

JUDICIAL COUNCIL OF GEORGIA

General Session

Friday, December 7, 2018

10 a.m. – 12:30 p.m.



James H. "Sloppy" Floyd Building – Floyd Room
2 Martin Luther King, Jr. Drive
West Tower, 20th Floor
Atlanta, GA 30334

Judicial Council of Georgia
General Session

James H. “Sloppy” Floyd Building – Floyd Room
2 Martin Luther King, Jr. Drive
West Tower, 20th Floor
Atlanta, GA 30334

Friday, December 7, 2018
10 a.m. – 12:30 p.m.

Lunch will be served immediately following the Council meeting

- 1. Preliminary Remarks and Introductions**
(Chief Justice Harold D. Melton, Est. Time – 5 Min.)
- 2. Special Presentation**
(Mr. Kevin Wilson, Supreme Court of Georgia, Est. Time – 5 Min)
- 3. Approval of Minutes, August 8, 2018** *(Action Item)* **TAB 1**
(Chief Justice Harold D. Melton, Est. Time – 2 Min.)
- 4. Judicial Council Committee Reports**
 - A. Technology Committee** *(Action Item)* **TAB 2**
(Chief Justice Harold D. Melton, Est. Time – 7 Min.)
 - B. Legislation Committee** *(Action Item)* **TAB 3**
(Presiding Justice David E. Nahmias, Est. Time – 7 Min.)
 - C. Budget Committee** **TAB 4**
(Justice Michael P. Boggs, Est. Time – 5 Min.)
 - D. Criminal Justice Reform Committee** *(Action Item)* **TAB 5**
(Justice Michael P. Boggs, Est. Time – 7 Min.)
 - E. Judicial Workload Assessment Committee** *(Action Item)* **TAB 6**
(Judge David T. Emerson and Mr. Christopher Hansard, Est. Time – 15 Min.)
 - F. Process Servers Committee** *(Action Item)* **TAB 7**
(Judge Shawn E. LaGrua, Est. Time – 7 Min.)
 - G. Strategic Plan Committee** *(Action Item)* **TAB 8**
(Judge W. Allen Wigington and Judge Sara Doyle Est. Time – 7 Min.)
 - H. Commission on Interpreters** *(Written Report)* **TAB 9**
- 5. Report from Judicial Council/AOC** **TAB 10**
(Ms. Cynthia H. Clanton, Est. Time – 10 Min.)

6. Reports from Appellate Courts, Trial Court Councils & State Bar

TAB 11

(Est. Time – 15 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**
- I. State Bar of Georgia**

7. Reports from additional Judicial Branch Agencies (Est. Time – 5 Min.)

TAB 12

- A. Council of Accountability Court Judges**
- B. Georgia Commission on Dispute Resolution**
- C. Council of Superior Court Clerks**
- D. Chief Justice’s Commission on Professionalism**
- E. Georgia Council of Court Administrators**
- F. Institute of Continuing Judicial Education**

8. Old/New Business

(Chief Justice Harold D. Melton, Est. Time – 5 Min.)

9. Outgoing Members

(Chief Justice Harold D. Melton, Est. Time – 5 Min.)

10. Concluding Remarks and Adjournment

(Chief Justice Harold D. Melton, Est. Time – 5 Min.)

***A group photo will be taken immediately following the meeting*

Next Judicial Council Meeting

Friday, February 15, 2019

10 a.m. – 2 p.m.

Sloppy Floyd Building/Atlanta, GA

Judicial Council Meeting Calendar – 2019

Friday, April 26, 2019

10 a.m. – 2 p.m.

Columbus Convention & Trade Center/Columbus, GA

Friday, August 23, 2019
Friday, December 6, 2019

10 a.m. – 2 p.m.
10 a.m. – 2 p.m.

Anderson Conference Center/Macon, GA
The Carter Center/Atlanta, GA

Judicial Council Members

As of September, 2018

Supreme Court

Chief Justice Harold D. Melton
Chair, Judicial Council
507 State Judicial Building
Atlanta, GA 30334
404-657-3477/F 651-8642
meltonh@gasupreme.us

Presiding Justice David E. Nahmias
Vice-Chair, Judicial Council
501 State Judicial Building
Atlanta, GA 30334
404-656-3474/F 657-6997
nahmiasd@gasupreme.us

Court of Appeals

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

Vice Chief Judge Christopher McFadden
47 Trinity Avenue, Suite 501
Atlanta, GA 30334
404-656-3450/ F 651-6187
mcfaddenc@gaappeals.us

Superior Court

Judge Stephen D. Kelley
President, CSCJ
Brunswick Judicial Circuit
701 H Street, Suite 201
Brunswick, GA 31520
912-554-7372/F 264-8145
skelley@glynncounty-ga.gov

Judge Shawn E. LaGrua
President-Elect, CSCJ
Atlanta Judicial Circuit
185 Central Avenue SW, STE T8855
Atlanta, GA 30303
404-612-8460/F 612-2625
shawn.lagrue@fultoncountyga.gov

Judge Jeffrey H. Kight
Waycross Judicial Circuit, 1st JAD
Ware County Courthouse
800 Church Street, STE B202
Waycross, GA 31501
912-287-4330/F 544-9857
jhkight@gmail.com

Judge James G. Tunison, Jr.
Southern Judicial Circuit, 2nd JAD
327 Ashley Street
Valdosta, GA 31601
229-333-5130/F 245-5223
jgtunison@gmail.com

Judge Arthur Lee Smith
Chattahoochee Judicial Circuit, 3rd JAD
PO Box 1340
Columbus, GA 31902
706-653-4273/F 653-4569
arthursmith@columbusga.org

Judge Courtney Lynn Johnson
Stone Mountain Judicial Circuit, 4th JAD
7240 DeKalb County Courthouse
556 N. McDonough Street
Decatur, GA 30030
404-371-2457/F 687-3511
cljohnso@dekalbcountyga.gov

Judge Robert C.I. McBurney
Atlanta Judicial Circuit, 5th JAD
T8955 Justice Center Tower
185 Central Avenue SW STE T-5705
Atlanta, GA 30303
404-612-6907/F 332-0337
robert.mcburney@fultoncountyga.gov

Judge Geronda V. Carter
Clayton Judicial Circuit, 6th JAD
Harold R. Banke Justice Center
9151 Tara Boulevard
Jonesboro, GA 30236
770-477-3432/F 473-5827
geronda.carter@claytoncountyga.gov

Judge Ralph Van Pelt, Jr.
Lookout Mountain Judicial Circuit, 7th JAD
875 LaFayette Street, Room 206
Ringgold, GA 30736
706-965-4047/F 965-6246
chall@lmjc.net

Judge Donald W. Gillis
Dublin Judicial Circuit, 8th JAD
PO Box 2016
Dublin, GA 31040
478-275-7715/F 275-2984
gillisd@eighthdistrict.org

Judge Bonnie Chessher Oliver
Northeastern Judicial Circuit, 9th JAD
P.O. Box 409
Gainesville, GA 30503
770-297-2333/F 822-8662
boliver@hallcounty.org

Judge Carl C. Brown
Augusta Judicial Circuit, 10th JAD
735 James Brown Blvd., Suite 4203
Augusta, GA 30901
706-821-2347/F 721-4476
kcampbell@augustaga.gov

State Court

Judge Nancy Bills
President, CStCJ
Rockdale County
922 Court Street, Room 305
Conyers, GA 30012
770-278-7724/ F 918-6695
nancy.bills@rockdalecountyga.gov

Judge Joseph C. Iannazzone
President-Elect, CStCJ
Gwinnett County
75 Langley Drive
Lawrenceville, GA 30045
770-822-8550/F 822-8684
joseph.iannazzone@gwinnettcounty.com

Juvenile Court

Judge Philip Spivey
President, CJCJ
Ocmulgee Judicial Circuit
P.O. Box 1810
Milledgeville, GA 31059
478-445-7060/F 445-7059
spiveyp@eighthdistrict.org

Judge Juliette Scales
President-Elect, CJCJ
Atlanta Judicial Circuit
Romae T. Powell Juvenile Justice Center
395 Pryor Street SW, STE 3056
Atlanta, GA 30312
404-613-4823/F 893-0750
juliette.scales@fultoncountyga.gov

Probate Court

Judge Sarah S. Harris
President, CPCJ
Bibb County
P.O. Box 6518
Macon, GA 31208-6518
478-621-6494/F 621-6686
sharris@maconbibb.us

Judge Torri M. Hudson
President-Elect, CPCJ
Trentlen County
650 2nd Street S., STE 101
Soperton, GA 30457
912-529-3342/F 529-6838
tj4trentlen@yahoo.com

Magistrate Court

Judge Glenda Dowling
President, CMCJ
Pierce County
3550 US Hwy 84, STE 2
Blackshear, GA 30045-6900
912-449-2027/F 449-2103
glenda.dowling@piercecounyga.gov

Judge Joyette Holmes
First Vice-President, CMCJ
Cobb County
32 Waddell Street
Marietta, GA 30090
770-528-8924/F 528-8947
joyette.holmes@cobbcounty.org

Municipal Courts

Judge Matthew McCord
President, CMuCJ
Municipal Court of Stockbridge
4602 North Henry Blvd
Stockbridge, GA 30281
770-389-7906/F 389-7969
Matt@Matthewmccordlaw.com

Judge Dale R. "Bubba" Samuels
President-Elect, CMuCJ
Municipal Court of Monroe
PO Box 1926
Buford, GA 30515
678-482-0208/F 770-267-8386
bubba@bubbasamuels.com

State Bar of Georgia

Mr. Kenneth B. Hodges
President, State Bar of Georgia
Ken Hodges Law
2719 Buford Highway NE
Atlanta, GA 30324
404-692-0488/F 321-1713
ken@kenhodgeslaw.com

Administrative Office of the Courts

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

Cynthia H. Clanton, Director

As of November, 2018

Director's Office

Tynesha Manuel

Elaine Johnson

Administration

Tara Smith

Shimike Dodson

Latoinna Lawrence

Budget

Maleia Wilson

Research and Data Analysis

Paula Myrick

Matthew Bishop

Bruce Shaw

Governmental and Trial Court Liaison

Tracy Mason

Jeffrey Thorpe

Financial Administration

Callie Weir

Drew Townsend
CFO/Division Director

Tyler Mashburn

Court Professionals

Kevin Brock

John Botero

Kim Burley

Robert Aycock

Bianca Bennett

Janice Harkins

LaShawn Murphy

Angela Choyce

Monte Harris

Human Resources

Stephanie Hines

Herbert Gordon

Latricia Harris

Jacqueline Booker

Amber Richardson

Tanya Osby

General Counsel

Jessica Farah

Communications, Children, Families & the Courts

Tax Intercept

Michelle Barclay
Division Director

Matthew Kloiber

Meisa Pace

Aimee Maxwell

Information Technology

Alison Lerner

Jorge Basto
Division Director

Judicial Services

Jerry Bruce

Willie Alcantara

Christopher Hansard Division
Director

Peter Faile

Bradley Allen

Stephanie Cooper

John Counts

Angela He

Kristy King

Christina Liu

Michael Neuren

Sterling Perry

Kriste Pope

Arnold Schoenberg

Pete Tyo

Jill Zhang

Georgia Judicial Exchange

Tajsha Dekine

Directions to the James H. “Sloppy” Floyd Building - Floyd Room

2 Martin Luther King, Jr., Drive

West Tower, 20th Floor

Atlanta, GA 30334

Note: Directions include parking information for the Pete Hackney Garage; however you can park in any number of parking lots around the Capitol and then walk to the Floyd Building (see map attached). Parking will be provided for Judicial Council members in the Pete Hackney Garage, through the main entrance on Jesse Hill Jr. Drive.

Southbound on I-75/I-85:

Take Exit 248-A (MLK Jr. Dr.). Stay in right lane on exit ramp. Yield to the right onto Jesse Hill Jr. Drive. The entrance to the parking deck is on your right immediately after the pedestrian bridge (Pete Hackney Garage, \$10.00 per day). To enter the Floyd Building, you will need to show a valid picture I.D. ***The Floyd Room is on the 20th floor of the West Tower.***

Northbound on I-75/I-85:

Take Exit 246 (Fulton Street). Take the right exit. Turn right at the traffic light. Move to the left lane. Turn left at the traffic light onto Capitol Avenue. Stay in the right lane. Stay on Capitol Ave. past the State Capitol on your left. Turn right at traffic light onto MLK Jr. Drive. Next, turn left at the traffic light onto Jesse Hill Jr. Drive. The entrance to the parking deck is on your right immediately after the pedestrian bridge (Pete Hackney Garage, \$10.00 per day). To enter the Floyd Building, you will need to show a valid picture I.D. ***The Floyd Room is on the 20th floor of the West Tower.***

Westbound on I-20:

Take Exit 58A (Capitol Avenue). Stay in the right lane. Take a right onto Capitol Avenue. Stay on Capitol Ave. past the State Capitol on your left. Turn right at traffic light onto MLK Jr. Drive. Next, turn left at the traffic light onto Jesse Hill Jr. Drive. The entrance to the parking deck is on your right immediately after the pedestrian bridge (Pete Hackney Garage, \$10.00 per day). To enter the Floyd Building, you will need to show a valid picture I.D. ***The Floyd Room is on the 20th floor of the West Tower.***

Westbound on I-20: Alternate Route

Take Exit 58B (Hill Street). Stay in the right lane. Take a right onto Hill Street. Get in the left lane. Stay on Hill Street past two traffic lights and after going under railroad tracks. At the next traffic light, turn left onto Decatur Street. At the second traffic light, turn left onto Jesse Hill Jr. Drive. The entrance to the parking deck is on your left immediately before the pedestrian bridge (Pete Hackney Garage, \$10.00 per day). To enter the Floyd Building, you will need to show a valid picture I.D. ***The Floyd Room is on the 20th floor of the West Tower.***

Eastbound on I-20:

Take Exit 56B (Windsor St/Spring St). Continue on ramp to third traffic light. Turn left onto Central Ave. Stay in right lane. At the MARTA overpass traffic light (5-way intersection), take right onto Memorial Drive. Continue on Memorial Dr. to third traffic light. Turn left onto Capitol Avenue. Stay in right lane. You will pass the State Capitol on the left then turn right at the traffic light onto MLK Jr. Drive. Next, turn left at the traffic light onto Jesse Hill Jr. Drive. The entrance to the parking deck is on your right immediately after the pedestrian bridge (Pete Hackney Garage, \$10.00 per day). To enter the Floyd Building, you will need to show a valid picture I.D. ***The Floyd Room is on the 20th floor of the West Tower.***



STATE GOVERNMENT COMPLEX

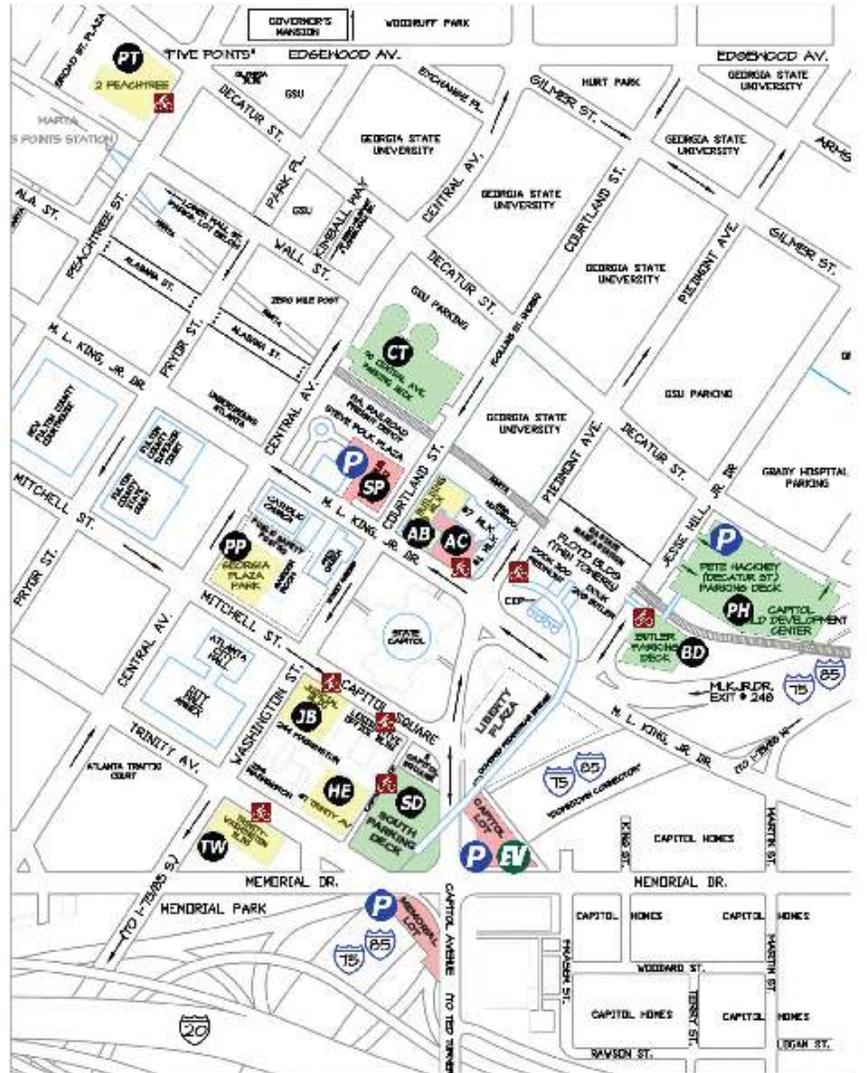
CAPITOL HILL Parking Map

GEORGIA BUILDING AUTHORITY

- PT** 2 Peachtree
- GT** 90 Central
- AC** Agriculture Courtyard
- AB** Agriculture Building
- BD** Butler Deck
- HE** Health Deck
- JB** Judicial Building
- PP** Plaza Park
- PH** Pete Hackney
- SD** South Deck
- SP** Steve Polk
- TW** Trinity Washington

-  **Underground Parking**
-  **Multi-Level Deck Parking**
-  **Surface Lot/Courtyard Parking**
-  **Public Parking**
-  **Electric Vehicle Charging Stations**
-  **Bicycle Racks**
 1 MLK/DBA (Piedmont Ave)
 2 Peachtree Building (Lochle-Meta Level)
 Butler Deck (Inside-Level 1)
 Governor's Legislative Office Bldg/OLGA (Capitol Sq)
 Floyd Building/Twin Towers (Piedmont Ave)
 Judicial Building (Capitol Sq)
 South Deck (Inside-Level 2)
 TW Building (Trinity Ave)

Rev 1/2013



Access to the Floyd Building from Pete Hackney Parking Garage

1. Take elevator to Level 5 of the Pete Hackney garage
2. Take immediate right off the elevator to the pedestrian bridge
(If you are walking *towards* the elevator, this will be a left)
3. Exit elevator and take pedestrian bridge across to the
Butler Parking Garage
4. Make immediate right to the elevators
5. Take elevator to Level BR (bridge) of the Butler Parking Garage
6. Exit elevator and take pedestrian bridge to the Floyd Building
(Access through two entry doors is open to the public)
7. You will enter the Floyd Building at the East Tower.
8. Walk across to the West Tower.
9. Check-in with security personnel and take elevator to the 20th floor
10. Meeting will be held in the Floyd Room

Signs are posted throughout the Pete Hackney and Butler parking garages to direct you through these steps to the Floyd Building.

The Floyd Building is located at the corner of Martin Luther King Jr. Drive and Piedmont Avenue.



Judicial Council of Georgia
General Session
Hilton Atlanta/Marietta Hotel & Conference Center Marietta, GA
August 8, 2018 • 10:00 a.m.

Members Present

Chief Justice P. Harris Hines, Chair
Presiding Justice Harold D. Melton
Judge Courtney L. Johnson
Judge Nancy Bills
Judge Carl C. Brown
Judge Geronda V. Carter
Judge Bonnie Chessher Oliver
Chief Judge Stephen L.A. Dillard
Judge Berryl Anderson (for Judge Glenda Dowling)
Judge Donald W. Gillis
Judge Sarah S. Harris
Judge Joyette Holmes
Judge Torri M. “T.J.” Hudson
Judge Stephen Kelley
Judge Shawn E. LaGrua
Judge Robert C.I. McBurney
Judge T. Russell McClelland (for Judge Joseph C. Iannazzone)
Judge Matthew McCord
Vice Chief Judge Christopher McFadden
Judge Stephen D. Kelley
Judge Ralph Van Pelt, Jr.
Mr. Ken Hodges
Judge Dale “Bubba” Samuels
Judge Jeffrey H. Kight

Judge Juliette Scales
Judge Arthur Lee Smith
Judge James G. Tunison, Jr.
Judge James Whitfield (For Judge Philip Spivey)

Members Absent

Staff Present

Ms. Cynthia Clanton
Mr. Brad Allen
Ms. Michelle Barclay
Mr. Jorge Basto
Mr. John Botero
Mr. Christopher Hansard
Ms. Stephanie Hines
Mr. Tyler Mashburn
Ms. Tracy Mason
Ms. LaShawn Murphy
Ms. Tara Smith
Ms. Ashley Stollar
Mr. Jeffrey Thorpe

Guests (Appended)

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 10:05 a.m. by Chief Justice Hines. He recognized the Council’s newest members (Judge LaGrua, Judge Kight, Judge Tunison, Judge Carter, Judge Van Pelt, Judge Scales, Judge Hudson, Judge Holmes, Judge Samuels, and Mr. Hodges) and administered the Council’s oath to the group. Judge McClelland also participated in the oath, as he was sitting in for Judge Iannazzone, who was also a new member but unable to attend. The Chief Justice recognized those representatives

sitting in as designees for absent members¹, as well as the Law Day Coloring Contest winners attending as special guests. Members and designees identified themselves for the purposes of roll call, followed by staff and guests.

Law Day Coloring Contest Winners Award Ceremony

Chief Justice Hines recognized Ms. Michelle Barclay to speak about the Law Day Coloring Contest co-sponsored by the Judicial Council, the Georgia Council of Court Administrators (GCCA), and the Georgia Department of Education. She announced the winners for the original poster; those in attendance were presented an award and took a photo with the Chief Justice and GCCA representatives Ms. Tracy Johnson and Mr. Jeff West.

Adoption of Minutes – April 27, 2018

Chief Justice Hines directed the Council's attention to the minutes of the April 27, 2018, meeting. A motion to approve the minutes was offered by Judge Smith, followed by a second from Vice Chief Judge McFadden. No discussion was offered and the motion was approved without opposition.

Georgia Judicial Services Portal

Mr. Jorge Basto delivered an update on the Single Sign-On Georgia Judicial Services Portal. His remarks also covered cybersecurity measures taken by JC/AOC staff, including the hiring of an Information Security Officer, and ongoing IT projects.

Committee Reports

Records Retention Committee. Justice Nels Peterson provided an overview of the Committee's background and charge before presenting the revised Records Retention Schedules. The schedules were worked on in subcommittees and approved unanimously by the subcommittees, the full committee, judges' councils, and the Supreme Court. Justice Peterson highlighted several major changes and recommended that the Council work with stakeholders to address the retention of court reporters' records in capital felony and felony cases. By way of the Committee report, Justice Peterson moved for the Council to approve the revised records retention schedules and forward them to the State Records Committee. Chief Judge Dillard offered a second and the motion was approved without opposition.

¹ See Members Present

Court Reporting Matters Committee. Vice Chief Judge McFadden reported that the draft rules for court reporting in civil cases received strong feedback during the public comment period and the committee voted to table the draft for more in-depth work. He reviewed two minor updates to the rules for court reporting in criminal cases and moved for the adoption of both changes, as summarized in items 2(A) and 2(B) of the written report. Chief Judge Dillard provided a second and the motion was approved without opposition. Vice Chief Judge McFadden indicated action was needed on the appointment of four members to the Board of Court Reporting. The following individuals were nominated for two-year terms beginning July 1, 2018: Pavon Bohanan, CCR (New Appointment), Kevin King, CCR (Reappointment), Christopher Paul Twyman, Esq. (New Appointment), and The Honorable Brenda Trammell (Reappointment). Vice Chief Judge McFadden moved that the nominees be appointed and a second was offered by Chief Judge Dillard. The Council approved the appointments without opposition.

Judicial Workload Assessment Committee. Judge David Emerson summarized the process followed by the Committee for recommending superior court judgeships and recommended that the Council endorse judgeships for the Griffin and Gwinnett Judicial Circuits. Judge Emerson recognized Mr. Thorpe to speak to these recommendations. Mr. Thorpe summarized the assessment data for both circuits including per judge caseload data, population figures, and other circuit highlights. Judge Christopher Edwards, Griffin Judicial Circuit, was recognized by the Chief Justice to speak on behalf of the request. Judge Edwards noted he had distributed an additional handout to the Council and thanked the Council for its support. The Chief Justice then recognized Judge Melodie Snell Conner, Gwinnett Judicial Circuit, who spoke to the diversity of the circuit and the need for additional resources as a result. Chief Justice Hines asked that anyone affected by the requests leave the room to allow for discussion. After some discussion among the Council, the excused individuals returned to the room and staff distributed ballots to voting Council members. Upon completion, the ballots were collected and Vice Chief Judge McFadden supervised the tally in a separate room. Following the tally, Vice Chief Judge McFadden returned and announced that the Council unanimously voted to recommend additional superior court judgeships for the Griffin and Gwinnett Judicial Circuits. Next, the Council voted to rank the recommendations. Staff distributed ballots to voting Council members and Judge Conner stated that the Gwinnett Judicial Circuit was not opposed to Griffin being ranked first,

due to it being qualified for the past several years. Upon completion, the ballots were collected and Vice Chief Judge McFadden supervised the tally in a separate room. Following the tally, Vice Chief Judge McFadden returned and announced that there were eight votes in favor of Gwinnett and 17 in favor of Griffin, thus Griffin was ranked first.

Mr. Hansard presented updates to the *Georgia Court Guide to Statistical Reporting*. As detailed in the Committee's written report, four changes were made in the areas of definitions, case categories in the superior and state court sections to reflect the new civil and domestic filing forms, caseload collection form changes in the municipal and civil/recorder's court sections, and the reporting timeline for the 2019 caseload collection for the 2018 reporting year, as detailed in the Committee's written report. Judge Scales offered further amendments to the juvenile court section. A motion to approve the changes to the guide as amended was offered by Judge Tunison, with a second by Judge McCord. The motion was approved without opposition. Mr. Hansard presented amendments to the *Judicial Council Policy on the Study of Superior Court Judgeships and Circuit Boundaries*, which were detailed in the Committee's written report. Vice Chief Judge McFadden moved for adoption of the amendments and a second was offered by Judge Tunison. The amendments were approved without opposition.

The Chief Justice called for a brief recess at 11:41 a.m. The meeting reconvened at 11:56 a.m.

State Bar Report. Mr. Hodges was recognized out of order due to another commitment to report on behalf of the State Bar. Mr. Hodges spoke to the new discovery rules effective July 1, the Bar's Wellness Committee and the Military Legal Assistance Program.

Legislation Committee. Presiding Justice Melton reported that the Committee met on July 13, 2018, to consider proposals for the 2019 session. He reminded the Council that the Committee makes recommendations on concepts, not specific language, as things may change during the legislative process.

Presiding Justice Melton summarized the recommendation to amend OCGA § 47-23-100, proposed by the Council of State Court Judges. This is a carryover item from the 2017 session and is a more streamlined version that affects state court judges only. Judge Bills spoke to the proposal and asked for support of the concept; she stated the Council would support limiting language regarding salary increases. After discussion, a motion to table the proposal was offered

by Judge Smith. A second was offered by Judge McBurney and the motion was approved with two in opposition.

Presiding Justice Melton summarized the recommendation to amend Title 36 Chapter 32 of the OCGA, proposed by the Council of Municipal Court Judges, to provide that a municipal court judge may carryover a maximum of six training hours per year, and apply to the next calendar year, if the judge has completed training hours in excess of that required by law. By way of the Committee report, Presiding Justice Melton moved for approval of this item. A second was offered and the motion was approved without opposition.

Presiding Justice Melton summarized the recommendation to amend OCGA § 15-6-77 and 15-6-61, proposed by the Standing Committee on Judicial Workload Assessment. This is a carryover item from last legislative session. By way of the Committee report, Presiding Justice Melton moved that the Council support legislation to amend OCGA § 15-6-77 to require that separate case number entries be maintained for post-judgment proceedings filed more than 30 days after judgment or dismissal in an action and, to amend OCGA § 15-6-61 to provide for the computerized record-keeping of such new cases. A provision will be added to clarify that this will be for case count purposes only. A second was offered by Judge Kelley and the motion was approved without opposition.

Presiding Justice Melton summarized the recommendation to adopt the Uniform Mediation Act in Georgia, proposed by the Georgia Commission on Dispute Resolution. Ms. Johnson spoke briefly to the item and, by way of the Committee report, Presiding Justice Melton moved for approval of this recommendation. A second was offered by Judge Kelley and the motion was approved without opposition.

Presiding Justice Melton presented the proposed *Judicial Council Legislation Policy* and explained its intent to bring clarification to the types of legislation that should be brought through the Council process. A motion to adopt the policy was offered by Vice Chief Judge McFadden, with a second by Judge McCord. The motion was approved without opposition.

Presiding Justice Melton requested that the Council designate authority to the Committee to make decisions/take positions on legislation and related policy issues on behalf of the Council during the 2019 legislative session. A motion was offered by Chief Judge Dillard, with a second from Vice Chief Judge McFadden. The motion was approved with no opposition.

Budget Committee. Presiding Justice Melton referred to the written report provided in the materials. No enhancement requests were submitted for Amended Fiscal Year 2019 and a budget of \$15,845,519 will be submitted.

Presiding Justice Melton reviewed the four enhancement requests accepted by the Committee for FY 2020 and stated that the Council would take up all three in one vote: Judicial Council/Georgia Legal Services Program – Grants for Legal Services for Kinship Care Families (\$750,000); Supreme Court Committee on Justice for Children – Court Process Reporting System (\$78,885); Judicial Council Standing Committee on Technology – Single Sign-On Portal (\$250,000). These three requests represent an increase of 8.37 percent. By way of the committee report, Presiding Justice Melton moved for the approval of all three enhancement requests. The motion was approved without opposition. The Council then voted to rank the requests; Presiding Justice Melton stated that this information was asked for during the last legislative session and the Council has ranked requests in the past. Staff distributed ballots to voting Council members; upon completion, the ballots were collected and Vice Chief Judge McFadden supervised the tally in a separate room. During this period, Presiding Justice Melton requested that the Council designate authority to the Committee to make decisions/take positions on budget issues on behalf of the Council during the 2019 legislative session. A motion was offered by Judge Smith, with a second from Judge Kelley. The motion was approved with no opposition.

Process Servers Committee. Judge LaGrua delivered a report on behalf of the Committee and formally withdrew the proposed amended rules as an action item, based on a request from Representative Wendell Willard. She reviewed the Committee's process and summarized the proposed changes. The Committee will receive comments and bring the proposed rules back to the Council for a vote in December.

Technology Committee. Presiding Justice Melton noted that the Council had already heard reports on the Georgia Judicial Services Portal and the corresponding budget request, and reported that the Committee is working on civil e-filing rules as directed by Senate Bill 407.

Misdemeanor Bail Reform Committee. Judge Wayne Purdom delivered a report on behalf of the Committee; a link to the Committee's final report was included in the electronic materials sent to members. Many of the recommendations included in the committee's preliminary report were addressed as part of Senate Bill 407.

Grants Committee. A written report was provided in the materials.

Vice Chief Judge McFadden was recognized to deliver the results of the budget ranking. The enhancements were ranked in order of priority as follows: Grants for Legal Services for Kinship Care Families; Single Sign-On Portal; Court Process Reporting System.

Strategic Plan Committee. Judge Wigington deferred to the written report provided in the materials.

Report from the Judicial Council/AOC

Ms. Clanton delivered a brief report to the Council, in the interest of time. She welcomed the new members of the Council and announced the creation of the Ad Hoc Committee on Criminal Justice Reform by Supreme Court order. She noted the recent transition of Justice Britt Grant to the federal bench and recognized Chief Justice Hines for his leadership of the Council and upcoming retirement. Ms. Clanton presented Chief Justice Hines with a personal gift and Chief Justice Hines delivered brief remarks. Ms. Clanton closed her remarks by stating the AOC's role as a service agency to the judiciary.

Reports from Appellate Courts and Trial Court Councils

Supreme Court. Chief Justice Hines supplemented his written report with remarks focused on the transitioning leadership of the Council and the Court to Presiding Justice Melton and Justice Nahmias. He thanked everyone for allowing him to serve. During subsequent reports from the courts and constituent groups, Chief Justice Hines was thanked for his leadership and service to the judiciary.

Court of Appeals. Chief Judge Dillard spoke to recent changes at the Court and welcomed his new colleagues.

Council of Superior Court Judges. Judge Kelley referred members to the written report provided in the materials.

Council of State Court Judges. Judge Bills referred members to the written report provided in the materials.

Council of Juvenile Court Judges. Judge Scales referred members to the written report provided in the materials.

Council of Probate Court Judges. Judge Harris noted a correction to the written report provided in the materials and expressed appreciation to Judge Wade Padgett for his work with the Council.

Council of Magistrate Court Judges. Judge Anderson referred members to the written report provided in the materials.

Council of Municipal Court Judges. Judge McCord referred members to the written report provided in the materials.

Council of Accountability Court Judges. Mr. Josh Becker referred members to the written report provided in the materials.

Georgia Commission on Dispute Resolution. Ms. Johnson referred members to the written report provided in the materials.

Council of Superior Court Clerks. Mr. Mike Holiman expressed greetings from Ms. Cindy Mason and reported that the implementation of civil e-filing is progressing well.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier referred members to the written report provided in the materials.

Georgia Council of Court Administrators. Ms. Johnson reported on the Council's new website and noted that District Court Administrators T.J. BeMent and Will Simmons are now Board Members for the National Association for Court Management.

Institute of Continuing Judicial Education. A written report was provided in the materials.

Old Business

No old business was offered.

New Business

No new business was offered.

Concluding Remarks

Chief Justice Hines announced that the 2019 schedule was been updated and is included in the materials; the next Council meeting is scheduled as a tentative teleconference on October 19, 2018, at 12 noon.

Adjournment

Hearing no further business, Chief Justice Hines adjourned the meeting.

Judicial Council of Georgia
General Session
Hilton Marietta Hotel & Conference Center
August 8, 2018 • 10:00 a.m.

Guests Present

Judge Brian Amero, Council of Superior Court Judges
Mr. Doug Ashworth, Institute of Continuing Judicial Education
Mr. Joe Baden, Third Judicial Administrative District
Judge Scott Ballard, Council of Superior Court Judges
Ms. Tee Barnes, Supreme Court of Georgia
Judge Amanda Baxter, Office of State Administrative Hearings
Mr. Josh Becker, Council of Accountability Court Judges
Mr. Tracy J. BeMent, Tenth Judicial Administrative District
Ms. Betsy Bockman, Grady High School
Mr. Bob Bray, Council of State Court Judges
Judge Melodie Snell Conner, Council of Superior Court Judges
Mr. Richard F. Denney, First Judicial Administrative District
Ms. Marissa Dodson, Southern Center for Human Rights
Judge Christopher C. Edwards, Council of Superior Court Judges
Judge David Emerson, Council of Superior Court Judges
Mr. Steven Ferrell, Ninth Judicial Administrative District
Judge Stanley Gunter, Council of Superior Court Judges
Ms. Karlise Grier, Chief Justice Commission on Professionalism
Mr. Kevin Holder, Council of Probate Court Judges
Mr. Joe Hood, Criminal Justice Coordinating Council
Mr. Mike Holiman, Council of Superior Court Clerks
Ms. Helen Hines, spouse of Chief Justice Hines
Mr. Eric John, Council of Juvenile Court Judges
Ms. Tracy Johnson, Georgia Office of Dispute Resolution
Ms. Yolanda Lewis, Fifth Judicial Administrative District
Ms. Cathy McCumber, Fourth Judicial Administrative District
Mr. David Mixon, Second Judicial Administrative District
Justice David Nahmias, Supreme Court of Georgia
Ms. Debra Nesbit, Association County Commissioners of Georgia
Ms. Jody Overcash, Seventh Judicial Administrative District
Justice Nels Peterson, Supreme Court of Georgia
Judge Wayne M. Purdom, Council of State Court Judges
Ms. Sharon Reiss, Council of Magistrate Court Judges
Ms. Christina Smith, Georgia Court of Appeals

Mr. Robert Smith, Prosecuting Attorneys' Council
Mr. Darrell Sutton, State Bar of Georgia
Mr. Kyle Harris Timmons, Council of Superior Court Judges
Mr. Bryan Tyson, Georgia Public Defender Council
Ms. Kirsten Wallace, Council of Juvenile Court Judges
Mr. Shannon Weathers, Council of Superior Court Judges
Mr. Jeff West, Georgia Council of Court Administrators
Mr. Brian Wilson, Council of Superior Court Judges
Judge Kelli Wolk, Council of Probate Court Judges

Respectfully submitted:

Tracy Mason
Assistant Director, Judicial Council/AOC
For Cynthia H. Clanton, Director and Secretary

The above and foregoing minutes
were approved on the _____ day of
_____, 2018.

Harold D. Melton
Chief Justice

DRAFT



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Chief Justice Harold D. Melton, Chair 

RE: E-Filing Rules Update - Judicial Council Standing Committee on Technology

DATE: November 19, 2018

The General Assembly passed SB 407 during the 2018 legislative session which outlined new directives for civil e-filing in the state of Georgia. The legislation will become effective on January 1, 2019. The Judicial Council of Georgia has been charged with creating and adopting civil e-filing rules and standards for state and superior courts in the state of Georgia. The Judicial Council Standing Committee on Technology undertook the task of examining the enacted legislation and a review of the current e-filing rules and standards. A subcommittee was created to facilitate this charge.

The subcommittee was chaired by Senior Judge Jim Altman and included several stakeholders ranging from e-filing service providers, clerks of court, and judges from the different classes of court impacted by the new legislative directives. The subcommittee met on three different occasions over the summer and fall, and presented their work product to the full Standing Committee on Technology during the September 13, 2018 meeting. The Committee unanimously approved the work product of the subcommittee in concept, and those drafts are now presented for consideration.

The draft documents attached to this memo are as follows:

- Judicial Council Statewide Minimum Standards and Rules for Electronic Filing
- Uniform Transfer Rules
- Superior Court Rule 36.16

The Committee requested that comments and feedback be sent to Tyler Mashburn at tyler.mashburn@georgiacourts.gov by Friday, November 2, 2018. The Committee will present final documents to the full Judicial Council for a vote at its December 7, 2018 meeting in Atlanta.

Judicial Council of Georgia
Administrative Office of the Courts
Statewide Minimum Standards and Rules for Electronic Filing
Effective Immediately Upon Adoption

Existing Standards¹

1. *Definitions.*

For purposes of these standards:

- (a) *Court or Courts.* Court(s) means all trial courts of the State.
- (b) *Electronic Filing or E-Filing.* Electronic filing is the electronic transmission of documents to and from the court for the purposes of creating a court record in a format authorized by these standards.
- (c) *Electronic Filing Service Provider.* An e-filing service provider (EFSP) is an entity or system authorized to transmit and retrieve court filings electronically.
- (d) *Electronic Service or E-Service.* Electronic service is the electronic notice that registered filers in a case receive of a document's filing and their ability to access the document electronically.
- (e) *Public Access Terminal.* A public access terminal is a computer terminal provided for free electronic filing and/or viewing of documents.
- (f) *Registered User.* A registered user is a party, attorney, or member of the public or other authorized user, including judges, clerks and other court personnel, registered with an authorized EFSP to file, receive service of, or retrieve documents electronically.

2. *Minimum Technical Standards for E-Filing.*

(a) *Minimum Standards for Courts Making E-filing Available.*

A court may make electronic filing available only if:

- 1. *Rules.* The court's class of court has adopted uniform rules for e-filing or the court has itself promulgated such rules by standing order in the form set forth in Proposed Uniform Superior Court Rules 48 & 49, Exhibit A to the Resolution of the Statewide Judiciary Civil E-Filing Steering Committee;
- 2. *EFSP or EFSPs.* The EFSP or EFSPs authorized to conduct e-filing maintain compliance with the standards set forth in paragraph 4 below;
- 3. *E-Filing Alternative.* The clerk provides a no cost alternative to remote electronic filing by making available at no charge at the courthouse during regular business hours a public access terminal for free e-filing via the EFSP, by continuing to accept paper filings, or both; and
- 4. *Public Access.* The clerk ensures that electronic documents are publicly accessible upon filing for viewing at no charge on a public access terminal available at the courthouse during regular business hours.

¹ Adopted by the Judicial Council September 25, 2014

(b) *Minimum Standards for Electronic Filing Service Providers.*

An electronic filing service provider may be authorized to conduct e-filing only if:

1. *Technical Standards and Approval by Judicial Council.* The EFSP complies with all Judicial Council e-filing standards, including use of the latest version of OASIS LegalXML Electronic Court Filing for legal data exchange and such technical and other standards as the Council may adopt in the future to facilitate the establishment of a reliable and effective statewide electronic filing and retrieval system for judicial records (including provision for electronic judicial signatures, uniform document index fields, interchangeable registered user names and passwords, etc.);
2. *Disclaimer of Ownership.* The EFSP disclaims any ownership right in any electronic case or document or portion thereof, including any commercial right to resell, recombine, reconfigure or retain any database, document or portion thereof transmitted to or from the court;
3. *Minimum Standards for Courts.* The EFSP agrees to commit its best efforts to ensure that the court and its electronic filing system and procedures are in compliance at all times with the rules and requirements referenced in the minimum standards set forth in paragraph 3 above;
4. *Other Requirements.* The EFSP likewise agrees to comply with other reasonable requirements imposed or agreed upon with respect to such issues as registration procedures, fees, hours of operation, system maintenance, document storage, system and user filing errors, etc.; and
5. *Terms of Use.* The EFSP develops, maintains and makes available, to registered users and the public, terms of use consistent with the foregoing.

Newly Proposed Standards

3. *Accommodation of Pro Se Filers.* To protect and promote access to the courts, courts shall reasonably accommodate pro se parties by accepting and then converting and maintaining in electronic form paper pleadings or other documents received from pro se filers.
4. *Consent to E-Service.*
 - (a) *Automatic Consent.* When an attorney or pro se party files a pleading in a case via an authorized electronic filing service provider, such person shall be deemed to have consented to be served electronically with future pleadings for such case and must include his or her e-mail address to be used for this purpose in or below the signature block of all e-filed pleadings.
 - (b) *Rescission of Consent.* In courts or cases in which e-filing is mandatory, only a pro se party may file a rescission of consent pursuant to O.C.G.A. § 9-11-5 (f) (2).*
 - (c) This section applies to cases filed on or after January 1, 2019, unless the local court has opted into mandatory electronic filing prior to that date, in which case the earlier date applies.

*This provision is directly counter to OCGA § 9-11-5 (f) (4) as currently drafted. “When an attorney files a pleading in a case via an electronic filing service provider, such attorney shall be deemed to have consented to be served electronically with future pleadings for such case unless he or she files a rescission

of consent as set forth in paragraph (2) of this subsection.” We would need a statutory amendment in order to effectuate this provision.

5. *“Original” and “Official” As Applied to Electronic Court Records.*

(a)*Original and Official Files.* Except as provided in paragraph (c) below, the original version of all filed documents is the electronic copy maintained by the court. The official record of the court shall be this electronic file and such paper files as are permitted by Judicial Council standards.

(b)*Maintenance of Underlying Documents.* A document that requires original signatures or is believed by a party to maintain legal significance not held by a copied version shall be e-filed, and the electronic copy maintained by the court shall be considered the original, except that the filing party shall maintain the underlying document for a period of two (2) years following the expiration of the time for filing an appeal and make such document available upon reasonable notice for inspection by another party or the court.

(c)*Non-Conforming Documents.* Exhibits or other materials that may not be readily converted to an electronic format and e-filed may be filed manually. The filing party shall e-file a notice of manual filing to denote that a manual filing has been made. The original version of such manually filed materials shall be the version maintained by the court.

6. *Transfer of Case Files.*

(a)*Method of Transfer.* When transferring a case record to another trial court, a transferor court that maintains its records in electronic form shall transmit such official record to the transferee court in electronic form via CD, DVD, Electronic Filing Service Provider or, if the transferee court so requests, by means of a File Transfer Protocol (FTP) or email application approved for such use by the Administrative Office of the Courts.

(b)*Form of Documents.* Whenever possible, a transferor court that maintains its records in electronic form shall transmit such records in a searchable, PDF/A format as prescribed by the Administrative Office of the Courts.

7. *E-Filing Signature and Authorization Issues.*

(a)*Electronic Signatures.* Any pleading or document filed electronically shall include the electronic signature of the person whose account is used to file the document or on whose behalf the filing is made. Consistent with Georgia law, “electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(b)*Multiple Signatures.* An e-filed document may include the electronic signature of additional attorneys or unrepresented parties. In affixing additional signatures to the document, the filer certifies that any such signature is authorized.

(c)*Responsibility for Filings.* No registered user shall knowingly permit his or her login sequence to be used by someone other than an authorized agent or employee. Each registered user is responsible for all documents filed using his or her login and password.

8. *Courts May Maintain Certain Sealed Documents in Electronic Form.* Georgia uniform rules prohibit the filing of records under seal via a court's e-filing provider or providers. Nevertheless, where sealing is authorized by law or by court order, a court may itself maintain documents in electronic form under seal in the court's case management system.

9. *Electronic Treatment of Deposition Transcripts.*

(a) *E-filing.* Depositions placed in a sealed envelope pursuant to O.C.G.A. § 9-11-30(f) are not sealed within the meaning of Uniform Superior Court Rule 36.16(B) and may be electronically filed.

(b) *Part of Record.* Absent contrary court order, deposition transcripts on file in a case, whether opened or unopened, and whether sealed by the court reporter or not, shall be included in the case's electronic record.

10. *Redaction Obligations of E-Filers.* All EFSPs shall require e-filers prior to each filing to acknowledge, by way of a checkbox, their obligation to redact personal or confidential information prior to e-filing as required by O.C.G.A. § 9-11-7.1 as follows:

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact personal or confidential information, including Social Security numbers, as required by O.C.G.A. § 9-11-7.1. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules. I have read this notice.

11. *Procedure For Handling Misfiled or Otherwise Deficient or Defective E-Filings.* Upon physical acceptance and review of an e-filing and discovery that it was misfiled or is otherwise deficient or defective, a court shall as soon as practicable provide the e-filer notice of the defect or deficiency and an opportunity to cure or, if appropriate, strike the filing altogether. In any case, the court shall retain a record of the action taken by the court in response, including its date, time, and reason. Such records shall be maintained until a case is finally concluded including the exhaustion of all appeals. Absent a court order to the contrary, such records shall be accessible to the parties and public upon request without the necessity for a subpoena.

UNIFORM TRANSFER RULES

These rules are adopted pursuant to the authority of Art. VI, Sec. IX, Par. I on the 1983 Constitution of the State of Georgia to implement Art. VI, Sec. I, Par. VIII of the 1983 Constitution which provides that: "Any court shall transfer to the appropriate court in this state any civil case in which it determines that jurisdiction or venue lies elsewhere."

T-1. These rules are applicable to Superior Courts, State Courts, Probate Courts, Magistrate Courts, and Juvenile Courts except when in conflict with the Juvenile Proceedings Code.

T-2. These rules are applicable only when the court in which the case is pending is alleged to lack jurisdiction or venue or both. [All references to filing or documents to be filed or documents on file shall include both paper and electronically filed or maintained documents.](#)

T-3. These rules are applicable to transfers of civil cases from a court within a county to another court within that county, and from a court within a county to a court in another county.

T-4. These rules shall become operative when a party makes a motion to dismiss, or any other motion or defense, on the basis that the court in which the case is pending lacks jurisdiction or venue or both. Such motion shall be treated as a motion to transfer pursuant to these rules. A motion to transfer shall be made only in the court in which the case is pending. These rules also become operative when a court on its own motion, after a hearing thereon, determines that it lacks subject matter jurisdiction.

T-5. A party making a motion to transfer on the basis that the court in which the case is pending lacks jurisdiction or venue or both shall do so in compliance with OCGA § 9-11-12, except as otherwise provided in rule T-6 (and except that a motion to transfer made in a Magistrate Court need not comply with OCGA § 9-11-12 but such motion shall be made pursuant to rules applicable to Magistrate Courts). Unless otherwise ordered by the court, notice of a written motion to transfer shall be served upon all parties, including any who failed to file pleadings in the matter, at least 10 days before the motion is heard.

T-6. If the basis for the motion to transfer is that a defendant necessary to the court's jurisdiction has been dismissed either during or at the conclusion of trial, such motion shall be made immediately and orally. If the motion to transfer the case against the remaining defendant is granted, the case against the dismissed defendant shall be severed from that case so that the order of dismissal will be final for purposes of appeal.

T-7. A party making a motion to transfer shall specify the court in which jurisdiction and venue lies (except in Magistrate Courts).

T-8. A party opposing a written motion to transfer shall notify the court of such opposition promptly and in no event more than ten days after the making and service of such motion. A motion required to be in writing shall be opposed in writing. A motion made orally, if opposed, shall be opposed orally and at the time of its being made. A party opposing a motion to transfer shall specify the basis on which the court in which the case is pending has jurisdiction, or venue, or both (except in Magistrate Courts).

T-9. After the filing of a motion to transfer, the court in which the case is pending may stay all other proceedings pending determination of the motion to transfer.

T-10. No action or proceeding shall be transferred except upon written order of the court in which the case is pending, notice of which shall be given to all parties. Such order shall specify the court to which the case is to be transferred. (a) Such order shall also provide notice to the plaintiff that if costs are not paid within twenty (20) days as provided in rule T-11, the case shall automatically stand dismissed without prejudice. The court granting (or denying) an order of transfer may impose reasonable attorney fees incurred in relation to such motion in favor of the

prevailing party. Unless the court in its discretion expressly determines otherwise in such order of transfer, and except in Magistrate Courts (see OCGA § 15-10-80), a transfer fee of \$50 shall automatically be imposed. (b) Where a party has filed a successful claim of indigence, the payment of costs shall not be a condition of transfer.

T-11. Upon the filing of an order transferring a case with the clerk of the court entering such order, the clerk shall promptly compute the court costs, including the costs incident to preparing and transferring the record as provided in rule T-12 and the \$50 transfer fee provided for in rule T-10, and notify counsel for plaintiff (or the plaintiff if there be no counsel) in writing of the amount of the court costs. Plaintiff shall pay the unpaid costs within twenty (20) days of mailing or delivery of the cost bill. If costs are not paid within twenty (20) days, the case shall automatically stand dismissed, without prejudice, except where the plaintiff has filed as an indigent. Rule T-11 shall not be applicable in Magistrate Courts.

T-12. Upon timely payment of costs, the clerk of the court ordering transfer shall promptly make copies of (1) the complaint or initial pleading, (2) the motion to transfer if in writing, and (3) the order of transfer. The foregoing copies shall be retained by the clerk of the court ordering transfer. The originals [and/or official electronic versions](#) of all pleadings, orders, depositions and other papers on file shall be indexed and certified by the clerk of the court ordering transfer and transmitted, [concurrently](#) with the \$50 transfer fee (if applicable), to the clerk of the court to which the case is to be transferred in the manner provided by [law for transmittal of records to the appellate courts by Judicial Council standards](#).

T-13. Upon receipt by the clerk of the court to which the case is transferred of the pleadings, orders, depositions and other [papers documents](#) specified above, such clerk shall assign the case the appropriate number. The case shall continue in the court to which transferred as though initially commenced there and all pleadings, orders, depositions and other papers shall be deemed to be amended accordingly. It shall not be necessary that service be perfected a second time upon the defendants, except that any publication which is required to be made in a newspaper in the proper venue shall be republished. Any interlocutory or other order already entered in the case shall, upon motion of any party, be reviewed and reissued or vacated by the court to which the case is transferred.

Draft - Revised Uniform Superior Court Rule 36.16

Rule 36.16. Electronic Filing

(A) Availability. Electronic filing shall be available when required by law and may be made available in othera-courts, or certain classes of cases therein, in conformity with statewide minimum standards for electronic filing adopted by the Judicial Council.

(B) Documents that may be filed electronically. Where electronic filing is available, a document may be electronically filed in lieu of paper by the court, the clerk and any registered filer unless electronic filing is expressly prohibited by law, these rules or court order. Electronic filing is expressly prohibited for documents that according to law must be filed under seal or presented to a court in camera, or for documents to which access is otherwise restricted by law or court order. Original depositions are not “sealed documents” within the meaning of this paragraph and are authorized.- See Judicial Council Rule 7.

(C) Signatures. An electronically filed document is deemed signed by the registered filer submitting the document as well as by any other person who has authorized signature by the filer. By electronically filing the document, the filer verifies that the signatures are authentic. .

(D) Time of filing. An electronic document is presumed filed upon its receipt by the electronic filing service provider, which provider must automatically confirm the fact, date and time of receipt to the filer. Absent evidence of such confirmation, there is no presumption of filing.

(E) Electronic service. Upon filing, an electronically filed document is deemed served on all unrepresented parties ~~and counsel~~ who have waived any other form of service by registering with the electronic filing system to receive electronic service in the case and who receive notice via the system of the document’s filing. Attorneys must register and be served electronically where electronic filing is required.

(F) System or user filing errors. If electronic filing or service is prevented or delayed because of a failure of the electronic filing system, a court will enter appropriate relief such as the allowance of filings nunc pro tunc or the provision of extensions to respond.

(G) Force and effect. Electronically filed court records have the same force and effect and are subject to the same right of public access as are documents filed by traditional means.

(H) Courts must reasonably accommodate pro se filers by allowing paper filing.

(I) Procedure For Handling Misfiled or Otherwise Deficient or Defective E-Filings. Upon physical acceptance and review of an e-filing and discovery that it was misfiled or is otherwise deficient or defective, a court shall as soon as practicable provide the e-filer notice of the defect or deficiency and an opportunity to cure or, if appropriate, strike the filing altogether. In any case, the court shall retain a record of the action taken by the court in response, including its date, time, and reason. Such records shall be maintained until a case is finally concluded including the exhaustion of all appeals. Absent a court order to the contrary, such records shall be accessible to the parties and public upon request without the necessity for a subpoena.



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Presiding Justice David E. Nahmias
Chair, Standing Committee on Legislation

RE: Committee Report

DATE: November 29, 2018

On November 28, 2018, the Standing Committee on Legislation (“Committee”) met to discuss legislative items for the 2019 Session of the General Assembly. The Committee makes the following recommendations to the Judicial Council:

I. Council of Magistrate Court Judges
Title 15 Update
OCGA Title 15 Chapter 10

The Standing Committee on Legislation recommends the Judicial Council **support** legislation to amend Title 15 Chapter 10 of the OCGA to provide for general substantive and technical changes to the magistrate court statutes (with the exception of the proposed age and residency qualifications), including making all magistrate court elections nonpartisan. (*Draft language attached*)

II. Council of Magistrate Court Judges
Writ of possession
OCGA § 44-7-49

The Standing Committee on Legislation recommends the Judicial Council **support** legislation to amend OCGA § 44-7-49 to provide that applications for the execution of a writ of possession shall be made within thirty days after its issuance, unless extended by the court for good cause. (*Draft language attached*)

**III. Superior Courts of Fulton, Gwinnett and Cobb
Management of law library funds
OCGA § 36-15-11**

The Standing Committee on Legislation recommends the Judicial Council **support** legislation to repeal OCGA § 36-15-11, which provides for law library funds to be directed to the general fund in counties with a population of 950,000 or more. (*Previous legislation attached*)

**IV. Georgia Commission on Child Support
Child Support Guidelines
OCGA § 19-6-15**

The Standing Committee on Legislation recommends the Judicial Council **support** legislation to amend OCGA § 19-6-15 to remove language specifying the use of imputing gross income based on a 40-hour workweek at minimum wage and to provide for cleanup and technical changes to reflect changes in Federal law, rules and regulations. (*Draft legislation attached*)

The Committee will keep the Judicial Council informed of any pertinent information or additional positions taken on its behalf during the legislative session.

Title 15 Update

DRAFT

§ 15-10-7. Council of Magistrate Court Judges

(a) There is created a council of magistrate court judges to be known as the "Council of Magistrate Court Judges." The council shall be composed of the chief magistrates, magistrates, and senior magistrates of the magistrate courts of this state. The council is authorized to organize itself and to develop a constitution and bylaws. ~~The officers of said council shall consist of a president, a first vice president, a second vice president, a secretary, a treasurer, and such other officers as the council shall deem necessary. The council shall have an executive committee composed of two representatives from each judicial administrative district. No senior magistrate shall serve as an officer of the council or as a regular representative of a judicial administrative district to the executive committee of the council.~~

(b) It shall be the purpose of the council to effectuate the constitutional and statutory responsibilities conferred upon it by law, to further the improvement of the magistrate courts and the administration of justice, to assist the chief magistrates, magistrates, and senior magistrates throughout the state in the execution of their duties, and to promote and assist in the training of chief magistrates, magistrates, and senior magistrates.

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

§ 15-10-20. Number; selection; term; filling vacancies; chief magistrate; bonds; certain judges removed by federal court order to become special judges

(a) Each magistrate court shall have a chief magistrate and may have one or more other magistrates. Such magistrates shall be the judges of the magistrate court and shall be known as magistrates of the county. Unless otherwise provided by local law, the number of magistrates in each county shall be fixed from time to time by majority vote of the judges of the superior court of the county, but no magistrate shall be removed from office during a term of office except for cause as provided by Code Sections 15-10-24 and 15-10-25. The number of magistrates authorized for the county shall be one magistrate until increased by the judges of superior court or by local law; but this subsection shall not operate to remove a magistrate from office during his term of office.

(b) ~~The term of office of any magistrate taking office prior to January 1, 1985, shall expire on December 31, 1984, except that this subsection shall not operate to shorten any term of office in violation of Article VI, Section X, Paragraph II of the Constitution.~~ The term of office of any magistrate taking office on or after January 1, 1985, shall be for four years beginning on the first day of an odd-numbered year, except that in selecting magistrates to fill newly created positions or if otherwise necessary, a magistrate may be selected for a term of less than four years to expire on the last day of an even-numbered year.

~~(c)~~

~~(1) Unless otherwise provided by local law, all magistrates, other than the officers becoming magistrates pursuant to Code Section 15-10-120, who are selected to take office prior to January 1, 1985, shall be selected as provided in this subsection. The judges of the superior court of the county shall by majority vote appoint as chief magistrate either an officer becoming a magistrate pursuant to Code Section 15-10-120 or some other person meeting the qualifications specified in subsection (a) of Code Section 15-10-22. Any other magistrates, other than the officers becoming magistrates pursuant to Code Section 15-10-120, shall be appointed by the chief magistrate with the consent of the judges of superior court.~~

~~(2) (A) If the chief magistrate so selected is an officer becoming a magistrate pursuant to Code Section 15-10-120, then his term as chief magistrate will be as provided by this paragraph.~~

~~(B) If the term which he was serving on June 30, 1983, will expire on the last day of 1984 or 1986, then his term as chief magistrate will likewise expire on the last day of 1984 or 1986.~~

~~(C) If the term which he was serving on June 30, 1983, will expire other than on the last day of 1984 or 1986, then his term as chief magistrate shall expire on December 31, 1984, even though he is granted a longer term as magistrate by Article VI, Section X, Paragraph II of the Constitution; but his term as magistrate shall not be shortened in violation of said Paragraph of the Constitution. In any case covered by this subparagraph, the person whose term as chief magistrate expires December 31, 1984, but who is granted by the Constitution a longer term as magistrate shall be eligible to succeed himself for a four-year term as chief magistrate beginning January 1, 1985, if he resigns his current term as magistrate prior to beginning such four-year term as chief magistrate.~~

~~(d-c)~~ Unless otherwise provided by local law, all magistrates taking office on or after January 1, 1985, shall be selected as provided in this subsection. The chief magistrate shall be elected by the voters of the county at the general election next preceding the expiration of the term of the incumbent chief magistrate, in a nonpartisan election in the same manner as county officers are elected, for a term beginning on the first day of January following his election. His successors shall likewise be elected quadrennially thereafter for terms beginning on the first day of January following their election. Magistrates other than the chief magistrate shall be appointed by the chief magistrate with the consent of the judges of superior court. The term of a magistrate so appointed shall run concurrently with the term of the chief magistrate by whom he was appointed.

~~(ed)~~ Unless otherwise provided by local law, a vacancy in the office of chief magistrate shall be filled by an appointment by majority vote of the judges of superior court for the remainder of the unexpired term; and a vacancy in the office of any other magistrate shall be filled by an appointment by the chief magistrate with the consent of the judges of superior court for the remainder of the unexpired term. If, however, a vacancy occurs which does not reduce the number of magistrates for the county below the number of magistrates authorized for the county, then such vacancy shall not be filled.

