Annual Report: Georgia Courts



FY2012

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Director, Marla S. Moore
Editor, Ashley G. Stollar
Designer, Derrick Bryant

Judicial Council of Georgia
Administrative Office of the Courts
244 Washington Street, SW • Suite 300
Atlanta, GA 30334

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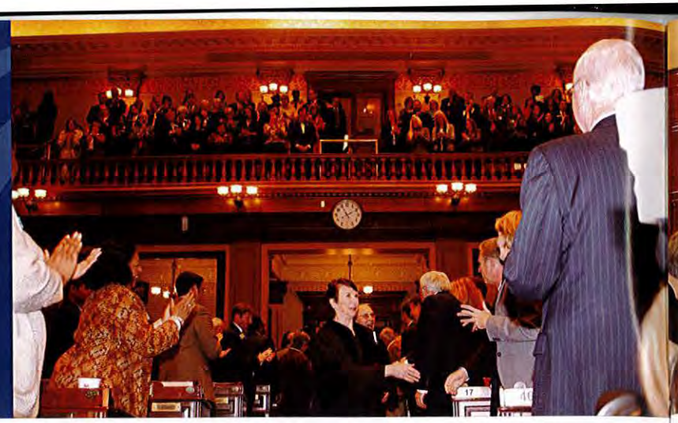
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State of the *Judiciary*

On January 25, 2011, Chief Justice Carol W. Hunstein delivered her third State of the Judiciary Address before a joint session of the Georgia General Assembly.

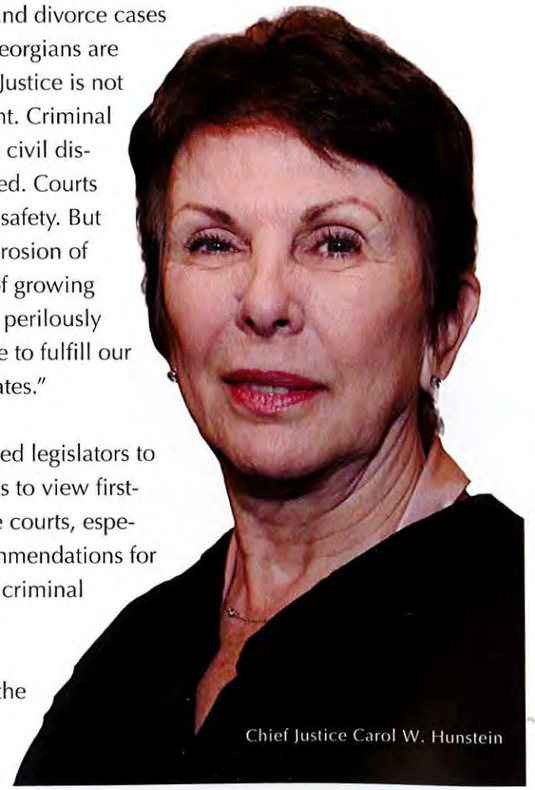
Criminal Justice Reform – The Chief Justice praised the nonpartisan, multi-branch success of the Special Council on Criminal Justice Reform specifically noting its recommendations to create a statewide system of accountability courts and creating a new class of violations for less serious traffic offenses.

Juvenile Justice Reform – The Chief Justice urged the General Assembly to make changes to the Juvenile Justice system that warehouses children in Youth Development Campuses and trains them to be criminals. "Consider this," she asked of the legislators, "within three years of juveniles' release from youth prison, up to 72 percent are convicted of a new offense."

Budget – Georgia's courts are struggling under state and local budget cuts causing backlogs across the state. From death penalty and divorce cases to dispossessories, Georgians are waiting for justice. "Justice is not a privilege; it is a right. Criminal cases must be heard; civil disputes must be resolved. Courts are critical to public safety. But in recent years, the erosion of budgets in the face of growing caseloads has put us perilously close to being unable to fulfill our constitutional mandates."

The Chief Justice urged legislators to visit their local courts to view first-hand the work of the courts, especially with the recommendations for reforming the state's criminal justice on the table.

See Appendix A for the full address.



Chief Justice Carol W. Hunstein

Judicial Council of Georgia

Administrative Office of the Courts

New Initiatives and Legislation

The 2012 Georgia General Assembly met from January 9 to March 29. The work of the Special Council on Criminal Justice Reform culminated in HB1176 - Criminal Justice Reform Act. The Administrative Office of the Courts continued its weekly stakeholder meetings to discuss legislative initiatives for the judicial branch.



Criminal Justice Reform Act - HB 1176 requires the Judicial Council to establish standards and practices for drug and mental health courts; requires the Judicial Council to certify that courts are following these standards and practices in order for the courts to be eligible to receive state funds, unless the Judicial Council grants a waiver for good cause (OCGA § 15-1-15).

Also, requires the Judicial Council to conduct peer reviews of drug court divisions on a periodic basis; requires the Administrative Office of the Courts to maintain an electronic information system capable of aggregating drug court data.

Additionally, HB 1176 raises felony thresholds in property crimes and made changes to appeals, criminal procedures, mandatory reporting, record restrictions, and penal institutions.

Georgia Tax Tribunal - HB 100 creates the Georgia Tax Tribunal as an independent and autonomous division within the Office of State Administrative Hearings.

Judgeships - SB 356 adds additional judgeships for the Bell-Forsyth and the Piedmont circuits; also includes a provision for the election of the chief judge of the Gwinnett Judicial Circuit.

Limited Driving Permits - SB 236 allows a judge to issue a limited driving permit to a participant in a Drug/DUI Court program after a 120 day suspension period.

Title 6 Probate Courts - HB 534 reduces the population threshold for a Title 6 Probate Court from 96,000 to 90,000.

Background Check for Guardians/ Conservators - HB 850 allowed a judge to require national criminal background checks for persons seeking to become a guardian or conservator.

For a full look at the judicial-related legislation, review the AOC's 2012 Enacted Legislation at http://w2.georgiacourts.gov/enactedlegislation/





Judicial Council of Georgia
Administrative Office of the Courts

Judicial Council

The 25-member Judicial Council develops policies for improving and administering the Georgia courts. The Chief Justice of the Supreme Court of Georgia serves as chair of the Council; membership, as established by Order of the Supreme Court, consists of judges from each level of court: appellate, superior, state, juvenile, probate, magistrate, and municipal. The Council oversees the work of the Administrative Office of the Courts through established oversight committees: Standing Committee on Policy and Legislation, Committee on Court Reporting Matters, Committee on Accountability Courts, Judicial Workload Assessment Committee, and Records Retention Committee.

Judicial Council Members May 2012

Chief Justice George H. Carley, Chair
Supreme Court

Presiding Justice Carol W. Hunstein,
Vice Chair Supreme Court

Chief Judge John J. Ellington
Court of Appeals

Presiding Judge Herbert E. Phipps
Court of Appeals

Judge David T. Emerson
Council of Superior Court Judges

Judge Louisa Abbot
Council of Superior Court Judges

Judge David Darden
Council of State Court Judges

Judge Linda S. Cowen
Council of State Court Judges

Judge A. Gregory Poole
Council of Juvenile Court Judges

Judge Robin W. Shearer
Council of Juvenile Court Judges

Judge Mary Jo Buxton
Council of Probate Court Judge

Judge Kelley Powell
Council of Probate Court Judges

Judge Alan Harvey
Council of Magistrate Court Judges

Judge Betsey Kidwell
Council of Magistrate Court Judges

Judge Kenneth E. Wickham
Council of Municipal Court Judges

District Administrative Judges

Judge John E. Morse, Jr., First District

Judge Ronnie Joe Lane, Second District

Judge Edward D. Lukemire, Third District

Chief Judge Mark Anthony Scott,
Fourth District

Chief Judge Cynthia D. Wright, Fifth District

Chief Judge Arch W. McGarity, Sixth District

Judge James G. Bodiford, Seventh District

Chief Judge Kathy Palmer, Eighth District

Chief Judge Brenda S. Weaver, Ninth District

Chief Judge J. Carlisle Overstreet,
Tenth District



Resources: Appropriations

The Judicial Council budget unit received a 5.55% increase by the General Assembly. The FY 2012 base budget request of $14,224,808 resulted in an adjusted appropriation of $13,689,228.

	FY 11	FY12	
Accountability Courts	NA	$2,265,849	+ 100% (new program)
Georgia Appellate Resource Center	$565,500	$738,140	+ 31%
Office of Dispute Resolution	$65,013	$0	– 100% (self-funded)
Institute of Continuing Judicial Education	$486,789	$461,789	– 5%
Judicial Qualifications Commission	$347,709	$439,244	+ 26%
Judicial Council	$11,504,354	$9,784,206	– 15%

The increase in the Judicial Council budget can be attributed to various factors including adjustments in the employer share of Employee's Retirement System and the Judicial Retirement System; adjustments in the employer share of the State Health Benefit Plan; providing funds to establish a remote interpreter pilot program in two rural circuits; staffing of an investigative staff attorney for the Judicial Qualifications Commission; and replacing funding for the Resource Center previously provided by the Georgia Bar Foundation. Reductions in the Judicial Council budget include the reduction of telecommunications expenses and a reduction of state-paid conference costs for judges' councils.





Judicial Council of Georgia
Administrative Office of the Courts

Administrative Office of the Courts

The work of the Administrative Office of the Courts consists of shared services provided variously to the trial and appellate courts of the state. The agency is organized into three line divisions: Court Services, Information Technology, and Financial Administration. Organizational units and their functions are presented here in brief.

The Director's Office oversees the AOC's work, serving as a liaison between the agency's governing body, the Judicial Council of Georgia, and its divisions and offices.

The Director's Office is comprised of Human Resources, Communications, Governmental and Trial Court Liaison, General Counsel, and Budget Development. Ms. Marla S. Moore serves as the AOC Director.

The Director determines priorities, strategy, and direction of the agency and oversees its divisions. The Director serves the Judicial Council of Georgia and on various boards and commissions including the Institute of Continuing Judicial Education, the Georgia Commission on Family Violence, the Georgia Council of Court Administrators, Criminal Justice Coordinating Council, and the Next Generation Courts Commission.

On a national-level, Ms. Moore is involved in the Conference of State Court Administrators (COSCA), a national organization for state-level court administrators, that along with the Conference of Chief Justices (CJJ) held its annual meeting in Atlanta in August 2011.

The ***Policy Fiscal Analyst*** provides analysis of budget, program, and policy issues for the Administrative Office of the Courts and Judicial Council of Georgia. This position assists programs and projects in understanding and managing fiscal resources.

The ***Human Resources*** department provides human capital and talent management services to the AOC and external judicial branch entities.



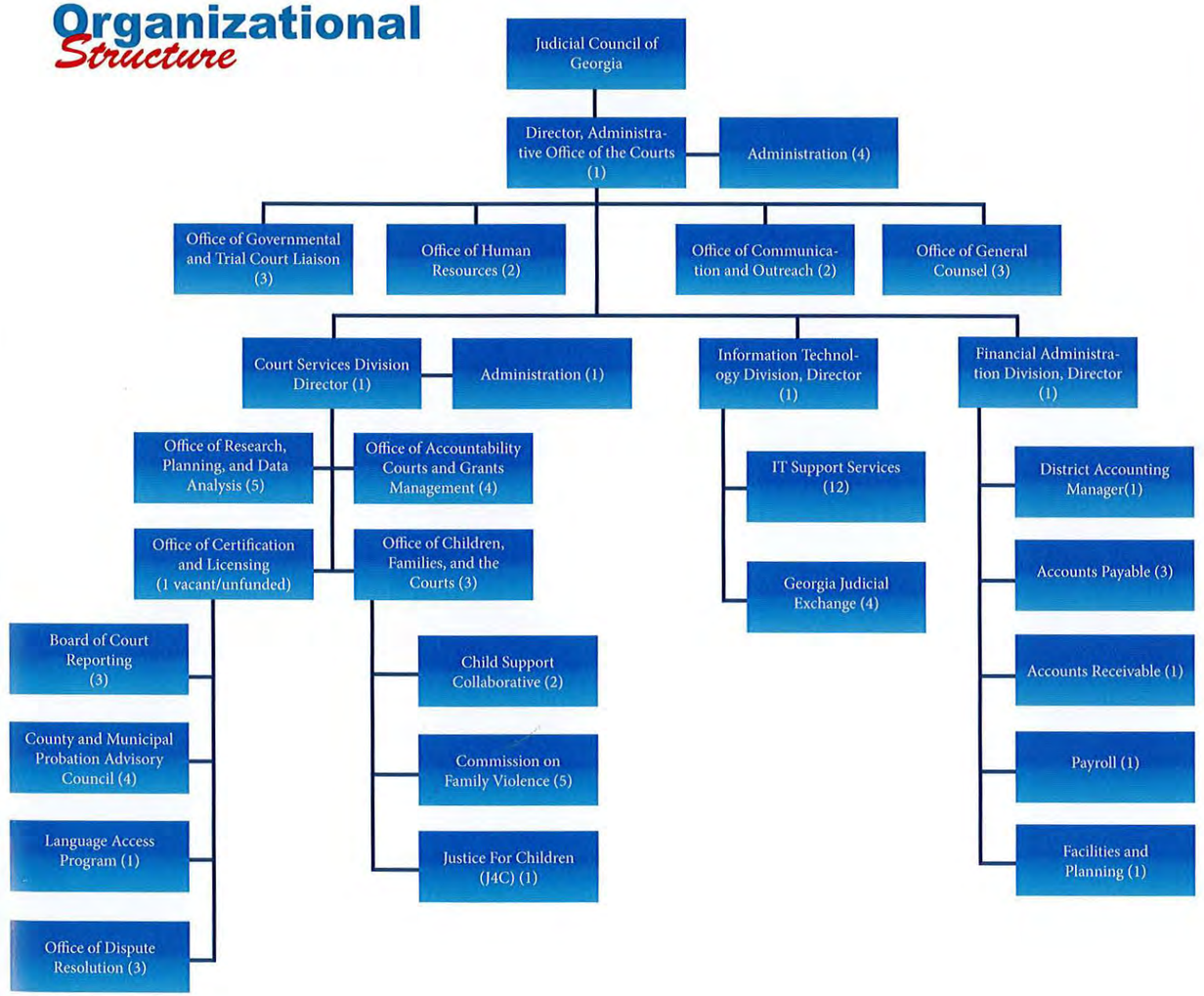
Ms Marla S. Moore

In the fall of 2011, the ***Trial Court Liaison*** function within Court Services merged with the ***Governmental Affairs*** Section. This transfer brought together staff level interaction with the Governor's Office, day-to-day liaison to members and staff of the General Assembly, and management of relationships with the classes of trial courts, the State Bar and other agencies and officials of the trial courts to the Director's office. Executive level contacts and liaison to the appellate courts are reserved to the Director.

