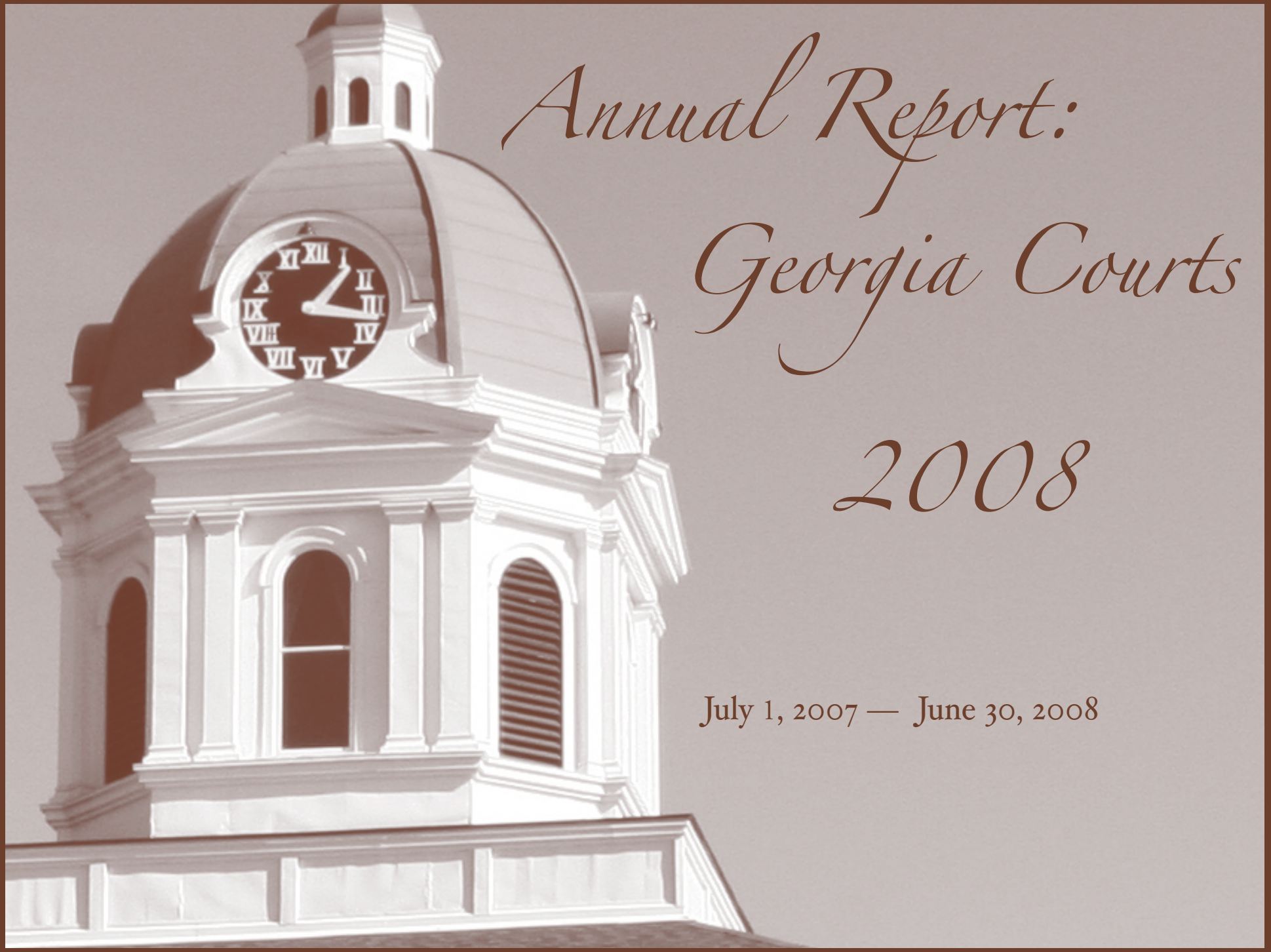


Annual Report: Georgia Courts 2008

July 1, 2007 — June 30, 2008

Table of Contents

Judicial Council of Georgia 3
Supreme Court. 4
Court of Appeals 5
Superior Court. 7
State Court. 8
Juvenile Court 9
Probate Court 10
Magistrate Court 13
Municipal Court 15
Judicial Appointments and Elections 15

Full Caseload reports may be found in the FY08 Annual Report Supplemental Caseload Report at www.georgiacourts.org/aoc/publications.php

Published by the Judicial Council of Georgia and the Administrative Office of the Courts in compliance with OCGA § 15-5-24 and by Order of the Supreme Court of Georgia dated June 12, 1978. All rights reserved.