~~(fe)~~ The General Assembly may by local law provide for the number of magistrates of a county, provide for a different method of selecting magistrates than that specified in subsections (c) and (d) of this Code section, and provide for a different method of filling vacancies than that specified in subsection (e) of this Code section.

(~~ef~~) The General Assembly may at any time provide by local law that the probate judge shall serve as chief magistrate or magistrate and provide for compensation of the probate judge in his or her capacity as chief magistrate or magistrate; and in such a case the chief magistrate or magistrate shall not be separately elected but shall be the probate judge.

(~~fg~~) Each magistrate taking office after July 1, 1985, shall before entering on the performance of his duties execute bond in the amount of up to \$25,100,000.00 for the faithful performance of his duties. Each magistrate in office on July 1, 1985, shall execute such a bond not later than September 1, 1985. The amount of bond required of the magistrate or magistrates of any county may be increased by local law. Such bonds shall be subject to all provisions of Chapter 4 of Title 45 in the same manner as bonds of other county officials. The premiums due on such bonds shall be paid by the fiscal authority of the county out of county funds.

~~(i)~~

~~(1) Any person who is holding office on January 1, 1994, as a judge of the superior courts of this state, whether within the term for which elected or appointed or otherwise, and who subsequent to such date and prior to December 31, 1996, is effectively removed from such office by federal court order shall upon such removal become a special judge of the magistrate court as provided for in this subsection. As used in this subsection, the term "federal court order" shall mean only an order of a federal court which is entered in a civil action challenging under federal law or federal constitutional provisions (or both) the validity of the manner of selection of superior court judges in this state. A person shall be considered as effectively removed from office by such an order if the order by its terms prohibits such person's continued service as a judge of the superior courts without by the terms of the order allowing such person a meaningful opportunity to seek an appointment or election as a judge of the superior courts which would take effect within 30 days following such removal. Nothing in this subsection shall apply with respect to any removal from office resulting from criminal conduct or other malfeasance on the part of the person removed from office.~~

~~(2) Any person becoming a special judge of the magistrate court pursuant to this subsection shall become a special judge of the magistrate court of the county in which such person resides. Any such special judge of the magistrate court shall serve for a term of office expiring December 31, 1996. The Governor shall issue to each such special judge of the magistrate court a commission stating the date of commencement and expiration of such term of office.~~

~~(3) Any special judge of the magistrate court serving pursuant to this subsection shall have all the same powers and duties as any other judge of such magistrate court.~~

~~(4) Any special judge of the magistrate court serving pursuant to this subsection shall be compensated and reimbursed for expenses in such amount or amounts as are now or hereafter provided by law for a judge of the superior courts, such compensation to be payable from state funds in the same manner as now or hereafter provided by law for a judge of the superior courts.~~

~~(5) The provisions of this subsection shall control over any other conflicting provisions of this chapter.~~

§ 15-10-22. Qualifications; restrictions on practice of law

- (a) Each magistrate shall have been a resident of the county for ~~one~~ three years next preceding the beginning of his term of office:
- (b) Shall as of such date be at least ~~25~~ 30 years of age prior to the date of qualifying for election and remains a resident of such county during the term of office. ~~and shall possess a high school diploma or its equivalent. However, an officer becoming a magistrate pursuant to Code Section 15-10-120 shall be eligible to the office of magistrate without the necessity of meeting these qualifications.~~
- (c) (C) Shall be a citizen of the United States;
- (d) (D) Shall be a registered voter;
- (e) (E) Shall have obtained a state accredited high school diploma or GED.;
- (f) Additional qualifications for the office of chief magistrate or magistrate or both may be imposed by local law
- (g) A magistrate who is an attorney may practice in other courts but may not practice in the magistrate's own court or appear in any matter as to which that magistrate has exercised any jurisdiction.

§ 15-10-120. Certain officials to become magistrates; term of office

~~(a) Except as otherwise provided in subsection (b) of this Code section, on July 1, 1983, each of the following officers shall become a magistrate of the county in which he formerly exercised jurisdiction:~~

- ~~(1) Each justice of the peace in office on June 30, 1983;~~
- ~~(2) Each notary public ex officio justice of the peace in office on June 30, 1983;~~
- ~~(3) Each judge of a small claims court in office on June 30, 1983;~~
- ~~(4) Each magistrate or judge of a magistrate court in office on June 30, 1983; and~~
- ~~(5) Each judge of the County Court of Echols County.~~

~~(b) Any officer who was required to be certified under former Article 5 of this chapter, "The Georgia Justice Courts Training Council Act," and who was not so certified as of June 30, 1983, or any officer holding over beyond the expiration of the term for which he was selected shall not so become a magistrate on July 1, 1983.~~

~~(c) Each magistrate taking office on July 1, 1983, shall continue in office for a term which shall expire on the date of expiration of the term which he was serving in such other capacity. Such magistrates may thereafter be reappointed or reelected as provided in Article 2 of this chapter. However, at the expiration of the term of any magistrate other than the chief magistrate, no magistrate shall be selected to replace him unless the number of magistrates remaining in office is less than the number fixed by local law or by the judges of superior court under Code Section 15-10-20.~~

Council of Magistrate Court Judges
Draft legislation – Writ of possession

§ 44-7-49. "Writ of possession" defined, issuance

a) As used in this article, the term "writ of possession" means a writ issued to recover the possession of land or other property and such writ shall not contain restrictions, responsibilities, or conditions upon the landlord in order to be placed in full possession of the land or other property.

b) Subject to Code Sections 44-7-55 (a) and 44-7-59, applications for the execution of the writ of possession shall be made within 30 days unless an extension is granted by the court for good cause.

House Bill 770

By: Representatives Park of the 101st, Willard of the 51st, Reeves of the 34th, Lopez of the 99th, Kendrick of the 93rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 15 of Title 36 of the Official Code of Georgia Annotated, relating to
2 county law libraries, so as to repeal a population provision regarding the disposition of law
3 library funds in certain counties; to provide for related matters; to provide an effective date;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 15 of Title 36 of the Official Code of Georgia Annotated, relating to county law
8 libraries, is amended by revising Code Section 36-15-11, relating to receipt and disbursement
9 of funds by counties having population of 950,000 or more, as follows:

10 "36-15-11.

11 ~~Notwithstanding any other provision of this chapter, in all counties of this state having a~~
12 ~~population of 950,000 or more according to the United States decennial census of 1980 or~~
13 ~~any future such census, all funds collected by reason of this chapter shall be paid into the~~
14 ~~general treasury of such county, to be used for lawful purposes of the courts of the county,~~
15 ~~including the maintenance of a county law library, and there shall be no county law library~~
16 ~~fund. All disbursements for the purposes of this chapter shall be in accordance with the~~
17 ~~budget procedures which may be established in such counties. In such counties there shall~~
18 ~~be no treasurer of the board of trustees. The county governing authorities of such counties~~
19 ~~shall report to the board of trustees, not later than January 15 of each year, the amount of~~
20 ~~money collected in the preceding calendar year by the assessment of such fees as are~~
21 ~~provided in this chapter~~ Reserved."

22 **SECTION 2.**

23 This Act shall become effective upon its approval by the Governor or upon its becoming law
24 without such approval.

25

SECTION 3.

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

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 19-6-15, relating to child support guidelines for determining amount
2 of award, continuation of duty of support, and duration of support, so as to revise and correct
3 defined terms and terminology, grammar, and punctuation; to remove alimony as a specific
4 deviation in certain circumstances; to exclude certain adoption assistance benefits from gross
5 income; to clarify provisions relating to willful or voluntary unemployment or
6 underemployment; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 19-6-15, relating to child support guidelines for determining amount of award,
11 continuation of duty of support, and duration of support, is amended by revising subsection
12 (a) as follows:

13 "(a) **Definitions.** As used in this Code section, the term:

14 (1) Reserved.

15 (2) 'Adjusted income' means the determination of a parent's monthly income, calculated
16 by deducting from that parent's monthly gross income one-half of the amount of any
17 applicable self-employment taxes being paid by the parent, any preexisting order for
18 current child support which is being paid by the parent, and any theoretical child support
19 order for other qualified children, if allowed by the court. ~~For further reference see~~
20 ~~paragraph (5) of subsection (f) of this Code section.~~

21 (3) 'Basic child support obligation' means the monthly amount of support displayed on
22 the child support obligation table which corresponds to the combined adjusted income
23 and the number of children for whom child support is being determined.

24 (4) 'Child' means child or children.

25 (5) Reserved.

- 26 (6) 'Child support obligation table' means the chart set forth in subsection (o) of this
27 Code section.
- 28 (6.1) 'Child support services' means the entity within the Department of Human Services
29 and its contractors that are authorized to enforce a duty of support.
- 30 (7) 'Combined adjusted income' means the amount of adjusted income of the custodial
31 parent added to the amount of adjusted income of the noncustodial parent.
- 32 (8) 'Court' means a judge of any court of record or an administrative law judge of the
33 Office of State Administrative Hearings.
- 34 (9) 'Custodial parent' means the parent with whom the child resides more than 50 percent
35 of the time. ~~Where~~ When a custodial parent has not been designated or ~~where~~ when a
36 child resides with both parents an equal amount of time, the court shall designate the
37 custodial parent as the parent with the lesser support obligation and the other parent as
38 the noncustodial parent. ~~Where~~ When the child resides equally with both parents and
39 neither parent can be determined as owing a greater amount than the other, the court shall
40 determine which parent to designate as the custodial parent ~~for the purpose of this Code~~
41 ~~section.~~
- 42 (10) 'Deviation' means an increase or decrease from the presumptive amount of child
43 support if the presumed order is rebutted by evidence and the required findings of fact are
44 made by the court or the jury ~~pursuant to subsection (i) of this Code section.~~
- 45 (11) 'Final child support amount' means the presumptive amount of child support
46 adjusted by any deviations.
- 47 (12) 'Gross income' means all income to be included in the calculation of child support
48 ~~as set forth in subsection (f) of this Code section.~~
- 49 (13) 'Health insurance' means any general health or medical policy. ~~For further reference~~
50 ~~see paragraph (2) of subsection (h) of this Code section.~~
- 51 (14) 'Noncustodial parent' means the parent with whom the child resides less than 50
52 percent of the time or the parent who has the greater payment obligation for child support.
53 ~~Where~~ When the child resides equally with both parents and neither parent can be
54 determined as owing a lesser amount than the other, the court shall determine which
55 parent to designate as the noncustodial parent ~~for the purpose of this Code section.~~
- 56 (15) 'Nonparent custodian' means an individual who has been granted legal custody of
57 a child, or an individual who has a legal right to seek, modify, or enforce a child support
58 order.
- 59 (16) 'Parent' means a person who owes a child a duty of support pursuant to Code
60 Section 19-7-2.

61 (17) 'Parenting time deviation' means a deviation allowed for the noncustodial parent
 62 based upon the noncustodial parent's court ordered visitation with the child. ~~For further~~
 63 ~~reference see subsections (g) and (i) of this Code section.~~

64 (18) 'Preexisting order' means:

65 (A) An order in another case that requires a parent to make child support payments for
 66 another child, which child support the parent is actually paying, as evidenced by
 67 documentation as provided in division (f)(5)(B)(iii) of this Code section; and

68 (B) That the date and time of filing with the clerk of court of the initial order for each
 69 such other case is earlier than the date and time of filing with the clerk of court of the
 70 initial order in the case immediately before the court, regardless of the age of any child
 71 in any of the cases.

72 (19) 'Presumptive amount of child support' means the basic child support obligation
 73 including health insurance and work related child care costs.

74 (20) 'Qualified child' or 'qualified children' means any child:

75 (A) For whom the parent is legally responsible and in whose home the child resides;

76 (B) Who ~~That~~ the parent is actually supporting;

77 (C) Who is not subject to a preexisting order; and

78 (D) Who is not before the court to set, modify, or enforce support in the case
 79 immediately under consideration.

80 Qualified children shall not include stepchildren or other minors in the home ~~that~~ who the
 81 parent has no legal obligation to support.

82 (21) 'Split parenting' can occur in a child support case only if there are two or more
 83 children of the same parents, ~~where~~ when one parent is the custodial parent for at least
 84 one child of the parents, and the other parent is the custodial parent for at least one other
 85 child of the parents. In a split parenting case, each parent is the custodial parent of any
 86 child spending more than 50 percent of the time with that parent and is the noncustodial
 87 parent of any child spending more than 50 percent of the time with the other parent. A
 88 split parenting situation shall have two custodial parents and two noncustodial parents,
 89 but no child shall have more than one custodial parent or noncustodial parent.

90 (22) 'Theoretical child support order' means a hypothetical child support order for
 91 qualified children as calculated ~~as set forth~~ in subparagraph (f)(5)(C) of this Code section
 92 which allows the court or the jury to determine the amount of child support as if a child
 93 support order existed.

94 (23) 'Uninsured health care expenses' means a child's uninsured medical expenses
 95 including, but not limited to, health insurance copayments, deductibles, and such other
 96 costs as are reasonably necessary for orthodontia, dental treatment, asthma treatments,
 97 physical therapy, vision care, and any acute or chronic medical or health problem or

98 mental health illness, including counseling and other medical or mental health expenses,
 99 that are not covered by insurance. ~~For further reference see paragraph (3) of~~
 100 ~~subsection (h) of this Code section.~~

101 (24) 'Work related child care costs' means expenses for the care of the child for whom
 102 support is being determined which are due to employment of either parent. In an
 103 appropriate case, the court or the jury may consider the child care costs associated with
 104 a parent's job search or the training or education of a parent necessary to obtain a job or
 105 enhance earning potential, not to exceed a reasonable time as determined by the court, if
 106 the parent proves by a preponderance of the evidence that the job search, job training, or
 107 education will benefit the child being supported. The term shall be projected for the next
 108 consecutive 12 months and averaged to obtain a monthly amount. ~~For further reference~~
 109 ~~see paragraph (1) of subsection (h) of this Code section.~~

110 (25) 'Worksheet' or 'child support worksheet' means the document used to record
 111 information necessary to determine and calculate monthly child support. ~~For further~~
 112 ~~reference see subsection (m) of this Code section."~~

113 SECTION 2.

114 Said Code section is further amended by revising paragraph (8) of subsection (b) as follows:

115 "(8) In accordance with subsection (i) of this Code section, deviations subtracted from
 116 or added to the presumptive amount of child support shall be applied, if applicable, and
 117 if supported by the required findings of fact and application of the best interest of the
 118 child standard. The proposed deviations shall be entered on the Child Support Schedule
 119 E – Deviations. In the court's or the jury's discretion, deviations may include, but shall
 120 not be limited to, the following:

- 121 (A) High income;
- 122 (B) Low income;
- 123 (C) Other health related insurance;
- 124 (D) Life insurance;
- 125 (E) Child and dependent care tax credit;
- 126 (F) Travel expenses;
- 127 ~~(G) Alimony;~~
- 128 ~~(H)~~(G) Mortgage;
- 129 ~~(I)~~(H) Permanency plan or foster care plan;
- 130 ~~(J)~~(I) Extraordinary expenses;
- 131 ~~(K)~~(J) Parenting time; and
- 132 ~~(L)~~(K) Nonspecific deviations;"

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SECTION 3.

Said Code section is further amended by revising paragraph (4) of subsection (c) as follows:

"(4) In all cases, the parties shall submit to the court their worksheets and schedules and the presence or absence of other factors to be considered by the court or the jury pursuant to the provisions of this Code section."

SECTION 4.

Said Code section is further amended by revising subsection (d) as follows:

"(d) **Nature of guidelines; court's discretion.** In the event of a hearing or trial on the issue of child support, the guidelines enumerated in this Code section are intended by the General Assembly to be guidelines only and any court so applying ~~these~~ such guidelines shall not abrogate its responsibility in making the final determination of child support based on the evidence presented to it at the time of the hearing or trial. A court's final determination of child support shall take into account the obligor's earnings, income, and other evidence of the obligor's ability to pay. The court or the jury shall also consider the basic subsistence needs of the parents and the child for whom support is to be provided."

SECTION 5.

Said Code section is further amended by revising division (f)(1)(A)(vii); subparagraph (f)(1)(E); paragraph (2) of subsection (f); subparagraphs (f)(4)(A), (f)(4)(B), and (f)(4)(D); division (f)(5)(B)(i); and subparagraph (f)(5)(C) as follows:

"(vii) Recurring income from pensions or retirement plans, including, but not limited to, United States Department of Veterans Affairs, Railroad Retirement Board, Keoghs, and individual retirement accounts;"

"(E) **Military compensation and allowances.** Income for a parent who is an active duty member of the regular or reserve component of the United States armed forces, the United States Coast Guard, the merchant marine of the United States, the commissioned corps of the Public Health Service or the National Oceanic and Atmospheric Administration, the National Guard, or the Air National Guard shall include:

- (i) Base pay;
- (ii) Drill pay;
- (iii) Basic allowance for subsistence, whether paid directly to the parent or received in-kind; and
- (iv) Basic allowance for housing, whether paid directly to the parent or received in-kind, determined at the parent's pay grade at the without dependent rate, but shall include only so much of the allowance that is not attributable to area variable housing costs.

168 Except as determined by the court or the jury, special pay or incentive pay, allowances
 169 for clothing or family separation, and reimbursed expenses related to the parent's
 170 assignment to a high cost of living location shall not be considered income for the
 171 purpose of determining gross income.

172 (2) **Exclusions from gross income.** Excluded from gross income are the following:

173 (A) Child support payments received by either parent for the benefit of a child of
 174 another relationship;

175 (B) Benefits received from means-tested public assistance programs such as, but not
 176 limited to:

177 (i) PeachCare for Kids Program, Temporary Assistance for Needy Families Program,
 178 or similar programs in other states or territories under Title IV-A of the federal Social
 179 Security Act;

180 (ii) Food stamps or the value of food assistance provided by way of electronic
 181 benefits transfer procedures by the Department of Human Services;

182 (iii) Supplemental security income received under Title XVI of the federal Social
 183 Security Act;

184 (iv) Benefits received under Section 402(d) of the federal Social Security Act for
 185 disabled adult children of deceased disabled workers; and

186 (v) Low-income heating and energy assistance program payments;

187 (C) Foster care payments paid by the Department of Human Services or a licensed
 188 ~~child-placing~~ child-placing agency for providing foster care to a foster child in the
 189 custody of the Department of Human Services; ~~and~~

190 (D) A nonparent custodian's gross income; and

191 (E) Benefits received under Title IV-B or IV-E of the federal Social Security Act and
 192 state funding associated therewith for adoption assistance."

193 "(A) **Imputed income.** When establishing the amount of child support, if a parent fails
 194 to produce reliable evidence of income, such as tax returns for prior years, check stubs,
 195 or other information for determining current ability to pay child support or ability to
 196 pay child support in prior years, and the court or the jury has no other reliable evidence
 197 of the parent's income or income potential, gross income for the current year may be
 198 imputed. When imputing income, the court or the jury shall take into account the
 199 specific circumstances of the parent to the extent known, including such factors as the
 200 parent's assets, residence, employment and earnings history, job skills, educational
 201 attainment, literacy, age, health, criminal record and other employment barriers, and
 202 record of seeking work, as well as the local job market, the availability of employers
 203 willing to hire the parent, prevailing earnings level in the local community, and other
 204 relevant background factors in the case. If a parent is incarcerated, the court or the jury

205 shall not assume an ability for earning capacity based upon pre-incarceration wages or
206 other employment related income, but income may be imputed based upon the actual
207 income and assets available to such incarcerated parent.

208 **(B) Modification.** When cases with established orders are reviewed for modification
209 and a parent fails to produce reliable evidence of income, such as tax returns for prior
210 years, check stubs, or other information for determining current ability to pay child
211 support or ability to pay child support in prior years, and the court or the jury has no
212 other reliable evidence of such parent's income or income potential, the court or the jury
213 may impute income as set forth in subparagraph (A) of this paragraph, or may increase
214 the child support of the parent failing or refusing to produce evidence of income by an
215 increment of at least 10 percent per year of such parent's gross income for each year
216 since the final order was entered or last modified and shall calculate the basic child
217 support obligation using the increased amount as such parent's gross income."

218 **"(D) Willful or voluntary unemployment or underemployment.** In determining
219 whether a parent is willfully or voluntarily unemployed or underemployed, the court
220 or the jury shall ascertain the reasons for the parent's occupational choices and assess
221 the reasonableness of these choices in light of the parent's responsibility to support his
222 or her child and whether such choices benefit the child. A determination of willful or
223 voluntary unemployment or underemployment shall not be limited to occupational
224 choices motivated only by an intent to avoid or reduce the payment of child support but
225 can be based on any intentional choice or act that affects a parent's income. A
226 determination of willful or voluntary unemployment or underemployment shall not be
227 made when an individual's incarceration prevents employment. In determining willful
228 or voluntary unemployment or underemployment, the court or the jury may examine
229 whether there is a substantial likelihood that the parent could, with reasonable effort,
230 apply his or her education, skills, or training to produce income. Specific factors for
231 the court or the jury to consider when determining willful or voluntary unemployment
232 or underemployment include, but are not limited to:

- 233 (i) The parent's past and present employment;
- 234 (ii) The parent's education and training;
- 235 (iii) Whether unemployment or underemployment for the purpose of pursuing
236 additional training or education is reasonable in light of the parent's responsibility to
237 support his or her child and, to this end, whether the training or education may
238 ultimately benefit the child in the case immediately under consideration by increasing
239 the parent's level of support for that child in the future;

240 (iv) A parent's ownership of valuable assets and resources, such as an expensive
 241 home or automobile, that appear inappropriate or unreasonable for the income
 242 claimed by the parent;

243 (v) The parent's own health and ability to work outside the home; and

244 (vi) The parent's role as caretaker of a child of that parent, a disabled or seriously ill
 245 child of that parent, or a disabled or seriously ill adult child of that parent, or any
 246 other disabled or seriously ill relative for whom that parent has assumed the role of
 247 caretaker, which eliminates or substantially reduces the parent's ability to work
 248 outside the home, and the need of that parent to continue in the role of caretaker in the
 249 future. When considering the income potential of a parent whose work experience is
 250 limited due to the caretaker role of that parent, the court or the jury shall consider the
 251 following factors:

252 (I) Whether the parent acted in the role of full-time caretaker immediately prior to
 253 separation by the married parties or prior to the divorce or annulment of the
 254 marriage or dissolution of another relationship in which the parent was a full-time
 255 caretaker;

256 (II) The length of time the parent staying at home has remained out of the work
 257 force for this purpose;

258 (III) The parent's education, training, and ability to work; and

259 (IV) Whether the parent is caring for a child who is four years of age or younger.

260 If the court or the jury determines that a parent is willfully or voluntarily
 261 unemployed or underemployed, child support ~~shall~~ may be calculated based on a
 262 determination of earning capacity, as evidenced by educational level or previous
 263 work experience. In the absence of any other reliable evidence, income may be
 264 imputed to the parent ~~pursuant to a determination that gross income for the current~~
 265 ~~year is based on a 40-hour workweek at minimum wage.~~

266 A determination of willful and voluntary unemployment or underemployment shall not
 267 be made when an individual is activated from the National Guard or other armed forces
 268 unit or enlists or is drafted for full-time service in the armed forces of the United
 269 States."

270 "(i) In calculating the adjustment for preexisting orders, the court or the jury shall
 271 include only those preexisting orders meeting the criteria set forth in
 272 subparagraph (a)(18)(B) of this Code section;"

273 "(C) **Theoretical child support orders.** In addition to the adjustments to monthly
 274 gross income for self-employment taxes provided in subparagraph (A) of this paragraph
 275 and for preexisting orders provided in subparagraph (B) of this paragraph, credits for
 276 either parent's other qualified child living in the parent's home for whom the parent

277 owes a legal duty of support may be considered by the court or the jury for the purpose
 278 of reducing the parent's gross income. To consider a parent's other qualified children
 279 for determining the theoretical child support order, a parent shall present documentary
 280 evidence of the parent-child relationship to the court or the jury. Adjustments to
 281 income pursuant to this subparagraph may be considered in such circumstances in
 282 which the failure to consider a qualified child would cause substantial hardship to the
 283 parent; provided, however, that such consideration of an adjustment shall be based upon
 284 the best interest of the child for whom child support is being awarded. If the court or
 285 the jury, in its discretion, decides to apply the qualified child adjustment, the basic child
 286 support obligation of the parent for the number of other qualified children living with
 287 such parent shall be determined based upon that parent's monthly gross income. Except
 288 for self-employment taxes paid, no other amounts shall be subtracted from the parent's
 289 monthly gross income when calculating a theoretical child support order under this
 290 subparagraph. The basic child support obligation for such parent shall be multiplied by
 291 75 percent and the resulting amount shall be subtracted from such parent's monthly
 292 gross income and entered on the Child Support Schedule B – Adjusted Income."

293 SECTION 6.

294 Said Code section is further amended by revising subparagraphs (h)(1)(A) and (h)(1)(D) and
 295 division (h)(1)(F)(ii) as follows:

296 "(A) Work related child care costs necessary for the parent's employment, education,
 297 or vocational training that are determined by the court or the jury to be appropriate, and
 298 that are appropriate to the parents' financial abilities and to the lifestyle of the child if
 299 the parents and child were living together, shall be averaged for a monthly amount and
 300 entered on the child support worksheet in the column of the parent initially paying the
 301 expense. Work related child care costs of a nonparent custodian shall be considered
 302 when determining the amount of this expense."

303 "(D) If child care is provided without charge to the parent, the value of these services
 304 shall not be an adjustment to the basic child support obligation. If child care is or will
 305 be provided by a person who is paid for his or her services, proof of actual cost or
 306 payment shall be shown to the court or the jury before the court or the jury includes
 307 such payment in its consideration."

308 "(ii) In situations in which work related child care costs may be variable, the court or
 309 the jury may, in its discretion, remove work related child care costs from the
 310 calculation of support, and divide the work related child care costs pro rata, to be paid
 311 within a time specified in the final order. If a parent or nonparent custodian fails to
 312 comply with the final order:

- 313 (I) The other parent or nonparent custodian may enforce payment of the work
 314 related child care costs by any means permitted by law; or
 315 (II) Child support services shall pursue enforcement when such unpaid costs have
 316 been reduced to a judgment in a sum certain."

317 **SECTION 7.**

318 Said Code section is further amended by revising divisions (i)(2)(B)(i) and (i)(2)(B)(viii),
 319 subparagraph (i)(2)(C), and subparagraphs (i)(2)(F) through (i)(2)(K) as follows:

320 "(i) If the noncustodial parent can provide evidence sufficient to demonstrate no
 321 earning capacity or that his or her pro rata share of the presumptive amount of child
 322 support would create an extreme economic hardship for such parent, the court ~~may~~
 323 or the jury shall consider a low-income deviation."

324 "(viii) If a low-income deviation is granted pursuant to this subparagraph, such
 325 deviation shall not prohibit the court or the jury from granting an increase or decrease
 326 to the presumptive amount of child support by the use of any other specific or
 327 nonspecific deviation.

328 (C) **Other health related insurance.** If the court or the jury finds that either parent
 329 has vision or dental insurance available at a reasonable cost for the child, the court ~~may~~
 330 or the jury shall deviate from the presumptive amount of child support for the cost of
 331 such insurance."

332 "(F) **Travel expenses.** If court ordered visitation related travel expenses are substantial
 333 due to the distance between the parents, the court may order the allocation of such costs
 334 or the jury may, by a finding in its special interrogatory, allocate such costs by
 335 deviation from the presumptive amount of child support, taking into consideration the
 336 circumstances of the respective parents as well as which parent moved and the reason
 337 for such move.

338 ~~(G) **Alimony.** Actual payments of alimony shall not be considered as a deduction from~~
 339 ~~gross income but may be considered as a deviation from the presumptive amount of~~
 340 ~~child support. If the court or the jury considers the actual payment of alimony, the~~
 341 ~~court shall make a written finding of such consideration or the jury, in its special~~
 342 ~~interrogatory, shall make a written finding of such consideration as a basis for deviation~~
 343 ~~from the presumptive amount of child support.~~

344 ~~(H)~~(G) **Mortgage.** If the noncustodial parent is providing shelter, such as paying the
 345 mortgage of the home, or has provided a home at no cost to the custodial parent in
 346 which the child resides, the court or the jury may allocate such costs or an amount
 347 equivalent to such costs by deviation from the presumptive amount of child support,

348 taking into consideration the circumstances of the respective parents and the best
349 interest of the child.

350 ~~(H)~~**(H) Permanency plan or foster care plan.** In cases ~~where~~ when the child is in the
351 legal custody of the Department of Human Services, the child protection or foster care
352 agency of another state or territory, or any other child-caring entity, public or private,
353 the court or the jury may consider a deviation from the presumptive amount of child
354 support if the deviation will assist in accomplishing a permanency plan or foster care
355 plan for the child that has a goal of returning the child to the parent or parents and the
356 parent's need to establish an adequate household or to otherwise adequately prepare
357 herself or himself for the return of the child clearly justifies a deviation for this purpose.

358 ~~(I)~~**(I) Extraordinary expenses.** The child support obligation table includes average
359 ~~child-rearing~~ child-rearing expenditures for families given the parents' combined
360 adjusted income and number of children. Extraordinary expenses are in excess of
361 average amounts estimated in the child support obligation table and are highly variable
362 among families. Extraordinary expenses shall be considered on a case-by-case basis
363 in the calculation of support and may form the basis for deviation from the presumptive
364 amount of child support so that the actual amount of such expense is considered in the
365 final order for only those families actually incurring the expense. Extraordinary
366 expenses shall be prorated between the parents by assigning or deducting credit for
367 actual payments for extraordinary expenses.

368 (i) **Extraordinary educational expenses.** Extraordinary educational expenses may
369 be a basis for deviation from the presumptive amount of child support. Extraordinary
370 educational expenses include, but are not limited to, tuition, room and board, lab fees,
371 books, fees, and other reasonable and necessary expenses associated with special
372 needs education or private elementary and secondary schooling that are appropriate
373 to the parent's financial abilities and to the lifestyle of the child if the parents and the
374 child were living together.

375 (I) In determining the amount of deviation for extraordinary educational expenses,
376 scholarships, grants, stipends, and other cost-reducing programs received by or on
377 behalf of the child shall be considered; and

378 (II) If a deviation is allowed for extraordinary educational expenses, a monthly
379 average of the extraordinary educational expenses shall be based on evidence of
380 prior or anticipated expenses and entered on the Child Support Schedule E –
381 Deviations.

382 (ii) **Special expenses incurred for ~~child-rearing~~ child-rearing.** Special expenses
383 incurred for ~~child-rearing~~ child-rearing, including, but not limited to, quantifiable
384 expense variations related to the food, clothing, and hygiene costs of children at

385 different age levels, may be a basis for a deviation from the presumptive amount of
 386 child support. Such expenses include, but are not limited to, summer camp; music or
 387 art lessons; travel; school sponsored extracurricular activities, such as band, clubs, and
 388 athletics; and other activities intended to enhance the athletic, social, or cultural
 389 development of a child but not otherwise required to be used in calculating the
 390 presumptive amount of child support as are health insurance premiums and work
 391 related child care costs. A portion of the basic child support obligation is intended to
 392 cover average amounts of special expenses incurred in the rearing of a child. In order
 393 to determine if a deviation for special expenses is warranted, the court or the jury shall
 394 consider the full amount of the special expenses as described in this division; and
 395 when ~~these~~ such special expenses exceed 7 percent of the basic child support
 396 obligation, then the additional amount of special expenses shall be considered as a
 397 deviation to cover the full amount of the special expenses.

398 (iii) **Extraordinary medical expenses.** In instances of extreme economic hardship
 399 involving extraordinary medical expenses not covered by insurance, the court or the
 400 jury may consider a deviation from the presumptive amount of child support for
 401 extraordinary medical expenses. Such expenses may include, but are not limited to,
 402 extraordinary medical expenses of the child or a parent of the child; provided,
 403 however, that any such deviation:

404 (I) Shall not act to leave a child unsupported; and

405 (II) May be ordered for a specific period of time measured in months.

406 When extraordinary medical expenses are claimed, the court or the jury shall consider
 407 the resources available for meeting such needs, including sources available from
 408 agencies and other adults.

409 ~~(K)~~(J) **Parenting time.**

410 (i) The child support obligation table is based upon expenditures for a child in intact
 411 households. The court may order or the jury may find by special interrogatory a
 412 deviation from the presumptive amount of child support when special circumstances
 413 make the presumptive amount of child support excessive or inadequate due to
 414 extended parenting time as set forth in the order of visitation, the child residing with
 415 both parents equally, or visitation rights not being utilized.

416 (ii) If the court or the jury determines that a parenting time deviation is applicable,
 417 then such deviation shall be included with all other deviations.

418 (iii) In accordance with subsection (d) of Code Section 19-11-8, if any action or
 419 claim for parenting time or a parenting time deviation is brought under this
 420 subparagraph, it shall be an action or claim solely between the custodial parent and
 421 the noncustodial parent, and not any third parties, including child support services."

422

SECTION 8.

423

Said Code section is further amended by revising paragraphs (2) and (5) of subsection (k) as follows:

424

425

"(2) No petition to modify child support may be filed by either parent within a period of two years from the date of the final order on a previous petition to modify by the same parent except ~~where~~ when:

426

427

428

(A) A noncustodial parent has failed to exercise the court ordered visitation;

429

(B) A noncustodial parent has exercised a greater amount of visitation than was provided in the court order; or

430

431

(C) The motion to modify is based upon an involuntary loss of income as set forth in subsection (j) of this Code section."

432

433

"(5) In proceedings for the modification of a child support award pursuant to the provisions of this Code section, the court may award attorney's fees, costs, and expenses of litigation to the prevailing party as the interests of justice may require. ~~Where~~ When a custodial parent prevails in an upward modification of child support based upon the noncustodial parent's failure to be available and willing to exercise court ordered visitation, reasonable and necessary attorney's fees and expenses of litigation shall be awarded to the custodial parent."

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SECTION 9.

441

Said Code section is further amended by revising subsection (n) as follows:

442

"(n) **Child support obligation table.** The child support obligation table shall be proposed by the Georgia Child Support Commission ~~and shall be as codified in subsection (o) of this Code section.~~"

443

444

445

SECTION 10.

446

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



Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

To: Judicial Council Members

From: Budget Committee
Justice Michael P. Boggs, Chair *MB*

Re: Fiscal Year 2019 Judicial Council Budget and Financial Report

Date: November 15, 2018

Fiscal Year 2019 Judicial Council Budget and Financial Report as of October 31, 2018.

The Judicial Council Budget and Financial Report is attached for review.

Amended Fiscal Year 2019 and Fiscal Year 2020 Judicial Council Budget Requests

Appropriations Subcommittee Chairman Andrew Welch requested a meeting with Budget Committee Chair, Justice Boggs on November 6, 2018. The three Judicial Council FY 2020 budget requests submitted on behalf of the Justice for Children and Technology Committees were reviewed and discussed in preparation for the 2019 legislative session.

Fiscal Year 2020

The Judicial Council voted to support three FY 2020 budget requests and an increased annual operating budget of \$16,924,404 during the August 8, 2018 Judicial Council meeting. The members ranked the requests in the following order of priority:

1. The J4C Committee - **Georgia Legal Services for Kinship Care Families** in the amount of \$750,000.
2. The Judicial Council Technology Committee – **Georgia Judicial Services Gateway** (formerly named Single Sign-On Portal) in the amount of \$250,000.
3. The J4C Committee - **Court Process Reporting System (CPRS)** in the amount of \$78,885.

Attachments:

Fiscal Year 2019 Budget and Financial Report as of October 31, 2018

FY 2019 Judicial Council Operations Budget and Financial Report
As of October 31, 2018

Department	Project	FY 2019 Budget	YTD Expenditures	Remaining	Budget Spent
Administrative Office of The Courts		\$ 6,979,863	\$ 2,620,608	\$ 4,359,255	38%
Legal Services for Domestic Violence	103	2,500,000	2,500,000	\$ -	100%
Georgia Council of Court Administrators	141	19,057	194	\$ 18,863	1%
Council of Municipal Court Judges	142	16,185	5,361	\$ 10,824	33%
Child Support Collaborative	174	119,000	30,977	\$ 88,023	26%
Council of Magistrate Court Judges	204	190,449	49,945	\$ 140,504	26%
Council of Probate Court Judges	205	182,176	71,409	\$ 110,767	39%
Council of State Court Judges	206	258,608	61,704	\$ 196,904	24%
Council of State Court Judges Ret.	207	2,623,814	242,428	\$ 2,381,386	9%
Other Judicial Council Subprograms		\$ 5,909,289.00	2,962,018	\$ 2,947,271	50%
Accountability Courts	195	736,558	146,753	\$ 589,805	20%
Resource Center	500	800,000	266,666	\$ 533,334	33%
Judicial Qualifications Commission	400	819,844	376,679	\$ 443,165	46%
Inst of Continuing Jud Ed Operations	300	64,000	20,262	\$ 43,738	32%
Inst of Continuing Jud Ed Administration	301	535,965	100	\$ 535,865	0%
Separate Judicial Council Programs		\$ 2,956,367.00	810,460	\$ 2,145,907	26%
TOTAL JUDICIAL COUNCIL		\$ 15,845,519.00	6,393,086	\$ 9,452,433	40%



Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Justice Michael Boggs, Chair *WMB*
Ad Hoc Committee on Criminal Justice Reform

RE: Committee report and recommendations

DATE: November 19, 2018

The Judicial Council Ad Hoc Committee on Criminal Justice Reform was established for the purposes of complying with the directives within SB 407 (2018) relative to the duties of the Judicial Council, and to provide statewide judicial leadership regarding previous criminal justice policies enacted upon the recommendations made by the Georgia Council on Criminal Justice Reform from 2011 through 2018.

SB 407 charged the Judicial Council with creating a uniform misdemeanor citation and complaint form and the rules for the use of such citation (OCGA § 15-5-21.1). The Committee prioritized this task and focused the majority of its four meetings on gathering information and developing the form and rules. Presentations were heard from judges, law enforcement and the Department of Natural Resources, and work also included a comprehensive review of other states' practices. The Committee submitted drafts to the Judicial Council for consideration and feedback on October 19 and received input from stakeholders as well. On November 14, the Committee met and adopted final drafts to send to the Judicial Council.

SB 407 also charged the Judicial Council with promulgating statewide minimum standards and rules for the collection and transmission of certain data by juvenile court clerks (OCGA § 15-11-64(c)). Through the Juvenile Data Exchange Project (JDEX), a partnership between the Council of Juvenile Court Judges (CJ CJ), the Administrative Office of the Courts, the Department of Juvenile Justice, and the Criminal Justice Coordinating Council, proposed Uniform Juvenile Court Rule 19 (Electronic Submission of Delinquency Case Data) was drafted and has gone through the CJ CJ uniform rules process. It is currently pending before the Supreme Court. For consistency, this proposed rule was adopted by the Committee for recommendation to the Judicial Council to fulfill the requirement in OCGA § 15-11-64(c).

The Committee submits the following documents for Judicial Council adoption:

- Uniform Misdemeanor Citation, Accusation and Summons (Attachment A)
- Rules for use of Uniform Misdemeanor Citation, Accusation and Summons (Attachment B)
- Juvenile Data Exchange Project (JDEX) rules: Proposed Uniform Juvenile Court Rule 19. Electronic Submission of Delinquency Case Data (Attachment C)

ATTACHMENT A
Uniform Misdemeanor Citation, Accusation and
Summons

STATE OF GEORGIA
CITATION, ACCUSATION, & SUMMONS
GA0000000 NCIC NUMBER
XXXXXXXXXX CITATION NUMBER

DEFENDANT COPY

NOTICE TO APPEAR

If you do NOT sign the summons, you may be arrested and held in custody until bail is determined.

You have been served with a citation and summons. Signing the summons is not agreement with the charge or the information contained on the front of this citation. It is an agreement to appear at the time and place shown on the summons. By signing the summons and providing your e-mail address and/or cellular phone number, you agree that the court may use these, in addition to your address, to contact you. **If you do not appear in court to answer the charge, a warrant will be issued for your arrest.**

SPECIAL CONDITIONS

All charges require that you DO NOT VIOLATE THE LAW WHILE YOUR CASE IS BEING RESOLVED.

If you are charged with a violation of O.C.G.A. § 16-7-21 (CRIMINAL TRESPASS); O.C.G.A. § 16-8-14 (THEFT BY SHOPLIFTING); or O.C.G.A. § 16-8-14.1 (REFUND FRAUD), the Court requires that you:

- 1) DO NOT RETURN TO THE LOCATION WHERE THE OFFENSE IS ALLEGED TO HAVE HAPPENED; &
- 2) DO NOT HAVE CONTACT WITH ANY VICTIM(S) OR WITNESS(ES) NAMED IN THE CITATION;

These conditions remain in place until the Court modifies the conditions of your release or your charges are disposed of.

If you are to be released, any additional Bond Procedures will be explained to you.

WAIVER AND PLEA OF GUILTY FOR CHARGES NOT REQUIRING A COURT APPEARANCE
[DOES NOT APPLY IF "MUST APPEAR BEFORE JUDGE" BOX ON REVERSE SIDE IS CHECKED]

I, the undersigned, do hereby enter my written, rather than personal appearance in the court case resulting from the charge on the reverse side of this citation. I understand that by paying my fine and not personally appearing before the court I am waiving any right that I might have had to a trial by judge or jury and to be represented by counsel. I further understand that by paying the fine, I have pled guilty to the offense as charged. I further agree to mail this waiver and plea to the address shown below or to deliver it in person to the court. **This waiver will not be accepted for any charge requiring a court appearance before a judge.**

SIGNATURE OF ACCUSED _____
SIGNATURE OF ATTORNEY _____

DATE _____
BAR NO _____

HOW TO CONTACT THE COURT

Requests to continue a case or change a court date must be in writing only, received prior to the court date, and approved by the court. You CANNOT be imprisoned solely for inability to pay a fine, but you MAY face imprisonment for failing to appear at a scheduled court date.

[Each agency should insert specific appearance instruction here and may include: methods for contacting the court, website information, map diagrams, any alternative dispute resolution which may be available, e-filing options, or procedures for resolving court conflicts or signing up for electronic notifications from the court.]

STATE OF GEORGIA
CITATION, ACCUSATION, & SUMMONS
GA0000000 NCIC NUMBER
XXXXXXXXXX CITATION NUMBER

COURT COPY

ARRESTING OFFICER CERTIFICATE

The undersigned being duly sworn upon his/her oath, deposes and states that s/he has just and reasonable grounds to believe, and does believe that the person named on the reverse side committed the offense therein set forth, contrary to the law.

Sworn and subscribed before me this _____ day of _____, 20____.

Notary / (Deputy) Clerk

Officer

Badge #

PROSECUTING OFFICIAL CERTIFICATE

IN THE _____ COURT OF _____

On behalf of the people of the State of Georgia, the undersigned, as prosecuting attorney for the city or county and state aforesaid, does hereby charge and accuse the person named on the reverse side of this citation with the offense named on the reserve side of this citation and that said offense was committed in the city/county and at the location named and at the time named on the reverse side of this citation. This offense was committed contrary to the laws of this state, the good order, peace and dignity thereof.

DISTRICT ATTORNEY/SOLICITOR/PROSECUTING OFFICIAL _____

APPEARANCE, PLEA, AND WAIVER

I, _____ have been advised that I am being charged with the offense named on the reserve side of this citation and that the minimum punishment that I can receive is _____ months imprisonment and/or a \$_____ fine; and that the maximum punishment that I can receive is _____ months imprisonment and/or a \$_____ fine. I have been advised of my rights to be represented by an attorney or that an attorney will be provided for me if I am determined to be indigent; to plead not guilty and be tried by a judge or jury; to confront the witnesses against me; and to not give incriminating evidence against myself. I hereby waive these rights; state that I have not been induced by any threat or promise to enter this plea, and do freely and voluntarily enter my plea.

This _____ day of _____, 20____.

ACCUSED _____
ATTORNEY _____

As Judge of the _____ COURT of _____, I have advised the above named accused as indicated of his/her rights, the nature of the charge against him/her, and possible consequences of the plea as entered. I am satisfied that there is a factual basis for the plea which the accused has entered and that it was entered freely and voluntarily with the nature of the charge and the consequences of the plea.

JUDGE _____

DISPOSITION AND SENTENCE

COURT: _____ **COURT DATE:** _____ **CASE #:** _____
DEFENDANT PLEA: _____ GUILTY _____ NOT GUILTY _____ NOLO CONTENDERE _____ IN PERSON _____ BY MAIL
TRIAL: _____ JURY _____ NON-JURY BENCH _____ **VERDICT:** _____ GUILTY _____ NOT GUILTY **ATTORNEY:** _____
OTHER ACTION: _____ BOND FORFEITURE _____ NOL PROS _____ NO RECORD _____ DEAD DOCKET _____ DISMISSED
_____ 1st OFFENDER _____ CONDITIONAL DISCHARGE
SENTENCE: Fine / Fee \$ _____ Probation _____
CONDITIONS/OTHER: _____
JUDGE: _____

[Each agency should insert specific appearance instruction here and may include: methods for contacting the court, website information, map diagrams, any alternative dispute resolution which may be available, e-filing options, or procedures for resolving court conflicts or signing up for electronic notifications from the court.]

ATTACHMENT B
Rules for use of Uniform Misdemeanor Citation,
Accusation and Summons

**Proposed Rules for use of Uniform Misdemeanor Citation, Accusation & Summons –
FINAL DRAFT 11/19/18**

Uniform Misdemeanor Citation and Complaint Form - Form and Style

- (1) The Uniform Citation, Summons, and Accusation shall be used by all law enforcement officers who are empowered to enforce the criminal laws and ordinances in effect in this State. Such citation shall be by the following form in a four-part series, at least 8 ½ inches in width and 11 inches in length except that computer generated or electronically submitted citations shall not have a series requirement and may appear up to 8 ½ inches in width and 11 inches in length.
 - a. Court Copy, front and back:
Click here to view image
 - b. Defendant's copy, front and back:
Click here to view image
 - c. Issuing department copy, front and back:
Click here to view image
 - d. Officer's copy, front and back:
Click here to view image
- (2) The bar code and highlighted offender signature bar on the front of each part of the Uniform Citation form are optional.
- (3) The Judicial Council may review and approve additional or alternative versions of this form.

Uniform Misdemeanor Citation and Complaint Form - record accountability

- (1) Each uniform citation, electronic or otherwise, shall have a unique number and shall include a designation of the agency issuing the citation.
- (2) Any law enforcement agency which utilizes the uniform citation shall establish a system of accountability for each citation, electronic or otherwise, which comes into its possession. This system shall include a file or files containing, in numerical order, or alphabetical order, the agency copy of each issued citation and such additional records and files as may be necessary to account, by unique number, for:
 - a. The date of distribution of each blank uniform citation (or block of citations) and the officer to whom given.
 - b. All copies of all voided citations.
 - c. The circumstances under which any uniform citation (or block of citations) has been lost or misplaced.

**Proposed Rules for use of Uniform Misdemeanor Citation, Accusation & Summons –
FINAL DRAFT 11/19/18**

- (3) Agency records concerning the uniform citation are public records. They shall be made available to any agent of the Governor, Attorney General, Secretary of State, sheriffs' offices, police departments or Georgia Bureau of Investigation upon request and to other persons at reasonable times and places.

**Uniform Misdemeanor Citation and Complaint Form - Signature on the summons;
procedure on failure to sign**

- (1) If the defendant is to be released upon receipt of a copy of the citation, he or she must sign the citation acknowledging receipt of the summons.
- (2) Signing the citation shall only be an acknowledgment of the obligation to appear at the court and at the time specified in the citation and is not an admission as to the validity of the citation or any information contained therein.
- (3) If the defendant cited refuses to sign the citation, the officer issuing the citation shall inform the person that:
 - a. signing the citation is only an acknowledgment of the duty to appear in court and is not an agreement with the correctness of the charge or the information about the charge on the citation;
 - b. failure to sign the citation will make the defendant ineligible for release upon receipt of a copy of the citation; and
 - c. defendants continuing to refuse to sign the citation shall be taken into custody and promptly brought before a judge if not released pursuant to a standing order or bail schedule.
- (4) Courts exercising jurisdiction over citations shall make provisions by standing order or bail schedule for a prompt determination of a reasonable bail when defendants are not released upon a receipt of a copy of citation.
 - a. If no bail schedule provides a bond for the defendant's release, the defendant shall be brought before a judge for the setting of bond as soon as possible, but in all events within 48 hours. At such time, the judge shall consider the financial factors provided for in O.C.G.A. § 17-6-1(e)(2). If the citation is for criminal trespass and it is known to the citing officer to be a family violence offense under O.C.G.A. § 19-13-1, the defendant shall be taken into custody and promptly brought before a judge for individual assessment of bail, including conditions of release, if any.
 - b. If the bail schedule permits release upon a signature bond from the defendant, no further action needs be taken with respect to bail.

**Proposed Rules for use of Uniform Misdemeanor Citation, Accusation & Summons –
FINAL DRAFT 11/19/18**

- c. If the bail schedule provides for a bond secured by cash, property, or surety, the financial circumstances of the defendant shall be reviewed as provided in O.C.G.A. § 17-6-1 (e)(2) as soon as possible, but in all events within 48 hours.

Uniform Misdemeanor Citation and Complaint Form - Bench Warrants; failure to appear

- (1) If a defendant fails to appear at the time and place specified in the citation, the Court, absent a finding of sufficient excuse for their failure to appear at the time and place specified in the citation, shall issue a warrant ordering the apprehension of the defendant and commanding that he or she be brought before the court to answer the charge contained within the citation and the charge of his or her failure to appear as required. The defendant shall then be allowed to make a reasonable bond to appear on a given date before the court.
- (2) The court may, in its discretion, establish a procedure to informally notify defendants in other manners including by phone, electronic message or mail using any contact information known to the court. Any such notification is in addition to any notice as required by law.
- (3) When a citation is issued and the defendant fails to appear for court or otherwise dispose of his or her charges before his or her scheduled court appearance as stated on the citation, prior to the court issuing a bench warrant, the clerk of court may notify the defendant by first-class mail or by postcard at the address listed on the citation of his or her failure to appear. Such notice shall be dated and allow the defendant 30 days from such date to dispose of his or her charges or waive arraignment and plead not guilty. If after the expiration of such 30 day period the defendant fails to dispose of his or her charges or waive arraignment and plead not guilty, the court may issue a warrant. The court is not required, however, to institute any such procedure and may issue a warrant without delay.

Uniform Misdemeanor Citation and Complaint Form - Written Guilty Pleas

[RESERVED]

ATTACHMENT C

Juvenile Data Exchange Project (JDEX) rules:
Proposed Uniform Juvenile Court Rule 19.
Electronic Submission of Delinquency Case Data

Uniform Juvenile Court Rule 19. Electronic Submission of Delinquency Case Data.

Rule 19.1. Rule-making authority.

OCGA § 15-11-64(c) provides that each juvenile court shall collect and electronically submit through the office of the juvenile court clerk data on each child alleged or adjudicated to be a delinquent child and transmit such data as required by Judicial Council standards and rules. Data submitted pursuant to this rule shall be incorporated into the Georgia Juvenile Data Exchange (JDEX).

Rule 19.2. Required Data Elements.

- (a) Detention Assessment Instrument (DAI).
 - 1. Date on which the DAI was administered.
 - 2. County where the DAI was administered.
 - 3. Individual line item scores.
 - 4. Total score.
 - 5. Detention decision.
 - 6. Whether the detention decision was the result of a judicial override of DAI guidelines.
- (b) Pre-Disposition Risk Assessment (PDRA).
 - 1. Date on which the PDRA was administered.
 - 2. County where the PDRA was administered.
 - 3. Individual line item scores.
 - 4. Total score.
 - 5. Risk level as determined by the total score.
- (c) Offense data.
 - 1. Each initial delinquent offense charged.
 - 2. Date of each offense charged.

3. County where each offense charged occurred.
 4. Disposition of each offense charged. (Ex. Finding of delinquency, dismissal, etc.)
 5. County of disposition for each offense charged.
 6. Date of adjudication of each offense charged, if applicable.
- (d) Child's disposition data.
1. Child's disposition on each offense charged. (Ex. Probation, restitution, commitment, etc.)
 2. Court entering child's disposition.
 3. Date of child's disposition.
 4. Placement of child. (Ex. DJJ facility, community, etc.)
 5. Date of child's final discharge from juvenile court supervision.
- (d) Child's demographic data.
1. Name.
 2. Date of birth.
 3. Gender.
 4. Alias(es).
 5. Current residence address.
 6. Current county of residence.
 7. Name of parent/ guardian/ legal custodian.

Rule 19.3. Methods of Collection and Submission of Required Data Elements.

(a) Each juvenile court shall utilize its local case management system to collect the required data elements as listed in Rule 19.2.

(b) Juvenile courts utilizing the JCATS (Canyon Software™) case management system shall submit their data via automatic upload into JDEX.

(c) Juvenile courts not utilizing the JCATS case management system shall either:

1. If a court dependent upon the Department of Juvenile Justice (DJJ) for some or all of its intake and/or probation services, provide all required data elements to DJJ which shall enter it into JDEX on behalf of the court pursuant to a memorandum of agreement between DJJ and each such court; or,
2. If a court independent of DJJ for all intake and probation services, manually enter the required data elements into JDEX until such court acquires a case management system capable of automatic upload consistent with JDEX technical requirements.

Rule 19.4. Frequency of Data Submission.

By the methods provided above in Rule 19.3, all required data elements shall be submitted through a regularly scheduled data upload into JDEX at the maximum frequency allowed by JDEX system parameters, but no less frequently than weekly.

Rule 19.5. Updating of Required Data Elements.

If the JDEX Committee establishes additional required data elements, notification shall be made to the juvenile clerks of court by the JDEX Program Coordinator so that the submissions required by this rule include those additional data elements.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Standing Committee on Judicial Workload Assessment

RE: Georgia Judicial Workload Assessment

DATE: November 16, 2018

The Standing Committee on Judicial Workload Assessment met on November 9, 2018, to review the Judicial Council Policy of the Study of Superior Court Judgeships and Circuit Boundaries. The updated Policy now includes the results of the National Center for State Courts' Georgia Judicial Workload Assessment. The Committee approved the updated Policy with the included report.

Judicial Council Policy on the Study of Superior Court Judgeships and Circuit Boundaries

The Committee approved the following changes to the Judicial Council Policy on the Study of Superior Court Judgeships and Circuit Boundaries.

Section 2.2 – This section references the new workload study provided by the National Center for State Courts and includes the report and the summary of values in the Policy's appendixes.

Section 2.3 (4) – This section now includes language that explicitly defines the administrative information needed by staff to analyze a circuit boundary adjustment request.

Section 3.4 (A) – This section now provides for a specific method of tallying votes when three or more circuits are qualified for a judgeship and need to be ranked in order of priority by the Judicial Council.

Other grammatical and style errors in the Policy have been addressed as well.

Policy Appendix A and B

In mid-2016, the Judicial Council requested that the National Center for State Courts conduct a study into the workload of Georgia's superior and state courts. The National Center has conducted these studies in Georgia previously in 2000 and 2006, and this study uses the same methodology previously employed. This methodology is a national best practice and is used by dozens of other states. The National Center, with assistance from the AOC, began their work in early 2017, and the study concluded in October 2018. The results of the study have been wholly incorporated into the Judicial Council Policy as an appendix.

Highlights of the study include the following.

1. **Steering Committee** – The project took about 18 months to complete and involved enlisting the help of 216 Superior Court and State Court judges statewide. Under the oversight and guidance of the Judicial Needs Assessment Committee, comprised of 16 appointed judges from both classes of court, the policy incorporates direct judge feedback regarding the time study, policy decisions on judicial time, and quality adjustments to the model.
2. **Case Types** – The policy consolidates the various case types for each class of court into 17 case categories for Superior Court and 12 case categories for State Court. The case categories can be found on page X of the report.
3. **Judge Year Value** – The NCSC also calculated the amount of days a judge has to work on case-related work in a given year called Judge Year Value. The Judge Year Value for Georgia judges is 215 days which is on par with many other states. The breakdown can be found on page X of the report.
4. **Circuit Classification** – Under this new study, the Superior Courts have two classifications- 3 or fewer counties and 4 or more counties. In addition to judge year value, the new policy calculates Judge Day Value. For State Courts and Superior Courts with 3 or fewer counties, the judge day is six hours. Superior Courts with 4 or more counties, the judge day value was 5.5 hours, incorporating travel time to the various courthouses. In total, the State Courts and Superior Courts with 3 or fewer counties Year Value in minutes is 77,400 minutes, and the Superior Courts with 4 or more counties is 70,950 minutes. A breakdown can be found on page X of the report.
5. **Qualification Threshold** – a standard threshold of 1.2 for both Superior and State Courts. As a result, the total number of full-time judges increased for both classes of court. For State Courts, the number of full-time judges increased from 92 to 101, and the number of judges increased from 212 to 232 for Superior Courts. The

breakdown by county (State Courts) and by circuit (Superior Courts) are on page X.

6. Results – The results of the study show that Georgia has a need for an additional eight full-time state court judgeships and an additional 18 superior court judgeships.

The Committee recommends the Council adopt the revised Judicial Council Policy of the Study of Superior Court Judgeships and Circuit Boundaries with the included report for use in analyzing judicial workload beginning January 1, 2019.

Policy on the Study of Superior Court Judgeships and Circuit Boundaries

Section 1 – Policy

1.1 – Introduction

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

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

1.2 – Policy Statements

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

Section 2 – Judgeship and Circuit Boundary Study

2.1 – Initiation

1. The Governor, members of the General Assembly, and superior court judges have standing to initiate judgeship and circuit boundary studies.
2. The AOC will notify the Governor, General Assembly, superior court judges, and district court administrators no later than April 1 that they may request studies in writing by June 1, or the next business day thereafter, prior to the session of the

General Assembly during which the judgeship or change in circuit boundaries is sought. Any request received after June 1 will not be considered until the following year except upon approval by the Chair of the Judicial Council in consultation with the Chair of the Standing Committee on Judicial Workload Assessment for good cause shown. Under no circumstances will a request received more than five business days after June 1 be considered during the current year.

3. Requests for studies will be sent to the Director of the AOC. If anyone, other than a chief judge, requests a judgeship or circuit boundary study, the AOC will inform the chief judge of the same circuit and any adjacent circuits in the case of boundary studies that a request has been made. Any request by any party may be withdrawn by the same party at any time for any reason, and staff will notify all parties impacted by such a withdrawal.
4. The AOC will send the qualification status of their respective circuits to all chief judges no later than May 1 of each year.

2.2 – Judgeship Study Methodology

The Judicial Council approves the NCSC reported adopted by the Council on December 7, 2018 (see Appendix A). See Appendix B for the summary of all values, methodology and all values associated with it in open session. (See Appendix A for definitions of italicized terms and a list of all values.)

1. The most recent three-year average of civil case filings and criminal case defendants, for each case type listed in Appendix A, will serve as the *total circuit caseload* for each case type. Each case type's caseload will be multiplied by its respective *case weight*. The resulting figure represents the *total circuit workload*.
2. The *total circuit workload* will be divided by the *judge year value* assigned to the circuit based on its *classification*. The resulting figure represents the *judge workload value*. If the *judge workload value* meets or exceeds the *judge threshold value*, then the circuit is qualified for an additional judgeship. If the *judge workload value* does not meet the *judge threshold value*, then the circuit is not qualified for an additional judgeship.
3. The AOC will notify the requestor and the circuit's chief judge of the circuit's qualification status.

4. A circuit that qualifies for an additional judgeship will have its judgeship study prepared and presented at the next Standing Committee on Judicial Workload Assessment Committee meeting. The Standing Committee may forward the recommendation to the Judicial Council for consideration at the first meeting of the fiscal year as described in Section 3. If a majority of the judges in a circuit vote to disagree with a request for a judgeship, the Standing Committee may consider that disagreement in their decisions to recommend new judgeships to the Council.
5. A circuit not qualified for an additional judgeship has the right to appeal its status to the Standing Committee on Judicial Workload Assessment. If the appeal is approved, then the appealing circuit will have a judgeship study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.

2.3 – Circuit Boundary Study Methodology

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

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

- c. Population trend analysis of altered circuits does not show an imbalance in growth rates that would necessitate a reallocation of resources or alteration of circuit boundaries again within ten years.
 - d. The population of altered circuits is more evenly distributed than the original circuits.
3. Judges
- a. The number of additional judges needed to serve altered circuits is not significantly greater than the original number.
 - b. Judges' travel time and/or distance between courthouses decreases in altered circuits.
4. Administrative
- a. The one-time and recurring costs to altered circuits are not overly burdensome to the state or local governments. Changes in cost for personnel services and operations will be considered. These costs include, but are not limited, to the following:
 - i. Salaries and compensation for staff;
 - ii. Cost for items such as furniture, signage, and general startup expenses;
 - iii. Rent or the purchase of new office space;
 - iv. Purchase or lease of a vehicle; and
 - v. Conference and continued education costs.
 - b. The operational and case assignment policies are not negatively impacted in altered circuits.
 - i. Any current standing orders regarding case assignment should be submitted to the AOC; and
 - ii. Any item effecting the case assignment not specifically expressed in the Uniformed Rules for Superior Courts should be submitted to the AOC.
 - c. The Circuit Court Administrator and/or District Court Administrator is required to submit the detailed Comprehensive Annual Financial Report to the AOC to be included within the analysis.
5. The preceding conditions (1-4) will be considered for all potential circuit boundary alterations before qualification status is determined.

