a judge's appointment past the term called for in a charter or a municipal judge's contract.

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Director

Recognize Municipal Courts as "Courts of Record"
O.C.G.A. § 36-32-1

The Judicial Council supports legislation to amend O.C.G.A. § 36-32-1 to recognize municipal courts as "courts of record."

The Council of Municipal Court Judges seeks legislation to recognize the modern responsibilities of the municipal courts in Georgia and give municipal courts the right to grant motions for new trial.

- The power to grant a motion for new trial would allow municipal courts to correct errors without having to resort to an appeal in the superior court. This would conserve judicial resources, since defendants would not be required to appeal a sentence to superior court where the motion would allow the municipal court to make the correction.

- More proceedings in the public record. The municipal courts handle more than a third of the cases filed in Georgia, having jurisdiction over traffic offenses, ordinance violations and misdemeanors. The recording of municipal court proceedings would benefit Georgia's citizens and give the public more confidence in its courts.

The municipal courts already have many of the attributes of a court of record. In fact, a few specific municipal courts have received judicial recognition as courts of record based on their municipal charter requirements. However, judicial recognition is based on specific charter provisions and is not universal. Designating the municipal court as a court of record by general law will set a uniform standard among all municipal courts that helps protect the rights of citizens who come before the municipal court.

This legislation should not significantly affect the costs of operating municipal courts and is not intended to significantly alter the administration of justice in municipal courts. For instance, the courts are already subject to requirements for the recording of cases contained in O.C.G.A. § 5-6-41 and the guidance contained in the *Judicial Council of Georgia Policies and Fees for Court Reporting Services in Criminal Cases*. Recordation requirements of a court do not depend on whether it is a "court of record."

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Judicial Disqualification Based on Degrees of Relationship with Parties – House Bill 207
O.C.G.A. § 15-1-8

The Judicial Council supports legislation to restore the third degree of relationship standard for automatic judicial disqualification based on blood or marriage.

From its adoption in 1972 until 2011, the Georgia Code of Judicial Conduct ("CJC") [1] prohibited judges from presiding over any case in which the judge is related to an interested party within the third degree of relationship. Relatives within the third degree of consanguinity or affinity[2] include one's parent, grandparent, great-grandparent, uncle, aunt, nephew, niece, sibling, child, grandchild and great-grandchild. This standard is consistent with the judicial conduct rules of most states and the ABA Model Code of Judicial Conduct.[3]

In 2011, a study committee of the Supreme Court of Georgia suggested changing the CJC's third-degree standard to a sixth-degree standard, in order to conform with O.C.G.A. § 15-1-8(a)(2):

> "(a) No judge or Justice of any court, magistrate, nor presiding officer of any inferior judicature or commission shall:
>
> (1) Sit in any case or proceeding in which he is pecuniarily interested;
>
> <u>(2) Preside, act, or serve in any case or matter when such judge is related by consanguinity or affinity within the sixth degree as computed according to the civil law to any party interested in the result of the case or matter; …"</u>

The suggested change was adopted and the current CJC states:

> "E. Disqualification
> (1) Judges shall disqualify themselves in any proceeding in which their impartiality might reasonably be questioned, including but not limited to instances where:
> …
> (c) the judge or the judge's spouse, or a person within the sixth degree of relationship to either of them, or the spouse of such a person, or any other member of the judge's family residing in the judge's household:
> (i) is a party to the proceeding, or an officer, director, or trustee of a party;
> (ii) is acting as a lawyer in the proceeding;
> (iii) is known by the judge to have a more than de minimis interest that could be substantially affected by the proceeding;
> (iv) is to the judge's knowledge likely to be a material witness in the proceeding."

---

[1] Canon 3(C)(i)(d) (Sept. 8, 2011)
[2] Consanguinity refers to relationship by descent from a common ancestor. Affinity refers to relationship by marriage.
[3] Rule 2.11 (A)(2)(2011 edition)

Despite the 2011 changes to the CJC, a revised CJC has been drafted and published for comment. It seeks to revert back to the third-degree standard for disqualification and is expected to be adopted by the Supreme Court this year.

The Judicial Council supports legislation to amend the corresponding Georgia statute, O.C.G.A. § 15-1-8(a)(2), to restore the third-degree standard for several reasons:

- From a practical standpoint, judges may have difficulty applying the current standard when attempting to accurately determine their sixth-degree relationships.
- A third-degree standard is an effective per se bar. Other Canons within the CJC will prohibit judges from presiding over cases in which further removed relations are present and impartiality is a concern.
- Traditional legal practice in Georgia and current national practice embrace the third-degree standard.
- An amendment to the statute conforms the statutory language to that of the pending CJC, thereby eliminating constitutional tension.

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Judicial Council of Georgia
Administrative Office of the Courts

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Judicial Council Judgeship Recommendation

The Judicial Council recommends a new Superior Court judgeship in the Western Judicial Circuit.

The Judicial Council received requests for workload studies from four judicial circuits – Alapaha, Clayton, Lookout Mountain, and Western – assessing the need for an additional superior court judge. Based on the AOC's analysis of caseload data for the requesting circuits using objective, nationally recognized best practice methodology, the Judicial Council approved the judgeship request made by the Western Judicial Circuit.

This recommendation is based on the annual, data-driven study conducted by the AOC on behalf of the Judicial Council, and supports the Judicial Council's goal of promoting speedy and just disposition of cases through an equitably distributed workload among the state's 49 judicial circuits.

For questions regarding the judgeship study, please contact:
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Judicial Council of Georgia

AFY 15 and FY 16 Enhancement Requests

1. **Supreme Court Committee on Justice for Children:** Increase funds to institutionalize the Cold Case Project within the AOC in partnership with multiple Georgia agencies serving children in state custody by applying a statistical predictive model using DFCS data to find children most likely to age out of foster care without a family.
   FY 16 – $175,000

2. **Civil Legal Services to Victims of Domestic Violence:** Increase funds for grants for civil legal services to victims of domestic violence.
   FY 16 – $386,251

3. **County and Municipal Probation Advisory Council:** Increase funds for three compliance monitor positions and operating expenses to effectively and efficiently register and regulate misdemeanor probation providers.
   AFY 15 – $88,217
   FY 16 – $277,167

4. **Institute of Continuing Judicial Education:** Increase funds for operating expenses to provide technology equipment for staff, replace aged technology equipment, and meet day to day operating needs for services provided to multi-classes of court. Increase funds for one Curricula Specialist to assist the ICJE in meeting the educational demands sought across the State's judiciary for professional development of judges and court staff. One-time funds for statewide cross-jurisdictional conference drawing in national level expertise to strengthen court leadership, management and governance.
   FY 16 – $123,020

5. **Council of Probate Court Judges:** Increase funds for one Executive Director position and associated operating expenses for the Council of Probate Court Judges.
   FY 16 – $113,642

6. **Council of Magistrate Court Judges:** Increase funds for operating expenses to support a web hosting fee for the Council of Magistrate Court Judges' "Access to Courts Filing Wizard."
   FY 16 – $10,000

7. **Council of Municipal Court Judges:** Increase funds for the Council of Municipal Court Judges for continued strategic business and information technology planning, publication of Standard Operating Procedures, and executive committee and district representative travel related to district functions.
   FY 16 – $21,795

8. **Georgia Council of Court Administrators:** Increase funds to identify and implement needed training logistics improvements, pursue greater depth and breadth of course design, and implement critical educational services to our members that improve service delivery to Georgia's citizenry, create process efficiencies and reduce operational costs.
   FY 16 – $7,500

Adjustment Requests

Council of State Court Judges Retirement: Funds requested as determined by the Georgia Judicial Retirement System for the Council to meet its financial obligations for employer contributions to its members.
AFY 15 – $117,265
FY 16 – 975,040

Requestor	AFY 15	FY 16
Supreme Court Committee on Justice for Children		$ 175,000
Civil Legal Services to Victims of Domestic Violence		$ 386,251
County and Municipal Probation Advisory Council	$ 88,217	$ 277,167
Institute of Continuing Judicial Education		$ 123,020
Council of Probate Court Judges		$ 113,642
Council of Magistrate Court Judges		$ 10,000
Council of Municipal Court Judges		$ 21,795
Georgia Council of Court Administrators		$ 7,500
Council of State Court Judges (Retirement Adjustment)	$ 117,265	$ 975,040
Total	**$ 205,482**	**$ 2,089,415**

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Judicial Council of Georgia
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Memorandum

TO: Members of the Judicial Council

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

RE: Update

DATE: February 12, 2015

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

The Committee met on February 10, 2015, to continue work on the implementation of the Strategic Plan. Two of the nine priority initiatives are now complete and a summary of the Committee's most recent work follows:

Priority Initiative 1*: *Establish baseline of current customer experience with Georgia courts
Last July, JC/AOC staff 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. To complete this initiative, the JC/AOC staff worked in conjunction with Kennesaw State University's Burruss Institute to administer the survey. The surveying is now complete, and the results analyzed from 3,868 respondents in 114 locations. The survey results were overwhelmingly positive, and an aggregate final report will be provided to the Judicial Council at its February 27, 2015, meeting. Additional analysis of the data will be done internally by JC/AOC staff and shared with each participating location.

Based on the success of this initial customer experience survey, the SPI Committee recommends that this survey be conducted statewide on a regular basis. Additional court locations should be encouraged to participate in the future.

The work on Priority Initiative 1 of the JC/AOC strategic plan is now complete.

Priority Initiative 2*: *Encourage Georgia courts to assess performance and develop improvement plans

In order to implement this Initiative, the JC/AOC staff identified two distinct strategies. The first strategy was launching a statewide *CourTools* training initiative. *CourTools* is a set of measures designed by the National Center for State Courts to gauge and enhance a court's performance, efficiency, output and operations. In 2013, the JC/AOC staff began reaching out to court professionals on the value of utilizing the *CourTools* in their work for the judicial branch. Fifteen-minute introductory and sixty-minute primer sessions were presented to audiences representing all classes of court. These sessions culminated in a two-and-a-half day *CourTools* training in November 2014. Approximately 40 attendees, including judges, court administrators and clerks, are now certified in the use of *CourTools.*

The second strategy involved working in tandem with the Judicial Council Workload Assessment Committee (JWAC) to develop case-processing time standards. After considering the National Center for State Courts' *Model Time Standards for State Trial Courts*, JWAC drafted *Georgia Model Time Standards,* and they are being circulated to trial court councils as well as other justice system partners for feedback. Once finalized, the *Standards* will be forwarded to the Judicial Council for review. Georgia standards would serve as voluntary goals for courts to use in setting their caseflow management strategies.

In carrying out the activities listed above, the work on Priority Initiative 2 is now complete.