From the time of the passage of the Jury Composition Reform Act

cont. on page 8

Organizational Structure



AOC organizations as of May 2012.





Judicial Council of Georgia
Administrative Office of the Courts

Administrative Office of the *Courts* cont...

in May 2011, the Office of Governmental Trial Court Liaison spent countless hours working with the Jury Composition Committee, the Council of Superior Court Clerks, and legislators to study and refine the Jury Composition Rules.

The Special Council on Criminal Justice Reform met and made recommendations to the criminal justice system in Georgia throughout FY12. Staff from the Office of Governmental and Trail Court Liaison attended meetings and provided data and analysis during the development of its report that was published in November 2011. During the 2012 Session of the General Assembly, the Criminal Justice Reform Act (HB1176) was closely watched and reviewed by AOC staff.

AOC Communications maintains relations with judges, media, and the public through a variety of media. Agency newsletters, press releases, social media updates, and publication of the *Georgia Courts Directory* and the *Annual Report: Georgia's Courts* serve to inform the state's judiciary and other constituents of important developments.

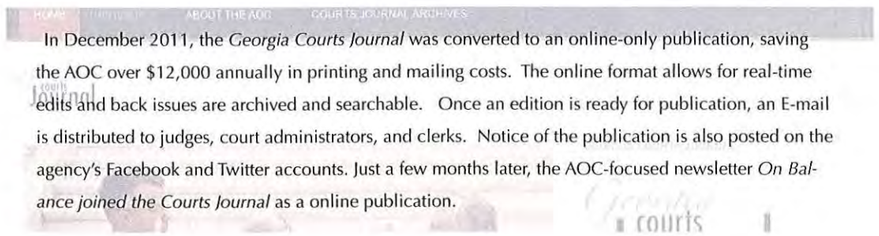
The Communications team is regularly called upon to offer design and photographic help to associated councils, conferences, and groups.

The ***Office of General Counsel***, housed in the Director's Division, provides legal services to the AOC and the regulatory agencies of the judiciary. The staff also manages the $1.7 million grant providing civil legal services to victims of family violence.

Seven nonprofit agencies received grants totaling $1,753,235 allowing them to provide civil legal services to approximately 4,832 victims throughout Georgia.

The agencies that received the grants in FY2012 were:

Atlanta Legal Aid, Inc.
Gateway House, Inc.
Georgia Law Center for the Homeless
Georgia Legal Services Program
Northeast Georgia Shelter Collaborative
Northwest Georgia Family Crisis Center
Wayne County Protective Agency/ Fair Haven



In December 2011, the *Georgia Courts Journal* was converted to an online-only publication, saving the AOC over $12,000 annually in printing and mailing costs. The online format allows for real-time edits and back issues are archived and searchable. Once an edition is ready for publication, an E-mail is distributed to judges, court administrators, and clerks. Notice of the publication is also posted on the agency's Facebook and Twitter accounts. Just a few months later, the AOC-focused newsletter *On Balance joined the Courts Journal* as a online publication.

Information Technology

The AOC Information Technology Division designs, develops, and implements technology solutions for the entire Judicial Branch. Offering advanced products and services that facilitate workflow as well as comply with state and federal mandates, AOC IT leads the charge on automating the courts. In FY2012, AOC IT engaged in improving the processes of courts, facilitating communication, and integrating data collaboration efforts. AOC IT increased information flow through the use of more efficient and available reporting in conjunction with web-based analysis.

Citation Upload Project

Citations issued by the Georgia State Patrol were electronically delivered to the AOC for distribution to courts throughout the state for the first time on June 13, 2012. The citation-upload project allows automatic upload of all citations generated by the Georgia State Patrol (GSP). Citations are delivered to the AOC server and are available to courts that use the Traffic Information Processing System (TIPS) for case management. Benefits of this project include fewer data processing errors and decreased processing time.

Financial Administration Division

The Financial Administration Division assists 29 separate judicial branch programs with tasks including: budget preparation and management; payroll administration and audit compliance; and invoicing and accounts payable. The AOC Financial Administration Division also handles budget inquiries from the Governor and General Assembly on behalf of each Judicial Council budget unit.

Court Services

Many AOC core functions involving daily contact with judges, clerks, court administrators, and other court system professionals are grouped in the agency's Court Services Division.

At the request of the chief judge in the Atlanta Judicial Circuit, an interdisciplinary team of policy, research, and legal staff provided consultant services for the Fulton County Court Improvement Task Force. The Task Force and its three committees analyzed administrative functions within the superior, state, and magistrate courts to identify opportunities for constructive process changes. The team conducted environmental scanning and research; gathered evidence-based and best practices; and created, distributed, and analyzed an online questionnaire completed by over 1,000 attorneys, citizens, and court employees in the metro area.

The **Office of Children Family and the Courts** is comprised of the Committee on Justice for Children, the Child Support Collaborative, and the Georgia Commission on Family Violence.

In FY2012, the Georgia Commission of Family Violence conducted a rigorous state planning process involving more than 28 family preservation organizations during FY12 to create a State Plan on domestic violence, teen dating violence, and children exposed to domestic violence. Both private non-profits and representatives from all three branches of government worked on the State Plan.

Legislation passed during the 2012 session of the Georgia General Assembly moved funding for Accountability Courts and some responsibilities of the **Office of Accountability Courts & Grants Management** to the Criminal Justice Coordinating Council as of July 1, 2012. Under HB 1176 the AOC retained responsibilities to support





Administrative Office of the *Courts* cont...

the Judicial Council Accountability Court Committee's charges (See box on page 11).

The **Office of Certification and Licensing** conducts initial and annual accreditation of court professionals regulated by the Judicial Council and affiliated agencies and administratively supports regulatory functions directed by Board of Court Reporting, Commission on Dispute Resolution, Commission on Interpreters, and County and Municipal ProbationAdvisory Council.

The ***Office of Research, Planning & Data Analysis*** examined refinements to the methodology used to analyze superior court workload. AOC staff, at the direction of the Judicial Workload Assessment Committee reviewed the impact of felony accountability court cases and death penalty habeas corpus cases on caseload in circuits where they are present. Previously, these cases have been treated as routine criminal (accountability court cases) and civil (death penalty habeas corpus) during caseload studies. The 2011 Caseload study is the first time these cases were weighted and counted separately to demonstrate their effect on caseload.

Case count seminars, which included instruction on use of the AOC Portal to report caseload data, were made available to judges and court officials and delivered to 110 participants (See page 17). Use of the web-based portal by superior court clerks increased 50% from FY11; 82% of the 159 superior court clerks submitted data electronically.

License Type	Certifications/Licenses		Compliance/Discipline Actions	Total
	Renewals	New		
Court interpreter	163	48		211
Court reporter	1,046	41	129	1216
Court reporting firm	115	11	1	127
Mediator/Neutral	1450	372	117	1939
Private/County Probation Provider	96	2	41 Compliance Site Visits/ 10 Discipline Actions by the Council	166
Total	2870	474	315	3659

Judicial Council Accountability Court Committee Charges

A. Draft standards and practices for all types of accountability court programs, to include standards and practices for drug and mental health court divisions for consideration and adoption by the Judicial Council before January 1, 2013. Once approved by the Judicial Council, update the standards and practices as necessary to incorporate recognized research, evaluation studies, and evidence-based and best practices.

B. To guide the award of state grant funds to accountability court programs, develop a certification and peer review process to document these programs' compliance with Judicial Council standards and practices, to include a certification process for drug and mental health court divisions for consideration and adoption by the Judicial Council before July 1, 2013. In addition, develop a procedure for waiver of certification of any accountability court program for which an exception may be justified.

C. Develop protocols for technical assistance to accountability court programs to assist with their implementation of policies and practices outlined in the standards.

D. Identify elements necessary for performance measurement of accountability court programs.

E. Identify risk and needs assessment tools to be used by accountability court programs in determining the risk to recidivate and the needs of participants to avoid future criminal behavior.

F. Determine training and professional development priorities to promote the expansion and enhancement of accountability court programs.





Judicial Council of Georgia
Administrative Office of the Courts

YEAR IN *Review*

July 2011

Judicial Council

The Judicial Council met via teleconference on July 20 during which it adopted new judge-year values and circuit classifications, including the new Single-County Suburban classification, to be used in future Judicial Workload Assessments. The Accountability Court Committee's recommendations for FY2012 grant funds, totaling $1,810,678, were approved.

CCJ/COSCA

The Supreme Court of Georgia and Administrative Office of the Courts hosted the Conference of Chief Justices/Conference of State Court Administrators annual meeting July 31- August 3.

Throughout the conference attendees discussed the benefits and challenges new media has on courts, best practices in court administration, protecting the public while addressing the problem of judges in distress, how to manage and react to media coverage of high profile trials and appellate decisions, the pitfalls and solutions for conveying the courts rulings and opinions in easily understood terms, and the policies and practices used by courts and media to enhance public trust and confidence.

The Conference of Court Justices elected Chief Judge Eric T. Washington, District of Columbia Court of Appeals, as its president. The Conference of State Court Administrators elected Ms. Rosalyn Frierson, Director of South Carolina Court Administration, as its president.

CCJ/COSCA Meets in Atlanta

Chief Justice Carol W. Hunstein, Supreme Court of Georgia, opened the program "A World of Change: Courts and the Media in 2011" detailing how rapid changes in traditional news media, combined with the rise of social media like Facebook and Twitter, pose both challenges and opportunities for courts.

"In the last decade, we have witnessed an evolution in our media with the advent of social media, the decline of print journalism, and the leaning of broadcast media toward entertainment and opinion," Chief Justice Hunstein said. "The revolution in technology has led to the ubiquitousness of news, and to citizens themselves playing the role of journalists with CNN and other networks using the video they shoot on iPhones and other devices to bring us the first pictures of the earthquake in Haiti, the Virginia Tech massacre or the tsunami in Japan."

Echoing Chief Justice Hunstein's remarks, the opening plenary session featured a discussion moderated by Texas Chief Justice Wallace Jefferson, titled "The New Media - What is It and Why Should We Care?" Chris Davey, Conference of Court Public Information Officers, answered by explaining that court leaders have always had to be knowledgeable and conversant in the current communication media because supporting trust and confidence in the judicial system is a fundamental part of the judicial process, and the media are the main vehicle for fulfilling this mandate.

Throughout the conference attendees discussed the benefits and challenges new media has on courts.

Quality Improvement Child Representation Project

Georgia was selected as one of two Research and Demonstration sites for the National Quality Improvement Center on the Representation of Children in the Child Welfare System (QIC-ChildRep).

In its first year, QIC-ChildRep gathered information on child representation nationally. The project reviewed Court Improvement Program (CIP) Reassessments, Child and Family Services Reviews Statewide Assessments and First Star Reports. The project also reviewed state statutes, court rules, academic literature and conducted stakeholder interviews as a part of its assessment. The project utilized this information to develop a Best Practice Model of Children Representation ("Model"). This Model is largely based on the 1996 ABA Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases with child engagement components.