6. If a circuit meets a significant number of the preceding conditions, then the circuit is qualified for a boundary alteration. If a circuit does not meet a significant number of the preceding conditions, then the circuit is not qualified for a boundary alteration.
7. The AOC will notify the requestor and the circuit's chief judge of the circuit's qualification status.
8. A circuit that qualifies for a boundary alteration will have its judgeship study prepared and presented at the next Standing Committee on Judicial Workload Assessment Committee meeting. The Standing Committee may forward the recommendation to the Judicial Council for consideration at its next meeting as described in Section 3. If a majority of the judges in a circuit vote to disagree with a request for a circuit boundary alteration, the Standing Committee may consider that disagreement in their decisions to recommend circuit boundary alterations to the Council.
9. A circuit not qualified for a boundary alteration has the right to appeal its status to the Standing Committee on Judicial Workload Assessment. If the appeal is approved, then the appealing circuit will have a boundary study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.

Section 3 - Judicial Council Procedure

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

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

Justice.

3. After deliberations, the Judicial Council will, in open session, approve or disapprove the judgeship and boundary changes presented in the judgeship and/or boundary study. Votes on such motions will be by secret, written ballot. Non-qualified circuits with successful appeals must have a two-thirds (2/3) majority to receive approval. Each ballot must be complete to be counted. The Vice Chief Judge of the Court of Appeals will oversee ballot counting.
4. After determining the circuits recommended for an additional judgeship, the Judicial Council will rank the circuits based on need. Votes on such motions will be by secret, written ballot. Each ballot must be complete to be counted. The Vice Chief Judge of the Court of Appeals will oversee ballot counting.
 - a. The ballots will be counted using the Borda count method. The Borda count determines the outcome of balloting giving each circuit a number of points corresponding to the number of candidates ranked lower. Where there are n circuits, a circuit will receive n points for a first preference ballot, n – 1 points for a second preference ballot, n – 2 for a third preference ballot, and so on until n equals 1. Once all ballots have been counted, the circuits are then ranked in order of most to fewest points.
5. Upon Judicial Council recommendation of an additional judgeship or circuit boundary alteration, the recommendation will remain for a period of three years unless (1) the total caseload of that circuit decreases 10 percent or more or (2) the circuit withdraws the request. In either case, the circuit must requalify before being considered again by the Judicial Council.
6. The AOC will prepare and distribute letters notifying requestors and chief judges of the Judicial Council's actions and distribute a press release summarizing the Judicial Council's recommendations.

Georgia Judicial Workload Assessment

Final Report

November 2018

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Research Division
National Center for State Courts



Appendix B

Judicial Council Workload Assessment Methodology

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

However, the goal was to craft a methodology in line with the following premise articulated by the Judicial Council:

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

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

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

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

activity data to the AOC.

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

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

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

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

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

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

$$\text{Total Hours [2,920]} - \text{Standard Deductions [1,160]} = \text{Average Work Hours [1,760]}$$

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

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

The authors gratefully acknowledge the invaluable contributions of the Superior Court and State Court judges of Georgia to this workload assessment. An undertaking of this magnitude would not have been possible without these judges' dedicated participation in the time study, sufficiency of time survey, site visits, and quality adjustment groups. We extend a special note of thanks to the members of the Judicial Needs Assessment Committee, the Honorable Melodie Snell Conner, the Honorable Joseph Iannazzone, Christopher Hansard of the Administrative Office of the Courts, and Bob Bray of the Council of State Court Judges for their unflagging support of the project. We are also grateful to our colleagues Matthew Kleiman, Brian J. Ostrom, Neil LaFountain, Shelley Spacek Miller, and Olivia Underwood for their assistance and insights. Finally, we thank Diana McSpadden for developing the web-based data collection tools employed in this study and Shannon Roth and Robert Phipps for administrative support.

I. INTRODUCTION

The Georgia Administrative Office of the Courts (AOC) contracted with the National Center for State Courts (NCSC) to develop a method to measure judicial workload in Georgia's State and Superior Courts. A clear measure of court workload is central to determining how many judicial officers are needed to resolve all cases coming before the court. Adequate resources are essential if the Georgia judiciary is to effectively manage and resolve court business without delay while also delivering quality service to the public. Meeting these challenges involves assessing objectively the number of judicial officers required to handle the caseload and whether judicial resources are being allocated and used prudently. In response, judicial leaders around the country are increasingly turning to empirically-based workload assessments to provide a strong foundation of judicial resource need in their state trial courts.

Different types of cases create different amounts of judicial work: for example, a felony case typically requires more judge time than a routine traffic case. Unlike methods of judicial resource allocation that are based on population or raw, unweighted caseloads, the weighted caseload method explicitly incorporates the differences in judicial workload associated with different types of cases, producing a more accurate and nuanced profile of the need for judges in each court.

The current study represents a comprehensive overhaul of the Georgia weighted caseload system to update the case weights to reflect developments in the law and court procedures. This effort is timely because Georgia's judicial weighted caseload system was last reviewed and updated more than fifteen years ago. Since the previous weighted caseload study, developments in statutes, rules, case law, case management practices, new technology, increasing complexity of cases, and the overhaul of the state's probation and public defender systems

have had a significant impact on the work of State and Superior Court judges, necessitating an update of the case weights. The current workload assessment incorporates a number of innovations in comparison with previous studies conducted in Georgia. Specifically, the current study:

1. Increases time study participation, soliciting statewide participation from all State Court and Superior Court judges, to more accurately estimate the time required to resolve cases.
2. Incorporates the workload of senior judges and magistrate judges for State and Superior Court cases.
3. Establishes weights for accountability courts, including felony drug court, mental health court, DUI court, veterans' court, and other state-recognized accountability courts.
4. Reassesses the amount of time available for case-related work, adjusting the judge day and year values to reflect current practice.
5. Assesses whether current practice is consistent with achieving reasonable standards of quality through a comprehensive quality adjustment process, using a sufficiency of time survey, site visits, and Delphi focus groups.
6. Develops a rounding convention that puts courts of all sizes on equal footing.

A. The Weighted Caseload Model

The weighted caseload method of workload analysis is grounded in the understanding that different types of court cases vary in complexity, and consequently in the amount of judicial work they generate. For example, a typical misdemeanor creates a greater need for judicial resources than the average traffic case. The weighted caseload method calculates judicial need based on each court's total workload. The weighted caseload formula consists of three critical elements:

1. *Case filings*, or the number of new cases of each type opened each year;
2. *Case weights*, which represent the average amount of judge or judicial officer time required to handle cases of each type over the life of the case; and
3. The *year value*, or the amount of time each judge or judicial officer has available for case-related work in one year.

Total annual workload is calculated by multiplying the annual filings for each case type by the corresponding case weight, then summing the workload across all case types. Each court's workload is then divided by the year value to determine the total number of full-time equivalent judges and/or judicial officers needed to handle the workload.

B. History of Weighted Caseload in Georgia

Judicial weighted caseload is well established in Georgia. For nearly two decades, the state has used the weighted caseload method to assess judicial resource needs and recommend judgeships to the Georgia General Assembly.

1. 2000 Judicial Workload Assessment

In 2000, NCSC conducted separate but coordinated workload assessments for Georgia's Superior, State, and Juvenile courts. Courts were divided into three strata—urban, suburban/small urban, and rural—to adjust for differences among the strata in non-case-related activity (e.g., travel, administration, community activities).

A two-month time study was conducted, sampling judges in jurisdictions representative of all three geographic strata. Participants included 62 Superior Court judges in 22 circuits and 26 State Court judges in 12 counties. The

time study data were used to develop case weights to be applied in all Georgia Superior Courts and State Courts.

Since 2000, the Workload Assessment Committee has periodically conducted time and motion studies to update the Superior Court weighted caseload model.

2. Annual Superior Court Workload Assessments

The Georgia Constitution provides the General Assembly with the authority to “abolish, create, consolidate, or modify judicial circuits and courts and judgeships” for the Superior Courts.¹ On an annual basis, the Judicial Council of Georgia makes recommendations to the General Assembly for new Superior Court judgeships based on judicial need. To determine judicial need, the Judicial Council's Workload Assessment Committee produces an annual workload assessment report for the Superior Courts. The report applies the Superior Court weighted caseload model to current case filings to calculate judicial workload in each circuit and identify circuits with sufficient judicial need to qualify for additional judgeships. The Judicial Council reviews the committee's findings and votes on judgeship recommendations for consideration by the General Assembly.

3. 2015 Gwinnett County Superior Court Workload Assessment

In 2015, the Gwinnett County Superior Court contracted with NCSC to conduct its own judicial workload assessment.² All judicial officers serving in the Superior Court participated in a 12-week time study that resulted in a court-specific weighted caseload model.

¹ GA. CONST. art. VI, § I, para. VII.

² NATIONAL CENTER FOR STATE COURTS, GWINNETT COUNTY, GEORGIA SUPERIOR COURT JUDICIAL WORKLOAD STUDY (2015).

4. Current Judicial Workload Assessment

In 2016, the Georgia AOC engaged NCSC to conduct a comprehensive update of the weighted caseload model for State Court and Superior Court judges. Updates to methodology include broader participation in the time study; a condensed, 4-week time study with web-based training; and a comprehensive quality adjustment process to ensure that the case weights ensure sufficient time for effective case handling. The new weighted caseload model accounts for important changes that have had an impact on the workload of Georgia's judiciary in recent years including the establishment of accountability courts, the movement to a statewide public defender system, an overhaul of the state's probation system, and changes in statutes, case law, and court procedures (e.g., changes to implied consent procedures in DUI cases,³ the First Time Offenders Act⁴).

To provide oversight and guidance on matters of policy throughout the project, the AOC appointed a 16-member Judicial Needs Assessment Committee (JNAC) consisting of 8 State Court judges and 8 Superior Court judges, representing judicial circuits of various sizes from all geographic regions of the state. JNAC's role was to advise NCSC on the selection of case types (e.g., criminal, civil, domestic) and the time study design, as well as to make policy decisions regarding the amount of time allocated to case-related and non-case-related work (judge day and year values and administrative adjustments) and quality adjustments to the model. Superior Court Judge Melodie Snell Conner and State Court Judge Joseph Iannazzone, both from Gwinnett County, served as co-chairs of JNAC.

The workload assessment was conducted in two phases:

1. A *time study* in which all Superior Court and State Court judges, as well as senior judges and magistrates serving in Superior Court and State court, were asked to record all case-related and non-case-related work over a four-week period. The time study provides an empirical description of the amount of time currently devoted to processing each case type, as well as the division of the workday between case-related and non-case-related activities.
2. A *quality adjustment* process to ensure that the final weighted caseload models incorporate sufficient time for efficient and effective case processing, including fulfilling the constitutional guarantee of the right to a speedy trial in criminal cases. The quality adjustment process included
 - a statewide *sufficiency of time survey* asking judges about the amount of time currently available to perform various case-related and non-case-related tasks;
 - *site visits* by NCSC and AOC staff to Superior Courts and State Courts in four circuits; and
 - a structured review of the case weights by a set of *Delphi panels* comprising experienced judges from across the state of Georgia.

³ Williams v. State, 296 Ga. 817 (2005).

⁴ O.C.G.A. § 42-8-60 *et seq.*

II. CASE TYPES AND EVENTS

At JNAC's first meeting on March 17, 2017, one of the committee's primary tasks was to establish the case type and event categories upon which to base the time study. Together, the case types, case-related events, and non-case-related events describe all of the work required and expected of Georgia's State and Superior Court judges.

A. Case Type Categories

JNAC was charged with establishing two sets of case type categories, one for State Court and one for Superior Court (based on their constitutionally mandated jurisdictions), which satisfied the following requirements:

- The case type categories are both mutually exclusive and collectively exhaustive, meaning that any given case falls into one, and only one, case type category;
- Categories are legally and logically distinct;
- There are meaningful differences among categories in the amount of judicial work required to process the average case;
- There are a sufficient number of case filings within the category to develop a valid case weight; and
- Filings for the case type category or its component case types are tracked consistently and reliably by the AOC.

Using the case type categories currently tracked by the AOC as a starting point, JNAC defined 12 case type categories for State Court and 17 for Superior Court (Exhibit 1). A significant

innovation was the addition of a case type category for statutorily defined Accountability Courts in both State Court and Superior Court.

Details regarding the specific case types included in each category are available in Appendix A (State Court) and Appendix B (Superior Court).

B. Trials

Citing a perceived increase in the duration of trials associated with increases in case complexity, JNAC determined that during the time study trial time would be tracked separately from other case-related work. Trial work was defined as all case-related activities specific to a bench or jury trial, as well as sentencing following conviction at a trial. Trial work did not include pre-trial activities (e.g., pre-trial hearings, conferences, dispositive motions).

C. Non-Case-Related Events

Work that is not related to a particular case before the court, such as court management, committee meetings, travel, and judicial education, is also an essential part of the judicial workday. To compile a detailed profile of judges' non-case-related activities and provide an empirical basis for the construction of the judge day and year values, JNAC defined nine non-case-related event categories (Exhibit 2). To simplify the task of completing the time study forms and aid in validation of the time study data, vacation and other leave, lunch and breaks, and time spent filling out time study forms were included as non-case-related events.

Exhibit 1: Case Type Categories

State Court	Superior Court
Criminal:	Criminal:
1. Non-Traffic Misdemeanor	1. Death Penalty/Habeas
2. Serious Traffic	2. Serious Felony
3. Other Traffic	3. Felony
4. Accountability Courts	4. Misdemeanor
5. Probation Revocation	5. Accountability Courts
	6. Probation Revocation
Civil:	Civil:
1. Complex Tort	1. Complex Tort
2. General Tort	2. General Tort
3. Landlord/Tenant	3. Contract/Real Property
4. Contract	4. Civil Appeals/Habeas Corpus
5. Civil Appeals	5. Other Civil (including reopened)
6. Garnishment	
7. Other Civil (including reopened)	Domestic:
	1. Divorce /Paternity/Legitimation
	2. Support (IV-D and private)
	3. Adoption
	4. Family Violence Petition
	5. Other Domestic
	6. Reopened Cases—Domestic

Exhibit 2. Non-Case-Related Events

Non-Case-Related Events

Non-Case-Related Administration

Judicial Education and Training

General Legal Reading

Committee, Conference, and Work Group Meetings and Related Work

Community Activities and Public Outreach

Work-Related Travel

Vacation, Sick Leave, and Holidays

Lunch and Breaks

NCSC Time Study

III. TIME STUDY

The time study phase of the workload assessment measured current practice—the amount of time judges currently spend handling cases of each type, as well as on non-case-related work. For a period of four weeks, all Georgia State and Superior Court judges, and senior or magistrate judges that were working on State or Superior Court cases, were asked to track all of their working time by case type and event. Separately, the AOC provided counts of filings by case type category and court. NCSC used the time study and filings data to calculate the average number of minutes currently spent resolving cases within each case type category (preliminary case weights). The time study results also informed JNAC’s selections of day and year values for case-related work, as well as administrative adjustments for chief judges (who by statute have certain extra administrative duties).

A. Data Collection

1. Time Study

During a four-week period from October 16 through November 12, 2017, all State Court and Superior Court judges were asked to track all working time by case type category and trial status (for case-related work) or by non-case-related event (for non-case-related activities). Senior, Magistrate Court, and Juvenile Court judges were asked to record any time spent on State Court and Superior Court cases, and State Court judges were also asked to record time devoted to hearing cases in Superior Court. Participants were instructed to record all working time, including time spent handling cases on and off the bench, non-case-related work, and any after-hours or weekend work.

⁵ Separate counts of Serious Felony filings were available for Superior Court in 100 counties. In the 59 remaining counties, Serious Felony and Felony filings were reported in a single category. For these

Judges tracked their time in five-minute increments using a Web-based form.

To maximize data quality, all time study participants were asked to view a Web-based training module explaining how to categorize and record their time. In addition to the training modules, judges were provided with Web-based reference materials, and NCSC staff were available to answer questions by telephone and e-mail. The Web-based method of data collection allowed time study participants to verify that their own data were accurately entered and permitted real-time monitoring of participation rates, helping to maximize the quality and completeness of the time study data.

Across the state, 135 of 212 Superior Court judges (64 percent) and 81 of 92 State Court judges (88 percent) participated in the time study. This level of statewide participation, unprecedented in previous Georgia workload assessments, ensured sufficient data to develop an accurate and reliable profile of current practice in Georgia’s State and Superior Courts.

2. Caseload Data

To translate the time study data into the average amount of time expended on each type of case (preliminary case weights), it was first necessary to determine how many individual cases of each type are filed on an annual basis. The AOC provided filings data for 2014, 2015, and 2016.⁵ The caseload data for all three years were then averaged to provide an annual count of filings within each case type category and court, shown in Exhibit 3. The use of an annual average rather than the caseload data for a single year minimizes the potential for any temporary fluctuations in caseloads to influence the case weights.

counties, Serious Felony and Felony filings were estimated based on the statewide proportion of Serious Felony to Felony cases.

B. Preliminary Case Weights

Following the four-week data collection period, the time study and caseload data were used to calculate preliminary case weights. A preliminary case weight represents the average amount of time judges currently spend to process a case of a particular type, from pre-filing activity to all post-judgment matters. The use of separate case weights for each case type category accounts for the fact that cases of varying levels of complexity require different amounts of judicial time for effective resolution.

To calculate the preliminary case weights, the time recorded for each case type category was weighted to the equivalent of one year's worth of time for all judges statewide. The total annual time for each case type was then divided by the average annual filings to yield the average amount of hands-on time judges currently spend on each case. JNAC reviewed the preliminary case weights and adopted them as an accurate representation of current practice. Because Complex Tort, General Tort, and Accountability Court cases are very similar in subject matter and complexity in State Court and Superior Court, and because the time study results for these case types were virtually identical across the two court levels, JNAC elected to apply uniform case weights for these case types in State Court and Superior Court. Exhibit 3 shows the preliminary case weights for State and Superior Court as adopted by JNAC.

Exhibit 3. Filings and Preliminary Case Weights

State Court

	Annual Filings (average 2014 - 2016)	Preliminary Case Weight (minutes)
Non-Traffic Misdemeanor	94,889	22.0
Serious Traffic	29,472	56.0
Other Traffic	451,075	1.8
Accountability Courts	1,062	420.0
Probation Revocation	34,018	12.0
Complex Tort	246	850.0
General Tort	11,814	100.0
Landlord/Tenant	693	48.0
Contract	19,169	17.0
Civil Appeals	766	51.0
Garnishment	14,226	2.3
Other Civil (including reopened)	10,593	24.0
Total	668,023	

Superior Court

	Filings (average 2014 - 2016)	Preliminary Case Weight (minutes)
Death Penalty/Habeas	12	4,342
Serious Felony	4,659	565
Felony	79,724	49
Misdemeanor	31,002	19
Accountability Courts	2,612	420
Probation Revocation	50,172	9
Complex Tort	142	850
General Tort	6,649	100
Contract/Real Property	16,947	40
Civil Appeals/Habeas Corpus	3,769	44
Other Civil (including reopened)	24,960	29
Divorce/Paternity/Legitimation	50,555	61
Support (IV-D and private)	36,372	11
Adoption	2,959	55
Family Violence Petition	19,026	29
Other Domestic	18,841	44
Reopened Cases—Domestic	21,059	24
Total	369,459	

Note: In 59 counties, Superior Court Serious Felony and Felony filings were reported in a single category. In these counties, the proportion of Serious Felony and Felony filings was estimated on the basis of data from the remaining 100 counties.

IV. QUALITY ADJUSTMENT

The preliminary case weights generated during the time study measure the amount of time Georgia's State and Superior Court judges *currently* spend handling various types of cases, but do not necessarily indicate whether this is the amount of time judges *should* spend. To provide a qualitative assessment of whether current practice allows adequate time for quality performance, judges across the state completed a Web-based sufficiency of time survey. NCSC and AOC staff made site visits to State and Superior courts in four circuits to interview judges, attorneys, and clerks. Finally, four expert panels of experienced judges reviewed the preliminary case weights to ensure that judges can devote the time required for the efficient and effective administration of justice in every case.

A. Sufficiency of Time Survey

To provide a statewide perspective on any areas of concern related to current practice, all State Court and Superior Court judges were asked to complete a Web-based sufficiency of time survey in February of 2018. For each case type, judges were asked to indicate in what percentage of cases additional judicial time is needed to ensure effective case processing, as well as how urgent the need is for additional time. Judges were then asked to identify specific case-related tasks, if any, where additional time would improve the quality of justice. The survey included questions about the sufficiency of time for non-case-related work, as well as space for judges to comment freely on their workload. Forty-nine State Court judges (53 percent) and 50 Superior Court judges (24 percent) completed the survey. Appendix C (State Court) and Appendix D (Superior Court) present the survey results in detail.

In both State Court and Superior Court, judges identified Accountability Court and Complex Tort cases as case types for which additional time would improve the quality of justice. State Court judges also indicated Serious Traffic and General Tort cases as high priorities for adjustment. In Superior Court, other case types identified as in need of additional time included Death Penalty/Habeas, Serious Felony, Felony, Divorce/Paternity/Legitimation, Other Domestic, and Family Violence Petition.

State Court judges indicated a need for additional time for pretrial motions and legal research in both criminal and civil cases. In State Court criminal cases, judges also highlighted trials as potentially benefiting from extra time. In Superior Court criminal and civil cases, areas of potential concern included trials, pretrial motions, pretrial and scheduling conferences, and addressing the needs of self-represented litigants. In domestic cases, Superior Court judges highlighted conducting and preparing findings and orders related to trials and final hearings, addressing the needs of self-represented litigants, reviewing and hearing motions for modification, and reviewing the case file and reports as activities for which more time would improve the quality of judicial decision-making. Both State Court and Superior Court judges indicated a need to devote additional time to Accountability Court work.

B. Site Visits

To gain an in-depth understanding of the issues judges face in the effective handling of their cases, NCSC and AOC staff visited State and Superior Courts in four circuits. Participating sites included urban, suburban, and rural courts from all geographic regions of Georgia.⁶ During the site visits, judges and trial court

⁶ Participating courts included the Douglas Judicial Circuit (Douglas County), the Mountain Judicial the Circuit (Habersham and Stephens Counties), the

Gwinnett Judicial Circuit (Gwinnett County), and Atlantic Judicial Circuit (Evans, Liberty, and McIntosh Counties).

administrators participated in structured group and individual interviews.

The interviews allowed project staff to document procedures and practices believed to increase efficiency and quality, as well as resource constraints that might inhibit effectiveness. Several common themes emerged during the interviews as well as in the comments of the sufficiency of time survey, as illustrated by quotes from interview and survey participants.

The unique needs of self-represented litigants require extra time and attention from judicial officers.

Both State Court and Superior Court judges reported that more and more litigants are appearing in court unrepresented by attorneys. To ensure that the rights of all parties are protected and that the case proceeds smoothly, judges must take additional time to ensure that self-represented litigants understand their rights, the legal process, and the rules of evidence. Self-represented litigants often appear in court unprepared or without statutorily required child support worksheets and materials, leading to delay and frustration for all concerned. These concerns are especially prevalent in family law and domestic violence cases, where a large proportion of parties is self-represented.

“I would take more time with pro se litigants to ensure the judicial process truly affords them the full opportunity to represent themselves.”

“The increase in pro se litigants requires more preparation for their cases since incorrectly prepared documents must be identified and pointed out to them for correction, much more so than in cases with attorneys.”

“I have to help them understand the process. I feel like a civics professor”

Accountability courts require extra time and attention from judicial officers.

The judicial work associated with an accountability court includes in-court time with participants, team meetings, collaboration across an array of agencies, and responding in a timely fashion to issues arising with participants. Judges reported a noticeable increase in workload after taking over an accountability court docket, not only during business hours but also after hours and on weekends. Many judges also noted that no adjustments were made to their regular dockets in consideration of this additional workload, although the state does allocate senior judge days to support some accountability courts. Despite these issues, judges reported a sense of purpose and responsibility towards accountability court participants.

“I spend a full day on accountability court per week: half a day on staffing and holding court, and half a day of responding to phone calls and other matters that come up.”

“The number of drug court participants has increased a great deal. We have a big meth problem [in this county].... I get texts all day about cases. I sign orders at home and scan them into the system for drug tests outside of business hours.”

“We need more time to think about those cases, the mental health or drug issues and their effects. As judges, we need to protect their interests and rights.”

“Additional time would allow for more in-depth research and greater opportunities to confer with treatment providers and community supervision before accountability court is held, resulting in better responses to problems.”

State Court often handles large and complex civil cases that require extra time and attention from judicial officers.

There is no jurisdictional limit on the value of civil cases filed in State Court, and judges reported that many attorneys prefer to file large

and complex civil cases in State Court rather than in Superior Court because statutory timelines in domestic cases can cause delay for other civil cases in Superior Court. In both State Court and Superior Court, judges have noticed an increase in the complexity of civil cases, particularly those involving scientific and economic evidence.

“What I love about hearing certain civil trials is the level of expertise and knowledge demonstrated by attorneys who regularly try cases in a particular specialized area of the law. I would love to have the additional time needed to meet them in the courtroom with a similar level of expertise.”

Law clerks and staff attorneys enhance the efficiency and quality of case processing in State and Superior Courts.

Law clerks and staff attorneys can perform many research, writing, and case management tasks, enhancing both the efficiency and the quality of judicial decision-making. Law clerks and staff attorneys assist judges in preparing for large trials, draft orders, research legal issues and review pleadings related to pre-trial motions in civil and criminal cases, review motions for post-conviction relief often filed by pro se inmates, assist with monitoring and dismissals for lack of prosecution, read “jail mail” from inmates in habeas corpus cases, and can act as “gatekeepers” to prevent ex parte communications. In smaller jurisdictions, judges report that law clerk and staff attorney resources are limited due to a lack of county funding. Many of these judges feel they would benefit from a law clerk’s assistance with legal research in more complex civil cases, case review, and order preparation.

“My law clerk reads everything that comes into the office before I do; it keeps me from being reversed on appeal.”

“Career-track staff attorney positions with competitive salaries are especially valuable because they allow judges to retain experienced

attorneys instead of starting fresh with a new law school grad every year.”

“[Staff attorneys] really allow us to maximize our court time.”

Judicial assistance from senior judges and magistrate judges enhances the efficiency and quality of case processing in State and Superior Courts, but there is disparity in their availability across jurisdictions.

Senior and magistrate judges are sometimes designated as State or Superior Court judges to assist with the caseload in those courts. The state funds a set number of senior judge days for each court annually, which can be supplemented by county funding. Magistrate judges can also be supplemented with county funding where available. During the site visits, judges pointed out disparities in access to judicial assistance based on county resources.

“Our primary resource [for handling the extra workload] is senior judges, but you only get so many senior judge days allotted each year, and they run out very quickly.”

A collaborative culture is essential to efficient and effective case processing.

Judges and court clerks all noted that teamwork among judicial officers and staff is a key ingredient in a court’s ability to handle its cases efficiently and effectively. Good communication between the bench and the clerk’s office, as well as a strong understanding of court processes on the part of the clerk and the clerk’s staff, leads to more efficient calendaring of cases. Within the bench, collegiality and cooperation enable judges to balance workloads, deal with absences and emergencies, mentor new colleagues, and share knowledge.

“Our public defender and prosecutor are always asking, ‘what’s the problem and how can it be addressed?’ Nobody says, ‘it’s not my job.’”

“The most important thing you can do as a lawyer or a judge is to know your clerks.”

“If a case breaks down [and the trial falls off the calendar], I will take jury cases for other judges.”

“Before the public defender system was established, all lawyers had to represent indigent defendants; everyone was forced through the criminal defense system and learned to participate together.”

C. Delphi Quality Adjustment Groups

To provide a qualitative review of the preliminary case weights, project staff facilitated a series of quality adjustment sessions with panels of State and Superior Court judges in June 2018. Each of the four groups consisted of between nine and 13 experienced judges selected from a representative variety of large and small judicial circuits across the state. Each group focused on a subset of case types, including State Court criminal, State Court civil, Superior Court civil and criminal, and Superior Court domestic. At the beginning of each quality adjustment session, NCSC staff provided group members with an overview of the process used to develop the preliminary case weights, followed by a review of the sufficiency of time survey and site visit results.

Using a variant on the Delphi method—a structured, iterative process for decision-making by a panel of experts—each group engaged in a systematic review of the preliminary case weights. Group members drew on current practice (as measured by the time study), the perspective of judges from across the state (as expressed by the sufficiency of time survey and site visits), and their personal experience to make recommendations regarding the content of the final case weights. Each group was asked to follow a four-step process:

1. Review each preliminary case weight by case type and event and identify specific case types and activities where additional time would allow for more effective case processing, as well as areas where efficiency might be gained;
2. Within particular case types, recommend adjustments to the time allotted to specific case-related functions;
3. Provide an explicit rationale to support any proposed increase or reduction in judicial time; and
4. Review and revise the recommended adjustments until a consensus was reached that all adjustments were necessary and reasonable.

This iterative, consensus-based review of the case weights was designed to ensure that all recommended adjustments were reasonable and designed to produce specific benefits to the public such as improvements in public safety, cost savings, increases in procedural justice, and improved compliance with court orders. The process also ensured that the statewide perspective gained from the sufficiency of time survey, along with the input of all group members, was incorporated into the final workload model.

In State Court, the quality adjustment panels recommended adding time to review the defendant’s history in Probation Revocation cases and to review pretrial motion briefs and prepare for pretrial motion hearings in Complex Tort cases. In criminal cases in Superior Court, the quality adjustment panel recommended adding time for dedicated pretrial motion hearings (Serious Felony), plea colloquies (Serious Felony and Felony), ability to pay determinations (Felony and Misdemeanor), review of requests for early probation termination (Felony), and staffing sessions (Accountability Court). In Superior Court domestic cases, the quality adjustment panel recommended adding time to explain rulings at

temporary hearings in Divorce/Paternity/Legitimation cases, for trials in contested custody cases (Divorce/Paternity/Legitimation), to discern the relevant facts during ex parte TPO hearings in Family Violence Petition Cases, and to allow parties to tell their stories during trials on modifications (Other Domestic). JNAC reviewed and adopted all of the panels'

recommended quality adjustments. To maintain consistency, JNAC applied the panels' recommended adjustments to the Complex Tort and Accountability Court weights across both court levels. Exhibit 4 shows the preliminary and quality-adjusted case weights for State Court and Superior Court.

Exhibit 4. Preliminary and Quality-Adjusted Case Weights

State Court

	Preliminary Case Weight (minutes)	Final Case Weight (minutes)
Non-Traffic Misdemeanor	22.0	22.0
Serious Traffic	56.0	56.0
Other Traffic	1.8	1.8
Accountability Courts	420.0	495.0
Probation Revocation	12.0	13.0
Complex Tort	850.0	868.0
General Tort	100.0	100.0
Landlord/Tenant	48.0	48.0
Contract	17.0	17.0
Civil Appeals	51.0	51.0
Garnishment	2.3	2.3
Other Civil (including reopened)	24.0	24.0

Superior Court

	Preliminary Case Weight (minutes)	Adjusted Case Weight (minutes)
Death Penalty/Habeas	4,342	4,342
Serious Felony	565	572
Felony	49	54
Misdemeanor	19	20
Accountability Courts	420	495
Probation Revocation	9	9
Complex Tort	850	868
General Tort	100	100
Contract/Real Property	40	40
Civil Appeals/Habeas Corpus	44	44
Other Civil (including reopened)	29	29
Divorce/Paternity/Legitimation	61	65
Support (IV-D and private)	11	11
Adoption	55	55
Family Violence Petition	29	41
Other Domestic	44	45
Reopened Cases—Domestic	24	24

V. JUDICIAL NEED

In the weighted caseload model, three factors contribute to the calculation of judicial need: caseload data (filings), case weights, and the year value. The year value is equal to the amount of time each full-time judge has available for case-related work on an annual basis. The relationship among the filings, case weights, and year value is expressed as follows:

$$\frac{\text{Filings x Case Weights (minutes)}}{\text{Year Value (minutes)}} = \text{Resource Need (FTE)}$$

Multiplying the filings by the corresponding case weights calculates the total annual workload in minutes. Dividing the workload by the year value yields the total number of full-time equivalent (FTE) judges needed to handle the workload.

A. Judge Year Values

To develop the year values for State Court and Superior Court judges, it was necessary to determine the number of days each judge has available for case-related work in each year (judge year), as well as how to divide the work day between case-related and non-case-related work (judge day value).

1. Judge Year

As shown in Exhibit 5, the judge year value was constructed by beginning with 365 days per year, then subtracting weekends, holidays, annual leave and sick leave, and full-day participation in statutorily mandated judicial training. The steering committee from the 2000 NCSC judicial workload studies adopted a judge year of 220 case-related days for both State and Superior Courts. During the current workload assessment, JNAC decided to incorporate additional time for judicial education to enhance

the quality of justice, resulting in a judge year of 215 case-related days for Superior Court and State Court judges.

Exhibit 5. Judge Year

Total days per year	365
Weekends	- 104
Holidays	- 12
Annual leave	- 15
Sick leave	- 9
Judicial education	- 10
Case-related days per year	215

2. Judge Day

The judge day value represents the amount of time each judge has available for case-related work each day. This value is calculated by subtracting time for lunch, breaks, and non-case-related work (e.g., administration, travel, training) from the total working day. The 2000 steering committee established separate judge day values for three geographic strata in Superior Court and two in State Court, resulting in five separate day values ranging from 5.5 hours to 6.9 hours. Based upon the time study data, JNAC adopted three judge day values for case-related work: 6.0 hours for State Court judges, 6.0 hours for Superior Court judges in circuits with 3 or fewer counties, and 5.5 hours for Superior Court judges in circuits with 4 or more counties. The smaller day value circuits with 4 or more counties reflects the additional travel required of Superior Court judges in these circuits.

3. Judge Year Values

To calculate the final year values for case-related work, the number of days in the working year was multiplied by the day value for case-related work. This figure was then expressed in terms of minutes per year. Exhibit 6 shows the calculation of the year values for State Court and Superior Court.

Exhibit 6. Judge Year Values

	Judge year (days)	x	Judge day (hours)	x	Minutes per hour	=	Year value (minutes)
State Court	215	x	6.0	x	60	=	77,400
Superior Court							
3 or fewer counties	215	x	6.0	x	60	=	77,400
4 or more counties	215	x	5.5	x	60	=	70,950

B. Administrative Adjustment

The time study revealed that statutorily mandated administrative responsibilities create additional non-case-related work for Superior Court chief judges. JNAC determined that each Superior Court should be credited with additional judicial need of 0.1 FTE to accommodate this work.

C. Judicial Need

To calculate the number of judges needed in each of Georgia's State and Superior Courts, the annual average filings count for each case type was multiplied by the corresponding case weight to calculate the annual judicial workload associated with that case type, in minutes. Judicial workload was summed across all case types, then divided by the judge year value, or the amount of time each full-time judge has available for case-related work in one year. This yielded the total number of judges required to handle the court's case-related workload, as well as judges' ordinary non-case-related responsibilities, in full-time equivalent (FTE) terms. In Superior Court, the chief judge administrative adjustment was then added to arrive at total judicial need.

In some courts, workload-based judicial need exceeds the number of currently allocated judicial positions. Under existing policy, a Superior Court qualifies for an additional judicial position if its per-judge workload exceeds a certain threshold, ranging from 1.35 FTE per judge in a two-judge court to 1.12 FTE per judge in a 25-judge court. After a thorough review of these thresholds, JNAC adopted a uniform threshold of 1.2 FTE workload per judge to qualify for a new judgeship in State and Superior Courts of all sizes.

Exhibits 7 (State Court) and 8 (Superior Court) present the final calculation of judicial workload and need, as well as the number of judges required to bring per-judge workload below the 1.2 FTE threshold, for each court.

Exhibit 7. Judicial Workload and Need, State Court

County	Total Case-Related Workload	Current Part-Time Judges	Current Full-Time Judges	Current Workload per Judge	Full-Time Judge Need with 1.2 FTE Workload per Judge Upper Bound
Appling	0.21	1			
Bacon	0.08	1			
Baldwin	0.76	1			
Bibb	2.05		2	1.02	2
Brooks	0.28	1			
Bryan	0.30	1			
Bulloch	0.94		1	0.94	1
Burke	0.63	1			
Candler	0.09	1			
Carroll	1.33		1	1.33	2
Catoosa	0.16		1	0.16	1
Charlton	0.15	1			
Chatham	4.14		3	1.38	4
Chattooga	0.34	1			
Cherokee	2.85		3	0.95	3
Clarke	1.86		2	0.93	2
Clayton	5.85		5	1.17	5
Cobb	8.69		12	0.72	12
Coffee	0.30	1			
Colquitt	0.37		1	0.37	1
Coweta	2.08		2	1.04	2
DeKalb	9.89		11	0.90	11
Decatur	0.17	1			
Dougherty	0.91		1	0.91	1
Douglas	2.15		2	1.07	2
Early	0.10	1			
Effingham	0.45		1	0.45	1
Eibert	0.31	1			
Emanuel	0.11	1			
Evans	0.07	1			
Fayette	1.32		1	1.32	2
Forsyth	1.89		2	0.94	2
Fulton	7.83		10	0.78	10
Glynn	1.38		1	1.38	2
Grady	0.20	1			
Gwinnett	7.43		6	1.24	7
Habersham	0.53	1			
Hall	2.79		3	0.93	3
Henry	3.74		4	0.93	4
Houston	1.78		1	1.78	2
Jackson	0.83	1			
Jeff Davis	0.22	1			
Jefferson	0.16	1			
Jenkins	0.13	1			
Liberty	0.61		1	0.61	1
Long	0.24	1			
Lowndes	3.38		2	1.69	3
McIntosh	0.48	1			
Miller	0.09	1			
Mitchell	0.17		1	0.17	1
Muscogee	2.56		2	1.28	3
Pierce	0.20	1			
Putnam	0.21	1			
Richmond	3.64		4	0.91	4
Rockdale	1.37		1	1.37	2
Screven	0.23	1			
Spalding	0.64		1	0.64	1
Stephens	0.70	1			
Sumter	0.56	1			
Tattnall	0.15	1			
Thomas	0.58	1			
Tift	0.71		1	0.71	1
Toombs	0.25	1			
Treutlen	0.12	1			
Troup	1.04		1	1.04	1
Turner	0.31	1			
Walker	0.93		1	0.93	1
Ware	0.26	1			
Washington	0.24	1			
Wayne	0.43	1			
Worth	0.20	1			
Total	98.16	38	91		100

Exhibit 8. Judicial Workload and Need, Superior Court

Circuit	Total Case-Related Workload	Current Judges	Current Workload per Judge	Judge Need with 1.2 FTE Workload per Judge Upper Bound
Alapaha	2.32	2	1.16	2
Alcovy	5.17	5	1.03	5
Appalachian	3.33	3	1.11	3
Atlanta	25.72	20	1.29	22
Atlantic	3.29	4	0.82	4
Augusta	7.63	8	0.95	8
Bell-Forsyth	2.58	3	0.86	3
Blue Ridge	3.47	3	1.16	3
Brunswick	5.75	5	1.15	5
Chattahoochee	6.48	7	0.93	7
Cherokee	5.02	4	1.26	5
Clayton	6.34	5	1.27	6
Cobb	13.34	10	1.33	12
Conasauga	3.92	4	0.98	4
Cordele	2.17	3	0.72	3
Coweta	9.33	7	1.33	8
Dougherty	2.90	3	0.97	3
Douglas	3.73	3	1.24	4
Dublin	2.47	3	0.82	3
Eastern	6.69	6	1.11	6
Enotah	3.41	3	1.14	3
Flint	4.28	3	1.43	4
Griffin	5.01	4	1.25	5
Gwinnett	14.83	10	1.48	13
Houston	2.10	3	0.70	3
Lookout Mountain	3.73	4	0.93	4
Macon	4.72	5	0.94	5
Middle	2.45	2	1.23	3
Mountain	2.25	2	1.13	2
Northeastern	5.53	5	1.11	5
Northern	3.79	3	1.26	4
Ocmulgee	5.16	5	1.03	5
Oconee	2.44	3	0.81	3
Ogeechee	4.62	3	1.54	4
Pataula	1.87	2	0.94	2
Paulding	3.04	3	1.01	3
Piedmont	4.12	4	1.03	4
Rockdale	2.10	2	1.05	2
Rome	4.34	4	1.09	4
South Georgia	2.00	2	1.00	2
Southern	6.37	5	1.27	6
Southwestern	2.42	3	0.81	3
Stone Mountain	12.26	10	1.23	11
Tallapoosa	2.21	2	1.11	2
Tifton	1.84	2	0.92	2
Toombs	1.36	2	0.68	2
Towaliga	2.09	2	1.04	2
Waycross	4.36	4	1.09	4
Western	4.00	4	1.00	4
Total	240.34	214		232

VI. RECOMMENDATIONS

The final weighted caseload model provides an empirically grounded basis for analyzing judicial workload and need in each of Georgia's State and Superior Courts. The following recommendations are intended to ensure the effective use of the weighted caseload model and to preserve the model's integrity and utility over time.

Recommendation 1

To account for jurisdiction-specific contextual factors, NCSC recommends that the Administrative Office of the Courts and the Judicial Council conduct a secondary analysis before recommending the creation of additional judicial positions in a court. Factors that should be considered during the secondary analysis include, but need not be limited to:

- Availability of judicial assistance (e.g., senior judges, magistrate judges) to perform Superior Court or State Court work;
- Geography and travel requirements; and
- Availability of law clerks and support staff.

Recommendation 2

A critical assumption of Georgia's State Court and Superior Court weighted caseload models is that case filings are counted consistently and accurately. NCSC recommends that Georgia's trial courts continue their efforts to improve the reliability of caseload reporting, including implementing a consistent definition of Serious Felony cases and reducing the number of cases with an unknown case type classification.

Recommendation 3

Over time, the integrity of any weighted caseload model may be affected by external factors such as changes in legislation, case law, legal practice, court technology, and administrative policies. NCSC recommends that the Judicial Council of Georgia and the Administrative Office of the Courts conduct a comprehensive review of the State Court and Superior Court weighted caseload models every five to seven years. This review should include a time study and a comprehensive quality adjustment process. Between updates, if a major change in the law appears to have a significant impact on judicial workload, a Delphi panel can be convened to make interim adjustments to the affected case weight(s).

APPENDIX A. GLOSSARY OF TERMS, STATE COURT

CASE TYPE CATEGORIES

Criminal

1. Non-traffic misdemeanor

Includes all misdemeanors other than traffic offenses

2. Serious traffic

Includes serious traffic offenses such as misdemeanor DUI, homicide by vehicle, serious injury by vehicle, reckless driving, hit and run, aggressive driving, fleeing an officer

3. Other traffic

Includes less serious traffic offenses such as speeding, failure to stop at a stop sign, failure to signal

4. Accountability courts

Includes all statutorily recognized accountability court dockets

5. Probation revocation

Civil

1. Complex tort

Includes medical malpractice and product liability

2. General tort

Includes all other torts such as professional negligence, premises liability, libel, slander

3. Landlord/tenant

4. Contract

5. Civil appeals

Includes all civil appeals from a lower court

6. Garnishment

7. Other civil

Includes civil cases that do not fall into any other category

8. Reopened cases—civil

Includes contempt, modification

Superior Court Work

Includes all on-bench and off-bench work related to Superior Court cases heard by a State Court judge designated as a Superior Court judge.

TRIAL

Includes all on-bench and off-bench activity related to a bench or jury trial. Includes all research and preparation related to trials, as well as sentencing following conviction at trial. Does **not** include pretrial activities (e.g., pretrial hearings, conferences, dispositive motions). Some examples of trial activities include:

- Jury selection
- Jury trial
- Bench trial
- Sentencing after conviction at trial
- Preparation of orders related to trials

NON-CASE-RELATED EVENTS

1. Non-Case-Related Administration

Includes all non-case-related administrative work such as:

- Staff meetings
- Bench meetings
- Personnel matters
- Staff supervision and mentoring
- Court management

2. Judicial Education and Training

Includes all educational and training activities such as:

- Judicial education/continuing legal education
- Conferences

3. General Legal Reading

Includes all reading and research that is **not** related to a particular case before the court. Examples include:

- Reading journals
- Reading professional newsletters
- Reviewing appellate court decisions

4. Committee, Conference, and Work Group Meetings and Related Work

Includes all work related to and preparation for meetings of state and local committees, conferences, work groups, boards, and task forces on which you serve in your official capacity as a judge, such as:

- Community criminal justice board meetings
- State committees, conferences, and work groups

5. Community Activities and Public Outreach

Includes all public outreach and community service that is performed in your official capacity as a judge. This category does not include work for which you are compensated through an outside source, such as teaching law school courses, or personal community service work that is not performed in your official capacity as a judge. Examples of work-related community activities and public outreach include:

- Speaking at schools about legal careers
- Judging moot court competitions

6. Work-Related Travel

Work-Related Travel includes time spent traveling *to or from a court other than your primary court*. For purposes of the time study, your primary court is the court where you most frequently sit. You should not record travel time spent on your commute between your home and your primary court. You should record any travel time between your home and other courts that is *greater than the length of your commute between your home and your primary court*. You should also record travel between two courts.

Record travel related to judicial education and training, committee meetings, or community activities and public outreach in the applicable category.

7. Vacation, Sick Leave, and Holidays

Includes all time away from work due to vacation, personal leave, illness or medical leave, and court holidays.

8. Lunch and Breaks

Includes all routine breaks during the working day.

9. NCSC Time Study

Includes time spent filling out time study forms and entering time study data using the Web-based form.

APPENDIX B. GLOSSARY OF TERMS, SUPERIOR COURT

CASE TYPE CATEGORIES

Criminal

1. Death penalty/habeas

Includes all death penalty cases and death penalty habeas cases

2. Serious felony

Includes murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, aggravated sexual battery

3. Felony

Includes all other felonies

4. Misdemeanor

Includes all misdemeanor offenses

5. Accountability courts

Includes all statutorily recognized accountability court dockets

6. Probation revocation

Civil

1. Complex tort

Includes medical malpractice and product liability

2. General tort

Includes all other torts such as professional negligence, premises liability, libel, slander

3. Contract

4. Real property

Includes boundary disputes

5. Civil appeals/habeas corpus

Includes all civil appeals from a lower court and felony habeas cases not involving the death penalty

6. Other civil

Includes civil cases that do not fall into any other category, such as mandamus, restraining petitions, and garnishments

7. Reopened cases—civil

Includes contempt, modification

Domestic

1. Divorce/paternity/legitimation

2. Support (IV-D and private)

Includes private and DHS child support cases

3. Adoption

4. Family violence petition

Includes cases involving family violence protective orders

5. Other domestic

Includes modification of custody and modification of visitation

6. Reopened cases—domestic

Includes contempt

TRIAL

Includes all on-bench and off-bench activity related to a bench or jury trial. Includes all research and preparation related to trials, as well as sentencing following conviction at trial. Does *not* include pretrial activities (e.g., pretrial hearings, conferences, dispositive motions). Some examples of trial activities include:

- Jury selection
- Jury trial
- Bench trial
- Sentencing after conviction at trial
- Preparation of orders related to trials

NON-CASE-RELATED EVENTS

1. Non-Case-Related Administration

Includes all non-case-related administrative work such as:

- Staff meetings
- Bench meetings
- Personnel matters
- Staff supervision and mentoring
- Court management

2. Judicial Education and Training

Includes all educational and training activities such as:

- Judicial education/continuing legal education
- Conferences

3. General Legal Reading

Includes all reading and research that is *not* related to a particular case before the court. Examples include:

- Reading journals
- Reading professional newsletters
- Reviewing appellate court decisions

4. Committee, Conference, and Work Group Meetings and Related Work

Includes all work related to and preparation for meetings of state and local committees, conferences, work groups, boards, and task forces on which you serve in your official capacity as a judge, such as:

- Community criminal justice board meetings
- State committees, conferences, and work groups

5. Community Activities and Public Outreach

Includes all public outreach and community service that is performed in your official capacity as a judge. This category does not include work for which you are compensated through an outside source, such as teaching law school courses, or personal community service work that is not performed in your official capacity as a judge. Examples of work-related community activities and public outreach include:

- Speaking at schools about legal careers
- Judging moot court competitions

6. Work-Related Travel

Work-Related Travel includes time spent traveling *to or from a court other than your primary court*. For purposes of the time study, your primary court is the court where you most frequently sit. You should not record travel time spent on your commute between your home and your primary court. You should record any travel time between your home and other courts that is *greater than the length of your commute between your home and your primary court*.

Record travel related to judicial education and training, committee meetings, or community activities and public outreach in the applicable category.

7. Vacation, Sick Leave, and Holidays

Includes all time away from work due to vacation, personal leave, illness or medical leave, and court holidays.

8. Lunch and Breaks

Includes all routine breaks during the working day.

9. NCSC Time Study

Includes time spent filling out time study forms and entering time study data using the Web-based form.

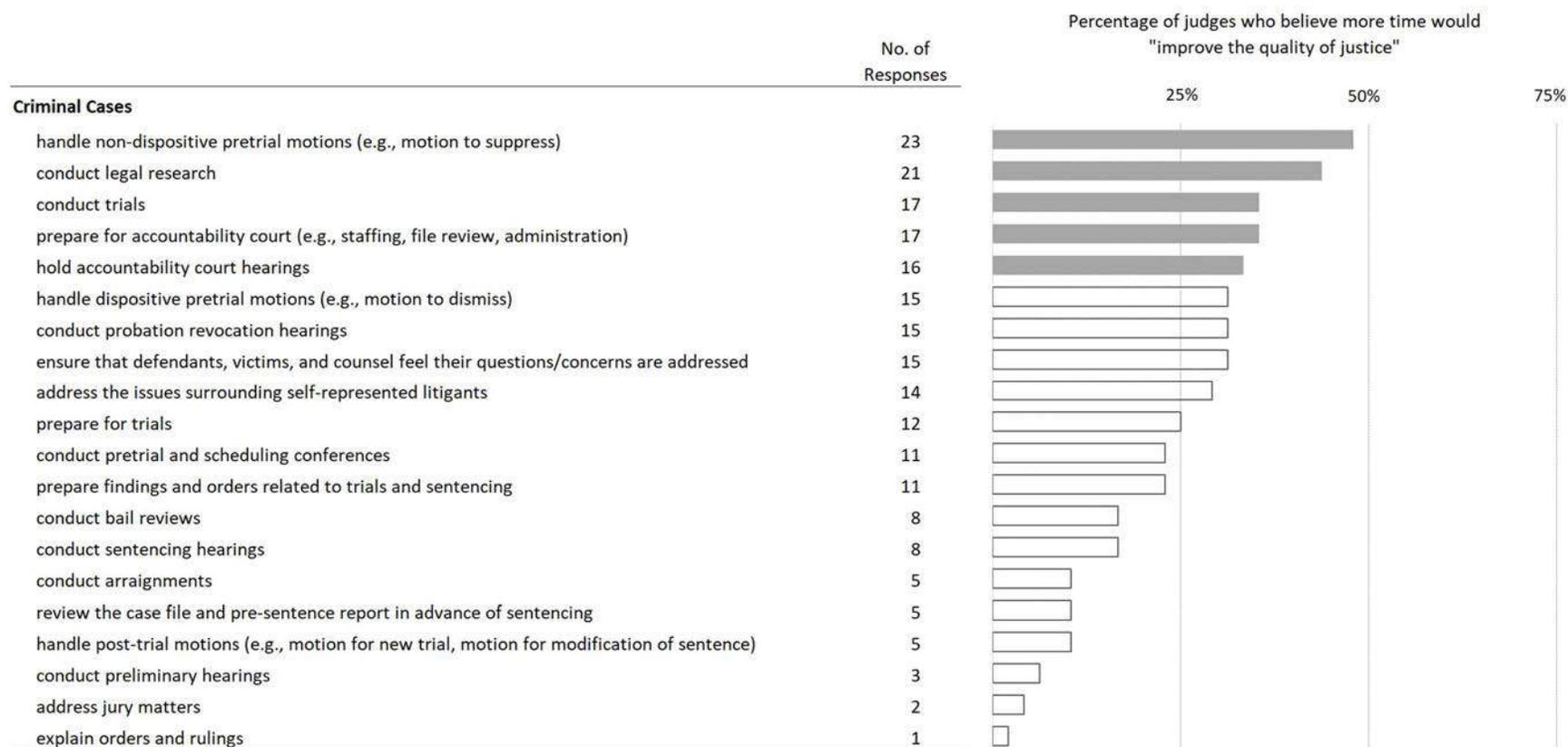
APPENDIX C. SUFFICIENCY OF TIME SURVEY RESULTS, STATE COURT

Criminal	% of Cases Needing Additional Time	Priority	
		N	4 or 5 Priority
	<div style="display: flex; justify-content: space-around; font-size: small;"> 0 or 25% 50% 75 or 100% </div>		
Accountability courts		24	71%
Serious traffic		39	56%
Non-traffic misdemeanor		29	28%
Reopened cases – criminal		36	25%
Other traffic		22	14%
Civil			
	<div style="display: flex; justify-content: space-around; font-size: small;"> 0 or 25% 50% 75 or 100% </div>		
Complex tort		30	77%
General tort		36	47%
Contract		31	19%
Garnishment		18	17%
Landlord/tenant		20	15%
Civil appeals		22	9%
Other civil		27	7%
Reopened cases – civil		18	6%

Note: Percentages are based on 48 respondents

APPENDIX C. SUFFICIENCY OF TIME SURVEY RESULTS, STATE COURT (continued)

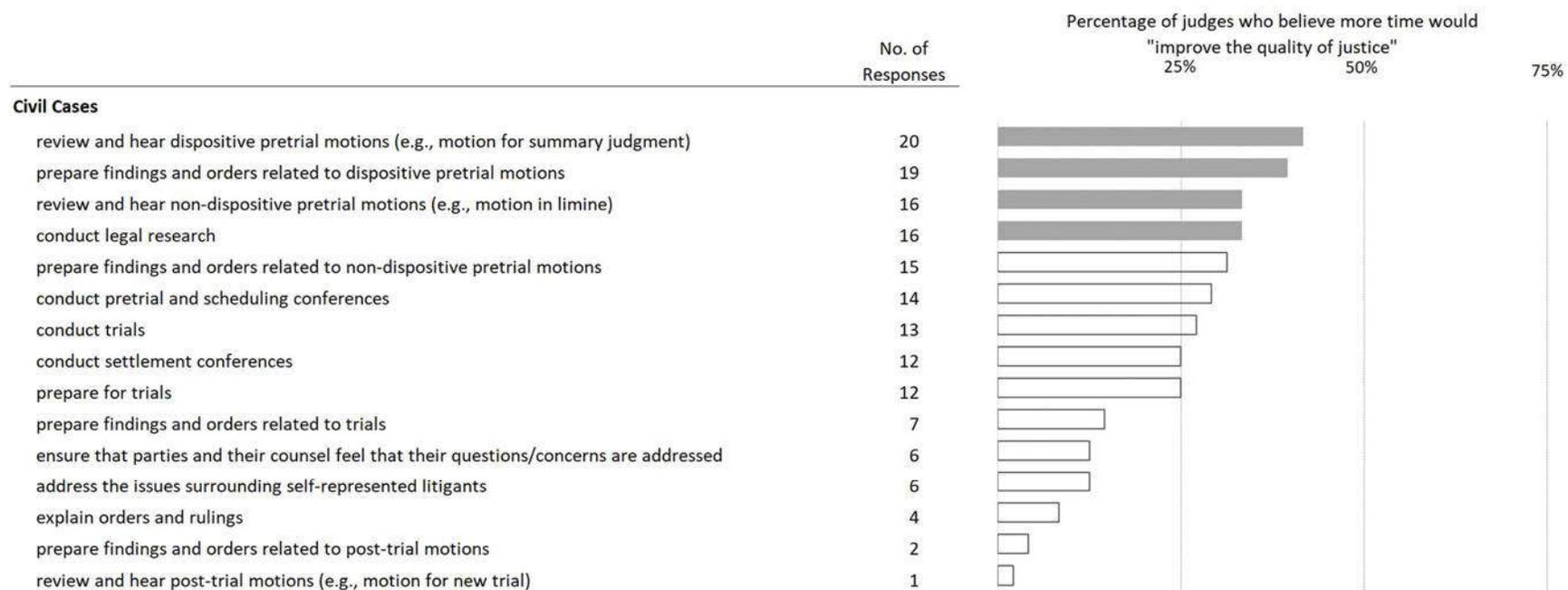
Please select the activities for which more time would improve the quality of justice.



Note: Percentages are based on 48 respondents

APPENDIX C. SUFFICIENCY OF TIME SURVEY RESULTS, STATE COURT (continued)

Please select the activities for which more time would improve the quality of justice.