Priority Initiative 4: Implement new approaches to engage the Judicial Council in preparation for the legislative sessions

The Committee received an update on the success of providing to legislators a one-page overview of legislation supported by the Judicial Council. The legislative chairs of the court councils are meeting on a regular basis during this legislative session, which has improved communication across classes of courts. Additional efforts will be made by JC/AOC staff to develop a Policy and Legislative Committee meeting schedule in advance to ensure sufficient time to identify sponsors of future legislation.

Priority Initiative 6*: *Solicit input and develop recommendations for Judicial Council bylaws, committee structure, and leadership continuity

The Committee has completed its draft of the recommended Judicial Council bylaws (attached). These bylaws provide Council members with operational flexibility while defining a model governance structure for effective policymaking.

<u>The Committee requests that Judicial Council members consider the attached recommended bylaws and provide their suggested revisions by March 30, 2015</u>. Revisions should be sent to Cynthia Clanton at cynthia.clanton@georgiacourts.gov. The Committee will consider all suggested revisions and comments at its meeting in mid-April. The Judicial Council will be requested to approve final recommended bylaws at its April 23, 2015, meeting.

Priority Initiatives 8&9*: *Create open repository of information for all classes of courts; Identify and share innovations and best practices across Georgia's courts

The Committee received a brief update on the proposed work plan to carry out Priority Initiatives 8 & 9. Over the next four months, JC/AOC staff will attempt to identify customer perspectives regarding these initiatives through interviews, surveys and focus groups of judges, court

administrators and other court professionals. The Committee was requested to provide feedback on the following proposed survey questions:

1. What kinds of information do judges/court administrators need to lead and manage their courts?
2. What kind of information would judges/court administrators contribute to an information repository?
3. What is the best way to share information among all organizations and individuals?
4. What tools are already in place to share information?
5. How can we motivate courts to share innovations?

After sufficient feedback is gathered, the JC/AOC staff will develop a proposal for presenting and managing an open repository of information and sharing best practices, along with any resource needs. This proposal will be presented to the SPI Committee at its August meeting for discussion and approval.

The next meeting of the SPI Committee will be held on April 14, 2015. At this meeting the Committee will develop new two-way communications strategies as part of Priority Initiative 5, and will finalize the draft bylaws.

Thank you to members of this Committee for their tireless efforts in moving our Strategic Plan forward.

SPI Committee

Presiding Judge Sara Doyle, Chair	Marla Moore, JC/AOC Director
Judge Mary Staley	Cynthia Clanton
Judge Charles Wynne	Randy Dennis
Judge J. Lane Bearden	Molly Perry
Judge W. Allen Wigington	Mike Cuccaro
Judge Chase Daughtrey	Jorge Basto
Judge E.R. Lanier	Erin Oakley

Attachments: Strategic Plan, Draft Bylaws, and Committee Calendar

Bylaws of the Judicial Council of Georgia

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PURPOSE

The purpose of the Judicial Council is to establish policy for Georgia's judiciary, effectuate its statutory responsibilities, and improve the administration of Georgia's courts.

Comment [c1]: Mission described in the Strategic Plan: The Judicial Council and AOC lead collaboration on policy across Georgia's courts to improve the administration of justice in Georgia.

ARTICLE I: OFFICERS

Officers of the Council shall be the Chair, Vice-Chair, and Secretary.

Chair

The Council Chair shall be the Chief Justice of the Supreme Court. The Chair, or his or her designee, shall: serve as the presiding officer of the Council; call the meetings, affording written notice as hereinafter required; preside at Council meetings and control debate; serve as ex-officio member on all committees; and serve as the official spokesperson for the Council.[1] In the event the Chair, or Vice-Chair, is not present to preside at Council meetings, the Chair will appoint a presiding officer.

Vice-Chair

The Vice-Chair shall be the Presiding Justice of the Supreme Court. The Vice-Chair shall assist the Chair as needed and preside at meetings in the event the Chair is unable to do so.[2] The Vice-Chair shall serve as chair of designated committees.

Secretary

The Director of the Administrative Office of the Courts shall serve as Secretary for the Judicial Council. The Director, or his or her designee, shall be responsible for an accurate recordation and distribution of meeting minutes, for updating and distributing Judicial Council Handbooks, and for providing a copy of the bylaws and other governing documents to all members. The Director shall not be considered a member of the Judicial Council for purposes of voting or determining a quorum.

Comment [c2]: The role of Secretary is currently filled by the Director and her staff. This provision designates the Director as Secretary which is consistent with other practices (i.e., BCR). She does not have a vote and not part of JC quorum.

ARTICLE II: COMPOSITION AND ORGANIZATION

Council Membership and Terms

Council members should be committed to improving justice through collaboration, innovation and information. Members of the Council and their terms shall be as provided by the Supreme Court of Georgia.[3]

Comment [c3]: This provides for flexibility in the membership (i.e., the Supreme Court could appoint a representative of the State Bar of Georgia)

Comment [c4]: OCGA 15-5-20

[1] Supreme Court Order dated August 5, 1983.

[2] Supreme Court Order dated August 5, 1983.

[3] O.C.G.A. §15-5-23.

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Vacancies
A vacancy occurs when a Council member no longer serves in the capacity of representative for his or her respective group. The vacancy shall be filled for the remainder of the unexpired term as provided by Supreme Court order.

ARTICLE III: MEETINGS

Call to Meetings/Notification
Regular Council meetings may be called at least four times a year by the Chair, or by a majority of the voting members of the Council, at such times and places as may be deemed necessary and convenient. A proposed schedule of future meetings shall be published at the last regular meeting of each fiscal year.

Council members must be notified of regular meeting times and locations at least thirty (30) business days in advance. Notice may be sent by mail or electronic communication.

In case of an emergency or other event necessitating an unscheduled meeting, as deemed by the Chair, notice shall be given at least twenty-four (24) hours prior to the meeting.

Quorum
A quorum consisting of a majority of Council members is required for voting and conducting business.

Conduct of Meetings
Regular Council meetings shall be conducted in person unless otherwise authorized by the Chair. Emergency meetings may be conducted electronically.

Rules
Except as otherwise provided in these bylaws, all meetings of the Council and its committees shall be conducted in accordance with the most current edition of Robert's Rules of Order.

Voting
All members shall be entitled to vote, except that the presiding officer shall vote only in the event of a tie.[4] A member unable to attend a meeting for good cause shall be entitled to designate a meeting representative to cast his or her vote. The absent member shall notify the Chair in writing of the designated representative. The designated representative may be heard, entitled to vote, and be considered part of the quorum for the meeting.

When a quorum is present at a Judicial Council meeting, or a committee meeting, a simple majority of votes cast will pass an item unless specified by Supreme Court order, Council policy,

[4] Supreme Court Order dated August 5, 1983.

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or the Chair. When a vote is called and a member, or his or her designated representative, takes no position, that vote will not be counted in favor of or against the item being voted upon.

Comment [m5]: Judicial Council policy for judgeships requires a 2/3 majority vote rather than a simple majority vote if a circuit does not meet the minimum criteria. This has happened many times in the past, but not recently.

Any member of the Council, or his or her designated representative, shall have the right to dissent or abstain from the majority of any official action, and request that their vote be reflected in the minutes.

ARTICLE IV: COMMITTEES

Standing Committees
Standing Committees and their memberships shall be determined by Supreme Court order or the Council Chair, and should include at least one current Council member. The Council Chair should endeavor to include as members on each committee representatives from every affected entity represented on the Council. Committee membership may include advisory members appointed, as needed, by each committee chair. All chairs and members shall serve at the pleasure of the Council Chair.

Comment [f6]: Aug. 5. 1983, Order established Standing Committee on Policy and Administration. Will need to be modified.

Ad-Hoc Committees
The Council Chair shall name ad-hoc committees as are necessary to conduct the business of the Council.[5] The Chair of the Council shall appoint the chairs of the ad-hoc committees who shall be current or past Council members. The ad-hoc committee chair may appoint the remaining committee members after receiving the approval of the Council Chair. At least one current Council member shall be appointed to serve on each ad-hoc committee. Advisory committee members may be heard but not entitled to vote.

ARTICLE V: DUTIES

The Council shall effectuate its duties as defined by statute and Supreme Court order. In addition, the Council shall engage in ongoing strategic planning.

The Council shall issue, publish, and distribute official opinions or policies concerning matters of court administration.

The Council shall appoint a Director of the Administrative Office of the Courts, who shall serve at the pleasure of the Council.[6] The appointment of a Director shall be confirmed by a majority vote of the Council. Duties of the Director shall be defined by law and as directed by the Council.

[5] Supreme Court Order dated August 5, 1983.

[6] O.C.G.A. §15-5-23.

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ARTICLE VI: AMENDMENTS TO BYLAWS

The Council shall vote on any proposed bylaw amendments during its final regular meeting of the fiscal year. Proposed amendments shall be sent to the Chair no later than December 31. Council members shall receive at least sixty (60) days' notice of proposed amendments prior to the date of the meeting. The bylaws shall be approved by a two-thirds vote of the Council. The bylaws may also be amended at any time as a result of a Supreme Court order.

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FY 2014-2016 Completion of the Judicial Council/AOC Strategic Plan

Date	**Event**	**Content**
February 10, 2015	Meeting[1] of SPI Committee (**Judicial Council meeting is February 27 –share draft bylaws**)	Complete model bylaws, Initiative 6; Legislative update, Initiative 4; Access and Fairness Survey, Initiative 1
March 2015	*AOC internal work*	*Continue work on Initiatives – receive comments on bylaws through March 30*
April 14, 2015	Working session of SPI Committee[2] (**Judicial Council meeting is April 23 –draft bylaws vote**)	Communications strategy work, Initiative 5; Finalize bylaws for submission to Judicial Council on April 23, Initiative 6
June 2, 2015 (revised date)	Meeting of SPI Committee	Continue work on council membership and committee structure, Initiative 6; legislative wrap-up, Initiative 4; Communications update, Initiative 5
June-July 2015	*AOC internal work* (**Judicial Council meeting is June 17**)	*Continue work on Initiatives*
August 18, 2015 (revised date)	Working session of SPI Committee (**Judicial Council meeting is August 6**)	Discussion of Initiatives 7, 8, 9
September 2015	*AOC internal work* (**Judicial Council meeting is Sept. 30)**	*Continue work on Initiatives*
October 20, 2015	Meeting of SPI Committee	Communications update, Initiative 5
November 2015	*AOC internal work*	*Continue work on Initiatives*
December 1, 2015 (revised date)	Meeting of SPI Committee (**Judicial Council meeting is on December 9, 2015**)	Review 2016 calendar and priorities; update on outstanding Initiatives

[1]Meeting usually indicates one-half day meeting at the State Bar of Georgia.