In 2010, QIC-ChildRep sought proposals from entities willing to implement the Model to measure its effectiveness. The Committee on Justice for Children, Emory University School of Law Barton Center and the Georgia Association of Counsel for Children united to compete for this project. With the support of judges and juvenile court stakeholders from across the state, Georgia received the grant in 2011. The Center for Children & Youth Justice, staffed by the Washington State Supreme Court Commission on Children in Foster Care, also received a grant in 2011.

The Georgia team has gathered information on attorneys in the participating jurisdictions, and trained those attorneys on CPRS, the web based system used for data collection. Sixteen juvenile courts are participating in the study, and the attorneys within those jurisdictions were randomly divided. Half of the participating attorneys received training in the Best Practice Model and the other half of the attorneys were placed in a control group and have been asked to submit data without any QIC-specific training. The project will run for four years.

The Quality Improvement Child Representation Project is a five-year, $5 million project to gather, develop, and communicate knowledge on child representation.

Commission on Interpreters Revises Rules

On July 21, the Georgia Commission on Interpreters issued a release advising revisions to its rules that guarantee non-English speakers with interpreters at each critical stage of a criminal or civil legal proceeding at no cost and mandating all other court-managed functions comply with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968. Appendix A of the Use of Interpreters for Non-English Speaking Persons Rule was amended in May 2011 to ensure that Georgia courts are in compliance with these laws and US Department of Justice standards.

August 2011

Social Media

The Administrative Office of the Courts began using social media sites Facebook and Twitter to release information, provide links to stories focusing on the state's judges and courts, and inform the public about important events for the agency.





YEAR IN REVIEW cont...

Judicial Council

The Judicial Council met on August 26, 2011, in Atlanta, GA. The Piedmont, Flint, Clayton, Douglas, Northeastern, and Western circuits received recommendations for additional judgeships. The Drug Court committee was renamed the Accountability Court Committee to reflect the wide range of courts with which the Committee works. The Accountability Court Committee will develop best practices and policies.

September 2011

www.georgiacourts.gov

In August 2011, a team of AOC staff began a review and analysis of georgiacourts.gov's most viewed pages, language, content, and visual appearance to determine an appropriate redesign of the website.

Immigration and the State Courts

Georgia became the first southern jurisdiction to participate in the Immigration and the State Courts initiative being conducted by Denver-based Center for Public Policy Studies (CPPS). The AOC welcomed CPPS project staff John Martin and Steven Weller for an initial assessment visit on September 7-8, 2011.

AOC Donates 200 Books to GSU

Nearly 200 books and recordings were donated to the Women and Gender Collections of the Georgia State University Special Collections and Archives by the AOC in September 2011. The donation included materials related to domestic violence, juvenile cases, divorce issues, and gender and ethnic bias in the courts published between 1964 and 2005.

Reports from Georgia's Commission on Gender Bias and the Courts, Racial and Ethnic Bias in the Court System, Supreme Court Blue Ribbon Commission, Commission on Family Violence, Administrative Office of the Courts, Institute of Continuing Legal Education, State Bar of Georgia, and Department of Corrections were among the donated items. Also included in the donation were reports and studies from state and national groups.

CPPS Begins Georgia Review

The initial visit involving CPPS consisted of a meeting with an informal advisory group of representatives from the courts, immigration law, legal and social services, and AOC staff to give an initial perspective of the range and scope of immigration-related demands on Georgia's courts and discuss options to address them. Mr. Martin and Mr. Weller returned to Georgia the week of November 7 to meet with AOC staff and conduct the project's first site visit in Moultrie where they met local officials and representatives to discuss the impact of immigration on the local justice system.

Key issues discussed at the Moultrie visit included language access, understanding of the intersections of state and federal immigration law and policy, and the difficulties faced when dealing with a transient population. Potential methods for addressing these issues include the development of trainings, guidelines, and guidebooks for judges and other justice system personnel.

On December 8, 2011, the CPPS reported its goals, next steps, and findings. A report on Immigration and the State Courts Initiative was delivered to the Judicial Council of Georgia on January 5, 2012.

Domestic Violence Conference

The Georgia Commission on Family Violence held its 17th Annual Statewide Domestic Violence Conference in Atlanta on September 12-13, 2011. Over 300 domestic violence practitioners, including judges, law enforcement, victim advocates, prosecutors, family violence intervention program providers, and others participated in the conference entitled "There's No One Solution: Integrating Prevention and Intervention Against Domestic Violence." Judge Nancy Bills, State Court of Rockdale County, received the Task Force Member of the Year Award.

Board of Court Reporting Town Hall meetings

In an effort to engage court reporters, members of the judiciary, court administrators, and the legal community from around the state, the Board of Court Reporting began a series of six state-wide Town Hall meetings on issues facing the court reporting profession. The first meeting was held in Atlanta on September 10 and additional meetings were held in the fall of 2011.

October 2011

Addiction Science Symposium Held in Atlanta

On October 26-28, eight teams from circuits across Georgia as well as a larger team of state officials crucial to the sentencing process joined together to attend the "Judicial Leadership Systems Change Initiative" seminar sponsored by the National Judicial College, Treatment Alternatives for Safe Community, and the Administrative Office of the Courts. Based on the success of the Georgia symposium, the National Judicial College has adopted Georgia's model as the national standard.

November 2011

Mikell Sworn-in as Chief Judge of Court of Appeals

The judges of the Court of Appeals voted for Chief Judge John J. Ellington to step aside on November 14, 2011 in order for Presiding Judge Charles B. Mikell, who was diagnosed with bone cancer in 2005, to serve as Chief Judge for two months. Judge Ellington resumed the role of Chief Judge in January 2012.

Special Council on Criminal Justice Reform

The Special Council on Criminal Justice Reform issued its final report in November 2011. The report recommended creating a state-wide system of accountability courts, decriminalizing minor traffic offenses, and giving judges the discretion to depart from mandatory minimum sentences.

Chief Justice Hunstein, Judge Ural Glanville, Superior Court, Atlanta Judicial Circuit, Judge Michael P. Boggs, Superior Court, Waycross Judicial Circuit, and Judge Todd Markle, Superior Court, Atlanta Judicial Circuit, were members of the thirteen-member group charged with analyzing the criminal justice system in Georgia.

Next Generation Courts Commission

The State Bar of Georgia convened the 45-member Next Generation Courts Commission to consider what the court system should look like in 20 years and to develop a strategy for implementation, including but not limited to, court structure, technology, funding, caseload management, and judicial selection. Chief Judge Lawton Stephens,





YEAR IN REVIEW cont...

Superior Courts, Western Judicial Circuit, was appointed chair of the Commission.

Fulton County Court Improvement Task Force
Beginning in November 2011, Fulton County judges, government leaders, and stakeholders began studying how to improve business processes in the Superior and State Court systems. The Task Force will address how best to ensure that civil litigants receive prompt and fair hearings; criminal cases are processed accurately and efficiently; pro se litigants have the proper resources to achieve justice; and all participants in the Fulton County court system receive improved customer service.

The Task Force will furnish its findings and recommendations about the business system improvements to county and state officials; these recommendations will include potential budget efficiencies for Fulton County taxpayers.

Emanating from recommendations by the Fulton County Criminal Justice Blue Ribbon Commission, the Task Force will increase public safety and conserve public resources by identifying innovations in the courts' structure, operation, and jurisdiction. The Task Force's work is especially relevant as resources dwindle and demands on the justice system grow. The Task Force was charged with issuing a report of recommendations for the Fulton County judicial system in September 2012.

December 2011

18th Annual ADR Institute and 2011 Neutrals' Conference
Over 200 lawyers, judges, and other professionals attended this December 9th event. Sponsored by the Georgia Commission on Dispute Resolution, the Georgia Office of Dispute Resolution, and the Dispute Resolution Section of the State Bar of Georgia, the Institute provides Georgia ADR professionals with educational opportunities from local and national experts. The Institute is consistently one of the most popular single-day events hosted by the Institute of Continuing Legal Education.

Georgia Courts Journal Debuts Online Edition
On December 15, the *Georgia Courts Journal* debuted as an online-only newsletter.

AOC Donates Library to UGA
The AOC donated 28 boxes of books, manuals, and training materials to the University of Georgia's Richard B. Russell Library for Political Research and Studies. The donated items included information from the Judicial Council of Georgia, the Supreme Court of Georgia, the State Justice Institute, the National Center for State Courts, the Bureau of Justice Statistics, the National Judicial College, and the National Association of Court Managers.

Judicial Council • January 5, 2012 Meeting

- Judicial Council votes to amend its FY 2013 Budget Enhancement Request to fund Accountability Courts as recommended by the Special Council on Criminal Justice Reform. The Special Council recommended "expanding the number of accountability courts and implementing a comprehensive standards and evaluation system."
- Amendments to the Judicial Council Rules for the Certified Process Servers Program are adopted.
- The Court Reporting Matters Committee is tasked with a review and revision of the court reporter fee schedule to ensure that it comports with the current business practices and the future delivery of this service. The report is due by September 1, 2012.

January 2012

State of the Judiciary
Chief Justice Carol W. Hunstein delivers her third State of the Judiciary Address to a joint session of the Georgia General Assembly on January 25, 2012. See *Appendix A* for the full Address.

Judicial Council
On January 5, 2011, the Judicial Council met in Atlanta, GA
(See box page 16).

February 2012

Judicial Council
The Judicial Council met via teleconference on February 7 to approve Mental Health Court Grants and February 15 to discuss proposals and negotiations that had taken place concerning the Governor's proposal to fund accountability courts through the Criminal Justice Coordinating Council.

Caseload Training for Clerks
In February, the AOC began offering workshops for superior court clerks, judges, and court personnel to explain case count methodology and address questions and issues from participants. These workshops and the accompanying manual (Georgia Caseload Reporting Guide: CY 2011) were used to explain the processes, definitions, and frequently asked questions regarding caseload reporting.

Twelve workshops were conducted in the Alapaha, Atlanta, Dublin, Eastern, Middle, and Oconee circuits, and the Fourth, Seventh, and Ninth administrative districts with 110 attendees participating.

Georgia Bar, Media and Judiciary Conference
The 21st Annual Georgia Bar Media and Judiciary Conference was held on February 25 in Atlanta. Judges, journalists, and lawyers spent the day at the State Bar Conference Center discussing journalism and the practice of law.

March 2012

National Leadership Summit on School-Justice Partnerships
In March 11-13, 2012, Judge Deborah Edwards, Juvenile Court, Houston Judicial Circuit; Judge Michael Key, Juvenile Courts, Coweta Judicial Circuit; Judge Steve Teske, Juvenile Court, Clayton Judicial Circuit; Ms. Marla S. Moore, AOC Director, and Mr. Brad Bryant and Mr. Garry McGiboney, Georgia Department of Education, attended the National Summit on School-Justice Partnerships in New York City, NY. The Summit focused on improving educational outcomes for children in foster care.

Welcome to the Georgia Courts poster
The Administrative Office of the Courts (AOC) and the Georgia Department of Education (GDOE) partnered together to distribute the popular "Welcome to Georgia's Court System" poster. For the first time since it's initial publication in 2004, the poster was reviewed and approved by the state's education agency.





YEAR IN REVIEW cont...

April 2012

Regional Justice Technology Expo

On April 19-20, 2012, the Regional Justice Technology Expo (RJTE) convened with 340 attendees from Alabama, Arizona, Florida, Georgia, Illinois, and Texas at the Georgia International Convention Center in College Park, GA. The assembled judges, administrators, attorneys, law enforcement officers, court reporters, clerks, and a host of other justice professionals were treated to two days of how technology affects courts today. The Expo was sponsored by the Fulton County Superior Court, Fulton County Superior Court Clerk's Office, and the Administrative Office of the Courts.

Annual Meeting of the National Consortium for Language Access in the Courts

On April 22-25, 2012, Ms. Marla S. Moore, AOC Director, Ms. Linda Smith, Language Access Project Manager, and Mr. Richard Denney, AOC IT, attended a program in Little Rock, AR, presented by the National Center for the State Courts Consortium for Language Access in the Courts. The program focused on Federal Civil Rights Compliance and Use of Remote Interpreting.

Judicial Council • May 31, 2012 Meeting

• The Judicial Council approved three budget items:
1. FY13 budget of $12,423,861, which passed during the 2012 legislative session;
2. FY13 Amended budget for which there were no enhancement requests;
3. FY14 budget enhancement requests for the Institute of Continuing Judicial Education ($30,580), the expansion of Family Law Information Centers ($60,347), and creation of an Executive Director for the Council of Probate Court Judges ($108,320).

• The Judicial Council voted to assign the value of 207.23 minutes for adult felony accountability court cases and 7,640.40 minutes for death penalty habeas cases in future caseload studies to determine the critical need for additional judgeships.