Note: Percentages are based on 48 respondents

APPENDIX D. SUFFICIENCY OF TIME SURVEY RESULTS, SUPERIOR COURT

Criminal	% of Cases Needing Additional Time	Priority	
		N	4 or 5 Priority
Death penalty/habeas		32	75%
Serious felony		43	67%
Felony		35	46%
Accountability courts		28	46%
Reopened cases – criminal		29	31%
Misdemeanor		17	12%
Civil			
Complex tort		35	57%
Other civil		29	28%
Civil appeals/habeas corpus		28	25%
Reopened cases – civil		25	24%
General tort		31	16%
Contract		28	14%
Real property		30	10%

Note: Percentages are based on 50 respondents

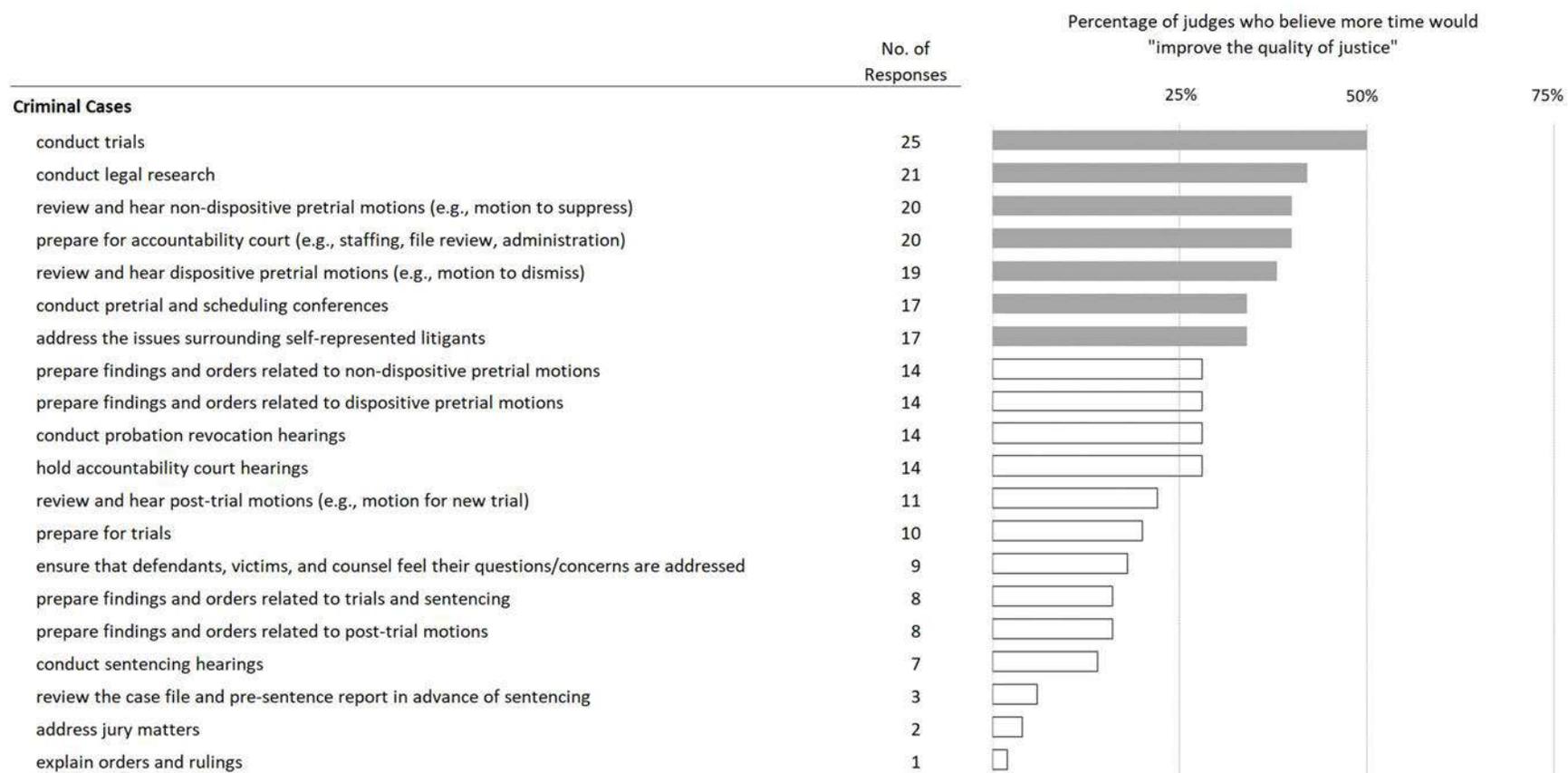
APPENDIX D. SUFFICIENCY OF TIME SURVEY RESULTS, SUPERIOR COURT (continued)

Domestic	% of Cases Needing Additional Time	Priority	
		N	4 or 5 Priority
Divorce/paternity/legitimation	<p>A bar chart for 'Divorce/paternity/legitimation' with three bars representing percentages of cases needing additional time. The y-axis is labeled from 0% to 100% in increments of 50%. The x-axis categories are '0 or 25%', '50%', and '75 or 100%'. The bars show approximately 40% for 0 or 25%, 30% for 50%, and 30% for 75 or 100%.</p>	38	55%
Other domestic	<p>A bar chart for 'Other domestic' with three bars representing percentages of cases needing additional time. The y-axis is labeled from 0% to 100% in increments of 50%. The x-axis categories are '0 or 25%', '50%', and '75 or 100%'. The bars show approximately 30% for 0 or 25%, 20% for 50%, and 50% for 75 or 100%.</p>	37	49%
Family violence petition	<p>A bar chart for 'Family violence petition' with three bars representing percentages of cases needing additional time. The y-axis is labeled from 0% to 100% in increments of 50%. The x-axis categories are '0 or 25%', '50%', and '75 or 100%'. The bars show approximately 60% for 0 or 25%, 20% for 50%, and 20% for 75 or 100%.</p>	30	43%
Adoption	<p>A bar chart for 'Adoption' with three bars representing percentages of cases needing additional time. The y-axis is labeled from 0% to 100% in increments of 50%. The x-axis categories are '0 or 25%', '50%', and '75 or 100%'. The bars show approximately 80% for 0 or 25%, 10% for 50%, and 10% for 75 or 100%.</p>	14	43%
Reopened cases – domestic	<p>A bar chart for 'Reopened cases – domestic' with three bars representing percentages of cases needing additional time. The y-axis is labeled from 0% to 100% in increments of 50%. The x-axis categories are '0 or 25%', '50%', and '75 or 100%'. The bars show approximately 40% for 0 or 25%, 20% for 50%, and 40% for 75 or 100%.</p>	32	38%
Support	<p>A bar chart for 'Support' with three bars representing percentages of cases needing additional time. The y-axis is labeled from 0% to 100% in increments of 50%. The x-axis categories are '0 or 25%', '50%', and '75 or 100%'. The bars show approximately 60% for 0 or 25%, 10% for 50%, and 30% for 75 or 100%.</p>	22	23%

Note: Percentages are based on 50 respondents

APPENDIX D. SUFFICIENCY OF TIME SURVEY RESULTS, SUPERIOR COURT (continued)

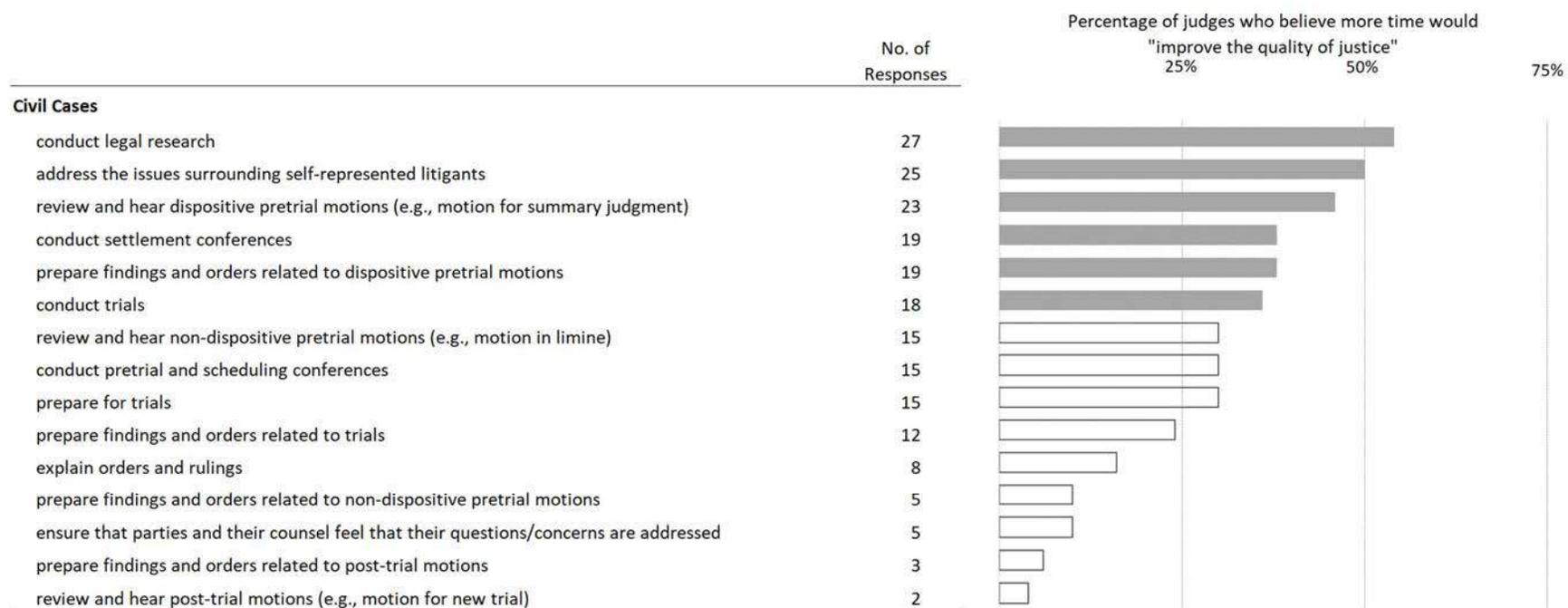
Please select the activities for which more time would improve the quality of justice.



Note: Percentages are based on 50 respondents

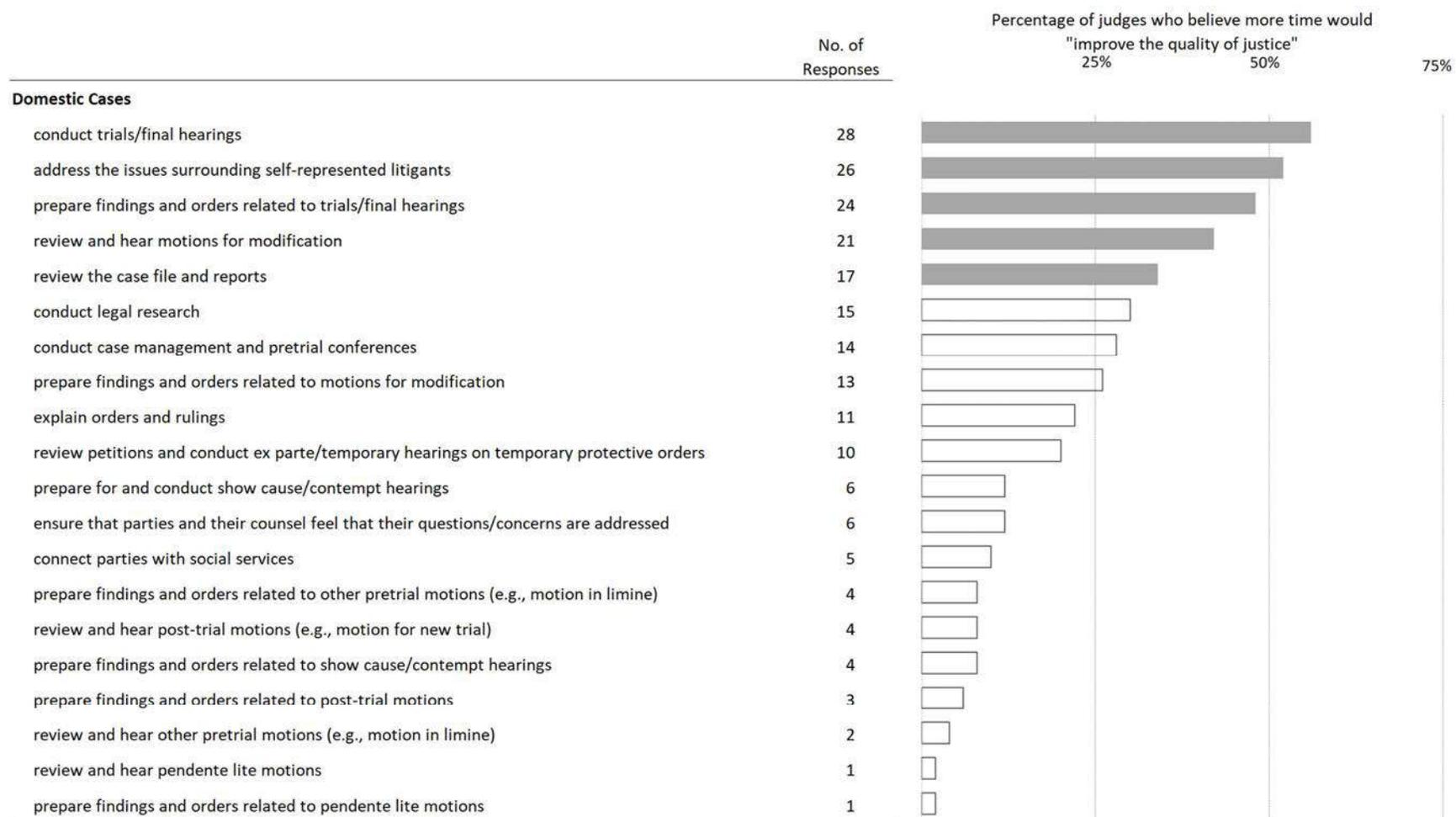
APPENDIX D. SUFFICIENCY OF TIME SURVEY RESULTS, SUPERIOR COURT (continued)

Please select the activities for which more time would improve the quality of justice.



Note: Percentages are based on 50 respondents

APPENDIX D. SUFFICIENCY OF TIME SURVEY RESULTS, SUPERIOR COURT (continued)



Note: Percentages are based on 50 respondents

Appendix AB

Definitions

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

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

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

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

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

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

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

Values

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

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



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Standing Committee on Judicial Workload Assessment

RE: Updates to Juvenile Section of the Georgia Court Guide to Statistical Reporting

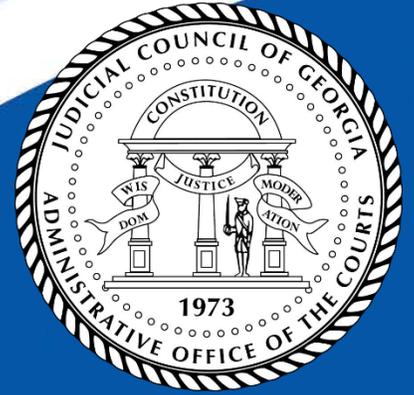
DATE: November 16, 2018

The Standing Committee on Judicial Workload Assessment met on November 9, 2018, to review the *Georgia Court Guide to Statistical Reporting* and approved the following updates to the Juvenile Courts section.

1. The Introduction section was updated to more clearly define cases in which juvenile courts have jurisdiction.
2. Case type definitions were updated to more accurately reflect language from Georgia's Juvenile Code in the following sections.
3. The section titled Minor Abortion Petitions was renamed to Parental Notification of Abortion. This update reflects language from Georgia's Juvenile Code and provides a clearer explanation of the data point that the AOC is statutorily required to collect.

The proposed amendments were the result of collaboration between the Council of Juvenile Court Judges and the AOC. These changes do not alter the intended meaning or interpretation of their respective case types. No substantive change in the way juvenile court cases are counted will result from this update. Instead, these updates ensure complete and comprehensive definitions that more accurately reflect language in the Juvenile Code.

The Committee recommends the Council adopt these changes.



Georgia Court Guide to Statistical Reporting



Georgia Court Guide to Statistical Reporting

A publication of the Judicial Council of Georgia's Administrative Office of the Courts



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Updated December 2018

Acknowledgments

The *Georgia Court Guide to Statistical Reporting* has existed under various names since the inception of the Judicial Council of Georgia's (JC) Administrative Office of the Courts (AOC). While the JC/AOC oversees the collection of data, the efforts of countless state and local officials contribute to the success of annual caseload data collection. These officials include judges, clerks, court administrators, prosecutors, and many others. The Office of Research and Data Analysis is grateful to all who have helped, and we acknowledge their dedication to improving Georgia's judicial data collection.

The annual caseload collection project would not be possible without the leadership of all past and present Judicial Council and Judicial Workload Assessment Committee members. Their commitment to the project is crucial to improving Georgia's judiciary through careful research and analysis of court data.

Table of Contents

Overview	pg. 1
Guide Goals	pg. 2
Section 1- Common Definitions	pg. 3
Section 2- Superior Court	pg. 8
Section 3- State Court	pg. 10
Section 4- Juvenile Court	pg. 12
Section 5- Probate Court	pg. 15
Section 6- Magistrate Court	pg. 17
Section 7- Municipal Court	pg. 19
Section 8- Civil Courts and Recorder's Court	pg. 20
Section 9- Data Submission and Verification	pg. 22
Section 10- Reporting Timeline	pg. 23
Section 11- Contact Information	pg. 24

Overview [To the top](#)

The *Georgia Court Guide to Statistical Reporting* (Guide) is a standardized reporting framework for Georgia trial court statistics. The statistics reported through this framework are compiled, analyzed, and published by the Administrative Office of the Courts' Office of Research and Data Analysis (Research).

Since 1976, the JC/AOC has worked with local officials to measure activity in Georgia courts. The ongoing efforts produce statistics for Supreme, Appeals, Superior, State, Juvenile, Probate, Magistrate, Civil, Recorder's, and Municipal courts. Georgia law requires the AOC to "compile statistical and financial data and other information on the judicial work of the courts and on the work of other offices related to and serving the courts, which data and information shall be provided by the courts" (O.C.G.A. §15-5-24 (3)). The AOC serves as the state archive of this court statistical information.

The collected data is used to support state and county resource decisions and to assist in policy development. In addition, statewide caseload activity is reported to the National Center for State Courts and other national organizations that inform justice system stakeholders about Georgia's courts. The caseload data serves as a historical description of the courts. The published data is used by judicial branch agencies, state and local executive agencies, project and program managers and grant applicants to support ongoing process and operational improvements. Superior court data is also used in the assessment of judicial workload that can lead to Judicial Council recommendations to the Governor and General Assembly for additional judgeships.

Due to Georgia's non-centralized court system, each class of court and their respective circuits, counties, and cities vary in their administrative structure. Regardless of their organization, the JC/AOC has set for itself the same task: to map caseload data to the reporting framework in this guide. Without common definitions and a standard format for classification, JC/AOC's goal could not be achieved.

The Guide is divided into sections for each class of court in Georgia. Within each section, the Guide contains definitions for how cases should be defined, classified, and counted. Court case management systems should be capable of generating reports that meet the requirements of the Guide. Individual vendors can provide guidance on their specific product capabilities. Research personnel are available to discuss the Guide and assist courts, clerks, and vendors with reporting. Submission instructions can be found in Section 9.

Note that all case categories, case types, case status categories, manners of disposition, and case characteristics are defined as they apply to the Guide. Categories may vary somewhat from other definitions or common usage in a particular circuit, county, or municipality.

Guide Goals [To the top](#)

As stated previously, the Guide is a standardized framework for accurately reporting caseload data. Though individual practices vary across courts, this guide seeks to establish uniform language for statistical reporting with the goal of ensuring that Georgia provides the highest data quality possible.

1. To provide caseload elements with unique, mutually exclusive definitions.
2. To write all definitions clearly and concisely, reducing the possibility of confusion among stakeholders.
3. To have a consistent, high-quality aesthetic.
4. To make minimal changes from year to year, adjusting only when necessary to maintain other goals.

Section 1 - Common Definitions [To the top](#)

Criminal, civil, and traffic caseloads each have their own units of count which remain standard across all classes of court. In addition, caseload data is reported in three ways: Status Categories, Case Characteristics, and Manner of Disposition. Each caseload section and the elements that comprise each section are outlined below.

Unit of Count

Criminal: The unit of count for criminal cases is determined by defendants. This is defined as a count of the number of individuals that have been charged with a criminal offense. Each defendant is categorized based on the most serious offense regardless of the number of charges on the docket.

Civil: A petition or civil complaint begins a civil case. A civil case with multiple parties or multiple causes of action is counted as one case. The unit of count for civil cases is each complaint/petition that is filed with the clerk of court.

Traffic: The unit of count for traffic cases is by tickets/citations. Each ticket/citation is one case. If a ticket/citation has more than one charge it is still counted as one case and categorized under the most serious offense. For example, a driver charged with both a DUI and speeding charges under the same citation will only count as one serious traffic filing.

Status Categories

Caseload reporting captures information about case status during the calendar year reporting period. These case status categories are consistent for each trial court.

Cases Open: A count of cases that were filed in any previous year and at the start of

the current reporting year, are awaiting disposition.

Cases Filed: A count of cases that have been filed with the court for the first time within the current reporting year.

Cases Disposed: A count of cases for which an original entry of judgment has been entered during the current reporting year. For cases involving multiple parties/issues, the disposition should not be reported until all parties/issues have been resolved.

Case Characteristics

Introduction

The data on case characteristics captures information related to key policy interests on disposed cases. This data provides additional details about cases that have already been counted in the court's disposed caseload. Data is collected on the number of cases with self-represented litigants and cases with interpreters.

Unit of Count

A count of the number of disposed cases that included self-represented litigants and interpreters at any time during the life of the case. The unit of count is the case, not the litigant(s).

- A case should be counted at the point of disposition

- A case with self-represented litigant(s) should be counted as a single case, whether that case has one or more self-represented litigants.
- A case with interpreter(s) should be counted as a single case, whether that case has one or more interpreters.

Cases with Self-Represented Litigants:

A self-represented litigant is a person who advocates on his or her own behalf before a court rather than being represented by an attorney. These litigants are also known as “pro se” or “pro per” litigants if, during the life of the case, one or more parties was self-represented.

For plaintiffs/petitioners, the life of the case is from filing to disposition. For defendants/respondents, the life of the case is from arraignment/answer to disposition. While arraignment procedures may vary, the assumption is that the arraignment is the first opportunity that defendants have to provide the court with their representation status (i.e., to tell the court that an attorney has been retained, to request that the court appoint an attorney, or to inform the court of the defendant’s wish to be self-represented). Therefore, in criminal cases the arraignment (or an equivalent hearing) is considered to be the start of the case for the defendant.

Cases in which the defendant appears at arraignment without defense counsel, but requests a court-appointed attorney during the arraignment proceedings should only be included in the self-represented tally if the self-representation continues after arraignment.

Self-represented litigants can take advantage of limited scope legal assistance (also known as limited assistance representation or unbundled legal services) to assist with the preparation of specific documents or to argue certain legal issues in a hearing before a judicial officer. While these self-represented litigants have representation for a specific and limited purpose, they remain fundamentally self-represented. Thus, cases in which self-represented litigants have obtained limited scope legal assistance are still counted as cases with self-represented litigants.

If a case is disposed by default, do not assume that the non-responding defendant/respondent was self-represented. If the plaintiff/petitioner was self-represented, the case can be correctly counted as one with a self-represented litigant. However, if the plaintiff/petitioner was represented and the defendant/respondent was at default due to a failure to respond at any point during the life of the case, the case is not to be counted as one with self-represented litigants.

Cases with Interpreters:

A case with an interpreter is a case in which an interpreter is appointed by the court to provide interpretation services in any or all three modes of interpretation (consecutive interpretation, simultaneous interpretation, and sight translation) for a Limited English Proficient (LEP) party from that person’s native language to English and vice versa. Sign Language interpretation is included. Interpreter services can be provided in

person, via telephone, or through other audio/visual technologies. The distinction here is between interpretation as ordered by the court and interpretation that may be provided on an ad hoc basis by a family member or friend. Interpretation ordered by the court may be provided by anyone the court deems qualified (e.g. certified interpreter, registered interpreter); the underlying assumption is that the court has formally taken note of the need for interpreter services and provided them. Any interpreter *ordered by the court*, regardless if for a party, witness, etc., would be counted for a case with an interpreter.

Manner of Disposition

Introduction

Manner of Disposition classifies disposed cases as trial and non-trial. Understanding trial rates and how they vary by case type is of policy interest to court management and the legal profession.

Unit of Count

For each case type, count the number of disposed cases that were disposed by the disposition type. For cases involving multiple parties/issues, the manner of disposition should not be reported until all parties/issues have been resolved. When there is more than one type of dispositive action in a case, count as the disposition the action requiring the most judicial involvement. Prioritize actions as follows: jury trials, bench/non-jury trials, non-trial dispositions.

Notes Specific to Manner of Disposition

Cases that are deferred to diversion or accountability court dockets (e.g. Drug Court) are not counted as dispositions until

they return for final adjudication (e.g. imposition of sentence or dismissal).

Definitions for Manner of Disposition

Jury Trial: Cases in which a jury is impaneled to determine the issues of fact in the case. A jury trial should be counted when the jury has been sworn, regardless of whether a verdict is reached.

Bench/Non-Jury Trial: Cases in which a judge or judicial officer is assigned to determine both the issues of fact and law in the case. A bench/non-jury trial should be counted when the first evidence is introduced, regardless of whether a judgment is reached.

Non-Trial: Cases in which the disposition does not involve either a jury trial or bench trial. This includes but is not limited to:

- Summary judgment
- Settlement
- Alternative Dispute Resolution
- Default judgment
- Dismissal
- Transfer to another court
- Bind Over
- Guilty plea/stipulation
- Nolle Prosequi
- All delinquency and dependency non-trial hearings

Bindovers: Transfers (of a case or defendant) to a trial court after a finding of probable cause at a preliminary hearing. Note: include all bindovers, even if the offense is not a felony. (**Currently collected by the Municipal Courts only**)

Alternative Dispute Resolution: If a case was disposed of via a non-trial disposition, and the method of disposition was alternative dispute resolution. Only check if

the whole case was resolved via alternative dispute resolution.

Section 2 - Superior Court [To the top](#)

Introduction

Georgia's 159 superior courts are general jurisdiction trial courts exercising both civil and criminal jurisdiction. Superior court judges hear all felony cases, domestic relations cases, equity cases, and other civil matters. Superior courts have jurisdiction to hear appeals from lower courts as provided by the Georgia Constitution, including appeals of judgments from the probate and magistrate courts that are handled as de novo appeals. The superior courts are organized into 49 judicial circuits made up of one or more counties. Superior court judges are constitutional officers who are elected to four-year terms in circuit-wide nonpartisan elections.

For reporting in the Georgia framework, superior court caseload is divided into three major categories: criminal, domestic relations, and general civil. The superior court reporting framework described in the Guide is used for reporting superior court caseload data.

Superior Court Definitions

Criminal

Death Penalty: A count of cases in which the prosecuting attorney intends to seek the death penalty and has filed with the clerk of court the necessary written notice. These cases are only to be counted for the year in which they are filed.

Serious Felony: Any serious violent felony as defined in O.C.G.A. § 17-10-6.1.

Specifically:

- Murder or felony murder, as defined in O.C.G.A. § 16-5-1;
- Armed robbery, as defined in O.C.G.A. § 16-8-41;
- Kidnapping, as defined in O.C.G.A. § 16-5-40;
- Rape, as defined in O.C.G.A. § 16-6-1;
- Aggravated child molestation, as defined in subsection (c) of O.C.G.A. § 16-6-4, unless subject to the provisions of paragraph (2) of subsection (d) of O.C.G.A. § 16-6-4;

- Aggravated sodomy, as defined in O.C.G.A. § 16.6.2; or
- Aggravated sexual battery, as defined in O.C.G.A. § 16.6.22.2.

Felony: A count of cases where the offense is punishable by incarceration for one year or more, excluding cases counted as serious felonies.

Misdemeanor: Any offense punishable by incarceration for less than one year, and/or community service, and/or maximum fine of \$1,000.

Probation Revocations: Number of probation revocation petitions filed by either private or public probation officers, including waivers signed by defendants and first offender adjudications.

Domestic Relations

Adoption: Cases involving a request for the establishment of a new, permanent

relationship of parent and child between persons not so biologically related.

Dissolution/Divorce/Separate

Maintenance: Any case involving the dissolution of a marriage or the establishing of alimony or separate maintenance.

Family Violence Petition: Any case in which a protective order from a family member or domestic partner is requested.

Paternity/Legitimation: Any case not brought by the Department of Child Support Services that involves a determination of biological offspring.

Support- IV-D: Cases filed by the Georgia Department of Human Services to request maintenance of a minor child by a person who is required, under Title IV-D of the Social Security Act of 1973, to provide such maintenance.

Support- Private (non-IV-D): Cases filed to request maintenance of a parent/guardian or a minor child by a person who is required by law, but who is not under the auspices of Title IV-D of the Social Security Act of 1973, to provide such maintenance.

Other Domestic Relations: Domestic relations cases that do not adequately fit into any of the other case types.

Unknown: Any case that does not have enough relevant information to assign to a particular case category.

General Civil

Automobile Tort: Any tort case involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

Civil Appeal: Any case disrupting the finding of a limited jurisdiction trial court, department, or administrative agency.

Contract: Any case involving a dispute over an agreement between two or more parties.

Garnishment: Any case where, after a monetary judgment, a third party who has money or other property belonging to the defendant is required to turn over such money or property to the court.

General Tort: Any tort case that is not defined or is not attributable to one of the other torts.

Habeas Corpus: Any case designed to test the legality of the detention or imprisonment of an individual, not the question of guilt or innocence.

Injunction/Mandamus/Other Writ: Cases involving a written court order directed to a specific party, requiring that party to perform or refrain from performing a specific act.

Landlord/Tenant: Any case involving landlord/tenant disputes wherein the landlord removes a tenant and his/her property from the premises or places a lien on tenant property to repay debt.

Medical Malpractice Tort: Any tort case that alleges misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician's assistants, dentists, etc.

Product Liability Tort: Cases alleging that injury is caused by the manufacturer or seller of an article due to a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

Real Property: Any case involving disputes over the ownership, use, boundaries, or value of fixed land.

Restraining Petition: Any petition for a restraining order that does not result from a domestic altercation or is not between parties considered to be in a domestic relationship.

Other General Civil: Any case in which a plaintiff requests the enforcement or protection of a right or the redress or prevention of a wrong, but does not fit into one of the previously defined case categories.

Unknown: Any case that does not have enough relevant information to assign to a particular case category.

Post-Judgment

Contempt: Any case alleging failure to comply with a previously existing final court order.

Modification: Any case seeking to change the terms of a previously existing final court order.

Other/Administrative: Any case with post-judgment activity that does not fit into contempt or modification categories.

Section 3 - State Court [To the top](#)

Introduction

Georgia's 72 State Courts are county-based courts that exercise limited jurisdiction. State court judges have criminal jurisdiction over misdemeanor offenses, felony preliminary hearings, traffic violations, and application and issuance of search and arrest warrants. Civil matters not reserved exclusively to the superior courts can be adjudicated in state courts. Appeals of judgments from the magistrate courts may be sent to the state court and handled as a *de novo* appeal. The General Assembly creates state courts by local legislation establishing the number of judges and their status as full-time or part-time. State court judges are elected to four-year terms in countywide, non-partisan elections.

For reporting in the Georgia framework, state court caseload is divided into two major categories: civil and criminal. The state court reporting framework described in the Guide is used for reporting state court caseload data.

State Court Definitions

Civil

Automobile Tort: Any tort case involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

Civil Appeal: Any case disrupting the finding of a limited jurisdiction trial court, department, or administrative agency.

Contract: Any case involving a dispute over an agreement between two or more parties.

Garnishment: Any case where, after a monetary judgment, a third party who has money or other property belonging to the defendant is required to turn over such money or property to the court.

General Tort: Any tort case that is not defined or is not attributable to one of the other torts.

Landlord/Tenant: Any case involving landlord/tenant disputes wherein the landlord removes a tenant and his/her

property from the premises or places a lien on tenant property to repay debt.

Medical Malpractice Tort: Any tort case that alleges misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician's assistants, dentists, etc.

Product Liability Tort: Cases alleging that injury is caused by the manufacturer or seller of an article due to a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

Other General Civil: Any case in which a plaintiff requests the enforcement or protection of a right or the redress or prevention of a wrong, but does not fit into one of the previously defined case categories.

Unknown: Any case that does not have enough relevant information to assign to a particular case category.

Criminal

Serious Traffic: Cases including misdemeanor DUI, reckless driving, homicide by vehicle, aggressive driving and fleeing, or attempting to elude a police officer.

Non-Traffic Misdemeanor: Cases involving an offense punishable by incarceration for less than a year and/or fines. Use this case type for misdemeanor cases that are not attributable to one of the other previously defined misdemeanor case types, or when all misdemeanor cases are reported as a single case type.

Other Traffic: Criminal cases involving a violation of statutes and local ordinances governing traffic, parking, and violations involving operation of a motor vehicle. Use this case type for cases of unknown specificity when motor vehicle cases are not

attributable to one of the other previously defined motor vehicle case types.

Probation Revocation: Number of probation revocation petitions filed by either private or public probation officers, including waivers signed by defendants.

Post-Judgment

Contempt: Any case alleging failure to comply with a previously existing final court order.

Modification: Any case seeking to change the terms of a previously existing final court order.

Other/Administrative: Any case with post-judgment activity that does not fit into contempt or modification categories.

Section 4 – Juvenile Court [To the top](#)

Introduction

Jurisdiction of the juvenile courts extends to individuals under the age of 18 alleged to be dependent, alleged to be a child in need of services (CHINS), or alleged to have committed a juvenile traffic offense. Jurisdiction also extends to individuals alleged to have committed a delinquent act who is under the age of 17. Individuals up to the age of 23 may also be subject to juvenile court jurisdiction under certain circumstances. OCGA § 15-11-2(10).

In addition to matters alleging delinquency, dependency, CHINS, and the commission of a juvenile traffic offense, juvenile courts also have exclusive original jurisdiction over so-called special proceedings including proceedings for obtaining judicial consent to the marriage, employment, or enlistment in the armed services of any child if such consent is required by law; for permanent guardianship brought pursuant to provisions of the juvenile code; for the termination of parental rights when brought pursuant to provisions of the juvenile code; for emancipation; and for obtaining a waiver of the requirement of parental notice of abortion. OCGA § 15-11-10.

Juvenile courts have concurrent jurisdiction with superior courts in certain matters involving legitimation; child custody and support; temporary guardianship when properly transferred from probate court; and any criminal case properly transferred from superior court for the purpose of facilitating a parent’s participation in a family treatment court division program. OCGA § 15-11-11 and § 15-11-15(d).

Certain specified violent offenses when committed by an individual under the age of 17 are within the exclusive jurisdiction of the superior court. Other specified offenses or combination of offenses otherwise under the exclusive jurisdiction of the juvenile court may be transferred under certain circumstances for prosecution in the superior court.

As required by Georgia law, detailed information regarding minor abortion petitions is also collected. The juvenile court reporting framework described in the Guide is used for reporting juvenile court caseload data.

Juvenile Court Definitions

Unit of Count

- For delinquency, CHINS, emancipation, traffic, and special proceeding cases count the juvenile and all allegations involved in a single incident as a single case. If the filing document contains multiple juveniles

involved in a single incident, count each juvenile as a single and separate case.

- For dependency cases and termination of parental rights, count the petition as a single case. A dependency case that contains multiple parties (e.g. children/siblings) or multiple causes of action is counted as one case.

Children in Need of Services (CHINS):

A child adjudicated to be in need of care, guidance, counseling, structure, supervision, treatment, or rehabilitation and who is adjudicated to be:

- (i) Truant;
- (ii) Habitually disobedient, or a child who places himself or herself or others in unsafe circumstances;
- (iii) A runaway;
- (iv) A child who has committed a status offense;
- (v) A child who wanders or loiters about the streets of any city or in or about any highway or any public place between the hours of 12:00 Midnight and 5:00 A.M.;
- (vi) A child who disobeys the terms of supervision after adjudication as a child in need of services; or
- (vii) A child who patronizes any bar where alcoholic beverages are being sold, unaccompanied by his or her parent, guardian, or legal custodian, or who possesses alcoholic beverages; or

(B) A child who has committed a delinquent act and is adjudicated to be in need of supervision but not in need of treatment or rehabilitation.

OCGA § 15-11-2(11)

Delinquency - Class A Designated Felony:

A delinquent act committed by a child 13 years of age or older, which if committed by an adult, would be one or more of the following crimes:

- Aggravated Battery- certain offenses

- Aggravated Assault - certain offenses
- Armed Robbery (without a firearm)
- Arson in the first degree
- Attempted Murder
- Escape – certain circumstances
- Hijacking a motor vehicle in the first degree
- Kidnapping
- Home invasion in the first degree
- Gang activity – certain circumstances such as violent felonies
- Drug trafficking - certain substances
- Specified offenses in combination with a prior record of felony offenses

OCGA § 15-11-2(12)

Delinquency – Class B Designated Felony:

A delinquent act committed by a child 13 years of age or older, which if committed by an adult, would be one or more of the following crimes:

- Aggravated Assault – certain offenses
- Arson in the second degree
- Attempted Kidnapping
- Battery of a teacher or other school personnel
- Racketeering
- Robbery
- Home invasion in the second degree
- Gang activity – certain offenses such as graffiti or tagging
- Smash & Grab Burglary
- Certain offenses involving destructive devices or hoax destructive devices
- Obstruction of a law enforcement officer

- Possession of a handgun by an individual under the age of 18
- Possession of a weapon on school property or at school sponsored event

OCGA § 15-11-2(13)

Delinquency Not Designated: A count of cases not designated as either Class A or Class B felonies.

Dependency: Dependency cases are a subcategory of juvenile cases in which it is alleged that a child has been abused or neglected or is otherwise without proper parental care and/or supervision.

Emancipation: The release of a minor from his or her parents, which entails a complete relinquishment of the right to the care, control, custody, services, and earnings of such child and a repudiation of parental obligations.

Special Proceedings: A child who is the subject of a filing or disposition that does not fall within any of the above case types, e.g. request for permission to marry or join the armed services, notification of abortion, proceedings relating to mental illness, legitimation, guardianship, transfer from probate court, transfers from superior court, and superior court referrals for custody investigations.

Traffic: An individual under 17 years of age who violates any motor vehicle law or local ordinance governing the operation of motor vehicles on the streets or highways or upon the waterways of the state of Georgia, excluding specified offenses deemed to be delinquent offenses as described by O.C.G.A. §15-11-630-.

Termination of Parental Rights: An action on behalf of a child to end the rights and obligations of a parent on the grounds listed in O.C.G.A. §15-11-310.

Parental Notification of Abortion Total Petitions Filed: A count of petitions filed requesting the waiver of the requirement for parental notification of abortion.

Appointed Guardian Ad Litem: A count of cases involving a petition for waiver of parental notification of abortion in which the juvenile court appointed a guardian ad litem for the minor.

Court Appointed Counsel: A count of cases involving a petition for the waiver of parental notification of abortion in which the juvenile court appointed an attorney for the minor.

Without Notification: Cases in which the petitioner was granted a waiver of the parental notification requirement after notification was attempted but the parent or legal guardian of the minor could not be located.

Denied: A count of cases in which the court denied the petition to waive parental notification of abortion.

Appealed: A count of cases in which the petitioner appealed the juvenile court's denial of the petitioner's request for waiver of parental notification of abortion.

Affirmed: A count of cases appealed in which the juvenile court's denial of a petition for waiver of parental notification of abortion was affirmed.

Reversed: A count of cases appealed in which the juvenile court's denial of a petition for waiver of parental notification of abortion was reversed.

Section 5 – Probate Court [To the top](#)

Introduction

Probate courts exercise exclusive, original jurisdiction in the probate of wills, administration of estates, appointment of guardians, and involuntary hospitalization of incapacitated adults and other individuals. Probate court judges are constitutional officers who are elected to four-year terms. All probate court judges administer oaths of office and issue marriage licenses. In some counties probate judges may hold habeas corpus hearings or preside over criminal preliminary hearings. Unless a jury trial is requested, a probate court judge may also hear certain misdemeanors, traffic cases, and violation of state game and fish law in counties where there is no state court. In counties with a population of 90,000 or greater, the probate judges must be an attorney meeting the qualifications of a superior court judge. In those counties, jurisdiction is expanded or enhanced to include the right to a jury trial, with appeals directly to the Court of Appeals or Supreme Courts. When authorized by local statute, probate judges serve as election supervisors and make appointments to certain local public offices.

For reporting in the Georgia framework, probate court caseload is divided into four major categories: general probate, mental health, criminal, and administrative actions. The probate court reporting framework described in the Guide is to be used for reporting probate court caseload data.

Unit of Count

The unit of count for general probate cases is by petitions. General probate petitions are categorized by case type and filing categories.

General Probate Case Categories

Estates: Cases that deal with managing the assets, liabilities, and property of decedents.

Guardianship Minor: Cases that involve establishing a temporary or permanent legal guardian for a child.

Conservatorship Minor: Cases that appoint a person to manage a minor's property.

Guardianship/Conservatorship Adult: Cases that involve either the establishment of a guardian for an adult ward or for a manager/conservator of an adult ward's property.

Trusts: Cases that create a legal entity that allows one person to hold legal title to property for the benefit of another person.

Other Filings: Any case that does not fall within the previous categories.

General Probate Filing Categories

Initial Petition: The petition or other document that creates an entirely new case. All initial petitions must be disposed before other petitions can be filed.

Secondary Petition: Any subsequent petition that is filed in the same case created by an initial petition.

Motion: A written application for an order.

Objection/Caveat: Pleading to the court and petitioners opposing the performance of certain acts requested in a petition (may be

in response to an initial or secondary petition).

Discharge (Uncontested): A petition that seeks final closure of a case and is not contested by any relevant party.

Discharge (Contested): Any discharge that is contested by a relevant party and requires adjudication.

Other General Probate Actions

Inventory and Asset Management Plan:

A description of all assets and liabilities of the decedent, including a list of all personal and real property owned by the decedent at the time of death that is subject to administration of an estate's personal representative or in the event of a conservatorship of a minor or adult, a list of personal and real property owned by the ward and subject to management by a conservator, which includes a plan to manage the property and income for the following year.

Personal Status: A report pertaining to the status of an adult ward or a minor child.

Annual/Final Return: Accounting, under oath, of the receipts and expenditures on behalf of a decedent's estate or adult or minor conservatorship during the year preceding the anniversary date of appointment, together with a statement of all other assets or transfers of assets which are necessary to show the true condition of the Estate. The final return is due with a petition for discharge or petition for dismissal.

Bond: A count of the number of surety bonds issued.

Guardian ad Litem (GAL): A count of the number of times a court has to appoint someone to investigate and represent the

best interest of a minor child, alleged incapacitated adult, or missing or unknown heirs at law with regard to a particular matter pending before the court.

Indigent Affidavit: A count of the number of times an affidavit of indigence is filled in which a court waives filing fees for citizens unable to afford the fees.

Mental Health

Involuntary Treatment: Petitions that order a person suffering from mental illness or drug addiction to be committed into a treatment facility. This category includes both inpatient and outpatient treatment orders.

Order to Apprehend: A legal order allowing law enforcement officers to apprehend a person who is suffering from mental illness or drug addiction.

Other Mental Health: Any mental health petitions or orders that are not included in the previous two categories.

Criminal

Unit of Count: The unit of count for criminal cases heard by the probate court is by defendant.

Serious Traffic: The following cases are considered misdemeanor serious traffic offenses: DUI, reckless driving, aggressive driving, and evading a police officer.

Non-Serious Traffic: All traffic cases other than the ones included in the serious traffic category.

Other Criminal Citations: All non-traffic misdemeanor cases handled by the probate courts.

Manner of Disposition

Transfer: A case disposed by sending it to a higher court.

Bench Trial: A trial held in front of a judge without a jury.

Non-Trial: Any form of disposition that does not involve a formal trial.

Administrative Actions

Firearms: A count of all the weapons carry permits filled in a probate court along with a count of all the permit denials and revocations.

Vital Records: Certificates or reports of birth, death, and data related thereto.

- Birth Certificates- A count of all the birth certificates issued by a probate court.
- Death Certificate- A count of all the death certificates issued by a probate court.

Marriage: A count of all marriage licenses issues by a probate court.

- License Issued- A count of all original marriage licenses issued by the probate court.
- Certified Copies-All certified copies of marriage licenses issued by the probate court.

Passports: A count of all passport applications processed by a probate court.

Elections: First, indicate whether or not the court oversees elections by selected “yes” or “no”. If a court does handle elections, it will then show the number of voting precincts found within the county along with the number of election cycles handled in that calendar year. An election cycle refers to the number of election rounds not the number of candidates or offices being voted upon. For example, a county that experiences a primary, general, and runoff election in a single calendar year would be considered to have three election cycles regardless of the number of candidates or offices involved.

Miscellaneous Administrative: All other administrative actions that do not fall within one of the previous categories.

Section 6 – Magistrate Court [To the top](#)

Introduction

Magistrate court jurisdiction includes: civil claims of \$15,000 or less, certain minor criminal offenses, distress warrants and dispossessory writs, county ordinance violations, deposit account fraud, preliminary hearings, summonses, arrest, and search warrants. A chief magistrate, who may be assisted by one or more magistrates, presides over each of Georgia’s 159 magistrate courts. Chief magistrates are elected in partisan and non-partisan, countywide elections to four-year terms. Terms for other magistrate judges run concurrently with that of the chief magistrate.

For reporting in the Georgia framework, magistrate court caseload is divided into four major categories: criminal, civil, warrants, and hearings. The Magistrate court reporting framework described in the Guide is to be used for reporting magistrate court caseload data.

Magistrate Court Definitions

Criminal

Ordinance Violations: Cases alleging violations of local regulations passed by county, city, or other local governing bodies.

Misdemeanors: A count of violations of state laws that include: Possession of less than one ounce of marijuana (O.C.G.A. §16-13-2), Theft by shoplifting (O.C.G.A. §16-13-2), Furnishing alcoholic beverages to and purchase and possession of alcoholic beverages by a person under 21 years of age (O.C.G.A. §3-3-23.1), Criminal trespass (O.C.G.A. §16-7-21), Deposit account fraud/issuance of bad checks (O.C.G.A. §16-9-20).

Civil

Claims: Any cases where the amount demanded or the value of the property claimed does not exceed \$15,000.

Dispossessory and Distress Warrants: Proceedings involving landlords and tenants either for removal of the tenant from the property or for seizure of the property for non-payment of rent.

Garnishments: A proceeding in which the property or money in possession or control of another person are applied to pay a debt or judgment to a third person. This is most commonly an action in which a creditor garnishes a person’s wages from the employer.

Foreclosures and Attachments: A means of enforcing payment of a debt by selling the property upon which the debt is owed. Attachment is a process in which the court is asked to have property seized in order to satisfy a debt (to satisfy the court judgment in post-judgment actions).

Warrants

Felony Arrest: A type of arrest warrant that authorizes the arrest of a person suspected of committing a felony crime.

Misdemeanor Arrest: A type of arrest warrant that authorizes the arrest of a person suspected of committing a misdemeanor crime.

Good Behavior: A type of warrant against a person whose conduct indicates that the safety of another person may be at risk.

Search: A type of warrant that authorizes law enforcement officers to conduct a search of a person, location, or vehicle for evidence of a crime and to confiscate evidence if it is found.

Hearings

Warrant Application: This is a hearing to determine if there is probable cause for issuance of an arrest warrant when application has been made by a person other than a peace officer or law enforcement officer and for commission of an offense against the penal laws.

First Appearance: The purpose of this hearing is to inform the defendant of the charges, the defendant's rights, and to set a bond to guarantee the defendant's appearance at court for the next proceeding.

Commitment: This is a pre-trial or preliminary hearing to determine if there is sufficient evidence (probable cause) for the case to proceed to trial.

Good Behavior: The purpose of this proceeding is to determine if there is sufficient cause to require the defendant to post a good behavior bond and to set the amount of the bond.

Section 7 – Municipal Court [To the top](#)

Introduction

Georgia’s municipal courts hear traffic and ordinance violation cases in towns and cities. Municipal court judges hear municipal ordinance violations, issue criminal warrants, conduct preliminary hearings, and sometimes have concurrent jurisdiction over shoplifting cases and cases involving possession of one ounce or less of marijuana.

For reporting in the Georgia framework, municipal court caseload is divided into eight major criminal categories: traffic, ordinances, serious traffic, drugs/marijuana, misdemeanors, and bindovers. The municipal court reporting framework described in the Guide is used for reporting municipal court caseload data.

Municipal Court Definitions

Criminal

Serious Traffic (DUI): Cases alleging driving a motor vehicle while intoxicated, driving under the influence of alcohol or drugs, or driving while impaired.

Serious Traffic (Other): All fingerprintable criminal traffic offenses except driving while under the influence of alcohol or drugs (e.g. reckless driving, and operating a commercial vehicle without a CDL).

Misdemeanor Traffic: Criminal traffic violations involving the operation of a motor vehicle. Use this case type for motor vehicle cases that are not attributable to one of the other previously defined case types (e.g. speeding, failure to obey stop sign, failure to use turn signal, and seat belt violations).

Misdemeanor Drugs: Any drug-related misdemeanor criminal charges (e.g. possession of marijuana and possession of drug paraphernalia).

Misdemeanor (Other): Any criminal violations punishable by a maximum fine of \$1,000 or 12 months confinement. Also includes any violations that do not fit within aforementioned categories (e.g. vandalism and shoplifting valued less than \$300).

Parking Violation: Cases alleging parking a motor vehicle in violation of a state statute or local ordinance.

Ordinance: Cases alleging violations of local regulations passed by county, city, state, or other local governing bodies (e.g. animal control violations, solid waste violations, solicitation without a permit, and zoning violations).

Civil

Non-Criminal Traffic Violations: Non-criminal cases involving operation of a motor vehicle (e.g. Red light camera violations and School bus camera violations).

Section 8 – Civil Court and Recorder’s Court [To the top](#)

Introduction

For reporting in the Georgia framework, civil court and recorder’s court caseloads are divided into criminal and civil categories. The civil court and recorder’s court reporting framework described in the Guide is used for reporting civil court and recorder’s court caseload data.

Civil Court and Recorder’s Court

Definitions

Serious Traffic (DUI): Cases alleging driving a motor vehicle while intoxicated, driving under the influence of alcohol or drugs, or driving while impaired.

Serious Traffic (Other): All fingerprintable criminal traffic offenses except driving while under the influence of alcohol or drugs (e.g. reckless driving, and operating a commercial vehicle without a CDL).

Misdemeanor Traffic: Criminal traffic violations involving the operation of a motor vehicle. Use this case type for motor vehicle cases that are not attributable to one of the other previously defined case types (e.g. speeding, failure to obey stop sign, failure to use turn signal, and seat belt violations).

Misdemeanor Drugs: Any drug-related misdemeanor criminal charges (e.g. possession of marijuana and possession of drug paraphernalia).

Misdemeanor (Other): Any criminal violations punishable by a maximum fine of \$1,000 or 12 months confinement. Also includes any violations that do not fit within aforementioned categories (e.g. vandalism and shoplifting valued less than \$300).

Parking Violation: Cases alleging parking a motor vehicle in violation of a state statute or local ordinance.

Ordinance: Cases alleging violations of local regulations passed by county, city, state, or other local governing bodies (e.g. animal control violations, solid waste violations, solicitation without a permit, and zoning violations).

Civil

Claims: Any cases where the amount demanded or the value of the property claimed does not exceed the limit set by local legislation.

Dispossessory and Distress Warrants: Proceedings involving landlords and tenants either for removal of the tenant from the property or for seizure of the property for non-payment of rent.

Garnishments: A proceeding in which the property or money in possession or control of another person are applied to pay a debt or judgment to a third person. This is most commonly an action in which a creditor garnishes a person’s wages from the employer.

Foreclosures and Attachments: A means of enforcing payment of a debt by selling the property upon which the debt is owed. Attachment is a process in which the court is

asked to have property seized in order to satisfy a debt (to satisfy the court judgment in post-judgment actions).

Non-Criminal Traffic Violations: Non-criminal cases involving operation of a motor vehicle (e.g. Red light camera violations and School bus camera violations).

Section 9 – Data Submission and Verification [To the top](#)

Data Submissions

Efforts to simplify the reporting of caseload data led to the development of the online forms available at <https://myaocportal.georgiacourts.gov/login.html>. Clerks of all courts may access the forms by registering at the website and logging in to submit or edit their data. At the portal site, users can register as a first-time user or log in as a previously registered user. If you have not previously registered as a MyAOCportal user, follow the instructions below:

1. Enter www.georgiacourts.gov into your web browser.
2. Find the “Username & Password Sites” in the navigation bar on the main page.
3. Select “Caseload Reporting” to enter the portal.
4. Click “Create Account”
5. Enter the email address you have previously given to the JC/AOC as your contact information, and click “Register.” Doing this will prompt MyAOC portal to send you an email with directions for creating a user name and password to complete registration.

Once you have registered or if you have previously registered, follow the instructions below:

1. Navigate to MyAOCportal (<https://myaocportal.georgiacourts.gov/login.html>), and login using the user name and password you created. Once inside MyAOCportal, you may now select the appropriate court and enter your caseload data.

If you do not know the email address you previously registered with the JC/AOC or if you experience any technical issues with the portal, please contact the Office of Research and Data Analysis at 404-232-1857 or email casecount@georgiacourts.gov.

Please note: Mailed, emailed, and faxed forms will no longer be accepted.

Data Verification

The Research staff will review all data submitted through MyAOCportal for completeness and compare it with data from prior years to identify potential questions and issues addressing data reliability. Clerks are notified of any questions or concerns to allow editing or additional verifications before data is certified as final. It is important that data is submitted during the collection period to ensure the integrity of the data published.

Section 10 – Reporting Timeline [To the top](#)

Below are dates of various events in the caseload reporting process. Please be mindful of these dates in order to allow ample time for verification and subsequent analysis.

All dates are in 2019.

January 2nd – Caseload reporting initiated.

March 1st – 15-day reminder sent to courts that have not submitted.

March 5th – 10-day reminder sent to courts that have not submitted.

March 8th – Final reports sent to council presidents, judges, court administrators, and clerks.
5-day reminder sent to courts that have not submitted.

March 13th – 2-day reminder sent to courts that have not submitted.

March 15th – Portal closes to external users

March 18th – Caseload data is past due. First late notice is sent to courts that have not submitted.

March 19th – Second late notice sent to unresponsive courts.

March 29th – MyAOCportal closes and all submitted data is final.

Section 11 – Contact Information [To the top](#)

If you have comments, questions, or concerns, please contact the Research Analysts below:

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Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia
FROM: Judge Shawn LaGrua, Chair
Ad-Hoc Committee on Process Servers
RE: Updates on Rules and Regulations for Process Servers
DATE: November 26, 2018

The chair of the Judicial Council created the ad-hoc committee on June 3, 2016, to review and draft a new set of rules for process servers. The Committee voted on and approved amendments to the rules originally adopted by the Judicial Council on January 5, 2012, to comply with and to reflect the Supreme Court's decision in the *Georgia Association of Professional Process Servers (GAPPS) v. Jackson*.

In addition to minor edits, the major proposed changes to the rules include the following:

1. **Review of Training Providers** (Article 5, Section B, Subsection 7): The AOC will be tasked with reviewing the approved training providers every five years after the adoption of these rules, or every five years after initial certification.
2. **Assessment on Passage Rates** (Article 5, Section C): The AOC will be tasked with maintaining a record of passage rates of students and a cumulative number of the training provider based on students' scores. Should the passage rate fall below 70% for 3 consecutive tests, the training provider will be put under probation. Further regulations as to the probationary status are laid in the rules.
3. **Approved Training Programs** (Article 5, Section B, Subsection 3): All pre-certification and continuing education training courses may be provided in either an in-person or online setting. Either setting must comply with rules and regulations regarding course pre-approval.
4. **Clarification regarding complaints against a Certified Process Server** (Article 11): Any persons needing to file a complaint against a process server will be referred to O.C.G.A. § 9-11-4.1(c) which is incorporated by reference.

RULES AND REGULATIONS

GEORGIA

CERTIFIED PROCESS SERVER PROGRAM



Administrative Office of the Courts
244 Washington Street SW, Suite 300
Atlanta, GA 30334

Effective Date: ~~January 1, 2019~~ → Proposed Revisions

Index

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

ARTICLE 1: Purpose

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

~~AOC WORKING DRAFT~~

~~(INTERNAL)~~

~~NOT TO BE DISTRIBUTED
TO THE PUBLIC OR TO ANY
THIRD PARTIES.~~

ARTICLE 2: General Provisions

A. Legal Authority

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

B. Location of Offices

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

C. Definitions

For the purpose of these rules:

1. “*Council*” means the Judicial Council of Georgia;
2. “*AOC*” means the Administrative Office of the Courts of Georgia;
3. “*GSA*” means the Georgia Sheriffs’ Association, Inc.;
4. “*GCPS*” means Georgia Certified Process Server;
5. “*Coordinator*” means the ~~P~~rogram ~~C~~oordinator ~~or program manager~~ of the Georgia Certified Process Server program; ~~and~~
6. “*Exam*” means the Georgia Certified Process Server Examination; ~~;~~
7. “*Identification Card*” means the non-law enforcement credentials issued to Certified Process servers by the certifying Sheriff; ~~and~~.
8. “*GCR*” means the Georgia Courts Registry, the website to be used by individuals seeking certification and registering for testing.

D. Administration

1. The ~~D~~irector of the AOC will be the Program Ceordinator. Through the ~~D~~irector, his or her ~~designated coordinator~~designee shall assist the Judicial Council in ~~its~~ promulgating~~on~~ of rules and regulations, approving~~al~~ of training and testing programs, and coordinating~~on~~ with the GSA and others involved in the certification process.

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E. Effect of these Rules on Persons Authorized to Serve Process by Other Law

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

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ARTICLE 3: Certification

A. General Requirements

1. To be a certified process server in Georgia, an individual must:
 - a. Be at least 18 years of age; ~~and~~
 - b. Be a citizen of the United States; ~~a repatriated or naturalized citizen of the United States as of the date employment commences as evidenced by a certified copy of applicant's birth certificate or Certificate of Naturalization (N-550); and~~
 - c. Not have been convicted of or entered a plea of guilty or of *nolo contendere* to, have a pending first offender or conditional discharge adjudication for, or have a pending charge for, the following:
 - i. A felony;
 - ii. ~~A charge of i~~mpersonating a peace officer or other public employee under O.C.G.A. § 16-10-23;
 - iii. ~~A m~~isdemeanor domestic violence;
 - iv. ~~A m~~isdemeanor crime of moral turpitude;
 - v. Any traffic offense which may result in a suspension or revocation of a driver's license; ~~but this does not include minor traffic offenses.;~~
 - vi. A serious traffic offense as defined by Article 15 of Chapter 6 of Title 40, located at O.C.G.A. § 40-6-390 et seq.; or
 - vii. ~~A conviction under O.C.G.A. § 40-6-391 for~~ Driving Under the Influence under O.C.G.A. § 40-6-391.

B. Application

1. A person seeking certification must file with the sheriff of any county in Georgia a completed, sworn GCPS application packet.
2. For an application packet to be complete, it must contain the following:
 - a. A complete GCPS application;
 - b. Documented proof of citizenship; ~~A certified copy of applicant's birth certificate;~~

- c. Results of a fingerprint-based criminal background check conducted in accordance with Article 7 of these Rules;
 - d. A certificate of successful completion of pre-certification training, given to the applicant by any approved training provider, as detailed in Article 5.E of these Rules;
 - e. A certificate of successful completion of the GCPS Exam as detailed in Article 6 of these Rules;
 - f. A surety bond substantially in the form of Appendix A, or a commercial insurance binder demonstrating that applicant has obtained, and maintains a policy of liability insurance in the amount of at least \$25,000 as required by O.C.G.A. § 9-11-4.1(b)(1)(D) to protect members of the public and persons employing the certified process server against any damage arising from any actionable misconduct, error, or omission on the part of the applicant while acting as a certified process server;
 - g. An \$80 application fee in the form of money order or cashier's check made payable to the Sheriff's office that receives the application; and
 - h. Other fees that the Council may establish from time to time.
3. Sheriffs shall accept only complete certification application packets. Acceptance of a certification application packet does not grant a process server authority to operate in a county.
 4. All applicants and certified process servers must, at least annually, log into their GCR accounts to update their contact information and communicate with AOC staff whenever appropriate and/or needed.

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

1. Complete certification application packets shall be reviewed and either approved or rejected for cause by the receiving sheriff within 15 business days of their receipt. If the receiving sheriff rejects a certification application, the sheriff shall issue a written response showing grounds as to why the application was rejected and shall issue the response to the applicant and file it with the GSA.

2. When the receiving sheriff approves an application, an Identification Card shall be issued to the applicant, who, upon receipt of the Identification Card and writing of the Oath as specified in Article 8, will be a certified process server in Georgia.
3. ~~An applicant may appeal the receiving sheriff's decision rejection of an application for certification as provided for in Article 11.A. of these Rules.~~

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D. List of Certified Process servers

In accordance with OCGA § 9-11-4.1(e), the GSA shall maintain a registry of all certified process servers in Georgia. GSA will share this list with the AOC by the beginning of every calendar year in electronic format or as needed upon request by the AOC.

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E. Length of Certification

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

F. Withdrawal

1. A certified process server may withdraw certification ~~instead~~ in lieu of allowing certification to lapse, which would otherwise result in suspension for non-renewal. See Article 4C.
2. A certified process server may not request withdrawal of certification if placed under investigation.

ARTICLE 4: Renewal

A. Generally

A certified process server desiring to renew an existing certification must file with any Georgia sheriff an application for renewal, on a form available from the AOC and the GSA, and all other documentation and fees as required on the form. Sheriffs shall accept only complete renewal applications. Acceptance of a renewal application does not grant a process server authority to operate in a county.

B. Inactive Status

1. A certified process server who wishes to cease serving process in Georgia may elect to withdraw certification and become inactive by submitting written notice to the GSA and the certifying sheriff who, in turn, will notify the AOC within 30 days of receipt of the process server's written notice.

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2. When a certified process server has filed a completed application for renewal before the expiration of the existing certification, the current certification does not expire until the certifying Sheriff has approved or denied said application.

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~~2.3.~~ An inactive certified process server shall not be required to obtain continuing education hours if he or she remains inactive for greater than 26 weeks during a calendar year.

~~3.4.~~ An inactive certified process server who wishes to again become an active certified process server in Georgia must:

- a. Become certified through testing in the manner prescribed by Article 6; and
- b. Pay a renewal/~~re~~activation fee established within Article 12 of these rules with \$30 of the fee to be disbursed by the certifying sheriff to the GSA.

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ARTICLE 5: Training

A. Generally

1. Training, as related to any area in these rules and regulations, refers to the proficiency, competency, and performance of and the impartation of knowledge and understanding of the service of process, the Georgia judiciary, the legal process, and increases the participant's understanding of the responsibilities of a certified private process server and the process server's impact on the judicial process.