[2]Working session usually indicates full day meeting at the State Bar of Georgia.

Judicial Council of Georgia - Administrative Office of the Courts

Strategy Map FY 2014-2016

Mission

The Judicial Council and AOC lead collaboration on policy across Georgia's courts to improve the administration of justice in Georgia

Vision

To improve justice in all Georgia courts through collaboration, innovation, and information

Guiding Principles

- Uphold the independence and integrity of the judiciary
- Promote efficient and effective administration of justice
- Support informed, fact-based decisions that affect the courts
- Collaborate with key stakeholders in judicial, executive, and legislative branches

Roles and Capabilities

- Leaders in Statewide Judicial Policy Formulation
- Collaborative Forum for All Classes of Courts
- Georgia's Premier Judicial Information Resource

Strategic Objectives

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

Priority Initiatives

1. Establish a baseline evaluation of current customer experience with Georgia courts, focusing on Access and Fairness measures
2. Encourage Georgia Courts to assess performance and develop improvement plans
3. Implement ongoing strategic planning by the Judicial Council and AOC
4. Implement new approaches to engage the Judicial Council in preparation for legislative sessions
5. Develop and implement new two-way communication strategies for Judicial Council/AOC to engage with judges
6. Solicit input and develop recommendations for Judicial Council bylaws, committee structure, and leadership continuity
7. Define research priorities and schedule for FY 2014, FY 2015, FY 2016
8. Create open repository of information for all classes of court
9. Identify and share innovations and best practices across Georgia's courts

Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Marla S. Moore
Director

Judicial Council of Georgia

Appellate Courts
Chief Justice Hugh P. Thompson
Presiding Justice P. Harris Hines
Chief Judge Herbert E. Phipps
Presiding Judge Sara L. Doyle

Trial Court Councils
Judge Mary Staley
Judge Brenda Weaver
Judge Charles Wynne
Judge Wayne M. Purdom
Judge J. Lane Bearden
Judge John Benjamin Sumner
Judge Chase Daughtrey
Judge Don Wilkes
Judge W. Allen Wigington
Judge Robert Turner
Judge E.R. Lanier
Judge Leslie Spornberger-Jones

Judicial Administrative Districts
Judge John E. Morse Jr.
Judge Harry J. Altman, II
Judge Edward D. Lukemire
Judge Gregory A. Adams
Judge Gail Tusan
Judge Matthew O. Simmons
Judge S. Lark Ingram
Judge Kathy Palmer
Judge Kathleen Gosselin
Judge J. Carlisle Overstreet

To: Judicial Council of Georgia

From: Presiding Judge Sara L. Doyle

Re: Report of the Court Reporting Matters Committee

Date: February 11, 2015

The Court Reporting Matters Committee (CRMC) met on December 12, 2014 and January 26, 2015 to consider questions and concerns about the implementation of the court reporting policies and fees adopted by the Judicial Council on September 25, 2014. To address a concern raised by the Council of Superior Court Judges, the Committee seeks approval of the attached clarification to Policy 2.4, Business Continuity, amending the language to make clear that it is not a mandate but a best practice recommendation. We also propose another minor modification to Policy 2.1, Takedown and Transcript Filing in Criminal Cases, at the suggestion of a state court judge.

The Committee and staff plan to continue to respond to inquiries regarding clarification of the policies. In light of the fact that the changes just went into effect on January 1, 2015 (other than those changes noted above), we do not plan to make additional recommendations of minor issues until some time has passed and the courts have had an opportunity to work through some of their concerns. A major challenge continues to be two-way communication between the Judicial Council and judges and stakeholders around the state.

With respect to real time reporting, we have tasked the Georgia Court Reporters Training Council with gathering information and proposals from interested parties and making a recommendation to the Board of Court Reporting and then to the CRMC for submission to the Judicial Council. We are hopeful we can complete this process before the end of the fiscal year. We are also fielding questions and analyzing any potential need for changes with respect to civil cases, but do not anticipate making recommendations, if any, until later this year. In that regard, please note and remind your colleagues that the new rules apply to criminal only and therefore, nothing has changed with respect to how they handle civil takedown, transcripts and fees for those services.

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2.1 Takedown and Transcript Filing in Criminal Proceedings

A. Takedown

1. The following shall be taken down:
   (1) All proceedings in death penalty cases.
   (2) All habeas corpus proceedings.
   (3) Felony cases
      (a) Guilty pleas and nolo contendere pleas.
      (b) During trial, all evidence including testimony, objections and rulings, motions and rulings thereon, jury charge, and sentencing.
      (c) Motion for new trial hearings.
   (4) Guilty pleas and nolo contendere pleas in misdemeanor cases.

2. All other proceedings in felony or misdemeanor cases, such as pretrial motions, voir dire, opening statements, colloquies, closing arguments, and probation revocation hearings shall be taken down only when requested by the court, counsel, or defendant.

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

B. Preparation and Filing of Transcript

1. A transcript shall be prepared and filed in:
   (1) All death penalty case proceedings.
   (2) Felony trials, jury or non-jury, resulting in a guilty verdict.

2. When requested by the court, counsel, defendant, or petitioner, a transcript shall be prepared and filed in all other proceedings.

2.4 Business Continuity

Each court is responsible for ensuring that an accurate record of court proceedings is produced as an essential requirement of due process of law.

To ensure business continuity, it is recommended practice that the court ~~the court shall~~ maintain a record of court proceedings irrespective of the production of the official record. The record maintained by the court is owned by the court and shall be made available to the public as required by law.

In addition to official reporting of court proceedings, it is recommended that the court require a digital recording of proceedings where transcripts are required or the court determines it is otherwise necessary to ensure business continuity. Courts utilizing digital recording for business continuity should follow the policies and procedures set forth in Policy 3.1 for the management of digital recording equipment and personnel assigned to its operation. Digital recordings should be stored in a secure, accessible location; indexed for convenient retrieval; and retained according to applicable retention schedules.

As an alternative to digital recording, ~~it is recommended that~~ the court may ~~court~~ designate as the business continuity recording a backup recording generated by a court reporter who takes down assigned court proceedings. If so designated, a court reporter who takes down an assigned court proceeding shall generate a backup recording and provide it to the court on a periodic schedule (daily, weekly or monthly) as ordered by the court.

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: February 5, 2015

The Judicial Council Access, Fairness, and Public Trust and Confidence Committee met on January 7, 2015 for its inaugural meeting. The Committee saw presentations on the details and status of projects related to Access, Fairness, and Public Trust and Confidence in Georgia's Courts, which are included for your review below.

The Committee will meet again in April 2015. For additional information about the status of any of the projects included herein, please contact Erin Oakley at erin.oakley@georgiacourts.gov.

Strategic Plan Priority Initiative 1: Baseline Customer Experience Survey
Mr. Christopher Hansard and Ms. Wendy Hosch from the Judicial Council/AOC presented the status of the Baseline Customer Experience Survey, which is in its analysis phase and will be presented to the Judicial Council Strategic Plan Implementation Committee at its February meeting.

ADA Handbook Revision
Mr. Mike Galifianakis and Ms. Stacey Peace from the State ADA Coordinator's Office attended and provided an update on the status of the revision of *A Meaningful Opportunity to Participate: A Handbook for Georgia Court Officials on Courtroom Accessibility for Individuals with Disabilities* ("ADA Handbook"). Committee members will serve as an editorial and approval body for the finished handbook.

AccessGA
Mr. Galifianakis and Ms. Peace described the AccessGA initiative, which continues providing resources and training to state agencies on developing accessible digital content for persons with disabilities. More information can be found at *http://accessit.gatech.edu/*.

Immigration and the State Courts Initiative &
Human Trafficking and the State Courts Collaborative
Dr. Steven Weller from the Center for Public Policy Studies joined by phone, providing an extensive overview of the history of the *Immigration and the State Courts Initiative* and the *Human Trafficking and the State Courts Collaborative*. The *Initiative* now provides technical assistance to Georgia courts as needed, having conducted judicial training in Georgia throughout the past few years. The *Collaborative* is actively setting goals and achieving deliverables in Georgia: develop curricula for judicial trainings; identify network of resources to provide to judges and court personnel; implement judicial training in Georgia.

Human Trafficking Court Pilot Project
Ms. Courtney Bryan from the Center for Court Innovation provided an additional status report of the *Human Trafficking Pilot Project.* Courtney met with Justice Hunstein and JC/AOC staff in October 2014 to propose a human trafficking court pilot project. The JC/AOC is pursuing the creation of a specialized human trafficking court in a county (or multiple counties) in Georgia.

Lawyers for Equal Justice Law Incubator
Mr. Bucky Askew, Georgia State University College of Law, presented the existing plans for the law incubator project, a project which will allow recent law school graduates who have passed the bar to participate in a law practice incubator, and will prove guidance on developing a law practice of their own while providing legal assistance to low and moderate income clients.

Status:
The Executive Committee of the State Bar met on January 28 and considered the recommendation of its Bar Center Committee that the incubator be provided space in the State Bar headquarters building for three years rent free. The Executive Committee, after extensive discussion, voted to accept this recommendation- three years of rent free space in the State Bar headquarters. The Executive Committee also decided that the decision regarding the space will be presented to the Board of Governors of the State Bar for approval. The Board will meet on April 18 to consider the decision.

National Association of Women Judges Conference Planning
Ms. Marla Moore, Judicial Council's Director of the Administrative Office of the Courts, provided information on The National Association of Women Judges Conference. The NAWJ will host its 2017 Annual Conference in Georgia, and a planning committee of judges and committee members will be formed to execute the conference.

Georgia Commission on Family Violence Legislative Priorities
Ms. Jennifer Thomas, GCFV Interim Director, met with the Committee and provided members information on the Georgia Commission on Family Violence's legislative agenda.

Report of the Special Committee to Implement the Recommendations of the Next Generation Courts Commission

As authorized by vote of the Board of Trustees of the Institute for Continuing Judicial Education (ICJE), Board Chair Judge Thomas Campbell formed this committee to review the report of the Next Generation Courts Commission (NGCC) and to propose concrete steps for ICJE to take to implement the report's recommendations for furthering judicial education in Georgia. Chief Judge Ben Studdard of the State Court of Henry County and Gary Simson, Senior Vice Provost and Macon Chair in Law at Mercer University, were appointed to co-chair the Committee. Also participating on the Committee were Judge Christopher McFadden, Georgia Court of Appeals; Judge David Darden, State Court of Cobb County; Marla Moore, Judicial Council Director of the Administrative Office of the Courts; and attorney Ken Shigley, Past President, State Bar of Georgia. Judge Campbell served on the Committee *ex officio.* Acting in an advisory capacity to the Committee were Richard Reaves, Executive Director of the ICJE; Kathy Adams, ICJE Associate Director; Susan Nunnally, Administrative Specialist for ICJE; and Judge Jason Ashford, State Court of Houston County.