• Recommendations of the Certified Process Server Subcommittee for amendments to the Judicial Council Rules governing the certification of Court Process Servers were adopted:): (1) Article III, Subsection B.2.f was changed to read "A surety bond substantially in the form of Appendix A, or a commercial insurance binder...." and (2) added the Article XI, Subsection D: "D. Surety Bond and Insurance Coverage; No Lapse: A certified process server may not serve process without a valid surety bond or insurance in compliance with O.C.G.A. Section 9-11-4.1. The certified process server must send written notice of a lapse or change in coverage to the Georgia Sheriff's Association and the certifying sheriff with 48 hours of notice of the certified process server of the lapse in or cancellation of coverage."

• Presiding Justice Hunstein, Supreme Court of Georgia, introduced a request from the Council of Superior Court Clerks to appoint a representative to an Electronic Steering Committee. A proposal was made to study the Clerks' proposal and address it at the next Judicial Council meeting with an appropriate alternative and for the creation of a Judicial Council subcommittee to study the appropriateness of a steering committee of the Judicial Council for electronic filing in all courts. The motion passed with one vote in opposition.

On Balance

AOC *On Balance* debuted its online-magazine format for its April 2012 edition.

May 2012

Carley Takes the Reins of the Supreme Court

Twenty-two years after he stepped down as Chief Judge of the Court of Appeals of Georgia, Justice George H. Carley was sworn-in as the twenty-ninth Chief Justice of the Supreme Court of Georgia.

On May 29, 2012, Justice Carley became the first jurist to have served as presiding judge and chief judge of the Court of Appeals and Presiding and Chief Justice of the Supreme Court. Chief Justice Carley's term ended with his retirement on July 17, 2012.

Judicial Council

The Judicial Council met on May 31, 2012, in Savannah, GA

Process Servers Exam

The first Georgia Certified Process Server (GCPS) certification examination was administered May 3, 2012, at the Administrative Office of the Courts office in Atlanta. Fifty-one of the 53 process servers taking the exam passed with the required score of 71% or better. The test was developed by a committee of process servers and AOC staff and evaluated by an outside company to insure the test questions were fair and reasonable.

June 2012

Annual Performance Review

The Administrative Office of the Courts began its first Annual Performance Reviews for employees on June 1, 2012, the first time the AOC has conducted formal agency-wide evaluations since 1999. The evaluations were performed using the state's e-Performance system.

Accountability Courts Conference

On June 25-27, 2012, the Eighth Annual Accountability Courts Conference was held in Atlanta, GA. The Conference, entitled "Raising the Bar," included sessions on motivational interviewing from the bench, dealing with co-occurring disorders, training on adult drug court and mental health standards, best practices for child support courts and a review of federal and local resources for treatment. Also featured was a special training track for juvenile drug courts sponsored by the National Council of Juvenile and Family Court Judges. Pre-conference introductory workshops for jurisdictions considering the establishment of an accountability court were held.

The Supreme Court of Georgia

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 to review decisions made in a lower trial or appellate court. The Supreme Court has exclusive jurisdiction over election contests and questions of elections or constitutionality of laws and has general appellate jurisdiction over cases involving title to land; equity; wills; habeas corpus; extraordinary remedies; divorce and alimony; and cases in which a sentence of death was or could be imposed.

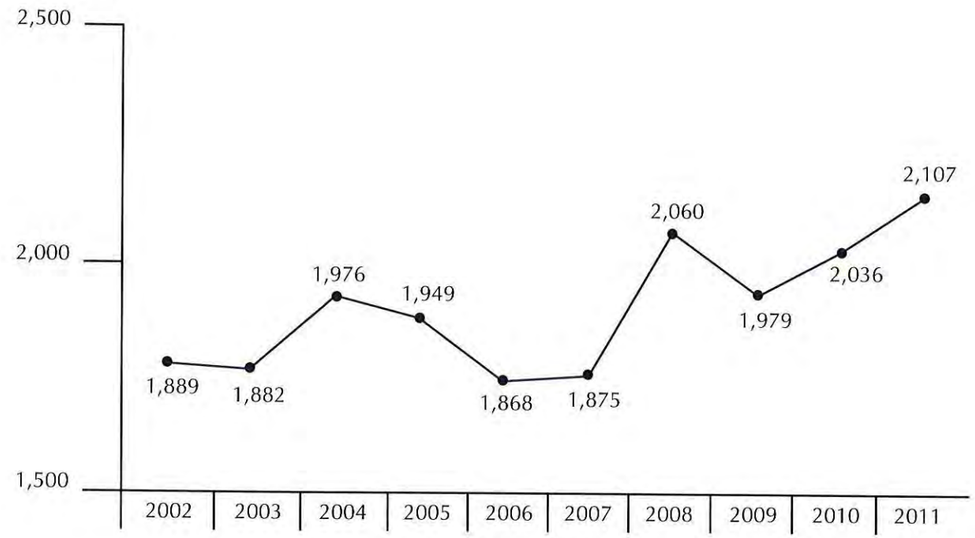
Cases are assigned to one of the seven justices for preparation of opinions. The draft opinion is circulated to all other justices for study; after discussion en banc the opinion is adopted or rejected by vote of the justices.

Cases Filed	2010	2011
Direct Appeals	471	477
Cross Appeals	11	13
Rule 34(4)(F)	21	14
Death Penalty	3	5
Petitions for Certiorari	479	527
Granted Petitions for Certiorari	53	48
Certified Questions	2	10
Applications for Appeal		
Habeas Corpus	402	360
Discretionary	216	291
Interlocutory	45	58
Interim Review	7	1
Attorney Disciplinaries	155	139
Bar Admissions	5	3
Original Petitions	2	11
Emergency Motions	14	7
Execution Matters	3	4
Death Penalty Habeas Corpus	4	3
Unauthorized Practice/ Formal Advisory	4	0
Time Extensions	90	80
Judicial Qualifications	7	9
Appointments of Special Master	42	43
Total	**2,036**	**2,107**

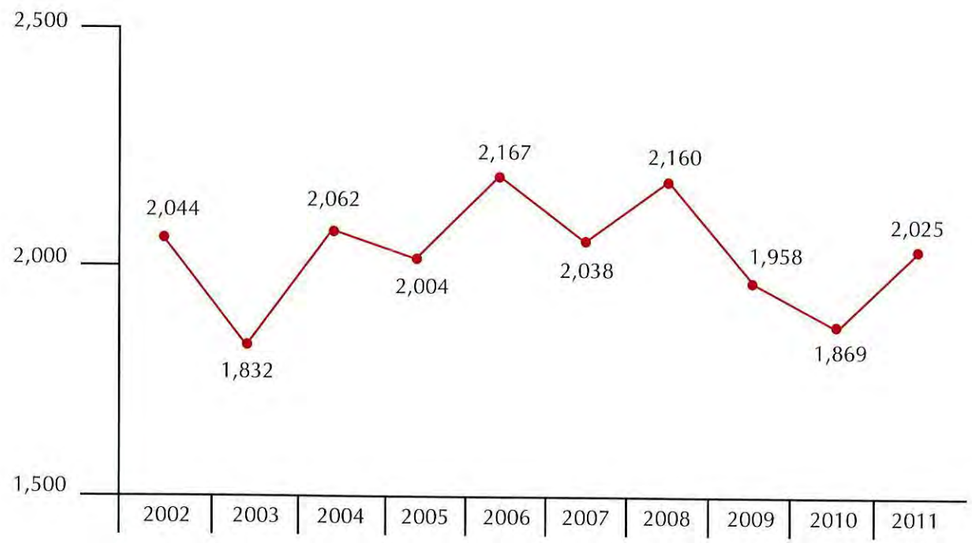
Cases Disposed	2010	2011
By Opinion	357	314
Affirmed without Opinion	6	3
Stricken from Docket	1	4
Allowed Withdrawn	18	24
Transferred to Court of Appeals	92	97
Appeals Dismissed	106	122
Cross Appeals	8	NR
Rule 34(4)(F)	27	NR
Death Penalty	3	4
Certified Questions	8	NR
Petition for Certiorari		
Granted	51	54
Denied	403	423
Other	45	60
Habeas Corpus Applications		
Death Penalty	NR	5
Granted	25	13
Denied	235	264
Dismissed	56	68
Other	6	7
Discretionary Applications		
Granted	52	46
Denied	100	104
Dismissed	NR	65
Transferred to Court of Appeals	26	63
Other	32	6
Interlocutory Applications		
Granted	12	6
Denied	19	14
Dismissed	6	8
Transferred to Court of Appeals	9	10
Other	3	111
Interim Review		
Granted	4	0
Denied	3	1
Extraordinary Motions		
Granted	2	0
Denied	10	5
Transferred to Court of Appeals	1	2
Dismissed	3	9
Attorney Discipline	130	123
Bar Admissions	3	5
Judicial Qualifications	7	10
Miscellaneous Cases	NR	82
Total	**1,868**	**2,037**

NR = Not Reported.

Supreme Court Filings 2002 - 2011



Supreme Court Dispositions 2002 - 2011



The Court of Appeals of Georgia

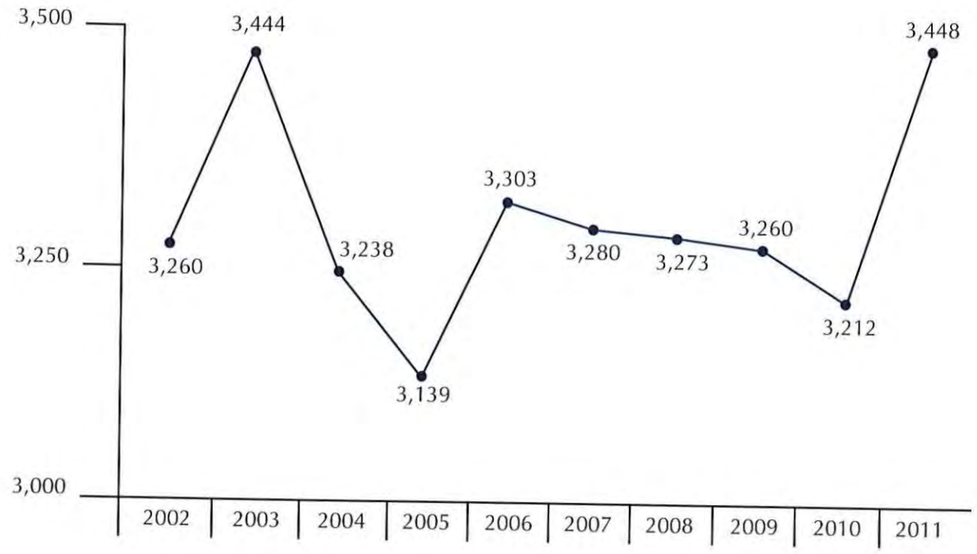
The Court of Appeals, made up of twelve judges, has constitutional jurisdiction over appeals from superior, state, and juvenile courts in all cases where exclusive jurisdiction is not reserved to the Supreme Court of Georgia. Each case appealed to the court is heard by a panel of three judges. The Chief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

Filings	**2010**	**2011**
Direct Appeals	2,364	NR
Discretionary Applications	509	NR
Interlocutory Applications	305	NR
40 (b) Motions	34	NR
Total	**3,212**	**3,448**

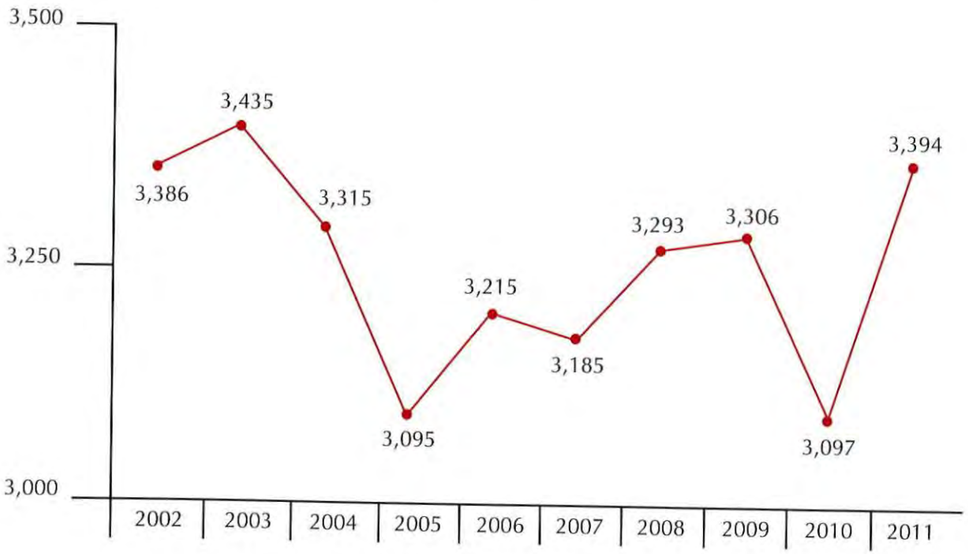
Dispositions	**2010**	**2011**
Direct Appeals		
By Opinion	1,070	NR
Companion Cases	121	NR
Non-Published Opinion & Rule 36	430	NR
Order	633	NR
Total	2,254	NR
Discretionary Applications		
Granted	136	NR
Denied	244	NR
Dismissed	100	NR
Transferred	25	NR
Withdrawn	1	NR
Other	8	NR
Total	514	NR
Interlocutory Applications		
Granted	123	NR
Denied	184	NR
Dismissed	19	NR
Transferred	2	NR
Withdrawn	1	NR
Other	0	NR
Total	329	NR
Total	**3,097**	**3,394**

NR = Not Reported.