B. Approved Training Programs

1. Individuals and entities wishing to administer a training activity shall submit the proposed training activity on the approved form to the coordinator at the AOC for consideration ~~before~~prior to conducting the activity. Applications submitted after the training activity has been completed or conducted will be rejected.
2. The coordinator will review and approve the pre-certification training curriculum.
3. All pre-certification and continuing education training courses may be provided in either an in-person or online setting.
4. Primary faculty for any proposed pre-certification training activity must be Georgia certified process servers in good standing. Said faculty shall provide proof of the instructor's individual qualifications to provide instruction in the way of curriculum vitae, certificates or any documentation that proves their instructing experience in the subject matter. Individuals or organizations seeking to provide continuing education courses do not need to be certified in Georgia.
5. At a minimum, the proposal shall meet all requirements of these Rules and Regulations and shall include the following:
 - a. Course content, objectives, teaching methods, and the evaluation method;
 - b. Names and qualifications of the faculty, which may be updated by amendment to the original application;
 - c. Written materials for the participants (a copy of the materials shall be included with the proposal);
 - d. Number of CE credits the sponsoring entity is recommending the AOC grant for completion of the activity; and

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- e. A statement that the sponsor agrees to assume responsibility for the following:
- i. Verifying attendance of the participants;
 - ii. Providing a certificate of attendance for each participant who successfully completes the activity; ~~and~~
 - iii. Maintaining registration and attendance documents for a period of three (3) years; ~~;~~
 - iv. Submitting an electronic copy of the following to the GSA:
 - a. Sign In/Attendance log containing the applicants signature; and
 - b. Comprehensive list of all attendees and their corresponding test scores; ~~;~~
 - v. Upon request of the AOC, providing any additional information requested to assist the AOC in evaluating whether to approve the activity or to ensure compliance with this policy; ~~;~~
 - vi. Providing to the AOC amended training materials within 30 days of any changes, amendments to statutes, rules, and regulations affecting the practice of process service in Georgia; ~~;~~
 - vii. Providing the AOC with an affidavit regarding the ownership and proprietorship of the material provided to AOC that will be used in individual pre-certifications or continuing education ~~before prior to~~ certification; ~~and~~.
 - viii. Provide the AOC with changes ~~or to~~ amendments to the training materials, curriculum or program in general.
6. The AOC reserves the right to request information regarding any pre-certification or continuing education provided for process servers in the State of Georgia. The AOC can, at any time, suspend any pre-certification or continuing education provider should they fail to provide said curricula or information about their individual programs, or should they fail to comply with the coordinator's request within 30 days of the original request.
7. The AOC will review ~~all each~~ approved training providers ~~s~~ every five years after the adoption of these rules for training providers currently licensed at the time of adoption; ~~7~~ or five years after any new members have been approved as training

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providers. The AOC has the discretion to request materials related to the course and any other related information related to the trainers or the program in general or sections in particular.

C. Probationary Status

1. Training providers will be assessed on passage rate of their students. A training provider will be put under probationary status if, for ~~three~~ consecutive tests, the rate of passage of their students falls below 70%.
2. The testing rate will be assessed by AOC staff. ~~The r~~Rate of passage will be shared with the training provider no later than 60 days after the date of the test that caused the training provider to be put under probationary status.
3. If a training provider is put under probation, the training provider must:
 - a. Update all training material and teaching methods within ~~three~~ months of being notified of their probationary status.
 - b. Provide a course of action to bring the passage rate of their students above 70%.
 - c. Fully cooperate with any requests for ~~an~~ update of ~~the~~ curriculum and/or training method issued by the AOC.
4. ~~The p~~Probationary period will last no less than two years. During that time, the training provider must continue to maintain the rate of passage at 70% or above.
5. Probationary status will be published on the AOC's public website with an explanation as to what this status means.
—If the training provider fails to bring their passage rate above 70% after their probationary period, their authorization to provide any pre-certification training will be revoked for a period of one year, ~~time~~ after which ~~time~~, they will be able to re-apply as a new applicant.

6.

D. Trainer Standards

1. Primary faculty for any proposed training activity must be Georgia certified process servers in good standing.

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2. Individuals conducting a training activity should possess experience and expertise in the service of process, legal, and judicial systems. Faculty from other disciplines may conduct a training activity when their expertise ~~contributes~~will contribute to the goals of a specific program. Training providers shall provide the AOC proof of said experience as required by the Coordinator.
3. The individual or entity that received approval for the training curriculum shall retain a résumé on file for all trainers for a period of three (3) years after the delivery of each training session.
4. The individual or entity that received approval for the training curriculum maintains liability and responsibility for the quality of the training provided.

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E. Process Server Applicant Pre-certification Training

1. To submit a complete certification application packet, an applicant must first successfully complete a 12-hour pre-certification training as approved by the AOC.
2. Upon successful completion of the 12-hour pre-certification training, the applicant will receive a certificate of completion from the instructor.
3. Pre-certification training curriculum (12 hours) shall include:
 - a. Regulation of process serving (.5 hour): an overview of O.C.G.A. § 9-11-4.1 and these rules
 - b. Ethics and Professionalism (1.5 hours)
 - c. Process Server Liabilities and Responsibilities (1 hour):

i. The content of Article 3 of these rules and of O.C.G.A. § 9-11-4.1, including but not limited to, a review of the following topics in detail:

i.1. All work shall be performed in a lawful, professional, and ethical manner, and a certified process server shall do all things possible to protect the rights and confidentiality of a client and of any person to whom legal process is directed.

ii.2. A certified process server shall maintain high personal standards that do not impugn upon the reputation of the process service profession.

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~~iii.3.~~ A certified process server must be a citizen of the United States, at least 18 years of age, and not be a party to the case. The process server must not have an interest in the outcome of the case or be related by blood or marriage to someone who has such an interest.

~~iv.4.~~ A certified process server shall attempt to perfect service within five days from receipt of a summons and complaint, but if unable to do so, shall engage in diligent efforts to perfect service.

~~v.5.~~ A certified process server must supply and file a proof of service with the court in the county in which the action is pending within five business days of the service date. A certified process server shall not falsify or misrepresent the facts surround the delivery of legal process to any person or entity. The proof of service must be signed in the presence of a notary public and should never be signed in blank.

~~vi.6.~~ A certified process server shall display credentials at all times while engaged in service of process as stated in O.C.G.A. § 9-11-4.1(h)(3)(j), and said certified process server shall report lost or stolen credentials to the certifying county Sheriff's Office within three days of discovery of the loss.

~~vii.7.~~ A certified process server shall fulfill all of the criminal background requirements in Article 7.

~~viii.8.~~ A certified process server must maintain a commercial surety bond in an amount not less than the amount required by the rules set forth by the Judicial Council.

- d. Constitutional Law and Georgia Law relevant to service of process (6 hours):
 - i. Knowledge and understanding of the applicability of the relevant Georgia code sections. A current list of relevant Georgia code sections shall be maintained by the AOC and shall be available upon request.
- e. Personal Safety (1 hour)

- f. Best Practices: Practical Exercises on Process Serving (2 hours)

F. Annual Renewal Training

1. Each certified process server shall complete a minimum of 5 hours of training per calendar year relevant to the performance of duties as a certified process server, including, but not limited to the following:
 - a. Ethics; and
 - b. Updates to [the](#) relevant law regarding service of process.
2. Each certified process server shall complete a minimum of 5 hours of training per calendar year subsequent to the year of initial certification.
3. The failure to obtain the requisite annual training shall result in suspension of certificate.
4. The certificate of training issued by the approved vendor shall be submitted to the certifying Sheriff's Office during the month of January, for training received during the preceding calendar year.
5. Approved instructors may receive two (2) hours of pre-certification or renewal credit for each hour of instruction they provide in a course. The hours of instruction should be submitted by the approved vendor in a certificate of training, noting credits for instructional time. This shall not apply whenever application of said credits is not allowed by third-parties.
6. Said training can be received in a classroom setting or online setting, as long as said training is received from a training provider previously authorized by the AOC.

ARTICLE 6: Examination and Testing

A. Certification Examination

1. The AOC shall, from time to time in a time and setting designated by the AOC, provide for an exam to be administered to an applicant, pursuant to a written protocol established by the AOC.
2. The exam shall be designed to test the competency of the applicant as a process server in Georgia by testing the applicant's knowledge of the laws, rules, and regulations governing serving process in Georgia in the following areas and shall reflect the information presented within Article 5.D. and Article 10 of these rules.
 - a. Regulation of Process Serving
 - b. Ethics and Professionalism
 - c. Process server Liabilities and Responsibilities
 - d. Constitutional law and Georgia law relevant to Process Serving
 - e. Personal Safety
 - f. Best Practices: Practical Exercises on Process Serving
3. The AOC may modify exam questions and answers as necessary to ensure consistency with Georgia law, statutes, rules, and regulations and where the substance of the question or answer is not affected. Any substantive changes to exam questions or answers must be made by the AOC in consultation with the GSA at the AOC's discretion.
4. Pre-certification training provider will submit proof of completion at least two weeks before the testing date designated by the AOC. By submitting proof, the training provider acknowledges that the individual who has completed their course has received training as required by these rules.
5. For online pre-certification training outlets: all providers must submit proof of completion of the training program by their attendees on the 1st and 16th day of the month and at least ~~two~~ weeks before the testing date as designated by the AOC.

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B. Testing

1. For a complete certification application, an applicant must complete ~~an exam~~ ~~successfully~~ ~~successfully an exam~~ as approved by the AOC.

2. Upon successful completion of the exam, [the](#) applicant will receive from the tester a certificate of completion.
3. Applicants who fail to achieve a validated score on the exam may not retest for a period of 30 calendar days.
4. Applicants must repeat the 12-hour pre-certification training, at their own expense, should they test three (3) consecutive times and fail to achieve a passing examination score.

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ARTICLE 7: Criminal Background Requirements

A. Criminal Background Check; Fingerprinting

1. As per Article 3.B.2.c. of these Rules, each application to become a certified process server shall contain a criminal background fingerprint check.
2. The applicant shall submit to electronic fingerprinting by the office of the certifying Sheriff no more than two weeks ~~before~~~~prior to~~ submission of an application packet to a Georgia Sheriff to ensure current criminal history information is presented.
3. Each Sheriff shall set the cost of obtaining a fingerprint-based criminal history.
4. The applicant shall bear the cost of obtaining the applicant’s criminal history.

B. Ongoing Qualifications

1. No certified process server shall be employed who has been convicted of or has entered a plea of guilty or of *nolo contendere*, has a pending first offender or conditional discharge adjudication for, or has a pending charge for, the following:
 - a. A felony;
 - b. ~~A charge of~~ impersonating a peace officer or other public employee under O.C.G.A. § 16-10-23;
 - c. ~~A m~~Misdemeanor domestic violence;
 - d. ~~A m~~Misdemeanor crime of moral turpitude;
 - e. Any traffic offense which may result in a suspension or revocation or a driver’s license, ~~but this does not include minor traffic offenses.~~
 - f. A serious traffic offense as defined by Article 15 of Chapter 6 of Title 40, located at O.C.G.A. § 40-6-390 et seq.; or
~~A conviction under O.C.G.A. § 40-6-391 for~~ Driving Under the Influence under O.C.G.A. § 40-6-391.
2. Each certified process server shall notify in writing the GSA, the certifying Sheriff, and the Sheriff of any county who has issued the process server authorization of the following within three business days:

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- a. If the process server is convicted of or enters a plea of guilty or of *nolo contendere* to, has a pending first offender or conditional discharge adjudication for, the following:
- i. A felony;
 - ii. ~~A charge of i~~Impersonating a peace officer or other public employee under O.C.G.A. § 16-10-23;
 - iii. ~~A m~~Misdemeanor domestic violence;
 - iv. ~~A m~~Misdemeanor crime of moral turpitude;
 - v. Any traffic offense which may result in a suspension or revocation or a driver's license, ~~but this does not include minor traffic offenses.~~
 - vi. A serious traffic offense as defined by Article 15 of Chapter 6 of Title 40, located at O.C.G.A. § 40-6-390 et seq.; or
- ~~b. A conviction under O.C.G.A. § 40-6-391 for~~ Driving Under the Influence under O.C.G.A. § 40-6-391
- ~~c.~~
- ~~d. c.~~ An outstanding arrest warrant or a pending criminal charge. This includes any traffic offense which may result in a suspension on or revocation or a driver's license, ~~but does not include minor traffic offenses.~~
- ~~e. d.~~ Failure to submit notification within three business days of any such event will result in immediate suspension of certification and may result in prosecution if the event violates Georgia's criminal statutes.
- d. Suspension of certification results in the process server's inability to operate as a certified process server in any county within Georgia until the suspension is lifted or the term of suspension expires.

ARTICLE 8: Oath

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

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

CERTIFIED PROCESS SERVER

DATE

SHERIFF

DATE

COUNTY, GEORGIA

ARTICLE 9: Certified Process Server Conduct Identification Card

A. Identification Card

1. A certified process server shall carry (and prominently display) the Identification Card issued to them by the certifying sheriff at all times when serving process. This Identification Card will serve as the certified process server's credentials as required by O.C.G.A. § 9-11-4.1(h)(2)(i).

~~**B.A. Complaints Against a Certified Process Server**~~

~~Individuals may file a complaint after exhausting all other remedies, including but not limited to, contacting the Sheriff from the county in question, filing a complaint with the Superior Court that has jurisdiction over the county in which the party was served, or with GSA.~~

ARTICLE 10: Ethics

A. Generally

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

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

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B. Compliance with Rules and Applicable Laws

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

C. Professionalism

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

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

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D. Skills and Knowledge

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

1. A certified process server has an obligation to have knowledge and keep informed of all current and applicable laws regarding the service of process in Georgia.
2. A certified process server has a responsibility to maintain a working knowledge of proper method of service of process.
3. A certified process server shall possess the necessary verbal and written communication skills sufficient to perform the private process server role.
4. A certified process server shall manage service proficiently, including skills necessary to be a competent process server, which skills include, but are not limited to those necessary to serve process, maintain records, and communicate with clients in a timely manner.
5. A certified process server shall keep clients, court personnel, and other relevant public officers reasonably informed about the status of the service and promptly comply with reasonable requests.
6. A certified process server shall ensure all affidavits and certificates prepared by the certified process server are complete, accurate, understandable, and are filed with the court in a timely manner.

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Article 11: Complaints Against a Certified Process Server

Complaints Against a Certified Process Server

Individuals may file a complaint after exhausting all other remedies, including but not limited to, contacting the Sheriff from the county in question, filing a complaint with the Superior Court that has jurisdiction over the county in which the party was served, or with GSA. Complaints against process servers are governed by O.C.G.A. § 9-11-4.1(c), which is incorporated here by reference.

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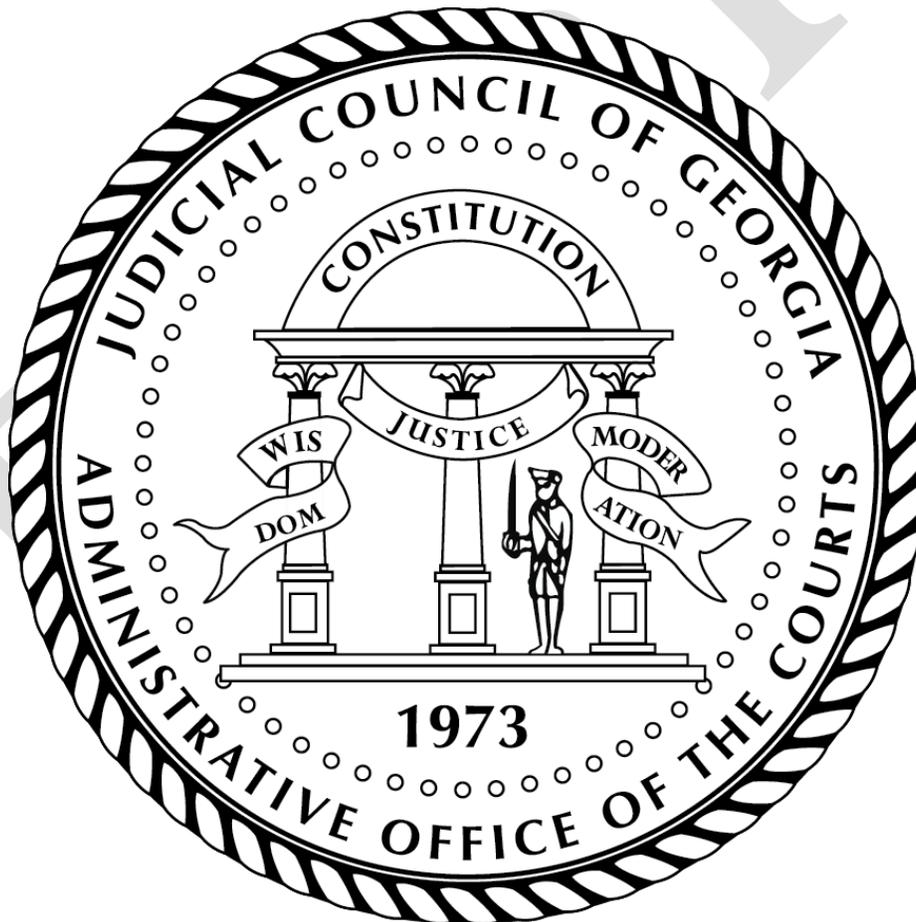
ARTICLE 12: Fee Schedule

- | | |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. Georgia Certified Process server (GCPS) Application Fee: | \$80 |
| B. GCPS Certification Renewal Fee: | \$80 |
| C. GCPS Reinstatement Fee: | \$80 |
| D. Pre-certification and Continuing Education Fee: | \$15 per credit hour |
| E. GCPS Test Administration Fee: | \$250 for the first
test administration; if an applicant applies to re-take the test a second time within six
months, the second test administration fee shall be \$125. |
| F. GCPS Identification Card and Replacement Fee: | \$15 |
| G. Fingerprint processing fee: | set by each Sheriff |

RULES AND REGULATIONS

GEORGIA

CERTIFIED PROCESS SERVER PROGRAM



Administrative Office of the Courts
244 Washington Street SW, Suite 300
Atlanta, GA 30334
Effective Date: January 1, 2019 → Proposed Revisions

Index

Article 1	Purpose
Article 2	General Provisions
Article 3	Certification
Article 4	Renewal
Article 5	Training
Article 6	Examination and Testing
Article 7	Criminal Background Requirements
Article 8	Oath
Article 9	Identification Card
Article 10	Ethics
Article 11	Complaints Against a Certified Process Server
Article 12	Fee Schedule

ARTICLE 1: Purpose

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

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ARTICLE 2: General Provisions

A. Legal Authority

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

B. Location of Offices

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

C. Definitions

For the purpose of these rules:

1. “*Council*” means the Judicial Council of Georgia;
2. “*AOC*” means the Administrative Office of the Courts of Georgia;
3. “*GSA*” means the Georgia Sheriffs' Association, Inc.;
4. “*GCPS*” means Georgia Certified Process Server;
5. “*Coordinator*” means the Program Coordinator of the Georgia Certified Process Server program;
6. “*Exam*” means the Georgia Certified Process Server Examination;
7. “*Identification Card*” means the non-law enforcement credentials issued to Certified Process servers by the certifying Sheriff; and
8. “*GCR*” means the Georgia Courts Registry, the website to be used by individuals seeking certification and registering for testing.

D. Administration

1. The Director of the AOC will be the Program Coordinator. Through the Director, his or her designee shall assist the Judicial Council in promulgating rules and regulations, approving training and testing programs, and coordinating with the GSA and others involved in the certification process.

E. Effect of these Rules on Persons Authorized to Serve Process by Other Law

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

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ARTICLE 3: Certification

A. General Requirements

1. To be a certified process server in Georgia, an individual must:
 - a. Be at least 18 years of age;
 - b. Be a citizen of the United States; and
 - c. Not have been convicted of or entered a plea of guilty or of *nolo contendere* to, have a pending first offender or conditional discharge adjudication for, or have a pending charge for, the following:
 - i. A felony;
 - ii. Impersonating a peace officer or other public employee under O.C.G.A. § 16-10-23;
 - iii. A misdemeanor domestic violence;
 - iv. A misdemeanor crime of moral turpitude;
 - v. Any traffic offense which may result in a suspension or revocation of a driver's license;
 - vi. A serious traffic offense as defined by Article 15 of Chapter 6 of Title 40, located at O.C.G.A. § 40-6-390 et seq.; or
 - vii. Driving Under the Influence under O.C.G.A. § 40-6-391.

B. Application

1. A person seeking certification must file with the sheriff of any county in Georgia a completed, sworn GCPS application packet.
2. For an application packet to be complete, it must contain the following:
 - a. A complete GCPS application;
 - b. Documented proof of citizenship;
 - c. Results of a fingerprint-based criminal background check conducted in accordance with Article 7 of these Rules;
 - d. A certificate of successful completion of pre-certification training, given to the applicant by any approved training provider, as detailed in Article 5.E of these Rules;

- e. A certificate of successful completion of the GCPS Exam as detailed in Article 6 of these Rules;
 - f. A surety bond substantially in the form of Appendix A, or a commercial insurance binder demonstrating that applicant has obtained, and maintains a policy of liability insurance in the amount of at least \$25,000 as required by O.C.G.A. § 9-11-4.1(b)(1)(D) to protect members of the public and persons employing the certified process server against any damage arising from any actionable misconduct, error, or omission on the part of the applicant while acting as a certified process server;
 - g. An \$80 application fee in the form of money order or cashier's check made payable to the Sheriff's office that receives the application; and
 - h. Other fees that the Council may establish from time to time.
3. Sheriffs shall accept only complete certification application packets. Acceptance of a certification application packet does not grant a process server authority to operate in a county.
 4. All applicants and certified process servers must, at least annually, log into their GCR accounts to update their contact information and communicate with AOC staff whenever appropriate and/or needed.

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

1. Complete certification application packets shall be reviewed and either approved or rejected for cause by the receiving sheriff within 15 business days of their receipt. If the receiving sheriff rejects a certification application, the sheriff shall issue a written response showing grounds as to why the application was rejected and shall issue the response to the applicant and file it with the GSA.
2. When the receiving sheriff approves an application, an Identification Card shall be issued to the applicant, who, upon receipt of the Identification Card and writing of the Oath as specified in Article 8, will be a certified process server in Georgia.
3. .

D. List of Certified Process servers

In accordance with OCGA § 9-11-4.1(e), the GSA shall maintain a registry of all certified process servers in Georgia. GSA will share this list with the AOC by the beginning of every calendar year in electronic format or as needed upon request by the AOC.

E. Length of Certification

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

F. Withdrawal

1. A certified process server may withdraw certification instead of allowing certification to lapse, which would otherwise result in suspension for non-renewal. See Article 4C.
2. A certified process server may not request withdrawal of certification if placed under investigation.

ARTICLE 4: Renewal

A. Generally

A certified process server desiring to renew an existing certification must file with any Georgia sheriff an application for renewal, on a form available from the AOC and the GSA, and all other documentation and fees as required on the form. Sheriffs shall accept only complete renewal applications. Acceptance of a renewal application does not grant a process server authority to operate in a county.

B. Inactive Status

1. A certified process server who wishes to cease serving process in Georgia may elect to withdraw certification and become inactive by submitting written notice to the GSA and the certifying sheriff who, in turn, will notify the AOC within 30 days of receipt of the process server's written notice.
2. When a certified process server has filed a completed application for renewal before the expiration of the existing certification, the current certification does not expire until the certifying Sheriff has approved or denied said application.
3. An inactive certified process server shall not be required to obtain continuing education hours if he or she remains inactive for greater than 26 weeks during a calendar year.
4. An inactive certified process server who wishes to again become an active certified process server in Georgia must:
 - a. Become certified through testing in the manner prescribed by Article 6; and
 - b. Pay a renewal/reactivation fee established within Article 12 of these rules with \$30 of the fee to be disbursed by the certifying sheriff to the GSA.

ARTICLE 5: Training

A. Generally

1. Training, as related to any area in these rules and regulations, refers to the proficiency, competency, and performance of and the impartation of knowledge and understanding of the service of process, the Georgia judiciary, the legal process, and increases the participant's understanding of the responsibilities of a certified private process server and the process server's impact on the judicial process.

B. Approved Training Programs

1. Individuals and entities wishing to administer a training activity shall submit the proposed training activity on the approved form to the coordinator at the AOC for consideration before conducting the activity. Applications submitted after the training activity has been completed or conducted will be rejected.
2. The coordinator will review and approve the pre-certification training curriculum.
3. All pre-certification and continuing education training courses may be provided in either an in-person or online setting.
4. Primary faculty for any proposed pre-certification training activity must be Georgia certified process servers in good standing. Said faculty shall provide proof of the instructor's individual qualifications to provide instruction in the way of curriculum vitae, certificates or any documentation that proves their instructing experience in the subject matter. Individuals or organizations seeking to provide continuing education courses do not need to be certified in Georgia.
5. At a minimum, the proposal shall meet all requirements of these Rules and Regulations and shall include the following:
 - a. Course content, objectives, teaching methods, and the evaluation method;
 - b. Names and qualifications of the faculty, which may be updated by amendment to the original application;
 - c. Written materials for the participants (a copy of the materials shall be included with the proposal);
 - d. Number of CE credits the sponsoring entity is recommending the AOC grant for completion of the activity; and

- e. A statement that the sponsor agrees to assume responsibility for the following:
 - i. Verifying attendance of the participants;
 - ii. Providing a certificate of attendance for each participant who successfully completes the activity;
 - iii. Maintaining registration and attendance documents for a period of three (3) years;
 - iv. Submitting an electronic copy of the following to the GSA:
 - a. Sign In/Attendance log containing the applicants signature; and
 - b. Comprehensive list of all attendees and their corresponding test scores;
 - v. Upon request of the AOC, providing any additional information requested to assist the AOC in evaluating whether to approve the activity or to ensure compliance with this policy;
 - vi. Providing to the AOC amended training materials within 30 days of any changes, amendments to statutes, rules, and regulations affecting the practice of process service in Georgia;
 - vii. Providing the AOC with an affidavit regarding the ownership and proprietorship of the material provided to AOC that will be used in individual pre-certifications or continuing education before certification; and
 - viii. Provide the AOC with changes or amendments to the training materials, curriculum or program in general.
6. The AOC reserves the right to request information regarding any pre-certification or continuing education provided for process servers in the State of Georgia. The AOC can, at any time, suspend any pre-certification or continuing education provider should they fail to provide said curricula or information about their individual programs, or should they fail to comply with the coordinator's request within 30 days of the original request.
7. The AOC will review each approved training provider every five years after the adoption of these rules for training providers currently licensed at the time of adoption or five years after any new members have been approved as training

providers. The AOC has the discretion to request materials related to the course and any other related information related to the trainers or the program in general or sections in particular.

C. Probationary Status

1. Training providers will be assessed on passage rate of their students. A training provider will be put under probationary status if, for three consecutive tests, the rate of passage of their students falls below 70%.
2. The testing rate will be assessed by AOC staff. The rate of passage will be shared with the training provider no later than 60 days after the date of the test that caused the training provider to be put under probationary status.
3. If a training provider is put under probation, the training provider must:
 - a. Update all training material and teaching methods within three months of being notified of their probationary status.
 - b. Provide a course of action to bring the passage rate of their students above 70%.
 - c. Fully cooperate with any requests for an update of the curriculum and/or training method issued by the AOC.
4. The probationary period will last no less than two years. During that time, the training provider must continue to maintain the rate of passage at 70% or above.
5. Probationary status will be published on the AOC's public website with an explanation as to what this status means.
6. If the training provider fails to bring their passage rate above 70% after their probationary period, their authorization to provide any pre-certification training will be revoked for a period of one year, after which time, they will be able to re-apply as a new applicant

D. Trainer Standards

1. Primary faculty for any proposed training activity must be Georgia certified process servers in good standing.
2. Individuals conducting a training activity should possess experience and expertise in the service of process, legal, and judicial systems. Faculty from other disciplines may conduct a training activity when their expertise contributes to the goals of a specific

program. Training providers shall provide the AOC proof of said experience as required by the Coordinator.

3. The individual or entity that received approval for the training curriculum shall retain a résumé on file for all trainers for a period of three (3) years after the delivery of each training session.
4. The individual or entity that received approval for the training curriculum maintains liability and responsibility for the quality of the training provided.

E. Process Server Applicant Pre-certification Training

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

of the case or be related by blood or marriage to someone who has such an interest.

4. A certified process server shall attempt to perfect service within five days from receipt of a summons and complaint, but if unable to do so, shall engage in diligent efforts to perfect service.
 5. A certified process server must supply and file a proof of service with the court in the county in which the action is pending within five business days of the service date. A certified process server shall not falsify or misrepresent the facts surround the delivery of legal process to any person or entity. The proof of service must be signed in the presence of a notary public and should never be signed in blank.
 6. A certified process server shall display credentials at all times while engaged in service of process as stated in O.C.G.A. § 9-11-4.1(h)(3)(i), and said certified process server shall report lost or stolen credentials to the certifying county Sheriff's Office within three days of discovery of the loss.
 7. A certified process server shall fulfill all of the criminal background requirements in Article 7.
 8. A certified process server must maintain a commercial surety bond in an amount not less than the amount required by the rules set forth by the Judicial Council.
- d. Constitutional Law and Georgia Law relevant to service of process (6 hours):
 - i. Knowledge and understanding of the applicability of the relevant Georgia code sections. A current list of relevant Georgia code sections shall be maintained by the AOC and shall be available upon request.
 - e. Personal Safety (1 hour)
 - f. Best Practices: Practical Exercises on Process Serving (2 hours)

F. Annual Renewal Training

1. Each certified process server shall complete a minimum of 5 hours of training per calendar year relevant to the performance of duties as a certified process server, including, but not limited to the following:
 - a. Ethics; and
 - b. Updates to the relevant law regarding service of process.
2. Each certified process server shall complete a minimum of 5 hours of training per calendar year subsequent to the year of initial certification.
3. The failure to obtain the requisite annual training shall result in suspension of certificate.
4. The certificate of training issued by the approved vendor shall be submitted to the certifying Sheriff's Office during the month of January, for training received during the preceding calendar year.
5. Approved instructors may receive two (2) hours of pre-certification or renewal credit for each hour of instruction they provide in a course. The hours of instruction should be submitted by the approved vendor in a certificate of training, noting credits for instructional time. This shall not apply whenever application of said credits is not allowed by third-parties.
6. Said training can be received in a classroom setting or online setting, as long as said training is received from a training provider previously authorized by the AOC.

ARTICLE 6: Examination and Testing

A. Certification Examination

1. The AOC shall, from time to time in a time and setting designated by the AOC, provide for an exam to be administered to an applicant, pursuant to a written protocol established by the AOC.
2. The exam shall be designed to test the competency of the applicant as a process server in Georgia by testing the applicant's knowledge of the laws, rules, and regulations governing serving process in Georgia in the following areas and shall reflect the information presented within Article 5.D. and Article 10 of these rules.
 - a. Regulation of Process Serving
 - b. Ethics and Professionalism
 - c. Process server Liabilities and Responsibilities
 - d. Constitutional law and Georgia law relevant to Process Serving
 - e. Personal Safety
 - f. Best Practices: Practical Exercises on Process Serving
3. The AOC may modify exam questions and answers as necessary to ensure consistency with Georgia law, statutes, rules, and regulations and where the substance of the question or answer is not affected. Any substantive changes to exam questions or answers must be made by the AOC in consultation with the GSA at the AOC's discretion.
4. Pre-certification training provider will submit proof of completion at least two weeks before the testing date designated by the AOC. By submitting proof, the training provider acknowledges that the individual who has completed their course has received training as required by these rules.
5. For online pre-certification training outlets: all providers must submit proof of completion of the training program by their attendees on the 1st and 16th day of the month and at least two weeks before the testing date as designated by the AOC.

B. Testing

1. For a complete certification application, an applicant must complete an exam successfully as approved by the AOC.

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

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ARTICLE 7: Criminal Background Requirements

A. Criminal Background Check; Fingerprinting

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

B. Ongoing Qualifications

1. No certified process server shall be employed who has been convicted of or has entered a plea of guilty or of *nolo contendere*, has a pending first offender or conditional discharge adjudication for, or has a pending charge for, the following:
 - a. A felony;
 - b. Impersonating a peace officer or other public employee under O.C.G.A. § 16-10-23;
 - c. A misdemeanor domestic violence;
 - d. A misdemeanor crime of moral turpitude;
 - e. Any traffic offense which may result in a suspension or revocation or a driver's license;
 - f. A serious traffic offense as defined by Article 15 of Chapter 6 of Title 40, located at O.C.G.A. § 40-6-390 et seq.; or
Driving Under the Influence under O.C.G.A. § 40-6-391.
2. Each certified process server shall notify in writing the GSA, the certifying Sheriff, and the Sheriff of any county who has issued the process server authorization of the following within three business days:

- a. If the process server is convicted of or enters a plea of guilty or of *nolo contendere* to, has a pending first offender or conditional discharge adjudication for, the following:
 - i. A felony;
 - ii. Impersonating a peace officer or other public employee under O.C.G.A. § 16-10-23;
 - iii. A misdemeanor domestic violence;
 - iv. A misdemeanor crime of moral turpitude;
 - v. Any traffic offense which may result in a suspension or revocation or a driver's license,
 - vi. A serious traffic offense as defined by Article 15 of Chapter 6 of Title 40, located at O.C.G.A. § 40-6-390 et seq.; or
- b. Driving Under the Influence under O.C.G.A. § 40-6-391
- c. An outstanding arrest warrant or a pending criminal charge. This includes any traffic offense which may result in a suspension or revocation or a driver's license
- d. Failure to submit notification within three business days of any such event will result in immediate suspension of certification and may result in prosecution if the event violates Georgia's criminal statutes.
- d. Suspension of certification results in the process server's inability to operate as a certified process server in any county within Georgia until the suspension is lifted or the term of suspension expires.

ARTICLE 8: Oath

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

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

CERTIFIED PROCESS SERVER

DATE

SHERIFF

DATE

_____ COUNTY, GEORGIA

ARTICLE 9: Identification Card

A. Identification Card

1. A certified process server shall carry (and prominently display) the Identification Card issued to them by the certifying sheriff at all times when serving process. This Identification Card will serve as the certified process server's credentials as required by O.C.G.A. § 9-11-4.1(h)(2)(i).

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ARTICLE 10: Ethics

A. Generally

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

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

B. Compliance with Rules and Applicable Laws

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

C. Professionalism

Certified process servers shall exercise the highest degree of professionalism in all interactions with clients, the party located, and others they come into contact with during

the service. Certified process servers shall utilize professional judgment and discretion at all times.

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

D. Skills and Knowledge

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

1. A certified process server has an obligation to have knowledge and keep informed of all current and applicable laws regarding the service of process in Georgia.

2. A certified process server has a responsibility to maintain a working knowledge of proper method of service of process.
3. A certified process server shall possess the necessary verbal and written communication skills sufficient to perform the private process server role.
4. A certified process server shall manage service proficiently, including skills necessary to be a competent process server, which skills include, but are not limited to those necessary to serve process, maintain records, and communicate with clients in a timely manner.
5. A certified process server shall keep clients, court personnel, and other relevant public officers reasonably informed about the status of the service and promptly comply with reasonable requests.
6. A certified process server shall ensure all affidavits and certificates prepared by the certified process server are complete, accurate, understandable, and are filed with the court in a timely manner.

Article 11: Complaints Against a Certified Process Server

Complaints against process servers are governed by O.C.G.A. § 9-11-4.1(c), which is incorporated here by reference.

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ARTICLE 12: Fee Schedule

- A. Georgia Certified Process server (GCPS) Application Fee: \$80
- B. GCPS Certification Renewal Fee: \$80
- C. GCPS Reinstatement Fee: \$80
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- F. GCPS Identification Card and Replacement Fee: \$15
- G. Fingerprint processing fee: set by each Sheriff

Draft



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Chief Judge W. Allen Wigington, Chair

RE: Strategic Plan Standing Committee Report

DATE: November 26, 2018

The Strategic Plan Standing Committee continues to work through the remaining key initiatives of the strategic plan. To date, key initiatives 3, 4, 8, and 9 remain in progress. A summary of the remaining initiatives, including an action item, is below.

Initiative 3 - Encourage ongoing use of *CourTools* measures to promote access and fairness in the courts:

The AOC Office of Research and Data Analysis (ORDA) has developed a core service model, focusing on 3 *CourTools* measures, which will allow ORDA staff to offer trainings to local courts on how to implement *CourTools* measures themselves. ORDA staff will record presentations on each of the 3 measures and offer the presentations to courts and other agencies as requested. The ORDA webpage is being redesigned and will include information on how to request *CourTools* training and support.

Initiative 4 - Encourage Legislative branch communications and initiatives of mutual interest:

As the 2019 legislative session begins, communications with Executive and Legislative branch partners will continue. AOC staff will maintain a legislative tracking website, facilitate weekly teleconferences with all councils, provide legislative reports twice per week to judges and court personnel, and provide daily notes reflecting floor and committee business.

Initiative 8 - Monitor and share trends and best practices of interest to the judiciary:

At the September 18, 2018 Strategic Plan Standing Committee meeting, AOC staff presented 2 topics impacting courts; cyber security and harassment. Best practices for courts to utilize were discussed. Articles highlighting cyber security threats and prevention and harassment awareness

will be published in the *Georgia Courts Journal*. Trainings on cyber security threats and prevention will be recorded and posted on the AOC website for courts to view.

(Action Item) Initiative 9 - Assist the judiciary in business continuity and leadership succession planning

The Strategic Plan Standing Committee requests that the Judicial Council approve the *Emergency Preparedness and Continuity of Judicial Operations Manual*. The proposed *Manual* is attached.

A Sub-Committee on Emergency Preparedness and Continuity of Judicial Operations was created in 2017 with the mission of updating and modernizing the *Judicial Council Emergency Operations Plan* previously created in 2005. The Sub-Committee worked throughout 2018 to update the plan and approved the final draft of the *Emergency Preparedness and Continuity of Judicial Operations Manual* on November 7, 2018. The *Manual* was approved by the Strategic Plan Standing Committee on November 26, 2018. Upon official adoption by the Judicial Council, an e-version of the *Manual* will be placed on the AOC's website.

Attachment



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Supreme Court Commission on Interpreters

RE: Update on the Model Administrative Protocol

DATE: November 16, 2018

In 2015, the Georgia Supreme Court Commission on Interpreters received a \$15,000 technical assistance grant to develop a model protocol that will help state courts meet their obligations to provide interpreters and other language services. The National Center for State Courts (NCSC) made funding for this project available as part of a larger national initiative supported by the State Justice Institute (SJI).

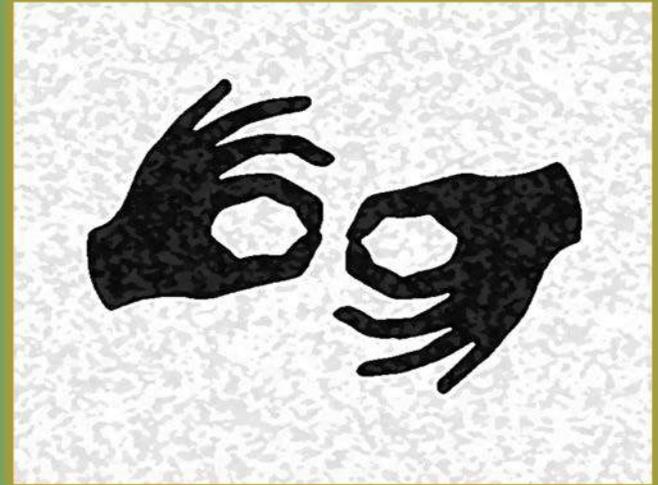
This grant allowed the Commission to draft a step-by-step administrative guide for the provision of language services in trial courts. The guide, called the Model Administrative Protocol, is the first of its kind in Georgia. The Protocol will promote the reliable and efficient provision of language services in state courts throughout Georgia, both for persons with limited English proficiency and for those who are deaf or hard of hearing. Given the diverse and unique needs in each of Georgia's counties, the Protocol is made to be adaptable to local needs.

The Commission intends to complete its work on the Model Administrative Protocol at its November 28, 2018 meeting. The Commission will then submit the Protocol for Judicial Council consideration at its February 15, 2019 meeting. The attached draft of the Protocol is for the Council's review in anticipation of approval next year.

Supreme Court of Georgia Commission on Interpreters

Model Administrative Protocol

for the Provision of Language Assistance Services for Limited English Proficient and
Deaf/Hard of Hearing Persons in Georgia Courts



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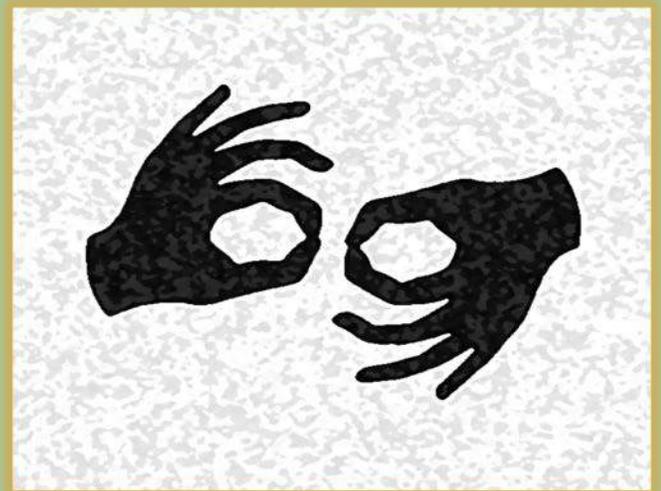
The Commission on Interpreters (Commission) extends gratitude to the National Center for State Courts and State Justice Institute for the grant awarded to the Commission in May 2015, without which, the Model Administrative Protocol’s development would not have been possible. We thank each judge, court administrator, attorney, interpreter, community organization, and access to justice stakeholder that provided feedback. We thank especially the following access to justice stakeholders for their invaluable insight:

Judicial Council of Georgia /Administrative Office of the Courts

Judicial Council of Georgia Access to Justice Committee

Georgia Council of Superior Court Judges	Georgia Council of State Court Judges
Georgia Council of Magistrate Court Judges	Georgia Council of Municipal Court Judges
Georgia Council of Probate Court Judges	Georgia Council of Juvenile Court Judges
Georgia Council of Court Administrators	Georgia Legal Services Program
Atlanta Assoc. of Interpreters and Translators	Georgia Registry of Interpreters for the Deaf
State of Georgia ADA Coordinator’s Office	Macon Judicial Circuit
Northern Judicial Circuit	Duluth Municipal Court
Middle Judicial Circuit	Cobb Judicial Circuit

MAP *Companion*



Companion to the Model Administrative Protocol *Template* for the Provision of Language Assistance Services to Limited English Proficient and Deaf and Hard of Hearing Persons in the Georgia Courts

Developed By:

Supreme Court of Georgia Commission on Interpreters MAP Development Committee

I. Introduction	3
II. Legal Basis for Interpreter Provision and Language Access.....	6
A. Federal Law.....	6
B. Georgia Law	7
C. Supreme Court of Georgia Rules and Commission on Interpreters.....	7
III. Needs Assessment and Early Identification.....	8
A. Data Collection and Needs Assessment.....	8
B. Early and Ongoing Identification of Language Needs in the Community and the Court User Population.....	9
1. Designated language access office or point person	10
2. Identification of language access needs at all points of contact with the court	11
3. Identification of language access needs in court records.....	13
4. Additional tools for early identification of language access needs.....	14
IV. Provision of Qualified Interpreters in Court Proceedings and Other Court-Managed Functions.....	14
Court Interpreters in Georgia.....	15
A. Appointment of Qualified Interpreters.....	16
a. Preference when appointing interpreters	17
b. Safeguards when appointing non-licensed or non-credentialed interpreters	17
c. Avoidance of untrained persons to interpret and limitation to exigent circumstances	18
d. Appointment of interpreters for all relevant participants.....	19
B. Best Practices in the Appointment of Interpreters.....	19
C. Calendaring and Scheduling of Interpreters	22
D. Remote Interpreting.....	24
E. Appointment of Interpreters for Court-Managed Functions.....	25
F. Additional Courtroom Tools for Language Access.....	25
a. Bilingual courtroom staff.....	25
b. Technology in the courtroom.....	26
c. Signage and translation of courtroom resources.....	26
G. Interpreter Compensation	27
V. Strategies for Management and Monitoring of the MAP	27
A. Periodic Monitoring of Effectiveness of the MAP	27
MAP Update by the Commission on Interpreters.....	28
B. Local Complaint Mechanisms	29
C. Training for Judicial Branch on the MAP	29
Training Assistance by the Commission on Interpreters.....	30
D. Outreach and Communication of the MAP.....	30
Outreach Assistance by the Commission on Interpreters	30

VI. Language Access Administrative Protocol Management and Other Language Access Considerations..... 31

Appendix A: Georgia Language Access Resources Identified in the MAP 33

Appendix B: Map of Georgia Judicial Circuits & Districts..... 35

Appendix C: Language Identification Guide 36

Appendix D: Uniform Superior Court Rule 7.3 (Revised), Effective July 13, 2017 39

I. Introduction

The purpose of the Model Administrative Protocol (MAP) is to provide Georgia courts with a standardized guide for the administrative handling of the provision of court interpreters as a language access resource in the local courts. The MAP applies to the provision of language assistance services, including interpreters, for limited-English proficient (LEP) court users and those who are deaf or hard of hearing (DHH). It is important to note that courts have certain obligations to all persons with sensory/ communication disabilities (beyond foreign language or the deaf/hard of hearing). Courts are strongly encouraged to review the Judicial Council of Georgia Access to Justice Committee's *Access to Justice for People with Disabilities: A Guide for Georgia Courts (Guide)* available [here](#).¹ Courts are also strongly encouraged to review the Committee's *ADA Handbook Mental Illness Companion* available [here](#).²

The MAP is provided as a template, for guidance purposes, that courts are encouraged to use or modify in any way they deem appropriate based on local needs and resources. Should courts decide to create their own administrative protocol, they can do so while still benefiting from the guidance and language access resources the MAP provides.³

This document serves as a companion to the *MAP Template*, and describes Georgia law and policy regarding the language access services in the courts and best practices in the provision of those services. It proposes guidance for courts in a manner that takes into account the great diversity among the ten judicial districts in our state while complying with Georgia law and federal law with regard to the provision of language access services in the Georgia courts.

The MAP Template and this Companion use certain common concepts as defined below (in alphabetical order):

Alternative Dispute Resolution (ADR) – alternatives to traditional litigation, including mediation, non-binding arbitration, and case evaluation.⁴

Bilingual (and Multilingual) Staff ⁵ – staff proficient in English and a second (or more) language(s), and able to communicate effectively and accurately, orally and in writing, in all working languages. The language proficiency of bilingual and multilingual staff should be

¹ Also available directly in PDF format at <http://a2j.georgiacourts.gov/> **NOTE:** The Judicial Council's Access to Justice Committee was formerly known as the Access, Fairness, Public Trust and Confidence Committee.

² Also available directly in PDF format at <http://a2j.georgiacourts.gov/>

³ Appendix A provides a list of Georgia Language Access Resources identified throughout this MAP.

⁴ See, [Georgia Commission on Dispute Resolution \(www.godr.org\)](http://www.godr.org/).

⁵ For purposes of the MAP and this Companion document, the term "bilingual staff" includes staff who may be multilingual and fully proficient in more than two languages.

determined by the court through valid assessment tools,⁶ rather than reliance on a staff person's self-evaluation.

Deaf or Hard of Hearing (DHH) – any person whose hearing is totally impaired or whose hearing is so seriously impaired as to prohibit him or her from understanding oral communication when spoken in a normal conversational tone.

Deaf Interpreter – a specialist, who is deaf, who provides interpreting, translation, and transliteration services in American Sign Language (ASL) and other visual and tactual communication forms used by persons who are deaf, hard of hearing, and deaf-blind. Deaf interpreters work most often in tandem with hearing sign language interpreters. [The National Consortium of Interpreter Education Center \(NCIEC\)](#) studies indicate that in many situations, use of a deaf interpreter enables a level of linguistic and cultural bridging that is often not possible when hearing ASL-English interpreters work alone.

Decision Maker – includes judges, magistrates, special masters, commissioners, hearing officers, arbitrators, neutrals, and mediators.⁷

Licensed Interpreter – any person on the Certified foreign-language interpreter registry of the Supreme Court of Georgia Commission on Interpreters (Commission); any person on the Commission's Conditionally Approved foreign-language interpreter registry;⁸ any person on the Commission's Registered foreign-language interpreter registry; or any person certified through the Registry of Interpreters for the Deaf (RID), National Association of the Deaf (NAD), or other industry-recognized credentialing entity. The Commission extends reciprocity to foreign-language interpreters licensed by any active member state of the Council of Language Access Coordinators (CLAC),⁹ or by the Administrative Office of the United States Courts through its Federal Court Interpreter Certification Examination (FCICE).

Limited English Proficient (LEP) – any person who speaks English “less than very well,” cannot readily understand or communicate in spoken English, and who consequently cannot equally participate in or benefit from the proceedings without an interpreter to assist him or her. The fact that a person for whom English is not a primary language knows some English does not mean that person does not need an interpreter or should not be allowed to have an interpreter.

Non-Licensed Interpreter – any person not licensed by the Commission through its established licensing requirements or through licensing reciprocity considerations as mentioned above in the

⁶ Courts may develop their own assessment tools and/or utilize tools and standards developed by other organizations such as the Oral Proficiency Interview (OPI) administered by [Language Testing International](#) (and utilized for licensing Registered interpreters in Georgia) and the [Inter-Agency Language Roundtable](#) (ILR).

⁷ See, *Supreme Court of Georgia Rules: Use of Interpreters for Non-English Speaking and Hearing Impaired Persons* (Rules), [Appendix A, II \(A\)](#).

⁸ The interpreter registry maintained by the Commission may be found at <https://gcr.onegovcloud.com/public/directory/#/>.

⁹ Formerly known as the Consortium for Language Access in the Courts.

definition of “Licensed Interpreter.” Any person not certified through RID, NAD, or other industry-recognized credentialing entity mentioned in the definition of “Licensed Interpreter.”

Qualified Interpreter – a person who is able to orally interpret effectively, accurately and impartially. Interpreting effectively and accurately means rendering any specialized vocabulary precisely so that the meaning of the communication is clear and conceptually correct in the language to which it is interpreted. Interpreting impartially means correctly expressing the voice, tone, emotion and non-spoken message of the communication audibly and/or visually. A qualified interpreter will also be knowledgeable of and abide by industry-recognized ethical and professional standards of conduct for interpreters.

NOTE: Per O.C.G.A. § 24-6-651 (6), a *qualified* sign language interpreter means “any person certified as an interpreter for hearing impaired persons by the Registry of Interpreters for the Deaf or a court qualified interpreter.”

NOTE: Per O.C.G.A. § 24-6-651 (2), a *court qualified* sign language interpreter means “any person licensed as an interpreter for the hearing impaired pursuant to [Code Section 15-1-14](#).”

Qualified Translator – a person who can translate written text effectively, accurately and impartially. A qualified translator preserves the tone and level of language used in both languages, renders specialized vocabulary precisely so that the meaning of the written communication is clear and conceptually correct, and abides by industry-recognized ethical and professional standards of conduct for translators.

Registry of Interpreters for the Deaf (RID) – a national membership organization that plays a leading role in advocating for excellence in the delivery of interpretation and transliteration services between people who are deaf or hard of hearing and people who use spoken language. In collaboration with the deaf community, RID supports members and encourages the growth of the profession through the establishment of a national standard for qualified sign language and deaf interpreters and transliterators, ongoing professional development and adherence to a code of professional conduct.

Specialist Certificate: Legal (SC:L) – holders of this specialist RID certification have demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. These persons are recommended for a broad range of assignments in the legal setting. (This credential has been available since 1998, but was placed under moratorium by RID as of January 1, 2016. The SC:L credential remains fully recognized by RID, but the designation is not currently available to persons who do not already have it.)¹⁰

¹⁰ [RID Website](http://www.rid.org/rid-certification-overview/certifications-under-moratorium/) “Certification” (<http://www.rid.org/rid-certification-overview/certifications-under-moratorium/>).

Transliteration – in American Sign Language (ASL), transliteration means English signing that incorporates grammatical features of ASL, and is often used for making auditory information accessible in a visual way. Transliteration is performed by a transliterator.¹¹

II. Legal Basis for Interpreter Provision and Language Access

Both federal law and Georgia law address the provision of language access in the Georgia court system for DHH persons as well as LEP persons.

A. Federal Law

Title VI of the Civil Rights Act of 1964¹² prohibits discrimination on the basis of race, color, or national origin in any program, service or activity receiving financial assistance from the federal government. Subsequent U. S. Supreme Court decisions clarified that the prohibition against national origin discrimination includes discrimination based on an inability to speak English;¹³ therefore, discrimination based on language is national origin discrimination and violates Title VI.

Executive Order 13166, issued in 2000, established that denying access to federally funded programs to LEP persons violates Title VI.¹⁴ Corresponding implementing regulations¹⁵ include a policy guidance document from the Department of Justice (DOJ)¹⁶ establishing the compliance standards that recipients of federal financial assistance must follow to ensure that their programs and activities are accessible to LEP persons at no cost. As recipients of federal financial assistance, the Georgia courts are required to ensure meaningful access to their programs and activities by LEP persons. Georgia case law, as discussed below, reiterates that Georgia courts must comply with Title VI.

DHH court users are protected under the Americans with Disabilities Act (ADA) of 1990. The ADA requires courts to provide reasonable accommodations to court users. Therefore, sign language interpreters must be provided to all DHH court users at no cost, in compliance with the ADA. For comprehensive information on court accessibility requirements for DHH persons and persons with other disabilities as defined by the ADA, please review *Access to Justice for People with Disabilities: A Guide for Georgia Courts*, available [here](#).¹⁷

¹¹ See, <https://asl-interpreting.wikispaces.com/Transliteration>.

¹² 42 U.S.C. § 2000d.

¹³ *Lau v. Nichols*, 414 U. S. 563 (1974).

¹⁴ Exec. Order No. 13166, 65 Fed. Reg. 159 (Aug. 16, 2000).

¹⁵ 28 C.F.R. Part 42, Subpart C.

¹⁶ [Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons with Limited English Proficiency](#). Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.

¹⁷ Also available directly in HTML format at <http://afptc.georgiacourts.gov/>.

B. Georgia Law

In 2003, the Supreme Court of Georgia formed the Georgia Commission on Interpreters (discussed in more depth below) to address the statewide plans and procedures for providing qualified interpreters to Georgia's LEP and DHH court users in criminal and civil court proceedings. Subsequent Supreme Court decisions have reaffirmed the importance of providing qualified interpreters to ensure meaningful access to justice.

In 2005, the Supreme Court of Georgia ruled that a qualified interpreter was necessary for meaningful access¹⁸ for LEP litigants. Five years later, in *Ling v. State*,¹⁹ the Court found that Georgia courts, as recipients of federal funding, must comply with Title VI of the Civil Rights Act. The Supreme Court specifically addressed the need to provide meaningful access to LEP persons in all Georgia courts, including civil proceedings. As a result of the *Ling* decision, the Supreme Court of Georgia Rules regarding the use of interpreters for LEP persons was amended to ensure compliance with Title VI. In 2012, the Rules were amended again, to its current version, to include the provision of qualified interpreters for DHH persons.

Georgia statutory law²⁰ provides for the free provision of an interpreter for LEP and DHH litigants in actions filed under Georgia's Family Violence Act.²¹ With regard to access for DHH persons, Georgia law also requires that qualified sign language interpreters be provided at no cost to the DHH person needing the service.²²

Effective July 13, 2017, Uniform Superior Court Rule 7.3 imposes new requirements for attorneys and *pro se* litigants to notify the courts of their need for language assistance. Additionally, the revised Rule 7.3 clarifies the courts' obligations to secure and pay for interpreters in civil and criminal matters.²³

C. Supreme Court of Georgia Rules and Commission on Interpreters

As stated above, after its decision in *Ling*, the Supreme Court of Georgia amended its rules on the [Use of Interpreters for Non-English Speaking and Hearing Impaired Persons \(Rules\)](#).²⁴ The Rules confirms the existence of the Supreme Court of Georgia Commission on Interpreters ("Commission") and its duties and responsibilities, and establishes a uniform rule for interpreter programs. The current Rules also requires that LEP and DHH litigants and witnesses be provided

¹⁸ *Ramos v. Terry*, 279 Ga. 889, 622 S.E.2d 339 (2005).

¹⁹ 288 Ga. 299, 702 S.E.2d 881 (2010).

²⁰ O.C.G.A. § 15-6-77(e)(4).

²¹ O.C.G.A. § 19-13-1 *et seq.*

²² O.C.G.A. § 24-6-650 *et seq.*

²³ See Appendix D. Also available at http://www.gasupreme.us/wp-content/uploads/2015/05/USCR_7-3_and_31_amendments-FINAL_Order_with_ID.pdf.

²⁴ Available at <http://coi.georgiacourts.gov/content/supreme-court-rules>

an interpreter at each critical stage of a court proceeding at no cost, in all matters, criminal, civil and juvenile.

[Appendix B of the Rules](#)²⁵ clearly delineates the licensing powers and duties of the Commission. It includes a description of the three foreign-language interpreter designations,²⁶ establishment of an interpreter roster, and it grants the Commission the power to license, train, and discipline interpreters in the state. [Appendix C of the Rules](#)²⁷ provides Georgia with a Code of Professional Responsibility for Interpreters.

III. Needs Assessment and Early Identification

Courts have an affirmative duty to actively determine language access needs of court users, to notify users of the services available to meet those needs, and to offer those services at no cost to the users. An effective administrative protocol for the provision of interpreters in the Georgia courts should start with a comprehensive assessment and data collection effort regarding language needs for LEP and DHH persons throughout the state. The early identification of a person’s language access needs throughout every point of contact with the court system is similarly critical for the provision of meaningful language access. It is important to note that “reasonable accommodations” for persons with disabilities, per the ADA, includes the provision of auxiliary aids and services and not just interpretation services.

A. Data Collection and Needs Assessment

Data collection and needs assessment will inform the court’s provision of language access services as well as the practices described in the MAP. The judicial branch and courts must understand the demographics of the population they serve to better anticipate the need for language access services and provide these services in a timely, consistent, effective, and efficient manner. To gather this information, the branch and local courts shall establish data collection standards and determine reliable sources of data regarding the communities served by the court.

First, courts should ensure they have standards for internal data collection regarding the LEP and DHH persons accessing their court. These standards should include the collection of information regarding: the court’s LEP and DHH users; requests for, and use of, language access services at all points of contact with the court; and use of all language access services, including court interpreters, bilingual/multilingual staff, and translations. The collection of this data should continue throughout a person’s contact with the court, ongoing from initial contact until last.

To gather this information, courts should ensure that LEP and DHH court users are identified in

²⁵ Id.

²⁶ Certified, Conditionally Approved, and Registered.

²⁷ Id.

the case management system, court file or any other mechanism of record-keeping used by the court gathering the information (discussed in the next section below). Courts should, whenever possible, track this information by:

- Case type and proceeding or court service or program for which an interpreter is needed;
- Duration of interpreting event;
- Interpreter usage and billing;
- Requests for bilingual/multilingual staff at the various points of contact;
- Web “hits” on translated web pages or any other posted translated material; and
- Usage of materials, including multilingual videos, telephonic interpreting, etc.

In addition, courts should identify reliable external sources of data, at the state and local level, and collect information from these sources regarding the communities served by the court. The information gathered will help inform court efforts to deliver the most appropriate language access services given that court’s LEP and DHH users. Some of these potential sources may include: national data collection efforts such as the US Census and American Community Survey (ACS); state agencies and community partners including the district attorney, public defender, legal services agencies, county jails, law enforcement, etc.; school districts, health providers, and public assistance and other social services agencies; and agencies that target refugee or immigrant groups, and may therefore be in a better position to accurately capture language trends, immigration patterns, and emerging languages. It is important to note that language services, including but not limited to interpretation, translation, signage, brochures and other information provided to the court should not automatically be limited to English and Spanish. It is important for the courts recognize that the communities they serve may have speakers of other languages who require the court’s assistance. It is important that accessibility for all LEP and DHH persons be considered, especially in rural counties where a non-Spanish speaking LEP community may be particularly small and isolated.

B. Early and Ongoing Identification of Language Needs in the Community and the Court User Population

The early identification of language needs is critical in efforts to efficiently and effectively address language access needs in the courts. Efforts should focus on all the most common points of contact between persons and the court system in order to put in place systems to identify language needs.

Similarly, strategies for early identification should include mechanisms to ensure that when an LEP or DHH person’s language need is not captured initially, or changes during his or her interaction with the court, systems are in place to allow for identification at later stages. Courts should be mindful that persons begin their interaction with the judicial system at various points of the process, not always at case initiation, and any mechanism for identification of language needs should allow and plan for that eventuality.

There are several strategies that courts may implement to address the identification of language access needs. Implementation of any number of them, and ultimately as many as are appropriate given a particular court's needs and resources, will assist courts in better addressing the language access needs of their LEP and DHH users. The following are a number of best practices that may be useful to those courts that are not currently employing them.

1. Designated language access office or point person

The designation of a language access office or point person (such as a Language Access Coordinator or Interpreter Coordinator) at each judicial district or other appropriate judicial entity²⁸ can assist courts to address requests for interpreters and other language access services, including information on the court's language access policies and resources. Multi-circuit districts may elect to also have a point person at each circuit within the district who serves as a liaison to the district designee, and assists in the facilitation of securing language assistance services for cases brought within that circuit's courts.