The NGCC was formed in 2012 as a partnership between the State Bar of Georgia and the Georgia Supreme Court to think broadly about how the state's judiciary might prepare for the future in terms of education and outreach, programs, technology, business processes, and funding. In its final report, "Embracing the Courts of the Future," the NGCC made the following recommendations pertaining to judicial education:

I. Commit to a primarily state-funded ICJE while making judicial education more cost-effective;
II. Improve and enhance training programs including both remote training and in-person training, use of national-level speakers and materials, cross-training between classes of courts, use of technology in the courts and interdisciplinary training on non-routine issues and the sciences – accounting, psychology, etc.;
III. Ensure that judicial benchbooks are more widely available and relevant;
IV. Develop a robust multi-day new judge orientation for each class of courts;
V. Provide advanced training for career judges with more than 10 years on the bench;
VI. Promote an ethics component in all trainings to include cultural awareness – gender, sexual orientation; Limited English Proficiency (LEP), etc.;
VII. Support training for clerks, court administrators and court support personnel.

This Committee has considered each of these recommendations and proposed specific ways in which ICJE could successfully implement them in the near-term or intermediate-term future. Some of our proposals may be challenging to put in place because of current budgetary restraints and future funding uncertainties, or because of the structure of Georgia's judicial education system. That structure places the primary responsibility for planning education with the ICJE, but leaves significant power in the hands of individual councils of courts. Recognizing these challenges but believing that they are surmountable, and that surmounting them is

essential to advancing judicial education in Georgia, this Committee hereby submits for ICJE Board approval and action the proposals set forth below.

Proposals for Implementing NGCC Recommendation I, "Commit to a primarily state-funded ICJE while making judicial education more cost-effective."

As the NGCC report notes, and as the ICJE Board is well aware, ICJE and the entire judicial branch continue to face state and local budget pressures and related questions about the scope and structure of the services that ICJE provides. Questions have been raised in recent years about how the costs of continuing judicial education should be divided, how much, if any, of the costs should be borne by the judges themselves, and even whether the State has any obligation at all to provide for judicial education. Tuition fees charged to individual participants have become ICJE'S one reliable source of revenue. In response, the NGCC report emphasized the State's historic and core duty to ensure a fair and efficient system of justice and underlined Georgia's long history of leadership in supporting judicial education. "As stewards of our justice system," the NGCC report notes, "the bench and bar have a duty to remind the legislature, the executive, and the public of the importance of an educated judiciary as a core function of government. But stewards also have a duty to make wise, effective use of the public resources entrusted to them." With these thoughts in mind, we make the following proposals to the ICJE Board.

1. *Take a leading role during the annual state budget approval process in advocating to the legislative and executive branches the importance of providing ICJE with state funding sufficient to support core office staff and functions and program delivery as described herein.*

ICJE's longtime executive director and his staff can speak very knowledgably about the importance of continuing judicial education and the costs of providing it. It is simply a reality, however, that legislators and executive officers are apt to accord an extra measure of respect to arguments made by the prominent judges and widely known attorneys on the ICJE Board. Also, because the Board members are drawn from various classes of courts, the Board is especially well-suited to explain persuasively to legislators and executive officials why continuing education funding is vital for all classes of courts.

Each year's funding request should be developed in light of the program development priorities recommended in this report, as prioritized from time to time by the Board. While the Board should not be bashful about seeking adequate state funding, it must be ever-mindful both of the need to keep ICJE's efforts cost-effective and of the importance of impressing on those who control the purse strings that the Board is very mindful of cost. Several of the program-related recommendations below speak to ICJE's efforts to innovate for cost-effectiveness.

Statutory directives appear to prefer that participant expenses in judicial education be underwritten by local governmental funding rather than by ICJE. *See* OCGA §§ 15-1-11(b) (all judges and clerks generally), 15-6-32 (Superior Court Judges), 15-9-1.1(e) (Probate Court Judges), 15-10-25(d) (Magistrate Court Judges), 15-11-25(c) (Juvenile Court Clerks), 15-11-59(c) (Juvenile Court Judges), 36-32-11 (Municipal Court Judges), and 36-32-13(a)(3) (Municipal Court Clerks). This proposal therefore assumes that ICJE generally need not seek funding to cover attendee costs. The major exception is the costs of attending national programs, which we believe are most logically borne by ICJE. Local governments are typically neither statutorily obliged to bear, nor financially capable of bearing, those costs. Moreover, given the emphasis on having those who attend national training return to Georgia and act as instructors on the subjects covered, an expectation of local funding seems out of place.

2. *Advocate for designation of cy pres funds toward ICJE whenever available, and seek a recommendation from the Georgia Supreme Court to the state's trial courts to make cy pres awards to ICJE.*

While continuing to advocate for adequate funding from the State budget, the Board should explore other potential sources of revenue. One possible source – *cy pres* awards – offers a number of advantages, including that, as a source within the state judiciary's control, it does not depend for its availability and magnitude on the priority assigned to judicial education by the two other branches.

Cy pres awards arise most frequently in the context of class action settlements. After a class action settlement, it often happens that some of the settlement fund goes unclaimed, typically because some class members cannot be identified, but also for other reasons. *See* Rhonda Wasserman, *Cy Pres in Class Action Settlements,* 88 S. Cal. L. Rev. (forthcoming 2014) (manuscript at 6-10), *available at* http://ssrn.com/abstract=2413951. In some instances, the unclaimed money has been well in excess of $1 million. Faced with the question of the proper disposition of the unclaimed money, courts "increasingly" have turned to the ancient remedy of *cy pres* – a remedy originating in the Middle Ages in the charitable trust context. *Id.* (manuscript at 4, 19-20). The remedy, which literally means "as nearly as possible," seeks to direct the unclaimed money consistently with the objectives that prompted initiation of the class action.

The Georgia Judicial Code of Conduct, much like that of other states, requires judges to avoid not only activities that are actually improper but also ones that have an appearance of impropriety. To try to ensure that their *cy pres* awards do not create an appearance of impropriety on their part, judges typically leave the identification of worthy recipients to the attorneys for each side who negotiated the settlement. However, although such a mechanism may seem in the abstract to hold a great deal of promise of equitable and enlightened distributions, the results in practice have often been troubling. As Professor Wasserman has documented in detail, the awards often serve poorly the objectives sought by the class action. *Id.* (manuscript at 24-26). In addition, they commonly serve the defendant's or the attorneys' interests at the expense of the plaintiff class. *Id.* (manuscript at 26-30).

Last but not least, the awards can cast doubt on the integrity of the judge by creating an appearance of impropriety. The judge's reputation is most at risk in instances in which the judge approves a settlement agreement that absolves the attorneys of any responsibility for identifying worthy recipients of any money that goes unclaimed and instead provides any such funds should be distributed entirely at the discretion of the judge. *Id.* (manuscript at 30-31).

Even in instances, however, in which the attorneys are the ones to identify the recipients, the judge needs to be on the alert for awards that may create an appearance of impropriety on his or her part. Consider, for example, the negative light cast on a judge who, at the attorneys' recommendation, approves an award to an institution that the attorneys know is one of the judge's "'pet' charities or [his or her] alma mater." *See* William Hill, Ken Hodges & Alex Bartko, *A Thoughtful Use of "Cy Pres" Awards in Class Action Lawsuits*, Verdict: The Journal of the Georgia Trial Lawyers Association, Spring, 2013, at 25, 27. In such an instance, it may appear that the judge is making an award to further a personal agenda. Alternatively, or in addition, it may appear that the judge is insensitive to the possibility that the attorneys are seeking to curry favor with the judge for purposes of future cases.

Consider also the ease with which a judge can bring him- or herself under suspicion by accepting after-the-fact any "awards, rewards, or recognition" from a *cy pres* recipient. *See id.* More broadly, one well-known critic of *cy pres* awards has written: "[J]udges who know that a class action settlement will eventually give them lots of money to distribute to their favorite charities may be incentivized to make rulings that make a larger class action settlement possible, as well as to approve an unfair class action settlement." Ted Frank, *Cy Pres Slush Fund in Georgia under Ethics Investigation*, PointofLaw.com, Aug. 22, 2011, http://www.pointoflaw.com/archives/2011/08/cy-pres-slush-f-1.php.

Given the possibilities for misuse and the risks to judicial reputation that are inherent in *cy pres* awards as traditionally administered, a recommendation from the Georgia Supreme Court to state trial courts to direct to ICJE a certain percentage of any unclaimed money in a class action settlement fund would be especially salutary in a two-fold sense. On the one hand, the money directed to ICJE would go to further an objective – helping ensure that the courts of the state are well-equipped educationally to do justice for the citizens of Georgia – that is fundamental to, and entirely consistent with, the objectives sought to be vindicated by any meritorious class action brought in the state. On the other hand, by essentially investing money produced by our system of justice back into the system, a *cy pres* award to ICJE avoids the pitfalls commonly posed by *cy pres* awards.

As to the particular percentage of unclaimed money that should be awarded to ICJE, this Committee suggests twenty-five percent on the view that it is apt to yield sufficient funds to ICJE to enable it to provide judges with the high quality continuing judicial education that they should have. Concededly, there are too many variables to be able to predict with any certainty at the start of the year the size of the total awards to ICJE. However, if and when *cy pres* awards in any given year were to exceed the amount that ICJE advises the state high court at

the start of the year is needed for an effective continuing judicial education program, the high court could notify courts that it is withdrawing its recommendation for the remainder of the year.

Proposals for Implementing NGCC Recommendation II, "Improve and enhance training programs including both remote training and in-person training, use of national-level speakers and materials, cross-training between classes of courts, use of technology in the courts and interdisciplinary training on non-routine issues and the sciences – accounting, psychology, etc."

This set of proposals is largely addressed to *delivery* of content to judges and other court personnel. The vast majority of ICJE programs follow the same model: in-person programs for a specific class of judges or other court personnel, taught by some combination of Georgia judges, lawyers, law school faculty, and court personnel, and limited in scope to certain details of Georgia law or practice. That model has much to commend it, but other models are worth considering, particularly because the one being used leaves out much of the universe in which our legal professionals operate. Changing the delivery model from time to time along the lines recommended in the NGCC report invites innovation and fresh ideas, consideration of the advantages of incorporating advances in technology, and attention to the potential for significant cost savings. To that end, we propose that the ICJE Board:

3. *Establish a Standing Committee on Program Delivery that can, over time, bring ideas to the ICJE Board and each class-of-court educational planning body.*

With the help of staff, the proposed Standing Committee on Program Delivery should undertake the following activities:

Routinely keep abreast of offerings from nationally based CJE organizations. The ICJE currently strives to do so in a manner that preserves the integrity of the nationally based product, while also attempting to address the needs and interests of state-level class-of-court constituents. This can be a challenging mission when state-level decisional educational needs do not always share the same goals as the nationally based leadership resources. Available funding can sometimes present an obstacle in this area, but usually not an insurmountable one.