Court of Appeals Filings 2002 - 2011



Court of Appeals Dispositions 2002 - 2011



The Superior Courts

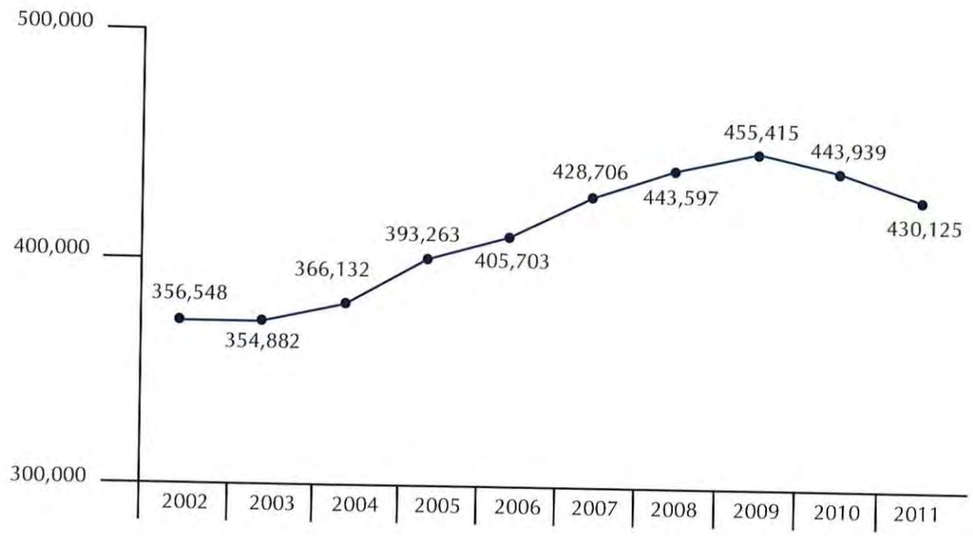
The 159 superior courts are general jurisdiction trial courts exercising both civil and criminal jurisdiction. Superior court judges hear all felony cases, domestic relations cases, equity cases and other civil matters. Superior courts have jurisdiction to hear appeals from lower courts as provided by 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. Judicial circuits and new superior court judgeships are established by act of the General Assembly.

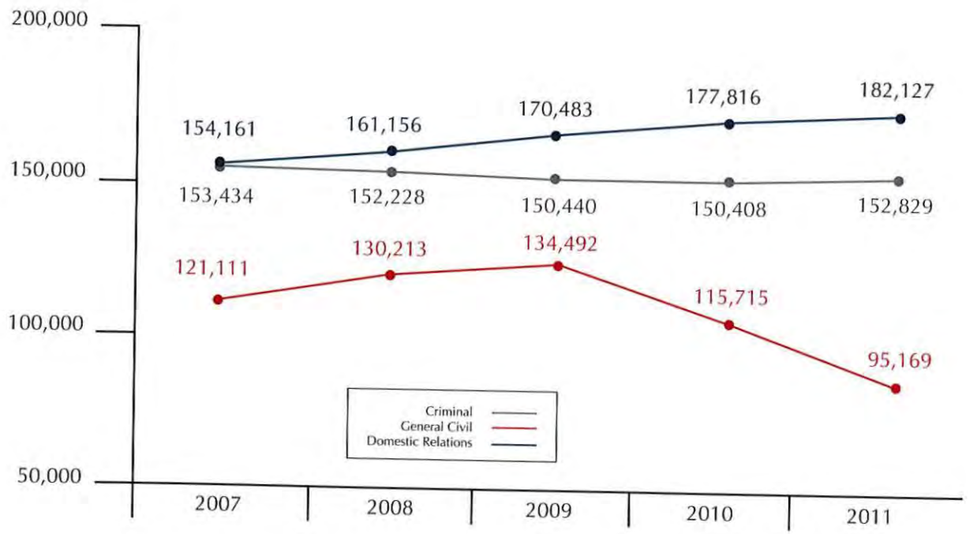
Superior court judges are constitutional officers who are elected to four-year terms in circuit-wide nonpartisan elections. Senior superior court judges may hear cases as assigned in any circuit.

	CY 2010	CY 2011
Total Criminal		
Dockets Filed	148,640	152,829
Defendants Filed	161,742	166,935
Serious Felony		
Dockets Filed	9,117	10,350
Defendants Filed	11,213	12,762
Felony		
Dockets Filed	74,176	70,152
Defendants Filed	84,264	80,689
Unified Appeals	16	56
Misdemeanor		
Dockets Filed	24,823	23,694
Defendants Filed	25,741	24,851
Probation Revocation	40,508	48,577
Total Civil Dockets Filed	293,531	277,296
General Civil Dockets Filed	115,715	95,169
Domestic Relations Dockets Filed	177,816	182,127
Total Dockets Filed	**442,171**	**430,125**

Superior Courts Filings 2002 - 2011



Superior Courts Case Types 2007 - 2011



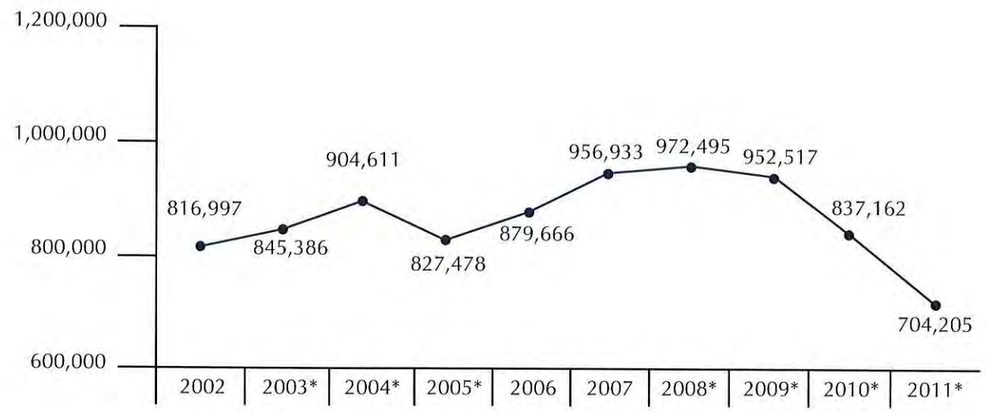
The State Courts

State courts are county courts that exercise limited jurisdiction. State court judges have criminal jurisdiction over misdemeanor offenses, felony preliminary hearings, traffic violations, application and issuance of search and arrest warrants. Civil matters not reserved exclusively to the superior courts are also 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.

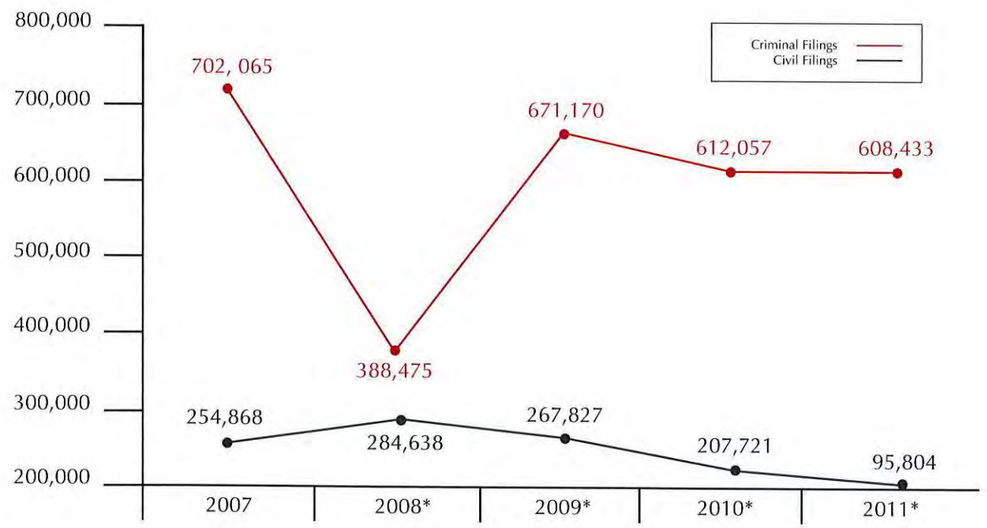
The General Assembly creates state courts by local legislation establishing the number of judges and their status as full-time or part-time. State court judges are elected to four-year terms in countywide, nonpartisan elections.

	CY 2010	CY 2011
Serious Traffic		
Open	24,530	26,628
Filed	35,067	32,453
Disposed	24,714	27,770
Non-Traffic Misdemeanors		
Open	59,393	80,298
Filed	105,791	100,354
Disposed	98,998	97,133
Probation Revocations		
Open	8,609	19,189
Filed	30,037	36,715
Disposed	17,744	27,361
Other		Traffic
Open	163,523	138,223
Filed	441,162	438,911
Disposed	398,034	399,105
Landlord/Tenant Disputes		
Open	282	706
Filed	66,956	1,361
Disposed	20,402	1,315
Other Civil		
Open	87,978	82,959
Filed	188,143	94,443
Disposed	129,370	112,631
Total		
Open	**344,315**	**348,003**
Filed	**884,540**	**704,237**
Disposed	**689,262**	**665,315**

State Courts Filings 2002 - 2011



State Courts Criminal and Civil Filings 2007 - 2011



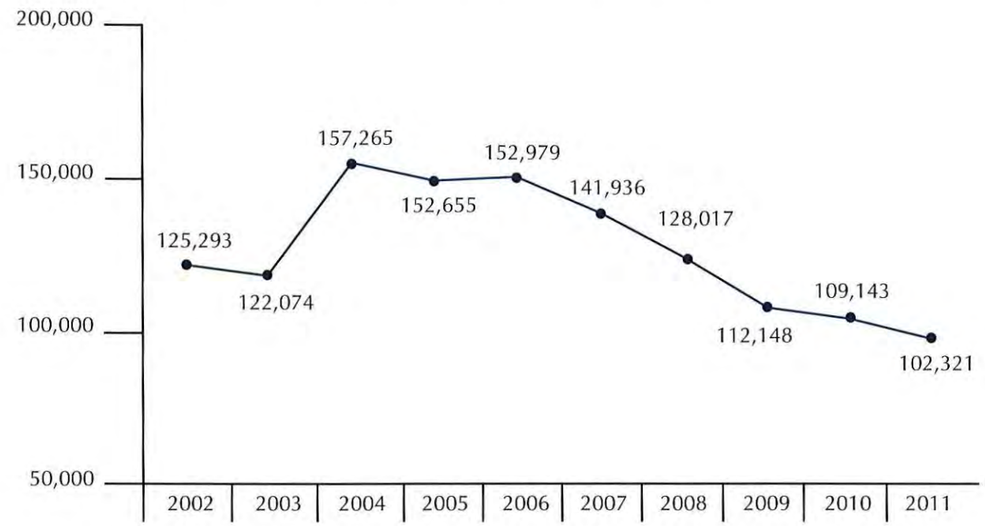
*The amounts in the total columns may differ from the sum of the case type columns due to incomplete information.

The Juvenile Courts

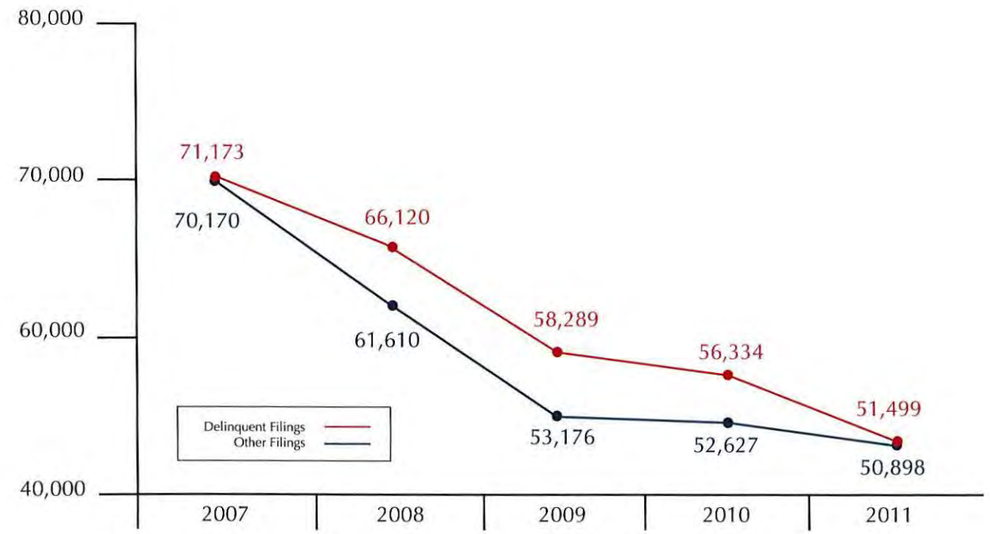
Jurisdiction of the juvenile courts extends to delinquent and unruly children under 17 years of age and deprived and neglected children under 18 years of age. Juvenile court judges have jurisdiction over minors who commit traffic violations, request consent to marry, or enlist in the armed forces. Juvenile 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.