Given the diversity amongst Georgia courts based on geography, population, size, availability of interpreters, rural versus urban environments, and numbers of LEP and DHH residents, courts should determine how to best designate a language access office or point person that can ensure the duties and responsibilities listed below are carried out effectively and efficiently. Some possible models based on this diversity include:

- A language access office or point person in each level of the trial court (superior, state, magistrate, probate, or juvenile courts), municipal courts, and appellate courts. For example, this approach may be appropriate for counties with larger populations, large LEP or DHH populations in proportion to the population overall, or many separate court locations.
- A language access office or point person at the county level. This system may be appropriate for medium-sized counties, for example.
- A language access office at the judicial district court administrator level, with language access liaisons at the judicial circuit court administrator level to address (and communicate to the main language access designee) more localized needs when they arise. Courts with very small percentages of LEP and DHH users and sporadic need for

²⁸ The Georgia court system is made up of a number of trial courts – Superior, State, Juvenile, Probate, Magistrate and Municipal – organized into judicial districts, judicial circuits, counties, and cities. See the *Map of Georgia Judicial Circuits and Districts*, attached as Appendix B. The intent of this MAP is that courts at every level, from judicial district to municipalities, adopt administrative protocols for the provision of language access services. However, given the diverse needs and composition of Georgia's judicial entities, this MAP allows for any judicial entity to choose how to best design, implement, and administer a protocol. Some courts may choose to establish protocols at the judicial district level, adopted in their entirety by lower level entities or modified in consideration of local needs and resources. On the other hand, unique local protocols may be necessary at the level of individual courts or municipalities.

language access services may find this system sufficiently addresses their populations' needs.

However a court decides to designate a language access office or person, the duties and responsibilities of that office or person within the court²⁹ should include:

1. Providing a centralized location for all LEP and DHH persons needing to access the court, as well as attorneys, justice partners, potential jurors, and other stakeholders, to request interpreters and other language assistance services and resources;
2. Providing a resource for decision makers and court staff who have questions regarding the court's available language access resources and policies;
3. Coordinating and implementing the court's community outreach and notification to the public and all stakeholders regarding the court's language access services and policies and procedures; and
4. Managing and responding to feedback from the public about the respective entity's language assistance protocol.

Once a centralized language access location is established, all relevant stakeholders should be notified of its existence and provided with contact information and availability.

2. Identification of language access needs at all points of contact with the court

Courts should identify and understand all the possible points of contact that LEP and DHH users have with the court system. Points of contact with the court include, but are not limited to: security screening, clerk's offices, jury department and jury summons and notices, case records, cashiers, alternative dispute resolution programs and services, courtrooms, court-managed or court-operated programs, *pro se* clinics and workshops (e.g., parenting classes, divorcing parents seminars), Family Violence Intervention Programs (FVIPs), court websites, the Georgia Judicial Council's website, and court phone systems. Identification of language needs at each of these points of contact is a key element in the provision of language access services.

a) Mechanisms for self-identification by LEP and DHH court users

Courts should establish a variety of identification mechanisms. First, courts should ensure LEP and DHH persons are able to self-identify and request specific language access services at all points of contact with the court, as early as possible in the system. Any self-identification mechanisms established must account for the fact that the need for language access services may arise at any point during a person's interaction with the court system, not just at the beginning. Similarly, these mechanisms must consider that LEP or DHH users may commence their interactions with the court at any point during the life of a case, from the beginning to the middle to the end (including post-judgment involvement).

²⁹ Court, in this context, may include several courts, if the designated language access office oversees a number of courts within a judicial district, judicial circuit, or county.

Some possible and useful mechanisms to assist with self-identification include: multilingual notices regarding the availability of language access services posted at all points of contact (including web); [language identification guides](#);³⁰ notices in outreach materials; and court forms or notices sent out to parties at the commencement of and throughout proceedings.

b) Mechanisms for identification by court staff and decision makers

Court staff and decision makers may often be the first point of contact between an LEP or DHH court user and the court system. Court staff and decision makers may determine that an interpreter is necessary for an LEP or DHH person during his or her encounter with the court, whether as part of a court proceeding or other court business.

Consequently, staff and decision makers should have tools, such as language identification guides, to assist a court user to identify his or her preferred language and the need for language access services. This allows court staff and decision makers to secure the necessary language access services, including interpreters and multilingual staff, translated materials, or remote technologies such as telephone and video remote interpreters.

Effective language needs identification systems should also include placing an affirmative duty on court staff and decision makers to inform LEP and DHH users of the availability of free language access services and appoint an interpreter when appropriate. Therefore, when it appears that a person has difficulty communicating due to a language barrier, and can therefore not meaningfully participate in the proceeding or activity or be understood by attorneys, decision makers, staff or other relevant participants, court staff or a decision maker should inform the LEP or DHH person of the right to have an interpreter provided by the courts. At all times, court staff, decision makers and other relevant court participants should keep in mind that the fact that a person speaks or understands some English does not preclude the person from the right to have an interpreter appointed by the court.

c) Mechanisms for identification by justice partners

Justice partners such as law enforcement agencies, district attorneys, public defenders, social workers, legal services programs, jails, probation departments, private attorneys and others are often the first point of contact that LEP and DHH users have with the legal system. They are in the unique position to be able to notify the court of any upcoming language access needs for a particular person. Courts should establish protocols for justice partners to notify the court of the need for language access services as early as practicable, so the court may ensure the timely and effective provision of language access services for all court users who require them.

Any developed protocol should take into account the court's resources and the language access responsibilities of these agencies, which may themselves be under legal obligations to provide language access services. As discussed above, all agencies receiving federal funds are required to

³⁰ A language identification guide is included in this Companion as Appendix C. Also available at <http://coi.georgiacourts.gov/content/language-identification-guide>.

comply with Title VI and provide language access services. For example, law enforcement agencies are required to provide interpreters when working with civilians requiring services, and the public defender's office is required to provide interpreters to clients during investigations, trial preparation or other agency interactions. When that is the case, the relevant agency should be charged with providing interpreters or other language access services, as to not unfairly burden the court. However, even when justice partners are involved and have their own language access responsibilities, the court still bears the responsibility for providing language access services during an LEP or DHH person's interaction with the court system. In other words, while the public defender's office must itself provide and pay for interpreters for its clients while preparing their defense, for example, it is the court's responsibility to provide defendants interpreters when they appear in court.³¹

3. Identification of language access needs in court records

As addressed in [Appendix A, II \(D\)](#) of the Rules, when a decision maker appoints an interpreter for an LEP or DHH participant, the case file "should be clearly marked and data entered electronically when appropriate by personnel to ensure that an interpreter will be present when needed in any subsequent proceeding." Since the Georgia court system does not have a statewide case management system, each court keeps case and party records in a variety of formats, from electronic case management systems to manual systems based on paper case files. Therefore, strategies for capturing data will vary given each person court's case management system capabilities.

Some courts may have more advanced case management systems that capture all relevant party and case information electronically, are reliable, and allow for tracking of language access needs and services. Other courts may have electronic case management systems that do not gather the necessary information regarding language access needs. Where possible, these systems should be modified to track relevant information. Other courts rely exclusively upon manual case management systems. These courts should consider strategies such as color coded files and/or documentation to be included in the file.

Generally, systems developed should track interpreter needs through case and party records (i.e., interpreter or language access needs should be, where possible, noted on a particular party's record, as well as on the overall case or file record). Tracking language needs in parties' records

³¹ While trial courts must bear the financial and administrative responsibility of providing interpreters for LEP or DHH persons during their interaction with the court, regardless of the separate legal responsibilities of other agencies appearing before the court, the same is not true of the Georgia Office of State Administrative Hearings (OSAH), which is not part of the Georgia judicial branch. OSAH hears administrative cases where one of the parties is a state agency. In those matters, it is the responsibility of the state agency in question (and not OSAH) to provide an interpreter for the hearing. While OSAH may order the appointment of an interpreter, locating and paying for the interpreter are the responsibilities of the state agency itself. As an executive branch agency, OSAH must follow the provisions of Title VI of the Civil Rights Act and may wish to develop its own administrative protocol for provision of language access, using this guidance document and/or others for that purpose.

allows for the system to track their future needs if they are involved in another case at a later time. Tracking by case or file allows for consistent provision of services in all proceedings under that case. Both language-tracking efforts (by case and by party record) ensure that information is captured by the system and can be used to anticipate language needs and requirements whenever a particular LEP or DHH person comes into contact with the court.

4. Additional tools for early identification of language access needs

There are other tools that may be developed or are already available to courts to assist in early identification of language access needs. In this regard, best practices explored in courts throughout the country as well as Georgia courts include:

- Training of court clerks and other staff at relevant points of contact with the public to inquire about the need for language access services for any party or witness, as a matter of course, and provide those staff members with auxiliary tools to complement their training, such as language access resources, interpreter roster information, translated resources, and others.
- Provision of information, outreach, and training to attorneys, parties, and justice partners to identify to the relevant court staff any anticipated need for language access services. All participants in the judicial system should understand the process of notifying the court of the need for language access providers. If attorneys, justice partners and litigants themselves generally notify the court, as a standard practice, of any language needs in a particular matter, courts would be able to more effectively ensure language needs are addressed promptly and effectively.
- Where appropriate and possible, requiring parties to indicate in initial pleadings a need for language access services (their own, or another party's or witness, if known). For example, any standardized case initiation state or local forms, such as complaints and petitions, and other first appearance forms such as responses or answers, as well as motions and responses to motions, etc., may include a box or short section to be completed regarding the anticipated need for a court interpreter or other language access service.
- Informing parties on court summonses, court notices, and cover sheets of the availability of language access services and how to request them; where available, inform court users of the existence of a designated language access office.

IV. Provision of Qualified Interpreters in Court Proceedings and Other Court-Managed Functions

The Rules on the [Use of Interpreters for Non-English Speaking and Hearing Impaired Persons](#) requires the provision of qualified foreign-language and sign language or deaf interpreters to all parties and witnesses who may require those services, in all court proceedings, at no cost to the court user. The Rules, their appendices, and materials provided by the Commission address the various aspects of the provision of court interpreters in proceedings and court-managed

functions. Courts are encouraged to use the Commission’s searchable court professionals directory, available at <http://coi.georgiacourts.gov/content/locate-interpreter>, to locate qualified foreign-language and sign language or deaf interpreters in Georgia.

Court Interpreters in Georgia: [Appendix B](#) of the Rules addresses the three licensing designations of foreign-language court interpreters in the state of Georgia: Certified, Conditionally Approved, and Registered. The Commission’s website further describes the licensing requirements for each of these interpreter classifications.³²

“Certified” interpreters possess the highest level of certification in the languages for which a National Center for State Courts (NCSC) oral certification exam exists.³³ Those who obtain the requisite minimum score on all exam sections and complete other requirements become Certified interpreters. Certified interpreters are the preferred category of foreign-language interpreting in court proceedings.

Interpreters in the languages tested by the NCSC oral certification exam who have not obtained the minimum passing scores in all sections but have met other requirements are designated as “Conditionally Approved” interpreters. In spite of not having achieved the minimum score on the oral certification exam as required for Certified status, Conditionally Approved interpreters are preferable to untrained interpreters. First, they have obtained minimum scores in all sections (albeit lower scores than those required to be awarded Certified status). Second, they have completed additional licensing requirements in order to prepare for interpretation, such as passing an English written test, completing court observation hours, and attending an interpreter orientation.

The third classification of licensed foreign-language interpreters refers to “Registered” interpreters. This designation is reserved for interpreters for languages for which no NCSC oral certification exam exists who have passed a written English exam and an oral proficiency interview (OPI)³⁴ measuring their language skills, and have completed additional licensing requirements.

With respect to sign language interpreters for DHH persons, to serve as a sign language interpreter or deaf interpreter in Georgia, an interpreter must be recognized in Georgia as a “qualified” or “court qualified” sign language interpreter. In order to be recognized as “qualified”

³² At <http://coi.georgiacourts.gov/content/licensing-requirements>.

³³ The languages for which an NCSC oral certification exam currently exists include: Arabic, Cantonese, French, Haitian-Creole, Hmong, Korean, Laotian, Mandarin, Portuguese, Russian, Serbian, Somali, Spanish, and Vietnamese. The Georgia Commission on Interpreters currently employs the National Center for State Court’s Oral Certification Exam to assess the bilingual interpreting skills of test takers.

³⁴ The OPI consists of a telephone interview during which candidates are tested in both English and the language they seek to become licensed in. The exam is designed to evaluate the prospective interpreter’s foreign language ability and levels of knowledge and education. Candidates must achieve a language scale score of “Superior” in both English and the language for which they are seeking a license to interpret.

or “court qualified,” the interpreter must hold certification from the Registry of Interpreters for the Deaf (RID), the National Association of the Deaf (NAD), or other industry-recognized credentialing entity. For legal proceedings, the stated preference is to use certified sign language interpreters or deaf interpreters who hold the SC:L (Specialist Certificate: Legal) credential. The SC:L credential demonstrates an interpreter’s specialized knowledge of the legal system, legal terminology, and legal settings. Courts are encouraged to reference the Commission’s [Working with Deaf or Hard of Hearing Persons and Sign Language Interpreters in the Courtroom](#) bench card for additional guidance. (As noted in Section I.a. above, the SC:L credential has been available since 1998, but was placed under moratorium by RID as of January 1, 2016. The SC:L credential remains fully recognized by RID, but the designation is no longer available to persons who do not already hold that credential.)

Court personnel should always verify the credentials of all interpreters, especially those who present themselves as Certified or otherwise licensed by the Commission, by requiring interpreters to present their license numbers and by checking the Commission’s Searchable Directory located on the Commission’s site at <http://coi.georgiacourts.gov/content/locate-interpreter>. For sign language and deaf interpreters, court personnel should contact the Registry of Interpreters for the Deaf:

Registry of Interpreters for the Deaf
333 Commerce Street
Alexandria, VA 22314
703-838-0030 (voice)
703-838-0454 (fax)
RIDinfo@rid.org

A. Appointment of Qualified Interpreters

Under the Rules, a decision maker will appoint a qualified interpreter when an LEP or DHH person requests the assistance of an interpreter, or when the decision maker determines that an interpreter is needed because the LEP or DHH person cannot meaningfully participate due to language barrier or cannot be understood directly by counsel, the decision maker or the jury. [Rules, Appendix A, II \(A\)](#). If there is a question as to whether a court participant is in fact LEP or DHH and faced with a language barrier, the decision maker may *voir dire* (examine) that person on the record to determine whether an interpreter is necessary. The decision maker may also conduct this *voir dire* of the possible LEP or DHH person if requested by an attorney or party to the case.

The Rules include how the decision maker should conduct the examination of the LEP or DHH

person, and what to do after he or she concludes the examination.³⁵ The Rules also include provisions for authorizing a pre-appearance interview between the interpreter and the LEP or DHH party or witness, as well as instructions to be provided by the decision maker to counsel regarding how to conduct proceedings with an interpreter. ([Rules, Appendix A, II \(E\) and \(G\)](#)).

1. Preference when appointing interpreters

When appointing a qualified foreign-language interpreter to interpret for a litigant in one of the languages for which certification exists (see footnote 30 above), courts must, whenever possible, appoint an in-person Certified interpreter. If no Certified interpreter is available, courts may appoint a Conditionally Approved interpreter. Likewise, when in need of interpreter services for a language for which no national certification exam exists, courts must appoint a Registered interpreter.

NOTE: When possible, courts should appoint an interpreter who speaks the same dialect (or is at least quite familiar with it) as the person needing interpretation, and not merely the same language. For example, Spanish is a widely spoken language, but Spanish varies greatly between continents and regions.

When no licensed interpreter is available locally, Rules commentary provides for consideration of a telephonic language service or a less qualified interpreter. In considering these options, courts must weigh the need for immediacy in conducting a particular proceeding against any possible negative consequences with regard to due process or injustice if a non-licensed interpreter, or a telephonic interpretation service, is inadequate.

In appointing interpreters for DHH persons, interpreters with an RID SC:L credential are preferred, as described above. However, when interpreters with the SC:L credential are not reasonably available, interpreters with other industry-recognized credentials may be used, with the recommendation that they have specialized training in legal interpreting.³⁶ Court personnel can easily locate qualified interpreters by visiting the Searchable Court Professional Directory located on the Commission’s website at <http://coi.georgiacourts.gov/content/locate-interpreter>.

2. Safeguards when appointing non-licensed³⁷ or non-credentialed interpreters

When no Certified, Conditionally Approved, or Registered foreign-language interpreter is

³⁵ See the Commission’s brochure, [Working with Foreign Language Interpreters in the Courtroom, and the Commission’s bench card Working with Limited English Proficient Persons and Foreign Language Interpreters in the Courtroom](#), for sample questions for judges and court staff to assess the English proficiency of a party or witness.

³⁶ See the Commission’s bench card [Working with Deaf or Hard of Hearing Persons and Sign Language Interpreters in the Courtroom](#), with information regarding the different credentials available with a RID, NAD, or other certification for sign language and deaf interpreters and how to ensure a qualified sign language or deaf interpreter is utilized.

³⁷ As described in the introduction, “non-licensed” foreign-language interpreters include, in addition to those not licensed by the Commission, those who have not been accredited by another Council of Language Access Coordinators member state or the [United States Administrative Office of the Courts](#).

available and the court has to appoint a non-licensed interpreter, the Rules ([Appendix A, II \(F\)](#)) provides for instructions to be given to the interpreter. The model form [Instructions for Use of Non-licensed Interpreter](#) created by the Commission provides information for the court when using a non-licensed interpreter. The Commission's brochure, [Working with Foreign Language Interpreters in the Courtroom](#), includes, in addition to a wealth of information related to the use of interpreters in the courtroom, a sample *voir dire* for decision makers to assess a non-licensed interpreter's qualifications, in compliance with *Ramos v. Terry*.³⁸

Similar aids and informational resources have been provided for court staff and decision makers with respect to language services for DHH participants. The Commission's bench card [Working with Deaf or Hard of Hearing Persons and Sign Language Interpreters in the Courtroom](#) includes extensive information regarding interpreters for DHH persons, including sample *voir dire* regarding a sign language or deaf interpreter's qualifications.

3. Avoidance of untrained persons to interpret and limitation to exigent circumstances

When no licensed foreign-language, sign language, or deaf interpreter is available, and absent exigent circumstances, courts should not appoint as interpreters anyone with a potential conflict of interest in the case or an unqualified interpreter, including but not limited to: minors; friends and family of the LEP or DHH person; bilingual court staff; advocates and attorneys for the LEP or DHH person; justice partner bilingual staff; or anyone else not qualified after a *voir dire* by the decision maker or his or her designated representative. Even when an LEP or DHH person prefers to use his or her own non-licensed interpreter, courts should use a licensed interpreter (or, if none is available, a qualified interpreter successfully examined through an appropriate and thorough *voir dire*). This will ensure that the interpreting services provided are appropriate, neutral, and carried out in a professional manner.

Exigent circumstances such as emergencies that cannot be resolved by continuing a matter or using other tools such as video-remote or telephonic interpreting³⁹ may, in the decision maker's discretion, warrant the use of non-licensed interpreters. To the extent possible, non-licensed interpreters should be used to interpret as minimally as possible to address the immediate emergency, for purposes of a continuance to obtain a qualified interpreter or, if necessary, for short non-evidentiary matters.

Whenever a remote interpreter or a non-licensed interpreter is used on a one-time basis because of exigent circumstances, courts should follow the Rules' stated preference and appoint an in-person Certified, Conditionally Approved or Registered foreign-language interpreter or an

³⁸ In *Ramos v. Terry*, 279 Ga. 889, 622 S.E.2d 339 (2005), the Supreme Court held that it was an abuse of discretion to appoint an interpreter without making sure that the person appointed was qualified to serve as interpreter, without informing the interpreter-to-be of his or her role, without verifying his or her understanding of his or her role as an interpreter, and without having him or her agree in writing to comply with the code of professional responsibility for interpreters.

³⁹ Remote technologies such as video-remote and telephonic interpreting are addressed in Section IV. D below.

industry-credentialed in-person sign language or deaf interpreter for subsequent proceedings.

4. Appointment of interpreters for all relevant participants

As discussed and expressly provided for in Georgia law and the Rules, courts must appoint interpreters for LEP and DHH parties and witnesses. However, in order to ensure meaningful access to all relevant court participants and comply with Title VI⁴⁰ and the ADA, courts should also appoint interpreters for LEP and DHH persons with legal decision-making authority (such as parents or legal guardians of minors who are involved in a case but who are not parties themselves, *guardians ad litem*, and parents/guardians of minor victims of crime). Interpreters should also be appointed for LEP and DHH persons with a significant interest in the case, such as family members of a victim of crime or of the defendant on trial for serious crime, members of a class action who are not lead plaintiffs, etc.

B. Best Practices in the Appointment of Interpreters

There are extensive best practices in the appointment of interpreters in court proceedings that should be taken into consideration when working to provide comprehensive language access. Court resources may pose considerable challenges for implementation of some of the best practices provided in this Section. However, the effective administration of justice and the overarching goal of ensuring that parties participate fully and meaningfully in the judicial system must weigh heavily in decisions to provide appropriate language access services. What follows are some of the more critical best practices in the appointment of qualified court interpreters for LEP and DHH persons:

- Courts should give interpreters the opportunity for a pre-appearance interview in order to ensure language compatibility and communication between the interpreter and an LEP or DHH person. (See, [Rules, Appendix A, II \(E\) and II \(F\) \(12\), 13](#)).
- Decision makers and court staff should understand the role of the interpreter, interpreter ethical and professional standards, and be mindful not to ask the interpreter to perform a task outside the interpreter's role or ethical guidelines.
- Decision makers should explain the role of the court interpreter to LEP and DHH persons, as well as attorneys, jury members, and other relevant courtroom participants.
- Courts should appoint an appropriate number of interpreters for the proceeding in question. When proceedings are expected to take significant amounts of time, courts are encouraged to appoint more than one interpreter. According to the National Association of Judiciary Interpreters and Translators, "[i]t is unrealistic to expect interpreters to

⁴⁰ The [DOJ Guidance and Letter from Thomas E. Perez, Assistant Attorney General, to Chief Justices and State Court Administrators](#) (Aug. 16, 2010), at 2, instructs courts to provide language services to non-party LEP persons, if "their presence or participation in a court matter is necessary or appropriate, including parents and guardians of minor victims of crime or of juveniles and family members involved in delinquency proceedings." See also, [ABA Standards for Language Access in Courts](#) (February 2012) at 48-50.

maintain high accuracy rates for hours, or days, at a time without relief. If interpreters work without relief in proceedings lasting more than 30-45 minutes, the ability to continue to provide a consistently accurate translation may be compromised.”⁴¹

- Depending on the number of LEP or DHH persons involved, the court may need to appoint separate interpreters for the LEP or DHH participants. For example, an LEP witness should have his or her own interpreter, separate from a party’s interpreter who may need to interpret for attorney-client communications during the proceeding; similarly, opposing parties in a family violence protective order matter may need to each have their own interpreter so as to guarantee a safe distance between the parties, the protection of the victim, and the safety of the interpreter.

NOTE: There is technology, such as headsets, available that allows an interpreter to provide simultaneous interpretation for multiple parties at the same time. Use of this technology may be a helpful alternative for rural counties who may be unable to find more than one interpreter for a relatively simple matter. Some circuits in Georgia, such as the Cherokee Judicial Circuit, have opted to purchase such technology for use by the interpreters appointed by the Circuit.

- Long hearings or trials over one hour in length can easily lead to interpreter fatigue. Studies demonstrate that fatigue and possibility of error increase after 30 minutes of sustained simultaneous interpreting. Team interpreting (appointing a team of interpreters) allows for 2 or more interpreters to take turns interpreting every 30 minutes, or another more appropriate length of time as dictated by the nature of the proceedings and other factors, such as interpreter input. Team interpreting, when indicated, is critical to ensuring the accuracy of the interpretation throughout the proceeding.
- When LEP or DHH persons wish to waive their right to the assistance of an interpreter, the court should ensure that the waiver is knowing, voluntary, in writing, and, where applicable, on the record. If the decision maker or designated court staff, in his or her discretion, believes that the absence of an interpreter may subvert the interests of justice, or that communication will be negatively affected and the court will not be able to adequately communicate with the LEP or DHH party or witness, the waiver of an interpreter may be rejected. If an LEP or DHH person is allowed to waive the use of an interpreter, the court should inform the LEP or DHH person that the waiver is revocable at any time and allow the LEP or DHH person to later request the use of an interpreter without negative repercussions.

NOTE: Although some LEP/DHH persons may be able to communicate well enough in English to knowingly waive the assistance of an interpreter, many cannot.⁴² In assessing

⁴¹ See, *National Association of Judiciary Interpreters & Translators (NAJIT) Position Paper-Team Interpreting in the Courtroom* (March 2007) available at https://www.wp-content/uploads/2016/09/team-Interpreting_052007.pdf.

⁴² As noted in the Rules, Appendix A, II(B), “[t]he fact that a person for whom English is a second language knows some English should not prohibit that individual from being allowed to have an interpreter.”

whether a waiver is knowing, a court may consider inquiring of the LEP or DHH person about the following matters:⁴³

1. Does the LEP OR DHH person understand that he has a right to the assistance of a “qualified”⁴⁴ interpreter?
 - a. Can the LEP OR DHH person effectively articulate an understanding that he is entitled to the assistance of a qualified interpreter during the legal proceeding in question?
 - b. Can the LEP OR DHH person effectively articulate an understanding that he is entitled to the assistance of a qualified interpreter at no cost?
 - c. Can the LEP OR DHH person effectively articulate an understanding that, if he chooses to have the assistance of an interpreter, the court would be responsible for securing the services of a qualified interpreter and paying for those services?
 - d. Can the LEP OR DHH person effectively articulate an understanding that, if he chooses to have the assistance of an interpreter, the court or other decision maker cannot hold it against him?

2. Does the LEP OR DHH person understand the role of an interpreter?
 - a. Can the LEP OR DHH person effectively articulate an understanding that an interpreter is an impartial neutral appointed by the court and does not work for any particular party?
 - b. Can the LEP OR DHH person effectively articulate an understanding that an interpreter appointed by the court must be qualified?
 - c. Can the LEP OR DHH person effectively articulate an understanding that the role of an interpreter is to interpret accurately (without summarizing, paraphrasing, or omitting)?
 - d. Can the LEP OR DHH person effectively articulate an understanding that an interpreter is not permitted to explain what something means and can only interpret questions and responses as spoken by the LEP OR DHH person, another party or witness, attorney, or decision maker?
 - e. Can the LEP OR DHH person effectively articulate an understanding that, to the extent that an interpreter assists communication between a party and its counsel, the interpreter is required to maintain the confidentiality of those communications?

3. Does the LEP OR DHH person understand his decision to waive the assistance of an interpreter?

⁴³ The guidance set forth herein is not meant to be definitive or exhaustive. In a particular case, additional or different inquiries may be appropriate. In addition, a court should tailor the inquiries to the particular role of the LEP or DHH person in the proceedings (whether the LEP or DHH person is a party, a witness, or another participant).

⁴⁴ See, *Ramos v. Terry*, 279 Ga. 889, 893; 622 S.E.2d 339, 343 (2005) (“[a] court abuses its discretion when it selects an interpreter who is not qualified, sworn, and impartial. *Gopar-Santana v. State*, 862 So.2d 54 (Fla.App.2003).”).

- a. Can the LEP OR DHH person effectively articulate an understanding that, without an interpreter, his limited capacity to communicate may impair his ability to fully participate in the proceedings?
 - b. Can the LEP OR DHH person effectively articulate an understanding of the risks and dangers of proceeding without an interpreter?
 - c. Can the LEP OR DHH person effectively articulate an understanding that a bilingual relative, friend, or attorney is no substitute for an interpreter and that the use of family, friends, or others not licensed or credentialed as interpreters is not appropriate?
 - d. Can the LEP OR DHH person effectively articulate an understanding that his waiver is revocable at any time in the proceedings, but if he later decides to revoke the waiver, he must take steps to inform the court of his decision and to have the court then appoint a qualified interpreter?
4. Does the LEP OR DHH person understand that the court has a responsibility to ensure the fairness of the proceedings and that, if the court determines that due process requires an interpreter, the court may appoint an interpreter regardless of the desire of the LEP OR DHH person to proceed without an interpreter?
- Court personnel should always verify the credentials of all interpreters, especially those who present themselves as Certified or otherwise licensed by the Commission, by requiring interpreters to present their license numbers and by checking the Commission's Searchable Directory located on the Commission's site at <http://coi.georgiacourts.gov/content/locate-interpreter>. For sign language and deaf interpreters, court personnel should contact RID:

Registry of Interpreters for the Deaf
333 Commerce Street
Alexandria, VA 22314
703-838-0030 (voice)
703-838-0454 (fax)
RIDinfo@rid.org

C. Calendaring and Scheduling of Interpreters

Courts should consider the use of scheduling, calendaring and other strategies to maximize the use of interpreters. Efficient use of interpreters and other language access resources will not only allow courts to provide better service, but will also save the courts money. Strategies include the following:

- Courts may decide to batch matters for which an interpreter for a specific language is needed, such as a family violence protective order calendar for cases where one or more parties are Spanish-speaking. However, any strategies undertaken to provide access must

be undertaken with caution to ensure qualified interpreters provide interpreting services in the most appropriate manner and to ensure language-specific calendars do not promote practices that discriminate based on national origin or other protected class. Similarly, considerable care must be taken so that any strategies developed do not have unintended consequences such as discriminating against LEP and DHH court users or creating the appearance of a separate system for marginalized communities.

- Coordinating calendars so an interpreter may be available for several matters in the same court location on the same day, such as having a small claims calendar held on the same day but at an earlier, or later, time than a traffic calendar so an interpreter can be available for both.
- Establishing systems so that an interpreter coordinator can easily and efficiently dispatch an interpreter from one court location to another, or one courtroom to another.
- Coordinating the use of interpreters so that when interpreters are not busy in a courtroom proceeding they may be available in person or telephonically to assist in other court-managed services, such as clerk's offices, *pro se* clinics, etc.
- Creation of an interpreter bank, under the quality control of the court, group of courts or the Commission, with qualified interpreters who may be available by telephone or video to assist in non-critical proceedings or other court programs, including possible sharing across court locations and counties in other parts of the state, particularly those in more rural or isolated areas where there are fewer interpreters available.
- When feasible, court staff in charge of interpreter scheduling should provide interpreters with basic information about the case, relevant court documents, and other information that can help the interpreter better prepare for the event, including technical terminology, jargon, and other complex issues that may complicate the interpretation.

In addition to administrative and operational strategies, courts should explore collaborations with community-based providers to address particularly challenging interpreting needs such as those of indigenous language speakers or emerging languages for which qualified interpreters are not found in the area served by the court. For example, by partnering with language departments at educational institutions, courts can identify prospective interpreters and target training efforts, utilizing the resources of the educational institutions to prepare these students for the court interpreting profession and the licensing exams for "Certified," "Conditionally Approved," or "Registered" status for foreign-language interpreters. Similarly, collaborations with community-based programs that work with certain smaller populations, such as indigenous LEP persons, newer refugees, and other speakers of less common languages, can benefit the court by providing a pool of qualified interpreters in languages of lesser diffusion, including indigenous languages.

D. Remote Interpreting

While the preference for the provision of interpreters is that interpreters be available in person to provide the most safeguards to the accuracy and quality of interpretation and effectiveness of communication, technologies such as telephonic interpreting and video-remote interpreting (VRI) can be effective in some settings. They should be considered, but used with caution. These technologies require specialized and high quality equipment to ensure effective and accurate communication. Nevertheless, as the technology improves and becomes more cost-effective and reliable, these forms of remote interpreting may increasingly present a viable alternative to in-person interpreters for a limited number of court-related proceedings.⁴⁵

Telephonic foreign-language interpreting should be a last resort for courtroom proceedings, and reserved for non-courtroom events or very brief non-evidentiary proceedings such as continuances, given that non-verbal cues – not visible on the telephone – are critical for effective communication and interpretation. Courts are encouraged to be mindful that, according to the National Association of Judiciary Interpreters and Translators, telephonic interpreting can be problematic in some circumstances.⁴⁶ For example, if persons are hard of hearing or elderly, or struggling with mental illness, telephone interpreting can be too confusing.

VRI, when used appropriately with high quality equipment and trained interpreters, can be an efficient mechanism for providing language access services when an in-person interpreter is not available or when only a non-licensed interpreter is available in person (but a licensed one is available via video). VRI can be used for foreign-language interpretation as well as sign language and deaf interpretation. Courts must provide and require training for interpreters on the use of VRI, on appropriate ways to assess quality of interpretation, and on how to effectively stop a court event if an impediment to the interpreter's performance arises or the litigant's or witness' unique characteristics make him or her not suitable for remote interpreting.

Courts must also provide and require training for staff and decision makers on VRI and telephonic interpreting, how to use the technologies, how to work with the remote interpreter, and what are appropriate events for VRI. As other courts nationally have done, Georgia courts with an interest in video-remote technology and with the capability of properly administering the technology may consider establishing pilot projects to assist in developing guidelines for its appropriate use in court proceedings.

⁴⁵ As cautioned above, courts should be careful if using commercial or third-party interpreting agencies to locate telephonic or video-remote language assistance. Some agencies may have no quality control mechanisms for their interpreters, inadequate technology or technological support, or have no experience with remote interpretation in judicial settings.

⁴⁶ See, *National Association of Judiciary Interpreters & Translators (NAJIT) Position Paper-Telephone Interpreting in Legal Settings* (February 2009) available at <http://www.najit.org/wp-content/uploads/2016/09/Telephone-Interpreting-1.pdf>.

E. Appointment of Interpreters for Court-Managed Functions

The Rules, [Appendix A, II](#), provides that, outside of criminal and civil court proceedings, Title VI also applies to all other court-managed functions, including information counters, intake or filing offices, cashiers, records rooms, sheriff's offices, probation and parole offices, ADR programs, *pro se* clinics, criminal diversion programs, anger management classes, detention facilities, and other similar offices, operations and programs managed by the court.

In order to comply with Title VI, courts should provide the most appropriate language access service for these programs or services, including qualified interpreters, bilingual staff, and translated materials and information. Where interpreters must be appointed, courts should follow the standards described above for the appointment of interpreters as set out in the Rules.

F. Additional Courtroom Tools for Language Access

1. Bilingual courtroom staff

Courts should place bilingual staff at all points of contact with the court, including courtrooms, public information offices or counters, clerk's offices, *pro se* clinics, ADR offices, and other relevant locations. Bilingual staff must be competent in all the languages in which they communicate, and courts must test their proficiency in a neutral systematic way that does not rely on the bilingual staff person's self-assessment of language skills. Courts may establish standards for the competence required of bilingual staff at different points of contact; a staff person located at a *pro se* clinic or a high volume clerk's office may need a higher level of language proficiency and competency than a bilingual person at a cashier's office, for example. However, courts must establish a minimum competency level that all bilingual staff must meet in order to ensure meaningful access throughout the courthouse and all court programs and services.

Absent exigent circumstances, bilingual staff should not be used to interpret in the courtroom. In addition to any possible conflict of interest created by the different roles of court staff and interpreter, there are ethical concerns given the professional responsibility and ethics requirements to which interpreters are subject. More importantly, the language skills required for accurate courtroom interpretation are significantly more extensive and complex than those needed as a bilingual staff person, and the use of a bilingual staff person to interpret cannot safeguard the LEP or DHH court user's right to meaningful language access like the use of a qualified interpreter would.⁴⁷ Should bilingual staff ever be used to interpret outside the

⁴⁷ "A bilingual person may inaccurately interpret or roughly interpret a summary of communications between the court and an LEP person, they may have a conflict of interest, or they may even be adverse. Under these circumstances, an LEP person is denied meaningful access to court operations in a way that a fluent English speaker is not. The [U.S.] DOJ Guidance emphasizes the importance of interpreter competency and states: 'Competency requires more than self-identification as bilingual. Some bilingual staff and community volunteers, for instance, may be able to communicate effectively in a different language when communicating information directly in that language, but not be competent to interpret in and out of English.' [U.S.] DOJ Guidance, 67 Fed. Reg. at 41,461." See, *U.S. DOJ Letter to NC Administrative Office of the Courts*, p. 9 (March 8, 2012) available at http://www.justice.gov/sites/default/files/crt/legacy/2012/03/03/030812_DOJ_Letter_to_NC_AOC.pdf.

courtroom, the court should ensure bilingual staff members are trained on the role of the interpreter, basic interpreting skills, and only utilize bilingual staff for basic, noncritical communications.

NOTE: Because it can be challenging to find qualified bilingual staff, especially in more rural counties, it is recommended that courts train all staff on the use of video and telephonic interpretation services and a model procedure for handling a language access issue when bilingual staff is not available.

2. Technology in the courtroom

In addition to possible uses of VRI for court proceedings discussed above, there are effective uses for video-remote technologies to make the courtroom process itself more linguistically accessible for LEP and DHH users. For example, a video remote interpreter may be used to provide interpretation for general courtroom instructions or introductory remarks given by a decision maker or court staff before a calendar call.

In addition, there are several audio/visual and assistive technologies to help facilitate communication for LEP and DHH participants in the courtroom, including but not limited to:

- Assistive listening devices to amplify sound for hard-of-hearing persons;
- Infrared hearing systems;
- Closed-captioned videos, multilingual PowerPoint presentations, and other visual aids providing information on courtroom procedure, legal information, and other topics to improve court user education and access; and
- Multilingual videos explaining courtroom procedure and providing relevant legal information to provide access to low literacy LEP populations (as well as benefitting low literacy English speaking court users).

3. Signage and translation of courtroom resources

The use of translated signs as well as other translated print information may assist in the efficient management of courtrooms. Having printed translated information available in a courtroom can significantly reduce the need for oral interpretation of basic information applicable to all courtroom participants. Examples of useful translated written resources include: waiver of rights and other relevant court forms or advisements; referrals to community-based organizations, treatment/counseling programs ordered by the court, or other court services or programs; continuance forms; and standard courtroom signs used to communicate courtroom procedure to the public.

Courts should be mindful, however, not to rely exclusively on posted signs or written notices for advising court users of language access services. Some court users, including LEP and DHH persons, have low literacy skills that may prevent them from understanding written communications. Therefore, the recommendations above for court staff to proactively inform LEP and DHH users of their language access rights should be implemented together with any signage and written notification strategies.

G. Interpreter Compensation

Interpreter compensation is currently managed at the local level (see [Rules, Appendix A, VII](#)), and there is no uniform, statewide compensation system at this time (see [Rules, Section V](#)). However, it is important to note that licensed foreign-language court interpreters and credentialed sign language and deaf interpreters are highly skilled professionals who possess unique cognitive abilities and undergo rigorous training, education, and testing. They perform a difficult and specialized function that plays a critical role in ensuring access to justice and due process. Courts should keep this in mind when considering compensation rates for licensed court interpreters. Further guidance to local courts regarding interpreter compensation and available funds for interpreters and language access services will be included in the forthcoming Language Access Plan.

V. Strategies for Management and Monitoring of the MAP

To ensure the appropriate and successful implementation of the Model Administrative Protocol, and, where adopted, its implementation at the local level, courts must establish systems for monitoring their administrative protocol, its effectiveness in providing language access services to its LEP and DHH users, and the ongoing need for adjustments as services expand or policies change. These systems must include an effective complaint mechanism and quality control measures.

A. Periodic Monitoring of Effectiveness of the MAP

It is critical that courts implementing the MAP or other administrative protocol for the provision of interpreter services establish systems for the protocol's periodic monitoring. As the entity providing the MAP and guidance on its use, the Commission will also develop monitoring mechanisms to track the effectiveness and need for modifications of the template MAP.

Courts should, on a yearly basis, analyze the effectiveness of their administrative protocol and make needed adjustments. Information gathering on the use of qualified (licensed) foreign-language interpreters, as compared to non-licensed interpreters, and of credentialed sign language and deaf interpreters, will assist courts and the Commission to analyze whether the implementation of an administrative protocol has resulted in an increase in the use of qualified interpreters, as intended. Increases in the provision of qualified interpreters will benefit all court users as well as the court itself, with improvements in the meaningful participation of LEP and DHH users and more accurate communication and information on which decision makers must base their determinations.

Data regarding the provision of interpreters will also provide useful information. Reports on the

number of interpreter hours provided, languages served, interpreter billing (by case type and proceeding), and travel-related interpreter expenses can assist courts in determining actual interpreter needs when full language access is provided. This information will allow courts to better allocate budget expenditures for language access, and develop strategies for cost-savings as well as obtaining additional funding, if needed, to guarantee every LEP and DHH user access to the court.

Courts should also track the number of continuances requested or issued in order to obtain an interpreter, together with information regarding delays in processing of cases due to language access issues. This information will assist courts to determine whether strategies for early identification of interpreter and other language services needs have resulted in efficiencies in the utilization of limited court resources and in the processing of cases. Measuring the effect of other systems put in place to address court efficiencies, such as calendaring and scheduling practices to address interpreter cost savings, will further inform court efforts to improve delivery of language access services in a cost-effective and efficient manner.

Overall, the monitoring of language access efforts by courts will enable them to identify areas in which they are successfully meeting their needs as well as areas requiring attention, such as the need for more effective interpreter provision, addition of bilingual staff, increase or improvement of translations, better communication to stakeholders regarding language access policies, better staff training, etc. It will also permit courts to formulate informed requests for assistance from the Commission in areas where statewide guidance or resources may prove particularly effective, such as translation assistance for statewide information, areas for improved interpreter training, language access planning, etc.

Finally, any monitoring and evaluation plan should include the input of justice partners and the community regarding the implementation of the administrative protocol. District attorney's offices, public defenders, law enforcement agencies, legal services programs, private attorneys, bar associations, community-based organizations, and the public at large are all integral to a robust judicial system that is responsive to its users. Their perspectives and experiences regarding the protocol's implementation will ensure an improved system of access to justice for LEP and DHH persons, and ultimately, every court user.

MAP Update by the Commission on Interpreters: The Commission will establish formalized mechanisms for obtaining and analyzing yearly reports from local courts using the protocol in order to enable the Commission to make ongoing adjustments and modifications to the MAP. In addition, these reports will help the Commission identify possible modifications needed to the Rules, and other areas under the Commission's responsibility, such as interpreter licensing and discipline, interpreter training and education, judicial branch training and education, statewide translation efforts, and overall language access planning. As the Commission begins its work toward development of a statewide Language Access Plan, information gathered by the different courts making up the Georgia judicial branch will be essential to creating a responsive and comprehensive language access policy for the state.

B. Local Complaint Mechanisms

Courts using the administrative protocol should create a local complaint mechanism for registering complaints regarding the provision of (or failure to provide) qualified interpreters or other language access services. Courts may model their complaint form and process after the Commission's complaint form for interpreter complaints,⁴⁸ but should ensure that both the process and the form are broad enough to include complaints regarding all forms of language access services, including translations, bilingual staff, web information, access to services, and other related services.

Complaint forms and instructions should be in plain language and available on the court's website, if appropriate, as well as at all court points of contact with the public. In addition to English, the complaint form and instructions should be translated into at least the top five most commonly spoken foreign languages in that court's community, unless the community demographics are such that there are fewer languages with a significant number of speakers.

Any complaint process developed should allow for any member of the public to register a complaint regarding a court's language access services or policies. Court users (not just LEP and DHH users), attorneys, justice partners, community-based organizations, legal aid offices, governmental agencies, court employees and decision makers should all have the ability to file a complaint if necessary.

Complaints about language access services should be addressed and resolved at the local court level. However, in order to allow the Commission to monitor the effectiveness of language access policies and of the MAP, courts should send quarterly reports to the Commission regarding the number of complaints, reason for complaints, and resolution (if any) of the complaints. Complaints regarding an interpreter's performance, unethical, or unprofessional conduct should be filed with the Commission, which will conduct a formal investigation in accordance with the Commission's disciplinary procedures.

C. Training for Judicial Branch on the MAP

To ensure the proper implementation of the MAP and effective provision of language access services throughout the court, those courts adopting the MAP as a local administrative protocol must make sure all court staff and decision makers are properly trained on its policies and procedures. Similarly, training efforts must include any language access policies promulgated at the state level as well as the local level, even if not directly addressed in the MAP or adopted administrative protocol.

Additional topics that should be in court staff and judicial training include:

⁴⁸ Available at <http://coi.georgiacourts.gov/sites/default/files/coi/Complaint%20Form.pdf>.

- Proper appointment of qualified interpreters for all court proceedings;
- How to *voir dire* a non-licensed court interpreter;
- Role of an interpreter, modes of interpreting, and interpreter ethics and professional standards;
- Use of remote technologies for interpreting, where available and used;
- Courtroom management when interpreters are used; and
- Cultural competence.

Training should include new and existing staff and decision makers, as well as staff interpreters where relevant. Together with training efforts, court staff and decision makers should have available to them resources and information regarding the administrative protocol, language access services, policies and procedures, and tools for providing language assistance (such as bench cards, language identification guides, brochures, etc.). These tools should be easily accessible to them via the court's intranet or other method for internal distribution of court information and resources.

Training Assistance by the Commission on Interpreters: The Commission should work with local courts to develop online courses or webinars to assist in training of decision makers and court staff regarding the protocol and overall language access services and planning. Having the Commission lead the effort will help standardize training and information provided, and will prevent duplication of effort by courts, by more efficiently developing statewide training curricula and tools that can later be adapted for local use. In addition, the Commission should provide training on the MAP for new interpreters as part of the Orientation Workshop, as well as for existing interpreters through online courses and other available training opportunities.

D. Outreach and Communication of the MAP

Upon implementing the MAP as their own administrative protocol, courts should develop outreach and communication strategies to ensure all relevant stakeholders, justice partners, attorneys, and the public understand the existence and provisions of the administrative protocol. Courts should be mindful that any communication and outreach efforts should be ongoing, and should include mechanisms to ensure LEP and DHH populations, community-based organizations, and other interested organizations receive the information.

In order to maximize dissemination and accessibility of the information, outreach materials should be in English and up to 5 languages, depending on the linguistic demographics of the court's community. Partners such as local bar associations, government agencies, legal services organizations and community-based agencies can help ensure distribution of information. In addition, reaching the relevant populations may involve the use of ethnic print and audio/TV media to effectively communicate the court's language access policies.

Outreach Assistance by the Commission on Interpreters: The Commission is in a position to assist courts with outreach and communication strategies by taking advantage of its other

language access outreach activities to inform the public about the MAP. The Commission should also assist in standardizing the information provided across the state about the administrative protocol to prevent duplication of outreach efforts from all the courts using the protocol. Standardization of outreach materials will also help minimize expenditure of scarce resources on translation, avoiding the need for several courts to spend funds on translation of local materials when one consistent statewide information packet exists and translation costs can be shared or possibly covered by the Commission.

VI. Language Access Administrative Protocol Management and Other Language Access Considerations

In addition to the Model Administrative Protocol just described, the Language Access Plan which will be developed by the Georgia Commission on Interpreters in the coming months, will also address, in depth, the following:

Language Access Services Outside Courtroom:

- Signage
- Bilingual staff (in person or phone access)
- Telephonic interpreting
- Video/audio recordings
- Translated informational materials
- Translated information on webpages

Translation Standards: A translation protocol or branch-wide guidance document, to include best practices regarding standards for translators and translations, how to identify and prioritize documents for translation, ensure consistency branch-wide, etc. The translation guidance would cover:

- Forms
- Informational materials (jurors, address/location, self-help/pro se assistance services)
- Signage
- Audio/visual and web content
- Dissemination of translations to all courts/districts, partners, community, and the public

Judicial Branch Training: Best Practices in Decision Maker and Employee Training (Court Staff and Administrators):

- How to work with/serve LEP and DHH populations (include cultural competence)
- How to work with interpreters (bench cards and other tools)
- How to work with technologies available

Monitoring of Language Access Plan and Services: Mechanism and systems for monitoring, assessing and evaluation of plan, and establishing model complaint procedures.

Community Education and Community Outreach (including stakeholder involvement).

Appendix A: Georgia Language Access Resources Identified in the MAP⁴⁹

Chapter 11: Appointing Qualified Interpreters, 2016 State Court Benchbook. Published by the Council of State Court Judges, this material has also been adopted for use by the Council of Superior Court Judges, Council of Magistrate Court Judges, and Council of Municipal Court Judges.

[Court Access for Individuals Who Are Deaf and Hard of Hearing](#). A guide for courts published by the American Bar Association.

[Georgia Supreme Court Commission on Interpreters Complaint Process](#). Includes the complaint process and form for registering a complaint against a court interpreter with the Commission on Interpreters.

[Instructions for Use of Non-licensed Interpreter](#). Model Form from the Georgia Commission on Interpreters for the use of non-licensed interpreters in the Georgia courts, setting forth minimum requirements for qualification of non-licensed interpreters.

[Language Identification Guides](#). A tool for limited English proficient (LEP) persons to self-identify their spoken language. The guide enables court personnel to then seek the assistance of an interpreter in the specified language.

[Use of Interpreters for Non-English Speaking and Hearing Impaired Persons](#). Supreme Court of Georgia Rules.

- [Appendix A – Uniform Rule for Interpreter Programs](#). Appendix to the Supreme Court of Georgia Rules on the Use of Interpreters for Non-English Speaking and Hearing Impaired Persons.
- [Appendix B – Powers and Duties of the Georgia Commission on Interpreters; Requirement for Certification, Conditional Approval, Registration, and Training of Interpreters](#).
- [Appendix C – Code of Professional Responsibility for Interpreters](#).

[Working with Deaf or Hard of Hearing Persons and Sign Language Interpreters in the Courtroom](#). Bench card for working with DHH court users and Sign Language Interpreters, developed by the Commission.

[Working with Foreign Language Interpreters in the Courtroom](#). Provides guidance to judges and court personnel for determining the need for an interpreter, interpreter qualifications, and the

⁴⁹ Listed in alphabetical order.

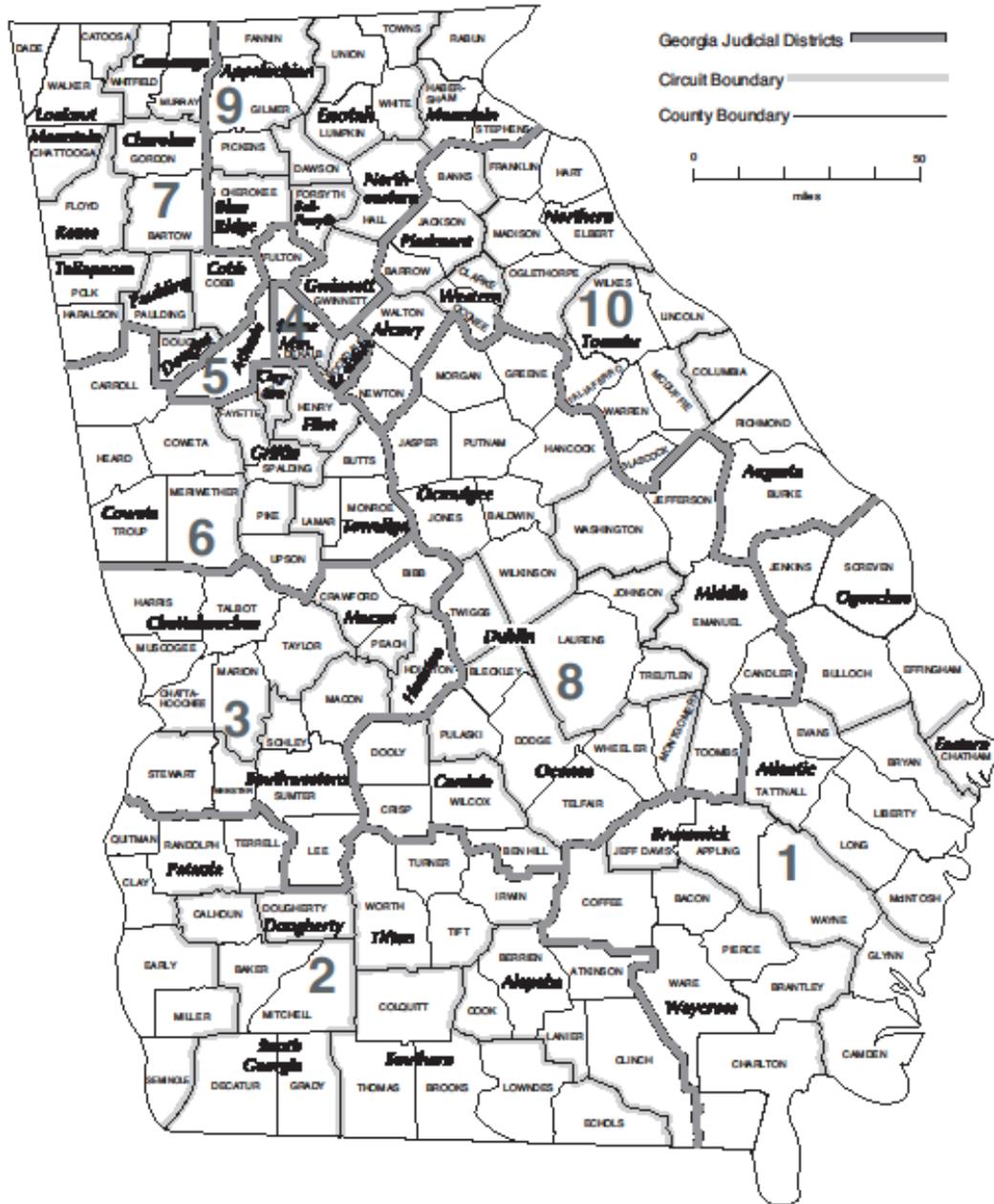
role of the interpreter. It includes sample questions for judges and court staff to assess the English proficiency of a party or witness.

[Working with Limited English Proficient Persons and Foreign Language Interpreters in the Courtroom](#). Bench card for working with LEP court users and foreign language interpreters, developed by the Commission.

Appendix B: Map of Georgia Judicial Circuits & Districts



Georgia Judicial Circuits & Districts



Appendix C: Language Identification Guide

2004 Census Test	2010 Census	LANGUAGE IDENTIFICATION FLASHCARD
<input type="checkbox"/>	ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/>	Ինչպես է՞նչ 'նշան' կարողանա՞ս քո լեզուսկանում, նրան կստանամ՝ կամ կազմակերպե՞մ:	2. Armenian
<input type="checkbox"/>	যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বক্সে মাপ দিন।	3. Bengali
<input type="checkbox"/>	ឈ្មោះបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
<input type="checkbox"/>	Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
<input type="checkbox"/>	如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
<input type="checkbox"/>	如果你能读中文或讲中文，请选择此框。	7. Traditional Chinese
<input type="checkbox"/>	Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
<input type="checkbox"/>	Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
<input type="checkbox"/>	Knis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
<input type="checkbox"/>	Mark this box if you read or speak English.	11. English
<input type="checkbox"/>	اگر خواندن و نوشتن فارسی، بلد هستید این مربع را علامت بزنید.	12. Farsi

DB-3309

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<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazye sa a si ou li oswa ou pale kreylòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を讀んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໂຕ້ມາມືເຂົ້ວງ ຖ້າທ່ານສາມາດອ່ານ ຫຼື ກ່າວໄດ້.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

DB-3309

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<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Încercăți să marcați acest câștig dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратикъ ако читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ใช้การเครื่องหมายลงในช่องสี่เหลี่ยมที่พูดภาษาไทย,	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באמצעות דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

08-3308

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Appendix D: Uniform Superior Court Rule 7.3 (Revised), Effective July 13, 2017

Rule 7.3. Interpreters

(A) In all civil and criminal cases, the party or party's attorney shall inform the court in the form of a notice of the need for a qualified interpreter, if known, within a reasonable time — at least 5 days where practicable — before any hearing, trial, or other court proceeding. Such notice shall be filed and shall comply with any other service requirements established by the court. The notice shall (1) designate the participants in the proceeding who will need the services of an interpreter, (2) estimate the length of the proceeding for which the interpreter is required, (3) state whether the interpreter will be needed for all proceedings in the case, and (4) indicate the language(s), including sign language for the Deaf/Hard of Hearing, for which the interpreter is required.

(B) Upon receipt of such notice, the court shall make a diligent effort to locate and appoint a licensed interpreter, at the court's expense, in accordance with the Supreme Court of Georgia's Rule on Use of Interpreters for Non-English Speaking and Hearing Impaired Persons. If the court determines that the nature of the case (e.g., an emergency) warrants the use of a non-licensed interpreter, then the court shall follow the procedures as outlined in the Supreme Court of Georgia's Commission on Interpreters' Instructions for Use of a Non-Licensed Interpreter. Despite its use of a non-licensed interpreter, the court shall make a diligent effort to ensure that a licensed interpreter is appointed for all subsequently scheduled proceedings, if one is available.

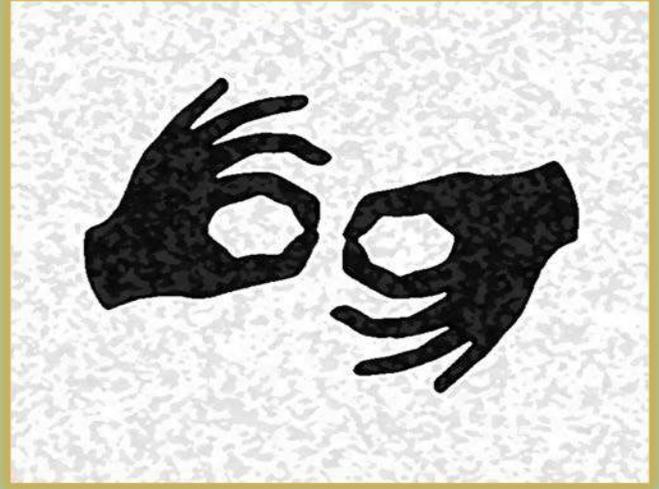
(C) If a party or party's attorney fails to timely notify the court of a need for a court interpreter, the court may assess costs against that party for any delay caused by the need to obtain a court interpreter unless that party establishes good cause for the delay. When timely notice is not provided or on other occasions when it may be necessary to utilize an interpreter not licensed by the Supreme Court of Georgia's Commission on Interpreters (COI), the Registry for Interpreters of the Deaf (RID), or other industry-recognized credentialing entity, such as a telephonic language service or a less qualified interpreter, the court should weigh the need for immediacy in conducting a hearing against the potential compromise of due process, or the potential of substantive injustice, if interpreting is inadequate. Unless immediacy is a primary concern, some delay might be more appropriate than the use of an interpreter not licensed by the COI, RID, or other recognized credentialing entity.

(D) Notwithstanding any failure of a party or party's attorney to notify the court of a need for a court interpreter, the court shall appoint a court interpreter whenever it becomes apparent from the court's own observations or from disclosures by any other person that a participant in a proceeding is unable to hear, speak, or otherwise communicate in the English language to the extent reasonably necessary to meaningfully participate in the proceeding.

(E) If the time or date of a proceeding is changed or canceled by the parties, and interpreter services have been arranged by the court, the party that requested the interpreter must notify the court 24 hours in advance of the change or cancellation. Timely notice of any changes is essential in order to cancel or reschedule an interpreter, thus precluding unnecessary travel by the interpreter and a fee payment by the court. If a party fails to timely notify the court of a change or cancellation, the court may assess any reasonable interpreter expenses it may have incurred upon that party unless the party can show good cause for its failure to provide a timely notification.

MAP

Template



Model Administrative Protocol for the Provision of Language Assistance Services to Limited English Proficient and Deaf or Hard of Hearing Persons in the Georgia Courts

*Developed By:
Supreme Court of Georgia Commission on Interpreters MAP Development Committee*

I. Introduction

This Model Administrative Protocol (MAP) sets forth the policy and procedures of the _____ [name of judicial entity¹] regarding the provision of court interpreters and other language assistance services for limited English proficient (LEP) and deaf or hard of hearing (DHH) persons accessing the court and its services.

This MAP and its Companion use certain common concepts as defined below (in alphabetical order):

Alternative Dispute Resolution (ADR) – alternatives to traditional litigation, including mediation, non-binding arbitration, and case evaluation.²

Bilingual (and Multilingual) Staff³ – staff proficient in English and a second (or more) language(s), and able to communicate effectively and accurately, orally and in writing, in all working languages. The language proficiency of bilingual and multilingual staff should be determined by the court through valid assessment tools,⁴ rather than reliance on a staff person’s self-evaluation.

Deaf or Hard of Hearing (DHH) – any person whose hearing is totally impaired or whose hearing is so seriously impaired as to prohibit him or her from understanding oral communication when spoken in a normal conversational tone.

¹ Given the various possibilities in which judicial districts, judicial circuits, and person courts may employ this MAP, the term “name of judicial entity” refers to whichever judicial administrative level is adapting this MAP.

² See, [Georgia Commission on Dispute Resolution \(www.godr.org\)](http://www.godr.org)

³ For purposes of this MAP and its Companion, the term “bilingual staff” includes staff who may be multilingual and fully proficient in more than two languages.

⁴ Courts may develop their own assessment tools and/or utilize tools and standards developed by other organizations such as the Oral Proficiency Interview (OPI) administered by [Language Testing International](http://www.language-testing.com) (and utilized for licensing Registered interpreters in Georgia) and the [Inter-Agency Language Roundtable](http://www.interagencylanguage.com) (ILR).