Examine best practices in remote training from other States and seek to implement and expand those offerings in Georgia. Remote learning has now existed for a number of years, and ICJE has made some use of it. The Standing Committee should explore the various platforms and models in use and identify those which best meet ICJE's needs and budget. Remote training might be particularly useful for classes on interdisciplinary subjects, as discussed under Proposal 5.

Identify subject matter for training that may be offered to judges from multiple classes of courts, and seek opportunities to promote such programs. In doing so, the Standing Committee should recognize, but not be deterred by, the obstacles to establishing multi-class-of-court training events. ICJE should continue to support their development and delivery, and should promote the design of relevant reference materials. Such materials must facilitate teaching insightfully on better judicial-practice treatments connected with topics common to the variety of different classes-of-court. When a critical mass of developed leaders, topics, and products coalesce to be offered in a singular learning regime, ICJE should implement delivery of learning experiences well-tailored to the participation of judges from multiple classes-of-courts. Not only might certain economies of scale become achievable, but learning among participants is likely to be strengthened, because the experiential pool of professional peers will be more robust than it tends to be with delivery platforms tied to specific classes of court. In the near term, finding a means to allocate adequate funding to such efforts presents a key challenge to achieving progress with design and delivery of this type of "cross-training" learning endeavor.

4. Promote training of judges and staff on available technology.

Obviously, an effective judiciary is one that understands how technology can leverage the efficiency and accuracy of our courts, both inside and outside the courtroom. Paperless systems, e-filing, and greater governmental transparency initiatives all require a higher comfort level with technology than exists in most of our courts today. Judicial training in particular presents many challenges, since the number of topics can greatly exceed available attention and resources. Training of judges and support personnel must be dynamic, interesting, and broad enough to connect, but also specific enough to be relevant. To improve our courts in this area, ICJE should take the following concrete steps:

Devise and conduct surveys of judges' technology awareness. At the start, it is essential to determine where things stand as far as judges' technological ability and understanding, and surveys are a simple and effective means of doing so. The surveys should cover terminology, specific abilities, access to technology, and overall awareness.

Institute a minimum one-hour technology training requirement annually for all judges.

Create partnerships with college and university IT departments for tech training, presentations, and curriculum development.

5. Promote training in related disciplines, perhaps outside regular annual council seminars

As the NGCC report notes, "[w]ith varying degrees of regularity, our courts are asked to make judgments on matters relating to finance and accounting; psychology; pharmacology; various sociological disciplines, such as domestic violence and criminology; and basic scientific theory, among others. It is important that our judges have the opportunity to receive training in

these fields of study as they relate to judicial proceedings." Presentations on these subjects are problematic, however, because of the mindset of the typical seminar attendee. At regular annual (or semi-annual) council seminars, feedback from attendees consistently makes clear that the attendees want presentations on practical topics that they regularly encounter at their desks or in their courtrooms. Because topics implicating non-legal disciplines cut across classes of courts and often are encountered only by certain judges in each class of court, they are good candidates for cross-class training at special sessions outside the traditional annual seminar. Serious consideration should be given to using remote training modalities as discussed under Proposal 3 or as part of mid-career training opportunities as discussed under Proposals 11-13.

Proposals for Implementing NGCC Recommendation III, "Ensure that judicial benchbooks are more widely available and relevant."

Councils and agencies vary a great deal in the quality of the benchbooks that they produce and in their ability to keep the benchbooks current. To help each group attain and maintain the most useful product, we recommend that the ICJE Board:

6. *Continue seeking and committing sufficient financial resources to support the Georgia Domestic Violence Benchbook, the Magistrate Court Judges Benchbook, the Municipal Court Judges Benchbook, the Municipal Court Clerks Manual, and the Juvenile Court Clerks Manual.*

It is essential that these reference tools be kept up to date and available as accessible electronic tools. If possible, they should be available in hard copy as well.

7. *Provide the various councils and agencies with guidelines for benchbooks.*

The guidelines provided should cover formatting (both electronic and print), updating, routine use in training programs, and hypertext linkage.

8. *Explore grant opportunities to support editorial and formatting upgrades and online publication of benchbooks.*

Benchbook support might also be an appropriate use of *cy pres* funds. See Proposal 2.

Proposals for Implementing NGCC recommendation IV, "Develop a robust multi-day new judge orientation for each class of courts."

Our review of current practices found that every class of courts already conducts and requires multi-day training for new judges, ranging from 16 hours to five days. Some, however, give new judges two years to complete the required training. We believe that some classes of

court give new judges so much time to fulfill the requirement because some councils elect not to conduct new judge orientation in a year when there are few new judges taking the bench.

This is concerning, especially for those new judges who are not attorneys. Although these judges may be attending regular training for judges of that class, such training is unlikely to cover the fundamentals of due process, judicial ethics, and other foundational studies that should be known to every judge. Judges who do not undergo this sort of basic training are at great risk of misapplying the law, violating the federal and state constitutions, and running afoul of judicial ethics. We therefore propose that the ICJE Board:

9. *Urge each class-of-court educational planning body to require each new judge to attend basic training within six months of taking office.*

To facilitate this, we also propose that the ICJE Board:

10. *Institute a standard three-day program of basic training that every new judge of any class of court must attend within six months of taking office. The program would cover basics of due process, judicial ethics, and other fundamentals that every judge needs to know.*

This proposal supplements, rather than supplants, whatever basic training program the judge's class of court has created and requires. The proposal contemplates that the new program would be offered semi-annually. It would ensure that every judge receives substantial training within six months after taking the bench, even if that judge's council does not offer its new judge training program that year. The proposed program could support the initiatives for remote training and cross-class training discussed under Proposal 3, and could be an excellent opportunity to leverage the resources of our law schools.

Proposals for Implementing NGCC Recommendation V, "Provide advanced training for career judges with more than 10 years on the bench."

Like members of other professions, judges at a mid-career point have needs different from those who are beginning, or nearing the end of, a career. After a decade on the bench, judges may be asking themselves whether they have already accomplished everything they could hope to accomplish as judges, and they may begin looking for different challenges in their professional lives. Very understandably, having mastered the art of judging, they may tire easily of seminar presentations aimed at new judges.

Specialized education and training developed with experienced judges in mind can be of enormous benefit to those judges and the judicial profession in general. Such education and training could spark and revive their interest in deepening their judicial knowledge and skills. It

also could equip them to take on new challenges outside the courtroom that would substantially advance the profession. With appropriate training, they could serve effectively in new and invaluable roles, including mentoring new judges, teaching in law school and college classrooms, advocating for the judicial branch, and serving generally as agents for innovation and modernization.

With these needs and possibilities in mind, we propose that the ICJE Board:

11. *Closely examine the offerings of the national organizations that provide judicial education and determine which offerings ICJE feasibly can either duplicate, arrange for the national organization to offer in Georgia, or provide funding for judges to take out of state.*

The national organizations whose judicial education offerings are most likely to be of interest include the National Judicial College, the National Council of Juvenile and Family Court Judges, the American Academy of Judicial Education, and the National Center for State Courts.

12. *Survey judges of all classes with eight or more years' experience to determine their interests in advanced training in general and in specific areas.*

The specific areas of possible interest most important to survey include:

a. Mentoring new judges;
b. Coaching/teaching judicial support staff;
c. How to write benchbooks, court rules, jury instructions, court operating manuals, and the like;
d. Representing the judicial branch to members of the executive and legislative branches;
e. Judicial philosophy/decision-making;
f. Advanced constitutional studies; and
g. Scientific, economic, and social science topics that impact court proceedings.

13. *Depending on the survey results, pursue one or more of the following: the development of programs to be marketed specifically to mid-career judges; the arrangement with national organizations to provide advanced training in Georgia;, and the funding of mid-career judges to attend national programs outside of Georgia.*

The ICJE Board and staff need to develop sources of funding for nationally based programs, giving funding priority to mid-career judges who are willing to commit to leading programs on the same subject for other judges. Development of programs, of course, requires identification

of speakers, perhaps at our law schools and universities, on topics to be offered. Some of the courses – for example, mentoring of new judges, coaching/teaching judicial support staff, and inter-branch relations – may lend themselves well to being offered in partnership with the Judicial Council/Administrative Office of the Courts and individual councils of courts. Programs offered should generally be available to judges of all classes of courts. Some classes of courts may need to take action to ensure that their members receive MCJE credit for courses offered.

Proposal for Implementing NGCC Recommendation VI, "Promote an ethics component in all trainings to include cultural awareness – gender, sexual orientation; Limited English Proficiency (LEP), etc."

The ICJE Board is well acquainted with the controversies that have arisen in recent years as Georgia has become home to a vastly more diverse population. Georgia is in the midst of a societal transformation, bringing to its communities – and thus to its courts – unfamiliar cultures and customs. At the same time, the national culture is undergoing rapid change, most obviously in the awareness and acceptance of differences in sexual orientation. These changes present great challenges to judges and court administrative personnel, who are rightfully expected to dispense justice and to model professionalism and courtesy toward every user of the courts. Failure to understand differences in culture can easily lead to failure to provide equal justice to all.

Following up on the NGCC report's recommendation to weave cultural awareness training into the ethics training provided to judges and court personnel, we met with Dr. Flora Devine, General Counsel and President's Special Assistant for Legal Affairs and Diversity at Kennesaw State University. Dr. Devine explained the nature and utility of the intercultural competence trainings that she conducts for lawyers and law students. As Dr. Devine explained to the committee members in an hour-long meeting with them, intercultural competence – in essence, the ability to communicate effectively and appropriately to others in a culturally diverse society – is a skill that can and should be taught. Dr. Devine described a typical training session as including approximately an hour of lecture to all the participants and two hours of small-group interactive sessions in which a facilitator would be assigned to each small group. She also expressed confidence that the training materials that have been developed for lawyers and law students could readily be adapted to provide intercultural competence training well-tailored to the context in which judges and court personnel operate.

In light of the demonstrated need and the proven effectiveness of intercultural competence training in addressing it, we propose that the ICJE Board:

14. Urge that councils require all judges and court support staff to participate biennially in three hours of intercultural competence training.

Proposals for Implementing NGCC Recommendation VII, "Support training for clerks, court administrators and court support personnel."