Director, David L. Ratley
Assistant Director for Communications, Billie Bolton
Editor, Ashley G. Stollar

Judicial Council of Georgia
Administrative Office of the Courts
244 Washington Street, SW • Suite 300
Atlanta, GA 30334
404-656-5171 • www.georgiacourts.org

The Judicial Council

The Judicial Council is the state-level judicial agency charged with developing policies for administering and improving the courts. The state legislature created the Judicial Council in 1973; in 1978 the council officially became an administrative arm of the Supreme Court of Georgia. The 24-member council considers requests for new judgeships and oversees the activities of the Administrative Office of the Courts and the Board of Court Reporting.

The Judicial Council of Georgia

June 2008

Chief Justice Leah Ward Sears
Chair
Supreme Court

Presiding Justice Carol W. Hunstein
Vice Chair
Supreme Court

Chief Judge Anne Elizabeth Barnes
Court of Appeals

Judge M. Yvette Miller
Court of Appeals

Judge Stephen S. Goss
Council of Superior Court Judges

Judge Melvin K. Westmoreland
Council of Superior Court Judges

Judge John C. Carbo, III
Council of State Court Judges

Judge Ronald E. Ginsberg
Council of State Court Judges

Judge Steve Teske
Council of Juvenile Court Judges

Judge Robert V. Rodatus
Council of Juvenile Court Judges

Judge Lillis J. Brown
Council of Probate Court Judges

Judge Tammy S. Brown
Council of Probate Court Judges

Judge Kimberly Warden
Council of Magistrate Court Judges

Judge Connie J. Holt
Council of Magistrate Court Judges

District Administrative Judges

Judge Charles Paul Rose, Jr.
First District

Judge Ronnie Joe Lane
Second District

Judge R. Rucker Smith
Third District

Judge Anne Workman
Fourth District

Judge Doris L. Downs
Fifth District

Judge A. Quillian Baldwin
Sixth District

Judge Shepherd Lee Howell
Seventh District

Judge Stan Smith
Eighth District

Judge David E. Barrett
Ninth District

Judge John M. Ott
Tenth District

Ex-Officio Member
Judge Bill Clifton
Municipal Court of Forsyth

The Supreme Court

The Supreme Court of Georgia, the state's highest court, is composed of a Chief Justice, a Presiding Justice, and five Justices. The court's primary function is review of decisions made in a lower trial or appellate court. Cases are assigned to one of the seven justices for preparation of opinions. The draft opinion is circulated to all other justices for study; after discussion *en banc* the opinion is adopted or rejected by vote of the justices.

Cases Filed

Supreme Court Caseload

	CY 2006	CY 2007
Direct Appeals	505	516
Petitions for Certiorari	574	595
Certified Questions	2	1
Applications for Appeal		
Habeas Corpus	367	337
Discretionary	212	218
Interlocutory	48	48
Interim Review	5	2
Attorney Disciplinaries	145	137
Judicial Qualifications	0	2
Bar Admissions	3	7
Original Petitions	2	4
Emergency Motions	5	7
Execution Matters	NR	1
Death Penalty Habeas Corpus	NR	2
Total	**2,167**	**1,877**

Cases Disposed

Supreme Court Caseload

	CY 2006	CY 2007
By Opinion	352	347
Affirmed without Opinion	10	7
Stricken from Docket	7	8
Allowed Withdrawn	40	21
Transferred to Court of Appeals	85	105
Appeals Dismissed	94	170
Petition for Certiorari		
Granted	40	36
Denied	528	446
Other	62	33
Habeas Corpus Applications		
Granted	44	44
Denied	383	309
Dismissed	100	57
Other	12	32
Discretionary Applications		
Granted	57	37
Denied	89	94
Transferred to Court of Appeals	19	35
Other	40	63
Interlocutory Applications		
Granted	12	4
Denied	20	17
Transferred to Court of Appeals	8	9
Other	8	9
Interim Review		
Granted	3	9
Denied	1	0
Extraordinary Motions		
Granted	5	1
Denied	0	3
Attorney Discipline	145	135
Bar Admissions	3	2
Judicial Qualifications	0	5
Total	**2,167**	**2,038**