Deaf Interpreter – a specialist, who is deaf, who provides interpreting, translation, and transliteration services in American Sign Language (ASL) and other visual and tactual communication forms used by persons who are deaf, hard of hearing, and deaf-blind. Deaf interpreters work most often in tandem with hearing sign language interpreters. [The National Consortium of Interpreter Education Center \(NCIEC\)](#) studies indicate that in many situations, use of a deaf interpreter enables a level of linguistic and cultural bridging that is often not possible when hearing ASL-English interpreters work alone.

Decision Maker – includes judges, magistrates, special masters, commissioners, hearing officers, arbitrators, neutrals, and mediators.⁵

Licensed Interpreter – any person on the Certified foreign-language interpreter registry of the Supreme Court of Georgia Commission on Interpreters (Commission); any person on the Commission’s Conditionally Approved foreign-language interpreter registry;⁶ any person on the Commission’s Registered foreign-language interpreter registry; or any person certified through the Registry of Interpreters for the Deaf (RID), National Association of the Deaf (NAD), or other industry-recognized credentialing entity. The Commission extends reciprocity to interpreters licensed by any active member state of the Council of Language Access Coordinators (CLAC),⁷ or by the Administrative Office of the United States Courts through its Federal Court Interpreter Certification Examination (FCICE).

Limited English Proficient (LEP) – any person who speaks English “less than very well,” cannot readily understand or communicate in spoken English, and who consequently cannot equally participate in or benefit from the proceedings without an interpreter to assist him or her. The fact that a person for whom English is not a primary language knows some English does not mean that person does not need an interpreter or should not be allowed to have an interpreter.

Non-Licensed Interpreter – any person not licensed by the Commission through its established licensing requirements or through licensing reciprocity considerations as mentioned above in the definition of “Licensed Interpreter.” Any person not certified through RID, NAD, or other industry-recognized credentialing entity mentioned in the definition of “Licensed Interpreter.”

Qualified Interpreter – a person who is able to orally interpret effectively, accurately and impartially. Interpreting effectively and accurately means rendering any specialized vocabulary precisely so that the meaning of the communication is clear and conceptually correct in the language to which it is interpreted. Interpreting impartially means correctly expressing the voice, tone, emotion and non-spoken message of the communication audibly and/or visually. A

⁵ See, *Supreme Court of Georgia Rules: Use of Interpreters for Non-English Speaking and Hearing Impaired Persons* (Rules), [Appendix A, II \(A\)](#).

⁶ The interpreter registry maintained by the Commission may be found at <https://gcr.onegovcloud.com/public/directory/#/>.

⁷ Formerly known as the Consortium for Language Access in the Courts.

qualified interpreter will also be knowledgeable of and abide by industry-recognized ethical and professional standards of conduct for interpreters.

NOTE: Per O.C.G.A. § 24-6-651 (6), a *qualified* sign language interpreter means “any person certified as an interpreter for hearing impaired persons by the Registry of Interpreters for the Deaf or a court qualified interpreter.”

NOTE: Per O.C.G.A. § 24-6-651 (2), a *court qualified* sign language interpreter means “any person licensed as an interpreter for the hearing impaired pursuant to [Code Section 15-1-14.](#)”

Qualified Translator – a person who can translate written text effectively, accurately and impartially. A qualified translator preserves the tone and level of language used in both languages, renders specialized vocabulary precisely so that the meaning of the written communication is clear and conceptually correct, and abides by industry-recognized ethical and professional standards of conduct for translators.

Registry of Interpreters for the Deaf (RID) – a national membership organization that plays a leading role in advocating for excellence in the delivery of interpretation and transliteration services between people who are deaf or hard of hearing and people who use spoken language. In collaboration with the deaf community, RID supports members and encourages the growth of the profession through the establishment of a national standard for qualified sign language and deaf interpreters and transliterators, ongoing professional development and adherence to a code of professional conduct.

Specialist Certificate: Legal (SC:L) – holders of this specialist RID certification have demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. These persons are recommended for a broad range of assignments in the legal setting. (This credential has been available since 1998, but was placed under moratorium by RID as of January 1, 2016. The SC:L credential remains fully recognized by RID, but the designation is not currently available to persons who do not already have it.)⁸

Transliteration – In American Sign Language (ASL), transliteration means English signing that incorporates grammatical features of ASL, and is often used for making auditory information accessible in a visual way. Transliteration is performed by a transliterator.⁹

II. Legal Basis for Interpreter Provision and Language Access

⁸ RID Website “Certification” (<http://www.rid.org/rid-certification-overview/certifications-under-moratorium/>).

⁹ See, <https://asl-interpreting.wikispaces.com/Transliteration>.

Under Georgia law,¹⁰ Title VI of the Civil Rights Act of 1964,¹¹ Department of Justice regulations and accompanying guidance documents,¹² the Americans with Disabilities Act of 1990 (ADA),¹³ and Georgia Supreme Court Rules on Use of Interpreters for Non-English Speaking and Hearing Impaired Persons (Rules),¹⁴ Georgia courts are under an obligation to provide interpreters to all LEP and DHH persons in civil and criminal court proceedings, as well as language access services in all court-managed services and programs.

III. Needs Assessment and Early Identification

Courts have an affirmative duty to actively determine language access needs of court users, to notify users of the services available to meet those needs, and to offer those services to users.

A. Data Collection and Needs Assessment

The _____ [*name of judicial entity*] will, on an annual basis, compile demographic data regarding the language needs of its community. The court will initially look at the most recent and relevant U. S. Census and American Community Survey (ACS) data, and conduct additional gathering from the _____ [*local*] school district(s), the county department of public health, the public defender's office, the district attorney's office, Atlanta Legal Aid Society,¹⁵ or Georgia Legal Services Program.¹⁶ In addition, the court will communicate with local legal services providers and community based organizations, namely: _____

_____ that focus their service provision on immigrant and refugee populations as well as access to justice for indigent persons in this geographic area, to identify possible immigration and new language trends. This data will be analyzed annually to determine whether the court's allocation of language access resources is appropriate.

The _____ [*name of judicial entity*] will track every request by an LEP or DHH person for language access services, including but not limited to interpreters, bilingual staff,¹⁷ and translated materials (both written and audio visual). The court will track requests by language, case type (e.g., family law, criminal, housing, etc.), and proceeding and/or location of service request (e.g., court hearing, ADR, clerk's office, etc.). The court will also track whether the language access service requested was granted or denied and (where applicable) the reason for the denial.

¹⁰ See, O.C.C.A. § 24-6-650 *et seq.*, See also, O.C.G.A. § 15-6-77(e)(4).

¹¹ 42 U.S.C. § 2000d.

¹² 67 F.R. 41455 (June 2002).

¹³ 42 U.S.C. § 12101

¹⁴ Available at <http://coi.georgiacourts.gov/content/supreme-court-rules>

¹⁵ For courts located in the counties of Clayton, Cobb, DeKalb, Fulton and Gwinnett.

¹⁶ For courts located in the remaining 154 of Georgia's 159 counties.

¹⁷ For purposes of this administrative protocol, bilingual staff include staff members who are competent and proficient in more than 2 languages.

In addition to mechanisms discussed under the identification of language needs section below, the _____ [name of judicial entity] will track this internal data in the case management system where available, and/or case files if case management is not automated. On a yearly basis, the court will analyze the data collected to identify whether services requested are in fact provided, assist in the allocation of language access resources, and identify gaps in the provision of services to address future needs.

The _____ [name of judicial entity] will send the final data compilation, in the form of an annual report, to the Commission, to assist the Commission in monitoring of the statewide Language Access Plan, identification of interpreter training and certification strategies, and assessing the need for other tools to assist the Judicial Council's Administrative Office of the Courts and local courts in the provision of language access services.

B. Early and Ongoing Identification of Language Needs in the Community and the Court User Population

1. Designated language access office or point person

The _____ [name of judicial entity] has designated _____ [include name of designated local Language Access Coordinator or Interpreter Coordinator] as the court's Coordinator of Language Access Services, to whom requests for interpreters and other language access services may be addressed. The _____ [name of designated office/position] is available to:

- Assist LEP and DHH persons to secure an interpreter or other language access services;
- Assist attorneys, justice partners, and other relevant persons to secure interpreters and related language access services for their clients and constituents;
- Assist court staff and decision makers to secure interpreters and other language access services;
- Answer questions from LEP and DHH persons, and the public at large, regarding the court's available language access services;
- Manage and respond to feedback from the public about the court's language assistance protocol;
- Serve as a clearinghouse for the court's language access resources, including translated materials, interpreter roster, language identification cards, and other resources identified in this MAP; and
- Answer requests from decision makers and court staff regarding the court's language access policies and procedures.

LEP and DHH persons, attorneys, justice partners, government agencies, and any other entities in need of language access assistance or information for themselves or their clients, may contact:

[Name of person/office designated]

[Address]

[Phone number]

[Fax/Email]

2. Identification of language access needs at all points of contact with the court

a) Mechanisms for self-identification by LEP and DHH court users

There are several points of contact between LEP and DHH court users and the _____ *[name of judicial entity]*. Among them are:

[Check all that apply]:

- Security screening at courthouse entrances at the following courthouse(s):
 - _____ *[Insert court location(s) where security screening exists]*.
- Clerk's offices at the following location(s):
 - _____ *[Insert court location(s) where there are clerk's offices, even if within same courthouse building; e.g., for different case types]*.
- Jury offices and jury summons. Jury offices located at:
 - _____ *[Insert court location(s) where there are jury offices]*.
- Records offices at the following location(s):
 - _____ *[Insert court location(s) where there are records offices]*.
- Cashiers at the following location(s):
 - _____ *[Insert court location(s) where there is a cashier, if different from above departments]*.
- Alternative dispute resolution programs, including mediation, at the following location(s):
 - _____ *[Insert court location(s) where there are ADR offices and/or mediation services]*.
- Courtrooms at the following courthouse(s):
 - _____ *[Insert court location(s) where courtrooms are located]*.

- Pro se* clinics and related services, including but not limited to parenting classes or other required classes for divorcing parents, at the following location(s):
 - _____ [*Insert court location(s) where court-managed pro se services are provided*].
- Family Violence Intervention Programs (FVIPs).
- Website for the _____ [*name of judicial entity*], available at _____ [*URL for court website*].
- Judicial Council of Georgia, Administrative Office of the Courts website, available at www.georgiacourts.gov.
- The _____ [*name of judicial entity*] phone system, accessible at _____ [*main phone number*].

In order to facilitate the ability of LEP and DHH persons to identify and request their need for language access services, the _____ [*name of judicial entity*] has the following tools available at all points of contact listed above:
 [Check all that apply]

- Language identification cards at all points of contact in 38 languages.¹⁸
- Multilingual notices at all appropriate points of contact notifying members of the public of their right to request an interpreter or other language assistance at any point during their contact with the court.
- A multilingual notice on the court's website at _____ [*insert URL*] informing persons of their right to language access services at any point during their contact with the court.
- Video message [with closed captioning and ASL] posted to court's website at _____ [*insert URL*].
- Other [*add any additional mechanism for self-identification for LEP and DHH persons*]:

 _____.

¹⁸ See, <http://coi.georgiacourts.gov/content/language-identification-guide>.

b) Mechanisms for identification by court staff and decision makers

When it appears that a person has difficulty communicating due to a language barrier, it is the policy of the _____ [name of judicial entity] for the court staff person, language access designated person or office, or decision maker attempting to communicate with the LEP or DHH person to inform the LEP or DHH person of his or her right to have an interpreter provided by the courts, even absent a request for language access services by the LEP or DHH person. It is also important to note that “reasonable accommodations” for persons with disabilities, per the ADA, include auxiliary aids and services and not just the provision of interpreters.

c) Mechanism for identification by justice partners

To ensure the earliest possible identification of the need for court interpreters and other language access services, the _____ [name of judicial entity] has established internal protocols with the various justice partners which routinely interact with this court in order for these partners to communicate to the appropriate court staff the needs of LEP or DHH participants who will be coming into contact with the court. While justice partners themselves may be under the legal obligation to provide language access services to their clients, the court will be notified of any services that fall under the responsibility of the court as early as possible so services may be provided in a timely and efficient manner.

3. Identification of language access needs in court records

The _____ [name of judicial entity] maintains case and party related records in the following manner:

[Check all that apply or add your own method of tracking language need]

- An electronic court-wide case management system that includes party and case information and records, and allows tracking of a party’s language needs. Therefore, the _____ [name of judicial entity] is able to use the case management system to track a person’s language needs if he or she is involved in another case in the future, as well as allowing for tracking by case number and/or case name to ensure the consistent provision of services in all proceedings under that case.
- Electronic case files and records, not in a court-wide system, that allow for tracking language access needs by case number and/or case name as the information is input by court staff, but does not automatically cross-reference the system to track language needs by party name, in case that same LEP or DHH person is involved in another case.
 - Because of the inability to track language needs by party name, the _____ [name of judicial entity] will institute procedures for court staff to manually search the system by party name when a new case filing occurs to obtain any relevant language identification information.

- As resources permit, _____ [*name of judicial entity*] will develop policies and procedures for modifying or updating the existing electronic record system to allow for tracking of language needs by case number and party name.
- Paper case files and records. Because of the inability to cross-reference party information, this current system only allows the court to ensure that case records clearly identify the involvement of an LEP or DHH person in that case, so that an interpreter or other language access service is provided at every stage of the proceeding in the case, as appropriate.
 - In order to facilitate identification of cases with a language access need, the _____ [*name of judicial entity*] will color code, or otherwise flag, files where there is a language access need.
 - Documentation will be inserted in the case file to ensure language access needs are identified appropriately, and a written copy of that documentation will be provided to the court's language access point person, as well as to the judge presiding over the case.

4. Additional tools for early identification of language access needs

[Include or check all that apply and add any others]

The _____ [*name of judicial entity*] has instituted the following additional mechanisms for the early and accurate identification of the need for language access services:

[Check all that apply]

- LEP and DHH litigants and their attorneys, as well as other entities aware of the involvement of LEP and DHH person in a case (as parties, witnesses or other significant roles in a case), must indicate, when known, the need (or possible need) for interpreters or other language access services with the filing of all initial pleadings with the court. This requirement applies to plaintiffs, petitioners, defendants, and respondents. Failure to comply with this provision does not result in a denial of language access services but may delay the provision of services if the court does not receive adequate notice in time to provide the necessary services.
- The _____'s [*name of judicial entity*] notices, as well as any relevant cover sheets sent out by court staff, inform parties of the availability of language access services and how to request those services.

- It is the policy of the _____ [name of judicial entity] for all court clerks and other staff at relevant points of contact to inquire about the need for language access services for any party or witness.

In assessing the need for language services, _____ [name of judicial entity] recognizes that language services, including but not limited to interpretation, translation, signage, brochures and other information provided by the court, should not automatically be limited to English and Spanish. _____ [name of judicial entity] recognizes that the LEP communities it serves may include non-Spanish speaking communities that may be particularly small and isolated that require the court’s assistance. Accessibility for all LEP and DHH persons will be considered.

IV. Provision of Qualified Interpreters in Court Proceedings and Other Court-Managed Functions

It is the policy of the _____ [name of judicial entity], in accordance with the Rules, to provide qualified foreign-language and sign language and deaf interpreters to all LEP and DHH court participants who may require those services, in all court proceedings, at no cost to the court user. Court participants include parties, witnesses, persons with legal decision-making authority (such as parents or legal guardians of minors who are involved in a case but who are not parties themselves, *guardians ad litem*, and parents/guardians of minor victims of crime), and persons with a significant interest in the case (such as family members of a victim of crime or of the defendant on trial for serious crime, members of a class action who are not lead plaintiffs, etc.).

When a party, witness or other court participant, as defined above, requests the assistance of an interpreter, or when the decision maker determines an interpreter is needed because the LEP or DHH person cannot meaningfully participate due to a language barrier or cannot be understood directly by counsel, the decision maker, the jury, or other relevant courtroom participants, the decision maker will appoint a qualified interpreter for that LEP or DHH person.

A. Appointment of Qualified Interpreters

Court staff, decision makers and any other person responsible for securing the assistance of an interpreter at the _____ [name of judicial entity] will follow the following order of preference in appointing an interpreter, as stated in the Rules:

1. An in-person Certified,¹⁹ Conditionally Approved,²⁰ or Registered²¹ foreign-language interpreter, or an in-person sign language or deaf interpreter with a RID SC:L credential, is appointed, whenever possible, pursuant to the Rules.
2. If no Certified foreign-language interpreter is available, a Conditionally Approved foreign-language interpreter is appointed if available.
3. When no Certified, Conditionally Approved or Registered foreign-language interpreter, or credentialed sign language or deaf interpreter, is available locally in a timely manner, the decision maker or designated court staff will weigh the following: the need for moving forward with the proceeding against any possible negative consequences to the LEP or DHH person's ability to meaningfully participate in the proceedings, as well as the court's inability to communicate effectively with the participant if a non-licensed or non-credentialed interpreter is used.

In exercising their discretion – including the determination of whether a licensed foreign-language interpreter or credentialed sign language or deaf interpreter appearing remotely may be, given the circumstances, more or less effective than a non-licensed or non-credentialed in-person interpreter – decision makers and designated court staff will:
[*Check all that apply*]

- Appoint a licensed²² foreign-language interpreter or credentialed sign language or deaf interpreter appearing remotely via video, as the first preference;
- Appoint a licensed foreign-language interpreter appearing remotely via telephone, as the second preference; or
- Consider the use of a non-licensed foreign-language interpreter or non-credentialed sign language or deaf interpreter, as a last resort.

In any instance, absent exigent circumstances, these interpreters are used only for short, non-evidentiary hearings, or for actions aimed at obtaining emergency relief followed by a continuance for time to secure an in-person licensed foreign-language interpreter or credentialed sign language or deaf interpreter, if needed.

At all times, decision makers and designated court staff exercise their discretion to ensure that the use of the remote interpreter or an in-person non-licensed foreign-language

¹⁹ In foreign languages for which a National Center for State Courts (NCSC) oral certification examination exists, namely: Arabic, Cantonese, French, Haitian-Creole, Hmong, Korean, Laotian, Mandarin, Portuguese, Russian, Serbian, Somali, Spanish, and Vietnamese.

²⁰ See, Rules, [Appendix B, II \(B\)](#).

²¹ In foreign languages for which an NCSC oral certification examination does NOT exist.

²² Certified, Conditionally Approved or Registered.

interpreter or non-credentialed sign language or deaf interpreter is consistent with the administration of justice and meaningful and equal access by all the participants.

4. When no licensed foreign-language interpreter or credentialed sign language or deaf interpreter is available, absent exigent circumstances, it is the policy of the _____ [name of judicial entity] **NOT** to appoint as an interpreter anyone who is unqualified or who has a potential conflict of interest in the case, including, but not limited to, the following: minors; friends and family of the LEP or DHH person; bilingual court staff; advocates and attorneys for the LEP or DHH person; justice partner bilingual staff; or anyone else deemed unqualified after *voir dire* by the decision maker.
 - Even when a LEP or DHH party prefers to use his or her own non-licensed or non-credentialed interpreter, decision makers and designated court staff will appoint an available licensed interpreter, or an interpreter provisionally qualified under the *voir dire* instructions provided by the Commission.
5. When a non-licensed foreign-language interpreter or non-credentialed sign language or deaf interpreter is used, decision makers or designated court staff shall follow the guidelines provided by the Rules, and the Commission's guidance and bench cards by:
 - Conducting a *voir dire* ²³ with the prospective non-licensed foreign-language interpreter or non-credentialed sign language or deaf interpreter in order to assess that interpreter's qualifications; and
 - Following the Commission's [Instructions for Use of Non-licensed Interpreter](#), which includes admonitions to the non-licensed or non-credentialed interpreter on the basic tenets of the code of professional responsibility addressing interpreter ethics and standards.
6. In any situation where a remote interpreter, a non-licensed foreign-language interpreter, or a non-credentialed sign language or deaf interpreter was used on a one-time basis because of exigent circumstances, the court will follow the Rules' stated preference and will appoint an in-person Certified, Conditionally Approved, or Registered foreign-language interpreter or a credentialed sign language or deaf interpreter for subsequent proceedings.
7. Court personnel will verify the credentials of all interpreters, especially those who present themselves as foreign-language interpreters who are Certified or otherwise licensed by the Commission, by requiring foreign-language interpreters to present their license numbers and by checking the Commission's Searchable Directory located on the

²³ Samples provided in bench cards: [Working with Foreign Language Interpreters in the Courtroom](#) and [Working with Deaf or Hard of Hearing Persons and Sign Language Interpreters in the Courtroom](#).

Commission's site at <http://coi.georgiacourts.gov/content/locate-interpreter>. For sign language and deaf interpreters, court personnel should contact RID:

Registry of Interpreters for the Deaf
333 Commerce Street
Alexandria, VA 22314
703-838-0030 (voice)
703-838-0454 (fax)
RIDinfo@rid.org

B. Best Practices in the Appointment of Interpreters

In appointing interpreters, decision makers and designated court staff at the _____ [name of judicial entity] will:

- Whenever possible, in accordance with the Rules [Appendix A, II \(E\) and A, II \(F\) \(12\), \(13\)](#), authorize a pre-appearance interview between the interpreter and the LEP or DHH person in order to ensure language compatibility and communication between the interpreter and the LEP or DHH person.
- Provide instructions to all attorneys, LEP and DHH participants, jury members, and other relevant persons, regarding the role of the interpreter and how to work with an interpreter during courtroom proceedings.
- Make a determination of the appropriate number of interpreters that may be required for the proceeding in question. Depending on the number of LEP or DHH persons involved, and the availability of interpreters, the _____ [name of judicial entity] shall appoint separate interpreters when the proper administration of justice so dictates. For example, the court will strive, as a best practice, to appoint an interpreter for an LEP witness separate from a party's interpreter, who may need to interpret for attorney-client communications during the proceeding. Similarly, the court will, when possible, appoint separate interpreters for opposing parties in a family violence protective order.
- Appoint, if resources allow, team interpreting (two or more interpreters) for long hearings or trials over one hour, in order to ensure accuracy by diminishing the potential of interpreting fatigue and subsequent errors.

Only allow an LEP or DHH person to waive his or her right to the assistance of an interpreter if the waiver is knowing, voluntary, in writing, and on the record, if appropriate. If the decision maker or designated court staff, in his or her discretion, believes that the absence of an interpreter may subvert the interests of justice, that communication will be impeded and that the court will not be able to adequately communicate with the LEP or DHH party or witness, the waiver of an interpreter may be

rejected. If an LEP or DHH person is allowed to waive the use of an interpreter, the LEP or DHH person may, at a later stage, revoke the waiver and request the use of an interpreter without negative repercussions.

NOTE: The _____ [*name of judicial entity*] recognizes that a person who is LEP or DHH will likely be unable to make a “knowing” waiver due to his or her inability to communicate effectively in English. However, the court also recognizes that it is possible that a person’s ability to communicate in English may be advanced enough for him or her to inform the court that they do not wish to have an interpreter’s assistance, but not advanced enough to be able to meaningfully participate in the more substantive portions of the legal proceeding down the line. This court further recognizes, as noted in the Rules, “The fact that a person for whom English is a second language knows some English should not prohibit that individual from being allowed to have an interpreter.”²⁴ A decision maker with no proficiency in the LEP/DHH person’s native language or preferred language of communication may consider asking the *voir dire* questions to help the decision maker assess whether or not the LEP or DHH person’s waiver is knowing.²⁵

C. Calendaring and Scheduling of Interpreters

The _____ [*name of judicial entity*] understands that efficiencies in the scheduling of interpreters and calendaring of matters where an interpreter may be required may enable the court to more effectively provide high quality language access services where resources are limited.

To this end, in scheduling and calendaring interpreters, the _____ [*name of judicial entity*] employs the following:
[*Check all that apply*]

- Batching matters appropriately for which an interpreter for a specific language is needed and a qualified interpreter is provided, such as a _____ [*list any calendars for which batching by case type and language need exists*].²⁶
- Coordinating calendars so a qualified interpreter may be available for several matters in the same court location on the same day.
- Establishing systems so that an interpreter coordinator can easily and efficiently dispatch a qualified interpreter from one court location to another, or one courtroom to another,

²⁴ See, Rules, [Appendix A, II \(B\)](#).

²⁵ Sample questions are provided in the *Companion to the Model Administrative Protocol for the Provision of Court Interpreters to Limited English Proficient and Deaf or Hard of Hearing Persons (MAP Companion)*, pp. 20-22.

²⁶ See, *MAP Companion*, p. 22.

such as:

_____ [list any systems].

- Coordinating the use of interpreters so that when an interpreter is not busy in a courtroom proceeding, he or she may be available in person or telephonically to assist in other court-managed services, such as clerk's offices, *pro se* clinics, etc.
- Establishing a pool of qualified interpreters who are available by telephone or video to assist in non-critical proceedings or other court programs.

The _____ [name of judicial entity] shares this interpreter pool with the following courts: _____

_____ [check and list courts, if your court shares the pool of interpreters with other courts].

- Providing interpreters, when feasible, with basic information about the case, relevant court documents, and other information that can help the interpreter better prepare for the event, including technical terminology, jargon, and other complex issues that may complicate the interpretation.

The _____ [name of judicial entity] employs the additional strategies to maximize the use of interpreters:

_____.

D. Remote Interpreting

The _____ [name of judicial entity] uses the following remote interpreting technologies for the provision of language access:

[Check all that apply]

- Video-remote interpreting (VRI) with high quality video and audio equipment that permits interpreting in the consecutive and simultaneous modes, as well as confidential communications between parties and their attorneys.

Telephonic interpretation, which occurs through the use of _____ [name of service provider, e.g., telephonic interpreter service if any, or other method of provision].

Other: _____ [Describe]

_____.

The policy of the _____ [name of judicial entity] with regard to VRI is as follows:

- VRI and telephonic interpreting are effective in some settings, but not all. They will be considered but used with caution. Generally, in-person interpreters are preferred.
- Remote technologies require specialized and high quality equipment to ensure effective and accurate communication.
- Telephonic interpreting will be a last resort for courtroom proceedings and reserved for non-courtroom events or very brief non-evidentiary proceedings, such as continuances, given that non-verbal cues – not visible when on the telephone – are critical for communication. Telephonic interpreting can be particularly problematic in some circumstances such as for persons who are deaf or hard of hearing, the elderly, those struggling with mental illness, quiet or nonverbally communicative persons, and others.
- VRI must be used appropriately, with high quality equipment and trained interpreters, in order to be an efficient and effective mechanism for providing language access services when an in-person interpreter is not available, or when only a non-licensed foreign-language interpreter or non-credentialed sign language or deaf interpreter is available in person (but a licensed or credentialed one is available via video).

The _____ [name of judicial entity] provides and requires training for staff and decision makers on VRI and telephonic interpreting, how to use the technologies, how to work with the remote interpreter, and what are appropriate events for VRI and telephonic interpreting.

E. Appointment of Interpreters for Court-Managed Functions

The policy of the _____ [name of judicial entity] regarding the provision of interpreters for court-managed services, programs and operations is consistent with the Rules.²⁷ The Rules provide that, outside of criminal and civil court proceedings, Title VI also applies to all other court-managed functions, including:

- information counters;
- intake or filing offices;
- cashiers;
- records rooms;
- sheriff's offices;
- probation and parole offices;
- ADR programs;
- *pro se* clinics;
- criminal diversion programs;

²⁷ See, Rules, [Appendix A, II](#).

- anger management classes;
- detention facilities; and
- other similar offices, operations and programs managed by the court.

The _____ [*name of judicial entity*], therefore, in compliance with Title VI, provides the most appropriate language access service for these programs and services, including qualified interpreters, bilingual and multilingual staff, and translated materials and information. When the most appropriate language access service is the appointment of a qualified interpreter, the _____ [*name of judicial entity*] will follow the standards described above for the appointment of interpreters.

F. Additional Courtroom Tools for Language Access

In addition to the provision of qualified court interpreters in all proceedings where required, the _____ [*name of judicial entity*] provides the following language access services in the courtroom to assist LEP and DHH persons:

[*Check all that apply*]

- Bilingual courtroom staff are located, whenever feasible, in the courtroom to assist LEP and DHH persons.
 - The court ensures bilingual staff are proficient in English and a second (or more) language(s), and able to communicate effectively and accurately, orally and in writing, in all the languages in which they communicate. The court tests the proficiency of bilingual staff in a neutral systematic way. It does not rely on the bilingual staff person’s self-assessment of language skills.
 - Absent exigent circumstances, bilingual staff are not used to interpret in the courtroom because of possible conflicts between the role of interpreter and role of court staff and related ethical concerns.
 - At those times when bilingual staff are used to interpret outside a courtroom proceeding, bilingual staff understand the role of the interpreter, basic interpreting skills, and are only used for basic, noncritical communications.

- Signage and translation of courtroom resources, such as [*list any available translated courtroom materials or signage; see MAP Companion for examples*]:

- Use of multilingual video recordings, PowerPoint presentations, or a VRI for general courtroom instructions, judge’s introductory remarks, courtroom orientation or other general process.

G. Interpreter Compensation

As stated above, the _____ [name of judicial entity] provides interpreters at no cost to the LEP or DHH person. The _____ [name of judicial entity] directly compensates the interpreters it employs. As specified under the Rules,²⁸ interpreter compensation is currently the responsibility of the local courts, and there is no uniform, statewide compensation system at this time.²⁹ Therefore, interpreter fees and costs will be paid by the _____ [name of judicial entity] in accordance with the agreement in place between the interpreter and the court.

V. Strategies for Management and Monitoring of the MAP

The _____ [name of judicial entity] has established the following systems for monitoring the court's effectiveness in providing language access services to its LEP and DHH users, and for identifying the need for adjustments and improvements:

A. Periodic Monitoring of Effectiveness of the MAP

On an annual basis, the _____ [name of judicial entity] will monitor the MAP's implementation by:
[Check all that apply]

- Gathering data regarding provision of interpreters, interpreter hours and interpreter billing, by case type and proceeding, and compare to prior usage.
- Gathering data regarding the use of licensed interpreters as compared to non-licensed interpreters to ensure increases in the use of licensed interpreters.
- Collecting information on the number of continuances to obtain an interpreter, and delays in processing of cases, to determine efficiencies in early identification of interpreter need.
- Analyzing the impact of any established mechanisms such as calendaring or scheduling efficiencies in interpreter cost-savings and delays in case processing.
- Soliciting feedback from justice partners, legal services programs, attorneys and bar associations, community-based organizations, and the public regarding the implementation of the administrative protocol.

²⁸ See, Rules, [Appendix A, VII](#).

²⁹ See, Rules, [Section V](#).

- Identifying areas for improvement (e.g., provision of interpreters, translations, the addition of bilingual staff, better communication to stakeholders regarding policies, better staff training, etc.) and assistance from the Commission (such as translation assistance for statewide information, areas where interpreter orientations or licensing requirements may be improved, language access planning, etc.).
- Other:

B. Local Complaint Mechanisms

1. The _____ [*name of judicial entity*] has a complaint form and a complaint mechanism to enable LEP or DHH persons, their attorneys, justice partners, or any interested person to file a complaint for the failure to provide interpreter services, and/or the quality of interpreter services provided. Complaints may also be filed regarding the provision (or the failure to provide) language access services, as well as the quality of those services, including translations, bilingual staff, web information, access to services, and other related services.
 - The complaint form and instructions are available at:
[*Check all that apply or fill in local information*]
 - The clerk’s office, located at _____.
 - The Language Access Coordinator/Interpreter Coordinator’s Office, located at _____.
 - The court’s website at _____ [*insert URL*].
 - By calling _____ or mailing a request to _____.
 - Other: _____.
 - The complaint form and instructions are currently translated into _____ languages, namely: _____ [*fill in as appropriate*].
2. Any complaints filed about language access services provided at the _____ [*name of judicial entity*] will be investigated and resolved

at the local court level. Complaints about interpreter performance or ethical violations by licensed interpreters will be referred to the Commission as the entity responsible for interpreter qualifications and ethical compliance. The Commission will then conduct a formal investigation in accordance with its disciplinary procedures. Complaints regarding non-licensed interpreters or those not licensed by the Commission will be investigated and resolved at the local court level.

3. On a quarterly basis, the _____ [name of judicial entity] will forward a report to the Commission regarding the complaints filed, whether resolved or not, at the local level. The intent of this report is merely to allow the Commission to monitor the effectiveness of language access policies and of the administrative protocol. The quarterly report will include the number of complaints, reason for complaints, and resolution (if any) of the complaint.

C. Training for Judicial Branch on the MAP

The _____ [name of judicial entity] understands that, in order for the successful implementation of this administrative protocol and the effective provision of interpreter and other language access services, all court staff and decision makers must be properly trained on the policies and procedures in the protocol, as well as language access policies generally.

The _____ [name of judicial entity] will provide training for its court staff and decision makers on the following topics:
[Check all that apply]

- Proper appointment of qualified interpreters for all court proceedings.
- How to *voir dire* a non-licensed court interpreter.
- Role of an interpreter, modes of interpreting, and interpreter ethics and professional standards.
- Courtroom management when interpreters are used.
- Use of remote technologies for interpreting.
- Cultural competence.
- Other:
_____.

Training efforts will include new and existing staff and decision makers, as well as any staff

interpreters, if applicable.

Resources and information regarding the protocol, language access services, policies and procedures, and tools for providing language assistance (such as bench cards, language identification guides, brochures, etc.) are available to all court staff and decision makers at:

[Check all that apply]

- The court's intranet.
- The court's Language Access Coordinator/Interpreter Coordinator [or other designated office].
- Other:
_____.

D. Outreach and Communication of the MAP

The _____ *[name of judicial entity]* has provided notice of this administrative protocol to all relevant stakeholders, justice partners, attorneys, and the public, in the following manner: *[Fill in the method for notifying stakeholders of protocol]*

_____.

The _____ *[name of judicial entity]* will continue to communicate on an ongoing basis with stakeholders, including LEP and DHH persons, attorneys, justice partners, community-based organizations, and other interested organizations about its provision of language access services.

To this end, the court will:

[Check all that apply]

- Collaborate with local bar associations, justice partners and other relevant organizations to ensure distribution of information.
- Translate outreach materials to _____ *[insert languages with high diffusion in the court's area to which materials will be translated]*.
- Use ethnic print and audio/TV media to communicate regarding its language access policies and administrative policies. The court has identified the following ethnic print and audio/TV media outlets with whom it will collaborate

[insert local, regional and or statewide media outlets].

Establish mechanisms for obtaining feedback from the public, attorneys, and justice partners regarding the implementation and effectiveness of the administrative protocol, and take this feedback into account at the yearly evaluation of the protocol.

Other:

VI. Language Access Administrative Protocol Management and Other Language Access Considerations

The following is/are the person(s) responsible for management of this MAP for the appointment of interpreters and other language access services for the _____ *[name of judicial entity]:*

[Name of person]

[Address]

[Phone number]

[Fax/Email]

Executed: _____
[date]

Signature

[print name/title]



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Michelle Barclay, Division Director

RE: AOC's Communications, Children, Families, and the Courts Division

DATE: December 7, 2018

The Communications, Children, Families and the Courts Division of the AOC serves as the hub for all communications and provides staff for the Supreme Court of Georgia Committee on Justice for Children, chaired by Justice David Nahmias; the Georgia Commission on Child Support, chaired by Judge Michael Key; and the Access, Fairness, Public Trust and Confidence Committee of the Judicial Council, chaired by Justice Robert Benham; as well as grant funded work related to children and families. This Division assists with general grant research for courts in partnership with the legal staff in the Director's Division. We have welcomed new staff members to our division in November: Deputy Division Director, Aimee Maxwell, Esq. and Program Coordinator, Latoinna Lawrence. In September, Elaine Johnson was promoted to Child Support Executive Program Manager and Bruce Shaw to our Communications Outreach Specialist.

Following is a brief synopsis of the work.

- **Committee on Justice for Children (J4C):** Former Juvenile Court Judge Jerry Bruce is the program attorney for the J4C. Grant funding for 2018 has begun which will last until December 30th, 2018. Federal funding is in place through 2021. Due to an increased demand for J4C expertise and assistance from all juvenile court stakeholders, J4C recently hired a second full-time child welfare attorney, Peter Faile. The priorities for J4C now include:
 - **Multi-Disciplinary Child Abuse and Neglect Institute (MD-CANI):** this is a Georgia-specific iteration of a national training for judges provided by the National Council of Juvenile and Family Court Judges. MD-CANI Part 1 took place in August 2016 and brought together stakeholders from across the state for a two-day introduction to the CANI curriculum. Part 2 is an intensive, two-day immersion training in local jurisdictions, now expanded to include judges and all stakeholders, and covers the law and best practices in the first 75 days of a

- dependency case. As of September 2018, we have provided MD-CANI Part 2 to 10 jurisdictions, with training for more jurisdictions planned for early 2019.
- The Court Process Reporting System (CPRS) provides a daily snapshot of data relating to every child in foster care, allowing judges, attorneys, and CASAs to stay up-to-date on every factor related to the child's permanency plan. The system also allows for uploading and e-filing of court orders, which are then sent to DFCS every day, allowing for improvement of outcomes when the State seeks federal reimbursement for a portion of foster care expenses. Beginning fall of 2018, CPRS will receive uploads from all DFCS SAAGs of every court order in the state. These orders will be available to DFCS the next business day, and is expected that this innovation will enhance Georgia's ability to draw down federal IV-E reimbursements.
 - The Cold Case Project, jointly managed by J4C and the Office of the Child Advocate, identifies foster care cases which are not moving toward permanency and convenes a series of permanency round-table meetings to brainstorm solutions to permanency roadblocks.
 - The Peer Review Project, also jointly managed by J4C and the Office of the Child Advocate, sends child welfare law experts to view dependency proceedings in juvenile courts around the State. The Peer Reviewers evaluate hearing quality and attorney function using a national best-practice model. Each court receives a written evaluation with recommendations, and regional trainings are offered for attorneys to address issues revealed during the reviews.
 - The Court Improvement Initiative is a twice-yearly meeting group composed of leading juvenile court judges and their stakeholders. J4C reviews the best-practice model with each jurisdiction individually, and at the meetings each jurisdiction reports on its efforts to implement best practices. Each meeting includes a session for judges at which data for each jurisdiction are reviewed and moderated discussions are held on best-practice implementation in light of needs revealed by the data.
 - J4C also sponsors two awards for child welfare attorneys and one for DFCS case managers to highlight the importance of this work. The second annual awards were given at the State Bar annual meeting in June 2018.
 - A Georgia Child Welfare Law Specialist meeting was held on Oct 4-5, 2018; attended by over 40 GA attorneys who have become CWLS certified. Another meeting is planned for early 2019.
 - J4C and OCA sponsored a statewide Summit that took place November 27-29, 2017. It was attended by judges, attorneys, DFCS case managers and supervisors, CASAs, service providers, and other stakeholders. The second annual Summit will be held Dec. 3-5, 2018. As of this writing, there are nearly 500 participants registered.
 - J4C provides expertise on a wide range of juvenile court topics at state and national conferences.
 - **The next J4C Committee meeting will be on December 14, 2018. See: j4c.georgiacourts.gov**
- **Communications:** Improving communication can improve justice in all Georgia courts through collaboration and innovation, so it remains a priority under the Judicial Council

Strategic Plan. Staff works daily to promote and even generate positive content about Georgia's judicial branch, all courts, and judges. Our aim with this content continues to instill faith in our state's system of justice and the rule of law. Daily and periodic tasks within Communications include writing the JC/AOC Annual Report- <https://jcaocannual.report/>, monthly (which is new) publishing the Georgia Courts Journal- <http://journal.georgiacourts.gov/>; maintaining the Georgia Courts Directory- <http://georgiacourts.knack.com/gcd2/>, assisting with drafting and distribution of press releases; updating Judicial Council materials; providing substantive content for our Facebook/Twitter pages and the JC/AOC website (<https://www.facebook.com/GACourts>; <https://twitter.com/Gacourts>) and <http://georgiacourts.gov>; taking photos and drafting daily messages for events and communications. We also have a livestream channel <https://livestream.com/accounts/15641258> with a number of archived events.

- **Child Support Commission:** The Commission staff works collaboratively with Georgia's Department of Human Services, Division of Child Support Services, in several areas, including supporting the Parental Accountability Courts (PAC) and general support for the process and the law surrounding child support.
 - In September of 2018, the Commission lost two long-serving staff members: Staff Attorney, Patricia Buonodono, resigned to return to private practice; and Program Coordinator, Bruce Shaw, transitioned to a new position with the Judicial Council, AOC. The current Commission staff members are: Aimee Maxwell, Staff Attorney; Elaine Johnson, Executive Program Manager; and Latoinna Lawrence, Program Coordinator. The new Staff Attorney and Program Coordinator were hired effective November 1, 2018.
 - We continue to support and train PAC coordinators on use of the database that produces statistical evidence of the efficacy of those courts. Our Research Division has done a pilot study of the results of data collected over a three year period, which we have shared with the Division of Child Support Services in a report. The report was circulated to all of the PAC judges in August 2018.
 - Staff is working with the Commission on legislation for 2019 that will address four items: Adoption Assistance Payments as an Exclusion to Gross Income; Removal of Alimony as a Deviation; Amend O.C.G.A. § 19-6-15(f)(4)(A) to remove "40 hour/minimum wage" language; and the Addition of "or the Jury" in appropriate locations, along with corrections to grammar and punctuation.
 - Courts, attorneys, mediators and the public are using the online calculator; the only issue continues to be internet connectivity within the courthouses around the state. The Excel calculators were retired on October 1, 2018. Commission staff is training users on the use of the online calculator throughout the state, and are in the process of updating tutorial videos for use by self-represented litigants. We include in our trainings an update on child support case law, the correct use of multiple child support worksheets, use of the low income deviation, imputed income, and income withholding.
 - Staff has completed work on 2018 quadrennial federal guidelines review. The data was sent to a forensic economic expert, Dr. Jane Venohr, with the Center for Policy Research, for review and recommendations. The outcome of this review

was a recommendation of *no change* in the basic child support obligation table used in the calculation of child support. <http://csc.georgiacourts.gov>.

- **Access to Justice Committee (A2J):** The mission of the Access to Justice (A2J) Committee is to improve the public's trust in the judicial branch by focusing on access and fairness through the elimination of systemic barriers related to gender, race, ethnicity, sexual orientation, national origin, disability, indigence, and language. The A2J Committee, which is chaired by Justice Benham and is currently working on various projects:
 - The A2J Committee has completed that judicial trainings on Inclusion & Human Trafficking (Ethics Panel) have been added and are being presented during the Annual Training Conferences for the following classes of Courts: Municipal, Superior, State and Juvenile.
 - Judge Rodatus and Georgia State University Law Intern, Timur Selimovic who is also a fellow with the University's Center for Access to Justice, and previously served with the A2J Committee, recently finalized the Self-Help Resources Tool Kit for Georgia Judges. This project will provide information on a variety of self-help service delivery models. This tool kit was presented to the A2J Committee members during prior Committee meetings for feedback. The tool-kit is currently being finalized.
 - Committee members, along with LaShawn Murphy and Judge Dear-Jackson, have electronically distributed to all Municipal Court Judges a survey which is designed to collect data so that a "Best Practices Guide" can be developed to assist in the development of a Municipal Court state-wide remote access system. As of this date, we have received responses from about 15% of judges to whom it was made available. Our research department is currently preparing graphs to reflect this research.
 - Our Committee is partnering with and has adopted the State Bar's Justice for All Strategic Plan and suggested projects. Foundational work of the strategic plan was initiated at our May Summit, a follow-up to our 2016 Summit (GA Reflections on Ferguson): GA Reflections on Access and Fairness in the Courts. Part 2: Engaging the Faith Community. We were able to identify various religious organizations throughout the State of Georgia to participate in the event and study. We successfully conducted foundational surveys and fact-gathering interviews with the faith-based community leaders to assess what current practices, if any, are in place. We have also begun the work of assisting the Dougherty County Law Library in creating a prototype at the local level for assisting self-represented litigants. The Committee will focus on a combination of strengthening local law libraries, online forms for self-filing, local pop-up legal clinics, and low bono models of attorney representation, with the assistance of Mike Monahan, Judge Kristina Blum, the Georgia Technology Authority and the Director from the Dougherty County Law Library. Additionally, the AOC's Research Division will create and assist with the metrics of the model's effectiveness. The Committee has received additional funding in the amount of \$40,000 from the State Bar of Georgia to be used for strengthening local programs intended to aid self-represented litigants. This new funding is the result

of a partnership between the State Bar's Justice for All Committee and the A2J Committee. The A2J Committee posted an announcement on its website in late August with details on how to apply for funding. The grant awards will be capped at \$5,000 each, and two grants have been awarded to date.

- The A2J Committee internally distributed the third draft of the Georgia-specific guide for judges on the Servicemembers Civil Relief Act for review. The A2J Committee is partnering with Emory University, Georgia State University and the State Bar of Georgia Military-Veterans Law Section on this project, and we are on schedule to have the draft available for review by the A2J Committee in June. Similar guides have been created in other states, and you can find one similar state-specific guide at this link:
https://mckinneylaw.iu.edu/practice/clinics/_docs/IndianaJudgesGuide.pdf. Any judges interested in learning more about the project or possibly participating in the project should contact Tabitha Ponder at tabitha.ponder@georgiacourts.gov.
- Lastly, our A2J Committee's Judicial Diversity working group is in the initial stages of re-forming, and is attempting to identify any and all possible gender, age and racial disparities within our judicial/legal system throughout Georgia, in hopes of bringing needed awareness regarding the same.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Cynthia Clanton, Director; Judicial Council / Administrative Office of the Courts.

RE: 2018 Commission on Interpreters Administrative Updates

DATE: 29 November 2018

The administrative staff of the Commission on Interpreters has had a successful 2018. We have increased the number of trainings and presentations to different stakeholders. Most of the trainings we have presented have been on USC 7.3 and the proper use of an interpreter in court proceedings. Overall, we presented to the Probate Court Judges at their Spring Conference, the Council on Municipal Court Judges (Training Council) in Savannah, the Judicial Staff Attorneys' Conference, the Council on Dispute Resolution Program Managers in Athens, the Conference for New Magistrates in Athens, and the Prosecuting Attorneys Council in Young Harris. We have also presented to potential interpreters at the Atlanta Association of Interpreters and Translators' conference and the Legal, Healthcare, and ASL Interpreters conference in Atlanta.

When it comes to numbers, there were 95 attendees for the 2018 two-day orientations. The languages represented were: Amharic, Arabic, Bosnian/Serbian/Croatian, Cantonese, French, Haitian Creole, Korean, Mandarin, Portuguese, Spanish, Tigrinya, and Vietnamese. There were 117 attendees for the 2018 English Written Exams which follows the two-day orientation workshop; the passage rate was 39.32%.

There were 47 attendees for the last two oral exams. The languages represented were: Haitian Creole, Korean, Mandarin, Portuguese, Russian, Spanish, and Vietnamese. Twenty applicants passed the last two Oral Certification Exams offered in December 2017 and June 2018. The languages represented for these 20 applicants were: Haitian Creole, Korean, Spanish, Russian Portuguese, and Vietnamese. Out of these two Oral Certification Exams, we gained 8 new Certified Interpreters, 6 Conditionally Approved Interpreters, and 1 Registered Interpreter.

As of the date of this memo, there are 106 Certified Interpreters, 52 Conditionally Approved, and 9 Registered Interpreters in the State of Georgia.

Staff will continue with their efforts to present at more trainings. Thus far we have scheduled trainings with New State Court Judges, State Court Judges, and we are working on creating an e-training with PAC and other groups have shown interest for the same type of trainings. We also increased the number of times we offer the Oral Certification Exams from 2 to 3 times per year, and we have increased the amount of time between the orientation workshop and the English Written Exam to give potential interpreters more time to prepare and potentially increase the passage rate for the written exam.



SUPREME COURT OF GEORGIA

STATE JUDICIAL BUILDING
ATLANTA, GEORGIA 30334

FROM THE CHAMBERS OF
HAROLD D. MELTON
CHIEF JUSTICE

(404) 656-3477

Supreme Court Report

December 7, 2018

Judicial Council Meeting

I have had the privilege of serving as your Chief Justice for barely three months, and I want you to know how grateful I am to all of you and to the entire judicial branch for welcoming me in my new role and for easing the transition during a very sad time. The death of former Chief Justice Hines was difficult for our entire Court family, and I personally lost my mentor and one of my best friends.

In the last couple of months, we have welcomed two new members to the Court: Justice Sarah Hawkins Warren replaced now-Eleventh Circuit Court Judge Britt Grant, and Justice Charlie Bethel replaced Chief Justice Hines, who retired at the end of August. Both have been excellent additions, and it is a privilege to serve with them and with all of my colleagues. We're a relatively "new" Court — especially compared to the long time-span when there was no change in Court membership. (I believe former Chief Justice Hines served as the "junior justice" for more years than any other justice.) But the new Court brings great depth in legal and judicial experience and enhances what I consider our greatest strength – our collective decision-making ability. The various perspectives of the Justices inform our decisions – we work hard, we collaborate and although we do not always agree, our legal system is stronger because of it.

The Court will soon say good-bye to yet another former Chief Justice – Carol Hunstein – who leaves at the end of the year. We are losing a great jurist and friend, and we will miss Justice Hunstein very much. We nevertheless look forward to welcoming future Justice John Ellington.

Under former Chief Justice Hines's leadership, our Court worked hard to establish good lines of communication with the legislators and made progress, I believe, in helping that body understand and appreciate the judicial branch's achievements. The relationship he forged with both the executive and legislative branches was exemplified by Governor Deal's touching remarks at Justice Hines's memorial service on November 13 and by the recent House resolution honoring the former Chief Justice. My goal is to continue those relationships and partnerships both individually and collectively.

A few weeks ago, we travelled to Albany State University in Albany, Georgia for a special off-site court session. We believe holding arguments on the road allows citizens personal access to our Court and shows the public what we do. Even though the City had been beaten down by Hurricane Michael, we received an amazing welcome from one of the nation's top-ranked Historically Black Colleges and Universities, as well as from the Dougherty County Judiciary (both state and federal) and the Dougherty County Bar. These trips are a lot of work on everyone's part, but we are committed to doing them for the sake of openness and access for our citizens.



Council of Superior Court Judges of Georgia

Suite 104, 18 Capitol Square, Atlanta, Georgia 30334

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

Council of Superior Court Judges Report to Judicial Council December 2018

The Council of Superior Court Judges will hold its annual meeting and winter training seminar in Athens, Georgia, January 22-25, 2019. Approximately 250 judges and senior judges are expected to participate. The educational seminar presented by the Institute of Continuing Judicial Education (ICJE) will include topics such as a death penalty course (pretrial case management issues including dealing with media; motions; mental status of the accused; venire update; jury questionnaires; voir dire; victim impact evidence; penalty phase procedures; jury instructions; post trial procedures through the Defendant's direct appeal; habeas procedures); motions for summary judgment; motions to dismiss; condemnation cases; domestic case issues (Uniform Child Custody Jurisdiction and Enforcement Act; self-represented litigants; determining the best interest of the child in contested custody cases); attorney/inmate teleconferencing and virtual court hearings; sentencing and day reporting centers; administrative issues for all judges (budget, staffing, and human resources) and those unique to chief judges; mental health issues (identifying issues and defendants; available resources and responses); non capital habeas cases; lawyer malpractice; how being trauma-informed improves judicial decision making; a report from the State Bar; an update from the Judicial Qualifications Commission; mandatory e-filing, new Uniform Superior Court rules in response to *Owens v. State*; appeals from inferior courts and other agencies; a case law update; and an evidence update.

CSCJ President Judge Stephen Kelley created a special committee on mental illness in local jails. The purpose of the committee is to explore the feasibility of reducing the number of mentally ill inmates in local jails at a cost savings to county governing authorities. Judge Brian Amero chairs the committee. The members include Judge Shawn LaGrua, Chief Judge Geronda Carter, Judge Joe Bishop, Chief Judge Chan Caudell, Judge Verda Colvin, Judge Penny Freesemann, and Judge Eric Norris, as well as representatives of the district attorneys, public defenders, the Association of County Commissioners of Georgia, the Council of Accountability Court Judges, the Georgia Sheriff's Association, and other stakeholders.

Governor Deal appointed Judge Rebecca Crumrine Rieder to the bench of the Atlanta Judicial Circuit (replacing Judge Doris Downs), Judge Holly Wilkinson Veal to the bench of the Flint Judicial Circuit (replacing Judge Arch McGarity), and Judge Nicholas Primm to the bench of the Piedmont Judicial Circuit (replacing Judge David Motes).

Judge Wade Padgett and Judge Tain Kell, in conjunction with ICJE, trained many new judges at the New Orientation in Athens during the first week of December.



Council of State Court Judges
Impartial Courts • Judicial Excellence • Accessible and Efficient Justice

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Judge Joseph C. Iannazzone
President-Elect (Gwinnett)

Judge T. Russell McClelland
Secretary (Forsyth)

Judge Wesley B. Taylor
Treasurer (Fulton)

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Immediate Past President (Chatham)

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Judge R. Violet Bennett (Wayne)

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

District 4
Judge Jeffrey B. Hanson (Bibb)

District 5
Judge Alan W. Throver (Baldwin)

District 6
Judge John G. Breakfield (Hall)

District 7
Judge Ronald B. Ramsey, Sr. (DeKalb)

District 8
Judge Allen Dee Morris (Cherokee)

Report of the Council of State Court Judges
Judicial Council Meeting
December 7, 2018

Our Council welcomes the recent appointment of Judge John M. Stephenson as Judge of the State Court of Dougherty County who was sworn in on November 7th. Judge Stephenson fills the vacancy created by the appointment of former State Court Judge Victoria S. Darrisaw to the Dougherty Circuit Superior Court.

Judge Joseph C. Iannazzone was recently awarded the *Ogden Doremus / Kent Lawrence Award* by the Council of State Court Judges. This prestigious award is named after two state court judges who demonstrated the highest ideals of ethics, professionalism, judicial wisdom and demeanor. They were extremely involved in their communities; gaining the respect of their colleagues and the citizens that they serve. The state court judge receiving this award has not only brought esteem upon himself or herself, but upon all of the judiciary statewide.

The Council also presented Judge Wayne M. Purdom its *Distinguished Service Award* for his dedication, support and leadership as Chair of the Judicial Ad Hoc Committee on Misdemeanor Bail Reform. Many of the recommendations from this committee were incorporated into SB 407 which was signed by the Governor making significant reforms to misdemeanor bail.

The Council presented State Court of Effingham County Judge Ronald Thompson with its *Champion of Justice Award* for his insightful decisions in the case of *Jane Doe vs. USA Gymnastics, et al* “. . . which led to the revelation of 156 women and girl gymnasts who were abused by a team doctor . . .” “The handling of the motions in this case brought both honor and distinction upon yourself, your family, your colleagues, the Judges of Georgia and the Council.”

The Council recently passed an amendment to its Constitution that clarifies the policy that a Senior Judge cannot serve as an Officer or member of the Executive Committee. Judge Joseph Iannazzone presented the motion which was subsequently passed by the membership. Since Judge Iannazzone will be taking Senior Judge Status on January 1, 2019, he will be serving out the remainder of this year and the succession of Officers was remedied by our last election.

New Officers were elected at our Fall Conference to begin January 1, 2019. Judge T. Russell McClelland will become President-Elect; Judge Wes Taylor will become Secretary and Judge Al Wong was elected as Treasurer until their terms expire on June 30, 2019. Judge Nancy Bills continues to serve as President and Judge H. Gregory Fowler will continue serving as Immediate Past President

The Council just concluded its Fall Training Conference at Pine Mountain, Georgia. Some of the courses presented were on: Teen Impact and Creative Sentencing; Cannabis Oil Laws; How to Manage E-Filing; Third Party Litigation Funding; Sovereign Immunity; Civil Case Exchange Criminal Law Update and Evidence Law Update. We were honored and thrilled to hear from Chief Justice Harold Melton at our group dinner. He challenged us to think outside-the-box with respect to identifying and creating solutions to steer young people away from situations that might lead to criminal conduct or behaviors. He provided some examples of how this was approached in other jurisdictions.

The Council conveys its deepest sympathies to the Chief Justice, Presiding Justice, Justices and Staff of the Supreme Court of Georgia on the recent passing of former Chief Justice P. Harris Hines who began his judicial career as a Judge of the State Court of Cobb County in 1974. His loss will be felt for many years.

Respectfully submitted,

Nancy Bills

Judge Nancy Bills

President, Council of State Court Judges



COUNCIL OF JUVENILE COURT JUDGES OF GEORGIA

Judge Philip B. Spivey, *President*
Judge Juliette Wiltshire Scales, *President-Elect*
Judge Lisa C. Jones, *Vice President*
Judge C. Gregory Price, *Secretary*
Judge Render Heard, *Treasurer*
Judge James R. Whitfield, *Immed. Past President*

Judge LeRoy Burke, III, *District 1*
Judge Joshua Bell, *District 2*
Judge Deborah Edwards, *District 3*
Judge Maureen Wood, *District 4*
Judge Phillip Jackson, *District 5*
Judge Bobby Simmons, *District 6*
Judge Michelle Harrison, *District 7*
Judge Stephanie Burton, *District 8*
Judge Jan Wheeler, *District 9*
Judge Sheri Roberts, *District 10*

Eric J. John, *Executive Director*

REPORT OF THE COUNCIL OF JUVENILE COURT JUDGES JUDICIAL COUNCIL MEETING December, 2018

Pursuant to a request from the GA General Assembly, a Uniform Juvenile Court Rule relating to the use of restraints on juveniles in court was approved by the Council of Juvenile Court Judges at the fall business meeting in Athens, GA, and has been sent to the GA Supreme Court for further action along with the complete re-write of the Uniform Rules approved by the Council in May. The text of the new rule which strikes a balance between the safety of the child and the safety of the community is as follows:

“A juvenile may not be physically restrained during a court proceeding unless such restraint is authorized by Court order or local protocol of the court. Every Juvenile Court shall establish a written protocol that addresses the circumstances under which a juvenile may be physically restrained while appearing in court which considers the welfare and due process rights of the juvenile, integrity of the judicial proceeding and the safety of the court and public.”

The Juvenile Data Exchange Project (JDEX) has been in full training mode for the pilot juvenile courts (Athens-Clarke; Chatham; Clayton; DeKalb; Douglas; Dougherty; Floyd; Fulton; Glynn; Gwinnett; Macon-Bibb; Columbus-Muscogee; Newton; Rockdale and Troup Counties) and will begin statewide roll out December 18 through January 19. Judge Gregory Price, Chair of the CJ CJ Technology Committee, Chair of the Juvenile Data Exchange Project, and an advisory member of Justice Mike Boggs’s Judicial Council Ad Hoc Committee on Juvenile Justice Reform, reports that per Kristy King, AOC Project Manager, that the JDEX Committee has approved proposed rules for submission to the Judicial Council in compliance with the mandate of SB 407 and O.C.G.A. § 15-11-64(c). These are the same rules and protocols approved by the Executive Committee of CJ CJ and by a unanimous vote of the Council of Juvenile Court Judges on October 22, 2018, at the fall business meeting. These proposed rules

Council of Juvenile Court Judges report, Page 2

and protocols were forwarded through Tracy Mason, Assistant Director of the Governmental & Trial Court Liaison Unit, to Justice Mike Boggs for approval by the Ad Hoc Committee at its meeting on November 14, 2018. The rules have been reported to the Judicial Council to be utilized in developing statewide rules and protocols as required by statute.

The first meeting of the House Study Committee on Juvenile Court Judges created by H.R. 1260 during the last session met on November 8, 2018. The committee is chaired by Rep. Mandi Ballinger and is charged with reviewing the current laws applying to the compensation of juvenile court judges, their appointment, qualifications and governance. The Committee heard from Debra Nesbit from ACCG, Eric John and two judges from CJCJ, and three members of the staff of the Department of Juvenile Justice.

The GA General Assembly during the 2018 session created and funded under the CJCJ a statewide CHINS Coordinator to address this new area of the law under the new juvenile code. The CJCJ, through its Executive Director, Eric John, hired a state-wide CHINS Coordinator, Ms. Kimberly Tolbert, who has been surveying each jurisdiction to get a snapshot of where we stand with CHINS statewide and is still in the process of gathering information by visiting the various counties. She is leading the CHINS State Collaborative Group and working on strengthening and expanding this group of stakeholders to ensure that we have a strong team to help support CHINS and help resolve challenges with CHINS. She is working with the Georgia Health Policy Center and the Carter Center in coordinating and implementing a statewide resource guide for the local CHINS coordinators to utilize when assisting families. And finally, she is working on creating pilot sites within each district that will test standard CHINS protocols before implementing them on a larger scale.