As the NGCC report notes, "[t]he judicial branch consists not just of judges, but also of clerks and other support personnel." Many of the issues that confront judges also confront other court personnel. Training and education for many court staff have been in short supply the past several years due to budget restraints, despite the significant problems that can arise if court staff violate the law, court rules, or rules of ethics. Some groups (e.g., the Council of Superior Court Clerks and the Georgia Council of Court Administrators) conduct their own programs or participate in programs produced by the Carl Vinson Institute of Government. ICJE conducts programs for clerks of the Probate, Juvenile, Magistrate and Municipal Courts and approves courses for the Court Reporters Training Council.

Judges' law clerks and secretaries also need training specific to their jobs. For many years ICJE was unable to provide such training due to lack of resources, but has been able to resume such training recently by charging attendee fees. It is important that the training currently provided not be allowed to diminish.

Since the dramatic budget reductions of 2008, ICJE has had to discontinue providing continuing education for intake and probation officers of the independent Juvenile Courts. The 2008-2009 budget reductions also prompted ICJE to eliminate its financial aid for attendance at nationally-based activities and its continuing education for administrative law judges of the Office of State Administrative Hearings and State Board of Workers Compensation.

Accordingly, we propose that the ICJE Board:

15. *Provide at least one training program annually for all court clerks, judicial secretaries, and judicial law clerks for whom job-specific training is not otherwise available.*

To the extent that limited funding impedes ICJE's ability to provide such programming, distance learning models should be implemented.

16. *Add, or return to serving, other constituencies (juvenile probation officers, non-judicial branch ALJs) as funding and staffing permit, but recognize that judges, court administrators and clerk staff are more of a core constituency to the judicial branch and mission of ICJE.*

While ICJE should be willing to partner with and assist other groups in conducting continuing education to the extent that it relates to performance of a judicial (or judicial branch) function, ICJE will always have to prioritize the use of its limited resources. Those priorities should be set by the ICJE Board in light of the mission designated by the Supreme Court Order creating the ICJE, excerpted in Exhibit "A", attached.

Conclusion

The provision of justice is central to the duties of the state government of Georgia, and the continued training and education of the people who make up the judicial branch is essential to that duty. The ICJE has a vital role to play in helping make "justice for all" not simply an aspiration, but a reality.

The members of this Committee wish to thank the ICJE Board Chair, Judge Campbell, for providing us with the opportunity to make these recommendations to the Board. We also wish to thank Mr. Reaves and the ICJE staff for their excellent assistance and their dedication to judicial education.

For the Committee,

Ben W. Studdard, Co-Chair
Chief Judge
State Court of Henry County

Gary J. Simson, Co-Chair
Senior Vice Provost for Scholarship and Macon Chair in Law
Mercer University

EXHIBIT "A"
EXCERPT FROM SUPREME COURT ORDER
PROPOSED DUTIES AND OBLIGATIONS OF THE INSTITUTE OF CONTINUING JUDICIAL EDUCATION OF GEORGIA

The Institute of Continuing Judicial Education of Georgia is the primary agency for providing continuing education and training for members of the judicial branch of the government of the State of Georgia. As such, it has the responsibility to plan and conduct educational seminars and workshops for judges of Georgia's courts of record and for the support personnel of these courts and also for evaluating and, where appropriate, supporting attendance by court and support personnel at training programs conducted by reputable training agencies at locations without Georgia.

The Institute of Continuing Judicial Education of Georgia is further charged with the duty of consulting with organizations of judges and court support personnel in the development of its programs and with making its programs as conveniently accessible to the members of the judicial branch as possible.

The Institute of Continuing Judicial Education of Georgia is governed by a Board of Trustees who are selected in the manner prescribed in the by-laws approved by the Board and confirmed by the Supreme Court of Georgia. It has the authority and power to contract, to own property, to accept funds, grants and gifts from any public or private source for use in defraying the costs of the Institute and its activities, to employ such administrative, professional and clerical personnel as may be appropriate and necessary to fulfill its duties, and to do any and all acts as may be reasonable and necessary for the proper fulfillment of its purposes and duties.

Judicial Council Operations FY15

Financial Report as of January 31, 2015

DEPARTMENT	BUDGET	YTD TOTAL EXPENDITURES	REMAINING	Budget Spent
Judicial Council/AOC	**6,317,342**	**3,898,004**	**2,419,338**	**62%**
County & Municipal Probation Advisory Council	322,920	194,474	128,446	60%
Child Support Collaborative	109,578	65,231	44,347	60%
Georgia Council of Court Administrators	4,057	241	3,816	6%
Council of Magistrate Court Judges	170,355	82,732	87,623	49%
Council of Probate Court Judges	61,216	37,816	23,400	62%
Council of State Court Judges	226,366	130,251	96,115	58%
Council of State Court Judges Retirement	1,512,837	771,325	741,512	51%
Council of Municipal Court Judges	16,185	4,310	11,875	27%
Civil Legal Services for Victims of Domestic Violence	2,113,749	2,071,474	42,275	98%
Georgia Commission on Family Violence	370,221	200,380	169,841	54%
Other Judicial Council Subprograms	**4,907,484**	**3,558,235**	**1,349,249**	**73%**
Accountability Courts	318,057	163,065	154,992	51%
Accountability Courts Conference	120,000	120,000	0	100%
Appellate Resource Center	800,000	466,666	333,334	58%
Judicial Qualifications Commission	527,706	275,312	252,394	52%
Institute of Continuing Judicial Education	471,789	250,590	221,199	53%
Separate Judicial Council Programs	**2,237,552**	**1,275,634**	**961,918**	**57%**
TOTAL JUDICIAL COUNCIL	**13,462,378**	**8,731,873**	**4,730,505**	**65%**

Georgia's Tax Refund Intercept Program for Unpaid Court Debts

The Tax Refund Intercept Program (TRIP) pilot testing in March. TRIP is being developed following the passage of HB 1000 by the Georgia General Assembly, sponsored by Rep. Barry Fleming (District 121). The legislation authorizes the interception of tax returns to satisfy court-ordered fines and fees that remain unpaid, along with providing debtors the right to contest the intercept.

The purpose of TRIP is to provide Georgia's courts with an alternative means to enforce their monetary judgments and protect the integrity of their decisions. It will not be used until the defendant's other avenues for payments have expired. A local hearing process is being established for taxpayers to challenge intercepts on the grounds that the taxpayer is not in fact the debtor or that they have previously paid the fines and fees ordered by the court. The hearings will not be an opportunity to reopen a case.

A number of volunteer courts are participating in the pilot phase and more may be added as the test program progresses. To conduct the pilot program, the AOC is partnering with established debt collection software company RevQ, which has licensed its collections management software to the AOC and pilot courts. The AOC will host the RevQ software and intercept database, but courts will be able to access the hosted application themselves. After the twelve-month pilot program is complete, the next phase includes implementing a system that all Georgia courts could opt to use to submit debts greater than $25.00 for collection through TRIP.

Persons with unpaid court fines and fees that have not expired will be mailed a notice by the court in advance of an intercept request, to offer the taxpayer one more opportunity to reconcile the debt and to serve notice of the intention to request that Revenue intercept any tax return proceeds that debtor may be otherwise entitled to receive. Questions about individual cases will need to be addressed to the court directly since neither the AOC nor the Department of Revenue will have any specific information regarding the case.

For more information or to apply:
Mike Cuccaro
404-651-7616
Mike.Cuccaro@georgiacourts.gov

We don't want to publish the participating courts, but they are:

1. Athens-Clarke Municipal
2. City of Atlanta Municipal
3. Bibb Superior Court
4. Douglas State Court
5. East Point Municipal

<u>LAWYERS FOR EQUAL JUSTICE</u> (LEJ)*

Incubator Status Report

Presented to the Judicial Council, February 27, 2015

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 persons currently going unrepresented, both pro bono and for an affordable fee. This document is a summary of a 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, its participants will provide high-quality and affordable legal services, it will produce lawyers who are well-trained and committed to representing low and moderate income clients and its graduates will be better prepared to establish and maintain successful law practices.

The planning of this project has been supported by the Chief Justice's Commission on Professionalism in the form of $15,000 in seed funding provided in late September 2014 to the Supreme Court, through the Administrative of the Courts, for the purpose of facilitating the development of a detailed plan for funding and sustaining the incubator. In November, the five Georgia law schools each committed to providing $25,000 apiece for the first year's operation of the incubator. The State Bar President, Patrise Perkins-Hooker is fully supportive of the project and is working to obtain free space in State Bar headquarters for it. The Bar Center Committee of the State Bar, which adopts and applies policies for the State Bar building, voted on January 7 to recommend to the Executive Committee of the State Bar that the incubator be located in State Bar Headquarters and receive rent abatement for the first three years of operation; and the Executive Committee on January 26 adopted that recommendation and voted to send it on the Board of Governors for approval.

***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.**

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.

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 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) while assisting the court system in addressing the ongoing concern of pro se representation;

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 collaborative joint venture of the State Bar of Georgia and the five ABA-approved law schools in Georgia, housed in the State Bar headquarters. LEJ will provide administrative and infrastructure support to the new lawyers and will arrange training for the participants through the State Bar's Law Practice Management Program and its Sections. A non-profit 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, the judiciary 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 will 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, the Supreme Court 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, the judiciary and other stakeholders that are very constructive in Georgia but oftentimes nonexistent in many 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.

Accomplishments as of January 28:

1. All five Georgia law schools have joined together to design and support the incubator. Each has pledged $25,000 for the first year of its operation.

2. A comprehensive plan for the design, funding and creation of the incubator has been developed (attached). It was provided to the Bar Center Committee prior to its January meeting, and will be provided to the Executive Committee soon. It addresses most if not all the questions raised by the State Bar Committees, and includes a three budget, a training curriculum, a policy statement for recruiting and operational purposes and several other attachments.

3. The President of the State Bar, Patrise Perkins-Hooker, fully endorses the creation of the incubator and has asked both the Executive and Bar Center Committees of the State Bar to join with the law schools in this collaborative effort, including the provision of rent-abated space to the incubator in State Bar headquarters. The Executive Committee voted at tis October meeting to support the formation of the incubator conditioned upon the adoption of a budget and development of policies for its operation. The Bar Center Committee voted on January 7 to recommend to the Executive Committee the provision of State Bar space for three years. The Executive Committee met on January 26 and considered the recommendation of the Bar Center Committee and adopted a motion to recommend to the Board of Governors that the State Bar provide rent-abated space to the incubator for three years. This recommendation will be taken up by the Board of Governors at its April 18 meeting.

4. Over 30 stakeholders and potential collaborators in the incubator have been interviewed and solicited for support and input. These include the Chief Justice, state and superior court judges, the three legal aid providers in Atlanta, leaders of the Atlanta and State Bars, solo practitioners in Atlanta, State Bar staff and many others who are

interested in access to justice. All have been supportive of the concept and willing to participate as trainers, collaborators or in any other way that would be useful.