Court of Appeals Caseload

Cases Filed

	CY 2006	CY 2007
Direct Appeals	2,505	2,509
Discretionary Applications	427	406
Interlocutory Applications	371	365
Total	**3,303**	**3,280**

Cases Disposed

	CY 2006	CY 2007
Direct Appeals		
By Opinion	1,390	1,359
Non-Published Opinion	206	265
Rule 36	107	77
Order	755	699
Total	2,458	2,400
Discretionary Applications		
Granted	90	84
Denied	200	199
Dismissed	85	108
Transferred	18	36
Withdrawn	0	0
Other	1	3
Total	394	430
Interlocutory Applications		
Granted	116	111
Denied	197	192
Dismissed	38	46
Transferred	7	4
Withdrawn	0	1
Other	5	1
Total	363	355
Total	**3,215**	**3,185**

The Court of Appeals

The Court of Appeals, made up of twelve judges, has constitutional jurisdiction over appeals from superior, state, and juvenile courts in all cases where exclusive jurisdiction is not reserved to the Supreme Court of Georgia. Each case appealed to the court is heard by a panel of three judges. The Chief Judge of the court appoints a Presiding Judge and assigns two other judges to the panels each year. If a judge of a panel dissents, the case is assigned to a larger panel for decision.

The Georgia Court System

(showing appellate routes)

Municipal Court*

397 courts,
377 judges active.

Jurisdiction (limited):
- Ordinance violations; criminal preliminaries; traffic, certain misdemeanors

**A small number of special courts, authorized by the Georgia Constitution, have limited civil or criminal jurisdiction throughout a designated county.*

Magistrate Court

159 courts,
159 chief magistrates;
354 magistrates.

Jurisdiction (limited):
- Search and arrest warrants, felony and misdemeanor preliminaries, county ordinances.
- Civil claims of $15,000 or less, dispossessories, distress warrants.

No jury trials.

Probate Court

159 courts, 159 judges.

Jurisdiction (limited):
- Exclusive jurisdiction in probate of wills, administration of estates, appointment of guardians, involuntary hospitalizations, marriage licenses.
- Traffic in some counties.

Juvenile Court

159 courts, 120 judges and associate judges.

Jurisdiction (limited):
- Deprived, neglected, unruly, delinquent juveniles.
- Child custody, termination of parental rights.
- Juvenile traffic.

No jury trials

State Court

72 courts, 120 judges.

Jurisdiction (limited) in certain counties
- Civil law actions except cases within the exclusive jurisdiction of superior court.
- Misdemeanors, traffic, felony preliminaries.

Jury trials.

Superior Court

49 circuits, 205 judges.
Jurisdiction (general):
- Civil law actions, adoptions, misdemeanors, and other cases.
- Exclusive jurisdiction over divorce, title to land, equity.
- Exclusive felony jurisdiction.

Jury trials.

Counties with population over 96,000 where probate judge is attorney practicing at least seven years.
Jury trials.

Court of Appeals

12 judges (4 divisions).
Jurisdiction: Court of Review
- Reviews trial courts decisions in all civil and criminal cases not specifically reserved to the Supreme Court.
- Corrects errors of law, does not alter jury verdicts.

Capital felonies.
Constitutional issues.
Title to land.
Wills, equity, and divorce.

Supreme Court

7 justices.
Jurisdiction: Court of Review
- Review of certain decisions made by limited jurisdiction courts.
- Exclusive jurisdiction over questions of constitutional issue, title to land, validity of and construction of wills, habeas corpus, convictions of capital felonies, equity, divorce, alimony, election contests.
- Certified questions and petitions from decisions of the Court of Appeals.

As of January 2009.

The Superior Courts

The 159 superior courts are general jurisdiction trial courts exercising both civil and criminal jurisdiction. Superior court judges hear all felony cases, as well as, divorce cases and other civil matters. The superior courts are organized into 49 judicial circuits made up of one or more counties. Creation of circuits and number of superior court judges per circuit are established by act of the General Assembly. Superior court judges are constitutional officers who are elected to four-year terms in circuit-wide nonpartisan elections. Senior superior court judges may hear cases as assigned in any circuit.