Honorable Philip B. Spivey, President, 2018-2019
Council of Juvenile Court Judges of Georgia



Council of Probate Court Judges of Georgia

Judge Sarah Harris
President (Macon-Bibb)

Judge T. J. Hudson
President Elect (Treutlen)

Judge Kelli Wolk
First Vice President (Cobb)

Judge Darin McCoy
Secretary-Treasurer (Evans)

Judge Rooney Bowen, III
Immediate Past President (Dooley)

Report to Judicial Council of Georgia December 7, 2018

The following is a summary of activities and current initiatives by the Council of Probate Court Judges:

2018 Fall COAG Conference

Over 70 probate judges attended the 2018 Fall COAG conference, which was held from October 15-17 at the Savannah Westin. Aside from the joint COAG training, our Executive Committee, Training Council and Council membership all held very productive meetings, as there were numerous initiatives that were discussed and voted on. Also, I am happy to report that Judge Tammy Brown was elected and sworn-in as COAG's President-elect. Last year, Judge Brown served as COAG's Vice President.

Bylaws, Self-Represented Litigants and Uniform Probate Court Rules

Our districts and committees have been hard at work this year, especially our Bylaws Committee, Ad Hoc Committee on Self-Represented Litigants and Court Forms and Rules Committee. Judge Alice Padgett, who chairs the Bylaws Committee, crafted a reasonable schedule for revising our Council's bylaws and not surprisingly, her committee finished their work right on schedule. Our Council unanimously approved the updated bylaws at Fall COAG. Judge Patty Walters Laine graciously accepted the assignment of serving as the chair of the Ad Hoc Committee on Self-Represented Litigants. Her committee has made significant progress in working towards an update of our probate court videos, which are published for the general public. Production on those videos will begin in December. Finally, Judge Chris Ballar, who chairs the Court Forms and Rules Committee, has been diligent in overseeing the process of amending our Uniform Probate Court Rules. The amended rules were put before the Council membership for consideration and passed unanimously. The committee is currently working on non-substantive revisions before we send them to other stakeholders.

National Guardianship Association

Recently, our Council joined the National Guardianship Association, which is an organization focused on affecting positive change in guardianship policy and providing pertinent educational opportunities and resources. Our Council sent Judge Detria Carter Powell and Judge Hillary Cranford to the National Conference on Guardianship, which was held from October 20-23 in Palm Springs, California. Judge Powell and Judge Cranford will be providing training to their colleagues at our Spring Conference next year.

Former Chief Justice P. Harris Hines

Simply put, former Chief Justice P. Harris Hines was a gracious and thoughtful man, whose first instinct was kindness. While he was a noted jurist, he was also a devoted family man, a dedicated public servant and a mentor to many. On behalf of our Council, we would like to express our sincerest condolences to his family, his Supreme Court colleagues and all of those who had the privilege to count him as a friend.

Respectfully submitted,

Judge Sarah Harris
President, Council of Probate Court Judges of Georgia



Council of Magistrate Court Judges

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Judge Bill Brogdon
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Members at Large
Judge Alex Atwood
Judge Betsey Kidwell

Council of Magistrate Court Judges Report

The Council of Magistrate Court Judges has had a very busy fall. In addition to our usual fall meeting and training held at the end of September and beginning of October, we have implemented our new website, reviewed and revised our guide and file survey, and worked with Tyler to develop the interviews for abandoned mobile homes, trover and personal property foreclosure. The meeting was successful and the legislative and rules committee both completed revisions for the session and rules for approval to the Supreme Court. The Magistrate Court Training Council has also been busy primarily focusing on work with its new curriculum subcommittee to develop a library of training materials that any instructor can adapt for a particular class.

The leadership team worked closely to refine and revise our legislative goals after this meeting by reaching out to other councils and judiciary members to further refine our changes for the session. We have submitted two bills to Judicial Council: one of which deals with cleaning up our creation statute and makes all of our judges nonpartisan; and the other deals with dispossessory writs.

The Training Council has worked to approve some online classes and met in late mid November to approve next year's curriculum for training. The MCTC along with its new curriculum committee is working toward training and recruiting additional instructors and they are focusing on diversity of trainers. They have been working closely with ICJE to ensure that we work to develop not only a higher quantity of instructors but also a better quality and that includes focusing on diversity.



Council of Municipal Court Judges

Report to the Judicial Council of Georgia – December 2018

The following is an overview of recent events, programs, and activities of the Council of Municipal Court Judges (CMuCJ):

Council Meeting Endeavors

The Council is pleased with the efforts of the district representatives to create a more cohesive and collegial membership by conducting meet and greets and lunch and learns. The representatives are responsible for communicating to their members all issues concerning the municipal courts; encouraging participation in training and continuing education; and being the conduit for information back and forth to the Executive Committee. The districts have been very active with meetings this last quarter of the year.

Legislation

For the 2019 session of the General Assembly, the CMuCJ plans to seek legislation to amend the mandatory training statute of municipal judges OCGA 36-32-27. The proposed legislation seeks to propose a new section OCGA 36-32-27.1 that will allow for six hours in excess of the number of hours required to be carried over and applied to the next calendar year. The initiative has been proposed to the Judicial Council Standing Committee on Legislation and the Judicial Council has given its support

Last year, the Council reestablished conducting its Legislative Breakfast and Day at the Capitol. This year the event is scheduled to take place Tuesday, February 5, 2019 from 9:00 a.m. – 11 a.m. in Room 230 of the Georgia State Capitol. Invitations will be extended to the Georgia General Assembly, Judicial Council members, the Appellate Courts and some special guests.

In final, I would be remiss in not stating what an honor it was to serve as a representative on the Judicial Council's Ad Hoc Committee on Criminal Justice Reform. The work conducted through the committee will have positive, lasting effects on the judiciary.

Uniform Rules Amendments

The Supreme Court approved the amendment of the following Rules effective August 31, 2018: Uniform Municipal Court Rule 11 - Use of Electronic Devices in Courtrooms and Recording of Judicial Proceedings, that relates to the use of electronic devices in courtrooms and recording of judicial proceedings by representatives of the news media and other persons; Uniform Municipal Court Rule 14 - Interpreters and the Notification Form; and, Uniform Municipal Court Rule 12 - Completion of Quarterly Caseload Reports, to update the reporting requirement to annual from quarterly submissions in accordance with the Administrative Office of the Courts timeline.

Municipal Court Judges Benchbook

With the recent passing of Judge Glen Ashman, the creator and editor (Benchbook Committee Chair) of the resource, has forced the Council to look at the current usage

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District Four

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Judge Davis Will

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Judge Parag Shah

District Six

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Judge Ted Echols

District Seven

Judge Robert Cowan
Judge Nathan Wade

District Eight

Judge Michael Gailey
Judge Tommy J. Smith

District Nine

Judge Pamela Boles
Judge Claude Mason

District Ten

Judge Lori Duff
Judge Ryan S. Hope

The Council of Municipal Court Judges

and needs of the judges for this resource. In doing so, it was decided to take this opportunity to modernize that which had been created. The Municipal Judges Training Council, in agreement with the CMuCJ, contracted with MyCLE to create an E-book version of the Benchbook with uniformity and consistency throughout that would also be searchable on and off-line. The Council looks forward to this partnership and receiving the final product.

Next Meeting

The Council of Municipal Court Judges Executive Committee is scheduled to meet February 5, 2019, in conjunction with the CMuCJ Legislative Day.

Respectfully submitted,

Judge Matthew McCord

President, Council of Municipal Court Judges



Council of Accountability Court Judges

Chief Judge Brenda S. Weaver
Executive Committee Chair
Appalachian Judicial Circuit

Taylor Jones
Executive Director

Council of Accountability Court Judges Report to Judicial Council December 2018

In the time since the Council of Accountability Court Judges (CACJ) last reported to the Judicial Council the CACJ has held meetings of the Standards & Certification, Training and Funding Committees. The CACJ is pleased to report the following Council activities and accomplishments:

- The Standards and Certification Committee (SCC) completed the pilot period for the DUI and family treatment court peer review processes, and site visits are underway. The SCC also approved the peer review materials and process for veteran treatment courts. VTC peer review training begins this month and pilot site visits will begin next quarter. New accountability court programs continue to be certified as they begin the implementation process with technical assistance being provided as requested. The SCC is currently reviewing the accountability court certification process to identify areas of improvement and to streamline the application and review workflow.
- The CACJ Training Committee met on October 19th to begin planning the FY20 Training Calendar and 2019 Statewide Accountability Courts Training Conference. It is anticipated that the 2019 Conference will again include tracks to encompass basic training sessions for implementation courts, and advanced courses for existing courts. The CACJ plans to utilize support from national technical assistance providers to include: the National Drug Court Institute; the Center for Court Innovation; the GAINS Center; and American University. Additionally, the CACJ will look to experts in Georgia, many within our own courts, to support the training conference and to continue to foster a learning community amongst the accountability courts.
- The CACJ Funding Committee met on November 9th to review FY19 Accountability Court Supplemental Grant applications. In total, the CACJ received thirty-seven (37) applications for funding totaling \$1,620,623. The CACJ was able to award \$724,397. Two new implementation courts were awarded funding: the Dawson County Family Treatment and the Mountain Judicial Circuit Mental Health Court. Additionally, for the first time, the CACJ Funding Committee released a Law Enforcement Officer (LEO) Grant application to provide an additional funding stream opportunity for law enforcement agencies that support the accountability courts within their jurisdiction. The CACJ was able to award \$288,857 in the areas of accountability court surveillance, courthouse security for accountability court staffing and court sessions, and for participant transport to residential treatment facilities. In total, the CACJ awarded \$1,013,254 through the supplemental and LEO grant opportunities in support of the accountability courts.

The CACJ continues to work closely with the Administrative Office of the Courts and the Criminal Justice Coordinating Council to develop the accountability courts of Georgia under the guidance and expertise of judges. The CACJ is looking forward to another successful year in 2019.



GEORGIA COMMISSION ON DISPUTE RESOLUTION

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Judge Charles E. Auslander, III

Chair-Elect

Judge Jane C. Barwick

Executive Director

Tracy B. Johnson

Program Coordinator

Karlie Sahs

Commission Members

Justice Keith R. Blackwell

Judge Amanda H. Mercier

Emily S. Bair, Esq.

Raymond G. Chadwick, Jr., Esq.

Mary Donovan, Esq.

Judge C. Andrew Fuller

Herbert H. (Hal) Gray III, Esq.

Melissa C. Heard, M.S.S.W.

Timothy Hedeem, Ph.D.

Judge Stefani R. Lacour, Esq.

Judge M. Cindy Morris, Esq.

Patrick T. O'Connor, Esq.

Rep. Jay Powell, Esq.

Edith B Primm, Esq.

Vjolca Prroni Young, LL.M.

The following is an update on the initiatives and activities for the Commission on Dispute Resolution:

ADR Program Directors Conference

The 2018 ADR Program Directors' Conference was held on September 19-21, 2018, at The Graduate Hotel in Athens. In all, 25 ADR program representatives and nine Commission Members attended. The agenda included sessions on working with interpreters, updates to the newly adopted rules for mediating cases with domestic violence, safety planning, ethics, Uniform Mediation Act, Juvenile Dependency Mediation, and child support. This year's plenary speaker was Ellen Hester with her presentation "High Morale is No Accident." The Commission would like to thank the JC/AOC for their support of this event.

25th Anniversary CE Events

The Supreme Court Order adopting the original ADR Rules, including creation of CODR and GODR, was filed on January 27, 1993. To celebrate this momentous occasion, the Commission is sponsoring free continuing education events throughout the state. Since late August, the office has held five CE events in Dallas, Athens, Carrollton, Augusta, Valdosta, and Macon with a total of 414 in attendance. The last event is scheduled for December 14 in Hinesville. The events have been approved for CLE credit for attorneys and CJE credit for Superior, State, and Probate Court Judges. The Commission would like to thank the Superior, State, and Probate Judges Councils for their support of these events, as well as the Court ADR Programs and trainers for donating their time and resources.

ADR Institute

The 25th Annual ADR Institute and Neutrals' Conference is scheduled for December 7, at the State Bar of Georgia. Co-sponsored by the State Bar of Georgia Dispute Resolution Section, this year's institute features presentations on gender differences in negotiations, ten things to know about arbitration, conflict resolution in communities, neuroscience of the ADR professional, military updates & U.S. Supreme Court decisions, and online dispute resolution. The event has been approved for six CLE hours, including one Ethics, one Professionalism, and three Trial Practice Hours.

Upcoming Commission Meeting Date

The next Commission meeting date is January 30, at 2:00 p.m. in the Rusk Hall, Larry Walker Room at the University of Georgia Law School. Meeting information as well as previous minutes are posted on the GODR website at www.godr.org.

CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

Hon. Harold D. Melton Chief Justice
Supreme Court of Georgia, Chair

Karlise Y. Grier
Executive Director



Terie Latala
Assistant Director

Nneka Harris-Daniel
Administrative Assistant

Memorandum

TO: Judicial Council of Georgia

FROM: Karlise Y. Grier, Executive Director

RE: Chief Justice's Commission on Professionalism

DATE: December 7, 2018

The Chief Justice's Commission on Professionalism, the first body of its kind in the nation, was created in 1989 by the Supreme Court of Georgia with the primary charge to enhance professionalism among Georgia's judges and lawyers. Chief Justice Harold D. Melton serves as the current chair of the Commission. Other judges who serve on the Commission are as follows: Judge Carla W. McMillian for the Georgia Court of Appeals; Judge Meng H. Lim (Tallapoosa Judicial Circuit) for the Council of Superior Court Judges; Judge Susan E. Edlein (Fulton County State Court) for the Council of State Court Judges; and Judge Steve C. Jones for the federal judiciary. Court of Appeals of Georgia Judge-Elect Kenneth B. Hodges III serves on the Commission in his capacity as President of the State Bar of Georgia. Toombs County Chief Magistrate Judge Rizza P. O'Connor serves on the Commission in her capacity as President of the Young Lawyers Divisions of the State Bar of Georgia. To see a complete list of Commission members, visit the Commission's web site at www.cjcpga.org.

As it prepares to celebrate its 30th Anniversary in 2019, the Commission looks forward to continuing its work of engaging judges and lawyers on professionalism issues through a variety of programs and projects, a few of which are highlighted below.

Join the Commission for A Professionalism Town Hall Luncheon Meeting and/or CLE at the State Bar of Georgia 2019 Mid-Year Meeting

The State Bar of Georgia's 2019 mid-year meeting in Macon, Georgia presents the perfect opportunity for the Commission to kick off its 30th Anniversary year. The Commission's activities at the mid-year meeting will include a town hall luncheon meeting on professionalism on **Saturday, January 12, 2018, at Noon** immediately following the Board of Governor's meeting. A hot, plated lunch will be served.

All members of the Judicial Council and members of judicial-related organizations are encouraged to attend. In addition, on **Thursday, January 10, 2018**, the Commission will hold a CLE that will look at Professionalism “Then and Now,” using Chief Justice Thomas O. Marshall’s 1988 *Consultation on Professionalism and the Practice of Law* as the springboard for the CLE discussion. For more detailed information or to register please visit <https://www.gabar.org/calendar/eventdetail.cfm?id=69954>.

The 20th Annual Justice Robert Benham Awards for Community Service

Planning for the 20th Anniversary of the Justice Robert Benham Awards for Community Service is underway. The event is scheduled for **Saturday, March 9, 2019, at the Georgia State University Student Center’s State Ballroom**. Judge Susan Edlein will serve as one of the Chairs of the event. In keeping with Justice Benham’s desire to foster camaraderie between lawyers, the State Bar’s Creative Connections Sub-Committee of the Committee on Professionalism seeks lawyer and judge volunteers to display their artistic talents during the awards ceremony. The Creative Connections sub-committee seeks singers, musicians, actors, dancers, directors, spoken word artists, painters, photographers, quilters, wood carvers, toy makers and other lawyer and judge artists to participate. To express an interest in volunteering, please e-mail Karlise Y. Grier at kygrier@cjcpga.org.

The 19th Annual Justice Robert Benham Awards held last February 27, 2018, aired on AIBTV

The 19th Annual Justice Robert Benham Awards for Community Service ceremony that was held on February 27, 2018, aired on AIBTV during the last week in November. The program contained some wonderful video footage of the late Chief Justice P. Harris Hines, Chief Justice Melton, and Justice Benham. The program helped to highlight some of the wonderful work that judges and lawyers do to help their communities. The AIB Network is available to an audience of 2 million households and can be seen on cable in over 35 counties in the metropolitan-Atlanta area.

2018 Convocation on Professionalism and the Global Community

The Commission’s 2018 Convocation: *Professionalism and the Global Community* took place on November 30, 2018, at the Porsche Experience Center in Atlanta, Georgia. The Commission confirmed several wonderful speakers for the event, including three keynote speakers as follows: The Honorable J. Nathan Deal, Governor of Georgia; His Excellency J. Randolph Evans, United States Ambassador to Luxembourg; and Mr. James McHenry, Director of the Department of Justice Executive Office of Immigration Review. The Commission thanks its sponsors Squire Patton Boggs (Bronze), Alston & Bird (Silver) and Miller & Martin (Silver).

The above summary highlights some of the Commission’s work. The Commission looks forward to engaging judges and lawyers on professionalism issues in 2019, during its 30th Anniversary year.



GEORGIA COUNCIL OF COURT ADMINISTRATORS

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Kimberly Ciccaglione

David Mixon

Nicole Milton

As we prepare for 2019, GCCA wishes to highlight and thank our Immediate Past President Tracy Johnson for her service during the 2017-2018 term. We are also elated to welcome our 2019-2020 Executive Board members who have committed to our continued efforts as the premier education and development center for court professionals. The following is an update on activities for the Georgia Council of Court Administrators:

Fall Conference Highlights

The Georgia Council of Court Administrators held this year's fall conference in Savannah, October 22-24th. This year's theme focused on operational management and included topics on infrastructure and support, access and direct services, and programs and special services. On October 23rd, Hon. Melodie Conner, Gwinnett County Chief Superior Court Judge administered the oath of office to the new officers and board members.

Program of the Year

GCCA's program of the year award was presented to the Lowndes County State Court Release Program. The program addresses bond issues and reduces the time inmates without bonds had to wait to be seen in court. It was believed that by promoting comprehensive supervision strategies and alternatives to detention, the RSC program would be able to insure community safety, reduce nonappearance, and coordinate referral to support, counseling, and other services for defendants that would encourage a refrain from future criminal misconduct, all the while lowering inmate-related costs to Lowndes County's citizens.

The Spark Award

The Spark award is a new award this year for GCCA in honor of the late Gary Smith, a long time GCCA member and juvenile court administrator. It recognizes a court or program administrator serving in juvenile court who has made a significant impact on Georgia's youth. This inaugural award was awarded to Mr. John P. Johnson, III. Mr. Johnson recently retired after serving Clayton County Juvenile Court for 28 years. He has served in many capacities there, from probation officer to director. He is a long-time member of GCCA and has volunteered thousands of hours to our organization. Mr. Johnson's service to the children and families he has served has been recognized many times. He is the recipient of the Romao T. Powell Award (JCAG), the T. Michael Stanford Award (JCAG), a three-time recipient of the Direct Service Award (JCAG), and a four-time recipient of the Management Award (JCAG).



GEORGIA COUNCIL OF COURT ADMINISTRATORS

GCCA Cares

GCCA is committed to giving back to the communities where educational conferences are hosted. At the 2018 Fall Conference, members extended voluntary donations to Heads-Up Guidance Services. Heads-Up Guidance Services is a non-profit 501(c)(3) organization making Mental & Behavioral Health Counseling and Addiction Recovery Services available and affordable to ALL in need. Mrs. Ellen Bradley from the organization attended a membership luncheon to accept the donation and share their sentiments of gratitude.



REPORT TO JUDICIAL COUNCIL OF GEORGIA

COMPILED BY:

INSTITUTE OF CONTINUING JUDICIAL EDUCATION

THE UNIVERSITY OF GEORGIA

1150 SOUTH MILLEDGE AVENUE

ATHENS, GA 30602-5025

December 7, 2018



A Resource Consortium of Georgia's Bench,
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G. Cleveland, Jr., Esq.
(9/13/17 – 12/14/00)

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MEMORANDUM

TO: Chief Justice Harold D. Melton, Georgia Supreme Court
Members, Judicial Council of Georgia

FR: Douglas Ashworth, ICJE Executive Director

RE: 2019 ICJE Seminar Calendar; 2018 Monthly Reports

DATE: November 7, 2018

On behalf of the Institute of Continuing Judicial Education of Georgia ("ICJE") I am pleased to provide the following material for the December 7, 2018, Judicial Council of Georgia Meeting:

ICJE 2019 CY Master Calendar. ICJE's Seminar Schedule for Calendar Year 2019 is attached. ICJE staff met with the educational apparatus for each constituency group in collaborating on the development of this calendar. Further, the calendar was unanimously approved by ICJE Board of Trustees on November 2, 2018. Also attached is a comparison between CY 2018 versus CY 2019, showing the significant increase in overall programming generally, and in online programming, specifically.

Calendar Not Posted Due To Security. As a reminder, ICJE Master Calendars are not posted on the ICJE website, for security reasons.

Monthly Reports To ICJE Board Leadership. I am also pleased to attach a hard copy of my CY 2018 monthly email reports to the ICJE Board Leadership, to date. These monthly reports provide both a summary, and a detailed week-by-week listing, of all ICJE activities.

Please contact me if I can provide further information or documentation concerning the above, or any other ICJE functions. Thank you for the opportunity to provide this report.

From: Douglas G. Ashworth
To: "borut@uga.edu"; "david.darden@cobbcounty.org"; "meltonh@gasupreme.us"; "boliver@hallcounty.org"
Cc: "Lori A Ringhand"; "Tina M. Whitehair"; "Cynthia F Wentworth"; "Marti Head (HFADM@gasupreme.us)"
Subject: ICJE Exec Dtr Report - Legislative Update
Date: Tuesday, February 13, 2018 11:46:00 AM

Greetings ICJE Board leadership:

This message is FYI, no action required.

Here is an **overview** of recent ICJE activities pertaining to the Georgia General Assembly and **appropriations**. As always, feel free to contact me anytime on my cell 706.201.7680.

Amended Fiscal Year 2018 Budget Hearings: The House Appropriations Subcommittee on Public Safety met on Monday, January 22, 2018; and, I attended the Senate Budget Committee hearing on Monday, February 5, 2018. As of the date of this message, the appropriations for ICJE would be reduced for Amended Fiscal Year 2018 in the amount of \$13,077.00. This reduction is not a surprise, since it represents the difference in then ICJE Executive Director Rich Reaves' salary at his retirement versus my salary at my start date. I would also note that the staff of the House Appropriations Committee scanned all applicable agencies for such retirements/transitions in order to locate savings – ICJE was not singled out. One other note – ICJE has sufficient funding to fulfill all programming and operations for Fiscal Year 2018 – the reduction will not affect that.

Fiscal Year 2019 Budget Hearings: I will appear before the House Appropriations Subcommittee on Public Safety tomorrow, February 14, 2018, at 4:00 pm, in support of ICJE's FY 2019 Enhancement Request. I will keep you updated on this issue as the Session continues.

Finally, you can expect my normal monthly email report on February programming and operations at the end of this month.

Thank you and best regards,

Douglas G. Ashworth, J.D., Executive Director

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Athens, Georgia 30602-5025
Direct Dial 706.369.5793
Fax 706.369.5840
doug@icje.law.uga.edu

From: Douglas G. Ashworth
To: "borut@uga.edu"; "david.darden@cobbcounty.org"; "meltonh@gasupreme.us"; "boliver@hallcounty.org"
Cc: "Lori A Ringhand"; "Tina M. Whitehair"; "Cynthia F Wentworth"; "Marti Head (HEADM@gasupreme.us)"
Subject: ICJE Exec Dtr Report - February 2017
Date: Friday, March 02, 2018 9:04:00 AM

Greetings ICJE Board leadership:

Here is my **monthly overview of ICJE activities**. As always, feel free to contact me anytime on **my cell 706.201.7680**. **Be on the lookout later today for the email containing your March 9, 2018, ICJE Board packet.**

Summary: During the 20 business days of February, ICJE provided 8 days of programming to 2 classes of courts; we met with 1 class of court clerks to plan their calendar year 2018 programming; we continued processing hundreds of Calendar Year 2018 registration forms for our 14 constituency groups; and, ICJE staff spent a total of 4 days at the State Capital between Appropriations Committee hearings and other matters. I am also pleased to report that the Office of State Administrative Hearings (OSAH) contacted ICJE to discuss the possible renewal of ICJE's facilitation of OSAH training meetings.

That's the summary for the month, the details are below:

Here are other details on the month:

1st Week of February – Meetings included the annual planning session for Magistrate Court Clerks. We met with the leadership of the Magistrate Court Clerks in Forsyth to plan their annual educational training scheduled for June, 2018. ICJE staff met in Athens with representatives from OSAH to discuss the renewal of ICJE's facilitation of OSAH trainings. (ICJE provided this facilitation prior to the Great Recession, when OSAH funding was cut for educational trainings). Our meeting with OSAH was successful, and we will facilitate OSAH's annual training in July of this year.

2nd Week of February – Programming included Magistrate Court Chief Judges' Update in Atlanta. This was the second year we conducted this new training for Chief Judges, and attendance was excellent. ICJE staff participated in Magistrate Day at the Capital. Our ICJE staff also conducted a site visit to Columbus in preparation for Probate Judges Traffic Court conference scheduled there in May.

3rd Week of February – Meetings included my appearance on behalf of ICJE at the Public Safety Subcommittee of the House Appropriations Committee, regarding Fiscal Year 2018 Budget issues. I also finished up a draft of a grant proposal for ICJE Board consideration at your March 9th Board Meeting. The grant would provide funding for Faculty Development training, held in Georgia in conjunction with National Judicial College staff.

4th Week of February – Programming included Municipal Court Clerks' 16 Hour Certification in Athens. Meetings included attendance at the State of the Judiciary at the Capital; and also attendance at the Judicial Council meeting in Atlanta.

5th Week of February – Programming includes Magistrate Court Judges’ 40 Hour Criminal Jurisdiction Certification in Athens. Meetings included attendance at Municipal Court Day at the State Capital.

I’ll continue to keep you updated on a monthly basis with these email summaries.

Thank you and best regards,

Douglas G. Ashworth, J.D., Executive Director

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Cc: "Lori A Ringhand"; "Tina M. Whitehair"; "Cynthia F. Wentworth"; "Marti Head (HEADM@gasupreme.us)"
Subject: ICJE Exec Dtr Report - March 2017
Date: Thursday, March 29, 2018 1:56:00 PM

Greetings ICJE Board leadership:

Here is my **monthly overview of ICJE activities**. As always, feel free to contact me anytime on **my cell 706.201.7680**.

Summary: During the 22 business days of March, ICJE provided 12 days of programming. 11 programming days were for 2 classes of courts, and 1 programming day was open to all classes of courts. We also met with the education/training committees for 2 classes of courts for future programming. We continued receiving 2018 course registrations from all constituencies; and monitored continued Appropriations Committee activity at the Georgia General Assembly. Of course, all of this was in addition to our ICJE Board Meeting held on March 9th, 2018.

That's the summary for the month, here are the details:

March 1st – 9th: Programming included the **Magistrate Court Judges' 40 hour Criminal Law Certification** (Athens); and, **Superior Court Judges New Judge Orientation** (Dublin). Meetings included the ICJE Board of Trustees Meeting at Lake Oconee. I represented ICJE at the Senate Appropriations Subcommittee Hearing on Tuesday, March 6th, at the Capital, regarding our FY 2019 Enhancement Request.

March 12th – 16th: Programming included **Judging & Humanities**, which was open to all classes of courts. This training, held in Athens, was facilitated by Judge Gail Tusan and State Bar General Counsel Paula Frederick.

March 19th – 23rd: Programming included **Probate Court Judges Spring Conference** (St. Simons). Meetings included the Probate Court Training Council. We received a nice surprise during the Council of Probate Court Business Meeting – **ICJE was presented the "Friend of the Council" award** by Probate Council President Judge Rooney Bowen, III, in recognition for our continued service to the Probate Judges and Clerks.

March 26th – 30th: Programming included **Juvenile Court Clerks Annual Conference** (St. Simons). Meetings included the Executive Committee of the GJCCA (Georgia Juvenile Court Clerk Association), which functions as the education/training apparatus for Juvenile Court Clerks.

Other News: Good News: We learned earlier this week that our FY 2019 Enhancement Request was included in the Budget passed out of conference committee. It's headed for the Governor's desk, thanks to the leadership of Presiding Justice Melton, and Drew Townsend and Maleia Wilson of the AOC staff. **Bittersweet News:** Our ICJE Event Coordinator, Missy Tolbert, has been lured away by COAG to be their new Executive Director. Great opportunities happen to hard working folks! You

should have received my email to the leaders of all ICJE constituencies noting the realignment of ICJE staff to ICJE constituencies, effective April 16th, 2018.

I'll continue to keep you updated on a monthly basis with these email summaries.

Thank you and best regards,

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Cc: "Lori A Ringhand"; "Tina M. Whitehair"; "Cynthia F. Wentworth"; "Marti Head (HEADM@gasupreme.us)"
Subject: ICJE Exec Dtr Report - April 2018
Date: Tuesday, May 01, 2018 2:36:00 PM

Greetings ICJE Board leadership:

Here is my **monthly overview of ICJE activities**. As always, feel free to contact me anytime on **my cell 706.201.7680**.

Summary: During the 21 business days of April, ICJE provided 9 days of programming. Of the 9 programming days, 5 were online and 4 were live-in-person. 4 programming days were for 2 classes of courts, and 5 programming days were open to multiple classes of courts. We also met with the education/training committees for 3 constituent groups for future programming.

That's the summary for the month, here are the details:

April 2nd – April 6th : We continued receiving 2018 course registrations from all constituencies; and monitored the conclusion of FY 2019 Appropriations activity at the Georgia General Assembly. This week also involved the transition of event coordination work from Missy Tolbert (who accepted a promotion to become COAG Executive Director) to Laura Kathyne Hogan and Sydney Motes of our staff.

April 9th – 13th: Meetings included the **Municipal Court Training Council** on April 12th; and the NASJE (National Association of State Judicial Educators) Futures Committee, also on April 12th. This week also continued the transition of event coordination work, including notifying all of the leadership of our Board and our constituent groups.

April 16th – 20th: Programming included **Elder Abuse Online Course**, which was open to multiple classes of courts. This 6-hour training was facilitated by Laura Kathyne Hogan. Meetings included the **Municipal Court Clerks Council** leadership on April 20th.

April 22nd – 30th: Programming included 2 live-in-person events: **Magistrate Ct Judges April Recertification** (Lake Lanier); and, **Municipal Court Clerks Recertification** (Lake Lanier). Meetings included the **Magistrate Court Training Council** on April 22nd; and **Judicial Council of Georgia** on April 27th. Because this JC meeting was in Athens, I was pleased that our entire staff was able to sit in on Judicial Council, which they found very informative. Finally, April 30th marked Tiffany Sargent's final day with us, as her promotion to her new job with the Carl Vinson Institute of Government begins in May.

Other News: We are pleased to continue our participation in the UGA Law School Staff Resource Council. Tiffany Sargent has ably represented ICJE on this Council in the past, and Laura Kathyne Hogan is stepping up to take that representative role now. We look forward to our May 18th Board

of Trustees Meeting, and another great month of CJE programming for our constituents.

I'll continue to keep you updated on a monthly basis with these email summaries.

Thank you and best regards,

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Subject: ICJE Exec Dtr Report - May 2018
Date: Friday, June 01, 2018 1:54:00 PM

Greetings ICJE Board leadership:

Here is my **monthly overview of ICJE activities for May, 2018**. As always, feel free to contact me anytime on **my cell 706.201.7680**.

Summary: During the 22 business days of May, ICJE provided **18 days of programming**. Of the 18 programming days, **10 were online** and 8 were live-in-person. Also, 5 of the 18 programming days were open to multiple classes of courts, and the other 13 programming days served 4 classes of courts. We participated in 4 meetings with committees of 2 constituent groups for future programming. Finally, we screened applications, interviewed applicants, and made job offers for the Event Planner positions. **We are pleased that one new Event Planner will report for work on June 18th, and the other will report for work on July 2nd.**

That's the summary for the May, here are the details:

May 1st – 11th: Programming included the **Juvenile** Court Judges' Spring Conference; Meetings included the Juvenile Court Judges' Long Range 2020-2023 Curriculum Planning; and, the Juvenile Court Judges' Education and Certification Committee. We also used this time period to interview applicants for our Event Planner positions.

May 14th – 18th: We started this week with more applicant interviews for our Event Planner positions. Programming included **Municipal** Court Clerks' Online Certification (Laura Kathryn Hogan did an excellent job facilitating this online event); and the **State** Court Judges' Spring Conference. Meetings included the State Court Judges Educational Programs Committee; and, the State Court Judges New Judge Orientation Committee. Of course, as you are aware, we wrapped up this week with our Summer 2018 ICJE Board of Trustees Meeting. While those of you who had made the trek up to Brasstown for the Board Meeting were driving back, our Event Coordinators Laura Kathryn Hogan and Sydney Motes worked several more hours in the ICJE Board Meeting room, insuring that the logistics of the next week's online training were all set up.

May 21st- May 25th: Programming included **Mental Health Issues Online** which was open to multiple classes of courts (Sydney Motes did an outstanding job facilitating her very first online training). We finalized selections for the Event Planners position – a hard decision due to the outstanding applicants we had interviewed. I would also be remiss not to mention that, in addition to helping out our short-staffed event team, Susan Nunnally somehow found time all this month to work on the inevitable **"end of the fiscal year" logistics**.

May 28th – 30th: Programming included the inaugural **Probate** Court Judge Traffic Certification Program, in Columbus. Attendance at this first-time event was excellent, with 105 registrants.

Other News: ICJE's largest event, in terms of attendance, is the **Council of Accountability Court Judges** Conference. We are expecting **over 1,300 attendees** this September, and despite the fact that the event is still over 3 months away, barely a week has elapsed this calendar year without Laura Kathryn Hogan working on this event in some form or fashion. Thankfully, our "short-staffed" days will end on June 18th with the arrival of a new Event Planner; with another one joining us on July 2nd. We look forward to introducing these new folks to you in the coming weeks and months.

If I can be of assistance prior to the next monthly update, please call on me anytime.

Thank you and best regards,

Douglas G. Ashworth, J.D., Executive Director

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Subject: ICJE Exec Dtr Report - June 2018
Date: Friday, June 29, 2018 9:38:00 AM

Greetings ICJE Board leadership:

Here is my **monthly overview of ICJE activities for June, 2018**. As always, feel free to contact me anytime on **my cell 706.201.7680**.

Summary: Programming - During the 21 business days of June, ICJE provided **8 days of live, on-site programming**. Our live programming occurred in **Columbus, Kennesaw, Savannah and Jekyll Island**, and served 4 different groups of constituents. **Planning Meetings** - Our staff also covered meetings with two additional groups of constituents for future planning. **Venue Proposals and Contracts** – In months like this one, where my travel schedule allows for some uninterrupted time at my desk, I can use it for future year venue proposals and reviewing venue contracts. We've been able to process several venue contracts for our constituents this month, in some cases for as far out as 2022. Finally, I can end this summary with **three happy announcements**: (1) We welcomed our new Event Planner, **Michael Herriger**, on June 18th; (2) We will welcome another new Event Planner, **Lindsey Colley**, on Monday, July 2nd; and, (3) We were notified that **we have been awarded a Grant from the State Justice Institute for a Faculty Development Workshop**. You will recall that our grant application was made earlier this year. The workshop will occur in the Spring of 2019.

There's your summary for June, here are the details:

June 1st – June 8th: Programming included wrapping up the **Probate** Court Judges' Traffic Certificate event in Columbus. Our work was not finished when the conference ended – we are administering an online Examination for the attendees, the passage of which is necessary in order to receive Certification. **Magistrate** Court Clerks Annual Training occurred June 7th-8th at Jekyll Island. Meetings included my attendance at the Judicial Section Luncheon and the Board of Governors Meeting during the **State Bar of Georgia Annual Meeting**.

June 11th – June 15th: Meetings actually started on Sunday, June 10th, with my attendance at the Council of **Magistrate** Court Judges leadership retreat at Brasstown. I also participated in a NASJE (National Association of State Judicial Educators) conference call, in my capacity as a member of the **NASJE Futures Committee**. ICJE Event Coordinator Laura Kathryn Hogan and I participated in a planning meeting for the Georgia **Municipal Court Clerks Council**.

June 18th – June 22nd: Programming occurred in Kennesaw and in Savannah. Our **Probate Court Clerks** Training occurred at KSU (similar trainings will also occur in Dublin and in Tifton later this summer). The programming in Savannah for our **Municipal Court Judges** actually consisted of three different opportunities: (1) a full 20 hour programming option for those needing Certification; (2) a 12 hour option for those who, having been certified, needed their annual CJE requirement; and, (3) a New Judge Orientation Track for newly appointed Municipal Court Judges. Meetings included the

Municipal Court Judges Training Council. Finally, we our Event Coordinator Sydney Motes and Event Planner Michael Herriger represented ICJE at the **UGA Law School Staff Resource Group** Meeting.

June 25th – June 29th: Benchbook: We finalized the contract for work on the 2018 Update of the Municipal Court Benchbook. We also continued our monitoring of the Probate Court Traffic Certificate online examination. Post-conference wrap up work for previous conferences, and pre-conference work for future conferences continues. This time of year, I must recognize the efforts of **Susan Nunnally**, who spends all of her working hours doing the necessary “end of the fiscal year” duties.

If I can be of assistance prior to the next monthly update, please call on me anytime.

Thank you and best regards,

Douglas G. Ashworth, J.D., Executive Director

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Subject: ICJE Exec Dtr Report - July 2018
Date: Wednesday, July 25, 2018 3:43:00 PM

Greetings ICJE Board leadership:

Here is my **monthly overview of ICJE activities for July, 2018**. As always, feel free to contact me anytime on **my cell 706.201.7680**.

You'll note that this monthly report is coming to you a few days prior to the end of the month, as I'll be on the road at a national meeting, followed up by a family vacation, during the time I would normally send this monthly report to you.

Summary Of July Programming - During the **21 business days of July**, ICJE provided **17 total days of educational programming**. **Of the 17 days, 7 days were live, on-site events, and 11 days were web-based online events**. Our live programming occurred in **Athens**; in **Greensboro** (Lake Oconee); and, in **Dublin**. Our live programming included attendees from the following **7 groups of ICJE constituents**: Superior Court Judges; State Court Judges; Probate Court Judges; Probate Court Clerks; Magistrate Court Judges; Municipal Court Judges; and, Administrative Law Judges; **Summary Of July Meetings** – 7 Days in July found ICJE employees representing ICJE at events/meetings involving the Accountability Court Judges; the Probate Court Judges; the Magistrate Court Judges; and the UGA Law School Retreat and Law School Staff Resource Group.

That's the July summary, here are the details:

July 2nd – July 13th: Programming included an online course for the **Probate** Court Judges Certificate Program: "History of Probate Courts"; and, a four-day live seminar for **Administrative Judges**/Office of State Administrative Hearings. Programming also included a **Multi-Class of Court** seminar: "Judicial Ethics & Its Impact On Others", which was attended by Superior Court Judges; Probate Court Judges; Magistrate Court Judges; and, Municipal Court Judges.

July 16th -20th : Programming included an online **Multi-Class of Court** seminar: "Veterans In The Courts", which was attended by **State** Court Judges; **Magistrate** Court Judges; and, **Municipal** Court Judges. Programming also included a two-day live seminar for Probate Court **Clerks** in Dublin (other Probate Clerk trainings are held in Kennesaw and in Tifton, also). Meetings included the UGA Law School retreat, an annual half-day program on campus for faculty and staff of UGA Law School; and, the **Magistrate Court Training Council**. Among the other routine items during the Magistrate Court Training Council meeting, an MOU was finalized regarding some logistics surrounding the Magistrate Court **Bench Book**.

July 23rd – July 31st: Meetings include ICJE Event Planner Lindsey Colley attending the Council of Accountability Court ("CACJ") Judges' **New Judge Orientation**, in Peachtree City. This event is facilitated by the CACJ, and we appreciate their inviting us to attend for cross-training purposes. ;

Our ICJE Event Coordinator Laura Kathryne Hogan is attending a **Probate Court Traffic Certificate** planning meeting in Macon. Mrs. Colley and Ms. Hogan will “sub” for me at both of these meetings, because during these events, I will be representing ICJE at the **Association of Continuing Legal Education Administrators** Annual Meeting (“ACLEA”), followed up by a long-planned family vacation. Those on the ICJE Board who participated in my ICJE job interview may recall that I have served a term on the ACLEA Executive Committee, and I always bring back tons of useful information on trends and best practices in continuing judicial education from each ACLEA conference.

Other July Work: Routine “post-closing” work is required for every seminar after it ends, as customary. Requesting and reviewing venue proposals for all ICJE constituent groups for future years; and finalizing Agendas for all ICJE constituent groups for future educational events never stops, of course, and is a daily and weekly duty for ICJE staff. We have already had a lengthy staff meeting earlier this month discussing the **Calendar Year 2019 programming for all ICJE constituency groups**. Also, a significant amount of time during July was spent on preparing for two big ICJE seminars coming up: the Council of Superior Court Judges’ Summer Conference in August; and, the Council of Accountability Court Training Conference in September.

Finally, we have finalized the job description and posting for the new **Electronic Media Specialist**, a new position for which many in ICJE leadership worked hard to get appropriations for. We hope to have this new person with us as we make the rounds of Training Council meetings this fall with ICJE constituents, so that new educational opportunities can be planned efficiently for 2019.

If I can be of assistance prior to the next monthly update, please call on me anytime.

Thank you and best regards,

Douglas G. Ashworth, J.D., Executive Director

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Subject: ICJE Exec Dtr Report - August 2018
Date: Friday, August 31, 2018 9:32:00 AM

Greetings ICJE Board leadership:

Here is my **monthly overview of ICJE activities for August, 2018**. As always, feel free to contact me anytime on **my cell 706.201.7680**.

Summary Of August Programming - During the **23 business days of August**, ICJE provided **14 total days of educational programming to 6 different ICJE constituent groups**. Of the 14 programming days, **9 days were live, on-site events, and 5 days were web-based online events**. Our live programming occurred in **Atlanta; in Tifton; in Pine Mountain (Callaway Gardens); and in Jekyll Island**. Our live programming included attendees from the following groups of ICJE constituents: Superior Court Judges; Staff Attorneys for Superior and State Courts; Probate Court Clerks; and, Municipal Court Clerks. Our online programming included attendees from Magistrate Courts and Municipal Courts.

Summary Of August (State Level) Meetings – In addition to 14 days of educational programming, 11 additional days in August found ICJE employees representing ICJE at events/meetings involving the ICJE Board of Trustees; the Judicial Council of Georgia; **Magistrate Court Training Council; Magistrate Court Training Council Curriculum Committee; the Georgia Council of Court Administrators; Council of Superior Court Judges MCJE Committee; the UGA Law School Professionalism Program for 1-L's; and the UGA Law School Staff Resource Group**.

Summary Of August (National Level) Meetings – I represented ICJE at the 54th Annual ACLEA Meeting (Association of Continuing Legal Education Administrators). I also participated in a conference call with NASJE (National Association of State Judicial Educators).

That's the August summary, here are the details:

August 1st – August 10th: Programming included an online course for **Magistrate Judges and Municipal Judges: "Jail Diversion"**; a two-day live seminar for **Probate Court Clerks**; and a two-day live seminar for **Municipal Court Clerks**. **Meetings included:** (1) 54th Annual ACLEA Meeting; (2) **Judicial Council** of Georgia (I provided a written report); (3) Called ICJE Board of Trustees Meeting (unanimous approval of MOU between ICJE and UGA); and, participation in the Professionalism Program for 1-L's at UGA Law School (all of Georgia's Law Schools conduct a similar Professionalism Program in collaboration with the Chief Justices' Commission on Professionalism).

August 13th – August 17th: Meetings Included: (1) **Magistrate Court Training Council**; (2) **Magistrate Court Training Council Curriculum Committee**; (3) Conference Call with NASJE (I am a member of the NASJE Court Futures Committee); (4) UGA Law School Senior Administrators Meeting; and, (5) ICJE Staff Meeting with Georgia Council of **Court Administrators** leadership.

August 20th – August 31st: Programming included a two-day live seminar for **Staff Attorneys for Superior Court and State Court Judges**; and the **Council of Superior Court Judges Summer Conference**. **Meetings included:** (1) Superior Court Judges MCJE Committee meeting (to plan their 2019 Winter Conference); and our ICJE Event staff found some time to conduct a site visits for newly renovated meeting spaces in Athens hotels.

Other Notes: ICJE is committed to finalizing seminar agendas sixty (60) days in advance of events. Our attempts to get speakers to confirm this far out (usually juggling their court schedules) often requires the assistance of Judges and Clerks who serve in leadership positions for the educational apparatus of their respective constituency. Thus, we have spent several hours in in-person meetings; and in phone conferences with educational and programming chairs, as we strive to finalize agendas for fall programming.

“All Hands On Deck”: The largest ICJE event, in terms of attendees, by far, is the **Council of Accountability Court** Training Conference. This conference, with an anticipated attendance of 1,300 attendees, will occur during September 16th – 18th, in Athens. ICJE event staff have been working with CACJ staff on a daily basis on this event for weeks now.

I’ll continue to forward you these monthly updates. If I can be of assistance prior to the next monthly update, please call on me anytime.

Thank you and best regards,

Douglas G. Ashworth, J.D., Executive Director

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Cc: "Lori A Ringhand"; "Tina M. Whitehair"; "Cynthia F Wentworth"; "Marti Head (HEADM@gasupreme.us)"; Randy Beck; Amy Weaver
Subject: ICJE Exec Dtr Report - September 2018
Date: Thursday, September 27, 2018 4:44:00 PM

Greetings ICJE Board leadership:

Here is my **monthly overview of ICJE activities for September, 2018**. As always, feel free to contact me anytime on **my cell 706.201.7680**.

Welcome (Back) Briana Kelly, ICJE's new Electronic Media Specialist. Thanks to the efforts of numerous people over several years, the General Assembly funded the new ICJE position of Electronic Media Specialist beginning July 1, 2018. I am pleased to report that we received many excellent applicants, but the one applicant deemed to be the most qualified was Ms. Briana Kelly. If her name sounds familiar, she was an ICJE Event Planner for 3 years. She left ICJE to pursue another opportunity at UGA in 2017, but applied for this newly created position at ICJE and re-joined our staff earlier this month. She knows all of the ICJE constituent groups, is a "guru" on the EventsAir software which is our learning management and event planning system, and has already been busy developing a robust offering of online training for ICJE constituents in 2019.

Pardon me if it sounds a bit prideful, but I believe it's a sign of a positive work environment when a former employee is interested in returning to ICJE, after pursuing other opportunities.

Summary Of September Programming - During the **19 business days of September**, ICJE provided **11 total days of live educational programming to 3 different ICJE constituent groups**. Our live programming occurred in **Athens; in Madison; and, in Tifton**. We served the following groups of ICJE constituents: Council of Accountability Court Judges and Staffs; Magistrate Court Judges; and, Municipal Court Clerks.

Summary Of September (State Level) Meetings – In addition to 11 days of educational programming, September also involved ICJE employees representing ICJE at events/meetings involving Investitures; **and, 3 educational apparatus meetings**.

Here are the September details:

1st Week of September: Meetings included: (1) Investiture of Chief Justice Melton and Presiding Justice Nahmias. **Programming** work included continued preparations for the Council of Accountability Court Conference, which occurred during September 16-18 (see below).

2nd Week of September: Programming included: Magistrate Court Judges 40 Hour Basic Civil Certification in Athens and in Madison. Classroom instruction occurred in Athens on Sunday, Monday, Tuesday, Thursday and Friday. On Wednesday, these newly appointed/elected Magistrates traveled to the Morgan County Court House in Madison and observed Chief Magistrate Connie Holt holding court. After the Court session had concluded, there was time for de-briefing and questions

and answers. **Meetings Included: Curriculum Committee of the Magistrate Court Training Council.** As Judge Holt is also serving as the Co-Chair of the Curriculum Committee, there was time for a productive meeting regarding proposed 2019 educational programming for Magistrate Court Judges and Clerks.

3rd Week of September: Programming included: The largest ICJE event, in terms of attendees, the **Council of Accountability Court Training Conference.** This Athens based conference **drew 1,058 attendees**, including not only Judges, but also Clerks and other Accountability Court professionals. The Governor and Attorney General were featured speakers, along with numerous outstanding presentations during this three-day event. ICJE event staff had been working with CACJ staff on a daily basis on this event, **every ICJE event staffer was detailed to work the event on-site**, and the post-event work continues regarding processing attendance certificates and evaluations.

4th Week of September: Programming included: Municipal Court Clerks 16 Hour Certification in Tifton. The 16 Hour Certification training is offered to Municipal Court Clerks in two different locations: Athens, and Tifton. **Meetings Include: (1) Curriculum Committee of Magistrate Court Training Council;** and also **(2) Magistrate Court Training Council**, held in conjunction with the Magistrate Court Judges' Recertification training in Savannah.

Up Next: The **busiest month for ICJE employees**, when considering both live seminars and education apparatus meetings, **may well be the month of October.** We are busy preparing for **8 different educational committee/council meetings that will occur during a stretch of 21 business days, involving 7 different ICJE constituent groups.** Add to that **18 days** of educational programming for **6 different constituent groups, in 6 different locations**, and you'll see why we consider October to be a busy month. And... why we are very pleased to have Briana Kelly back on our staff to assist us in our operations.

I'll continue to forward you these monthly updates. If I can be of assistance prior to the next monthly update, please call on me anytime.

Thank you and best regards,

Douglas G. Ashworth, J.D., Executive Director

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To: [Douglas G. Ashworth](#)
Subject: ICJE Exec Dtr Report - October 2018
Date: Tuesday, October 23, 2018 3:06:03 PM

Greetings ICJE Board leadership:

Here is my **monthly overview of ICJE activities for October, 2018**. October may well qualify as the **busiest overall month** for the ICJE staff, when considering both live seminars and education apparatus meetings.

Summary Of October Programming – ICJE provided **18 days of educational programming to 6 different constituent groups in 6 different property locations in 3 cities**. We served the following groups of ICJE constituents: State Court Judges; Probate Court Judges; Juvenile Court Judges; Magistrate Court Judges; Municipal Court Judges; and, the Georgia Council of Court Administrators. Our live programming occurred in Savannah; in Athens; and, in Pine Mountain.

Summary Of October (State Level) Meetings – In addition to 18 days of educational programming, we prepared for and participated in **8 different educational committee/council meetings that occurred during a stretch of 21 business days, involving 7 different ICJE constituent groups. Of particular importance during these meetings was the presentation of ICJE’s 2019 Master Calendar of Educational Programming**. I look forward to presenting this proposed calendar to the ICJE Board on November 2nd, as it features a significant increase in overall programming and web-based programming.

Here are the October details:

1st Week of October: Meetings included: (1) **Magistrate** Court Training Council; (2) Magistrate Court Curriculum Committee; (3) **Municipal** Court Training Council; (4) **Superior** Court Judges 9th Judicial Administrative District Meeting in Helen, which featured an excellent four hour presentation on trauma informed court rooms by Judge Kathy Gosselin. **Programming** included Magistrate Court Judges’ Recertification (Savannah); Municipal Court Judges’ 20 Hour Certification (Athens); and, Municipal Court Judges’ Law & Practice Conference (Athens).

2nd Week of October: Programming included: **State** Court Judges’ Fall Conference (Callaway Gardens). **Meetings Included:** (1) Educational Programs Committee for State Court Judges; (2) Venue Selection Committee for State Court Judges; and, (3) State Court **New Judge Orientation** Committee.

3rd Week of October: Programming included: **Probate** Court Judges Fall Training (Savannah), in conjunction with COAG (Constitutional Officers Association of Georgia). **Meetings Included:** (1) Probate Court Judges’ Traffic Certificate Program Committee; (2) Probate Court Training Council; (3) **Magistrate** Court Training Council; and (4) ICJE staff participation in the UGA Law School Staff Resource Group.

4th Week of October: Programming included: Juvenile Court Judges' Fall Conference (Athens); and **Georgia Council of Court Administrators** Fall Conference (Savannah). **Meetings Include:** Education & Certification Committee of Council of Juvenile Court Judges.

5th Week of October: Programming includes: preparation for **Municipal** Court Clerks' Recertification (Savannah). **Meetings Include:** preparation for our ICJE Board of Trustees Meeting at Callaway Gardens on November 2, 2018, in conjunction with the Fall Board of Governors Meeting.

Other Meetings: October was a busy month at UGA Law School – U S Supreme Court Associate Justice Clarence Thomas was at the law school during the week of October 15th. I attended a couple of events related to his visit with UGA Law. UGA Law also hosted an open house for the clinical programs that it provides for students.

ICJE Staff News: After a year of service on the ICJE Event Staff, Ms. Sydney Motes left to pursue other career opportunities on October 16th. We thank Sydney for her year of service to ICJE, and we wish her every success with her future career plans. We will keep the ICJE Board, and all ICJE constituencies, updated as we move forward with filling this position on our event staff.

I'll continue to forward you these monthly updates. If I can be of assistance prior to the next monthly update, please call on me anytime.

Thank you and best regards,

Douglas G. Ashworth, J.D., Executive Director

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ICIE 2019 CALENDAR - UPDATED AS OF 11.20.18

Date	Course	Format	Location
Jan. 22-25	Superior Court Judges' Winter Conference	Live Seminar	UGA Hotel & Conference Center - Athens
Jan. 28-31	State Court Judges' NJO	Live Seminar	Holiday Inn - Athens
Feb. 6	Municipal Court Judges' Lunch & Learn: Interpreters	Live Webinar	GoToMeeting
Feb. 12-13	Municipal Court Clerks' 16 Hr. Certification	Live Seminar	Holiday Inn - Athens
Feb. 13	Magistrate Court Judges' Lunch & Learn: Interpreters	Live Webinar	GoToMeeting
Feb. 14	Probate Court Judges' Lunch & Learn: Interpreters	Live Webinar	GoToMeeting
Feb 14-15	Faculty Development Workshop	Live Seminar/By invitation only	Holiday Inn - Athens
Feb. 18-22	Probate Court Judges' Certificate Program - Leadership	Online Self-Study Course	eLearningCommons - Online
Feb. 24-Mar. 1	Magistrate Court Judges' 40 Hr. Criminal Certification	Live Seminar	Holiday Inn - Athens
Mar. 15	Judging & Humanities	Live Seminar/Multi-class	SpringHill Suites - Athens
Mar. 18-21	Probate Court Judges' Spring Conference	Live Seminar	King & Prince Conference Center- St. Simons
Apr. 3	Municipal Court Judges' Lunch & Learn: TBD	Live Webinar	GoToMeeting
April 3-5	Juvenile Court Clerks' Annual Conference	Live Seminar	Legacy Lodge at Lake Lanier - Buford
Apr. 10	Magistrate Court Judges' Lunch & Learn: TBD	Live Webinar	GoToMeeting
Apr. 11	Probate Court Judges' Lunch & Learn: TBD	Live Webinar	GoToMeeting
Apr. 15-16	Magistrate Court Judges' April Recertification	Live Seminar	King & Prince - St. Simons
Apr. 15-19	Elder Abuse	Online Self-Study Course/Multi-class	eLearningCommons - Online
Apr. 25-26	Municipal Court Clerks' Recertification	Live Seminar	Brasstown Valley Resort - Young Harris
May 6-8	Juvenile Court Judges' Spring Conference	Live Seminar	King & Prince - St. Simons
May 14-18	Municipal Court Clerks' Recertification	Online Self-Study Course	eLearningCommons - Online
May 15-17	State Court Judges' Spring Conference	Live Seminar	Legacy Lodge at Lake Lanier - Buford
May 20-24	Mental Health Issues in the Courts	Online Self-Study Course/Multi-class	eLearningCommons - Online
May 29-May 31	Probate Court Judges' Traffic Conference	Live Seminar	UGA Hotel & Conference Center - Athens
June 5	Municipal Court Judges' Lunch & Learn: Legislative Update	Live Webinar	GoToMeeting
June 6-7	Magistrate Court Clerks' Annual Training	Live Seminar	Legacy Lodge at Lake Lanier - Buford
June 12	Magistrate Court Judges' Lunch & Learn: Legislative Update	Live Webinar	GoToMeeting
June 13	Probate Court Judges' Lunch & Learn: Legislative Update	Live Webinar	GoToMeeting
June 17-18	Probate Court Clerks' LWEG & Traffic Training	Live Seminar	Holiday Inn - Athens
June 18-21	Municipal Court Judges' 20 Hr. Certification	Live Seminar	Savannah Marriott Riverfront
June 18-21	Municipal Court Judges' Law & Practice Update	Live Seminar	Savannah Marriott Riverfront
July 8-12	Probate Court Judges' Certificate Program - Ethics	Online Self-Study Course	eLearningCommons - Online
July 12	Judicial Ethics & Its Impact on Others	Live Seminar/Multi-class	Holiday Inn - Athens
July 16-17	Magistrate Court Chief Judges' Update	Live Seminar	Brasstown Valley Resort Young Harris
July 16-17	Probate Clerks' LWEG & Traffic Training	Live Seminar	Oconee Fall Line Tech - Dublin
Aug. 5-9	Jail Diversion	Online Self-Study Course/Multi-class	eLearningCommons - Online
Aug. 7	Municipal Court Judges' Lunch & Learn: TBD	Live Webinar	GoToMeeting
Aug. 8-9	Municipal Court Clerks' Recertification	Live Seminar	Callaway Gardens - Pine Mountain
Aug. 12-15	Superior Court Judges' Summer Conference	Live Seminar	The Westin Savannah
Aug. 13-14	Probate Court Clerks' LWEG & Traffic Training	Live Seminar	UGA Conference Center - Tifton
Aug. 14	Magistrate Court Judges' Lunch & Learn: TBD	Live Webinar	GoToMeeting
Aug. 15	Probate Court Judges' Lunch & Learn: TBD	Live Webinar	GoToMeeting

ICJE 2019 CALENDAR - UPDATED AS OF 11.20.18

Date	Course	Format	Location
Aug. 21-22	Judicial Staff Attorneys' Annual Conference	Live Seminar	State Bar of GA - Atlanta
Sept. 8-13	Magistrate Court Judges' 40 Hr. Basic Civil Certification	Live Seminar	Holiday Inn - Athens
Sept. 15-18	CACJ Accountability Courts Training Conference	Live Seminar	Classic Center - Athens
Sept. 25-26	Municipal Court Clerks' 16 Hr. Certification	Live Seminar	UGA Conference Center - Tifton
Oct. 2-4	Municipal Court Judges' 20 Hr. Certification	Live Seminar	Legacy Lodge at Lake Lanier - Buford
Oct. 2-4	Municipal Court Judges' Law & Practice Update	Live Seminar	Legacy Lodge at Lake Lanier - Buford
Oct. 2	Municipal Court Judges' Lunch & Learn: TBD	Live Webinar	GoToMeeting
Oct. 7-8	Magistrate Court Judges' Recertification	Live Seminar	The Westin - Jekyll Island
Oct. 9	Magistrate Court Judges' Lunch & Learn: TBD	Live Webinar	GoToMeeting
Oct. 10	Probate Court Judges' Lunch & Learn: TBD	Live Webinar	GoToMeeting
Oct. 14-16	Probate Court Judges' Fall COAG	Live Seminar	Hyatt Regency - Savannah
Oct. 16-18	State Court Judges' Fall Conference	Live Seminar	King & Prince Conference Center- St. Simons
Oct. 22-24	Juvenile Court Judges' Fall Conference	Live Seminar	UGA Hotel & Conference Center - Athens
Nov. 4-8	Municipal Court Clerks' Recertification	Online Self-Study Course	eLearningCommons - Online
Nov. 11-15	Court & Personal Security	Online Self-Study Course/Multi-class	eLearningCommons - Online
Nov. 11-15	Probate Court Judges' Certificate Program - Office Administration	Online Self-Study Course	eLearningCommons - Online
Nov. 14-15	Municipal Court Clerks' Recertification	Live Seminar	King & Prince - St. Simons
Dec. 2-6	Domestic Violence	Online Self-Study Course/Multi-class	eLearning Commons - Online
Dec. 4	Municipal Court Judges' Lunch & Learn: TBD	Live Webinar	GoToMeeting
Dec. 11	Magistrate Court Judges' Lunch & Learn: TBD	Live Webinar	GoToMeeting
Dec. 12	Probate Court Judges' Lunch & Learn: TBD	Live Webinar	GoToMeeting



COMPARISON OF 2018 & 2019 CALENDARS

	<u>2018</u>	<u>2019</u>
TOTAL SEMINARS:	49	64
LIVE SEMINARS:	39	37
ONLINE SEMINARS:	10	27

- 31 % Increase In Overall Programming
- 170 % Increase In Online Seminars
- 5 % Decrease In Live Seminars
- 18 New "Lunch & Learn" Webinars
- October 2018: Presented to ICJE Constituents
- November 2018: Presented to ICJE Board
- December 2018: Presented to Judicial Council
- January 2019: Registration Info Emailed Out