5. Pro bono counsel has been obtained through Atlanta's Pro Bono Partnership for the purpose on incorporating the non-profit entity that will govern the project. This should be done by the end of February. At that time, a petition will be filed with the IRS for 501c3 status, using a tax professor at Georgia State Law School as volunteer counsel.

6. Written reports and oral presentations have been given to the Access to Justice Committee of the State Bar and to the Access, Fairness, and Public Trust and Confidence Committee of the Judicial Council. The latter is composed of nine judges, representing all levels of the court system, and several bar leaders from around the state. Both Committees were enthusiastic about the project and expressed hopes that one day it would expand outside the five county metro area.

<u>To be done by May 1</u>:

1. Complete the State Bar approval process. The Board of Governors April meeting will be the final step.

2. Develop and complete incorporation of the Lawyers for Equal Justice Foundation and then seek 501c3 status. The GSU College of Law has approved the assignment of a graduate research assistant (GRA) to this project. The third year student will provide research and document production assistance to the project between January and her May graduation. She will also collaborate with the GSU professor and his GRA regarding the IRS filings.

3. Visit the incubator in Chicago (Justice Entrepreneurs) which is the largest and best funded incubator in the U.S. and is the closest in size to the incubator planned here (30 participants). It is in its second full year of successful operation and has offered to provide technical assistance to the development of the Georgia incubator.

Our incubator will be unique nationally, but the Chicago incubator director has much to offer in the way of advice and feedback about the budget, operational policies and the governance from the perspective of a similarly-sized project.

4. Attend the national incubator conference to be held February 27 & 28. This will be the second annual gathering of sponsors of incubator projects for the purposes of training and information sharing. The first conference in 2014 was very well attended and received very positive reviews.

5. Finalize the budget for the first three years of operation. A tentative budget has been prepared and circulated to the law schools and the State Bar Committees. Once the Bar makes a decision regarding space, the three year budget will be finalized. Additional funds or donated property will be sought for furnishing the space and purchasing supplies.

6. Once the State Bar has acted and the incorporation process is underway, the governing body of the non-profit will begin meeting to develop policies, establish a recruiting process for the director and the first class of participants and adopt bylaws and operating principles for the Foundation.

Hulett H. Askew, Consultant

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4. Council of State Court Judges
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6. Council of Probate Court Judges
7. Council of Municipal Court Judges

SUPREME COURT OF GEORGIA
STATE JUDICIAL BUILDING
ATLANTA, GEORGIA 30334

HUGH P. THOMPSON
CHIEF JUSTICE

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February 12, 2015

Chief Justice Hugh P. Thompson delivered his second State of the Judiciary address to a joint session of the Legislature on Wednesday, February 4 in the House Chambers at the Capitol. In his speech the Chief Justice emphasized that all Georgians must have access to legal help and urged the Legislature to support a pilot project sponsored by the State Bar that encourages attorneys to practice in severely underserved rural areas of the state. He also re-emphasized the need for a state-based pay raise for judges, many of whom earn less than professors at Georgia's public law schools. The speech also underscored the works of all the state's judges and highlighted a number of judges, including the accomplishments of Judge Brenda Weaver's drug court, Judge Goger's business court and Judge Green's veterans court, and spoke of the challenges ahead for probate courts in the face of a growing elderly population.

The Court is holding more oral argument sessions to accommodate the increase in direct appeal filings. The oral argument sessions are well attended by the public and media.

Tour groups are ever present at the Court especially during the legislative session. Recently, we have hosted judges from Brazil, county leadership groups, law enforcement officers in training, and multiple groups made up of law school students, and high school and middle school students from around the state. For each tour, we show a video about the court and a Justice always speaks to the group.

This week the Court addressed its third execution matter since the start of the new year. It involves only the second time since 1945 that the state has set an execution window for a woman.

The electronic filing of appeals records from the trial court continues to progress. We believe that this service will greatly benefit the clerk's offices as well as attorney filers because, like the e-filing component that allows attorneys to electronically file materials in existing cases, it is convenient, simple to use, and cost efficient. Also, the upgrade from Novell to Microsoft has been seamless and the resulting functionality a welcome improvement at the Court.

The Court of Appeals
of the
State of Georgia
Atlanta, Georgia 30334

CHAMBERS OF
CHIEF JUDGE HERBERT E. PHIPPS

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Court of Appeals of Georgia
Report to Judicial Council
February 2015

The Court of Appeals continues amending its rules to facilitate the move to full electronic filing. Effective January 1, 2015, Rule 4(b) was amended to require all Georgia attorneys and those admitted pro hac vice to file all Court documents electronically. This means that the following documents will be uploaded electronically when filed with our Court: all briefs, motions (to include Motions for Reconsideration and emergency motions), applications for interlocutory and discretionary appeals, notices of intent to petition for certiorari, and notice of filing a petition for writ of certiorari. Previously the Court allowed paper filings of any document and required paper filings of emergency motions, and applications for discretionary and interlocutory appeals. This change, combined with the new requirement for all attorney practitioners to e-file, significantly streamlines Court operations. It also benefits practitioners by making filing quicker and easier, and makes delivery of Court decisions on motions and cases almost instantaneous. The Court's web page has added detailed instructions for practitioners and we will continue to improve our guidance to the Bar in this area. Other recent Rule changes provide clarity regarding original evidence, the length of briefs and appropriateness of attachments.

The Court has also amended Rule 18 to provide clarity to lower court clerks regarding transmission of records to our Court. The amendment provided specific guidance regarding the transmission of video and audio recordings that were played during the trial. Another change allows lower court clerks to deliver transcripts to our Court via compact discs rather than in a printed format. If a compact disc is submitted, the documents contained on the disc must be in a searchable pdf format.

Our Information Technology team continues making incremental progress as time and money allow. Their changes both improve internal operations for our staff and make filing easier and more efficient for practitioners. The case information maintained and disseminated by the Court of Appeals already has become more accessible. We are approaching our goal of obtaining and being able to use all lower court records electronically.

Herbert E. Phipps

Chief Judge Herbert E. Phipps

Council of Superior Court Judges of Georgia

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Council of Superior Court Judges
Report to Judicial Council
February 2015

The Council of Superior Court Judges met for its annual conference and continuing education seminars in Athens, Georgia, January 20-23, 2015. The conference provided 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 attended the conference. Court of Appeals Judge Michael Boggs made a special presentation to the CSCJ Legislation Committee on the work of the Council on Criminal Justice Reform, and Court of Appeals Judge Billy Ray also spoke to the committee regarding the salary initiative.

CSCJ recently welcomed five newly appointed judges: Judge Thomas Baxley of the Pataula Circuit, who filled the seat held by former Judge Ronnie Joe Lane; Judge Dean Bucci of the Paulding Circuit, who filled the seat held by former Judge Jim Osborne; Judge Alison Burleson of the Ocmulgee Circuit, who filled the seat formerly held by Judge Jim Cline, who passed away last August; Judge Brenda Trammell of the Ocmulgee Circuit, who filled the seat formerly held by Senior Judge Hulane George who retired in December; and Judge Travis Sakrison of the Coweta Circuit, who was appointed to fill a newly created judgeship in that circuit.

In addition to these new judges appointed by Governor Deal, superior courts also welcomed five new judges who were elected to the bench effective January 1. Judge Jane Barwick replaced former Judge Cindy Wright of the Atlanta Circuit; Judge Ann Harris replaced Senior Judge Jim Bodiford of the Cobb Circuit; Judge Brian McDaniel replaced Senior Judge Frank Horkan of the Southern Circuit; Judge Meng Lim replaced Senior Judge Richard Sutton of the Tallapoosa Circuit; and Judge Jim Wilbanks replaced former Judge David Blevins of the Conasauga Circuit.

Two additional vacancies remain to be filled. The Judicial Nominating Commission has recommended a list of three names to fill the vacancy in the Northern Circuit created by the retirement of Senior Judge John Bailey. The JNC has also recommended a list of three names for the vacancy in the Waycross Circuit that comes from the creation of a new judgeship in that circuit.

Judge Cynthia Becker of the Stone Mountain Judicial Circuit announced her retirement effective March 1, 2015. The Judicial Nominating Commission has recommended eight names to Governor Deal to fill two vacancies in this circuit—one in superior court, and one in state court.

Senior Judge Whitfield R. Forrester passed away on January 7, 2015. He was appointed to the superior court bench in 1980 and took senior status in 2005. He was married for 66 years and was 90 years old at the time of his death.

Senior Judge Watson L. White passed away on December 13, 2014. He was elected to the superior court bench in 1979 and took senior status in 1994. He started the first divorcing parents' seminar and actively served as a senior judge until age 91. He was 93 years old at the time of his death.

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 2015. Felony accountability courts saved Georgia taxpayers $23 million in 2013.

Council of State Court Judges

Impartial Courts • Judicial Excellence • Accessible and Efficient Justice

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Judge Charles S. Wynne
President (Hall)

Judge Wayne M. Purdom
President Elect (DeKalb)

Judge Richard A. Slaby
Secretary (Richmond)

Judge J. Kelly Brooks
Treasurer (Charlton)

Judge Linda S. Cowen
Past President (Clayton)

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Judge Leon M. Braun, Jr. (Liberty)

District 2
Judge J. Kelly Brooks (Charlton)

District 3
Judge John K. Edwards, Jr. (Lowndes)

District 4
Judge Aaron Mason (Clayton)

District 5
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District 6
Judge Joseph C. Iannazzone (Gwinnett)

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Judge T. Russell McClelland (Forsyth)

Staff

Bob Bray
Executive Director

Report of the Council of State Court Judges
Judicial Council Meeting
February 27, 2015

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 State Courts handle serious misdemeanor cases, including driving under the influence, boating under the influence, homicide by vehicle (2nd degree), crimes of violence (including family violence offenses) and certain theft and drug offenses. In addition, complex civil cases, such as products liability, personal injury, medical malpractice, contract disputes, premises liability and wrongful death actions, continue to be filed and effectively handled in our State Courts.

State Court judges throughout Georgia preside over 20 DUI/Drug Courts, as well as two Misdemeanor Drug Courts and one Veterans Court. Recently, the Douglas County State Court DUI Court, which began in April, 2013, held its first graduation, recognizing 11 participants who successfully completed this program. Our Council commends the excellent work of this program and all of the other accountability court programs throughout Georgia which are changing the lives of those addicted to alcohol and drugs.

Our State Court Council has undertaken a review performance audit of probation, released by the State Department of Audits in April, 2014 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.

Eight new State Court judges participated in a 3-day New Judge Orientation conducted by the New Judge Education and Mentoring Committee of the Council of State Court Judges on the Mercer University campus in Macon, from January 26 – 28, 2015. We welcome these new judges as valued members of our Council.