Complete caseload report for the superior courts by circuit may be accessed online at www.georgiacourts.org/aoc/publications.php

Superior Court Caseload

	CY 2006	*CY 2007*
Total Criminal		
Dockets Filed	162,138	155,520
Defendants Filed	173,778	168,632
All Felony Total		
Dockets Filed	91,157	84,348
Defendants Filed	102,300	96,420
Unified Appeals	33	25
Felony		
Dockets Filed	91,124	84,323
Defendants Filed	102,267	96,399
Misdemeanor		
Dockets Filed	25,610	23,253
Defendants Filed	26,107	24,293
Probation Revocation	45,371	47,919
Total Civil Dockets Filed	243,565	275,272
General Civil Dockets Filed	94,572	121,111
Domestic Relations Dockets Filed	148,993	154,161
Total Dockets Filed	**405,703**	**430,792**

State Court Caseload

	CY 2006	CY 2007
Serious Traffic		
Open	24,633	26,655
Filed	52,291	53,504
Disposed	37,304	42,106
Non-Traffic Misdemeanors		
Open	40,692	49,412
Filed	117,975	120,425
Disposed	91,817	103,141
Probation Revocations		
Open	2,802	8,340
Filed	28,043	29,138
Disposed	15,794	17,649
Other Traffic		
Open	120,971	140,841
Filed	459,831	498,998
Disposed	409,343	444,178
Landlord/Tenant Disputes		
Open	79,177	447
Filed	101,278	110,220
Disposed	41,165	105,980
Other civil		
Open	133,059	51,127
Filed	168,560	197,675
Disposed	93,602	162,380
Total		
Open	**401,333**	**276,822**
Filed	**927,978**	**1,009,960**
Disposed	**689,025**	**875,434**

The State Courts

State courts are county courts that exercise limited jurisdiction. State court judges hear misdemeanors including traffic violations and are authorized to hear applications for search and arrest warrants, to issue such warrants and hold preliminary hearings in criminal cases. These judges also hear civil matters not reserved exclusively to the superior courts. The General Assembly creates state courts by local legislation and establishes the number of judges and their status as full-time or part-time. State court judges are elected to four-year terms in countywide, nonpartisan elections.

Complete caseload report for the state courts by county may be accessed online at www.georgiacourts.org/aoc/publications.php

The Juvenile Courts

Jurisdiction of the juvenile courts extends to delinquent and unruly children under 17 years of age and deprived and neglected children under 18 years of age. Juvenile court judges have jurisdiction over minors who commit traffic violations or request consent to marry or enlist in the armed forces. Juvenile courts have concurrent jurisdiction with superior courts in child custody and child support cases and in proceedings to terminate parental rights. Certain serious violent felonies committed by juveniles may be tried in superior court. Juvenile court judges are appointed by the superior court judges of the circuit to four-year terms.

Complete caseload report for the juvenile courts by circuit may be accessed online at www.georgiacourts.org/aoc/publications.php

Juvenile Court Caseload

	CY 2006	CY 2007
Delinquent		
Filed	74,002	71,173
Disposed	64,115	64,297
Open	26,967	33,140
Unruly		
Filed	21,615	20,367
Disposed	17,470	18,519
Open	8,441	9,267
Termination of Parental Rights		
Filed	1,554	1,589
Disposed	1,140	1,487
Open	890	905
Deprived		
Filed	32,439	29,060
Disposed	26,645	25,975
Open	16,485	18,365
Traffic		
Filed	16,961	14,312
Disposed	14,417	13,843
Open	6,221	6,776
Special Proceedings		
Filed	5,147	4,842
Disposed	4,140	4,063
Open	2,630	2,587
Total		
Filed	**151,718**	**141,343**
Disposed	**127,927**	**128,184**
Open	**61,634**	**71,040**



The Probate Courts

County 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.

All probate court judges administer oaths of office and issue marriage licenses. They may hold habeas corpus hearings or preside over criminal preliminary hearings. Unless a jury trial is requested, probate court judges may also hear certain misdemeanors, traffic cases and violations of state game and fish laws in counties where there is no state court. When authorized by local statute, probate judges serve as election supervisors and make appointments to certain local public offices.