	CY 2010	CY 2011
Delinquent		
Filed	56,334	51,499
Disposed	53,128	48,612
Open	24,246	22,096
Unruly		
Filed	17,588	16,668
Disposed	16,097	14,896
Open	8,411	7,628
Termination of Parental Rights		
Filed	1,453	1,353
Disposed	1,289	1,281
Open	932	891
Deprived		
Filed	20,488	20,889
Disposed	17,988	17,505
Open	12,863	15,572
Traffic		
Filed	9,018	7,704
Disposed	8,420	7,075
Open	3,712	3,552
Special Proceedings		
Filed	4,080	4,284
Disposed	3,446	3,791
Open	2,788	2,650
Total		
Filed	**109,143**	**102,321**
Disposed	**100,431**	**94,152**
Open	**52,998**	**52,519**

Juvenile Courts Filings* 2002 - 2011



Juvenile Courts Delinquent and Other Filings* 2007 - 2011



*Total filings may not equal the sum of delinquent filings and other filings. This occurs when counties report a total number but don't report specific case types.

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.

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 violations of state game and fish laws in counties where there is no state court.

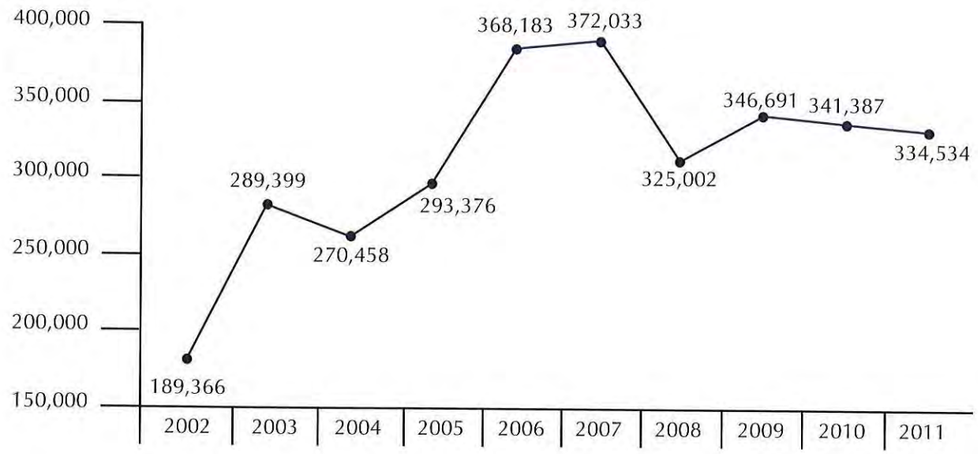
In counties with a population of 96,000 or greater, the probate judge must be an attorney meeting the qualifications of a superior court judge. In those counties, jurisdiction is expanded or enhanced to include the right to a jury trial, with appeals directly to the Court of Appeals or Supreme Court.

When authorized by local statute, probate judges serve as election supervisors and make appointments to certain local public offices.

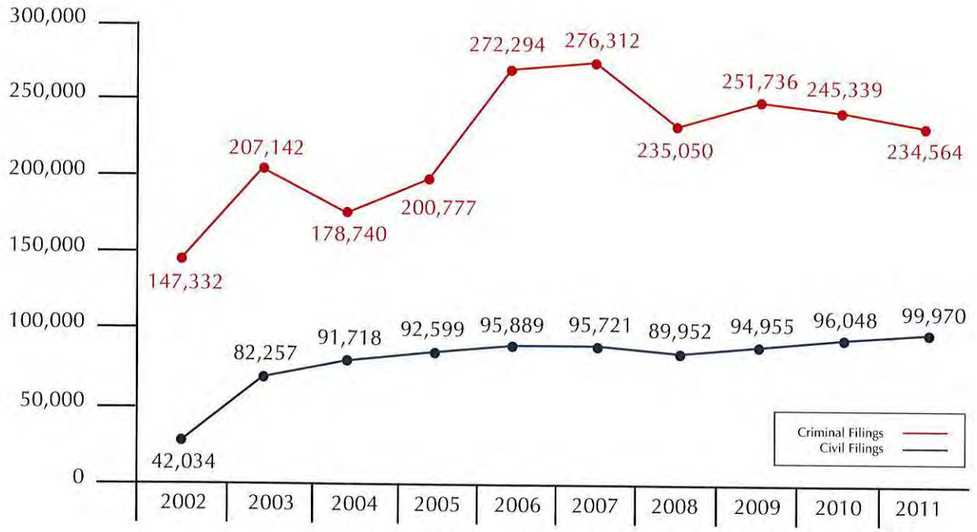
Civil	**CY 2010**	**CY 2011**
Letters of Administration	6,922	8,193
No Administration Necessary	684	692
Will Probate	20,239	20,584
Year's Support	2,209	2,355
Guardianship	13,426	13,714
Petitions	681	651
Custodial	86	21
Citations	1,162	1,709
Miscellaneous	31,234	31,358
Inventories	15,624	16,938
Mental Health	3,741	3,746
Habeas Corpus	40	9
Total Dockets	**96,048**	**99,970**
Licenses		
Marriage	71,166	73,808
Firearms	95,351	88,937

Criminal	**CY 2010**	**CY 2011**
Misdemeanor		
Filed	19,708	39,047
Disposed by:		
Guilty Plea	5,013	10,727
Cash Bond	3,279	12,996
Non Trial	1,174	13,012
Bench Trial		
Acquitted	512	450
Convicted	286	263
Traffic		
Filed	225,631	195,517
Disposed by:		
Guilty Plea	118,292	102,189
Cash Bond	164,843	98,820
Non Trial	18,541	17,899
Bench Trial		
Acquitted	3,708	3,506
Convicted	4,482	2,437
Total		
Filed	**245,339**	**23,456**
Disposed	**320,130**	**262,299**

Probate Courts Total Filings 2002 - 2011



Probate Courts Criminal and Civil Filings 2002 - 2011



The Magistrate Courts

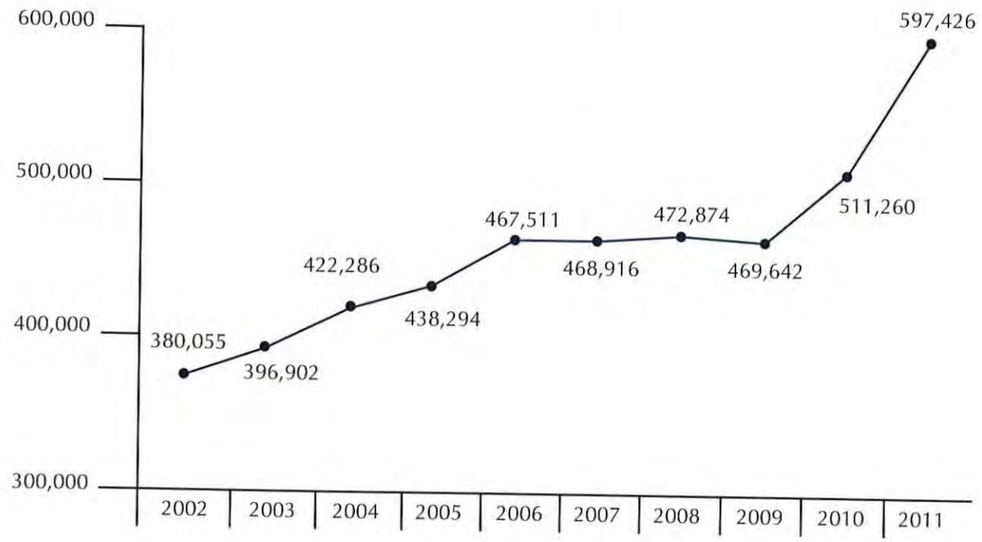
Magistrate court jurisdiction includes: civil claims of $15,000 or less; certain minor criminal offenses; distress warrants and dispossessory writs; county ordinance violations; deposit account fraud (bad checks); preliminary hearings; and summonses, arrest, and search warrants. A chief magistrate, who may be assisted by one or more magistrates, presides over each of Georgia's 159 magistrate courts.

Most chief magistrates are elected in partisan, countywide 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.

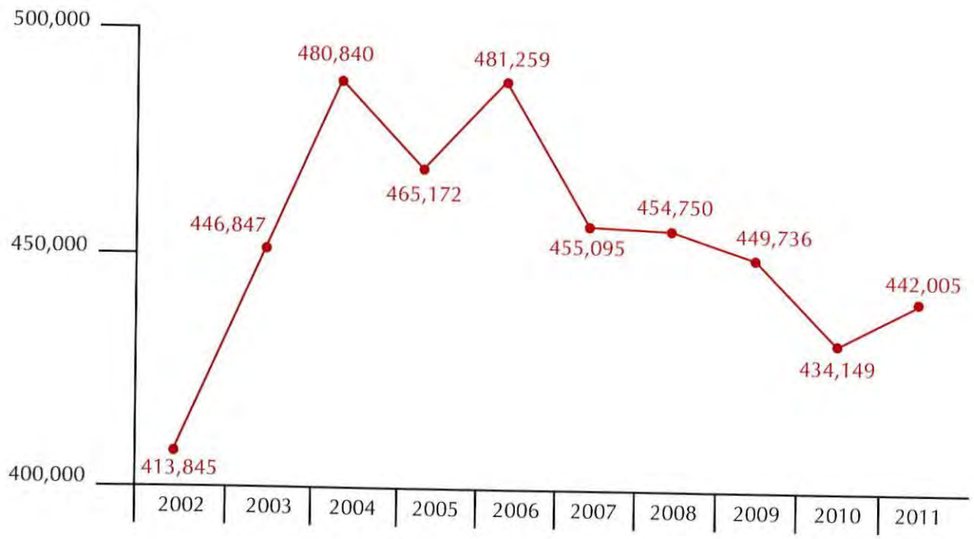
Civil Claims	**CY 2010**	**CY 2011**
Filed	191,095	242,715
Disposed by:		
Non-Trial	145,035	144,443
Trial	38,761	41,144
Dispossessories and Distress Warrants		
Filed	247,128	273,192
Disposed by:		
Non-Trial	127,352	147,500
Trial	45,142	47,455
Garnishments		
Filed	58,995	68,672
Disposed by:		
Non-Trial	29,410	38,539
Trial	1,450	851
Foreclosures and Attachments		
Filed	14,042	12,847
Disposed by:		
Non-Trial	9,170	8,368
Trial	909	896
Total Civil Filings	**511,260**	**597,426**

Criminal	**CY 2010**	**CY 2011**
Warrants Issued		
Felony Arrest	151,776	146,112
Misdemeanor Arrest	184,370	173,530
Good Behavior	2,048	1,900
Search Warrant	12,401	20,652
Hearings		
Warrant Application	37,360	38,828
First Appearance	194,921	197,031
Commitment	72,206	68,362
Good Behavior	1,487	1,530
Ordinance Violations		
Filed	67,553	71,834
Disposed by:		
Non-Trial	20,065	17,403
Trial	28,464	32,247
Misdemeanor		
Filed	16,001	27,977
Disposed by:		
Non-Trial	10,635	8,774
Trial	3,312	2,248
Criminal & Civil		
Warrants & Filings	945,409	442,005
Hearings & Dispositions	765,679	366,423