Respectfully submitted,

Charles S. Wynne
President, Council of State Court Judges

Council of Juvenile Court Judges of Georgia

Judge J. Lane Bearden, *President*
Judge John Sumner, *President-Elect*
Judge Benjamin Brinson, *Vice President*
Judge Patricia Stone, *Secretary*
Judge James R. Whitfiled, *Treasurer*
Judge Robin Shearer, Immed. Past President

Judge Benjamin "Ben" Brinson, *District 1*
Judge Render Heard, *District 2*
Judge Andrew Dodgen, *District 3*
Judge William Schneider, *District 4*
Judge Juliette Wilshire Scales, *District 5*
Judge Joe Wyant., *District 6*
Judge Sandra Miller, *District 7*
Judge Samuel A. Hilbun, *District 8*
Judge Gerald W. Bruce, *District 9*
Judge Jennifer McKinzie, *District 10*

Eric J. John, *Executive Director*

February 20, 2015

To the Chief Justice and the Judicial Council:

Please accept this report on the recent progress of the Council of Juvenile Court Judges of Georgia. The CJCJ has nearly 150 judicial members from across the state, exercising exclusive jurisdiction over child dependency (abused or neglected children), juveniles charged with delinquent and traffic offenses, and Children in Need of Services. The majority of our members are full-time judges, appointed to 4-year terms by the Superior Courts. We have a diverse group – including urban courts, accountability courts dedicated to handling drug and mental health issues, rural judges who have to "ride circuit" over multiple counties, associate judges, part-time judges in smaller circuits who also have active law practices, even one elected judge - but what we have in common is a dedication to the best interests of Georgia's children.

New Code

We are now beginning our second full year under the revised Title 15, Chapter 11. The "New Code" contains 244 single-spaced pages of statutory law, which adopted new definitions, new requirements, and new procedures for the vast majority of our cases. In particular, Georgia's judges have addressed new procedures, including these areas of immediate concern:

(1) Alternatives to Detention. The new code has required juvenile courts to look to alternatives to detention of juvenile offenders in many cases. Some courts have been assisted in funding from the Governor's office for advances in juvenile offender rehabilitation and alternatives to detention, others have adopted locally innovative approaches to handling these cases. The courts have worked diligently with juvenile justice partners to adopt and implement Detention Assessment Instruments, and dispositional guidelines, to produce a more uniform system of justice.

(2) Children in Need of Services. Children who commit less serious offenses are no longer "status offenders", but are now CHINS. These juveniles – some of whom are quite young – cannot be detained for more than a few hours under the new code. The code calls for a judicially-led collaborative approach to these children and their families, in an attempt to divert them from progressively more serious offenses.

(3) Permanency. The new code included new and more comprehensive procedures to achieve permanency for abused and neglected children. Cases are driven by shorter timelines to accomplish reunification or termination, new and more frequent hearings, and greater input from stakeholders such as attorney guardians and Court-Appointed

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Special Advocates. The push to hold the Georgia Department of Family and Children Services more accountable for the welfare of children in their care has resulted in a surge of new cases in many courts.

(4) Re-write of the Uniform Rules. Juvenile courts had a brief time to implement statutory changes - barely eight months from adoption to implementation. The Uniform Juvenile Court Rules have had to be completely re-written, and should be ready for adoption in the next few months.

Case Management Repository

While the Georgia juvenile courts are determined to be data driven and national leaders in progressive juvenile justice programs, it will be impossible to do so without a data system which permits the measurement and comparison of various case approaches and their results. The Council is working with the AOC, Department of Juvenile Justice, to develop the Juvenile Justice Case Management Repository, which came from the recommendations from the Report of the Georgia Council on Criminal Justice Reform. The CJCJ Technology Subcommittee (Chairman, Judge Jerry Bruce) is in the process of establishing a data dictionary, which will allow uniformity among the stakeholders. The CJC will then pilot a local case management system, currently identified as JCATS, and will support and coordinate with AOC as necessary to implement the developed data exchanges into local case management systems in both independent and dependent juvenile courts.

Professionalism

Georgia's juvenile court judges are leaders in the national movement to modernize juvenile justice. Retirement, salary, and staffing requirements are still catching up with the new demands of the modern juvenile court system. For example, because of the increasing demands of the juvenile court system, and the professionalism expected by the JQC, very few judges are still able to work part-time, and still maintain a productive private law practice. As a result, almost all Superior Courts have appointed full-time judges. The CJCJ is trying to meet the demands of the new training required of these judges, and provide ongoing training in the specialized areas of juvenile law, while keeping judges abreast of changes in such diverse fields as psychology and mental health, child development, evidence, and the criminal justice system.

Conclusion

The members of the Council of Juvenile Court Judges of Georgia appreciate the strong support and work of the Chief Justice, the members of the Judicial Council, and the AOC, in addressing the many needs of our juvenile courts, and meeting the heavy responsibility we bear in regards to the future generations of Georgians.

Respectfully submitted,

Hon. J. Lane Bearden, President
Council of Juvenile Court Judges of Georgia

Council of Probate Court Judges

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Report to the Judicial Council of Georgia
February 27, 2015

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

Probate Judges Day at Capitol

The Council of Probate Court Judges hosted its inaugural Probate Judges Day at the Capitol on January 27. Over forty judges gathered at the Capitol for lobbying, after which they welcomed legislators and legislative staff for a luncheon that was well attended.

The Council was commended by Governor Nathan Deal for the critical role probate judges play in our legal system by ensuring that constitutional and statutory responsibilities are fulfilled and working to improve the probate courts and their administration of justice. The commendation recognized the contribution probate judges make in the areas of estate planning, marriage and firearms licenses, guardianships, and more. The members of the Council of Probate Court Judges ensure issues are handled responsibly, effectively, and efficiently.

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 Chase Daughtrey, was unveiled at the Council's 2014 Spring Banquet. The components of the READY campaign are:

Respect
Education
Assemble
Determined
Yield Results

New Judges Lunch

On January 14 the Council welcomed new judges and associate judges with an orientation luncheon. The intent of the luncheon was 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. Presentations were made by Council leadership, mentors, and committee chairs, and it was wonderful to get to know our new judges and give them a warm welcome to the Council.

Caseload Reporting
For the 2014 CY, probate judges will use the same template in the past when uploading our caseload data to the JC/AOC. Over the course of this year a working group will convene with the JC/AOC Office of Research, Planning, and Data Analysis and our case management vendors to ensure that data reported is accurate and obtainable.

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 regional training on loading criminal dispositions into GCIC. Several probate judges have generously offered training space, and we anticipate publicizing training dates soon.

Vital Records
President-Elect Don Wilkes has been working extensively with the new Director of the State Office of Vital Records, Donna Moore. Council leadership continues to meet with Ms. Moore and her staff to attend to items raised by Council membership and establish efforts to answer these concerns. Training efforts are in place to address issues raised by both parties.

Next Meeting Date
The next Executive Meeting is scheduled during the Winter Conference of the Constitutional Officers Association of Georgia (February 24 – 25) in Atlanta, Georgia.

The Council will gather for its spring meeting at the Georgia Center in Athens on March 23 – 26, at which time leadership will turn over.

Council of Municipal Court Judges

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Judge Willie Weaver, Sr.

District Three
Judge Michael P. Cielinski
Judge Jim Thurman

District Four
Judge Latisha Dear
Judge Tisha Tallman

District Five
Judge Rashida Oliver
Judge Christopher Ward

District Six
Judge John Clayton Davis
Judge Christopher E. Chapman

District Seven
Judge Timothy McCreary
Judge Roger Rozen

District Eight
Judge Charles Butler
Judge E.R. Lanier

District Nine
Judge William F. Brogdon
Judge Margaret Gettle Washburn

District Ten
Judge Lori Duff
Judge Dale Samuels

Report to the Judicial Council of Georgia
February 27, 2015

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 legislative items are being sought by the Municipal Court Council:

A 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. In order to promote service by qualified and experienced judges, to 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. The Council has reached out to stakeholders whom have vested interest in the matter to attempt to reach common grounds.

Additionally, the Council is seeking legislation for enacting to designate Municipal Courts as courts "of record." This status is being sought in order to recognize the modern responsibilities of the Municipal Courts in Georgia and give those courts the right to grant motions for new trial. 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 may be 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.

The last legislative initiative deals with the matter of prosecutors in Municipal Courts. In 2012, a statute was enacted allowing the governing authority of a municipality to create the office of prosecuting attorney for Municipal Courts. O.C.G.A. § 15-18-91(a). That statute does not however mandate the creation of such office. Currently, Municipal Courts without prosecutors are operating in conflict with Georgia's Uniform Municipal Court Rules. Despite the Court efficiencies offered by having a prosecutor, some municipalities have failed to provide prosecutors in their Courts. 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.

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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 of our Council 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.

Training Initiative and Strengthening the Council

The Council of Municipal Court Judges in conjunction with the Municipal Judges Training Council is developing a "Lunch 'n' Learn" series throughout the judicial districts to educate members regarding the function of the Executive Committee, that of the District Representatives, and the role of a Judge. The two hour class, which was approved for MCJE Credit, includes the following topics:

1. Recusals-When you should recuse; How to recuse; and How District Representatives should handle making appointments when they receive a recusal from a judge, per the Uniform Municipal Court Rules. (40 minutes)

2. About the Council of Municipal Court Judges, the Council's Executive Committee and District Representatives Responsibilities (20 minutes)

3. The Role of a Judge: Balancing Being a Judge and an Attorney (30 minutes)

4. Discussion, Questions and Answers (30 minutes)

Next Meeting

The Municipal Judges Executive Committee is scheduled to meet April 2015 in Perry, Georgia.

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COUNCIL OF SUPERIOR COURT CLERKS OF GEORGIA

Report to Judicial Council
February 27, 2015

While clerks of superior court have been digitizing records since the early 1990's, in 2015 our offices are experiencing a tsunami of efilings coming into our offices. And, for the most part, this is working fairly smoothly.

From our civil efiling project to criminal transcripts, we have instituted several mechanisms for receiving this data. Our portal for civil efiling has 26 counties currently accepting efilings from any filer. These counties are all with the same vendor, our second largest vendor will hopefully be ready by the time this report is being read and, if so, the number of counties will double almost overnight.

Our secure FTP portal for receiving criminal transcripts has been very well received by those court reporters who have used it and 60 counties are using that portal to receive eTranscripts. Clerks met with court reporters last weekend during their winter training in Peachtree City and had very productive conversations on a number of related issues.

Our council is initiating discussions with our case management vendors about the possibility of moving to searchable pdf's as their default file type. This is in response to discussions with T. Barnes and her staff at the Supreme Court.

Finally, clerks are working with the JWAC to add pro se and interpreter fields in our case management systems so that we can report on that data.

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

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

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