Complete caseload report for the probate courts by county may be accessed online at www.georgiacourts.org/aoc/publications.php

Civil

Probate Court Caseload

	CY 2006	CY 2007
Letters of Administration	8,765	8,256
No Administration Necessary	1,029	1,016
Will Probate	19,649	19,794
Year's Support	2,155	2,097
Guardianship	13,901	14,855
Petitions	1,011	797
Custodial	89	94
Citations	1,966	1,755
Miscellaneous	29,573	30,750
Inventories	12,142	12,199
Mental Health	5,266	4,017
Habeas Corpus	343	35
Total Dockets	**95,889**	**225,905**
Licenses		
Marriage	74,434	71,788
Firearms	56,833	58,396

Criminal

Probate Court Caseload

	CY 2006	CY 2007
Misdemeanor		
Filed	16,636	21,844
Disposed by:		
Guilty Plea	9,988	12,690
Cash Bond	3,394	5,120
Non Trial	1,600	1,502
Bench Trial		
Acquitted	80	314
Convicted	865	1,149
Traffic		
Filed	255,658	254,468
Disposed by:		
Guilty Plea	140,500	130,877
Cash Bond	90,904	91,988
Non Trial	15,547	17,607
Bench Trial		
Acquitted	560	1,784
Convicted	4,321	3,774
Total		
Filed	**272,294**	**276,312**
Disposed	**267,759**	**266,805**

The Magistrate Courts

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 (bad checks); preliminary hearings; and 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.

Most chief magistrates are elected in partisan, county-wide elections to four-year terms. In some counties, the chief magistrate is appointed by the superior court judges. Terms for other magistrate judges run concurrently with that of the chief magistrate who appointed them.

Complete caseload report for the magistrate courts by county may be accessed online at www.georgiacourts.org/aoc/publications.php

Civil

Magistrate Court Caseload

	CY 2006	CY 2007
Claims		
Filed	180,462	176,576
Disposed by:		
Non-Trial	110,019	108,279
Trial	35,028	35,597
Dispossessories and Distress Warrants		
Filed	209,723	215,558
Disposed by:		
Non-Trial	116,789	120,938
Trial	37,342	40,124
Garnishments		
Filed	53,484	54,547
Disposed by:		
Non-Trial	35,367	37,136
Trial	569	1,185
Foreclosures and Attachments		
Filed	23,842	22,235
Disposed by:		
Non-Trial	13,416	11,900
Trial	1,329	1,360
Total Civil Filings	**467,511**	**468,916**

Criminal

Magistrate Court Caseload

	CY 2006	CY 2007
Warrants Issued		
Felony Arrest	177,174	172,665
Misdemeanor Arrest	180,915	176,803
Good Behavior	3,439	3,257
Search Warrant	10,712	10,298
Hearings		
Warrant Application	45,788	43,026
First Appearance	236,881	232,780
Commitment	77,670	73,608
Good Behavior	3,842	2,958
Ordinance Violations		
Filed	53,996	31,879
Disposed by:		
Non-Trial	20,011	20,535
Trial	22,817	7,373
Misdemeanor		
Filed	55,023	60,193
Disposed by:		
Non-Trial	20,505	17,778
Trial	19,634	20,198
Criminal & Civil		
Warrants & Filings	**948,770**	**455,095**
Hearings & Dispositions	**797,007**	**418,256**




EXIT

The Municipal Courts

Approximately 400 local courts are also part of the Georgia court system. Courts of incorporated municipalities hear municipal ordinance violations, issue criminal warrants, conduct preliminary hearings, and hear certain shoplifting cases and cases involving possession of one ounce or less of marijuana.

Caseload figures for the municipal courts reporting to the Administrative Office of the Courts may be accessed online at www.georgiacourts.org/aoc/publications.php

Judicial Elections and Appointments

Superior Courts

Appointments

Judge Carlton LeTain Kell
Cobb Circuit, 12/10/07

Judge Donald W. Gillis
Dublin Circuit, 12/10/07

Judge T. Harry Hurt
Cordele Circuit, 01/07/08

Judge Murphy C. Miller
Enotah Circuit, 01/07/08

Judge Warren Davis
Gwinnett Circuit, 01/08/08

Judge Edgar W. Ennis, Jr.
Macon Circuit, 01/08/08

Judge Henry M. Newkirk
Atlanta Circuit, 02/18/08

Judge Daniel Craig
Augusta Circuit, 02/18/08

Judge Michael D. DeVane
Waycross Circuit, 05/12/08

State Courts

Appointments

Judge Patricia W. Booker
Richmond County, 12/10/07

Judge Ethelyn Simpson
Clarke County, 01/07/08

Judge Susan E. Edlein
Fulton County, 03/21/08

Judge Trent Brown
Putnam County, 03/21/08

Judge James Garner
Treutlen County, 03/21/08

Administrative Office of the Courts
244 Washington Street, SW • Suite 300
Atlanta, GA 30334
www.georgiacourts.org