Magistrate Courts Civil Filings 2002 - 2011



Magistrate Courts Criminal Filings 2002 - 2011

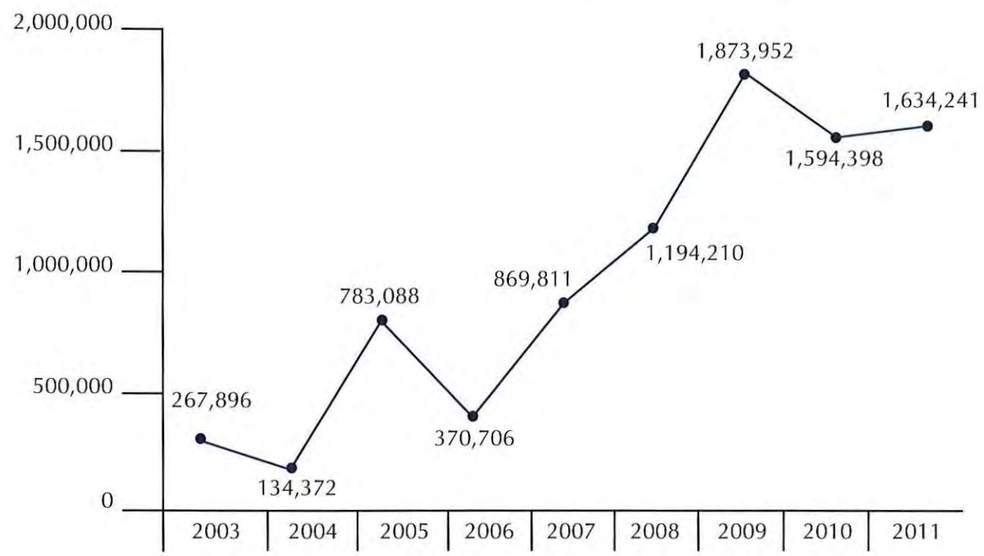


The Municipal Courts

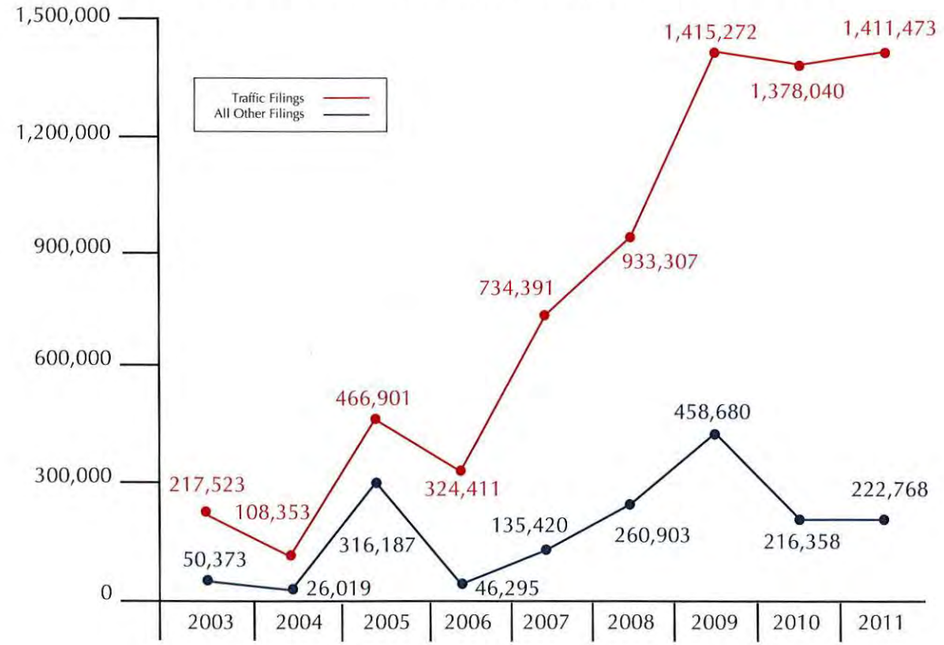
Georgia's municipal courts hear traffic and ordinance violation cases in 400 towns and cities. Municipal Court judges hear municipal ordinance violations, issue criminal warrants, conduct preliminary hearings, and sometimes have concurrent jurisdiction over shoplifting cases and cases involving possession of one ounce or less of marijuana.

	CY 2010	CY 2011
Filings		
Traffic	1,327,459	1,369,259
Ordinance	100,870	126,616
Serious Traffic	39,571	42,214
Drugs	12,241	16,922
Misdemeanors	77,375	65,935
Felony Bindovers	16,118	13,295
Total	**1,573,634**	**1,634,241**
Hearings		
Traffic	920,873	1,094,639
Ordinance	61,140	108,877
Serious Traffic	24,638	41,871
Drugs	8,464	16,986
Misdemeanors	49,237	68,076
Felony Bindovers	8,833	20,314
Total	**1,073,185**	**1,350,763**

Municipal Courts Total Filings 2003 - 2011



Municipal Courts Filings by Type 2003 - 2011



Judicial Demographics*

Supreme Court

7 justices of the Supreme Court.

4 judges	White Male	57%
2 judges	African American Male	29%
1 judges	White Female	14%

Court of Appeals

12 judges of the Court of Appeals.

7 judges	White Male	58%
3 judges	White Female	25%
1 judges	African American Male	8%
1 judges	African American Female	8%

Superior Court

205 superior court judgeships, including two vacancies.

152 judges	White Male	75%
31 judges	White Female	15%
10 judges	African American Male	5%
10 judges	African American Female	5%

State Court

122 state court judgeships, one vacancy

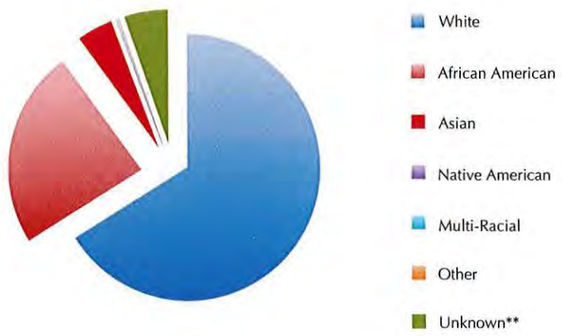
87 judges	White Male	72%
19 judges	White Female	16%
6 judges	African American Male	5%
6 judges	African American Female	5%
1 judge	Asian Male	.8%
1 judge	Asian Female	.8%
1 judge	Native American Male	.8%

Juvenile Court

138 juvenile court judges,
including full time and associate judges.

85 judges	White Male	62%
34 judges	White Female	26%
11 judges	African American Male	8%
6 judges	African American Female	4%
1 judge	Asian Male	.7%
1 judge	Unknown**	.7%

White	1237
African American	447
Asian	82
Native American	2
Multi-Racial	3
Other	2
Unknown**	99



*The data used in this report was compiled using information from October 2012.
**One or more characteristic was unavailable to the AOC to determine a demographic category.

Probate Court

159 probate court judges and 15 associate judges.

91 judges	White Female	52%
73 judges	White Male	42%
5 judges	African American Female	3%
3 judges	African American Male	2%
2 judges	Unknown**	1%

Magistrate Court

159 chief magistrate judges and 333 magistrate judges.

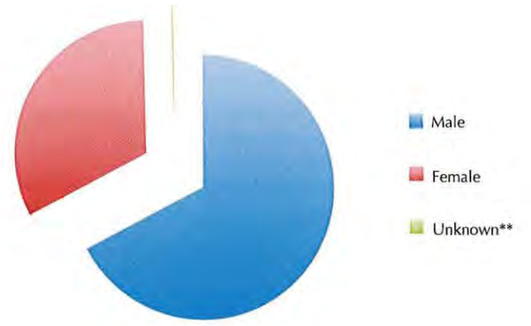
212 judges	White Male	43%
151 judges	White Female	31%
33 judges	African American Female	7%
26 judges	African American Male	5%
1 judge	Multi Female	2%
1 judge	Multi Male	.2%
2 judges	Native American Male	.4%
1 judge	Native American Female	.2%
1 judge	Asian Male	.2%
1 judge	Other Males	.2%
1 judge	Other Female	.2%
58 judges	Unknown**	12%

Municipal Court

352 municipal court judges.

242 judges	White Male	69%
35 judges	White Female	10%
17 judges	African American Female	5%
17 judges	African American Male	5%
1 judge	Asian Male	.3%
1 judge	Multi Female	.3%
1 judge	Multi Male	.3%
1 judge	Native American Male	.3%
37 judges	Unknown**	11%

Male	947
Female	456
Unknown**	4



**One or more characteristic was unavailable to the AOC to determine a demographic category.

Judicial Elections and Appointments

Court of Appeals Appointments

Judge Michael P. Boggs	1/06/12

Superior Court Appointments

Judge D. Todd Markle - Atlanta Circuit	08/05/11
Judge Art Smith - Chattahoochee Circuit	12/16/11
Judge Chan Caudell - Mountain Circuit	12/16/11
Judge Jon Helton - Dublin Circuit	12/21/11
Judge Philip T. Raymond III - Macon Circuit	02/23/12
Judge David J. Blevins - Conasauga Circuit	03/08/12
Judge Timothy R. Walmsley - Eastern Circuit	03/08/12
Judge Asha F. Jackson - Stone Mountain Circuit	03/13/12
Judge Robert C. McBurney - Atlanta Circuit	04/10/12
Judge Jeff Kight - Waycross Circuit	04/18/12
Judge Roger B. Lane - Brunswick Circuit	05/10/12
Judge Stan Gunter - Enotah Circuit	06/07/12
Judge Raymond George - Enotah Circuit	06/07/12

State Court Appointments

Judge Gregory V. Sapp - Chatham County	08/05/11
Judge Bruce Roberts - Walker County	10/03/11
Judge Kendall Gross - Candler County	12/16/11
Judge Charles Auslander - Clarke County	12/21/11
Judge Michael T. Garrett - Clayton County	04/12/12

Chief Justice Hunstein delivered the State of the Judiciary Address on January 25, 2012.

Lt. Governor Cagle, Speaker Ralston, President Pro Tem Williams, Speaker Pro Tem Jones, friends in the legislative and executive branches, my fellow judges, ladies and gentlemen:

Thank you for the opportunity once again to present to this distinguished body the annual State of the Judiciary address. This yearly tradition underscores our commitment to work together as co-equal branches of government in our common mission of serving the citizens of this great state. Together we can achieve far more than we can alone.

I am privileged to report to you today our accomplishments of the last year, the challenges we face, and our plans for the future. I am honored that joining me are my friends and colleagues on the Supreme Court of Georgia --- Presiding Justice George Carley, Justices Robert Benham, Hugh Thompson, Harris Hines, Harold Melton and David Nahmias. I want to pay special tribute today to my dear friend, George Carley – now Presiding Justice but soon to be Chief Justice before he retires later this year after 32 distinguished years on the bench. We in the judiciary are going to miss this brilliant jurist and wonderful colleague.

Also here are my friends and colleagues on the Georgia Court of Appeals – including Chief Judge John Ellington, former Chief Judge Charles Mikell and the newly appointed Judge Michael Boggs. And we are honored to have in the gallery many judges from around the state.

On behalf of all these judges and the judiciary, I want to sincerely thank you for the work that you do. We are deeply appreciative to you in the Legislature and to Governor Deal for your interest in --- and ongoing support of --- the judicial branch.

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Above the bench of the Supreme Court of Georgia is a Latin phrase etched in stone. It says: "*Fiat Justicia, Ruat Caelum.*" It means: "Let justice be done, though the heavens may fall."

This pronouncement is the essence of an independent judiciary. It stands for the notion that above all else, the rule of law is the foundation of our nation, and regardless of anything else, we must protect it. That is our duty as judges. It is our job to uphold the law regardless of the outcome, regardless of public opinion, regardless of political favor. Our forefathers understood this principle through their embodiment in the United States Constitution of the three branches of government and the separation of their powers.

"In order to form a more perfect union," our United States and state constitutions creatively check each branch's authority and balance its limitations by guaranteeing its independence while at the same time ensuring the interdependence of all three branches.

You write the laws; the governor executes them; we interpret them. Simple but brilliant. In Georgia, at this time in our history, our three branches of government share a symbiotic relationship. Together as a whole, we can be stronger than our individual parts.

Never has this relationship come to greater fruition than through our work this past year on criminal justice reform. Nearly a year ago, I joined Governor Deal, Speaker Ralston, Lt. Governor Cagle, Rep. Jay Neal and others in an unprecedented news conference where all three branches of government stood as one in our pledge to reform Georgia's criminal justice system.

Through legislation introduced by Rep. Neal, the Special Council on Criminal Justice Reform embarked upon a detailed analysis of Georgia's sentencing and corrections

system. Our primary goal was --- and remains --- the public safety of our citizens.

We began this process united in our conviction that our state can no longer afford to spend more than $1 billion a year to maintain the nation's 4th highest incarceration rate and the nation's No. 1 highest rate of people under some kind of correctional restraint.

We began united in our belief that warehousing non-violent offenders who are addicted to drugs or are mentally ill does nothing to improve the public safety. Indeed, in the long run, it threatens it.

And we began united in our commitment to come up with alternatives to incarceration for non-violent offenders that protect the public safety by addressing the roots of crime and reducing recidivism.

Georgia has a rich history of being tough on crime. This state did not just settle for a "three strikes, you're out" law. In 1994, we became the first in the country to pass a "two strikes, you're out" law. As a government, we must continue in our zeal to protect our citizens from violent and repeat offenders. Murderers, rapists, armed robbers and other violent felons deserve stiff prison sentences. No one suggests otherwise.

But if we truly want to be tough on crime, we must figure out how to reduce it. We now know that being tough on crime is not enough. We must also be smart about crime and criminal justice policy. If we simply throw low-risk offenders into prison, rather than holding them accountable for their wrongdoing while addressing the source of their criminal behavior, they merely become hardened criminals who are more likely to reoffend when they are released. The bottom line is that all those mandatory minimum sentences and get-tough prison measures did little to reduce our three-year reconviction rate, which has held steady for the last decade at nearly 30 percent.

Two months ago, the Special Council on Criminal Justice Reform published a report of its findings. The Council found that non-violent drug and property offenders represent 60 percent of all admissions to Georgia prisons. Between 1990 and 2010, their average time in prison tripled. In 2010, we who are judges sent thousands of low-risk drug and property offenders to prison --- people who never before had been locked up. For those low-risk offenders, the taxpayers spent $49 a day to house them in prison, versus $16 a day for community treatment at a Day Reporting Center or $1.50 a day for probation supervision.

The Special Council found that at least one in four who entered Georgia's prisons had mental health problems. In a special newspaper series this past fall, The Atlanta *Journal-Constitution* reported that Georgia's "jails have become the new asylums" with more mentally ill people locked behind bars than all those being treated in state psychiatric hospitals combined. As I speak to you today, up to a quarter of the thousands sitting in our county jails are mentally ill. That is costing our taxpayers millions of dollars, from which they get little return on their investment.

The Special Council has looked to other states and their successes --- notably Texas and South Carolina --- in recommending a series of policy options that are now before you for your consideration. Texas, for instance, invested a sizable amount in diversion and treatment centers, even though it faced a shortfall in prison beds. As a result, that state estimates it has avoided the need for two billion dollars in new prison construction, and for the first time in its history, Texas is actually closing a prison. But most significantly, in 2010, Texas posted its lowest crime rate since 1973.

Following the examples of Texas and other states, Georgia's Special Council recommends giving judges more sentencing options by creating a statewide system of accountability courts, which include drug courts, mental health courts, and veterans courts. Our veterans have been overseas sacrificing their lives and protecting our country. Many come back changed by traumatic brain injury, chemical dependency and mental health conditions that can lead to erratic behavior and possible involvement in the criminal justice system.

These accountability courts have a proven track record of holding offenders accountable while reducing their likelihood of reoffending. A national report issued just last month by the U.S. Government Accountability Office found that re-arrest rates for drug court graduates were 26 percent lower than the rate of recidivism among comparison groups. The goal is to turn lawbreakers from tax burdens into tax-payers, and these courts have already proven their effectiveness in doing that.

Yes, they may be more compartmentalized, but they are more efficient. Not only are they specialized, but they free up judges whose dockets have been clogged with drug crimes to deal with other important criminal and civil cases, including the very important business disputes.

The Council recommends other crime-fighting measures for your consideration. One involves offenders who are about to max out of prison --- many of whom have spent the majority of their lives locked behind bars. Rather than push them out the prison gate with a bus ticket, a travel kit and $25 in cash, the Council recommends that six months before their discharge date, they be released to parole supervision to oversee their transition back into society.

Minor traffic offenses also clog our Georgia courts. Many of our citizens don't realize that Georgia criminalizes minor traffic offenses, entitling the offender to a trial by jury if requested. Most states treat these minor traffic offenses as violations penalized by a fine. The Council recommends in its report creating a new class of violations for less serious traffic offenses so they are no longer treated as misdemeanor crimes. This recommendation specifically excludes DUIs and other serious traffic offenses. There are many more recommendations, and I urge you to read the entire report. I join Governor Deal in saying this is an important first step.

But this is like steering a ship. Changing our course will take time. And it will not come without courage and controversy. As Woodrow Wilson said: "If you want to make enemies, try to change something." But, as Dr. Martin Luther King, Jr. said: "A genuine leader is not a searcher for consensus but a molder of consensus." There are many consensus builders in this room, and I am confident in your ability to bring about significant reforms.

Governor Deal urged the Special Council to limit its focus to changes that affect the adult prison population. I agree. We must take this one step at a time. But today, I would like to plant a seed for your future consideration. In the last year, I have heard from many of our state's juvenile judges, who have the best interests of our young people and their families at heart. With state cuts in mental health services, child welfare services, group homes and alternatives for children who do not need to be behind bars, juvenile judges are too often faced with sending young people to locked facilities to get some kind of treatment, or sending them home to get nothing at all. So today I offer you a postscript: The same reforms we are recommending to you for adults must begin with children.

Perhaps you have heard the parable about the group of people who were standing at a river bank when they watched an infant floating by and drowning in the river. One person promptly dove in and rescued the child. But then another baby came floating by. And then another, and another! Frantic, everyone jumped in to try to save the babies. But they noticed one person was walking away. Accusingly, they shouted, "Where are you going?" He answered: "I'm going upstream to stop whoever is throwing babies into the river."

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In Georgia, we are throwing children into youth prisons. They are technically known as Youth Development Campuses, but many YDC's look, feel and sound just like adult prisons. Some of our children are serious, violent, repeat

offenders, and we must protect our citizens from them. But many are behind bars because juvenile judges have nowhere else to send them; because no one intervened before it was too late.

According to the Georgia Department of Juvenile Justice, during the last three years, nearly two thirds of the more than 10,000 youths locked behind bars have some kind of substance abuse problem; more than one third have been diagnosed with mental health conditions. As with adults, we have learned that our get-tough tactics have failed to scare juvenile offenders straight.

A recent study by The Annie E. Casey Foundation found evidence that our reliance on incarceration for young people provides no benefit to public safety, does not reduce their future offending, wastes taxpayer dollars and perhaps worst of all, exposes children to high levels of violence and abuse. In other words, our youth prisons are a pipeline to adult prison. Consider this: Within three years of juveniles' release from youth prison, up to 72 percent are convicted of a new offense, depending on the state.

Children who drop out of school, get involved in drugs, develop mental health problems, are unruly, disrespectful, and out of control without ever getting any kind of intervention are strong candidates for becoming adult criminals. We must face the reality that for many of these children, Georgia's youth prisons are mere incubators for adult crime.

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Tasha Hamilton was well on her way down that path to adult prison. Tasha was 8 years old when her mother abandoned the family, leaving her behind along with her baby sisters.

Although their father worked, they had little money and at times they slept in a car. Tasha grew up angry and defiant. By 11 years old, she was smoking marijuana. By 12, she was hanging out with an older crowd and drinking. By 13, she was hooked on methamphetamine.

Tasha bounced in and out of Georgia's YDCs and boot camps --- spending 90 days here, another few months there --- often for minor infractions. By the time she was 16, Tasha had been in trouble so many times that she was committed to the State. And this time, they sent her away for nearly a year.

Tasha describes the YDC as a "miserable" place full of "miserable people wanting to do harm." Tasha says youth prison "doesn't bring out the good in anybody." In her own words, she says: "You take away a little bit bad with you. You come out knowing worse people than when you went in, and you build relationships with them."

But something happened to Tasha that made all the difference. She had a probation officer, Jennifer King, who genuinely cared and refused to give up on her. Jennifer worked in the Douglas County Juvenile Court under Jenny McDade, Director of Juvenile Programs. Together, they made sure Tasha got the help she needed. Tasha got her G.E.D., she got drug treatment and ultimately she got a job. Without Jennifer, she says, it would have been easy for her to graduate into adult prison. She sadly wonders how many are in adult prison today who never had a Jennifer in their lives --- someone who said to them when they were teenagers: You can do it, when they had no hope that they could. With the help of the Douglas County Juvenile Court system, under the able leadership of Judge Peggy Walker, Tasha was accepted into West Central Technical College. Today, she works fulltime in insurance, taking care of her two daughters --- as a tax payer, not a tax burden. Today, Tasha has that hope in her life she once lacked. And today, it's still important to Tasha that she continues to make her probation officer proud.

Ladies and Gentlemen, it is my honor to introduce to you Tasha Hamilton, Probation Officer Jennifer King, Jenny McDade and Judge Peggy Walker.

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Together, we can move this ship in a new direction. You have a challenge ahead, and I recognize you have difficult choices to make. I do not envy you. This year, as in the previous few years, you face what we hope is the end of a recession that has cost citizens their jobs, their homes, and their hope in the American dream. This year, as always, you are charged with parsing out limited state funds to many worthy causes.

The judicial branch provides a core government function by protecting the public safety. We in the judiciary are grateful to you for understanding that we are bound by the Constitutions of our state and nation to uphold the rule of law and mete out justice in a fair and impartial way to all who come before us.

As I have said before, our courts are the emergency rooms of society: We must respond to all who come to us.

Yet in Georgia, our courts continue to struggle, putting justice in jeopardy. State budget cuts, exacerbated by county cuts, have resulted in court backlogs across Georgia. DeKalb County has four pending death penalty cases that it cannot move forward due to a lack of resources. In some counties, including DeKalb, domestic violence cases have been delayed at the very time Georgia inches closer to the top in the rate of domestic violence homicides. According to the most recent FBI data, Georgia has gone from having the 10th highest rate of domestic violence homicides to now having the 6th highest rate. One metro Atlanta judge told me he worries about what could happen if a young mother found a locked courthouse door on the day she needed a temporary restraining order to protect her family from an abuser. Civil trials in particular are being delayed in a number of jurisdictions. That is because our Constitution guarantees the right to a speedy trial in criminal cases. As a result, some judges have been forced to delay civil matters.

We are all proud that Georgia was recently ranked the 4th most business-friendly state in the nation. We in the judiciary want to do everything we can to protect that ranking by guaranteeing that businesses can resolve their disputes in a timely fashion.

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In addition, divorce cases and dispossessory cases --- in which people have been evicted from their homes --- have been affected by court delays from Jackson County to Houston County. In one Northeast Georgia court, people are now waiting up to four months just to get a temporary hearing in a divorce --- a situation that can grow volatile when children are involved.

For a landlord, court delays can mean an additional 2-to-3 weeks before a non-paying tenant is evicted and replaced with a paying tenant. For creditors, it can mean an additional 3-to-4 weeks before any collection efforts can be started.

As a superior court judge told me: "We are just one case away from a serious logjam if a major case is tried or defense attorneys start filing speedy trial demands."

Today, Georgia's entire judicial branch is funded with less than 1 percent of the state budget. Georgia's judiciary has never resisted sharing the burden of difficult economic times.

The fact is we were lean before they struck. At the Supreme Court of Georgia --- the state's highest court --- until this year, we did not even have a paid employee to greet visitors or answer our phones in the main office. Our small staff of 51 is still fewer than we had a decade ago, yet our caseload --- like that of other courts --- has grown. Justice is not a privilege; it is a right. Criminal cases must be heard; civil disputes must be resolved. Courts are critical to public safety. But in recent years, the erosion of budgets in the face of growing caseloads has put us perilously close to being unable to fulfill our constitutional mandates.

The good news is we have never idly sat by. I report to you today that even in the face of a mighty struggle, your court system remains sound, strong and stable. We are

holding the line, doing more with less, and moving forward.

Georgia's courts and our 1500 judges are problem solvers. It was a judge who first identified the need for a drug court back in 1994, when Bibb County created Georgia's first. Since then, the number of accountability courts has grown to 100. We are greatly appreciative to you for your support of these courts in the past. The need now is to expand them statewide, along with the necessary treatment facilities, staff and security required to make them effective.

This year, we became one of the first states to move forward and create a new rule for the recusal of judges, following the United States Supreme Court's landmark ruling in the 2009 case, *Caperton v. A.T. Massey Coal Company*. Thanks to the leadership of Rep. Ed Lindsey and my colleague Justice Harold Melton, we have amended by order of the Supreme Court of Georgia the Code of Judicial Conduct to ensure that judges disqualify themselves in any proceeding in which their impartiality could be questioned. Georgia's rule has become a model rule and was recently adopted, with minor changes, by the American Bar Association.

We also continue to make strides in our efforts to switch from paper to the electronic filing of court documents. At the state Supreme Court, we are now close to 100 percent participation among attorneys in electronically filing their motions, briefs and applications to appeal.

Georgia's judiciary has a nationwide influence. Juvenile Judge Peggy Walker of Douglas County is now in line to become President of the National Council of Juvenile and Family Court Judges in 2014; Juvenile Judge Michael Key of Coweta Circuit is the immediate past national president. This past summer, I was honored to co-host the annual conference of the nation's Supreme Court justices, as well as the nation's court administrators. Fully 75 percent of this country's chief justices came to Atlanta where Gov. Nathan Deal graciously welcomed them.

The theme of the conference was "A World of Change: Courts and the Media in 2011." In Georgia, we are committed to making our courts as open and as accessible to the public as possible. As someone once said, "One of our greatest freedoms is the right to know what our government is doing." I believe that openness and accessibility are critical to winning our citizens' faith and confidence in their justice system.

Our open-door policy extends to you. All of us who are judges would be honored to have you visit our courts. Especially as you consider the options now before you for reforming this state's criminal justice system, a half-day visit to your local courthouse could help enlighten you about the types of cases our judges face each day. About the challenges before them. And about the need they have for sentencing options other than prison alone. Also, you might consider attending a drug court graduation.

Thank you for standing with us as partners as we stand with you in moving Georgia into a new age. Thank you for your support of the judicial branch. And thank you for your service to this great state.

God bless you. And God bless the state of Georgia.

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